

Bayshores Land Use Contract Termination (LUC000003)

Public Open House

November 25, 2019

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way

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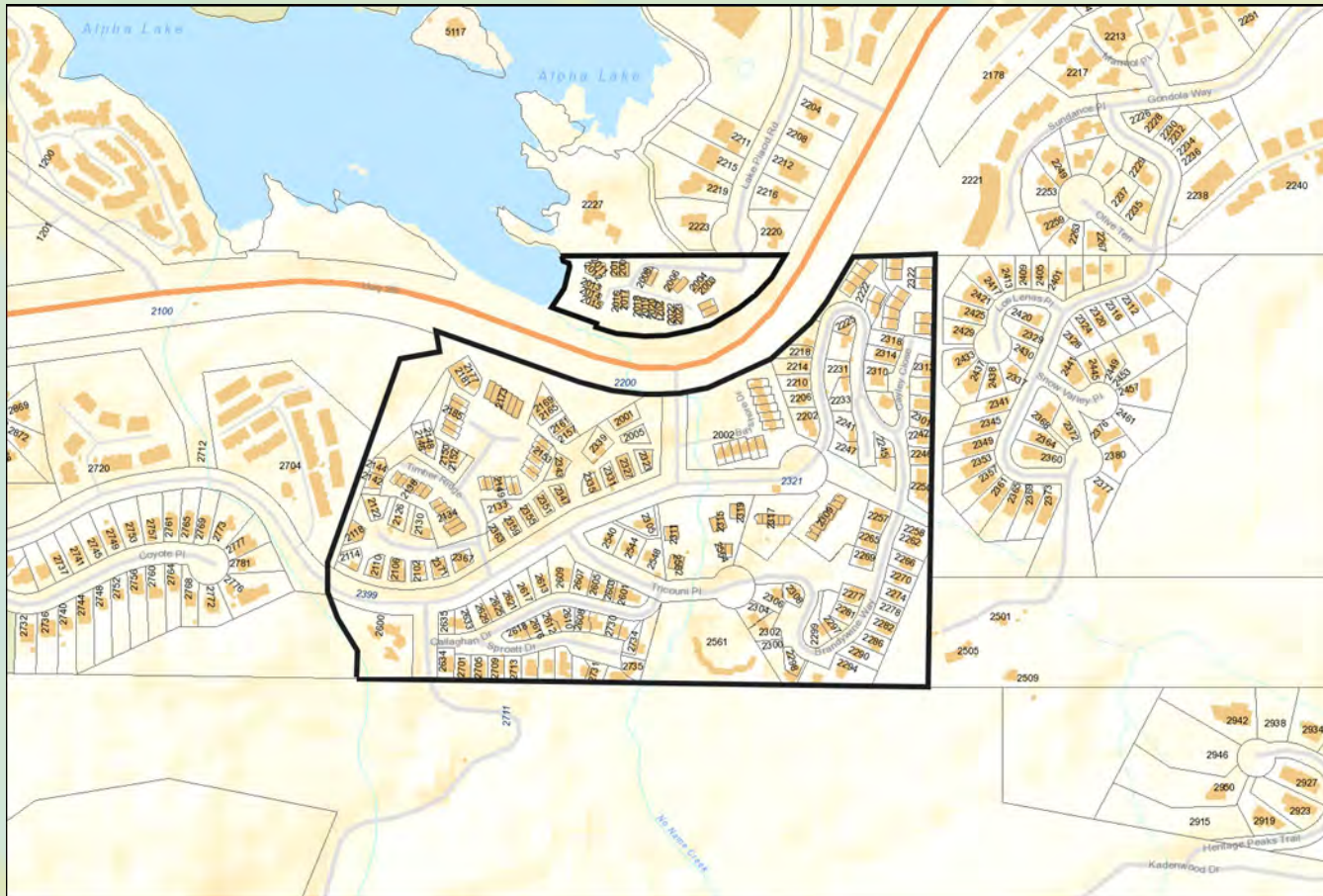
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Subject Lands



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	Allows for LUC amendments by way of Development Permit and/or Development Variance Permit
547	- Requires that all LUCs are terminated by June 30, 2024 - Requires local governments to adopt zoning by June 30, 2022
548	Allows for termination of LUCs prior to June 30, 2022 provided that the amending bylaw comes into force one year after adoption
549	Requires local government to give property owners written notice of LUC termination
550	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

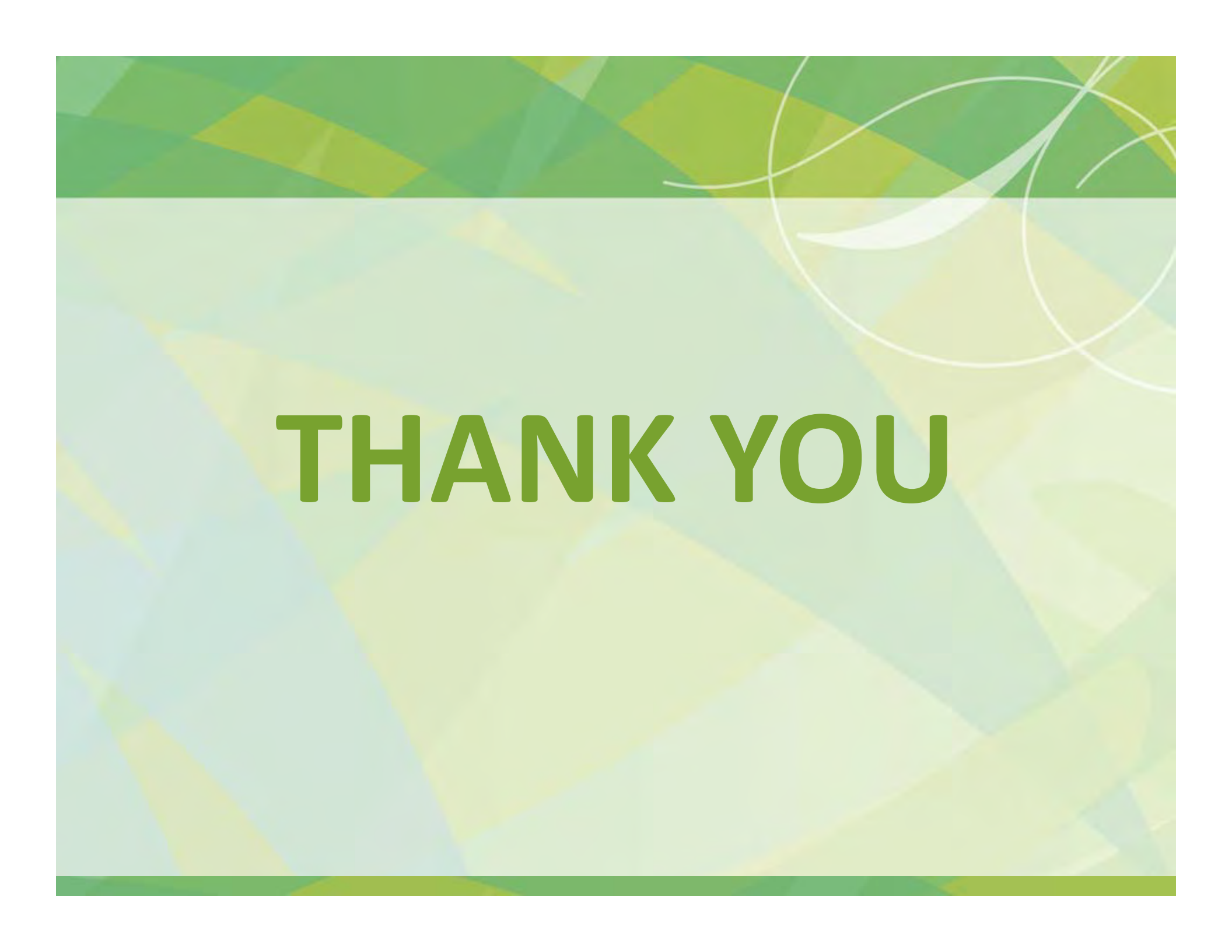
Project Principles

- 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	• The new regulations have been drafted in accordance with the requirements of the applicable legislation.
Public engagement	• 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	• 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	• 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