



**PUBLIC HEARING OF MUNICIPAL COUNCIL
MINUTES**

Wednesday, June 8, 2022, 5:30 p.m.

Remote Meeting via Zoom

For information on how to participate: <https://www.whistler.ca/business/land-use-and-development/planning/active-applications>

PRESENT: Mayor J. Crompton
Councillor A. De Jong
Councillor J. Ford
Councillor R. Forsyth
Councillor J. Grills
Councillor D. Jackson
Councillor C. Jewett

STAFF PRESENT: Acting Chief Administrative Officer and General Manager of Resort Experience, J. Gresley-Jones
General Manager of Corporate and Community Services and Acting Corporate Officer, T. Battiston
General Manager of Infrastructure Services, J. Hallisey
Director of Planning, M. Kirkegaard
Manager of Planning, C. Beaubien
Planner, J. Rees
Planner, P. Gibbins
Council Coordinator, M. Miklea

**1. PUBLIC HEARING - "LAND USE CONTRACT TERMINATION BYLAW
(BLACKCOMB COMMERCIAL) NO. 2351, 2022"**

This meeting was held electronically pursuant to s.465 of the *Local Government Act* and Council Procedure Bylaw No. 2207, 2018.

Councillors R. Forsyth and J. Grills declared conflicts and left the Meeting at 5:30.

2. CALL TO ORDER

The Resort Municipality of Whistler is grateful to be on the shared, unceded territory of the Lil'wat People, known in their language as Lil'wat7úl, and the Squamish People, known in their language as Skwxwú7mesh. We respect and commit to a deep consideration of their history, culture, stewardship and voice.

This Public Hearing is convened pursuant to section 464 of the *Local Government Act* to allow the public to make representations to Council respecting matters contained in "Land Use Contract Termination Bylaw (Blackcomb Commercial) No. 2351, 2022" (the "proposed Bylaw").

Mayor J. Crompton announced the procedure for the Public Hearing.

3. PURPOSE OF "LAND USE CONTRACT TERMINATION BYLAW (BLACKCOMB COMMERCIAL) NO. 2351, 2022"

Purpose: As stated in the Notice of Public Hearing, the purpose of "Land Use Contract Termination Bylaw (Blackcomb Commercial) No. 2351, 2022" is to terminate the Blackcomb Land Use Contract (LUC) from the subject lands and replace it with the following zones:

1. A new CC4 Zone (Commercial Core Four) to provide a mixture of commercial uses, personal services and tourist accommodation facilities located at the base of Blackcomb Mountain; and
2. A new TA18 Zone (Tourist Accommodation Eighteen) to provide commercial tourist accommodation and ancillary facilities adjacent to the ski slopes of Blackcomb Mountain.

Subject Lands: The lands that are the subject of the proposed Bylaw are shown on the map attached to the Public Hearing notice. The subject lands comprise the following five developed properties: Chateau Fairmont – 4599 Chateau Blvd, Le Chamois – 4557 Blackcomb Way, Glacier Lodge – 4573 Chateau Blvd, Embarc Whistler – 4580 Chateau Blvd, and Blackcomb Springs Suites – 4899 Painted Cliff Road.

4. STAFF PRESENTATION

A presentation was given by municipal staff regarding the proposed Bylaw.

5. SUBMISSIONS FROM THE PUBLIC

Mayor J. Crompton called for submissions from the public.

Steve Sandercott, 100 Adelaide St, Toronto, ON

Mr. Sandercott is in opposition to the bylaw as related to limits on permissible development rights for the Fairmont Chateau Whistler – both density and usage. He contended that the current approach is not a like-for-like approach. He further suggested that there should be a 3% increase on current total gross floor area, and not just for auxiliary spaces.

Jamie Rhodes, 602 - 4557 Blackcomb Way

Mr. Rhodes expressed difficulty in evaluating the effects of the proposed Bylaw and requested a comparative analysis of current vs. proposed rights in layman terms.

Sarah Rush, 614/402 - 4899 Painted Cliff Road

Ms. Rush expressed concern that the new TA18 Zone did not include previous residential rights, and opposed the TA18 zoning as she believes it reduces her legal rights. It is based on the covenant placed by the RMOW. She believes the unit should be allowed to be used as residential when not used as tourist accommodation and that the RMOW is changing the purpose and privileges of the LUC. TA18 should include multi-residential uses as a RTA18 zone. Additionally there was lack of communication about the TA18 zone after the change from the CC4 zone as originally presented. The current proposed zone is not like-for-like as suggested, and the rights should be the same as neighboring properties.

Deborah Crozier, 312 - 4899 Painted Cliff Road

Ms. Crozier expressed a desire for a no-cost process to owners. Ms. Crozier expressed concern that changing the zoning description as part of the LUC Termination will put a financial burden on all owners in the Blackcomb Springs Suites.

Brian Freund, 528 - 4899 Painted Cliff Road

Mr. Freund does not believe the new TA18 zoning transfers the current development rights under the LUC. He stressed that Blackcomb Springs Suites needs to have all of the development rights as in the existing LUC and he believes the current proposed zone does not meet the like-for-like intent.

Andrew Dye, 329 - 4899 Painted Cliff Road

Mr. Dye noted that the Blackcomb Springs Strata Council met with RMOW Planning staff after the initial CC4 zone was proposed. The Strata Council believes that the TA18 zone further misses the mark and they do not believe that the existing property rights have been preserved in this process. He believes that this will result in new taxation to the Blackcomb Springs property, and they do not feel the property is being appropriately assessed. He also stated that Blackcomb Springs is different than all other properties under consideration.

Nick Southward, 449 - 4899 Painted Cliff Road

Mr. Southward noted his property taxes have been reduced considerably over the last 15 years from \$6,000 to \$2,000 and he is concerned that these new zones will result in his taxes increasing back to the \$6,000 range.

Mike Roze, 627 - 4899 Painted Cliff Road

Mr. Rose noted that without the inclusion of the term residential in the TA18 zone, it will trigger higher taxes. He believes that the current approach is not like-for-like and that the Planning Department has been circumventing Blackcomb Springs requests. He suggested that Mayor and Council direct them toward a like-for-like approach.

Mayor J. Crompton called for submissions from the public three final times and no further submissions were made.

6. MOTION TO CLOSE THE PUBLIC HEARING

Moved By Councillor C. Jewett

Seconded By Councillor A. De Jong

That Council close the Public Hearing for "Land Use Contract Termination Bylaw (Blackcomb Commercial) No. 2351, 2022".

CARRIED

Mayor, J. Crompton

Acting Corporate Officer, T. Battiston