



City of Revelstoke

Council Report

File No.: 6480-20, OCP 2016-02
3360-20, ZON 2016-07

To: His Worship Mayor McKee and Members of City Council
From: Dean Strachan, MCIP, RPP
Manager of Development Services
Date: June 21, 2016
Subject: Official Community Plan Amendment Bylaw No. 2109, Zoning Amendment Bylaw No. 2110 and Zoning Amendment Bylaw No. 2118 for Lot 1, Plan 11177 (Camozzi Road)

RECOMMENDATION:

1. THAT Official Community Plan Amendment Bylaw No. 2109 be read a First time.
2. THAT pursuant to Section 475(2)(a) of the Local Government Act, Council has considered whether the opportunities for consultation with one or more of the persons, organizations and authorities should be early and ongoing; and determined that this is not necessary.

AND THAT pursuant to Section 475(2)(b) of the Local Government Act, Council has considered whether consultation is required with specific external agencies and determined that this is not necessary.

AND THAT pursuant to Section 476 of the Local Government Act, Council has consulted with the board of education for School District #19.

AND THAT pursuant to Section 477(3) of the Local Government Act, Council has determined that Official Community Plan Amendment Bylaw No. 2109 is consistent with the City of Revelstoke's current Financial Plan and Solid Waste Management Plan.

3. THAT Official Community Plan Amendment Bylaw No. 2109 be read a Second time and Staff be directed to schedule a Public Hearing.
4. THAT Zoning Amendment Bylaw No. 2110 be read a First and Second time and Staff be directed to schedule a Public Hearing.
5. THAT Zoning Amendment Bylaw No. 2118 be read a First and Second time and Staff be directed to schedule a Public Hearing.



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6. That the conditions precedent to consideration of adoption of Zoning Amendment Bylaw No. 2118 approved by City Council on June 14, 2016 be rescinded and the following be substituted therefor:
- a. The owner is to register a Statutory Right-of-Way to allow for public access through the subject property to lands beyond;
 - b. The owner is to enter into a Master Development Agreement for off-site works, access, servicing and infrastructure through the site to future Development Lands;
 - c. The owner is to register a no-build, no-disturb covenant in favour of the City of Revelstoke in relation to the Master Development Agreement to be released for each phase only after the Development Agreement for that phase is approved and required security is in place;
 - d. The owner is to register a no-build, no-disturb covenant in favour of the City of Revelstoke over the areas delineated as Park on the proposed Development Plan, area for access to the subject property to be excluded from covenant area; and
 - e. The owner is to register a no-build, no-disturb covenant in favour of the City of Revelstoke on 75% (area outside of first phase) of the subject property that will be released on the fifth anniversary of its registration.

CAO Comments:

Approved for Council consideration. AC

Background:

The subject property on Camozzi Road is a vacant parcel annexed into the City in December, 2015 (see Figures 1 & 2). As the property was recently brought into the City it still carries its OCP designation and zoning from the CSRD. The CSRD OCP designation for the subject property is Rural Residential 2 (RR2) and is zoned CSRD, Rural Residential 2 (RR2).

The owner has applied to amend the OCP designation, add a CD zone to the Zoning Bylaw and to rezone the subject property to the new CD zone. The purpose of the application is to allow for the development of the property for commercial accommodation. In support of their application the applicant submitted a detailed package including a letter from the owner, summary of the applications, drawings and renderings of the format for the first phase of development (see Figure 3, Maps A10, A11 & A12). The applicant has also included a number of renderings of the proposed accommodation units for references (see Figure 3, B1 – B8).

As the property is not currently designated as a Development Permit Area on Schedule G of the OCP, to ensure the form and character of future development proposals can be reviewed by



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means of a Development Permit application, Official Community Plan Amendment Bylaw No. 2109 will designate the property as Development Permit Area K which is the same Development Permit Area as the Glacier House Resort on Westside Road.

The applicant has also included an Environmental Assessment and a Riparian Assessment, no significant issues or concerns were identified, both reports have been included in the application package for reference (see Figure 3).

At their meeting of June 14, 2016 Council approved the three subject applications. As a result Staff prepared the Bylaws and have brought them forward for Council's consideration of First and Second Readings and scheduling of a Public Hearing.

The Master Plan for the resort depicts access through the subject property to future development sites within the resort lands including facilities, lifts, runs and commercial development. The proposal to provide a Statutory Right of Way through the subject property by the applicant would provide this access corridor for the future development of the resort as well as act to assist with connectivity and synergy between the developments.

As the proposed project includes multiple phases of development with access and servicing that carries through the site and onto lands beyond, it is recommended that a Master Development Agreement be entered into as it will establish what components are necessary, when they are required and how they are to be secured. With this agreement is a no-build, no-disturb covenant (219 Covenant) that is to be released only when the more detailed Development Agreement for a phase is approved and the security for that phase is in place.

The subject property includes a number of areas with steep slopes, the applicant has proposed to designate these areas as private park land and register a no-build, no-disturb covenant over these areas, they will remain as forested lands.

The applicant has proposed to phase their development, the first phase would be 25% of the subject property (approximately 1.8ha, total subject property area 7.2ha.) to be located adjacent to the north-west property boundaries adjacent to Camozzi Road (see Figure 3, A10 – A12). The remaining 5.4ha. (75% of total lot area) would be retained under a no-build, no-disturb covenant for future phases of development. The applicant has requested that two conditions be included that would trigger the future release of the covenant. The first condition being after five years from the time the covenant is registered. The applicant has noted this would allow RMR an additional five years without the potential development of 75% of the subject property. The second request is that the covenant be released after two years if RMR does not submit an update to their Resort Master Development Plan to the Province. The applicant has outlined their rationale for the covenant and the durations within their application submission (see Figure 3) in an effort to address the concerns expressed to Council by RMR in advance of the subject application.

However, under further review the second request that would see the covenant released after two years if RMR does not submit an update to their Resort Master Development Plan does presents some concern for the City. The revised recommendation within this report does not include this component. While the applicant offered this to address some of the concerns



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presented by Revelstoke Mountain Resort it is uncommon and inadvisable to tie an owner's right to use land to actions or inaction of a third party.

In the application submission the applicant indicates a willingness to directly and indirectly participate in the growth and expansion of the Resort. Although these interests would have an impact on the community they are private sector business interests that would require the participation of both parties, as well as the Province through the Resort Branch. Although the City does not have a direct interest in the operations of these two private businesses, the community interest in seeing the Resort successfully grow does apply. If the proposed development proceeds, it is recommended that Council encourage both the applicant and RMR to continue discussions and work towards opportunities for both parties to participate in the successful growth and expansion of the Resort.

Options / Discussion:

The subject property was recently brought into the City of Revelstoke. The process of annexation began in early 2014 and was not completed until December, 2015. Throughout the process the owner has indicated that their proposal for the subject property was development of commercial accommodation. Following annexation the property owner began the process for development plans for the subject property (see Figure 3).

Council may wish to consider additional community consultation such as an open house or extended consultation period. Although the subject application has generated discussion in the community the direct impact of the proposed development on adjacent lands would be to a limited number of property owners. To date it appears that those who may feel they support and/or have concerns are fully engaged and would likely not require additional communication and opportunity for input beyond the Public Hearing. The Public Hearing would be proposed to be scheduled in the evening at the Community Recreation facility.

If Council does not support the bylaws proceeding, the owner would be notified and the files would be closed. The owner may wish to re-apply with a revised application at a future date. Staff would begin the OCP designation and Rezoning process in order to incorporate the subject property into the City Bylaws. Staff would select a designation and a zone similar to the current CSRD designation and zoning in place.

Council may wish to add and/or remove approval conditions for the subject applications.

Financial / Risk Implications:

No financial or risk implications are anticipated from the proposed recommendation.

Others Consulted:

The following City of Revelstoke Departments and outside agencies received referrals for the subject application: Engineering, Operations, Building, Parks, Recreation & Culture, RCMP, Fire Rescue Services, School District, CSRD, Ministry of Forests, Land and Natural Resource Operations (FLNRO), Ministry of Transportation and Infrastructure, BC Hydro, Interior Health,



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Fortis, Telus, and RCTV. The CSRD requested a traffic study be undertaken, if the proposed project proceeds, and a Development Permit is applied for a traffic study would likely be undertaken at that time. No other comments or concerns were received.

At their meeting of April 19th, 2016 the Advisory Planning Commission reviewed the initial application and provided the following resolution for Council's consideration:

THAT the Advisory Planning Commission supports the Official Community Plan application OCP2016-02 and Rezoning application ZON2016-07 with the following comments:

- would like more information on the number and size of accommodation units proposed.
- concerned about allowable building height.
- would like more information on the intended use of heli pads given the proximity to the airport and residential neighborhoods.
- concerned about the accessibility onto Camozzi road.
- concerned about the environmental and wildlife impact.

If the application is approved and proceeds to Public Hearing the revised subject application including Staff reporting would be presented to APC in advance of the hearing. Any resolutions the APC may pass would be included with the Public Hearing input.

Should the subject application proceed, individuals and organizations who submitted input on the application in advance of the application being completed and presented to Council would be contacted by City Staff. They will be asked whether they wish their initial submission to be included as input for the Public Hearing and that they are welcome to make revised and/or additional submissions if they wish.

Attachments:

- Figure 1 – Context Map
- Figure 2 – Airphoto Context Map
- Figure 3 – Applicant Submission Package
- Figure 4 – Application Forms
- Figure 5 – Certificate of Title
- Figure 6 – Bylaw No. 2109
- Figure 7 – Bylaw No. 2110
- Figure 8 – Bylaw No. 2118

Respectfully submitted,

**Dean Strachan, MCIP, RPP
Manager of Development Services**