

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

Agenda for the **Regular Meeting** of Council of the Village of Pemberton to be held Tuesday, October 5, 2021, at 5:30 p.m. in Council Chambers at 7400 Prospect Street. This is Meeting No. 1546.

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

Online participation is still encouraged and instructions for public participation at the meeting remotely by ZOOM webinar can be found [here](#). Link to the Zoom Webinar: <https://us02web.zoom.us/j/86838022763>

NOTE: Limited public attendance is allowed in Council Chambers and all members of the Public attending in-person must wear a mask while at the meeting.

Item of Business	Page No.
1. CALL TO ORDER REGULAR MEETING (5:30 PM)	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	
Recommendation: THAT the agenda be approved as presented.	1
3. RISE WITH REPORT FROM IN CAMERA	
4. ADOPTION OF MINUTES	
a) Regular Council Meeting No. 1545, Tuesday, September 21, 2021	5
Recommendation: THAT the minutes of Regular Council Meeting No. 1545, held Tuesday, September 21, 2021, be approved as circulated.	
5. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING	
6. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE	
7. COMMITTEE MINUTES - FOR INFORMATION	
8. DELEGATION	
9. STAFF REPORTS	
a) Office of the Chief Administrative Officer	
i. Verbal Report	
Recommendation: THAT the Chief Administrative Officer's verbal report be received.	

b) Corporate & Legislative Services

16

i. Electronic Meeting Formats – Proposed Bylaw Amendments

Recommendation One: THAT Council provide direction with respect to the proposed amendment to Council Procedure Bylaw No. 788, 2015.

Recommendation Two: THAT Staff be directed to present an amendment to Council Procedure Bylaw No. 788, 2015, for First, Second, and Third Readings, at the October 19th, 2021 meeting of Council.

Recommendation Three: THAT Staff be directed to present amendments to Board of Variance Bylaw No. 893, 2021, and Advisory Planning Commission Bylaw No. 626, 2009, for First, Second, and Third Readings, at the October 19th, 2021 meeting of Council.

Recommendation Four: THAT a Special Council Meeting be scheduled for Thursday, October 21st at a time to be determined by Council to consider adoption of the amending bylaws.

Recommendation Five: THAT Council direct Staff to proceed with advertising the proposed Council Procedure Amendment Bylaw as required under section 94 of the *Community Charter*.

c) Operations

54

i. Public Works 3500 Dump Truck

Recommendation: THAT Staff be authorized to purchase a replacement vehicle as per Option 1, funded through a down payment of up to \$25,000 from the 2021 roads maintenance budget and the remainder through a 36-month lease.

d) Development Services

57

i. Summary of Public Hearing Report for Official Community Plan (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Bylaw Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021

Recommendation One: THAT this Record of Public Hearing report be received.

Recommendation Two: THAT Council considers revising the original resolution with respect to the prior-to rezoning obligations specifically 1 (b) and 2 (b) as per the sample wording provided below:

THAT the “prior to rezoning obligation” 1(b) and 2 (b) for *Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021* established by Council resolution at the Regular Meeting No. 1539, held on June 1, 2021, be amended to read as follows: “*Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and that CSF continue to collaborate with Staff, adjacent landowners, and the Province to deliver a public pedestrian Pemberton Creek crossing.*”

10. BYLAWS

a) Bylaws for Third Reading

- i. **Village of Pemberton Official Community Plan Bylaw No. 654, 2011, Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021** 145

Recommendation: THAT Village of Pemberton Official Community Plan Bylaw No. 654, 2011 Amendment (Tiyata – École de la Vallée) Bylaw No. 902, 2021 be given Third Reading.

- ii. **Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021** 150

Recommendation: THAT Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Tiyata – École de la Vallée) Bylaw No. 903, 2021 be given Third Reading.

b) Bylaws for Adoption

- i. **Village of Pemberton Tax Exemption (Stewardship Pemberton Nature Centre) Bylaw No. 906, 2021** 157

Recommendation: THAT Village of Pemberton Tax Exemption (Stewardship Pemberton Nature Centre) Bylaw No. 906, 2021, be adopted.

- ii. **Village of Pemberton Board of Variance Bylaw No. 893, 2021, Amendment (Fees) Bylaw No. 907, 2021** 158

Recommendation: THAT Village of Pemberton Board of Variance Bylaw No. 893, 2021, Amendment (Fees) Bylaw No. 907, 2021 be adopted.

- iii. **Village of Pemberton Fees and Charges Bylaw No. 905, 2021, Amendment (Board of Variance) Bylaw No. 908, 2021** 161

Recommendation: THAT Village of Pemberton Fees and Charges Bylaw No. 905, 2021, Amendment (Board of Variance) Bylaw No. 908, 2021, be adopted.

11. MAYOR'S Report

12. COUNCILLORS' Reports

13. CORRESPONDENCE

a) For Information

- i. **Sharon Bishop, Village resident, dated September 18, 2021, expressing concern regarding the chosen location for an outdoor basketball court in the downtown.** 163

- ii. **Cathy Peters, BC anti-human trafficking educator, speaker, and advocate, dated September 28, 2021, presenting information regarding the inaugural Global Virtual Summit, "Connect to Protect".** 164

Recommendation: THAT the correspondence be received.

17. DECISION ON LATE BUSINESS

18. LATE BUSINESS

19. NOTICE OF MOTION

20. QUESTION PERIOD

167

21. IN CAMERA

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (e) acquisition, disposition, or expropriation of lands and (k) negotiations and related discussions that in the view of Council could reasonably expect to harm the interest of the municipality if they were held in public.

22. RISE WITH REPORT

23. ADJOURNMENT OF REGULAR COUNCIL MEETING

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

Minutes of the Regular Meeting of Council of the Village of Pemberton held on Tuesday, September 21, 2021. Via electronic means through a ZOOM Webinar. This is Meeting No. 1545.

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

STAFF IN ATTENDANCE*: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, manager of Corporate & Legislative Services
Robert Grossman, Fire Chief
Lisa Pedrini, Manager of Development Services
Cameron Chalmers, Contract Planner
Colin Brown, Planner
Gwendolyn Kennedy, Legislative Assistant

Public: 1

MEDIA: 1

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

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

1. CALL TO ORDER (4 PM)

At 4:03 p.m. Mayor Richman called the 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. IN CAMERA

Moved/Seconded

THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (c) Employee Relations and (k) Negotiations and related discussions that in the view of Council could reasonably expect to harm the interest of the municipality if they were held in public.

CARRIED

At 4:04 p.m. Council moved in camera.

3. RECESS REGULAR COUNCIL MEETING

At 4:32 p.m. the Regular meeting was recessed.

4. RECONVENE REGULAR MEETING (5:30 PM)

At 5:30 p.m. the Regular meeting was reconvened.

5. RECESS REGULAR MEETING FOR PUBLIC HEARING

At 5:31 p.m. the Regular meeting was recessed for the public hearing.

6. PUBLIC HEARING - Village of Pemberton Official Community Plan Bylaw No. 654, 2011, Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021 & Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021

7. RECONVENE REGULAR MEETING FOLLOWING PUBLIC HEARING

At 5:58 p.m. the Regular meeting was reconvened.

8. APPROVAL OF AGENDA

Moved/Seconded

THAT the Agenda be approved as circulated.

CARRIED

9. RISE WITH REPORT FROM IN CAMERA

10. ADOPTION OF MINUTES

a) Regular Council Meeting No. 1544, Tuesday, August 31, 2021

Moved/Seconded

THAT the minutes of Regular Council Meeting No. 1544 held Tuesday, August 31, 2021, be adopted as circulated.

CARRIED

11. BUSINESS ARISING FROM THE PREVIOUS REGULAR COUNCIL MEETING

a) Cancellation of Lil'wat Nation 2021 Bulls and Barrels Rodeo

Sheena Fraser advised Council that as the rodeo will not take place, the funds allocated for this event have been reallocated to the Community Enhancement Fund.

12. BUSINESS ARISING FROM THE COMMITTEE OF THE WHOLE MEETING

- a) Recommendation from the Committee of the Whole Meeting No. 217, held Tuesday, August 31, 2021: LiveShare Co-Living Proposal, 7340 Crabapple Court**

THAT Staff be directed to work with the applicant for the proposed development of a co-living, multi-family residential development located at 7340 Crabapple Court, which will include a separate development variance permit application for the requested parking variance.

CARRIED

- b) Recommendations from the Committee of the Whole No. 218, held earlier today:**

i. Draft Building Bylaw

Moved/Seconded

THAT Staff be directed to proceed with stakeholder consultation regarding referencing the Energy Step Code for Part 3 buildings.

CARRIED

Moved/Seconded

THAT Chris Derouin be appointed to the position of Plumbing Official for the Village.

CARRIED

ii. Electronic Meetings – COVID Legislated Changes

Moved/Seconded

THAT Staff seek a legal opinion with respect to whether the Village can require Council, Staff and the Public to show proof of vaccine (Vaccine Passport) to attend Council, Committee or Commission meetings.

CARRIED

Moved/Seconded

THAT Mayor Richman bring forward a request from the Village to use the SLRD Board Meeting for Council, Committee and Commission meetings.

CARRIED

Moved/Seconded

THAT Staff be directed to draft an amendment to Council Procedures Bylaw No. 788, 2015, to permit electronic attendance at Council, Committee, and Commission meetings for review at a future Committee of the Whole Meeting.

CARRIED

Moved/Seconded

THAT Staff be directed to present at a future meeting of Council recommendations for meeting space along with suitable hardware and software for the facilitation of electronic meetings.

CARRIED

Moved/Seconded

THAT Staff be directed to prepare a draft Procedure Bylaw in which Council and staff may attend unlimited number of meetings by electronic means; and that upon adoption the new Procedures bylaw be brought back for review in six months.

CARRIED

13. COMMITTEE MINUTES – FOR INFORMATION

There were no committee minutes to be received.

14. DELEGATIONS

There were no delegations to be received.

15. STAFF REPORTS

a) Office of the Chief Administrative Officer

i. Verbal Report

There was no verbal report from the CAO.

At 6:06 p.m. Lisa Pedrini and Cameron Chalmers joined the meeting.

b) Development Services

i. Major Development Permit No. 88 – “The Aspect” 1422 – 1430 Portage Road

Amendment to Development Permit No. 88

Moved/Seconded

THAT Council amends Development Permit No. 88 as presented by adding the following as a new clause 7, with the following clauses renumbered accordingly:

7. The Permittee shall ensure that all residential balconies are screened by opaque safety railings or other means to eliminate visual access to any residential balcony.

CARRIED

Authorization of Issuance of Development Permit No. 88

Moved/Seconded

THAT Council authorizes Development Permit No. 88 for issuance for lands located at 1422-1430 Portage Road, and legally described as Lots 1-3, Plan 12595, District Lot 203, LLD subject to the following pre-requisites of final issuance:

1. The Owner shall enter into a Housing Agreement, approved by bylaw, to restrict the proposed development to purpose built rental for a minimum of 10 years from initial occupancy;
2. The Owner shall develop a means to satisfy the off-site parking obligation to provide seven (7) additional parking stalls to the satisfaction of the Village of Pemberton;
3. Staff report back to Council on options to offset the 11 parking space variance.
4. The Owner shall receive final approval from the Ministry of Transportation and Infrastructure regarding proposed development and proposed landscaping;
5. The Owner shall provide a landscape deposit in the form of an irrevocable letter of credit, cash, or other instrument acceptable to the Village, in the amount of \$106,900, for on-site landscaping.
6. The Owner shall provide a landscape deposit to either the Ministry of Transportation and Infrastructure in a form satisfactory to them or to the Village of Pemberton in the form of an irrevocable letter of credit or other instrument acceptable to the Village, in the amount of \$55,000, for off-site landscaping.
7. The Owner enter into an agreement with the Village of Pemberton and/or the Ministry of Transportation and Infrastructure obligating current and future owners to maintain the landscaping along the Portage Road frontage within the MoTI right-of-way.

CARRIED

**OPPOSED: COUNCILLOR
ANTONELLI**

At 7:05 p.m. Mr. Chalmers left the meeting.

ii. Regional Growth Strategy – Revised Regional Context Statement

Moved/Seconded

THAT the Village of Pemberton endorse the proposed Official Community Plan Regional Context Statement – Table of Concordance update for submission to the Squamish-Lillooet Regional Board for acceptance.

CARRIED

At 7:21 pm. Ms. Pedrini left the meeting and Fire Chief Grossman joined the meeting.

c) Pemberton Fire Rescue

i. Whistler Blackcomb Foundation Grant – Wildfire Protection Equipment

Moved/Seconded

THAT Council approve the purchase of wildfire equipment as identified on Appendix B, subject to funding from The Whistler Blackcomb Foundation;

AND THAT an application for grant funding, in the amount of \$70,000, from the Whistler Blackcomb Foundation be supported.

CARRIED

At 7:26 p.m. Fire Chief Grossman left the meeting.

16. BYLAWS

a) Bylaws for First, Second and Third Readings

i. Village of Pemberton Tax Exemption (Stewardship Pemberton Nature Centre) Bylaw No. 906, 2021

Moved/Seconded

THAT Village of Pemberton Tax Exemption (Stewardship Pemberton Nature Centre) Bylaw No. 906, 2021, receive First, Second, and Third Readings

CARRIED

ii. Village of Pemberton Board of Variance Bylaw No. 893, 2021, Amendment (Fees) Bylaw No. 907, 2021

Moved/Seconded

THAT Village of Pemberton Board of Variance Bylaw No. 893, 2021, Amendment (Fees) Bylaw No. 907, 2021 receive First, Second, and Third Readings.

CARRIED

iii. Village of Pemberton Fees and Charges Bylaw No. 905, 2021, Amendment (Board of Variance) Bylaw No. 908, 2021

Moved/Seconded

THAT Village of Pemberton Fees and Charges Bylaw No. 905, 2021, Amendment (Board of Variance) Bylaw No. 908, 2021, receive First, Second, and Third Readings.

CARRIED

17. Mayor's Report

Mayor Richman reported on the following matters:

- Industrial Park cannabis producers have approached Mayor Richman to discuss the potential impacts of pending changes to federal legislation that would permit cannabis producers to offer store front sales. Producers have offered councillors the opportunity to tour some of the facilities.
- Met with Jeff Malmgren, a contractor for Sea to Sky Community Services, to discuss food security, food resiliency, a food hub, and food processing in the Pemberton Valley.
- Met with a group of concerned locals, Area C Director Mack, and MLA Sturdy seeking to create safe passage over the Lillooet River at the CN rail bridge site, and recommended that the group address Council and the Squamish-Lillooet Regional District (SLRD) Board when more details of the proposed options are available.
- Attended a meeting of the Pemberton Valley Emergency Management Committee and received updates on current projects. Discussion touched on the river gauge project costs, the potential for sale of material extracted from the rivers, and options to ensure that Disaster Mitigation and Adaptation Funding is available for the whole valley.
- Attended the annual Union of British Columbia Municipalities (UBCM) convention. On behalf of the SLRD, led a meeting with the Honourable Melanie Mark, Minister of Tourism, Arts, Culture and Sport, regarding the impacts of increased backcountry tourism in our area, and participated in a joint meeting with the District of Squamish with the Honourable Katrina Chen, Minister of State for Child Care, taking away the positive news that Pemberton's application for childcare space funding is still under consideration.
- Attended the semi-monthly meeting with representatives of Vancouver Coastal Health where District of Squamish Mayor Karen Elliot requested support for a letter asking that, as vaccine clinics are being reduced, doctors be permitted to administer vaccines.

18. Councillors' Reports

Councillor Craddock reported on the following:

- Attended the Pemberton Valley Dyking District meeting.
- Attended the Rotary and Chamber of Commerce golf tournament as a volunteer.

Councillor Noble reported on the following:

- Attended the annual UBCM convention including all resolution sessions.
- Has received positive feedback from the community regarding the new rainbow crosswalk.
- Has observed that the dog park has been very busy.

Councillor Zant reported on the following:

- Attended the annual UBCM convention.
- Attended the Pemberton Valley Utilities and Services Committee meeting:
 - Consideration was given to prioritizing access to recreation programs to Village residents and it was decided to monitor the situation for now.
 - The second soccer field is almost complete.
 - The contract has been signed for the bike skills park.
 - Christine Burns, Manager of Recreation Services, presented the Recreation Services second quarter report.

Councillor Antonelli reported on the following:

- Attended the annual UBCM convention.
- Attended the Municipal Insurance Association of British Columbia meeting on behalf of Councillor Craddock during which it was noted that municipalities are not responsible for transmission of COVID-19 and other diseases.

19. CORRESPONDENCE

a) For Action

i. For Discussion

(a) Eve Gallant, Village resident, dated September 14, 2021, expressing concerns regarding parking at the proposed LiveShare development at 7340 Crabapple Court.

(b) M.J. Mullen, Village resident, dated September 14, 2021, expressing concerns regarding parking at the proposed LiveShare development at 7340 Crabapple Court.

Moved/Seconded

THAT Council the correspondence be referred to Staff for planning and discussion purposes.

CARRIED

- ii. **Andrew Hory, Chair and Area B Director, Sandra Daniels, Area A Director, James Furney, Area C Director, Rod Sherrell, Area D Director, Regional District of Mount Waddington, dated August 27, 2021, requesting consideration of a donation to the Village of Lytton by contribution of one dollar for every person in their representative areas.**

Moved/Seconded

THAT a donation, in the amount of \$1,000, be provided to the Village of Lytton to assist with the recovery and rebuilding following the devastating wildfires in July;

AND THAT the funds be allocated from the Community Enhancement Fund.

CARRIED

- iii. **Jody Tracey, Village resident, dated September 17, 2021, expressing concerns regarding speeding on Pemberton Farm Road East.**

Moved/Seconded

THAT the correspondence be referred to Staff for response, explaining the steps taken to date, and noting that Staff will continue to work towards a permanent solution to the traffic issues, with the response to be copied to the president of the strata council of Pemberton Plateau Townhomes.

CARRIED

c) For Information

- i. **Jennie Helmer, Squamish-Lillooet Regional District Area C residents, dated September 6, 2021, expressing opposition to the parking variance for the proposed development at 7340 Crabapple Court.**
- ii. **The Honourable Mitzi Dean, Minister of Children and Family Development, dated September 10, 2021, announcing that October will again be declared Foster Family Month in British Columbia.**
- iii. **The Honourable Katrina Chen, Minister of State for Child Care, dated September 13, 2021, announcing the opening of the Childcare BC New Spaces Fund intake.**
- iv. **Kelly Kenney, Corporate Officer, City of Langley, dated September 15, 2021, addressed to the Honourable Josie Osborne, Minister of Municipal**

Affairs, presenting a resolution passed by the Metro Vancouver Regional District Board, requesting that the Ministry of Municipal Affairs conduct a consultative process soliciting feedback regarding an amendment to section 19 of the *Local Government Act* to require municipal councils to appoint the Mayor, or the Mayor's designate, as the municipal director to the regional district board.

Moved/Seconded
THAT the correspondence be received.
CARRIED

20. DECISION ON LATE BUSINESS

21. LATE BUSINESS

22. NOTICE OF MOTION

23. QUESTION PERIOD

There were no questions from the gallery.

24. IN CAMERA

Moved/Seconded
THAT the meeting is closed to the public in accordance with the *Community Charter* Section 90 (1) (c) Employee Relations and (k) Negotiations and related discussions that in the view of Council could reasonably expect to harm the interest of the municipality if they were held in public.
CARRIED

At 8:18 p.m. Council moved in camera.

25. RISE WITH REPORT

At 8:30 p.m. Council rose with report from the In Camera Meeting No. 1443, held Tuesday, July 13, 2021 with the following resolution:

Moved/Seconded
THAT the Council supports the Flexible Workweek Pilot for a period of one year.
CARRIED

26. AJOURNMENT

Moved/Seconded

THAT the Regular meeting be adjourned.

CARRIED

At 8:31 p.m. the Regular Council Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: Tuesday, October 5, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Sheena Fraser, Manager of Corporate & Legislative Services
Gwendolyn Kennedy, Legislative Assistant

Subject: Electronic Meeting Formats - Proposed Bylaw Amendments

PURPOSE

The purpose of this report is to seek input from Council on bylaw amendments that will permit the use of electronic meeting formats at future Council, Committee, and Commission meetings.

BACKGROUND

At Regular Council Meeting No. 1545, held on Tuesday, September 21, 2021, Council considered recommendations from the Committee of the Whole regarding the future use of electronic meeting formats and passed the following resolutions:

Moved/Seconded

THAT Staff seek a legal opinion with respect to whether the Village can require Council, Staff and the Public to show proof of vaccine (Vaccine Passport) to attend Council, Committee or Commission meetings.

CARRIED

Moved/Seconded

THAT Staff be directed to draft an amendment to Council Procedures Bylaw No. 788, 2015, to permit electronic attendance at Council, Committee, and Commission meetings for review at a future Committee of the Whole Meeting.

CARRIED

Moved/Seconded

THAT Staff be directed to present at a future meeting of Council recommendations for meeting space along with suitable hardware and software for the facilitation of electronic meetings.

CARRIED

Moved/Seconded

THAT Staff be directed to prepare a draft Procedure Bylaw in which council and staff may attend unlimited number of meetings by electronic means; and that upon adoption the new Procedures bylaw be brought back for review in six months.

CARRIED

DISCUSSION & COMMENTS

Vaccine Passport

As requested, Staff obtained a legal opinion regarding the possibility of requiring Council, Staff, and the public to show proof of vaccine (vaccine passport) to attend Council, Committee or Commission meetings, and received the response that, under the current public health order, a meeting of a council, board, or trust committee of local authority is exempt from the requirement to show proof of vaccination. As such, the Village may not require Council, Staff, or members of the public to show proof of vaccination as a prerequisite to attending a Council meeting in person.

Procedure Bylaw Amendments

Staff also sought legal advice regarding an amendment to Council Procedures Bylaw No. 788, 2015, that would permit electronic attendance at council, committee, and commission meetings. The proposed amendment bylaw is attached as **Appendix A**. For convenience, a track changes version of Bylaw No. 788 is attached as **Appendix B**.

Under *Bill 10, Municipal Affairs Statutes Amendments Act*, fully electronic meetings are distinguished from in-person meetings that include electronic participation. Staff have preserved this distinction in the proposed amendment bylaw.

Electronic Meetings

Electronic meetings are addressed in a new section 10 (a) that authorizes the Village to hold Regular Council, Special Council and Council Committee meetings by electronic or other communications facilities, subject to the Mayor or Acting Mayor determining it is advisable. The existing proviso, permitting electronic meetings in the event of a health, safety, or environmental emergency has been retained, offering the flexibility to hold a fully electronic meeting at the Mayor's request, or, if deemed necessary, in an emergency situation.

Section 127 of the *Community Charter* imposes requirements regarding public notice of meetings, including the provision that the Village must publish the Regular Meeting schedule, which notes the date, time, and place of those meetings, once per year, in accordance with s. 94 of the *Community Charter*. Currently, following the approval of the next years Regular Council Meeting Schedule which is done in November, the Village places an advertisement in the local papers in late December and early January advising of the Regular Council Meeting schedule for the year. As well, the notice is made available on the Village's website, noted in the eNEWS and posted on the Village notice boards at the Post Office and the Village Office. Under the new legislation, the Village must provide advance notice of the way in which a meeting is to be conducted and the place where the public may attend to hear, or watch and hear, the meeting, and must provide for this advance notice in the procedure bylaw. Thus, if the Village is to hold a fully electronic meeting, rather than an in-person meeting with some participants attending remotely by electronic means, notification must be provided in advance and advertised as per the *Community Charter*. To comply with this requirement, Staff will need to be informed no later than the Friday prior to a meeting if all members of council are to attend electronically.

Electronic Participation:

Electronic participation at an in-person meeting is permitted pursuant to 128.3 of the *Community Charter* in which the new legislation states as follows:

Electronic participation by members in council and council committee meetings

- 128.3** (1) *If authorized by a procedure bylaw and the requirements of subsection (2) are met, a member of council or a council committee who is unable to attend in person at a regular council meeting, a special council meeting or a council committee meeting may participate in the meeting by means of electronic or other communication facilities.*
- (2) *The following rules apply in relation to a meeting referred to in subsection (1):*
- (a) *the meeting must be conducted in accordance with the applicable procedure bylaw;*
 - (b) *the facilities must enable the meeting's participants to hear, or watch and hear, the participation of the member;*
 - (c) *except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.*
- (3) *Members of council or a council committee who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.*

The proposed amendment to the Council Procedure Bylaw eliminates existing clauses that restrict electronic participation to two (2) council members at any meeting, no more than four (4) times in a calendar year for any member, and that exclude the Chair from electronic participation. A new clause has been added under section 10 (b) to permit any member of council, including the Chair, who is unable to attend a meeting, to participate via electronic means.

It should be noted that the legislation that allows members to participate electronically is not meant to relieve members of the responsibility of attending meetings in-person; rather it is intended to provide options if a member is not able to attend due to various circumstances (i.e.: travel restrictions, snowstorm, family matters). The wording of *Community Charter* s. 128.3, which specifically authorizes electronic meeting participation for a member of Council “who is unable to attend in person”, delivers an expectation that Council members will attend meetings in-person.

Council Meeting Location:

At this time, Staff wish to bring to the attention of Council s.6 (a) of Council Procedure Bylaw No, 788, 2015, which sets out that Regular Meetings of Council will be held in Council Chambers, located at 7400 Prospect Street, except if a resolution is passed by Council to change the location. If it is decided that Regular Council meetings are to be held at a different location, a resolution will need to be passed in which the meeting dates and location are noted. To ensure that changes to the meeting location are effectively advertised, Staff recommend following the *Community Charter* notification requirements by placing a notice in the local papers as well as advertising through the Village’s usual channels should an alternate meeting location be chosen.

Other Committee/Board Meetings:

Bill 10, Municipal Affairs Statutes Amendments Act, applies to meetings of Council and Council Committees, but does not apply to meetings of commissions or independent boards such as advisory planning commissions and the board of variance. Similarly, meetings of these organizations are not regulated under Council Procedures Bylaw No. 788, 2015. As Council expressed a wish to permit electronic meetings for these groups, provision for electronic meetings and electronic participation at in-person meetings must be added to the bylaws regulating these meetings. Staff are suggesting that amendments to Board of Variance Bylaw No. 893, 2021, and Advisory Planning Commission Bylaw No. 626, 2009, be brought forward for First, Second, and Third Readings concurrently with the proposed amendments to Council Procedures Bylaw No. 788, 2015. The amendments would mirror those proposed for Council Procedures Bylaw No. 788, 2015.

To expedite the bylaw amendment process, Staff are requesting direction from Council to proceed with advertising the proposed amendments to Council Procedures Bylaw No. 788, 2015, in the Pique Newsmagazine on October 7th and 14th. This would allow the amendment bylaw to be brought to Council for First, Second, and Third Readings on October 19th, and, if desired by Council, adopted at a special meeting as early as October 21st. As public notice is not required for amendments to board of variance and advisory planning commission bylaws, these could receive readings concurrently. This proposed schedule would permit the use of electronic meeting formats at the Regular Council meeting scheduled for November 2nd and at the board of variance meeting scheduled for October 27th.

Meeting Technology:

To accommodate electronic meetings and participation by electronic means in a manner that ensures all meeting participants are afforded equal opportunity to be heard and seen, the Village will need to undertake technology upgrades that will include installation of a camera, microphones, a webcasting encoder and software, and the purchase of a second television screen. Staff are still working with our IT contractors to determine the technological upgrades needed.

Meeting Room Configuration (short term):

To accommodate in-person meetings while respecting physical distancing requirements, the Village will need to make some adjustments to seating arrangements. Council members will sit at the Council table with the Chief Administrative Officer and the Manager of Corporate & Legislative Services, with seating positions varying depending on the number of in-person participants attending. The Legislative Assistant may attend remotely if this will improve space and comfort for others in Council Chambers. Space will be provided for the public in the public gallery seating area, but seating will be limited to ensure that occupancy limits are respected. As such, the number of spaces available for the public at any meeting will depend on the number of Councillors and staff in attendance. Staff members presenting to Council will attend only for the duration of their presentation, or, alternatively, may present remotely through ZOOM at this time. All attendees, Council, Staff, and public will be required to wear masks while in the meeting.

The meeting room configuration will be adjusted as necessary to accommodate cameras, microphones, speakers, and screens, and to enhance video and audio recording and livestreaming.

To prevent the public from accessing the office space at the front of the White Building, the entrance to Council Chambers will be through the accessible entrance door located at the back of the building at the entrance to the public washroom. Signage will be provided advising the public as to the entrance change.

COMMUNICATIONS

If Council supports the proposed amendment bylaw, as per Section 94 of the *Community Charter*, notice to the public will be issued in the local newspapers on October 7th and October 14th, 2021. Notice will also be provided through the Village Website and on Village notice boards.

LEGAL CONSIDERATIONS

The proposed amendment bylaw has been drafted pursuant to the authority granted by *Bill 10, Municipal Affairs Statutes Amendments Act*.

IMPACT ON BUDGET & STAFFING

There are no impacts to the budget or staff hours related to the proposed bylaw amendment.

INTERDEPARTMENTAL IMPACT & APPROVAL

Interdepartmental Approval	Nikki Gilmore, Chief Administrative Officer
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IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

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

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

Recommendation One:

THAT Council provide direction with respect to the proposed amendment to Council Procedure Bylaw No. 788, 2015.

Recommendation Two:

THAT Staff be directed to present an amendment to Council Procedure Bylaw No. 788, 2015, for First, Second, and Third Readings, at the October 19th, 2021 meeting of Council.

Recommendation Three:

THAT Staff be directed to present amendments to Board of Variance Bylaw No. 893, 2021, and Advisory Planning Commission Bylaw No. 626, 2009, for First, Second, and Third Readings, at the October 19th, 2021 meeting of Council.

Recommendation Four:

THAT a Special Council Meeting is held on Thursday, October 21st at a time determined by Council to consider adoption of the amending bylaws.

Recommendation Five:

THAT Council direct Staff to proceed with advertising the proposed Council Procedure Amendment Bylaw as required under section 94 of the *Community Charter*.

ATTACHMENTS:

Appendix A: Proposed Amendment to Council Procedure Bylaw No., 788, 2015

Appendix B: Council Procedure Bylaw No. 788, 2015, proposed changes shown in red

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

VILLAGE OF PEMBERTON
COUNCIL PROCEDURE
AMENDMENT BYLAW No. XXX, 2021

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

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 Village of Pemberton Council Procedure Bylaw No. 788, 2015, Amendment (Electronic Meetings) Bylaw No. XXX, 2021.

PART 2: APPLICATION

- 2.1. Village of Pemberton Council Procedure Bylaw No. 788, 2015, be amended as follows:

- a) **Section 3 Definitions** is amended by adding the following:

“**Electronic Meeting**” means a meeting where all attendees participate electronically.

- b) **Section 10 Electronic Participation at Meetings** is struck out and the following is inserted in its place:

10. Electronic Meeting Formats

- a) **Electronic Meetings**

- i) Subject to Sections 128 to 128.2 of the *Community Charter*, regular council meetings, special council meetings and council committee meetings may be conducted by means of electronic or other communication facilities, if:

- a. the Mayor, or in the absence of the Mayor, the Acting Mayor, determines it is advisable; or

- b. necessitated by a health, safety, or environmental emergency or urgent Village business that prevents all members from attending in person.

- ii) Advance notice of a meeting to be conducted pursuant to section 10 a) (i) will be provided advising that the meeting will be conducted by means of electronic or other communication facilities, as follows:
 - a. notice of the meeting will be provided, pursuant to the *Community Charter*; and at least 24 hours in advance of an electronic regular council meeting and in the notice required under Section 127(2) of the *Community Charter* in the case of an electronic special Council meeting;
 - b. the agenda cover sheet will include that the meeting is being held electronically; and
 - c. details will be included on the agenda cover sheet and on the Village's website with instructions to participate electronically or by telephone, and the location for the public to attend to watch and hear the meeting.
 - iii) For regular council meetings and special council meetings, the public may attend to watch and hear any part of the meeting that is open to the public at Council Chambers and with a municipal Officer in attendance.
- b) **Electronic Participation at Meetings**
- i) Provided that all conditions set out in section 128.3 of the *Community Charter* are met, a member of council or of a council committee, who is unable to attend at any council or committee meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities.
 - ii) Where a meeting is held under this section the facilities must enable the public to hear, or see and hear, the participation of the member or members participating electronically unless the meeting is closed pursuant to section 90 of the *Community Charter*.
 - iii) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;
- c) Subsection 35 (f) is amended by removing reference to 890 (9) of the *Local Government Act* (Public Hearings) and replacing it with reference to section 477 (6) or 480, as applicable.

NOTICE OF INTENTION TO AMEND Council Procedures Bylaw No. 788, 2015
PUBLISHED IN THE Pique Newsmagazine October __, 2021, and October __, 2021.

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

READ A SECOND TIME this _____ day of _____ 2021.

READ A THIRD TIME this _____ day of _____ 2021.

RECONSIDERED AND FINALLY ADOPTED this _____ day of _____ 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

DRAFT

VILLAGE OF PEMBERTON COUNCIL PROCEDURE BYLAW NO. 788, 2015

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



OFFICE CONSOLIDATION: November 5, 2020

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

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

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

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

List of Amending Bylaws

Bylaw No	Section Amendment	Council Meeting	Date
Village of Pemberton Council Amendment (Section 31) Bylaw No. 864, 2019	Section 31 – Reconsideration by Council Member	Regular Council Meeting No. 1494	June 11, 2019
Council Procedure Amendment (Electronic Participation) Bylaw No. 875, 2020	Section 10 – addition of sub-clause (h)	Special Council Meeting No. 1511	March 31, 2020
Council Procedure Amendment (Order of Proceedings) Bylaw No. 888, 2020	Sections 6, 13, 22, 26, 31 – numbering corrections Section 10 (h) – clarification that electronic participation deemed present Section 18 – Order of Proceedings Adjustment	Regular Council Meeting No. 1526	November 3, 2020

Village of Pemberton

BYLAW No. 788, 2015

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

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

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

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PART 1 – INTRODUCTION

1. Title

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

2. Table of Contents

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

3. Definitions

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

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

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

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

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

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

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

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

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

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

“**Electronic Meeting**” means a meeting where all attendees participate electronically.

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

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

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

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

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

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

“Village” means the Village of Pemberton;

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

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

4. Application of Rules of Procedure

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

PART 2 – COUNCIL MEETINGS

5. Inaugural Meeting

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

6. Dates, Times and Locations of Meetings

- a) All Council meetings must take place at the Council Chambers within the Village except when Council resolves to hold meetings elsewhere.
- b) Regular Council meetings must:
 - i) be held on Tuesdays the dates and times shall be established by Council resolution before December 15th of each year for the subsequent year;
 - ii) be adjourned no later than three (3) hours after being called to order unless Council resolves to proceed beyond that time in accordance with section 32; (section number correction Amended BL 888, 2020)
 - iii) notwithstanding clause (b) (i) above, there shall not be a meeting during the month of August unless Council otherwise resolves.
- c) Regular Council meetings may:
 - i) be cancelled or postponed to a different day, time and place by Council by resolution, provided that two consecutive meetings are not cancelled; and
 - ii) be postponed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least two (2) days' written notice.
- d) In Camera (Closed) Council meetings may:
 - i) be held on the same day as the Regular Council Meeting as established in section 6 (b) (i).

- e) Special Meetings, being a meeting other than a statutory, regular or adjourned meeting, may:
 - i) be called by Council at a Regular meeting of Council;
 - ii) be called by the Mayor at his or her discretion at any time;
 - iii) be requested by two or more Council Members, in writing to the Mayor, Chief Administrative Officer and Corporate Officer. If the Mayor or Acting Mayor is absent or unable to act, or for any reason neither have arranged within twenty-four (24) hours after receiving a request under this section then two (2) or more members of Council may themselves call for a Special Meeting to be held within the next seven (7) days.

7. Notice of Regular Council Meetings

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

8. Notice of Special Meetings

- a) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a Special Council meeting must be given at least twenty-four (24) hours before the time of meeting, by:
 - i) posting a copy of the notice at the Public Notice Posting Places, and
 - ii) providing the notice and the agenda electronically by email as well as providing a copy of both for each Council member in the Council member's mailbox at the Village Office as requested.

- b) The notice under section 7 (a) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.
- c) Notice of any Meeting called under Section 5 (e) (ii) will be signed by the Members calling the Meeting, or by the Corporate Officer in place of the Mayor.

9. Confidential Matters

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

10. Electronic Meeting Formats

a) Electronic Meetings

- i) Subject to Sections 128 to 128.2 of the *Community Charter*, regular council meetings, special council meetings and council committee meetings may be conducted by means of electronic or other communication facilities, if:
 - a. the Mayor, or in the absence of the Mayor, the Acting Mayor, determines it is advisable; or
 - b. the electronic meeting format is necessitated by a health, safety, or environmental emergency or urgent Village business that prevents all members from attending in person.
- ii) Advance notice of a meeting to be conducted pursuant to section 10 a) (i) will be provided advising that the meeting will be conducted by means of electronic or other communication facilities, as follows:
 - a. notice of the meeting will be provided, pursuant to the *Community Charter*; and at least 24 hours in advance of an electronic regular council meeting and in the notice required under Section 127(2) of the *Community Charter* in the case of an electronic special Council meeting;
 - b. the agenda cover sheet will include that the meeting is being held electronically; and
 - c. details will be included on the agenda cover sheet and on the Village's website with instructions to participate electronically or by telephone, and the

location for the public to attend to watch and hear the meeting.

- iii) For regular council meetings and special council meetings, the public may attend to watch and hear any part of the meeting that is open to the public at Council Chambers and with a municipal Officer in attendance.

b) Electronic Participation at Meetings

- i) Provided that all conditions set out in section 128.3 of the *Community Charter* are met, a member of council or of a council committee, who is unable to attend at any council or committee meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities.
- ii) Where a meeting is held under this section the facilities must enable the public to hear, or see and hear, the participation of the member or members participating electronically unless the meeting is closed pursuant to section 90 of the *Community Charter*.
- iii) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;

~~10. Electronic Participation at Meetings~~

- ~~a) Provided that all of the conditions set out in section 128 (2) of the *Community Charter* are met, and subject to section 9 (b), a member of council or of a council committee or commission, other than the presiding member, who is unable to attend at any council, committee, commission or special meeting, as applicable, may participate in the meeting by means of electronic or other communications facilities.~~
- ~~b) As a limit on section 9 (a), no more than two (2) members of Council, committee or commission may participate at any one meeting by way of electronic or other communications facilities.~~
- ~~c) In instances where the Mayor will participate in a meeting electronically, the Council member designated to act in place of the Mayor shall preside.~~
- ~~d) In absence of the Mayor and the Council member designated to act in the place of the Mayor the member present shall elect from among themselves a presiding member for that meeting;~~
- ~~e) Where a meetings is held under this section the facilities must enable the public to hear, or see and hear, the participation of the member~~

~~or members participating electronically unless the meeting is closed pursuant to section 90 of the *Community Charter*;~~

- ~~f) Members of Council who are participating in a meeting under this section are deemed to be present at the meeting;~~
- ~~g) Council members may not attend by electronic means more than a maximum of four (4) meetings as identified in this section per calendar year.~~
- h) Despite (b) and (c) above, in the event of a health, environmental or safety emergency, where it is not possible to have a quorum or the Mayor or Acting Mayor physically present for a meeting, all or any portion of the members may participate in a Council, committee, commission or special meeting by means of electronic or other communication facilities, and are deemed to be present at the meeting (Amendment BL 888, 2020), so long as they comply with the remaining requirements of this Section. (Amendment Bylaw No. 875, 2020)

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

11. Appointment of Acting Mayor

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

PART 4 – COUNCIL MEETING PROCEEDINGS

12. Attendance of Public at Meetings

- a) Except where the provisions of section 90 of the *Community Charter* [*meetings that may or must be closed to the public*] apply, all Council meetings must be open to the public.

- b) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter* [requirements before Council meeting is closed].
- c) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
 - i) Committee of the Whole
 - ii) Standing and Select Committees,
 - iii) Parcel Tax Review Panel,
 - iv) Board of Variance,
 - v) Advisory bodies as established by Council.
- d) Despite section 11(a), the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 10 may expel or exclude from a Council meeting a person in accordance with section 24 (h).

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

- a) Minutes of the proceedings of Council and its Committees and Commissions must be:
 - i) legibly recorded,
 - ii) certified as correct by the Corporate Officer or designate, and
 - iii) signed by the Mayor or other member presiding after adoption of the minutes.
- b) Minutes of the proceedings of Council and its committees and commissions shall record:
 - i) The place, date and time of meeting;
 - ii) The names of the Presiding Member or members and record of the attendance of members;
 - iii) Motions of the meeting without note or comment.
- c) With exception to the Mayor and Councillor reports only the motions and actions of Council (action minutes) will be recorded.
- d) Subject to section 13 (e) (**Amended BL 888,2020**), and in accordance with section 97(1) (b) of the *Community Charter*, minutes of the

proceedings of Council must be open for public inspection at the Village Office during its regular office hours.

- e) Section 13 (d) (Amended BL 888, 2020) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

14. Release of In Camera (Closed) Meeting Items

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

15. Calling Meeting to Order

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

16. Adjourning Meeting Where No Quorum

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

- ii) adjourn the meeting until the next scheduled meeting.

17. Agenda

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

18. Order of Proceedings and Business

- a) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below (**Amended BL 888, 2020**):
 - i) Call to Order
 - ii) Approval of Agenda
 - iii) Rise with Report from In Camera (Closed) [*If applicable*]
 - iv) Adoption of Minutes
 - v) Business Arising from the Minutes
 - (1) Regular Meeting
 - (2) Committee of the Whole
 - vi) Committee Minutes – for Information
 - vii) Delegations – requests to address Council
 - viii) Staff Reports

- ix) Bylaws
 - (1) First and second Reading
 - (2) First, Second and Third Reading
 - (3) Third Reading
 - (4) Adoption
- x) Mayor's Report
- xi) Councillor Reports
- xii) Correspondence
 - (1) For action
 - (2) For information
- xiii) Decision on Late Business
- xiv) Late Business
- xv) Notice of Motion
- xvi) Question Period
- xvii) Adjournment

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

19. Late Business

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

20. Notice of Motion

- a) Any Council member may give a "Notice of Motion" respecting an item which he or she intends to present by giving a copy of such motion to the Corporate Officer during a meeting of Council.
- b) Upon the member being acknowledged by the Chair and the Notice of Motion being read to the meeting, such motion shall appear in the minutes of that meeting as a Notice of Motion and must be placed on

the agenda of the next Regular Council Meeting or other future meeting designated by the member bringing forward the Notice of Motion for consideration.

21. Petitions and Correspondence

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

22. Voting at Meetings

- a) The following procedures apply to voting at Council meetings:
 - i) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
 - ii) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:

"Those in favour raise your hands." and then "Those opposed raise your hands."
 - iii) when the presiding member is putting the matter to a vote under section 22 (Amended BL888, 2020) (a) (i) and (ii) a member must not:
 - (1) leave the room;
 - (2) make a noise or other disturbance; or
 - (3) interrupt the voting procedure under section 21 (a) (ii) unless the interrupting member is raising a point of order.
 - iv) after the presiding member finally puts the question to a vote under section 22 (Amended BL 888, 2020) (a) (ii), a member must not speak to the question or make a motion concerning it;
 - v) the presiding member's decision about whether a question has been finally put is conclusive;

- vi) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
- vii) Should any member refrain from voting when any question is put, the member shall be regarded as having voted in the affirmative and the members vote shall be counted accordingly;
- viii) if a vote is not unanimously in favour the presiding member must ask the opposing member if they wish their vote and name to be recorded in opposition and the recording secretary will be so instructed;
- ix) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.

23. Delegations

- a) Persons or groups of persons wishing to appear as a delegation before Council shall advise the Corporate Officer in writing by noon on the seventh (7) day prior to the date of the meeting.
- b) Requests to appear as a delegation before Council must include the name, address and telephone number of the person who wishes to speak on behalf of the delegation and the purpose of the presentation that will form part of the presentation must be provided at the time of the application.
- c) Each address must be limited to ten (10) minutes with a question period of five (5) minutes for a total of fifteen (15) minutes unless a longer period is agreed to by unanimous vote of those members present.
- d) Where written application has not been received by the Corporate Officer as prescribed in section 22 (a), an individual or delegation may address the meeting if approved by the majority vote of the members present.
- e) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- f) The Corporate Officer may schedule a maximum of two (2) delegations to any Council meeting. Delegations shall be placed on the agenda on a first come basis.
- g) The Corporate Officer may schedule delegations to another Council meeting, a committee or advisory body or ask staff to address the

delegate's issue as deemed appropriate according to the subject matter of the delegation.

- h) The Corporate Officer may decline to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
- i) Council shall not act on a request from a delegation until the next regular meeting, unless consent by two-thirds vote of Council present is given to consider the matter following the delegation presentation.
- j) A delegate may not speak on an issue that is the subject of a staff report not yet presented to a Council meeting.

24. Points of Order

- a) Without limiting the presiding member's duty under section 132(1) of the *Community Charter*, the presiding member must apply the correct procedure to a motion:
 - i) if the motion is contrary to the rules of procedure in this bylaw, and
 - ii) whether or not another Council member has raised a point of order in connection with the motion.
- b) When the presiding member is required to decide a point of order:
 - i) the presiding member must cite the applicable rule or authority if requested by another Council member,
 - ii) another member must not question or comment on the rule or authority cited by the presiding member under section 23 (b) (i), and
 - iii) the presiding member may reserve the decision until the next Council meeting.

25. Conduct and Debate

- a) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.
- b) Members must address the presiding member by that person's title of Mayor, Acting Mayor or Councillor.

- c) Members must address other non-presiding members by the title Councillor.
- d) No member must interrupt a member who is speaking except to raise a point of order.
- e) If more than one member speaks the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- f) Members who are called to order by the presiding member:
 - i) must immediately stop speaking,
 - ii) may explain their position on the point of order, and
 - iii) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- g) Members speaking at a Council meeting:
 - i) must use respectful language,
 - ii) must not use offensive gestures or signs,
 - iii) must speak only in connection with the matter being debated,
 - iv) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and
 - v) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- h) If a member does not adhere to section 24 (g), the presiding member may order the member to leave the member's seat, and
 - i) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat, and
 - ii) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- i) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- j) The following rules apply to limit speech on matters being considered at a Council meeting:

- i) a member may speak more than once in connection with the same question only:
 - (1) with the permission of Council, or
 - (2) if the member is explaining a material part of a previous speech without introducing a new matter;
- ii) a member who has made a substantive motion to the Council may reply to the debate;
- iii) a member may speak to a question, or may speak in reply, for longer than a total time of ten (10) minutes only with the permission of Council.

26. Motions Generally

- a) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- b) A Council member may make only the following motions, when the Council is considering a question:
 - i) to refer to committee;
 - ii) to amend;
 - iii) to lay on the table;
 - iv) to postpone indefinitely;
 - v) to postpone to a certain time;
 - vi) to move the previous question, or the question;
 - vii) to adjourn.
- c) A motion made under section 26 (**Amended BL888, 2020**) (b) (iii) to (vii) is not amendable or debatable.
- d) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

27. Motion to Commit

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

28. Motion for the Main Question

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

29. Amendments Generally

- a) Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- b) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- c) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- d) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- e) An amendment may be amended once only.
- f) An amendment that has been negated by a vote of Council cannot be proposed again.
- g) A Council member may propose an amendment to an adopted amendment.
- h) The presiding member must put the main question and its amendments in the following order for the vote of Council:
 - i) a motion to amend a motion amending the main question;
 - ii) a motion to amend the main question, or an amended motion amending the main question if the vote under section 28 (h) (i) is positive;
 - iii) the main question.

30. Reconsideration by Mayor

- a) In accordance with section 131 of the *Community Charter*, the Mayor may at the same council meeting as the vote took place or at any time within thirty (30) days after the adoption or rejection of any bylaw, resolution or proceeding, return same for consideration by Council subject to the following:
 - i) it has not had the approval or assent of the electors and been adopted,
 - ii) it has not already been reconsidered by Council; and
 - iii) it has not been acted upon by any Officer, employee or Agent of the Village.
- b) In returning matters for council's reconsideration the Mayor may state the reasons or objections, which will be recorded in the minutes. Council shall as soon thereafter as convenient, consider the reasons or objections and either;
 - i) reaffirm the Bylaw, resolution or proceedings; or
 - ii) reject the bylaw, resolution or proceedings.
- c) Bylaws and resolutions that are rejected after reconsideration are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.
- d) A bylaw, resolution, or proceeding that is reaffirmed under section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration

31. Reconsideration by Council Member (Amendment Bylaw No. 864, 2019)

- a) Subject to subsection d) a Council Member who voted with the majority either for or against a motion, may at the next Council Meeting introduce a motion;
 - i. to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - ii. to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.

- b) Council must not discuss the main matter referred to in subsection a) unless a motion to reconsider that matter is adopted by an affirmative vote of Council.
- c) A vote to reconsider must not be reconsidered.
- d) Council may only reconsider a matter that has not:
 - i. had the approval or assent of the electors and been adopted;
 - ii. been reconsidered under subsection (1) of section 131 of the Community Charter [Mayor may require council reconsideration of a matter]; or
 - iii. been acted on by an officer, employee or agent of the Municipality.
- e) A motion under subsection a) must be introduced in compliance with section 19 (Late Business).
- f) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.
- g) A bylaw, resolution, or proceeding that is reaffirmed under section 31 (a) is deemed as valid and has the same effect as it had before reconsideration.
- h) Bylaws or resolutions that are rejected after reconsideration under section 31 (Amended BL888, 2020) (a) are deemed to be absolutely vetoed, rescinded and repealed, and are of no force or effect whatsoever, and shall not be reintroduced for a period of six (6) months except with the unanimous consent of Council.

32. Adjournment

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

PART 5 – BYLAWS

33. Copies of Proposed Bylaws to Council Members

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

34. Form of Bylaws

- a) A bylaw introduced at a council meeting must:

- i) be printed;
- ii) have a distinguishing name;
- iii) have a distinguishing number;
- iv) contain an introductory state of purpose;
- v) be divided into sections.

35. Reading and Adopting Bylaws

- a) The presiding member of a Council meeting may:
 - i) have the Corporate Officer read a synopsis of each proposed bylaw, and then;
 - ii) request a motion that the proposed bylaw be read.
- b) The readings of the bylaw may be given by stating its title and object.
- c) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- d) Subject to section 882 of the *Local Government Act [OCP Adoption Procedures]*, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present.
- e) In accordance with section 135 of the *Community Charter [Requirements for passing bylaws]*, Council may give two or three readings to a proposed bylaw at the same Council meeting.
- f) Despite section 135 (3) of the *Community Charter*, and in accordance with section ~~890(9)~~ **477(6) or 480** of the *Local Government Act [Public Hearings]*, as applicable, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

36. Bylaws Must Be Signed

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

- iii) the date of Ministerial Approval or Approval of the Electorate as applicable.

PART 6 – RESOLUTIONS

37. Copies of Resolutions to Council Members

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

PART 7 – COMMITTEE OF THE WHOLE (COTW)

38. Notice for COTW Meetings

- a) A notice of the day, hour and place of a COTW meeting must be given at least twenty-four (24) hours before the time of the meeting by:
 - i) posting a copy of the notice at the Public Notice Posting Places; and
 - ii) providing the notice and agenda electronically by email as well as providing a copy of both for each Council Member in the Council member's mailbox at the Village Office as requested.

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

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

40. Presiding Members at COTW Meetings and Quorum

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

41. Points of Order at Meetings

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

42. Conduct and Debate

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

43. Voting at Meetings

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

44. Adjournment

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

PART 8 -- COMMITTEES

45. Duties of Standing Committees

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

46. Duties of Select Committees

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

47. Ratification of Committee Resolutions by Council

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

48. Notice of Committee Meetings

- a) Notice and Agenda of committee meetings, including the times, dates and places of the meetings must be given by:
 - i) posting a notice of the meeting at the Public Notice Posting Places; and
 - ii) providing a copy of the notice and agenda electronically by email to each member of the committee at least twenty-four (24) hours prior to the meeting.

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

- a) Minutes of the proceedings of a committee must be:
 - i) legibly recorded,
 - ii) certified by the Corporate Officer or his/her designate and the presiding member, and
 - iii) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

50. Quorum

- a) The quorum for a committee is a majority of all of its members.

51. Conduct and Debate

- a) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- b) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.

52. Voting at Meetings

- a) Council members attending a meeting of a committee of which they are not a member must not vote on a question.
- b) The Mayor is an ex officio member of all Committees and therefore is entitled to vote on any matter before the Committee.

PART 9 - COMMISSIONS

53. Commission Meeting Conduct

- a) The procedures for governing conduct of Commissions shall be set out within the Commissions establishing bylaw and shall reflect the Council Meeting Proceedings as noted in Part 4 of this Bylaw as amended from time to time.

PART 10 – GENERAL

54. Validity of the Bylaw

- a) If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- b) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

55. Repeal

- a) Village of Pemberton Council Procedure Bylaw No. 656, 2011 and its amendments, Bylaw No. 687, 2012 and Bylaw No.737, 2013, are hereby repealed.

NOTICE OF INTENTION TO CONSIDER Council Procedures Bylaw No. 788, 2015 **WAS PUBLISHED IN THE** Pique Newsmagazine **on June 4th** and **June 11th.**

READ A FIRST TIME this 16th day of June, 2015

READ A SECOND TIME this 16th day of June, 2015

READ A THIRD TIME this 16th day of June, 2015

ADOPTED this 7th day of July, 2015

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: October 5th, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Tom Csimá, Manager of Operations and Projects

Subject: Public Works 3500 Dump Truck

PURPOSE

The purpose of this report is to seek Council's approval to purchase a replacement for the recently deemed irreparable 2004 Chevy 3500 flat deck dump truck used by the Parks and Public Works crews.

BACKGROUND

Purchased in 2002, the 2004 Chevy 3500 flat deck dump truck has proven to be invaluable to both summer and winter operations. Primarily used by the parks crew for hauling soil, and removing organic material, this truck is used much more often than the larger dump trucks in the fleet for hauling smaller loads, due to its maneuverability and manageable size. With more parkland being designated through development, and a growing parks crew, this truck has become a critical part of the summer Parks and Public Works Operations.

In winter, this truck is fitted with a sanding unit and small plow and is used for smaller side streets and parking areas, when the larger snowplow/dump trucks are busy clearing priority routes. Again, with more roads coming into the Village jurisdiction through development, and a growing Public Works crew, this truck has proven to be increasingly vital during the winter and is one of our most frequently utilized vehicles year round.

Unfortunately, its use in winter operations over the years and exposure to salt and sand, has resulted in significant rust and therefore damage to the vehicle. Over the past 3 years, the Village has spent \$22,567 on ongoing repairs and maintenance, in hopes to preserve its use. Following its bi-annual road safety inspection this year, the minimum required repairs to have the vehicle road certified are estimated over \$6,000, which doesn't include any unforeseen faults over the course of the winter. At the recommendation of Village service technicians, it is time to retire this vehicle from the Village fleet.

Faced with this challenging vehicle shortage, Village Operations Staff have been investigating suitable replacement vehicles and other options such as rental or lease of vehicles, both to meet our long term and immediate needs. During this investigation, it was ascertained that leasing agents often have fully outfitted parks trucks come back after 6-month summer leases, which can be converted for winter operations in-house by Public Works crews.

DISCUSSION & COMMENTS

Due to the COVID-19 pandemic and supply chain shortages, as well as delays from contractors, there have been some operational projects that were not completed in 2021, resulting in an

estimated \$25,000 surplus in the Roads Maintenance budget which could be used to purchase or lease a replacement dump truck. The aforementioned lightly used, and fully outfitted parks trucks are approximately \$75,000 for purchase with several leasing and financing options.

Staff have researched a combination of leasing and/or purchase and rental options to replace the 2004 Chevy 3500 flat deck dump truck as shown below:

- Option 1: Down Payment of \$25,000, residual buyout at term: \$1.00
36-month lease - Monthly Payment (pre-tax): **\$1,565.32**

- Option 2: Down Payment of \$25,000, residual buyout at term: \$1.00
60- month lease - Monthly Payment (pre-tax): **\$1,003.74**

- Option 3: **Monthly rental**, no down payment: \$3,000.00/month
 Budget in 2022 for a new vehicle for Spring Parks season with a minimum of 8-month rental until budget can be approved and a new vehicle purchased.

It should be noted that the Village has received interest in purchasing the retired dump truck. This will be posted on the Village website to offer the vehicle to the general public for purchase as per our Asset Disposal Policy.

COMMUNICATIONS

There are no communications considerations required for this initiative.

LEGAL CONSIDERATIONS

Loans under this short-term borrowing program are available to municipalities pursuant to section 175 of the *Community Charter* – Liabilities under agreements.

IMPACT ON BUDGET & STAFFING

The following are the annual budgetary impacts on each of the Options shown above:

Option 1:		\$50,000.00		Interest	7.935%
Year	Principal	Interest	Payment	Balance	
1	15,367.24	3,416.60	18,783.84	34,632.76	
2	16,631.98	2,151.86	18,783.84	18,000.78	
3	18,000.79	783.06	18,783.84	0.00	
		6,351.52			

Option 2:		\$50,000.00		Interest	7.578%
Year	Principal	Interest	Payment	Balance	
1	8,548.87	3,496.13	12,044.88	41,451.13	
2	9,219.70	2,825.30	12,044.88	32,231.43	
3	9,943.13	2,101.87	12,044.88	22,288.30	
4	10,722.36	1,322.64	12,044.88	11,565.94	
5	11,564.94	478.46	12,044.88	0.00	
		10,224.40			

Option 3: \$3,000.00

Term **Rental Commitment**

8 months 24,000.00

INTERDEPARTMENTAL IMPACT & APPROVAL

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

Interdepartmental Approval by:	Nikki Gilmore, Acting Manager of Finance
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IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There is no impact on the region or neighboring jurisdictions.

ALTERNATIVE OPTIONS

Alternative purchase and/or leasing options are provided below:

Option 1: Down Payment of \$25,000, residual buyout at term: \$1.00
36 - month lease - Monthly Payment (pre-tax): **\$1,565.32**

Option 2: Down Payment of \$25,000, residual buyout at term: \$1.00
60 - month lease - Monthly Payment (pre-tax): **\$1,003.74**

Option 3: **Month rental**, no down payment: \$3,000.00/month
 Budget in 2022 for a new vehicle for Spring Parks season with a minimum of 8 months rental until budget can be approved and a new vehicle purchased.

RECOMMENDATIONS

THAT Staff be authorized to purchase a replacement vehicle as per Option 1, funded through a down payment of up to \$25,000 from the 2021 roads maintenance budget and the remainder through a 36-month lease.

Submitted by:	Tom Csima, Manager of Operations and Projects
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

Date: October 5, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Manager of Development Services

Subject: Summary of Public Hearing Report for Official Community Plan (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Bylaw Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021

PURPOSE

The purpose of this report is to provide Council, pursuant to section 465(5) of the *Local Government Act*, a summary of the verbal and written submissions made during the Public Hearing held for Official Community Plan (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 on September 27, 2021.

BACKGROUND

Bylaws to amend the Village's Official Community Plan No. 654, 2011 and Zoning Bylaw No. 832, 2018 have been prepared in response to an application by Craig Burns, Principle Architecture, Agent for the applicant Conseil scolaire francophone de la Colombie-Britannique (CSF)/School District No. 93 to facilitate the construction of a school/community hub aimed at francophone education on Lot 3, DL 203 LLD, Plan 12807, except that part which Lies to the East of the East Boundary of Plan Crown Grant 253 (the subject property).

At Council Meeting No. 1539, held June 1, 2021, Council gave first two readings to the aforementioned OCP amendment and rezoning bylaws. At that time, Council also established prior-to obligations through the following resolution:

THAT Official Community Plan Bylaw No. 654 (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 be given First and Second Reading;

THAT Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 be given First and Second Reading;

AND THAT Adoption only be considered upon the Owner's completion of the following requirements:

1. *Enter into a Section 219 restrictive covenant prohibiting issuance of any building permit or the use of any portion of the site as a school until the following amenities, works, and services have been constructed to the satisfaction of the Village, or the Owner has entered into a Servicing Agreement or other acceptable form and posted a security to complete the following:*

- a) *Community garden and parking area;*
 - b) *Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing;*
 - c) *Road connection between CSF and Tiyata Strata for use as emergency access/exit;*
 - d) *Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard;*
 - e) *Off-site sanitary sewer upgrades as determined by the Village Engineer.*
2. *Prepare and submit in a registrable form, Statutory Rights-of-Way to provide public access as follows:*
- a) *Community (public) use of the community garden area;*
 - b) *Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and the Pemberton Creek crossing;*
 - c) *Road connection between CSF and Tiyata Strata for use as emergency access/exit;*
 - d) *Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard.*
- 3 *Payment of any outstanding processing fees as per Development Procedures Bylaw No. 887, 2020.*

At that time, Council also set July 13, 2021 as the date and time for public hearing, which was subsequently cancelled by resolution and September 21, 2021 was set as a new public hearing date. The principal reason for the delay was the Applicant and Staff required additional time to work through the amenities outlined in Council's resolution and specifically the obligation to construct a pedestrian bridge over Pemberton Creek.

During the Public Hearing, Planning Staff presented a report drawing Council's specific attention to an issue that had emerged with respect to one of the prior-to adoption requirements - specifically, the obligation for the Applicants to deliver, solely at their own cost, a new pedestrian bridge across Pemberton Creek. The detailed Staff report respecting this, attached as **Appendix A**, outlined information about the bridge crossing that may warrant Council's reconsideration of this obligation. As this information was pertinent to consideration of the two bylaws, it was properly introduced at public hearing should Council choose to amend the 'prior to obligations' before consideration of third reading.

PUBLIC HEARING SUMMARY

At the Public Hearing, held on Tuesday, September 21, 2021, there were 27 written submissions received in support of the two bylaws and one (1) letter received in opposition to the bylaws. Four (4) verbal submissions were made by the public in favour of the proposed bylaws. The majority whom expressed support for the French School noted the current lack of dedicated facilities for the existing École la Vallée, the concerns of Francophone parents with crowding and ensuring their constitutional rights. A copy of the Public Hearing Minutes including all submissions received are attached as **Appendix B**.

DISCUSSION & COMMENTS

As per the attached Staff report presented at the Public Hearing, Staff brought forward information that may cause Council to modify the original pre-requisite to adoption obligation on CSF to deliver the bridge through the school development. As outlined in CSF's letter attached to the Public Hearing Report, there is difficulty in committing Treasury Board funds to the construction of a pedestrian bridge over Pemberton Creek as this requirement does not necessarily directly benefit the project or meet their strict funding criteria. There are still opportunities for CSF to be active financial partners in the ultimate bridge construction; however they cannot have the rezoning contingent on a requirement that they do not have the means to satisfy.

Should Council wish to consider revising their original resolution by removing this condition, sample wording is shown below (revised wording is shown in **boldface**).

THAT the "prior to rezoning obligation" 1(b) and 2(b) for *Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021* established by Council resolution at the Regular Meeting No. 1539, held on June 1, 2021, be amended to read as follows: "*Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and **that CSF continue to collaborate with Staff, adjacent landowners, and the Province to deliver a public pedestrian Pemberton Creek crossing.***"

Following this consideration, Council may wish to consider passing third reading of Official Community Plan (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Bylaw Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021.

COMMUNICATIONS

The community engagement and consultation process for Bylaws No. 902 and 903 has been outlined in earlier reports. On October 20, 2020 a report was presented to Council to consider early and ongoing consultation requirements as per section 475 of the *Local Government Act (LGA) [RSBC 2015]*. As a result, the Village's standard referrals process was sent to First Nations and a list of affected jurisdictions. The applicants were also required to advertise and hold a developer-led public information session, which was conducted via Zoom video call on November 12, 2020. There were 49 attendees to the public information session and support was expressed, with no one raising objections to the proposed land use change.

Subject to Section 464 of the *LGA [RSBC 2015]*, a Public Hearing was held after First Reading of the bylaws and before Third Reading. Notice of the Public Hearing was given as per s. 466 of the *LGA [RSBC 2015]*, published in the September 9th and September 16th editions of the Pique Newsmagazine.

LEGAL CONSIDERATIONS

The processing of an OCP Amendment and Rezoning application is regulated by various sections contained in Part 14 of the *LGA [RSBC 2015]* and by the Village's Development Procedures Bylaw 887, 2020, as amended from time to time. Section 465 (5) states that a written report of each

public hearing, containing a summary of the nature of the representations respecting the bylaw(s) that were made at the public hearing, must be prepared and maintained as a public record.

IMPACT ON BUDGET & STAFFING

The proposed OCP amendment and rezoning application is subject to application fees and cost recovery for staff and consultant processing and associated direct costs as per the Village of Pemberton Development Procedures Bylaw 887, 2020, as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Development Services Department.

RECOMMENDATIONS

Recommendation #1:

THAT this Summary of Public Hearing report be received.

Recommendation #2:

THAT Council consider revising the original resolution with respect to the prior-to rezoning obligations specifically 1 (b) and 2 (b) as per the sample wording provided below:

THAT the “prior to rezoning obligation” 1(b) and 2 (b) for *Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021* established by Council resolution at the Regular Meeting No. 1539, held on June 1, 2021, be amended to read as follows: “*Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13* **and that CSF continue to collaborate with Staff, adjacent landowners, and the Province to deliver a public pedestrian Pemberton Creek crossing.**”

Attachments:

Appendix A: Public Hearing Report to Council, dated September 27, 2021

Appendix B: Public Hearing Minutes and submissions

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

Date: September 21, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Cameron Chalmers, Village Consulting Planner

Subject: Concurrent Public Hearing to Official Community Plan (École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Amendment (École de la Vallée) Bylaw No. 903, 2021

PURPOSE

The purpose of this report is to provide Council background information on the proposed Official Community Plan (OCP) Amendment and rezoning, specifically Official Community Plan (École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Amendment (École de la Vallée) Bylaw No. 903, 2021 which if both are approved, would enable the construction of a new public school.

The report is also to draw Council's specific attention to an issue that has emerged with respect to one of the prior-to adoption requirements Council established at first and second reading. Specifically, this is in reference to the obligation for the Applicants to deliver, solely at their own cost, a new pedestrian bridge across Pemberton Creek.

A letter from the Applicants is attached as **Appendix A**. There is new information available about how that bridge crossing may be delivered that may warrant Council's reconsideration of this obligation. As this information is pertinent to consideration of the two bylaws, it should properly be introduced at public hearing should Council choose to amend the prior to obligations before consideration of third reading, which is Staff's recommendation.

BACKGROUND

At Council Meeting No. 1539, held June 1, 2021, Council gave first two readings to the aforementioned OCP amendment and rezoning bylaws. At that time, Council also established prior-to obligations through the following resolution:

THAT Official Community Plan Bylaw No. 654 (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 be given First and Second Reading;

THAT Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 be given First and Second Reading;

AND THAT Adoption only be considered upon the Owner's completion of the following requirements:

1. Enter into a Section 219 restrictive covenant prohibiting issuance of any building permit or the use of any portion of the site as a school until the following amenities, works, and services have been constructed to the satisfaction of the

Village, or the Owner has entered into a Servicing Agreement or other acceptable form and posted a security to complete the following:

- a) Community garden and parking area;*
- b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing;*
- c) Road connection between CSF and Tiyata Strata for use as emergency access/exit;*
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard;*
- e) Off-site sanitary sewer upgrades as determined by the Village Engineer.*

2. Prepare and submit in a registrable form, Statutory Rights-of-Way to provide public access as follows:

- a) Community (public) use of the community garden area;*
- b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and the Pemberton Creek crossing;*
- c) Road connection between CSF and Tiyata Strata for use as emergency access/exit;*
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard.*

3 Payment of any outstanding processing fees as per Development Procedures Bylaw No. 887, 2020.

The detailed Staff report respecting the application is included as **Appendix B**.

At that time, Council also set July 13, 2021 as the date and time for public hearing, which was subsequently cancelled by resolution and September 21, 2021 was set as a new public hearing date.

The principal reason for the delay was the Applicant and Staff required additional time to work through the amenities outlined in Council's resolution and specifically the obligation to construct a pedestrian bridge over Pemberton Creek.

DISCUSSION & COMMENTS

The Pemberton Creek pedestrian crossing is a longstanding desire of the Village. It is included in the Official Community Plan (OCP) policy as a deliverable of the Tiyata Special Planning Area, and was secured by restrictive covenant at the time of the original OCP amendment to facilitate the Tiyata subdivision (2010).

On Staff's recommendation, at their Regular Meeting No. 1512 held on April 21, 2020, Council removed the restrictive covenant affecting the subject land to facilitate the land sale from a private developer to Conseil scolaire francophone (CSF) for a French Language School. To date, CSF has worked with Staff to deliver many of the amenities contemplated in that original covenant, such as pathway connections and community gardens. In the first and second reading report, the condition established obligated CSF to deliver the pedestrian crossing as part of that amenity package despite the fact that an institutional development such as this is not expected to

contribute voluntary community amenities as per the Village's Community Amenity Contribution Policy.

The Applicant's and Staff have worked towards a solution for delivering that bridge crossing, but it has become apparent that CSF, as a publicly funded school under provincial regulations, may not have the ability to access Treasury Board funds for the bridge crossing. These limitations are clearly expressed in the letter from CSF attached as **Appendix A**.

Concurrent with the CSF amenity discussions, Staff entered negotiations with the original developer of Tiyata who is pursuing approval of a fourth phase subdivision. Those negotiations have sought to bring the bridge expectation to a conclusion subject to further discussion to address some minor concerns. CSF is committed to providing critical pathway connectivity at this time. Staff will continue to collaborate with both developers to deliver a public Pemberton Creek crossing.

Accordingly, Staff will be working toward bringing forward a recommendation to Council at Third Reading that the original pre-requisite be modified which would relieve CSF from the obligation to deliver the bridge through the school development. A draft recommendation is provided which would be subject to agreement being reached.

THAT the "prior to rezoning obligation" 1(b) for *Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021* established by Council resolution at the Regular Meeting No. 1539, held on June 1, 2021, be amended to read as follows: "*Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and that CSF continue to collaborate with Staff, adjacent landowners, and the Province to deliver a public pedestrian Pemberton Creek crossing.*"

As outlined in CSF's letter, there are still opportunities for CSF to be active financial partners in the ultimate bridge construction; however, they cannot have the rezoning contingent on a requirement that they do not have the means to satisfy.

In terms or process, Council should consider the above noted staff recommendation and potential amendment to the prior-to obligations at consideration of third reading, following conclusion of the public hearing.

COMMUNICATIONS

Subject to Section 464 of the *Local Government Act*, a Public Hearing must be held for both OCP and the Zoning Amendment Bylaws, after First Reading of the bylaws and before Third Reading. Notice of the Public Hearing has been given as per s. 466 of the *LGA [RSBC 2015]*.

Notice of public hearing was published in the September 9th and September 16th editions of the Pique Newsmagazine. A copy of the notification is attached as **Appendix C**.

LEGAL CONSIDERATIONS

The processing of an OCP Amendment and Rezoning application is regulated by various sections contained in Part 14 of the *Local Government Act [RSBC 2015]* and by the Village's Development Procedures Bylaw 887, 2020, as amended from time to time.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report is a component of the daily work undertaken by the Development Services Department. All costs associated with the processing of this application, including Staff time, are recoverable from the applicant's fees as per the Village of Pemberton Development Procedures Bylaw 887, 2020, as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no interdepartmental impact or approvals required respecting the processing of this application as it is a function of the Development Services Department.

ALTERNATIVE OPTIONS

There are no alternative options provided at this time.

Attachments:

Appendix A: Letter from CSF dated September 7, 2021

Appendix B: Report to Council for consideration of First and Second Reading, dated June 1, 2021

Appendix C: Public Hearing Notification

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



OFFICE OF THE SECRETARY-TREASURER

Richmond, September 7, 2021

Mayor and Council
Village of Pemberton
Box 100, 7400 Prospect Street
Pemberton, BC V0N 2L0

Re: Official Community Plan (“OCP”) amendment and rezoning application for Lot 3,
District Lot 203 Lillooet District Plan 12807

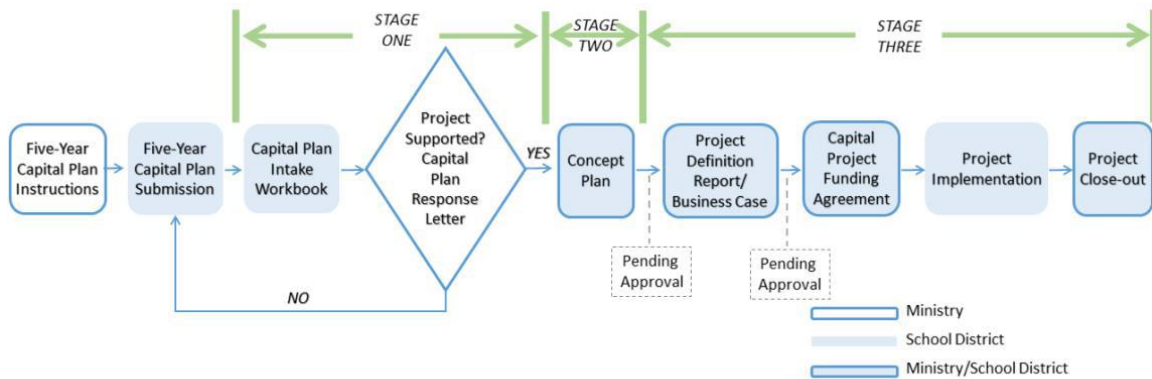
Dear Mayor and Council,

On behalf of the CSF Board of Education and the Pemberton francophone students, staff, and parents, we extend a sincere thank you for approving First and Second Readings regarding Official Community Plan (Ecole de la Vallee) Amendment Bylaw No. 902, 2021 and Zoning Amendment (Ecole de la Vallee) Bylaw No. 903, 2021 (OCP Amendment). Achieving this first step in the approval process has provided the Pemberton francophone community with increased hope of overcoming its long time *Section 23, Charter of Rights* struggle to have its own francophone homogeneous school in the Village of Pemberton.

The letter dated June 3, 2021, from the Village of Pemberton (Village) Manager, Corporate & Legislative Services outlines the requirements the CSF must complete to receive adoption of the OCP Amendment. As stated in previous correspondence, the CSF is a publicly funded entity and as such must comply with provincial government regulations, policies, and processes as it relates to capital project funding approvals. The CSF has met with Ministry of Education officials on several occasions seeking support for the Community Amenities Contribution required by the Village. To date, government has maintained its position that the CSF will need to provide a concept plan and business case development to secure funding for construction of a new school. The concept plan provides decision-makers with information regarding a capital need, as well as a preliminary analysis of potential options to meet that need. No funding decision can be made by the Ministry of Education. The Ministry of Finance will review and recommend directions to move forward to the third stage process.

As a means of assisting Council in understanding the CSF’s plight, the following schematic outlines the Capital Planning process that the CSF must adhere to. Currently, the CSF is at Stage 2 - Concept Plan. The Concept Plan is the segment of the development stage where all aspects of the construction project are identified. Stage 3 represents the final development, budget approval and the implementation segments of the process and is where the multitude of funding formulas are applied as outlined in the Ministry of Education Schedule B Companion Document. A budget item is included under Schedule B to recognize on-site development work that a school district may choose to undertake as part of an approved capital project. The Site Development Allowance provides funding for site work and site features, such as site preparation, site servicing, landscaping, fencing, concrete paving, asphalt paving, and site structures as it relates to on-site amenities. In addition, supplementary site items which are premium costs for work not covered under the Site Development Allowance, can be identified for consideration by government.

Government has been clear that it will not commit support for individual municipal funding requirements related to off-site amenities until such time as the CSF submits its Concept Plan and Business Case for the project.



In addition to the various community amenities inherent with the development of a school highlighted in CSF correspondence dated April 21, 2021, including the construction of a new Highway 99 intersection, the CSF is prepared to complete the following Village requirements as noted in Council’s June 1 resolutions:

- a) Community garden and parking area
- b) Road connection between CSF and Tiyata Strata for use as emergency access/exit
- c) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard
- e) Off-site sanitary sewer upgrades as determined by the Village Engineer

In addition to the foregoing requirements, the CSF will prepare and submit in a registrable form, Statutory Rights-of-Way to provide public access as follows:

- a) Community (public) use of the community garden area
- b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing
- c) Road connection between CSF and Tiyata Strata for use as emergency access/exit
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard

It is with regret that without government’s financial support for the Pemberton Creek Crossing, the CSF cannot commit to the estimated cost of this requirement therefore unable to complete all requirements outlined in the June 3 letter. The CSF will continue its pursuit for government financial support of the Pemberton Creek Crossing as it moves forward through Stage 3 of the Capital Planning process and appeals to Council to continue working collaboratively with the CSF to develop the details, costs and putting a plan together associated with the Pemberton Creek Crossing that meets the financial limits of both the Village and the CSF including the willingness to seek alternate funding sources.



OFFICE OF THE SECRETARY-TREASURER

The CSF sincerely appreciates Council's understanding and looks forward to its continued support as the project moves forward through government's Capital Planning processes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Simon Couture', with a long horizontal flourish extending to the right.

Simon Couture

A/Secretary Treasurer

cc: Lisa Pedrini, Manager of Development Services
Nikki Gilmore, Chief Administrative Officer Michel
St-Amant, CSF (SD 93) Superintendent-CEO Chafic
El Rassi, Director of Capital Planning Cameron
Chalmers, Village Consulting Planner Craig Burns,
Principle Architecture, Agent
Guy Bonnefoy, CSF (SD 93) Consultant

Date: June 1, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Manager of Development Services
Cameron Chalmers, Village Consulting Planner

Subject: Official Community Plan (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021
Zoning Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021
First and Second Readings

PURPOSE

The purpose of this report is for Council to concurrently consider first and second readings to Official Community Plan (Tiyata – École de la Vallée) Amendment Bylaw No. 902, 2021 (**Appendix A**) and Zoning (Tiyata – École de la Vallée) Amendment Bylaw No. 903, 2021 (**Appendix B**).

The bylaws have been prepared in response to an application by Craig Burns, Principle Architecture, Agent for the applicant Conseil scolaire francophone de la Colombie-Britannique (CSF)/School District No. 93 to facilitate the construction of a school/community hub aimed at francophone education on Lot 3, DL 203 LLD, Plan 12807, except that part which Lies to the East of the East Boundary of Plan Crown Grant 253 (**Appendix C**).

BACKGROUND

The CSF (SD#93) is the only province-wide school district which offers French-first language elementary and secondary education. In Pemberton, the CSF operates École de la Vallée de Pemberton (École de la Vallée). The CSF's program is presently operated in four portable classrooms behind Signal Hill Elementary (two of which are owned by SD#48). The CSF also leases two classrooms and gym space in the Pemberton Community Centre. As of September 2020, 84 students are enrolled from kindergarten to grade 8 and there is no secondary (9-12) French-first language program offered. The CSF's core catchment area includes the Village of Pemberton and surrounding communities as shown in **Appendix D**.

Presently, there is an overall lack of capacity and functionality, including space for a Strong Start, daycare or preschool program at the school. In September 2016, the British Columbia Supreme Court determined that provincially the lack of functional, attractive, and sufficient space deterred eligible parents from enrolling their children in French-first Schools, impeding them from exercising their constitutional rights to have their children attend French-first language programming. This decision applied to École de la Vallée as well as other CSF locations across the province. In June 2020, the Supreme Court of Canada concluded that the CSF cannot offer its students an educational experience that is substantively equivalent to that offered by English schools and that the breach must be remedied.

French-first language programming (provided by the CSF) is different from French Immersion programming provided by the Sea-to-Sky School District (SD#48). The CSF's programming is intended for students whose parents are part of the Francophone minority and who are eligible to attend a CSF school pursuant to stringent admissions criteria. In a CSF school, French is taught as a first language and meant to help students develop their French language identity and culture. In contrast, French immersion (offered by SD#48), is intended for the majority student population (often families where no parent is Francophone) and where French is taught as a second language.

The CSF has been seeking acquisition of a site to construct a school in Pemberton for over 10 years. Village Staff have assisted various representatives from CSF for the past few years in their search for an ideal parcel to facilitate this development.

On April 21, 2020, at the Regular Council Meeting No. 1512, Staff presented a report to Council seeking to discharge a covenant on lands slated for Stage 2 of the Tiyata development. While not disclosed at that time, this parcel was under negotiation of sale between the landowner and the CSF. Staff sought the removal of certain amenity commitments negotiated between the Village and the developer of Tiyata as part of the historic rezoning to facilitate residential development to free up the title for transfer to a non-profit entity for a non-residential use. As a result, Council passed the following resolution:

THAT Council authorizes the discharge of Covenant LB387063 from Lot 3, Plan 12807, District Lot 203, Lillooet Land District, Except that part which lies to the East of the East boundary of Plan Crown Grant 253, and authorizes the Chief Administrative Officer to effect the discharge.

At that time, Staff advised that the new proposed use would require OCP and Zoning Bylaw Amendments, and thus Council would have the discretion to consider the application and any voluntary amenity contributions offered at a future date.

The Village received the OCP Amendment and Rezoning application on October 9, 2020 and shortly afterward Staff presented a report to Council for their consideration of early and ongoing opportunities for consultation on the OCP Amendment pursuant to Section 475 of the *Local Government Act*. At the Regular Meeting No. 1524, held October 20, 2020, Council passed the following resolution:

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

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

- *Lil'wat Nation*
- *Ministry of Transportation and Infrastructure*

- *Ministry of Education*
- *Squamish Lillooet Regional District*
- *Pemberton Valley Dyking District*
- *CN Rail*
- *School District No. 48 – Sea to Sky*
- *Pemberton and District Chamber of Commerce*
- *TELUS*
- *BC Hydro*

DISCUSSION & COMMENTS

The subject property is designated “*Tiyata Special Planning Area*” and “*Residential*” in the Village of Pemberton Official Community Plan (OCP) Bylaw 654, 2011. As per Section 6.1, the stated vision for the **Tiyata at Pemberton Neighbourhood** is “*a sustainable development that offers compact housing catering to a range of incomes and ages*”. Part of that vision is that “*residents have easy access to places or work, shopping and community amenities*”. In order to accommodate a public school within the neighbourhood, Staff recommend some high-level text amendments to clarify that adding institutional uses to the land use mix will not compromise the vision of the existing residential neighbourhood and can be accommodated under this designation.

In terms of OCP Schedules, revisions to Schedule B - Land Use Map are necessary to remove the Residential designation and replace it with the Civic & Institutional designation. Revisions to Schedule C – Development Permit Areas and Schedule F2 – Future Community Facilities are also necessary.

The subject property is zoned Comprehensive Development Zone 5 (CD-5), **Tiyata at Pemberton**. The intent of the CD-5 Zone is to recognize a comprehensively planned area which includes a variety of types of housing, a limited amount of commercial and office floor space, active and passive park land, and a trail network. For the purpose of regulation, the zone was divided into six (6) separate “areas”, and separate regulations apply to each area in this Zone.

Amendments to the CD-5 Zone include removing reference to the site for non-market affordable housing (formerly Area 3) and rearranging the area numbers. Area 1 and 2 remain the same. Area 3 now refers to the former Area 4 (Small Lot Residential). Area 4 now references Parkland which was formerly Area 6. Area 5 refers to the School Use proposed for the entire subject parcel and includes regulations modelled after the Public 1 (P-1) Zone, except for maximum height. [The applicants have requested that the maximum height refer to storeys (3), rather than a maximum height in metres given that the height of the school ceilings, which are generally greater than residential, have yet to be determined.]

PROPOSED DEVELOPMENT CONCEPT

The proposed development concept is a new, three (3) storey Kindergarten to Grade 12 (K-12) community school centre capable of accommodating 40 kindergarten, 200 elementary and 150 secondary students, for a total nominal capacity of 390 students. The 6,946 sq m (74766.122 sq ft) school will provide space for growth, both at the elementary and secondary levels. The site area is sufficient to accommodate eventual expansion, both temporary (in portables) and permanent (construction of an addition). The CSF projects that its student population will increase

significantly once a new school, from which it will be able to offer equivalent programming, is built and expects to see enrolment from Whistler, mostly for the secondary program.

The subject property is currently vacant and is bordered by Highway 99 to the South, Pemberton Creek to the West, the Tiyata development, Signal Hill Elementary School and BC Hydro Right of Way to the North and a vacant property to the East. The property measures 10.13 acres and is encumbered by BC Hydro Right of Way.

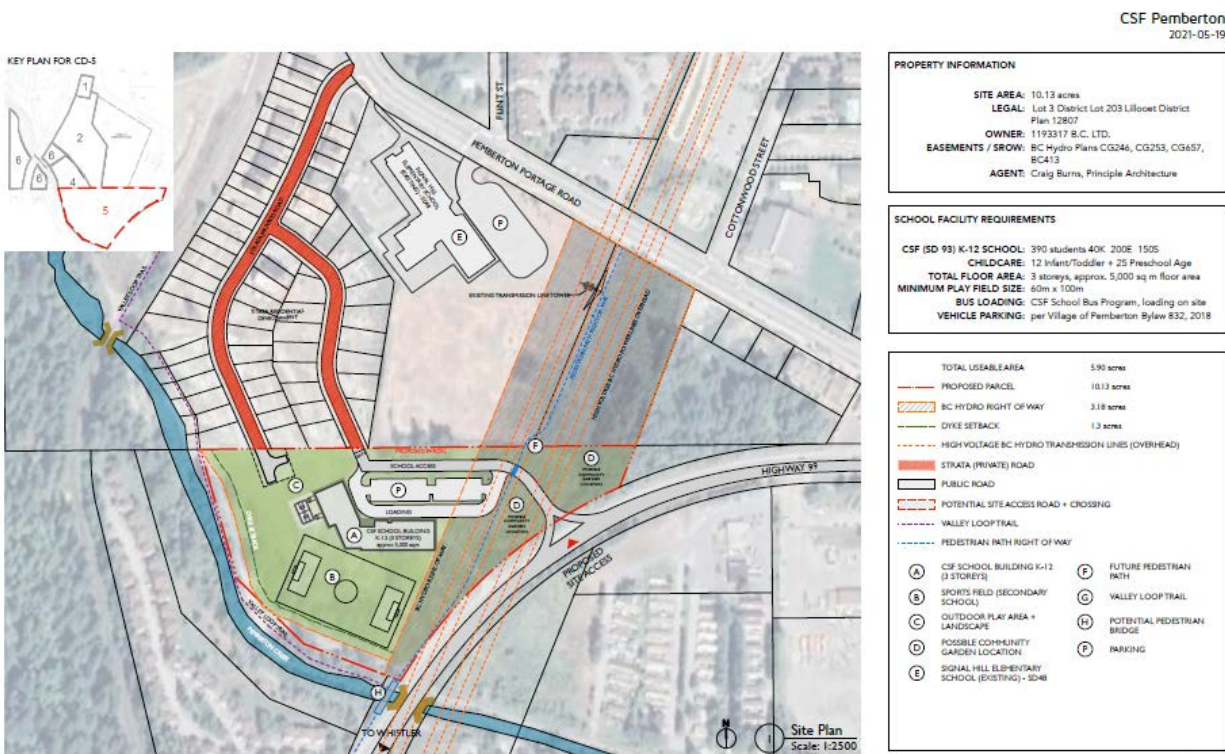


Map A: LOCATION MAP

The proposed development site will be accessed from Highway 99 from the southern edge of the property. Access through Tiyata is not viable, as this is a strata development; however, the proposed access can serve as an emergency exit for the Tiyata neighbourhood in future. As part of their due diligence, the CSF undertook an extensive review of other potential options for accessing the site, including seeking access through Lot 13. It was determined that access off Highway 99 was the preferred and ultimately the only viable option, and will require the construction of an intersection and new public road. The jurisdiction for approving access off Highway 99 rests with the Ministry of Transportation and Infrastructure.

The existing CSF elementary school, which presently operates from portable buildings on the adjacent Signal Hill Elementary School site and the Pemberton Community Centre, will be integrated into the new school. The daycare component will have capacity for up to 40 children of Francophone families, providing much-needed childcare space for infant/toddler- and preschool-aged programming. The CSF's facility will also incorporate community amenities and serve as a community hub for the French-speaking population of the Pemberton Valley. Community amenities, which may include a theatre, industrial kitchen or other multi-purpose rooms, will be available to the broader community outside of regular school hours. The Property will also include

a regulation-sized (60 m 100 m) sports field and community garden space, which will be available to the broader community.



MAP B: PROPOSED DEVELOPMENT SITE PLAN

The Conceptual Site Plan above indicates a proposed site access off Highway 99 allowing full movement to vehicles turning right or left. The Ministry of Transportation and Infrastructure (MOTI) will need to authorize an access (driveway) permit in this location. Parking and loading have been provided.

The Conceptual Site Plan also shows the inclusion of a hammerhead as a turn-around for Tiyata Boulevard and a flow-through from the unnamed road to be developed in Tiyata Phase 4. As the road system cannot freely connect to Tiyata given its status as a bareland strata, any emergency access potential through Tiyata would need to be locked and gated. The accommodation of a turn-around for the unnamed road in Phase 4 will not be housed on the CSF property, but Staff have recommended to the Approving Officer that this be a requirement of Tiyata Phase 4.

REVIEW OF DEVELOPMENT CONCEPT

Access and Circulation

In the absence of other viable options for site access to the municipal road network, the Ministry of Transportation and Infrastructure (MOTI) has reviewed the application and supports direct access off Highway 99. MOTI has indicated support for the highway access as a right-in/out driveway. The Ministry has further advised that left-turn entry/exit access may also be considered if determined to be safe and without significant operational impact to traffic flow on the highway.

- The access will require further review and will require an Access to a Controlled Access Highway permit from the Ministry.
- A full movement access will require further analysis and review – this present support should not be construed as pre-approval for a full movement access
- The proponent will need to consider the costs of potential improvements to the highway to support an access
- Access approval may need to consider access to adjacent lands (e.g. through public road dedication or easements)
- Consideration of active transportation accommodation.

The proponents retained Peter Joyce, P. Eng., Bunt & Associates Ltd., to prepare a transportation study for the proposed development. The primary focus for the transportation study is to assess the safety and operation of the proposed highway access intersection, and to consider the broader mobility requirements of the new school including notably the accommodation for convenient and safe pedestrian and cyclist connections.

Planning Staff Comments: *The final decision on the type of intersection permitted rests with the Ministry of Transportation and Infrastructure (MOTI). While the applicants would prefer a full-movement intersection and are working towards achieving this, they have been guaranteed the right in/right out as a minimum and having this early determination from MOTI has allowed the applicants to continue to pursue the rezoning. Council is dissuaded from making a full movement intersection a requirement of rezoning, as this is outside the Village's jurisdiction.*

The emergency access connection to Tiyata will need to be established through a statutory right-of-way registered prior to adoption. As such, Staff recommend a Statutory Right-of-Way (SROW) for this purpose be prepared and submitted prior to adoption of the Bylaws. Restrictions via removable bollards or similar on vehicle access will be required.

The hammerhead at the north-west corner of the site will also need to be constructed and registered as a SROW or easement as this infrastructure is necessary for the vehicle circulation of the Tiyata development located to the north of this school site. Staff recommend a Statutory Right-of-Way to provide public access to this turn-around be prepared and submitted prior to adoption of the Bylaws.

Affordable Housing

The subject property presently has a portion of the site designated for non-market housing, specifically the portion zoned Area 3 in the current Key Map of the CD-5 Zone. At the time of the original Tiyata rezoning in 2010, the intent was for the Village to develop the small, triangular shaped portion next to the community garden for “*the purposes of housing for Pemberton residents*” as per Covenant LB387063. In 2020, the property owner requested that Council remove Covenant LB387063 to facilitate sale of the property to a non-for-profit entity (CSF) for the purposes of a non-residential development (the proposed French School).

At the time, Staff reviewed the lands identified for this use, and noted that they were severely encumbered by restricted access from Highway 99, the BC Hydro right of way, servicing and parcel configuration, and felt it was very unlikely that the portion of Lot 3 lying east of the hydro right-of-way would ever yield any residential development. As such, Staff supported the discharge

of the developer obligations in the covenant noting there would not likely be any benefit or value accruing to the Village from completion of the developer obligations.

Planning Staff Comments: *Staff did not foresee the viable development of the site for any commercial or residential purpose, and is therefore satisfied that the rezoning to facilitate a new school, playing fields, much needed daycare spaces, community garden space and emergency access for Tiyata residents is as beneficial, if not more, as the small piece of land designated for non-market housing.*

Amenity Contributions

At the time of rezoning for the subject property, covenants were registered on the lands to further guide the development of the area and secure a number of amenities. As noted in the background, the restrictive covenant that was registered on the Stage 2 Tiyata – Thuro Lands (the subject property) was removed to facilitate sale of the land for the proposed development.

It is standard for the Village to seek a voluntary contribution of community amenities from applicants at the time of rezoning. However, the Village’s Community Amenity Contribution Policy only applies to residential developments. Despite this, given that Council was asked to discharge Covenant LB387063, the Restrictive Covenant that outlined all the commitments made by the original developer of Tiyata, Staff feel it is in the best interest of the Village to maintain some of the commitments and amenities previously made that are still compatible with the new land use.

- *the dedication of that portion of the Lands for the purposes of a community garden*
- *the construction of flood protection works as necessary*
- *the construction of the Valley Loop Trail within the boundaries of the land*
- *the design and construction, or security for the cost of developing a pedestrian bridge over the Pemberton Creek to the reasonable satisfaction of the Covenantee (Village).*

On April 16, 2021, the Applicants sent correspondence (**Appendix E**) that put forward an amenity package they feel will offset these items, acknowledging that this project is completely dependent on the capital funding support of the Province which is construction specific and does not include supplementary allocations for community-based amenities. As per the Village’s Community Amenity Policy, the Applicants outlined the significant amenity package the CSF brings to the Village as part of its proposed francophone school development including requirements, community benefits and voluntary amenities, which have been summarized in the table below.

Project Requirements	Community Benefits	Voluntary Amenities
\$40 million plus capital investment by the Province of BC generating Village Building Permit fee revenue	Creation of 3 Storey K-12 Public Francophone School / Community Hub including 7,000 sq m of educational space	Development of the Valley Loop Trail to provide continuity through the property
Site Access improvements and guaranteed right in/right out configured intersection at Highway 99 allowing emergency exit opportunities through Tiyata	Creation of a Francophone Childcare Program reducing pressure on local childcare providers, employing 10 staff	Development of pedestrian access through the site to community nearby amenities

Upgraded site servicing and off-site servicing improvements	After hour community access to full-sized play field and playground	Allocation of property for future location of Community Garden on the site
	After hour community access to classrooms and full-sized gymnasium	
	Employment of locally contracted services for grounds & facility maintenance	
	Numerous local employment opportunities in all facets of construction for estimated 18month period	

TABLE 1: CSF PROPOSED BENEFITS, APRIL 2021

In response, Village Staff sent correspondence to the Applicants, dated April 21, 2021, **Appendix F** acknowledging the inherent benefits of the project, but noting that one long-standing benefit, the pedestrian bridge crossing over Pemberton Creek, was not addressed. Staff noted their concern with completely abandoning the long-held understanding that the pedestrian crossing would be delivered through the development of the subject lands and requested that CSF collaborate with the Village to deliver this important community connection. The letter stated that while the Village realizes this is not a market, real estate development, it maintains that pedestrian trail connectivity, including the pedestrian bridge, are essential to the community and will further the Village's Safe Routes to School desires.

The CSF provided a response on May 4, 2021 (**Appendix G**) advising that at this point, Ministry officials are unable to commit to amenity funding given the stage (Stage 2 – Concept Plan) where the CSF is with respect to the development of the construction project. They contend that once they move to a future stage (Stage 3 – Final Development/Budget Approval) opportunities open up to work collaboratively toward making a Business Case to the Province for this amenity.

Planning Staff Comments: *Planning Staff are satisfied with the proposed voluntary amenity contribution as presented in the correspondence, dated April 21, 2021, with the understanding that CSF is committed to working with the Village in future to develop details and costing for a pedestrian bridge over Pemberton Creek and working collaboratively toward its attainment. Staff recommend that the voluntary Community Amenity Contributions be secured through a Section 219 No Build Restrictive Covenant and that a Statutory Right-of-Way to provide public access to the community garden and trails linkages be prepared and submitted prior to adoption of the Bylaws.*

Cultural Values

The subject property is located within the traditional territory of the Lil'wat Nation; however, according to Map D, there are no registered archaeology sites or spirited ground areas on the subject property. The Lil'wat Nation did not provide a response.

The proposed school use will support French-first language elementary and secondary education which is guaranteed in British Columbia by s. 23 of the Canadian Charter of Rights and Freedoms

(the “Charter”) and will provide a key cultural hub for the French speaking residents of Pemberton and the surrounding area.

Planning Staff Comment: *The Village’s OCP, Section 5.3.1 directs the Village to provide safe, accessible and convenient facilities for artistic, cultural, academic, leisure and recreational expression, activities and learning.*

Development Permit Areas (Official Community Plan)

Pursuant to the Village Official Community Plan (OCP), the subject property is located within Development Permit (DP) Areas No. 2 – Land Constraints (Floodplain) and No. 5 Intensive Residential, whereby the objectives are an effort to ensure that neighbourhoods embrace and accommodate a mix of residential densities to facilitate livable, cohesive and compatible neighbourhoods. Only the designation of DP Area No. 2 remains relevant.

Planning Staff Comments: *As the requested amendment does not include any residential development, Map C – Development Permit Areas will need to be revised to remove the “Intensive Residential DP Designation” from the subject property. Civic, developments, which a school would be considered, are not subject to Form and Character DP Area guidelines under the Local Government Act.*

Environmental Considerations

The applicants submitted a Fill Soil Investigation Report for the subject property conducted by PGL Environmental Consultants (PGL) in 2017. PGL was retained by Tiyata Developments Inc. at that time to assess fill from unknown sources that had been stored on the site. Soil samples from five (5) different areas (three (3) from stockpiles and two (2) from surface) were collected and tested for potential contaminants of concern. The results indicated that all samples contained less than the maximum applicable residential standard for the potential contaminants of concern.

Development Services Staff Comment: *Staff are satisfied that there are no additional environmental considerations.*

Fire Protection

The Fire Chief reviewed an early version of the concept plan for the application and made the following comments with respect to the proposed development:

- Strata Turnarounds – Fire apparatus turn around dimensions set by the International Fire Code need to be met at the terminus of both Strata Roads.
- Fire Lane Access - The school parking lot should be designed to be drive through and the school building should be as proximate as possible to the road or driveway.
- Hydrant locations will need to be reviewed.

Staff Comment: *The Fire Chief has since reviewed a resubmission of the latest site plan and noted his concerns have been addressed.*

Site Servicing and Infrastructure

Water

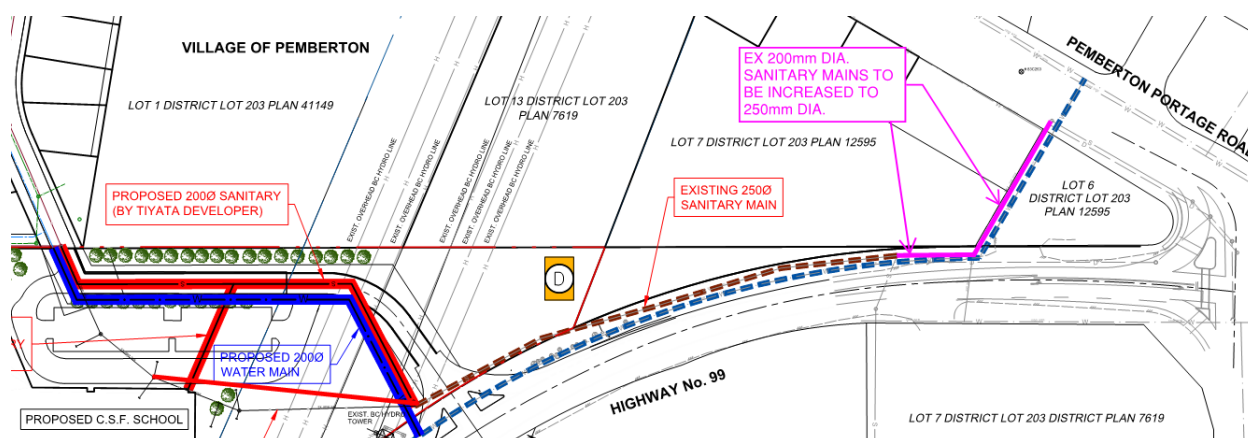
The Village's Consulting Engineer, Richard Avedon-Savage, P. Eng. of ISL Engineering, has reviewed the development proposal and has confirmed in **Appendix H** that the capacity of water can be accommodated but that more information on irrigation demands is needed.

Engineering Staff Comment: *It is recommended that a separate irrigation system that is not connected to the municipal water system is provided.*

Sanitary

In **Appendix H**, it has confirmed that the peak flow rate will be 9.5L/sec and that downstream sewers can generally accommodate this additional flow except for two 200mm diameter segments.

Engineering Staff Comment: *Two segments of sanitary mains (total 95m) will require upsizing to 250mm diameter. Alternative alignments of the offsite sewers may also be considered.*



MAP C: LOCATION OF REQUIRED SANITARY UPGRADES

Storm Management

A stormwater management plan has not been provided at this time however provisions for stormwater conveyance to receiving storm systems from the upland development (Tiyata) may need to be resolved.

Engineering Staff Comments: *A comprehensive storm water management strategy, to the satisfaction of the Village, will be required before any redevelopment is permitted on the subject lands. Flood construction levels will need to be established for this site and flood protection works may be required as part of the development of this site.*

Offsite Works and Services

Upon acceptance of the proposed offsite works and services, a detailed construction cost estimate will be required by the Village of Pemberton and will form the basis for the Servicing Agreement and any bonding requirements. The Developer will be required to enter into a Servicing Agreement with the Village of Pemberton for all site improvement works as outlined in the current *Subdivision and Development Control Bylaw*.

Planning Staff Comment: Staff recommend securing any off-site works and services through the registration of a Section 219 No Build Covenant.

Trail Connections

Proposed as part of the original phasing for Tiyata, the subject parcel included trail linkages from the subject parcel to the Valley Loop Trail and a pedestrian bridge over Pemberton Creek. In more recent trail planning, the Village approved the *Agricultural Parks Master Plan* in 2016 which proposes a commuter trail connecting the subject property to Lot 13 and beyond, as shown in the image below.



MAP D: PROPOSED TRAIL CONNECTIONS ACROSS THE SUBJECT PROPERTY

Since this time, Staff have also submitted a funding application for a Park and Ride on Lot 13 in conjunction with the community garden and have obtained commitment from the Developer of Tiyata to build the portion of the commuter trail and a storm water swale across Lot 13. Staff have relayed the expectations of the trail linkage to the applicants, and they have agreed to provide these as part of their Community Amenity Contribution package.

Staff Notes: Staff recommend that the pedestrian and cycling trail links to the Valley Loop Trail, Creekside and Lot 13 be secured through a Section 219 No Build Restrictive Covenant and that

Statutory Rights-of-Way to provide public access to these trail connections be prepared and submitted prior to adoption of the Bylaws.

Traffic

A key feature of the CSF school operations across the Province is the provision of well-developed school transportation plans featuring use of school bus services that transport the majority of students for their trip to and from school. Student drop-off and pickup by private automobile generally account for no more than 20% of the travel mode split. This is a fundamental difference for CSF schools and will serve to lessen the impact of the planned access driveway to Highway 99.

As noted above, the proponents retained Bunt & Associates Ltd. to prepare a transportation study that not only would ascertain the access, but also predict traffic volumes generated for the proposed development. In their review of an early version of the Bunt report, MOTI identified the following items requiring further review, including:

- (i) Pedestrian movement and facilities on the highway: MOTI wishes to see more discussion on this point, understanding any pedestrian facilities will need to be discussed with the Village of Pemberton;
- (ii) Management of Queuing: Considering the anticipated traffic accessing the site, MOTI has asked for an explanation of how queuing on the highway will be managed and mitigated, given schools typically have a condensed peak period;
- (iii) Access to adjacent parcels: If MOTI were to consider a full movement access for the school site, they have asked to see options for shared use of this access to allow entry to the adjacent Lots 7 and 3.

The final Bunt Transportation Study addressing these points has been prepared and sent to the Ministry of Transportation and Infrastructure for their continued review. The Village received a copy for our information.

Staff Notes: *As mentioned earlier, it is the applicant's responsibility to gain approval from the Ministry of Transportation and Infrastructure for the design of the intersection and an access permit. The Ministry will consult with the Village of Pemberton in making this determination.*

REFERRAL AGENCY COMMENTS

Lil'wat Nation

The Lil'wat Nation did not provide comment.

Ministry of Transportation and Infrastructure (MOTI)

Preliminary Bylaw Approval was received from MOTI on November 9, 2020 and is attached as **Appendix I**.

Ministry of Education

The Ministry has communicated on November 5, 2020 that it is very supportive of the proposed amendment and CSF's plans to develop a new school. Their letter is attached as **Appendix J**.

Squamish-Lillooet Regional District (SLRD)

No response received.

Pemberton Valley Dyking District (PVDD)

The PVDD provided a response on November 9, 2020 indicating that the property is above the 200-year flood level and is protected by a Pemberton Creek Dike which is listed in fair condition; however it is the developer's responsibility to perform any due diligence required. The PVDD requested further consultation through the design process to ensure proper site planning for drainage and maintenance of dike access. Their letter is attached as **Appendix K**.

Staff Notes: *Village Staff may consult the PVDD when a Stormwater Management Plan is submitted. The project will not require any Development Permit approval, but drainage will be addressed at the time of Building Permit.*

CN Rail

CN Rail did not provide a response.

BC Hydro

BC Hydro sent preliminary correspondence on December 17, 2020 noting that initial review indicates the proposal may be feasible from their perspective. Additional design details are required before BC Hydro will be able to provide further comment. Their letter is attached as **Appendix L**.

Staff Notes: *The applicants will be required to obtain the necessary permits from BC Hydro to build within their Right of Way. The details requested by BC Hydro are the responsibility of the applicants and will be required to be submitted at the design stage.*

Sea to Sky School District #48

No response received.

Pemberton and District Chamber of Commerce

The Chamber provided supportive comments on November 13, 2020. Their letter is attached as **Appendix M**.

Advisory Land Use Commission

The Village's Advisory Land Use Commission (ALUC) met on November 30, 2020 to review the OCP and Zoning Bylaw Amendment, OR#131 - École de la Vallée, application and give feedback on the overall development concept. Commission members asked questions regarding termination of existing Tiyata development roads, safe pedestrian access from nearby neighbourhoods and the proposed use of the land under the hydro lines. The applicant, Craig

Burns, noted that some of these questions would be answered at design stage. The ALUC passed the following resolution:

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that the application for Official Community Plan amendment and rezoning for the property known as the portion of the Tiyata development that fronts Highway 99 be supported subject to further civil consultancy design guidelines regarding:

- the discrepancy between road terminations on Figures 2 and 3;
- pedestrian travel and access safety;
Highway 99 speed limits, subject to Ministry of Transportation and Infrastructure guidelines; and
- general review and direction from Ministry of Transportation and Infrastructure.

CARRIED

Staff Note: The ALUC reviewed an early iteration of the Conceptual Site Plan, which has since been revised to address their comments. The minutes of the meeting are attached as **Appendix N**.

Developer Led Public Open House

The Applicants held a Public Information Meeting via ZOOM on November 12, 2020 to obtain input from the community around the proposed OCP and Zoning Bylaw amendment. Forty-nine (49) people attended and support was expressed, with zero persons raising objections to the proposed land use change. Those who attended were mainly interested in understanding the timing of the build, the design of the proposed access, the rezoning process and the ultimate capacity of the school. The results of the meeting are attached as **Appendix O**.

Staff Note: Staff are satisfied that the Applicants held a very informative Public Information Meeting and that the information was received positively from those in attendance.

PROPOSED BYLAWS

Bylaws have been prepared to amend the Official Community Plan (OCP) Bylaw No. 654, 2011 to replace Section 6.1 “Tiyata Special Planning Area” in its entirety to incorporate text amendments that support the development of a public school within the Tiyata Special Planning Area Designation and to redesignate the subject property from Residential to Civic & Institutional and to amend Zoning Bylaw No. 832, 2018, Section 18.5: Comprehensive Development Zone 5 – Tiyata at Pemberton (CD-5) to rename the Areas and permit within [Sub] Area 5 a public school on the subject property.

At this time, Planning Staff are introducing for Council’s consideration OCP Amendment Bylaw No 902 and Zoning Amendment Bylaw No. 903, 2021, for First and Second Reading and the scheduling of a Public Hearing date. The proposed Bylaws are attached as **Appendix A and B**.

Staff recommend that prior to Council considering adoption of Zoning Amendment Bylaw No. 903, 2021, the Owner shall complete the following requirements:

1. Enter into a Section 219 restrictive covenant prohibiting issuance of any building permit or the use of any portion of the site as a school until the following amenities, works, and services have been constructed to the satisfaction of the Village, or the Owner has entered into a Servicing Agreement or other acceptable form and posted a security to complete the following:

- a) Community garden and parking area;
- b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing;
- c) Road connection between CSF and Tiyata Strata for use as emergency access/exit;
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard;
- e) Off-site sanitary sewer upgrades as determined by the Village Engineering Department.

2. Prepare and submit in a registrable form, Statutory Rights-of-Way to provide public access as follows:

- a) Community (public) use of the Community Garden Area
- b) Pedestrian and cycling Trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing
- c) Road connection between CSF and Tiyata Strata for use as emergency access/exit
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard.

3. Payment of any outstanding processing fees as per Development Procedures Bylaw No. 887, 2020.

COMMUNICATIONS

Subject to Section 464 of the *Local Government Act*, a Public Hearing must be held for both OCP and the Zoning Amendment Bylaws, after First Reading of the bylaws and before Third Reading. Notice of the Public Hearing will be given as per s. 466 of the *LGA [RSBC 2015]*.

LEGAL CONSIDERATIONS

The processing of an OCP Amendment and Rezoning application is regulated by various sections contained in Part 14 of the *LGA [RSBC 2015]* and by the Village's Development Procedures Bylaw 889, 2020, as amended from time to time.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report is a component of the daily work undertaken by the Development Services Department. All costs associated with the processing of this application, including staff time, are recoverable from the applicant's fees as per the Village of Pemberton Development Procedures Bylaw 887, 2020, as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no interdepartmental impact or approvals required respecting the processing of this application as it is a function of the Development Services Department.

ALTERNATIVE OPTIONS

There are three alternative options:

1. Council may choose to give the Bylaws First Reading only at this time and withhold Second Reading and the scheduling of a Public Hearing until the Applicants provide additional information, as itemized by Council.
2. Council may refuse the application.
3. Council may provide another option.

RECOMMENDATIONS

THAT Official Community Plan Bylaw No. 654 (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 be given First and Second Reading;

THAT Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 be given First and Second Reading;

AND THAT Adoption only be considered upon the Owner's completion of the following requirements:

1. Enter into a Section 219 restrictive covenant prohibiting issuance of any building permit or the use of any portion of the site as a school until the following amenities, works, and services have been constructed to the satisfaction of the Village, or the Owner has entered into a Servicing Agreement or other acceptable form and posted a security to complete the following:
 - a) Community garden and parking area;
 - b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing;
 - c) Road connection between CSF and Tiyata Strata for use as emergency access/exit;
 - d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard;
 - e) Off-site sanitary sewer upgrades as determined by the Village Engineer.
2. Prepare and submit in a registrable form, Statutory Rights-of-Way to provide public access as follows:
 - a) Community (public) use of the community garden area
 - b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and the Pemberton Creek crossing
 - c) Road connection between CSF and Tiyata Strata for use as emergency access/exit
 - d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard.
3. Payment of any outstanding processing fees as per Development Procedures Bylaw No. 887, 2020.

Attachments:

- Appendix A:** Official Community Plan Bylaw No. 654 (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021
- Appendix B:** Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021
- Appendix C:** Subject Property Map
- Appendix D:** CSF Present Catchment Area
- Appendix E:** CSF Amenity Package, Apr 16, 2021
- Appendix F:** VoP Response to CSF Amenity Package, Apr 21, 2021
- Appendix G:** CSF Response to Village Response, May 4, 2021
- Appendix H:** ISL Correspondence, Jun 5, 2017
- Appendix I:** MOTI Initial Referral Response, Nov 9, 2021
- Appendix J:** Ministry of Education Referral Response, Nov 5, 2020
- Appendix K:** PVDD Referral Response, Nov 9, 2020
- Appendix L:** BC Hydro Initial Referral Response, Dec 17, 2020
- Appendix M:** Chamber of Commerce Referral Response, Nov 13, 2020
- Appendix N:** ALUC Minutes, Nov 30, 2020
- Appendix O:** Public Consultation Results, Nov 12, 2020

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

THE CORPORATION OF THE VILLAGE OF PEMBERTON

BYLAW NO. 902, 2021

Being a bylaw to amend the Village of Pemberton Official Community Plan Designation Bylaw No. 654, 2011

WHEREAS the Council may amend its Official Community Plan from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to amend the Official Community Plan to accommodate institutional use within the Tiyata at Pemberton Neighbourhood;

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

1. CITATION

This Bylaw may be cited for all purposes as “Official Community Plan Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021.”

2. Village of Pemberton Official Community Plan Designation Bylaw No. 654, 2011 is amended by:

- (a) Deleting “Section 6.1 Special Planning Area (Tiyata at Pemberton)”, and replacing with “Section 6.1 Special Planning Area (Tiyata at Pemberton)” as attached as Schedule 1 of this Bylaw;
- (b) Amending Map “B” **Land Use Designations** to remove the Residential Designation from Lot 3, DL 203, Plan 12807, LLD and replace with the Civic and Institutional Designation in accordance with Schedule 2 of this Bylaw;
- (c) Amending Map “C” **Development Permit Areas** to remove the “Intensive Residential” Designation from Lot 3, DL 203, Plan 12807, LLD, in accordance with Schedule 3 of this Bylaw.

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

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

**NOTICE OF PUBLIC HEARING FOR VILLAGE OF PEMBERTON OFFICIAL
COMMUNITY PLAN AMENDMENT BYLAW (Tiyata - École de la Vallée) NO. 902,
2021 WAS PUBLISHED IN THE Pique Newsmagazine on _____ AND**

_____.

PUBLIC HEARING HELD this _____ day of _____, 2021.

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

ADOPTED this _____ day of _____, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Schedule 1

Official Community Plan Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021

Special Planning Area (Tiyata)

1.0 Background

The **Tiyata at Pemberton** (Neighbourhood) is located within the heart of the Village of Pemberton. The lands subject to this ***Special Planning Area*** fall within the CN Rail line, Signal Hill Elementary School, Highway 99, and Pemberton Creek. A small portion of the lands lies west of Pemberton Creek.

The lands comprise an 8.9 hectare site and other than the presence of the creek, the lands exhibit no significant physical features. The relatively flat site is within the Lillooet River flood plain and the Pemberton Creek flood protection area.

The Neighbourhood has been designated as a ***Special Planning Area*** because of the significant opportunity to plan and design a new neighbourhood within the Village in a comprehensive manner respecting Smart Growth and sustainability principles. The project presents a unique opportunity as a significant and considerable tract of land within the centre of the community that is able to accommodate a variety of complementary land uses.

2.0 Neighbourhood Vision

The vision for the Tiyata at Pemberton Neighbourhood is to create a sustainable development that offers compact housing catering to a range of incomes and ages, parklands and institutional uses. The residents will have easy access to places of work, shopping, educational facilities and community amenities.

3.0 Land Use Framework

The **Tiyata at Pemberton Neighbourhood** will be developed generally in accordance with a land use framework shown in Map B and contain residential, institutional, office and recreational park land uses. The residential densities for the development comprise approximately 100-120 units which will be linked internally and externally by a trail and sidewalk network. The development's residential land uses, proximity to downtown, schools, childcare centres, community recreational facilities, and pedestrian network ensures that it will be a "walkable" neighbourhood.

The Neighbourhood will have two main community gathering points; one within the school/community hub in the south-end of the neighbourhood and the other at a public park located along Pemberton Creek. The school/community hub will be aimed at kindergarten to Grade 12 (K-12) students and incorporate much needed childcare spaces and a community garden.

The commercial/office use will be at the main entrance providing a transition between downtown and the neighbourhood. For those uses adjacent to the CN Rail right of way, setbacks will be integrated into the buildings and site design. The lower density single family and duplex lots with parkland and trail corridors will comprise the majority of the residential development. These lots will respect provincial requirements for riparian setbacks.

The Neighbourhood will consist of the following components:

- a total of approximately 100-120 dwelling units consisting of small lot single family, duplex dwelling lots and apartments;
- a three-storey K-12 school and playing fields;
- daycare and after-school care spaces;
- 2,230 square meters of commercial/office floor space;
- greater than 5% of the site for park land, including a community garden; and
- a connecting trail network.

4.0 Circulation Systems

The northern (residential) portion of the neighbourhood is served by a new local road accessed from Portage Road. The southern (school use) portion of the neighbourhood will be accessed directly from Highway 99, an access which will also serve as an emergency exit for the residential neighbourhood. The trail network will feature a trail along the dike and under the BC Hydro transmission lines connecting the neighbourhood to the Community Centre on Portage Road. Internal trails will also be provided linking various parts of the neighbourhood.

The Plan for the Neighbourhood has accommodated the possibility for a future vehicular and pedestrian crossing of the rail line by protecting a road right of way, however such a crossing will not materialize without the permission of the rail operations.

5.0 Infrastructure and Services

The Neighbourhood will be serviced with municipal water and sewer in accordance with Village standards. Stormwater will apply best practices in reducing the amount of flow that enters Pemberton Creek.

The upgrading of any off-site infrastructure to service the neighbourhood will be the subject of further technical studies.

Any street lighting shall be dark sky friendly.

6.0 Flood Protection and Riparian Setbacks

The **Tiyata at Pemberton Neighbourhood** is situated on the valley bottom and therefore lies within the Pemberton Creek alluvial fan and the Lillooet River floodplain. The property is protected by the Pemberton Creek Dike, which is a provincially regulated dike maintained by the Pemberton Valley Diking District. In a 2018 Floodplain Mapping Study this dike was listed in Fair Condition. The area is above the 200 year flood level as modelled in the 2018 Study. All habitable space within any building will need to be constructed to the established flood control elevations.

The project is subject the Riparian Areas Regulation. An assessment has been completed by a certified environmental professional whereby the Streamside Protection and Enhancement Area (SPEA) has been delineated as 15 metres. Although the proposed building envelopes will not be within the 15 meter setback, development parcels may be within the delineated Streamside Protection and Enhancement Area.

7.0 Community Amenities

As noted previously, the **Tiyata at Pemberton Neighbourhood** will contain a number of elements that the overall community will benefit from including:

- parkland dedications in excess of the 5% requirement;
- neighbourhood park improvements;
- neighbourhood trail construction, including a dike trail;
- school drop off improvements benefitting Signal Hill Elementary;
- community use of the K-12 School Facilities including day-care and after school care;
- a pedestrian bridge crossing linking the dike trail and the Creekside townhouse site; and
- a community garden.

8.0 Sustainability Initiatives

The **Tiyata at Pemberton Neighbourhood** has been designed with a number of features that respect to accommodate a number of sustainability principles including:

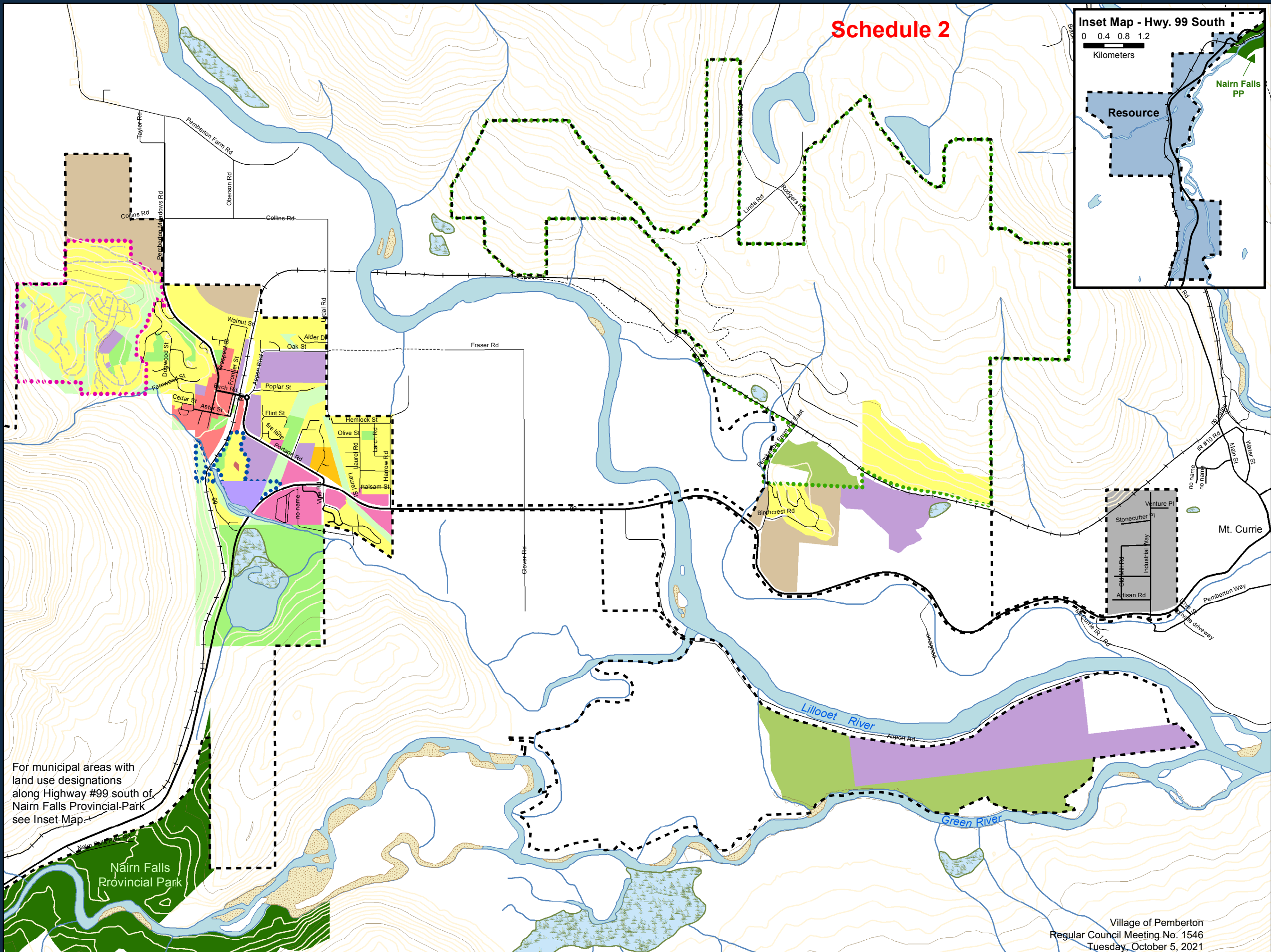
- central community meeting areas both passive and active in scope;
- community garden for growing food and building community;
- a trail connecting the neighbourhood with Signal Hill Elementary School;
- a variety and choice of housing opportunities;
- a walkable neighbourhood with a variety of pedestrian options; and
- opportunities for learning and long term employment.

There are a number of other sustainability opportunities that will be secured through the development approval process including:

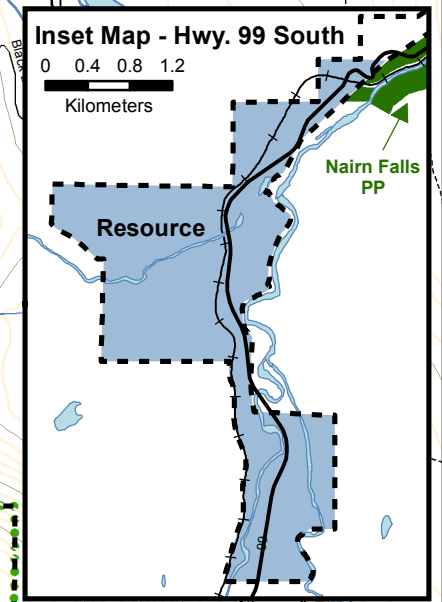
- diversity of tenures;
- attractive streetscape;
- universal access;
- commitment to ongoing community participation;
- green building best practices such as grey water reuse, water reduction appliances, the stormwater management, heat island reduction, permeable pavement, solar exposure; and
- flexibility in unit design to allow people to age in place.

Map B
Land Use
Designations

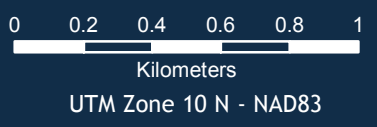
- Legend**
- Village Boundary
 - Provincial Park
 - Land Use Designations**
 - Agricultural
 - Civic and Institutional
 - Downtown
 - Gateway
 - Portage Road
 - Neighbourhood Commercial
 - Employment and Industrial
 - Open Space and Greenways
 - Public Parks
 - Recreation
 - Residential
 - Resource
 - Special Planning Areas**
 - Benchlands Special Planning Area
 - Hillside Special Planning Area
 - Tiyata Special Planning Area
 - Transportation**
 - Highway
 - Arterial Road
 - Local Road
 - Resource Road
 - Proposed Road
 - Railway
 - Hydrography**
 - Lake/River
 - Wetland
 - Sand/Gravel Bar
 - River/Stream - Definite
 - River/Stream - Indefinite
 - Elevation Contour**
 - Index Contour (100m)
 - Intermediate Contour (20m)



Schedule 2



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

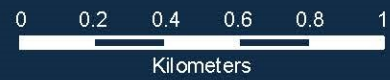


This map was produced for the Village of Pemberton.
December 2014

Map C
Development
Permit Areas

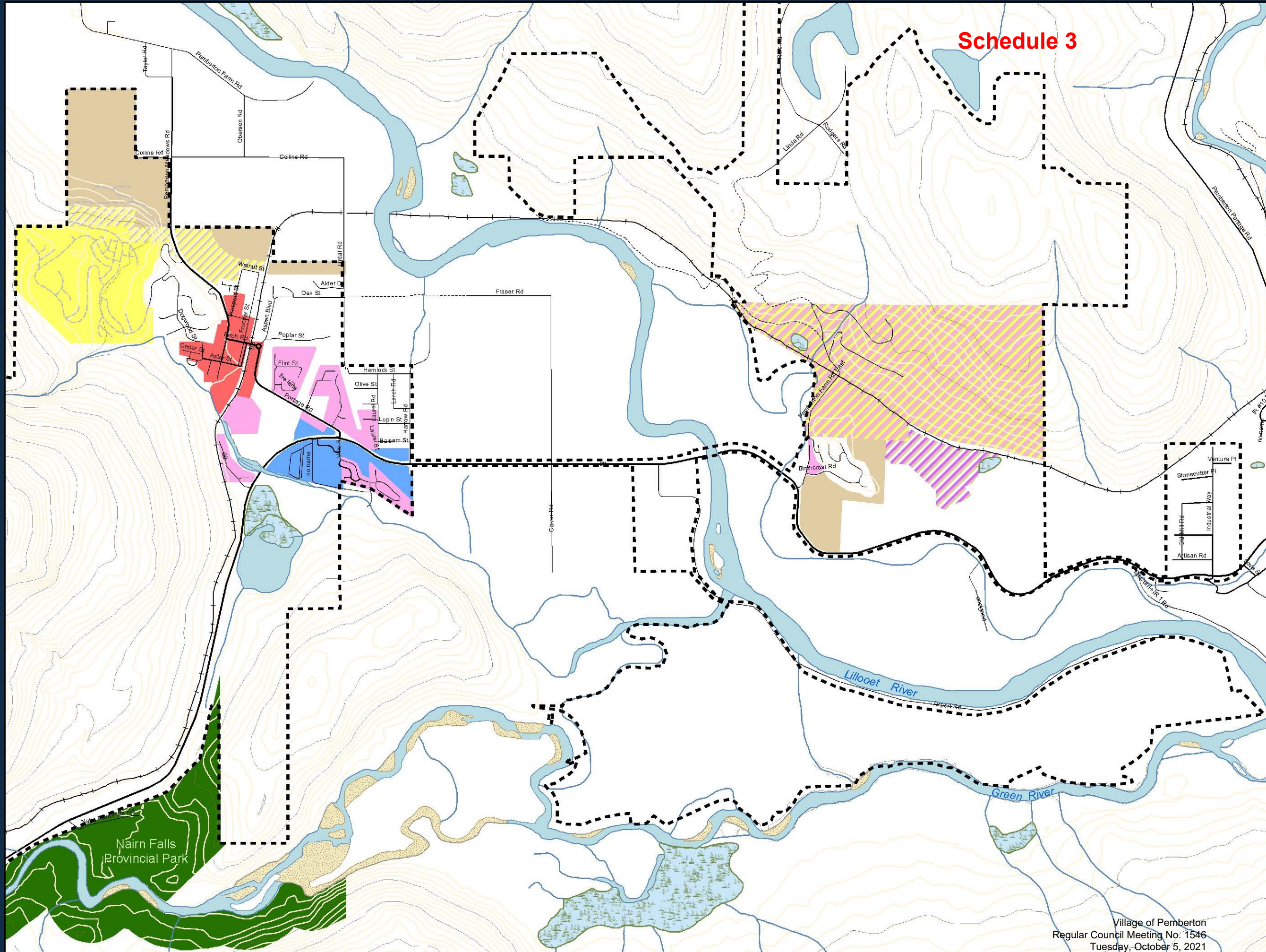
Legend

- Village Boundary
- Provincial Park
- Development Permit Areas**
- Enhancement of Agriculture
- Downtown
- Intensive Residential
- Multi-Family/Commercial
- Gateway
- Overlap of Residential and Enhancement of Agriculture
- Overlap of Enhancement of Agriculture, Residential, and Multi-Family/Commercial
- Overlap of Educational Campus and Enhancement of Agriculture
- Transportation**
- Highway
- Arterial Road
- Local Road
- Resource Road
- Proposed Road
- Railway
- Hydrography**
- Lake/River
- Wetland
- Sand/Gravel Bar
- River/Stream - Definite
- River/Stream - Indefinite
- Elevation Contour**
- Index Contour (100m)
- Intermediate Contour (20m)



UTM Zone 10 N - NAD83

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



Schedule 3

**VILLAGE OF PEMBERTON
BYLAW No. 903, 2021**

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it necessary to amend the Zoning Bylaw to revise the Comprehensive Development 5 (CD-5) Zone to accommodate a new school use within the Tiyata at Pemberton Neighbourhood;

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

CITATION

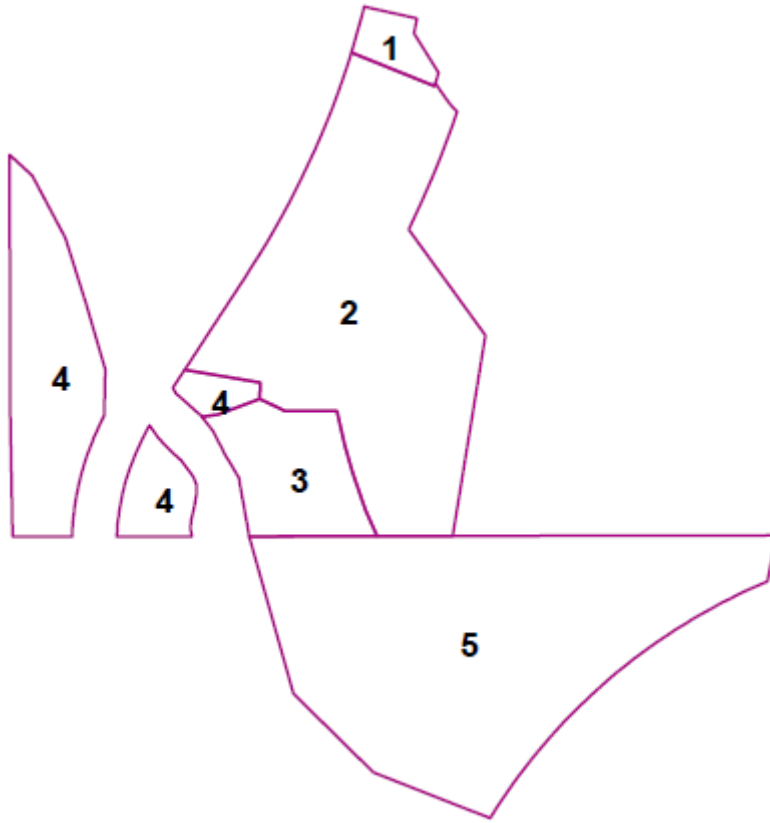
This Bylaw may be cited for all purposes as “Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021”.

1. VILLAGE OF PEMBERTON ZONING BYLAW NO. 832, 2018 IS AMENDED AS FOLLOWS:

That Section 18.5. **CD-5: Comprehensive Development Zone 5 (Tiyata at Pemberton)** be deleted in its entirety and replaced with the following:

The intent of the CD-5 Zone is to recognize a comprehensively planned area called Tiyata at Pemberton which includes compact housing, a public school, a limited amount of commercial and office floor space, active and passive park land and a trail network. Covenants have been registered on the lands to further guide the development of the area.

The regulations in the tables in this section apply to land in the Comprehensive Development 5 (Tiyata at Pemberton) Zone, as indicated by the column headings. For purposes of regulation, the area within the boundary of the CD-5 Zone is divided into five (5) separate areas labelled as Area 1 through Area 5 inclusive while the location of each separate area is identified below. Each area boundary within the CD-5 Zone shall be considered a *zone* boundary for the purposes of this Bylaw and separate regulations shall apply to each area as contained in this section.



18.5.1 Permitted Uses of Land, Buildings and Structures

(a) The following *uses, buildings and structures* and no others shall be permitted within the CD-5 (Tiyata at Pemberton) Zone:

	Area 1	Area 2	Area 3	Area 4	Area 5
i. Principal Uses of Land, Buildings and Structures					
<i>Detached Dwelling</i>		•	•		
<i>Duplex</i>		•	•		
<i>Apartment</i> <small>(subject to Conditions of Use)</small>	•				
<i>Business and Professional Office</i>	•				
<i>Personal Service Establishment</i>	•				
<i>Park</i>	•	•	•	•	•
<i>Assembly</i>	•			•	•
<i>School</i>					•
ii. Accessory Uses of Land, Buildings and Structures					
<i>Uses accessory to Principal Uses</i>	•	•	•	•	•
<i>Home Occupation</i>	•	•	•		
<i>Child Care Centre</i>					•

18.5.2 Density of Permitted Uses, Buildings and Structures

- (a) All uses, buildings and structures in the CD-5 (Tiyata at Pemberton) Zone shall comply with the following regulations regarding size, siting, density and lot size.

	Area 1	Area 2	Area 3	Area 4	Area 5
Maximum Lot Coverage					
<i>Detached Dwelling</i>		50%	50%		
<i>Duplex</i>		50%	50%		
<i>Apartment</i>	50%				
<i>Commercial</i>	50%				
<i>Assembly</i>	50%				
<i>School</i>					50%
Maximum Floor Area Ratio (FAR)					
<i>Detached Dwelling</i>		GFA of 238 m ² or FAR of 0.5 whichever is less	GFA of 238 m ² or FAR of 0.5 whichever is less		
<i>Duplex</i>		GFA of 280 m ² or FAR of 0.5 whichever is less	GFA of 280 m ² or FAR of 0.5 whichever is less		
<i>Apartment</i>					
<i>Commercial</i>	1.5				
<i>Assembly</i>	1.5				
<i>School</i>					
Maximum Unit Size (m²)					
<i>Detached Dwelling</i>		GFA of 275 m ² or FAR of 0.5 whichever is less	GFA of 275m ² or FAR of 0.5 whichever is less		
<i>Duplex</i> (Total both units)		GFA of 325 m ² or FAR of 0.5 whichever is less	GFA of 375 m ² or FAR of 0.5 whichever is less		
<i>Apartment</i>	95				

	Area 1	Area 2	Area 3	Area 4	Area 5
Maximum Number of Dwelling Units	12	80	20		
Maximum Amount of Commercial Floor Area	2,230 m ²				
Maximum Building Height (meters / storeys)					
<i>Detached Dwelling</i>		9 m	9 m		
Duplex		9 m	9 m		
<i>Apartment</i>	17 m / 4 storeys				
<i>Commercial</i> , See 18.5.3. (b) ii.	17 m / 4 storeys				
<i>Assembly</i>	17 m / 4 storeys				
<i>School</i>					3 storeys
Minimum Building Setbacks (m)					
Front	6	6	6		5
Rear	7.5	7.5	7.5		3
Side, See 18.5.2. (b) v. & vi. for residential use	3.0	1.6	1.6		3
Minimum Lot Size (m²)					
<i>Detached Dwelling</i>		350	350		
Corner Lot		375	375		
<i>Duplex</i>		465	465		
<i>School</i>					40,994
Maximum Lot Size (m²)					
<i>Detached Dwelling</i>		465	465		
<i>Duplex</i>		558	558		
Accessory Buildings					
<i>Maximum Floor Area</i>	10 m ²	10 m ²	10 m ²		
<i>Maximum Height</i>	2.7 m	2.7 m	2.7 m		
<i>Minimum Front Yard Setbacks</i>	6 m	6 m	6 m		
<i>Minimum Rear Yard Setbacks</i>	1.5 m	1.5 m	1.5 m		
<i>Minimum Side Yard Setbacks</i>	1.5 m	1.5 m	1.5 m		

(b) **Conditions of Use:** All residential uses, buildings and structures in the CD-5 (Tiyata at

Pemberton) Zone must comply with the following additional Conditions of Use:

- i. An *apartment* use shall be located above a ground storey *commercial* or *assembly* use and shall comply with the regulations contained within this Bylaw.
- ii. For the purpose of this section, a *commercial* use includes a *building* that is occupied with a business and professional office or *personal service establishment* and may contain *residential* uses above the ground storey subject to the provisions of this Zone.
- iii. any portion of the *garage* for a *detached dwelling* that exceeds thirty-seven (37) square meters shall be included in the calculation of *floor area*, in addition to the maximum area permitted for *accessory buildings*.
- iv. any portion of the *garage* for a *duplex* residential dwelling that exceeds forty-five (45) square meters shall be included in the calculation of *floor area*, in addition to the maximum area permitted for *accessory buildings*.
- v. The *side yard setback* of a *detached dwelling* may be reduced to 1.2 m whereby a certified professional confirms that snow will not shed from the roof of the dwelling onto adjacent properties.
- vi. The side yard setback of the *garage* may be reduced to 0.6 m whereby a certified professional confirms that snow will not shed from the garage roof onto adjacent properties.

18.5.3 Off-Street Parking and Loading

- (a) Off-street parking and loading shall be provided in accordance with the requirements of this Bylaw.
- (b) Notwithstanding Section 18.5.4(a) the off-street parking requirements for the following uses shall be as follows:
 - i. *Apartment*: 1.25 space per unit plus an additional 0.25 space per unit for Visitor Parking
 - ii. *Commercial Use*: One (1) space per 37 square meters of *gross floor area*
 - iii. *Business and Professional Office Use*: One (1) space per 37 square meters of gross floor area
 - iv. *School Use*: Refer to Section 8.6 Civic, Institution and Recreation Parking Requirements

18.5.4 Definitions

- (a) For the purpose of the CD-5 zone, the following definitions shall apply:
 - i. *Apartment* shall mean three or more individual dwelling units on a lot where each dwelling unit has its principal access from an entrance or hallway common to at least two other dwelling units on the same storey.
 - ii. *School Use* shall include before and after school care.

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

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

NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 was **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on _____ and on _____.

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

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE ON this _____ day of _____ 2021.

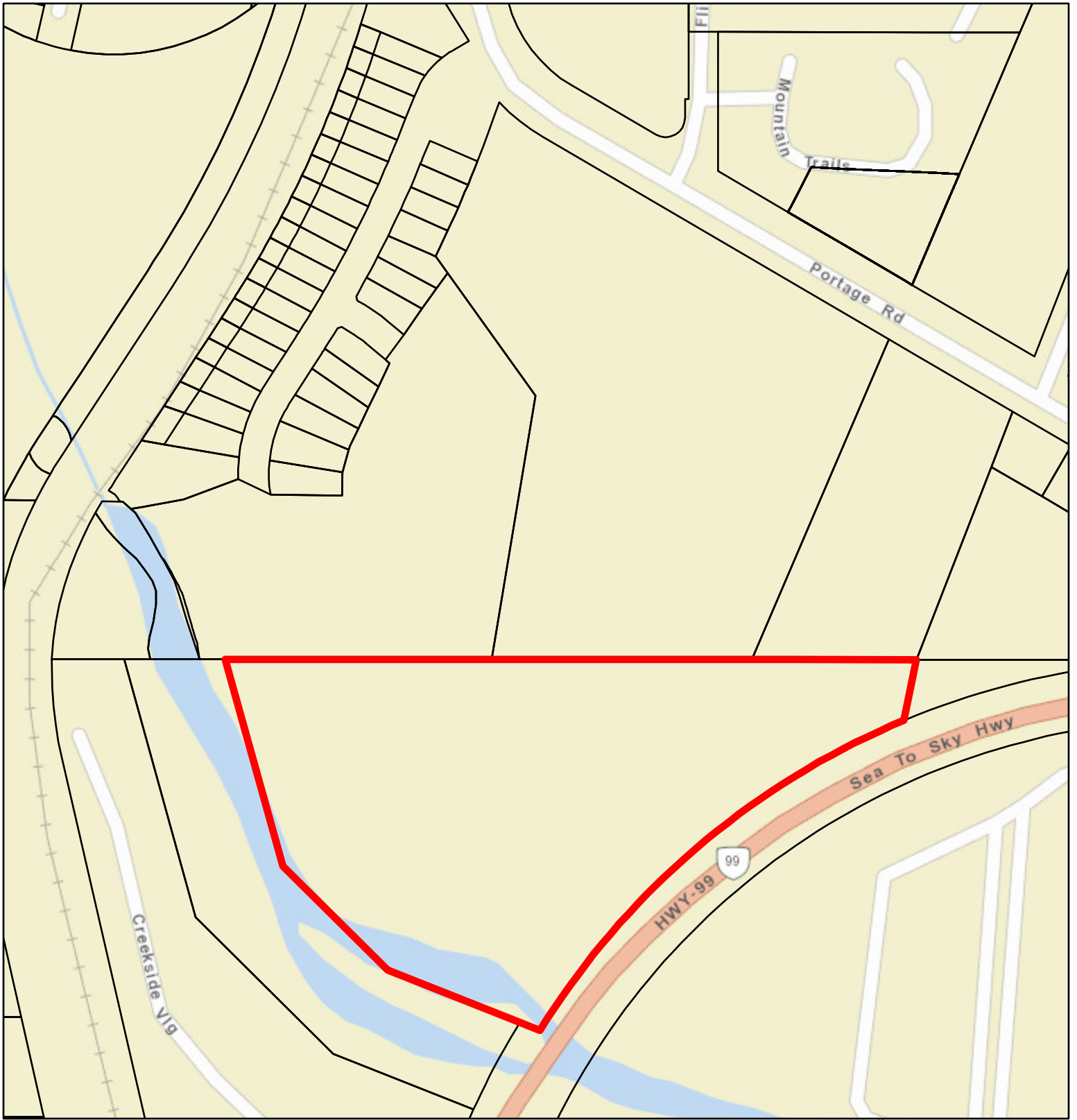
ADOPTED this _____ day of _____, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Location Map


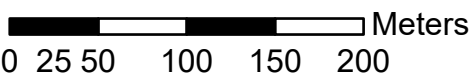
Appendix C



Legend

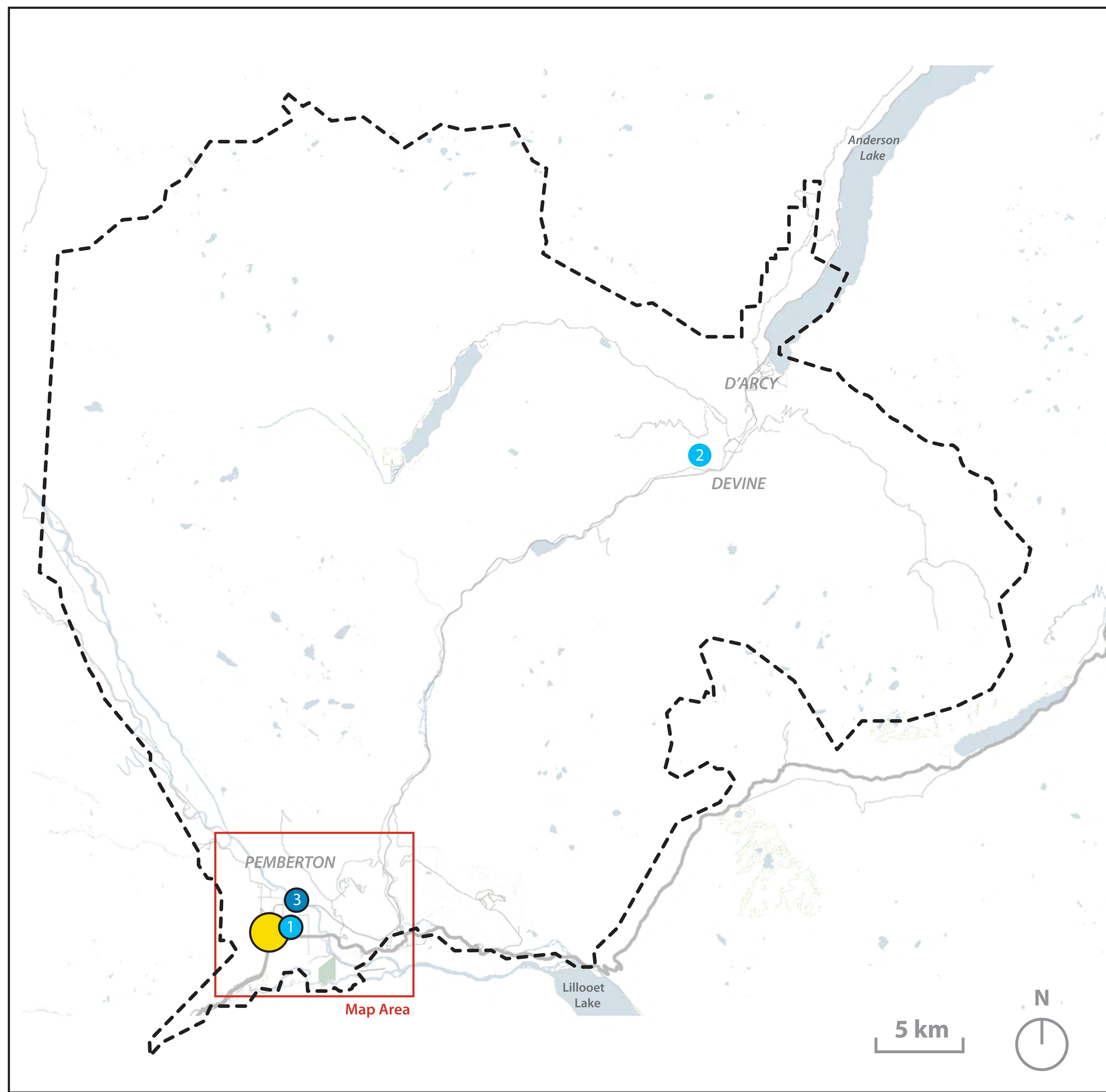
 Subject Property

Lot 3 DL 203 LLD Plan 1287

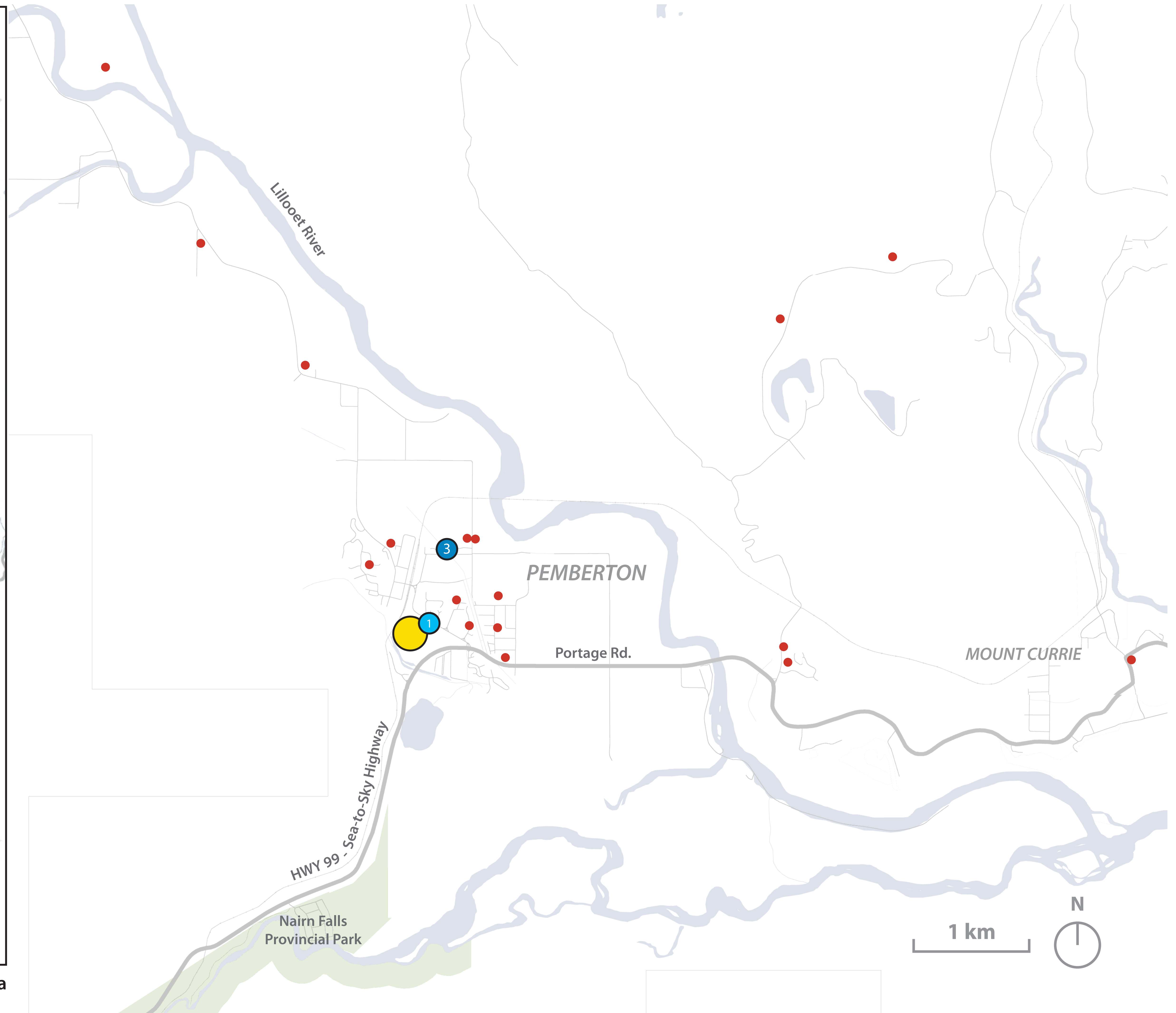


Village of Pemberton
Regular Council Meeting No. 1546
Tuesday, October 5, 2021
Date: 2020 / 10 / 27

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Catchment Area



Core Catchment area of École élémentaire de la Vallée de Pemberton

École élémentaire de la Vallée de Pemberton
1410 Portage Road, Pemberton, BC V0N 2L0

• Addresses of École élémentaire de la Vallée de Pemberton students in the 2012/2013 school year

--- École élémentaire de la Vallée de Pemberton catchment area

● SD48 English-language elementary schools

● SD48 English-language secondary school

○ English-language schools offering French immersion

1 Signal Hill Elementary
1410 Portage Road, Pemberton

2 Blackwater Creek Elementary
9667 Portage Road, Devine

3 Pemberton Secondary
1400 Oak Street, Pemberton

Note: no student addresses are located outside of the catchment area



April 16th 2021

Attn: Lisa Pedrini, Development Services Department, Village of Pemberton
lpedrini@pemberton.ca

Cc:

Simon Couture, CSF (SD93), Acting Secretary Treasurer, scouture@csf.bc.ca

Chafic El Rassi, CSF (SD 93), Director of Capital Planning, chafic_elrassi@csf.bc.ca

Guy Bonnefoy, CSF (SD 93), Consultant, guybonnefoy@telus.net

Craig Burns, Principle Architecture, cjburns@principlearchitecture.ca

Cameron Chalmers, Village of Pemberton (Consultant), cameron@cameronchalmers.com

Re: OCP Amendment and Rezoning Application – Additional Documentation – Community Amenities

As a public entity, the CSF has made application to the Village of Pemberton for an amendment to the Official Community Plan (OCP) to develop the vacant second Stage of the Tiyata development lands for a public francophone school/community space. The CSF's intent is to designate the subject property in the OCP for institutional use and to amend the Zoning Bylaw No. 832, 2018 to P-1 (Public) to create a school/community space aimed at francophone education.

Village of Pemberton staff and the Conseil Scolaire Francophone (CSF) have discussed the matter of community amenities as it applies to the CSF OCP Amendment and Rezoning Application.

The Village of Pemberton Council has established a Community Amenity Policy (Policy) for the Village to capitalize on the opportunity to gain public facilities, services and amenities through voluntary contributions from proponents in the rezoning process.

The Applicability Section states the Policy applies to all rezoning applications for residential or mixed-use development that propose an increase in density, development opportunity, or any other zoning change that will increase the land value of land subject to the application. The basis of the CSF's application is to designate the property for **institutional use** as reported to Council in October 2020. Institutional use will not increase density or increase the land value.

In assessing the application pursuant to the Policy, the CSF would like to highlight the community amenities inherent with the development as well as additional community amenities the CSF is prepared to consider. The following categorizes amenities into 4 distinct groupings:

CONSEIL SCOLAIRE FRANCOPHONE DE LA COLOMBIE-BRITANNIQUE (SD No 93)

100-13511 Commerce Parkway, Richmond (C.-B) V6V 2J8

Téléphone 604-214-2600 Sans frais 1-888-715-2200 Télécopieur 604-214-9881

info@csf.bc.ca / www.csf.bc.ca

Village of Pemberton
Regular Council Meeting No. 1546
Tuesday, October 5, 2021
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Information - Project facts

Requirement – Items that must be done for the project to proceed

Benefit – Outcomes of building the school

Amenity – Items the CSF is prepared to improve/upgrade that are not direct components of construction

- **Information:**
 - Approx 7,000 sq m of floor area of educational space
 - Offer francophone education to 390 students
 - 40 kindergarten/200 elementary/150 secondary
 - Staffing estimates
 - Teachers - Support Staff (60)/Administration/Clerical (6)
- **Requirement:**
 - \$40m plus capital investment by Province of BC generating Village fee revenue
 - Site access road and right-in/right-out configured intersection at Highway 99 (MOTI approval received)
 - Updated site servicing
- **Benefit**
 - Village of Pemberton support for the CSF in exerting its constitutional rights under s. 23 of the *Canadian Charter of Rights and Freedoms* to protect minority language rights and providing an educational experience that is substantively equivalent to that of the majority
 - Development of 3 storey K-12 public francophone school/community hub
 - Creation of a francophone childcare program which will reduce pressures on local childcare providers
 - 1 Infant/Toddler program for 12 children (3 staff)
 - 1 Preschool Age Childcare program for 25 children (3 staff)
 - Before/After School Program (4 staff)
 - After hour community access to full-sized secondary play field and other outdoor play areas
 - After hour community access to other school-based amenities such as classrooms, full-sized gymnasium
 - Employment of locally contracted services to maintain facility and site
 - Ground maintenance
 - Facility maintenance
 - Custodial services (estimated to need 3 contracted employees)
 - Security/fire protection services

- Numerous local employment opportunities in all disciplines of construction during an estimated 18-month construction schedule
- Return of existing CSF leased spaces to community
 - Signal Hill Elementary spaces
 - 2 Community Centre spaces
- Provision for emergency exit from Tiyata development
- **Amenity**
 - Development of the Valley Loop Trail to provide continuity through the property
 - Development of pedestrian access to the site from Community Centre and neighbouring residential areas
 - Allocation of property for future location of Community Garden on the site

The foregoing highlights the significant community amenity package the CSF brings to the Village of Pemberton as part of its proposed francophone school development. This project is entirely dependent on the capital funding support of the Provincial government which is construction specific and does not include supplementary allocations for community-based amenities. While the CSF appreciates the intent and purpose of the Community Amenity Contribution Policy and that land development in small communities often involves the potential for different costs and different market responses than in large cities, the CSF is prepared to work with the Village of Pemberton to include certain community amenities that Council foresees for this site while respecting the financial restrictions inherent with provincial government funding. As such, the CSF would anticipate its proposed amenity envelop will be viewed favorably in Council's deliberations of its application.

Sincerely,



Chafic El Rassi
Director of capital planning



#101 – 38026 Second Avenue, Squamish, BC V8B 0C3 T: 604.815.4646 F: 604.815.4647

January 8, 2021

Our Reference: 30387

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

Attention: Lisa Pedrini, Manager, Development Services

Dear Madam:

**Reference: Ecole de la Vallee OCP and Zoning Bylaw Amendment (OR#131)
Servicing Review Comments**

ISL Engineering & Land Services has completed a review of the proposed servicing for the above noted application. Along with the application, a technical memo prepared by Web Engineering Ltd and dated November 23, 2020 was reviewed. A summary of comments include:

Water

1. The existing water system does have available capacity to meet proposed domestic demand and fire flows. The available fireflow at Highway 99 is approximately 205 L/sec.
2. The technical memo indicates 2 hydrants are proposed however the locations are not shown. At least one hydrant will be required to be located within 90m of the building.
3. Any new watermain that loops thru the property will likely be owned and operated by the Village of Pemberton and will required a registered ROW or easement.
4. The technical memo indicates water metering will be provided at the school building. Coordination will be required with the Village of Pemberton for metering requirements
5. Irrigation demands have not been provided in the technical memo. A separate irrigation system without connection to the municipal water system is encouraged. Recent and ongoing capital projects undertaken by the Village of Pemberton have separate irrigation systems that do not impose irrigation demands on the municipal treated water system.

Sanitary

6. Proposed sanitary flows indicate a peak flow rate of 9.5L/sec. Downstream sewers can generally accommodate this additional flow except for 2 – 200mm diameter segments (total 95m) as shown in magenta below. These 2 segments will require upsizing to 250mm diameter. Alternative alignments of the offsite sewers may also be considered.

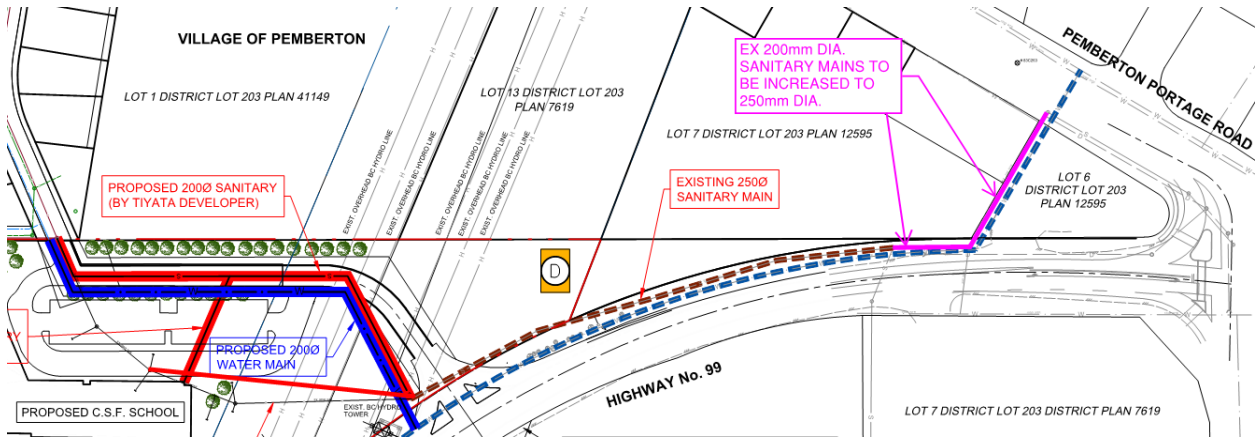


Figure 1 - Deficient offsite sanitary sewers (shown in magenta)

Storm

A stormwater management plan has not been provided at this time however provisions for stormwater conveyance to receiving storm systems from the upland development (Tiyata) may need to be resolved.

Additional comments include the following:

7. The proposed servicing plan indicates removal and relocations of significant sections of existing onsite sanitary sewers. Although the proposed alignments of the onsite sanitary and water systems shown on the servicing plan may be acceptable, there may be potential to retain most of the existing onsite sanitary sewer except for portions that are within 6.0 m the proposed building foundations.
8. Flood construction levels will need to be established for this site and flood protection works may be required as part of the development of this site.
9. Restrictions via removable bollards or similar on vehicle access thru the site to the north (Tiyata) will likely be required.
10. The cul-de-sac at the north-west corner of the site will likely need to be constructed and registered as a ROW or easement as this infrastructure is necessary for the vehicle circulation of the Tiyata development located to the north of this school site.
11. MOTI review and approval will be required for the access to Highway 99

The above comments do not necessarily represent a complete list of the development requirements. Should the applicant proceed with this concept, additional requirements may be imposed. Please do not hesitate to contact the undersigned if you would like to discuss this application further.

Yours truly,

Richard Avedon-Savage, P.Eng.,
Senior Engineer

**DEVELOPMENT SERVICES
PRELIMINARY BYLAW
COMMUNICATION**

Your File #: OR131 – École
de la Vallée
(CSF)
MoTI File #: 2020-05459
Date: Nov/09/2020

Village of Pemberton
7400 Propsect Street
PO Box 100
Pemberton, British Columbia V0N 2L0
Canada

Attention: Lisa Pedrini, Manager Development Services

**Re: Proposed OCP and Zoning Amendment Bylaw for:
PID: 009378740
Lot 3 DL 303 LLD Plan 1287**

Thank you for the opportunity to comment on the above noted proposal. Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*, subject to the following conditions:

Access to Highway 99:

Although the Ministry's preference is to limit or eliminate private accesses off of Highway 99 through Pemberton, as it is a Controlled Access Highway, we recognize the challenges with this parcel in that it currently does not have frontage on a secondary road right of way and there is limited opportunities to establish alternative access. The applicant will need to address and consider the following:

- An Access to a Controlled Access Highway permit is required for direct access to Highway 99.
- Presently, the ministry supports a right in/right out access to Highway 99. This present support should not be construed as pre-approval for a full movement access. A full movement access will require further analysis and review.
- The proponent will need to consider the costs of potential improvements to the highway to support an access.
- Access approval may need to consider access to adjacent lands (e.g. through public road dedication or easements).

Active Transportation:

Consideration should be made for active transportation and pedestrian accommodation.

Local District Address

Squamish Area Office
101-42000 Loggers Lane
Squamish, British Columbia V8B 0H3
Canada
Phone: () - Fax: (604) 898-4376

Setback:

All structures are to be located at least 4.5 metres back from the highway right-of-way.

Storm Water Management:

No storm drainage shall be directed into Ministry of Transportation and Infrastructure systems. This would include, but is not limited to, collection/run-off of the internal road system. All storm water is to be directed to a municipally maintained storm system.

If you have any questions please feel free to call Kattia Woloshyniuk at (236) 468-1926.
Yours truly,



Kattia Woloshyniuk
A/ Senior Development Officer



November 5, 2020

Ref: 241091

Lisa Pedrini, Manager of Development Services
Village of Pemberton
Email: lpedrini@pemberton.ca

Dear Ms. Pedrini:

Re: OR#131 – École de la Vallée OCP and Zoning Bylaw Amendment

I am writing in response to the Village of Pemberton's consultation process related to parties affected by Craig Burns' application on behalf of the Conseil scolaire francophone de la Colombie-Britannique (CSF) to amend the Official Community Plan (OCP), as required by section 475 of the *Local Government Act*. Thank you for including the Ministry of Education in the consultation process. The Ministry is very supportive of the proposed amendment and CSF's plan to develop a new school.

The Province has an ongoing constitutional obligation to work with the CSF to help identify priorities and to make best efforts to meet the CSF's current and future needs for schools in certain communities. In June 2020, the Supreme Court of Canada (SCC) confirmed this requirement, as well as the Province's obligations to address historic infringements of minority language rights under section 23 of the *Charter of Rights and Freedoms* (Charter). Specifically, the decision increases the scope and urgency of how the Province is expected to address the capital needs of the CSF in several communities, including the Village of Pemberton.

The Ministry cannot, by itself, take the steps that are necessary to comply with the Province's obligation under the SCC judgment. The Ministry requires the assistance and cooperation of many other ministries and public bodies to help fulfil the Province's constitutional obligations. For several years now, the Ministry and CSF have been pursuing the acquisition of a school site in the Village of Pemberton. The proposed amendment to the OCP would facilitate rezoning of the property from residential to civic and institutional, so that the CSF can begin the process of planning for a new school.

Funding for the site acquisition is supported in the Ministry's capital plan. If the CSF can acquire the site, they can then begin the two-stage process of concept plan and business case development to secure funding for construction of a school. The size of the school and grade configuration will be confirmed in consultation with the Ministry during the planning and development process. I encourage the Village of Pemberton to stay engaged in the project and continue to support the CSF through the development process.

If you require further information, or have any questions regarding our interest in this property, please contact Mora Cunningham, Regional Director, Capital Management Branch, by email at Mora.Cunningham@gov.bc.ca, or by phone at (250) 812-6750.

Thank you for your consideration.

Sincerely,



Joel Palmer
Executive Director, Capital Management Branch

pc: Reg Bawa, Assistant Deputy Minister, Resource Management Division
Lucie Pineau, Secretary Treasurer, School District No. 93 – CSF
Craig Burns, Principle Architecture, Agent for the landowner
Nikki Gilmore, Chief Administrative Officer, Village of Pemberton
Capital Management Branch, Ministry of Education

Pemberton Valley Dyking District
1381 Aster Street
Pemberton B.C. V0N2L0



To: Lisa Pedrini
Manager, Development Services

RE: OR131 – École de la Vallée (CSF)

Thank you for the opportunity to comment on the below referral.

The proposed location is in the path of the Pemberton Creek Alluvial Fan (NHC 2001). This property is protected by the Pemberton Creek Dike which is a provincially regulated dike. The PVDD has maintained this dike since it was built and has performed improvements on this section with the most recent being a Rip Rap installation in 2011.

In the (NHC 2018) Floodplain Mapping study this dike was listed as a Fair condition dike.

The proposed location is above the 200 year flood level as modeled by NHC. This is in the context of a Lillooet river dominant flow event. In the context of a Pemberton Creek the peak flows as reported in past studies may not return a large flood risk and the risk of debris flow hazards as outlined in (Bauman 2000)

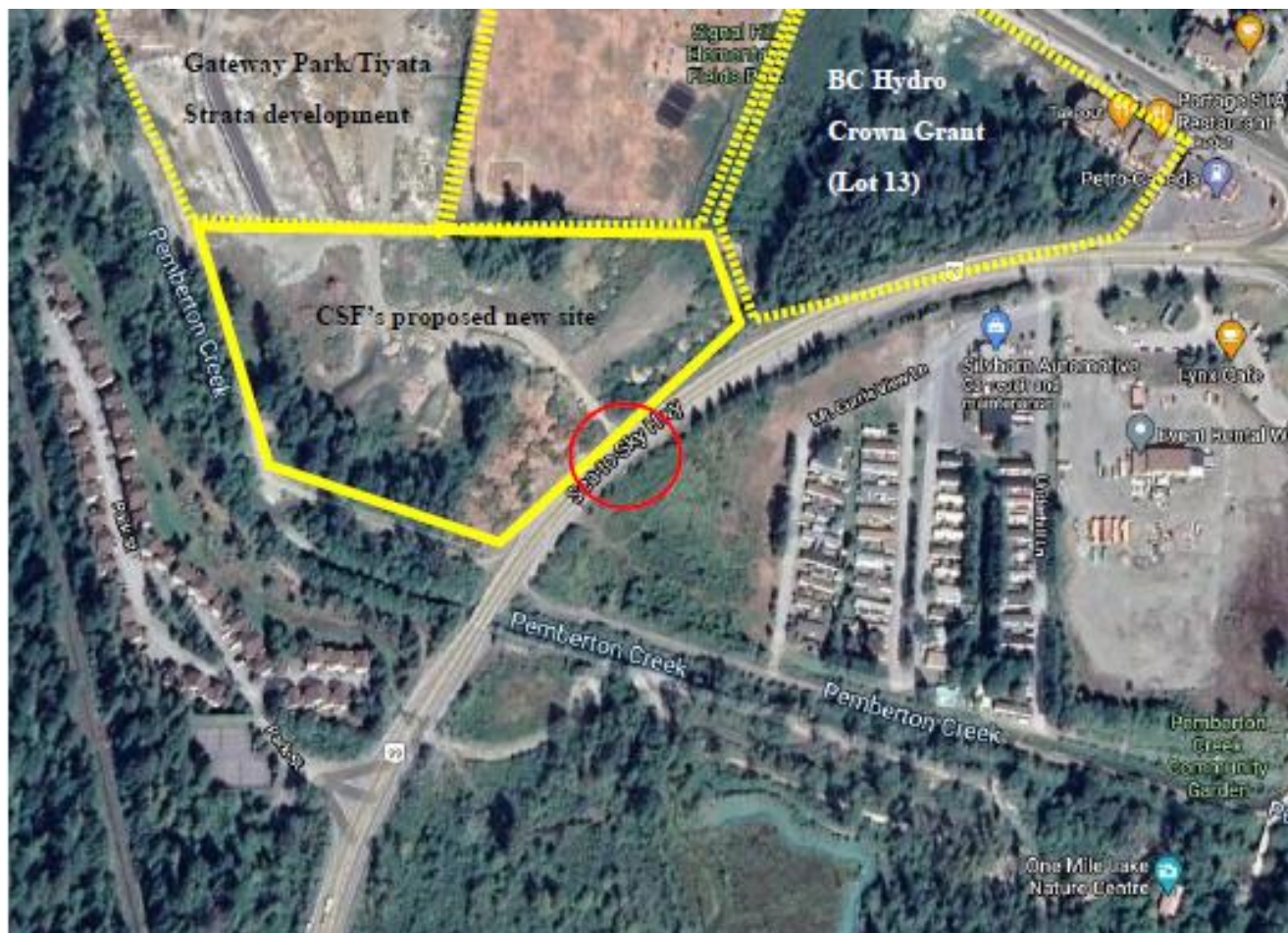
Uncontrollable Risks and Information:

- BCR / CN Rail bridge – Debris flow creating restriction
- MOTI Hwy 99 Bridge – Low deck height and Debris flow creating restriction
- Large avalanche in the upper Pemberton Creek reaches. (Glacier, Deposition and Waterfall) (NHC 2001) (Clague 1995), (LaCas 1995) (Bauman 2000)
- Bauman 2009 – Signal Hill Geotechnical Report

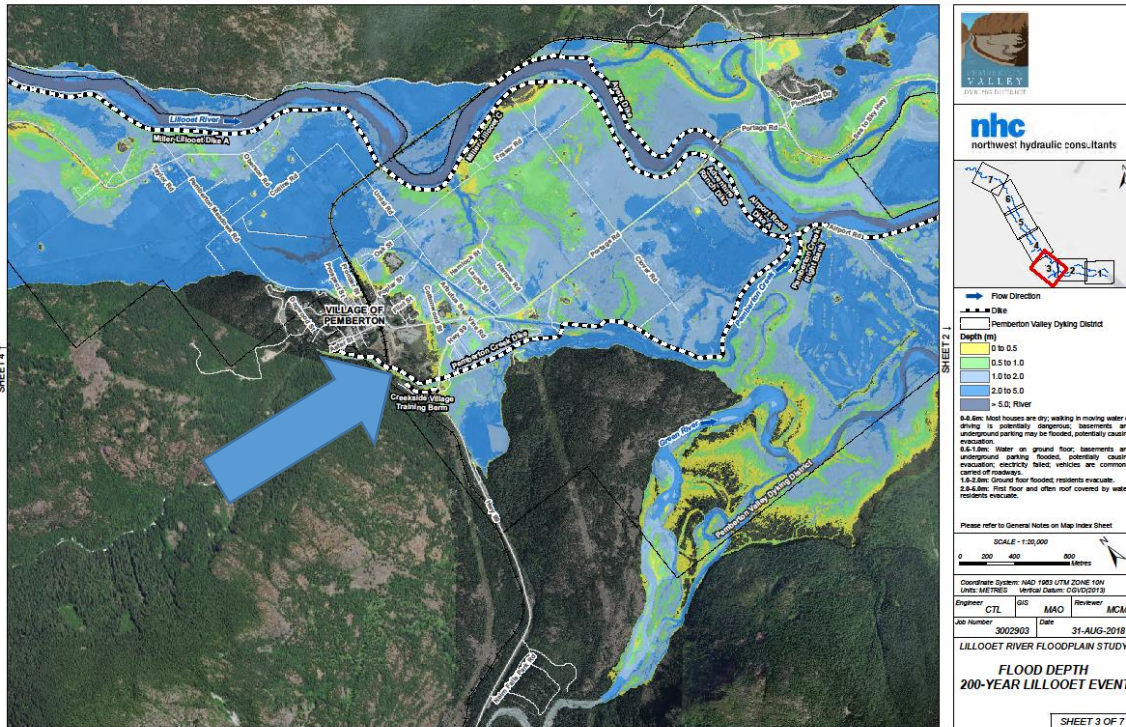
Literature above does not constitute any technical comment on risks by a professional, only provides history and context for the reader. The documents cited are for information purposes and it is up to the developer to perform the due diligence required.

The PVDD request further consultation through the design process. This to ensure that proper site planning for drainage and access for diking purposes are maintained. Set back from the dike will be scrutinized as any encumbrance of dike maintenance cannot be planned. The preferred area of construction would be the North West corner of the property to give diking authority free and clear access to the dike from the dike crest as well as the site grade. Site drainage requirements may be an issue due to elevation. The PVDD would prefer that no drainage pass through the dike which would require a DMA approval.

Subject Property:



Area during a 200 year Lillooet event



Kevin Clark
 Operations and Maintenance Manger
 Pemberton Valley Dyking District
 Phone: 604-905-8011
 Email: kclark@pvdd.ca



**Properties**

Property Rights Services

Phone: 604-543-1595

Email: Carolyn.Genzel@bchydro.com

17 December 2020

Assignment: PA1206444

File: BCE 1062 PT1

Circuit/Str.: 2L001 Str. 64-02 to 64-03
2L041 Str. 39-02 to 39-03VIA EMAIL: LPedrini@Pemberton.caDevelopment Services
Village of Pemberton
Box 100, 7400 Prospect Street
Pemberton, BC V0N 2L0

Attention: Lisa Pedrini

Dear Ms. Pedrini:

Proposal: Proposed Access Road and Community Garden within BC Hydro 230kV Right of Way
Right of Way Charge No.: 81765E Part Shown on Plan CG246; F5544 Part Red on CG Plan 657
Legal Description: PID: 009-378-740 Lot 3 District Lot 203 Lillooet District Plan 12807 Except that Part which lies to the East of the East Boundary of Plan Crown Grant 253
Location: Proposed C.S.F. School Location - Highway No. 99
Drawing: 1833-Concept Drawing

BC Hydro's initial review indicates that your proposal may be feasible from our perspective. However, BC Hydro cannot offer further comment or confirm that it has no objection to your proposal until we receive and review the following:

1. Final detailed plans showing your proposal in relation to BC Hydro's structures, including vertical and horizontal distances from those structures. A distance of 10 metres must be maintained from the base of the Transmission Structure 64-02 located just south of the proposed access road.
2. The Plans and Profiles for the proposed Access Road and also for any parking/driving areas within the Right of Way area.
3. The Plans and Profiles for any preload work taking place within the Right of Way area.
4. Plans for any proposed utilities or wiring within the Right of Way area.
5. Advised if there will be any proposed traffic signals within Highway 99 and if so, the distance between the traffic light and the nearest Transmission Line conductor.
6. For fire fighting, advise where the muster areas will be and where the fire trucks will assemble. There is to be no fire fighting or fire hydrants within the Right of Way area.

Please submit the above noted items to this office for review. Review times can take 12-16 weeks or longer should any electrical studies be required. If BC Hydro find no objection to your proposal after

receipt of all required information, we will issue you a letter confirming this and containing terms and conditions applicable to your proposal.

Do not commence any work within BC Hydro's right of way area until you have received, signed and returned BC Hydro's letter in this regard.

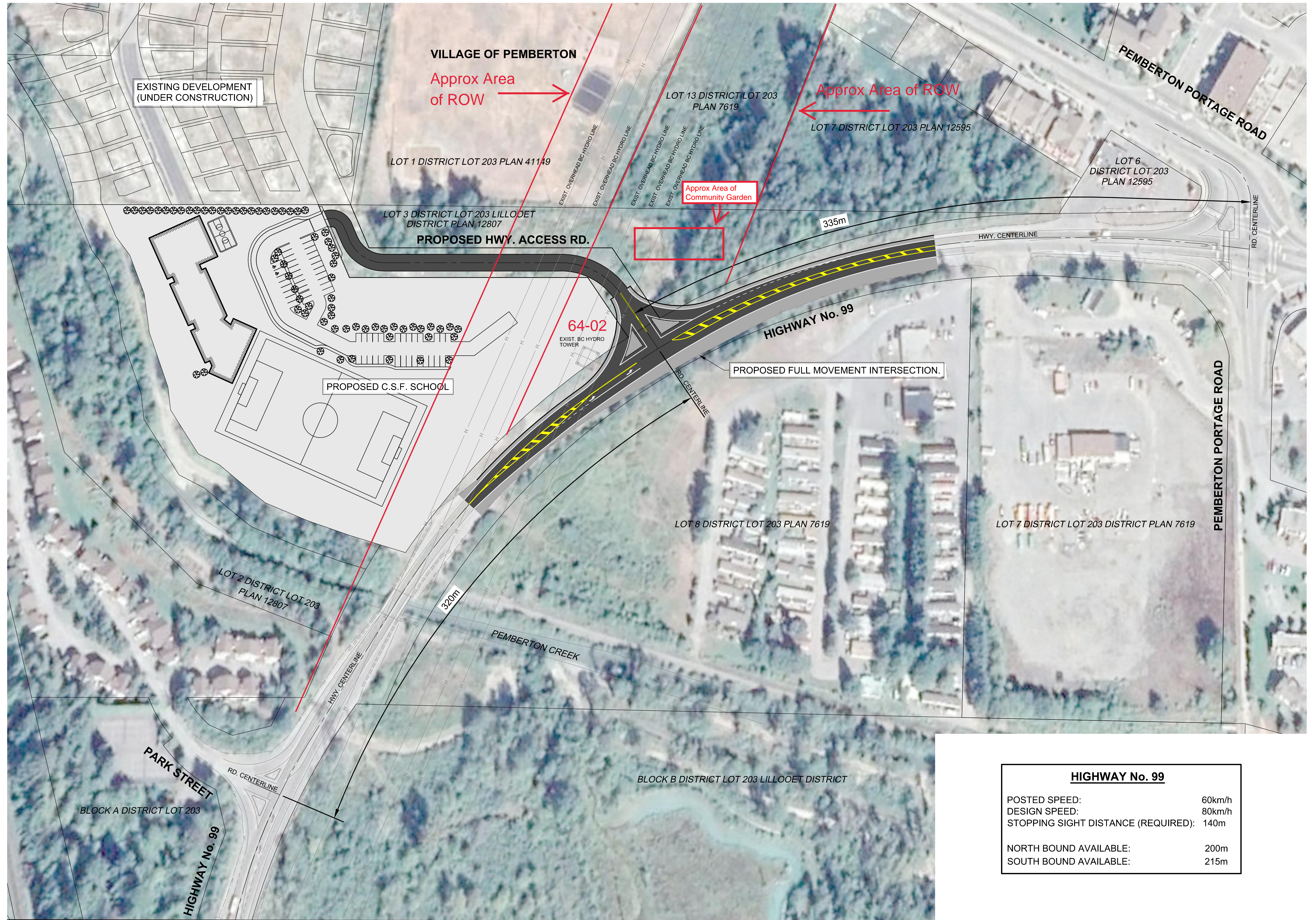
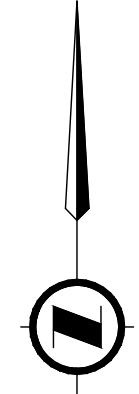
Please contact Carolyn Genzel at Carolyn.genzel@bchydro.com, if you have any questions.

Yours truly,
British Columbia Hydro and Power Authority
By:



Carolyn Genzel
Property Coordinator
Property Rights Services

c: Kim Proudlove, Property Representative, BC Hydro



HIGHWAY No. 99	
POSTED SPEED:	60km/h
DESIGN SPEED:	80km/h
STOPPING SIGHT DISTANCE (REQUIRED):	140m
NORTH BOUND AVAILABLE:	200m
SOUTH BOUND AVAILABLE:	215m

ATTACHED TO:

NO.	REVISIONS	BY	DATE

THE LOCATIONS OF EXIST. UNDERGROUND UTILITIES ARE SHOWN IN AN APPROX. WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXIST. UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTES:
 MONUMENT No.:
 LOCATION:
 COORDINATES:
 ELEVATION:
 COORDINATE SYSTEM:

APPR-SEAL

DRWN.:
 DSGN.: R.P.
 CHKD.: B.S.
 DATE: 2020-01-16

CONSULTANT(S)
JWEB ENGINEERING LTD.
consulting civil engineers
 4173 DAWSON STREET, BURNABY, B.C. TEL: (604) 294-8588

CLIENT:
CONSEIL SCOLAIRE FRANCOPHONE / SCHOOL DISTRICT No. 93

PEMBERTON CSF HIGHWAY No. 99 ACCESS
 CONCEPT DESIGN

SCALE: 1:1000
SHEET 1 OF 1
WEB DRAWING NO.: 1833-CONCEPT
MUNICIPAL NO.:
REV.



November 13, 2020

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

Dear Joanna Rees

RE: Village of Pemberton OCP and Zoning Amendment Referral

On behalf of the Pemberton & District Chamber of Commerce, please accept this letter regarding the Village of Pemberton OCP and Zoning Amendment Referral letter sent to the PDCC for comments.

Overall, the PDCC supports this long-awaited francophone school project and the OCP and Zoning Amendment Referral to make it happen, with the following questions and or concerns.

1. Will the outdoor areas be available for community use as the Signal Hill field is or exclusive to the school only?
2. It's important that childcare space be built in conjunction with the childcare provider (i.e. if it was going to be used as a Day Care maybe less so if it's for afterschool care). our understanding is in Whistler the childcare space at Spring Creek School was built but is actually not functional as a day care and could not successfully operate in the end.
3. Access to Highway 99 will be crucial to alleviate congestion in town with development on the rise at this end of town.
4. For safety, it would be great to see a sidewalk on highway 99 between the school and the Petro-Can intersection.

The Pemberton & District Chamber of Commerce is dedicated to enhancing the quality of life in our community by actively supporting business, economic growth and diversification. We pride ourselves in serving and promoting the entire area – Pemberton, Mount Currie, Birken, D'Arcy and all of Area C.

Yours truly,

A handwritten signature in black ink, appearing to read "G. Turner", with a small dot at the end.

Graham Turner
Advocacy Committee Chair
Pemberton + District Chamber of Commerce



ADVISORY LAND USE COMMISSION

ADVISORY LAND USE COMMISSION MINUTES

Minutes for the Advisory Land Use Commission Meeting of the Village of Pemberton held Monday November 30, 2020 at 5:00 pm via ZOOM Webinar ID: 829 9950 9419

IN ATTENDANCE:	Allison Twiss (Acting Chair) Kirsten McLeod Mark Barsevskis Richard Nott
REGRETS:	Kristina Salin Kevin Clark
STAFF IN ATTENDANCE:	Lisa Pedrini, Manager of Development Services Gwendolyn Kennedy, Building & Planning Clerk
PUBLIC IN ATTENDANCE:	Craig Burns (Applicant) + 1

1. CALL TO ORDER

At 5:06 p.m. the meeting was called to order.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the agenda be approved as circulated.

CARRIED

3. ADOPTION OF MINUTES

Moved/Seconded

THAT the minutes of Advisory Land Use Commission meeting held April 27, 2020 be adopted as circulated.

CARRIED

4. OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENT – OR#131 - École de la Vallée

Development Services Manager Lisa Pedrini summarized the application for Official Community Plan (OCP) and Zoning Bylaw amendments presented by Craig Burns, agent for the landowner 1193317 BC Ltd, on behalf of the Conseil scolaire francophone de la C.B. (School District #93), to facilitate the development of a Francophone public school/community space.

Ms. Pedrini invited questions from Commission members. Members requested additional information regarding access from the highway, measures to address pedestrian safety, and measures to prevent vehicle access from Tiyata Boulevard.

Craig Burns, agent, presented a conceptual plan of the proposed development that will include a three-storey school building with a full size gymnasium, sports field and outdoor play area, and designated school bus loading area. Consideration has been made for allotting space for a community garden and for a pedestrian bridge over Pemberton Creek, as these amenities were tied to the property under the current owner.

Commission members asked questions regarding termination of existing Tiyata development roads, safe pedestrian access from nearby neighbourhoods and the proposed use of the land under the hydro lines. Mr. Burns thanked Commission members for their input and noted that some of these questions would be answered at design stage.

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that the application for Official Community Plan amendment and rezoning for the property known as the portion of the Tiyata development that fronts Highway 99 be supported subject to further civil consultancy design guidelines regarding:

- i. the discrepancy between road terminations on Figures 2 and 3;
- ii. pedestrian travel and access safety;
- iii. Highway 99 speed limits, subject to Ministry of Transportation and Infrastructure guidelines; and
- iv. general review and direction from Ministry of Transportation and Infrastructure.

CARRIED

5. NEXT MEETING

No further meetings are anticipated in 2020.

6. ADJOURNMENT

At 5:55 p.m. the meeting was adjourned.

Chair

Sommaire des discussions - Summary of Discussions

Session d'information publique - Public Information Session, CSF (Conseil scolaire francophone)

Le jeudi 12 novembre 2020 à 18 h (par webinaire) - Thursday, November 12, 2020 at 6 p.m. (via webinar)

Voici une liste des questions qui ont été posées, ainsi qu'un sommaire des réponses données par le panel d'experts présent¹ :

Here is a list of the questions that were asked by the participants, as well as a summary of the answers given by the panel of experts²:

1. Questions de clarification ou demandes de précision (Questions and requests for clarification)

#	Questions	Réponses - Answers
1	“What is the predicted timing for start and finish of construction, and opening for students?”	The CSF cannot confirm when the school will be open. At present, the primary goal is to secure the site.
2	“How long would it take to build?”	A 3-storey K-12 school facility, from start to finish, will take approximately 20-24 months to build.
3	“How long will this process take for re-zoning?”	The timeline is approximately 5-8 months. It is possible to accelerate the process by promptly providing information and working closely with the Village of Pemberton.
4	« Suite au changement de zonage s'il y a lieu, quelles sont les prochaines étapes avant le début de la construction de l'école ? » (Following the zoning amendment, if it happens, what are the next steps before the beginning of the school construction?)	Next steps include securing the property, developing a project definition report (identifying needs, design options, business case, etc.), which leads to a project agreement between the CSF and the Ministry of Education.
5	“What kind of fence is going on the property line?”	There is construction boarding around the property now. Once built, fencing will be a question of design. Not every school property is fenced. A risk assessment could determine whether fencing is needed.

¹ Les questions et les réponses ont été notées dans la langue qu'elles ont été posées et répondues.

² The questions and answers were noted in the language in which they were asked and answered.

#	Questions	Réponses - Answers
6	“There is no access through the existing subdivision it’s just emergency vehicle access, correct?”	CSF and the Village of Pemberton have been discussing access to and from the school site via a connection from Highway 99. There would be a gated connection between the Tiyata subdivision and the school site for emergency use only (i.e. Fire department or village evacuation plans). The design presented on the slides is notional.
7	“How many students can the new school hold?”	School capacity of 390 (K-12) students: 40 Kindergarten students, 200 elementary students, and 150 secondary students The facility will also include childcare spaces: 2 modules (1 for infant/toddler-aged children (capacity: 12), and 1 for preschool-aged children (capacity: 25))
8	“What are the limitations for use of the space under and surrounded by the hydro lines?”	There are setbacks for development of building and program space, but details are to be discussed.
9	« Pour quand l’école serait-elle prête ? » (When will the school be ready?)	(answered above - see #1)
10	« Est-ce que les gens de la communauté pourraient utiliser le bâtiment après les heures d’école ? » (Will members of the community be able to use the building after school hours?)	Oui. Il y aura des protocoles en place pour permettre à la communauté d'utiliser leur l'immeuble après les heures d'école, comme dans les communautés où le CSF a des installations communautaires. (Yes. There will be protocols in place to allow the community to use the building after school hours, as is done in communities where the CSF has community amenities.)
11	« Serait-il possible qu'il y ait beaucoup d'arbres sur le terrain de l'école ? » (Is it possible for there to be a lot of trees on the school grounds?)	Efforts will be made to retain a grove of trees between the two school properties. An arborist will be involved to assess which trees are worth keeping and integrating into the design.
12	« Est-ce que l'école serait accessible du village ou de l'autoroute ? » (Will the school be accessible from the village or from the highway?)	Regarding vehicle access, see #6. There have been preliminary discussions with the Village regarding pedestrian access and a trail that goes along the creek.

#	Questions	Réponses - Answers
13	<p>« Est-ce possible de nous éclairer sur la chronologie des actions et les dates importantes, de la conclusion sur le changement de zonage à la construction et l'opération de la nouvelle école ? »</p> <p>(Is it possible to provide us with some clarity on the chronology of steps and the important dates, from the conclusion on rezoning to the construction and operation of the new school?)</p>	<p>Voir les réponses #1 et 2. Plusieurs variables font en sorte que c'est difficile de mettre une date exacte (par exemple, le zonage, la conception de l'école et les consultations à ce sujet, la disponibilité des matériaux, de la main d'œuvre, etc.)</p> <p>(Answered above, see #1 and 2. Multiple variables make it difficult to provide an exact date (i.e. zoning, design and consultations related to design, availability of building materials, contractors, etc.).</p>
14	<p>“How long can the connection with Highway 99 take? Including the planning with the Ministry of Transportation and the construction of the exit/road?”</p>	<p>The CSF has received a positive response from the Ministry of Transportation and Infrastructure. The CSF must design and assess whether it is a safe and viable place for an intersection. Timing is uncertain, but Ministry of Transportation and Infrastructure is supportive and responding quickly to questions.</p>
15	<p>“This might be too early in the process and may also be better directed at the Village, but is there any indication or vision for what the intersection at Highway 99 will look like (i.e. traffic lights, turning lanes?”</p>	<p>The type of intersection has not been decided. There are many different options (i.e. right-turn in and right-turn out or full movement intersection).</p>

2. Quelles sont vos inquiétudes ? (What are your concerns?)

#	Questions	Réponses - Answers
1	<p>“What happens if the village doesn't want to rezone?”</p>	<p>There is a role for the community to play. Come out and tell the Village that you need this school and have been waiting for it for a long time. Do not hesitate to show your support and show up to Village meetings.</p> <p>The feedback so far has been positive, and the CSF is optimistic about the rezoning.</p>
2	<p>“Since this process may take some time is there a plan in place for</p>	<p>The CSF will work with SD 48 to determine what space is available,</p>

#	Questions	Réponses - Answers
	extra room for the school over the next few years?"	including the options for adding more portables. The CSF is working to build its new school as quickly as possible.

3. Est-ce que l'information présentée vous a rassurée ? (Have you been reassured by the information provided?)

#	Réponses - Answers
1	"Everyone is working so hard towards this common goal. It warms my heart."
2	« Merci énormément pour tous vos efforts et votre beau travail. Vraiment très apprécié ! » (Thank you very much for all your efforts and great work. Very much appreciated!)
3	Quelle que soit la décision finale, le CFS et les employé.e.s de l'École la Vallée de Pemberton font un travail incroyable en liaison avec l'école Signal Hill. Je remercie toute la communauté et les personnes concernées pour les efforts portés à ce projet. Let's get together and make this happen for the whole community! (Whatever the final decision, the CSF and the employees of École la Vallée de Pemberton are doing an incredible job liaising with Signal Hill. I think the whole community and the concerned persons for their efforts in this project.)
4	Merci à tous pour vos efforts et votre soutien à ce beau et important projet (Thank you to all for your efforts and your support for this great and important project)
5	Merci à tous. Reconnaissance que la nouvelle école sera sur le territoire traditionnel de la Première nation Lil'wat. (Thank you to all. Recognition that the new school will be on the traditional territory of the Lil'wat First Nation.)
6	Well done! It's very encouraging! We really appreciate the time taken tonight to inform us! Thank you!



Public Hearing Notice

Questions?
We're
Listening.



604.894.6135



admin@
pemberton.ca



pemberton.ca

Official Community Plan (Tiyata-École de la Vallée) Amendment Bylaw No. 902, 2021 Zoning Amendment (Tiyata-École de la Vallée) Bylaw No. 903, 2021 Tuesday, September 21, 2021, 5:30 pm, via Zoom, Webinar ID: 811 4079 9681 (<https://us02web.zoom.us/j/81140799681>)

What is OCP Amendment (Tiyata -École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Amendment (Tiyata-École de la Vallée) Bylaw No. 903, 2021 about?

These Bylaws have been prepared to amend the Official Community Plan (OCP) Bylaw No. 654, 2011 to support the development of a public school within the Tiyata Special Planning Area Designation by introducing text amendments and re-designating the subject property from Residential to Civic & Institutional and to amend Zoning Bylaw No. 832, 2018, Section 18.5: CD-5 Comprehensive Development Zone 5 – Tiyata at Pemberton to permit a public school on the subject property.

What is the significance of the proposed OCP Amendment (Tiyata -École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Amendment (Tiyata-École de la Vallée) Bylaw No. 903, 2021?

The subject property is currently vacant and is designated/zoned for residential purposes. The proposed development concept is a new, three (3) storey Kindergarten to Grade 12 (K-12) community school centre capable of accommodating 40 kindergarten, 200 elementary and 150 secondary students, for a total capacity of 390 students. The school's programming is intended for students whose parents are part of the Francophone minority; French is taught as a first language to help students develop their French language identity and culture. École de la Vallée is presently operating in portable classrooms behind Signal Hill Elementary and space in the Pemberton Community Centre.

How do I get more information?

A copy of the proposed bylaws and relevant background documents may be inspected at the Village of Pemberton Office, 7400 Prospect Street from Wednesday, September 8, 2021 to Tuesday September 21, 2021 during the office hours of 9am to 4pm (closed noon-1:00pm), Monday through Friday (statutory holidays excluded), and also online at pemberton.ca



How do I provide feedback?

All persons, who believe their interest in the property is affected by the proposed Bylaw, shall be given a reasonable opportunity to be heard by Council at the Public Hearing. Written comments must be addressed to "Mayor and Council" and received by 4pm on Monday, September 20, 2021.

Email: admin@pemberton.ca

Mail: Corporate & Legislative Services, Village of Pemberton, P.O. Box 100, Pemberton, BC, V0N 2L0

In person: Corporate & Legislative Service Department, 7400 Prospect Street, Pemberton BC

Submissions received for the proposed Bylaw before 12pm on Wednesday, September 15, 2021 will be included in the Public Hearing information package for Council's consideration. This information package will also be available on the Village website at pemberton.ca with other associated information on Friday, September 17. Submissions received after 12pm on Wednesday, September 15, 2021 will be presented to Council at the Public Hearing. At the conclusion of the Public Hearing, no further information on this topic can be considered by Council.

Sheena Fraser, Corporate Officer

Village of Pemberton
Regular Council Meeting No. 1546
Tuesday, October 5, 2021



VillageofPemberton

pemberton.ca

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**VILLAGE OF PEMBERTON
- PUBLIC HEARING MINUTES-**

Minutes of the **Public Hearing** of Council of the Village of Pemberton held on Tuesday, September 21, 2021 at 5:30 p.m. via Zoom Meeting Webinar.

IN ATTENDANCE*:	Mayor Mike Richman Councillor Ted Craddock Councillor Ryan Zant Councillor Amica Antonelli Councillor Leah Noble
STAFF IN ATTENDANCE*:	Nikki Gilmore, Chief Administrative Officer Sheena Fraser, Manager of Corporate & Legislative Services Lisa Pedrini, Manager of Development Services Cameron Chalmers, Village Planning Consultant Gwendolyn Kennedy, Legislative Assistant
MEMBERS OF PUBLIC*:	33
MEDIA*:	1

**All those in attendance attended electronically.*

1. CALL TO ORDER and OPENING STATEMENTS

At 5:32 p.m. Mayor Mike Richman called the Public Hearing to order and read the following Opening Statement for Official Community Plan Bylaw No. 654, 2011 Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021 and Zoning Bylaw No. 832, 2018 Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021:

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

Good afternoon. My name is Mike Richman and as Mayor of the Village of Pemberton I will be chairing this Public Hearing.

Cameron Chalmers, Village Planning Consultant, will make a brief presentation on the Official Community Plan Amendment Bylaw and the Zoning Amendment Bylaw and Sheena Fraser, Manager of Corporate & Legislative Services, will record your comments for the minutes which will form part of the public record on this matter.

Also in attendance are Councillor Amica Antonelli, Councillor Ted Craddock, Councillor Leah Noble and Councillor Ryan Zant.

This Public Hearing is convened pursuant to Section 465 of the *Local Government Act* to allow the public to make representations to Council respecting matters contained in proposed:

**Official Community Plan Amendment (Tiyata - École de la Vallée) Bylaw No. 902,
2021 and Zoning Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021**

Notification of this Public Hearing was advertised in the September 9th and September 16th, 2021, issues of the Pique Newsmagazine.

For those in attendance please note that this Hearing is a live webinar and is being recorded. A recording of the Hearing will be available on the Village's website following the meeting.

Every one of you present who believes that your interest in the property is affected by the proposed bylaws shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws.

Once I have announced that the Hearing is open to the public for comment, please click on the "Raise Hand" feature in the webinar controls. This will notify Village Staff that you would like to speak, and your microphone will be unmuted when it is your turn.

Each speaker will have up to five (5) minutes to be heard. Once everyone has had a chance to speak, those who wish to speak again may do so if they have new points to present.

None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed bylaws.

When speaking, please commence your remarks by clearly stating for the public record your **full name and address** and whether you are in favour or opposed to the Bylaws.

Members of Council may, if they wish, ask questions following a presentation. However, the main function of Council Members at this Public Hearing is to listen rather than to debate the merits of the proposed bylaws.

This Public Hearing is not a question-and-answer period. It is an opportunity for Mayor and Council to hear the views of the public.

This hearing is your final opportunity for input on the proposed bylaws.

I will now ask Cameron Chalmers to introduce:

**Official Community Plan Amendment (Tiyata - École de la Vallée) Bylaw No. 902,
2021 and Zoning Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021**

2. Presentation of Village of Pemberton Official Community Plan Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021 and Zoning Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021

Cameron Chalmers, Planning Consultant, presented the Staff Report providing an overview of the project and the bylaw amendments and reviewing the prior-to obligations set out in the Council resolution passed at the June 1st Council Meeting at which time the Bylaws received First and Second Readings.

Chalmers spoke specifically about the Pemberton Creek pedestrian crossing which is included in the Official Community Plan Policy as a deliverable of the Tiyata Special Planning Area as a component of facilitating the Tiyata subdivision. Chalmers provided background on this obligation and how it relates to the francophone school development which is proposed for the lands that were part of the Tiyata development and have now been purchased by Conseil scolaire francophone (CSF) for a French language school.

Chalmers noted that CSF, as a publicly funded school under provincial regulations, may not have the ability to access Treasury Board funds for the bridge crossing and referred to the limitations which are noted in correspondence from CSF dated September 7, 2021 and attached to the agenda package as Appendix A.

Chalmers advised that Staff has been working to address this challenge and noted that a draft recommendation has been developed to remove this requirement as an obligation on the part of CSF. The draft wording will be brought forward for Council's consideration at Third Reading.

3. Correspondence and petitions received by the Village as of 12:00 p.m., Wednesday, September 15, 2021.

Sheena Fraser, Manager of Corporate & Legislative Services, advised that no correspondence on this matter had been received as of the deadline of Wednesday, September 15, 2021.

4. Presentation of correspondence received after the deadline of 12:00pm, Wednesday, September 15, 2021:

Sheena Fraser, Manager of Corporate & Legislative Services, advised that the Village had received 27 following submissions from the public after the deadline:

- 26 in support of the Bylaws
- 1 in opposition to the Bylaws.

The submissions received form an attachment to the minutes.

5. MEETING OPEN FOR PUBLIC COMMENT

Craig Burns, Principal Architecture, Agent for Conseil scolaire francophone (SD#93)

Mr. Burns provided background on the school noting that it is already part of the community and currently shares space with Signal Hill Elementary School and at the Pemberton & District Community Centre. The development of a new school will relieve pressure on the current spaces and will include a daycare which will be an asset to the community.

Burns noted that the development of a new school is a highest priority in the CSF capital plan and the Ministry of Education is active in moving this initiative forward. Burns further noted that CSF is reliant on Treasury Board funding through the establish approval process and funding criteria that is the same for all school districts. Burns advised that the new school will add value to the community but the cost, design and construction of a bridge does not fit within the funding formula; however, CSF continues to work with partners to find a shared solution. CSF is looking forward to working on this project and building a new school for Pemberton.

Nicole Benes - #4-7400 Arbutus Street, Pemberton

In Favour

Ms. Benes read from a letter to Mayor and Council she had submitted after the deadline and as such was not presented to Council prior to the Public Hearing:

I am writing this letter in support of the francophone school, La Vallée, being considered for a piece of land in Tiyata. My children have attended La Vallée since 2013 and have had an incredible experience which would no doubt only have been richer had they their own school as opposed to a few portables and a room in the community centre. The heart of the school has been the amazing community of students, staff, and parents but we have all longed for a facility to call our own, a home for our heart.

It is only fair and equitable that the francophone students of Pemberton have access to the same infrastructure and opportunities as the Anglophone students such as a full size gymnasium, library, kitchen, maker-space, and small group space to name a few. The location is ideal as it allows the majority of students to walk or cycle to school and maintains a close connection to Signal Hill and PSS for inter school opportunities. Extracurricular activities will also be easily accessible for students and equitable with opportunities being provided to our Anglophone students. Please allow this school to be built as 17 years have been a long time to wait and we are so close! Thank you.

Richard Doucet - 7402 Cottonwood Street, Pemberton

In Favour

Mr. Doucet, parent of two children attending l'école de la Vallée, spoke to the need for another school in the community and asked Council to consider the benefits that the proposed school will bring to the greater community through community amenities and

space. Mr. Doucet further noted that a new school will allow the community to continue to grow.

Kristi Thomas - 1771 Pinewood Drive, Pemberton

In Favour

Ms. Thomas advised that she is speaking in her capacity as the President of the APE for l'école de la Vallée noting that the community has been working diligently and long on this project to see a new school built. Ms. Thomas advised that the school community is a resourceful and mighty group and will look at creative ways to get the footbridge built. Ms. Thomas thanked Council for their support.

David Brosseau - 1422 Willow Drive, Pemberton

In Favour

Ms. Brosseau advised that this is his third year as Principal of l'école de la Vallée and during his time in Pemberton has witnessed a thriving community with great families. Mr. Brosseau-Fournier concluded that the new school will be a great place for the broader community to gather.

**Michel St-Amant, Superintendent, SD#93
13511 Commerce Pkwy #100, Richmond, BC**

In Favour

Mr. St-Amant thanked Council for the opportunity to speak, noting that he was happy and proud to speak to Council, and to see the community of Pemberton, through its support of the French speaking community, make Pemberton a more desirable place to live. Mr. St-Amant noted that the CSF is now 25 years old and l'école de la Vallée will be the 47th francophone school built in the province. CSF is pleased to be part of the community and happy to find a permanent home in Pemberton, noting that it is time to have a full-service school in the community.

Mayor Richman called three (3) times for any other submissions and hearing none made the following closing statements below.

6. CLOSING STATEMENTS

On behalf of Council and myself I would like to thank all of you who have attended this meeting. Your input and participation in the process is greatly appreciated.

Please be advised that after the Public Hearing is adjourned, the opportunity for public discussion is ended and Council may not hear from or receive correspondence from interested parties relating to this Bylaw.

This Bylaw is now a matter for Council's consideration based upon information received to date.

7. ADJOURNMENT

At 5:56 p.m. the Public Hearing was adjourned.

Sheena Fraser
Corporate Officer

From: Brenda Williams [REDACTED]
Sent: September 20, 2021 11:31 AM
To: VoP Admin <admin@pemberton.ca>
Subject: OCP Amendment(Tiyata - École dela Vallée) Amendment Bylaw No. 902, 2021 & Zoning Amendment (Tiyata-École de la Vallé) Bylaw No. 903, 2021

To Mayor & Council,

Regarding the Bylaw change at Tiyata. If you are going to change the bylaw re land use, why not change it to residential /commercial zoned, so that the people of Pemberton could have more buildings for retail / private businesses with residential above. The Town Centre in the years to come will have to spread out and use land by Hwy 99 (only land available - I think).

We need more retail stores & residential to serve all of the new residents moving into Pemberton/Sunstone areas.

That would be a good spot to do that.

On another note - if you are going to build a new school, why not for the local community. I imagine that the elementary school is bursting at the seams with the number of kids going there. Why can't they get the new school and give the Francophones the older elementary school? The local community also have a little daycare area and there is probably a need for a bigger kindergarten.

There have been lots of nationalities move into Pemberton in the last few years, which is great and the one thing that keeps us connected is communicating in the English language.

If or when you build a French ONLY school, you will be creating a divided community, just like in areas back east.

My thoughts,
Brenda

From: Marwan Abouhalka [REDACTED]
Sent: Tuesday, September 21, 2021 11:11 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Cc: Shannon Paul A [REDACTED]
Subject: Re: The French school

Hello.

My name is Marwan Abouhalka and my family and I support the development and the construction of the New School Ecole La Valée.

Please consider our request and our support for this new school

Sincerely
Marwan Abouhalka

Sent from my iPhone

Tuesday, September 21, 2021

To Mayor and Concil,

As a new citizen of the Tiyata Village, it has been a great pleasure to choose Pemberton for raising our 4 children. One of the main reasons to opt for Pemberton was the possibility for our children to continue their education in french. The École de la Vallée is more than a school for us: it is a place to meet other parents and to continue the full education for my children in their maternal language

We totally support the initiative of building a new french school.

Thanks for your time and hopefully your support to that great project for the community.
Julie Charette

Simon Moreau
[REDACTED]

Pemberton, BC
V0N 2L0

David Brosseau


Pemberton, BC

V0N 2L0

Tuesday, September 21st

Sheena Fraser
Manager of Corporate & Legislative Services & Administration
Village of Pemberton

Dear Ms. Fraser,

I would like to state my support for the rezoning of the former Tiyata lot in order to allow the Conseil Scolaire Francophone (CSF) to build a new school addressing the needs of the French population of Pemberton. L'école La Vallée is needed as it is offering a French education that is protected under the section 23 of the Charter of Rights of Canada.

The rezoning of this lot should be approved, and the Pemberton creek crossing clause should be reviewed and/or dismissed in order to not be the sole burden of the CSF.

Regards,

David Brosseau

September 21, 2021

Village of Pemberton
Attn. Mayor Mike Richman and Council

Re: Public Hearing for OCP and Zoning Amendment Bylaws for CSF School

Dear Mayor and Council,

This letter is to express my support for the building of the new CSF School in Pemberton. This new school is paramount in the support, vitality, and growth of the Pemberton francophone community. It has been much appreciated that the Council has been willing to work with our community on this matter.

Sincerely,

Marjolaine Dessureault,
P.Ag.

[REDACTED]
Pemberton, BC
VON 2L2
778-227-0761

[REDACTED] Frances Dickinson [REDACTED]
Sent: Tuesday, September 21, 2021 9:55 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Francophone School in pemberton

Hello Sheena!

I am writing a letter of support in favor of Ecole la Vallée, and tonight's council meeting. We definitely need a Francophone school in our town! I am in favour of École la Vallée. I have had 2 kids go to school there over the last 8 years and have had nothing but amazing positive experiences there. This school is a HUGE benefit to this town.

Merci,
Frances Dickinson

[REDACTED]
[REDACTED] [REDACTED]

From: Caprii [REDACTED]
Sent: Tuesday, September 21, 2021 6:34 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Cc: [REDACTED]
Subject: In Support of a French-first school

Mayor and Council,

Please have on record that I fully support the OCP Amendment Bylaw No 902,2021 and the Zoning Amendment Bylaw No. 903, 2021 and the development of a French-first school on the proposed property.

Thank you.

Caprii Doucet
[REDACTED] Pemberton , BC V0N 2L0

From: Marilou Gauthier [REDACTED]
Sent: Tuesday, September 21, 2021 7:44 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Support for new École la Vallée

Good morning Mrs. Fraser,

I am an EA and the parent of a student at l'école la Vallée.

I feel very grateful to have access to French education for my son, and I am proud to support French education through my work.

I am in strong favour of the construction of our new school to provide a schooling experience with equal access to amenities for all students. At the moment, we rely on the community center and Signall Hill for gym access, which sometimes results in a soaking wet outdoor game when there is a change of availability. I have had to do core exercises with a student on the snow because there was nowhere else for us to do them. Our classes are small and we have no room for proper lockers, so all the children's belongings are sandwiched in tiny cubbies stuck to each other in class. I believe this may have contributed to last weekend family lice treatment in my home and possibly to the last COVID outbreak at our school last year. We have no cafeteria, no music class, no art studio, no staff room. I sometimes drive to school just to have somewhere to take my break (in my car). This goes without even mentioning the look of lower social class associated with trailers...

Please support equal access to amenities for all children, and support our new school.

Warm regards,

Marilou Carswell

From: Ishida Hiroko [REDACTED]
Sent: Tuesday, September 21, 2021 9:16 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: French school construction

To whom may it concern.

We have three children and all went portable building for their school years. (Two graduated and being there 7 years)population is blooming and won't stop.I am Obstetrics nurse and I have seen how many babies in community.

Please move forward for this future French school. It will benefit for many reasons. Child care pressure, more space for children both English school and French school community, safe path over creek.

We are looking forward to attend meeting tonight.

Warm regards,
Hiroko Ishida-auger &paul auger
[REDACTED]

From: Jennifer Johnson [REDACTED]
Sent: Tuesday, September 21, 2021 11:53 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: French School

Hello Sheena,

I'd like to add my voice to those on the side of building the French School in Pemberton. Both my kids go to the school and having a location with k-12 would be a dream come true for us. It would also allow for more community space inside which would be great for programs like karate, basketball etc

I how the meeting goes well today and Thank-you for considering this.

Have a great day, JJ

From: rita kraushar [REDACTED]
Sent: Tuesday, September 21, 2021 2:19 PM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Rezoning

Hi Sheena-

I am writing a letter of support in favor of Ecole la Vallée, and tonight's council meeting. I am in favor of the rezoning and the new building for École la Vallée

Merci

Rita Kraushar
[REDACTED]

Pemberton B.C.

VON2LO

Sent from my iPhone

Kirsten Mcleod [REDACTED]

[REDACTED] Pemberton, BC

VON 210 [REDACTED]

[REDACTED]

September 21, 2021

To: Village Of
Pemberton
Attention: Mayor &
Council

RE: Support of the Amendment & Rezoning of the OCP to accommodate a new public school in the Tiyata Development

I am writing to show my support of the proposed amendment of the OCP and rezoning of a portion of the Tiyata Development to accommodate a new public school (Ecole la Vallee). This proposal will provide the Village of Pemberton with a much needed amenity. The location is a perfect fit to share amenities with Signal Hill and to have the school within walking distance of the high density housing which fits with smart growth principles.

Sincerely,

[REDACTED]

Kirsten
Mcleod

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Allison Megeney [REDACTED]
Sent: Tuesday, September 21, 2021 9:55 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Letter of Support for Ecole la Vallee

Bonjour Sheena-

I am writing a letter of support in favor of Ecole la Vallée, and tonight's council meeting. We definitely need a Francophone school in our town! I am in favor of École la Vallée.

Merci,
Allison Megeney
[REDACTED]
Pemberton, BC V0N 2L0

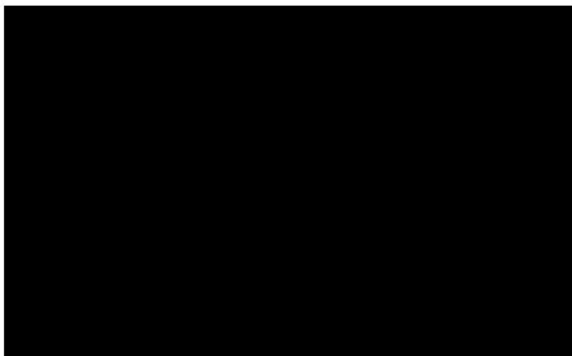
From: Isabelle Papillon [REDACTED]
Sent: Tuesday, September 21, 2021 9:33 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Letter of support for École la Vallée

Bonjour Sheena-

I am writing a letter of support in favor of École la Vallée, and tonight's council meeting. I believe it would be great to get a proper francophone school in Pemberton. I am in favor of École la Vallée.

Merci,
Isabelle Papillon
[REDACTED]
Pemberton, BC V0N 2L1

Isabelle Papillon



From: Stephanie Picard [REDACTED]
Sent: Tuesday, September 21, 2021 11:28 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Ecole La Vallee - Support Letter

Hi Sheena,

I am writing to you in connection with the new school building for Ecole La Vallee. Our family is most definitively in favor of the new building for Ecole La Vallee. The french school is growing every year and soon the portables will not be enough for our children. This school is very important for a big part of our community.

Thank you kindly for your time
Stephanie Picard & Tyler Kraushar
[REDACTED]
Pemberton, BC, V0N 2L2

From: audrey proulx [REDACTED]
Sent: Tuesday, September 21, 2021 12:23 PM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: New french school

Hi there,

My name is Audrey Proulx.
Address:
[REDACTED]
Pemberton, BC, V0N2L0.
[REDACTED]

Just to say that I am in favor of the new french school project.
My daughter will be turning 5 in February.

Thank you

Audrey

From: Fred Provost [REDACTED]
Sent: Tuesday, September 21, 2021 11:07 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: French school

Hello, I think it is important and pretty impressive that our french roots can be supported through our children learning our native language in a small village like Pemberton. My son's education has been greatly enhanced by attending the French school. I strongly believe that this experience will help him develop a worldly approach to his surroundings and hopefully he will become a boy that Pemberton can be proud of. I strongly believe that encouraging a vast array of diversity within is beneficial to our hometown "

Frédéric Provost
[REDACTED]
[REDACTED]
Pemberton, BC

From: Brie Reilly [REDACTED]
Sent: Tuesday, September 21, 2021 11:44 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Letter in support of French school in Pemberton

Bonjour Sheena,

I am writing a letter in support in favor of Ecole La Vallee and tonight's council meeting. We definitely need a Francophone school in our town! I am in favor of Ecole la Vallee.

Merci,

Brie Reilly
[REDACTED]
Pemberton, BC V0N2L3

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

This message is intended only for the addressee. It may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this message in error, please notify us immediately so that we may correct our internal records. Please then delete the original message. Thank you.

From: Emy Roy [REDACTED]
Sent: Tuesday, September 21, 2021 10:17 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: École La Vallée

Hello Sheena,

As a teacher at École La Vallée for the past 8 years, I'd like to send a letter of support to the mayor and the council. Our school is located at 1410 Portage Road.

I'll be attending the meeting tonight at 5:30pm.

Thank you and have a nice day,

Émy Roy
Enseignante de Maternelle-1re année
École La Vallée
Pemberton, Colombie-Britannique

Je tiens à reconnaître que notre école, où nous travaillons, jouons et apprenons, se trouve sur le territoire traditionnel de la Nation Lil'wat.

From: Magali Roy Peak to Peak Bookkeeping [REDACTED]
Sent: Tuesday, September 21, 2021 12:50 PM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Pemberton French School

Good afternoon

I just want to send a quick email regarding the construction of a Pemberton French School. I think it's a really good project and it would be a great addition to our fast growing little town.

I been in the Area for almost 25 years and having my son being able to learn French & seeing him having a great relation with my French speaking family is such an amazing experience.

It would be really great for all of them to be able to be all together, in the same school & to give back the rooms for the also growing Signal hill school.

I fully support this project
Thank you

Never give up on the things that make you smile!
Magali Roy, Peak to Peak Bookkeeping

[REDACTED]
Pemberton BC [REDACTED]
[REDACTED]
[REDACTED]

Andrée-Anne Tardif

[REDACTED]
Pemberton, BC [REDACTED]
[REDACTED]

September 21, 2021

ATTN: Mayor and Council of Pemberton

Dear Mayor Richman and Council of Pemberton,

Bonjour!

My name is Andrée-Anne Tardif. My 2 children attend École La Vallée and I sit on the Board of Director of the APÉ (our school PAC) as Vice-President.

Since we moved here 5 years ago, my family has attended numerous meetings in favour of the building of a new school for École La Vallée. These meetings always mobilized many members of our community. Our community has repetitively shown great support for this project.

My husband and I have chosen to settle our family in Pemberton for various reasons, but notably because we could keep celebrating the french culture for our children.

However, I feel saddened thinking that our current school doesn't offer equal opportunities when compared to the english schools. Our current school structure depends on others to operate and that causes many challenges and flaws (ie school buses and having to rent Signal Hill gym time).

I am deeply in favour of the building of the new french school 'École La Vallée' to benefit our community. Let's allow our children to grow and thrive in the best space and environment! It is only fair.

Sincerely,

Andrée-Anne Tardif and Tom Fitzgerald

From: Kristi Thomas [REDACTED]
Sent: Tuesday, September 21, 2021 8:21 AM
To: Sheena Fraser <sfraser@pemberton.ca>
Cc: Jordan Sturdy <jordan@jordansturdy.ca>; Mike Richman <mrichman@pemberton.ca>; Lisa Pedrini <lpedrini@pemberton.ca>; David Brosseau [REDACTED]
[REDACTED]
[REDACTED]
Subject: École la Vallée- letter of support

Bonjour Sheena-

I am writing a letter of support (and representing all of our parents) in favor of Ecole la Vallée, and tonight's council meeting. As you are likely aware, as the APE Présidente, I have worked incredibly diligently over the last four+ years, and as a volunteer, to kick this school off. We have needed an official Francophone school in our town for years, and finally we are able to make this happen. I am fully supportive of the CSF's direction and understand they are unable to use board funds to build a pedestrian bridge ultimately benefiting the entire community, not just the school. I intend to attend the zoom meeting this evening; however, I am out of town and not sure how stable my Internet connection will be. I reiterate that on behalf of all of our parents, students, and myself, we are in FULL support of the CSF/ École la Vallée. Merci beaucoup!

Kristi Thomas
[REDACTED]
Pemberton, BC V0N2L3

Cheers,
Kristi
Sent with Siri's dictation...

From: Laura Zgud [REDACTED]
Sent: Tuesday, September 21, 2021 2:00 PM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: In support of École de la Vallée

Hi Sheena,

I just wanted to add my letter of support in favour of the school to be built for École de la Vallée it has huge value for the community as a multi-cultural, bilingual town. Our daughter attends this school and we have been so impressed by the teachers, staff and students.

Thank you,
Laura Zgud

[REDACTED]
Pemberton, BC
V0N 2L1
Sent from my iPhone

From: Kaven Therrien [REDACTED]
[REDACTED] September 21, 2021 1:55 PM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: French school

Hi there my son is currently attending Ecole la vallée and I support the new school project for the community It will be a great add on the pemberton Thanks again Kaven Demers-Therrien

Sent from my iPhone

From: Julia Harvey [REDACTED]
Sent: Tuesday, September 21, 2021 12:53 PM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: New French school

Hello,

My name is Julia Harvey, I live 1845 Reid rd, Mount Currie, BC and I am in favour of the project to build the new French school. My partner Stephan Cloutier, at the same address is also in favour of this project.

Thank you
Julia

Sent from my iPhone

Bonjour Sheena-

I am writing a letter of support in favor of Ecole la Vallée, and tonight's council meeting. We definitely need a Francophone school in our town! I am in favor of École la Vallée.

Merci
Valerie Megeney
[REDACTED]
Pemberton, BC VON ???

From: Dr. Shannon Paul [REDACTED]
Sent: Tuesday, September 21, 2021 3:00 PM
To: Sheena Fraser <sfraser@pemberton.ca>
Subject: Letter of support for the new school

Attention:
Sheena Fraser, Corporate Officer
Mayor and Council

I am writing a letter of support for the new proposed school for École La Vallée.

As a parent, community member and business owner, I wholeheartedly support the building of a new francophone school.

It is a wonderful asset to our community and to the education of the French speaking children. The existing school is bursting at the seams and really needs the opportunity to expand. The new school would build on the existing school parameters and allow for full time French education continuing until grade 12.

From a business perspective, the school employs many members of the community and that would increase dramatically with a bigger school. More teachers and EA's would be required. In addition, the new school would also attract and bring new families to Pemberton to attend the Francophone school.

I hope the Mayor and Council will support this endeavour and help build the Francophone school in Pemberton.

Warm regards and thank you!

Dr. Shannon Paul

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

VILLAGE OF PEMBERTON

BYLAW NO. 902, 2021

Being a bylaw to amend the Village of Pemberton Official Community Plan Designation Bylaw No. 654, 2011

WHEREAS the Council may amend its Official Community Plan from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to amend the Official Community Plan to accommodate institutional use within the Tiyata at Pemberton Neighbourhood;

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

1. CITATION

This Bylaw may be cited for all purposes as “Official Community Plan Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021.”

2. Village of Pemberton Official Community Plan Designation Bylaw No. 654, 2011 is amended by:

- (a) Deleting “Section 6.1 Special Planning Area (Tiyata at Pemberton)”, and replacing with “Section 6.1 Special Planning Area (Tiyata at Pemberton)” as attached as Schedule 1 of this Bylaw;
- (b) Amending Map “B” **Land Use Designations** to remove the Residential Designation from Lot 3, DL 203, Plan 12807, LLD and replace with the Civic and Institutional Designation in accordance with Schedule 2 of this Bylaw;
- (c) Amending Map “C” **Development Permit Areas** to remove the “Intensive Residential” Designation from Lot 3, DL 203, Plan 12807, LLD, in accordance with Schedule 3 of this Bylaw.

READ A FIRST TIME this 1st day of June, 2021.

READ A SECOND TIME this 1st day of June, 2021.

NOTICE OF PUBLIC HEARING FOR VILLAGE OF PEMBERTON OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW (Tiyata - École de la Vallée) No. 902, 2021 WAS PUBLISHED IN THE Pique Newsmagazine on September 9th, 2021 AND September 16th, 2021.

PUBLIC HEARING HELD this 21st day of September, 2021.

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

ADOPTED this _____ day of _____, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Schedule 1

Official Community Plan Amendment (Tiyata - École de la Vallée) Bylaw No. 902, 2021

Special Planning Area (Tiyata)

1.0 Background

The **Tiyata at Pemberton** (Neighbourhood) is located within the heart of the Village of Pemberton. The lands subject to this ***Special Planning Area*** fall within the CN Rail line, Signal Hill Elementary School, Highway 99, and Pemberton Creek. A small portion of the lands lies west of Pemberton Creek.

The lands comprise an 8.9 hectare site and other than the presence of the creek, the lands exhibit no significant physical features. The relatively flat site is within the Lillooet River flood plain and the Pemberton Creek flood protection area.

The Neighbourhood has been designated as a ***Special Planning Area*** because of the significant opportunity to plan and design a new neighbourhood within the Village in a comprehensive manner respecting Smart Growth and sustainability principles. The project presents a unique opportunity as a significant and considerable tract of land within the centre of the community that is able to accommodate a variety of complementary land uses.

2.0 Neighbourhood Vision

The vision for the Tiyata at Pemberton Neighbourhood is to create a sustainable development that offers compact housing catering to a range of incomes and ages, parklands and institutional uses. The residents will have easy access to places of work, shopping, educational facilities and community amenities.

3.0 Land Use Framework

The **Tiyata at Pemberton Neighbourhood** will be developed generally in accordance with a land use framework shown in Map B and contain residential, institutional, office and recreational park land uses. The residential densities for the development comprise approximately 100-120 units which will be linked internally and externally by a trail and sidewalk network. The development's residential land uses, proximity to downtown, schools, childcare centres, community recreational facilities, and pedestrian network ensures that it will be a "walkable" neighbourhood.

The Neighbourhood will have two main community gathering points; one within the school/community hub in the south-end of the neighbourhood and the other at a public park located along Pemberton Creek. The school/community hub will be aimed at kindergarten to Grade 12 (K-12) students and incorporate much needed childcare spaces and a community garden.

The commercial/office use will be at the main entrance providing a transition between downtown and the neighbourhood. For those uses adjacent to the CN Rail right of way, setbacks will be integrated into the buildings and site design. The lower density single family and duplex lots with parkland and trail corridors will comprise the majority of the residential development. These lots will respect provincial requirements for riparian setbacks.

The Neighbourhood will consist of the following components:

- a total of approximately 100-120 dwelling units consisting of small lot single family, duplex dwelling lots and apartments;
- a three-storey K-12 school and playing fields;
- daycare and after-school care spaces;
- 2,230 square meters of commercial/office floor space;
- greater than 5% of the site for park land, including a community garden; and
- a connecting trail network.

4.0 Circulation Systems

The northern (residential) portion of the neighbourhood is served by a new local road accessed from Portage Road. The southern (school use) portion of the neighbourhood will be accessed directly from Highway 99, an access which will also serve as an emergency exit for the residential neighbourhood. The trail network will feature a trail along the dike and under the BC Hydro transmission lines connecting the neighbourhood to the Community Centre on Portage Road. Internal trails will also be provided linking various parts of the neighbourhood.

The Plan for the Neighbourhood has accommodated the possibility for a future vehicular and pedestrian crossing of the rail line by protecting a road right of way, however such a crossing will not materialize without the permission of the rail operations.

5.0 Infrastructure and Services

The Neighbourhood will be serviced with municipal water and sewer in accordance with Village standards. Stormwater will apply best practices in reducing the amount of flow that enters Pemberton Creek.

The upgrading of any off-site infrastructure to service the neighbourhood will be the subject of further technical studies.

Any street lighting shall be dark sky friendly.

6.0 Flood Protection and Riparian Setbacks

The **Tiyata at Pemberton Neighbourhood** is situated on the valley bottom and therefore lies within the Pemberton Creek alluvial fan and the Lillooet River floodplain. The property is protected by the Pemberton Creek Dike, which is a provincially regulated dike maintained by the Pemberton Valley Diking District. In a 2018 Floodplain Mapping Study this dike was listed in Fair Condition. The area is above the 200 year flood level as modelled in the 2018 Study. All habitable space within any building will need to be constructed to the established flood control elevations.

The project is subject the Riparian Areas Regulation. An assessment has been completed by a certified environmental professional whereby the Streamside Protection and Enhancement Area (SPEA) has been delineated as 15 metres. Although the proposed building envelopes will not be within the 15 meter setback, development parcels may be within the delineated Streamside Protection and Enhancement Area.

7.0 Community Amenities

As noted previously, the **Tiyata at Pemberton Neighbourhood** will contain a number of elements that the overall community will benefit from including:

- parkland dedications in excess of the 5% requirement;
- neighbourhood park improvements;
- neighbourhood trail construction, including a dike trail;
- school drop off improvements benefitting Signal Hill Elementary;
- community use of the K-12 School Facilities including day-care and after school care;
- a pedestrian bridge crossing linking the dike trail and the Creekside townhouse site; and
- a community garden.

8.0 Sustainability Initiatives

The **Tiyata at Pemberton Neighbourhood** has been designed with a number of features that respect to accommodate a number of sustainability principles including:

- central community meeting areas both passive and active in scope;
- community garden for growing food and building community;
- a trail connecting the neighbourhood with Signal Hill Elementary School;
- a variety and choice of housing opportunities;
- a walkable neighbourhood with a variety of pedestrian options; and
- opportunities for learning and long term employment.

There are a number of other sustainability opportunities that will be secured through the development approval process including:

- diversity of tenures;
- attractive streetscape;
- universal access;
- commitment to ongoing community participation;
- green building best practices such as grey water reuse, water reduction appliances, the stormwater management, heat island reduction, permeable pavement, solar exposure; and
- flexibility in unit design to allow people to age in place.

**VILLAGE OF PEMBERTON
BYLAW No. 903, 2021**

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it necessary to amend the Zoning Bylaw to revise the Comprehensive Development 5 (CD-5) Zone to accommodate a new school use within the Tiyata at Pemberton Neighbourhood;

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

CITATION

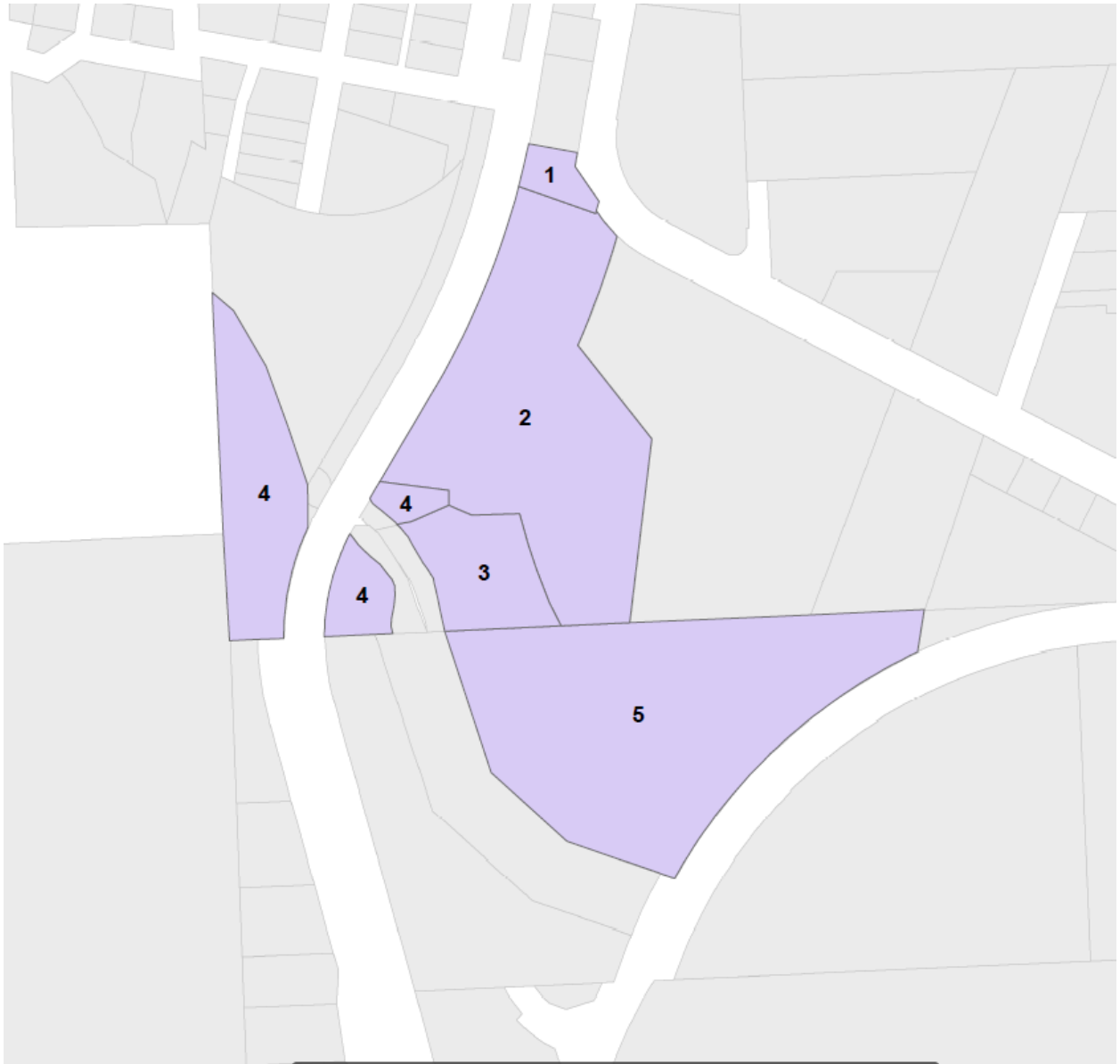
This Bylaw may be cited for all purposes as “Zoning Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021”.

1. VILLAGE OF PEMBERTON ZONING BYLAW NO. 832, 2018 IS AMENDED AS FOLLOWS:

That Section 18.5. **CD-5: Comprehensive Development Zone 5 (Tiyata at Pemberton)** be deleted in its entirety and replaced with the following:

The intent of the CD-5 Zone is to recognize a comprehensively planned area called Tiyata at Pemberton which includes compact housing, a public school, a limited amount of commercial and office floor space, active and passive park land and a trail network. Covenants have been registered on the lands to further guide the development of the area.

The regulations in the tables in this section apply to land in the Comprehensive Development 5 (Tiyata at Pemberton) Zone, as indicated by the column headings. For purposes of regulation, the area within the boundary of the CD-5 Zone is divided into five (5) separate areas labelled as Area 1 through Area 5 inclusive while the location of each separate area is identified below. Each area boundary within the CD-5 Zone shall be considered a *zone* boundary for the purposes of this Bylaw and separate regulations shall apply to each area as contained in this section.



18.5.1 Permitted Uses of Land, Buildings and Structures

(a) The following *uses, buildings and structures* and no others shall be permitted within the CD-5 (Tiyata at Pemberton) Zone:

	Area 1	Area 2	Area 3	Area 4	Area 5
i. Principal Uses of Land, Buildings and Structures					
<i>Detached Dwelling</i>		•	•		
<i>Duplex</i>		•	•		
<i>Apartment</i> <small>(subject to Conditions of Use)</small>	•				
<i>Business and Professional Office</i>	•				
<i>Personal Service Establishment</i>	•				
<i>Park</i>	•	•	•	•	•
<i>Assembly</i>	•			•	•
<i>School</i>					•
ii. Accessory Uses of Land, Buildings and Structures					
<i>Uses accessory to Principal Uses</i>	•	•	•	•	•
<i>Home Occupation</i>	•	•	•		
<i>Child Care Centre</i>					•

18.5.2 Density of Permitted Uses, Buildings and Structures

(a) All *uses, buildings and structures* in the CD-5 (Tiyata at Pemberton) Zone shall comply with the following regulations regarding size, siting, density and lot size.

	Area 1	Area 2	Area 3	Area 4	Area 5
Maximum Lot Coverage					
<i>Detached Dwelling</i>		50%	50%		
<i>Duplex</i>		50%	50%		
<i>Apartment</i>	50%				
<i>Commercial</i>	50%				
<i>Assembly</i>	50%				
<i>School</i>					50%
Maximum Floor Area Ratio (FAR)					
<i>Detached Dwelling</i>		GFA of 238 m ² or FAR of 0.5 whichever is less	GFA of 238 m ² or FAR of 0.5 whichever is less		
<i>Duplex</i>		GFA of 280 m ² or FAR of 0.5 whichever is less	GFA of 280 m ² or FAR of 0.5 whichever is less		
<i>Apartment</i>					
<i>Commercial</i>	1.5				
<i>Assembly</i>	1.5				
<i>School</i>					
Maximum Unit Size (m²)					
<i>Detached Dwelling</i>		GFA of 275 m ² or FAR of 0.5 whichever is less	GFA of 275m ² or FAR of 0.5 whichever is less		
<i>Duplex</i> (Total both units)		GFA of 325 m ² or FAR of 0.5 whichever is less	GFA of 375 m ² or FAR of 0.5 whichever is less		
<i>Apartment</i>	95				

	Area 1	Area 2	Area 3	Area 4	Area 5
Maximum Number of Dwelling Units	12	80	20		
Maximum Amount of Commercial Floor Area	2,230 m ²				
Maximum Building Height (meters / storeys)					
<i>Detached Dwelling</i>		9 m	9 m		
Duplex		9 m	9 m		
<i>Apartment</i>	17 m / 4 storeys				
<i>Commercial, See 18.5.3. (b) ii.</i>	17 m / 4 storeys				
<i>Assembly</i>	17 m / 4 storeys				
<i>School</i>					3 storeys
Minimum Building Setbacks (m)					
Front	6	6	6		5
Rear	7.5	7.5	7.5		3
Side, See 18.5.2. (b) v. & vi. for residential use	3.0	1.6	1.6		3
Minimum Lot Size (m²)					
<i>Detached Dwelling</i>		350	350		
Corner Lot		375	375		
<i>Duplex</i>		465	465		
<i>School</i>					40,994
Maximum Lot Size (m²)					
<i>Detached Dwelling</i>		465	465		
<i>Duplex</i>		558	558		
Accessory Buildings					
<i>Maximum Floor Area</i>	10 m ²	10 m ²	10 m ²		
<i>Maximum Height</i>	2.7 m	2.7 m	2.7 m		
<i>Minimum Front Yard Setbacks</i>	6 m	6 m	6 m		
<i>Minimum Rear Yard Setbacks</i>	1.5 m	1.5 m	1.5 m		
<i>Minimum Side Yard Setbacks</i>	1.5 m	1.5 m	1.5 m		

(b)**Conditions of Use:** All *residential uses, buildings and structures* in the CD-5 (Tiyata at Pemberton) Zone must comply with the following additional Conditions of Use:

- i. An *apartment* use shall be located above a ground storey *commercial* or *assembly* use and shall comply with the regulations contained within this Bylaw.
- ii. For the purpose of this section, a *commercial* use includes a *building* that is occupied with a business and professional office or *personal service establishment* and may contain *residential* uses above the ground storey subject to the provisions of this Zone.
- iii. any portion of the *garage* for a *detached dwelling* that exceeds thirty-seven (37) square meters shall be included in the calculation of *floor area*, in addition to the maximum area permitted for *accessory buildings*.
- iv. any portion of the *garage* for a *duplex* residential dwelling that exceeds forty-five (45) square meters shall be included in the calculation of *floor area*, in addition to the maximum area permitted for *accessory buildings*.
- v. The *side yard setback* of a *detached dwelling* may be reduced to 1.2 m whereby a certified professional confirms that snow will not shed from the roof of the dwelling onto adjacent properties.
- vi. The side yard setback of the *garage* may be reduced to 0.6 m whereby a certified professional confirms that snow will not shed from the garage roof onto adjacent properties.

18.5.3 Off-Street Parking and Loading

- (a) Off-street parking and loading shall be provided in accordance with the requirements of this Bylaw.
- (b) Notwithstanding Section 18.5.4(a) the off-street parking requirements for the following uses shall be as follows:
 - i. *Apartment*: 1.25 space per unit plus an additional 0.25 space per unit for Visitor Parking
 - ii. *Commercial Use*: One (1) space per 37 square meters of *gross floor area*
 - iii. *Business and Professional Office Use*: One (1) space per 37 square meters of gross floor area
 - iv. *School Use*: Refer to Section 8.6 Civic, Institution and Recreation Parking Requirements

18.5.4 Definitions

- (a) For the purpose of the CD-5 zone, the following definitions shall apply:
 - i. *Apartment* shall mean three or more individual dwelling units on a lot where each dwelling unit has its principal access from an entrance or hallway common to at least two other dwelling units on the same storey.
 - ii. *School Use* shall include before and after school care.

READ A FIRST TIME this 1st day of June, 2021.

READ A SECOND TIME this 1st day of June, 2021.

NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 was **PUBLISHED IN THE PIQUE NEWSMAGAZINE** on September 9, 2021 and on September 16, 2021.

PUBLIC HEARING HELD this 21st day of September, 2021.

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

APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE ON this _____ day of _____ 2021.

ADOPTED this _____ day of _____, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

VILLAGE OF PEMBERTON

BYLAW NO. 906, 2021

A bylaw to provide for a permissive tax exemption for Stewardship Pemberton Society

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 Tax Exemption (Stewardship Pemberton Nature Centre) Bylaw No. 906, 2021.”

PART 2: APPLICATION

2.1. The land hereinafter described and the improvements thereon which are set apart and in use for not-for-profit activities, are hereby exempt from taxation under Section 224 (2) (a) of the *Community Charter* for a ten (10) year period from 2022 until 2031:

a) Block B District Lot 203, Lillooet Land District, PID 001-827-031

READ A FIRST TIME this 21st day of September, 2021.

READ A SECOND TIME this 21st day of September, 2021.

READ A THIRD TIME this 21st day of September, 2021.

RECONSIDERED, PASSED AND ADOPTED this ____ day of October, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

**VILLAGE OF PEMBERTON
BYLAW No. 907, 2021**

A bylaw to amend Village of Pemberton Board of Variance Bylaw No. 893, 2021

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 Board of Variance Bylaw No. 893, 2021, Amendment (Fees) Bylaw No. 907, 2021”.

PART 2: APPLICATION

2.1. Village of Pemberton Board of Variance Bylaw No. 893, 2021, is amended as follows:

a) **PART 6 PROCESS AND FEES** is amended by:

i. In section 3.1,

(a) inserting the following new definitions:

“Application” means an application of appeal to the Board of Variance.

“Applicant” means a person who has submitted an application of appeal to be heard by the Board of Variance, or their authorized agent.

(b) inserting the term “Building Official” and definition as follows:

“Building Official” means the person appointed to this role for the Village and their designate.

and

(c) striking out the term “Manager of Development Services” and replacing it with the term “Manager”;

ii. striking out section 3.2 and inserting the following in its place:

3.2 Unless otherwise defined herein, words and phrases in this Bylaw have the same meanings as in the *Local Government Act, Community Charter, or Interpretation Act.*;

iii. striking out section 6.2 and inserting in its place the following:

6.2. The *Manager* may

- a) prescribe the form and content of an application form, and
- b) determine if an application is complete.;

iv. striking out section 6.3 and inserting the following in its place:

6.3. A person desiring to be heard by the *Board* must submit to the *Manager*

- a) a completed application, signed by the *applicant*,
- b) all required supporting documents, and
- c) the non-refundable application fee.;

v. striking out section 6.4 and inserting it its place the following:

6.4. A person desiring to be heard by the *Board* under section 544 of the *Local Government Act* based on a determination of value made pursuant to section 532 (1) of the *Local Government Act* must submit to the *Manager* an *application* no later than thirty (30) days after being advised in writing of such determination.;

vi. inserting a new section 6.5 as follows:

6.5 Fees, charges, and deposits for services that may be or are provided under this Bylaw shall be charged as set out in Village of Pemberton Fees and Charges Bylaw No. 905, 2021.;

vii. inserting new sections 6.6, 6.7, 6.8, and 6.9 as follows:

6.6. The non-refundable application fee is the minimum fee payable.

6.7. If the *Manager* determines that the cost to process an *application* exceeds or may exceed the application fee, costs exceeding the application fee shall be recovered from the *applicant* based on actual staff and contractor costs incurred in processing the application.

6.8. The *Manager* may, at any stage of the application review, require the *applicant* to pay a deposit based on the *Manager's* estimate of the cost of processing the application.

6.9. The *Manager* may withhold review of an *application* if the *applicant's* account is in arrears.;

viii. in section 8.2, striking out the second sentence;

ix. Inserting a new section 8.3 as follows:

In the absence of the *Chair*, and if the *Chair* has not appointed an Acting Chair, the remaining members may appoint one or the other as an Acting Chair for the duration of the hearing.;

x. in section 8.4, striking out the word "Municipality" and inserting in its place the word "Village";

xi. in section 8.5, replacing the reference to Section 8.3 with a reference to section 8.4; and

xii. in section 9.2, striking out the term "Building Inspector" and inserting in its place the term "Building Official."

READ A FIRST TIME this 21st day of September, 2021.

READ A SECOND TIME this 21st day of September, 2021.

READ A THIRD TIME this 21st day of September, 2021.

ADOPTED this ___ day of ___, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

**VILLAGE OF PEMBERTON
BYLAW No. 908, 2021**

A bylaw to amend Village of Pemberton Fees and Charges Bylaw No. 905, 2021

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 Fees and Charges Bylaw No. 905, 2021, Amendment (Board of Variance) Bylaw No. 908, 2021”.

PART 2: INTERPRETATION

2.1. in this Bylaw, a reference to a statute, regulation, or enactment refers to that enactment as amended or replaced from time to time.

PART 3: APPLICATION

3.1. Village of Pemberton Fees and Charges Bylaw No. 905, 2021, is amended as follows:

- a) Schedule S, Board of Variance, is added to and forms part of the Bylaw; and
- b) the Table of Contents is updated to reflect the addition.

PART 4: SCHEDULE

4.1. Schedule S is attached to and forms part of this Bylaw.

READ A FIRST TIME this 21st day of September, 2021.

READ A SECOND TIME this 21st day of September, 2021.

READ A THIRD TIME this 21st day of September, 2021.

ADOPTED this ___ day of ___, 2021.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE S – BOARD OF VARIANCE

The following fees apply to applications to appeal to the Board of Variance:

DESCRIPTION	FEE
NON-REFUNDABLE APPLICATION FEE	\$400.00
EXPENSES EXCEEDING THE APPLICATION FEE	
STAFF TIME	COST RECOVERY
CONTRACTOR TIME	COST RECOVERY
ANY OTHER EXPENSES INCURRED BY THE VILLAGE	COST RECOVERY

From: Sharon Bishop [REDACTED]
Sent: September 18, 2021 7:49 AM
To: VoP Admin <admin@pemberton.ca>
Subject: TO COUNCIL

Am writing again to express my concern about the chosen location for a basketball court on the edge of the downtown parking lot.

I feel it would be a mistake and here are two reasons:

I am observing how important that area is for long rigs (towed trailers) to use the north end of the lot to turn and / or park. Whether they be commercial or tourist. They often need to drive over the gravel section on the north end to avoid cars in the main paved parking area.

That is where I believe the plan is to locate the court.

I think eliminating that section would be a grave mistake. Where else are these long vehicles to go when stopping in our town?

Secondly, the gravel area in winter is used to dump surplus snow which is filled with gravel.

Were you to push that pile further on to the green space, our neighbourhood would see a reduction of a popular dog and children play area.

As I said in an earlier letter, I really feel the basketball court should be located on the lands used for recreational activity, namely the community center zone.

Don't reduce the downtown parking any further.

Sincerely
Sharon Bishop

Sent from my iPhone

From: [REDACTED] <[REDACTED]>
Sent: September 28, 2021 7:09 AM
To: VoP Admin <admin@pemberton.ca>

Subject: Cathy Peters' presentation to Global Virtual summit on the Impact of Pornography on Youth and Children "Connect to Protect"- please attend; October 13-15, 2021

Dear Mayor Mike Richman and Pemberton Village Council,

I had the opportunity to present this past spring to many City Councils and Regional Districts including policing committees, police boards, school boards and wellness committees about the issue of Human Trafficking, Sexual Exploitation and Child Sex Trafficking in BC and How To Stop It.

I am available for more presentations in February, including "deeper dive" presentations for Councils, Indigenous bands, frontline service providers and stakeholders.

ASK: Please share the link (connectingtoprotect.org) and information for the inaugural Global Virtual Summit called "Connect to Protect" with your contacts, staff and stakeholders.

All sessions will be pre-recorded to be available to all participants to view at any time given time zones.

This Summit is first of its kind internationally and will address the impact of pornography on youth and children.

I will be presenting along with University Student Tagen Marshall.

There is a general admission fee and group rates.

This Summit is sponsored by the University of Calgary, Department of Social Work, and offers course university credits as well (for additional fee).

Please contact me for more information and for information about future presentations to your area.

Attached is my updated brochure.

Sincerely,
Cathy Peters
BC anti-human trafficking educator, speaker, advocate
Be Amazing; Stop Sexual Exploitation
[REDACTED], North Vancouver, BC
[REDACTED]

Human sex trafficking and sexual exploitation for the purpose of prostitution is the fastest growing crime in the world. It is a lucrative crime targeting our youth, children, and the vulnerable.



You can help stop sexual exploitation starting in your community:

Learn about the issue.

Share it with others.

Alert your politicians that sexual exploitation must stop.

An Anti-Human Trafficking Initiative

BeAmazingCampaign.org

.....

Canadian National Human Trafficking Hotline

1-833-900-1010



**Learn.
Share.
Alert.**

Be Amazing



An Anti-Human Trafficking Initiative

PRESENTED BY

Cathy Peters

Village of Pemberton

Regular Council Meeting No. 1546

Tuesday, October 5, 2021

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BeAmazingCampaign.org

A modern equal society does not buy and sell women and children.

Cathy Peters raises awareness about the issue of human sex trafficking, sexual exploitation and child sexual trafficking which is for the purpose of prostitution. She speaks and presents to politicians, police and the public.



Today's slavery has low costs and huge profits; a trafficker can make hundreds of thousands of dollars **per victim** per year.

The average age of entry into prostitution is 12–14 years of age in Canada, although traffickers are targeting children as young as 8. There has been a dramatic increase in child exploitation along with the production and consumption of child pornography. Unregulated technology has increased the demand for commercially paid sex.

The biggest problem in Canada is that the public is unaware of the issue. Women, youth, children, the marginalized and vulnerable will become potential targets and victims unless we do something to stop it.

Learn. Share. Alert.
BeAmazingCampaign.org

Cathy Peters is a former inner city high school teacher and since 2014 has made 450 presentations to over 15,000 people.

Cathy has received 10 Challenge Coins for her work and advocacy from Kitimat, North Vancouver, Coquitlam, Richmond, Surrey, and the Chilliwack RCMP detachments, RCMP HQ Counter Exploitation Unit, from the New Westminister Police Department after presenting at the Justice Institute in New Westminister, the Delta Police Department, and Vancouver Police Department.

Cathy's work was introduced in the BC Legislature, she has participated in two Federal Justice Committee Human Trafficking Roundtables in Vancouver, and contributed a Federal Public Safety Consultation brief in 2018. In response to MMIWG Inquiry, Cathy presented to the Okanagan Native Alliance (2020, 2021) on how to protect indigenous women and girls. She was nominated for an Order of BC and for the Carol Matusicky Distinguished Service to Families Award.

Cathy's goal is to "traffick-proof" every community in BC and to prevent the full dehumanization of women and children in Canada.

Regular Council Meeting No. 1546
Tuesday, October 5, 2021

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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*