



WHISTLER

AGENDA

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

**In the Franz Wilhelmsen 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 "Land Use Contract Discharge and Zoning Amendment Bylaw (4962 Horstman Lane) No. 2109, 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,

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

**PURPOSE Of Land Use Contract Discharge And Zoning Amendment Bylaw
(4962 Horstman Lane) No. 2109, 2016**

In general terms, the purpose of the proposed Bylaw is to discharge the Blackcomb Land Use Contract (the "LUC") from the lands at 4962 Horstman Lane, and rezone the parcel to RS3 (Residential Single Family Three).

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

ADJOURNMENT

PUBLIC HEARING DOCUMENT INDEX

RZ1118 - Land Use Discharge and Zoning Amendment Bylaw (4962 Horstman Lane)		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Proposed Bylaw	March 15, 2016	RZ1118 – Land Use Contract and Zoning Amendment Bylaw (49962 Horstman Lane)
Administrative Report 16-023	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.16-023 (DRAFT)
Correspondence		No Correspondence has been received by March 31, 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 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

LAND USE CONTRACT DISCHARGE AND ZONING AMENDMENT BYLAW (4962 HORSTMAN LANE) NO. 2109, 2016

SUBJECT LANDS: 4962 Horstman Lane

More specifically these lands are described as: Lot 13 District Lot 3903 Group 1 & DL 4214 New Westminster District Plan VAS2482, PID: 014-850-265 and as shown on the map attached to this notice.

PURPOSE:

In general terms, the purpose of the proposed Bylaw is to discharge the Blackcomb Land Use Contract (the "LUC") from the lands at 4962 Horstman Lane, and rezone the parcel to RS3 (Residential Single Family Three).

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.

LAND USE CONTRACT DISCHARGE AND ZONING AMENDMENT BYLAW (4962 HORSTMAN LANE) NO. 2109, 2016
SUBJECT LANDS – 4962 HORSTMAN LANE



SUBJECT LANDS

**RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT DISCHARGE AND ZONING AMENDMENT BYLAW (4962 HORSTMAN
LANE) NO. 2109, 2016**

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

WHEREAS Council may, in a zoning bylaw pursuant to Sections 479, 482 and 525 of the *Local Government Act*, R.S.B.C. 2015, c. 1 divide all or part of the area of the Municipality into zones, name each zone and establish the boundaries of the zone, regulate the use of land, buildings and structures within the zones, require the provision of parking spaces and loading spaces for uses, buildings and structures, and establish different density regulations for a zone, one applicable to the zone generally and the other to apply if conditions are met; and

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

WHEREAS the owners of the lands legally described as Strata Lot 13, Strata Plan VR. 2482, District Lots 3903 and 4214 have agreed in writing to the discharge of the land use contract charging those lands;

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

1. This Bylaw may be cited for all purposes as “Land Use Contract Discharge and Zoning Amendment Bylaw (4962 Horstman Lane) No. 2109, 2016”
2. Zoning and Parking Bylaw No. 303, 2015 is amended by:
 - (a) amending Schedule “A” Zoning Map by changing the zoning designation of the lands described as Strata Lot 13, Strata Plan VR. 2482, District Lots 3903 and 4214 to RS3 (Residential Single Family Three) as shown in heavy black outline and identified on the plan annexed to this Bylaw as Schedule “1”.
3. That certain land use contract registered in the Vancouver Land Title Office under No. G2520 on January 11, 1979, as subsequently modified under No. GB77455, is discharged from the lands described in Section 2(a), and the Corporate Officer shall register a discharge of that land use contract in respect of such lands, together with a certified copy of this bylaw, in the Land Title Office in accordance with the *Land Title Act* and Section 546 of the *Local Government Act*.
4. If any section or phrase of this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

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

Pursuant to Sections 464 and 465 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 _____, ____.

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

Nancy Wilhelm-Morden,
Mayor

Laurie-Anne Schimek
Municipal Clerk

I HEREBY CERTIFY that this is a true copy of "Land Use Contract Discharge and Zoning Amendment Bylaw (4962 Horstman Lane) No. 2109, 2016"

Laurie-Anne Schimek
Municipal Clerk

SCHEDULE 1

**4962 Horstman Lane
(Strata Lot 13, Strata Plan VR. 2482, District Lots 3903 and 4214)
to be zoned RS3 (Residential Single Family Three)**



Subject Lands
4962 Horstman Lane

PURPOSE OF REPORT

This report presents Rezoning Application No. RZ. 1118, an application to discharge the Blackcomb Land Use Contract (the "LUC") from the lands at 4962 Horstman Lane, and rezone the parcel to RS3 (Residential Single Family Three).

DISCUSSION

Background

The Horstman Estates subdivision lies on the outskirts of the Blackcomb Benchlands between Painted Cliff Road and the foot of Blackcomb Mountain, as shown on the Location Map in Appendix "A". This is a bareland strata subdivision consisting of 33 single family lots of various sizes. As shown in Appendix "B", the strata plan is split zoned; the lands lie partially within the Blackcomb Land Use Contract area, and partially within the RS3 Zone of Zoning and Parking Bylaw 303, 1983. The boundary between the LUC and the RS3 Zone bisects the neighbourhood in such a way that some lots lie within the LUC, some lie within the RS3 Zone, and some are split zoned. A numerical breakdown of this distribution is shown in the accompanying table:

Regulating Document	Number of Lots
Land Use Contract	16
RS3 Zoning	8
Split Zoned	9
Total	33

Staff note that the RS3 Zone was created in 1989 expressly for the Horstman Estates subdivision. The "Intent" statement at the beginning of the zone reads as follows:

"The intent of this zone is to provide for detached residential dwellings on lands contiguous to the Blackcomb Land Use Contract Lands."

The lot that is the subject of this rezoning application is diagonally split zoned with the forward portion being zoned RS3 and the rearward portion remaining in the Blackcomb Land Use Contract. (Specifically Area L of Zone 2 of the amended Blackcomb Land Use Contract, GB7745).

Current Application

Rezoning Application No. RZ. 1118 proposes to discharge the LUC from the title of Strata Lot 13 (4962 Horstman Lane) and rezone the lands to RS3. The parcel is currently undeveloped and municipal staff note that this rezoning would enable the owner to take advantage of recent changes to Zoning and Parking Bylaw 303 excluding basement areas from the calculation of gross floor area, thereby increasing the development potential on the parcel.

In addition to the LUC, there is a development covenant registered on the titles of all the Horstman Estates lots as GC125596. This covenant provides design criteria for the Horstman Estates subdivision and site specific restrictions for each strata lot above and beyond the LUC. Design guidelines, materials, landscaping, density, height and parking are all addressed in this document. Notwithstanding the proposed RS3 zoning, the development covenant will remain more restrictive in

terms of building density and building height. Further, the covenant requires design approval by both the RMOW & the coordinating architect (Gordon Hlynsky) prior to issuance of a building permit.

The table below compares the RS3 Zone to the applicable requirements of the Blackcomb Land Use Contract and the development covenant:

	Blackcomb LUC	Development Covenant GC125596	RS3 Zone
Permitted Uses	<ul style="list-style-type: none"> Multi-residential Duplex Single Family 	Single family dwellings	<ul style="list-style-type: none"> Detached Dwelling Auxiliary Residential Dwelling Unit
Density	0.35 fsr	604 m ² maximum gfa. (0.29 fsr)	0.35 fsr
Height	4 stories or 45 feet	9.1 m	10.6 m
Site Coverage	35 %	N/A	35%
Setbacks	<ul style="list-style-type: none"> 7.0 metres from a public highway. 3.0 metres from any other parcel boundary. 	Building Envelope shown in Schedule "C" to covenant GC125596	<ul style="list-style-type: none"> Front: 7.6 m Sides: 3.0 m Rear: 7.6 m
Parking	3 spaces	3 spaces required, 2 of which must be contained within the building.	4 spaces for dwelling 1 space for suite

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

Staff has prepared the zoning amendment bylaw to discharge the LUC from the title of Strata Lot 13 (4962 Horstman Lane) and rezone the lands to RS3. Discharge of this LUC is consistent with legislation passed by the Provincial Government under Bill 17, requiring all LUC's to be replaced with Zoning by June 30, 2024.

Whistler 2020 Analysis

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected.	Discharge of the LUC would mean that the new GFA exclusions for basements contained in Zoning and Parking Bylaw 303 would be applicable to this parcel.
W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
None.		

OTHER POLICY CONSIDERATIONS

Official Community Plan

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

OCP Criteria for Evaluating Proposals for Zoning Amendments

OCP Criteria	Comments
Impact on bed unit capacity calculations	No increase in bed unit capacity.
Capable of being served by Municipal water, sewer, and fire protection services	Yes, already serviced.
Accessible via the local road system.	Yes
Environmental Impact Assessment and Initial Environmental Review.	An EIR is not required as the site is not identified on RMOW Environmental Sensitivity or Development Constraints mapping.
Traffic volumes and patterns on Highway 99 and the local road system	No significant change in volumes or patterns anticipated.
Overall patterns of development of the community and resort	No significant change, existing property.
Municipal Finance	Refer to the Budget Considerations section of this report for more details.
Views and Scenery	The proposal does not affect views as the existing development covenant will continue to apply.
Existing Community and Recreation Facilities	The parcel is located in close proximity to trails, Whistler and Blackcomb Mountains, and the Squamish Lil'Wat Cultural centre.
Employee Housing charges	N/A.
Heritage Resources	N/A
Project exhibits high standards of design and landscaping	The existing dwelling exhibits a high standard of design and landscaping.

The current proposal is consistent with:

- Part 547 of the Local Government Act which requires discharge/ termination of Land Use Contracts by June 30, 2024.
- Council's policy to have an equitable approach for GFA exclusions for all single family properties in the resort community.
- Council's previous decisions to discharge the LUC in Horstman Estates as shown in the accompanying table:

Address	Application No.	Bylaw	Date of Adoption
4921 Horstman Lane	RZ1064	2017	January 22, 2013
4914 Horstman Lane	RZ1112	2104	January 12, 2016

Green Building Policy

Whistler's Green Building Policy provides direction for commitments with respect of green building features for any proposed building. It is recommended a covenant be required to ensure future development is in accordance with Whistler's Green Building Policy objectives.

BUDGET CONSIDERATIONS

Rezoning application fees provide for recovery of costs associated with this application. Building Permit fees and Works and Services charges will be applicable at the time of Building Permit.

COMMUNITY ENGAGEMENT AND CONSULTATION

A sign describing Rezoning Application RZ. 1118 is posted on the property. This sign will remain in place for the duration of the application. At the time of writing this report, no responses have been received.

Per the requirements of the *Local Government Act*, the Land Use Contract Discharge Bylaw will require a Public Hearing wherein the public will be allowed to make representations to Council or present written submissions respecting matters contained in the Land Use Contract Discharge Bylaw.

SUMMARY

Rezoning Application RZ 1118 proposes to discharge the Blackcomb Land Use Contract from 4962 Horstman Lane. The lands are proposed to be rezoned to RS3 (Residential Single Family Three), similar to several other parcels in the Horstman Estates subdivision.

Respectfully submitted,

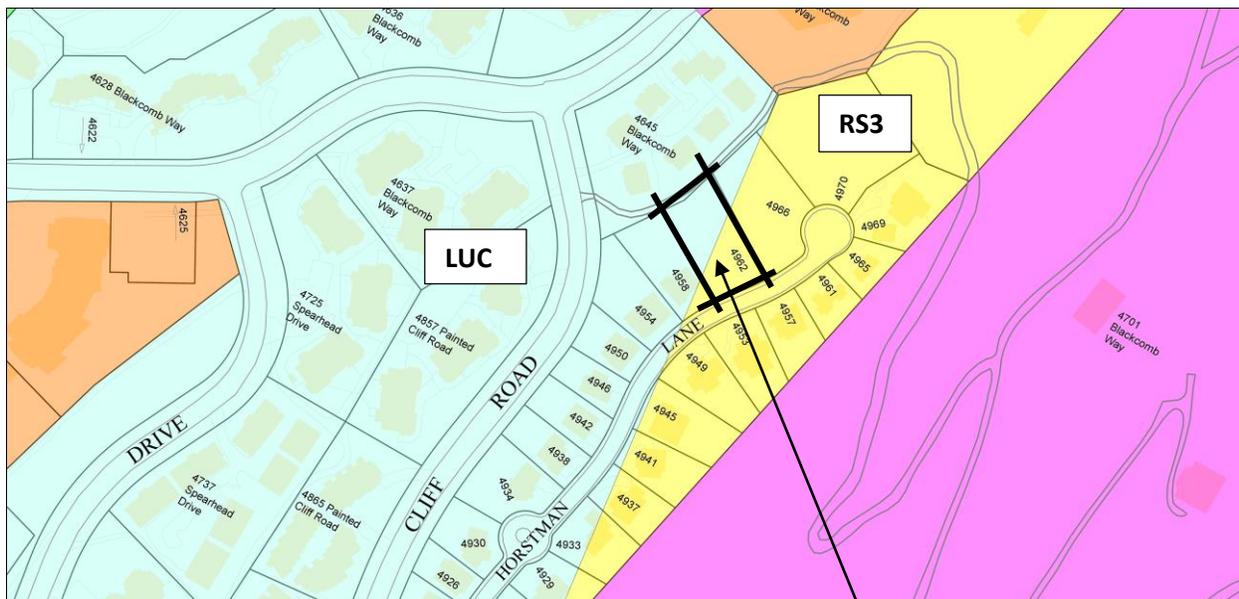
Roman Licko
PLANNING ANALYST
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

RZ 1118 – 4962 Horstman Lane



Subject Lands
4962 Horstman Lane

RZ1118 – 4962 Horstman Lane



Subject Lands:
4962 Horstman Lane

RZ 1118 – 4962 Horstman Lane

Land Use Contract Discharge and Rezoning

March 15, 2015

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, British Columbia
Canada VON 1B4
www.whistler.ca

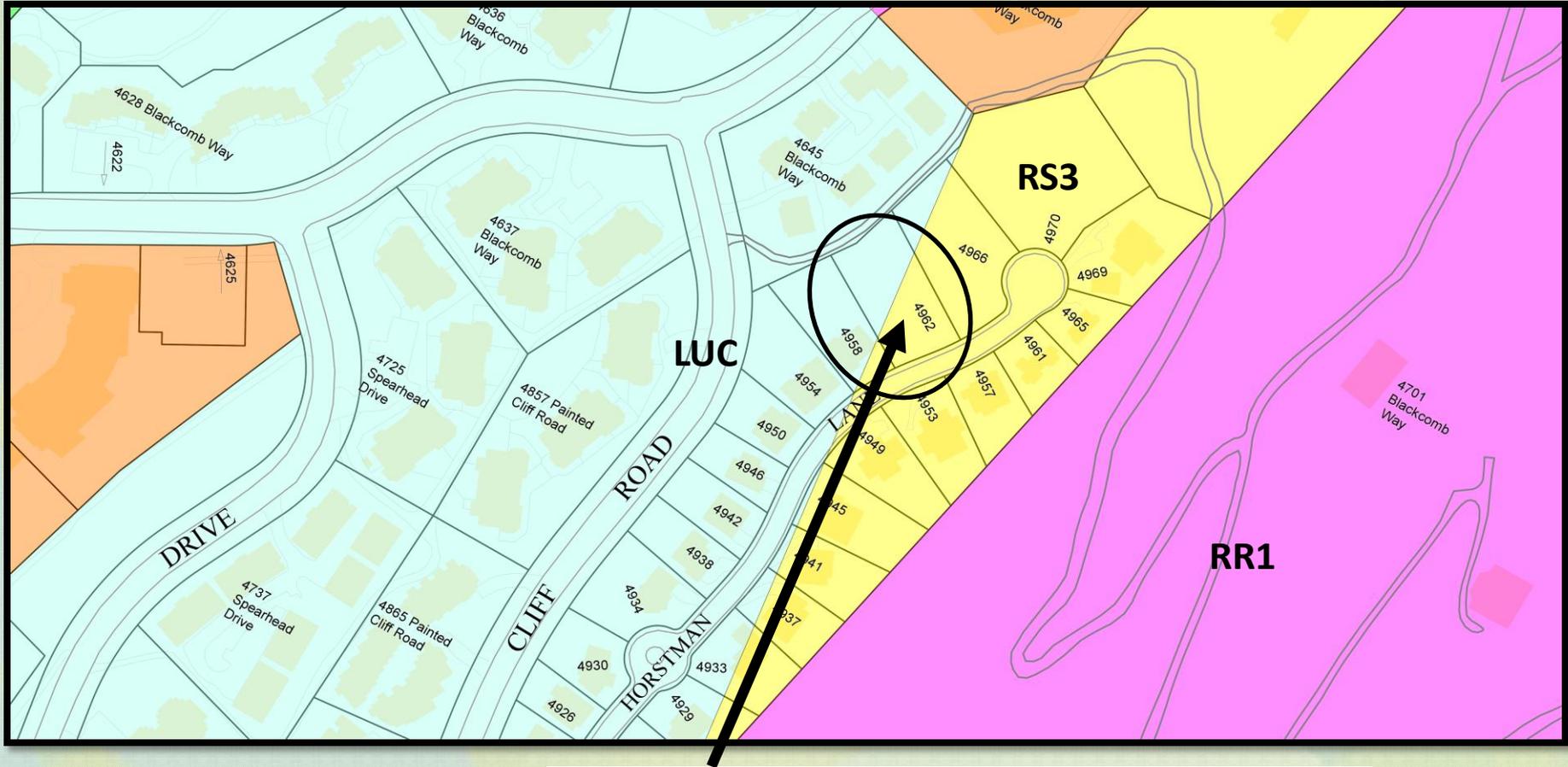
TEL 604 932 5535
TF 1 866 932 5535
FAX 604 935 8109



Background

- Horstman Estates is a split zoned strata subdivision consisting of 33 lots with the following distribution:
 - 16 parcels regulated by the Blackcomb Land Use Contract;
 - 9 parcels zoned RS3 under Zoning & Parking Bylaw 303;
 - 8 split zoned lots regulated by both the LUC and the RS3 Zone;
- Lands are further regulated by a Development Covenant GC125596 which provides specific criteria:
 - Design guidelines, materials, landscaping, density, building height, tree preservation, and parking.

Zoning Map



Subject Property 4962 Horstman Lane

Site Photos



Site Photos



Discussion

- RZ1112 proposes to discharge the LUC and replace with RS3 Zoning, similar to neighbours.
- Section 547 of Local Government Act requires Automatic Discharge of All LUCs in BC by June 30th 2024.
- Approval of RZ1118 would allow owner to take advantage of Zoning Bylaw rules excluding basements from GFA.
- Similar applications approved previously:
 - RZ1064 (4921 Horstman Lane)—January 2013
 - RZ1112 (4914 Horstman Lane)—January 2016

Discussion

	Blackcomb LUC	Development Covenant GC125596	RS3 Zone
Permitted Uses	<ul style="list-style-type: none"> • Multi-residential • Duplex • Single Family 	Single family dwellings	<ul style="list-style-type: none"> • Detached Dwelling • Auxiliary Residential Dwelling Unit
Density	0.35 fsr	604 m ² maximum gfa. (0.29 fsr)	0.35 fsr
Height	4 stories or 45 feet	9.1 m	10.6 m
Site Coverage	35 %	N/A	35%
Setbacks	<ul style="list-style-type: none"> • 7.0 metres from a public highway. • 3.0 metres from any other parcel boundary. 	Building Envelope shown in Schedule "C" to the covenant GC125596.	<ul style="list-style-type: none"> • Front: 7.6 m • Sides: 3.0 m • Rear: 7.6 m
Parking	3 spaces	3 spaces required, 2 of which must be contained within the building.	4 spaces for dwelling 1 space for suite

Policy Considerations

- Staff have prepared Land Use Contract Discharge and Zoning Amendment Bylaw 2104, 2015.
- Discharge of the LUC is consistent with:
 - Section 547 of Local Government Act. Automatic Discharge of All LUCs in BC by June 30th 2024;
 - Council's policy to have an equitable approach for GFA exclusion for all single family and duplex properties within the RMOW;
 - Council's previous decisions to discharge the LUC from similar split zoned properties and replace with RS3 Zoning as noted:
 - ❑ RZ 1064 (4921 Horstman Lane) in January of 2013,
 - ❑ RZ 1112 (4914 Horstman Lane) in January of 2016.

Community Engagement

- A sign has been posted on the property since January 20th 2016
 - As of today, no responses have been received.
- Per the LGA, a Public Hearing is required as part of the statutory process for bylaw consideration and adoption.

Recommendation

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,

Recommendation Cont.

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.

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,

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