



# WHISTLER

## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** September 15, 2020  
**FROM:** Resort Experience  
**SUBJECT:** BAYSHORES LAND USE CONTRACT TERMINATION – REPORT OF PUBLIC HEARING AND THIRD READING CONSIDERATION

**REPORT:** 20-086  
**FILE:** LUC00003

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council consider giving third reading to “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”.

### REFERENCES

Appendix “A” – Subject Property Map

Appendix “B” – Summary and Review of Public Hearing Submissions for “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”

Administrative Report to Council No. 20-033 – Bayshores Land Use Contract Termination – First and Second Readings, dated May 5, 2020 (Not attached)

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)

“Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” (Included in Council Package)

### 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 third reading. The Report also provides a summary and review of written and verbal submissions made during the Public Hearing process. Staff are not recommending any changes to the termination bylaw based on the Public Hearing comments.

### DISCUSSION

#### **Background**

In May 2014, the *Local Government Act* (LGA) was amended to automatically terminate all land use contracts (LUCs) on June 30, 2024. The same legislation requires municipalities to zone all lands subject to LUCs by June 30, 2022. The LGA allows a local government to, by bylaw, terminate LUCs

prior to June 30, 2022, provided the bylaw comes into force on a date that is at least one year after the date the bylaw is adopted and zoning is in place on the date the bylaw comes into force.

On May 3, 2016, staff presented Information Report to Council No. 16-055. This Information Report outlined the new legislation and recommended an approach for early termination of all LUCs in Whistler. It also described four overarching principles that would be applied by the RMOW through its zoning and termination process: 1) adherence to legislation; 2) public engagement; 3) alignment of regulations; and 4) consistent and equitable approach.

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. “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” was introduced to Council on May 5, 2020, at which time the bylaw was given first and second readings as well as authorization to proceed to Public Hearing.

“Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” will terminate the Bayshores 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 subject lands are identified in Appendix “A”. The proposed zoning applies to 10 different strata plan properties, representing a total of 248 strata lots. If the proposed 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.

### **Public Hearing**

A Public Hearing on “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” was held on June 23, 2020. The Public Hearing provided an opportunity for members of the public to make oral representations and submit written comments to Council respecting matters contained in the proposed bylaw. The Public Hearing was conducted consistent with statutory requirements, including public notice requirements.

The Public Hearing representations and submissions to Council on the proposed bylaw were generally all with regard to The Seasons property (Strata Plan VAS695). The public comments focused on issues related to tourist accommodation use of the units and the ownership structure of the units, which includes fractional ownership. Staff’s summary and review of the representations and submissions, along with staff’s associated recommendations, are provided in the Public Hearing summary report in Appendix “B”. The summary report is not intended to present the detail of all representations and submissions which are contained in the record of the Public Hearing.

Staff do not recommend any changes to “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” based on the Public Hearing comments. Staff recommend that the proposed bylaw be given third reading without further revision.

## **POLICY CONSIDERATIONS**

### **Official Community Plan**

The proposed zoning is considered to be consistent with the municipality’s Official Community Plan (OCP).

“Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” is consistent with Schedule A of the OCP. Schedule A designates the Bayshores LUC area as ‘Residential – Low To Medium (Detached/Multiple)’ and describes this designation as: “Lands for detached and duplex dwellings

characterized by low to medium density lot sizes, and lands for medium density multiple residential development, the latter of which is generally located close to commercial, recreational, institutional, transit and trail connections.” The proposed RM70 Zone is consistent with this Schedule A designation as its key uses are limited to detached dwellings, duplex dwellings and townhouses at specifically identified strata lots.

“Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” also specifically advances two policies within the OCP’s Growth Management chapter (Chapter 4). The analysis of these policies in relation to the termination of the Bayshores LUC is provided in the table below.

OCP Policy	Analysis
4.1.2.11. Policy Optimize the use and function of existing and approved development. Support flexibility, diversity, adaptability and efficiency in land use and development, so the resort community can derive the greatest benefit from existing development and minimize the conversion of natural areas to development.	Termination of the Bayshores LUC replaces an outdated and inefficient regulatory scheme with modern, streamlined, consistent and accessible zoning regulations. The proposed zoning will better support and optimize efficient land use and development in the Bayshores area, which is a well-established neighbourhood in Whistler.
4.1.2.13. Policy Ensure new land use and developments are complementary to existing development and add to Whistler’s success. Avoid expansion and duplication that contributes to oversupply, diminishes the success of existing uses and development, and creates unacceptable impacts on the resort community.	The RM70 Zone is intended to mirror the regulations established by the Bayshores LUC, applicable permits and covenants for each strata lot. This will help to ensure that any redevelopment in Bayshores will be complementary to the existing development in the area.

### **Other Relevant Policies**

The proposed bylaw has been prepared consistent with provincial regulations for the termination of LUCs, and with the RMOW’s project approach and principles for its LUC discharge process.

The termination of the Bayshores LUC also directly supports the RMOW’s 2019 Corporate Plan and the following key deliverable for the Planning Services functional area: *Advance legislated Land Use Contract Discharge and adoption of replacement zoning.*

### **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**

#### **Public Hearing**

A Public Hearing, which was subject to public notice requirements, was held on June 23, 2020. A summary review of the oral representations and written submissions from the Public Hearing process is provided in Appendix “B”.

### **Additional Engagement and Consultation**

In addition to the Public Hearing required by the LGA, staff carried out other engagement and consultation on the termination of the Bayshores LUC in 2019. This additional engagement consisted of a letter to property owners (November 8, 2019), an open house (November 25, 2019) and the opportunity for public submissions on the draft zone (due December 15, 2019). This additional engagement is detailed in Administrative Report to Council No. 20-033, dated May 5, 2020.

In response to the 2019 letter to owners and the public open house, staff received one public submission. Similar to the Public Hearing submissions, this letter was in respect to the use of the strata units including tourism accommodation at The Seasons. In particular, the received letter was from solicitors who identified themselves as representing the owners of strata units within Strata Plan VAS695 and it requested that the proposed zone be amended to allow tourist accommodation including nightly rentals in The Seasons. As tourist accommodation use is not permitted by the Bayshores LUC, staff did not amend the proposed RM70 Zone to include tourist accommodation as a permitted use of The Seasons prior to first and second readings of the proposed bylaw.

### **Future Notification**

The LGA requires that written notice be given to property owners notifying them of the termination of the LUC after adoption of the bylaw. This notice must advise owners of their right to apply to the Board of Variance for an exemption from early termination, and it must identify the place where and the times and dates when the zoning bylaw is available for public inspection. 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 third reading. The Report also provides a summary and review of the written submissions and verbal representations made during the Public Hearing process. Staff are not recommending any changes to the proposed termination bylaw based on the Public Hearing comments.

Respectfully submitted,

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For  
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