

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

**Agenda** for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, January 12, 2010 at 3:00 pm (or immediately following the Committee of the Whole – Finance) in the White Building, 7400 Prospect Street. This is meeting No. 033

<b>Time</b>	<b>Item of Business</b>	<b>Page No.</b>
3:00 p.m.	<b>1. CALL TO ORDER</b>	
	<b>2. APPROVAL OF AGENDA</b>  <b>Recommendation: THAT</b> the agenda be approved as presented.	
	<b>3. Bylaw No 1095 – Squamish Lillooet Regional District – Farm Home Plate</b>  <b>Recommendation: THAT</b> the Village advise the Squamish Lillooet Regional District that they have no objection to proposed <i>Farm Home Plate Bylaw No. 1095</i> , but would suggest that the term “depth” could be explicitly defined for further clarity.	<b>2</b>
	<b>4. IN CAMERA</b>  <b>THAT</b> pursuant to Section 90(1) (k) of the Community Charter, the Council of the Village of Pemberton serve notice to hold an In-Camera Meeting on today’s date for the purpose of dealing with matters for which the public shall be excluded from attending.	
	<b>5. ADJOURNMENT</b>	



**Date:** January 12, 2010

**From:** Caroline Lamont, Manager of Development Services

**Subject:** Bylaw No. 1095 – Squamish Lillooet Regional District  
Farm Home Plate

---

## RECOMMENDATION

THAT the Village advises the Squamish Lillooet Regional District that they have no objection to proposed *Farm Home Plate Bylaw No. 1095*, but would suggest that the term “depth” could be explicitly defined for further clarity.

## ITEM FOR DISCUSSION

On December 11, 2009, the Village of Pemberton received a referral of *Bylaw No. 1065 – Farm Home Plate* from the Squamish Lillooet Regional District. This report provides for Council’s consideration, an overview of the Development Services’ Department’s review related to the subject *Farm Home Plate Bylaw* and related background reports.

## BACKGROUND

On November 23, 2009, the Squamish Lillooet Regional District Board gave first reading to *Bylaw No. 1095*, cited as “*Squamish Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1095, 2009*”. As part of a subsequent motion, staff was directed to refer the subject bylaw to the Lower Stl’at’imx Land and Resource Authority, the Lil’wat Nation, the Village of Pemberton and provincial and federal agencies for comment. The deadline for feedback on the bylaw is Friday January 15, 2010.

The following provides an overview of the process the SLRD has undertaken with regard to the Home Plate initiative (the SLRD’s detailed reports are attached as Appendix A):

***Purpose of the Farm Home Plate Bylaw:*** It is to introduce land use restrictions intended to maintain the agricultural integrity of the land whereby the siting of ‘estate homes’ on agricultural land would be further regulated. The proposed bylaw is consistent with the Official Community Plan.

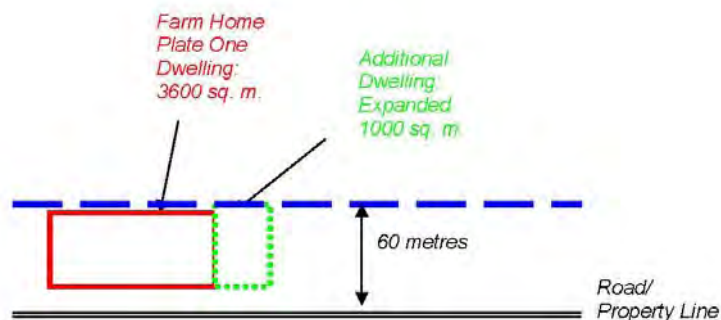
***Properties that will be affected:*** The lands include Agricultural Land Reserve (ALR) properties within Area C including Pemberton Meadows, Pemberton Fringe as well as parcels near Birken and Blackwater Creek being approximately 6500 hectares.

***Consultation to Date:*** From March 2008 until September 2009, the Agricultural Advisory Commission had discussions regarding the farm plate bylaw on five (5) occasions, which with assistance from SLRD staff evolved from brainstorming sessions,

options and two versions of the potential bylaw. Staff will also be undertaking future additional consultation as outlined in the staff report.

**Contents of Bylaw No. 1095, 2009** – The bylaw at first reading contains the following requirements:

1. Maximum area of a farm home plate containing one dwelling is 3600 square metres (0.9 acres or 38750 sq. ft.)
2. Maximum area of a farm home plate containing two dwellings is 5000 square metres (1.2 acres or 53,820 sq. ft.)
3. Maximum depth of the farm home plate is 60 metres (200 feet) from a dedicated and constructed road or from the property line closest to a dedicated and constructed road in the case of land locked parcels.
4. The farm home plate is permitted to be expanded by an additional 1000 square metres for each constructed dwelling of farm help
5. The above noted bylaw provisions do not apply to any dwelling or auxiliary farm residential facility constructed prior to the adoption of this bylaw.
  - a. A development variance permit may be used to vary these provisions.



## DISCUSSION

The staff report notes that for the most part *“the properties that will be affected are mainly large, undeveloped parcels that are part of larger holdings: Staff estimates that 50% of the land base in the Pemberton Meadows will be affected.”* Further, comments contained in the SLRD report state that *“In the event that the Village of Pemberton expands its boundaries with the aim of creating more small lot development in the ALR, the Village will have the task of addressing parcels size, home siting and agricultural integrity”*.

The Development Services Manager has reviewed the proposed bylaw in terms of its affect on Village planning policy, specifically the Official Community Plan (OCP). The current OCP states that *“the Village will continue to support the Agricultural Land Reserve designation for all the so-designated land within the Village respecting the agricultural ambience of the community.”* It appears that the proposed bylaw is consistent with the Village’s own objectives.

With regard to the AAC reference to the Village’s potential to allow for smaller parcels with boundary expansion, this determination will be part of the ongoing OCP Update and Boundary Expansion process. Staff would recommend that the restrictions on ALR lands within the

Village and the SLRD be consistent as much as possible and therefore such a provision may be added to the Village's Zoning Bylaw if directed by the updated OCP..

### **COUNCIL CONSIDERATION**

As noted this report and supporting documentation the subject Bylaw is before Council for information. Generally referrals of SLRD bylaws, subdivisions and development projects are commented on by Village staff unless Council requests an opportunity to comment. At the December 15<sup>th</sup> meeting, Council expressed interest in this bylaw and therefore staff has brought the item forward for additional comment and/or direction.

### **STAFF RECOMMENDATION**

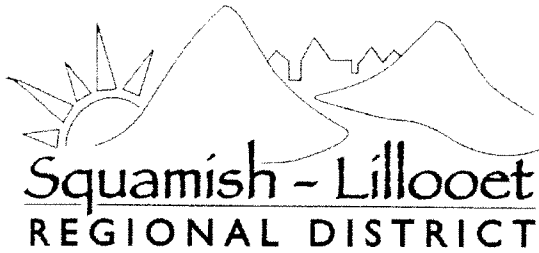
Staff is responsible for reviewing the proposed bylaw in context of its consistence with the Village's land use policies and designations. Staff has no significant concerns with regard to *Bylaw 1095's* implementation from a land use perspective as it does not to have any immediate impacts on lands within Village boundaries. The home plate issue, however, will be reviewed in the Village's OCP and Zoning Bylaw Updates.

The only comment that staff has to offer is with regard to the wording of the bylaw. Although the Development Services Department has limited experience in dealing with agricultural restrictions, the wording contained within the bylaw appears to be slightly unclear. It is recommended that perhaps the term "depth" could be explicitly defined within the bylaw (see footnote below).

### *Appendix "A" – SLRD Referral Package – received December 11, 2009*

---

\* The SLRD has advised that the "depth" is the "distance from the edge of the property line (along the road) to the back of the farm home plate".



Box 219, 1350 Aster Street  
Pemberton, BC V0N 2L0  
Ph. 604-894-6371, 800-298-7753  
F: 604-894-6526  
info@slrd.bc.ca www.slrd.bc.ca

VILLAGE OF PEMBERTON	
Copy to:	<i>Shirley</i>
Original to:	<i>Caroline</i>
File to Main file:	.....
Council Agenda Action:	.....
Council Agenda Information:	.....
Other:	.....

RECEIVED  
DEC 11 2009  
Village of Pemberton

December 8, 2009

**RE: Electoral Area C Zoning Amendment Bylaw No. 1095 – Farm Home Plate**

I am writing to request your comments on the proposed Electoral Area C Zoning Amendment Bylaw No. 1095. The purpose of Bylaw No. 1095 is to regulate the location of new dwellings on lands zoned ‘Agriculture’ in order to protect the agricultural potential of the land. A ‘farm home plate’ is proposed on which all new dwelling and the associated auxiliary uses must be constructed. The bylaw affects lands within Electoral Area C that are within the Agricultural Land Reserve.

On November 23, 2009 the SLRD Board carried the following motions regarding Bylaw 1095:

‘THAT Bylaw No. 1095, cited as ‘Squamish Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1095, 2009’ be introduced and read a first time.

THAT Bylaw No. 1095 be referred to the Lower Stl’atl’imx Land and Resource Authority, the Lil’wat Nation, the Village of Pemberton, and provincial and federal agencies for comment.

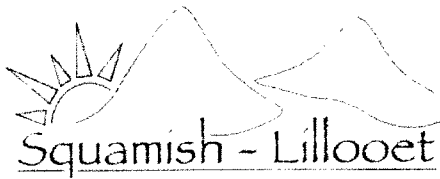
THAT the consultation plan set out in the Staff report for Bylaw 1095 be implemented with amendment that one or more open house meetings be held at a time, date, and location determined in consultation with Area C Director and Board Chair.’

As per the above resolutions, I am writing to formally invite your feedback on Bylaw No. 1095. I have attached a copy of the bylaw, as well as the most recent staff report. **The due date for feedback on the bylaw is Friday, January 15, 2010.** If you have any questions, please do not hesitate to call.

Sincerely,

*Amica Antonelli*

Amica Antonelli  
Planner



## Request for Decision

### Bylaw 1095 - Farm Home Plate, Electoral Area C

#### **Background:**

**AAC Consultation** - The farm home plate (FHP) topic has been discussed with the AAC on five occasions:

March 6, 2008 – A number of developments in the Pemberton Meadows were prompting concern, so the AAC members were invited to brainstorm on farming issues and solutions. The key issues raised were 1) gravel on farm land, and 2) estate homes being constructed in the centre of parcels. Staff gave an overview of 'farm bylaws' and the FHP concept. (Farm bylaws regulate farm-uses that are already permitted in the ALC regulations; for example, the location of equestrian barns or access roads; with special approval from the Minister of Agriculture and Lands.) Adding a FHP component to the zoning bylaw was identified as the best solution to the home siting issue. No motions were carried.

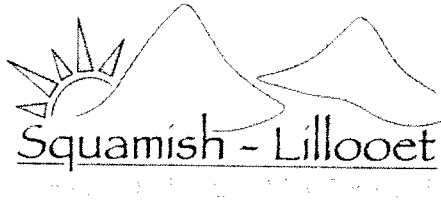
Jun 26, 2008 – Staff presented the first (June 2008) version of the FHP bylaw. It was modelled after Delta's bylaw and included both a maximum size of FHP and restriction on location (the far boundary of a FHP could be no farther than 60 metres from a road). The consensus was that the bylaw was too restrictive. Alternatives were discussed, such as establishing a Development Permit Area (DPA) to allow for more flexibility. The DPA was thought to be too complicated as well. No motions were carried.

May 27, 2009 - Staff presented the second version of the FHP bylaw. It was referred to as 'FHP light', in that the FHP no longer had a maximum size, only a restriction on location. New homes would have to be build within 60 metres of a road *or property line*. The rationale was that the Pemberton Valley does not have an issue with sprawling family compounds, so the removal of the maximum FHP size would simplify the bylaw, and have little impact on the land base. This bylaw received more support from the AAC. It was thought to be simpler to understand and the intent was clear. A map was presented showing what properties would be affected by the bylaw (more on this below). No motions were carried.

At the May meeting, the issue of how the bylaw would affect small parcels was raised. On small parcels (less than 1 hectare), or narrow parcels, restricting the location of dwellings to 60 metres from a road or property line would not end up restricting the location at all. (Staff comment: As the vast majority of small parcels in the ALR already have the one permitted dwelling constructed, this shortcoming with the bylaw is not anticipated to have a significant effect on the land base. Within the SLRD, it is not anticipated that more small parcels will be created in the ALR. In the event that the Village of Pemberton expands its boundaries with the aim of creating more small lot development in the ALR, the Village will have the task of addressing parcel size, home siting, and agricultural integrity.)

June 17, 2009 – The AAC briefly discussed the FHP bylaw. A motion was carried to bring the FHP bylaw back to the committee for further review.

September 16, 2009 – The AAC reviewed the two versions of the FHP bylaw. Issues with both versions were discussed. The AAC carried a motion to recommend that the Regional Board support the more comprehensive June 2008 version.



## Request for Decision

### Bylaw 1095 - Farm Home Plate, Electoral Area C

**The Bylaw** - The June 2008 version of Bylaw 1095 (attached, with a few revisions for clarity) contains six provisions modelled after the City of Delta's FHP bylaw:

1. The maximum area of a farm home plate, which includes all auxiliary uses such as driveways, swimming pools, and lawns, with one dwelling is 3600 square metres (0.9 acre).
2. The FHP expands to 5000 square metres (1.2 acre) where two dwellings are constructed.
3. The maximum depth of the FHP is 60 metres measured from a dedicated road.
4. The FHP expands another 1000 square metres (0.2 acre) for each constructed dwelling for farm help.
5. Homes constructed prior to Bylaw 1095 being adopted are not affected. New auxiliary uses associated with existing, non-conforming houses are permitted. (This aspect of the bylaw has been re-worded/clarified since the Sept 2009 AAC meeting.)
6. A development variance permit (DVP) may be used to vary the clauses of the bylaw. DVP applications would be reviewed by the AAC and agricultural impacts of the variance would be considered. The circumstances under which a DVP may be issued could include the following: if an existing farmhouse burns down and the farmer needs to rebuild in the same location, or the poorer soils are in the center of a property so construction ought to occur there, or the land alongside the road is inundated with water.

**What properties are affected** - Many of the parcels in the lower half of the Pemberton Valley will be unaffected by the FHP bylaw, as they already have the one permitted dwelling constructed. The properties that *will* be affected are mainly large, undeveloped parcels that are part of larger holdings. Staff estimate that 50% of the land base in the Pemberton Meadows will be affected. The attached map shows those properties with less than \$40,000 in improvements (shown in pink). These are the properties most likely to be affected by the FHP bylaw.

**How existing homes are affected** – Renovations to existing non-conforming homes will be permitted. New auxiliary uses for existing non-conforming homes will be permitted. Second homes will have to comply with the farm home plate, regardless of the location of the first home, unless otherwise permitted through a DVP.

Rebuilding a home on an existing non-conforming foundation will not be permitted outright, but it may be allowed through a DVP. The FHP bylaw states that dwellings constructed after the bylaw is adopted must comply with the farm home plate policy, so those wishing to rebuild in the non-conforming location must apply for a variance. The variance application will be reviewed by staff, the AAC, and the Board. The impacts to agriculture and the home owner will be considered.

For example, if a home on a parcel with farm status has become unlivable, due to age or flood damage or fire, and the owner wishes to rebuild on the same foundation and economize by using the same septic field and driveway, staff anticipate that the application would be

## SQUAMISH LILLOOET REGIONAL DISTRICT

### BYLAW NO. 1095, 2009

A bylaw of the Squamish Lillooet Regional District to  
amend Squamish Lillooet Regional District Electoral Area  
C Zoning Bylaw No. 765, 2002.

---

The Board of Directors of the Squamish Lillooet Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as the “Squamish Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1095, 2009”.
2. The Squamish Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, is hereby amended as follows:

(a) Section 1.1, Definitions, is amended by adding the following definitions:

“Auxiliary farm residential facility” means any ‘auxiliary use, building, or structure’ associated with residential use within the Agriculture zone, including attached or detached garage or carport, decorative landscaping, attached or detached household greenhouse or sunroom, residential-related workshop, tool shed, or storage shed, septic tank and septic field, driveway, parking lot, and residential related recreation amenities such as, but not limited to, swimming pool and tennis court.

“Farm home plate” means all that portion of a ‘parcel’ included or located between a dwelling and any associated ‘auxiliary farm residential facility.

(b) Section 6, Agriculture (AGR) Zone, is amended by inserting the following after Section 6.10 as Section 6.11:

#### Farm Home Plate

- 6.11 (1) The maximum area of a farm home plate containing one dwelling is 3600 square metres.
- (2) The maximum area of a farm home plate containing two dwellings is 5000 square metres.
- (3) The maximum depth of the farm home plate is 60 metres measured from a dedicated and constructed road; or from the property line closest to a dedicated and constructed road in the case of land locked parcels.

(4) The maximum area of a farm home plate may be expanded by 1000 square metres for each additional dwelling necessary for farm use in conjunction with a bona fide agricultural operation permitted under section 6.6 (2).

(5) Subsections 1, 2, 3, and 4 shall not apply to any dwelling or auxiliary farm residential facility constructed prior to the adoption of Squamish Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1095, 2009. For greater certainty:

- a. dwellings and the associated auxiliary farm residential facilities constructed subsequent to the adoption of Bylaw No. 1095, 2009 shall be located within the farm home plate, unless varied by a development variance permit,
- b. auxiliary farm residential facilities associated with a dwelling constructed prior to the adoption of Bylaw No. 1095 are exempt from Subsections 1, 2, 3, and 4.

(6) A development variance permit may be used to vary subsection 1, 2, 3, and 4.

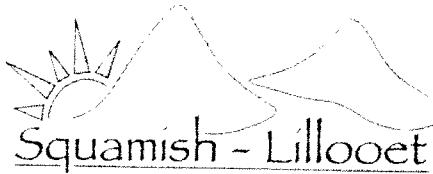
READ A FIRST TIME this	day of	2009.
READ A SECOND TIME this	day of	2010.
PUBLIC HEARING held on the	day of	2010.
READ A THIRD TIME this	day of	2010.
ADOPTED this	day of	2010.

\_\_\_\_\_  
Russ Oakley  
Chair

\_\_\_\_\_  
Leslie Lloyd  
Secretary

I hereby certify the foregoing to be a true and correct copy Bylaw No. 1095 cited as "Squamish Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1095, 2009" as adopted.

\_\_\_\_\_  
Leslie Lloyd  
Secretary



## Request for Decision

Bylaw 1095 - Farm Home Plate,  
Electoral Area C

**Date:** November 5, 2009

**Recommendation:**

1. THAT Bylaw No. 1095, cited as 'Squamish Lillooet Regional District Electoral Area C Zoning Bylaw No. 765, 2002, Amendment Bylaw No. 1095, 2009' be introduced and read a first time.
2. THAT Bylaw No. 1095 be referred to the Lower Stl'atl'imx Land and Resource Authority, the Lil'wat Nation, the Village of Pemberton, and provincial and federal agencies for comment.

**CAO Comments:** I concur. PRE

**Who Votes:** All

**Recommendation**

Report/Document: Attached  Available  Nil

**Key Issue(s)/Concepts Defined:** For a number of years the Electoral Area C Agricultural Advisory Committee (AAC) and other members of the farming community have expressed concern over the inappropriate siting of 'estate homes' on agricultural land in the Pemberton Valley. The AAC requested that the SLRD follow the lead of other communities in BC and regulate the siting of dwellings in the ALR in order to maintain the agricultural integrity of the land. Two versions of a farm home plate (FHP) bylaw (Bylaw 1095) have been presented to the AAC (June 2008 & May 2009). The AAC recommends that the more comprehensive June 2008 version be supported by the Board.

**Relevant Policy:**

1. Electoral Area C OCP Amendment Bylaw 1008, 2008; and,
2. SLRD Electoral Area C Zoning Bylaw No. 765, 2002.

**Strategic Relevance:** n/a

**Desired Outcome(s):** A zoning bylaw that reflects the content of the Official Community Plan and contributes to the preservation of agricultural land.

**Response Options:**

1. Give the bylaw 1<sup>st</sup> reading.
2. Modify the bylaw and proceed with 1<sup>st</sup> reading.
3. Refer the bylaw back to staff for more information or revisions prior to further consideration.

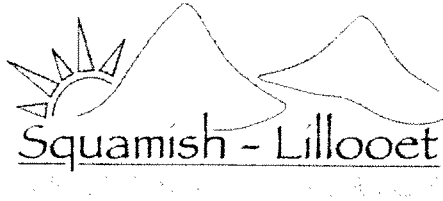
**Preferred Strategy:**

1. Give the bylaw 1<sup>st</sup> reading.

**Implications Of Recommendation**

**General:** Undeveloped properties in the AGR zone, which corresponds with the ALR, will have the size and location of their future home site regulated. Approximately half of all parcels in the Pemberton Meadows will be affected.

**Organizational:** The bylaw amendment may create additional workload for planning staff in the form



## Request for Decision

Bylaw 1095 - Farm Home Plate,  
Electoral Area C

of increased development variance applications.

**Financial:** n/a

**Legal:** n/a

**Follow Up Action:**

1. November 2009 - The Board considers first reading of the bylaw.
2. December 2009 – Public consultation process in initiated.
3. April 2010 - The Board considers second reading of the bylaw.

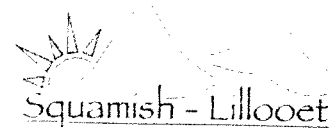
**Communication:** The bylaw amendment will be accompanied by a comprehensive public consultation process (letters to ALR property and agencies, webpage, open house, public hearing, etc.).

**Other Comments:** n/a

Submitted by: Planner, Amica Antonelli

Reviewed by: Director of Planning and Development, Steve Olmstead

Approved by: CAO, Paul Edgington



**BYLAW REFERRAL FORM**

SQUAMISH LILLOOET REGIONAL DISTRICT  
P.O. Box 219, 1350 Aster Street  
Pemberton, B.C. V0N 2L0  
Phone: (604) 894-6371/(800)298-7753  
Fax: (604) 894-6526

Date: December 8, 2009  
Bylaw No. 1095, 2009

**PURPOSE OF THE BYLAW**

The purpose of Bylaw No. 1095 is to regulate the location of new dwellings on lands zoned 'Agriculture' in order to protect the agricultural potential of the land. A 'farm home plate' is proposed on which all new dwelling and the associated auxiliary uses must be constructed. The bylaw affects lands within Electoral Area C that are within the Agricultural Land Reserve.

**REQUEST FOR COMMENT**

You are requested to comment on the attached bylaw for potential effect on your agency's interests. Your comments on the bylaw are required by **Friday, January 15, 2010**.

**If no response respecting your agency's interest is received by Friday, January 15, 2010, the Regional District may assume that your agency has no objection to the proposed bylaw.**

**GENERAL LOCATION**

ALR lands within Electoral Area C, including the Pemberton Meadows, Pemberton Fringe, and some parcels near Birken and Blackwater Creek.

**AREA OF PROPERTY AFFECTED**

Approximately 6500 hectares

**ALR STATUS**

Yes

**OCP**

Yes

**OTHER INFORMATION**

Please fill out the Response Summary on the next page of this form. If your agency's interests are unaffected no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy, which would affect our consideration of this by-law.

Amica Antonelli  
(Name)

Planner  
(Title)

This referral has been sent to the following agencies:

Lil'wat Nation, Lower Stl'atl'imx Tribal Council, Ministry of Transportation and Infrastructure, Vancouver Coastal Health Authority, Ministry of Forests and Range, Village of Pemberton, Agricultural Land Commission, Ministry of Environment, Ministry of Agriculture and Lands.

**RESPONSE SUMMARY**

**Bylaw 1095, 2009**

Approval Recommended for  
Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject  
to  
Conditions Below

Approval Not Recommended Due to  
Reasons Outlined Below

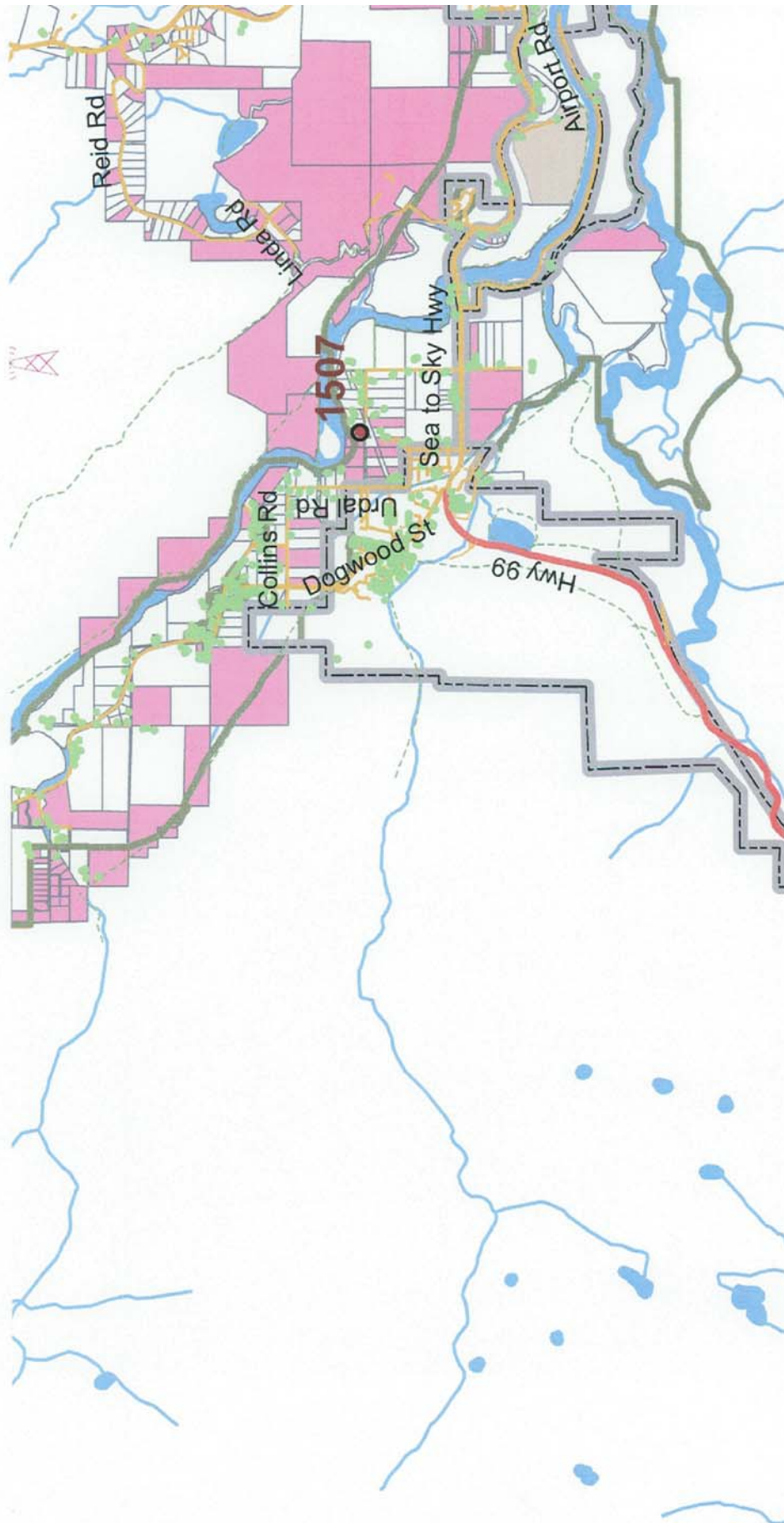
Approval Recommended with  
further information/conditions to  
follows

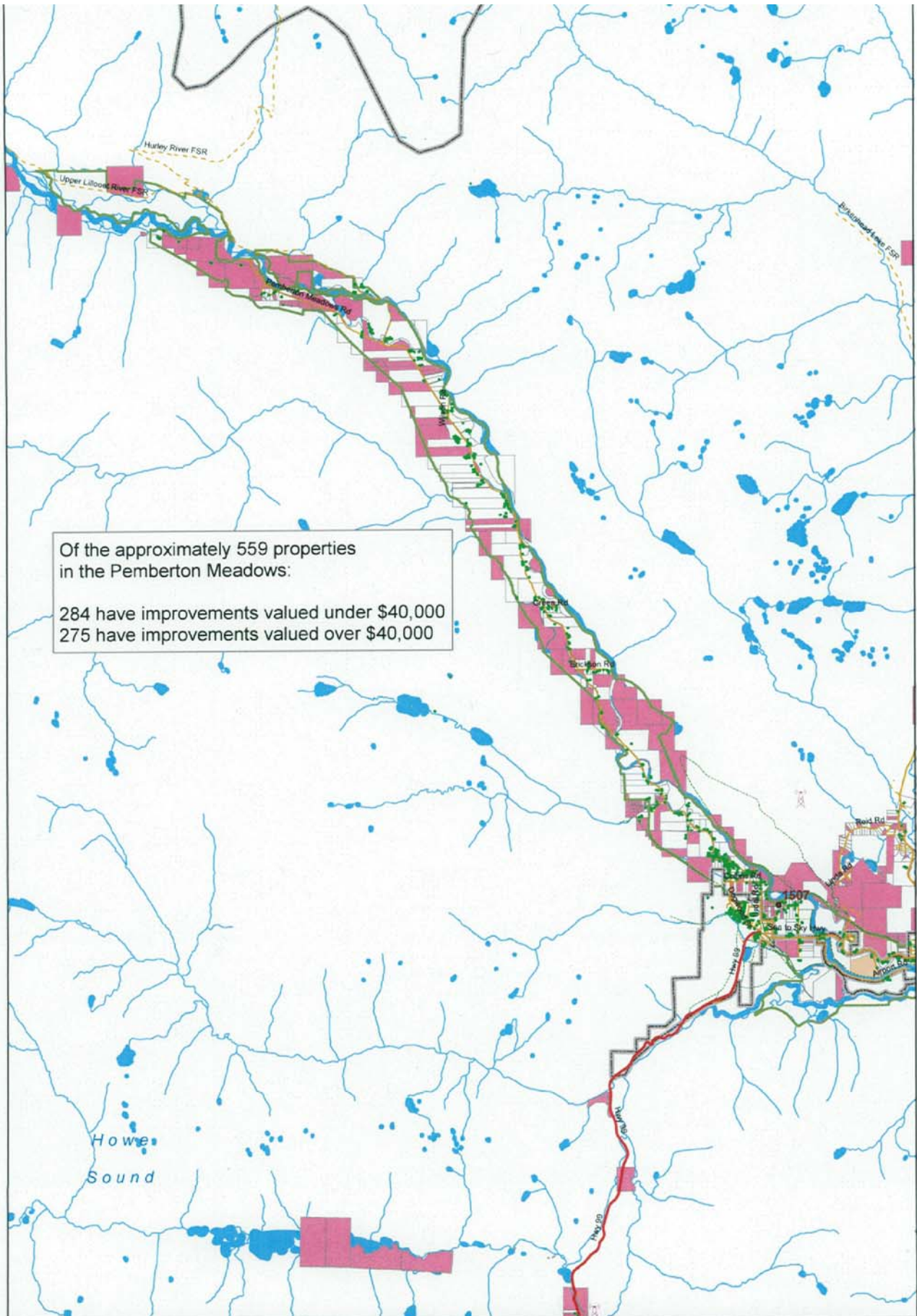
Approval Not Recommended with  
further information/conditions to  
follow

Signed By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





Of the approximately 559 properties in the Pemberton Meadows:

- 284 have improvements valued under \$40,000
- 275 have improvements valued over \$40,000



**Improved Properties in the ALR**

- Local Government Boundary
- Major Road
- Waterbodies
- Structure
- ALR
- 2009 BC Assessment Data - Improvements
- \$0 - 40,000
- Greater than \$40,000

