

# WHISTLER

## AGENDA

### **PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, JULY 24, 2018 STARTING AT 6:00 P.M.**

**Franz Wilhelmsen Theatre at Maury Young Arts Centre  
4335 Blackcomb Way, Whistler, BC V0N 1B4**

This Public Hearing is convened pursuant to section 464 of the *Local Government Act* to allow the public to make representations to Council respecting matters contained in "Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018" (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.

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.

Land Use Contract  
Discharge and  
Zoning Amendment  
Bylaw (3373  
Panorama Ridge) No.  
2196, 2018

### **PURPOSE OF LAND USE CONTRACT DISCHARGE AND ZONING AMENDMENT BYLAW (3373 PANORAMA RIDGE) NO. 2196, 2018**

As stated in the Notice of Public Hearing, the purpose of the proposed Bylaw is to discharge Land Use Contract F56921 from the lands at 3373 Panorama Ridge and rezone the parcel to RS1 (Single Family Residential One).

Submissions from the  
Public

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

### **MOTION TO CLOSE THE PUBLIC HEARING**

## PUBLIC HEARING DOCUMENT INDEX

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**THE RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way  
Whistler, BC Canada V0N 1B4  
[www.whistler.ca](http://www.whistler.ca)

TEL 604 932 5535  
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**NOTICE OF PUBLIC HEARING**

**TUESDAY, July 24, 2018 – 6:00 P.M.**

MAURY YOUNG ARTS CENTRE

Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

**LAND USE CONTRACT DISCHARGE AND ZONING AMENDMENT BYLAW  
(3373 Panorama Ridge) No. 2196, 2018**

**SUBJECT LANDS:**

More specifically these lands are described as: PL VAP17791 BLK M LT 15 DL 4750 NWD, PID: 007-256-043 and as shown on the map attached to this notice.

**PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to discharge Land Use Contract F56921 from the lands at 3373 Panorama Ridge and rezone the parcel to RS1 (Single Family Residential One).

**INSPECTION OF DOCUMENTS:**

A copy of the proposed Bylaw and relevant background documentation may be inspected at the Reception Desk of Municipal Hall at 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00 a.m. to 4:30 p.m., from Monday to Friday (statutory holidays excluded) from July 12, 2018 to and including July 24, 2018.

**PUBLIC PARTICIPATION:**

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

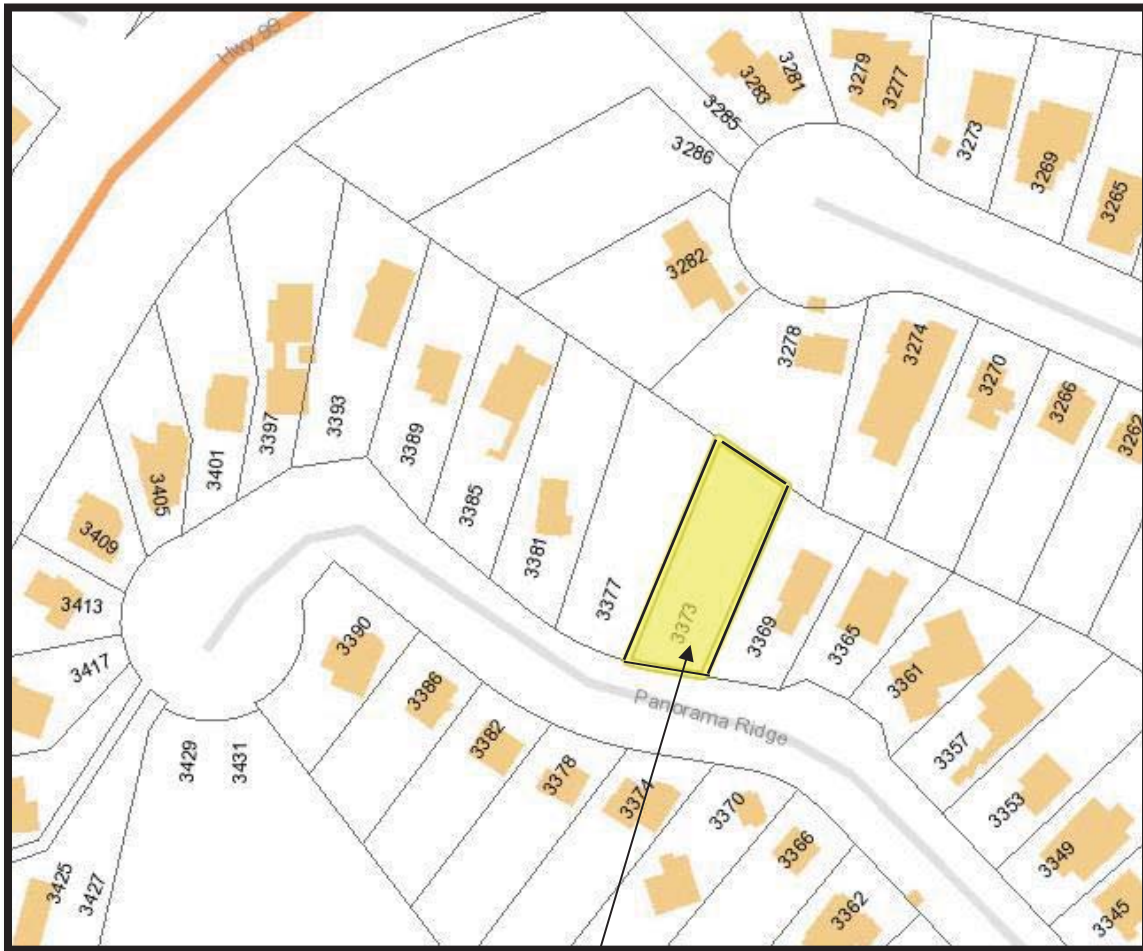
Written comments must be addressed to "Mayor and Council", and may be submitted prior to the public hearing (by 4:00 p.m. on July 24, 2018):

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

All submissions included in the Public Hearing Package will form part of the public record. The Package will be available on our website at [www.whistler.ca](http://www.whistler.ca) with other associated information.

After the conclusion of this Public Hearing, Council cannot receive representations from the public on the proposed Bylaw.

**ZONING AMENDMENT BYLAW (3373 Panorama Ridge) No. 2196, 2018**  
**SUBJECT LANDS – 3373 PANORAMA RIDGE, Whistler, BC**



Subject Land:  
3373 Panorama Ridge

**RESORT MUNICIPALITY OF WHISTLER**  
**LAND USE CONTRACT DISCHARGE AND ZONING AMENDMENT BYLAW (3373 Panorama Ridge)**  
**NO. 2196, 2018**

**A BYLAW TO DISCHARGE A LAND USE CONTRACT AND AMEND THE WHISTLER ZONING AND  
PARKING BYLAW NO. 303, 2015**

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**WHEREAS** Council may, in a zoning bylaw pursuant to Sections 479 and 525 of the *Local Government Act*, R.S.B.C. 2015, c. 1 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, require the provision of parking spaces and loading spaces for uses, buildings and structures, and establish different density regulations for a zone, one applicable to the zone generally and the other to apply if conditions are met; and

**WHEREAS** a land use contract may, under s.546 of the *Local Government Act*, be discharged by bylaw with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the discharge; and

**WHEREAS** the owners of the lands legally described as Lot 15, Block M, District Lot 4750, Plan 17791 have agreed in writing to the discharge of the land use contract charging those lands;

**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 "Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018"
2. Zoning and Parking Bylaw No. 303, 2015 is amended by:
  - (a) amending Schedule "A" Zoning Map by changing the zoning designation of the lands described as Lot 15, Block M, District Lot 4750, Plan 17791 to RS1 (Single Family Residential One) as shown in heavy black outline and identified on the plan annexed to this Bylaw as Schedule "1".
3. That certain land use contract registered in the Vancouver Land Title Office under No. F56921 on August 17, 1978 is discharged from the lands described in Section 2(a), and the Corporate Officer shall register a discharge of that land use contract in respect of such lands, together with a certified copy of this bylaw, in the Land Title Office in accordance with the *Land Title Act* and Section 546 of the *Local Government Act*.
4. If any section or phrase of this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

GIVEN FIRST AND SECOND READINGS this 19th day of June, 2018.

Pursuant to Section 890 of the Local Government Act, a Public Hearing was held this 24th day of July, 2018.

GIVEN THIRD READING this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Approved by the Minister of Transportation this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

**Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018**  
**Page 2**

ADOPTED by the Council this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Nancy Wilhelm-Morden,  
Mayor

\_\_\_\_\_  
Brooke Browning,  
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of "Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018".

\_\_\_\_\_  
Brooke Browning,  
Municipal Clerk

**SCHEDULE 1**

**3373 Panorama Ridge  
(Lot 15, Block M, District Lot 4750, Plan 17791)  
to be zoned RS1 (Single Family Residential One)**



**Subject Lands**

**3373 Panorama Ridge**



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** June 19, 2018

**REPORT:** 18-084

**FROM:** Resort Experience

**FILE:** RZ1148

**SUBJECT:** RZ1148 - 3373 PANORAMA RIDGE – LAND USE CONTRACT DISCHARGE AND REZONING

### 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 “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”;

**That** Council authorize staff to schedule a Public Hearing regarding “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”; and further,

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Registration of a Section 219 development covenant in favour of the Resort Municipality of Whistler requiring development on the parcel to achieve a minimum of BC Energy Step Code 3; and
2. Payment of outstanding rezoning application fees.

### REFERENCES

Location: 3373 Panorama Ridge

Legal: Lot 15, Block M, District Lot 4750, Plan 17791

Zoning: Land Use Contract F56921

Appendix “A” – Location Plan

### PURPOSE OF REPORT

The purpose of this Report is to present “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”, a bylaw to discharge the Brio Land Use Contract (the “LUC”) from the lands at 3373 Panorama Ridge, and rezone the parcel to RS1 (Single Family Residential One).

This Report recommends that Council give first and second readings to “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”, authorize staff to schedule a public hearing for the bylaw, and further identifies conditions for the applicant to address prior to consideration of adoption of the bylaw.



## DISCUSSION

### Background

The subject property at 3373 Panorama Ridge is located in the Brio subdivision. The Brio subdivision was originally regulated by Land Use Contract F56921 (the “LUC”) registered on the property titles in 1978. Altogether, 110 properties were subject to the LUC in 1978. Over time, the majority of lots in Brio had the LUC discharged and replaced with the RS1 (Single Family Residential One) zone.

In 2018, the municipality initiated the process of termination of land use contracts in Whistler as required by the *Local Government Act*. Per the *Local Government Act*, bylaws for early termination must be adopted before June 30, 2022 and such bylaws must not come into force until at least one year after the date of bylaw adoption.

On March 20, 2018 “Land Use Contract Termination Bylaw (Brio) No. 2169, 2018” was adopted to discharge the LUC from the remaining eleven parcels, including 3373 Panorama Ridge, and rezone the lands to RS1 zone. However, this bylaw will not come into force until March 20, 2019 per *Local Government Act* requirements. The owners of 3373 Panorama Ridge are interested in developing their currently undeveloped property in a manner that will be consistent with the incoming RS1 zoning, however, they want to begin construction in the late summer of 2018, prior to the RS1 zoning provided by Bylaw 2169 coming into effect.

Section 546 of the *Local Government Act* provides that an owner of property subject to a land use contract can amend or discharge the contract by bylaw with the agreement of the local government and the landowner without the one year delay imposed by the early termination process. The owners of 3373 Panorama Ridge have submitted Rezoning Application RZ1148 to do so.

### Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018

“Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018” will discharge the LUC and replace it with the existing RS1 Zone contained in Zoning and Parking Bylaw 303, 2015 for 3373 Panorama Ridge. Differences between the existing LUC requirements and the RS1 Zone are indicated in the following table:

	LUC	RS1
Use	Detached Dwelling	Detached Dwelling
Density	2500 sq ft (232 m <sup>2</sup> )	325 m <sup>2</sup>
Auxiliary Residential Dwelling Unit	Not Considered	Yes
Height	25 ft	7.6 m
Site Coverage	33 %	35 %
Setbacks F/S/R	25 ft/ 10 ft/ 25 ft	7.6 m/ 3.0 m/ 7.6 m
Parking	2 spaces	3 spaces

## WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected.	The termination of LUCs in Whistler will eliminate regulatory confusion and allow for a more effective regulatory framework to better manage growth.  Discharge of the LUC would mean that gross floor area ("GFA") exclusions contained in Zoning and Parking Bylaw 303, 2015 (in-ground basement, garage, mechanical, etc) would be applicable.
Built Environment	Building design, construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.	Zoning is more flexible and easier to modify to reflect new building techniques and changing uses.

"Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018" does not move our community away from any of the adopted Whistler 2020 Descriptions of Success.

## OTHER POLICY CONSIDERATIONS

### Corporate Plan

The LUC discharge and rezoning directly supports two strategies identified in the RMOW's 2017 Corporate Plan.

Policy Source	Policy	Comments
2017 Corporate Plan	Advance progressive community planning tools, policies and processes	The proposed bylaw supports a timely and responsible approach to meet Provincial requirements for LUC termination. A clearer and simpler regulatory regime for development will be created.
2017 Corporate Plan	Execute on organizational commitments to improve customer service	The LUC regulatory system is more time consuming and costly for both applicants and the RMOW. Replacing LUCs with zoning will have a positive impact on customer service.

### Official Community Plan

Whistler's OCP outlines specific items for review with respect to rezoning applications. The proposed bylaw is consistent with the Municipality's Official Community Plan criteria for consideration of a rezoning application. A brief summary follows:

### OCP Criteria for Evaluating Proposals for Zoning Amendments

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OCP Criteria	Comments
Impact on bed unit capacity calculations	No increase in bed unit capacity.
Capable of being served by Municipal water, sewer, and fire protection services	Yes, already serviced.
Accessible via the local road system.	Yes
Environmental Impact Assessment and Initial Environmental Review.	An EIR is not required as the site is not identified on RMOW Environmental Sensitivity or Development Constraints mapping.
Traffic volumes and patterns on Highway 99 and the local road system	No significant change in volumes or patterns anticipated.
Overall patterns of development of the community and resort	No significant change, existing property.
Municipal Finance	Refer to the Budget Considerations section of this report for more details.
Views and Scenery	The proposal does not affect views.
Existing Community and Recreation Facilities	No impact.
Employee Housing charges	N/A.
Heritage Resources	N/A
Project exhibits high standards of design and landscaping	The property is not in a development permit area, and the RS1 zoning will enable the property to be developed consistently with the neighbourhood.

The LUC discharge and rezoning is consistent with:

- Section 547 of the *Local Government Act* which requires discharge/ termination of Land Use Contracts by June 30, 2024.
- Council's policy to have an equitable approach for GFA exclusions for all single family properties in the resort community.
- All previous bylaws adopted to discharge the LUC and apply the RS1 zone to all properties in the Brio subdivision.

## Legal Considerations

Details related to green building are beyond the scope of zoning regulations and need to be secured by means of agreements with the property owner and registered on title.

Prior to adoption of "Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018", the owner must register a Section 219 development covenant in favour of the RMOW requiring that development at 3373 Panorama Ridge achieve a minimum of BC Energy Step Code 3. This is consistent with the intent of the proposed integration of the BC Energy Step Code in Whistler, and the requirements of Green Building Policy to register a green building covenant.

## BUDGET CONSIDERATIONS

All costs associated with staff time for the rezoning application, Public Hearing, notices, and legal fees will be paid by the applicant and all fees will be required to be paid in full as a condition of adoption of the bylaw.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

The required rezoning application site information sign has been posted on the property. A Public Hearing, which is subject to public notice requirements, is required as part of the statutory process for bylaw consideration and adoption.

## **SUMMARY**

“Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018” proposes to discharge the Brio Land Use Contract registered as F56921 from 3373 Panorama Ridge and apply the RS1 (Single Family Residential One) zone of Zoning and Parking Bylaw 303, 2015 to the lands, consistent with what has been previously adopted for other parcels formerly regulated by the Brio Land Use Contract.

This Report recommends that Council consider giving first and second readings to “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”, that Council direct staff to schedule a Public Hearing regarding the bylaw, and identifies conditions for the applicant to address prior to consideration of adoption of the bylaw.

Respectfully submitted,

Roman Licko  
PLANNING ANALYST  
for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE

## Appendix A



Subject Lands – 3373 Panorama Ridge

# RZ1148 – 3373 Panorama Ridge – Land Use Contract Discharge and Rezoning

Presentation to Council

June 19, 2018

## RESORT MUNICIPALITY OF WHISTLER

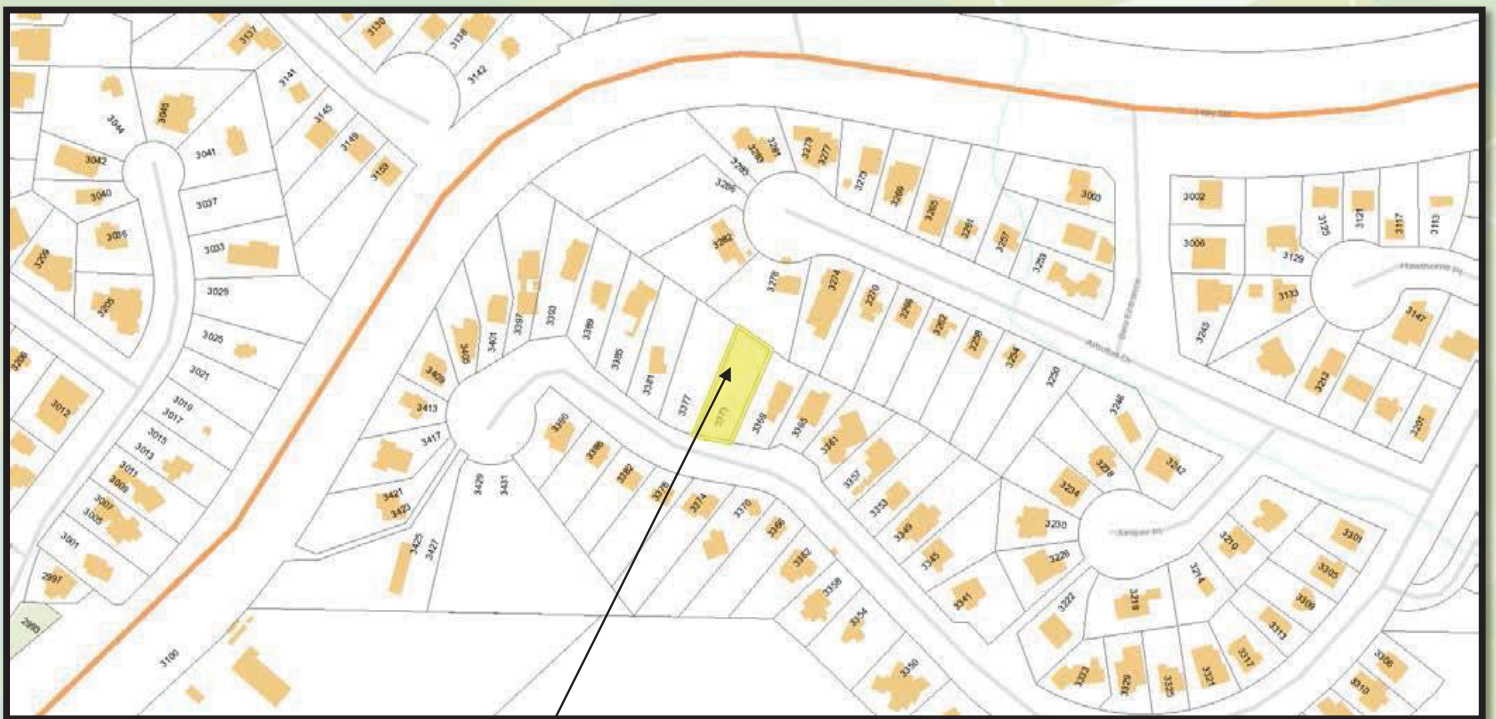
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# Subject Lands



Subject Lands  
3373 Panorama Ridge

## Discussion

- Brio subdivision originally regulated by Land Use Contract F56921
  - ✓ Ties properties to Zoning Bylaw No. 9, 1975
- 110 properties were subject to the LUC in 1978
- Over time, majority (99) discharged LUC
  - ✓ Replaced with RS1 Zoning
- LGA s.547 requires discharge of all LUC's by June 2024
- Land Use Contract Termination Bylaw (Brio) No. 2169, 2018 was adopted on March 20, 2018
  - ✓ Terminates the LUC from remaining 11 parcels
  - ✓ Replaces with RS1
- Per LGA requirements, this bylaw will not come in to force for one year from adoption



## Discussion

- LGA s.546 allows property owners to apply to discharge/ amend LUC registered on their parcel
- Owners of 3373 Panorama Ridge wish to begin development of this vacant parcel this summer
- Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018
  - ✓ Would discharge LUC & replace with RS1 prior to Land Use Contract Termination Bylaw (Brio) No. 2169, 2018 coming into effect.

# Whistler 2020 Analysis

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected.	<p>The termination of LUCs in Whistler will eliminate regulatory confusion and allow for a more effective regulatory framework to better manage growth.</p> <p>The proposed discharge does not affect permitted uses. The discharge would bring RS1 zone regulations into effect for the property allowing development of a single family dwelling with consistent with Zoning and Parking Bylaw 303, 2015 in advance of the LUC termination bylaw that has been adopted by Council.</p> <p>The property will be eligible for GFA exclusions consistent with all other properties in the RMOW zoned for single family residential development.</p>
Built Environment	Building design, construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.	Zoning is more flexible and easier to modify to reflect new building techniques and changing uses.

## Policy Consideration

### **RZ1148 consistent with:**

- Section 547 of the *Local Government Act* which requires discharge/ termination of Land Use Contracts by June 30, 2024
- LUC Termination Bylaw 2169 adopted by Council in March 2018.
- Previous bylaws adopted to discharge the LUC and apply the RS1 zone to Brio properties
- Council's policy to have an equitable approach for GFA exclusions for all single family properties in the resort community

## Legal Consideration

- Council policy G-23 requires a green building commitment from owner initiated rezoning applications.
- Staff recommend a 219 covenant requiring an minimum of BC Energy Step Code 3.

# Community Engagement

- Rezoning sign posted on property
  - ✓ No responses received
- A public hearing is required per LGA

## Recommendation

**That** Council consider giving first and second readings to “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”;

**That** Council authorize staff to schedule a Public Hearing regarding “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”; and further,

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Registration of a Section 219 development covenant in favour of the Resort Municipality of Whistler requiring development on the parcel to achieve a minimum of BC Energy Step Code 3; and
2. Payment of outstanding rezoning application fees.

**RZ1148 - 3373  
Panorama Ridge –  
Land Use Contract  
Discharge and  
Rezoning  
File No. RZ1148  
Report No. 18-084**

Moved by Councillor J. Ford  
Seconded by Councillor J. Crompton

**That** Council consider giving first and second readings to “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”;

**That** Council authorize staff to schedule a Public Hearing regarding “Land Use Contract Discharge and Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”; and further,

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (3373 Panorama Ridge) No. 2196, 2018”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Registration of a Section 219 development covenant in favour of the Resort Municipality of Whistler requiring development on the parcel to achieve a minimum of BC Energy Step Code 3; and
2. Payment of outstanding rezoning application fees.

**CARRIED**

**RZ1143 – 1501 Alta  
Lake Road (Prism  
Lands) Amenity  
Zoning  
File No. RZ1143  
Report No. 18-079**

Moved by Councillor J. Crompton  
Seconded by Councillor J. Ford

**That** Council consider giving third reading to “Zoning Amendment Bylaw (Prism Lands) No. 2172, 2018”.

**CARRIED**

**Review of Council  
Remuneration  
File No. 3009.5  
Report No. 18-080**

Moved by Councillor C. Jewett  
Seconded by Councillor J. Ford

**That** Council adopt Council Policy A-30: *Council Remuneration* as amended and attached as Appendix “A” to Administrative Report to Council No. 18-080;

**That** Council consider the results of the Council remuneration review; and further,

**That** Council set the salaries for Councillors at \$38,178 and the Mayor at \$97,310 effective January 1, 2019.

**CARRIED**

**Consideration of a  
Regional Transit  
Memorandum of  
Understanding  
File No. 527.22  
Report No. 18-081**

Moved by Councillor C. Jewett  
Seconded by Councillor J. Ford

**That** Council endorse the Regional Transit Memorandum of Understanding between the Lil’wat Nation, Squamish Nation, District of Squamish, Village of Pemberton, Squamish-Lillooet Regional District and the Resort Municipality of Whistler, attached as Appendix “A” to Administrative Report No. 18-081; and further

**That** Council authorize the Mayor to sign the Memorandum of Understanding.

**CARRIED**

**2017 Annual Report  
File No. 4325  
Report No. 18-082**

Moved by Councillor J. Ford  
Seconded by Councillor J. Crompton