

**VILLAGE OF PEMBERTON  
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

**Minutes** for the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, May 8, 2018 at 1:00 p.m. in Council Chambers, 7400 Prospect Street. This is Meeting No. 176.

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**ATTENDING:** Mayor Mike Richman  
Councillor Ted Craddock  
Councillor James Linklater  
Councillor Karen Ross

**ABSENT:** Councillor Jennie Helmer

**STAFF:** Nikki Gilmore, Chief Administrative Officer  
Sheena Fraser, Manager of Corporate & Legislative Services  
Gwendolyn Kennedy, Legislative Assistant  
Tim Harris, Manager of Operations and Development Services  
Lisa Pedrini, Planner

**Public:** 1

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**1. CALL TO ORDER**

At 1:21 p.m. Mayor Richman called the May 8, 2018 Committee of Whole meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

**2. APPROVAL OF AGENDA**

Moved/Seconded  
**THAT** the agenda be approved as circulated.  
**CARRIED**

**3. ADOPTION OF MINUTES**

**a) Committee of the Whole No. 175, Tuesday, April 10, 2018**

Moved/Seconded  
**THAT** the minutes of Committee of the Whole Meeting No. 175, held Tuesday, April 10, 2018, be adopted as circulated.  
**CARRIED**

#### **4. Draft Zoning Bylaw Review Workshop – Lisa Pedrini, Senior Planner & Cameron Chalmers, Planning Consultant**

Lisa Pedrini and Cameron Chalmers presented the Draft Zoning Bylaw Review, seeking input and direction from the Committee of the Whole as part of the consultation process, and presenting highlights from recent public and stakeholder feedback sessions.

Public consultation to date includes meetings with the Airport Users Group, Lil'wat Development Corporation, Industrial Park Users Group, Advisory Land Use Commission, Chamber of Commerce and a public open house. A pop-up public information session for downtown businesses is scheduled for Thursday, May 10 at the Community Barn.

The primary objective of the bylaw revision is to improve clarity and consistency. Definitions and language have been updated and regulations clarified. The workshop addressed the terms of reference previously identified by Council. The revisions also approach permitted uses in different zones with the intent of avoiding over-regulating. In general, the changes presented broaden permissions rather than narrowing them. Further discussion took place respecting the following:

##### **Commercial Parking**

At 1:40 p.m. Mayor Richman declared a conflict of interest pursuant to Section 100(2) (b) of the *Community Charter* and left the room.

Staff pointed out an inconsistency in the required number of off-street parking spaces for Commercial uses; namely, that stand alone restaurants are required to provide one (1) space per three (3) seats, but that restaurants associated with a hotel/motel only require one (1) space per four (4) seats. Furthermore, that other similar uses also call for one (1) space per four (4) seats, for example a Club/Lounge and Theatre/Cinema. For consistency, the number of parking spaces required for restaurants is being proposed to decrease from one space for three (3) seats to one space for four (4) seats.

Chalmers noted that the commercial fabric in Pemberton's downtown is small, and that off-street parking requirements in the downtown area can be a deterrent to development. It may impact downtown vitality if retail and commercial property must be devoted to parking. Accepting cash in lieu of parking may encourage commercial development in the downtown core. Downtown parking is a policy issue that should be further addressed in the OCP.

At 1:56 p.m. Mayor Richman returned to Council Chambers and took the chair.

### **Residential Parking**

Staff reviewed proposed changes to the Residential parking ratios for Townhomes, allowance for tandem parking in small townhome developments and the addition of new parking requirements for apartment dwellings.

### **Drive-Through Businesses in C-2, C-3 and C-5 Zones**

The Committee of the Whole supported Staff's proposed removal of drive-through businesses as a permitted use C-2 zone (while maintaining site-specific permission for McDonald's), and in the C-3 zone, and supported continuing to permit drive-through business in the C-5 zone.

### **Airport and Industrial/Business Park**

Staff advised that maintaining a mix of uses at the Industrial/Business Park is beneficial to the community. Given that there is currently no minimum parcel size in the M-1 Zone, Staff is proposing adding a minimum parcel size of 1,800 m<sup>2</sup> or approximately ½ acre. Preventing subdivision of lots below ½ acre size will ensure that larger tracks of land will be available for industrial use in the future. As property values rise, development permit regulations may be needed to ensure that the park continues to serve community needs.

The Committee of the Whole had no comments respecting the review of these amendments.

### **Civic, Public & Recreation Zones**

Staff noted that in keeping with the intention to broaden permitted uses, a new Outdoor Recreation - OR-1 zone has been created to capture uses such as the motocross (MX), speedway and associated campground at the MX facility south of Pemberton.

The Committee of the Whole had no comments respecting this change.

### **Short Term Vacation Rentals**

Staff provided an overview of the proposed regulations for short term vacation rentals use and the Committee reviewed the suggested amendments as set out in the Draft Bylaw.

The Committee supported Staff's recommendation to broaden the regulations around short term vacation rentals to permit short term rental in certain Residential zones of either a secondary suite or the primary residence, but not both. The Committee also showed support the inclusion of a cap of 5% for each neighborhood. It was noted that short term vacation rentals would not be permitted in multi-family buildings or zones. Implementation and enforcement of the cap will need to be addressed in business licence regulations.

### **Green Policy Development**

Staff noted that the scope of the zoning bylaw is limited to ensuring that green development is not discouraged. To this end, FAR exemptions were included for passive wall constructed buildings. In addition, bicycle and electric vehicle parking is also proposed as a new requirement.

The Committee of the Whole had no concerns with the proposed draft.

### **Intermodal Storage Containers**

Staff advised that in the Draft Bylaw the number of storage containers for accessory storage use is not limited at the Industrial Park (M-1 zone) but it is proposed that they be removed as a permitted use in Commercial Zones and limited in Airport, Park and Recreation and Civic zones.

The Committee had questions regarding whether commercial properties with existing storage containers would become legal non-conforming which is correct. The reason for removing them as a permitted use from Commercial Zones, especially the Town Centre, has to do with storage containers taking up required off-street parking spaces, detracting from the Village's efforts to revitalize the area (unsightly) and not complying with development or building permit requirements.

Staff was asked to seek clarity with respect to Building Permit requirements. Staff noted that storage containers will also apply to the Agriculture Zone.

### **Temporary Use Permits**

Staff noted that the Draft Bylaw has been updated to include language respecting the use of Temporary Use Permits. It was noted that Temporary Use Permits are a useful tool that can provide guidance for Council in permitting a variety of uses that are not permitted in a zone over a limited amount of time.

Staff noted that temporary use permits will also apply to the Agriculture Zone.

### **Cannabis, Medical Production**

Staff noted that regulations and definitions around this use have been prepared but are not included in the Draft Bylaw in keeping with Council's earlier decision to prohibit this use. This allows the Village the option to revisit this issue once the federal *Cannabis Act* is passed.

The Committee raised concern about how regulation of off-site odours will be addressed. Staff noted that odour nuisance is addressed in the Nuisance Bylaw and does not necessarily need to be addressed in the Zoning Bylaw. Staff further noted that this definition has been broadened by removing the specific reference to medical. This was done in anticipation of the legislation changing to allow for production of recreational cannabis.

### Other

The Committee of the Whole had further discussion respecting the following:

- Off-street parking requirements and ensuring that the regulations require parking spaces to be dust free/compacted
- Definition of Grade, Natural – clarification was sought with respect to the definition
- Secondary Suites related to Duplex Dwellings and ensuring that a secondary suite is not permitted
- Accessory Buildings – clarification with respect to whether or not a woodshed would be exempt if under a certain size
- Section 7.6 - Hen Keeping – concern was raised with impacts as a result of allowing hen keeping. The Committee recommended revisiting the requirements established in section 7.6 (b) and that the Animal Control Bylaw be updated should Hen Keeping be permitted.
- 7.10 - Carriage Houses – clarification with respect to water and sewer rates for a carriage house
- 8.21 – Secondary Suites - off-street parking for suites – clarification respecting the requirements and related regulations as noted above
- 7.20 – Solid Waste Enclosures – need to consider increased needs for recycling and is compliance achievable. Staff noted that details respecting enclosures would be worked out through the Development Permit process.
- 7.26/7.27 – Temporary Structures – clarification was sought with respect to the length of time for a permit
- Campground Parking Requirements – considered to be onerous
- 9.2 – Permitted Land Uses in the A-1 Zone - clarification with respect to whether or not 'Gathering for Events' is allowed in the RR-1 Zone. Staff advised that this is a use specific to ALR land and only applies in the A-1 zone.

Ms. Pedrini and Mr. Chalmers will address the points raised when the bylaw is brought forward for consideration of readings at an upcoming Regular Council Meeting..

### 5. ADJOURNMENT

At 4:24 p.m. the Committee of the Whole was adjourned.



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Mike Richman  
Mayor



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Sheena Fraser  
Corporate Officer