



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: March 16, 2020
FROM: Resort Experience
SUBJECT: RZ1165 - CHEAKAMUS CROSSING PHASE 2 - ZONING AMENDMENT BYLAW
(CHEAKAMUS CROSSING PHASE 2 PARCELIZATION) NO. 2298, 2020,
CONSIDERATION OF ADOPTION

REPORT: 21-024
FILE: RZ001165

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council consider adopting “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020” (the “Bylaw”); and

That Council accept for the purpose of parkland dedication required under the *Local Government Act*, the dedication of the area shown as “Common Open Space” in the Bylaw, provided that the area shown as “Protected Areas Network 1 (PAN1)” is shown as “Return to Crown” on the subdivision plan, subject to approval by the municipality’s Subdivision Approving Officer; and, further

That Council direct staff to register the **Park Improvement Agreement** (Rezoning conditions 1, 2 & 10), **Section 219 Covenant for Environmental Protection Terms** (Rezoning Conditions 5 & 10), **Section 219 Covenant for Lot 6 Natural Features and Trail** (Rezoning Conditions 7 & 10), **Statutory Right of Way for Riverside Trail** (Rezoning Conditions 7 & 10), and **Section 219 Covenant for Green Building** (Rezoning Condition 9), as described in this Report, upon adoption of the Bylaw.

REFERENCES

Owner:	Whistler 2020 Development Corporation (WDC)
Location:	1340/1360 Mount Fee Road
Legal	BLOCK A, DISTRICT LOT 8073 GROUP 1 NEW WESTMINSTER
Descriptions:	DISTRICT, EXCEPT PLAN EPP277, PID 026-772-213
Current Zoning:	UR1 (Urban Reserve One) Zone
Proposed Zoning:	RM-CD2 Zone (Residential Multiple - Comprehensive Development Two Zone) PAN1 Zone (Protected Area Network One Zone) Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020 (Not attached, provided in Council meeting package)
Appendices	“A” Parcelization Map

Council Reports Administrative Report to Council No. 20-089, September 15, 2020, RZ1165 – Cheakamus Crossing Phase 2 – Upper Lands Parcelization Plan (Not attached)
Administrative Report to Council No. 20-127, December 15, 2020, RZ1165 – Cheakamus Crossing Phase 2 – Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, First and Second Reading (Not attached)
Administrative Report to Council No. 21-019, February 16, 2021, RZ1165 – Cheakamus Crossing Phase 2 – Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, Third Reading (Not attached).

PURPOSE OF REPORT

The purpose of this Report is to present “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020” (the “Bylaw”) to Council for consideration of adoption, and to update Council on settlement of the rezoning conditions.

DISCUSSION

Background

Staff presented the rezoning application to Council for initial consideration on September 15, 2020. On December 15, 2020, Council gave first and second readings to the Bylaw. A Public Hearing was held on January 26, 2021, and a summary and review of written and verbal submissions made during the Public Hearing process was presented to Council on February 16, 2021.

The recommendations of the February 16, 2021 report recommending third reading of the Bylaw were adopted by Council. Council passed the following resolution:

That RZ1165 “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020” be given third reading.

Staff did not recommend any changes to the Bylaw based on the Public Hearing comments. A number of conditions of rezoning relate to comments submitted at Public Hearing. Staff committed to bringing forward a report at the time of Council consideration of adoption providing further details on how the conditions are being met. This report satisfies that commitment.

Prior to Council consideration of adoption of the Bylaw, there were ten rezoning conditions to be addressed to the satisfaction of the General Manager of Resort Experience, as established by Council resolution December 15, 2020. This report outlines the conditions and how these conditions have been satisfied,

Staff recommend that Council adopt the Bylaw without further revision.

CONDITIONS OF ADOPTION

At the December 15, 2020 meeting, the Council resolution required that prior to consideration of adoption of the Bylaw, ten conditions were to be addressed to the satisfaction of the General Manager

of Resort Experience. Staff have worked with the Whistler Development Corporation to craft the legal agreements and mechanisms for implementing the conditions. This report describes the nature of the agreements and their key provisions as recommended by staff. Staff's Green Building recommendations are described below under Condition 9. These are in alignment with the municipality's Big Moves Climate Action Strategy. Under an existing covenant all development is currently required to be connected to the DES for both space heating and hot water heating. The recommended provisions provide flexibility allowing for use of hydro for space heating, and for Subareas D3 and E to not be connected to the DES, provided that a higher building step code is achieved.

A subdivision application has been made and is under review by the Subdivision Approving Officer. The subdivision matches the subareas delineated in the RM-CD2 and PAN-1 zones, and can be approved after rezoning adoption.

The following table provides an overview of the ten conditions, and the staff recommendations for satisfying the conditions. As the Owner on title of the subject lands the RMOW may register the identified agreements including the key provisions as described, on the title of the lands in favour of the municipality subject to the consent of the WDC. The WDC has provided this consent and this report recommends that Council direct staff to register the agreements as outlined below. This will enable the adoption of the Bylaw, meet the desired timelines requested by the WDC for the project including the subdivision of the lands and further construction, and limits RMOW risk. Any proposed future modifications to the agreements would be subject to Council consideration. This provides the opportunity for further analysis and submissions by the WDC regarding the benefits and costs of the Green Building commitments.

Table 1. Conditions of Adoption

1. Secure dedication of the area designated as Common Open Space to the Municipality for park and open space use in conjunction with the initial subdivision of the Upper Lands consistent with the proposed RM-CD2 zone.	The park is to be dedicated to the municipality at the time of initial subdivision of the lands into the identified Parcel Areas. See Attachment "A" Cheakamus Crossing Phase 2 Parcelization Plan for location of the Common Open Space.
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<p>2. Submission of a plan for the Common Open Space area that includes neighbourhood park, passive recreation and trail improvements, and secure completion of proposed improvements within one year of any subdivision that creates individual parcels within Area D3,</p>	<p>A Park Improvements Agreement between RMOW and WDC has been finalized, outlining park design, timing for delivery, and requirement for Letter of Credit as security for completion of the Park, in accordance with Council Policy. The park must be completed by the time occupancy has been granted on Parcel A, ensuring that the park amenity will be available as families move into the Cheakamus Crossing Phase 2 neighbourhood.</p> <p>The park is a naturalized and programmed area located between lots B/C and D2, and across the road from Lot D1. The park has been dedicated on the subdivision plan.</p> <p>The applicant is working with RMOW Parks Planning to finalize a park design which will include a playground, natural areas for play, walking, and sitting, and trail connection between the Valley Trail and the Riverside trail. An appropriate cash security will be placed in trust to ensure completion of the park.</p>
<p>3. Secure completion of the Mount Fee Road Valley Trail extension consistent with the approved development permit drawings for Development Permit 1760.</p>	<p>This is within the scope of the subdivision servicing agreement subject to approval by the Subdivision Approving Officer.</p>
<p>4. Secure development of two public bus shelters along Mount Fee Road as approved under Development Permit 1760.</p>	<p>This is within the scope of the subdivision servicing agreement. The Valley Trail extension will be constructed to municipal standard, providing active transportation options for residents of the Cheakamus Crossing neighbourhood. Bus shelters will be located at the roundabout at the top of Mt Fee Road, and in front of the park.</p>
<p>5. Registration of an environmental protection covenant to restrict the use and development of any land within 30 metres of the Cheakamus River or within any SPEA or wetland area that is delineated on the lands.</p>	<p>A Section 219 Covenant for Environmental Protection Terms in favour of the RMOW will be registered at time of subdivision. This covenant defines the baseline condition of the lands, the sensitive ecosystem areas, preservation and protection of sensitive ecosystem areas, and environmental monitoring requirements through all phases of construction.</p>
<p>6. Secure dedication of the lands to be zoned PAN1 to the Municipality or to the Crown.</p>	<p>This parcel has been identified to be returned to crown on the Subdivision Plan at the time of subdivision. See Attachment "B" Cheakamus Crossing Phase 2 Parcelization Plan for location of PAN1 lands.</p>

<p>7. Secure recreation trails identified on the parcelization plans and associated trail improvements, to municipal standards.</p>	<p>A Statutory Right of Way for Riverside Trail is established granting public access and access for maintenance to the Riverside Trail, and addressing liability and indemnification. Trail connections will link the proposed neighbourhood development phases to the trail.</p> <p>The Lower Ridge Trail will remain undisturbed, and connectivity to Parcel E will be developed with the future planning of Parcel E. The Ridge Trail shortcut from the Westside parking lot will be realigned to align with Parcel E development. A Section 219 Covenant for Lot 6 Natural Features and Trail restricts any development of Parcel E until a Statutory Right of Way is surveyed to establish access to the Ridge Trail.</p> <p>The Valley Trail will be extended from the intersection of Mt. Fee Road and Cloudburst Drive along the new Mt. Fee Road extension. This is within the scope of the subdivision servicing agreement.</p>
<p>8. Registration of a Housing Agreement in favour of the Municipality, securing employee occupancy restrictions for employee housing parcels at time of first subdivision.</p>	<p>Housing Agreement Bylaw (Cheakamus Crossing Phase 2) No. 2310, 2021" is presented to Council for first, second, and third readings under report XX-XX</p>

<p>9. Secure green building commitments that reflect progressive municipal policy objectives.</p>	<p>A Section 219 Covenant for Green Building has been crafted, with requirements for District Energy System (DES) connection, BC Energy Step Code compliance, and electric vehicle charging infrastructure. The covenant has been designed to provide flexibility, ensuring that as green building technology, municipal policy, and the provincial building code evolve, future phases of the project will continue to optimize sustainable design and building performance.</p> <ul style="list-style-type: none"> • Buildings on Parcel A, B/C, D1 and D2 will connect to District Energy for domestic hot water heating. An option is available to discharge the requirement for DES space heating is available, if the buildings are constructed to a higher Step than the base requirement in the Municipality's Building Bylaw. • For Parcels D3 and E, an option is available to discharge the requirement for DES connection for domestic hot water and space heating, if the buildings are constructed to a higher Step than the base requirement in the Building Bylaw. <p>Apart from the Parcel A buildings, natural gas connection will not be permitted to any building, for any purpose. On Parcel A, natural gas will be permitted as the energy source to top-up domestic hot water. Hydro will be the top-up energy source for all other buildings that connect to the DES. Hydro will be the energy source for heat and domestic hot water for buildings that do not connect to the DES.</p> <p>Electric vehicle charging infrastructure will be required for each parking stall for any single family and duplex homes. Multi-family buildings require energized outlets provided to a minimum of 20% of parking stalls, with basic infrastructure pre-installed for an additional 60% of the parking stalls, allowing for easy retrofitting as demand increases.</p>
<p>10. Secure preservation of significant and unique natural features that contribute to the mountain character and landscape.</p>	<p>The Common Open Area will be dedicated to the RMOW through the subdivision, and a Park Improvement Agreement between RMOW and the applicant will secure delivery of the park amenity.</p> <p>A Section 219 Covenant for Environmental Protection Terms in favour of the RMOW will be registered at the time of subdivision restricting development activity from identified sensitive ecosystem areas and the Cheakamus Riparian Corridor.</p> <p>A Statutory Right of Way for Riverside Trail in favour of the RMOW will be registered at the time of subdivision for the Riverside Trail.</p> <p>A Section 219 Covenant for Lot 6 Natural Features and Trail covenant in favour of the RMOW will be registered over Parcel E restricting development until sensitive ecosystem areas are identified and surveyed, and ensuring that the Ridge Trail right of way is established.</p>

BUDGET CONSIDERATIONS

The proposed rezoning application is subject to rezoning application fees and cost recovery for staff processing and associated direct costs. Through the development of the lands there will be further processing and application fees for development permits and building permits, as well as municipal works and services cost charges levied under existing municipal bylaws for water, sewer, transportation and recreation to fund Municipal infrastructure.

Costs for onsite infrastructure and park and trail improvements will be paid for by the development. Future operation and maintenance costs associated with this development are detailed in Report 20-127 (RZ1165 – Cheakamus Crossing Phase 2 Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020 December 15, 2020).

SUMMARY

This Report presents “Zoning Amendment Bylaw (Cheakamus Crossing Phase 2 Parcelization) No. 2298, 2020” to Council for consideration of adoption. The Report also provides a summary and review of the conditions of adoption.

Respectfully submitted,

John Chapman
PLANNER

For
Mike Kirkegaard
DIRECTOR OF PLANNING

for
Jessie Gresley-Jones
GENERAL MANAGER OF RESORT EXPERIENCE