

# WHISTLER

## AGENDA

### PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, JULY 10, 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 "Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 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.

"Zoning Amendment  
Bylaw (Bunbury  
Lands) No. 2191,  
2018"

#### **PURPOSE OF "ZONING AMENDMENT BYLAW (BUNBURY LANDS) NO. 2191, 2018"**

As stated in the Notice of Public Hearing, the purpose of the "Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018" is to rezone the lands from RS-E1 to RS1 and PAN1 to enable a future subdivision of the existing parcel into five single family residential lots accessed from Gondola Way and a nature conservation area. The existing reservoir access road is zoned RR1 and will remain zoned RR1.

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

Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing (scheduled for July 10, 2018)
Proposed Bylaw		Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018
Council Report 13-062		Administrative Report to Council
Council Report 18-085		Administrative Report to Council requesting consideration of first and second reading of the proposed bylaw and permission to schedule a public hearing of July 10, 2018
Presentation Slides	2-Jul-13	Presentation slides for report to Council
Presentation Slides	19-Jun-18	Presentation slides for report to Council
Council Minutes		Minutes of the Regular Meeting of Council of July 2, 2013
Council Minutes		Minutes of the Regular Meeting of Council of June 19, 2018
Correspondence		Correspondence will be added to the package as it is received



THE RESORT MUNICIPALITY OF WHISTLER  
4325 Blackcomb Way TEL 604 932 5535  
Whistler, BC Canada V0N 1B4 TF 1 866 932 5535  
[www.whistler.ca](http://www.whistler.ca) FAX 604 932 8109

## **NOTICE OF PUBLIC HEARING**

**TUESDAY, July 10, 2018 – 6:00 P.M.**

MAURY YOUNG ARTS CENTRE (formerly MILLENNIUM PLACE)  
Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

### **ZONING AMENDMENT BYLAW (Bunbury Lands) No. 2191, 2018**

#### **SUBJECT LANDS: 2501, 2505 and 2509 Gondola Way**

More specifically these lands are described as: District Lot 2291, Plan 19602, PID: 006-984-801 and as shown on the map attached to this notice.

#### **PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to rezone the lands from RS-E1 to RS1 and PAN1 to enable a future subdivision of the existing parcel into five single family residential lots accessed from Gondola Way and a nature conservation area. The existing reservoir access road is zoned RR1 and will remain zoned RR1.

#### **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 June 28, 2018 to and including July 10, 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.

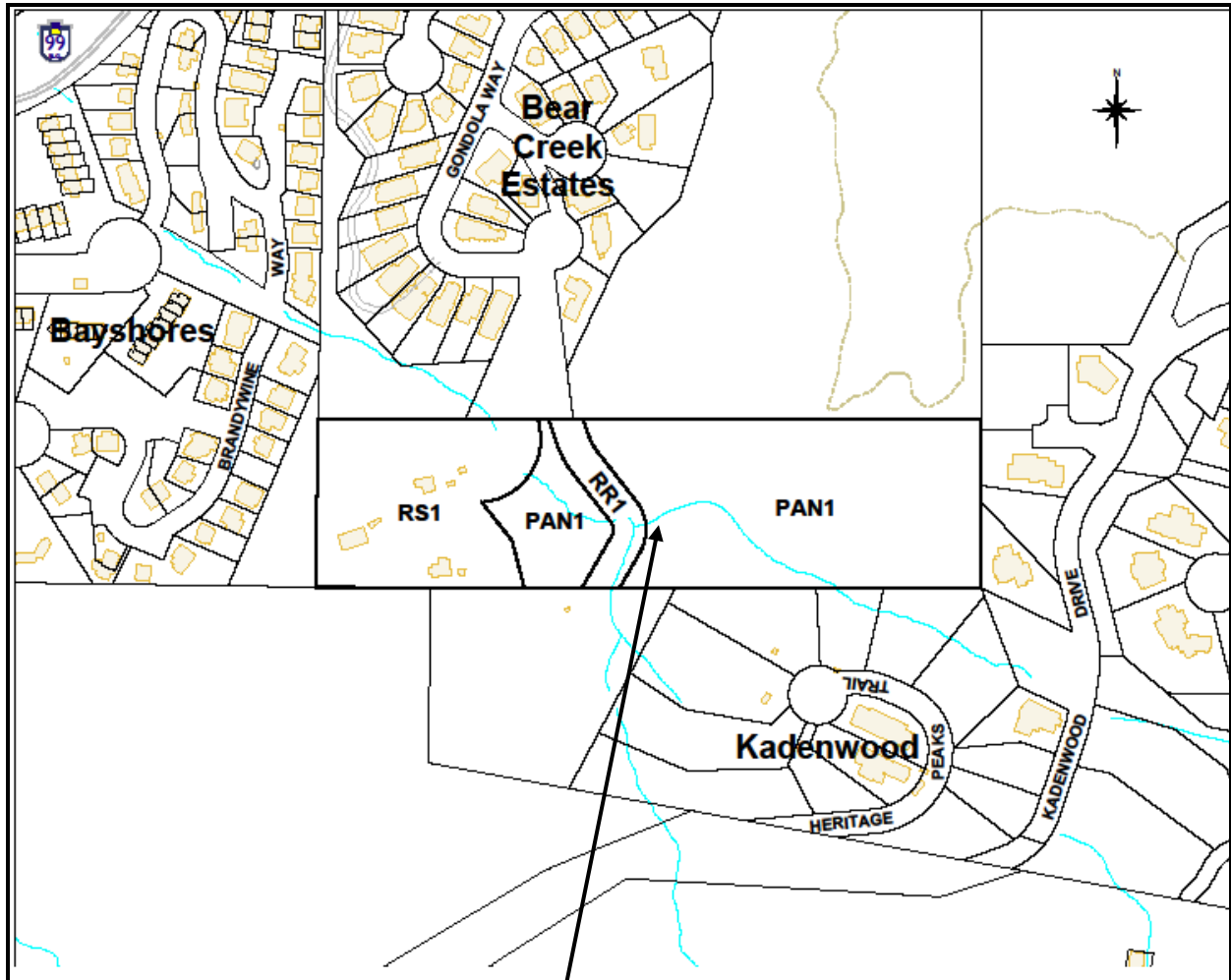
Written comments must be addressed to "Mayor and Council", and may be submitted prior to the public hearing (by 4:00 p.m. on July 10, 2018):

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

Submissions received for the proposed Bylaw will be included in the information package for Council's consideration, which will also 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 (Bunbury Lands) No. 2191, 2018**  
**SUBJECT LANDS – 2501, 2505 and 2509 Gondola Way, Whistler, BC**



**SUBJECT LANDS**

**RESORT MUNICIPALITY OF WHISTLER  
ZONING AND PARKING AMENDMENT BYLAW NO. 2191, 2018**

**A BYLAW TO AMEND THE WHISTLER ZONING AND PARKING BYLAW NO. 303, 2015**

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**WHEREAS** Council may, in a zoning bylaw pursuant to Section 479 of 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 zones, regulate the use of land, buildings and structures within the zones, and require the provision of parking spaces for uses, buildings and structures;

**NOW THEREFORE** the 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 (Bunbury Lands) No. 2191, 2018”.
2. The Land that is the subject of this bylaw is located at 2501, 2505 and 2509 Gondola Way and more particularly described as: PID: 006-984-801, District Lot 2291, Plan 19602, and is referred to in this bylaw as the “Subject Land”.
3. Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015 is amended by changing the zoning designation of the Subject Land as follows:
  - 3.1 The area labelled RS1 on the map attached to this bylaw as Schedule A is rezoned from RS-E1 Zone (Residential Single Estate One) to RS1 Zone (Single Family Residential One);
  - 3.2 Both of the areas labelled PAN1 on the map attached to this bylaw as Schedule A are rezoned from RS-E1 (Residential Single Estate One) to PAN 1 Zone (Protected Area Network One Zone).
4. For clarity, the zoning designation of the area labelled RR1 on the map attached to this Bylaw as Schedule A is unaffected by this bylaw and will remain RR1 Zone (Rural Residential One).

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

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this \_\_\_ day of \_\_\_\_\_, 2018.

GIVEN THIRD READING this \_\_\_ day of \_\_\_\_\_, 2018.

Approved by the Minister of Transportation and Infrastructure this \_\_\_ day of \_\_\_\_\_, 2018.

ADOPTED by the Council this \_\_\_ day of \_\_\_\_\_, 2018.

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Nancy Wilhelm-Morden,  
Mayor

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Brooke Browning,  
Municipal Clerk

I HEREBY CERTIFY that this is a true  
copy of "Zoning Amendment Bylaw  
(Bunbury Lands) No. 2191, 2018."

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Brooke Browning,  
Municipal Clerk



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** July 2, 2013

**REPORT:** 13-062

**FROM:** RESORT EXPERIENCE

**FILE:** RA448, RZ1009

**SUBJECT:** 2501, 2505 AND 2509 GONDOLA WAY - REVISED REZONING PROPOSAL

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council authorize staff to proceed with a further review of a revised rezoning proposal for 2501, 2505 and 2509 Gondola Way and prepare the necessary bylaws to bring forward for Council consideration.

### PURPOSE OF REPORT

This report describes the proposed rezoning and requests Council authorization for staff to proceed with further review and prepare necessary bylaws.

### REFERENCES

<b>Owner:</b>	Alex Bunbury
<b>Municipal Addresses:</b>	2501, 2505 and 2509 Gondola Way
<b>Neighbourhood Area:</b>	Bear Creek Estates / Kadenwood (Appendix A)
<b>Legal Description:</b>	PID 006-984-801 District Lot 2291, Plan 19602

**Current Zoning:** RSE1 (Residential Single Estate One)

**Proposed Zoning:** RS1 (Residential Single Family One)  
LP3 (Leisure and Park Three)

### ATTACHMENTS

Appendices:	"A" Location Plan "B" Proposed Lot Plan
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### DISCUSSION

#### Background

In 1969, which predates the municipality's incorporation, District Lot 2291 was created for a Crown Lease to Mr. Alex Bunbury and two partners. The condition of the lease, and eventual purchase of the Crown Lands, required the construction of three cabins, provisions of road access, construction of a water system and the construction of septic field. In accordance with the Crown lease-to-purchase requirements, the leaseholders constructed three cabins and the Crown lands were granted to the applicants. In 1972, the three owners of the cabins applied to the Squamish-Lillooet Regional District (SLRD) for a land use contract (LUC) that would permit three "ski cabins". In

1975, the LUC enabling bylaw was adopted by the SLRD. Under SLRD jurisdiction the property was zoned Residential II Zone which permitted "... the construction of three single-family residential ski cabins on District Lot 2291". In 1975, the Resort Municipality of Whistler incorporated and assumed jurisdiction for the subject lands and the lands were zoned to RR1 (Rural Resource One), permitting a wide range of uses including one single residential dwelling unit per parcel making the existing development non-conforming. In 1986, the owner bought out the other two cabin owners and became the sole owner of the property. In 1992, the owner learned that his property was zoned RR1 and submitted a rezoning application to the RMOW to rectify the zoning and have recognized the previously granted development rights by the SLRD for the three cabins. The application also requested additional residential development potential on the property. Over the years several combinations of residential development proposal were put forward to the municipality by the owner.

In 2002, as part of a larger RMOW initiated rezoning in which large parcels of privately owned lands were rezoned from RR1 to RSE1 to permit a detached dwelling and associated auxiliary uses and a minimum parcel area of 40 hectares, the subject lands were rezoned from RR1 to RSE1. Like the former RR1 zoning, the RSE1 zoning makes the existing development at 2501, 2505 and 2509 Gondola Way non-conforming.

### Revised Proposal

On June 19, 2013, the applicant submitted a revised plan for the 4.22-hectare parcel to legitimize the three existing dwellings onto three lots and create two additional market lots, each lot to accommodate one detached dwelling, road dedications and approximately 2.7 hectares of park dedication on the proposed lot plan attached as Appendix B. All residential lots are proposed to be accessed from Gondola Way as shown on the attached Appendix B. It is proposed the five residential lots will be zoned RS1, and the park lands will be zoned LP3. The smallest lot proposed has a parcel area of 1,900 sq.m, with each of the remaining four lots in excess of 2,200 sq.m in parcel area. The parcel areas are well in excess of the minimum parcel area of 695 sq.m required in the RS1 zone. One road dedication will provide access to the proposed subdivision and the other will provide access to a municipal water reservoir located beyond the lands. Approximately 65% of the lands will be dedicated as park with a ski out trail easement. The owner has negotiated a ski trail easement across the parcel with Whistler Blackcomb Ltd, in exchange for development rights for 12 bed units. Staff has circulated this proposal for further review.

### WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Continuous encroachment on nature is avoided	The proposed increase in park dedication and tree covenants protect approximately 65% of the site area.
Built Environment	Limits to growth are understood and respected	No additional bed units required.
Natural Areas	Developed and recreation areas are designed and manage to protect as much of the natural environment within and around them as possible.	The proposal proposes to protect 65% of the lands as park.



W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Built Environment	Residents live, work and play in relatively compact, mixed-use neighbourhoods that reflect Whistler's character and are close to appropriate green space, transit, trails, amenities and services.	The revised 5 proposed market lots are not compact. The proposed lots will be close to green space and trails. All of the lots being accessed from Gondola Way are 1 km by road from Creekside amenities, services and transit

## OTHER POLICY CONSIDERATIONS

### Bed Units

In 2005, the RMOW recognized and confirmed an original 18 bed units on the site for the three existing cabins. These units are identified in the Municipal Bed Unit Inventory. In the same year, the Municipality adopted the Residual Bed Units and Growth Management Policy G-21, allowing the transfer of committed yet unassigned bed units (including units from the Whistler Mountain approved bed unit allocation). The transfer of committed bed units to an alternate site requires Council approval, at its sole discretion, as part of the rezoning proposal.

The applicant has submitted to staff a copy of the agreement between the property owner and Whistler Mountain Resort Ltd. Partnership for the transfer of 12 bed units from the Whistler Mountain approved bed unit allocation required for the two additional lots in exchange for the registration of a ski out trail easement across the property for their guests and the public.

Therefore, the proposed two additional lots do not generate new bed units but will require Council's approval to transfer these committed bed units to this alternate site.

### Existing Bylaws at 3<sup>rd</sup> reading

On October 20, 2009, Council gave third reading to OCP Amendment Bylaw No. 1845, 2008, Zoning Amendment Bylaw No. 1833, 2008 and Phased Development Agreement Bylaw No. 1835, 2008 which were required to facilitate the subdivision and residential development of the property based on the applicant's August 2009 submission. This submission consisted of three RS10 lots accessed from Gondola Way, two RTA11 zone lots accessed through the Kadenwood subdivision, and a park dedication of approximate 1.6 hectares to be zoned LP3.

If Council authorizes staff to proceed with the review of the revised proposal staff would require that Council repeal the bylaws noted above as they would no longer be applicable. Staff will need to prepare a new zoning amendment bylaw for Council's consideration for first and second reading which reflects the revised proposal.

## BUDGET CONSIDERATIONS

Budget implications associated with the proposed development relate to works and services charges to be collected at time of building permit application and future increase in tax revenues to be generated when the land is subdivided into the five separate residential lots.

All costs associated with staff time or legal reviews for the rezoning application will be paid by the applicant.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

The required rezoning application site information sign has been posted on the property. The proposed zoning amendment bylaw will be subject to a public hearing adhering to statutory public notice requirements.

## **SUMMARY**

This report summarizes the applicant's revised submission for five RS1 lots accessed from Gondola Way on approximately 1.1 hectares, a park area dedication of approximately 2.7 hectares zoned LP3 and road dedications of approximately 0.4 hectares. Staff recommends that Council authorize staff to proceed with a further review of the proposal in order to bring forward for Council's consideration a new zoning amendment bylaw reflective of the revised proposal as well as a list of any requirements for completion prior to the adoption of the zoning.

Respectfully submitted,

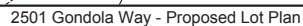
Robert Brennan, MCIP RPP  
Planner  
for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE

LOCATION MAP: 2501, 2505 and 2509 Gondola Way



## APPENDIX B

ALL DISTANCES SHOWN ARE IN METRES



BUNBURY & ASSOC.  
PROFESSIONAL B.C. LAND SURVEYORS,  
SQUAMISH & WHISTLER, B.C.  
4203-1000 MILLAR CREEK ROAD, WHISTLER, B.C., 604-932-9771  
DATA FILE provided. W-3539-



# RA448/RZ1009 2501, 2505 and 2509 Gondola Way

Council Presentation

July 2, 2013

**RESORT MUNICIPALITY OF WHISTLER**

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

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



## Background

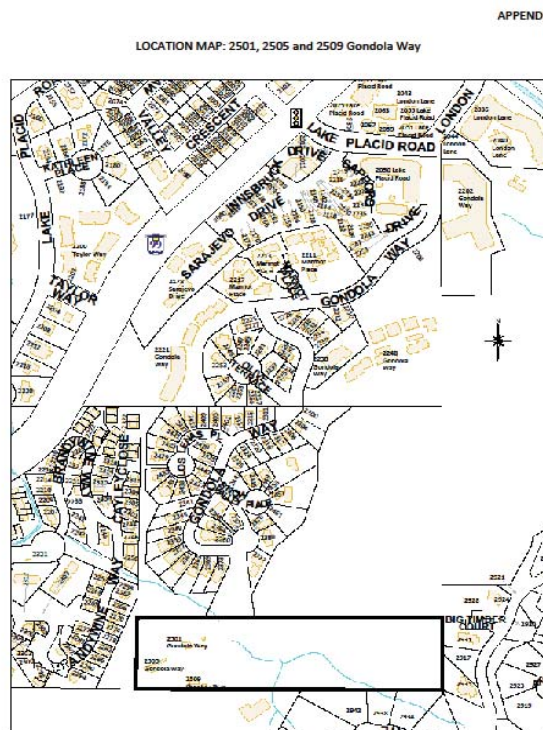
- 1969 – prior to RMOW incorporation, existing large lot created as a Crown Lease for current owner and two partners. Lease conditions for three cabins: provide road access, construct a water system and septic system.
- 1972 – three owners applied to the SLRD, new regulator for the area, for a land use contract (LUC) to permit the three ski cabins.
- 1975 - SLRD adopted LUC which permitted 3 single-family residential ski cabins.
- 1975 - RMOW incorporated and lands zoned RR1, which permits a wide range of uses including one single residential dwelling unit per parcel – making existing development non-conforming with zoning

## Background – cont'd

- 1986 – Owner buys out other two owners and became sole owner of the property.
- 1992 – Owner learns of RR1 zoning anomaly and applies to RMOW to rezone to rectify and have the granted development rights for the three cabins under the SLRD recognized.
- 1992 – 2013 – several combinations of residential development proposals put forward to the RMOW by the owner. Last proposal for two RTA11 lots, three RS10 lots and an LP3 park area received 3<sup>rd</sup> reading on October 20, 2009 with conditions.
- 2002 – as part of a larger RMOW initiated rezoning, the lands were rezoned from RR1 to RSE1 to permit a detached dwelling and associated uses on minimum 40 hectare parcels. Like the RR1 Zone the RSE1 zone makes the existing development non-conforming with zoning.



# Subject Lands

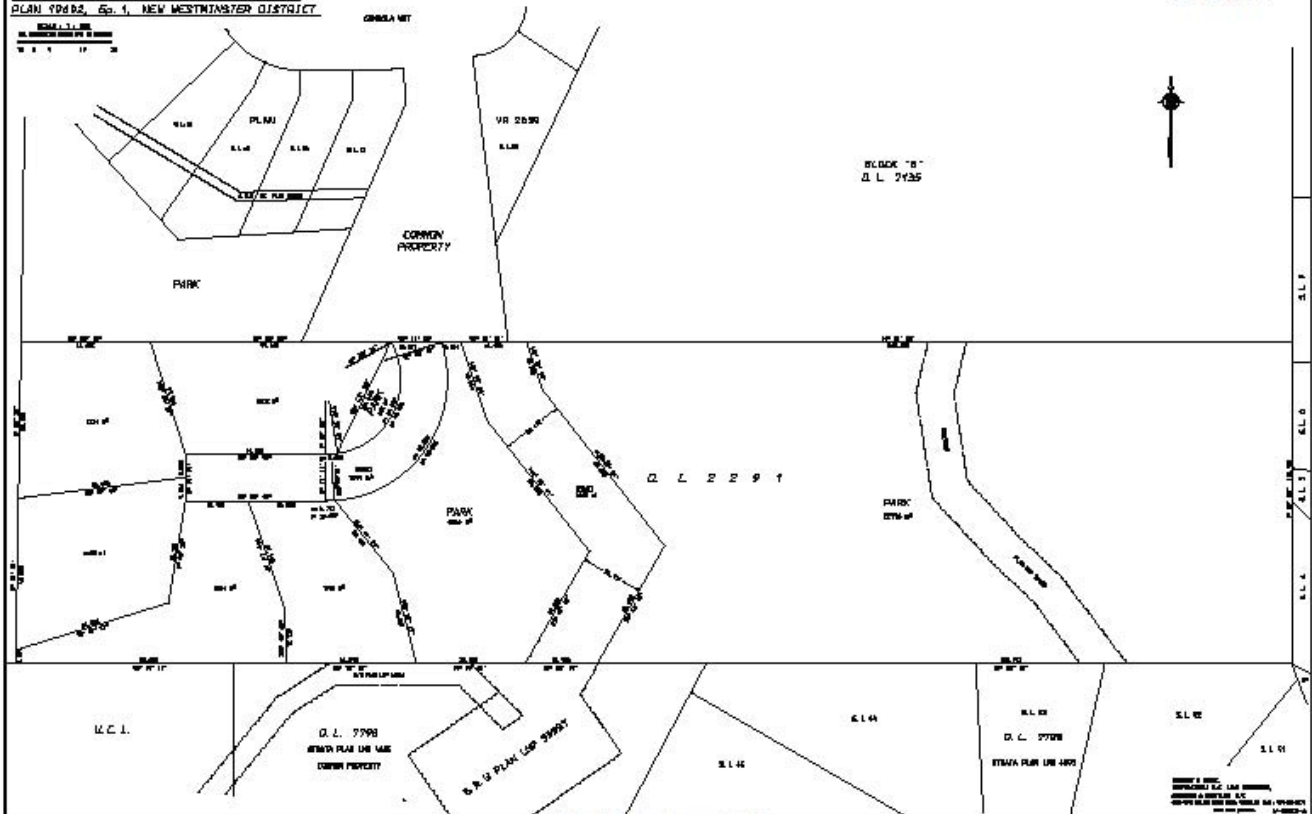


- Access from the Whistler Creek South residential neighbourhood
- Existing 3 homes on a single 4.22 hectares property located at the top of Gondola Way
- Approximately 65% of property treed and steeply sloped.



PROPOSED SUBDIVISION PLAN OF D.L. 2291  
 PLAN 19882, 6p. 1, NEW WESTMINSTER DISTRICT

APPENDIX B



# Rezoning Proposal

- **Five residential lots:**

- ✓ RS1 zone – Further review required
- ✓ 1.1 hectare for residential use
- ✓ 3 lots for the three existing dwellings
- ✓ 2 additional market lots
- ✓ All lots accessed from Gondola Way
- ✓ Lots range 1,900 to 2,200 sq.m in area (RS1 min. required 695 sq.m.)

- **Park dedication:**

- ✓ LP3 Zone – Further review required
- ✓ 2.7 hectares of park dedication to protect treed area and creeks
- ✓ Easement for Ski In/Ski Out Trail to remain in place

- **Access:**

- ✓ 0.4 hectares for access to the lots and access to water reservoir
- ✓ Further review required

# Rezoning Proposal

- Changes from the proposal at 3<sup>rd</sup> Reading:
  - ✓ Replaces the site specific RS10 Zone with the RS1 Zone
    - a zone consistent and similar to regulations in adjacent residential areas.
  - ✓ Eliminates proposed two RTA11 zone lots requiring access and services via the Kadenwood neighbourhood.
  - ✓ Reduces impact on the natural environment by leaving the eastern portion of the parcel undisturbed.
  - ✓ Ecosystem around the two creeks more likely to remain intact as part of park dedication.

# Preliminary Planning + Policy Review

- **W2020 Goals**

- ✓ consistent with reducing built environment encroachment on nature as significant areas of the parcel to be dedicated as park and tree covenant protection on residential lots.
- ✓ Developed and recreation areas would be designed and managed to protect as much of the natural environment within and around them as possible. The proposal protect 65% of the land as a park.

- **Bed Unit Capacity**

- ✓ 18 bed units already assigned to 3 existing cabins
- ✓ Agreement in place to transfer 12 bed units from Whistler Mountain Resort Ltd. Partnerships from their approved allocation for the two additional lots in exchange for the ski out trail easement across the property for guests to the mountains and the public.
- ✓ Transfer of bed units to an alternate site requires Council approval, at its sole discretion, as part of the rezoning proposal.
- ✓ No additional bed units required.

- **Neighbourhood Fit – consistent with existing residential development in Gondola Village and Bear Creek Estates**

- **Municipal Services – Review required**

# Community Engagement

- Required rezoning site information sign is posted on the property.
- If Council authorizes staff to proceed with the review a new proposed zoning amendment bylaw will be subject to a public hearing adhering to statutory public notice requirements.

## Recommendation

- **That** Council authorize staff to proceed with a further review of a revised rezoning proposal for 2501, 2505 and 2509 Gondola Way and prepare the necessary bylaws to bring forward for Council consideration.



## ADMINISTRATIVE REPORTS

2501, 2505 and 2509  
Gondola Way Revised  
Rezoning Proposal  
Report No. 13-062  
File. No. RA448/RZ1009

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

**That** Council authorize staff to proceed with a further review of a revised rezoning proposal for 2501, 2505 and 2509 Gondola Way and prepare the necessary bylaws to bring forward for Council consideration.

**CARRIED**

Learning and Education  
Task Force  
Report No. 13-060  
File No. 7725.1

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

**That** Council receive The Whistler Task Force in Learning and Education June 2013 Report; and further

**That** Council directs staff to use the report to guide the evaluation and pursuit of education opportunities for the benefit of the resort community.

**CARRIED**

3120 Alta Vista Road  
Retaining Wall Variances  
Report No. 13-059  
File No. DVP1052

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

**That** Council authorize staff to issue Development Variance Permit No. DVP1052 to vary the setbacks and heights for retaining walls at 3120 Alta Vista Road as shown on the survey plan prepared by Doug Bush, dated Sept. 28, 2012, attached as Appendix B to Council Report No. 13-059; and further

**That** Council direct staff to advise the applicant that the Development Variance Permit will be issued subject to the following conditions being completed to the satisfaction of the General Manager of Resort Experience:

1. Submission of a landscape plan which includes all paved surfaces, fencing and planting details (quantity, location, species and size), as agreed upon with the neighbours at 3124 Alta Vista Road;
2. RMOW staff review and accept the installation in accordance with the approved landscape plan;
3. The landscape requirements remain in accordance with the approved landscape plan; and
4. Submission of a letter from the owner of 3120 Alta Vista Road committing to the completion of the landscaping and fence screening prior to October 31, 2013.

**CARRIED**

4320-4330-4340  
Blackcomb Way –  
Audain Art Museum  
Report No. 13-058  
File No. DP1299

Moved by Councillor J. Grills  
Seconded by Councillor J. Crompton

**That** Council approve Development Permit Application 1299 for the development of an art museum as per the architectural plans prepared by Patkau Architects Inc., dated May 6, 2013, the landscape plans prepared by Phillips Farevaag Smallenberg and Tom Barratt Ltd. dated May 6, 2013 and the site servicing plans prepared by Creus Engineering Ltd. dated May 6, 2013, all attached as Appendices A – C to Council Report No. 13-058, subject to the resolution of the following items to the satisfaction of the General



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** June 19, 2018

**REPORT:** 18-085

**FROM:** Resort Experience

**FILE:** RZ1009

**SUBJECT:** RZ1009 – 2501, 2505 AND 2509 GONDOLA WAY – REZONING PROPOSAL

### 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 (Bunbury Lands) No. 2191, 2018”;

**That** adoption of “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018” is subject to achieving consistency with the RMOW Official Community Plan;

**That** Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”;

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

The following will be required prior to adoption of the bylaw:

1. Registration of a Section 219 development covenant in favour of the Resort Municipality of Whistler with respect to the following:
  - a) Prohibit subdivision of the land except generally in accordance with the concept plan for five lots shown in Appendix “B” of Administrative Report to Council No. 18-085, and restricting the development to no greater than five single family residential dwelling lots;
  - b) Restrict use of the land to the three existing houses until the land is subdivided;
  - c) Implement the recommendations and conclusions of the January 5, 2018 Initial Environmental Review by Cascade Environmental including environmental monitoring during construction and a snow management strategy for protection of the Streamside Protection Enhancement Area;
  - d) Identification of tree preservation areas with provisions for FireSmart fuel thinning subject to RMOW approval;
  - e) Require development to achieve a minimum of BC Energy Step Code 3;
  - f) Require development to meet the FireSmart BC Guidelines; and
  - g) Require submission of detailed on-lot infiltration systems in accordance with the September 11, 2017 Preliminary Servicing Design Brief prepared by Gilbey Engineering Services, its installation and a commitment to operate and maintain the permanent works prior to the development of any building on the lands.
2. Registration of an agreement between the owners of the subject property and Strata VAS 2639 concerning access across the Bear Creek strata roadway to the subject property and related considerations including potential road repairs resulting from construction activities, any



necessary road improvements, on-going road maintenance and repairs and snow storage and removal.

**That** Council waive the required five per cent park dedication of lands or its cash equivalent at time of subdivision of the property in exchange for 2.7 hectares of the lands to be rezoned from RS-E1 to PAN1 and maintained by the property owner(s);

**That** Council repeal “Official Community Plan Amendment Bylaw (Bunbury Lands) No. 1845, 2008”, “Zoning Amendment Bylaw (Bunbury Lands) No. 1845, 2008” and “Phased Development Agreement Bylaw (Bunbury Lands) No. 1835, 2008”; and

**That** Council authorize the Mayor and Municipal Clerk to execute the necessary legal documents for this application.

## **REFERENCES**

Location:	2501, 2505 and 2509 Gondola Way
Legal Description:	District Lot 2291, Plan 19602
Owner:	0926904 B.C. Ltd., Inc. No. BC0926904
Current Zoning:	RS-E1 (Residential Single Estate One)
Proposed Zoning:	RS1 (Residential Single Family One) PAN1 (Protected Area Network One Zone)
Appendices:	“A” – Location Map and Proposed Zones “B” – Proposed Conceptual Lot Plan

Administrative Report to Council No. 13-062, 2501, 2505 and 2509 Gondola Way – Revised Rezoning Proposal, dated July 2, 2013 (Not attached)

## **PURPOSE OF REPORT**

The purpose of this Report is to present “Zoning Amendment Bylaw (Bunbury) No. 2191, 2018” (the “Bylaw”) for Council consideration of first and second readings. The proposed Bylaw is to rezone the lands commonly known as the Bunbury lands from RS-E1 to RS1 and PAN1 to permit subdivision of the 4.2 hectare property, with five single family residential dwelling lots on 1.5 hectares, and a nature conservation area that includes an existing ski trail on 2.7 hectares. The existing roadway which bisects the property and accesses access to a municipal water reservoir located beyond the lands is zoned RR1 and would remain zoned RR1.

The report recommends that Council give first and second reading to the Bylaw, and identifies conditions to be met prior to consideration of adoption of the Bylaw. The report also recommends that Council authorize staff to schedule a public hearing for the proposed Bylaw. As the area is not designated as an area for development of residential accommodation within the existing OCP, the zoning is subject to adoption of the municipality’s updated OCP or an OCP amendment.

## **DISCUSSION**

On July 2, 2013 Council authorized staff to proceed with further review and processing of Rezoning Application RZ1009 and to prepare a zoning amendment bylaw that would provide for development of five single family dwellings on five lots, and include approximately 2.7 hectares of park dedication, as described in Administrative Report to Council No.13-062. Staff have prepared “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018” for Council consideration consistent with this direction.

The subject lands and the proposed zone designations are shown in Appendix “A”. The proposed subdivision concept plan is presented in Appendix “B”. This plan responds to the updated Initial Environmental Review prepared by Cascade Environmental, dated January 5, 2018, and protection of the Streamside Protection Enhancement Area on the property.

The five residential lots are proposed to be zoned RS1. The parcel areas are well in excess of the minimum parcel area of 695 square metres required in the RS1 zone and the RS1 zone is considered the most appropriate zone. The smallest lot has a parcel area of 1,663 square metres with each of the remaining four lots in excess of 1,888 square metres in parcel area. A covenant is recommended to be registered prohibiting any further subdivision of these lots beyond five lots.

The five lots will be accessed from Gondola Way over the Bear Creek common property road. There is a signed letter agreement between the Bunbury property owners and the Bear Creek Strata related to access and conditions of support from the Strata for the proposed subdivision. Staff recommend that there be a registered agreement between the Bunbury property owners and the Strata that addresses the items in the letter agreement including potential road repairs required related to construction, any necessary road improvements, on-going road maintenance and repairs and snow storage and removal.

Subsequent to Council's direction staff have given further consideration to the 2.7 hectare park dedication. Given the steep terrain of the lands and the existing stream protection area within these lands, staff recommends that the area be dedicated to nature conservation maintained by the property owners, as opposed to a public access park area. There is an existing ski trail through this area, which has a registered easement and will be maintained, however, any further disturbances would be minimized. Staff recommend that the 2.7 hectare area be zoned Protected Area Network One (PAN1) Zone, the intent of this zone is to provide for passive recreation and nature conservation. Permitted uses for this zone are nature conservation park, wildlife viewing platform and auxiliary uses. Staff further recommend that a covenant be placed on the lands that establishes a tree preservation area with provisions for FireSmart fuel thinning subject to RMOW approval.

There is also an existing RMOW roadway that crosses the parcel providing access to a municipal water reservoir located beyond the lands. The roadway is zoned RR1 and would remain zoned RR1.

Additional covenant items staff recommends as a condition of rezoning adoption are to:

- Restrict use of the land to the three existing houses on the land until the land is subdivided.
- Implement the recommendations and conclusions of the January 5, 2018 Initial Environmental Review by Cascade Environmental including environmental monitoring during construction and a snow management strategy for protection of the Streamside Protection Enhancement Area.
- Require submission of detailed on-lot infiltration systems in accordance with the September 11, 2017 Preliminary Servicing Design Brief prepared by Gilbey Engineering Services, its installation and a commitment to operate and maintain the permanent works prior to the development of any building on the lands.

## WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Continuous encroachment on nature is avoided	The proposal limits the development area and dedicates a significant portion of the lands to nature conservation.

Built Environment	Limits to growth are understood and respected	No additional bed units required. Proposed rezoning is within existing approved development capacity.
Natural Areas	Developed and recreation areas are designed and managed to protect as much of the natural environment within and around them as possible.	The proposal limits the development area and dedicates a significant portion of the lands to nature conservation.

RZ1009 – 2501, 2505 and 2509 Gondola Way does not move our community away from any of the adopted Whistler 2020 Descriptions of Success.

## OTHER POLICY CONSIDERATIONS

### Official Community Plan

The proposed rezoning has been evaluated relative to the criteria under Section 4.13 of the existing OCP for evaluation of zoning amendments, along with further information provided by the applicant.

It is recognized that the subject lands are not designated as lands for the development of accommodation within Schedule B of the existing OCP. The lands were properly designated within the updated OCP which was quashed. Prior to consideration of adoption of the rezoning, the lands must have a land use designation consistent with the rezoning. This is to be achieved either through the adoption of the updated OCP that is currently being prepared, or through an amendment to the existing OCP.

The existing OCP also specifies considerations for proposed rezonings that result in an increase in the municipality's accommodation development capacity. The proposed development does not result in an increase in the approved accommodation development capacity. The three existing dwellings are recognized in the municipality's bed unit inventory, and the two additional dwellings are provided for through a transfer of 12 bed units from the recognized approved inventory of bed units allocated to Whistler Blackcomb. The applicant has submitted to staff a copy of the agreement between the property owner and Whistler Mountain Resort Ltd. Partnership for the transfer of 12 bed units from the Whistler Mountain approved bed unit allocation and the remaining undeveloped allocation for Whistler Blackcomb has been reduced by this amount.

The additional criteria and a summary of staff's evaluation is presented as follows. Overall the proposal is consistent with these criteria.

POLICY NO.	OBJECTIVE / POLICY	COMMENTS
<b>Section 4.13 Criteria – Evaluating Proposals for OCP and Zoning Amendments</b>		
4.13.3	All developments must meet the mandatory conditions of:	
	<ul style="list-style-type: none"> <li>Meets all applicable policies of the OCP,</li> <li>Serviceable by municipal services,</li> </ul>	Yes
		Yes. A preliminary servicing plan and design brief has been prepared by a professional engineer and reviewed and accepted by staff. There is a recommendation for submission of detailed on-lot infiltration systems in accordance with the

		September 11, 2017 Preliminary Servicing Design Brief prepared by Gilbey Engineering Services, its installation and a commitment to operate and maintain the permanent works prior to the development of any building on the lands.
	<ul style="list-style-type: none"> <li>• Accessible via local road system,</li> </ul>	The five residential lots are to be accessed from Gondola Way.
	<ul style="list-style-type: none"> <li>• Satisfactory evaluation of impacts on: <ul style="list-style-type: none"> <li>○ Traffic volumes and patterns on Highway 99</li> <li>○ Traffic volumes and patterns on local road system,</li> </ul> </li> </ul>	No significant impacts anticipated with two additional residential lots.
	<ul style="list-style-type: none"> <li>○ Overall patterns of development of the community and resort,</li> </ul>	Yes
	<ul style="list-style-type: none"> <li>○ Municipal finances,</li> </ul>	After subdivision completion, two additional residential lots added to the residential tax roll.
	<ul style="list-style-type: none"> <li>○ Views and scenery,</li> </ul>	2.7 hectares of the total 4.2 hectares of land will be remain unaltered as conservation use preserving views and scenery by new zoning and covenant conditions.
	<ul style="list-style-type: none"> <li>○ Existing community and recreational facilities,</li> </ul>	Public access will remain over the existing ski out trail easement. The existing road which provides access to a municipal water reservoir located beyond the lands will remain.
	<ul style="list-style-type: none"> <li>○ Employee housing,</li> </ul>	RS1 zone permits auxiliary residential dwelling units if lots are serviced by an acceptable community sewer system.
	<ul style="list-style-type: none"> <li>○ Community greenhouse gas emissions and heritage resource</li> </ul>	Zoning adoption is contingent on registration of a green building covenant and to be consistent with the proposed integration of the BC Energy Step Code in Whistler.

	<ul style="list-style-type: none"> <li>Must exhibit high standards of design, landscaping, and environmental sensitivity.</li> </ul>	The proposed cluster of the residential lots minimizes disturbance of the natural environment and tree preservation will be required by a covenant.
4.13.8	Proposal cannot negatively impact RMOWs trails, recreation areas, or open spaces.	The proposal does not negatively impact RMOW trails, recreation areas or open spaces.

### Subdivision Park Dedication

Under the *Local Government Act*, as part of a subdivision application an owner must provide either 5% of the parcel area as a park dedication or make a financial contribution for a similar area based on an evaluation for a similar area in the municipality. Staff recommend as part of the rezoning application that Council waive the subdivision application requirement for either a park dedication or financial contribution in lieu of the 2.7 hectares of the parcel being zoned to PAN1 to preserve the natural hillside and minimize the disturbances to this area.

### Existing Bylaws at Third Reading

On October 20, 2009, Council gave third reading to OCP Amendment Bylaw No. 1845, 2008, Zoning Amendment Bylaw No. 1833, 2008 and Phased Development Agreement Bylaw No. 1835, 2008 which were required to facilitate the subdivision and residential development of the property based on the applicant's August 2009 submission. This submission consisted of three RS10 lots accessed from Gondola Way, two RTA11 zone lots accessed through the Kadenwood subdivision, and a park dedication of approximate 1.6 hectares to be zoned LP3. This has now been superceded by the current proposal, and staff recommends that Council repeal these bylaws as they are no longer applicable.

### Legal Considerations

Details related to tree preservation, green building, wildfire hazard and environmental monitoring are beyond the scope of zoning regulations and need to be secured by means of a Section 219 development covenant registered on title in favour of the Resort Municipality of Whistler. These have been described above and are identified as a condition of consideration of adoption of the proposed zoning amendment bylaw.

### BUDGET CONSIDERATIONS

Budget considerations associated with the proposed development relate to works and services charges to be collected at time of building permit application and future increase in tax revenues to be generated when the land is subdivided into the five separate residential lots.

All costs associated with staff time for the rezoning application, Public Hearing, notices and legal reviews for the rezoning application will be paid by the applicant.

### 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.

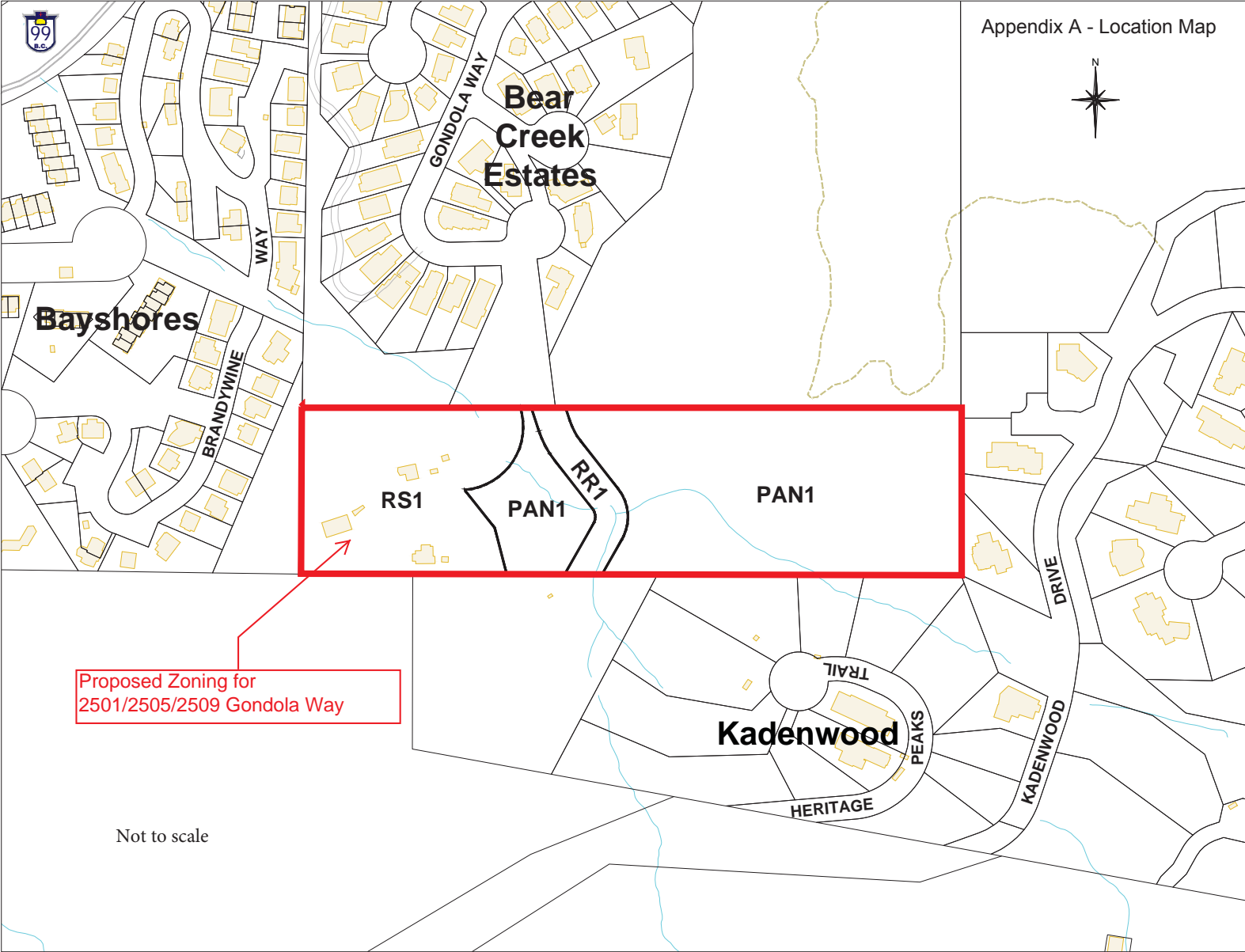
**SUMMARY**

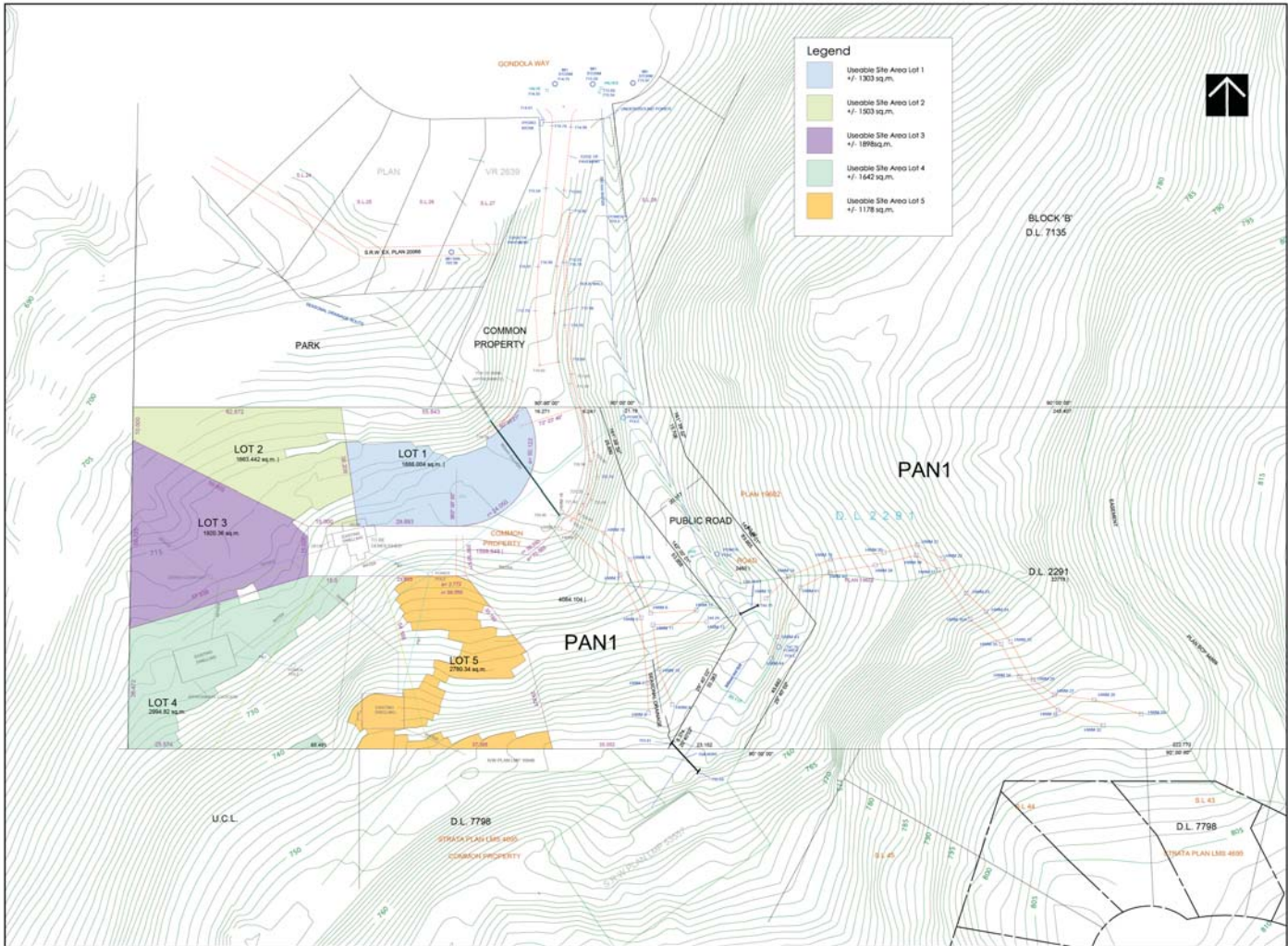
This Report recommends that Council consider giving first and second reading to “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”, and that Council direct staff to schedule a Public Hearing regarding “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”. The Report also recommends applicable conditions to be addressed prior to consideration rezoning adoption and recommends Council repeal previous zoning and OCP amendment bylaws that are no longer applicable.

Respectfully submitted,

Robert Brennan, PIBC  
PLANNER

for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE





Revisions:	Date:
Issued for client review	February 20 2018
Issued for client review	April 4 2018
Issued for client review	May 16 2018

Legal Description:  
  
Zoning:  
  
Code Edition:

## APPENDIX B - CONCEPT LOT PLAN

Brigitte Loranger  
**Architecture & Planning Ltd.**  
3196 West 12th Avenue, Vancouver, B.C. V6K 2G7  
7265 Fitzsimmons Rd S., Whistler, B.C. V8N 1B7  
604.905.9907  
www.whistlerarchitect.com

Project Title:  
**Bunbury Rezoning**  
Whistler, B.C.

Project No: 201711 Date: February 2018  
Drawn: BL Scale: 1:500

Drawing Title:  
**Site Plan**

Drawing No:  
**A1.1**



# **RZ1009 2501, 2505 and 2509 Gondola Way – Proposed Zoning**

**Council Presentation**

**June 19, 2018**

**RESORT MUNICIPALITY OF WHISTLER**

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

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



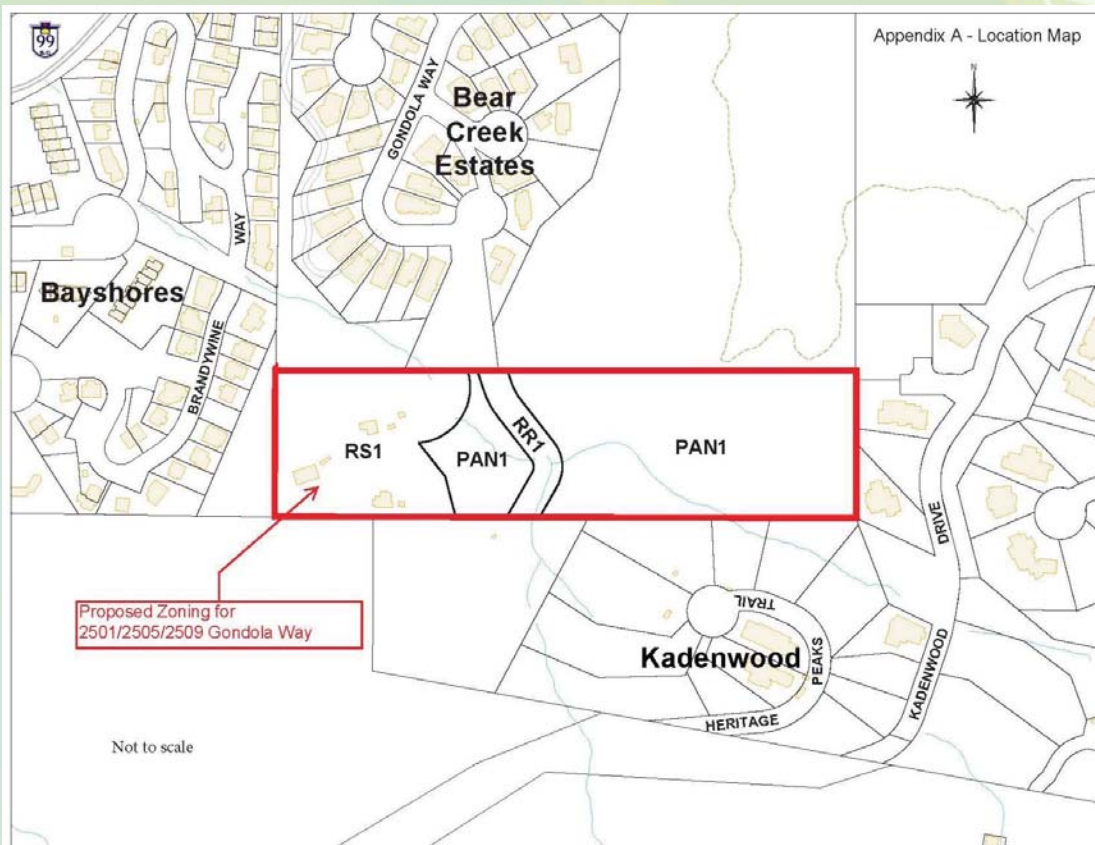
## Purpose

- To present “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018” for Council consideration of first and second readings.
- Bylaw 2191 proposes to rezone portions of the lands currently zoned RS-E1 to RS1 and PAN1 to permit subdivision of five single residential lots and a nature conservation area.

## Background

- July 2, 2013 Council authorized staff to proceed with further processing of Rezoning Application RZ1009 and to prepare a zoning amendment bylaw that would provide for development of five single family dwellings on five lots, and include approximately 2.7 hectares of park.
- “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018” for Council consideration consistent with this direction.

# Subject Lands



- Access from the Whistler Creek South residential neighbourhood
- Existing 3 homes on a single 4.22 hectare property located at the top of Gondola Way
- Approximately 65% of property treed and steeply sloped.

## Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018

- Bylaw 2191 proposes to rezone the RS-E1 lands from RS-E1 to RS1 and PAN1.
- Existing roadway over the property to access RMOW water reservoir beyond is currently zoned RR1.
- The proposed zoning for the parcel would be:
  - ✓ RS1 for five single family residential lots
  - ✓ PAN1 for nature conservation area & existing ski trail
  - ✓ RR1 for existing road connection to RMOW water reservoir.

# Policy Considerations

- Supports Whistler 2020

- ✓ Limits the developable area of the lands and preserves a significant portion in its natural state.

- OCP Evaluation

- ✓ Consistent with service, access, views and scenery, high standards of design and green build initiatives
- ✓ Bed unit inventory does not require an increase. Letter of agreement between Whistler Mountain Resort Ltd and property owner for a transfer 12 bed units from Whistler Mountain's approved bed unit allocation, subject to Council approving this transfer as per Council's Residual Bed Units & Growth Management Policy G-21.
- ✓ OCP land use designation resolution prior to adoption required by either, the adoption of the updated OCP in progress or an amendment to the existing OCP Schedule B.



# Policy Considerations

- Subdivision Park Dedication

- ✓ Under the Local Government Act, as part of a subdivision application an owner must provide either 5% of the parcel area as a park dedication or make a financial contribution for a similar area.
- ✓ Staff recommend as part of this rezoning application that Council waive the subdivision application requirement in lieu of the 2.7 hectares of the parcel being zoned to PAN1 to preserve the natural hillside and minimize the disturbances to this area.

- Existing Bylaws at Third Reading

- ✓ October 2009, Council gave third reading to OCP and Zoning amendment bylaws and a Phased Development Agreement bylaw for a previous proposal.
- ✓ The 2009 proposal is superceded by the current proposal and staff recommends Council repeal these bylaws as they are no longer applicable.

## Community Engagement and Consultation

- Required rezoning application site information sign is posted on the property.
- A statutory Public Hearing for Zoning Amendment Bylaw (Bunbury Lands), No. 2191, 2018 will be scheduled and advertised.



## Recommendation

**That** Council consider giving first and second readings to “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”;

**That** adoption of “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018” is subject to achieving consistency with the RMOW Official Community Plan;

**That** Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”;

## Recommendation cont'd

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

The following will be required prior to adoption of the bylaw:

1. Registration of a Section 219 development covenant in favour of the Resort Municipality of Whistler with respect to the following:
  - a) Prohibit subdivision of the land except generally in accordance with the concept plan for five lots shown in Appendix “B” of Administrative Report to Council No. 18-085, and restricting the development to no greater than five single family residential dwelling lots;
  - b) Restrict use of the land to the three existing houses until the land is subdivided;
  - c) Implement the recommendations and conclusions of the January 5, 2018 Initial Environmental Review by Cascade Environmental including environmental monitoring during construction and a snow management strategy for protection of the Streamside Protection Enhancement Area;
  - d) Identification of tree preservation areas with provisions for FireSmart fuel thinning subject to RMOW approval;
  - e) Require development to achieve a minimum of BC Energy Step Code 3;
  - f) Require development to meet the FireSmart BC Guidelines; and
  - g) Require submission of detailed on-lot infiltration systems in accordance with the September 11, 2017 Preliminary Servicing Design Brief prepared by Gilbey Engineering Services, its installation and a commitment to operate and maintain the permanent works prior to the development of any building on the lands.
2. Registration of an agreement between the owners of the subject property and Strata VAS 2639 concerning access across the Bear Creek strata roadway to the subject property & related considerations including potential road repairs resulting from construction activities, any necessary road improvements, on-going road maintenance & repairs & snow storage and removal.

## Recommendation cont'd

**That** Council waive the required five per cent park dedication of lands or its cash equivalent at time of subdivision of the property in exchange for 2.7 hectares of the lands to be rezoned from RS-E1 to PAN1 and maintained by the property owner(s);

**That** Council repeal “Official Community Plan Amendment Bylaw (Bunbury Lands) No. 1845, 2008”, “Zoning Amendment Bylaw (Bunbury Lands) No. 1845, 2008” and “Phased Development Agreement Bylaw (Bunbury Lands) No. 1835, 2008”; and

**That** Council authorize the Mayor and Municipal Clerk to execute the necessary legal documents for this application.

**Thank you**

The background of the slide is composed of several overlapping geometric shapes in various shades of green and yellow. In the upper right corner, there are several thin, white, curved lines that resemble stylized orbits or decorative flourishes. The overall aesthetic is modern and clean.

Councillor Cathy Jewett attended the Cheakamus Community Forest Open House on June 7, 2018 and attended the Bio Blitz Opening on June 8, 2018 with Bruce McLennan, a large mammal biologist who talked about the importance of preventing habitat fracturing through additional logging road activation.

#### ADMINISTRATIVE REPORTS

LLR1295 –  
Whistler Brewing  
Company Brewery  
Lounge Patio  
File No. LLR1295  
Report No. 18-077

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

**That** Council pass the resolution attached as Appendix “A” to Administrative Report No. 18-077 providing Council’s recommendation to the Liquor Control and Licensing Branch regarding an application from Whistler Brewing Company to add an 18 person capacity brewery lounge patio to its liquor manufacturing licence No. 303716.

CARRIED

LLR1311 –  
Handlebar Café  
and Apres  
Permanent  
Change to Food  
Primary Hours of  
Liquor Service  
File No. LLR1311  
Report No. 18-086

Moved by Councillor S. Anderson  
Seconded by Councillor J. Crompton

**That** Council authorize the resolution attached as Appendix “A” to Administrative Report No. 18-086 providing Council’s recommendation to the Liquor Control and Licensing Branch in support of an application for a Permanent Change to Hours of Liquor Service for Handlebar Café and Apres, Food Primary Licence No. 307135, to change hours of liquor service to 9:00 a.m. to 1:00 a.m. Monday through Sunday.

CARRIED

DP1556 – 2010 and  
2011 Innsbruck  
Drive – Creekside  
Plaza  
File No. DP1556  
Report No. 18-078

Moved by Councillor S. Anderson  
Seconded by Councillor J. Ford

**That** Council approve the issuance of Development Permit DP1556 for the proposed Creekside Plaza property located at 2010 and 2011 Innsbruck Drive as illustrated on the architectural and landscape plans A-01, A-2.0, A-2.1, A-2.2, A-2.3, A-4.1, A-4.2, A-4.3, A-4.4, A-5.1, A-5.2 and A-6.1 dated May 2/18 and A-1.0, A-3.1, A-3.2, L-1.1 and updated Exterior finishes/Materials/Lighting details dated May 15/18 prepared by Murdoch Company Architecture + Planning Ltd. including the following variances to “Zoning and Parking Bylaw No. 303, 2015”:

- a) Vary the west building setback from 5.0 metres to 4.0 metres; and
- b) Vary the north building setback from 5.0 meters to 2.2 metres; and

Subject to the following conditions:

- 1. Adoption of “Zoning Amendment Bylaw (Creekside Plaza) No. 2165, 2017”; and
- 2. Adoption of “Housing Agreement Bylaw (Creekside Plaza) No. 2193, 2018”.

CARRIED

RZ1009 – 2501,  
2505 and 2509  
Gondola Way –  
Rezoning Proposal  
File No. RZ1009  
Report No. 18-085

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

**That** Council consider giving first and second readings to “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”;

**That** adoption of “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018” is subject to achieving consistency with the RMOW Official Community Plan;

**That** Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”;

**That** Council direct staff to advise the applicant that before consideration of adoption of “Zoning Amendment Bylaw (Bunbury Lands) No. 2191, 2018”, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

The following will be required prior to adoption of the Bylaw:

1. Registration of a Section 219 development covenant in favour of the Resort RMOW of Whistler with respect to the following:
  - a) Prohibit subdivision of the land except generally in accordance with the concept plan for five lots shown in Appendix “B” of Administrative Report to Council No. 18-085, and restricting the development to no greater than five single family residential dwelling lots;
  - b) Restrict use of the land to the three existing houses until the land is subdivided;
  - c) Implement the recommendations and conclusions of the January 5, 2018 Initial Environmental Review by Cascade Environmental including environmental monitoring during construction and a snow management strategy for protection of the Streamside Protection Enhancement Area;
  - d) Identification of tree preservation areas with provisions for FireSmart fuel thinning subject to RMOW approval;
  - e) Require development to achieve a minimum of BC Energy Step Code 3;
  - f) Require development to meet the FireSmart BC Guidelines; and
  - g) Require submission of detailed on-lot infiltration systems in accordance with the September 11, 2017 Preliminary Servicing Design Brief prepared by Gilbey Engineering Services, its installation and a commitment to operate and maintain the permanent works prior to the development of any building on the lands.
2. Registration of an agreement between the owners of the subject property and Strata VAS 2639 concerning access across the Bear Creek strata roadway to the subject property and related considerations including potential road repairs resulting from construction activities, any necessary road improvements, on-going road maintenance and repairs and snow storage and removal.

**That** Council waive the required five per cent park dedication of lands or its cash equivalent at time of subdivision of the property in exchange for 2.7 hectares of the lands to be rezoned from RS-E1 to PAN1 and maintained by the property owner(s);

**That** Council repeal “Official Community Plan Amendment Bylaw (Bunbury Lands) No. 1845, 2008”, “Zoning Amendment Bylaw (Bunbury Lands) No. 1845, 2008” and “Phased Development Agreement Bylaw (Bunbury Lands) No. 1835, 2008”; and

**That** Council authorize the Mayor and Municipal Clerk to execute the necessary legal documents for this application.

**CARRIED**

RZ1148 - 3373  
Panorama Ridge –  
Land Use Contract  
Discharge and

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

**That** Council consider giving first and second readings to “Land Use Contract





Bear Creek Strata VAS 2639  
2306 Gondola Way  
Whistler, BC  
V0N1B2

July 4, 2018

Via email [corporate@whistler.ca](mailto:corporate@whistler.ca)

Regarding Zoning Amendment Bylaw (Bunbury Lands) No 2191 and 2018  
Public Hearing Tuesday, July 10, 2018

Honorable Mayor and Council,

With respect to the proposed zoning amendment, please be advised as to the attached document noting several conditions of development of subject property. This document between the respective Bunbury owners and Bear Creek Strata was agreed and signed on September 11, 2017.

Thank you,

A handwritten signature in blue ink, appearing to read "Kirk Hulse", is located below the "Thank you," text. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kirk Hulse  
Vice President  
Bear Creek Strata Council



Bear Creek Strata VAS 2639  
2306 Gondola Way  
Whistler, BC  
V0N1B2

September 11, 2017

**Re: Proposed Bunbury Subdivision  
2501 Gondola Way, Whistler BC  
District lot 2291, Plan 19602**

Messrs. Paul and Ian Bunbury  
Whistler, BC

Following recent discussions, the Bear Creek Strata agrees to support the above noted development proposal to rezone and sub-divide Subject Lands into five single-family lots on the following conditions. It is understood that the Subject Lands will be sold to a third party Developer with a Development Plan approved by the Resort Municipality of Whistler and that the Developer intends to create a Bare Land Strata and sell the five individual properties. The conditions noted below will apply to all subsequent owners of the lands and will be contained in the Development Agreement, the Strata Bylaws or registered on the Title of each lot.

1. It is understood that the Development Proposal is for a Bare Land Strata with a maximum of five properties. Each of these properties are to be zoned RS-1 for single family housing with a maximum floor area of 3,500 square feet and that zoning allows for a secondary suite for long term rentals but not for nightly rentals. The building setbacks, building heights, limiting distances, etc. are to follow RMOW standards.
2. The cost of connecting to all services and utilities including all design fees and upgrades to the existing services and utilities that will be required for the proposed development, sub-division and rezoning, and all legal fees including the registration of appropriate covenants, would be borne by the Developer. This will also apply to any necessary road improvements including Gondola Way and the current access road.
3. During building development there will be heavy and increased traffic on Gondola Way, a private roadway in Bear Creek and maintained by the Bear Creek



Strata. The Developer will provide \$20,000 bond to Bear Creek Strata for maintenance and damage that may occur to the roadway right of way. This bond will be held by the Bear Creek Strata and upon completion of the subdivision and the installation of all site services a third party Engineer appointed by the Bear Creek Strata and agreed to by the Developer will determine if there is any damage to the roadway right of way caused by the Developer and provide a cost to repair any such damage. Upon completion of any repairs called for in the Engineer's report, the value of the bond will be returned to the Developer less the cost of repairing the road right of way.

4. At the present time, Bear Creek Strata maintains and repairs all the roadways within the Bear Creek Strata. The cost of the maintenance and repair of Gondola Way including any special assessment as determined by the Bear Creek Strata from time to time is charged to each Bear Creek property owner on a pro-rata basis. As a condition of the Bear Creek Strata agreeing to the Development Proposal, the Developer and/or the subsequent owners of the properties on the Subject Lands agree to contribute on a pro-rata basis along with the owners of the properties within Bear Creek to the cost of maintaining Gondola Way on an annual basis. Charges to be levied to the Developer and/or the subsequent property owners on the Subject Lands would be due and payable following the Annual General Meeting of the Bear Creek Strata and approval of the actual costs. This condition of the Bear Creek Strata agreeing to the proposed Development Plan and subdivision must be registered on the Title of each of the five new properties on the Subject Lands and contained within the Development Agreement.
5. The access to the water tower located north and west of the proposed development must be maintained. This roadway easement is required for the municipal access to the water reservoir, for fire protection and is used as a ski-out by the Bear Creek Strata and must be maintained.
6. At the present time, Bear Creek Strata provides snow removal to the Subject lands and in return the Bear Creek Strata has a designated snow dump area on the subject property. It is understood that the Development Proposal identifies a park area that can be used as a snow dump. As a condition of the Bear Creek Strata agreeing to the Development Proposal, the Bear creek Strata must have the right to make use of this snow dump in perpetuity. This right must be registered on the Title of each of the proposed properties on the Subject Lands and contained within the Development Agreement.

Until the sub-division and rezoning is approved and completed, we will continue to remove snow from Gondola Way and the access into the Subject Property on the condition we can continue to use a portion of the Subject Property as a snow dump.

We would ask you to execute a copy of this letter following which we would submit a copy to the RMOW advising of our mutual agreement of your sub-division and rezoning proposal.

Yours truly,



Kirk Hulse

President

Bear Creek Strata VAS 2639

Agreed and accepted:

Pat Bury D.J. Bumbury (a Bury)

ITEM 5 - THE WATER TOWER IS MORE ACCURATELY LOCATED TO  
THE SOUTH AND EAST OF THE SUBJECT PROPERTY ~~AND~~ IS  
ACCESSED BY A REGISTERED ROAD DEDICATION NOT AN EASEMENT.  
IT IS NOT THE ADJACENT OWNER'S RIGHT OR OBLIGATION  
TO MAKE DECISIONS REGARDING ~~THE~~ ANY ACCESSIBILITY  
OR USAGE OF THAT ROAD.

July 10, 2008

Dear Mayor and Council

**Re: Zoning Amendment Bylaws No. 2191, 2018 (Bunbury Lands)**

The Strata Council is writing on behalf of the Community of Kadenwood ("Kadenwood") to highlight our concerns with regards to the above referenced proposed Zoning Amendment Bylaw. Residents of Kadenwood received the public hearing notice with regards to the above referenced zoning amendment bylaw on or around July 3, 2018. Kadenwood was recently made aware of a proposed rezoning of the lands know as 2501, 2505 and 2509 Gondola Way. These lands are positioned immediately to the north of the Kadenwood lands and specifically the lands off of Heritage Peaks Trail. We have not had the opportunity to fully review the site but will be doing a more thorough review in the immediate future. We do at this time like to bring forward some specific concerns in regards to the proposed rezoning. The lands adjoin Kadenwood lands and we would like to know what controls are to be put in place to control height of buildings in the RS1 zone. As well concerns about limits of clearing especially as it relates to the shared property line. Kadenwood development approvals require extensive views cape analysis and tree retention to manage impacts on adjoining neighbours and we would like some assurance the same process will be followed here.

Additionally, we have concerns in regards to the use of the ski trail owned and maintained by Kadenwood. The trail construction was funded by developer of the Kadenwood Properties. The operation and maintenance of the ski trails has been funded by the Kadenwood Community Members through our strata. The use of the Kadenwood trails by the proposed 5 lots represents additional liability and risk for the Kadenwood Strata with contribution towards ongoing maintenance, repair and insurance costs. We believe that the Kadenwood community should be consulted in regards to managing the risk and costs related to the amenities on the Kadenwood lands that are expected to be impacted by the development of the lands.

We would also like to highlight our concerns with regards to the access to the cabins (namely the cabin on proposed Lot 5) as Kadenwood residents have witnessed motorized vehicles (trucks, snowmobiles and ATV's) using the Bear Creek ski-out. This is dangerous to hikers and bikers in the summer and skiers in the winter. We believe a covenant restricting any use of motor vehicles on the ski out by the owners and public should be included in the amendment. To further avoid usage of the Bear Creek ski out by motorized vehicles, we believe a suitable access road should be built from Gondola Way to Lot 5 prior to it's development as a residential lot. This is particularly important during the construction phase of this development.

Thank you for hearing our concerns and for providing us with the opportunity to comment on the zoning amendment bylaw.

Best Regards,

Strata Corporation LMS 4695

c/o WRM Strata Management & Real Estate Services Ltd.

202-1410 Alpha Lake Rd., Whistler, B.C.

Kadenwood Strata Council

Viktoria Zuzana – President

Kelly Gave                      Michael Kirsh

Dan Matthews                Craig Wallace

Sam Wiffin                    Kaori Zage

July 10, 2018

Re: Zoning Amendment Bylaws No. 2191, 2018 (Bunbury Lands) (received July 3)

To Legislative Services Department,

I am writing with reference to notice of the Public Hearing slated for July 10, 2018 to discuss the proposed bylaw amendments referenced above.

My wife and I own the property at the below noted address and have the following comments that we would request Council to consider in their review of the application:

- We understand that RMOW is proposing that the owners agree a covenant preventing any further future development on the land parcel beyond the five single family home lots. We believe it is important for this to be included in any final approval.
- The cabins (namely the cabin on proposed Lot 5) are sometimes accessed by snowmobiles, ATV's and light trucks that use the Bear Creek ski-out. This is dangerous to skiers, mountain bikers or hikers who are using the ski out. RMOW should take the opportunity to explicitly include a covenant restricting the owners (and others) from using any unauthorized motorized vehicles on the ski out. If this covenant or restriction already exists, we would request the RMOW takes steps to ensure that this restriction is respected
- We would also request RMOW to ensure that no development of Lot 5 takes place until a suitable road access to the lot is built from Gondola Way to further avoid the use of the Bear Creek ski out to access the existing cabin, particularly as the lot is prepared for redevelopment.
- No information is provided on the proposed controls to be put in place to control the location and height of buildings in the RS1 zone. We would request council to require a suitable views cape analysis and tree retention strategy to be completed before any development takes place, particularly as it relates to the shared property line between the Bunbury land and both Kadenwood and Bear Creek Estates.

Thank you for providing us with the opportunity to comment on the proposed by law changes.

Kind regards,

Peter Heidinger  
2942 Heritage Peaks Trail  
Whistler