



# WHISTLER

## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** August 17, 2021  
**FROM:** Resort Experience  
**SUBJECT:** SEC00031 – 3254 ARBUTUS DRIVE FLOOD PROOFING EXEMPTION

**REPORT:** 21-089  
**FILE:** SEC00031

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council grant an exemption in accordance with Section 524 of the *Local Government Act* – “Requirements in Relation to Flood Plain Areas,” to permit habitable space below the required flood control elevation specified in “Zoning and Parking Bylaw No. 303, 2015” as shown in Architectural Plans A1, A4-A8 prepared by C.S. Clark & Associates dated June 28, 2021 attached to Administrative Report 21-089 as Appendix B, subject to registration of a Section 219 covenant that indemnifies the RMOW and attaches the geotechnical report prepared by Cordilleran Geosciences, dated April 8, 2021, that confirms the building location and design are safe for the intended residential use.

### REFERENCES

**Location:** 3254 Arbutus Drive  
**Legal:** PID 007-286-406, LOT 20 BLOCK I DISTRICT LOT 4750 PLAN 17377  
**Owner(s):** Justina C. Armstrong  
**Zoning:** RS1 (Single Family Residential One)

Appendix A – Location Plan

Appendix B – Building Permit Plans

### PURPOSE OF REPORT

The purpose of this report is to request Council’s consideration of a flood proofing exemption to the flood proofing regulations contained in Part 5 of “Zoning and Parking Bylaw 303, 2015” at 3254 Arbutus Drive consistent with the geotechnical report from Cordilleran Geoscience dated April 8, 2021, which confirms that the building location and design are safe for the intended residential use.

Council has the authority to exempt a parcel from flood proofing requirements enacted by bylaw under Section 524 of the *Local Government Act* provided a report prepared by a professional geotechnical engineer or geoscientist is received stating that the land may be used safely for the use intended.

### DISCUSSION

As shown in Appendix A, the subject parcel at 3254 Arbutus Drive is located on the south side of Arbutus Drive in the Brio neighbourhood. The existing detached dwelling on the site was constructed under Building Permit BP 727-80 in 1980. The lot terrain slopes steeply upward to the rear of the parcel and the existing dwelling is built entirely on the hillslope. The building is currently undergoing renovations including adding a covered entryway, carport, upper floor deck above the carport and an auxiliary residential dwelling unit.

The additions proposed to the dwelling were previously supported by Council at the October 6, 2020 and April 20, 2021 regular meetings when Council approved front setback variances for this proposal. An auxiliary residential dwelling unit is proposed at the building's lowest level and, due to the building's elevation in relation to Archibald Creek, an exemption is required to the flood proofing requirements in Part 5 of "Zoning and Parking Bylaw No. 303, 2015". Specifically, the regulation requires that "...no building shall be constructed...with underside of wooden floor system or top of concrete slab...lower than: 1.5 metres above the high water mark of any other watercourse." In this case, the proposed auxiliary residential dwelling unit needs to be located 1.5 metres above Archibald Creek to meet this zoning bylaw regulation.

This report requests Council's consideration to exempt the dwelling from the above mentioned zoning bylaw regulation and accept a revised flood construction level based on the geotechnical report received from Cordilleran Geoscience that provides recommendations, based on a thorough investigation, to revise the flood construction level. The geotechnical report recommends that the flood construction level for this dwelling should be one metre above finished grade for habitable space.

The floor elevation of the lowest floor of the detached dwelling is proposed at six centimetres above the flood construction level recommended in the geotechnical report as shown on the Appendix B Building Permit Plans. Recommendations of the geotechnical report include building design revisions such as scour protection that will be verified at building permit stage by a memo from the project's geotechnical engineer.

The applicable bylaw regulation and specific exemption is summarized in the accompanying table.

Bylaw Section	Regulation	Proposed per Cordilleran Geoscience
Part 5 - 4. (2) (e) (vii)	No building shall be constructed with the underside of a wooden floor system or top of concrete slab lower than:  (vii) 1.5 metres above the high water mark of any other watercourse (Bylaw no. 2071);	The flood construction level for habitable space should be established as one metre above finished grade at the northeast side of the building.

## OTHER POLICY CONSIDERATIONS

### Official Community Plan

The recommended resolution included within this report is consistent with the goals, objectives and policies included within "OCP Bylaw 2199, 2018". A Development Permit is not required.

## **Zoning and Parking Bylaw No. 303, 2015**

The property is zoned RS1 (Single Family Residential One). The additions described above that partially encroach into the front setback area have been permitted by two variance applications, namely DVP 1195 (Oct 2020) for carport, covered entryway and upper floor deck and DVP 1209 (Apr 2021) for a foundation wall.

## **BUDGET CONSIDERATIONS**

The municipality's direct costs of processing and reviewing these applications are covered through applicable application fees.

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

None required.

## **SUMMARY**

This report seeks Council's consideration to grant a flood proofing exemption for the detached dwelling at 3254 Arbutus Drive. Per the requirements of Section 524 of the *Local Government Act*, a report prepared by a professional geotechnical engineer has been submitted in support of this application confirming the existing building is safe for the residential use.

Respectfully submitted,

Brook McCrady  
PLANNING ANALYST  
for  
John Chapman  
ACTING DIRECTOR OF PLANNING  
for  
Jessie Gresley-Jones  
GENERAL MANAGER OF RESORT EXPERIENCE