

# WHISTLER

## AGENDA

### PUBLIC HEARING OF MUNICIPAL COUNCIL TUESDAY, FEBRUARY 17, 2014 STARTING AT 6:00 PM

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

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 (CTI1 Zone – 8017 Highway 99) No. 2076, 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,

Zoning Amendment  
Bylaw (CTI1 Zone – 8017  
Highway 99) No. 2076,  
2015

#### **PURPOSE OF ZONING AMENDMENT BYLAW (CTI1 Zone – 8017 Highway 99) NO. 2076, 2015**

In general terms, the purpose of the proposed Bylaw is to amend the CTI1 (Community and Transportation Infrastructure One) Zone to:

- change the amenity requirements to permit an option for a pedestrian underpass at the railway track immediately north of the subject lands in addition to the currently permitted pedestrian bridge, and
- add restrictions to the permitted outdoor recreation uses, restrict the maximum permitted gross floor area and restrict the maximum permitted floor space ratio.

Explanation

An explanation by municipal staff concerning the proposed Bylaw.

Submissions

Submissions by any persons concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

#### **ADJOURNMENT**

## PUBLIC HEARING DOCUMENT INDEX

Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015		
Document Type	Date	Details
Public Hearing Document Index		
Notice of Public Hearing		Notice of Public Hearing
Bylaw	February 3, 2015	Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015
Council Minutes	February 3, 2015	Minutes of the Regular Meeting of Council (DRAFT).
Council Report	February 3, 2015	Administrative Report 15-011 to Council.
Presentation Slides	February 3, 2015	Presentation slides by M. Laidlaw, Senior Planner.
Correspondence	February 10, 2014	Correspondence from Ken Mason, President of Mount Whistler Lodge Ltd., dated February 12, 2015.
Correspondence	February 11, 2014	Correspondence from Jason Wexler, VP of Development for Burrard Group, dated February 10, 2015.



**THE RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way TEL 604 932 5535  
Whistler, BC Canada V0N 1B4 TF 1 866 932 5535  
[www.whistler.ca](http://www.whistler.ca) FAX 604 932 8109

**NOTICE OF PUBLIC HEARING**

**TUESDAY, FEBRUARY 17, 2015 – 6:00 P.M.**

MAURICE YOUNG MILLENNIUM PLACE  
Franz Wilhelmsen Theatre, 4335 Blackcomb Way, Whistler BC

**ZONING AMENDMENT BYLAW (CTI1 ZONE – 8017 HIGHWAY 99) No. 2076, 2015**

**SUBJECT LANDS: 8017 Highway 99, Whistler, BC**

More specifically these lands are described as: Lot 1, District Lots 1757 and 2105, Plan 17097, PID: 005-207-673 and as shown on the map attached to this notice.

**PURPOSE:**

In general terms, the purpose of the proposed Bylaw is to amend the CTI1 (Community and Transportation Infrastructure One) Zone to:

- change the amenity requirements to permit an option for a pedestrian underpass at the railway track immediately north of the subject lands in addition to the currently permitted pedestrian bridge, and
- add restrictions to the permitted outdoor recreation uses, restrict the maximum permitted gross floor area and restrict the maximum permitted floor space ratio.

**INSPECTION OF DOCUMENTS:**

A copy of the proposed Bylaw and relevant background documentation may be inspected on our website at [www.whistler.ca/events](http://www.whistler.ca/events) (see February 17, 2015), or visit the Reception Desk at Municipal Hall at 4325 Blackcomb Way, Whistler, BC, during regular office hours of 8:00 a.m. to 4:30 p.m., from Monday to Friday (statutory holidays excluded).

**PUBLIC PARTICIPATION:**

All persons, who believe their interest in the property is affected by the proposed Bylaw, will be afforded a reasonable opportunity to be heard by Council at the Public Hearing.

Written comments must be addressed to “Mayor and Council”, and may be submitted prior to the public hearing (by 4:30 p.m. on February 17, 2015):

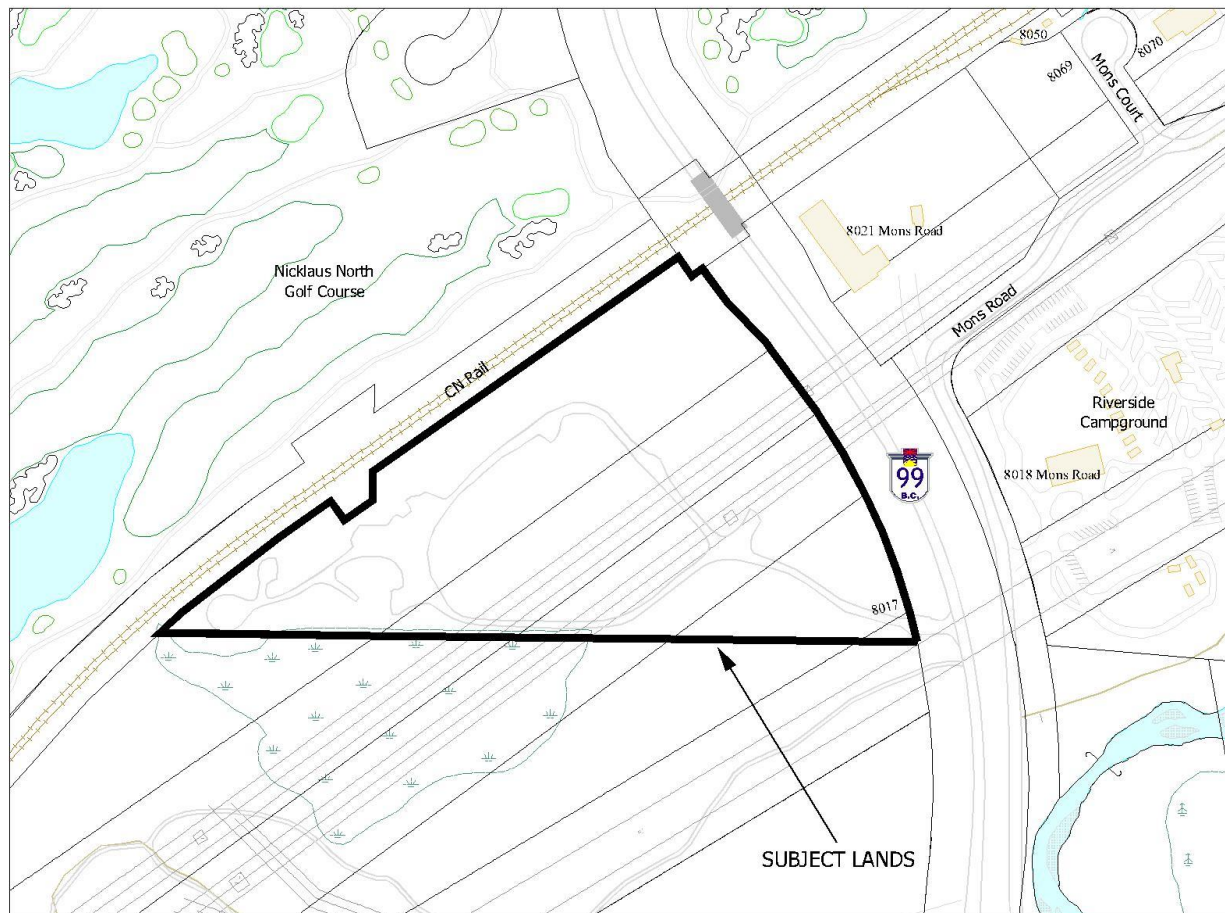
**Email:** [corporate@whistler.ca](mailto:corporate@whistler.ca)  
**Fax:** 604-935-8109  
**Hard Copy:** Legislative Services Department  
4325 Blackcomb Way  
Whistler BC V0N 1B4

Submissions received for the proposed Bylaw will be included in the information package for Council’s consideration, which will also be available on our website at [www.whistler.ca](http://www.whistler.ca) with other associated information.

At the conclusion of this Public Hearing, no further information on this topic can be considered by Council.

Shannon Story  
Corporate Officer

**ZONING AMENDMENT BYLAW (CTI1 ZONE – 8017 HIGHWAY 99) No. 2076, 2015**  
**SUBJECT LANDS – 8017 Highway 99, Whistler, BC**



## RESORT MUNICIPALITY OF WHISTLER

### ZONING AMENDMENT BYLAW (CTI1 ZONE – 8017 HIGHWAY 99) No. 2076, 2015

#### A BYLAW TO AMEND THE RESORT MUNICIPALITY OF WHISTLER ZONING AND PARKING BYLAW NO. 303, 1983

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**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 (CTI1 Zone – 8017 Highway 99) No. 2076, 2015”.
2. The land that is the subject of this Bylaw is land within the Commercial Transportation Infrastructure One (CTI1) Zone, legally described as Lot 1, District Lots 1757 and 2105, Plan 17097, and shown outlined in heavy black line on the sketch plan attached as Schedule 1 to this Bylaw.
3. Section 9, Industrial Zones, of Zoning and Parking Bylaw No. 303, 1983 is amended as follows:
  - (a) subsection 11 that was added by section 2(c) of Zoning Amendment Bylaw (Community and Transportation Infrastructure One) No. 1860, 2008 is renumbered subsection 16 and all provisions within that subsection and all references to those provisions are renumbered accordingly;
  - (b) by replacing the term “indoor and outdoor recreation” in subsection 16.1(d) with the term “indoor recreation”;
  - (c) by inserting the following text as subsection 16.1(k) and renumbering the remaining permitted uses in subsection 16.1 in the appropriate alphabetical order:

non-motorized outdoor recreation, excluding rifle range and paintball facility, and excluding any other non-motorized outdoor recreation use that is likely, because of noise or dust it generates, to cause a nuisance to the owners, occupiers or users of adjacent lands or to the public”;
  - (d) by replacing the text in subsection 16.2.2 with the following text:

“Despite subsection 16.2.1, the maximum permitted gross floor area of all buildings and structures on all parcels in the CTI1 Zone is increased to 18,581 square metres, and land in the CTI1 zone may be subdivided, if the owner has provided the following amenities to the Municipality at the time of issuance of a building permit authorizing construction of buildings or structures that would increase the density of development in the zone above 500 square meters or at the time of deposit of the subdivision plan, as the case may be;”
  - (e) by replacing the word “bridge” with the words “bridge or underpass” in subsections 16.2.2.3 and 16.2.3, and in the sketch plan that appears immediately after subsection 16.8.13;

**Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015**

- (f) by replacing the text in subsection 16.2.2.4 with the following text:

"provision of either a valley trail pedestrian bridge or underpass of the railway track to the north of the CTI1 Zone constructed to a design approved by the Municipality and connecting the new public trails in the CTI1 Zone with existing or proposed trails to the north of the railway track including such authorization from Canadian National Railways or the railways regulatory authority as are required for the public use of the overpass or underpass in perpetuity; if a bridge is provided it must have a clear inside width of at least 3.7 metres, and if an underpass is provided it must a clear inside width of at least 3.6 meters, and in either case the grades generally must not exceed 5%."

- (g) by inserting the following text as subsection 16.2.4:

"The maximum permitted floor space ratio is 0.5."

Given first and second readings this 3<sup>rd</sup> day of February, 2015.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Given third reading this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Approved by the Minister of Transportation and Infrastructure this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Adopted by the Council this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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Nancy Wilhelm-Morden  
Mayor

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Shannon Story  
Corporate Officer

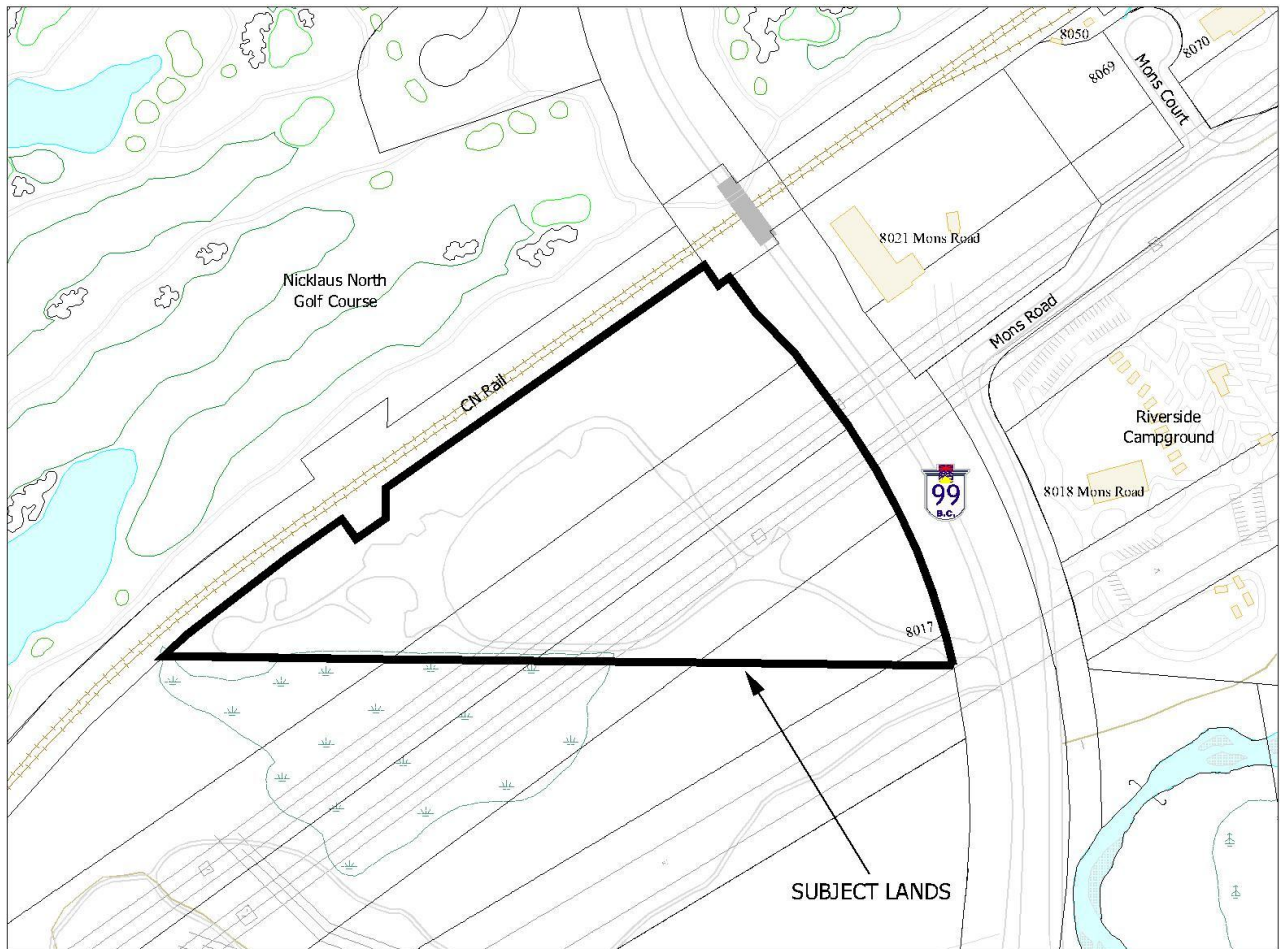
I HEREBY CERTIFY that this is a true copy of "Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015"

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Shannon Story  
Corporate Officer

**Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015**

**Schedule 1 to Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015**





Mayor Wilhelm-Morden reported that the community is invited to the Budget open house on February 25 at Millennium Place. The meeting will include a presentation about the planned projects for 2015 and the following four years, factors affecting the budget and an overview of the preliminary budget. This meeting will also include the annual presentation of the results report of the community and corporate indicators, which measures so many elements of our community ranging from things like resident satisfaction and Village atmosphere to unemployment rate, and water and energy use. It also measures corporate indicators such as our financial performance, satisfaction with municipal services, and so on. The budget will be presented in a preliminary forum and there will be an opportunity for questions and answers. Check the calendar on Whistler.ca for more details. The meeting time will be determined soon.

Mayor Wilhelm-Morden reported that the RMOW is inviting artists to submit proposals for the design of a spring summer series of street banners to decorate the Village. The submission deadline is 3 p.m. on Monday, February 23. Please visit Whistler.ca/PublicArt for more details.

Mayor Wilhelm-Morden reported that non-profit organizations can apply for financial grants through the Community Enrichment Program. In 2014, \$146,135 was awarded to 27 organizations. The application deadline is 4:30 p.m. on Friday, February 13. Please visit Whistler.ca for more information.

Councillor J. Grills reported that last week he and Councillor A. Janyk attended an open house put on by the B.C. Environmental Assessment Office regarding the Woodfibre LNG project. People can review the application and make comments for the next 45 days at [www.eao.gov.bc.ca](http://www.eao.gov.bc.ca). A 90 page executive summary is available for this application

Later in the meeting, Mayor Wilhelm-Morden added to the Mayor's Report that there is a weather alert for a significant storm event arriving on Thursday night and Friday. The current forecast has a potential for 100 mm to 200 mm of rainfall within those two days followed by moderate rainfall over the next couple of days. The municipality will be monitoring the situation and preparing accordingly. There will be a focus on the Tapley's Farm area. Additional information and updates will be provided.

#### **ADMINISTRATIVE REPORTS**

RZ 1100 – 8017  
Highway 99 –  
Amendments To CT11  
Zone  
Report No. 15-028  
File No. RZ1100,  
Bylaw 2076

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

**That** Council consider giving first and second readings to Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015;

**That** Council authorize the Mayor and Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015;

**That** Council direct the Approving Officer to incorporate the amenities described in the CT11 Zone, as amended by Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015 into the Subdivision



Servicing Agreement required for the subdivision of Lot 1, District Lots 1757 and 2105, Plan 17097, and administer the Subdivision Servicing Agreement as permitted by the various Council policies and bylaws governing the subdivision of land;

**That** Council direct the RMOW to provide funding to the owners of Lot 1, District Lots 1757 and 2105, Plan 17097 for the RMOW portion of the underpass in the maximum upset amount of \$718,696.99 plus applicable taxes such amount to be paid by the RMOW to the owners upon substantial completion of the underpass as defined in the Subdivision Servicing Agreement, subject to Council approval of the upset amount within the 2015 Municipal Budget;

**That** Council authorize the General Manager of Infrastructure Services to enter into a New Grade Separation Agreement with CN Rail; and further,

**That** Council authorize the Mayor and the Corporate Officer to execute an amended Section 219 development covenant.

**CARRIED**

Olympic Reservoir  
Replacement Crown  
Land Lease Application  
Report No. 15-027  
File No. 280

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

**That** Council endorse a Crown Land application for a parcel of Crown land on Whistler Mountain, approximately 100m south of the current reservoir lease.

**CARRIED**

Bid Opportunity to Host  
the 2017 FCM Board of  
Directors Meeting  
Report No. 15-026  
File No. 2073

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

**That** Council direct staff to submit a bid for the Resort Municipality of Whistler to host the Federation of Canadian Municipalities (FCM) Board of Directors Meeting for March 14-17, 2017 and September 12-15, 2017; and further,

**That** should the bid be successful, Council accept the host responsibilities on behalf of the Resort Municipality of Whistler as outlined in Administrative Report No. 15-026.

**CARRIED**

#### **BYLAWS FOR FIRST AND SECOND READINGS**

Zoning Amendment  
Bylaw (CT11 Zone –  
8017 Highway 99) No.  
2076, 2015

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

**That** Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015 receive first and second readings.

**CARRIED**



## REPORT | ADMINISTRATIVE REPORT TO COUNCIL

**PRESENTED:** February 3, 2015

**REPORT:** 15-028

**FROM:** Resort Experience

**FILE:** RZ 1100, Bylaw 2076

**SUBJECT:** RZ 1100 – 8017 HIGHWAY 99 – AMENDMENTS TO CTI1 ZONE

### COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

### RECOMMENDATION

**That** Council consider giving first and second readings to Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015;

**That** Council authorize the Mayor and Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015;

**That** Council direct the Approving Officer to incorporate the amenities described in the CTI1 Zone, as amended by Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015 into the Subdivision Servicing Agreement required for the subdivision of Lot 1, District Lots 1757 and 2105, Plan 17097, and administer the Subdivision Servicing Agreement as permitted by the various Council policies and bylaws governing the subdivision of land;

**That** Council direct the RMOW to provide funding to the owners of Lot 1, District Lots 1757 and 2105, Plan 17097 for the RMOW portion of the underpass in the maximum upset amount of \$718,696.99 plus applicable taxes such amount to be paid by the RMOW to the owners upon substantial completion of the underpass as defined in the Subdivision Servicing Agreement, subject to Council approval of the upset amount within the 2015 Municipal Budget;

**That** Council authorize the General Manager of Infrastructure Services to enter into a New Grade Separation Agreement with CN Rail; and further,

**That** Council authorize the Mayor and the Corporate Officer to execute an amended Section 219 development covenant.

### REFERENCES

**Location:** 8017 Highway 99

**Legal description:** Lot 1, District Lots 1757 and 2105, Plan 17097

**Owners:** Mons Holdings Ltd., Inc. No. BC0784998 and  
NSW Holdings Ltd. Inc. No. BC0208420

**Current Zoning:** CTI1 (Community and Transportation Infrastructure One)

**Appendices:** “A” Location Map  
“B” Underpass plans

## PURPOSE

This report brings forward Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015 for Council consideration of first and second readings. The bylaw proposes to amend the CTI1 (Community and Transportation Infrastructure One) Zone to:

- change the amenity requirements to permit an option for a pedestrian underpass at the railway track immediately north of the subject lands in addition to the currently permitted pedestrian bridge, and
- add restrictions to the permitted outdoor recreation uses, restrict the maximum permitted gross floor area and restrict the maximum permitted floor space ratio, consistent with the Section 219 covenant registered on title of the subject lands as CA2803368.

This report also seeks the necessary resolutions from Council to manage the construction and collect securities for the valley trail and pedestrian underpass at the railway track, both of which are amenity requirements of the CTI1 Zone.

## DISCUSSION

The owners of 8017 Highway 99 have proposed an alternative to the valley trail pedestrian bridge at the railway track required by the CTI1 Zone. The proposed underpass solution has been reviewed by municipal staff and consultants and is considered an improved solution as compared to a pedestrian bridge. The proposed alternative solution realizes a cost savings to both the RMOW and developer.

### Existing CTI1 Zone Regulations and Covenant Requirements

The Nesters Crossing lands, located at 8017 Highway 99, are zoned CTI1. The CTI1 Zone is an amenity zone wherein prior to building a floor area greater than 500 square metres and prior to subdivision, the owners of the land are required to provide the following amenities:

1. transfer a portion of land to the municipality for public purposes;
2. provision of a statutory right of way for public trails passing through the CTI1 Zone;
3. construction of the public trails in the CTI1 Zone, with the option that the municipality may require the owner to construct the trail portion north of the rail bridge to the extent only that the cost of such construction does not exceed the cost of constructing the trail along the southern boundary of the CTI1 zone, in which case the owner need not construct the trail portion along the southern boundary; and
4. provision of a pedestrian bridge over the railway track and connecting the new public trails at 8017 Highway 99 with existing or proposed trails to the north of the railway track, including such authorizations from CN Rail.

The above amenity requirements are specified in detail in the CTI1 Zone. The zoning allows the owners to meet the amenity obligations by entering into an agreement with the municipality for the owners to provide the amenities by a specified date and provide security, but no such agreement shall be permitted in relation to the rail bridge amenity until the authorizations from CN Rail have been issued in writing.

In their consideration of the zoning amendment bylaw that zoned the subject lands to CTI1, Council of the day had concerns pertaining to the permitted uses of the property, potential visual impacts and character of the development, and the density provisions and potential maximum amount of development for the site. In response, the owners made the following commitments in the form of a Section 219 covenant as a condition of the zoning approval:

### Permitted Uses:

- For the indoor and outdoor recreation category of permitted uses place restrictions to prohibit any outdoor motorized recreation, rifle range or paint ball facility, and any uses that would generate noise or dust that is likely to cause a nuisance to owners, occupiers or users of adjacent or nearby lands.

Visual Quality:

- Comply with guidelines for the form and character of development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures. These guidelines are to be consistent in form and content with those specified for Industrial Development within the municipality's updated Official Community Plan.
- For any subdivided parcel that abuts the 20 metre setback area from the Highway 99 right of way, landscape the building setback area with trees of a conifer species in a manner that screens the development and any outdoor uses from views from Highway 99.
- Install a chain link fence of at least 5 feet in height along the edge of the 20 metre setback area from the Highway 99 right of way, to protect the long term health of trees and vegetation within setback area and maintain effective vegetative screening of views from Highway 99 to the development.
- Supplement the existing vegetative screening within the 20 metre setback area from the Highway 99 right of way with at least 50 conifer trees each at least 6 feet in height in locations acceptable to the municipality.
- Restrict the uses within the Valley Trail statutory right of way to permit tree buffer, valley trail and underground utilities only.

Development Density:

- Place additional density limits on the amount of development for the site by establishing a maximum permitted floor space ratio is 0.5 per development parcel and a maximum buildable gross floor area of 18,580.608 square metres (approximately 200,000 square feet) for the total CT1 Zone site area.

Council adopted the CT11 zoning for the subject lands on October 2, 2012 and the Section 219 covenant was registered on the title of the property as CA2803368. Administrative Report No. 12-109, dated October 2, 2012, stated that "Should Council move to adopt the proposed zoning and OCP bylaws, the provisions pertaining to permitted uses and densities may be incorporated directly within the zoning regulations for the property within a subsequent rezoning. The applicant has provided written support for such a rezoning." The municipality is initiating the subsequent zoning at this time.

**Current Rezoning Proposal**

Leading up to and subsequent to adoption of the CT11 zoning for the property, the owners retained Creus Engineering to explore several options for a pedestrian bridge over the railway track, as well as a pedestrian underpass to assess costs and functionality with the intent to establish the least costly option for the given site conditions, operational considerations and user requirements. Aside from providing a solution at a reduced amount, one of the advantages of an underpass versus a bridge, are identified by the owners in a letter dated October 21, 2014 include:

- A pedestrian bridge is at significant height, with heights in the rail area in excess of 9.0 metres above the trail surface grades on either side of the rail, which can be intimidating for valley trail users.

- A bridge will require a 140 metre long, raised approach on each side at a maximum 5% grade, whereas the underpass on 35 metres at a maximum 5% grade on each side. The longer include necessary for the pedestrian bridge can be a fitness issue for both young and old for uphill travel and can be intimidating on such a long downhill section.
- An underpass does have an enclosed section but is less than 31 metres in length, straight, see through, and will be lit and painted white to address safety issues.
- With its approaches, the bridge is high in the centre and almost 300 metres in total length and will present a significant visual impact to the area including residents, the golf course and valley trail uses. The underpass is visually neutral and would be landscaped to provide a much more aesthetically positive experience.
- Snow removal in the area of the rail is a concern for CN. Snow removal on the overpass and the long approaches would be an issue both for access and icing as well as with the disposal of snow due to long lengths. The underpass has sections at 5% but they are relatively short and the underpass structure itself is not at risk from plow action.

North of the 8017 Highway 99 property, there is an existing valley trail paralleling the highway from the Rainbow subdivision to the highway entrance of the Cypress Place subdivision. South of the Cypress Place highway entrance the valley trail is unpaved and terminates in the vicinity of the Nicklaus North cart path north of the railway track. South of 8017 Highway 99, there is an existing valley trail paralleling the highway to the intersection of Nesters Road. The construction of the CT11 Zone valley trail and rail crossing amenities by the owners of 8017 Highway 99, together with the remaining section of valley trail north of the rail track (RMOW works), will complete the section of valley trail from the Rainbow subdivision to Nesters Road.

### **Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015**

The purpose of Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015 is to amend the CT11 Zone to:

- change the amenity requirements to permit an option for a pedestrian underpass at the railway track immediately north of the subject lands in addition to the currently permitted pedestrian bridge, and
- add restrictions to the permitted outdoor recreation uses, restrict the maximum permitted gross floor area and restrict the maximum permitted floor space ratio, consistent with the Section 219 covenant registered on title of the subject lands as CA2803368.

Specifically, the bylaw will amend the CT11 Zone by:

- replacing the permitted use of “indoor and outdoor recreation” with “indoor recreation”
- by adding the permitted use “non-motorized outdoor recreation, excluding rifle range and paintball facility, and excluding any other non-motorized outdoor recreation use that is likely, because of noise or dust it generates, to cause a nuisance to the owners, occupiers or users of adjacent lands or to the public”
- by replacing the text in subsection 16.2.2 with the following text:  
“Despite subsection 16.2.1, the maximum permitted gross floor area of all buildings and structures on all parcels in the CT11 Zone is increased to 18,581 square metres, and land in the CT11 zone may be subdivided, if the owner has provided the following amenities to the Municipality at the time of issuance of a building permit authorizing construction of buildings or structures that would increase the density of development in the zone above 500 square meters or at the time of deposit of the subdivision plan, as the case may be;”

- by replacing the word “bridge” with the words “bridge or underpass” in subsections 16.2.2.3 and 16.2.3, and in the sketch plan that appears immediately after subsection 16.8.13;  
by replacing the text in subsection 16.2.2.4 with the following text:  
"provision of either a valley trail pedestrian bridge or underpass of the railway track to the north of the CT11 Zone constructed to a design approved by the Municipality and connecting the new public trails in the CT11 Zone with existing or proposed trails to the north of the railway track including such authorization from Canadian National Railways or the railways regulatory authority as are required for the public use of the overpass or underpass in perpetuity; if a bridge is provided it must have a clear inside width of at least 3.7 metres, and if an underpass is provided it must a clear inside width of at least 3.6 meters, and in either case the grades generally must not exceed 5%."
- by inserting the following text as subsection 16.2.4: “The maximum permitted floor space ratio is 0.5.”
- by renumbering the subsection numbering in the CT11 Zone to subsection 16 and renumber accordingly all provisions within that subsection and all references to those provisions.
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## WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Recreation and Leisure	The cost of amenities is covered within the resort community's financial means and is equitably shared among stakeholders.	The developer would incur the capital costs of constructing the Valley Trail on the subject lands including a bridge or underpass to the most northerly railway track. The RMOW is responsible for the proposed valley trail north of the most northerly railway track. An underpass solution results in costs savings to both the developer and RMOW as discussed in detail in the Budget Section of this report.
W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
None.		

## OTHER POLICY CONSIDERATIONS

### Official Community Plan

Whistler's OCP outlines specific items for review with respect to rezoning applications. A brief summary follows in Table 1. The proposal complies with applicable policies of the OCP.

**Table 1: OCP Criteria for Evaluating Proposals for Zoning Amendments**

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,	The proposal does not increase the bed unit capacity.

resort or environment; and meets all applicable criteria set out in the OCP.	
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.	Yes, the required environmental assessments were provided at the time of the rezoning of the subject lands in 2012 from RR1 to CT11.
The project must comply with all applicable policies of the OCP.	Yes.
Traffic volumes and patterns on Highway 99 and the local road system.	No impact.
Overall patterns of development of the community and resort	The lands are designated a Development Area, an Existing Service Commercial and Industrial Area and a Sewer and Water Service Area in the OCP.
Municipal Finance	The proposed zoning amendment to permit a pedestrian underpass comes at a cost savings to the property owner and to the municipality. Refer to the Budget Considerations section of this report for further details.
Views and Scenery	The proposed zoning amendment will permit a pedestrian underpass, which will have less visual impact than a pedestrian overpass.
Existing Community and Recreation Facilities	n/a
Employee Housing	n/a
Community greenhouse gas emissions	The density restrictions proposed by the zoning amendment may result in decreased greenhouse gas emissions. The proposed resolutions will enable the completion of the proposed railway underpass and valley trail to advance in a timely manner, the result being that this important “commuter” valley link will be complete.
Heritage Resources	n/a
The project must exhibit high standards of design, landscaping and environmental sensitivity.	The property is located in a development permit area for form and character of development, protection of the natural environment and protection of development from hazardous conditions.
No development will be approved if it would negatively impact a designated Municipal trail system, recreation area, or open space.	No impact.

## Legal Considerations

It is recommended that Council authorize the Mayor and the Corporate Officer to execute an amended Section 219 development covenant as Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015 will incorporate certain provisions of the Section 219 covenant registered on title of the property as CA2803368 directly into the CT11 Zone. These provisions pertain to permitted uses and maximum density as described in the Zoning Amendment Bylaw (CT11 Zone – 8017 Highway 99) No. 2076, 2015 section of this report. All other provisions would continue to be maintained within a modified covenant.

## BUDGET CONSIDERATIONS

Staff agree with the owners assessment of proposed advantages of a pedestrian underpass versus a pedestrian bridge as previously noted and further suggests that a 22 percent cost savings is



estimated for the RMOW. The total capital cost for a bridge option was estimated by the owner's engineer to be \$1,988,427.00, and the underpass cost is estimated at \$1,626,561.00. The RMOW savings is estimated at \$176,984.00 and is proportionate to the savings realized by the developer.

The RMOW funding portion of the underpass, with a maximum upset amount of \$718,696.99 plus applicable taxes, is subject to Council approval of the upset amount in the 2015 Municipal Budget. Additional RMOW costs associated with connecting the Cyprus Place Valley Trail to the northern limit of the underpass have been identified separately and will be included in the 2015 municipal budget process for Council's consideration.

The RMOW reviewed the valley trail/underpass drawings and cost estimates with the owner's engineer, Creus Engineering. Staff are satisfied with the drawings to date and associated cost estimates. The owner has suggested that the underpass construction cost noted above would be the maximum cost to the RMOW and that there may be further cost savings as the drawings are finalized.

The Subdivision Servicing Agreement will require the owner to provide security in one of the forms deemed acceptable in Council Policy E-2, for completion of the subdivision servicing works.

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

## **COMMUNITY ENGAGEMENT AND CONSULTATION**

No formal community engagement has been undertaken to date with respect to the application.

Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015 will be subject to a public hearing adhering to statutory public notice requirements.

## **SUMMARY**

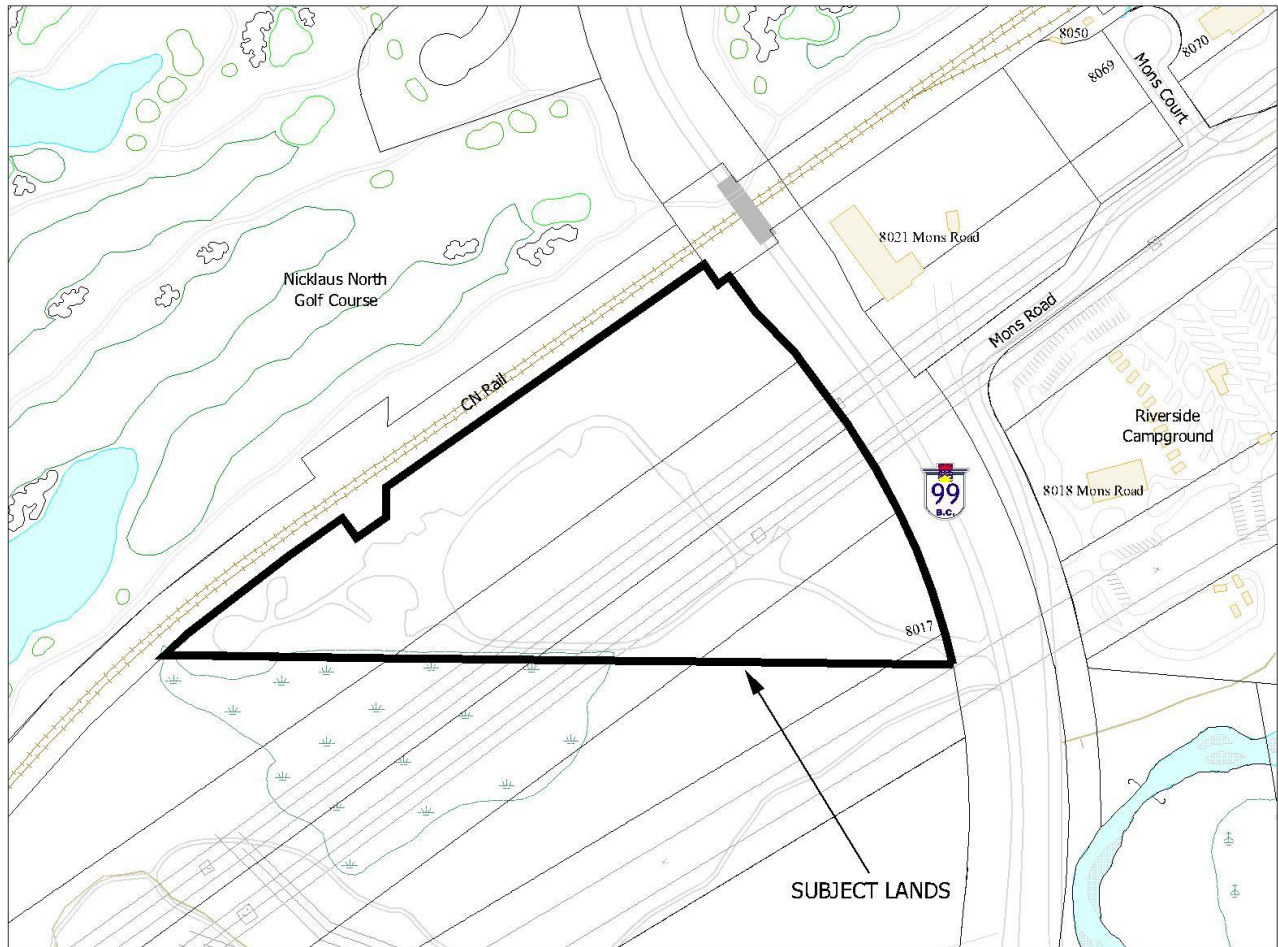
This report presents Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015 for Council's consideration of first and second readings. This report also seeks the necessary resolutions from Council to manage the construction and collect securities for the valley trail and pedestrian underpass at the railway track, both of which are amenity requirements of the CTI1 Zone.

Respectfully submitted,

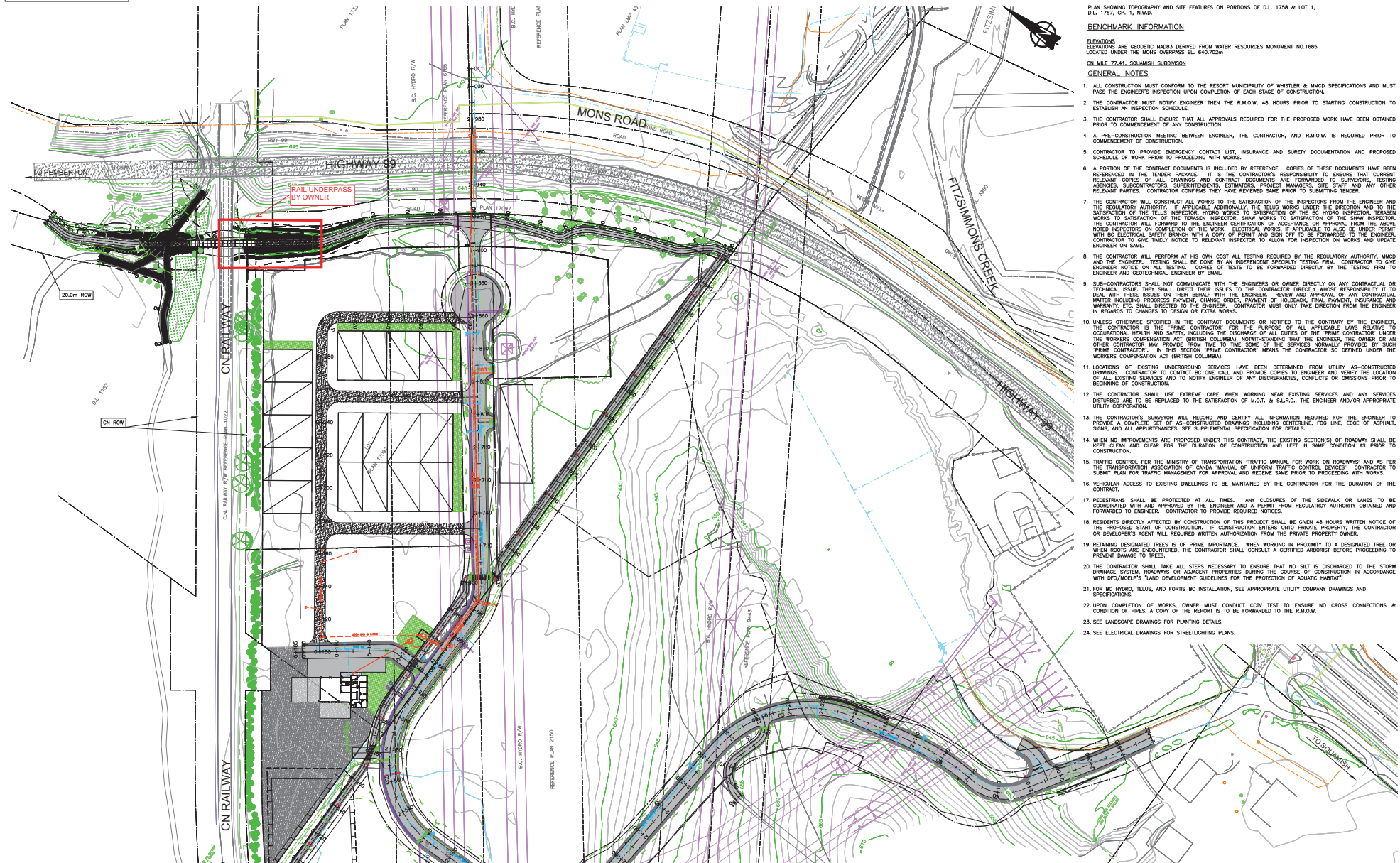
Melissa Laidlaw  
SENIOR PLANNER  
for  
Jan Jansen  
GENERAL MANAGER, RESORT EXPERIENCE

APPENDIX A

LOCATION MAP



FOR ELECTRICAL SEE DMD DRAWINGS



4	MAR 06.12	CN SUBMISSION	KBH	6	OCT 12.14	PER MITG OCT. 3, 2014	KBH	client
3	JAN 17.12	GENERAL REVISION	KBH	7	SEP 23.14	RIMOW RE-SUBMISSION	KBH	project
2	JAN 11.12	REVISED PER CN AND RIMOW COMMENTS	KBH	8	JUL 31.14	REVISED PER RIMOW FLOOD COMMENTS	KBH	
1	AUG 15.11	ISSUED FOR REVIEW	KBH	5	AUG 07.12	REVISED PER CN COMMENTS	KBH	
rev.	date	revision	drawn	no.	date	revision	checked	

MONS HOLDING

SQUAMISH SUBDIVISION  
WHISTLER, BC

www.creus.ca

**CREUS Engineering Ltd**  
Civil Engineers

P: 604.987.9070 F: 604.987.9071  
205 - 901 WEST 16TH ST NORTH VANCOUVER, BC V7P 1R2

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ONLY FOR THE  
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THEY WERE  
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approved

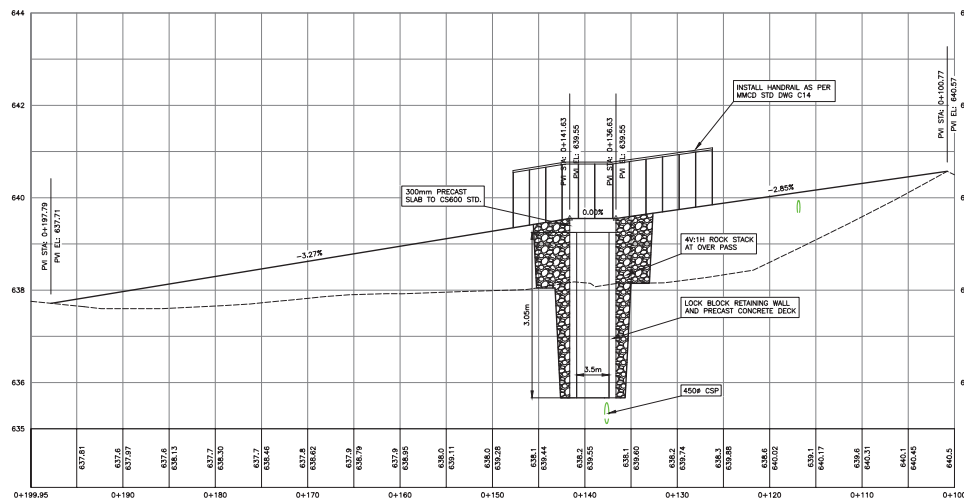
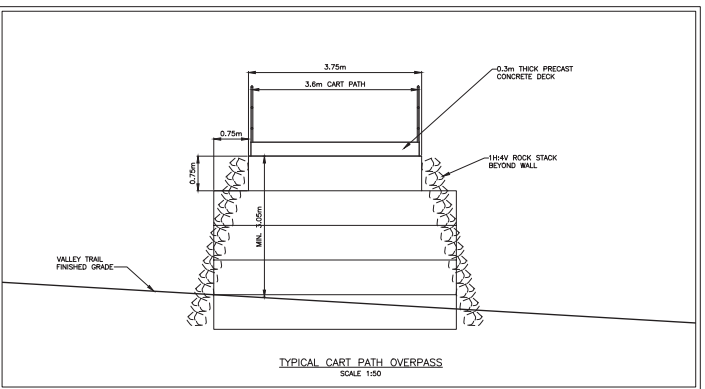
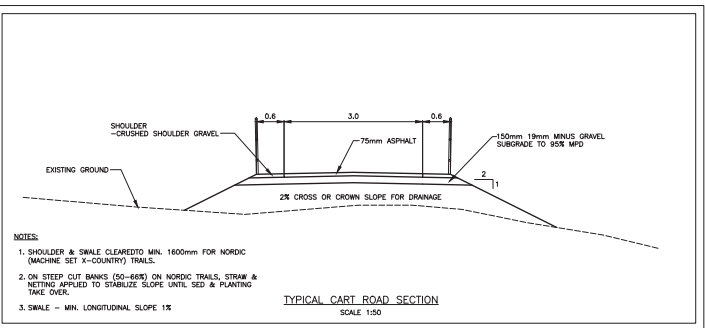
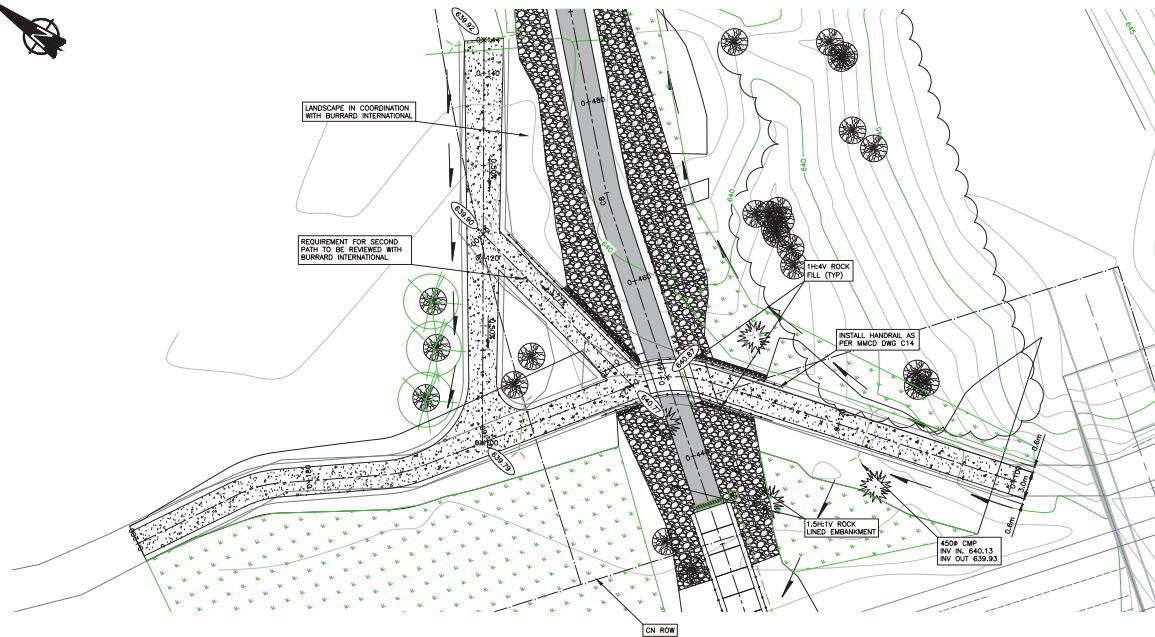
designed by K.B.H.  
drawn by A.F.G.  
checked by R.A.W.  
date MAR 20.11

VALLEY TRAIL PEDESTRIAN UNDERPASS  
AT MONS SIDING AT CN MILE 77.41  
KEY PLAN

scale 1"=500' vert.  
file no. 10158  
drawing no. KEY-1  
rev. 8







5	DEC 27 12	REVISED PER CN COMMENTS	KBH	5	OCT 17 14	PER MTG OCT 3 2014	KBH	client	MONS HOLDING  MONS CROSSING WHISTLER, BC	www.creus.ca	<b>CREUS Engineering Ltd</b>  Civil Engineers  P: 604-987-9070 F: 604-987-9071 205 - 901 WEST 16TH ST NORTH VANCOUVER, BC V7P 1R2	approved	designed by	K.B.H.	file	score	hor	1:500	vert	1:100
4	DEC 19 12	REVISED PER CN COMMENTS	KBH	8	SEP 23 14	RMOW RE-SUBMISSION	KBH	project				checked by	A.F.G.	CART PATH	file no.	10158				
3	MAR 06 12	CN SUBMISSION	KBH	7	JUL 31 14	REVISED PER RMOW FLOOD COMMENTS	AFG					checked by	R.A.W.	PLAN AND PROFILE (STA. 0+100 - 0+200)	drawing no.	R-3				
2	JAN 17 12	GENERAL REVISION	KBH	6	JUL 08 12	REVISED PER RMOW	AFG					date	MAR 20 11							
1																				

# **RZ 1011 8017 Highway 99 Amendments to the CTI1 Zone**

**Council Presentation  
February 3, 2015**

## **RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way  
Whistler, British Columbia  
Canada V0N 1B4  
[www.whistler.ca](http://www.whistler.ca)

**TEL** 604 932 5535  
**TF** 1 866 932 5535  
**FAX** 604 935 8109



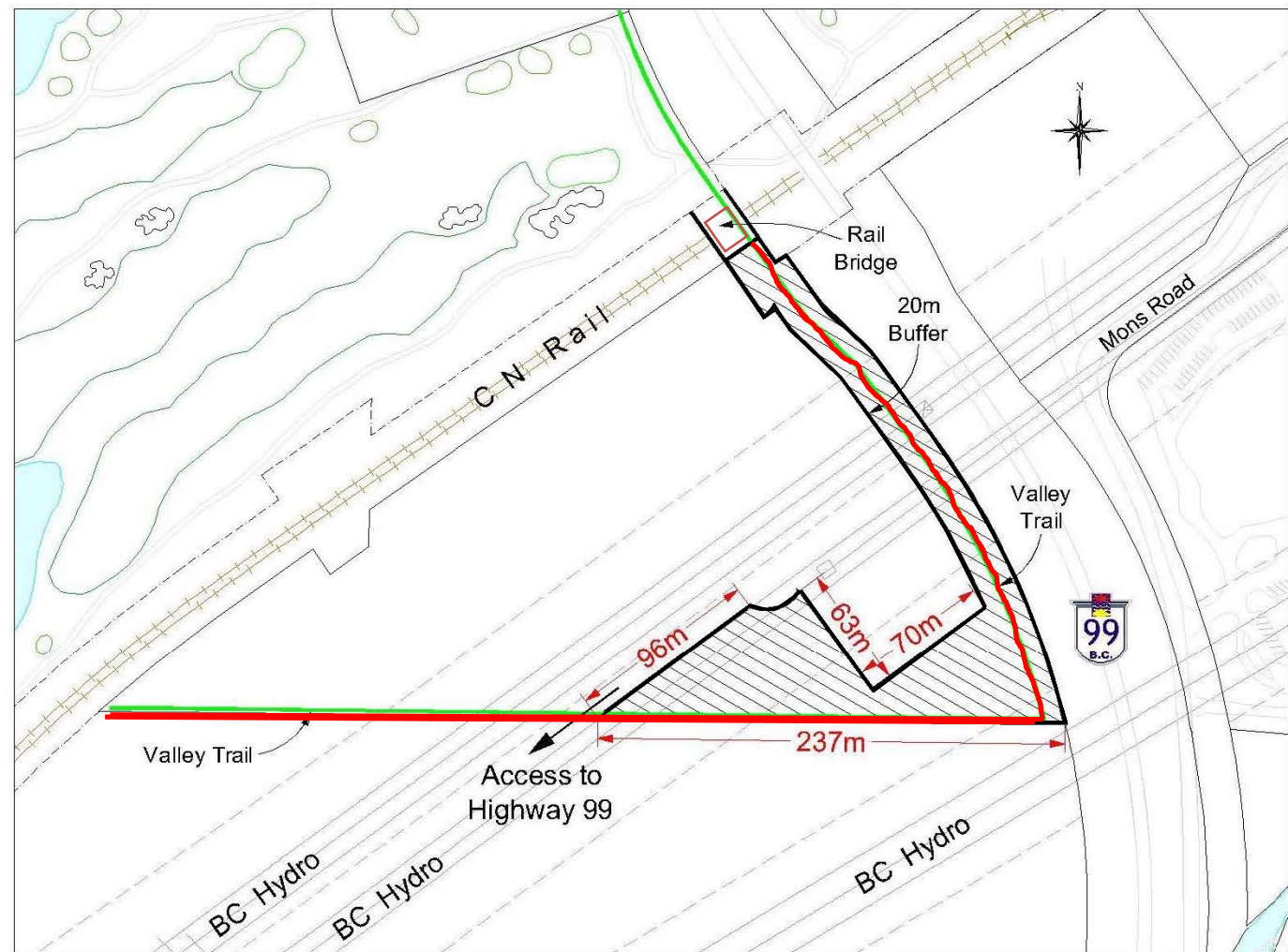


# Subject Lands





## Existing CTI1 Zone Regulations



1. Transfer portion of lands to RMOW.
2. Provide Stat ROW for public trails.
3. Construct public trails.
4. Provide pedestrian bridge over railway track & CN Rail authorization.

# Current Rezoning Proposal

1. Owners propose an alternative to the valley trail pedestrian bridge at the railway track as required by the CTI1 Zone.
  - Proposed underpass solution reviewed by RMOW, considered an improved solution as compared to a pedestrian bridge.
  - Proposed underpass solution realizes a cost savings to both the RMOW and developer.
2. Add restrictions to the permitted outdoor recreation uses, restrict maximum permitted gfa & restrict maximum permitted floor space ratio, consistent with the Section 219 covenant registered as CA2803368.

# **Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015**

Amend the CTI1 Zone to:

- change the amenity requirements to permit an option for a pedestrian underpass at the railway track immediately north of the subject lands in addition to the currently permitted pedestrian bridge,
- add restrictions to the permitted outdoor recreation uses, restrict maximum permitted gfa, and restrict maximum permitted floor space ratio, consistent with the Section 219 covenant registered as CA2803368.

## Policy & Budget Considerations

- ✓ Consistent with applicable policies of the OCP
- ✓ Underpass more user-friendly – 35 m approach at 5% grade vs 140 m approach at 5% grade
- ✓ RMOW savings estimated at \$176,984 (22%), proportionate to the savings realized by the owner
- ✓ Subdivision Servicing Agreement will require the owner to provide security in a form deemed acceptable by Council Policy E-2 for completion of the subdivision servicing works, including the CTI1 Zone amenities



## Recommendation

**That** Council consider giving first & second readings to Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015;

**That** Council authorize the Mayor and Corporate Officer to schedule a public hearing for Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015;

**That** Council direct the Approving Officer to incorporate the amenities described in the CTI1 Zone, as amended by Zoning Amendment Bylaw (CTI1 Zone – 8017 Highway 99) No. 2076, 2015 into the Subdivision Servicing Agreement required for the subdivision of Lot 1, District Lots 1757 & 2105, Plan 17097, & administer the Subdivision Servicing Agreement as permitted by the various Council policies & bylaws governing the subdivision of land;

## Recommendation

**That** Council direct the RMOW to provide funding to the owners of Lot 1, District Lots 1757 & 2105, Plan 17097 for the RMOW portion of the underpass in the maximum upset amount of \$718,696.99 plus applicable taxes such amount to be paid by the RMOW to the owners upon substantial completion of the underpass as defined in the Subdivision Servicing Agreement, subject to Council approval of the upset amount within the 2015 Municipal Budget;

**That** Council authorize the General Manager of Infrastructure Services to enter into a New Grade Separation Agreement with CN Rail; and further,

**That** Council authorize the Mayor and the Corporate Officer to execute an amended Section 219 development covenant.

# Mount Whistler Lodge Ltd.

February 12, 2015

Mayor and Council  
Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, BC V0N 1B4

Dear Mayor Wilhelm-Morden and Councillors,

**re: Rezoning amendment #2076 for valley trail CN underpass**

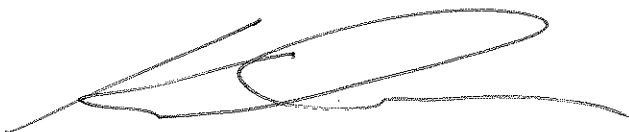
This letter is written in support of a valley trail underpass rather than an overpass of the CN rail line at Mons. The underpass is a better solution for both the users of the valley trail and golf course, as well as a cost saver for both the developer and the RMOW. There are similarities with this proposed underpass amendment at Mons and the amendments or changes we made when delivering waterfront park and valley trail requirements at Lakecrest.

In the delivery of park and valley trail works, as project/development manager for our Lakecrest subdivision, Steve Bayly worked cooperatively with RMOW Parks staff (Randy Simmons, Dave Patterson, and Martin Pardoe) and they landed upon some practical improvements and alternatives. A section of culverted creek to be daylighted which would have created a narrow, deep ditch/ravine immediately adjacent a hair pin in a steep section of valley trail was abandoned in favour of the construction of a trestle/ramp in an area where a small cliff would have made the lower waterfront trail difficult and, for many, inaccessible. This trestle gives one of the most pleasant outlooks in Whistler, a view to the north straight down Alta Lake, and allows wheelchair access to a stone lookout. Perhaps most noteworthy and relevant, a section of main valley trail bypassing Nordic hill was achieved beyond anything shown in the approval process or required by the zoning.

We have looked at the proposed valley trail underpass for Mons. There are many similarities between what was achieved at Lakecrest and what is now being sought at Mons. We trust Mayor and Council will support this amendment.

Respectively submitted,

Mount Whistler Lodge Ltd.



Ken Mason  
President





## Burrard Group

February 10th, 2015

Resort Municipality of Whistler  
4325 Blackcomb Way  
Whistler, B.C. V0N 1B4

**Re: RZ 1100, Bylaw 2076**

To Mayor Nancy Wilhelm-Morden and Council:

As owners of Cypress Place and Nicklaus North, we are writing to you to confirm our support for the construction of an underpass underneath CN Rail, connecting the newly established Valley Trail on the west side of Highway 99. This project would expand the Valley Trail in a manner that would greatly enhance recreational opportunities in the area.

Overall, we strongly believe that the construction of the CN Rail underpass will be a positive and significant expansion to the Valley Trail. This solution is preferable to an overpass, which would have more impact on the nearby residences. In the design of the approaches, the golf course would like to ensure that the Valley Trail and golf course paths remain separate and distinct to avoid Valley Trail traffic from entering golf course property.

Last summer, we worked with Mons Holding Ltd., to develop a berm on the new development parcel, owned by Mons Holding Ltd., between the Golf Course and residential properties. We believe that the berm was a much more suitable solution for sound attenuation and visual buffering than the concrete wall/fence specified in the zoning and our agreement with the owners.

Please do not hesitate to contact us with any questions or for further information regarding our position on this project.

Regards,

Burrard Group

Jason Wexler

VP of Development

CC: Jan Jansen, Steve Bayly