

**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, February 19, 2008 at 10:00 a.m. in Council Office, 7400 Prospect Street.

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1. CALL TO ORDER

10:00 a.m. – 11:00 a.m.

**2. Ione Smith – Smart Growth BC – Sea to Sky Greenbelt Initiative –
Presentation and discussion**

11:00 – 11:30

3. Bernice Patterson, Industrial Park User Group – Presentation

4. Industrial Park Zoning Review and Discussion

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5. IN CAMERA

THAT pursuant to Section 90(1) (f) of the Community Charter, the Council of the Village of Pemberton serves notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters of which the public shall be excluded from attending.

6. TERMINATION

Date: February 19, 2008

From: Liz Jones, Manager of Development Services
Richard Diamond, Planning Technician
Michael Rosen, Planning Consultant

Subject: Review of Zoning Regulations within the Industrial Park

RECOMMENDATIONS

THAT this report be received for information.

BACKGROUND AND COMMENTS

At the Village of Pemberton Regular Council Meeting No. 1194, held on Tuesday December 18, 2007, Council passed a resolution, directing Staff to review and provide a report on the Industrial Park (M1) zoning and signage requirements.

The following report consists of a review of current zoning requirements, the rationale behind the current allowable uses, the OCP policy context, a brief comparison with other like communities, and a description of various issues with corresponding options and recommendations for Council to consider regarding said issues.

a) Current Zoning Requirements:

The entire Industrial Park is zoned M-1, pursuant to Section 311 of Bylaw 466, 2001. The intent of this zone is to accommodate industrial development in the Village of Pemberton.

Permitted land uses within this zone are:

- Industrial (see definition below)
- Automobile –oriented commercial (see definition below)
- Industrial fuel facility
- Waster transfer station
- Motor vehicle repair shop
- Trade contractor facilities
- Artisan quarters (see definition below)
- Dog kennel
- Storage and equipment yard
- Mini storage
- Restaurant (gross floor area shall not exceed 93 m²)
- Building Supply Outlet

- Nursery
- Equipment Rental and Repair Outlet
- Accessory single residential dwelling (limit of four per lot, minimum floor area of 75 m², where located within the same building as the principle use, be provided with a separate entrance).
- Accessory retail (gross floor area use shall not exceed 10% of the Gross floor area of the principal industrial use)
- Accessory uses

Definitions for the following Permitted Uses are included within Division 100 of the Zoning Bylaw:

- *Industrial* means a use providing for the processing, fabricating, assembly, storage, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking or salvaging of goods, materials or things.
- *Automobile – oriented commercial* means a use providing for the retail sale of automobiles, trucks, boats, recreational vehicles and related parts and accessories and includes facilities to service, wash or repair; excludes gasoline serve stations.
- *Artisan quarters* mean the use of a building by an artist or a group of artists who create and produce artistic goods.
- *Building Supply Outlet* means a building that is used for the supply and sale of building materials, fixtures, hardware, equipment and other similar goods related to construction and home improvement, and may have an outdoor storage area.
- *Equipment and Rental Repair Outlet* means a use providing for the rental and repair of tools, appliances, recreational craft, furniture, light construction equipment or similar items to the general public, and may include the retail sales of such equipment and tools provided that the retail activity is ancillary to the rental and repair aspects of the business.

b) Rationale behind current allowable uses

The Pemberton Industrial Park (approximately 33 ha) was developed by the provincial B.C. Development Corporation (B.C.D.C.) and most of the operations at the time were forestry related industries. Over time, the list of permitted uses within the M-1 zone has evolved. Since the M-1 zone is the only industrial zone within the Village, the approach that seems to have been followed over the years has been to permit a wide range of industrial uses, from light to heavy industrial. Development of the Industrial Park has always been considered an important objective of the Village in order to broaden the Village's economy by creating job opportunities.

In 2001, the most recent version of the Zoning Bylaw was adopted. The M-1 zone experienced some tweaking but by and large remained a zone that accommodates a wide range of industrial uses.

The M-1 zone permits up to four (4) residential units per lot, units that must be occupied by people who work on the premises pursuant to the definition of **accessory single residential use**. This live-work approach is rather unique, given the number of residential units that are permitted. The approach was introduced within the Zoning Bylaw as a result of a particular industrial building that was actually occupied with residences contrary to the Zoning Bylaw at the time. From a sustainability perspective, live-work is now considered favourably. However other issues do surface such as the lack of traditional neighbourhood services and amenities.

c) Current Policy Framework – Official Community Plan

The Official Community Plan contains two specific policies to guide industrial land use and development within the Village. Policy 26 of the OCP states that new industrial development in the Village will be directed to be located either in the Pemberton Industrial Park or at the Airport. The Pemberton Industrial Park is the Village's primary supply of industrial land. Policy No. 26 also states that the Village will not rezone land to create new industrial areas within the lifetime of this Plan (last amended 2003). It should be noted that lands at the Airport will be developed for airport related activities only. Policy 27 speaks to the MOT works yard on Highway 99, and therefore does not apply to the Industrial Park

The recently completed Sub Regional Land Use Planning Study by Stantec Consulting examined the available industrial lands and future demands for Pemberton and Area C. The report indicated that in the twenty (20) year time horizon, there will be a shortfall of industrial land in the area. While the report identified alternative locations for industrial development to meet this shortfall, it did note that "efforts should be made to limit commercial development in the Industrial Park that could go elsewhere."

Policies 10 – 16 in the OCP address commercial development within the Village. Policy 10 pertains to the Town Centre and specifically refers to retail and office uses. Policies 14 and 15 speak to the Portage Road gateway and the Highway 99 corridor, respectively. In Policy 14, the gateway is seen as accommodating limited retail and office uses, while Policy 15 indicates that commercial uses should be geared to the tourist trade. It should be noted that none of the commercial policies in the OCP speak to accommodating commercial development within the Industrial Park.

d) Comparison with other like communities

Staff has reviewed numerous zoning bylaws from other communities including Smithers (population 5513), Invermere (3140), Trail (7575), Kimberly (6484), Oliver (4224), Revelstoke (7500), Fernie (4611) and Squamish (16000). It is important to note that Whistler has **not** been included, as the planning dynamic of the resort municipality is very different than that of Pemberton, the biggest difference being that the commercial zones, other than industrial, are at or near build out and are mostly of a retail nature,

leaving little to no available space for offices and retail uses requiring larger spaces (i.e. furniture store). The bylaws that were reviewed represent a cross section of similarly sized communities (when Area C is included as a service area), and some slightly larger communities that have populations similar to Pemberton when future growth is considered.

In general, the various bylaws that were reviewed permit the same list of uses as the current Pemberton M-1 Zone, although some of the bylaws provide a larger breakdown of permitted uses leaving less room for interpretation. The notable differences were in the Invermere and Trail bylaws that permit an engineering office without restriction as to being part of the forestry or resource industries. Also, Squamish allows for a business office, drive in restaurant and a fitness center, but each use is only permitted on a specific lot or in a specific building (spot zoning amendments). These specific uses at specific locations were likely the result of long time uses being legitimized by the District of Squamish Council as was done by a previous Village of Pemberton Council for industrial uses within the C-1 Zone such as Burton's Tire Shop, Valley Chainsaw, Mountain Glass Shop and the Esso Station.

e) Current Issues for the Industrial Park

Based upon the letters that the Village has recently received from property owners and others related to the Industrial Park, and the discussions that have taken place over the last few years, the following issues have been identified:

Issue 1: Amend the current list of allowable uses to encompass a wider range of uses

Description: The Village of Pemberton has received letters from Lisa Ames of the Whistler Real Estate Company and from the Pemberton & District Chamber of Commerce, requesting that "the current M-1 zoning be amended to encompass a wider range of uses that would more accurately reflect current business trends". Many of the suggested uses listed in Ms. Ames letter dated December 10, 2007 staff concur are already permitted uses in the Industrial Park. These include ambulance station, appliance repair shop, bakery (with limited retail), carwash, catering establishment, craft workshop, freight handling, laundry and dry cleaning, messenger or courier service, pet grooming/dog kennel, veterinary clinic, warehousing. Uses that would not currently be permitted include radio or television studio and a school. With respect to office uses, offices with uses of an industrial nature are currently permitted under "trade contractor facilities". These include office types such as forestry consultants, geologists, and surveyors.

Option 1: Retain the current list of permitted land within the M-1 zone

Option 2: Amend the list of current uses within the M-1 zone to include business offices as a permitted use.

Option 3: Review the list of permitted uses within the M-1 zone as part of the 2008 OCP review and update.

Discussion

Option 1 would not permit any changes in the current allowable uses at the Pemberton Industrial Park as per the current OCP policy framework.

Option 2, would be at odds with the OCP and general direction of planning / land use within the Village. It is important to note that should business offices be permitted in the Industrial Park, it could have a negative affect on potential new development within the Village core, as presently, a business office is only permitted within the C-1 and C-3 zones.

Option 3 would provide for a community dialogue on the issue, including landowners, developers and business owners, to determine whether or not such a major shift in planning principles is in fact in the Village's interest.

Based on the above information, and the fact that allowing non-industrial uses in the Industrial Park represents a major shift in planning and the current OCP, staff recommends pursuing Option 3, that being to address the issue of permitted uses in the Industrial Park during the upcoming OCP review.

Issue 2: Review of the signage bylaw

Description: Village of Pemberton Bylaw 380, 1995, currently governs signage in the Industrial Park. There has been some concern that the Sign Bylaw is too restrictive and onerous, and even improper for the Industrial Park. The issue was discussed in May 2007, and further considered by the Advisory Design Review Committee which passed the following resolution:

That it be recommended to Council that Staff be requested to develop sign guidelines for the Industrial Park that incorporate the following:

- *Signs must conform to existing Bylaw 380 and amendments, except that any material or combination of materials is permitted and relief is not required;*
- *Owners are encouraged to maintain signs; and,*
- *Durability and legibility are encouraged.*

As time permits, staff will prepare amendments to the Sign Bylaw, based on the ADRC resolution above, for Council's consideration.

Issue 3: Temporary Use of Industrial Park for 2010

Description: There has been an interest in utilizing some of the land within the Industrial Park for temporary / modular structures for some aspects of the 2010 Olympics. The Village of Pemberton does not currently have a process in place for issuing temporary use permits, as is common in other jurisdictions. The temporary use permitting process would give staff the opportunity to ensure that the use of the land does not negatively impact surrounding properties such as traffic, noise, garbage or add any burden to our municipal infrastructure,

Option 1: Designate the Industrial Park as a Temporary Industrial / Commercial Area in the OCP that would enable the issuance of a permit for industrial and commercial uses currently not permitted within the M-1 zone subject to the imposition of specific conditions.

Option 2: Amend the Zoning Bylaw to permit a use within the Industrial Park related to the 2010 Olympics based upon a specific application.

Discussion

Typically the Village has not had to deal with temporary use permits as most development within the Village boundary is of a permanent nature, and as such either conforms to current zoning or a re-zoning was obtained. Council could issue a Temporary Use Permit (TUP) once the area is so designated in the OCP. This approach would be more responsive to a particular proposal rather than an applicant having to go through the process of amending the Zoning Bylaw.

CONCLUSIONS

This report has attempted to provide a context for Council with respect to considering land use and development issues within the Industrial Park, be they short term or long term in scope. The recommendations from staff outlined in this report should be the subject of a Council / staff discussion.