

# WHISTLER

## AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL  
TUESDAY, OCTOBER 4, 2016 STARTING AT 6:00 P.M.**

**In the Franz Wilhelmssen 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 (Liquor Retail Sales) Bylaw No. 2120, 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 (Liquor Retail  
Sales) Bylaw No. 2120,  
2016

**PURPOSE OF ZONING AMENDMENT BYLAW** (Liquor Retail Sales) Bylaw No. 2120, 2016

In general terms, the purpose of the proposed Bylaw is to clarify the regulations related to the packaged sale of liquor, and provide greater certainty for the breweries that are currently selling packaged liquor as an auxiliary use.

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

**ADJOURNMENT**

## PUBLIC HEARING DOCUMENT INDEX

RZ1125 – Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Proposed Bylaw		RZ1125 - Zoning Amendment Bylaw (Liquor Retail Sales)
Administrative Report 16-102	September 6, 2016	Administrative Report to Council requesting consideration of first and second reading and permission to schedule a Public Hearing
Presentation	September 6, 2016	Presentation slides for report to Council
Council Minutes	September 6, 2016	Regular Council Minutes: Report No.16-102(DRAFT)
Correspondence		No correspondences as of Thursday 29, 2016.



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, OCTOBER 4, 2016 – 6:00 P.M.**

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

### **ZONING AMENDMENT BYLAW (Liquor Retail Sales) No. 2120, 2016**

#### **PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to clarify the regulations related to the packaged sale of liquor, and provide greater certainty for the breweries that are currently selling packaged liquor as an auxiliary use.

#### **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 October 4, 2016):

**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 (LIQUOR RETAIL SALES) NO. 2120, 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 (Liquor Retail Sales) Bylaw No. 2120, 2016".
2. Zoning and Parking Bylaw No. 303, 2015, is amended as follows:
  - a. In Part 2, the definition of "packaged liquor" is deleted and the following definition is inserted:

"packaged liquor" means liquor, including beer, cider, malt liquor, wine, and fermented, distilled and spirituous liquors of any kind, that is in a sealed container such as a bottle, can, keg or growler, and is sold or intended for consumption in a location other than where it is sold.
  - b. In Part 2, the definition of "retail" is deleted and the following definition is inserted:

"retail" means the sale of merchandise to a person who buys the merchandise as the ultimate consumer or end user, being the last person in the chain of distribution, for personal consumption or use and not for further sale;
  - c. In Part 4 – General Prohibitions, the following text is added as a new subsection, after subsection (8):

(9) Except in a location identified in Schedule D to this Bylaw, and only in relation to the types of liquor listed under the heading "Permitted Sales" for that location, no person shall use any land or building for the retail sale of packaged liquor..
  - d. The table that appears as Schedule D of Zoning and Parking Bylaw No. 303, 2015 is amended as follows:
    - (i) In the row for "4211 Village Square", in the Address column "Village Square" is deleted and replaced with "Sunshine Place";
    - (ii) In the row for "4284 Mountain Square", in the Address column "4284" is deleted and replaced with "102-4280";
    - (iii) In the row for "205-2071 Lake Placid Rd", the following text is added to the Legal Description column, after "NWD": "PID: 025-991-809";
    - (iv) In the row for 7017 Nester's Road, in the Address column "7017" is deleted and replaced with "100 – 7015";

- (v) In the row for “Rainbow Lands”, the existing text in the “Legal Description” column is deleted and replaced with “Lot 9, DL 7302, Plan BCP38413, PID: 027-688-062” and the existing text in the “Permitted Locations” column is deleted and replaced with “Floor area maximum for packaged liquor sales as set out in CD1 Zone”;
- (vi) The following three rows are added as new rows to the table:

4355 Blackcomb Way	Lot 8, Plan LMP219, DL 5028 NWD Gp1, & DL 5275 EXPL Plan LMP24003 PID: 017-370-833	Same as Legal Description	Beer that is produced on the premises
1045 Millar Creek Road	Lot B, Plan BCP3043, DL 4119 NWD, Gp1 & DL 7861 & 7862 PID: 025-562-029	Same as Legal Description	Beer that is produced on the premises
1212 Alpha Lake Road, Units 2 & 3	Lots 2 & 3, Plan VAS2270, DL 4120 NWD, Gp1 & DL 6083 PIDs: 012-068-993 and 012-069-035	Same as Legal Description	Beer that is produced on the premises

Given first and second readings this 6th day of September, 2016.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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

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

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

\_\_\_\_\_  
Laurie-Anne Schimek,  
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016.

\_\_\_\_\_  
Laurie-Anne Schimek,  
Municipal Clerk



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** September 6, 2016  
**FROM:** Resort Experience  
**SUBJECT:** LIQUOR RETAIL SALES

**REPORT:** 16-102  
**FILE:** RZ1125

### 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 (Liquor Retail Sales) Bylaw No. 2120, 2016; and further,

**That** Council authorize staff to schedule a public hearing for Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016, and to advertise for the same in a local newspaper.

### PURPOSE OF REPORT

This report requests that Council consider giving first and second readings to a zoning amendment bylaw that clarifies the regulations related to retail sales of packaged liquor, and provides greater certainty for the breweries that are currently selling packaged liquor as an auxiliary use. This report further requests that Council authorize staff to schedule a public hearing for the proposed bylaw.

### DISCUSSION

#### Background

In 2003 the RMOW adopted changes to the zoning bylaw in order to establish a limit on the retail sales of liquor by allowing it only in certain specified locations (those listed in Schedule D). At that time there were a number of changes to the Provincial liquor regulations, including the lifting of the moratorium on licensing new private liquor stores, which resulted in almost 30 existing bar licensees throughout the village becoming eligible to apply for licensing that would let them open a private liquor store. Council at that time had a number of concerns over Provincial licensing and the possible proliferation of private liquor stores throughout the village without municipal review or approval.

In order to address the concerns that Council had at that time regarding liquor related issues, the impact to the mix of retail uses, and the overall character of Whistler Village, they adopted a bylaw to create spot zoning that limited the retail sales of packaged liquor to only certain specified locations, as listed on the newly created Schedule D.

#### Current Situation

Recently some businesses have been selling packaged liquor as a part of their manufacturing and wholesaling business. In reviewing the applicable zoning with legal counsel it was determined that in these cases the retail sale of packaged liquor may be considered to be permitted as an auxiliary use where the applicable zoning allows the manufacturing or production of liquor. Staff have

identified this potential expansion of packaged liquor sales as inconsistent with the intention of the 2003 amending bylaw, which was to limit the retail sales of packaged liquor to only the locations listed on Schedule D.

Since 2003 it was understood that “Schedule D” provided a broad reaching limitation on the sales of liquor throughout the municipality by restricting sales to only those locations that are specifically listed in the schedule. However, because the reference to Schedule D is embedded within the definition of ‘retail’, the applicability of Schedule D is limited to only those sales of liquor that are occurring pursuant to retail as the principal permitted use. In the case where liquor sales are occurring as an auxiliary use, such as when it is auxiliary to manufacturing beer, Schedule D does not provide the regulation that was intended. The result is that if one is manufacturing liquor some of it can be sold at the retail level as an auxiliary use. This is contrary to the intentions of Schedule D, which was always intended to be a single, comprehensive list of the locations that are permitted to sell packaged liquor at the retail level.

### **Proposed Zoning Amendments**

In order to ‘close the loophole’ and ensure that the original intention of Schedule D is fulfilled, staff are proposing minor changes to the zoning bylaw. Specifically, the changes are to redefine the term “retail” to remove the reference to Schedule D; to add language to the definition of packaged liquor to clarify that it means liquor that is sold for consumption in a location other than where it was sold; and to add a new general prohibition on the retail sale of packaged liquor unless it is from a location that is specifically listed in Schedule D. Schedule D will be updated to include the Brewhouse, the Whistler Brewing Company and the Coast Mountain Brewing locations and specify that under Schedule D those locations are permitted to sell only beer that is produced on site. In addition there are minor changes to correct address information for existing locations in Schedule D, and to add the proper legal description for the lands approved for liquor sales in the Rainbow neighbourhood.

The proposed changes will clarify that regardless of whether packaged liquor sales are occurring under a retail use or as auxiliary to another use, they are not permitted unless the location is specifically listed in Schedule D.

This removes the ambiguity as to whether packaged liquor sales might be permitted other than in the locations listed in Schedule D, and makes it clear to any future manufacturers (including breweries, distilleries or wineries) or others interested in the retail sales of packaged liquor, that they must seek a zoning amendment to be added to Schedule D.

The proposed bylaw also addresses the potential for any other changes to the provincial regulations that may open the door to further locations where the liquor retail sales may have been deemed to be an auxiliary use, such as in grocery stores.

### **WHISTLER 2020 ANALYSIS**

<b>W2020 Strategy</b>	<b>TOWARD Descriptions of success that resolution moves us toward</b>	<b>Comments</b>
Economic	Whistler has a diversified and year-round tourism economy.	Amending the bylaw to clarify where retail sales of packaged liquor is permitted, and adding the existing breweries to the Schedule allows them to offer a broader range of products to

	Whistler proactively seizes economic opportunities that are compatible with tourism, and effectively adapts to changing external conditions.	consumers, and contributes to the tourism experience.
Visitor Experience	The resort is comfortable, functional, safe, clean and well-maintained.	Requiring any new location that wishes to sell retail packaged liquor to seek permission through a zoning amendment process ensures that such activities are appropriately considered.
W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
None		

## OTHER POLICY CONSIDERATIONS

The proposed amending bylaw is consistent with the Municipal Liquor Licensing Policy (Council Policy G-17). Any new establishments seeking to sell packaged liquor will be required to apply for a zoning amendment to be added to Schedule D.

## BUDGET CONSIDERATIONS

If any new liquor manufacturers, or other proponents, wish to sell at the retail level they will be required to make an application to amend the zoning bylaw to add them to Schedule D. This would be a standard rezoning application, with cost recovery of staff time and direct costs associated with the application.

## COMMUNITY ENGAGEMENT AND CONSULTATION

This is a staff initiated house-keeping zoning amendment to update the bylaw to reflect the retail sales of products manufactured on site at local microbreweries and to ensure that there are no 'loopholes' with respect to retail liquor sales as an auxiliary use.

If authorized by Council, a Public Hearing will be scheduled following First and Second Readings.

## SUMMARY

The proposed bylaw amendments will clarify the regulations related to retail sales of packaged liquor, and will provide greater certainty for the breweries that are currently selling packaged liquor as an auxiliary use. The amendments will redefine 'retail' and 'packaged liquor', will add a new general prohibition on the sales of packaged liquor unless expressly permitted under Schedule D, and they will add the existing breweries to Schedule D. In addition there are a few minor changes to update and correct legal descriptions and addresses.

Respectfully submitted,

Tracy Napier  
PLANNING ANALYST

for

Jan Jansen  
GENERAL MANAGER RESORT EXPERIENCE



# RZ1125 – Liquor Retail Sales

September 6, 2016

## 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

- In 2003 there were changes to the provincial liquor licensing regulations that resulted in almost 30 existing bar licensees in Whistler becoming eligible for licensing that would let them open a private liquor store
- In response, Council adopted changes to the zoning bylaw to create spot zoning that limited the retail sales of packaged liquor to only specified locations. 'Schedule D' was created as the list of spot zoned locations.

# Background

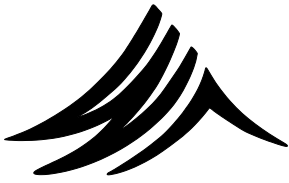
- Recently some businesses have been selling packaged liquor as part of their manufacturing and wholesaling business
  - ✓ The reference to Schedule D (and the intended limitations on the sale of packaged liquor) are embedded in the definition of “retail”, thus Schedule D is limited to regulating only those sales of packaged liquor that occur pursuant to “retail” as the principal permitted use
  - ✓ In some those cases where packaged liquor is sold as auxiliary to the manufacturing of the liquor (eg breweries), Schedule D does not provide the regulation that was intended

# Proposed Changes

- The following amendments are proposed:
  - ✓ Redefine “retail” to remove the reference to Schedule D
  - ✓ Redefine “packaged liquor” to clarify it means liquor sold for consumption in a place other than where it was sold
  - ✓ Add a new general prohibition on the retail sale of packaged liquor unless it is from a location that is specifically listed in Schedule D
  - ✓ Update Schedule D to include the Brewhouse, the Whistler Brewing Company and Coast Mountain Brewery, and clarify that their permitted sales include only beer that is manufactured on the premises
  - ✓ Add the proper legal address for the approved lands in the Rainbow neighbourhood, and make a few clerical corrections to civic addresses

# Recommendation

- **That** Council consider giving first, and second readings to Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016; and
- **That** Council authorizes staff to schedule a public hearing regarding Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016 and to advertise for same in a local newspaper.



# WHISTLER

## MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL  
TUESDAY, SEPTEMBER 6, 2016, STARTING AT 5:34 P.M.**

**In the Franz Wilhelmsen 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  
Director of Finance, K. Roggeman  
Director of Planning, M. Kirkegaard  
Municipal Clerk, L. Schimek  
Manager of Communications, M. Comeau  
Senior Planner, M. Laidlaw  
Planning Analyst, R. Licko  
Recording Secretary, M. Kish

### **ADOPTION OF AGENDA**

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

**That** Council adopt of the Regular Council agenda of September 6, 2016.  
CARRIED

### **ADOPTION OF MINUTES**

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

**That** Council adopt the Regular Council minutes of August 16, 2016 with the replacement of the Draft Minutes as amended which Council received earlier today.  
CARRIED

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

**That** Council adopt the Public Hearing minutes of July 26, 2016 Bylaw 2110.  
CARRIED

## **PUBLIC QUESTION AND ANSWER PERIOD**

*There were no questions from the public.*

## **MAYOR'S REPORT**

Mayor Wilhelm-Morden extended her deepest condolences on behalf of Council and the RMOW to the family of Dan Giesen. Dan worked for more than two decades with the RMOW, beginning in 1989 as a plan checker in the building department, overseeing the review of most of the home plans in Whistler built between 1990 and recently. Dan lived in Pemberton for many years, and more recently moved to Britannia Beach to be closer to the ocean, which he loved. Our thoughts and sympathies are with his family and friends.

Mayor Wilhelm-Morden also extended her deepest condolences to the family of Eileen Tomalty, a long time Whistler resident. Eileen was an active and well-known member of our community, earning her the Whistler Rotary's Paul Harris Award and Whistler's 'Citizen of the Year'. Eileen and her husband Gordon, who served on this Council from 1990 to 1993, were known for their service to the community after retiring here in the 1980's. They started the Mature Action Committee and the Elizabeth Manso Visiting Volunteers Service shortly after. Eileen also served as a Mountain Host. Her contributions to our community are remembered fondly and our thoughts are with her children, grandchildren and family during this difficult time. Mayor Wilhelm-Morden commented that she knew Eileen's husband Gordon through his role in municipal politics and she knew Eileen through the Elizabeth Manso Visiting Volunteers Service. Mayor Wilhelm-Morden commented that the creation of that service in Whistler meant a lot to so many people and that Eileen was very dedicated to the people that she helped.

On behalf of the Resort Municipality of Whistler, Mayor Wilhelm-Morden welcomed the RBC Granfondo Whistler for its sixth year on Saturday, September 10. This event highlights Whistler as a world-class cycling destination and brings thousands of cyclists and their families to the Sea to Sky corridor. There will be lane closures, traffic delays, and single-lane alternating traffic on Highway 99 between Horseshoe Bay and Whistler for the Granfondo Whistler. The Lions Gate Bridge will be closed northbound, from Vancouver between 5:30 a.m. to 8:00 a.m. Motorists travelling to or leaving Whistler are advised to plan their travel in advance and should be prepared for significant delays. Village access on September 10 will be from Lorimer Road only, as Village Gate Boulevard will be closed from 5:00 a.m. to 6:00 p.m. Day Lot 4 will be closed Friday, September 9 and Saturday, September 10. Access to pay parking in Day Lots 1, 2 and 3 will be from Lorimer Road.

This weekend marks the final concert in the Whistler Presents summer concert series. Steven Page will close the Outdoor Concert Series on Saturday, beginning at 7:00 p.m. Whistler Presents, funded by the Province



of B.C.'s Resort Municipality Initiative (RMI), helped the RMOW bring in a series of celebrated Canadian and international artists to the free outdoor concert series at Whistler Olympic Plaza. There were many great artists and bands who performed and brought together thousands of people this summer on the Great Lawn. Mayor Wilhelm-Morden thanked the Province of B.C. for their generous funding that made the concert series possible, and to all the staff who worked hard to bring the concert series together. Mayor Wilhelm-Morden commented that we had many positive comments from visitors and residents and although statistics are not available for this summer yet, in 2015 when asked about the concert series, visitors indicated they were very highly satisfied and that the series had a very positive impact on their overall Whistler experience.

This past weekend marked the last Saturday in the Resort Municipality of Whistler's free transit pilot program. In partnership with Whistler Blackcomb, BC Transit and Whistler Transit, the RMOW was able to offer free transit on six Saturdays initially until 6:00 p.m. and later extended the free hours until 8:00 p.m. Initial results on the program were very promising, transit ridership increased as much as 40 per-cent during peak times on certain weekends. Now that the program has wrapped up, RMOW staff will be conducting a survey, seeking feedback from residents and visitors about the program. The survey will be available next week at [www.whistler.ca](http://www.whistler.ca). The Transportation Advisory Group will be reporting on results from the pilot project in October along with other updates from the committee.

This summer, the RMOW operated a food truck pilot program that put food trucks at Lost Lake, Spruce Grove and Rainbow Park. The RMOW recently announced that based on the program's summer popularity, and the willingness of the participating vendors, the food truck program will continue past September 5 to weekends in September when the weather is hot and sunny. The RMOW is also looking for feedback on this summer's food truck program to take into consideration for 2017 if the program continues. Mayor Wilhelm-Morden encouraged residents and visitors to share their thoughts and recommendations by email at [parks@whistler.ca](mailto:parks@whistler.ca).

As we approach fall, we are entering a period where bears are their most active, searching for food to meet the caloric needs for hibernation. Mayor Wilhelm-Morden reminded all residents and visitors that there are actions they can take to keep Whistler's bears safe and keep people safe as well:

- Never feed or approach a bear. Always keep your distance.
- Put all garbage and recycling in wildlife-proof containers or enclosures.
- Manage other bear attractants such as fruit trees, barbeques and bird feeders. Bears will look for a meal wherever they can.
- Please keep your dog on a leash. Not only is leashing your dog the by-law, it helps avoid conflict with bears.

Last month Mayor Wilhelm-Morden challenged five of our municipal Councillors to the "One bag challenge" to donate a bag of food or a cash donation to the Whistler Food Bank. Following that challenge, several organizations joined in such as the Zero Ceiling Society of Canada, the



Whistler Public Library, Main Street businesses, Arts Whistler and realtors at RE/Max Whistler. The summer months are traditionally a difficult time for food banks. Mayor Wilhelm-Morden encouraged Whistlerites to continue to get involved and support the food bank either by challenging their friends, co-workers or family on social media or by joining in on their own and donating a bag of food or cash donation to the Food Bank.

Mayor Wilhelm-Morden noted that Arts Whistler has embarked on its fall art walk amongst other things and have put together and published a brochure called "Fall For the Arts". It itemizes and describes all of the cultural offerings in Whistler during the months of September to December this year. Mayor Wilhelm-Morden commented that it is a great brochure that will be sure to entice you to participate in some of the items that will be held during this fall. The brochures are available all over Whistler.

Councillor Janyk informed that the Food Bank will accept e-transfer donations. The process is to call ahead to the Food Bank Manager, Sara Jennings to make sure that someone is available to accept the donation.

Councillor Ford informed that September is Childhood Cancer Awareness Month and that a number of events are taking place around the country to bring awareness to the fact that these cancers are devastating to families and that we have all probably had somebody close to us who have been affected by cancer. A large event will be held in Ottawa where they will light up Parliament Hill gold on September 17, 2016. Councillor Ford proposed that the RMOW light up the Fitzsimmons Bridge gold on September 17, 2016.

Moved by J. Ford  
Seconded A. Janyk

**That** the RMOW light up the bridge across Fitzsimmons Creek on September 17, 2016 with the colour gold in recognition of childhood cancer awareness.

CARRIED

Mayor Wilhelm-Morden took the opportunity to provide an update in regards to the Cheakamus Crossing neighbourhood homes district energy system equipment which is in each of the more than 171 homes. Mayor Wilhelm-Morden informed that staff have been monitoring and reviewing this matter for some time in order to establish a thorough foundation to help inform how to move forward. The municipality compiled and delivered a Homeowner Quick Reference Guide and a Technical Service Guide earlier in 2016 to help homeowners properly maintain their district energy system units. In spring 2016, Whistler 2020 Development Corporation retained an independent expert to review the operations of home owners' district energy system units and better understand their experiences, which have been published in a Forensic Audit Report available on our website. While the report found no systematic failure with the district energy system, it did identify some deficiencies. Whistler 2020 Development Corporation is now focusing its

attention on the challenges being encountered in individual homes and looking to gather more information on these district energy system issues. Their plan is to identify specific deficiencies and look for ways to facilitate improved operations of the district energy system units by homeowners. They have met with a representative of the Volunteer Cheakamus Crossing District Energy System Committee and will be making more information about future plans related to the district energy system available as soon as possible. Mayor Wilhelm-Morden commented that we appreciate the urgency of this matter given the approaching winter season and that work on this matter is a priority.

### INFORMATION REPORTS

Second Quarter  
Financial Report - 2016  
Report No.16-103  
File No. 4527

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

**That** Council receive Information Report No.16-103 Quarterly Financial Report for the six months ended June 30, 2016.

CARRIED

### ADMINISTRATIVE REPORTS

DVP 1095 – 3829  
Sunridge Drive Height  
And Setback Variances  
Report No.16-100  
File No. DVP 1095

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

**That** Council approve the issuance of Development Variance Permit DVP 1095 for the proposed development located at 3829 Sunridge Drive to:

1. Vary the height of the detached dwelling from 7.6 metres to 10.7 metres;
2. Vary the north side setback from 6.0 metres to 2.0 metres for an elevated driveway structure and associated retaining wall, a landscape planter and entry stairs;
3. Vary the north side setback from 6.0 metres to 5.5 metres for an electrical room;
4. Vary the southwest side setback from 6.0 metres to 1.0 metres for a retaining wall; and
5. Vary the southeast side setback from 6.0 metres to 2.0 metres for a retaining wall;

all as shown in Plans DVP01, DVP02, DVP03, DVP03B, DVP6, and DVP07 prepared by Franci Architecture, dated June 2016 and August 2016, and included in Administrative Report No. 16-100 as Appendix B;

**That** Council direct staff to advise the applicant that prior to issuance of DVP 1095, the following matters must be completed to the satisfaction of the General Manager of Resort Experience:

1. Modification of covenants BE234656, BE234657, and BJ342518 to reflect the development scheme;
2. Receipt of a landscape plan detailing planting to help screen the wall along the street edge, along with a landscape estimate for the

proposed landscape screening, and a letter of credit or other approved security in the amount of 135% of the landscape estimate, such security to be administered in accordance with Council Policy G-9 Landscape Security for Development Permit; and further

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

CARRIED

DP1508 - Earl's  
Entrance Canopy and  
Patio Improvements  
Report No.16-101  
File No. DP 1508

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

**That** Council approve the issuance of Development Permit DP 1508 for building entrance and patio improvements at Earl's Restaurant at 4295 Blackcomb Way, per the architectural plans prepared by Murdoch Company Architecture + Planning Ltd., dated June 13, 2016, attached as Appendix B to Council Report 16-101, and subject to adherence with the detailed items specified in the letter attached as Appendix G to Council Report 16-101, to the satisfaction of the General Manager of Resort Experience.

CARRIED

Liquor Retail Sales  
Report No.16-102  
File No. RZ 1125

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

**That** Council consider giving first and second readings to Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016; and further

**That** Council authorize staff to schedule a public hearing for Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016, and to advertise for the same in a local newspaper.

CARRIED

DP – 1442-4295  
Blackcomb Way –  
Whistler Village Centre  
Statutory Right Of Way  
Amendment  
Report No.16-104  
File No. DP 1442

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

**That** Council approve an amendment to Statutory Right of Way R72503 to specify conditions for landscape alterations at the locations within close proximity of municipal underground services as described in Administrative Report No. 16-104;

**That** Council authorize the Mayor and Municipal Clerk to execute the Statutory Right of Way amendment; and further

**That** the issuance of Development Permit DP 1442 for building and landscape improvements at the Whistler Village Centre as approved by Council on May 17, 2016, also be subject to registration of the Statutory Right of Way amendment to the satisfaction of the General Manager of Resort Experience.

CARRIED

Permissive Exemption,  
Emerald Forest Lands

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

Report No.16-106  
File No. 4567

**That** Council consider giving first three readings to Taxation Exemption for Philanthropic Purposes Bylaw No. 2125, 2016.

CARRIED

Five-Year Financial Plan  
2016-2020 Amendment  
Bylaw No. 2127, 2016  
Report No.16-105  
File No. 4530

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

**That** Council consider giving first, second and third readings to the Five-Year Financial Plan 2016-2020 Amendment Bylaw No.2127, 2016.

CARRIED

Whistler 2020  
Development  
Corporation – 2016  
Annual Report  
Report No.16-095  
File No. Vault

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

**That** Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolves that the Municipality, as sole Shareholder of Whistler 2020 Development Corp., pass the consent resolutions of the Shareholder of the Whistler 2020 Development Corp., a copy of which is attached to Administrative Report No. 16-095 as Appendix "A", and that the Mayor and Municipal Clerk execute and deliver the resolutions on behalf of the Municipality.

CARRIED

#### **MINUTES OF COMMITTEES AND COMMISSIONS**

Advisory Design Panel  
(ADP)

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

**That** minutes of the Advisory Design Panel Committee meeting of April 20, 2016 be received.

CARRIED

Illegal Spaces Task  
Force Committee  
(ISTFC)

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

**That** minutes of the Illegal Spaces Task Force Committee meeting of May 16, 2016 be received.

CARRIED

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

Zoning Amendment  
Bylaw (Liquor Retail  
Sales) Bylaw No. 2120,  
2016

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

**That** Zoning Amendment Bylaw (Liquor Retail Sales) Bylaw No. 2120, 2016 receive first and second readings.

CARRIED

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

Taxation Exemption for  
Philanthropic Purposes  
Bylaw No. 2125, 2016

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

**That** Taxation Exemption for Philanthropic Purposes Bylaw No. 2125, 2016  
receive first, second and third readings.

CARRIED

Five-Year Financial Plan  
2016-2020 Amendment  
Bylaw No. 2127, 2016

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

**That** Five-Year Financial Plan 2016-2020 Amendment Bylaw No. 2127, 2016  
receive first, second and third readings.

CARRIED

### **BYLAWS FOR ADOPTION**

Parks and Recreation  
Fees and Charges  
Amendment Bylaw No.  
2124, 2016

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

**That** Parks and Recreation Fees and Charges Amendment Bylaw No. 2124,  
2016 be adopted.

CARRIED

### **OTHER BUSINESS**

*There were no items of Other Business.*

### **CORRESPONDENCE**

United Nations  
International Day of  
Peace Proclamation  
File No. 3009.1

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

**That** correspondence from Alison Hunter dated August 4, 2016 requesting  
that September 21, 2016 be proclaimed International Day of Peace and  
encourage Council to attend a Peace Day celebration. Council received this  
correspondence and proclaimed September 21, 2016 as International Day of  
Peace.

CARRIED

District Energy System  
(DES) Issues  
File No. 3009

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

**That** correspondence from Teresa and Chris Knight dated August 4, 2016,  
regarding issues with their DES be received and referred to staff.

**That** correspondence from Stephanie and Paul van den Berg dated August 8,  
2016, regarding issues with their DES be received and referred to staff.

**That** correspondence from Darryl and Deann Palmer dated August 23, 2016,  
regarding issues with their DES be received and referred to staff.

**That** correspondence from Mike Boehm and Deanne Downey dated August 29, 2016, regarding issues with their DES be received and referred to staff.

**That** correspondence from Martin and Miyuki Roy dated August 29, 2016, regarding issues with their DES be received and referred to staff.

CARRIED

Pregnancy and Infant  
Loss Awareness Day  
Proclamation  
File No. 3009.1

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

**That** correspondence from Mark, Robyn, Owen and Elliott Edmondson, dated August 5, 2016, requesting October 15, 2016 be proclaimed "Pregnancy and Infant Loss Awareness Day," and that the lights on the bridge across the Fitzsimmons Creek be changed to the campaign colours of pink and blue for that evening with a sign explaining the event and municipal support of the issue. Council proclaimed October 15, 2016 as "Pregnancy and Infant Loss Awareness Day," and directed staff to light the bridge across the Fitzsimmons Creek to the campaign colours of pink and blue for that evening with a sign explaining the event.

CARRIED

Proposal to Mark 25  
Years of Diversity in  
Whistler  
File No. 3009

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

**That** correspondence from Dean Nelson, CEO and Executive Producer, Whistler Pride and Ski Festival dated August 8, 2016, requesting a permanent display of the Municipalities commitment to embracing diversity by painting a rainbow inspired crosswalk at the intersection of Village Gate Boulevard be received and referred to staff with the direction to work with Dean Nelson in commemorating Whistler's commitment to diversity by painting a rainbow at an intersection in Whistler.

CARRIED

Canadian Cancer Society  
Endorsement Request  
File No. 3009

Moved by Councillor J. Grills  
Seconded by J. Ford

**That** correspondence from Megan Klitch, Tobacco Lead and Jenny Byford, Advocacy Lead, Canadian Cancer Society, BC and Yukon dated August 12, 2016, requesting that Whistler consider endorsing the Society's recommendation that the BC government expand the scope of *BC's Tobacco and Vapour Products Control Act* to prohibit use in outdoor public places province-wide be received and referred to staff.

CARRIED

Business Impacted by  
Event Road Closures  
File No. 3009

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

**That** correspondence from Lance Eymundson, owner of Whistler Home Hardware dated August 18, 2016, regarding loss of revenue during road closure events be received and referred to staff.

CARRIED

Positive Recognition of Meadow Park Sports Centre Front Desk Staff File No. 3009	Moved by Councillor A. Janyk Seconded by Councillor S. Maxwell  <b>That</b> correspondence from Brian Buchholz dated August 18, 2016, complimenting the front Desk Staff at Meadow Park Sports Centre for their professionalism while interacting with a frustrated customer be received and referred to staff.  CARRIED
World Mental Health Day Proclamation File No. 3009.1	Moved by J. Crompton Seconded by J. Ford  <b>That</b> correspondence from Lauren Yip, Project Assistant, Light Up Purple dated August 22, 2016, requesting that October 10, 2016 be proclaimed World Mental Health Day and that the Olympic Rings be lit purple on that day be received and referred to staff.  CARRIED
Tim Horton parking Lot Issues File No. 3009	Moved by J. Grills Seconded by A. Janyk  <b>That</b> correspondence from Geoff Swan dated August 23, 2016, requesting that parking lot access and other issues be looked into at the Tim Horton shopping area in Whistler Creek be received and referred to staff.  CARRIED
Golf Course to Public Park Consideration. File No. 3009	Moved by S. Maxwell Seconded by A. Janyk  <b>That</b> correspondence from Stuart Munro dated August 23, 2016, requesting that consideration be given to converting Whistler Golf Course into a community park be received and referred to staff.  CARRIED
Public Parking Issues in Whistler File No. 3009	Moved by J. Grills Seconded by J. Crompton  <b>That</b> correspondence from Robert Schuster, dated August 31, 2016, regarding the lack of public parking in Whistler be received and referred to staff.  CARRIED
International Day of the Girl File No. 3009	Moved by J. Crompton Seconded by J. Grills  <b>That</b> correspondence from Bukky Aina, Associate, Public Engagement, Plan International Canada, dated September 1, 2016, requesting that the Olympic Rings in the Olympic Plaza be lit up pink on October 11 <sup>th</sup> in support of International Day of the Girl be received and referred to staff.  CARRIED

**ADJOURNMENT**

Moved by J. Crompton

**That** Council adjourn the September, 2016, 2016 Council meeting at 6:45 p.m.

CARRIED

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Mayor, N. Wilhelm-Morden

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Municipal Clerk, L. Schimek