



WHISTLER

AGENDA

PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, APRIL 20, 2010 STARTING AT 6:00 PM

In the Franz Wilhelmsen 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

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 (Cheakamus
Crossing) NO. 1937, 2010

PURPOSE OF “ZONING AMENDMENT BYLAW (Cheakamus Crossing) NO. 1937, 2010”: In general terms, the purpose of the proposed Bylaw is to rezone the subject lands from Residential – Lower Cheakamus Comprehensive Development (R-LCCD) to various parcel-specific zones that reflect the existing or proposed development of each parcel. The proposed zones do not add any additional gross floor area or permitted uses beyond those currently permitted by the R-LCCD zone. In particular, the proposed zones continue to permit on the subject lands: detached, duplex, townhouse and apartment dwellings, live work units, hostels, an athletes’ centre and athletes’ centre accommodation, small scale commercial and institutional uses, motor vehicle parking, parks and playgrounds, and auxiliary buildings and structures.

Explanation

Explanation by Municipal staff concerning the “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010”,

Correspondence

Receipt of correspondence or items concerning proposed “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010”,

Submissions

Submissions by any persons concerning “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010”,

ADJOURNMENT



THE RESORT MUNICIPALITY OF WHISTLER

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Whistler, BC Canada V0N 1B4
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NOTICE OF PUBLIC HEARING

ZONING AMENDMENT BYLAW (Cheakamus Crossing) NO. 1937, 2010

Notice is hereby given in accordance with the *Local Government Act* RSBC, 1996, c.323 that the Council of the Resort Municipality of Whistler will hold a Public Hearing to consider representations regarding amendments to Whistler “Zoning and Parking Bylaw No. 303, 1983” (Zoning Bylaw) by means of “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010” (the “proposed Bylaw”) in the Franz Wilhelmssen Theatre at Maurice Young Millennium Place, 4335 Blackcomb Way, Whistler, British Columbia commencing at 6:00 p.m., April, 20, 2010.

AT THE HEARING the public will be allowed to make representations to Council or to present written submissions respecting matters contained in the proposed Bylaw and will be afforded a reasonable opportunity to be heard.

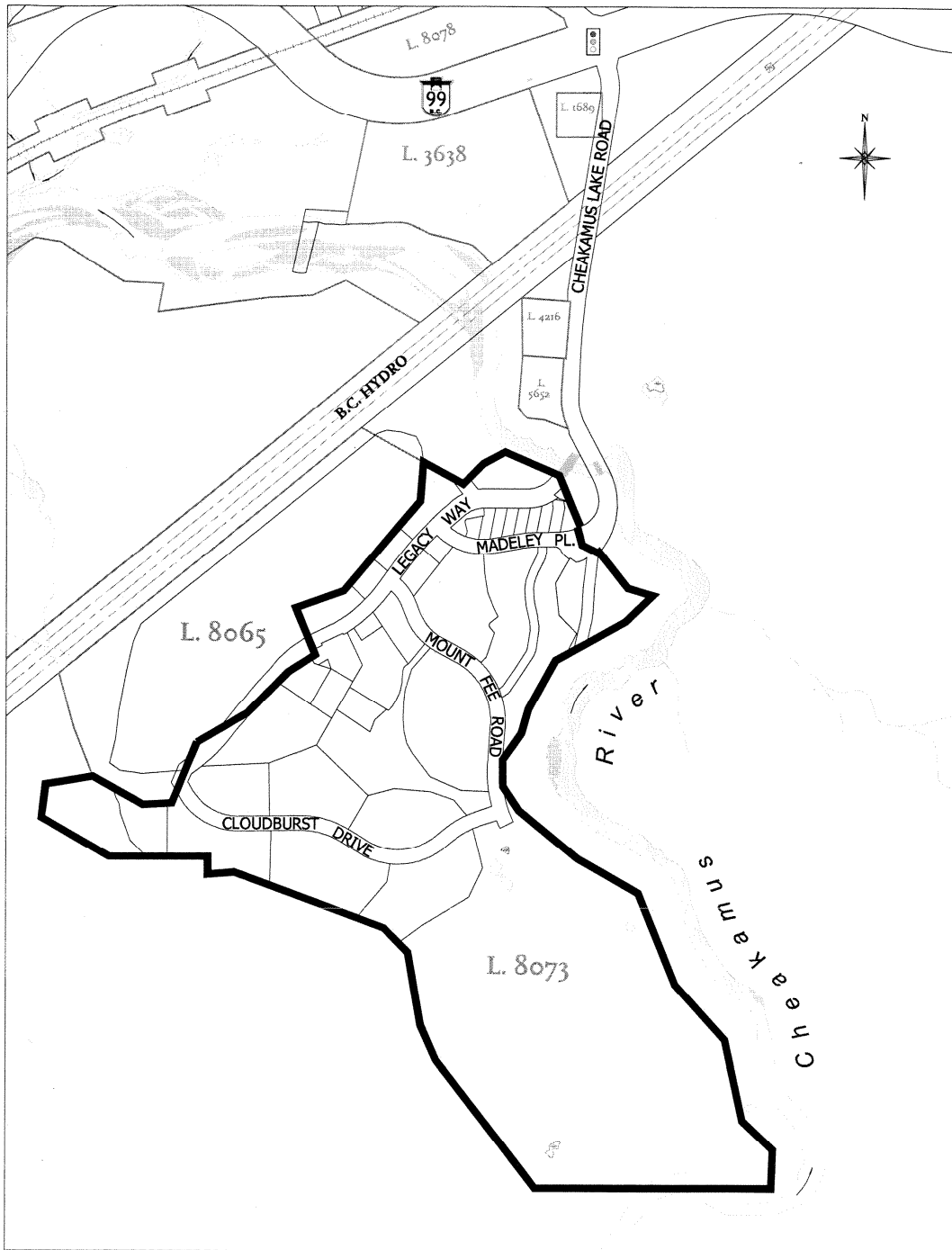
SUBJECT LANDS: The lands, which are the subject of the proposed Bylaw are as shown outlined in bold on the map attached.

PURPOSE OF “ZONING AMENDMENT BYLAW (Cheakamus Crossing) NO. 1937, 2010”: In general terms, the purpose of the proposed Bylaw is to rezone the subject lands from Residential – Lower Cheakamus Comprehensive Development (R-LCCD) to various parcel-specific zones that reflect the existing or proposed development of each parcel. The proposed zones do not add any additional gross floor area or permitted uses beyond those currently permitted by the R-LCCD zone. In particular, the proposed zones continue to permit on the subject lands: detached, duplex, townhouse and apartment dwellings, live work units, hostels, an athletes’ centre and athletes’ centre accommodation, small scale commercial and institutional uses, motor vehicle parking, parks and playgrounds, and auxiliary buildings and structures.

AND FURTHER TAKE NOTICE that a copy of the aforementioned “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010”, the Zoning Bylaw including the regulations for the existing R-LCCD zone, and related documents which have been or will be considered by the Council of the Resort Municipality of Whistler may be inspected at the reception desk of Municipal Hall located at 4325 Blackcomb Way, Whistler, British Columbia, between the hours of 8:00 a.m. and 4:30 p.m., from Monday to Friday only, from April 9, 2010 to April 20, 2010 (inclusive) (statutory holidays excluded).

Shannon Story
Corporate Officer

Subject Lands - Cheakamus Crossing - Bylaw 1937, 2010



RESORT MUNICIPALITY OF WHISTLER

ZONING AMENDMENT BYLAW (CHEAKAMUS CROSSING) NO. 1937, 2010

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 Sections 903 and 906 of the *Local Government Act*, divide all or part of the area of the Municipality into zones, define each 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 (Cheakamus Crossing) No. 1937, 2010”.
2. The lands that are the subject of this Bylaw are those lands situated in the Resort Municipality of Whistler shown outlined in heavy black on the sketch plans attached as Schedules A1 and A2 to this Bylaw, which lands are rezoned by this Bylaw to the zoning designations indicated on Schedules A1 and A2, and Schedule A to Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 1983 is amended to depict such rezoning of the lands including by means of such annotations, legends, and other graphic means as are required to depict the zoning.
3. Zoning and Parking Bylaw No. 303, 1983 is further amended:
 - a) by deleting from the table of Residential zones in Section 7 the terms “R-LCCD” and “Residential- Lower Cheakamus Comprehensive Development Zone” and by adding:

To the table of Industrial Zones the following terms:

“AC1” and “Athletes’ Centre One”;

“AC2” and “Athletes’ Centre Two”; and

“AC3” and “Athletes’ Centre Three”.

To the table of Leisure Zones the following terms:

“LR9” and “Leisure Recreation Nine”; and

“LP4” and “Leisure Park Four”.

To The Table of Residential Zones, the following terms:

“RS11” and “Residential Single Family Eleven”;

“RS12” and “Residential Single Family Twelve”;

“RM57” and “Residential Multiple Fifty- Seven”;

“RM58” and “Residential Multiple Fifty- Eight”;

“RLW- 1” and “Residential Live Work- One”;

“RM59” and “Residential Multiple Fifty- Nine”;

“RM60” and “Residential Multiple Sixty”;

“RM61” and “Residential Multiple Sixty- One”;

“RM62” and “Residential Multiple Sixty- Two”;

“RM63” and “Residential Multiple Sixty- Three”;

“RM64” and “Residential Multiple Sixty- Four”;

“RM65” and “Residential Multiple Sixty- Five”; and

“UR1” and “Urban Reserve One”.

To the table of Parking Zones, the terms:

“P2” and “Parking Two”.

- b) by adding as Subsections 12, 13, and 14 of Section 9 the AC1, AC2, and AC3 Zones attached as Schedules K, L, and M respectively.
- c) by adding as Subsections 15 and 16 of Section 10 the LR9 and LP4 Zones attached as Schedules E and R respectively.
- d) by adding as Subsections 48 and 49 of Section 11 the RS11 and RS12 Zones attached as Schedules B and P respectively.
- e) by adding as Subsections 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67 of Section 12 the RM57, RM58, RLW-1, RM59, RM60, RM61, RM62, RM63, RM64, RM65, and UR1 Zones attached as Schedules C1, C2, D, F, G, I, J, N, O, Q, and S respectively.
- f) by adding as Subsection 3 of Section 21 the P2 Zone attached as Schedule H.

GIVEN FIRST AND SECOND READINGS this 6th day of April, 2010.

PUBLIC HEARING HELD this ___ day of ____, 2010.

GIVEN THIRD READING this ___ day of ____, 2010.

APPROVED by the Minister of Transportation and Infrastructure this ___ day of ____, 2010.

ADOPTED by the Council this ___ day of ____, 2010.

Ken Melamed,
Mayor

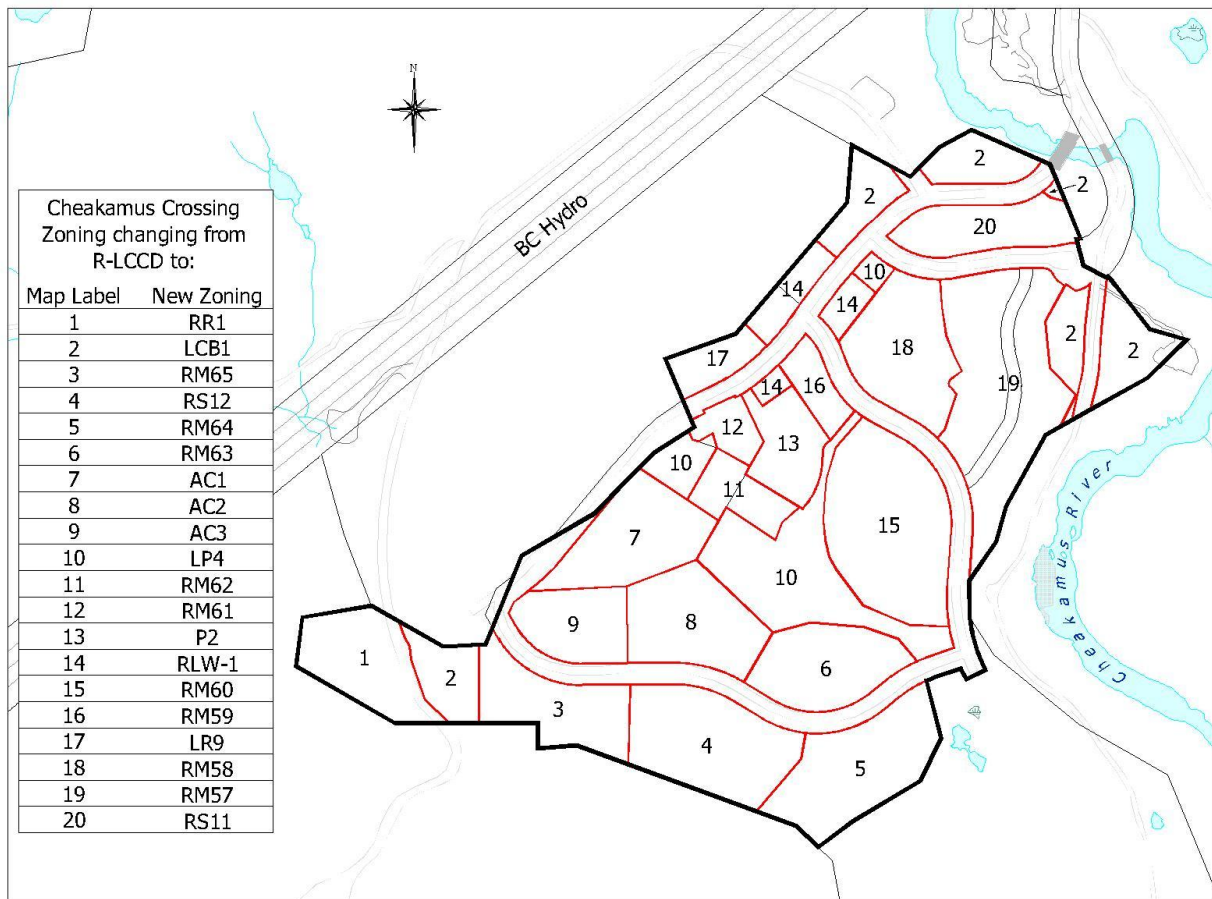
Shannon Story,
Corporate Officer

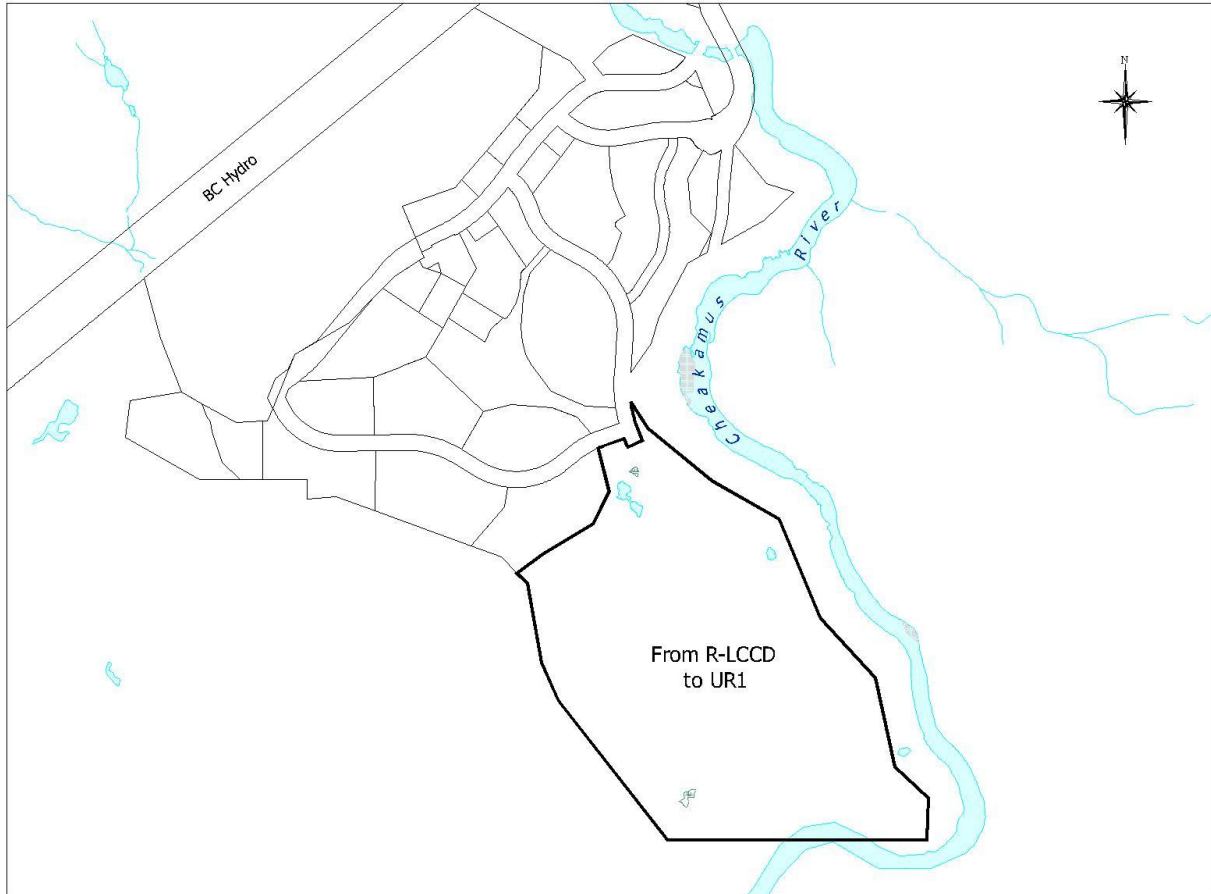
I HEREBY CERTIFY that this is a
true copy of "Zoning Amendment
Bylaw (Cheakamus Crossing) No.
1937, 2010"

Shannon Story
Corporate Officer

SCHEDULE A1

MAP OF SUBJECT LANDS AND NEW ZONING DESIGNATIONS



SCHEDULE A2**MAP OF SUBJECT LANDS AND NEW ZONING DESIGNATIONS**

SCHEDULE B**RS11 Zone (Residential Single Family Eleven)****Intent**

The intent of this zone is to provide low density detached residential dwelling development.

48.0 In the RS11 Zone:

Permitted Uses

48.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Auxiliary residential dwelling units
- c) Detached dwellings
- d) Parks and playgrounds

Density

48.2.1 The maximum permitted gross floor area of all buildings on a parcel is 279 square metres.

48.2.2 The minimum permitted gross floor area of a detached dwelling is 46.5 square metres.

48.2.3 An auxiliary residential dwelling unit shall contain a gross floor area no greater than 90 square metres and no less than 32.5 square metres.

48.2.4 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building is 55 square metres per parcel.

Height

48.3.1 The maximum permitted height of a principal use building is 8.0 metres.

48.3.2 The maximum permitted height of an auxiliary building is 5.0 metres.

Parcel and Site Area

48.4 The minimum permitted parcel area is shown in the accompanying table:

Parcel Number (as shown in the Key Plan that forms a part of this zone).	Minimum Permitted Parcel Area
1	553 square metres
2	658 square metres
3	637 square metres
4	592 square metres
5	549 square metres
6	539 square metres
7	599 square metres
8	676 square metres
9	661 square metres

Setbacks and Siting

48.5 Minimum building setbacks are shown in the following table:

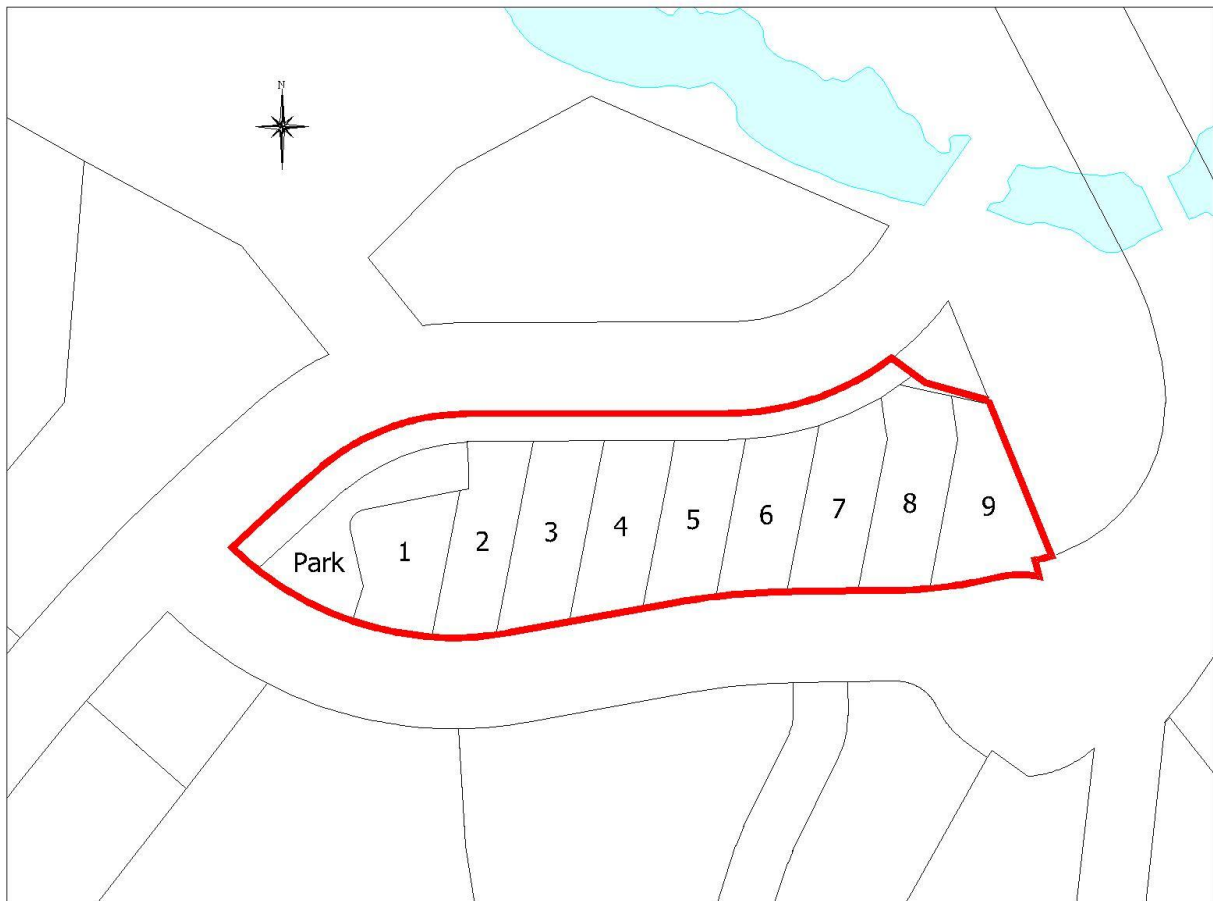
Parcel Number (as shown in the Key Plan that forms a part of this zone).	North Setback	South Setback	Side Setback
1	4.0 m	3.0 m	3.0 m
2, 3, 4, 5, 6, 7, 8, 9	10.0 m	3.0 m	3.0 m

Off-Street Parking and Loading

- 48.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to detached dwellings, the owner must provide at least 2 parking spaces for a principal dwelling unit plus one parking space for an auxiliary residential dwelling unit. Tandem parking is permitted in any configuration.

Other Regulations

- 48.7 The maximum permitted number of occupants per bedroom is two.
- 48.8 An auxiliary residential dwelling unit shall be located within the principal residential building on a parcel.

Key Plan To The RS11 Zone

SCHEDULE C1

RM57 Zone (Residential Multiple Fifty-Seven)

Intent

The intent of this zone is to provide medium density multiple residential employee housing development.

Permitted Uses

57.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Duplex dwellings for employee housing
- c) Parks and playgrounds
- d) Townhouses for employee housing

Density

57.2.1 The maximum permitted gross floor area of all buildings is 6,780 square metres.

57.2.2 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building is shown in the accompanying table:

Use	Maximum Enclosed Parking Area
Duplexes	50 square metres per dwelling unit
Townhouses	40 square metres per dwelling unit

Height

57.3 The maximum permitted height of a principal use building is 7.6 metres.

Parcel and Site Area

57.4 The minimum permitted parcel area and site area is 20,800 square metres.

Setbacks and Siting

57.5.1 No building shall be located within 6.0 metres of any parcel line.

57.5.2 No principal use building shall be located within 4.0 metres of any other principal use building.

Off-Street Parking and Loading

57.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to duplex dwellings, the owner must provide at least 1.5 spaces per dwelling unit; and in relation to townhouse dwellings, the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6.

Other Regulations

57.7.1 The maximum occupancy is two persons per bedroom.

57.7.2 The required number of dwelling units is 40 units in 15 buildings.

SCHEDULE C2

RM58 Zone (Residential Multiple Fifty- Eight)

Intent

The intent of this zone is to provide medium density multiple residential housing development.

Permitted Uses

58.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Duplex dwellings
- c) Parks and playgrounds
- d) Townhouses

Density

58.2 The maximum permitted gross floor area of all buildings is 3177 square metres.

58.2.1 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is shown in the accompanying table:

Use	Maximum Enclosed Parking Area
Duplexes	50 square metres per dwelling unit
Townhouses	40 square metres per dwelling unit

Height

58.3 The maximum permitted height of a principal use building is 7.6 metres.

Parcel and Site Area

58.4 The minimum permitted parcel area and site area is 10,900 square metres.

Setbacks and Siting

58.5.1 No building shall be located within 6.0 metres of any parcel line.

58.5.2 No principal use building shall be located within 4.0 metres of any other principal use building.

Off-Street Parking and Loading

58.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to duplex dwellings, the owner need only provide 1.5 spaces per dwelling unit; and in relation to townhouse dwellings, the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6.

Other Regulations

58.7.1 The maximum occupancy is two persons per bedroom.

58.7.2 The required number of units is 20 units in 7 buildings.

SCHEDULE D**RLW-1 Zone (Residential Live Work - One)****Intent**

The intent of this zone is to provide for live work units with associated uses.

Permitted Uses

59.1 The following uses are permitted and all other uses are prohibited:

- a) Apartments
- b) Apartments for employee housing
- c) Auxiliary buildings and uses
- d) Child Care Facility
- e) Live Work Units
- f) Live work units for employee housing
- g) Local service commercial
- h) Local personal service
- i) Parks and playgrounds
- j) Professional office
- k) Restaurant (Excluding drive-in and window sales)
- l) Schools
- m) Townhouses
- n) Townhouses for employee housing

Density

59.2.1 The maximum permitted gross floor area of all buildings on a parcel is shown in the accompanying table:

Parcel Number (as shown in the Key Plan that forms a part of this zone).	Maximum Permitted GFA
1, 2, & 3	1669 square metres
4	975 square metres

59.2.2 Of the allowable gross floor area on each parcel, the maximum permitted gross floor areas for commercial uses are shown in the accompanying table:

Parcel Number (as shown in the Key Plan that forms a part of this zone).	Local Service Commercial, Local Personal Service, & Restaurant	Professional Office
1, 2, & 3	275 square metres	80 square metres
4	145 square metres	40 square metres

59.2.3 In the case of Townhouse use, the maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is 40 square metres per dwelling unit.

Height

59.3 The maximum permitted height of a principal use building is shown in the accompanying table:

Use	Maximum Building Height
Apartments	18.0 m
Child Care Facility	12.0 m
Live Work Units	12.0 m
School	12.0 m
Townhouses	10.7 m

Parcel and Site Area

59.4 The minimum permitted parcel area and site area is shown in the accompanying table:

Parcel Number (as shown in the Key Plan that forms a part of this zone).	Minimum Permitted Parcel Area
1	1580 square metres
2	1460 square metres
3	1430 square metres
4	709 square metres

Setbacks and Siting

59.5.1 No building shall be located within 3.0 metres of a front parcel line.

59.5.2 No building shall be located within 6.0 metres of a rear parcel line.

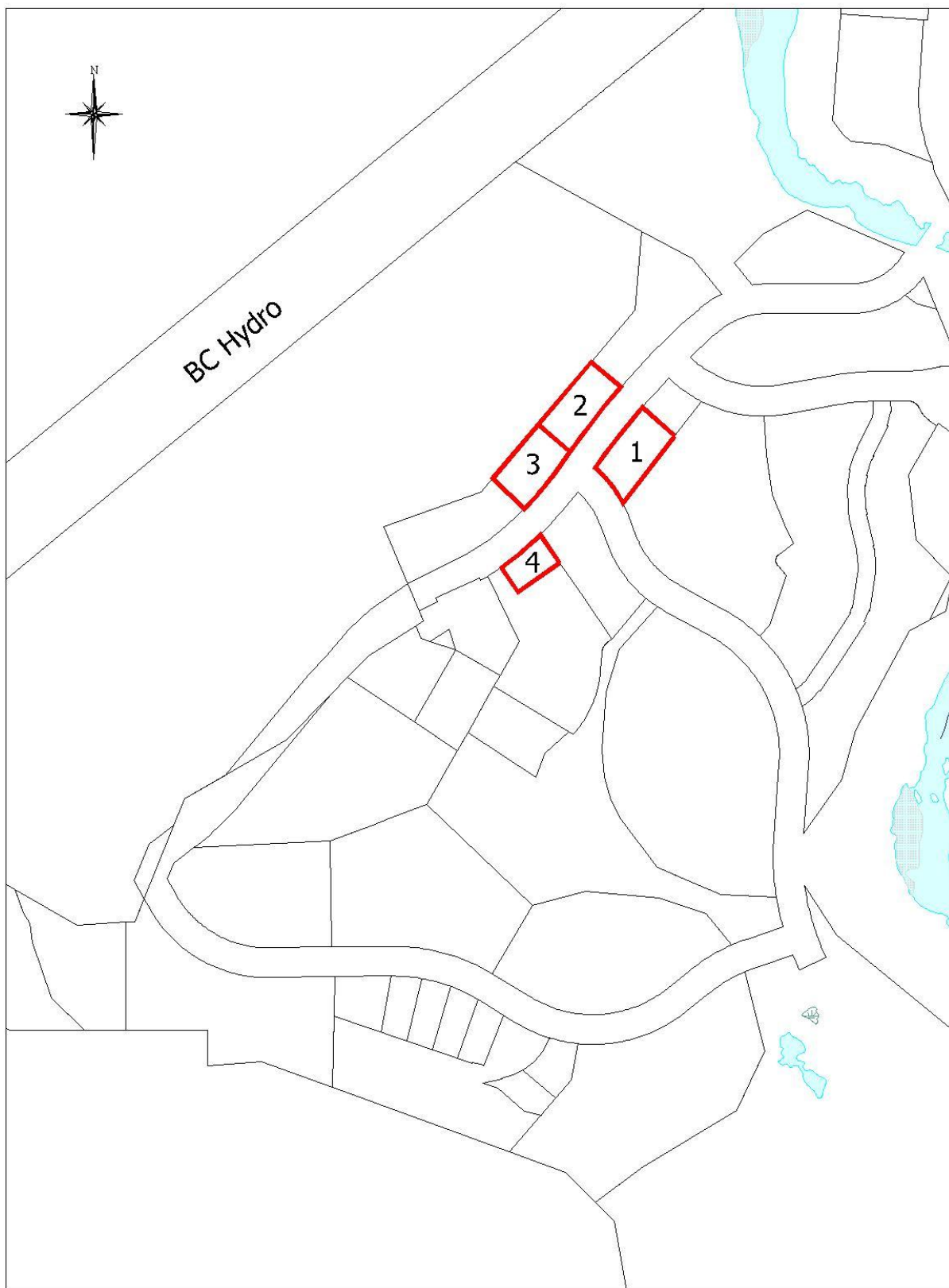
59.5.3 No building shall be located within 4.0 metres of a side parcel line.

Off-Street Parking and Loading

59.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to apartment dwellings the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6; and in relation to all other uses, the owner must provide at least 75 percent of the number of parking spaces that would be required if the uses were in the CC1 (Commercial Core One) Zone.

Other Regulations

59.7 Local Personal Service, Local Service Commercial, Restaurant, and Professional Office uses are permitted on the ground floor only.

Key Plan to the RLW-1 Zone

SCHEDULE E

LR9 Zone (Leisure Recreation Nine)

Intent

The intent of this zone is to provide a hostel and associated uses.

Permitted Uses

15.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Hostel
- c) Local service commercial
- d) Local personal service
- e) Parks and playgrounds
- f) Retail
- g) Restaurant (excluding drive-in and window sales)

Density

15.2.1 The maximum permitted gross floor area of all buildings is 2532 square metres.

15.2.2 Local Service Commercial, Local Personal Service, Restaurant, and Retail uses shall comprise not less than 100 square metres and not more than 125 square metres of gross floor area of which retail uses shall be not more than 75 square metres.

15.2.3 The maximum permitted floor area for auxiliary parking use contained in a principal building or structure is 50 square metres.

Height

15.3 The maximum permitted height of a principal use building is 18.2 metres.

Parcel and Site Area

15.4 The minimum permitted parcel area and site area is 3000 square metres.

Setbacks and Siting

15.5.1 No building shall be located within 4.9 metres of a front parcel line.

15.5.2 No building shall be located within 12.5 metres of a rear parcel line.

15.5.3 No building shall be located within 7.6 metres of a side parcel line.

Off-Street Parking and Loading

15.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that for all the permitted uses, the owner must provide at least 75 percent of the number of parking spaces that would be required if the uses were in the CC1 (Commercial Core One) Zone.

Other Regulations

15.7 Local service commercial, Local personal service, and Restaurant uses are permitted on the ground floor only.

SCHEDULE F

RM59 Zone (Residential Multiple Fifty-Nine)

Intent

The intent of this zone is to provide medium density multiple residential employee housing development.

Permitted Uses

60.1 The following uses are permitted and all other uses are prohibited:

- a) Apartments
- b) Apartments for employee housing
- c) Auxiliary buildings and uses
- d) Parks and playgrounds
- e) Townhouses
- f) Townhouses for employee housing
- g) Duplexes
- h) Duplexes for employee housing

Density

60.2 The maximum permitted gross floor area of all buildings is 1400 square metres.

60.2.1 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is shown in the accompanying table:

Use	Maximum Enclosed Parking Area
Duplexes	50 square metres per dwelling unit
Townhouses	40 square metres per dwelling unit

Height

60.3 The maximum permitted height of a principal use building is shown in the accompanying table.

Use	Maximum Building Height
Apartments	18.0 m
Townhouses	10.7 m
Duplexes	8.2 m

Parcel and Site Area

60.4 The minimum permitted parcel area and site area is 2910 square metres.

Setbacks and Siting

60.5.1 No building shall be located within 6.0 metres of any parcel line.

60.5.2 No principal use building shall be located within 4.0 metres of any other principal use building.

Off-Street Parking and Loading

60.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw, except that in relation to duplex dwellings, the owner need only provide 1.5 spaces per dwelling unit; and in relation to townhouse and apartment dwellings, the owner need only provide 75 percent of the parking spaces that would normally be required under Section 6.

Other Regulations

60.7 The maximum occupancy is two persons per bedroom.

SCHEDULE G

RM60 Zone (Residential Multiple Sixty)

Intent

The intent of this zone is to provide medium density multiple residential employee housing development.

Permitted Uses

61.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Parks and playgrounds
- c) Townhouses for employee housing

Density

61.2 The maximum permitted gross floor area of all buildings is 6,487 square metres.

Height

61.3 The maximum permitted height of a principal use building is 8.0 metres.

Parcel and Site Area

61.4 The minimum permitted parcel area and site area is 17,500 square metres.

Setbacks and Siting

61.5.1 No building shall be located within 6.0 metres of any parcel line.

61.5.2 No principal use building shall be located within 4.0 metres of any other principal use building.

Off-Street Parking and Loading

61.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to townhouse dwellings, the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6.

Other Regulations

61.7.1 The maximum occupancy is two persons per bedroom.

61.7.2 The required number of units is 60 units in 15 buildings.

SCHEDULE H**P 2 Zone (Parking Two)****Intent**

The intent of this zone is to provide an area for parking use.

Permitted Uses

3.1 The following uses are permitted and all other uses are prohibited:

- a) Motor Vehicle Parking Uses
- b) Auxiliary Buildings and structures
- c) Parks and playgrounds

Restrictions on Use

3.2 No buildings or structures shall be constructed, erected, placed, or maintained except buildings or structures auxiliary to surface parking and buildings or structures for garbage and recycling. In no case shall such buildings or structures exceed 5 metres in height.

Minimum Parcel Area

3.3 The minimum parcel area and site area is 5,700 square metres.

SCHEDULE I

RM61 Zone (Residential Multiple Sixty-One)

Intent

The intent of this zone is to provide high density apartment employee housing development with associated uses.

Permitted Uses

62.1 The following uses are permitted and all other uses are prohibited:

- a) Apartments for employee housing
- b) Auxiliary buildings and uses
- c) Local service commercial
- d) Local personal service
- e) Parks and playgrounds
- f) Restaurant (excluding drive-in and window sales)
- g) Retail
- h) Neighbourhood Public House

Density

62.2.1 The maximum permitted gross floor area of all buildings is 3,888 square metres.

62.2.2 Local Service Commercial, Local Personal Service, Restaurant, and Neighbourhood Public House uses shall not exceed 230 Square Metres gross floor area.

62.2.3 Retail use shall not exceed 175 Square Metres gross floor area.

Height

62.3 The maximum permitted height of a principal use building is 16 metres.

Parcel and Site Area

62.4 The minimum permitted parcel area and site area is 2530 square metres.

Setbacks and Siting

62.5.1 No building shall be located within 1.5 metres of a front parcel line.

62.5.2 No building shall be located within 3.9 metres of a rear parcel line.

62.5.3 No building shall be located within 7.2 metres of a side parcel line.

Off-Street Parking and Loading

62.6 Off-street parking spaces are not required.

Other Regulations

62.7.1 Local personal service, local service commercial, restaurant, and retail uses are permitted on the ground floor only.

62.7.2 The required number of dwelling units is 33.

SCHEDULE J

RM62 Zone (Residential Multiple Sixty-Two)

Intent

The intent of this zone is to provide high density apartment employee housing development.

Permitted Uses

63.1 The following uses are permitted and all other uses are prohibited:

- a) Apartments for employee housing
- b) Auxiliary buildings and uses
- c) Parks and playgrounds

Density

63.2 The maximum permitted gross floor area of all buildings on each parcel is shown in the accompanying table:

Parcel Number (as shown in the Key Plan that forms a part of this zone).	Maximum Permitted Gross Floor Area	Minimum Permitted Parcel Area
2	2813 square metres	2010 square metres
1	2902 square metres	1990 square metres

Height

63.3 The maximum permitted height of a principal use building is 16 metres.

Setbacks and Siting

63.4 No building shall be located within 6 metres of any parcel line.

Off-Street Parking and Loading

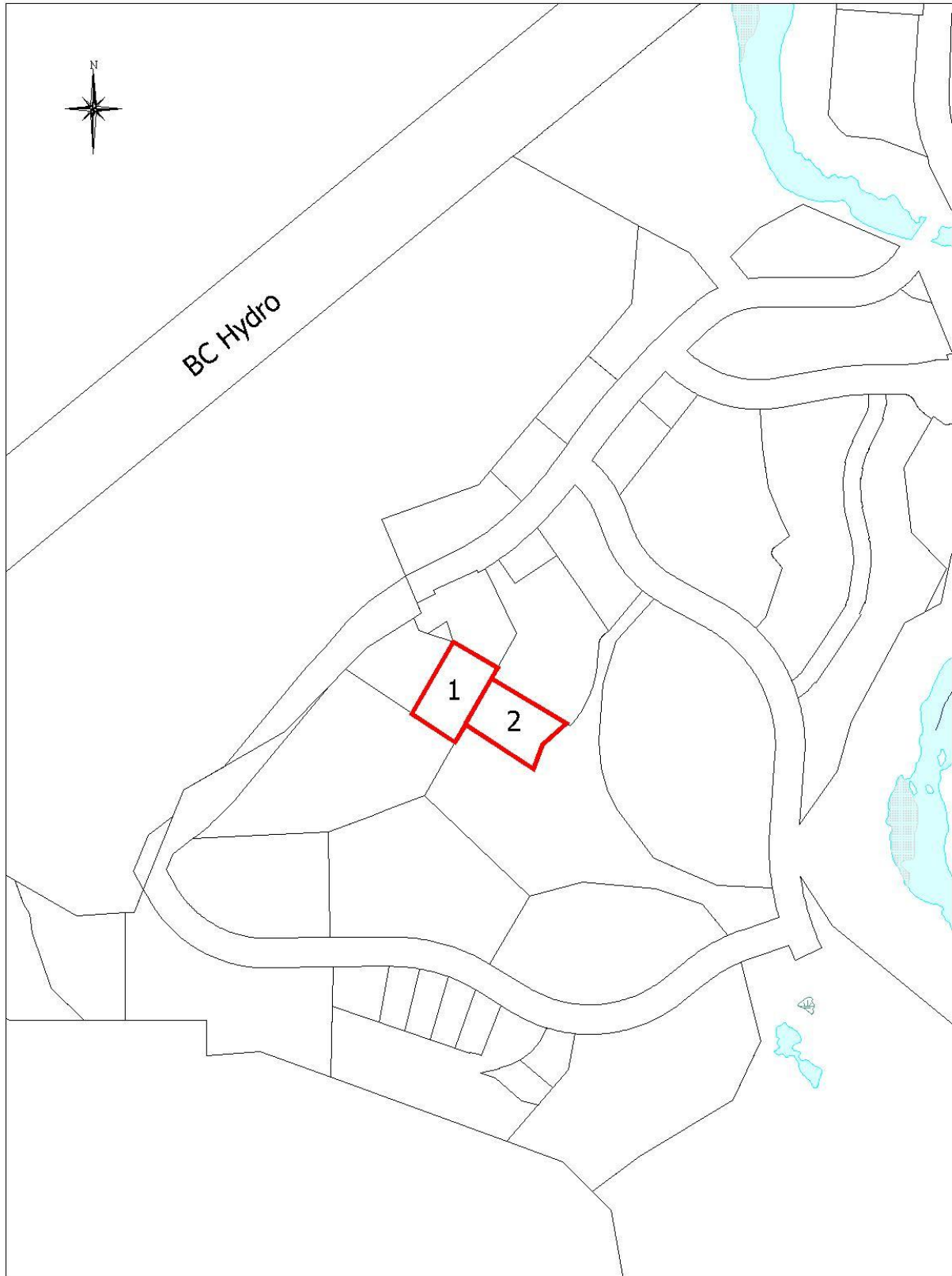
63.5 Off-street parking spaces are not required.

Other Regulations

63.6.1 The Maximum occupancy is two persons per bedroom.

63.6.2 The required number of dwelling units is shown in the accompanying table:

Parcel Number (as shown in the Key Plan that forms a part of this zone).	Required number of Dwelling Units
2	34
1	55

Key Plan to the RM62 Zone

SCHEDULE K

AC1 Zone (Athletes' Centre One)

Intent

The intent of this zone is to provide high density athletic centre with associated uses and athletes' centre accommodation.

Permitted Uses

12.1 The following uses are permitted and all other uses are prohibited:

- a) Athletes' Centre
- b) Athletes' Centre Accommodation
- c) Auxiliary buildings and uses
- d) Parks and playgrounds

Density

12.2 The maximum permitted gross floor area of all buildings is shown in the accompanying table:

Use	Maximum Permitted Gross Floor Area
Athletes' Centre	1768 square metres
Athletes' Centre Accommodation	3740 square metres
Total:	5508 square metres

Height

12.3 The maximum permitted height of a principal use building is as follows:

Use	Maximum Permitted Building Height
Athletes' Centre Accommodation	17.4 m
Athletes' Centre	13.0 m

Parcel and Site Area

12.4 The minimum permitted parcel area and site area is 10,100 square metres.

Setbacks and Siting

12.5.1 No building shall be located within 9.5 metres of a front parcel line.

12.5.2 No building shall be located within 6 metres of a rear parcel line.

12.5.3 No building shall be located within 5 metres of a side parcel line.

Off-Street Parking and Loading

12.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this bylaw except that 16 spaces are required for any athletes' centre and no spaces are required for athletes' centre accommodation.

Other Regulations

12.7 The required number of dwelling units in the Athletes' Centre Accommodation Building is 102.

SCHEDULE L**AC2 Zone (Athletes' Centre Two)****Intent**

The intent of this zone is to provide medium density athletes' centre accommodation development.

Permitted Uses

13.1 The following uses are permitted and all other uses are prohibited:

- a) Athletes' Centre Accommodation
- b) Auxiliary buildings and uses
- c) Parks and playgrounds

Density

13.2 The maximum permitted gross floor area of all buildings is 2433 square metres.

Height

13.3 The maximum permitted height of a principal use building is 10.7 metres.

Parcel and Site Area

13.4 The minimum permitted parcel area and site area is 10,000 square metres.

Setbacks and Siting

13.5.1 No building shall be located within 6 metres of any parcel line.

13.5.2 No principal use building shall be located within 10 metres of any other principal use building.

Off-Street Parking and Loading

13.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that in relation to the Athletes' Centre Accommodation, the owner need only provide 75 percent of the number of parking spaces that would be required if the uses were in the CC1 (Commercial Core One) Zone.

Other Regulations

13.7 The required number of dwelling units is 20 in 4 buildings.

SCHEDULE M

AC3 Zone (Athletes' Centre Three)

Intent

The intent of this zone is to provide for the expansion of the Athletes' Centre.

Permitted Uses

14.1 The following uses are permitted and all other uses are prohibited:

- a) Athletes' Centre
- b) Athletes' Centre Accommodation
- c) Auxiliary buildings and uses
- d) Parks and playgrounds

Density

14.2.1 The maximum permitted gross floor area of all buildings is 2500 square metres.

14.2.2 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is 40 square metres per dwelling unit.

Height

14.3 The maximum permitted height of a principal use building is shown in the accompanying table:

Use	Maximum Building Height
Athletes' Centre	18.0 m
Athletes' Centre Accommodation	18.0 m

Parcel and Site Area

14.4 The minimum permitted parcel area and site area is 6590 square metres.

Setbacks and Siting

14.5.1 No building shall be located within 9.5 metres of a front parcel line.

14.5.2 No building shall be located within 6.0 metres of any other parcel line.

14.5.3 No building shall be located within 4 metres of any other principal use building.

Off-Street Parking and Loading

14.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that in relation to the Athletes' Centre Accommodation, the owner need only provide 75 percent of the number of parking spaces that would be required if the uses were in the CC1 (Commercial Core One) Zone.

SCHEDULE N

RM63 Zone (Residential Multiple Sixty-Three)

Intent

The intent of this zone is to provide medium density multiple residential employee housing development.

Permitted Uses

64.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Parks and playgrounds
- c) Townhouses for employee housing

Density

64.2 The maximum permitted gross floor area of all buildings is 3817 square metres.

64.2.1 The maximum permitted floor area for auxiliary parking use contained within a principal or auxiliary building is 40 square metres per dwelling unit.

Height

64.3 The maximum permitted height of a principal use building is 10.7 metres.

Parcel and Site Area

64.4 The minimum permitted parcel area and site area is 9060 square metres.

Setbacks and Siting

64.5.1 No building shall be located within 6 metres of any parcel line.

64.5.2 No principal use building shall be located within 6 metres of any other principal use building.

Off-Street Parking and Loading

64.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that in relation to town house dwellings, the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6.

Other Regulations

64.7.1 The maximum occupancy is 2 persons per bedroom.

64.7.2 The required number of dwelling units is 27 in 5 buildings.

SCHEDULE O

RM64 Zone (Residential Multiple Sixty-Four)

Intent

The intent of this zone is to provide medium density townhouse development.

Permitted Uses

65.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Duplex Dwellings for employee housing
- c) Parks and playgrounds
- d) Townhouses for employee housing

Density

65.2 The maximum permitted gross floor area of all buildings is 3906 square metres.

65.2.1 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is shown in the accompanying table:

Use	Maximum Enclosed Parking Area
Duplexes	50 square metres per dwelling unit
Townhouses	40 square metres per dwelling unit

Height

65.3 The maximum permitted height of a principal use building is 10.7 metres.

Parcel and Site Area

65.4 The minimum permitted parcel area and site area is 12,500 square metres.

Setbacks and Siting

65.5.1 No building shall be located within 6 metres of any parcel line.

65.5.2 No principal use building shall be located within 2.5 metres of any other principal use building.

Off-Street Parking and Loading

- 65.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to duplex dwellings, the owner must provide at least 1.5 parking spaces per dwelling unit; and in relation to townhouse dwellings the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6.

Other Regulations

- 65.7 The maximum occupancy is two persons per bedroom.
- 65.8 The required number of dwelling units is 27 in 7 buildings.

SCHEDULE P**RS12 Zone (Residential Single Family Twelve)****Intent**

The intent of this zone is to provide low density residential housing development.

Permitted Uses

49.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Auxiliary residential dwelling units
- c) Detached dwellings
- d) Parks and playgrounds

Density

49.2.1 The maximum permitted gross floor area of all buildings on a parcel is 325 square metres.

49.2.2 The minimum permitted gross floor area of a detached dwelling is 46.5 square metres.

49.2.3 An auxiliary residential dwelling unit shall contain a gross floor area no greater than 90 square metres and no less than 32.5 square metres.

49.2.4 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is 55 square metres per parcel.

Height

49.3.1 The maximum permitted height of a principal use building is 8.0 metres.

49.3.2 The maximum permitted height of an auxiliary building is 5.0 metres.

Parcel and Site Area

49.4 The minimum permitted parcel area and site area is shown in the accompanying table:

Parcel No. (As shown in the Key Plan that forms a part of this zone)	Minimum Permitted Parcel Area and Site Area
1	1026 square metres
2	711 square metres
3	756 square metres
4	738 square metres
5	666 square metres
6	603 square metres
7	738 square metres

Setbacks and Siting

49.5 Minimum building setbacks are shown in the key plan that forms a part of this zone.

Off-Street Parking and Loading

49.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to detached dwellings, the owner must provide at least 2 parking spaces for a principal dwelling unit plus one parking space for an auxiliary residential dwelling unit. Tandem parking is permitted in any configuration.

Other Regulations

49.7.1 The maximum occupancy is 2 persons per bedroom.

49.7.2 An auxiliary residential dwelling unit shall be located within the principal residential building on a parcel.

Key Plan To The RS12 Zone Showing Setbacks

SCHEDULE Q

RM65 Zone (Residential Multiple Sixty-Five)

Intent

The intent of this zone is to provide medium density employee housing residential development.

Permitted Uses

66.1 The following uses are permitted and all other uses are prohibited:

- a) Apartments
- b) Apartments for employee housing
- c) Auxiliary buildings and uses
- d) Duplex dwellings
- e) Duplex dwellings for employee housing
- f) Parks and playgrounds
- g) Townhouses
- h) Townhouses for employee housing
- i) School
- j) Childcare Facility

Density

66.2.1 The maximum permitted gross floor area of all buildings is 6000 square metres.

66.2.2 The maximum permitted size for a dwelling unit is 175 square metres.

66.2.3 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is shown in the accompanying table:

Use	Maximum Enclosed Parking Area
Duplexes	50 square metres per dwelling unit
Townhouses	40 square metres per dwelling unit

Height

66.3 The maximum permitted height of a principal use building is shown in the accompanying table:

Use	Maximum Building Height
Apartments	18.0 m
Duplexes	8.2 m
Townhouses	10.7 m
School	12.0 m
Childcare Facility	12.0 m

Parcel and Site Area

66.4 The minimum permitted parcel area and site area is 8,980 square metres.

Setbacks and Siting

66.5.1 No building shall be located within 6 metres of any parcel line.

66.5.2 No principal use building shall be located within 4 metres of any other principal use building.

66.5.3 No principal use building shall be located within 6 metres of an internal access road.

Off-Street Parking and Loading

66.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to duplex dwellings, the owner must provide at least 1.5 spaces per dwelling unit; and in relation to townhouse and apartment dwellings, the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6.

Other Regulations

66.7 The maximum occupancy is two persons per bedroom.

SCHEDULE R**LP4 Zone (Leisure Park 4)****Intent**

The intent of this zone is to provide a park area for recreational use.

Permitted Uses

16.1 The following uses are permitted and all other uses are prohibited:

- a) Auxiliary buildings and uses
- b) Parks and playgrounds

Density

16.2 The maximum gross floor area on a parcel is 75 square metres.

Height

16.3 The maximum permitted height of a building is 5.0 metres.

Parcel and Site Area

16.4 No regulations.

Site Coverage

16.5 No regulations.

Setbacks and Siting

16.6.1 No building shall be located within 4 metres of any parcel line.

16.6.2 The minimum permitted separation between buildings is 4 metres.

Off-Street Parking and Loading

16.7 Off-street parking and loading spaces are not required.

SCHEDULE S**UR1 Zone (Urban Reserve 1)****Intent**

The intent of this zone is to provide an area reserved for multifamily residential development for employee housing and associated uses.

Permitted Uses

67.1 The following uses are permitted and all other uses are prohibited:

- a) Apartments
- b) Apartments for employee housing
- c) Auxiliary buildings and uses
- d) Auxiliary residential dwelling unit provided it is contained in a detached dwelling.
- e) Detached Dwellings
- f) Duplexes
- g) Duplexes for employee housing
- h) Live work units
- i) Live work units for employee housing
- j) Park and playground
- k) Townhouses
- l) Townhouses for employee housing

Density

67.2.1 The maximum permitted gross floor area of all buildings in the zone is 41,850 square metres.

67.2.2 The maximum permitted size for a detached dwelling is 325 square metres.

67.2.3 The minimum permitted size for a detached dwelling is 46.5 square metres.

67.2.4 An auxiliary residential dwelling unit shall contain a gross floor area no greater than 90 square metres and no less than 32.5 square metres.

67.2.5 The maximum permitted size for any other dwelling unit is 175 square metres.

67.2.6 The maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is shown in the accompanying table:

Use	Maximum Enclosed Parking Area
Detached Dwellings	55 square metres per parcel
Duplexes	50 square metres per dwelling unit
Townhouses	40 square metres per dwelling unit

Height

67.3 The maximum permitted height of a principal use building is shown in the accompanying table:

Use	Maximum Building Height
Apartments	18.0 m
Detached Dwellings	8.0 m
Duplexes	8.2 m
Live Work Units	12.0 m
Townhouses	10.7 m

Parcel and Site Area

67.4 The minimum permitted parcel area is 15.49 hectares.

Setbacks and Siting

67.5.1 No building shall be located within 6 metres of any parcel line.

67.5.2 The minimum permitted separation between buildings is 4 metres.

Off-Street Parking and Loading

67.6 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to duplex dwellings, the owner must provide at least 1.5 spaces per dwelling unit; and in relation to townhouse and apartment dwellings, the owner need only provide 75 percent of the number of parking spaces that would normally be required under Section 6.

Other Regulations

67.7 The maximum occupancy is two persons per bedroom.



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: April 6, 2010

REPORT: 10 - 002

FROM: Community Life

FILE: RZ1029

SUBJECT: CHEAKAMUS CROSSING PARCEL SPECIFIC ZONING

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER:

That the recommendation of the General Manager of Community Life be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010;

That Council authorize the Corporate Officer to schedule a public hearing regarding “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010” and to advertise the public hearing in a local newspaper;

That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler any legal documents identified in this report as being required as a condition of adoption of the zoning bylaw;

That Council authorized the Mayor and Corporate Officer to execute all legal documents required to discharge the s. 219 Development Covenants currently registered on title. The discharge of Development Covenants is not to happen until Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010 has been adopted by Council; and further

That Council stipulate that any consideration of the adoption of “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010” be subject to the following:

- a) Receipt of a letter from the Province of British Columbia stating that the “site profile” for the Cheakamus Crossing neighbourhood has been accepted and no further actions are required.

REFERENCE

Owners: Resort Municipality of Whistler

Legal description and street address:

Project Name	Lot	Plan	Street Address
Vacant	1	EPP277	1310 Cloudburst Drive
Future Market Detached Dwellings	2	EPP277	1350 Cloudburst Drive
The Heights	3	EPP277	1380 Cloudburst Drive
The Terrace	4	EPP277	1375 Cloudburst Drive
Athletes' Centre and Athletes' Centre Accommodation	A	EPP1290	1080 Legacy Way
Athletes' Centre Accommodation	B	EPP1290	1345 Cloudburst Drive
Future Athletes' Centre	C	EPP1290	1315 Cloudburst Drive

Whistler Housing Authority Rental Housing	6	EPP277	1060 Legacy Way
The Springs	7	EPP277	1050 Legacy Way
	A	EPP871	
Parking Lot	9	EPP277	
Vacant	10	EPP277	1030 Legacy Way
The Rise	11	EPP277	1245 and 1275 Mount Fee Road
Vacant	12	EPP277	1205 Mount Fee Road
Hostel	13	EPP277	1035 Legacy Way
Vacant	14	EPP277	1025 Legacy Way
Vacant	15	EPP277	1015 Legacy Way
Vacant	16	EPP277	1020 Legacy Way
Whitewater	A	EPP289	1270 Mount Fee Road
River Bend	B	EPP289	1240 Mount Fee Road
Future Detached Dwelling	1	EPP1759	1001 Madeley Place
Future Detached Dwelling	2	EPP1759	1001 Madeley Place
Future Detached Dwelling	3	EPP1759	1001 Madeley Place
Future Detached Dwelling	4	EPP1759	1001 Madeley Place
Future Detached Dwelling	5	EPP1759	1001 Madeley Place
Future Detached Dwelling	6	EPP1759	1001 Madeley Place
Future Detached Dwelling	7	EPP1759	1001 Madeley Place
Future Detached Dwelling	8	EPP1759	1001 Madeley Place
Future Detached Dwelling	9	EPP1759	1001 Madeley Place

Zoning: R-LCCD (Residential – Lower Cheakamus Comprehensive Development)

Appendices: “A” Key Plan

NATURE OF REQUEST

That Council consider giving first and second reading to Bylaw No. 1937, 2010 being a bylaw to enact parcel specific zoning at the Cheakamus Crossing neighbourhood (Appendix “A”). Furthermore, staff are requesting that Council consider authorizing the Corporate Officer to schedule a public hearing.

PURPOSE OF REPORT

To provide Council with an overview of Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010.

DISCUSSION

On June 18, 2006, Council adopted Bylaw No. 1734, 2006. This bylaw created the “Residential – Lower Cheakamus Comprehensive Development” (R-LCCD) zone. In addition, the bylaw rezoned the entire Cheakamus Crossing neighbourhood to “Residential – Lower Cheakamus Comprehensive Development”. The R-LCCD zone lists permitted uses, allowable densities, allows for “temporary commercial uses” associated with the 2010 Winter Olympic and Paralympic Games, provides standards for “off-street parking and loading”, and prohibits subdivision unless, “the density regulations for the Zone are made applicable to the individual parcels created, either by means of amendment of this Bylaw or by means of a covenant registered under s 219 of the *Land Title Act*, such that the density limits set

out in Sections 43.2.1, 43.2.2, 43.2.3, 43.2.4, and 43.2.5 cannot be exceeded in the development of the Zone as a whole.” The municipality chose to control density on individual parcels by registering “Development Covenants” on title pursuant to s. 219 of the *Land Title Act*. These covenants also restricted permitted uses, established minimum building setbacks, established maximum building heights, and allowed for the discharge of the covenants upon the adoption of a zoning bylaw amendment that reflects the restrictions set out in the “Development Covenants”. Bylaw No. 1937, 2010, being the bylaw currently before Council for consideration, would amend the Zoning and Parking Bylaw 303, 1983 by incorporating the restrictions that are currently found in the “Development Covenants” thereby allowing for the discharge of the covenants upon receipt of a request from the owner after the bylaw is adopted by Council.

Bylaw 1937, 2010 does not increase the maximum gross floor area that is currently allowed for in the “Residential – Lower Cheakamus Comprehensive Development” zone. Nor does it add any additional permitted uses. The purpose of the bylaw is to incorporate into the Zoning and Parking Bylaw 303, 1983 those restrictions that are currently found in the “Development Covenants” registered on title. There are some minor transfers of gross floor area between parcels that reflect the actual development on the parcel.

Zoning restrictions should be located in zoning bylaws rather than in “Development Covenants” to ensure clarity of regulation. Putting the regulations in the Zoning and Parking Bylaw 303, 1983 contributes to a more transparent and accountable government and makes it easier for the citizens to ascertain the restrictions not only on their property but also on their neighbour’s property. The Zoning and Parking Bylaw 303, 1983 along with the zoning map are easily accessible on the Municipality’s web site. “Development Covenants” on the other hand have to be obtained through the Land Title Office, a more onerous process, and in this case were intended only to control land use on an interim basis.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Partnership	Partners work together to achieve mutual benefit	The Resort Municipality of Whistler has worked with the Whistler 2020 Development Corporation to ensure that the zoning bylaw is amended and the “Development Covenants” discharged so that future owners clearly understand the restrictions on their property and their neighbour’s property.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
N/A		

OTHER POLICY CONSIDERATIONS

Section 4.2.6 of the Official Community Plan states:

The Municipality will support medium density housing in the Callaghan Valley or on the South Cheakamus Bench that is designed to accommodate the needs of Whistler residents. It is understood that the development of resident housing shall only occur as supported by the Comprehensive Sustainability Plan. Further, such development shall be guided by a detailed

planning review, including the preparation of development permit guidelines by the Municipality.

BUDGET CONSIDERATIONS

All expenses accruing to the Resort Municipality of Whistler are covered in existing budgets.

COMMUNITY ENGAGEMENT AND CONSULTATION SUMMARY

Given that Bylaw 1937, 2010 merely takes the existing restriction found in the “Development Covenants” currently registered on title and transfers those restrictions to the Zoning Bylaw where existing conventions of good governance require that they belong and that this bylaw does not add any additional permitted uses or additional gross floor area, staff feel that an open house is not necessary. There will be a statutory public hearing.

SUMMARY

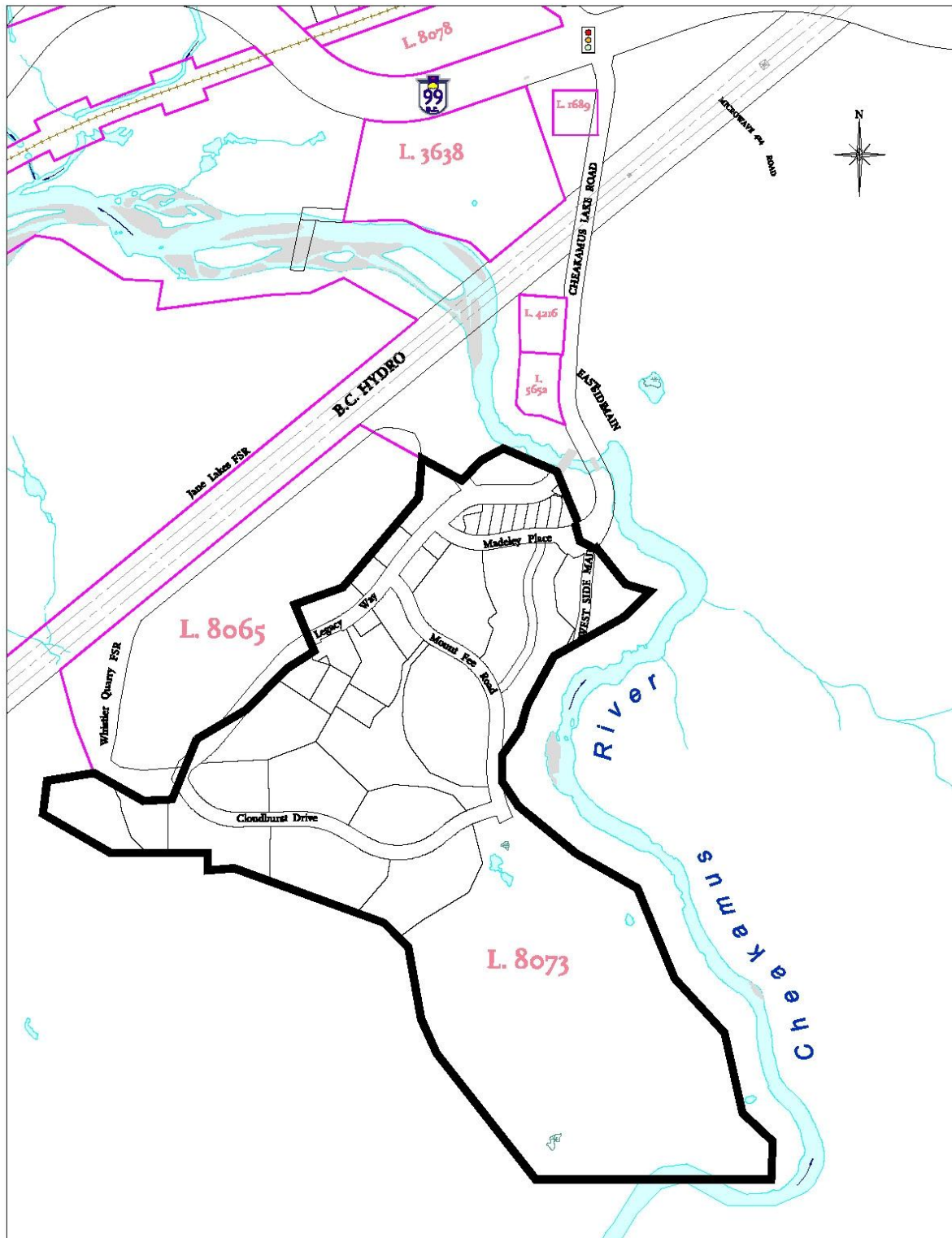
Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010 would incorporate those development and land use restrictions that currently reside in parcel specific “Development Covenants” into the Zoning and Parking Bylaw 303, 1983. The Bylaw does not increase total allowable gross floor area nor does it add any permitted uses other than those currently allowed in the R-LCCD (Residential – Lower Cheakamus Comprehensive Development) zone.

Respectfully submitted,

Bill Brown
MANAGER OF COMMUNITY PLANNING
for
Bob MacPherson
GENERAL MANAGER OF COMMUNITY LIFE

Appendix "A"

Key Plan



incremental and extraordinary costs associated with snow clearing and Street Maintenance, Village Operations, Bylaw Operations, Transportation Services, and Fire and Rescue Services. He commented that although the final budgeting has not been done, it is anticipated that Whistler will not need the full amount contained within the agreement.

He commented on messaging portraying Whistler's commitment to sustainability, including stories about the Austria Passive Haus, the TEDx event in Whistler, the launching of the Whistler Biodiversity Challenge for the International Year of Biodiversity, and the presentation by the Canada Green Building Council and BC Hydro Power Smart recognizing the success of VANOC and partners in achieving the most number of LEED certified green buildings at one time in the world.

He commented on the Whistler community and the opportunities for the future.

INFORMATION REPORTS

Asphalt Plant Relocation
Report No. 10-010
File No. 714

7:32 p.m. Councillor T. Milner left the meeting.

Moved by Councillor E. Zeidler
Seconded by Councillor T. Thomson

That the receipt of the report be moved to the next meeting with staff and consultants available to answer questions.

7:37 p.m. Councillor T. Milner returned.

CARRIED

ADMINISTRATIVE REPORTS

UBCM Age-Friendly
Community Planning
Grant
Report No. 10-006
File No. 10500

Moved by Councillor T. Milner
Seconded by Councillor T. Thomson

That Council endorse the project 'Whistler Through the Ages' funded by UBCM 2010 Age-friendly Community Projects and Planning Grant funding.

CARRIED

Cheakamus Crossing
Commercial
Report No. 10-007
File No. 8200.26

Moved by Councillor T. Milner
Seconded by Councillor T. Thomson

That Council amends the Five-Year Financial Plan 2010-2014 Bylaw No. 1934 to provide for this expenditure in the amount of \$191,600, funded by a combination of Operating Reserve and Whistler 2020 Development Corporation.

CARRIED

Cheakamus Crossing
Parcel Specific Zoning
Report No. 10-002
File No. RZ1029

Moved by Councillor T. Milner
Seconded by Councillor C. Quinlan

That Council consider giving first and second readings to Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010;

That Council authorize the Corporate Officer to schedule a public hearing regarding “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010” and to advertise the public hearing in a local newspaper;

That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler any legal documents identified in this report as being required as a condition of adoption of the zoning bylaw;

That Council authorized the Mayor and Corporate Officer to execute all legal documents required to discharge the s. 219 Development Covenants currently registered on title. The discharge of Development Covenants is not to happen until Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010 has been adopted by Council; and further

That Council stipulate that any consideration of the adoption of “Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010” be subject to the following:

- a) Receipt of a letter from the Province of British Columbia stating that the “site profile” for the Cheakamus Crossing neighbourhood has been accepted and no further actions are required.

CARRIED

Infill Housing
Communication Plan
Report No. 10-008
File No. 7729

Moved by Councillor E. Zeidler
Seconded by Councillor G. Lamont

That Council direct staff to implement the proposed Infill Housing Communication Plan; and further

That Council authorize the Corporate Officer, following the implementation of the Infill Housing Communication Plan, to schedule a public hearing regarding “Official Community Plan Amendment Bylaw (Infill Housing) No. 1913, 2009” and “Zoning Amendment Bylaw (Alpine South Infill Housing) No. 1914, 2009”, and to advertise for same in a local newspaper.

Opposed: Councillor T. Milner

CARRIED

OCP Amendment Bylaw
No. 1938, 2010 (GHG
Emissions)
Report No. 10-009
File No. 7503.1

Moved by Councillor T. Milner
Seconded by Councillor C. Quinlan

That Council consider giving first reading to Official Community Plan Amendment Bylaw (GHG Emissions) No. 1938, 2010 which Bylaw would add to the Plan required targets, policies and actions for the reduction of greenhouse gas emissions;

Whereas Council has examined Bylaw 1938, 2010 in accordance with section 879 of the *Local Government Act*:

That Council advise that, in addition to a public hearing, consultations with the Board of the Squamish Lillooet Regional District, the Councils of the District of Squamish and the Village of Pemberton, First Nations, the Provincial and federal governments and their agencies are not required; and

BYLAWS FOR FIRST AND SECOND READING

Zoning Amendment
Bylaw (Cheakamus
Crossing) No. 1937, 2010

Moved by Councillor T. Thomson
Seconded by Councillor E. Zeidler

That Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010 receive first and second readings.

CARRIED

BYLAWS FOR ADOPTION

Housing Agreement
Bylaw (8010 Mons Road)
No. 1933, 2009

Moved by Councillor T. Thomson
Seconded by Councillor T. Milner

That Housing Agreement Bylaw (8010 Mons Road) No. 1933, 2009 be adopted.

CARRIED

OTHER BUSINESS

There were no items of other business.

CORRESPONDENCE

Congratulations on 2010
Olympic and Paralympic
Games
File No. 3009

Moved by Councillor T. Milner
Seconded by Councillor C. Quinlan

That correspondence from Joan McIntyre, MLA, regarding congratulations to the municipality and staff, and Whistler area volunteers on hosting the 2010 Olympic and Paralympic Games be received.

CARRIED

Community Celebration
of the Success of the
2010 Games
File No. 3009

Moved by Councillor C. Quinlan
Seconded by Councillor T. Milner

That correspondence from Rick Clare regarding support for a community celebration be received.

CARRIED

Transportation Access to
Wayside Park
File No. 8520, 8744

Moved by Councillor E. Zeidler
Seconded by Councillor T. Milner

That correspondence from Keenan Moses, Whistler Eco Tours, regarding transportation access to Wayside Park be received and referred to staff to report back to Council with proposed solutions.

CARRIED



The Best Place on Earth

COPY

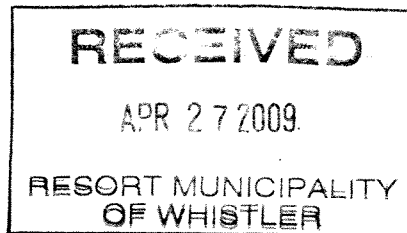
5107-02

REGISTERED MAIL

Regional File: 26250-20/9875
Victoria File: 26250-20/9875
SITE ID: 9875

April 21, 2009

Neil Goldfrey
Whistler 2020 Development Corp.
104 - 1080 Millar Creek Rd
Whistler BC V0N 1B1



Dear Neil Godfrey:

**Re: Amended Certificate of Compliance - 1251 Cheakamus Lake Road, Whistler,
British Columbia**

Please find enclosed an amended Certificate of Compliance for the lands referenced above. The Certificate of Compliance has been amended to remove a clause from Appendix 'B' of the Certificate that relates to monitoring, which is no longer required. All other terms and conditions of the Certificate remain in effect.

In addition to the conditions provided in the Certificate of Compliance please be advised of the following:

1. Information about the site will be included in the Site Registry established under the *Environmental Management Act*.
2. The provisions of this Certificate of Compliance are without prejudice to the right of the Director to make orders or to require additional remediation measures as the Director may deem necessary in accordance with applicable laws. Nothing contained in this Certificate of Compliance will in any way restrict or impair the Director's power in this regard.
3. Groundwater wells that are no longer required shall be properly decommissioned in accordance with the *Water Act's* Groundwater Protection Regulation.
4. The responsible person has prepared and provided to the Director proof of registration of a restrictive covenant under section 219 of the *Land Title Act* acceptable to the Director. The restrictive covenant has been registered as CA817857 at the New Westminster Land Title Office.

Pursuant to *Environmental Management Act* section 53 (3) a Director may rescind a Certificate of Compliance if conditions imposed in the Certificate are not complied with or any fees payable under Part 4 of the Act or the regulations are outstanding. If a new Certificate of Compliance is required, the submission of an application and associated fees for a new Certificate of Compliance would be necessary.

This Certificate is a decision that may be appealed under Part 8 of the *Environmental Management Act*.

If you require clarification of any aspect of the Certificate, please contact the undersigned at (250) 387-9513.

Yours truly,



W. David Lockhart
Contaminated Sites Officer

Enclosure

cc: Joseph Paul
Resort Municipality of Whistler
4325 Blackcomb Way
Whistler BC V0N 1B1

Vijay Kallur, P.Eng.,
SNC Lavalin Environment Inc.
8648 Commerce Court
Burnaby BC V5A 4N6

Colin Dunwoody, P. Eng., Approved Professional,
SNC Lavalin Environment Inc.
8648 Commerce Court
Burnaby BC V5A 4N6

Dave Williams, P.Eng., Approved Professional
Meridian Environmental Inc.
900 - 640 8th Avenue, SW
Calgary AB T2P 1G7

CSAP Society

Colleen Loguisto, Ministry of Environment

Alan McCammon, Ministry of Environment

CERTIFICATE OF COMPLIANCE
(Pursuant to Section 53 of the *Environmental Management Act*)

THIS IS TO CERTIFY that as of the date indicated below, the lands identified below have been satisfactorily remediated to meet Contaminated Sites Regulation numerical and risk-based standards for *residential land soil use*¹ and *aquatic life water use*¹ as well as Hazardous Waste Regulation standards. The substances for which remediation has been satisfactorily completed are as follows:

In soil:

To meet Contaminated Sites Regulation numerical standards:

- Antimony, arsenic, cadmium, copper, manganese, molybdenum, selenium and zinc;
- HEPHs, LEPHs and VPHs; and
- 1,4-dichlorobenzene, ethylbenzene and xylene.

To meet Contaminated Sites Regulation risk-based standards:

- Copper.

To meet Hazardous Waste Regulation standards:

- Total Oil.

In water:

To meet Contaminated Sites Regulation numerical standards:

- Cadmium, cobalt, sulphate and zinc;
- Pyrene; and
- Total nonchlorinated phenols.

The lands covered by this Certificate are located at 1251 Cheakamus Lake Road, Whistler, British Columbia which are more particularly known and described as:

¹ Soil and water standards listed in Schedule 10 of the Contaminated Sites Regulation are specific to human health only. It is the responsibility of the responsible person for the site to ensure that use of the standards of Schedule 10 do not constitute a significant risk or hazard to ecological health.

November 26, 2008

Date Issued

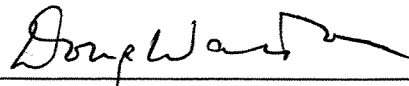
April 22/09

Date Amended

Original Signed by

Doug Walton

For Director, *Environmental Management Act*



Doug Walton

For Director, *Environmental Management Act*

Lots 1 - 18 District Lot 8073, Group 1, New Westminster District Plan EPP277 and Block A DL 8073, Group 1, New Westminster District except Plan EPP277 Management Area for which a Risk Based Certificate of Compliance is being sought includes Lots 1, 5, 8, 9, 10, 13, 14, 15 and 16 in addition to the adjacent parks and roads on the Property as shown on the attached sketch.

PIDs:	027-557-511 (Lot 1),	027-557-529 (Lot 2),
	027-557-537 (Lot 3),	027-557-545 (Lot 4),
	027-557-553 (Lot 5),	027-557-570 (Lot 6 and part Lot 9),
	027-557-715 (Lot 7 and part Lot 9),	027-557-723 (Lot 8 and part Lot 9),
	027-557-758 (lot 10),	027-557-766 (lot 11),
	027-557-774 (Lot 12),	027-557-782 (Lot 13),
	027-557-791 (Lot 14),	027-557-804 (Lot 15),
	027-557-812 (Lot 16),	027-557-821 (Lot 17),
	027-557-839 (Lot 18)	026-772-213 (Block A).

Approximate centre of the lands *

Latitude:	50°	04'	35"	* Using the NAD (North American Datum)
Longitude:	123°	02'	24"	1983 convention

A site plan is attached as Schedule "A" to this Certificate.

I have issued this Certificate based on the information summarized in:

- *Letter report* prepared by SNC Lavalin Environment Inc., April 16, 2009;
- *Summary of Site Condition*, prepared by Colin Dunwoody, P.Eng., Approved Professional, SNC Lavalin Environment Inc., October 30, 2008;
- *Terrestrial Ecological Risk Assessment Management Area of the Proposed Whistler Athletes' Village, 1251 Cheakamus Lake Road, Whistler, British Columbia*, prepared by Patrick Allard and Gary Mann, Azimuth Consulting Group, October 30, 2008;
- *Human Health Risk Assessment for the Management Area Proposed Whistler Athletes' Village, 1251 Cheakamus Lake Road, Whistler, British Columbia*, prepared by Ross Wilson, Morrow Environmental, October 10, 2008;

November 26, 2008

Date Issued

April 22/09

Date Amended

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For Director, *Environmental Management Act*

Doug Walton
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- *Detailed Site Investigation and Remediation Completion Report for the Management Area Proposed Whistler Athletes' Village, 1251 Cheakamus, Lake Road, British Columbia*, prepared by Susan Wood, Calin Nan, Vijay Kallur and Ross Wilson, Morrow Environmental, October 09, 2008; and
- *Preliminary Site Investigations Proposed Whistler Athletes' Village, 1251 Cheakamus Lake Road, Whistler, B.C.*, prepared by Susan Wood, Calin Nan and Vijay Kallur, Morrow Environmental, January 15, 2008.

This Certificate is qualified by the conditions described in Schedule "B" which is attached to and is part of this Certificate.

This Certificate is based on the most recent information provided to the ministry regarding the specified lands. I, however, make no representation or warranty as to the accuracy or completeness of this information.

The Director may rescind this Certificate of Compliance if conditions imposed in the Certificate are not complied with or any fees payable under Part 4 of the Act or regulations are outstanding.

This Certificate should not be construed as an assurance that there are no hazards present on the site described above.

November 26, 2008

Date Issued

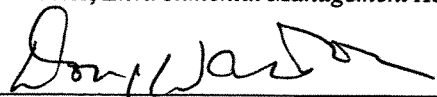
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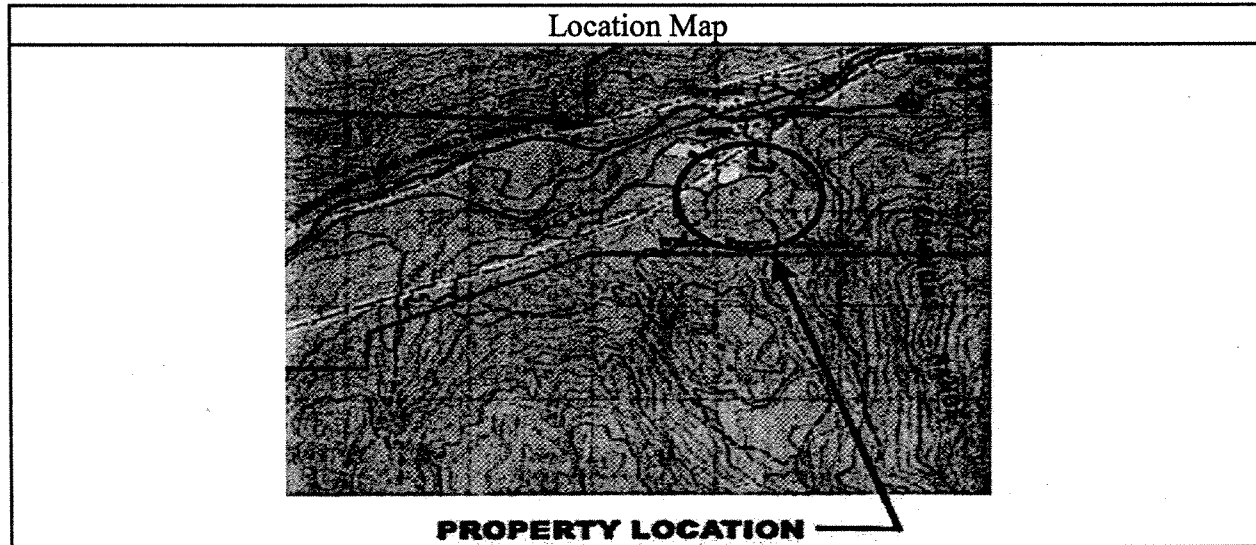
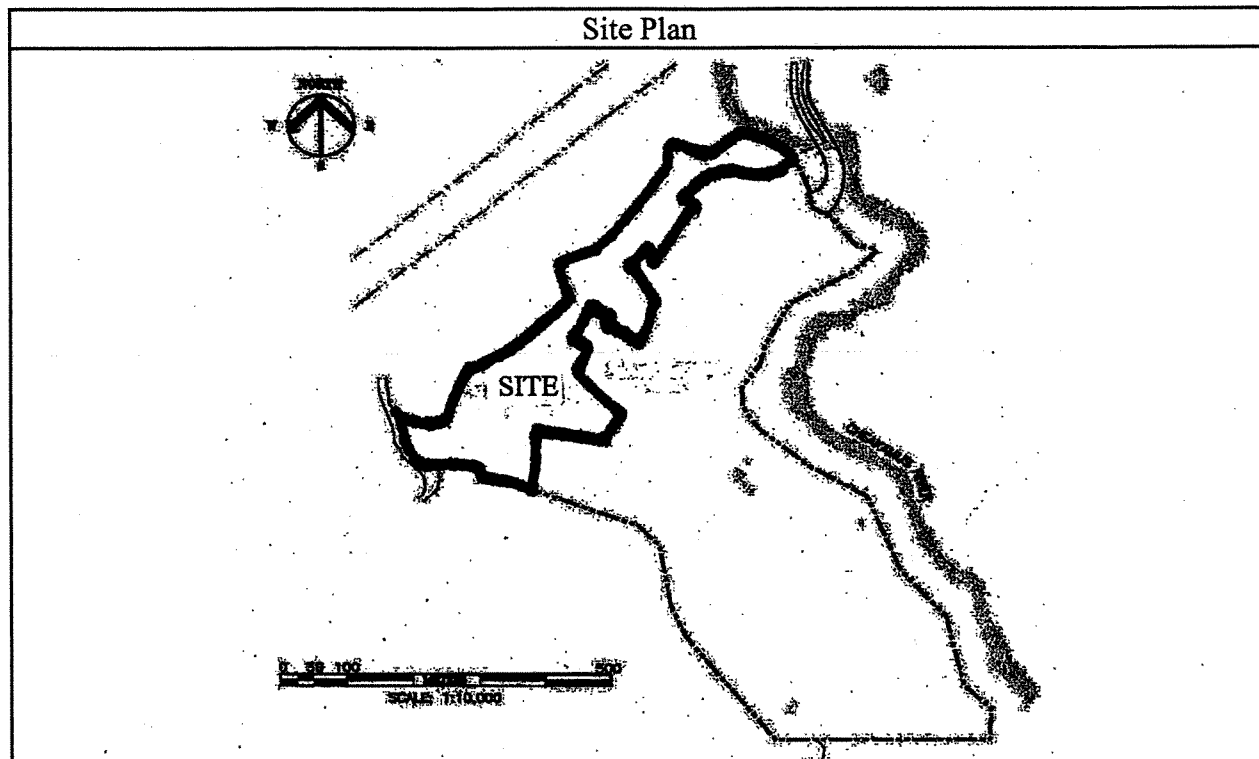
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Doug Walton

For Director, *Environmental Management Act*

Schedule "A"



November 26, 2008

Date Issued

April 22/09

Date Amended

SITE Identification Number 9875

Original Signed by

Doug Walton

For Director, *Environmental Management Act*

Doug Walton

For Director, *Environmental Management Act*

Schedule "B"

Conditions

1. A qualified environmental consultant must be available to identify, characterize and appropriately manage any environmental media of suspect quality which may be encountered during any future subsurface work at the site.
2. Any changes to the conditions or circumstances described in the risk assessment could invalidate the assessments. If a change in the conditions or circumstances occurs, the site owner is required to notify the ministry within 30 calendar days and submit revised or amended assessments for review and approval by the ministry. Otherwise, this Certificate is rescinded. The assessments to which this condition applies is contained in:
 - (a) *Terrestrial Ecological Risk Assessment Management Area of the Proposed Whistler Athletes' Village, 1251 Cheakamus Lake Road, Whistler, British Columbia*, prepared by Patrick Allard and Gary Mann, Azimuth Consulting Group, October 30, 2008; and
 - (b) *Human Health Risk Assessment for the Management Area Proposed Whistler Athletes' Village, 1251 Cheakamus Lake Road, Whistler, British Columbia*, prepared by Ross Wilson, Morrow Environmental, October 10, 2008.

November 26, 2008

Date Issued

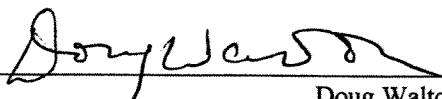
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Date Amended

Original Signed by

Doug Walton

For Director, *Environmental Management Act*



Doug Walton

For Director, *Environmental Management Act*

Cheakamus Crossing Parcel Specific Zoning

Bylaw 1937, 2010

First and Second Reading

April 6, 2010

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, British Columbia
Canada V0N 1B4
www.whistler.ca

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



Recommendation

- That Council consider giving first and second reading to Bylaw 1937, 2010
- That Council authorize the mayor and corporate officer to execute legal documents
- That Council authorize the mayor and corporate officer to discharge the Section 219 Development Covenants
- Prior to adoption the RMOW receives notification from the Provincial Government that the Site Profile has been accepted.

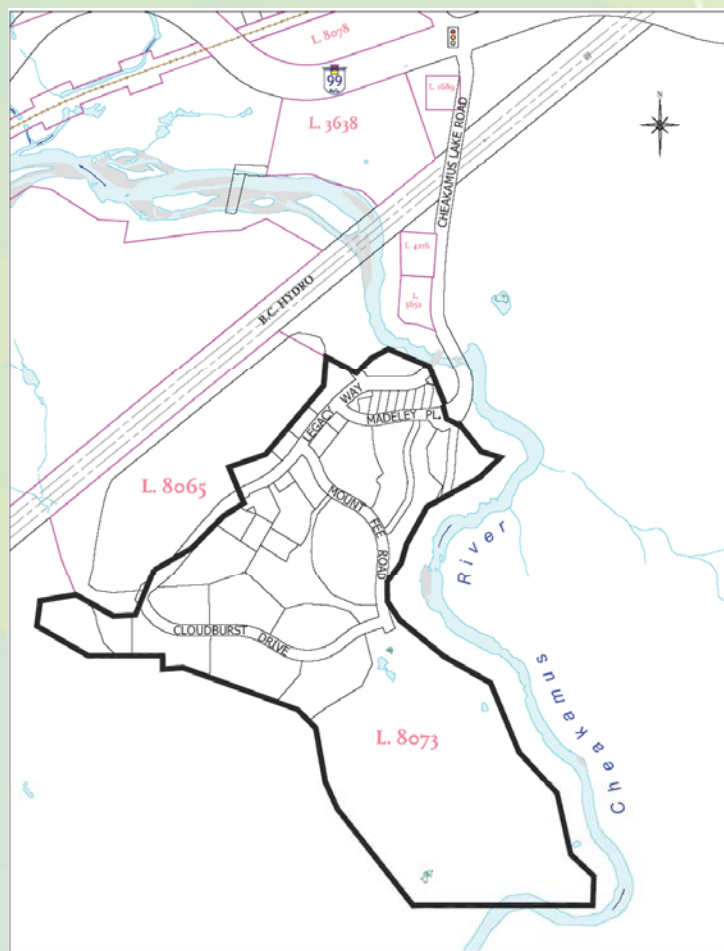
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Subject Site



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Background



- Bylaw 1734, 2006 adopted by Council on June 18, 2006
- Rezoned the entire property to R-LCCD
- Permitted Uses
- Maximum GFA

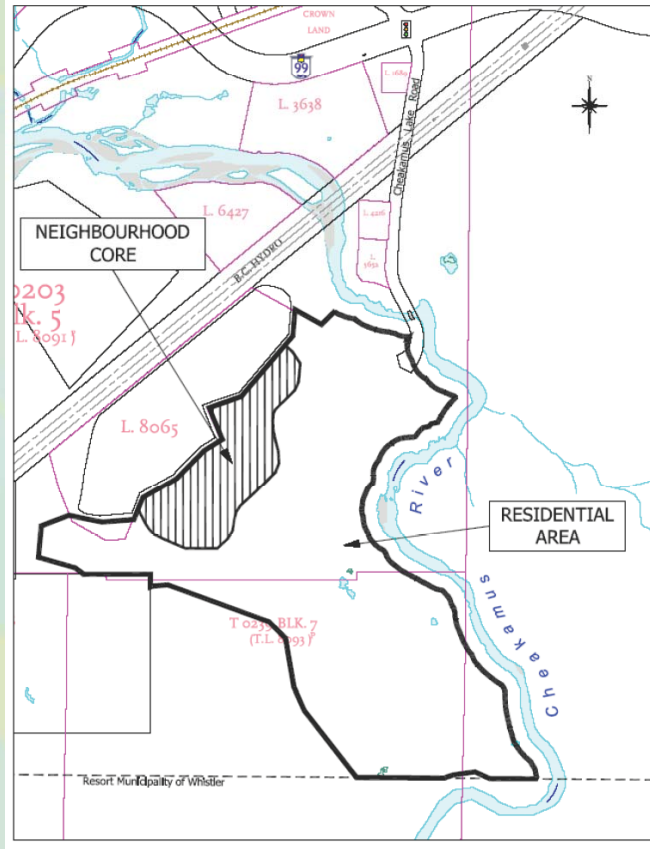
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Background



- Established “neighbourhood core”
- GFA = 31,780 m²
- Established “residential area”
- GFA = 75,000 m²
- Total GFA = 106,780 m²
- Development standards via 219 covenant

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Background Continued



- Staff promised to bring back parcel specific zoning;
- Bylaw 1937, 2010 provides specific zones for specific parcel types;
- Zoning yields transparency and accountability.

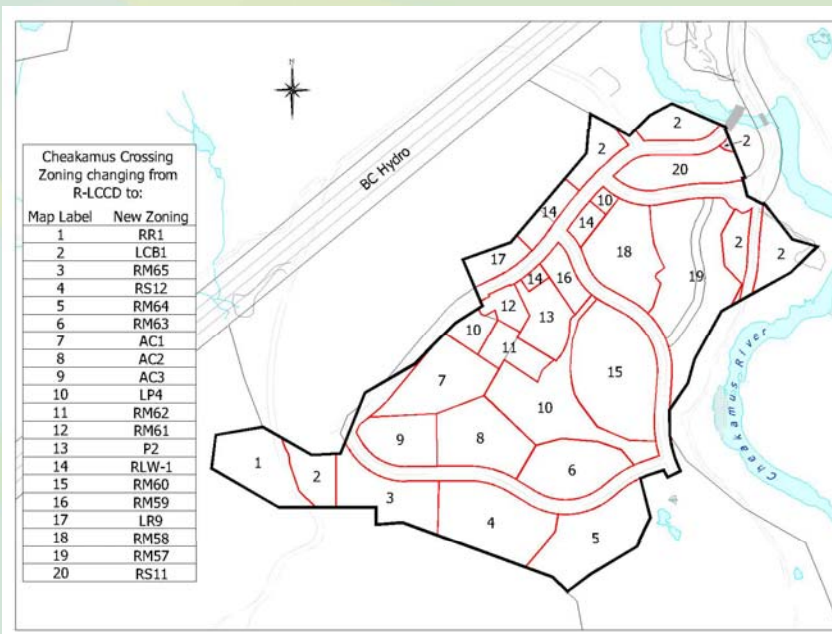
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Bylaw 1937, 2010



- Establishes permitted uses for each zone;
- Vacant parcels allow for both market and non-market housing;
- Density (number of units and/or maximum GFA)

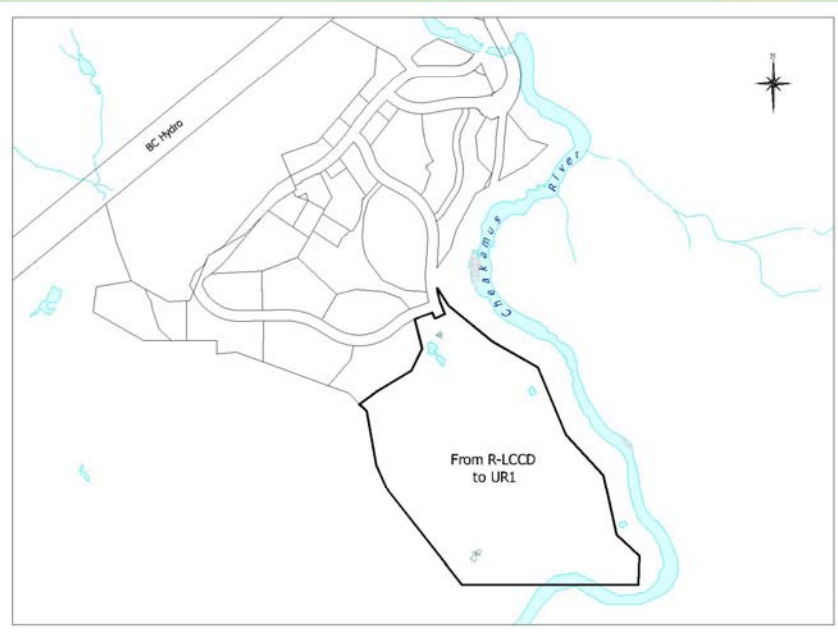
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Bylaw 1937, 2010 Continued



- Minimum parcel size;
- UR zoning;

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Bylaw 1937, 2010 Continued



- Building height;
- Setbacks;
- Other regulations (e.g. maximum occupants per bedroom).

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Bylaw 1937, 2010 Continued



- Creates some legally non-conforming buildings;
- Total GFA = 106,761;
- (106,780 for R-LCCD).

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Conclusion



- Fulfills obligation to Council and public;
- Creates a more transparent and accountable planning framework;
- Allows some flexibility on vacant parcels.

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Questions



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BUSINESS PLAN FOR DEVELOPMENT OF WHISTLER OLYMPIC & PARALYMPIC VILLAGE WHISTLER, BC

Prepared: June 7, 2006

Prepared For: Whistler 2020 Development Corporation

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1.0 INTRODUCTION

1.1 Project Background

The Vancouver Organizing Committee (VANOC) for the 2010 Olympic and Paralympic Winter Games requires an Olympic and Paralympic Village in Whistler for the purpose of staging the Olympic snow and sliding competitions and the Paralympic Games.

During the bid phase, the concept emerged for the provision of an Olympic and Paralympic Village that would also serve as a permanent resident housing legacy for the community of Whistler. The Games Venue Agreement between VANOC and the Resort Municipality of Whistler (RMOW) provides for a temporary athlete village but includes statements that recognize the opportunity for the temporary facility to be enhanced to provide a legacy of resident housing for the Whistler community.

In order to assist in the development of the concept for a resident housing legacy, RMOW has created the Whistler 2020 Development Corporation, with the goals of planning and delivering a master plan that meets both the needs of an athlete village for the Games and a legacy resident neighbourhood for Whistler.

The proposed athlete village, referred to in this report as the Whistler Olympic & Paralympic Village (WOPV), will be located in the Lower Cheakamus Valley, as agreed to by VANOC and RMOW and approved by the International Olympic Committee (IOC).

The Olympic and Paralympic Games will be held in February and March 2010 respectively and VANOC will have exclusive use of the Whistler Olympic & Paralympic Village site until June 7, 2010 to allow decommissioning of the WOPV.

In addition to residential accommodations and various athlete services, the WOPV will include an athlete centre to provide legacy facilities to high performance athletes and the community. VANOC has the design & development responsibility for the athlete centre, and management of the athlete centre beyond 2010 will be governed by the Whistler Legacy Society. A separate Business Plan is being produced by VANOC for the Whistler Athlete Centre (WAC).

This Business Plan for Development of the Whistler Olympic & Paralympic Village investigates the viability of developing the WOPV as a permanent Legacy Neighbourhood for Whistler and presents the Olympic & Paralympic Village requirements to support the Games.

1.2 Project Objectives

The goals and objectives of the WOPV, based on the 2002 Bid Book and summarized in the *Project Description, Whistler Athlete Village and Legacy Neighbourhood, Whistler, BC*, October 17, 2005 by Cascade Environmental Resource Group Ltd., are as follows:

1. House all athletes close to venues.
2. Minimize transportation needs, energy consumption and environmental impacts.
3. Development of non-market resident housing as part of the Olympic Legacy.
4. Establishment of a land trust for the RMOW.
5. Provide moveable housing units for First Nation (right of first refusal).
6. Follow federal and provincial best management practices for land development.
7. Adhere to the recommended fish, wildlife and vegetation management plans to protect the environmental resources.
8. Build a community utilizing environmentally, economically and socially sustainable practices.
9. Incorporate a number of new and integrated energy, water and habitat conservation strategies.

Significant planning has been undertaken since these goals and objectives were prepared in 2002. It is currently anticipated that the First Nation housing component will be somewhat different, and the details are currently being refined. As well, it is likely that the business planning process and other planning activities may result in refinements to the above goals and objectives.

1.3 Guiding Principles & Success Factors

RMOW has developed a number of guiding principles and success factors that will apply to all development in Whistler and specifically to the development of the WOPV.

The document *Whistler 2020 – Moving Toward A Sustainable Future* was adopted by RMOW Council in December 2004, and addresses what Whistler aspires to be in 2020 and strategies for realizing this 2020 vision. This document will guide the Whistler 2020 Development Corporation in the planning and delivering of a master plan for the WOPV.

Some guiding principles and success factors relevant to all future development in Whistler are summarized below from the *Whistler 2020 – Moving Toward a Sustainable Future*, as follows:

- Use The Natural Step framework (TNS framework), adopted by RMOW in 2000, as a guide to addressing Whistler's sustainability objectives
- Continue to build a thriving resort community that houses 75% of the workforce in Whistler
- Ensure that the community is vibrant and attractive, and that there is a sense of community pride and spirit
- Ensure that the community is affordable and liveable to both permanent and short-term residents and employees
- Provide programs and opportunities to meet the diverse social, spiritual and physical health needs of groups and individuals within the community
- Integrate land use and infrastructure systems to protect biodiversity and meet basic needs

In addition to the above objectives and directions from *Whistler 2020 – Moving Toward a Sustainable Future*, a number of guiding principles from the Whistler 2020 Development Corporation will also influence the development of the WOPV. The following is taken directly from the Whistler 2020 Development Corporation's *Guiding Principles for the Design, Development and Operation of the Athlete's Village and Community Neighbourhood*:

The Master Planning and Design of the Athlete Village Neighbourhood:

- Respects Whistler's character and values
- Utilizes progressive design and best building practices
- Planned as a permanent neighbourhood that demonstrates sustainability and smart growth practices
- Identifies and celebrates natural features and places valued by the community
- Provides a range of housing types and price points
- Provides flexible spaces and buildings that are able to adapt to changing trends
- Provides a pedestrian orientation integrated with the natural environment. Connects to adjacent neighbourhoods and recreation areas, providing enhanced accessibility and reduced dependency on automobiles
- Integrated with long term plans for adjacent lands and recreation areas
- Enhances recreation opportunities in this area
- Assists in organizing and balancing land uses and use patterns in Whistler
- Adds lasting value by maximizing post Olympic use
- Optimizes synergies between the temporary overlay facility planning and the long term plan for the post Games neighbourhood

- Provides opportunities for arts, culture, education and local business opportunities

The Development of the Athlete Village Neighbourhood:

- Limits RMOW's financial exposure
- Maximizes opportunities for the Organizing Committee to provide Canadian athletes access to the new venues
- Protects natural features and places valued by the community
- Limits negative environmental impacts to Village and adjacent lands
- Provides partnership opportunities for the local community
- Provides economic opportunities with First Nations

The Operation of the Athlete Village Neighbourhood:

- Incorporates systems and infrastructure that demonstrate best practices in sustainable design and technologies
- Uses a range of energy systems that lead Whistler's transition from fossil fuels
- Is an educational demonstration center for successful and sustainable communities
- Showcases the 4 R's in all we do
- Provides the local community opportunities to participate in sustainability initiatives, education, training, recreation, arts & culture, and distribution of local products
- Provides partnership and affordable business opportunities for the local community
- Provides economic opportunities with First Nations
- Provides affordable home ownership, rental and neighbourhood operation
- User conflicts are minimized
- Supports a diverse community with a sense of well-being

These guiding principles have been utilized by Whistler 2020 Development Corporation to direct the development of the master plan for the Legacy Neighbourhood and WOPV.

1.4 Project Participants

The 2010 Olympic and Paralympic Winter Games have many partners, stakeholders and sponsors that are contributing to the success of the Games.

The following agencies, discussed further below, are involved in the development of the Whistler Olympic & Paralympic Village:

- Whistler 2020 Development Corporation

- RMOW
- VANOC
- Squamish & Lil'wat Nations
- Province of BC
- Government of Canada
- Whistler Legacy Society
- IOC

Whistler 2020 Development Corporation (WDC)

As presented on the RMOW website, www.whistler.ca, RMOW created an independent organization, incorporated as a business under the Business Corporations Act (BC), to facilitate the delivery of the WPOV for the 2010 Games. Whistler 2020 Development Corporation was chosen as the name, reflecting the municipality's ultimate goal in creating a new, sustainable neighbourhood for full-time Whistler residents.

RMOW is the sole shareholder of the Corporation; however the Corporation is a separate entity with no legal or political connection to the local government.

The Whistler 2020 Development Corporation (WDC) membership includes elected members and staff of the RMOW, Whistler community representatives, Whistler Housing Authority (WHA) personnel, and VANOC staff, and is chaired by two volunteer development professionals selected by RMOW.

Guided by the principles adopted by RMOW Council, the Whistler 2020 Development Corporation is responsible for developing the Legacy Neighbourhood master plan for Council approval, developing the business plan to assist Council in assessing the financial viability of the procurement process, preparing village development proposal calls, recommending contract awards related to the delivery of the village, monitoring construction and signing off on completion.

Key contact persons at Whistler 2020 Development Corporations are:

- Eric Martin, Chair
- Neil Godfrey, Development Manager

Resort Municipality of Whistler (RMOW)

The Resort Municipality of Whistler has committed to working with VANOC to provide the WOPV for the Games. In addition, RMOW would like to see the Games investment result in a Legacy Neighbourhood of resident housing for Whistler that conforms with the *Whistler 2020 – Moving Toward a Sustainable Future* that encompasses the

community's vision, values, priorities and directions, and provides 16 strategies for success.

The RMOW Council is responsible for the following: approving the guiding principles, design guidelines, master plan, business plan, necessary rezoning, Official Community Plan amendments, and permits.

Key contact persons at RMOW are:

- Bill Barratt, Administrator
- Jim Godfrey, Executive Director, 2010 Winter Games, Whistler
- Mike Vance, General Manager of Community Initiatives

Vancouver Organizing Committee for the 2010 Olympic & Paralympic Winter Games (VANOC)

VANOC was formed to manage the planning and staging of the 2010 Olympic and Paralympic Winter Games. VANOC is organized into a number of functional groups as follows:

- Services and Planning
- Venue Development
- Marketing and Communications
- Sport & Technology and Systems
- Human Resources, including Sustainability and Aboriginal Participation
- Legal , Finance & Administration

VANOC is responsible for operations specific to the Games, venue development, transportation, security, and maintaining partner relationships including those with sports bodies. VANOC has the direct design and development responsibility for the WAC, which will constitute a part of the WOPV during Games operations.

Key contact persons at VANOC are:

- Terry Wright, Senior VP of Services and Planning
- Nejat Sarp, Managing Director, Villages and Operations
- Mark Cutler, Director Villages Development
- George McKay, Director, Environmental Approvals

International Olympic Committee (IOC)

The International Olympic Committee has given Vancouver the opportunity to host the 2010 Olympic Games. The IOC's interest lies in ensuring that all commitments made in

relation to hosting the Games are fulfilled and that, in the case of the Whistler Olympic & Paralympic Village, the venue is delivered within the agreed timeframe and meets the requirements associated with hosting the Olympic and Paralympic Games.

Squamish & Lil'wat Nations

The Four Host First Nations, representing the Lil'wat, Musqueam, Squamish, and Tsleil-Waututh Nations, signed a Protocol agreement with VANOC on November 30, 2005, committing to working in partnership with VANOC to achieve successful Games and to ensuring this relationship continues to be based on mutual trust and respect.

As the Whistler Olympic and Paralympic Village is being developed within the traditional territories of the Squamish and Lil'wat Nations, several agreements have been signed with the Squamish and Lil'wat Nations, including the Shared Legacies Agreement and the Letter of Mutual Understanding, discussed in the next section of this report.

Communications and consultation with the First Nations regarding the WOPV are coordinated through the VANOC Aboriginal Participation department.

Key contact persons for the Squamish & Lil'wat Nations are:

- Chief Gibby Jacob, Squamish Nation
- Lyle Leo, Lil'wat Nation

Province of British Columbia

The Province of B.C. is providing a land grant to RMOW to accommodate the development of the WOPV. A portion of the site – the Whistler Athlete Centre (WAC) – will be accommodated on a long-term lease to the proposed Whistler Legacy Society (WLS) who will be responsible for managing the day to day operation of the Whistler Athlete Centre.

A number of notifications and/or permits may be required from the Province, as discussed later in this report.

Key contact persons at the Province are

- Jeff Garrad, Olympic Secretariat, Chief Financial Officer
- Val Lowther, Coordinator 2010 Olympics

Government of Canada

Canadian Heritage and Transport Canada are the federal ministries responsible for the project, under the Canadian Environmental Assessment Act process.

Key contact person at Canadian Heritage is:

- Geoff Karcher, Environmental Assessment Coordinator

Whistler Legacy Society (WLS)

The Whistler Legacy Society (WLS) will be the legal entity expected to own and operate the Whistler Athlete Centre component of the Whistler Olympic and Paralympic Village post games. Each of the signatories to the Multiparty Agreement for the 2010 Winter Olympic and Paralympic Games (signed November 14, 2002), as well as the Squamish & Lil'wat Nations, will be invited to be partners in the Whistler Legacy Society.

The Whistler Legacy Society will receive the assets of and manage the following three facilities:

- Whistler Nordic Competition Venue in the Callaghan Valley
- Whistler Sliding Centre at the base of Blackcomb Mountain in Whistler
- Whistler Athlete Centre

There are no contact persons yet for the Whistler Legacy Society as the WLS is still in the development process.

1.5 Project Commitments

Many commitments have been made that pertain to the delivery of the Whistler Olympic & Paralympic Village as a Games facility and as a legacy for the community. Several of these commitments are summarized below.

VANOC has committed to provide a permanent Whistler Athlete Centre that includes long term accommodations, training, administration and services spaces for athletes.

VANOC and RMOW have agreed to provide, if feasible, additional accommodations that may serve as a legacy resident neighbourhood and are the subject of financial analyses provided in this report.

The Province has committed to transfer approximately 135 hectares of Provincial Crown land to RMOW to create a Community Land Bank to provide land for resident housing and to provide a site for the WOPV, as detailed in the Land Bank Agreement between the Province and RMOW, and discussed further in Section 4.2 of this report.

The Federal and Provincial governments have committed capital funding for the Games. Funding commitments specific to the WOPV are summarized as follows:

- \$19M for the Whistler Athlete Centre
- \$37.5 M for the remainder of the Whistler Olympic & Paralympic Village, of which \$6.5 M will be set aside for First Nations legacy housing, with \$31 M for development of the WOPV

The Venue Agreement, dated December 18, 2002, and two subsequent Amending Agreements, between VANOC and RMOW, clearly lay out these and other commitments in detail. The Venue Agreement provides an assurance that not less than 2,000 beds will be available at the WOPV for the use of athletes during the Games.

The Venue Agreement acknowledges that a legacy resident neighbourhood, if developed by RMOW, will be subject to conformity with the Whistler Comprehensive Sustainability Plan and due process of Whistler Council. It further acknowledges that, should VANOC proceed with development of temporary facilities in place of a legacy resident neighbourhood, then VANOC will be responsible for removal of the facilities and restoration of the site.

Exclusive use periods are defined in the Venue Agreement and discussed later in Section 2.0 of this report.

VANOC and RMOW have made a joint commitment to work together to design and construct the WOPV; VANOC has made a commitment to manage the development of and fund the temporary Olympic Overlay elements of the WOPV and decommissioning of the Games venue, as well as fund the operating costs of the WOPV during the Exclusive Use Period.

After the Games, the Whistler Athlete Centre will be leased to WLS by the Province of British Columbia.

The Shared Legacies Agreement, signed November 22, 2002, lays out a number of commitments and understandings between VANOC and the Squamish and Lil'wat Nations. Commitments to the Squamish and Lil'wat Nations that may influence the development of the WOPV include the following:

- partner in the Whistler Nordic Competition Venue, Whistler Sliding Centre and Whistler Athlete Centre through membership in the Whistler Legacy Society
- \$6.5 million for legacy housing
- contracting opportunities

Detailed text in the Shared Legacies Agreement identifies that the \$6.5 million housing legacy for the Squamish & Lil'wat Nations will be spent on 50 pre-fabricated, moveable houses that will become the property of the Nations after the Games, to be moved or disposed of by the Nations, with any proceeds going to the Nations to support housing requirements of the Nations. It is currently envisioned that this scenario will be revised to incorporate the \$6.5 million into the development of the WOPV as an interest-free loan, with a payment of \$6.5 million to the Nations to support the Nations' housing needs upon the sale of housing units after the Games.

The Letter of Mutual Understanding signed February 2, 2005 between VANOC and the Squamish and Lil'wat Nations pertains to the development of the WNCV in the Callaghan Valley, but also includes the following commitment related to the WOPV:

2. *VANOC agrees to fulfill the commitment in the Shared Legacies Agreement 2002 that "significant contracts in the Callaghan Valley will be directly undertaken by the Nations" by: ...*
 - c) *signing an agreement or agreements with the Nations related to the construction of the \$6.5 million housing legacy referred to in the Shared Legacy Agreement.*

It is anticipated that meeting this commitment will be reflected in the Contracting Strategy to be developed as part of the design process.

RMOW has developed *Whistler 2020 - Moving Toward a Sustainable Future* that focuses on sustainable development initiatives, smart growth and best environmental management practices. As noted by Cascade Environmental in the Project Description, the WOPV will need to meet or exceed the requirements of the Comprehensive Sustainability Plan and the associated municipal policies and initiatives in order to proceed.

It should be noted that the Venue Agreement identifies a requirement of not less than 2,000 beds to be provided during the Games, but that this figure is currently anticipated to be a provision of up to 2,425 beds based on recent planning activities. The WOPV includes 2,065 beds, while the WAC contains 360 beds.

Project Definitions & Assumptions

The Whistler Olympic & Paralympic Village development is an aggregate of many parts, with a number of overlaps. In order to clarify the discussions in this report, the following terminology has been used to refer to project components as described below.

Temporary Versus Permanent Facilities & Accommodations

While a final decision is yet to be made on developing temporary versus permanent facilities, accommodations, and supporting infrastructure, for the purposes of this report it has been generally assumed, unless otherwise noted, that the discussions presented are for permanent facilities, accommodations and infrastructure. This assumption supports the objective of assessing the financial viability of Whistler 2020 Development Corporation developing permanent resident housing to meet the accommodations commitments and requirements for Games time. Overlay facilities, discussed below, will be temporary.

Project Site

The Whistler Olympic & Paralympic Village will be located on a portion of an approximately 37 hectare site located in the Cheakamus Valley near Function Junction, and referred to in this report as the Lower Cheakamus area. The site is being provided to RMOW by the Province as part of an approximately 135 hectare land grant for the Whistler community land bank to accommodate future housing and community uses.

Whistler Olympic & Paralympic Village (WOPV)

The Whistler Olympic & Paralympic Village refers to the facilities and accommodations to be developed at the Project Site to support the 2010 Olympic and Paralympic Games. For the purposes of this report, the components of the WOPV are identified as they will appear in the post Games state, and include the Whistler Athlete Centre, Legacy Resident Housing, and Commercial Core. These facilities will remain after the Games to provide long term legacies to the community.

The WOPV, including the Whistler Athlete Centre, will need to provide 2,425 beds during Games time. It is anticipated that the WAC will provide about 360 beds, and the Legacy Resident Housing will provide 2,065 beds required during Games time.

Whistler Athlete Centre (WAC)

The Whistler Athlete Centre, providing training facilities and accommodations, will be a component of the WOPV during Games time and will become a legacy for the community after the Games. VANOC will build the Whistler Athlete Centre and operate it up to and during Games time, after which time it is anticipated that the facility will be operated by the Whistler Legacy Society. The legacy objective will be to provide affordable accommodation for athletes in training. As no operating subsidies have been provided and/or identified, the WAC will need to be self supporting in the legacy state. Funding of \$19M has been approved by VANOC to develop the WAC. Provincial and Federal approvals are pending. A portion of this funding will go towards WOPV site development costs for servicing the WAC site.

Commercial Core

The Commercial Core will include commercial, retail and service spaces for the Legacy Neighbourhood in a central area.

The Commercial Core is not included in the financial analysis presented in this report. A separate financial analysis of the Commercial Core will be undertaken once the design criteria are confirmed.

Legacy Resident Housing

Approximately 85% of the total number of beds needed during the Games time will be developed by Whistler 2020 Development Corporation, and will be used post Games for

Whistler resident housing, other than a small component of market housing to subsidize the resident housing, if necessary. It is currently anticipated that these accommodations will be provided in a mix of housing types of various sizes.

Hostel

RMOW is currently in discussions with the Hostelling Association to identify a developer for Hostel accommodations as part of the WOPV. It is anticipated that a hostel developer could construct the hostel for VANOC use before Games time, and then operate the hostel after the games through a long-term lease with or purchase from WDC.

Site Development & Servicing

On-site works will generally refer to developments located within the Whistler Olympic & Paralympic Village Project Site, and off-site works will generally refer to upgrading occurring outside of the Project Site that is required to support the Whistler Olympic & Paralympic Village. The Project Site will be described later in this report, but it should be noted that the Project Site includes the existing landfill that will be decommissioned in order to allow this project to proceed. Costs for the decommissioning of the landfill site will be covered by RMOW and are not included in the proforma; however, it is anticipated that those specific costs that will be incurred to make the reclaimed landfill site structurally suitable to accommodate temporary facilities during Games time will be considered as overlay costs.

The site development and infrastructure servicing costs presented in this report are inclusive for the overall WOPV. VANOC has committed \$4.5 M of the current WAC budget to address overall servicing costs for the WAC.

Overlay

Temporary overlay components, to be built and/or installed immediately prior to the Games, will be covered by the VANOC Overlay budget. Definition of overlay costs for the WOPV is currently underway. The overlay works are discussed further in Section 3.5, Overlay.

Exclusive Use Period

The Exclusive Use Period – the period of time that VANOC will have the sole and exclusive right to the use and occupancy of the WOPV site – is defined in the Venue Agreement and Amending Agreements, and discussed further in Section 1.7, Project Schedule.

1.6 Project Setting

The IOC Technical Manual & Village Guidelines require one Olympic Village unless travel distances and/or times or differences in altitudes between the village and the

competition venues exceed the maximums allowed. During the bid process it was determined that two Villages would be developed, one in Vancouver and one in Whistler.

An assessment of potential village sites in Whistler was conducted to identify the preferred project site. Many criteria were utilized to identify the preferred site, including easy access to all Whistler area competition venues.

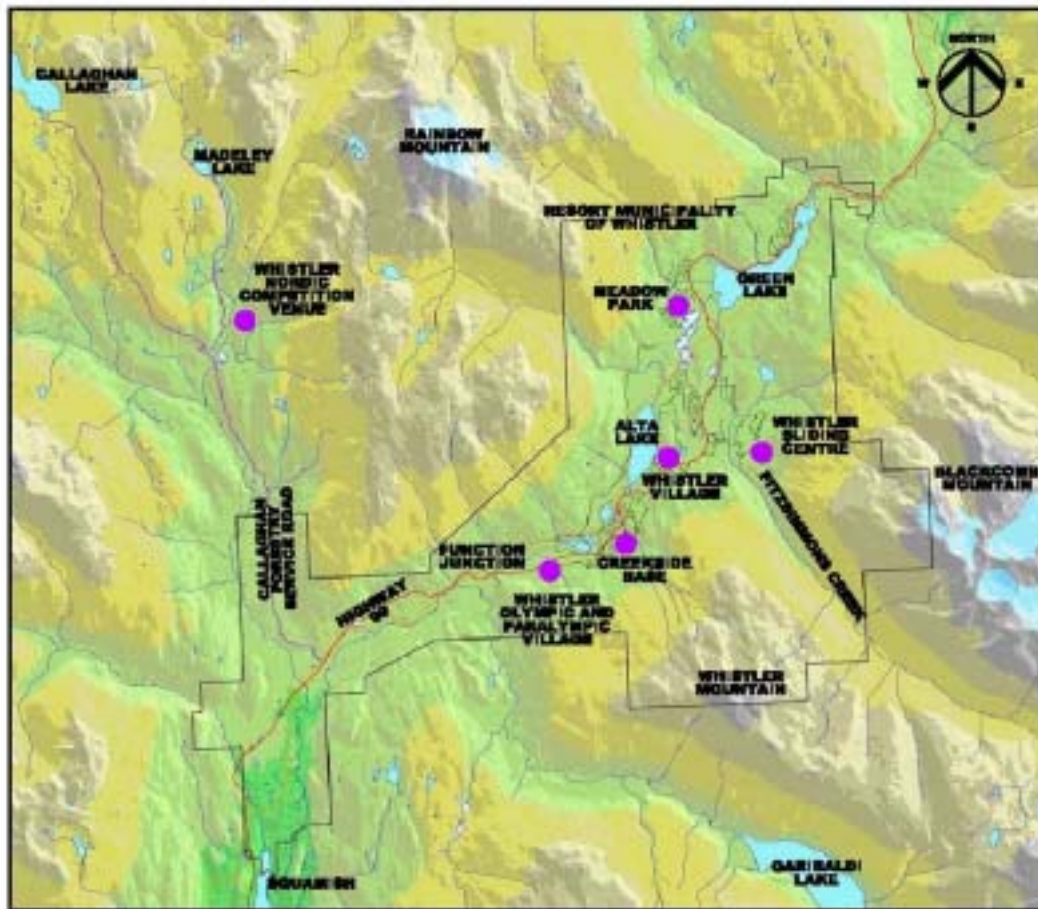
The Whistler area will host the snow and sliding events during the Olympic Games and all of the events in the Paralympic Games. The Whistler Olympic & Paralympic Village will provide services and accommodations for athletes, coaches and officials participating in the Games events to be hosted in Whistler, as shown in **Table 1.1, Games Events to be Hosted in Whistler.**

Table 1.1: Games Events to be Hosted in Whistler

Competition Venue	Olympic Events	Paralympic Events
Whistler Nordic Competition Venue, Callaghan Valley	<ul style="list-style-type: none"> • Cross Country Skiing • Biathlon • Nordic Combined • Ski Jumping 	<ul style="list-style-type: none"> • Cross Country Skiing • Biathlon
Whistler Creekside, Whistler	<ul style="list-style-type: none"> • Alpine Skiing 	<ul style="list-style-type: none"> • Alpine Skiing
Meadow Park Sports Centre, Whistler		<ul style="list-style-type: none"> • Wheelchair Curling
Whistler Sliding Centre, Blackcomb Mountain, Whistler	<ul style="list-style-type: none"> • Bobsleigh • Luge • Skeleton 	
Whistler Sports Centre, Whistler		<ul style="list-style-type: none"> • Ice Sledge Hockey

The chosen location for the WOPV will afford easy access to all Whistler venues, as shown in **Figure 1.1, Site Location Map.**

Figure 1.1: Site Location Map



As shown on Figure 1.1, the WOPV will be located in the southern part of the RMOW, on the south side of the Sea to Sky Highway #99, opposite the Function Junction Industrial Park, and will be accessed via Cheakamus Lake Road off of Highway #99 and via bridges over the Cheakamus River.

The WOPV site is approximately 37 hectares in size within the approximately 135 hectares of Crown land being added to the RMOW land bank, and the site was clear cut for timber harvesting approx. 40 years ago.

The Crown land parcel, which is roughly one half of the size of the potential ultimate neighbourhood in the lower Cheakamus, includes the Whistler Interpretive Forest, and is adjacent to a number of land use activities, including:

- open pit basalt mine
- asphalt batch plant
- wastewater treatment facility for Whistler
- Whistler Landfill

- BC Hydro right of way to the north

The WOPV site and surrounding area is heavily used for recreation purposes, including hiking, mountain biking in and through the Interpretive Forest, visits to House Rock and Cheakamus River, and kayaking in Cheakamus River.

Development of the WOPV will need to occur in a way that respects the other users of the area. The project site is discussed further in Section 4.0 of this report.

1.7 Project Schedule

It is currently anticipated that infrastructure and building construction at the WOPV site will be completed by Fall 2009, to allow time to complete the Olympic overlay construction prior to Games time. As the Whistler Athlete Centre will be needed to accommodate athletes during the test events currently planned for the 2008/09 Winter season, the WAC will be completed in advance of that date.

Development of the Whistler Olympic & Paralympic Village is constrained by a short construction season of approximately 7 to 8 months per year, with an overall building timeframe between 2006 and 2009 of approximately 40 months. This will likely necessitate a fast-track design and construction process, whereby construction of some known elements, such as off-site servicing, site clearing, and site preparation, will take place concurrently with the design of other elements of the project.











Figure 1.2, WOPV Project Schedule Overview, presents the anticipated project development schedule for the WOPV, incorporating four construction seasons with a phased and overlapping design process. This strategy will allow VANOC to hold test events at the nearby venues in February 2009 utilizing the Whistler Athlete Centre for athlete accommodations, and to complete the remaining accommodations construction by Fall 2009.

The Exclusive Use Period for the Whistler Athlete Centre site will begin as soon as the title to the WOPV site is transferred from the Province to RMOW, and will end on June 7, 2010, at which time the property will be operated by Whistler Legacy Society on a long-term lease.

The Exclusive Use Period for the remainder of the WOPV will begin with the completion of the development of the WOPV and extend through to and include June 7, 2010, during which time VANOC will have the sole and exclusive right to the use and occupancy of the WOPV site.

Design of off-site services is underway, with construction of off-site services planned for Spring 2007.

Figure 1.2: WOPV Project Schedule Overview

	2005	2006	2007	2008	2009	2010	2011	2012
WOPV Planning								
WOPV Design								
Contracts & Procurement								
WOPV Construction								
Test Events								
Olympic Overlay Const.								
Olympic Games								
Paralympic Games								
Venue decommissioning								
Legacy Neighbourhood								

1.8 Report Objectives

RMOW and VANOC have committed to provide accommodations for Games time, in addition to the Whistler Athlete Centre, that may serve as a legacy resident neighbourhood for Whistler. This report is intended to meet a number of objectives, including to:

- describe the Games time requirements
- define what the legacy resident neighbourhood will consist of
- summarize the site and servicing issues and requirements
- summarize the approvals and permits required for development of the WOPV
- present a financial proforma for development of portions of the WOPV by WDC
- discuss development options, revenue options and risk analysis for WDC
- discuss capital funding and a financing strategy for WDC

In summary, this report is intended to provide adequate information to allow RMOW to determine if it wants to proceed with development of the WOPV as a permanent legacy resident neighbourhood.

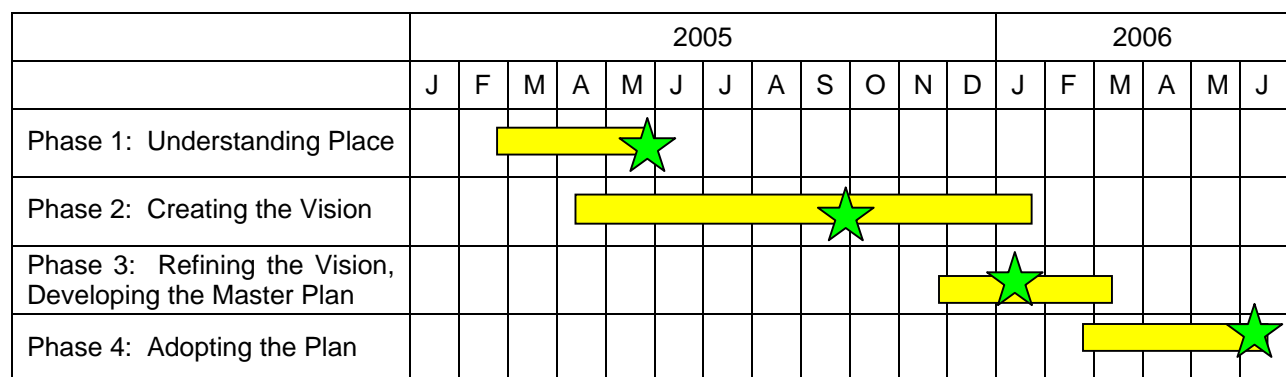
2.0 PROPOSED LEGACY PROGRAM

2.1 Master Planning Process

The Master Planning Process for a new Whistler neighbourhood at the Whistler Olympic and Paralympic Village project site has been directed by Whistler 2020 Development Corporation on behalf of the Resort Municipality of Whistler.

This planning process consists of four inter-related phases, as shown in **Figure 2.1, Master Planning Schedule**.

Figure 2.1: Master Planning Schedule



★ = Public Consultation

Ekistics Town Planning, working with Brent Harley & Associates (BHA), have prepared the Master Plan. The two key components of the project are:

- preparation of a Legacy Neighbourhood plan
- preparation of a concept plan for the Whistler Olympic & Paralympic Village for the 2010 Games

The Legacy Neighbourhood plan will be discussed in this section of the report, and the concept plan for the WOPV during the 2010 Games will be discussion in Section 3.0 of this report.

The municipal process of adopting the plan will be discussed in Section 5.3 of this report.

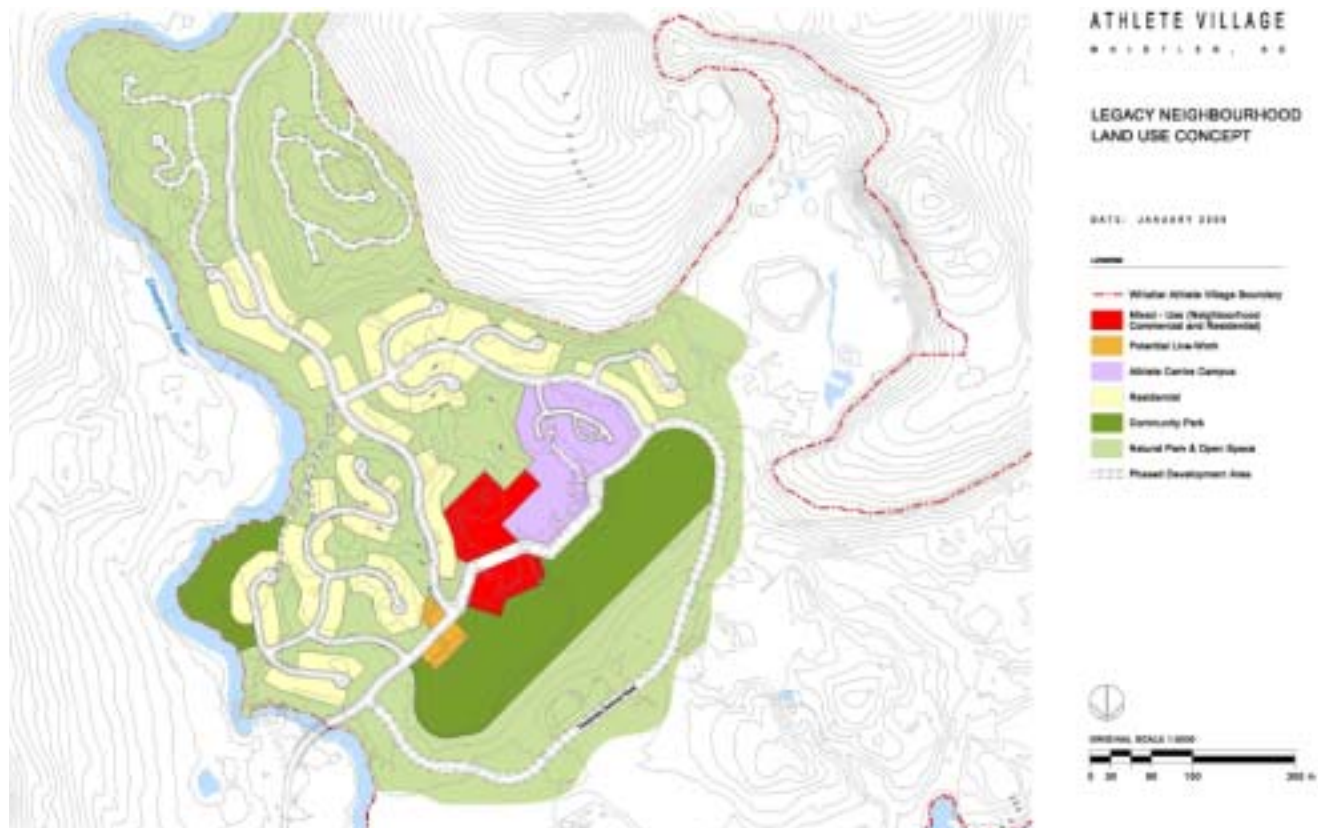
2.2 Legacy Master Plan Overview

On September 21, 2005 and January 11, 2006, Ekistics and BHA prepared and presented preliminary Master Plan materials at public open houses in Whistler. A further Open House is planned for June, 2006. A Table of Contents or Framework for these Open Houses has been extracted and is presented in Appendix A to show the wide-ranging and comprehensive nature of the Master Plan study.

The land use concept and the development concept for the Legacy Neighbourhood, as shown in **Figure 2.2, Legacy Neighbourhood Land Use Concept** and **Figure 2.3, Concept for Legacy Neighbourhood**, include:

- reuse of permanent buildings from the 2010 Games in the village core and residential districts
- a mix of housing types to meet demand at a range of below market prices
- a walkable village core and pedestrian linkages to natural surrounds
- environmentally sustainable design and service provision
- regional playfields on the landfill site

Figure 2.2: Legacy Neighbourhood Land Use Concept (Ekistics & BHA 2006)

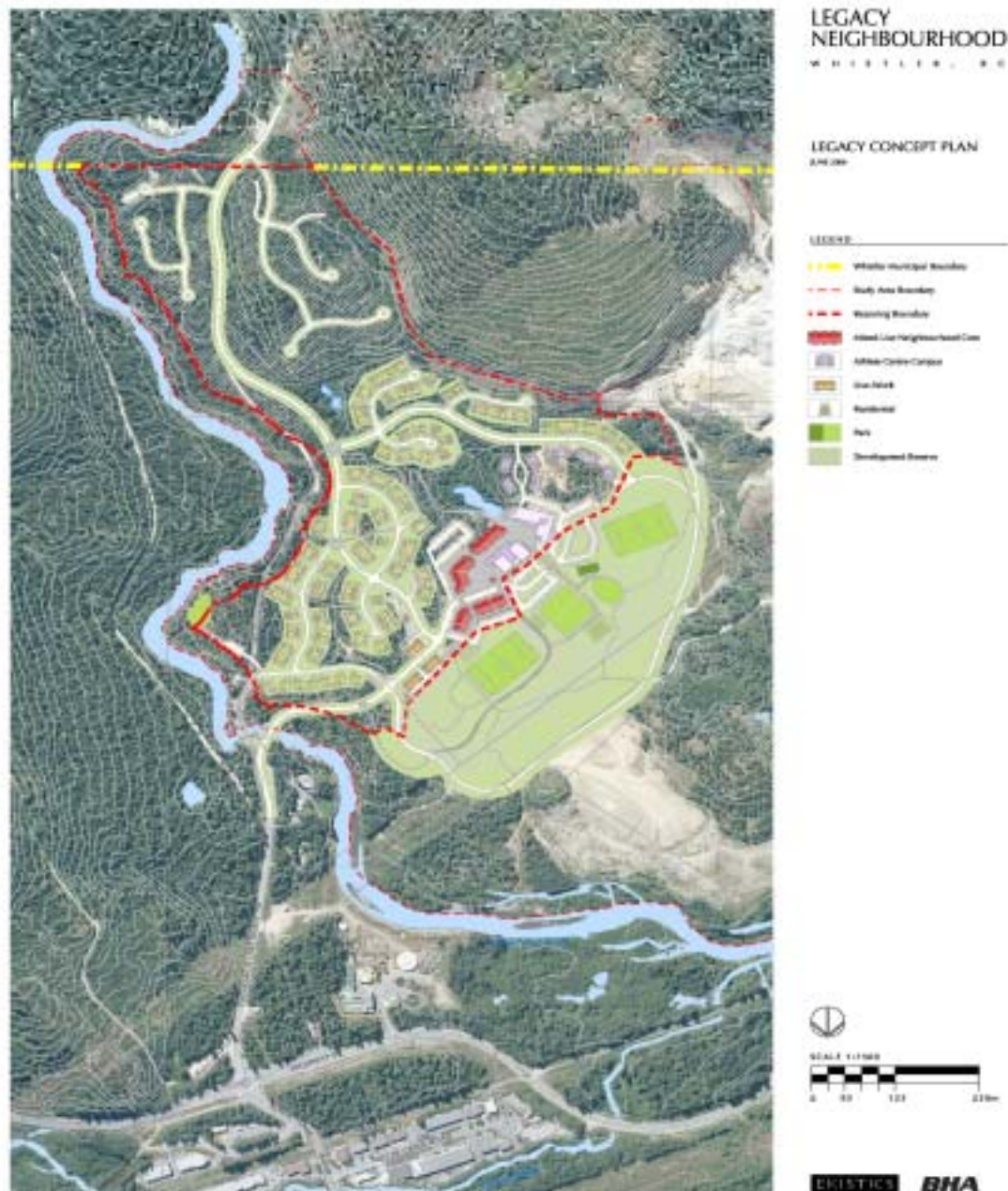


The Legacy Neighbourhood Land Use Concept provides areas for:

- Neighbourhood Commercial
- Hostel Accommodation
- Live-Work Spaces
- Whistler Athlete Centre Campus
- Legacy Resident Housing

- Community Park
- Natural Park and Open Space

Figure 2.3: Concept for Legacy Neighbourhood (Ekistics & BHA 2006)



The Concept for Legacy Neighbourhood builds upon the Land Use Plan to illustrate the proposed plan for the development of the Legacy Neighbourhood.

Figure 2.4, Legacy Village Core Concept, presents a detailed view of the village core components, including:

- Neighbourhood Commercial
- Hostel Accommodations
- Whistler Athlete Centre
- Olympic Legacy

The Legacy Neighbourhood and Village Core concept plans have been prepared to best meet the needs of the project. The components of the Legacy Neighbourhood are described in more detail below.

Figure 2.4: Legacy Village Core Concept (Ekistics & BHA 2006)



2.3 Legacy Resident Housing

Development of Legacy Resident Housing at the WOPV will be guided by a number of factors, including:

- the goals identified in *Whistler 2020 – Moving Toward a Sustainable Future* regarding provision of resident housing
- the Whistler resident housing needs
- the proforma for the proposed development

The WOPV site is being developed on land provided by the Province to RMOW as part of the community Land Bank Agreement to accommodate Whistler resident housing. *Whistler 2020 – Moving Toward a Sustainable Future* identifies the goal of continuing to house 75% of the community's workforce in Whistler, and allocated up to 6,650 resident housing beds through to 2020 to meet this objective. Development of the WOPV may provide as much as 20 to 25% of the allocated resident housing beds, with future development at the site increasing the resident housing beds to up to 50% of the Whistler 2020 goal, depending on the mix of housing types and sizes (and number of beds per unit) that are developed.

Determination of the mix of housing types and sizes will be influenced by a number of housing needs reports, including independent studies by WDC, the Whistler Housing Authority wait-list profile, the 2005 Whistler Housing Needs Assessment, and the RMOW Housing Review, December 2005. The December 2005 Housing Review, presented in Appendix B, includes the following:

- summary of housing challenges unique to the Whistler community
- list of Whistler housing research conducted since 1987
- list of Housing Policies and Regulatory Measures in place
- inventory of restricted housing
- discussion of Whistler housing demand
- discussion of Whistler's housing supply
- recommendations for research, policies and housing development

The December 2005 Housing Review recommendations for housing development that may influence the development of the Legacy Neighbourhood include to:

- Learn from Existing Projects
- Build for the Waitlist
- Accommodate Seniors
- Maintain Flexibility

Providing flexible spaces and buildings that are adaptable to changing trends is important as the delivery of legacy housing to the marketplace will occur approximately five years after the planning process has been completed, and the market demographics and resident housing needs could possibly change significantly by 2010.

In addition to the housing needs assessment, the proforma analysis will play an important role in determining the proposed mix of housing types and sizes. The proforma analysis, completed by Squirell & Associates, Westwyn Consultants and WDC staff and presented in Section 6.0, attempts to balance the need for affordability of resident units at below market price with the need to maintain project development costs within the funding and subsidies available for the development and anticipated revenues.

It is currently anticipated that the legacy resident housing would provide up to 251 units by 2010, as discussed further in Section 6.0. and Section 7.4.

2.4 Community Facilities

The Legacy Neighbourhood concept plan allows space for both passive and active recreation opportunities, including trail development, the development of a number of playing fields and other community facilities over the reclaimed landfill site.

Other Legacy Neighbourhood community facility components, such as a senior centre, day care, art workshops, etc., have been shown in the Commercial Core where they will be geographically located. Details regarding ownership and operations, i.e. public vs. private, profit vs. non-profit, and phasing, need to be defined for all of the proposed community facilities.

2.5 Commercial Core

The Neighbourhood Commercial area shown on the Village Core Concept Plan is expected to provide a range of commercial services to the Legacy Neighbourhood that will be based on the local market needs. At the time of the January 2006 Open House it was envisioned that these commercial services could include services such as the following:

- art studio, children's day care, senior centre
- pub/restaurant, postal outlet, sporting goods
- professional offices
- general store,
- potential future live/work spaces

The flexibility in the zoning for the Commercial Core will aid significantly in meeting the local commercial/retail/service needs. Development of the commercial core is discussed further in Section 6.0.

2.6 Hostel Accommodations

The Village Core Concept Plan identified an Elder Hostel, Family Hostel and Youth Hostel/Teen Centre in the Accommodations Zone for the Legacy Neighbourhood. Discussions are taking place with the Hostelling Association around development of a site within the Village Core for this purpose.

It is considered appropriate at this stage to zone the lands to facilitate such a use and placemark a site for the hostel.

2.7 Whistler Athlete Centre

The Village Core Concept Plan envisioned the following components for the Whistler Athlete Centre:

- Gymnasium, weight room, change rooms, dining, kitchen, offices, class rooms
- Athlete accommodation
- High Performance Training Facility, including sports science testing and remedial components

The Whistler Athlete Centre is a VANOC bid commitment to Canadian sport and will be a legacy facility for athletes, providing affordable accommodation in Whistler and a base for athletes to train and test for their sport. It is a facility for which VANOC has the outright design and construction responsibility and it must integrate closely with the design process for the overall WOPV but has a different delivery model.

The facility is targeted to be operational from October 2008 and will provide accommodation for athletes training and competing in Whistler prior to, during, and after the 2010 Olympic and Paralympic Games. The facility will form a part of the Whistler Olympic and Paralympic Village during the 2010 Games and a part of the Legacy Neighbourhood post-Games.

The Whistler Athlete Centre will provide accommodation in a variety of housing forms, including townhouses and an athlete accommodation building, containing smaller hotel-type rooms, to flexibly accommodate athletes for training and events, and in order to accommodate approximately 360 athlete beds in Games mode.

The Whistler Athlete Centre post-Games operations will be managed by the Whistler Legacy Society, who will secure a long-term lease for the site. Other community funded

spaces, including a gymnasium, may co-locate with the WAC and be used by high performance athletic groups and community groups on a shared basis.

The available capital funding for the Whistler Athlete Centre is \$19 M, and currently no operating subsidy exists for pre- and post-Games. An allowance of \$4.5 M within this budget has been set aside to contribute to off-site and on-site servicing costs of the WAC.

Pannell Kerr Forster (PKF) Consulting Inc. has prepared a draft financial analysis of the Whistler Athlete Centre in the legacy state in the report *Financial Projections, Whistler Athlete Centre, Whistler, British Columbia, September 2005*. The Financial Projections report should be referred to for detailed descriptions of the WAC, the legacy market assessment for athlete centres and accommodations, and the financial projections and analysis for the WAC.

2.8 Olympic Legacy Plaza

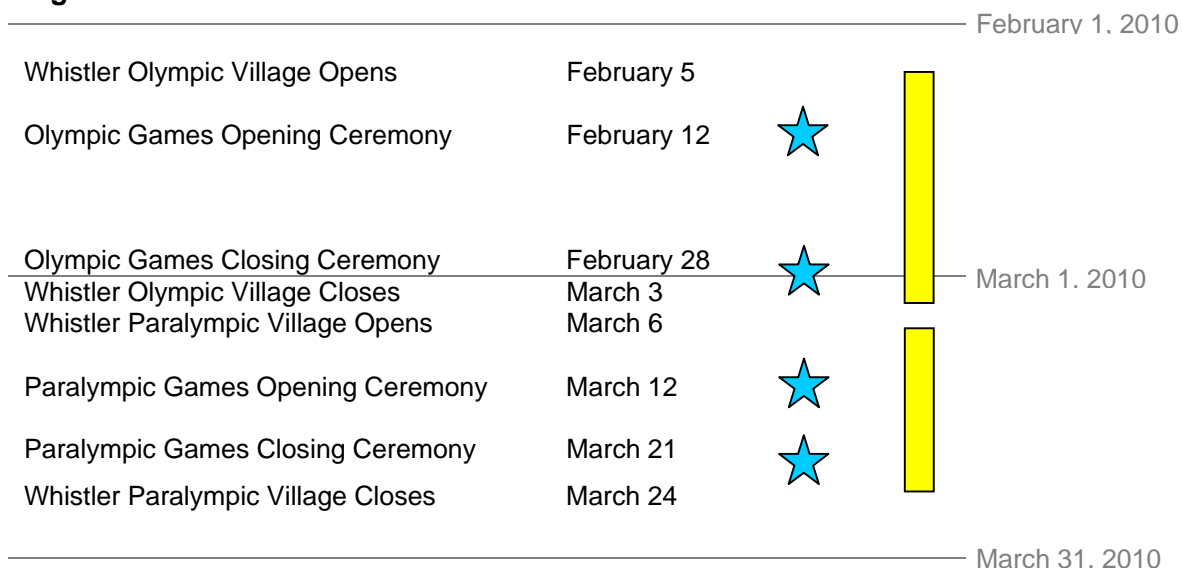
The Village Core Concept Plan identified an Olympic Legacy Plaza as a legacy in the Legacy Neighbourhood. The flag plaza will provide a visual legacy related to the Games, while minimizing both capital and operating costs for the legacy plaza.

3.0 OLYMPIC & PARALYMPIC REQUIREMENTS

3.1 Introduction

The Whistler Olympic & Paralympic Village for the 2010 Games will be operational for the dates shown in **Figure 3.1, WOPV Games Schedule**.

Figure 3.1: WOPV Games Schedule



VANOC will operate the site during Games time. VANOC's other responsibilities include provision of the overlay components for the WOPV, provision of the Whistler Athlete Centre component of the WOPV, and participating in the planning for the overall Whistler Olympic & Paralympic Village. Whistler 2020 Development Corporation will be responsible for provision of most of the WOPV, including off-site servicing, but excluding the overlay and WAC components of the WOPV.

The Whistler Olympic & Paralympic Village must be successfully designed, constructed and operated in order to ensure a successful Games experience. The WOPV will provide the athletes' first impression of the Whistler facilities and will be where athletes spend most of their time.

The complexities of Village design include the application of International Olympic Committee guidelines in combination with individual operational requirements and physical development limitations of the site. The 24 hours a day operational timeframe for the WOPV adds additional challenges that are not necessarily evident at the sporting venues.

The WOPV will be a self-contained service centre that can meet all of the athletes' requirements, and will provide a safe and comfortable living environment for up to 2,425 athletes and officials.

The Games time need for facilities will be met through a combination of the Athlete Centre spaces, temporary facilities (overlay), and permanent facilities to house and service athletes.

The permanent facilities that will be utilized during Games time will be those Legacy Neighbourhood facilities that will be developed by WDC in accordance with the Master Plan and RMOW approval process, as described in Section 2.0 of this report. These permanent facilities will be temporarily adapted by VANOC for use during Games time.

3.2 Strategic Design Parameters

Detailed strategic design parameters have been provided to the consultants and are briefly summarized below.

Athletes Villages are generally broken into two distinct zones – the International Zone and the Residential Zone. The Residential Zone is a restricted area where National Olympic Committees (NOCs) relax and prepare for competition out of the public eye. The International Zone is where accredited VIPs, invited guests and the media are free to access (with appropriate accreditation or the issue of a day pass) and where NOCs can meet their guests and enjoy entertainment and shopping facilities. The two zones are separated by fencing, and security check points along this divide facilitate appropriate movement between zones.

In addition to the International Zone and Residential Zone, there are two other major areas providing support spaces – the Transport Zone and the Village Operations Zone. For security reasons, vehicles other than accredited service/in-venue transport vehicles are not permitted entry to the Village, which means that transport facilities will be located around the Village perimeter. The Village Operations Zone will provide a materials transfer area as well as back of house compounds (logistics, fitout/maintenance, technology, vehicle servicing, etc.).

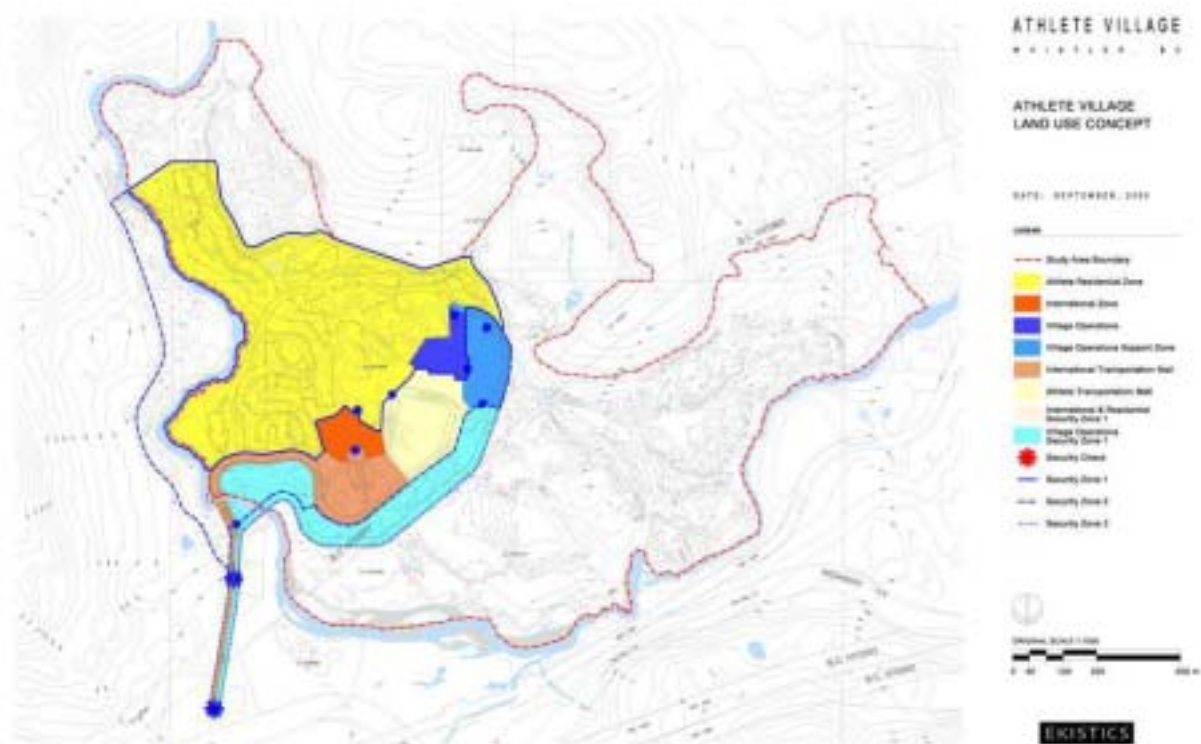
3.3 Games Mode Master Plan Overview

The Games mode Master Plan has been developed to meet the IOC requirements and the strategic design parameters needed for the WOPV.

Figure 3.2, Athlete Village Land Use Concept, presented below, was prepared by Ekistics and BHA as part of the master planning process. This Land Use Concept illustrates the four main areas of the Village – Residential Zone, International Zone, Transportation Mall, and Village Operations. The Land Use Concept also shows

security check points and three levels of security zones, with the Village Operations shown separately in each zone.

Figure 3.2: Athlete Village Land Use Concept (Ekistics & BHA September 2005)



As shown in Figure 3.2, approximately 2/3 of the geographical area of the athlete village is set aside for the Residential Zone.

Figure 3.3, Concept Option for 2010 Games, presented below, builds upon the Athlete Village Land Use Concept and provides for:

- a walkable village core
- the transport mall on the landfill site
- the village operations on the landfill site in temporary buildings
- residential clusters responding to topography
- pedestrian trail connection to the village core
- natural green space areas

Figure 3.3 also shows the three security zone boundaries presented on the land use concept.

Figure 3.3: Concept Option for 2010 Games (Ekistics & BHA January 2006)

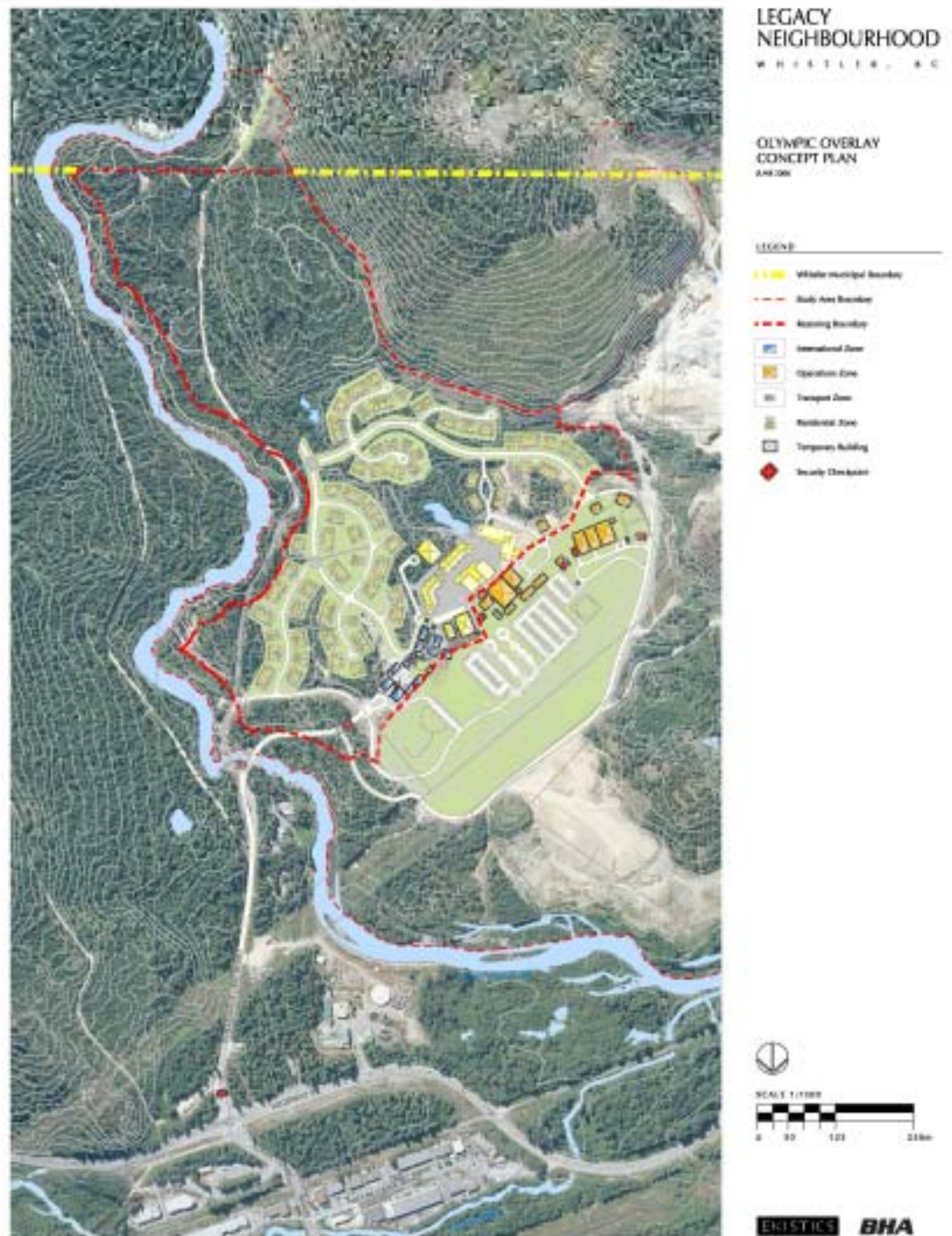


Figure 3.4, 2010 Games Core Concept Plan, presented on the following page, provides details regarding the core area functions for the Residential, International and

Village Operations Zones. The components of each zone are summarized in **Table 3.1, Games Concept Components by Zone**.

Table 3.1: Games Concept Components by Zone

Residential Zone	International Zone	Village Operations Zone
• Accommodations	• Olympic Museum	• Dining Hall
• Multi-Faith Centre	• Cafe	• Servery & Kitchen
• Fitness Centre/Sauna	• Performance Space	• Workforce Dining
• Massage Therapy	• Entertainment Centre	• Catering Warehouse
• Departures Facility	• VIP/Guest/Press Entry	• Security
• Resident Centre	• Internet Cafe	• Staff & Volunteer Areas
• Newspaper/DVD Lounge	• Call Centre	• Accreditation
• Sport Info Centre	• Games Room	• Salle Porte
• Paralympic Classification	• Retail	• Warehouse, Waste
• Chef de Mission	• Covered Seating	• Logistics/Maintenance
• Polyclinic	• Reception	• Housekeeping
• Dining Hall	• Flag Plaza	• Linen Warehouse
•	•	•

Figure 3.4: 2010 Games Core Concept Plan (Ekistics & BHA January 2006)



3.4 Games Mode Accommodation Strategy

The strategy to provide accommodations for athletes during the Olympic and Paralympic Games is currently undergoing refinement as part of the proforma development process. The current accommodation strategy is discussed further in **Section 7.3, Games Accommodation Strategy for Athletes**.

3.5 Overlay

Irrespective of the ultimate form and scale of the permanent housing program, the WOPV during Games mode will require some degree of temporary overlay work to ensure that the facility is fit for the purpose of accommodating the athlete's needs. Overlay refers to the design, installation and removal of such temporary works required to meet the operational needs of the WOPV.

The type of works that constitute overlay include the following:

- Placement of modular space / trailers that will be used to provide the office, meeting and massage spaces for each team

- Tents that will be used for the purpose of warehousing, covering athletes waiting at the transport mall, retail spaces to be fitted out by contracted service providers and other athlete services including the polyclinic and recreational functions
- Perimeter fencing and barricading
- Staging and stage lighting for the team welcome ceremonies
- Provision of temporary services and lighting, including external lighting, to the above-mentioned spaces
- Provision of huts and checkpoints for the purpose of security services
- Trafficable surfaces and structural upgrades of the landfill for the purpose of transport mall load zones and manoeuvring
- Door locking systems including a master keyed, bedroom specific system
- Wayfinding signage and Games 'look'

Furniture for Games time will be provided by VANOC.

The current VANOC budget for overlay is approximately \$10M for temporary space provision with necessary services. The budget also makes provision for the removal of said spaces.

4.0 PROJECT SITE & SITE DEVELOPMENT

4.1 Introduction

The Whistler Olympic and Paralympic Village will be located on a portion of an approximately 37 hectares site located in the Lower Cheakamus area near Function Junction, approximately 10 km south of Whistler Village. The site is in the southern portion of the RMOW, on the south side of the Sea to Sky Highway and on the west bank of the Cheakamus River.

4.2 Community Land Bank

The community land bank is critical to Whistler's long-term health and ability to house employees and residents, as it designates land to be used for resident housing at no cost to the community. The transfer of Crown land to the Whistler community land bank will provide a key lasting legacy of Whistler's involvement in the 2010 Olympic and Paralympic Winter Games. Utilization of the Crown land transferred to the land bank, along with the available VANOC funding for the WOPV and WAC, is intended to provide much needed assistance for infrastructure and community facilities to support the development of a legacy resident neighbourhood.

4.3 Land Tenure & Acquisition

The Province is transferring 135.79 hectares, or 306 acres, of Provincial Crown land to RMOW to create a community land bank for Whistler. The WOPV will be located on approximately 37 hectares of this site, on some or all of District Lot 6427, 6428 T0203 Blk5, T0237 Blk 7.

The Community Land Bank agreement has recently been signed by the Province and RMOW, and legal survey is underway. After completion of the legal survey, the land will be transferred to RMOW. The land transfer will occur in phases, with the WOPV site being transferred first, in Summer 2006.

There is currently a provincial reserve over the land for community and Olympic/Paralympic purposes. It is expected that a Licence of Occupation will be granted by the Province to allow development to proceed prior to the completion of the land transfer to RMOW.

The Community Land Bank Agreement between the Province and the RMOW has a number of encumbrances, including standard encumbrances that relate to the Land Act, Water Act, and Mineral Tenure Act, Coal Act or Petroleum and Natural Gas Act. Two of the encumbrances cited in the Community Land Bank Agreement may significantly influence the development of the WOPV site and are worth further discussion, as follows:

Timber Covenant

The Timber Covenant allows for transfer of the overall site to the RMOW Community Land Bank without payment for timber at the time of transfer. Therefore, stumpage for timber harvested will be paid to the Province at the time the marketable timber is harvested, and only for timber that is harvested.

Provincial Covenant

The Provincial Covenant restricts the transfer of the land to the Community Land Bank on the basis that the Province grants a covenant under Section 219 of the Land Title Act in order to restrict the use of the land in perpetuity to affordable employee housing, along with a list of approved ancillary uses, which are shown in Table 4.1, Approved Ancillary Uses for Project Site.

Table 4.1: Approved Ancillary Uses for Project Site

1.	Public use, including roads, park, public open space, playground, recreation area other than golf courses and golf driving range
2.	Municipal or other public building or facility
3.	Utility and services use, including electrical transformer station, municipality utility operations and other similar utility uses
4.	Home occupation
5.	Group home, including personal care home, social development centre licensed under the Community Care Facilities Act, youth home, crisis home or other group home
6.	Assembly hall, including church and church grounds, elementary and secondary school and school grounds, non-profit society & organization providing community services, public health care facility
7.	Child care or preschool facility
8.	Disposal of garbage and refuse, by sanitary landfill or otherwise
9.	Cultural exhibit and activities
10.	Community Centre
11.	Public parking
12.	Public transit facility
Each of which is non-commercial and must be ancillary to the primary use of the use of the lands for affordable employee resident housing purposes.	

According to the Land Bank Agreement, any lands that are used for purposes other than resident housing or the approved Ancillary Uses listed in Table 4.1, must be purchased at fair market value from the Province. However, the Province has agreed to amend the Land bank Agreement to permit market housing (without compensation) for the sole purpose of financing resident housing.

Development of the WOPV will require amendments to the Official Community Plan, zoning changes, and subdivision processes, as discussed in Section 5.3 of this report.

4.4 First Nations Use

The WOPV site is located within the shared territories of the Squamish and Lil'wat Nations. The Project Description completed by Cascade Environmental indicates that

the project site has a low potential for archaeological sites, based on a literature review and site reconnaissance performed by ARCAS Consulting Archaeologists Ltd. in preparation of an Archaeological Overview Assessment in November 2004 for the project site area.

4.5 Site Analysis

The site analysis has been completed by Ekistics and BHA as part of the master planning process. Additional site assessment work has been completed by Cascade Environmental Resources and others, as part of the CEAA process.

Topographic mapping of the site and surrounding area indicates the project site extends from about 600 m in elevation in the northern portion of the site, bordering the Cheakamus River, to approximately 640 m in elevation in the southern portion of the site. Landform mapping by Ekistics and BHA identified a number of land forms on the site, including a promontory, terrace, draw, bowl, rise, and a number of knolls.

The surrounding mountains provide a number of opportunities for spectacular views, which were assessed in the Aspect Analysis mapping by Ekistics and BHA. As well, these mountains put the project site in varying amounts of shadow through the different seasons. Ekistics and BHA assessed the shadow impacts to the project site for several different winter months in their Shadow Analysis mapping.

A slope analysis was completed by Ekistics and BHA. Most of the project site appears to be between 0 to 30% slope, with small pockets of 30-40% slope and some pockets of more than 40% slope.

In addition to the Cheakamus River, there are a number of wetlands on the site that are providing habitat, water source and breeding areas. These wetlands, located close to the Cheakamus River and in low lying areas elsewhere on the site, and the riparian areas associated with them, will require environmental setbacks.

Ekistics and BHA noted that no rare, endangered or threatened plant species were found in the site inventory, although several important wildlife tree areas were identified.

The municipal landfill is located adjacent to the project site, along the northwestern boundary. Closure of the landfill and anticipated impacts on both the Games time and the Legacy Neighbourhood are discussed later in this section of the report. Some low-level surface contamination has occurred on the site adjacent to the landfill and cleanup and remediation of these areas will be undertaken prior to development on the project site.

Kerr Wood Leidal Associates Ltd. prepared a memorandum in August 2005 based on a cursory review of a small, un-named creek that runs through the site and determined

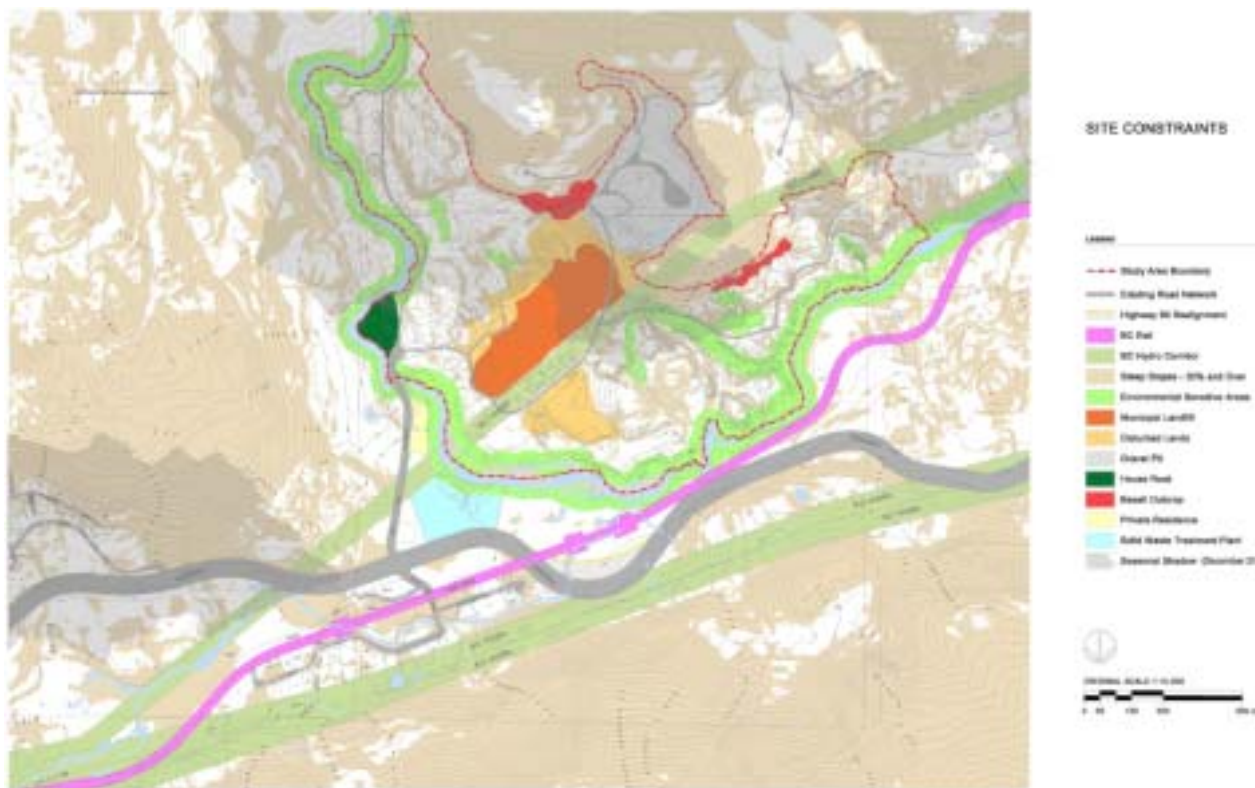
that the creek does not likely pose a serious flood risk. Development setbacks from the creek will be implemented to mitigate potential risks.

House Rock is located on the eastern edge of the project site along the Cheakamus River. Basalt ridges, located along the southwestern edge of the project site, will require setbacks from development.

A large gravel pit is located on the site to the southwest of the landfill and the proposed development. The pit currently operates under lease from the Province.

The development constraints have been mapped by Ekistics & BHA, as shown in **Figure 4.1, Site Constraints**.

Figure 4.1: Site Constraints (Ekistics & BHA January 2006)



The Site Constraints mapping, along with Site Opportunities mapping compiled by Ekistics and BHA, have been used to influence the concept development for the Whistler Olympic & Paralympic Village site.

4.6 Landfill Closure

The Landfill Closure Plan has been commissioned by RMOW and was submitted to the Ministry of Environment in March, 2006. Decommissioning work began in May, 2006

In addition, details pertaining to the use of the landfill site both during and post-Games have been provided to CH2M Hill to ensure that the structural elements of the landfill cap are compatible with these land uses on the landfill site. As noted previously, costs directly attributable to the structural requirements of the landfill cap to accommodate Games time activities – beyond the requirements for legacy use – will be covered by the Overlay budget. All other landfill closure costs will be covered by RMOW.

It is anticipated that the landfill site will be used for temporary overlay facilities during Games time, and as recreation fields and community uses for the Legacy Neighbourhood after the Games.

4.7 Proposed Infrastructure Systems

A number of consultants have been contracted by RMOW to plan and design the on-site and off-site services for the Whistler Olympic and Paralympic Village. Gilbey Engineering Services was contracted to provide cost estimates for on-site and off-site works, based on conceptual layouts prepared by Ekistics and BHA. Kerr Wood Leidal have been contracted to provide on-site civil design services. Descriptions of the proposed infrastructure systems are provided below, and estimated infrastructure costs utilized in the proforma analysis are discussed in Section 6.0 of this report.

Roads

Access to the WOPV site will be via an upgraded Cheakamus Lake Road. The existing bridge over the Cheakamus River will be twinned for Games time and removed after the Games, with the existing bridge to be utilized as a foot bridge in the legacy neighbourhood. In addition, a new, permanent two lane bridge will be built over the Cheakamus River that will be used for Games time and for the legacy neighbourhood.

Layout of the roads has been optimized to work with the contours of the site to minimize earthworks and costs, and has taken into account the need to meet the requirements of not only the Legacy Neighbourhood, but the Games requirements, such as providing access to independent zones with checkpoints for security purposes. A loop road has been provided for Games time to provide access to the transportation mall and to the technical compounds, separate from the access to the residential areas.

Ekistics notes that hillside street standards have been utilized to limit through traffic and to minimize the visual, physical and environmental impact of development by minimizing the street and house development footprint in order to retain swaths of existing forest.

Roads will be developed to RMOW standards, and will include pavement with trails and streetlighting.

Pedestrian Access & Trails

The WOPV and Legacy Neighbourhood will be very pedestrian oriented, consistent with the community's sustainability goals. The Legacy Neighbourhood will be a 10 to 15 minute walk from Function Junction via a proposed extension of the Valley Trail and the proposed bridge that will function as a footbridge after Games time.

Pedestrian orientation within the Legacy Neighbourhood will be achieved through a network of connecting trails that will link the residential clusters with the neighbourhood core area, recreation areas, and pedestrian fingers of green between the residential clusters. A variety of trail standards will be developed, ranging from unlit, gravel paths to paved and lit trails, providing opportunities for both active and passive recreation.

Electrical Power via BC Hydro

Electricity will be provided via underground BC Hydro network with primary feed from the existing BC Hydro grid. Discussions with BC Hydro have established that feeder capacities to the site will adequately support all of the Games mode needs. Electrical feed to specific overlay locations will be determined by the proximity of electrical supply to the overlay locations and may include temporary overhead supply and/or generators.

Community Heating System

A community energy system is envisioned for the Legacy Neighbourhood that may include some or all of the following components:

- Heat captured from the waste water treatment plant
- electricity from the BC Hydro grid
- Terasen Gas supply
- landfill gas sources

Development of a community energy system for the Legacy Neighbourhood will allow this neighbourhood to utilize the most affordable energy and maintain maximum flexibility to adapt to future energy price fluctuations.

Analysis and design of the community energy system is still underway. It is anticipated that a community energy system will be a self-supporting utility, and that the utility operator will be responsible for the costs of installation of underground and surface works to support the utility, and that these costs would be recovered by the utility operator through future user fees.

Communications

Suitable duct banks will be made available for telecommunication services. Services will be provided during Games time by Bell Canada. Discussions are underway with service providers regarding long-term service provision.

Water System

The WOPV site is currently not serviced by a Municipal water system. Dayton & Knight Ltd. prepared the *Whistler Olympic Athletes Village Water System Design Brief; Draft No. 2*, in October 2005, to address options for water supply and storage for the WOPV site.

The Design Brief investigated six options for water supply to the WOPV, and the two preferred options are as follows:

- Option 1 – New Wells in Function Junction Area
- Option 2 – Expanding the existing RMOW Municipal Water System

Option 1, New Wells in Function Junction Area, is estimated by Dayton & Knight Ltd. to have the lowest capital cost as well as the lowest life cycle cost. Appropriate costs for Option 1 have been incorporated into the proforma as discussed in Section 6.0.

The Option 1 water supply system is proposed to consist of three new wells in the Function Junction area, a chlorination facility and supply piping to a storage reservoir to be located near the WOPV site.

Distribution piping will extend from the reservoir throughout the WOPV site generally along the roadways to provide service to the entire site. Due to the elevation differences on the WOPV site, two pressure zones will be created and a booster pump station provided.

Fire Protection

The proposed water system will be sized to meet the assessed WOPV fire protection needs, as presented in the Dayton & Knight water system Design Brief.

The assessment of fire protection needs assumes the following:

- permanent buildings may be sprinklered
- building standpipes would be desirable
- hydrants will provide fire fighting volumes in accordance with computations performed in alignment with *Water Supply for Public Fire Protection – A Guide to Recommended Practice* published by Fire Underwriters Survey
- reservoir storage capacity will be based upon the required fire fighting volumes, the peak-balancing domestic consumption volumes, and an emergency storage volume

The Spring Creek Fire Hall is located 1.6 km away with estimated travel time to the WOPV site of 2 to 3 minutes.

Costs for the fire protection requirements are part of the Option 1 water system costs are included in the proforma, and are currently under review by Kerr Wood Leidal.

Sanitary Sewer System

There is currently no Municipal sanitary sewer system servicing the WOPV site. For the proposed WOPV, sewage will be collected on-site and piped to the existing RMOW Wastewater Treatment Plant, located north of the WOPV, near the intersection of Cheakamus Lake Road and Highway 99, as presented by Dayton & Knight Ltd. in an October 2005 Draft report titled *Resort Municipality of Whistler Olympic Village Sewer Design (Phase 1)*.

The southern portion of the WOPV site will utilize a gravity collection system connecting to a proposed discharge manhole near the Cheakamus River. The northern portion of the site will utilize a gravity collection system to a pumpstation, and then be pumped through approximately 1 km of forcemain to the discharge manhole.

Off-site sewer works include 700 m of gravity main from the discharge manhole to the RMOW Trunk Sewer on Highway 99, as well as approximately 250 m of gravity sewer along Highway 99 as this section of existing trunk sewer will require additional capacity, as noted by Dayton & Knight Ltd.

Upgrades to the Waterwater Treatment Plant are currently being undertaken by RMOW to significantly increase capacity and to negate existing odour issues in the area of the plant.

Storm Sewer System

The storm sewer system will be designed as part of the detailed design of the infrastructure for the WOPV. It is anticipated that the storm sewer system will primarily be a system of swales and/or ditches.

Discharge of storm water has not been finalized, but the ultimate destination will likely be the Cheakamus River. Conventional treatment methods will be implemented such as detention facilities, sedimentation capture, oil and grease interceptors, and other “best practices” with respect to storm water discharge.

4.8 Post-Games Site Remediation

Elements of the site will require some degree of remediation post-Games. These include the residential dwelling interiors, which may require retrofit of temporary walls, services and fittings, and external areas where temporary facilities, including roads and structures, have been located to provide for Games mode needs. Costs for remediation

may be shared by the project and the VANOC Overlay budget in some instances, but remediation costs will primarily be borne by VANOC.

5 APPROVALS & PERMITS

This section lists the approvals and permits that are currently anticipated to develop the WOPV. Additional approvals and permits may be required, but this list is intended to provide a general understanding of the various governments' permitting requirements.

5.1 Federal

The Whistler Olympic & Paralympic Village is subject to a review under the Canadian Environmental Assessment Act (CEAA). An Environmental Assessment (EA) is required for the WOPV because federal funding is being provided to the project through Canadian Heritage. Canadian Heritage will act as the Responsible Authority (RA) for the CEAA process.

As permitting for the two bridges across the Cheakamus River is required under the Canadian Navigable Waters Protection Act, then the RA responsibilities will be shared with Transport Canada.

The *Project Description, Whistler Athlete Village and Legacy Neighbourhood, Whistler, BC*, October 17, 2005 by Cascade Environmental Resource Group Ltd. was submitted to Canadian Heritage to begin the CEAA review process. The Notice of Commencement of an environmental assessment, posted at the website of the Canadian Environmental Assessment Registry provides a CEA Registry Reference Number of 05-01-15811, and indicates that Transport Canada is also participating in addition to Canadian Heritage. CEAA certification is anticipated late June/early July, 2006.

5.2 Provincial

The Project Description indicates that notifications or permits may be required from the following provincial agencies:

- BC Fish Protection Act, Section 12
- BC Riparian Area Regulation of the Fish Protection Act (RAR), Section 4(2)(b)
- BC Water Act Regulation, Section 9 or 44
- BC Wildlife Act, Section 9

5.3 Municipal

The Project Description identifies the following approvals and permits that may be required from RMOW:

- Official Community Plan designation
- Re-zoning under the BC Local Government Act, Div. 7, Section 903

- Subdivision under the BC Local Government Act, Div. 11, Section 938
- Development Permit under the BC Local Government Act, Div. 9, Section 920

The Whistler Official Community Plan (OCP) states the RMOW will support medium density housing in the South Cheakamus Bench for Whistler resident housing, as supported by the Comprehensive Sustainability Plan, and following detailed planning review including preparation of development permit guidelines.

An overview of the planning processes noted above has been prepared by RMOW's Planning Department and is presented in Appendix C.

RMOW notes that many of the RMOW's processes are contingent upon approvals from other levels of government. These processes include but are not limited to:

- the Canadian Environmental Assessment Act
- the provincial Contaminated Sites Regulation of the Environmental Management Act
- the provincial Riparian Area Regulation
- the Environmental Management Act

The RMOW Engineering Department notes that approval in the subdivision process cannot be given until the OCP and zoning amendments are completed, and a Development Permit has been issued if required. At that time, a subdivision, or multiple subdivisions, will be approved that will create development parcels for the residential development areas, and commercial development parcels within the WOPV core area. In addition, the subdivision will create public parkland and dedicate the public roadways.

The subdivision process involves the creation of subdivision servicing plans. These plans detail how each parcel will be serviced with water, sewer, energy, etc, and also how the overall water supply, drainage system, and wastewater collection systems will function. Once these plans are complete, the servicing of the site can commence. It is expected that the servicing, both on-site and off-site, can start immediately following the issuance of the CEAA certification.

5.4 Other

The International Olympic Committee (IOC) and the International Paralympic Committee (IPC) will work closely with VANOC and WDC to ensure that the design of the WOPV will meet the requirements of the IOC and IPC. The IOC and IPC must ratify the plan before it may be used for the purpose of the WOPV. Quarterly co-ordination commission meetings are held between VANOC and the IOC for the purpose of reviewing and approving such plans. VANOC will seek the approval for the WOPV from the IOC & IPC.

6 PROFORMA FOR WHISTLER 2020 DEVELOPMENT OF WOPV

6.1 Introduction

Whistler 2020 Development Corporation is contemplating developing portions of the proposed Whistler Olympic & Paralympic Village that will provide accommodations during Games time and will be a Legacy Neighbourhood after completion of the Games, providing long-lasting benefits of the Games to Whistler residents.

The components of the WOPV that may be developed by WDC and/or RMOW generally include the planned Legacy Neighbourhood, minus the Whistler Athlete Centre. Some of the planned works would be phased, including future residential, community facilities, and commercial.

The proforma, presented as Appendix D, has been developed by Squirell & Associates, Westwynd Consultants and WDC staff to illustrate the financial impacts of various business decisions regarding development of the WOPV by WDC, and to allow WDC and RMOW to make informed decisions regarding their involvement in development of a permanent Legacy Neighbourhood.

Section 6.0 of the report presents details on the development of the proforma, projected costs and revenues, a financial summary and cash flow, and a discussion of proforma assumptions.

Section 7.0 of this report provides a discussion on delivering the project successfully, including supporting the local economy, sustainability, Games accommodation strategy for Athletes, resident housing, and financing mechanisms.

6.2 Proforma Development

The proforma development for the WOPV has been guided by a number of assumptions, commitments, and goals, including the following:

- development of the Legacy Neighbourhood will be in accordance Whistler 2020 – Moving Toward a Sustainable Future
- public input has played a major role in determining the vision and concept for the Legacy Neighbourhood
- the Legacy Neighbourhood will provide Whistler resident housing
- the provision of resident housing will accommodate the known housing needs for Whistler residents
- resident housing will be sold to Whistler residents at costs similar to previous recent sales of resident housing in Whistler in 2010 dollars

- the development of the Legacy Neighbourhood for the purpose of resident housing will be subsidized by VANOC's capital contribution, which comes from the Provincial and Federal Governments for the development of the WOPV for Games time and by the Province's contribution of a land grant for the WOPV site
- the WOPV, including the Whistler Athlete Centre, will accommodate a minimum of 2,050 athletes
- development of the Legacy Neighbourhood will maximize opportunities to "go green"
- risk to Whistler 2020 Development Corporation and/or RMOW is to be minimized

Issues that have been considered in the proforma development process include the following:

- the proposed mix of housing sizes to meet the athlete accommodation needs during Games time
- a range of housing quality, size and sale prices within a resident housing market
- the tenure of the housing product – sales versus rentals
- the absorption period for the housing product into the resident housing market
- interest rates at which the project can be financed
- incorporation of market homes and/or lots
- using a single developer to design, build and finance the project
- having Whistler 2020 Development Corporation take on the role of master developer

Through consideration of the above points, and the inclusion of a market component of housing units and vacant, serviced lots, the proforma identifies how the WOPV will be delivered.

It should be noted that the proforma:

- excludes project costs or revenue for the Whistler Athlete Centre, except for costs to provide infrastructure servicing to the facility
- excludes overlay costs or revenue

- assumes that the VANOC funding commitment of \$6.5 million to benefit First Nations housing will be available as a no-interest loan as needed through to 2010
- excludes costs for community facilities, except for costs included for potential legacy items such as the Flag Plaza
- excludes costs and revenue for future residential development beyond that needed for Games time
- no costs for future commercial. It is anticipated that apartment units for Games time will be located above the commercial space, and that the amount of revenue will be equal to the costs for the future commercial space

More detailed assumptions and notes regarding the proforma are attached to the proforma attached as Appendix D

6.3 Types of Residential Units

Building Form

A number of housing forms have been considered in the proforma development process, including apartments, duplexes, townhouses and single family homes. Final decisions regarding housing form and composition will be made at a later date upon completion of a revised proforma.

The proforma includes the following housing forms for the Games at this time:

- one and two bedroom apartments to be built above future commercial space noted as Buildings A & B in the proforma
- two, three and four bedroom townhomes

The number and size of units proposed are presented below in **Table 6.1, Residential Units Proposed:**

Table 6.1: Residential Units Proposed

Residential Units	No. of Units	Area Sq.M./Unit	Area Sq.Ft./Unit
Townhome – 2 Bedroom	100	102	1,100
Townhome – 3 Bedroom	63	130	1,400
Townhome – 4 Bedroom	46	158	1,700
Apartment – 1 Bedroom	30	60	650
Apartment – 2 Bedroom	<u>12</u>	79	850
Total Proposed Units	251		

As shown above, the proforma proposes to develop 251 units. This total number and mix of housing units is being refined to ensure that the Games mode requirements are met for housing the Olympic and Paralympic athletes according to the IOC standards (i.e. maximum number of athletes per bedroom and per bathroom) and for ensuring that the proposed housing mix best meets the resident housing needs and the market needs for unit sales.

Market Type

Resident housing is user restricted and sales restricted. In addition to resident housing, limited market housing could be provided that would sell at market value and have no user or sales restrictions. Market housing is only incorporated to assist in the delivery of Resident housing.

The proforma has included the following housing types:

- user & sale restricted units (90% of units)
- market units (10% of units)

The proforma has assumed that the above breakdown of market type will be distributed throughout all of the building forms i.e. apartments and townhomes and single family. It is anticipated that the breakdown of market type for each type of building form will be refined as the proforma development process continues.

6.4 Building Costs

Construction costs have been estimated by comparing the costs of three similar Whistler projects currently underway, or soon to be underway. These costs were then reviewed and refined by Quantity Surveyors at two stages of the business plan and proforma preparation.

The estimated unit rate for a two storey wood frame townhouse unit with an attached garage at a base unit rate of \$215/sq.ft. includes the following:

- Works and Service charges
- retrofit costs that may be incurred from converting units from Games mode to legacy mode
- green premium at 7% of costs

Only WWTP works and service charges will be paid by the developer to RMOW. At this time, the developer will be credited recreation, transportation and water

works and service charges in light of the off and on site works being constructed that have a broad community benefit. (Credit shown in cash flow of proforma)

The building unit rates utilized in the proforma for townhomes are presented in **Table 6.2, Estimated Base Building Unit Rates for Townhomes**, below.

Table 6.2: Estimated Base Building Unit Rates for Townhomes

Description	Cost/Sq.M.	Cost/Sq.Ft.
Two storey wood frame w/attached garage	\$2,049	\$190
Works and Service charges	\$66	\$6
Retrofit	\$50	\$5
Green premium @ 7%	<u>\$150</u>	<u>\$14</u>
Base Building Cost	\$2,315	\$215

As shown above, the estimated base building unit rates utilized in the proforma are \$215/sq.ft.

The base building unit rate for apartments is estimated to be the same as that shown above in Table 6.2 for townhomes.

The estimated base building unit rates shown in Table 6.2 have been utilized in the proforma for both the user & sales restricted units and sales restricted units.

It should be noted that the building unit rate includes condo reconstruction & warranty fees and architectural fees.

As shown in the proforma, the estimated building costs can be summarized as:

\$76,304,827 for 251 residential units for resident and market housing which includes a cost escalation factor of 5% per year

6.5 Site Development Costs

Site development costs have undergone refinement through the proforma development process. The site development costs are included in the proforma under the Site Development Cost section.

The site development costs include the following:

- municipal levies (compiled by WDC)
- professional fees (compiled by WDC)
- on-site and off-site infrastructure costs (compiled by WDC,)

Municipal Levies

The municipal levies include works and service charges that were initially considered to be \$13,093 per lot but have now been reduced in the proforma to \$3,531 per lot. The reduction in the works and service charges has been approved by RMOW Council. A lump sum allowance of \$250,000 has been included for fees for legal, subdivision and zoning processes.

Professional Fees

Budget allowances for specialist subconsultants supporting site development have been estimated as shown in the proforma. Civil engineering fees are included in infrastructure costs.

On-Site Infrastructure Servicing Costs

On-site costs include roads, water, sanitary sewer, storm sewer, sidewalks, trails, and BC Hydro & Telus charges within the legacy neighbourhood, as well as amenities such as neighbourhood parks and plaza beautification.

Gilbey Engineering Services provided an on-site infrastructure cost estimate in a December 20, 2005 Technical Memorandum to RMOW, based on a conceptual layout prepared by Ekistics and BHA. This on-site infrastructure servicing cost estimate, utilized in the proforma totals approximately \$25 M. Since that time plan refinements have resulted in further servicing savings now reflected in the proforma (\$4.3 M savings).

Off-Site Infrastructure Servicing Costs

Off-site servicing includes the off-site infrastructure such as the access road and bridge improvements, as well as upgrades to the water and sewer systems needed to properly service the legacy neighbourhood.

Costs for off-site servicing have been compiled by Gilbey Engineering Services based on information provided by others, or have been estimated where limited information was available. Off-site water system costs have been based on the Dayton & Knight water system design brief referenced in Section 4.0 of this report, utilizing a new well supply from the Function Junction area. Off-site sewer system costs have been based on the Dayton & Knight design brief also referenced in Section 4.0 of this report.

The Technical Memo by Gilbey Engineering Services estimated the off-site costs to be approximately \$10 M.

Selected Overlay Servicing Costs

Some of the infrastructure servicing costs that will be incurred to host the Olympic and Paralympic Games have been compiled and identified by Gilbey Engineering Services. Gilbey noted that the overlay servicing costs were calculated as incremental to the servicing costs for the legacy neighbourhood.

Overlay costs included in the memo were for water supply and roads and related infrastructure, at an estimated cost of approximately \$3 M. The water supply costs are required to upsize the new system to accommodate the Games time supply and storage requirements. The roads and related infrastructure are for upgrades to Cheakamus Lake Road, a new bridge crossing, and a ring road to service the overlay components. As the new bridge crossing is now considered to be a legacy neighbourhood cost rather than an overlay cost, an increase in the off-site costs of \$550 K has been made in the proforma as noted above.

Overlay servicing costs are not included in the proforma as they are to be paid by VANOC.

6.6 Sales Revenue

As shown in the proforma, the estimated sales revenue can be summarized as follows:

- \$85,590,321 for 258 residential units for resident and market housing

6.7 Financial Summary

A summary of the estimated sales revenue and construction expenses is presented in **Table 6.3, Financial Summary** below.

Table 6.3: Financial Summary

<u>Revenue Summary</u>	
Residential/Market Lots	\$85,590,268
VANOC Contributions	\$35,500,000
RMOW Contributions	<u>\$11,000,000</u>
Total Revenue	<u>\$132,090,268</u>
<u>Expense Summary</u>	
Residential Units	\$76,304,827
Adjusted Site Development Costs	\$30,421,065
Overhead	\$3,540,379
Fees, taxes & Main.	\$978,900
Sales & Marketing	\$2,967,708
Interest	\$5,575,364
Contingency	<u>\$11,421,288</u>
Total Expenses	<u>\$131,209,530</u>
Profit /(loss)	<u>\$880,738</u>

As shown in Table 6.3 above, the Total Expenses are expected to be met by the Total Revenue in the proforma.

7 ANALYSIS OF PROPOSED WHISTLER 2020 DEVELOPMENT OF WOPV

7.1 Introduction

Planning of the WOPV has been guided by a number of factors, including the 2002 Bid Book Project Objectives presented in Section 1.2, RMOW's Guiding Principles and Success Factors presented in Section 1.3, and the Project Commitments presented in Section 1.5 of this report.

Many of the goals, guiding principles and commitments from these three sections of the report are overlapping and closely interrelated, and can be summarized as follows:

1. establish a land trust
2. add lasting value by maximizing post-Games use;
3. support First Nations opportunities for participation in the WOPV
4. provide local economic opportunities and support the tourism economy
5. build a community utilizing environmentally, economically & socially sustainable practices
6. adequately house athletes for Games time
7. develop non-market resident housing
8. limit RMOW's financial exposure in the development of the WOPV
9. meet the schedule requirements

Many of the goals and objectives are related to sustainability, and yet WDC and RMOW need to ensure that their financial exposure is manageable and appropriate if they develop the WOPV as a legacy neighbourhood.

Points 1 to 5 above will be addressed in **Section 7.2, General Planning Objectives**, while points 6 to 8 will be addressed individually in **Section 7.3, Games Accommodations Strategy for Athletes**, **Section 7.4, Resident Housing**, and **Section 7.5 Financial Risks & Mitigation**. Point 9 regarding Schedule will be included in Section 7.5.

Whistler 2020 Development Corporation has contracted with consultants to provide assistance with the financial analysis of the proposed WDC development of a permanent WOPV legacy neighbourhood: Gary Cowan of Westwynd Consultants, and Ted Milner. Portions of the material presented in Sections 7.4 and 7.5 have been presented to WDC by these consultants.

7.2 General Planning Objectives

Land Trust

A land trust has been established, with the recent signing of the Community Land Bank Agreement between RMOW and the Province of BC that will have the Province provide a Crown grant of 135.79 hectares to RMOW to support resident housing.

Maximizing Value

Significant public money will be spent to accommodate athletes in Whistler during the Olympic and Paralympic Games. As well, VANOC is committed to development of the permanent Whistler Athlete Centre (WAC). Development of the Legacy Neighbourhood by Whistler 2020 Development Corporation, adjacent to the WAC, would ensure that money spent on athlete accommodations and supporting infrastructure for Games time would provide lasting value to the community of Whistler.

It is intended that the WAC operate as a shared community and high performance athlete facility, with some priority afforded to the high performance athletes as dictated by patterns of demand.

Development of the legacy neighbourhood will afford RMOW the opportunity to showcase a sustainable resident housing community, utilizing significant funding contributions from other governments in the development process.

First Nations Opportunities

First Nations opportunities related to the WOPV are discussed in detail in Section 1.5 of this report and summarized below.

The Squamish and Lil'wat Nations will have the opportunity to participate in ownership and management of the Whistler Athlete Centre, as members of the proposed Whistler Legacy Society.

Funding for the Squamish and Lil'wat Nations totalling \$6.5 million has been committed by VANOC to support legacy housing for the two Nations. It is currently envisioned that this funding contribution will be made available to WDC for the WOPV project as a non-interest loan that would be paid back in 2010, when sales revenue is generated, and made available to the Squamish and Lil'wat Nations at that time to support their legacy housing projects.

Contracting opportunities may also be made available to the Squamish and Lil'wat Nations in the development of the WOPV, as discussed in Section 1.5.

Additional economic and/or partnership opportunities may be available for the Squamish and Lil'wat Nations to participate in the development of the WOPV.

Supporting the Local Economy

Construction of the buildings and the infrastructure for the WOPV will provide significant employment, with local firms in a position to offer very competitive pricing, and therefore likely to be awarded many of the contracts.

Future commercial development in the Legacy Neighbourhood will focus on neighbourhood oriented services. Residents of the legacy neighbourhood will also support the local economies in Function Junction, Creekside and Whistler Village. It is anticipated that some of the future residents of the legacy neighbourhood will be employee families that have moved away from Whistler due to a lack of affordable housing; development of the legacy neighbourhood will encourage the return of these families to Whistler and provide a larger population base to support the local economy.

The permanent WAC and the proposed hostel will accommodate visiting athletes and tourists, who will support and utilize the Legacy Neighbourhood's small commercial development, as well as Function Junction, Creekside and Whistler Village.

Development of the WOPV is expected to support the local tourism economy as visiting athletes and coaches, as well as hostel tourists, will likely participate in a number of Whistler tourist activities during their stay. In addition, the legacy neighbourhood will provide a day-trip destination for Whistler tourists who would like to see the sustainable community that has been developed, as well as visit the potential Olympic and Paralympic legacy features such as the Flag Plaza.

Sustainability

The conceptual design of the legacy neighbourhood has been developed utilizing environmentally, economically and socially sustainable principles.

Transportation needs have been minimized within the legacy neighbourhood as the community core and commercial area is centrally located and easily reached by pedestrian trails from all areas of the development. The trails are located within fingers of green space that have been retained throughout the development to minimize the impact on the environment and to protect sensitive areas. Trails will also be developed to connect to existing nearby trails and recreation areas. Estimated costs for trail development are included in the proforma.

Amenities at the Whistler Athlete Centre will also be available for local community use to promote the health and well-being of residents. Additional community facilities will be added over time, as funding and partners become available.

A green building factor has been included in the building cost estimates to allow for additional building features that promote sustainability. A community energy plan is currently being developed for the legacy neighbourhood that would include a combination of thermal energy from the wastewater treatment plant and captured landfill gas in an effort to reduce dependency on fossil fuels. It is anticipated that this district community energy system will be financially self-sustaining. This system will be developed independently of the proposed WDC development of the legacy neighbourhood, and costs have not been included in the proforma.

7.3 Games Accommodation Strategy for Athletes

The original planning targets set in 2002 were to provide accommodations for approximately 2,000 athletes and primary team officials. More recently, the IOC requested that additional support officials be housed within the WOPV, which increased the planning target to accommodate approximately 2,425 athletes and officials.

Developing the accommodation strategy for Games time provides special challenges at the WOPV because of the need to meet the IOC accommodations criteria while also meeting the needs of the resident housing market for the legacy neighbourhood.

Determination of the maximum number of athletes per residential unit must follow the IOC requirements, including the following:

- a minimum of 12 sq.m. per athlete
- a maximum of 4 athletes/bathroom, with a max. of 3 wheelchair athletes/bathroom

Table 7.1: Maximum Bed Count for Games Time, presents the estimated number of beds that will be available to accommodate athletes and officials. The top portion of the table pertaining to the Legacy Neighbourhood accommodations, reflects the proposed residential unit breakdown presented previously in Table 6.1, and presents the number of athletes per unit that have been utilized in the Proforma, to provide a maximum of **2,065 beds** in the works proposed by Whistler Development Corporation.

The bottom portion of the table provides the proposed unit mix for the WAC presented in the Whistler Athlete Centre Business Plan, referenced in Section 2.7 of this report.

Table 7.1: Maximum Bed Count for Games Time

Unit Type	# of Units	Unit Size (m ²)	Athletes / Unit	Maximum # of Athlete Beds
WDC's Legacy Neighbourhood				
Townhome – 2 Bedroom	100	102	8	800
Townhome – 3 Bedroom	63	130	9	567
Townhome – 4 Bedroom	46	158	11	506
Apartment – 1 Bedroom	30	60	4	120
Apartment – 2 Bedroom	<u>12</u>	79	6	<u>72</u>
Subtotal Legacy Neighbourhood	251			2,065
VANOC's Whistler Athlete Centre				
Hotel	70	25	2	140
Townhouse – 2 Bedroom	15	102	8	120
Townhouse – 3 Bedroom	5	130	9	45
Townhouse – 4 Bedroom	<u>5</u>	158	11	<u>55</u>
Subtotal Whistler Athlete Centre	95			360
Total Olympic Accommodations	346			2,425

As shown above in Table 7.1, it is anticipated in the proforma that a maximum of 2,065 beds can be provided by WDC in 251 units and a further 360 beds can be provided by VANOC at the WAC, for a **total maximum bed count of 2,425 beds**.

It should be noted that the maximum bed count may be revised as the proforma is finalized and will be reviewed to ensure that all of the IOC requirements are met for accommodating the athletes.

The actual number of athletes and officials that are housed will be less than the total maximum bed count due to further IOC requirements regarding how the athletes are housed, including the following requirements:

- separate residential units for each country
- separate units for males and for females

Based on the above criteria, it is currently anticipated that the total maximum bed count of 2,425 beds based on the proforma and the WAC planning **can accommodate approximately 2,050 athletes and team officials**.

7.4 Resident Housing

The development of resident housing for the legacy neighbourhood has been guided by a number of requirements, including:

- providing affordable and liveable housing that is flexible to the changing needs of the community
- continuing to house 75% of the workforce in Whistler
- providing a range of housing form, size and tenure
- providing a range of price points for home purchasers
- meeting the needs of the resident housing waiting list
- attracting previous residents back to Whistler

Provision of resident or non-market housing, where housing is sold to the resident workforce significantly below market value, generally requires substantial subsidies to break even.

Section 5.3 of the RMOW Housing Review, December 2005, presented in Appendix B of this report, notes:

The private sector will not build affordable housing without public intervention, yet the risk associated with capital investment in housing is not always palatable for public agencies.

Therefore it becomes prudent to minimize the risks and to maximize the outside sources of subsidies, as discussed further in Section 7.5, and to carefully consider the resident market conditions and proposed price points.

Most resident housing projects have been subsidized in Whistler through the inclusion of a percentage of market units and/or lots, which provides the necessary profit to cover the losses incurred in the provision of resident housing.

Subsidization of resident housing at the WOPV will be provided through the Crown land grant to the Community Land Bank, new financial tools, and through financial contributions to site and housing development from VANOC.

Provision of limited market housing and market lots will be considered by WDC in order to help to secure a break even financial status for the project. The inclusion of market housing in a resident housing development is important not only to make the project financially viable, but also to create a balanced neighbourhood.

A review of area market prices by Ted Milner provided the following comparable values:

- \$225 to \$250/sq.ft. for market townhouses in Pemberton and Squamish
- \$525/sq.ft. for 3 bedroom, 1368 sq.ft. market townhouse in Spring Creek, adjacent to the WOPV site

The proforma utilizes a resident housing price of \$204/sq.ft. in today's dollars, or \$230/sq.ft. in 2010 dollars, which is below the market rate in Pemberton and Squamish. It should also be noted that the housing price of \$230/sq.ft. will be lower than the estimated cost to deliver the unit.

The Whistler Housing Authority (WHA) is the agency responsible in Whistler for development of resident housing and for monitoring compliance with employee-owned housing. The WHA maintains a housing waiting list for resident housing. The RMOW Housing Review in Appendix B reports that 535 families are on the housing waiting list to purchase resident housing, with those families having a preference for 2 and 3 bedroom townhomes. Ted Milner reports that 55% of families on the WHA housing waiting list want 3 and 4 bedroom townhouses.

Ted Milner estimates that the current housing waiting list will be depleted to approximately 126 applicants after completion of other resident housing projects under construction or in the approval process. However, the housing waiting list will continue to grow with new applicants added at a rate of about 100 families per year, as estimated in the RMOW Housing Review.

One of the challenges in the development of the resident housing for the Legacy Neighbourhood is the long lead time required for this project, and the risks in predicting

the composition of the housing demand in 4 years time when the units will become available as resident housing.

As the proforma is refined and finalized, this proforma will be updated to provide more certainty regarding sales of the residential product, to ensure that the final unit mix will best meet the resident needs.

Ted Milner reports that historically the Whistler community has absorbed approximately 40 resident housing units annually. As the Legacy Neighbourhood will make available approximately 251 units over a 2 year period – significantly more than 40 units/year – Milner interviewed six of the large employers in Whistler to identify an untapped market for resident housing, in order to reduce financial risks to the project.

Table 7.2 summarizes the findings of Ted Milner's research, which was aimed at identifying a potential resident housing market of mid-level managers that could purchase at the higher price points.

Table 7.2: Potential New Resident Housing Purchasers

Major Whistler Employers	# of Mid-Level Managers	Estimated Interest	Potential Employer Support / Comments
Whistler/Blackcomb	400	50	direct purchase, financing assistance
Fairmont Chateau	50	25	direct purchase, financing assistance
Westin Resort	40	20	direct purchase, financing assistance
Four Seasons	40	15	
Pan Pacific	30	5	
Hilton Whistler	<u>29</u>	<u>15</u>	
Total	589	130	

Discussions with the six employers in Table 7.2 by Ted Milner revealed significant anticipated interest in purchasing resident housing in the Legacy Neighbourhood by mid-level managers, who would be mostly interested in 3 and 4 bedroom townhomes. Many of these managers have had to move their families to Squamish and Pemberton in order to find affordable family housing, and would likely move back to Whistler if they could purchase affordable resident housing in the Legacy Neighbourhood. The estimated interest of 130 families, could provide purchasers for over 1/2 of the resident units. A few of these families may currently be on the Housing Waiting List, but it is estimated that most of them currently are not on the list. This level of interest, in addition to the WHA Housing Waiting List, should reduce concerns about generating sales revenue.

As indicated in Table 7.2, three of the employers thought that they might provide financing assistance to their employees, and further, that these three employers might

directly purchase some units for their rotating staff. Employee surveys are to be implemented to further quantify employee interest in the Legacy Neighbourhood.

As a further way of reducing financial risks associated with development of the Legacy Neighbourhood, Ted Milner investigated the opportunities for presales of units prior to completion of the Games, for both families on the WHA Housing Waiting List and for the mid-level managers identified in Table 7.2. The concept of presales up to two years in advance may be quite workable, notes Milner, especially for families that have homes to sell in Squamish and Pemberton.

Ted Milner's research with the six Whistler employers indicates that some resident housing purchasers will likely want to achieve some growth in resale value, especially those that may purchase at the highest price points, i.e. for 3 and 4 bedroom townhomes, even if it is only to cover costs for upkeep and maintenance.

The following text is excerpted from Ted Milner's report regarding restrictions and appreciation indices:

Barnfield allows appreciation limited by a formula attached to chartered bank prime whereas the Nineteen Mile Creek project capital gain potential is attached to the Lower Mainland Housing Index. Other WHA projects have other formulas for determining capital gain on resale. There has been much controversy on this topic although, regardless of the formula, it's always been clear that upside investment potential would be limited to keep the home at an affordable price for the next employee buyer. To try for some standardization of appreciation formulas, the WHA have passed a new policy attaching appreciation to Canada core CPI.

A number of the points in this section will be briefly summarized and/or referenced in the following section, as they pertain to Financial Risk.

7.5 Financial Risks & Mitigation

Development of a Legacy Neighbourhood at the WOPV provides an opportunity for the community of Whistler to permanently benefit from the free Crown land and the VANOC financial contributions for the Games to develop a sustainable resident community as a legacy of the Games.

As discussed in Section 6.0, Proforma for Whistler 2020 Development of WOPV, a number of proforma scenarios have been developed throughout the project planning process. Early proforma scenarios that were based on the stated project goals and objectives and worked within the context of the understandings in place between RMOW, VANOC and the Province of BC, generated a loss of approximately \$70 M. More recent proformas have attempted to reduce this loss and have moved to a break-even status by changing a number of the previous objectives and/or assumptions.

The Proforma has been presented in this report as an example of ways that are being considered to break even, and to demonstrate their impact on the bottom line. The proforma presented in this report projects a break even scenario. It is important to note again that **the proforma is not the final proforma**, but provides a basis for discussions about ways to develop the final proforma to best meet the needs of the community and the partners, and to continue to reach a break even status.

In this section, discussions of financial risks will make references to the early proforma losses of approximately \$70 M that worked within the current agreements, discuss the proforma, identify mitigative options that have been incorporated into the proforma and some that have not, and identify changes to policy and/or agreements that have been made to achieve a break-even status.

The development of the Legacy Neighbourhood may face a number of risks, ranging from large to small, with many of them interrelated. The more significant risks can generally be summarized as follows:

- 1) Project Size
- 2) Schedule
- 3) Unit Sales
- 4) Breaking Even

A discussion of each of the above general risks is presented below.

Project Size

The development of the Legacy Neighbourhood will provide up to 251 residential units, commercial space, community facilities, and supporting infrastructure, including a new community water system. Expenditures in the proforma total \$131 M.

As stated in Section 1.4, RMOW created Whistler 2020 Development Corporation (WDC), as a separate entity with no legal or political connection to RMOW, to facilitate the delivery of the WOPV for the 2010 Games.

WDC has also been tasked with developing a Master Plan and a Business Plan for the Legacy Neighbourhood, which are the subject of this report. Information prepared through these related planning processes will be used by WDC and RMOW to determine if they are going to pursue development of the Legacy Neighbourhood as part of the development of the WOPV for the 2010 Games.

Section 9.1 of this report presents information on the Organizational Structure of the WDC, which may become the developer for the Legacy Neighbourhood. Overhead costs for the WDC to carry out this role are included in the proforma.

Earlier proforma scenarios considered the viability of having a private developer take on the responsibility of developing the buildings . While this would reduce the level of risk to WDC, the assumed developer's profit of 20% of building costs would add an expenditure of approximately \$22 M in 2005 \$s to the proforma. It is anticipated that further consideration of using a private developer versus WDC being the developer will occur in the finalization of the proforma.

Securing partners in the development of the Legacy Neighbourhood is another strategy for mitigating the risks of a large project. Ted Milner, in his report to the WDC Board, identified the following potential project partners:

- Hotel employers
- Hostelling International
- Whistler Housing Authority
- Housing Developers

Several of the hotel employers have indicated that they may want to direct purchase units for rotating staff, and that they may provide financing assistance to employees purchasing resident housing at the Legacy Neighbourhood. These partnering opportunities should be pursued further.

Hostelling International is interested in developing Building A as a Hostel, as described in Section 2.6 of this report. It is anticipated that the Hostel could provide approximately 5% of the athlete beds needed during Games time. If the Hostel is developed prior to Games time, the WDC could decrease its building program by 5% of the athlete beds, with the resulting reductions in expenditures and sales revenue, and still meet the Games requirements.

No costs or revenues for the Hostel are included in the proforma. However, it is anticipated that Hostelling International would make an appropriate financial contribution to the site development and infrastructure costs that are being incurred in the proforma.

Discussions with Hostelling International should be continued to determine their level of support, and to decide if it is preferable to decrease the WDC scope of work with the participation of Hostelling International.

The Whistler Housing Authority (WHA) is responsible for resident housing in Whistler, renting units owned by the WHA and monitoring title covenants or restrictions on resident-owned units.

The RMOW Housing Review December 2005 in Appendix B presents statistics on the current owned and rental holdings of WHA (Section 2.3) and on the current rental waiting list (Section 3.2).

Earlier proforma scenarios included the provision of rental housing as part of the Legacy Neighbourhood, although rental housing is not included in the current proforma. In an effort to provide a balanced and inclusive neighbourhood, consideration should be given again to including rental housing in the final proforma. The WHA could partner in the development of the Legacy Neighbourhood through purchase of rental units and perhaps other means.

Discussions with the WHA should be continued to determine their level of support for and participation in the project, prior to finalization of the proforma.

Ted Milner's research indicated there is also interest in the project from local housing developers who may be willing to prepurchase speculative market lots. Discussions with local developers should be continued to further define and clarify their interest prior to finalization of the proforma.

Schedule

Development of the WOPV must meet target dates as set out in the Venue Agreements between RMOW and VANOC. Construction of the Legacy Neighbourhood is scheduled to occur over four years, from 2006 to 2009.

2006 construction will include clearing and grubbing and bulk excavation.

2007 construction will include on and off-site infrastructure improvements, including development of the new water system, and the start of vertical construction. Any delays to the work, especially the on-site work, will result in risks to meeting the schedule deadlines and will potentially result in increased costs to the project.

Scheduling problems could also arise due to other forces, such as:

- weather – extended winter weather conditions and/or hot summer conditions resulting in a high fire danger rating, both of which could affect the construction schedule
- workforce shortage – preliminary discussions by Ted Milner with members of the Whistler Home Builders Association indicate keen interest in the project and the availability of skilled and stable work crews; it would be prudent to investigate this issue further to determine the anticipated workforce requirements and to develop a mitigation strategy if shortfalls are expected
- materials shortage – due to the high level of construction in the Vancouver/Whistler area materials shortages may be encountered which could put the project schedule at risk; this risk can be mitigated by careful research regarding anticipated shortages of materials, utilizing materials in the design that are less likely to be the subject of a shortage, and by pre-ordering materials wherever possible; mitigations strategies to address this risk should be developed as the project proceeds

Careful schedule planning may allow significant components of the building development to occur through the winter months, which would keep a more stable workforce at the site, reduce costs, and provide more certainty to the schedule.

Scheduling of the works for the Legacy Neighbourhood must also be done in conjunction with the Whistler Athlete Centre, which will be developed by VANOC at the same site. Clear definitions of site boundaries, contract responsibilities, reporting and communications procedures, and other relevant matters that ensure that the two projects proceed in an orderly and coordinated manner will further reduce risks to the schedule.

In order to meet the proposed construction schedule, negotiations must be completed, agreements concluded, RMOW planning processes implemented, and the proforma finalized over the next several months.

Unit Sales

One of the biggest financial risks of the project appears to be the sale of up to 251 residential units over a 2 year period, in a market that has historically incorporated 40 resident units per year. The annual uptake of 40 units has been based on a limited supply, and does not indicate that this is the maximum uptake capacity. As discussed previously, presales of units and lots to potential project partners would mitigate this risk significantly.

Additional mitigation strategies discussed in Section 7.4 include:

- planning the housing mix to meet the anticipated needs of the community four to five years from now
- building not only for the WHA Housing Waiting List but for those families that have moved away from Whistler to Squamish and Pemberton and would like to move back if affordable family housing is available
- providing a range of housing form, size and tenure
- determining the restrictions and appreciation indexes to be utilized for the resident housing that will encourage sales at all price points
- determining price points that are affordable for those needing housing
- Unit presales

The development of the Legacy Neighbourhood has generated significant public interest and support in the Whistler community. It is anticipated that the Legacy Neighbourhood will be considered a premier neighbourhood to live in, and that sales of the units should not pose a significant risk if the above mitigation strategies are employed.

Breaking Even

A number of mitigation strategies can be developed to improve the financial picture for the Legacy Neighbourhood project and to achieve a break-even performance, including:

- Reducing project costs
- Increasing revenue
- Securing additional funding
- Securing financing assistance

Reducing Project Costs

It may be possible to reduce project costs in a number of areas, including:

- Infrastructure costs – on-site infrastructure costs included in the proforma have been reduced by approx. \$11 M due to revised conceptual layouts; additional on-site cost savings may be realized during the detailed design process, i.e. through use of natural swales instead of storm sewer and other cost saving design measures that also promote sustainability; off-site infrastructure costs should be reviewed to ensure that the design parameters are appropriate to the current proposal and are as cost-efficient as possible to support the financial viability of the Legacy Neighbourhood
- Reducing Works & Service charges – works & service charges due to RMOW have been reduced in the proforma, as discussed in Sections 6.4 and 6.5; these reductions have been approved by the RMOW.
- Building unit rate costs –The unit building rate includes a 10% contingency and an annual 5% inflation and escalation factor, based on a comparison of other resident housing projects in the area; the building unit rate utilized in the proforma includes design fees, a retrofit allowance for conversions needed after Games time, and a 7% green premium; further analysis of the building unit rate should be performed prior to finalization of the proforma to determine if any cost savings can be found in this item
- Reducing unit sizes –some of the proposed unit sizes in the proforma may be larger than market units in the adjacent Spring Creek neighbourhood; reduction of the unit sizes would improve the affordability of the units to prospective purchasers; as well, a smaller loss would result as less space would be delivered at below cost
- Reducing the project scope – if Hostelling International becomes a partner in the project and develops the hostel units that can be used for athletes during Games time, then WDC will be required to provide fewer units to accommodate the Games, and could choose to reduce the scope of the project and reduce both infrastructure

and building costs to reflect that reduced scope of work. This will also result in fewer units to sell

- Additional project efficiency – Reduce amount of roadway and increase availability of fill material

Careful consideration should be given to these ways of potentially reducing project costs to determine if any of them may be appropriate to the situation. Reductions in built space will have a minor impact on the bottom line, mostly in savings on interest charges, as less built space will also result in less sales revenue. However, less built space should result in less infrastructure spending, and infrastructure savings will have a direct and major impact on the bottom line as they are not tied to revenue in the proforma.

Increasing Revenue

There may be opportunities to increase revenue for the project in several ways, including:

- Increasing price points for resident housing – Section 7.4 provided discussion regarding price points and suggested that there may be room to increase the sales price of \$204/sq.ft. in today's dollars to \$230/sq.ft. in 2010 dollars.
- Inclusion of market housing and market lots – Section 7.4 provided discussion regarding the inclusion of market housing and market lots as a means to subsidize the development of resident housing in the Legacy Neighbourhood, and notes that this is fairly standard practice for development of resident housing in Whistler; the proforma includes development and sale of 10% of the project as market lots and residential units for market sale; If necessary for project viability, the percentage of market housing could be increased to generate further revenue; the number of market lots could be increased as well, with additional infrastructure costs offset by additional market revenue for lot sales

Securing Additional Funding

Additional funding for the project may potentially be secured from the following sources:

- VANOC – construction inflation costs beyond the budget established in 2002 are the subject of a funding request to the Provincial and Federal governments; if successful, additional funding beyond the \$26 M will be provided to the WOPV to assist with infrastructure and building costs; it should be noted that the proforma has already included an increased contribution of \$5 million to account for cost escalation.
- VANOC – additional funding from VANOC may be available from the Whistler Athlete Centre budget to assist with infrastructure servicing costs; \$4.5 M within the current

\$19 M budget has been dedicated to the WOPV servicing costs. It should be noted that the WAC budget of \$4.5 M, has not been finalized by the Province and the Federal Government, although it is included in the program.

- VANOC – overlay definition must be concluded between RMOW and VANOC to ensure that the overlay items and associated costs are clearly understood and agreed to between the two parties, and to ensure that any overlay items in the proforma are identified and funded appropriately.
- Hostelling International – development of the hostel in Building A would provide a contribution towards infrastructure servicing costs that would improve the proforma

Each of these sources of additional funding support for the project should be pursued and quantified so that they can be reflected in the final proforma.

Securing Financial Assistance

Financing of the project is a significant factor in the viability of the proforma. The proforma shows a financing cost to the project of \$6M. Financing support may be provided in a number of ways, including the following:

- Province of BC – financial tools have been provided to RMOW by the Province that provide additional revenue that is included in the proforma
- RMOW – credits to works and services charges from off-site works constructed by WDC could provide a source of funding to improve the proforma
- First Nations non-interest loan – as discussed in several sections of the report, including Section 6.8 and 7.2, it has been assumed in the proforma that a \$6.5 M non-interest loan of the contribution to support First Nations housing will be made available for this project
- Whistler Housing Authority – the WHA may be in a position to assist with project financing, and discussions should be held with WHA to determine their level of involvement in the project
- Financing at Provincial borrowing rate – rate to be confirmed

Many of the mitigation strategies suggested in Section 7.4 and Section 7.5 will need the approval of one or more government agencies.

8 COMMUNICATIONS STRATEGY

Whistler 2020 Development Corporation has developed a communications plan with a number of goals and objectives, to ensure that the public and other stakeholders are well informed of the development of the Whistler Olympic & Paralympic Village and Legacy Neighbourhood.

Table 8.1, WDC Communications Plan, illustrates the goals, planned action, timeline, audience, responsibility and status of activities.

Table 8.1: WDC Communications Plan

Key Result Area	Action	Timeline	Audience	Responsibility	Status
Build Support/ Create Awareness	Two page flyer		All		
	Post info on Whistler.ca & update as needed	May – Dec	All	RMOW Communications	Ongoing
	Post RFPs, studies on website		Developer		Ongoing
	Quarterly updates to Council	May/Sept/Dec	All	Board	Ongoing
	Board minutes to Council	Monthly	All	Board	Ongoing
	Media release after Board meetings	Monthly	Media	RMOW Communications	Ongoing
	Brand with integrated logo		Guests, Residents		
Facilitate Understanding	Sustainability backgrounder		Media, Public		
	Key messaging/spokesperson	May	Media	Board	Ongoing
	Local media interviews on draft plan	October	Media	RMOW Communications	
	Biannual updates to organizations		Residents	Board	
Encourage Participations & Input	Draft plan presentation to APC, ADP, WHA	September	Residents, Stakeholders	Board	
	Draft plan publicized	October	Public		
	Public Forum	October	All		
Other	Review plan, build actions for 2006-07	December	NA	RMOW Communications	

The communications plan is currently being updated to address communications goals and activities that reflect the current project status.

9 PROJECT RESOURCES & SCHEDULE

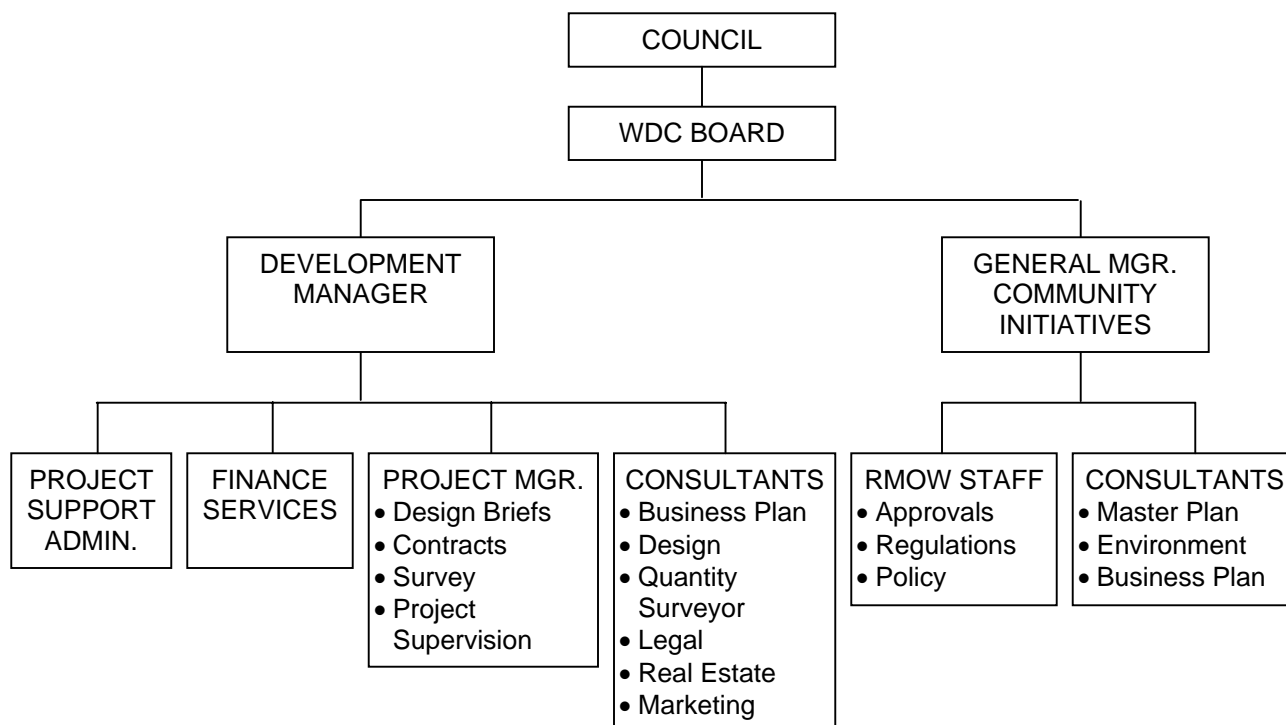
9.1 WDC Organizational Structure

The development of the Whistler Olympic & Paralympic Village and Legacy Neighbourhood will be undertaken by the Whistler 2020 Development Corporation, while the Whistler Athlete Village component of the site will be developed by VANOC.

A primary goal, as articulated by *Whistler 2020 – Moving Toward a Sustainable Future*, is to ensure that the WOPV and Legacy Neighbourhood meet the highest sustainability and design standards possible. The development of the WOPV and Legacy Neighbourhood will include undertaking the on and off-site servicing, zoning the lands, and maintaining the option of subdividing and developing individual parcels. A dedicated team, led by the Development Manager reporting directly to the WDC Board, will manage the project through to successful completion.

The organizational structure for the WDC team will be separate from that of RMOW staff, but will require close liaison. An organizational chart displaying the roles of the Development Manager and project team, and of RMOW staff is presented in **Figure 9.1, Organizational Chart**, below. RMOW staff will remain responsible for approvals, regulations, and policy, while the Development Corporation staff will focus on the delivery of the village.

Figure 9.1: Organizational Chart



The General Manager of Community Initiatives will liaise with the WDC Development Manager and lead the RMOW staff and municipal consultants in the regulations, policy and approvals for the WOPV and subsequent Legacy Neighbourhood. The RMOW staff will utilize consulting services for the completion of the master plan, business planning, servicing and the CEAA process.

The WDC Development Manager will lead all aspects of the development of the project, including: meeting the objectives of *Whistler 2020 – Moving Toward a Sustainable Future*; developing the financial plan and proformas for the development; developing the strategy for delivering the housing and commercial core area and all community facilities; developing Request for Proposals and contract documents for services; managing consultant contracts, tendering of construction contracts and recommend award, monitoring contractual performance; deliver leading architecture, design, and construction and meeting environmental and sustainability objectives; and assisting with public and stakeholder consultation.

The Project Support Administrator will manage the administration and provide support for the project office including administering contracts; preparing Board and Council reports; coordinating payroll services; handling confidential and sensitive real estate, property, and proprietary information; providing clerical support services; developing and administering the project office record keeping systems; managing *Freedom of Information and Protection of Privacy Act* requests; providing executive support to the Development Manager and Project Manager; coordinating meetings and public consultation; and procuring supplies and services.

The Project Manager will prepare site servicing costing models for the WOPV, liaise with consultants on grading plans and roadway design, coordinate the preparation of off-site services design briefs, assist with the coordination of the CEAA process, prepare the EOI/RFP for on-site services, manage survey work, quantity surveys; on-site review and inspection of site servicing, construction and remediation; sign off on site servicing, construction and remediation; and participate in public and stakeholder consultation.

Financial Services to the WDC team will be provided by RMOW staff to develop, implement, and monitor budgets and expenditures; analyzing and managing risks; forecasting budgets and costs; accounting; developing financial controls, procedures and systems for the project; analyzing and managing risks; maximizing external funding for the project; and developing cost and risk controls for the Developer/builder relationship.

The WDC team will utilize consultant assistance for more detailed design work, financial and business planning, legal, real estate, marketing, servicing, survey work, etc.

9.2 Project Schedule

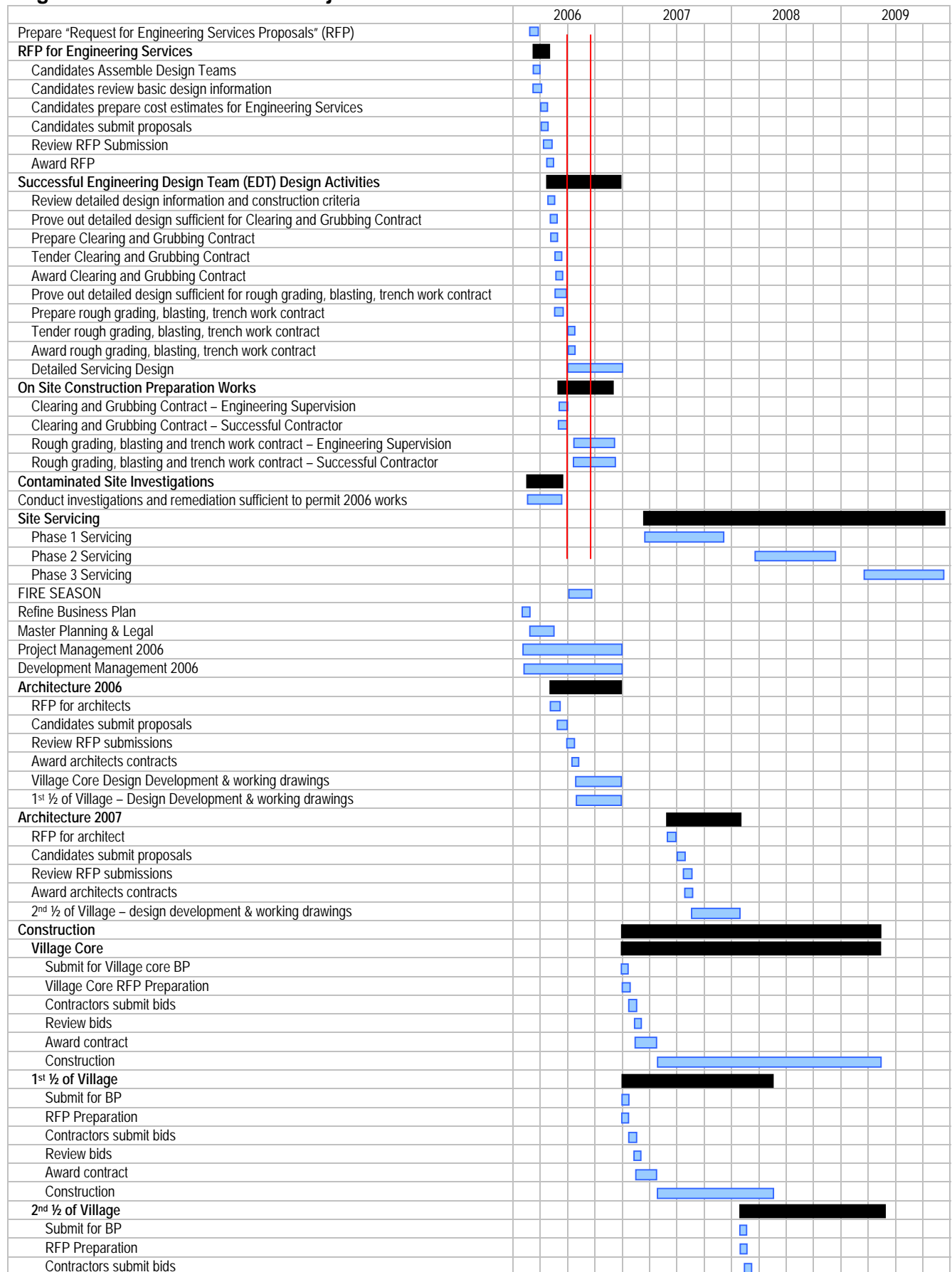
A detailed schedule has been prepared for WDC development of the WOPV, as shown in **Figure 9.2, Detailed WOPV Project Schedule**, on the following page.

A detailed task breakdown is shown by calendar quarter through to the end of the construction, covering the broad categories of planning, engineering, architecture and construction.

In addition to the tasks to be completed, the fire season is shown in red on the schedule from July to mid September 2006, to illustrate the site activities that could be impacted by the fire season. It is anticipated that the fire season will only be a factor in the first year of construction, during clearing & grubbing and blasting activities.

Based on Figure 9.2, it is anticipated that building construction and site development at the WOPV will be completed in Fall 2009.

Figure 9.2: Detailed WOPV Project Schedule



Business Plan for Development of Whistler Olympic & Paralympic Village, Whistler, BC

[illegible]

10 NEXT STEPS

Successful development of the Whistler Olympic and Paralympic Village by the Whistler 2020 Development Corporation will require a number of parallel and coordinated processes, including the following:

- refinement of the proforma for development of the Legacy Neighbourhood by WDC, by Reducing Project Costs, Increasing Revenue, Securing Additional Funding and Securing Financing Assistance, as discussed in detail in Section 7.5 of the report, and ensuring complete integration of the proforma with the design plans
- planning, zoning, subdivision, and other development processes, as described generally in this report and detailed in Appendix C
- site development and construction processes, as detailed in the Section 9.2, Project Schedule and Figure 9.2
- proceeding at risk with procurement of engineering design packages prior to finalization of the proforma, in order to minimize risk to the project development schedule
- completion of the Canadian Environmental Assessment Act process
- implementation of the Landfill Closure Plan
- coordination of the project development with the development of the Whistler Athlete Centre

APPENDICES

Appendix A Master Plan Open House Presentation Framework

Appendix B RMOW Housing Review, December 2005

Appendix C Overview of RMOW Planning Processes

Appendix D Financial Proforma

Master Plan Open House Presentation Framework
(Extracted from Ekistics & BHA Presentation Materials)

1. Introduction
 - a. Bid Process
 - b. Current Agreements
 - c. Athlete Village Development Model
 - d. Communications Plan
2. Planning Process
 - a. Master Plan Project Scope
 - b. Whistler 2020 Guiding Principles
 - c. Roles & Responsibilities
 - d. Planning Process & Schedule
3. 2010 Games Overview
 - a. Games Planning & Lifecycle
 - b. Games Schedule
 - c. Games Statistics
 - d. Whistler Olympic & Paralympic Village Requirements
4. Master Plan Overview
 - a. Site Context
 - b. Site Analysis
 - i. Site Plan
 - ii. Landform
 - iii. Slope
 - iv. Aspect
 - v. Shadow Analysis
 - c. Site Character
 - d. Environmental Review
 - i. Landfill
 - ii. Wetlands
 - iii. Aquatic Resources
 - iv. Plants & Wildlife
 - e. Site Challenges
 - f. Site Opportunities
5. Visioning
 - a. Stakeholder Visioning Workshop
 - b. Consultation with Eldon Beck
 - c. Vision Story Development
 - d. The Vision Story
6. Site Framework Elements
 - a. Connections & Circulation
 - b. Environment, Parks & Trails
 - c. Mountain Access Opportunities
 - d. Village Core Location
 - e. Special Places
 - f. Site Capacity & Potential Yield
7. Concept Development
 - a. Programme Requirements
 - i. Olympic Requirements
 - ii. Legacy Neighbourhood
 - b. Olympic Area Overlay
 - c. Legacy Area Overlay
 - d. Concept Options
8. Next Steps
 - a. Sustainability
 - b. Work in Progress
 - c. Next Steps
9. Discussion



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RMOW Housing Review December 2005

1. Introduction

Community members, policy makers and local media identify housing as a challenge in Whistler. Building, renting, purchasing, and owning a home within municipal boundaries is more costly than many other places in British Columbia, Canada and the United States. High housing prices are not new in Whistler, or unique to the community. In resort towns with geographic and regulatory fetters to housing production, cost has long been viewed as a barrier to homeownership and rental opportunities for local income earners. Thus it is not surprising in Whistler to hear concerns about the lack of affordable housing and calls for action to increase its supply.

Why does Whistler need to provide housing for local income earners? Local citizens demand it for their quality of life, business owners typically require it to attract and retain employees, and elected officials recognize its importance to their community. *Whistler2020* identifies resident housing as fundamental to the town's social fabric and economic stability, and confirms a goal to accommodate 75% of the local workforce within municipal boundaries.

Municipal staff, consultants, and academics have studied Whistler's housing situation and proposed strategies to mitigate the impacts of an inflated real estate market. In 1997 the RMOW established the Whistler Housing Authority (WHA) to develop and manage housing for local employees and permanent residents. The WHA now has an inventory of 1,300 dwelling units. This accommodation is popular: in December 2005 there were 535 households on the WHA's waitlist to purchase a restricted unit.

With community, political and bureaucratic support for resident housing, and an agency in place to ensure its creation and management, Whistler is equipped to address its housing challenge. Yet the years during which these elements have been in place, and the fact that three quarters of Whistler's workers live in the community, have failed to quell resident housing concerns. This report responds by examining 3 related questions:

1. What are Whistler's resident housing needs?
2. Does Whistler's housing meet these needs?
3. What are the appropriate responses?

Consideration of these questions is preceded by a summary of relevant local research, policy and development. Whistler's high costs are attributed to supply constraints in the form of development control, existing land use patterns, and geographic limitations; and demand driven by economic growth and external markets. Short and long term residents have difficulty finding housing that meets their needs. With interdependent variables determining an uncertain future, the report recommends incremental development, flexible land use patterns and regulations, and housing to suit changing living and working arrangements.



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2. Background

Housing is a challenge in every community, but is particularly exigent in resort settings characterized by a transient workforce, tourist activity and many homeowners who live and work elsewhere. Whistler fits this archetype and has been grappling with housing issues through most of its history.

Attempts to better understand and respond to community housing needs include a host of research reports, a variety of policy initiatives and a range of restricted housing projects intended to provide affordable accommodation for residents.

2.1 Research

Though conducted at different times in the community's evolution, by different observers, with different questions and various tools, Whistler's housing research is unanimous in concluding that housing provided by the open market does not meet the needs of local income earners. Land and construction costs make it difficult for residents to buy, build or maintain their own homes; the demand for tourist and vacation accommodation limits availability and drives up the cost of long-term rental housing¹.

2.2 Policy

The RMOW and WHA use various policy and regulatory measures to address the lack of affordable housing identified through their research. These measures aim to increase the supply of employee housing (housing service charge, density bonus), regulate demand (occupancy restrictions) and maintain affordability (price restrictions).

Sample List of Housing Policy / Regulatory Measures	
Year	Initiative
1988	Resident Employee Accommodation Policy
1991	Resident Employee Accommodation Policy
1996	Employee Housing Service Charge By-law
1994	OCP Housing Policies
1994	CDP Housing Policies
1996	Affordable Employee Housing Strategy
1990's	Employee Housing Proposal Call
Ongoing	Section 215 Covenants
Ongoing	Resale Price Control
Ongoing	Housing Agreements
Ongoing	Occupancy Restrictions
2003	Non-Cost Initiatives (Density Bonus)
2005	<i>Whistler2020</i> Resident Housing Strategy
2005	Non-Cost Initiatives (Lot Splits, Duplexes, Multiple Suites)

¹ Anecdotal evidence and WHA records suggest an increasing rental vacancy rate, which indicates tempered demand and may lead to lower rents.



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2.3 Development

Informed by research and controlled with development regulations, Whistler's inventory of restricted housing has grown substantially since the late 1980s. Results in terms of liveability and affordability have been mixed, but these projects succeed in providing less expensive rental and ownership alternatives within Whistler for members of the workforce whose needs are not met through market housing.

3. Demand: What are Whistler's resident housing needs?

Whistler aims to be a premier mountain resort community. This goal includes housing to suit the needs of permanent residents and seasonal employees. What are these needs? Identifying and measuring housing needs is tricky, but *Whistler2020's* "Resident Housing Strategy – Description of Success" provides direction by stating that housing should be:

- Affordable for short and long term residents
- Sufficient in quantity
- Flexible and mixed in design, form and tenure
- Efficient in its use of land, materials and energy
- Located to reduce automobile dependence

The challenge, then, is to provide housing that fits this description and accommodates 75% of local employees.

3.1 Affordability

Housing affordability is most commonly measured relative to household income. Canada Mortgage and Housing Corporation (CMHC) research, for example, suggests that shelter costs are affordable when they account for no more than 30% of gross household income². Other observers suggest that affordable homes cost no more than 6 times median income³. An alternative approach eschews income characteristics and compares housing prices to construction costs⁴. Different definitions of housing affordability imply varying policy responses. Likewise, existing versus prospective homeowners bring different perspectives to affordability.

² Canada Mortgage and Housing Corporation (2005) www.cmhc.ca (9.12.05).

³ Brunt, Richard 2005 "Real Estate Myths Could Hurt Victorians" *Times Colonist* June 13, 2005.

⁴ Glaeser, E & Gyourko, J (2002) *The Impact of Zoning on Housing Affordability* Harvard Institute of Economic Research, Discussion Paper 148.

Doyle, CJ & Hulchanski JD (1989) "The Housing Affordability Gap in Canada: The Need for a Comprehensive Approach" in R. Katz (ed) *Housing In the '90s: Common Issues* Urbana-Champaign: University of Illinois Press 73-84.



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Income characteristics*	1995	2000
Median per capita income	\$20,361	\$27,116
Median household income	\$47,156	\$58,906
Median couple family income	\$71,392	\$75,852
*BC Stats Census Profiles		

Purchase pre-approval amounts of WHA applicants (December 2005)									
\$,000	105-150	151-200	201-250	251-300	301-350	351-400	401-450	451-500	>501
# of applicants	25	78	107	82	59	70	39	28	39
% of applicants	5	15	20	16	11	13	7	5	7

3.2 Quantity

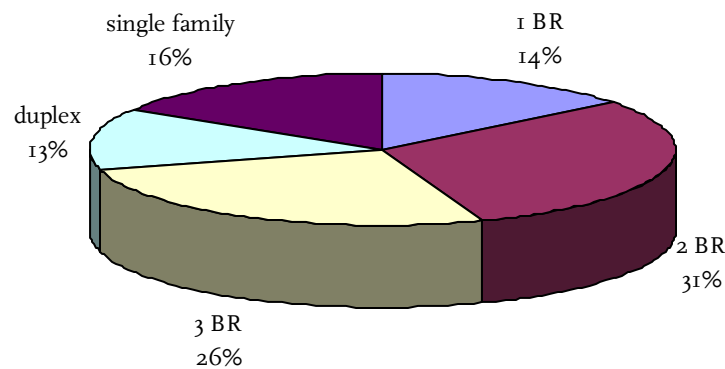
Economic fundamentals suggest a strong connection between housing quantity and affordability: theoretically, increasing the supply of housing to match demand reduces prices. Whistler measures its housing stock by dwelling units and bed units. Depending on the size and type of units, 1000 dwellings could accommodate up to 6000 residents. Similarly, with varying household size and preferences, identical units house different numbers of residents. These factors complicate estimates of housing demand. The WHA waitlist shows a current demand for 535 restricted dwellings units, with a preference for 2 and 3 bedroom units.

WHA Rental applicants for each unit type					
unit type	studio	1 BR	2 BR	3 BR	RGI*
applicants	21	19	11	5	9
%	32	29	17	8	14
*RGI: Rent geared to income					



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**% of WHA ownership applicants for each unit type
- December 2005 -**



3.2 Flexibility

Evidence from less than a decade of observations in Whistler reveals the changing nature of housing demand. A 1997 Needs Assessment suggested that 60% of new employee restricted units should be for rental accommodation, with no detached or duplex dwellings, whereas the 2005 scenario argues for increased ownership and single-family options. Whistler's aging population also demands flexibility and new housing forms to accommodate seniors. *Whistler2020* responds by suggesting that housing design, form and tenure should be increasingly flexible to accommodate, rather than predict, changing needs.

Population Distribution*				Household Size*		
Age	1996	2001	% change	# of person	1996	2001
0-19	16.3	17.5	33.3	1	25	30
20-39	62.3	54.8	9.2	2	38	36
40-64	19.9	25.1	56.3	3	18	16
65+	1.4	2.5	125	4 to 5	17	17
*2003-2004 Monitoring Report				6+	2	1
				*BC Stats Census Profiles		



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3.3 Efficiency

Housing affordability is normally judged by initial purchase price yet energy, infrastructure, and servicing costs affect ongoing expenses⁵. For the municipality and individual residents, building more efficient homes may increase marginally initial capital costs while reducing heating, water supply, waste disposal, and maintenance expenses over time. At the aggregate scale, collections of homes that use land more efficiently can reduce the economic and ecological costs of development.

3.4 Location

Housing location and neighbourhood form influence affordability by facilitating or hindering access to jobs, services and amenities. 80% of jobs in Whistler are based in Whistler Village. Short distances, multiple routes, safe walking and cycling options, and mixed land uses reduce per capita vehicle kilometres traveled, and transportation costs. Households typically spend \$8,000 per annum for each vehicle they own and operate.

4. SUPPLY: Does Whistler's housing meet these needs?

Media and community sentiment suggests that Whistler's housing does not meet local needs. Empirical evidence is required to test these claims and track changing housing needs over time. Drawing on *Whistler2020* strategies and indicators, CitySpaces' 1997 Needs Assessment, the 2004 WHA "Housing Whistler's Workforce" report and Terra Housing's 2005 Needs Assessment, this section of the report provides a summary of relevant housing supply data and a selection of indicators for future consideration. The tables in this section remain incomplete because some of the indicators are proposed, but would require additional local data collection and analysis if deemed appropriate.

4.1 Affordability

Whistler's market housing supply is expensive relative to local incomes. Between 1996 and 2001 the ratio of market home prices to household median income increased from 8:1 to 10:1. In pricey cities like London and San Francisco, this ratio is more like 6:1. Price-restricted units sell for about ¼ the price of market dwellings.

5. RECOMMENDATIONS: Research, policy, development

During the last two decades Whistler has considered many strategies to address the housing needs of resident employees, and implemented a good number. Their success has been mixed

⁵ Marks, Alexandra 2005 "Affordable Housing Goes Green" *Christian Science Monitor* 22 November.



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in terms of community response, ease of administration and actual effect in addressing local housing needs. In this context of notable achievements and remaining challenges, a variety of research, policy and development initiatives warrant consideration.

5.1. Research

Census, taxfiler and assessment data capture population size, demographic characteristics, income profile, and housing stock. These sources do not readily estimate workforce size, housing preferences, the loss of market accommodation currently occupied by locals, the proportion of employees requiring restricted housing, or the flexibility, efficiency and location attributes identified in *Whistler2020*. In addition to tracking key indicators from existing data sources, new and ongoing local research might focus on some of these gaps.

5.1.1. Carry out the attached survey every two years

Terra housing and the WHA conducted a survey of single family and duplex homes in 2004, to understand the housing needs of Whistler's workforce. Repeating this survey over time and adding questions related to local housing preferences and plans should provide new information that is not captured in census or taxfiler data.

5.1.2. Review the WHA Annual Employer Needs Assessment

Local housing policy is driven by the goal of accommodating 75% of the local workforce inside municipal boundaries. The WHA employer survey estimates the size of the workforce and the number of employees that live in Whistler, and could be reviewed to examine different methodologies and collect new information.

5.1.3. Monitor a set of housing indicators

Housing research typically focuses on identifying the appropriate number, type and price of units. These characteristics are important, but can be fickle and subjective. Establishing ideal supply scenarios does not diminish the challenges to achieving them. The RMOW and WHA working together to identify and monitor a concise set of housing indicators consistent with *Whistler2020* could make local research more efficient, instructive and comparable.

5.2. Policy

Whistler's OCP and CDP contain policies to support, guide and regulate the provision of resident restricted housing in the community. Changing demands, along with local and regional growth trends call for policy adjustments. At the same time, the RMOW and WHA should be careful to develop succinct and integrated policies, rather than adding new layers that may scuttle easy administration and implementation.

5.2.1. Clarify the 75% goal



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RMOW housing decisions seek to accommodate 75% of the local workforce within municipal boundaries. This number does not distinguish between the proportion of permanent and seasonal residents living in the community. In 2001, for example, 65% of the permanent workforce lived in Whistler⁶. Nor does it account for the income profile of the workforce, so that Whistler could accommodate three quarters of its employees while leaving the poorest households in inadequate or remote housing.

5.2.2. Establish guidelines for flexibility, efficiency and location

Government efforts to provide housing typically focus on two factors that are difficult to control: number and price of units. *Whistler2020* establishes flexibility, efficiency and location as additional goals for successful resident housing. Whistler Green is set to encourage more ecologically sensitive housing, and should be complemented with policies to ensure that restricted housing is flexible and conveniently located.

5.3. Development

Compared to research and policy, housing development is a special challenge for local government. The private sector will not build affordable housing without public intervention, yet the risk associated with capital investment in housing is not always palatable for public agencies.

5.3.1. Prioritise infill

New neighbourhoods are seductive. They promise efficient delivery of multiple units, unencumbered by the potentially conflicting interests of adjacent homeowners. Their scale also magnifies risk, complicates approvals, requires costly and time consuming planning exercises, and can limit adaptability. Given the low overall density of Whistler's existing neighbourhoods, adding new units through infill (as proposed by non-cost initiatives and road end development) should be technically feasible and, with sensitive treatment, politically acceptable.

5.3.2. Learn from existing projects

The most sought-after restricted housing projects, Spruce Grove, Glacier Ridge, and Beaver Flats duplexes, are close to Whistler's Village or Creekside centres. Their locations offer convenience and low traffic volumes. Unit layout, amenities such as a community garden, and unobtrusive parking also contribute to the liveability and success of these projects. New housing, whether restricted or not, can choose or create locations that offer similar characteristics.

5.3.3. Build for the waitlist

⁶ Terra Housing (2004) *Housing Whistler's Workforce*



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The unit preferences and mortgage prequalification amounts of WHA waitlist applicants indicate the amount, type and price of housing required to meet Whistler's immediate needs. If approved and proposed projects yield 350 units by 2010, and 100 new households sign up each year, there would be approximately 500 applicants in 2010. With efficient land use the Athlete Village, and/or sites identified in the *Comparative Evaluation of Resident Housing Sites*, will accommodate housing required after 2010.

5.3.4. *Accommodate Seniors*

Whistler's aging population demands attention to the housing needs of seniors. Through consultation with the Mature Action Committee, the Rainbow Lands and Shoestring Lodge projects will provide appropriate ownership and rental housing designed for seniors. Additional 2-3 bedroom ownership units should be clustered to create a community with access to required services and support. BC Housing offers limited funding and incentives to develop housing for seniors.

5.3.5. *Maintain flexibility*

RMOW policy aims to house 75% of the workforce within municipal boundaries. A peak season workforce of 17,646 in 2020 would require housing for 13,179 employees. The actual size, income and housing preferences of this workforce are difficult to predict, as is the proportion that will seek restricted units. Whistler2020 suggests that 1850 new restricted units may be required by 2020. Terra Housing's Needs Assessment proposes a target of 973. Economic and demographic changes create uncertainty and conspire to render predictions of future housing need inaccurate. Techniques that respond to uncertainty include incremental development, flexible land use patterns and regulations, and housing to suit changing living and working arrangements. These strategies recommend themselves even in the most predictable scenarios.

Overview of RMOW Planning Processes that will be Required for the Proposed Athletes' Village

(prepared January 25, 2006 by RMOW)

PLANNING PROCESS PROCEDURES

Planning approvals for the Athletes Village will be required to follow the Resort Municipality of Whistler's (RMOW's) planning processes. These processes are outlined below.

It should be noted that many of the RMOW's processes are contingent upon approvals from other levels of government. These processes include but are not limited to: the Canadian Environmental Assessment Act, the provincial Contaminated Sites Regulation, the provincial Riparian Area Regulation, and the Environmental Management Act.

Rezoning and Official Community Plan Amending Process

The process to rezone or to amend the Official Community Plan is summarized in **Table 1**. A number of the steps can run concurrently.

Table 1: Outline of the rezoning and Official Community Plan amending process

Step	Who	Time line
Pre- application meetings	General Manager and municipal staff that will be involved in the project	Depends on the number of outstanding issues. Several meetings may be required over a period of several months.
Completed application submitted.	Applicant	Applicant's discretion
Submit site profile to the provincial government	Project Manager	Municipality will submit a letter along with the site profile requesting permission to proceed with the rezoning application prior to provincial sign-off of the site profile
Staff review and workshop	Project Manager and appropriate staff	Three weeks
Bylaw prepared	Project planner and RMOW legal counsel	Two or three weeks (concurrent with staff review)
Prepare report for Council requesting permission to proceed	Project Manager	One week
Staff report approved for Council agenda	General Manager of Planning and Development and the Clerk's Department	Report must be approved two weeks prior to the Council meeting
Council grants permission to proceed	Council	One day

Step	Who	Time line
Public open house	Project Manager	Three to four weeks after the date of Council approval to proceed
Prepare staff report for Advisory Planning Commission	Project Manager	Within one week after the date of Council approval to proceed.
Present proposal to the Advisory Planning Commission	Project Manager and applicant	Two to four weeks after the date of Council approval to proceed
Prepare Council staff report for first and second reading	Project Manager	Two to three days – staff report must be submitted to the General Manager of Planning and Development two weeks prior to the Council meeting.
Staff report to Council submitted for inclusion on the Council agenda	General Manager of Planning and Development and Clerk's Department	Two weeks prior to the Council meeting
Present staff report to Council for first and second reading of the bylaw.	Project Manager	One day
OCP amending bylaws sent to provincial agencies for review	Project Manager and Planning Clerk	Within one week of first and second reading
Schedule public hearing	Clerk's Department	Approximately one month after first and second reading depending on the number of notices that have to be mailed out.
Submit bylaw to Council for third reading	Project Manager and Corporate Officer	Council meeting following public hearing
Submit zoning amending bylaws that have received third reading to the Ministry of Transportation for approval	Project Manager and Corporate Officer	Within one week of bylaw receiving third reading
Submit all documents, plans, agreements, payments, letters of credit, etc. that are required prior to the adoption of the bylaw	Applicant	Applicant's discretion
Submit bylaw to Council for final adoption	Project Manager and Corporate Officer	Two weeks prior to Council meeting

Subdivision Process

The subdivision process is administered by the Engineering Department. The process is outlined in **Table 2**. The subdivision process can run concurrently with the rezoning

process, however, the subdivision cannot be approved until the rezoning bylaw and Official Community Plan amending bylaw have been adopted by Council. In addition, it may be necessary to obtain a development permit approval from Council for proposed subdivision.

It is important to note that subdivisions cannot be approved until all the requirements of the Contaminated Sites Regulation have been met. At this time there is no indication of how long it will take to fulfill any requirements imposed by the provincial government under the Contaminated Sites Regulation.

Furthermore, the new access to the site is subject to the Canadian Environmental Assessment Act. At this time there is no indication of the amount of time it will take to complete the requirements of the Act.

Table 2: Outline of the subdivision process

Step	Who	Time line
Pre- application meetings	Subdivision approving officer	Depends on the number of outstanding issues. Several meetings may be required over the period of one month
Completed application submitted.	Applicant	Applicant's discretion
Referral to internal and external agencies	Subdivision Approving Officer	Four to six weeks
Staff review and workshop	Subdivision Approving Officer and appropriate staff	Four weeks
Review of revised drawings	Subdivision Approving Officer and appropriate staff	Two weeks
Applicant informed of deficiencies through an e-mail	Subdivision Approving Officer	One day
Applicant makes revisions	Applicant	Applicant's discretion
Preliminary layout approval issued	Subdivision Approving Officer	One week
Applicant meets Preliminary layout approval conditions	Applicant	Applicant's discretion
Final approval	Subdivision Approving Officer	Time lines are dependent on a number of external factors including but not limited to: provincial and federal government legislation and associated approvals, rezoning and Official Community Plan amending bylaw approvals, and development permit approval

Master Plan Adoption

There is no process for master plan adoption. However, the level of detail required at the rezoning stage is almost at a master plan level of detail.

Development Permit Process

Prior to construction, most buildings, with the exception of single family and duplex dwellings, will require a development permit. The development permit process is outlined in **Table 3**.

It is important to note that development permit applications cannot be approved until all the requirement of the Contaminated Sites Regulation have been met. At this time there is no indication of how long it will take to fulfill any requirements imposed by the provincial government under the Contaminated Sites Regulation.

Table 3: Outline of Development Permit Process

Step	Who	Time line
Pre- application meetings	General Manager and municipal staff that will be involved in the project	Depends on the number of outstanding issues. Several meetings may be required over a period of a month.
Completed application submitted.	Applicant	Applicant's discretion
Staff review and workshop	Project Manager and appropriate staff	Three weeks
Staff report prepared for the Advisory Design Panel	Project Manager	Two weeks before Advisory Design Panel meeting
Review by Advisory Design Panel	Advisory Design Panel	From one day to two months
Housing agreement prepared	Project Manager	One day
Staff report prepared for Council	Project Manager	One week
Staff report submitted for inclusion on Council agenda	General Manager of Planning and Development and Clerk's Department	Two weeks prior to Council meeting
Council approval of development permit and housing agreement	Council	One day
Legal documents prepared	RMOW Solicitor	Two weeks to one month
Final plans prepared and submitted to RMOW	Applicant	Applicant's discretion
Permit issued	General Manager of Planning and Development	

Building Permit Process

All buildings, including temporary buildings, will require a building permit. The process is outlined in **Table 4**.

Table 4: Outline of building permit process

Step	Who	Time line
Pre-meeting with plan checker	Plan checker and applicant's architect	One day
Submission of completed application	Applicant	One day
Plan review	Plan checker	One to four weeks depending on complexity of building
Submission of any outstanding documentation	Applicant's architect or engineer	Applicant's discretion
Building Permit Issued	Building Clerk	One day

Summary

The processes outlined above are only a framework. Additional steps may be required depending on the complexity of the application. The time lines indicated in the tables are an approximation. Actual timelines will vary depending on the completeness of the application and the staff workload. The time lines do not account for the time required for the applicant to prepare the necessary documentation including but not limited to: geotechnical reports, flood studies, traffic impact studies, environmental impact reports, site audits, servicing briefs and plans, visual impact assessments, social impact assessments, energy studies, shadow analyses, and financial impact assessments. In addition, there are numerous federal and provincial processes that affect the timelines of the RMOW's processes.



P:\Athlete's village\
pro formas\may2006'

Current Scenario May 2006 - Whistler 2020 is the Site Developer and Builder

1
2

includes all RMOW contributions including 10% market
reduced servicing costs due to reduced road lengths and engineering fees.

Cash flow result (loss)

\$880,738.5

Revised May 26, 2006

Comparison of Unit Costs in 2005\$ and in Future 2010\$

<u>Unit Type</u>	<u>Area in sq.ft.</u>	<u>Selling Price 2005 per sq.ft. @ \$204</u>	<u>Selling Price 2010 per sq.ft. @ \$230</u>
Townhome - 2 Bedroom	1100	\$224,400	\$252,564
Townhome - 3 Bedroom	1400	\$285,600	\$321,445
Townhome - 4 Bedroom	1700	\$346,800	\$390,326
Apartment - 1 Bedroom	650	\$132,600	\$149,242
Apartment - 2 Bedroom	850	\$173,400	\$195,163



Athletes' Village - 2010 Olympics

Table of Contents

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Sheet 2 - Spreadsheet Assumptions and Notes

Sheet 3 - Cash Flow

Sheet 4 - Financial Summary

Sheet 5 - Revenue

Sheet 6 - Site Development Hard and Soft Costs

Sheet 7 - Building Hard and Soft Costs

Assumptions and Notes

- 1 Number of Athletes and Officials - 2065 **athletes in this model** - (this model does not include First Nations housing or Athletes' Centre housing)
- 2 Number of athletes/officials per unit has been optimized
- 3 Works and services charges have been credited back - **approved by RMOW - \$3.0 M benefit**
- 4 No commercial or retail space included
- 5 The current unit mix is as identified below, 10% to be sold as market unrestricted units (2006 price \$500/sf escalated @ 3%/yr).
- 6 This scenario assumes 7 single family lots sold at market rates.
- 7 First Nation funded units and Athlete Centre not included.
- 8 Vanoc Athletes' Centre contribution to site servicing is increased to \$4,500,000 - **subject to Provincial approval**
- 9 Assumes that Vanoc increases contribution to increased costs by \$5,000,000 - **subject to Provincial approval**
- 10 All revenue and costs are inflation/cost adjusted as noted on the Cash Flow worksheet
- 11 A 10% contingency has been applied to all costs. This contingency compounds with the site development and residential building costs which have been inflated by a 5% annual increase
- 12 Base building cost, exclusive of servicing is \$215 per sq. ft.
- 13 Servicing costs are as provided by Gilbey on Dec. 20, 2005 and have been increased to reflect other Municipal charges
- 14 Whistler 2020 Corp. overhead had been included in the Cash Flow as noted
- 15 Taxes, maintenance and strata fees of finished unsold units at \$100 per month where applicable
- 16 Retrofit building costs after the Games is included at \$5.00 per sq.ft.
- 17 Unit Sales/absorption have been assumed to start in 2010 and complete in 2011 (2 years).
- 18 No Developer profit is allocated in this model
- 19 Construction financing at BC Housing rate (3.6%) - **subject to Provincial approval**
- 20 RMOW to contribute \$8.0 M from financial tool fund (hotel tax) - **subject to Provincial approval of financial tools**
- 21 Servicing budget adjusted to reflect road reductions and reduced engineering fees

Decisions available on this sheet (change only the **bold** figures on this sheet)

1. **Number of Athletes**
2. **Number of persons staying in each unit**
3. **Percent of 1, 2, 3, or 4 bedroom units**
4. **Mix of townhomes and apartments by number of bedrooms**
5. **Floor area of each townhome or apartment unit**

1. Athletes' Village - Numbers of People and Permanent Housing to be constructed

Unit Type	Size sq.ft	No. of Units	Size sq.m.	Total Area sq.m.	Olympic Persons per unit	Olympic Bed Count	% of Total	
Townhome - 2 Bedroom	1100	100	102	10,223	8	800	39.8%	
Townhome - 3 Bedroom	1400	63	130	8,197	9	567	25.1%	Inc. 2 athletes in the garage for +/- 50% of units
Townhome - 4 Bedroom	1700	46	158	7,268	11	506	18.3%	Inc. 2 athletes in the garage for +/- 50% of units
Apartment - 1 Bedroom	650	30	60	1,812	4	120	12.0%	Building A
Apartment - 2 Bedroom	850	12	79	948	6	72	4.8%	Building A
		251		28,448		2065	100%	Inc. 2 athletes in the garage for +/- 50% of units
				or 306,100		sq.ft.		

Townhome size does not include garage area

2. Serviced Lot Values

	Number	Selling Price	
Single Family Lots	7	\$ 500,000	No offsetting costs (other than W&S) since these lots are within the serviced area

Cash Flow											
Descisions available on this sheet (change only the bold figures on this sheet)											
1. Adjust Project Price Index											
2. Adjust interest rate applied to cash flow											
3. Subsidy amounts and distribution											
4. Adjust Overhead and Strata fees/taxes											
5. Adjust closing period											
	Project	Notes	2005 Estimate	Project	2006	2007	2008	2009	2010	2011	2012
A. Athletes' Village	Price Index			Rev. & Exp.							
	or unit cost			w/Price Index							
Revenue									50%	50%	0%
									Units Closings	Units Closings	Units Closings
Residential Building Units	3.0%		\$ 69,239,820	\$ 81,471,947	\$ -	\$ -	\$ -	\$ -	\$ 40,133,964	\$ 41,337,983	\$ -
Residential Lots	3.0%		\$ 3,500,000	\$ 4,118,321	\$ -	\$ -	\$ -	\$ -	\$ 2,028,730	\$ 2,089,592	\$ -
			\$ 72,739,820	\$ 85,590,268	\$ -	\$ -	\$ -	\$ -	\$ 42,162,694	\$ 43,427,575	\$ -
Expenditures											
Site Development	5.0%	per annum	\$ 26,887,798	\$ 30,421,065	\$ 7,058,047	\$ 7,410,949	\$ 7,781,497	\$ 8,170,572	\$ -	\$ -	
Residential Building	5.0%	per annum	\$ 65,862,706	\$ 76,304,827	\$ -	\$ 24,204,545	\$ 25,414,772	\$ 26,685,510	\$ -	\$ -	
Whistler 2020 o/h	5.0%	per annum	\$ 2,935,374	\$ 3,540,379	\$ 225,000	\$ 600,000	\$ 630,000	\$ 661,500	\$ 694,575	\$ 729,304	
Strat fees/taxes/maint.	\$ 100	per month	\$ 794,569	\$ 978,900	\$ -	\$ 75,300	\$ 150,600	\$ 301,200	\$ 301,200	\$ 150,600	
Sales and Marketing	3.0%		\$ 2,292,338	\$ 2,967,708	\$ -	\$ -	\$ -	\$ 400,000	\$ 1,264,881	\$ 1,302,827	\$ -
Contingency	10%		\$ 9,648,045	\$ 11,421,288	\$ 728,305	\$ 3,229,079	\$ 3,397,687	\$ 3,621,878	\$ 226,066	\$ 218,273	\$ -
			\$ 108,420,831	\$ 125,634,166	\$ 8,011,352	\$ 35,519,873	\$ 37,374,555	\$ 39,840,660	\$ 2,486,721	\$ 2,401,004	\$ -
Cash Flow											
Annual cash Flow					\$ -8,011,352	\$ -35,519,873	\$ -37,374,555	\$ -39,840,660	\$ 39,675,972	\$ 41,026,570	\$ -
Cummulative Cash Flow					\$ -8,011,352	\$ -35,519,873	\$ -36,356,905	\$ -73,506,413	\$ -32,476,672	\$ 7,380,738	\$ 880,738
Interest on cash flow	3.6%			\$ 5,575,364	\$ -	\$ 451,124	\$ 1,308,849	\$ 2,646,231	\$ 1,169,160	\$ -	
Cash balance before subsidies & Equity					\$ -8,011,352	\$ -35,970,997	\$ -37,665,753	\$ -76,152,644	\$ -33,645,832	\$ 7,380,738	\$ 880,738
VANOC Subsidies	Increased Contribution			\$ 31,000,000	\$ 8,011,352	\$ 22,988,648	\$ -	\$ -	\$ -	\$ -	\$ -
	Athletes' Centre Servicing	Contribution		\$ 4,500,000		\$ 4,500,000					
RMOV subsidies	W&S/ Financial Tools			\$ 11,000,000		\$ 3,000,000	\$ 4,000,000	\$ 4,000,000			
First Nations no interest loan						\$ 6,500,000				\$ 6,500,000	
Cash Balance at year end					\$ -	\$ 1,017,651	\$ -33,665,753	\$ -72,152,644	\$ -33,645,832	\$ 880,738	\$ 880,738
Surplus/loss at end of project				\$ 880,738							

Financial Summary																
Decisions available on this sheet (change only the bold figures on this sheet)																
1. Adjust mix of product ownership/rent using the percent built column																

Revenue																
Note: This sheet indicates revenues for 100% build out as only one form of ownership and the revenue results are used to calculate mixes of revenue in the Financial summary.																
Decisions available on this sheet (change only the bold figures on this sheet)																
1. Adjust rent or sales price																
2. Adjust Cap rate on rental property																
3. Adjust Retail land prices																
A. Athletes Village																
		Size of	Rent Restricted					Sales and User Restricted			Low Sales restricted			High Sales Restricted		
		Units	1	2	3	4	5	Number	Price per	Revenue	Number	Price per	Revenue	Number	Price per	Revenue
		(sq.m.)	Number	Rent/mo	Cap rate	Value as	Revenue	of Units	sq. metre		of Units	sq. metre		of Units	sq. metre	
			of Units	sq.m/mo.	on annual	Income Prop.										
				\$13.45	net income	after 10%disc			\$2,195			\$2,195			\$5,380	
				(\$1.25/sq.ft)	9.0%	to prod. NOI			\$204	per sq.ft.		\$204	per sq.ft.		\$500	per sq.ft.
Residential Unit Types																
Townhome - 2 Bedroom	102	100	\$ 1,375	9.0%	\$ 165,000	\$ 16,500,000	100	\$ 2,195	\$ 22,440,000	100	\$ 2,195	\$22,440,000	100	\$ 5,380	\$ 55,000,000	
Townhome - 3 Bedroom	130	63	\$ 1,750	9.0%	\$ 210,000	\$ 13,230,000	63	\$ 2,195	\$ 17,992,800	63	\$ 2,195	\$17,992,800	63	\$ 5,380	\$ 44,100,000	
Townhome - 4 Bedroom	158	46	\$ 2,125	9.0%	\$ 255,000	\$ 11,730,000	46	\$ 2,195	\$ 15,952,800	46	\$ 2,195	\$15,952,800	46	\$ 5,380	\$ 39,100,000	
Apartment - 1 Bedroom	60	30	\$ 813	9.0%	\$ 97,500	\$ 2,925,000	30	\$ 2,195	\$ 3,978,000	30	\$ 2,195	\$3,978,000	30	\$ 5,380	\$ 9,750,000	
Apartment - 2 Bedroom	79	12	\$ 1,063	9.0%	\$ 127,600	\$ 1,530,000	12	\$ 2,195	\$ 2,080,800	12	\$ 2,195	\$2,080,800	12	\$ 5,380	\$ 5,100,000	
		251				\$ 45,915,000	251		\$ 62,444,400	251		\$ 62,444,400	251		\$ 153,050,000	
Serviced Residential Lots																
Single Family	\$ 500,000	7				\$ 3,500,000	7		3,500,000	7		\$ 3,500,000	7		\$ 3,500,000	
Total Revenue if developed 100% single category																
						\$ 49,415,000			\$ 65,944,400			\$ 65,944,400			\$ 156,550,000	

Site Development Costs								
Municipal Levies								
Fees for admin, legal, subdivision and zoning				\$	250,000	lump sum		
W&S Charges 7 lots \$3,531				\$	24,717			
Professional Fees (Other then Engineering)								
Quantity Surveyor				\$	60,000	for lenders benefit		
Landscape Architect				\$	120,000	lump sum		
Environmental Engineering				\$	140,000	inc. regular monitoring		
Geotechnical Engineering				\$	150,000	lump sum		
Legal & LTO Registrations 258				\$	129,000	\$	500	per unit
Legal Surveyor 258 inc. lots				\$	129,000	\$	500	per unit
Other Engineering 258				\$	100,000	\$	200	per unit
Project Manager				Inc in overhead *				
Architecture fees are in building costs								
				\$	1,102,717			
Gilbey's Estimate								
					Amount	Comment		
1. Onsite Servicing Costs								
1.1 Roads and Related Infrastructure				\$	8,664,684			
1.2 Trails and Walkways				\$	1,398,930			
1.3 Other Utilities								
1.3.1 Off-road Sanitary and Storm Sewer mains				\$	980,100			
1.3.2 Sanitary Sewer pumpstation				\$	1,280,000			
1.3.3 Pressure Reducing Stations				\$	450,000			
1.3.4 BC Hydro Charges				\$	450,000			
1.3.5 Telus Charges Allowance				\$	100,000			
1.4 Miscellaneous Allowances								
1.4.1 Water Feature development				\$	100,000			
1.4.2 Village/Mall Plaza Beautification				\$	1,500,000			
1.4.3 Neighbourhood Park and Equipment				\$	250,000			
1.4.4 Mass Fill in Village Mall area				\$	-			
1.4.5 Import Fill Allowance				\$	-			
1.4.6 Mass Rock Excavation Allowance				\$	4,000,000			

	1.5	Engineering				\$	2,300,846				
	1.6	Contingency				\$	3,435,930				
	Sub-Total On-site Servicing Costs						\$	24,910,490			
	2. Off-site Servicing Costs										
	2.1	Roads and Related Infrastructure				\$	2,006,780	new bridge added for 800k, twining of existing bridge removed 252k (VANOC)			
	2.2	Trails and Walkways				\$	304,990				
	2.3	Water Supply				\$	4,508,946				
	2.4	Sanitary Sewage Collection System				\$	918,500				
	2.5	Other Utilities				\$	50,000				
	2.6	Engineering				\$	899,138				
	2.7	Contingency				\$	1,297,626				
	Sub-Total Off-site Servicing Costs						\$	9,985,980			
	Less: servicing cost savings (see below)						-\$	4,377,833	see below for explanation		
	Total On-site and Off-site Servicing Costs						\$	30,518,637	\$	26,887,796	Gilbey's Est. less ICCA, less contingencies plus municipal and professional fees noted above

Site Development Costs						
Municipal Levies						
Fees for admin, legal, subdivision and zoning			\$	250,000	lump sum	
W&S Charges 7 lots \$3,531			\$	24,717		
Professional Fees (Other then Engineering)						
Quantity Surveyor			\$	60,000	for lenders benefit	
Landscape Architect			\$	120,000	lump sum	
Environmental Engineering			\$	140,000	inc. regular monitoring	
Geotechnical Engineering			\$	150,000	lump sum	
Legal & LTO Registrations						

AthletesVillageBusinessPlanProformaJune2006

	1.5	Engineering				\$	2,300,846					
	1.6	Contingency				\$	3,435,930					
	Sub-Total On-site Servicing Costs						\$	24,910,490				
	2. Off-site Servicing Costs											
	2.1	Roads and Related Infrastructure				\$	2,006,780	new bridge added for 800k, twining of existing bridge removed 252k (VANOC				
	2.2	Trails and Walkways				\$	304,990					
	2.3	Water Supply				\$	4,508,946					
	2.4	Sanitary Sewage Collection System				\$	918,500					
	2.5	Other Utilities				\$	50,000					
	2.6	Engineering				\$	899,138					
	2.7	Contingency				\$	1,297,626					
	Sub-Total Off-site Servicing Costs						\$	9,985,980				
	Less: servicing cost savings (see below)						-\$	4,377,833	see below for explanation			
	Total On-site and Off-site Servicing Costs						\$	30,518,637	\$	26,887,798	Gilbey's Est. less ICCA, less contingencies plus municipal and professional fees noted above	
											This is the raw number used in the project cash flow before project contingencies and inflation factors	
	Servicing Cost savings:											
				units	Rate							
	Eliminate road 3		281	lm.	2,363	\$	664,003					
	Eliminate road 13		170	lm.	2,363	\$	401,710					
	Reduce road 6		125	lm.	2,363	\$	295,375					
	Reduce road 7		200	lm.	2,475	\$	495,000					
	Eliminate road 9		115	lm.	2,363	\$	271,745					
	Reduce engineering fees			ls		\$	1,500,000					
	Reduce mall beautification			ls		\$	750,000					
							\$	4,377,833				

Building Costs

1. A furniture allowance has not been included. If an allowance is applied, it should be converted to a per sq.ft. cost.

A. Athletes Village

				<u>Cost per</u>			
				<u>sq.m.</u>			
		<u>Units</u>	<u>Area</u>	<u>var. to base</u>	<u>Cost per</u>	<u>Cost per</u>	<u>Cost per unit</u>
Residential Unit Types			<u>sq. m.</u>	<u>\$ 2,315.20</u>	<u>sq.m.</u>	<u>sq.ft.</u>	
Townhome - 2 Bedroom		100	102.2	100%	\$ 2,315	\$ 215	236,684
Townhome - 3 Bedroom		63	130.1	100%	\$ 2,315	\$ 215	301,234
Townhome - 4 Bedroom		46	158.0	100%	\$ 2,315	\$ 215	365,784
Apartment - 1 Bedroom		30	60.4	100%	\$ 2,315	\$ 215	139,859
Apartment - 2 Bedroom		12	79.0	100%	\$ 2,315	\$ 215	182,892
		251					
Two storey wood frame c/w att garage		\$ 2,049.20	(\$190/sq.ft)				
Works and Service Charges		\$ 66.00					
Green Premium		7.00%	\$ 150.00				
Retrofit of buildings		\$ 50.00					
Total		\$2,315	per sq. m.				
		or					
		\$215	per sq. ft.				

All costs include Architecture Fees, permits, Condo reconstruction and warranty fees.

RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW
(RESIDENTIAL - LOWER CHEAKAMUS COMPREHENSIVE DEVELOPMENT) NO.
1734, 2006

A Bylaw to Amend Zoning and Parking Bylaw No. 303, 1983

WHEREAS Council may, in a zoning bylaw pursuant to Sections 903, 904 and 906 of the *Local Government Act*, R.S.B.C. 1996, c.323, 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, require the provision of parking spaces and loading spaces for uses, buildings and structures, and establish different density regulations for a zone, one applicable to the zone generally and the other to apply if conditions are met;

NOW THEREFORE the Municipal 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 (Residential - Lower Cheakamus Comprehensive Development) No. 1734, 2006”.
2. The lands that are the subject of this Bylaw are those lands situated in the Resort Municipality of Whistler shown outlined in heavy black on the sketch plan attached as Schedule A to this Bylaw, which lands are rezoned from RR1 (Rural Resource One) to R-LCCD (Residential - Lower Cheakamus Comprehensive Development), and Schedule A to Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 1983 is amended to depict the R-LCCD zoning of the lands including by means of such annotations, legends, and other graphic means as are required to depict the zoning.
3. The Zoning and Parking Bylaw is further amended as follows:
 - a) by adding the following definitions in alphabetical order:
 - i) **“athletes’ centre”** means a facility for the training of athletes, including therapy, rehabilitation, counselling, coaching, instruction, testing, and other similar activities and sports medicine and kinesiology labs, and facilities for community sports, leisure and learning opportunities.
 - ii) **“athletes’ centre accommodation”** means a duplex dwelling, townhouse or apartment for athletes, coaches, trainers, volunteers, other support staff, and the families of any of the aforementioned; using the Athletes’ Centre or other sports and recreation amenities located within the Resort Municipality of Whistler, or the Nordic Centre. In addition, those involved in the delivery of educational or cultural programs within the Resort Municipality of Whistler and students and volunteers associated with such programs may be accommodated in this facility.

- iii) “**child care facility**” means a provincially licensed facility providing a type of child care listed in s.1(3) of the Child Care Licensing Regulation under the *Community Care and Assisted Living Act*, and excludes residential care facilities.
 - iv) “**live work unit**” mean a dwelling unit with attached ground floor space for the conduct of a home occupation.
 - v) “**local service commercial**” means a retail grocery store, florist, video/cable store, postal outlet, coffee shop, retail packaged liquor sales or pharmacy.
 - vi) “**local personal service**” means barbershop, beauty salon, shoe repair, pet grooming, exercise studio, dry cleaning, or laundromat;
 - v) “**professional offices**” means premises for the provision of professional, management, administrative, consulting, financial and health services and includes but is not limited to the offices of lawyers, accountants, engineers, architects, doctors and dentists, and offices for the provision of health services of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature, but does not include premises for the provision of medical treatment services or veterinary services.
- b) by adding to the table of Residential zones in Section 7 the terms “R-LCCD” and “Residential - Lower Cheakamus Comprehensive Development”.
 - c) by adding as Subsection 43 of Section 11 the R-LCCD Zone attached as Schedule B.
 - d) by adding as Schedule M the R-LCCD “Neighbourhood Core” and “Residential Area” map attached as Schedule C.

GIVEN FIRST READING this 21st day of March, 2006.

GIVEN SECOND READING this 21st day of March, 2006

RESCINDED SECOND READING this 1st day of May, 2006.

GIVEN SECOND READING AS AMENDED this 1st day of May, 2006

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this 22nd day of June, 2006.

GIVEN THIRD READING this 4th day of July, 2006.

APPROVED by the Minister of Transportation this 14th day of May, 2007.

ADOPTED by the Council this 18th day of June, 2007.

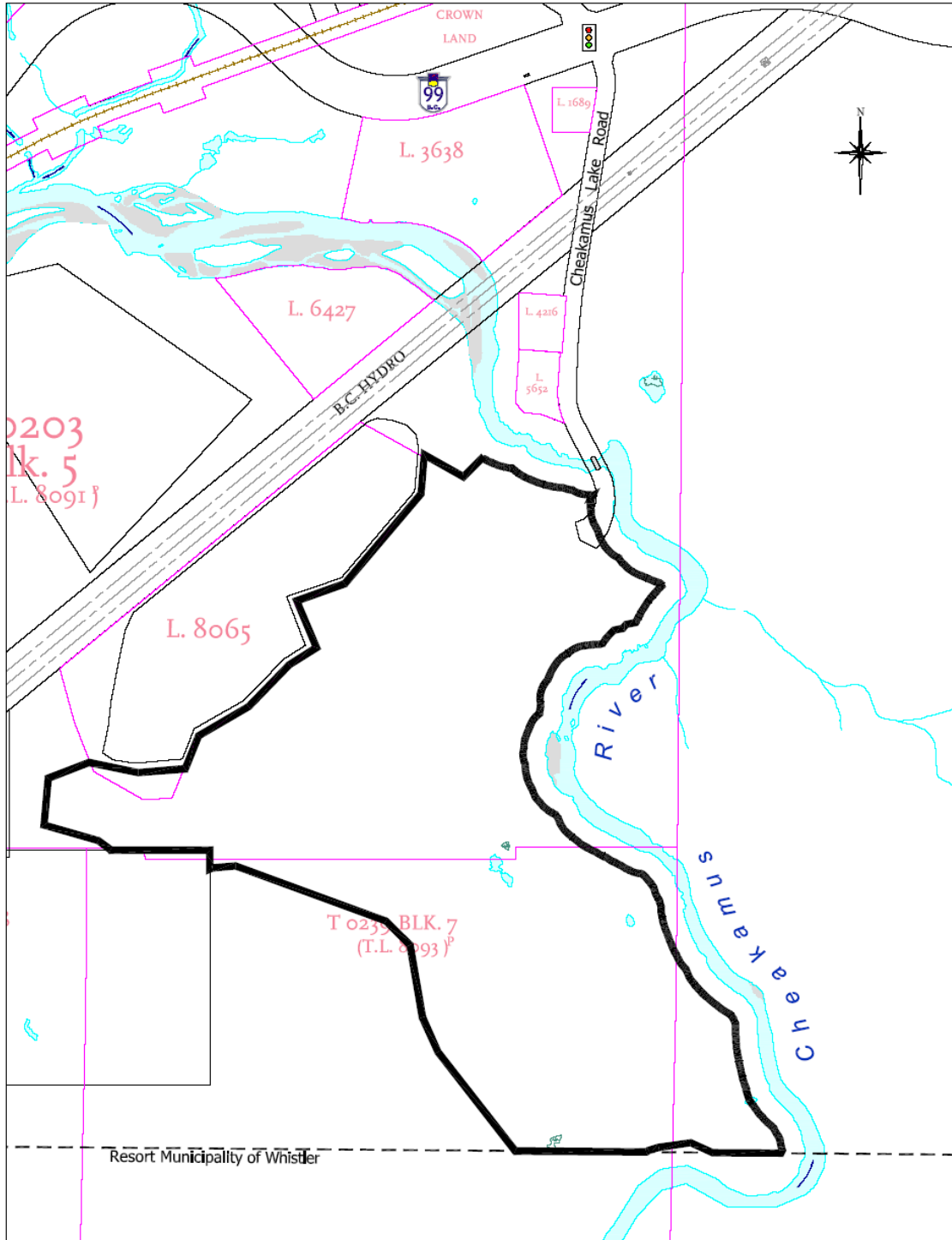
Ken Melamed,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true
copy of "Zoning Amendment Bylaw
(Residential - Lower Cheakamus
Comprehensive Development) No. 1734,
2006"

Shannon Story
Corporate Officer

SCHEDULE A



MAP OF SUBJECT LANDS

SCHEDULE B**R-LCCD ZONE (RESIDENTIAL - LOWER CHEAKAMUS COMPREHENSIVE DEVELOPMENT ZONE)****Intent**

The intent of this zone is to permit the development of a residential neighbourhood in the Cheakamus River corridor, with interim use of the neighbourhood as an “athletes’ village” during the 2010 Winter Olympic and Paralympic Games.

43 In the R-LCCD Zone:

Permitted Uses

43.1.1 The following uses are permitted only within the Neighbourhood Core Area shown hatched on Schedule M, and all other uses are prohibited:

- (a) Apartments
- (b) Athletes’ centre
- (c) Athletes’ centre accommodation
- (d) Auxiliary buildings and uses
- (e) Child care facility
- (f) Community centre
- (g) Duplex dwellings
- (h) Employee housing
- (i) Hostel
- (j) Indoor recreation
- (k) Live work unit
- (l) Local service commercial
- (m) Local personal service
- (n) Neighbourhood Public House
- (o) Park and playgrounds
- (p) Professional offices

- (q) Restaurants excluding drive-in and window sales
- (r) Retail
- (s) Schools (includes satellite college or university building)
- (t) Townhouses

43.1.2 The following uses are permitted only within the Residential Area shown outlined in heavy black line and not hatched on Schedule M, and all other uses are prohibited:

- (a) Apartments
- (b) Auxiliary buildings and uses
- (c) Auxiliary residential dwelling units
- (d) Detached dwellings
- (e) Duplex dwellings
- (f) Employee housing
- (g) Park and playgrounds
- (h) Townhouses

Density

- 43.2.1 In the location depicted as “Neighbourhood Core” on Schedule “M” to this bylaw, the uses permitted under section 43.1.1 (a) through (k), (s) and (t) shall not exceed 30000 square metres.
- 43.2.2 In the location depicted as “Neighbourhood Core” on Schedule “M” to this bylaw, the uses permitted under section 43.1.1 (l), (m), (n), (q) and (r) shall not exceed 1500 square metres.
- 43.2.3 As a further limitation to section 43.2.3 in the location depicted as the “Neighbourhood Core” on Schedule “M” to this bylaw, the use permitted under section 43.1.1(r) shall not exceed 250 square metres.
- 43.2.4 In the location depicted as “Neighbourhood Core” on Schedule “M” to this bylaw, the use permitted under section 43.1.1 (p) shall not exceed 280 square metres.
- 43.2.5 In the location depicted as “Residential Area” on Schedule “M” to this bylaw, the uses permitted under section 43.1.2 (a) through (h) shall not exceed 75000 square metres.

Temporary Commercial Uses

- 43.7.1 The land in the R-LCCD Zone is designated as an area in which temporary use permits may be issued to permit commercial uses of land that are not otherwise permitted in the zone, subject to the terms of the permit, including without limitation commercial and tourist accommodation uses associated with or ancillary to the construction and operation of athlete accommodation and related facilities for the 2010 Winter Olympic and Paralympic Games.

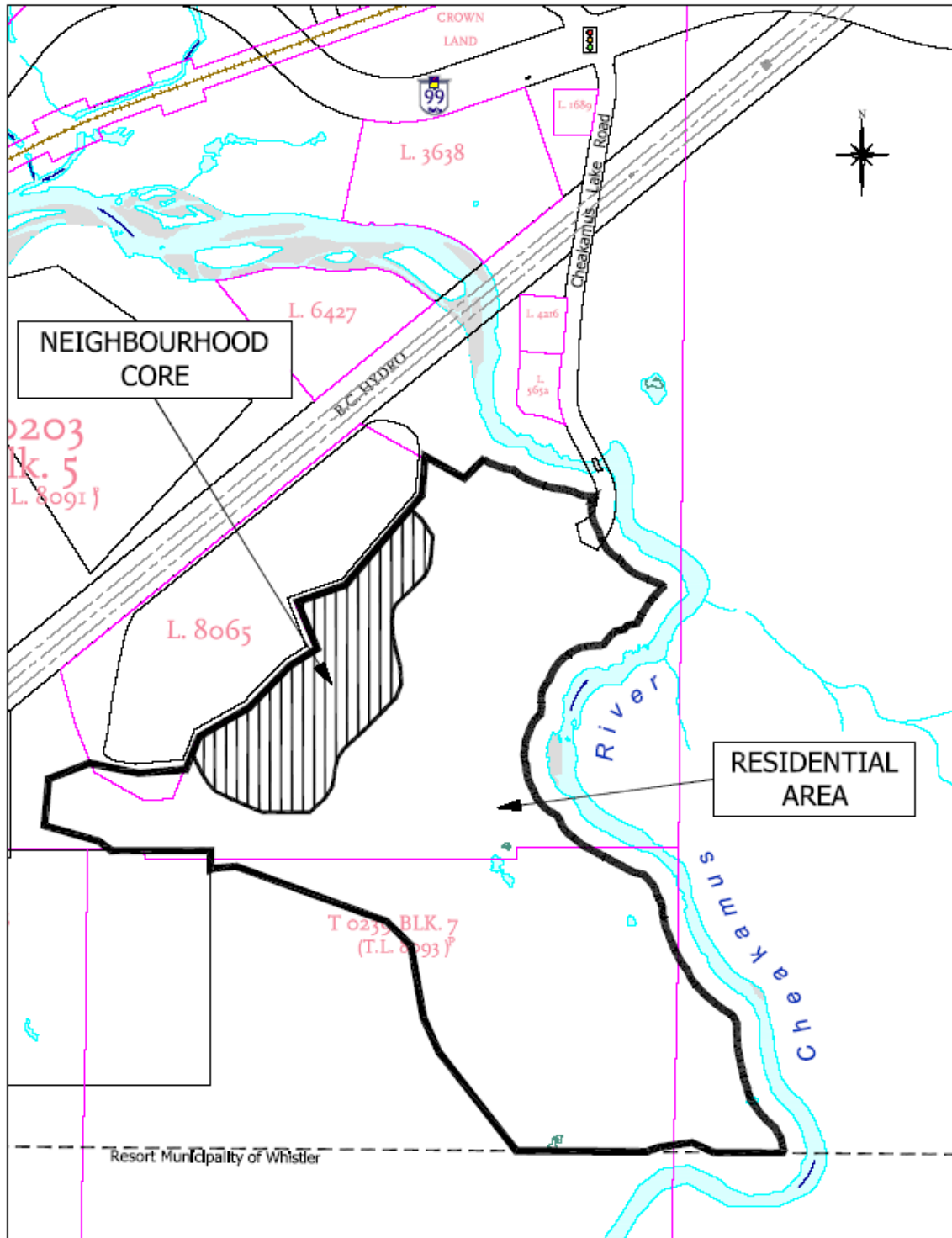
Off-Street Parking and Loading

- 43.8.1 Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Section 6 of this Bylaw except that, in relation to detached dwellings and duplex dwellings, the owner must provide at least 1.5 parking spaces per dwelling unit; and in relation to town house and apartment dwellings the owner must provide at least 75 percent of the parking spaces that would normally be required under this bylaw; and in relation to the uses specified in section 43.1.1 (b) (c), (e), (f), (i), (j), (k), (l), (m), (n), (p), (q) and (r) the owner must provide 75 percent of the number of parking spaces that would be required if the uses were in the CC1 (Commercial Core One) Zone.

Other Regulations

- 43.9.1 Land within the R-LCCD Zone shall not be subdivided unless the density regulations for the Zone are made applicable to the individual parcels created, either by means of amendment of this Bylaw or by means of a covenant registered under s.219 of the *Land Title Act*, such that the density limits set out in Sections 43.2.1, 43.2.2, 43.2.3, 43.2.4, and 43.2.5 cannot be exceeded in the development of the Zone as a whole.

SCHEDULE C
(SCHEDULE M TO BYLAW 303)



“NEIGHBOURHOOD CORE” AND “RESIDENTIAL AREA” OF R-LCCD ZONE



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: March, 21, 2006

REPORT: 06 - 23

FROM: Planning and Development

FILE: RA 453/1734

SUBJECT: LOWER CHEAKAMUS COMPREHENSIVE DEVELOPMENT
(AKA ATHLETES' VILLAGE)

ADMINISTRATOR'S COMMENT/RECOMMENDATION

That the recommendation of the General Manager of Planning and Development Services be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006";

That Council authorize the Corporate Officer to schedule a public hearing regarding "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" and to advertise the public hearing in a local newspaper;

That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler any legal documents identified in this report as being required as a condition of adoption of the zoning bylaw, and further;

That Council stipulate that any consideration of the adoption of "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" be subject to the following:

- 1) Registration of a plan of subdivision at the Land Titles Office creating a land title for the subject site.
- 2) Receipt of a letter from the Province of British Columbia, Ministry of the Environment, indicating that rezoning may proceed notwithstanding the fact that the site profile may not have been approved by Province of British Columbia at the time of adoption.
- 3) Receipt of a letter from the Province of British Columbia, Ministry of Transportation indicating that approval has been granted for access to and egress from Highway 99.
- 4) Submission of a "Tree Preservation Plan" prepared by a qualified professional to the satisfaction of the General Manager of Planning and Development Services.
- 5) Registration of a "Tree Preservation Covenant" in accordance with "Tree Preservation Plan".
- 6) Submission of a letter from a qualified professional engineer stating the appropriate setbacks from hazard areas including but not limited to the basalt bluffs along the western edge of the subject site.
- 7) Registration at the Land Titles Office of a plan and associated legal documents showing the "no build" area along the basalt bluffs along the western edge of the subject site.

- 8) Registration in the Land Titles Office of a “Flood Covenant” that defines the Flood Control Levels (FCL) across the subject site.
 - 9) Registration in the Land Titles Office of an “Employee Housing Agreement”.
 - 10) Payment of any outstanding rezoning application processing fees to the satisfaction of the General Manager of Planning and Development Services.
 - 11) Registration of an “Environmental Monitoring Covenant.”
- all to the satisfaction of the General Manager of Planning and Development Services.

REFERENCE

Owners:	The Crown in the name of the Province of British Columbia
Legal Description:	Portion of District Lot T 0203, Block 5 and a portion of District Lot T0239 Block 7.
Location:	South of the former landfill and west of the Cheakamus River.
Zoning:	RR-1 (Rural Resource One)
Appendices:	“A” Key Map “B” Proposed Master Plan “C” Initial Environmental Review

PURPOSE

The purpose of this report is to provide Council with an overview of an application from The Resort Municipality of Whistler to rezone approximately 42 ha of land in the Lower Cheakamus area from RR-1 (Rural Resource One) to LCCD (Lower Cheakamus Comprehensive Development).

DISCUSSION

The proposed rezoning is required to enable the development of the Athletes’ Village and post Olympic ® neighbourhood. The zoning amendment bylaw is being brought forward to Council at this time to ensure that site servicing can begin this year. Once the master plan has been further refined, a series of detailed amendments to the LCCD (Lower Cheakamus Comprehensive Development) zone will be brought forward to Council for consideration.

The subject site is approximately 43.5 ha. It is bordered on the east and northeast by the Cheakamus River, on the south by the municipal boundary with the Squamish Lillooet Regional District, on the southwest by a series of basalt bluffs and on the northwest by the former landfill site. The subject site is accessed via the Cheakamus Lake Road (Appendix “A”). The site south half of the site features steep slopes with north and east aspects while the north half of the site features an undulating topography with localized high spots.

The site is currently zoned RR-1 (Rural Resource One). The RR-1 (Rural Resource One) zoning allocates 12 bed units to the subject site (six beds per parcel). Additional bed units will be allocated to the site through rezoning.

The proposed rezoning would allow for a variety of residential, institutional, and commercial uses. These uses are outlined in Table 1.

Table 1 – Summary of Proposed Uses in LCCD Zone

	<u>#</u>	<u>Unit Size</u>	<u>Total Area</u>	<u>Athletes/ Unit</u>	<u>Total Athletes</u>
Residential Precinct					
Duplex - 4 bedroom	60	200	12,000	12	720
Townhouse - 2 bd	72	102	7,344	8	576
Townhouse - 3 bd	56	130	7,280	10	560
Townhouse - 4 bd	52	158	8,216	12	624
Single family lots	20	325	6,500	-	-
Duplex - knoll	128	200	25,600	-	-
	388	1,115	66,940		2,480

Village Core

Apartment - 1 bd (bldg A & B)	72	60	4,320	4	288
Apartment - 2 bd (bldg B)	4	79	316	6	24
Apartment - 1 bd (bldg C & D)	32	60	1,920	-	-
Hotel	100	20	2,000	2	200
Townhouses - 2bedroom	20	102	2,040	8	160
	228	321	10,596		672

Athlete Centre

Athlete Centre			1,130		
Gymnasium/community ctr.			1,220		
			2,350		

Retail/office

Building B			900		
Building C			700		
Building D			700		
			2,300		

Live work	12	145	1,740		
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POLICY CONSIDERATIONS**Environmental Review**

An initial Environmental Review (IER) was undertaken by a registered professional on behalf of the applicant (Appendix "D"). The recommendations are found in section 4.2 of the report. Those recommendations that directly affect the site planning include:

“Efforts should be made to preserve the functionality of the recreational trail system; in particular the Riverside and Ridge trail system within the Whistler Interpretive Forest ...”

“A snow removal strategy should be developed in association with any proposed development to ensure that snow removed from roads is not deposited into creeks.”

“Riparian buffers should be established on Cheakamus River, the unnamed tributary of the Cheakamus, and other drainage and wetland areas in accordance with the *Streamside Protection Regulation*. A 30 m setback may be required for the Cheakamus River and to the unnamed tributary to the Cheakamus River. A 15 m setback is recommended for wetlands and intermittent drainages.”

“Development setbacks for riparian areas should be established to address soil erosion, existing and future sedimentation concerns, as well as protect the aquatic and riparian habitat and fisheries values of the riparian areas. No development or clearing of native vegetation should be allowed within the buffer areas, with the exception of approved trail access routes. Adherence to the Land Development Guidelines for the Protection of Aquatic Habitat (Chilibeck et al., 1993), and the *Streamside Protection Regulation* of the *Fish Protection Act*, will facilitate protection of water quality within the natural drainages.”

“A tree preservation plan should be developed that incorporates the specific habitat value of large veteran trees. All large veteran trees should be retained whenever possible, particularly the trees found in Polygons 4, 10, and 11. A number of wildlife trees were observed during site visits. Wildlife trees within riparian boundaries will be retained in accordance with applicable federal, provincial, and/or municipal legislation; however, wildlife trees located elsewhere on the study site should be retained where possible.”

“Vegetation should be retained wherever possible, particularly within the riparian and wetland areas. However, it is also recommended that mature forest areas outside of the riparian setbacks be maintained if possible. Retention of vegetated areas will facilitate wildlife movement through the site, from Whistler Interpretive Forest, Cheakamus River and Miller Creek Wetlands, and retain breeding and foraging areas.”

“The status and implications of the RMOW PAN initiative should be further defined to provide site planners with a clear direction regarding goals and objectives for preservation and habitat management in the study area.”

“Wetlands and their associated riparian vegetation buffers should be retained and enhanced where possible to restore their functionality.”

“Impacts to local bear populations may be avoided if setback areas are established for riparian areas, and proposed wildlife corridors are maintained. A “Bear Smart” program should be included in the planning process.”

“Raptor nests such as Cooper’s hawk, northern goshawk, great-horned owl, and others found during clearing must be adequately protected by a forested buffer while occupied.”

Traffic volumes and patterns on the local road system and Highway 99

A traffic study has not been commissioned, however, the applicant will meet with the British Columbia Ministry of Transportation on March 15, 2006 to discuss access to and egress from Highway 99.

Overall patterns of development of the community and resort

The proposed development will create a neighbourhood that will potentially accommodate between 1500 and 2000 permanent residents. In addition, the hotel accommodation associated with the Athletes' Centre could accommodate between 200 and 300 athletes on a short term basis. The residents will be supported by up to 2,300 m² of retail and office space. The proposed zone would allow for "personal services", "professional offices", "public institutions", "restaurants", "retail", and "sports equipment rentals".

Municipal Finance

Council will be apprised of the impacts of the proposed development on municipal finance in a separate staff report.

Views and scenery

The proposed development is located in a valley bottom, therefore, it will have a variety of distant views.

Existing recreation facilities

The site currently contains a variety of hiking and mountain bike trails. Snow shoeing and cross country skiing are available in the winter. The reach of the Cheakamus river adjacent to the subject site is a world class kayaking course.

Employee housing

Approximately 476 resident restricted housing units are proposed for the site. The housing forms will be a combination of duplex, townhouse, and apartment (Table 1).

Heritage resources

An archeological survey of the subject site was completed. No sites of interest were identified. The site does contain the whistler Interpretive Forest.

Official Community Plan Designations

The South Cheakamus Bench lands are designated as development permit areas with the following designations:

As an area for the establishment of objectives and the provision of guidelines for the form and character of commercial and multiple residential development;

As an area for the protection of development from hazardous conditions;

As an area for the protection of the natural environment, its ecosystems and biological diversity.

In addition:

Schedule D-3 identifies part of the northern portion of the site is designated for "material extraction".

Schedule F-3 identifies existing and proposed trails through the site.

Schedule I-3 identifies the entire portion of the subject site located in District Lot T 0203, Block 5 as a solid waste disposal site.

Schedule L-3 identifies the Cheakamus River as a significant "water course".

Schedule M-6 identifies the riparian area of the Cheakamus River as "severe" environmental constraint.

Schedule N-6 identifies the Cheakamus River as "severe" development constraint.

Whistler 2020

The proposed rezoning will provide a significant opportunity for Whistler to reach its goal for housing 75 percent of its workforce.

Enriching Community Life

Whistler 2020 states that, “The new and expanded neighbourhoods were designed for livability, with live-work opportunities, common gardens, playgrounds, parks, and access to nature that make Whistler a desirable place to live, and draw enthusiastic and community-oriented residents. The neighbourhoods are mixed-use, compact and pedestrian friendly, offering easy access to convenience retail, community facilities, transit, and connections to the Valley Trail. Creatively placed community spaces encourage personal interaction.” Many of these elements have been built into the design of the proposed athletes’ village. The proposed village will meet or exceed the gold level of the draft LEED guidelines for neighbourhoods.

BUDGET CONSIDERATIONS

Budget considerations will be submitted to Council in a separate staff report.

SUMMARY

The proposed rezoning will help create an environmentally sustainable village for the athletes who will stay there during the 2010 Winter Olympics ®. Following the Olympics ® the Athletes’ Village will become an integrated neighbourhood featuring a large number of initiatives aimed at meeting Whistler’s goal of becoming a more sustainable community. The rezoning bylaw is being brought to Council at this time in order to facilitate site servicing. As the master plan is refined through the design process further amendments will be brought forward for Council’s consideration.

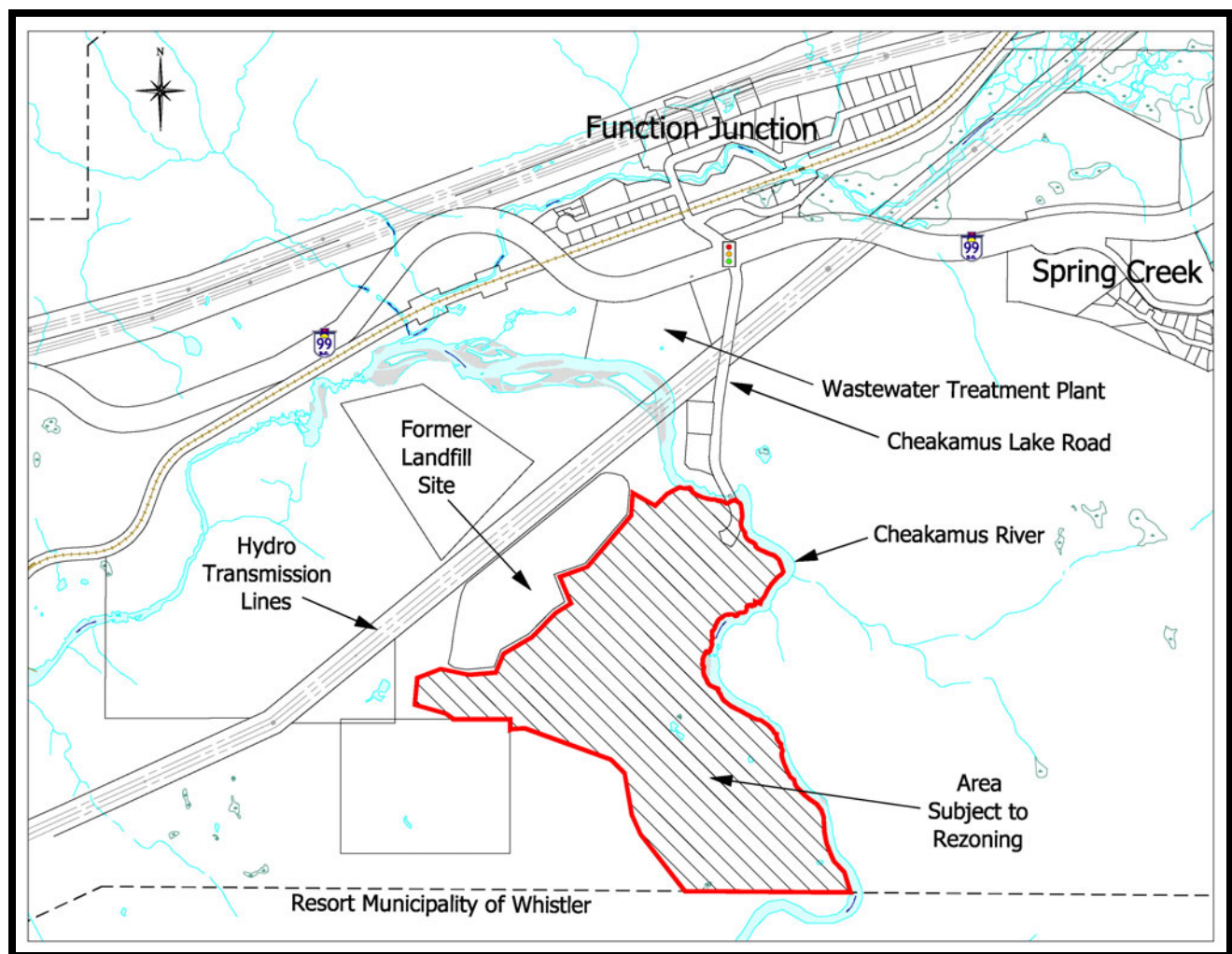
Respectfully submitted,

Bill Brown
Manager of Current Planning
for
Robert MacPherson
GENERAL MANAGER OF PLANNING & DEVELOPMENT SERVICES

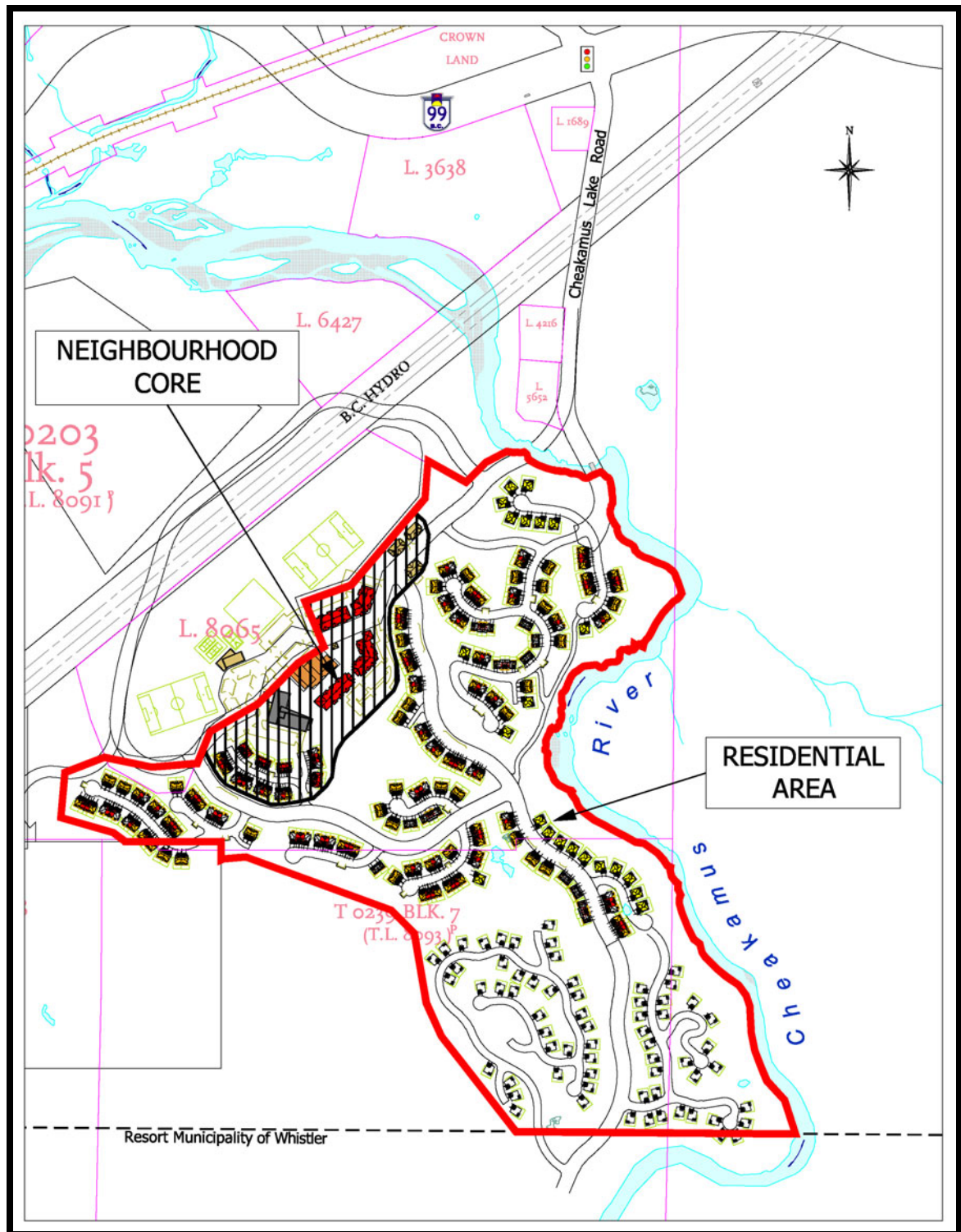
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Key Plan



Appendix "B"



Initial Environmental Review:

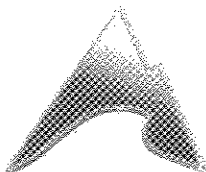
Athlete's Village Project Whistler, BC

DRAFT

Prepared for:

**Athlete's Village Development Corp.
4325 Blackcomb Way
Whistler, BC
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Prepared by:



CASCADE ENVIRONMENTAL RESOURCE GROUP LTD.

**3-1005 Alpha Lake Road
Whistler, BC
V0N 1B1**

File #: 269-03-01

May 16, 2005

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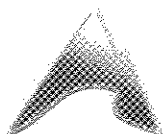


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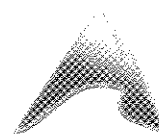


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Statement of Limitations

This Document was prepared by **Cascade Environmental Resource Group Ltd.** for the account of **Athlete's Village Development Corp.**

Should this report contain an error or omission then the liability, if any, of Cascade Environmental Resource Group Ltd. should be limited to the fee received by Cascade Environmental Resource Group Ltd. for the preparation of this document. Recommendations contained in this report reflect Cascade Environmental Resource Group Ltd.'s judgment in light of information available at the time of study. The accuracy of information provided to Cascade Environmental Resource Group Ltd. is not guaranteed.

Neither all nor part of the contents of this report should be used by any party, other than the client, without the express written consent of Cascade Environmental Resource Group Ltd. This report was prepared for the client for the client's own information and for presentation to the approving government agencies. The report may not be used or relied upon by any other person unless that person is specifically named by Cascade Environmental Resource Group Ltd. as a beneficiary of the report, in which case the report may be used by the additional beneficiary Cascade Environmental Resource Group Ltd. has named. If such consent is granted, a surcharge may be rendered. The client agrees to maintain the confidentiality of the report and reasonably protect the report from distribution to any other person. If the client directly or indirectly causes the report to be distributed to any other person, the client shall indemnify, defend and hold Cascade Environmental Resource Group Ltd. harmless if any third party brings a claim against Cascade Environmental Resource Group Ltd. relating to the report.

This document should not be construed to be:

- ▲ A Phase 1 - Environmental Site Assessment;
- ▲ A Stage 1 - Preliminary Site Investigation (as per the Contaminated Sites Regulation of the Environmental Management Act);
- ▲ An Environmental Impact Assessment.



1.2 The Project Team

Mark Wittenberg, R.P.Bio., Cheryl Bullock, B.Sc. B.I.T., Jon Turner, B.A. B.I.T. and Brenda Andres, B.Sc. B.I.T., formed the field study team and conducted the site investigations and cursory raptor survey for the project. Support and review was provided by Mike Nelson, R.P.Bio and Dave Williamson, B.E.S., Certified Terrestrial Ecosystem Mapper. Tracy Howlett, B.Sc. (GIS), Chris McDougall, B.Sc. (GIS) constructed applicable maps and conducted initial orthophoto site reconnaissance. All project team members have extensive experience in conducting environmental inventories, reviews and assessments.

1.3 Methodology

An on-site reconnaissance of the study area was conducted on April 13, 18, 19, 20, 22, and 29, 2005. Terrestrial ecosystem mapping (TEM) principles (BC MELP, 1995) were employed to identify and delineate ecosystem units and define their distribution within the study area. Vegetation polygons on the subject site, previously identified from orthophoto analysis and Resort Municipality of Whistler (RMOW) Whistler Ecosystem Mapping (WEM), were investigated in the field (ground-truthed) using transects that passed through all of the ecological units found in the project area.

Terrestrial Ecosystem Ground Inspection Forms (GIF) were used to describe the site vegetation, soil, tree mensuration, and geomorphic features unique to each ecosystem unit within the study area. To ensure accurate descriptions of the current environmental conditions on the property and to reflect updated environmental reporting standards, a recent high definition (0.125 m pixel size) colour orthophoto (McElhanney, 2003) was used for ecosystem unit interpretation.

Wildlife was identified by visual observation, songs, tracks and feeding signs. Potential wildlife use not observed during the site reconnaissance has been inferred from available habitats, local information, and known distributions. Valued ecosystem components such as riparian corridors, and first growth (i.e., veteran) trees were also noted during the survey. A cursory raptor survey was also completed as part of the site reconnaissance.

As part of the IER, CERG conducted a survey of the water bodies within the study area including streams, wetlands and ephemeral drainages. The survey involved determining the water bodies' connectivity to fish bearing waters, sampling the water body for fish presence and noting basic biophysical characteristics of the system.

1.4 Project Components

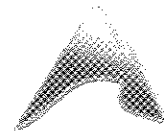
The athlete's village site is located in the Function Junction area, south of Whistler, BC. The study area includes the current Whistler landfill, portions of the Whistler Interpretive Forest and other undeveloped crown lands. The study area is bounded to the north, east and west by the Cheakamus River and to the south by the Whistler Interpretive Forest; the remainder of the Whistler landfill and other undeveloped crown lands. A BC Hydro right of way bisects the study area in a northeast / southwest direction.

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1.0 INTRODUCTION

1.1 Background

The Athlete's Village Development Corporation is presently in the design stage for the development of an athlete's village to be located in the Lower Cheakamus precinct of Whistler, BC. The village will house athletes and officials attending the 2010 Winter Olympic Games and Paralympic Winter Games, and will become a permanent Whistler neighbourhood, showcasing leading edge planning and building practices. The proposed development would include all, or portions of District Lot 6427, 6428 T0203 BLK5, T0237 Blk7. The proposed athlete's village could include the following components:

- ^ Residential Units,
- ^ Polyclinic and Village Operations,
- ^ Dining Areas,
- ^ Workshop and Storage Areas,
- ^ Fit-out Ops and Tech Compound,
- ^ Training Areas,
- ^ Entertainment Areas,
- ^ Commercial Areas and Parish,
- ^ Material Handling and Transfer Areas,
- ^ Housekeeping Areas,
- ^ Accreditation and Day Offices
- ^ Media and Security Areas,
- ^ Driver's Lounge,
- ^ Team Storage,
- ^ Cleaning and Waste, General Site Storage & Maintenance,
- ^ Transportation Mall,
- ^ Various Parking Areas, and
- ^ Roads, Bridges & Servicing

The proposed development would include both permanent and temporary facilities, resulting in a total developed area of approximately 100,000 m².

Mike Vance, Athlete's Village Development Corporation, retained Cascade Environmental Resource Group Ltd. (CERG) to conduct a Baseline Environmental Assessment (also referred to as an Initial Environmental Review under Schedule "O" of the Resort Municipality of Whistler's Official Community Plan) for the Athlete's Village Project. The assessment includes the documentation of existing environmental conditions on the subject property as well as the identification and delineation of environmentally sensitive areas (ESA's) and ecologically significant habitats and will provide a basis for project review through the Canadian Environmental Assessment Act process.

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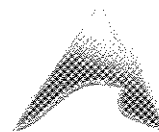
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Initial Environmental Review
Athlete's Village, Whistler, B.C.
Prepared for Athlete's Village Development Corp.

File #: 269-03-01

DRAFT
May 16, 2005



Page: 3

The study area lands to the south and north of the municipal landfill are comprised of slightly to moderately sloping topography with bedrock outcroppings, benches, talus slopes, bedrock controlled basin wetlands and drainage areas. Watercourses within the study area include a tributary of the Cheakamus River, various ephemeral drainages and bedrock controlled wetlands.

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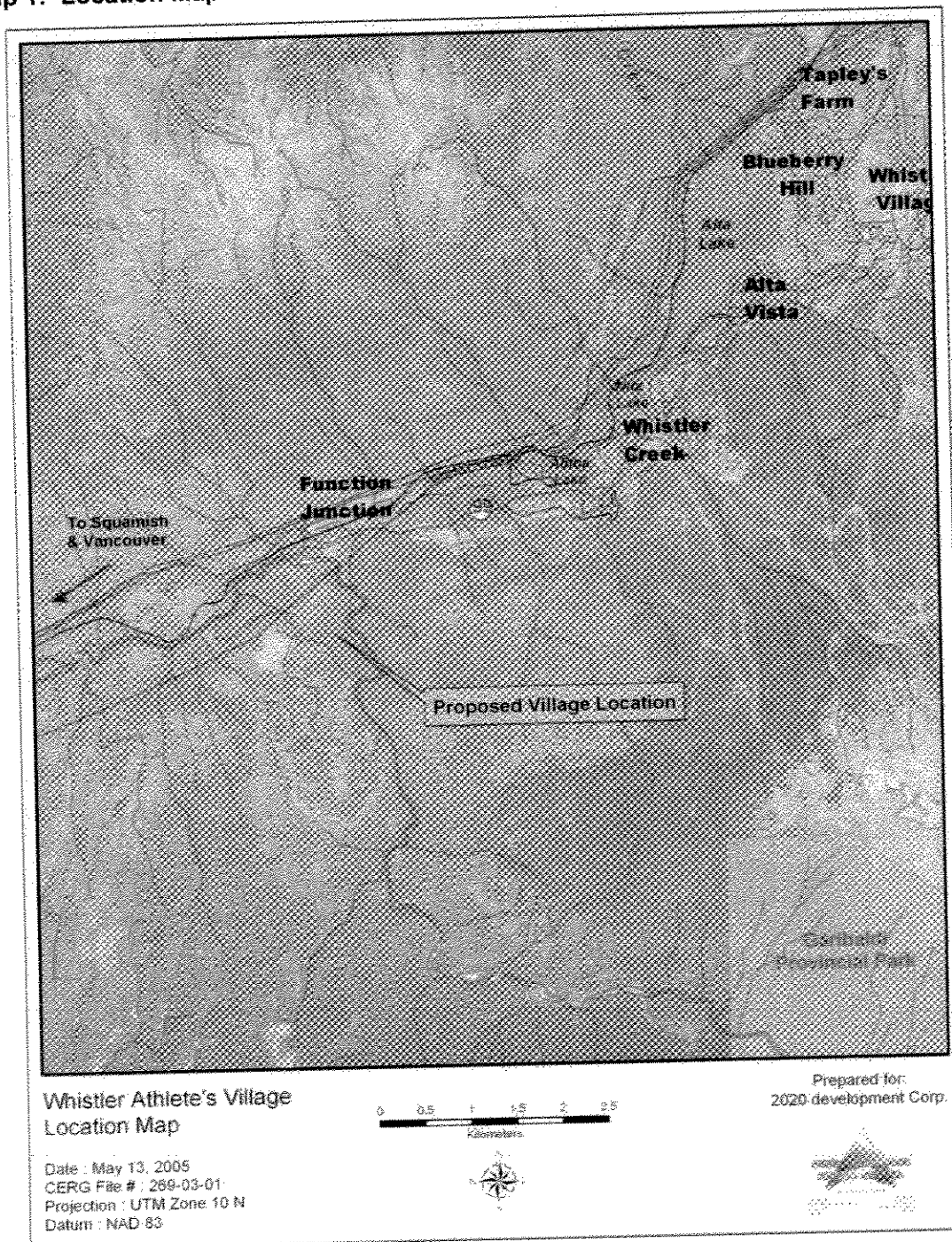
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Map 1: Location Map



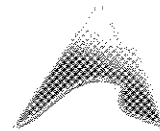
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Initial Environmental Review
Athlete's Village, Whistler, B.C.
Prepared for Athlete's Village Development Corp.

File #: 269-03-01

DRAFT
May 16, 2005



Page: 5

Map 2:

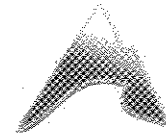
Existing Environmental Conditions

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2.0 EXISTING ENVIRONMENTAL CONDITONS

2.1 Cultural Environment

2.1.1 Heritage

Heritage use of the site is limited to past timber harvesting activities. The Whistler Interpretive Forest is located on the southeastern portion of the study area. A joint project of the BC Ministry of Forests, RMOW, and Western Forests Products Limited, the interpretive forest is a self guided interpretive route of a working forest. Logging has been documented in the area as early as 1958. The forest includes stands of old growth as well as plantations of differing ages. The ongoing operations within the forest include the regeneration of logged areas with appropriate tree species; insect and disease prevention; fuel management and fire prevention; and fish and wildlife habitat protection.

No heritage features were identified during the field investigation. A heritage/archaeological investigation was conducted in the form of an Archaeological Overview Assessment, dated November 19, 2004 and was completed for the study area by ARCAS Consulting Archaeologists Ltd. The assessment determined that the Lower Cheakamus and Lands South (Athlete's Village Lands) have a low potential for archaeological sites, based on the results of a literature review and site reconnaissance. Discussions with ARCAS indicated that up-dating of the study would not be necessary for this IER (pers comm. G. Howe, March 31, 2005).

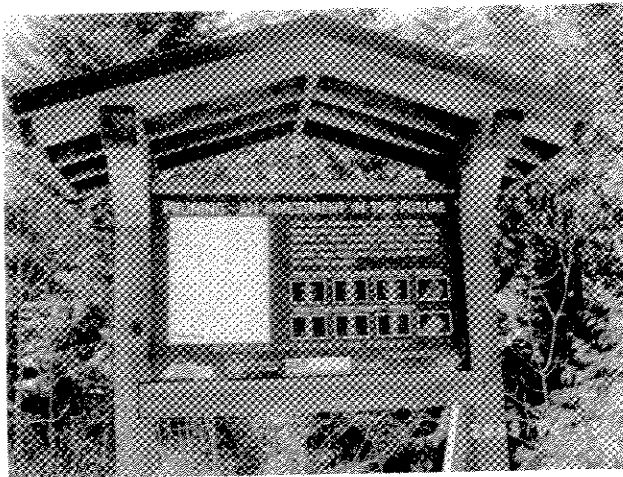


Photo 1: Signage found within the Whistler Interpretive Forest.



Photo 2: Evidence of logging found throughout study area.

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2.1.2 Recreation

The proposed Athlete's Village site and surrounding areas are used year round by locals and tourist for various recreational activities. The southern portion of the site is located within the interpretive forest which contains a multiuse trail (an approach to Ridge Trail) following an approximate north – south orientation, as exhibited in Map 2. Other multiuse trails found within the study area include the trail "Trash" which follows the south bank of the Cheakamus River.

The Whistler Interpretive Forest provides many recreational opportunities including sightseeing, hiking, and mountain biking in summer months, and cross country skiing, snowshoeing and snowmobiling in winter months. Riverside Trail, Ridge Trail, Highline Trail and Crater Rim Trail are used for these recreational pursuits. To the south of the property the Cheakamus River suspension bridge links the Riverside East and West trails and provides a spectacular scenic opportunity. Loggers Lake, also found within the interpretive forest, provides angling and swimming opportunities.

The Cheakamus River, located to the east, north and west of the site provides kayaking opportunities. The main kayaking run starts at a designated kayakers put-in just north of Loggers Lake and finishes where the Cheakamus Lake Road crosses the Cheakamus River (i.e. near the entrance to the Municipal Landfill). This kayaking run is considered to be a world class run and one of the best kayaking runs in British Columbia (Donny Butler, Captain Holidays Kayak School, pers. comm., April 2005). Downstream of the sewage plant on the Cheakamus River is a waterfall that is run regularly by kayakers and is often used by the film industry for film shoots. Another unique feature found in the area of the Cheakamus River is a series of memorial plaques at House Rock for Whistler locals who have passed away in kayaking and skiing accidents.



Photo 3: Trailhead leading to Ridge Trail at southern boundary of study area.



Photo 4: Whistler Interpretive Forest suspension bridge over the Cheakamus River.

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Photo 5: View of
the Cheakamus
River from the
suspension
bridge.

2.1.3 Whistler Municipal Landfill

The RMOW municipal landfill is located in the centre of the study area on a 34.1 ha parcel of leased crown land. The landfill includes sites for municipal waste, construction waste and a septage (liquid) waste facility that was decommissioned in 1995. According to the Whistler Landfill Closure Plan (Sperling Hansen Associates, 1996) approximately 9,200 tonnes of municipal waste and 4,427 tonnes of construction waste are deposited annually. The RMOW is anticipating the closure of the landfill in the near future. The closure plan includes the installation of a cover system to reduce leachate production. The proposed cover consists of a PVC membrane laid down on a sand cushion layer which is then capped with an upper sand cushion/drainage layer and 300mm of topsoil. According to Sperling Hansen Associates (1996), this type of cover system will reduce leachate production at the landfill by approximately 93% to 1,778 m³ per year. In addition to the cover for the land fill, a run-off diversion pipe will be installed to intercept surface water flow upstream of the landfill to reduce leachate production. To reduce the long term impact of leachate seepage into the Cheakamus River a major upgrade to the leachate collection system at the landfill site will be included as part of the landfill closure. It is anticipated that the closure of the municipal landfill site will take approximately 3 years.

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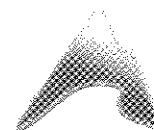
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2.1.4 Whistler Municipal Wastewater Treatment Facility

Although located outside and adjacent to the study area, the RMOW wastewater treatment plant is identified in this study due to the presence of detectable levels of odour noted during the field visits.

2.2 Physical Environment

2.2.1 Climate

The study area lies within the Eastern Pacific Range Ecozone of the Coast Mountains Ecoprovince in southern British Columbia (Demarchi, 1993). The climate is principally influenced by frontal systems moving in from the Pacific Ocean and over the Coast Mountains to the Interior. The Whistler Valley lies within the Coastal Western Hemlock (CWH) biogeoclimatic zone in the moist subarctic (ms1) variant. Summers are typically warm and dry and winters cool and moist with significant snowfall. The growing season is moderately short due to significant snowfall accumulation in the winter months. Mean annual snowfall for Whistler is 411 cm, falling from October to May while the mean annual rainfall precipitation is 850 mm (Environment Canada, 2005).

2.2.2 Geology

The site is located within the Coast Plutonic Complex of the Cenozoic-Mesozoic eras. The bedrock geology on the subject site is Pliocene to Holocene epoch basaltic volcanic rocks of the Garibaldi Group with areas of Late Jurassic period quartz dioritic intrusive rock (BC Ministry of Energy and Mines, 2005). Resting on this granitic bedrock are surficial deposits that are glacial and colluvial in origin. More recent lava flow deposits of columnar basalts overlaying tills occur along the southern extents of the study area.

2.2.3 Geomorphology

The Alta Lake area was covered by glacial ice several thousand meters thick during the Pleistocene Epoch (Luttmerding, 1971). As the glaciers moved over the area, the material covering the bedrock was scraped off, leaving areas of rocky outcrops or areas with a thin soil veneer. As such, the study area is controlled by rocky outcroppings. Because of the dominance of bedrock, the topography is variable, consisting of slightly to moderately steep terrain with bedrock knolls, benches and gullies.

2.2.4 Hydrology

2.2.4.1 Rivers

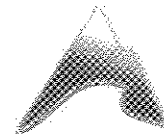
The study area is bordered to the north and east and west by the Cheakamus River (watershed code: 900-097600-12900). The Cheakamus River is fish bearing river and is confined in a steep ravine/canyon for the majority of its flow along the western and eastern study area boundary. The river is relatively unconfined as it flows past the northern boundary of the study area but is separated from the study area by a constructed flood channel opposite the Whistler's Sewage Treatment Facility.

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2.2.4.2 Streams

For the purposes of this study, stream definitions are consistent with those outlined in the Streamside Protection Regulation of the *Fish Protection Act*. As per these definitions, a permanent stream is one "that typically contains continuous surface waters or flows for a period more than 6 months in duration." Within the study area there is one main unnamed stream that potentially has flows year round. It is located in the northwest side of the study area and it flows in a northwest direction into the Cheakamus River. A search for information on this stream was conducted on BC Fisheries Fish Wizard but no information was found (BC MSRM, 2005). The major source of water for this stream arises from pooled ground water/surface water upslope of the municipal landfill and from the settling pond located in the basalt quarry (Sabre's rock quarry) which is located outside of the study area. The water from these two sources essentially forms the mainstem of this stream at the base of the northwest corner of the municipal landfill (see section 2.4.1 for more details).

2.2.4.3 Wetlands and Ephemeral Drainages

Bedrock controlled wetlands and their associated ephemeral drainages are found throughout the study area. The wetland and drainages are typically found in low lying areas and depressions, and at the base of talus slopes. Catchment areas can also be found along roadways and pathways. The four largest wetlands and their associated drainages are described below:

Wetland # 1 is located in the southern end of the study area. It is a small shallow (<15 cm deep) wetted area surrounded mostly by wooded vegetation. At the time of site visit there was a small flowing outlet channel at the southern end of the wetland. The ephemeral stream flowed north east for approximately 75 m before crossing the hiking trail (a connector trail to the Ridge Trail) that runs beside the wetland. After crossing the trail the stream disappears subsurface. Based on the topography of the area and the presence of pools of water, it appears that this wetland drainage flows subsurface for several hundred meters and then pools in depressions along the road side ditch of the Black Tusk FSR. Water then flows along the ditch into a culvert that passes under the road into a small wetland outside of the study area. This wetland drains into the Cheakamus River. There is no possibility of fish migration from the Cheakamus River into these wetland drainages. The majority of the flows in these drainages are subsurface flows and there is a steep vertical drop off (5 m) between the Cheakamus River and the drainage from the upstream wetland.

Wetland #2 is located in the center of the study area south of the municipal landfill. The wetland is well defined surrounded by sedges and grasses. There is a small ephemeral outlet stream that flows from the south end of the wetland. The stream runs parallel to the hiking trail (Ridge Trail) for approximately 50 m before crossing under the trail through a culvert and then disappears subsurface. Based on the topography of the area, the presence of pools of water and signs of surface flow, it appears that this wetland drainage follows a natural draw that connects to the municipal landfill. At the lower end of the draw

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the water emerges and flows on the surface forming an ephemeral stream for approximately 150 m before going into a culvert which goes into the Municipal Landfill. During the site visit it was also noted that a draw to the south west is also contributing water to this pooling upstream of the landfill. This draw has similar characteristics to that of the draw draining the wetland:

- ^ Subsurface flows for the majority of the draw;
- ^ Evidence of surface flow in steep sections (gradients > 20%); and
- ^ The formation of temporary surface water pools in flat sections (gradients < 2%).

There is no possibility of fish migration in this wetland drainage due to the subsurface flows throughout the drainage system.

Wetland #3 is located in the west side of the study area and is the largest wetland on the site. It is well defined by a boundary of grasses and sedges. Water drains from the eastern end of the wetland into a roadside ditch. The ditch connects to the unnamed tributary to the Cheakamus River but the ditch is not well defined near its confluence with the stream. At the time of the site visit, flow from the wetland went subsurface in the ditch before reaching the unnamed tributary to the Cheakamus River. It is very unlikely that there is any potential for fish migration through this ditch.

Wetland #4 is located east of Wetland #3. It is a well defined wetland bounded by steep cliffs. A small outlet channel was flowing from the south end of the wetland. The flows tend south overland and then go subsurface before connecting to the unnamed tributary of the Cheakamus River. A trickle of water was noted seeping into the tributary from this drainage at the time of site visit. There is no possibility of fish migration between these systems due to subsurface flows.

A small ephemeral drainage channel was also found in the far north- western end of the study area. Groundwater flows out of the slope below the FSR and flows north towards the Cheakamus River. The channel disappears at least 50 m before reaching a steep cliff above the Cheakamus River (i.e. Cheakamus River top of bank). There is no possibility of fish migration into this drainage.

2.2.4.4 Seepage from the Municipal Landfill

Considerable seepage from the landfill site was noted coming from the toe of the land fill and flowing into the constructed flood channel on the Cheakamus River.

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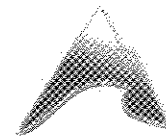


Photo 6:
Seepage from
landfill flowing
into Cheakamus
River flood
channel.

2.3 Terrestrial Environment

2.3.1 Soils

The bedrock of the subject site is quartz dioritic intrusive rocks which are relatively resistant to weathering. Resting on this granitic bedrock are surficial deposits that are glacial and colluvial in origin. The surficial character of the subject site is generally controlled by rock outcroppings. Where glacial till deposits are absent and due to the bedrock's relative resistance to weathering, thin soils overlay bedrock.

The soils found within Coastal Mountain and Islands physiographic region and study area are Ferro-Humic Podzols (Valentine et al, 1978). Due to the climatic conditions of the area and the intrusive bedrock material, the soils in the area are well drained, coarse textured and acidic. Ferro-Humic Podzols are characterized by the prominent grey (Ae) layer of eluviation beneath the organic surface layer and overlaying a reddish brown iron rich B horizon.

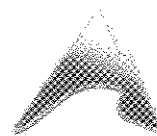
According to the *Soils of Alta Lake* (Luttmerding, 1971) and verified by field investigations, the soils in the area are mix of Lithic Orthic Humo-Ferric Podzols and Orthic Humo-Ferric Podzol. Lithic Orthic Humo-Ferric Podzols soils are shallow, well drained with a thin layer of forest litter, and a stony, gravelly colluvium or glacial till over bedrock. These soils are typically found on strongly sloping and moderately rolling topography. The Orthic Humo-Ferric Podzols are deeper and consists of a layer of organic litter material, followed by stony colluvium or glacial till over bedrock. Lithic Folisol soils occur in areas where bedrock is within 10 cm of the mineral soil surface and is most commonly found at the top or upper slopes of knoll and ridges. These soils primarily consist of shallow organic material over bedrock. Organic soils are typically found in the wetland areas and areas of

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the study area with poor drainage including at the base of talus slopes, catchment areas and depressions.



Photo 7: Typical Lithic Folisols found throughout the site.



Photo 8: Typical organic soils found in wetland areas of the study area.



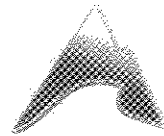
Photo 9:
Typical Orthic
Humo-Ferric
Podzols found
throughout the
study area.

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2.3.2 Vegetation

2.3.2.1 Biogeoclimatic Zone Classification

A standard method of land classification used in BC is the Biogeoclimatic Ecosystem Classification system (BEC). The biogeoclimatic ecosystem classification describes the variation in climate, vegetation, and site conditions occurring within ecosections. BEC is also hierarchical, with separate climate and site levels (Resource Inventory Committee, 1995). There are six levels of organization with increasing specificity: zone, subzone, phase, variant, site association, and site series. At the highest level, biogeoclimatic zones are classed based on broad macroclimatic patterns; at the lowest level, site series describes the vegetation potential of the land area based on its ability to support the same climax plant association, and displaying the same soil moisture and nutrient regimes (RIC, 1995). For the purposes of this report, descriptions are set at the biogeoclimatic subzone, variant, and site series levels of detail.

The proposed development area is classified within the moist subarctic subzone (ms1) of the Coastal Western Hemlock Zone (CWH) (Green & Klinka, 1994). Occurring at elevations between 650 and 1200 m, this biogeoclimatic variant occurs in drainages of the upper Fraser River east and north of Chilliwack, and in the eastern portion of the Coast Mountains from upper Harrison Lake to the Homathko River. The CWHms1 has a climate that is characterized by moist, cool winters, and cool but relatively dry summers. Snowfall is typically high in the upper elevation ranges of this variant. Forest on zonal sites in the CWHms1 is typically dominated by western hemlock (*Tsuga heterophylla*), Douglas-fir (*Pseudotsuga menziesii*), western redcedar (*Thuja plicata*) and amabilis fir (*Abies amabilis*). Typical understory vegetation in zonal sites in the CWHms1 includes Alaskan blueberry (*Vaccinium Alaskaense*), black huckleberry (*Vaccinium membranaceum*) oval-leaved blueberry (*Vaccinium ovalifolium*), with lesser amounts of falsebox (*Paxistima myrsinites*) and prince's pine (*Chimaphila umbellata*). The moss layer is usually well developed with step moss (*Hylocomium splendens*), red stemmed feathermoss (*Pleurozium schreberi*) and pipe cleaner moss (*Rhytidiopsis robusta*). Soil nutrient regimes in zonal sites in the CWHms1 range from very poor to medium rich with soil moistures ranging from fresh to slightly dry.

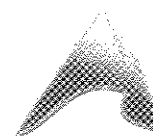
In general, the majority of the subject site had physical characteristics (soil moisture regime, soil nutrient regime, and under story vegetation) typical of zonal (site series 01) and drier (site series 03) sites within the CWHms1 biogeoclimatic zone (see below). However, in many areas the subject site tree layer was populated extensively by Douglas-fir, whereas typical zonal sites have a relatively even distribution of different tree types including western hemlock, western redcedar, and amabilis fir. The high abundance of Douglas-fir in the subject property is a result of planting in the area with Douglas-fir following harvesting. According to forest cover maps (BC MOF, 1994), most of the subject property was harvested and replanted in the early 1970's and 1980's. The forest within the study area south of the landfill has also been managed as part of the Whistler Interpretive Forest and was subject to pruning, spacing and fertilization. The subject site

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typically has shallower soils than normally found on zonal sites in the CWHms1 biogeoclimatic zone.

The subject site contains 5 site series, as identified during field investigations (see Table 1). The site series classification reflects subtle changes in microclimate and soil conditions, which influence the plant species composition within the unit. The different site series are further classified into Terrestrial Ecosystem Mapping (TEM) units based on the structural stage of the vegetation and the geomorphology of the site. The TEM units found on the subject site are summarized in Table 1 and are shown on Map 2 – Existing Environmental Conditions. A detailed explanation of TEM unit terminology is shown in Tables 2 through 6.

Table 1: Areal Relationship of Vegetation Units

Polygon #	TEM Code	Site Series Name/Description	Structural Stage	Area (ha)	% of Total Area
1	AMs4sC	01- HwBa –Step moss	Pole/sapling	14.75	16.1
2	AMsj4sC	01- HwBa – Step moss	Pole/sapling	1.56	1.7
3	AMsh4sC	01- HwBa –Step moss	Pole/sapling	8.27	9.0
4	AMs6mC	01- HwBa –Step moss	Mature forest	0.79	0.9
5	HQ5iM	05-HwBa- Queens cup	Young forest	0.59	0.6
6	DFsh4sC	03-FdHw- Falsebox	Pole/sapling	22.40	24.4
7	DFs4sC	03-FdHw- Falsebox	Pole/sapling	1.61	1.7
8	DFjs4sC	03-FdHw- Falsebox	Pole/sapling	0.84	0.9
9	DFsh3sC	03-FdHw- Falsebox	Shrub	1.51	1.6
10	DFsh6mC	03-FdHw- Falsebox	Mature forest	3.57	3.9
11	DFs6mC	03-FdHw- Falsebox	Mature forest	0.20	0.2
12	DFa5mB	03-FdHw- Falsebox	Young forest	1.28	1.4
13	DF3sB	03-FdHw- Falsebox	Shrub	0.75	0.8
14	AD5mM	06-BaCw-Devil's Club	Young forest	1.93	2.1
15	DK4sC	02-FdPI-Kinnikinnick	Pole/sapling	1.67	1.8
16	TA	N/A (talus slopes)	N/A	1.16	1.3
17	UL	N/A (urban development)	N/A	29.02	31.6

Derivation of the TEM Code

AMs 4sC

- AMs refers to the *site series* designation, which denotes subtle changes in microclimate and soil conditions, as reflected by changes in vegetation present
- 4sC refers to the *structural stage* designation, which denotes the general age and structure of the forest stand

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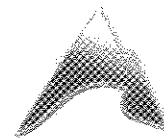


Table 2: Site Series Explanation

TEM Code Designation	BEC Site Series	Interpretation (typical conditions – assumed modifiers)
AM	01	<ul style="list-style-type: none"> -the soil nutrient regime is classified as very poor to medium -the soil moisture regime is slightly dry to fresh -the soil nutrient availability is moderate -the soil texture is medium -the soil is deep with no root restricting layer -the slopes are significant
DK	02	<ul style="list-style-type: none"> -the soil nutrient regime is classified as very poor to medium -the soil moisture regime is very dry -the soil depth is shallow -gentle slope or crest position
DF	03	<ul style="list-style-type: none"> -the soil nutrient regime is classified as poor to medium -the soil moisture regime is moderately dry -the soil nutrient availability is moderate -the soil texture is medium -the soil is deep with no root restricting layer -the aspect is warm -the slopes are significant
HQ	05	<ul style="list-style-type: none"> -the soil nutrient regime is poor to medium -the soil moisture regime is moist to very moist -the soil nutrient availability is moderate -the soil texture is medium -the soil is deep with no root restricting layer -the slope is gentle
AD	06	<ul style="list-style-type: none"> -the soil nutrient regime is rich to very rich -the soil moisture regime is moist to very moist -the soil nutrient availability is high -the soil texture is medium -the soil is deep with no root restricting layer -the slope is gentle
Talus slope	n/a	n/a
UR	n/a	n/a

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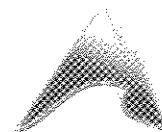


Table 3: Site Modifiers

TEM Code Designation	Interpretation
a	-active floodplain – the site series occurs on an active fluvial floodplain (level or very gently sloping surface bordering a river that has been formed by river erosion and deposition), where evidence of active sedimentation and deposition is present
j	-gentle slope – gently sloping topography (less than 35 % in the CWH Zone)
s	-shallow soils – soils are considered to be shallow to bedrock (20-100 cm)
h	-hummocky terrain – the site series occurs on hummocky terrain, suggesting a certain amount of variability, hummocky conditions are indicated by the terrain surface expression but occasionally they are not described by the terrain features

Table 4: Structural Stages

TEM Code Designation	Interpretation
3 – Shrub	-early successional stage or shrub communities maintained by environmental conditions or disturbance; dominated by shrubby vegetation; seedlings and advance regeneration may be abundant; tree layer cover less than 10%, shrub layer cover greater than 20% or greater than or equal to 1/3 of total cover.
4 – Pole/Sapling	-trees greater than 10m tall, typically densely stocked, have overtopped shrub and herb layers; younger stands are vigorous (usually greater than 10-15 years); self thinning and vertical structure not yet evident in canopy; time since disturbance is usually less than 40 years for normal forest succession
5 – Young Forest	-self thinning has become evident and the forest canopy has begun differentiation into distinct layers, trees between 40 and 80 years old
6 – Mature Forest	-trees established after the last disturbance have matured; a second cycle of shade tolerant trees may have become established; understories become well developed as the canopy opens up

Table 5: Structural Stage Modifiers

TEM Code Designation	Interpretation
s – single storied	-closed forest stand dominated by the overstory crown class (dominant and co-dominant trees); intermediate and suppressed trees account for less than 20% of all crown classes combined; advance regeneration in the understory is generally sparse
m – multi-storied	-closed forest stand with all crown classes well represented; each of the intermediate and suppressed classes account for greater than 20% of all crown classes combined; advance regeneration is variable
i – irregular	-forest stand with very open overstory and intermediate crown classes (totaling less than 30% cover), and well developed suppressed crown class; advance regeneration is variable

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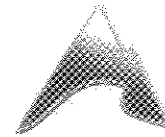


Table 6: Stand Composition Modifiers

TEM Code Designation	Interpretation
C – Coniferous	-greater than ¾ of total tree layer cover is coniferous
M – Mixed	-neither coniferous or broadleaf account for greater than ¾ of total tree layer cover
B – Broadleaf	-greater than ¾ of total tree layer cover is broadleaf

2.3.2.2 Vegetation Associations

The following summarizes the vegetation associations found in each polygon. A list of vegetation species with scientific (*Latin*) names observed during the site visits is found in Table 7.

Polygon 1: AMs4sC – W. Hemlock, Amabilis Fir / Step moss (Site Series 01)

Polygon 1 covers most of the forested study area south of the municipal landfill (within the Whistler Interpretive Forest) and is bordered to the east by the Cheakamus River and by steep talus slopes to the west. The terrain is primarily undulating with shallow to very shallow soils. Soil test pit observations determined the soil moisture regime is between fresh and moderately dry indicating that the area is well drained. Relative soil nutrient regimes are between very poor and medium which are typical for zonal sites in the CWms1 biogeoclimatic zone.

The forest is in a pole sapling stage and is dominated by Douglas-fir with lesser amounts of western redcedar and western hemlock. The high abundance of Douglas-fir over other species is not typical for zonal sites in the CWHms1 zone but is most likely a result of modification of the area by logging and planting. The tree canopy is single storied with crown closure ranging from 35-50%. Measured tree heights of the overstory ranged from 12.6 to 22.3 m, with dbh (diameter at breast height) values between 17 to 31 cm. Variation in tree height and canopy closure within the polygon is greatly influenced by anthropogenic activity. Areas in the polygon with the largest second growth Douglas-fir and the greatest crown closure were fertilized with biosolids (Whistler Interpretive Forest treatment) which resulted in faster tree growth as compared to other areas in the polygon.

The shrub layer is dominated by species typical of the CWHms1 zone and includes falsebox, prince's pine, rattlesnake plantain, Alaskan blueberry, bunchberry, black huckleberry and kinnikinnick. The moss layer is well developed and includes red-stemmed feathermoss, step moss pipecleaner moss and lanky moss.

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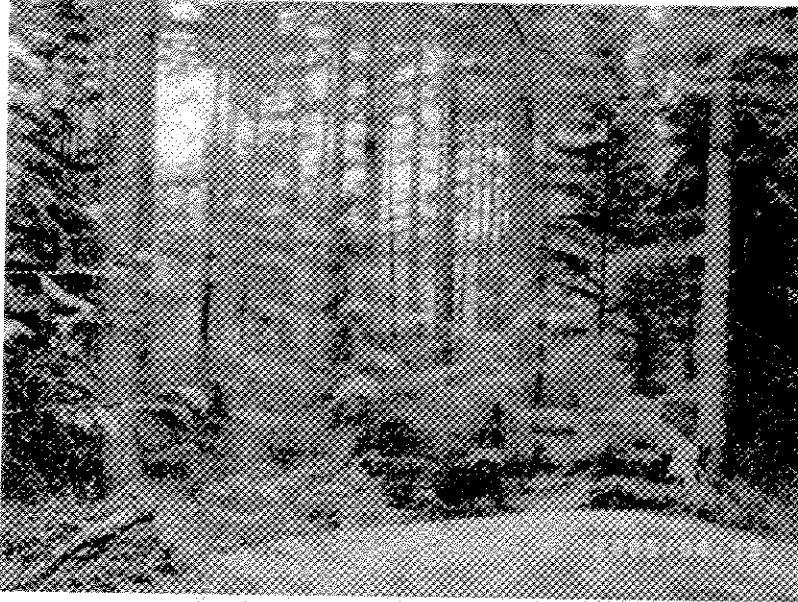


Photo 10:
Polygon 1,
pole/sapling
coniferous forest with
shallow soils.

Polygon 2: AMsj4sC – W. Hemlock, Amabilis Fir / Step moss (Site Series 01)

Polygon 2 is a small area located adjacent to Polygon 1 in the southeast corner of the study area. Polygon 2 is essentially the same as Polygon 1 except that its terrain is much more gently sloped compared to the terrain found in Polygon 1. Tree species and soil characteristics are similar to that of Polygon 1.

Polygon 3: AMsh4sC – W. Hemlock, Amabilis Fir / Step moss (Site Series 01)

Type 3 polygons are located south of the municipal landfill and are essentially the same as Polygon 1 except that the surface terrain is hummocky. Tree species and soil characteristics are similar to that of Polygon 1.

Polygon 4: AMs6mC – W. Hemlock, Amabilis Fir / Step moss (Site Series 01)

Polygon 4 is a small area in the south east corner of the study area which contains mature forest. The terrain is undulating with shallow soils. Soil test pit observations determined that soil moisture regime in Polygon 4 is moderately dry indicating that the area is well drained. Relative soil nutrient regimes are between poor and medium which is typical for zonal sites in the CWms1 biogeoclimatic zone. The forest is in a mature forest stage and is dominated by amabilis fir, western hemlock, Douglas-fir and with lesser amounts of western redcedar and Western yew. The tree canopy is multistoried with crown closure of approximately 60%. Measured tree heights of the overstory are over 35m, with dbh up to 90 cm. The shrub and moss layer are similar to that of Polygon 1.

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Photo 11:
Polygon 4,
Mature
coniferous
forest with
medium to
shallow soils

Polygon 5: HQ5iM – W. Hemlock, Amabilis Fir / Queens cup (Site Series 05)

Polygon 5 is located at the southern end of the study area and is a depression surrounded by moderately steep slopes. The terrain is flat with deep, wet soils. Soil test pit observations determined that soil moisture regime in Polygon 5 is very moist indicating that the area is poorly drained. Relative soil nutrient regimes in the polygon are medium which are typical for site series 5 in the CWms1 biogeoclimatic zone. The forest is in a young forest stage and is dominated by western redcedar and red alder, with lesser amounts of Douglas-fir and western hemlock. The tree canopy is irregular with crown closure ranging from 5-10%. Measured tree heights of the overstory ranged from 11.3 to 17.5 m, with dbh (diameter at breast height) values between 13 and 25.5 cm.

The shrub layer in Polygon 5 is well developed and dominated by species typical of the CWHms1 biogeoclimatic zone which include falsebox, thimbleberry, oval-leaved blueberry and salmonberry. The moss layer is limited in the polygon and is dominated by pipecleaner moss and coastal leafy moss.

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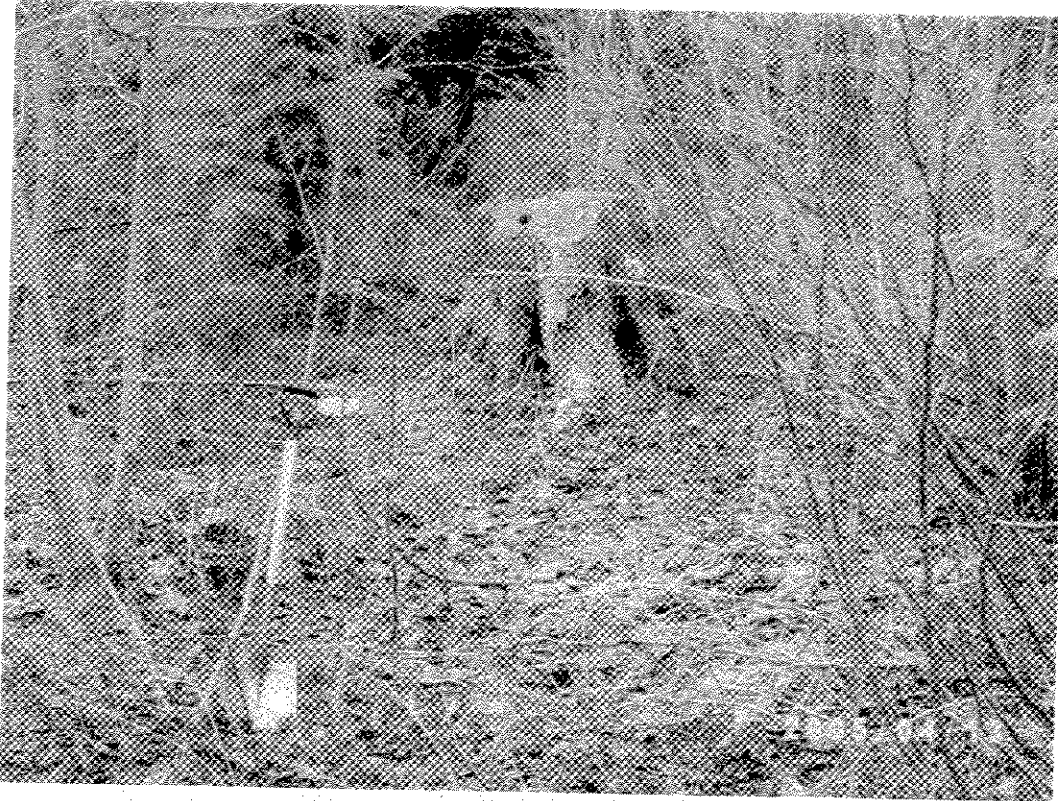


Photo 12: Polygon 5, mixed pole/sapling forest with organic soils and poor drainage.

Polygon 6: DFsh4sC – Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

Polygon 6 includes the majority of the forested area northwest of the municipal landfill and a small area south of the municipal landfill. The terrain is hummocky with shallow to very shallow soils. Soil test pit observations determined that soil moisture regime in Polygon 6 is moderately dry indicating that the area is well drained. Relative soil nutrient regimes in the polygon are very poor to medium which are typical for site series 03 in the CWHms1 zone. The soils in the polygon have a much higher coarse fragment content compared to the other soils in the study area. The forest is dominated by Douglas-fir with lesser amounts of western redcedar and western hemlock and is in a pole/sapling stage. Lodgepole pine and western white pine were also noted within the polygon. The tree canopy was single storied with crown closure ranging from 35-85%. It was noted that some differentiation in the tree canopy is starting to develop in the forest. Measured tree heights of the overstory range from 12 to 22.5 m, with dbh values between 19 to 32 cm.

The shrub layer in Polygon 6 is dominated by species typical of the CWHms1 zone site series 03 which include falsebox and numerous vaccinium species. The moss layer is well developed in the polygon and is dominated by red stemmed feathermoss, and step moss.

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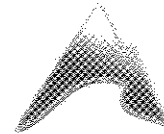


Photo 13: Polygon 6, coniferous pole/sapling forest with shallow soils.

Polygon 7: DFs4sC – Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

Polygon 7 is located in the south west corner of the study area. It is essentially the same as Polygon 6 except that the terrain is not hummocky. The area is characterized by moderately steep south-west facing slopes that is in general drier than the adjacent polygons in the area

Polygon 8: DFjs4sC – Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

Polygon 8 is a small area located next to the main access road to the Municipal Landfill. It is essentially the same as Polygon 6 except that the terrain is gently sloping (i.e. less than 35% gradient).

Polygon 9: DFsh3sC – Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

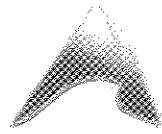
Polygon 9 is located north-west of the municipal landfill between talus slopes and a wetland. Polygon 9 is essentially the same as Polygon 6 except that the forest stage is in the shrub /herb stage and the soils are very thin (<10 cm). Soil test pit observations determined that soil moisture regime is moderately dry indicating that the area is well drained. Relative soil nutrient regimes in the polygon are very poor. The shrub layer is dominated by Douglas-fir with lesser amounts of western redcedar and western hemlock and Sitka spruce. The canopy in the shrub layer is single storied with crown closure ranging from 10-15%.

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Measured shrub heights range from 3 to 10 m, with dbh values between 2 to 4 cm. Other shrub species include falsebox, kinnikinnick and vaccinium species. The moss layer is well developed in the polygon and includes step moss and common haircap moss



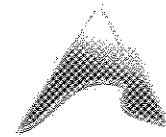
Photo 14: Polygon 9, coniferous shrub/herb forest with shallow soils.

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Polygon 10: DFsh6mC – Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

Polygon 10 includes areas of mature forest north west of the municipal landfill. Most of the mature forest is located on knolls along the river left ravine of the Cheakamus River. The terrain is hummocky with shallow soils. Soil test pit observations determined that soil moisture regime in Polygon 8 is moderately dry indicating that the area is well drained. Relative soil nutrient regimes are between poor and medium which are typical for site series 03 in the CWms1 zone. The forest is in a mature forest stage and is dominated by Douglas-fir, with lesser amounts of western hemlock and western redcedar and Pacific yew. The tree canopy is multistoried with crown closure of approximately 60%. Estimated tree heights of the overstory are over 35m, with dbh up to 90 cm. The shrub and moss layer are similar to that found in Polygon 6.

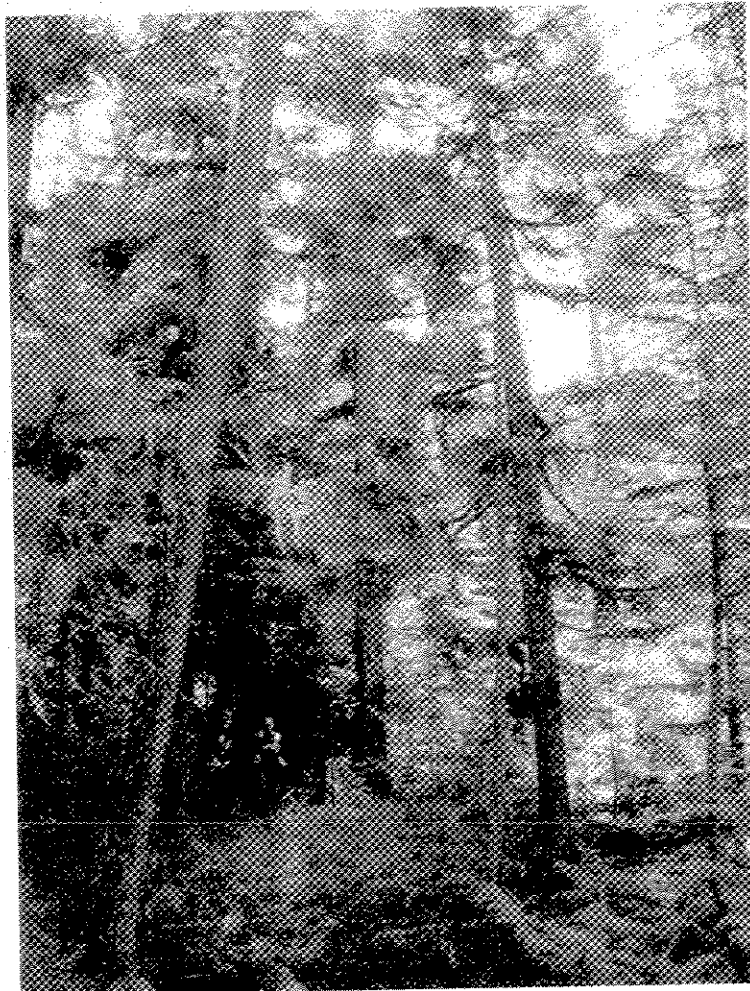


Photo 15:
Polygon 8, coniferous
mature forest with
shallow soils.

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Polygon 11: DFs6mC – Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

Polygon 11 is a small area in the south east corner of the study area which contains mature forest. It is essentially the same as Polygon 10 except that the terrain is not hummocky but rather characterized by undulating south-west facing slopes.

Polygon 12: DFa5mB– Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

Polygon 12 comprises the band of deciduous vegetation located in the riparian zone and vegetated islands of the unnamed tributary to the Cheakamus River. The forest is dominated by red alder with lesser amounts of western redcedar and black cottonwood. The tree canopy is a multistoried young forest with crown closure ranging from 50 to 85%. The shrub layer in Polygon 12 is dominated by red-osier dogwood, devil's club, salmonberry, Pacific yew, and skunk cabbage.

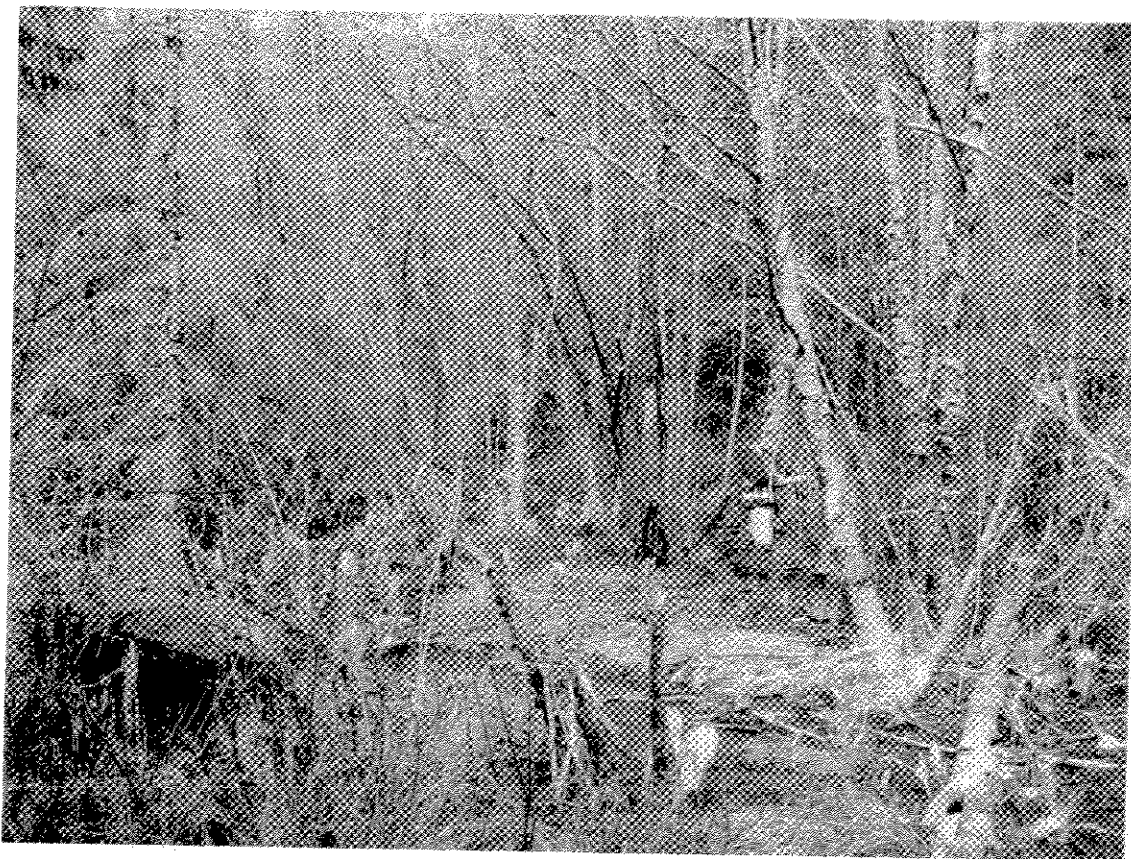


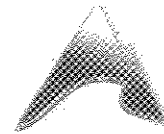
Photo 16: Polygon 12, broadleaf forest on the active floodplain of the Cheakamus River.

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Polygon 13: DF3sB– Douglas-fir, W. Hemlock / Falsebox (Site Series 03)

Polygon 13 is a small disturbed area located north-west of the municipal landfill. The area appears to have been some type of small quarry that was possibly used for road building material. The area is characterized by dense thickets of Sitka alder (*Alnus crispa*) and exposed soils with no organic matter. The Sitka alder is less than 3m in height.

Polygon 14: AD5mM – Amabilis Fir, W. Redcedar / Devil's Club (Site Series 06)

Polygon 14 is located in the centre of the study area to the northwest of the municipal landfill. The polygon is level and is subject to soil seepage from the landfill lands to the southeast. The soils are poorly drained, medium textured and deep. The water table was located within 30 cm of the ground surface during the site reconnaissance. The surface organic horizon thickness is 30 cm and the organic soil humus form is a mull indicating a rich soil nutrient regime. Some degree of soil saturation is likely present most of the year.

The forest structure within the polygon contains both young and mature forest attributes. Past harvesting of the area and high moisture conditions has resulted in a mixed age forest of variable structure. Older deciduous species dominate the canopy and younger coniferous species are found in the understory and shrub layers. Typical tree species include red alder, western redcedar, and western hemlock. The canopy is moderately closed with a crown closure of approximately 60%. Estimated tree heights for the deciduous species range from 15 to 22 m with dbh values of 12 to 26 cm. The coniferous understory range from 9 to 13 m with dbh values of 12 to 17.5 cm. The shrub layer is moderately developed with species including western redcedar, western hemlock, Sitka alder, salmonberry, and red-osier dogwood. Forb species include skunk cabbage, and false lily-of-the-valley. The moss layer is underdeveloped with pipecleaner moss and Oregon beaked moss.

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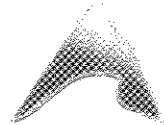


Photo 17:
Polygon 10,
young mixed
forest with
organic soils
and poor
drainage.

Polygon 15: DK4sC– Douglas-fir, W. Lodgepole Pine / Kinnikinnick (Site Series 02)

Type 15 polygons represent the driest sites within the study area which are located on a series of knolls north of the municipal Landfill. These sites are characterized by having very dry shallow soils on bedrock. The forest is dominated by Douglas-fir with lesser amounts of western redcedar, western hemlock, Lodgepole pine and western white pine.

Polygon 16: TA – Talus Slopes

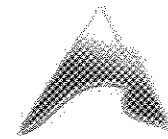
Polygon 16 is comprised of steep talus slopes located along the western edge of the study area and associated with columnar basalt lava flow formations. Talus is angular rock fragments that accumulate at the foot of steep rock slopes as a result of successive rock falls. During the site visit water pooling was noted at the base of the talus slopes and vegetation indicative of wet areas (alder) were noted. Six large snags were noted protruding from the most northern talus slope within the study area.

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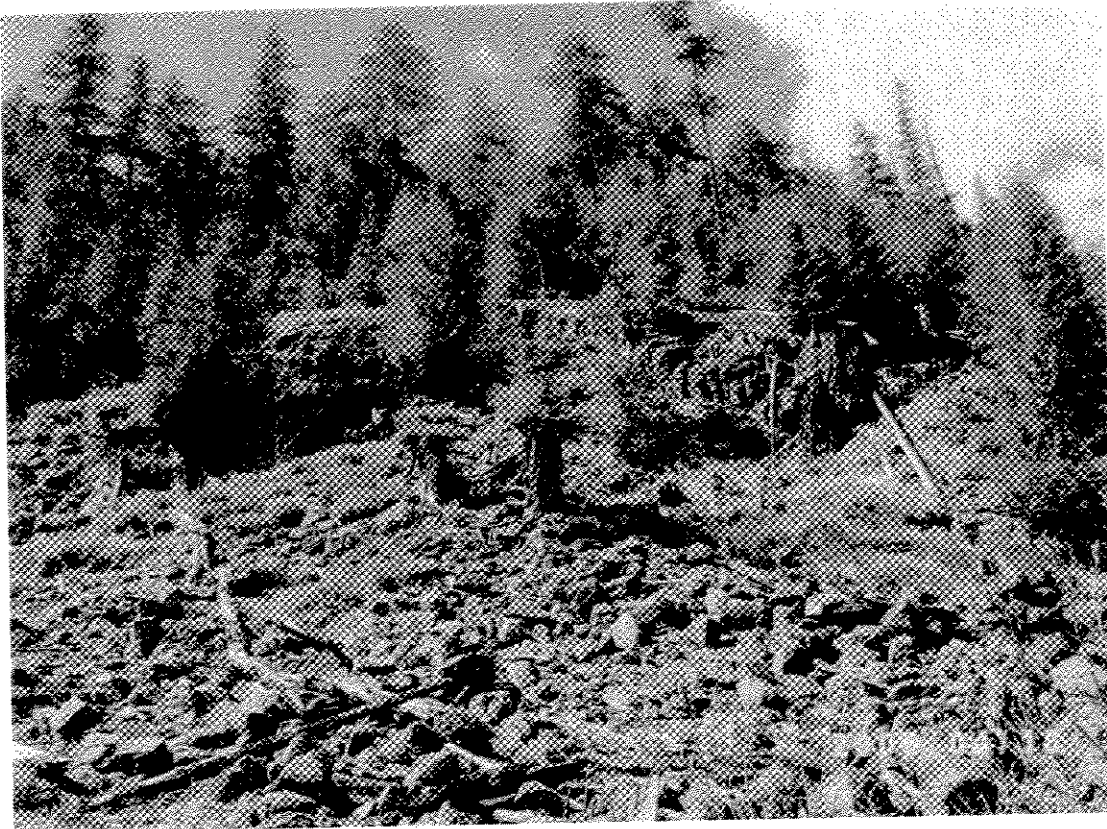


Photo 18: Polygon 16, talus slope areas.

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Polygon 17: UL – Urban Development

Polygon 17 encompasses the areas of the study area which are part of the existing municipal land fill. These areas have been heavily modified and are generally void of vegetation. The land fill area is generally flat except for the steep north west facing slopes above the Cheakamus FSR. This area is currently being restored under the Whistler Landfill Closure Plan (Sperling Hansen, 1996).

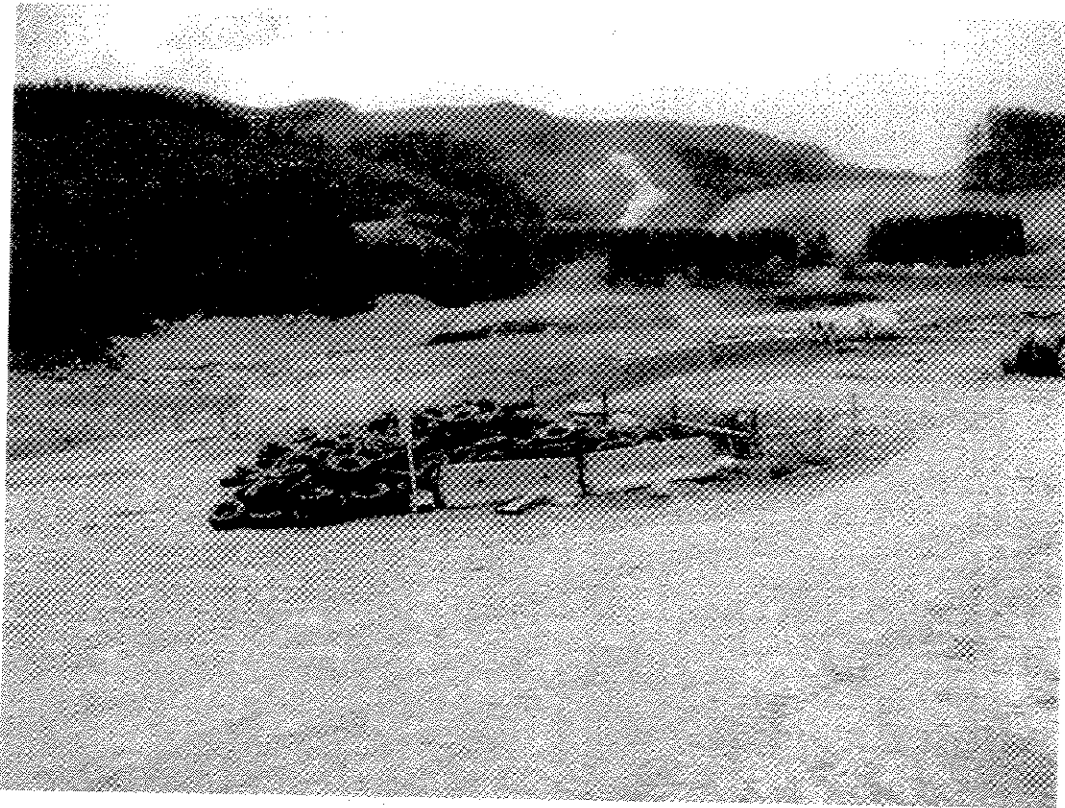


Photo 19: Polygon 17, looking southwest at the Whistler municipal landfill.

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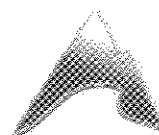


Table 7: Vegetation found during Site Reconnaissance, April 2005

Common Name	Scientific Name
Trees	
Amabilis fir	<i>Abies amabilis</i>
Red alder	<i>Alnus rubra</i>
Sitka Spruce	<i>Picea sitchensis</i>
Lodgepole pine	<i>Pinus contorta</i> var. <i>latifolia</i>
Western white pine	<i>Pinus monticola</i>
Black cottonwood	<i>Populus balsamifera</i> spp. <i>trichocarpa</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Western yew	<i>Taxus brevifolia</i>
Western redcedar	<i>Thuja plicata</i>
Western hemlock	<i>Tsuga heterophylla</i>
Shrubs	
Sitka alder	<i>Alnus crispa</i> spp. <i>sinuata</i>
Kinnikinnick	<i>Arctostaphylos uva-ursi</i>
Princes pine	<i>Chimaphila umbellata</i>
Bunchberry	<i>Cornus Canadensis</i>
Red-osier dogwood	<i>Cornus stolonifera</i>
Devil's club	<i>Oplopanax horridus</i>
Falsebox	<i>Pachistima myrsinites</i>
Thimbleberry	<i>Rubus parviflorus</i>
Salmonberry	<i>Rubus spectabilis</i>
Hardhack	<i>Spiraea douglasii</i> ssp. <i>douglasii</i>
Alaskan blueberry	<i>Vaccinium Alaskaense</i>
Black huckleberry	<i>Vaccinium membranaceum</i>
Oval-leaved blueberry	<i>Vaccinium ovalifolium</i>
Red huckleberry	<i>Vaccinium parvifolium</i>
Forbs	
Rattlesnake plantain	<i>Goodyera oblongifolia</i>
Skunk cabbage	<i>Lysichitum americanus</i>
False lily-of-the-valley	<i>Maianthemum dilatatum</i>
Mosses	
Step moss	<i>Hylocomium splendens</i>
Oregon beaked moss	<i>Kindbergia oregana</i>
Coastal leafy moss	<i>Plagiomnium insigne</i>
Red stemmed feather moss	<i>Pleurozium schreberi</i>
Common haircap moss	<i>Polytrichum commune</i>
Pipcleaner moss	<i>Rhytidiopsis robusta</i>
Lanky moss	<i>Rhytidiadelphus triquetrus</i>

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2.3.2.3 Rare and Endangered Plant Species and Plant Associations

Plant Species

Species of concern in British Columbia have a provincial status designation, which is summarized on the Ministry of Sustainable Resource Management (MSRM) and Ministry of Water Land and Air Protection (MWLAP) Conservation Data Centre (CDC) red or blue list. The red list includes indigenous species or subspecies considered to be endangered or threatened. Endangered species are facing imminent extirpation/extinction, whereas threatened groups or species are likely to become endangered if limiting factors are not reversed. The blue list includes taxa considered to be vulnerable because of characteristics that make them particularly sensitive to human activities or natural events (BC MSRM, 2005). Although blue listed species are at risk, they are not considered endangered or threatened. Tracking data for the Squamish Forest District are outlined below. A Conservation Data Centre (CDC) request for known occurrences of rare and endangered plant species was conducted on April 18, 2005 and resulted with no occurrences within 2 km of the study area.

A rare and endangered plant survey was not conducted as part of this review; however, the species listed in Table 7 below have the potential to occur within the subject property based on their habitat requirements as outlined by the biogeoclimatic classification system CWHms1 zone (BC MSRM, 2005). It should be noted that past disturbance has changed the vegetative composition of the subject property site and existing plant species do not necessarily reflect the expected plant species based on biogeoclimatic information alone.

Table 8: Potential Rare and Endangered Plant Species

Scientific Name	Common Name	Habitat Requirements	Potential Occurrence	List Status
<i>Pleuropogon refractus</i>	nodding semaphore grass	Bogs, streambanks, lakeshores and wet meadows in the lowland and montane zones – CHWms1 zone	Potential in wetland areas	Blue

Source: Conservation Data Centre for the Squamish Forest District (BC MSRM, 2005)

Plant Communities

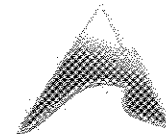
The CDC also tracks rare and endangered plant communities for the province of British Columbia. The subject property does contain site series that may contain blue listed plant communities delineated by the CDC for the CWHms1 biogeoclimatic variant (site series 03 FdHw - Falsebox, and 06 BaCw - Devil's Club); however, rare and endangered plant communities refers to natural undisturbed sites, and therefore are not applicable to the study area (MSRM, 2005).

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2.2.3 Wildlife and Wildlife Habitats

2.3.3.1 Wildlife

Wildlife observations in the field were recorded as part of the ecological site surveys conducted in April 2005. Evidence of specific wildlife use was also inferred from browse sign, scat, tracks, songs, and calls. Further inferences of wildlife use that could occur on the subject property were made based on known distribution and habitat preferences.

In addition to those wildlife species identified in the field, the MSRM/CDC database was consulted for a list of rare and endangered wildlife species that could occur on the property. Table 9 lists the red and blue listed animal species for the Vancouver/Squamish Forest District that have the potential to occur on the property based on known distribution and habitat preferences. Based on available habitat at the proposed Athlete's Village site, the subject property has the potential to support several bird, mammal, reptile, and amphibian species.

Birds

The coastal western hemlock ecosystem is considered to have the greatest diversity and abundance of habitat elements in British Columbia resulting in an area that supports a rich diversity of birds that breed, stage, winter, or are resident here year round. For example, the habitat found on the subject property ranges from riparian areas and wetlands to coniferous and/or deciduous forests of varying ages to more barren talus slopes, each containing unique habitat structure that may support a unique assemblage of bird species.

Site investigations were conducted during the beginning of the breeding season of birds in Whistler. No evidence of active bird nesting was observed and no occupied bird nests were found. Several cavities of Pileated woodpeckers (*Dryocopus pileatus*) were found during site visits. Both black-capped (*Poecile atricapillus*) and chestnut-backed chickadee (*P. rufescens*) were heard calling during site visits and a northern flicker (*Colaptes auratus*) was observed. Abundant American (*Corvus brachyrhynchos*) and/or northwestern (*C. caurinus*) crows, common raven (*C. corax*), and glaucous-winged gulls (*Larus glaucescens*) were observed in and around the garbage landfill area.

Raptors observed on the subject site include bald eagles (*Haliaeetus leucocephalus*) and a turkey vulture (*Cathartes aura*). A Harlequin duck (*Histrionicus histrionicus*) was also observed on the adjacent Cheakamus River.

It is expected that the subject property would host a similar assemblage of species to that anticipated in the CWH Biogeoclimatic zone. Common bird species found within the Coastal Western Hemlock forests of Whistler is provided in Table 8 below (CHIRP, 2005); however, this is not a complete listing of birds that have the potential to occur on site.

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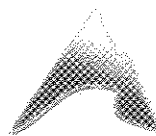


Table 9: Common Bird Species found in Coastal Western Hemlock Forests.

Common Name	Scientific Name
Blue Grouse	<i>Dendragapus obscurus</i>
Common nighthawk	<i>Chordeiles minor</i>
Rufous hummingbird	<i>Selasphorus rufus</i>
Northern flicker	<i>Colaptes auratus</i>
Western Wood-Pee-wee	<i>Contopus sordidulus</i>
Hammond's flycatcher	<i>Empidonax hammondi</i>
Gray jay	<i>Perisoreus canadensis</i>
Steller's jay	<i>Cyanocitta stelleri</i>
Northwestern crow	<i>Corvus caurinus</i>
American crow	<i>Corvus brachyrhynchos</i>
Common raven	<i>Corvus corax</i>
Cedar waxwing	<i>Bombycilla cedrorum</i>
Black-capped chickadee	<i>Parus atricapillus</i>
Chestnut backed chickadee	<i>Parus rufescens</i>
Red breasted nuthatch	<i>Sitta canadensis</i>
Winter wren	<i>Troglodytes troglodytes</i>
Ruby crowned kinglet	<i>Regulus calendula</i>
Golden-crowned kinglet	<i>Regulus satrapa</i>
Varied thrush	<i>Ixoreus naevius</i>
Hermit thrush	<i>Catharus guttatus</i>
Swainson's thrush	<i>Catharus ustulatus</i>
Warbling vireo	<i>Vireo gilvus</i>
Townsend's warbler	<i>Dendroica townsendi</i>
Wilson's warbler	<i>Wilsonia pusilla</i>
Western tanager	<i>Piranga ludoviciana</i>
Orange crowned warbler	<i>Vermivora celata</i>
Brown headed cowbird	<i>Molothrus ater</i>
Spotted towhee	<i>Pipilo erythrophthalmus</i>
Song sparrow	<i>Melospiza lincolni</i>
Dark-eyed junco	<i>Junco hyemalis</i>
Red crossbill	<i>Loxia curvirostra</i>
Pine siskin	<i>Carduelis pinus</i>

Source: CHIRP Whistler, Community Habitat Resources Project (CHIRP, 2005)

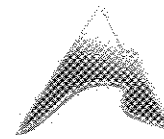
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Mammals

Black bears (*Ursus americanus*) are known to traverse the study area and are often seen scavenging at the Municipal Landfill. Numerous bear markings on large alder trees in Polygon 14 and bear scat in Polygon 12 further confirm bear presence in the study area. Scat of other large mammal species found during this study include either cougar (*Puma concolor*) or bobcat (*Lynx rufus*), and mule deer (*Odocoileus hemionus*). Photo 21 illustrates either cougar or bobcat feces indicated by its white colour (due to urea which is unique to cat feces), pinched ends, and hair/bones contained within the scat (found in Polygon 14).

Mid-size mammal species that may utilize the site include the snowshoe hare (*Lepus americanus*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), marten (*Martes Americana*), and spotted skunk (*Spilogale gracilis*). Smaller, more local species likely to occur include the vagrant shrew (*Sorex vagrans*), water shrew (*Sorex palustris*), western long-eared myotis (*Myotis evotis*), little brown myotis (*Myotis lucifugus*), bushy-tailed wood rat (*Neotoma cinerea*), yellow-pine chipmunk (*Tamias amoenus*) and Common pika (*Ochotona princeps*). The Douglas squirrel (*Tamiasciurus douglassi*) was sighted throughout the site.



Photo 20: Evidence of bear markings in Polygon 14.



Photo 21: Grey colour of the scat confirms the presence of urea, a characteristic of cat family scat.

Amphibians and Reptiles

There are numerous permanent and ephemeral wet areas located throughout the subject property which provides potential breeding opportunities for amphibians (see section 2.2.4). Amphibian species expected to occur in the vicinity of seasonal or permanent wetlands include rough-skinned newt (*Taricha granulosa*), long-toed salamander (*Ambystoma macrodactylum*), western toad (*Bufo boreas*), red-legged frog (*Rana aurora*),

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and Pacific treefrog (*Hyla regilla*). The Western red-backed salamander (*Plethodon vehiculum*), Northwestern salamander (*Ambystoma gracile*) and ensatina (*Ensatina eschscholtzi*) may occur throughout forested regions (Green and Campbell, 1984).

Reptile species expected to occur include the northern alligator lizard (*Gerrhonotus coeruleus*), common garter snake (*Thamnophis sirtalis*), northwestern garter snake (*T. ordinoides*), and western terrestrial garter snake (*T. elegans*) (Gregory and Campbell, 1984). The talus slopes of Polygon 16 exhibit features such as cracks and crevices that have the potential to be used as hibernacula.

Although no adult or juvenile tailed frogs (*Ascaphus truei*) were observed on the site, features of the permanent unnamed tributary to the Cheakamus River make it possible to support tailed frog. This creek flows through the landfill site, potentially degrading its water quality. Because amphibian biology makes them particularly sensitive to poor water quality it is unlikely that tailed frogs are present in this creek.

2.3.3.2 Rare and Endangered Wildlife Species

Wildlife species of concern in British Columbia have a provincial status designation, which is summarized on BC Environment's red or blue list. The red list includes indigenous species or subspecies considered to be endangered or threatened. Endangered species are facing imminent extirpation/extinction, whereas threatened groups or species are likely to become endangered if limiting factors are not reversed. The blue list includes taxa considered to be vulnerable because of characteristics that make them particularly sensitive to human activities or natural events (BC MSRM, 2005). Although blue listed species are at risk, they are not considered endangered or threatened.

A rare and endangered wildlife survey was not conducted as part of this report; however, MSRM (2005) lists several red and blue listed species for the Vancouver/Squamish Forest District. The species listed in Table 9 have the potential to occur within the subject area based on their habitat requirements and known distribution. A Conservation Data Centre (CDC) request for known occurrences of rare and endangered vertebrate and invertebrate species was conducted on April 18, 2005 and resulted with no occurrences within 2 km of the study area.

Avian species of concern that may be found in or near the study area based on there reported distribution in the Vancouver/Squamish Forest District include the Western Screech Owl (*Otis kennicottii*), Short-eared Owls (*Asio flammeus*), Spotted Owls (*Strix occidentalis*), Blue Herons (*Ardea herodias*), Green Herons (*Butorides virescens*), American Bittern (*Botaurus lentiginosus*), Peregrine Falcons (*Falco peregrinus anatum*) and the Band-tailed Pigeon (*Columba fasciata*).

The blue-listed Western Screech Owl may nest in riparian and ravine habitats along the larger creeks near the site, particularly the Cheakamus River although none were observed during this study. Due to their preference for open areas for nesting and

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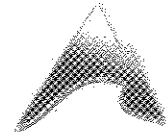
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roosting such as marshes and fields (Campbell et al. 1990), it is unlikely that Short-eared Owls would occupy the property. Spotted Owls are highly dependant on old growth forest habitat (Campbell et al. 1990) and are not expected to occur on the property for this reason.

The wetland areas of the property have the potential to provide suitable forage for Great Blue Heron; however, Blue Herons are primarily piscivorous and would be unlikely except in fish bearing creeks. Based on the results of this study it appears that all ephemeral streams and wetlands on the property except for the Cheakamus River and one unnamed tributary to the Cheakamus River are non fish-bearing (Section 2.4). Although the Green Heron and American Bittern are uncommon in the Whistler area, they tend to rely on a more diverse diet of amphibians and invertebrates than the Blue Heron (Campbell et al. 1990). Thus, they should be considered potentially occurring within the wetland areas on the property.

Peregrine Falcons may also use the property. Peregrine Falcons typically select rocky bluffs and cliffs for nesting (Campbell et al. 1990). Some rocky bluffs associated with Polygons 15 and 16 would provide suitable nesting requirements for Peregrine Falcons.

The Band-tailed Pigeon may be an inhabitant of the coniferous and mixed forests of the subject property. Band-tailed Pigeons nest in tree branches and are known breeders in the Whistler area (CHIRP, 2005).

There are two listed bat species with the potential to occur on the property. The distribution of bats tends to be associated with the availability of roosting sites and hibernacula (Cannings et al., 1999). The rock outcrops on the property have the potential to contain roosting sites for Townsend's big-eared bat (*Plecotus townsendii*) and Keens' long-eared Myotis (*Myotis keenii*), blue and red listed species in British Columbia respectively (MSRM, 2004). Bat foraging opportunities may also exist in riparian areas throughout the subject property.

Fisher (*Martes pennanti*) are a medium size member of the weasel family with the potential to occur on the property, preferring mixed wood stands and riparian habitats (Cannings et al., 1999). The riparian areas associated with the watercourses on the property have the potential to support fisher.

Amphibian species of concern in the Squamish Forest District include the blue-listed coastal tailed frog (*Ascaphus truei*) and red-legged frog (*Rana aurora*). Upland riparian habitats such as those found in Polygon 12 may provide suitable habitat for the tailed frog (Corkran and Thomas, 1996). The provincially blue-listed red-legged frog (*Rana aurora*) is typically found in moist coniferous forests and forested wetlands such as those found in Polygons 5 and 14.

Features of the permanent unnamed tributary to the Cheakamus River make it possible to support the coastal tailed frog, a provincially blue-listed species. Because this creek flows

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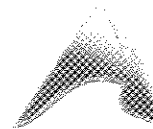
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through the landfill site and potentially degrading its water quality it is unlikely that tailed frogs are present in this creek. A detailed tailed frog survey was not conducted as part of this review; however, no evidence of adults or tadpoles was observed during stream biophysical surveys. The provincially blue-listed red-legged frog is typically found in moist coniferous forests and forested wetlands. The red-legged frog is considered a possible inhabitant of the wetlands in Polygons 5 and 14.

Although not blue listed, the Harlequin duck is considered a species of special concern due to specific habitat requirements that make it vulnerable to human activity (MSRM & WLAP, 2004). The Cheakamus River is suitable breeding habitat for the Harlequin duck.

Table 10: Potential Rare and Endangered Wildlife Species

Scientific Name	Common Name	List Status	Potential Occurrence on Property
<i>Ascaphus truei</i>	Coastal tailed frog	Blue	Unlikely due to lack of clean, fast flowing creeks.
<i>Rana aurora</i>	Red-legged frog	Blue	Wetlands and seepage areas in Polygon 5 and 14
<i>Columba fasciata</i>	Band-tailed pigeon	Blue	Coniferous and mixed forests throughout study area
<i>Otus kennicottii kennicottii</i>	Western screech-owl subspecies	Blue	Riparian areas along the Cheakamus River
<i>Strix occidentalis</i>	Spotted owl	Red	Unlikely due to lack of old growth forest
<i>Asio flammeus</i>	Short-eared owl	Blue	Unlikely due to lack of open marsh and field habitat.
<i>Ardea herodias</i>	Great blue heron	Blue	Unlikely due to lack of fish bearing waters.
<i>Brachyramphus marmoratus</i>	Marbled murrelet	Red	Unlikely due to lack of old growth forest
<i>Butorides virescens</i>	Green heron	Blue	Wetlands and streams throughout property
<i>Botaurus lentiginosus</i>	American bittern	Blue	Wetlands and streams throughout property
<i>Falco peregrinus anatum</i>	Peregrine falcon subspecies	Red	Rock bluffs of Polygons 15 and 16
<i>Martes pennanti</i>	Fisher	Blue	Riparian areas throughout study area.
<i>Myotis keenii</i>	Keen's long-eared myotis	Red	Rock bluffs of Polygons 15 and 16
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	Blue	Rock bluffs of Polygons 15 and 16

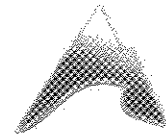
Source: Conservation Data Centre for the Squamish Forest District (CDC, 2005)

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2.3.3.3 Valued Ecosystem Components

Wildlife Trees

Wildlife trees include significant standing snags, veteran trees, and trees with broken tops. These trees are important as perching areas for raptors such as red-tailed hawk and bald eagle, and foraging and nesting sites for woodpeckers, small owls and other cavity nesting birds and small mammals. Existing woodpecker cavities are extremely important to secondary cavity users such as owls, ducks, swallows, and small mammals such as northern flying squirrels and bats.

Large mature trees were limited to the mature forested areas of Polygons 4, 10 and 11. Some of these mature trees exhibit characteristics that provide good perching habitat for birds, such as dead tops and bare limbs. Large snags with high habitat values are moderately common throughout the subject property. A significant wildlife tree was found in Polygon 1 and is shown on Map 2, Existing Environmental Conditions, and illustrated below in Photo 23.



Photo 22: Typical wildlife tree with active wildlife use.



Photo 23: Significant wildlife Tree found in Polygon 1.

Streams, Wetlands, and Riparian Areas

The Cheakamus River, the unnamed tributary to the Cheakamus River, ephemeral channels, and wetlands on and adjacent to the property provide important aquatic and

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riparian habitat to a variety of animal and plant species. Riparian areas typically have the most diverse vegetation communities in any given area. This diversity leads to an equally diverse wildlife assemblage through several trophic levels from insects to top chain carnivores. Although all the ephemeral streams are non-fish bearing (see Section 2.4), they are important habitat for aquatic invertebrates and amphibians. In addition, they provide important nutrients and fresh water input to Cheakamus River. Streams and wetlands are particularly valuable when considered with their riparian vegetation component. The wetlands in Polygons 2,5,6,9 and 14 provide valuable habitat to terrestrial and avian wildlife species.

Streams and wetland habitats are utilized as drinking and preening areas for wildlife, and breeding areas for frogs, salamanders, and fish (when present). Riparian areas also serve as important buffering systems, protecting waterways adjacent developmental impacts such as sediment and storm water introduction, particularly when adjacent development increases the impervious area of the region.

Wildlife Movement Corridors

The diversity of riparian habitats as well as the availability of a reliable water source equates to a broad variety of available forage for herbivorous and omnivorous species such as deer and bear with the result that riparian areas tend to be the primary movement corridors for most wildlife. Even birds, with the freedom to move about the landscape freely, tend to travel within riparian corridors when available. These corridors connect habitats within the subject property to adjacent forested areas while providing wildlife with thermal cover and security (see Section 4.2 Recommendations).

Two significant wildlife corridors were identified connecting the Cheakamus River to the Municipal Landfill and Interpretive Forest. One of the corridors follows the riparian area associated with the unnamed tributary to the Cheakamus (Polygon 12), and the other corridor leads through Wetland #4 (Polygon 14). Evidence of wildlife moving in the form of trails, tracks, scat, tree scarring and resting sites were identified throughout both corridors. Specifically the corridor containing Wetland #4, linking the Municipal Landfill with the Cheakamus River was littered with different wildlife trails, tracks and scat. Furthermore, a bear DNA hair trap was identified just north of Wetland #4. Information gathered from the DNA hair trap could be used to determine how many different bears and how often these bears are frequenting this corridor.

Rocky Outcrops and Talus Slopes

Because of their dry and exposed characteristics, and unique plant species, rocky outcrops provide an aesthetic value to the subject property. These areas also serve as important raptor perch (and potential nest) sites. Because they tend to be of sufficient height to rise above the surrounding canopy, they are valuable basking sites for reptiles and other animals. The northern alligator lizard prefers rocky habitats (Cannings et al, 1999). They also serve as potential vantage points for predatory species such as bobcat.

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Talus slopes provide important habitat to pika who are obligate residents. Rocky talus is also suitable habitat for reptile hibernacula sites as they provide specific thermal and moisture regimes that protect snakes from freezing and dehydration. Talus slopes are located primarily within Polygons 16. Rock outcrops, particularly when cracked or containing cavities (caves) may also serve as hibernacula for snakes and some bat species. The most prevalent rocky bluffs are located within Polygons 15.

2.4 Aquatic Environment

2.2.4.1 Cheakamus River

The Cheakamus River is located outside of the study area, forming the north, east and western boundary of the proposed Athlete's Village site. The Cheakamus River is a tributary to the Squamish River and is 68 km long. The river is a 5th order stream with a drainage area of 285 km² and a historic (1982 and 1999) mean daily flow of the 19.3 m³/s near its confluence with Millar Creek which is just north of the study area (Environment Canada, Province of BC, 2005). Fish species present in the Cheakamus River above the Millar Creek Confluence include resident populations of Kokanee (*Oncorhynchus nerka*), Dolly Varden (*Salvelinus malma*), rainbow trout (*Oncorhynchus mykiss*) and stickleback spp. (MSRM, Fish Wizard, 2005). Many obstructions, including a 4 m fall, located 0.4 km downstream of the confluence of Millar Creek, prevent the passage of anadromous salmon into the area (MSRM, Fish Wizard, 2005). Three electrofishing efforts by Nelson Environmental Services in August and September 1997 confirmed the presence of rainbow trout and sculpin spp. at the Whistler municipal sewage treatment plant located to the north of the study area (NES, 1997).

2.2.4.2 Unnamed Tributary to the Cheakamus River

Within the study area there is one main unnamed stream that potentially has flows year round. It is located in the northwest side of the study area and it flows in a northwest direction into the Cheakamus River. The major source of water for this stream arises from pooled ground water/surface water upslope of the municipal landfill and from the settling pond located in the basalt quarry. The ground water/surface water pools at the southwest edge of the landfill and then flows under the landfill through a culvert. The water and presumably leachate (see Photo 27) exits the landfill and flows through a ditch alongside a road and into the mainstem of the stream. Water from the basalt mine sediment pond flows over a bedrock fall into a PVC flume (approximately 100 m long at 26% gradient), which empties directly into the mainstem of the stream. A small ditch alongside the road to the quarry also contributes some minor flows to the PVC flume. It was noted during the site visit that the water flowing into the PVC flume, from the sediment pond, was very turbid. This turbidity was noted throughout the rest of the stream to its confluence with the Cheakamus River. Downstream of these water sources the mainstem of the stream can be divided into three reaches based on gradient changes:

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Photo 24: Turbid water from basalt mine.



Photo 25: Flume carrying water from basalt mine.



Photo 26: Water pooling upstream of landfill.



Photo 27: Water exiting landfill into the unnamed tributary of the Cheakamus River.

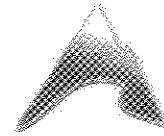
Reach 1 – 7% Gradient: Reach 1 starts at the confluence with the Cheakamus River and ends approximately 300 m upstream. The stream in this reach is confined in a steep gully. The stream has a channel width that ranges between 1 to 4 m with a cascade/pool morphology. The streambed is comprised largely of cobbles, fines and some bedrock. Two potential barriers to fish migration were noted in the reach; a 1.8 m bedrock fall and a 2.5 meter cascade (see Map 2 and Photo 29). No barriers to migration at the actual confluence of the Cheakamus River were found. Fish traps were placed upstream and downstream of the waterfall to verify fish presence in the reach. Rainbow trout were caught in fish traps immediately downstream of the waterfall. No fish were caught

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upstream of the waterfall. Note however, due to the limited fish sampling undertaken during this study it is impossible to conclude non-fish bearing status upstream of the falls unless more extensive sampling is undertaken. It may be possible that fish can move upstream of the falls during certain flows (a small step pool channel was noted next to the falls that could be fish passable). Reach 1 has good potential fish habitat including overwintering habitat (deep pools) and abundance of cover (deep pools, large woody debris, small woody debris and overstream vegetation).



Photo 28: Confluence with Cheakamus River.



Photo 29: 1.8 m waterfall located in Reach 1.

Reach 2 – 3% Gradient: Reach 2 is approximately 350 m long and the stream is much less confined than in Reach 1. Channel width varies between 3 to 7 m wide with numerous islands were present. Stream channels were separated by up to 10 m by vegetated islands. The substratum is largely dominated by fines and cobbles and stream has a cascade/pool morphology. An abundance of small and large woody debris and instream vegetation provides potential habitat (cover) for fish. No fish were caught using minnow traps in this reach.

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Photo 30:
Reach 2 of
unnamed tributary
of Cheakamus
River.

Reach 3 – 7% Gradient: Reach 3 is approximately 150 m long and is confined on the right by steep talus slopes and on the left by steep banks up to the Cheakamus River FSR (Callaghan Branch). Channel width varies between 1 to 2.5 m wide. The creek has a cascade/pool morphology and the substratum is dominated by cobbles. The stream in this reach is littered with garbage from the landfill.



Photo 31:
Reach 3 showing
abundance of
garbage in channel.

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2.2.4.3 Ephemeral drainages

Most of the ephemeral drainages in the study area are associated with wetlands. These drainages flow from their associated wetlands during high periods of precipitation and following snow melt. All the wetland drainages found within the study area flow subsurface before reaching fish bearing waters (i.e. Cheakamus River). As such, there is no potential for fish migration through the drainages. Most of the channels in the drainages are very small (0.5 to 1 m), are not always well defined and are extensions of the wetland complex that they originate from. All the wetlands that had adequate water depth (Wetlands, 2, 3 and 4) were sampled for fish using minnow traps. No fish were caught.

A small ephemeral drainage channel was also found in the far northwestern end of the study area. Ground water flows out of the slope below the Cheakamus FSR (Callaghan Branch) and flows north towards the Cheakamus River. This drainage likely flows during high periods of precipitation and following snow melt. The channel varies between 1 to 2 m in width, is not always well defined (i.e. goes subsurface) and does not connect to the Cheakamus River. The channel disappears at least 50 m before reaching the steep cliff above the Cheakamus river. There is no possibility of fish migration into this drainage.



Photo 32: Ephemeral drainage from the wetland located in Polygon 2.



Photo 33: Photo showing same drainage going subsurface and disappearing

2.5 Wetland Environment

Wetlands provide breeding habitat for several amphibian and avian species. At the same time, wetlands serve a critical function in storm water management and water filtration. By retaining water, suspended solids and minerals have an opportunity to fall out of solution, thereby purifying the water. During heavy rain events, wetlands serve as storage facilities,

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releasing water slowly to the surrounding area and preventing rapid increases in creek discharges.

2.5.1 Classification

According to the Canadian Wetland Classification System, the wetlands found throughout the study area are classified as basin (seepage) swamp. Swamps typically are associated with wooded wetlands with trees or tall shrubs providing generally over 30% of cover. They have a constantly wet substrate, that is permanently or seasonally flooded. A basin swamp is topographically defined in bedrock features where water is derived by surface runoff, groundwater, precipitation, or by small inflowing surface streams. There is a well developed high shrub and herbaceous layer adjacent and throughout the basin areas. Observed species include hardhack, unidentified grasses and sedges, skunk cabbage, salmonberry, thimbleberry, Western redcedar, red and Sitka alder, Sitka spruce. The forest canopy is open and mixed deciduous and coniferous. The wetland areas are expected to provide significant nutrients to downstream channels due to a diverse vegetation assemblage and rich soil.

2.5.2 Functionality

The functionality of the wetlands occurring within the study area is compromised by the impacts of the forest harvesting and road/ trail building. Functions provided by the wetland(s) include to varying degrees; (SCS, 1992):

1. Sediment Control - Capture and retain sediments from upstream runoff from logging roads and trails.
2. Flood Storage - Retain overflow and reduce the rate of flow during peak runoff by storm retention.
3. Food Production - Provide forage for migrating birds and resident animals, as well as providing food for downstream fisheries production.
4. Wildlife Habitat - Provide habitat and rearing habitat for the local wildlife population, including black-tailed deer, raccoons, small mammals, avian species, reptiles and amphibians.
5. Recreation - Opportunities to develop ecological interpretive programs, viewing platforms and trails.

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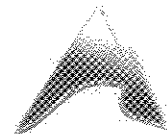
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Photo 34: Wetland found in Polygon 2.

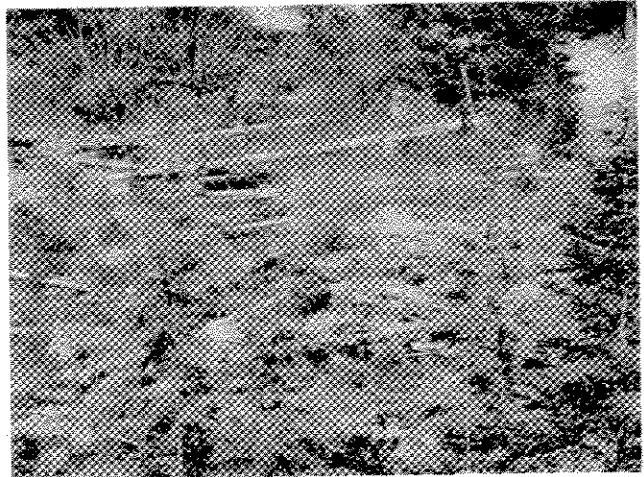


Photo 35: Wetland found in Polygon 6.

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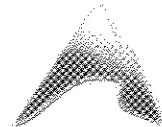
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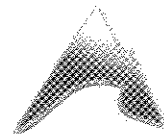
Map 3: Environmental Constraints

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3.0 ENVIRONMENTAL CONSTRAINTS

3.1 Cultural Environment

3.1.1 Heritage

Cultural heritage analysis conducted by ARCAS did not identify any features that would be constraining to development of an Athlete's Village. Past logging activity should not present any constraints to development.

3.1.2 Recreation Use

The recreation uses within the Whistler Interpretive Forest and surrounding the subject property should not pose a constraint to development and potentially may be an attractive amenity for the proposed development. The Riverside Trail and Ridge Trail can be found near the southern boundary of the study area within the Whistler Interpretive Forest. The trail "Trash" follows the Cheakamus River on the northern boundary of the study area and is a recognized mountain biking trail of the Whistler Off Road Cycling Association.

3.1.3 Whistler Municipal Landfill

The Resort Municipality of Whistler landfill may present development constraints associated with risk of potential contamination. Seepage of leachate from the Municipal Landfill is a potential constraint to development in the study area. Leachates can potentially negatively affect environmental and human health. Water quality testing have indicated elevated levels of ammonia, copper, iron, manganese and cadmium have been periodically detected from samples from the landfill (Sperling Hansen Associates, 1996). Elevated levels of these of these parameters are anticipated but have not been confirmed in ground waters flowing northward from the landfill (Sperling Hansen Associates, 1996).

3.1.4 Whistler Municipal Wastewater Treatment Facility

Strong odours emanating from the RMOW wastewater treatment plant may be constraining to livability on the Athlete's Village site if planned odour abatement efforts are not 100% successful.

3.2 Physical Environment

3.2.1 Climate

Climate in the study area represents no obvious constraints or concerns with respect to development. However, snowfall is considerable in the Whistler area.

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3.2.2 Geology

Bedrock and lack of soils in some areas of the site represents a constraint to development as it is generally impermeable to stormwater and expensive to excavate. Consequently, the distribution of bedrock will likely influence the location of infrastructure, roads and residential development on upland areas.

3.2.3 Geomorphology

Moderately sloping, bedrock-controlled topography imposes development constraints associated with access routes, excavation and building layout. Talus slopes may present a constraint to development due to potential structural instability. Development at or near the talus slopes may be at risk of rock fall and rock slides.

3.2.4 Hydrology

The watercourses on the study site that pose constraints to development include the Cheakamus River, the unnamed tributary to the Cheakamus River, the intermittent drainage adjacent to Polygon 10 on the far north western side of the study area and the wetlands and their associated intermittent drainages. Potential flooding of the Cheakamus River in areas where it is not confined by a steep ravine pose a development constraint within the study area.

3.3 Terrestrial Environment

3.3.1 Soils

Specific constraints to development posed by the soils include issues related to the shallowness of bedrock throughout the study area. There may be potential for soil contamination beyond the existing boundaries of the landfill due to seepage and migration through groundwater.

3.3.2 Vegetation

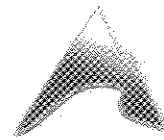
The mature, young and pole sapling forest types found within the study area present no significant constraint to development. The mature forest found in Polygons 4, 10 and 11 contains a well developed understorey and veteran trees which are significant and provide valuable habitat to bird and mammal species. It should also be noted that according to Forest Cover Maps these mature forests are approximately 220 years of age and contribute considerable aesthetic value to the area. However, the majority of these mature forest areas are within the estimated riparian setbacks for the Cheakamus River along the northwestern boundary of the study area and as such may be protected from development. Snags and wildlife trees identified during the site reconnaissance should be considered constraining due to the habitat value they possess, however preservation of individual specimens may not be feasible due to safety issues.

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3.3.2.1 Rare and Endangered Vegetation Species

No rare, endangered, or threatened plant species were identified during the site visit. Given the past logging disturbance of the study area these species are unlikely to occur. However, vegetation identified by the CDC to be rare, endangered or threatened, should be considered a constraint to development.

The subject property does contain site series that may contain blue listed plant communities delineated by the CDC for the CWHms1 biogeoclimatic variant (site series 03 FdHw - Falsebox, and 06 BaCw - Devil's Club); however, rare and endangered plant communities refers to natural undisturbed sites, and therefore are not applicable to the study area (MSRM, 2005).

3.3.3 Wildlife and Wildlife Habitats

3.3.3.1 Wildlife

Activity patterns of bears are likely to be altered by development as they show a high degree of adaptability to human developments and therefore present a moderate constraint to development the may be mitigatable through planning efforts.

Significant alterations to the rock outcrops and talus slopes on the property would likely preclude the use of these areas by Keen's long-eared myotis, Townsend's big-eared bat, and common pika if present and therefore should be considered as constraining to development. Development of rocky bluff and talus slope areas are also likely to impact their availability to reptile species for basking and for hibernacula.

3.3.3.2 Rare and Endangered Wildlife Species

The vulnerable red-legged frog and Townsend's big-eared bat, and the threatened Keen's Long-eared Myotis are three species identified in Section 2.3.3.2 as being possible residents of the study site. These species have specific requirements associated with the creeks and riparian habitats of the property. The riparian setbacks as noted in Section 3.2.4 will ensure the retention of the species habitat as it occurs on site, and therefore, no additional constraints to development are identified.

3.3.3.3 Valued Ecosystem Components

Wildlife Trees

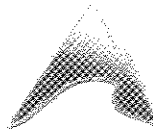
As previously addressed, wildlife trees include significant standing snags, veteran trees, and trees with broken tops. These trees are considered to have high habitat value, important for perching, foraging and nesting. These trees should be considered as constraining to development without being preclusive.

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Creek and Riparian Areas

Creek and riparian habitats are important as feeding, drinking, and breeding sites for numerous wildlife species. These habitats also act as natural movement corridors for wildlife through the site. The riparian areas associated with all creeks and wetland areas within the site should be considered critical habitat and therefore constraining to development. Map 3 includes an assessment of riparian habitat on the property. Riparian buffers on Map 3 are for illustration purposes only and cannot be formalized without a top of bank survey of the creeks in question.

Wetlands

The wetlands located through out the study area are of significant value to wildlife for reasons discusses in section 2.3.3.3 and 2.5 of this report as such should be considered to be constraining to development.

Wildlife Movement Corridors

By maintaining and/or enhancing the riparian corridors on the site, wildlife movement corridors will also be maintained such that animals are able to move into and utilize those areas of the property that are of value (primarily riparian and wetland areas). All creeks and riparian corridors within the study area are considered to be important movement corridors and are constraining to development. An important consideration is the wildlife corridor through the study area between the Millar Creek wetlands and the Whistler Interpretive Forest. An objective of the RMOW Protected Areas Network (PAN) is to maintain this corridor to link the two habitat patches and create an effective north/south link in the Whistler valley. Map 3 also contains RMOW PAN classifications that may or may not be considered by the RMOW as a constraint to development.

Rocky Outcrops and Talus Slopes

Rocky outcrops and talus slopes may present site specific constraints to development depending on their level of utilization by wildlife.

3.4 Aquatic Environment

Appropriate setbacks as determined by the Streamside Protection Regulation (*Fish Protection Act*), for river, stream and drainage areas are detailed in Section 3.2.4 Hydrology and should be considered as constraining to development.

3.5 Wetland Environment

The wetlands identified within the study area present a constraint to development.

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4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

This report details the baseline conditions found on site and investigates potential environmental constraints to development. This document is intended to meet or exceed the RMOW requirements for environmental assessment as part of the rezoning process. Further, this IER is intended to serve as a foundation study for the environmental approval process with the BC Environmental Assessment Office (BCEAA) or for Canadian Environmental Assessment Act (CEAA) approvals.

Based on the conditions observed on the site and the information reviewed as part of this assessment, there appears to be opportunities for development of an athlete's village within the study area. The main constraints identified within the subject site relate to:

- ~ the potential alienation of the RMOW landfill for development due to the risk of contamination,
- ~ the identified riparian buffers delineated under the Streamside Protection Regulation,
- ~ the presence of mature forests approximately 220 years of age, and
- ~ the possible alienation of lands due to the RMOW PAN initiative.

4.2 Recommendations

Based on the information reviewed and the site conditions observed, the following recommendations are made to minimize potential negative impacts on the site arising from development:

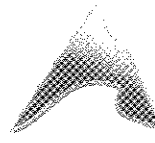
1. Efforts should be made to preserve the functionality of the recreational trail system; in particular the Riverside and Ridge trail system within the Whistler Interpretive Forest as well as the trail Trash along the northern boundary of the study area.
2. The extent of the surface/groundwater contamination from leachate from the landfill site should be determined prior to any programmed use of the landfill area. Further, the potential environmental and health impacts of the leachate should be determined and an appropriate mitigation and cleanup plan implemented.
3. A snow removal strategy should be developed in association with any proposed development to ensure that snow removed from roads is not deposited into creeks
4. Riparian buffers should be established on Cheakamus River, the unnamed tributary of the Cheakamus, and other drainage and wetland areas in accordance with the *Streamside Protection Regulation*. A 30 m setback may be required for the Cheakamus River and to the unnamed tributary to the Cheakamus River. A 15 m setback is recommended for wetlands and intermittent drainages.
5. Development setbacks for riparian areas should be established to address soil erosion, existing and future sedimentation concerns, as well as protect the aquatic

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and riparian habitat and fisheries values of the riparian areas. No development or clearing of native vegetation should be allowed within the buffer areas, with the exception of approved trail access routes. Adherence to the Land Development Guidelines for the Protection of Aquatic Habitat (Chilibeck et al., 1993), and the Streamside Protection Regulation of the Fish Protection Act, will facilitate protection of water quality within the natural drainages.

6. A tree preservation plan should be developed that incorporates the specific habitat value of large veteran trees. All large veteran trees should be retained whenever possible, particularly the trees found in Polygons 4, 10 and 11. A number of wildlife trees were observed during site visits. Wildlife tree within riparian boundaries will be retained in accordance with applicable federal, provincial, and/or municipal legislation; however, wildlife trees located elsewhere on the study site should be retained where possible.
7. Vegetation should be retained wherever possible, particularly within the riparian and wetland areas. However, it is also recommended that mature forest areas outside of the riparian setbacks be maintained if possible. Retention of vegetated areas will facilitate wildlife movement through the site, from the Whistler Interpretive Forest, Cheakamus River and Miller Creek Wetlands, and retain breeding and foraging areas.
8. The status and implications of the RMOW PAN initiative should be further defined to provide site planners with a clear direction regarding goals and objectives for preservation and habitat management in the study area.
9. Wetlands and their associated riparian vegetation buffers should be retained and enhanced where possible to restore their functionality.
10. Impacts to local bear populations may be avoided if setback areas are established for riparian areas, and proposed wildlife corridors are maintained. A "Bear Smart" program should be included in the planning process.
11. Raptor nests such as Cooper's hawk, northern goshawk, great-horned owl, and others found during clearing must be adequately protected by a forested buffer while occupied.
12. If land clearing activity is necessary between April 1 and July 31, it should be conducted with due diligence to comply with Section 34 of the Wildlife Act, which forbids the destruction of nests occupied by a bird, its eggs, or young.
13. Site preparation and construction works should be monitored by a qualified environmental monitor.

4.3 Additional Studies

- ✎ Further investigations may be required to determine the level and extent of potential contamination associated with the RMOW Landfill.

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- ^ The closure plan developed by Sperling Hansen Associates (1996) or a similar plan should be implemented to reduce or eliminate the leachate seepage into watercourses and soils of the lands surrounding municipal landfill.
- ^ Further evaluation of the geology, geomorphology and soils within the study area should be identified in a geotechnical report.
- ^ Prior to land clearing and development activity a raptor nest survey should be conducted. If nests are located, a forested protective buffer may be required. Each nest site requires a separate assessment to determine buffer distances that will adequately protect the site.
- ^ In addition to the post-development stormwater management plan, a drainage plan should also be developed to deal with concerns related to land clearing, grubbing and construction. Both the post-development stormwater management plans and the construction drainage plans should adhere to the Land Development Guidelines for the protection of Aquatic Habitat.
- ^ Environmental input should continue through the development process.
- ^ The extent of leachate seepage and groundwater contamination, the potential environmental and health impacts of the leachate must be determined and an appropriate mitigation and cleanup plan developed.
- ^ A Species at Risk (SARA) declaration may be required as part of the BCEAO approval process.

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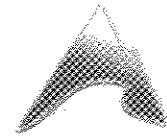
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CASCADE ENVIRONMENTAL RESOURCE GROUP LTD.

WHISTLER OFFICE
Unit 3 – 1005 Alpha Lake Road
Whistler, BC V0N 1B1
Phone (604) 938-1949 Fax (604) 938-1247

SQUAMISH OFFICE
P.O. Box 1043, 2135 Ridgeway Crescent
Garibaldi Highlands, BC V0N 1T0
Phone (604) 898-9859 Fax (604) 898-4326

www.cascade-environmental.ca

**Initial Environmental Review
Athlete's Village, Whistler, B.C.**

Prepared for Athlete's Village Development Corp.

File #: 269-03-01

DRAFT

May, 2005



Page: 57

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WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: May 1, 2006

REPORT: 06-42

FROM: Planning and Development

FILE: RA 453/1734

SUBJECT: LOWER CHEAKAMUS COMPREHENSIVE DEVELOPMENT
ATHLETES' VILLAGE

ADMINISTRATOR'S COMMENT/RECOMMENDATION

That the recommendation of the General Manager of Planning and Development Services be endorsed.

RECOMMENDATION

That Council consider rescinding second reading to "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006 that was given on March 21, 2006;

That Council consider giving second readings to "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006;

That Council authorize the Corporate Officer to schedule a public hearing regarding "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" and to advertise the public hearing; and further;

That Council stipulate that any consideration of the adoption of "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" be subject to a report from the General Manager of Planning and Development Services regarding the following:

- 1) Registration of a plan of subdivision at the Land Titles Office creating a land title for the subject site.
- 2) Receipt of a letter from the Province of British Columbia, Ministry of the Environment, indicating that rezoning may proceed notwithstanding the fact that the site profile may not have been approved by Province of British Columbia at the time of adoption.
- 3) Receipt of a letter from the Province of British Columbia, Ministry of Transportation indicating that approval has been granted for access to and egress from Highway 99.
- 4) Submission of a "Tree Preservation Plan" prepared by a qualified professional to the satisfaction of the General Manager of Planning and Development Services.
- 5) Registration of a "Tree Preservation Covenant" in accordance with "Tree Preservation Plan".
- 6) Submission of a letter from a qualified professional engineer stating the appropriate setbacks from hazard areas including but not limited to the basalt bluffs along the western edge of the subject site.
- 7) Registration at the Land Titles Office of a plan and associated legal documents showing the "no build" area along the basalt bluffs along the western edge of the subject site.

- 8) Registration in the Land Titles Office of a “Flood Covenant” that defines the Flood Control Levels (FCL) across the subject site.
 - 9) Registration in the Land Titles Office of an “Employee Housing Agreement”.
 - 10) Payment of any outstanding rezoning application processing fees .
 - 11) Registration of an “Environmental Monitoring Covenant.”
- all to the satisfaction of the General Manager of Planning and Development Services.

REFERENCE

Owners:	The Crown in the name of the Province of British Columbia
Legal Description:	Portion of District Lot T 0203, Block 5 and a portion of District Lot T0239 Block 7.
Location:	South of the former landfill and west of the Cheakamus River.
Zoning:	RR-1 (Rural Resource One)

PURPOSE

The purpose of this report is to provide Council with an overview of several proposed changes to bylaw No. 1734, 2006, and to request that Council rescind the March 21, 2006 second reading and give the revised bylaw second reading.

DISCUSSION

Bylaw No. 1734, 2006 was given first and second reading by Council on March 21, 2006. Since that time a lot of work has been done reviewing the proposed development. This has resulted in several changes being proposed to Bylaw No 1734, 2006 prior to the public hearing. The most effective way to incorporate the changes into the bylaw prior to the public hearing is to rescind the second reading from March 21, 2006, and give the bylaw a new second reading. The proposed changes to the bylaw are outlined below:

- 1) The definition of “athletes’ centre accommodation” has been edited to clarify that its use is available to all athletes. Furthermore, the definition has been changed to allow use of the facility by people involved in educational and cultural programs in the Resort Municipality of Whistler.
- 2) Revise the definition of “local service commercial”. This definition has been revised to clearly identify the retail uses that will be allowed in the Neighbourhood Core. This definition is similar to that in the proposed Rainbow bylaws.
- 3) A definition of “local personal service” has been added. This definition clearly identifies what commercial services will be allowed in the Neighbourhood Core.
- 4) Schedule “A” “Map of the Subject Lands” has been amended by removing a 30 metre wide strip parallel to the top of the left bank of the Cheakamus River. This was a requirement of the provincial government.
- 5) “Schools” (includes satellite college or university building) have been added to the list of permitted uses in the “neighbourhood core area” of the R-LCCD (Lower Cheakamus Comprehensive Development) zone. Several private schools and post secondary institutions have expressed a desire to be able to locate in this area.

- 6) "Apartments" have been added to the list of permitted uses in the "Residential Area" of the R-LCCD (Lower Cheakamus Comprehensive Development) zone. The addition of "apartments" as a use will help create a denser urban form that will in turn allow for the preservation of more open space and the more efficient use of infrastructure such as district heating.
- 7) "Detached dwellings" have been added to the list of permitted uses in the "Residential Area" of the R-LCCD (Lower Cheakamus Comprehensive Development) zone. "Detached dwellings" have been added as a permitted use at the request of the Whistler 2020 Development Corporation. This will provide flexibility to delivery a variety of housing products as community needs and desires change.
- 8) The density table has been removed and replaced with text. It has been deemed by staff to be preferable to consolidate similar uses in order to increase the flexibility in the design process.
- 9) The "off-street parking and loading" provisions have been changed in order to reduce the amount of required parking. The change is similar to the proposed parking standards in the "Rainbow" bylaw.
- 10) Schedule "C" of the Bylaw has been amended by removing the master plan overlay. Reference to the master plan has been removed because there are still some design issues related to the master plan. In addition, it has been amended by removing a 30 metre wide strip parallel to the top of the left bank of the Cheakamus River. The 30 meter wide strip adjacent to the Cheakamus River has been added as per the direction of the provincial government. Finally, the boundary of the "Neighbourhood Core" has been moved ten metres further towards the southeast in order to accommodate some geotechnical constraints in the vicinity of the former landfill.

POLICY CONSIDERATIONS

Policy considerations can be found in the March 21, 2006 staff report.

SUMMARY

The proposed changes to Zoning Amendment Bylaw (Residential – Lower Cheakamus Comprehensive Development) No. 1734, 2006 reflect the ongoing iterative design process. Staff felt that it was important that these changes be incorporated into the bylaw prior to the public hearing.

Respectfully submitted,

Bill Brown

Manager of Current Planning

for

Robert MacPherson

GENERAL MANAGER OF PLANNING & DEVELOPMENT SERVICES



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: June 18, 2007

REPORT: 07-72

FROM: Community Planning

FILE: RA 452/1734

SUBJECT: LOWER CHEAKAMUS COMPREHENSIVE DEVELOPMENT
(AKA ATHLETES' VILLAGE)

ADMINISTRATOR'S COMMENT/RECOMMENDATION

That the recommendation of the General Manager of Planning and Development Services be endorsed.

RECOMMENDATION

That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler the following Covenants:

Block "A", District Lot 8073 - Section 219 Covenant – Environmental Protection Construction Requirements and Monitoring Program;

Block "A", District Lot 8073 - Section 219 Covenant – Scorched Earth Covenant;

Block "B", District Lot 8073 - Section 219 Covenant – Environmental Protection Construction Requirements and Monitoring Program;

Block "B", District Lot 8073 - Section 219 Covenant – Scorched Earth Covenant;

REFERENCE

Owners: The Resort Municipality of Whistler

Legal Description: Block A, District Lot 8073, Group 1, New Westminster District

Block B, District Lot 8073, Group 1, New Westminster District

Location: South of the former landfill and west of the Cheakamus River.

Zoning: RR-1 (Rural Resource One)

Appendices:

"A" Council Minutes from March 21, 2006

"B" Block "A", District Lot 8073 - Section 219 Covenant – Environmental Protection Construction Requirements and Monitoring Program;

"C" Block "A", District Lot 8073 - Section 219 Covenant – Scorched Earth Covenant;

"D" Block "B", District Lot 8073 - Section 219 Covenant – Environmental Protection Construction Requirements and Monitoring Program;

"E" Block "B", District Lot 8073 - Section 219 Covenant – Scorched Earth Covenant;

PURPOSE

To report to Council on the status of the “prior to adoption conditions” for Bylaw No. 1734, 2006. Staff are also requesting that Council consider passing a resolution authorizing the Mayor and Corporate Officer to execute a “Scorched Earth” covenant for both Block A and Block B of District Lot 8073. In addition, staff are requesting that Council consider passing a resolution authorizing the Mayor and Corporate Officer to Execute an “Environmental Monitoring” covenant for both Block A and Block B of District Lot 8073.

DISCUSSION

On March 21, 2006, Council gave first and second reading to “Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006”. The council motion also contained a number of “prior to adoption conditions” (Appendix “A”). Table 1 summarizes these conditions and the current status of each condition.

Table 1

Condition	Status
1) Registration of a plan of subdivision at the Land Titles Office creating a land title for the subject site.	Completed. Two titles have been created, one for the “neighbourhood core” and one for the “residential area”. The Resort Municipality of Whistler is the owner of both parcels.
2) Receipt of a letter from the Province of British Columbia, Ministry of Environment, indicating that rezoning may proceed notwithstanding the fact that the site profile may not have been approved by the Province of British Columbia at the time of adoption.	Completed
3) Receipt of a letter from the Province of British Columbia, Ministry of Transportation, indicating that approval has been granted for access to and egress from Highway 99.	Completed. The Ministry of Transportation has signed Bylaw No. 1734, 2006.
4) Submission of a “Tree Preservation Plan” prepared by a qualified professional to the satisfaction of the General Manager of Planning and Development Services.	Pending. The proposed covenants will allow the rezoning bylaw to be adopted but will not allow the issuance of development permits until the tree preservation plan is completed.
5) Registration of a “Tree Preservation Covenant” in accordance with the “Tree Preservation Plan”.	Pending. The proposed covenants will allow the rezoning bylaw to be adopted but will not allow the issuance of development permits until the tree preservation covenant is registered on title.
6) Submission of a letter from a qualified professional engineer stating the appropriate setbacks from hazard areas including but not limited to the basalt bluffs along the western edge of the subject site.	Pending. The proposed scorched earth covenant will allow the rezoning bylaw to be adopted but will not allow the issuance of development permits until the Resort Municipality of Whistler receives a hazard assessment report.
7) Registration at the Land Titles Office of a plan and associated legal documents showing the “no	Pending. The proposed scorched earth covenant will allow the rezoning bylaw to be adopted but will

build” area along the basalt bluffs along the western edge of the subject site.	not allow the issuance of development permits until the appropriate legal documents are registered on title.
---	--

While progress is being made on the remaining “prior to adoption” conditions that are still pending, the Whistler 2020 Development Corporation has requested that a “Scorched Earth” covenant be registered on the titles for both Block A and Block B. This will allow Council to adopt Bylaw 1734, 2006 (Residential – Lower Cheakamus Comprehensive Development) notwithstanding that several “prior to” conditions are still outstanding. This will give the Whistler 2020 Development Corporation a comfort level to allow it to proceed with the certainty that the zoning will be in place while preventing them from obtaining a development permit or subdivision until all the “prior to” conditions for the rezoning have been met.

In addition, staff are requesting that Council authorize the registration of an Environmental Monitoring covenant on both parcels. This will impose a legal obligation on the owner or the owner’s representative to do environmental monitoring.

BUDGET CONSIDERATIONS

There are no significant budget implications.

SUMMARY

This report provides an update to Council about the status of the “prior to” conditions for Bylaw 1734, 2006 (Residential – Lower Cheakamus Comprehensive Development). In addition, the report requests that Council consider authorizing the Mayor and Corporate Officer to execute a “Scorched Earth” covenant and a “Environmental Monitoring” covenant for both Block A, District Lot 8073 and Block B District Lot 8073. Registering the “Scorched Earth” covenant will allow Council to adopt Bylaw 1734, 2006 notwithstanding that some of the “prior to” conditions are still outstanding. The “Scorched Earth” covenant will protect the interests of the Resort Municipality of Whistler and also give the Whistler 2020 Development Corporation the comfort of knowing Bylaw 1734, 2006 has been approved.

Respectfully submitted,

Bill Brown
Manager of Community Planning
for
Robert MacPherson
GENERAL MANAGER,
COMMUNITY LIFE
\\filename

Appendix "A"

Excerpt from the March 21, 2006 Council Minutes

Lower Cheakamus
Comprehensive
Development (aka
Athletes' Village)
Report No. 06-23
File No. RA 453/1734

Moved by Councillor Forsyth
Seconded by Councillor McKeever

That Council consider giving first and second readings to "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006";

That Council authorize the Corporate Officer to schedule a public hearing regarding "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" and to advertise the public hearing in a local newspaper;

That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler any legal documents identified in this report as being required as a condition of adoption of the zoning bylaw, and further;

That Council stipulate that any consideration of the adoption of "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" be subject to the following:

- 1) Registration of a plan of subdivision at the Land Titles Office creating a land title for the subject site.
- 2) Receipt of a letter from the Province of British Columbia, Ministry of the Environment, indicating that rezoning may proceed notwithstanding the fact that the site profile may not have been approved by Province of British Columbia at the time of adoption.
- 3) Receipt of a letter from the Province of British Columbia, Ministry of Transportation indicating that approval has been granted for access to and egress from Highway 99.
- 4) Submission of a "Tree Preservation Plan" prepared by a qualified professional to the satisfaction of the General Manager of Planning and Development Services.
- 5) Registration of a "Tree Preservation Covenant" in accordance with "Tree Preservation Plan".
- 6) Submission of a letter from a qualified professional engineer stating the appropriate setbacks from hazard areas including but not limited to the basalt bluffs along the western edge of the subject site.
- 7) Registration at the Land Titles Office of a plan and associated legal documents showing the "no build" area along the basalt bluffs along the western edge of the subject site.

- 8) Registration in the Land Titles Office of a "Flood Covenant" that defines the Flood Control Levels (FCL) across the subject site.
- 9) Registration in the Land Titles Office of an "Employee Housing Agreement".
- 10) Payment of any outstanding rezoning application processing fees to the satisfaction of the General Manager of Planning and Development Services.
- 11) Registration of an "Environmental Monitoring Covenant."

all to the satisfaction of the General Manager of Planning and Development Services.

CARRIED

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT – PART 1

(This area for Land Title Office use)

Page 1 of 9 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Russell G. Benson, McCarthy Tétrault LLP
1300-777 Dunsmuir Street, Vancouver, B.C. V7Y 1K2
Phone: (604) 643-7100 Client No. 010452

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
026-772-213	Block A, District Lot 8073, Group 1, New Westminster District

3. NATURE OF INTEREST:*

DESCRIPTION	DOCUMENT REFERENCE (PAGE AND PARAGRAPH)	PERSON ENTITLED TO INTEREST
Section 219 Covenant	Entire Instrument	Transferees

4. TERMS: Part 2 of this instrument consists of (select one only):

- (a) Filed Standard Charge Terms ☐ D.F. Number:
(b) Express Charge Terms ☒ Annexed as Part 2
(c) Release ☐ There is no Part 2 of this instrument.

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

RESORT MUNICIPALITY OF WHISTLER

6. TRANSFEREE(S): (including postal address(es) and postal code(s)):

RESORT MUNICIPALITY OF WHISTLER, a municipal corporation pursuant to the *Resort Municipality of Whistler Act*, RSBC 1996, c. 407 and having an office at 4325 Blackcomb Way, Whistler, B.C., V0N 1B4

7. ADDITIONAL or MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

USE BLACK INK ONLY

Officer Signature(s)

Execution Date

Y M D

07

USE BLACK INK ONLY

Party(ies) Signature(s)

Transferor:
RESORT MUNICIPALITY OF WHISTLER by its authorized signatories:

Mayor:

Clerk:

(as to all signatures)

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

Block A Environmental

Monitoring Covenant

201088-380264

VDO_DOCS #1593805 v. 2

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Page 2 of 9 pages

USE BLACK INK ONLY

Officer Signature(s)

Execution Date

Y

M

D

07

USE BLACK INK ONLY

Party(ies) Signature(s)

Transferee:

**RESORT MUNICIPALITY OF
WHISTLER** by its authorized
signatories:

Mayor:

Clerk:

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**SECTION 219 COVENANT – ENVIRONMENTAL PROTECTION
CONSTRUCTION REQUIREMENTS AND MONITORING PROGRAM**

THIS AGREEMENT dated for reference _____, 2007

BETWEEN:

RESORT MUNICIPALITY OF WHISTLER, 4325 Blackcomb
Way, Whistler, British Columbia, V0N 1B4

(the “**Owner**”)

AND:

RESORT MUNICIPALITY OF WHISTLER, 4325 Blackcomb
Way, Whistler, British Columbia, V0N 1B4

(“**Municipality**”)

WITNESSES THAT WHEREAS:

- A. The Owner is the registered owner of the land in Whistler, British Columbia, legally described as:
- PID: 026-772-213
Block A
District Lot 8073
Group 1
New Westminster District
- (“**Land**”);
- B. The Municipality has required, as a condition of approving an amendment to the zoning applicable to the Land, that the Owner grant certain covenants in respect thereof;
- C. Section 219 of the *Land Title Act*, R.S.B.C. 1996, c.250, as amended, permits the registration of a covenant of a negative or positive nature in favour a municipality, in respect of the use of land, the building on land, the subdivision of land and the protection, preservation, conservation, or maintenance of the land in its natural state or a specified amenity in relation to the land; and
- D. The Owner has agreed to grant and the Municipality has agreed to accept this covenant over the Land to restrict their use in the manner herein provided.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to section 219 of the *Land Title Act*, and in consideration of the premises and the sum of one dollar (\$1.00), now paid by the Municipality to the Owner (the receipt and sufficiency whereof is hereby acknowledged), the Owner covenants and agrees with the Municipality as follows:

Definitions

1. In this Covenant:
 - (a) “**Environmental Program**” means the program for the protection of the environment on the Lands and surrounding lands developed by the Owner for the Project and accepted by the Municipality, acting reasonably;
 - (b) “**Environmental Monitor**” means such company or person with appropriate expertise as may be retained from time to time by the Owner with the prior consent of the Municipality, acting reasonably, to perform the work described in section 4 of this Agreement; and
 - (c) “**Project**” means the development of the Lands by the Owner to create an Athletes Village for the 2010 Olympic and Paralympic Winter Games.

Restriction on Building and Use

2. The Owner agrees, pursuant to Section 219 of the *Land Title Act*, that the Lands shall not be used or built on except in accordance with this Covenant.

Compliance with Environmental Program

3. The Owner shall, while servicing and developing the Lands, conduct all clearing and construction activities in strict compliance with the Environmental Program and comply with all directions and requirements of the Environmental Monitor. The Owner shall not undertake any clearing or construction unless the Environmental Program has been developed and accepted for that stage of the work.

Environmental Monitor

4. The Owner shall prior to undertaking any construction or clearing activities on the Lands enter into a contract with the Environmental Monitor, which contract shall provide that:
 - (a) the Environmental Monitor shall be engaged for the purpose of developing the Environmental Program and enforcing the Environmental Program and as part of the Environmental Monitor’s enforcement options, he may stop the construction work, order the Owner to undertake tests and studies and order any remediative or mitigative measures he considers appropriate;
 - (b) the Environmental Monitor is an independent contractor and not an employee of either the Owner or the Municipality and as such, the Environmental Monitor shall be responsible for the payment of his own pension, unemployment insurance

and Workers Compensation Board contributions and the Environmental Monitor shall provide the Owner with evidence of his Workers Compensation Board coverage;

- (c) the Environmental Monitor has the authority at the cost of the Owner to hire experts to undertake water sampling, soil surveys or other tests or to assist the Environmental Monitor in any way he considers appropriate;
- (d) in enforcing the Environmental Program, the Environmental Monitor shall give primary consideration to the interests of the environment;
- (e) in the event the Environmental Monitor breaches its obligation to enforce the Environmental Program or otherwise breaches his contract for services with the Owner, the Owner shall, before treating the contract for services as having been repudiated, obtain the Municipality's approval of a new environmental monitor such that there will be at all times an environmental monitor appointed and acting as required by the Covenant;
- (f) the Environmental Monitor shall conduct tours of the Lands, in respect of the environmental protection measures, both during and after construction of the Project, to members of the public, at times and in the manner considered appropriate by the Environmental Monitor;
- (g) the Environmental Monitor shall be entitled to be on-site at all times that he deems necessary for the protection of the environment as established by the Environmental Program and no less than ten (10) complete days while clearing and construction is underway;
- (h) the Environmental Monitor shall submit regular written reports simultaneously to both the Owner and the Municipality. At the commencement of the Project, the monitoring reports shall be submitted on a weekly basis, to be received on Monday morning. The reporting schedule may be modified, as construction progresses, by the mutual consent of the Owner and the Municipality. The environmental monitoring reports shall be brief and concise, and shall include:
 - (i) a brief description of construction activities since the last reporting period;
 - (ii) any non-compliant activities, and subsequent work stoppages, mitigative actions and/or rectifying measures taken;
 - (iii) unexpected environmental concerns and potential mitigation strategies;
 - (iv) water and air quality, and soil analysis laboratory results as they become available.

Copy of Contract

5. The Owner shall provide the Municipality with a copy of the Environmental Monitor's contract in order that the Municipality may confirm that it contains the requirements listed in the preceding section.

Subsequent Purchasers

6. Should the Owner wish to convey or otherwise transfer the Project to any other person, it shall first provide to that person copies of all reports, guidelines and other documents referred to in this Covenant, including the Environmental Program, and the Owner shall obtain an acknowledgment of that person that those documents were received and it shall deliver that acknowledgment to the Municipality and the Owner shall assign its contract with the Environmental Monitor to that person.

Binding of Successors

7. This Agreement binds the parties to it and their respective assigns, successors, heirs, executors and administrators. Reference in this Agreement to the Resort Municipality of Whistler is a reference also to its elected and appointed officials, officers, employees and agents.

Waiver

8. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Interpretation

9. Whenever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or the body corporate whenever the context or the parties hereto so require.

Further Acts

10. The Owner must do everything reasonably necessary to give affect to the intent of this Agreement, including execution of further instruments. Without limiting the generality of the foregoing, the Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Covenant Runs With the Land

11. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the *Land Title Act* (British Columbia) in respect of the

Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated by any means.

Indemnity

12. The Owner hereby indemnifies and saves harmless the Municipality from and against all manner of actions, causes of action, claims, expenses, debts, demands, losses, damages and costs arising from the granting or existence of the Covenant or from any breach of this Covenant by the Owner.

References

13. Every reference to each part is deemed to include the heirs, executors, administrator, successors, assigns, servants, employees, agents, contractors, officers, licensees, and invitees of such party, wherever the context so requires or allows.

Powers Preserved

14. This Agreement does not:
 - (a) affect or limit the discretion, rights, duties or powers of the Municipality under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Municipality any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land;
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land; and
 - (e) impose any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Municipality with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity.

Process

15. Whenever in this Covenant the Municipality is required or entitled to exercise its discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the Municipality may do so in accordance with the provisions of this Covenant and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

Performance by Municipality

16. If the Owner should breach any of the covenants and restrictions herein, or fail to observe, perform or keep any of the provisions hereof to be observed, performed and kept by the Owner, the Municipality may, but shall not be obliged to, at its discretion, and without prejudice, rectify the default and for such purpose may do or cause to be done all such things as may be required including without limitation entry upon the Lands, engineering works in, on, under and to the Lands, landscaping works, and the removal, demolition, repair, replacement or maintenance of buildings, structures or other improvements. Any such performance by or at the behest of the Municipality shall be at the expense of the Owner and all costs of the Municipality and expenses incurred by the Municipality shall constitute a debt due and owing by the Owner to the Municipality, and the Owner covenants to pay the same forthwith upon demand.
17. Any performance by the Municipality pursuant to the preceding paragraph shall be without prejudice to any and all other remedies at law and equity available to the Municipality, and no reference herein, or exercise of any specific right or remedy by the Municipality, shall preclude the Municipality from exercising any other right or remedy.

Severance

18. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

Priority

19. The Owner shall execute all documents and perform such acts within its control as are necessary to give priority to this Covenant over any financial charge registered against title to the Lands.

Captions

20. The captions appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision thereof.

Contracts

21. The Owner shall incorporate the environmental protection measures contained in this Covenant into all contracts which it enters into for the construction, maintenance, operation or other work on the Lands.

Opinions

22. Any opinion which the Municipality is entitled to form pursuant to this Covenant may be made on its behalf by the General Manager of Engineering and Public Works.

Limitation on Owner's Obligations

23. The Owner is only liable for breaches of this Agreement that occur while the Owner is registered owner of the Land.

No Liability in Tort

24. The parties agree that this agreement creates only contractual obligations and obligations arising out of the nature of this document as a deed. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to deeds under seal.

Exercise of Rights and Remedies

25. The exercise by any party to this Agreement of any right or remedy under this Agreement, whether expressly provided under this Agreement or at law or in equity, does not affect any other right or remedy that party may have as expressly provided in this Agreement or at law or in equity.

No Other Agreements

26. This Agreement is the entire agreement between the parties regarding its subject.

Amendment

27. This Agreement may be discharged, amended, terminated or otherwise affected only by an instrument duly executed by all parties to this Agreement.

Deed and Contract

28. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

Execution Using Forms C and D

29. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part I of the *Land Title Act* Forms C and D to which this Agreement is attached and which form part of this Agreement.

END OF DOCUMENT

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT – PART 1

(This area for Land Title Office use)

Page 1 of 7 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Russell G. Benson, McCarthy Tétrault LLP
1300-777 Dunsmuir Street, Vancouver, B.C. V7Y 1K2
Phone: (604) 643-7100 Client No. 010452

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

026-772-213

Block A, District Lot 8073, Group 1, New Westminster District

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE

PERSON ENTITLED TO INTEREST

(PAGE AND PARAGRAPH)

Section 219 Covenant

Entire Instrument

Transferees

4. TERMS: Part 2 of this instrument consists of (select one only):

(a) Filed Standard Charge Terms ☐

D.F. Number:

(b) Express Charge Terms ☒

Annexed as Part 2

(c) Release ☐

There is no Part 2 of this instrument.

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

RESORT MUNICIPALITY OF WHISTLER

6. TRANSFEREE(S): (including postal address(es) and postal code(s)):

RESORT MUNICIPALITY OF WHISTLER, a municipal corporation pursuant to the *Resort Municipality of Whistler Act*, RSBC 1996, c. 407 and having an office at 4325 Blackcomb Way, Whistler, B.C., V0N 1B4

7. ADDITIONAL or MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

USE BLACK INK ONLY

Officer Signature(s)

Execution Date

Y

M

D

07

USE BLACK INK ONLY

Party(ies) Signature(s)

Transferor:

RESORT MUNICIPALITY OF WHISTLER by its authorized signatories:

Mayor:

Clerk:

(as to all signatures)

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

Block A Scorched Earth Covenant

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Page 2 of 7 pages

USE BLACK INK ONLY

Officer Signature(s)

Execution Date

Y

M

D

07		
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USE BLACK INK ONLY

Party(ies) Signature(s)

Transferee:

**RESORT MUNICIPALITY OF
WHISTLER** by its authorized
signatories:

Mayor:

Clerk:

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

SECTION 219 COVENANT

THIS AGREEMENT dated for reference _____, 2006

BETWEEN:

RESORT MUNICIPALITY OF WHISTLER, 4325 Blackcomb
Way, Whistler, British Columbia, V0N 1B4

(the “**Owner**”)

AND:

RESORT MUNICIPALITY OF WHISTLER, 4325 Blackcomb
Way, Whistler, British Columbia, V0N 1B4

(“**Municipality**”)

WITNESSES THAT WHEREAS:

- A. The Owner is the registered owner of the land in Whistler, British Columbia, legally described as:

PID: 026-772-213
Block A
District Lot 8073
Group 1
New Westminster District

(“**Land**”); and

- B. The Municipality has required, as a condition of approving an amendment to the zoning applicable to the Land, that the Owner grant certain covenants in respect thereof.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to section 219 of the *Land Title Act*, and in consideration of the premises and the sum of one dollar (\$1.00), now paid by the Municipality to the Owner (the receipt and sufficiency whereof is hereby acknowledged), the Owner covenants and agrees with the Municipality as follows:

No Use and No Subdivision Covenant

1. The Owner covenants and agrees with the Municipality that:
 - (a) the Land shall not be subdivided by any means;
 - (b) no building, structure or other improvement shall be developed, constructed or located on the Lands (but this will not prohibit the construction of roads, installation or services or site cleaning and site preparation activities); and
 - (c) the Owner may apply for, but the Municipality is not obliged to issue (and the Owner will take no action to compel issuance of) any subdivision approval, development permit or building permit for the Land.

Discharge

2. The Municipality must, at the written request of the Owner, deliver to the Owner a discharge of this Agreement executed, in registrable form, on behalf of the Municipality, from title to the Land if, at the time the written request is made, the Owner has entered into the agreements with the Municipality generally described in Schedule A to this Agreement, on terms and conditions satisfactory to the Municipality's General Manager of Planning and Development Services, acting reasonably, and those agreements have been filed for registration against title to the Land and the Municipality is satisfied, acting reasonably, that such agreements will, in the ordinary course of land title office procedure, be fully registered with priority over all financial liens, charges and encumbrances.

No Effect On Laws or Powers

3. This Agreement does not:
 - (a) affect or limit the discretion, rights, duties or powers of the Municipality under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Municipality any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land;
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land; and
 - (e) impose any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Municipality with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity.

Limitation on Owner's Obligations

4. The Owner is only liable for breaches of this Agreement that occur while the Owner is registered owner of the Land.

No Liability in Tort

5. The parties agree that this agreement creates only contractual obligations and obligations arising out of the nature of this document as a deed. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to deeds under seal.

Covenant Runs With the Land

6. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated by any means.

Further Acts

7. The Owner must do everything reasonably necessary to give affect to the intent of this Agreement, including execution of further instruments. Without limiting the generality of the foregoing, the Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

Exercise of Rights and Remedies

8. The exercise by any party to this Agreement of any right or remedy under this Agreement, whether expressly provided under this Agreement or at law or in equity, does not affect any other right or remedy that party may have as expressly provided in this Agreement or at law or in equity.

Waiver

9. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

10. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

11. This Agreement is the entire agreement between the parties regarding its subject.

Binding of Successors

12. This Agreement binds the parties to it and their respective assigns, successors, heirs, executors and administrators. Reference in this Agreement to the Resort Municipality of Whistler is a reference also to its elected and appointed officials, officers, employees and agents.

Amendment

13. This Agreement may be discharged, amended, terminated or otherwise affected only by an instrument duly executed by all parties to this Agreement.

Deed and Contract

14. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

Execution Using Forms C and D

15. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part I of the *Land Title Act* Forms C and D to which this Agreement is attached and which form part of this Agreement.

SCHEDULE A

The following are the agreements referred to in section 2 of this Agreement, all of which agreements must be entered into in accordance with section 2 in a form substantially in the same as standard form of such covenants (if any) generally used by the Municipality, and otherwise satisfactory to the Municipality's General Manager of Community Life.

Description of Documents	
1.	"Tree Preservation Covenant" that references a registrable plan prepared by a registered professional that indicates the location of trees whose removal is determined to be unnecessary for the development of the Land.
2.	"No Build Covenant" that references a registrable plan showing the "no build area" along the basalt bluffs along the western edge of the Land, to be prepared by a registered professional who recommends in writing that the "no build area" be kept free of buildings and structures in relation to natural hazards.
3.	"Flood Covenant" that defines flood construction levels across the Land.

END OF DOCUMENT

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT – PART 1

(This area for Land Title Office use)

Page 1 of 10 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Russell G. Benson, McCarthy Tétrault LLP
1300-777 Dunsmuir Street, Vancouver, B.C. V7Y 1K2
Phone: (604) 643-7100 Client No. 010452

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

Block B, District Lot 8073, Group 1, New Westminster District

3. NATURE OF INTEREST:*

DESCRIPTION

DOCUMENT REFERENCE
(PAGE AND PARAGRAPH)

PERSON ENTITLED TO INTEREST

Section 219 Covenant

Entire Instrument

Transferees

4. TERMS: Part 2 of this instrument consists of (select one only):

- (a) Filed Standard Charge Terms ☐ D.F. Number:
(b) Express Charge Terms ☒ Annexed as Part 2
(c) Release ☐ There is no Part 2 of this instrument.

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA

6. TRANSFEREE(S): (including postal address(es) and postal code(s)):

RESORT MUNICIPALITY OF WHISTLER, a municipal corporation pursuant to the *Resort Municipality of Whistler Act*, RSBC 1996, c. 407 and having an office at 4325 Blackcomb Way, Whistler, B.C., V0N 1B4

7. ADDITIONAL or MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

USE BLACK INK ONLY

Officer Signature(s)

Execution Date

Y M D

07

USE BLACK INK ONLY

Party(ies) Signature(s)

Transferee:
RESORT MUNICIPALITY OF WHISTLER by its authorized signatories:

Mayor:

Clerk:

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

Block B Environmental

Monitoring Covenant

201088-380264

McCarthy Tétrault LLP VDO_DOCS #1593870 v. 2

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Page 2 of 10 pages

USE BLACK INK ONLY

Officer Signature(s)

(as to all signatures)

Execution Date

Y

M

D

07

USE BLACK INK ONLY

Party(ies) Signature(s)

Transferor:

**HER MAJESTY THE QUEEN IN
RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA** as represented
by the MINISTER OF TOURISM,
SPORT AND THE ARTS, or his/her
authorized designate(s) by its authorized
signatories:

Print Name:

Print Name:

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**SECTION 219 COVENANT – ENVIRONMENTAL PROTECTION
CONSTRUCTION REQUIREMENTS AND MONITORING PROGRAM**

THIS AGREEMENT dated for reference _____, 2007

BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF THE
PROVINCE OF BRITISH COLUMBIA**, Parliament Buildings,
Victoria, British Columbia

(the “**Owner**”)

AND:

RESORT MUNICIPALITY OF WHISTLER, 4325 Blackcomb
Way, Whistler, British Columbia, V0N 1B4

(“**Municipality**”)

WITNESSES THAT WHEREAS:

- A. The Owner is the registered owner of the land in Whistler, British Columbia, legally described as:
- Block B
District Lot 8073
Group 1
New Westminster District
- (“**Land**”);
- B. The Municipality has required, as a condition of approving an amendment to the zoning applicable to the Land, that the Owner grant certain covenants in respect thereof;
- C. Section 219 of the *Land Title Act*, R.S.B.C. 1996, c.250, as amended, permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the protection, preservation, conservation, or maintenance of the land in its natural state or a specified amenity in relation to the land; and
- D. The Owner has agreed to grant and the Municipality has agreed to accept this covenant over the Land to restrict their use in the manner herein provided.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to section 219 of the *Land Title Act*, and in consideration of the premises and the sum of one dollar (\$1.00), now paid by the Municipality to the Owner (the receipt and sufficiency whereof is hereby acknowledged), the Owner covenants and agrees with the Municipality as follows:

Definitions

1. In this Covenant:
 - (a) **“Environmental Program”** means the program for the protection of the environment on the Lands and surrounding lands developed by the Owner for the Project and accepted by the Municipality, acting reasonably;
 - (b) **“Environmental Monitor”** means such company or person with appropriate expertise as may be retained from time to time by the Owner with the prior consent of the Municipality, acting reasonably to perform the work described in section 4 of this Agreement;
 - (c) **“Project”** means the development of the Lands by the Owner to an athletes training facility and related accommodation for the 2010 Olympic and Paralympic Winter Games.

Restriction on Building and Use

2. The Owner agrees, pursuant to Section 219 of the *Land Title Act*, that the Lands shall not be used or built on except in accordance with this Covenant.

Compliance with Environmental Program

3. The Owner shall, while servicing and developing the Lands, conduct all clearing and construction activities in strict compliance with the Environmental Program and comply with all directions and requirements of the Environmental Monitor. The Owner shall not undertake any clearing or construction unless the Environmental Program has been developed and accepted for that stage of the work.

Environmental Monitor

4. The Owner shall prior to undertaking any construction or clearing activities on the Lands enter into a contract with the Environmental Monitor, which contract shall provide that:
 - (a) the Environmental Monitor shall be engaged for the purpose of developing the Environmental Program and enforcing the Environmental Program and as part of the Environmental Monitor’s enforcement options, he may stop the construction work, order the Owner to undertake tests and studies and order any remediative or mitigative measures he considers appropriate;
 - (b) the Environmental Monitor is an independent contractor and not an employee of either the Owner or the Municipality and as such, the Environmental Monitor

shall be responsible for the payment of his own pension, unemployment insurance and Workers Compensation Board contributions and the Environmental Monitor shall provide the Owner with evidence of his Workers Compensation Board coverage;

- (c) the Environmental Monitor has the authority at the cost of the Owner to hire experts to undertake water sampling, soil surveys or other tests or to assist the Environmental Monitor in any way he considers appropriate;
- (d) in enforcing the Environmental Program, the Environmental Monitor shall give primary consideration to the interests of the environment;
- (e) in the event the Environmental Monitor breaches his obligation to enforce the Environmental Program or otherwise breaches his contract for services with the Owner, the Owner shall, before treating the contract for services as having been repudiated, obtain the Municipality's approval of a new environmental monitor such that there will be at all times an environmental monitor appointed and acting as required by the Covenant;
- (f) the Environmental Monitor shall conduct tours of the Lands, in respect of the environmental protection measures, both during and after construction of the Project, to members of the public, at times and in the manner considered appropriate by the Environmental Monitor;
- (g) the Environmental Monitor shall be entitled to be on-site at all times that he deems necessary for the protection of the environment as established by the Environmental Program and no less than ten (10) complete days while clearing and construction is underway;
- (h) the Environmental Monitor shall submit regular written reports simultaneously to both the Owner and the Municipality. At the commencement of the Project, the monitoring reports shall be submitted on a weekly basis, to be received on Monday morning. The reporting schedule may be modified, as construction progresses, by the mutual consent of the Owner and the Municipality. The environmental monitoring reports shall be brief and concise, and shall include:
 - (i) a brief description of construction activities since the last reporting period;
 - (ii) any non-compliant activities, and subsequent work stoppages, mitigative actions and/or rectifying measures taken;
 - (iii) unexpected environmental concerns and potential mitigation strategies;
 - (iv) water and air quality, and soil analysis laboratory results as they become available.

Copy of Contract

5. The Owner shall provide the Municipality with a copy of the Environmental Monitor's contract in order that the Municipality may confirm that it contains the requirements listed in the preceding section.

Subsequent Purchasers

6. Should the Owner wish to convey or otherwise transfer the Project to any other person, it shall first provide to that person copies of all reports, guidelines and other documents referred to in this Covenant, including the Environmental Program, and the Owner shall obtain an acknowledgement of that person that those documents were received and it shall deliver that acknowledgement to the Municipality and the Owner shall assign its contract with the Environmental Monitor to that person.

Binding of Successors

7. This Agreement binds the parties to it and their respective assigns, successors, heirs, executors and administrators. Reference in this Agreement to the Resort Municipality of Whistler is a reference also to its elected and appointed officials, officers, employees and agents.

Waiver

8. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Interpretation

9. Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or the body corporate whenever the context or the parties hereto so require.

Further Acts

10. The Owner must do everything reasonably necessary to give affect to the intent of this Agreement, including execution of further instruments. Without limiting the generality of the foregoing, the Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement has priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement or otherwise affecting the Land.

Covenant Runs With the Land

11. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the *Land Title Act* (British Columbia) in respect of the

Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land and any tenants thereof, and any mortgagee of the owner, or any tenant, of the Land from time to time. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated by any means. So long as this Agreement remains unregistered and in effect, the Owner will not sell, transfer or otherwise dispose of the Lands or any portion thereof unless concurrently therewith the purchaser or transferee executes a covenant in writing and under seal in which the purchaser or transferee covenants to observe, perform and be bound by all of the covenants and obligations hereunder to be observed or performed by the Owner in respect of the portion of the Lands in question from and after the effective date of the sale, transfer or other disposition and thereafter the Owner will have no further liability or obligation hereunder in respect of such portion of the Lands.

Indemnity

12. The Owner hereby indemnifies and saves harmless the Municipality from and against all manner of actions, causes of action, claims, expenses, debts, demands, losses, damages and costs arising from the granting or existence of the Covenant or from any breach of this Covenant by the Owner.

References

13. Every reference to each part is deemed to include the heirs, executors, administrator, successors, servants, employees, agents, contractors, officers, licensee, and invitees of such party, wherever the context so requires or allows.

Powers Preserved

14. This Agreement does not:
 - (a) affect or limit the discretion, rights, duties or powers of the Municipality under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Municipality any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land;
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land; and
 - (e) impose any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Municipality with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity.

Process

15. Wherever in this Covenant the Municipality is required or entitled to exercise its discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the Municipality may do so in accordance with the provisions of this Covenant and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

Severance

16. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

Performance by Municipality

17. (a) If the Owner should breach any of the covenants and restrictions herein, or fail to observe, perform or keep any of the provisions hereof to be observed, performed and kept by the Owner, the Municipality may, but shall not be obliged to, at its discretion, and without prejudice, rectify the default and for such purpose may do or cause to be done all such things as may be required including without limitation entry upon the Lands, engineering works, in, on, under and to the Lands, landscaping works, and the removal, demolition, repair, replacement or maintenance of buildings, structures or other improvements. Any such performance by or at the behest of the Municipality shall be at the expense of the Covenantor and all costs of the Municipality and expenses incurred by the Municipality shall constitute a debt due and owing by the Owner to the Municipality, and the Owner covenants to pay the same forthwith upon demand.
- (b) Any performance by the Municipality pursuant to the preceding paragraph shall be without prejudice to any and all other remedies at law and equity available to the Municipality, and no reference herein, or exercise of any specific right or remedy by the Municipality, shall preclude the Municipality from exercising any other right or remedy.

Severance

18. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

Priority

19. The Owner shall execute all documents and perform such acts within its control as are necessary to give priority to this Covenant over any financial charge registered against title to the Lands.

Captions

20. The captions appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision thereof.

Contracts

21. The Owner shall incorporate the environmental protection measures contained in this Covenant into all contracts which it enters into for the construction, maintenance, operation or other work on the Lands.

Opinions

22. Any opinion which the Municipality is entitled to form pursuant to the Covenant may be made on its behalf by the General Manager of Engineering and Public Works.

Limitation on Owner's Obligations

23. The Owner is only liable for breaches of this Agreement that occur while the Owner is registered owner of the Land.

No Liability in Tort

24. The parties agree that this agreement creates only contractual obligations and obligations arising out of the nature of this document as a deed. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to deeds under seal.

Exercise of Rights and Remedies

25. The exercise by any party to this Agreement of any right or remedy under this Agreement, whether expressly provided under this Agreement or at law or in equity, does not affect any other right or remedy that party may have as expressly provided in this Agreement or at law or in equity.

No Other Agreements

26. This Agreement is the entire agreement between the parties regarding its subject.

Amendment

27. This Agreement may be discharged, amended, terminated or otherwise affected only by an instrument duly executed by all parties to this Agreement.

Deed and Contract

28. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

Registration/Section 219 Covenant

29. Notwithstanding that a title has not been issued for the Land pursuant to the *Land Title Act* (British Columbia), this Agreement will be deemed to have been granted pursuant to section 219 of the *Land Title Act* (British Columbia) and will be as effective as if a title had been issued. Upon the issuance of a title for the Land, the Owner shall, at its expense, register this Covenant against title to the Land in accordance with section 11 hereof.

Execution Using Forms C and D

30. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part I of the *Land Title Act* Forms C and D to which this Agreement is attached and which form part of this Agreement.

END OF DOCUMENT

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT – PART 1

(This area for Land Title Office use)

Page 1 of 8 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Russell G. Benson, McCarthy Tétrault LLP
1300-777 Dunsmuir Street, Vancouver, B.C. V7Y 1K2
Phone: (604) 643-7100 Client No. 010452

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
027-018-474	Block B, District Lot 8073, Group 1, New Westminster District

3. NATURE OF INTEREST:*

DESCRIPTION	DOCUMENT REFERENCE (PAGE AND PARAGRAPH)	PERSON ENTITLED TO INTEREST
Section 219 Covenant	Entire Instrument	Transferees

4. TERMS: Part 2 of this instrument consists of (select one only):

- (a) Filed Standard Charge Terms ☐ D.F. Number:
(b) Express Charge Terms ☒ Annexed as Part 2
(c) Release ☐ There is no Part 2 of this instrument.

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA

6. TRANSFEREE(S): (including postal address(es) and postal code(s)):

RESORT MUNICIPALITY OF WHISTLER, a municipal corporation pursuant to the *Resort Municipality of Whistler Act*, RSBC 1996, c. 407 and having an office at 4325 Blackcomb Way, Whistler, B.C., V0N 1B4

7. ADDITIONAL or MODIFIED TERMS:*

N/A

8. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

USE BLACK INK ONLY

Officer Signature(s)

Execution Date

Y M D

07		
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USE BLACK INK ONLY

Party(ies) Signature(s)

Transferor:
RESORT MUNICIPALITY OF WHISTLER by its authorized signatories:

Mayor:

Clerk:

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

*Block B Scorched
Earth Covenant*

** If space insufficient, continue executions on additional page(s) in Form D.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Page 3 of 8 pages

USE BLACK INK ONLY

Officer Signature(s)

(as to all signatures)

Execution Date

Y

M

D

07

USE BLACK INK ONLY

Party(ies) Signature(s)

Transferee:

**RESORT MUNICIPALITY OF
WHISTLER** by its authorized
signatories:

Mayor:

Clerk:

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

*Block B Scorched
Earth Covenant*

THIS AGREEMENT dated for reference _____, 2007

BETWEEN:

RESORT MUNICIPALITY OF WHISTLER, 4325 Blackcomb
Way, Whistler, British Columbia, V0N 1B4

(the “**Owner**”)

AND:

RESORT MUNICIPALITY OF WHISTLER, 4325 Blackcomb
Way, Whistler, British Columbia, V0N 1B4

(“**Municipality**”)

WITNESSES THAT WHEREAS:

- A. The Owner is the registered owner of the land in Whistler, British Columbia, legally described as:

Parcel Identifier: 027-018-474
Block B
District Lot 8073
Group 1
New Westminster District

(“**Land**”); and

- B. The Municipality has required, as a condition of approving an amendment to the zoning applicable to the Land, that the Owner grant certain covenants in respect thereof.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to section 219 of the *Land Title Act*, and in consideration of the premises and the sum of one dollar (\$1.00), now paid by the Municipality to the Owner (the receipt and sufficiency whereof is hereby acknowledged), the Owner covenants and agrees with the Municipality as follows:

No Use and No Subdivision Covenant

1. The Owner covenants and agrees with the Municipality that:

(a) the Land shall not be subdivided by any means;

*Block B Scorched
Earth Covenant*

- (b) no building, structure or other improvement shall be developed, constructed or located on the Lands (but this will not prohibit the construction of roads, installation or services or site cleaning and site preparation activities); and
- (c) the Owner may apply for, but the Municipality is not obliged to issue (and the Owner will take no action to compel issuance of) any subdivision approval, development permit or building permit for the Land.

Discharge

- 2. The Municipality must, at the written request of the Owner, deliver to the Owner a discharge of this Agreement executed, in registrable form, on behalf of the Municipality, from title to the Land if, at the time the written request is made, the Owner has entered into the agreements with the Municipality generally described in Schedule A to this Agreement, on terms and conditions satisfactory to the Municipality's General Manager of Planning and Development Services, acting reasonably, and those agreements have been filed for registration against title to the Land and the Municipality is satisfied, acting reasonably, that such agreements will, in the ordinary course of land title office procedure, be fully registered with priority over all financial liens, charges and encumbrances.

No Effect On Laws or Powers

- 3. This Agreement does not:
 - (a) affect or limit the discretion, rights, duties or powers of the Municipality under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Municipality any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
 - (c) affect or limit any enactment relating to the use or subdivision of the Land;
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land; and
 - (e) impose any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Municipality with respect to its exercise of any right or remedy expressly provided in this Agreement or at law or in equity.

Limitation on Owner's Obligations

- 4. The Owner is only liable for breaches of this Agreement that occur while the Owner is registered owner of the Land.

No Liability in Tort

5. The parties agree that this agreement creates only contractual obligations and obligations arising out of the nature of this document as a deed. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to deeds under seal.

Covenant Runs With the Land

6. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land and any tenants thereof, and any mortgagee of the owner, or any tenant, of the Land from time to time. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated by any means.

Further Acts

7. The Owner must do everything reasonably necessary to give affect to the intent of this Agreement, including execution of further instruments. Without limiting the generality of the foregoing, the Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement has priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement or otherwise affecting the Land.

Exercise of Rights and Remedies

8. The exercise by any party to this Agreement of any right or remedy under this Agreement, whether expressly provided under this Agreement or at law or in equity, does not affect any other right or remedy that party may have as expressly provided in this Agreement or at law or in equity.

Waiver

9. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

10. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

11. This Agreement is the entire agreement between the parties regarding its subject.

Binding of Successors

12. This Agreement binds the parties to it and their respective assigns, successors, heirs, executors and administrators. Reference in this Agreement to the Resort Municipality of Whistler is a reference also to its elected and appointed officials, officers, employees and agents.

Amendment

13. This Agreement may be discharged, amended, terminated or otherwise affected only by an instrument duly executed by all parties to this Agreement.

Deed and Contract

14. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

Execution Using Forms C and D

15. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part I of the *Land Title Act* Forms C and D to which this Agreement is attached and which form part of this Agreement.

SCHEDULE A

The following are the agreements referred to in section 2 of this Agreement, all of which agreements must be entered into in accordance with section 2 in a form substantially in the same as standard form of such covenants (if any) generally used by the Municipality, and otherwise satisfactory to the Municipality's General Manager of Community Life.

Description of Documents	
1.	"Tree Preservation Covenant" that references a registrable plan prepared by a registered professional that indicates the location of trees whose removal is determined to be unnecessary for the development of the Land.
2.	"Flood Covenant" that defines flood construction levels across the Land.

END OF DOCUMENT

That Council authorize staff to schedule a Public Open House for the review of RA. 448; and further

That Council refer RA. 448 to the Advisory Planning Commission for their review and comment. DEFEATED

Opposed: Mayor Melamed, Councillors Wilhelm-Morden, Lorriman and Zeidler

Lower Cheakamus
Comprehensive
Development (aka
Athletes' Village)
Report No. 06-23
File No. RA 453/1734

Moved by Councillor Forsyth

Seconded by Councillor McKeever

That Council consider giving first and second readings to "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006";

That Council authorize the Corporate Officer to schedule a public hearing regarding "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" and to advertise the public hearing in a local newspaper;

That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler any legal documents identified in this report as being required as a condition of adoption of the zoning bylaw, and further;

That Council stipulate that any consideration of the adoption of "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" be subject to the following:

- 1) Registration of a plan of subdivision at the Land Titles Office creating a land title for the subject site.
- 2) Receipt of a letter from the Province of British Columbia, Ministry of the Environment, indicating that rezoning may proceed notwithstanding the fact that the site profile may not have been approved by Province of British Columbia at the time of adoption.
- 3) Receipt of a letter from the Province of British Columbia, Ministry of Transportation indicating that approval has been granted for access to and egress from Highway 99.
- 4) Submission of a "Tree Preservation Plan" prepared by a qualified professional to the satisfaction of the General Manager of Planning and Development Services.
- 5) Registration of a "Tree Preservation Covenant" in accordance with "Tree Preservation Plan".
- 6) Submission of a letter from a qualified professional engineer stating the appropriate setbacks from hazard areas including but not limited to the basalt bluffs along the western edge of the subject site.
- 7) Registration at the Land Titles Office of a plan and associated legal documents showing the "no build" area along the basalt bluffs along the western edge of the subject site.

- 8) Registration in the Land Titles Office of a "Flood Covenant" that defines the Flood Control Levels (FCL) across the subject site.
 - 9) Registration in the Land Titles Office of an "Employee Housing Agreement".
 - 10) Payment of any outstanding rezoning application processing fees to the satisfaction of the General Manager of Planning and Development Services.
 - 11) Registration of an "Environmental Monitoring Covenant."
- all to the satisfaction of the General Manager of Planning and Development Services.
- CARRIED

POLICY REPORT

Riparian Areas
Regulation Interim
Measures
Report No. 06-24
File No. 1737/1738

Moved by Councillor McKeever
Seconded by Councillor Forsyth
That Council consider giving first and second readings to Riparian Area Development Delegation Bylaw No. 1738, 2006; and further

That Council consider giving first and second readings to Development Application Procedures and Fees Amendment Bylaw No. 1737, 2006.

CARRIED

ACTIVITY REPORT

Building Department
Report

Moved by Councillor McKeever
Seconded by Councillor Forsyth
That the Building Department report of February 2006 be received.

CARRIED

MINUTES OF COMMITTEES AND COMMISSIONS

Advisory Planning
Commission

Moved by Councillor Zeidler
Seconded by Councillor Wake
That the minutes of the Advisory Planning Commission held on February 2, 2006 be received.

CARRIED

Advisory Design Panel

Moved by Councillor McKeever
Seconded by Councillor Zeidler
That the minutes of the Advisory Design Panel held on February 15, 2006 be received.

CARRIED

Forest and Wildland
Advisory Committee

Moved by Councillor Lorrigan
Seconded by Councillor Forsyth
That the minutes of the Forest and Wildland Advisory Committee held on February 21, 2006 be received.

CARRIED.

BYLAWS FOR FIRST AND SECOND READING

Zoning Amendment
Bylaw (Residential-Lower
Cheakamus
Comprehensive
Development) No. 1734,
2006"
File No. 1734

Moved by Councillor McKeever
Seconded by Councillor Zeidler
That Zoning Amendment Bylaw (Residential-Lower Cheakamus Comprehensive
Development) No. 1734, 2006 receive first and second reading as amended.
CARRIED

Riparian Area
Development Delegation
Bylaw No. 1738, 2006
File No. 1738

Moved by Councillor Zeidler
Seconded by Councillor Wake
That Riparian Area Development Delegation Bylaw No. 1738, 2006 receive first
and second reading. **CARRIED**

Development Application
Procedures and Fees
Amendment Bylaw No.
1737, 2006
File No. 1737

Moved by Councillor McKeever
Seconded by Councillor Forsyth
That Development Application Procedures and Fees Amendment Bylaw No. 1737,
2006 receive first and second reading. **CARRIED**

BYLAWS FOR ADOPTION

Tax Penalty Amendment
Bylaw No 1736, 2006
File No. 1736

Moved by Councillor Forsyth
Seconded by Councillor Lorrman
That Tax Penalty Amendment Bylaw No 1736, 2006 be adopted. **CARRIED**

*Councillor Wilhelm-Morden declared a conflict of interest regarding Zoning
Amendment Bylaw (Nesters Square Licensee Retail Store) No. 1731, 2006 due to Race
and Company's involvement with the proponent and left the meeting at 8:54 p.m.*

Zoning Amendment
Bylaw (Nesters Square
Licensee Retail Store) No.
1731, 2006

Moved by Councillor McKeever
Seconded by Councillor Zeidler
That Zoning Amendment Bylaw (Nesters Square Licensee Retail Store) No. 1731,
2006 be adopted. **CARRIED**

Councillor Wilhelm-Morden returned to the meeting at 8:55 p.m.

OTHER BUSINESS

There was no Other Business

File No. 3007.7

ADMINISTRATIVE REPORTS

Framework for the
Preferred Concept Site
Development Plan for
Whistler Village
Lots 1 & 9
Report No. 06-44
File No. 7911/8200.5

Moved by Councillor McKeever
Seconded by Councillor Forsyth
That Council endorse the further development and detailed design of the preferred concept for the Lots 1/9 Master Plan as described in this report.
CARRIED

Five-Year Financial Plan
2006-2010
Report No. 06-36
File No. 4530

Moved by Councillor Forsyth
Seconded by Councillor Lorriman
That Council consider giving first, second and third readings to the Five-Year Financial Plan 2006 – 2010 Bylaw No. 1745, 2006.
CARRIED

2006 Property Tax Rate
Bylaws
Report No. 06-39
File No. 1746-1751

Moved by Councillor McKeever
Seconded by Councillor Wake
That Council consider giving first, second and third readings to the following bylaws:

Sewer Tax Bylaw No. 1746, 2006
Water Tax Bylaw No. 1747, 2006
Sewer User Rates Amendment Bylaw No. 1748, 2006
Water User Rates Amendment Bylaw No. 1749, 2006
Solid Waste/Recycling Rates Bylaw No. 1750, 2006
Tax Rate Bylaw No. 1751, 2006

CARRIED

Lower Cheakamus
Comprehensive
Development Athletes'
Village
Report No. 06-42
File No. RA 453/1734

Moved by Councillor McKeever
Seconded by Councillor Forsyth
That Council consider rescinding second reading to "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006 that was given on March 21, 2006;

That Council consider giving second readings to "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006;

That Council authorize the Corporate Officer to schedule a public hearing regarding "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" and to advertise the public hearing;

That Council stipulate that any consideration of the adoption of "Zoning Amendment Bylaw (Lower Cheakamus Comprehensive Development) No. 1734, 2006" be subject to a report from the General Manager of Planning and Development Services regarding the following:

- 1) Registration of a plan of subdivision at the Land Titles Office creating a land title for the subject site.
- 2) Receipt of a letter from the Province of British Columbia, Ministry of the Environment, indicating that rezoning may proceed notwithstanding the fact that the site profile may not have been approved by Province of British Columbia at the time of adoption.
- 3) Receipt of a letter from the Province of British Columbia, Ministry of Transportation indicating that approval has been granted for access to and egress from Highway 99.
- 4) Submission of a "Tree Preservation Plan" prepared by a qualified professional to the satisfaction of the General Manager of Planning and Development Services.
- 5) Registration of a "Tree Preservation Covenant" in accordance with "Tree Preservation Plan".
- 6) Submission of a letter from a qualified professional engineer stating the appropriate setbacks from hazard areas including but not limited to the basalt bluffs along the western edge of the subject site.
- 7) Registration at the Land Titles Office of a plan and associated legal documents showing the "no build" area along the basalt bluffs along the western edge of the subject site.
- 8) Registration in the Land Titles Office of a "Flood Covenant" that defines the Flood Control Levels (FCL) across the subject site.
- 9) Registration in the Land Titles Office of an "Employee Housing Agreement".
- 10) Payment of any outstanding rezoning application processing fees.
- 11) Registration of an "Environmental Monitoring Covenant."

all to the satisfaction of the General Manager of Planning and Development Services. **CARRIED**

Applying New Standard
Charge Terms to Future
Resident Price Restricted
Resales
File No. 2027

Moved by Councillor McKeever

Seconded by Councillor Wake

That Council approves the WHA Board recommendation to apply the new Standard Charge Terms (Housing Agreement) to all future resident price restricted resales.

CARRIED

The Wastewater Treatment Plant report was moved forward on the agenda.

Wastewater Treatment
Plant
Report No. 06-41
File No. 480

Moved by Councillor Forsyth
Seconded by Councillor Lorriman

That Council direct staff to undertake an Alternative Approval Process to seek the approval of the electors to the concept of a Partnering Agreement with a contractor who will design and build an upgrade to the sewage treatment plant and operate the facility for 12 years at a price that will not exceed \$58 million, of which \$32.5 million are capital costs, \$21.5 million are operating costs, and \$4 million are equipment replacement costs.

That the deadline for submission of elector response forms for the Alternative Approval Process shall be 4:30 p.m. on Monday, June 12, 2006;

That the Corporate Officer is authorized to post and publish notices of the Alternative Approval Process (Appendix A), which notices must be published such that the second publication is at least thirty days before the deadline;

That a fair estimate of the total amount of electors of the Resort Municipality of Whistler is 8,920 based on the report attached as Appendix B; and further

That Council establish the Elector Response Form as outlined in "Appendix C".
CARRIED

Opposed: Councillors Wilhelm-Morden and Zeidler

Whistler Bear Response
Officer Program
Report No. 06-35
File No. 4700

Moved by Councillor McKeever
Seconded by Councillor Lorriman

That Council authorize Mayor and Corporate Officer to execute the Letter of Agreement with the Ministry of Environment for the Whistler Bear Response Officer Program.
CARRIED

BYLAW RESCINDING SECOND READING

Zoning Amendment
Bylaw (Residential-Lower
Cheakamus
Comprehensive
Development) No. 1734,
2006
File No. 1734

Moved by Councillor McKeever
Seconded by Councillor Zeidler

That second reading of Zoning Amendment Bylaw (Residential-Lower Cheakamus Comprehensive Development) No. 1734, 2006 be rescinded.

CARRIED

BYLAW FOR SECOND READING AS AMENDED

Zoning Amendment
Bylaw (Residential-Lower
Cheakamus
Comprehensive
Development) No. 1734,
2006
File No. 1734

Moved by Councillor Zeidler
Seconded by Councillor Forsyth

That Zoning Amendment Bylaw (Residential-Lower Cheakamus Comprehensive Development) No. 1734, 2006 receive second reading as amended.

CARRIED



WHISTLER

MINUTES

PUBLIC HEARING OF MUNICIPAL COUNCIL
THURSDAY, JUNE 22, 2006, STARTING AT 4:30 P.M.

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

PRESENT: Mayor Melamed

Councillors: R. Forsyth, G. McKeever, T. Wake,
N. Wilhelm-Morden, E. Zeidler

Administrator, B. Barratt
General Manager of Parks and Recreation, K. Bennett
Executive Director for the 2010 Games – Whistler, J. Godfrey
Manager of Current Planning, B. Barratt
Manager of Legislative Services, S. Story
Information Officer, D. Waltrmann
Recording Secretary, S. Tait

ABSENT: Councillor Lorrman

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 (Residential – Lower Cheakamus Comprehensive Development) No. 1734, 2006.

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, if they so wish, 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.

Zoning Amendment
Bylaw (Residential –
Lower Cheakamus
Comprehensive
Development) No.
1734, 2006

Manager of Current Planning, Bill Brown explained that the purpose of Zoning Amendment Bylaw (Residential – Lower Cheakamus Comprehensive Development) No. 1734, 2006 is to rezone “the Lands” from RR1 (Rural Resource One) to R-LCCD (Residential – Lower Cheakamus Comprehensive Development). This new zone would allow for the development of an integrated neighbourhood.

The amending bylaw would add definitions for, “athletes’ centre”, “athletes’ centre accommodation”, “child care facility”, “live work unit”, “local service commercial”, “local personal service”, and “professional offices”. Proposed permitted uses in the R-LCCD (Residential – Lower Cheakamus Comprehensive Development) zone include a variety of housing types, local commercial uses, child care facilities, schools (including satellite college and university campuses) and the athletes’ centre and associated accommodation. Density is controlled by maximum floor areas. The zone also allows for a temporary overlay for the Winter Olympic and Paralympic Games. Finally, in many cases reduced parking standards would be allowed.

Correspondence

There was no correspondence concerning proposed Zoning Amendment Bylaw (Residential – Lower Cheakamus Comprehensive Development) No. 1734, 2006.

Submissions

Stuart Munro (2704 Cheakamus Way) spoke in support of the project team and their expertise for this project and that he is confident it will move forward in a way that would work for the community. He questioned whether the financial tools would be given to the RMOW by the province and whether there was another alternative plan in place.

Mayor Melamed explained that Council has been given assurance by the province that the financial tools were coming and that the provincial government had announced this to the public.

S. Munro requested assurance from Council that the employee housing waitlist would be contacted first for this project. He requested that an independent assessor be given the contact information for the housing waitlist to ask specific questions to the people on the waitlist to get a “good feel” for the types of accommodation they require and that this be carried out by mid-August.

Mayor Melamed explained that this bylaw is an enabling rezoning to help bring the project forward and that there may be possible modifications as the project moves through the process.

S. Munro requested coordination between this project and the other current major housing project with regards to affordability, uptake and construction and further requested that this project team be in charge of the construction.

ADJOURNMENT

Mayor Melamed asked three times for questions or comments regarding Zoning Amendment Bylaw (Residential – Lower Cheakamus Comprehensive Development) No. 1734, 2006. Hearing no further comments the Public Hearing adjourned at 4:46 p.m.

Mayor

Corporate Officer

BYLAW FOR FIRST AND SECOND READING

Zoning Amendment
Bylaw (Shoestring
Neighbourhood) No. 1741,
2006
File No. 1741

Moved by Councillor McKeever
Seconded by Councillor Zeidler
That Zoning Amendment Bylaw (Shoestring Neighbourhood) No. 1741, 2006
receive first and second reading. **CARRIED**

BYLAW FOR FIRST, SECOND AND THIRD READING

Building and Plumbing
Regulation Amendment
Bylaw No. 1755, 2006

Moved by Councillor Forsyth
Seconded by Councillor Lorrman
That Building and Plumbing Regulation Amendment Bylaw No. 1755, 2006 receive
first three readings. **CARRIED**

BYLAW FOR THIRD READING

Zoning Amendment
Bylaw (Residential-Lower
Cheakamus
Comprehensive
Development) No. 1734,
2006
File No. 1734

Moved by Councillor Wilhelm-Morden
Seconded by Councillor Forsyth
That Zoning Amendment Bylaw (Residential-Lower Cheakamus Comprehensive
Development) No. 1734, 2006 receive third reading. **CARRIED**

ITEMS HAVING PRIOR NOTICE OF MOTION

Letter to Mayor of Beijing

Moved by Councillor Forsyth
Seconded by Councillor Zeidler
That Council send the item of correspondence to His Worship Qishan Shizhang,
Mayor of Beijing concerning human rights. **CARRIED**

Opposed: Councillors McKeever and Lorrman

OTHER BUSINESS

There was no Other Business

CORRESPONDENCE

Regional Seniors'
Advisory Offices
File No. 7714/4751

Moved by Councillor Wilhelm-Morden
Seconded by Councillor Zeidler
That the letter from the BC Seniors Advocacy Network thanking Council for
considering the concept of Regional Seniors' Advisory Offices and requesting

Lower Cheakamus
Comprehensive
Development (AKA
Athletes Village)
Report No. 07-72
File No. RA 452/1734

Moved by Councillor B. Lorriman
Seconded by Councillor R. Forsyth
That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler the following Covenant:
Block "A", District Lot 8073 - Section 219 Covenant – Environmental
Protection Construction Requirements and Monitoring Program;

CARRIED

Moved by Councillor G. McKeever
Seconded by Councillor E. Zeidler
That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler the following Covenant:
Block "A", District Lot 8073 - Section 219 Covenant – Scorched Earth
Covenant;

CARRIED

Moved by Councillor B. Lorriman
Seconded by Councillor N. Wilhelm-Morden
That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler the following Covenant:
Block "B", District Lot 8073 - Section 219 Covenant – Environmental
Protection Construction Requirements and Monitoring Program;

CARRIED

Moved by Councillor B. Lorriman
Seconded by Councillor R. Forsyth
That Council authorize the Mayor and Corporate Officer to execute on behalf of the Resort Municipality of Whistler the following Covenant:
Block "B", District Lot 8073 - Section 219 Covenant – Scorched Earth
Covenant.

CARRIED

4900 Glacier Lane
DVPA 926
Report No. 07-73
File No. DVPA 926

Moved by Councillor G. McKeever
Seconded by Councillor R. Forsyth
That Council approve Development Variance Permit Application No. 926: 4900 Glacier Lane to vary the north setback to 6.02 metres from 30 metres, the west setback to 7.95 metres from 30 metres and the east setback to 12.5 metres from 30 metres, as illustrated in Architectural Plan A1.1 by Brigitte Loranger Architecture and Planning Ltd, dated February 28, 2007 and Site Survey by Doug Bush Survey Services Ltd., dated February 14, 2007.

CARRIED

8018 Mons Road
Riverside Campground
and Le Scandinave Spa
Rezoning RA 451
Report No. 07-74
File No. RA 451

Moved by Councillor E. Zeidler
Seconded by Councillor B. Lorriman
That Council refer the rezoning of RA 451 back to staff for further review and to further prepare a complete project summary for Council.

CARRIED

2007 Community

Moved by Councillor G. McKeever

File No. 1792

Zoning Amendment
Bylaw (Residential –
Lower Cheakamus
Comprehensive
Development) No. 1734,
2006
File No. 1734

Moved by Councillor B. Lorriman
Seconded by Councillor E. Zeidler
That the Zoning Amendment Bylaw (Residential – Lower Cheakamus
Comprehensive Development) No. 1734, 2006 be adopted.

CARRIED

Parks & Recreation
Facility Rental Charges
Amendment Bylaw No.
1805, 2007
File No. 1805

Moved by Councillor G. McKeever
Seconded by Councillor R. Forsyth
That the Parks & Recreation Facility Rental Charges Amendment Bylaw No.
1805, 2007 be adopted. CARRIED

CORRESPONDENCE

Short Term Overnight
Commercial
Accommodation
Properties (STOCAPs)
File No. 4561

Moved by Councillor R. Forsyth
Seconded by Councillor E. Zeidler
That the correspondence from the Honourable Rick Thorpe dated May 29, 2007
regarding Short Term Overnight Commercial Accommodation Properties
(STOCAPs) be received. CARRIED

Signage, Sculptures &
Other 3-D items
File No. 3009

Moved by Councillor B. Lorriman
Seconded by Councillor R. Forsyth
That the correspondence from Kevin Galloway of Across The Board Creations
dated May 18, 2007 regarding producing signage, sculptures & other 3-D items be
received and referred to the Whistler Chamber of Commerce. CARRIED

French Immersion
Policy
File No. 9021

Moved by Councillor R. Forsyth
Seconded by Councillor G. McKeever
That the correspondence from Joanne Molinaro, Sheena Fraser, Heather
Prohaska, and Nikki Gilmore of the Pemberton Parents for French Immersion
dated May 28, 2007 requesting the school board to support a French
immersion policy in the school district be received and send letter of support.
DEFEATED
Opposed by Mayor Melamed, Councillors N. Wilhelm-Morden, G. McKeever,
B. Lorriman

Moved by Councillor N. Wilhelm-Morden
Seconded by Councillor G. McKeever
That the correspondence from Joanne Molinaro, Sheena Fraser, Heather
Prohaska, and Nikki Gilmore of the Pemberton Parents for French Immersion
dated May 28, 2007 requesting the school board to support a French
immersion policy in the school district be received. CARRIED

Current Funding

Moved by Councillor B. Lorriman