

WHISTLER

AGENDA

REGULAR MEETING OF MUNICIPAL COUNCIL TUESDAY, MAY 12, 2015, STARTING AT 5:30 PM

In the Franz Wilhelmssen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4

ADOPTION OF AGENDA

Adoption of the Regular Council agenda of May 12, 2015.

ADOPTION OF MINUTES

Adoption of the Regular Council minutes and Public Hearing minutes of April 28 2015.

PUBLIC QUESTION AND ANSWER PERIOD

PRESENTATIONS/DELEGATIONS

IRONMAN Canada

A presentation by Evan Taylor, Race Director, regarding the Subaru IRONMAN Canada in Whistler.

Tourism Report

A presentation by Barrett Fisher, President and CEO of Tourism Whistler, regarding the tourism report: *Tourism in Canada — Seizing Economic Advantage*.

MAYOR'S REPORT

INFORMATION REPORTS

May Long Weekend
Committee Update
Report No. 15-061
File No. 2100

That Information Report No.15-061 regarding the May Long Weekend Committee Update be received.

Master Wayfinding
Strategy – Phase II
Report No. 15-062
File No. P032

That Information Report No. 15-062 regarding Phase II of the Master Wayfinding Strategy project be received.

ADMINISTRATIVE REPORTS

RZ1091- 7115 Nesters
Road – Amendments to
TP4 Zone
Report No. 15-063
File No. RZ1091, Bylaw
2073

That Council consider giving third reading to Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015.

4154 Village Green –
Rezoning for Crystal
Lodge Restaurant
Report No. 15-064
File No. RZ 1102

That Council endorse further review of Rezoning Application No.1102: Crystal Lodge Restaurant.

Blueberry Land Use
Contract Amendment to
the Gross Floor Area
Definition for Single-
Family and Duplex
Dwelling
Report No. 15-065
File No. RZ1106, Bylaw
2088

That Council consider giving first and second readings to Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015; and,

That Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015 and to advertise for same in the local newspapers; and further,

That Council authorize the Mayor and Corporate Officer to execute any resultant legal documents upon adoption of the bylaw.

Zoning Regulations for
Shipping Containers
Report No. 15-066
File No. RZ1107

That Council direct staff to prepare a zoning amendment bylaw to prohibit the use of shipping containers in residential zones and regulate the use of shipping containers in other zones for conventional shipping and storage uses; and further

That Council direct staff to report to Council with respect to any applications to install shipping containers in residential zones while the bylaw is under preparation in accordance with section 929 of the *Local Government Act*.

SEC 0013 – 6670
Crabapple Drive – Flood
Proofing Exemption
Report No. 15-067
File No. SEC 0013

That Council grant an exemption per Section 910 of the Local Government Act – “Construction requirements in relation to flood plain areas”, to allow for the construction of a new detached dwelling at 6670 Crabapple Drive varying the setback requirement from 15 metres to 11 metres; and further,

That Council authorize the Mayor and Corporate Officer to execute a Section 219 covenant on the title of the subject property for this exemption, attaching the engineering reports prepared for 6670 Crabapple Drive by Thurber Engineering Ltd, dated April 15, 2015 and February 6, 2015, providing notice to future property owners regarding geotechnical requirements.

2015 Sewer and Water
User Rate Bylaws
Report No. 15-060
File No. Bylaws 2089 &
2090

That Council consider giving first, second and third readings to Water User Fee Amendment Bylaw No. 2089, 2015; and further,

That Council consider giving first, second and third readings to Sewer User Fee Amendment Bylaw No. 2090, 2015.

Write Off of Property
Taxes
Report No. 15-068
File No. 4560

That Council direct RMOW staff to apply to the Ministry of Community Sport and Cultural Development to issue an order pursuant to Section 315.3 of the Local Government Act for authorization to write off uncollectible property taxes in the amount of \$3,181.43 from folio 005146.233.

Whistler Village Land
Co. Ltd. – 2015 Annual
Report
Report No. 15-068
File No. Vault

That Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolves that the Municipality, as sole shareholder of the Whistler Village Land Co. Ltd. pass the 2015 consent resolutions of the shareholder of the Whistler Village Land Co. Ltd., a copy of which is attached to Administrative Report No 15-068 as Appendix “A”, and that the Mayor and Corporate Officer execute and deliver the attached resolutions on behalf of the Municipality.

MINUTES OF COMMITTEES AND COMMISSIONS

Coat of Arms Committee

Minutes of the Coat of Arms Committee meeting of June 23, 2014 and August 21, 2014.

Audit and Finance
Standing Committee

Minutes of the Audit and Finance Standing Committee meeting of March 10, 2015.

May Long Weekend
Committee

Minutes of the May Long Weekend Committee meeting of March 27, 2015 and April 9, 2015.

BYLAWS FOR FIRST AND SECOND READINGS

Land Use Contract
Amendment
Authorization Bylaw
(Blueberry Hill) No.
2088, 2015

The purpose of Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015 is to authorize the Resort Municipality to enter into agreements to amend a land use contract with the owners of certain parcels that are subject to the Blueberry Hill Land Use Contract in order to make the method of calculating the gross floor area of detached and duplex dwellings permitted under the land use contract consistent with the method set out in the Resort Municipality's Zoning Bylaw.

BYLAWS FOR FIRST, SECOND AND THIRD READINGS

Water User Fee
Amendment Bylaw No.
2089, 2015

The purpose of Water User Fee Amendment Bylaw No. 2089, 2015 is to amend Schedule A of “Water User Fee and Regulation Bylaw No. 1826, 2009” and repeal “Water User Fee Amendment Bylaw No 2083, 2015.”

Sewer User Fee
Amendment Bylaw No.
2090, 2015

The purpose of Sewer User Fee Amendment Bylaw No. 2090, 2015 is amend Schedule A of “Sewer User Fee Bylaw No. 1895, 2009” and repeal “Sewer User Fee Amendment Bylaw No. 2082, 2015.”

BYLAWS FOR THIRD READING

Zoning Amendment
Bylaw (Heidi Haus
Pension) No. 2073,
2015

In general terms, the purpose of “Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015” is to rezone a 182.8 square metres portion of the subject lands from LCB1 (Leisure Conservation Buffer One Zone) to TP4 (Tourist Pension Four), to accommodate the existing pension (8 guestrooms and a caretaker's suite).

BYLAWS FOR ADOPTION

Solid Waste/Recycling Rates Amendment Bylaw No. 2084, 2015	The purpose of Solid Waste/Recycling Rates Amendment Bylaw No. 2084, 2015 is to amend the Resort Municipality of Whistler "Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008."
Municipal Ticket Information System Amendment Bylaw No. 2086, 2015	The purpose of Municipal Ticket Information System Amendment Bylaw No. 2086, 2015 is to add RCMP Officer to the list of people designated as bylaw officers that may issue municipal tickets.

OTHER BUSINESS

CORRESPONDENCE

Alpine Meadows Water Project File No. 271.4	Correspondence from Jim Horner, dated April 27, 2015, regarding opportunities for buried electrical lines, plastic conduit, and widening high pedestrian roads during the planned Alpine Meadows water project.
Trail Usage File No. 3009	Correspondence from Sean Gilbert, dated April 22, 2015, regarding multi-use trails.
Trail Usage File No. 3009	Correspondence from Gavin Phillipson, dated April 22, 2015, regarding multi-use trails.
Trail Usage File No. 3009	Correspondence from Robert Airey, dated April 23, 2015, regarding multi-use trails.
Trail Usage File No. 3009	Correspondence from Chris Kaipio, dated April 27, 2015, regarding multi-use trails.
Trail Usage File No. 3009	Correspondence from Wally Raepple & Michelle James, dated May 2, 2015, regarding multi-use trails.
Trail Usage File No. 3009	Correspondence from Emily Mann, Whistler Off Road Cycling Association (WORCA) Planning Director, dated April 24, 2015, regarding multi-use trails.
Consolidated Hiking Trails Brief Resolutions File No. 8221.03	Correspondence from Emily Mann, Whistler Off Road Cycling Association (WORCA) Planning Director, dated April 24, 2015, regarding opposition to one of the seven recommendations made to Council as part of the <i>Consolidated Hiking Trails Brief Resolutions</i> passed at the Forest & Wildland Advisory Committee meeting in April 2015.
Sign Bylaw File No. 3009	Correspondence from Paul Fournier, dated April 27, 2015, regarding sign bylaw enforcement.

Standing Water and
Public Health
File No. 820

Correspondence from Kurt Samer, dated April 20, 2015, regarding standing water, mosquitoes, and West Nile Virus Disease in Whistler.

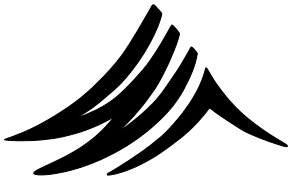
Woodfibre LNG
File No. 3009

Correspondence from Eoin Finn, dated May 5, 2015, regarding a request to the federal environment minister for environmental assessments of the proposed Woodfibre LNG project in Howe Sound.

Proposed
Environmental Bill of
Rights Resolution
File No. 8377, 2083

Correspondence from Alaya Boisvert, Blue Dot Project Lead, dated April 27, 2015, regarding a proposed resolution for the Lower Mainland Local Government Association convention calling on the provincial government to enact an Environmental Bill of Rights.

ADJOURNMENT



WHISTLER

MINUTES

**REGULAR MEETING OF MUNICIPAL COUNCIL
TUESDAY, APRIL 28, 2015, STARTING AT 5:30 PM**

**In the Franz Wilhelmssen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Acting Mayor A. Janyk

Councillors: S. Anderson, J. Crompton, J. Ford, J. Grills, S. Maxwell

ABSENT: Mayor N. Wilhelm-Morden

Chief Administrative Officer, M. Furey
General Manager of Infrastructure Services, J. Paul
General Manager of Corporate and Community Services, N. McPhail
Acting General Manager of Resort Experience, H. Beresford
Corporate Officer, S. Story
Director of Finance, K. Roggeman
Director of Planning, M. Kirkegaard
Manager of Communications, M. Comeau
Manager of the Building Department, J. Mooney
Senior Planner, M. Laidlaw
Planner, R. Brennan
Planning Analyst, K. Creery
Planning Technician, R. Licko
Economic Development Officer, T. Metcalf
Emergency Management Coordinator, E. Marriner
Recording Secretary, A. Winkle

ADOPTION OF AGENDA

Moved by Councillor J. Crompton

Seconded by Councillor J. Ford

That Council adopt of the Regular Council agenda of April 28, 2015.

CARRIED

ADOPTION OF MINUTES

Moved by Councillor J. Grills

Seconded by Councillor S. Maxwell

That Council adopt the Regular Council minutes and Public Hearing minutes of April 14, 2015.

CARRIED

PUBLIC QUESTION AND ANSWER PERIOD

There were no questions from the public.

PRESENTATIONS/DELEGATIONS

Vancouver Symphony
Orchestral Institute at
Whistler

A presentation was given by Christin Reardon MacLellan, Education & Community Programmes Manager, regarding an update about the Vancouver Symphony Orchestral Institute at Whistler.

Sea to Sky Clean Air
Society

A presentation was given by Kim Slater, Executive Director, Sea to Sky Clean Air Society, regarding an update on the 2014 review of the airshed's Air Quality Management Plan, the implementation plan, and membership program.

Alzheimer Society of
B.C.

A presentation was given by Rebecca Morris, Advocacy Analyst at Alzheimer Society of B.C. regarding the Alzheimer Society of B.C. and a presentation being given at the Whistler Public Library tomorrow.

A presentation was given by Erika Durlacher, Ascent for Alzheimers Hiker, regarding her Ascent of Kilimanjaro for the Alzheimer Society of B.C.

At 6:00 p.m. a Public Hearing was held for Zoning Amendment Bylaw (Rendezvous Lodge) No. 2077, 2015.

At 6:03 p.m. the meeting resumed.

MAYOR'S REPORT

Acting Mayor A. Janyk thanked everyone who participated in Pitch-In Day on the weekend. Around 130 people helped on Saturday, and several groups arranged different days to clear garbage. Approximately half a tonne of garbage, recyclables and refundables were collected. She thanked Whistler Fire Rescue Service for the barbeque, and to Nesters, IGA, the Village Grocery Store, and Pitch-In Canada for supporting the event.

Acting Mayor A. Janyk reported that Whistler will be marking the national Emergency Preparedness Week from May 3 to 9. On Sunday, May 3 from 10 a.m. to 6 p.m., the Resort Municipality of Whistler's Emergency Program Coordinator and Canadian Red Cross staff will have a display set up outside of Nesters to share emergency planning information and resources. Residents will also have a chance to enter a draw for a home emergency kit. Visit whistler.ca/emergencyprogram for more information.

Acting Mayor A. Janyk reported that Drinking Water Week is also from May 3 to 9 this year. Protecting and conserving Whistler drinking water is essential, especially during the warm summer months. People in B.C. use about 500 litres of water per day, over double what Europeans use. Most water is used in the bathroom and for irrigation outside. Now is the ideal time to plan ahead for a water-wise and fire-smart summer gardening. I encourage the community to take a pledge to preserve Whistler's water at valueofwater.ca.

There will be a free screening of *Last Call at the Oasis* in the Squamish Lil'wat Cultural Centre on Friday, May 8th at 7:00 p.m.

Acting Mayor A. Janyk reported that the second annual GO Fest, Whistler's Great Outdoors Festival, will be held over May long weekend from May 15 to 18. The event is a celebration of mountain culture as winter converges with summer. Highlights of the festival include the Great Snow Earth Water race and a variety of sport and art offerings. The community and visitors can get involved by registering for events and volunteering. You can find out more at greatoutdoorsfest.com.

Acting Mayor A. Janyk reported that the Audain Art Museum recently announced that it will open on Saturday, November 21, 2015. The opening will include an exhibition by the Vancouver photographer Jeff Wall.

Acting Mayor A. Janyk reported that the Resort Municipality of Whistler will begin a two-year construction project to improve the water quality in the Alpine Meadows neighbourhood in May. During the project the unlined cast iron pipes will be replaced with modern plastic pipes. This will result in improved drinking water quality, improved water flow and pressure, improved water distribution infrastructure, and lower community energy costs. There will be an Open House to answer questions and talk about how the project will affect Alpine residents and events on May 6 from 6 to 8 p.m. at the Whistler Secondary School. Find out more about the project at whistler.ca/alpinewatermain.

Acting Mayor A. Janyk reported that wildfire thinning is currently taking place in a 14.7-hectare area above the Millar's Pond and Spring Creek subdivisions. The thinning involves removing ground brush and debris, as well as trimming branches and removing some trees to reduce the risk of wildfire in Whistler. The work reduces forest fuel loads identified in the Community Wildfire Protection Plan. The forest debris is being burned on site, so smoke will be visible around these areas. As always, please call Whistler Fire Rescue Service if you see anything of concern.

Acting Mayor A. Janyk congratulated the Alliance of Grocery and Drugstore Retailers for their announcement that as of May 1, their member retail stores will charge 5 cents per single use plastic bag. The alliance has been involved in efforts to educate staff about reduction efforts and single use plastic bag alternatives, such as reusable bags, for years. Other cities have experienced significant reductions of the use through similar programs of charging for plastic bags. The participating businesses include The Grocery Store, Nesters Market Whistler, Creekside Market, Upper Village Market, IGA Whistler, Shoppers Drug Mart Whistler, and Rexall Whistler. The community has had discussions around the use of single use plastic bags for more than a decade and she commended the leadership of this group, along with the resort partners AWARE, the Chamber of Commerce, the Hotel Association of Whistler, and Tourism Whistler for this great initiative. These efforts will contribute to community waste management goals.

Acting Mayor A. Janyk reported that she spoke at the BC Society for Landscape Architecture's annual conference. She attended seminars at the

Canadian West Ski Areas Association's spring conference on tourism and welcoming the Chinese tourism as that sector grows. She attended the Vancouver Health Authority's presentation and workshop last Thursday on preventive health measures that will be coming forward for the Sea to Sky Corridor.

Councillor S. Maxwell reported that May 6 to 8, the Recycling Council of BC will be hosting their annual Conference in Whistler.

Councillor S. Anderson reported on the World Ski and Snowboard Festival.

Councillor J. Crompton reported that the Mountain Travel Symposium was held in Whistler mid-April for the ski industry around North America.

INFORMATION REPORTS

Planning and Building
Departments Application
Activity Report – 2015
First Quarter
Report No. 15-053
File No. 7006.01

Moved by Councillor J. Crompton
Seconded by Councillor S. Anderson

That Information Report No. 15-053 summarizing the Planning Department and Building Departments application activity for the first quarter of 2015 and for year-end 2014 be received.

CARRIED

ADMINISTRATIVE REPORTS

Proclamation of
Emergency
Preparedness Week
Report No. 15-055
File No. 855, 3009.1

Moved by Councillor J. Grills
Seconded by Councillor S. Maxwell

That Council proclaim the week of May 3-9, 2015 as Emergency Preparedness Week in the Resort Municipality of Whistler.

CARRIED

3075 Hillcrest Drive - DP
1429 – Development
Permit With Variances
for Townhouses
Report No. 15-054
File No. DP 1429

Moved by Councillor J. Crompton
Seconded by Councillor J. Ford

That Council approve Development Permit Application DP 1429 to permit development of two four-plexes and associated site works as shown in Architectural drawings A1.02 and A1.04, A5.01 to A5.04, A5.10 and A5.11 prepared by Burrows Huggins Architects, dated March 9, 2015 and Landscape drawings L1 and L2 prepared by Tom Barratt Landscape Architects, dated March 9, 2015 as presented in Appendix B of Administrative Report No. 15-054, which include the following variances to the Zoning Bylaw:

- a) Vary rear setback in two specific areas on the west side from 15 metres to 9 for Building 1 and from 15 metres to 7 metres for Building 2;
- b) Vary side setback on the south side from 7.6 metres to 3 metres for a portion of Building 1;
- c) Vary side setback on the north side from 7.6 metres to 7.5 metres for a small portion of Building 2;

- d) Vary side setback on the east side from 7.6 metres to 5.6 metres on Building 2 to accommodate an entry canopy and support post;
- e) Vary allowable site coverage from 22% to 29%;
- f) Vary allowable building height from 9.0 metres to 9.2 metres;
- g) Vary side setback on east side from 7.6 metres to 3 metres and the front setback on the southeast side to accommodate the project's postal kiosk;
- h) Vary setbacks for the retaining walls as shown on the plans;

Subject to the resolution of the following items all to the satisfaction of the General Manager of Resort Experience:

- 1. Finalization of the architectural and landscape plans to address the items specified in Administrative Report No. 15-054 and summarized in the letter to the applicant attached as Appendix C to Administrative Report No. 15-054; and further
- 2. Provision of a letter of credit, or other approved security, in the amount of 135 percent of the costs of the hard and soft landscape works on-site and landscape works off-site on the adjacent property for a pedestrian trail, as security for the construction and maintenance of these works.

CARRIED

DP 1432 Scandinave
Solarium & Staff
Housing (8010 Mons
Road)
Report No. 15-059
File No. DP1432

Moved by Councillor S. Maxwell
Seconded by Councillor J. Ford

That Council approve the issuance of Development Permit Application No. 1432 for the development of a solarium and staff housing for the Scandinave Spa located at 8010 Mons Road, as per the site and architectural plans prepared by Murdoch Company Architecture and Planning (A-0.0 – 4.1, and L-1.0), dated March 17, 2015, attached as Appendix B to Council Report No. 15-059, which includes the following variance to the Zoning Bylaw:

- a) Vary the maximum permitted height for the proposed building from 5.7 metres to 8.09 metres;

subject to the resolution of the following items to the satisfaction of the General Manager of Resort Experience:

- 1. Provision of a letter of credit, or other approved security, in the amount of 135 percent of the costs of the hard and soft landscape works as security for the construction and maintenance of these works;
- 2. Provision of a snow shed analysis, prepared by a certified engineer, consistent with Council Snow Shed Policy (Policy G-14).

CARRIED

Renovations at Pinnacle
Ridge – Units 3, 4, 36,
37 and 38
Report No. 15-058

Moved by Councillor J. Ford
Seconded by Councillor S. Anderson

That Council approve Development Permit DP1433 for renovations at Unit 38- 4700 Glacier Drive per architectural plans DP101.2, DP101.5, DP102.4,

File No. DP1433,
DP1434, DP1435,
DP1439

DP102.5, DP103.2, DP104.2 prepared by Derek Venter Architectural Design, dated April 8, 2015;

That Council direct staff to advise the applicant that prior to issuance of DP1433, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Modification of Development Covenant GD28334 to reflect the proposed changes;

That Council approve Development Permit DP1434 for renovations at Unit 37- 4700 Glacier Drive per architectural plans DP101.1, DP101.4, DP102.2, DP102.3, DP103.1, DP104.1 prepared by Derek Venter Architectural Design, dated April 8, 2015;

That Council direct staff to advise the applicant that prior to issuance of DP1434, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Modification of Development Covenant GD28334 to reflect the proposed changes,
2. Modification of Crawlspace Covenant GD28359 to reflect the proposed changes;

That Council approve Development Permit DP1435 for renovations at Unit 36- 4700 Glacier Drive per architectural plans DP101.0, DP101.3, DP102.0, DP102.1, DP103.0, DP104.0 prepared by Derek Venter Architectural Design, dated April 8, 2015;

That Council direct staff to advise the applicant that prior to issuance of DP1435, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

1. Modification of Development Covenant GD28334 to reflect the proposed changes,
2. Modification of Crawlspace Covenant GD28359 to reflect the proposed changes.

That Council approve Development Permit DP1439 for renovations at Units 3 & 4- 4700 Glacier Drive per architectural plans DP0.0, DP0.1, DP1.1, DP2.1, DP2.2, DP3.0, DP4.0 prepared by Derek Venter Architectural Design, dated March 23, 2015;

That Council direct staff to advise the applicant that prior to issuance of DP1439, the following matters shall be completed to the satisfaction of the General Manager of Resort Experience:

Modification of Development Covenant GD28334 to reflect the proposed changes.

CARRIED

Employee Housing
Service Charge
Amendment Bylaw No.
2078, 2015
Report No. 15-056
File No. Bylaws 1507 &
1578

Moved by Councillor J. Crompton
Seconded by Councillor S. Anderson

That Council consider giving first, second, and third readings to Employee Housing Service Charge Amendment Bylaw No. 2078, 2015.

CARRIED

Municipal Ticket
Information System
Amendment Bylaw No
2086, 2015
Report No. 15-057
File No. Bylaw 2086

Moved by Councillor S. Maxwell
Seconded by Councillor J. Grills

That Council consider giving first three readings to Municipal Ticket Information System Amendment Bylaw No. 2086, 2015.

CARRIED

MINUTES OF COMMITTEES AND COMMISSIONS

Public Art Committee

Moved by Councillor S. Maxwell
Seconded by Councillor J. Ford

That minutes of the Public Art Committee meeting of January 22, 2015 be received.

CARRIED

Forest & Wildland
Advisory Committee

Moved by Councillor J. Crompton
Seconded by Councillor J. Ford

That minutes of the Forest & Wildland Advisory Committee meetings of February 11, 2015 and March 11, 2015 be received.

CARRIED

Recreation and Leisure
Advisory Committee

Moved by Councillor J. Ford
Seconded by Councillor J. Grills

That minutes of the Recreation and Leisure Advisory Committee meetings of February 12, 2015 and March 5, 2015 be received.

CARRIED

Advisory Design Panel

Moved by Councillor S. Maxwell
Seconded by Councillor J. Grills

That minutes of the Advisory Design Panel Committee meeting of March 18, 2015, 2015 be received.

CARRIED

BYLAWS FOR FIRST, SECOND AND THIRD READINGS

Employee Housing
Service Charge
Amendment Bylaw No.
2078, 2015

Moved by Councillor J. Grills
Seconded by Councillor S. Maxwell

That Employee Housing Service Charge Amendment Bylaw No. 2078, 2015 receive first, second and third readings.

CARRIED

Municipal Ticket
Information System
Amendment Bylaw No.
2086, 2015

Moved by Councillor J. Ford
Seconded by Councillor J. Crompton

That Municipal Ticket Information System Amendment Bylaw No. 2086, 2015 receive first, second and third readings.

CARRIED

BYLAWS TO RESCIND THIRD READING

Solid Waste/Recycling
Rates Amendment Bylaw
No. 2084, 2015

Moved by Councillor J. Crompton
Seconded by Councillor J. Grills

That third reading be rescinded for Solid Waste/Recycling Rates Amendment Bylaw No. 2084, 2015.

CARRIED

BYLAWS FOR THIRD READING AS AMENDED

Solid Waste/Recycling
Rates Amendment Bylaw
No. 2084, 2015

Moved by Councillor S. Anderson
Seconded by Councillor J. Grills

That Solid Waste/Recycling Rates Amendment Bylaw No. 2084, 2015 receive third reading as amended.

CARRIED

BYLAWS FOR THIRD READING

Zoning Amendment
Bylaw (Rendezvous
Lodge) No. 2077, 2015

Moved by Councillor S. Maxwell
Seconded by Councillor J. Grills

That Zoning Amendment Bylaw (Rendezvous Lodge) No. 2077, 2015 receive third reading.

CARRIED

BYLAWS FOR ADOPTION

Zoning Amendment
Bylaw (Rendezvous
Lodge) No. 2077, 2015

Moved by Councillor J. Crompton
Seconded by Councillor J. Ford

That Zoning Amendment Bylaw (Rendezvous Lodge) No. 2077, 2015 be adopted.

CARRIED

Tax Rates Bylaw No.
2079, 2015

Moved by Councillor J. Grills
Seconded by Councillor J. Crompton

That Tax Rates Bylaw No. 2079, 2015 be adopted.

CARRIED

Sewer Tax Bylaw No.
2080, 2015

Moved by Councillor S. Maxwell
Seconded by Councillor J. Grills

That Sewer Tax Bylaw No. 2080, 2015 be adopted.

CARRIED

Water Tax Bylaw No.
2081, 2015

Moved by Councillor S. Anderson
Seconded by Councillor J. Grills

That Water Tax Bylaw No. 2081, 2015 be adopted.

CARRIED

Sewer User Fee
Amendment Bylaw No.
2082, 2015

Moved by Councillor S. Maxwell
Seconded by Councillor J. Ford

That Sewer User Fee Amendment Bylaw No. 2082, 2015 be adopted.

CARRIED

Water User Fee
Amendment Bylaw No.
2083, 2015

Moved by Councillor J. Crompton
Seconded by Councillor J. Grills

That Water User Fee Amendment Bylaw No. 2083, 2015 be adopted.

CARRIED

OTHER BUSINESS

There were no items of Other Business.

CORRESPONDENCE

Development on
Sunridge Plateau
File No. 3009

Moved by Councillor S. Anderson
Seconded by Councillor J. Crompton

That correspondence from Kitty Chase, dated April 21, 2015, regarding the development at the top of Sunridge Plateau be received and referred to staff.

CARRIED

Overhead Wires in Alpine
File No. 3009

Moved by Councillor J. Grills
Seconded by Councillor J. Ford

That correspondence from Steve Bayly, dated April 20, 2015, regarding the replacement of overhead wires in Alpine Meadows be received and referred to staff.

CARRIED

Trail Usage
File No. 3009

Moved by Councillor J. Grills
Seconded by Councillor S. Maxwell

That correspondence from Jennifer Scharf, dated April 18, 2015, support of Bill Moore's suggestion that some local trails be reserved for hikers only be received and referred to the Recreation and Leisure Advisory Committee;

That correspondence from Sylvie Raymond, dated April 20, 2015, in favour of multi-use trails be received and referred to the Recreation and Leisure Advisory Committee;

That correspondence from Wendy Morrison, dated April 20, 2015, in favour of multi-use trails be received and referred to the Recreation and Leisure Advisory Committee;

That correspondence from Sharon Bader, dated April 21, 2015, suggesting educational signage and trail design instead of restricting use of Whistler's trails be received and referred to the Recreation and Leisure Advisory Committee; and,

That correspondence from Lee T. Lau, dated April 21, 2015, in favour of education and signage for shared recreational trails be received and referred to the Recreation and Leisure Advisory Committee.

CARRIED

Electric Vehicle Use
File No. 3009

Moved by Councillor J. Ford
Seconded by Councillor J. Grills

That correspondence from Michael Neufeld, dated April 12, 2015, expressing gratitude for supporting electric vehicle use in Whistler be received.

CARRIED

General Suggestions
File No. 3009

Moved by Councillor J. Crompton
Seconded by Councillor S. Anderson

That correspondence from Kalee Eder, dated April 9, 2015, regarding suggestions for the Resort Municipality of Whistler be received and referred to staff.

CARRIED

Unconditional Grant
Funding Program
File No. 9120

Moved by Councillor J. Crompton
Seconded by Councillor J. Grills

That correspondence from Honourable Coralee Oakes, Minister of Community Sport, and Cultural Development, dated April 14, 2015, regarding grant funding programs for 2015 to receive and referred to staff.

CARRIED

BC Water & Waste
Association
File No. 3009

Moved by Councillor J. Grills
Seconded by Councillor S. Maxwell

That correspondence from Tanja McQueen, Chief Executive Officer for BC Water & Waste Association, dated April 7, 2015, regarding the February 2015 Report – *Are Our Water Systems at Risk?* be received and referred to staff.

CARRIED

Bike to Work Week
File No. 3009.1

Moved by Councillor J. Grills
Seconded by Councillor S. Maxwell

That correspondence from Kari Mancer, dated April 15, 2015, requesting proclamation of May 25 – 31 as “Bike to Work Week 2015” be received and proclaimed.

CARRIED

ADJOURNMENT

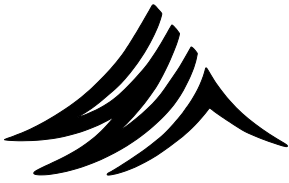
Moved by Councillor J. Ford

That Council adjourn the April 28, 2015 Council meeting at 7:18 p.m.

CARRIED

Acting Mayor A. Janyk

Corporate Officer: S. Story



WHISTLER

MINUTES

**PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, APRIL 28 2015 STARTING AT 6:00 PM**

**In the Franz Wilhelmssen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Acting Mayor A. Janyk

Councillors: S. Anderson, J. Crompton, J. Ford, J. Grills, S. Maxwell

ABSENT: Mayor N. Wilhelm-Morden

Chief Administrative Officer, M. Furey
General Manager of Infrastructure Services, J. Paul
General Manager of Corporate and Community Services, N. McPhail
Acting General Manager of Resort Experience, H. Beresford
Corporate Officer, S. Story
Manager of Communications, M. Comeau
Manager of the Building Department, J. Mooney
Senior Planner, M. Laidlaw
Planner, R. Brennan
Planning Analyst, K. Creery
Emergency Management Coordinator, E. Marriner
Recording Secretary, A. Winkle

The Public Hearing is convened pursuant to Section 890 of the Local Government Act R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained in "Zoning Amendment Bylaw (Rendezvous Lodge) No. 2077, 2015" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may, ask questions following presentations however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

As stated in the Notice of Public Hearing, in general terms, the purpose of the proposed Bylaw is to rezone the subject lands from RR1 (Rural Resource One) to MC2 Zone (Mountain Commercial Two), a new site specific zone to accommodate the existing development (Rendezvous Lodge and Two Administrative Buildings).

Explanation	An explanation was given by Kevin Creery, Planning Analyst, concerning the proposed Bylaw.
Submissions	Acting Mayor A. Janyk called three times for submissions by the public. No submissions were made by the public.
Correspondence	Shannon Story, Corporate Officer, indicated that no correspondence was received regarding the proposed Bylaw.

ADJOURNMENT

Hearing no further comments, the Public Hearing adjourned at 6:03 p.m.

Acting Mayor: A. Janyk

Corporate Officer: S. Story



REPORT | INFORMATION REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-061

FROM: Corporate and Community Services

FILE: 2100

SUBJECT: MAY LONG WEEKEND COMMITTEE UPDATE

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate and Community Services be endorsed.

RECOMMENDATION

That Information Report No.15-061 regarding the May Long Weekend Committee Update be received.

PURPOSE

To provide Council with an update on the actions of the May Long Weekend Committee.

DISCUSSION

The Council approved membership on this committee is:

Nicole Shannon – Community Member at Large

Terry Clark – Food & Beverage Industry

Peter Humig – Hotel Association of Whistler

Steve LeClair – Royal Canadian Mounted Police

John Grills – Whistler Municipal Council

Norm McPhail – RMOW General Manager, Corporate and Community Services

The May Long Weekend Committee has met at Municipal Hall on March 27, April 9, April 23 and May 6, 2015. The group reviewed the history of the long weekend, which included past activities undertaken. From there Committee members provided input towards current and future goals that may enhance the visitor experience during May 24 weekend. The Committee provided recommendations to help staff and the community to work towards a safe and successful May Long Weekend for 2015.

Representatives from the Bar and Restaurant associations attended the April 23 meeting to provide input. A series of meetings were also held between individual committee members and the GM Corporate and Community Services in order to help Committee members further engage community and seek out new initiatives towards the goals of this entry-to-summer weekend.

The Committee has considered and discussed the festival in the context of the overall planning for the resort as a key weekend introduction to summer, and suggested refinements to the festival plan.

The Committee has assisted in the development of strategies aimed at preventing criminal interest in Whistler and has looked at ways to help re-focus young adult celebrations beyond liquor primary rites of passage. Police road checks were viewed as an essential crime prevention tool on the highway. A high profile police presence in and around nightclubs has been planned in collaboration with bar staff. Police will also monitor house parties and will enforce on noise/disturbance issues if and where found.

Accommodation providers have been engaged with festival offerings and crime prevention strategies have been implemented. Private security has been hired to supplement the policing plan and will assist accommodation providers with unsupervised minors and problem guests. Late night and early morning private security patrols of the Village areas will occur to prevent mischief and deter disturbances. Fire and Bylaw Services will have on strength added resources to support the overall public safety/security plan.

Police have indicated there will be early intervention with problem offenders. Significant effort has gone into leveraging the support of community members towards the timely reporting of apparent crime to police.

The May Long Weekend Committee has made recommendations and taken actions relating to collaborative strategies that will enhance visitor experience and work to mitigate the impacts of elements that have historically tended to undermine a positive atmosphere in the resort during this time of year.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Health and Social	The resort community is safe for both visitors and residents and is prepared for potentially unavoidable emergency events	Effective and collaborative planning processes with all resort stakeholders by the committee will help leverage preventative processes and strategies to help enhance public safety.
Economic	Whistler has a year round and diversified economy.	Successful events and animation initiatives supported by local business sectors in collaboration with the May Long Weekend committee towards improving the visitor experience in a traditionally slow season for the resort.
Partnership	Partners work together to achieve mutual benefit	Engagement of community stakeholders by the committee towards a successful May Long Weekend to the benefit of all concerned.
Recreation and Leisure	Residents and visitors of all ages and abilities enjoy activities year round that encourage healthy living, learning and sense of community.	Engagement of and/or communication to all resort sectors by the committee on recreational and leisure activities planned for the May Long Weekend.
Visitor Experience	Community members and organizations work collectively to ensure exceptional experiences that exceed visitor expectations.	Collaboration among resort partners with the committee on strategies to enhance the visitor experience over the May Long Weekend.

OTHER POLICY CONSIDERATIONS

The 2015 May Long Weekend Committee is working in consideration of related initiatives under the following policy frameworks:

- The Corporate Plan
- Economic Partnership Initiative

BUDGET CONSIDERATIONS

N/A.

COMMUNITY ENGAGEMENT AND CONSULTATION

The RMOW has been networking with partners towards overall planning of the May Long Weekend including: the Whistler Chamber of Commerce, Tourism Whistler, the Whistler Hotel Association, the Whistler Food and Beverage Association, the Whistler Restaurant Association, Whistler Blackcomb, Whistler Strata Property Rental Managers, Private Security Providers, Sea to Sky & Lower Mainland RCMP, Whistler Public Library, Whistler Museum and Archives, the Whistler Arts Council, and the general public.

SUMMARY

That Council receive the update information report of the May Long Weekend Committee.

Respectfully submitted,

Norm McPhail
General Manager of Corporate and Community Services



REPORT | INFORMATION REPORT TO COUNCIL

PRESENTED: May 12, 2014

REPORT: 15-062

FROM: Resort Experience Division & Chief Administrators Office

FILE: P032

SUBJECT: MASTER WAYFINDING STRATEGY – PHASE II

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Information Report No. 15-062 regarding Phase II of the Master Wayfinding Strategy project be received.

REFERENCES

Appendix A – Menu of Sign Types (Pedestrian & Parking)

PURPOSE

The purpose of this report is to provide Council with a brief update on the progress of Phase II of the Master Wayfinding Strategy project.

DISCUSSION

Background

The overall purpose of the Master Wayfinding and Arrival Experience Strategy project is to enhance the Whistler Village guest experience and support ongoing business success throughout the resort community.

In particular, the RMOW's goal through this project is to ensure that the provision of information (both digital and through physical infrastructure and signage) effectively and efficiently supports the information needs of newly arriving visitors, improves functionality of wayfinding infrastructure for all users, and contributes to the overall enjoyment of the resort community.

This Whistler Master Wayfinding and Arrival Experience Strategy was completed in November of 2014 and it includes an updated baseline wayfinding assessment of the Whistler 'arrival experience' as well as the community's current wayfinding infrastructure and associated attributes. Building on this assessment and informed by best practices in other jurisdictions, the strategy includes a set of recommendations designed to cost-effectively improve the clarity, ease and overall satisfaction with our visitor's sense of arrival to the resort, as well as enhance our visitor's ability to easily navigate and access the key amenities of that the resort community has to offer.

Building on the phased recommendations of the Strategy, in 2015 the municipality plans to advance Village Orientation Maps, Village Pedestrian Signage, as well as Day Lot Parking signage systems. In addition to these planned deliverables, staff also plan to advance trail, vehicular and highway

signage systems through the schematic design, and design development phases with programming, documentation and installation occurring in 2016.

A summary overview of the 2015 project work plan is provided below for reference:

Component	Schematic Design	Design Development	Planning & Documentation	Fabrication & Installation
<i>Village Pedestrian Signage</i>	✓	✓	✓	✓
<i>Parking Signage</i>	✓	✓	✓	✓
<i>Vehicular Signage (incl. hwy)</i>	✓	✓		
<i>Trail Signage & Park Destination Signs</i>	✓	✓		

Year-to-Date Work

- Updated visitor tear-off maps have been finalized, produced and are now in circulation through Tourism Whistler (TW) and their membership.
- Matching new Village kiosk maps have recently been fabricated and installation of the new map boards (24 locations) is currently in progress.
- Senior staff, the internal project team, as well as a multi-organizational project Steering Committee undertook a detailed review of a series of potential schematic designs for the signage systems. These reviews yielded a 'basis for design' brief that was used to create a preferred design concept for further development.
- Subsequently, a decision was made to fully integrate the neighbourhood portal project within the Phase II Wayfinding project work flow. This integration should ensure strong alignment between all sign types in and around the Village, ensure consistent sight lines and wayfinding cues to support successful wayfinding outcomes, as well as consolidate the programming, fabrication and installation processes.
- Staff worked with the design team to further advance the preferred schematic design, and then presented both the design process and the resultant design to the Advisory Design Panel (ADP) for further review and comment. As per the meeting minutes from April 15th, the ADP Panel was strongly supportive of both the design and the design development process for the proposed wayfinding system.
- The preferred system design was then advanced to the full design development phase (see Appendix A) to apply the design directive to the full suite of required sign types.
- Concurrent with this design development work, detailed sign programming (establishing specific locations and sign content) was undertaken for every pedestrian sign location in the Village, as well as every sign location in and around the Municipal Parking Lots (253 signs in total).

Cultural Connector Project Integration

In 2014 the RMOW launched the Cultural Connector project. This project celebrates Whistler's emergence as a vibrant cultural destination and serves to improve the physical, visual, experiential, wayfinding and branded connectivity between six significant Village area cultural institutions. The

six cultural institutions are Maurice Young Millennium Place, Squamish Lil'wat Cultural Centre, Audain Art Museum, Whistler Public Library, Whistler Museum and Archive, and the Lost Lake PassivHaus.

There are areas of strategic and physical overlap and integration between the Master Wayfinding and Cultural Connector projects. To ensure success the Cultural Connector graphic identity will be incorporated within the detailed sign programming work stated above. Cultural Connector wayfinding implementation will occur in two phases and will be fully installed by the autumn of 2015.

Council can expect a more comprehensive update on the Cultural Connector project within a month's time.

Master Wayfinding Project - Current and Next Steps

This week is an important milestone for this project. In addition to presenting to Council, staff are undertaking additional technical review of the full menu of sign types (materials, colours, design details), as well as participating in a number of specific site investigations with the intent of resolving the few outstanding planning and programming issues for all 253 sign locations.

Detailed placement for all neighbourhood Portals is being refined including all related servicing issues and line of sight issues. Finally, staff are also re-presenting the entire sign system to the Steering Committee for further comment and review in order to refine and finalize all associated details.

Next steps in the project plan include:

- Refining sign designs, placement and content to reflect the input and insight gained during this week's site visits.
- Advancing the design to a full set of construction documentation (May)
- Initiating a procurement process to solicit interest in the fabrication and installation of the signs (June)
- Fabrication and Installation (July – December)

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	The built environment is safe and accessible for people of all abilities, anticipating and accommodating wellbeing needs and satisfying visitor expectations	The wayfinding project seeks to improve guest wayfinding, exploration experiences throughout the community.
Visitor Experience	Visitors feel genuinely welcome	Effective wayfinding and signage systems extend a warm welcome to our guests, particularly as they are newly acquainting themselves with the community.
	Communication, travel and services are accessible, seamless and convenient at all phases of visitors' trips, from prior to departure until after returning home	Effective wayfinding and signage systems have the potential improve the guest experience at each phase of their trip.
	The resort is comfortable, functional, safe, clean and well-maintained	Well-presented wayfinding systems make the Village more functional, safe and easy to navigate.

	The resort community's authentic sense of place and engaging, innovative and renewed offerings attract visitors time and time again	The proposed wayfinding upgrades are strongly informed by local, natural materials and are intended to support the existing Whistler sense of place.
Partnership	Partners work together to achieve mutual benefit	The support and input of the members of the Steering Committee has been critical to the project development process and its outputs.

The development and installation of an improved wayfinding system in Whistler does not move the community away from any identified W2020 Descriptions of Success.

OTHER POLICY CONSIDERATIONS

Improved wayfinding systems in Whistler is consistent with the policies of the Official Community Plan, the Whistler Welcome Strategy, the Village Enhancement Policy, and the Village Design Guidelines. It is also consistent with the recommendations of the Economic Partnership Initiative (EPI): Summary of Key Findings report, the Master Wayfinding and Arrival Experience Strategy as well as the goals and strategies of the RMOW Corporate Plan.

COMMUNITY ENGAGEMENT AND CONSULTATION

The initial work on the development of the Master Wayfinding Strategy was informed by the input from approximately ten focus group sessions involving more than 30 sector representatives.

Moreover, the Master Wayfinding project has been publicly presented at the Committee of the Whole, and at public Open House. The project benefits from the continual input and oversight of the project Steering Committee.

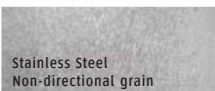
The project Steering Committee membership includes representation from all divisions of RMOW staff, TW, the Whistler Chamber of Commerce, Whistler Blackcomb and the local arts community.

SUMMARY

This report provides an overview of the current progress and planned next steps of Phase II of the Master Wayfinding and Arrival Experience Strategy.

Respectfully submitted,

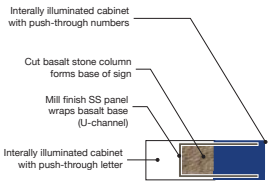
Ted Battiston
MANAGER OF SPECIAL PROJECTS
for
John Rae
Acting GENERAL MANAGER OF RESORT EXPERIENCE



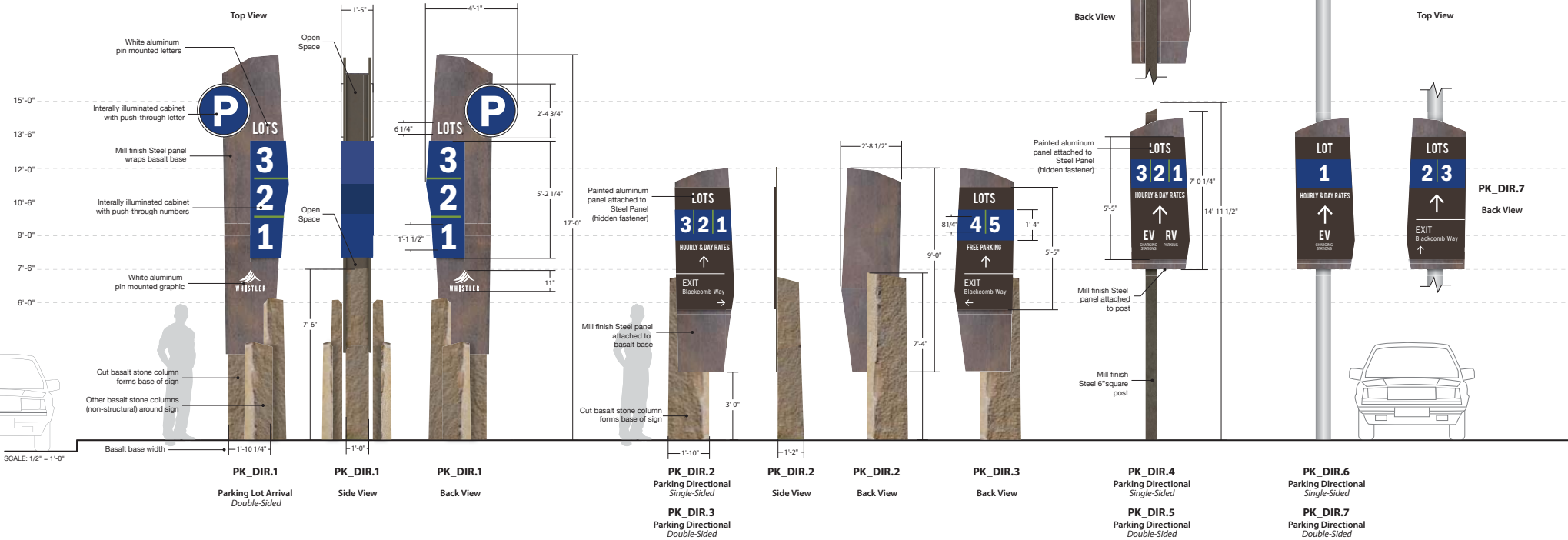
Basalt pillars are irregular by nature and measurements give general size

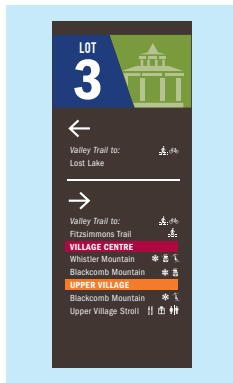
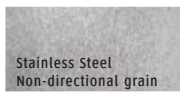


Additional Layouts

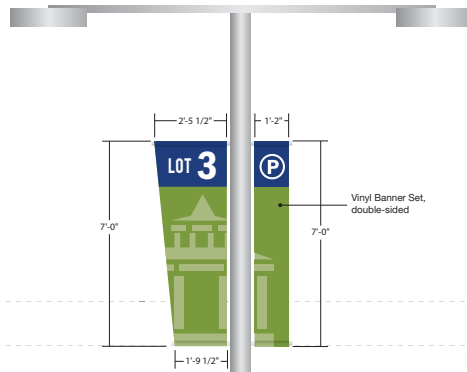


Top View





PKPDIR.2

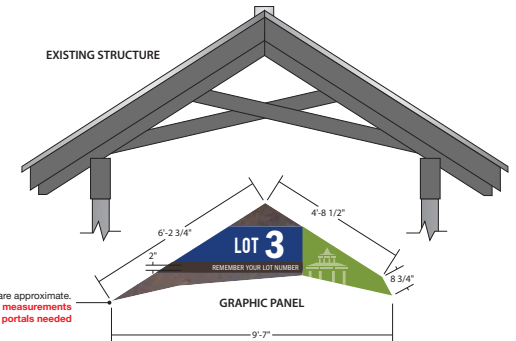


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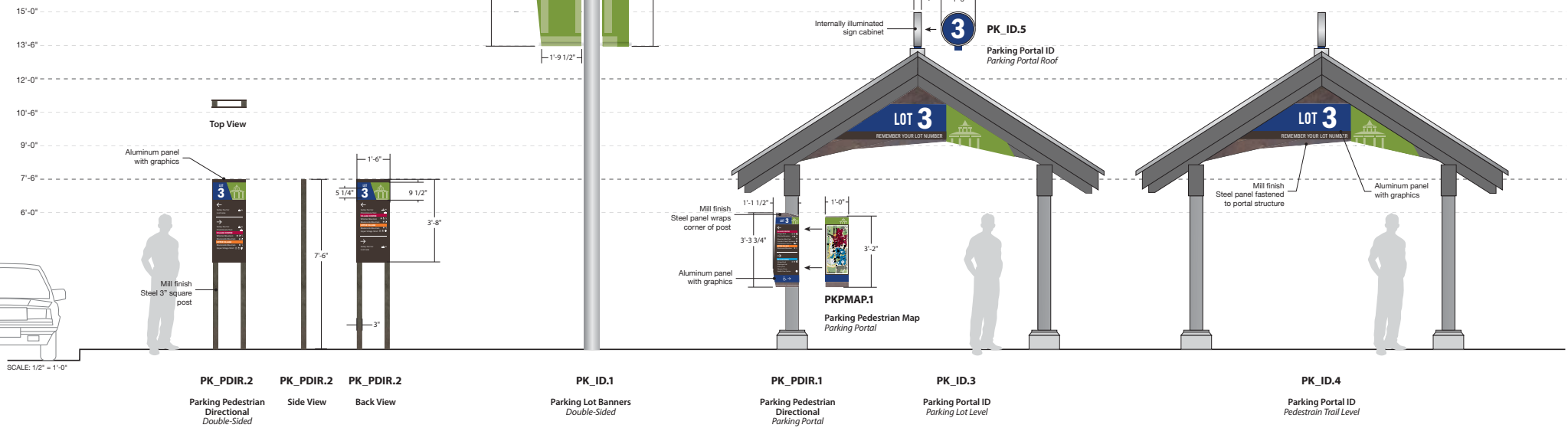
Parking Lot Banners
Double-Sided

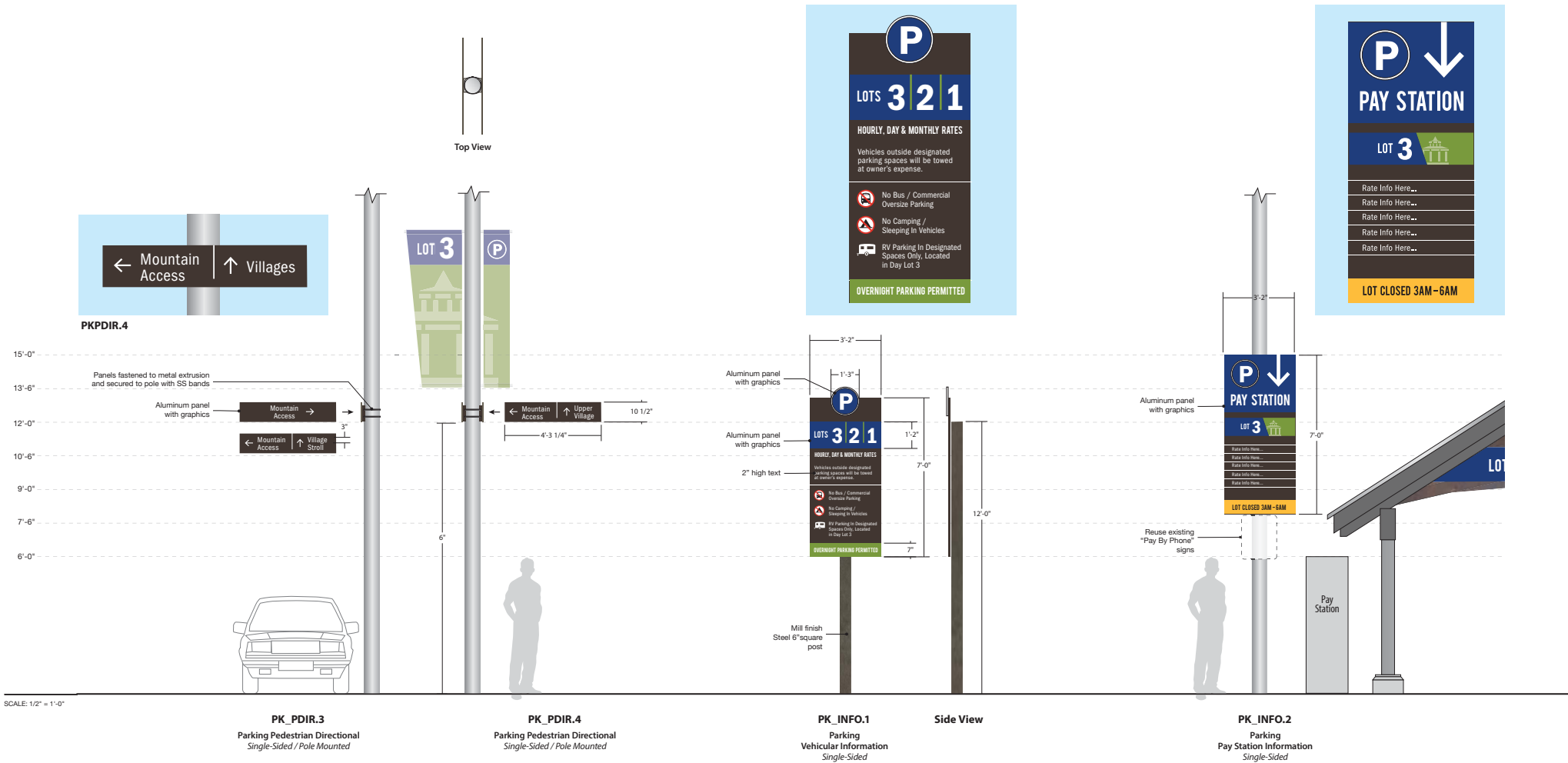
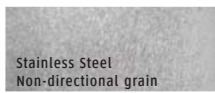


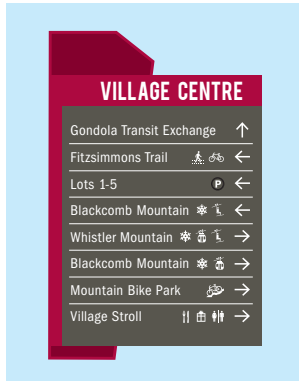
PKPDIR.1 & PKPMAP.1



Measurements are approximate.
Detailed measurements
of portals needed



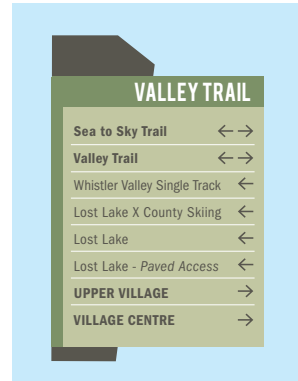




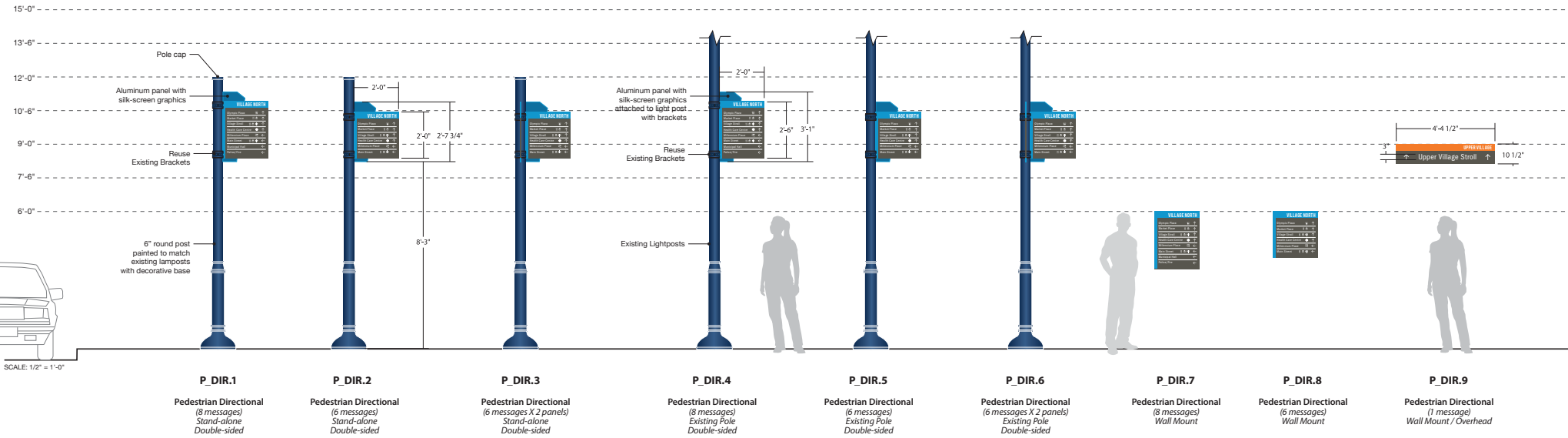
VILLAGE CENTRE



UPPER VILLAGE



TRAILS





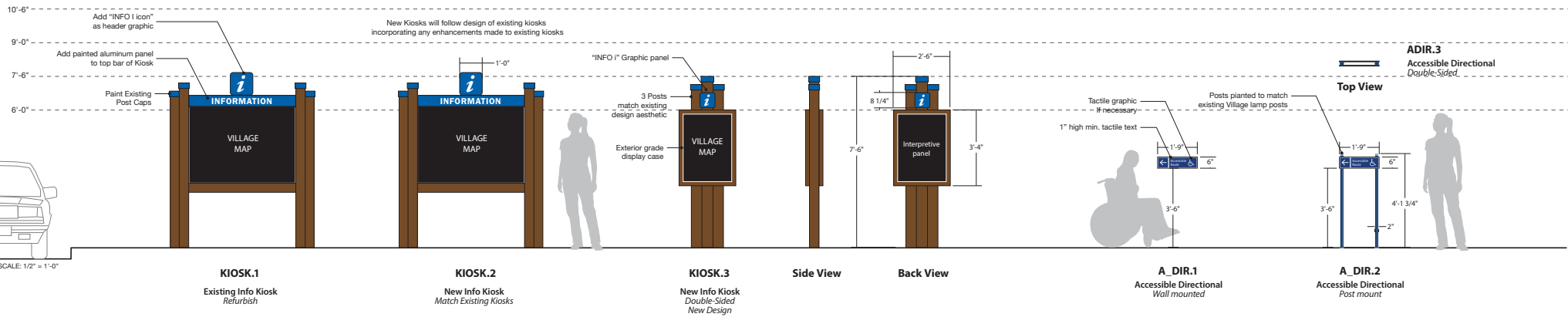
KIOSK.1 - Existing Conditions

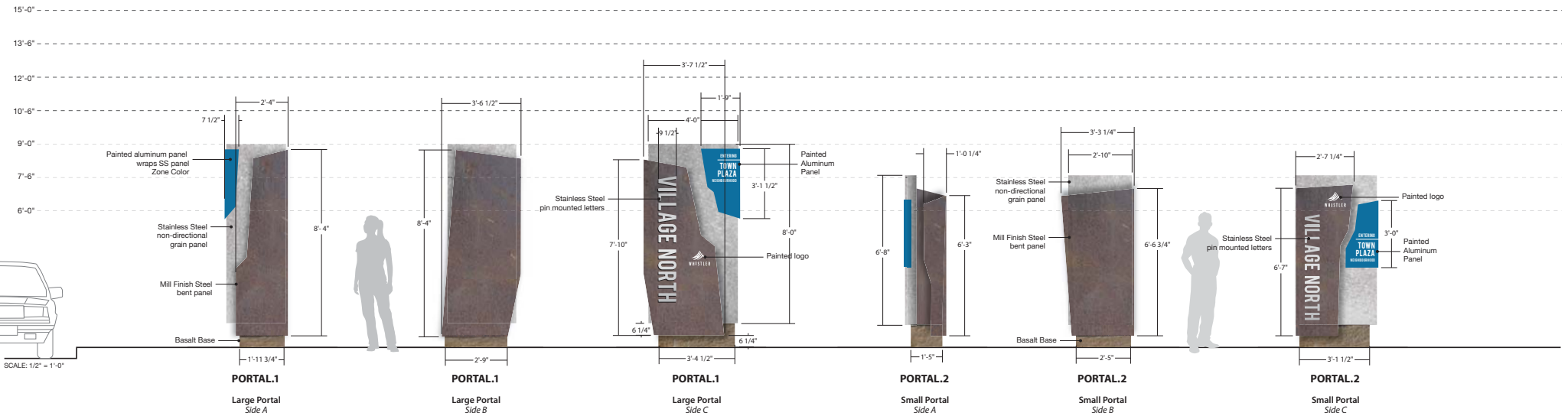
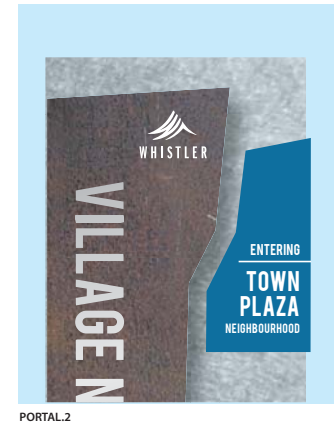
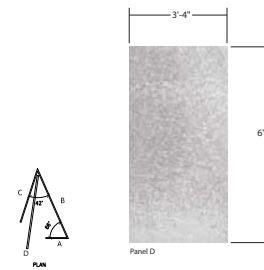
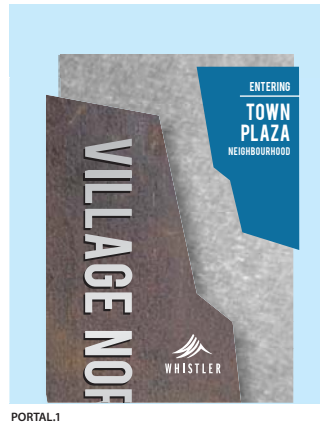
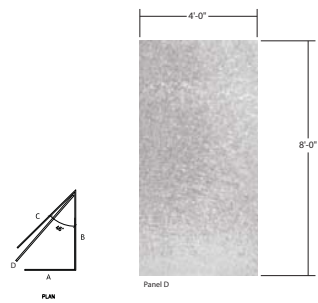
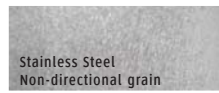


KIOSK.3



A_DIR.2







REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-063

FROM: Resort Experience

FILE: RZ1091, Bylaw 2073

SUBJECT: RZ1091 – 7115 NESTERS ROAD – AMENDMENTS TO TP4 ZONE

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council consider giving third reading to Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015.

REFERENCES

Location: 7115 Nesters Road

Legal Description: Lot 15 District Lots 4752 and 4753 Group 1 NWD Plan LMP44921

Applicant: Jim Gruetzke, owner representative

Zoning: TP4 (Tourist Pension Four) and LCB1 (Leisure Conservation Buffer One Zone)

Appendices: “A” Staff responses to questions based on comments at the April 14, 2015 Public Hearing
“B” Proposed Site Plan
“C” Existing TP4 Zone
“D” Existing LCB1 Zone

PURPOSE

This report provides staff responses, as requested by Council, to questions raised at the April 14, 2015 Public Hearing for Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015, by members of the public. Additionally, this report presents Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015 for Council’s consideration of third reading.

DISCUSSION

Staff responses to questions raised by Council based on comments received at the April 14, 2015 Public Hearing for Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015 are attached as Appendix A.

WHISTLER 2020 ANALYSIS

This analysis was presented in Administrative Report to Council No. 15-010.

OTHER POLICY CONSIDERATIONS

Other policy considerations were addressed in Administrative Report to Council No. 15-010.

BUDGET CONSIDERATIONS

Budget considerations were addressed in Administrative Report to Council No. 15-010 and Administrative Report to Council No. 15-038.

COMMUNITY ENGAGEMENT AND CONSULTATION

Addressed previously in Administrative Report to Council No. 15-010 and Administrative Report to Council No. 15-038.

SUMMARY

This report provides responses to questions raised by Council based on comments at the April 14, 2015 Public Hearing for Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015. Additionally, this report presents Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015 for Council's consideration of third reading.

Respectfully submitted,

Robert Brennan, MCIP
PLANNER

for

John Rae
ACTING GENERAL MANAGER OF RESORT EXPERIENCE

APPENDIX A

Staff responses to questions raised at the April 14, 2015 Public Hearing

Staff have reviewed questions from Council based on input received at the Public Hearing and have transcribed these questions into the following number items. Staff's response to each question is presented in italics.

1. If Council does not rezone this property, what are the immediate and long term consequences?

As an immediate consequence, the property owner would be required to permanently remove one guestroom to comply with TP4 zoning regulations with respect to minimum parcel size, as the current size of the TP4 zoned portion of the parcel is only large enough to permit 7 guestrooms. The property owner would also have to remove approximately 63.9 square metres of gross floor area from the property or enter into a covenant to not use this area. The property owner would be required to also apply for and obtain from the building department all necessary building permits to remove the guestroom and to address any other interior work not approved previously.

As a long term consequence, if the existing building with 3 metres side setbacks is ever 75% or more destroyed a new structure would be required to comply with the 6 metres side setbacks, thus limiting the new structure's design to a maximum of 4 metres in width as the TP4 zoned portion of the property is only 16 metres in width. Currently the existing building footprint is legally nonconforming.

2. Was the 8th guestroom constructed illegally? Is a variance required for construction related to the 8th guestroom and the building envelope?

The construction of the 8th bedroom was not authorized by building permit. The proposed rezoning would allow for this space to be legitimized subject to building permits. The legitimization of the 8th bedroom does not require a variance as it is contained within the footprint of the existing building which is legally nonconforming.

3. Would the Municipality put a notice on title?

A Section 57 notice on title may be considered by the Manager of Building Services, if the property owner did not pursue in a reasonable time period proper permits for what the existing TP4 zone portion of the property would allow on site.

5. Would the owner have difficulties with insurance?

Staff are unable to answer this question.

6. Does the municipality have any mechanism to require owner or manager occupier for this commercial business?

The existing TP4 zone regulations do not require any person to have an owner or a manager to occupy the building. This is only required for Bed and Breakfast operations under Section 2 of the Zoning Bylaw definition for bed and breakfast.

As a condition of the rezoning Council could require an on-site owner or manager through a covenant. Or this could be required for this specific property as part of the zoning bylaw amendment, which would require revisions to the bylaw and a new public hearing. If this was required in the zoning, the zoning for the property would be inconsistent with zoning requirements for other TP4 zoned properties.

7. Can staff clarify the reason for the tree preservation area being required?

Administrative Report No. 15-010 to Council on January 13, 2015, indicated that according to the staff report in 1999, the tree preservation area was part of a larger subdivision and rezoning application (RA256) (Tree Top lane lots and Seppos Way employee housing). At that time a 0.27 ha treed portion of land was being added to the pension property (7115 Nesters Road) to preserve a green buffer between the pension and the proposed resident restricted housing driveway to the north (Nesters Hill Resident Housing at 7525 and 7531 Seppos Way).

9. What is the remedy for cutting trees down in a tree preservation area?

The remedy depends on the terms and conditions of how the tree preservation area was first created; designated as a development permit area (DPA) for protection of the natural environment and a development permit issued; Tree Protection Bylaw enforcement regulation, a Section 219 covenant or subdivision requirement.

If a property owner with a tree preservation area wanted to cut down all the trees that would be against the intent and reason that a tree preservation area was put in place, however if there are no fines or specific planting replacement requirements in place with the tree preservation area regulation this can be difficult to prevent. If a property owner decided to cut all the trees down anyway, the Municipality would require a legal opinion with respect to recourse. Most likely expensive litigation through the courts.

For Heidi Haus, the January 15, 2015 Council Report No. 15-010 advised that a tree covenant (BP030171) was registered at Land Title Office on February 8, 2000, with the intention to retain the LCB1 zoned portion of the property as a tree preservation area. However, the covenant does permit the owner of the property to cut trees within the Tree Retention Area where a tree is diseased, dead, or damaged, and in the reasonable opinion of the owner, the tree poses an immediate risk or danger to persons or property, provided that where a tree is cut down, the Owner shall notify the Municipality and revegetation as may be reasonable required by the Municipality in accordance with plant types identified in the covenant. Other clauses in the covenant state that the RMOW will not unreasonably withhold permission for tree cutting.

In 2010, according to a letter submitted by the property owner, he consulted with the Municipality to remove 4 trees from the LCB1 zone portion of the property as they posed a danger to the pension and to plant 12 replacement trees on the LCB1 portion of the property. This was deemed acceptable by the municipality at that time.

There are no clauses or conditions in covenant that set fines or fees for removing trees prior to obtaining permission from the RMOW.

10. If the rezoning was to proceed, could Council stipulate no buildings of any kind are permitted on that portion of land that is taken out of the LCB1 tree preservation area and rezoned TP4?

On its own, the existing Tree Preservation Area covenant registered over the existing LCB1 zone portion does not address buildings, it is the LCB1 zoning regulations which prohibits buildings (Appendix D). The covenant only regulates no cutting of trees, unless one of the conditions as outlined in the covenant exists for cutting, and then the RMOW written consent to the tree cutting is not to be unreasonably withheld if the condition arises.

Zoning Bylaw Amendment No. 2073, 2015 could not proceed as currently written if Council wished to impose this stipulation. Part of the owners' proposal was they would relocate their storage shed out of the LCB1 area onto the proposed TP4 portion of the property so that the building could be used and permitted. This is shown on the site plan attached to this report as Appendix B from Administration Report No. 15-038.

The RMOW could prevent any further construction of buildings or structures on the proposed segment of the property to be rezoned TP4 through a no build covenant. This covenant could be written to either permit or prohibit the storage shed as proposed.

11. Are there restrictions to the number of guests in any of the pension, bed & breakfast, TA or RTA zones?

Zoning Bylaw No. 303 regulations for pensions, bed & breakfast, TA and RTA zones do not restrict the number of guests. Municipalities have been cautioned by the Courts that regulating people through a Zoning Bylaw may be constitutionally challenged.

The BC Building Code stipulates when an occupancy load for sleeping accommodation exceeds 5 bedrooms an alarm system is required. The BC Building Code does not specify the number of permitted guests per room.

12. What recourse is there for noise, speeding cars, litter complaints?

Complaints of a nuisance nature (i.e. litter, noise) may be handled by bylaw enforcement to the extent that Council has passed a bylaw to regulate these issues. Complaints regarding disturbance of the peace or speeding vehicles should be reported to the RCMP.

13. Are Tourism Whistler fees and hotel tax applicable?

At the January 13, 2015 Council meeting, staff verbally advised Council that the property was not designated as Resort Lands subject to Tourism Whistler fees. This is consistent with all other pensions within the municipality. TW does not specifically provide marketing services for Whistler's Pension or Bed & Breakfast properties. Historically the property has paid the MRDT (hotel tax). This tax is payable where four or more units of accommodation are offered. When the pension is rented as a single unit of accommodation to a family or a group through a single person, then the MRDT is not payable.

Site Plan & Key Plan
w/ Descriptive Survey

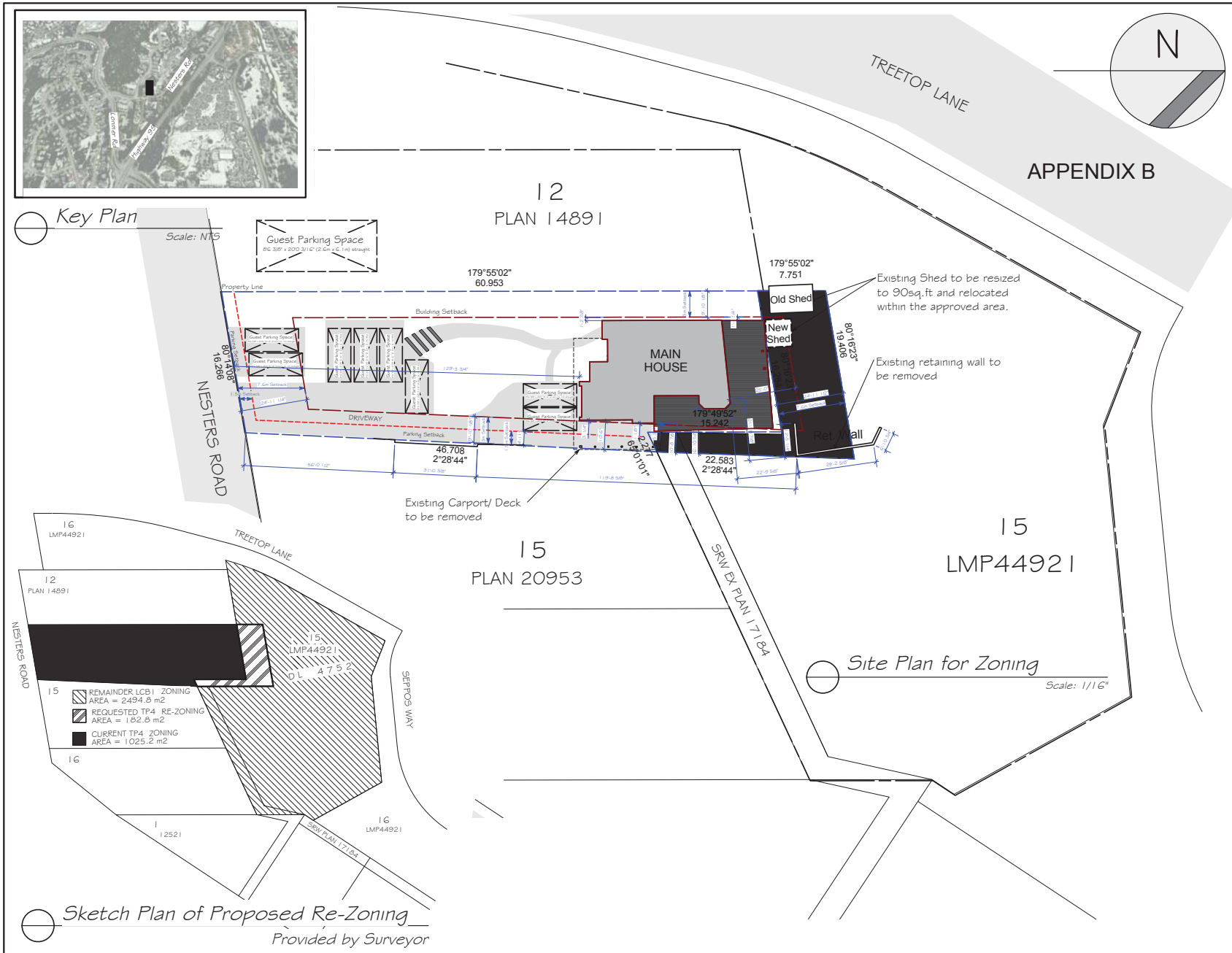
1/16" (Imperial Scale)

A-001

2. Issue for Zoning Permit. Oct 21, 2014.

Drawn By:
Scott Densmore

Question	Answer
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	



TP4 (Tourist Pension Four)

Intent

The intent of this zone is to provide for pension use within a residential area.

2. On a parcel in a TPR zone:

Permitted Uses

- 2.1 The following uses are permitted and all other uses are prohibited:
- a) auxiliary buildings and auxiliary uses;
 - b) one auxiliary residential dwelling unit provide it is contained within the principal building;
 - c) pension; and
 - d) park and playground.

Density

- 2.2.1 The maximum permitted density is a gross floor area of 465 square metres or a floor space ratio of 0.35, whichever figure is lower.
- 2.2.2 The maximum number of guest rooms in a pension is based on the parcel area as shown in Table 15-A.

TABLE 15-A

Actual Permitted Parcel Area (square metres)	Maximum Number of Guest Rooms
928.6	5
928.6 – 991	6
992 – 1044	7
1045 or greater	8

Height

- 2.3 The maximum permitted height of a building is 7.6 metres.

Site Dimensions

- 2.4.1 The minimum permitted area of a parcel to be created by subdivision is 928.6 square metres.
- 2.4.2 The minimum permitted frontage of a parcel is 24 metres.

- 2.4.3 The minimum permitted usable site area of a parcel to be created by subdivision is 85 percent of the total parcel area.

Site Coverage

- 2.5 The maximum permitted site coverage is 35 percent.

Setbacks

- 2.6.1 The minimum permitted front setback is 7.6 metres.
- 2.6.2 The minimum permitted side setback is 6 metres.
- 2.6.3 The minimum permitted rear setback is 7.6 metres.

Off-Street Parking and Loading

- 2.7 Off-street parking and loading shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw.

Other Regulations

- 2.8.1 A maximum permitted gross floor area for any one guest room is 28 square metres.
- 2.8.2 The minimum gross floor area for any guest room is 9.5 square metres.
- 2.8.3 An auxiliary residential dwelling unit shall contain a gross floor area no greater than 75 square metres and no less than 32.5 square metres.
- 2.8.4 The placing of more than one principal building on a parcel is prohibited.
- 2.8.5 An auxiliary residential dwelling unit may contain a kitchen and up to two bedrooms, one bathroom, one living room and no other rooms.

LCB1 (Leisure Conservation Buffer One Zone)

Intent

The intent of this zone is to provide an area for passive recreation and nature conservation.

- 11 In an LCB1 Zone:

Permitted Uses

- 11.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary uses; and
- b) Buffer.

Density

- 11.2 No buildings are permitted.

Height

- 11.3 No regulations.

Parcel Area

- 11.4 The minimum permitted parcel area is 100 square metres.

Site Coverage

- 11.5 No regulations.

Off-Street Parking and Loading

- 11.6 No regulations.

Other Regulations

- 11.7 Wood fencing is allowed in this zone up to 1.9 metres in height.



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-064

FROM: Resort Experience, Planning

FILE: RZ 1102

SUBJECT: 4154 VILLAGE GREEN – REZONING FOR CRYSTAL LODGE
RESTAURANT

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council endorse further review of Rezoning Application No.1102: Crystal Lodge Restaurant.

REFERENCES

Location: 4154 Village Green

Legal Descriptions: Strata Lot 7 District Lots 1902 and 3020 Plan VR2028 and a portion of Lot 57
Plan VAPVAP19169 District Lot 1902 NWD Group 1

Owners: Burrard Group Ltd.

Current Zoning: CC1 (Commercial Core One)

Appendices: 'A' Location Map
'B' Architectural drawings

PURPOSE OF REPORT

The Burrard Group Ltd., owners of the Crystal Lodge, are proposing a major rejuvenation of the restaurant located in Village Square. The proposal seeks an increase in the restaurant floor area which requires a rezoning, the purchase of a portion of a Resort Municipality of Whistler property, and the realignment of a section of a buried sanitary sewer line. This report provides an outline of the project and issues to be addressed with respect to the rezoning, land acquisition and infrastructure relocation requirements.

A rezoning application received by the municipality requires Council endorsement for further review prior to the preparation of any related zoning amendment bylaws. This report describes the proposed rezoning application and seeks Council's endorsement for further review.

DISCUSSION

Background

The Crystal Lodge restaurant (currently operated as Beacon Pub & Eatery) is located at 4154 Village Green in Whistler Village, with frontages on Village Stroll, Golfers Approach and the Village Square (Appendix 'A'). The restaurant space is owned by the Burrard Group Ltd. who also own the Crystal Lodge building. In 2004, Council granted development permit approval (DP 415.7) for a comprehensive renovation to the Crystal Lodge building. DP 415.7 included a 33.4 square metres of gross floor area (GFA) addition to the restaurant on the main level with minor increases to the footprint of the building on the west, north and east sides. Approximately 17.8 square metres was on the Crystal Lodge property and the remaining 15.6 square metres to be located on the adjacent property (Lot 57) owned by the municipality. The proposal included extensive exterior and interior

renovations, including the enclosure of an underutilized patio adjacent to Golfer's Approach to add 27 indoor seats and decrease the outdoor seating by 10 seats. The proposal was part of a comprehensive rejuvenation of the entire Crystal Lodge north wing, all of which was completed except for the restaurant component.

In August 2008, a revised design proposal (DP1033) was submitted for review with modifications to the approved exterior design, an increase in the GFA expansion for the restaurant over that approved in DP 415.7, and an access ramp encroaching on to Village Stroll South. Staff expressed support for the concept but raised concerns with some of the specific aspects of the proposal. In 2009, the owner decided not to pursue the 2008 submission.

In February 2015, Burrard Group Ltd. submitted a new proposal with modifications to the restaurant design, an increase in the proposed GFA over that approved in DP 415.7 with a portion located on top of a buried sanitary line, a new location for ramp access, additional outdoor seating areas encroaching into Village Stroll South, and a green roof design. The proposal contemplates a comprehensive rejuvenation of the restaurant as shown in the architectural drawings provided in Appendix B.

The proposal includes a reconfiguration of the interior space by relocating the kitchen and washrooms to the basement and a new accessible washroom on the first floor. The exterior design remains complementary to the exterior renovations completed to the Crystal Lodge under DP 415.7 by using high quality durable materials of local stone, heavy timber, and wood frame café style casement opening windows. The proposed exterior renovations create an indoor/outdoor connection with pedestrians, and increase visual transparency of the building by optimizing the use of glass and a new "feature" stairway with glazed storefront facing retail arcade on Golfers Approach. A green roof over the restaurant is proposed for visual interest from Village Square and surroundings, as well as a new public art display case in the retail arcade.

The 2015 proposal also includes a request to increase the overall seating capacity for the restaurant both indoors and outdoors. The total seating capacity would increase from 214 to 266. The indoor seating capacity would increase from 100 to 150. The outdoor seating capacity would increase from 114 to 116. To achieve the proposed outdoor seating capacity requires an expansion of two patio areas into the Village Stroll South for approximately 34 seats, with one of these areas located in front of the retail units in the Crystal Lodge arcade. Additional planters with public seating benches are proposed encroaching into Village Stroll South to accommodate new or relocated trees displaced by the expanded restaurant building and/or the expanded outdoor seating areas.

The proposal is consistent with the Whistler Village Rejuvenation and Reinvestment Initiative (WVRRI) endorsed by Council in July 2014, with the goal of supporting and facilitating reinvestment in upgrades to the existing infrastructure of Whistler Village through the selective use of available tools to the resort municipality. The WVRRI includes consideration of the municipality's Whistler Village Density Policy G-24. This report includes a review of the proposal with regards to the WVRRI tools available to the municipality and Density Policy G-24 guidelines.

Rezoning Proposal

Burrard Group Ltd., have applied to amend the density provision of the CC1 (Commercial Core One) zone to add approximately 107.2 square metres of GFA for the Crystal Lodge parcel for an addition to the existing restaurant. The rezoning application includes 42.2 square metres of GFA on the first and second floors located on the existing Crystal Lodge property, and 65 square metres of GFA (40.7 sq.m on first floor and 24.3 sq.m on second floor) on the municipally-owned property (Lot

57) with minor increases to the footprint of the building on the west, north and east sides as shown on drawings in Appendix B. The maximum GFA would be increased from 7,168 square metres to 7,275.2 square metres to accommodate the proposed additions for restaurant use.

The proposal requires the acquisition and amalgamation of a 54.2 square metres portion of the adjacent municipal parcel (Lot 57) to ensure the Crystal Lodge parcel's maximum Floor Space Ratio (FSR) of 3.5 is not exceeded and the proposed building is located on a single parcel.

The proposal also requires the relocation of a buried sanitary sewer line currently located under a portion of the open patio to be undertaken by the proponent. If Council authorizes staff to proceed with further consideration of the application a preliminary sewer relocation assessment plan would be prepared by a qualified professional engineer to confirm the feasibility of the proposed relocation and how the associated works may be completed to minimize the intrusion and disruption.

Advisory Design Panel (ADP) Review

Staff have conducted an initial review of the design concept and overall support the design concept for further review subject to addressing preliminary comments related to form and massing, relocation and realignment of infrastructure services, and location of a new ramp. Upon further design development staff will bring forward the proposal for ADP comment. The rezoning proposal will be submitted to the ADP for review prior to Council consideration of the proposed amending bylaws.

WHISTLER 2020 ANALYSIS

Overall, the proposal supports the Whistler 2020 strategies of visitor experience, built environment, energy and finance.

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Visitor Experience	The resort is comfortable, functional, safe, clean and well-maintained.	Further design development is needed to ensure the proposed development improves and enhances accessibility, vibrancy and the overall pedestrian experience in the immediate Village Stroll/Golfers Approach/Village Square and not detract from it.
	The resort community's authentic sense of place and engaging, innovative and renewed offerings attract visitors time and time again.	
Built Environment	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscales and evoking a dynamic sense of place.	
	To maintain vibrancy, Whistler Village is the core of the resort community.	The proposal is consistent with the general requirements of the Whistler Village Density Policy
	Limits to growth are understood and respected.	
Energy	Energy is... used efficiently through market transformation, design, and appropriate end use. The energy system is continuously moving towards a state whereby a build-up of emissions and waste into air, land and water is eliminated.	Green building commitments that meet the Green Building Policy will be a condition of adoption of the zoning amendment bylaw.

Finance	Financial principles, practices and tools employed by both the public and private sectors encourage behaviour that moves Whistler toward success and sustainability.	The proposed renovations will enhance the financial success and sustainability of the restaurant, and thus Whistler.
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W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Energy	The energy system is continuously moving towards a state whereby a building-up of emissions and waste into air, land and water is eliminated.	Energy is required to manufacture the necessary building materials and implement the renovation.

OTHER POLICY CONSIDERATIONS

Zoning and Parking Bylaw 303

The proposed expansion to the restaurant space is consistent with the CC1 zone as a permitted use. The maximum permitted GFA for the property is proposed to be amended from 7,168 square metres to 7,275.2 square metres and increase of 107.2 square metres (1,154 sq.ft.) area.

The proposed additional restaurant GFA minus the GFA (33.4 square metres) for parking upgrades completed in 2004-06 under DP 415.7, the remaining 73.8 square metres will require 3 parking stalls. The building owner is requesting a variance to not require these additional parking stalls based on the hotel staff's observations that typically there are unused parking spaces on the property. The loading arrangements remain unchanged using the kitchen and service areas access through the existing "back-of-house" corridor.

Land Acquisition

The proposed location of 65 square metres of the proposed increase in GFA will require the proponent to purchase an approximately 54.8 square metres area of Lot 57 as shown on Appendix B, through the appropriate municipal acquisition process. All costs associated with the land acquisition (i.e., appraisals, notices, surveys, legal fees) will be paid by the applicant.

Whistler Village Rejuvenation and Reinvestment Initiative

On July 15, 2014 Council endorsed staff recommendations for implementing the Whistler Village Rejuvenation and Reinvestment Initiative (WVRRI), with the goal of supporting and facilitating reinvestment in upgrades to the existing infrastructure of Whistler Village.

The proposed redevelopment and expansion of the restaurant represents a comprehensive rejuvenation in a high profile location on the Village Stroll and adjacent to the Village Square. The WVRRI tools that are proposed to facilitate the improvements are, the rezoning for the additional increase in GFA of 107.2 square metres, the sale and transfer of a portion of Lot 57, encroachment of a new accessibility ramp on the stroll, and the amendment of license agreements to relocate buried infrastructure and associated rights of way onto municipal property.

Whistler Village Density Policy

The Whistler Village Density Policy G-24 contemplates requests from property owners for limited additional density in the CC1 zone. The policy applies to all rezoning applications for parcels within the CC1 zone that propose to increase the permitted density beyond the base density established for that parcel.

This proposal is similar to a proposal to increase the permitted density on a parcel however it also includes a request to purchase a portion of the adjacent municipally-owned parcel to amalgamate with the existing parcel to ensure the maximum FSR calculation of 3.5 for all CC1 parcels is not exceeded under the Whistler Village Density Policy.

The proposed additional GFA for the restaurant use represents less than 1.5 percent of the existing density for the parcel and meets all of the general requirements of the Whistler Village Density Policy. Initial resort community benefits proposed by the applicant include:

- Accessibility improvements through the incorporation of a ramp to access the retail level from the stroll level
- Improvements in restaurant visibility, life, colour and interest;
- Changes to the base of the building and building connection to the site;
- Entrance improvements;
- Year-round seating improvements (concept includes new patio areas and exterior walls incorporating more glazing with operable windows;
- Proposed green roof to replace existing restaurant roof for visual interest from Village Square and surroundings

Consistent with the policy, further design development is required to further evaluate the proposal prior to preparation of a zoning amendment bylaw.

Official Community Plan

Whistler's OCP outlines specific items for review with respect to rezoning applications. A brief summary follows:

Table 1: OCP Criteria for Evaluating Proposals for Zoning Amendments

OCP Criteria	Comments
Capable of being served by municipal water, sewer and fire protection services.	Yes.
Accessible via the local road system.	Yes.
Environmental Impact Assessment	n/a
Traffic volumes and patterns on Highway 99 and the local road system	Significant change in vehicular volumes is not anticipated. Further study is not required.
Overall patterns of development of the community and resort	Consistent with the OCP policy of primary location for commercial development to continue to be in either Whistler Village, Upper village or Whistler Creek precincts.

Municipal Finance	No known negative impacts. Supports visitation, room nights and hotel tax. Revenue to be generated through the sale of a portion of RMOW lands required for the proposed expansion of the restaurant. Refer to the budget Considerations section of this report for more details.
Views and Scenery	The proposed location of the building mass addition is not expected to substantially affect views and scenery.
Existing Community and Recreation Facilities	No impact.
Employee Housing	Refer to the Works and Services Charges Bylaws section in this report.
Heritage Resources	n/a
The project must exhibit high standards of design, landscaping and environmental sensitivity.	This is desired by the applicant and evident in the preliminary submission and will be ensured through the development permit process.
The project will not negatively affect surrounding areas by generating excessive noise or odours.	No negative effects are anticipated.
The project maintains high standards of quality and appearance.	This is proposed by the applicant and will be ensured through the development permit process.
No development will be approved if it would negatively impact a designated municipal trail system, recreation area, or open space.	Further design development is need to ensure the proposed development improves and enhances accessibility and the overall pedestrian experience in the immediate Village Stroll, Golfers Approach and Village Square areas and not negatively impact the pedestrian circulation and gathering functions in the area.

OCP Development Permit Area Guidelines

The Crystal Lodge is located within Development Permit Area #1 of the Whistler's OCP, requiring the proposed development to obtain a Development Permit and approval from Council. The Development Permit shall be in accordance with the Development Permit Area #1 guidelines for form and character, protection of the natural environment and protection from hazardous conditions. The development permit plans to be prepared for submission and Development Permit consideration by Council are contingent upon the proposed rezoning and land transfer decisions that form part of this rezoning application.

Green Building Policy

The municipality has an opportunity to require specific commitments in respect of green building features through its discretionary authority to enact and amend zoning bylaws. The municipality's Green building Policy has six broad green building objectives, as well as performance goals by building type. For commercial development, the 2012 performance goal is LEED Gold, or 50% better than MNECB (Model National Energy Code for Buildings). Green building considerations will be addressed through the design development process.

BUDGET CONSIDERATIONS

The proposed development will be subject to rezoning application processing fees, development permit application processing fees and building permit fees.

The proposed additional floor area for the restaurant will generate applicable development cost charges for sewer, water, transportation, recreation, and employee housing at time of building permit application.

All costs associated with staff time for the rezoning application, public hearing, notices, and legal fees will be paid by the applicant.

All costs associated with the land transfer and an appraisal to establish fair market value for the lands, will be paid by the applicant.

All fees for the rezoning and land sale will be required to be paid in full as a condition of adoption of the zoning amendment bylaw.

COMMUNITY ENGAGEMENT AND CONSULTATION

The required information sign has been posted at the subject property to allow for public inquiries about the application.

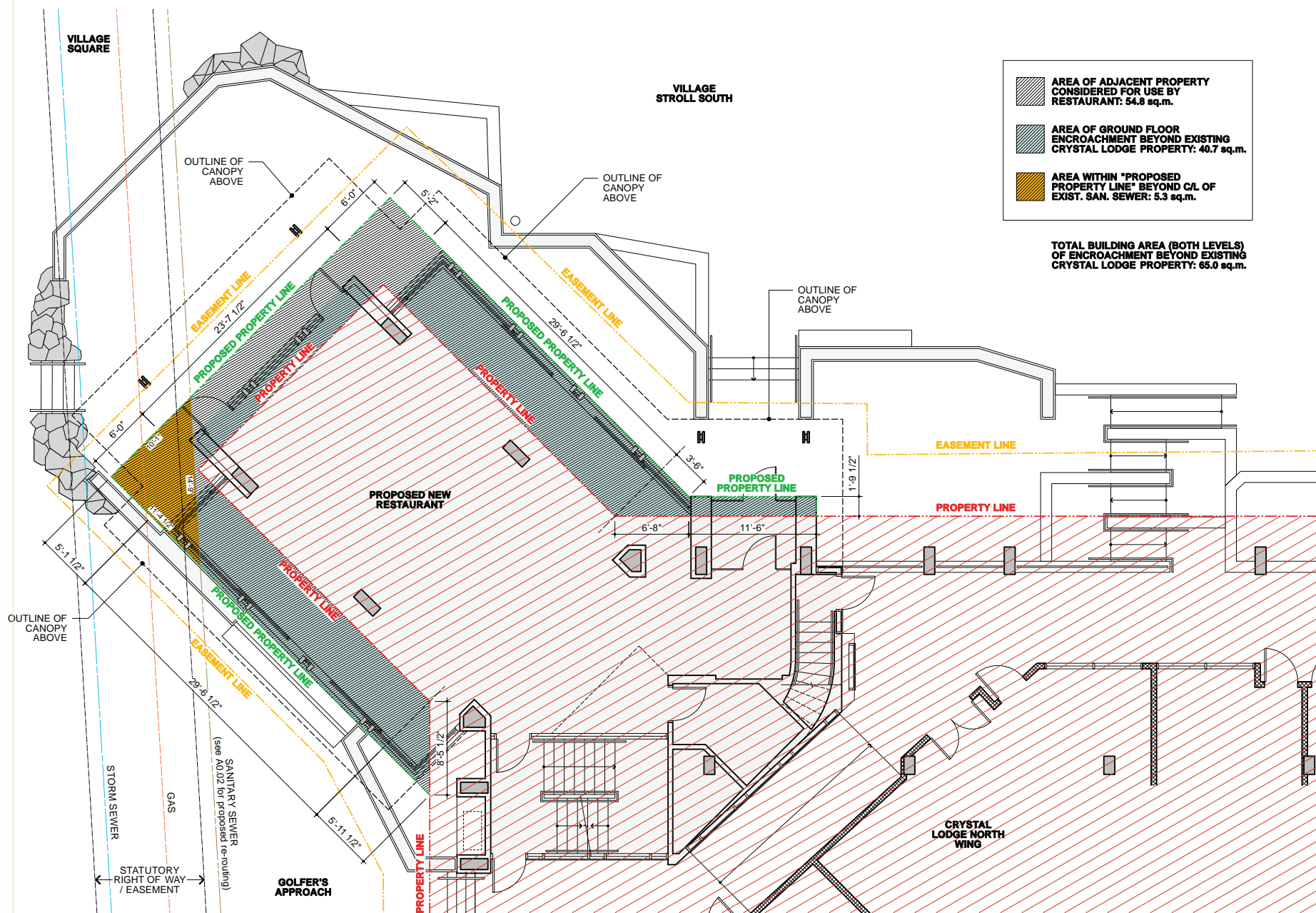
A public hearing, which is subject to public notice requirements, is required as part of the statutory process for a zoning amendment bylaw consideration.

SUMMARY

This report requests authorization to initiate further review of Rezoning Application No. 1102; Crystal Lodge restaurant addition and the sale of a portion of municipally-owned property.

Respectfully submitted,

Robert Brennan, MCIP
PLANNER
for
John Rae
ACTING GENERAL MANAGER OF RESORT EXPERIENCE



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ISSUES
23 Feb 2015 Issued for Rezoning Application


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Crystal Lodge Restaurant Expansion & Upgrade

Client: BURRARD GROUP

Project Address:
4154 Village Green, Whistler, BC

scale	date
1/4"=1'-0"	23 Feb 2015
project code	status
CPT-R	Revisiting
Drawn	checked
DF	MO

 **Proposed Property Use Diagram - Level 1**

drawing number
A1.11



1 north elevation - Proposed
1/8" = 1'



2 north elevation - Existing
1/8" = 1'

Legend

- 1 existing stone
- 2 new stone *
- 3 new wood frame window with clear glazing
- 4 existing window
- 5 new standing seam metal roof ***
- 6 existing standing seam metal roof
- 7 existing stone
- 8 new wood beam ***
- 9 new wood truss ***
- 10 new wood column ***
- 11 new wood fascia ***
- 12 new wood panel ***
- 13 existing fascias
- 14 new wood planter box ***
- 15 existing tree
- 16 relocated tree
- 17 new stone coping
- 18 new wood bench ***
- 19 new signage location
- 20 existing signage
- 21 original steel handrail (Crystal Lodge "Twining Way")
- 22 new metal fascia / parapet **
- 23 new public art display case
- 24 new glass display case w/ wood frame
- 25 new painted metal and door
- 26 new wall-mounted ski rack
- 27 new bike / ski rack
- 28 existing lamp post
- 29 relocated lamp post

* new stone walls to match existing stone at Crystal Lodge
 ** new metal roof to match existing metal roof at Crystal Lodge (Crystal Lodge)
 *** new wood truss to match existing wood at Crystal Lodge (Crystal Lodge)

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Issued:
23 Feb 2015 Issued for Permitting Application

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Crystal Lodge Restaurant Expansion & Upgrade

Client: BURRARD GROUP

Project Address:
4154 Village Green, Whistler, BC

scale	date
1/8" = 1'-0"	23 Feb 2015
project code	status
C01 B	Permitting
drawn	checked
DF	MD

Building Elevations

drawing number:
A3.01

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21 Feb 2015 Issued for Reviewing Application



1 east elevation - Proposed
1/8" = 1'



2 east elevation - Existing
1/8" = 1'

legend

- 1 existing stone
- 2 new stone *
- 3 new wood frame window with clear glazing
- 4 existing window
- 5 new standing seam metal roof ***
- 6 existing standing seam metal roof
- 7 existing stucco
- 8 new wood beam ***
- 9 new wood baffle ***
- 10 new wood column ***
- 11 new wood brace ***
- 12 new wood panel ***
- 13 existing louvers
- 14 new wood planter box ***
- 15 existing tree
- 16 relocated tree
- 17 new stone coping
- 18 new wood bench ***
- 19 new signage location
- 20 existing signage
- 21 metal stone meshed (Crownstone "Covering Night")
- 22 new metal beam / parapet **
- 23 new public art display case
- 24 new glass display case w/ wood frame
- 25 new painted metal exit door
- 26 new wall-mounted ski rack
- 27 new bike / ski rack
- 28 existing lamp post
- 29 relocated lamp post
- * new stone ready to replace existing stone of Crystal Lodge
- ** new metal roof to match existing metal roof of Crystal Lodge (replaced Chevrolet)
- *** new wood designed to match existing wood of Crystal Lodge (Photo L. Lumbert & Son)

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Crystal Lodge
Restaurant
Expansion &
Upgrade

Client: BURRARD GROUP
Project Address:
4154 Village Green, Whistler, BC

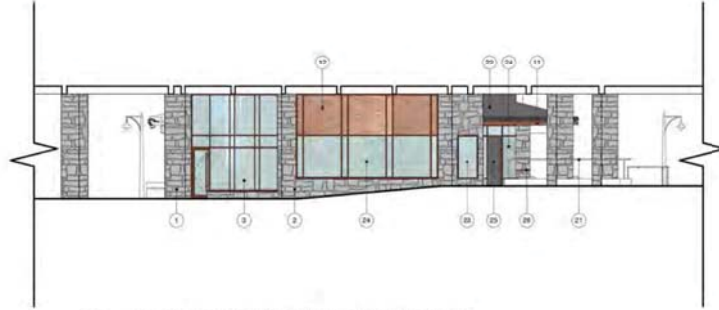
scale	drawn
1/8" = 1'-0"	23 Feb 2015
project code	status
CVE 11	Reviewing
drawn	checked
DI	MD

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23 Feb 2015 Issued for Review Application



1 west elevation - Proposed
1/8" = 1'



3 south elevation (retail arcade) - Proposed
1/8" = 1'



2 west elevation - Existing
1/8" = 1'

- Legend**
- | | |
|--|--|
| 1 existing stone | 16 relocated tree |
| 2 new stone * | 17 new stone coping |
| 3 new wood frame window with clear glazing *** | 18 new wood porch *** |
| 4 existing window | 19 new signage location |
| 5 new existing beach metal roof ** | 20 existing signage |
| 6 existing standing seam metal roof | 21 existing steel handrail (Diamond Plate Clearing Sign) |
| 7 existing stone | 22 new metal fascia / pergola ** |
| 8 new wood beam *** | 23 new public art display case |
| 9 new wood table *** | 24 new glass display case w/ wood frame |
| 10 new wood column *** | 25 new painted metal end door |
| 11 new wood base *** | 26 new wall-mounted pin rack |
| 12 new wood panel *** | 27 new bike / bike rack |
| 13 existing boulders | 28 existing lamp post |
| 14 new wood planter box *** | 29 relocated lamp post |
| 15 existing tree | |
- * new stone walls to match existing stone of Crystal Lodge
** new metal roof to match existing metal roof of Crystal Lodge (Diamond Plate Clearing Sign)
*** new wood related to match existing wood of Crystal Lodge (Pond & Limestone Sign)

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Crystal Lodge Restaurant Expansion & Upgrade

Client: BURRARD GROUP

Project Address:
4154 Village Green, Whistler, BC

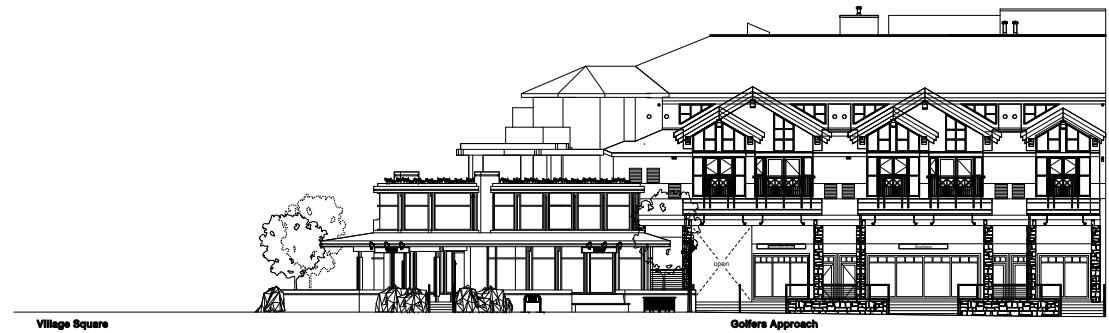
scale	date
1/8" = 1'-0"	23 Feb 2015
project code	status
C01-01	Accounting
drawn	checked
DF	MD

Building Elevations

drawing number:
A3.03

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ISSUES
23 Feb 2015 Issued for Rezoning Application



1 North West Elevation
3/32" = 1'-0"



2 North East Elevation
3/32" = 1'-0"

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Crystal Lodge
Restaurant
Expansion &
Upgrade
Client: BURRARD GROUP
Project Address:
4154 Village Green, Whistler, BC

scale	date
3/32" = 1'-0"	23 Feb 2015
project code	status
CRY-R	Rezoning
drawn	checked
DF	MO

Contextual
Elevations
drawing number
A3.04



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-065

FROM: Resort Experience

FILE: RZ1106, Bylaw 2088

SUBJECT: BLUEBERRY LAND USE CONTRACT AMENDMENT TO THE GROSS FLOOR
AREA DEFINITION FOR SINGLE-FAMILY AND DUPLEX DWELLING

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council consider giving first and second readings to Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015; and,

That Council authorize the Corporate Officer to schedule a public hearing regarding Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015 and to advertise for same in the local newspapers; and further,

That Council authorize the Mayor and Corporate Officer to execute any resultant legal documents upon adoption of the bylaw.

REFERENCES

Appendix A – Bylaw and Template Agreement

PURPOSE OF REPORT

This report describes a proposed amendment to change the existing Blueberry Hill Land Use Contract's gross floor area definition to be the same as the definition in Zoning Bylaw No. 303 allowing for excluded floor areas in basements, crawlspaces and void spaces. The amendment would apply to all single-family and duplex properties subject to the Blueberry Land Use Contract.

DISCUSSION

Background

On May 12, 2012, Council amended the Zoning Bylaw to permit basement floor areas to be excluded from the gross floor area calculation detached and duplex dwellings in the Municipality. The amendment also eliminated the option for new over-height crawlspaces by covenant, and limited all crawl spaces and void space to a maximum height of 1.5 metres. Under the new rules, basement floor area at an elevation of at least 1 metre below the average level of finished ground adjoining the exterior walls of the building, to a maximum of 125 percent of the floor area of the storey immediately above, is excluded from the floor area calculation.

Not all properties in the Municipality are regulated by zoning. In the case of Blueberry Hill, these properties are governed by a land use contract. When Council approved the zoning amendments in 2012, Council also supported extending similar floor area exclusions to areas covered by land use contracts. However, land use contracts must be amended with the consent of both the municipality

and the land owner, resulting in most applications being made on an applicant-initiated, site-specific basis. To date, Council has approved eight of these site-specific amendments, all of which have been initiated by property owners seeking to take advantage of the new Zoning Regulations.

Looking for a more efficient way to process these applications, staff contacted the Municipality's legal counsel in March with an idea of bringing forward a "blanket" amendment to the Blueberry Land Use Contract, where Council would preapprove the amendment by bylaw for single-family and duplex properties and land owners could then elect to give written consent to the change afterwards. This method was endorsed by the RMOW's solicitor and the proposal before Council is consistent with that approach.

Land Use Contract Amendment Proposal

The Blueberry Land Use Contract definition for gross floor area is as follows:

"gross floor area means the total floor area of all buildings on a parcel or land within the boundaries of a strata plan measured to the outer limits of a building including all areas giving access thereto such as corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies and mezzanines, enclosed porches or verandas, **but excluding auxiliary parking, unenclosed swimming pools, hot tubs or saunas or sundecks, elevators or ventilating machinery, unenclosed stairwells, balconies, porches, canopies, sun shades, and any other similar features to the extent which such features are permitted in the front, side, and rear setbacks under the Zoning By-law of the Municipality;...**" (Emphasis added by report author)

This definition includes below-grade floor area in the calculation of gross floor area, meaning owners of detached and duplex properties regulated by the Blueberry Land Use Contract are not eligible to exclude basement floor area from the gross floor area calculation like property owners subject to the Zoning Bylaw can. The new definition provides for the existing floor area exemptions that are found in the existing land use contract definition.

The proposed Land Use Contract Amendment Bylaw replaces the current land use contract gross floor area definition for the subject properties with the following:

"“gross floor area” has the meaning given in section 2 of the Resort Municipality of Whistler Zoning and Parking Bylaw, No. 303, 1983 as amended from time to time”

This definition essentially adopts the gross floor area definition in the Zoning Bylaw; therefore permitting single-family and duplex properties regulated by the Blueberry Land Use Contract to exclude basement and over height crawlspaces from the calculated gross floor area. All other exclusions provided for in the existing Land Use Contract definition of gross floor area are provided for in the Zoning Bylaw definition. Thus no existing exemptions are lost to the property owners.

Section 930(2) of the *Local Government Act*, requires a land use contract to be amended with the written consent of the land owner. If the proposed bylaw, Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015, is approved by Council, each property owner will be required to sign an agreement (Appendix A) in order to take advantage of the amendments. Once signed, the agreement will then be sent to the Provincial Land Titles Office which will update the Land Use Contract for the owner's property. Owners who do not wish to take advantage of the amendments can simply do nothing and no changes will be made to the rules affecting their properties. Land use contracts are registered on the title of the each property, so determining if a property has benefited from the amendments can easily be determined by a title search.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected. Building design, construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses.	The amendments are consistent with Council direction for permitting excluded basement gross floor area for detached and duplex dwelling unit types.
Economic	Locally owned and operated businesses thrive and are encouraged as an essential component of a healthy business mix.	Many local contractors, designers and suppliers benefit from being able to assist property owners to improve their homes.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
	None.	

OTHER POLICY CONSIDERATIONS

Blueberry Hill Land Use Contract

All other Blueberry Hill Land Use Contract regulations (e.g. building setbacks, height, site coverage, permitted uses, works and service charges, parking requirements, etc.) will remain in effect.

Official Community Plan

Like zoning, land use contracts regulate land use, making the proposed land use contract amendment similar to a rezoning application. Whistler's Official Community Plan Bylaw No. 1021, 1993 (1993 OCP), provides policies for considering rezoning applications. A brief summary of the applicable policies follows. The proposal is consistent with all applicable policies of the OCP.

OCP Criteria	Comments
Proposals that increase the bed unit capacity of the municipality will only be considered if the development: provides clear and substantial benefits to the resort; is supported by the community in the opinion of Council; will not cause unacceptable impacts on the community, resort or environment; and meets all applicable criteria set out in the OCP.	The proposal does not increase the bed unit capacity.
Capable of being served by Municipal water, sewer and fire protection services.	Yes.
Accessible via the local road system.	Yes.
Comply with Environmental Impact Assessment process in Schedule O.	For those properties that are within designated environmental areas and wish to construct excluded floor space, environmental considerations, will be addressed on a site-specific basis.
Traffic volumes and patterns on Highway 99 and the local road system.	The proposed amendment does not increase the number of dwelling units or the parking requirements.

Overall patterns of development of the community and resort	Blueberry Hill is designated on Schedule B as a Development Area. Under Policy 4.1.1, the lands outlined in Schedule B are designated for development of residential and commercial accommodation.
Views and Scenery	Building height and setbacks regulations would not change from that permitted under.
Employee Housing	Employee works and service charges are not payable.
Community greenhouse gas emissions	Energy use and Greenhouse gas emissions for excluded floor area were estimated by the illegal space task force in 2012 to be low. Any projected emissions increases resulting from the proposed amendment does not require incorporation of extraordinary measures to minimize and/or mitigate any projected emissions other than adherence to the British Columbia Building Code.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	No impact.

BUDGET CONSIDERATIONS

Proposed renovations or new construction will be subject to building permit fees at time of building permit application. All costs associated with staff time for the land use contract amendment application, public hearing, notices, and legal fees have been accounted for under the existing Planning Department budget.

COMMUNITY ENGAGEMENT AND CONSULTATION

A public hearing, which is subject to public notice requirements, is required as part of the statutory process for bylaw consideration and adoption.

SUMMARY

This report presents Land Use Contract Amendment Bylaw (Blueberry Hill) No. 2088, 2015 for single family and duplex dwellings subject to the Blueberry Hill Contract. The proposed amendment will create a revised definition for gross floor area to exclude basement floor areas aligning the rules with those in Zoning Bylaw No. 303. This report recommends Council consider first and second readings and scheduling of a public hearing.

Respectfully submitted,

Jake Belobaba

Senior Planner

for

John Rae

ACTING GENERAL MANAGER OF RESORT EXPERIENCE

**RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT AMENDMENT AUTHORIZATION BYLAW (BLUEBERRY HILL) NO. 2088,
2015**

A BYLAW TO AUTHORIZE AMENDMENTS TO THE BLUEBERRY HILL LAND USE CONTRACT

WHEREAS a land use contract may, under s.930 of the *Local Government Act*, be amended by bylaw with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment;

AND WHEREAS the Council wishes to authorize the Resort Municipality to enter into agreements to amend a land use contract with the owners of certain parcels of land in the Resort Municipality, to make the method of calculating the gross floor area of detached and duplex dwellings permitted under the land use contract consistent with the method set out in the Resort Municipality's Zoning Bylaw;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as "Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015"
2. This bylaw applies to land charged with the Land Use Contract registered in the Land Title Office as G2947, provided that the permitted use of the land under the Land Use Contract is limited to Single Family Dwellings or Duplex Dwellings.
3. The Corporate Officer is authorized to enter into a Land Use Contract Amendment Agreement in the form attached as Schedule A to this bylaw, with the owner of any parcel of land described in section 2 of this bylaw.

Given first and second readings this __ day of _____, ____.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was this __ day of _____,

Given third reading this __ day of _____, ____.

Approved by the Minister of Transportation this __ day of _____, ____.

Adopted by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015.

Shannon Story,
Corporate Officer

SCHEDULE A

**LAND USE CONTRACT MODIFICATION AGREEMENT
(BLUEBERRY HILL LAND USE CONTRACT)**

BETWEEN:

[INSERT NAME AND ADDRESS OF REGISTERED OWNER]

(the "**Owner**")

AND:

The **RESORT MUNICIPALITY OF WHISTLER**, a municipality incorporated under the *Resort Municipality of Whistler Act*, having a civic address at 4325 Blackcomb Way, Whistler, British Columbia, V0N 1B4

(the "**Resort Municipality**")

WHEREAS:

- A. The parties (or their predecessors in title) entered into a land use contract which was registered in the Land Title Office under charge number G2947 pursuant to section 702A of the *Municipal Act*, RSBC 1960, chapter 255 (the "**LUC**");
- B. The Resort Municipality has authorized, by bylaw adopted pursuant to s. 930 of the *Local Government Act*, the amendment of the LUC with the agreement of the owner of any parcel charged with the LUC provided that the permitted use of the parcel under the LUC is limited to Single Family Dwellings or Duplex Dwellings;
- C. The Owner is the legal and beneficial owner of land having a civic address of [INSERT CIVIC ADDRESS] in the Resort Municipality of Whistler and legally described as:

[INSERT LEGAL DESCRIPTION]

(the "**Land**");

- D. The LUC restricts the density of development on the Land by defining the term "gross floor area" and setting a limit on the maximum gross floor area that is permitted to be developed on the Land;
- E. The method of calculating "gross floor area" in the LUC is not consistent with the method of calculating "gross floor area" in the Resort Municipality's Zoning and Parking Bylaw, No. 303, 1983, as amended (the "Zoning Bylaw"); and,

- F. The parties wish to amend the LUC to make the method of calculating gross floor area in the LUC consistent with the method of calculating gross floor area in the Zoning Bylaw, in accordance with this Modification Agreement;

NOW THEREFORE in consideration of the promises and covenants herein, and the sum of One Dollar (\$1.00), the receipt and sufficiency of which is acknowledged by the Resort Municipality, the parties agree as follows;

MODIFICATIONS

1. The LUC is hereby amended by deleting the text in subsection 2(h) and replacing it with the following text:

""gross floor area" has the meaning given in section 2 of the Resort Municipality of Whistler Zoning and Parking Bylaw, No. 303, 1983 as amended from time to time".

GENERAL

2. This Modification Agreement will, from and after the date of its registration in the Land Title Office, be read and construed along with the LUC and treated as part thereof and the LUC, as modified by this Modification Agreement, will continue to be of full force and effect.
3. This Modification Agreement is for the benefit of and is binding on the parties and their successors.
4. This Modification Agreement shall be governed and construed in accordance with the laws of British Columbia.
5. This Modification Agreement may be executed and delivered in any number of counterparts and by facsimile or e-mail transmission with the same effect as if all parties had signed and delivered the same document and all counterparts will be compiled together for registration and will constitute one and the same agreement.

IN WITNESS WHEREOF the parties hereto have executed this Modification Agreement with effect as of the date set forth above on Form C Part 1 to which this Modification Agreement is attached and which forms part of this Modification Agreement.

END OF DOCUMENT



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-066

FROM: Resort Experience

FILE: RZ1107

SUBJECT: ZONING REGULATIONS FOR SHIPPING CONTAINERS

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council direct staff to prepare a zoning amendment bylaw to prohibit the use of shipping containers in residential zones and regulate the use of shipping containers in other zones for conventional shipping and storage uses; and further

That Council direct staff to report to Council with respect to any applications to install shipping containers in residential zones while the bylaw is under preparation in accordance with section 929 of the *Local Government Act*.

REFERENCES

Appendix A – University of Fraser Valley Report: Intermodal Shipping Container Fire Safety

PURPOSE OF REPORT

The main purpose of this report is to obtain authorization from Council to prepare an amendment to Zoning Bylaw 303. The amendment would prohibit shipping containers in residential areas while allowing conventional shipping, industrial and commercial uses of shipping containers to continue where appropriate. The report also recommends that powers for withholding approvals for shipping containers in residential areas be exercised under section 929 of the *Local Government Act*.

DISCUSSION

Background

Shipping containers were developed in the 1950's as a standardized, multi-modal method of transporting goods. The containers are theft resistant, weather resistant, stackable and can easily be loaded onto ships, trucks or trains. However the containers are suitable for their intended use for only a relatively short period; often measured in months. When a shipping container reaches the end of its intended life, it is typically sold for other uses at a reduced cost. The rise in offshore manufacturing has resulted in a dramatic increase in inbound shipping; as a result, North America has an abundance of used shipping containers available to the consumer.

The features that make shipping containers ideal for shipping make them an appealing alternative to outbuildings for commercial, residential and industrial property owners. Containers range in size from 6'x6' to 8'x40'. Shipping containers are also commonly used for temporary storage for construction sites, disaster areas and special events.

Some moving companies also use shipping containers to provide a low cost alternative to traditional moving companies. A container is dropped off at a residence and filled by the residents over a period of time. Once the container is filled, the moving company moves the container to the new residence, the residents remove their possessions and the container is removed by the company once empty.

Many designers, do-it-yourselfers, and entrepreneurs have also seen opportunity in recycling shipping containers into other forms, such as buildings, public art, underground storage, emergency response facilities, affordable housing, swimming pools and fallout shelters.

Issues with shipping containers

The widespread use of shipping containers has raised many concerns for municipalities. Generally these concerns fall into two broad categories: aesthetics and safety.

Aesthetics

Shipping containers have a distinct and purely utilitarian design. Because they are stackable, they can be arranged into large, rectilinear assemblies. In residential areas, the look and scale of metal shipping containers can easily overwhelm and stand out from surrounding residential buildings. This is particularly true in Whistler, where an “alpine” style, utilizing natural looking materials, landscaping, colours and forms, is the prevailing vernacular in most neighbourhoods. Shipping containers will generally appear out of place and inconsistent with the desired character of Whistler’s residential neighbourhoods.

Health and safety

Modifying/altering a container to become a building requires compliance with the BC Building Code and other health and safety regulations. When health and safety codes are disregarded, containers are easily and cheaply reconfigured into workshops or other buildings. Because safety codes don’t specifically speak to shipping container conversions, specialized expertise, design and construction techniques are often required. The cost and difficulty of these techniques may discourage owners from obtaining proper approvals to build compliant structures. A broad range of serious health and safety risks arise when containers are altered for other uses without proper approvals. Examples of these of unpermitted conversions have been discovered in Whistler and are under active enforcement.

When used strictly for storing goods, shipping containers are generally safe. However, recent studies have shown that the storage of flammable gas or liquids in storage containers, even in quantities of less than 1 litre, can create an explosion hazard if the container is exposed to fire. In these cases, the tight seals of the container trap a buildup of vapours released from the heated flammables. Once the vapours ignite, the output of energy is contained by the container, then released explosively once the walls and doors of the container fail. In 2011 a firefighter in Enderby was killed by a flying door when a shipping container exploded under these conditions. Other, non-fatal explosions under similar circumstances have also been documented (Appendix A). These explosions may be prevented by avoiding storage of flammable liquids and gases in containers or installing vents on the containers.

Existing regulations applying to shipping containers

Currently the Zoning Bylaw does not explicitly address where shipping containers used for storage are and are not allowed. Industrial and commercial zones allow a varying mix of shipping and storage uses that may, depending on the zone, allow shipping containers to be used for their intended use (shipping) or storage uses. Examples include, warehousing, shipping and trucking facilities. In residential zones, storage incidental to a residence (e.g. storing household tools and gardening equipment) is permitted broadly as an “auxiliary use”. Lot coverage, density and setback regulations apply to structures used for these purposes. Zoning regulations can be enacted that prohibit the use of shipping containers as residential storage structures.

It is important to recognize that all properties in the municipality are permitted some degree of “shipping” use regardless of zoning (e.g. getting furniture delivered from a container on a truck or a dropping off construction materials in a container on a construction site). This creates some ambiguity between using a container for “shipping” versus “storage”. The moving companies described in this report are an example of this. There are opportunities to bring reasonable flexibility and clarity to the different uses of containers with new zoning definitions and exemptions.

Initial research suggests that no provincial or federal regulations have been enacted to address the explosion hazard created from the storage of flammable liquids and gases in shipping containers. Municipal bylaws can be enacted to prohibit fuel storage or allow fuel storage only if vents are properly installed and inspected.

Proposed bylaw

Staff are requesting authorization from Council to bring forward a zoning amendment generally prohibiting shipping containers in residential areas. It is expected that the proposed amendments will account for temporary uses of shipping containers under reasonable circumstances, such as storage on active construction sites, moving, and special events. The bylaw is not expected to prohibit the conventional use of shipping containers in industrial and commercial zones but is expected to contain regulations intended to address certain hazards such as the explosion hazard noted above.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscales and evoking a dynamic sense of place.	New regulations for shipping containers will protect the visual aesthetic of the community.
Built Environment	Building design, construction and operation is characterized by efficiency, durability and flexibility for changing and long-term uses	Discouraging unpermitted conversions of shipping containers will contribute to properly constructed and durable building stock.
Health and Social	The resort community is safe for both visitors and residents, and is prepared for potentially unavoidable emergency events.	Increased enforcement and new rules will reduce hazards associated with shipping containers

BUDGET CONSIDERATIONS

All costs of preparing the bylaw, notifying property owners and enforcement can be covered under the existing Planning, Fire, Bylaw and Building department budgets.

COMMUNITY ENGAGEMENT AND CONSULTATION

A public hearing will be required prior to adoption of the bylaw. Staff are currently compiling an inventory of residential properties where shipping containers are located and will notify the property owners of the proposed bylaw changes.

SUMMARY

Bringing forward a zoning amendment bylaw for Council consideration will bring clarity to regulations surrounding shipping containers and uphold built form and health and social objectives of Whistler 2020. Staff recommend endorsing the recommendations in this report as proposed.

Respectfully submitted,

Jake Belobaba
SENIOR PLANNER
for
John Rae
ACTING GENERAL MANAGER OF RESORT EXPERIENCE

Intermodal Shipping Container Fire Safety

A Way Towards Better Practices



Don Delcourt and Len Garis

July 2014

Dedication

This study is dedicated to Captain Daniel Botkin, who died in the line of duty in Enderby, British Columbia on December 29, 2011. Captain Botkin was killed when a shipping container adjacent to a burning structure exploded unexpectedly. Captain Botkin, members of the fire service, and the owner of the shipping container were unaware of the potential for catastrophic failure of shipping containers when they are exposed to high temperatures.

Captain Botkin was the fire department's training officer. He had dedicated his fire service career to the safety of others, especially firefighters. He died heroically serving his community and watching over his fellow firefighters.

In dedicating this document to Captain Daniel Botkin, the authors acknowledge the loss of Captain Botkin, and the loss to his family, friends and community. This document is published with the hope that in learning from the tragic circumstances that led to the death of Daniel Botkin, others may live.

Executive Summary

1. More than 16 million shipping containers are being used to transport goods around the world, and millions of these containers become surplus every year and are repurposed as buildings or structures.
2. The surplus containers are popular for use as temporary or permanent structures because they do not need assembly and are inexpensive, weather resistant, structurally strong, sealed and theft-resistant. They are used for a wide range of purposes, including construction offices, electrical rooms, and storage of various items, including flammable gases and liquids.
3. Fire and explosion incidents, such as the line-of-duty death of a Fire Captain in Enderby, British Columbia in 2011, have drawn attention to the need to recognize and mitigate the fire hazards related to shipping containers. In that incident, a fire in an adjacent building caused a low-speed explosion in a shipping container in which small volumes of flammable liquids were stored. The explosion blew out the container doors, one of which struck and killed the Fire Captain. In a 2013 incident in Saanich B.C., a leaking barbecue propane tank stored in a shipping container caused an explosion that destroyed the container, but luckily did not cause any serious injuries.
4. The steel shipping containers are constructed to withstand being loaded, stacked, twisted and dropped, and their walls are built to handle shifting loads. As a result, they can withstand a considerable build-up of internal pressure before they fail catastrophically.
5. A number of jurisdictions around the world have developed regulations to address the increased use of shipping containers as structures and their unique safety hazards.
6. Best practices suggest that key mitigation strategies include:
 - Regulating the use, allowed contents and any potential fire risks,
 - Weakening the structure to prevent high pressures from building up inside (e.g. by installing explosion-relief panels, replacing doors with lightweight walls or installing conventional doors and windows),
 - Providing openings to vent smoke that will help those outside the container identify potential issues inside the container, and
 - Developing of standard operating procedures for shipping container fires that address incident size-up, hot and exclusion zones, and fire attack planning.
7. To ensure the safety of the public and firefighters, the following actions are recommended:
 - Communicate the fire safety hazards of shipping containers,
 - Put in place national, provincial and local government regulations of the use of shipping containers as temporary buildings and structures,
 - Regulate the materials stored in shipping containers,
 - Provide information on how shipping containers can be modified to be safer, and
 - Introduce operating procedures that can be used by the fire service to safely deal with shipping container fires.

Purpose of the Study

The purpose of this Study is to help to understand the fire hazards related to using shipping containers as temporary or permanent buildings and help prevent injuries to the public and the fire service. The study intends to raise awareness of the hazards and describes recommended practices and actions, including increased regulation of the use of shipping containers as buildings and the materials stored in them, modifications to make shipping containers safer, and procedures for the fire service in managing shipping container building fires. To prepare this study, research was conducted into shipping container fires and regulations governing the use of shipping containers in Canada and abroad.

Background

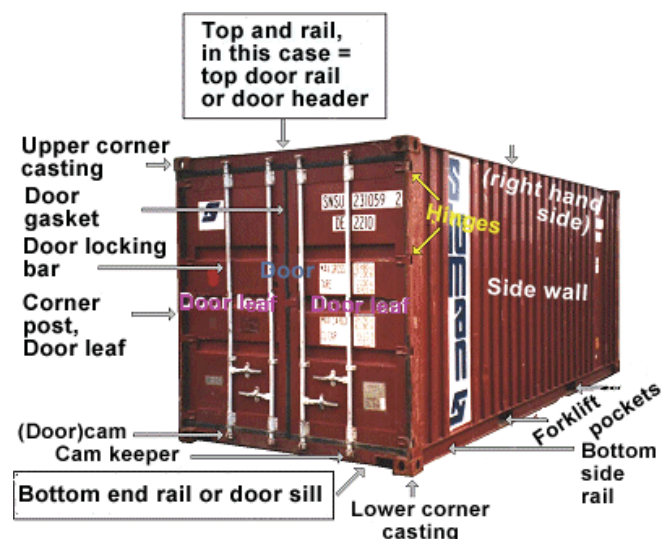
More than 16 million shipping containers are being used around the world to transport goods and materials on ships, trains and trucks. Millions of these containers become surplus every year and are repurposed as buildings or structures.

The 2011 line-of-duty death of volunteer Fire Captain Daniel Botkin in Enderby, British Columbia was a wake-up call for the fire service about the fire hazards of using shipping containers as temporary or permanent buildings. In this incident, it was determined that a fire in a building adjacent to a container that was storing small volumes of flammable liquids caused an internal low-speed explosion that blew out the container doors. One of these doors struck and killed Fire Captain Botkin.

In a more recent incident, a leaking barbecue propane tank stored in a shipping container in Saanich, B.C. exploded in April 2013 and destroyed the container. Parts of the container landed 274 metres [300 yards] away and the walls were flattened. Luckily, no one was seriously injured in this incident.



2013 shipping container explosion in Saanich B.C.



Container features

Shipping containers are made of steel and range in size from 1.5 to 16 metres [five to 53 feet] long. The containers are 2.4 metres [eight feet] wide and 2.6 metres [8.5 feet] high, with steel doors at one end. Some containers have small vents on the ends at the top for air pressure equalization, due to changes in the ambient air temperature. These vents are a series of three rows of three 3.2 to 6.4 millimetre [1/8 to 1/4 inch] holes cut through the steel wall and covered by a metal or plastic outer cover. Depending on their size, containers have two, four or six of these vents.

Typical containers are designed to be stacked six to nine high and to hold weights of 32,205 kilograms [71,000 pounds]. The side walls are designed to withstand shifting loads of up to 60% of the permitted load, and the end wall and doors are designed to withstand 40% of the permitted load. As a result, internal pressures can build to the point that the containers fail catastrophically.

Ultimately, the features that make shipping containers secure from theft and structurally sound also make them a fire safety hazard.

Enderby Line-of-duty Death Incident – Summary

At 3:51 a.m. on December 29, 2011, a fire at a log construction facility in Enderby, B.C. was reported to 911. At 4:01 a.m., the first fire truck arrived on site with 15 firefighters (including the Deputy Fire Chief and four Fire Captains), along with two pumpers and a rescue truck. The fire had apparently started in a modular trailer and spread to the large production building where log structures were assembled.

A shipping container was being stored under a roofed addition to the production building and sat about two metres (6.6 feet) from the burning building. The container was 2.4 metres (eight feet) wide, 2.6 metres (8.5 feet) high and 12 metres [40 feet] long. At several times during the fire, smoke was seen coming from the equalization vents and overheating door gaskets, and water was directed onto the container or its area.



A shipping container that held gas-powered tools and about a litre of flammable liquids was exposed to extreme heat when the building next to it caught fire. The evidence indicates that the flammable liquids vaporized and exploded, blowing off the container doors.

At about 5:05 a.m., a Fire Captain climbed on top of the container to attack the fire in the production building. At the time, he did not find the roof to be hot. The Incident Commander grew concerned about the possible failure of the production building structure and pulled the firefighters away from the building and shipping container. The operation went into the mop-up stage.

At 5:15 a.m. the shipping container ruptured and:

- One side of the shipping container along the roof line tore along the length,
- The container roof along the production building was torn and bent upward,
- The sides and end of the container were bent outward, and
- Both of the 113 kilograms [250 pound] metal doors were blown off.



The photo above shows the bending of one of the container doors that was blown off in the explosion.

One of the doors struck Fire Captain Botkin and landed 41 metres (135 feet) southwest of the container and the second door was found 54 metres (177 feet) northwest of the container. Fire Captain Botkin died at the site.

Analysis

The various investigation reports indicate the explosion was caused by 0.5 to 1.5 litres (0.13 to 0.4 gallons) of gasoline/oil from two chainsaws and 0.5 litres (0.13 gallons) of methyl hydrate. Witnesses advised that the fire impinged on the shipping container for 45 to 55 minutes before the explosion. As noted above, 10 minutes before the explosions a Fire Captains was on top of the shipping container directing a hose line at the production building fire, but did not find the top of the container steel to be warm.

The WorksafeBC and the Office of the Fire Commissioner reports identified the specific fuels that could have been involved in the Enderby incident, but they had difficulty identifying the ignition scenario. An NFPA advisor helped form the conclusion that a "low volume detonation" occurred.

Enderby Line-of-duty Death Incident – Analysis

Some information is available on the ISO construction standards for shipping containers when used for their original purpose of transporting goods and materials. These standards have been changing to consider the containers' operating conditions. The older container had fewer air compensating vents compared to the newer containers, and the range of sizes of shipping containers has also increased.

The only document that could be found on the fire testing of shipping containers is the 1977 US Coast Guard report "Fire Performance of Intermodal Shipping Containers." The report looked at both fires in the containers and exposure fires impacting the containers. The internal testing involved a wood crib fire inside the container that vitrified or consumed the internal oxygen before all the wood was consumed. The air compensating vents did not affect the test results. The second exposure tests involved 65m² JP5 spill fires exposing single and stacked containers. These tests indicated that the internal temperatures reached 230°C in four to nine minutes. The conclusion was there was a potential for "ignition or charring" of Class A materials within five minutes.

Fuels

The general conclusion is that the fuels involved in the Enderby incident were 500 millilitres (0.13 gallons) of methyl hydrate (methanol), or approximately one litre of gasoline and oil mix (0.4 gallons), or the combination of the two. The following tables provide information on the characteristics of the methanol and gasoline, and propane and hydrogen for comparison.

Characteristics of Common Fuels

Properties	Hydrogen	Propane	Methanol	Gasoline
Flammability limits				
LEL (%)	4.1	2.2	6	1.4
UEL (%)	74	9.5	36.5	7.6
Stoichiometric air/fuel ratio (weight)	34.3	15.7	6.45	14.7
Min. ignition energy	0.017	0.03	0.14	0.2
Auto-ignition Temperature (°C)	400	450	385 to 464	232 to 280
Vapour density	0.067	1.5	1.1	3 to 4
Burning velocity (cm/s)	312		56	40
Gross combustion energy			17.9 MJ/litre	34.8 MJ/litre

Key information from this table:

- When heated, the methanol vapours could rise and the gasoline vapours will still stay low,
- Methanol's auto-ignition temperature (AIT) is significantly higher than that of gasoline,
- The flammability ranges of methanol and gasoline are close, and
- Gasoline's combustion energy is significantly greater than that of methanol.

The temperature at the ceiling of the shipping container will also be higher than at the floor, which will result in lower minimum ignition energy. For example, the minimum ignition energy (MIE) for ethanol at 25 C is 0.40 mJ, but at 100 C the MIE is 0.21mJ. Also, the AIT will rise if there is an increase in pressure within the container.

Ignition Sources

The most difficult element to determine in the Enderby incident is the ignition source. Although the side of the shipping container facing the production building was exposed to direct flame that could have heated the steel to above the ignition temperature of the fuels, the fire captain who was on top of the container 10 minutes before the rupture indicated the roof was not hot. The report's key temperature indicator is that the plastic gas tanks had melted on two chainsaws hanging on the inside wall of the shipping container closest to the burning building. The chainsaw manufacturer advised WorkSafeBC that the melting temperature of the chainsaw plastic is approximately 200°C. This would indicate the spilling or boiling off gasoline was exposed to at least 200°C, and the AIT of gasoline is 232°C.

The US Coast Guard exposure tests had indicated that the container ceiling and at the two metre level temperatures were approximately 360°C within six minutes of the start of the test fire. Witnesses in the Enderby incident indicated there was flame impingement on the side of the container for 45 to 55 minutes.

Using the fire testing as a baseline, it could be concluded that the temperature near where the chainsaws were located (and losing gasoline and oil mix) could have been at least 200°C or considerably higher. It could then be theorized that this area of the interior of the container was heated by radiation, conduction and convection to above the auto-ignition temperature of the gasoline and possibly the methanol.

Container Characteristics

The US Coast Guard fire tests provide some background on the characteristics of shipping container fires, but do not give any critical information on the strength and venting of the performance. Based on published wall-loading information, a calculation of a conservative low estimate of the wall strength determined that the yield strength of the walls could be 7.0 kPa (1.0 psi) and the bursting strength of 8.4 kPa (1.22 psi). This is lower than the rough estimate of the container strength, but it is useful to determine the relative area of typical explosion relief panels.

The air compensating vents are designed to deal with climatic temperature changes without causing damage to the container. If the vents were not installed then small changes in temperature could dramatically increase the internal container pressure.

Using the Ideal Gas law and assuming that the container was not vented, the following table shows increases in pressures that could occur.

Pressure Increases Based on Temperature

Temperature above ambient	Resulting pressure increase
20°C	7.1 kPa (1.03 psi)
40°C	15.2 kPa (2.2 psi)
60°C	22.3 kPa (3.2 psi)
100°C	37.5 kPa (5.4 psi)

These vents will not bleed off sufficient pressure fast enough during a fire because the vents only amount to 0.0079% of the wall and roof area of a typical shipping container.

Venting Scenarios

In order to prevent a shipping container rupture similar to the Enderby incident, with similar fuels, calculations were made in accordance with NFPA 68-2012.

The following table indicates the required area of the explosion venting for the various fuels for standard 12-metre long containers that can withstand 7.0 kPa (1 psi) of internal pressure.

Required Area of Explosion Venting Based on Fuel

Fuel	Fuel volume causing the explosion	Maximum unvented pressure (Pmax)	Area of explosion vent	Percentage of the explosion vent area versus the area of the walls, doors and the roof
Methanol	0.5 litre (0.4 kg)	750 kPa (109 psi)	26 m ²	36.4 %
Gasoline	1.0 litre (0.72 kg)	780 kPa (113 psi)	25.9 m ²	36.3 %
Propane (for comparison)	1.0 kg	790 kPa (115 psi)	32.5 m ²	46 %

These vent areas are only for comparison because the key calculation factor of container strength is only a rough calculation.

The key conclusion is that even very small unregulated volumes of flammable liquids or combustible gases in shipping containers can possibly create a low energy explosion and the rupture of a shipping container.

Hazard Awareness and Regulation

Shipping containers are recognized as a safety concern when they are used to ship various goods and materials, including dangerous goods, on the roads, rail and ships. However, when they are used as buildings or structures, we do not recognize them as being a fire safety hazard. The Enderby and Saanich incidents are two examples of the fire safety hazard they can create.

Examples can be found of shipping containers being used for a variety of applications, including:

- Storage of fireworks,
- Storage of flammable gases and liquids at construction sites,
- First aid buildings at construction sites (with supplies of antiseptic alcohol or oxygen bottles),
- Construction offices,
- Recharge of hunting ammunition by hobbyists, and
- Electrical rooms or electrical vaults at construction sites (with the accompanying arc blast risk).

The key reasons shipping containers are used as temporary or permanent structures is that they are cheap to purchase, do not need assembly, are weather resistant, are structurally strong, are a sealed container, and are secure from theft. Also, these containers are not looked upon as buildings or structures, therefore skirt the building and fire approval requirements.

Shipping Container Regulation

A number of jurisdictions around the world have adopted planning or building bylaws and provincial bulletins to regulate the use of shipping containers. The following are some examples.

Canada

Vermillion, Alberta

- Containers are addressed in Bylaw #6-2010 Land Use Bylaw.
- Based on other Alberta land use bylaws.
- Defined as a structure (accessory building).
- No dangerous or hazardous materials or containers are permitted.
- No connected services are permitted.
- Permit requires compliance with the Alberta Building and Fire Codes.
- Containers are restricted to specific zoning.

City of Burnaby, British Columbia

- Shipping containers are defined as permanent buildings.
- Containers must comply with the British Columbia Building Code, and the design and field review must be performed by an architect or professional engineer.

Township of Laurentian Valley, Ontario

- Shipping containers used to store flammable and/or hazardous materials must be properly ventilated and placarded to identify the stored materials.
- Fire extinguishers must be installed in accordance with the Ontario Fire Code.
- A maintained road capable of withstanding the weight of firefighting equipment to within 45m of the container must be provided.

United States

Riverside, California

- Containers are defined as an accessory building.
- Building permit is required.
- One container is permitted per acre, to a maximum of two.
- No windows, plumbing, electrical and mechanical improvements are allowed.

Bellflower, California

Planning Department requires:

- Storage of materials must be approved by the Los Angeles Building Department and Los Angeles County Fire Department.
- Only one container is permitted for each 15,000 square feet of lot area.
- Compliance with Ordinance No. 853 is required.

County of Los Angeles, California

- A miscellaneous permit must be obtained with approvals from the fire department, etc.
- No flammable or combustible liquids or hazardous materials may be stored.

Sonoma County, California

- Different requirements are in place for temporary and permanent use for storage.
- Permit is required.
- For permanent non-storage use, sprinkler protection is required.

City of Santa Rosa, California

- Temporary storage use requires a temporary use permit.
- Permanent storage use requires a building permit, fire sprinklers and a hazardous materials management plan for HAZMAT use.

New York State

- Containers are defined as storage buildings and must meet the New York State Uniform Fire Prevention and Building Code
- Building permit is not required, but a fire safety inspection and a certificate of occupancy are required.
- Exit doors and a ventilation louver on one side must be installed.

Airway Heights, Washington

- Shipping containers are prohibited as accessory buildings or storage buildings except under permit.

International

Te Tari Kaupapa Whare, New Zealand

- Analysis has determined that shipping containers are buildings.

Department of Building and Housing, New Zealand

- Shipping containers are defined as buildings.

Cooma-Monaro Shire, New South Wales, Australia

- Shipping containers are considered as buildings.
- Exemptions exist for construction sites and farms.

Recommendations

Required Regulation

In order to regulate the fire safety of shipping containers, the following steps should be put into place:

1. Recognition in the National Building Code that shipping containers are regulated buildings or structures when they not used for the transport of goods and materials.
2. Recognition in the National Fire Code of the fire safety hazards of storing small volumes of dangerous goods in shipping containers. This can be accomplished by modifying Section 3.3 Outdoor Storage 3.3.1.1. Application 3.3.1.1. 2) c) “Intermodal shipping containers, except when containing dangerous goods” to clarify the shipping container fire and explosion hazards.
3. BC Building and Safety Standards Branch should issue a bulletin or advisory to:
 - a. Define shipping containers as buildings under the BC Building Code (similar to the March 2010 Shipping Container Advisory from the Government of Saskatchewan) and,
 - b. Change the BC Fire Code to recognize and attempt to mitigate the fire and explosion hazards caused by the storage of very small volumes of dangerous goods in shipping containers.
4. Local governments need to adopt bylaws to regulate the use of shipping containers as buildings within their jurisdiction. See Appendix A for a sample shipping container fire safety bylaw.

Mitigation and Prevention

Key mitigation strategies for shipping container fire safety are as follows.

1. Regulate

As noted above, it is key to regulate:

- What shipping containers are used for,
- What contents can be safely stored in them, and
- Potential fire risks the container may either be exposed to or may create for other critical structures or access points on the site.



Suggested solutions include a lower ventilation opening in the lower door (above) and an upper ventilation opening and wind vent (below).

Photos courtesy of BC Hydro Fire Marshal's office.

2. Weaken

Shipping containers should be weakened to prevent high pressures from building up that exceed their rupture strength. Currently, standard shipping containers are very strongly constructed in order to prevent theft and to withstand cargo loading and being stacked, twisted and dropped on ships, trucks and trains.



The containers can be weakened by:

- Installing explosion-relief panels that may have to exceed 25% of the wall surface,
- Replacing the end doors with lightweight walls, and
- Installing conventional doors and windows in the sides.

The degree to which the container has to be weakened depends on its use. If dangerous goods are to be stored, specially designed relief panels will have to be determined by a professional engineer. Small top and bottom vents can also create some low-level weakening and provide ventilation.

3. Venting

The lack of indication of what is happening inside the shipping container was one of the key issues with the Enderby incident. The firefighters were not fully aware of the hazardous conditions building inside the shipping container. The provision of the top and bottom-level openings at opposite ends of the container may have revealed the hazardous conditions by emitting smoke from the container. This may have allowed them to change their tactics.

4. Incident safety

Fire departments should consider having standard operating procedures in place that cover the incident size-up, hot and exclusion zones, and fire attack planning. Appendix B provides the framework for a typical Shipping Container Standard Operating Procedure.

Required Actions to Prevent Injuries from Shipping Containers

In order to prevent injuries to the public and the fire service, we must:

- Communicate the fire safety hazards of shipping containers,
- Put in place national, provincial and local government regulations of the use of shipping containers as temporary buildings and structures,
- Regulate the materials stored in shipping containers,
- Provide information on how shipping containers can be modified to be safer, and
- Introduce operating procedures that can be used by the fire service to safely deal with shipping container fires.

References

- BC Office of the Fire Commissioner (December 2011). Fire Investigation Report 2011-12-29-01.
- WorkSafeBC. Incident Investigation Report NI 2011116120216
- WorkSafeBC (April 2012). "Firefighter killed in explosion involving flammable liquids." Hazard Alert.
- US Coast Guard (1977). "Fire Performance of Intermodal Shipping Containers." Report CG-D-62-77
- R. Roberts, Roberts & Roberts (February 5, 2011). "Using Physical and Chemical Properties to Manage Flammable Liquid Hazards." Roberts & Roberts – Risk & Reliability Engineering (www.roberts-roberts.com).
- Emergency ManagementBC (July 2012). "Shipping container safety for fire personnel." Information Bulletin.
- John Bond. "Sources of Ignition - Flammability Characteristics of Chemicals and Products." Butterworth-Heinemann Ltd., 1991. Print
- NFPA 68. "Standard on Explosion Protection by Deflagration Venting."
- BC Hydro. "Shipping Container Explosion Venting Calculations" by J. McBryde P.Eng.

Authors' Biographical Information

Don Delcourt is the BC Hydro & Power Authority Fire Marshal, the Industrial Director for the Fire Chiefs Association of BC, and an Engineering Licensee with the Association of Professional Engineers and Geoscientists of BC. Contact him at don@enfireintel.com.

Len Garis is the Fire Chief for the City of Surrey, B.C. and is an Adjunct Professor in the School of Criminology and Criminal Justice at the University of the Fraser Valley, Affiliated Research Facility at the John Jay College of Criminal Justice, New York, and a member of the Institute of Canadian Urban Research Studies, Simon Fraser University. Contact him at LWGaris@surrey.ca.

Acknowledgement

The authors would like to thank the Fire Chiefs' Association of British Columbia, past and present executive, for their support in producing this study.

Appendix A – Sample Bylaw

Shipping Containers – Minimum Standards for the Use of Shipping Containers as Storage Buildings

Issue

Shipping containers are designed for overseas storage and shipping of material, equipment and hazardous material. These containers are normally poorly vented and are therefore able to build internal pressure. The containers easily behave like a closed vessel.

In December 2011, a B.C. firefighter was killed as a result of the catastrophic failure of shipping container exposed to an external fire. This container contained some minor amounts of flammable liquids (less than two litres was involved) and, as designed, had very little venting since the doors were closed and latched. The adjacent fire heated the container and contents, which resulted in a build-up of flammable vapours and pressure inside the container. Ultimately, the shipping container ruptured, tearing one of the top seams of the container and blowing out the latched and locked doors. One of the doors struck a firefighter standing about 10 metres away and the firefighter sustained fatal injuries.

In *<input name of local government>* shipping containers located within/on properties subject to fire inspections will be inspected for compliance. Shipping Containers used for storage of any flammable or combustible liquids, or combustible materials and other long term uses, will be considered as permanent buildings and therefore must meet the requirements of the BC Building and Fire Codes as well as *<input name of local government>* Bylaws.

Code Compliance

The container must meet, or exceed as indicated, all relevant requirements of BC Safety Codes such as, but not limited to:

- Division B – Part 3 & Division B – Part 4 of the BC Fire Code will apply in all cases
- There will be no electrical service to the container unless it exceeds all requirements of the BC Building, Fire and Electrical Codes for explosive/moist/wet environments. It must be fully explosion-proof and tested regularly to ensure compliance.
- The Dangerous Goods storage shall be restricted to materials that are declared at the permit stages. Any changes to the types of dangerous goods must be approved by the *<input local fire services name>*.
- No smoking shall be allowed in shipping containers.
- Where flammable liquids and combustible liquids are stored in the container, combustible construction shall be removed, provisions for spill containment installed, and the container shall be grounded. The dispensing of flammable liquids and the storage of open containers shall be prohibited in the shipping container.
- Compressed gases shall not be stored in the shipping containers. Limited amounts of aerosols shall be stored in the shipping containers and only when stored in metal cabinets.
- Shipping containers shall not be installed under power lines.

Location

The container must be positioned such that:

- There is a minimum separation of 1.5-3 metres between any non-combustible structure and the container to allow for firefighting access to the exposed structures.
- The shipping container must be located at least 6 metres from exits, windows or unprotected openings in the exposed building.
- Greater separation distances will be required based upon exposure to any combustible materials or structure.
- The container doors are positioned such that they face away from any other structure.
- The container doors must be positioned such that they face away from any means of road access to the container for fire personnel.
- No combustible materials may be placed near the container.

Identification

The container must be identified such that:

- UN Placards for all stored Dangerous Goods must be visible on the two container sides most visible to emergency responders.

- The name of the company/person responsible for the storage and an emergency telephone contact number must be marked on the container in lettering visible from 10 metres.
- The container and contents must be identified in the Fire Safety Plan.

Safety Features to Be Added

The container must have the following safety features in place prior to any use for storage:

- One ventilation opening must be added within 150 millimetres of the floor in the container door primarily used for opening.
- One ventilation opening must be added within 150 millimetres from the top of the container on the opposite end from the doors for cross ventilation.
- The high ventilation opening cannot be directly venting toward a structure.
- Neither ventilation opening can be obstructed by stored materials at any time and must be kept clean of internal and external debris.
- The additional ventilation openings must be constructed based upon the following minimums:
 - Two – 0.3 x 0.3 metre openings for containers six metres or less.
 - Two – 0.5 x 0.5 metre openings for containers over six metres.
 - Both openings will be covered by open grate wire mesh with greater than 50% free area.
 - Higher opening will also have a wind vent device, designed to generate a venturi effect during low wind speeds.
- Where heavier than air flammable and combustible liquids are stored in the container, a ventilation opening at low level should also be installed at the opposite end from the doors.
- Where 1A flammable liquids in quantities greater than four litres are stored in the shipping container, then provisions shall be made to comply with the requirements for withstanding an internal explosion as per the BC Fire Code, BC Building Code and NFPA 68.
- Alternate engineered solutions for ventilation and explosion protection will be considered.

NOTE: Standard existing environmental vents normally built into shipping containers ARE NOT ACCEPTABLE as ventilation openings for land-based storage applications. These were designed for air movement based upon atmospheric weather changes only and do not provide adequate air flow

Appendix A References

BC Hydro (2013). "Fire Marshall's Fire Safety Bulletin on Shipping Container Fire Safety."

WorksafeBC. Incident Investigation Report #2011 – 1476

Pitt Meadows Fire & Rescue Service. Draft Shipping Container Fire Safety Standard.

Appendix B – Sample Standard Operating Procedures

Shipping Container Fires – Standard Operating Procedures

Purpose: To provide tactical safety procedures for fire department response to a fire involving intermodal shipping containers.

Scope: Fire Department Personnel and Other Emergency Personnel

General Information:

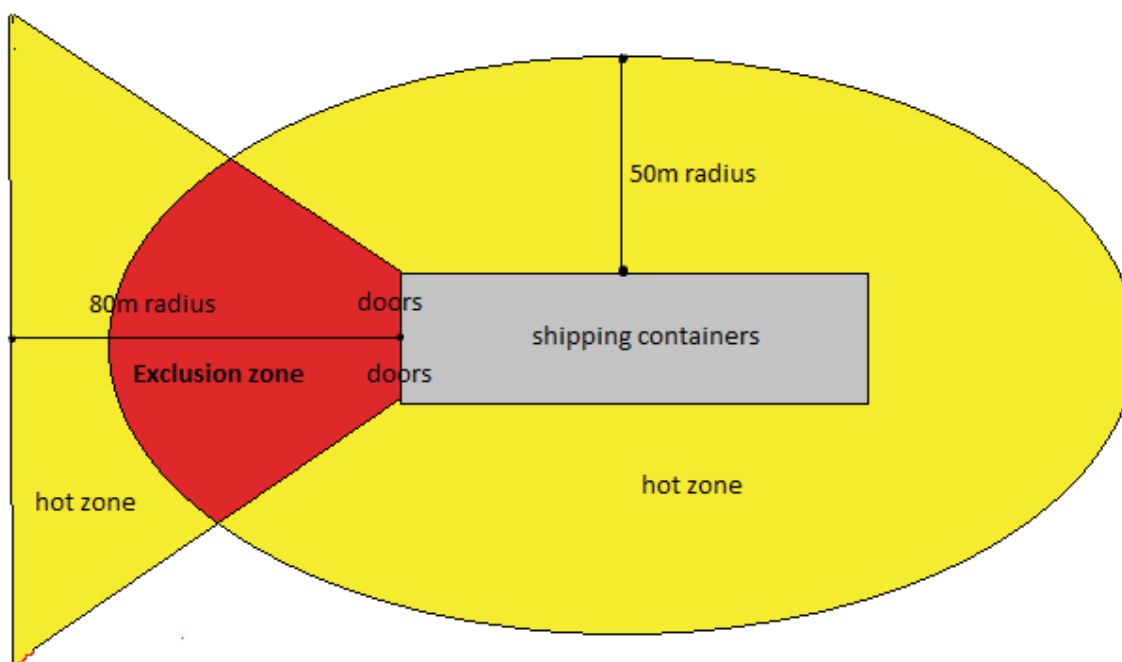
The use of shipping containers as buildings and structures has become widespread, but these uses and applications have not always been regulated from the fire safety perspective. These containers can create significant fire hazards to fire responders when there are fires adjacent to them or inside them. The 2011 Enderby firefighter line-of-duty death is an example of the exposure fire and explosion hazard created by the containers, and the 2013 Saanich explosion related to propane storage is another indication of the pressure build-up explosion that can occur.

These shipping containers are commonly being used as permanent, long term and temporary buildings and structures at farm sites, construction sites, industrial sites, commercial sites and residential sites. Their uses are only limited by the imagination of the end users. Examples of common uses are offices, first aid buildings, electrical rooms, storage buildings for all sorts of hazardous and non-hazardous materials, and shops for various uses, including an example where containers were used to store and reload ammunition. Some local governments have tried to control the use and application of these containers but there is little control over their sales and installation, therefore fire department responders must recognize the possible hazards they can create and take appropriate tactical safety precautions during a response to a location where they are located.

Shipping containers are designed to be very durable and very secure. They are designed to be stacked one on top of each other on container ships or to withstand being dropped, hit or subject to the pitching, rolling or vibration of a ship. One of the major advantages of shipping containers is they are very secure, which also becomes an issue when they are involved in a fire. The structural strength, secure nature of the doors and lack of venting make the containers a quasi-pressure vessel, therefore they can build up high pressure before they explode. As a result, an explosion or rupture can blow out the doors and tear apart the container. The Enderby incident has been theorized to have been caused by as little as 0.5 to 1.5 litres of gasoline and approximately 0.5 litres of methyl hydrate. This small volume of hazardous material caused the container doors to be torn off the hinges and container to be torn along one of the top steel seams. Shipping containers exposed to external fires or internal fires can result in a rupture or explosion caused by non-regulated volume of flammable liquids, and can create safety issues to first responders.

Procedures:

1. Upon arriving at a site with one or more shipping containers, the first incoming company should try to determine whether the incident has been initiated by a fire in the shipping container or whether a fire will expose the shipping container.
2. If the shipping container is exposed or involved in the incident, the company officer should maintain a 50-metre radius hot zone around the container and a 80-metre radius quadrant in front of the doors with limits of 45 degrees from the corners of the containers.
3. If the explosion has blown the roof off or the doors out, or has ruptured the container, then the hot zone can be reduced at the discretion of the senior officer.
4. A priority should be put on suppressing any fires that are adjacent to or against the shipping container while trying to keep out of the hot zone.
5. If the container must be approached in the hot zone, consider approaching the container at 45 degrees to the corners of the end opposite the doors.
6. To lessen the risk, unmanned oscillating ground monitor should be used.



7. Careful observations should be made of the involved container to determine the interior conditions of the container.
8. There may be UN placards or information in the prefire plan.

9. Information on the container contents may be available from the property owner or representative. Binoculars should be used to see if there are any of the following indications of internal heating within the container:

- Smoke from the heating gaskets.
- Smoke from the small atmospheric vents at the corners of the container.
- Smoke from any larger vents that have been added to the container.
- Indications of heat on the top or sides of the container, such as scorching or burn marks in the paint.
- Any warping or bulging of the container.

These observations may indicate there is a build-up of hot gases or flammable vapours that may lead to an explosive rupture.

10. Spray of water can be discharged onto the metal exterior to determine if there are any hot spots and their location.

The senior officer should then determine a fire attack plan based on any exposure fires, heating within the container and the criticality of the container risk within the fire ground. An aggressive attack may involve the insertion of a piercing lance through the container wall or through any large vents that have been added. A less aggressive attack would be to cool the roof and sides of the container down with a manned or unmanned hose line, until the container steel is no longer boiling off the water, and then access to the interior of the container.

Appendix B References

- WorksafeBC (April 2012). "Firefighter killed in explosion involving flammable liquids." *Hazard Alert*.
- Emergency ManagementBC (July 2012). "Shipping container safety for fire personnel." Information Bulletin.
- BC Office of the Fire Commissioner (December 2011). Fire Investigation Report 2011-12-29-01.
- BC Hydro (2013). "Fire Marshal's Fire Safety Bulletin on Shipping Container Fire Safety."
- Federal Emergency Management Agency (December 1999). "Developing Effective Standard Operating Procedures" FEMA FA-197.



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-067

FROM: Resort Experience

FILE: SEC 0013

SUBJECT: SEC 0013 – 6670 CRABAPPLE DRIVE – FLOOD PROOFING EXEMPTION

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council grant an exemption per Section 910 of the Local Government Act – “Construction requirements in relation to flood plain areas”, to allow for the construction of a new detached dwelling at 6670 Crabapple Drive varying the setback requirement from 15 metres to 11 metres; and further,

That Council authorize the Mayor and Corporate Officer to execute a Section 219 covenant on the title of the subject property for this exemption, attaching the engineering reports prepared for 6670 Crabapple Drive by Thurber Engineering Ltd, dated April 15, 2015 and February 6, 2015, providing notice to future property owners regarding geotechnical requirements.

REFERENCES

Owners: Pembina Buildings Ltd

Location: 6670 Crabapple Drive

Legal Description: Lot 15, Block F, District Lot 1755, Plan 14277, NWD

Current Zoning: RS1 (Single Family Residential One)

Appendix A – Subject Property Map

Appendix B – Proposed Building Plan

Appendix C –Engineering Reports

PURPOSE OF REPORT

This report seeks Council’s consideration to grant an exemption to the floodproofing requirements at 6670 Crabapple Drive to vary the Crabapple Creek setback requirement from 15 metres to 11 metres in order to accommodate the construction of a new detached dwelling at this address. The report also recommends the engineer’s reports that document geotechnical requirements be registered on the title of the property.

DISCUSSION

This subject property is located in the Whistler Cay neighbourhood at 6670 Crabapple Drive (Appendix A). There is a proposed detached dwelling to be built on the subject property (Appendix

B) and there are flood construction requirements in Zoning Bylaw 303 that are required to be met prior to issuance of a building permit.

Section 910 of the *Local Government Act* authorizes a local government to specify, by bylaw, flood proofing requirements including setbacks from watercourses and flood control levels. To that end, Part 5.4 of Zoning & Parking Bylaw 303, 1983 outlines floodproofing requirements throughout the Whistler valley.

Applicable regulations in this case are:

1. No building or part thereof shall be constructed within 15 metres of the natural boundary of any other nearby watercourse, in this case, Crabapple Creek; and
2. Nor lower than 1.5 metres above the natural boundary of any other watercourse (Crabapple Creek).

This application proposes to vary the first requirement as the proposed detached dwelling will be 11 metres from the natural boundary of Crabapple Creek. The second requirement for the flood construction level has been met as the detached dwelling is proposed to be 1.88 metres above the natural boundary of Crabapple Creek. There are engineering reports (Appendix C) that have been received for the application and address geotechnical concerns consistent with legislated requirements. The engineering reports will be appended to a Section 219 *Land Title Act* restrictive covenant to provide notice to any future owners.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected	Development on the site is regulated by the <i>Riparian Areas Regulation</i> and setback restrictions in the Zoning Bylaw.
Health and Social	The resort community is safe for both visitors and residents, and is prepared for potentially unavoidable emergency events	Engineers' reports are provided to ensure that the proposed detached dwelling is safe for its intended residential use.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Natural Areas	A policy of no net habitat loss is followed, and no further loss is preferred.	There will be some habitat loss associated with this development but the development of a detached dwelling is permitted by the Zoning Bylaw. A Riparian Assessment Report is provided with the building permit to minimize any habitat loss in the Riparian area.

OTHER POLICY CONSIDERATIONS

Local Government Act

Section 910(4)(b) authorizes Council to grant an exemption to the flood proofing requirements provided it has received a report from a professional engineer certifying that the lands are safe for

the use intended. To that end, RMOW staff is in receipt of reports, from Thurber Engineering Ltd addressing geotechnical requirements consistent with legislative requirements.

BUDGET CONSIDERATIONS

There are no budget implications associated with this proposal. Section 910 exemption application fees provide for recovery of costs associated with processing this application.

COMMUNITY ENGAGEMENT AND CONSULTATION

None required.

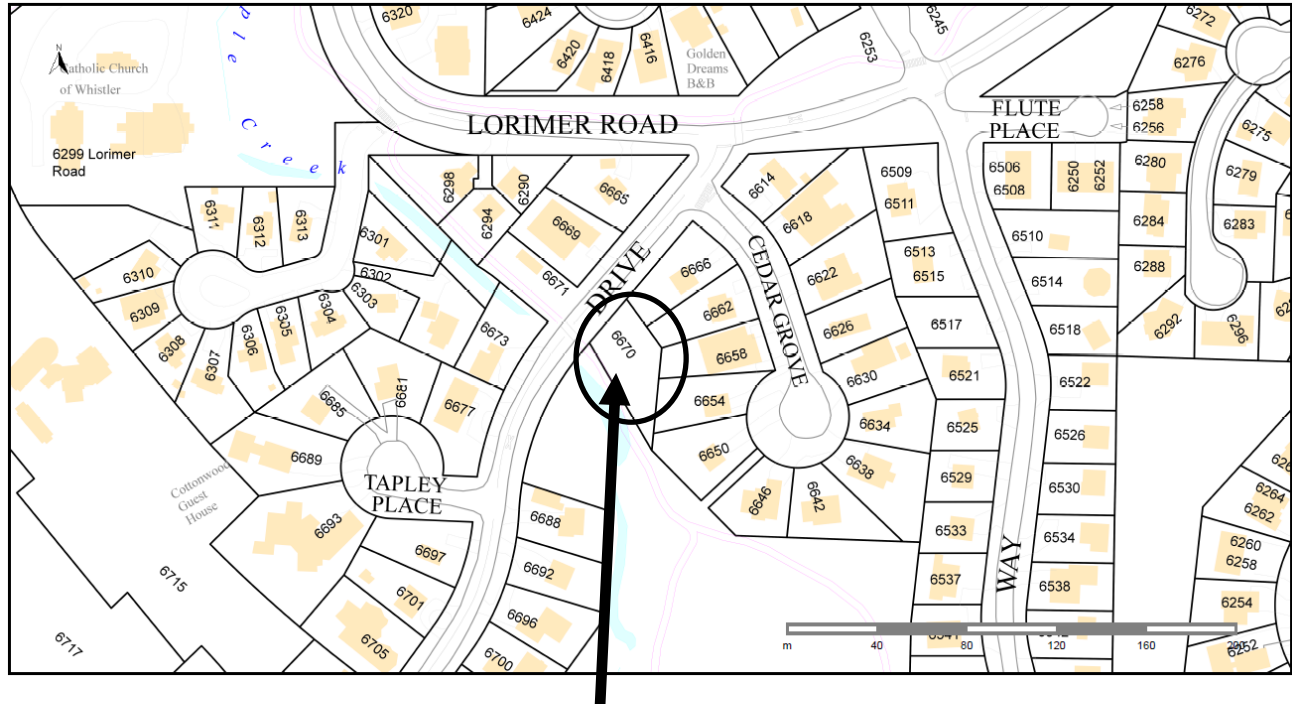
SUMMARY

This application is before Council for consideration to exempt 6670 Crabapple Drive from setback requirements from 15 metres to 11 metres to allow for the construction of a detached dwelling. Per the requirements of Section 910 of the *Local Government Act*, engineering reports in support of this application have been prepared by a Professional Engineer. The reports will be attached to the property title by way of a Section 219 covenant.

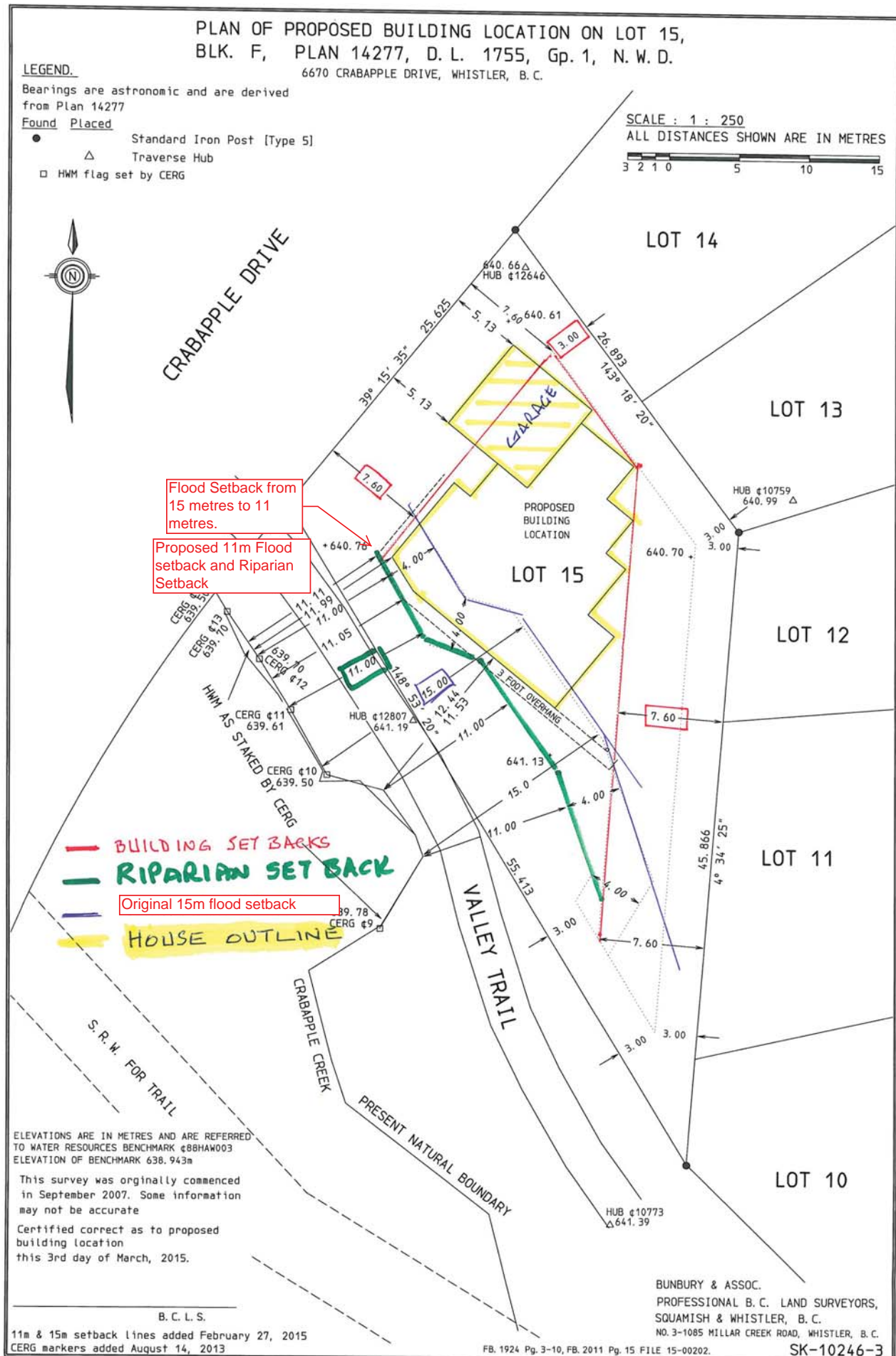
Respectfully submitted,

Kevin Creery
PLANNING ANALYST
for
John Rae
ACTING GENERAL MANAGER OF RESORT EXPERIENCE

Subject Property Map



Subject Property



**THURBER** ENGINEERING LTD.**MEMORANDUM**

To: Bob Trinder
RMT Contracting Ltd.

Date: April 22, 2015

From: Christopher Clarke, E.I.T.
(Reviewed by David Tara, P.Eng)

File: 19-4194-6

6670 CRABAPPLE DRIVE

As requested, we have reviewed the proposed house location shown on Dwg. SK-10246-3 by Bunbury & Associates. Based on our review, we (Thurber) do not see any geotechnical issues regarding the location of the proposed house. Dwg. SK-10246-3 indicates that the building will be at least 11 m away from Crabapple Creek which satisfies the Riparian Areas Regulation (RAR) setback of 11 m as provided by Cascade Environmental Resource Group Ltd. in their memorandum dated February 4, 2015. The proposed site is therefore suitable for the use intended from a geotechnical perspective.

We trust that this information is sufficient for your needs. Should you require clarification of any item or additional information, please contact us at your convenience.



THURBER ENGINEERING LTD.

February 6, 2015

File: 19-4194-6

RMT Contracting Ltd.
8695 Barnard Street
Vancouver, BC V6P 5G6

Attention: Mr. Bob Trinder

**GEOTECHNICAL INVESTIGATION
6670 CRABAPPLE DRIVE, WHISTLER, B.C.**

Dear Bob:

As requested, Thurber Engineering Ltd. (Thurber) has conducted a geotechnical investigation for the above mentioned property. This letter describes the results of our investigation and provides preliminary geotechnical engineering recommendations for design of house foundations.

It is a condition of this letter that Thurber's performance of its professional services will be subject to the attached Statement of Limitations and Conditions.

1. INTRODUCTION

The site, 6670 Crabapple Drive, is located on the east side of Crabapple Creek. The Valley Trail runs parallel to Crabapple Creek and is situated between the site and the creek. To the east and south of the site are residential housing and the north side of the property is bounded by Crabapple Drive. We understand that the contemplated house footprint will be approximately 3500 square feet.

The scope of our work was to investigate soil and groundwater conditions and provide preliminary geotechnical recommendations for site preparation and design of foundations.

2. BACKGROUND

2.1 Surficial Geology

The Surficial Geology and Landslide Inventory of the Upper Sea to Sky Corridor map indicates that the surficial geology of the site is "floodplain sediment: Sand and silt, commonly including organic materials and underlain, in many places, by gravel; 1 – 3 m thick; occurring as flat surfaces close to river level; prone to flooding".

2.2 Previous Thurber Test Holes

Previous Thurber test holes that have been drilled approximately 150 m south-southwest of the site encountered soft, compressible and loose soils below about 2 m depth. It is possible that



these soft, compressible and loose soils may also be present at 6670 Crabapple Drive and could extend to a significant depth.

3. SITE INVESTIGATION

The site investigation, consisting of four test pits (TP15-1 to 4), was completed using a track mounted excavator on January 30, 2015. All four test pits were advanced to depths ranging between 3.0 to 3.4 m. The test pits could not be advanced to greater depths due to test pit instability caused by sloughing of wet, granular soil.

The soil conditions were logged in the field and representative disturbed samples were collected for routine moisture content and visual classification in our laboratory. Photographs were taken of the test pits prior to backfilling with the excavated material upon completion of each test pit.

4. RESULTS OF THE INVESTIGATION

The results of the field and laboratory testing are provided on the attached test pit logs. The logs provide a complete, detailed description of the conditions encountered and should be used in preference to the generalized summary provided below. Photos 1 to 4 show each of the test pits prior to backfilling.

The soil profile appears generally uniform across the site. Beneath the organic rich sod/topsoil, there is approximately 0.6 m of firm silt underlain by a layer of sand approximately 0.6 to 0.9 m thick. Beneath the sand, a 1.5 m thick layer of sand and gravel with a trace of silt was encountered. Two of the test pits, TP15-2 and TP15-3, extended through the sand and gravel and were terminated upon encountering a sandy silt layer at the base of the test pits at about 3.0 m depth.

Groundwater is encountered typically at about 1.5 m depth which corresponds closely with the top of the sand and gravel layer. The groundwater level appears to be strongly related to the neighboring Crabapple Creek water elevation level and, as such, will vary.

5. RECOMMENDATIONS

5.1 General

The test pits show that the upper 3 m of the soil profile at this site comprises a layer of firm to stiff silt over saturated granular soil. Below about 3 m depth, two of the test pits encountered a layer of fine sand and silt to the base of the pits. Offsite information suggests that compressible and loose soils may be present to significant depth.



5.2 Foundation and Site Preparation

Some permanent structural fill will be required for flood proofing purposes. For discussion purposes, we have assumed that the permanent fill thickness will be about 0.6 m.

We consider the most suitable type of foundation to be spread and strip footings provided that the building footprint is adequately preloaded. Site preparation should consist of stripping the sod/topsoil and vegetation prior to placement of fill. Stripping should be completed using a smooth edged clean up bucket to minimize the risk of disturbance to the firm to stiff silt that will likely be left in place.

We recommend the use of granular material for permanent and temporary preload fill. All permanent granular fill should be placed in maximum 300 mm thick lifts and compacted to at least 98% Standard Proctor maximum dry density (SPMDD). Temporary fill can be placed without compaction except where required for trafficability. We anticipate that the minimum required preload will be about 1.5 m above the top of the main floor slab elevation. The preload typically should extend full height at least 2 m beyond the building footprint. The preload fill should be sloped at 1.5H:1V or flatter.

Preload settlement should be monitored with settlement gauges that are placed on the existing grade prior to placement of the permanent and temporary preload fill. Based on our previous experience preloading in the general area, we estimate that the preload will need to be left in place for 2 to 3 months. The actual required preload duration will be determined based on our review of the settlement monitoring data.

A preload drawing including settlement monitoring requirements should be prepared by Thurber.

5.3 Seismic Considerations

Some of the soils at the site may be susceptible to seismically induced soil liquefaction. In our opinion, considering the thickness of the soft, compressible and loose soils that are likely to underlay the site, we expect that Site Class D or E would likely be appropriate for seismic design.

Buildings that are founded on Site Class E are required to have their footings “interconnected by continuous ties in not less than two directions” as per the 2012 BCBC. We feel that it would be preferable for the footings to be tied together regardless of the site class to help provide some structural resistance to liquefaction induced soil strength loss or potential lateral spreading caused by the proximity to Crabapple Creek. Additional details can be provided if required.

6. CLOSURE

The proposed building layout, site grading, and foundation design should be reviewed by Thurber prior to final design to confirm our assumptions. Our preliminary recommendations for the site preparation and foundation design are based on shallow test pits and off site test holes, but may



be adequate for final design. However, to confirm the actual site class and the requirements for tying foundations together and for preloading, consideration should be given to conducting a supplementary geotechnical investigation. Additional details can be provided if required.

We trust that this information is sufficient for your needs. Should you require clarification of any item or additional information, please contact us at your convenience.

Yours truly,
Thurber Engineering Ltd.
David Tara, M.Sc.A., P.Eng.
Review Principal

David Tara
 Feb. 6, 2015

per Christopher Clarke, M.S., E.I.T.
Project Engineer

Attachments: Statement of Limitations and Conditions
Test Hole Location Plan
Test Pit Logs
Test Pit Photographs

STATEMENT OF LIMITATIONS AND CONDITIONS

1. STANDARD OF CARE

This Report has been prepared in accordance with generally accepted engineering or environmental consulting practices in the applicable jurisdiction. No other warranty, expressed or implied, is intended or made.

2. COMPLETE REPORT

All documents, records, data and files, whether electronic or otherwise, generated as part of this assignment are a part of the Report, which is of a summary nature and is not intended to stand alone without reference to the instructions given to Thurber by the Client, communications between Thurber and the Client, and any other reports, proposals or documents prepared by Thurber for the Client relative to the specific site described herein, all of which together constitute the Report.

IN ORDER TO PROPERLY UNDERSTAND THE SUGGESTIONS, RECOMMENDATIONS AND OPINIONS EXPRESSED HEREIN, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. THURBER IS NOT RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT.

3. BASIS OF REPORT

The Report has been prepared for the specific site, development, design objectives and purposes that were described to Thurber by the Client. The applicability and reliability of any of the findings, recommendations, suggestions, or opinions expressed in the Report, subject to the limitations provided herein, are only valid to the extent that the Report expressly addresses proposed development, design objectives and purposes, and then only to the extent that there has been no material alteration to or variation from any of the said descriptions provided to Thurber, unless Thurber is specifically requested by the Client to review and revise the Report in light of such alteration or variation.

4. USE OF THE REPORT

The information and opinions expressed in the Report, or any document forming part of the Report, are for the sole benefit of the Client. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION THEREOF WITHOUT THURBER'S WRITTEN CONSENT AND SUCH USE SHALL BE ON SUCH TERMS AND CONDITIONS AS THURBER MAY EXPRESSLY APPROVE. Ownership in and copyright for the contents of the Report belong to Thurber. Any use which a third party makes of the Report, is the sole responsibility of such third party. Thurber accepts no responsibility whatsoever for damages suffered by any third party resulting from use of the Report without Thurber's express written permission.

5. INTERPRETATION OF THE REPORT

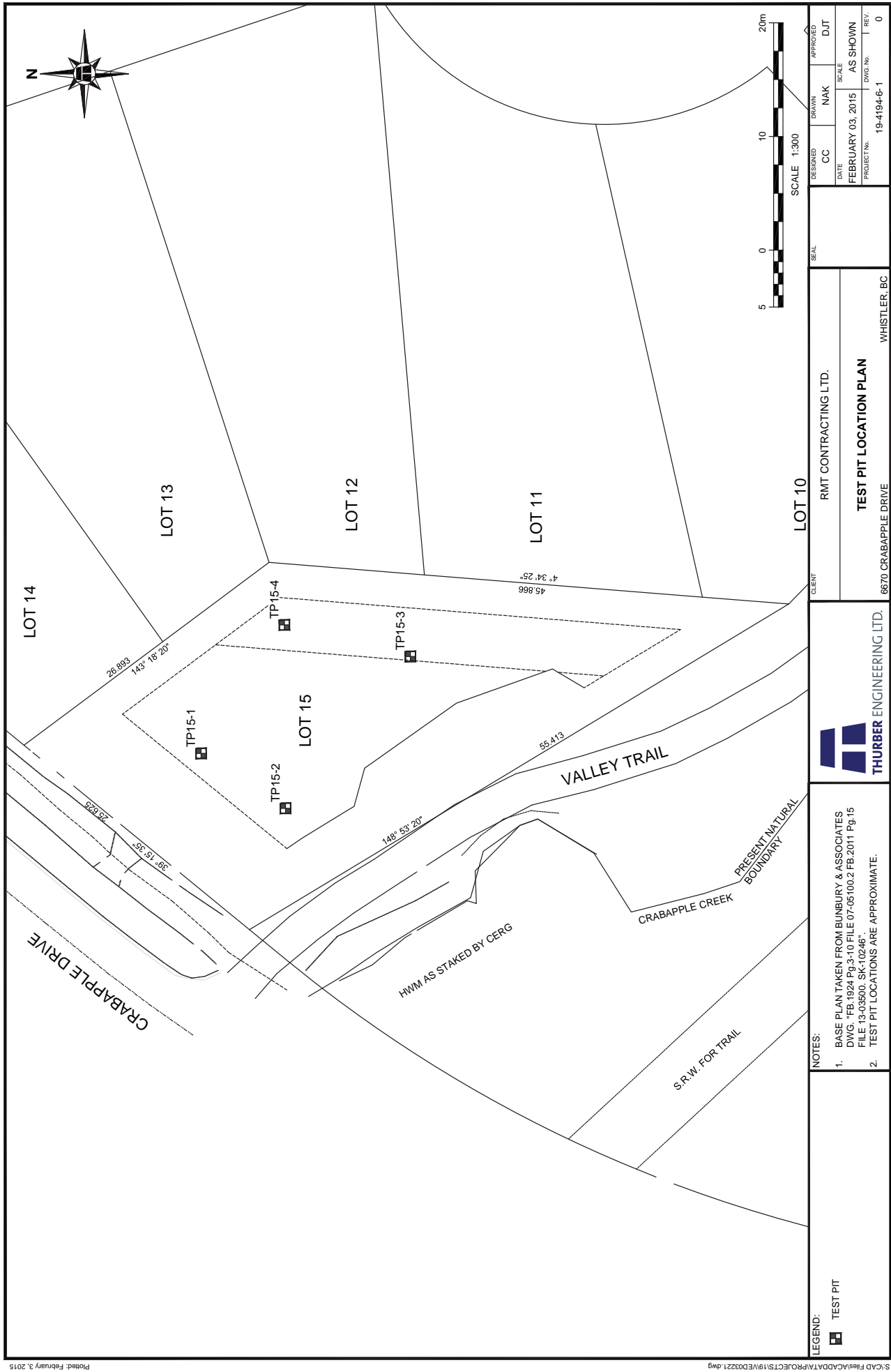
- a) Nature and Exactness of Soil and Contaminant Description: Classification and identification of soils, rocks, geological units, contaminant materials and quantities have been based on investigations performed in accordance with the standards set out in Paragraph 1. Classification and identification of these factors are judgmental in nature. Comprehensive sampling and testing programs implemented with the appropriate equipment by experienced personnel may fail to locate some conditions. All investigations utilizing the standards of Paragraph 1 will involve an inherent risk that some conditions will not be detected and all documents or records summarizing such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and the Client and all other persons making use of such documents or records with our express written consent should be aware of this risk and the Report is delivered subject to the express condition that such risk is accepted by the Client and such other persons. Some conditions are subject to change over time and those making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sampled points at the time of sampling. If special concerns exist, or the Client has special considerations or requirements, the Client should disclose them so that additional or special investigations may be undertaken which would not otherwise be within the scope of investigations made for the purposes of the Report.
- b) Reliance on Provided Information: The evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site inspections and on the basis of information provided to Thurber. Thurber has relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, Thurber does not accept responsibility for any deficiency, misstatement or inaccuracy contained in the Report as a result of misstatements, omissions, misrepresentations, or fraudulent acts of the Client or other persons providing information relied on by Thurber. Thurber is entitled to rely on such representations, information and instructions and is not required to carry out investigations to determine the truth or accuracy of such representations, information and instructions.
- c) Design Services: The Report may form part of design and construction documents for information purposes even though it may have been issued prior to final design being completed. Thurber should be retained to review final design, project plans and related documents prior to construction to confirm that they are consistent with the intent of the Report. Any differences that may exist between the Report's recommendations and the final design detailed in the contract documents should be reported to Thurber immediately so that Thurber can address potential conflicts.
- d) Construction Services: During construction Thurber should be retained to provide field reviews. Field reviews consist of performing sufficient and timely observations of encountered conditions in order to confirm and document that the site conditions do not materially differ from those interpreted conditions considered in the preparation of the report. Adequate field reviews are necessary for Thurber to provide letters of assurance, in accordance with the requirements of many regulatory authorities.

6. RELEASE OF POLLUTANTS OR HAZARDOUS SUBSTANCES

Geotechnical engineering and environmental consulting projects often have the potential to encounter pollutants or hazardous substances and the potential to cause the escape, release or dispersal of those substances. Thurber shall have no liability to the Client under any circumstances, for the escape, release or dispersal of pollutants or hazardous substances, unless such pollutants or hazardous substances have been specifically and accurately identified to Thurber by the Client prior to the commencement of Thurber's professional services.

7. INDEPENDENT JUDGEMENTS OF CLIENT

The information, interpretations and conclusions in the Report are based on Thurber's interpretation of conditions revealed through limited investigation conducted within a defined scope of services. Thurber does not accept responsibility for independent conclusions, interpretations, interpolations and/or decisions of the Client, or others who may come into possession of the Report, or any part thereof, which may be based on information contained in the Report. This restriction of liability includes but is not limited to decisions made to develop, purchase or sell land.



SYMBOLS AND TERMS

FOR SOIL DESCRIPTION AND TEST HOLE LOGS

BASIC SOIL SYMBOLS

Predominant Material	Secondary Material
GRAVEL	gravelly to some gravel
SAND	sandy to some sand
SILT	silty to some silt
CLAY	clayey to some clay
PEAT / ORGANICS	some organics
Undifferentiated BEDROCK	
ORGANIC SILT	
FILL / DEBRIS	

PROPORTION OF MINOR COMPONENTS BY WEIGHT ⁽²⁾

and	35 - 50%
y / ey	20 - 35%
some	10 - 20%
trace	0 - 10%

SYMBOL VARIATIONS - EXAMPLES ⁽¹⁾

SAND and GRAVEL	
SAND, silty	
SILT with some clay	

DENSITY OF GRANULAR SOILS

Description	SPT N ⁽⁵⁾ ⁽⁶⁾
Very Loose	0 - 4
Loose	4 - 10
Compact	10 - 30
Dense	30 - 50
Very Dense	> 50

CONSISTENCY OF COHESIVE SOILS

Description	Undrained Shear Strength (kPa) ⁽⁶⁾
Very Soft	< 12
Soft	12 - 25
Firm	25 - 50
Stiff	50 - 100
Very Stiff	100 - 200
Hard	> 200

PENETRATION TESTS

Dynamic Cone Penetration	
Standard Penetration	
Becker Closed Casing	
Becker Open Casing	
Bounce Chamber Pressure	

CLASSIFICATION BY PARTICLE SIZE

Name	Size Range ⁽⁶⁾		
	(mm) ⁽³⁾	U.S. Standard Sieve Size	
		Retained	Passing
Boulders	> 200	8 inch	-
Cobbles	75 - 200	3 inch	8 inch
Gravel: coarse	19 - 75	0.75 inch	3 inch
Gravel: fine	5 - 19	No. 4	0.75 inch
Sand: coarse	2 - 5	No. 10	No. 4
Sand: medium	0.4 - 2	No. 40	No. 10
Sand: fine	0.075 - 0.4	No. 200	No. 40
Fines (Silt or Clay) ⁽⁴⁾	< 0.075	-	No. 200

- (1) Only selected examples of the possible variations or combinations of the basic symbols are illustrated.
- (2) Example: SAND, silty, trace of gravel = sand with 20 to 35% silt and up to 10% gravel, by dry weight. Percentages of secondary materials are estimates based on visual and tactile assessment of samples.
- (3) Approximate metric conversion.
- (4) Fines are classified as silt or clay on the basis of Atterberg limits.
- (5) SPT N values on test hole logs are uncorrected field values.
- (6) Reference Canadian Foundation Engineering Manual 4th Edition, 2006.

LOG OF TEST PIT

TEST HOLE NO.

TP15-1

LOCATION: See Dwg. 19-4194-6-1

CLIENT: RMT Contracting Ltd.
PROJECT: 6670 Crabapple Drive

TOP OF HOLE ELEV: 640.8 m (est.)

METHOD: Excavator

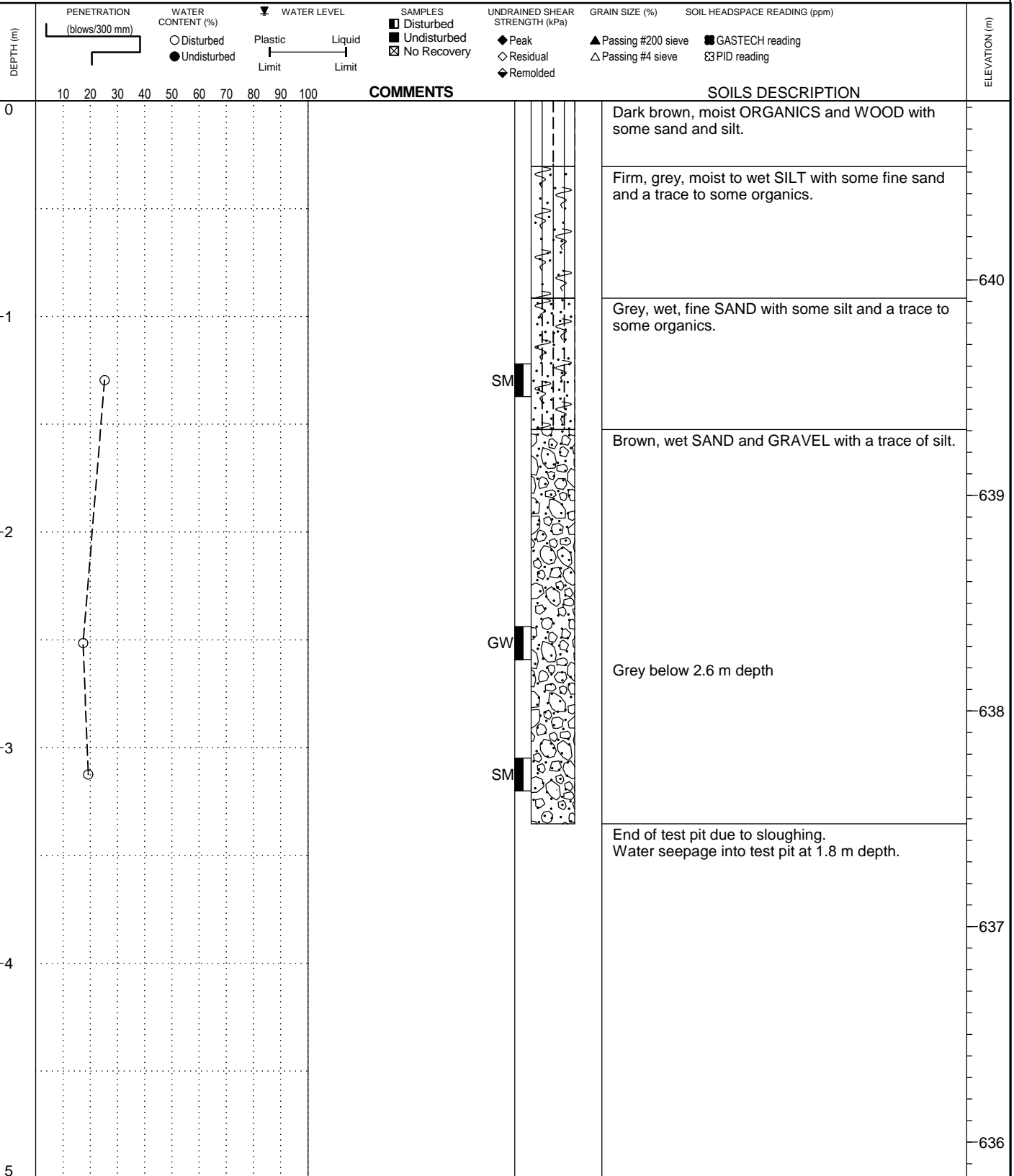
DATE: January 30, 2015

DRILLING CO.: Coast Mountain Excavations Ltd.

FILE NO.: 19-4194-6

INSPECTOR: CJC

REVIEWED BY: DJT



LOG OF TEST PIT

TEST HOLE NO.

TP15-2

LOCATION: See Dwg. 19-4194-6-1

CLIENT: RMT Contracting Ltd.
PROJECT: 6670 Crabapple Drive

TOP OF HOLE ELEV: 641.0 m (est.)

METHOD: Excavator

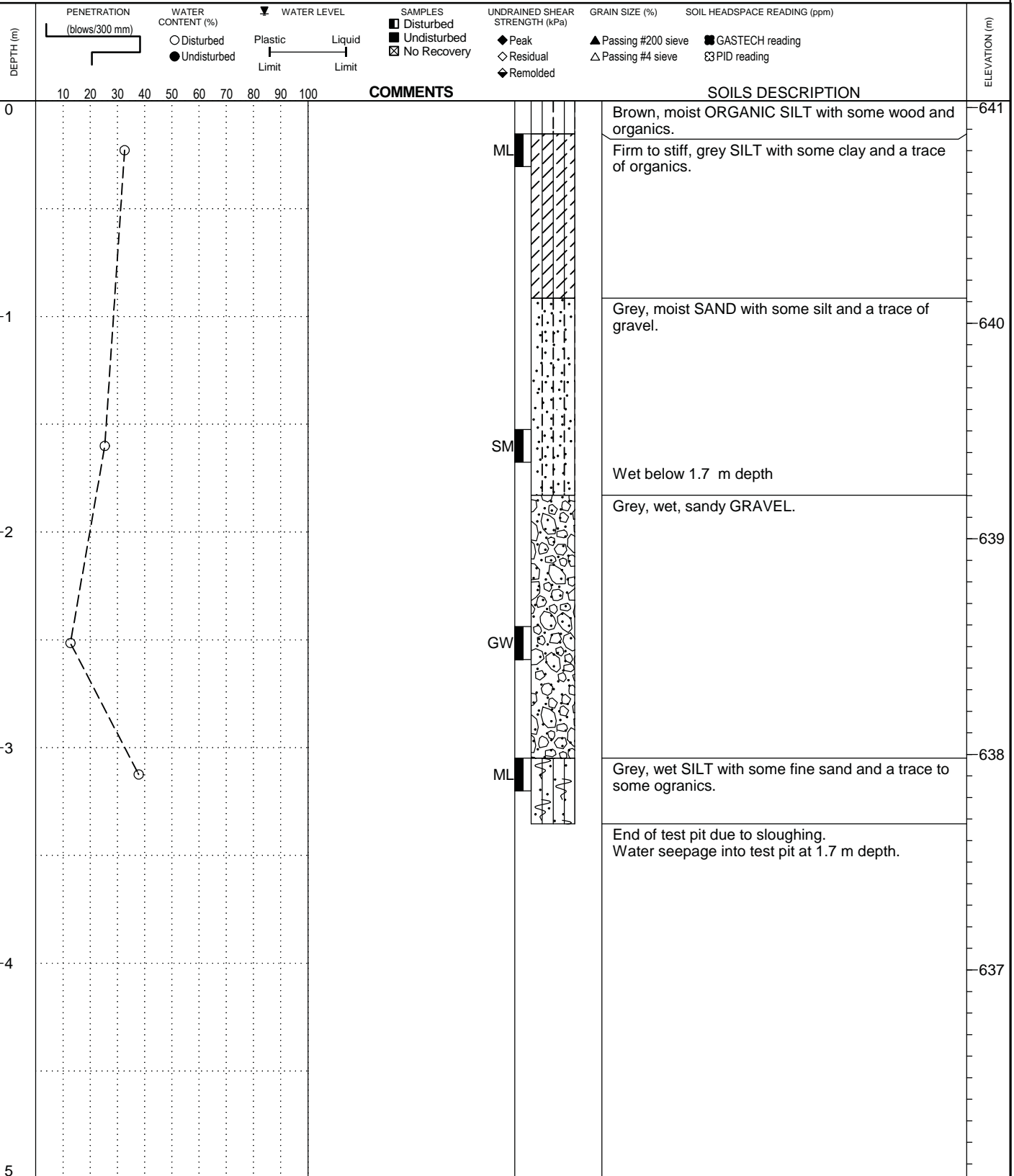
DATE: January 30, 2015

DRILLING CO.: Coast Mountain Excavations Ltd.

FILE NO.: 19-4194-6

INSPECTOR: CJC

REVIEWED BY: DJT



LOG OF TEST PIT_PMH1_LRG 19-4194-6.GPJ THURBER BC.GDT 3/2/15- THURBER BC.GLB

LOG OF TEST PIT

TEST HOLE NO.

TP15-3

LOCATION: See Dwg. 19-4194-6-1

CLIENT: RMT Contracting Ltd.
PROJECT: 6670 Crabapple Drive

TOP OF HOLE ELEV: 641.1 m (est.)

METHOD: Excavator

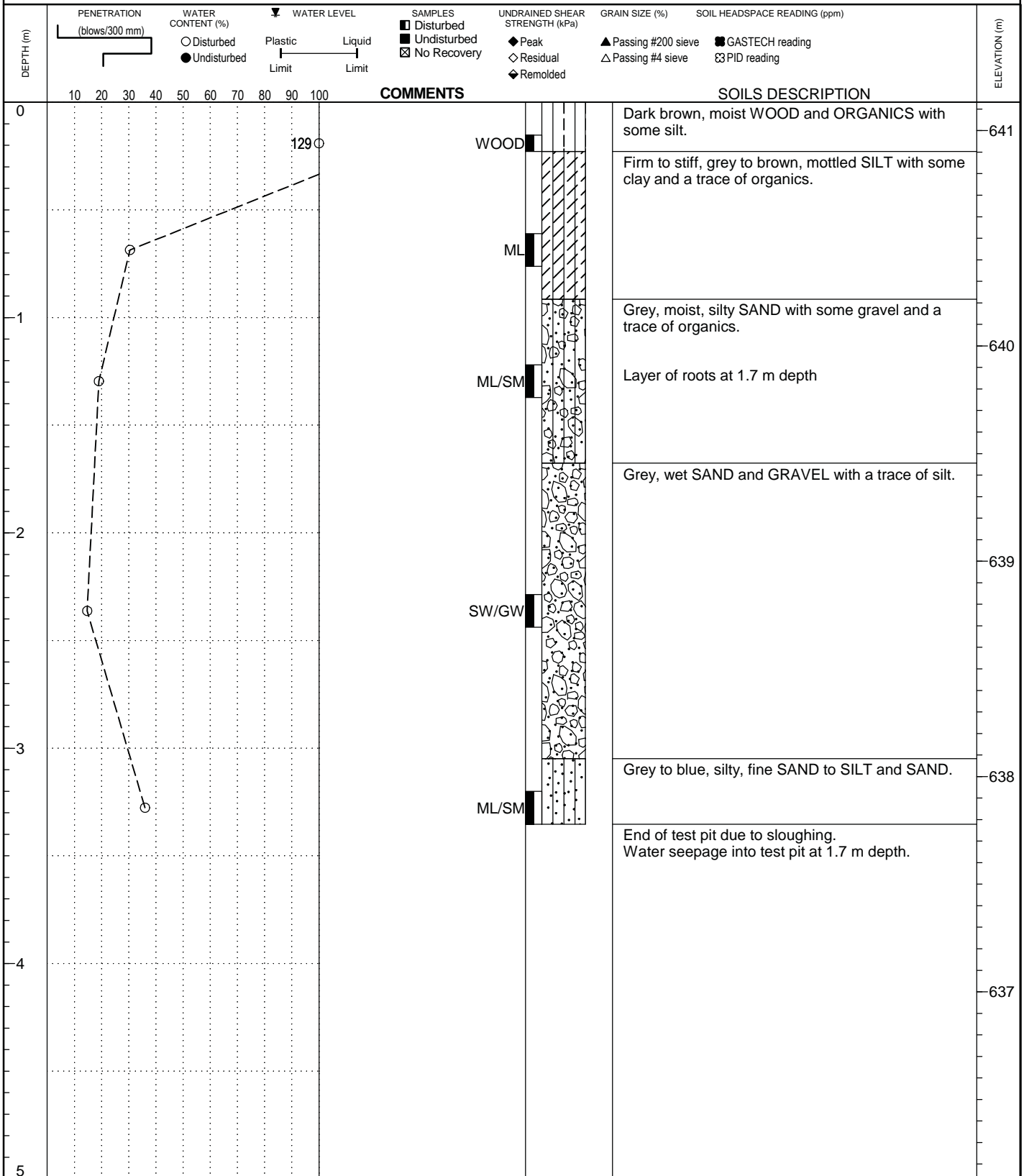
DRILLING CO.: Coast Mountain Excavations Ltd.

INSPECTOR: CJC

DATE: January 30, 2015

FILE NO.: 19-4194-6

REVIEWED BY: DJT



LOG OF TEST PIT

TEST HOLE NO.

TP15-4

LOCATION: See Dwg. 19-4194-6-1

CLIENT: RMT Contracting Ltd.
PROJECT: 6670 Crabapple Drive

TOP OF HOLE ELEV: 640.7 m (est.)

METHOD: Excavator

DATE: January 30, 2015

DRILLING CO.: Coast Mountain Excavations Ltd.

FILE NO.: 19-4194-6

INSPECTOR: CJC

REVIEWED BY: DJT

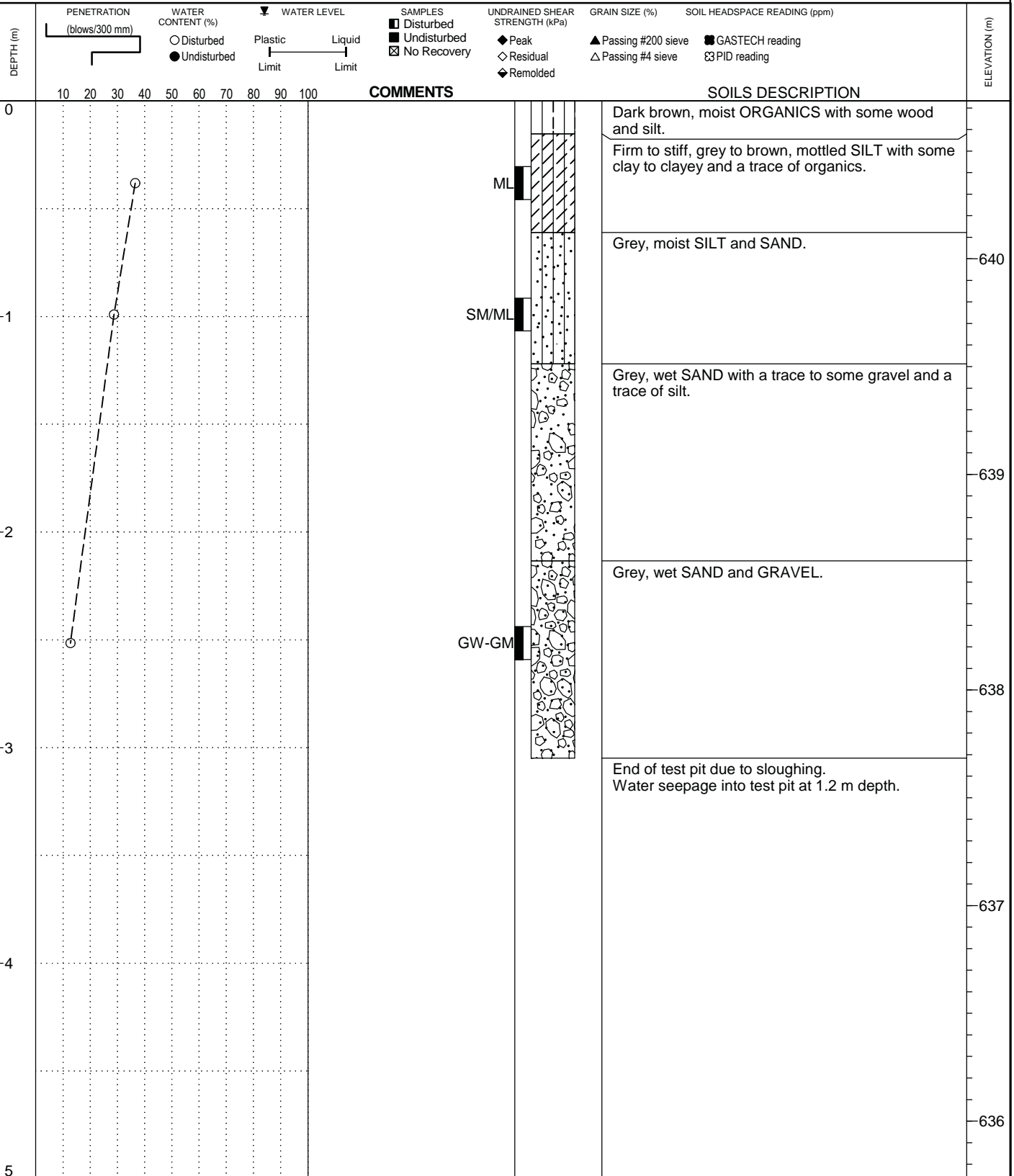




Photo 01. TP15-1



Photo 02. TP15-2



Photo 03. TP15-3



Photo 04. TP15-4



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-060

FROM: Corporate & Community Services

FILE: Bylaws 2089 & 2090

SUBJECT: 2015 SEWER AND WATER USER RATE BYLAWS

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate & Community Services be endorsed.

RECOMMENDATION

That Council consider giving first, second and third readings to Water User Fee Amendment Bylaw No. 2089, 2015; and further,

That Council consider giving first, second and third readings to Sewer User Fee Amendment Bylaw No. 2090, 2015.

PURPOSE OF REPORT

This report seeks Council's approval to the amendment of the sewer and water user rate bylaws.

DISCUSSION

The Sewer and Water user rate Bylaws are amended from time to time when it is necessary to update the user rates. At those times the rate schedule attached to the original bylaw is replaced with the new rate schedule with the updated rates. Previous amendment bylaws are also rescinded in the bylaw.

When staff were updating the rates in our system for 2015 it came to our attention that there was an additional page erroneously included in Schedule A of Bylaw 2083. Bylaw 2089 removes the additional page from schedule A.

A further review of the Sewer User rate bylaw revealed that the previous bylaws referenced for amendment and rescinding were incorrect and bylaw 2090 corrects that administrative error.

The rates remain unchanged from the bylaws approved and adopted in April.

Sewer and Water User Charges

Sewer and water user fees for most residential properties are included on the property tax notice. Commercial properties and residential properties with non-municipal water or sewer receive a separate annual utility bill for user fees.

SUMMARY

The Bylaws detail the user fees required to raise the municipal revenue from these sources as provided in the financial plan and rescind any previous rate amendments to the user fee bylaws.

Respectfully submitted,

Anna Lamb
Manager of Financial Services
for
Norman McPhail
GENERAL MANAGER COMMUNITY AND CORPORATE SERVICES



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-068

FROM: Corporate and Community Services

FILE: 4560

SUBJECT: WRITE OFF OF PROPERTY TAXES

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate and Community Services be endorsed.

RECOMMENDATION

That Council direct RMOW staff to apply to the Ministry of Community Sport and Cultural Development to issue an order pursuant to Section 315.3 of the Local Government Act for authorization to write off uncollectible property taxes in the amount of \$3,181.43 from folio 005146.233.

DISCUSSION

The circumstances for this write-off are as follows; in 2007 the property owner applied for a deferral on the tax due date of July 2, 2007 and subsequently sold the property on July 16, 2007. The 2007 tax amount was erroneously omitted from the statement of adjustments and remained unpaid. The property was sold again in 2013.

The amount to write off totals \$3,181.43 of which \$2,460.43 is made up of Municipal taxes and user fees.

Section 315.3 of the Local Government Act provides the authority for the province to issue an order in council to write off property taxes.

BUDGET CONSIDERATIONS

Obtaining a provincial order in council will enable RMOW to write off \$3,181.43 from deferred taxes receivable and to recover \$812.96 that has already been remitted for property taxes levied on behalf of other taxing authorities. The RMOW portion amounts to a total of \$2,460.43 in taxes and user fees.

SUMMARY

An error was made in 2007 when Folio 005146.233 was sold. The 2007 taxes were not adjusted as part of the conveyancing of the title in 2007 and remained as an outstanding deferment on our books. The property has been sold a second time since the error was made and taxes levied in 2007 should not be the responsibility of the current owners. In order for RMOW to recover taxes paid to other taxing authorities for this property, we must apply for a provincial order in council to write off the uncollectible taxes

Respectfully submitted,

Anna Lamb
Manager of Financial Services
for
Norm McPhail
General Manager of Corporate and Community Services



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 12, 2015

REPORT: 15-068

FROM: Corporate & Community Services

FILE: Vault

SUBJECT: WHISTLER VILLAGE LAND CO. LTD. – 2015 ANNUAL REPORT

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Corporate & Community Services be endorsed.

RECOMMENDATION

That Council of the Resort Municipality of Whistler in open meeting assembled, hereby resolves that the Municipality, as sole shareholder of the Whistler Village Land Co. Ltd. pass the 2015 consent resolutions of the shareholder of the Whistler Village Land Co. Ltd., a copy of which is attached to Administrative Report No 15-068 as Appendix “A”, and that the Mayor and Corporate Officer execute and deliver the attached resolutions on behalf of the Municipality.

REFERENCES

Appendix A – 2015 Shareholder’s Resolutions
Appendix B – 2014 Financial Statements
Appendix C – 2015 Directors Consent Resolution

PURPOSE OF REPORT

The purpose of this report is to seek Council’s approval for the Mayor & Corporate Officer to execute the annual Shareholder’s Resolutions of Whistler Village Land Co. Ltd.

DISCUSSION

The filing of the 2015 Annual Report of Whistler Village Land Co. Ltd. with the Registrar of Companies is now due.

The Shareholder’s Resolutions for the 2014 Annual Report include:

1. The appointment of Directors, namely:

Nancy Wilhelm-Morden
Ken Roggeman
Shannon Story

2. Waiving the appointment of an Auditor:

The Company is not a reporting company and therefore may consent in writing to waive the appointment of an auditor. Although the Company does not appoint an Auditor, the Financial Statements are prepared for the fiscal year by the RMOW Manager of Financial Services.

3. Waive the holding of the 2015 Annual General Meeting:

The holding of the Annual General Meeting may be waived by a unanimous resolution of the shareholder of the Company. The Company's annual reference date that would have been deemed to be appropriate for the holding of the Annual General Meeting is April 7, 2015.

4. Financial Statements:

The Financial Statements of Whistler Village Land Co. Ltd. are attached to this report, as Appendix B, for acceptance by Council.

POLICY CONSIDERATIONS

Pursuant to Section 182 of the *Business Corporations Act*, the shareholder may consent to all the business required to be transacted at the Annual General Meeting of the Company.

Pursuant to Section 203 of the *Business Corporations Act*, the Company may consent in writing to waive the appointment of an auditor.

BUDGET CONSIDERATIONS

There will be minimal costs incurred for the filing of the documents with the Registrar of Companies.

SUMMARY

The 2015 Annual Report of Whistler Village Land Co. Ltd. must be filed with the Registrar of Companies. This report seeks Council's approval of the Shareholder's Resolutions of Whistler Village Land Co. Ltd. as attached in Appendix A to this report.

Respectfully submitted,

Nikki Best
LEGISLATIVE SERVICES COORDINATOR
for
Shannon Story
CORPORATE OFFICER
for
Norm McPhail
GENERAL MANAGER CORPORATE & COMMUNITY SERVICES

WHISTLER VILLAGE LAND CO. LTD.
(the "Company")

SHAREHOLDERS RESOLUTIONS

WHEREAS the Resort Municipality of Whistler is the sole shareholder of the Whistler Village Land Co. Ltd.

PURSUANT to the provisions of Section 182 of the *Business Corporations Act*, the following resolutions are passed by the Shareholder of the Company entitled to attend and vote at the Annual General Meeting of the Company.

FINANCIAL STATEMENTS

RESOLVED that the report of the Directors to the Shareholder on the affairs of the Company and the financial statements dated December 31, 2014 be accepted and that all acts and proceedings of the Directors since the date of the last Annual General Meeting be confirmed and approved.

APPOINTMENT OF DIRECTORS

RESOLVED THAT Nancy Wilhelm-Morden, Ken Roggeman and Shannon Story having consented in writing to act as Directors of the Company and are hereby elected Directors of the Company to hold office until the next Annual General Meeting of the Company or until their successors are elected or appointed.

WAIVER OF APPOINTMENT OF AUDITORS

RESOLVED that pursuant to Section 203 of the *Business Corporation Act*, in respect of the current financial year, the appointment of an Auditor is hereby waived.

WAIVER AND CONSENT

RESOLVED that pursuant to Section 182 of the *Business Corporations Act*, the Resort Municipality of Whistler, being the sole Shareholder of the Company entitled to attend and vote at the Annual General Meeting, does hereby waive the holding of the said meeting and does consent in writing to all of the foregoing resolutions, which constitute proceedings in lieu of the 2015 Annual General Meeting of the Company and does specify April 7, 2015 as being the date on which the 2014 Annual General Meeting shall be deemed to have been held, as testified by the signatures of the Mayor & Corporate Officer hereto.

DATED this ____ day of _____, 2015.

RESORT MUNICIPALITY OF WHISTLER

Mayor: Nancy Wilhelm-Morden

Corporate Officer: Shannon Story

WHISTLER VILLAGE LAND CO. LTD.**FINANCIAL STATEMENTS***DECEMBER 31, 2014**Unaudited*

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Statement of Revenue and Expenditures	2
Notes to the Financial Statements	3

These Financial Statements are prepared for internal management purposes.

WHISTLER VILLAGE LAND CO. LTD.**BALANCE SHEET**

Page 1

AS AT DECEMBER 31, 2014

UNAUDITED

	2014	2013
ASSETS		
Cash	2,766	6,426
Accounts Receivable	2,856	426
	5,623	6,852
Capital assets, at cost (Note 4)	16,523,388	17,048,685
	\$16,529,010	\$17,055,537
LIABILITIES		
Due to Resort Municipality of Whistler (Note 3)	140,591	133,921
	140,591	133,921
EQUITY		
Share Capital (Note 5)	1	1
Equity in Capital Assets -Contributed Surplus	16,523,387	17,048,685
Unallocated Surplus	(134,969)	(127,070)
	16,388,419	16,921,616
	\$16,529,010	\$17,055,537

WHISTLER VILLAGE LAND CO. LTD.**STATEMENT OF REVENUE AND EXPENDITURES**
YEAR ENDED DECEMBER 31, 2014

Page 2

UNAUDITED

	2014	2014	2013
	Budget	Actual	Actual
REVENUE			
Parkade User Fees	121,228	122,905	122,278
Interest	1,186	113	1,346
Patio Licence Fees	34,000	30,421	34,995
Recoveries	52,500	52,500	76,575
	\$208,914	\$205,939	\$235,194
EXPENDITURES			
Amortization	-1	525,297	530,237
Utilities	45,000	39,944	48,717
Repairs and Maintenance	182,500	168,000	194,728
Administration and Other	5,000	5,894	16
Capital expenditures			0
	\$232,499	\$739,135	\$773,698
EXCESS REVENUE OVER EXPENDITURES FOR THE YEAR	(23,585)	(533,196)	(538,504)
Beginning Surplus		16,978,032	17,516,536
BALANCE, END OF YEAR	(\$23,585)	\$16,444,836	\$16,978,032

WHISTLER VILLAGE LAND CO. LTD.**NOTES TO THE FINANCIAL STATEMENTS**

DECEMBER 31, 2014

UNAUDITED

1. OPERATIONS

The Company was incorporated under the Company Act of British Columbia on April 7, 1978.

Effective June 16, 1988, pursuant to a Share Purchase Agreement, the Resort Municipality of Whistler acquired 100% of the issued and outstanding share capital of the Company from a Provincial Crown Corporation.

The Company, as a consequence of its ownership, is not subject to Federal or Provincial income taxes.

2. SIGNIFICANT ACCOUNTING POLICIES

The following is a summary of the significant accounting policies of the Company:

(a) Basis of Presentation

These statements are prepared for the use of management, using generally accepted accounting principles for local government.

(a) Capital Assets

Parking Structures and Village Malls:

The parking structures and mall areas were transferred into the Company on May 25, 1988 from a Provincial Crown Corporation. This transfer was recorded at the book value of those assets recorded by the Provincial Crown Corporation.

Subsequent capital improvements are recorded at cost.

The Company obtains revenues from the sale of long-term licences to parking stalls.

Conference Centre and Golf Course Lands:

The Conference Centre and Golf Course lands are recorded at cost. These assets were acquired on November 28, 1989 pursuant to a Facilities Transfer Agreement with a Provincial Crown Corporation. Major renovations to the Conference Centre were completed in 2003.

3. DUE TO RESORT MUNICIPALITY OF WHISTLER

Amounts due to the Resort Municipality of Whistler are adjusted annually by changes in non-cash working capital balances and current years income/loss. All cash flows through the parent company (RMOW) bank account.

4. CAPITAL ASSETS

Net of Amortization	2014	2013
Land	#REF!	#REF!
Golf Course	#REF!	#REF!
Conference Centre	#REF!	#REF!
Parking Structures	3,128,839	3,128,839
Parking Structures and Mall Disposals		
	#REF!	#REF!

WHISTLER VILLAGE LAND CO. LTD.**NOTES TO THE FINANCIAL STATEMENTS***DECEMBER 31, 2014***UNAUDITED**

5. SHARE CAPITAL

Authorized:

10,000 Common shares without par value

Issued:

100 Shares

6. CONTINUING OPERATIONS

The Company will continue to operate the parking structures on behalf of holders of long-term licences, on a cost recovery basis.

The revenues, expenses and management responsibilities of that portion of the parking structures have been assigned to the Resort Municipality of Whistler which charges management fees to Whistler Village Land Company.

The Conference Centre and Golf Course were leased in 1989 in their entirety to Tourism Whistler for a period of 100 years (including all renewal options), The lease rate is \$1 per year each on a triple net basis.

Certificate of Incorporation
No. 173471

WHISTLER VILLAGE LAND CO. LTD.
(the "Company")

DIRECTORS' RESOLUTION

RESOLUTION consented to in writing by all Directors of the Company as of the date hereof:


RESOLVED that the following persons be appointed Officers of the Company to hold office as set out opposite their respective names until the close of the next Annual General Meeting or until others are elected or appointed in their place:

President - Nancy Wilhelm-Morden
Treasurer - Ken Roggeman
Secretary - Shannon Story

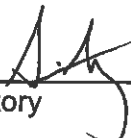
DATED this 5 day of May 2015.



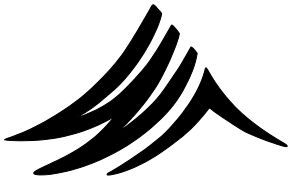
Nancy Wilhelm-Morden



Ken Roggeman



Shannon Story



WHISTLER

MINUTES

**REGULAR MEETING OF THE COAT OF ARMS COMMITTEE
MONDAY, JUNE 23, 2014, STARTING AT 1:05 P.M.**

**In the Piccolo Room at Municipal Hall
4325 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Council Representative and Chair, Mayor Nancy Wilhelm-Morden
Deputy Chief Herald, Bruce Patterson (*via conference call*)
Manager of Legislative Services, Shannon Story
Public Art Committee Representative, Penny Eder
Whistler Museum Representative, Sarah Drewery
Member-at-Large, Bob Brett
Recording Secretary, Nikki Best

REGRETS:

Whistler Arts Council Representative, Michelle Kirkegaard

ADOPTION OF AGENDA

Moved by P. Eder
Seconded by S. Drewery

Adoption of the Regular Coat of Arms Committee agenda of June 23, 2014.
CARRIED

ADOPTION OF MINUTES

Moved by P. Eder
Seconded by S. Drewery

Adoption of the Regular Coat of Arms Committee minutes of May 12, 2014.
CARRIED

OTHER BUSINESS

Overview of the First
Draft of Whistler's Coat
of Arms

A verbal report was given by Bruce Patterson, Deputy Chief Herald and Shannon Story, Manager of Legislative Services, regarding the first draft of the Whistler Coat of Arms.

Second Draft

A discussion was held regarding the second draft of Whistler's Coat of Arms.

ADJOURNMENT

Moved by B. Brett

That the Coat of Arms Committee adjourn the June 23, 2014 meeting at 2:05 p.m.

CARRIED

CHAIR: Mayor N. Wilhelm-Morden



WHISTLER

MINUTES

**REGULAR MEETING OF THE COAT OF ARMS COMMITTEE
MONDAY, AUGUST 21, 2014, STARTING AT 1:15 P.M.**

**In the Piccolo Room at Municipal Hall
4325 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Council Representative and Chair, Mayor Nancy Wilhelm-Morden
Deputy Chief Herald, Bruce Patterson (*via conference call*)
Manager of Legislative Services, Shannon Story
Public Art Committee Representative, Penny Eder
Member-at-Large, Bob Brett
Recording Secretary, Nikki Best

REGRETS:

Whistler Arts Council Representative, Michelle Kirkegaard
Whistler Museum Representative, Sarah Drewery

ADOPTION OF AGENDA

Moved by P. Eder
Seconded by B. Brett

That the Coat of Arms Committee adopt the Regular Coat of Arms Committee agenda of August 21, 2014.

CARRIED

ADOPTION OF MINUTES

Moved by B. Brett
Seconded by P. Eder

That the Coat of Arms Committee adopt the Regular Coat of Arms Committee minutes of June 23, 2014.

CARRIED

OTHER BUSINESS

First Draft Review
and Committee
Feedback

A discussion was held regarding the first draft of the Whistler Coat of Arms and the incorporation of feedback from the Coat of Arms Committee.

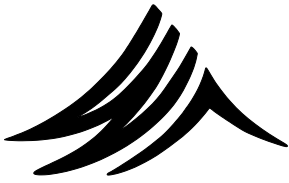
ADJOURNMENT

Moved by P. Eder

That the Coat of Arms Committee adjourn the August 21, 2014 meeting at 2:00 p.m.

CARRIED

CHAIR: Mayor N. Wilhelm-Morden



WHISTLER

MINUTES

**REGULAR MEETING OF THE AUDIT AND FINANCE
STANDING COMMITTEE OF COUNCIL
TUESDAY, MARCH 10, 2015, STARTING AT 9:00 A.M.**

**In the Flute Room
4325 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Mayor , Nancy Wilhelm-Morden
Councillor , Jack Crompton
Councillor , John Grills
CAO, Mike Furey
General Manager of Infrastructure Services, Joe Paul
General Manager of Corporate and Community Services, Norm McPhail
Acting General Manager of Resort Experience, Mike Kirkegaard
Director of Finance, Ken Roggeman
Recording Secretary, Rose Lawrence

REGRETS:

General Manager of Resort Experience, Jan Jansen
Manager of Financial Services, Anna Lamb

ADOPTION OF AGENDA

Moved by Mayor N. Wilhelm-Morden
Seconded by Councillor J. Crompton

That the Audit and Finance Standing Committee of Council adopt the Agenda of March 10, 2015.

CARRIED

ADOPTION OF MINUTES

Moved by Mayor N. Wilhelm-Morden
Seconded by Councillor J. Crompton

That the Audit and Finance Standing Committee of Council adopt the Minutes of February 17, 2015.

VERBAL REPORTS AND DISCUSSION

Budget

A presentation was given by K. Roggeman, Director of Finance, regarding the preliminary operating budget information.

A discussion was held regarding preliminary operating budget information. A draft version of the *Feedback from the Budget Open House* was circulated.

Next meeting Scheduled for Apr 20, 2015.

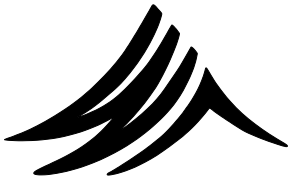
ADJOURNMENT

Moved by Councillor J. Crompton

That the Audit and Finance Standing Committee of Council adjourn the March 10, 2015 Audit and Finance Committee meeting at 10:06 a.m.

CARRIED

Director of Finance, Ken Roggeman



WHISTLER

MINUTES

REGULAR MEETING OF THE MAY LONG WEEKEND COMMITTEE

FRIDAY, MARCH 27, 2015, STARTING AT 3:00 P.M.

In the Piccolo Room

4325 Blackcomb Way, Whistler, BC V0N 1B4

PRESENT:

Chair, RMOW General Manager, Corporate and Community Services, N. McPhail

Councillor J. Grills

General Manager, Four Seasons Whistler, Peter Humig

Director of Bars and Pubs, Gibbons Hospitality, Terry Clark

Member at Large, Keir Fine Jewellery, Nicole Shannon

RCMP Staff Sergeant, Steve LeClair

RMOW Manager, Village Animation and Events, B. Andrea

Recording Secretary, Rose Lawrence

ADOPTION OF AGENDA

Moved by T. Clark

Seconded by P. Humig

That the May Long Weekend Committee adopt the May Long Weekend Committee agenda of March 27, 2015.

CARRIED

PRESENTATIONS/REPORTS

Round Table

Round table reports from each of the Committee members:

P. Humig: interested in replacing the partying label/history with a more family-friendly and safe weekend.

T. Clark: A great weekend for bars and clubs. A lot of what has happened is with underage groups. With GO Fest: a beneficial shift in focus.

B. Andrea: Acting as a staff resource. Agree with T. Clark in that there has been an improvement; and that there is also more to do. Agree too that the issues have been with underage groups. It is the isolated incidents that make the headlines.

S. LeClair: Have seen a variety of incidents over the years. Echo above re: underage groups. Have had from 112-170 calls over previous May long weekends. Have in recent years taken a high visibility approach, with extra resources (e.g. bike patrols); seems to be making a difference. RCMP will have a comprehensive plan in place for 2015.

N. Shannon: Have experienced plenty of Whistler May long weekends. Agree that Whistler has made the experience a success. A concern is displacement; e.g. when parties disperse, what happens.

Councillor J. Grills: Have experienced plenty of Whistler May long weekends. It used to be a race weekend; when that stopped it lost its identity and has become a party weekend. Agree with T. Clark that it is a great business weekend. The direction Whistler started taking last year is a very positive one. Agree that the RCMP high visibility approach is effective.

N. McPhail: Have been involved in various capacities since 1988. Interested in furthering the successes.

Review 2014 Recommendations

N. McPhail reviewed the 2014 recommendations in the 2015 presentation to Council as circulated with the group. A discussion ensued:

N. McPhail suggested a more proactive approach with the media to mitigate any rumours; T. Clark agreed and added that this would also serve as a means to highlight the positive elements of the weekend. N. Shannon suggested monitoring what is trending and responding quickly and accordingly. B. Andrea advocated having a source of truth; e.g. RMOW or RCMP press release. GO Fest will take a few more years to fully develop as the May long weekend new identity. N. McPhail stated that there are tools in place in order to track and gather evidence-based data.

N. McPhail asked: If we can have the business community collaborate: what can we package up as offerings to displace unwanted activities.

P. Humig: we have to know who we are catering to before we can package offerings. Everyone can co-exist; e.g. families and nightclubs. Planning would start this summer for next May.

B. Andrea: RMOW event planning is working with existing businesses more this year: e.g. family-oriented events.

T. Clark noted that Gibbons Group is working with TW to pair events; this is proving to be effective.

P. Humig suggested tapping into arts and culture to attract more diverse audiences. In order to organically grow the weekend different activities could be offered that cater to different demographics and naturally these will displace the unwanted element.

Councillor J. Grills asked how the message is getting out to people. B. Andrea stated that funding makes planning challenging; however, F&E&A has started planning sessions. Appreciate P. Humig's comments re: so much to offer. It is really about getting everyone on board and getting the positive message out.

N. McPhail commented that it is about getting locals involved too, e.g. putting teams into the Great Snow-Earth-Water race. B. Andrea stated that the more locals are involved the less the chance of misbehaving.

N. McPhail noted that continued level of increased policing remains a priority.

T. Clark pointed out that gangs have stopped coming due to the diligence of the RCMP in making it uncomfortable for them to be here. The same approach could be taken with the current troublesome groups.

N. McPhail reported that 2014 results were that RMOW didn't get as far with identifying who is in charge of non-front desk accommodations, this to aid eviction when people are causing trouble. Some steps taken in the village but more focus needed our neighbourhoods. It is essential that the community be involved in reporting crime. We need to educate employees and community members that they can call 911 when they see trouble.

S. LeClair advised that RCMP will meet with the hotel association again this year.

P. Humig stated there are issues with all hotels whereby one person books a room but more show up to stay. S. LeClair remarked that a few hotels have a security guard on site to assist.

B. Andrea commented that he would like to see business owners make it less easy for trouble groups to stay.

Action item: N. McPhail to follow up with Shawnigan Lake School to see if they're hosting a party this year at the Chateau.

2015 Plan

Determine the next steps and the plan for 2015:

N. McPhail asked the Committee members to submit their ideas and thoughts to be addressed at the next meeting.

B. Andrea declared he would pass along Committee findings with GO Fest event organizers.

Action item: Councillor J. Grills and B. Andrea to meet re: event funding to ensure that planning can go ahead.

Action item: N. Shannon will talk with a few local businesses re security and their thoughts.

OTHER BUSINESS

There were no items of Other Business.

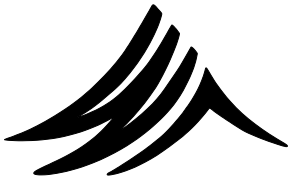
ADJOURNMENT

Moved by N. Shannon

That the May Long Weekend Committee adjourn the March 27, 2015 meeting at 4:00 p.m.

CARRIED

CHAIR: N. McPhail



WHISTLER

MINUTES

**REGULAR MEETING OF THE MAY LONG WEEKEND
COMMITTEE
THURSDAY, APRIL 9, 2015, STARTING AT 4:00 P.M.
In the Piccolo Room
4325 Blackcomb Way, Whistler, BC V0N 1B4**

PRESENT:

Chair, RMOW General Manager, Corporate and Community Services, N. McPhail
Councillor J. Grills
General Manager, Four Seasons Whistler, Peter Humig
Director of Bars and Pubs, Gibbons Hospitality, Terry Clark
Member at Large, Nicole Shannon
RCMP Staff Sergeant, Steve LeClair
RMOW Manager, Village Animation and Events, B. Andrea
Recording Secretary, Rose Lawrence

ADOPTION OF AGENDA

Moved by T. Clark
Seconded by S. LeClair

That the May Long Weekend Committee adopt the May Long Weekend Committee agenda of April 9, 2015.

CARRIED

ADOPTION OF MINUTES

Moved by S. LeClair
Seconded by N. Shannon

That the May Long Weekend Committee adopt the May Long Weekend Committee minutes of March 27, 2015.

CARRIED

PRESENTATIONS/REPORTS

Policing Plan Review:
Sgt. S. LeClair

Sgt. S. LeClair reported that the RMOW policing plan for the long weekend is underway, with similar objectives to last year's plan; for example, maintaining a highly visible police presence. Media management will be handled in partnership with RMOW Communications department.

Councillor Grills mentioned the large volume of people last year on the Thursday evening. T. Clark commented that it was helpful a few years ago to have key people in town have direct access to the RCMP.

Action item: T. Clark to meet with S. LeClair and N. McPhail re: zone policing.

GO Fest Update: B.
Andrea

B. Andrea gave a presentation on GO Fest. He outlined the events and approach, as well as enhancements from last year.

N. Shannon asked if the tag line 'Come out and Play' could be used by merchants. T. Clark added that 'Something to Celebrate' could also be used.

Action item: B. Andrea to check whether 'Come out and Play' can be used.

Round Table

Planning for 2015 was addressed in the round table discussion

N. Shannon: Talked with merchants who were very responsive. They highlighted the need for enhanced police presence, or a safe zone. Other thoughts were around accommodation and events geared towards families. Discussed the idea of merchants helping merchants by sharing resources and information. Councillor Grills added that business owners should consider providing adequate staffing levels for the weekend. B. Andrea noted that there are late night areas in town where people congregate. Nearby businesses could consider taking steps to mitigate any damages. T. Clark noted that a lot of the damage in the past occurred after 3am; therefore keeping the high visibility police presence later might be considered.

Action item: N. McPhail to ask RCMP re: policing plan and visibility later into the evening/morning.

P. Humig: Two comments geared to help GO Fest become more successful:
1. General feedback is that the festival is successful. Marketing on GO Fest website doesn't speak to families and states 'coming soon'.

Action item: B. Andrea to speak with GO Fest organizers re: marketing.

2. Hotels are willing to work with GO Fest in coming up with ideas of how to make the weekend better.

Councillor Grills: Asked what the goals are over the next few years. This could be an agenda item for next meeting. E.g. reduce crime, increase visitor occupancy, reduce the stigma attached to the weekend, etc.

B. Andrea: Village Hosts observe competing hotel room patio groups across the Village Stroll, but don't know who to call. N. Shannon stated that they observe the same and phone the hotel front desks.

N. McPhail: Requested that RMOW Communications attend the next meeting to discuss the marketing plan. Asked T. Clark and P. Humig to discuss the hospitality and hotel plans for the weekend, respectively. N. McPhail to discuss security.

OTHER BUSINESS

Next Meeting

To be held on Thursday April 23 at 4pm in the Piccolo Meeting Room.

ADJOURNMENT

Moved by S. LeClair

That the May Long Weekend Committee adjourn the April 9, 2015 meeting at 4:57 p.m.

CARRIED

CHAIR: N. McPhail

**RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT AMENDMENT AUTHORIZATION BYLAW (BLUEBERRY HILL) NO. 2088,
2015**

A BYLAW TO AUTHORIZE AMENDMENTS TO THE BLUEBERRY HILL LAND USE CONTRACT

WHEREAS a land use contract may, under s.930 of the *Local Government Act*, be amended by bylaw with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment;

AND WHEREAS the Council wishes to authorize the Resort Municipality to enter into agreements to amend a land use contract with the owners of certain parcels of land in the Resort Municipality, to make the method of calculating the gross floor area of detached and duplex dwellings permitted under the land use contract consistent with the method set out in the Resort Municipality's Zoning Bylaw;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as "Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015"
2. This bylaw applies to land charged with the Land Use Contract registered in the Land Title Office as G2947, provided that the permitted use of the land under the Land Use Contract is limited to Single Family Dwellings or Duplex Dwellings.
3. The Corporate Officer is authorized to enter into a Land Use Contract Amendment Agreement in the form attached as Schedule A to this bylaw, with the owner of any parcel of land described in section 2 of this bylaw.

Given first and second readings this __ day of _____, ____.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was this __ day of _____, ____.

Given third reading this __ day of _____, ____.

Approved by the Minister of Transportation this __ day of _____, ____.

Adopted by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of Land Use Contract Amendment Authorization Bylaw (Blueberry Hill) No. 2088, 2015.

Shannon Story,
Corporate Officer

SCHEDULE A

**LAND USE CONTRACT MODIFICATION AGREEMENT
(BLUEBERRY HILL LAND USE CONTRACT)**

BETWEEN:

[INSERT NAME AND ADDRESS OF REGISTERED OWNER]

(the "**Owner**")

AND:

The **RESORT MUNICIPALITY OF WHISTLER**, a municipality incorporated under the *Resort Municipality of Whistler Act*, having a civic address at 4325 Blackcomb Way, Whistler, British Columbia, V0N 1B4

(the "**Resort Municipality**")

WHEREAS:

- A. The parties (or their predecessors in title) entered into a land use contract which was registered in the Land Title Office under charge number G2947 pursuant to section 702A of the *Municipal Act*, RSBC 1960, chapter 255 (the "**LUC**");
- B. The Resort Municipality has authorized, by bylaw adopted pursuant to s. 930 of the *Local Government Act*, the amendment of the LUC with the agreement of the owner of any parcel charged with the LUC provided that the permitted use of the parcel under the LUC is limited to Single Family Dwellings or Duplex Dwellings;
- C. The Owner is the legal and beneficial owner of land having a civic address of [INSERT CIVIC ADDRESS] in the Resort Municipality of Whistler and legally described as:

[INSERT LEGAL DESCRIPTION]

(the "**Land**");

- D. The LUC restricts the density of development on the Land by defining the term "gross floor area" and setting a limit on the maximum gross floor area that is permitted to be developed on the Land;
- E. The method of calculating "gross floor area" in the LUC is not consistent with the method of calculating "gross floor area" in the Resort Municipality's Zoning and Parking Bylaw, No. 303, 1983, as amended (the "Zoning Bylaw"); and,

- F. The parties wish to amend the LUC to make the method of calculating gross floor area in the LUC consistent with the method of calculating gross floor area in the Zoning Bylaw, in accordance with this Modification Agreement;

NOW THEREFORE in consideration of the promises and covenants herein, and the sum of One Dollar (\$1.00), the receipt and sufficiency of which is acknowledged by the Resort Municipality, the parties agree as follows;

MODIFICATIONS

1. The LUC is hereby amended by deleting the text in subsection 2(h) and replacing it with the following text:

""gross floor area" has the meaning given in section 2 of the Resort Municipality of Whistler Zoning and Parking Bylaw, No. 303, 1983 as amended from time to time".

GENERAL

2. This Modification Agreement will, from and after the date of its registration in the Land Title Office, be read and construed along with the LUC and treated as part thereof and the LUC, as modified by this Modification Agreement, will continue to be of full force and effect.
3. This Modification Agreement is for the benefit of and is binding on the parties and their successors.
4. This Modification Agreement shall be governed and construed in accordance with the laws of British Columbia.
5. This Modification Agreement may be executed and delivered in any number of counterparts and by facsimile or e-mail transmission with the same effect as if all parties had signed and delivered the same document and all counterparts will be compiled together for registration and will constitute one and the same agreement.

IN WITNESS WHEREOF the parties hereto have executed this Modification Agreement with effect as of the date set forth above on Form C Part 1 to which this Modification Agreement is attached and which forms part of this Modification Agreement.

END OF DOCUMENT

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 2089, 2015

A BYLAW TO AMEND THE "WATER USER RATES BYLAW NO. 1826, 2007"

WHEREAS the Council of the Resort Municipality of Whistler has adopted "Water User Fee Bylaw No. 1826, 2007";

AND WHEREAS it is deemed expedient to amend the Resort Municipality of Whistler "Water User Fee Bylaw No. 1826, 2007";

NOW THEREFORE the Council of the Resort Municipality of Whistler in open meeting assembled,
ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as the Resort Municipality of Whistler "Water User Fee Amendment Bylaw No. 2089, 2015".
2. Effective January 1, 2015, Schedule "A" of "Water User Fee Bylaw No. 1970, 2011" is hereby rescinded and replaced with the Schedule "A" attached to and forming part of this bylaw.
3. Water User Fee Amendment Bylaw No 2083, 2015 is hereby repealed.

GIVEN FIRST, SECOND and THIRD READINGS this of __ day of _____, ____.

ADOPTED by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is
a true copy of " Water User Fee
Amendment Bylaw No. 2089, 2015"

Shannon Story,
Corporate Officer

SCHEDULE "A"

WATER USER FEES

<u>FLAT FEE</u>	<u>2015</u>
1 Single family residential and Bed & Breakfast	114.70
2 Duplex (not strata titled)	
i) first residential unit	114.70
ii) each additional unit	386.72
3 Duplex (strata titled), per strata lot	114.70
4 Apartment or Multiple Family Residential parcel (not strata titled)	
i) first residential unit	114.70
ii) each additional unit	114.70
5 Dormitory Housing (any housing unit with a gross floor area of 45 square meters or less located within a non-stratified building containing 10 or more such housing units and normally rented for continuous periods of 30 days or more)	
i) first residential unit	56.84
ii) each additional unit	194.88
6 Hotel or Motel (not strata titled)	
i) first residential unit	114.70
ii) each additional unit	386.72
7 Pension (not strata titled)	
i) first residential unit	56.84
ii) each additional unit	56.84
8 Pension - residential prtion	114.70
9 Mobile home parks (not strata titled)	
i) first rental space	114.70
ii) each additional space	386.72
10 Trailer, Recreational Vehicles, Campgrounds each space	56.84
11 Apartment of Multiple Family Residential Parcel (strata titled), per strata lot	114.70
12 Hotel or Motel (strata titled), per strata lot	114.70
13 Mobile home parks (strata titled), per strata lot	114.70
14 Schools - each classroom	460.81

SCHEDULE "A"

WATER USER FEES

PER SQUARE FOOT

15 Public restrooms, Laundries, Laundromats, Car Washes, & Breweries each square foot	1.62
16 Restaurants, Bars, Lounges, Discotheques, Cabarets, Public Houses each square foot	0.97
17 Business, Commercial, Industrial, Hostels, Other each square foot	0.40
18 Pools, Aquatic Centres, Waterslides each square foot	0.61

PER HECTARE

19 Golf courses, parks, playgrounds, Ski runs each hectare	874.93
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PER CUBIC METRE

20 Metered rates (based on metered water volumes)	
First 6,000 cubic metres	0.84
Next 12,000 cubic metres	0.65
Next 24,000 cubic metres	0.53
Greater than 42,000 cubic metres	0.47

MINIMUM CHARGE

21 Minimum annual charge for a strata-titled unit, or the first unit in a non-strata building	82.22
22 Minimum annual charge for each additional dwelling unit in a non-strata building	360.33

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 2090, 2015

**A BYLAW TO REPEAL THE "SEWER USER FEE AMENDMENT BYLAW NO. 2082, 2015"
AND AMEND "SEWER USER FEE BYLAW 1895, 2009"**

WHEREAS the Council of the Resort Municipality of Whistler has adopted "Sewer User Fee Bylaw No. 1895, 2009" and "Sewer User Fee Amendment Bylaw No. 2082, 2015";

AND WHEREAS it is deemed expedient to amend the Resort Municipality of Whistler "Sewer User Fee Bylaw No. 1895, 2009" and repeal "Sewer User Fee Amendment Bylaw No. 2082, 2015";

NOW THEREFORE the Council of the Resort Municipality of Whistler in open meeting assembled,
ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as the Resort Municipality of Whistler "Sewer User Fee Amendment Bylaw No. 2090, 2015".
2. Effective January 1, 2015, Schedule "A" of "Sewer User Fee Bylaw No. 1895, 2009" as amended is hereby rescinded and replaced with the Schedule "A" attached to and forming part of this bylaw.
3. Sewer User Fee Amendment Bylaw No. 2082, 2015 is hereby repealed.

GIVEN FIRST, SECOND and THIRD READINGS this __ day of _____, ____.

ADOPTED by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is
a true copy of " Sewer User Fee
Amendment Bylaw No. 2090, 2015"

Shannon Story,
Corporate Officer

**BYLAW NO. 2090, 2015
SCHEDULE "A"**

SEWER USER FEES

	<u>FLAT FEE</u>	2015 Rates
1	Single family residential and Bed & Breakfast	167.66
2	Duplex (not strata titled)	
	i) first residential unit	167.66
	ii) each additional unit	373.70
3	Duplex (strata titled), per strata lot	167.66
4	Apartment or Multiple Family Residential parcel (not strata titled)	
	i) first residential unit	167.66
	ii) each additional unit	373.70
5	Dormitory Housing (any housing unit with a gross floor area of 45 square meters or less located within a non-stratified building containing 10 or more such housing units and normally rented for continuous periods of 30 days or more)	
	i) first residential unit	83.83
	ii) each additional unit	185.84
6	Hotel or Motel (not strata titled)	
	i) first residential unit	167.66
	ii) each additional unit	373.70
7	Pension (not strata titled)	
	i) first residential unit	83.83
	ii) each additional unit	83.83
8	Pension - residential prtion	167.66
9	Mobile home parks (not strata titled)	
	i) first rental space	167.66
	ii) each additional space	373.70
10	Trailer, Recreational Vehicles, Campgrounds	
	each space	83.83
11	Apartment of Multiple Family Residential Parcel (strata titled), per strata lot	167.66
12	Hotel or Motel (strata titled), per strata lot	167.66
13	Mobile home parks (strata titled), per strata lot	167.66
14	Schools - each classroom	376.73

	<u>PER SQUARE FOOT</u>		
15	Public restrooms, Laundries, Laudromats, Car Washes, & Breweries		
	each square foot		2.10
16	Restaurants, Bars, Lounges, Discotheques, Cabarets, Public Houses		
	each square foot		1.01
17	Business, Commercial, Industrial, Hostels, Other		
	each square foot		0.28
18	Pools, Aquatic Centres, Waterslides		
	each square foot		0.28
	<u>PER CUBIC METRE</u>		
19	Metered rates (based on metered water volumes)		
	First 6,000 cubic metres		1.09
	Next 12,000 cubic metres		0.90
	Next 24,000 cubic metres		0.70
	Greater than 42,000 cubic metres		0.56
	<u>MINIMUM CHARGE</u>		
20	Minimum annual charge for a strata-titled unit, or the first unit in a non-strata building		124.23
21	Minimum annual charge for each additional dwelling unit in a non-strata building		331.28

RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW (Heidi Haus Pension) NO. 2073, 2015
A BYLAW TO AMEND THE RESORT MUNICIPALITY OF WHISTLER
ZONING AND PARKING BYLAW NO. 303, 1983

WHEREAS the Council may in a zoning bylaw pursuant to the *Local Government Act*, divide all or part of the area of the Municipality into zones, name each zone and establish the boundaries of the zone, regulate the use of land, buildings and structures within the zones and require the provision of parking spaces and loading spaces for uses, buildings and structures;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015”.
2. The land that is the subject of this Bylaw is a portion of Lot 15, District Lots 4752 and 4753, Group 1, New Westminster District, Plan LMP44921, shown outlined in heavy black line on the sketch plan attached as Schedule 1 to this Bylaw.
3. Schedule “A” to Zoning and Parking Bylaw No. 303, 1983 is amended by changing the zoning designation of the land described in Section 2 of this Bylaw from Leisure Conservation Buffer One (LCB1) to Tourist Pension 4 (TP4).
4. Section 15 of Zoning and Parking Bylaw No. 303 is amended by deleting subsection 2.6.2 and substituting the following:

“The minimum permitted side setback is 6 metres, provided that the minimum permitted side setback on the portion of the land legally described as Lot 15, District Lots 4752 and 4753, Group 1, New Westminster District, Plan LMP44921 that is within the TP4 Zone is 3 metres.”

Given first and second reading this 17th day of March, 2015.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this 14th day of April, 2015.

Given third reading this __ day of _____, ____.

Approved by the Minister of Transportation and Infrastructure this __ day of _____, ____.

Adopted by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden
Mayor

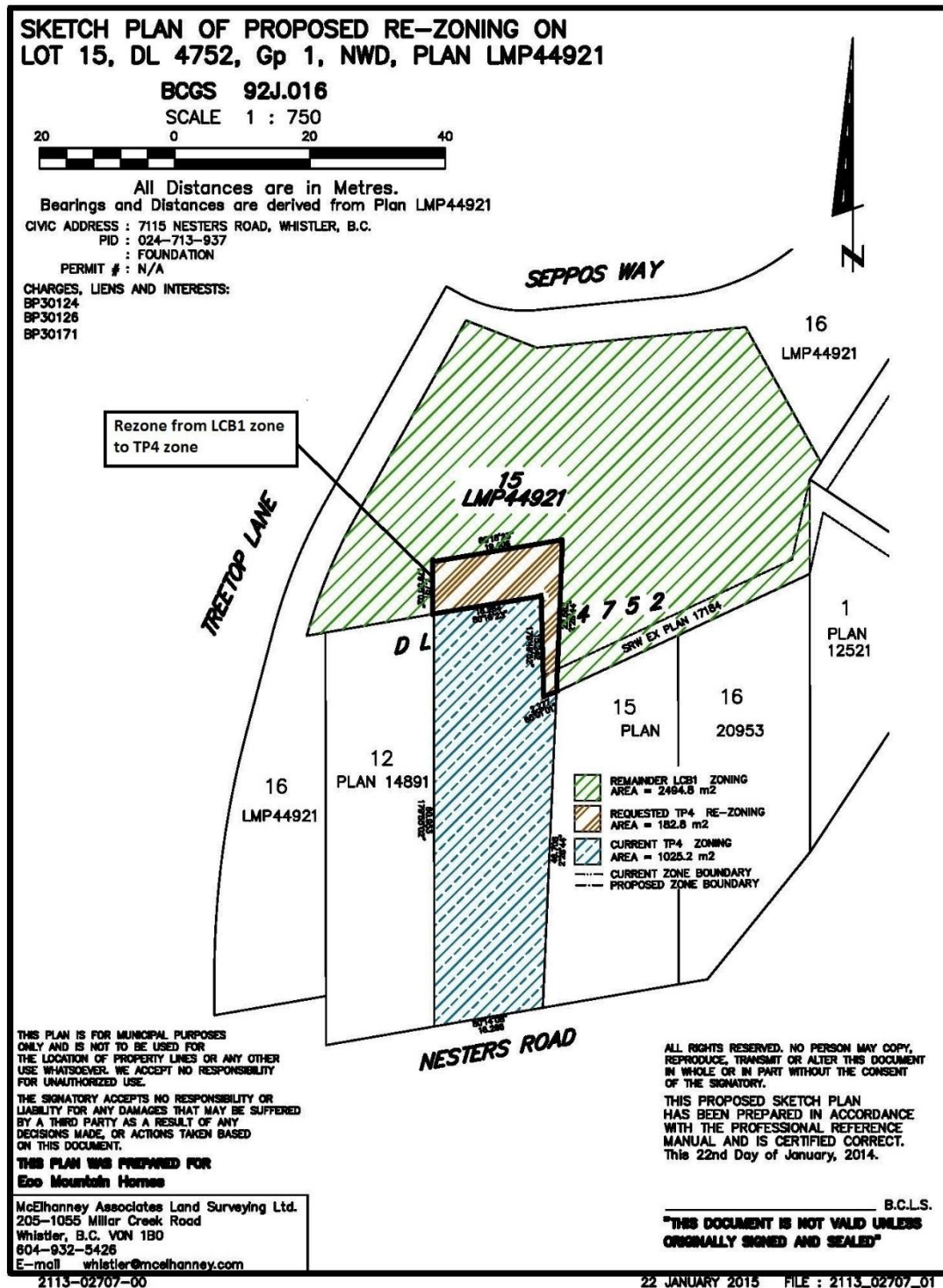
Shannon Story
Corporate Officer

"Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015"

I HEREBY CERTIFY that this is a true
copy of "Zoning Amendment Bylaw
(Heidi Haus Pension) No. 2073, 2015"

Shannon Story
Corporate Officer

Schedule A to Zoning Amendment Bylaw (Heidi Haus Pension) No. 2073, 2015



RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 2084, 2015

A BYLAW TO AMEND THE Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008"

WHEREAS the Council of the Resort Municipality of Whistler has adopted "Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008";

AND WHEREAS it is deemed expedient to amend the Resort Municipality of Whistler "Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008"

NOW THEREFORE the Council of the Resort Municipality of Whistler in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as the Resort Municipality of Whistler "Solid Waste/Recycling Rates Amendment Bylaw No. 2084, 2015".
2. Schedules "C" of "Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008" is hereby rescinded and replaced with the Schedules "C" attached hereto and forming part of this bylaw.
3. That "Solid Waste/Recycling Rates Bylaw No. 1907, 2009" and "Solid Waste/Recycling Rates Amendment Bylaw No. 1968, 2011" be repealed.

GIVEN FIRST, SECOND and THIRD READINGS this 14th day of April , 2015.

THIRD READING RESCINDED this 28th day of April, 2015.

THIRD READING AS AMENDED this 28th day of April, 2015.

ADOPTED by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is
a true copy of "Solid Waste / Recycling
Rates Amendment
Bylaw No. 2084, 2015"

Shannon Story,
Corporate Officer

SCHEDULE C

BYLAW NO. 2084, 2015

SOLID WASTE/RECYCLING RATES AMENDMENT

Each single family residence, duplex or other dwelling unit that does not possess on its property and utilize on a regular basis throughout the current year a commercial garbage container shall be charged, on the annual municipal tax notice, an annual Solid Waste and Recycling fee of one hundred and ninety seven dollars thirty cents (\$197.30) per dwelling unit that shall be paid by the same due date as the property taxes

All properties in Whistler will also be charged a flat fee of one hundred three dollars seventy three cents (\$103.73) per property on the annual municipal tax notice that shall be paid by the same due date as the property taxes

RESORT MUNICIPALITY OF WHISTLER
MUNICIPAL TICKET INFORMATION SYSTEM AMENDMENT BYLAW NO. 2086, 2015
A BYLAW TO AMEND MUNICIPAL TICKET INFORMATION SYSTEM BYLAW NO. 1719,
2005

WHEREAS the Council has adopted Municipal Ticket Information System Bylaw No. 1719, 2005; and,

WHEREAS the Council deems it necessary and expedient to amend the Municipal Ticket Information System Bylaw No. 1719, 2005;

NOW THEREFORE, the Council of the Resort Municipality of Whistler, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Municipal Ticket Information System Amendment Bylaw No. 2086, 2015".
2. Municipal Ticket information System Bylaw No. 1719, 2005 is amended by deleting Schedule A and replacing it with Schedule "A" attached to this bylaw

GIVEN FIRST, SECOND AND THIRD READINGS this 28th day of April, 2015.

ADOPTED by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden
Mayor

Shannon Story
Corporate Officer

I HEREBY CERTIFY that this is a true copy of Municipal Ticket Information System Amendment Bylaw No. 2086, 2015.

Shannon Story
Corporate Officer

SCHEDULE “A”

SCHEDULE A TO BYLAW NO. 1719, 2005

DESIGNATED BYLAWS	DESIGNATED BYLAW ENFORCEMENT OFFICER
Building and Plumbing Regulation Bylaw No. 1617, 2002” as amended	Building Inspector Senior Building Inspector Plumbing Inspector Supervisor of Bylaw Services Bylaw Enforcement Officer
“Whistler Animal Control Bylaw No. 1555, 2001” as amended	Animal Control Officer Supervisor of Bylaw Services Bylaw Enforcement Officer Conservation Officer Service Royal Canadian Mounted Police Officer
“Business License Bylaw No. 567, 1987” as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Business License Inspector Royal Canadian Mounted Police Officer
“Sign Bylaw No. 558, 1987”	Supervisor of Bylaw Services Bylaw Enforcement Officer
“Noise Control Bylaw No. 1660, 2004” as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Royal Canadian Mounted Police Officer
“Fire Protection and Fireworks Bylaw No. 2046, 2014”	Fire Chief Assistant Fire Chief Firefighter/Inspector Supervisor of Bylaw Services Bylaw Enforcement Officer Royal Canadian Mounted Police Officer
“Parks Bylaw No. 1526, 2002” as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Animal Control Officer Royal Canadian Mounted Police Officer
“Garbage Disposal and Wildlife Attractants Bylaw No. 1861, 2008” as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Conservation Officer Service Royal Canadian Mounted Police Officer

"Property Maintenance Bylaw No. 810, 1990" as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer
"Water Use Regulation Bylaw No. 1538, 2001" as amended	Supervisor of Bylaw Services. Bylaw Enforcement Officer
"Highway Use Regulation Bylaw No. 933, 1992" as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Royal Canadian Mounted Police Officer
"Business Regulation Bylaw No. 739, 1989" as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer
"Nuisance Bylaw No. 305, 1983" as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Royal Canadian Mounted Police Officer
"Smoking Regulation Bylaw No. 1884, 2008"	Supervisor of Bylaw Services Bylaw Enforcement Officer Royal Canadian Mounted Police Officer
"Zoning and Parking Bylaw No. 303, 1983" as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Royal Canadian Mounted Police Officer
"Firearms Regulation Bylaw No. 874, 1991" as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Conservation Officer Service Royal Canadian Mounted Police Officer
"Pesticide Use Regulation Bylaw No. 1822, 2007	Supervisor of Bylaw Services Bylaw Enforcement Officer
"Environmental Protection Bylaw No. 2000, 2012" as amended	Supervisor of Bylaw Services Bylaw Enforcement Officer Conservation Officer Service

From: Jim Horner [<mailto:jhorner@shaw.ca>]

Sent: Monday, April 27, 2015 1:58 PM

To: Mayor's Office

Subject: Alpine Meadows Water Project

Hello Mayor and Council,

I would like to chime in about a couple opportunities that I feel should be addressed while our Alpine Meadows roads are torn up.

Firstly I live in the Fissile Lane Strata. We have our electrical lines buried and I must say that it is smart not to look at them or worry about a tree taking them down.

Have you considered running plastic conduit for such future improvements before repaving? Our strata just upgraded our conduits in case we need more volume in the future for potential upgrades such as fiber optic.

Another improvement that I hope you will consider is strategic widening in high pedestrian roads. Driving up Alpine way at the end of the day is due west into the setting sun. This creates glare and I personally have been scared by driving too close to pedestrians. If the pavement was a little wider perhaps a pedestrian lane could be painted down one side.

Thank you for your considerations,

Jim Horner

8624 Fissile Lane

604 932 4433

From: Wanda Bradbury
Sent: Thursday, April 23, 2015 3:37 PM
To: Allison Winkle
Subject: Do NOT Ban Bike Usage On Trails

From: Tall Sean [<mailto:jamtoast@gmail.com>]
Sent: Wednesday, April 22, 2015 10:27 PM
To: Mayor's Office
Subject: Do NOT Ban Bike Usage On Trails

I am emailing in response to the worrying article posted on the Pique News Magazine's site on April 16, 2015: "Trails To Be Reviewed For Conflict".

Link: <http://www.piquenewsmagazine.com/whistler/trails-to-be-reviewed-for-conflict/Content?oid=2644783>

I would like to let the Mayor's Office know that I fully disagree with a ban of bikes on the trails listed in the article. I ride those trails regularly (except for the portion of Crater Rim Trail that is limited only to hikers) and, personally, never had any conflict with any other trail users. This is not to say that there hasn't been any user conflicts but I feel that banning bikes outright from those trails is not the solution. Signage could be erected to make all users aware of others on the trail as it is in Lost Lake Park.

I believe that the topic of trail conflict in this area of trails is being exaggerated by a vocal minority. If there were to be a ban of bikes for these trails I feel that there would be exponentially more conflict than the possible minor instances that have been brought to light.

Sincerely, a voting mountain biker,

--

Sean Gilbert

11-1245 Mount Fee Rd
Whistler, BC
V0N 1B1

604-962-2503

From: Gavin Phillipson [<mailto:iamgavinphillipson@hotmail.com>]

Sent: Wednesday, April 22, 2015 10:43 PM

To: Mayor's Office

Subject: Banning biking from Trails re: bill moore's letter

To: staff and the recreation and leisure advisory committee

This Letter is responding to the article in the pique

<http://www.piquenewsmagazine.com/whistler/trails-to-be-reviewed-for-conflict/Content?oid=2644783>

Hopefully this is getting forgotten about as we speak!!

Banning biking on these trails is insane! I walk/run/bike these trails multiple times a week from May through November and have never had a conflict (and I love conflict!). These trails are perfect 'intro' mountain biking trails for novice riders. If my 3 year old can share the trails safely maybe Bill Moore can figure it out too.

Please do not make rash decisions that will greatly disturb my daily lifestyle!

Gavin Phillipson
604 902 4286
17-1245 Mt Fee Road
Whistler BC
V0N 1B1

From: Robert Airey [<mailto:robert.airey@gmail.com>]
Sent: Thursday, April 23, 2015 12:52 PM
To: Mayor's Office
Subject: Cycling access on Whistler riverside trails

Dear Mayor and Council;

I am normally not one to write my local politicians (in fact this is a first for me), but I thought I would express my concern relating to a couple of articles that have appeared in the Pique recently discussing the possibility of changing the access of some trails in the Interpretive Forest area to hiking only.

I have been mountain biking in the Interpretive Forest area (and the Whistler area as a whole) for over 25 years now, and have never had a conflict with a hiker or dog in that area, or any other area in Whistler. I frequently (several times a month spring through fall) ride on the trails in that area. As an advanced mountain biker, I do not consider the trails overly challenging, but make a point to cycle the area on a regular basis as I am really appreciative of the beauty of the area, and the flow of the trails as the wind up and down and to and from the river.

Every time I ride those trails, I am fully aware that it is a multi-use trail, with many blind corners. I always make a point to be in control and anticipate that I can come upon a hiker or dog at any time. I never ride in that area at a pace where I cannot safely come to a complete stop upon encountering another trail user.

As a father with 2 young children who has also hiked that area with my children, I can also appreciate the concern someone may have over a cyclist who may come around a corner too fast and potentially have a conflict with a hiker or their dog. I have taught my children that it is a multi-use trail, and to be aware of, respectful of and kind to all trail users.

I believe that signage and education would go a long way in preventing any trail user conflicts. In a town as active as Whistler, I believe that most trail users understand each others' motivation for getting out into the forest, whether for a walk, run or bike ride, and a little reminder on common courtesy and trail etiquette would go a long way in cutting down any conflicts.

Whistler is a fantastic town, with some of the best mountain biking in the world and is one of the main reasons I became a homeowner in the area. For a city who generates such a large amount of their revenue from tourists and locals using the trail system, banning one user group from certain trails in the valley would send the wrong message to the stakeholders of the municipality.

Thank you for your time.

Robert Airey
#10-2201 Eva Lake Road
Whistler BC
VON 1B0

robert.airey@hotmail.com

604-230-8518

From: Chris [<mailto:ckaipio@gmail.com>]
Sent: Monday, April 27, 2015 9:08 PM
To: Mayor's Office
Subject: Letter to Council

Dear Mayor and Council,

As a mountain biker I would support some restricted use of bikes on the Far Side and Riverside trails. This area is very similar to the Four Lakes Trail in Squamish which has seasonal restrictions in place for cyclists.

The Whistler Interpretive Forest has become a very busy place in recent years with many elderly walkers, kids, strollers, dog walkers and destination hikers using the trails. I have long abandoned riding my bike here out of respect for the pedestrian traffic.

Unfortunately when I have walked these trails I have found the behaviour of some of the mountain bikers to be quite disrespectful. Etiquette dictates that bikes yield to pedestrians and most of the time I have not found this to be the case. I am a mountain biker and I get very upset when other bikers do not respect the other user groups.

It is unfortunate that a small number of trail users is ruining it for others. The reality is that these trails are becoming overcapacity during busy times.

What is needed is more investment in trails infrastructure in this area. If more trails existed it would increase tourism, spread all users out and create a situation where it would be possible to restrict bike access to some trails that are now over capacity with pedestrian traffic.

As a biker it is no fun to have to continually worry about running into pedestrians. As a hiker it is no fun to be constantly looking over your shoulder as you look out for fast travelling cyclists.

Whistler spent over a million dollars building Bailey Park which receives almost no use. It is time for the municipality to come up with a serious plan for investment in the trails infrastructure, especially in the Whistler Interpretive Forest. Do not think that the user conflicts that are starting to show up are going to disappear by posting a few small "share the trail signs". These trails are only going to get busier.

Sincerely,

Chris Kaipio
12-1380 Cloudburst Drive
Whistler, BC
V0N1B1
ckaipio@gmail.com
604.935.4705
Sent from my iPad

-----Original Message-----

From: Wally Raepple [mailto:wallyr@telus.net]

Sent: Saturday, May 02, 2015 10:44 AM

To: Mayor's Office

Subject: Hiking Trails

Dear Honourable Mayor and Council:

This is just a quick note in support of having more hiking only trails in Whistler Valley. We especially support the Riverside and Far Side trails as walking only. There are so many trails that cater to bikes and multi-use and so very few that are for walking only, especially if you walk with a dog (which excludes the Rainbow Mtn trails). The only dedicated walking trails that we are familiar with are the Snow-shoe and Nature trails in Lost Lake, and Ancient Cedars trail on Cougar Mountain. Please give strong consideration to dedicating more trails for walking only.

Sincerely with Thanks

Wally Raepple & Michelle James

4910 Spearhead Place Whistler BC

phone 604 905 0159

Our address in Vancouver is:

3642 W. 3rd Ave. V6R 1L9, phone is 604 734 5969



Emily Mann
WORCA Director of Planning
39-8119 McKeever's Place
Whistler V0N1B8
planning@worca.com
604-967-3750

April 24, 2015

Dear Mayor and council,

This letter is in response to the on-going discussion regarding management and potential user conflict on the Riverside Trails and the Whistler Interpretive Forest. WORCA's strongly supports the concept of multi-use trails and is opposed to the suggestion that the Riverside Trails or other popular trails elsewhere in the Whistler Valley should be designated as hiking-only.

Whistler is perhaps one of the world's most densely populated communities of outdoor enthusiasts which results in very high demand for recreation trails, particularly those that are the easiest to access and the most inclusive from an ability level point of view. While there have been very few incidents of conflicts in Whistler given the large number of users on trails year-round, the two areas that have reported conflicts are Lost Lake Trails and now the Riverside Trails. These zones are highly desirable for a variety of users because they are the only two true blue/intermediate-level trail networks in the Whistler Valley and are the easiest to access from the Village and the new 300+ unit Cheakamus Crossing neighbourhood. WORCA has recognized that there is a need for more blue-level multi-use trails in the Whistler valley to provide a more inclusive recreation trail product for residents and visitors. These trails should be developed in the Lost Lake and Interpretive Forest trail networks and will be part of the solution for lessening impacts and reducing conflict in high traffic zones.

A clear trail etiquette message is also an important part of making multi-use trails work and WORCA has been developing content for trail etiquette signs are in the process of being reviewed by RMOW staff and RLAC. Once they have been vetted by all appropriate groups, the trail etiquette signs will be piloted in the Interpretive Forest trails.

Trail design can be used to mitigate user conflicts on multi-use trails and the RMOW has already been proactive in assessing the Riverside Trails for areas where sightlines can be improved and where circulation within the network can be adjusted to reduce the potential user conflicts.

Limiting existing trails to single use is not the right solution; managing such a policy would be costly and ineffective and there are not enough trail building resources in the Whistler valley to accommodate multiple trail networks for single use by multiple user groups. As a multi-



recreational community we need to stay committed to the concept of multi-use trails and work towards other management and design solutions to resolve user conflict issues.

Thank-you for taking the time to consider these points. If you have any further questions or comments please don't hesitate to contact me directly.

Emily Mann
WORCA Planning Director



Emily Mann
WORCA Director of Planning
39-8119 McKeever's Place
Whistler V0N1B8
planning@worca.com
604-967-3750

April 24, 2015

To Mayor and council,

This letter is regarding the one of the seven recommendations that were made to council as part of the "Consolidated Hiking Trails Brief Resolutions" and passed at the FWAC meeting on April 8th, 2015. The specific recommendation was described under the heading "Road Access to Trailhead" and reads as follows:

RECOMMENDATION: FWAC recommends that the RMOW allocate some of the alpine hiking trail budget to retain the CCF or similar contractor to undertake an investigation into the feasibility, design and cost of upgrading the existing rough 4WD access road to the 19 Mile Creek Bridge on the Flank Trail to an appropriate forest recreation road standard; establishment of a new trailhead for the Don MacLaurin Skywalk trail in the vicinity of the 19 Mile Creek Bridge; and upgrading the very rough 4WD to the existing trailhead on far East end of the Flank trail from the existing Ancient Cedars parking lot to provide a second access to Don MacLaurin Skywalk trail.

WORCA is strongly opposed to this recommendation as there are several serious implications to the proposed road access to the 19 Mile Creek Bridge that have been overlooked by FWAC. I understand that the recommendation is for a feasibility and cost analysis for the two potential road upgrade project, however I do not feel that the overall concept has enough merit to warrant investment in consulting fees required for a feasibility study. These arguments are focused on the 19 Mile creek access from the top of Alpine Way, as WORCA is not opposed to the concept of a public recreation road connecting from the Ancient Cedars to the East end of the Flank Trail. However, I don't believe a study is required to determine that the order of magnitude cost of upgrading the existing road to the East end of the Flank to a suitable, 2-way recreation road would be in the order of millions of dollars, and perhaps tens of million, due the steep rocky terrain in this area. Please



consider these points regarding the proposed road access to 19 Mile Creek from the top of Alpine Way:

1. **Shuttling Access for Downhill Mountain Bikes** – While I appreciate that the concept for creating a publically accessible recreation road from the top of Alpine Way to a proposed trailhead and parking at 19 Mile creek was made with the intention of bringing hikers closer to the new Don MacLaurin Skywalk alpine hiking trail, the reality in Whistler is that this road would be an extremely appealing shuttling route for downhill mountain bikers. Shuttling not only results in very high impacts to roads by vehicles, but would bring exponential, unsustainable impacts to the existing mountain biking trails that are accessed from the Flank Trail as well as new downhill-oriented rogue trail building. WORCA does not have the resources to even attempt to mitigate the potential impacts on existing mountain biking trails which would result from road access to 19 Mile Creek.
2. **Taking Away Existing Recreation Trail** - It is shocking to me that FWAC would support a recommendation that proposes to use money designated for trail development to explore the concept of removing an existing well-used recreation access trail and replacing it with a road to provide access for vehicles. I believe this is a gross misinterpretation of the purpose of the alpine trail program funding and is not a justifiable use of public money from any source. The access to the Flank Trail from the top of alpine way is an important multi-use recreation trail and should remain closed to public vehicles.
3. **Environmental Impacts** - The existing deactivated logging road that extends from the top of Alpine Way to the Flank Trail can currently accommodate one-way traffic for 4WD vehicles only. In order to be upgraded to a public recreation road that provides access to a parking lot and trail head the road would need to be widened to accommodate 2-way traffic and would likely require re-design to lessen the grade of several very steep sections. Cut and fill banks will be required as well as resurfacing, and drainage management systems. The overall disturbance to the landscape along the four kilometers of road would be substantial and would completely change the existing experience for users as well as the views of this area from other parts of the valley. Based on my professional experience as a ski resort planner, I



estimate the cost for upgrading the road would be in the order of \$300/meter which would result in a 1.2million dollar project which would require ongoing annual maintenance.

As an alternative to road access from the top of Alpine Way, that the existing access road to the water reservoir from the end of Valley Drive should be considered as the main trail head and access point to the proposed Don MacLaurin Skywalk Trail, as discussed at the Trail Planning Working Group Meeting on April 16, 2015. Please consider these points when reviewing the recommendation described above from FWAC's Consolidated Hiking Trails Brief Resolutions.

Respectfully submitted,

Emily Mann
WORCA Director of Planning

From: mixmasterfab@hotmail.com

To: jcrompton@whistler.ca; sanderson@whistler.ca; wbradbury@whistler.ca; jford@whistler.ca; ajanyk@whistler.ca; jgrills@whistler.ca; smaxwell@whistler.ca

Subject: RMOW signage bylaw and lack of enforcement

Date: Mon, 27 Apr 2015 00:32:17 -0600

Dear Mayor and fellow council members ,

It has come to my attention that there is no sign bylaw enforcement .

After contact with the bylaw department I was informed that planning department is responsible for signage . It ends there and planning is not following up with enforcement as they are only concerned with the application and approval process . No application means you can pretty much put up whatever crappy sign you like .

The system seems to be failing with planning dept .

Compared to other municipalities we consider ourselves to be a more pristine wilderness setting and as I understand the sign bylaw was drafted in a way to reflect this theme including the use of limited size , lighting and indigenous materials .

I can truly sympathize with the business communities efforts to promote themselves during the past few years of economic downturn but outdoor signage has become downright tacky . Vinyl window covering is insulting and cheap looking . Excessive size , lighting , banners and cheap materials certainly make me feel like the whole resort quality has been cheapened and discounted .

The bylaw has been ignored and remains unenforced despite my inquiries .

I look forward to council giving this oversight their earliest consideration .

Note the attached images showing examples of clear disregard for the sign bylaw at the Clocktower building and near the corner of Northlands and Main streets .

Regards

Paul Fournier

6344 Easy street
Whistler BC
V0N1B6
604 932 6300





Kurt Samer BA MD FRCPC *Anesthesia*
Anesthesia & Pain Management
310 – 2055 Yukon Street
Vancouver BC V5Y 4B7
Cell 604-319-7294
E- mail ksamer@telus.net

Mayor and Council
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler BC V0N 1B4

20 April 2015

Dear Council,

RE: Standing water, mosquitoes, and West Nile Virus Disease:
A public health hazard in Whistler

As a concerned citizen, physician, resident of Whistler and property owner since 1989 I draw your attention to the presence of a significant public health hazard presented by large areas of standing water in areas of, and adjacent to Meadow Park, as these pools and ditches are the ideal breeding environment for mosquitoes that carry and transmit West Nile Virus.

West Nile Virus (WNV) is a pathogen – it causes disease in birds, horses and humans. The disease ranges from headache and fever only, to encephalitis, meningitis and acute flaccid paralysis - similar to polio, and death in some cases. WNV prior to the 1990's was confined to parts of Africa, but due to climate change, spread to North America in 1999 on the U.S. East Coast only initially. Within 5 years, it had spread across the entire USA to the West Coast, and to Canada. The natural reservoir for the virus is birds, primarily crows, ravens, robins and other species. The disease is transmitted among birds, and to humans and horses by mosquitoes. Warm temperatures and stagnant pools of water foster the breeding of mosquitoes.

The incidence and spread of WNV across North America
Number of cases human disease by location and year

<u>REGION</u>	1999	2003	2007	2009	2011	2012	2013	2014
BC	0	0	0	1	0	0	2	na
Canada	0	na	2,353	13	101	433	115	na
Washington State	0	0	0	38	0	4	1	12
USA	67	9,862	3,363	720	712	5,674	2,469	2,122
USA – DEATHS	7	264	124	32	43	286	119	85

Source: United States and BC Centres for Disease Control annual reports.

My Whistler residence is 8102 Camino Drive in Alpine Meadows, approximately 75 m from the northwest corner entrance to Meadow Park and the paved parking lot, which is situated at the corner of Camino Drive and Cedar Springs Road. In late spring and throughout the summer months, the mosquito problem has become severe, and steadily increasing over the last few years. By late afternoon to early evening, it is impossible to mow one's lawn, do any gardening or spend any time outdoors barbecuing or just relaxing in a hammock without long pants, long sleeve shirt and a liberal application of mosquito repellent. The air is thick with mosquitoes, constantly about one's head and face, in spite of the above measures. The same situation occurs when cycling or walking dogs in Meadow Park during this time of day.

I believe, and am quite certain the severity of this problem in Meadow Park and the surrounding residential area, is due to the presence of large areas of *standing water (water that is stagnant, not moving)* in numerous pools and ditches in the Park, that provide ideal breeding conditions for mosquitoes. In particular, there are numerous pools in the wooded areas on both sides of the driveway to the paved parking lot immediately north of the tennis court, in the bush area to the immediate east of the tennis court and washroom building, beside the paved path that connects the parking lot to the Recreation Centre parking lot at the north end of the arena, and in the wooded area immediately east of the playing field along the west side of the Recreation Centre arena/pool complex. In addition, there are extensive drainage ditches that contain standing water year round, especially along the north edge of the playing fields, along the west side of the playground/water fountains/picnic area and basketball court, and along the north side of the gravel road off Rainbow Drive near the sewage pumping station, that leads to the gravel parking lot west of the playground. The drainage ditch east of the playing fields beside the Recreation Centre complex turns into a large man made pond at the southern end, which is stagnant, with minimal surface movement which trickles into several other stagnant ponds on the north bank of the River of Golden Dreams. In addition there is at least one very large, abandoned heavy equipment tire in the bush between the eastern playing field and the parking lot to the north. Abandoned tires collect rain water and make an ideal breeding environment for mosquitoes, and are a common source of this problem. In summary, the entire west, north and east perimeter of Meadow Park contains several thousand square meters of standing water, providing ideal conditions for mosquito reproduction.

These areas of standing water are not natural, rather the result of development of Meadow Park, with brought-in construction fill and gravel for the bases of the roads, trails and parking lot raising the elevation of these infrastructures 1 – 2 m above the natural soil level. Originally a dense woodland of mainly evergreen species, the impaired drainage and resultant water pooling is gradually killing off the evergreen trees, which are being replaced by alder, cottonwood and skunk cabbage.

The southern border of Meadow Park is made up of the River of Golden Dreams and the adjacent natural wetlands, characterised by constantly moving water, which does not typically cause excess mosquito breeding. However, these wetlands are bird habitat, and birds are the natural reservoir and vector for WNV.

To date, all cases of WNV disease acquired in BC originated in the southern Okanagan region, due to the warm climate. The BC Centre for Disease Control has designated this region, as well as parts of the lower Fraser Valley as high risk for contracting WNV, due to the inexorable spread of WNV north and west, and the reality of climate change and global warming. In response, in 2003 the Greater Vancouver Regional District requested local municipalities to develop WNV response and prevention plans, and provincial government funding was made

available to this end, *even though no cases have arisen there yet*. The Fraser Health Authority, also recognizing the significant risk and health sequelae of WNV disease, has coordinated with the City of Surrey and adjacent municipalities, and contracted with Culex Environmental Ltd (an environmental firm with expertise in mosquito abatement) to embark upon an ongoing program of surveillance, monitoring and elimination of mosquitoes. In essence, this consists of measuring density of mosquito populations and testing of birds for WNV in susceptible areas; consulting and advising on improving drainage and removal of standing water in ditches, ponds and containers that contribute to mosquito breeding; and treatment of the water and environment with natural biological agents or chemicals that are larvicidal (i.e. that kill mosquito larvae before they hatch into flying adults), if necessary.

Given the following facts:

1. Climate change and regional increases in temperature are a reality
2. Summer daytime and evening temperatures in the Whistler and Pemberton valleys frequently exceed temperatures in the lower mainland/FraserValley regions
3. WNV has rapidly spread across North America including to Washington State and BC due to climate change/warming
4. Based on its history of spread across North America, it is not a matter of *if*, rather *when WNV appears in Whistler*
5. Development of Meadow Park has disrupted natural drainage, resulting in large areas of stagnant water that fosters the proliferation of mosquitoes
6. Meadow Park is adjacent to large areas of bird habitat, and birds spread WNV
7. Meadow Park is proximal to a large residential area, and is used extensively by visitors and local residents, and many children, particularly in the summer
8. West Nile Virus Disease is a serious illness, that can cause permanent disability and death, for which there is no treatment, that is spread to humans by mosquitoes
9. The incidence of West Nile Virus Disease can be reduced and prevented by elimination of standing water in areas of urban populations,

it is of considerable importance and urgency, I believe, that this potentially serious health hazard problem be addressed by embracing a mosquito control program for Meadow Park that would include monitoring of mosquito populations, monitoring and testing of birds, treatment of standing water with larvicides if necessary, removal of abandoned tires and other containers, and most importantly, elimination of the standing waters described above. The latter would require hydrological and engineering consultation to address and remedy the disturbance of the environment and its natural drainage caused by the original construction of the Park.

In all likelihood, there are more instances of standing water resulting from urban development in Whistler, at the perimeters of other parks, school grounds, and residential subdivisions. One clear example is the large pond north of the highway between turnoffs to Nordic and Alta Vista.

The mosquito control program in place in Surrey and adjacent municipalities (that clearly recognize this health hazard) is an example of what can and should be done, in the Whistler region as well.

Yours sincerely,

8102 Camino Drive
Whistler BC. V0N 1B8

1-604-319-7294

Kurt Samer

Copies to:

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From: EOIN FINN [<mailto:efinn@shaw.ca>]

Sent: Tuesday, May 05, 2015 4:15 PM

To: EOIN FINN

Cc: Bill Andrews

Subject: Environmental assessment of Woodfibre LNG terminal and shipping

Dear Mayors, Members of Council, Trustees and Administrators:

This communication concerns the proposed Woodfibre LNG project in Howe Sound and the lack of a proper environmental assessment of it. As most of the addressees on this correspondence border on the proposed shipping route of the LNG tankers, this should be of concern to you.

My Sea to Sky has officially asked federal environment minister Leona Aglukkaq to rescind the Substitution Decision that allows the BC Environmental Assessment (EA) process to substitute for the federal EA process required under *CEAA, 2012*. Our lawyer's letter explaining the request is attached to this email. The letter is lengthy and detailed, and I urge you to read it to understand our concerns about both the siting of the WLNG plant and associated LNG shipping and the inadequate BC EA process.

In our view, the BC EA process for WLNG has been far from "world-leading" regarding the siting issue. Neither Woodfibre LNG Limited nor its parent group of companies has ever built or operated an LNG terminal before. The Woodfibre location violates the siting criteria set by the LNG industry itself. And, the location violates the U.S. LNG siting criteria.

The US Coast Guard's LNG siting process maps human populations within hazard zones of 500 m, 1,600 m and 3,500 m around the terminal and shipping route. In the event of an LNG spill, the hazard range for a flammable natural gas cloud includes heavily populated areas of West Vancouver as well as populated areas of Bowen Island, Lions Bay, Bowyer Island, Anvil Island, large numbers of people using BC Ferries and the Sea to Sky Highway, well used campgrounds in Howe Sound, and populated areas of the Gulf Islands along the LNG carriers' route to the ocean.

Large LNG spills are "rare" precisely because regulators and the established LNG industry do not allow LNG terminals to be sited in locations like Howe Sound B.C. Disturbingly, the BC EA process is based on a project application that brazenly dismisses the consequences "to humans and ecological receptors" of a spill of the entire contents of an LNG carrier as "negligible to minor." In this context, we

are deeply frustrated that the BC EA working group process excludes any participation by members of the public. In our view, the working group's decision to allow participation by local government representatives is 'too little, too late.'

A genuinely world-leading process for seriously reviewing the Woodfibre LNG proposal would apply internationally-recognized LNG siting criteria and allow public participation in the process. We ask for your support.

Yours truly,

Eoin Finn B.Sc., Ph.D., MBA

My Sea to Sky (<http://www.myseatosky.org>)

Vancouver

Attachment: April 28, 2015 letter from William J. Andrews to Hon. Leona Aglukkaq.

William J. Andrews

Barrister & Solicitor

1958 Parkside Lane, North Vancouver, BC, Canada, V7G 1X5
Phone: 604-924-0921, Fax: 604-924-0918, Email: wjandrews@shaw.ca

April 28, 2015

The Honourable Leona Aglukkaq, M.P.
Minister of the Environment
Ottawa, Canada K1A 0H3
By email: Minister@ec.gc.ca

Dear Madam Minister:

Re: Woodfibre LNG Project and LNG Shipping in Howe Sound, B.C.

I represent *My Sea to Sky*, a volunteer organization of citizens opposed to the Howe Sound, B.C., location of the proposed Woodfibre LNG project and associated LNG shipping. I am writing to formally request that you reconsider and rescind your February 19, 2014 Substitution Decision under which the B.C. environmental assessment of the Project is substituted for federal environmental assessment under the *Canadian Environmental Assessment Act, 2012*.

The Substitution Decision requires the BC EA process to consider the environmental effects of the Project and associated LNG shipping, including the effects of accidents and malfunctions. The pre-eminent environmental issue that must be considered under *CEAA 2012* is whether Woodfibre in Howe Sound is an appropriate location given the fact that the LNG shipping lane is in extremely close proximity to heavily populated areas, such as West Vancouver and Bowen Island, and to major public transportation routes, such as the Sea to Sky Highway and BC Ferries to and from Horseshoe Bay. This crucial issue has not been – and will not be – examined properly or at all in the BC EA process.

The attached map shows the Woodfibre site and the LNG carrier route in Howe Sound. The red-shaded area, the solid red line, and the dotted red line show the recognized Hazard Zones 1, 2 and 3, respectively.

As detailed below, the B.C. environmental assessment of the Project is not meeting the basic legal conditions of the Substitution Decision and *CEAA 2012* in two main respects. First, the B.C. process is failing to address the well documented risk of catastrophic effects of an LNG spill due to an accident or malfunction regarding LNG shipping in Howe Sound. Second, the B.C. process is failing to provide public participation in this aspect of the assessment. In addition, the Substitution Decision itself violates *CEAA 2012* because it excludes assessment of LNG shipping between Howe Sound and the Pacific Ocean.

I. Outline

This letter begins in Part II with a description of the Woodfibre LNG Project, the Proponent, and the SIGTTO (industry association) siting criteria as they relate to the Project.

The extent of public opposition about the Project is discussed in Part III.

In Part IV, there is a discussion of the consequences of an LNG spill over water, and the hazard zones method of analysis applied to the siting of LNG facilities and shipping in the U.S.

The statutory framework and the Substitution Decision are outlined in Part V.

In Part VI, three grounds for the requested rescission are stated, and the argument is set out in detail.

Part VII is a brief conclusion.

II. The Woodfibre LNG Project

A. The Project

The proponent proposes¹ to construct and operate a liquefied natural gas production and export facility at a site (“Woodfibre”) on the west side of Howe Sound, approximately 7 km west-southwest of Squamish, B.C. The facility would have a permanently moored storage and offloading unit (comprised of two immobile LNG carriers) with a capacity of 250,000 m³ (171,000 tonnes) of LNG.² There would be a marine mooring facility for one LNG marine carrier, having a maximum capacity of 180,000 m³ (123,000 tonnes) of LNG.

The marine shipping component involves loaded LNG carriers leaving the Woodfibre terminal in Howe Sound, proceeding south adjacent to the Sea to Sky Highway, past communities such as Lions Bay, through Queen Charlotte Channel between Bowen Island and West Vancouver/Horseshoe Bay (community and ferry terminal),³ past Passage Island at the entrance to Howe Sound, into the Strait of Georgia adjacent to English Bay in Metro Vancouver, west through Boundary Pass and the Gulf Islands, through Haro Strait, through the Juan de Fuca Strait past Victoria (between Vancouver Island and the Olympic Peninsula), past Buoy J⁴ and into the Pacific Ocean. Incoming LNG carriers would thread the same route.

B. The Proponent

The Project proponent is Woodfibre LNG Limited, which is wholly owned by Pacific Oil & Gas Limited, an energy company within the RGE group of companies, headquartered in Singapore.⁵

¹ Woodfibre LNG Project Application and Supporting Studies (Application), http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_doc_list_408_r_app.html

² Future expansion of the proposed Woodfibre LNG Project and associated shipping is possible and this a concern of *My Sea to Sky*. However, terminal expansion is not the subject of the current environmental assessment.

³ As shown on the attached map, the proponent has also designated a Route B through Collingwood Channel on the east side of Bowen Island, between Bowen Island and Keats Island. However, the proponent says Route B will not be used.

⁴ Buoy J marks the western end of the shipping route that is included in the environmental assessment of the Kinder Morgan Trans Mountain Pipeline Expansion Project now being conducted by the National Energy Board under *CEAA 2012* and other statutes.

⁵ Application, Executive Summary, p.2.

Neither Woodfibre LNG Limited nor the RGE group of companies has ever built or operated an LNG terminal before.

Significantly, Woodfibre LNG Limited is *not* a member of the Society of International Gas Tanker and Terminal Operators (SIGTTO).⁶ SIGTTO is the well-respected international industry organisation whose members are responsible for most of the LNG terminals and shipping in the world. SIGTTO provides criteria for best practices and acceptable standards.

C. SIGTTO LNG Siting Criteria

Safety is a prerequisite for the viability of the LNG industry. SIGTTO states: “Bearing in mind the high commercial exposures within LNG projects, the need to maintain its [the LNG industry’s] good safety record is vital to all companies concerned.” SIGTTO credits “LNG’s excellent safety record” to LNG industry expertise and adherence to rigorous standards regarding terminal siting decisions, as well as terminal design and operations. Accordingly, SIGTTO has published site selection guidelines for LNG terminals, which it describes as, “important matters which should be dealt with when choosing the location of a new terminal.”⁷

Notably, the Woodfibre location does not meet many of the critical standards SIGTTO recommends for siting a new LNG terminal. For example:

- SIGTTO: “Short approach channels are preferable to long inshore routes which carry more numerous hazards.”⁸ The shipping route to and from Woodfibre is certainly a “long inshore route.”
- SIGTTO: “Essential design for a safe jetty: find a location suitably distant from centres of population.”⁹ The Woodfibre site and LNG shipping route is extremely close to populated areas, BC Ferries routes and the Sea to Sky Highway.
- SIGTTO: “Traffic separation schemes should be established in approach routes covering many miles.”¹⁰ The Woodfibre LNG proposal is to use the established commercial lane along with all other vessels.
- SIGTTO: “Anchorages should be established at the port entrance and inshore, for the safe segregation of LNG carriers and to provide lay-by facilities in case, at the last moment, the berth becomes unavailable.”¹¹ Howe Sound is generally a deep water area with no commercial anchorages.
- SIGTTO: “[P]ositioning an LNG terminal on the outside of a river bend raises the risk that a passing ship may strike the berthed carrier if the manoeuvre is not properly executed. This is possible because at some point on the bend, the manoeuvring ship must

⁶ <http://sigtto.org/>

⁷ “Site Selection and Design for LNG Ports and Jetties,” SIGTTO Information Paper No. 14, January 1997, reprinted August 2000, page 2. Accessible at <http://kitchenimage.typepad.com/files/sigtto-standards.pdf>

⁸ *Ibid.*, pdf p.26.

⁹ *Ibid.*, p.12.

¹⁰ *Ibid.*

¹¹ *Ibid.*

head directly at the berthed LNG carrier... It follows, therefore, that building a jetty in such locations is normally considered unsuitable.”¹² The Woodfibre site is on the outside of the bend in the shipping lane in Howe Sound to and from Squamish Terminals at the head of Howe Sound (see enclosed map).

The SIGTTO siting document makes clear that it may be impossible to create an effective contingency plan for a large LNG spill if the terminal or shipping lane is close to a populated area. After discussing the general desirability of contingency plans, SIGTTO states:

“But, in some circumstances, such as a large LNG release close to a populated area, it may be impossible to devise a realistic contingency plan because of the nature of the problem.”¹³

SIGTTO continues:

“Herein lies a conundrum which may only be resolved by further reducing the chance of a major release by designing-out the problem.”¹⁴

In other words, where the site is the problem, “designing-out the problem” means choosing a different site.

It would be one thing if the BC EA process was delving deeply into whether Woodfibre is or is not an acceptable site for a new LNG terminal. However, the key point for present purposes is that the B.C. environmental assessment process is *not* conducting an examination of whether the Woodfibre LNG Project does or does not meet the SIGTTO LNG terminal siting recommendations, U.S. Coast Guard criteria (discussed below), or any other LNG terminal siting criteria for that matter.

III. Public opposition

The environmental assessment of the proposed Woodfibre LNG Project occurs in the context of growing public controversy about the location of the proposed terminal and shipping route. It is understood that there have been more than 1700 written public comments to the BC EA Office on proposed Project, the vast majority expressing concern about the Project and about weaknesses and flaws in the environmental assessment of the Project.¹⁵

Reflecting this public concern, local governments have passed the following resolutions:

- District of West Vancouver, July 21, 2014: “to write to the federal government with a suggestion to ban the passage of LNG tankers in the waters of Howe Sound.”¹⁶
- District of West Vancouver, September 8, 2014: “City council reaffirms its earlier unanimous ban on tankers in Howe Sound.”¹⁷

¹² *Ibid.*, p.7.

¹³ *Ibid.*, p.5 (pdf p.8 of 28), underline added.

¹⁴ *Ibid.*, p.5 (pdf p.8 of 28), underline added.

¹⁵ For example, for the period January 22 to March 23, 2015, the B.C. Environmental Assessment Office website indicates receipt of some 820 pages of public comments.

¹⁶ <http://westvancouver.ca/news/council-briefs-july-21>

- Village of Lions Bay, May 20, 2014: “the Village of Lions Bay urges the federal government to ban the passage of LNG tankers in the waters of the Malaspina, Georgia, Juan de Fuca and Haro Straits, and Boundary Pass.”¹⁸
- Town of Gibsons, July 15, 2014: “Gibsons Council urge the federal government to ban the passage of LNG tankers in the waters of Howe Sound and the Georgia Strait, and to request the support of other communities around the Howe Sound to support this resolution.”¹⁹
- District of Squamish, January 20 2015: “Council votes no to LNG pipeline test drilling in Squamish estuary.”²⁰
- Bowen Island Municipality: February 23, 2015: “BIM Council write to the provincial government with a suggestion to ban the passage of LNG tankers in the waters of Howe Sound. Carried.”²¹

IV. LNG Terminal Siting, Risks and Criteria

A. Consequences of an LNG spill over water

Risk consists of the combination of event frequency and event consequence. In *siting* an LNG terminal and shipping route, one of the most important risks that must be examined is the risk of a large LNG spill over water causing injury to the public and damage to property. This is a risk characterized by low event frequency and severe event consequence. Each component of the risk (frequency and consequence) must be considered separately, and in combination with each other.

Concerning the *consequences* of a large LNG spill over water, the seminal scientific document is a 2004 report from Sandia National Laboratories (2004 Sandia Report),²² sponsored by the U.S. Department of Energy. The purpose of the report was to “develop guidance on a risk-based analysis approach to assess and quantify potential threats to an LNG ship, the potential hazards and consequences of a large spill from an LNG ship, and review prevention and mitigation

¹⁷ <http://westvancouver.ca/sites/default/files/dwv/council-minutes/2014/Sept/14sept08%20copy2.pdf>

¹⁸

<http://files.lionsbay.ca/2014%20Content/Council/Minutes/20140520%20Regular%20Meeting%20Minutes%20-%20signed.pdf>

¹⁹ <http://www.gibsons.ca/include/get.php?nodeid=811>

²⁰ <http://www.squamishchief.com/news/local-news/council-votes-no-to-fortis-drilling-1.1737742>

²¹ <http://bowenisland.civicweb.net/Documents/DocumentDisplay.aspx?Id=59416>
http://www.livestream.com/bowenislandmunicipalhall/video?clipId=flv_ce2d0178-0cb1-4a9f-a0fb-97cbf7324121

²² “Guidance on Risk Analysis and Safety Implications of a Large Liquefied Natural Gas (LNG) Spill Over Water,” Mike Hightower, Louis Gritz, Anay Luketa-Hanlin, John Covan, Sheldon Tieszen, Gerry Wellman, Mike Irwin, Mike Kaneshige, Brian Melof, Charles Morrow, Don Ragland, Sandia Report, SAND2004-6258. http://www.energy.ca.gov/lng/documents/2004-12_SANDIA-DOE_RISK_ANALYSIS.PDF.

strategies that could be implemented to reduce both the potential for and the risks of an LNG spill over water.”²³

In storage, LNG is a cryogenically cold liquid (about -162°C) at atmospheric pressure. The Sandia Report states that “Following a tank breach or other spill event, depending on the size and location, LNG can be expected to spill onto or into the LNG ship itself, escape through a breach onto the water surface, or both.”²⁴ Spilled LNG (while still liquid) is more dense than air and lighter than water (i.e., it floats). The LNG disperses over the ocean surface, absorbing heat from the water and air, freezing the surface of the water.

To clarify, there is a myth that spilled LNG is not a safety hazard because LNG does not burn. This is dangerously incorrect. Spilled LNG does not burn when it is still in liquid form (though it will cause cryogenic burns and structural damage, discussed below). However, the LNG warms up as it spreads over the water’s frozen surface. When the LNG reaches its boiling point of approximately -160°C the liquid turns into a gas (natural gas). The natural gas mixes with air and absorbs water vapour, creating a low-hanging white vapour cloud with a density 1.5 times that of air. When natural gas forms a high proportion of the vapour cloud the cloud is not flammable. However, as the vapour cloud disperses the natural gas component declines and when the proportion of natural gas reaches 15% the vapour cloud is highly flammable. The vapour cloud remains flammable until the natural gas proportion dilutes to less than 5%. A vapour cloud from spilled LNG may disperse a significant distance (e.g., more than a mile) before encountering an ignition source. Hence the threat to West Vancouver, Bowen Island, Lions Bay and other communities, in the case of a spill from an LNG carrier from Woodfibre.

In the event of an LNG spill, there are three main potential physical outcomes:

- the LNG disperses without a fire;
- the LNG burns as a pool fire²⁵ (very intense heat in the location of the liquid/boiling LNG), and/or
- the LNG burns as a vapour fire (flash fire, typically burning back and causing a pool fire at the source).²⁶

The Sandia Report discusses the following types of hazards of an LNG spill over water.

Regarding “Asphyxiation,” the Report states that “If the vaporizing LNG does not ignite, the potential exists that the LNG vapor concentrations in the air might be high enough to present an asphyxiation hazard to the ship crew, pilot boat crews, emergency response personnel, or others that might be exposed to an expanding LNG vaporization plume.”²⁷

²³ *Ibid.*, p.13.

²⁴ *Ibid.*, p.37.

²⁵ No one disagrees that Liquefied Natural Gas does not burn when it is still cold enough to be liquefied. It is technically correct to say that LNG does not burn. However, it is common, even in the technical literature such as the Sandia Reports, to see references to LNG fires, LNG burning, LNG combustion, etc., which are understood in context to mean LNG that has warmed to become gaseous natural gas that burns.

²⁶ *Ibid.*, p.37.

²⁷ *Ibid.*

Regarding “Cryogenic Burns and Structural Damage,” the Report states:

“The very low temperature of LNG suggests that a breach of an LNG cargo tank that could cause the loss of a large volume of liquid LNG might have negative impacts on people and property near the spill, including crewmembers or emergency personnel. If LNG liquid contacts the skin, it can cause cryogenic burns. Potential degradation of the structural integrity of an LNG ship could occur, because LNG can have a very damaging impact on the integrity of many steels and common ship structural connections, such as welds. Both the ship itself and other LNG cargo tanks could be damaged from a large spill.”²⁸

Regarding “Combustion and Thermal Damage,” the Report provides a technical discussion of “thermal and/or pressure loading” from an LNG spill, noting that “heat flux levels approaching 35 kW/m² will cause significant damage to structures, equipment, and machinery.” The Report drily concludes: “combustion and thermal damage from a fire can have severe consequences and should be carefully and thoroughly analyzed.”²⁹

Regarding an LNG “fireball,” the Report explains that “Ignition of a vapor cloud will cause the vapor to burn back to the spill source.”³⁰ The Report says “This is generally referred to as a ‘fireball’,” which it distinguishes from an explosion.

In other circumstances, an LNG spill may lead to an “LNG air explosion.” The Report states:

“Certain conditions, however, might cause an increase in burn rate that does result in overpressure. If the fuel-air cloud is confined (e.g., trapped between ship hulls), is very turbulent as it progresses through or around obstacles, or encounters a high-pressure ignition source, a rapid acceleration in burn rate might occur [Benedick et al. 1987].”³¹

A “rapid phase transition” is another potential consequence of an LNG spill. The Report explains:

“Rapid Phase Transitions occur when the temperature difference between a hot liquid and a cold liquid is sufficient to drive the cold liquid rapidly to its superheat limit, resulting in spontaneous and explosive boiling of the cold liquid. When a cryogenic liquid such as LNG is suddenly heated by contacting a warm liquid such as water, explosive boiling of the LNG can occur, resulting in localized overpressure releases.”³²

The 2004 Sandia Report was updated in a 2008 Sandia Report³³ to take into account the larger sized LNG carriers and new technical information.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ “Breach and Safety Analysis of Spills Over Water from Large Liquefied Natural Gas Carriers,” Anay Luketa, M. Michael Hightower, Steve Attaway, Sandia Report, SAND2008-3153, May 2008. Accessible at

B. Hazard Zones

One of the main contributions of the Sandia Reports of 2004 and 2008 is the identification of hazard zones for use in analyzing the LNG terminal and shipping risks. These hazard zones extend from the terminal itself and from the LNG carrier as it follows its defined route. The zones are concentric circles of 500 m, 1,600 m and 3,500 m.

The 2004 Sandia Report states:

“The most significant impacts to public safety and property exist within approximately 500 m of a spill, due to thermal hazards from fires, with lower public health and safety impacts at distances beyond approximately 1600 m.”³⁴

Perhaps surprisingly, the absence of an ignition source close to an LNG spill can actually exacerbate the problem because a cloud of vaporized natural gas can travel some distance before encountering a source of ignition. The 2004 Sandia Report states:

“Large, unignited LNG vapor releases are unlikely. If they do not ignite, vapor clouds could spread over distances greater than 1600 m from a spill.”³⁵

And:

“... a vapor cloud from an LNG spill could extend to 2,500 m, if an ignition source is not available. The potential thermal hazards within a vapor cloud could be high. Because vapor cloud dispersion is highly influenced by atmospheric conditions, hazards from this type of event will be very site-specific.”³⁶

For the Woodfibre LNG Project and shipping, a hazard range of 2500 m includes heavily populated areas of West Vancouver as well as populated areas of Bowen Island, Lions Bay, Bowyer Island, Anvil Island, large numbers of people using BC Ferries and the Sea to Sky Highway, well used campgrounds in Howe Sound, and populated areas of the Gulf Islands along the LNG carriers’ route to the ocean.

The three Sandia zones of concern, as well as many other relevant criteria, have been adopted by the Department of Homeland Security and the United States Coast Guard. Proponents must conduct a “Waterway Suitability Assessment” (WSA) in determining the suitability of the location of any new waterfront LNG facility requiring Federal Energy Regulatory Commission (FERC) approval.³⁷ The Coast Guard’s Guidance Document states:

http://www.energy.ca.gov/lng/documents/2008-09-11_SANDIA_2008_Report.PDF

³⁴ 2004 Sandia Report, p.73, underline added.

³⁵ 2004 Sandia Report, p.15, underline added. In the nominal intentional spill the size of the assumed breach is larger than in the nominal accidental spill, resulting in a larger volume of LNG being spilled.

³⁶ *Ibid.*, p.20

³⁷ “Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities,” Navigation and Vessel Inspection Circular (NVIC) NO. 01-2011, U.S. Department of Homeland Security and United States Coast Guard.

<http://www.uscg.mil/hq/5/fnvic/pdf/2011%2FNVIC%252001->

“Zones of Concern... should be applied to the length of the transit to determine the main areas of concern along the waterway. The WSA should include graphics that depict the outer perimeter of the zones along the entire LNG vessel transit route, in order to assess what port and community features fall within them.”³⁸

Also to be considered in the WSA are waterfront community demographics³⁹ and population density.⁴⁰

It should also be noted that in addition to the ‘zones of concern’ analysis, the 2004 Sandia Report states that “Where analysis reveals that potential impacts on public safety and property could be high and where interactions with terrain or structures can occur, modern, validated computational fluid dynamics (CFD) models can be used to improve analysis of site-specific hazards, consequences, and risks.” Both these conditions – potential impacts on public safety and property, and significant terrain – apply in the Woodfibre LNG situation. However, the B.C. environmental assessment is apparently not using any CFD (plume dispersion) modeling.

V. CEAA 2012 and the Substitution Decision

A. Statutory Framework

Subsection 32(1) of *CEAA 2012* requires the Minister to approve substitution where the Minister is of the opinion that a provincial EA process “that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project would be an appropriate substitute,” subject to section 33 (not relevant here) and section 34.

Subsection 34 of *CEAA 2012* provides an explicit limitation on the Minister’s statutory authority to approve a substitution. It states:

- 34.** (1) The Minister may only approve a substitution if he or she is satisfied that
- (a) the process to be substituted will include a consideration of the factors set out in subsection 19(1);
 - (b) the public will be given an opportunity to participate in the assessment;
 - (c) the public will have access to records in relation to the assessment to enable their meaningful participation;
 - (d) at the end of the assessment, a report will be submitted to the responsible authority;
 - (e) the report will be made available to the public; and
 - (f) any other conditions that the Minister establishes are or will be met.

[2011%2520Final.pdf&ei=FDkzVcqNMsw6ogSLv4D4Dg&usg=AFQjCNE_gq0koh75IUqcCOOfjh_CR2nleQ&sig=2=Du5ku_YoBzMcgL4u03LOcw&bvm=bv.91071109.d.cGU](#)

³⁸ *Ibid.*, pdf p.22.

³⁹ *Ibid.*, section 2(h), pdf p.22.

⁴⁰ *Ibid.*, section 2(i), pdf p.22.

My submission is that the B.C. environmental assessment of the proposed Woodfibre LNG Project violates several of the requirements of section 34 of *CEAA 2012* and therefore the Substitution Decision should be rescinded.

B. The Substitution Decision for EA of the Woodfibre LNG Project

The proposed Woodfibre LNG Project requires a federal environmental assessment under *CEAA 2012* because the Project activities exceed thresholds in *CEAA 2012 Regulations Designating Physical Activities* schedule section 14(d).⁴¹

The proposed Woodfibre LNG Project also requires environmental assessment under the B.C. *Environmental Assessment Act*.

By letter of November 27, 2013, an official of the B.C. Environmental Assessment Office (EAO) wrote to the President of the Canadian Environmental Assessment Agency (Agency). Pursuant to section 3 of the 2013 Memorandum of Understanding on Substitution of Environmental Assessments (MOU) between the EAO and the Agency,⁴² the EAO requested substitution under *CEAA 2012* of the environmental assessment of the proposed Woodfibre LNG Project. The request states B.C.'s commitment that "If substitution is approved by Minister Aglukkaq, British Columbia commits to fulfil the conditions for substitution under *CEAA 2012* in accordance with section 4 of the MOU."

On February 19, 2014, you, as the (federal) Minister of the Environment, wrote to B.C. Minister of Environment Mary Polak, informing her of your decision under *CEAA 2012* to approve substitution of the BC EA of the Project for the federal EA (Substitution Decision). The Substitution Decision sets out the following conditions:

"The Minister approves the substitution request given that B.C. has committed to meeting the following conditions:

- The designated project to be assessed is the construction, operation and decommissioning of a liquefied natural gas facility, marine terminal and any incidental physical activities, including marine shipping activities up to Passage Island.
- The substituted process will include a consideration of the factors set out in subsection 19(1) of *CEAA 2012*.
- B.C. will ensure that any Orders under sections 11, 13 and 14 or 15 of B.C.'s *Environmental Assessment Act* require the subsection 19(1) factors.
- The public will be given an opportunity to participate in the environmental assessment.

⁴¹ Specifically, the Project includes the construction, operation, and decommissioning of a new facility for the liquefaction, storage, or regasification of LNG, with an LNG processing capacity of 3,000 metric tonnes per day or more, or a LNG storage capacity of 55,000 metric tonnes or more. Source: Application, Executive Summary, p.14.

⁴² http://www.eao.gov.bc.ca/pdf/EAO_CEAA_Substitution_MOU.pdf

- The public will have access to records in relation to the environmental assessment to enable their meaningful participation.
- At the end of the environmental assessment, B.C. will submit a report to the Agency that includes the findings and conclusions of the environmental assessment with respect to the factors as set out in subsection 19(1) of CEAA 2012.
- The report will be made available to the public.”

The Minister has also established the following additional conditions for this project:

- B.C. will involve expert federal authorities in the B.C. process.
- B.C. will provide the environmental assessment report to the Agency within a time frame that will enable the Minister to make decisions under subsection 52(1) of CEAA 2012 within the time limits set out in CEAA 2012. ...”⁴³

On May 29, 2014, the Regional Director of the Canadian Environmental Assessment Agency, Pacific and Yukon Region, wrote to the BC EAO, stating:

“The Substitution Decision identifies that the designated project to be assessed is the construction, operation and decommissioning of a liquefied natural gas facility, marine terminal and any incidental activities, including marine shipping activities. In respect of marine shipping activities, and for the purposes of the federal Minister of the Environment’s EA Decision under CEAA 2012, I would like to clarify that the scope of this component includes marine shipping activities from the liquefied natural gas facility and marine terminal site to Passage Island at the entrance to Howe Sound.” [underline added]

Presumably, the purpose of this clarification is to specify that where the Substitution Decision states that for the purposes of EA the Project includes “marine shipping activities up to Passage Island” [underline added] it means marine shipping activities between the proposed LNG terminal and Passage Island; not between the open ocean and Passage Island.

In summary, key legal requirements of the Substitution Decision include:

- The environmental effects must include the effects of accidents and malfunctions concerning LNG storage and shipping.
- The public must have an opportunity to participate in the environmental assessment.
- The assessment must include the environmental effects of LNG shipping in Howe Sound, but excludes the environmental effects of LNG shipping between Howe Sound and the Pacific Ocean (i.e., Buoy J).

⁴³ The Substitution Decision also includes additional conditions regarding consultation with Aboriginal groups.

VI. Rescission of the Substitution Decision

A. Grounds

The B.C. environmental assessment of the proposed Woodfibre LNG Project fails to meet the requirements of section 34 of *CEAA 2012* in the following respects:

1. The BC EA process does not, properly or at all, examine the environmental effects of accidents and malfunctions regarding the LNG shipping component of the Project, contrary to *CEAA 2012*, s.34(1)(a) and s.19(1) and the Substitution Decision, second bullet.
2. The BC EA process excludes members of the public from the Working Group, which conducts the core of the assessment of the Application, contrary to the requirement of *CEAA 2012*, s.34(1)(b) and the Substitution Decision, fourth bullet, that the public will be given an opportunity to participate in the environmental assessment. And, the BC EA process delays public access to crucial assessment information (via Internet posting) being considered by the Working Group, contrary to the requirement of *CEAA 2012*, s.34(1)(c) and the Substitution Decision, fifth bullet, that the public will have access to records in relation to the environmental assessment to enable their meaningful participation.
3. The Substitution Decision violates *CEAA 2012*, s.34(1)(a) by excluding from the substituted process an assessment of the environmental effects of LNG shipping, associated with the Woodfibre LNG Project, between Howe Sound and the Pacific Ocean.

These points are elaborated upon in the paragraphs that follow.

B. Argument

1. Failure to address accidents and malfunctions

The BC EA process is fundamentally deficient in examining the environmental effects of accidents and malfunctions of the LNG storage and shipping aspects of the proposed Project, particularly in relation to determining whether Woodfibre is or is not a suitable site.

First, the Application, which is the information on which the assessment is supposed to be conducted, contains no systematic analysis of the suitability of the Woodfibre site and no mention of the world-recognized SIGTTO LNG siting criteria, the Department of Homeland Security/U.S. Coast Guard waterfront LNG siting criteria, or any other LNG siting criteria. Nor is the BC EA process using any form of ‘zone of concern’ analysis regarding the proposed terminal and LNG shipping lane. This is completely inconsistent with current best regulatory practices. For example, as discussed above, for LNG terminal siting processes under the U.S. Federal Energy Regulatory Commission, the Homeland Security/Coast Guard guidelines⁴⁴ utilize three concentric zones of concern⁴⁵ based on the 2004 Sandia Report.

The U.S. guidelines require a map depicting the outer perimeter of the zones along the entire LNG vessel transit route, in order to assess what port and community features fall within the zones. The map produced for *My Sea to Sky*, attached to this letter, shows that:

⁴⁴ NVIC-01-2001, www.uscg.mil/hq/cg5/nvic/pdf/2011/NVIC%2001-2011%20Final.pdf

⁴⁵ *Ibid.*, pdf p.22.

- Hazard Zone 1 (within 500 m) intersects the heavily utilized channel between the Horseshoe Bay Ferry Terminal and Bowen Island;
- Hazard Zone 2 (within 1,600 m) takes in a segment of the Sea to Sky Highway, the community of Furry Creek, the popular Porteau Cove Provincial Park campsite, Bowyer Island, parts of Bowen Island and parts of Keats Island (if Route B is used) and parts of the communities of Horseshoe Bay and West Vancouver; and
- Hazard Zone 3 (within 3,500 m) includes Murrin Provincial Park, Britannia Beach, most of the Furry Creek residential development, Anvil Island, most of the Village of Lions Bay, Halkett Bay Provincial Park, much of Bowen Island, and considerable portions of the District of West Vancouver.

I submit that by not using any form of ‘zone of concern’ analysis the BC EA process is in effect failing to conduct an assessment of the effects of accidents and malfunctions of the Project, contrary to *CEAA 2012* and the Substitution Decision.

Second, the Application’s purported *risk assessment* regarding accidents and malfunctions⁴⁶ is completely inadequate. After stating the truism that “The likelihood of LNG release is rare,”⁴⁷ the Application makes the absurd statement that: “The consequences [of an LNG spill] to humans or ecological receptors are anticipated to be negligible to minor, excluding fire [?!], which is addressed in Section 11.3.8”⁴⁸

In Section 11.3.8, the Application states:

“Fires and explosions could also be associated with an LNG carrier. Normally, such fires or explosions would not lead to loss of containment. However, should an explosion occur that leads to an LNG tank failure, it could result in an LNG release from one cargo tank, and in the worst case, all cargo tanks. In this scenario, the LNG would be ignited close to the vessel so dispersion of a flammable gas vapour cloud would not be anticipated.”⁴⁹

So, having nominally acknowledged that in a worst case scenario LNG would be released from *all* the cargo tanks on an LNG carrier (maximum capacity of 180,000 m³), the Application somehow finds comfort that “dispersion of a flammable gas vapour cloud would not be anticipated” – why? – because instead “the LNG would be ignited close to the vessel.” To state the obvious, either outcome – an immediate LNG pool fire, or a wind-blown vapour plume followed by a fireball followed by a pool fire – would have severely negative consequences “to humans or ecological receptors,” not the “negligible to minor” consequences the Application claims.

⁴⁶ Application, Section 11, Accidents and Malfunctions, at http://a100.gov.bc.ca/appsdata/epic/documents/p408/d38525/1421093684707_KQQVJ0PJSG1lcH9LDD8L1J0CQhQw7NgD32kZQsvpHsxWNdyq1qCg!1378338455!1421086505978.pdf; Appendix 11-1 Preliminary Quantitative Risk Assessment, at http://a100.gov.bc.ca/appsdata/epic/documents/p408/d38525/1421101345723_KQQVJ0PJSG1lcH9LDD8L1J0CQhQw7NgD32kZQsvpHsxWNdyq1qCg!1378338455!1421086505978.pdf.

⁴⁷ Is there a type of catastrophic event that is not rare?

⁴⁸ Application, p.11-38, underline added.

⁴⁹ Application, p.11-46, underline added.

Furthermore, the proponent's bald assumption that LNG spilled from a carrier would *necessarily* ignite close to the vessel is plainly wrong.⁵⁰ The Sandia Reports (discussed above), endorsed by the U.S. Coast Guard, are quite clear that LNG siting analysis must include the possibility that an LNG spill over water creates a vapour plume that could travel 2,500 m or more before ignition, the creation of a fireball, a flash back to the source, and then a pool fire at the spill site.

At a higher level of analysis, the crucial deficiency is that the BC EA process is working with an Application that brazenly dismisses a spill of the entire contents of an LNG carrier as being of "negligible to minor" consequence to humans (or "ecological receptors") and therefore makes no attempt whatsoever to address meaningfully whether the location of the Woodfibre site and LNG shipping route in proximity to populated areas and major passenger transportation routes is acceptable from a siting perspective. In contrast, SIGTTO, the Sandia Reports, and the U.S. Coast Guard criteria all make it abundantly clear that the proximity of people to a proposed LNG facility site and shipping route is a major factor that must certainly be examined. This is particularly so where, as in the Woodfibre LNG case, the proposed LNG carrier route places populated areas within the zones of concern identified for hazard analysis and public safety analysis by the Sandia reports.⁵¹

Clearly, the Application's risk assessment is not an adequate basis for determining the suitability of the Woodfibre site.

Third, in response to public comments that Woodfibre is the wrong location for an LNG terminal the proponent routinely cites the TERMPOL process, for example: "Additional information and confidence will be provided through the TERMPOL process."⁵² Significantly, however, the TERMPOL process will not be completed until after completion of the BC EA process in June 2015 (due to the 180-day time limit in the B.C. *Environmental Assessment Act*). As a result, the *status quo* is that the BC EA process will produce a final report for the (federal) Minister that does not include any consideration of the results of the TERMPOL process. This is in stark contrast with the prominent role of the TERMPOL reports within the environmental assessments under CEAA of the marine shipping components of the Enbridge Northern Gateway Pipeline Project and the Trans Mountain Pipeline Expansion Terminal Project.

The Federal Court of Canada provided relevant guidance in *Greenpeace Canada v. Canada (Attorney General)*, 2014 FC 463.⁵³ That case involved judicial review of the adequacy of a federal environmental assessment under CEAA of the Darlington New Nuclear Power Plant

⁵⁰ It is also inconsistent with a statement elsewhere in the same chapter of the Application that "fire is unlikely in the event of loss of containment of fuel or LNG from a collision, since an ignition source would have to be present." Application, p.11-29, underline added.

⁵¹ 2004 Sandia Report, p.19

⁵² Application, p. 11-39. The TERMPOL process is a voluntary Transport Canada technical review process and risk assessment of vessel transits from the terminal to the open ocean. Current information is that the proponent will not take the next steps in the TERMPOL process until at least August 2015. The Application itself states that risk assessment in the Application is preliminary and "will be assessed more comprehensively in the marine risk assessments for the TERMPOL process." Application, p.11-22.

⁵³ *Greenpeace Canada v. Canada (Attorney General)*, 2014 FC 463 (CanLII),
<<http://canlii.ca/t/g6z5z>>

Project proposed by Ontario Power Generation. In lengthy reasons for decision, Mr. Justice Russell upheld many aspects of the EA in question. However, he did fault the review panel that conducted the environmental assessment for making a recommendation that prior to construction of the Project the Canadian Nuclear Safety Commission confirm that certain radiation dose acceptance criteria will be met.

Mr. Justice Russell begins by noting that the issue “seems to engage the realm of highly improbable, but possibility catastrophic, events.”⁵⁴ I submit that this characterization also applies to the issue of a large LNG spill event in the Woodfibre LNG EA context. The judge then states:

“On policy grounds, it is logical that such scenarios should be considered by political decision-makers, because once again they seem to engage mainly questions of “society’s chosen level of protection against risk” that will be difficult for a specialized regulator to assess with legitimacy.”⁵⁵

In the Woodfibre LNG context, this means that it is the *Minister of the Environment* (at the federal level) who can legitimately decide whether the Woodfibre site provides an acceptable level of risk; and that this should not be left to the specialized TERMPOL process after the completion of the EA.

Mr. Justice Russell continues:

“On this view, having found that such an analysis [engaging “society’s chosen level of protection against risk”] was required, it would seem more appropriate for the Panel to have insisted it be completed within the EA process, so that it could be considered in the s.37 context [i.e., by political decision-makers upon receipt of the Panel’s report].”⁵⁶

In the Woodfibre LNG context, this means, I submit, that the results of the TERMPOL process should be considered *within* the environmental assessment process so that the Minister has the benefit of the TERMPOL results in deciding whether the Woodfibre site is appropriate considering, among other factors, the risk of an LNG spill.

Fourth, a blatant inadequacy in the BC EA process vis-à-vis the requirements of the Substitution Decision is that the environmental assessment material expressly excludes consideration of the environmental effects of the project due to intentional acts (i.e., of war or terrorism) and even of “force majeure.”⁵⁷ With respect, this approach is grossly out of date. For more than ten years, the U.S. has included both accidental and intentional events within analyses of the threats, hazards, and consequences of an LNG spill over water, in order to help reduce the risks to public safety and property. This approach began with the 2004 Sandia Report, discussed above.

Furthermore, as the government of Canada has recently said:

⁵⁴ *Ibid.*, para.331.

⁵⁵ *Ibid.*, underline added.

⁵⁶ *Ibid.*, underline added.

⁵⁷ “Accidents and malfunctions resulting from intentional acts of terrorism or war, or force majeure are beyond the scope of this assessment.” Application, p.11-3. The stated exclusion of “force majeure” events illustrates both a misunderstanding of the term and a reluctance to acknowledge candidly the consequences of an LNG spill.

“The world is a dangerous place and Canada is not immune to the threat of terrorism. Terrorist attacks on our own soil demonstrate that our law enforcement and national security agencies require more tools to keep pace with evolving threats, and to better protect Canadians here at home.”⁵⁸

There is no valid rationale for excluding intentional acts from the assessment of the potential effects of the proposed Woodfibre LNG terminal and marine shipping. By excluding intentional acts from the assessment, the BC EA process is significantly failing to meet the requirements of *CEAA 2012* and the Substitution Decision.

In conclusion on this ground, I respectfully submit that the Substitution Decision should be rescinded because the EA process does not, properly or at all, examine the environmental effects of accidents and malfunctions regarding the LNG shipping component of the Project, contrary to *CEAA 2012*, s.34(1)(a) and s.19(1) and the Substitution Agreement, second bullet.

2. Failure to Provide Public Participation and Access to Information

Under the BC EA process, members of the public are only provided an opportunity to make comments at various stages, for example regarding the “valued components,” the Application as filed in January 2015, and the draft EA report when it is produced in June 2015. However, the core of the BC EA process is conducted by the “Working Group.” The Working Group receives oral and written presentations from experts including the proponent’s experts. The Working Group puts oral and written questions to the proponent and its experts, and receives the responses. Yet the Working Group is closed to members of the public. *My Sea to Sky*, the organization I represent, would very much like to have a representative serve on the Working Group. However, that is not allowed. *My Sea to Sky* would very much like even to *observe* the meetings of the Working Group. That too is not allowed.

The requirement of *CEAA 2012*, s.34(1)(b) and the Substitution Decision, fourth bullet, is that “the public will be given an opportunity to participate in the environmental assessment.” I submit that being allowed to make comments from time to time does not constitute an opportunity to participate in the environmental assessment. The Working Group is a closed body and does not allow the public an opportunity to participate in the assessment.

Furthermore, in the BC EA process there are routine delays in the Internet posting of crucial assessment information being considered by the Working Group. This is contrary to the requirement of *CEAA 2012*, s.34(1)(c) and the Substitution Decision, fifth bullet, that the public will have access to records in relation to the environmental assessment to enable their meaningful participation.

3. Exclusion of LNG Shipping between Howe Sound and Buoy J

The Substitution Decision, and the BC EA process, artificially excludes LNG shipping between Passage Island (at the entrance to Howe Sound) and Buoy J. This is inconsistent with the treatment of environmental effects from project-related shipping through the same shipping lanes (Georgia Strait, Boundary Pass, Haro Strait, Strait of Juan de Fuca) in the *CEAA 2012*

⁵⁸ http://www.canada.ca/en/campaign/antiterrorism/?utm_campaign=antiterrorism_20150130_pub-safety&utm_source=online_vanity-url&utm_medium=web-marketing

assessment of two other major B.C. projects: the Kinder Morgan Trans Mountain Pipeline Expansion Project, and the Roberts Bank Terminal 2 Project.

As recently as April 22, 2015, you, as Minister of the Environment, issued terms of reference⁵⁹ for the Roberts Bank Terminal 2 Project that require the EA to consider “the environmental effects of marine shipping associated with the project which is beyond the care and control of the proponent and within the 12 nautical mile limit of Canada’s territorial sea.”⁶⁰

Similarly, in the Trans Mountain Pipeline and Westridge Terminal Project EA, the National Energy Board issued a September 10, 2013 filing requirements letter confirming that “Trans Mountain’s application must consider inbound and outbound journeys to and from the [Westridge] Terminal out to the 12 nautical mile territorial sea limit.”⁶¹

The requirement under *CEAA 2012* for an assessment of the environmental effects of the proposed Woodfibre LNG Terminal necessarily includes the environmental effects of the associated LNG marine shipping. This is implicitly acknowledged by the Substitution Decision, as it requires assessment of the effects of LNG shipping *within Howe Sound*.

With respect, the exclusion of marine shipping between Howe Sound and the Pacific Ocean is unwarranted and arbitrary.

First, LNG carrier transit from Howe Sound to the Pacific Ocean is as associated with the Woodfibre Terminal as is LNG carrier transit within Howe Sound. Both segments are under exclusive federal jurisdiction. There is no less reason to care about the potential effects of LNG shipping on the humans and environmental features of the Howe Sound to the Pacific Ocean segment than of the Howe Sound segment. The potential for an LNG spill during the transit past Vancouver and through Georgia Strait, Boundary Pass, Haro Strait and Juan de Fuca Strait exists as much as it does within Howe Sound.

Second, the prospect of laden LNG carriers transiting Georgia Strait, Boundary Pass, Haro Strait and the Strait of Juan de Fuca warrants proper EA consideration no less than does the prospect of laden oil tankers and laden coal ships transiting exactly the same route.

In my respectful submission, the *Act* requires consideration of the environmental effects of the Project, defined to include the associated marine shipping within federal jurisdiction, and the Substitution Decision violates *CEAA 2012* s.34 in purporting to exclude the Howe Sound to the Pacific Ocean segment.

⁵⁹ FINAL Roberts Bank Terminal 2 Project Review Panel Terms of Reference, April 2015, <http://www.ceaa-acee.gc.ca/050/documents/p80054/101301E.pdf>.

⁶⁰ *Ibid.*, p.2, underline added. The requirement continues: “Consideration includes the environmental effects of malfunctions or accidents and any cumulative environmental effects, the significance of those effects, suggested mitigation measures and the possible requirements of any follow-up program that may be required.”

⁶¹ *Filing Requirements Related to the Potential Environmental and Socio-Economic Effects of Increased Marine Shipping Activities* (Filing ID [A3K9I2](#)), underline added.

VII. Conclusion

For the reasons set out above, on behalf of *My Sea to Sky* I respectfully request that you reconsider and rescind the February 19, 2014 Substitution Decision under which the B.C. environmental assessment of the Woodfibre LNG Project is substituted for federal environmental assessment under the *Canadian Environmental Assessment Act, 2012*.

Yours truly,

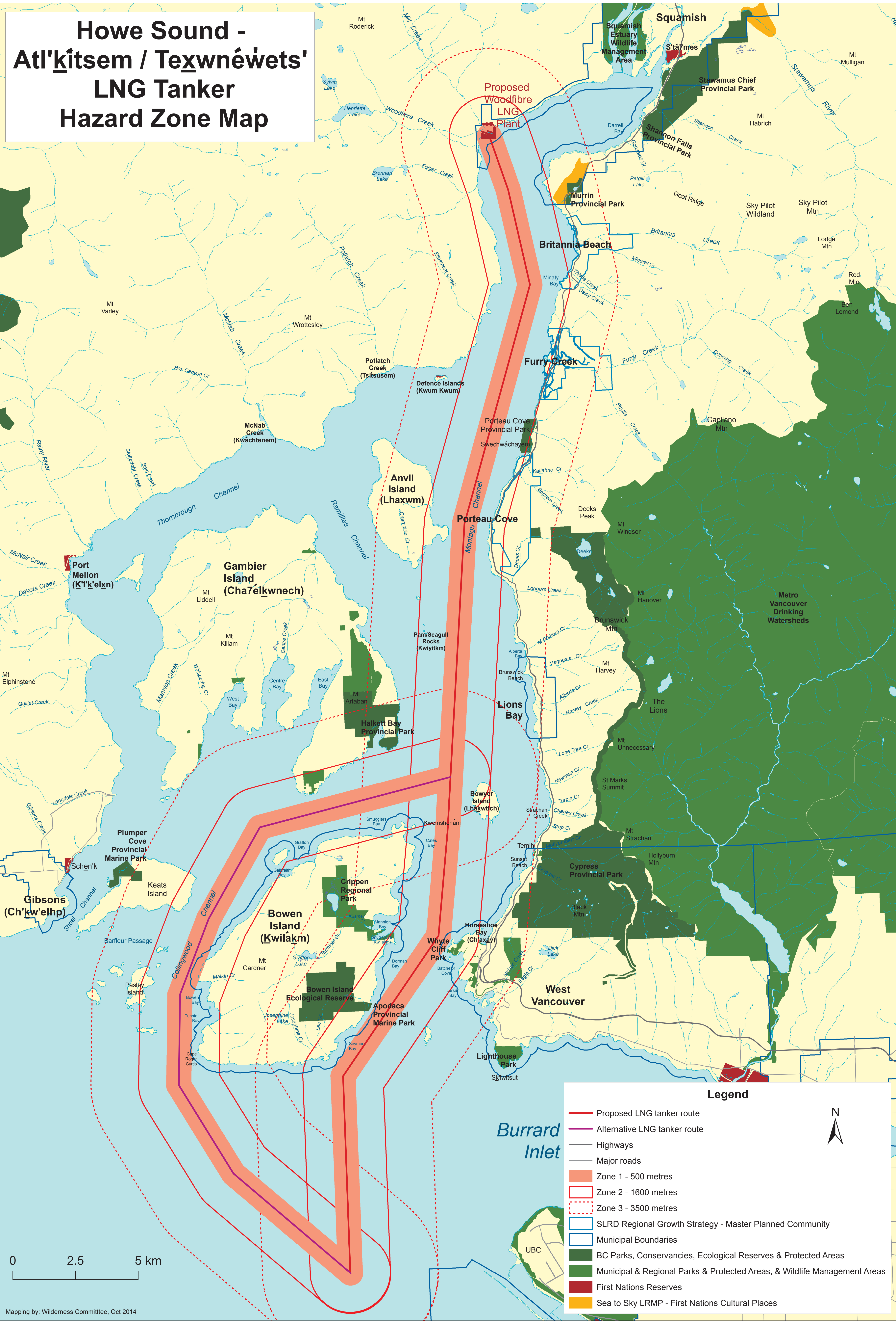


William J. Andrews
Barrister & Solicitor

cc. Hon. Mary Polak, B.C. Minister of Environment, env.minister@gov.bc
Michael Shepard, Project Assessment Manager, B.C. EAO, Michael.Shepard@gov.bc.ca

Enclosure: Map

Howe Sound - Atl'kítsem / Texwnéwets' LNG Tanker Hazard Zone Map



From: Alaya Boisvert [<mailto:aBoisvert@davidsuzuki.org>]
Sent: Monday, April 27, 2015 12:49 PM
To: Wanda Bradbury; info
Subject: LMLGA 2015 Resolution – Environmental Bill of Rights

Dear Mayor Nancy Wilhelm-Morden and Council,

At this year's Lower Mainland Local Government Association convention, a resolution has been sponsored calling on the provincial government to enact an Environmental Bill of Rights. We hope the Resort Municipality of Whistler will support this resolution (attached).

An Environmental Bill of Rights would establish a legal framework to protect citizens' right to a healthy environment and would benefit our province and its natural environment. Legal recognition and protection of environmental rights involves:

- **Substantive guarantees** that address the right to clean air, safe water, a non-toxic environment and healthy ecosystems — in short, the right to live in a healthy environment; and
- **Procedural guarantees**, including access to information, participation in environmental decision-making and access to justice.

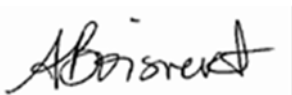
More than 70,000 people have joined the Blue Dot movement to ensure every Canadian, no matter who they are or where they live, is guaranteed the right to fresh air, clean water, safe food and a say in the decisions that affect their health and well-being.

In the Lower Mainland alone, nearly 10,000 people have called on their municipal governments to recognize their right to live in a healthy environment. As a result, seven local governments^[1] have passed environmental rights declarations as a further commitment to their community vision of sustainability (briefing note attached). An important next step is to encourage the province to follow suit by developing legislation that protects these rights in law.

More than 110 countries already have these protections, but not Canada. A provincial Environmental Bill of Rights would help make up for this oversight, build healthier communities and lead to a more prosperous and sustainable province. Please join the tens of thousands of British Columbians calling for environmental rights legislation by supporting a positive outcome to this resolution.

For more information, visit bluedot.ca. I can be reached by email at aboisvert@davidsuzuki.org and by phone at 604-732-4228 x1263. Thank you for your time and attention to this important matter regarding your community and the future of British Columbia.

Sincerely,



Alaya Boisvert
Blue Dot Project Lead



David Suzuki Foundation
219 – 2211 West 4th Avenue
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^[i] Richmond, BC | 10-14-2014; Vancouver, BC | 10-29-2014; Port Moody, BC | 02-10-2015; Burnaby, BC | 02-16-2015; Squamish, BC | 02-17-2015; Whistler, BC | 03-03-2015; Port Coquitlam, BC | 04-14-2015

RESOLUTION FOR LMLGA AND UBCM: ENVIRONMENTAL BILL OF RIGHTS

(File Ref. No. 01-0150-01) (REDMS No. 4520265 v. 2)

It was moved and seconded

That Council approve the following resolution to be forwarded to the Lower Mainland Local Government Association (LMLGA) for consideration:

Environmental Bill of Rights

WHEREAS municipalities and regional districts are the government nearest to people and the natural environment, and therefore share a deep concern for the welfare of the natural environment and understand that a healthy environment is inextricably linked to the health of individuals, families, future generations and communities;

AND WHEREAS fostering the environmental well-being of the community is a municipal purpose under section 7(d) of the Community Charter and regional district purpose under section 2(d) of the Local Government Act;

THEREFORE BE IT RESOLVED that the Lower Mainland Local Government Association (LMLGA) and the Union of BC Municipalities (UBCM) request that the Province of British Columbia enact a Provincial environmental bill of rights that:

- (a) recognizes the right of every resident to live in a healthy environment, including the right to clean air, clean water, clean food and vibrant ecosystems;***
- (b) provides for public participation in decision-making respecting the environment and access to environmental information;***
- (c) provides access to justice when environmental rights are infringed; and***
- (d) has whistleblower protection***



David
Suzuki
Foundation



briefing note

Subject: The Right to Live in a Healthy Environment

ISSUE:

Nine out of 10 Canadians are concerned about the impact of environmental degradation on their health and the health of their children¹ -- and with good reason. The World Health Organization estimates environmental contamination, including polluted air and water, causes as many as 36,000 premature deaths annually in Canada.² Preventable environmental hazards contribute up to 1.5 million days in hospital annually due to cardiovascular disease, respiratory illness, cancer, and birth defects alone.³ The environment has a tremendous influence on our health and well-being.⁴

Municipal governments make decisions that affect transportation, housing density, waste disposal and other issues related to the quality of the environment. Local governments also have the power to pass bylaws to protect residents from environmental harm. A municipal declaration recognizing the right to a healthy environment would show support for residents' rights to clean air, water and safe food, signal municipal leadership in building a healthy, sustainable community and draw attention to the Canadian Constitution's silence on environmental issues.

RECOMMENDATIONS:

The David Suzuki Foundation and partners recommend that the municipality:

1. Officially recognize the right to a healthy environment, through a municipal declaration or equivalent;
2. Respect, protect and fulfill the right to a healthy environment within municipal boundaries; and
3. Encourage provincial and federal action to protect the right to a healthy environment for all Canadians.

BACKGROUND:

Over the past 50 years, the right to a healthy environment has gained recognition faster than any other human right. More than 110 governments around the world, have already recognized their citizens' right to live in a healthy environment through bylaws, declarations, legislation, charters and constitutional provisions. In the United States, over 150 local governments have passed ordinances that recognize citizens' right to a healthy environment and protect them from a range of harmful practices.⁵ The rights protected by these legal instruments include breathing clean air, drinking clean water, consuming safe food, accessing nature and knowing about pollutants and contaminants released into the local environment. Evidence shows that most countries with environmental rights and responsibilities in their constitutions:

- Enjoy stronger and better enforced environmental laws;
- Demonstrate enhanced government and corporate accountability;
- Have smaller per capita ecological footprints;
- Rank higher on environmental performance in over a dozen key areas;
- Are more likely to have ratified international environmental agreements; and
- Have been more successful in reducing greenhouse gas emissions.⁶



David
Suzuki
Foundation



briefing note

Today, Canada's Charter of Rights and Freedoms presently does not explicitly protect or even address environmental rights, leaving Canada among a minority of countries that do not yet recognize the right to a healthy environment. Just as the Charter guarantees us freedom of expression and protects us from discrimination, environmental rights would ensure that our laws and policies protect the basic elements of our survival, such as clean air, safe water and unpolluted land.

While five provinces and territories have some modest form of environmental rights legislation, even in these jurisdictions (Quebec, Ontario, the Yukon, Northwest Territories, and Nunavut) the laws have significant weaknesses that undermine their effectiveness and need to be substantially strengthened.

Municipal governments can help move toward an overarching environmental rights legal framework in Canada. These declarations represent a commitment to decision-making principles that will protect, fulfill and promote the right to a healthy environment. They are public pronouncements that city council cares about environmental health. Declarations of environmental rights can also ensure accountability through regular assessment and public reporting of the municipality's progress on meeting its sustainability objectives. More than 40 municipalities representing almost 4 million Canadians have already taken action to recognize their citizens' environmental rights.

CONCLUSION:

Environmental rights relate to many issues Canadians care about – healthy food, land use and development, water and air quality, climate change, habitat and biodiversity protection, parks creation, children's access to nature, social justice and more. Yet Canada lacks important legal protection for environmental rights. All levels of government must take action to address this oversight. Municipal adoption of a declaration respecting all residents' right to a healthy environment will set an important precedent and can inspire action at other levels of government, ultimately resulting in better environmental performance and a healthier population in Canada.⁷

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¹ McAllister, A. 2010a. A Backyard Field Guide to Canadians. Vancouver: McAllister Opinion Research; Hoggan and Associates. 2009. Sustainability Research Initiative. Vancouver: James Hoggan and Associates.

² World Health Organization. 2008. National Estimates of Environmental Burden of Disease – Canada. Geneva: World Health Organization.

³ Boyd, D. R. and S. Genuis. 2008. "The Environmental Burden of Disease in Canada: Respiratory Disease, Cardiovascular Disease, Cancer, and Congenital Affliction." *Environmental Research* 106: 240-49.

⁴ Boyd, D. 2012. *The Right to a Healthy Environment*. Vancouver: UBC Press.

⁵ Community Environmental Legal Defense Fund. *Community Rights*. <http://www.celdf.org/section.php?id=423>

⁶ Boyd, D. R. 2013. "The Importance of Constitutional Recognition of the Right to a Healthy Environment" <http://davidsuzuki.org/publications/2013/11/DSF%20White%20Paper%201--2013.pdf>

⁷ Boyd, D. 2012. *The Right to a Healthy Environment*. Vancouver: UBC Press.