

LUC003 – Bayshores Land Use Contract Termination

Council Presentation

September 17, 2019

RESORT MUNICIPALITY OF WHISTLER

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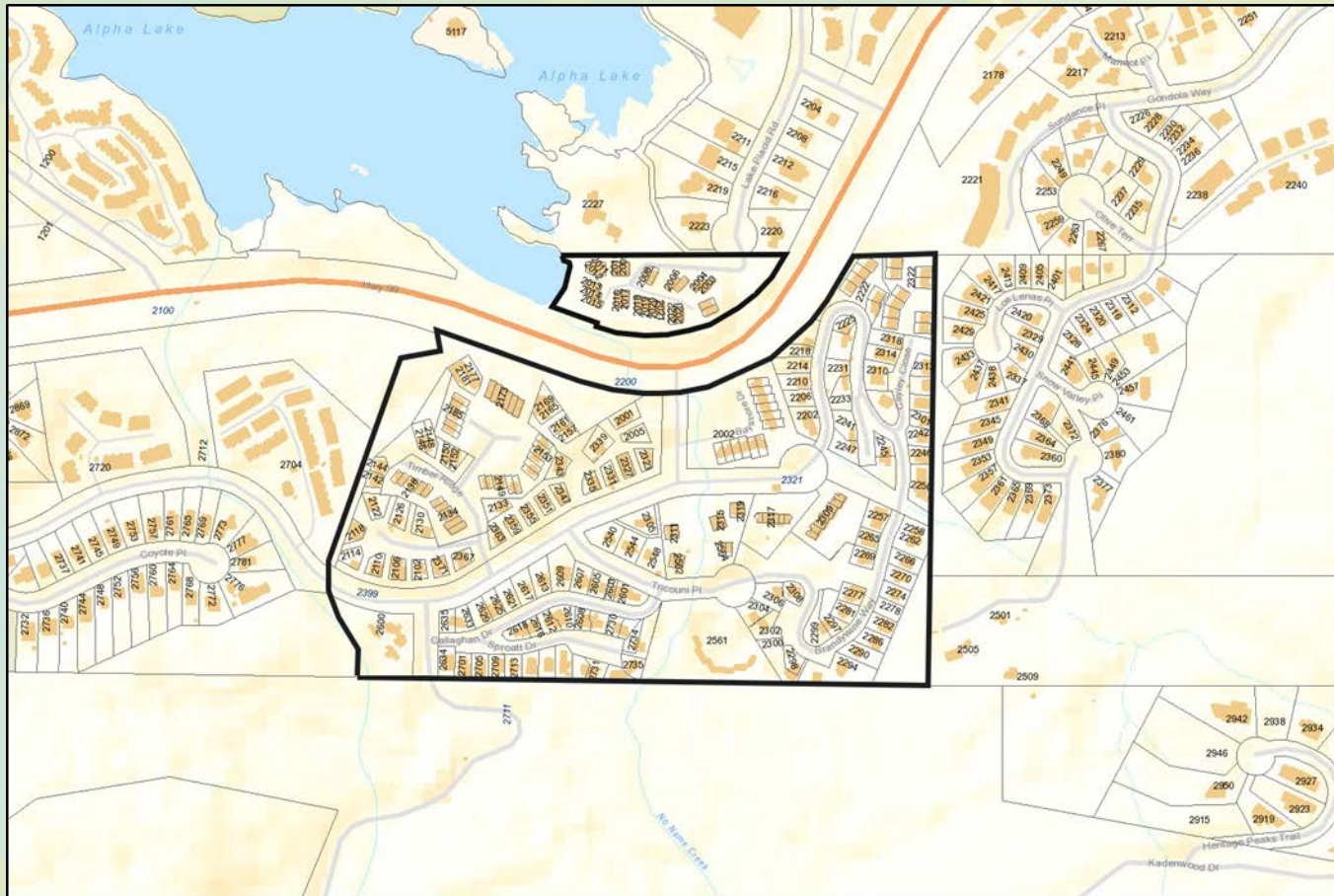
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Subject Lands



North

Background – Land Use Contracts (LUCs)

- Existed as a regulatory tool 1970 – 1980
- Used in place of Zoning
 - ✓ Contract between Municipality and property owner:
 - Regulate land use, siting, infrastructure, amenities, form and character.
 - 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 is now possible.
- May 3rd, 2016 Council Report
 - ✓ Recommended an approach for early termination of Whistler LUCs.

Background – Land Use Contracts (LUCs)

- Summary of applicable sections of Local Government Act (LGA):

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, 2024.Requires 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 LUC's are hereby terminated as of June 30, 2024

Discussion: The Bayshores Land Use Contact

- The Bayshores LUC was enacted in April 1978:
 - ✓ Registered on the affected property titles as F80566.
 - ✓ Clause IV of the LUC refers to Zoning Bylaw 9 (in effect at the time) for development standards (e.g. setbacks, height) with exceptions regarding site area requirements.
 - ✓ 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 ten separate strata plans.

Discussion: Development Summary

- Summary of Municipal approval tools for the 250 units affected by LUC:

Number of Units	Type of Authorization
125	Development Permit with Covenant plus Building Permit
93	Development Permit plus Building Permit
32	Building Permit only

- These permits and covenants (along with the regulations contained in both the LUC and Zoning Bylaw 9) form the basis of the proposed zoning regulations.
- Permits and covenants will remain registered on affected property titles after the LUC is terminated.

Discussion: Proposed RMB Zone

- New comprehensive zone: RMB (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 Zoning and Parking Bylaw 303.
 - Provides additional housing opportunities.
 - Associated density must be within the existing permitted maximum density for the parcel.
 - ✓ To account for potential historical inconsistencies, the new zone contains language that recognizes existing density or setbacks with proof of a building permit.

Discussion: Additional Considerations

- Applicability of Zoning and Parking Bylaw 303

General Regulations:

- ✓ 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 No. 303, 2015.
 - Consistent with all other properties within RMOW boundaries that are regulated by Zoning Bylaw 303.
- ✓ Calculation of Height:
 - Method of calculation of height will change to be consistent with other residential properties within RMOW boundaries.

Policy Consideration

- Four principles were developed as part of the process presented to Council on May 3, 2016.

Principle	Comments
Adherence to legislation	The new regulations have been drafted in accordance with the requirements of the applicable legislation.
Public engagement	<p>Staff will conduct a public information meeting prior to bringing bylaws forward for first reading.</p> <p>Prior to adoption, a public hearing must be held for the proposed bylaws.</p>
Alignment of regulations	<p>The proposed zoning mirrors the rules in the Bayshores LUC, permits and covenants.</p> <p>The zoning aligns with existing development in the neighbourhood .</p>
Consistent and equitable approach	<p>No fees have been charged to property owners for this termination.</p> <p>This is the third land use contract to be terminated and similar processes have and will be followed.</p>

Policy Consideration

- **DEVELOPMENT PERMIT REQUIREMENTS:**

- ✓ Bayshores LUC area is not within a development permit area under the current 1993 OCP.
- ✓ Updated 2018 OCP will apply development permit requirements for:
 - Multi-family residential development,
 - Protection of riparian ecosystems, and
 - Wildfire protection.

Community Engagement

- Staff recommend:
 - ✓ Public information meeting for neighbourhood to review proposed zone prior to council consideration of first and second readings.
 - ✓ Mail out the proposed zoning to property owners for questions and comment within a one month period.
- Local Government Act requirements:
 - ✓ Public hearing, held prior to Council's final consideration of bylaw, including a notification in the local paper.
 - ✓ Written notification to property owners regarding adoption of the bylaw terminating the LUC.
 - 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.

Recommendation

- **That** Council authorize staff to prepare the necessary bylaws to rezone lands subject to the Bayshores Land Use Contract and to terminate the Bayshores Land Use Contract (LUC) pursuant to sections 547 and 548 of the *Local Government Act*.