

**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, March 3, 2009 - 12:30pm to 4:00pm in Council Office, 7400 Prospect Street.

Time	Item of Business	Page No.
12:30pm	<p>1. CALL TO ORDER</p> <p>2. APPROVAL OF AGENDA</p> <p style="padding-left: 40px;">Recommendation: THAT the agenda be approved as presented.</p>	
12:30 – 2:00	<p>3. BCR/Signal Hill Homes</p> <p style="padding-left: 40px;">Recommendation: THAT Council discusses and provides direction on whether the BCR Properties / Signal Hill Homes (Gateway Park and Tiyata) project may be credited on-site amenities (related to <i>parkland dedications, community amenities, on and off-site servicing works and flood protection work</i>) in lieu of the payment required under the Community Amenity Contribution Policy and the Development Cost Charge Bylaw.</p> <p style="padding-left: 40px;">AND THAT if Council supports “in principle” the proposed amenities as part of the first phase of the BCR Properties / Signal Hill Homes project (Gateway Park and Tiyata), then that staff be directed to undertake more investigations related to the detailed costs of the contributions and prepare necessary amendments to the Community Amenity Contribution Policy to permit the development, prior to the public hearing</p>	3
2:00 – 2:15	<p>4. Menzel/Perry ALC Application Update</p> <p style="padding-left: 40px;">Recommendation: THAT the background information on the Menzel/Perry ALC application be received.</p>	11
2:15 – 2:30	<p>5. Temporary Commercial and Industrial Use Permits (TCUP)</p> <p style="padding-left: 40px;">Recommendation: THAT the report on Temporary Commercial and Industrial Use Permits, dated March 3, 2009, be received.</p>	44
2:30 - 2:45	<p>6. Development Process Discussion</p> <p style="padding-left: 40px;">Discussion</p>	

2:45 – 3:00

7. RECESS – 15 MINUTES IF REQUIRED

3:00pm

8. IN CAMERA

THAT pursuant to Section 90 (2) (b) 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.

4:00pm

9. ADJOURNMENT



Date: March 3, 2009

From: Caroline Lamont
Manager of Development Services

Subject: BCR Properties / Signal Hill Homes Development Proposal
Community Amenities and Contributions

RECOMMENDATIONS

THAT Council discusses and provides direction on whether the BCR Properties / Signal Hill Homes (Gateway Park and Tiyata) project may be credited on-site amenities (related to ***parkland dedications, community amenities, on and off-site servicing works and flood protection work***) in lieu of the payment required under the Community Amenity Contribution Policy and the Development Cost Charge Bylaw.

AND THAT if Council supports “in principle” the proposed amenities as part of the first phase of the BCR Properties / Signal Hill Homes project (Gateway Park and Tiyata), then that staff be directed to undertake more investigations related to the detailed costs of the contributions and prepare necessary amendments to the Community Amenity Contribution Policy to permit the development, prior to the public hearing

BACKGROUND

The Village of Pemberton is currently processing an application from BCR Properties / Signal Hill Homes to amend the Official Community Plan and Zoning Bylaw to permit the development of a mixed use neighbourhood on approximately 32 acres of land. The applicant originally considered three development parcels known as Glacier Creek Estates, Gateway Park and Tiyata, but has since deferred consideration of the Glacier Creek Estates parcel, pending directions resulting from the Village’s forthcoming downtown planning workshops (refer to March 3, 2009 Council Information Report). This report considers the remaining Gateway Park and Tiyata parcels including small single family/duplex lots, townhomes, multi-family and mixed use development (as noted within the land use plan attached as Appendix A).

The development application has been referred to internal and external review agencies for comment. The proponents have continued to work proactively with the Village planning consultant and staff to effectively respond to matters raised by agencies such as School District #48, the Advisory Land Use Committee, CN Rail and the Ministry of the Environment. On February 17, 2009, the Village planning consultant and staff brought forward a comprehensive report that outlined the evolving nature of the Gateway Park and Tiyata projects. Staff has acknowledged that the application is now at a stage where the appropriate bylaw amendments could be prepared for Council’s consideration, subject to further discussions related to community contributions and flood protection/proofing. This direction was accepted by Council in the motions passed at their February 17, 2009 meeting:

- 1) THAT staff be instructed to prepare bylaws to amend the Official Community Plan and the Zoning Bylaw to accommodate a comprehensive mixed use development proposal in accordance with the revised Land Use Plan jointly submitted by BCR Properties and Signal Hill Homes (the “Developer”); and
- 2) THAT prior to the consideration of the bylaws, staff be requested to prepare a report to Council seeking their direction on two important issues: the Developer’s community amenity commitments and the extent of the Developer’s responsibility for flood proofing improvements.

Council also requested that the BCR lands running along the north-west side of the CNR right of way be dedicated to the Village for the purposes of a linear park, as part of the development approvals for the Wye Lands (not currently part of the forthcoming bylaw amendments). The Village planning consultant is currently preparing the appropriate bylaws, while this report addresses the issues related to park dedications, community amenity commitments, servicing improvements and flood proofing/protection requirements.

The following sections of the report provide an overview of the detailed development program for the BCR Properties / Signal Hill neighbourhood, as well as the status of the community amenity and flood proofing/protection commitments and related directions.

PROJECT DESCRIPTION

As mentioned the proponents for the BCR Properties / Signal Hill Homes have been very responsive to directions provided by the Village and other referring agencies. In particular, the project has been thoughtfully designed whereby the new neighbourhood will not only provide a significant supply of medium density housing but also includes many community enhancements that will enhance the overall livability of Pemberton. The following outlines the development program, parkland dedications, community amenities, anticipated flood proofing and protection works and commitments to on and off-site servicing:

a) Land Use and Density

The following table provides a summary of the neighbourhood development program and density:

	Proposed Uses	Proposed Zoning Designations	Approximate Density
Gateway Park (Mill Site)	Village Homes	Small Lot Single Family / Duplex	9 units
	Townhomes	Townhomes	76 units
	Srs Condominiums	Multi-family	28 units
	Live/Work Units	Mixed Use	10 units
	Condominiums	Multi-family	56 units
	Commercial	Mixed Use	15,000 sq ft
	Institutional/Office	Office/Institutional	15,000 sq ft/ 40 units
Tiyata (Phare Lands)	Village Homes	Small Lot Single Family / Duplex	30 units
	Townhomes	Townhomes	32 units
TOTAL UNITS			281
TOTAL GFA			30,000 sq ft

The area of the Gateway and Tiyata lands is approximately 21.6 acres, resulting in a gross density of 13 units per acre, while the net density (excluding park dedications and the community garden) yields just fewer than 17 units per acre.

b) Parkland Dedications

The developer has proposed several parcels of land to be dedicated to either the Village or the School District. The following considers “unimproved” land designations for the purposes of park:

Trailhead Park and Trail	1.13 acres
Railside Park	1.15 acres
Creekside Community Park	0.67 acres
TOTAL	2.95 acres

It should be noted that the lands comprising the proposed gateway road dedication (0.41 acres), the dike trail or the community garden lands (see below) have not been included.

c) Community Enhancements

In addition to the park dedications, the proponent has indicated that the project will also include additional community enhancements such as unimproved land, infrastructure enhancements and other community features. The following identifies certain land dedications:

Dedication of Lands for a Community Garden (under transmission lines)	1.42 acres
Dedication of Land for Non-market Housing	1.31 acres
TOTAL	2.73 acres

The following identifies additional infrastructure improvements that may or may not require land dedications

Improvement	Estimated \$ Contributions ⁱ¹
Walkway Bridge over Pemberton Creek	\$300,000
Controlled At-Grade Pedestrian Crossing of CN Rail	\$400,000
School Bus Ingress/Egress Zone	\$200,000
Internal and External Trail Networks	\$200,000
First Nations Art within Roundabouts	\$100,000
TOTAL	\$1,200,000

It should also be recognized that the applicant has continuously revised the layout and design of the project to more appropriately complement and respond to needs of the community. In particular, the commercial space has been consolidated to create a semi-private neighbourhood core and relocated to be a more acceptable distance from the school: the parks have been redesigned to integrate the future gateway road right of way; and the project has assisted in facilitating secondary accesses to both downtown (pedestrian and the right of way for

emergency vehicles) and from Portage Road to Highway 99. The project also has committed to traffic calming features including the proposed roundabouts.

d) Flood Proofing and Protection

The proponent has indicated that preliminary hydrological investigations recommend the reconstruction of the Pemberton Creek dyke (estimated costs to be approximately \$800,000 to \$1,200,000). In addition, regardless of the required dyke protection, any buildings developed on these lands would further need to be constructed to the established flood control elevations (1-2 metres above grade).

e) Off-site Servicing/Development Cost Charges

The applicant is currently undertaking a review of project's required on and off-site servicing based on the Village's model developed for water and wastewater improvements. In addition to underground servicing, there are also certain municipal requirements for stormwater drainage and transportation (roads, intersections and sidewalks) that will be required. Some of the community amenities proposed address such transportation improvements.

PROJECT CONTRIBUTIONS

Early in the review of the project, Staff and the proponent both acknowledged that the subject lands have the potential to enhance the overall character and livability of the Village. As a result while developing and refining the neighbourhood plans, the design was not dictated by the direction of the Community Amenity Contribution Policy (see following subsection) but rather on maximizing the potential of the location in context of the entire community. The development program and design rationale therefore considered the following influencing factors:

- the lands are within close proximity to the downtown, therefore commercial uses were limited to primarily serving the immediate neighbourhood in a central location;
- the lands are close to both schools where the neighbourhood can be serviced by existing playing fields;
- the lands are adjacent to a wide range of community facilities (Community Centre, future skate/bike parks, Valley Loop Trail, Crown land recreational access, and One Mile Lake); and
- the development has attempted to maximize housing opportunities for a wide range of residents, while ensuring a safe, attractive and functional neighbourhood; and
- that new land uses balance community amenities with the need to appropriately contribute to the local tax base.

The purpose of this report, therefore, is to provide a framework for the initiation of discussions between Council and the proponents with regard to the Village's requirements and/or expectations for the new neighbourhood. The following outlines the policies and requirements that the municipality currently follows with regard to certain improvements or contributions together with staff comments. This section specifically considers parkland dedications, community amenities, flood protection works and site servicing

a) Park Dedications

Requirements: The *Local Government Act* states that *parkland dedications must not exceed 5% of the land being proposed for subdivision* in a location acceptable to the municipality. For the Gateway Park and Tiyata phases this would compute to 1.08 acres

Proposed: For the Gateway Park and Tiyata phases the developer is proposing to dedicate 2.95 acres which is approximately of the 13.7% of the total land area. Further the land dedications identified for non-park purposes including the proposed bus zone, community garden, future Gateway Road alignment and non-market housing site have not been included within these calculations.

At their February 17, 2009 meeting, Council requested that the developer include the dedication of certain BCR Properties' lands situated on the north-west side of the CN Rail line. In consultation with the proponent they indicated that the park dedications on the north-west side of the rail line would be incorporated into the approvals of the Glacier Creek (Wye Lands) parcel. This would also include the parks proposed on both sides of Pemberton Creek, north west of the rail line.

b) Community Amenities

Requirements: In July 2007 Council established the Community Amenity Contribution Policy (CACP) which imposed a charge on new residential development to offset the corresponding impacts of growth on public facilities, services and amenities. The policy indicates that:

- for residential zoning applications of more than 3 units and for residential subdivision applications (not already contributing at rezoning) there should be a contribution to the Community Amenity Contribution of \$9165 per building lot or \$6110 per multiple family unit;
- if the proponent does not offer to contribute to the fund, the Council/Approving Officer may deny the application due to the burden imposed by the development;
- Prior to the adoption of the corresponding zoning amendment bylaw, the proponents will be requested to enter into a 219 restrictive covenant with the Village for the contribution either at building permit (multiple family) or at subdivision (single family);
- that the Community Amenity Reserve Fund can only be used by Council to assist in the financing of the following types of community amenities (but is not limited to): an indoor swimming pool complex, an arena, an outdoor skating rink; a water park; a skateboard park; and a bike park;
- the Community Amenity Contribution Policy is intended to be reviewed every two years; and
- the Community Amenity Contribution Policy does not contain a provision where these fees can be waived, in lieu of amenities developed on-site.

The amounts contained within the CACP identified a contribution of approximately 150 units for the Mill Site (Gateway Park), while the Phare Lands (Tiyata) were not explicitly recognized. Approximate generation for this site considered a contribution of approximately \$1.1 million. The CACP also indicates preferred community amenities including a water park, outdoor skating rink, youth swimming pool, arena for a total cost

of \$14.41 million. This total was then divided for the potential for new development. It should be noted that none of the Boundary Expansion development potential was factored into this equation.

In accordance with the development program identified for the Gateway Park and Tiyata parcels, it has been determined that the project would be required to contribute approximately \$1.84 million dollars for certain community amenities. The following table outlines what is required:

	Proposed Uses	Approximate Density	\$ Contribution
Gateway Park (Mill Site)	Village Homes ⁱⁱⁱⁱⁱ	9 units	\$82,485
	Townhomes	76 units	\$464,360
	Senior	28 units	\$171,080
	Condominiums	10 units	\$61,100
	Live/Work Units	56 units	\$342,160
	Condominiums	15,000 sq ft	0
	Commercial	15,000 sq ft	0
	Institutional/Office	40 units	\$244,400
Tiyata (Phare Lands)	Village Homes	30 units	\$274,950
	Townhomes	32 units	\$195,520
TOTAL UNITS		281	\$1,836,055
TOTAL GFA		30,000 sq ft	

Proposed: As discussed in the introduction of this section, the design of the project has maximized opportunities for both the neighbourhood and the entire community, given its strategic location being close to schools, the Community Centre, downtown and the trail system (just to name a few). The proposed amenity package therefore proposes new parks, pedestrian connections and facilities that important to existing and future residents

The developer is proposing: a community garden, walkway bridge, at-grade railway crossing, school bus drop-off, trail networks, First Nations art contribution (within the roundabout) and the pedestrian bridge over Pemberton Creek. Staff has reviewed proposed amenities and has determined what contributions may be considered “above and beyond” typical enhancements to any new development. The following provides an overview of what is proposed and the value to the community:

The *Community Garden* is of value in terms of local food production, and education, however, staff does not believe the land dedication for the community garden is significant, since the lands are unusable due to their location underneath the transmission lines.

The *Non-market Housing Land Dedication* proposed is precedent setting for the Village, since the municipality does not currently have any inclusionary zoning provisions that require affordable housing as a proportion of a new development. The developer has indicated that they would prefer not to become involved in the evolution of non-market housing in Pemberton, yet they recognize the need for affordable housing. They are proposing to contribute approximately 1.31 acres

to the Village for the purposes to enhancing non-market housing opportunities within the community. The site has the opportunity to provide approximately 20-30 units, which is a significant to the Village's success in providing future perpetual affordable housing opportunities.

There are considerable on and off-site Pedestrian Enhancement proposed, including: *Controlled at Grade Pedestrian Crossing of CNR Line, Walkway Bridge over Pemberton Creek and Trail Networks*. The proposed community amenities benefit both the new neighbourhood as well as the community as a whole.

The *School Bus Zone* is clearly an improvement that will benefit the entire community by not only reducing traffic congestion along Portage and within the elementary school parking lot, but also increasing the safety of local children.

The *First Nations Art* installations within the roundabouts will enhance the character of the entry to the downtown and the new neighbourhood, and reflect the spirit and traditions of the Lil'wat people within the Pemberton Valley.

The proponent has indicated that "ballpark" estimates for these amenities total approximately \$1.2 million (which have not included the excess in park dedications). More detailed cost estimates will be expected before finalizing any agreements on community contributions.

c) Flood Protection Works

Requirements - The development lands are located immediately adjacent to Pemberton Creek, and within the flood control areas for both Pemberton Creek and the Lillooet River. The applicant must ensure the safety and protection of the new development in accordance with Ministry of Environment (MOE) Standards. BCR Properties previously constructed the Wye Lands dike at their cost.

Proposal – The proposed flood protection works are significant (\$800,000-\$1,200,000) as the existing and substandard dyke will need to be removed and then a new dyke constructed. The existing dyke was developed in a piecemeal fashion over many years (dredged material). The developer is extremely concerned with the cost of the dyke improvements, particularly as it is there position that the proposed flood protection works would benefit the entire community, including adjacent development parcels located along the south-east side of Portage Road. The proponent is requesting that these improvements either be considered as an in-lieu contribution to the CACP or credited through the Development Cost Charges.

On February 19, 2009, the applicants presented their development proposal to the Pemberton Valley Dyking District (PVDD). The Dyking District is currently preparing an official response, that should be available for Council's consideration at the Committee of the Whole meeting.

d) Development Cost Charges / Off-Site Servicing

Requirements - The *Local Government Act* indicates that Development Cost Charges may be imposed for the sole purpose of providing funds to assist the Municipality in

paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highway facilities and providing park land or any of them, in order to service, directly or indirectly, the development for which the charges are imposed.

The following has calculated the approximate DDC contributions:

	DCC per unit	EDUs	\$ Contribution
TOTAL UNITS	\$6060	281	\$1,702,860
TOTAL GFA	\$6060	27.9t	\$ 202,751
			\$1,905,611

It is estimated that the project will contribute approximately \$1.9 million in DCCs.

Proposal - The proponent has indicated that all on-site improvements would be their responsibility. Consistent with Bylaw No. 521, 2004, any off-site works that have been identified by the bylaw as DCC projects and are required as part of the works to service the development, will be considered by the Village for a DCC credit. All other off-site works required as part of this development will be the responsibility of the Proponent. DCC identified works include wastewater, water and road systems as well as parkland acquisitions. Projects identified by Bylaw No. 521, 2004 are outlined in a report prepared by Associated Engineering entitled *Village of Pemberton: Development Cost Charges*, dated January, 2004.. Further several of the community amenities identified in Paragraph c) above could be considered “servicing” rather than community amenity contributions (i.e. at-grade railway crossing, Pemberton Creek Bridge and school bus zone).

DISCUSSION

The proposed BCR Properties / Signal Hill development provides a comprehensive development program that includes a substantial new housing stock for the community as well as new parks, trails and community amenities. It is staff’s position that the project will complement and enhance the social and economic opportunities in the community, while embracing environmental best practices.

At this time, however, there is no precedence of a project that has gone through the rezoning process that has either paid the CAC or provided a significant and varied amount of community amenities. Direction is therefore needed from Council to clarify the project in relation to the 2007 Community Amenity Contribution Policy requirements and Development Cost Charges, particular to:

- excessive parkland dedications
- community amenities;
- flood protection works; and
- on and off-site servicing.

If Council supports some “in lieu” credit to the Community Amenity Contribution, then the Village policy will require amendment to reflect this opportunity.

ⁱ These numbers are estimates, and are subject to the quality of the improvement and constructions costs.

ⁱⁱ Duplex lots, although not explicitly recognized in the Community Amenity Contribution Policy are recommended to have a similar levy as single family lots.

Date: March 3, 2009

From: Caroline Lamont
Manager of Development Services

Subject: Information Related to the Menzel Perry

For Council's information please find attached correspondence related to the proposed Menzel Perry subdivision. The August 12, 2008 Report to File provides a good chronology of the events. Further at the August 12th Council meeting it was resolved:

THAT the proposed subdivision of Plan KAP73119, DL202, LLD submitted by Bob Menzel dated 19 November 2007 be forwarded to the Agricultural Land Commission, provided that:

- the lands remain in the ALR,
- the project is stratified,
- there is a covenant restricting the size of the building footprint and total size of homes;
- Drainage is to be resolved to benefit Fisheries and farming;
- Maximize community benefits (trails/park)
- Encourage small lot farming; and
- Minimize the potential impact on farmland.

On November 6, 2008 the ALC provided notification that the application had been received.

Attachments:

1. August 12, 2008 Report to File
2. August 12, 2008 Council Agenda Package related to Menzel Perry Subdivision
3. July 22, 2008 Committee of the Whole Minutes

*SUBJECT
PROPERTY*



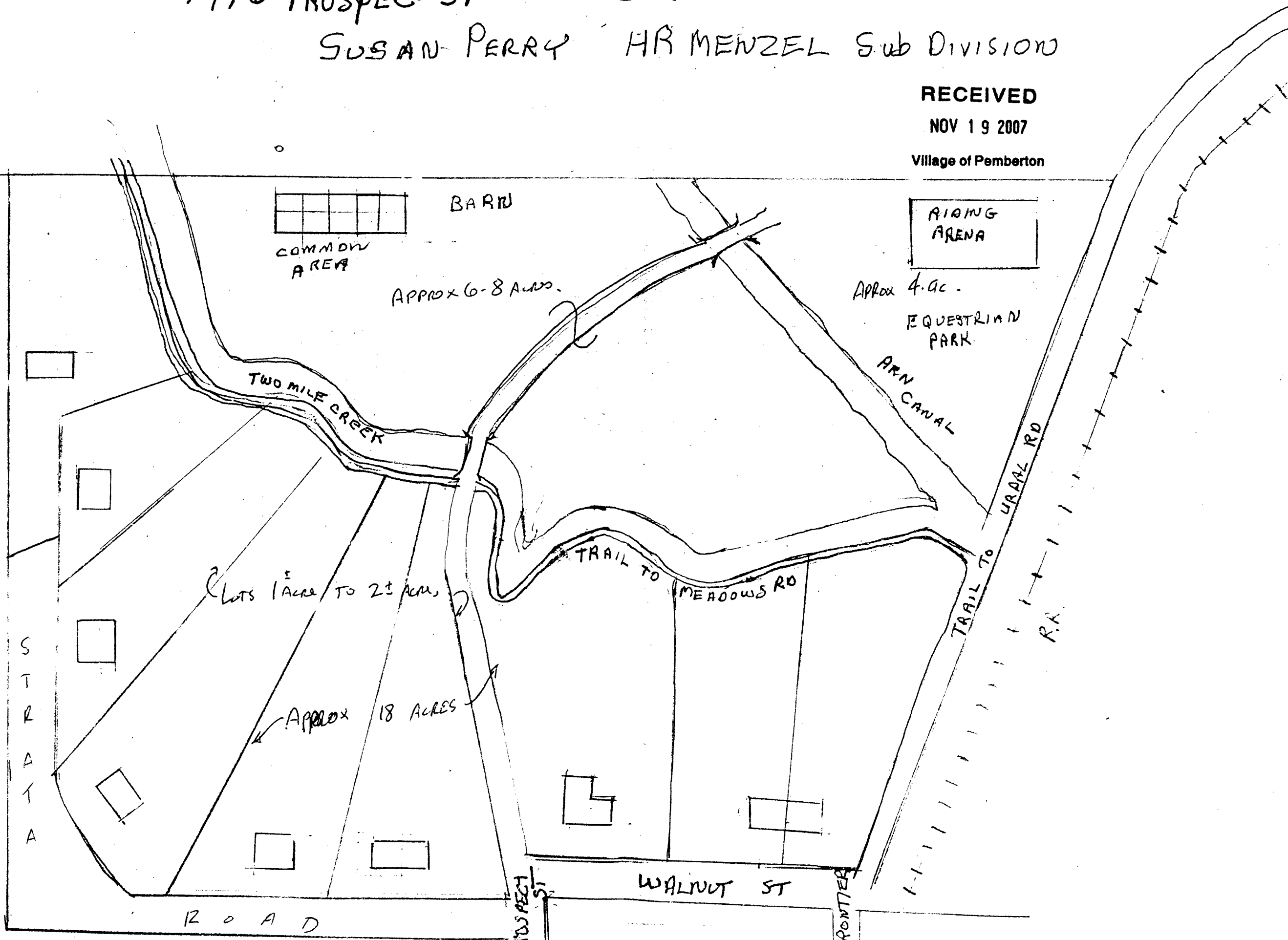
7476 PROSPECT ST LOT 202

SUSAN PERRY HR MENZEL Sub Division

RECEIVED

NOV 19 2007

Village of Pemberton



Date: August 12, 2008

From: Sheena Fraser, A/Manager of Development Services

Subject: Menzel-Perry Subdivision Application Request

BACKGROUND AND COMMENTS

Below is a chronology of discussions related to the request by Menzel-Perry to have their land, located at the end of Prospect, subdivided and the subsequent requirement that the Village forward the application to the ALC for consideration:

November 19, 2007 Proposal to subdivide the Menzel-Perry property presented to Village staff for preliminary input and requesting support of the Village to send the proposal to the ALC for approval

January, 2008 Council reviewed the request and directed Staff to refer the request to the ALUC and the AAC

THAT the proposal be referred to the ALUC and AAC for comment and Staff be directed to report back to Council prior to formulating the resolution required by the ALC to apply for subdivision within the ALR.

March 10, 2008 ALUC Meeting and recommendation to Council

THAT the Committee supports the proposed subdivision concept in principle provided that:

1. *The lands remain in the ALR*
2. *Project Stratified*
3. *Covenant/Limitation of Building footprints and size of homes to be built*
4. *Drainage (Benefit Fisheries)*
5. *Maximize Community Benefits (Trails/Parks)*
6. *Encourage Small Lot Farming*
7. *Minimize the potential impact on farmland*

March 6, 2008 AAC recommendations to the Board

THAT the proposed subdivision of KAP 73119, DL 202, LLD not be supported.

April 14, 2008

Elected Area Directors Meeting – recommendation to the Board

THAT AAC comments and the SLRD staff report regarding the nine-lot subdivision proposal for KAP73119, DL 202, LLD submitted to the Village of Pemberton by Mr. Bob Menzel on November 19, 2007 be forwarded to the Village of Pemberton.

April 28, 2008

SLRD Board supported the recommendation of the EAD and the Village was provided both the minutes of the AAC and the Staff report of which both recommended not supporting the proposed subdivision.

June 3, 2008

Report on the application presented to Council and the following resolution was passed:

Proposed Subdivision of Plan KAP73119, DL 202, LLD (Menzel – Perry)

Moved/Seconded:

THAT the proposed subdivision of Plan KAP73119, DL 202, LLD submitted by Bob Menzel dated 19 November 2007 not be forwarded to the Agricultural Land Commission; and

THAT the proponents be informed that the Village does not wish to consider the subdivision at this time.

CARRIED (opposed: Councillor MacKenzie)

June 17, 2008

Reconsideration of the issue requested by Councillor Blundell and the following resolutions were passed:

Moved/Seconded:

THAT the motion made at the June 3, 2008 Council meeting regarding the Proposed Subdivision of Plan KAP73119, DL 202, LLD (Menzel-Perry) be reconsidered.

CARRIED (Opposed: Helmer)

The Planner explained the application process for subdivision within the Agricultural Land Reserve (ALR). Discussion took place regarding the proposal.

Moved/Seconded:

THAT the following resolution, passed by Council at its regular meeting of June 3, 2008 be rescinded:

THAT the proposed subdivision of Plan KAP73119, DL 202, LLD Submitted by Bob Menzel dated 19 November 2007 not be forwarded t the Agricultural Land Commission; and

THAT the proponents be informed that the Village does not wish to consider the subdivision at this time.

CARRIED (Opposed: Helmer)

Moved/Seconded:

THAT the Menzel-Perry proposal be referred to an upcoming Committee of the Whole meeting to be scheduled at a later date.

CARRIED (Opposed: Helmer)

July 22, 2008

The Committee of the Whole reviewed the issue and the reports previously presented on the proposal and the following recommendation was made:

***THAT** staff be directed to bring back the Menzel-Perry Subdivison application to the August 12th Council meeting for further review and discussion.*

BUDGET IMPACT

To date no application fees have been collected by the Village as this process has been about ensuring the support of Council for the application to be sent to the ALC for consideration.

It is estimated that since November, 2007 approximately \$_____ in staff time and resources have been allocated to this project and will not be recovered.

Attached:

Report to Committee of the Whole – dated July 22, 2008

Report to Council regarding reconsideration of the issue – dated June 17, 2008

Report to Council recommendation not to forward the proposal to the ALC – dated June 3, 2008

Elected Area Directors Committee Meeting Minutes – dated April 14, 2008

SLRD Staff Report to EAD – dated April 3, 2008

Council meeting minutes – January 8, 2008

Report to Council recommending to not forward proposal to the ALC – dated January 8, 2008

Date: July 22, 2008

From: Sheena Fraser, A/Manager of Development Services

Subject: Menzel-Perry Subdivision

BACKGROUND

In November, 2007, the Village received an application for a nine (9) lot subdivision from Bob Menzel and Susan Perry for their lands located on Walnut Street at the end of Prospect Street.

The application was brought to Council on January 8, 2008 and Council resolved to refer the subdivision application to the ALUC and the SLRD's Agricultural Advisory Committee for comment.

All referrals were received and a report was presented to Council at the Regular meeting held Tuesday, June 3, 2008 and the recommendation was:

THAT the proposed subdivision of Plan KAP3119, DL 202, LLD submitted by Bob Menzel dated 19 November 2007 not be forwarded to the Agricultural Land Commission and inform the proponents that the Village does not wish to consider the subdivision at this time.

The staff recommendation was accepted and a resolution passed with Councillor MacKenzie opposed.

Moved/Seconded:

THAT the proposed subdivision of Plan KAP73119, DL 202, LLD submitted by Bob Menzel dated 19 November 2007 not be forwarded to the Agricultural Land Commission; and

THAT the proponents be informed that the Village does not wish to consider the subdivision at this time.

CARRIED (opposed: Councillor MacKenzie)

It should be noted, that due to other obligations Councillors' Blundell and McLeod were not in attendance at this meeting.

At the Regular Council meeting held on Tuesday, June 17th, Councillor Blundell requested that the matter of the Menzel-Perry subdivision application be reconsidered and the following motions were passed:

Moved/Seconded:

THAT the motion made at the June 3, 2008 Council meeting regarding the Proposed Subdivision of Plan KAP73119, DL 202, LLD (Menzel-Perry) be reconsidered.

CARRIED (Opposed: Helmer)

Moved/Seconded:

THAT the following resolution, passed by Council at its regular meeting of June 3, 2008 be rescinded:

THAT the proposed subdivision of Plan KAP73119, DL 202, LLD Submitted by Bob Menzel dated 19 November 2007 not be forwarded to the Agricultural Land Commission; and

THAT the proponents be informed that the Village does not wish to consider the subdivision at this time.

CARRIED (Opposed: Helmer)

Moved/Seconded:

THAT the Menzel-Perry proposal be referred to an upcoming Committee of the Whole meeting to be scheduled at a later date.

CARRIED (Opposed: Helmer)

In this regard, the original report, dated June 3, 2008 is before Council for reconsideration as per the resolutions noted above.



Date: June 17, 2008

From: Lori Pilon, Administrator

Subject: Reconsideration by Council Member (Menzel-Perry)

Received by Council _____

Meeting No. _____

Date _____

RESOLUTION

THAT the motion made at the June 3, 2008 Council meeting regarding the Proposed Subdivision of Plan KAP73119, DL 202, LLD (Menzel-Perry) be reconsidered.

BACKGROUND AND COMMENTS

At the Council Meeting of June 3, 2008 the following resolution was made and passed:

THAT the proposed subdivision of Plan KAP73119, DL 202, LLD submitted by Bob Menzel dated 19 November 2007 not be forwarded to the Agricultural Land Commission, and

THAT the proponent(s) be informed that the Village does not wish to consider the subdivision at this time.

Councilor Mark Blundell has asked that the above mentioned matter be brought back for reconsideration pursuant to Section 25 of the Village's Council Procedure Bylaw No. 565, 2006.

Section 25 (attached for easy reference) sets out the procedure for Reconsideration by a Council Member. Subject to certain conditions a Council member may, at the next Council meeting, move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken.

Council must not discuss the main matter referred to unless a motion to reconsider that matter has been adopted in the affirmative.

A vote to reconsider must not be reconsidered.

If the above noted resolution to reconsider is passed, Council may then consider a resolution to rescind the resolution of June 3, 2008.

Bylaw No. 565 - Reconsideration by Council Member

- 25 (1) Subject to subsection (5), a Council member may, at the next Council meeting,
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
 - (b) move to reconsider an adopted bylaw after an interval of at least twenty-four (24) hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not
- (a) had the approval or assent of the electors and been adopted,
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*,
 - (c) been acted on by an officer, employee, or agent of the Village.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.



REPORT TO COUNCIL

Date: June 3, 2008

From: Richard Diamond, Planning Technician
Michael Rosen, Planning Consultant

Received by Council _____

Meeting No. _____

Date _____

Subject: Proposed Subdivision of Plan KAP73119, DL 202, LLD
(Menzel – Perry Property)

RECOMMENDATIONS

THAT the proposed subdivision of Plan KAP73119, DL 202, LLD submitted by Bob Menzel dated 19 November 2007 not be forwarded to the Agricultural Land Commission and inform the proponent(s) that the Village does not wish to consider the subdivision at this time.

BACKGROUND AND COMMENTS

On 8 January 2008 at Regular Council Meeting No 1195, Council resolved to refer the proposed 9 lot subdivision plan prepared by Mr. Bob Menzel for Plan KAP 73119, DL 202, LLD (the Lands), attached, to the Village's Advisory Land Use Committee (ALUC) and the SLRD's Agricultural Advisory Committee (AAC) for comment.

Since that time, the committee's have reviewed the subdivision proposal and provided their comments to the Village.

Advisory Land Use Committee

The ALUC met on 12 March 2008 to discuss the 9 lot subdivision proposal as presented by Mr. Bob Menzel and Ms. Susan Perry. After some discussion (see attached minutes) the Committee made the following resolution:

THAT the Committee supports the proposed subdivision concept in principal provided that:

- I. The Lands remain in the ALR;
- II. The project is stratified;
- III. Covenant restricting the size of building footprints and total size of homes;
- IV. Drainage is to be resolved to benefit Fisheries;
- V. Maximize Community Benefits (Trails/park);
- VI. Encourage small lot farming; and,
- VII. Minimize the potential impact on farmland.

Agricultural Advisory Committee

The AAC met on 10 April 2008 to discuss the 9 lot subdivision proposal as presented by Mr. Bob Menzel and Ms. Susan Perry. After some discussion (see attached minutes) the Committee made the following resolution:

THAT the proposed subdivision of KAP73119, DL 202, LLD not be supported.

The reasons for not supporting the proposal are as follows:

- I. Subdividing the property would create an unwanted precedent;
- II. An acre is not enough area to farm, larger properties are needed to actually support families;
- III. The Village of Pemberton prefers to see higher density within the Village boundaries;
- IV. Portions of the land are very wet; and,
- V. It is questionable whether or not the land is even farmable.

Planning Department Comments

As the lands are located within the Agricultural Land Reserve and zoned Agricultural, pursuant to the **Agricultural Land Commission Act**, any subdivision must first be approved by the Commission in accordance with Sections **21** (2) and **25** (3) of the Act. Section **25** (3) states that a subdivision application *“may not proceed unless authorized by a resolution of the local government if, on the date the application is made, the application (a) applies to land that is zoned by bylaw to permit agricultural or farm use.”*

In the staff report to Council dated 8 January 2008 (attached), the Planning Department did not support the application. The following reasons were cited in the report:

- I. The creation of 9 lots will likely impact the capability of the Land to support agricultural activities;
- II. The subdivision neither advances the communities agricultural values, long term planning interests nor is it supported by Smart Growth principals;
- III. The subdivision would not ensure the use of the Lands as agricultural;
- IV. The subdivision might preclude the logical expansion of this part of the Village;
- V. The proposal may simply result in large estate lots being created; and,
- VI. The ALUC has previously supported higher density for the area.

The Planning Department acknowledges the comments from the Advisory Land use Committee, but is still of the opinion that the proposed subdivision of the land into acreage lots would not be an appropriate land use from a planning perspective.

BUDGET IMPACT

There will be no budget impact unless the proposal receives final approval, in which case DCC's, and subdivision fees (4% of servicing costs) will be payable.

COUNCIL OPTIONS

Option 1: Forward the application to the Agricultural Land Commission **without** taking a position on the application;

Option 2: Forward the application to the Agricultural Land Commission with a resolution that Council supports the application; or

Option 3: Do not forward the application to the Agricultural Land Commission and inform the proponent(s) that the Village does not wish to consider the subdivision at this time;

The Planning Department recommends pursuing Option 3.

Richard Diamond
Planning Technician

Approved for Council Agenda

Lori Pilon
Administrator

Attachments;

- I. Location map*
- II. Proposed subdivision plan prepared by Bob Menzel received 19 November 2007*
- III. ALUC minutes dated 12 March 2008*
- IV. AAC minutes dated 10 April 2008*
- V. Report to Council dated 8 January 2008*

-Advisory Land Use Committee MINUTES -

Minutes for the Advisory Land Use Committee of the Village of Pemberton held March 12th, 2008 at 7:00 p.m. in Council Office at 7400 Prospect Street, Pemberton, BC.

IN ATTENDANCE:

Lisa Griffith
Lisa Ames
Veronica Woodruff
Bob Adams
Ted Craddock
Drew Meredith
Councilor Mark Blundell

ABSENT:

Councilor Kirsten McLeod
Councilor Jennie Helmer

STAFF IN ATTENDANCE:

Richard Diamond, Planning Technician
Sheena Fraser, Manager of Administrative Services
Suzanne Bélanger, Development Services Assistant

1) CALL TO ORDER

At 7:05 pm Richard Diamond called the Meeting to Order.

2) INTRODUCTIONS

- New appointed members
 - Lisa Griffith-Professional Planner
 - Veronica Woodruff-Environmental Consultant
 - Ted Craddock- Realtor/Developer
- Re-appointed members
 - Lisa Ames-Realtor
 - Bob Adams-Owner of Pemberton Valley Supermarket
 - Drew Meredith-Realtor
- Village Staff
 - Richard Diamond-Planner
 - Sheena Fraser-Manager of Administrative Services
 - Suzanne Bélanger-Development Services Assistant
- Council Representative
 - Mark Blundell

3) **ELECTION OF CHAIRPERSON**

Election of Chair and Vice Chair was held as there was a quorum in attendance.

Moved/Second

THAT Ted Craddock be elected as the Chairperson of the Advisory Land Use Committee Meeting.

CARRIED

Moved/Second

THAT Bob Adams be elected as Vice-Chairperson of the Advisory Land Use Committee.

CARRIED

4) **REVIEW OF TERMS OF REFERENCE**

The Purpose of the ALUC is to give advice and recommendations to Council. Richard Diamond advised that the reporting procedure is the most important part of the committee, and reaching a formal resolution is integral to the process. The minutes and the formal resolution will be forwarded to the council for recommendation on proposed projects.

5) **MINUTES**

a) Minutes of the ALUC meeting held April 04th, 2007.

Moved/Second

THAT the minutes of the ALUC meeting held April 04th, 2007 be received as circulated.

CARRIED

6) **REVIEW OF MENZEL/PERY-WALNUT STREET SUBDIVISION PROPOSAL**

a) **Background:**

The lands (Plan KAP 73113, DL 202, LLD) are located in the Agricultural Lands Reserve (ALR) and are designated and zoned Agricultural in the Village's Official Community Plan (OCP) and Zoning Bylaw.

b) **Application History:**

- 2005: Rezoning Proposal for residential that included a request to remove the lands from the ALR. The Proposal received no support from the ALC and Council.
- 2007: The Proposal was again resubmitted but not supported at that time by current Council.

c) **Current Proposal:**

The proposal is for the subdivision of Plan KAP 73113, DL 202, LLD into 9 strata lots of approximately 1.75 acres each with a 6 to 8 acre common area for agricultural or equestrian use. The intent of the applicant is that the lands would remain as ALR land, and therefore would be subject to the terms and conditions set out by the Agricultural Land Commission (ALC).

d) Discussions, Comments & Questions:

Bob Menzel & Susan Perry mentioned that the current proposal is not a formal application but is rather a proposal for comments. The property is in a vulnerable position as a working farm due to poor drainage. They feel the need to move forward and wish to work with the Village of Pemberton to receive direction for a further application. The 9 strata lots would have homes with small footprint and would be perfect for small acre farms. The lands are naturally divided by the slough (2 mile creek). The lots would be located in the south portion and the north section would be used for common area. The needed drainage would be looked after by the applicants and by the same token would help restore the creek.

Drew Meredith

- Feels the project would be something positive with respect to the Village's need.
- The lands offer great potential for community amenities such as trails and park.
- Drew commented on the fact that the project was involved in some political debate in the past and that the proposal is a nice compromise and offers great opportunity for community amenities.

Lisa Griffith

- Favorable with small acreages.
- Prefers Option 4: Defer a resolution until such time as the 2008 OCP review is complete (see RtC-January 8th, 2008). Staff advised that it is unlikely that an OCP Review will take place until next year.
- Voiced some concern regarding the potential for the lots to become large estates with no farming. Menzel provided the comment that property tax would reflect farm vs estates. Would like to see something done encourage farming (covenant?).
- Asked if the present Menzel/Perry house on Walnut is included in the 9 lots. The Menzel/Perry said that the house is included and they have the intention of keeping it.

Ted Craddock

- Likes the idea/concept. Has some concerns regarding the cost of development with respect to frontage/tax. How quickly the applicant sells and gathers the sufficient funds to move the project ahead.
- Questioned the higher density vs Small lot and raised concerns that the ALC will see the project as estate lots as opposed to farming. Diamond mentioned that the ALC had in the past indicated that they would support removal of the lands south of the slough from the ALR in conjunction with the Village Planning. The project had not received the support of council. The applicant has never revised the application to reflect comments from the ALC.

Veronica Woodruff

- There will be lots of interest in the creek restoration to the benefit of fisheries. Menzel/Perry said the creek restoration would be done in partnership with the Dyking District and Department of Fisheries etc.

Bob Adams

- Favorable to the project. Offers transition (buffer) between Village and Agricultural Lands. Sees potential for farmer's market and other options.
- Asked if there would be any restrictions in regards to the types of building. Menzel/Perry said the restrictions would be part of the sales.

Lisa Ames

- Commented that the ALC will not remove the lands from their jurisdiction unless there is a Development Proposal. Diamond commented that the ALC will look at the option as part of a joint planning exercise with the Village of Pemberton.

Mark Blundell

- Commented that the project has not received the support of council in the past but believes there may be some interest in considering the new proposal.

e) Resolution:

Moved/Second

THAT the Committee supports the proposed subdivision concept in principal provided that:

1. The Lands remains in the ALR
2. Project Stratified
3. Covenant/Limitation of Building footprints & size of homes to be built
4. Drainage (Benefit Fisheries)
5. Maximize Community Benefits (Trails/Park)
6. Encourage Small Lot Farming
7. Minimize the potential impact on farmland.

CARRIED

7) **NEXT MEETING DATE: TBA**

8) **NEW BUSINESS**

a) **OFFICIAL COMMUNITY PLAN (OCP)**

The manager of Administrative Services commented that staff will be reviewing for council's consideration some OCP amendments and that consideration will be given for a full revision of the OCP on the 2009 work plan.

9) **ADJOURNMENT**

Moved/Second

THAT the Advisory Land Use Committee meeting be adjourned.

CARRIED

At 8:05 p.m. the Chair adjourned the meeting.

This is a true and correct copy of a meeting of the ALUC of the Village of Pemberton, held March 12th, 2008.

Chair

Squamish Lillooet Regional District

Minutes of an Electoral Area C Agricultural Advisory Committee Meeting of the Squamish Lillooet Regional District held in the SLRD Boardroom, 1350 Aster St., Pemberton BC, on Thursday, March 6, 2008 at 7:00 PM.

In attendance:

Committee: R. Kuurne, R. Walden; B. McLeod; D. Meredith, D. Helmer, M. Van Loon; J. Kernaghan

Staff: Planner, A. Antonelli (notes)

Other: Bob Menzel and Susan Perry

1 Call to Order

Ms. Kuurne called the meeting to order at 7:05 PM.

2 Approval of the Agenda

It was moved and seconded:

THAT the Agenda be approved.

CARRIED

3 Minutes of previous meeting

It was moved and seconded:

THAT the minutes for the January 24, 2008 AAC meeting be approved.

CARRIED

4 Business arising from the minutes

n/a

5 Referral items and updates

5.1 Subdivision of ALR lands (Menzel property, Village of Pemberton referral)

Ms. Perry gave an overview of the proposed subdivision:

- The farming capacity of the property has not met their needs.
- They would like to work with the AAC, ALC, and Village of Pemberton to arrive

- at some kind of subdivision/farm development.
- They see the proposed 1 acre farm parcels as being less expensive, low maintenance, and will provide families with a farm environment.
- We shouldn't get stuck on an old way of thinking about farms.

The AAC members made the following comments:

- Subdividing that property would create an unwanted precedent.
- The small lot farms could be considered as part of an agricultural area plan.
- There is a place for small farms.
- An acre is not enough to farm, larger properties are needed to actually support families.
- The Village of Pemberton prefers to see higher density within the village boundaries.
- Portions of the land are very wet.
- It is questionable whether or not the land is even farmable.

It was moved and seconded:

THAT it be recommended to the Regional Board:

THAT the proposed subdivision of KAP 73119, DL 202, LLD not be supported.

CARRIED

5.2 Farm Bylaw, brainstorming re: gravel on farm land

The members discussed topics to be addressed in the farm bylaw.

6 Late Items

N/A

7 Next Meeting

To be scheduled at a later date.

Termination

The meeting adjourned at 8:45 PM.

R. Kuurne
Chair

A. Antonelli
Recording Secretary



REPORT TO COUNCIL

Date: January 8, 2008
From: Richard Diamond, Planning Technician
Michael Rosen, Planning Consultant
Subject: Proposed Subdivision of Plan KAP73119, DL 202, LLD
(Menzel – Perry Property)

Received by Council _____
Meeting No. _____
Date _____

RECOMMENDATIONS

THAT the proposed subdivision of Plan KAP73119, DL 202, LLD submitted by Bob Menzel dated 19 November 2007 not be forwarded to the Agricultural Land Commission.

BACKGROUND AND COMMENTS

The Village has received a proposal to subdivide Plan KAP 73119, DL 202, LLD (the Lands) commonly known as the Menzel-Perry property into 9 strata lots of approximately 1.75 acres each with a 6 to 8 acre common area for agricultural or equestrian use of the strata owners (attached as Schedule A). It is important to note that the Lands are located in the Agricultural Lands Reserve and are designated and zoned Agricultural in the Village's Official Community Plan and Zoning Bylaw. The intent of the applicant is that the Lands would remain as ALR land, and therefore would be subject to the terms and conditions set out by the Agricultural Land Commission.

The proposal also includes the dedication to the Village of approximately 4 acres of land as an equestrian park which could include a riding arena.

Previously the proponents had applied for rezoning of the Lands to residential that included a request to remove the Lands from the ALR. Council will recall that at its meeting on held 18 September 2007, Council decided NOT to support the rezoning application.

DISCUSSION

Agricultural Land Commission Act

As the Lands are located within the Agricultural Land Reserve and zoned Agricultural, any subdivision must first be approved the Commission in accordance with Sections **21** (2) and **25** (3) of the Act. Section **25** (3) states that a subdivision application "*may not proceed unless authorized by a resolution of the local government if, on the date the*

application is made, the application (a) applies to land that is zoned by bylaw to permit agricultural or farm use."

Official Community Plan

Policy 28 of the OCP speaks to continue supporting the ALR designation within the Village, and as such the lands are designated Agriculture in the Land Use Plan. While the proposed subdivision does not entail removal of land from the ALR or a change of the existing agricultural zoning, the creation of 9 lots will likely impact the capability of the land to support agricultural activities.

Zoning Bylaw

The Lands are A-1 Agricultural. This zone has no minimum lot size.

Division 600 of the Zoning Bylaw sets out the minimum requirements for subdivision of land including requirements for minimum frontage and lot width. As the requirements of this section are technical in nature, the proposal has not been reviewed for conformance with this section, as a professionally drawn proposal including lot dimensions and sizes has not yet been submitted to the Village.

Planning Department Comments

The Planning Department has reviewed the proposal, discussed the concept with the proponents, and offers the following general comments. Other than providing a transitional land use between higher density residential lands to the south and more usable agricultural lands to the north, the proposed subdivision would appear to not fit in with the Village's long term planning interests. The subdivision neither advances the community's agricultural values nor the pursuit of Smart Growth principles.

The major concern of the Planning Department is that the proposal while not ensuring agricultural use of the Lands, might in fact preclude the logical expansion of this part of the Village. The proposal may simply result in the creation of large estate lots. It should be noted that if Smart Growth and good planning principles are to be considered, the highest and best use of the lands south of the slough would likely be denser forms of residential development due to the proximity to the Village core, municipal services and the makeup of the neighborhood. Should there be a request to further subdivide the lands in the future, it would be difficult to create a quality subdivision due to constraints caused by any existing buildings and road pattern.

Having established this position, the Department recognizes that the Advisory Land Use Committee had supported higher densities as part of previous applications, and the Agricultural Land Commission had provided support for higher densities and exclusion from the ALR for the lands **south of** the slough with the lands north remaining in the ALR. On this basis, one long term planning option could include higher density (single family and multi family) for lands south of the slough, as the slough provides a defensible boundary to ALR lands. Such development would be in keeping with Smart Growth principles - proximity to the Village core and existing services. While this approach is contrary to the existing OCP and therefore cannot be supported at this time,

the proposed subdivision would preclude realization of this option due to the fragmentation of the land. This matter could be a good topic for the OCP review.

BUDGET IMPACT

There will be no budget impact unless the proposal receives final approval, in which case DCC's, and subdivision fees (4% of servicing costs) will be payable.

COUNCIL OPTIONS

Option 1: Refer the proposal to the ALUC and AAC for comment and have staff report back to Council prior to formulating the resolution required by the ALC to apply for subdivision within the ALR.

Option 2: Inform the proponent(s) that the Village does not wish to consider the subdivision at this time;

Option 3: Request the proponent to submit a subdivision application, fees and professionally prepared detailed drawings of the subdivision plan and other supporting documents prior to considering the proposal;

Option 4: Defer a resolution until such time as the 2008 OCP review is complete.

Based on the above information, the Planning Department recommends pursuing Option 2. However should Council want to obtain the recommendations from the advisory committees prior to making a decision on this application, then Option 1 should be considered.

Richard Diamond
Planning Technician

Approved for Council Agenda

Lori Pilon
Administrator

Attachments:

- I. Location map*
- II. Proposed subdivision plan prepared by Bob Menzel received 19 November 2007*
- III. ALUC minutes dated 9 February 2005*
- IV. Report to Council dated 18 September 2007*



Agricultural Land Commission
 133-4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604-660-7000
 Fax: 604-660-7033
 www.alc.gov.bc.ca

July 13, 2005

Reply to the attention of Gordon Bednard

Henry Menzel and Susan Perry
 PO Box 392
 Pemberton, BC - V0N 2L0

ATT: GALS

FROM: SENA

938-1083 (AL)

Dear Sir/Madam:

RE: Application #YY-35844
 PID: 025-641-638
 Lot B, District Lot 202, Lillooet District, Plan KAP73119

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above 8.1 ha property to allow for the development of 34 single family homes and 34 townhouse units. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on March 31, 2005. The Commission found both the meeting and site visit informative.

The Commission considered that the property has good agricultural capability ratings, similar to those on properties actively farmed to the immediate north. While the Commission acknowledges some limitations to agricultural use due to excess water, these could be overcome to a large extent by the installation of improved drainage.

For these reasons, the Commission refused your application as proposed.

The Commission is also aware, however, that the Village of Pemberton is in the process of infrastructure planning in this area in conjunction with developments outside the ALR. The results of these planning exercises may have impacts on the subject and other properties in the ALR and the Commission may be willing to revisit the present application following consideration of these concept plans. At that time the Commission will be balancing the impact of any proposed non-farm use (or exclusions) on the agricultural land base, with any proposed improvements made to benefit future agricultural land use.

The decision noted above is recorded as Resolution #343/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Village of Pemberton Attn: Sheena Fraser
 Senga Lindsay

GB/lv/Encl. _____
 35844d1



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

08 May 2006

FILE COPY

Reply to the attention of Tony Pellett

The Village of Pemberton
P.O. Box 100
Pemberton BC V0N 2L0

Attention: Carita Van Den Hogen, Development Services Assistant

Re: Application #YY-31096

Also see Application #YY-35844 and Pemberton Benchlands Neighbourhood Plan

This is in response to your memo of 05 April 2006 requesting comment from the Provincial Agricultural Land Commission (the "Commission" on an application to subdivide the parcel described as *Lot A, D.L. 202 Lillooet District, Plan KAP73119*. The timing of the Commission meeting precluded our response in time for the 28 April 2006 deadline. Subsequently, we have been given to understand that Council has declined to rezone the subject parcel at this time.

Background

As a result of a previous Commission decision affecting the subject lands (*per* Application #YY-31096), the Commission holds a covenant over the north 3 m of the property. That covenant, among other things, requires that a buffer be maintained within the covenanted area. It very specifically precludes the owner of the land from permitting the buffer area to be used for any other purpose whatsoever without the prior written consent of the Commission, "which consent may be arbitrarily withheld". The Commission's consent is also required before the covenant can be removed in whole or in part, such as by dedicating any portion of it as road.

The Commission is already participating in work associated with Benchlands Neighbourhood planning, including the proposed extension of Walnut Street through *Lot B, D.L. 202 Lillooet District, Plan KAP73119* (the land which would be accessed by the proposed road allowances crossing the buffer). Under that process, the Commission has formally agreed in principle with Walnut Street being extended, but the Commission has not yet agreed on a specific alignment through land currently in the agricultural land reserve (ALR). Any such agreement would be part of any application pertaining to the land to the west of *Lot A* and would form part of the ongoing reconsideration process on Application #YY-35844, pertaining to *Lot B*.

Among the Commission's considerations is minimizing the impact of non-farm development on arable land within the agricultural land reserve (ALR). Buffering along the urban edge is only part of the process; among other important issues is the need to ensure that urban areas are developed effectively, so that

- the ALR is not seen as the only location for some urban use "forgotten" in initial planning and
- urban land is not wasted through inefficient design, putting pressure on the ALR to accommodate urban development which should have been accommodated in the urban area.

...2

The Village of Pemberton
08 May 2006 — page 2

Commission Decision

The Commission agrees that the subject parcel would be appropriately used for reasonably dense or affordable development. Nevertheless, by Resolution #171/2006, the Commission has decided not to authorize road dedication across the covenanted area at this time. Instead, the Commission advises you and other interested parties that it is prepared to release the covenant in its entirety, but only in conjunction with joint planning aimed at achieving efficient use of land in this part of Pemberton.

Commission staff have already been involved in some stages of joint planning and are prepared to continue with a view to timely resolution of outstanding issues, including any which Council may wish to bring to the Commission's attention.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per: 

Erik Karlsen, Chair

cc: Cam McIvor, Secretary
Silverthorne Developments Ltd.
S1 C4 Guthrie Road RR2
PEMBERTON BC V0N 2L2

Susan Perry and Henry R. Menzel
PO Box 392
PEMBERTON BC V0N 2L0

John Gerbrandt, Project Mgr. Regional Client Services, Coast Region
Integrated Land Management Bureau
Crown Land Partnerships and Sales
200 - 10428 153 Street
SURREY BC V3R 1E1

Michael Rosen, Planning Consultant
Michael Rosen and Associates
2429 Marine Drive
WEST VANCOUVER BC V7V 1L3

Tanalee Hesse, Acting Administrator
The Village of Pemberton
P.O. Box 100
Pemberton BC V0N 2L0

Dave Allen, Director of Development Services
The Village of Pemberton
P.O. Box 100
Pemberton BC V0N 2L0

Menzel - Perry OP.

Village of [unclear]

June 11, 2007

Tony Pellett
Provincial Agricultural Land Commission
133 - 4940 Canada Way
Burnaby, BC
V5G 4K6

Attention: Mr. Tony Pellett

Dear Mr. Pellett:

Re: Official Community Plan and Rezoning Application
Lot B, DL 202, Plan KAS 73119, LLD (Menzel / Perry)

The Village has received the attached revised application from Ms. Kristen Clark representing 662355 BC Ltd. with regards to the above noted property. In the submission, it is noted that the applicant provided additional information to the ALC (January 2006) subsequent to the ALC advising the applicant that their application for exclusion had been denied (December 2005).

At this early stage of the application review process, Village Planning staff would be interested in understanding whether the ALC has been recently dealing with the property owners or their agent on this revised application, and / or whether there has been any new information that has been provided that might result in the ALC changing it's previous position.

If you have any questions or comments, please do not hesitate to contact the undersigned at the Village Office, or Michael Rosen, Planning Consultant, at mrosen@telus.net.

Yours truly,



Trisa Brandt, Development Services Assistant

Cc: Michael Rosen - Planning Consultant
Kristen Clark - Representative of 662355 BC Ltd.



RECEIVED

Village of Pemberton

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

25 June 2007

Reply to the attention of Tony Pellett

Village of Pemberton
P.O. Box 100
Pemberton BC V0N 2L0

Attention: Trisa Brandt, Development Services Assistant

Re: Application #YY-35844

In response to your letter of 11 June 2007, please be advised that the Agricultural Land Commission has not recently been dealing with the property owners nor their agent on a revised application. The only new information which has been provided to the Commission is from the Village of Pemberton in relation to the Pemberton Benchlands Neighbourhood Plan, which does not appear to support road extension eastward across the ALR.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Michael Rosen & Associates, 2429 Marine Drive, West Vancouver BC V7V 1L3
Regional Agrologist Chris Zabek, MAL Abbotsford

TP/

35844 m2

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

Minutes of the **Committee of the Whole** of Council of the Village of Pemberton held on Tuesday, July 22, 2008 at 4:00 p.m. in the Council Office, 7400 Prospect Street.

IN ATTENDANCE: Mayor Jordan Sturdy
Councillor David MacKenzie
Councillor Kirsten McLeod
Councillor Mark Blundell

ABSENT: Councillor Jennie Helmer

STAFF: Administrator Lori Pilon
Sheena Fraser, Manager of Administrative Services
Lorien Chilton, Management Intern
Michael Rosen, Planning Consultant

Others: Dave Walden, Chair, School District #48
Nancy Edwards, Secretary –Treasurer, School District #48
Rick Hume, Director of Operations, School District #48
Garth Phare, proponent, “Tiyata - Signal Hill Homes”
Bruce van Mook, proponent, “Tiyata - Signal Hill Homes”
Don Nicholson, “Tiyata - Signal Hill Homes”
Bob Menzel – property owner
Susan Perry – property owner

1. CALL TO ORDER

At 4:00 PM, Mayor Sturdy called the meeting to order.

2. High School Lands

Mayor Sturdy welcomed Dave Walden, Chair, School District No. 48, Nancy Edwards, Secretary-Treasurer, School District No. 48 and Rick Hume, Director of Operation, School District No. 48.

Planning Consultant Michael Rosen outlined and further reviewed the staff report presented to Council at the previous Committee of the Whole meeting held on July 8, 2008.

Discussion was held with the School District representatives regarding possible locations for the School Bus garage as well as potential uses of the lands adjacent to the new Pemberton Secondary School located in town. Mayor Sturdy advised that the Village has received a lot of feedback with respect to the old high school gym and there is strong support to find a way to retain that facility as it is a priority to the community. Mayor Sturdy further advised that the SLRD will be requesting to extend the lease for the old facility to October 30, 2008 (from September 15).

Dave Walden, Chair, School Board reps noted that there is a sense of urgency to remove the old building if it is empty. Mr. Walden and Ms. Edwards felt that the School Board would be open to hearing proposals from the SLRD if the lease were to be extended. They believe they will have to demolish the building as there are no funds to keep it open if it is not being occupied. Walden advised that the future of the old high school gym will be on the August 27th School Board agenda for discussion. With respect to the future of the building it was suggested that the School Board should attend a PVUS meeting at the earliest opportunity.

With regard to the land adjacent to the PSS Mayor Sturdy confirmed that the School District would require a rezoning application as the first step to developing the property. Council expressed no opposition to entertaining a rezoning application for that property should the School Board decided to move forward.

Council, as a whole, expressed strong opposition to the bus garage being built on the current site and encouraged the School Board to seriously consider other options that would include moving the garage to the Industrial Park.

Rosen advised that, if there is interest, the Village could in fact, under the legislation, initiate a rezoning of the undeveloped high school lands on its own and that rezoning does not necessarily have to be initiated by an application of the land owner.

Further discussion took place related to the cost to build a bus garage, ways to raise funds, potentially selling land and how to get support from the provincial government.

Mayor Sturdy advised that UBCM will be held in September and that Council will gladly take this issue to the Minister for review.

At 4:35 p.m. the Board representatives left the meeting.

At 4:35 p.m. Garth Phare, Bruce Van Mook and Don Nicholson joined the meeting.

3. BCR/Phare Property Development Concept Plan

Garth Phare provided an overview of the properties that are under consideration for the development concept to be presented. These properties include the BCR Properties owned Wye Site, Mill Site and the property adjacent to highway 99 and abutting the Mill Site owned by the Phare family.

Phare briefly presented their approach to the development which is to create a community that would stand the test of time and enhance Pemberton. He stated it would be a ten to fifteen year phased development. Phare advised that a public meeting had been held in late June and as a result of feedback from those in attendance a number of changes have been made to the concept design to accommodate community concerns. In particular, a number of changes have been made to the original layout of the Wye Site lands. Other changes include the addition of highway access, change of some multi-family to single family, addition of more park space.

Don Nicholson, Architect, STANTEC, outlined the features of the site, noting that it is sustainable in terms of walkability, access to schools, shopping and other services.

The total site is estimated to be around 32 acres and include the two BCR properties (Wye Lands and Mill Site) and the Phare lands. The constraints include Pemberton Creek riparian issues, dyking, CN Rail line, BC Hydro right of way, and Highway 99 (the potential for an alternate route to the highway was noted). Nicholson noted that the drop in grade from fire hall to the lower area is +/- 12 feet.

Mix of housing is single family dwellings on small lots, townhomes, duplex, live-work, studios, seniors housing, 80 bed hotel and commercial component.

It was noted that Phare and Van Mook have an option to acquire the BCR Properties.

Nicholson then provided an overview of each site:

Site A: - Wye Lands

- A total of 7.3 acres located west of the rail line
- NW corner has been revised, as a result of feedback from the public, to remove townhouses and introduce five single family lots in a cul de sac.
- Remaining property would be offered to the Village for sale.
- Townhouses were re-focused onto Prospect.
- Balance of site comprised of four-storey apartments with underground parking throughout.
- A series of a dozen townhouses facing the central green space with the back yard backing on to the rail r/w.
- Working towards a ratio of 2 cars per unit. Units, including hotel, is 450, up 100 from what was indicated at the public information meeting.

Wye site homes (total of 138 units):

- 5 single family
- 4 live work
- 33 townhomes
- 96 condo's

Trail system off Dyke considered with a more developed park/trail component across the creek from the Wye Site.

Site B: Mill Site – 14 acres

- 230 units on site
- 80 of which are hotel – market and efficiencys require at least 80 rooms
- 4 story massing at centre of site
- Everything else tapers down
- 9 single family lots
- 39 townhomes
- 28 dedicated Sr. Apts – could have connection to hotel – include small pool – reach out program
- 14 live work units – over top – commercial along road next to hotel
- 60 apartment condos
- Commercial space at grade around 30,000 square feet
- Amenity building – no real use identified – something for immediate community

Site C: Phare property – 11 acres

- 32 single family lots
- 48 unit apartment building
- Community garden – below the hydro lines requires limiting watering/gardening to 20 minute intervals to take into account EMF
- Tourist Centre? Pursue with BC Hydro – introduce affordable housing with bus stop – notion behind in/out
- Establishment of a bridge across One Mile Creek on the west side of Hwy 99.

The developers have identified a number of issues/ideas that need to be resolved, addressed and/or included as work progresses on the concept plan and these include:

- Access across the creek (bridge locations – connections)
- Access over/under the rail tracks
- Grade issues – the grade changes considerably from the Wye Lands to the Phare property
- Public amenities within the park spaces (types, concepts)
- Interpretive park to include First Nations traditions/cultural perspectives
- Further conversation with community groups/neighbourhoods (Creekside)

Sustainability:

The developers advised that they are planning to apply for a LEED development rating for the site as the project dovetails very well with LEED program.

Councillor MacKenzie left the meeting at 5:15 PM.

Council members provided the following comments:

Blundell: Supports the concept, needs time to consider and digest the information.

McLeod: Looks good, needs time to think about it.

Sturdy: Congratulated the proponents on the concept plan and identified the following concerns:

- Connections are an issue – location of middle bridge doesn't actually go anywhere. Something has to go along adjacent to the BC Rail Bridge, that's where everybody goes.
- Concerned about retail – 30,000 square feet and are they thinking C1 zoning? (Phare advises that it is more residential support and hotel related. Four-storey hotel, office spaces, doctor/nurse, support for the seniors housing and the community that was created. Not C1, maybe a small component, but not something that interferes with downtown.)
- Mayor Sturdy believes the buffering and the picnic area with washrooms that could accommodate local community events are good.

Michael Rosen provided comment and advised that Staff have been working with the proponents over the last several months by providing guidance on how to start the process and to get it to a place where an application to the Village could be made and that he

very encouraged by the commitment of the developers. Rosen suggested that it would be appropriate to look at an OCP/Zoning Amendment application for all three parcels at one time rather than piece by piece and that the current OCP has never contemplated a development of this nature on these lands. Rosen further indicated that land use and density are key factors to achieving sustainability and essential for getting LEEDS dedication. Rosen concluded that this is a good project from a planning approach as it includes a variety of housing types, focus on density and a good trail network.

The developers were thanked for their presentation and left the meeting at 5:35 PM.

At 5:35 p.m. Allison Macdonald, Recording Secretary left the meeting and Sheena Fraser, Manager of Administrative Services continued with the recording of the minutes.

4. Menzel/Perry Subdivision

Bob Menzel
Susan Perry

Sheena Fraser, A/Manager of Development Services, provided an overview of the application by Menzel/Perry for subdivision of their property. In particular, that Council had, on June 3rd voted against moving the application forward to the ALC and that Councillor Blundell had requested that this matter be brought forward again for reconsideration at the June 17th meeting. At that meeting, it was agreed that the matter would be held over until a Committee of the Whole meeting to be held in July.

Councillor Blundell advised that the reason he had requested the matter to come back to Council is that he wanted to get a better understanding of what Council members individual opinions of this subdivision request were. Blundell noted that the ALUC had supported the application and Blundell had received feedback from ALUC members that their recommendation had not been accepted by Council. Blundell stated that he liked the concept in principle and would like to see it moved forward to the ALC for consideration.

Councillor McLeod commented that as this issue can not be moved forward at this meeting it would be appropriate to bring it forward to the next council meeting for a thorough discussion. McLeod stated that she wanted to have another chance to make comment on the application and be heard noting that there is concern in the community about the potential of estate lots being established and that she feels it is important that the land stay in the ALR.

Bob Menzel advised that the concept behind the subdivision of the land is to provide a transition from the Village to the ALR. There is no intention of establishing estate lots. The goal is to provide a buffer zone between the village and the valley, focus on green development, establish some common farm land and a park component.

Mayor Sturdy suggested that perhaps it would be appropriate to look at the development of this land in conjunction with the other lots that could be developed in this area in particular the Silverthorne property and Lot 2A. Sturdy feels that any development in this area requires a comprehensive and workable plan that includes the cooperation of First Nations on 2A, storm management, drainage, fisheries habitat. Sturdy understand what is being proposed and sees the benefit but is not sure that in the big picture it will solve problems. Sturdy indicated that the plan is short term and that he will not support it as he would like to see a better plan.

for that whole end of town.

Rosen advised that at this point it is the ALC that will approve the subdivision of ALR lands and that in order for the ALC to consider the application Council must authorize Village Staff to move the application forward to the ALC. Should the ALC approve or accept the subdivision of the lands the proponents would then have to make application for rezoning.

Sturdy wanted to ensure that all comments would be taken into consideration by the ALC when considering the application and wanted to understand how it would be best to make sure that the ALC is aware of the concerns some Council members may have on this proposal.

Rosen advised that reasons for support or concern could be included in the resolution put forward for consideration.

At 5:55 p.m. Councillor David MacKenzie returned to the meeting.

Moved/Seconded

THAT the Committee recommend to Council:

THAT staff be directed to bring back the Menzel-Perry Subdivision application to the August 12th Council meeting for further review and discussion.

CARRIED

5. Airport Project Definition Report

A short discussion took place related to the Airport Project Definition Report and it was determined that it would be appropriate to move the discussion to the next Council meeting to be held on Tuesday, August 12, 2008.

Moved/Seconded:

Recommendation to Council:

THAT the Project Definition Report be brought forward to the Council meeting scheduled for Tuesday, August 12, 2008 for review and further discussion.

CARRIED

6. ADJOURNMENT

At 6:05 p.m. the meeting was adjourned.

Mayor

Administrator



Date: March 3, 2009

From: Caroline Lamont
Manager of Development Services

Subject: Temporary Commercial and Industrial Use Permits

BACKGROUND

On November 4, 2008 Council adopted Zoning Amendment (Industrial Park Use Permits) Bylaw No. 621, 2008 which provided for the introduction of temporary uses pursuant to s. 921 of the *Local Government Act*. Effectively the bylaw amendment allows the entire M-1 Zone to be designated a Temporary Industrial and Commercial Permit Area to accommodate commercial and industrial uses associated with the administration and operation of the 2010 Winter Olympic and Paralympic Games.

The *Local Government Act* provides certain requirements for such temporary permits, notably to:

- allow any commercial and industrial use, including the provision of temporary tourist accommodation and the processing of natural materials;
- accommodate persons who work at the commercial or industrial enterprise in respect of which the permit is issued; and specify certain conditions in which the temporary uses may be carried out;
- require the owner of the land to give an undertaking to demolish or remove a building and restore land, as well as require security to ensure that certain requirements of the approval have been fulfilled;
- limit the temporary use that cannot exceed a maximum of 2 years; and
- renew the permit only once.

The bylaw specified no additional conditions, or requirements.

The Village has received inquiries related to the temporary use provisions, however, at this time there are no recognized application fees, forms or requirements (other than contained within the *Local Government Act*). Staff has since contacted Whistler to more fully understand their approach to these temporary use applications. The Resort Municipality has recently passed a bylaw to permit the approval of some temporary use permits for the administration and operation of the 2010 Winter Olympic and Paralympic Games to be delegated to the General Manager of Community Life (refer to the Appendix B for the complete listing). Whistler has also adopted a \$750.00 application fee for non-delegated permits and \$300 for delegated permits.

Staff has also contacted the District of Squamish who advised that they have not yet addressed the temporary commercial and industrial permit issue.

COMMENTS

In review of the existing bylaw, staff would like Council's feedback on the following considerations:

- Delegation of any portion of temporary commercial and industrial permits to staff for approval;
- Recovery of administrative and professional fees through the identification of application fees; and
- Incorporate certain guidelines for the design of the temporary buildings or structures.