



WHISTLER

COUNCIL POLICY

POLICY NUMBER:

G-20

DATE OF RESOLUTION:

MAY 31, 1999

TOURIST ACCOMMODATION REZONING POLICY

That Council instruct staff to process Residential Tourist Accommodation rezoning applications for properties that are encumbered by Phase 1 rental pool covenants but do not have zoning to permit temporary tourist accommodation – Courtyard, Gondola 6 (excluding the employee housing component), Gondola Heights, Gondola Village, Lake Placid Lodge, London Lane Condos, Powderview, Sundance, Whistler Creek Ridge and Northern Lights;

That Council instruct staff to process rezoning applications for certain properties located in Blackcomb Benchlands and Taluswood that have requested Residential Tourist Accommodation – Blackcomb Greens, Forest Creek, Treeline, The Woods, Taluswood Phase 1, and the Ridge at Taluswood;

That Council consider utilizing Residential Tourist Accommodation zoning for new development areas;

That Council, after due consideration, does not support chalet, villa or new pension accommodation in residential areas;

That Council instruct staff to continue its enforcement policy against illegal tourist accommodation;

That Council hereby places a one year moratorium on the consideration of any rezoning applications for Bed and Breakfast use (TB1 Zone) which have not already received third reading; and further

That all application fees submitted for tourist accommodation rezoning applications be reimbursed in full.

Certified Correct:

John Nelson, Deputy Municipal Clerk

009-760-253	VR 2049	17	5316	I
009-760-261	VR 2049	18	5316	I
009-760-270	VR 2049	19	5316	I
009-760-288	VR 2049	20	5316	I
009-760-296	VR 2049	21	5316	I
009-760-300	VR 2049	22	5316	I
	VR 2049	Common Property	5316	I

Current Zones: RS1 (Single Family Residential One)
Proposed Zone: RTA 25 (Residential / Tourist Accommodation Twenty-Five)
Schedules: "A" Bylaw No. 1725, 2005
"B" Letter from Steve Bayly outlining position of the strata vis a vis the proposed rezoning
"C" Snowridge strata Special Resolution No. 2 – Nightly Rentals

PURPOSE

The purpose of this report is to advise Council on progress in processing RA 441. Further, this report provides Council with a description of the requested zoning amendment.

DISCUSSION

The subject site, developed in 1988, is located slopeside just above the Creekside Base area. The site is located on a south facing 25% slope on Whistler Mountain. The site is developed and contains 22 detached dwellings. Whistler Creek is located immediately to the south of the subject site. Beyond Whistler Creek is the Whistler Mountain ski area. Undeveloped forested land is located to the northwest while a multifamily development is located to the northeast.

The subject lands are designated as "resort land" pursuant to Section 12 of the Resort Municipality of Whistler Act (RSBC 1996) Chapter 407. Although being a member of the Whistler Resort Association does not give you an automatic right to have nightly rentals, the applicants believe that as paying members of the Association, they should be entitled to use their dwellings for nightly rentals. However, the existing zoning, RS1 ((Single Family Residential One) does not permit nightly rentals. The applicant contends that prior to 1990, the Zoning Bylaw was silent on the issue of nightly rentals in the RS1 (Single Family Residential One) zone possibly leading some purchasers believing that they could use their dwellings for nightly rentals. However, Zoning Amendment Bylaw 814, 1990 added a definition of "residential" that clearly prohibited nightly rentals. Furthermore, because the public hearing for this zoning amendment bylaw was waived, the applicants contend that they were not given a chance to explain the possible implications of the amendment to Council. Based on the history of the zoning on this site and the fact that it is designated as "resort land", the applicants contend that nightly rentals should be allowed in the Snowridge strata.

Since the existing zoning as modified subsequent to the subdivision does not permit nightly rentals, the Strata is applying for rezoning to RTA 25 (Residential / Tourist Accommodation Twenty-Five). RTA (Residential / Tourist Accommodation) zones permit nightly rentals. There are several RTA (Residential / Tourist Accommodation) zones in the area including Kadenwood, Taluswood, Lake Placid Lodge, and Gondola Village.

Staff support the rezoning application for the following reasons:

- It is located in close proximity to the Creekside ski base.

¹ Amending bylaw 814-1990 defined "residential" as "means a fixed place of living, excluding any temporary accommodation, to which a person intends to return when absent;"

- The majority of the strata owners support the rezoning application (Schedule "B").
- In 1999 the municipality initiated a process to rezone developments near the Creekside base including Snowridge, however, at that time the Municipality did not receive support from the Snowridge strata to proceed with rezoning. Given that there is now support from the owners of the strata for rezoning (Schedule "C"), staff believe that it is a good opportunity to rezone the land.
- Only four of the 22 units are owned by people with Whistler addresses. Allowing short-term rentals may result in more warm beds in this strata. However, there is no guarantee that this will happen. Anecdotal evidence suggests that very few of the current owners will use their dwellings for nightly rentals.
- One owner family has indicated that they rely on the income from the nightly rentals to help supplement their income stream so that they can remain in Whistler.

The applicants have requested that the non-statutory public open house requirement be waived for this application since the rezoning is unlikely to generate a significant impact on the surrounding neighbourhoods. Staff support waiving the public open house in this case. A statutory public hearing will still be required.

POLICY CONSIDERATIONS

Whistler 2020

Enriching Community Life – allowing nightly rentals may provide some of the resident owners with a secondary source of income that allows them to remain in the community.

Enhancing the Resort Experience – allowing nightly rentals at this location provides an additional form of accommodation within walking distance of the Creekside ski base.

Tourist Accommodation Rezoning Policy

On May 31, 1999 Council adopted a Tourist Accommodation Rezoning Policy (Schedule "D"). The proposed rezoning of the Snowridge Strata is not explicitly dealt with by this policy. Therefore, staff are of the opinion that the proposed rezoning would not contravene the policy. Staff believe that the proposed rezoning meets the intent of the policy and that the absence of the Snowridge project from the policy is more related to an oversight than to legitimate planning reasons.

BUDGET CONSIDERATIONS

All application fees have been paid.

SUMMARY

Due to the proximity of the subject site to the Creekside ski base, staff support the rezoning application that would allow for nightly rentals. In addition, the rezoning application is supported by the majority of Snowridge strata owners.

Sowridge Bareland Strata Rezoning
Page 4 ...
(October 17, 2005)

Respectfully submitted,

Signed Original on File

Bill Brown
MANAGER OF CURRENT PLANNING
for
Robert MacPherson
GENERAL MANAGER OF PLANNING & DEVELOPMENT SERVICES

RESORT MUNICIPALITY OF WHISTLER

ZONING AMENDMENT BYLAW (Snowridge Crescent Bareland Strata Nightly Rentals) No. 1725,
2005

A BYLAW TO AMEND THE RESORT MUNICIPALITY OF WHISTLER
ZONING AND PARKING BYLAW NO. 303, 1983

WHEREAS the Council may in a zoning bylaw, pursuant to the *Local Government Act*, divide all or part of the area of the Municipality into zones, define each zone and regulate the use of land, buildings and structures within the zones, and require off-street parking spaces and loading spaces for buildings and structures;

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

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Snowridge Crescent Bareland Strata Nightly Rentals) No. 1725, 2005".
2. The land that is the subject of this bylaw is that parcel of land situated in the Resort Municipality of Whistler, described as:

Parcel Identification	Plan	Lot	District Lot	Group
009-760-083	VR 2049	1	5316	I
009-760-091	VR 2049	2	5316	I
009-760-105	VR 2049	3	5316	I
009-760-105	VR 2049	4	5316	I
009-760-121	VR 2049	5	5316	I
009-760-130	VR 2049	6	5316	I
009-760-148	VR 2049	7	5316	I
009-760-156	VR 2049	8	5316	I
009-760-164	VR 2049	9	5316	I
009-760-172	VR 2049	10	5316	I
009-760-181	VR 2049	11	5316	I
009-760-199	VR 2049	12	5316	I
009-760-202	VR 2049	13	5316	I
009-760-211	VR 2049	14	5316	I
009-760-229	VR 2049	15	5316	I
009-760-245	VR 2049	16	5316	I
009-760-253	VR 2049	17	5316	I

009-760-261	VR 2049	18	5316	I
009-760-270	VR 2049	19	5316	I
009-760-288	VR 2049	20	5316	I
009-760-296	VR 2049	21	5316	I
009-760-300	VR 2049	22	5316	I
	VR 2049	Common Property	5316	I

All as labeled and shown in hatch on the sketch plan attached as Schedule 1 to this bylaw.

3. The Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 1983 is amended as follows:

a) The land described in paragraph 2 is rezoned from the RS1(Single Family Residential One) zone to the RTA 25 (Residential/Tourist Accommodation Twenty-Five) zone.

b) Section 7 is amended by inserting the following in number order under the indicated headings:

R Zones Residential Zones

RTA 25 Residential Tourist Accommodation Twenty- Five

c) Section 11 is amended by adding section 42 RTA 25 Zone (Snowridge Crescent) attached as Schedule 2 to this bylaw.

d) Schedule "A" (zoning maps) forming part of Zoning and Parking Bylaw No. 303, 1983 is amended to effect the rezoning described in subparagraph (a).

GIVEN FIRST READING this ____ day of October, 2005.

GIVEN SECOND READING this ____ day of October, 2005.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this ____ day of ____, 2005.

GIVEN THIRD READING this ____ day of ____, 2005.

APPROVED by the Ministry of Transportation this ____ day of ____, 2005.

ADOPTED by the Council this ____ day of ____, 2005.

Mayor

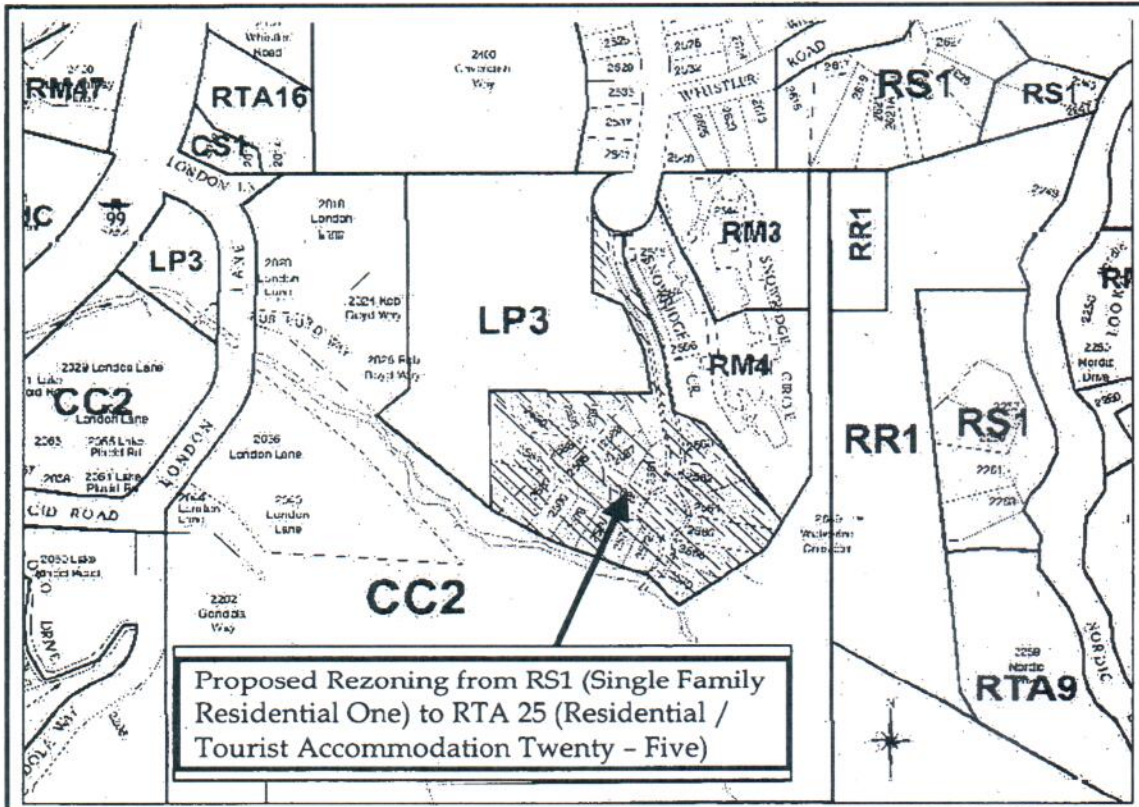
Deputy Municipal Clerk

Signed Original in Vault

I HEREBY CERTIFY that this is
a true copy of "Zoning Amendment Bylaw
(Snowridge Crescent) No. 1725, 2005"

Deputy Municipal Clerk

Schedule 1



Hatched area proposed to be rezoned from RS1 (Single Family Residential One) to RTA 25 (Residential / Tourist Accommodation Twenty - Five)



Schedule 2

RTA 25 Zone (Residential / Tourist Accommodation Twenty-Five)

Intent

The intent of this zone is to provide for low density residential and tourist accommodation

40 In the RTA 25 Zone:

Permitted Uses

40.1.1 The following uses are permitted and all other uses are prohibited:

- (a) auxiliary buildings and auxiliary uses;
- (b) auxiliary residential dwelling unit;
- (c) detached dwellings; and
- (d) park and playground.

40.1.2 Notwithstanding any other provision of this Bylaw, detached dwellings in the RTA 25 Zone may be used for the temporary accommodation of not more than 10 guests during periods when such dwellings are not occupied for residential use.

Density

40.2 The maximum permitted gross floor area of a detached dwelling is the figure obtained when the total area of a bare land strata plan (exclusive of those portions intended to provide access routes) is multiplied by 0.35 and divided by the maximum total number of bare land strata lots in the plan, and regardless of any provision herein the maximum gross floor area of a detached dwelling shall not exceed 465 square metres.

Height

40.3 The maximum height of a building is 7.6 metres.

Site Coverage

40.4 The maximum permitted site coverage is 35 percent.

Setbacks

40.5 No detached dwelling shall be less than:

- (a) 7.6 m from the boundaries of the strata plan;
- (b) 7.6 m from an internal access road; and
- (c) A distance from any other detached dwelling calculated as the sum of the following distances for each dwelling:

Gross Floor Area of Dwelling	Distance
325 square metres or less	3 metres
Greater than 325 square metres	6 metres

Off-street Parking and Loading

40.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this bylaw.

Other Regulations

- 40.7.1 The minimum permitted gross floor area of a detached dwelling is 46.5 square metres.
- 40.7.2 The maximum permitted number of bedrooms in a detached dwelling is four (4).
- 40.7.3 The placing of more than one principal building on a parcel or strata lot is prohibited.
- 40.7.4 An auxiliary residential dwelling unit shall contain a gross floor area no greater than 90 square metres and no less than 32.5 square metres.
- 40.7.5 In no case shall the gross floor area of the auxiliary residential dwelling unit exceed 40 percent of the gross floor area on a parcel.
- 40.7.6 An auxiliary residential dwelling unit shall contain up to two bedrooms and two bathrooms, one living room and only one kitchen.
- 40.7.7 Auxiliary residential dwelling units shall not be used for tourist accommodation and all other uses not expressly permitted in this section are prohibited.
- 40.7.8 In no case shall a parcel contain both an auxiliary building containing an auxiliary residential dwelling unit and an auxiliary building containing parking use.
- 40.7.9 An auxiliary building containing both an auxiliary residential dwelling unit and parking use shall be no less than 2 stories in height, to a maximum of 5 metres.

Sowridge Strata Corporation VR 2049
C/o Steve Bayly, 2576 Snowridge Crescent
Whistler, B.C. V0N 1B2
tel 604 932-9600 fax 604 932-8620
cel 604 905-8648 e-mail sjbayly@telus.net

October 18, 2004

Mr. Bill Barratt
Mr. Bob MacPherson
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, B.C. V0N 1B4

Dear Sirs,

**Re: Short Term Rentals
Snowridge Single Family Subdivision**


The Snowridge Crescent Single Family Bare Land Strata Corporation VR 2049 held a special meeting October 2, 2004 to vote on a resolution to support a rezoning to allow short term rentals as an allowable use. It is interesting to note that most Owner's, especially original and longer term Owners, understanding was that short term rentals were allowed so feel the rezoning more to "confirm" short term rentals as an allowable use.

Snowridge Owners first formally discussed this matter at our annual general meeting on May 30, 2004. The consensus of the meeting was that with proper rules or guidelines adopted by the Strata, short term rentals were desirable and it was resolved strata owners receive a notice, proxy and letter from the Strata Corporation regarding a special meeting to be held to consider and vote on a resolution supporting a rezoning to allow or confirm short term rentals. A proxy was included to insure those unable to attend the meeting were able to vote. Due to summer conflicts the special meeting was not held until October 2, 2004.

The resolution supporting proposed rezoning to allow short-term rentals was voted, of the 22 strata lots:
14 voted in favour (8 in attendance + 6 proxy)
1 vote opposed (0 in attendance + 1 proxy)
The motion was passed 93% in favour with the largest number of Owners voting in our 16-year history.

A copy of the Special Resolution is enclosed. I would like to get together to discuss how you wish to proceed at your earliest convenience.

Yours Truly,


Steve Bayly
Strata Chairman

01/31/2005 08:42 FAX 804 921 781

KENSCO

001

Snowridge Crescent, Whistler, B.C.
Strata Plan VR2049


**SPECIAL RESOLUTION NO. 2
NIGHTLY RENTALS**

WHEREAS it is the wish of the Owners of Strata Plan VR 2049 to support the zoning amendment proposed by the RMOW to permit short term nightly rentals.

THEREFORE BE IT RESOLVED THAT:

1. That the Resort Municipality of Whistler be advised that the Owners of Strata Plan VR2049 support the zoning amendment proposed by the RMOW to permit short term nightly rentals;
2. That all vehicles brought onto Strata Property by renters shall be parked only on the individual strata lot being rented; and
3. That no unreasonable noise be audible to neighbouring strata properties and no improper behaviour be exhibited by tenants of the rented property.
4. That
 - a. a Security Company be engaged by the Strata on a 24 hour basis to deal with breaches of the Regulations imposed from time to time by the Strata; and
 - b. that the Security Company be instructed to deal with a complaint as soon as practicable following receipt of a complaint from a strata owner; and
 - c. that the cost of attendance by the Security Company be borne by the owner of the offending strata property; and
5. That a Strata Council Committee be empowered to make such further resolutions as deemed necessary with respect to rules and regulations governing short term nightly rentals.

DATED this 2nd day of October, 2004


Chairman, VR2049


Vice Chairman, VR2049