

Staff Report to Council

Planning and Development

FILE: 4520-20-2021-01

REPORT DATE: November 23, 2021 **MEETING DATE:** November 30, 2021
TO: Mayor and Council
FROM: Anne Berry, Director of Planning and Development
SUBJECT: Temporary Use Permit No. 2021-001 for Sky Helicopters

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Approve issuance of Temporary Use Permit No. 2021-001 to Sky Helicopters to allow for special events to be held at their hangar located at #170-18799 Airport Way; OR
- B. Other

PURPOSE

To present to Council an application from Sky Helicopter for a Temporary Use Permit.

☐ Information Report ☒ Decision Report ☐ Direction Report

DISCUSSION

Background:

The Pitt Meadows Regional Airport (YPK) occupies a 288 ha (712-acre) site in south Pitt Meadows adjacent to the Fraser River. It currently includes the following facilities and uses:

- Several runways;
- A floatplane launch and dock;
- NAV Canada control tower;

- Various aircraft storage, fuel and maintenance facilities;
- Agricultural lands and;
- Newly constructed terminal facilities.

Airport Structure:

The Airport opened in 1963. It was transferred from Transport Canada to the Pitt Meadows Airport Society (PMAS) in May 1999. Since then, the Society has owned and operated the Airport and is a not-for-profit organization.

The PMAS is subject to an Operating Agreement with the federal Minister of Transport obliging it to manage, operate and maintain the Airport as an aerodrome certified by the Minister of Transport. Airport authorities (PMAS) are independent, federally regulated and holders of an Airport Operating Certificate from Transport Canada.

The PMAS is governed by a Board of Directors comprised of appointed members from the Cities of Pitt Meadows and Maple Ridge. Their goal is to develop the YPK Airport to benefit Pitt Meadows, Maple Ridge and contribute to the North Fraser region's economic diversity.

The City's Official Community Plan (OCP) states the City views the Airport as one of its most important economic development generators and will continue to work with the Airport and other parties to promote its successful development. This includes ensuring that land uses permitted near the Airport do not conflict with activities on the airport lands.

Airport Leases:

The registered owner of the Airport is the PMAS. The PMAS is governed by the board, and the members appointed by the City sit on the board. The PMAS owns the airport land and leases it to tenants. This means the land-use configuration is a land lease governed by a lease agreement that permits the tenant to use a piece of land owned by the PMAS in exchange for rent. Land leases work similarly to how traditional property leases operate, and tenants can enter into commercial agreements. Most land leases are vacant, allowing the tenant to construct a temporary – or in some arrangements, a permanent – structure.

Temporary Use Permit – Sky Helicopters

Applicant:	Sky Helicopters and the Pitt Meadows Airport Society, Inc.
Owner:	Pitt Meadows Airport Society, Inc. No. S37037
Legal Description:	Lot 59 Except: Part on Plan BCP9734 Sections 2 and 3 and Parts of Sections 9, 10, 11 and 14 Block 5 North Range 1 East New Westminster District Plan 42375
Civic Address:	#170 – 18799 Airport Way, Pitt Meadows, BC (see Attachment A)
Parcel Area:	2902.2 m ² (0.72 Acre)
OCP Designation:	Airport (see Attachment B)
Zoning:	I-5 (Airport) (see Attachment C)

Sky Helicopters ("Sky") was established in 2011 and commenced operations on the Westlund Helicopters Inc. leasehold at YPK in 2014. Sky contributes to airport operations and economic prosperity. Sky's primary business is helicopter adventures. They own a hangar that houses helicopters but is also used for fundraisers, weddings, parties, and networking events. The space contains a prep kitchen, event lighting, sound and video system, and a high production event space. In recent years, Sky Helicopters have hosted approximately 65-75 events per year with an average event size of 125 people.

The parcel Sky leases is zoned 1-5: Airport, which allows for aviation-related enterprises, including events. Sky Helicopter business involves commercial special events that are often a component within their business model and can include helicopter tours combined with a commercial event at the airport hangar. An example would be: a tour with the wedding party and the reception held at their hangar. While this business model is not strictly aviation, the tour component is clearly aviation. This business configuration created challenges from a zoning and a health and safety point of view.

In order to mitigate this the Sky hangar underwent significant code-compliant upgrades in 2018 to ensure it meets required safety standards for assembly use of up to 300 people. Since this upgrade, a process was developed to ensure that events meet the City's health and safety standards. Currently, Sky works closely with PMAS and the City to review and monitor each event booking and assess specific aviation requirements. While effective, this process has not been formalized through City regulations. By formalizing the process, the City and the PMAS will have the appropriate tools to regulate health and safety issues as well as take any enforcement actions that may be needed (example: enforcement of the Noise Control Bylaw or parking matters). This TUP is the first step in aligning this process with the City and PMAS bylaws and policies to move towards the consideration of permitting of commercial special events that do not involve an aviation component.

Relevant Policy, Bylaw, or Legislation:

The City's Zoning Bylaw No. 2505, 2011, and the Local Government Act regulate the issue.

Analysis:

Official Community Plan No. 2352, 2007

The subject property is designated as Airport in the OCP. The OCP discourages non-aviation uses but acknowledges that the Airport is valuable to the community for its aviation-related activities. The City applies the same land-use regulations for all non-aviation-related development at the Airport as it does for the rest of Pitt Meadows. However, the City's land-use regulatory powers are limited with respect to how the Airport chooses to develop and operate its aviation facilities since aviation is regulated by Transport Canada.

Zoning Bylaw No. 2505, 2011

The Airport Zone (I-5) intends to designate lands suitable for airport uses and ensure the Airport has economic development opportunities. The I-5 Airport zone allows for aviation-related

businesses (i.e. tour) but does not allow events (i.e. wedding reception) that, unto themselves, are not aviation. Although commercial events fall outside the scope of the I-5 zone, staff recommend a Temporary Use Permit that would permit the use on the property and bring it into compliance with the City's Zoning Bylaw.

Temporary Use Permits

The City's OCP designates all lands within the City as Temporary Use Permit Areas. The purpose of establishing Temporary Use Permit Areas in the City is to allow for temporary commercial and industrial uses in areas where the City's Zoning Bylaw does not otherwise permit them.

Temporary Use Permits are a tool that allows the City to impose conditions and monitor the property's use. In the City's Official Community Plan, Temporary Use Permits are valid for two years with the option to renew for an additional two years (although the *Local Government Act* allows for three-year Temporary Use Permits plus a three-year renewal). Staff intends to collect information on this temporary use to ensure any issues that arise during the permit period are rectified/mitigated in order to determine whether a permanent land use change should be contemplated.

Subject Site & Surrounding Area

The area surrounding the subject site is both agricultural and aviation-related uses. All properties to the north and west are aviation (Attachment B). To the south is the Fraser River, and to the east is light industrial warehousing. The nearest residential area is approximately 867 metres away.

The potential for disturbance from the proposed business is low, considering the surrounding parcels are dominantly aviation. Potential noise can be mitigated through the City's Noise Control Bylaw No. 2138, 2003.

Planning Application Alternatives

The *Local Government Act* obtains certain tools for land use applications for a property owner wishing to undertake an activity not currently permitted under existing regulations. Tools include Zoning Bylaw Amendments, Development Variance Permit, and Temporary Use Permits.

Zoning Bylaw Amendment

Amendments to the Zoning Bylaw are permanent, and the use would be permitted in perpetuity, even with a change of ownership of the land. Therefore, Planning Staff does not recommend nor support a rezoning application for this proposed use at this time.

Development Variance Permit

Development Variance Permits (DVP) cannot vary the use of a property. Therefore, a DVP is not a possibility for this application.

Temporary Use Permit

Temporary Use Permit Permits (TUP) intends to allow a use that would not otherwise be permitted under the City's Zoning Bylaw. TUPs enable the City to monitor a particular use and provide an opportunity to monitor and evaluate whether or not that use is compatible with the surrounding land uses. A TUP is the preferred option in this case because it enables the City to

impose conditions under which the business must operate and allows Council to reassess the operation at the renewal stage.

Public Input & Notification

The *Local Government Act* contains public notice requirements for newspaper advertisements and mail-out letters before adopting a resolution to a TUP. In addition, the City's Development Procedures Bylaw No. 2740, 2016, requires a mail-out radius of 50 metres from the subject property (Attachment H). The Development Procedures Bylaw also requires that the applicant install a development proposal sign on the property at least 21 days before the consideration of the TUP.

Letters were sent and the sign has been posted for 21 days. Staff have received no comments as of October 18th 2021.

Proposed Conditions of TUP No. 2020-001

Staff propose to impose the following conditions on TUP No. 2021-001:

Host commercial special events. A commercial special event means any for-profit, public assembly event or gathering that may occur on one day or consecutive days.

The Temporary Use shall be carried out according to the following conditions:

- a. All events must adhere to the BC Building Code.
- b. All events must adhere to the BC Fire Code.
- c. The Occupancy Limit cannot be exceeded.
- d. All Public Health Orders must be followed.
- e. No Event Parking is allowed on public right-of-ways.
- f. All events must adhere to City's Fireworks and Pyrotechnics Bylaw No. 2673, 2015.
- g. All events must adhere to the City's Fire Protection and Life Safety Bylaw No. 2405, 2009.
- h. The Fire Department must be notified within two weeks of booking or as soon as possible when the event contains:
 - I. Pyrotechnics and/or Fireworks; and
 - II. Where a helicopter will be displayed as part of the event by the occupier, the requirements of Section 10.5 a) b) & c) of the Fire Protection and Life Safety Bylaw No. 2405, 2009 must be met.

A \$1,000 refundable security in the form of a letter of credit will be held to ensure compliance with the terms and conditions of the permit.

These conditions were developed in partnership with the PMAS, the Pitt Meadows Fire Department, City Building and Planning staff.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☒ Balanced Economic Prosperity ☐ Corporate Excellence
☐ Community Spirit & Wellbeing ☐ Transportation & Infrastructure Initiatives
☐ Not Applicable
-

FINANCIAL IMPLICATIONS

- ☒ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☐ Other

A \$1,000 refundable security in the form of a letter of credit will be held to ensure compliance with the terms and conditions of the permit.

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

A sign was posted on the property and a mail out was sent surrounding property owners and newspaper advertisements were posted as required in accordance with *Development Procedures Bylaw No. 2740, 2016*.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Alex Wallace,
Manager of Community Development

Reviewed by:

Anne Berry,
Director of Planning and Development

ATTACHMENT(S):

- A. Site Plan
- B. Neighbourhood OCP Map
- C. Neighbourhood Zoning Map

- D. Aerial Photo Map
- E. Letter of Intent PMAS
- F. Letter of Intent Sky Helicopters
- G. Draft TUP No. 2021-001
- H. 50 m Radius Map