

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: June 7, 2022
FROM: Planning – Policy
SUBJECT: LAND USE CONTRACT TERMINATION BYLAW (BLACKCOMB MOUNTAIN) NO. 2350, 2022 – PUBLIC HEARING AND THIRD READING REPORT

REPORT: 22-082
FILE: LUC00022

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 (Blackcomb Mountain) No. 2350, 2022”.

PURPOSE OF REPORT

The purpose of this report is to present “Land Use Contract Termination Bylaw (Blackcomb Mountain) No. 2350, 2022” (the LUC Termination Bylaw) to Council for consideration of third reading. The report also provides a summary and review of written and verbal submissions made during the Public Hearing process. 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, as shown on Appendix A, support recreational and commercial uses at the base of Blackcomb Mountain and include municipal roads as well as existing open spaces. Aside from the municipal road network, the subject lands are comprised of seven distinct properties, two of which are hooked parcels. Existing structures and buildings include: Blackcomb Gondola Base, Magic Chair, Excalibur Gondola Mid-Station, Whistler Blackcomb Administration Offices and Kids Kamp, Blackcomb Day Lodge, Plaza Pavilion, Blackcomb Ski Club and Blackcomb Base II. Additional uses include parking located at Lot 6 and Lot 7, as well as auxiliary buildings for ticket sales and maintenance.

The LUC Termination Bylaw received first and second readings from Council on May 10, 2022. On that date, Council also authorized staff to schedule a Public Hearing for the LUC Termination Bylaw and to provide notice of the Public Hearing.

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The purpose of the LUC Termination Bylaw is to terminate the Blackcomb LUC from the applicable subject lands and apply three different zones. The proposed zoning consists of: 1) one new zone: MC3 Zone (Mountain Commercial Three); and 2) two existing zones: RR1 Zone (Rural Resource One) and LP2 Zone (Leisure Park Two). The location of the zones proposed to be applied to LUC areas are shown in Schedule 1, Schedule 3 and Schedule 4 of the proposed LUC Termination Bylaw.

The May 10, 2022 [Administrative Report No. 22-064](#) provides detailed information on the LUC termination process, the Blackcomb LUC, site context, and the proposed replacement zoning.

Analysis

The Resort Municipality of Whistler (RMOW) held a Public Hearing on the proposed LUC Termination Bylaw on May 25, 2022. The Public Hearing provided an opportunity for members of the public to make verbal 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. Two written submissions and three verbal representations were received from the public during the 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 bylaw that were made at the Public Hearing, be prepared and maintained as a public record. **Staff's summary and review of the representations and 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 verbatim the detail of the representations and submissions. While Appendix B provides the Public Hearing summary report, for context, the submissions to Council provided by subject property owners related to the following:

- Adherence to the “like-for-like” principle and permitted uses and in particular a request to include accommodation uses in the proposed MC3 Zone;
- Notice, timing and process;
- Map within the notice of Public Hearing; and
- Road maintenance.

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:

- The Blackcomb LUC provided only a highly generalized regulatory framework that was later particularized via development permits, covenants and, in some cases, building permits. In preparing replacement zoning regulations for LUC lands, staff have taken into account not only the wording of the original LUC but the detailed provisions of development permits and covenants, and in some cases building permits, that were used to tailor the general requirements of the LUC to particular sites as the owners of those sites brought development plans forward.
- In the Blackcomb LUC permitted accommodation uses require an allocation of bed units to be realized. The owner has allocated bed units permitted to be developed under the Blackcomb LUC to developments approved under the LUC and those developments are covenanted. There are no remaining bed

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units available under the LUC for accommodation uses. These uses cannot be realized under the LUC. As such development rights for accommodation uses are not already established.

- Any future development of accommodation uses, either under the LUC or the proposed replacement zoning, would require an application to either rezone the subject lands or to amend the LUC, in addition to a covenant modification.
- The rezoning process, and LUC amendment process, are both discretionary processes, which enable the municipality to establish requirements and conditions to address municipal objectives and policies and mitigate potential impacts of proposed developments. This is not available through a development permit process.
- Notice, timing and process is consistent with other LUC termination files and meets the requirements set out in the LGA.
- The subject lands identified on the notice of Public Hearing, within the proposed bylaw and during the staff Public Hearing presentation are consistent.
- The zoning of municipal roads will have no impact on road maintenance.

POLICY CONSIDERATIONS

RELEVANT COUNCIL AUTHORITY/PREVIOUS DECISIONS

[May 10, 2022: Administrative Report No. 22-064](#), Land Use Contract Termination (Blackcomb Mountain) No. 2350, 2022 – Report

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

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

[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 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 May 10, 2022 [Administrative Report No. 22-064](#) provides a review of the relevant policies within the OCP's Growth Management chapter (Chapter 4).

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.

The May 10, 2022 [Administrative Report No. 22-064](#) references Schedule B (Lil'wat Nation and Squamish Nation Fee Simple Lands and Partnership Interest) in the OCP.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☐ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

Letter to Registered Owners

On April 1, 2022, staff emailed a letter to affected property owners informing them of the commencement of the LUC termination process. A paper copy of the letter was mailed on April 6, 2022. The draft proposed MC3 and P3 Zones were attached to the letter for owners' information. The letter also identified the opportunity for written comments on the draft proposed zones.

In response to the letter to registered owners, the RMOW received one submission on behalf of Vail Resorts. In response to the submission, staff made changes to the MC3 Zone's permitted uses, parking requirements, and density provisions, and removed the proposed P3 Zone before introducing the LUC Termination Bylaw to Council for consideration of first and second readings. The May 10, 2022

[Administrative Report No. 22-064](#) includes staff's summary of and response to the proposed changes to the replacement zoning; it also includes Vail Resorts' submission and staff's letter response to the submission as Appendices M and N, respectively.

Public Hearing

As noted above, a Public Hearing on the proposed LUC Termination Bylaw, which was subject to public notice requirements, was held on May 25, 2022. Two written submissions and three verbal representations were received from the public during the Public Hearing process. Staff's summary and review of the representations and 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

Appendix B – Summary and Review of Public Hearing Submissions

"Land Use Contract Termination Bylaw (Blackcomb Mountain) No. 2350, 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 and verbal submissions made during the Public Hearing process. Staff are not recommending any changes to the proposed LUC Termination Bylaw.

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SIGN-OFFS

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