



**RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way TEL 604 932 5535  
Whistler, BC Canada V8E 0X5 TF 1 866 932 5535  
whistler.ca FAX 604 935 8109

## STAFF REPORT TO COUNCIL

**PRESENTED:** December 7, 2021 **REPORT:** 21-138  
**FROM:** Planning – Policy **FILE:** LUC00002  
**SUBJECT:** LAND USE CONTRACT TERMINATION BYLAW (4612 BLACKCOMB WAY) NO.  
2324, 2021 REPORT

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION(S)

**That** Council consider giving first and second readings to “Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021”; and

**That** Council authorize staff to schedule a Public Hearing for “Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021” and to provide notice of the Public Hearing; and

**That** Council authorize staff, subject to adoption of “Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021”, to give written notice of termination to the Registrar of Land Titles, pursuant to section 548(6) of the *Local Government Act*; and further

**That** Council authorize staff, subject to adoption of “Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021”, to give written notice of termination to the affected property owners pursuant to section 549 of the *Local Government Act*.

### PURPOSE OF REPORT

The purpose of this report is to present “Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021” (Blackcomb LUC Termination Bylaw) to Council for consideration of first and second readings. 4612 Blackcomb Way is commonly referred to as the Fairmont Whistler Golf Course. This report also requests that Council authorize staff to schedule, and provide notice of, a Public Hearing for the Blackcomb LUC Termination Bylaw.

Information Report

Administrative Report (Decision or Direction)

### DISCUSSION

#### Background

As required by provincial legislation, the Resort Municipality of Whistler (RMOW) is in the process of terminating Land Use Contracts (LUCs) and implementing replacement zoning for all properties subject to a LUC. The replacement zoning must be adopted by June 30, 2022. This report presents replacement zoning for the subject lands comprising the Fairmont Whistler Golf Course (located at

4612 Blackcomb Way), that reflects the current use and historic development approvals. The subject lands are shown on the map in Appendix A of this report.

### *LUC Terminations*

LUCs existed as a regulatory tool between 1970 and 1980 and were used in place of zoning and other development bylaws to regulate development (land use, siting, infrastructure, amenities, form and character, environmental considerations, etc.). LUCs could “lock in” development regulations in perpetuity and could only be amended or terminated by agreement between the municipality and land owner. LUCs were legislated out of use in the early 1980s, however existing LUCs remain in force.

In May 2014, the *Local Government Act* (LGA) was amended to automatically terminate all LUCs on June 30, 2024. The same legislation requires municipalities to zone all lands subject to LUCs by June 30, 2022. The LGA allows a local government to, by bylaw, terminate LUCs prior to June 30, 2022, provided the bylaw comes into force on a date that is at least one year after the date the bylaw is adopted and zoning is in place on the date the bylaw comes into force.

Two associated reports were previously presented to Council. On May 3, 2016, staff presented Information Report to Council No. 16-055, which outlined the new legislation, presented an approach for early termination of all LUCs in Whistler, and described the general principles that would be applied by the RMOW through its zoning and termination process. On June 1, 2021, staff presented Administrative Report No. 21-061, which provided an update to Council on the status of the LUC termination process and obtained Council’s endorsement for proposed process efficiencies and for applying consistent parking standards within the LUC termination bylaws that reflect current standards in “Zoning and Parking Bylaw No. 303, 2015” (the Zoning Bylaw), which are generally applicable to all other lands within the municipality.

### *Blackcomb LUC*

The Blackcomb LUC was enacted in 1979 (Bylaw No. 107). This LUC applies to the majority of the original development of Blackcomb Mountain and appears on titles as charge G2520. The LUC was then amended in 1988 (Bylaw No. 650) for the majority of the Blackcomb LUC area, and this appears as charge GB77455 on titles. For 4612 Blackcomb Way, both of these charges, as well as site specific LUC amendments, appear on title.

The Blackcomb LUC generally provided for a range of uses, density and building sizes to be located within the LUC area, which were distributed within designated development zones and provided for recreation, commercial services and accommodation facilities adjacent to Blackcomb Mountain. Each development within the LUC was subject to a Development Approval process established within the LUC to further specify the type of development, development program and design, addressing surrounding context and site conditions. Developments were subject to Council approval, and approved development plans were registered on title by restrictive covenant requiring all future development to be consistent with the approved plans. For the subject lands affected by the LUC, covenant BF310612 requires development of the site to be consistent with Blackcomb Permit Application No. 37.

### *Site Context*

As shown in Appendix A, the subject lands are split between two parcels of land located on the northern side of Blackcomb Way surrounded by Lost Lake Park to the west and north, and Blackcomb Mountain and the multi-family residential properties along Blackcomb Way to the east and south. Parcel A is the smaller parcel of the two, which contains the golf course clubhouse. This parcel is located

entirely within the Blackcomb LUC area. Parcel B is the larger parcel north of Parcel A, which contains the 18 hole golf course and associated practice and maintenance facilities. The mapping shows this parcel as being split zoned. This means that a portion of the development is currently subject to the Blackcomb LUC and the remainder is zoned Rural Resource One Zone (RR1) and Leisure Park One Zone (LP1) under the Zoning Bylaw. The location of the two parcels and zoning are shown on the subject lands map in Appendix A.

The proposed Blackcomb LUC Termination Bylaw, has been prepared to apply one common zone to both parcels which form the subject lands, creating a new Leisure Recreation Eleven Zone (LR11) using the existing approved development as the basis.

### **Analysis**

The proposed bylaw has been prepared consistent with provincial regulations for the termination of LUCs, and with the RMOW's project approach and principles for its LUC termination process. The proposed termination bylaw will: 1) terminate the Blackcomb LUC and subsequent LUC amendments from 4612 Blackcomb Way; and 2) apply the proposed LR11 Zone to both parcels of the subject lands (including those areas currently zoned RR1 and LP1). The proposed LR11 Zone will take effect one year from the date of adoption. The application of a new LR11 Zone to cover the entire golf course allows for the removal of the outdated RR1 and LP1 zoning; this approach is consistent with the one taken for the previous Whistler Golf Club rezoning and for the Nicklaus North Golf Course.

#### *Proposed LR11 Zone*

The proposed LR11 Zone provides for the existing approved development and uses of the subject lands and is presented in Schedule 2 to the proposed bylaw. The intent of the zone is to provide for a golf course and related uses. Golf course is the specified permitted use along with auxiliary buildings and auxiliary uses associated with the operation of a golf course. The maximum density is established at 525 square metres for the clubhouse and 950 square metres for all other facilities, the maximum building height is 2 storeys or 12 metres and setbacks are 7.6 metres from the parcel boundary. No subdivision of land is permitted.

The density provisions in the zone also provide for any potential discrepancy between the maximum density that has been specified and the actual gross floor area that currently exists, for construction that was authorized by approved building permit. If the actual area is less than the amount specified in the zone, then the maximum density shall be the lesser number, and if the actual area is greater, then it shall be the greater number. Existing floor area that was not authorized by building permit would not be included in the calculation of the maximum permitted density.

The parking requirements in the proposed LR11 Zone reference the generally applicable parking requirements under Part 6 of the Zoning Bylaw as previously endorsed by Council. These requirements would apply to any new development or redevelopment of the lands. The bylaw also proposes an amendment to Part 6 of the Zoning Bylaw to recognize the offsite parking arrangement from the original development approval. The existing approved parking continues to be permitted for the existing development.

---

## **POLICY CONSIDERATIONS**

## **Relevant Council Authority/Previous Decisions**

[May 3, 2016: Information Report No. 16-055](#), Land Use Contract Termination Process

[June 1, 2021: Administrative Report No. 21-061](#), Land Use Contract Terminations – Update Report

## **Corporate Plan**

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

### **Council Focus Areas**

Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

Not Applicable

## **Community Vision and Official Community Plan**

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The termination of Whistler's LUCs advances policies within the OCP's Growth Management chapter (Chapter 4). The analysis of these policies in relation to the termination of the LUCs is provided below.

### *4.1.2.11. Policy*

The termination of the Blackcomb LUC replaces an outdated and inefficient regulatory scheme with modern, streamlined, consistent and accessible zoning regulations. The proposed zoning will better support and optimize efficient land use and development on the subject lands.

### *4.1.2.13. Policy*

The proposed LR11 Zone reflects the regulations established by the Blackcomb LUC, and the applicable permits and covenants for each parcel comprising the subject lands. This will ensure that any redevelopment of the subject lands will be complementary to the existing development in the area.

### *4.1.4.2. Policy*

The application of a single Leisure and Recreation Zone for the entire golf course is consistent with Schedule A to the OCP (Whistler Land Use Map and Designations), which designates the subject lands

for Parks & Recreation. This includes lands designated for public enjoyment and active recreation as well as private recreational facilities such as golf courses.

---

## BUDGET CONSIDERATIONS

There are no budget considerations. The termination of Whistler's LUCs is a planned, multi-year project. All costs associated with bylaw preparation, the Public Hearing, notices and legal fees will be covered under the existing Planning Department budget.

---

## LIL'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lil'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

There are no specific considerations to include in this report.

---

## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

Comment(s):

### *Letter to Registered Owners*

On September 14, 2021, staff distributed a letter to the affected property owner informing them of the commencement of the LUC termination process. The draft proposed zone was attached to the letter for the owner's information. The letter also identified the opportunity for written comments on the draft proposed zone. This letter is attached as Appendix B.

### *Submissions from Registered Owner*

The letter to the registered owner invited them to submit written comments on the draft zone by October 14, 2021. The registered owner provided a letter on October 14 and then a follow-up letter on November 18 after meeting with staff to discuss the proposed zoning. These letters are included as Appendix C. In these letters the owner raised concerns about the replacement zoning in relation to permitted uses, density and height, with the second letter outlining some specific requests.

For use, the owner requested that the LR11 Zone should permit auxiliary uses to a golf course without limiting the zone to specific auxiliary uses and excluding all others. Both parcels have restrictive covenants registered on title restricting the use of the land to golf course or related uses, however, they are not explicit in what those auxiliary uses are. Staff have updated the proposed LR11 Zone to identify specifically permitted auxiliary uses and provide for other similar auxiliary uses.

The owner's request in relation to density related to Area B of the proposed LR11 Zone (the golf course) only. The owner noted that the existing LP1 and RR1 Zones permit more density than the 950

square metres proposed for Area B. Staff propose that the RR1 and LP1 zoning of the lands is outdated and does not reflect the current approach to golf course zoning. The proposed density for Area B reflects the gross floor area of the existing buildings on the parcel. This represents current zoning practice and is consistent with the approach taken when rezoning the Whistler Golf Club.

In relation to height, the owner's position is that the permitted height within the proposed LR11 Zone is less than permitted within both the LUC and also the existing RR1 and LP1 Zones. As discussed in the analysis above, the restrictive covenant registered on title as part of the development approval process under the LUC requires that development be consistent with the approved plans; this also includes the height of the building. For the zoned portion of the lands, the proposed two storeys or 12 metres is consistent with the LR3 and LR10 Zones for the Nicklaus North and Whistler Golf Clubs. Staff propose that this is a reasonable height restriction for a recreation use such as a golf course.

#### *Future Notifications*

The LGA requires that a Public Hearing for the proposed Blackcomb LUC Termination Bylaw be held prior to final consideration by Council, including a notification in the local paper. If Council authorizes staff to schedule a Public Hearing for the Blackcomb LUC Termination Bylaw, staff will advertise the Public Hearing in the local newspaper and deliver notice of the Public Hearing to the owners and tenants of all parcels within the subject lands.

The LGA also requires that written notice be provided to property owners notifying them of the termination of the LUC after adoption of the bylaw. This notice must advise owners of their right to apply to the Board of Variance for an exemption from early termination, and it must identify the place where and the times and dates when bylaws are available for public inspection. Staff will carry out this notification should the Blackcomb LUC Termination Bylaw be adopted by Council.

---

## REFERENCES

Appendix A – Subject Lands Map  
Appendix B – Letter to Registered Owners  
Appendix C – Correspondence from Owners

“Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021” (Included in Council Package)

---

## SUMMARY

This report presents Blackcomb LUC Termination Bylaw to Council for consideration of first and second readings. This report also requests that Council authorize staff to schedule a Public Hearing for Blackcomb LUC Termination Bylaw. The proposed termination bylaw will terminate the Blackcomb LUC and subsequent LUC amendments from the portion of the subject lands located within the Blackcomb LUC area, apply the new LR11 Zone to both parcels forming the subject lands and amend Part 6 of the Zoning Bylaw to recognize the offsite parking arrangement.

---

**SIGN-OFFS**

**Written by:**

Philip Gibbins,  
Planner – Policy

**Reviewed by:**

Courtney Beaubien,  
Manager of Planning – Policy

Mike Kirkegaard,  
Director of Planning

Jessie Gresley-Jones,  
General Manager of Resort Experience

Virginia Cullen,  
Chief Administrative Officer