



April 29, 2022

Planning Department
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, British Columbia, V8E 0X5

Attention: RMOW Planning Department

**RE: Blackcomb Land Use Contract (LUC) Termination
Blackcomb Mountain Properties
File No. LUC00022**

Dear Sirs/Mesdames:

We are writing in response to your letter dated April 1, 2022 to provide our comments with respect to the Resort Municipality of Whistler's (RMOW) LUC termination process and proposed replacement zoning for the Blackcomb LUC area. The Blackcomb LUC dated January 8, 1979 is registered on affected titles as charge No. G2520 and modifications No. GB77455 and No. BH231897 (the "LUC Agreements").

We appreciate the work that RMOW staff has done to advance this Provincial change in land use and appreciate the opportunity to provide comments as the landowner under the LUC Agreements.

We note that RMOW staff have adopted as an overarching principle the "reservation and mirroring of new land use regulations of 'existing land use contract development rights'". This principled approach is confirmed in various communications from RMOW including, the Information Report to Council No. 16-055 (May 3, 2016 at page 3), the Administrative Report to Council No. 21-061 (June 1, 2021, at page 3) a letter to BC Ministry of Transportation and Infrastructure dated July 26, 2021 and most recently in the Information Report No. 22-011 (February 8, 2022, at pp 1-2). This is referred to as the "like-for-like" principle, and is broadly affirmed in your letter of April 1, 2022. As you know, the availability and permitted use of land are both quite limited in Whistler, and critical to the future development and success of Whistler Blackcomb. The existing use and density rights attributed to land subject to the LUC Agreements are very valuable. Accordingly, it will be key for Whistler Blackcomb that the termination and replacement of the LUC Agreements be done in a manner that the "like-for-like" principle is fully and properly implemented in the new zoning which will govern the use of the affected land.

We do not believe that the proposed replacement zoning implements this like-for-like principle. The land that is currently included in the LUC Agreements carries the same uses and densities across all land. The proposed replacement zoning separated the land into three new zoning districts. We do not feel that this separation is necessary and would request that all lands under

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the LUC Agreements be placed in the same zoning district and reflect the permissions that are in place today under the LUC Agreements.

Permitted Uses

More specifically, we have identified differences between the permitted uses in the LUC Agreements and the proposed replacement zoning. As noted above, we request that all lands be placed into one zoning district with the MC3 (Mountain Commercial Three) being the most applicable. We request that all uses permitted under the LUC Agreements be incorporated into the MC3 zoning.

Within the MC3 Zone, we have identified proposed permitted uses that do not align with the existing development rights and existing permitted uses under the Blackcomb LUC. The following existing permitted uses under the Blackcomb LUC are not included in the proposed replacement zoning:

- lodges, hotels, hostels;
- single residential buildings, duplex residential buildings and multiple residential buildings;
- skiing facilities including administrative and maintenance facilities, ski runs, ski schools ski school offices, skier parking (it is unclear if these uses are included in the generic term “ski lift facilities” proposed in MC3 Zone);
- parks, recreational uses and golf courses and such commercial accessory uses;
- public utility installations excluding any uses which are primarily of a maintenance and storage nature;
- laundromat and dry cleaning;
- theatre and video arcades and rentals; and
- accessory off-street parking use.

The other proposed replacement zoning districts (i.e., LP2 (Leisure Park 3), RR1 Zone (Rural Resource One) and P3 Zone (Parking Three) do not include many of the existing permitted uses in the LUC Agreements. As such, we request that all lands be placed in the MC3 Zone or all uses permitted under the LUC Agreements be added to each of the replacement districts.

Permitted Density

The proposed replacement zoning also reduces the allowed density from the current permitted density in the Blackcomb LUC. The current permitted floor space ratio density in the Blackcomb LUC is .35 for duplex residential and 1.5 for multiple residential developments. The table below illustrates the density outlined in your April 1, 2022 letter in comparison to the current permissions under the LUC Agreements. As demonstrated, this results in approximately 8,905 square metres of density.

Key Plan Area	Parcel Size (sq. m)	Existing LUC FAR	Resulting Gross Floor Area (sq. m)	Proposed Maximum Gross Floor Area (sq. m)	Resulting Proposed FAR	Existing vs Proposed (sq. m)
A	4,937	1.5	7,406	2,035	0.41	(5,371)

B	6,859	1.5	10,289	2,750	0.40	(7,539)
C	3,465	1.5	5,198	1,130	0.33	(4,068)
D	3,536	1.5	5,304	595	0.17	(4,709)
E	5,500	1.5	8,250	2,395	0.44	(5,855)
F	136,367	1.5	204,551	-	-	(204,551)
Total	160,664		240,996	8,905		(232,091)

In summary, given these significant differences and the stated goal of RMOW to mirror and preserve existing permitted development and uses, we request the following changes to the proposed replacement zoning:

- All lands under LUC Agreements be zoned to the MC3 Zone.
- All permitted uses under the LUC Agreements be incorporated into the MC3 Zone.
- Permitted density of 1.5 FAR be incorporated into the MC3 Zone.

We also note that some of the lands affected in this process are owned by the Province of British Columbia (Lot F from your letter in particular) and certain development rights are granted to Whistler/Blackcomb in respect of those lands by Master Development Agreements granted by the Province. The Master Development Agreements may contemplate broader uses than the proposed zoning may include and we note that the Province may have further comments in respect of those lands.

We look forward to working with RMOW to address this issue. Please do not hesitate to contact me gbuchheister@vailresorts.com if you require any additional information.

Yours truly,

DocuSigned by:

 Geoff Buchheister
 COO, Whistler Blackcomb