

# BAYSHORES LAND USE CONTRACT TERMINATION – FIRST AND SECOND READINGS (LUC00003)

Council Presentation

May 5, 2020

**RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way

Whistler, BC Canada V8E 0X5

[www.whistler.ca](http://www.whistler.ca)

**TEL** 604 932 5535

**TF** 1 866 932 5535

**FAX** 604 935 8109



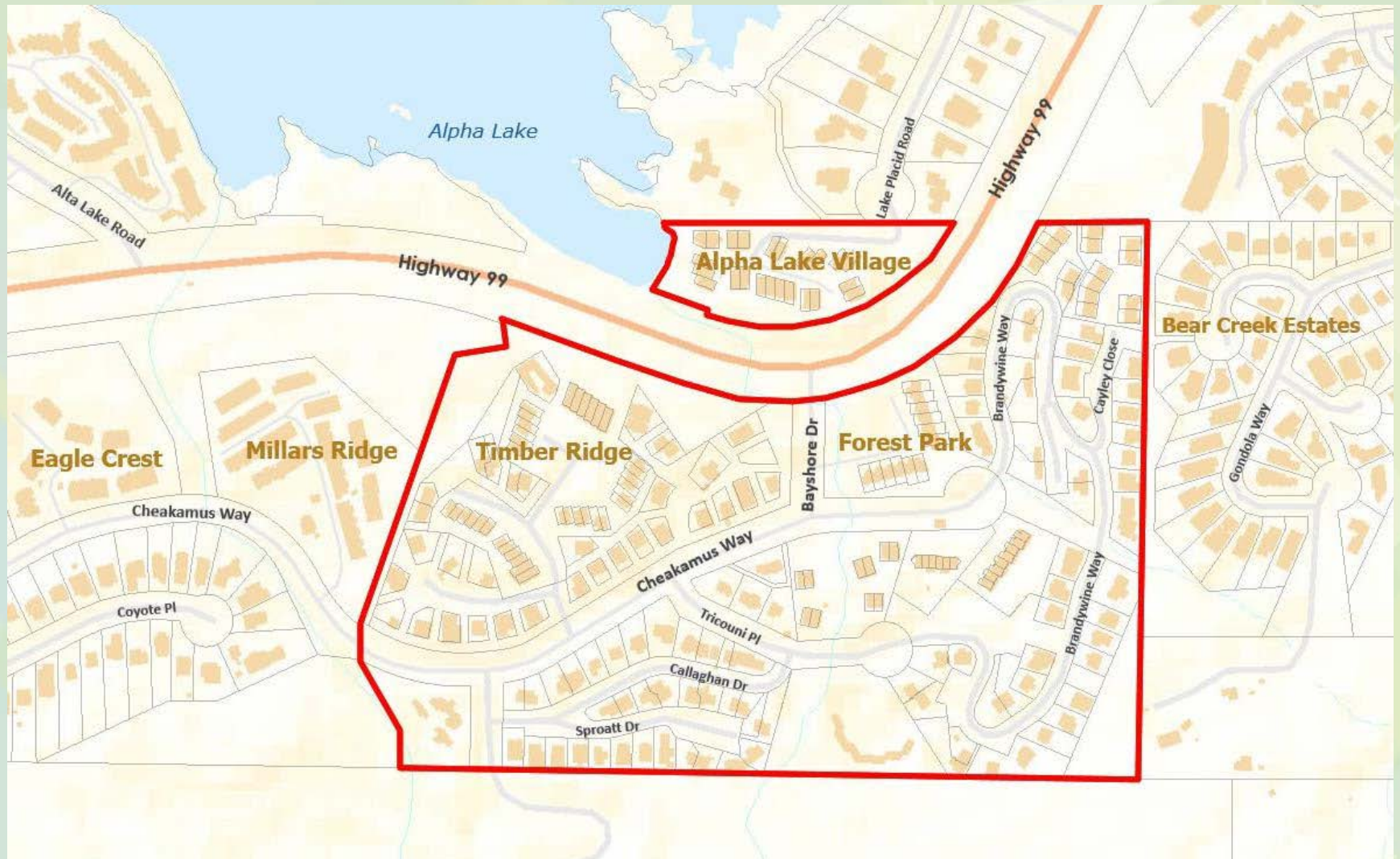
# Purpose – Report

- Present “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” to Council for consideration of first and second readings
- Request that Council authorize staff to schedule, and provide notice of, a Public Hearing for “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”

# Proposed Bylaw – Overview

- Proposed bylaw will terminate the Bayshores Land Use Contract (LUC) from the subject lands and zone the subject lands RM70 Zone (Residential Multiple Seventy) 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 (per the *Local Government Act* (LGA))
- The proposed zoning applies to 10 different strata properties, representing 248 strata lots
- Proposed bylaw has been prepared consistent with provincial regulations for the termination of LUCs and with the RMOW’s project approach and principles for terminating LUCs

# Subject Lands



# Background – LUCs and the LGA

- LUCs existed as a regulatory tool between 1970 and 1980
  - ✓ Used in place of zoning and other development bylaws to regulate development
  - ✓ Could “lock in” development regulations in perpetuity
  - ✓ Could only be amended or terminated by agreement between the municipality and land owner
- May 2014: LGA amended to automatically terminate all LUCs on June 30, 2024
  - ✓ Requires municipalities to zone all lands subject to LUCs by June 30, 2022
  - ✓ Allows unilateral, local government initiated termination of LUCs, provided zoning is in place prior to termination

# Background – RMOW's Termination Approach

- May 3, 2016: Staff presented Information Report to Council No. 16-055
  - ✓ Outlined the new legislation and recommended an approach for early termination of all LUCs in Whistler
  - ✓ Identified eight LUCs in Whistler affecting 2,600 properties, 2,568 of which are stratified
  - ✓ Described four overarching principles that would be applied by the RMOW through the LUC termination and zoning process
    - Adherence to legislation
    - Public engagement
    - Alignment of regulations
    - Consistent and equitable approach
- To date, two LUCs have been terminated: Alpine Meadows and Brio

# Background – Bayshores LUC

- Enacted in April 1978 and registered on affected property titles as F80566
- September 17, 2019: Staff presented Administrative Report to Council No. 19-117
  - ✓ Detailed the history of the Bayshores LUC and its relationship to Zoning Bylaw No. 9
  - ✓ Presented a draft of the proposed RM70 Zone
  - ✓ 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

# Proposed Bylaw

- “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”
  - ✓ Terminates the Bayshores LUC from the subject lands
  - ✓ Assigns the RM70 Zone to the subject lands
- RM70 Zone
  - ✓ Aligns with the regulations established by the LUC, applicable permits and covenants for each strata lot
  - ✓ 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
  - ✓ Permits auxiliary residential dwelling units in detached dwellings
- RM70 Zone will be added to the RMOW’s current Zoning Bylaw
  - ✓ General regulations that provide for GFA exclusions will apply

# Proposed Bylaw – Updates Since September 2019

- Address Council's comments regarding parking concerns
  - ✓ Clause respecting off-street parking and loading was revised
    - Clarifies 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*
    - Reflects existing conditions and historic use
  - ✓ Revisions address allowances for covered or enclosed parking which is excluded from the calculation of GFA similar to other residential zones
    - The maximum areas established are specified in the bylaw's density provisions and reflect existing conditions based on building permit records
- Revise bylaw language based on legal review to clarify interpretation
  - ✓ Table 13A was revised to clarify the correct interpretation of the specified maximum GFA and setback requirements which have not been changed

# Community Engagement and Consultation

- Letter to Owners: November 8, 2019

- ✓ Distributed to affected property owners
- ✓ Provided an overview of the provincial requirement for municipalities to terminate LUCs
- ✓ Described Council's permission to proceed with terminating the Bayshores LUC
- ✓ Attached the draft proposed zone for owners' information
- ✓ Invited property owners to attend an open house and identified the opportunity for written comments on the draft zone

- Open House: November 25, 2019

- ✓ Posters displayed on the termination process and draft proposed zone
- ✓ Staff presented an overview of the proposed zone and were available for questions
- ✓ 15 people attended the open house
  - 12 members of the public
  - 3 members of RMOW Council

# Community Engagement and Consultation

- **Public Submissions: Due December 15, 2019**
  - ✓ RMOW received one public submission
    - Letter from solicitors identifying themselves as representing the strata units within Strata Plan VAS695 (known as The Seasons)
    - Letter requests that the proposed zone be amended to allow tourist accommodation in The Seasons
    - Letter claims that tourist accommodation is a pre-existing use of The Seasons and that this use is permitted pursuant to the Bayshores LUC
  - ✓ 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 and no other properties in the Bayshores LUC area (242 strata lots)
  - ✓ Tourist accommodation use is not permitted by the Bayshores LUC
    - 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
  - ✓ Based on the above, staff have not amended the proposed RM70 Zone to include tourist accommodation as a permitted use of The Seasons

# Community Engagement and Consultation

- Future Notifications

- ✓ LGA requires a Public Hearing for the proposed bylaw be held prior to final consideration by Council, including notification in the local paper
- ✓ LGA requires 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

# 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*.