

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

Minutes of the Public Hearing of Council of the Village of Pemberton held on Tuesday, June 26, 2018 at 7:00 p.m. in the Pemberton and District Community Centre, 7390 Cottonwood Street.

IN ATTENDANCE:	Mayor Mike Richman Councillor Karen Ross Councillor James Linklater Councillor Ted Craddock
BY TELEPHONE:	Councillor Jennie Helmer
STAFF IN ATTENDANCE:	Nikki Gilmore, Chief Administrative Officer Sheena Fraser, Manager of Corporate & Legislative Services Tim Harris, Manager of Operations & Development Services Cameron Chalmers, Village Planning Consultant Lisa Pedrini, Senior Planner Jill Brooksbank, Senior Communications & Grant Coordinator Gwendolyn Kennedy, Legislative Assistant Wendy Olsson, Executive Assistant
MEMBERS OF PUBLIC:	60
MEDIA:	1

1. CALL TO ORDER and OPENING STATEMENTS

At 7:06 p.m. Mayor Mike Richman called the Public Hearing to order and read the following Opening Statement for the Village of Pemberton Zoning Bylaw No. 832, 2018:

Good Evening. My name is Mike Richman and as Mayor of the Village of Pemberton I will be chairing this Public Hearing.

Cameron Chalmers, Village Planning Consultant, will make a brief presentation on the Zoning Bylaw 832, 2018 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 are Councillor Ted Craddock, Councillor James Linklater and Councillor Karen Ross. Councillor Jennie Helmer is attending by telephone.

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 Bylaw No. 832, 2018

Notification of this Public Hearing was advertised in the June 14, 2018 and June 21, 2018 issues of the "Pique Newsmagazine".

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

Every one of you present who believes that your interest in 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 two (2) 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, July 10th, at 5:30 pm in Council Chambers, located at the Village Office, subject to the approval of Ministry of Transportation and Infrastructure.

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

2. INTRODUCTION OF VILLAGE OF PEMBERTON ZONING BYLAW NO. 832, 2018

Cameron Chalmers, Village Planning Consultant, provided an overview and explanation of the Village of Pemberton Zoning Bylaw No. 832, 2018.

The purpose of the Bylaw is to act as an implementation tool for the Official Community Plan (OCP), and to improve clarity, consistency and user-friendliness. Mr. Chalmers noted that zoning bylaws are not a tool for immediate change, and that changes in zoning regulations often take many years and even generations before an impact is noticed in the community.

Significant changes include new definitions, clarification of measurements, and some changes to general regulations regarding short-term vacation rentals, home-based businesses and intermodal storage containers. The provision for temporary use permits was added to give Council the authority and flexibility to allow new uses on a temporary basis.

Zoning definitions and general regulations were developed for Cannabis Dispensaries even though the use itself remains prohibited in the Zoning Bylaw until federal and provincial legislation changes and Staff have a chance to create policy to enable this use.

Agricultural zones are retained from the previous zoning Bylaw and follow existing SLRD agricultural zoning provisions in terms of minimum parcel size. New permitted uses were added to reflect uses now permitted by the Agricultural Land Commission (ALC), such as agri-tourism.

Some minor changes were made to residential zones, including the creation of mixed-use zones to include apartments, townhouses and duplexes to allow for increased density. Zones previously created for some for specific housing projects such as Sunstone and The Ridge remain the same.

The Commercial zone structure was largely retained with enhancements to implement the community vision as established in the OCP, to reflect the Downtown Enhancement Plan and promote a more vibrant downtown core. The following changes were included:

- the removal of drive-through uses from C-3 zone, and limiting drive-through use to the one existing business in the C-2 zone, and
- removal of *Equipment Servicing, Rental and Repair Shop* and *Automobile Repair Shop* from permitted uses in the C-1 zone.

Mr. Chalmers acknowledged that these two changes had generated much discussion in the community. Chalmers noted that the two businesses impacted by the change

to permitted uses in the C-1 zone, which were previously zoned for site-specific use, would become “lawful non-conforming” under the *Local Government Act*. Lawful non-conforming businesses may continue to operate but are prohibited from expanding their footprint or rebuilding should 75% or more of the value of the building above its foundation be destroyed.

The removal of *Drive-In Restaurants* as a permitted use in C-3 and C-2 zones has been raised previously and is a reflection of the community’s aspirations.

There are minor updates to the Airport Zone (AP-1) and Industrial Zone (M-1) and a new Industrial Resource Zone identified as M-2 was created.

A new Outdoor Recreation (OR-1) zone has been established to accommodate the motocross track and other land expansive recreation uses.

The next steps in the process are:

- addressing minor formatting, typographic and non-substantive amendments;
- incorporating amendments as directed by Council;
- Proceeding with Third Reading, Adoption and subsequently implementation of the new regulations.

3. LISTING OF CORRESPONDENCE RECEIVED

Sheena Fraser, Manager of Corporate & Legislative Services, advised that the Village had received an additional nine (9) submissions from the public after the deadline and these submissions were provided to Council prior to the start of the Public Hearing.

Ms. Fraser also noted that the Village had received referral comments from Vancouver Coastal Health Authority that were also provided to Council as well.

Ms. Fraser advised that the correspondence noted will be made available on the Village’s website the following day.

4. PUBLIC REPRESENTATIONS

Mayor Richman called for submissions from the public starting with those who signed up on the Speakers List:

Ivan Knowles, Owner Spud Valley Sporting Goods, 1380 Birch Street (Village of Pemberton)

Mr. Knowles spoke in opposition to the Bylaw and raised the following concerns:

- The Bylaw has upset most businesses and residents;

- The Bylaw does not provide assurance that local business interests will be protected;
- A question & answer session would have been a better way to engage the public and gather input;
- Black's and Valley Chainsaw are not the only properties that the Village should be focusing on with regard to unsightly premises, safety and noise issues;
- Village of Pemberton Public Works Yard is unsightly;
- Unpainted cross walks, intersection at the bank and post office; one-way streets; poorly functioning traffic light; rail line through town are unsafe;
- Trains and logging trucks create a lot of noise;
- Village wellhead should be properly protected in accordance with health requirements;
- More input is needed from residents when changes are made.

Poppy Switzer was called upon to speak as she was listed on the speakers list but declined as Mr. Knowles had covered her points.

Barj Dhahan, Representing the Owners of 1443 Vine Road (Village of Pemberton)

Mr. Dhahan, whose wife and business partner are the owners of a property in the C-2 zone, spoke against the removal of drive-through business as a permitted use from the C-2 zone and expressed the following concerns:

- The owners have owned the property since 2011 and he has made known to the Village his intention of developing a drive-through business on the site;
- Removal of this use eliminates competition and choice;
- Removal of this use gives a monopoly to the one existing drive-through business.

Mr. Dhahan also noted his opposition to the reduction in the required off-street parking spaces for restaurants and argued that more, not fewer, parking spaces should be required.

Stephen Black, Owner Black's Hot Wheels, 1380 Aster Street (Village of Pemberton)

Mr. Black spoke in opposition to changes to C-1 zone permitted uses and stated the following:

- The change in zoning will devalue his property;
- The business's insurance is at risk;
- The automotive repair shop has been on this site much longer than the Village well; if this is a concern the Village should have located the well in a different area;
- The business brings economic benefits to Pemberton that would be lost;

- BC Hydro and Village of Pemberton Public Works Yard are both industrial uses in the C-1 zone but they are still permitted;
- If the Village intends that Black's be grandfathered or given "lawful non-conforming" status, why is it necessary to remove the existing site-specific use?

Robin Black, Owner Black's Hot Wheels, 1380 Aster Street (Village of Pemberton)

Ms. Black noted her opposition to the changes in the C-1 zone and read an excerpt from an insurance document indicating that losses related to a use not permitted in the property's zone would not be insured.

Ms. Black noted concern that the minutes of ALUC Meeting held April 26 indicated the Village has an interest in moving these businesses out of the town centre.

Mark Mendonca, Owner Grimm's Deli, 7433 Frontier Street (Village of Pemberton)

Mr. Mendonca read a letter noting that he is in favour of the removal of drive-through business as a permitted use in C-2 and C-3 zones and requested that Council reconsider removing drive-through businesses in the C-5 zone. In his letter, Mr. Mendonca raised the following points:

- Growth and increased highway traffic have been good for local businesses as a large percentage of travelers make a diversion into the town centre;
- Permitting drive-through businesses on the highway will reduce the number of visitors who come into the downtown and negatively impact downtown businesses;
- Drive-through businesses are an environmental concern due to resulting increase in idling engines;
- Whistler and Britannia Beach do not permit development of any additional drive-through businesses.

Mr. Mendonca thanked Staff for bringing forward this change and requested reconsideration of allowing drive-through restaurants in the C-5 Zone.

Norm Leblanc, Owner AC Gas, 7432 Prospect Street (Village of Pemberton)

Mr. Leblanc spoke in opposition to the change to permitted uses in the C-1 zone and raised the following points:

- Pemberton has a vibrant downtown core due to diversity of businesses
- Many towns struggle to keep businesses in the town centre but Pemberton is forcing thriving businesses to leave;

- The Bylaw impacts other businesses such as the bike shop, as it is a rental and repair business;
- Village should not give 3rd and 4th reading but should start over and rewrite the Bylaw;
- Public consultation process was not successful;
- Concerned that the Village is too busy looking at the future and should not make changes for the sake of making changes, that the vision is not local and there is a need for more local input;
- The Bylaw singles out two businesses and would cause significant hardship to them should they be forced to move to the Industrial Park;
- Cited minutes of ALUC Meeting, held April 26, 2018, stating that it is his belief that the intention of the Village is to encourage these businesses to move out of town;
- Reiterated his opposition to the Bylaw and suggested that the process be re-started.

Albert Bush, Owner Valley Chainsaw and Recreation, 7446 Prospect Street (Village of Pemberton)

Mr. Bush spoke against the change to permitted uses in the C-1 zone and addressed the following points:

- Location was zoned industrial when purchased thirty (30) years ago;
- Zoning changed in 2001 at which time Mr. Bush was informed that site specific permitted use would remain indefinitely;
- Change may adversely affect dealer agreements with suppliers;
- Valley Chainsaw will have the same issue with business insurance as Black's;
- Town will be adversely affected as Valley Chainsaw is a destination business.

Robert Szachury, 7395 Larch Street (Village of Pemberton)

Mr. Szachury spoke against the Bylaw with the following points:

- Pemberton is multicultural with diverse businesses;
- Noted that there are other industrial type uses in the C-1 zone that may result in environmental risks as well;
- Cannot support the Bylaw as packaged, does not support the removal of drive-through restaurants in the C-2 and C-3 zones;
- Village should assist businesses, not destroy them;
- People want short term rentals.

Jeff Clarke, Pemberton Valley Hardware, 7426 Prospect Street (Village of Pemberton)

Mr. Clarke spoke against the change to permitted uses in the C-1 zone with the following points:

- People love Pemberton for the diversity of businesses in the downtown;
- More attention should be paid to those real estate investors who leave commercial buildings empty in the downtown core; they are destroying the vitality of the downtown.

Doris Zurcher, 7416 Harrow Road (SLRD Area C)

Ms. Zurcher raised the following points in opposition to changes to the permitted uses in the C-1 zone:

- The Bylaw is like an omnibus bill;
- Environmental impact of residents having to travel to Industrial Park for services;
- Inconvenience of the repair shop being located in the Industrial Park rather downtown, particularly for farmers bringing in tractors;
- People will go to Squamish if they cannot access these services downtown and this will impact other downtown businesses;
- Reduced social interactions in Pemberton;
- Outdoor enthusiasts will not come into town if Valley Chainsaw and Recreation leaves.

Steve Flynn, 6 Cedar Grove Estates (SLRD Area C)

Mr. Flynn expressed concern related to the economic impact of the change to the permitted uses in the C-1 zone and raised the following points:

- It is a misconception that businesses are unchanged in value once they are labelled lawful non-conforming;
- Change in status will have serious implications for both families;
- Business value is reduced by 50% with zoning change;
- Loss of these two businesses in town will impact other businesses.

Anna Helmer, 1347 Elmwood (Village of Pemberton)

Ms. Helmer raised the following points in opposition to the Bylaw:

- Storage containers are affordable and practical for businesses and should be permitted;
- Does not support any reasoning related solely to aesthetics;
- Carriage houses should be permitted on all properties that are large enough if they are permitted at Sunstone.

David MacKenzie, Pemberton Valley Lodge, 1480 Portage Road (Village of Pemberton)

Mr. MacKenzie commended Council with respect to the balanced approach towards Short-Term Accommodation Rentals, and made the following points in opposition some portions of the Bylaw:

- Council should reconsider the parts of the Bylaw that are detrimental to businesses;
- The Bylaw should encourage more businesses to come to town, not to leave.

Nicole Heisterman, 1469 Hemlock St. (Village of Pemberton)

Ms. Heisterman stated her opposition to the Bylaw as she feels that it lumps a lot of issues together and would make more sense if items were broken out, as she supports some and not others.

Ms. Heisterman stated that downtown is good the way that is it and that if businesses that bring people into town are removed it will be detrimental. Pemberton is a real “small town” environment and should be kept that way.

Catherine Cartman, 10 Cedar Grove Estates (SLRD Area C)

Ms. Cartman is new to Pemberton; she moved from Squamish as her family was seeking a small-town environment. If long-term Pemberton businesses move out, the feel of the town will change.

Ms. Cartman expressed her opposition to the Bylaw and suggested that it should be reassessed.

David Chapman, Owner Napa Auto Parts, 7456 Prospect Street (Village of Pemberton)

Mr. Chapman expressed his view that the change to not allow Black’s Hot Wheels and Valley Chainsaw to continue retain their type of use in the C-1 zone is potentially forcing two businesses out of town and it will have a snowball effect and will negatively impact his business and others. Mr. Chapman noted his opposition to the Bylaw.

Kyle Bubbs, 7236 Clover Road (Area C)

Mr. Bubbs requested a show of hands from those present to indicate the number of people opposed to the Bylaw.

Mayor Richman reminded Mr. Bubbs that such an action is not in line with the purpose of a Public Hearing; a Public Hearing is not held for residents to make a display but to allow individuals to provide their feedback to Council.

Robert Szachury, 7395 Larch Street (Village of Pemberton)

Mr. Szachury stated his opposition to the removal of drive-through businesses from permitted uses in C-2 and C-3 zones citing that there is no difference between drive-through restaurants and take-out restaurants and take-out restaurants are permitted.

Ivan Knowles, Spud Valley Sporting Goods, 1380 Birch Street (Village of Pemberton)

Mr. Knowles reiterated his opposition to the changes to permitted uses in the C-1 zone, stating that the Bylaw limits growth of the community.

Mr. Knowles pointed out that the two affected businesses contribute significant tax dollars to the Village of Pemberton and posed the question as to how the loss of these tax dollars would be recovered if they left town.

Mark Mendonca, Grimm's Deli, 7433 Frontier Street (Village of Pemberton)

Mr. Mendonca raised the following additional points in support of removing drive-through businesses from the C-2 and C-3 zones:

- Most communities would tell you if they could do it again, they would not allow drive-through businesses on the main road through town.
- It makes no sense to have drive-through businesses on the town's perimeter. The percentage of travelers diverting into town will drop if drive-through businesses are permitted on the perimeter.

Roy McLean, 10-7408 Cottonwood court (Village of Pemberton)

Mr. McLean recognized the good intentions of Staff but contended that in this case, what looks good in theory, doesn't work in practice.

Mr. McLean stated that the information presented in the Village of Pemberton's Zoning Bylaw FAQs does not reflect the statement in the minutes of the April 26, 2018 ALUC Meeting previously mentioned.

When making changes, the Village must consider the human factor, and the Bylaw makes him question the Village's support for local businesses.

Mr. McLean noted that he is opposed to parts of the Zoning Bylaw.

Doris Zurcher, 7416 Harrow Road (Area C)

Ms. Zurcher stated that she feels the Bylaw is reminiscent of the recent Boundary Extension initiatives because the Village is picking and choosing which properties are affected.

Albert Bush, Valley Chainsaw and Recreation, 7446 Prospect Street

Mr. Bush noted that he had a retirement plan in place but the proposed change to C-1 zone caused the prospective purchasers to withdraw their offer.

When Mr. Bush found out about the proposed zoning changes on May 3rd, he met with Stephen Black on the 4th, voiced opposition on social media and encouraged people to attend the Public Hearing to oppose the proposed changes.

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 8:46p.m. the Public Hearing was adjourned.

Sheena Fraser
Corporate Officer