



RESORT MUNICIPALITY OF WHISTLER

CONSOLIDATED “LAND USE PROCEDURES AND FEES BYLAW NO. 2205, 2022”

This document has been produced for convenience of reference and is a consolidation of the following Bylaws:

Bylaw No.	Bylaw Name	Date Adopted
2205	Land Use Procedures and Fees Bylaw No. 2205, 2022	October 4, 2022
2377	Land Use Procedures and Fees Amendment Bylaw (Development Application Fees) No. 2377, 2022	January 10, 2023

Individual copies of any of the above bylaws are available from the Resort Municipality of Whistler.

This copy of “Land Use Procedures and Fees Bylaw No. 2205, 2022” has been consolidated and printed by the authority of the Corporate Officer of the Resort Municipality of Whistler pursuant to Section 139 of the *Community Charter* and “Bylaw Consolidation and Revision Bylaw No. 1957, 2010”.

Dated this 2nd day of February, 2023

RESORT MUNICIPALITY OF WHISTLER

LAND USE PROCEDURES AND FEES BYLAW NO. 2205, 2022

A BYLAW TO DEFINE PROCEDURES FOR LAND USE APPLICATIONS, TO IMPOSE FEES FOR SUCH APPLICATIONS, TO ESTABLISH PROCEDURES AND POLICIES FOR DEVELOPMENT APPROVAL INFORMATION, TO SPECIFY DISTANCES FOR NOTIFICATION, AND TO DELEGATE POWERS, DUTIES AND FUNCTIONS OF COUNCIL

WHEREAS Council has adopted an official community plan bylaw and a zoning bylaw, and Council has specified in the plan areas and circumstances for which development approval information may be required;

WHEREAS a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for an amendment to the plan or bylaw or for a permit under Part 14 of the *Local Government Act*;

WHEREAS a local government may, by bylaw, impose fees for an application to initiate changes to an official community plan or zoning bylaw, for the issuance of a permit under Part 14 of the *Local Government Act*, for an amendment to a land use contract, for a service of the municipality, for the use of municipal property and for the exercise of regulation powers;

WHEREAS a local government must, where it has adopted an official community plan bylaw that specifies circumstances or designates areas for which development approval information may be required, establish procedures and policies on the process for requiring development approval information and the substance of the information that may be required;

WHEREAS a local government may, by bylaw, specify a distance from affected land for the purpose of notifying owners and tenants in occupation of proposed bylaw amendments and permits; and

WHEREAS Council may, by bylaw, delegate its powers, duties and functions to an officer or employee of the municipality;

NOW THEREFORE Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

CITATION

1. This Bylaw may be cited for all purposes as “Land Use Procedures and Fees Bylaw No. 2205, 2022”.

DEFINITIONS

2. In this bylaw:

“Antenna System” means an exterior transmitting device—or group of devices—used to receive and/or to transmit radio-frequency (RF) signals, microwave signals or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter;

“Blackcomb Land Use Contract” means the land use contract authorized by “Resort Municipality of Whistler Land Use Contract Approval Bylaw No. 107, 1978”, registered in the Vancouver Land Title Office under No. G2520, as amended from time to time;

“Building Official” means the Building Official as defined in the Resort Municipality Building and Plumbing Regulation Bylaw No. 1617, 2002;

Added by
2377, 2022

“Complex site rezoning” means an amendment to a zoning bylaw for a parcel or set of parcels that comprise at least 45,000 square metres in area and for which the proposed rezoning requires an amenity zoning or phased development agreement with the exception of a proposed rezoning for residential land use only and any associated new public roads, park or other dedications;

“Council” means the Council of the Resort Municipality of Whistler;

“Director of Planning” means the Director of Planning and Development or any other person appointed from time to time to act in the place of the Director of Planning and Development;

Amended by
2377, 2022

“General Manager” means the General Manager of Climate Action, Planning and Development Services or any other person appointed from time to time to act in the place of the General Manager of Climate Action, Planning and Development Services;

“General Manager of Infrastructure Services” means the General Manager of Infrastructure Services or any other person appointed from time to time to act in the place of the General Manager of Infrastructure Services;

“Manager of Planning” means the Manager of Development Planning or any other person appointed from time to time to act in the place of the Manager of Development Planning;

“Corporate Officer” means the Corporate Officer of the Resort Municipality or any other person appointed from time to time to act in the place of the Corporate Officer of the Resort Municipality;

“Official Community Plan” means the Resort Municipality of Whistler Official Community Plan Bylaw No. 2199, 2018;

“Resort Municipality” means the corporation of the Resort Municipality of Whistler;

“Zoning Bylaw” means the Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015.

3. Reference to another bylaw or enactment in this bylaw is a reference to that bylaw or enactment as it may be amended, replaced or in effect from time to time.

APPLICATIONS AND GENERAL REQUIREMENTS

4. This bylaw applies to the following types of applications:
 - (a) a development permit;
 - (b) a development variance permit;
 - (c) a letter of concurrence or non-concurrence to Industry Canada for an Antenna System;
 - (d) a modification or discharge of a section 219 covenant;
 - (e) a temporary use permit;
 - (f) an amendment to a land use contract;
 - (g) an amendment to the *Official Community Plan*;
 - (h) an amendment to the *Zoning Bylaw*;
 - (i) an exemption from a bylaw establishing a flood construction level or floodplain setback;
 - (j) a licence or other form of permission to use or occupy municipal land, or land over which the *Resort Municipality* holds a statutory right of way;
 - (k) a development permit under a land use contract; and
 - (l) an approval of a Development Plan or a Development Approval under the *Blackcomb Land Use Contract*.
5. An application made under this bylaw must:
 - (a) be made by the owner of land, or a person authorized in writing by the owner;
 - (b) be submitted to the *Resort Municipality*’s planning department in the applicable form;
 - (c) contain all the information required by the applicable form; and
 - (d) be accompanied by the applicable fees set out in Schedule A.
6. In the case of an application for an amendment or permit in respect of land that is common property in a strata plan, the strata corporation may make the application.

Amended by 2377, 2022

7. The *General Manager* or *Director of Planning* may prescribe the form and content of application forms for the purposes of this bylaw, and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.
8. If the application is withdrawn before any required public notice is given under the *Local Government Act*, the applicant shall be entitled to a refund of 25 per cent of the application fee.
9. A reapplication for an amendment to the *Official Community Plan* or *Zoning Bylaw* or for a permit or an exemption that has been refused may not be made within 6 months of the date on which the applicant was notified of the refusal unless *Council* specifies a lesser or greater period of time by resolution.

DEVELOPMENT APPROVAL INFORMATION

10. The requirements to provide development approval information in this bylaw apply to:
 - (a) applicants for amendments to the *Zoning Bylaw*;
 - (b) applicants for a development permit;
 - (c) applicants for a temporary use permit;
 - (d) applicants for amendments to the *Official Community Plan*;
 - (e) applicants for a development variance permit;

if the proposed activity or development that is subject of the application is in an area designated for the provision of development approval information in the *Official Community Plan* or is an activity or development for which development approval information is otherwise required by the *Official Community Plan*.
11. Upon the request of the *General Manager*, *Director of Planning* or *Manager of Planning* and within the time specified in the request, an applicant must provide to the *General Manager*, *Director of Planning* or *Manager of Planning* written terms of reference for the preparation of development approval information on the impact of the proposed activity or development on the community that is the subject of the application.
12. To the extent that the proposed activity or development can reasonably be expected to have an impact on any of the following matters, the terms of reference for the preparation of development approval information must include those matters in the scope of the information that is to be prepared:
 - (a) the natural environment;
 - (b) transportation patterns including traffic flow;

- (c) local infrastructure including roads, sewer, water and storm drainage systems;
 - (d) public facilities including daycare facilities, schools, parks, trails, recreation facilities, health care facilities, and waste treatment and disposal facilities;
 - (e) community services;
 - (f) housing including housing type and need;
 - (g) commercial services;
 - (h) employment opportunities and job creation;
 - (i) heritage, cultural and archaeological resources;
 - (j) aesthetic values;
 - (k) surrounding land uses and patterns;
 - (l) community energy and GHG emissions;
 - (m) hazards;
 - (n) snow management.
13. In addition to any matters listed in section 12 of this bylaw, the applicant may include in the terms of reference for the preparation of development approval information any matter on which the applicant considers information ought to be provided to the *Resort Municipality* to permit a full understanding of the impact of the proposed activity or development on the community.
14. The terms of reference for the preparation of development approval information must address any particular information requirements that are identified in or arise from the *Official Community Plan* or *Zoning Bylaw* including any applicable policies guidelines or conditions in the *Official Community Plan* or *Zoning Bylaw*.
15. The terms of reference for the preparation of development approval information must specify the date on which and the form in which the impact information will be provided.
16. After receipt of the terms of reference for the preparation of development approval information, the *General Manager, Director of Planning* or *Manager of Planning* must indicate in writing to the applicant that:
- (a) the terms of reference submitted by the applicant are acceptable;
 - (b) the terms of reference submitted by the applicant are acceptable if additional matters specified by the *General Manager, Director of Planning* or *Manager of Planning* and within the scope of sections 12 and 14 of this bylaw are included;
 - (c) the terms of reference are unacceptable and must be replaced.
17. Upon receipt of notice accepting the terms of reference for the preparation of development approval information, the applicant must prepare the impact information in accordance with the accepted terms of reference and within the time

specified in the terms of reference must provide it to the *Resort Municipality*, at the applicant's expense.

18. For every matter within the scope of sections 12 and 14 of this bylaw that is included in the accepted terms of reference for the preparation of development approval information, the applicant must, in accordance with generally accepted impact assessment methodology:
 - (a) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
 - (b) identify and describe the potential and likely impacts of the proposed activity or development including any cumulative effects when combined with other projects proposed or under development;
 - (c) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
 - (d) make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided.
19. If the approved terms of reference for the preparation of development approval information specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person, the applicant must deliver to the *General Manager, Director of Planning or Manager of Planning* information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information, unless that information was included in the approved terms of reference.
20. After receipt of the information in section 19 of this bylaw, the *General Manager, Director of Planning or Manager of Planning* must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the *General Manager, Director of Planning or Manager of Planning* must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons.
21. If the *General Manager, Director of Planning or Manager of Planning* is not satisfied that the impact information provided by the applicant is sufficient to comply with the approved terms of reference for the preparation of development approval information, either in scope, level of detail, accuracy or in any other respect, the *General Manager, Director of Planning or Manager of Planning* may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the approved terms of reference.
22. If the *General Manager, Director of Planning or Manager of Planning* considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the *Resort Municipality*, the *General Manager, Director of Planning or Manager of Planning* may require the applicant to provide such a review of the information including the methodology used in its preparation and may specify terms of reference for the review.

23. The applicant must arrange for the independent review of the impact information required by the *General Manager, Director of Planning* or *Manager of Planning* to be conducted and submitted in writing to the *Resort Municipality*, at the applicant's expense and within the time specified by the *General Manager, Director of Planning* or *Manager of Planning*.
24. If development is proposed to occur within 30 metres of the high water mark of a stream in the Protection of Riparian Ecosystems Development Permit Area or the Protection of Sensitive Ecosystems Development Permit Area under the *Official Community Plan*, a Qualified Environmental Professional (QEP) must submit an environmental impact study in relation to the development consistent with the assessment methods of the *Riparian Areas Protection Regulation*. The *General Manager, Director of Planning* or *Manager of Planning* may require that any environmental impact study that identifies proposed development in a streamside protection and enhancement area as defined in the *Riparian Areas Protection Regulation* must be submitted to the Province under section 6 of the *Riparian Areas Protection Regulation*.
25. An application for any development permit within the Protection of Riparian Ecosystems Development Permit Area and the Protection of Sensitive Ecosystems Development Permit Area under the *Official Community Plan* shall contain the following preliminary information:
 - (a) a statement outlining the reason for the proposed activities within the development permit area;
 - (b) a location map showing the general location of the property in the *Resort Municipality*; and
 - (c) an inventory map (at appropriate scale) identifying and delineating the following on the property:
 - i. the location of the property boundaries;
 - ii. the location and extent of the proposed development including buildings, structures, utilities, and roads;
 - iii. the location and extent of any proposed alteration of land including tree cutting and land disturbance to facilitate items in (ii);
 - iv. the location of existing right-of-way, easement, and covenant areas;
 - v. the location of existing development including buildings, structures, utilities, and roads;
 - vi. the location of all streams and riparian areas including the 30 metre distance from the high water mark of a stream; and
 - vii. in the case of the Protection of Sensitive Ecosystems Development Permit Area, the location of all Sensitive Ecosystem Protection Areas.

- (d) a written description of how the proposal is consistent or not consistent with the applicable Protection of Riparian Ecosystems Development Permit Area Guidelines and the Protection of Sensitive Ecosystems Development Guidelines.
- 26. An environmental impact study in relation to a property may be used in support of a development permit application for up to five years from the date on which the study is certified by the QEP, provided it addresses the proposed development.
- 27. In the case of lands located within the Aquifer Protection Development Permit Area in the *Official Community Plan*, if a declaration is provided, signed by the owner of the lands, that the existing and proposed activities on the land do not involve the use, storage, processing, manufacturing or sale of chemicals, substances, or compounds, whether in solid, liquid or gaseous form, that could migrate into the ground and affect the groundwater aquifer, other than the use of a motor vehicle on the land, a development permit is not required.

NOTIFICATION

- 28. The distance specified for the purpose of notification in relation to an application to amend a bylaw under section 466(4) of the *Local Government Act* or to amend a land use contract under section 546(5) of the *Local Government Act* is 100 metres, measured from the boundaries of any parcel to which the application pertains, subject to section 466(7) of the *Local Government Act*.
- 29. The distance specified for the purpose of notification in relation to a proposal for Council to issue a development variance permit under section 499(3) of the *Local Government Act* or a temporary use permit under s. 494(4) is 30 metres, measured from the boundaries of any parcel to which the application pertains.
- 30. In the case of an application for a development permit, a development permit under a land use contract, an approval of a Development Plan or a Development Approval under the *Blackcomb Land Use Contract*, a development variance permit, a temporary use permit, a modification or discharge of a section 219 covenant, an exemption from a bylaw establishing a flood construction level or floodplain setback, an amendment to the *Official Community Plan*, an amendment to the *Zoning Bylaw* and an amendment to a land use contract, the applicant must within fourteen (14) days of submitting a complete application to the *Resort Municipality* post, at the applicant's expense, a notification sign on the land that is the subject of the application, and notify the *General Manager, Director of Planning* or *Manager of Planning* that the sign has been posted.
- 31. The notification sign must conform generally to specifications issued by the *General Manager, Director of Planning* or *Manager of Planning* for such signs and must include the following information:
 - (a) the application type and number;
 - (b) the applicant's name;

Amended by
2377, 2022

- (c) the civic address of the subject property;
 - (d) a brief description of the proposal including proposed uses, number and type of units, proposed gross floor area and proposed building heights in metric units;
 - (e) any proposed variances;
 - (f) the phone number and e-mail of the contact department for more details;
 - (g) where information about the application may be inspected at the *Resort Municipality* hall and website;
 - (h) a map of the site containing a North Arrow, with all the roads adjoining the development site labelled;
 - (i) a rendering of the proposed development (for more complex projects) and
 - (j) a statement that details of the proposed development may be revised during the application process.
32. The applicant must keep the notification sign posted and in good repair until the application has been approved or refused by *Council* or its delegate, as applicable, or has been withdrawn by the applicant.
33. The applicant must remove any notification sign required by this bylaw within fourteen (14) days of the application being approved or refused by *Council* or its delegate, as applicable, or being withdrawn by the applicant.
34. In the event the applicant fails to comply with section 33 of this bylaw, and the applicant has been given notice of such non-compliance, the *Resort Municipality* may, through its employees or other persons, remove the notification sign at the expense of the applicant.
35. Notification signs must be placed in a conspicuous location, be clearly legible from adjoining highways, and not be obstructed by vegetation or structures on the land that is subject of the application.
36. A notification sign is required to be placed every 100 metres of highway frontage of the land that is subject of the application, except that no more than three signs are required for any one parcel.

PERMITS

37. The *General Manager* may prescribe the form of development permits, development variance permits and temporary use permits.

DELEGATION

38. Council delegates to any one of the *General Manager*, the *Director of Planning* and the *Manager of Planning* the authority to:

- (a) require development approval information under this bylaw;
- (b) issue development permits for land within the Intensive Residential Development Permit Area, the Protection of Riparian Ecosystems Development Permit Area, the Protection of Sensitive Ecosystems Development Permit Area, the Aquifer Protection Development Permit Area, and the Wildfire Protection Development Permit Area designated under the *Official Community Plan*; and
- (c) on behalf of the *Resort Municipality*, execute any modification or discharge of a section 219 covenant restricting gross floor area, but only to the extent that the covenant being modified or discharged is inconsistent with the *Zoning Bylaw* definition of gross floor area;
- (d) issue or renew temporary use permits in relation to outdoor patios; and
- (e) grant exemptions from a bylaw establishing a flood construction level or floodplain setback
- (f) on behalf of the *Resort Municipality*, execute any modification of a section 219 covenant that requires the preservation of trees, provided the modification results in no net loss to the size of the tree preservation area.

Added by
2377, 2022

39. Council delegates to any one of the *General Manager* and the *Director of Planning* the authority to:

- (a) issue development permits for land within the Whistler Creek Development Permit Area, the Commercial/Industrial Development Permit Area, the Multi-Family Residential Development Permit Area or the Industrial Development Permit Area, designated under the *Official Community Plan*, to the extent described in Schedule B;
- (b) issue development permits for land within the Whistler Village Development Permit Area designated under the *Official Community Plan*, to the extent described in Schedule B and except for development permits that authorize the alteration of more than two building elevations other than for placement of exterior communications equipment, chimneys, HVAC equipment, eavestroughs, downspouts, and other appurtenances;
- (c) approve any Development Plan and to give Development Approval required under the *Blackcomb Land Use Contract* as described in Schedule D;
- (d) issue development permits required under a land use contract, to the extent described in Schedule B; and
- (e) issue minor development variance permits based on the criteria set out in Schedule E and provided that in deciding whether to issue a development variance permit the *General Manager* or *Director of Planning* considers the

guidelines set out in Schedule E.

40. If this bylaw delegates authority to issue a development permit, temporary use permit or development variance permit, and the application for the permit also involves the use or occupancy of adjacent municipal land, or of adjacent land over which the *Resort Municipality* holds a statutory right of way, the delegation also includes the authority to grant a licence or other form of permission authorizing the use or occupancy, including the installation of improvements.

Added by
2377, 2022

41. *Council* delegates to the *General Manager* the authority to:

(a) respond on behalf of the *Resort Municipality* to referrals by the Province of British Columbia in respect of applications for Crown land tenure and applications for water licenses, provided that in so responding the *General Manager* considers the matters set out in Schedule C;

(b) respond on behalf of the *Resort Municipality* to referrals for comment by the Squamish-Lillooet Regional District, the District of Squamish and the Village of Pemberton in respect of matters arising under Part 14 of the *Local Government Act*, except for amendments to the Regional Growth Strategy;

Added by
2377, 2022

(c) on behalf of the *Resort Municipality*, execute any modification of a section 219 covenant that establishes flood construction levels or flood setbacks, or both, if the covenant was registered after the enactment of the *Flood Hazard Statutes Amendment Act*, 2003; and

Added by
2377, 2022

(d) grant a, licence or other form of permission to use or occupy municipal land or land over which the *Resort Municipality* holds a statutory right of way, including permission for the installation of improvements, other than where the authority is delegated under section 40.

42. *Council* delegates to the *Building Official* the authority to:

(a) approve, in the form of a building permit, any Development Plan and to give Development Approval required under the Blackcomb Land Use Contract, if the approval authorizes only interior building improvements including gross floor area additions that are within the confines of the existing building envelope and that are within the maximum remaining development potential for the building established by Council Policy G-19, where applicable; and

(b) on behalf of the *Resort Municipality*, execute any modification or discharge of a section 219 covenant restricting gross floor area, but only to the extent that the covenant being modified or discharged restricts the use of a crawlspace that did not constitute gross floor area at the time the covenant was granted.

43. *Council* delegates to the *General Manager* the authority to decide not to hold a public hearing referred to in section 464(2) of the *Local Government Act* on a proposed zoning bylaw.

44. The *General Manager*, *Director of Planning* or *Manager of Planning* may refer

applications under this bylaw to the *Resort Municipality's* Advisory Design Panel, Forest and Wildland Advisory Committee or Recreation and Leisure Advisory Committee or other advisory bodies established by *Council* for recommendations.

45. The *General Manager, Director of Planning* or *Manager of Planning's* authority to issue development permits, development variance permits and temporary use permits under this bylaw includes the authority to amend or cancel those permits upon the application or agreement of the permit holder.

PERMIT SECURITY

46. The *General Manager, Director of Planning* or *Manager of Planning* may require security as a condition of the issuance of a development permit or temporary use permit for the purposes of sections 502(1) and 496(1) of the *Local Government Act*, and in doing so must consider the following guidelines as to how the amount of security is to be determined:
- (a) in the case of a condition in a permit respecting landscaping, security in the amount of 135 percent of the estimated cost to the *Resort Municipality* of entering on the land, installing the landscaping, and inspecting and maintaining the landscaping for such period of time as would be required to ensure its survival in perpetuity;
 - (b) in the case of an unsafe condition that might result from a contravention of a permit condition, the nature of the permit condition, the nature of the unsafe condition, and the cost to the *Resort Municipality* of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work;
 - (c) in the case of damage to the natural environment that might result from a contravention of a permit condition, the nature of the permit condition, the nature of the damage, and the cost to the *Resort Municipality* of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition;
 - (d) in the case of a condition in a temporary use permit that the owner give an undertaking to demolish or remove a building or other structure and restore the land, the nature of the permit condition, and the cost to the *Resort Municipality* of entering on the land and carrying out the demolition, removal or restoration if the owner of the land fails to comply with the undertaking.
47. Despite section 45 of this bylaw, the *General Manager, Director of Planning* or *Manager of Planning* may require security as a condition of issuance of a development permit in the Protection of Riparian Ecosystems Development Permit Area or the Protection of Sensitive Ecosystems Development Permit Area designated under the *Official Community Plan* only in accordance with the security requirements that are identified in or arise from the applicable guidelines in the *Official Community Plan*.

RECONSIDERATION

48. An applicant may request *Council* to reconsider a decision of the *General Manager*, *Director of Planning* or *Manager of Planning* regarding the requirement to provide development approval information or the issuance of a development permit, temporary use permit or development variance permit under this bylaw within 30 days after the date of the decision of the *General Manager*, *Director of Planning* or *Manager of Planning* by delivering to the *Corporate Officer* a request for reconsideration in writing, which sets out the following:
- (a) the date of the decision and the nature of the decision;
 - (b) reasons why the applicant wishes the decision to be reconsidered by Council;
 - (c) the decision the applicant requests be made by Council, with brief reasons in support of the requested decision; and
 - (d) a copy of any materials the applicant considers to be relevant to the reconsideration by Council.
49. The *Corporate Officer* must refer a request for reconsideration to a regular meeting of *Council* held at least two weeks after the date on which the reconsideration application is delivered to the *Corporate Officer* and notify the applicant of the time and place at which *Council* will reconsider the decision of the *General Manager*, *Director of Planning* or *Manager of Planning*.
50. After having reconsidered a decision of the *General Manager*, *Director of Planning* or *Manager of Planning*, *Council* may confirm vary or set aside the decision of the *General Manager*, *Director of Planning* or *Manager of Planning* and substitute the decision of *Council*.

PROPRIETARY RIGHTS AND PUBLICATION OF INFORMATION

51. Every report or other document provided to the *Resort Municipality* pursuant to this bylaw must contain an express grant of permission to the *Resort Municipality* to use, reproduce and publish the information contained in the report or other document for non-commercial purposes.

GENERAL

52. If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, it shall be severed from the bylaw and the remaining portions shall remain in full force and effect as if the bylaw had been enacted without the invalid portion.
53. Schedules A, B, C, D and E attached hereto and form part of this bylaw.
54. This bylaw repeals and replaces "Land Use Procedures and Fees Bylaw No. 2019, 2012".

GIVEN FIRST, SECOND AND THIRD READINGS this 20th of September, 2022.

ADOPTED this 4th of October, 2022.

Jack Crompton,
Mayor

Pauline Lysaght,
Corporate Officer

I HEREBY CERTIFY that this is a
true copy of "Land Use Procedures
and Fees Bylaw No. 2205, 2022".

SCHEDULE A APPLICATION FEES

Application Type	Application Fee
Amendments to the Zoning Bylaw, Amendment to a Land Use Contract by bylaw and Amendments to the Official Community Plan	
Amendment to the Zoning Bylaw, Amendment to a Land Use Contract by bylaw – change in permitted uses and/or change in density up to 465 square metres	\$15,000.00
Amendment to the Zoning Bylaw, Amendment to a Land Use Contract by bylaw – change in permitted uses and/or change in density greater than 465 square metres	\$30,000.00
Amendment to a Zoning Bylaw, Amendment to a Land Use Contract by bylaw - for a Complex Site Rezoning	A minimum fee of \$150,000 for the first 10,000 m2 of site area plus \$350 per additional 100 m2 of site area or portion thereof, to a maximum fee of \$750,000`
Requiring an amendment to the Official Community Plan – Additional Fee	\$2,200.00
Requiring Public Hearing – Additional Fee	\$3,500.00
Requiring Advisory Design Panel Review – Additional Fee	\$1,500.00
Legal Services	At cost
Development Applications	
Development Permit, Approval of Development Plan or Development Approval under the Blackcomb Land Use Contract, Development Permit under Land Use Contract – delegated	\$3,000.00
Development Permit, Approval of Development Plan or Development Approval under the Blackcomb Land Use Contract, Development Permit under Land Use Contract – requiring Council consideration of issuance	\$10,000.00
Development Permit, Approval of Development Plan or Development Approval under the Blackcomb Land Use Contract, Development Permit under Land Use Contract – requiring Council consideration of issuance and involving multiple buildings	\$15,000.00
Legal Services	At cost
Development Variance Permits	
Development Variance Permit – delegated (except for Variances to Sign Bylaw No. 558, 1987)	\$3,500.00
Development Variance Permit – delegated (variance to Sign Bylaw No. 558, 1987)	\$2,000.00
Development Variance Permit - requiring Council consideration of issuance	\$5,300.00
Temporary Use Permits	
Temporary Use Permit – delegated	\$3,000.00
Temporary Use Permit – requiring Council consideration of issuance	\$4,700.00
Temporary Use Permit – amendments or renewals	75% of Original Fee

Other Application Services	
Exemption from a Bylaw Establishing a Flood Construction Level or Floodplain Setback	\$4,100.00
Covenant Modification – delegated	\$4,300.00
Covenant Modification - requiring Council Consideration	\$5,500.00
Antenna System Letter of Concurrence or Non-Concurrence – no consultation required	\$4,200.00
Antenna System Letter of Concurrence or Non-Concurrence – consultation required	\$18,000.00
Licence to use or occupy municipal land	\$1,200.00
Permission to use or occupy land over which the <i>Resort Municipality</i> holds a statutory right of way	\$600.00
Other Services By Request	
Land Title Searches by Request	\$35.00
Site inspection for security drawdown	\$375.00 per inspection
Property Zoning Inquiry	\$250.00 per property request

SCHEDULE B

DELEGATED DEVELOPMENT PERMIT CRITERIA

Development permits authorizing:

1. subdivision of land;
2. exterior repainting of an entire building, or an entire part of a building;
3. alteration of land including landscaping, planters, stairs, walkways, decks, guardrails, retaining walls, rock stacking and other hard landscaping;
4. roads, driveways and utilities;
5. changes to exterior building materials or roofing materials;
6. exterior lighting alterations or installation of additional exterior lighting, whether the lighting is to be attached to a building or placed elsewhere on the property;
7. building demolition;
8. exterior building repairs;
9. new exterior windows or doors, in existing or new locations;
10. placement of exterior communications equipment, chimneys, HVAC equipment, eavestroughs, downspouts, and other appurtenances;
11. new buildings or structures with floor areas up to 20 m² and additions to buildings or structures, whether fully or partially enclosed or fully open to the outside except for a roof covering, where the total interior floor area is increased by 20 m² or less in the Whistler Village Development Permit Area, Whistler Creek Development Permit Area, Commercial/Industrial Development Permit Area or the Industrial Development Permit Area;
12. new development or renovations to existing development in the Multi-Family Residential Development Permit Area affecting fewer than six dwelling units;
13. new buildings or structures for solid waste separation and storage facilities in compliance with Resort Municipality of Whistler Solid Waste Bylaw No. 2139, 2017;
14. comprehensive sign plans and amendments to a comprehensive sign plan;
15. interior renovations that enclose storefront windows with display walls and cabinets that impede views into a store in the Whistler Village Development Permit Area and the Whistler Creek Development Permit Area.

Amended by
2377, 2022

SCHEDULE C

CROWN REFERRAL RESPONSE GUIDELINES

1. Whether the application is, in the opinion of the *General Manager*, consistent with the *Resort Municipality's* vision, goals, objectives and policies, as expressed in the *Official Community Plan* and as understood by the *General Manager*.
2. Whether the application is, in the opinion of the General Manager, consistent with current bylaws and municipal policies, including the Official Community Plan, and Zoning Bylaw.
3. Whether the application is, in the opinion of the General Manager, consistent with current regional land use plans.
4. Whether the application, in the opinion of the General Manager, affects areas of significant environmental, scenic, social or cultural land use concerns.
5. Whether the application, in the opinion of the General Manager, exhibits high standards of quality and appearance, and whether, in the opinion of the General Manager, building materials, colours and façade treatments are consistent with mountain character, and service and back-of-house areas are suitably screened.
6. Where, in the opinion of the General Manager, there is any possibility of clean-up or remediation being required after the use ceases, and whether security for that purpose will be provided to the Province.
7. Whether the application, in the opinion of the General Manager, reflects carrying capacity.
8. Whether the application, in the opinion of the General Manager, preserves public use and access to and over Crown land or whether, in the opinion of the General Manager, closure or reduction of public use and access is acceptable or whether an alternate public use opportunity should be provided elsewhere.
9. Whether the application, in the opinion of the General Manager, addresses ongoing maintenance of existing trails and facilities.
10. Whether, in the opinion of the General Manager, a commercial recreation application contributes to a balanced mix of viable commercial and public recreational experiences in the Whistler area.
11. Whether, in the opinion of the General Manager, a commercial recreation application is compatible with the operational needs of existing tenured commercial recreation businesses.

SCHEDULE D

DELEGATED BLACKCOMB LAND USE CONTRACT DEVELOPMENT PLAN CRITERIA

Development Plans and Development Approvals that are consistent with the gross floor area restrictions established by Council Policy G-19 and authorize:

1. subdivision of land;
2. exterior repainting of an entire building, or an entire part of a building;
3. alteration of land including landscaping, planters, stairs, walkways, decks, guardrails, retaining walls, rock stacking and other hard landscaping;
4. Roads, driveways and utilities;
5. changes to exterior building materials or roofing materials;
6. exterior lighting alterations or installations of additional exterior lighting, whether the lighting is to be attached to a building or placed elsewhere on the property;
7. building demolition;
8. exterior building repairs;
9. new exterior windows or doors, in existing or new locations;
10. placement of exterior communications equipment, chimneys, HVAC equipment, eavestroughs, downspouts, and other appurtenances;
11. new buildings or structures with floor areas up to 20 m² and additions to buildings or structures beyond the existing building envelope, whether fully or partially enclosed or fully open to the outside except for a roof covering, where the total interior floor area is increased by 20 m² or less;
12. new multi-family development or renovations to existing multi-family development on the lands shown outlined in heavy black line and shaded on the map attached as Map 1 of Schedule D;
13. new buildings and structures for solid waste separation and storage facilities in compliance with *Resort Municipality of Whistler Solid Waste Bylaw No. 2139, 2017*;
14. approval of comprehensive sign plans and amendments to a comprehensive sign plan.

Map 1 of Schedule D



SCHEDULE E

DELEGATED DEVELOPMENT VARIANCE PERMIT CRITERIA AND GUIDELINES

A. A variance is minor if it varies:

1. any of the following provisions of the *Zoning Bylaw*:
 - (a) siting and design standards for off-street parking or loading spaces;
 - (b) regulations for tandem parking;
 - (c) regulations for the siting or height of solid waste separation and storage facilities;
 - (d) site coverage regulations, provided that maximum site coverage is not increased by more than 25%;
 - (e) building setback regulations, provided that a required setback is not reduced by more than 25%;
 - (f) exceptions to setback regulations for projections in Section 7 of Part 5 with the exception of foundations or supports for such projections as described in subsection 7(1) of Part 5, and provided that the variance deals only with the extent of a projection and does not provide an exception for a type of projection that is not provided for in the bylaw;
 - (g) building height regulations, provided that permitted height is not increased by more than 10%; or
2. a provision of Sign Bylaw No. 558, 1987 that restricts the number, size, type, form, appearance or location of a sign.

B. The *General Manager* and *Director of Planning* must consider the following general guidelines in deciding whether to issue a Development Variance Permit:

1. The variance should be consistent with the goals, objectives and policies in the Official Community Plan and any other relevant Council-approved municipal policy documents.
2. The variance application should be supported by a sound justification based on the applicant's inability to reasonably develop the site in an efficient and effective manner while complying with bylaw requirements, or on the provision of a benefit to the community or adjacent properties in the form of a preferable development outcome that is attributable to the variance.
3. The variance should not defeat the express or implicit intent of the bylaw requirement or restriction being varied.
4. The variance should not impose any additional costs on the Resort Municipality

such as additional cost to provide services to the development site or adjacent properties.

5. The variance should not create or exacerbate any risk to public safety.
6. The variance should enable the applicant's development to do one or more of the following:
 - (a) complement the streetscape or neighbourhood;
 - (b) work with the topography of the site without major site preparation or earthworks;
 - (c) maintain or enhance desirable site features such as natural vegetation, trees and rock outcrops;
 - (d) use superior building siting in relation to light access, reducing building energy requirements;
 - (e) use superior building siting in relation to the privacy of occupants and neighbours; and
 - (f) preserve or enhance views from neighbouring buildings and sites.
7. The variance should not result in a significant negative impact on the streetscape or neighbourhood and should incorporate mitigation measures to reduce any identified negative impact. Potential negative impacts to be considered include:
 - (a) inconsistency of the development with neighbourhood character;
 - (b) increased apparent building bulk as viewed from the street or surrounding neighbourhood;
 - (c) extensive additional site preparation or earthworks;
 - (d) substantial impact on the use or enjoyment of adjacent land such as reduction of sunlight access or privacy or obstruction of views; and
 - (e) impact on services such as roads, utilities and snow clearing operations.

C. The *General Manager* and *Director of Planning* must consider the following guidelines in deciding whether to issue a Development Variance Permit in respect of any of the particular types of regulations indicated below:

Sign Regulations

1. A variance of the number, size or location of signs should not result in a significant increase in the total number or sign area of on-site signage or disrupt the aesthetic character of the development or adjacent neighbourhood.
2. A variance should not adversely impact neighbouring properties, for example by increasing exposure to artificial light.

Off-Street Parking Design Standards

1. A variance of the design standard for off-street parking spaces should not create or exacerbate any safety hazard related to the operation of motor vehicles or other forms of transportation.

Solid Waste Separation and Storage Facility Regulations

1. A variance should not be approved without consultation with the operator of the facility and the municipal engineer to ensure operational feasibility.
2. A variance should not result in an increase in disruptive intermittent noise affecting building occupants or neighbours.

Building Siting Regulations

1. A variance should not reduce the livability of existing residential units or units in the development. The applicant should demonstrate with appropriate drawings and calculations that the variance would not significantly interfere with privacy or access to sunlight.

Building Height Regulations

1. The variance application should be supported with drawings and calculations illustrating shadow and view impacts of the proposed variance, including impacts on public spaces such as parks and green spaces.
2. The application should be assessed in relation to compatibility with both existing adjacent uses and uses permitted or contemplated by the *Zoning Bylaw* and the *Official Community Plan*.