



Fraser Valley Regional District

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Hemlock Valley Zoning and OCP Amendments

Public Information Meeting

April 8, 2010 - 7:00 PM
Deroche Community Hall

MEETING NOTES

Present: 21 members of the community

Wendy Bales, Director, EA "C"; Lisa Grant, Planner; Graham Daneluz, Mgr of Forward Plans

The meeting began at 7:10 PM. Lisa Grant welcomed those present and thanked them for attending. FVRD representatives were introduced. Ms. Grant explained that the purpose of the meeting is to explain the work done to date on zoning and official community plan (OCP) amendment bylaws for Hemlock Valley, answer questions and receive feedback on the drafts. She then gave a presentation outlining the draft zoning and OCP amendments (see attached). The presentation ended at 7:35 PM. A period of questions and discussion ensued.

[Note: Q. = question; R. = response]

- Q. Eleven properties are being downzoned and eight are being upzoned from fourplex to sixplex
- R. Yes. Three of these properties are vacant, and siting requirements could be challenging to construct a 6-plex unit building. In most cases, less than six units would be constructed. The medium density zone was drafted in such a way that anywhere from two units to six units could be constructed on the site. This allows a level of flexibility to work with constraints on a property.
- Q. The new zoning impacts all vacant lots, not just those that are currently unzoned? Setbacks, for example?
- R. All lots will be zoned. The existing RST-2 zone will have changes to siting requirements such as setbacks and lot coverage.
- Q. Subdivisions 1-3 have the same lot sizes as Snowflake. Front setbacks are currently 8 m and all houses on the street are built to this setback. A smaller front setback could infringe on views from adjacent lots, particularly views to the mountains.
- R. We'll examine that issue. Are there specific view plains that should be considered? Is elevation an issue as well?
- Q. Elevation may have an impact in some places.
- R. The height provisions in the draft zoning generally follow the building schemes.
- Q. Are building the building schemes acceptable as they are?

- R. The building schemes are expired. FVRD has to work with the tools available to it, which is zoning. The proposed zoning follows the building schemes for about 95% of the lots. Where issues such as snow shedding and avalanche hazards are identified, the zoning responds to those issues.
- Q. I have a big problem with the proposed OCP amendment changing “shall” to “should” in the policy about zoning being the same as building schemes. The current wording puts the Regional District on the hook to abide by the building schemes. It was in the OCP to protect owner’s rights. Why zone down for avalanche hazards? I strongly disagree with the proposed OCP amendment because it takes away owners rights. Avalanche hazard could be addressed by blasting. The potential for logging and fire on the avalanche slope is natural. I can’t see why you would downzone in this area. The Regional District was supposed to bring in zoning controls a decade ago and is remiss in taking so long.
- Q. How many parking spaces per unit?
R. 1.5/unit in the RST-4 (medium density zone) and RST-5 (high density zone).
- Q. Snow shedding is an issue. Many places have roofs that slope to the front and rear of the lot. They shed snow into the parking spaces in the front and limit parking.
R. Owners have to manage snow on their properties. The proposed zoning amendment applies the tools available – setbacks.
- Q. I have had an Edelweiss Drive property for thirty years and have not experienced an avalanche. What is the capacity of the utilities? Do you have an idea where the density is being removed from and where it will increase? My lot is being reduced from 24 units to 2; is that what you are suggesting?
R. The proposed zoning respects the overall density implied in the building schemes. There is a modest increase over the building schemes in the high density area.
- Q. Are any of the benefiting lots owned by the resort owner?
R. We would have to check ownership.
- Q. The resort owner holds some of those properties. Has FVRD had discussions with the resort owner about providing higher density to him?
R. FVRD has had no discussions with the owner about the proposed zoning. He received the same notices that everyone else did.
- Q. When was the avalanche study done?
R. 2000. FVRD is investigating the possibility of an update.
- Q. Many years ago the avalanche hazards were identified; the risk was supposed to diminish over time. You believe there is sufficient risk to warrant reducing density?
R. Yes.
- Q. Do you believe fairness is being applied to owners on Edelweiss Drive?
R. The proposed zoning responds to avalanche hazards documented by avalanche experts. The Regional Board is obliged to take this information into account. The Board has to consider fairness and the public interest broadly, including fairness to future residents, taxpayers, etc..

- Q. Is there really an avalanche hazard? Local people and MoT people dispute that there is a hazard. Only under certain conditions is there a risk. Why is FVRD not maintaining the avalanche slope to reduce the risk? For example, drop charges to remove the snow build up. It is a big waste of money to build houses to withstand an avalanche when the risk can be managed on the slope.
- R. The Regional District has reports by qualified professionals. The most recent report was completed by one of the leading experts in snow avalanche evaluation, which states there is a hazard. The Board is compelled to consider the report. It is important to note the Board considers hazards on a 500 year return period as is the case with snow avalanche hazards.

Maintenance of the slope becomes a question of responsibility. There are such tools as local service areas. This would involve a detailed report with mitigation requirements. The construction and maintenance would be costs covered by the service area. Residents that benefit from the service area would be responsible for paying for the works and maintenance. Even with protective works there still may be a need to have on-site mitigation. This is the case for properties located in the Fraser River floodplain. Houses may sit behind a protective dyke but they are still required to elevate the floor to meet a minimum flood proofing level.

In other situations, the Regional District has undertaken a secondary hazard study which creates a set of requirements a property must meet to construct. This is very costly and it is unknown if this is an option for Hemlock Valley.

- Q. A better approach would be conditional zoning that allowed 2 units outright but more if studies are produced that show it is safe.
- R. This may be difficult to achieve with the zoning tools available. Property owners have a right to apply for re-zoning. In the case of Hemlock Valley, the OCP is quite general and allows a range of densities in the land use designations.
- Q. Only one season is hazardous, but you have limited tourist accommodation in all seasons. We have to think of it as a 4 season resort.
- R. Yes. This is something to consider and see what options are available through zoning.
- Q. Why upzone in the high density area?
- R. The high density zone was drafted in such a way to keep the total unit numbers close to the original building schemes. There is modest increase in units. Rather than have multiple high density zones, one zone was drafted that has a density calculation of 1 unit per 100 metres square of area. This results in a density level similar to the original building schemes.
- Q. By my calculation, 42 units are lost in total. Two properties originally had development approval for 66 units on 2.5 acres. Some fourplex lots were increased to sixplex.
- R. Yes. There is a lost of units under the new zoning in relation to servicing thresholds.
- Q. I own four properties at Hemlock. Three would be unchanged, but one would be downzoned from fourplex to duplex. How realistic is it to change the proposed zoning bylaw at this stage to reflect comments and concerns?
- R. We do make changes at this stage.
- Q. What is the process for applying zoning?
- R. As part of the zoning bylaw amendment process, referrals will be sent to various provincial agencies and first nations for consultation. This information will be made public prior to a public hearing. Legislation dictates the procedure for public hearings. After a public hearing usually

based on comments from the public hearing, the Regional Board has an opportunity to make certain changes to the bylaws.

Q. Are building permit applications being withheld during this process?

R. This process ought not prevent approvals.

Q. If a building permit is in the process of being reviewed?

R. The Legislation speaks to this issue and there are certain provisions within the Local Government Act. Generally, there is a window of opportunity for building permits already in the approval process in which they may not have to meet the requirements of the new regulations. It is important to note this is information only and needs to be verified. Please do not hold me to this- it needs to be reviewed for accuracy.

Q. Hazard reports would still be required?

R. Yes. Current requirements need to be met. If hazard information is known about an area, a building inspector is compelled by legislation to consider it and possibly request a site specific report.

Q. In light of the proposed zoning, it is crucial an avalanche report is completed prior to zoning moving forward.

R. We have been speaking to the snow avalanche engineer and are trying to determine if an update is feasible with our Budget. The Board approves a budget and the project would have to fit within this framework. At this time we are waiting for an approximate cost to undertake the work.

Q. Could McClung (the snow avalanche engineer) review the proposed density?

R. The level of acceptable risk is in the domain of the Regional Board. APEG, the professional engineers association clearly states level of acceptable risk with not within an engineers scope to determine. It is a societal issue that is dealt with by local governments, who have to consider what risk is an acceptable and what is not acceptable.

The Regional District is approximately 14,000 sq km and has an electoral area population of approximately 13,000 people. In many areas of the Regional District there are areas susceptible to various hazards. Many of the hazard assessment reviews are well over 10 years old and in need of updating. The Board must decide where to spend funds. In the case of Hemlock Valley the Board will have to determine if a study is necessary prior to moving forward with the zoning project.

Q. Leave Edelweiss Drive out of the zoning until an avalanche study is complete. Or, keep all zoning the same as the building schemes.

R. Leaving Edelweiss Drive out is an option to consider.

Q. What is the worse case scenario without any zoning?

R. The Regional District has no way to prevent uses that are incompatible, think of your worse case- we could not prevent it from happening. Further, any siting becomes permissible on a lot and becomes a civil matter between neighbours.

Q. Land use designations in the OCP dictate what uses are permitted, why do we need zoning?

R. The land use designations are policies and not a regulation like zoning. The OCP is a document that is future oriented. The Regional District could be compelled to issue a permit in situations where the use is outside the scope of the OCP. Zoning creates rules that must be followed by the local government and property owners. This is the tool to use to enforce land uses.

Q. What is the alpine commercial zone?

R. The alpine commercial zone applies to the current lodge and parking sites. The purpose of the zone is to permit the uses that exist at this time. The uses are defined as:

“**ALPINE SKI LODGE** means a building or buildings within which there are located several activities related to the operation of a ski resort. These activities may include: administrative offices, changing areas and lockers, ski equipment rentals and sales, ski schools, ticket sales, eating and drinking establishments, common areas and other activities incidental to the operation of a ski resort; excludes overnight accommodation use”

“**SKI RESORT PARKING FACILITY** means a parking lot associated with a ski resort use for the temporary storage of vehicles by day visitors and located in close proximity to the Alpine Ski Lodge and other amenities; strictly prohibits overnight camping.”

Q. The OCP has provisions for community recreation. How does the Limited Use zoning address this? How does it incorporate the fire hall, BC Tel site, and maintenance areas?

R. Limited Use (L-1) permits outdoor recreation, civic and public utility. The ski resort and commercial recreation site identified by the OCP meet the definition of outdoor recreation. The fire hall would fall under the civic use and finally, the telus site would be permitted by the public utility use.

Q. Is a church permitted in the L-1 zone?

R. No, it is an assembly use and has a specific zone in Zoning Bylaw 100.

Q. Temporary Tourist Accommodation is restricted in snow avalanche areas but occupancy (a duplex) is permitted.

R. In areas of snow avalanche hazard, the owner will have knowledge of the hazard. An overnight renter will not have the same understanding and knowledge of the hazard.

Q. But, a duplex is okay in a snow avalanche zone?

R. There are Board policies concerning hazard thresholds. If this was a new community development may not have been supported and/or a lower density (single family density) would be applied to these sites. However, this is not the case and the lots exist. Applying a density of duplex is a compromise in this situation.

Q. What about foreign owners? In Whistler some owners live overseas and only visit for a couple of days a year. They may be unaware of hazards. This same situation could apply to Hemlock Valley as well.

R. There is a level of due diligence that is required by all owners. Further, in areas of hazards and where construction has taken place a covenant may be registered on title, as an owner you should be aware of this.

Q. If we are affected by the proposed zoning, what should be do?

R. Please follow up with written submissions. Contact us, we can meet to discuss. You are strongly encouraged to attend the public hearing to state your views.

Staff thanked residents for coming out to the meeting and indicated that a public hearing may take place in mid-May depending on factors such as snow avalanche update and direction from the Regional Board.

The Meeting ended at about 9:05 PM.