

**VILLAGE OF PEMBERTON
- AMENDED PUBLIC HEARING MINUTES-**

Minutes of the **Public Hearing** of Council of the Village of Pemberton held on Tuesday, January 31, 2017 at 7:00 p.m. in Room D at the Pemberton Community Centre, 7390 Cottonwood Street.

IN ATTENDANCE:

Mayor Mike Richman
Councillor Jennie Helmer
Councillor James Linklater
Councillor Karen Ross

STAFF IN ATTENDANCE:

Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Tim Harris, Manager of Operations & Development Services
Lisa Pedrini, Planner
Wendy Olsson, Executive Assistant

MEMBERS OF PUBLIC: 52

MEDIA: 1

1. CALL TO ORDER and OPENING STATEMENTS

At 7:03 p.m. Mayor Mike Richman, called the Public Hearing to order and read the following Opening Statement for the Village of Pemberton Zoning Amendment (Marihuana Operations) Bylaw No. 809, 2017:

Lisa Pedrini, Village Planner will make a brief presentation on the Zoning Amendment Bylaw and Sheena Fraser, Manager of Corporate & Legislative Services, will record your comments for the minutes which will form part of the public record on this matter.

Also in attendance is Councillor James Linklater and Councillor Karen Ross¹. Councillor Jennie Helmer is attending by phone and Councillor Craddock is unable to attend this meeting tonight.

This Public Hearing is convened pursuant to Section 465 of the Local Government Act to allow the public to make representations to Council respecting matters contained in proposed Village of Pemberton Zoning Amendment (marihuana Operations) Bylaw No. 809, 2017.

¹ Note: Councillor Ross arrived at 7:08 p.m.

Notification of this Public Hearing was advertised in the January 24, 2017 issue of the "Whistler Question" Newspaper and the January 26, 2017 issue of the "Pique Newsmagazine".

A Notice was also posted at Village of Pemberton Offices, the Village Notice Board located at the Post Office, on the Village Website and at notice boards throughout the Village.

Every one of you present who believes that your interest in the property is affected by the proposed bylaw shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw.

Each speaker will have up to three (3) minutes to be heard. Once everyone has had a chance to speak, those who wish to speak again may do so if they have new points to present.

None of you will be discouraged or prevented from making your views known. However, it is important that you restrict your remarks to matters contained in the proposed bylaw.

When speaking please commence your remarks by clearly stating for the public record your **full name and address** and whether or not you are in favour or opposed to the Bylaw.

Members of Council may, if they so wish, ask questions following a presentation. However, the main function of Council Members at this Public Hearing is to listen rather than to debate the merits of the proposed bylaw. This Public Hearing is not a question and answer period it is an opportunity for the public's views to be heard.

Please refrain from applause or other expressions.

After this Public Hearing has concluded, Council will further consider this Bylaw at the Regular Council Meeting to be convened on Tuesday, February 7, 2017 at 5:30 pm in Council Chambers, located at the Village Office.

May I remind you that tonight is your final opportunity for input on the proposed By-law.

2. INTRODUCTION OF VILLAGE OF PEMBERTON ZONING AMENDMENT (MARIHUANA OPERATIONS) BYLAW NO. 809, 2017

Lisa Pedrini, Village Planner, provided an overview and explanation of the Village of Pemberton Zoning Amendment (Marihuana Operations) Bylaw No. 809, 2017. The

purpose of Bylaw 809, 2017 is to establish a definition for “marihuana operations” and to add this use to the list of prohibited uses under section 202 of the Zoning Bylaw.

This bylaw is a Village initiative being undertaken as per a direction from Council for staff to develop an approach to regulating medical marihuana dispensaries within the Village’s boundaries. Based on the Village solicitors’ advice, the bylaw proposes two changes:

1. To add marihuana operations to the list of definitions as follows:

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.

2. To add “marihuana operations’ to the list of prohibited uses in all zones.

Ms. Pedrini noted that under the law the dispensing of marihuana for medical or recreational uses is currently not permitted. However, the Village recognizes that changes in legislation are being considered at the Federal level. The Village has chosen to implement a blanket prohibition at this time until details respecting how the legislation will be changed have been released.

To view the full presentation made at the Public Hearing please click on the following link:

http://www.pemberton.ca/public/download/documents/38255#referrer=http%3A%2F%2Fsite1.pemberton.ca.webguidecms.ca%2Fwebguide%2Ffiles%2Fedit_file%2F38255

3. LISTING OF CORRESPONDENCE RECIEVED

Sheena Fraser, Manager of Corporate & Legislative Services, advised that the Village has received four (4) submissions as of noon, Wednesday, January 25, 2017, which are included in the agenda package. Three (3) submissions were in opposition to the proposed bylaw and one (1) was in support of the proposed bylaw.

In addition, fifteen (15) submissions were received between Wednesday, January 25, 2017 and 4:00 p.m. Tuesday, January 31, 2017. Eleven (11) submissions were in opposition of the Bylaw (with two letters being submitted by the same person) and four (4) submissions expressed support of the bylaw. These submissions were made available to Council and at the Public Hearing and posted on the Village website as of Wednesday, February 1st. The submissions are attached to these meeting minutes as Appendix A.

4. PUBLIC SPEAKERS

Mayor Richman called for submissions from the public:

Myson Effe – 7331 Arbutus St. (Village of Pemberton) - SUPPORT

Mr. Effe requested that the opportunity to make submissions to Mayor and Council be open for another 24 hours.

Ms. Fraser, Manager of Corporate & Legislative Services, provided clarity with respect to late submissions advising that upon the close of a Public Hearing Council may not receive correspondence from the public relating to this bylaw as the opportunity for public discussion has ended. This practice has been put in place based on legal precedent.

Mr. Effe first spoke in his capacity as the Manager of Gateway Village Suites Hotel citing concerns that commercial tenants may sign a lease based on one use and subsequently change their business operations which could cause issues.

Mr. Effe also spoke in his capacity as an owner of a residential property which is located over a commercial space and the impacts that a dispensary operation may have on insurance for the strata which could affect mortgages held by owners if the insurance is recalled and a business that may be in contravention of strata bylaws.

Mr. Effe noted the positive impact of the utilization of marihuana for medical purposes but does not believe dispensary use of this kind is compatible with residential use.

Ginny Stratton – 6850 Crabapple Way (Whistler) - OPPOSED

Ms. Stratton presented Council with a petition in opposition of Bylaw 809 noting that they had collected a total of 279 signatures with 182 from Pemberton, 33 from Mount Currie, 21 from Whistler, 24 from the surrounding area, 10 from Whistler/Squamish and 8 from other communities. Ms. Stratton noted that a total of 260 of those signing fall within the 'trade area' of Pemberton.

Ms. Stratton provided a summary of comments received through the on-line petition and during open houses held by the SWED Society at their Pemberton location noting that there is overwhelming support for a dispensary.

Ms. Stratton commented that the introduction of this bylaw at this time is a misuse of Village time and resources given that changes to the legislation by the Federal government is imminent and that it would be better to allow for this use and regulate accordingly given the upcoming changes.

Ms. Stratton spoke further about the feedback received at the Open Houses, noted that the Federal Government has acknowledged that the current system is not working which is why it is moving toward legalization, access to medical cannabis has been established as a constitutional right as per the Supreme Court decision.

Ms. Stratton concluded by suggesting that consideration be given to establishing a Temporary Use Permit for this use as waiting until the completion of the Zoning Bylaw Review is too late.

Cori Golanowsky – Cottonwood Street (Village of Pemberton) – OPPOSED

Mr. Golanowsky stated he was representing the Cannabis Rights Coalition of Canada and outlined the challenges those requiring marijuana for medical purposes have in accessing the product.

Mr. Golanowsky spoke to the merits of medical marijuana products in addressing health concerns, managing pain and in assisting to fight cancer.

Mr. Golanowsky suggested that a Temporary Use Permit to address this use would be a good option.

Dr. Jim Fuller – 1360 Greenwood (Village of Pemberton)

Dr. Fuller noted that as a physician he is interested in enabling patient access to medication that will help but is not aware of any trials that suggest that marijuana cures cancer or resolves epilepsy noting that it is not a cure all panacea.

Kalmia Hockin - (Village of Pemberton) - SUPPORTED

Ms. Hockin spoke of her own experience with a legal medical cannabis license from Health Canada and noted that she found this system very successful in regards to access, and that it is conveniently delivered to her home.

Ms. Hockin commented that storefront dispensaries can offer a lot of knowledge and one on one service but at this time they are not legal, fake medical ID's can be obtained and the RCMP are overwhelmed following up.

Danielle Lawson – 2024 Sea to Sky Highway (Electoral Area C) – OPPOSED

Ms. Lawson spoke about her medical challenges as a result of a car accident and her own experience as a result of receiving a legal prescription for medical cannabis from Health Canada.

Mr. Lawson noted that she feels the product she receives through this program is of poor quality and as such she has to now go to Squamish or Vancouver and would like to be able to purchase product in Pemberton.

Drew Arnold – 1436 Portage Road (Village of Pemberton) – OPPOSED

Mr. Arnold suggested that by passing this bylaw it will result in a 6 – 12 month delay in moving forward with permitting this type of use within the Village and suggested that a Temporary Use Permit be put in place in the interim and then align the Zoning Bylaw once the Federal changes in the law are in place.

Mark Mendonca – 1478 Balsam Street (Village of Pemberton) – OPPOSED

Mr. Mendonca spoke about his experience in the insurance industry as an employee benefit specialist and referenced the work of Dr. Tom Perry and Dr. David Miller with respect to medical marihuana as a treatment option.

Mr. Mendonca commented that the decision to permit a dispensary in the Village must be considered and questioned why tax dollars are being spent now on this matter and suggested that the Village should utilized bylaws already established by other municipalities on this issue.

Tanya Kong – 1500 Spring Creek Drive (Whistler) – OPPOSED

Ms. Kong spoke about her own health issues noting that it is a fundamental right to have access to medicine that will improve a person's quality of life.

Ms. Kong spoke further about the evidence that marihuana has more benefits than side effects, that it needs to be rebranded and if it is provided to people for health reasons not to take it away.

Jason Neil – 1479 Skiers Approach (Whistler) – OPPOSED

Mr. Neil supports the establishment of a Temporary Use Permit and noted that the current Health Canada mail order system is flawed.

Mr. Neil suggested that as other cities have regulations in place they should be considered for Pemberton, that those rules could be put in place here in order to keep the business legitimate and that the benefits to allow this use outweigh the downfalls.

Danielle Lawson – 2024 Sea to Sky Highway (Electoral Area C) – Supplemental Comment

Ms. Lawson noted that at the Dispensary in Squamish a Doctor's note is required.

Adam Blender, SWED Society – 18199 70th Ave (Surrey, BC) – OPPOSED

Mr. Blender introduced himself as the Director of Operations for the SWED Society and provided a brief overview of the Society's operations in Vancouver which includes locations under residential properties with no impacts.

Mr. Blender commented that a delay in establishing zoning for a dispensary will impact those that need access to medical cannabis noting that their customers are those who the medical system has failed.

Mr. Blender noted that the product provided by the government is not always good and that the Society tests all products.

Mr. Blender concluded by suggesting a Temporary Use Permit as an unbiased approach and thanking everyone who is opposed to this bylaw for attending the meeting noting that they would like to be able to get their foot in the door to sell medication in Pemberton and bring something positive not negative to the community.

Myson Effe – 7331 Arbutus St. (Village of Pemberton) – Supplemental Comment

Mr. Effe provided further comment with respect to insurance being removed from apartments in Vancouver that are above a dispensary, noting that this can be done.

Cori Golanowsky – Cottonwood Street (Village of Pemberton) – Supplemental Comment

Mr. Golanowsky noted that proper access to medical marihuana is not easily available, a recall of product issued by Health Canada was issued due to pesticides, the government dilutes the THC values in oils which impacts the effectiveness in eradicating cancer cells and that the product is often radiated.

Mr. Golanowsky spoke about studies that have taken place in Israel and Spain respecting the ability of Cannibas oil to cure cancer.

Adam Adams – 1414 Willow Drive (Village of Pemberton)

Mr. Adams enquired about the reference to the \$30,000 permit fees?

Mayor Richman clarified that \$30,000 is the cost of a business licence permit for a dispensary in the City of Vancouver.

Adam Blender, SWED Society – 18199 70th Ave (Surrey, BC) – Supplemental Comment

Mr. Blender noted that the SWED Society prides itself on education and that staff are thoroughly trained on the process and best practices in order to give its members options and the ability to make informed decisions.

Pete Cronin – 7414 Pioneer Street (Village of Pemberton)

Mr. Cronin sought clarification with respect to Business Licence fees.

Mayor Richman clarified that other communities have set different rates for business licences for dispensaries and that the Village currently does not have a charge established for this type of business.

Patrick Henry – 7445 Frontier Street (Village of Pemberton) - OPPOSED

Mr. Henry sought clarification on the timeline for Temporary Use Permit.

Lisa Pedrini, Village Planner, provided a brief overview of the process to apply for a Temporary Use Permit (TUP) noting that a Permit can be issued for up to three (3) years with one renewal for a maximum of three (3) years.

Mr. Henry requested information about the TUP process if the Federal government were to legalize dispensaries and if a Temporary Use Permit would enable the use to be grandfathered.

Ms. Pedrini advised that once a Temporary Use Permit expires, the temporary use can no longer be carried out. It would not be grandfathered.

Mayor Richman noted that upon expiration of a Temporary Use Permit a rezoning would be required.

Ms. Pedrini advised that Penticton has established Temporary Use Permits for dispensaries on an interim basis and that she believes the Permit is issued for a maximum of six (6) months.

Danielle Lawson – 2024 Sea to Sky Highway (Electoral Area C) – Supplemental Comment

Ms. Lawson sought clarity on why this bylaw is being considered.

Lisa Pedrini clarified the reasons the amending bylaw is being brought forward citing a legal opinion in which it is recommended that until the federal legislation changes, it is recommended to put in place a blanket prohibition in

the short term. This will enable the Village time to review zoning regulations in conjunction with the legislative changes. It also gives the Village time to consider how best to regulate, consider appropriate locations and establish a bylaw in the context of the community of Pemberton.

Kevin Welsh – 1400 Park Street (Village of Pemberton) – OPPOSED

Mr. Walsh noted that the passing of this bylaw will not stop the sale of marihuana and that it will be sourced from the black market.

Mr. Walsh agreed that a Temporary Use Permit approach would be appropriate and would be a better way to establish controls and commented that prohibition never works.

Tanya Kong – 1500 Spring Creek Drive (Whistler) – Supplemental Comment

Ms. Kong spoke about the proposed federal regulations noting that they will control the distribution and measurements.

Ms. Kong noted that she supports the SWED Society and that they have good intentions and the product will be the highest quality.

David MacKenzie, 1414 Willow Street (Village of Pemberton)

Mr. MacKenzie advised that he is torn over this issue and is a believer in free enterprise and likes to see new investment into the community.

Mr. MacKenzie cautioned Council on moving forward with a bylaw that establishes “prohibited uses” as society and governments are evolving and changing and other jurisdictions have been able to address this use through a Temporary Use Permit.

Mr. MacKenzie noted that he understands the concerns of Council regarding grandfathering and recommended the option of a Temporary Use Permit approach rather than a prohibition.

Neil Blair – 1531 Portage Road (Electoral Area C) – OPPOSED

Mr. Blair noted safety concerns for residents who have to drive the highway to get product from Squamish or Vancouver if it is not available in Pemberton.

Tanya Pasenow – 7416 Flint Street (Village of Pemberton) – OPPOSED

Ms. Pasenow advised that she is not in support of this bylaw and that the Village needs more good businesses.

Mayor Richman called a first time for more comment.

Cindy Filipenko – 1472 Olive Street (Village of Pemberton) – OPPOSED

Ms. Filipenko spoke about her own experiences advising that she makes creams for people with arthritis using Cannibas because it is safer than using analgesics.

Ms. Filipenko would like to see a dispensary open in town.

Drew Arnold – 1436 Portage Road (Village of Pemberton) – Supplemental Comment

Mr. Arnold noted that the other communities identified as having prohibited medical marihuana dispensaries are mostly Christian conservative.

Rose Lopes – (address not verified) – OPPOSED

Ms. Lopes advised that she would like to see a dispensary in town.

Ginny Stratton – 6850 Crabapple Way (Whistler) – Supplemental Comment

Ms. Stratton spoke about the Open Houses SWED held noting that many people expressed opposition to the Bylaw and that most of those who visited had legitimate reasons for needing access to medical marihuana.

Ms. Stratton noted that people were happy to have the dispensary close to other businesses and that the potential of the Industrial Park as a location would be inconvenient and out of the way.

Ms. Stratton further noted that the product supplied by Health Canada is not up to par and that people would rather be able to have access to product locally than have to drive to Squamish or beyond. If available in Pemberton, it would reduce vehicle emissions in the corridor and foster spending in Pemberton.

Ms. Stratton thanked Council and staff for hosting the Public Hearing as well as those in attendance.

Randy Ketterling – 7476 Prospect Street (Village of Pemberton)

Mr. Ketterling advised that he is not opposed to medical marihuana and noted that you don't need an ID card to purchase product at the Squamish dispensary.

Mr. Ketterling questioned the SWED Society's track record in Toronto noting that ethics are a concern to the community in Pemberton.

Cori Golanowsky – Cottonwood Street (Village of Pemberton) – Supplemental Comment

Mr. Golanowsky thanked Council and asked them to take into consideration that there is currently a pharmacy and liquor store in the downtown area.

5. CLOSING STATEMENTS

Mayor Richman called three (3) times for any other submissions and hearing none made the following closing statements:

On behalf of Council and myself I would like to thank all of you who have attended this meeting. Your input and participation in the process is greatly appreciated.

Please note that after the Public Hearing is adjourned, the opportunity for public discussion is ended and Council may not hear from or receive correspondence from interested parties relating to this bylaw. This bylaw is now a matter for Council's consideration based upon information received to date.

6. ADJOURNMENT

At 8:13 p.m. the Public Hearing was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer