

**RESORT MUNICIPALITY OF WHISTLER**

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STAFF REPORT TO COUNCIL

PRESENTED: Council Meeting Date
FROM: Planning
SUBJECT: RZ001165 - CHEAKAMUS CROSSING PHASE 2 - LOT 4 WILDFIRE
PROTECTION AND TERMS OF DEVELOPMENT COVENANT REPORT

REPORT: 21-116
FILE: RZ001165

RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION(S)

That Council approve the proposed Wildfire Protection and Terms of Development covenant for Lot 4 attached as Appendix A to this Administrative Report to Council No. 21-116; and

That Council authorize the Mayor and Corporate Officer to execute the covenant.

PURPOSE OF REPORT

This report seeks Council's approval of a Wildfire Protection and Terms of Development covenant proposed to be registered across Lot 4 of the Cheakamus Crossing Phase 2 subdivision, outlining development requirements that must be satisfied prior to issuance of a building permit for any construction on the lands, to ensure that design, landscaping, and construction of the homes to be built on these lands will be designed and built in accordance with Whistler's Wildfire Protection Development Permit Area guidelines (Wildfire Guidelines).

This covenant also outlines development conditions for the lands, including the maximum Gross Floor Area allocated to each lot, and the type of dwelling unit that can be constructed on each lot.

☐ Information Report ☒ Administrative Report (Decision or Direction)

DISCUSSION

Background

Lot 4 is part of the Cheakamus Crossing "Upper Lands", which is part of the "Lower Cheakamus Community Land Bank Site" granted to the Resort Municipality of Whistler (RMOW) under the Community Land Bank Agreement (October 21, 2005) (CLBA), as a lasting legacy of the 2010 Winter Olympic and Paralympic Games (2010 Games) for providing affordable employee housing.

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Rezoning of the Upper Lands (Cheakamus Crossing Phase 2) was completed in the spring of 2021, construction is underway on the first two employee housing buildings, and the lands have now been subdivided into 6 development parcels. Five of these development parcels are allocated for affordable employee housing, while one, Lot 4, is intended for market sales. Lot 4 will be further subdivided into 23 strata lots, to be sold for market single-family and duplex dwellings. The designation of Lot 4 for market housing was established and understood through the adopted rezoning of the lands, and the Province has granted release from the requirement to be developed as affordable employee housing. Revenue from the sales will financially offset the cost of infrastructure for the new neighbourhood.

Lot 4 falls within the RMOW's Wildfire Protection Development Permit Area. Whistler's Official Community Plan (OCP) contains an exemption from the requirement for a Wildfire Protection Development Permit for development on lands subject to a covenant registered in favour of the RMOW under section 219 of the *Land Title Act* for the protection of development from wildfire.

The proposed covenant also includes development conditions for the lands, including a maximum density (Gross Floor Area) for each lot, and specifies which lots are to be developed with single family dwellings and which with duplex dwellings. This reflects the proposed subdivision of Lot 4 and ensures consistency with the adopted RM-CD2 zoning.

Analysis

The proposed covenant requires that prior to issuance of a building permit for construction or development of each lot, the developer will engage a qualified professional (QP) to write a report with the following information:

- A description of the proposed construction and land development works;
- A list and explanation of all measures the QP recommends to ensure the development is consistent with the RMOW's most current Wildfire Guidelines for High fire risk areas; and
- A list and an explanation of measures to be undertaken to ensure the land continues to comply with the Wildfire Guidelines.

Registration of this covenant will ensure that construction on these lands proceeds in accordance with municipal Wildfire Guidelines and requirements to reduce exposure to and risk from wildfire. The covenant will also provide certainty for individual lot owners and ensures future development of individual lots is consistent with the permitted density and uses under the zoning for Lot 4.

The covenant is consistent with the Wildfire Guidelines, and requires building and site design and construction to comply with all relevant municipal standards, guidelines, and bylaws as they are at the time of building permit application.

POLICY CONSIDERATIONS

Relevant Council Authority/Previous Decisions

Rezoning of the Cheakamus Crossing Phase 2 lands was completed in March 2021, and the subdivision of the lands into 6 development parcels was registered on September 24, 2021. Lot 4 was established for market housing development through the rezoning. Staff brought forward a housing agreement bylaw on September 21, 2021, to cancel the affordable employee housing requirement for Lot 4, allowing it to be sold and developed for market housing.

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[RZ001165 – Cheakamus Crossing Phase 2 – Zoning Amendment Bylaw \(Cheakamus Crossing Phase 2 Parcelization\) No. 2298, 2020, Consideration of Adoption Report No. 21-024 March 16, 2021](#)

[RZ001165 – Housing Agreement Amendment Bylaw \(Cheakamus Crossing Phase 2\) No. 2332, 2021 Report No. 21-108, September 21, 2021](#)

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***

☐ Not Applicable

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 proposed covenant is consistent with the policies of the OCP. The covenant is consistent with the Wildfire Guidelines, and requires building and site design and construction to comply with all relevant municipal standards, guidelines, and bylaws as they are at the time of building permit application.

BUDGET CONSIDERATIONS

Staff time and legal fees will be recovered from the applicant.

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.

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The lands that are the subject of the proposed covenant were granted to the RMOW as a legacy of the 2010 Games through the CLBA. The proposed uses and covenant are consistent with the intent of the CLBA.

COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

No required engagement is legislated by the *Community Charter* for this procedure.

REFERENCES

Appendix A – proposed Wildfire Protection and Terms of Development Covenant

SUMMARY

This report seeks Council's approval of a proposed covenant that outlines wildfire protection requirements for the future development on Lot 4 of Cheakamus Crossing Phase 2. This covenant will ensure that municipal standards and Wildfire Guidelines with respect to wildfire protection are followed during the construction of individual dwellings on Lot 4. The covenant also outlines the maximum density on each lot (Gross Floor Area) and the type of dwelling that can be built (single family or duplex dwelling), to ensure consistency with the RM-CD2 zoning.

SIGN-OFFS

Written by:

John Chapman,
Manager of Planning

Reviewed by:

Mike Kirkegaard,
Director of Planning

Jessie Gresley-Jones,
General Manager of Resort Experience

Virginia Cullen,
Chief Administrative Officer