



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 5, 2020

REPORT: 20-033

FROM: Resort Experience

FILE: LUC00003

SUBJECT: BAYSHORES LAND USE CONTRACT TERMINATION – FIRST AND SECOND READINGS

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council consider giving first and second readings to “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”; and

That Council authorize staff to schedule a Public Hearing for “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” and to provide notice of the Public Hearing; and

That Council authorize staff, subject to adoption of “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”, to give written notice of termination to the Registrar of Land Titles, pursuant to section 548(6) of the *Local Government Act*; and further

That Council authorize staff, subject to adoption of “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”, to give written notice of termination to the affected property owners pursuant to section 549 of the *Local Government Act*.

REFERENCES

Appendix “A” – Subject Property Map

Appendix “B” – Letter to Owners regarding Open House

Appendix “C” – Open House Presentation

Appendix “D” – Letter from Mr. Murray A. Braaten regarding Strata Plan VAS695

Administrative Report to Council No. 19-117 – LUC003 – Bayshores Land Use Contract Termination, dated September 17, 2019 (Not attached)

Information Report to Council No. 16-055 – Land Use Contract Termination Process, dated May 3, 2016 (Not attached)

PURPOSE OF REPORT

The purpose of this Report is to present “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” to Council for consideration of first and second readings. This Report also requests that Council authorize staff to schedule, and provide notice of, a Public Hearing for “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”. The proposed bylaw will terminate the Bayshores Land Use Contract (LUC) from the subject lands and zone the subject lands RM70 Zone (Residential Multiple

Seventy) (RM70 Zone) under “Zoning and Parking Bylaw No. 303, 2015” (the Zoning Bylaw). If the bylaw is adopted, the Bayshores LUC will be terminated from the subject lands and the zoning will take effect one year from the date of adoption of the bylaw. The subject lands are identified in Appendix “A”. The proposed zoning applies to ten different strata properties, representing a total of 248 strata lots. The strata properties are VAS817, VAS904, VAS632, VAS808, VAS809, VAS811, VAS653, VAS1005, VAS695 and VAS755.

The proposed zoning bylaw has been prepared consistent with provincial regulations for the termination of Land Use Contracts, and with the RMOW’s project approach and principles for its Land Use Contract discharge process.

DISCUSSION

Background

LUCs existed as a regulatory tool between 1970 and 1980 and were used in place of zoning and other development bylaws to regulate development (land use, siting, infrastructure, amenities, form and character, environmental considerations, etc.). LUCs could “lock in” development regulations in perpetuity and could only be amended or terminated by agreement between the municipality and land owner. LUCs were legislated out of use in the early 1980s, however existing LUCs remain in force.

In May 2014, the *Local Government Act* (LGA) was amended to automatically terminate all LUCs on June 30, 2024. The same legislation requires municipalities to zone all lands subject to LUCs by June 30, 2022. The LGA allows unilateral, local government initiated termination of LUCs prior to June 30, 2022, provided zoning is in place prior to termination. The LGA also stipulates that the LUC remains applicable until one year after the adoption of the zoning bylaw, after which time the zoning bylaw comes into force.

On May 3, 2016, staff presented Information Report to Council No. 16-055 – Land Use Contract Termination Process. Report No. 16-055 outlined the new legislation and recommended an approach for early termination of all LUCs in Whistler. The report identified eight LUCs in Whistler affecting 2,600 properties, 2,568 of which are stratified properties governed by 60 separate strata corporations, with only 31 fee simple lots regulated by LUCs. The project approach targeted the discharge of one to two LUCs per year. To date, two LUCs, Alpine Meadows and Brio, have been terminated.

The May 3, 2016 staff report also described four overarching principles that would be applied by the RMOW through its zoning and discharge process. These are excerpted from that report as follows:

1. Adherence to legislation: New regulations will be drafted and adopted in accordance with the requirements of the *Community Charter* and *Local Government Act*. In cases where applicable legislation prohibits land use contract regulations from being enacted in current municipal bylaws, these regulations cannot be carried forward.
2. Public engagement: *Local Government Act* requirements will be met and additional consultation with affected property owners will occur.
3. Alignment of regulations: Wherever possible, existing land use contract development rights will be preserved and mirrored in new land use regulations. Similarly, site specific land use contract modifications will be incorporated where practical.

4. Consistent and equitable approach: Through collective engagement, affected property owners will be treated consistently and fairly through the termination and rezoning process. There will be no fees charged to property owners for the termination and zoning process.

The Bayshores LUC was enacted in April 1978. It is registered on the affected property titles as F80566. On September 17, 2019, staff presented Administrative Report to Council No. 19-117 – LUC003 – Bayshores Land Use Contract Termination. Report No. 19-117 detailed the history of the Bayshores LUC and its relationship to Zoning Bylaw No. 9. Report No. 19-117 also presented a draft of the proposed RM70 Zone, which is the zoning proposed to replace the Bayshores LUC for the subject lands upon its termination. On September 17, 2019, Council authorized staff to prepare the necessary bylaws to rezone lands subject to the Bayshores LUC and to terminate the Bayshores LUC pursuant to sections 547 and 548 of the LGA.

Subsequent to the September 17, 2019 regular meeting of Council, staff distributed an information letter to property owners within the subject lands. This letter provided the draft proposed zone, invited owners to an open house and provided an invitation to submit written comments on the proposed zoning to replace the LUC. The open house was held on November 25, 2019.

Proposed Bylaw

“Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” will terminate the Bayshores LUC from the subject lands and assign the RM70 Zone to the subject lands in Appendix “A”.

The RM70 Zone is intended to mirror the regulations established by the LUC, applicable permits and covenants for each strata lot. Overall, the RM70 Zone divides the LUC area into different sections based on strata plans to reflect the historic patterns of development and to provide specifications regarding permitted land use, maximum gross floor area (GFA), setbacks and maximum height. As the RM70 Zone will be added to the RMOW’s current Zoning Bylaw, the general regulations from the Zoning Bylaw that provide for auxiliary residential dwelling units and GFA exclusions will also apply to the subject lands currently within the Bayshores LUC area.

The RM70 Zone presented in “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” reflects the draft proposed zone that was provided to Council on September 17, 2019 and distributed to property owners with revisions to address off-street parking and to tighten the bylaw language based on legal review to clarify interpretation. To address Council’s comments regarding parking concerns in the Bayshores LUC area, the clause respecting off-street parking and loading was revised to clarify that parking spaces required in respect of the use of a parcel within a bare land strata plan may be located on strata roads *within the same strata plan*; this reflects existing conditions and historic use. Revisions were also made to address allowances for covered or enclosed parking which is excluded from the calculation of gross floor area similar to other residential zones. The maximum areas established are specified in the density provisions of the bylaw, and reflect existing conditions based on building permit records. Additionally, Table 13A was revised to clarify the correct interpretation of the specified maximum GFA and setback requirements which have not been changed.

The LGA delays the effect of any bylaw discharging an LUC for one year. Subsequently, if the proposed termination bylaw is ultimately adopted by Council, the LUC will not be formally terminated from the subject lands and the zoning will not take effect until one year from the date of adoption of the bylaw (approximately July 2021).

WHISTLER 2020 ANALYSIS

Please refer to the analysis provided in Administrative Report to Council No. 19-117 – LUC003 – Bayshores Land Use Contract Termination, dated September 17, 2019.

OTHER POLICY CONSIDERATIONS

Please refer to the analysis provided in Administrative Report to Council No. 19-117 – LUC003 – Bayshores Land Use Contract Termination, dated September 17, 2019.

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.

COMMUNITY ENGAGEMENT AND CONSULTATION

Letter to Owners

On November 8, 2019, staff distributed a letter to affected property owners. This letter provided an overview of the provincial requirement for municipalities to terminate LUCs and described Council's permission to proceed with terminating the Bayshores LUC. The draft proposed zone was attached to the letter for owners' information. The letter also invited property owners to attend an open house and identified the opportunity for written comments on the draft zone. This letter is provided in Appendix "B".

Open House

Staff held an open house on the termination of the Bayshores LUC and the proposed zone for affected property owners on Monday, November 25, 2019 from 5 p.m. to 7 p.m. at the Whistler Conference Centre. Posters on the termination process and draft proposed zone were displayed in the meeting room. At this open house, staff presented an overview of the proposed zone and were available for questions about the draft zone and the LUC termination process. The staff presentation is provided in Appendix "C". A total of 15 people attended the open house; this included 12 members of the public and three members of RMOW Council.

Public Submissions

The letter to owners invited individuals to submit written comments on the draft zone by December 15, 2019. In response to the letter to owners and public open house, staff received one public submission. The received letter is from solicitors who have identified themselves as representing the strata units within Strata Plan VAS695, known as The Seasons. The letter requests that the proposed zone be amended to allow tourist accommodation in The Seasons. The letter claims that tourist accommodation is a pre-existing use of The Seasons and that this use is permitted pursuant to the Bayshores LUC. Staff note that a title search shows that the fractional ownership component referenced in the letter applies to six of the 13 strata lots within The Seasons property (Strata Plan VAS695), and no other properties in the Bayshores LUC area (242 strata lots).

Tourist accommodation use is not permitted by the Bayshores LUC. The Bayshores LUC restricts the use of the lands to "single, duplex and multiple residential dwellings" as defined by Zoning Bylaw No. 9, 1975. There is no reference to tourist accommodation use in the Bayshores LUC. As such, staff have

not amended the proposed RM70 Zone to include tourist accommodation as a permitted use of The Seasons.

Future Notifications

The LGA requires that a Public Hearing for the proposed bylaw be held prior to final consideration by Council, including a notification in the local paper. If Council authorizes staff to schedule a Public Hearing for “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”, staff will advertise the Public Hearing in the local newspaper and deliver notice of the Public Hearing to the owners and tenants of all parcels within the subject lands.

The LGA also requires that written notification be provided to property owners notifying them of the adoption of the bylaw terminating the LUC. This notice must state the date of LUC termination and advise the owners of their right to apply to the Board of Variance for a delay of early termination. Staff will carry out this notification should “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” be adopted by Council.

SUMMARY

This Report presents “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” to Council for consideration of first and second readings. This Report also requests that Council authorize staff to schedule a Public Hearing for “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”. The proposed bylaw will terminate the Bayshores LUC from the subject lands and zone the subject lands RM70 Zone.

Respectfully submitted,

Courtney Beaubien
SENIOR PLANNER – POLICY

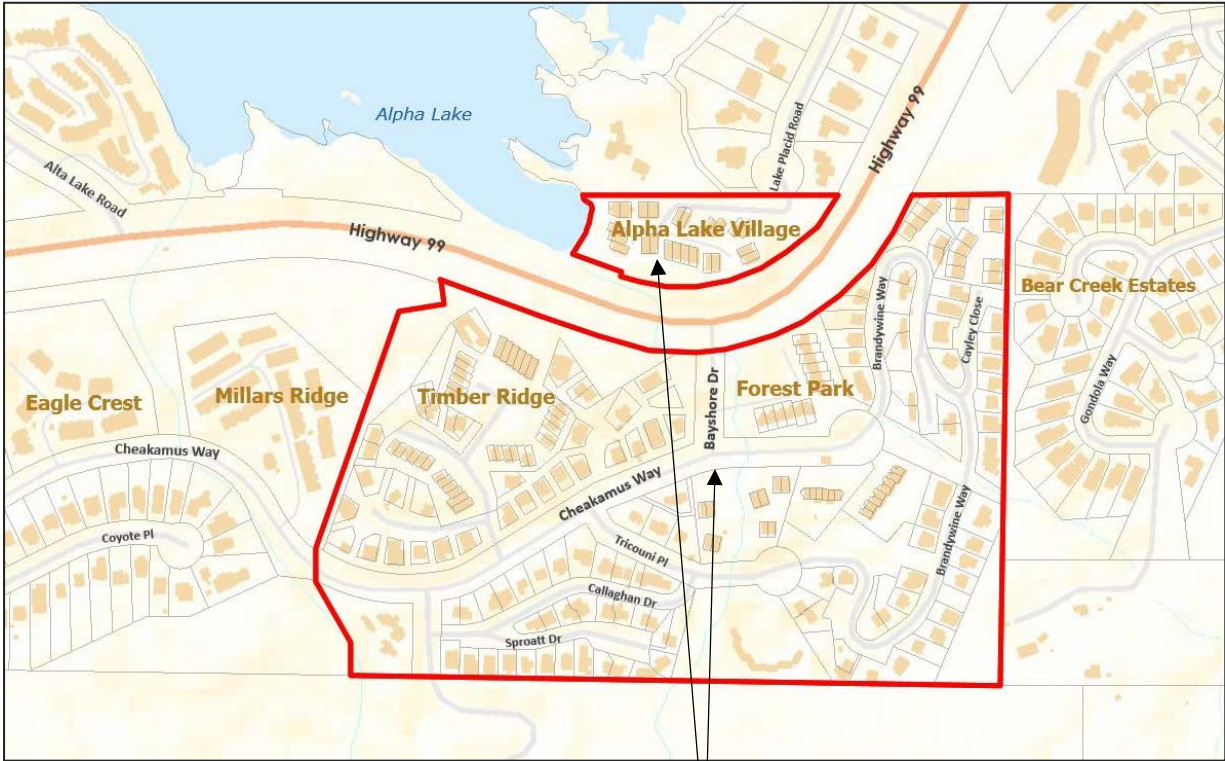
and

Roman Licko
ACTING SENIOR PLANNER – DEVELOPMENT

for

Toni Metcalf
GENERAL MANAGER OF RESORT EXPERIENCE

Subject Property Map



SUBJECT LANDS



RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way TEL 604 932 5535
 Whistler, BC Canada V8E 0X5 TF 1 866 932 5535
 whistler.ca FAX 604 935 8109

November 8, 2019

Dear Sir or Madam,

Re: Bayshores Land Use Contract Termination (File No. LUC00003)

Provincial legislation automatically terminates all Land Use Contracts (LUCs) in British Columbia on June 30, 2024 and requires municipalities to zone all lands regulated by LUCs by June 30, 2022.

On September 17, 2019, RMOW Council authorized staff to prepare the necessary bylaws to zone lands subject to the Bayshores LUC and to terminate the Bayshores LUC pursuant to sections 547 and 548 of the *Local Government Act*. A map of the properties subject to the Bayshores LUC is included on page 2 of this letter. The Bayshores LUC regulations are registered on the titles of these properties.

On September 17, 2019, staff also presented Council with a draft of the zone that is being proposed to replace the Bayshores LUC. This draft zone is entitled "RMB Zone – Residential Multiple Bayshores" and is attached to this letter for your information. The proposed RMB Zone is intended to mirror the regulations established by the LUC, applicable permits, and covenants for each lot within the LUC area. It also applies the general regulations from *Zoning and Parking Bylaw No. 303, 2015*, which provide for auxiliary residential dwelling units and gross floor area exclusions.

The RMOW will be holding an open house on the proposed RMB Zone for affected property owners. At this open house, staff will present an overview of the proposed RMB Zone and be available for questions about the draft zone and the LUC termination process. This open house will be held on **Monday, November 25, 2019** from 5 p.m. to 7 p.m., with a presentation from RMOW staff beginning at 5:30 p.m. It will take place in the Garibaldi Room in the lower level of the **Whistler Conference Centre** at 4010 Whistler Way, Whistler.

The RMOW is also providing the opportunity for written comments on the draft RMB Zone, which must be received by 4 p.m. on **December 15, 2019**. You may email your comments to planning@whistler.ca or mail them to: Planning Department, Resort Municipality of Whistler, 4325 Blackcomb Way, Whistler, BC, V8E 0X5. **Any written comments received will become publicly available as they will be included in a future Administrative Report to Council.** Your letter will appear with your name in the public Council package, but your personal contact information will be redacted.

After December 15, 2019, staff will consider any comments received. Staff will then make recommendations to Council regarding the Land Use Contract Termination Bylaw for the Bayshores LUC. In accordance with the *Local Government Act*, a Public Hearing will be held on the Land Use Contract Termination Bylaw before Council's final consideration of the bylaw. Notification of the Public Hearing will include notice in the local newspaper and a further mail out to property owners. As part of the Public Hearing process, the public will be able to make oral and written representations to Council.

Additional information about the termination of the Bayshores LUC and other LUCs in Whistler can be found on the project website at www.whistler.ca/landusecontracts.

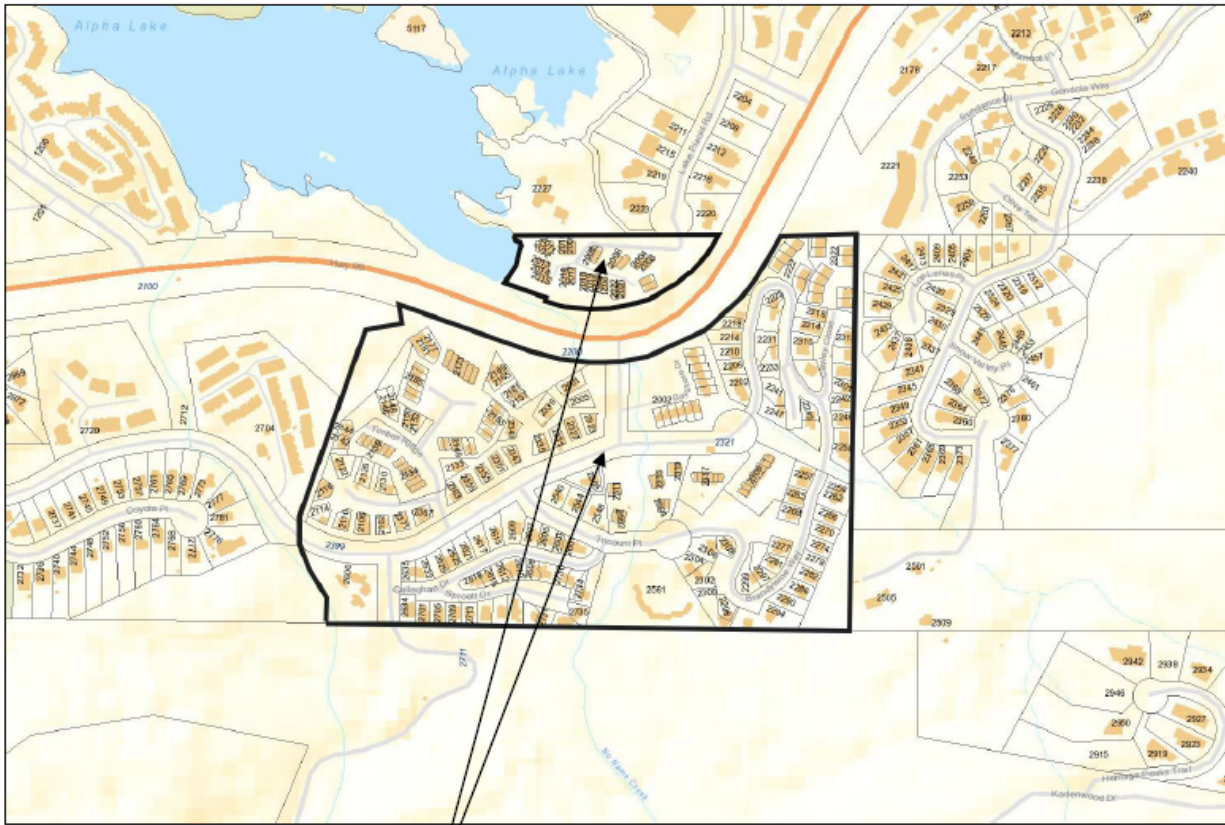
If you have any questions, please contact the Planning Department at 604-935-8170.

Yours sincerely,

Roman Licko
 Acting Director of Planning

Encl.

Bayshores LUC Map



Subject properties

DRAFT PROPOSED ZONE TO REPLACE BAYSHORES LAND USE CONTRACT

71. RMB Zone - Residential Multiple Bayshores

Intent

- (1) The intent of this zone is to permit the development of detached, duplex, townhouse and multiple residential dwellings.

Permitted Uses

- (2) The following uses are permitted only at the locations specified in Schedule x *[Amending Bylaw Schedule B]*, and all other uses are prohibited:
- (a) Detached dwellings
 - (b) Duplex dwellings
 - (c) Townhouses
 - (d) Auxiliary buildings and auxiliary uses
 - (e) Auxiliary residential dwelling unit provided it is contained within a detached dwelling.

Density

- (3) In the RMB zone:
- (a) the maximum number of detached dwellings is 69;
 - (b) the maximum number of townhouse dwellings is 95;
 - (c) the maximum number of duplex dwellings is 43;
 - (d) and the maximum gross floor area of any dwelling is set out in Schedule x.
- (4) Despite subsection 3, if the actual gross floor area of a townhouse on any site, the construction of which was authorized by a building permit duly authorized by the Municipality exceeded the amount specified in Schedule x, such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the site.

Height

- (5) The maximum permitted height of buildings and structures is as set out in Schedule x.

Setbacks

- (6) The minimum permitted setbacks for each lot into which the Lands will be subdivided or strata titled are as set out in Schedule x.
- (7) Despite subsection 3, if the actual setbacks of a building on any site, the construction of

which was authorized by a building permit duly authorized by the Municipality is less than the distance specified in Schedule x, such setback distance shall be deemed to be the allowable distance for the site.

Off-Street Parking and Loading

- (8) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw, notwithstanding, parking spaces required in respect of the use of a parcel within a bare land strata may be located on strata roads.

Other Regulations

- (9) Notwithstanding subsection 3(3) of Part 5, the maximum permitted floor area for an auxiliary building is:
 - (a) 70 square metres on a parcel with a detached dwelling; and,
 - (b) 50 square metres on a parcel with a duplex dwelling.
- (10) An auxiliary residential dwelling unit shall contain a gross floor area no greater than 90 square metres and no less than 32.5 square metres.
- (11) In no case shall the gross floor area of the auxiliary residential dwelling unit exceed 40 percent of the gross floor area on a parcel.

SCHEDULE X

LAND USE PLAN OF RMB ZONE WITH TABLE OF HEIGHTS, DENSITIES AND SETBACKS

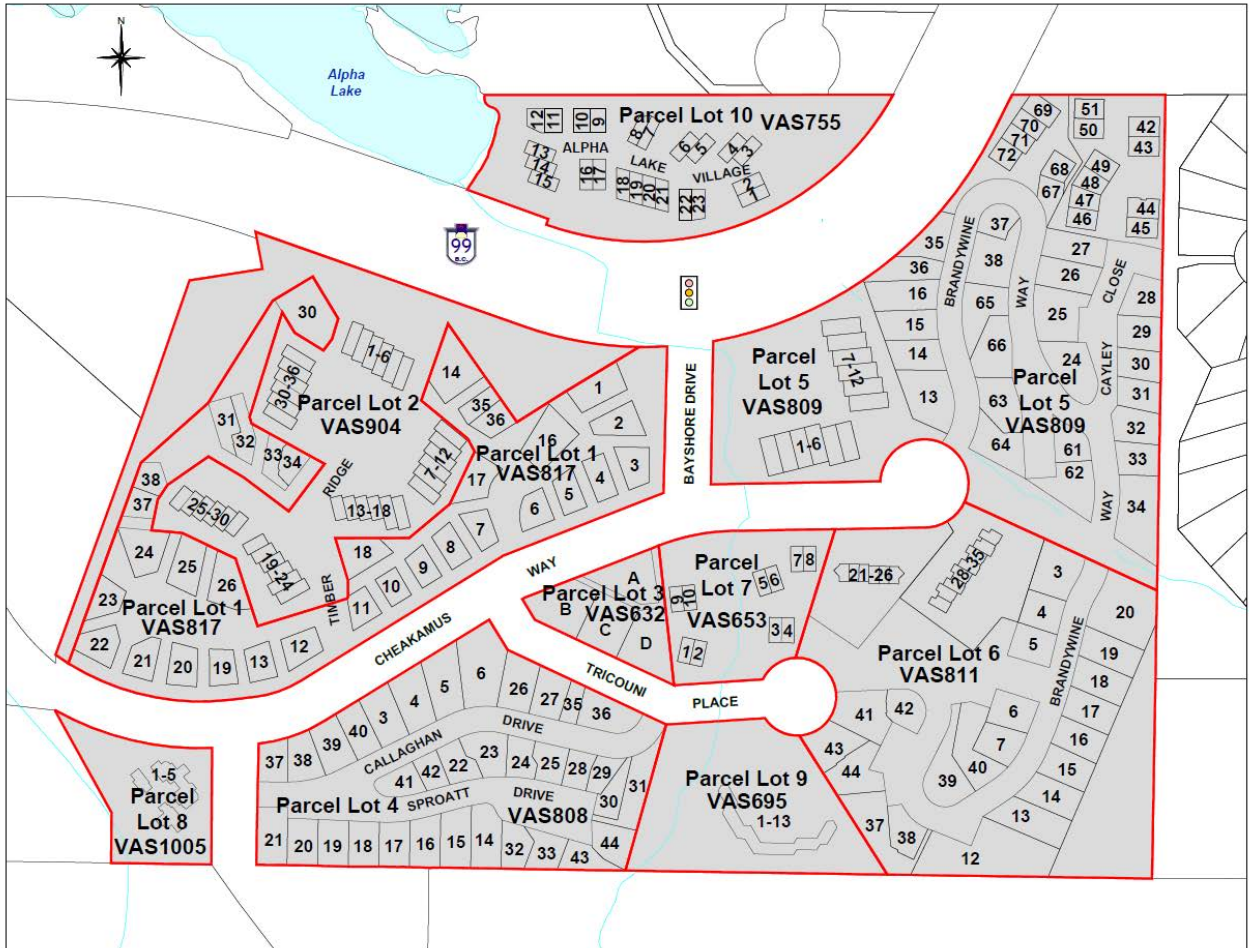


Table of Heights, Densities and Setbacks

Strata Lot	Land Use	Maximum GFA (sq. m)	Setback	Maximum Height
Parcel Lot 1 (Strata Plan VAS 817)				
SL 1 – 13 and 16 - 26	Detached Dwelling	232	0 metres to a strata lot line.	7.6 metres.
SL 14, 30	Duplex	372	0 metres to a strata lot line.	7.6 metres.
SL 31-38	One half duplex dwelling per strata lot	186	0 metres to a strata lot line.	7.6 metres.
Parcel Lot 2 (Strata Plan VAS 904)				
S.L. 1-6	Townhouses	183 per unit	0 metres to a strata lot line.	The maximum permitted height of a townhouse building is 10.7 metres.
SL -7-12	One half duplex dwelling per strata lot	186 per unit	0 metres to a strata lot line.	The maximum height of a duplex building is 7.6 metres.
SL 13-18	One half duplex dwelling per strata lot	186 per unit	0 metres to a strata lot line.	The maximum height of a duplex building is 7.6 metres.
SL 19-24	Townhouses	183 per unit	0 metres to a strata lot line.	The maximum permitted height of a townhouse building is 10.7 metres.

SL 25-30	One half duplex dwelling per strata lot	186 per unit	0 metres to a strata lot line.	The maximum height of a duplex building is 7.6 metres.
SL 31-36	One half duplex dwelling per strata lot	186 per unit	0 metres to a strata lot line.	The maximum height of a duplex building is 7.6 metres.
Parcel Lot 3 (Strata Plan VAS 632)				
Lots A - D	Detached dwelling	232 per detached dwelling	7.6 metres from the front or rear lot line and 3 metres from the side lot line.	7.6 metres.
Parcel Lot 4 (Strata Plan VAS 808)				
SL 3-6, 14-21	Detached Dwelling	232	1. If the average grade sloping upwards from the lot line of any strata lot towards the rear lot line thereof over a distance of a least 7.6 metres is 30% or less, the siting of any building or structure on that strata lot shall be such that no portion thereof is closer than 4.6 metres to the front lot line thereof. If under these circumstances the average grade sloping upwards is greater than 30%, then the front property setback is 3 metres. 2. 3 metres from the side or rear lot lines.	7.6 metres.
SL 22-33, 35-44	One-half duplex dwelling per strata lot	186		7.6 metres.

Strata Lot	Land Use	Maximum GFA (sq. m)	Setback	Maximum Height
Parcel Lot 5 (Strata Plan VAS 809)				
SL 1-12	Townhouses	232	1. If the average grade sloping upwards from the lot line of any strata lot towards the rear lot line thereof over a distance of a least 7.6 metres is 30% or less, the siting of any building or structure on that strata lot shall be such that no portion thereof is closer than 4.6 metres to the front lot line thereof. If under these circumstances the average grade sloping upwards is greater than	10.7 metres.
SL 13-16, 24-34	Detached dwelling	232		7.6 metres.
SL 35-38, 42-45, 50-51, 61-68	One-half duplex dwelling per strata lot	186		7.6 metres.
SL 46-49, 69-72	Townhouses	183		10.7 metres.

			30%, then the front property setback is 3 metres. 2. 3 metres from the side or rear lot lines.	
Parcel Lot 6 (Strata Plan VAS 811)				
SL 3-7, SL 12-20	Detached dwelling	232	1. If the average grade sloping upwards from the lot line of any strata lot towards the rear lot line thereof over a distance of a least 7.6 metres is 30% or less, the siting of any building or structure on that strata lot shall be such that no portion thereof is closer than 4.6 metres to the front lot line thereof. If under these circumstances the average grade sloping upwards is greater than 30%, then the front property setback is 3 metres. 2. 3 metres from the side or rear lot lines.	7.6 metres.
SL 37-44	One-half duplex dwelling per strata lot	186		7.6 metres.
SL 21-26, 28-35	Townhouses	183 per unit		10.7 metres.
Parcel Lot 7 (Strata Plan VAS 653)				
SL 1-10	One-half duplex dwelling per strata lot	186	7.6 metres from the front or rear lot line and 3 metres from a side lot line.	7.6 metres

Strata Lot	Land Use	Maximum GFA (sq. m)	Setback	Maximum Height
Parcel Lot 8 (VAS 1005)				
SL 1-5	Townhouses (5)	1746	7.6 metres from the front, rear or side lot line.	10.7 metres.
Parcel Lot 9 (Strata Plan VAS 695)				
SL 1-13	Townhouses (13)	0.4 Floor Site Ratio	7.6 metres from the front, rear or side lot lines.	10.7 metres.
Parcel Lot 10 (Strata Plan VAS 755)				
SL 1-23	Duplex, Townhouses	0.4 floor site ratio	7.6 metres from the front, rear or side lot lines.	7.6 metres for duplexes; 10. 7 metres for townhouses.

Bayshores Land Use Contract Termination (LUC000003)

Public Open House

November 25, 2019

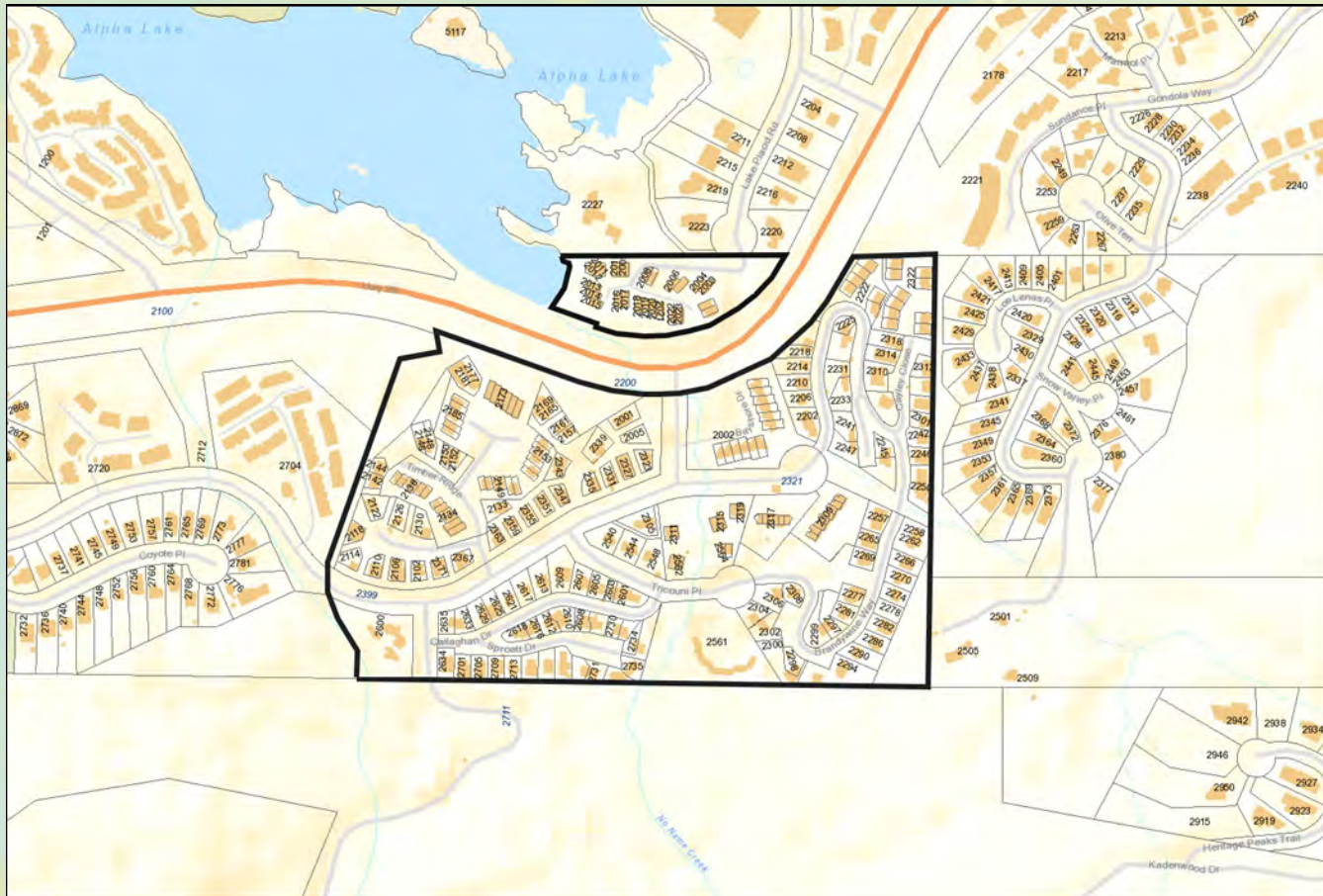
RESORT MUNICIPALITY OF WHISTLER

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Subject Lands



North

Background – Land Use Contracts (LUCs)

- LUCs existed as a regulatory tool from 1970-1980
- LUCs were used in place of zoning
 - ✓ Contract between Municipality and property owner:
 - Regulate land use, siting, infrastructure, amenities, form and character, etc.
 - Lock in regulations – changes required Municipality and land owner to agree to amendment or termination
- May 2014: *Local Government Act* amended
 - ✓ All LUCs in BC automatically terminate on June 30, 2024
 - ✓ Local governments must have zoning in place by June 30, 2022
 - ✓ Local government initiated termination of LUCs is now possible
- May 3, 2016: RMOW Council Report
 - ✓ Recommended an approach for early termination of Whistler LUCs

Background – *Local Government Act (LGA)*

- Summary of applicable sections:

LGA Subsection	Summary Comment
546	<ul style="list-style-type: none">Allows for LUC amendments by way of Development Permit and/or Development Variance Permit
547	<ul style="list-style-type: none">Requires that all LUCs are terminated by June 30, 2024Requires local governments to adopt zoning by June 30, 2022
548	<ul style="list-style-type: none">Allows for termination of LUCs prior to June 30, 2022 provided that the amending bylaw comes into force one year after adoption
549	<ul style="list-style-type: none">Requires local government to give property owners written notice of LUC termination
550	<ul style="list-style-type: none">States that all LUCs are hereby terminated as of June 30, 2024

Bayshores LUC

- Enacted in April 1978
- Registered on affected property titles as F80566
- Clause IV refers to Zoning Bylaw 9 (in effect at the time) for development standards (e.g. setbacks, height)
- Laid out servicing, subdivision and density provisions to:
 - ✓ Divide the eastern portion of District Lot 3556 into 12 parcels
 - ✓ Accommodate 250 single family, duplex and multiple residential units
- The 12 parcels were later stratified and developed through the historically applicable development permit and building permit processes into 10 separate strata plans
- RMOW intends to terminate Bayshores LUC in 2020; zoning will apply in 2021

Proposed RMB Zone

- New comprehensive zone: RMB Zone – Residential Multiple Bayshores
 - ✓ Intended to mirror the regulations established by the LUC, applicable permits, and covenants for each lot
- Considerations:
 - ✓ Auxiliary residential dwelling units (ARDUs) are not considered under the LUC
 - Proposed RMB Zone would allow for ARDUs in detached dwellings
 - Consistent with other existing residential zones in the current Zoning Bylaw
 - Provides additional housing opportunities
 - Associated ARDU density must be within the existing permitted maximum density for the parcel
 - ✓ In consideration of potential historical inconsistencies, the new zone contains language that recognizes existing density or setbacks with proof of a building permit

Proposed RMB Zone – Additional Considerations

- Applicability of the General Regulations in the current Zoning Bylaw:
 - ✓ Excluded Gross Floor Area:
 - Adoption of the proposed zoning will result in detached and duplex dwellings in Bayshores becoming eligible for gross floor area exclusions as per the current Zoning Bylaw
 - This is consistent with all other properties within RMOW boundaries that are regulated by the current Zoning Bylaw
 - ✓ Calculation of Height:
 - Method of calculation of height will change to be consistent with other zoned residential properties within RMOW boundaries

Project Principles

- Four principles were presented to Council on May 3, 2016
- This table shows how these principles have been applied to the Bayshores LUC termination

Principles	Comments
Adherence to legislation	<ul style="list-style-type: none">• The new regulations have been drafted in accordance with the requirements of the applicable legislation.
Public engagement	<ul style="list-style-type: none">• RMOW is conducting this public open house and accepting written comments before bringing the Land Use Contract Termination Bylaw forward for first and second readings.• A Public Hearing will be held on the Land Use Contract Termination Bylaw before Council's final consideration of the bylaw.
Alignment of regulations	<ul style="list-style-type: none">• The proposed zoning mirrors the rules in the Bayshores LUC, permits and covenants.• The proposed zoning aligns with existing development in the neighbourhood.
Consistent and equitable approach	<ul style="list-style-type: none">• No RMOW fees will be charged to property owners for this termination.• This is the third LUC to be terminated and similar processes have and will be followed.

Next Steps

- Opportunity for written comments on the draft RMB Zone
 - ✓ Must be received by 4 p.m. on December 15, 2019
- Staff will provide the public comments to Council prior to further consideration of the Land Use Contract Termination Bylaw
- A Public Hearing on the Land Use Contract Termination Bylaw will be held before Council's final consideration
 - ✓ Notification of the Public Hearing will include notice in the local newspaper and a further mail out to property owners
 - ✓ As part of the Public Hearing process, affected members of the public may make oral and written representations to Council
- Should Council adopt the bylaw, written notification will be sent to property owners
 - ✓ This notice must state the date of LUC termination and advise the owner of their right to apply to the Board of Variance for a delay of early termination
 - ✓ The LUC will be terminated and the zoning will take effect one year after the adoption of the Land Use Contract Termination Bylaw



THANK YOU



December 13, 2019

Murray A. Braaten
Direct +1 604 801 7322
murray.braaten@gowlingwlg.com

Roman Licko
Acting Director of Planning
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler, BC V8E 0X5

Dear Mr. Licko:

Re: Bayshores Land Use Contract (LUC00003) Termination and Strata Plan VR695

We are the solicitors for Strata Corporation No. VR695. We write to you on behalf of the owners of strata units within Strata Plan VR695 (the "**Strata Lots**"). The property located at 2561 Tricouni Place, Whistler, B.C. known as The Seasons ("**The Seasons**") includes a fractional ownership component and individual strata lots that include tourist accommodation and nightly rentals.

The Seasons is governed by a land use contract dated April 10, 1977 (the "**LUC**"). Pursuant to the LUC, The Seasons included nightly rentals, a fractional ownership shared use development and tourist accommodation since 1980. A lease was registered in the Land Title Office under title under number H17073 on March 19, 1980, which established the fractional ownership arrangement (the "**Lease**"). A copy of the Lease is attached for your reference. Subleases (the "**Subleases**") were registered in the Land Title Office establishing the interests of each of the owners in the fractional component (the "**Owners**").

The Seasons has operated as tourist accommodation, nightly rentals and a fractional ownership arrangement since 1980. The proposed zoning RMB Zone – Residential Multiple Bayshores does not permit this pre-existing use.

We write on behalf of the Owners to request that the proposed zoning RMB Zone – Residential Multiple Bayshores be amended to allow the continued current use of The Seasons.



Thank you for your consideration. Please do not hesitate to contact us if you require further information.

Sincerely,

Gowling WLG (Canada) LLP

A handwritten signature in dark ink, appearing to read "Murray A. Braaten", written over the printed name.

Murray A. Braaten

MAB:j

2

MAR 19 12 43 G 80

LAND TITLE ACT

H 17073 17073

LAND TITLE ACT

Form 17
(Sections 151, 152(1), 220)

H 9382.4

To

APPLICATION

H 9394.4

NATURE OF INTEREST:

(1) Fee-simple

☐

Market

Value:

(2) Charge

☒

True

Value: *NOMINAL* (10%)

LEASE
(Nature of Charge)

(3) Cancellation of charge

☐

(Nature and number of charge cancelled)

HEREWITH FEES OF \$ *10.00*

As to (1) and (2) ADDRESS of person entitled to be registered as owner, if difference than shown in instrument

As to (3) FULL NAME of person entitled to cancellation who or on whose behalf the application is made

Legal description, if not shown in instrument being submitted with this application

Full name, address telephone number of person presenting application.
OWEN, BIRD, Barristers & Solicitors, 28th Floor, 595 Burrard Street, Vancouver, British Columbia, 688 0401.

THE SEASONS RESORTS LTD.
INCORP. NO 199720
INC. DATE - NOV. 7, 1979
GAR. REF. - NOV. 29/79 PAGE 1964

Francis She
(Signature of applicant, or
authorized agent)

4/10 ✓

17073

LAND TITLE ACT
FORM 1 (SECTION 28)
MEMORANDUM OF REGISTRATION
REGISTERED

on application received on the
day and at the time written hereon,
D. H. STURCH, REGISTRAR
VANCOUVER LAND TITLE OFFICE

THIS INDENTURE made as of the 19th day of FEBRUARY, 1980
IN PURSUANCE OF THE "SHORT FORM OF LEASES ACT"
BETWEEN:

§ RIVERINA DEVELOPMENT CORPORATION, a duly incorporated company under
the laws of the Province of British Columbia, and having its
registered office at 2800 - 595 Burrard Street, in the City of
Vancouver, in the Province of British Columbia;
(hereinafter called the "LESSOR")
OF THE FIRST PART

AND:

CARD § THE SEASONS RESORTS LTD., a duly incorporated company under
the laws of the Province of British Columbia, and having its
registered office at 2800-595 Burrard Street, in the City of
Vancouver, in the Province of British Columbia;
(hereinafter called the "LESSEE")
OF THE SECOND PART

WITNESSETH, the said Lessor doth demise unto the said Lessee, his successors and
assigns ALL AND SINGULAR that certain parcel or tract of land and premises
situate, lying and being in the Resort Municipality of Whistler, in the Province
of British Columbia and more particularly known and described as:

Strata Lots 1 to 13 inclusive
District Lot 3556
Strata Plan VR695
together with an interest in the common property in proportion to the unit
entitlement of the Strata Lots as shown on Form 1.

TOGETHER with all buildings thereon erected, or hereafter during the term hereby
granted, to be erected, and also with all ways, paths, passages, waters, water
courses, privileges, advantages and appurtenances whatsoever to the said
premises belonging or otherwise appertaining, and together with all appliances,
furniture, furnishings and household goods located on the strata lots.

FOR the term of NINETY-NINE (99) YEARS, from the Nineteenth day of FEBRUARY,
1980 to and including the NINETEENTH day of FEBRUARY, 2079, yielding therefor
during the said term the rent of TEN (\$10.00) DOLLARS of lawful money of Canada,
payable on the following days and times, that is to say:-

The full rent for the said term is due and payable on the execution and
registration of this Indenture.

1. That the said Lessee covenants with the said Lessor to pay rent; and to
pay taxes; and to pay rates for water, electric light, gas and telephone and to
pay taxes and common expenses and any other costs levied against the said
premises pursuant to the Strata Titles Act.

LAND TITLE ACT
FORM 1 (SECTION 28)
MEMORANDUM OF REGISTRATION
REGISTERED

408 \$010.00

on application received on the
day and at the time written hereon,
D. H. STURCH, REGISTRAR
VANCOUVER LAND TITLE OFFICE

VANCOUVER
"P.O." "B.C.C."
"NOT PUBLIC"

AND to repair; and to keep up fences; and not to cut down timber;

AND the said Lessor may enter and view state of repair, and that the said Lessee will repair according to notice.

AND that he will leave premises in good repair; and that he will comply with the provisions of the Strata Titles Act and the amendments thereto and the Strata Corporation By-Laws and amendments thereto.

AND that he will not carry on any business that shall be deemed a nuisance on the premises.

PROVISO for re-entry by the said Lessor on non-payment of rent, or non-performance of covenants but without prejudice to the rights of any sublessees.

PROVISO for re-entry on seizure or forfeiture of the said term but without prejudice to the rights of any sublessees.

THE said Lessor covenants with the said Lessee for quiet enjoyment.

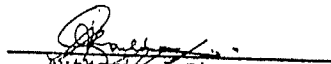
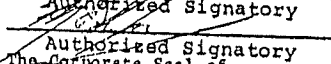
AND ALSO that if the term hereby granted shall be at any time seized or taken in execution or in attachment by any creditor of the Lessee, or if the Lessee shall make any assignment for the benefit of creditors, or becoming bankrupt or insolvent, shall take the benefit of any act that may be in force for bankrupt or insolvent debtors and the said term shall immediately become forfeited and void.

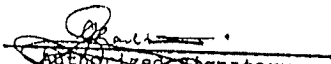
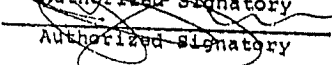
PROVIDED and it is hereby agreed by and between the parties hereto that if the said Lessee shall hold over after the expiration of the term hereby granted and the Lessor shall accept rent, the new tenancy thereby created shall be a tenancy from month to month and not a tenancy from year to year, and shall be subject to the covenants and conditions herein contained so far as the same are applicable to a tenancy from month to month.

WHEREVER the singular and the masculine are used throughout this Indenture, the same shall be construed as meaning the plural or the feminine, or body corporate or politic; also the successors and assigns of the respective parties hereto and each of them, (where the context or the parties so require).

IN WITNESS WHEREOF the said parties have hereunto affixed their corporate seals in the presence of their duly authorized officers as of the day and year first above written.

The Corporate Seal of
RIVERINA DEVELOPMENT CORPORATION
was hereunto affixed in the presence of:


Authorized Signatory

Authorized Signatory
The Corporate Seal of
THE SEASONS RESORTS LTD. was
hereunto affixed in the presence of:


Authorized Signatory

Authorized Signatory

17073

LAND TITLE ACT
FORM 9
(Sections 43 (a) and 44 (a))
AFFIDAVIT OF WITNESS

I, of
British Columbia, make oath and say:
1. I was present and saw this instrument duly signed and executed by
....., the party(ies) to it, for the purposes named in it.
2. The instrument was executed at
3. I know the party(ies), who is(are) 19 years old or more,
4. I am the subscribing witness to the instrument and am 16 years old or more,
Sworn before me at day
in British Columbia, this day
of 19

*Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.
NOTE—This affidavit must be sworn by a witness who is not a party to the instrument.

LAND TITLE ACT
FORM 3
(Sections 43 (b) and 44 (b))
CERTIFICATE OF ACKNOWLEDGMENT OF TRANSFEROR

I certify that on the day of 19 at in the of
.....
*(Whose identity has been proved by the evidence on oath of
(State full name, address, and occupation) who is) personally known to me,
appeared before me and acknowledged to me that he/she/they is(are) the person(s) mentioned in this
instrument as a transferor (or attorney of a transferor) that his/her/their name(s) is(are) subscribed to it, that
he/she/they know(s) the contents of the instrument and executed it voluntarily, and is(are) of the age of 19
years or more.
In testimony of which I set my hand and seal of office at
this day of 19

*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets.
†Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

LAND TITLE ACT
FORM 6
(Section 46)
PROOF OF EXECUTION BY CORPORATION

I certify that on the 19th day of February, 19 80, at Vancouver
in British Columbia, Graeme John Charlton
*(whose identity has been proved by the evidence on oath of
(State full name, address, and occupation) who is) personally known to me, appeared
before me and acknowledged to me that he/she is the authorized signatory of RIVERINA DEVELOPMENT
CORPORATION
..... and that he/she is the person who subscribed his/her name and affixed
the seal of the corporation to the instrument, that he/she was authorized to subscribe his/her name and affix
the seal to it, (and that the corporation existed at the date the instrument was executed by the corporation.)
In testimony of which I set my hand and seal of office at Vancouver
this 19th day of February, 19 80.

*Where the person making the acknowledgment is personally known to the officer taking it, strike out the words in brackets.
†These words in brackets may be added, if the applicant wishes the registrar to preserve the discretion under section 162 (5) not to
call for further evidence of the existence of the corporation.
‡Write name and qualifications under section 48, e.g., A Commissioner for Taking Affidavits for British Columbia.

Mack Printers & Stationers Ltd.
STA A

Strata Titles Act, 1974

17073

FORM A

CERTIFICATE OF FULL PAYMENT
(Section 7(3))

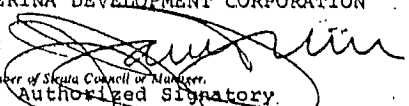
Strata Corporation No. VR695
that no moneys are owing to it in connection with
Strata Lot No. 1 to 13 inclusive
(legal description)
District Lot 3556
Strata Plan VR695

hereby certifies under Section 7(3) of the Strata Titles Act

Dated this 13th day of MARCH 1980

RIVERINA DEVELOPMENT CORPORATION

Per:


Member of Strata Council or Manager

Authorized Signatory