

WHISTLER

AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, APRIL 15, 2014 STARTING AT 6:00 PM**

**In the Franz Wilhelmsen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

The Public Hearing is convened pursuant to Section 890 of the Local Government Act R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

No further information can be considered by Council after the conclusion of this Public Hearing.

Members of Council may, ask questions following presentations however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

As stated in the Notice of Public Hearing,

Zoning Amendment
Bylaw (Marihuana
Production) No. 2042,
2014

PURPOSE OF ZONING AMENDMENT BYLAW (MARIHUANA PRODUCTION) NO. 2042, 2014

In general terms, the purpose of the proposed Bylaw is to amend the Zoning Amendment Bylaw No. 303 to regulate marihuana production.

Explanation

Explanation by Municipal staff concerning the proposed Bylaw.

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

ADJOURNMENT

PUBLIC HEARING DOCUMENT INDEX

Zoning Amendment Bylaw (Marihauna Production) No. 2042, 2014		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Hearing sent to owners and tenants
Bylaw	18-Mar-14	Zoning Amendment Bylaw (Marihuana Prodcuetion) No. 2042, 2014 with first and second readings approved by Council
Bylaw	18-Mar-14	Business Regulation Amendment Bylaw No. 2043, 2014
Council Report 14-028	18-Mar-14	Administrative Report to Council requesting consideration of first and second reading of the proposed bylaw
Presentation Slides	18-Mar-14	Presentation slides from report to Council
Council Minutes	18-Mar-14	Minutes of Regular Meeting of Council
Correspondence		Correspondence will be added to the package as it is received (see List of Correspondence)



THE RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, BC Canada V0N 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 932 8109

NOTICE OF PUBLIC HEARING

TUESDAY, APRIL 15, 2014 – 6:00 P.M.

MAURICE YOUNG MILLENNIUM PLACE

Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

ZONING AMENDMENT BYLAW (MARIHUANA PRODUCTION) NO. 2042, 2014

SUBJECT LANDS: Units 111, 112 and 113 – 1330 Alpha Lake Road

More specifically these lands are described as Strata Lots 11, 12 & 13, District Lot 1754, Plan BCS4326, Group 1, NWD, PID: 028-754-166, 028-754-174 & 028-754-182. The subject lands are identified on the map attached to this notice.

PURPOSE:

In general terms, the purpose of the proposed Bylaw is to define marihuana production and distribution within “Zoning and Parking Bylaw 303, 1983”. The IL2 (Light Industrial Two) Zone will be amended to allow for marihuana production and distribution at Units 111, 112 & 113 – 1330 Alpha Lake Road. The building floor area for all three units will also be restricted to 560 square metres total.

INSPECTION OF DOCUMENTS:

A copy of the proposed Bylaw and relevant background documentation may be inspected on our website at www.whistler.ca/events (see April 15, 2014), or visit the Reception Desk at Municipal Hall, 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00 a.m. and 4:30 p.m., Monday to Friday (statutory holidays excluded).

PUBLIC PARTICIPATION:

All persons, who believe their interest in the property might be affected by the proposed bylaw, will be given a reasonable opportunity to be heard by Council at the Public Hearing.

Written comments must be addressed to “Mayor and Council” and may be submitted at the Public Hearing or through one of the following methods prior to the Public Hearing (by 4:30 p.m. on April 15, 2014):

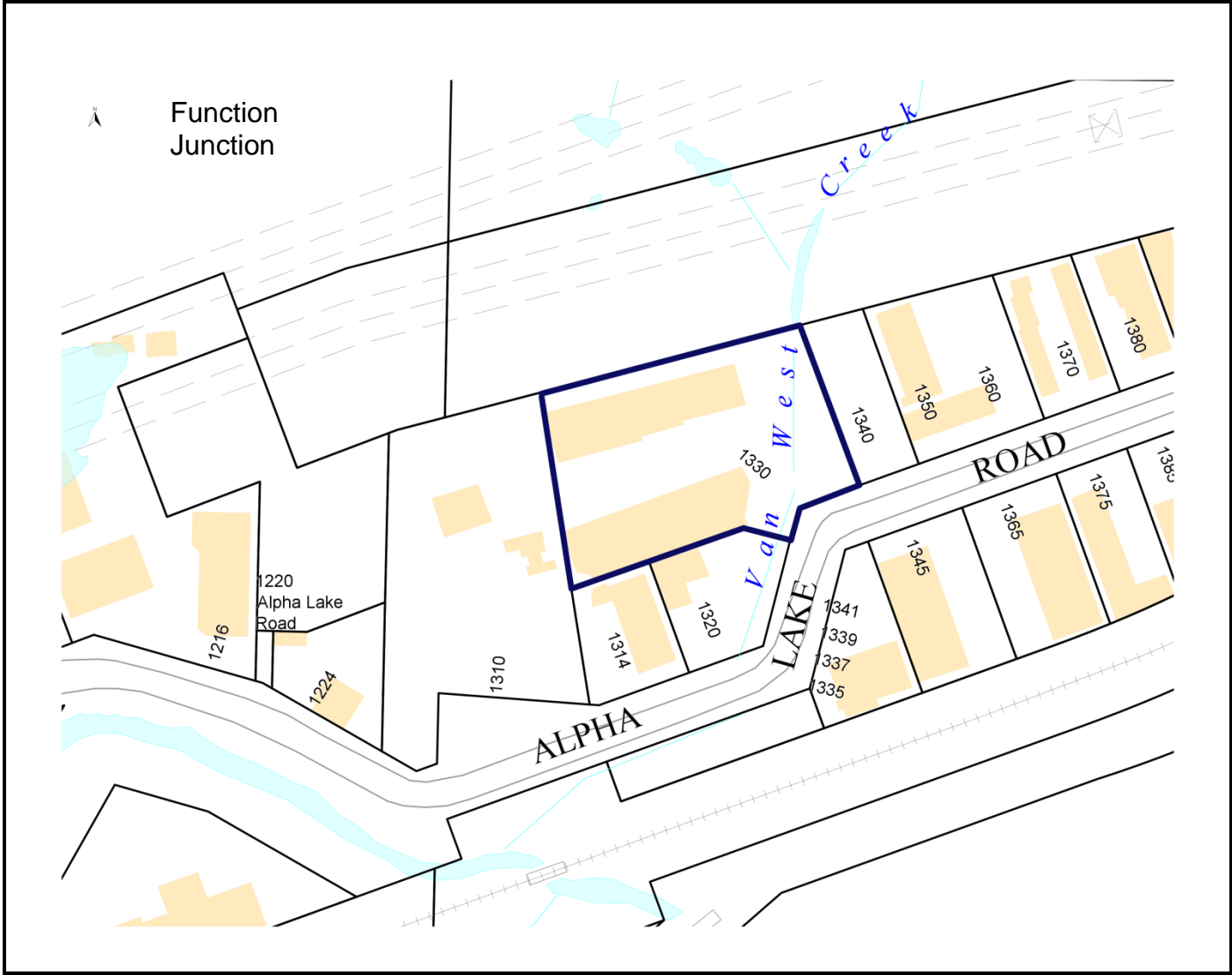
Email: corporate@whistler.ca
Fax: 604-935-8109
Hard Copy: Legislative Services Department
4325 Blackcomb Way
Whistler BC V0N 1B4

Submissions received for the proposed Bylaw will be included in an information package for Council’s consideration, which will also be available on our website at www.whistler.ca with other associated information.

At the conclusion of this Public Hearing, no further information on this topic can be considered by Council.

Shannon Story
Corporate Officer

**ZONING AMENDMENT BYLAW (MARIHUANA PRODUCTION) NO. 2042, 2013
SUBJECT LANDS – 111, 112 & 113 – 1330 ALPHA LAKE ROAD**



**RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW (MARIHUANA PRODUCTION)
NO. 2042, 2014**

A Bylaw to amend Zoning and Parking Bylaw No. 303, 1983

WHEREAS the Council may in a zoning bylaw pursuant to the *Local Government Act*, divide all or part of the area of the Municipality into zones, name each zone and establish the boundaries of the zone, regulate the use of land, buildings and structures within the zones and require the provision of parking spaces and loading spaces for uses, buildings and structures;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014”.
2. Section 2 Definitions of the Zoning and Parking Bylaw No. 303, 1983 is amended by adding the following definition in appropriate alphabetical order:

“marihuana production” and “marihuana distribution” mean, respectively, the growing and distribution of any plant that contains any of the substances listed in Schedule II to the *Controlled Drugs and Substances Act* (Canada), and includes any research or development activity associated with such uses.”
3. Section 4 General Prohibitions of the bylaw is amended by adding the following:

“No person shall use any land or building for marihuana production or marihuana distribution, except as specifically permitted by this Bylaw.”
4. Section 9 Industrial Zones is amended in respect of the IL2 Light Industrial Two Zone by adding the following as s. 2.1(t) under the heading “Permitted Uses”, and by making any required consequential changes to subsections 2.1(r) and (s):

“on Strata Lots 11, 12 and 13 in Strata Plan BCS4326, the production and distribution of marihuana under a licence issued pursuant to the Marihuana for Medical Purposes Regulation (Canada) provided that the total amount of building floor area used for all such uses shall not exceed 560 square metres.”

GIVEN FIRST READING this 18th day of March, 2014.

GIVEN SECOND READING this 18th day of March, 2014.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this ____ day of _____, 2014.

GIVEN THIRD READING this — day of _____, 2014.

APPROVED by the Minister of Transportation this — day of _____, 2014.

ADOPTED by the Council this __ day of _____, 2014.

Nancy Wilhelm-Morden
Mayor

Shannon Story
Corporate Officer

I HEREBY CERTIFY that this is a true
copy of Zoning Amendment Bylaw
(Marihuana Production) No. 2042, 2014.

Shannon Story
Corporate Officer

RESORT MUNICIPALITY OF WHISTLER

BUSINESS REGULATION AMENDMENT BYLAW NO. 2043, 2014

A Bylaw to amend the Business Regulation Bylaw No. 739, 1989

WHEREAS the Council has adopted a business regulation bylaw and wishes to amend the bylaw in respect of businesses licensed under the Marihuana for Medical Purposes Regulation (Canada); and

WHEREAS the Council has given notice of its intention to adopt this bylaw and has provided an opportunity for persons who consider that they are affected by the bylaw to make representations to Council;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Business Regulation Amendment Bylaw No. 2043, 2014”.
2. Business Regulation Bylaw No. 739, 1989 is amended by adding the following as section 15 and renumbering the following sections accordingly:

“It shall be a condition of every business licence issued under this Bylaw for the production and distribution of marihuana for medical purposes that the licence holder complies with the security and odour control requirements in Division 3 of Part 1 of the Marihuana for Medical Purposes Regulation under the *Controlled Drugs and Substances Act* (Canada).”

GIVEN FIRST READING this 18th day of March, 2014.

GIVEN SECOND READING this 18th day of March, 2014.

GIVEN THIRD READING this 18th day of March, 2014.

ADOPTED by the Council this 1st day of April, 2013

Nancy Wilhelm-Morden
Mayor

Shannon Story
Corporate Officer

I HEREBY CERTIFY that this is a true
copy of Business Regulation
Amendment Bylaw No. 2043, 2014.

Shannon Story
Corporate Officer



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: March 18, 2014

REPORT: 14-028

FROM: Resort Experience

FILE: RZ1081 & 1082, 7600.1

SUBJECT: ZONING AMENDMENT BYLAW (MARIHUANA PRODUCTION) NO. 2042, 2014
AND BUSINESS REGULATION AMENDMENT BYLAW 2043, 2014

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014;

That Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014; and further,

That Council consider giving first, second and third readings to Business Regulation Amendment Bylaw No. 2043, 2014.

REFERENCES:

Appendix A - Location Map

Appendix B - Summary of commercial license activities

Appendix C - Security and Odour Control requirements

PURPOSE OF REPORT

This report presents a proposed zoning amendment bylaw to limit the location and size of facility where federally approved production and distribution of marihuana for medical purposes can occur within Whistler for Council's consideration of first and second reading. This report also presents a proposed business regulation bylaw amendment to implement security and odour control requirements applicable to the holder of a business license issued by the municipality for the production and distribution of marihuana for medical purposes.

DISCUSSION

Background

In 2001, Health Canada introduced the Marihuana Medical Access Regulation Program (MMAR) so that people with a demonstrated medical need could possess and cultivate marihuana for medical purposes. The MMAR program has grown significantly and has resulted in concerns regarding public safety and security as a result of allowing individuals to produce marihuana in their homes.

In June 2013, Health Canada announced the new Marihuana for Medical Purposes Regulations (MMPR), which changes the way Canadians are able to access marihuana for medical purposes. Some key points of the new MMPR include:

- Personal and designated production of medical marihuana by individuals in their homes will expire on March 31, 2014;
- All medical grow licences under the current regime will expire on March 31, 2014;
- Access to medical marihuana for medical purposes will be replaced by regulated commercial Licensed Producers;
- As of October 1, 2013, applications for personal use and designated person production licences were no longer accepted by Health Canada;
- During the transition period, individuals can move their current means of accessing marihuana for medical purposes to purchasing it from Licensed Producers under the new regulations;
- Applications to become a Licensed Producer of Medical Marihuana became available on Health Canada's website on June 19, 2013;
- Applicants to become a Licensed Producer of Medical Marihuana are required to notify the local government, Fire Chief and RCMP of their intent to become a Licensed Producer;
- Every Licensed Producer of Medical Marihuana under the new regime must comply with local government zoning bylaw in regard to permitted use; and
- Licensed Producers could be in a position to commence legal Medical Marihuana Grow Operations prior to April 1, 2014, subject to licensing by the federal government.

Health Canada licensing does not review local government land use regulations in its approval process. Health Canada inspects for compliance with the MMPR and any related federal legislation. Applicants are required to "show" Health Canada that they have notified the local government, law enforcement officials and the fire department of their application. Although licensed activities are subject to local government land use regulations. Health Canada relies on the applicants to discuss their zoning requirements with the local government. A zoning bylaw may prohibit use; it is up to the local government to enforce their zoning bylaw.

It is important to note that where the Municipality is aware or made aware of personal medical marihuana grow operations that are not compliant with the law and/or a public safety concerns, that immediate action will be undertaken to ensure that remediation is made and/or the operation is ceased.

In January 2013, an operator notified the municipality, Fire Chief and RCMP of their intention to pursue a medical marihuana license at 113-1300 Alpha Lake Road. The operator had previously received a building permit to construct new warehouse space for units 111, 112 - 1300 Alpha Lake Road that was authorized in July 2012. Unit 113 - 1300 Alpha Lake Road received a building permit in September 2013 to construct a second floor and new improvement in existing industrial space. A warehouse is a permitted use in the IL2 zone along with nursery or greenhouse. The building is classified medium hazard industrial by the BC Building Code.

On November 19, 2013, Council directed staff to initiate the preparation of a zoning bylaw amendment to regulate activities related to the research, development, production and distribution of medical marihuana.

On February 26, 2014, the operator received a license from Health Canada to a licensed commercial producer of Medical Marihuana at 113-1300 Alpha Lake Road (<http://www.hc-sc.gc.ca/dhp-mps/marihuana/info/list-eng.php>). The operator submitted a business licence to the municipality on February 28, 2014.

Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014

Currently a number of zones, primarily located in Function Junction, Mons, and RR1 lands (e.g., Edgewater) may allow for marihuana production under different types of uses. Zones such as RR1, RR4, CI1, IS1, IL2, IL3, IS4, ILR and IS5 zones permit uses that cover the “research and development” and “commercial production and distribution” activities (“agriculture” and auxiliary uses, “nursery or greenhouse” and auxiliary uses, and “laboratory, scientific and research”).

The following amendments are proposed to the Zoning Bylaw to implement Council's November 19, 2013 direction to staff:

- A new definition is proposed to define marihuana production and distribution as follows: “marihuana production” and “marihuana distribution” mean, respectively, the growing and distribution of any plant that contains any of the substances listed in Schedule II to the Controlled Drugs and Substances Act (Canada), and includes any research or development activity associated with such uses.”
- Limit marihuana production and distribution to the existing facility at 111, 112 and 113 -1330 Alpha Lake Road with building permits issued under existing zoning. As such, the IL2 zone is proposed to be amended by adding the following under permitted uses: “on Strata Lots 11, 12 and 13 in Strata Plan BCS4326, the production and distribution of marihuana under a licence issued pursuant to the Marihuana for Medical Purposes Regulation (Canada) provided that the total amount of building floor area used for all such uses shall not exceed 560 square metres.”

Business Regulation Amendment Bylaw 2043, 2014

The Business Regulation Bylaw is proposed to be updated to ensure that as a condition of every business licence issued by the municipality for the production and distribution of marihuana for medical purposes that the licence holder complies with the security and odour control requirements in Division 3 of Part 1 of the Marihuana for Medical Purposes Regulation under the Controlled Drugs and Substances Act (Canada). The security and odour control requirements are listed in Appendix C. Any person contravening any provisions of the Business Regulation Bylaw may be issued a fine not exceeding \$2000, and the costs of prosecution or imprisonment for not more than six months, or both.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Economic	Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	The commercial production facility is locally owned and operated.
W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Economic	Effective partnerships with government and tourism organizations support economic health	Federal Government brought in the MMPP and does not allow local governments to provide meaningful comments or object to an application within their licensing process.
Economic	Whistler has a healthy economy that generates revenue to contribute to the resort's funding base	Federal Government receives revenue for medical marihuana. Tax revenue may be lower if BC Assessment classifies the operation as agricultural use despite being located in an

		industrial zone.
Energy	Energy is generated, distributed and used efficiently, through market transformation, design and appropriate end uses.	Marihuana production is an energy intensive process.

OTHER POLICY CONSIDERATIONS

Official Community Plan

There is limited community benefit to having marihuana production within the Resort Municipality. There are potential impacts on services such as water and waste. There may be impacts on the electrical grid as marihuana production requires more energy than a typical business.

Objective/Policy	Comments
Objective 3.1.2 – Optimize the use and function of existing and approved development.	
Policy 3.1.1.2 – Contain Whistler urban development within the boundary of the Whistler Urban Development Containment Area.	The subject lands are within the boundary of the Whistler Urban Development Containment Area.
Policy 3.1.2.1 – Support flexibility, diversity, adaptability and efficiency in land use and development so the resort community can derive the greatest benefit from existing development	The rezoning supports this Policy by providing increased clarity around the permitted uses for marihuana production and distribution.
Objective 3.2.1 – Reinforce Whistler’s mountain resort character, compact development pattern, social fabric, economic viability and diversity.	
Policy 3.2.1.4 – Support land uses and development that contribute to a diversified tourism economy compatible with Whistler’s resort character and values.	Marihuana production and distribution does not support the Whistler resort economy and could potentially displace space from other complementary uses. In addition, “agriculture” is not an industry Whistler is looking to attract; therefore, the proposed zoning bylaw amendment limits marihuana production and distribution to the existing facility at 111, 112 and 113 -1330 Alpha Lake Road.
Objective 4.9.4 – Reinforce Function Junction as Whistler’s general purpose business district and “Back-of-House” area for the resort community.	
Policy 4.9.4.1 – Review and rationalize zoning designations to provide flexibility and compatibility for a wide range of uses appropriately located in Function Junction.	Allowing for the existing medical marihuana production facility provides for flexibility in the IL2 zone and is compatible with similar warehouse/light industrial uses.
Policy 8.4.1.3 – Lead a community-wide effort to reduce total energy consumption to a level 10% below 2007 levels by 2020.	There may be impacts on the electrical grid as marihuana production requires more energy than a typical business.

BUDGET CONSIDERATIONS

As the Municipality is initiating the rezoning, rezoning application and processing fees do not apply. All costs associated with staff time for the rezoning application will be covered within existing staff budgets.

COMMUNITY ENGAGEMENT AND CONSULTATION

Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014 will be subject to a public hearing adhering to statutory public notice requirements. Business Regulation Amendment Bylaw 2043, 2014 does not require a public hearing.

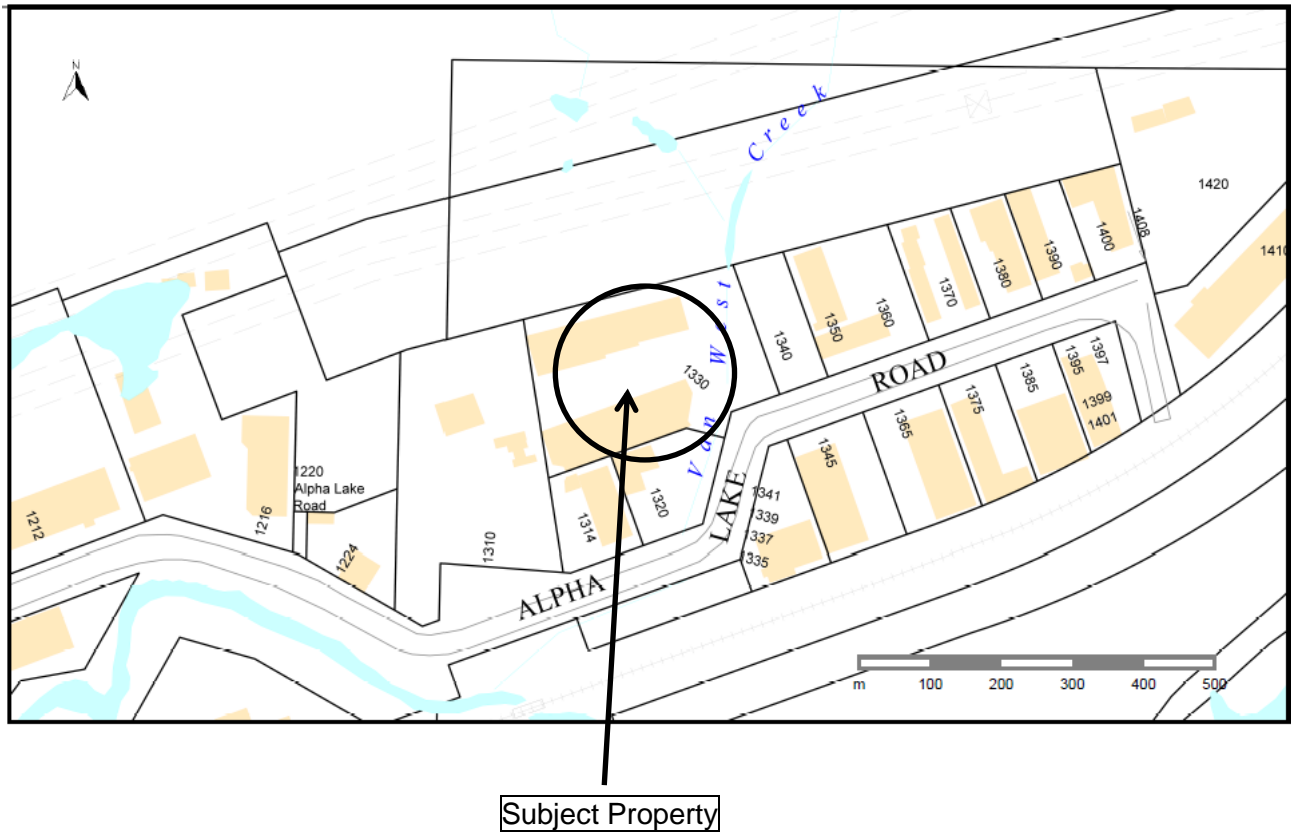
SUMMARY

In June of 2013, the Federal Government brought in new regulations regarding the access to medical marihuana by individuals who were licensed to grow marihuana for medical purposes. As of April 1, 2014, new Health Canada regulations permit only licensed commercial producers to produce Medical Marihuana.

In accordance with the direction of Council on November 19, 2013, staff has prepared Zoning Bylaw amendments to limit marihuana production and distribution within Whistler to an existing facility at 111, 112 and 113 -1330 Alpha Lake Road with building permits issued under existing zoning.

Respectfully submitted,

Kevin Creery
PLANNING ANALYST
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE



Summary of Commercial License Activities

- Medical marihuana grown indoors;
- Harvesting and packaging marihuana and destroying marihuana that has passed its 'best before' date;
- Maintaining an inventory of marihuana for distribution;
- Clients seeking Medical Marihuana would submit a document obtained from their physician directly to a licensed commercial producer;
- Delivery of the medical marihuana is by registered mail and storefront (walk-in) purchasing is not permitted;
- The list of licensed commercial producers is listed on Health Canada's website: <http://www.hc-sc.gc.ca/dhp-mps/marihuana/info/list-eng.php>;
- Conducting ongoing research and development activities of a minor nature;
- Conducting related administrative duties including maintaining record required by Health Canada
- No retail sales are permitted:
 - Licensed producers may sell medical marihuana only to persons having a prescription for the drug;
 - Delivery of the drug to the customer only by a shipping method that involves a means of tracking the package during transit and the safekeeping of the package during transit (registered mail or courier);
 - Producers may accept both written and verbal order, but s. 119 of MMPR prohibits transfer of possession of marihuana to customer by means other than shipping it to them;

Appendix C - Security and Odour Control requirements

graphs 38(1)(a) to (c) in the area in which the site specified in the licence is located and provide a copy of the notice to the Minister.

Content of notice

(2) The notice must contain the following information:

- (a) the name of the licensed producer and the address of their site; and
- (b) a description of the applicable matter referred to in subsection (1) and its effective date and, in the case of an amendment to the licence, details of the amendment.

Senior official

(3) The notice must be addressed to a senior official of the local authority to whom it is sent.

sonnes visées aux alinéas 38(1)a) à c) de la région où se situe l'installation visée par la licence et fournit copie de cet avis au ministre.

Contenu de l'avis

(2) L'avis contient les renseignements suivants :

- a) le nom du producteur autorisé et l'adresse de son installation;
- b) la description de l'événement en cause et sa date de prise d'effet et, s'il s'agit d'une modification de la licence, les précisions eu égard aux changements apportés.

Cadre supérieur

(3) Le destinataire de l'avis est un cadre supérieur de l'autorité locale en cause.

DIVISION 3

SECURITY MEASURES

General

Compliance with security measures

41. A licensed producer must ensure that the security measures set out in this Division are carried out.

Unauthorized access

42. The licensed producer's site must be designed in a manner that prevents unauthorized access.

Perimeter of Site

Visual monitoring

43. (1) The perimeter of the licensed producer's site must be visually monitored at all times by visual recording devices to detect any attempted or actual unauthorized access.

Visual recording devices

(2) The devices must, in the conditions under which they are used, be capable of recording in a visible manner any attempted or actual unauthorized access.

SECTION 3

MESURES DE SÉCURITÉ

Généralités

Respect des mesures de sécurité

41. Le producteur autorisé veille au respect des mesures de sécurité prévues à la présente section.

Accès non autorisé

42. L'installation du producteur autorisé doit être conçue de façon à prévenir tout accès non autorisé.

Périmètre de l'installation

Surveillance visuelle

43. (1) Le périmètre de l'installation du producteur autorisé doit faire l'objet, en tout temps, d'une surveillance visuelle à l'aide d'appareils d'enregistrement visuel, de façon à détecter tout accès ou tentative d'accès non autorisé.

Appareils d'enregistrement visuel

(2) Ces appareils doivent être adaptés aux conditions de leur environnement afin d'enregistrer visiblement tout accès ou tentative d'accès non autorisé.

Intrusion detection system	<p>44. The perimeter of the licensed producer's site must be secured by an intrusion detection system that operates at all times and that allows for the detection of any attempted or actual unauthorized access to or movement in the site or tampering with the system.</p>	<p>44. Le périmètre de l'installation du producteur autorisé doit être sécurisé au moyen d'un système de détection des intrusions qui est fonctionnel en tout temps et permet la détection de tout accès non autorisé à l'installation ou mouvement non autorisé à l'intérieur de celle-ci ou toute altération du système, ou toute tentative à ces égards.</p>	Système de détection des intrusions
Monitoring by personnel	<p>45. (1) The system must be monitored at all times by personnel who must determine the appropriate steps to be taken in response to the detection of any occurrence referred to in section 43 or 44.</p>	<p>45. (1) Le système doit être surveillé en tout temps par du personnel qui doit déterminer les mesures qui s'imposent en cas de détection d'un événement visé aux articles 43 ou 44.</p>	Surveillance par le personnel
Record of detected matters	<p>(2) If any such occurrence is detected, the personnel must make a record of</p> <p>(a) the date and time of the occurrence; and</p> <p>(b) the measures taken in response to it and the date and time when they were taken.</p> <p><i>Areas Within a Site where Cannabis is Present</i></p>	<p>(2) Le cas échéant, le personnel doit consigner les renseignements suivants :</p> <p>a) la date et l'heure auxquelles l'événement a été détecté;</p> <p>b) la description des mesures prises en réponse à ce dernier, ainsi que la date et l'heure auxquelles elles l'ont été.</p> <p><i>Zones de l'installation où du chanvre indien est présent</i></p>	Constat des événements détectés
Restricted access	<p>46. (1) Access to areas within a site where cannabis is present (referred to in sections 46 to 50 as "those areas") must be restricted to persons whose presence in those areas is required by their work responsibilities.</p>	<p>46. (1) L'accès aux zones de l'installation où du chanvre indien est présent (appelées « zones » aux articles 46 à 50) doit être limité aux seules personnes dont les fonctions y requièrent la présence.</p>	Accès restreint
Responsible person in charge present	<p>(2) The responsible person in charge or, if applicable, the alternate responsible person in charge must be physically present while other persons are in those areas.</p>	<p>(2) La personne responsable ou, le cas échéant, la personne responsable suppléante, doit être présente physiquement dans les zones lorsque d'autres personnes s'y trouvent.</p>	Présence de la personne responsable
Record	<p>(3) A record must be made of the identity of every person entering or exiting those areas.</p>	<p>(3) Il est tenu un registre de l'identité des personnes entrant dans les zones ou en sortant.</p>	Registre

Physical barriers	47. Those areas must include physical barriers that prevent unauthorized access.	47. Les zones doivent comporter des barrières physiques qui empêchent tout accès non autorisé.	Barrières physiques
Visual monitoring	48. (1) Those areas must be visually monitored at all times by visual recording devices to detect illicit conduct.	48. (1) Les zones doivent faire l'objet d'une surveillance visuelle en tout temps, à l'aide d'appareils d'enregistrement visuel, de façon à détecter toute conduite illicite.	Surveillance visuelle
Visual recording devices	(2) The devices must, in the conditions under which they are used, be capable of recording in a visible manner illicit conduct.	(2) Ces appareils doivent être adaptés aux conditions de leur environnement afin d'enregistrer visiblement toute conduite illicite.	Appareils d'enregistrement visuel
Intrusion detection system	49. Those areas must be secured by an intrusion detection system that operates at all times and that allows for the detection of any attempted or actual unauthorized access to or movement in those areas or tampering with the system.	49. Les zones doivent être sécurisées au moyen d'un système de détection des intrusions qui est fonctionnel en tout temps et permet la détection de tout accès non autorisé aux zones ou mouvement non autorisé à l'intérieur de celles-ci ou toute altération du système, ou toute tentative à ces égards.	Système de détection des intrusions
Filtration of air	50. Those areas must be equipped with a system that filters air to prevent the escape of odours and, if present, pollen.	50. Les zones doivent être équipées d'un système de filtration de l'air qui empêche les odeurs et, le cas échéant, le pollen, de s'échapper.	Filtration de l'air
Monitoring by personnel	51. (1) The intrusion detection system must be monitored at all times by personnel who must determine the appropriate steps to be taken in response to the detection of any occurrence referred to in section 48 or 49.	51. (1) Le système de détection des intrusions doit être surveillé en tout temps par du personnel qui doit déterminer les mesures qui s'imposent en cas de détection d'un événement visé aux articles 48 ou 49.	Surveillance par le personnel
Record of detected matters	(2) If any such occurrence is detected, the personnel must make a record of (a) the date and time of the occurrence; and (b) the measures taken in response to it and the date and time when they were taken.	(2) Le cas échéant, le personnel doit consigner les renseignements suivants : a) la date et l'heure auxquelles l'événement a été détecté; b) la description des mesures prises en réponse à la détection de ce dernier, ainsi que la date et l'heure auxquelles elles l'ont été.	Constat des événements détectés

Marihuana Production

Zoning Amendment Bylaw and Business
Regulation Amendment Bylaw

March 18, 2014

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, British Columbia
Canada V0N 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 935 8109



Background

- Marihuana for Medical Purposes Regulation (MMPR) comes into effect April 1, 2014
- MMPR replaces current “personal use production licenses” and “designated person production licenses” with supply of medical marihuana to prescription holders by licensed commercial producers.
- Licensing of commercial producers is through Health Canada.
- In advance of April 1, 2014, Health Canada has been granting authorizations for “research and development activities” related to commercial growing of marihuana.

Commercial License Activities

- Marihuana grown indoors
- Harvesting and packaging marihuana and destroying marihuana that has passed its 'best before' date
- Maintaining an inventory of marihuana for distribution
- Conducting ongoing research and development activities of a minor nature
- Conducting related administrative duties including maintaining record required by Health Canada

Commercial License Activities

- No retail sales are permitted:
 - Licensed producers may sell marihuana only to persons having a doctors prescription for the drug
 - Deliver the drug to the customer only by a shipping method that involves a means of tracking the package during transit and the safekeeping of the package during transit (registered mail or courier)
 - Producers may accept both written and verbal orders, but s.118 of MMPR prohibits transfer of possession of marihuana to customer by means other than shipping it to them

License Applications and Approvals

- One existing facility - 560 square metres (6028 SF) facility located in units 111, 112 and 113 - 1330 Alpha Lake Road.
- Commercial license approved by Health Canada on February 26, 2014.
- Licensed producers are subject to local government land use regulations.
- Building permits authorized July 2012 under existing zoning for nursery and greenhouse use.

Council Direction

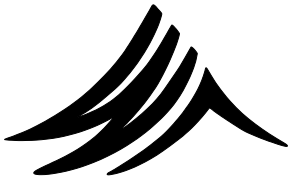
- November 19, 2013 Council resolution
“That Council direct staff to initiate preparation of a zoning amendment bylaw to regulate activities related to the research, development, production and distribution of medical marihuana.”
- S.929 of Local Government Act grants authority to with-hold building permits and business licenses contrary to bylaw under preparation

RMOW Zoning Option / Business Regulations

- Define marihuana production and distribution as a specified land use permitted for approved location only.
- Recognize existing location for this use, limit to existing size of 560 square metres (6028 SF).
- Amend the Business Regulation bylaw to establish controls and restrictions related to security and odour control for the business license holder.
 - ✓ An air filtration system must be used to prevent the escape of odours.
 - ✓ Security provisions would prevent unauthorized access to marihuana and visually record areas where marihuana is present to record any illicit conduct.

Council Resolution

- **That** Council consider giving first and second readings to Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014;
- **That** Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014; and further,
- **That** Council consider giving first, second and third readings to Business Regulation Amendment Bylaw No. 2043, 2014.



WHISTLER

MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL
TUESDAY, MARCH 18, 2014, STARTING AT 5:30 PM**

**In the Franz Wilhelmsen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Mayor N. Wilhelm-Morden

Councillors: J. Crompton, J. Faulkner, J. Grills, D. Jackson, A. Janyk,
and R. McCarthy

Chief Administrative Officer, M. Furey
General Manager of Corporate and Community Services, N. McPhail
General Manager of Infrastructure Services, J. Paul
General Manager of Resort Experience, J. Jansen
Director of Finance, K. Roggeman
Director of Planning, M. Kirkegaard
Deputy Corporate Officer, L. Schimek
Manager of Communications, M. Comeau
Manager of Transportation and Solid Waste, J. Hallisey
Planning Analyst, K. Creery
Planning Analyst, R. Licko
Recording Secretary, N. Best

ADOPTION OF AGENDA

Moved by Councillor J. Grills
Seconded by Councillor A. Janyk

That Council adopt the Regular Council agenda of March 18, 2014.

CARRIED

ADOPTION OF MINUTES

Moved by Councillor J. Crompton
Seconded by Councillor R. McCarthy

That Council adopt the Regular Council minutes of March 4, 2014.

CARRIED

PUBLIC QUESTION AND ANSWER PERIOD

Steve Anderson of 3242 Archibald Way asked about the \$400,000 of RMI money that was allocated for the alpine huts and trails with the recent announcement from BC Parks that they will accept similar proposals. Mr. Anderson inquired if the \$400,000 allocated will be awarded to any

successful proposal that gets permission to build in the alpine.

Mayor N. Wilhelm-Morden responded that the two initiatives were separately decided.

M. Furey, CAO responded that the funding amount was not \$400,000 it was \$150,000 for the EPI report for 2014. M. Furey added that the proposal from BC Parks was in regards to the Garibaldi Park plans and the RMOW would have further consideration on it.

Mr. Anderson responded the \$400,000 came from \$250,000 for trails and \$150,000 for huts. Mr. Anderson added that now that the area will accept proposals if any of those funds will be awarded to the proposal applicants.

Mayor N. Wilhelm-Morden responded that the \$150,000 for the Spearhead Huts is separate from the Provincial Parks Department. The announcements only came out in the recent weeks, meaning that EPI has not had a chance to consider it and neither has Council.

Councillor J. Faulkner responded that BC Parks will now go to a request for funding proposals (RFPs) stage. EPI amounts are in the process of allocating money towards a hut system, and will be for not-for-profit and modest use as per the public opinion. However, if someone is a successful bidder for the RFP, the funds may not necessarily be allocated to them as the process to determine successful applications is in process.

MAYOR'S REPORT

Mayor N. Wilhelm-Morden shared that on Monday, March 10, she met with representatives from the Truck Loggers Association of B.C. and the B.C. Forest Safety Council regarding the fatal accident that occurred on October 19, 2013, when Hugh Roberts from West Vancouver was killed in the logging truck roll over along Highway 99 in Whistler. The meeting was at the request of the Truck Loggers Association and the B.C. Forest Safety Council, who wanted to inform the mayor of various programs they are pursuing for truck logging safety. Mayor N. Wilhelm-Morden was provided with statistics regarding the number of incidents there are in connection with the number of logging truck loads. On Thursday, March 13, the B.C. Coroner's office announced that there will be an inquest into Mr. Robert's death in the fall of 2014. The inquest was called because of concerns of public safety. The inquest will provide answers as to why the accident occurred and recommendations from the jury regarding steps that should be taken to avoid this in the future.

Mayor N. Wilhelm-Morden announced that Whistler is honoured to host the TEDActive conference for its 30th anniversary. The TEDActive conference is sold out with 700 participants in Whistler for five days of sessions that began on March 17 and run through March 21 at the Fairmont Chateau Whistler. The event features a series of presentations by high profile leaders at the main TED conference in Vancouver, this year ranging from Sting and Chris Hadfield to Bill and Melinda Gates. TEDActive features video screening of TED content as well as associated workshops and initiatives.

Video of the TED conference is being screened at the Whistler Public Library free of charge for the community sponsored by the Whistler Centre for Sustainability. The TEDActive conference will be held in Whistler again in 2015 from March 16 to 20.

Mayor N. Wilhelm-Morden congratulated all Team Canada Sea to Sky Paralympic athletes who competed in the 2014 Paralympic Winter Games. Four athletes from the Sea to Sky Corridor qualified for the Paralympic Games: Tyler Mosher, John Leslie (who recently moved to Whistler from Ontario) in para-snowboard and Caleb Brousseau and Matt Hallat in para-alpine. Mayor N. Wilhelm-Morden congratulated Caleb Brousseau who won bronze in men's sitting Super G on the challenging course and to all athletes for the amazing participation and results of the Canadian team overall.

Mayor N. Wilhelm-Morden shared that the new Spring and Summer Recreation Guide is out with information about next season's recreational program at the Meadow Park Sports Centre and community school facilities. Meadow Park offers a range of adult and junior programs ranging from arts to sports. The Resort Municipality of Whistler offers five unique summer camps and sports programs at Myrtle Philip Community School to keep Whistler's youth active over the summer break. More information is found at www.whistler.ca/recreation or by calling 604-935-PLAY (7529).

Mayor N. Wilhelm-Morden shared that Whistler Olympic Plaza will have extra animation over Spring Break. There is a free Mini Adventure Zone involving Kiss The Sky Bungee Trampoline and target practice with laser skeets. The Mini Adventure Zone will be open Saturday, March 15 to Sunday, March 30 from 2:00 p.m. to 7:00 p.m. Skating at Whistler Olympic Plaza will continue until the end of March, and the Family Après sessions will continue every Monday and Wednesday from 4:30 p.m. until 6:30 p.m. The slip and slide zone still has lots of snow, and visitors should bring their toboggans. Meadow Park Sports Centre will offer additional programming over Spring Break. Visitors can skate during public skate times from 12:00 p.m. to 4:00 p.m. daily as well as from 6:30 p.m. to 8:00 p.m. on the evenings of Tuesday, Friday, Saturday and Sunday. Myrtle Philip Community School is running their day camp March Madness from 8:30 a.m. to 5:30 p.m. Monday through Friday.

Mayor N. Wilhelm-Morden reported that the Resort Municipality of Whistler has partnered with Emily Carr University of Art + Design to create a Summer Satellite Studio program in Whistler similar to the Summer Institute offered in Vancouver. The initiative builds on recommendations of Whistler's Learning and Education Task Force, the Whistler Community Plan, and Whistler's Cultural Tourism Development Strategy. Mayor N. Wilhelm-Morden encouraged local and visiting teens to consider this exciting summer program. Students will spend two weeks in July artistically exploring Whistler with the help of guest lecturers and field trips. Registration is now open.

Mayor N. Wilhelm-Morden shared that ten students from Whistler's sister city in Karuizawa, Japan are visiting Whistler this week on Friday March 21 to experience Whistler living. The students will try printmaking with local artist Elisa DeJong, they will visit the Whistler Museum and Archives, ski at Whistler Blackcomb, snowshoe at Lost Lake Park, make origami with RMOW

Kids on the Go, and visit the Squamish Lil'wat Cultural Centre as well as local eateries.

Mayor N. Wilhelm-Morden shared that BC Transit, the Squamish-Lillooet Regional District, the Resort Municipality of Whistler, the District of Squamish and the Village of Pemberton are planning the process for the region's 25-year Transit Future Plan. Mayor N. Wilhelm-Morden encouraged residents to share their ideas at one of three Transit Future Plan open houses in Whistler. The open houses will take place inside a 40-foot decommissioned bus that has been transformed into an interactive public consultation tool. This bus is called the "Transit Future Bus" and includes an iPad station, a Kids' Zone and a Post-It note board. The Transit Future Bus is open to the public in Whistler on:

- Thursday, March 27 at Village Gate Boulevard bus shelter from 2:30 p.m. to 6:30 p.m.
- Saturday, March 29 at Meadow Park Sports Centre from 10:00 a.m. to 1:00 p.m.
- Saturday, March 29 at Whistler Olympic Plaza from 2:30 p.m. to 5:30 p.m.

BC Transit will release more details soon. Mayor N. Wilhelm-Morden added that Whistler will be transitioning from its hydrogen bus fleet to a replacement fleet of Clean Diesel Nova Buses on March 31, 2014.

Mayor N. Wilhelm-Morden shared that World Water Day falls during Canada Water Week from March 17 to 23. Whistler has set community goals to reduce water consumption. The Resort Municipality of Whistler works to conserve water for many reasons: to manage operational costs, save tax dollars, and limit the community's impact on the environment.

Council approved a Comprehensive Water Conservation and Supply Plan in February 2013 to integrate water conservation with our infrastructure improvements, and our Official Community Plan also supports conservation and protects the high quality of Whistler's water. As well, the Province of BC announced new water legislation on March 12, 2014. The *Water Sustainability Act* will be brought into effect in the Spring of 2015 and replaces the old Water Act from the 1920s. The act will mean greater water protection oversight from the Province.

Mayor N. Wilhelm-Morden shared that she attended the American Friends of Whistler board meeting on Saturday, March 15. In 2013, the American Friends of Whistler granted \$65,000 to various community groups in Whistler. The American Friends of Whistler is a non-profit, small group of Americans who spend time in Whistler, B.C. Their mission is to enhance the Whistler community and foster greater understanding and friendship between Canadians and Americans. The organization raises and distributes funds focused toward health and human services, culture and the arts, and the environment and outdoor recreation. Mayor N. Wilhelm-Morden reported that it is an amazing organization and they have granted more than \$1-million to various non-profit community groups in Whistler over the course of its 10-year history.

Mayor N. Wilhelm-Morden reported that on Saturday March 29 from 8:30 p.m. to 9:30 p.m. the Resort Municipality of Whistler will be powering down

for Earth Hour to help lower the world's energy consumption and to celebrate renewable energy. Energy conservation continues to be the foundation of the RMOW's approach to climate responsibility. In 2013, energy consumption across all municipal operations was 3,350 GJ lower than in 2008 — equivalent to the energy consumption of 37 single family homes in Whistler. Learn more about Earth Hour.

INFORMATION REPORTS

Multi-Material BC
Transition Plan
Report No. 14-022
File No. 606

Moved by Councillor A. Janyk
Seconded by Councillor J. Grills

That Council receive Information Report No. 14-022 regarding the transition plan for the Multi-Material BC residential recycling program.

CARRIED

ADMINISTRATIVE REPORTS

Zoning Amendment
Bylaw (Marihuana
Production) No. 2042,
2014 and Business
Regular Amendment
Bylaw 2043, 2014
Report No. 14-028
File No. RZ 1081, RZ
1082, 7600.1

Moved by Councillor J. Crompton
Seconded by Councillor J. Faulkner

That Council consider giving first and second readings to Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014;

That Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014; and further,

That Council consider giving first, second and third readings to Business Regulation Amendment Bylaw No. 2043, 2014.

CARRIED

DVP 1071 – 1563 Spring
Creek Drive Setback
Variances
Report No.024
File No. DVP 1071

Moved by Councillor R. McCarthy
Seconded by Councillor J. Crompton

That Council approve Development Variance Permit 1071 to vary building setbacks at 1563 Spring Creek Drive to permit:

1. A pool deck located 2.2 metres from the front parcel line (at the closest point) and 3.1 metres from the rear parcel line (at the closest point); and
2. A trellis structure on the deck located 2.2 metres from the front parcel line with an overhang at 1.8 metres from the front parcel line,

to the extent shown on the building plans attached to Administrative Report No 14-024 as Appendix "B" ;

That Council make the above noted variances subject to the following conditions to the satisfaction of the General Manager of Resort Experience:

1. Receipt of a landscape plan prepared by a certified Landscape Architect, and

2. Modification of the tree preservation covenant registered on title; and further

That Council authorize the Mayor and Corporate Officer to execute the required amending covenant.

CARRIED

DVP 1075 – 8488 Bear
Paw Trail – Retaining
Wall Variances
Report No. 14-025
File No. DVP 1075

Moved by Councillor A. Janyk
Seconded by Councillor D. Jackson

That Council approve Development Variance Permit 1075 to vary setback regulations for proposed extensions to existing retaining walls at 8488 Bear Paw Trail as follows:

1. Vary the upper retaining wall to 3.35 metres in height and vary the minimum setback requirement for the retaining wall to 0 metres from the side property line;
2. Vary the lower retaining wall to 1.85 metres in height and vary the minimum setback requirement for the retaining wall to 0 metres from the side and rear property lines;

to the extent shown on the plans attached to Administrative Report No.14-025 as Appendix “B”.

CARRIED

DVP 1077 – 8496 Bear
Paw Trail – Retaining
Wall Variances
Report No. 14-026
File No. DVP 1077

Moved by Councillor D. Jackson
Seconded by Councillor A. Janyk

That Council approve Development Variance Permit 1077 to vary setback regulations for proposed extensions to existing retaining walls at 8496 Bear Paw Trail as follows:

1. Vary the upper retaining wall to 3.35 metres in height and vary the minimum setback requirement for the retaining wall to 0 metres from the side property line;
2. Vary the lower retaining wall to 1.85 metres in height and vary the minimum setback requirement for the retaining wall to 0 metres from the side and rear property lines;

to the extent shown on the plans attached to Administrative Report No.14-026 as Appendix “B”.

CARRIED

Section 910 Exemption –
6692 Crabapple Drive
(Flood Proofing)
Report No. 14-027
File No. 910 Sec. 0008

Moved by Councillor R. McCarthy
Seconded by Councillor J. Crompton

That Council grant an exemption per Section 910 of the *Local Government Act* – “Construction requirements in relation to flood plain areas”, to allow for the construction of a new dwelling at 6692 Crabapple Drive; and further,

That Council authorize the Mayor and Corporate Officer to execute a Section 219 covenant on the title of the subject property for this exemption, attaching

the geotechnical report as Appendix "B" to Administrative Report No. 14-027, prepared by GVH Consulting Ltd. and confirming that the property is safe for the use intended.

CARRIED

MINUTES OF COMMITTEES AND COMMISSIONS

May Long Weekend
Committee

Moved by Councillor J. Grills
Seconded by Councillor A. Janyk

That minutes of the May Long Weekend Committee meeting of February 24, 2014 be received.

CARRIED

BYLAW FOR FIRST AND SECOND READING

Zoning Amendment Bylaw
(Marihuana Production)
No. 2042, 2014

Moved by Councillor D. Jackson
Seconded by Councillor A. Janyk

That Council give first and second reading to Zoning Amendment Bylaw (Marihuana Production) No. 2042, 2014.

CARRIED

BYLAW FOR FIRST, SECOND AND THIRD READING

Business Regulation
Amendment Bylaw No.
2043, 2014

Moved by Councillor J. Crompton
Seconded by Councillor R. McCarthy

That Council give first, second and third reading to Business Regulation Amendment Bylaw No. 2043, 2014

CARRIED

BYLAWS FOR ADOPTION

Municipal Ticket
Information System
Implementation
Amendment Bylaw No.
2002, 2012

Moved by Councillor J. Grills
Seconded by Councillor D. Jackson

That Council adopt Municipal Ticket Information System Implementation Amendment Bylaw No. 2002, 2012.

CARRIED

Business Licence
Amendment Bylaw No.
2040, 2014

Moved by Councillor A. Janyk
Seconded by Councillor J. Grills

That Council adopt Business Licence Amendment Bylaw No. 2040, 2014.

CARRIED

Parking and Traffic
Amendment Bylaw No.
2041, 2014

Moved by Councillor J. Faulkner
Seconded by Councillor J. Crompton

That Council adopt Parking and Traffic Amendment Bylaw No. 2041, 2014.

CARRIED

OTHER BUSINESS

There were no items of Other Business.

CORRESPONDENCE

Whistler Cay Heights
Pedestrian Overpass
File No. 3009

Moved by Councillor A. Janyk
Seconded by Councillor D. Jackson

That correspondence from Dr. Thomas DeMarco, dated February 24, 2014, requesting Council consider a pedestrian overpass for the Whistler Cay Heights be received and referred to staff.

CARRIED

Elimination of Home
Delivery Service by the
Canada Post Corporation
File No. 3009

Moved by Councillor J. Crompton
Seconded by Councillor J. Faulkner

That correspondence from Derek R. Corrigan, Mayor, City of Burnaby, dated March 4, 2014, regarding the community impacts of the elimination of home delivery services by Canada Post Corporation be received.

CARRIED

ADJOURNMENT

Moved by Councillor J. Crompton

That Council adjourn the March 18, 2014 Council meeting at 6:20 p.m.

CARRIED

MAYOR: N. Wilhelm-Morden

DEPUTY CORPORATE OFFICER: L. Schimek