



-PUBLIC HEARING MEETING AGENDA-

Agenda for a Public Hearing of the Village of Pemberton to be held **Tuesday, January 31, 2017 at 7:00 p.m.** in Room D at the Pemberton Community Centre, 7390 Cottonwood Street. **(NOTE LOCATION)**

“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 Zoning Amendment
(Marihuana Operations) Bylaw No. 809, 2017**

ORDER OF BUSINESS

1. Opening Statements by Mayor Mike Richman.
2. Introduction of *Village of Pemberton Zoning Amendment (Marihuana Operations) Bylaw No.809, 2017* by Lisa Pedrini, Village Planner.
3. Correspondence and petitions received by the Village as of noon, Wednesday, January 25th :
 - a. Brad Desmarais, Strata President, Elements Strata, Village of Pemberton, received January 9, 2017
 - b. Doug and Nicole Lamont, Mount Currie, received January 24, 2017
 - c. Erica Finnsson and Mauro Nunez, Village of Pemberton, received January 24, 2017
 - d. Lindy Scott, Village of Pemberton, received January 25, 2017.
4. Any other correspondence and petitions received.
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 Council may not hear from or receive correspondence from interested parties relating to this bylaw. The bylaw is now a matter for Council’s consideration based upon information received as of January 31, 2017.**

VILLAGE OF PEMBERTON

BYLAW No. 809, 2017

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 466, 2001

WHEREAS pursuant to Section 137 of the *Community Charter* a Council may amend its Zoning Bylaw from time to time;

WHEREAS pursuant to Section 479 of the *Local Government Act RS2015* a Council may prohibit any use or uses in a zone;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to expressly prohibit the use of Marijuana Operations throughout the Village;

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

1. CITATION

This Bylaw may be cited as “Village of Pemberton Zoning (Marihuana Operation) Amendment Bylaw No. 809, 2017”

2. Village Zoning Bylaw No. 466, 2001 be amended as follows:

a) Section 104. Definitions:

i. by adding the following:

a. **marihuana operation:** means the cultivating, growing, producing, packaging, storing, distributing, dispensing, advertising, trading or selling of cannabis (marihuana) or its derivatives but excludes Medical Marihuana Production Facility.

b) Section 202. Prohibited Uses of Land, Buildings and Structures and Water:

i. by adding ‘Marijuana Operation’ to the list of Prohibited Land Uses as (1)(e).

READ A FIRST TIME this 17th day of January, 2017.

READ A SECOND TIME this 17th day of January, 2017.

NOTICE OF PUBLIC HEARING for **Village of Pemberton Zoning (Marihuana Operation) Amendment Bylaw No. 809, 2017** **PUBLISHED IN THE Whistler Question** on this 24th day of January, 2017 and **PUBLISHED IN THE Pique Newsmagazine** on this 26th day of January, 2017.

PUBLIC HEARING HELD this ____ day of _____, 2017.

READ A THIRD TIME this ____ day of _____, 2017.

ADOPTED this ____ day of _____, 2017.

Mayor
Mike Richman

Corporate Officer
Sheena Fraser

The Mayor

Village of Pemberton

Sir:

I write to you as the Chair of the Residential Strata Council EPS-876 also known as the "Elements" located at 7445 Frontier Street, Pemberton. We have recently become aware one of the commercial properties on the main floor is undergoing structural improvements in support of opening a Marihuana Dispensary, or similar business. At a recent Strata Council Meeting the residential owners directed me to write to the Village Council and voice our opposition to the establishment of this business in our building.

While the Strata Council takes no position on the legitimacy of the operation of such businesses, we do note the Federal and Provincial administration/regulation of these businesses is ambiguous at best. Accordingly, the ability for competent authorities to inspect and regulate Marihuana dispensaries is effectively non-existent. This grey area in the law gives rise to a degree of uncertainty whether these businesses are operated in safe and responsible manner. The residents are particularly concerned the product offered for sale at the dispensary will be consumed on or near the common property of the Strata thereby impacting the use and enjoyment of our residences. Some of our residents are sensitive to tobacco smoke originating from the street and common strata property which has substantially increased since the Liquor Store opened. The prospect of additional Marihuana smoke is viewed with some angst.

We also understand some insurance companies have given notice that coverage will be suspended if a Marihuana dispensary is operating in a residential building (Vancouver Sun; April 4, 2015). This has also created a level of apprehension amongst the residential owners of the Elements.

Notwithstanding the foregoing, the Strata Council respects the choice of the individual to consume Marihuana or not. Our position is that this choice should not negatively impact others and the sale of this product is better located in a commercial area. I would be delighted to discuss our perspective in more detail. I can be reached at [REDACTED] or email [REDACTED].

Regards,

Brad Desmarais

**Received at Regular Council Meeting No. 1442
Tuesday, January 17, 2017**

From: Nicole Lamont [REDACTED]
Sent: Tuesday, January 24, 2017 4:27 PM
To: VoP Admin
Subject: Bylaw 809

To Mayor and Council,
Medical use cannabis is for the individual person to decide if they want to use for medical use. Please move forward in a positive direction and let the people of our area have the option to have the medical cannabis to buy in our town. Nicole and Doug Lamont
Mount Currie Bc.

Sent from my iPad

January 24, 2017

Dear Pemberton Mayor and Council,


We encourage you **not** to pass proposed bylaw 809, 2017, which would prohibit a legitimate Medical Cannabis Dispensary from opening in The Village of Pemberton.

Access to medical cannabis is a constitutional right in our country. Numerous municipalities throughout Canada have opted to pass zoning bylaws and grant business licenses to Cannabis Dispensaries operating in accordance with very strict guidelines. We believe that Pemberton should be one of them.

Federal legalization and regulation for medicinal and recreational use is evolving at a rapid pace, and is very clearly moving toward being more available and accessible. Passing bylaw 809 is a step in the wrong direction and will only serve to impede the efforts of business owners when regulatory changes at the federal level are in place and clearly understood.

Thank you for your consideration,

Erica Finnsson and Mauro Nunez

 Pemberton BC, V0N2L1

From: Lindy Scott [REDACTED]
Sent: Wednesday, January 25, 2017 10:41 AM
To: VoP Admin
Subject: Mayor & Council

Dear Mayor and Council

I am in complete opposition to the proposed bylaw which would prevent S.W.E.D from opening their medicinal cannabis dispensary.

Access to medical cannabis is a constitutional right in our country.

From what I understand, S.W.E.D. will be following very strict regulations and measures to ensure that clients who need alternative care will receive it safely.

There are so many ailments that can be treated with medicinal cannabis, with little to no negative side affects, unlike many traditional prescription drugs.

Having a local option for Pemberton patients makes sense, as not everyone who is a registered member has access to travel to "fill a prescription."

Many municipalities have already passed bylaws to allow dispensaries to operate, and it's only a matter of time before the federal government will legalize marijuana.

Thank you for your consideration.

Lindy Scott
[REDACTED]