



topographical reasons, property owners built high retaining walls that were inconsistent with existing neighbourhood character.

On October 5, 2010, Council adopted, "Resort Municipality of Whistler Zoning Amendment Bylaw (Miscellaneous Amendments) No.1898, 2009". This was a general housekeeping amendment bylaw to correct deficiencies and inconsistencies in the Zoning Bylaw as identified by staff. This bylaw also inserted the word "retaining walls" into Part 5.7.1 (d) of the General Regulations of the Zoning and Parking Bylaw, thereby introducing regulations for retaining walls in building setback areas. This Bylaw groups retaining walls with other landscape features which are currently only allowed in building setback areas under certain conditions, as described below:

<b>Zoning and Parking Bylaw No. 303, 2015 - Existing Regulations</b>	<b>Comment</b>
General Regulations Part 5 – Subsection 7  (1) The following features are permitted in setback areas:  (d) landscape features including planters, stairs, walkways, decks, retaining walls, and decorative walls, provided such features are not greater than 0.6 metres in height above any point of the adjacent grade and are set back at least one metre from any side parcel line and at least two metres from the front and rear parcel lines.	<b>Landscape Features (including Retaining Walls):</b> <ul style="list-style-type: none"><li>• Must not exceed 0.6 metres in height;</li><li>• Must be set back 1 metre from any side parcel line; and</li><li>• Must be setback 2 metres from any front or rear parcel line.</li></ul>

Staff note that the Zoning and Parking Bylaw does not regulate retaining walls outside of setback areas.

### **Evaluation of the Bylaw**

Having worked with these regulations for ten years, staff are in agreement that they are too restrictive. Whistler is a mountain community, with considerable topography and resulting building challenges. Problems that have been identified include:

1. 0.6 metres maximum height is too low to be effective in our mountainous terrain.
2. Restricting retaining walls from extending to shared property lines does not allow adjacent property owners to connect their lots together across a continuous slope. Since each retaining wall must stop 1 metre from the common parcel line, the result is a required 2 metre depression between yards that have been retained to similar elevations.

### **Recommended Bylaw Amendments**

"Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020" proposes to amend Part 5.7 of the General Regulations of the Zoning and Parking Bylaw as follows:

1. Increase the maximum allowable height of all landscape features (including planters, stairs walkways, decks and decorative walls, but not including retaining walls) in building setback areas from 0.6 metres to 1 metre.

2. Differentiate retaining walls from other landscape features by allowing them to be 1.22 metres high. In the case of large elevation changes, multiple walls can be constructed in a setback area provided they are horizontally separated by 1.22 metres and the maximum slope of finished ground between retaining walls is not more than 1:4. This would allow an opportunity for soft landscaping between walls and ensure that the terraced change in grade does not exceed 1:1
3. Allow for a zero setback for side and rear yards to enable adjacent property owners to connect their retaining wall systems.
4. Require a 2 metres setback from parcel lines that abut a road, to allow for storage of snow plowed from the road surface and reduce impacts on the existing streetscape.

This proposed Bylaw Amendment separates retaining walls from other landscape features which are allowed in building setback areas under certain conditions, as described below:

Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020 - Proposed	Comment
<p>General Regulations</p> <p>Part 5 – Subsection 7</p> <p>(2) The following features are permitted in setback areas:</p> <p>(d) landscape features including planters, stairs, walkways, decks and decorative walls, but not including retaining walls, provided that no part of any such features is greater than 1 metre in height above any point of the level of finished ground, and that all such features are set back at least 1 metre from any side parcel line and at least 2 metres from front and rear parcel lines.</p>	<p><b>Landscape Features:</b></p> <ul style="list-style-type: none"> <li>• Must not exceed 1 metre in height;</li> <li>• Must be set back 1 metre from any side parcel line; and</li> <li>• Must be setback 2 metres from any front or rear parcel line.</li> </ul>
<p>General Regulations</p> <p>Part 5 – Subsection 7</p> <p>(2) The following features are permitted in setback areas:</p> <p>(e) retaining walls, provided that:</p> <ol style="list-style-type: none"> <li>i. no part of any retaining wall is greater than 1.22 metres in height above the adjacent level of finished ground;</li> <li>ii. all retaining walls are setback at least 2 metres from any parcel line that abuts a highway;</li> <li>iii. where there are two or more retaining walls within the same setback area, each retaining wall is separated from any other retaining</li> </ol>	<p><b>Retaining Walls:</b></p> <ul style="list-style-type: none"> <li>• Must not exceed 1.22 metres in height;</li> <li>• Must be setback 2 metres from any parcel line that abuts a highway (typically front);</li> <li>• Allows zero setbacks from any parcel line that does not abut a highway (typically side and rear);</li> <li>• Must have a minimum of 1.22 metres horizontal distance between terraced retaining walls within the same setback area; and</li> </ul>

<p>wall by a horizontal distance of at least 1.22 metres; and</p> <p>iv. the maximum slope of finished ground between retaining walls is not more than 1:4 (1 rise:4 run).</p>	<ul style="list-style-type: none"><li>• Must not exceed 1:4 slope of finished ground between terraced retaining walls within the same setback area.</li><li>• All as shown in Figure 5-C, attached as Appendix “B”.</li></ul>
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Example images of retaining wall terracing that can be achieved through the proposed Bylaw Amendment are attached as Appendix “B”.

## **POLICY CONSIDERATIONS**

### **Official Community Plan Bylaw No. 2199, 2018**

The Bylaw amendments recommended within this Report are consistent with the goals, objectives and policies included within “Official Community Plan Bylaw No.2199, 2018”. Landscape features, including retaining walls may require a development permit under Chapter 13.

### **Building and Plumbing Regulation Bylaw No.1617, 2002**

The Bylaw Amendments recommended within this Report are consistent with the forthcoming amendment to “Building and Plumbing Regulation Bylaw No.1617, 2002”. Staff note that the recommended maximum retaining wall height of 1.22 metres is aligned with the BC Building Code maximum height before requiring engagement of a professional engineer, and as recommended by the Municipal Insurance Association of British Columbia.

### **Advisory Design Panel**

The RMOW Advisory Design Panel (ADP) Terms of reference state that;

“The Purpose of the Advisory Design Panel is to create an independent body to provide an objective view in the public interest, and to give impartial professional advice to municipal staff and Council on matters relating to the context of development proposals or policies affecting Whistler’s physical environment.”

The ADP reviewed and supported a previous version of the draft bylaw in 2013. At that time, the proposed maximum retaining wall height was 1.5 metres, which the Panel supported. The ADP minutes and passed resolution are attached as Appendix “A”.

The Panel was generally supportive of the direction staff is taking. Some members of the panel expressed reservations with respect to zero setbacks for retaining walls on side and rear parcel lines. Staff considers that zero setbacks are necessary so that neighbouring properties can connect their retaining walls when necessary. Also, zero setbacks will allow for terracing of adjacent properties and cross-slope situations.

## **BUDGET CONSIDERATIONS**

All costs associated with the Bylaw Amendment preparation, Public Hearing, notices and legal fees will be covered under the existing Planning Department budget.

**COMMUNITY ENGAGEMENT AND CONSULTATION**

A public hearing, subject to public notice requirements, is required as a part of the statutory process for consideration and adoption of the Zoning and Parking Bylaw amendment.

As noted above, a previous version of the proposed Amendment Bylaw has been reviewed and supported by members of the Advisory Design Panel.

**SUMMARY**

This Report presents “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” to Council for consideration of first and second readings in order to amend the size and location regulations of landscape features and retaining walls on private property. This Report also requests that Council authorize scheduling of a public hearing for the proposed Zoning Amendment Bylaw.

Respectfully submitted,

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