

Public Hearing Agenda

-PUBLIC HEARING MEETING AGENDA-

Agenda for a Public Hearing of the Village of Pemberton to be held **Tuesday**, **December 10**, **2019** at **7:00** p.m. at Council Chambers, 7400 Prospect Street.

"This meeting is being recorded on audio tape for minute-taking purposes as authorized by the Village of Pemberton Audio Recording of Meeting Policy, dated September 14, 2010."

Village of Pemberton Official Community Plan (Pemberton Secondary School)
Amendment Bylaw No. 872, 2019

- and -

Village of Pemberton Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019

ORDER OF BUSINESS

- 1. Opening Statements by Mayor Mike Richman.
- Staff presentation of Village of Pemberton Official Community Plan (Pemberton Secondary School) Amendment Bylaw No. 872, 2019, and Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019

	a.	Public Hearing Notice	3
	b.	Staff Report, October 8, 2019 - For Information	4
	C.	Staff Report, November 19, 2019 - For Information	10
	d.	Memo to Advisory Land Use Planning Commission, October 28, 2019	30
	e.	Advisory Land Use Planning Commission Minutes, October 28, 2019	38
3.		spondence and petitions received by the Village as of 4:30pm, day, December 5, 2019.	
	a.	Claire Fuller, Village of Pemberton, received November 19,	41

4. Any other correspondence and petitions received

2019

Presentation of correspondence received after the deadline of 4:30pm, Thursday December 5, 2019.

- 5. Meeting open for public comment
- 6. Closing Statements by Mayor Richman
- 7. Adjournment

PLEASE NOTE:

 After the Public Hearing is adjourned, the opportunity for public discussion is ended and Council members cannot accept any further information or submissions; this is to allow a fair process as established by provincial case law. The Bylaws are now a matter for Council's consideration based upon information received as of December 10, 2019.



Public Notice

Official Community Plan (OCP) Amendment Bylaw No. 872, 2019 & Zoning Amendment Bylaw No. 873, 2019

What is the OCP (Pemberton Secondary School) Amendment Bylaw No. 872, 2019 and Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019 about?

Bylaw No. 872, 2019 amends the Official Community Plan Map B – Land Use to redesignate a portion of the subject property from 'Civic and Institutional' to 'Residential'. Bylaw No. 873, 2019 amends the Zoning Bylaw Schedule A -Zoning Map to rezone a portion of the subject property from 'Public (P-1)' to 'Residential -1 (R-1)'.

What is the significance?

The amendments together would enable the applicant to apply for subdivision that would result in the creation of a new single-family residential lot on Poplar Street that Sea to Sky School District No. 48 would develop. The intent is to provide an opportunity for students of Pemberton Secondary School (PSS) to help design and build a detached dwelling as a valuable learning experience. The School District has proposed that the new home will either be sold on the private market or serve as staff housing for teachers (a 'teacherage').



Public Hearing Tuesday December 10, 2019 Council Chambers, 7400 Prospect Street

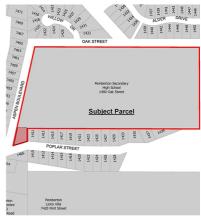
How do I get more information?

inspected at the Village of Pemberton Office, 7400 Prospect Street during the office hours of 8:30am to 4:30pm, from Thursday November 28, 2019 to December 10, 2019 and also online at www.pemberton.ca. For more information contact Rees, Joanna Planner at 604-894-6135 (ext. 232).

How can I provide feedback?

You may provide comment in-person at the Public Hearing, or you may provide a written submission to the

Shaded portion of the subject parcel are proposed to be re-designated in the Official Community Plan Copies of the proposed bylaws may be from 'Civic and Institutional' to 'Residential' and re-zoned from 'Public (P-1)' to 'Residential -1 (R-1)'.



attention of Joanna Rees, Planner, Box 100, 7400 Prospect Street, Pemberton, BC VON 2LO or via email admin@pemberton.ca prior to noon on Wednesday December 4, 2019 to appear on the agenda, or prior to 4:00 pm on Tuesday December 10, 2019.

Sheena Fraser, Corporate Officer

Questions? We're Listening







Willage of Pemberton.ca pemberton car



REPORT TO COUNCIL

Date: October 8, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Joanna Rees, Planner

Subject: Official Community Plan Amendment – Early and Ongoing Consultation

PURPOSE

The purpose of this report is for Council to consider the early and ongoing consultation requirements described in Section 475 of the *Local Government Act* and provide direction for early and ongoing consultation for an Official Community Plan (OCP) amendment proposed on a portion of the subject lands located at 1400 Oak Street (Pemberton Secondary School).

This report is in response to an application by Sea to Sky School District No. 48 to amend the OCP Bylaw No. 654, 2011 by re-designating a 1,001 m² portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 from 'Civic and Institutional' to 'Residential' to accommodate a companion rezoning and future subdivision application. The amendments together would enable the applicant to apply for subdivision and would result in the creation of one (1) new single-family residential lot to be located at the corner of Poplar Street and Aspen Boulevard.

BACKGROUND

Sea to Sky School District No. 48 has made application to the Village of Pemberton for an amendment to the Official Community Plan (OCP). The application's intent is to designate additional lands in the OCP for residential use and to amend the Zoning Bylaw No. 832, 2018 to accommodate the creation of one (1) new residential lot. The subject lands are depicted in **Appendix A**, the proposed OCP amendment location is shown in **Appendix B**.

The application involves a minor amendment to the OCP, and therefore trigger's Council's consideration under Section 475 of the *Local Government Act* which addresses Council's requirements for early and ongoing consultation.

DISCUSSION & COMMENTS

Per Section 475 of the *Local Government Act*, Council must consider an appropriate level of engagement for each specific OCP amendment contemplated.

As this is a relatively minor OCP amendment, and given the Village of Pemberton practice of referring development applications to First Nations and affected jurisdictions, Staff recommend the standard application referral which provides the following agencies an opportunity to comment:

- Lil'wat Nation
- Squamish-Lillooet Regional District (SLRD)
- Ministry of Transportation and Infrastructure (MOTI)
- CN Rail

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- Pemberton Valley Dyking District (PVDD)
- Pemberton Valley Trails Association (PVTA)
- School District No. 93 Consular Scholaire Francophone de la BC
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro

Staff also recommends to Council that the Applicant be required to organize, advertise and host a public information meeting with respect to the proposed land use amendments before Council considers First and Second Reading to the forthcoming OCP amending bylaw.

The purpose of this report is for Council to provide direction with respect to early and ongoing consultation as part of the ongoing Official Community Plan amendment application. This report is not intended to facilitate discussion about the relative merits of the proposal nor is it requesting direction on the application itself. The consultation process will run parallel with the Staff and agency review and the OCP amendment and rezoning bylaws will be brought forward for consideration by Council at a future meeting.

COMMUNICATIONS

This report and request for Council direction does not require communication beyond appearing on a regular agenda of Council. It will be the applicants' responsibility to advertise and provide notification to adjacent property owners about the required developer-led public information session.

LEGAL CONSIDERATIONS

Section 475 of the Local Government Act reads as follows:

Consultation during development of official community plan

- 475 (1) During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.
 - (2) For the purposes of subsection (1), the local government must
 - (a) consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing, and
 - (b) specifically consider whether consultation is required with the following:
 - (i) the board of the regional district in which the area covered by the plan is located, in the case of a municipal official community plan;
 - (ii) the board of any regional district that is adjacent to the area covered by the plan;
 - (iii) the council of any municipality that is adjacent to the area covered by the plan;
 - (iv) first nations;
 - (v) boards of education, greater boards and improvement district Village of Pemberton Public Hearing Agenda

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(vi) the Provincial and federal governments and their agencies.

- (3) Consultation under this section is in addition to the public hearing required under section 477 (3) (c).
- (4) If the development of an official community plan, or the repeal or amendment of an official community plan, might affect agricultural land, the proposing local government must consult with the Agricultural Land Commission.

IMPACT ON BUDGET & STAFFING

There are no budget or staffing considerations as the costs are recoverable with the application.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Development Services Department and can be accommodated within the current workplan.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

Neighbouring jurisdictions including the Lil'wat Nation and the SLRD are given the opportunity to comment on this OCP amendment through the standard referral process. There are no anticipated impacts on the region or neighbouring jurisdictions.

OPTIONS FOR CONSIDERATION

Option One: That Council supports the Staff recommended standard referral process and the requirements for a developer-led public information session as a means of securing early and ongoing consultation.

This is the recommended option. Should the OCP Amendment and Re-Zoning application be supported, the Approving Officer will have the ability to approve the concurrent subdivision application, to create one (1) detached dwelling residential lot in an existing residential neighborhood (Poplar Street and Aspen Boulevard). Accordingly, Staff do not consider the amendment significant enough to deviate from the standard development referrals process, with the exception of the requirement for a public information session hosted by the Applicant.

Option Two: That Council provide additional direction respecting early and ongoing consultation pursuant to Section 475 of the *Local Government Act*.

POTENTIAL GOVERNANCE CONSIDERATIONS

Consideration of this item is consistent with Strategic Priority One: Economic Vitality to foster investment within the Village and Strategic Priority Three: Excellence In Service through the continuation of delivering quality municipal services by processing development applications efficiently.

RECOMMENDATIONS

Recommendation No. 1

THAT Council has considered the obligations under Section 475 of the *Local Government Act* with respect to the Official Community Plan amendment application by Sea to Sky School District No. 48 on a portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 and requests that the Applicant organize, advertise, and host at least one (1) public information meeting prior to consideration of First and Second reading of the forthcoming OCP amending bylaw.

Recommendation No. 2

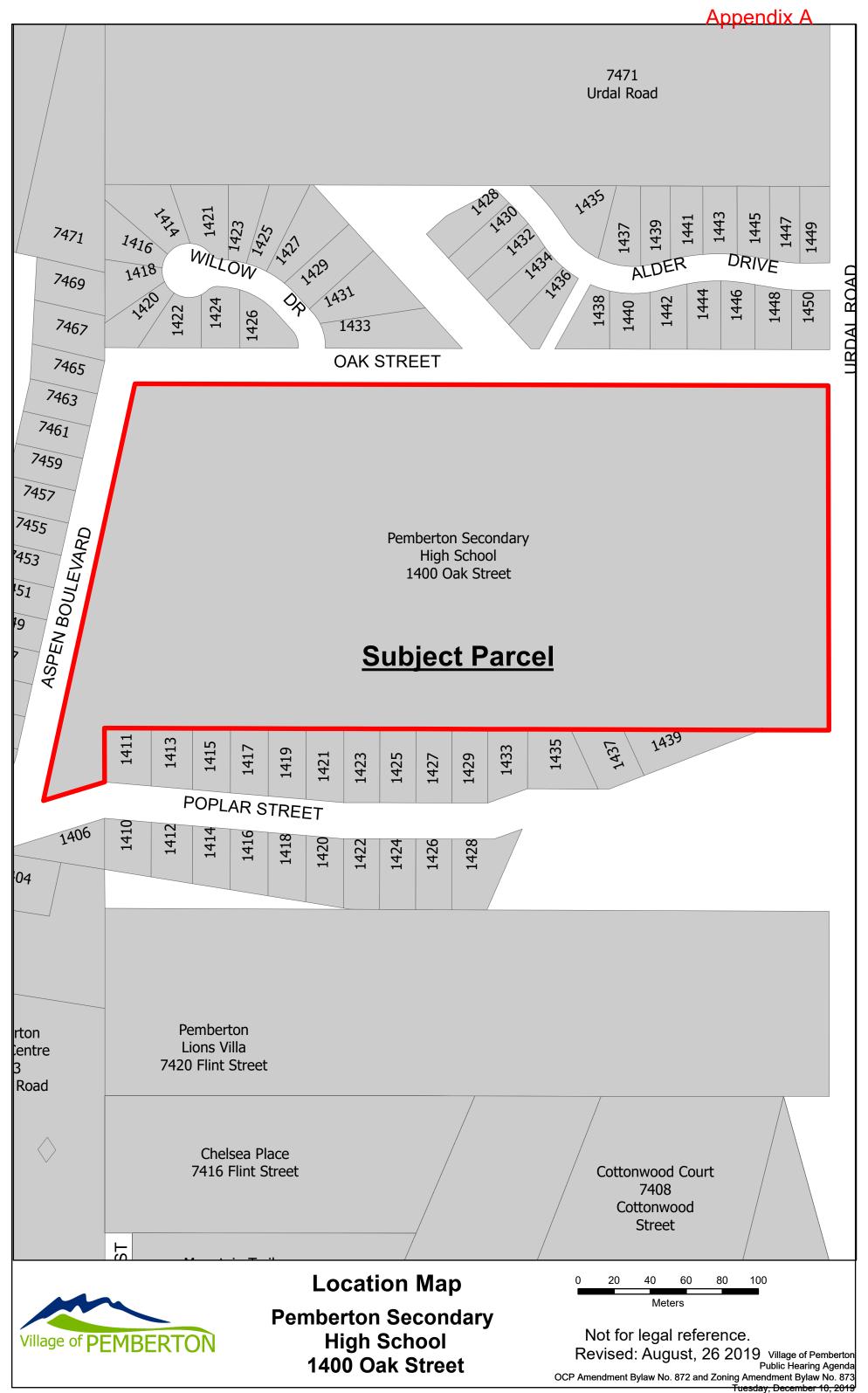
THAT Council has considered Section 475 of the *Local Government Act* and directs Staff to consult with the following organizations before consideration of First and Second Reading to the forthcoming OCP amending bylaw:

- Lil'wat Nation
- Squamish-Lillooet Regional District
- Ministry of Transportation and Infrastructure
- CN Rail
- Pemberton Valley Dyking District
- Pemberton Valley Trails Association
- School District No. 93 Consular Scholaire Francophone de la BC
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro.

Attachments:

Appendix A: Location Map and Subject Lands **Appendix B:** Draft OCP Amendment Schedule

Prepared by:	Joanna Rees, Planner	
Manager Approval by:	Lisa Pedrini, Manager of Development Services	
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer	



Appendix B Legend 1400 Oak Street Re-designate from "Civic Institutional" to "Residential" (Pemberton Secondary High School)
Schedule '1' to OCP Bylaw Amendment No. Village of PEMBERTON **Urdal Road** MO771M MO771M MO771M MO771M 1423 DRIVE ALDER **URDAL ROAD OAK STREET** ASPEN BOULEVARD Pemberton Secondary High School 1400 Oak Street POPLAR STREET Pemberton berton Lions Villa h Centre 7420 Flint Street Village of Pemberton Public Hearing Agenda ge Road OCP Amendment Bylaw No. 872 and Zoning Amendment Bylaw No. 873 Tuesday, December 10, 2019



REPORT TO COUNCIL

Date: November 19, 2019

To: Nikki Gilmore, Chief Administrative Officer

From: Joanna Rees, Planner

Subject: Official Community Plan (Pemberton Secondary School) Amendment Bylaw No.

872, 2019

Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019

PURPOSE

The purpose of this report is for Council to concurrently consider First and Second Readings to Official Community Plan (Pemberton Secondary School) Amendment Bylaw No. 872, 2019 (**Appendix A**) and Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019 (**Appendix B**) in addition to the scheduling of a Public Hearing.

The Bylaws have been prepared in response to an application by Sea to Sky School District No. 48 to amend the Official Community Plan Bylaw No. 654, 2011, Map B – Land Use by redesignating a 1,001 square metre portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 from 'Civic and Institutional' to 'Residential' and to amend Zoning Bylaw No. 832, 2018, Schedule A – Zoning Map to rezone the subject property from 'Public (P-1)' to 'Residential -1 (R-1)'.

BACKGROUND

The amendments together would enable the applicant to apply for subdivision and would result in the creation of a new single-family residential lot on Poplar Street that Sea to Sky School District No. 48 would develop. A new program run out of Pemberton Secondary School (PSS) would give students the opportunity to gain hands-on learning experience in multiple trades such as design, construction and landscaping before being involved in the sales, marketing and staging of the new home as valuable real-life skill development. The School District has proposed that the new home will either be sold on the private market or serve as staff housing for teachers (a 'teacherage').

It should be noted that as the proposed Zoning Amendment Bylaw is considering land that is within 800 metres of a controlled access highway (Portage Road), sign off from the Ministry of Transportation and Infrastructure (MOTI) is required.

Lot Shape

The legal description of the lands is Lot 1, DL 165 & 203, LLD, Plan KAP56732 and the civic address is 1400 Oak Street. The total area of the property is 7.86 ha. The subject lands have an irregular flag shape configuration. This configuration is due to a previous road dedication existing on the subject lands which originally provided access to the lot from Poplar Street. The original lot configuration is demonstrated in Figure 1 below prior to the existence of Aspen Boulevard.

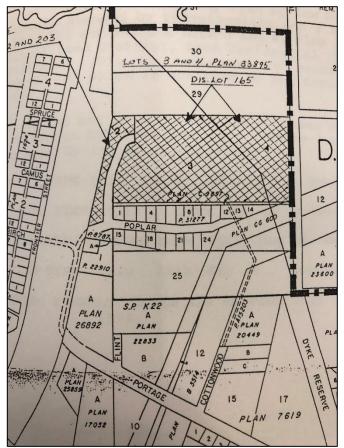


Figure 1: Original lot configuration shown in hatching from Bylaw No. 329, 1992 to amend the Zoning Bylaw to permit the secondary school.

Exchange of Lands Bylaw No. 344, 1993, passed on October 26, 1993, provided for an exchange of land to accommodate the relocation of a section of a public road that served as access to what is now the high school lands. This resulted in the existing road to be stopped and closed and the creation of Aspen Boulevard.

Site Description

The subject lands are depicted in **Appendix C**. The subject land is flat and currently naturally vegetated, as shown in Figure 2 below.



Figure 2: Subject lands, view from the corner of Poplar and Aspen Street.

Pemberton Secondary School is located centrally on the subject lands and is accessed from Oak Street. There is an existing three (3) metre utility right of way easement along the south property line, demonstrated in Figure 3 below.



Figure 3: Utility ROW, indicated in green, located on the subject property

Surrounding land uses are characterized by residential uses. Institutional uses including Pemberton Health Centre and Pemberton Lions Villa are located further south of the subject lands. An aerial photo of the subject lands, with the area proposed to be re-designated and rezoned is indicated with red cross hatching in Figure 4 below.



Figure 4: Aerial photo of subject lands, the area to be re-designated and rezoned is indicated in red.

Early and Ongoing Consultation

In accordance with Section 475 of the *Local Government Act*, a report regarding the Official Community Plan Amendment Early and Ongoing Consultation was presented to Council at the Regular Council Meeting No. 1499, held on October 8th 2019. The following motion was passed:

Moved/Seconded

THAT Council has considered the obligations under Section 475 of the Local Government Act with respect to the Official Community Plan amendment application by Sea to Sky School District No. 48 on a portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 and requests that the Applicant organize, advertise, and host at least one (1) public information meeting prior to consideration of First and Second reading of the forthcoming OCP amending bylaw.

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

- Lil'wat Nation
- Squamish-Lillooet Regional District
- Ministry of Transportation and Infrastructure
- CN Rail
- Pemberton Valley Dyking District
- Pemberton Valley Trails Association
- School District No. 93 Consular Scholaire Francophone de la BC

Regular Council Meeting No. 1503 PSS OCP & Zoning Bylaw Amendment November 19, 2019 Page 5 of 9

- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro

CARRIED

Advisory Land Use Commission (ALUC)

The proposal was presented to the Village Advisory Land Use Commission for consideration at the meeting held on October 28th 2019 and the following recommendation was passed:

Moved/Seconded

THAT the Advisory Land Use Planning Commission recommend to Council that the application for Official Community Plan amendment and rezoning for a portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 be supported.

CARRIED

Developer Lead Public Information Meeting

A developer lead Public Information Meeting was hosted at Pemberton Secondary School (PSS) on Monday, November 18th at 6:00pm. The Public Information Meeting was advertised in the Pique Newsmagazine (published November 7th & November 14th), an email was sent to parents and guardians of students at PSS and at Signal Hill Elementary School (SHE), notice was provided on the School District Website (https://sd48seatosky.org/) and notices were hand delivered to residents on Poplar, Willow, Aspen and Alder Street. The comments collected from the Public Information Meeting will be verbally presented by Staff at the Council Meeting.

DISCUSSION & COMMENTS

The proposal is generally consistent with the goals and objectives of the Official Community Plan (OCP). Accordingly, the proposed re-designation and rezoning aligns with the general OCP directives. Specifically, Section 5.1.1 Growth Policies, states that growth should *make efficient use of land that is deemed appropriate for development through embracing applicable smart growth policies*, this includes the encouragement of growth within existing communities. Additionally, Section 4.0 Greenhouse Gas Emissions Reduction Targets states that 85% of all residences shall be within 1,000 metres of the downtown core.

This proposal will provide one (1) additional single-family home that will be in close proximity to the downtown core and public institutions encouraging active transportation and therefore contributing to reduced greenhouse gas emissions. Furthermore, the addition of a residential lot at the corner of Poplar and Aspen Street will be in character with the surrounding residential neighborhood.

The proposed zoning of the severed lot is Residential 1 (R-1), which allows for a minimum parcel size of 700 m² and a minimum lot width of 18 m. The proposed new lot, Lot 1, will measure 1,001 m² and the lot width is 25.3 m and therefore meets the minimum parcel size and minimum lot width requirements.

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Community Amenity Contributions

Typically, the Village of Pemberton would anticipate a voluntary contribution toward community amenities when making a discretionary decision on whether or not to support an amendment to the Village's Official Community Plan and Zoning Bylaw. Under the Village's current Community Amenity Policy, adopted in 2007, the expectation for a voluntary contribution of \$9,165 per single family lot only applies to proponents of rezoning applications which include a residential component of more than three (3) units. Community Amenity Contributions help to address the burden that residential development imposes on demand for public facilities, services and amenities by contributing to a fund for their provision, improvement and expansion.

REFFERAL COMMENTS

Internal Comments

Building: No objections. Architectural drawings will be reviewed at the building permit stage.

Corporate and Legislative Services: No objections.

Engineering Consultant (ISL):

- From the topographic survey provided it appears that some of the existing drainage ditches encroach slightly onto the private parcel. These should be reshaped and reconstructed to be fully within the road right-of-way (ROW). A 3.0m x 3.0m corner cut at the most southwesterly corner of the property (at the intersection of Aspen and Poplar) to provide adequate space for future improvements if needed such as intersection improvements, drainage conditions and to maintain sight lines.
- Driveway access is from Poplar and as far east as possible but not within the existing utility ROW.
- That all significant vegetation including any trees be removed from the utility ROW; the entirety of the ROW should be accessible to the Village of Pemberton to allow for future maintenance and/or replacement of the sanitary infrastructure if needed.

Fire Department: No objections.

Operations: Storm water and snow storage should be considered at time of design along with water and sanitary. The existing ditch line should remain.

External Comments

All external responses received are attached as **Appendix D.**

BC Hydro - Properties Transmission review

BC Hydro - Design NSC - Distribution review

CN Rail

Lil'wat Nation

No objections.

No comments received

No objection; see Appendix D

No objections

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Ministry of Transportation and Infrastructure

Preliminary Approval is granted for one year

pursuant to section 52(3)(a) of the

Transportation Act

No comments received

No objections

No comments received

No comments received

No comments received

No comments received

Pemberton and District Chamber of Commerce
Pemberton Valley Dyking District
Pemberton Valley Trails Association
School District No. 93 – Consular Scholaire
Francophone de la BC
Squamish-Lillooet Regional District

Given the lack of concerns from referral agencies and the community benefit of potential employee housing and student development, Staff are supportive of this application. If Council is prepared to give the Bylaws First and Second Reading, the next step in the bylaw consideration process would be for Council to set a date and time for a Public Hearing as outlined in the recommendations to this report.

COMMUNICATIONS

TELUS

This report and request for Council consideration of First and Second Reading does not require communication beyond appearing on a Regular Agenda of Council.

Subject to Section 465 of the *Local Government Act* (*LGA*), a Public Hearing must be held for both the OCP and the Zoning Amendment Bylaws, after First Reading of the Bylaws and before Third Reading. Notice of the Public Hearing will be given as per Section 466 of the *LGA*. Staff recommends a concurrent Public Hearing to both Bylaws.

Should Council send the proposed bylaws to Public Hearing, the Hearing will be advertised in accordance with Section 465 of the *Local Government Act* and section 6.0 of Development Procedures Bylaw No. 725, 2013. Notice to the Public will be issued by way of an advertisement in two (2) consecutive issues of the Pique Newsmagazine, not less than three (3) days prior and not more than ten (10) days before the Public Hearing. Additionally, notice of the Hearing will be mailed or otherwise delivered at least ten (10) days before the Public Hearing to owners (as shown on the assessment roll at the date of the First Reading of the Bylaw) and to any tenants in occupation of all parcels within 100m of the subject lands.

LEGAL CONSIDERATIONS

The processing of an OCP Amendment and Rezoning application is regulated by various sections contained in Part 26 of the *Local Government Act* and by the Village's Development Procedures Bylaw 725, 2013, as amended from time to time.

IMPACT ON BUDGET & STAFFING

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The research and preparation of the report and bylaws is a component of the daily work undertaken by the Development Services Department. All costs associated with the processing of this application, including Staff time, are recoverable from the applicant's fees as per the Village of Pemberton Development Procedures Bylaw 725, 2013, as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

The Amending Bylaws were referred to all internal departments for comment, but there are no interdepartmental impacts or approvals required respecting the processing of this application as it is a function of the Development Services Department.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

There are no impacts on the region or neighbouring jurisdictions.

ALTERNATIVE OPTIONS

Option One: **THAT** Council gives First and Second to the Official Community Plan (Pemberton

Secondary School) Amendment Bylaw No. 872, 2019 and Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019 and that a Public Hearing

be scheduled.

(Recommended by Staff)

Option Two: THAT Council refer Official Community Plan (Pemberton Secondary School)

Amendment Bylaw No. 872, 2019 and Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019 to Staff for additional consideration of the

following matters:

(To be added by Council)

Option Three: **THAT** Council refuse Official Community Plan (Pemberton Secondary School) Amendment Bylaw No. 872, 2019 and Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019.

POTENTIAL GOVERNANCE CONSIDERATIONS

This application supports three Strategy Priorities:

Strategic Priority Two: Good Governance Strategic Priority Three: Excellence in Service Strategic Priority Four: Social Responsibility

RECOMMENDATIONS

Recommendation One:

THAT Official Community Plan (Pemberton Secondary School) Amendment Bylaw No. 872, 2019 be given First and Second Reading;

Regular Council Meeting No. 1503 PSS OCP & Zoning Bylaw Amendment November 19, 2019 Page 9 of 9

Recommendation Two:

THAT Zoning (Pemberton Secondary School) Amendment Bylaw No. 873, 2019 be given First and Second Reading;

Recommendation Three:

THAT Council convene a concurrent Public Hearing for Bylaws No. 872 and 873 on Tuesday, December 10th at 7 pm at the Village of Pemberton Council Chambers.

ATTACHMENTS:

Appendix A: Official Community Plan (Pemberton Secondary School) Amendment Bylaw

No.872, 2019

Appendix B: Zoning (Pemberton Secondary School) Amendment Bylaw No.873, 2019

Appendix C: Subject Property Map

Appendix D: External Referral Responses

Prepared or Submitted	Joanna Rees, Planner
by:	
Manager Approval:	Lisa Pedrini, Manager of Development Services
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

VILLAGE OF PEMBERTON

BYLAW No. 872, 2019

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

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

AND WHEREAS the Council of the Village of Pemberton deems it desirable to amend the Official Community Plan Bylaw to accommodate residential development;

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

1. CITATION

This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 654, 2011, Amendment (Pemberton Secondary School) Bylaw No. 872, 2019."

2. Map B – Land Use Designations of the Village of Pemberton Official Community Plan Bylaw No 654, 2011 is amended by re-designating the subject lands shown shaded on Schedule 1 of this Bylaw from "Civic and Institutional" to "Residential".

READ A FIRST TIME this day of , 20XX.

READ A SECOND TIME this day of , 20XX.

NOTICE OF PUBLIC HEARING for Village of Pemberton Official Community Plan Bylaw No. 654, 2011, Amendment Bylaw No. XXX, 20XX was published in the Pique Newsmagazine on **, 20XX** and **, 20XX**.

PUBLIC HEARING HELD this day of , 20XX.

READ A THIRD TIME this day of , 20XX.

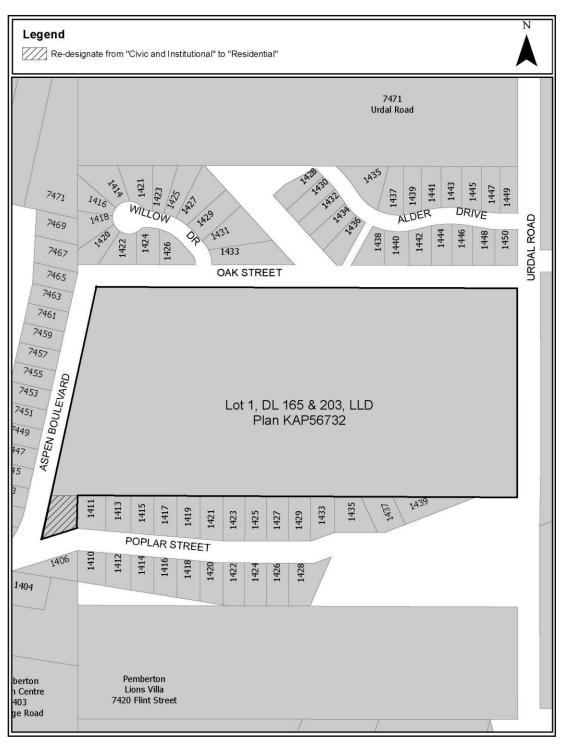
ADOPTED this day of , 20XX.

Mike Richman Mayor	Sheena Fraser Corporate Officer

Schedule 1

Village of Pemberton OCP Bylaw No. 654, 2011, Amendment (Pemberton Secondary School) Bylaw No. 872, 2019

"Subject Lands"



THE VILLAGE OF PEMBERTON BYLAW NO. 873, 2019

BYLAW NO. 873, 2019					
Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018					
WHEREAS the Council may amend its Zoning Bylaw from time to time;					
AND WHEREAS the Council of the Village of Pemberton deems it desirable to zone lands for Residential Uses;					
NOW THEREFORE the Council of the Corporation of the Village of Pemberton in open meeting assembled ENACTS AS FOLLOWS :					
 CITATION This Bylaw may be cited for all purposes as "Zoning Bylaw 832, 2018, Amendment (Pemberton Secondary School) Bylaw No. 873, 2019." 					
 Schedule A – Zoning Map of Zoning Bylaw 832, 2018 is amended by zoning the lands shown shaded on Schedule 1 of this Bylaw from Public (P-1) to Residential 1 (R-1). 					
READ A FIRST TIME this day of , 20XX.					
READ A SECOND TIME this day of , 20XX.					
NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Pemberton Secondary School) Bylaw No. XXX, 20XX was published in the Pique Newsmagazine on , 20XX and , 20XX .					
PUBLIC HEARING HELD this day of , 20XX.					
READ A THIRD TIME this day of , 20XX.					
APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO SECTION 52 of the <i>Transportation Act</i> thisday of, 201X.					
ADOPTED this day of , 20XX.					

Mike Richman

Mayor

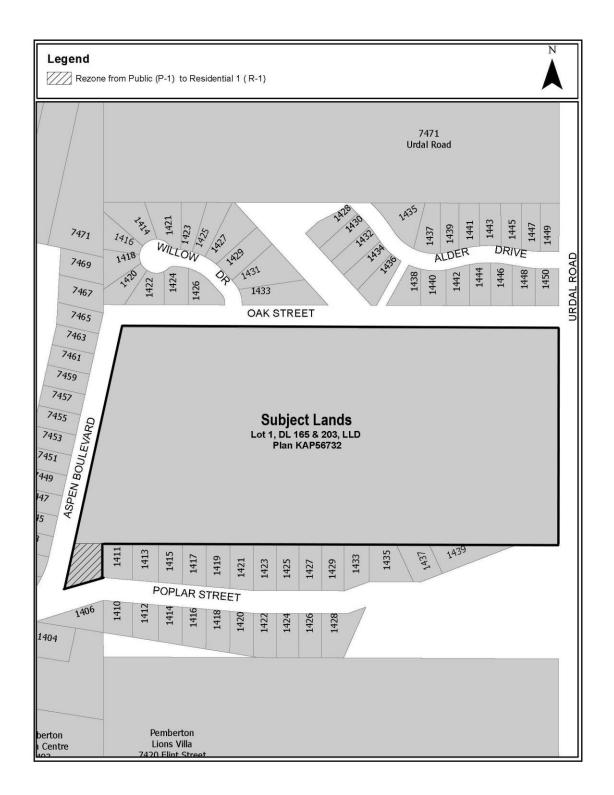
Sheena Fraser

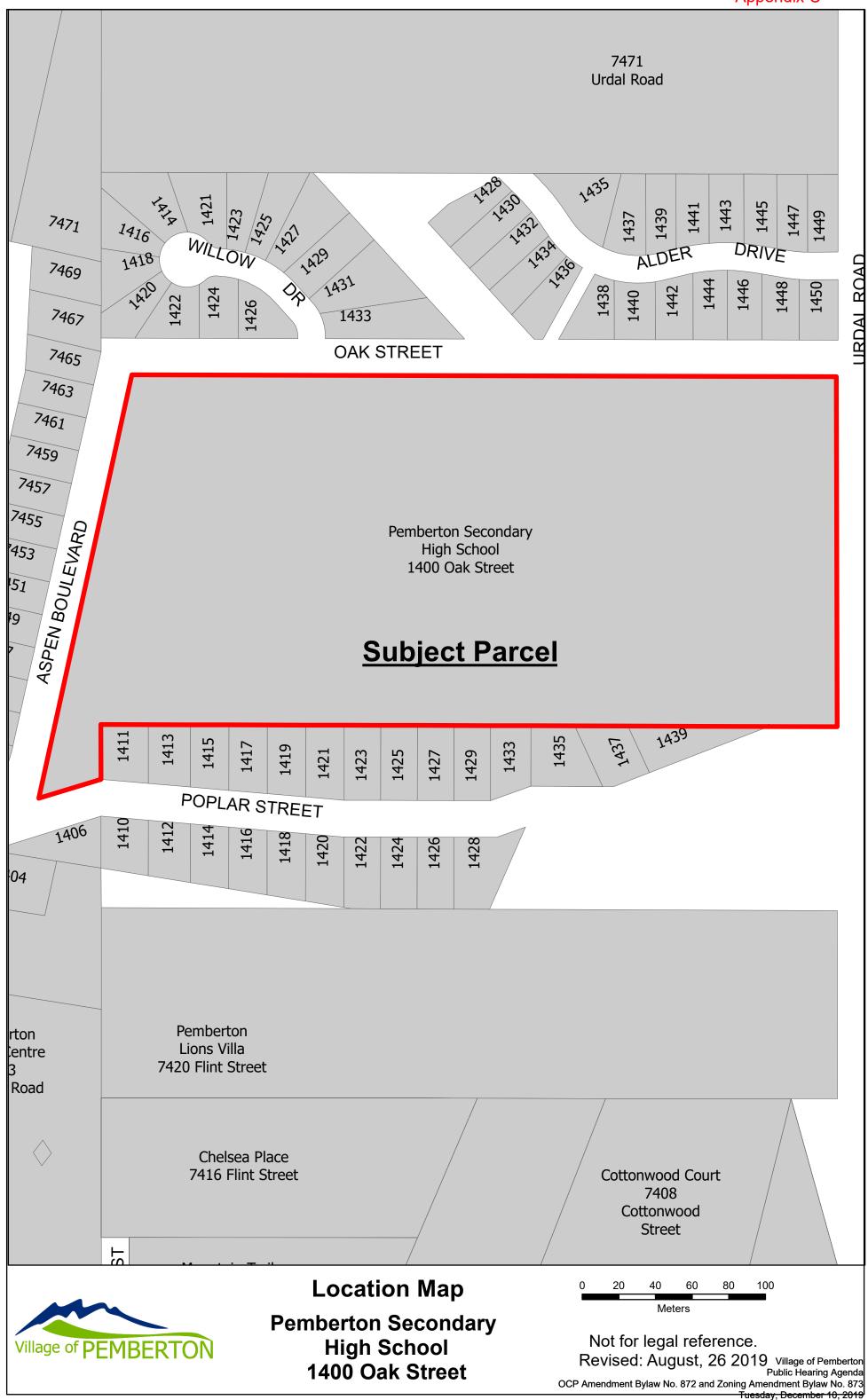
Corporate Officer

Schedule 1

Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Pemberton Secondary School) Bylaw No. 873, 2019

"Subject Lands"





Joanna Rees

Sent: Wednesday, October 30, 2019 1:05 PM

To: Joanna Rees; Design, NSC; Properties, Help Desk

Cc: Lisa Pedrini

Subject: RE: [External] 1400 Oak Street - Subdivision, OCP Amendment and Zoning Amendment Application

BCH Properties has no issues and leaves Design, NSC to comment on any Hydro requirements

Kim Proudlove, DULE, SR/WA | Property Representative, Property Rights Services

P 604 543 1591 **M** 604 323 3304

E <u>kim.proudlove@bchydro.com</u>

Submit your ROW Compatible Use request here

Smart about power in all we do. Safety is part of everything we do!

From: Joanna Rees [mailto:JRees@pemberton.ca]

Sent: 2019, October 30 12:16 PM **To:** Design, NSC; Properties, Help Desk

Cc: Lisa Pedrini

Subject: [External] 1400 Oak Street - Subdivision, OCP Amendment and Zoning Amendment Application

Caution: This is an external email. Do not open attachments or click on links from unknown senders.

Hello,

Attached to this email is the Referral Letter, Referral Summary and Application Package for Subdivision and a corresponding OCP and Zoning Amendment Application submitted by Sea to Sky School District No. 48 regarding 1400 Oak Street.

Please review the attached documents and provide your comments by **November 6th, 2019**. If you have any additional questions or feel you won't be able to supply comments by this deadline please don't hesitate to contact me.

Kind regards,

Joanna Rees

Sent: Wednesday, October 23, 2019 10:31 AM

To: Joanna Rees

Subject: FW: 1400 Oak Street - Subdivision, OCP Amendment and Zoning Amendment Application - CN Rail

Comments

Attachments: S076_External Referral Letter_October 2019.pdf; Referral Summary .pdf; Application Package.pdf

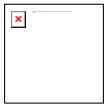
Good morning Joanna

Thank you for circulating CN Rail on the subdivision and OCP application for 1400 Oak Street.

I have reviewed the application package and site location. CN Rail does not object to this site being used for a single family house.

Regards

Susanne



Susanne Glenn-Rigny

Senior Officer, Community Planning and Development | Corporate Services

T: 514-399-7844 | C: 514-919-7844

Celebrating 100 years | Célébrons nos 100 ans

From: Joanna Rees <JRees@pemberton.ca>
Sent: Wednesday, October 23, 2019 12:25 PM

To: Susanne Glenn-Rigny <Susanne.Glenn-Rigny@cn.ca>

Subject: FW: 1400 Oak Street - Subdivision, OCP Amendment and Zoning Amendment Application

Hi Susanne,

I just received a bounce back on the email below from proxmity@cn.ca could you please confirm this address ?

1

Thanks,



October 31, 2019

Village of Pemberton P.O. Box 100, 400 Prospect Street Pemberton, BC, Canada V0N 2L0 Email: jrees@pemberton.ca

Attention: Joanna Rees, Planner

Re: S076 Subdivision Application and OR127 Zoning Amendment Application

Our File: 10112019-001 VOP Proposed Subdivision and Zoning Amendment

We are writing to you in response to your letter dated October 11, 2019 informing us of a proposed Subdivision and Zoning Amendment application and asking us to bring forward any aboriginal interests we may have on or adjacent to the land in question.

The proposed application area lies within the traditional territory of the Lil'wat Nation. These lands have been used and occupied by the Lil'wat since time immemorial. The Province of British Columbia has been notified of the existence of the Lil'wat Nation's traditional territory.

The Lil'wat Nation asserts its inherent aboriginal title to its entire traditional territory, sovereignty over its traditional territory, and a right to self-determination. The Lil'wat Nation's aboriginal rights, including title, are protected under s. 35 of the *Constitution Act*, 1982.

A series of recent court decisions have:

- upheld the existence of aboriginal title in British Columbia;
- declared that aboriginal title coexists with crown title;
- limited the instances in which aboriginal title can be infringed by British Columbia or a third party;
- established strict criteria for any such infringement;
- declared that aboriginal title includes the right to choose the use to which the land is put;
- placed a legal duty on the Province of British Columbia to undertake meaningful consultation with First Nations and accommodate potential infringement; and
- declared that accommodation may have economic and/or cultural components.



Furthermore, the Supreme Court of Canada confirmed in the *Tsilhqot'in* decision that aboriginal title is real and meaningful, territorial in nature, and that First Nation consent is required for the use of its aboriginal title lands and resources. The decision also specifically states that aboriginal title confers:

... the right to decide how the land will be used; the right of the enjoyment and occupancy of the land; the right to possess the land; the right to economic benefits of the land; and the right to pro-actively use and manage the land. (at para. 73)

As a consequence of these decisions, British Columbia is under a legal obligation to consult with the Lil'wat Nation, and, where appropriate, seek consent from Lil'wat Nation and accommodate the Lil'wat Nation for infringements on its aboriginal title and rights.

We have reviewed the information provided with this referral regarding the proposed Subdivision and Zoning Amendment application. We do not have any comments at this time regarding this decision. However, if any new information were to arise during the course of this activity that indicates there may be impacts on Lil'wat aboriginal rights, title or interests, we would expect to receive notice and to have an opportunity to provide comments at that time. Furthermore, nothing in this letter is intended to affect the scope of, or the opportunity to exercise, any of Lil'wat's aboriginal rights, nor is it intended to accept any infringement of same.

Sincerely,

Harriet VanWart, Director

Lands and Resources Department

Lil'wat Nation





Your File #: S076-1400 Oak

Street

eDAS File #: 2019-05988

Date: October/30/

2019

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

Attention: Joanna Rees

Re: Bylaw 832, 2018 for:

1400 Oak Street, Pemberton

Lot 1, DL & 165 & 203, Lillooet Dist, Plan KAP 56732

Rezoning and OCP amendment

Thank you for the opportunity to provide comments.

Preliminary Approval is granted for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, feel free to call Rupinder Prihar at (236) 468-1930.

Yours truly,

Rupinder Prihar

H1183F-eDAS (2008/09)

A/ Senior Development Officer

BC Ministry of Transportation and Infrastructure

Local District Address

Lower Mainland District 310-1500 Woolridge Street Coquitlam, BC V3K 0B8 Canada

Phone: (604) 527-2221 Fax: (604) 527-2222

Joanna Rees

From: Trustees - PVDD <trustees@pvdd.ca>
Sent: Tuesday, October 29, 2019 10:07 AM
To: Joanna Rees; sallison@csf.bc.ca

Subject: RE: 1400 Oak Street - Subdivision, OCP Amendment and Zoning Amendment Application

Good morning Joanna,

Steve Flynn has reviewed the referral package and has no comments or concerns.

Kind regards, Kerry

Pia Fotsch / Kerry Teitzel Administrator Pemberton Valley Dyking District PO Box 235 Pemberton, BC V0N 2L0 Phone: (604) 894-6632 Fax: (604) 894-5271

Email: trustees@pvdd.ca

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Thank you

From: Joanna Rees [mailto:JRees@pemberton.ca]

Sent: October 11, 2019 12:44 PM

To: Trustees - PVDD <trustees@pvdd.ca>; sallison@csf.bc.ca

Subject: FW: 1400 Oak Street - Subdivision, OCP Amendment and Zoning Amendment Application



From: Joanna Rees

Sent: Friday, October 11, 2019 12:30 PM

To: <u>Harriet.Vanwart@lilwat.ca</u>; <u>Kimberly Needham < KNeedham@slrd.bc.ca</u>>; <u>Rupinder.Prihar@gov.bc.ca</u>; nadia.eldabee@cn.ca; <u>trustees@pudd.ca</u>; <u>sallison@cfs.bc.ca</u>; <u>graham.turner@lilwat.ca</u>; <u>surinder.hoonjan@telus.net</u>;





Date: October 28, 2019

To: Advisory Land Use Commission

From: Joanna Rees, Planner

Subject: Official Community Plan Amendment and Rezoning – Pemberton Secondary

School, 1400 Oak Street

PURPOSE

The purpose of this report is for the Advisory Land Use Commission to consider and make recommendations to Council regarding a minor OCP amendment and rezoning proposed for the Pemberton Secondary School (PSS) property located at 1400 Oak Street.

BACKGROUND

Sea to Sky School District No. 48 made application on August 2, 2019 to the Village of Pemberton for an amendment to the Official Community Plan (OCP) and Zoning Bylaw to facilitate the creation of additional residential land. Specifically, the application's intent is to designate additional lands in the OCP Bylaw No. 654, 2011 for residential use and to amend the Zoning Bylaw No. 832, 2018 to accommodate the creation of one (1) new residential lot. The proposed lot, located at the corner of Poplar and Aspen, is currently designated 'Civic and Institutional' and zoned Public (P-1).

The amendments together would enable the applicant to apply for subdivision and would result in the creation of a new single-family residential lot that PSS would develop. A new program run out of PSS would give students the opportunity to gain hands-on learning experience in multiple trades such as design, construction and landscaping before being involved in the sales, marketing and staging of the new home as valuable real-life skill development. The School District has proposed that the new home will either be sold on the private market or serve as staff housing for teachers (a teacherage).

SITE DESCRIPTION

The subject lands are depicted in **Appendix A**. The subject land is flat and currently naturally vegetated, as shown in Figure 1 below.



Figure 1: Subject lands located at the corner of Poplar and Aspen Street.

Surrounding land uses are characterized by residential uses. Institutional uses including Pemberton Health Centre and Pemberton Lions Villa are located further south of the subject lands.

BRIEF DESCRIPTION OF THE PROPOSAL

The proposal is to amend the OCP Bylaw No. 654, 2011 by re-designating a 1,001 m² portion of the Pemberton Secondary School District property, legally described as Lot 1, DL 165 & 203, LLD, Plan KAP56732 from 'Civic and Institutional' to 'Residential' and to amend Zoning Bylaw No. 832, 2018, Schedule A – Zoning Map to rezone the subject property from 'Public (P-1)' to 'Residential -1 (R-1)'.

The purpose of the proposal is to permit the creation of one (1) new residential lot for the development of a single detached dwelling. A proposed draft OCP amendment and Zoning Bylaw amendment are attached as **Appendix B** and **Appendix C**, respectively. If the OCP Amendment and Rezoning applications are approved, a subdivision application is required to create the new residential lot.

COMPLIANCE WITH GENERAL POLICY DIRECTIONS

The proposal is generally consistent with the goals and objectives of the Official Community Plan. Accordingly, the proposed redesignation and rezoning aligns with the general OCP directives. Specifically, Section 5.1.1 Growth Policies, states that growth should *make efficient use of land that is deemed appropriate for development through embracing applicable smart growth policies*, this includes the encouragement of growth within existing communities. Additionally, Section 4.0 Greenhouse Gas Emissions Reduction Targets states that 85% of all residences shall be within 1,000 metres of the downtown core. This proposal will provide one (1) additional single family home that will be located in close proximity to the downtown core and public institutions

Memo to ALUC OR128 – 1400 Oak St. OCP & Rezoning October 28, 2019 Page 3 of 3

encouraging active transportation and therefore contributing to reduced greenhouse gas emissions. Furthermore, the addition of a residential lot at the corner of Poplar and Aspen Street will be in character with the surrounding residential neighborhood.

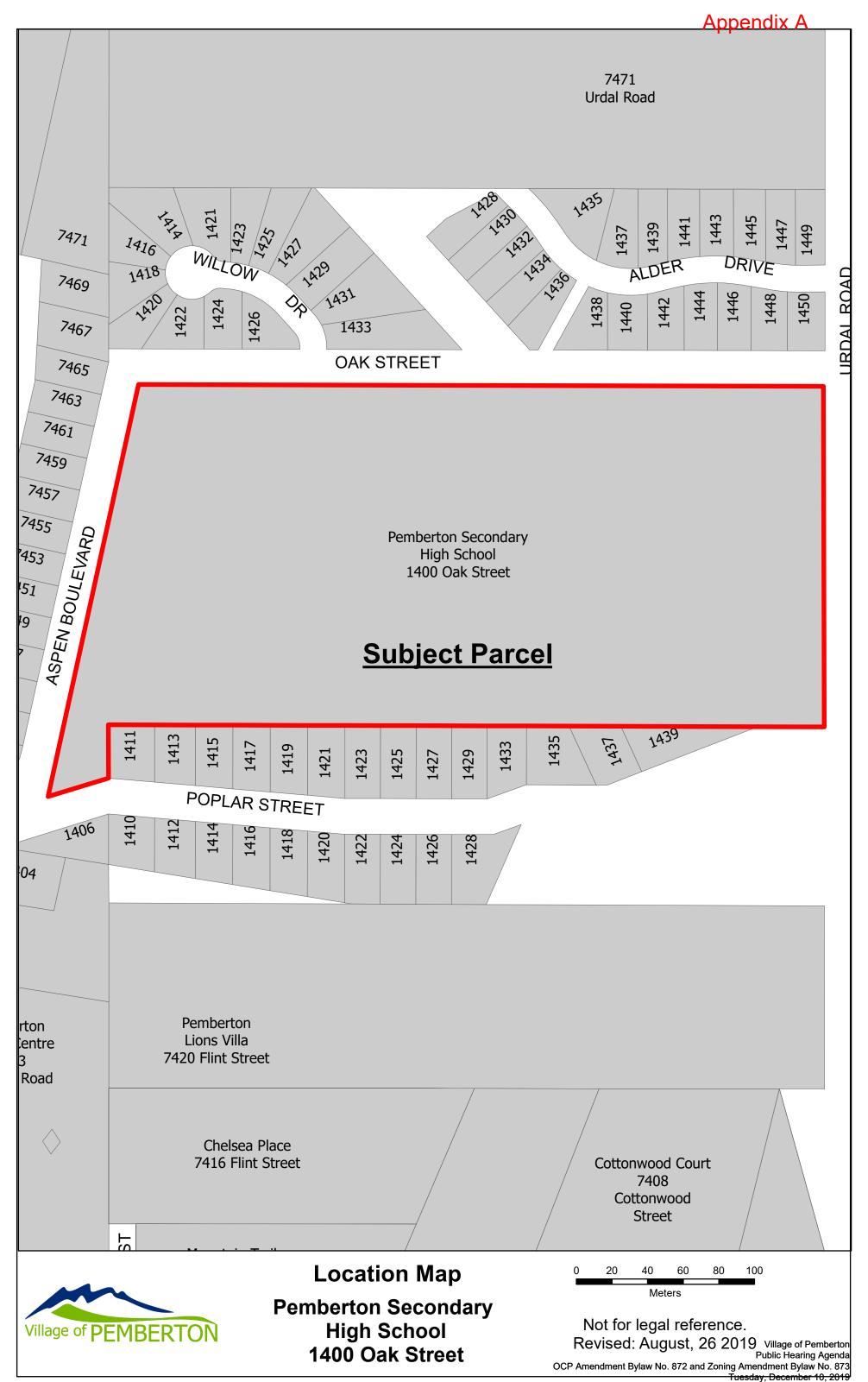
The proposed zoning of the severed lot is Residential 1 (R-1), which allows for a minimum parcel size of 700 m² and a minimum lot width of 18 m. The proposed new lot, Lot 1, will measure 1,001 m² and the lot width is 25.3 m and therefore meets the minimum parcel size and minimum lot width requirements.

COMMUNICATIONS

Staff have prepared a separate report for Council's consideration of early and ongoing consultation on the OCP amendment in accordance with section 475 of the *Local Government Act*. Council considered this report on October 8, 2019 and directed Staff to undertake a referral of the submission to the standard list of referral agencies for comment and to have the applicants hold a public information meeting at their cost before the consideration of First and Second Reading.

Attachments:

- A. Location Map
- B. Draft OCP Bylaw Amendment
- C. Draft Zoning Bylaw Amendment



VILLAGE OF PEMBERTON

BYLAW No. XXX, 20XX

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

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

AND WHEREAS the Council of the Village of Pemberton deems it desirable to amend the Official Community Plan Bylaw to accommodate residential development;

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

1. CITATION

This Bylaw may be cited for all purposes as "Official Community Plan Bylaw 654, 2011, Amendment (Pemberton Secondary School) Bylaw No. XXX, 20XX."

2. Map B – Land Use Designations of the Village of Pemberton Official Community Plan Bylaw No 654, 2011 is amended by re-designating the subject lands shown shaded on Schedule 1 of this Bylaw from "Civic and Institutional" to "Residential".

READ A FIRST TIME this day of , 20XX.

READ A SECOND TIME this day of , 20XX.

NOTICE OF PUBLIC HEARING for Village of Pemberton Official Community Plan Bylaw No. 654, 2011, Amendment Bylaw No. XXX, 20XX was published in the Pique Newsmagazine on **, 20XX** and **, 20XX**.

PUBLIC HEARING HELD this day of , 20XX.

READ A THIRD TIME this day of , 20XX.

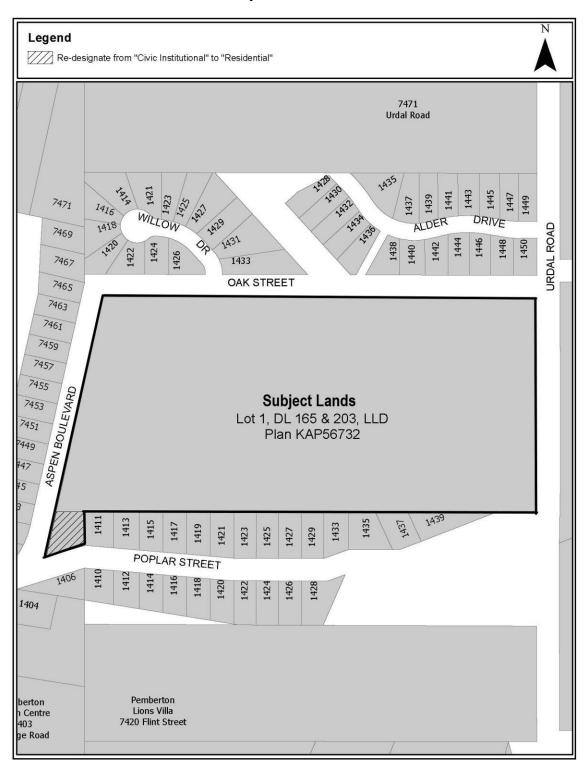
ADOPTED this day of , 20XX.

Mike Richman Mayor	Sheena Fraser Corporate Officer

Schedule 1

Village of Pemberton OCP Bylaw No. 654, 2011, Amendment (Pemberton Secondary School) Bylaw No. XXX, 20XX

"Subject Lands"



THE VILLAGE OF PEMBERTON BYLAW NO. XXX. 2019

BYLAW NO. XXX, 2019					
Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 832, 2018					
WHEREAS the Council may amend its Zoning Bylaw from time to time;					
AND WHEREAS the Council of the Village of Pemberton deems it desirable to zone lands for Residential Uses;					
NOW THEREFORE the Council of the Corporation of the Village of Pemberton in open meeting assembled ENACTS AS FOLLOWS :					
1. CITATION This Bylaw may be cited for all purposes as "Zoning Bylaw 832, 2018, Amendment (Pemberton Secondary School) Bylaw No. XXX, 2019."					
 Schedule A – Zoning Map of Zoning Bylaw 832, 2018 is amended by zoning the lands shown shaded on Schedule 1 of this Bylaw from Public (P-1) to Residential 1 (R-1). 					
READ A FIRST TIME this day of , 20XX.					
READ A SECOND TIME this day of , 20XX.					
NOTICE OF PUBLIC HEARING for Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Pemberton Secondary School) Bylaw No. XXX, 20XX was published in the Pique Newsmagazine on , 20XX and , 20XX .					
PUBLIC HEARING HELD this day of , 20XX.					
READ A THIRD TIME this day of , 20XX.					
APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE PURSUANT TO SECTION 52 of the <i>Transportation Act</i> thisday of, 201X.					
ADOPTED this day of , 20XX.					

Mike Richman

Mayor

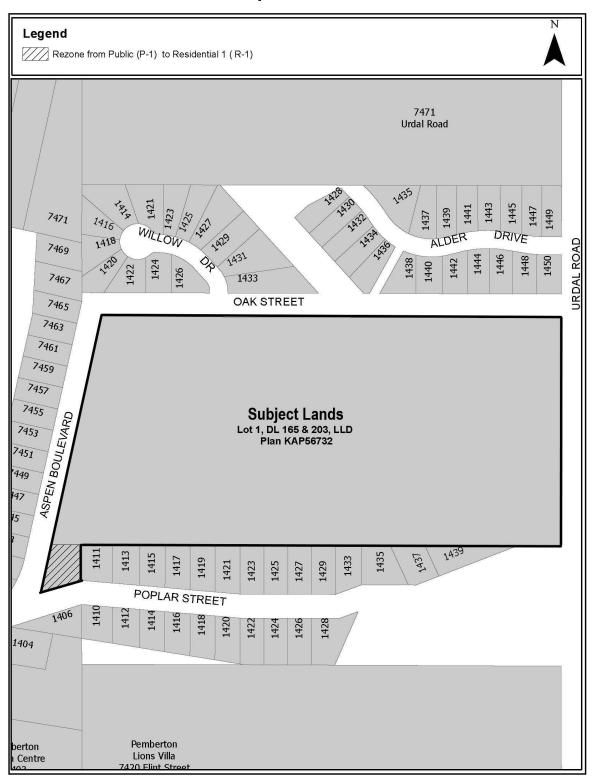
Sheena Fraser

Corporate Officer

Schedule 1

Village of Pemberton Zoning Bylaw No. 832, 2018, Amendment (Pemberton Secondary School) Bylaw No. XXX, 20XX

"Subject Lands"





ADVISORY LAND USE PLANNING COMMISSION

ADVISORY LAND USE PLANNING COMMISSION MINUTES

Minutes for the Advisory Land Use Planning Commission of the Village of Pemberton held Monday, October 28, 2019 at 6:00 pm at 7400 Prospect Street.

IN ATTENDANCE: Bob Adams (Acting Chair)

Richard Nott Allison Twiss Kevin Clark

REGRETS: Sarah Allen

Kristina Salin

STAFF IN ATTENDENCE: Joanna Rees, Planner

Gwendolyn Kennedy, Building & Planning Clerk (minutes)

PUBLIC IN ATTENDENCE: Sheena Fraser

1. CALL TO ORDER

At 6:02 p.m. the meeting was called to order.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the agenda be approved as circulated.

CARRIED

3. ADOPTION OF MINUTES

Moved/Seconded

THAT the minutes of Advisory Land Use Planning Commission meeting held September 23, 2019 be adopted as circulated.

CARRIED

4. OFFICIAL COMMUNTY PLAN AMENDMENT AND REZONING - PEMBERTON SECONDARY SCHOOL, 1400 OAK STREET

Joanna Rees, Planner, presented the minor OCP amendment and rezoning application submitted by Sea to Sky School District No. 48. The subject lands are located at 1400 Oak

Village of Pemberton ADVISORY LAND USE PLANNING COMMISSION October 28, 2019 Page **2** of **3**

Street (Pemberton Secondary School) and legally described as Lot 1, DL 165 & 203, LLD, Plan KAP56732.

The application is to amend OCP Bylaw No. 654, 2011 to redesignate a 1,000 m² portion of the subject lands from 'Civic and Institutional' to 'Residential' and to amend Zoning Bylaw No. 832, 2018, Schedule A – Zoning Map to rezone the subject property from 'Public (P-1)' to 'Residential (R-1)'. The purpose of the application is to create one (1) new residential lot for the development of a single detached house. The project will be an opportunity for students to take an active role in the design, build, and possibly the marketing and sale of the house.

Ms. Rees noted that the proposal is generally consistent with the goals and objectives of the Official Community Plan, and specifically supports Section 5.1.1, Growth Policies, and Section 4.0, Greenhouse Gas Emissions Reduction Targets.

Commission members spoke in support of the application.

Moved/Seconded

THAT the Advisory Land Use Planning Commission recommend to Council that the application for Official Community Plan amendment and rezoning for a portion of Lot 1, DL 165 & 203, LLD, Plan KAP56732 be supported.

CARRIED

5. DRAFT HILLSIDE DESIGN GUIDELINES

Joanna Rees, Planner, presented highlights of the draft Hillside Design Guidelines for review and comment by the Commission. Ms. Rees clarified that the Guidelines are intended to be used at pre-application meetings with developers to provide an overview of the Village's expectations regarding hillside development. The Guidelines were written with the intention of encouraging creative solutions to the challenges of hillside development and are not prescriptive. While not binding of themselves, additional planning tools such as the Official Community Plan, development permit areas, site specific zoning, and subdivision and development control bylaws could be employed in future to formalize the concepts presented in the Guidelines.

Ms. Rees explained that the Guidelines are intended to be high-level, and that technical requirements of hillside development could be addressed through amendments to Subdivision and Development Control Bylaw No. 677, 2011.

Commission members spoke in support of the document and recommended further consideration of the following points:

- assessing the hierarchy of concepts in cases where individual guidelines conflict;
- "adding teeth" to the document by formalizing and reinforcing the guidelines through the use of additional planning tools;
- reviewing the guidelines in future and updating as required to ensure the document is maintained as a living document.

Village of Pemberton ADVISORY LAND USE PLANNING COMMISSION October 28, 2019 Page 3 of 3

Ms. Rees thanked Commission members for their input and noted that their comments would be included in the report presented to Council at the Regular Council Meeting scheduled for November 5th.

6. NEXT MEETING

The next meeting will be scheduled for the third Monday of the month as needed.

7. ADJOURNMENT

At 6:59 p.m. the meeting was adjourned.

Bob Adams, Acting Chair

From: Claire Fuller > Date: November 19, 2019 at 7:30:59 AM PST

To: Lisa Pedrini clean Fraser clean Fraser clean Fraser pemberton.ca>

Subject: High School House Build Proposal

Hi Lisa and Sheena,

Great to see you last night at the school. Thanks for coming and taking peoples' opinions, it is appreciated.

I just wanted to put a little more info towards the discussions you may be having today. I thought the school's plans were exciting, ambitious, and a great model for creating real world opportunities for our students. I also think it would be amazing to see this kind of work rolled out year-on-year.

I think it is crucial for the school to incorporate long term support for teachers in the way of teacherage options in Pemberton. Housing prices have no sign of reversing, a slow down is possible, but not reversing. Furthermore I think it would be short-sighted of the school to make a plan to sell off parcels of its land; these are plots of immense long term value, it's really not worth losing them for the sake of a slither of profit. Nest eggs for the 'next build' should be found from other sources and activities in my opinion. The speaker presenting to us, Nolan, said this last night:

"we lose so many, SO MANY teachers to work in SD48 because of housing"

So I feel, yes, 100% support the project but please consider the long term losses of allowing this to be sold off to a private owner.

Thanks so much Claire

Claire Fuller
Pemberton, BC