



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: March 16, 2021
FROM: Resort Experience
SUBJECT: LAND USE PROCEDURES AND FEES AMENDMENT BYLAW (COMPLEX SITE REZONING) NO. 2308, 2021

REPORT: 21-026
FILE: 7007.09

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, second and third readings to “Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021” to create a new fee category for large complex development applications that due to scope, complexity and size impose greater administrative, resource and capacity obligations on the Resort Municipality of Whistler than contemplated under the existing bylaw.

REFERENCES

Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021 (not attached)

PURPOSE OF REPORT

This Report presents “Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021” for Council consideration of first, second and third readings.

The proposed bylaw will amend the municipality’s existing Land Use Procedures and Fees Bylaw to create a new fee category for large complex development applications that impose greater administrative, resource and capacity obligations on the Resort Municipality of Whistler. The existing bylaw is being updated at this time to address large and unique development applications not currently contemplated in the existing bylaw. The existing bylaw fee structure will continue to apply to in-stream applications for amendments to the zoning bylaw.

In addition, the proposed bylaw updates the Title Search fee and adds a Land Title Office filing fee to reflect actual costs.

DISCUSSION

Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021

Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021 has been prepared to address large and unique development proposals not currently contemplated in the existing bylaw.

“Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021” proposes the following amendments to the existing bylaw:

- 1) Add definitions for “Complex site rezoning” to the Interpretation section of the bylaw.
“Complex site rezoning” means an amendment to a zoning bylaw for a parcel or set of parcels that comprise at least 45,000 square metres in area and for which the proposed rezoning requires an amenity zoning or phased development agreement with the exception of a proposed rezoning for residential land use only and any associated new public roads, park or other dedications.
- 2) Delete “An amendment to the zoning bylaw” and add “An amendment to the zoning bylaw other than for complex site rezoning” and “An amendment to the zoning bylaw for complex site rezoning” to the Applications section of the bylaw.
 - This adds a new application type to which a fee can be prescribed.
- 3) Replace the fees set out in Schedule A of the bylaw with a new fee schedule.

- The new fee schedule will address fees for an amendment to the zoning bylaw for complex site rezoning as follows:

amendment to a zoning bylaw other than for complex site rezoning	\$1,500.00
amendment to a zoning bylaw for complex site rezoning	A minimum fee of \$150,000 for the first 10,000m ² of site area plus \$350 per additional 100m ² of site area or portion thereof, to a maximum fee of \$750,000

- The fees and rates for an amendment to a zoning bylaw other than for complex site rezoning remain unchanged from the fees and rates for an amendment to the zoning bylaw established under the existing bylaw.
- The new fee schedule will also update the title search fee from \$20.00 to \$21.00 to reflect current costs.
- The new fee schedule will also add a Land Title Office filing fee as At Cost.

The proposed new fee structure for an application for an amendment to the zoning bylaw for complex site rezoning does not include recouping of costs for municipal disbursements related to such things as legal fees and third party reports if the costs are generated by the application. These costs if not included in the costs of development approval information under section 7 will be recovered by way of contractual agreement entered into with the landowner, through a phased development agreement, development agreement, covenant, or similar agreement.

Section 18 of the existing Land Use Procedures and Fees Bylaw, which applies to all of the application types addressed by the bylaw, will also apply to the new application type. This section states that if an application is withdrawn before any required public notice is given under the *Local Government Act* the applicant shall be entitled to a refund of 25 percent of the application fee and if the application is withdrawn prior to the filing of notice in the Land Title Office, the applicant shall also be entitled to a refund of the filing fee.

POLICY CONSIDERATIONS

Official Community Plan

The recommended resolutions included within this Report are consistent with the community vision, goals, objectives and policies included within “OCP Bylaw No. 2199, 2018”.

Local Government Act

The proposed bylaw is consistent with s. 462 of the *Local Government Act*, which requires that fees related to applications and inspections must not exceed the estimated average costs of processing, inspection, advertising and administration that are usually related to the type of application or other matter to which the fee relates.

BUDGET CONSIDERATIONS

“Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021” will create a new comprehensive fee structure for complex site rezonings that impose greater resource and capacity obligations on the Resort Municipality of Whistler. The proposed new fee structure is based on the estimated average costs of processing, inspection, advertising and administration related to an application for a complex site rezoning, and is consistent with the requirements of the *Local Government Act* in this regard. The process for recouping legal fees and any third party report fees is a contractual matter under the *Community Charter* and *Local Government Act*, which is valid and enforceable.

COMMUNITY ENGAGEMENT AND CONSULTATION

Community engagement and consultation is not required. However, staff have communicated the proposed bylaw amendment to the landowners of which the new fee structure for an application for amendment to the zoning bylaw (complex site rezoning) would apply. The proposed amendment also reflects industry standard within similar jurisdictions to enable development of large complex sites.

If adopted, “Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021” will be posted on the municipal website and all applicable application forms will be updated accordingly.

SUMMARY

This Report presents “Land Use Procedures and Fees Amendment Bylaw (Complex Site Rezoning) No. 2308, 2021” for Council consideration of first, second and third readings.

Respectfully submitted,

Melissa Laidlaw
PLANNING MANAGER

for
Mike Kirkegaard
DIRECTOR OF PLANNING

for
Jessie Gresley-Jones
GENERAL MANAGER OF RESORT EXPERIENCE