

# Land Use Contract Discharge Program

Presentation to Council

May 3<sup>rd</sup> , 2016.

## RESORT MUNICIPALITY OF WHISTLER

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# Land Use Contracts (LUCs) Generally

- Existed as a regulatory tool 1970-1980
  - ✓ Used in place of zoning; contract between Municipality and property owner
    - Could regulate virtually all aspects of development (land use, siting, infrastructure, amenities, form and character environmental).
    - “Locked in” regulations: could render any future development-related bylaws of the municipality inapplicable.
    - Registered on title of lands affected.
    - Municipality and land owner had to agree to amendment or termination.
  - ✓ LUC enabling legislation repealed November 15, 1978.

# Bill 17: The end of Land Use Contracts

- May 2014, Local Government Act amended:
  - ✓ All Land Use Contracts in BC automatically terminate on June 30, 2024.
  - ✓ Municipalities must zone all lands subject to Land Use Contracts by June 30, 2022.
  - ✓ Local government-initiated, termination now possible (zoning must be in place first).
  - ✓ Property owners may apply to the Board of Variance for temporary exemptions from early termination
  - ✓ Non-conforming use and siting rights for properties developed under an LUC, which do not conform to new zoning.

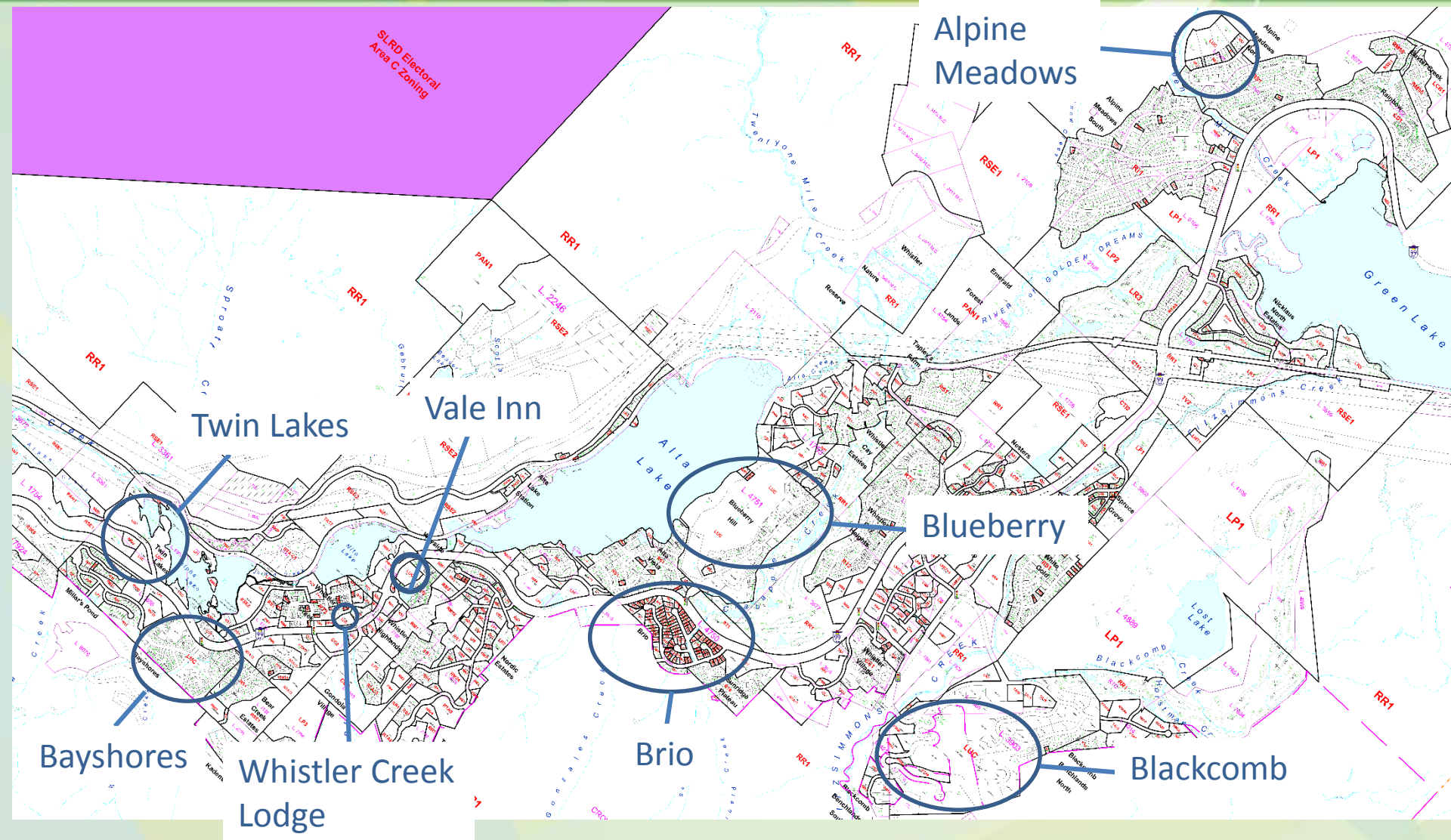
# Land Use Contracts in Whistler

- Eight Land Use Contracts in Whistler
  - ✓ Complex, varying, regulatory framework.
  - ✓ 2,599 properties affected.
    - 31 fee-simple lots
    - 2,568 stratified properties
    - 3,275 owners
    - 60 Strata corporations
  - ✓ Two Land Use Contract Areas have been “zoned over”. (Brio and Alpine)
  - ✓ Unknown number of site-specific amendments and discharges





# Land Use Contracts in Whistler



# Two Options Under the New Legislation

1. Zone all lands affected by Land Use Contracts by 2022 and wait for contracts to automatically terminate in 2024; or
2. Zone Lands affected by Land Use Contracts and terminate concurrently with adoption of zoning \*.

Planning Staff are recommending option 2, executed at a rate of 1-2 Land Use Contracts/year.

\* Property owners can apply for temporary exemption from early termination through Board of Variance

# Benefits of Early Discharge

- *Advantages of zoning realized as soon as possible*
  - ✓ Zoning is more efficient and effective for everyone (greater clarity and availability)
- *Sequenced approach more efficient and effective:*
  - ✓ More time for effective consultation with affected property owners.
  - ✓ Opportunities to improve the process along the way.
  - ✓ Spread demands on staff time and other resources over a longer period.
- *Key LUC regulations preserved*
  - ✓ Regulations in LUCs will be carried forward into new zoning.
  - ✓ Non-conforming status applies in unlikely event LUC regulations not carried forward.
  - ✓ Property owners have one year from termination date to develop in accordance with LUC.
  - ✓ Appeal to the Board of Variance to temporarily extend their LUC.
- *Desire of most property owners to terminate LUCs. :*
  - ✓ Already receiving inquiries about the new LUC termination regulations.
  - ✓ Continue to receive applications for site-specific terminations.
- *LUC areas are built out:*
  - ✓ Most buildings in LUC areas were constructed in the 70's and 80's; entering redevelopment phase,
  - ✓ LUCs are not a suitable tool for redevelopment: Zoning is better

# Challenges

- Tight timeframe
  - ✓ Zoning large area and large number of properties in short timeframe.
- Must replace extensive, complex and outdated regulatory scheme.
  - ✓ LUCs comparable in size to a small zoning bylaw and equally complex
  - ✓ LUC's regulations cannot be simply copied verbatim into zoning (e.g. density calculations, definitions, other considerations)
  - ✓ Unknown (but likely significant) number of site-specific modifications to Land Use Contract regulating individual parcels.
  - ✓ Paper-based, "manual" system, title notations: minimal ability to sort or query.



# Proposed Process

1. Assessment and preparation: Determine scope of LUC's, coordinate resources and develop termination schedule (including order of termination)
2. Property owner communication: Host annual information sessions and develop zoning and graphics for LUC's scheduled for discharge.
3. Bylaw preparation and consideration process: Use stakeholder input to refine proposed bylaws developed in Step 2 and proceed with Council consideration and approval.
4. Repeat 2 & 3 until all LUCs are terminated
  - ✓ Deadline to have zoning in place for lands affected by LUCs—June 30, 2022
  - ✓ All LUCs and BOV exemptions from early termination are automatically terminated—June 30, 2024.

# Proposed Principles of Land Use Contract Discharge

## 1. Adherence to legislation:

- ✓ *Local Government Act* requirements met.
- ✓ Antiquated regulatory features discontinued

## 2. Public engagement:

- ✓ *Local Government Act* requirements met plus additional consultation for affected property owners.

## 3. Alignment of regulations:

- ✓ Mirror LUC regulations in new Zoning.
- ✓ Preserve existing development rights.
- ✓ Ensure use, density, development character are maintained.
- ✓ Incorporate parcel-specific modifications where possible.
- ✓ Discard “spent” regulations

## 4. Consistent and equitable approach:

- ✓ Engage property owners collectively.
- ✓ RMOW initiated-no cost to property owners

# Recommendation

**That** Information Report No. 16-055 regarding the Land Use Contract termination process be received.