



REGIONAL DISTRICT OF MOUNT WADDINGTON

PLANNING COMMITTEE MEETING AGENDA

January 20, 2015 at 12:30 pm
RDMW Office – 2044 McNeill Road, Port McNeill

Call to Order

Call meeting to order @ 12:30p.m.

Adopt Agenda

Adopt January 20, 2015 agenda

Minutes:

1. Planning Committee meeting held September 16, 2014

Reports:

1. Planning Budget Discussion
2. Temporary Use Permit Application TUP-02-2014- 10 Keleva Road, Sointula (Jensen)

Correspondence:

Adjourn:



REGIONAL DISTRICT OF MOUNT WADDINGTON

MINUTES

MINUTES of the Regional District of Mount Waddington Planning Committee Meeting held Tuesday, September 16, 2014 at the Regional District Office, 2044 McNeill Road, Port McNeill.

Present: Chair H. Soltau
Directors: D. Rushton, A. Hory, J. Tidbury, J. Allen, J. Dorward, G. Furney, D. Aberley
Staff: G. Fletcher-Administrator; J. Velaniskis-Manager of Planning, M. Tonkin-Recording Secretary
Public:

A.Call to Order: The meeting was called to order at 12:30 pm

B. Delegations

C. Adoption of Agenda:

14-16 THAT the Planning Committee Agenda of September 16, 2014 be adopted as presented.

CARRIED

D. Adoption of Minutes:

14-17 THAT the Planning Committee Minutes of August 19, 2014 be adopted as presented.

CARRIED

E. Reports:

1. Application for OCP/Zoning Bylaw Amendments –Jensen 10 Kaleva Rd, Sointula, Malcolm Island, Electoral Area “A”

14-18 THAT the Regional Board consider first and second readings of Bylaws No. 871 and 872, being amendments to Schedule B of the Malcolm Island Official Community Plan Bylaw No. 708, 2005, and Schedule B of the Malcolm Island Zoning Bylaw No. 725, 2006, which proposes to amend the designation and zoning of a property described as Block A of the Fractional SW ¼ of section 9, Malcolm island, Rupert District, from Institutional (US) to Residential (R) and Small Lot Residential (R3) respectively (Appendix A and B);

THAT the Regional Board endorse the referral list of agencies and First Nations contained in Appendix C and that the referral process commence for a property described as Block A of the Fractional SW ¼ of Section 9, Malcolm Island, Rupert District, as part of proposed amendments to Bylaws No. 708 and 725, being the Malcolm Island Official Community Plan, 2005, and the Malcolm Island Zoning Bylaw, 2006;

AND FINALLY THAT the Regional Board schedule a public hearing for October 15 to be held at 110 13th Avenue in Sointula commencing at 7:30p.m., as required by Section 890 of the *Local Government Act*.

CARRIED

2. Policy Updates of the Regional Plan Bylaw No.674

Previously considered policy changes regarding Tourism & Recreation were accepted. Next steps will be housekeeping changes and consideration of a First Nations and public consultation strategies.

F. Correspondence None

G. Meeting Adjourned The meeting was adjourned at 12:40 p.m.

CERTIFIED CORRECT:

SECRETARY

CHAIR



REGIONAL DISTRICT OF MOUNT WADDINGTON

STAFF REPORT

TO: RDMW Planning Committee

File: 315.05

FROM: Jonas Velaniskis, Manager of Planning

DATE: January 13, 2015

SUBJECT: **Proposed Planning Budget for 2015 – 2019 and Expected Actuals for 2014**

PURPOSE

To review the expected actuals of the 2014 Consolidated Planning budget and the proposed budget for 2015 - 2019.

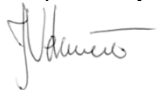
2014 – 2019 Budget

Last year, the Planning Department appears to have reasonably met the revenue and expenditure targets of the 2014 budget. Due to under-spending in previous years, a fairly significant transfer will be made from Planning Reserve to offset 2014 taxation revenue as planned at the beginning of the year. In 2015 and 2016, proposed transfers from the Planning Reserve are substantially reduced to maintain a relatively modest reserve and establish a sustainable taxation pattern. Notable expenditure changes proposed in 2015 include an increase in wages and reductions in the funding of the summer student's position, projects and minor capital.

CONSOLIDATED PLANNING REVENUE	2013 ACTUAL	2014 BUDGET	2014 ESTIMATED ACTUAL	2015 BUDGET	2016 BUDGET	2017 BUDGET	2018 BUDGET	2019 BUDGET
Taxation	117,616	117,616	117,616	122,949	127,189	133,003	135,458	136,868
Regional	47,046	47,046	47,046	49,180	50,876	53,201	54,183	54,747
Electoral	70,570	70,570	70,570	73,769	76,313	79,802	81,275	82,121
Other Revenue	12,920	10,520	10,212	4,000	4,000	4,000	4,000	5,000
Regional	5,168	4,208	4,084	1,600	1,600	1,600	1,600	2,000
Electoral	7,752	6,312	6,128	2,400	2,400	2,400	2,400	3,000
Transfer from Reserves	-	30,000	25,678	4,500	4,500	-	-	-
Regional	-	12,000	10,271	1,800	1,800	-	-	-
Electoral	-	18,000	15,407	2,700	2,700	-	-	-
TOTAL REVENUE	130,536	158,136	153,506	131,449	135,689	137,003	139,458	141,868

CONSOLIDATED PLANNING EXPENDITURE	2013 ACTUAL	2014 BUDGET	2014 ESTIMATED ACTUAL	2015 BUDGET	2016 BUDGET	2017 BUDGET	2018 BUDGET	2019 BUDGET
Wages	53,941	71,200	71,252	76,600	80,810	82,426	84,075	85,757
Staff Benefits	7,992	19,152	19,651	15,251	16,970	17,310	17,656	18,009
Staff Expenses	1,200	2,550	3,712	3,000	3,000	3,000	3,000	3,000
Summer Student	20,102	20,000	21,809	10,000	10,000	10,000	10,000	10,000
Administration	12,000	12,000	12,000	12,240	12,485	12,734	12,989	13,249
Communication	427	2,000	958	1,060	2,000	2,000	2,000	2,000
Supplies	2,070	1,000	927	1,000	1,040	1,061	1,177	1,200
Projects / GIS	14,325	25,000	24,050	18,000	18,000	17,000	17,000	17,000
GGA Vehicle costs	500	510	500	520	531	541	552	563
APC Expenses	701	1,224	-	1,248	1,273	1,299	1,325	1,352
Subscription Services	1,485	1,000	750	1,020	1,040	1,061	1,082	1,104
Crown Tenure Fees	226	500	-	510	520	531	541	552
Legal Fees	-	1,000	-	1,000	1,000	1,000	1,000	1,000
Miscellaneous	2,532	4,000	1,558	4,000	1,020	1,040	1,061	1,082
Minor Capital		12,000	11,338	1,000	1,000	1,000	1,000	1,000
Subtotal Expenses	117,501	173,136	168,505	146,449	150,689	152,003	154,458	156,868
Charged out to 911	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	(15,000)	-15,000
Total Expenses	102,501	158,136	153,505	131,449	135,689	137,003	139,458	141,868

Respectfully submitted,



Jonas Velaniskis
Manager of Planning



REGIONAL DISTRICT OF MOUNT WADDINGTON

STAFF REPORT

TO: RDMW Planning Committee

File: 315.05

FROM: Jonas Velaniskis, Manager of Planning

DATE: January 13, 2015

SUBJECT: Temporary Use Permit Application – 10 Kaleva Road (TUP-02-2014 Jensen)

PURPOSE

To consider a Temporary Use Permit (TUP) application proposing to establish a residential use on an institutionally zoned property at 10 Kaleva Road that is currently subject to redesignation and rezoning proceedings.

EXECUTIVE SUMMARY

The property at 10 Kaleva Road is currently subject to an active Official Community Plan (OCP) redesignation and rezoning application review process seeking Small Lot Residential (R3) zoning in order to establish a residence as the principal use of the property. On November 26, 2014, two residential buildings were moved onto the property prior to securing a rezoning of the parcel or a site permit. Subsequently, the owners of the property applied for a TUP to allow the siting and use of residential structures as an interim measure before the rezoning conditions are met, rezoning is approved and a site permit is issued. A successful rezoning will require connecting the property to the Sointula sewer service infrastructure, securing any required right of ways for the sewer line connection and registering a Section 219 restrictive covenant to establish a vegetated buffer on the property. The proposed 12-month TUP allows the siting of the single detached dwelling and accessory structures on the subject property and permits the occupancy of the single detached dwelling provided that the principal rezoning condition, which requires that the owners connect the property to the Sointula sewer infrastructure and ensure that the physical connection is accompanied by the necessary legal mechanism, is completed. As proposed, the issuance of the permit requires a performance bond to guarantee that the Terms and Conditions of the Permit are met.

Staff Recommendations:

THAT the Regional Board approve the issuance of the Temporary Use Permit TUP-02-2014 (Jensen) to permit the siting and conditional use of a single detached dwelling and accessory non-dwelling structures for a period of 12 consecutive months on a property described as Block A of the Fractional SW ¼ of Section 9, Malcolm Island, Rupert District (10 Kaleva Road) provided that by February 6, 2015, the owner provide a security deposit in a form satisfactory to the Regional District of Mount Waddington, in the sum of \$10,000 (ten thousand dollars), to guarantee the performance of the Terms and Conditions of this Permit, and should the applicant be in default of any Term or Condition of this Permit, the security deposit may be kept in whole or in part by the Regional District of Mount Waddington;

AND FURTHER THAT the Administrator be authorised to execute the Temporary Use Permit TUP-02-2014 once the security deposit is provided.

Respectfully submitted,

Jonas Velaniskis
Manager of Planning

BACKGROUND

The 0.38-hectare property at Dickenson Point is located in an institutional/multi-residential area of Sointula and was historically utilized by Emcon Services Inc. as a works yard for road maintenance on Malcolm Island. The parcel is bound by the Sointula Cemetery and Kaleva Road to the north, provincial Crown land to the east and north, and Haddington Passage to the south and west (Figure 1). The shoreline along Haddington Passage on the subject property has been heavily fortified with concrete blocks and riprap to protect the property from erosion. Emcon's road works buildings have been recently removed from the property.

On August 5, 2014, the property owners submitted a development application to the Regional District requesting that the property designation of the Malcolm Island OCP Bylaw No. 708, 2005, be amended from Institutional (US) to Residential and the property be rezoned from Institutional (US) to Small Lot Residential (R3) in order to permit residential use as the principal use of the property. On August 18th, the development application was presented to the Malcolm Island Advisory Planning Commission (APC) for review and comments. The Regional District and applicants have negotiated the conditions of the OCP amendment and rezoning and on September 16, 2014, the Regional Board gave first and second readings of the proposed bylaw changes (amendment Bylaws No. 871 and 872). Rezoning conditions in this case require that, at the applicants expense, the property be connected to the existing Sointula sewer service infrastructure, required right of ways for the sewer line connection be registered along the length of the connecting line and a Section 219 restrictive covenant be registered on the title of the subject property for the establishment of a vegetated buffer along the east boundary of the property to mitigate any negative land use impacts on the adjacent Crown land parcel, which contains a public use area and a trailhead of the Kaleva Road Trail.

On October 15th, the Regional District held a statutory public hearing in Sointula to hear any speakers on the OCP amendment and rezoning application at 10 Kaleva Road. Discussions with the applicants on how the established rezoning conditions will be achieved continued throughout November. The owners wished to proceed with requesting final approval of the redesignation and rezoning bylaws prior to the rezoning conditions being met on the basis of providing a letter of undertaking to complete conditions within one year. However, agreement was not reached on the content of the letter of undertaking and the proposed amending bylaws remain at second reading. On November 26th, two residential buildings were delivered to the property prior to securing residential zoning or a site permit. Following the events of November 26th, the owner of the property was notified that the siting of residential buildings on this property was not in conformity with RDMW bylaws. At this point in time, staff also advised the owners that a letter of undertaking would not be a recommended mechanism for satisfying rezoning conditions. A meeting was held with the owners to find an interim solution for bylaw compliance until such time as the rezoning conditions are satisfied and a site permit is issued for all residential structures. Subsequently, the applicants submitted the current TUP application. This TUP application was scheduled to be presented to the Regional District Board on December 17th; however, on December 14th the applicant requested that this consideration be postponed until February. Foundation works appear to have been started for the two buildings in early January. Given the bylaw compliance implications, staff recommend that the issuance of the TUP be considered in January.

REGULATORY ANALYSIS

Section 921 of the Local Government Act (LGA) authorizes a local government to issue a TUP in order to temporarily allow a use that is not otherwise permitted in a zone, as well as allow and regulate the construction of associated structures. A TUP may also specify conditions under which the temporary use may occur. Pursuant to Section 921(11) of the LGA, a TUP may be issued for a maximum period of three years. Section 921 of the LGA also authorizes a local government to require the provision of a security to guarantee the performance of the terms of a permit.

PLANNING ANALYSIS

The subject property at 10 Kaleva Road is designated as Institutional (US) pursuant to the Malcolm Island OCP Bylaw No. 708, 2005. The Institutional designation is intended to identify lands necessary to accommodate the uses and buildings of non-profit, community or public entities in accordance with community needs. The subject property is zoned Institutional (US) pursuant to the Malcolm Island Zoning Bylaw No. 725, 2006. The current US zone is intended for community-type establishments such as halls, schools, hospitals, museums and other similar uses. The US zoning provisions allow for residential use only in a form of an accessory dwelling unit. The zone does not permit for residential use as a principal use of the property. The Malcolm Island OCP designates all of the Plan area as a TUP area and mirrors the TUP provisions outlined in the LGA.

Staff support the issuance of a TUP and recommend that the following conditions form the principal part of the Permit:

- a. **That no incidental or permanent residential occupancy occur on the property until such time as the property is connected to the existing Sointula sewer service infrastructure and any statutory right of ways are registered or road permits secured along the length of the connecting infrastructure.** The Malcolm Island Advisory Planning Commission requested that residential occupancy only occur after the legal mechanism has been registered or secured along the connecting portion of the sewer line. It should be noted that the applicants have objected to this proposed condition. The applicants have specifically disagreed with the requirement that the legal mechanism for the sewer connection be secured prior to the occupancy of the single detached dwelling on the basis that it will postpone the occupancy. Staff recommend that the APC's advice be incorporated into the permit.
- b. **That prior to the issuance of the Permit, a security be provided in the amount of \$10,000 to ensure the performance of the TUP terms and conditions.** The proposed terms of the security bond outline that the security would be forfeit to the Regional District if default on a TUP condition occurs. If the proposed TUP is issued and a condition is breached, the Regional District will retain the security subject to the Regional Board's decision. The staff recommendation includes establishing a timeline for the security to be provided by February 6, 2015.

PUBLIC PARTICIPATION

This application, as well as an earlier version of the draft Permit, was presented to the Malcolm Island Advisory Planning Commission for comments on December 9, 2014. The APC provided valuable input on the Permit conditions and recommended that right of ways or road permits be secured prior to allowing the temporary residential occupancy on the subject property. Notice of proposed Temporary Use Permit TUP-02-2014 and its consideration by the Regional Board at its regularly scheduled meeting in January was published in the North Island Gazette newspaper and was mailed to the owners and occupiers of adjacent properties in accordance with the requirements of the LGA and Regional District of Mount Waddington Development Procedures Bylaw No. 594.

The proposed Permit TUP-02-2014 is included as Appendix A with this report.

Appendix A: TUP-02-2014

ISSUED TO THE PERMITTEE: Puk Else Jensen
1708 West 6th Avenue, Vancouver, BC

- 1) This Temporary Use Permit is issued under authority of Part 26 of the *Local Government Act* and Section 5.13 of the Malcolm Island Official Community Plan Bylaw No. 708, 2005, as amended from time to time, subject to compliance with all of the bylaws of the Regional District of Mount Waddington applicable thereto, except as specifically varied or supplemented by this Permit.

- 2) This Temporary Use Permit applies to that land within the Regional District of Mount Waddington described below:

Legal Description: Block A of the Fractional SW ¼ of Section 9, Malcolm Island, Rupert District

Parcel Identifier (PID): 000-411-701

Assessment Roll Number: 785 14051.012

Civic Address: 10 Kaleva Road, Sointula, Malcolm Island, BC V6J 5E8

- 3) The use of the land shall be carried out according to the Terms and Conditions attached hereto as Schedule 'A', which forms part of this Permit.

- 4) This Temporary Use Permit TUP-02-2014 shall expire 12 consecutive months after the date of its approval by resolution of the Board of the Regional District of Mount Waddington.

CERTIFIED as TEMPORARY USE PERMIT TUP-02-2014 approved by resolution of the Board of the Regional District of Mount Waddington on January 20, 2015.

Greg Fletcher
Administrator

Certified on: _____, 2015



SCHEDULE 'A' TO TEMPORARY USE PERMIT TUP-02-2014

PERMITTEE:

Puk Else Jensen of 1708 West 6th Avenue, Vancouver, BC V6J 5E8

LAND SUBJECT TO TUP-02-2014:

10 Kaleva Road. Block A of the Fractional SW ¼ of Section 9, Malcolm Island, Rupert District

TERMS AND CONDITIONS:

WHEREAS pursuant to Section 1.3 of the Malcolm Island Zoning Bylaw No. 725, 2006, *“no land, buildings or structures, or part thereof, shall be used, occupied, erected, moved, or altered unless in conformity with this Bylaw.”*

AND WHEREAS pursuant to Section 5.7.1 (Institutional (US)) of Bylaw No. 725, permitted uses in the Institutional (US) zone do not include principal residential use or the siting of residential buildings.

AND WHEREAS the owner, Puk Else Jensen, has requested a Temporary Use Permit to allow the siting and use of residential buildings on the subject property.

AND WHEREAS the Malcolm Island Official Community Plan Bylaw No. 708, 2005, designates all of Malcolm Island, including the land subject to this Permit, as an area in which Temporary Use Permits may be issued in accordance with the *Local Government Act*.

NOW THEREFORE BY A RESOLUTION of the Board of the Regional District of Mount Waddington on January 20, 2015, the Board approves Temporary Use Permit TUP-02-2014 to allow the siting and use of one single detached dwelling and accessory non-dwelling structures on the land at 10 Kaleva Road, in Sointula, and legally described as Block A of the Fractional SW ¼ of Section 9, Malcolm Island, Rupert District, subject to the following conditions:

- 1) That during the period of this Permit, no building, structure, trailer or recreational vehicle shall be occupied incidentally or permanently for residential use. Despite the aforementioned, a single detached dwelling may be occupied for residential use provided that the building is functionally connected to the Sointula sewer service infrastructure, as-build drawings are submitted to and approved by the Regional District of Mount Waddington Manager of Operations, all necessary connection fees and development cost charges are paid to the Regional District, and all necessary statutory right of ways are registered or provincial public highway permits are issued along the length of the connecting infrastructure works.
- 2) That, for the purposes of this Permit, a single detached dwelling and accessory non-dwelling structures may be sited on the property in accordance with the layout provided in Figure 1 of this Permit.
- 3) That all construction and renovation waste generated within the Temporary Use Permit area on the property during the period of this Permit shall be disposed of properly at a permitted landfill facility.
- 4) This Temporary Use Permit is granted for the sole benefit of the applicants and is non-transferable.

- 5) This Temporary Use Permit TUP-02-2014 shall expire 12 months after the date of its approval by resolution of the Board of the Regional District of Mount Waddington. Upon expiry of Temporary Use Permit TUP-02-2014, if a rezoning of the subject property and a site permit for existing structures are not achieved, the buildings and structures associated with the use subject to the Temporary Use Permit shall be removed from the property or otherwise decommissioned and no longer be used for any activities regulated under the Permit. The Regional Board will consider renewing this Temporary Use Permit upon receiving a renewal application from the owner of the subject property.

Performance Bond:

- 6) Prior to issuance of this Permit, the applicant must provide a performance bond in the form satisfactory to the Regional District, in the amount of \$10,000, to guarantee the performance of the Terms and Conditions of this Permit, and should the applicant be in default of any Term and/or Condition of this Permit, the performance bond may be retained in whole or in part by the Regional District by decision of the Regional District Board. The applicant has the right to appeal the Regional District Board's decision to retain the performance bond in a court of law. The performance bond will be released once all Terms and Conditions of this Permit have been fulfilled and the Permit expires or is no longer necessary.

I HEREBY CERTIFY this copy to be true and correct copy of Schedule 'A', being the Terms and Conditions of Temporary Use Permit TUP-02-2014.

Greg Fletcher
Administrator

Certified on: _____, 2015

Attachments: Figure 1 – “Area Subject to the Temporary Use Permit and Site Plan”



Figure 1: Area Subject to the Temporary Use Permit and Site Plan