

To: Electoral Area Services Committee

Date: 2020-12-08

From: Andrea Antifaeff, Planner 1

File No: 3920-20-1619, 2020

**Subject: Zoning Bylaw Amendment No. 1619, 2020 to address Temporary Tourist Accommodation in Snow Avalanche Hazard Areas, Hemlock Valley, Area C**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board give first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area C Zoning Amendment Bylaw No. 1619, 2020* to amend Schedule C in Zoning Bylaw 100, restricting Temporary Tourist Accommodation in areas identified as being in the 'Blue Zone' in the 2020 Dynamic Avalanche Consulting Ltd. *Hemlock Valley Snow Avalanche Assessment*;

**THAT** *Fraser Valley Regional District Electoral Area C Zoning Amendment Bylaw No. 1619, 2020* be forwarded to Public Hearing;

**THAT** the Fraser Valley Regional District Board delegate the holding of the Public Hearing with respect to proposed *Fraser Valley Regional District Electoral Area C Zoning Amendment Bylaw No. 1619, 2020* to Director Bales, or her alternate in her absence;

**THAT** Director Bales or her alternate in her absence preside over and Chair the Public Hearing with respect to proposed *Bylaw 1619, 2020*;

**AND THAT** the Chair of the Public Hearing be authorized to establish procedural rules for the conduct of the Public Hearing with respect to proposed *Bylaw 1619, 2020* in accordance with the Local Government Act;

**AND FURTHER THAT** in the absence of Director Bales, or her alternate in her absence at the time of the Public Hearing with respect to proposed *Bylaw 1619, 2020* the Fraser Valley Regional District Board Chair is delegated the authority to designate who shall preside over and Chair the Public Hearing regarding this matter;

**AND FINALLY THAT** the Fraser Valley Regional District Board authorize its signatories to execute all documents relating to *Bylaw 1619, 2020*.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

## **BACKGROUND**

In 2011, Temporary Tourist Accommodation was introduced into the Zoning Bylaw for Electoral Area C to allow temporary tourist accommodation in Hemlock Valley.

Temporary Tourist Accommodation means a temporary rental accommodation for the travelling public not exceeding thirty (30) consecutive days by an individual or group and provides for accommodation in a dwelling unit; it does not include a Hotel, Motel, accessory boarding, or bed and breakfast accommodations.

In 2011, Temporary Tourist Accommodation use was restricted to areas that were identified as being outside the "Blue Zone" snow avalanche hazard area set out in the 2011 avalanche assessment by Dr. D. McClung. The Blue Zone is an area of moderate snow avalanche hazard where construction of occupied structures may be permitted with specified conditions to reduce the avalanche risk (CAA 2016).

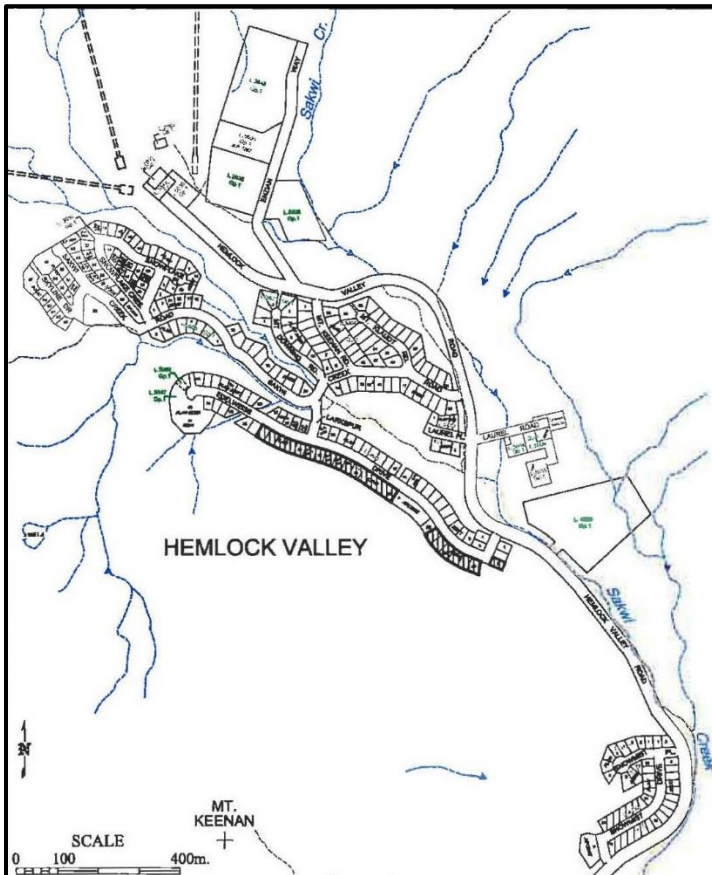
The amendment in 2011 restricted Temporary Tourist Accommodation use in avalanche hazard areas, because unlike the bed and breakfast use or boarding use, the owner of the property is not present on site and therefore not able to monitor the situation if snow conditions are creating a situation in which the threat of a snow avalanche is elevated and the safety of people and property is at risk. The assumption was that property owners would have an understanding of the level of hazards that affect their property but people renting the dwelling for short-term vacation uses would not be in a position to understand and accept these risks.

## **DISCUSSION**

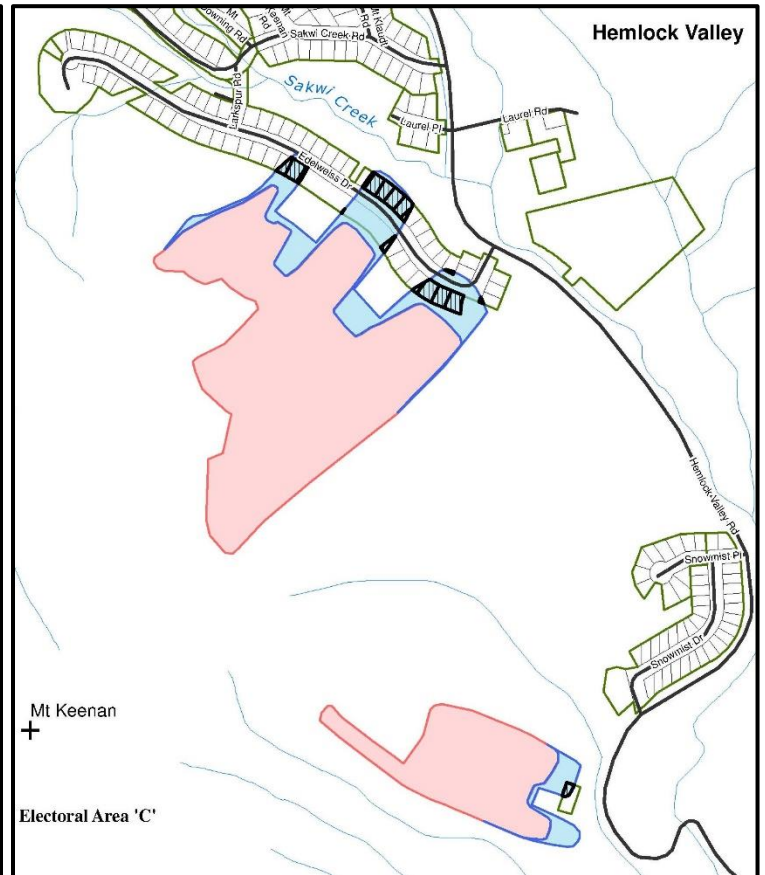
The new Hemlock Valley Snow Avalanche Hazard Assessment report by Dynamic Avalanche Consulting Ltd. (Dynamic) changes our understanding of the location of snow avalanche hazards in Hemlock Valley. The proposed zoning amendment would amend the area where Temporary Tourist Accommodation use is restricted to reflect the properties that have been identified as being located in 'Blue Zones' in the updated 2020 Avalanche Assessment.

The proposed change will reduce the number of properties where Temporary Tourist Accommodation use is not permitted from 19 entire parcels to 8 entire parcels plus parts of 9 others.

Below is the 2011 zoning bylaw amendment map, which is currently used and reflects properties where Temporary Tourist Accommodation use is prohibited and the proposed 2020 zoning bylaw amendment map which reflects properties where Temporary Tourist Accommodation use would now be prohibited. (Note hatched properties is where the use is prohibited).



**2011**



**2020**

The recent report from Dynamic stated that considerations for development in Blue Zone hazard areas includes but is not limited to the number of occupants and timing of occupancy per the Canadian Avalanche Association (2016) Technical Aspects of Snow Avalanche Risk Management.

FVRD staff feel this amendment to address Temporary Tourist Accommodation is important to the community and will benefit the economy of Hemlock Valley by reducing restrictions on Temporary Tourist Accommodation use in the alpine ski village of Hemlock Valley.

### Property Zoning

In 2011, the FVRD applied Zoning to properties located in Hemlock Valley upon the expiration of a previously registered private Building Scheme which had identified permitted uses of land. Zoning was

applied to properties based on the expired building schemes, the 2011 McClung avalanche assessment and a variety of other factors.

The 2011 McClung report concluded that many properties identified in avalanche areas were not suitable for residential construction. As a result, in some cases the zoning bylaw supported densities lower than those previously established by the building scheme.

However, the 2020 Dynamic avalanche assessment concludes that the construction of occupied structures in the Blue Zone is permitted, subject to the following:

- Structural reinforcement designed by a Qualified Professional Engineer to withstand avalanche impact or mitigation measures to modify the avalanche hazard (e.g. deflection dam, snowpack support structures).
  - For residential parcels located partially within a 'Blue Zone', a restrictive covenant could be placed on the parcel indicating that construction of an occupied structure is permitted in only the portion of the parcel that is in the 'White Zone'.
  - For development requested in the 'Blue Zone', mitigation efforts should be reviewed by the FVRD and a qualified Professional Engineer and avalanche professional (or one person that meets both qualifications by virtue of education and experience) prior to approval.

As such, the updated avalanche assessment in conjunction with the forthcoming OCP update may present opportunities for property owners in Hemlock Valley to pursue density increases on existing lots. Contrary to the former avalanche study from 2012, the 2020 avalanche assessment may be a supporting document for property owners wishing to explore greater densities for their properties.

Other factors are often considered when rezoning properties to increase density such as servicing, access, snow management, environmental, geotechnical hazards, etc. These would need to be considered as a part of a rezoning application.

### Public Hearing

Pursuant to the *FVRD Development Procedures Bylaw No. 0831, 2007* a Public Hearing will be advertised and scheduled. A mailed notice to property owners and occupiers will be sent per the *Local Government Act*. In addition, the public hearing will be advertised in the local newspaper and on the FVRD web-site.

### **COST**

No fee is levied for Zoning Bylaw amendments initiated by the Fraser Valley Regional District. Direct expenditures will include the advertising and scheduling of the Public Hearing estimated at about \$2,000. Costs for staff time are not estimated here.

## CONCLUSION

Staff recommend that the FVRD Board give first reading to the bylaw cited as *Fraser Valley Regional District Electoral Area C Zoning Amendment Bylaw No. 1619, 2020* as outlined in the recommendation section of this report in order to proceed with the public review process.

## COMMENTS BY:

**Graham Daneluz, Director of Planning & Development:** Reviewed and supported

**Kelly Lownsborough, Chief Financial Officer/ Director of Finance:** Reviewed and supported

**Jennifer Kinneman, Chief Administrative Officer:** Reviewed and supported.