

511

This is Exhibit V referred to in the affidavit of Pauline Lysaght affirmed before me at Whistler in the Province of British Columbia this 11 day of April A.D., 2025
ABandy
A Commissioner for taking Affidavits within British Columbia



RESORT MUNICIPALITY OF WHISTLER
4325 Blakelock Way TEL 604 932 5535
Whistler, BC Canada V8E 0X5 TF 1 866 932 5535
whistler.ca FAX 604 935 8109

STAFF REPORT TO COUNCIL

PRESENTED: February 8, 2022 **REPORT:** 22-011
FROM: Planning - Policy **FILE:** 7648-02
SUBJECT: LAND USE CONTRACTS TERMINATION APPROACH UPDATE

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council receive Information Report No. 22-011 Land Use Contracts Termination Approach Update.

PURPOSE OF REPORT

This report provides information to Council to clarify the Land Use Contract Termination Project approach with respect to replacement zoning and the principle commonly referred to as "like-for-like".

- Information Report Administrative Report (Decision or Direction)

DISCUSSION

Based on representations that owners have been making regarding the Resort Municipality of Whistler's (RMOW) "like-for-like" approach to the replacement of Land Use Contract (LUC) controls with zoning regulations, there is a need to elaborate on and clarify what the "like-for-like" approach was intended to accomplish in relation to two particular issues:

- Some of the original LUCs provided only a highly generalized regulatory framework that was later particularized via development permits, covenants and in some cases building permits as well; and
- Definitions of some terms in the current "Zoning and Parking Bylaw No. 303, 2015" (Zoning Bylaw) differ from the definitions of the same terms in original LUCs, development permits and covenants.

In the May 3, 2016 Information Report to Council No. 16-055, staff identified as an overarching principle for the replacement project the preservation and mirroring in new land use regulations of "existing land use contract development rights". In a subsequent June 1, 2021 update report (Administrative Report No. 21-061), staff reiterated this principle and, based on experience to that point with the replacement

of LUCs, indicated to Council that direction would be sought (with supporting staff analysis and rationales) for any significant departures from the "like-for-like" approach prior to undertaking consultation with affected owners. In the same report, staff sought and obtained direction from Council that all off-street parking and loading requirements for developments on LUC properties be replaced with the standard requirements for such developments contained in the Zoning Bylaw. Since then, staff have recommended the addition of permitted residential uses of hotel buildings on two LUC properties (Vale Inn and Whistler Creek Lodge), the addition of a child care facility at 1200 Alta Lake Road and Whistler Creek Lodge, and the addition of auxiliary residential dwelling uses for a commercial building at 1200 Alta Lake Road; in each case, supporting analysis and land use management rationales were provided in the associated staff reports. An additional temporary accommodation use of the townhouses developed under the Vale LUC was requested by some of the owners but not supported in staff's December 21, 2021 report on this property, for reasons mentioned in that report.

On the first issue, in preparing replacement zoning regulations for LUC lands, staff have taken into account not only the wording of the original LUC but the detailed provisions of development permits and covenants, and in some cases building permits, that were used to tailor the general requirements of the LUC to particular sites as the owners of those sites brought development plans forward. In many cases this fine-tuning process eliminates many of the permitted uses that had initially been identified in the LUC, and introduced density controls such as maximum floor areas and building heights. The "like-for-like" principle uses the entire regulatory framework for these sites as the baseline for preparation of replacement zoning regulations, since the principle was intended to preserve and mirror only the development rights that the owners of LUC lands actually used when they developed their sites. Other potential development scenarios for these properties will be subject to the usual zoning (and, if necessary, official community plan) amendment processes, just as they would have been subject to an LUC amendment process if the Province had not eliminated the use of the LUC tool.

On the second issue, the termination of LUCs will simplify the administration and improve the clarity of land use management in BC municipalities by eliminating a contractual form of land use control that makes the general zoning regulations, including definitions of standard regulatory terms, either partially or wholly inapplicable to certain lands. In some cases, there are minor differences between how standard regulatory terms are used in LUCs and related development permits and covenants, and how those terms are used in the Zoning Bylaw. The "like-for-like" principle was not intended to apply at a granular level to require that definitions in regulatory documents drafted in the 1970s be carried forward into the Zoning Bylaw fifty years later. Staff's focus in drafting replacement zoning is on the key elements of land use management – permitted uses, density of development, and siting and height of buildings.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

June 1, 2021: Administrative Report No. 21-061, Land Use Contract Terminations – Update Report

May 3, 2016: Information Report No. 16-055, Land Use Contract Termination Process

Corporate Plan

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

Council Focus Areas

- Community Balance
*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*
- Climate Action
*Provide leadership to **accelerate climate action and environmental performance** across the community*
- Housing
*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***
- Pandemic Recovery
*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*
- Not Applicable

Corporate Goals

- Community character and mountain culture is reflected in municipal initiatives
- Municipal decision-making supports the effective stewardship of natural assets and ecological function
- Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management
- A high level of accountability, transparency and community engagement is maintained
- Corporate financial health is optimized to ensure long-term community success
- A vibrant local economy and safe, resilient resort community is effectively reinforced by organizational activities
- Pandemic recovery

Community Vision and Official Community Plan

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The termination of Whistler's LUCs advances two policies within the OCP's Growth Management chapter (Chapter 4). The analysis of these policies in relation to the termination of the LUCs 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.	The termination of Whistler's LUCs 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 LUC areas, which are well-established locations 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 replacement zoning is intended to mirror the regulations established by the LUCs, applicable permits and covenants for each lot. This will help to ensure that any redevelopment in the LUC areas will be complementary to the existing development in the areas.

BUDGET CONSIDERATIONS

There are no budget considerations. The termination of Whistler's LUCs is a planned, multi-year project. All costs associated with bylaw preparation, the Public Hearings, notices and legal fees will be covered under the existing Planning Department budget.

LIL'WAT NATION & SQUAMISH NATION CONSIDERATIONS

The RMOW is committed to working with the Lil'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy. This section identifies areas where RMOW activities intersect with these relationships.

There are no specific considerations to include in this report.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

- Inform
- Consult
- Involve
- Collaborate
- Empower

Comment(s):

The LUC termination process includes providing information to the public on the process on the municipal website, offering input opportunities on proposed replacement zoning prior to Council's consideration of proposed bylaws, and sending legislated notifications to affected property owners.

The legislated LUC termination process that is being followed also provides the opportunity for members of the public to make submissions to Council on each proposed bylaw in a statutory Public Hearing. The Public Hearing process includes legislated requirements for public notice.

REFERENCES

None.

SUMMARY

This report provides information to Council to clarify the LUC Termination Project approach with respect to replacement zoning and the principle commonly referred to as "like-for-like".

SIGN-OFFS

Written by:

Courtney Beaubien,
Manager Policy Planning

Mike Kirkegaard,
Director of Planning

Reviewed by:

Jessie Gresley-Jones,
General Manager Resort Experience

Virginia Cullen,
Chief Administrative Officer