



RESORT MUNICIPALITY OF WHISTLER

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STAFF REPORT TO COUNCIL

PRESENTED: July 19, 2022 **REPORT:** 22-103
FROM: Planning – Policy **FILE:** RZ001174
SUBJECT: ZONING AMENDMENT BYLAW (3201 BLUEBERRY DRIVE AND 3300
PTARMIGAN PLACE) NO. 2365, 2022 – PERMISSION TO NOT HOLD PUBLIC
HEARING

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council consider not holding a Public Hearing for proposed “Zoning Amendment Bylaw (3201 Blueberry Drive and 3300 Ptarmigan Place) No. 2365, 2022”; and further,

That Council direct staff to give notice that a Public Hearing will not be held for “Zoning Amendment Bylaw (3201 Blueberry Drive and 3300 Ptarmigan Place) No. 2365, 2022”.

PURPOSE OF REPORT

The purpose of this report is to request that Council endorse staff’s approach to not hold a Public Hearing and give notice that a Public Hearing will not be held for “Zoning Amendment Bylaw (3201 Blueberry Drive and 3300 Ptarmigan Place) No. 2365, 2022” (the Zoning Amendment Bylaw).

Information Report Administrative Report (Decision or Direction)

DISCUSSION

Background

On March 8, 2022, Council adopted “Land Use Contract Termination Bylaw (Blueberry) No. 2337, 2021” (LUC Termination Bylaw). The LUC Termination Bylaw will terminate the land use contract (LUC) registered under the Land Title Office under charge number G2947, including any registered modifications, from all lands within the Blueberry Hill neighbourhood effective March 9, 2023. The LUC Termination Bylaw will also implement replacement zoning for these same lands.

During the LUC termination process, staff received an inquiry related to 3201 Blueberry Drive (also known as The Lynx), asking why the property was classified as an apartment and located within the proposed RTA30 Zone (Residential/Tourist Accommodation Thirty) rather than being classified as a

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townhouse and included in the proposed RTA31 Zone (Residential/Tourist Accommodation Thirty-One).

Within the adopted LUC Termination Bylaw, the RTA30 Zone provides for apartment use, while the RTA31 Zone provides for townhouse use. Under the Blueberry LUC and associated restrictive covenant, 3201 Blueberry Drive is specified to be apartment use and as such, staff did not recommend changes to the proposed LUC Termination Bylaw at the time.

On February 8, 2022, Council endorsed staff's approach, recommended in [Administrative Report No. 22-016](#), to prepare a zoning amendment bylaw for Council's consideration that would, where necessary, amend any replacement zoning adopted by Council through a LUC termination bylaw prior to the replacement zoning coming into effect one year after adoption in order to make further improvements to the replacement zoning. For the Blueberry LUC, the report specifically stated that upon completion of the LUC terminations by June 30, 2022, staff will give further consideration to the classification of 3201 Blueberry Drive under "Zoning and Parking Bylaw No. 303, 2015" (the Zoning Bylaw).

In accordance with [Administrative Report No. 22-016](#), staff recommend that further improvements be made to the adopted replacement zoning for the Blueberry Hill neighbourhood, in particular for 3201 Blueberry Drive (The Lynx) and 3300 Ptarmigan Place (Deer Run).

Site Context

As shown on Appendix A, the subject lands are two multi-family properties located at the southern end of the Blueberry Hill neighbourhood, 3201 Blueberry Drive (The Lynx) and 3300 Ptarmigan Place (Deer Run) which consist of 28 and 33 dwelling units respectively.

Analysis

After adoption of the LUC Termination Bylaw, staff reviewed the classification of the properties within the Blueberry Hill neighbourhood and determined that it is appropriate to include 'townhouse' as a permitted use for both 3201 Blueberry Drive and 3300 Ptarmigan Place as this use is the best fit for these properties under the current Zoning Bylaw. Staff also recommend continuing to allow apartment use for the two properties because this is the dwelling type permitted for the properties under the LUC.

The proposed Zoning Amendment Bylaw amends the RTA30 Zone to include 'townhouse' as a permitted use for Key Plan Areas C and E only, which apply to the abovementioned properties.

Staff are requesting Council's endorsement to not hold a Public Hearing for the proposed Zoning Amendment Bylaw as the proposed change is minor, reflects the existing use of the land and is consistent with the Official Community Plan (OCP). Section 464(2) of the *Local Government Act* (LGA) specifies that a Public Hearing is not required to be held where an OCP is in effect for the area that is the subject of the zoning bylaw and the bylaw is consistent with the OCP. If Council endorses this approach, notice will be given in advance of any bylaw readings, in accordance with section 467 the LGA and then the Zoning Amendment Bylaw will be brought forward for readings. The Zoning Amendment Bylaw has been provided as Appendix B.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

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

[February 8, 2022: Administrative Report No. 22-016](#), Land Use Contract Termination Bylaw (Blueberry) No. 2337, 2021 – Public Hearing and Third Reading Report

[December 7, 2021: Administrative Report No. 21-139](#), Land Use Contract Termination Bylaw (Blueberry) No. 2337, 2021 Report

[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***

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 proposed Zoning Amendment Bylaw is consistent with the OCP. 3201 Blueberry Drive (The Lynx) and 3300 Ptarmigan Place (Deer Run) are both designated Residential – Visitor Accommodation under the OCP; this designation is for lands permitting residential and visitor accommodation use in various dwelling types. The RTA30 Zone enacted by the LUC Termination Bylaw is consistent with this OCP land use designation. The Zoning Amendment Bylaw's addition of townhouse use to the RTA30 Zone for Key Plan Areas C and E does not impact the zone's consistency with the OCP.

The December 7, 2021 [Administrative Report No. 21-139](#) 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.

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 October 18, 2021, staff distributed a letter to affected property owners informing them of the commencement of the LUC termination process. The draft proposed zones were attached to the letter for owners' information. The letter also identified the opportunity for written comments on the draft proposed zones. The December 7, 2021 [Administrative Report No. 21-139](#) includes the letter to owners in Appendix B.

In response to the letter to registered owners, staff received a number of questions and comments related to the proposed zoning. Questions and comments received related to permitted uses, nightly rentals, the differences between the Blueberry LUC and the proposed zoning, non-conforming use rights and general questions related to LUCs. Staff also received one submission for a change to the proposed RTA31 Zone. The December 7, 2021 [Administrative Report No. 21-139](#) includes staff's summary of and response to the proposed change to the RTA31 Zone; it also includes the submissions received from registered owners with substantive questions or comments as [Appendix C](#).

As noted above, during the LUC termination process, staff also received an inquiry related to 3201 Blueberry Drive, asking why the property was classified as an apartment and located within the proposed RTA30 Zone rather than being classified as a townhouse and included in the proposed RTA31 Zone.

Previous Public Hearing

A Public Hearing on the proposed LUC Termination Bylaw, which was subject to public notice requirements, was held on January 18, 2022. One written submission and one representation were

received from the public during the Public Hearing process. Staff's summary and review of the representation and submission, along with staff's associated recommendations, are provided in the Public Hearing summary report in [Appendix B](#) to [Administrative Report No. 22-016](#).

LUC Termination Notification

A written notice was sent to property owners on March 10, 2022 notifying them of the adoption of the LUC Termination Bylaw. This notice advises owners of their right to apply to the Board of Variance for an exemption from early termination, and identifies the place where and the times and dates when bylaws are available for public inspection.

Future Notifications

If endorsed by Council, notification that a Public Hearing will not be held for the proposed Zoning Amendment Bylaw will be conducted in accordance with section 467 of the LGA.

REFERENCES

Appendix A – Subject Lands Map

Appendix B – “Zoning Amendment Bylaw (3201 Blueberry Drive and 3300 Ptarmigan Place) No. 2365, 2022”

SUMMARY

This report requests that Council endorse staff's approach to not hold a Public Hearing and give notice that a Public Hearing will not be held for the Zoning Amendment Bylaw.

SIGN-OFFS

Written by:

Philip Gibbins,
Planner – Policy

Reviewed by:

Courtney Beaubien,
Manager of Planning – Policy

Jessie Gresley-Jones,
General Manager of Resort Experience

Ted Battiston,
Acting Chief Administrative Officer