

ADVISORY LAND USE COMMISSION

Agenda for the Advisory Land Use Commission Meeting of the Village of Pemberton to be held Thursday, April 26, 2017 at 5:45pm at 7400 Prospect Street.

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ADVISORY LAND USE COMMITTEE MINUTES

Minutes for the Advisory Land Use Commission of the Village of Pemberton held September 25, 2017 at 5:45 pm at 7400 Prospect Street.

IN ATTENDANCE:

Niki Vanker - Chair
Amica Antonelli
Richard Nott
Kirsten McLeod
Annie Oja

STAFF IN ATTENDANCE:

Lisa Pedrini, Senior Planner (minutes)
Ken Cossey, Village Planning Consultant
Tim Harris, Manager of Operations & Development Services
Sheena Fraser, Manager of Corporate & Legislative Services

PUBLIC IN ATTENDANCE:

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1) CALL TO ORDER

At 5:49 pm the meeting was called to Order.

2) MINUTES

Moved/Seconded

THAT the minutes of the Advisory Land Use Commission meeting, held September 25, 2017, be approved as presented.

CARRIED

3) DRAFT ZONING BYLAW REVIEW

Lisa Pedrini, Senior Planner provided an update respecting the draft Zoning Bylaw and identified the outstanding items from the previous meeting that were being considered for discussion as follows:

- Medical Marihuana Dispensary Operations
- Short Term Nightly Accommodation
- Intermodal Storage Containers
- Amenity Density Bonusing
- Mapping Review

a) Medical Marihuana Dispensary Operations

Ms. Pedrini advised that the Village amended the Zoning Bylaw in early 2017 to prohibit the operation of Medical Marihuana Dispensaries. The intent of the Zoning Amendment was to provide the Village time to better understand how the legalization of medical marihuana sales would be implemented and build policy and guidelines that reflect the regulations, policies and guidelines established by the Federal and Provincial

Governments. As well, given that the Village was in the process of moving forward with a Zoning Bylaw review the intent was to address this use as part of that review process.

Given the legislation related to the retail sale of marihuana has not yet been enacted and that there are still many unknowns at this time, it has been determined that it would be premature to establish regulations related to Medical Marihuana Dispensary Operations until it has been legalized and regulations have been established. As such, staff is recommending that this use continue to be prohibited.

Moved/Seconded

THAT the Advisory Land Use Commission supports the staff recommendation to continue to prohibit medical marihuana dispensaries within the Village of Pemberton.

CARRIED

b) Short Term Vacation Accommodation

Ms. Pedrini provided an overview of the public consultation the Village undertook over the summer months and the results of the survey that was issued on this subject, noting that 75% of the respondents indicated that they wanted to see some form of regulations put in place respecting the operation of short term or nightly vacation accommodations.

Ms. Pedrini reviewed the direction provided by Council at the September 12, 2017 Council meeting and sought comment from the Commission.

Discussion took place respecting the following:

- Definition of principal dwelling/residence
- Impacts of regulating on those who only rent out now and then
- Consideration of focussing on regulating the impacts (i.e.: parking and noise), rather than the use
- Business Licence process, fees, refundable deposit, etc.
- Number of rooms that can be rented

Consensus could not be reached with respect to the following:

- Establishment of a cap on the total number of units allowed to operate within the Village
- The total number of guest per unit (it was agreed that eight (8) people was too many)

Moved/Seconded

THAT the Advisory Land Use Commission supports the following aspects related to staff's proposed regulation of short term vacation accommodation:

- allowed only in the RS-1, RSA-1 & RSA-2 (single family residential) Zones
- allowed only in the principle building
- one off-street parking space per bedroom rented be provided
- no requirement to serve a breakfast

AND THAT operators of a short term nightly rental accommodation be required to hold a valid business licence, enter into a Good Neighbour Agreement and pay the utility rates associated with a commercial operation;

AND THAT the proposed requirement for a Temporary Use Permit to permit the use of a secondary suite for short term nightly accommodation not be supported.

CARRIED

Discussion also took place respecting the Business Licence requirements and consensus could not be reached with respect to the following:

- amount of the infraction deposit
- business licence fee

The Commission did support enforcement through ticketing.

c) Intermodal Storage Containers (section 4.8)

Ken Cossey, Planning Consultant, provided an overview of the current regulations and the discussion that has taken place with staff respecting storage containers. In particular, Mr. Cossey noted that section 4.8 (f) has been revised to state as follows:

“on the Lots where containers are permitted, they must not be stacked one upon another or laid in a row”

As well, section 4.8 (k) respecting containers at the Airport has been removed and under section 4.8 (l) cube vans has been added to the listing of the types of vehicles or structures that might be used for storage.

The Commission agreed that the Industrial Park was an appropriate location for storage containers and noted that the use of storage containers in the residential areas creates an unsightly situation.

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that section 4.8 (Intermodal Storage Containers) be supported as presented with amendments.

CARRIED

d) Amenity Bonusing Provisions (section 4.3)

Mr. Cossey provided an explanation of amenity bonusing provisions noting that this provision will address environmental values and support the affordable housing goals as established in the Affordable Housing Strategy adopted by the Village in 2009.

Discussion took place with respect to the following:

- The difference between amenity bonusing provisions and community amenity contributions
- The process by which amenity bonusing provisions are negotiated with a developer
- Interest in seeing the language in the bylaw reflect “will” versus “should”
- Option to not have this section in the bylaw and manage it via a policy instead
- Concern that there is not a full understanding of how this provision will work

Moved/Seconded

THAT the Advisory Land Use Commission advises Council that it supports in principle the concept of adding in the Amenity Bonusing Provision to the Zoning Bylaw.

CARRIED

4) NEW BUSINESS

There was no new business for consideration.

5) NEXT MEETING

The next meeting has not been determined.

6) ADJOURNMENT

At 9:22 p.m. the meeting was closed.

This is a true and correct copy of a meeting of the Advisory Land Use Commission of the Village of Pemberton, held September 25, 2017.

Niki Vanker
Chair

DRAFT