

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: September 7, 2021
REPORT: 21-101
FROM: Infrastructure Services
FILE: SA. 21-01
SUBJECT: DVP01220 TO WAIVE THE SUBDIVISION SERVICING SECURITY
REQUIREMENTS FOR CHEAKAMUS CROSSING PHASE 2 SUBDIVISIONS

COMMENT FROM THE CHIEF ADMINISTRATIVE OFFICER

That Council formally consider DVP01220 consistent with the direction previously provided by Council at the August 17, 2021 regular meeting of Council; and

That Council direct staff to issue DVP01220, which is consistent with the direction provided by Council at the August 17, 2021 regular meeting of Council.

PURPOSE OF REPORT

The purpose of this report is to submit DVP01220 for Council's consideration.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Section 509 of the *Local Government Act*, notes that prior to a Municipal Approving Officer (MAO) approving a subdivision, the applicant must enter into a subdivision servicing agreement and deposit securities to the local government as established within a bylaw. Whistler's bylaw is Bylaw No. 265.

Section 498 of the *Local Government Act* notes that a local government may, by resolution, issue a development variance permit that varies the provisions of a bylaw. In this case Bylaw No. 265.

Background

At the regular council meeting on August 17, 2021 staff recommended that Council require Whistler 2020 Development Corporation (WDC) provide subdivision servicing securities for the Cheakamus Crossing Phase 2 subdivisions in accordance with Bylaw No. 265. The calculated value for this letter of credit is \$3,714,028.38.

At that meeting, Council passed the following resolutions:

That Council direct staff to initiate Notice, in accordance with the *Local Government Act*, that Whistler 2020 Development Corporation (WDC) has requested a development variance permit (DVP) to vary section 9 of Subdivision Servicing Bylaw No. 265, 1981, as amended, regarding the subdivision of the

Cheakamus Crossing Phase 2 lands legally described as BLOCK A DISTRICT LOT 8073 GROUP 1 NEW WESTMINSTER DISTRICT EXCEPT: PLAN EPP277, that in lieu of a letter of credit in the amount of 200% of the estimated cost of the works, WDC shall provide security for the completion and warranty of onsite and offsite works and services in the form and amount of a contractual obligation contained in a Subdivision Servicing Agreement between WDC and the Resort Municipality of Whistler. For certainty, the contractual obligation shall be the completion by WDC, at its sole cost, of the works and services required by the Municipal Approving Officer (MAO) under applicable bylaws and enactments by a date or dates stipulated by the MAO, and;

That once the required Notice provisions are satisfied, Council direct staff to return with the DVP for Council consideration at the next available regular Council Meeting.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Council Policy E2, regulates the type and amount of security to be provided to the RMOW as part of the Subdivision Servicing Agreement.

[Council Administrative Report No. 21-099 Cheakamus Crossing Subdivision Servicing Securities](#)

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

☒ Not Applicable

Corporate Goals

☒ Corporate policies and operations ensure continuous excellence in infrastructure, facility and program management.

BUDGET CONSIDERATIONS

There are no budget considerations at this time. However, if WDC fails to deliver the site works and neighbourhood amenities without securities in place, the costs to complete will become the expense of the RMOW. The current value of incomplete works is \$3,714,028.38. This includes any warranty issues that may arise within the first 12 months following substantial completion as well as any deficiencies in material or quality of infrastructure.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☐ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

Notices to affected property owners were sent as per the requirements of Section 499 of the *Local Government Act*. 9.

REFERENCES

Appendix A – DVP01220 Application

SUMMARY

As directed by Council, staff is submitting DVP01220 for Council's consideration.

SIGN-OFFS

Written by:

Jeff Ertel, Municipal Approving Officer

Reviewed by:

Jeff Ertel, Acting General Manager of
Infrastructure Services

Ginny Cullen, Chief Administrative Officer