



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** October 20, 2020  
**FROM:** Resort Experience  
**SUBJECT:** RZ001065 ZONING AMENDMENT BYLAW - TEXT AMENDMENTS TO IMPROVE SIZE AND LOCATION REGULATIONS OF LANDSCAPE FEATURES AND RETAINING WALLS

**REPORT:** 20-104  
**FILE:** RZ001065

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council consider giving first and second readings to “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”; and

**That** Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”, and to advertise for same in the local newspaper.

### REFERENCES

Appendix “A” – Advisory Design Panel Minutes and Resolution regarding Bylaw No. 2033

Appendix “B” – Terraced Retaining Wall Images

Zoning Amendment Bylaw (Retaining Wall) No. 2033, 2020 (Not Attached)

### PURPOSE OF REPORT

The purpose of this Report is to present an amendment to the General Regulations of “Zoning and Parking Bylaw 303, 2015” with respect to retaining walls. The intent of the amendment is to streamline the permitting process at Municipal Hall by reducing the number of variance applications, while continuing to uphold our resort community character. This amendment proposes changes to the regulations regarding the size and location of retaining walls. In particular, this report presents “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” to Council for consideration of first and second readings. This report also requests that Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”.

### DISCUSSION

#### Background

Historically, the Resort Municipality of Whistler’s Zoning and Parking Bylaw did not contain regulations respecting retaining wall siting or height. This lead to some circumstances where, for varying

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>
<b>General Regulations</b> <b>Part 5 – Subsection 7</b>  (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>iv. wall by a horizontal distance of at least 1.22 metres; and</p> <p>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,

Lindsay Clarke  
PLANNING ANALYST

For  
Mike Kirkegaard  
DIRECTOR OF PLANNING

For  
Toni Metcalf  
INTERIM GENERAL MANAGER OF RESORT EXPERIENCE

~~That the Advisory Design Panel request the applicant to consider Panel's comments and would like to see this project return for further review.~~

~~CARRIED.~~

*The applicant team left the meeting.*

**Retaining Walls /  
Building Heights  
1<sup>st</sup> Review  
File No. RZ1065**

*Roman Licko, Planning Technician, entered the meeting.*

Roman presented draft Zoning Amendment Bylaw (Retaining Wall Amendments) No. 2033, 2013. The proposed amendment will:

1. Increase the maximum allowable height of all landscape features in building setback areas from 0.6 meters to 1.0 meters.
2. Differentiate retaining (and decorative) walls from other landscape features by allowing them to be 1.5 meters high. In the case of a large elevation change, multiple walls can be constructed in a setback area provided they are horizontally separated by 1.5 meters. This would allow an opportunity for soft landscaping between walls.
3. Allow for a zero setback for side and rear yards to enable adjacent property owners to connect their retaining systems.
4. Require a 2.0 m setback from parcel lines that abut a road, to allow for storage of snow plowed from the road.
5. Allow walls in the CD-1 Zone (Rainbow) to be 2.0 meters high in recognition of the challenges in this neighbourhood posed by the smaller parcel sizes and steeper topography.

Panel offers the following comments.

1. Some panel members voiced concern regarding the 0 metre setback and its impact on neighbours.

Moved by Chris Wetaski  
Seconded by Pawel

**That** the Advisory Design Panel supports the draft zoning amendment bylaw.

**CARRIED.**

Roman presented draft Zoning Amendment Bylaw (Calculation of Height) No. 2034, 2013. The proposed amendment will:

1. Change the method of calculating a height relaxation for downhill sloping to the lots to the difference between the road elevation and grade elevation at the rear of a building to a maximum of 3.0 metres.
2. A simpler and more practical solution; beneficial for streetscape as house doesn't appear taller from the street view.
3. Still maintains maximum 3 metre height relaxation.

Moved by Dennis Maguire  
Seconded by Dale Mikkelsen

**That** the Advisory Design Panel supports the draft bylaw as presented.

CARRIED.

**Panel Membership  
2014**

All members in attendance confirmed desire to continue for 2014 term. ADP Secretary to speak with AIBC as their term is maximum 2 years, while Whistler ADP Terms of Reference permit up to 3 years.

**NEW BUSINESS**

**Gross Floor Area  
Exclusions Bylaw**

A panel member commented that this bylaw (Bylaw 1992) was never presented to ADP. Staff responded that this bylaw was reviewed by a specific Council task force instead.

**ADJOURNMENT**

Moved by Tom Bunting

**That** Advisory Design Panel adjourn the November 20, 2013 committee meeting at 4:37 p.m.

CARRIED.

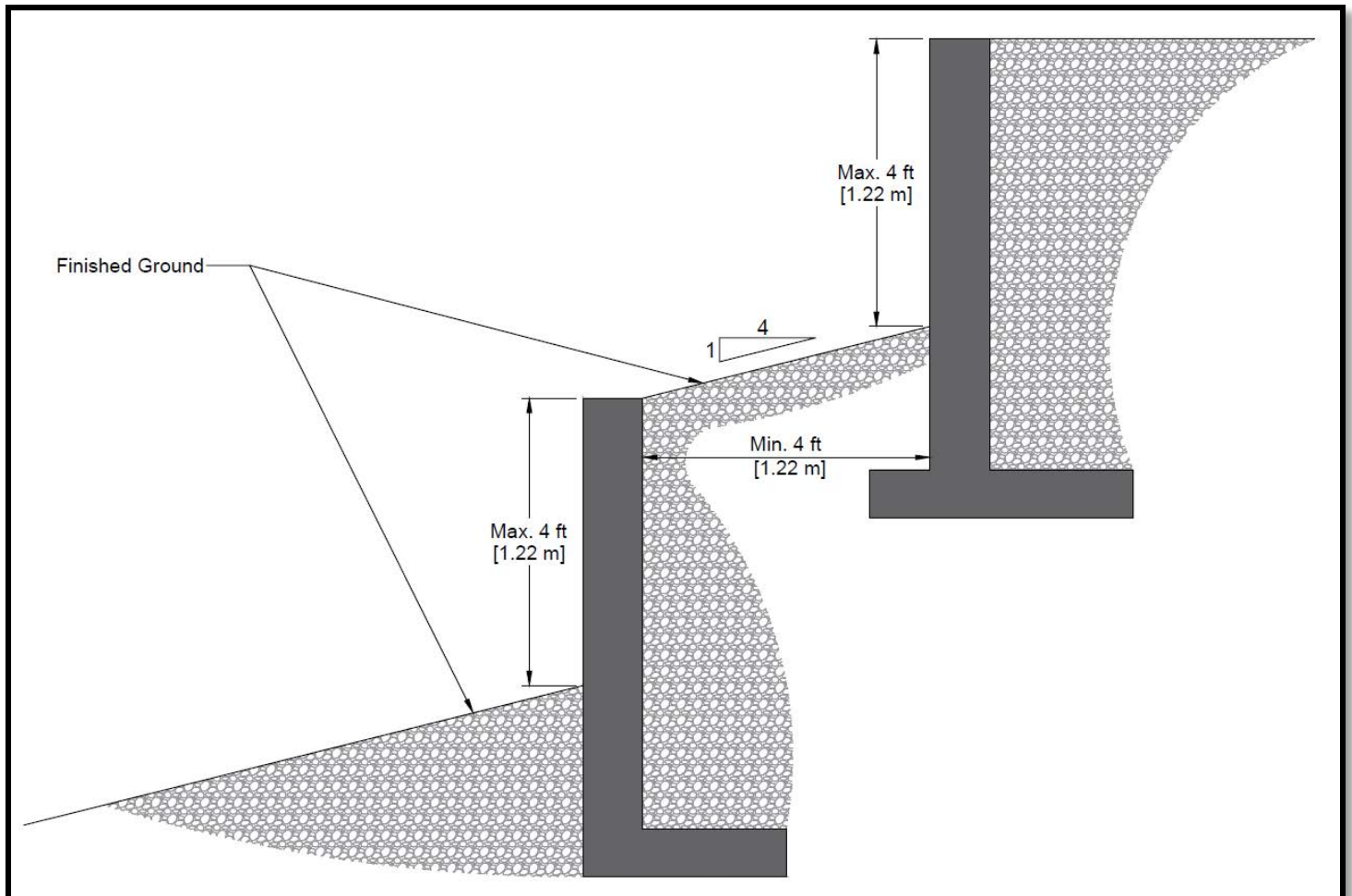
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Chair: Tom Bunting

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Secretary: Melissa Laidlaw

**Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020**  
**Figure 5-C: Retaining Walls**





**Examples of terraced rock stack retaining walls:**





**Example of terraced block retaining walls:**





**Examples of terraced concrete retaining walls:**

