



This is Exhibit ^{KK} referred to in the
affidavit of Pauline Lysaght
affirmed before me at Whistler
in the Province of British Columbia this
11 day of April A.D., 2025
Beedy
A Commissioner for taking Affidavits
within British Columbia

639

PUBLIC HEARING OF MUNICIPAL COUNCIL
MINUTES

Tuesday, April 19, 2022, 5:30 p.m.

Remote Meeting via Zoom

For information on how to participate: <https://www.whistler.ca/business/land-use-and-development/planning/active-applications>

PRESENT: Mayor J. Crompton
Councillor A. De Jong
Councillor J. Ford
Councillor R. Forsyth
Councillor J. Grills
Councillor D. Jackson

ABSENT: Councillor C. Jewett

STAFF PRESENT: Acting Chief Administrative Officer and General Manager of
Corporate and Community Services, T. Battiston
General Manager of Resort Experience, J. Gresley-Jones
Acting General Manager of Infrastructure Services, A. Tucker
Director of Planning, M. Kirkegaard
Manager of Legislative Services/ Corporate Officer, P. Lysaght
Manager of Planning, C. Beaubien
Planner, J. Rees
Planner, P. Gibbins
Council Coordinator, M. Mikle

1. **PUBLIC HEARING - "LAND USE CONTRACT TERMINATION BYLAW (HORSTMAN ESTATES) NO. 2323, 2022"**

This meeting was held electronically pursuant to s.465 of the *Local Government Act* and Council Procedure Bylaw No. 2207, 2018.

2. **CALL TO ORDER**

The Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lil'wat People, known in their language as Lil'wat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

This Public Hearing is convened pursuant to section 464 of the *Local Government Act* to allow the public to make representations to Council respecting matters contained in "Land Use Contract Termination Bylaw (Horstman Estates) No. 2323, 2022" (the "proposed Bylaw").

Mayor J. Crompton announced the procedure for the Public Hearing.

640

3. **LAND USE CONTRACT TERMINATION BYLAW (HORSTMAN ESTATES) NO. 2323, 2022**

PURPOSE AND SUBJECT LANDS: The overall subject lands are known as "Horstman Estates" and form Strata Plan VR2482; the lands include parcels located along Horstman Place and Horstman Lane. In general terms, the proposed Bylaw will:

1. Revise regulations for the existing RS3 Zone (Residential Single Family Three). The proposed revisions will change the density provisions for the zone to reflect the maximum density permitted by a covenant GC125596, update the intent statement for the zone, and change the parking provisions for the zone.
2. Apply the revised RS3 Zone to the area shown outlined in heavy black on Map 1 attached to the public notice. Part of the area is already zoned RS3; part of it is currently subject to Land Use Contract G2520.
3. Terminate Land Use Contract G2520 from the lands shown outlined in heavy black on Map 2 attached to the public notice.

4. **STAFF PRESENTATION**

A presentation was given by municipal staff regarding the proposed Bylaw.

5. **SUBMISSIONS FROM THE PUBLIC**

Mayor J. Crompton called for submissions from the public.

Alan Gelfand, 3940 Horstman Lane and representing 3941 Horstman Lane

A. Gelfand provided some historical information about the inception of this development and raised concerns about the RMOW interpretation of tourist accommodation for these properties.

Maurice Whyte, 4917 Horstman Lane

M. Whyte suggested that additional wording be added to the new zoning to provide clarity on the in-ground basement exclusion.

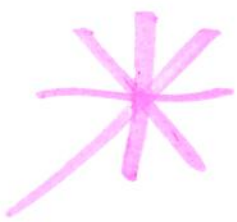
Ivan Bern, President of Horstman Strata Lot and also representing 4953 and 4918 Horstman Lane

I. Bern stated that he did not believe transparency was an issue and questioned what the motivation was behind including the density provisions.

Alan Gelfand, 3940 Horstman Lane and representing 3941 Horstman Lane

A. Gelfand spoke for a second time and emphasized that the original intent was to allow tourist accommodation in this development. He further stated that if tourist accommodation was eliminated in Horstman Estates this would negatively impact property values.

Ivan Bern, President of Horstman Strata Lot and also representing 4953 and 4918 Horstman Lane



641

Minutes – Public Hearing – " Land Use Contract Termination Bylaw (Horstman Estates) No. 2323, 2022" – Resort Municipality of Whistler
April 19, 2022

I. Bern spoke for a second time and explained that he had concerns that the proposed zoning would create two classes of owners. He further explained that the Strata Property Act would allow a strata to restricted nightly rentals.

Mayor J. Crompton called for submissions from the public and no further submissions were made.

6. ADJOURNMENT

Mayor J. Crompton called for a motion to adjourn the Public Hearing until the completion of the second Public Hearing under consideration that evening.

Moved By Councillor J. Ford

Seconded By Councillor R. Forsyth

That Council adjourn the Public Hearing at 6:14 p.m.

CARRIED

7. FINAL SUBMISSIONS FROM THE PUBLIC

Mayor J. Crompton resumed the Public Hearing at 6:28 p.m.

Mayor J. Crompton called for a final time for submissions from the public, and none were made.

8. MOTION TO CLOSE THE PUBLIC HEARING

Moved By Councillor J. Grills

Seconded By Councillor D. Jackson

That Council close the Public Hearing for "Land Use Contract Termination Bylaw (Horstman Estates) No. 2323, 2022" at 6:31 p.m.

CARRIED

Mayor, J. Crompton

Corporate Officer, P. Lysaght