



REGIONAL DISTRICT OF MOUNT WADDINGTON

REGIONAL PLANNING COMMITTEE MEETING AGENDA

October 20, 2020 at 12:00p.m.

Board Room, RDMW Administrative Office, 2044 McNeill Road, Port McNeill, BC

Page

A. CALL TO ORDER

Time:

B. APPROVAL OF AGENDA AS PRESENTED (or amended)

Motion required

1.

2.

C. ADOPTION OF MINUTES

2 - 7 1. Minutes of the Regional Planning Committee Meeting held December 17, 2019.

Motion required

1.

2.

D. DELEGATIONS

1. Sarah Ravlic and Sandy Mackay – Urban Matters: Mount Waddington Regional Housing Needs Report

E. NEW BUSINESS - None

F. NEXT MEETING DATE: To be determined.

G. ADJOURNMENT

Motion to Adjourn

1.

Time:



REGIONAL DISTRICT OF MOUNT WADDINGTON
REGIONAL PLANNING COMMITTEE MEETING MINUTES

December 17, 2019

RDMW Office – 2044 McNeill Road, Port McNeill, BC

PRESENT: Chair Rod Sherrell and Directors Dennis Buchanan, Kevin Cameron, Sandra Daniels, Janet Dorward, James Furney, Andrew Hory, Rod Sherrell, Gabriele Wickstrom

STAFF: Greg Fletcher - Administrator; Jeff Long - Manager of Planning & Development Services, Nadine Weldon - Recording Secretary

PUBLIC: Buddy Masales, Sandra Masales, Sandy Masales

A. CALL TO ORDER

Chair Sherrell called the meeting to order at 12:03pm

B. APPROVAL OF AGENDA

Moved/Seconded/Carried
THAT the agenda be approved as presented.

RPC-2019-14
APPROVE RPC
AGENDA

C. ADOPTION OF MINUTES

1. Minutes of the Regional Planning Committee meeting held September 17, 2019.

Moved/Seconded/Carried
That the minutes of the Regional Planning Committee meeting held on September 17, 2019 be adopted.

RPC-2019-15
ADOPTION OF
SEPT 17, 2019
RPC MINUTES

D. NEW BUSINESS

1. Development Application: Zoning Bylaw Amendment – Masales – Scotia Bay Resort, Electoral Area 'C' (2019-ZBA-01)

Mr. Long reviewed matters contained in his staff report dated December 11, 2019. He advised that this development application that has been submitted by Buddy and Sandy Masales and relates to a request for a zoning bylaw amendment with respect to two properties, one of which is an upland property the applicants own, and the second is an adjacent crown land tenure of which they are the tenants. At this time the two properties are utilized as part of what is known as "Scotia Bay Resort". Mr. long explained the owners wish to rezone the subject properties to bring them into conformity with the applicable zoning regulations. As it stands now, the resort use is not permitted by the regulations of RDMW Zoning Bylaw No. 21. In addition, the owners wish to be able to expand the resort in future by adding additional accommodations, primarily in the form of tourist cabins. Other expansion options may also be desirable.

Mr. Long reviewed the historical and present uses of the properties, and surrounding land uses.

Mr. Long advised that the policies contained in the Regional Plan convey the importance and potential of tourism as a means of diversifying the local economy and expanding the availability of recreational opportunities. Through these policies, the

RDMW indicates it will support a wide range of tourism developments, especially the development of cultural, adventure, marine and nature based facilities, provided that developments are serviced with sewage disposal and water supply systems in accordance with provincial requirements, and exhibit other responsible management practices and meet all relevant policies, laws and regulations.

Mr. Long advised that the upland property has been included in the Rural Zone (A-1) since RDMW Zoning Bylaw No. 21 was adopted in 1974. Prior to this, there were no zoning regulations in place as was the case when the upland property was first tenured in 1972. Since that time, tourism accommodation and related uses have been established as part of what is now known as the Scotia Bay Resort. These uses are not permitted by the applicable Rural Zone (A-1).

Mr. Long advised that the marine based tenure was included in the Marine Zone (MAR-1) in June of 2017. This zoning category restricts uses in the marine areas to which it applies and any uses which existed as of June 20, 2017 which were not permitted in the Marine Zone (MAR-1) were deemed to be nonconforming and could continue as per the provision of the *Local Government Act*. Mr. Long advised that the commercial moorage use that is undertaken on the tenure as part of the Resort is deemed to be nonconforming.

Mr. Long noted the subject properties are not served by a public road. The upland property was Crown granted to the owners in fee simple in 2007 and the property title notes that the property has limited access. In this regard, legal access was intended to be limited to the ocean, a navigable waterway. Mr. Long advised that there is a physically constructed road which extends from the District of Port Hardy, through the Tsulquate Reserve, over vacant Crown land, to the subject properties. The road through the Tsulquate Reserve from Port Hardy is Baas Road which then turns into Seymour Road part way through the Tsulquate Reserve. The owners have provided a document on Gwa'sala-'Nakwaxda'xw Council letterhead dated February 28, 1992 that includes a resolution which reads as follows:

"The Gwa'sala-'Nakwaxda'xw Council fully agrees, in the same arrangement as the last seventeen (years), to continue providing Buddy James Masales and the general public access to the property under Lease # 120614 through the Tsulquate Indian Reserve No. 4 and the proposed additional Indian Reserve lands of the Gwa'sala-'Nakwaxda'xw Band."

Mr. Long explained that not all marine based resorts, particularly in more remote areas, have public road access, and there are examples of these types of resorts in the RDMW that have been rezoned in recent years to allow them. A resort like the Scotia Bay Resort that has flourished in part because it is road accessible, may wish to ensure that the road access it does have, can continue in a secure fashion. Mr. Long noted that this comment recognizes that a portion of the road access is constructed over Crown land and that it appears that the property owners have not secured the necessary approval from the Province to utilize it for access purposes. In this regard, Mr. Long noted that RDMW staff has been in contact with staff at the Ministry of Forests and the Ministry of Transportation, both of whom confirm that no legal road access has been established or approval granted for the current road access.

The upland property has access to public electricity and telecommunications services (BC Hydro and TELUS).

Mr. Long advised that as part of the Crown grant process that was concluded in 2007 with respect to the upland property, the former tenants (now owners) were required to commission an environmental site assessment which was completed by Levelton Engineering in November of 2005. The purpose of this assessment was to evaluate potential environmental liabilities and identify conditions or practices that may represent failure with applicable environmental laws, regulations or guidelines. The assessment indicates:

“Based on historical data collected, and observations made to date, the potential for environmental impact on the subject site from activities that have occurred on the site or from surrounding properties is low. It is Levelton’s opinion that no further environmental work is required at the site.”

Mr. Long noted the subject properties are not located in a developed area of the RDMW for which a service area has been established for fire protection purposes, and there are no plans to provide such a service to a single property in a more remote location such as this, far removed from other service areas. Mr. Long advised the owners have constructed a fire suppression system which consists of a 4,000 gallon holding tank which is gravity fed by a two inch pipe to a fire hydrant building where a fire hose is stored. The hydrant is sited in a generally central location for the purposes of providing access to the larger onsite buildings. He noted the Applicants advise the pressure at the hydrant is approximately 80 pounds.

Mr. Long advised that there are currently no food services at the resort, and as such, no food service related permits are required from the Vancouver Island Health Authority (VIHA). Garbage and recycling are handled by the resort owners.

Mr. Long advised the properties are not located in a developed area of the RDMW for which a service area has been established for garbage collection purposes. He noted there are no plans to provide such a service to a more remote location such as this and the owners are thereby responsible for collecting and transporting solid waste and recycling materials to approved facilities as they advise they currently do.

Mr. Long noted the history associated with the installation of three sewage systems on the upland property. VIHA has confirmed that as these systems were installed prior to the current sewage regulations, they are non-conforming and no work needs to be done to bring them into compliance with the regulations, provided that no repairs are required, only routine maintenance, and do not create a health hazard. Mr. Long advised that VIHA has further confirmed that any work or expansion of the sewer systems must be undertaken in accordance with the *Sewerage System Regulation*.

Mr. Long advised that a water supply system has been developed and a water license has been in place since 1978. VIHA confirms that an Application for Drinking Water System was submitted by the Applicants and an initial inspection conducted which resulted in approval of a Permit to Operate a Water Supply System under the *Drinking Water Protection Act*. Compliance with Provincial guidelines and conditions of the Permit are required. Mr. Long advised that VIHA has recommended the owners update its Water Licence to reflect changes brought about under the more recently approved *Water Sustainability Act*.

Mr. Long advised that staff prepared Regional District of Mount Waddington Zoning Bylaw No. 21, Amendment Bylaw No. 973, 2019 which is attached to the staff report. He noted that if adopted by the Board of Directors, it has the effect of revising the existing definitions of “Resort” and “Tourist Cabin” and adding the definition of “Gross

Floor Area". It also updates some of provisions associated with the existing Marine Resort Zone (MR-1) with respect to permitted uses and conditions of use. Lastly, he advised it would have the effect of changing the applicable zoning categories with respect to the two properties, which are jointly used in the operation of the Scotia Bay Resort, to the Marine Resort Zone (MR-1).

Mr. Long discussed the requirements for conducting a public hearing with respect to proposed Bylaw No. 973. He also advised regarding his recommendation related to referral of proposed Bylaw No. 973 and the staff report the Kwakiutl First Nation, Gwa'sala-'Nakwaxda'xw First Nation, District of Port Hardy and Island Health (Vancouver Island Health Authority) for review and input.

Moved/Seconded/Carried

THAT the Board of Directors gives first reading to Regional District of Mount Waddington Zoning Bylaw No. 21, Amendment Bylaw No. 973, 2019 which proposes to amend RDMW Zoning Bylaw No. 21, 1972 to:

Revise and add definitions and revise some of the provisions associated with the Marine Resort Zone (MR-1) with respect to permitted uses and conditions of use; Change the applicable zoning category from the Rural Zone (A-1) to the Marine Resort Zone (MR-1) with respect to the property comprised of 3.086 hectares and legally described as District Lot 515, Rupert District (Limited Access), and is developed with what is commonly referred to as the "Scotia Bay Resort"; and, Change the applicable zoning category from the Marine Zone (MAR-1) to the Marine Resort Zone (MR-1) with respect to the marine based Crown land tenure defined by Lease No. V911889 under Provincial File No. 1402302 and comprised of 3.261 hectares, which is located adjacent to the property described as District Lot 515, Rupert District (Limited Access) in 2) above and is utilized in conjunction with what is commonly referred to as the "Scotia Bay Resort".

AND FURTHER THAT the Board of Directors directs staff to refer Regional District of Mount Waddington Zoning Bylaw No. 21, Amendment Bylaw No. 973, 2019 and associated staff report to the Kwakiutl First Nation, Gwa'sala-'Nakwaxda'xw First Nation, District of Port Hardy and Island Health (Vancouver Island Health Authority) for review and input.

AND FURTHER THAT the Board of Directors directs staff to undertake preparations for advertising and conducting a public hearing with respect to Regional District of Mount Waddington Zoning Bylaw No. 21, Amendment Bylaw No. 973, 2019 at 1:45pm on January 21, 2020 at the Regional District administrative office addressed as 2044 McNeill Road, Port McNeill, BC, in accordance with the Local Government Act and the RDMW Development Procedures Bylaw.

2. Establishment of Site Permit Requirement throughout the RDMW

Mr. Long advised that there is merit in looking at expanding the site permit requirement to apply to the entire RDMW. He indicated that with the exception of the municipalities, there are only four areas in the RDMW that require any form of construction permitting. These include Woss, Malcolm Island, and Hyde Creek for which the RDMW requires site permits, and Coal Harbour which has building permits. These permits are required in relation to the construction and siting of buildings and structures. The site permit is to ensure conformity with the applicable zoning regulations while the building permit process ensures conformity with both the

RPC-2019-016
RECOMMENDS
BYLAW NO. 973

applicable zoning regulations and the BC Building Code. Mr. Long noted the building permit process is more involved in that it deals with the structural aspect of buildings and structures, and implementation of this process is possible due to a partnership with the District of Port Hardy, and the ability to utilize its Building Inspector's technical expertise.

Mr. Long noted there are a number of benefits associated with having the site permit process apply to the entire RDMW as follows:

- Would provide for tracking of all building activities being undertaken throughout the RDMW. As it stands now, the RDMW is only able to report building statistics for the four specific areas to Statistics Canada and Canada Mortgage and Housing, which is not representative of the entire RDMW, and therefore, is not fully representative of the RDMW.
- The primary purpose of the site process is to avoid the siting and use of buildings and structures which are not in compliance with the applicable zoning regulations. In this regard, it is easier to avoid problems by being proactive instead of dealing with these issues after the fact when the buildings and associated uses are in place.
- Gives the opportunity to identify potential issues and provide people with options for dealing with them proactively, including utilization of the development variance and zoning bylaw amendment processes.
- It allows for collaboration with third parties to ensure other development related matters are being properly addressed. This includes things like the provision of suitable potable water and sewage disposal system which fall under the jurisdiction of the Vancouver Island Health Authority.
- Provides a mechanism to ensure that BC Assessment is aware of any property changes such that assessments can be adjusted accordingly.
- Provides a mechanism for providing information to applicants about the requirements of other agencies related to such things as: 1) instances where driveway access permits are required to be obtained from the Ministry of Transportation for construction of driveways that connect to public roads; 2) notification about the requirements of the Homeowner Protection Act in relation to new dwellings or substantial renovation of existing ones; 3) notification about the need to comply with the requirements of the BC Building Code; 4) notification about the fact that electrical and gas work may require a permit be obtained from Technical Safety BC; 5) and any other information that may be forthcoming and potentially applicable.

Mr. Long explained the site permit process is relatively simple in that it requires an applicant to undertake a one-page form, as well as a simplified site plan drawing which is a bird's eye view that shows property lines, as well as proposed buildings and structures and their distances from property lines. Other features may also be required to be shown. Mr. Long advised that staff reviews the application to ensure that it conforms with zoning regulations, as well as the property title information to determine if there are encumbrances registered on title that may affect the proposed works.

Mr. Long advised site permits are usually issued within a couple of days of receiving an application for site permit. Staff normally spends about four hours processing the application and preparing the resultant advisory letter and permit.

Staff was asked about the particulars of the process and possible time frame. Mr. Long advised that implementing a site permit requirement for the entire RDMW would

be something that may be better suited once a planning & operations assistant has been hired to assist with the additional workload. Mr. Long advised that expansion of the site permit requirement within the RDMW would be undertaken as part of an update to the RDMW's building bylaw. This bylaw needs to be updated given changes in recent times with respect to provincial legislation dealing with building issues. Implementation of a region wide site permit requirement would be advertised on the website in the same manner as is done now for those areas for which a site permit is required.

It was left that Mr. Long would bring this matter back to the RPC in future as part of a building bylaw update.

E. NEXT MEETING DATE: As required and to be determined.

F. ADJOURNMENT

Moved
THAT the meeting be adjourned.

Time: 12:49 p.m.

CORRECT

APPROVED

SECRETARY: JEFF LONG

CHAIR: DIRECTOR ROD SHERRILL

RPC-2019-017
ADJOURNMENT