

**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, April 13, 2010 at 2:30pm (or immediately following the Public Works and Parks meeting) in the White Building, 7400 Prospect Street. This is meeting No. 037

Time	Item of Business	Page No.
2:30 p.m.	1. CALL TO ORDER	
	2. APPROVAL OF AGENDA	
	Recommendation: THAT the agenda be approved as presented.	
	3. DELEGATION – RCMP, Sgt. Eric Rochette	2
	a) Quarterly Update	
	b) Policing Costs Associated to Pemberton	
	c) RCMP Priorities For Next Fiscal Year	
	d) Horses on the highway	
	4. BC Housing and Lions Society Seniors’ Housing Development Report	8
	5. Boundary Extension – Update and Discussion	15
	Due to the size of the document only the Boundary Extension Submission and Appendix A have been attached.	
	To access Appendix B through I please click on the link below:	
	<u>Automatic Login</u>	
	FTP site link: ftp://s0423112217:4909589@ftptmp.stantec.com	
	By clicking on the link above (or pasting the link into your browser) you will be automatically logged into your FTP site.	
	6. ADJOURNMENT	

Received by Council Reg
Meeting No. 1247
Date mar 2/10

RECEIVED
FEB 17 2010
Village of Pemberton



Deputy Commissioner Pacific Region Sous-commissaire région du Pacifique

Commanding Officer Commandant divisionnaire

Guided by Integrity, Honesty, Professionalism, Compassion, Respect & Accountability

February 15, 2010

His Worship Mayor Jordan Sturdy
Village of Pemberton
Box 100
Pemberton, BC V0N 2L0

*March 11/10
sent email to
Eric Rochette in regards
email to COW Apr 13th
S.*

Dear Mayor Sturdy:

Re: **Accountability, Oversight and Communications**

The purpose of this letter is to provide you with direct responses to questions I have heard from some of our contracting partners and also to ensure that you clearly understand the position of the RCMP on some recent issues misreported in the media. Finally, I want to make some comments with respect to communication issues and to talk about ways we can be better connected to the communities we serve. I will apologize at the outset for the length of this letter, but these are important issues which you need to have a clear understanding of to ensure that our partnership is as effective as possible.

In recent years, we have witnessed ever-increasing demands for more effective communication and accountability processes with respect to how we deliver police services. This phenomenon is being observed throughout society and is not unique to policing and I do understand that public safety and policing consumes a significant part of your budget. I understand as well, that the communities we serve want the relationship between them and their police force to be a true partnership as opposed to police simply being a service provider in a contract relationship. This distinction is important and has been made a key component of the new RCMP contract currently under negotiation.

Accountability:

I know that you understand this but there is one particular myth with respect to accountability which bears mention and that is the often repeated line that the RCMP reports to Ottawa and is not accountable to anyone in BC. I can assure you that I, and every employee of this Division are indeed accountable to the Government of BC, to you and ultimately to the people we serve. The Commanding Officer and the Criminal Operations Officer are selected by the Provincial Government and there is no doubt in my mind that should the Government want either or both of us to leave, that would happen. As you know, there is a significant degree of consultation in selecting Detachment Commanders for larger Detachments, a process which can be improved upon and I will expand on that shortly.

With the single exception of National Security investigations, our National Headquarters has virtually nothing to do with the day to day operations of the Division other to offer support when it is needed. I know that there are irritants with respect to financial authorities which often do require approvals at our Headquarters level. Good progress is being made on these issues through work being done on the Brown Task Force recommendations and some levels have already been changed. Part of my job, as Commanding Officer, is overseeing the Federal Force here and you can appreciate that this aspect would require direct involvement with National Headquarters. There are significant benefits to this arrangement both in terms of additional resources and of operational effectiveness. We run a truly integrated Municipal, Provincial and Federal operations model in this Province which permits the Criminal Operations Officer to easily move resources between the three business lines to optimize operational effectiveness. We need to do a better job in communicating exactly what this means for your community and will be doing so in coming weeks.

The other role for the position I currently occupy is the Deputy Commissioner for Pacific Region which also means that my position is a member of the Senior Executive Committee (SEC) for the Force. This is a significant benefit to British Columbia and to your community in the sense that there is direct input to SEC on issues of importance to British Columbians. These links are important because they connect the various levels of policing in a way that maximizes the effectiveness of everything that we do from the community level, to the Provincial level, to the National level and ultimately to the International level where we have nearly 500 personnel around the world.

For you, as the Mayors and public officials of the communities we serve, your primary point of contact is your Detachment Commander and the success or the failure of the relationship that you have with the Force is highly dependent upon the relationship with your commander. For many years now, we have been engaging Mayors of the larger cities in the selection process of the Officer in Charge of your Detachment. That process varies from place to place simply due to the fact that there has never been consensus as to what that process should involve. As a result, we have kept it flexible and tried to craft it to meet individual needs. We recognize the need to further develop that process and are currently engaging in steps to do so and will be seeking

advice from Mayors around the Province as to how this should be shaped. We want to engage you earlier in the selection process to ensure that meaningful consultation is accomplished with a result that you get a commander best suited for the needs of your community. I recognize as well that some communities prefer to leave selection to the Force and we will continue to do that as well where needed.

At the UBCM conference last year, where I had the opportunity to connect with many of you, I let you know that we would be reaching out to our communities for further engagement in our planning process.

A few years ago, under our overall Annual Performance Plan (APP), we initiated Detachment Performance Plans (DPP) which are completed by detachments in contract provinces to ensure consultation with the community stakeholders and partners by identifying issues and concerns that will become community and policing priorities. Those priorities are acknowledged by impacted community stakeholders and partners. Your Detachment Commander will be accountable to provide the most effective police service possible in the circumstances. These circumstances include many environmental variables, including population to police officer ratios. The consultative process required today between Detachment Commanders and their communities is much more complex and involved than meeting with partners and seeking their concurrence in our planning process. It needs to involve detailed discussions with you on issues impacting communities and comprehensive input into plans and priorities with ongoing review and discussion and, if necessary, adjustment of those plans and priorities throughout the year. As part of this process you will be asked to “sign off” on the DPP to ensure that you both agree with, and have had meaningful input and indeed, direction, into the policing priorities to be addressed in the upcoming year. The sign off is simply a management tool to ensure consultation is being done and, more importantly, is being done appropriately.

The final part of this consultative process cycle will be for District Commanders and their staff to reach out to you, as our partners, towards the end of planning cycles or, when appropriate, to invite feedback on the performance of your detachment in addressing the stated priorities and to invite comments and input generally on the performance of the Detachment Commander. This input will be included in the Detachment Commander’s annual performance appraisal. I view this as an important and an effective accountability measure which gives you meaningful input.

Oversight:

There are several myths with respect to our position on police oversight which are critically important for me to comment upon, directly to you. The RCMP is not opposed to independent oversight to deal with serious issues such as in custody deaths or other serious matters involving our personnel. In fact, we have led the way, in this Province for many years, seeking more effective ways to achieve independent oversight, absent the political intervention needed at both the Federal and Provincial levels to take required steps, such as legislative amendments. Here are some of the examples:

2003 – February 28th - BC RCMP invited Shawn Atleo, Assembly of First Nations BC Chief, (as he then was) to oversee the investigation into the officer involved death of a Vancouver Island First Nations woman. This was a stepping stone to a written protocol months later.

2003 - June - The Public Safety Cooperation Protocol, initiated by the RCMP in BC was signed between the First Nations Summit, the Union of British Columbia Indian Chiefs; the BC Assembly of First Nations; and the RCMP with the goal of establishing trusting and reciprocal relationships and to provide for contemporaneous oversight and involvement of first nations leaders as observers in certain investigations. This was modeled, in part on the precedent set in the 2003 investigation on Vancouver Island.

2004 – May 18th—Public Safety Cooperation Protocol signed in Saskatoon with the National Chief of the Assembly of First Nations. This protocol was modeled after the program developed and implemented in British Columbia. This Protocol has since been copied and put into place in several other Provinces and last year, other Municipal Police Forces in BC joined into the agreement.

2007 - March - The Commission for Public Complaints Against the RCMP (CPC) Observer Program was established as a two year pilot project. At the request of the RCMP, the CPC would have contemporaneous oversight during an officer involved investigation instead of just file review responsibilities. The program was formalized in September 2008 and is now used in other Provinces across Canada as well.

Independent Observer Program – CPC Website

(<http://www.cpc-cpp.gc.ca/prr/rep/opp/index-eng.aspx>)

2009 – September – Motion at the British Columbia Association of Chiefs of Police (BCACP) urging the Provincial Government to adopt an independent oversight model similar to that in Alberta. A committee has been formed and is working on this issue.

(Motion for resolution made by RCMP and seconded by Abbotsford). The BCACP continues to urge the Solicitor General of BC to move forward with this process and as recently as February 5th, sent another letter to the Solicitor General asking that he move forward with the proposal.

2010 – February – The Commissioner of the RCMP announced new national policy requiring that other police forces and where available, other review agencies, be called in to investigate certain major incidents involving our personnel. Once again, this is not a new practice for “E” Division as this has been a general rule followed for several years here. A major complicating factor here is that Municipal forces often, when asked, do not have the capacity to assist. This is one of the key reasons for the BCACP motion made last year.

As recently as last week, we concluded discussions with the British Columbia Office of Public Complaints Commissioner for them to review certain RCMP involved serious incidents (such as those describe above). I am optimistic that a Memorandum of Understanding will be signed

within days. It should be noted that there is no authority for doing this, but more importantly, there are no rules or policy preventing it, so we have moved forward to make it happen.

I would hope that you could see from all of these RCMP led initiatives that the RCMP in BC has shown a consistent pattern of leadership, over a significant period of time, in efforts to improve on accountability mechanisms regarding police involved issues of concern. All of the programs noted above were initiated by the Force, voluntarily, without suggestion. I would suggest that the Force has been more proactive in this respect than any other police agency in Canada. We are doing as much as is possible within our power and at the end of the day, as already stated, oversight is an issue for governments to deal with. When you hear suggestions to the contrary you are welcome to use any of this information to correct the record. I have tried to do so through the media on many occasions, with little or no success which is incredibly frustrating to me and to the employees in the Province.

Communications:

Finally, I want to make a few points with respect to communications. Your day-to-day contact with the Force is through your Detachment Commander, as it should be. We have many Detachments where there are excellent two-way communications and highly effective relationships. We have some where there is room to improve and we intend to do so. From my perspective, there is little more important than effective communications, especially important in the age of instantaneous communications where we now live. It is through strong communications that we connect with you, and ultimately, with the citizens of your community whom we serve.

Day-to-day communications with your Detachment Commander will continue to be the primary method of communication with respect to the policing of your community but there is much more that you need to be aware of so that the overall partnership between you and the Force is as effective as it can be. As you know, we are the Provincial Police Force for BC as well as the Federal Force. There is a great deal of activity that takes place in these other business lines that impacts you and your community and we need to do a more effective job of keeping you advised on those issues whether it involves operational issues such as National Security or Federal policing files such as in the Border Integrity, organized crime and gangs, financial crimes or drugs area. Of equal importance there is information related to administrative matters such as finance, negotiation of the new contract, the Brown Task Force work that I want you to have access to. These other business lines contribute significantly to the policing of your community and we need to find ways to ensure that you are well informed about exactly what that means.

Without doubt, this is a significant challenge given that we provide policing services to over 700 communities in this Province. This is complicated by the fact that community needs with respect to information they want vary significantly across the Division. That said, we intend to be as effective as we can be with communications and you will start receiving regular updates on the topics I have mentioned. I expect that there will be growing pains in terms of crafting the delivery mechanism to meet everyone's needs and I welcome your suggestions and comments as we develop the communication process.

I look forward to hearing any other suggestions you may have in finding ways to ensure that we are fully engaged as partners in the protection of our communities.

Sincerely,



Gary D. Bass, O.O.M.
Deputy Commissioner – Pacific Region
& Commanding Officer, “E” Division

657 West 37th Avenue
Vancouver, BC V5Z 1K6

Date: April 13, 2010

From: Caroline Lamont
Manager of Development Services

Subject: BC HOUSING AND LIONS SOCIETY
SENIORS' HOUSING DEVELOPMENT REPORT

PURPOSE

As requested at a March 30, 2010 Finance Committee, the following report provides a status update to Council with regard to the proposed BC Housing Seniors' Housing project. Council has also directed staff to invite BC Housing to attend the April 13th Committee of the Whole meeting as to provide Council with an update with regard to the housing project.

PROJECT STATUS

The following provides a description and chronology of the efforts undertaken to date with regards to moving forward with a seniors' housing project in Pemberton.

April 2009 – Provincial Announcement

Over a year ago, the province announced that they would be developing 18 modular units of seniors' housing on the lands situated in Village of Pemberton through the Seniors' Housing Initiative Program (refer to press release attached as Appendix A). It was the intent that BC Housing would cover all capital costs of the development with the Lions Club (Pemberton chapter) being responsible for ongoing operations. The project would be developed, whereas the rents of the new units would completely cover the operating costs (the project will not have an ongoing rental subsidy).

September 2009 – Site Development Cost Shortfall

Upon preliminary review of the site conditions, the Village, Lions Society and BC Housing realized that the cost to fill the site to meet established flood control levels would result in excessive site preparation costs that would put the Pemberton project in jeopardy.

At Council's September 15, 2009 meeting (see report attached as Appendix B), BC Housing indicated that the project would now include 22 units, but that the Village's financial support was needed to assist with the cost of filling the site. It was therefore resolved that the Village:

- Commit to undertaking the procurement of the fill and the placement of fill within the parameters established above subject to BC Housing providing

assurances that the project will move forward for completion within the timelines set by the Seniors' Housing Initiative Program.

- Explore revenue sharing opportunities with BC Housing and determine whether there may be other funding partners or cost recovery opportunities.
- Enter into discussions with BC Housing and the Lion's Society to explore the most cost effective layout for the project in order to minimize density on the site.

October 2009 to March 2010 – Site Preparation Costs

For the past six months, the Village and the Lion's Society have investigated the most appropriate site design and possible "discounted" sources of acceptable fill. The current site plan is attached as Appendix C. With regard to the fill, the Lion's have approached Community Futures with a request for a loan to finance the site preparation works. The hope was that the Community Futures loan would then be paid back over a reasonable period of time utilizing a portion of the project's rents. The Lion's and Council members have also sourced out cost effective fill.

March 2010 – Outstanding Issues and Project Commitment

In late March, Village staff met with BC Housing's project architects and construction manager. At that meeting several other issues were raised as follows:

Access – There was a request that the Village pursue with the Chelsea Place owners regarding the potential to access the new seniors' housing from their private strata road. BC Housing has since advised that such consultation is not required as the proposed development would use the existing access (BCH is not planning to negotiate or pursue any additional access rights). A site plan sent to the Village late last week indicates the proposed layout (refer to Appendix C)

Existing Amenity Building – The amenity building will not be moved as this will trigger new incremental costs. The proposed construction will work around this facility (refer to Appendix C).

Site Filling and Geotechnical Considerations – As evident in the September 2009 resolution of Council, the Village of Pemberton has committed to additional costs related to the procurement and placement of fill. Originally the financial commitment was estimated to be between \$120,000 to \$130,000 and the Village has approved funding, in the amount of \$120,000, in the 2010 provisional budget to assist with this component of the project. Since this time, the Lion's have investigated whether they can secure a loan to cover the costs of these works. Subsequent correspondence through the Society has indicated that this loan could be up to \$200,000.

BC Housing has also indicated that all work must be coordinated through BC Housing's strict Public Purchasing Guidelines; therefore on-site fill must be competitively procured and tendered. The Lion's Society and the Village need to understand this requirement to a greater degree as it may make the pursuit of fill difficult (costly) if it must go through a tendering process. They also have indicated that the geotechnical report will require preload be placed on the property for 4 to 6 months (as per the geotechnical report).

DISCUSSION

At the March 30th Committee of the Whole, Council gave direction to staff to prepare a critical path with milestones for moving forward with the Village's participation. Staff has prepared the required critical path and subsequently referred it to BC Housing for confirmation of the process. The overview is attached as Appendix D.

On April 1, 2010, BC Housing advised that they will not fully commit to the proposed seniors' development until the Lion's Society provides them with a complete operating pro forma. BC Housing must be confident that the Lion's Society is able to manage the units at affordable rents. The operating pro forma that has been prepared by the Lion's at this time does not meet BC Housing's needs. BC Housing and Village staffs are both agreeable to assisting the Lion's Society in preparing the necessary pro forma.

In review outstanding requirements, it appears that it is premature to invite BC Housing to a meeting of Council until the pro forma and the realistic approach to site fill contributions has been resolved by the Society and the Village.

Staff is planning a workshop with the Lion's Society as soon as possible to determine if an agreement with BC Housing can be achieved. In particular, the issues of primary concern include the operations pro forma and the source of capital (and/or in lieu) funding for site fill. Once these development cost considerations have been resolved, BC Housing will determine whether the project can proceed and move forward with achieving development approvals.

BUDGET IMPACT

The proposed workshop with BC Housing should not have any budgetary implications. The Village, however, should determine whether the Village will need to contribute to the site fill costs or whether other arrangements can be addressed with BC Housing.

STRATEGIC PLAN IMPACT

The development of this seniors' housing project is part of the Village's Strategic Plan.

APPENDICES

- Appendix A – Province of BC April 2009 Press Release
- Appendix B – September 15, 2009 Staff Report and Council Resolution
- Appendix C - April 2010 Site Plan
- Appendix D - Seniors' Housing Deliverables



NEWS RELEASE

For Immediate Release
2009HSD0064-000775
April 8, 2009

Ministry of Housing and Social Development

NEW SENIORS HOUSING FOR PEMBERTON

PEMBERTON – Eighteen new modular housing units for seniors and persons with disabilities will be created in Pemberton, announced West Vancouver-Garibaldi MLA Joan McIntyre.

“Our government is continuing to invest in projects that are not only a valuable addition to our range of successful housing programs, but create jobs for local families,” said McIntyre. “Seniors and persons with disabilities can face some housing challenges, and this initiative will give them additional options when looking for safe, secure affordable housing.”

The 18 housing units will be created at 7420 Flint Street.

These units are part of the new Seniors’ Rental Housing initiative, which will create up to 1,000 new housing units across the province. Construction of the first 218 units will start in 19 communities over the next few months, and will create close to 800 jobs.

The Seniors’ Rental Housing initiative will focus on promoting partnerships with municipalities, non-profit housing providers and the private sector, and will in most cases use modular, manufactured housing construction that promotes wood product use.

This new initiative is part of an overall \$14-billion capital infrastructure program supported by the Province that will create up to 88,000 jobs and help build vital public infrastructure in every region of the province. The total provincial contribution to affordable housing and shelter this year is \$469 million, more than four times as much as in 2001.

A comprehensive overview of provincial housing programs and services to address homelessness can be viewed at www.bchousing.org/breakingthecycle.

-30-

Media contact: Seumas Gordon
Public Affairs Officer
Ministry of Housing and Social
Development
250 387-6490
250 818-4508 cell

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REPORT TO COUNCIL

Date: September 15, 2009
From: Sheena Fraser, Manager of Administrative Services
Subject: Senior Housing Project – Village contribution - Discussion

RECOMMENDATIONS

For discussion and direction.

BACKGROUND

At the July 21, 2009 at the Regular Council Meeting a conference call was held with representatives from BC Housing to review the seniors' housing project that has been slated for development in Pemberton. Discussion focused on a number of issues including the costs associated with the fill that would be required to ensure the site was construction ready.

At that time, the Village committed to researching ways to bring the cost of the fill and the trucking of the fill down which included speaking with local suppliers to get a better understanding of the costs and/or establish opportunity to work in partnership to bring costs down. BC Housing committed to working to find ways to get access to the provincial pits located by suicide hill in order to find ways to keep costs down.

BC Housing has now indicated that the cost associated with bringing in the structural fill needed to get the site to the required construction level is outside the scope of the project budget. In this regard, in order to keep the project moving forward, BC Housing is looking for a community commitment to providing the appropriate amount of material that will be needed.

Council direction is required with regard to providing a commitment to BC Housing that the Village will cover the costs of the fill and the trucking associated with moving the fill to the site.

DISCUSSION

The Village has been able to obtain confirmation of structural fill from the Suicide Hill pit for no material cost and the costs to transfer the fill is estimated to range from \$10.00 to \$16.00 per cubic meter. Based on the Burrowes Huggins Architects conceptual drawing No. A1.01 for the proposed 22 units, dated August 20, 2009, as provided by BC Housing the site will require approximately 8,096 cubic meters of structural fill.

Date: April 13, 2010

From: Daniel Sailland, Chief Administrative Officer

Subject: Boundary Extension Update

RECOMMENDATION:

THAT this report be received for discussion.

BACKGROUND:

This update, for internal discussion only includes information about the newly released Municipal Boundary Extension Policies Guide March 2010 as well as the Municipal Boundary Extension Process Guide March 2010; an overview of outstanding issues raised by Ministry employees in a conversation with the Village of Pemberton(Pemberton) Chief Administrative Officer (CAO) on April 08, 2010; notice that the CAO will be accompanying the Mayor on April 15th 2010 to meet with Minister Bennett regarding the Boundary Extension.

1. Regarding the revised policy and process for Boundary expansion.
 - a. The two documents have been reviewed by the CAO and provide no substantive difference from the original 2002 guidelines. The two documents act to separate policy and process in order to provide greater clarity for municipalities and to ensure a more successful progression through the various required steps.
2. The discussion between Ministry employees and the CAO regarding provision of further technical requirements prior to proceeding with the Pemberton application.
 - a. Ministry has indicated that they recognize the Village of Pemberton's application to be an agglomeration of four different boundary expansion applications. The four applications are the Hillside; the Watershed; the Airport road and Rutherford area (please refer to attached maps). Though there are four applications in one document the Ministry sees no issue in progressing with all four at the same time and this within the current single document format. This stated the Ministry has equally suggested that Pemberton consider moving each boundary extension forward separately. This

suggestion is based on the fact that they believe some areas identified in the application could progress sooner than others.

- b. Ministry indicated that further backup regarding our consultation with Mount Currie Band would make the application stronger. They indicated that they would like to receive something in writing from Lil'wat Nation confirming that their Rights and Title are not infringed by the inclusion of their fee simple lands in this boundary expansion. The Ministry does further understand that matters relating to crown lands and the application of aboriginal Rights and Title are a matter for the crown. As such the Province will deal with these matters appropriately once Pemberton has completed its review of local matters of concern and matters relevant to Mount Currie's fee simple land.

It should be noted that on May 19th, 2009 The Joint Councils of Mount Currie and the Village of Pemberton passed the following Motion below:

Motion 2 – 05.19.2009

It was moved by Councilor Ted Craddock and seconded by Councilor Joanne John that the Mount Currie Band Chief and Council confirm that the summary of issues is complete and accurately reflects all concerns or questions; and that the summary of issues be referred to the Boundary Expansion Side Table to discuss and address questions and issues to the extent possible, including developing an information sheet using culturally appropriate language, and to report back to the next Joint Council meeting.

All in Favor/Motion Carried

Despite numerous attempts these side table meetings never took place. The CAO is currently making arrangements to host a side table meeting for the week of April 19th in order to resolve this matter and to release a notice to the Province.

- c. The Ministry would like greater confirmation of support for the Boundary extension from the owners along Airport Road.
- d. The Ministry acknowledged that there are ongoing or have been discussions between the Regional District and Pemberton regarding the Rutherford Creek Power Plant. They would like an updated status or confirmation of an agreed upon resolution regarding the amenity agreement for the Rutherford.
- e. The Ministry seems confused about the final number of parcels included on the Hillside. They request clarification of the final parcels for consideration.

- f. The Ministry feels that they have all the technical information they require for the Watershed and that this portion is good to go.

3. The CAO will be accompanying the Mayor on April 15th 2010 to meet with Minister Bill Bennett regarding the Boundary Extension. At this meeting a revised moving forward work plan will be discussed; final clarity will be sought from the Minister to ensure that Ministry Employees and Municipal employees have the same information and clearly understand what actions must be taken, if any, in order to have this project file progress; and the Minister, through Ministry Staff will receive all requested information currently held by Pemberton.

Attachments:

Boundary Extension Proposal – dated November 27, 2008
Appendix A – Boundary Extension Mapping

To access Appendix B through I please click on the link below:

Automatic Login

FTP site link: <ftp://s0423112217:4909589@ftptmp.stantec.com>

By clicking on the link above (or pasting the link into your browser) you will be automatically logged into your FTP site.



Village of Pemberton

BOUNDARY EXPANSION

November 27, 2008

Stantec Consulting Ltd.
Suite 1100 - 111 Dunsmuir Street
Vancouver, BC V6B 6A3
Phone: (604) 696-8000
Fax: (604) 696-8100



Village of Pemberton
Committee of the Whole - Regular
Meeting No. 037
Tuesday, April 13, 2010
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Appendix A (Proposed Boundaries)

Appendix B (Sub-Regional Growth Area)

Appendix C (Rutherford Power—Capped Taxes)

Appendix D (Local Service Area Impacts)

Appendix E (Correspondence From Service Providers)

Appendix F (Ministry of Transportation Map)

Appendix G (Stantec Public Meeting Presentation & Notes)

Appendix H (Property Tax Impact Estimates)

Appendix I (Property Owner Correspondence & Map)

1. Introduction

Over time, communities grow and change. As a result, municipal boundaries sometimes should be extended to reflect altered circumstances and community desires.

At its Council meeting on April 15, 2008, the Village of Pemberton Council passed a resolution to pursue an extension to the Village boundaries. Stantec was then hired by the Village to manage the process on its behalf.

The justification for investigating boundary expansion varies from area to area. Rationale includes providing for a potential new settlement growth area as identified in the Pemberton & Area Sub-Regional Land Use Planning Study, the draft Electoral Area Official Community Plan, and the draft Squamish-Lillooet Regional District's Regional Growth Strategy; jurisdictional control over the Pemberton Creek watershed; planning control over the highway corridor leading into the Village from the south; a more balanced assessment base; and an equitable match between boundaries and service areas.

2. The Process

The process for boundary expansion is outlined in Section 20 of the *Local Government Act*. These legislative requirements are supplemented by the Ministry's *Municipal Boundary Extension Criteria* (Revised July 2005).

The Province's approach to municipal boundary extension is based on **four principles**: 1) the municipality takes a lead role in explaining the proposal, consulting with affected jurisdictions and citizens, and then providing information to the Ministry; 2) the Ministry reviews the proposal and submits it for the approval of Cabinet through an Order in Council; 3) citizens within the municipality and those within the proposed extension area have an opportunity in the process to object or consent; and 4) inter-jurisdictional collaboration provides a framework for addressing issues.

The process follows **five stages**: 1) municipal consideration; 2) submission to the Ministry; 3) Ministry consideration; 4) statutory advertising; and 5) implementation. This report summarizes the boundary proposal, the process to date, and forms the basis for Ministry consideration to complete stage 2.

3. The Proposed Boundary Extension Area

The proposed boundary extension includes 20 blocks, some of which have more than one parcel. These are shown on two maps in **Appendix A** (Eastern & Western Boundary Expansion Areas). The proposed extension area can be best described as four general sub-areas as follows:

a) The Hillside

This area is located north of the Lillooet River. This hillside area was identified in the Pemberton & Area Sub-Regional Land Use Planning Study, which was completed in 2007 for the Squamish-Lillooet Regional District (SLRD), the Village of Pemberton, and the Lil'wat Nation. The Ministry funded and participated in this study.

The purpose of the sub-regional planning study was to inform overall policy direction within the Regional Growth Strategy for managing long-term urban growth in the Pemberton-Mt. Currie area.

The study identified options for a new development area primarily on hillside lands now in the SLRD, outside of either the Village or Indian Reserve land. This area is shown conceptually in **Appendix B**. The study suggested that it would be most logical that the Village boundaries be extended to include any new development area. This would provide an appropriate governance and administrative vehicle for the planning and development of the new growth area in conjunction with the SLRD and the Lil'wat Nation, as well as long term delivery of local services. This area is comprised of private land, including that of Lil'wat Properties, and Crown land identified by Crown Grants for potential transfer to the Lil'wat Nation (the 'option lands').

Boundaries for this area were structured to include a large contiguous block of hillside land identified as part of the potential future settlement area. It includes owners who want to have their lands annexed and wish to proceed with planning for the area. While the focus is on the hillside lands toward the Mosquito Lake/Ivey Lake area, it includes flat land that is part of large hillside parcels. Other minor parcels were included so as not to fully enclose any SLRD lands that would remain outside the Village boundary.

There are two homes in the area. The flat lands are primarily agricultural, with the hillside lands mostly forested and undeveloped. Lands on the valley floor south of the rail line are in the Agricultural Land Reserve (ALR).

b) Airport Road Area

This area is located south of the Lillooet River, north of the Green River, near the airport. This area includes five privately owned properties located along Airport Road between Highway 99 and the airport. In addition, this area includes one parcel of Crown Land at the east end of the airport. These parcels are all accessed from roads within the Village that are maintained by the Village. There have been no suggestions for changing land use in this area. These lands are being suggested for inclusion in the Village so the Village would receive taxes for the services (e.g., road) that it provides.

There are three residences in the area. It includes the Big Sky golf course, farmland, and vacant land. The Crown land is used as a base for fighting forest fires. All of this area is in the ALR.

c) Pemberton Creek Watershed

This area is located west of the existing main Village core. It consists only of Crown land, with its boundaries defined by the topographical limits of the watershed of Pemberton Creek. The Village has indicated that it desires to have more planning influence, particularly from an environmental perspective, over the planning and use of these lands. In addition, there is a possibility for the Village to investigate a power plant on the creek.

There are no residences. There is an active woodlot license in the area.

d) South Highway Corridor

This area is located along the Highway 99 corridor south of the existing Village Boundary towards Whistler.

It includes the Rutherford Power project on leased Crown lands immediately south of Rutherford Creek; other Crown land reserved for a gravel pit, some fee simple Lil'wat Properties land currently used for a concrete plant; and some BC Hydro lands, a part of which is leased by the Village of Pemberton for the motocross facility. These lands are being considered for inclusion within the Village to provide a more balanced tax base for the Village and for planning control over the scenic corridor leading to the Village from Whistler.

4. Consultation with Other Local Government

a) SLRD

The Ministry's process requirements state that it is the responsibility of the regional district to identify the financial impact on services in the regional district. The SLRD engaged a consultant, Sussex Consultants, to review the proposal, primarily from a fiscal perspective, on their behalf. The Sussex report raised several issues:

- TV Rebroadcast rates for those Area C properties that would still be in the local service area would rise by nearly \$20. In subsequent discussions, the SLRD administration has indicated that the SLRD will consider revising the tax apportionment system to overcome this issue.
- The question of a property tax cap on Rutherford Power: the Stantec report has assumed, for the analysis based on 2008 rates, that the supplemental letters patent would provide that the amount paid by Rutherford Power would remain constant. This was accomplished in this analysis by restricting the Village's utility rate so the overall total tax does not increase. **Appendix C** includes an alternative for Rutherford Power showing taxes with a 'no net change,' primarily by limiting the Village's mil rate to 4.15, rather than normal 11.97. The Ministry has not confirmed how this will, in fact, be accomplished, as this will not be finalized until review by legislative council later in the process.
- How the local service areas are to be treated: it was agreed in discussions between the Ministry, SLRD, and the Village that this will be left for the Ministry to determine through its review of this submission. There will likely be additional discussions.
- Rutherford Power also makes a \$40,000 annual payment to the SLRD for recreation in the Electoral Area. Resolution of the disposition of these payments needs to be addressed through discussions between the Village and the SLRD. The Village's perspective is that this should be spent in a way that benefits Village residents as well. It has been suggested that, while there may be a legal question about entitlement, it is best resolved through an understanding between the Village and SLRD.

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- Transitional assistance: the Village and the SLRD administration have talked about the Village making transitional payments on a declining basis from \$13,000 in the first year, declining to zero at the end of year four or five.

We expect that there is no significant impact on the SLRD, as there are only relatively minor amounts of local service area taxes (See *Appendix D*) involved should the areas be excluded from regional district service areas. However, this will depend on decisions by the province on future local service area boundaries and potential requisitions from the Village. The SLRD will still receive requisitions for general government through the Village.

b) Resort Municipality of Whistler

The Resort Municipality of Whistler indicated no objection subject to:

- the boundary conforming to the proposed Area C OCP amendment: we assume that this refers to the boundary for the hillside lands. The proposal includes the Lil'wat option lands outside the OCP growth area, so that all the eventual Lil'wat fee simple lands will be consolidated in the Village.
- consider design guidelines and vegetated buffers for the lands along Highway 99: This is a detailed planning step that can be accomplished by the Village in the future, as it is consistent with the Village's objectives. It need not be addressed at this time.
- ALR land should remain outside the Village where possible: the Village is proposing to take in some ALR lands, either because the lands are part of a larger parcel or already receives Village services. The Village has no plans to change the use of ALR lands.

c) Lil'wat Nation

Lil'wat is an interested party given the lands are part of their traditional territory, their adjacent reserve lands, their ownership of fee simple lands in the area (the 'transfer lands') and their interests in Crown grants (the 'option lands'). The area falls within the potential economic development area of the overall Lil'wat Nation Land Use Plan.

Lil'wat Properties' support is conditional upon consultation with Lil'wat Nation. A committee of the Village and Lil'wat Nation has been in place for consideration of boundary expansion.

The Village met with the Council at Mt. Currie, including both a formal presentation and discussion on September 2, 2008, and is awaiting a formal response. Issues raised were the possibility of Lil'wat Nation supplying services to a new settlement area, support for adding lands to reserve, and accommodation from the Province for loss of land in treaty areas.

5. Consultation with Government Agencies & Service Providers

As part of consultation process, the Village's consultant contacted a variety of agencies and service providers that were thought to have an interest or comments on the proposed boundary expansion. They received a copy of the proposal and, in most cases, the consultant had discussions with the various agencies through letters, phone calls, and emails. Written correspondence is documented in *Appendix E*.

The following summarizes discussions and feedback.

a) Agricultural Land Commission

Agricultural Land Commission Resolution #605/2008 states "that the Commission concur with the incorporation into the Village of Pemberton of the ALR lands currently proposed for boundary extension." The Commission also expressed the view that the creation of a new growth area might increase pressure for non-farm development on intervening lands and that "it would be appropriate to develop agriculturally supportive bylaws and/or policies pertaining to the future urban rural interface so as to lessen the impact of urban development upon adjacent or intervening farmlands within the ALR." This can be accomplished in future planning.

b) BC Hydro

BC Hydro advised taxes and grants on transmission circuits, distribution lines and sub-station equipment will be the same regardless of jurisdiction. They would change for owned land and buildings, probably increase in the Village, but there will be no significant impact as any such assets are limited. BC Hydro does not have any issues with respect to boundary expansion.

c) CN Rail

CN Rail operates a secondary main line at the north edge of the valley floor. It has no concern with the proposed extension, but has provided a list of items that should be addressed in planning for any future development in proximity to the rail line.

d) Chamber of Commerce

The Chamber sent a letter encouraging Council to push forward expeditiously on expansion goals as well as pursuing further options for the future.

e) Fire Protection

No concern was expressed about boundary changes. The Fire Protection District generally covers the valley bottom land south to the Pemberton side of Rutherford Creek. Future fire protection needs would have to be addressed in planning for future development.

f) Howe Sound School District

The School District has no concerns.

g) Ministry of Aboriginal Relations & Reconciliation

The Ministry advised that they are not in treaty negotiations with Lil'wat. They encouraged the Village to continue consultations with the Lil'wat Nation. They are supportive of initiatives, like this, that might lead to potential economic development opportunities for First Nations.

h) Ministry of Agriculture & Lands (Integrated Land Management Branch)

The Integrated Land Management Branch sees no problem with the proposed expansion and therefore supports the proposal. It notes there are active tenures (such as the option lands) in and around the boundary expansion (for various uses such as woodlots, gravel extraction, or recreation near Mosquito Lake, etc.) and several registered trap lines that need to be considered in any future planning or development.

i) Ministry of Energy, Mines & Petroleum Resources

The Ministry notes that there is one documented minerals related claim partly within the expansion area and recommends that the mineral claim holder be contacted. This claim in the area is a remnant of a primary claim generally south of the Green River which, based on the claim grid, extends north of the river south of the airport and Big Sky. The claim owner, Terrane Construction, has been contacted and has indicated no objection to the boundary proposal.

j) Ministry of Forests and Range (Squamish Forest District)

The Ministry has indicated its support for the proposal is conditional on several considerations related to its mandate. It is investigating opportunities to offer a community forest tenure to Pemberton for Crown lands in the area and is concerned that productive forest lands not be removed from supply. There is a woodlot license in the Pemberton Creek watershed area and it points out that existing legislation and provincial logging practices would continue to apply – logging practices will not change with boundary expansion. The woodlot license includes provisions for an integrated water management plan that would remain with jurisdictional change. Forest service roads must not be impeded by developments.

k) Ministry of Forests and Range (Resource Tenure and Engineering)

The Ministry had expressed an interest, as recently as last year, in extending the municipal boundary to include the initial fire attack base to get access to the municipal water service. The SLRD supported this proposal. The Ministry has now made other arrangements to supply the base with potable water and have no further need to pursue the boundary expansion. It therefore does not support inclusion of Area 16.

l) Ministry of Transportation

The Ministry is concerned about the 'leap frog' nature of the proposal. It has suggested additional areas be included, as shown on the map in **Appendix F**. Generally, these lands include the areas from the existing Village boundary towards both the hillside lands and the airport lands. It suggests that Farm Road East be included where it is adjacent to the proposed boundary expansion lands. Lands south of Rutherford Creek should be designated low density with an integrated municipal road system. The Ministry has two gravel pits south of Rutherford Creek that it will continue to operate and would need suitable zoning. The Ministry indicated it will not pay property taxes or soil or gravel removal levies.

m) Pemberton Valley Dyking District

The District seeks to be informed on progress. They are looking for clarification as to which authority is responsible for maintenance and upgrades of the road that acts as a dyke between the Adventure Ranch and the Pemberton Creek Dyke.

n) RCMP

Pemberton and area is a Provincial policing responsibility. The RCMP has no policing concerns.

o) Vancouver Coastal Health

Vancouver Coast Health recommends that boundaries include existing and future development areas with higher density. It suggests that Ivey Lake Estates be included in the boundaries so that those properties currently serviced by well supplies with elevated arsenic levels can be serviced by municipal water. It should be noted that there has been correspondence from owners in this area resisting inclusion in the boundaries. As well, inclusion in boundaries, obviously, does not guarantee the extension of municipal water.

6. Public Consultation

a) Public Meeting

A public meeting, advertised in the local papers, was held July 10, 2008 in the meeting room at the SLRD offices. In attendance were the Village Mayor and several councilors, plus the Electoral Area Director. Approximately 40 residents and landowners attended. The consultant made a presentation, included in **Appendix G**. The presentation was posted on the Village's website. In addition, there was a question, answer, and comment period. Meeting notes are included in **Appendix G**.

There were a broad range of issues raised. They included the process and rationale, protection of agriculture land and trails in future planning, having a more encompassing proposal, consultation and the Ivey Lake area, financial issues (taxes, etc.), and the potential for a restructure study that addresses larger issues affecting the whole village and electoral area. Reports on the meeting were published in two local papers.

b) Referendum

A referendum, with appropriate advertising, was held in conjunction with the municipal elections on November 15, 2008. The question for the Village of Pemberton Electors was as follows:

Are you in favour of a boundary extension to include the Hillside, the Pemberton Creek Watershed, the lands along Airport Road, and the lands south of Rutherford Creek within the Village of Pemberton boundaries?

The results of the referendum were 611 for boundary extension and 145 against. This is a very significant majority in favour of boundary expansion.

7. Taxes

Appendix H describes the tax implications on the various properties in the expansion area. These are based on assessments in the 2008 Rural Property Tax Notices, supplemented by additional assessment information from BC Assessment Authority regarding farm properties. Individual properties are shown. The magnitude of change is less for properties where owners can claim the benefit from home owner grants, but it is impossible to determine who or how much with available public information. The total additional taxes paid collectively by owners, excluding Rutherford Power, in the expansion area totals about \$15,000.

In addition, the properties along Airport Road would be charged water and sewer frontage charges for their service.

Rutherford Power is the largest tax payer, by far in the proposed potential expansion area. Without capping taxes, there would be a huge negative tax implication for the plant. The Ministry had earlier indicated that there would likely be a tax rate limit to avoid a major impact just as a consequence of boundary expansion and it is understood that the Village is in agreement with this.

From the Village's perspective, it will gain significantly from additional taxes, without major additional expense. Most of this comes from Rutherford Power—who will not, because of capping, be paying additional taxes.

8. Financial Equity

Two issues have been raised here. First, there is an issue of people using Village roads for their property access without paying taxes to the Village. This applies mostly to properties along Airport Road.

It has been suggested that a positive impact of boundary expansion is that more of the taxes paid would remain in the region for local benefit. As background, the properties in the area paid approximately \$180,000 in Provincial Rural Taxes. As noted above, these funds go into general Provincial revenues and there is no way to measure how much does or does not return to the region through provincial spending that benefits the area.

9. Consultation with Land Owners

It is the Province's view that, while the consent of owners and residents is not required, boundary extension is not likely to be implemented where it is clear that a majority of owners within the area of the boundary object. In stage one of the processes, it was the Village's responsibility to provide information on the proposal and obtain the opinion of owners within that area.

When the possibility of boundary extension was first proposed by landowners, they organized a series of letters to the Village from a variety of landowners, mostly in the hillside area, expressing support for or non-objection to the proposal. Other owners expressed varying degrees of opposition or concern. The owner consultation task was completed, by the consultant on behalf of the Village, through phone calls, letters, and emails. The consultant

discussed the proposal with all private land owners. The results of the landowner consultation process, by owner, are summarized in **Appendix I**. Of private owners, 7 are supportive, 3 object, and 1 is 'concerned.' The distribution of the owner's agreement, objection, or concern is mapped in **Appendix I** as well. Letters from owners are also included in **Appendix I**.

Except for landowners in the airport area, the private landowners support the proposed inclusion of their lands in the area. Three of the private owners along Airport Road object to the proposal over concerns about the process being developer driven, potential tax increases, satisfaction with the existing governance or concern with previous dealings with the Village about water line easements. One landowner expressed concern about the proposal needing to be more comprehensive. Lil'wat Properties Inc.'s support requires consultation with Lil'wat Nation. Rutherford Power is supportive, provided mill rates are capped indefinitely at SLRD rates.

At least one other landowner has expressed a desire to be included in the expansion area.

We received correspondence from owners in the Ivey Lake area (not in the boundary area) indicating opposition to being included in the proposal.

10. Boundary

Village Council approved the boundary as a basis for the initial study after carefully considering the pros and cons of various areas.

The Ministry of Transportation suggested including additional lands, particularly those between the existing village towards the hillside and airport lands. Some citizens also suggested this possible approach at the public meeting.

An earlier email from the Ministry of Community Services indicated support for rationalizing the current awkward boundary with its umbilical cord arrangement. On the other hand, the Ministry stated 'there is clearly the rationale for Council to consider advancing municipal boundary extensions. Our advice would be however, that the conditions necessary to proceed with some areas may be met before the conditions are met for other areas. This leads to the possibility of thinking in terms of a boundary extension plan that may be the basis of several individual boundary extensions over a period of time (several years)'.

The Health Authority has recommended including the existing Ivey Lake development to facilitate hook up to better quality municipal water. However, this will not be possible until development in the new growth area extends water service to the vicinity.

At least one owner outside the boundary expansion has requested that he be included in the expansion. Others outside the proposed boundary have indicated non-support.

Studies to date and the positive referendum response confirm the logic of the original boundaries for moving ahead at this time.

11. Issues

a) Further Consultation

The process of consultation with Lil'wat Nation has been underway for some time and the Village is awaiting a formal response.

As noted earlier, there have been discussions with the SLRD. This will likely involve some additional discussion as the process continues after submission.

b) Restructure

There has been some suggestion that a 'bigger picture' restructure study be completed for the Village and surrounding area, perhaps including North Pemberton or all of the Electoral Area or even other lands. It might address other issues of governance such as representation. This type of review is lengthy, involving many parties, and would likely take years to implement, therefore delaying any boundary expansion.

It has been suggested by some that this option be kept on the table for further consideration after this boundary expansion is implemented. We understand that Village Council is supportive of further long term review of boundaries and governance in the area.

c) Timing

As noted earlier, the Ministry has expressed concern about proceeding with boundary expansion before the Regional Growth Strategy is complete. However, we note that the boundary expansion proposal is consistent with both the draft RGS (which has been supported by all areas except Squamish—and we understand that Squamish's grounds for concern have nothing to do with the Pemberton area) and Official Community Plan for the Electoral Area (which has already passed third reading). We see no reason why the process shouldn't continue moving through the process, with ultimate approvals coordinated with consistent timing.

Discussion about both timing and comprehensiveness may be part of what the Ministry has referred to as a 'boundary expansion plan.'

d) Other Issues

Some other issues have been raised that can not be addressed through the boundary expansion process, but would better be addressed in future planning after boundary expansion. This would include issues raised by the Fire Department (future fire protection with development) and CN Rail (compatibility of future use with rail lines). The Pemberton Valley Dyking District raised an issue about dyking along Airport Road, which perhaps, should be discussed outside of the boundary expansion process as it is not impacted by any changing boundaries.

At least one owner raised a concern about the continuation of existing uses. Existing legal uses are protected through the non-conformity provisions (grandfathering), although any

Council can change zoning at its discretion following due process. This is not something that can be guaranteed through the boundary extension process.

12. Next Steps

This report forms the basis of a submission that Village Council may choose to make to the Ministry to advance the boundary expansion proposal. It is anticipated that the Village will participate in future discussions with the Ministry and other parties as the proposal is advanced.