

# WHISTLER

## AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL  
TUESDAY, JULY 15, 2014 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 "Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 – 8340 Mountain View Drive) No. 2058, 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,

Zoning Amendment Bylaw  
(RS1 – 8340 Mountain  
View Drive) No. 2058,  
2014

**PURPOSE OF ZONING AMENDMENT BYLAW (RS1 – 8340 MOUNTAIN  
VIEW DRIVE) NO. 2058, 2014**

In general terms, the purpose of the proposed Bylaw is to discharge the Land Use Contract registered on title as G2065 and rezone the lands to RS1 (Single Family Residential One).

Explanation

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

Land Use Contract Discharge and Zoning Amendment Bylaw ( RS1 Zone - 8340 Mountain View Drive) No. 2058, 2014		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw		Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014
Council Minutes	17-Jun-14	Minutes of the Regular Meeting of Council
Council Report 14-070	17-Jun-14	Administrative Report to Council
Council Minutes	6-May-14	Minutes of the Regular Meeting of Council
Council Report 14-070	6-May-14	Administrative Report to Council
Presentation Slides	6-May-14	Presentation slides from May 6, 2014
Presentation Slides	6-May-14	Presentation slides from Craig Ross of Whistler Alpine Development
Correspondence		Correspondence to Craig Ross from Don van der Horst dated February 16, 2014



## **NOTICE OF PUBLIC HEARING**

**TUESDAY, JULY 15, 2013 – 6:00 P.M.**

Maurice Young Millennium Place  
Franz Wilhelmsen Theatre  
4335 Blackcomb Way, Whistler BC

**“Land Use Contract Discharge and Zoning Amendment Bylaw  
(RS1 Zone - 8340 Mountain View Drive) No. 2058, 2014”**

### **SUBJECT LANDS: 8340 Mountain View Drive**

More specifically these lands are described as Lot 29, Except Part in Plan 17958, District Lot 7301, Plan 15206, PID: 007-689-705 and as shown on the map attached to this notice.

### **PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to discharge the Land Use Contract registered on title as G2065 and rezone the lands to RS1 (Single Family Residential One).

### **INSPECTION OF DOCUMENTS:**

A copy of the proposed Bylaw and relevant background documents may be inspected on our website at [www.whistler.ca/events](http://www.whistler.ca/events) (see July 15, 2014), 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 given 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 at the Public Hearing or through one of the following methods prior to the Public Hearing (by 4:30 p.m. on July 15, 2014):

**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.

Shannon Story  
Corporate Officer

**Land Use Contract Discharge and Zoning Amendment Bylaw  
(RS1 Zone - 8340 Mountain View Drive) No. 2058, 2014**

**SUBJECT LANDS – 8340 MOUNTAIN VIEW DRIVE**



The following Public Hearings will be held on July 15, 2014 starting at 6:00 p.m. in the following order:

1. Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone – 8340 Mountain View Drive) No. 2058, 2014
2. Zoning Amendment Bylaw (MC1 Zone – Mountain Commercial One) No. 2057, 2014
3. Zoning Amendment Bylaw (Festivals, Events and Auxiliary Liquor Retail) No. 2055, 2014

**RESORT MUNICIPALITY OF WHISTLER**

**LAND USE CONTRACT DISCHARGE AND ZONING AMENDMENT BYLAW (RS1 ZONE - 8340  
MOUNTAINVIEW DRIVE) NO. 2058, 2014**

**A Bylaw to authorize the discharge of a Land Use Contract pursuant to  
Section 930(2) of the *Local Government Act* and to amend the Whistler Zoning and Parking Bylaw  
303.**

**WHEREAS** on January 3, 1979, the Resort Municipality of Whistler adopted the Resort Municipality of Whistler Zoning Bylaw No. 9, 1975, Land Use Contract Approval Bylaw (Young and Taggart) approving and authorizing the execution of a Land Use Contract respecting certain land within the boundaries of the Municipality, which Land Use Contract was registered in the Lower Mainland Land Title Office under number G2065,

**AND WHEREAS** the owner of the parcel of land legally described as Lot 29, Except Part in Plan 17958, District Lot 7301, Plan 15206 (PID: 007-689-705), which is one of the parcels that is subject to the Land Use Contract, has requested that the Land Use Contract be discharged from title to that parcel,

**AND WHEREAS** the Council wishes to discharge the Land Use Contract from title to that parcel and to amend the zoning applicable to that parcel,

**NOW THEREFORE** the Council of the Resort Municipality of Whistler, in open meeting assembled, enacts as follows:

1. The Land Use Contract registered in the Lower Mainland Land Title Office under number G2065 shall be discharged from title to the land legally described as Lot 29, Except Part in Plan 17958, District Lot 7301, Plan 15206 (PID: 007-689-705).
2. Zoning and Parking Bylaw No. 303, 1983 is amended by changing the zoning designation under Schedule "A" Zoning Map for the land legally described as Lot 29, Except Part in Plan 17958, District Lot 7301, Plan 15206 (PID: 007-689-705) to RS1 (Residential Single Family One) as shown in heavy black outline and identified on the plan annexed to this bylaw as Schedule "1".
3. The Mayor and Corporate Officer are hereby authorized to execute on behalf of the Municipality such documents as may be required in order to discharge the Land Use Contract as contemplated by this bylaw, including an agreement to such discharge between the Municipality and the owner of Lot 29, Except Part in Plan 17958, District Lot 7301, Plan 15206 (PID: 007-689-705), and the Corporate Officer is hereby directed to cause such further steps to be done as may be required to discharge the Land Use Contract from that parcel.
4. This bylaw may be cited for all purposes as "Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014".

GIVEN FIRST READING this 17<sup>th</sup> day of June, 2014.

GIVEN SECOND READING this 17<sup>th</sup> day of June, 2014.

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

GIVEN THIRD READING this \_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014

APPROVED by the Minister of Transportation and Infrastructure this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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

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

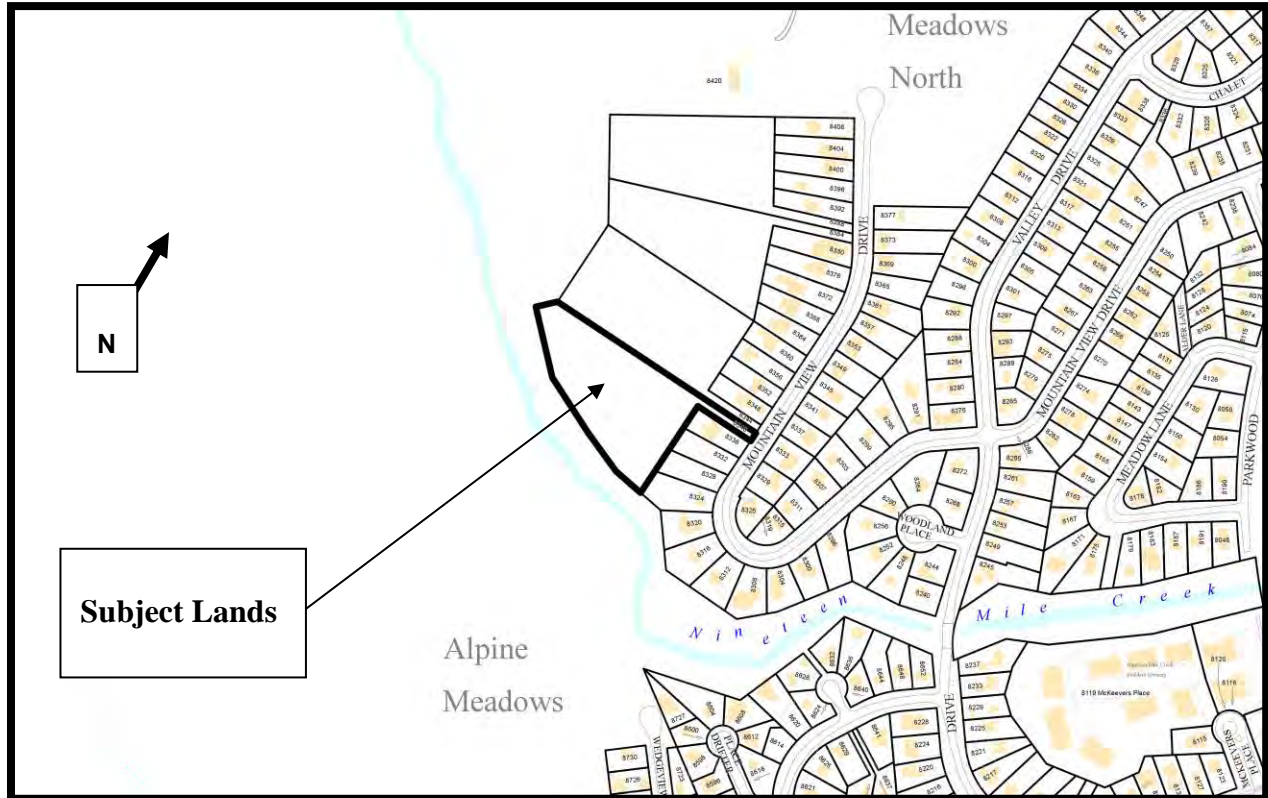
\_\_\_\_\_  
Shannon Story, Corporate Officer

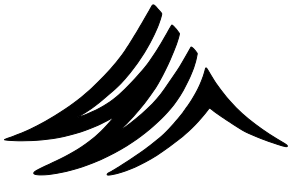
I HEREBY CERTIFY that this is a true copy of  
“Land Use Contract Discharge and Zoning  
Amendment Bylaw (RS1 Zone - 8340  
Mountainview Drive) No. 2058, 2014”

\_\_\_\_\_  
Shannon Story, Corporate Officer

## Schedule 1

### 8340 Mountainview Drive To be zoned RS1





# WHISTLER

## MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL  
TUESDAY, JUNE 17, 2014, STARTING AT 5:30 PM**

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

### **PRESENT:**

Mayor N. Wilhelm-Morden

Councillors: J. Grills, D. Jackson, A. Janyk, and R. McCarthy

Absent: Councillor J. Crompton, Councillor J. Faulkner,

Mayor for the Day: Kate Risso

Press Secretary for the Day: Siena Von Rosen

Chief Administrative Officer, M. Furey

General Manager of Corporate and Community Services, N. McPhail

General Manager of Infrastructure Services, J. Paul

General Manager of Resort Experience, J. Jansen

Director of Finance, K. Roggeman

Director of Human Resources, D. Wood

Director of Planning, M. Kirkegaard

Acting Corporate Officer, L. Schimek

Fire Chief S. Kirkwood

Manager of Communications, M. Comeau

Manager of Environmental Stewardship, H. Beresford

Planning Technician, R. Licko

Planner, R. Brennan

Senior Communications Officer, G. Inglese

Legislative Services Coordinator, N. Best

Recording Secretary, A. Winkle

### **ADOPTION OF AGENDA**

Moved by Councillor A. Janyk

Seconded by Councillor D. Jackson

**That** Council adopt of the Regular Council agenda of June 17, 2014 with:

- the removal of the presentation by Craig Ross regarding RZ 1069 - 8340 Mountainview Drive.
- the addition of consideration for the receipt of a letter from Don Van der Horst.
- the addition of a proclamation after the Mayor's Report.

CARRIED



3.2, and A-4.1 prepared by Murdoch + Company, dated 01 March 2014.

**That** Council direct staff to advise the applicant that prior to issuance of Development Variance Permit DVP 1080, the following matters are to be completed to the satisfaction of the General Manager of Resort Experience:

1. Amendment of the existing covenant registered on title as BX354908;
2. Receipt of a Building Code Analysis demonstrating that the proposal conforms with the British Columbia Building Code;
3. Registration of a covenant attaching the Building Code Analysis to both property titles in perpetuity;
4. Registration of easements between the properties for shared building components,
5. Registration of any further legal documents as may be required; and further,

**That** Council authorize the Mayor and Corporate Officer to sign the legal documents associated with the prior to adoption conditions stipulated by Council.

CARRIED

RZ 1069 - 8340  
Mountainview Drive  
Land Use Contract  
Discharge and Rezoning  
Report No. 14-070  
File No. RZ1069

*At 6:24 p.m., Mayor Wilhelm-Morden declared a Conflict of Interest as her law partner is involved with one of the properties and left the meeting.*

*Councillor A. Janyk took over as Chair of the meeting.*

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** correspondence from Don Van der Horst to Craig Ross regarding the development plan of Lot 29 on Mountainview Drive be received.

CARRIED

Moved by Councillor D. Jackson  
Seconded by Councillor R. McCarthy

**That** Council consider giving first and second readings to "Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014";

**That** Council authorize the Corporate Officer to schedule a Public Hearing regarding "Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014" 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 (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014", the following matters are to be completed to the satisfaction of the General Manager of Resort Experience:

1. Discharge of existing covenant registered on title as G317,
2. Registration of a new development covenant as described in this report,
3. Resolution of technical matters associated with construction of the access road,
4. Registration of an access easement in favour of the adjacent parcels 8340, 8344, 8384, and 8388 Mountainview Drive as described in this report; and further,

**That** Council authorize the Mayor and Corporate Officer to sign any necessary legal documents associated with this rezoning.

**CARRIED**

*At 6:28 p.m. Mayor Wilhelm-Morden returned to the meeting.*

RZ 1085 – 4890 Glacier  
Drive – Whistler/  
Blackcomb Base II  
Report No. 14-063  
File No. RZ1085

Moved by Councillor D. Jackson  
Seconded by Councillor A. Janyk

**That** Council consider giving first and second readings to Zoning Amendment Bylaw (MC1 Zone – Mountain Commercial One) No. 2057, 2014;

**That** Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (MC1 Zone - Mountain Commercial One) No. 2057, 2014 and to advertise for same in the local newspapers;

**That** Council authorize the Mayor and Corporate Officer to execute any necessary legal documents for this application; and further,

**That** Council direct staff to advise the applicant that before consideration of adoption of Zoning Amendment Bylaw (MC1 Zone – Mountain Commercial One) No. 2057, 2014, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Submission by the applicant of a written agreement developed with staff that the site will be developed in accordance with:
  - a. Whistler's Build Green Policy,
  - b. Form and character design guidelines; and
  - c. Aquifer Protection guidelines.
2. Confirmation by the applicant how the additional employee housing requirements will be satisfied.
3. Payment of outstanding rezoning application fees.

**CARRIED**

Wildfire Management  
Report No. 14-071  
File No. 8337

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

**That** Council endorse the Community Wildfire Protection Plan (2011);

**That** Council endorse the Landscape Scale Fire Behaviour Modeling report (2013); and further,

**That** Council support the proposed RMOW Wildfire Management Plan.

CARRIED

Council Remuneration  
Review  
Report No. 14-068  
File No. 3009.5

Moved by Councillor D. Jackson  
Seconded by Councillor A. Janyk

**That** Council consider the results of the Council remuneration review; and further,

**That** Council set the salaries for Councillors at \$32,772 and the Mayor at \$80,927 effective January 1, 2015.

CARRIED

2013 Statements of  
Financial Information  
Report No. 14-064  
File No. 4325

Moved by Councillor D. Jackson  
Seconded by Councillor R. McCarthy

**That** Council approve the 2013 Statements of Financial Information.

CARRIED

## MINUTES OF COMMITTEES AND COMMISSIONS

Liquor License Advisory  
Committee

Moved by Councillor J. Grills  
Seconded by Councillor D. Jackson

**That** minutes of the Liquor License Advisory Committee meeting of May 1, 2014 be received.

CARRIED

Forest and Wildland  
Advisory Committee

Moved by Councillor A. Janyk  
Seconded by Councillor R. McCarthy

**That** minutes of the Forest and Wildland Advisory Committee meeting of May 14, 2014 be received.

CARRIED

## BYLAWS FOR FIRST AND SECOND READING

Land Use Contract  
Discharge and Zoning  
Amendment Bylaw (RS1  
Zone - 8340  
Mountainview Drive) No.  
2058, 2014

*At 7:09 p.m. Mayor Wilhelm-Morden stated a previously declared Conflict of Interest and left the meeting.*

*Councillor A. Janyk took over as Chair of the meeting.*

Moved by Councillor D. Jackson

Seconded by Councillor J. Grills

**That** Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014 receive first and second readings.

CARRIED

*At 7:11 p.m. Mayor Wilhelm-Morden returned.*

Zoning Amendment  
Bylaw (MC1 Zone –  
Mountain Commercial  
One) No. 2057, 2014

Moved by Councillor D. Jackson

Seconded by Councillor J. Grills

**That** Zoning Amendment Bylaw (MC1 Zone – Mountain Commercial One) No. 2057, 2014 receive first and second readings.

CARRIED

### BYLAWS FOR ADOPTION

Environmental Protection  
(Invasive Species and  
Development Permit  
Conditions) Amendment  
Bylaw No. 2052, 2014

Moved by Councillor A. Janyk

Seconded by Councillor R. McCarthy

**That** Environmental Protection (Invasive Species and Development Permit Conditions) Amendment Bylaw No. 2052, 2014 be adopted.

CARRIED

### OTHER BUSINESS

*There were no items of Other Business.*

### CORRESPONDENCE

May Long Weekend –  
Street Hockey  
Tournament  
File No. 2100

Moved by Councillor A. Janyk

Seconded by Councillor J. Grills

**That** correspondence from Bowen Cunningham, dated June 1, 2014, recommending the CBC “Play On!” street hockey tournament as an event in Whistler during the May Long Weekend be received and referred to staff.

CARRIED

Parking Ticket at Visitor  
Information Centre  
File No. 3009

Moved by Councillor A. Janyk

Seconded by Councillor R. McCarthy

**That** correspondence from P. Ulicki, dated May 22, 2014, regarding parking at the Whistler Visitor Centre be received and referred to staff.

CARRIED

Solana Development in  
Rainbow Subdivision  
File No. DP 1334

Moved by Councillor D. Jackson

Seconded by Councillor A. Janyk

**That** correspondence from Gail Macdonald, dated June 4, 2014, regarding the recent approval of the Solana Development to be constructed on Bear Paw Trail in the Rainbow Subdivision be received and referred to staff.

CARRIED



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** June 17, 2014

**REPORT:** 14-070

**FROM:** Resort Experience

**FILE:** RZ 1069

**SUBJECT:** RZ 1069 - 8340 MOUNTAINVIEW DRIVE LAND USE CONTRACT DISCHARGE  
AND REZONING

### 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 “Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014”;

**That** Council authorize the Corporate Officer to schedule a Public Hearing regarding “Land Use Contract Discharge and Zoning Amendment Bylaw (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014” 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 (RS1 Zone - 8340 Mountainview Drive) No. 2058, 2014”, the following matters are to be completed to the satisfaction of the General Manager of Resort Experience:

1. Discharge of existing covenant registered on title as G317,
2. Registration of a new development covenant as described in this report,
3. Resolution of technical matters associated with construction of the access road,
4. Registration of an access easement in favour of the adjacent parcels 8340, 8344, 8384, and 8388 Mountainview Drive as described in this report; and further,

**That** Council authorize the Mayor and Corporate Officer to sign any necessary legal documents associated with this rezoning.

### REFERENCES

Owners: 0954216 BC Limited

Location: 8340 Mountainview Drive

Legal Description: Lot 29, except part in Plan 17958, District Lot 7301, Plan 15206

Current Zoning: Alpine Meadows Land Use Contract

Proposed Zoning: RS1 (Single Family Residential One)

Appendix A – Location Plan

Appendix B – Diagram of Proposed Development

Appendix C – Correspondence

## **PURPOSE OF REPORT**

The owners of 8340 Mountainview Drive have applied to discharge the Land Use Contract from the lands and replace it with RS1 (Single Family Residential One) zoning. Council supported continuing review of Rezoning Application RZ 1069 at their May 6<sup>th</sup>, 2014 regular meeting and directed staff to bring forward bylaws for consideration. This report presents the Land Use Contract Discharge/ Zoning Amendment Bylaw and requests Council's consideration of first and second readings.

## **DISCUSSION**

### **Background**

The subject parcel is located on the west (uphill) side of the upper sweep of Mountainview Drive. The neighbourhood consists of mostly RS1 zoned lots at the road level. These RS1 lots are divided into groups by four panhandles that extend down to the road from four very large (in excess of 1200 m<sup>2</sup> in each case) parcels. These large lots were created in 1973, and continue to be undeveloped due to access issues limited by the narrow panhandle accesses and steep terrain. The subject parcel is the most southerly of these four panhandle lots.

### **Rezoning Proposal**

On May 6<sup>th</sup>, 2014, Rezoning Application RZ 1069 was presented to Council. This application proposed to discharge the Land Use Contract ("LUC") registered on the title of 8340 Mountainview Drive as G2065 and rezone the lands to RS1, consistent with the parcels at the street elevation.

The proponent has also acquired two adjoining RS1 parcels (8332 and 8238 Mountainview Drive) and has prepared an integrated development concept for these three lots that addresses access to the higher elevation. The May 6<sup>th</sup> Council report describes the proposal in greater detail. The developer proposes a multi-stage approach to the project.

As shown in Appendix "B", the proposal is to construct one dwelling at the road level, with a driveway winding up the hillside to access two dwellings above. This concept will require the following:

1. Discharge of the LUC from 8340, and replacement with RS1 Zoning for consistency with the existing developed neighbourhood.
2. Discharge of covenant G317 on lot 29.
3. Registration of a new development covenant tying the lands to the RZ 1069 proposal.
4. Consolidation and re-subdivision of the three proponent-owned parcels: 8328, 8332, and 8340 Mountainview Drive.
5. Resolution of minor technical issues.

Re-subdivision of the consolidated parcel provides the proponent with the ability to develop an access driveway climbing the grade change up to the higher elevation. The number of parcels would remain at three. A covenant will need to be registered on title tying the lands to the proposed scheme, and preventing any further subdivision.

As part of this rezoning application, consideration has been given to enabling improved access to the adjoining panhandle lots. This is outside of the applicant's control; however, he is committed to recognizing an unregistered historic understanding for shared access with the neighbouring panhandle parcels. To that end, the applicant has agreed to dedicate a legal easement in favour of the three remaining LUC parcels (8344, 8384, and 8392 Mountainview Drive) for independent future access.

### Legal Documents

Legal documents associated with this application are described in the Table below:

Document	Function	Recommendation
<b>G2065 (existing LUC)</b>	<ul style="list-style-type: none"> <li>Provides development regulations on the lands in lieu of zoning.</li> </ul>	Discharge and replace with RS1 zoning.
<b>G317 (existing covenant)</b>	<ul style="list-style-type: none"> <li>Ties the lands to the LUC.</li> <li>Provides a building envelope</li> </ul>	Discharge and replace with a new covenant reflecting RZ 1069.
<b>New Development Covenant</b>	<ul style="list-style-type: none"> <li>To tie the lands to the proposal as shown in RZ 1069.</li> <li>To prohibit any further subdivision beyond the proposal as shown in RZ 1069.</li> <li>To require use of Fire-Smart Principles.</li> <li>To require environmental monitoring.</li> <li>To register tree preservation areas and building envelopes.</li> <li>To ensure adequate landscaping for the access driveway.</li> </ul>	Register
<b>Access Easement in Favour of adjacent Lots 30, 31, &amp; 32</b>	<ul style="list-style-type: none"> <li>To provide future access for the three neighbouring LUC parcels via the Lot 29 panhandle.</li> </ul>	Register

### Whistler 2020 Analysis

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected.	Development on the lands would remain at three dwellings, as currently permitted. This can be considered as a reconfiguration of the three parcels.
	Landscaped areas consist of native plant species that eliminate the need for watering and chemical use.	The proponent will provide a landscape plan consistent with this policy.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Built Environment	Continuous encroachment on nature is avoided.	The new driveway will impact the existing hillside; the proponent will provide landscaping as a mitigating strategy.

## OTHER POLICY CONSIDERATIONS

### Official Community Plan (“OCP”)

The proposed zoning bylaw amendment is consistent with the Municipality’s Official Community Plan, both as per Schedule “A” of Official Community Plan Amendment Bylaw No. 1021, 1993, and as per Schedule A of Official Community Plan Adoption Bylaw No. 1083, 2011 as revised.

## BUDGET CONSIDERATIONS

There are no significant budget implications associated with this proposal. Rezoning application fees provide for recovery of costs associated with this application. Building & Plumbing Permit fees will be applicable at the time of Building Permit.

## COMMUNITY ENGAGEMENT AND CONSULTATION

An information sign describing the proposal has been posted on the property at the road level since the fall of 2013. Correspondence has been received from the owners/ representatives of the adjacent panhandle parcels; this is attached to this report as Appendix C.

Per the requirements of the *Local Government Act*, this LUC discharge/ rezoning 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 Zoning Amendment Bylaw.**SUMMARY**

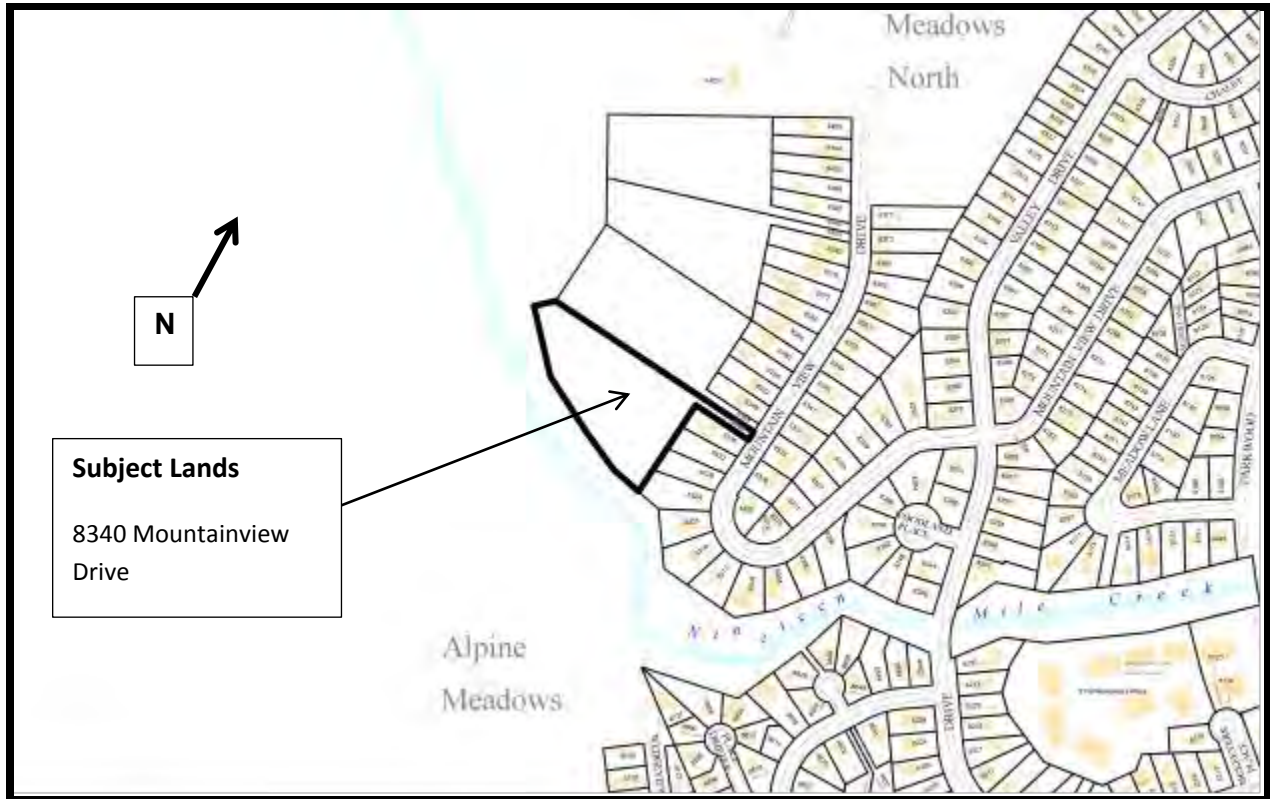
Rezoning Application RZ 1069 proposes discharge the Land Use Contract registered on 8340 Mountainview Drive and replace it with RS1 (Single Family Residential One) zoning. Council supported continuing review of RZ 1069 at their May 6<sup>th</sup>, 2014 meeting. This report presents ““Land Use Contract Discharge / RS1 Zoning Amendment Bylaw (8340 Mountainview Drive) No. 2058, 2014”” and requests Council’s consideration of first and second reading.

Respectfully submitted,

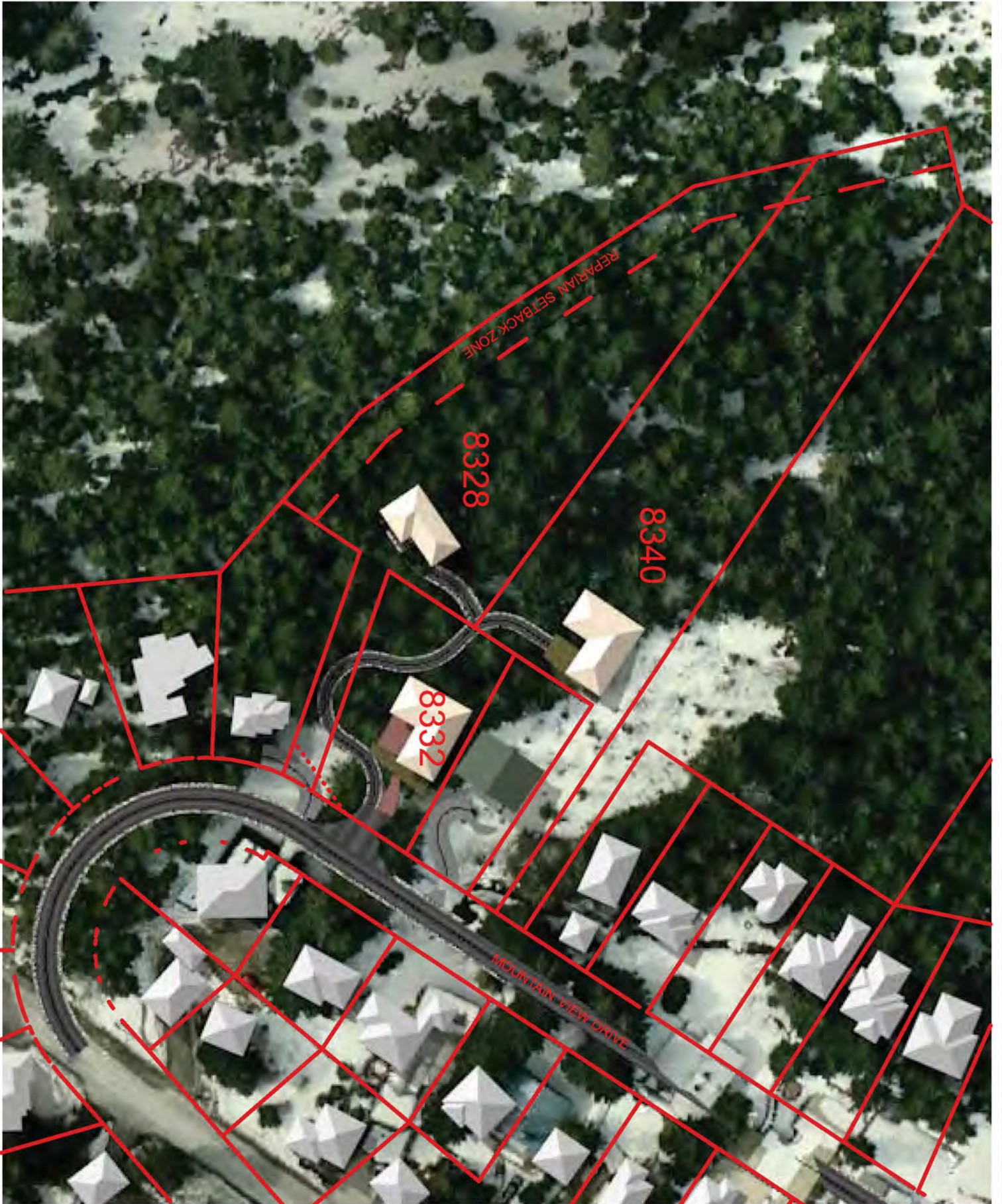
Roman Licko  
PLANNING TECHNICIAN  
for  
Jan Jansen  
GENERAL MANAGER OF RESORT EXPERIENCE




RZ 1069: 8340 Mountainview Drive LUC Discharge and Rezoning







SHEET	DESIGN	REVISION SCHEDULE			DRAWING TITLE	PROJECT	DESIGN BUILD HOME CONSTRUCTION RENOVATION CONSULTING			
		No.	Date	Description			E-MAIL:	INFO@CR-CONTRACTING.COM	PHONE:	
I-6	DRAWN BY: CR SCALE: AS NOTED DATE: 15/02/14				8328 / 8332 / 8340 MOUNTAIN VIEW DR.	WHISTLER ALPINE DEV.				

## ***DON VANDERHORST CONSULTING LTD***

June 25, 2013

Mayor Nancy Wilhem – Morden and Members of Council  
Resort Municipality of Whistler  
4325 Blackcomb Bay  
Whistler, BC V0N 1B4

Dear Mayor Willhem – Morden and Members of Council:

**Re: Re-development Proposal – Lots 29 – 32 – Mountainview Drive.**

I am writing to you today on behalf of Mr. and Mrs. Yanagisawa, owners of Lot 31, above Mountainview Drive. My firm has been acting as agent in respect to a current application for Building Permit for Lot 31, and I have been asked, by the owners of Lot 31, to follow up with you regarding the proposed redevelopment of the 4 lots above Mountainview Drive.

As you are aware, the 4 large lots above Mountainview Drive were created several years ago, but due to challenges on developing an adequate driveway access to these lots, no development, to this point, as occurred. My client, the owner of Lot 31, has legal access to their property off of Mountainview Drive via a long, narrow panhandle that they share with the owner of Lot 32. However, due to the steepness of these panhandles, access is technically not feasible.

My firm was retained some time ago to assist the owner of Lot 31 to prepare and submit an application for Building Permit, including a plan for a driveway and servicing. The Building Permit application was submitted in late June 2011, and included a plan that contemplated the development of the panhandles that are shared between Lots 29 and 30, with a driveway and servicing to provide access for Lots 29, 30 and 31, with the driveway to be extended along the lower boundary of Lot 30 to the boundary of Lot 31.

Throughout the latter part of 2011 and into the summer of 2012, discussions and work continued on to identify a driveway plan that would meet the approval of the RMOW pursuant to the Building Permit requirements. That work also included discussions with the owners of Lots 29 and 30 to draft a joint easement agreement among the three property owners for driveway access and servicing. Although discussions with the owners of Lot 29 and 30 were ongoing throughout first half of 2012, no formal agreement on an easement agreement was reached. The lack of an approved driveway plan and agreement with the owners of Lots 29 and 30 has been the main stumbling block to securing a formal Building Permit for Lot 31.

In September 2012, the owners of 29 advised that they had sold their property, including two additional single family lots, along Mountainview Drive, to a company called Whistler Alpine Developments (WAD).

On behalf of my clients, I followed up with the representative of WAD to review the work we had undertaken to this point, including the preliminary driveway and servicing plan for Lots 29, 30 and 31. WAD advised me at that time that they remained willing to continue discussions with the owners of Lot 30 and 31 to identify a suitable plan that would provide access to all three lots (29, 30 and 31). However, WAD also expressed

*52 Deerwood Place, Port Moody, BC V3H 4X7 Tel: 604-802-1864 Fax: 604-469-5541  
E-mail: don.vanderhorst@telus.net*



reservations about the proposed driveway access via the two panhandles shared between Lots 29 and 30, due to the steep grades and significant retaining walls that would be required to be built in order to achieve the maximum grades allowed for by the RMOW for driveway access.

As discussions with WAD continued on, the company offered a series of options that would provide access and servicing to Lots 30, 31 and 32, but through a significantly different alignment and location. Specifically, WAD was suggesting that the joint driveway access be developed through the two single family lots off of Mountainview Drive (Lots P and Q), and then continue over into Lots 30, 31 and 32. This design and alignment provided significantly reduced grades and eliminated the need for the costly retaining walls.

While my client (the owner of Lot 31) has consistently been supportive of a joint driveway access, they are also aware that any agreement for joint access must include the owners of Lot 30. Unfortunately, the owners of Lot 30 have been reluctant to participate in any meaningful discussions that would result in an agreement among the four property owners for access and servicing, in part based on their lack of support for the proposed driveway alignment that WAD is proposing to locate through their property (Lot 30).

At this time, it is our understanding that WAD has submitted an application for rezoning for Lot 29, along with Lots P and Q, which if approved, would result in the removal of the existing Land Use Contract that is currently in place over Lots 29 – 32, and replacement with zoning that would allow for increased building size and subdivision. WAD has repeatedly offered, to the owners of Lot 30 – 32, an opportunity to jointly participate in this application for rezoning that would ultimately create a redevelopment of the four lots above Mountainview Drive, including joint driveway access and servicing.

My client is writing to you today to express their support, in principal, for the proposal by WAD that contemplates a joint access for all 4 lots above Mountainview Drive. The owners of Lot 31 are fully aware that access via the panhandle shared between Lots 29 and 30, while interesting, is likely not feasible, both from a technical perspective, but also probably not achievable unless WAD is prepared to support using their panhandle for a driveway. And it is our understanding, at this point, that WAD does not wish to develop the panhandle for driveway access, either to their property, or for a driveway that would provide access to Lot 30 or lands beyond. That said, the realistic option, for my client, is driveway that is developed in cooperation between Lots 29 and 30, with an agreement for this access to be extended over Lot 30 to Lots 31 and 32.

We believe the redevelopment plans, including the options for driveway access and servicing, as proposed by WAD, are realistic and achievable, and we look to the RMOW to encourage this proposal to proceed so that access, and development, of these four lots can finally be achieved.

Yours truly

Don van der Horst

Hamasaki Ent. Ltd.  
P.O. Box 232  
Whistler, BC  
V0N 1B0  
Canada

May 21,  
2014

Dear Mayor and Council,

Thank you for giving us the opportunity to correspond with you and to discuss the reasons for why we are opposed to the rezoning of the (lot 29, P, and Q) file case number RZ 1069. As you know, we have had several disputes arise pertaining to the 4 large lots located in the upper portion of Mountain View Drive. We are here to present to you information that may have not been discussed and which may be vital to the decision making process.

The latest proposal by the owner of lot 29 to solve the dispute does not solve the problem but will only worsen the situation as there will be no alternatives for access for the remaining 3 lot owners. The lack of access to a road still remains and all will still be unable to use the land for development. Furthermore, the solution to rezone lot 29, would only benefit one of lot owners if passed. It is a model example of spot zoning leaving everyone except lot 29 in a worse off position. If rezoned in the proposed configuration, would still limit access for the remaining 3 lot owners (30, 31, and 32). We strongly urge council to oppose the rezoning of lot 29 which would remove the existing Land Use Contract, unless there can be access the main road (Mountain View Drive) for everyone.

When we were first approached by the owner of lot 31 in 2012, we were very keen on working together with him and the other adjacent lot owners in order to come to a viable solution to this ongoing issue namely the shared cost of building a road. We were told that the new owner of lot 29 would not allow us to use the originally planned panhandle shared by lot 29 and 30 (listed on the Land Use contract), and were told that the only plausible option was to build a road through lots P and Q (recently purchased by a new owner). On several occasions including a letter dated February 15, 2013, we instead tried to propose a plan which would share the road costs equally in a "strata road scheme (costs divided according to land use, road access, etc)" and construction materials, as well as labour costs between all 4 lot owners "provided that the road construction costs are competitive with current rates". This proposal was ruled out as the owner of lot 29 estimated the cost of this to be an obscene amount of 3.7 million dollars which was to be divided by (lots 30, 31, and 32 only). We were shocked by this estimate since in the past our estimates had suggested significantly lower. After having explained that we could not afford these costs, the owner of lot 29 proposed an even more limiting option which was described as a "joint venture agreement", which would require lots 30 and 31 to "be put up for sale and (the owner of lot

29) would share equally (50/50) in the profits that would result from the sale of Lots 30 and 31". After hearing about this new proposal, we felt that we were being forced into a decision against our will since we would have to give up on our dream of building on the land that we have owned for over 25 years. After learning about these limiting options, we requested legal advice and decided that we could no longer work together with the owner of lot 29 or 31, which has led us to the current situation.

As you can see, we are very worried about the consequences if the rezoning and restructuring of lot 29 is passed. Ourselves and the neighbouring lots 31 and 32 would also be blocked from the main road. We have faith that council members will come to a decision that is fair and will take the whole neighbourhood into consideration.

Sincerely,

Hamazaki Family

## **PUBLIC QUESTION AND ANSWER PERIOD**

*There were no questions from the public.*

## **PRESENTATIONS/DELEGATIONS**

Mature Action  
Community Second  
Annual Town Hall  
Meeting Feedback

A presentation was given by Sue Lawther, President, regarding feedback from the Mature Action Community's Second Annual Town Hall Meeting.

IRONMAN Volunteers

A presentation was given by Donna Savage, Volunteer Director regarding IRONMAN volunteers.

Building Season  
Communication

A presentation was given by Michelle Comeau, Manager of Communications regarding the RMOW's Building Season communication.

RZ 1069 - Mountainview  
Drive Applicant  
Presentation

*At 6:02 p.m. Mayor Nancy Wilhelm-Morden declared a conflict of interest due to the involvement of one of her law partners and left the meeting.*

*Councillor A. Janyk took over as Chair of the meeting.*

*A presentation was given by Craig Ross of Whistler Alpine Development regarding Rezoning Application 1069 on Mountainview Drive.*

*At 6:11 p.m. Mayor Nancy Wilhelm-Morden returned.*

## **MAYOR'S REPORT**

Mayor Wilhelm-Morden reported that over the month of May homeowners are encouraged to protect their properties against wildfire. The FireSmart standards recommend garden debris is removed from yards, and that the Whistler Fire Rescue Service perform a hazard assessment. The FireSmart Homeowners Manual is available on [whistler.ca](http://whistler.ca) and it contains recommendations about steps that can be taken to protect your property. In addition, garden debris can be disposed of at Nesters Waste Depot from May 17th to 19th at no cost. This year, the new Fire Protection and Fireworks Bylaw No. 2046 allows for the burning of garden debris for a limited timeframe once a permit is obtained from the Whistler Fire Rescue Service. More information is available at [whistler.ca/firesmart](http://whistler.ca/firesmart).

Mayor Wilhelm-Morden reported that this week is Emergency Preparedness Week. She reminded everyone that during a crisis emergency responders may take 72 hours, or three days, to reach most of the community and resume services. Each family is encouraged to have a plan and supplies to last at least three days. Over Emergency Preparedness Week there will be two talks at the library and booths will be at the Pitch-In Day BBQ and Nesters Market, and there will be two talks at the library. For more information, please visit [whistler.ca](http://whistler.ca).

Mayor Wilhelm-Morden reported that this week is Drinking Water Week and the B.C. Waste and Water Association invites everyone to "Get to know your H2O". The B.C. Waste and Water Association is holding their 42nd Annual

- a) Provide security for a sidewalk on the Karen Crescent frontage of the property in the value of 150% of the value of the sidewalk.

CARRIED

RZ 1070 – 8100 Alpine  
Way Rezoning  
Report No. 14-043  
File No. RZ 1070

Moved by Councillor D. Jackson  
Seconded by Councillor A. Janyk

**That** Council endorse the continuing review of Rezoning Application No. RZ 1070, 8100 Alpine Way.

CARRIED

RZ 1069 – Upper  
Mountainview Drive  
Land Use Contract  
Discharge and Rezoning  
Report No. 14-044  
File No. RZ 1069

*At 7:15 p.m. Mayor Nancy Wilhelm-Morden declared a previously stated conflict of interest and left the meeting.*

*Councillor A. Janyk took over as Chair of the meeting.*

Moved by Councillor J. Faulkner  
Seconded by Councillor R. McCarthy

**That** Council support the continuing review of Rezoning Application RZ 1069.

CARRIED

*At 7:22 p.m. Mayor Nancy Wilhelm-Morden returned.*

RZ 1088 – Zoning  
Amendment Bylaw (Live  
Aboard Uses) No. 2051,  
2014  
Report No. 14-045  
File No. RZ 1088,  
7600.2

Moved by Councillor J. Crompton  
Seconded by Councillor R. McCarthy

**That** Council consider giving first and second readings to Zoning Amendment Bylaw (Live Aboard Uses) No. 2051, 2014, and further;

**That** Council authorize the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Live Aboard Uses) No. 2051, 2014.

CARRIED

*At 7:28 p.m. Mayor Nancy Wilhelm-Morden left the meeting to meet with the Tree of Life delegates.*

*Councillor A. Janyk continued as Chair for the remainder of the meeting.*

RZ 1085 – 4890 Glacier  
Dr. – Rezoning Proposal  
for Whistler/Blackcomb  
Base 2 Offices and  
Workshops  
Report No. 14-047  
File No. RZ 1085

Moved by Councillor R. McCarthy  
Seconded by Councillor D. Jackson

**That** Council endorse further review of Rezoning Application No. 1085; and further,

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

CARRIED





## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** May 6, 2014

**REPORT:** 14-044

**FROM:** Resort Experience

**FILE:** RZ 1069

**SUBJECT:** RZ 1069: UPPER MOUNTAINVIEW DRIVE LAND USE CONTRACT  
DISCHARGE AND REZONING

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Resort Experience be endorsed.

### RECOMMENDATION

**That** Council support the continuing review of Rezoning Application RZ 1069.

### REFERENCES

Owners: 0954216 BC Limited

Location: 8238, 8332, 8340 Mountainview Drive

Legal Description: Lot 29, except part in Plan 17958, District Lot 7301, Plan 15206

Current Zoning: Alpine Meadows Land Use Contract

Proposed Zoning: RS1 (Single Family Residential One)

Appendix "A" – Location Plan

Appendix "B" - Proposed Development

### PURPOSE OF REPORT

This report presents RZ 1069, an application to Discharge the Land Use Contract registered on the title of 8340 Mountainview Drive, and replace it with RS1 zoning. This application further proposes to reconfigure the subject parcel and two adjoining parcels also owned by the applicant in order to enhance the existing difficult access and enable development of the three parcels for new single family dwellings. This part of the proposal requires a subdivision approval.

### DISCUSSION

#### Background

The subject parcel is located on the west (uphill) side of the upper sweep of Mountainview Drive. The neighbourhood consists of mostly RS1 zoned lots at the road level. These RS1 lots are divided into groups by four panhandles that extend down to the road from four very large (in excess of 1200 m<sup>2</sup> in each case) parcels. These large lots were created in 1973, and continue to be undeveloped due to access issues limited by the narrow panhandle accesses and steep terrain. The subject parcel is the most southerly of these four panhandle lots.

Over the years staff have been approached by various owners (and potential purchasers) regarding development on the panhandle parcels but an acceptable access solution has never been reached and the parcels remain undeveloped.

Unlike the RS1 zoned lots at the street level, these four large panhandle parcels are all regulated by a Land Use Contract registered on title as G2065 in 1979. The LUC essentially ties the lands to Whistler's original Zoning Bylaw No. 9. This was superseded by Zoning Bylaw 303 in 1984 on most lands within the Municipality, but continues to apply in this case due to the language of the LUC.

Table 1 compares the LUC regulations applicable to the subject parcel to the RS1 zone (applicable to the majority of lots on Mountainview Drive). Differences are shaded for ease of reference.

**Table 1**

Regulating Document		Mountainview LUC	Zoning Bylaw 303
<b>Applicable Zone</b>		RR1	RS1
<b>Permitted Use</b>		Detached Dwelling	Detached Dwelling
<b>Floor Space Ratio</b>		N/A	0.35
<b>Site Coverage</b>		33 %	35 %
<b>Gross Floor Area</b>		232 m <sup>2</sup>	325 m <sup>2</sup>
<b>Height</b>		7.6 m	7.6 m
<b>Setbacks</b>	<b>Front</b>	7.6 m	7.6 m
	<b>Side</b>	7.6 m	3.0 m
	<b>Rear</b>	7.6 m	7.6 m
<b>Auxiliary Residential Dwelling Unit</b>		Not permitted	Permitted

Table 1 shows that the regulations are quite similar apart from the allowable Gross Floor Area; the LUC permits roughly 103 m<sup>2</sup> less GFA than the RS1 Zone.

The owner of the subject parcel has also acquired two adjoining RS1 parcels located at 8332 and 8238 Mountainview Drive and has prepared an integrated development concept for these three lots that addresses access issues and developability. For the ease of reference in this report, the lots will be identified by their short legal description as follows:

- 8340 Mountainview Drive: Lot 29
- 8332 Mountainview Drive: Lot P
- 8328 Mountainview Drive: Lot Q

## Current Application

Rezoning Application RZ 1069 was received by staff in February of 2013. The original scheme proposed road access through lots P & Q up to Lot 29, and then continuing to lands beyond, thereby providing access to Parcels 30, 31, and 32. Unfortunately the applicant and the neighbours have not been able to come to an agreement regarding cost sharing. Therefore, in March of 2014, the proponent revised the proposal to access only the lands directly under his ownership (Lots 29, P, and Q), in order to be able to move forward with development of these lots.

A covenant registered on the title of Lot 29 as G317 ties the parcel to the LUC and provides a building envelope. This document will need to be amended or discharged as a part of the rezoning process. Staff note that only Lot 29 is being rezoned; the proposed zoning is RS1 in the interest of consistency.

As part of this rezoning application, consideration has been given to enabling improved access to the adjoining remaining panhandle lots. This is outside of the applicant's control. However, the applicant is committed to recognizing an unregistered historic understanding for shared access with the neighbouring panhandle Parcel 30. To that end, the applicant has agreed to dedicate an easement in favour of Parcel 30 over the subject Parcel 29 panhandle for independent future access.

As can be seen in Appendix "B", the current scheme is to construct one dwelling at the road level, with a driveway winding up the hillside to access two dwellings above. This concept will require the following:

1. Discharge of the LUC from Parcel 29, and replacement with RS1 Zoning for consistency with the existing developed neighbourhood.
2. Discharge or amendment of covenant G317 on lot 29.
3. Consolidation and re-subdivision of the three affected parcels (Lots 29, P, and Q).
4. Resolution of minor technical issues.

## WHISTLER 2020 ANALYSIS

**TABLE 2**

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected.	Development on the lands would remain at three dwellings, as currently permitted. This can be considered as a reconfiguration of the three parcels.
	Landscaped areas consist of native plant species that eliminate the need for watering and chemical use.	The proponent will provide a landscape plan consistent with this policy.

**TABLE 3**

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Built Environment	Continuous encroachment on nature is avoided.	The new driveway will impact the existing hillside; the proponent will provide landscaping as a mitigating strategy.

## OTHER POLICY CONSIDERATIONS

### Official Community Plan

The Official Community Plan ("OCP") provides a blueprint for land use and development in Whistler. Chapter 3 of the OCP speaks to growth management; Objective 3.1.2 states:

***"Optimize the use and function of existing and approved development"***

Table 4 identifies OCP policies defined under this objective that are consistent with RZ 1070.

**Table 4**

<b>Policy No.</b>	<b>Policy Language</b>	<b>Comments</b>
3.1.2.1	Support flexibility, diversity, adaptability and efficiency in land use development so the resort community can derive the greatest benefit from existing development.	The affected lands were historically approved for development. This proposal provides improved access and enables development.
3.1.2.2	Seek creative solutions for optimizing land use and respective interests such as land exchanges, dedications, amenity zoning, and transfers of development rights.	The proposed reconfiguration provides a creative solution for development of the three existing parcels.

### **Bed Units**

There is no change in the bed unit allocation as a result of this rezoning.

### **BUDGET CONSIDERATIONS**

There are no significant budget implications associated with this proposal. Rezoning application fees provide for recovery of costs associated with this application. Building & Plumbing Permit fees will be applicable at the time of Building Permit.

### **COMMUNITY ENGAGEMENT AND CONSULTATION**

An information sign describing the proposal has been posted on the property at the road level since the fall of 2013.

Per the requirements of the *Local Government Act*, this LUC discharge/ rezoning 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 Zoning Amendment Bylaw.

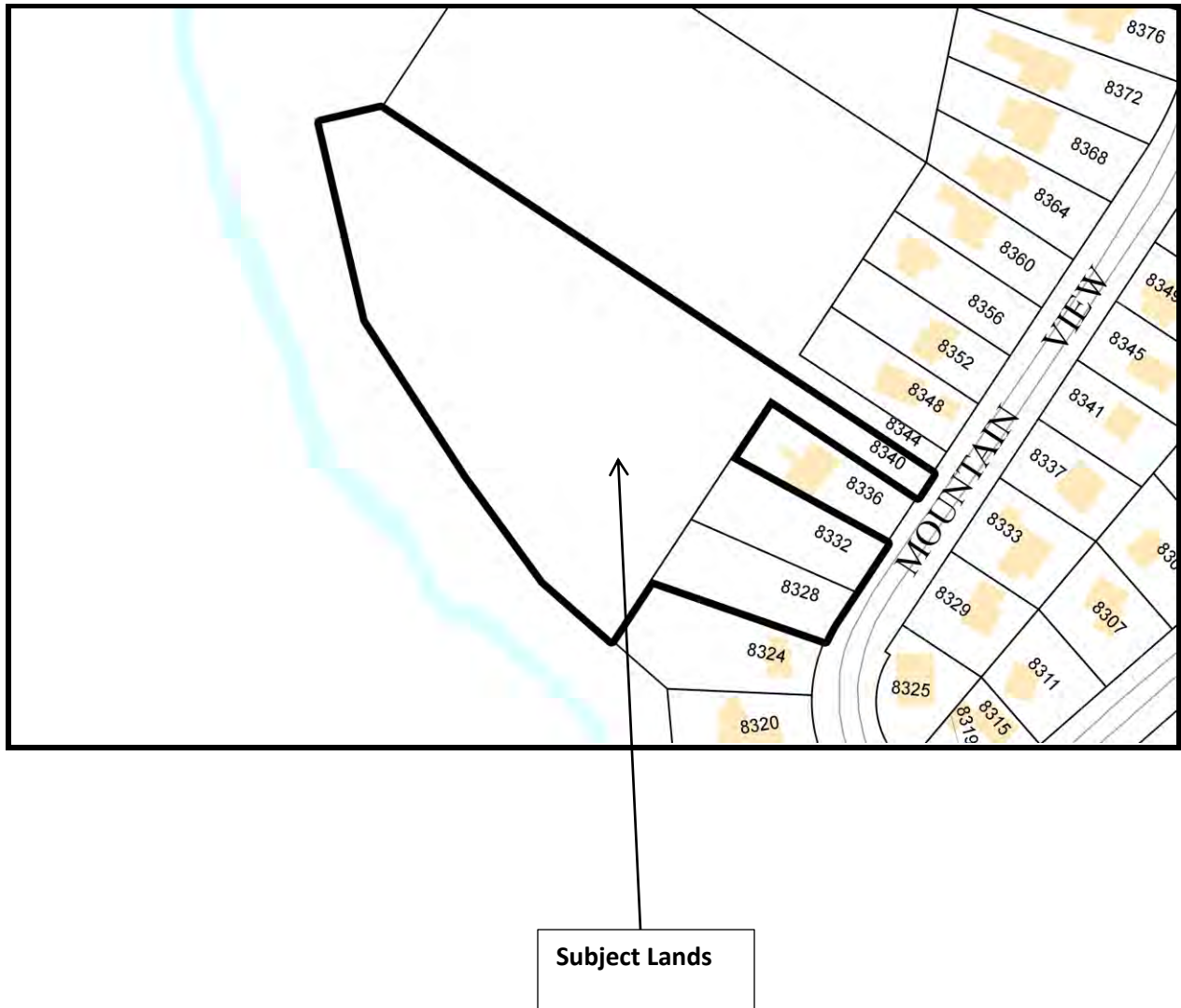
### **SUMMARY**

Rezoning Application RZ 1069 proposes to discharge the Land Use Contract from 8340 Mountainview Drive and replace it with RS1 Zoning. The applicant further proposes to reconfigure 8238, 8332, and 8340 Mountainview Drive in such a manner so as to provide access to all three parcels.

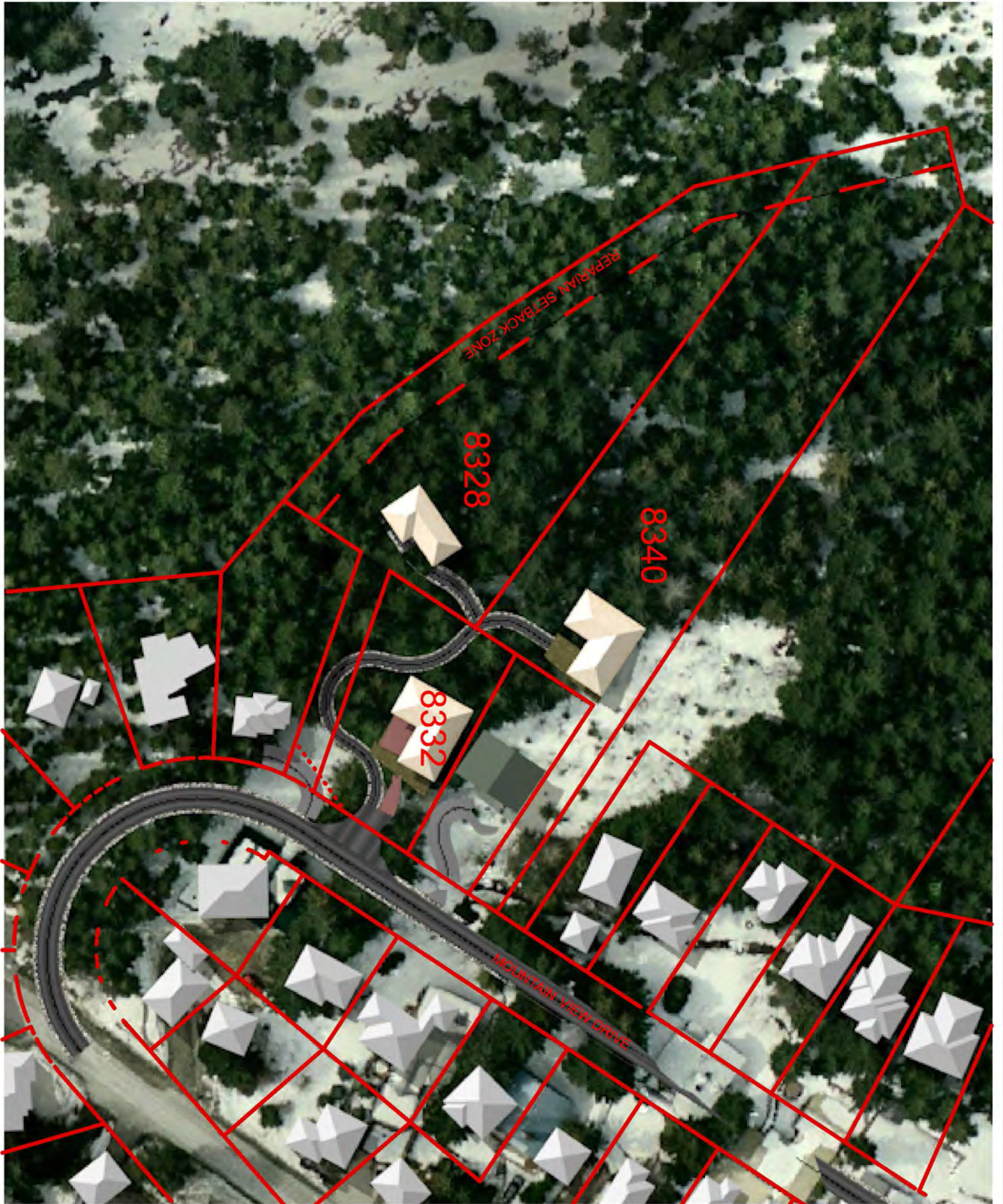
Respectfully submitted,

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

**RZ 1069: Upper Mountainview Land Use Contract Discharge and Rezoning**







SHEET	DESIGN	REVISION SCHEDULE			DRAWING TITLE	PROJECT	DESIGN BUILD HOME CONSTRUCTION RENOVATION CONSULTING			 WHISTLER ALPINE DEVELOPMENT
		No.	Date	Description			E-MAIL:	INFO@CR-CONTRACTING .COM	PHONE:	
I-6	DRAWN BY: CR SCALE: AS NOTED DATE: 15/02/14				8328 / 8332 / 8340 MOUNTAIN VIEW DR.	WHISTLER ALPINE DEV.				





# RZ 1069

## 8340 Mountainview Drive

### Council Presentation

May 6, 2014

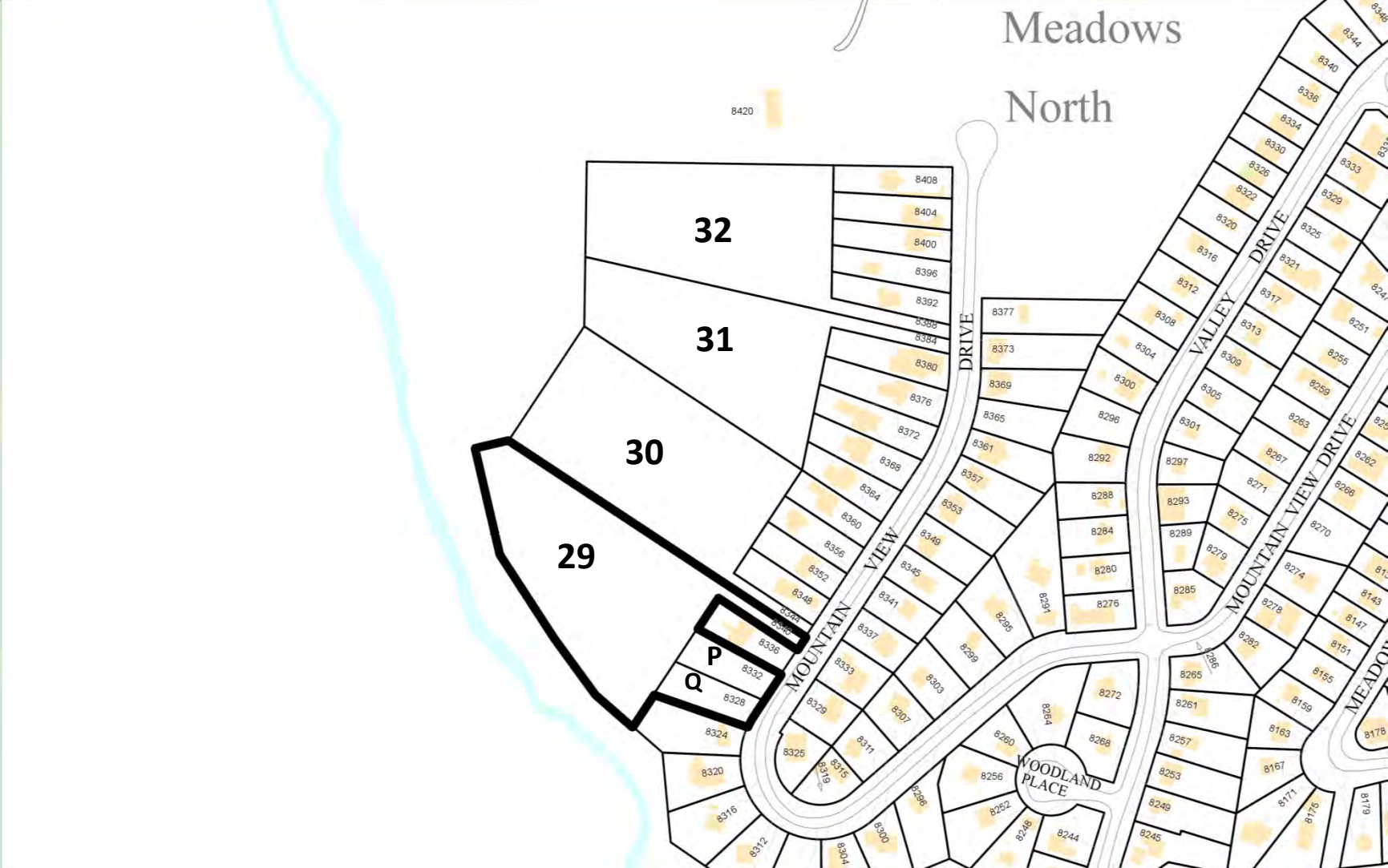
#### RESORT MUNICIPALITY OF WHISTLER

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

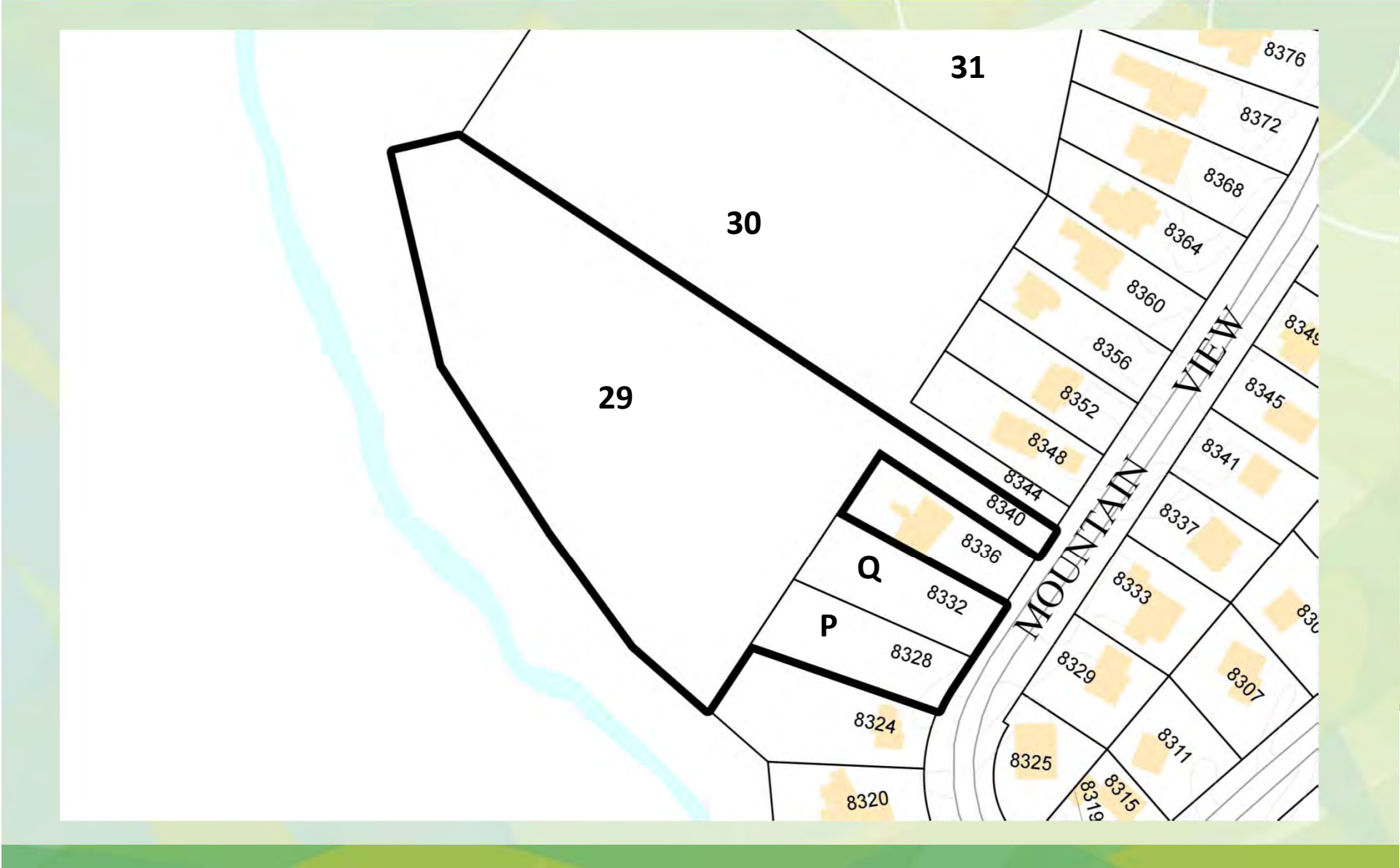


# Subject Lands





# Subject Lands



## Background

- 8340 is the most southerly of four large panhandle parcels located on the west side of the upper sweep of Mountainview Drive.
- These parcels are located above the existing RS1 zoned dwellings at the street level.
- Parcels are controlled by a Land Use Contract registered on title as G2065.
- Parcels were created in 1973 but remain undeveloped due to difficult access resulting from the steep grades of the panhandles.

## Table comparing LUC to RS1 Zone

Regulating Document		Mountainview LUC	Zoning Bylaw 303
Applicable Zone		RR1	RS1
Permitted Use		Detached Dwelling	Detached Dwelling
Floor Space Ratio		N/A	0.35
Site Coverage		33 %	35 %
Gross Floor Area		232 m <sup>2</sup>	325 m <sup>2</sup> up to 465 m <sup>2</sup>
Height		7.6 m	7.6 m
Setbacks	Front	7.6 m	7.6 m
	Side	7.6 m	3.0 m
	Rear	7.6 m	7.6 m
Auxiliary Residential Dwelling Unit		Not permitted	Permitted

# Rezoning Proposal

- RZ 1069 proposes to discharge the LUC from 8340 Mountainview drive and replace it with RS1 zoning.
- The applicant also owns two adjacent lots at the road level (8332 & 8328).
- Applicant has prepared an integrated development concept for all three lots that addresses the issue of access to the higher elevations.
- Short legal descriptions for the three lots are:
  - ❑ 8340 Mountainview Drive: Lot 29 (Subject lot)
  - ❑ 8332 Mountainview Drive: Lot P
  - ❑ 8328 Mountainview Drive: Lot Q



Topographic map showing a residential development. The map includes contour lines, a creek labeled "NINETEEN MILE CREEK", and a road labeled "MOUNTAIN VIEW DRIVE". A red dashed line indicates a "REPAIR SETBACK ZONE". The map is part of a larger project titled "SUBDIVISION OF LAND FOR CONSTRUCTION OF RESIDENTIAL LOTS".



[illegible]

# Rezoning Proposal

- In order to move forward this concept would require the following:
  1. Discharge LUC from Parcel 29 & replace with RS1 zoning (consistent with existing neighbourhood).
  2. Discharge or amendment of the covenant associated with the LUC registered on Lot 29.
  3. Consolidation & re-subdivision of the three parcels (Lots 29, P, & Q).
  4. Resolution of technical issues.

# Planning and Policy Review

- Project consistent with Whistler 2020 policies regarding:
  - ❑ Understanding and defining limits to growth.
- Project is consistent with OCP policies regarding:
  - ❑ Supporting flexibility in land use to derive the greatest benefit from existing development.
  - ❑ Seeking creative solutions for optimizing land use.



# Community Engagement

- An information sign describing the proposal has been posted on the property since the spring of 2013.
- The LGA requires a Public Hearing for rezoning applications.

## Recommendation

**That** Council support the continuing review of Rezoning Application RZ 1069.



A topographic map of a mountainous area. The map features numerous contour lines in a light green color, indicating elevation changes. Several specific elevation points are marked with black text: '820' appears in the upper right, middle left, and bottom left; '810' appears in the middle right and bottom center. The terrain is characterized by steep slopes and a central valley or ridge structure.



Whistler Scale 1:1,000

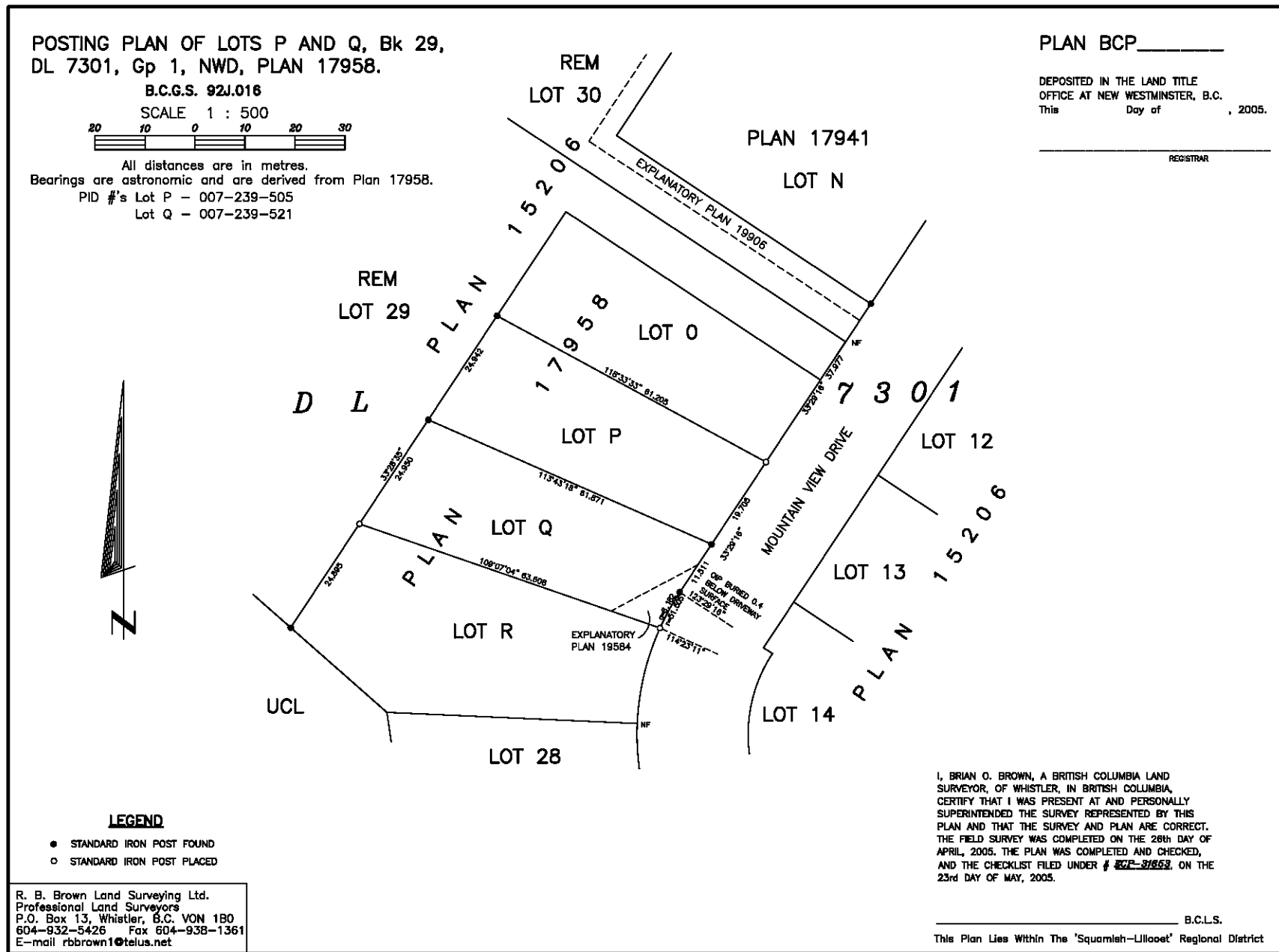
20 0 20 40 60 METERS



SHEET	DESIGN	DESIGN SCHEDULE		DRAWING TITLE	PROJECT	DESIGN BUILD HOME CONSTRUCTION RENOVATION CONSULTING
		No.	Date			
	DRAWN BY: SCALE: AS NOTED DATE:					
E-MAIL: INFO@CR-CONTRACTING.COM PHONE: 804.905.8645 FAX: 804.905.8667						



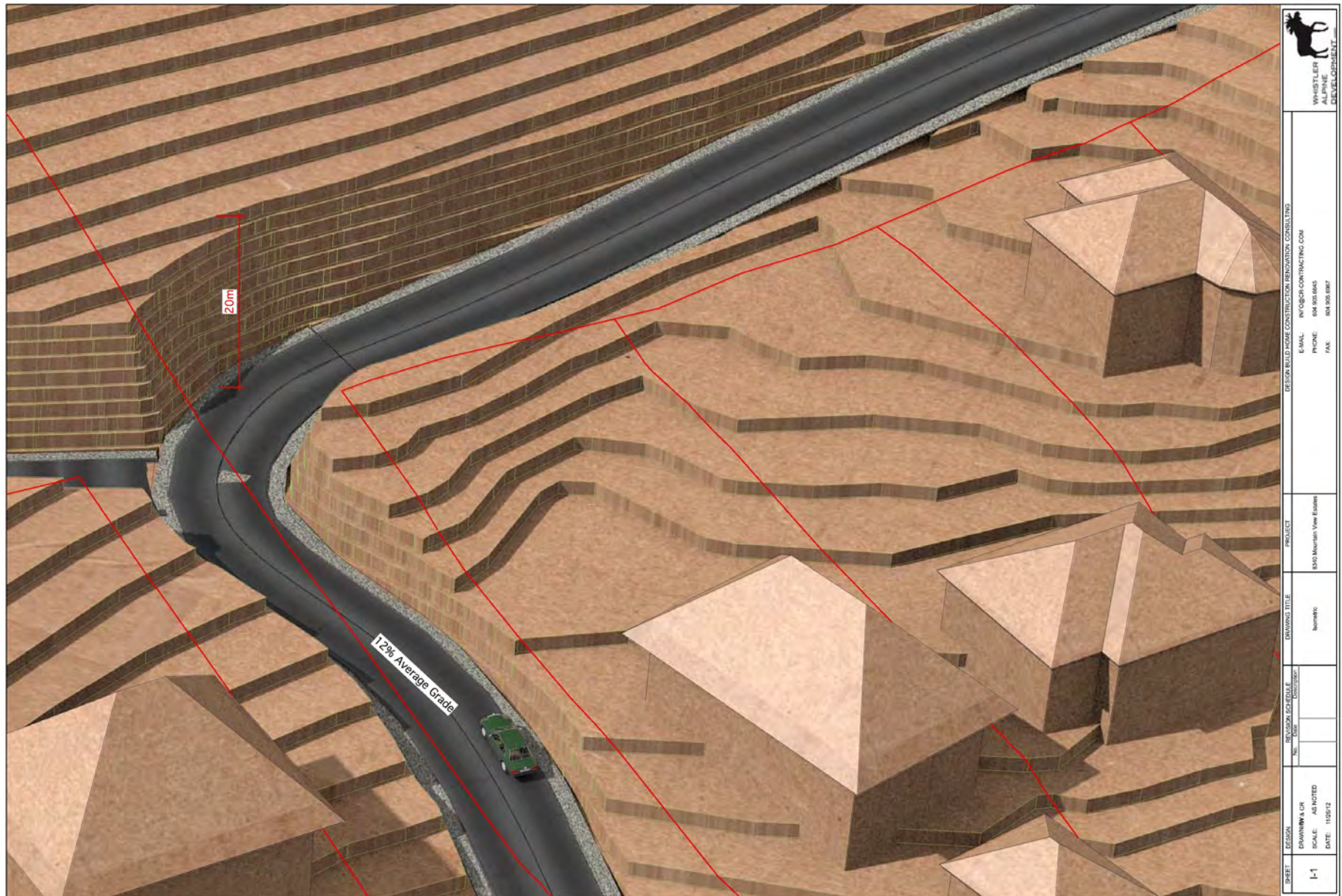




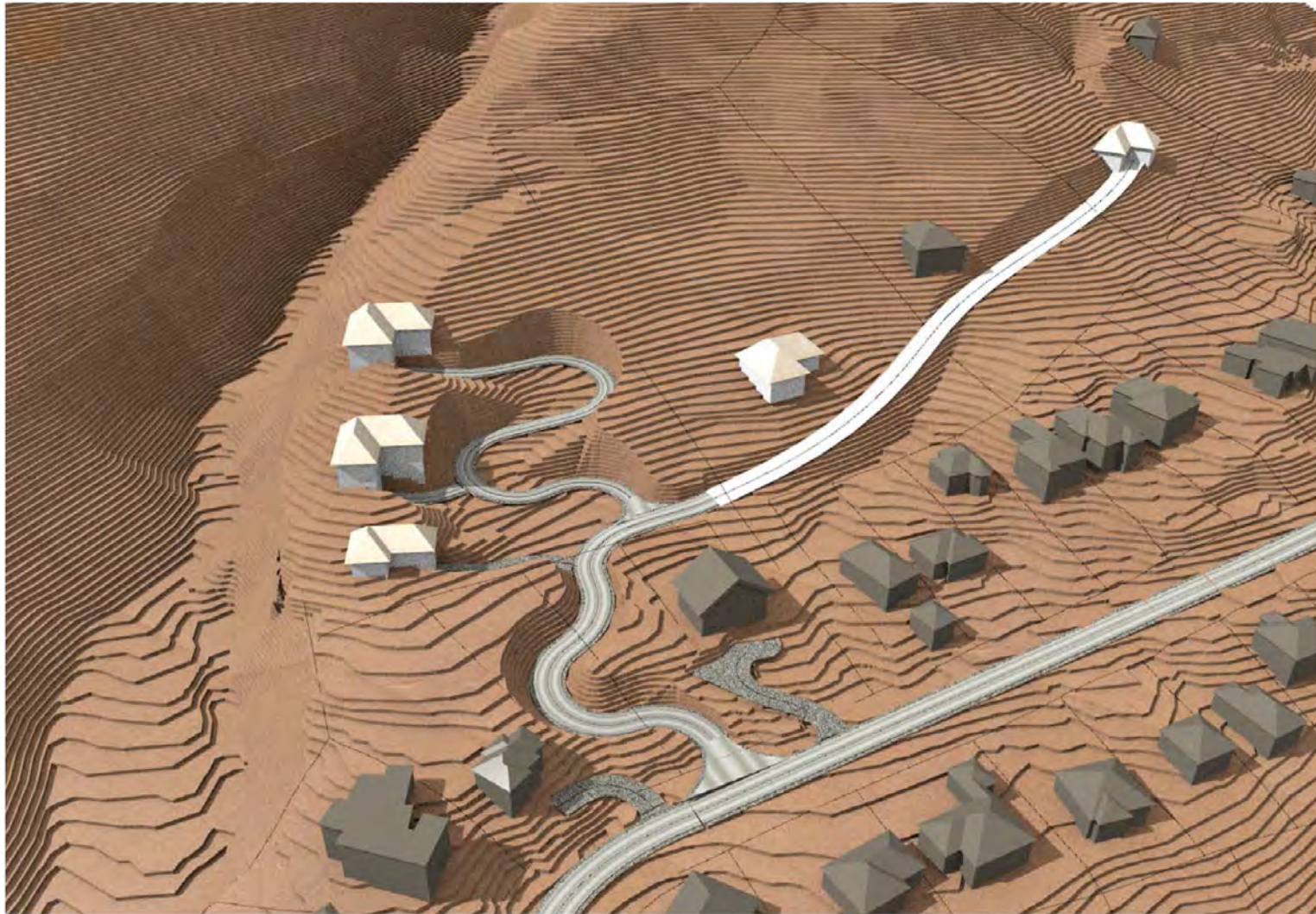






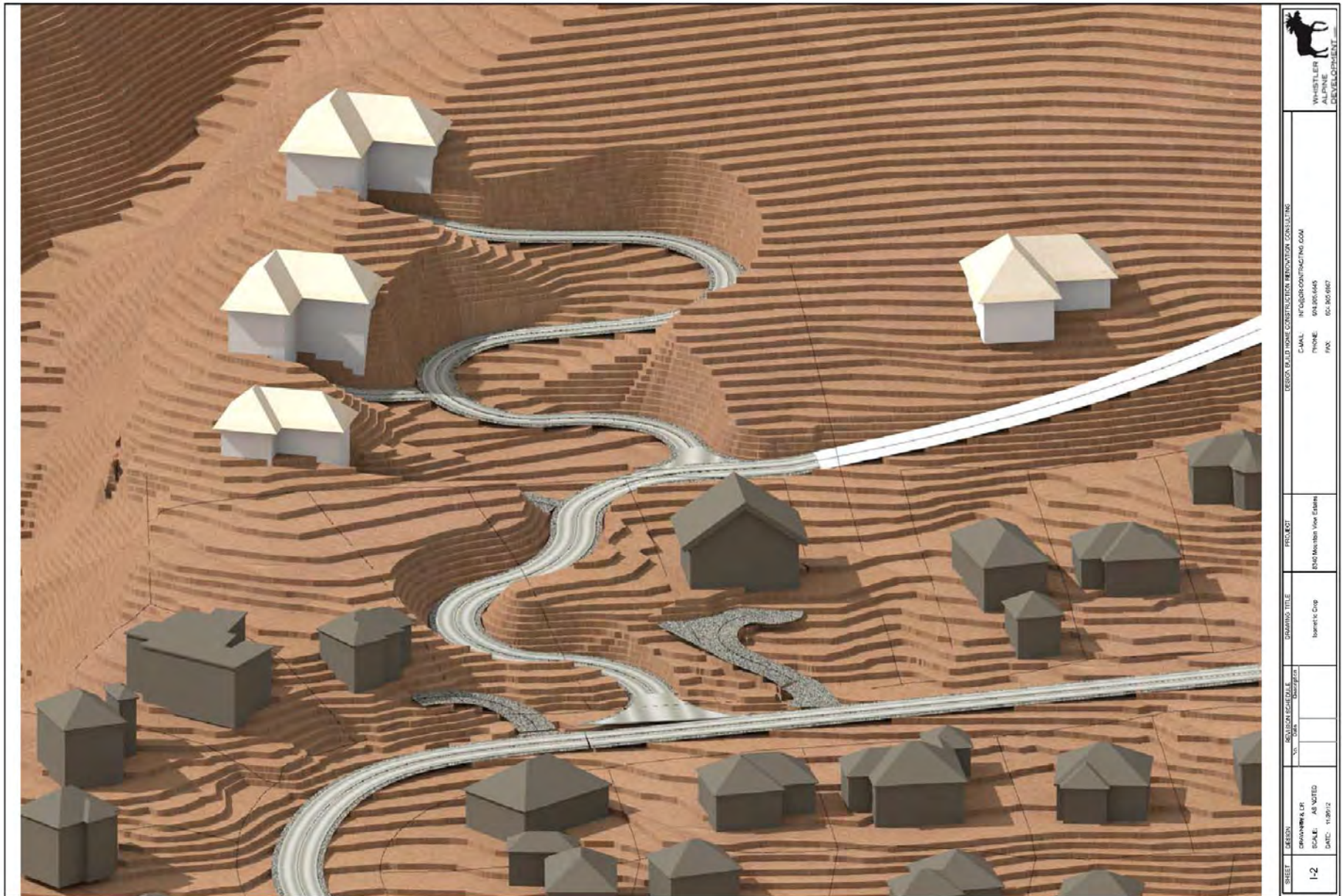




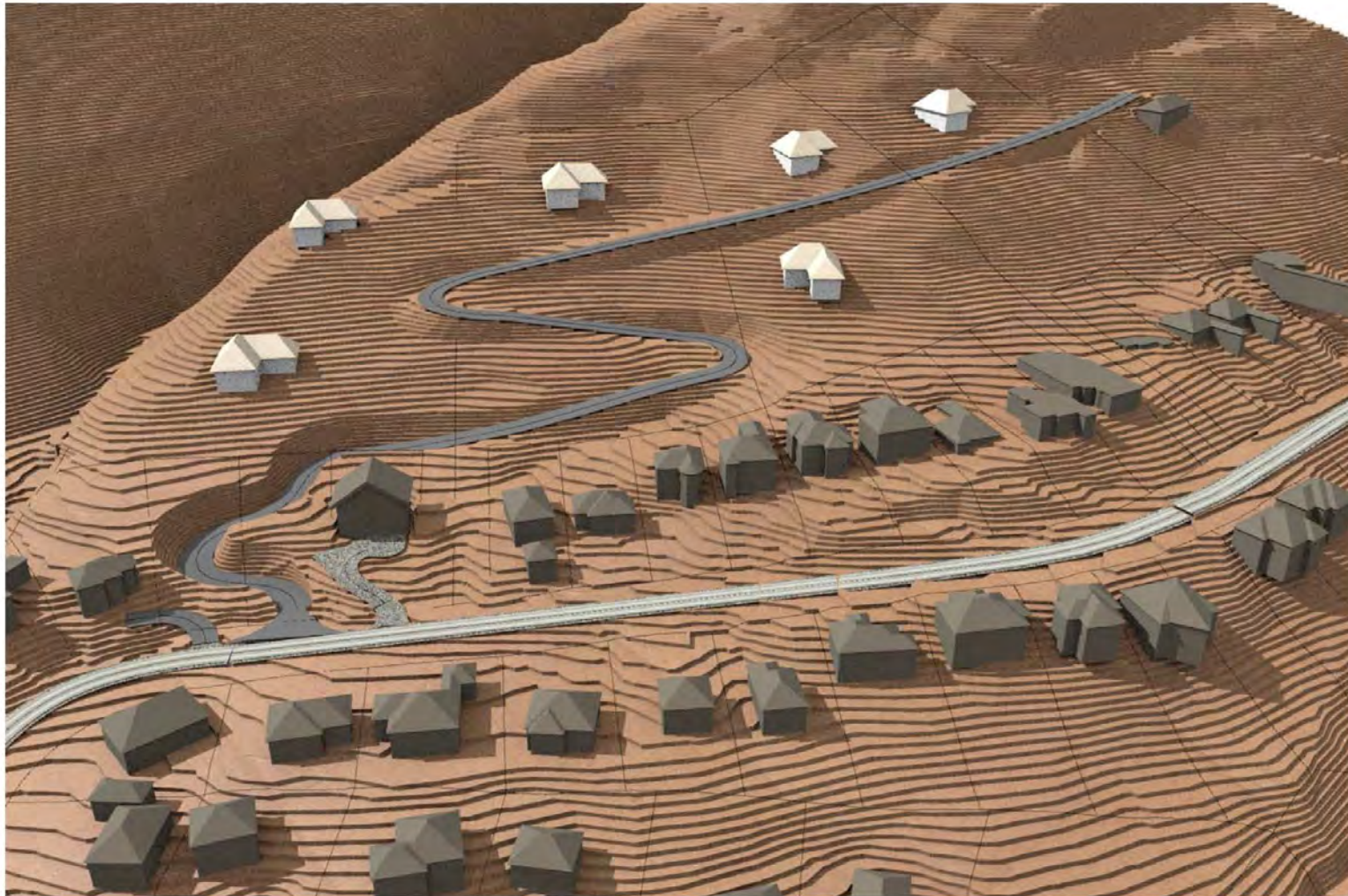


 WHISTLER ALPINE DEVELOPMENT		CRIAG BUILDING CONSTRUCTION, RENOVATION, DEMOLITION	
PROJECT 0000 Mountain View Estates		EMAIL: info@criagbuilding.com PHONE: 804.505.8845 FAX: 804.505.8847	
DRAWING TITLE Access		PROJECT 0000 Mountain View Estates	
REVISIONS No. 1 Date 10/01/12		PROJECT 0000 Mountain View Estates	
SHEET 14		SCALE 1:1000	







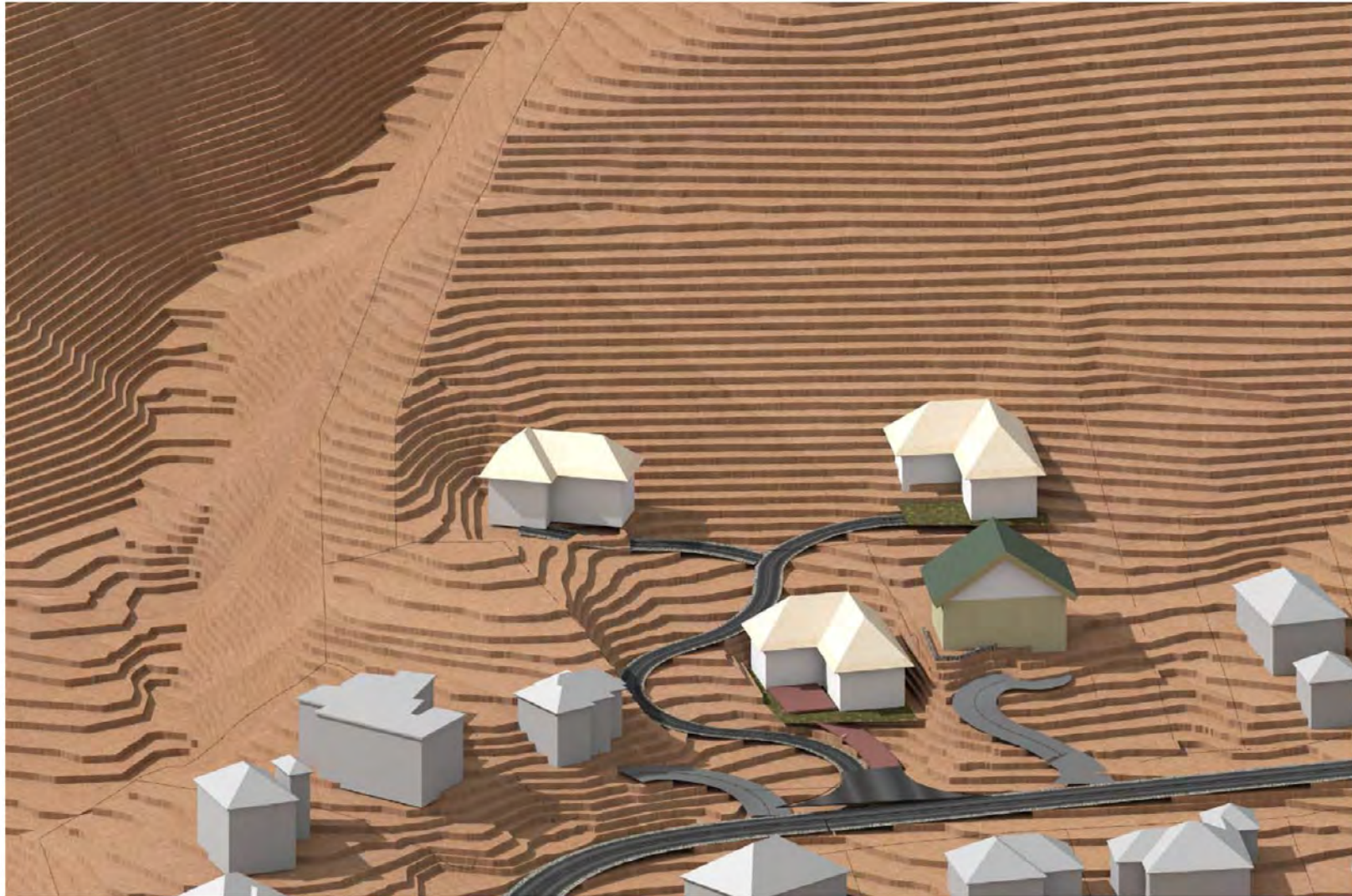
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SHEET	DESIGN	REVISION SCHEDULE		DRAWING TITLE	PROJECT	DESIGN BUILD HOME CONSTRUCTION RENOVATION CONSULTING			WHISTLER ALPINE DEVELOPMENT
		No.	Date			E-MAIL	PHONE	FAX	
1-7	DESIGN BY: CFI SCALE: AS NOTED DATE: 15/05/14			8328 / 8332 / 8340 MOUNTAIN VIEW DR.	WHISTLER ALPINE DEV.	INFO@CBHCONTRACTING.COM	604 805 8845	604 805 8887	





SHEET	REVISION	NO.	DATE	DRAWING TITLE	PROJECT	DESIGN BUILD HOME CONSTRUCTION RENOVATION CONSULTING			 WHISTLER ALPINE DEVELOPMENT
						C-MAIL: INFO@CBHCONTRACTING.COM			
1-1	01			Upper Lake Paved	WHISTLER ALPINE DEV	PHONE	904 505 8845		
						FAX	904 505 8887		



## ***DON VANDERHORST CONSULTING LTD***

February 16, 2014

Craig Ross  
Whistler Alpine Development Corp  
P.O. Box 1488  
Whistler, BC V0N 1B0

Dear Craig:

**Re: Development Plan – Lot 29 - Mountainview Drive**

As you are aware, I have been involved in various discussions over the last few years to identify a suitable (and approved) access for certain properties (Lots 29, 30, 31 & 32) located on the south side of Mountainview Drive. Each of the aforementioned properties has legal access to Mountainview Drive via narrow panhandle. However, due to the steepness and narrow width of the panhandles, a driveway that would meet the minimum standards for width and grade, based on the requirements of the Resort Municipality of Whistler (RMOW), is essentially impossible.

I understand that Whistler Alpine Development Corp (WAD), which owns Lot 29, is in the process of preparing and submitting a development plan for its property to the RMOW. As part of your discussions with the RMOW pursuant to your application for development of Lot 29, I thought it might be of some benefit to clarify the background and history regarding the discussions to create an access (driveway) to Lots 29 – 32 that would meet the RMOW requirements. The following is an overview of what has transpired to this point:

- Lots 29 – 32 were created in the late 1970s. The lots are fairly large, relatively steep, and are located above the existing single family residential lots along the south side of Mountainview Drive.
- In 1989, the owners of Lot 30 and 31, entered into an agreement regarding joint access. The agreement included the registration of an easement over the panhandle owned by Lot 30, down to Mountainview Drive, and then along the lower boundary of Lot 30, so that both Lots 30 and 31 could secure a driveway access to their respective properties. Due to various reasons, no access was constructed, probably due to the fact that the easement over the panhandle owed by Lot 30 was simply too steep and narrow to achieve a driveway that would meet the RMOW requirements.
- In 2007, the owners of Lot 30 and 31 entered into another agreement regarding joint access (see attached copy of agreement). This agreement was not registered on title however the 2007 agreement provided more detail in terms of the responsibilities of both parties to achieve joint access to Mountainview Drive.
- In around 2007, approximately, I was contacted by the owner of Lot 32, to assist him with discussions involving Lot 31 to secure joint access that would involve use of the 19 Mile FSR that begins at the end of Valley Drive, and is located adjacent to the west boundary of Lot 32. I was asked to determine the possibility of securing approval from the Provincial Government for use of the FSR as a driveway for Lots 31 and 32.



- Discussions between Lots 31 and 32 (regarding a plan for joint access) did not progress, and I was then retained by the owner of Lot 32 to continue my efforts to secure access via the 19 Mile FSR. I was not able to secure the appropriate approvals, and my work with Lot 32 came to a conclusion. As an aside, Lot 32 did, at a later time, pursue this matter further, and was able to get approval to undertake certain improvements to the 19 Mile FSR. While the work on the FSR was completed, no application to the RMOW for Building Permit (and driveway access) was pursued.
- After my work with the owner of Lot 32 came to a conclusion, I was retained by the owner of Lot 31 to provide assistance on securing driveway access via the panhandle owned by Lot 30 (and Lot 29). After some discussions with the RMOW, I was advised that the RMOW could not, in isolation, provide approval for a driveway. The RMOW stated that if Lot 31, in conjunction with Lot 30, wanted to get approval for a driveway for joint access, a Building Permit application would be required, and the driveway access (and servicing) would be considered as part of the overall Building Permit application.
- In June 2011, I submitted a BP application on behalf of the owner of Lot 31, which included a proposed driveway alignment (and servicing) that contemplated a joint agreement on access (and servicing) with Lot 30 and 29.
- Throughout the latter part of 2011 and into 2012, discussions and work continued on to develop a driveway plan that would meet the requirements of the RMOW. In addition to the engineering work on the driveway design and alignment through the panhandle owned by Lots 29 and 30, discussions were ongoing with the owners of Lot 29 and 30 to keep them apprised of the progress of the driveway plan. Those discussions also included drafting of an easement agreement between the 3 property owners and preparation of a draft explanatory plan to be registered over Lots 29 and 30.
- Despite ongoing discussions with the owners of Lot 29 and 30, throughout 2012, no agreement on the easement agreement was achieved. One of the stumbling blocks was the unwillingness of Lot 29 to assume any costs related to the planning and construction of the driveway and servicing, even though these works would create significant benefit to the owners of Lot 29.
- In the latter part of 2012, Lot 29 was sold to Whistler Alpine Development Corp (WAD). Prior to the sale, WAD contacted me to discuss the background to the discussions related to joint access, including the proposed driveway that would include the panhandle owned by Lot 29. WAD, at the time, expressed a willingness to continue to work with the owners of Lot 30 and 31 to develop a plan for joint access, but WAD also stated that any joint access would not include their panhandle, as they were not supportive of a joint access in this location.
- Once WAD had acquired Lot 29, they initiated discussions with the owners of Lot 30 and 31 (as well as Lot 32), to review certain options for the location and alignment of a joint driveway to service all 4 of the large lots above Mountainview Drive. WAD stated that they had also acquired Lots P and Q, along Mountainview Drive, and their view was that driveway should be located through Lots P and Q, and then along the lower boundary of Lot 29 to connect to Lot 30, and beyond, primarily to a significantly better location in terms of alignment and grades. While the owners of Lot 31 and 32 expressed support in principle, the owner of Lot 30 did not. The owner of Lot 30 took the position that they were supportive of an access through the panhandle, and took the position that Lot 29 had committed to this access design and alignment.

- Throughout the early part of 2013, several discussions took place involving WAD, Lot 31 and 30, to determine if an agreement in principle for joint access could be developed, but the position of Lot 30 remained the same, so no progress of joint access was possible.
- My client, the owner of Lot 31, has continued to attempt to work with the owner of Lot 30, pursuant to the previous agreements entered into (as outlined previously in this note), including a request to honor the original agreement for Lot 31 to construct a driveway along the lower boundary of Lot 30 (to connect to the west boundary of Lot 29) and registration of an easement over the proposed driveway location. Those discussions have been unsuccessful.
- The owner of Lot 31 has now initiated legal action against Lot 30 to request that the previous agreements the parties entered into be enforced, and allow Lot 31 to construct a driveway and registration of an easement over Lot 30 in favour of Lot 31.
- One the challenges that Lot 31 is having is that Lot 30 is taking the position that the agreements on access could not be implemented due to the lack of support and agreement with Lot 29. The owner of Lot 30 takes the position that Lot 29 will be constructing a driveway to develop their property, and when the time is appropriate, Lot 30 can simply connect to the road, and they will have the access they need, but at no cost to them. The fact that Lot 30 would need an agreement with Lot 29 to cross their lands appears to be non-issue (from the perspective of Lot 30) and they believe that the RMOW will require Lot 29 to provide access to Lot 30 at some point in the future. Therefore, at this point, Lot 30 believes there is no need to enter into an agreement with any party regarding access.

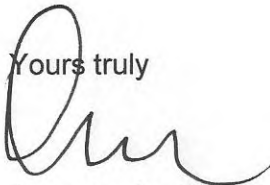
This brings us to the current situation. We (owner of Lot 31) are attempting to resolve our differences with the owner of Lot 30. If we are able to reach agreement with Lot 30 for access through their property, then the expectation would be for Lot 31 to enter into an agreement with WAD to develop a joint access from Mountainview Drive, through Lot 29 and Lot 30, over to Lot 31, and possibly to Lot 32, if needed. This agreement does not require Lot 30 to enter into any agreement with WAD at this time, if they so wish.

The concern that Lot 31 has, at this time, is with your proposed development application for Lot 29, P and Q. We understand that time is of the essence at this point, and that WAD has held off moving forward on their development plans to allow for an agreement with the other lot owners (Lots 30 – 32) on joint access via Lot 29. However, WAD is not able to continue putting their project on hold indefinitely. If no agreement with the other property owners is forth coming, then it is our understanding that WAD intends to proceed with an application for development that contemplates a driveway and access that is limited to the three lots that WAD owns, and does not provide an option for joint access with Lots 30 -32. We understand that position. But if that occurs, the options for access by Lot 31 are extremely limited or non-existent.

We believe there maybe one other option to consider at this time. Up to this point, the owner of Lot 30 appears to be under the assumption that no agreement with Lot 29 is required for the purposes of access (either now or in the future), and irrespective of what WAD does with their property, Lot 30 will be able to connect to their driveway in the future, on the basis that the RMOW will require this as condition of approval for WAD's development plans. We believe it would be prudent if WAD could clarify with the RMOW what exactly their position and requirements will be for WAD, pursuant to WAD's current

application. If RMOW outlines its position and requirement to WAD, that letter could then be provided to Lot 30 as a basis for getting Lot 30 to understand what may or may not happen if WAD secures approval for development of Lot 29 that does not contemplate or provide an opportunity for access to Lots 30, 31 or 32.

Yours truly

A handwritten signature in black ink, appearing to read 'Don van der Horst', written over the typed name.

Don van der Horst

cc: Mr. Yanagisawa