



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** February 4, 2025 **REPORT:** 25-007  
**FROM:** Planning **FILE:** 3900-20-2458  
**SUBJECT:** RZ001191 – ZONING AMENDMENT BYLAW (5298 ALTA LAKE ROAD) NO. 2458, 2024

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Climate Action, Planning and Development Services be endorsed.

### RECOMMENDATION(S)

**That** Council consider giving first, second and third readings to “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2458, 2024”.

### PURPOSE OF REPORT

This report presents “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2458, 2024” (Proposed Bylaw) for Council’s consideration of first, second and third readings.

The Proposed Bylaw will make minor changes to the Tourist Accommodation Seventeen (TA17) Zone, a site-specific zone applicable to 5298 Alta Lake Road. The TA17 Zone allows bonus density subject to a number of conditions being met. Among those conditions is a requirement to move the existing Gebhart/Hillman Cabin (Cabin) to the new park on the subject lands and refinish the relocated Cabin and repair it so that it is weather proofed and structurally sound, and the main floor of the Cabin may be safely used and occupied. The Proposed Bylaw will add a second option to meet the condition related to the Cabin that would require a replacement amenity structure be constructed in the park and a cash contribution to the Recreation Works and Services Reserve (Reserve), such that the total value of the structure and the cash contribution is equal to the total estimated cost of relocating and refurbishing the Cabin.

Although Council directed staff to bring forward for consideration an amendment to the TA17 Zone to remove the requirement to move and repair the Cabin at the October 8, 2024 Regular Council Meeting, the Proposed Bylaw did not remove the requirement but provides an option to meet that requirement through an alternative amenity and cash contribution to the Reserve. This amendment addresses new requirements under the *Local Government Act* (LGA) that payment of money instead of complying with conditions in a zoning bylaw must be at the option of the developer.

Information Report

Administrative Report (Decision or Direction)

## DISCUSSION

### Background

The subject lands of the Proposed Bylaw are located at 5298 Alta Lake Road, on the west side of Nita Lake (Appendix A). In 2018, the owners of 5298 Alta Lake Road submitted a rezoning application in response to the RMOW's [Private Sector Employee Housing Initiative](#). It was recognized through the rezoning process that the Cabin could be refurbished and moved to the new community park proposed on a portion of the subject lands to honour its history and provide a public space.

The subsequent TA17 zoning adopted by [Council in 2023](#), along with the associated development agreement (Agreement) registered on the property title obligate the owner to:

- Relocate the Cabin to the community park on the property;
- Upgrade its foundation and exterior building envelope so it is “impervious and structurally sound for all months of the year and the main floor of the Cabin may be safely used and occupied between May 1 and September 30 of each calendar year.”

The intent was to relocate and protect the Cabin such that the RMOW need not invest in immediate exterior building envelope improvements. Despite the decision and subsequent planned investment to relocate and weatherproof the Cabin, the future indoor public use of the building is significantly limited by its interior condition (bare stud walls, no insulation, no water service, limited electrical service), structural snow load restrictions (unoccupiable in winter months) and access and parking challenges (no public road access or parking, access via Valley Trail only).

These limitations caused staff to reassess the viability and business case of retaining the Cabin, which was presented to Council on October 8, 2024 ([Administrative Report No. 24-098](#)). Here staff recommended that the Cabin not be retained and that an alternative option be pursued due to the demonstrated need for major reinvestment in other older municipal buildings in better functionality and the limitations of the Cabin (location, access, parking, winter occupancy, interior condition, use desirability) and the annual maintenance costs for an anticipated little use. Council passed the following resolution at the October 8, 2024 Regular Council Meeting:

**That** Council direct staff to bring forward for consideration an amendment to the TA17 Zone to remove the requirement to move and repair the existing cabin as shown on the Key Plan for the TA17 Zone, attached as Appendix A to Administrative Report No. 24-098 (Gebhart/Hillman cabin), and replace with:

- a) a requirement to provide a replacement amenity in the onsite park that gives recognition to the history and culture of what the Gebhart/Hillman Cabin and its use represented; and
- b) a cash contribution to the Recreation Works and Services Reserve to be dedicated to municipal heritage preservation/improvement for the remaining value of the total estimated costs of moving and repairing the existing cabin; and

**That** Council direct that exterior design elements (and potentially some materials, if feasible) of the Gebhart/Hillman Cabin be used as elements for the replacement amenity.

### Analysis

The Proposed Bylaw has been prepared for Council's consideration of first, second and third readings and addresses Council's October 8, 2024 resolution by offering an option to the obligation in the TA17 Zone to move, refinish and repair the Cabin so that it is weather proofed and structurally sound and the main floor of the Cabin may be safely used and occupied.

Specifically, the Proposed Bylaw will add a new subsection to the TA17 Zone as follows:

“(6.1) Pursuant to sections 482(2.4) and 482.3 of the *Local Government Act*, instead of complying with the condition set out in 6(c) the owner may do both of the following:

- (i) Construct or install within the community park, incorporating materials reclaimed from or similar to the cabin, a picnic shelter, gazebo or similar amenity structure that complements or enhances and is compatible with public use of the park and recognizes the history and culture of what the cabin and its use represented in the development of Whistler and its community, with the final design and location to be to the satisfaction of the municipality’s General Manager of Climate Action, Planning and Development Services, acting reasonably; and
- (ii) Make a cash contribution to the municipality’s Recreation Works and Services Reserve Fund for dedicated use for municipal heritage preservation/improvement,  
with the combined value of items (i) and (ii) to be no less than \$350,000.”

This approach provides an alternative to the existing obligation to relocate and refurbish the Cabin, while still requiring an amenity structure and cash contribution such that the value of the total contribution remains as it would have been if the Cabin were to be relocated and refurbished. The Proposed Bylaw includes the alternative amenity and cash contribution in order to address new requirements under the LGA that payment of money instead of complying with conditions in a zoning bylaw must be at the option of the developer.

If the new alternative is pursued, the RMOW will not receive an asset with marginal options for use and with added costs necessary to upgrade the Cabin to a condition that would offer greater use. Instead, the provision of a different amenity structure in the community park that recognizes the history and culture of what the Cabin and its use represented in the development of Whistler and the remaining cash contribution will contribute funds to maintain other municipal heritage assets.

The other amendments to the TA17 Zone are minor and include that the owner may satisfy the condition under section 6.1 by entering into an agreement with the RMOW to complete all required within one year of the date of execution of such agreement and by providing the RMOW security for the completion of such work in an amount and form satisfactory to the RMOW. This is consistent with the existing approach in the TA17 Zone for satisfaction of delivery of some of the amenities.

A copy of the TA17 Zone is attached as Appendix B, and shows the proposed amendments, with the deletions shown in blackline and the proposed text shown in red.

### **Consultation and Financial Feasibility**

Under section 482 of the LGA, there are new requirements for local governments to undertake consultation and a financial feasibility analysis when developing or amending a density bonus zoning bylaw. The TA17 Zone is a density bonus zone that enables additional density to be developed subject to meeting specified conditions.

The Proposed Bylaw does not amend the density bonus specifically, rather, it adds an additional option in order to meet the required conditions of the density bonus. Even though it does not alter the density bonus directly, it is still subject to the new consultation and financial feasibility requirements of the LGA.

The steps taken to meet the new requirements are described in Appendix C.

**POLICY CONSIDERATIONS**

**Relevant Council Authority/Previous Decisions**

Council’s authority to consider and adopt a zoning amendment bylaw is established in the LGA.

[October 8, 2024: Administrative Report No. 24-098](#), Alta Lake and Nita Lake Heritage Buildings Report

**2023-2026 Strategic Plan**

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

**Strategic Priorities**

- Housing  
*Expedite the delivery of and longer-term planning for employee housing*
- Climate Action  
*Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan*
- Community Engagement  
*Strive to connect locals to each other and to the RMOW*
- Smart Tourism  
*Preserve and protect Whistler’s unique culture, natural assets and infrastructure*
- Not Applicable  
*Aligns with core municipal work that falls outside the strategic priorities but improves, maintains, updates and/or protects existing and essential community infrastructure or programs*

**Community Vision and Official Community Plan**

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The subject property is split designated in the OCP Land Use Map as Parks and Recreation, Protected Areas, Residential – Lot to Medium, and Residential – Visitor Accommodation. These designations reflect the uses permitted in the specified polygons under the zoning.

The proposed zoning amendment is consistent with the applicable designations, and the recommendation of this report is consistent with the goals, objectives, and policies with respect to growth management (Chapter 4), economic viability (Chapter 6) and learning, culture and recreation (Chapter 9), as elaborated in the table below:

Chapter 4 – Growth Management		
Section 4.1.6.4 OCP/Zoning Amendment Evaluation Criteria		Staff Comment
a)	<i>The project must be capable of being served by municipal water, sewer, and fire protection services, or by an alternate means satisfactory to the municipality;</i>	Not applicable to the Proposed Bylaw.

b)	<i>the project must be accessible via the local road system, or by an alternate means satisfactory to the municipality;</i>	Not applicable to the Proposed Bylaw.
c)	<i>the project must comply with all applicable policies of the OCP;</i>	The Proposed Bylaw complies with the applicable policies of the OCP.
d)	<i>all proposed developments and changes in land use must be evaluated to the satisfaction of the municipality to assess impacts on:</i>	
i.	<i>balanced resort and community capacity;</i>	The Proposed Bylaw does not impact the resort and community capacity.
ii.	<i>overall patterns of development of the community and resort;</i>	The Proposed Bylaw does not impact the patterns of development.
iii.	<i>the character of Whistler's forested mountain environment, including preservation of green buffers, views, scenery and distinctive natural features;</i>	The Proposed Bylaw does not impact the noted values.
iv.	<i>Whistler's sensitive ecosystems and biodiversity;</i>	The Proposed Bylaw does not impact the noted values.
v.	<i>scale, character and quality of development;</i>	The Proposed Bylaw does not impact the scale, character or quality of the development.  Instead of relocating and repairing the Cabin, the Proposed Bylaw provides an option of a picnic shelter, gazebo or similar amenity structure in the community park that incorporates materials reclaimed from or similar to the Cabin, that complements or enhances and is compatible with public use of the park and recognizes the history and culture of what the Cabin and its use represented in the development of Whistler and its community.
vi.	<i>compatibility with the surrounding area or neighbourhood;</i>	Instead of relocating and repairing the Cabin, the Proposed Bylaw provides an option of a picnic shelter, gazebo or similar amenity structure in the community park that incorporates materials reclaimed from or similar to the Cabin, that complements or enhances and is compatible with public use of the park and recognizes the history and culture of what the Cabin and its use represented in the development of Whistler and its community.
vii.	<i>quality of life of Whistler's residents</i>	Instead of relocating and repairing the Cabin, the Proposed Bylaw provides an option of a picnic shelter, gazebo or similar replacement amenity structure in the community park that is more suitable to the needs of a community park and will also allow a cash contribution to be made for municipal heritage preservation/improvement and reduce taxpayer funding of such.
viii.	<i>quality of experience for Whistler's</i>	The Instead of relocating and repairing the Cabin, the

	<i>visitors;</i>	Proposed Bylaw allows an option of a suitable replacement amenity in the community park and will also allow a cash contribution to be made for municipal heritage preservation/improvement. The cash contribution can improve quality of experience for visitors.
ix.	<i>geotechnical, flood and wildfire hazard;</i>	The Proposed Bylaw does not impact the noted values.
x.	<i>archaeological, heritage and culture resource;</i>	Staff engaged in direct discussions with the Whistler Museum Director, and with the former RMOW Manager of Cultural Planning and Development, to fully understand implications of keeping versus not keeping the Cabin.  Instead of relocating and repairing the Cabin, the Proposed Bylaw allows an option of a picnic shelter, gazebo or similar amenity structure to be constructed in the community park that incorporates materials reclaimed from or similar to the Cabin, that complements or enhances and is compatible with public use of the park and recognizes the history and culture of what the Cabin represented in the development of Whistler, combined with a cash contribution for municipal heritage preservation/improvement.
xi.	<i>traffic congestion and safety, including traffic volumes and patterns on Highway 99 and the local road system</i>	The Proposed Bylaw does not impact the noted values.
xii.	<i>local economy</i>	The Proposed Bylaw does not impact the noted values.
xiii.	<i>municipal finance</i>	The Proposed Bylaw will allow a replacement amenity in the onsite park and a cash contribution to the Reserve that will be targeted for municipal heritage preservation/ improvement, and that is equivalent to the developer's estimated costs of moving and repairing the, less building the replacement amenity in the park.  From an RMOW asset management perspective, lifecycle maintenance of a new replacement amenity will be less than that of retaining and restoring the Cabin.
xiv.	<i>social, health, recreation, education and emergency facilities and services</i>	The Proposed Bylaw does not impact the noted values.
xv.	<i>employee housing</i>	The Proposed Bylaw does not impact the noted values.
xvi.	<i>community energy and GHG emissions, water supply and conservation and solid waste</i>	The Proposed Bylaw does not impact the noted values.
<b>Chapter 6 – Economic Viability</b>		
<b>Section</b>	<b>Objective/Policy</b>	<b>Staff Comment</b>
6.1	<i>Provide effective and appropriate municipal infrastructure (including facilities and amenities) that minimizes</i>	As noted above, the Proposed Bylaw will allow a replacement amenity in the onsite park and a cash contribution to the Reserve. The lifecycle maintenance of



	<i>taxpayer costs, and consider allocating the value of infrastructure replacement to future users</i>	a new replacement amenity will be less than retaining and restoring the Cabin.
6.1.4.3	<i>Emphasize resourcefulness across the municipality while delivering cost effective and affordable service excellence.</i>	The Proposed Bylaw allows an alternative structure that will recognize the history and culture that the Cabin represents, offering a suitable amenity that has lower life cycle costs, and will contribute cash that can assist with maintenance and preservation of other municipal heritage structures.
<b>Chapter 9 – Learning, Culture and Recreation</b>		
<b>Section</b>	<b>Objective/Policy</b>	<b>Staff Comment</b>
9.2.4.2	<i>Maintain an inventory of Whistler’s heritage assets and ensure all identified heritage assets are considered in the review of new development proposals</i>	<p>When the developer and staff became aware of the challenges and additional costs with the Cabin works, significant consideration was given to the matter.</p> <p>In the absence of a Heritage Strategy and Plan for Whistler, staff undertook a high-level draft assessment of older buildings at five locations in the vicinity of Alta and Nita Lakes in Whistler as a starting point to inform and prioritize municipal budgets and the Five-Year Financial Plan respecting the lifecycle maintenance of these building assets into the future. Staff also engaged in an internal review process with multiple RMOW departments, additional site visits to the Cabin, and had direct discussions with the Whistler Museum Director, and with the former RMOW Manager of Cultural Planning and Development, all to fully understand the implications of keeping versus not keeping the Cabin.</p> <p>This information was presented to both the COTW and Council in the fall of 2024, and on October 8, 2024 Council directed staff to bring forward for consideration an amendment to the TA17 Zone to provide a replacement amenity to the Cabin and a provide a cash contribution to municipal heritage preservation/improvement.</p>

**BUDGET CONSIDERATIONS**

The Proposed Bylaw will establish the option to provide an amenity structure and a cash contribution to the Reserve which will be targeted for municipal heritage preservation/improvement, equivalent to the developer’s estimated cost of moving and repairing the Cabin, less the cost of the replacement amenity in the onsite park.

This is a municipally led zoning amendment to reflect the recommendation from Council.

**LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS**

The RMOW is committed to working with the Líl’wat People, known in their language as *L’il’wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring

relationship; establish collaborative processes for planning on unceded territories, as currently managed by the provincial government; achieve mutual objectives and enable participation in Whistler's resort economy.

There are no specific considerations to include in this report.

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## COMMUNITY ENGAGEMENT

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

Under Bill 16, the Province introduced new regulations regarding density bonus bylaws that require consultation and a financial feasibility analysis be undertaken and considered when adopting or amending a density bonus bylaw. These requirements are enacted under section 482 of the LGA. As discussed in the Analysis section of this report, the consultation and financial analysis obligations for the Proposed Bylaw are considered met.

Section 464(2) of the LGA specifies that a public hearing is not required to be held where an OCP is in effect for the area that is the subject of the zoning amendment, and the zoning amendment is consistent with the OCP.

Section 43 of the RMOW "[Land Use Procedures and Fees Bylaw No. 2205, 2022](#)" delegates the authority to waive a public hearing pursuant to Section 464(2) noted above, to the General Manager of Climate Action, Planning and Development Services (GM CAPDS). The GM CAPDS approved to waive the public hearing. In accordance with the regulations, a notice was mailed out and advertisements were made to advise the public that no public hearing will be held for the Proposed Bylaw.

In addition, a Development Notification Sign has been posted on the property. No comments or concerns have been received by staff as of the time of writing this report.

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## REFERENCES

Appendix A – Site Location Map

Appendix B – Blackline version of TA17 Zone illustrating amendment under Proposed Bylaw

Appendix C – Consultation and Financial Feasibility

"Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2458, 2024" (included in Council Package)

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## SUMMARY

This report presents "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2458, 2024" applicable to 5298 Alta Lake Road, for Council's consideration of first, second and third readings.

The proposed amendments will add an option to the requirement to relocate and refurbish the Cabin to provide a different amenity structure in the community park and make a cash contribution to the Reserve. The new option will provide a suitable amenity structure in the park that gives recognition to the history and culture of what the Cabin and its use represented and contribute cash to maintain other



municipal heritage assets, with the combined value of the new option being equivalent to that of relocating and refurbishing the Cabin.

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**SIGN-OFFS**

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