



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** February 16, 2021  
**FROM:** Resort Experience  
**SUBJECT:** PUBLIC HEARING SUMMARY AND THIRD READING FOR ZONING AMENDMENT BYLAW (RETAINING WALLS) NO. 2033, 2020

**REPORT:** 21-017  
**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 third reading to “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”.

### REFERENCES

Appendix “A” – Summary and Review of Public Hearing Comments for “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”

“Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” (Not attached)

Administrative Report to Council No. 20-104, RZ001065 Zoning Amendment Bylaw – Text Amendments to Improve Size and Location Regulations of Landscape Features and Retaining Walls, dated October 20, 2020 (Not attached).

### PURPOSE OF REPORT

This Report provides a summary of the verbal and written submissions made during the Public Hearing process held for “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” on November 17, 2020 pursuant to section 465(5) of the *Local Government Act*. Staff are not recommending any changes to the proposed Bylaw based on the Public Hearing submissions. This Report also presents “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” for Council’s consideration of third reading.

### DISCUSSION

#### Background

“Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” was introduced to Council on October 20, 2020. The purpose of the proposed Bylaw is to amend the General Regulations of “Zoning and Parking Bylaw 303, 2015” with respect to retaining walls and landscape features. At the October 20, 2020 meeting, the proposed Bylaw was given first and second reading and authorization to proceed to Public Hearing. A Public Hearing was held on November 17, 2020.

“Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” will amend Part 5.7 Projections into Required Setback Areas of the General Regulations of Zoning and Parking Bylaw 303, 2015 as follows:

### Landscape Features

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. Maintain the minimum setback from any side parcel line at 1 metre and from any front or rear parcel line at 2 metres.

### Retaining Walls

Establish separate regulations for retaining wall than for other landscape features, as follows:

1. Increase the maximum allowable height of retaining walls from 0.6 metres to 1.22 metres.
2. Decrease the minimum setback from any parcel line that does not abut a highway, typically side and rear setbacks, from 1 and 2 metres respectively to 0 metres.
3. Maintain the minimum setback from any parcel line that abuts a highway (typically a front) at 2 metres.
4. Where there are two or more retaining walls within the same setback area, require each retaining wall to be separated from any other retaining wall by a horizontal distance of 1.22 metres; and limit the maximum slope of finished ground between retaining walls to not more than 1:4 (1 rise:4 run).

### **Public Hearing Summary**

At the Public Hearing, there was one written submission and one verbal submission made by the public respecting the proposed Bylaw. Submissions to Council on the proposed Bylaw were related to snow clearing and buildup, privacy, safety and concerns specific to DVP01197. Staff's review of the submissions concludes that the proposed bylaw reduces the potential negative impacts of snow clearing and buildup, is likely to improve privacy between neighbouring properties, that safety concerns are addressed by the BC Building Code and that concerns related to DVP001197 will be addressed through the Development Variance Permit Process. A detailed summary of these submissions and staff's review relative to the proposed Bylaw is provided in Appendix "A". Based on staff's review, staff recommends that there are no significant issues to address and that the Bylaw be given third reading without changes.

### **OTHER POLICY CONSIDERATIONS**

Other policy considerations for the proposed Bylaw are outlined in the October 20, 2020 Council Report.

### **BUDGET CONSIDERATIONS**

This is a municipally initiated bylaw amendment and all costs associated with the Bylaw preparation, Public Hearing, notices and legal fees are covered under the existing Planning Department budget.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

The community engagement and consultation process for the proposed Bylaw is outlined in the October 20, 2020 Council Report. At the Public Hearing, there was one written submission received by the public and one oral representation made by the public respecting the proposed Bylaw. A summary review of the written submission and oral representation from the Public Hearing process is provided in Appendix "A".

## **SUMMARY**

This Report presents a summary of the Public Hearing submissions for "Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020" pursuant to section 465(5) of the *Local Government Act*. The report recommends that Council consider giving third reading to "Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020".

Respectfully submitted,

Lindsay Clarke  
PLANNING ANALYST

for

Mike Kirkegaard  
DIRECTOR OF PLANNING

for

Jessie Gresley-Jones  
GENERAL MANAGER OF RESORT EXPERIENCE