



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** June 20, 2023      **REPORT:** 23-069  
**FROM:** Planning – Development      **FILE:** 3900-20-2404  
**SUBJECT:** LAND USE PROCEDURES AND FEES AMENDMENT BYLAW (DEVELOPMENT PERMITS, DEVELOPMENT VARIANCE PERMITS AND APPLICATION FEES) NO. 2404, 2023 – FIRST, SECOND AND THIRD READINGS REPORT

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Climate Action, Planning and Development Services be endorsed.

### RECOMMENDATION

**That** Council consider giving first, second and third readings to “Land Use Procedures and Fees Amendment Bylaw (Development Permits, Development Variance Permits and Application Fees) No. 2404, 2023”.

### PURPOSE OF REPORT

This report presents “Land Use Procedures and Fees Amendment Bylaw (Development Permits, Development Variance Permits and Application Fees) No. 2404, 2023” (Amendment Bylaw) for Council consideration of first, second and third readings.

The Amendment Bylaw has been prepared further to the implementation of the Resort Municipality of Whistler’s (RMOW) updated “Land Use Procedures and Fees Bylaw No. 2205, 2022” (Land Use Procedures and Fees Bylaw), attached as Appendix A, which was completed in two phases within the past year, with amendments to procedures adopted October 4, 2022, and to fees on January 10, 2023. The Amendment Bylaw has been informed by the application of the updated permitting processes over the last eight months and incorporates further efficiencies and clarifications to the updated Land Use Procedures and Fees Bylaw. The proposed amendments are detailed in the report and apply to development permits (DP), development variance permits (DVP), and the application fee for removal or addition of trees or vegetation.

Information Report

Administrative Report (Decision or Direction)

### DISCUSSION

#### Background

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The RMOW Planning Department administers development approval processes for land use and development in Whistler, and the RMOW's Land Use Procedures and Fees Bylaw is the bylaw that defines application procedures, development approval information requirements, fees, and the scope of applications wherein approval decisions are delegated to staff. This report presents fee and delegation amendments to the RMOW's Land Use Procedures and Fees Bylaw.

In 2022, staff commenced a two-phase process to comprehensively update the RMOW's Land Use Procedures and Fees Bylaw.

On October 4, 2022, phase one was completed, with the adoption of the Land Use Procedures and Fees Bylaw. The bylaw incorporated significant process improvements for more streamlined development application approval processes by:

- Expanding delegation of Council's decision making to appropriate RMOW staff;
- Aligning with the new OCP; and
- Updating development approval submittal information requirements for OCP and zoning amendments, DPs, temporary use permits and DVPs.

On January 10, 2023, phase two was completed with the adoption of "Land Use Procedures and Fees Amendment Bylaw (Development Application Fees) No. 2377, 2022" (Development Application Fee Amendment). Phase two included:

- A comprehensive update of all fees for planning applications and development related services;
- Minor changes to the scope of application types to which the previous bylaw applied;
- Minor amendments to notification sign requirements; and
- Minor updates to the delegations related to section 219 covenants.

In working with the updated bylaw over the last eight months, Planning staff have identified further opportunities for streamlining application processing and for clarifications to the updated bylaw and the application of delegated authority for minor applications.

## **Analysis**

The Amendment Bylaw has been prepared for Council consideration of first, second and third readings. The following section describes the components of the Amendment Bylaw.

### *Reduction in Select Application Fees*

The Amendment Bylaw amends the fee schedule to introduce a \$1,000.00 application fee for all DPs, Approvals of Development Plans or Development Approvals under Blackcomb Land Use Contract or DPs under Land Use Contract authorizing removal or addition of trees or vegetation on the land only. Landscape only applications are more straight-forward to process than an application involving subdivision of land or construction, alteration or addition to a building or structure.

The fee for all other delegated DPs, approvals of Development Plans or Development Approvals under Blackcomb Land Use Contract or a DP under Land Use Contract will remain at \$3,000.00.

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### *Delegation*

The Amendment Bylaw amends the delegation section as follows:

- Schedule B – Delegated DP Criteria (applicable to DPs for land within the following Development Permit Areas (DPA): Whistler Village, Whistler Creek, Commercial/Industrial, Industrial and Multi-Family Residential), to better differentiate between the construction of, addition to, or alteration of a building or structure on the land dependent on the DPA designation. The amendments clarify the description of DPs eligible for delegation to staff as follows:
  - Construction of, addition to or alteration of a structure without a roof;
  - Construction of a building, or structure with a roof:
    - Up to 20 m<sup>2</sup> in floor area and additions to a building, or structure with a roof, where the total floor area is increased by 20 m<sup>2</sup> or less in the Whistler Village DPA and the Whistler Creek DPA; and
    - Up to 100 m<sup>2</sup> in floor area and additions to a building, or structure with a roof, where the total floor area is increased by 100 m<sup>2</sup> or less in the Commercial/Industrial DPA, the Multi-Family Residential DPA and the Industrial DPA;
  - Construction of, or addition to a detached dwelling or duplex dwelling with any floor area;
  - Construction of, addition to or alteration of solid waste separation and storage facilities with any floor area in compliance with “Resort Municipality of Whistler Solid Waste Bylaw No. 2133, 2017”;
  - alteration of a structure with a roof or alteration of a building, except the alteration of more than one side of a building in the Whistler Village DPA;
  - alteration of more than one side of a building in the Whistler Village DPA for any of the following:
    - Exterior painting;
    - Exterior roofing materials; or
    - Exterior communications equipment, chimneys, mechanical equipment, eavestroughs, downspouts, and other appurtenances;
- Expands the delegated authority to issue minor DVPs to the Manager of Planning, so that any one of the General Manager, the Director of Planning and the Manager of Planning may issue a minor DVP based on the criteria and guidelines contained in the Land Use Procedures and Fees Bylaw; and
- Adds the following additional item that is considered a minor DVP that can be issued by staff:
  - Fence height regulations, provided the permitted height is not increased by more than 25%.

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## POLICY CONSIDERATIONS

### Relevant Council Authority/Previous Decisions

The proposed Amendment Bylaw is consistent with the *Local Government Act* (LGA) and the *Community Charter*. Specifically, section 462 of the LGA establishes that a local government that has adopted an official community plan bylaw or a zoning bylaw may, by bylaw, impose fees related to applications and inspections and further, requires that fees related to applications and inspections must not exceed the estimated average costs of processing, inspection, advertising and administration that are usually related to the type of application or other matter to which the fee relates.

[December 6, 2022: Administration Report No. 22-147](#) – this report presented Development Application Fee Amendment for Council consideration of first, second and third readings. The bylaw incorporated a comprehensive update of all fees for planning applications and development related services along with some other minor amendments.

[September 20, 2022: Administration Report No. 22-127](#) – this report presented Land Use Procedures and Fees Bylaw for Council consideration of first, second and third readings. The bylaw repealed and replaced “Land Use Procedures and Fees Bylaw No. 2019, 2012” as consolidated, and incorporated significant process improvements for more streamlined development application approval processes. Adoption was on October 4, 2022.

### 2023-2026 Strategic Plan

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

#### Strategic Priorities

- Housing  
*Expedite the delivery of and longer-term planning for employee housing*
- Climate Action  
*Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan*
- Community Engagement  
*Strive to connect locals to each other and to the RMOW*
- Smart Tourism  
*Preserve and protect Whistler’s unique culture, natural assets, and infrastructure*
- Not Applicable  
*Aligns with core municipal work that falls outside the strategic priorities but improves, maintains, updates and/or protects existing and essential community infrastructure or programs*

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### **Community Vision and Official Community Plan**

The OCP is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The recommended resolution included within this report is consistent with the goals, objectives and policies included within “Official Community Plan Bylaw No. 2199, 2018”, specifically:

#### **Economic Viability**

**Policy 6.4.1.1.** Support the user-pay approach to municipal services while taking into consideration affordability measures and the policies of this OCP.

**Policy 6.4.1.3.** Emphasize resourcefulness across the municipality while delivering cost-effective and affordable service excellence.

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### **BUDGET CONSIDERATIONS**

Municipal staff led and conducted the work to implement the recommendations of this report, with some legal support. The work is accounted for in the municipal budget.

The proposed new reduced application fee for applications authorizing alterations of land related to vegetation only is based on the estimated average costs of processing, inspection and administration related to processing this type of application consistent with the requirements of the *Local Government Act* and *Community Charter*.

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### **LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS**

The RMOW is committed to working with the Lílwat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

The Amendment Bylaw will apply to the Lílwat People and the Squamish People to the extent that they own property in Whistler.

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### **COMMUNITY ENGAGEMENT**

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

This report presents the Amendment Bylaw for Council consideration of first, second and third readings. The Amendment Bylaw meets legislated requirements. If adopted, all applicable application forms will be updated accordingly.

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## REFERENCES

Land Use Procedures and Fees Amendment Bylaw (Development Permits, Development Variance Permits and Application Fees) No. 2404, 2023 (included in Council Package)

Appendix A – Land Use Procedures and Fees Bylaw No. 2205, 2022

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## SUMMARY

This report presents “Land Use Procedures and Fees Amendment Bylaw (Development Permits, Development Variance Permits, and Application Fees) No. 2404, 2023” for Council consideration of first, second and third readings.

The Amendment Bylaw introduces a reduced application fee for applications authorizing alterations of land related to vegetation only (recognizing the reduced scope and processing time associated with these applications) and improves delegations to further streamline more minor application types. Combined, the fee and delegation amendments will result in greater staff efficiencies, and time savings to applicants with streamlined application processing and approvals.

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## SIGN-OFFS

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