



MEMORANDUM

To: Electoral Area Services Committee and Fraser Valley Regional District Board of Directors

From: Lisa Grant, Planner 1

Date: October 25, 2010

Subject: Hemlock Valley Zoning Amendment, Bylaw 0993, 2010

Site location: Hemlock Valley, Area "C"

File No.: 3360-22-2009-01

RECOMMENDATION

That:

1. The Fraser Valley Regional District Board of Directors give Zoning Amendment Bylaw No. 0993, 2010 second reading.
2. Pursuant to s. 865(1) of the Local Government Act, determine that Bylaw 0993, 2010 is consistent with the Regional Growth Strategy;
3. Bylaw 0993, 2010 be forwarded to public hearing.

ISSUE

Proposed Hemlock Valley Zoning Bylaw 0993, 2010 requires amendment prior to public hearing to address new information about avalanche hazards.

BACKGROUND

Three notable changes have been made to the draft bylaw. The first incorporates recommendations from the snow avalanche report; second, inclusion of an alpine resort commercial zone; and finally, minor amendments to density provisions to better match up with the building schemes (most evident in the RST-5 zone).

Bylaw 0993, 2010 received 1st reading on March 23rd, 2010. Since then, staff has:

- been working with the snow avalanche engineer to finalize an updated snow avalanche report,
- met with various members of the public to discuss the proposed zoning bylaw, and
- amend the bylaw to incorporate public feedback and the snow avalanche report.

Furthermore, a new zone has been drafted for the lodge site and parking area. Although there are a few significant changes to the draft bylaw, the overall approach and guiding principles remain, such as avoiding density in areas subject to snow avalanche threat. Proposed changes to the draft bylaw are highlighted below.

DISCUSSION

Snow Avalanche Report

Completed this past October, the snow avalanche report updates the original 2000 report. The report concluded that in certain areas of Hemlock Valley the returning forest cover has reduced the snow hazard. This greatly improves the situation for the majority of properties in the avalanche risk area which will no longer require site specific hazard assessment. However, a number of properties remain in the 'blue' area where site specific evaluation is still recommended. These changes have been incorporated into the zoning bylaw and the Official Community Plan. Overall, the update reduces the number of properties for which a site specific snow avalanche report is needed. Previously 85 properties required snow avalanche evaluation. Now 19 properties require site specific reports.

Blue area properties

Properties located in the blue areas are susceptible to snow avalanches. According to the report, these properties are located in an area with a 30 to 300 year return period whereby the snow avalanche has the potential to cause damage to buildings. The Canadian Avalanche Association (CAA) does not recommend the use of 'blue' zone properties for residential use. Site specific assessment is recommended to determine if the property is safe for residential construction.

Dr. McClung recommends that "properties rented during the winter, in which the tenant may not be aware of or have accepted the risk, should be placed in the white zone only" which is consistent with CAA recommendations. Based on this recommendation, Bylaw 0993, 2010 would not permit temporary tourist accommodation in the 'blue' snow avalanche area.

Keep in mind that the snow avalanche update report is an overview and the detail required to make a determination at a small scale requires a site specific evaluation. The report indicated that in some areas a site specific evaluation may determine that geographic features protect a property from snow avalanche.

White area properties

The 'white' zone is describe by Dr. McClung and in CAA literature as an area of nominal risk and as relatively harmless to people. Approximately 66 of the 85 affected lots are now located in the 'white' area for snow avalanche hazard. Temporary tourist accommodation is permitted here. Zoning designations are amended to also reflect these findings. Properties located in the 'white' area will have a zoning designation similar to the expired building schemes (i.e. RST-4, medium density).

Density Provisions

Concern was raised about density increases for RST- 4 and RST-5 lots (medium and high density multi-family lots). As a response to this concern, staff has amended the density provisions for these zones. This allows density to more closely reflect the overall expired building scheme densities. Furthermore, density levels will correspond to lot sizes and siting requirements. This will provide a clearer picture for current and future property owners about the capacity of a property to accommodate density.

Temporary Tourist Accommodation Use

A concern raised by the public was the restriction of rentals in snow avalanche areas year round. Staff examined a couple of alternative approaches. However, each of these created an ultra vires situation (acting outside the powers assigned by the Local Government Act). Two options the Regional Board may consider are:

1. Applications for re-zoning with the offer a covenant to restrict temporary tourist accommodation use to months spring, summer and early fall (when snow avalanches are not a risk). Proposed OCP policy amendments would support this zoning amendment;
2. An application for re-zoning supported by a snow avalanche report advising the property is a 'white' zone property and safe for rentals.

Furthermore, the Regional Board could encourage multiple property owners to apply for a single zoning map amendment covering several properties. In this situation one fee (\$700) would be collected. In these cases only

one set of newspaper ads and one public hearing would be required. This would be a cost savings to all parties involved. All other requirements would still need to be met for the application to proceed forward.

It is important to note, the Local Government Act section 911 provides protection for non-conforming land uses. In these cases where an owner has been renting their unit prior to the adoption of the zoning bylaw, this use may continue provided it meets the legislative requirements. Although this protection exists, ultimately an owner aware of the hazard should exercise caution and not permit overnight rentals in a snow avalanche area.

Alpine Resort Commercial Zone

The ski lodge is the commercial focal point for the resort and accommodates a variety of services including: food and beverage service, ticket sales and equipment rentals. The OCP designated these lands as 'village commercial areas'. To ensure the zoning bylaw is consistent with the OCP's land use designation, staff drafted this zone to reflect ongoing uses at the lodge. The lodge is defined as,

“Alpine Ski Lodge: means a building or buildings within which there are 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.”

The lodge use is limited to commercial activities related to a ski resort, but provides a level of flexibility to cater to the changing retail and ski oriented services.

The gravel parking area is treated as a separate and distinct use in the draft zone. Because the parking and lodge support the operation of the ski resort and users of the resort will be (in most cases) the same users occupying the lodge and parking area there is a logic to providing parking for all these uses on the same site. The parking use is defined as,

“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.”

Currently, the parking lot accommodates the majority of day-user parking for Hemlock Valley Resort. It is important to note the lodge site does not provide on-site parking. Therefore, the zone was drafted in such a way that the lodge is permitted to provide parking off-site. To ensure that parking is not moved to an alternative location all off-site parking must be provided within 200 metres of the ski lodge.

This zone has been drafted specifically for these sites and it is anticipated that it will not apply to other areas as land is developed to expand commercial activities at Hemlock Valley.

Attempts to contact and discuss the zoning with the resort owner have been unsuccessful. Staff will continue to seek his input.

Specifics of the proposed zone include:

- Permitted uses- Alpine Ski Lodge and Ski Resort Parking Facility
- Setbacks for buildings or structures- 7.6 metres from front, rear and side lot lines
- Lot coverage varies if parking is provided on-site or off-site
- Height is restricted to three storeys
- Parking may be accommodated on-site or an off-site location within a 200 metre radius of the alpine ski lodge.

Regional Growth Strategy

Pursuant to section 865(1), Regional District bylaws are required to be consistent with Regional Growth Strategies. Staff sent an internal referral to Regional Planning to obtain comment on the consistency of the proposed bylaw amendment with the Regional Growth Strategy. In an email dated January 25th, 2010 and a follow up email dated April 6th, 2010, it was determined that the proposed zoning bylaw amendment is consistent with the Regional Growth Strategy for the following reasons:

- One of the eight growth management goals in the RGS is to “*Protect and Manage Rural and Recreational Lands.*” A significant policy aspect of this goal is to “*encourage recreational, residential and resort development to develop in clusters.*” The draft bylaw is consistent with this statement in that, as proposed, it maintains a constant land base with no subdivision of parcels in a land use pattern that can already be considered cluster style development.
- The RGS promotes diversified and sustainable economic growth in the region, and supports the economic viability of small, resource-oriented communities. The draft bylaw supports economic development in the Hemlock Valley area in a sustainable manner and is consistent with the RGS policy to support job growth in rural areas in the region.
- Action 3.6 of the RGS supports settlement patterns that “*minimize development costs to communities and the risks associated with geotechnical and environmental constraints.*” I understand that significant attention has been paid to these issues in the formation of the draft bylaw to ensure that risks to areas of development from hazards such as these have been minimized.
- The RGS is also consistent with the draft bylaw’s policy that in each zone “*all permitted uses shall be connected to an approved community water system and approved community sewer system,*” which supports that growth management goal to “*Manage Water, Energy Resources and Waste Responsibly*” and its related policies.

COST

budgeted for in the 2010 financial plan

COMMENTS

Acting Chief Administrative Officer: Reviewed and supported.

Deputy Director of Planning and Development: Reviewed and supported.

Attachments