



WHISTLER

AGENDA

PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, JANUARY 27, 2015 STARTING AT 6:00 PM

**In the Franz Wilhelmssen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

The Public Hearing is convened pursuant to Section 890 of the *Local Government Act* R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (Development Permit Exemptions) No. 2071, 2014" (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,

PURPOSE OF ZONING AMENDMENT BYLAW (DEVELOPMENT PERMIT EXEMPTIONS) NO. 2071, 2014

Zoning Amendment
Bylaw (Development
Permit Exemptions) No.
2071, 2014

In general terms, the purpose Zoning Amendment Bylaw (Development Permit Exemptions) No. 2071, 2014 is to:

1. Amend the Zoning Bylaw to exempt single-family and duplex development from the requirement to obtain a development permit, except for development that is within a development permit area for the protection of the environment, 30 metres of the high water mark of a stream or the R11 Residential Infill One zone.
2. Add the following definition of stream:

"stream" includes any of the following that provides fish habitat:

(a) a watercourse, whether it usually contains water or not;
(b) a pond, lake, river, creek or brook;

(c) a ditch, spring or wetland that is connected by surface flow to some referred to in paragraph (a) or (b).

3. Replace the definition of “high water mark” with:

“high water mark” means the visible high water mark of a stream where presence and action of the water are so common and usual, and so continued in all ordinary years, as to mark on the soil of the bed of stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

4. Delete “natural boundary” and its definition in Section 2 and replace “natural boundary” with “high water mark” throughout the bylaw.

Explanation	An explanation by municipal staff concerning the proposed Bylaw.
Submissions	Submissions by any persons concerning the proposed Bylaw.
Correspondence	Receipt of correspondence or items concerning the proposed Bylaw.

ADJOURNMENT

PUBLIC HEARING DOCUMENT INDEX

Zoning Amendment Bylaw (Development Permit Exemptions) No. 2071, 2014		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw	January 13, 2015	Zoning Amendment Bylaw (Development Permit Exemptions) No. 2071, 2014
Council Minutes	January 13, 2015	Minutes of the Regular Meeting of Council (DRAFT).
Council Report	January 13, 2015	Administrative Report 15-011 to Council.
Presentation Slides	January 13, 2015	Presentation slides from January 13, 2015 by J. Belobaba, Senior Planner.
Correspondence		Correspondence will be included as it is received.



THE RESORT MUNICIPALITY OF WHISTLER
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www.whistler.ca FAX 604 932 8109

NOTICE OF PUBLIC HEARING

TUESDAY, JANUARY 27, 2015 – 6:00 P.M.

MAURICE YOUNG MILLENNIUM PLACE

Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

ZONING AMENDMENT BYLAW (Development Permit Exemptions) 2071, 2014

PURPOSE:

In general terms, the purpose of the proposed Bylaw is to:

1. Amend the Zoning Bylaw to exempt single-family and duplex development from the requirement to obtain a development permit, except for development that is within a development permit area for the protection of the environment, 30 metres of the high water mark of a stream or the R11 Residential Infill One zone.
2. Add the following definition of stream:

“stream” includes any of the following that provides fish habitat:

(a) a watercourse, whether it usually contains water or not;
(b) a pond, lake, river, creek or brook;
(c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).
3. Replace the definition of “high water mark” with:

“high water mark” means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;
4. Delete “natural boundary” and its definition in Section 2 and replace “natural boundary” with “high water mark” throughout the bylaw.

INSPECTION OF DOCUMENTS:

A copy of the proposed Bylaw and relevant background documentation may be inspected on our website at www.whistler.ca/events (see January 27, 2015), or visit the Reception Desk at 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 27, 2015):

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.

Shannon Story
Corporate Officer

RESORT MUNICIPALITY OF WHISTLER

ZONING AMENDMENT BYLAW (Development Permit Exemptions) NO. 2071, 2014

A BYLAW TO AMEND THE RESORT MUNICIPALITY OF WHISTLER ZONING AND PARKING BYLAW NO. 303, 1983

WHEREAS Council has designated Development Permit Areas for one or more of the purposes enumerated in s. 919.1(1) of the *Local Government Act*;

AND WHEREAS pursuant to Section 919.1(4) of the *Local Government Act* a zoning bylaw may, with respect to development permit areas, specify conditions under which a development permit is not required;

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 (Development Permit Exemptions) No. 2071, 2014”.
2. Zoning and Parking Bylaw No. 303, 1983 is amended in Section 2 by adding the following definition of “stream” in appropriate alphabetical order:

“stream” includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
 - (b) a pond, lake, river, creek or brook;
 - (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).
3. The bylaw is further amended in Section 2 by replacing the definition of “high water mark” with the following:

“high water mark” means the visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;
4. The bylaw is further amended by deleting “natural boundary” and its definition in Section 2 and by replacing “natural boundary” with “high water mark”:
 - (a) in the definition of “usable site area” in Section 2;
 - (b) throughout Section 5.3 “Floodproofing requirements”.
5. The bylaw is further amended by adding the following as Section 5.16, “Development Permit Exemptions for Detached and Duplex Dwellings”:
 1. Development within the following categories is exempt from the requirement to obtain a development permit:
 - a. detached dwelling;
 - b. duplex dwelling;
 - c. auxiliary buildings ancillary to a detached dwelling or duplex dwelling.

“Zoning Amendment Bylaw (Development Permit Exemptions) No. 2071, 2014”

- d. subdivision to create parcels on which the only types of development permitted by this bylaw are detached or duplex dwellings.
- 2. The exemption described in s. 5.16.1 does not apply if any part of the parcel of land that is the subject of the proposed development is:
 - a. within a development permit area for the protection of the environment, or for the protection of the environment, its ecosystems and biological diversity, and within 30 metres of the high water mark of a stream; or
 - b. within the RI1 Residential Infill One zone.

Given first and second reading this 13th day of January, 2015.

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 and Infrastructure this ___ day of _____, ____.

Adopted by the Council this ___ day of _____, ____.

Nancy Wilhelm-Morden
Mayor

Shannon Story
Corporate Officer

I HEREBY CERTIFY that this is a true copy of “Zoning Amendment Bylaw (Development Permit Exemptions) No. 2071, 2014”

Shannon Story
Corporate Officer

DVP 1094 – 3804
Sunridge Place – Front
Setback Variance
Report No. 15-006
File No. DVP 1094

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

That Council approve Development Variance Permit 1094 to vary the front setback from 7.6 metres to 5 meters for the existing basement space of the detached dwelling as shown on the Basement Media Plan, Sheet A1.02, dated October 22, 2014 and attached to Administrative Report No. 15-006 as Appendix B.

CARRIED

7115 Nesters Road –
Rezoning Proposal to
Regularize Existing
Pension Use
Report No. 15-010
File No. RZ1091

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

That Council endorse further review of Rezoning Application No. 1091; and further,

That Council direct staff to prepare the necessary zoning amendment bylaw for Council consideration.

CARRIED

Zoning Amendments -
Development Permit
Exemptions
Report No. 15-011
File No. RZ 1101

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

That Council consider giving first and second readings to Zoning Amendment Bylaw (Development Permit Exemptions) 2071, 2014; and further,

That Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Development Permit Exemptions) 2071, 2014.

CARRIED

Blueberry Hill Land Use
Contract Amendment to
the Gross Floor Area
Definition
Report No. 15-009
File No. RZ1083,
RZ1086, RZ1087,
RZ1089, RZ1092,
RZ1093, Bylaw 2062

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

That Council consider adoption of Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014.

CARRIED

New Building Canada
Fund – 2015 Intake
Report No. 15-017
File No. 155.7

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

That Council direct staff to submit an application under New Building Canada Fund – Small Communities Fund for funding assistance for the Compost Facility Capacity Improvements (Project E063) as set out in the Five-Year Financial Plan.

CARRIED

RMOW Appointments to
the Whistler Valley
Housing Society
Report No. 15-001
File No. 7724

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

That Council of the Resort Municipality of Whistler (RMOW), appoint Jonathan Decaigny, Cheryl Skribe, Gord Low and Marla Zucht as the four RMOW appointees to the Whistler Valley Housing Society (WVHS).

CARRIED

MINUTES OF COMMITTEES AND COMMISSIONS

Public Art Committee

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

That minutes of Public Art Committee meeting of October 1, 2014.

CARRIED

BYLAWS FOR FIRST AND SECOND READINGS

Zoning Amendment
Bylaw (Development
Permit Exemptions)
2071, 2014

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

That Zoning Amendment Bylaw (Development Permit Exemptions) 2071, 2014 receive first and second readings.

CARRIED

BYLAWS FOR THIRD READING

Zoning Amendment
Bylaw (CC1 Zone –
Clock Tower Hotel), No.
2070, 2014

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

That Zoning Amendment Bylaw (CC1 Zone – Clock Tower Hotel), No. 2070, 2014 receive third reading.

CARRIED

Zoning Amendment
Bylaw (Retail Liquor
Sales – 1-4573 Chateau
Blvd) No. 2069, 2014

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

That Zoning Amendment Bylaw (Retail Liquor Sales – 1-4573 Chateau Blvd) No. 2069, 2014 receive third reading.

CARRIED

BYLAWS FOR ADOPTION

Land Use Contract
Amendment Bylaw
(Blueberry Hill) No. 2062,
2014

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

That Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2062, 2014 be adopted.

CARRIED



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: January 13 2015

REPORT: 15-011

FROM: Resort Experience

FILE: RZ 1101

SUBJECT: ZONING AMENDMENTS - DEVELOPMENT PERMIT EXEMPTIONS

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 (Development Permit Exemptions) 2071, 2014; and further,

That Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Development Permit Exemptions) 2071, 2014.

PURPOSE OF REPORT

The purpose of this report is to describe proposed amendments to the Zoning and Parking Bylaw 303, 1983 intended to change the RMOW's development permit processes to create exemptions to remove duplicative requirements for development permits.

DISCUSSION

Background

With the quashing of OCP Bylaw 1983 on June 4th 2014, the RMOW was required to revert back to the previous OCP; OCP Bylaw 1021. Under the updated OCP Bylaw 1983, most low density (i.e. single-family and duplex) areas were outside of designated development permit areas. Only developments on lands zoned RI1 (Residential Infill One), and development within 30 metres of the high water mark of a stream, or 100 metres of a large wetlands fell within development permit areas.

OCP Bylaw 1021 includes larger development permit areas that cover single-family and duplex neighbourhoods. The bylaw exempts single-family and duplex developments from "form and character" development permits but has no exemption for "environmental" or "hazardous conditions" development permits. OCP Bylaw 1021 was enacted before the provincial Riparian Areas Regulation (RAR) was adopted. When OCP bylaw 1983 was adopted, it was harmonized with the RAR and only those areas subject to the RAR were designated as development permit areas. RMOW bylaws and the BC Building Code allow hazardous conditions (e.g. soil stability) to be addressed at the building permit stage.

When OCP bylaw 1983 was quashed in June, the Land Use Procedures bylaw was immediately amended to incorporate the mandatory RAR requirements and the practice of addressing hazardous conditions at the building permit stage simply continued. Essentially, these actions upheld the intent of OCP 1983 and mandatory provincial requirements, but through different bylaws. However, under s. 920(1) of the *Local Government Act*, the requirement to obtain a development permit cannot be waived without an exemption in a zoning bylaw or OCP. Subsequently, OCP

Bylaw 1021 requires development permits for areas and circumstances that have been more efficiently addressed through other methods, creating a requirement for redundant development permits.

Approximately 23 developments have been required to apply for an additional development permit that would not otherwise be required. This has had an impact on development proposals (i.e. longer approval times) and staff resources (i.e. more applications to process).

In preparing the proposed amendments, staff have also noted that the terminology in the Zoning Bylaw is inconsistent with terminology in the provincial RAR, making interpreting the interrelated regulations difficult.

Proposed Bylaw

Under s. 919.1(3) of the *Local Government Act*, Development Permit guidelines—including exemptions—can be enacted in an OCP or Zoning Bylaw. The main purpose of the amendment bylaw is to amend the Zoning Bylaw to require development permits for single-family and duplex development only in the areas that were identified in OCP Bylaw 1983; i.e. Riparian Areas as outlined in the provincial regulations and the RI1 zone.

Historically, all development permit guidelines have been incorporated into the OCP. However, a provincial approval process for OCP adoption/amendments has yet to be established in light of the court decision; making the zoning option faster and more practical.

The bylaw also includes amendments to zoning definitions and terminology related to riparian areas and water bodies to make the bylaw more consistent with Provincial Legislation. The amendments include changing the terms “high water mark” and “natural boundary” The changes are entirely semantic, simply using terms that are the same as the Riparian Areas Regulation.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	1. Limits to growth are understood and respected. 7. Continuous encroachment on nature is avoided.	The proposed bylaw retains the requirement for development permits in environmentally sensitive areas. Changes to terminology for riparian area rules will make them easier to understand and implement.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Built Environment	6. The built environment is safe and accessible for people of all abilities, anticipating and accommodating wellbeing needs and satisfying visitor expectations.	Hazardous conditions will still be addressed at the building permit stage. There is no increased exposure to risk.

OTHER POLICY CONSIDERATIONS

Official Community Plan

OCP	Comments
OCP Bylaw 1021	Given the objective of the OCP are addressed through other bylaws, the proposed amendments are not inconsistent with the objectives and policies of the current OCP.
OCP Bylaw 1983	Single-family and duplex developments are exempt under the policies of this OCP.

BUDGET CONSIDERATIONS

Costs associated with processing the proposed amendments have been provided for in the Planning Department operating budget.

COMMUNITY ENGAGEMENT AND CONSULTATION

A Public Hearing is required prior to adopting the proposed zoning amendment bylaw.

SUMMARY

The proposed amendments will not increase risk exposure on hazard lands or potential damage to the environment. The amendments simply eliminate permit requirements that were made redundant with the reversion to OCP Bylaw 1021. The proposed bylaw amendments are in keeping with the intent of both the Official Community Plan and Whistler 2020. They are necessary to ensure consistent and efficient application processing and keep the planning department workloads to manageable levels. Staff recommend giving first and second readings to Zoning Amendment Bylaw (Development Permit Exemptions) 2071, 2014 as proposed.

Respectfully submitted,

Jake Belobaba
Senior Planner
for

Jan Jansen
General Manager of Resort Experience

RZ 2071: Zoning Bylaw Development Permit Exemptions

January 13th, 2015

RESORT MUNICIPALITY OF WHISTLER

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Subject Lands

- General regulation applying to single-family and duplex dwellings in development permit areas.

Proposed Bylaw

- Amends Zoning Bylaw to re-establish development permit exemptions in OCP Bylaw 1983.
- Permits only required for:
 - ✓ Riparian Areas as outlined in the provincial regulations
 - ✓ The RI1 zone.
- Includes housekeeping amendments to riparian areas terminology to be more consistent with Provincial Riparian Areas Regulation.
- Hazardous conditions will be addressed through Building Bylaw.

Background

- OCP Bylaw 1983 simplified development permit designations and processes.
- Now using OCP Bylaw 1021: “Extra” development permits are required (approximately 23 to date)
- Under the *Local Government Act*, the requirement for development permits can be exempted in a zoning bylaw or OCP.

Rationale

- Practical and effective development permit exemptions through zoning bylaw.
- Proactive and efficient approach to application processing:
 - ✓ Same level of environmental and hazard protection, less paperwork
 - ✓ Removes redundant permits
 - ✓ Faster application processing times
 - ✓ Normalizes planning workloads reducing cost and resource demands.

Recommendation

- **That** Council consider giving first and second readings to Zoning Amendment Bylaw (Development Permit Exemptions) . 2071 , and further
- **That** Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw . 2071.