

**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, September 4, 2018 at 1:00 p.m. in Council Chamber, 7400 Prospect Street. This is Meeting No. 181.

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

REGRETS: Councillor Jennie Helmer

STAFF: Nikki Gilmore, Chief Administrative Officer
Sheena Fraser, Manager of Corporate & Legislative Services
Anne Burt, Bylaw Enforcement Officer
Lisa Pedrini, Senior Planner
Gwendolyn Kennedy, Legislative Assistant

Public: 0

1. CALL TO ORDER

At 1:01 p.m. Mayor Richman called the September 4, 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. 179, Tuesday, July 24, 2018

Moved/Seconded

THAT the minutes of Committee of the Whole Meeting No. 179, held Tuesday, July 24, 2018, be adopted as circulated.

CARRIED

b) Committee of the Whole Meeting No. 180, Tuesday, August 28, 2018

Moved/Seconded

THAT the minutes of Committee of the Whole Meeting No. 180, held Tuesday, August 28, 2018, be adopted as circulated.

CARRIED

4. RECREATIONAL CANNABIS RETAIL SALES – DRAFT POLICY

Lisa Pedrini, Senior Planner, presented a draft Cannabis Retail Sales Policy and indicated that the Village would be seeking input from the public through an online survey and from stakeholders through a referral process before finalizing the policy.

Ms. Pedrini noted that local governments have a key role to play in the provincial licencing process as applicants must receive a positive recommendation from their local government for their application to be approved. While local governments are required to gather public input from nearby residents to inform their recommendations, the method for gathering input has been left open. Ms. Pedrini recommended using the same notification process used for Development Variance Permits.

As retail cannabis stores are prohibited under Zoning Bylaw No. 832, 2018, Ms. Pedrini noted that there are three methods for addressing this:

- Have applicants apply for rezoning;
- Have the Village initiate an amendment to Zoning Bylaw No. 832, 2018 to permit this use in specific zones; or
- Utilize the Temporary Use Permit process.

Staff does not recommend the Temporary Use Permit method as it may create uncertainty for applicants.

Ms. Pedrini noted that the advantage of the rezoning application process is that the administrative costs are borne by the applicant, and that each application can be considered on its own merits

If initiating a zoning bylaw amendment is the preferable option, Staff suggested adding retail cannabis as a permitted use in C-1 (downtown) and M-1 (Industrial Park) zones. Other commercial zones are not recommended due to the proximity of residential neighbourhoods to these zones.

Ms. Pedrini recommended that Council not delegate authority for review of retail cannabis licence applications to Staff rather recommended that consideration of the referrals rest with Council for a decision of support or non-support.

Ms. Pedrini noted that Council has the authority to impose minimum distance requirements on retail cannabis stores to ensure a buffer between cannabis retail stores on public spaces such as schools and playgrounds as well as other retail cannabis stores. However, due to Pemberton's small size and the number and location of public spaces, schools and parks, even a very low distance requirement of 100 metres would eliminate the C-1 zone and most other locations as potential sites.

Ms. Pedrini noted that Council may choose to limit the number of cannabis retail stores in the entire Village or in each zone.

The policy may include operational restrictions in addition to those specified by the Province, specify a minimum assessment fee for review of applications referred by the Province, and recommended a minimum business licence fee. Business licence fees will be included in schedules that form part of the Business Licence bylaw.

Ms. Pedrini recommended that signage issues be addressed by the Sign Bylaw and that consumption issues be addressed by the Smoking Regulations Bylaw. Both bylaws are currently in draft form and will include provisions to address cannabis related topics.

Discussion focused on zoning and distance requirements with the Committee concluding that initiating a Zoning Bylaw amendment permitting the use in the C-1 zone only with a cap of two businesses, with no distance requirements, would be fair to applicants and that the limits of the C-1 zone would act as its own buffer.

The Committee also agreed that the operating hours of 9:00a.m. to 11:00p.m. set by the Province were reasonable and although a local government may further restrict these operating hours, there was no desire to do so.

The Committee noted that consumption restrictions based on provincial smoking regulations and strata bylaws would create difficulties for some users to access a location where consumption would be permitted and suggested exploring options for a dedicated consumption site in the future.

The Committee supported a one-time assessment fee of a minimum of \$500 plus costs over and above, and an annual business licence fee of \$1,500 to cover administrative and enforcement costs.

The Committee recommended adding school boards, local doctors, the Pemberton and District Chamber of Commerce and Tourism Pemberton to the referral list.

The tentative schedule for the required Zoning Bylaw amendment is to have first and second readings on October 2nd, with a public hearing to be held on October 11th and third and fourth readings of the Bylaw on October 16th.

Moved/Seconded

THAT the Committee of the Whole recommend to Council that the Draft Cannabis Retail Policy be supported, subject to the removal of the distancing requirements from public spaces and other cannabis retail businesses; the addition of limiting cannabis retail to the C-1 Zone with a cap of two; the addition of an assessment fee of no less than \$500; amendment to the permitted hours of operation to align with provincial legislation; and the amendment of the Business Licence fee to no less than \$1,500 annually;

AND THAT once amended, the Draft Cannabis Retail Policy be referred to the public and the following stakeholders for review and comment by the end of September: RCMP, Vancouver Coastal Health, Pemberton Medical Clinic, Sea to Sky Community Services, the Lil'wat Nation, Squamish-Lillooet Regional District, Pemberton and District Chamber of Commerce, Tourism Pemberton, Schools and School District #48.

CARRIED

At 2:44 p.m. the Committee of the Whole meeting was recessed.

At 2:52 p.m. the Committee of the Whole meeting was reconvened.

5. DRAFT BUSINESS LICENCE BYLAW

Sheena Fraser, Manager of Corporate and Legislative Services, and Gwendolyn Kennedy, Legislative Assistant, presented the Draft Business Licence Bylaw which updates the existing Business Licence Bylaw No. 751, 2014 and adds provision for the licencing of short-term vacation rentals.

Staff noted that, as the draft bylaw requires a business licence for the advertising of a short-term vacation rental, tickets may be issued based on the existence of online advertising eliminating the need to prove that a rental occurred.

Staff requested direction from the Committee regarding the proposed security deposit, noting that a security deposit cannot be used to collect unpaid fines, that administering deposits requires Staff time, and that other municipalities report that they have never applied deposits for the recovery of costs. Staff noted that the business licence fee could be set at a rate high enough to permit cost recovery in the absence of a security deposit and suggested a \$300 annual licence fee. Staff recommended setting the penalty for advertising a short-term vacation rental at double the licence fee to dissuade operators from carrying on an unlicensed short-term vacation rental business.

Staff presented a draft Good Neighbour Agreement. Although not enforceable through ticketing, violation of the agreement may be grounds for cancellation of a business licence.

Committee asked for clarification regarding the difference between a short-term vacation rental and a bed and breakfast and discussed the security deposit and licence fee recommendations.

The Committee requested clarification regarding the application of commercial sewer and water rates to short-term vacation rental businesses.

Moved/Seconded

THAT the Committee of the Whole recommend to Council to support the draft Business Licence Bylaw as presented with the removal of Section 21.4, Security Deposit.

CARRIED

6. ADJOURNMENT

At 3:44 p.m. the Committee of the Whole Meeting was adjourned.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer