



MEMORANDUM

To: Electoral Area Services Committee and Regional Board of Directors
From: Lisa Grant, Planner 1
Date: January 19, 2010
Subject: Hemlock Valley OCP Amendment
File No.: 6480-30-039

RECOMMENDATION

That:

1. Pursuant to section 879 of the Local Government Act, the Regional Board adopt the memorandum dated *January 19, 2010* as the consultation strategy for the Hemlock Valley OCP amendment;
2. The Regional Board give first reading to Official Community Plan Amendment Bylaw 0994, 2010;
3. Pursuant to section 882(3) of the Local Government Act, the Regional Board determine that Bylaw 0994, 2010 is consistent with FVRD's current Waste Management Plan and Financial Plan;
4. Pursuant to section 865(1) of the Local Government Act, the Regional Board determine that Bylaw 0994, 2010 is consistent with the FVRD's Regional Growth Strategy;
5. The Regional Board delegate the holding of the public hearing for Bylaw 0994, 2010 to the Director for Electoral Area "C"; and
6. The Regional Board authorizes any other electoral area and municipal directors to attend the public hearing and hear from members of the public; and in that case, the director to whom the hearing is delegated will chair the public hearing.

ISSUE

The Regional Board is anticipated to consider a bylaw amendment to apply zoning to un-zoned lands in Hemlock Valley. In a small minority of locations, the Official Community Plan policy stating that zoning shall be in accordance with expired building schemes registered on property titles may conflict with the plan policy to avoid development in areas of avalanche and other hazards. A minor Plan amendment is recommended to address this potential conflict.

BACKGROUND

As part of the 2009 EASC priority projects, staff is undertaking an initiative to apply zoning to un-zoned lands in Hemlock Valley. In previous staff reports, specifically, a September 10, 2010 memo which directed staff to consider expired building schemes and OCP policies when applying zoning in Hemlock Valley. The OCP for Hemlock Valley includes a number of policies that are relevant. Chief among these is the policy directing staff to use the building schemes as a template for zoning. The

OCP also has specific policies concerning the avoidance of hazards. In a few instances these policies conflict. In addition, the zoning amendment recommended by staff includes siting provisions to address problems with snow shedding which were raised by residents.

DISCUSSION

Land Use

For the great majority of properties, staff recommended zoned lands uses that accord with the uses in the expired building schemes. In a small minority of instances – 11 out of 268 lots (approximately 4% of all private lands) properties- zoning is recommended which differs from the building schemes. In each of these instances, the properties are subject to avalanche hazards that were not documented when the building schemes were originally prepared. The OCP for Hemlock Valley states that new development should be avoided in hazardous areas.

It is not anomalous for two OCP policies to conflict when applied to a specific set of circumstances. Community plans are wide-ranging and cover a variety of matters. While these two policies may conflict, the overall objectives of the plan may be compatible.

However, in this case, the OCP policy regarding building schemes is worded very strongly. It states that:

“Zoning be introduced which will distinguish area designated for single family, duplex, and multiplex residential development. Zoning regulations shall be in accordance with the building schemes which have been registered on title since the initial development of the community.”

This policy has strong language around the concept of applying zoning reflective of the building schemes. When this policy is viewed independently it does not provide flexibility to consider other information that may directly impact where and how density is dispersed. Other policies in the OCP indicate that development should be directed away from geotechnical hazards and lands with severe building limitations. When applying building scheme densities and the other information, these two policies create a possible inconsistency. Exercising a level of caution, staff is proposing to amend the OCP policy 3.4.1 (B) to state:

“Zoning be introduced which will distinguish areas for single family, duplex, and multiplex residential development. The zoning should be guided by building schemes, which have been registered on title since the initial development of the community.”

By substituting “should” for “shall” it maintains the intention of the policy but provides flexibility and allows greater discretion to be used when zoning is applied to direct development away from lands susceptible to potential hazards.

Approximately 11 vacant properties are impacted by this policy amendment and the zoning bylaw amendment. The Regional District is proposing to apply a duplex zone in place of either 4 unit or 6 unit densities along a section of Edelweiss Drive. It is important to note, that the proposed amendment will not prevent applicants applying to amend zoning to reflect the density as set out in their original building scheme with the proper technical and hazard evaluations.

Siting

During consultation with residents, several people identified problems with snow shedding. Often buildings are designed to shed snow from their roofs to reduce snow load pressure. The siting and roof design of a building can potentially affect neighbours when snow sheds across property lines. In some instances this has resulted in damage to a neighbour’s building. To address this problem, staff will

recommend setbacks that differ from siting provisions in the building schemes. The greater side setbacks recommended in the Zoning Amendment Bylaw 0993, 2010 would provide adequate space between buildings for snow clearing and help to avoid snow shedding from roofs across property lines (and potentially damaging neighbouring structures).

While staff believes OCP Policy 3.4.1 pertains to use and density (rather than siting), it is prudent for the Board to be aware of this matter when considering OCP Amendment Bylaw No. 0994, 2010.

Consultation

Section 879 of the Local Government Act provides a framework for consultation when a local government is proposing to amending an OCP. Generally the Regional District has two approaches. The first is a comprehensive approach that involves early and on-going consultation with a variety of individuals, groups and organizations that may be affected by a major OCP update. The second approach usually deals with site specific proposals that have minor affects on the plan area and often coincides with a zoning amendment. This approach usually involves a referral and a request for comment, whereby a referral is sent to all potentially affected parties prior to a public hearing with a request for comment. If comments are received they are brought to EASC and Board for consideration and any issues are addressed at this stage.

The nature of this proposed OCP amendment is minor and the second approach is appropriate for this situation. Early and on-going consultation is not warranted. Furthermore, consultation with adjacent municipalities and regional districts is unnecessary due to the rural and isolated location of Hemlock Valley.

Consultation with Mission School District No.75 should not be required as the proposed OCP amendment would not result in additional parcels or overall density increases and therefore will have no impact on school enrollment. Furthermore, the nature of settlement in Hemlock Valley is oriented around the resort use and the majority of owners do not reside full time in Hemlock Valley.

Potentially affected First Nation groups were identified during the initial stages of the zoning amendment project have been notified that the Regional District is undertaking a process to apply zoning to un-zoned lands and an invitation to meet was extended to discuss the project. Once the proposed OCP amendment bylaw has been given first reading a referral will be sent to the following First Nation groups: Chehalis First Nation, Kwantlen First Nation, Sto:lo Tribal Council, and Sto:lo Nation.

The following provincial agencies, Ministry of Environment, Ministry of Transportation and Infrastructure, Fraser Health and Comptroller of Water Rights were identified as agencies with a potential interest in the zoning bylaw amendment. Meetings and correspondence have already taken place. A referral with the proposed OCP amendment will be sent to each agency requesting comment.

Hemlock Valley Home Owners Association is a local community group comprised of property owners in Hemlock Valley. A referral should be sent to this group providing them with an opportunity to comment on the proposed amendment. In addition, a public meeting will be taking place prior to the public hearing. At this meeting the proposed zoning bylaw and OCP amendment will be presented to the community members providing them with an opportunity to ask questions and learn about the proposals. A summary report will be brought to Committee for consideration.

Financial Plan

Pursuant to section 882(3) of the LGA the Regional Board is required to consider the proposed amendment in conjunction with the Financial Plan. A referral was sent to the Director of Finance for comments asking if and how the proposed OCP amendment may affect the current Financial Plan. The response stated that the proposed OCP amendment is in keeping with the 2010-2014 Financial Plan.

Waste Management Plan

Similar to the consideration of the Financial Plan, section 882(3) requires the same consideration be given to the Regional District's Waste Management Plan. The Manager of Environmental Services and Operations advised that the OCP amendment is consistent with the Waste Management Plan.

Regional Growth Strategy

Section 865(1) of the LGA requires that an OCP amendment bylaw be consistent with the Regional Growth Strategy. 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, Regional Planning staff expressed the view that the proposed OCP amendment is consistent with the Regional Growth Strategy.

COST

The OCP amendment forms part of the zoning bylaw amendment which is a 2009 priority project. No additional cost for this OCP amendment.

COMMENT BY DEPARTMENT HEAD

Reviewed and supported.

COMMENT BY DIRECTOR OF FINANCE

The proposed OCP amendment is in keeping with the 2010 – 2014 Financial Plan.

COMMENT BY CHIEF ADMINISTRATIVE OFFICER

Reviewed and supported.

Attachment