



Zoning Bylaw

Consultation Report

June 2018



VillageOfPemberton

www.pemberton.ca

Introduction

Purpose

The purpose of this document is to describe the formal community consultation undertaken in support of the development of an updated/revised Zoning Bylaw. This report describes both the processes undertaken and a summary of the consultation comments received.

The document is a companion to Zoning Bylaw No. 832, 2018 to provide information and background for the land use regulations outlined in the Bylaw. This document does not describe the details of the amended Zoning Bylaw, but it does summarize the consultation process and the comments heard to date, providing a rationale for some of the amendments and a formal record of the consultation in advance of Council's consideration of the new Zoning Bylaw.

The document has been prepared by the Project Coordinator for the Zoning Bylaw Review – the Senior Planner for the Village of Pemberton. Submissions including emails, correspondence and survey results have been included as appendices to this report.

Background

The current Zoning Bylaw No. 466, 2001 has been amended from time to time within the last 17 years including some major revisions relating to new residential developments.

The Village underwent a review and adoption of its Official Community Plan (Bylaw No. 654, 2011) several years ago which included new policies that must be incorporated into the zoning provisions. The Village also undertook a major boundary extension in 2011, and the majority of properties incorporated into the Village since that time retained their Squamish-Lillooet Regional District (SLRD) Electoral Area C Zoning unless they were the subject of a developer or Village-led rezoning process. There is a need to assign these Village properties with Village zoning to consistent land use regulation.

The Village is experiencing growth and development of new types of land uses including technology driven businesses involved in the sharing economy and other commercial pursuits that did not exist and were never contemplated when the original bylaw was adopted. Regulating these new types of emerging uses required a thoughtful and reasonable approach, supported by community priorities.

The Village also took the opportunity to incorporate progressive measures to encourage sustainable and energy efficient land use planning and practices, by examining options to 'Green' its Zoning Bylaw.

For these reasons and more, the Village embarked on a thorough review of the Zoning Bylaw and the Sign Bylaw, with an emphasis on seeking and including recommendations from community stakeholders like the Pemberton and District Chamber of Commerce and Tourism Pemberton, the business community, representatives of the development industry, residents, the Village's Advisory Land Use Commission (ALUC) and the Provincial Agricultural Land Use Commission (ALC).

Consultation Approach

General Approach

The general approach to consultation was to inform and offer a variety of consultation opportunities, and wherever possible, schedule and locate meetings and events in close proximity with where stakeholders are located and at times that worked for them. Consultation began with general issue identification, continued with targeted consultation; where needed and then moved to more extensive public consultation events and targeted engagement once a draft of the Zoning Bylaw was ready.

Issue identification, which occurred in the Spring of 2017, was primarily an effort to inform the public and stakeholders that the Village had begun its review of the Zoning Bylaw, to uncover issues or deficiencies not identified in the Terms of Reference for this initiative and to solicit ideas on and comments from the public on sections or issues where the Bylaw had proved problematic and could use improvement.

Targeted consultation was undertaken around the issue of Short Term Vacation Rentals in the summer of 2017 as this issue had been identified as a key issue in the Terms of Reference that required more input from operators and proponents who supported the use, and residents and community members who had expressed concern with its regulation (or lack thereof) and neighbourhood impacts.

Consultation Contacts

The Village of Pemberton uses many tools and tactics to contact and consult with residents, business owners, developers and land owners on the review and update to the Zoning Bylaw. As such the Village utilized its website, Facebook, sandwich boards at corner of Prospect and Birch and the entrance to Industrial Park, roundabout signage, posters, and print ad. Staff also made every effort to reach out directly to stakeholders and individually to land owners through correspondence, emails and hand-delivered flyers.

A sample of some of the contact made during the Consultation is shown in the table below.

Consultation Contact	Date
Letter to Black's Hot Wheels informing of the proposed change to their site specific zoning in the C-1 Zone	May 11, 2018
Letter to Valley Chainsaw Ltd. informing of the proposal to change their site specific zoning in the C-1 Zone	May 11, 2018
Emails and phone calls to Individual Developers and vacant land owners informing them of proposed amendments that would impact their property holdings	April/May/June, 2018
Emails to Industrial Park Owners to invite them to the May 7 th Consultation Event	May, 2018

Hand delivered flyers to every downtown and Portage Road Business to invite them to the May 10 th Pop-Up consultation Event	May, 2018
Emails and phone calls to the Agricultural Land Commission	May 2018
Emails and meetings with the Chamber of Commerce and Tourism Pemberton to discuss their concerns	May/June, 2018

Public Outreach

Issue Identification

In March 2017, the Village of Pemberton began initial public engagement with the public and stakeholders on general aspects to be covered by the Zoning Bylaw review. These efforts included hosting targeted information gathering sessions and creating customized surveys for different stakeholder groups, with specific questions pertaining to known issues. The Village offered many opportunities to both inform and seek opinions from the public and stakeholders on issues and constraints with the current Zoning Bylaw and Sign Bylaw.

A summary of initial issue identification events is shown in the table below.

Date	Method/Location	Stakeholder
April 6, 2017	Lunch Presentation/Pemberton Legion	Chamber of Commerce Members
April 23, 2017	Meeting/Council Chambers	Airport Users Group
April 24, 2017	Presentation/BC Passive House	Industrial Park Businesses and Landowners
April 25, 2017	Open House & Presentation/Pemberton Community Centre (PCC)	Home Based Business Owners
April 25, 2017	Open House & Presentation/PCC	All Other Businesses
April 26, 2017	Open House & Presentation/Council Chambers	Residents / Landowners

The results of this initial round of public consultation can be found on storyboards posted on the Village's website www.pemberton.ca under *Projects and Initiatives – Zoning & Sign Bylaw Update*. Input received during the initial issue identification stage helped confirm some of the key topics and inform the eventual development of the Draft Zoning Bylaw.

The Village also had the opportunity to present to the Grade 11 Social Studies Class of the Pemberton High School on February 7, 2018.

Short Term Vacation Rental Engagement

In the summer of 2017, the Village wanted to seek targeted input on short term vacation rentals in order to develop clear regulations as part of the revised Zoning Bylaw. As per the Terms of Reference, one of the key parts of the Zoning Bylaw review was to research zoning approaches used by other municipalities to address unregulated vacation, nightly and/or short term rentals through online accommodation booking platforms such as Airbnb and VRBO.

In July 2017, the Village contracted with the Whistler Centre for Sustainability to provide assistance with public engagement on this issue. Village Staff and the Centre developed and facilitated a public engagement process consisting of key stakeholder interviews, three public information sessions and an online survey. To inform the process, three background briefs were circulated during the information session and posted on the Village website. Over the months of July and August, the Village held a number of sessions that helped to garner feedback from residents both opposed and supportive of using detached dwellings as short term vacation rental accommodations.

During this engagement the Village wished to build a common understanding of the issues; understand short-term rental approaches from other communities; gather community feedback; and understand how to maintain or adjust policy. The Results of this engagement are attached as **Attachment A**.

The results of the targeted engagement demonstrated mixed opinions. There was general agreement that short term vacation rentals should be regulated, and there was good support for using tools such as business licencing, payment of an infraction deposit to act as an incentive for good management, and good neighbour agreements. However, the community was divided on whether or not proposed regulations should be aimed at rolling back the use, maintaining the status quo or expanding the use. Based on the results of the public engagement, Staff recommended to Council to take a blended approach to regulating short term vacation rentals that would see the use being permitted in Single Family Residential Neighbourhoods under certain conditions.

Public Open House on Draft Zoning Bylaw

A public open house was held on April 17th 4:30pm to 7:30pm at the Pemberton Community Centre inviting the public to review and comment on the Draft Zoning and Sign Bylaws. Storyboards, drafts bylaws, information sheets and a paper copy of the Feedback Survey were available. A total of thirty (30) people attended the Open House. Participants were offered red, yellow and green dot stickers to add an interactive piece to the event and instructed to place on the proposed amendments to indicate concepts they did not like/were concerned about/or supported, respectfully. There was a lot of draw to the storyboard on Short Term Accommodation regulations, with participants noting both positive and negative feedback to the draft regulations. There was general support for the “Green” Initiatives, although it did appear there was concern with the suggested amendment to lower parking requirements for affordable and rental multi-family residential dwellings. A total of four (4) feedback forms were received from Open House participants, with a majority of them preferring to submit their comments online. Staff took their feedback and inputted into the web survey so these responses were aggregated in the analysis of the Survey Monkey data.

Online Content and Feedback Survey on Draft Zoning Bylaw

Following the Open House, the same materials (storyboards) presented during the event were uploaded to the Village's website to provide information and background on the proposed changes to the Zoning Bylaw. This content can be found on line on the Village's website under *Projects and Initiatives*: <https://www.pemberton.ca/public/download/documents/49128>.

Once informed by the storyboards, persons were encouraged to fill out the online public input survey (using the Survey Monkey platform). This option was launched to gain feedback from those unable to attend the Open House or those that prefer to use more private methods of sharing their thoughts. The survey included open ended questions that generated interesting qualitative findings rather than quantitative data.

The survey that was available from April 18th to May 18th to solicit feedback from the community at large on the 'Draft for Discussion Purposes' garnered thirty-six (36) responses. While this may appear to be a low response rate, the comments received offered thoughtful and meaningful input that was taken into account in the drafting of the revised Zoning Bylaw and echoed many of the verbal information Staff received during face to face consultation events.

A general summary of the online survey results follows:

- **Demographics** - The majority of respondents identified themselves as property owners (88%) and the next highest group as residents (62%). Just over one quarter of the respondents noted they were commercially zoned business owners. The remainder identified themselves as bed and breakfast owners (9%), short term vacation rental owners (15%), home-based business owners (9%) or 'Other' (i.e., developers, Chamber members).
- **Short Term Vacation Rentals:**

With respect to the proposed regulation of Short Term Vacation Rentals, the survey revealed that respondents **liked** these aspects of the proposed regulations:

- *It is being addressed and monitored in a limited capacity x 6*
- *Fairer approach/levels the playing field for B&B operators x 3*
- *The requirement to get a Business Licence (legitimizes the operation) x 3*
- *Parking Restrictions x 2*
- *Accountability (if enforced)*
- *Limit of one per cul de sac (although enforcement is key)*
- *Involving neighbours i.e., Good Neighbour Agreement*
- *Strata Permission for Nightly Rentals (bare land stratas)*
- *That it has to be principal residence – creates economic opportunity for residents but doesn't skew the market to foreign investors*
- *Only in lawful dwelling unit*
- *Only in principal residence or accessory suite but not an accessory*
- *Business Licence required*
- *Bare land strata permission from Strata Council required*
- *Well thought-out*

The following is what respondents **did not like** about the proposed regulation of Short Term Vacation Rentals:

- *Proposed \$2,500 infraction deposit too high x 4*
- *Occupancy of Up to 8 guests is too high x 3;*
- *Doesn't go far enough re: parking issues x2*
- *Utility increase is too high x 2*
- *Good Neighbour Agreement is too restrictive x 2*
- *Good Neighbour Agreement is undefined /does not go far enough*
- *5% cap per neighbourhood too low x 2*
- *5% cap per neighbourhood is too high*
- *Allowed in Residential but not in C-3*
- *Overly restrictive x 2*
- *Enforcement will be challenging*
- *Secondary Suites should not be allowed / should be limited to rooms in owner occupied home or whole home*

▪ **Cannabis Dispensaries:**

With respect to the continued prohibition of Cannabis Dispensaries until the Federal legislation is in place, the survey revealed that respondents **liked**:

- *waiting until the Federal Cannabis Act is enacted x 11*
- *Would like to see Cannabis Dispensaries prohibited even when legalized x 5*
- *Flexible/ Sensible Approach x 2*

The following is what respondents noted that they **did not like** about continuing the prohibition of Cannabis regulations:

- *Unprogressive x 5*
- *Doesn't address security*

▪ **Storage Containers:**

In terms of the proposed amendments to prohibit storage containers from Commercial Zones, the following is what respondents **like**:

- *Supportive of this initiative x 4*
- *Should apply to Industrial Park too*

The following is what respondents **did not like** about the proposed amendment to remove storage containers as a permitted use in Commercial Zones:

- *Containers should not require a building permit to put in place x 3*
- *Should be open to their conversion as tiny homes x 3*
- *Shipping Containers are equipment not buildings x 2*
- *Often used by small businesses/takes pressure off Residential Areas*
- *Do not remove from A-1 Zone*

▪ **Parking Standards:**

In terms of the proposed amendments regarding parking standards, the following is what respondents **like**:

- *Seems fair x 2*
- *Decrease parking & encourage people to walk/relax requirements to encourage other forms of transportation x 2*
- *Support for decrease in parking spaces for restaurants*
- *Requiring electric vehicle parking/ bicycle parking*

The following is what respondents **did not like** about the proposed amendment to remove storage containers as a permitted use in Commercial Zones:

- *Increase off-street parking requirements for residential areas/secondary suites x 2*
- *Everything*
- *Doesn't go far enough to limit homebased business parking*
- *Too many parking spaces downtown between the Bakery and the Barn*
- *Need to require 2 bedroom suite to provide 2 additional parking spaces*
- *Need parking dimensions to be larger to accommodate trucks*
- *Increase parking required for multi-family apartments/parking is a priority*

▪ **Greening Regulations:**

In terms of the suggested "Green" amendments, the following is what respondents **liked** about adding "Green" land use regulations:

- *Overall Support for all Green Measures (5)*
- *Removing Drive Through (3)*
- *Allowances for Passive Construction*
- *Supporting Alternative Transportation Changes*

The following is what respondents noted they **did not like** about introducing "Green" land use regulations:

- *Bicycle parking is not secure/theft*

Airport Users Group

Planning staff met with the Airport Users Group on April 23, 2018, nearly a year to the date that they were first consulted, to review the proposed amendments to the Airport 1 (AP-1) zone. The main takeaways from this conversation was the Airport Users Group expressed support for the inclusion of lease lot line setbacks and the ability to have one shipping container per lease lot as a permitted accessory structure.

Village of Pemberton Advisory Land Use Commission (ALUC)

Staff presented the Draft Bylaw to the Village's Advisory Land Use Commission (ALUC) on two separate occasions – April 26th and May 3rd given the breadth of the review needed. Minutes from these meetings are attached as **Attachments B & C** to this Consultation Report.

The following recommendations were passed by the ALUC with respect to the proposed Draft Zoning Bylaw:

Moved/Seconded

THAT the Advisory Land Use Commission recommend to Council that the Village of Pemberton revisit the topic of minimum lot size for A-1 zone in the near future.

CARRIED

Moved/Seconded

THAT Advisory Land Use Commission recommends to Council that the proposed regulations for Short Term Vacation Rentals be supported.

CARRIED

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that consideration be given to reducing the infraction deposit from \$2,500 to \$1,000.

CARRIED

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that Automotive Repair Shop and Equipment Servicing, Rental and Repair Shop be removed as a permitted use from the C-1 Zone.

CARRIED

Moved/Seconded

THAT the Advisory Land Use Commission recommends to Council that Drive-In Restaurant be removed as a permitted use from the C-3 Zone;

AND THAT no more than one Drive-In Restaurant be permitted in the C-2 Zone;

CARRIED

Moved/Seconded

THAT Drive-In Restaurant be removed as a permitted use from the C-5 Zone.

CARRIED

One Member Opposed

Moved/Seconded

THAT the ALUC recommends to Council that the split zoning on the Lil'wat lands be removed so that the parcel be zoned C-2 entirely to remove the split zoning and prohibit the development of the back half of the property for service commercial.

CARRIED

Moved/Seconded

THAT the ALUC recommends to Council that the definition Cannabis, Medical Production Facility be amended to remove the reference to Medical in order to broaden

the use and amend the definition of to state that it can be a facility consistent with Federal legislation.

CARRIED

Moved/Seconded

THAT *neighbourhood pub and accessory beer and wine store use be removed from the M-1 zone.*

CARRIED

One Member Opposed

Moved/Seconded

THAT *the ALUC recommends to Council that screening and landscaping requirements in the M-2 Zone be reviewed and adequate requirements be added to the M-2 zone to ensure that the entrance to town is protected.*

CARRIED

Moved/Seconded

THAT *the ALUC recommends that campground use in the E-1 zone be removed.*

CARRIED

Moved/Seconded

THAT *the ALUC recommend that fitness centre be removed from the E-1 zone.*

CARRIED

Moved/Seconded

THAT *the ALUC advise Council that it is supportive the proposed residential parking requirements.*

CARRIED

Moved/Seconded

THAT *the ALUC advise Council that it is supportive of the proposed change from one (1) space for three (3) seats to one (1) space for four (4) seats for restaurant use.*

CARRIED

Moved/Seconded

THAT *the ALUC recommend to Council that the fee structure for cash in lieu in parking be reviewed with an aim to optimize parking opportunities within the village;*

AND THAT *consideration be given to developing a zone approach to cash in lieu contributions.*

CARRIED

Numerous Revisions were made to the Draft Zoning Bylaw as a result of the ALUC's recommendations.

Agricultural Land Commission (ALC) Referral

As a courtesy, the Village referred the "Draft for Discussion Purposes" to the Regional Planner with the Agricultural Land Commission, Kamelli Mark, on May 4, 2018, to provide her with the opportunity to initially review and comment prior to a more formal referral after the Bylaw receives First Reading. Due to the Village's legislative requirements to comply with the *Agricultural Land Commission Act*, this is an important step in the revision of a local

governments land use regulation bylaw. The Commission's main concerns revolve around the definition, use and regulations pertaining to land uses in the Agricultural Land Reserve (ALR). Numerous comments from the Regional Planner on May 11, 2018 and these comments have been incorporated into Bylaw No. 832, 2018 where applicable. The ALC's letter is attached as **Attachment D**. Following First Reading; the Bylaw will be formally referred to the ALC for review and comments.

Pemberton and District Chamber of Commerce

The Village presented an outline of the proposed amendments that would impact business owners to the Chamber of Commerce Executive on April 25, 2018. Following their review of the Draft, the Executive held a meeting on May 18 and passed several resolutions with respect to their comments on the aspects of the Draft Zoning Bylaw. These submissions are noted below and attached as **Attachments E & F**.

In the first letter the Chamber expressed their support for the removal of drive-through restaurants as a permitted use in the C-2 (Tourist Commercial) and C-3 (Portage Road Commercial) Zones and urged Council to also remove them as a permitted use in the C-5 (Neighbourhood Pub) Zone. The Chamber also advised of their inability to reach consensus on the proposed removal of Auto Repair Business and Equipment Servicing, Rental and Repair Shop Uses as permitted uses in the C-1 (Town Centre Commercial) Zone.

In their second letter, the Chamber expressed their concern with the shortage of short term accommodation for tourists and trades and asked Council to consider supporting a further amendment to the revised Zoning Bylaw to permit the mixed use of the Gateway Village Suites as residential, long term rental and short term vacation rentals in the C-3 (Portage Road).

In follow-up to these submissions, Village Staff met with representatives of both the Chamber and Tourism Pemberton on June 6, 2018 to discuss their feedback.

Tourism Pemberton

A letter, dated May 18, 2018, was received from Tourism Pemberton stating their support for the removal of Drive Through Restaurants from Commercials Zones. A second letter, with the same date, was received demonstrating Tourism Pemberton's support for the preservation of tourist zoned accommodations and noted that they would not be opposed to the mixed use of the Gateway Village Suites allowing for residential use, long term rentals and short term vacation rentals. They write that the concentration of this use in the C-3 zone is preferential over residential areas. Their submissions are attached as **Attachments G & H**.

As noted above, the Village met with representatives of Tourism Pemberton on June 6, 2018 to listen and discuss their concerns with the Draft Zoning Bylaw.

Developer Submissions

The Village received the following other written submissions from developers/land owners with respect to the proposed amendments to the Zoning Bylaw:

1. Letter from Ashley Goddyn, Thrive Investments, dated May 11, 2018, requesting that Mayor and Council consider permitting the Pemberton Gateway Suites to be permitted to

rent units long term, short term (nightly) and as residential uses and attached as **Attachment I.**

2. Letter from Barj Dhahan, dated June 8, 2018, urging Mayor and Council to not remove Drive through Restaurants as a Permitted use in the C-2 Zone and attached as **Attachment J.**

Attachments:

Attachment A: Short Term Accommodation Engagement Findings, September 12, 2017

Attachment B: Advisory Land Use Commission Minutes, April 26, 2018

Attachment C: Advisory Land Use Commission Minutes, May 3, 2018

Attachment D: Agricultural Land Use Commission Comments, May 11, 2018

Attachment E: Letter from the Chamber of Commerce (1), May 18, 2018

Attachment F: Letter from the Chamber of Commerce (2), May 18, 2018

Attachment G: Letter from Tourism Pemberton (1), May 23, 2018

Attachment H: Letter from Tourism Pemberton (2), May 23, 2018

Attachment I: Letter from Ashley Goddyn, May 11, 2018

Attachment J: Letter from Barj Dhanan, June 8, 2018