

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: May 10, 2022
FROM: Planning – Policy
SUBJECT: LAND USE CONTRACT TERMINATION BYLAW (1200 ALTA LAKE ROAD) NO. 2347, 2022 – PUBLIC HEARING AND THIRD READING REPORT

REPORT: 22-066
FILE: LUC00009

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council consider giving third reading to “Land Use Contract Termination Bylaw (1200 Alta Lake Road) No. 2347, 2022”.

PURPOSE OF REPORT

The purpose of this report is to present “Land Use Contract Termination Bylaw (1200 Alta Lake Road) No. 2347, 2022” (the LUC Termination Bylaw) to Council for consideration of third reading. The report also provides a summary and review of written submissions made during the second Public Hearing process; there were no verbal submissions. Staff are not recommending any changes to the LUC Termination Bylaw based on Public Hearing submissions.

☐ Information Report

☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

The subject lands for the LUC Termination Bylaw are shown on Appendix A. The developed portion of the subject lands is located at 1200 Alta Lake Road, which is also known as Twin Lakes Village. The municipal parkland is located east of 1200 Alta Lake Road.

The purpose of the LUC Termination Bylaw is to terminate the Twin Lakes Land Use Contract (LUC) from the subject lands and apply a new RM72 Zone (Residential Multiple Seventy-Two) and PAN1 Zone (Protected Area Network One) to specified portions of the subject lands. The RM72 Zone accommodates the existing townhouses and commercial uses permitted under the LUC, and proposes new permitted uses including “child care facility”, “personal service” and “auxiliary residential dwelling unit”.

The LUC Termination Bylaw was paired with “Official Community Plan Amendment Bylaw (1200 Alta Lake Road) No. 2346, 2022” (the OCP Amendment Bylaw). The purpose of the OCP Amendment Bylaw is to change the land use designation of the subject lands for the OCP Amendment Bylaw (Area B of the proposed RM72 Zone) from “Residential – Low to Medium (Detached/Multiple)” to “Convenience Commercial” to both accommodate the site’s existing commercial uses and to facilitate the replacement zoning in the LUC Termination Bylaw.

The OCP Amendment Bylaw and LUC Termination Bylaw received first and second readings from Council on January 11, 2022. On that date, Council also authorized staff to schedule Public Hearings for the bylaws and to provide notice of the Public Hearings. The January 11, 2022 [Administrative Report No. 22-003](#) provides detailed information on the LUC termination process, Twin Lakes LUC, site context and proposed RM72 Zone.

The Resort Municipality of Whistler (RMOW) held a combined Public Hearing on the proposed OCP Amendment Bylaw and LUC Termination Bylaw on March 1, 2022. Sixty-one written submissions and seven verbal representations (numbers do not account for those who spoke more than once) were received from the public during the Public Hearing process. A written report of the Public Hearing, containing a summary of the nature of the representations respecting the bylaws along with staff’s recommendations, was presented to Council at the April 5, 2022 Council meeting ([Administrative Report No. 22-050](#)). Staff recommended no changes to the OCP Amendment Bylaw as a result of the Public Hearing comments and that Council consider third reading and adoption. Council gave third reading to and adopted the OCP Amendment Bylaw at that meeting. Staff further recommended rescinding first and second readings of the LUC Termination Bylaw to correct the LUC charge numbers and the maximum permitted density. The LUC Termination Bylaw received first and second readings, as revised, from Council on April 5, 2022. On that date, Council also authorized staff to schedule a second Public Hearing for the LUC Termination Bylaw and to provide notice of the Public Hearing.

Analysis

The RMOW held a second Public Hearing on the proposed LUC Termination Bylaw on April 19, 2022. The Public Hearing provided an opportunity for members of the public to make oral representations and submit written comments to Council respecting matters contained in the proposed bylaw. The Public Hearing was conducted consistent with statutory requirements, including public notice requirements. Ten written submissions and no verbal representations were received from the public during the second Public Hearing process.

Section 465(5) of the *Local Government Act* (LGA) requires that a written report of the Public Hearing, containing a summary of the nature of the representations respecting the bylaws that were made at the Public Hearing, be prepared and maintained as a public record. The ten written submissions related to: notice, timing and process; concerns with proposed additional permitted uses and adherence to the ‘like for like’ principle; and, need for an auxiliary residential dwelling unit in Area B. **Staff’s summary and review of the submissions, along with staff’s associated recommendations, are provided in the Public Hearing summary report in Appendix B.** The summary report is not intended to present the verbatim detail of the submissions.

Staff do not recommend any changes to the LUC Termination Bylaw based on the Public Hearing comments. While details are provided in Appendix B, staff do not recommend any changes for the following key reasons:

MAY 10, 2022

- The notice and timing given to owners is consistent with that given for other LUC termination files and meets the requirements for notice set out in the LGA;
- Regarding concerns about the addition of personal service, child care and auxiliary residential dwelling unit as permitted uses to Area B, deviation from the 'like for like' principle is sometimes required or recommended by staff as it is possible through the LUC termination process at the discretion of Council;
- There is a documented need in the community for child care spaces and the creation of additional spaces is supported by RMOW policy in the Official Community Plan (OCP) and in the recent Whistler Child Care Planning Project;
- The personal service use provides an opportunity for greater flexibility in use of the site, aligns well with a convenience commercial land use designation and can be considered an extension of convenience retail;
- As Area B has a very limited maximum permitted density of 315 square metres, it is unlikely that all of these uses would be commercially viable at the same time and potential uses will be of limited scale;
- The proposed uses for Area B would likely not be more impactful than the existing permitted commercial uses under the LUC, and all proposed uses would be required to meet minimum parking requirements;
- Liquor and cannabis sales are restricted within the municipality and are either prohibited currently or would require site specific rezoning;
- Adult oriented retail would not be permitted under convenience commercial and therefore would not be permitted within the proposed zoning, and adult personal services are not regulated by the Zoning Bylaw; and,
- An auxiliary residential dwelling unit at Area B supports the commercial uses at the site as it could be used by a prospective business at Area B (regardless of type) to house an employee of the business, thereby reducing the need to find employee housing elsewhere, and the auxiliary residential dwelling unit has a maximum size of 75 square metres that would be subtracted from the total maximum density for Area B of 315 square metres.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

[April 5, 2022: Administrative Report No. 22-050](#), Land Use Contract Termination Bylaw (1200 Alta Lake Road) No. 2346, 2022 – Public Hearing Report and Further Consideration of Bylaws

[February 8, 2022: Information Report No. 22-011](#), Land Use Contracts Termination Approach Update

[January 11, 2022: Administrative Report No. 22-003](#), Land Use Contract Termination (1200 Alta Lake Road) Report

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

[August 18, 2020: Information Report No. 20-073](#), Whistler Child Care Planning Project – Final Report

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

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 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 January 11, 2022 [Administrative Report No. 22-003](#) provides a review of the relevant policies within the OCP's Growth Management chapter (Chapter 4) and Land Use and Development chapter (Chapter 5). It also discusses the [Whistler Child Care Planning Project](#).

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 November 10, 2021, staff distributed a letter to affected property owners informing them of the commencement of the LUC termination process. A draft of the proposed RM72 Zone was attached to the letter for owners' information. The letter also identified the opportunity for written comments on the draft proposed zone.

In response to the letter to registered owners, the RMOW received five submissions with substantive questions or comments. In response to the submissions, staff made changes to the zone's permitted uses before introducing the LUC Termination Bylaw to Council for consideration of first and second readings. The January 11, 2022 [Administrative Report No. 22-003](#) includes staff's summary of and response to the proposed changes to the RM72 Zone; it also includes the submissions received with substantive questions or comments as Appendix C.

Public Hearings

As noted above, the first Public Hearing on the proposed OCP Amendment Bylaw and LUC Termination Bylaw, which was subject to public notice requirements, was held on March 1, 2022. Sixty-one written submissions and seven representations were received from the public during the Public Hearing process. The April 5, 2022 [Administrative Report No. 22-050](#) includes staff's summary and review of the representations and submissions, along with staff's associated recommendations.

Also as noted above, a second Public Hearing on the proposed LUC Termination Bylaw, which was subject to public notice requirements, was held on April 19, 2022. Ten written submissions and no verbal representations were received from the public during the Public Hearing process. Staff's summary and review of the written submissions, along with staff's associated recommendations, are provided in the Public Hearing summary report in Appendix B.

Future Notifications

The LGA also requires that written notice be provided to property owners notifying them of the termination of the LUC after adoption of the LUC Termination 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 LUC Termination Bylaw be adopted by Council.

REFERENCES

Appendix A – Subject Lands Map – LUC Termination Bylaw

Appendix B – Summary and Review of the Second Public Hearing Submissions

“Land Use Contract Termination Bylaw (1200 Alta Lake Road) No. 2347, 2022” (Included in Council Package)

SUMMARY

This report presents the LUC Termination Bylaw to Council for consideration of third reading. The report also provides a summary and review of written submissions made during the second Public Hearing process; there were no verbal submissions. Staff are not recommending any changes to the proposed LUC Termination Bylaw.

SIGN-OFFS

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