



WHISTLER

AGENDA

PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, APRIL 5, 2016 STARTING AT 6:00 PM

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

The 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 (Electrical Utilities to Shipping Containers) No. 2106, 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 (Electrical Utilities
to Shipping Containers)
No. 2106, 2016

PURPOSE OF Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) No. 2106, 2016

In general terms, the purpose of the proposed Bylaw is to amend the recently adopted zoning bylaw provisions for shipping containers to allow for limited electrical utilities to be provided to shipping containers.

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

ADJOURNMENT

PUBLIC HEARING DOCUMENT INDEX

RZ1120 - Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers)		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Proposed Bylaw	December 1, 2015	RZ1120 - Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers)
Administrative Report 16-024	March 15, 2016	Administrative Report to Council requesting consideration of first and second reading and permission to schedule a Public Hearing
Presentation	March 15, 2016	Presentation slides for report to Council
Council Minutes	March 15, 2016	Regular Council Minutes: Report No.16-024 (DRAFT)
Correspondence		No correspondences as of March 30 th at 4:30 p.m



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 FAX 604 932 8109

NOTICE OF PUBLIC HEARING

TUESDAY, APRIL 5, 2016 – 6:00 P.M.

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

ZONING AMENDMENT BYLAW (ELECTRICAL UTILITIES TO SHIPPING CONTAINERS) NO. 2106, 2016

SUBJECT LANDS: RESORT MUNICIPALITY OF WHISTLER

PURPOSE:

In general terms, the purpose of the proposed Bylaw is to amend the recently adopted zoning bylaw provisions for shipping containers to allow for limited electrical utilities to be provided to shipping containers.

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 April 5, 2016):

Email: 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 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 (ELECTRICAL UTILITIES TO SHIPPING CONTAINERS)
NO. 2106, 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 (Electrical Utilities to Shipping Containers) No. 2106, 2016".
2. Part 5, Section 30 of Zoning and Parking Bylaw No. 303, 2015 is amended by deleting subsection 30(3)(a) and replacing it with the following text:

“No services are to be provided to a shipping container, except an electrical supply connection:

- (i) designed and installed in accordance with the electrical requirements for factory-built relocatable structures set out in sections 70-100 to 70-130 of the *British Columbia Electrical Code, 2015*;
- (ii) providing no more than 30 amperes of electricity to the shipping container; and,
- (iii) utilizing as a method of connection only a weatherproof, extra-hard usage type power supply cord.

Given first and second readings this 15th day of March, 2016.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this xxth day of xxxx, 2016.

Given third reading this xrd day of xxx, 2016.

Approved by the Minister of Transportation this xx day of xx, 2016.

Adopted by the Council this xx day of xx, 2016.

N. Wilhelm-Morden,
Mayor

L.A. Schimek,
Municipal Clerk

I HEREBY CERTIFY that this is a
true copy of Zoning Amendment
Bylaw (Electrical Utilities to Shipping
Containers) No. 2106, 2016.

L.A. Schimek,
Municipal Clerk



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: March 15, 2016

REPORT: 16-024

FROM: Resort Experience

FILE: RZ1120

SUBJECT: Electrical Utilities to Shipping Containers

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 (Electrical Utilities to Shipping Containers) No. 2106, 2016; and,

That Council authorize staff to schedule a public hearing regarding Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) No. 2106, 2016 and to advertise for same in the local newspapers.

PURPOSE OF REPORT

The purpose of this report is to present Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) No. 2106, 2016 to Council for consideration of first and second readings and to authorize a public hearing. The proposed bylaw would amend the recently adopted zoning bylaw provisions for shipping containers to allow for limited electrical utilities to be provided to shipping containers.

REFERENCES

Administrative Report 15-132: Council Report from November 3, 2015 (not attached)

DISCUSSION

Background

At the December 15th, 2015 Council meeting, Council adopted new zoning regulations for shipping containers. These regulations prohibited shipping containers in all residential neighbourhoods within the municipality, with the exception of limited temporary use for active construction and moving. The bylaw also added a general requirement for container venting to address safety concerns with container use. Servicing, such as plumbing and electrical servicing, has been prohibited in shipping containers since May 2000.

At the public hearing on October 20, 2015 a number of people requested that electrical services be allowed in shipping containers in cases where containers would be permitted (e.g. industrial uses). People expressed a desire to have electricity to heat shipping containers so stored items will not freeze and lighting for convenient access to containers can also be provided. Staff discussed wiring needs with several industrial property owners and were supportive of bringing forward additional zoning amendments to allow certain wiring configurations in shipping containers.

Proposed Bylaw

The proposed bylaw allows a detachable electrical supply to be provided to a shipping container to a maximum of 30 Amps (30A). This amperage is sufficient to provide light and/or heat to the shipping container. The only permitted method of electrical connection is a configuration outlined in the *British Columbia Electrical Code, 2015* for movable industrial equipment. This set up is similar to RV electrical connections used in campgrounds. A heavy-duty detachable power supply cord connects a power source to an electrical panel in the shipping container. This method of connection would prohibit a permanent overhead or underground electrical supply and provide only enough power for storage needs. Subsequently, the permitted electrical system could not be easily used to support unauthorized or unsafe uses in containers, like residential uses or workshops.

Installing the proposed wiring system requires an electrical permit with the BC Safety Authority and the work must be completed by a licensed electrical contractor and comply with the *British Columbia Electrical Code, 2015*. The RMOW does not regulate electrical work; however it is relatively easy for the layperson to observe if the wiring rules in the Zoning Bylaw have been followed. A person who has not followed these rules can be subject to enforcement action under the Zoning Bylaw. Staff can also advise the BC Safety Authority of the unauthorized electrical wiring and the Safety Authority can determine if any violations to the electrical code have occurred and take enforcement action if necessary. Other services to shipping containers (e.g. water, sewer) would remain prohibited.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscales and evoking a dynamic sense of place.	No overhead power is permitted which would potentially have a visual impact.
Health and Social	The resort community is safe for both visitors and residents, and is prepared for potentially unavoidable emergency events.	By allowing an electrical connection to containers it would allow residents to add lighting and heat to containers if needed. Any electrical connection must be installed by a licenced Electrician meet the <i>British Columbia Electrical Code, 2015</i> . The proposed wiring regulations support permitted and safe industrial uses of containers.

OTHER POLICY CONSIDERATIONS

OCP Policy	Comments
<p>4.4.1 The Municipality requires light industrial sites to support its local economy. Uses for a site or sites are to be suitable and appropriate to the resort. Industrial sites that are to be designated should:</p> <ul style="list-style-type: none">- Be in close proximity to Highway 99.- Have little or no adverse visual impacts to adjacent properties or the Highway.- Have been previously disturbed with similar uses.- Be for light industry purposes and do not create adverse circumstances with adjacent and non-industry properties such as noise, obnoxious odours, glare, vibration, dust, or similar nuisance.	<p>Allowing for electricity to shipping containers will support industrial uses but will not create noise, odours or similar nuisances.</p>

BUDGET CONSIDERATIONS

All costs of preparing the bylaw, and notifying property owners can be covered under the existing department budgets.

COMMUNITY ENGAGEMENT AND CONSULTATION

A public hearing will be required prior to adoption of the bylaw.

SUMMARY

The proposed zoning amendment bylaw will uphold built form and health and safety objectives of Whistler 2020 and the Official Community Plan. The proposed wiring regulations support permitted and safe industrial uses of containers, align *electrical code* requirements and will not enable unpermitted uses in shipping containers. Staff recommend endorsing the recommendations in this report as proposed.

Respectfully submitted,

Kevin Creery
POLICY PLANNER
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

RZ 1120 - Electrical Utilities to Shipping Containers

March 15, 2016

RESORT MUNICIPALITY OF WHISTLER

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Background

- December 15th, 2015 Council adopted new zoning regulations for shipping containers.
 - ✓ prohibited shipping containers in all residential neighbourhoods within the municipality,
 - ✓ exceptions for certain temporary uses e.g. active construction and moving.
 - ✓ Permitted commercial/industrial use of containers unchanged
- Public hearing on October 20, 2015 requests to allow electrical services to be allowed in shipping containers in cases where containers would be permitted (e.g. industrial uses).
- People expressed a desire to have electricity for heating and lighting
 - ✓ Prevent items from freezing
 - ✓ Safe and convenient access.

Proposed changes

- Detachable electrical supply with a maximum of 30 Amps (30A).
 - ✓ Sufficient to provide light and/or heat to the shipping container.
 - ✓ The only permitted method of electrical connection is a configuration outlined in the *BC Electrical Code, 2015* for movable industrial equipment.
 - Set up is similar to RV electrical connections used in campgrounds.
 - Heavy-duty detachable power supply cord connects a power source to an electrical panel in the shipping container.
 - ✓ Could not be used to power unauthorized or unsafe uses in containers, like residential uses or workshops.
- Permanent overhead or underground electrical supply is prohibited

Recommendation

- **That** Council consider giving first, and second readings to Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) No. 2106, 2016; and,
- **That** Council authorize staff to schedule a public hearing regarding Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) No. 2106, 2016 and to advertise for same in the local newspapers.

Report No. 16-029
File No. Bylaw 1719, 2111

That Council consider giving first three readings to Municipal Ticket Information System Amendment Bylaw No. 2111, 2016.

CARRIED

CM 66 – 2101 Nordic
Drive - Crawlspace
Covenant Modification
Report No. 16-022
File No. CM 66

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

That the development covenant registered on the Common Property of Strata Plan VR 2042 as P90959 and modified by CA3061014 be further modified to permit changes to the over-height crawlspaces below Units 101, 102, 103, 201, 302, 403 and 404 – 2101 Castle Drive; and further,

That Council authorize the Mayor and Municipal Clerk to execute the covenant modification.

CARRIED

RZ 1118 - 4962
Horstman Lane - Land
Use Contract Discharge
and Rezoning
Report No. 16-023
File No. RZ 1118

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

That Council consider giving first and second readings to "Land Use Contract Discharge and Zoning Amendment Bylaw (4962 Horstman Lane) No. 2109, 2016";

That Council authorize staff to schedule a Public Hearing regarding "Land Use Contract Discharge and Zoning Amendment Bylaw (4962 Horstman Lane) No. 2109, 2016"; and to advertise for same in a local newspaper; and further,

That Council direct staff to advise the applicant that before consideration of adoption of "Land Use Contract Discharge and Zoning Amendment Bylaw (4962 Horstman Lane) No. 2109, 2016", the following matters are to be completed to the satisfaction of the General Manager of Resort Experience:

1. Registration of a Section 219 covenant in favour of the Resort Municipality of Whistler to ensure the proposed development is consistent with the objectives and goals of the municipality's Green Building Policy G-23;
2. Modification of the existing development covenant registered on title as GC125596 to reflect this Land Use Contract discharge; and
3. Payment of outstanding rezoning application fees; and further

That Council authorize the Mayor and Municipal Clerk to sign the referenced covenants.

CARRIED

RZ 1120 - Zoning
Amendment Bylaw
(Electrical Utilities to
Shipping Containers) No.
2106, 2016
Report No. 16-024

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

That Council consider giving first and second readings to Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) No. 2106, 2016; and,

File No. RZ 1120

That Council authorize staff to schedule a public hearing regarding Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) No. 2106, 2016 and to advertise for same in the local newspapers.

CARRIED

DVP1116 – 8549 Drifter
Way – Parcel Frontage
Variance Application
Report No. 16-025
File No. DVP-1116

At 6:21 Councillor J. Grills declared a conflict of interest and excused himself due to the proximity of his property to the property variance application in front of council.

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

That Council approve the issuance of Development Variance Permit DVP1116 for the property located at 8549 Drifter Way to vary minimum frontage requirements for two lots that would result from a subdivision of the property, as follows:

1. Vary the minimum parcel frontage width by 3.85 metres from 18 metres to 14.15 metres for the employee restricted housing lot (Lot A); and
2. Vary the minimum parcel frontage width by 2.77 metres from 18 metres to 15.23 metres for the market lot (Lot B),

as shown on the subdivision plan dated December 16, 2016, prepared by Doug Bush Survey Services Ltd., and attached as Appendix B to Administrative Report No. 16-025; and

That Council approval be subject to restricting occupancy of any dwelling unit on Parcel A to employee housing, restricting rental rates and restricting resale price appreciation of any dwelling unit through registration of a Housing Agreement on the title of Lot A;

That Council direct staff to advise the applicant that prior to issuance of DVP 1116, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

- a) Registration of the referenced Housing Agreement on Lot A; and
- b) Provision of a Letter of Credit, or other approved security in accordance with Council Policy G-9 for the proposed landscaping as shown on the landscape plan dated received January 6, 2016, prepared by Crosland Doak Design, and attached as Appendix D to Administrative Report No. 16-025 ;
- c) Relocation of the existing building on the property to Lot A; and further

That Council authorize the Mayor and the Municipal Clerk to execute the Housing Agreement.

DEFEATED

Opposed: Mayor Wilhelm-Morden, Councillor J. Crompton, Councillor A. Janyk, Councillor J. Ford, and Councillor S. Anderson.

RMOW or otherwise, all documents and instruments and to do all acts and things necessary or advisable to give effect to this resolution.

CARRIED

2016 Budget Guidelines
Report No. 16-032
File No. 4530

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

That Council direct the Director of Finance to prepare the 2016-2020 five-year financial plan bylaw based on these specific guidelines:

1. To implement a 1.5% increase to property value taxes in 2016 (excluding non-market and property count changes);
2. To implement a 1.3% increase to water parcel taxes and user fees (excluding property count changes);
3. To implement a 1.2% increase to sewer parcel taxes and user fees (excluding property count changes); and
4. To include the project amounts as described in Appendix A to Administrative Report No. 6-032.

CARRIED

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

Councillor S. Anderson motioned that the projected projects in Appendix A P051 page 26 where \$150,000 is allocated to researching and investigation for the multi-use facility be broken out into two pieces and amended to read "should initial \$25,000 feasibility study recommend proceeding then the remainder of \$125,000 will be used after it is considered by council".

Opposed: Councillor A. Janyk

CARRIED

BYLAWS FOR FIRST AND SECOND READINGS

Land Use Contract
Discharge and Zoning
Amendment Bylaw (4962
Horstman Lane)
Bylaw No. 2109, 2016

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

That Land Use Contract Discharge and Zoning Amendment Bylaw (4962 Horstman Lane) Bylaw No. 2109, 2016 receive first and second readings.

CARRIED

Zoning Amendment
Bylaw (Electrical Utilities
to Shipping Containers)
Bylaw No. 2106, 2016

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

That Zoning Amendment Bylaw (Electrical Utilities to Shipping Containers) Bylaw No. 2106, 2016 receive first and second readings.

CARRIED