



WHISTLER

AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, MAY 26, 2015 STARTING AT 6:00 PM**

**In the Franz Wilhelmssen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

The Public Hearing is convened pursuant to Section 890 of the *Local Government Act* R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained in "Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may, ask questions following presentations however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

As stated in the Notice of Public Hearing,

Land Use Contract
Amendment Authorization
Bylaw (Blueberry Hill) No.
2088, 2015

PURPOSE OF LAND USE CONTRACT AMENDMENT AUTHORIZATION BYLAW (BLUEBERRY HILL) NO. 2088, 2015

In general terms, the purpose of the Bylaw is to change the existing Blueberry Hill Land Use Contract's gross floor area definition to be the same as the definition for gross floor area in Zoning Bylaw No. 303, allowing for excluded floor areas in basements, crawlspaces and void spaces. The amendment would apply to all single-family and duplex properties subject to the Blueberry Land Use Contract.

All other Blueberry Hill Land Use Contract regulations (e.g. building setbacks, height, site coverage, permitted uses, works and service charges, parking requirements, etc.) will remain in effect.

Explanation

An explanation by municipal staff concerning the proposed Bylaw.

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

ADJOURNMENT

PUBLIC HEARING DOCUMENT INDEX

Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw	May 12, 2015	Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015
Council Minutes	May 12, 2015	Minutes of the Regular Meeting of Council (DRAFT)
Council Report	May 12, 2015	Administrative Report 15-065 to Council.
Presentation Slides	May 12, 2015	Presentation slides by J. Belobab, Senior Planner.
Correspondence		Correspondence will be included as it is received.



THE RESORT MUNICIPALITY OF WHISTLER
4325 Blackcomb Way TEL 604 932 5535
Whistler, BC Canada V0N 1B4 TF 1 866 932 5535
www.whistler.ca FAX 604 932 8109

NOTICE OF PUBLIC HEARING

TUESDAY, May 26 – 6:00 P.M.

MAURICE YOUNG MILLENNIUM PLACE
Franz Wilhelmson Theatre, 4335 Blackcomb Way, Whistler BC

LAND USE CONTRACT AMENDMENT BYLAW (BLUEBERRY HILL) NO. 2088, 2015

PURPOSE:

In general terms, the purpose of the Bylaw is to change the existing Blueberry Hill Land Use Contract's gross floor area definition to be the same as the definition for gross floor area in Zoning Bylaw No. 303, allowing for excluded floor areas in basements, crawlspaces and void spaces. The amendment would apply to all single-family and duplex properties subject to the Blueberry Land Use Contract.

All other Blueberry Hill Land Use Contract regulations (e.g. building setbacks, height, site coverage, permitted uses, works and service charges, parking requirements, etc.) will remain in effect.

INSPECTION OF DOCUMENTS:

A copy of the proposed Bylaw and relevant background documentation may be inspected on our website at www.whistler.ca/events (see May 26, 2015), or visit the Reception Desk at Municipal Hall at 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00 a.m. to 4:30 p.m., from Monday to Friday (statutory holidays excluded).

PUBLIC PARTICIPATION:

All persons, who believe their interest in the property is affected by the proposed Bylaw, will be afforded a reasonable opportunity to be heard by Council at the Public Hearing.

Written comments must be addressed to "Mayor and Council", and may be submitted prior to the public hearing (by 4:30 p.m. on May 26, 2015):

Email: corporate@whistler.ca
Fax: 604-935-8109
Hard Copy: Legislative Services Department
4325 Blackcomb Way
Whistler BC V0N 1B4

Submissions received for the proposed Bylaw will be included in the information package for Council's consideration, which will also be available on our website at www.whistler.ca with other associated information.

At the conclusion of this Public Hearing, no further information on this topic can be considered by Council.

Shannon Story
Corporate Officer

**RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT AMENDMENT AUTHORIZATION BYLAW (BLUEBERRY HILL) NO. 2088,
2015**

A BYLAW TO AUTHORIZE AMENDMENTS TO THE BLUEBERRY HILL LAND USE CONTRACT

WHEREAS a land use contract may, under s.930 of the *Local Government Act*, be amended by bylaw with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment;

AND WHEREAS the Council wishes to authorize the Resort Municipality to enter into agreements to amend a land use contract with the owners of certain parcels of land in the Resort Municipality, to make the method of calculating the gross floor area of detached and duplex dwellings permitted under the land use contract consistent with the method set out in the Resort Municipality's Zoning Bylaw;

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 "Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015"
2. This bylaw applies to land charged with the Land Use Contract registered in the Land Title Office as G2947, provided that the permitted use of the land under the Land Use Contract is limited to Single Family Dwellings or Duplex Dwellings.
3. The Corporate Officer is authorized to enter into a Land Use Contract Amendment Agreement in the form attached as Schedule A to this bylaw, with the owner of any parcel of land described in section 2 of this bylaw.

Given first and second readings this 12th day of May, 2015.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was this __ day of _____,

Given third reading this __ day of _____, ____.

Approved by the Minister of Transportation this __ day of _____, ____.

Adopted by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015.

Shannon Story,
Corporate Officer

SCHEDULE A

**LAND USE CONTRACT MODIFICATION AGREEMENT
(BLUEBERRY HILL LAND USE CONTRACT)**

BETWEEN:

[INSERT NAME AND ADDRESS OF REGISTERED OWNER]

(the "**Owner**")

AND:

The **RESORT MUNICIPALITY OF WHISTLER**, a municipality incorporated under the *Resort Municipality of Whistler Act*, having a civic address at 4325 Blackcomb Way, Whistler, British Columbia, V0N 1B4

(the "**Resort Municipality**")

WHEREAS:

- A. The parties (or their predecessors in title) entered into a land use contract which was registered in the Land Title Office under charge number G2947 pursuant to section 702A of the *Municipal Act*, RSBC 1960, chapter 255 (the "**LUC**");
- B. The Resort Municipality has authorized, by bylaw adopted pursuant to s. 930 of the *Local Government Act*, the amendment of the LUC with the agreement of the owner of any parcel charged with the LUC provided that the permitted use of the parcel under the LUC is limited to Single Family Dwellings or Duplex Dwellings;
- C. The Owner is the legal and beneficial owner of land having a civic address of [INSERT CIVIC ADDRESS] in the Resort Municipality of Whistler and legally described as:

[INSERT LEGAL DESCRIPTION]

(the "**Land**");

- D. The LUC restricts the density of development on the Land by defining the term "gross floor area" and setting a limit on the maximum gross floor area that is permitted to be developed on the Land;
- E. The method of calculating "gross floor area" in the LUC is not consistent with the method of calculating "gross floor area" in the Resort Municipality's Zoning and Parking Bylaw, No. 303, 1983, as amended (the "Zoning Bylaw"); and,

- F. The parties wish to amend the LUC to make the method of calculating gross floor area in the LUC consistent with the method of calculating gross floor area in the Zoning Bylaw, in accordance with this Modification Agreement;

NOW THEREFORE in consideration of the promises and covenants herein, and the sum of One Dollar (\$1.00), the receipt and sufficiency of which is acknowledged by the Resort Municipality, the parties agree as follows;

MODIFICATIONS

1. The LUC is hereby amended by deleting the text in subsection 2(h) and replacing it with the following text:

""gross floor area" has the meaning given in section 2 of the Resort Municipality of Whistler Zoning and Parking Bylaw, No. 303, 1983 as amended from time to time".

GENERAL

2. This Modification Agreement will, from and after the date of its registration in the Land Title Office, be read and construed along with the LUC and treated as part thereof and the LUC, as modified by this Modification Agreement, will continue to be of full force and effect.
3. This Modification Agreement is for the benefit of and is binding on the parties and their successors.
4. This Modification Agreement shall be governed and construed in accordance with the laws of British Columbia.
5. This Modification Agreement may be executed and delivered in any number of counterparts and by facsimile or e-mail transmission with the same effect as if all parties had signed and delivered the same document and all counterparts will be compiled together for registration and will constitute one and the same agreement.

IN WITNESS WHEREOF the parties hereto have executed this Modification Agreement with effect as of the date set forth above on Form C Part 1 to which this Modification Agreement is attached and which forms part of this Modification Agreement.

END OF DOCUMENT

agreed to stay on as Chair of the committee. A discussion was held to update the terms of reference and to consider renaming the committee.

INFORMATION REPORTS

May Long Weekend
Committee Update
Report No. 15-061
File No. 2100

Moved by Councillor A. Janyk
Seconded by Councillor S. Maxwell

That Information Report No.15-061 regarding the May Long Weekend Committee Update be received.

CARRIED

Master Wayfinding
Strategy – Phase II
Report No. 15-062
File No. P032

Moved by Councillor A. Janyk
Seconded by Councillor S. Maxwell

That Information Report No. 15-062 regarding Phase II of the Master Wayfinding Strategy project be received.

CARRIED

ADMINISTRATIVE REPORTS

RZ1091- 7115 Nesters
Road – Amendments to
TP4 Zone
Report No. 15-063
File No. RZ1091, Bylaw
2073

Moved by Councillor J. Ford
Seconded by Councillor J. Crompton

That Council consider giving third reading to Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015.

CARRIED

4154 Village Green –
Rezoning for Crystal
Lodge Restaurant
Report No. 15-064
File No. RZ 1102

Moved by Councillor J. Grills
Seconded by Councillor A. Janyk

That Council endorse further review of Rezoning Application No.1102: Crystal Lodge Restaurant.

CARRIED

Blueberry Land Use
Contract Amendment to
the Gross Floor Area
Definition for Single-
Family and Duplex
Dwelling
Report No. 15-065
File No. RZ1106, Bylaw
2088

Moved by Councillor A. Janyk
Seconded by Councillor S. Maxwell

That Council consider giving first and second readings to Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015; and,

That Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015 and to advertise for same in the local newspapers; and further,

That Council authorize the Mayor and Corporate Officer to execute any resultant legal documents upon adoption of the bylaw.

CARRIED

Whistler Village Land
Co. Ltd. – 2015 Annual
Report
Report No. 15-068
File No. Vault

Moved by Councillor A. Janyk
Seconded by Councillor J. Grills

That Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolves that the Municipality, as sole shareholder of the Whistler Village Land Co. Ltd. pass the 2015 consent resolutions of the shareholder of the Whistler Village Land Co. Ltd., a copy of which is attached to Administrative Report No 15-068 as Appendix “A”, and that the Mayor and Corporate Officer execute and deliver the attached resolutions on behalf of the Municipality.

CARRIED

MINUTES OF COMMITTEES AND COMMISSIONS

Coat of Arms Committee

Moved by Councillor J. Grills
Seconded by Councillor A. Janyk

That minutes of the Coat of Arms Committee meeting of June 23, 2014 and August 21, 2014 be received.

CARRIED

Audit and Finance
Standing Committee

Moved by Councillor J. Ford
Seconded by Councillor J. Crompton

That minutes of the Audit and Finance Standing Committee meeting of March 10, 2015 be received.

CARRIED

May Long Weekend
Committee

Moved by Councillor J. Grills
Seconded by Councillor A. Janyk

That minutes of the May Long Weekend Committee meeting of March 27, 2015 and April 9, 2015 be received.

CARRIED

BYLAWS FOR FIRST AND SECOND READINGS

Land Use Contract

Moved by Councillor S. Maxwell

Amendment Authorization

Seconded by Councillor A. Janyk

Bylaw (Blueberry Hill) No.
2088, 2015

That Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015 receive first and second readings.

CARRIED

BYLAWS FOR FIRST, SECOND AND THIRD READINGS

Water User Fee
Amendment Bylaw No.
2089, 2015

Moved by Councillor J. Crompton
Seconded by Councillor J. Grills

That Water User Fee Amendment Bylaw No. 2089, 2015 receive first, second and third readings.

CARRIED



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-065

FROM: Resort Experience

FILE: RZ1106, Bylaw 2088

SUBJECT: BLUEBERRY LAND USE CONTRACT AMENDMENT TO THE GROSS FLOOR
AREA DEFINITION FOR SINGLE-FAMILY AND DUPLEX DWELLING

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council consider giving first and second readings to Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015; and,

That Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015 and to advertise for same in the local newspapers; and further,

That Council authorize the Mayor and Corporate Officer to execute any resultant legal documents upon adoption of the bylaw.

REFERENCES

Appendix A – Bylaw and Template Agreement

PURPOSE OF REPORT

This report describes a proposed amendment to change the existing Blueberry Hill Land Use Contract's gross floor area definition to be the same as the definition in Zoning Bylaw No. 303 allowing for excluded floor areas in basements, crawlspaces and void spaces. The amendment would apply to all single-family and duplex properties subject to the Blueberry Land Use Contract.

DISCUSSION

Background

On May 12, 2012, Council amended the Zoning Bylaw to permit basement floor areas to be excluded from the gross floor area calculation detached and duplex dwellings in the Municipality. The amendment also eliminated the option for new over-height crawlspaces by covenant, and limited all crawl spaces and void space to a maximum height of 1.5 metres. Under the new rules, basement floor area at an elevation of at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125 percent of the floor area of the storey immediately above, is excluded from the floor area calculation.

Not all properties in the Municipality are regulated by zoning. In the case of Blueberry Hill, these properties are governed by a land use contract. When Council approved the zoning amendments in 2012, Council also supported extending similar floor area exclusions to areas covered by land use contracts. However, land use contracts must be amended with the consent of both the municipality

and the land owner, resulting in most applications being made on an applicant-initiated, site-specific basis. To date, Council has approved eight of these site-specific amendments, all of which have been initiated by property owners seeking to take advantage of the new Zoning Regulations.

Looking for a more efficient way to process these applications, staff contacted the Municipality's legal counsel in March with an idea of bringing forward a "blanket" amendment to the Blueberry Land Use Contract, where Council would preapprove the amendment by bylaw for single-family and duplex properties and land owners could then elect to give written consent to the change afterwards. This method was endorsed by the RMOW's solicitor and the proposal before Council is consistent with that approach.

Land Use Contract Amendment Proposal

The Blueberry Land Use Contract definition for gross floor area is as follows:

"gross floor area means the total floor area of all buildings on a parcel or land within the boundaries of a strata plan measured to the outer limits of a building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, **but excluding auxiliary parking, unenclosed swimming pools, hot tubs or saunas or sundecks, elevators or ventilating machinery, unenclosed stairwells, balconies, porches, canopies, sun shades, and any other similar features to the extent which such features are permitted in the front, side, and rear setbacks under the Zoning By-law of the Municipality;...**" (Emphasis added by report author)

This definition includes below-grade floor area in the calculation of gross floor area, meaning owners of detached and duplex properties regulated by the Blueberry Land Use Contract are not eligible to exclude basement floor area from the gross floor area calculation like property owners subject to the Zoning Bylaw can. The new definition provides for the existing floor area exemptions that are found in the existing land use contract definition.

The proposed Land Use Contract Amendment Bylaw replaces the current land use contract gross floor area definition for the subject properties with the following:

"“gross floor area” has the meaning given in section 2 of the Resort Municipality of Whistler Zoning and Parking Bylaw, No. 303, 1983 as amended from time to time”

This definition essentially adopts the gross floor area definition in the Zoning Bylaw; therefore permitting single-family and duplex properties regulated by the Blueberry Land Use Contract to exclude basement and over height crawlspaces from the calculated gross floor area. All other exclusions provided for in the existing Land Use Contract definition of gross floor area are provided for in the Zoning Bylaw definition. Thus no existing exemptions are lost to the property owners.

Section 930(2) of the *Local Government Act*, requires a land use contract to be amended with the written consent of the land owner. If the proposed bylaw, Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015, is approved by Council, each property owner will be required to sign an agreement (Appendix A) in order to take advantage of the amendments. Once signed, the agreement will then be sent to the Provincial Land Titles Office which will update the Land Use Contract for the owner's property. Owners who do not wish to take advantage of the amendments can simply do nothing and no changes will be made to the rules affecting their properties. Land use contracts are registered on the title of the each property, so determining if a property has benefited from the amendments can easily be determined by a title search.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected. Building design, construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.	The amendments are consistent with Council direction for permitting excluded basement gross floor area for detached and duplex dwelling unit types.
Economic	Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	Many local contractors, designers and suppliers benefit from being able to assist property owners to improve their homes.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	None.	

OTHER POLICY CONSIDERATIONS

Blueberry Hill Land Use Contract

All other Blueberry Hill Land Use Contract regulations (e.g. building setbacks, height, site coverage, permitted uses, works and service charges, parking requirements, etc.) will remain in effect.

Official Community Plan

Like zoning, land use contracts regulate land use, making the proposed land use contract amendment similar to a rezoning application. Whistler's Official Community Plan Bylaw No. 1021, 1993 (1993 OCP), provides policies for considering rezoning applications. A brief summary of the applicable policies follows. The proposal is consistent with all applicable policies of the OCP.

OCP Criteria	Comments
Proposals that increase the bed unit capacity of the municipality will only be considered if the development: provides clear and substantial benefits to the resort; is supported by the community in the opinion of Council; will not cause unacceptable impacts on the community, resort or environment; and meets all applicable criteria set out in the OCP.	The proposal does not increase the bed unit capacity.
Capable of being served by Municipal water, sewer and fire protection services.	Yes.
Accessible via the local road system.	Yes.
Comply with Environmental Impact Assessment process in Schedule O.	For those properties that are within designated environmental areas and wish to construct excluded floor space, environmental considerations, will be addressed on a site-specific basis.
Traffic volumes and patterns on Highway 99 and the local road system.	The proposed amendment does not increase the number of dwelling units or the parking requirements.

Overall patterns of development of the community and resort	Blueberry Hill is designated on Schedule B as a Development Area. Under Policy 4.1.1, the lands outlined in Schedule B are designated for development of residential and commercial accommodation.
Views and Scenery	Building height and setbacks regulations would not change from that permitted under.
Employee Housing	Employee works and service charges are not payable.
Community greenhouse gas emissions	Energy use and Greenhouse gas emissions for excluded floor area were estimated by the illegal space task force in 2012 to be low. Any projected emissions increases resulting from the proposed amendment does not require incorporation of extraordinary measures to minimize and/or mitigate any projected emissions other than adherence to the British Columbia Building Code.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	No impact.

BUDGET CONSIDERATIONS

Proposed renovations or new construction will be subject to building permit fees at time of building permit application. All costs associated with staff time for the land use contract amendment application, public hearing, notices, and legal fees have been accounted for under the existing Planning Department budget.

COMMUNITY ENGAGEMENT AND CONSULTATION

A public hearing, which is subject to public notice requirements, is required as part of the statutory process for bylaw consideration and adoption.

SUMMARY

This report presents Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2088, 2015 for single family and duplex dwellings subject to the Blueberry Hill Contract. The proposed amendment will create a revised definition for gross floor area to exclude basement floor areas aligning the rules with those in Zoning Bylaw No. 303. This report recommends Council consider first and second readings and scheduling of a public hearing.

Respectfully submitted,

Jake Belobaba

Senior Planner

for

John Rae

ACTING GENERAL MANAGER OF RESORT EXPERIENCE

**RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT AMENDMENT AUTHORIZATION BYLAW (BLUEBERRY HILL) NO. 2088,
2015**

A BYLAW TO AUTHORIZE AMENDMENTS TO THE BLUEBERRY HILL LAND USE CONTRACT

WHEREAS a land use contract may, under s.930 of the *Local Government Act*, be amended by bylaw with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment;

AND WHEREAS the Council wishes to authorize the Resort Municipality to enter into agreements to amend a land use contract with the owners of certain parcels of land in the Resort Municipality, to make the method of calculating the gross floor area of detached and duplex dwellings permitted under the land use contract consistent with the method set out in the Resort Municipality's Zoning Bylaw;

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 "Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015"
2. This bylaw applies to land charged with the Land Use Contract registered in the Land Title Office as G2947, provided that the permitted use of the land under the Land Use Contract is limited to Single Family Dwellings or Duplex Dwellings.
3. The Corporate Officer is authorized to enter into a Land Use Contract Amendment Agreement in the form attached as Schedule A to this bylaw, with the owner of any parcel of land described in section 2 of this bylaw.

Given first and second readings this __ day of _____, ____.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was this __ day of _____,

_____.
Given third reading this __ day of _____, ____.

Approved by the Minister of Transportation this __ day of _____, ____.

Adopted by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015.

Shannon Story,
Corporate Officer

SCHEDULE A

**LAND USE CONTRACT MODIFICATION AGREEMENT
(BLUEBERRY HILL LAND USE CONTRACT)**

BETWEEN:

[INSERT NAME AND ADDRESS OF REGISTERED OWNER]

(the "**Owner**")

AND:

The **RESORT MUNICIPALITY OF WHISTLER**, a municipality incorporated under the *Resort Municipality of Whistler Act*, having a civic address at 4325 Blackcomb Way, Whistler, British Columbia, V0N 1B4

(the "**Resort Municipality**")

WHEREAS:

- A. The parties (or their predecessors in title) entered into a land use contract which was registered in the Land Title Office under charge number G2947 pursuant to section 702A of the *Municipal Act*, RSBC 1960, chapter 255 (the "**LUC**");
- B. The Resort Municipality has authorized, by bylaw adopted pursuant to s. 930 of the *Local Government Act*, the amendment of the LUC with the agreement of the owner of any parcel charged with the LUC provided that the permitted use of the parcel under the LUC is limited to Single Family Dwellings or Duplex Dwellings;
- C. The Owner is the legal and beneficial owner of land having a civic address of [INSERT CIVIC ADDRESS] in the Resort Municipality of Whistler and legally described as:

[INSERT LEGAL DESCRIPTION]

(the "**Land**");

- D. The LUC restricts the density of development on the Land by defining the term "gross floor area" and setting a limit on the maximum gross floor area that is permitted to be developed on the Land;
- E. The method of calculating "gross floor area" in the LUC is not consistent with the method of calculating "gross floor area" in the Resort Municipality's Zoning and Parking Bylaw, No. 303, 1983, as amended (the "Zoning Bylaw"); and,

- F. The parties wish to amend the LUC to make the method of calculating gross floor area in the LUC consistent with the method of calculating gross floor area in the Zoning Bylaw, in accordance with this Modification Agreement;

NOW THEREFORE in consideration of the promises and covenants herein, and the sum of One Dollar (\$1.00), the receipt and sufficiency of which is acknowledged by the Resort Municipality, the parties agree as follows;

MODIFICATIONS

1. The LUC is hereby amended by deleting the text in subsection 2(h) and replacing it with the following text:

""gross floor area" has the meaning given in section 2 of the Resort Municipality of Whistler Zoning and Parking Bylaw, No. 303, 1983 as amended from time to time".

GENERAL

2. This Modification Agreement will, from and after the date of its registration in the Land Title Office, be read and construed along with the LUC and treated as part thereof and the LUC, as modified by this Modification Agreement, will continue to be of full force and effect.
3. This Modification Agreement is for the benefit of and is binding on the parties and their successors.
4. This Modification Agreement shall be governed and construed in accordance with the laws of British Columbia.
5. This Modification Agreement may be executed and delivered in any number of counterparts and by facsimile or e-mail transmission with the same effect as if all parties had signed and delivered the same document and all counterparts will be compiled together for registration and will constitute one and the same agreement.

IN WITNESS WHEREOF the parties hereto have executed this Modification Agreement with effect as of the date set forth above on Form C Part 1 to which this Modification Agreement is attached and which forms part of this Modification Agreement.

END OF DOCUMENT



RZ 1106

BLUEBERRY LAND USE CONTRACT AMENDMENT TO THE GROSS FLOOR AREA DEFINITION FOR SINGLE-FAMILY AND DUPLEX DWELLINGS

Council Presentation

May 12, 2015

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, British Columbia
Canada VON 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 935 8109



Background

- May 12, 2012: Council amended the Zoning Bylaw to permit basement floor areas to be excluded from the gross floor area calculation for single detached and duplex dwellings.
- Amendments did not affect lands governed by the Blueberry Hill Land Use Contract
- Council supported extending similar floor area exclusions to areas covered by Land Use Contracts
- Land use contracts must be amended with the consent of both the municipality and the land owner.
- Property owners have been applying to amend the contract to receive the same exemptions as the Zoning Bylaw (approx. 8 to date).

Proposed Bylaw

- Preapproved land use contract amendment: allows single-family and duplex properties to have same GFA exclusions as under Zoning Bylaw 303.
- Land owners sign amendment agreement if they wish to have changes apply to their property.
- No change for property owners who do not wish to have changes apply to their property.
- Other rules in the land use contract will remain the same.

Planning and Policy Review

- Consistent with intent of GFA exclusion regulations in Zoning Bylaw.
- Streamlines land use contract amendments

Recommendation

- **That** Council consider giving first and second readings to Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015; and,
- **That** Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015 and to advertise for same in the local newspapers; and further,
- **That** Council authorize the Mayor and Corporate Officer to execute any resultant legal documents upon adoption of the bylaw.