

Date: June 1, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Lisa Pedrini, Manager of Development Services
Cameron Chalmers, Village Consulting Planner

Subject: Official Community Plan (École de la Vallée) Amendment Bylaw No. 902, 2021
Zoning Amendment (École de la Vallée) Bylaw No. 903, 2021
First and Second Readings

PURPOSE

The purpose of this report is for Council to concurrently consider first and second readings to Official Community Plan (Tiyata – École de la Vallée) Amendment Bylaw No. 902, 2021 (**Appendix A**) and Zoning (Tiyata – École de la Vallée) Amendment Bylaw No. 903, 2021 (**Appendix B**).

The bylaws have been prepared in response to an application by Craig Burns, Principle Architecture, Agent for the applicant Conseil scolaire francophone de la Colombie-Britannique (CSF)/School District No. 93 to facilitate the construction of a school/community hub aimed at francophone education on Lot 3, DL 203 LLD, Plan 12807, except that part which Lies to the East of the East Boundary of Plan Crown Grant 253 (**Appendix C**).

BACKGROUND

The CSF (SD#93) is the only province-wide school district which offers French-first language elementary and secondary education. In Pemberton, the CSF operates École de la Vallée de Pemberton (École de la Vallée). The CSF's program is presently operated in four portable classrooms behind Signal Hill Elementary (two of which are owned by SD#48). The CSF also leases two classrooms and gym space in the Pemberton Community Centre. As of September 2020, 84 students are enrolled from kindergarten to grade 8 and there is no secondary (9-12) French-first language program offered. The CSF's core catchment area includes the Village of Pemberton and surrounding communities as shown in **Appendix D**.

Presently, there is an overall lack of capacity and functionality, including space for a Strong Start, daycare or preschool program at the school. In September 2016, the British Columbia Supreme Court determined that provincially the lack of functional, attractive, and sufficient space deterred eligible parents from enrolling their children in French-first Schools, impeding them from exercising their constitutional rights to have their children attend French-first language programming. This decision applied to École de la Vallée as well as other CSF locations across the province. In June 2020, the Supreme Court of Canada concluded that the CSF cannot offer its students an educational experience that is substantively equivalent to that offered by English schools and that the breach must be remedied.

French-first language programming (provided by the CSF) is different from French Immersion programming provided by the Sea-to-Sky School District (SD#48). The CSF's programming is intended for students whose parents are part of the Francophone minority and who are eligible to attend a CSF school pursuant to stringent admissions criteria. In a CSF school, French is taught as a first language and meant to help students develop their French language identity and culture. In contrast, French immersion (offered by SD#48), is intended for the majority student population (often families where no parent is Francophone) and where French is taught as a second language.

The CSF has been seeking acquisition of a site to construct a school in Pemberton for over 10 years. Village Staff have assisted various representatives from CSF for the past few years in their search for an ideal parcel to facilitate this development.

On April 21, 2020, at the Regular Council Meeting No. 1512, Staff presented a report to Council seeking to discharge a covenant on lands slated for Stage 2 of the Tiyata development. While not disclosed at that time, this parcel was under negotiation of sale between the landowner and the CSF. Staff sought the removal of certain amenity commitments negotiated between the Village and the developer of Tiyata as part of the historic rezoning to facilitate residential development to free up the title for transfer to a non-profit entity for a non-residential use. As a result, Council passed the following resolution:

THAT Council authorizes the discharge of Covenant LB387063 from Lot 3, Plan 12807, District Lot 203, Lillooet Land District, Except that part which lies to the East of the East boundary of Plan Crown Grant 253, and authorizes the Chief Administrative Officer to effect the discharge.

At that time, Staff advised that the new proposed use would require OCP and Zoning Bylaw Amendments, and thus Council would have the discretion to consider the application and any voluntary amenity contributions offered at a future date.

The Village received the OCP Amendment and Rezoning application on October 9, 2020 and shortly afterward Staff presented a report to Council for their consideration of early and ongoing opportunities for consultation on the OCP Amendment pursuant to Section 475 of the *Local Government Act*. At the Regular Meeting No. 1524, held October 20, 2020, Council passed the following resolution:

THAT Council has considered the obligations under Section 475 of the Local Government Act with respect to the Official Community Plan amendment application by on Lot 3, DL 203, LLD, Plan 12807 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.

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*
- *Ministry of Transportation and Infrastructure*
- *Ministry of Education*

- Squamish Lillooet Regional District
- Pemberton Valley Dyking District
- CN Rail
- School District No. 48 – Sea to Sky
- Pemberton and District Chamber of Commerce
- TELUS
- BC Hydro

DISCUSSION & COMMENTS

The subject property is designated “*Tiyata Special Planning Area*” and “*Residential*” in the Village of Pemberton Official Community Plan (OCP) Bylaw 654, 2011. As per Section 6.1, the stated vision for the **Tiyata at Pemberton Neighbourhood** is “*a sustainable development that offers compact housing catering to a range of incomes and ages*”. Part of that vision is that “*residents have easy access to places or work, shopping and community amenities*”. In order to accommodate a public school within the neighbourhood, Staff recommend some high-level text amendments to clarify that adding institutional uses to the land use mix will not compromise the vision of the existing residential neighbourhood and can be accommodated under this designation.

In terms of OCP Schedules, revisions to Schedule B - Land Use Map are necessary to remove the Residential designation and replace it with the Civic & Institutional designation. Revisions to Schedule C – Development Permit Areas and Schedule F2 – Future Community Facilities are also necessary.

The subject property is zoned Comprehensive Development Zone 5 (CD-5), **Tiyata at Pemberton**. The intent of the CD-5 Zone is to recognize a comprehensively planned area which includes a variety of types of housing, a limited amount of commercial and office floor space, active and passive park land, and a trail network. For the purpose of regulation, the zone was divided into six (6) separate “areas”, and separate regulations apply to each area in this Zone. The current CD-5 Key Map is shown below.



Figure A: Existing vs Amended CD-5 Zone Key Map

Amendments to the CD-5 Zone Key Map as shown above in purple include removing reference to the site for non-market affordable housing (formerly Area 3) and rearranging the area numbers. Area 1 and 2 remain the same. Area 3 now refers to the former Area 4 (Small Lot Residential). Area 4 now references Parkland which was formerly Area 6. Area 5 refers to the School Use proposed for the entire subject parcel and includes regulations modelled after the Public 1 (P-1) Zone, except for maximum height. [The applicants have requested that the maximum height refer to storeys (3), rather than a maximum height in metres given that the height of the school ceilings, which are generally greater than residential, have yet to be determined.]

PROPOSED DEVELOPMENT CONCEPT

The proposed development concept is a new, three (3) storey Kindergarten to Grade 12 (K-12) community school centre capable of accommodating 40 kindergarten, 200 elementary and 150 secondary students, for a total nominal capacity of 390 students. The 6,946 sq m (74,766.122 sq ft) school will provide space for growth, both at the elementary and secondary levels. The site area is sufficient to accommodate eventual expansion, both temporary (in portables) and permanent (construction of an addition). The CSF projects that its student population will increase significantly once a new school, from which it will be able to offer equivalent programming, is built and expects to see enrolment from Whistler, mostly for the secondary program.

The subject property is currently vacant and is bordered by Highway 99 to the South, Pemberton Creek to the West, the Tiyata development, Signal Hill Elementary School, Lot 13 and BC Hydro Right of Way to the North and a vacant property to the East. The property measures 10.13 acres and is encumbered by BC Hydro Right of Way.



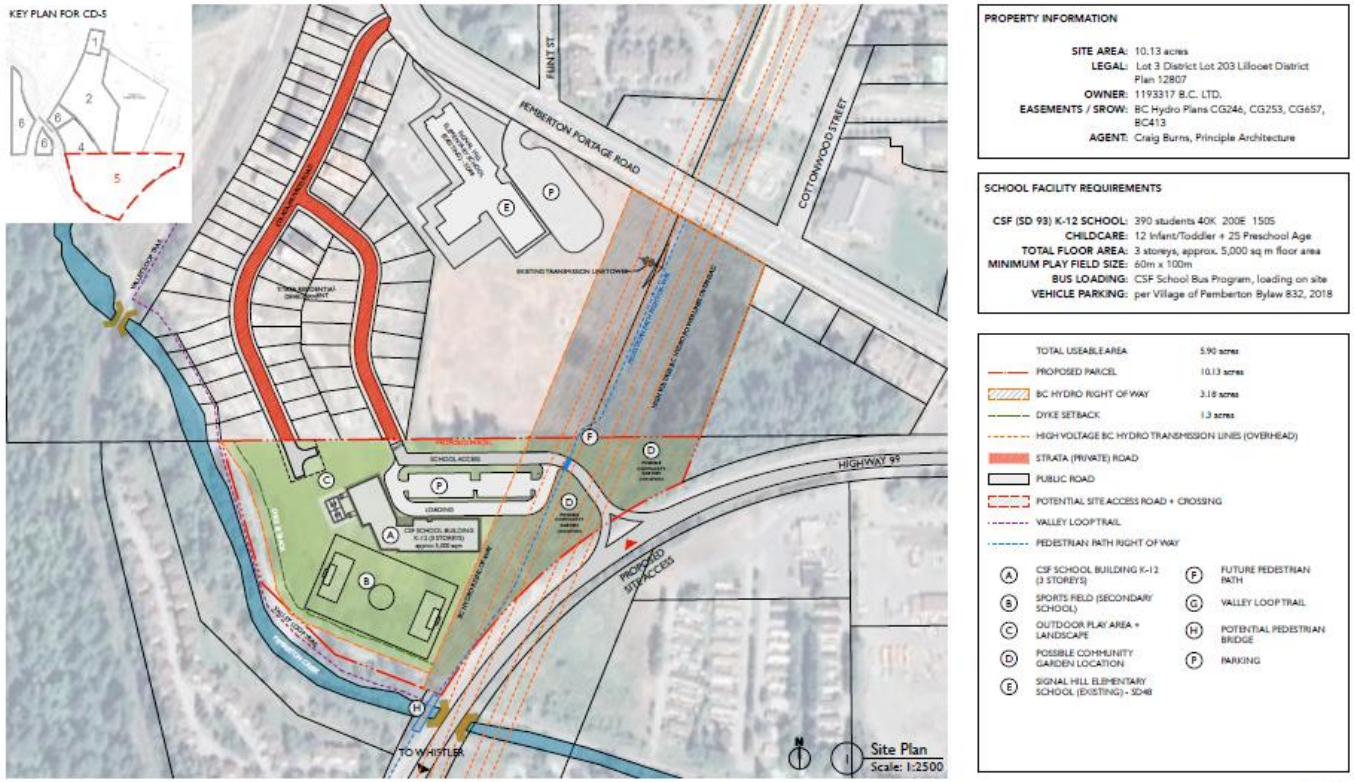
Map A: LOCATION MAP

The proposed development site will be accessed from Highway 99 from the southern edge of the property. Access through Tiyata is not viable, as this is a strata development; however, the proposed access can serve as an emergency exit for the Tiyata neighbourhood in the future. As part of their due diligence, the CSF undertook an extensive review of other potential options for accessing the site, including seeking access through Lot 13. It was determined that access off Highway 99 was the preferred and ultimately the only viable option and will require the construction of an intersection and new public road. The jurisdiction for approving access off Highway 99 rests with the Ministry of Transportation and Infrastructure.



Map B: GOOGLE EARTH KML

The existing CSF elementary school, which presently operates from portable buildings on the adjacent Signal Hill Elementary School site and the Pemberton Community Centre, will be integrated into the new school. The daycare component will have capacity for up to 40 children of Francophone families, providing much-needed childcare space for infant/toddler- and preschool-aged programming. The CSF's facility will also incorporate community amenities and serve as a community hub for the French-speaking population of the Pemberton Valley. Community amenities, which may include a theatre, industrial kitchen or other multi-purpose rooms, will be available to the broader community outside of regular school hours. The Property will also include a regulation-sized (60 m 100 m) sports field and community garden space, which will be available to the broader community.



Site Plan - OCP + Zoning Amendment AO

Map C: PROPOSED DEVELOPMENT SITE PLAN

The Conceptual Site Plan above indicates a proposed site access off Highway 99 allowing full movement to vehicles turning right or left. The Ministry of Transportation and Infrastructure (MOTI) will need to authorize an access (driveway) permit in this location. Parking and loading have been provided.

The Conceptual Site Plan also shows the inclusion of a hammerhead as a turn-around for Tiyata Boulevard and a flow-through from the unnamed road to be developed in Tiyata Phase 4. As the road system cannot freely connect to Tiyata given its status as a bareland strata, any emergency access potential through Tiyata would need to be locked and gated. The accommodation of a turn-around for the unnamed road in Phase 4 will not be housed on the CSF property, but Staff have recommended to the Approving Officer that this be a requirement of Tiyata Phase 4.

REVIEW OF DEVELOPMENT CONCEPT

Access and Circulation

In the absence of other viable options for site access to the municipal road network, the Ministry of Transportation and Infrastructure (MOTI) has reviewed the application and supports direct access off Highway 99. MOTI has indicated support for the highway access as a right-in/out driveway. The Ministry has further advised that left-turn entry/exit access may also be considered if determined to be safe and without significant operational impact to traffic flow on the highway and also provided the following comments:

- The access will require further review and will require an Access to a Controlled Access Highway permit from the Ministry.
- A full movement access will require further analysis and review – this present support should not be construed as pre-approval for a full movement access
- The proponent will need to consider the costs of potential improvements to the highway to support an access
- Access approval may need to consider access to adjacent lands (e.g. through public road dedication or easements)
- Consideration of active transportation accommodation.

The proponents retained Peter Joyce, P. Eng., Bunt & Associates Ltd., to prepare a transportation study for the proposed development. The primary focus for the transportation study is to assess the safety and operation of the proposed highway access intersection, and to consider the broader mobility requirements of the new school including notably the accommodation for convenient and safe pedestrian and cyclist connections.

Planning Staff Comments: *The final decision on the type of intersection permitted rests with the Ministry of Transportation and Infrastructure (MOTI). While the applicants would prefer a full-movement intersection and are working towards achieving this, they have been guaranteed the right in/right out as a minimum and having this early determination from MOTI has allowed the applicants to continue to pursue the rezoning.*

The emergency access connection to Tiyata will need to be established through a statutory right-of-way registered prior to adoption of the Bylaws. As such, Staff recommend a Statutory Right-of-Way (SROW) for this purpose be prepared and submitted prior to adoption of the Bylaws. Restrictions via removable bollards or similar on vehicle access will be required.

The hammerhead at the north-west corner of the site will also need to be constructed and registered as a SROW or easement as this infrastructure is necessary for the vehicle circulation of the Tiyata development located to the north of this school site. Staff recommend a Statutory Right-of-Way to provide public access to this turn-around be prepared and submitted prior to adoption of the Bylaws.

Affordable Housing

The subject property presently has a portion of the site designated for non-market housing, specifically the portion zoned Area 3 in the current Key Map of the CD-5 Zone. At the time of the original Tiyata rezoning in 2010, the intent was for the Village to develop the small, triangular shaped portion next to the community garden for “*the purposes of housing for Pemberton residents*” as per Covenant LB387063. In 2020, the property owner requested that Council remove Covenant LB387063 to facilitate sale of the property to a non-for-profit entity (CSF) for the purposes of a non-residential development (the proposed French School).

At that time, Staff reviewed the lands identified for this use, and noted that they were severely encumbered by restricted access from Highway 99, the BC Hydro right of way, servicing and parcel configuration, and felt it was very unlikely that the portion of Lot 3 lying east of the hydro right-of-way would ever yield any residential development. As such, Staff supported the discharge of the developer obligations in the covenant noting there would not likely be any benefit or value accruing to the Village from completion of the developer obligations.

Planning Staff Comments: Staff do not foresee the viable development of the site for any commercial or residential purpose, and is therefore satisfied that the rezoning to facilitate a new school, playing fields, much needed daycare spaces, community garden space and emergency access for Tiyata residents is as beneficial, if not more, as the small piece of land designated for non-market housing.

Amenity Contributions

At the time of the original rezoning for the subject property, covenants were registered on the lands to further guide the development of the area and secure a number of amenities. As noted in the background, the restrictive covenant that was registered on the Stage 2 Tiyata – Thuro Lands (the subject property) was removed to facilitate sale of the land for the proposed development.

It is standard for the Village to seek a voluntary contribution of community amenities from applicants at the time of rezoning. However, the Village’s Community Amenity Contribution Policy only applies to residential developments. Despite this, given that Council was asked to discharge Covenant LB387063, the Restrictive Covenant that outlined all the commitments made by the original developer of Tiyata, Staff feel it is in the best interest of the Village to maintain some of the commitments and amenities previously made that are still compatible with the new land use including:

- the dedication of that portion of the Lands for the purposes of a community garden
- the construction of flood protection works as necessary
- the construction of the Valley Loop Trail within the boundaries of the land
- the design and construction, or security for the cost of developing a pedestrian bridge over the Pemberton Creek to the reasonable satisfaction of the Covenantee (Village).

On April 16, 2021, the Applicants sent correspondence (**Appendix E**) that put forward an amenity package they feel will offset these items, acknowledging that this project is completely dependent on the capital funding support of the Province which is construction specific and does not include supplementary allocations for community-based amenities. As per the Village’s Community Amenity Contribution Policy, the Applicants outlined the significant amenity package the CSF brings to the Village as part of its proposed francophone school development including requirements, community benefits and voluntary amenities, which have been summarized in the table below.

Project Requirements	Community Benefits	Voluntary Amenities
\$40 million plus capital investment by the Province of BC generating Village Building Permit fee revenues	Creation of 3 Storey K-12 Public Francophone School/Community Hub including 7,000 sq m of educational space	Development of the Valley Loop Trail to provide continuity through the property
Site Access improvements and guaranteed right in/right out configured intersection at Highway 99 allowing	Creation of a Francophone Childcare Program reducing pressure on local childcare providers, employing 10 staff	Development of pedestrian access through the site to community nearby amenities

emergency exit opportunities through Tiyata		
Upgraded site servicing and off-site servicing improvements	After hour community access to full-sized play field and playground	Allocation of property for future location of Community Garden on the site
	After hour community access to classrooms and full-sized gymnasium	
	Employment of locally contracted services for grounds & facility maintenance	
	Numerous local employment opportunities in all facets of construction for estimated 18month period	

Table 1: CSF PROPOSED BENEFITS, APRIL 2021

In response, Village Staff sent correspondence to the Applicants, dated April 21, 2021, acknowledging the inherent benefits of the project, but noting that one long-standing benefit, the pedestrian bridge crossing over Pemberton Creek, was not addressed. Staff noted their concern with completely abandoning the long-held understanding that the pedestrian crossing would be delivered through the development of the subject lands and requested that CSF collaborate with the Village to deliver this important community connection. The letter stated that while the Village realizes this is not a market, real estate development, it maintains that pedestrian trail connectivity, including the pedestrian bridge, are essential to the community and will further the Village's Safe Routes to School desires.

The CSF provided a response on May 4, 2021 advising that at this point, Ministry officials are unable to commit to amenity funding given the stage (Stage 2 – Concept Plan) where the CSF is with respect to the development of the construction project. They contend that once they move to a future stage (Stage 3 – Final Development/Budget Approval) opportunities open up to work collaboratively toward making a Business Case to the Province for this amenity.

Planning Staff Comments: *Planning Staff are satisfied with the proposed voluntary amenity contribution as presented in the correspondence, dated April 21, 2021, with the understanding that CSF is committed to working with the Village in future to develop details and costing for a pedestrian bridge over Pemberton Creek and working collaboratively toward its attainment. Staff recommend that the voluntary Community Amenity Contributions be secured through a Section 219 No Build Restrictive Covenant and that a Statutory Right-of-Way to provide public access to the community garden and trails linkages be prepared and submitted prior to adoption of the Bylaws.*

Cultural Values

The subject property is located within the traditional territory of the Lil'wat Nation; however, according to Map D, there are no registered archaeology sites or spirited ground areas on the subject property. The Lil'wat Nation has not yet provided a response, but the application has been scheduled for review by the Land and Resources Committee.

The proposed school use will support French-first language elementary and secondary education which is guaranteed in British Columbia by s. 23 of the Canadian Charter of Rights and Freedoms (the “Charter”) and will provide a key cultural hub for the French speaking residents of Pemberton and the surrounding area.

Planning Staff Comment: *The Village’s OCP, Section 5.3.1 directs the Village to provide safe, accessible and convenient facilities for artistic, cultural, academic, leisure and recreational expression, activities and learning.*

Development Permit Areas (Official Community Plan)

Pursuant to the Village Official Community Plan (OCP), the subject property is located within Development Permit (DP) Areas No. 2 – Land Constraints (Floodplain) and No. 5 Intensive Residential, whereby the objectives are an effort to ensure that neighbourhoods embrace and accommodate a mix of residential densities to facilitate livable, cohesive and compatible neighbourhoods. Only the designation of DP Area No. 2 remains relevant.

Planning Staff Comments: *As the requested amendment does not include any residential development, Map C – Development Permit Areas will need to be revised to remove the “Intensive Residential DP Designation” from the subject property. Civic, developments, which a school would be considered, are not subject to Form and Character DP Area guidelines under the Local Government Act.*

Environmental Considerations

The applicants submitted an Environmental Fill Soil Investigation Report for the subject property conducted by PGL Environmental Consultants (PGL) in 2017. PGL was retained by Tiyata Developments Inc. at that time to assess fill from unknown sources that had been stored on the site. Soil samples from five (5) different areas (three (3) from stockpiles and two (2) from surface) were collected and tested for potential contaminants of concern. The results indicated that all samples contained less than the maximum applicable residential standard for the potential contaminants of concern.

Development Services Staff Comment: *Staff are satisfied that there are no additional environmental considerations.*

Fire Protection

The Fire Chief reviewed an early version of the concept plan for the application and made the following comments with respect to the proposed development:

- Strata Turnarounds – Fire apparatus turn around dimensions set by the International Fire Code need to be met at the terminus of both Strata Roads.
- Fire Lane Access - The school parking lot should be designed to be drive through and the school building should be as proximate as possible to the road or driveway.
- Hydrant locations will need to be reviewed.

Staff Comment: The Fire Chief has since reviewed a resubmission of the latest site plan and noted his concerns have been addressed.

Site Servicing and Infrastructure

Water

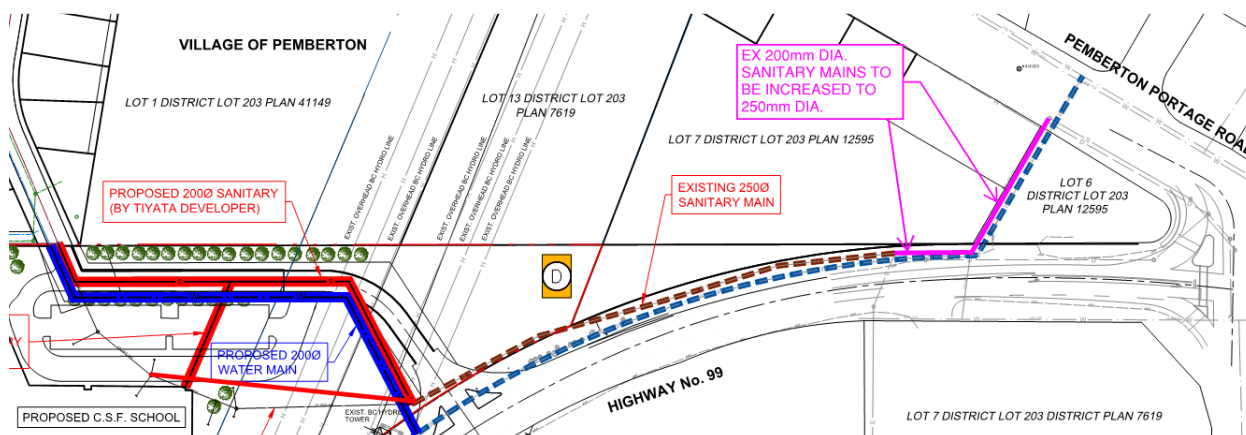
The Village's Consulting Engineer, ISL Engineering, has reviewed the development proposal and has confirmed in **Appendix F** that the capacity of water can be accommodated but that more information on irrigation demands is needed.

Engineering Staff Comment: It is recommended that a separate irrigation system that is not connected to the municipal water system is provided.

Sanitary

In **Appendix F**, it has confirmed that the peak flow rate will be 9.5L/sec and that downstream sewers can generally accommodate this additional flow except for two 200mm diameter segments.

Engineering Staff Comment: Two segments of sanitary mains (total 95m) will require upsizing to 250mm diameter. Alternative alignments of the offsite sewers may also be considered.



Map D: LOCATION OF REQUIRED SANITARY UPGRADES

Storm Management

A stormwater management plan has not been provided at this time however provisions for stormwater conveyance to receiving storm systems from the upland development (Tiyata) may need to be resolved.

Engineering Staff Comments: A comprehensive storm water management strategy, to the satisfaction of the Village, will be required before any redevelopment is permitted on the subject lands. Flood construction levels will need to be established for this site and flood protection works may be required as part of the development of this site.

Offsite Works and Services

Upon acceptance of the proposed offsite works and services, a detailed construction cost estimate will be required by the Village of Pemberton and will form the basis for the Servicing Agreement and any bonding requirements. The Developer will be required to enter into a Servicing Agreement with the Village of Pemberton for all site improvement works as outlined in the current *Subdivision and Development Control Bylaw*.

Planning Staff Comment: Staff recommend securing any off-site works and services through the registration of a Section 219 No Build Covenant.

Trail Connections

Proposed as part of the original phasing for Tiyata, the subject parcel included trail linkages from the subject parcel to the Valley Loop Trail and a pedestrian bridge over Pemberton Creek. In more recent trail planning, the Village approved the *Agricultural Parks Master Plan* in 2016 which proposes a commuter trail connecting the subject property to Lot 13 and beyond, as shown in the image below.



Map E: PROPOSED TRAIL CONNECTIONS ACROSS THE SUBJECT PROPERTY

Since this time, Staff have also submitted a funding application for a Park and Ride on Lot 13 in conjunction with the community garden and have obtained commitment from the Developer of Tiyata to build the portion of the commuter trail and a storm water swale across Lot 13. Staff have relayed the expectations of the trail linkage to the applicants, and they have agreed to provide these as part of their Community Amenity Contribution package.

Staff Notes: *Staff recommend that the pedestrian and cycling trail links to the Valley Loop Trail, Creekside and Lot 13 be secured through a Section 219 No Build Restrictive Covenant and that Statutory Rights-of-Way to provide public access to these trail connections be prepared and submitted prior to adoption of the Bylaws.*

Traffic

A key feature of the CSF school operations across the Province is the provision of well-developed school transportation plans featuring use of school bus services that transport the majority of students for their trip to and from school. Student drop-off and pickup by private automobile generally account for no more than 20% of the travel mode split. This is a fundamental difference for CSF schools and will serve to lessen the impact of the planned access driveway to Highway 99.

As noted above, the proponents retained Bunt & Associates Ltd. to prepare a transportation study that would not only ascertain the access, but also predict traffic volumes generated for the proposed development. In their review of an early version of the Bunt report, MOTI identified the following items requiring further review, including:

- (i) Pedestrian movement and facilities on the highway: MOTI wishes to see more discussion on this point, understanding any pedestrian facilities will need to be discussed with the Village of Pemberton;
- (ii) Management of Queuing: Considering the anticipated traffic accessing the site, MOTI has asked for an explanation of how queuing on the highway will be managed and mitigated, given schools typically have a condensed peak period;
- (iii) Access to adjacent parcels: If MOTI were to consider a full movement access for the school site, they have asked to see options for shared use of this access to allow entry to the adjacent Lots 7 and 3.

The final Bunt Transportation Study addressing these points has been prepared and sent to the Ministry of Transportation and Infrastructure for their continued review. The Village received a copy for our information.

Staff Notes: *As mentioned earlier, it is the applicant's responsibility to gain approval from the Ministry of Transportation and Infrastructure for the design of the intersection and an access permit. The Ministry will consult with the Village of Pemberton in making this determination.*

REFERRAL AGENCY COMMENTS

Lil'wat Nation

The Lil'wat Nation has not yet provided comment.

Ministry of Transportation and Infrastructure (MOTI)

Preliminary Bylaw Approval was received from MOTI on November 9, 2020 and is attached as **Appendix G**.

Ministry of Education

The Ministry has communicated on November 5, 2020 that it is very supportive of the proposed amendment and CSF's plans to develop a new school. Their letter is attached as **Appendix H**.

Squamish-Lillooet Regional District (SLRD)

No response received.

Pemberton Valley Dyking District (PVDD)

The PVDD provided a response on November 9, 2020 indicating that the property is above the 200-year flood level and is protected by a Pemberton Creek Dike which is listed in fair condition; however it is the developer's responsibility to perform any due diligence required. The PVDD requested further consultation through the design process to ensure proper site planning for drainage and maintenance of dike access. Their letter is attached as **Appendix I**.

Staff Notes: *Village Staff may consult the PVDD when a Stormwater Management Plan is submitted. The project will not require any Development Permit approval, but drainage will be addressed at the time of Building Permit.*

CN Rail

CN Rail did not provide a response.

BC Hydro

BC Hydro sent preliminary correspondence on December 17, 2020 noting that initial review indicates the proposal may be feasible from their perspective. Additional design details are required before BC Hydro will be able to provide further comment. Their letter is attached as **Appendix J**.

Staff Notes: *The applicants will be required to obtain the necessary permits from BC Hydro to build within their Right of Way. The details requested by BC Hydro are the responsibility of the applicants and will be required to be submitted at the design stage.*

Sea to Sky School District #48

No response received.

Pemberton and District Chamber of Commerce

The Chamber provided supportive comments on November 13, 2020. Their letter is attached as **Appendix K**.

Advisory Land Use Commission

The Village's Advisory Land Use Commission (ALUC) met on November 30, 2020 to review the OCP and Zoning Bylaw Amendment, OR#131 - École de la Vallée, application and give feedback

on the overall development concept. Commission members asked questions regarding termination of existing Tiyata development roads, safe pedestrian access from nearby neighbourhoods and the proposed use of the land under the hydro lines. The applicant, Craig Burns, noted that some of these questions would be answered at design stage. The ALUC passed the following resolution:

Moved/Seconded

THAT *the Advisory Land Use Commission recommends to Council that the application for Official Community Plan amendment and rezoning for the property known as the portion of the Tiyata development that fronts Highway 99 be supported subject to further civil consultancy design guidelines regarding:*

- *the discrepancy between road terminations on Figures 2 and 3;*
- *pedestrian travel and access safety;*
Highway 99 speed limits, subject to Ministry of Transportation and Infrastructure guidelines; and
- *general review and direction from Ministry of Transportation and Infrastructure.*

CARRIED

Staff Note: *The ALUC reviewed an early iteration of the Conceptual Site Plan, which has since been revised to address their comments. The minutes of the meeting are attached as **Appendix L**.*

Developer Led Public Open House

The Applicants held a Public Information Meeting via ZOOM on November 12, 2020 to obtain input from the community around the proposed OCP and Zoning Bylaw amendment. Forty-nine people attended and support was expressed, with zero persons raising objections to the proposed land use change. Those who attended were mainly interested in understanding the timing of the build, the design of the proposed access, the rezoning process and the ultimate capacity of the school. The results of the meeting are attached as **Appendix M**.

Staff Note: *Staff are satisfied that the Applicants held a very informative Public Information Meeting and that the information was received positively from those in attendance.*

PROPOSED BYLAWS

Bylaws have been prepared to amend the Official Community Plan (OCP) Bylaw No. 654, 2011 to replace Section 6.1 “Tiyata Special Planning Area” in its entirety to incorporate text amendments that support the development of a public school within the Tiyata Special Planning Area Designation and to redesignate the subject property from Residential to Civic & Institutional and to amend Zoning Bylaw No. 832, 2018, Section 18.5: Comprehensive Development Zone 5 – Tiyata at Pemberton (CD-5) to rename the Areas and permit within [Sub] Area 5 a public school on the subject property.

At this time, Planning Staff are introducing for Council’s consideration OCP Amendment Bylaw No. 902, 2021 and Zoning Amendment Bylaw No. 903, 2021, for First and Second Reading and the scheduling of a Public Hearing date. The proposed Bylaws are attached as **Appendix A and B**.

COMMUNICATIONS

Subject to Section 464 of the *Local Government Act*, a Public Hearing must be held for both 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 s. 466 of the *LGA [RSBC 2015]*.

LEGAL CONSIDERATIONS

The processing of an OCP Amendment and Rezoning application is regulated by various sections contained in Part 14 of the *LGA [RSBC 2015]* and by the Village’s Development Procedures Bylaw 889, 2020, as amended from time to time.

IMPACT ON BUDGET & STAFFING

The research and preparation of this report 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 887, 2020, as amended from time to time.

INTERDEPARTMENTAL IMPACT & APPROVAL

There is no interdepartmental impact or approvals required respecting the processing of this application as it is a function of the Development Services Department.

OPTIONS/NEXT STEPS

The following options are provided for Council’s consideration:

Option 1: Council gives the Bylaws First and Second Readings, schedules a Public Hearing and resolves that adoption only be considered upon the Owner’s completion of the following requirements:

1. Enter into a Section 219 restrictive covenant prohibiting issuance of any building permit or the use of any portion of the site as a school until the following amenities, works, and services have been constructed to the satisfaction of the Village, or the Owner has entered into a Servicing Agreement or other acceptable form and posted a security to complete the following:
 - a. Community garden and parking area;
 - b. Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing;
 - c. Road connection between CSF and Tiyata Strata for use as emergency access/exit;
 - d. Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard;
 - e. Off-site sanitary sewer upgrades as determined by the Village Engineer.
2. Prepare and submit in a registrable form, Statutory Rights-of-Way to provide public access as follows:
 - a. Community (public) use of the community garden area
 - b. Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and the Pemberton Creek crossing
 - c. Road connection between CSF and Tiyata Strata for use as emergency access/exit
 - d. Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard.
3. Payment of any outstanding processing fees as per Development Procedures Bylaw No. 887, 2020.

Option 2: Council gives the Bylaws First Reading only at this time and withhold Second Reading and the scheduling of a Public Hearing until the Applicants provide additional information, as itemized by Council.

Option 3: Council may refuse the application.

Option 4: Council may provide another option.

RECOMMENDATIONS

THAT Official Community Plan Bylaw No. 654 (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 be given First and Second Reading;

THAT Zoning Bylaw No. 466, 2001, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 be given First and Second Reading;

AND THAT Adoption only be considered upon the Owner's completion of the following requirements:

1. Enter into a Section 219 restrictive covenant prohibiting issuance of any building permit or the use of any portion of the site as a school until the following amenities, works, and services have been constructed to the satisfaction of the Village, or the Owner has entered

into a Servicing Agreement or other acceptable form and posted a security to complete the following:

- a) Community garden and parking area;
- b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and Pemberton Creek crossing;
- c) Road connection between CSF and Tiyata Strata for use as emergency access/exit;
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard;
- e) Off-site sanitary sewer upgrades as determined by the Village Engineer.

2. Prepare and submit in a registrable form, Statutory Rights-of-Way to provide public access as follows:

- a) Community (public) use of the community garden area
- b) Pedestrian and cycling trail links to the Valley Loop Trail, Lot 13 and the Pemberton Creek crossing
- c) Road connection between CSF and Tiyata Strata for use as emergency access/exit
- d) Construction and registration of a hammerhead at the north-west corner of the site for the vehicle circulation at the terminus of Tiyata Boulevard.

3. Payment of any outstanding processing fees as per Development Procedures Bylaw No. 887, 2020.

AND THAT Staff be directed to schedule a concurrent Public Hearing for Official Community Plan Bylaw No. 654 (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021 and Zoning Bylaw No. 466, 2001, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021 on Tuesday July 13, 2021 at 5:30 pm.

Attachments:

Appendix A: Official Community Plan Bylaw No. 654 (Tiyata - École de la Vallée) Amendment Bylaw No. 902, 2021

Appendix B: Zoning Bylaw No. 466, 2001, Amendment (Tiyata - École de la Vallée) Bylaw No. 903, 2021

Appendix C: Subject Property Map

Appendix D: CSF Present Catchment Area

Appendix E: CSF Amenity Package Letter, Apr 16, 2021

Appendix F: ISL Correspondence, Jan 8, 2021

Appendix G: MOTI Initial Referral Response, Nov 9, 2020

Appendix H: Ministry of Education Referral Response, Nov 5, 2020

Appendix I: PVDD Referral Response, Nov 9, 2020

Appendix J: BC Hydro Initial Referral Response, Dec 17, 2020

Appendix K: Chamber of Commerce Referral Response, Nov 13, 2020

Appendix L: ALUC Minutes, Nov 30, 2020

Appendix M: Public Consultation Results, Nov 12, 2020

Submitted by:	Lisa Pedrini, Manager of Development Services Cameron Chalmers, Village Consulting Planner
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer

