



MEMORANDUM

DATE: November 2, 2023
TO: Deputy Mayor Hale and CBJ Assembly, Committee of the Whole
FROM: Katie Koester, City Manager
SUBJECT: Ordinance 2023-18 Landslide and Avalanche Hazard Regulations

The purpose of this memo is to provide context for draft Ordinance 2023-18 amending the sensitive areas requirements of land use code related to avalanche areas being discussed today.

Background

To recap, in December 2018, the Assembly approved a funding request to FEMA for a hazard assessment grant. This grant was intended to update the existing maps from the 1980s that were difficult to read and lumped landslide and avalanche hazards in the same map. Tetra Tech Inc. was hired to draft new maps, which were presented to the Assembly in September 2021. The new maps spurred conversation and concern in the community which the body is familiar with; there has been over a year and half of public meetings on this topic between the Planning Commission, LHEDC, and Assembly. The Assembly held a public hearing to take testimony on September 11, 2023 to inform next steps. That meeting was a follow up to the [August 25, 2023](#) Committee of the Whole (COW) that provides a good summary of the topic.

Where we are

At the August COW, a motion was made to repeal the current maps (landslide and avalanche), repeal the related land use code ordinance; and regulate the moderate and severe avalanche maps only.

The recommendation was made to publish the landslide and avalanche maps on the CBJ CDD website and notify impacted property owners annually.

This means that only properties located in mapped moderate and severe avalanche areas will be regulated. In order to apply regulations to these areas, the Avalanche Hazard Designation Mapping, dated April 27, 2022 should be adopted. This allows staff and applicants to determine if the property is located in the mapped area or not; and if in a mapped area, which mapped area and then which regulations apply.

The attached draft ordinance implements these changes. The ordinance provides the director authority over some development in mapped moderate zones, and the planning commission authority over mapped severe zones and anything outside the director's authority in mapped moderate zones.

How would that work logistically?

Regulation - The Tetra Tech maps (landslide and avalanche) would live on the CDD website. However, the only properties CBJ would regulate development in would be in moderate and severe avalanche areas. This will function similar to the Willoughby District Land Use Plan: the Assembly only adopted one chapter, but the entire Plan lives on CDD's website.

Per the draft ordinance, an example of development regulated by the director would be a building permit for a single-family dwelling in a mapped moderate avalanche area. An example of development regulated by the planning commission would be a subdivision that has enough land to site a building area outside a mapped severe area without the need for a variance. Another example in the mapped severe area is that increasing density is not permissible, except that the planning commission may approve a single-family dwelling (on a vacant property).

Notification – CDD would mail a postcard (similar to the abutter notification) to property owners who live within 500 feet of mapped landslide or avalanche zones at a cost of about \$1500 . The postcard would notify the owner that their property is in or proximate to a mapped hazard zone and direct them to the website for more information. A press release would be scheduled at the same time to provide notice to renters who would not receive direct mail.

Recommendation: Discuss the attached ordinance, recommend any changes and move it to the next regular assembly meeting for introduction.