

# WHISTLER

## AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL  
TUESDAY, JANUARY 10, 2017 STARTING AT 6:00 P.M.**

**In the Franz Wilhelmsen Theatre at Maury Young Arts Centre - Formerly  
Millennium Place  
4335 Blackcomb Way, Whistler, BC V0N 1B4**

This Public Hearing is convened pursuant to Section 464 of the *Local Government Act R.S.B.C. 2015, c.1* to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016" (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.

As stated in the Notice of Public Hearing,

Zoning Amendment  
Bylaw (In-Ground  
Basements GFA  
Exclusion) No. 2132,  
2016

**PURPOSE OF** Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion)  
No. 2132, 2016

In general terms, the purpose of the proposed Bylaw is to modify the existing regulations pertaining to gross floor area exclusions for basement areas for detached and duplex dwelling and to address issues related to building massing and associated neighbourhood impacts.

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

**ADJOURNMENT**

## PUBLIC HEARING DOCUMENT INDEX

[illegible]



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, JANUARY 10, 2017 – 6:00 P.M.**

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

### **ZONING AMENDMENT BYLAW (In-Ground Basement GFA Exclusion) No. 2132, 2016**

#### **SUBJECT LANDS: RESORT MUNICIPALITY OF WHISTLER**

#### **PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to modify the existing regulations pertaining to gross floor area exclusions for basement areas for detached and duplex dwelling and to address issues related to building massing and associated neighbourhood impacts.

#### **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).

#### **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 4:30 p.m. on January 10, 2017):

**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.

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

**RESORT MUNICIPALITY OF WHISTLER  
ZONING AMENDMENT BYLAW (IN-GROUND BASEMENT GFA EXCLUSION)  
NO. 2132, 2016**

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

**WHEREAS** Council may, by bylaw, divide all or part of the area of the Municipality into zones, name each zone and establish the boundaries of the zone, regulate the use of land, buildings and structures within the zones, and prohibit any use in any zone;

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

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (In-Ground Basement GFA Exclusion) Bylaw No. 2132, 2016".
2. Zoning and Parking Bylaw No. 303, 2015, is amended as follows:

2.1 In Part 2, by inserting the following definition in appropriate alphabetical order:

“in-ground basement floor area” means that portion of the lowest floor of a building, at least 50% of the exterior wall height of which is below the level of finished ground adjoining the wall, and for this purpose wall height means the vertical distance from the level of the finished floor to the underside of the floor system above;”

2.2 In Part 5 General Regulations, by inserting the following as subparagraphs 26(1)(a)(i) and (ii) and renumbering remaining subparagraphs accordingly:

“(i) basement floor area in existence on May 12, 2012 having an elevation at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125% of the floor area of the storey immediately above, and for this purpose the Municipality may require a building permit applicant to provide a statutory declaration as to the existence of basement floor area on May 12, 2012;

(ii) in-ground basement floor area to a maximum of 125% of the gross floor area of the storey immediately above;”

Given first and second readings this 6<sup>th</sup> day of December, 2016.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this \_\_\_\_ day of \_\_\_\_\_, 2017.

Given third reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

Approved by the Minister of Transportation this \_\_\_\_ day of \_\_\_\_\_, 2017.

Adopted by the Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Nancy Wilhelm-Morden  
Mayor

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Laurie-Anne Schimek,  
Municipal Clerk

I HEREBY CERTIFY that this is a  
true copy of Zoning Amendment  
Bylaw (In-Ground Basement GFA  
Exclusion) No.2132, 2016.

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Laurie-Anne Schimek  
Municipal Clerk

DRAFT



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** December 6, 2016  
**FROM:** Resort Experience  
**SUBJECT:** RZ 1077 – Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion)  
No. 2132, 2016

**REPORT:** 16-130  
**FILE:** RZ 1077

### 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 reading to Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016; and further

**That** Council direct staff to schedule a Public Hearing for Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016 and to conduct the associated Public Notice requirements.

### REFERENCES

- November 15, 2016 Administrative Report to Council No. 16-123 (not attached)
- June 21, 2016 Administrative Report to Council No. 16-065 (not attached)
- April 3, 2012 Administrative Report to Council No. 12-038 (not attached)

### PURPOSE OF REPORT

This report brings forward Zoning Amendment Bylaw (In-ground Basements GFA Exclusion) No. 2132, 2016 for Council consideration of first and second readings. The bylaw addresses issues related to gross floor area exclusions for basement areas for detached and duplex dwellings, and has been prepared as directed by Council on November 15, 2016. The report also recommends that Council direct staff to schedule the Public Hearing for the bylaw and conduct the necessary Public Notice requirements.

### DISCUSSION

#### Background

On November 15, 2016 Council passed a resolution directing staff to prepare and bring forward for Council consideration a zoning amendment bylaw to amend the regulations pertaining to gross floor area exclusions for basement areas for detached and duplex dwellings, to address issues related to building massing and associated neighbourhood impacts. Recommended changes to the zoning bylaw, and the process by which the recommended changes were developed, were presented to Council in Administrative Report to Council No. 16-123 at its November 15, 2016 meeting. The proposed bylaw, Zoning Amendment Bylaw (In-ground Basements GFA Exclusion) No. 2132, 2016, incorporates the recommended changes, and is presented for Council consideration of first and second reading.

Further background information on the Gross Floor Area exclusions for basement areas that were adopted by Zoning Amendment Bylaw (Gross Floor Area Exclusion Amendments) No. 1992, 2012, and the results of the monitoring program that was conducted to evaluate the potential effects of this bylaw, are contained within the April 3, 2012 Administrative Report to Council No. 12-038 and the June 21, 2016 Administrative Report to Council No. 16-065, respectively.

### **Zoning Amendment Bylaw (In-Ground Basement GFA Exclusion) No. 2132, 2016**

The proposed zoning amendment bylaw introduces a change in the rules for determining the basement area that qualifies for exclusion from the definition of gross floor area, which is a measure used to establish the maximum density of development for detached and duplex dwellings permitted in residential zones.

The proposed rule change essentially amends the exclusion such that only those portions of the basement that are below ground, or in-ground, qualify for the exclusion. This is achieved by defining “in-ground basement floor area” as a new term in the Part 2 Interpretation section of the zoning bylaw, and adding this term to the list of gross floor area exclusions in the Part 5 General Regulations section of the zoning bylaw. The proposed definition of “in-ground basement floor area” is:

“in-ground basement floor area” means that portion of the lowest floor of a building, at least 50% of the exterior wall height of which is below the level of finished ground adjoining the wall, and for this purpose wall height means the vertical distance from the level of the finished floor to the underside of the floor system above;”.

The proposed exclusion is:

“in-ground basement floor area to a maximum of 125% of the gross floor area of the storey immediately above;”

To ensure that the proposed rule change does not impose a barrier to legitimizing previously constructed basement areas, which was the focus of the Illegal Spaces Task Force Initiative, the proposed bylaw maintains the existing “basement floor area” exclusion for floor area that existed prior to May 15, 2012, the date the existing rules were adopted. This is achieved by rewording the existing basement floor area exclusion in the Part 5 General Regulations section of the zoning bylaw as follows:

“basement floor area in existence on May 15, 2012 having an elevation at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125% of the floor area of the storey immediately above, and for this purpose the Municipality may require a building permit applicant to provide a statutory declaration as to the existence of basement floor area on May 15, 2012;”.

Construction that has been completed, or authorized for construction by valid building permit between May 15, 2012 and November 15, 2016 (the date that Council directed staff to commence preparation of the proposed bylaw amendment) has been authorized under the existing rules and is “grandfathered” under those rules, which are less restrictive. The same applies for construction for which a complete building permit application was received on or before November 22, 2016, which is seven days after the proposed bylaw is considered to be a bylaw under preparation, under s. 463 of the *Local Government Act*, and which is otherwise approvable under the Building Code and the zoning bylaw.

Upon adoption of the proposed zoning amendment bylaw, all new building permit applications for new construction are subject to the new rules. In the interim period, as per Council's resolution adopted on November 15, 2016, staff will review new building permit applications for conformance with the new rules, and determine whether or not to bring forward any particular application that is contrary to the proposed bylaw for Council to consider whether to withhold the permit as the application may be considered to have potential negative impacts that the proposed rule change is intended to address. If Council were to decide to withhold such a permit then the relevant provisions of s. 463 of the *Local Government Act* apply.

## **WHISTLER 2020 ANALYSIS**

This analysis was completed and presented in the previous report to Council, November 15, 2016 Administrative Report to Council No. 16-123. The proposed bylaw is consistent with the priorities and descriptions of success for Whistler 2020.

## **BUDGET CONSIDERATIONS**

The proposed Zoning Amendment Bylaw is a municipal initiative funded within approved departmental budgets.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

The process that has been undertaken by staff has involved meetings and communications with members of the Illegal Space Task Force (ISTF); working sessions of a Working Group comprised of two members of the ISTF, a member of the Advisory Design Panel and municipal staff; along with previous reports and presentations to Council.

Staff does not propose further community engagement on the proposed bylaw, however, a communications plan to inform the public and stakeholders of the proposed changes to the gross floor area exclusion rules is being implemented with communications through the municipal website [whistler.ca](http://whistler.ca), Whistler Today, a news release, and the Canadian Homebuilders Association. A Public Hearing will be conducted as required by the *Local Government Act* for any proposed zoning amendment bylaw brought forward for Council consideration subsequent to first and second reading of the bylaw.

## **SUMMARY**

This report recommends that Council give first and second reading to Zoning Amendment Bylaw (In-ground Basements GFA Exclusion) No. 2132 2016, and direct staff to schedule a Public Hearing and conduct the Public Notice requirements for further consideration of the bylaw.

Respectfully submitted,

Michael Kirkegaard  
DIRECTOR OF PLANNING  
for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE



# Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016

## Council Presentation

December 6<sup>th</sup> 2016

### RESORT MUNICIPALITY OF WHISTLER

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

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



# Background

- November 15, 2016 Council passed resolution to direct staff to prepare a zoning amendment bylaw to amend regulations for gross floor area exclusions for basement areas for detached and duplex dwellings, to address issues related to building massing and associated neighbourhood impacts.
- Recommended changes to regulations were included in report to Council – essentially amend exclusion such that only those portions of the basement that are below ground, or in-ground, qualify.
- Zoning Amendment Bylaw (In-ground Basements GFA Exclusion) No. 2132, 2016 has been prepared consistent with Council direction and is presented for consideration of 1<sup>st</sup> and 2<sup>nd</sup> reading.

# Proposed Bylaw

- Zoning Amendment Bylaw (In-ground Basements GFA Exclusion) No. 2132, 2016 proposes the following amendments to the zoning bylaw:
  - ✓ Add “in-ground basement floor area” as a new term under Part 2 Interpretation defined as: “in-ground basement floor area” means that portion of the lowest floor of a building, at least 50% of the exterior wall height of which is below the level of the finished ground adjoining the wall, and for this purpose wall height means the vertical distance from the level of the finished floor to the underside of the floor system above;”
  - ✓ Add “in-ground basement floor area” to the list of exclusions for the calculation of gross floor area for detached and duplex dwellings under Part 5 General Regulations.
- In addition, the bylaw proposes to retain the existing exclusion regulation, which is less restrictive, to apply to unauthorized basement areas constructed prior to May 12, 2012, seeking to legitimize these spaces, as follows:
  - ✓ “basement floor area in existence on May 12, 2012 having an elevation at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125% of the floor area of the storey immediately above, and for this purpose the Municipality may require a building permit applicant to provide a statutory declaration as to the existence of basement floor area on May 12, 2012;

# Application of New Rules

- Construction completed, or authorized for construction by valid building permit between May 15, 2012 and November 15, 2016 has been authorized under the existing rules and is “grandparented” under those rules
- Construction for which a complete building permit application was received on or before November 22, 2016 is also eligible for the existing rules
- Construction completed prior to May 15, 2012, the date of existing rules, will continue to be eligible for the existing rules as per the proposed bylaw amendment
- Upon adoption of the proposed bylaw amendment, all new building permit applications for new construction are subject to the new rules.
- For applications received in the interim, between November 23, 2016 and the date of adoption of the proposed bylaw, staff will review these applications for conformance with the new rules and determine whether or not to bring any such application forward for Council to consider withholding the building permit, as the application may be considered to have potential negative impacts that the proposed rule change is intended to address.

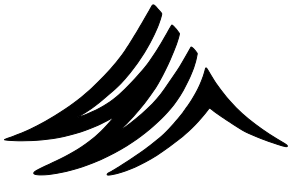
# Communication

- The process of developing the recommended rule changes has involved meetings and communications with members of the Illegal Spaces Task Force; working sessions of a Working Group comprised of representatives from the ISTF, Advisory Design Panel and staff; ADP briefings and reports to Council,
- The proposed rule changes will be communicated through a News Release, letter to the Canadian Homebuilders Association, posting to [whistler.ca](http://whistler.ca) and Whistler Today.
- There will be a Public Hearing for the proposed bylaw tentatively scheduled for January 10, 2016.



# Recommendation

- **That** Council consider giving first and second reading to Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016; and further
- **That** Council direct staff to schedule a Public Hearing for Zoning Amendment Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016 and to conduct the associated Public Notice requirements.



# WHISTLER

## MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL  
TUESDAY, DECEMBER 6, 2016, STARTING AT 5:30 P.M.**

**In the Franz Wilhelmssen Theatre at Maury Young Arts Centre – Formerly  
Millennium Place  
4335 Blackcomb Way, Whistler, BC V0N 1B4**

### **PRESENT:**

Mayor N. Wilhelm-Morden

Councillors: S. Anderson, J. Crompton, J. Ford, J. Grills, A. Janyk,  
S. Maxwell

Chief Administrative Officer, M. Furey  
General Manager of Infrastructure Services, J. Hallisey  
General Manager of Corporate and Community Services, N. McPhail  
General Manager of Resort Experience, J. Jansen  
Municipal Clerk, L. Schimek  
Manager of Communications, M. Comeau  
Director of Planning, M. Kirkegaard  
Manager of Transportation and Waste Management, A. Tucker  
Senior Planner, M. Laidlaw  
Planning Analyst, R. Licko  
Planner, R. Brennan  
Transportation Demand Management Coordinator, E. DalSanto  
Recording Secretary, M. Kish

### **ADOPTION OF AGENDA**

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

**That** Council adopt of the Regular Council agenda of December 6, 2016 as amended by moving the Public Question and Answer Period after the Mayor's Report.

CARRIED

### **ADOPTION OF MINUTES**

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

**That** Council adopt the Regular Council minutes of November 15, 2016.

CARRIED

## **PRESENTATIONS/DELEGATIONS**

A presentation by Mayor Wilhelm-Morden of the Civic Services Awards to Jim Charters, Danielle Kristmanson and Arthur DeJong and a special recognition of Gordon McKeever.

*Mayor Wilhelm-Morden called a five minute recess at 5:42 p.m.*

*Mayor Wilhelm-Morden reconvened the meeting at 5:47 p.m.*

Community Enrichment  
Program Report Back

A presentation was given by Chelsey Walker, Executive Director, Whistler Adaptive Sports Program Society (WASP) reporting on the 2016 community Enrichment Program grant.

Community Enrichment  
Program Report Back

A presentation was given by Claire Ruddy, Executive Director, Association of Whistler Residents for the Environment (AWARE) reporting on the 2016 Community Enrichment Program grant.

Community Enrichment  
Program Report Back

A presentation was given by Suzie Somen, Director Early Child Development Services for the Sea to Sky Community Services Society (SSCSS) reporting on the 2016 community Enrichment Program grant.

Community Enrichment  
Program Report Back

A presentation was given by Suzan Lemmers, Community Programs Manager Whistler and Pemberton, Howe Sound Women's Centre / Whistler Women's Centre (HSWC) reporting on the 2016 Community Enrichment Program grant.

## **MAYOR'S REPORT**

Mayor Wilhelm-Morden gave an update on committee appointments made at the Closed Council meeting of December 6, 2016:

### Whistler Library Board of Trustees (WLBT)

For a two (2) year term:

- Victoria Crompton
- Kathleen Graham
- Sharon Shrul
- Rod Tindall
- Celia Utlely

For a one (1) year term:

- Dea Lloyd

### Liquor Licence Advisory Committee (LLAC)

For a two (2) year term -

- Terry Clark for the Food and Beverage and Nightclub Sector
- Colin Hedderson for the Accommodation Sector
- Whistler Community Services Society, Executive Director (or designated alternate)

On behalf of Council and staff Mayor Wilhelm-Morden thanked the commitment of the new committee volunteers and all committee members



who volunteer their time providing valuable input and contribution to municipal decision making.

Mayor Wilhelm-Morden announced that the RMOW received an award of recognition from Creative BC at the recent Whistler Film Festival. The award recognized Whistler's outstanding contribution to the success and sustainability of British Columbia's film and television production industry. Mayor Wilhelm-Morden thanked the Whistler Film Festival Society, Shauna Hardy Mishaw and the board of directors. Mayor Wilhelm-Morden congratulated staff members and volunteers who put together the 16<sup>th</sup> annual film festival last week and commented that by all accounts it was a great success.

Mayor Wilhelm-Morden informed that on December 1, the Whistler Transit System celebrated twenty-five years of delivering a local bus service to the resort community. The celebrations included free transit all day as well as live music in the afternoon from Will Ross. Chocolates and flashlights were handed out. Whistler Transit is currently running a competition gathering memorable Whistler Transit experiences. If you would like to share a memorable bus ride for a chance to win a six-month bus pass, please enter online [BCTransit.com/whistler/contest](http://BCTransit.com/whistler/contest). Entries are being received until December 15.

Mayor Wilhelm-Morden updated that the Valley Trail extension to the front door of the recreation centre will commence later this year. Removal of the landscaping trees in front of the Meadow Park Sports Centre has begun as part of the preparations. The construction is expected to be completed by June 30, 2017. Mayor Wilhelm-Morden commented that this linkage will be 200 metres in total and will enhance safety and accessibility to Meadow Park Sports Centre. The Resort Municipality of Whistler received \$90,102 of funding through BikeBC and the BC Ministry of Transportation and Infrastructure for the work.

Mayor Wilhelm-Morden informed that the Four Seasons Resort and Residences Whistler is currently holding their first annual Whistler Festival of Trees in partnership with the BC Children's Hospital Foundation. Several local groups, including Whistler Council, have sponsored the trees on display. Mayor Wilhelm-Morden commented that seventeen thousand dollars have been raised so far.

Mayor Wilhelm-Morden updated that The Cheakamus Community Forest is hosting an open house on Wednesday, December 7 from 5:00 p.m. to 7:00 p.m. at the Whistler Conference Centre. During the open house, information will be shared about proposed 2017 harvesting plans as well as plans for the next few years. There will also be the draft access management and wildfire fuel reduction projects.

Mayor Wilhelm-Morden mentioned that Whistler's Inside Scoop tradeshow returns on Wednesday, December 14 from 2:00 p.m. to 6:00 p.m. at the Whistler Conference Centre. This tradeshow allows businesses to showcase themselves to front-line staff in Whistler and front-line staff get the opportunity to build their knowledge of the resort to offer superior customer

service—as well as to win prizes. Business owners can sign up to exhibit at [whistler.com](http://whistler.com). The event is free to the frontline staff.

Mayor Wilhelm-Morden announced that outdoor skating at Whistler Olympic Plaza will open on Saturday, December 10. The skating will be open from 11:00 a.m. to 9:00 p.m. daily, with one-hour closures at 2:00 p.m. and at 5:30 p.m. Bringing your own skates is free, and skate rentals are six dollars. Please see [whistler.ca/skating](http://whistler.ca/skating) for details of the hours over the holidays. The nearby Snow Zone is being prepared for snow play.

Mayor Wilhelm-Morden informed that the Whistler Holiday Experience free family programming at Whistler Conference Centre begins on December 16 at noon. The programming is available daily from 10:00 a.m. to 6:00 p.m. until December 30, except on December 25. The popular Family Après series commences Monday, December 19. The free entertainment includes stories, animation, and activities, and runs on Mondays and Wednesdays from 3:00 p.m. to 6:00 p.m. at Whistler Olympic Plaza.

Mayor Wilhelm-Morden informed that tickets for New Year's Eve are on sale now. The family celebrations are at two ticketed venues with indoor fun and entertainment from 6:00 p.m. to 11:00 p.m. on Saturday, December 31. There is a teen dance at the Whistler Conference Centre and at 11:30 p.m. until midnight there will be a special Fire and Ice Show and fireworks which are free to watch at Skier's Plaza. Whistler Transit will also be free from 6:00 p.m. until 4:00 a.m.

Mayor Wilhelm-Morden congratulated Pat and Brenda Montani for winning the Meritorious Service Medal from the Governor General's Office for their work with Bicycles for Humanity. Pat and Brenda founded the non-profit Bicycles for Humanity in 2005 as a way to send bicycles to Namibia. Since then, Bicycles for Humanity has sent more than 125,000 bikes to Africa, Mexico and Central America.

On behalf of Council and the Resort Municipality of Whistler, Mayor Wilhelm-Morden shared her condolences with the families and friends of several community members.

Mayor Wilhelm-Morden commented that she was deeply saddened to hear of the passing of Peter Durlacher on November 26 at the age of 84. Peter leaves his wife Erika, children Kim and Ken, sister Maria, and grandchildren Taylor and Carter. Peter was known for his love of skiing. He taught at the Mount Seymour Ski School and the Toni Sailor summer ski camps. Peter and Erika ran their family business together: the Durlacher Hof Country Inn in Whistler. Last year, Erika and Kim climbed Mount Kilimanjaro for the Alzheimer's Society of British Columbia. A funeral was held in Whistler on December 3.

Mayor Wilhelm-Morden shared condolences with the family and friends of Carol Potvin who passed on November 15. Carol would have been 85 on December 25. Carol is known for her business partnership establishing Mountain FM Radio in 1980, as well as the Lillooet Lake development,

Heather Jean Properties, Lillooet Lake Estates and other projects. Carol is survived by her husband Louis Potvin.

Mayor Wilhelm-Morden shared condolences with Matej Svana's family and friends after his tragic passing on Blackcomb Mountain on November 26. Matej moved to Whistler from Slovakia in 2014 and was only 27 years old. His sudden death was an accident after falling into deep snow while snowboarding with his girlfriend. Matej is a computational chemistry graduate of Charles University in Prague and was a student at the Whistler Adventure School.

Mayor Wilhelm-Morden shared condolences with Sophie Edwards's family after she passed away from cancer a couple of weeks ago. She had lived in Whistler for five years and was a lead at Whistler Connections for the last few years. Mayor Wilhelm-Morden commented that Councillor Crompton said she lit up every room she entered. She leaves behind her partner Mike.

Councillor Janyk shared condolences on behalf of Mayor Wilhelm-Morden and Council with the family, friends, and arts community after the passing of Chili Thom on November 30 at age 40. Chili Thom was an active member of Arts Whistler for almost 20 years. In addition to being a talented painter, he was a DJ, backcountry guide, filmmaker and started the B-Grade Horrorfest in 2002 with Feet Banks. Chili was an ambassador for Whistler's artists during the 2010 Olympic and Paralympic Winter Games. He did a painting demonstration in the Village for Whistler Live! And also DJ-ed at Medals Plaza. In addition he took part in the Games' Art Walk. Chili's work is on display as part of the Whistler Public Art: you can see a mural painted beneath the Lorimer Bridge near the Lost Lake PassivHaus painted by Chili, Stan Matwychuk and other local artists in 2007. More recently, Chili Thom included a painting as part of the municipality's 40<sup>th</sup> anniversary celebrations in 2015. Chili's work is found pervasively throughout Whistler in both public and private spaces. His aesthetic is well loved and for many people his distinctive landscapes capture the spirit of the Sea to Sky landscapes. He has been voted Whistler's Favourite Artist thirteen times. Next June, Chili's work will be showcased at the Audain Art Museum. More details of the exhibit will be available in the coming weeks.

Councillor Janyk commented that she attended the Loka Yoga Studio which he was a part of and said that they all sent prayers his way and that they are happy he has found his final resting place - watching over all of us.

Mayor Wilhelm-Morden commented that the showing of Chili's art and body of work at the Audain Museum next year in June will be remarkable and commented that it will be interesting if some of the B Grade Horror Fest articles make their way into the gallery.

Mayor Wilhelm-Morden gave an update on 2016 year in review summary. Community changes and accomplishments:

- ✓ Opening of Audain Art Museum
- ✓ Whistler Blackcomb announcement of Renaissance proposal
- ✓ Partnership between Vail and Whistler Blackcomb

#### Economic highlights

- ✓ March 2016 was the best month in history
- ✓ February 2016 surpassed February 2010 as best on record
- ✓ Good balance of regional and destination visitors
- ✓ Looking forward, room nights sold next year expected to be up further 2 per cent
- ✓ Summer is now approaching winter occupancy rates
- ✓ Total FTE jobs are now similar to where we were back in mid-2000's

#### Success of the Festivals, Events and Animation program and cultural initiatives

- ✓ The Tough Mudder Half was new this year
- ✓ Our other recurring local and incoming events have continued to deliver strong results, including the continued expansion of events like the Whistler Writer's Festival and Cornucopia

#### New capital investments in our important community infrastructure and programs including

- ✓ Current work on the Nester's Waste Transfer station
- ✓ Wayfinding signage program implementation is well underway
- ✓ Alpine Water Main and Olympic Water Reservoir projects
- ✓ Meadow Park Sports Centre roof
- ✓ Valley Trail underpass at Nester's Crossing working with the Nester's Crossing developers
- ✓ Skate Park
- ✓ BMX Track
- ✓ Train Wreck Bridge
- ✓ Alpine Trails for hiking and biking
- ✓ Food Trucks
- ✓ Cultural Connector including the installation of the Timeless Circle public art in front of Maury Young Arts Centre

#### Planning foundation work that will help drive evidence-based decision making and initiatives

- ✓ Community Wildfire Protection Plan
- ✓ Economic Partnership Initiative updated plan
- ✓ Community Energy and Climate Action Plan completed
- ✓ Transportation Advisory Group was re-instated and work is well underway in transportation planning
- ✓ Mayor's Task Force on Resident Housing is in place and initiatives underway

Mayor Wilhelm-Morden commented that Council are at the two year mark of a four year term. Mayor Wilhelm-Morden pointed out that the seating arrangement has been moved around so that people can get a different perspective as well committee and Board appointments have been appointed to give an opportunity for Council to see other aspects of the municipality at work. A resolution will take place later in the agenda under Other Business about changes to the committees and Boards.

Councillor Maxwell commented that Council often receive letters regarding illegal dumping, pollution and hunting issues and wanted to inform the community that BC Wildlife Conservation developed a new app where the public can report concerns which will support the conservation service and other appropriate organizations in dealing with these issues.

## **PUBLIC QUESTION AND ANSWER PERIOD**

*Angela Mellor – 2401 Dave Murray Place*

Q - Would Council consider declaring opposition to the Kinder Morgan Pipeline expansion joining the city of Vancouver, 21 other municipalities and the Squamish and Tsleil-Waututh First Nations. Ms. Mellor conveyed she felt that a declaration like this would be truth and reconciliation support in solidarity with those First Nations.

Mayor Wilhelm-Morden commented that they have not had an opportunity to discuss their position on the issue but now that the subject of the Kinder Morgan Pipeline Project has been raised will discuss what Council's position will be in the near future. Mayor Wilhelm-Morden thanked Ms. Mellor for bringing the question to them.

*Katrina Strand and Leslie McGregor – Rainbow Subdivision, Solana Residence*

Ms. Strand commented that she has lived in Whistler since 1999 and loves living in the Rainbow subdivision. Ms. Strand informed that she wrote an email to Council earlier today and proceeded to read it out loud. Ms. McGregor commented that she also wrote a letter that morning regarding the decision to deny access to Lot 10 parking in the Rainbow subdivision.

Mayor Wilhelm-Morden updated that this section of the meeting is only for questions to Council and that if Ms. Strand had a question could she ask it of them.

Q – Ms. Strand asked whether a solution can be created for lack of parking not just at the Solana Residences but in all of Rainbow as there is not enough overflow parking. Ms. Strand commented further that she is asking that five or six parking spots in Lot 10 could be opened up and that it would make it easier for guests and residents.

General Manager of Infrastructure Services, James Hallisey informed that the Solana developer did not approach the RMOW to use that property initially and just took possession of it which is not the correct process. When they were told that it was not the way to go they approached the RMOW asking if it could be used. Mr. Hallisey said that there have been similar situations in the past in other locations in Whistler and it does become a problem to ensure that it is only being used for parking and not long term storage. Mr. Hallisey commented that there are other issues around dumping as well so there are some challenges. Mr. Hallisey said that the development was

supposed to have enough parking on its location to handle that and it is a slippery slope to go down that path. Mr. Hallisey said that there is a long term use plan for that location that isn't parking.

Ms. McGregor commented that the developers didn't know who were going to buy into the residences and what vehicles they would have and the end result is that there is now limited parking for visitors as well there is no street parking. Ms. McGregor continued that there are probably ways to avoid dumping and that there could be resident stickers for cars to solve one problem. Ms. McGregor commented that there is limited parking in all of Rainbow.

Mayor Wilhelm-Morden reminded the speakers that this forum is only meant for question and answers - not a list of issues.

Mayor Wilhelm-Morden informed that she would refer their emails to staff when she has had a chance to look at them and then they can enter into a dialogue with staff as to whether there is an opportunity to work on solutions. Mayor Wilhelm-Morden commented that the subdivision is meant to be self-sustaining as far as parking is concerned and suggested that they may want to contact the developer of the property to discuss parking issues.

Ms. Strand commented that the problem is the whole neighborhood and that they are looking for solutions not just for themselves but the whole of Rainbow.

Mayor Wilhelm-Morden continued that Rainbow was built by a developer and that she did not want to get into a discussion about the issue tonight and that they could take their concerns to staff.

Chief Administrative Officer, Mike Furey informed that they could call the office and arrange to have a conversation with him.

*Wolfgang Run – Whistler Resident*

Mr. Run presented some questions from the public who could not attend the meeting.

Q - Rebecca a planner from Australia asked: Why Council and staff are acting so small minded when they could build both emergency housing and long term housing if they actually wanted to?

Q - Maurice a Whistler taxi driver asked: Is land scarce? Why are they not taking care of their people to build all the housing we need?

Q - Chris an electrician from Germany asks: What is the problem here? Just do it – look what Germany did for the refugees.

Q - Mr. Run asked: How is staff and Council doing on answering Tony Benz's questions: What powers do you have, who gave them to you, how are you held accountable, how do you use your powers and how do we get rid of you?

Mayor Wilhelm-Morden commented that Mr. Run has appeared at the last six Council meetings since September and asked the same questions. Mayor Wilhelm-Morden informed that she has clearly informed Mr. Run at those times about the many initiatives taken and underway with respect to housing such as The Mayor's Task Force on Housing, resident housing being constructed in Cheakamus Crossing and Phase 1B of that project under consideration. Mayor Wilhelm-Morden continued that nothing else has changed since Mr. Run started asking these questions six weeks ago. Mayor Wilhelm-Morden said that she would not embark on a philosophical discussion about "How do we get rid of you" and the other questions that Mr. Run has asked on at least two other occasions.

Mayor Wilhelm-Morden encouraged Mr. Run to make an appointment with her to discuss this further and updated that she believed a meeting has been scheduled in January to have a conversation about governance. Mayor Wilhelm-Morden said that she looks forward to having that discussion and asked that Mr. Run take a seat.

Mr. Run continued to ask that his questions be heard and that the questions get printed in the Pique.

Mayor Wilhelm-Morden informed Mr. Run that Council meetings are recorded, that her responses have been recorded and that the Pique has published at least one story regarding Mr. Run's previous appearance and questions and that anyone who has any interest in her responses can look at those sources to see her answers. Mayor Wilhelm-Morden invited Mr. Run to take a seat.

Mr. Run continued to ask questions.

*Mayor Wilhelm-Morden called a five minute recess at 6:30 p.m.  
Mayor Wilhelm-Morden reconvened the meeting at 6:32 p.m.*

#### **ADMINISTRATIVE REPORTS**

DP 1528 – 7600 Nesters  
Road – Whistler  
Community Services  
Society Building  
Report No. 16-125  
File No. DP 1528

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

**That** Council approve the issuance of Development Permit DP 1528 for the proposed Whistler Community Services Society building with the following variances to the Zoning Bylaw:

- a) Vary the location of the parking and loading spaces for the building to be provided on the adjacent municipally owned parcel and to be sited less than 1.5 metres from a parcel boundary; and
- b) Vary the building setback from 1.5 metres to 0 metres for a roof canopy

as illustrated on architectural plans A0.00 – A4.01 prepared by aka architecture + design Inc., dated November 4, 2016 and landscape plans LC-1 and LC-2 prepared by Crosland Doak Design, dated November 2, 2016, attached as Appendix B to Council Report No. 16-125 and subject to the

resolution of the following items to the satisfaction of the General Manager of Resort Experience:

1. Provide final architectural and landscape drawings that address minor details related to sightlines at the parking lot exit, pedestrian arrival, and the east building façade; and
2. Provide details of proposed exterior lighting that are fully shielded fixtures to protect dark skies; and further

**That** Council support landscaping completion as part of the lease agreement and not as a landscape security.

CARRIED

DVP 1123 – 3444 Heron  
Place Frontage  
Determination And Setback  
Variances  
Report No.16-126  
File No. DP 1123

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

**That** Council approve the issuance of Development Variance Permit DVP 1123 by changing GC 89408 to GD 87394 in points # 1 below for the proposed development located at 3444 Heron Place to:

1. Vary the designated front parcel line from that specified in Blueberry Land Use Contract amendment GC89408 to that determined by Zoning and Parking Bylaw 303, 2015;
2. Vary the rear setback from 6 metres to 3 metres to accommodate the existing dwelling as constructed;
3. Vary the west side setback from 3.0 metres to 2.3 metres to accommodate a new retaining wall;

all as illustrated on the Site Plan prepared by Kat Sullivan Design, dated May 2016, attached as Appendix B to Council Report No.16-126 subject to:

1. Discharge of Land Use Contract amendment GC89408; and further,

**That** Council authorize the Mayor and Municipal Clerk to execute the required discharge.

CARRIED

LLR 128 - Conference  
Centre Extension of Hours  
for Whistler Pride and Ski  
Festival Event  
Report No. 16-127  
File No. LLR 127

Moved by Councillor J. Ford  
Seconded by Councillor J. Grills

**That** Council authorize hours of liquor sale to 4:00 a.m. on the night of Saturday, January 28, 2017 at the Whistler Conference Centre for a special Whistler Pride and Ski Festival event.

CARRIED

Transportation Advisory  
Group (TAG) 2016 Update  
Report No. 16-128  
File No. 546

Moved by Councillor J. Ford  
Seconded by Councillor J. Grills

**That** Council direct the General Manager of Infrastructure Services to organize a Community Forum focused on Transportation in partnership with the Transportation Advisory Group for early 2017.

CARRIED



Amendment to Garbage  
Disposal and Wildlife  
Attractants Bylaw No.  
1861, 2008  
Report No. 16-129  
File No. 604

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

**That** Council consider giving first, second and third readings to Solid  
Waste/Recycling Rates Amendment Bylaw No. 2133, 2016.

CARRIED

RZ 1077 – Zoning  
Amendment Bylaw (In-  
Ground Basements GFA  
Exclusion) No. 2132, 2016  
Report No. 16-130  
File No. RZ 1077

Moved by Councillor A. Janyk  
Seconded by Councillor S. Maxwell

**That** Council consider giving first and second reading to Zoning Amendment  
Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016; and further

**That** Council direct staff to schedule a Public Hearing for Zoning Amendment  
Bylaw (In-Ground Basements GFA Exclusion) No. 2132, 2016 and to conduct  
the associated Public Notice requirements.

CARRIED

Council Schedule & Acting  
Mayor Appointments –  
2017  
Reports No. 16-131  
File No. 3014.02

Moved by Councillor S. Maxwell  
Seconded by Councillor S. Anderson

**That** Council endorse the following Regular Council Meeting Schedule for 2017:

January 10 January 24	May 9 May 23	September 5 September 19
February 7 February 21	June 6 June 20	October 3 October 17
March 7 March 21	July 4 July 18	November 7 November 21
April 11 April 25	August 15	December 5 December 19

**That** the following members of Council be appointed as Acting Mayor's for the  
months of January to December, 2017 (inclusive):

January: Sue Maxwell	July: John Grills
February: John Grills	August: Steve Anderson
March: Jen Ford	September: Andrée Janyk
April: Jen Ford	October: Andrée Janyk
May: Steve Anderson	November: Jack Crompton
June: Sue Maxwell	December: Jack Crompton

CARRIED

Emerald Dreams  
Conservation Co. Ltd. –  
2016 Annual Report  
Report No. 16-132

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

File No. Vault

**That** the Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolves that the Municipality, as sole shareholder of Emerald Dreams Conservation Co. Ltd.; pass the consent resolutions of the sole shareholder of Emerald Dreams Conservation Co. Ltd.; a copy of which is attached as Appendix A to Administrative Report to Council No. 16-132, and further,

**That** the Mayor and Municipal Clerk execute and deliver the attached resolutions in Appendix C of Administrative Report to Council No. 16-132 on behalf of the Municipality.

CARRIED

### MINUTES OF COMMITTEES AND COMMISSIONS

Whistler Bear Advisory  
Committee

Moved by Councillor S. Maxwell  
Seconded by Councillor S. Anderson

**That** minutes of the Whistler Bear Advisory Committee meeting of October 12, 2016 be received.

CARRIED

Forest and Wildland  
Advisory Committee

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

**That** minutes of the Forest and Wildland Advisory Committee meeting of October 12, 2016 be received.

CARRIED

Liquor License Advisory  
Committee

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

**That** minutes of Liquor License Advisory Committee meeting of October 13, 2016 be received.

CARRIED

Recreation Leisure  
Advisory Committee

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

**That** minutes of the Recreation Leisure Advisory Committee meeting of October 13, 2016 be received.

CARRIED

Advisory Design Panel

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

**That** minutes of Advisory Design Panel meeting of October 19, 2016 be received.

CARRIED

### BYLAWS FOR FIRST AND SECOND READINGS

Zoning Amendment  
Bylaw (In-Ground  
Basement GFA  
Exclusion) No. 2132,  
2016

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

**That** Zoning Amendment Bylaw (In-Ground Basement GFA Exclusion) No. 2132, 2016 receive first and second readings.

CARRIED

### **BYLAWS FOR FIRST, SECOND AND THIRD READINGS**

Solid Waste/Recycling  
Rates Amendment Bylaw  
(Tipping Fees) No. 2133,  
2016

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

**That** Solid Waste/Recycling Rates Amendment Bylaw (Tipping Fees) No. 2133, 2016 receive first, second and third readings.

CARRIED

### **BYLAWS FOR ADOPTION**

Zoning Amendment Bylaw  
(1310 and 1350  
Cloudburst Drive) No.  
2128, 2016

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

**That** Zoning Amendment Bylaw (1310 and 1350 Cloudburst Drive) No. 2128, 2016 be adopted.

*Opposed: Councillor J. Ford*

CARRIED

### **OTHER BUSINESS**

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

**That** members of Council be appointed to the following Standing Committees of Council:

Audit & Finance Standing  
Committee

Nancy Wilhelm-Morden  
Steve Anderson  
Sue Maxwell

Human Resources Standing  
Committee

Andrée Janyk  
Jack Crompton  
Jen Ford

**That** members of Council be appointed to the following Select Committees of Council:

Advisory Design Panel

John Grills

Economic Partnership Initiative  
Committee

Nancy Wilhelm-Morden  
Jack Crompton

Emergency Planning Committee

Nancy Wilhelm-Morden

	Sue Maxwell
Festivals Events and Animation Oversight Committee	John Grills
Forest and Wildland Advisory Committee	Andrée Janyk
Illegal Spaces Task Force:	Steve Anderson
Liquor License Advisory Committee	Steve Anderson
May Long Weekend Committee	Andrée Janyk
Mayor's Task Force on Resident Housing	Nancy Wilhelm-Morden John Grills
Measuring Up Committee	Jen Ford
Public Art Committee	Sue Maxwell
Recreation and Leisure Advisory Committee	Jen Ford
Technology Advisory Committee	Jack Crompton
Transportation Advisory Group	Nancy Wilhelm-Morden Andrée Janyk Steve Anderson
Transit Management Advisory Committee	Jen Ford
Whistler Bear Advisory Committee	Jen Ford

**That** members of Council be appointed to the following RMOW Boards and Partner Organizations:

Audain Art Museum	Nancy Wilhelm-Morden Jack Crompton
AWARE	Andrée Janyk
Cheakamus Community Forest	John Grills Sue Maxwell
Environmental Legacy Fund Committee	Jen Ford

Municipal Insurance Association of B.C.	Nancy Wilhelm-Morden Jen Ford (alternate) John Grills (alternate)
One Whistler	John Grills
Squamish Lillooet Regional District	Jack Crompton Steve Anderson (alternate)
Tourism Whistler	Nancy Wilhelm-Morden
Whistler Arts Council	Nancy Wilhelm-Morden
Whistler Animals Galore	Sue Maxwell
Whistler Chamber of Commerce	John Grills
Whistler Community Services Society	Jack Crompton
Whistler Health Care Foundation	Jen Ford
Whistler Housing Authority	Jack Crompton Jen Ford Steve Anderson
Whistler Public Library Board of Trustees	Sue Maxwell
Whistler Museum and Archives Society	Andrée Janyk
Whistler 2020 Development Corp. Ltd.	Nancy Wilhelm-Morden Steve Anderson

CARRIED

### CORRESPONDENCE

Bylaw Fines for Zoning  
Infractions  
File No. 3009

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

**That** correspondence from Dom Oshanek dated November 11, 2016, requesting a response as to why zoning bylaws for allowed rental usage are not more strictly enforced be received and referred to staff.

CARRIED

Mayor's Task Force  
File No. 3009

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

**That** correspondence from Alex Tavuchis, President of Canadian Home Builders' Association (CHBA) Sea to Sky dated November 14, 2016, requesting that consideration be given to include the CHBA on the Mayor's task force be received.

CARRIED

BC Aware Days Campaign  
2017 Proclamation  
File No. 3009.1

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

**That** correspondence from Charles Wordsworth, Volunteer Information Systems Audit and Control Association (ISACA) BCWARE Committee, dated November 11, 2016, requesting that January 30 to February 10, 2017 be proclaimed BC Aware Days be received and proclaimed.

CARRIED

Request to rescind  
Provincial Tax Regulation  
78(1)(b)  
File No. 3009

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

**That** correspondence from Saad Hasan, Chair, Hotel Association of Whistler, dated November 20, 2016, requesting support from Council for rescinding Provincial Tax Regulation 78(1)(b) be received and issue the letter.

CARRIED

Parking at Lot 10 in  
Rainbow Concerns  
File No.  
3009

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

**That** correspondence from David Ashton dated November 21, 2016, regarding parking concerns at Lot 10 in Rainbow be received and referred to staff.

CARRIED

Whistler Business Energy  
Loss Concerns  
File No. 3009

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

**That** correspondence from Anne Townley dated November 22, 2016, regarding the energy loss from Whistler businesses leaving their doors open be received and referred to staff.

CARRIED

Callaghan Creek Hydro  
Power Concerns  
File No. 3009

Moved by Councillor J. Ford  
Seconded by Councillor J. Grills

**That** correspondence from Maximilian Kniewasser dated November 25, 2016, regarding recreation concerns around a proposed hydro power project on Callaghan Creek be received and referred to staff.

CARRIED

## ADJOURNMENT

Moved by Councillor J. Crompton

**That** Council adjourn the December 6, 2016 Council meeting at 8:50 p.m.

CARRIED

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Mayor, N. Wilhelm-Morden

---

Municipal Clerk, L. Schimek

DRAFT



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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8 December 2016

File No: RZ 1077

Sarah Campbell  
CEO, CHBA Sea to Sky  
Sent by e-mail: [sarah@whistlerconstruction.com](mailto:sarah@whistlerconstruction.com)

Dear Canadian Home Builders' Association – Sea to Sky

**Re: *Zoning Amendment Bylaw (In-Ground Basement GFA Exclusion) No. 2132, 2016***

This letter is to inform you that the Resort Municipality of Whistler has undertaken the preparation and consideration of amendments to the municipality's zoning bylaw concerning regulations for gross floor area exclusions for basement areas permitted for detached and duplex dwellings.

Council passed a resolution on November 15, 2016 to direct staff to commence preparation of a zoning amendment bylaw to address issues related to the existing exclusion rules and to bring this bylaw forward for consideration. The proposed bylaw, Zoning Amendment Bylaw (In-Ground Basement GFA Exclusion) No. 2132, 2016, was given first and second reading on December 6, 2016.

The proposed bylaw will affect how basement exclusions are calculated and the portions of basements that are eligible for exclusion. We have attached a copy of the bylaw, as well as the Council reports from November 15, 2016 and December 6, 2016, which describe the changes and their rationale. The application of the rules to existing constructed areas, authorized building permits and current and future building permit applications is provided in detail in the December 6<sup>th</sup> report.

This information is provided as communication for members of the CHBA Sea to Sky, who are key stakeholders in design and construction of buildings that will be affected by the proposed rule changes.

We would appreciate if you would distribute this letter to the members of the CHBA Sea to Sky.

Sincerely,

Resort Municipality of Whistler



**From:** Patrick [<mailto:patrick@wrm.ca>]  
**Sent:** Tuesday, December 06, 2016 13:02  
**To:** Mayor's Office <[mayorsoffice@whistler.ca](mailto:mayorsoffice@whistler.ca)>  
**Subject:** GFA zoning amendment

To the Mayor and Council,

My Name is Patrick Wilson I am the Strata agent for Kadenwood LMS4695

I am writing this letter at the request of the Strata Council With regard to the meeting tonight and the GFA zoning calculation amendment discussion. The Strata Council has prepared the attached letter and is strongly opposed to this amendment.

Could the content of this letter be read at the meeting tonight in opposition to the proposed amendment.

Kind Regards,

**Patrick Wilson**

Strata Property Agent, WRM Strata Management & Real Estate Services Ltd.

**direct:** Whistler: 604-972-1703 Squamish: 604-567-9003

**w:** [www.wrm.ca](http://www.wrm.ca) **e:** [patrick@wrm.ca](mailto:patrick@wrm.ca)

**p:** Whistler: 604-932-2972 **a:** Whistler: 202-1410 Alpha Lake Rd, Whistler BC V0N 1B1

**p:** Squamish: 604-567-9000 **a:** Squamish: 1-38003 Second Ave, Squamish BC (mail to PO Box 17, Squamish BC V8B 0A1)



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December 6, 2016

Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler BC V0N 1B4

**Alizee Bilbey**  
Direct Line: 604.643.1220  
[abilbey@millerthomson.com](mailto:abilbey@millerthomson.com)

File: 072481.0001

Attention: Mayor and Council

Dear Sirs/Mesdames:

**Re: Proposed Amendment to Basement Floor Area Exclusions**

We write to you on behalf of The Owners, Strata Plan LMS4695, the strata development consisting of 60 strata lots known as Kadenwood located in the Resort Municipality of Whistler. A number of the owners in Kadenwood are in the early stages of planning the development of a single family home on their vacant lots.

In Administrative Report (RZ 1077) dated November 15, 2016, the Chief Administrative Officer recommended a zoning amendment bylaw to amend basement floor area exclusions for detached and duplex dwellings, to restrict the exclusion to that portion of the basement where at least 50% of the exterior wall height is below the level of finished ground adjoining the wall. The Report suggests a 3 month grace period within which applicants could submit building permit applications, provided that Council may exercise its authority under s. 463 of the *Local Government Act* to withhold building permits that are in conflict with the bylaw under preparation.

The Kadenwood strata council is strongly opposed to this proposed amendment because of the effect it will have on owners of lots in the Kadenwood development.

A number of the lots in Kadenwood are located on sloped land with development restricted to a particular section of the lot due to tree preserve and other landscaping restrictions. Given the condition and steep grade of these lots, it is unavoidable that a significant portion of the lowest floor of any building will be disqualified from the basement exclusion under the proposed new bylaw, regardless of design. The amendment would therefore limit the development in Kadenwood more than in many other locations. In particular, the impact of the amendment on an owner of a sloped lot in Kadenwood differs significantly from that of an owner in Whistler of a lot of even grade, resulting in an inequity in the application of the proposed bylaw.

A number of owners in Kadenwood own vacant strata lots and are in the process of having development plans prepared for construction on the lots. The cost for these owners of amending or re-commencing the planning process to conform to the proposed bylaw could be significant. Moreover, these owners purchased their lots with a view of developing them in accordance with the current basement floor area exclusions. The proposed bylaw could have a negative impact on property values in Kadenwood relative to other locations in Whistler.

Therefore, the Kadenwood strata council strongly urges Council to consider the following alternative to the proposed amendment:

1. the existing bylaw provision should continue to apply to any development on sloped land that causes more than 50% of the exterior wall height of the lowest floor of the building being above the level of finished ground adjoining the wall; or
2. if Council proceeds with the proposed amendment,
  - (a) it should implement a 6 month grace period for projects currently in planning and design within which building permit applications would be subject to the existing rules; and
  - (b) any building permit application submitted during the 6 month grace period need only comply with the existing bylaw and shall not be subject to withholding by Council pursuant to s. 463 of the *Local Government Act*.

Thank you for your consideration.

Yours truly,

MILLER THOMSON LLP

Per:

Alizee O. Bilbey  
AOB/st

