



# REGIONAL DISTRICT OF MOUNT WADDINGTON

## REGIONAL PLANNING COMMITTEE MEETING AGENDA

October 18, 2022 at 12:30PM

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

Join Zoom Meeting:

<https://us02web.zoom.us/j/85760697324?pwd=VU9VdEl1a1lvN1cxYTQ2YXM2OHYyQT09>

<u>Page</u>		Time:
	<b>A. CALL TO ORDER</b>	
1	<b>B. APPROVAL OF AGENDA AS PRESENTED</b> (or amended)	
	Motion required	1. 2.
	<b>C. ADOPTION OF MINUTES</b>	
2	1. Minutes of the Regional Planning Committee Meeting held October 19, 2021.	
	Motion required	1. 2.
	<b>D. DELEGATIONS</b> - None	
	<b>E. REPORTS</b>	
3-14	1. 2022-ZBA-01 Planning Assistant-June Kwon	
	<b>F. NEXT MEETING DATE:</b> To be determined.	
	<b>G. ADJOURNMENT</b>	
	Motion to Adjourn	1. Time:



# REGIONAL DISTRICT OF MOUNT WADDINGTON REGIONAL PLANNING COMMITTEE MEETING MINUTES

September 20, 2022 at 2:00pm  
Board Room, RDMW Administrative Office, 2044 McNeill Road, Port McNeill, BC

Chair: In Person: Rod Sherrell  
Directors: VIA Zoom: Dennis Buchanan, Kevin Cameron, Sandra Daniels, Janet Dorward, Dennis Dugas, James Furney, Andrew Hory, Gaby Wickstrom

Staff: David Kim, Administrator, June Kwon, June Kwon, Planning Assistant, Nadine Weldon, Recording Secretary

Public None

Resolution No. **A. CALL TO ORDER**

**11:58 AM**

*The Chair opened the meeting by acknowledging that this meeting is taking place on the traditional territory of the Kwak'waka speaking peoples.*

## **B. APPROVAL OF AGENDA**

RPC 2022-01  
Sept.20, 2022  
Agenda  
adopted

Moved/Seconded/**CARRIED**  
THAT the RDMW Board of Directors September 20, 2022 Meeting Agenda be approved as presented.

## **C. ADOPTION OF MINUTES**

RPC 2022-02  
Oct. 19, 2021  
Minutes  
Adopted

Moved/Seconded/**CARRIED**  
THAT the Minutes of the Board of Directors Meeting held October 19, 2021 be adopted as presented.

## **D. DELEGATIONS - None**

## **E. REPORTS**

1. Planning Assistance-June Kwon
  - 2022-DVP-01
    - o The existing structure was grandfathered in and the applicant would like to expand the grandfathered dwelling.
    - o The variance is for the rear lot line setback only and meets the setback requirements for all other lot lines.

RPC 2022-02  
2022-DVP-01  
Written  
Notification

Moved/Seconded/**CARRIED**  
THAT the Planning Committee directs the planning staff to undertake written notification to the owners and tenants of land within 100 metres of the property subject to Development Variance Permit Application 2022-DVP-01, in accordance with the Local Government Act.

**F. NEXT MEETING DATE:** To be determined

**ADOURNMENT TIME 12:19 PM**

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



# REGIONAL DISTRICT OF MOUNT WADDINGTON

## STAFF REPORT

**DATE:** October 18, 2022 **FILE:** 2022-ZBA-01

**TO:** Regional Planning Committee

**FROM:** June Kwon, planning staff on behalf of Manager of Planning & Development Services

**RE:** **DEVELOPMENT APPLICATION – ZONING BYLAW AMENDMENT, COAL HARBOUR HOLDINGS LTD., COAL HARBOUR, ELECTORAL AREA ‘B’**

**APPLICANT:** Coal Harbour Holdings Ltd.

**OWNERS:** Coal Harbour Holdings Ltd.

**FOLIO NO.:** 14500.000

**PARCEL IDENTIFIER:** 001-486-195

**LEGAL DESCRIPTION:** PARCEL "A"(DD 97793-I) OF SECTION 1, RUPERT DISTRICT (FORMERLY QUATSINO DISTRICT), PLAN 542, EXCEPT PLANS 598-R, 4926, 4928, 9566, 10196, 11638 AND 16214

**OFFICIAL COMMUNITY PLAN:** Coal Harbour Official Community Plan Bylaw No. 657, 2002

**ZONING BYLAW:** Coal Harbour Zoning Bylaw No. 669, 2002

**ZONE (PRESENT):** Forestry (FR-1)

**ZONE (PROPOSED):** General Commercial (GC-1)

### PURPOSE

Coal Harbour Holdings Ltd. (hereafter “applicant”) has submitted a Development Application which requests consideration of an amendment to *Coal Harbour Zoning Bylaw No. 669 2002*, to rezone the property legally described as PARCEL "A"(DD 97793-I) OF SECTION 1, RUPERT DISTRICT (FORMERLY QUATSINO DISTRICT), PLAN 542, EXCEPT PLANS 598-R, 4926, 4928, 9566, 10196, 11638 AND 16214 (hereafter “subject property”), to a zoning category that would allow the subject property to feature tourist commercial and marine commercial development and related activities.

### REGULATORY JURISDICTION

Division 5 of Part 14 - Planning and Land Use Management of the *Local Government Act* addresses local governments’ roles regarding zoning bylaws. Section 479 gives local governments the authority to adopt a zoning bylaw. A zoning bylaw can only be changed by an amending zoning bylaw. In addition, Section 464 stipulates that a local government must not adopt a zoning bylaw without holding a public hearing on

the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

## **BACKGROUND**

The applicant has applied to rezone the subject property, civically addressed as *450 Coal Harbour Road*, which is of 33 acres (13.35 hectare) in area, from Forestry (FR-1) to General Commercial (GC-1) Zone, for the purpose of accommodating commercial oriented activities.<sup>1</sup>

Applicant also explains that this rezoning of the subject property from Forestry to General Commercial zoning will enhance and thus corroborates policies relevant to lands designated as *Village Business* reflected through *Coal Harbour Official Community Plan Bylaw No. 657, 2002*.<sup>2</sup>

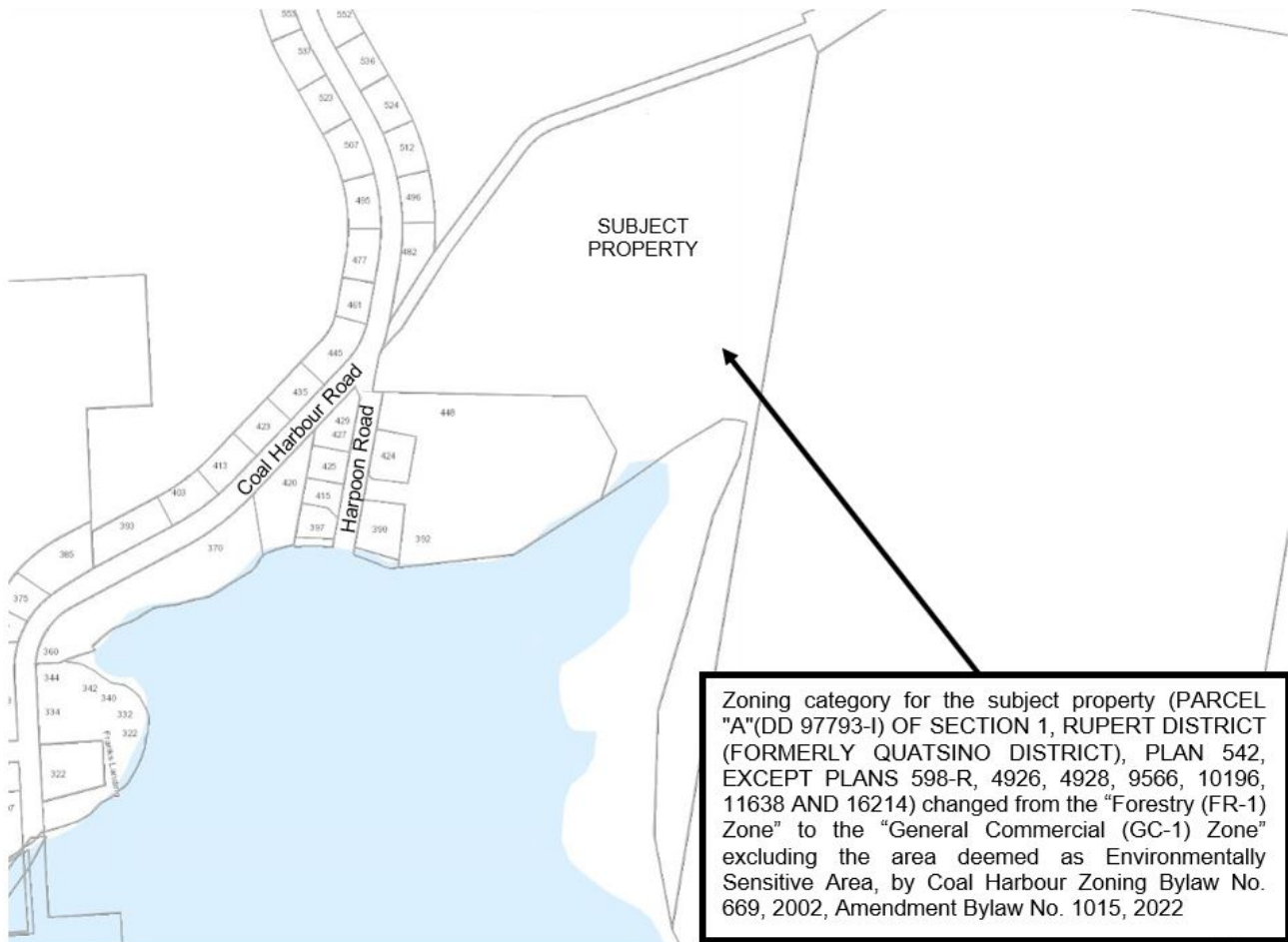
## **DESCRIPTION OF THE SUBJECT PROPERTY**

The subject property, currently vacant – forested lot, is located within the community of Coal Harbour, Electoral Area B of Regional District of Mount Waddington (hereafter “RDMW”). The subject property is accessed by *Coal Harbour Road* and abuts to residential and commercial lots.

---

<sup>1</sup> in response to the section 4, “*Description of the proposed use / development,*” of submitted Development Application form, applicant states that; “*Cabins, resort, campgrounds, recreational operations & related offices, recreational vehicles courts, dock, water taxi, one single detached dwelling per lot etc. as covered under zoning for GC-1*”

<sup>2</sup> In response to the section 6, “*Reasons and comments in support of your application,*” of submitted Development Application form, applicant states that; “*Fits in better with the Coal Harbour Community Plan and eliminates Heavy Industry within Coal Harbour proper.*”

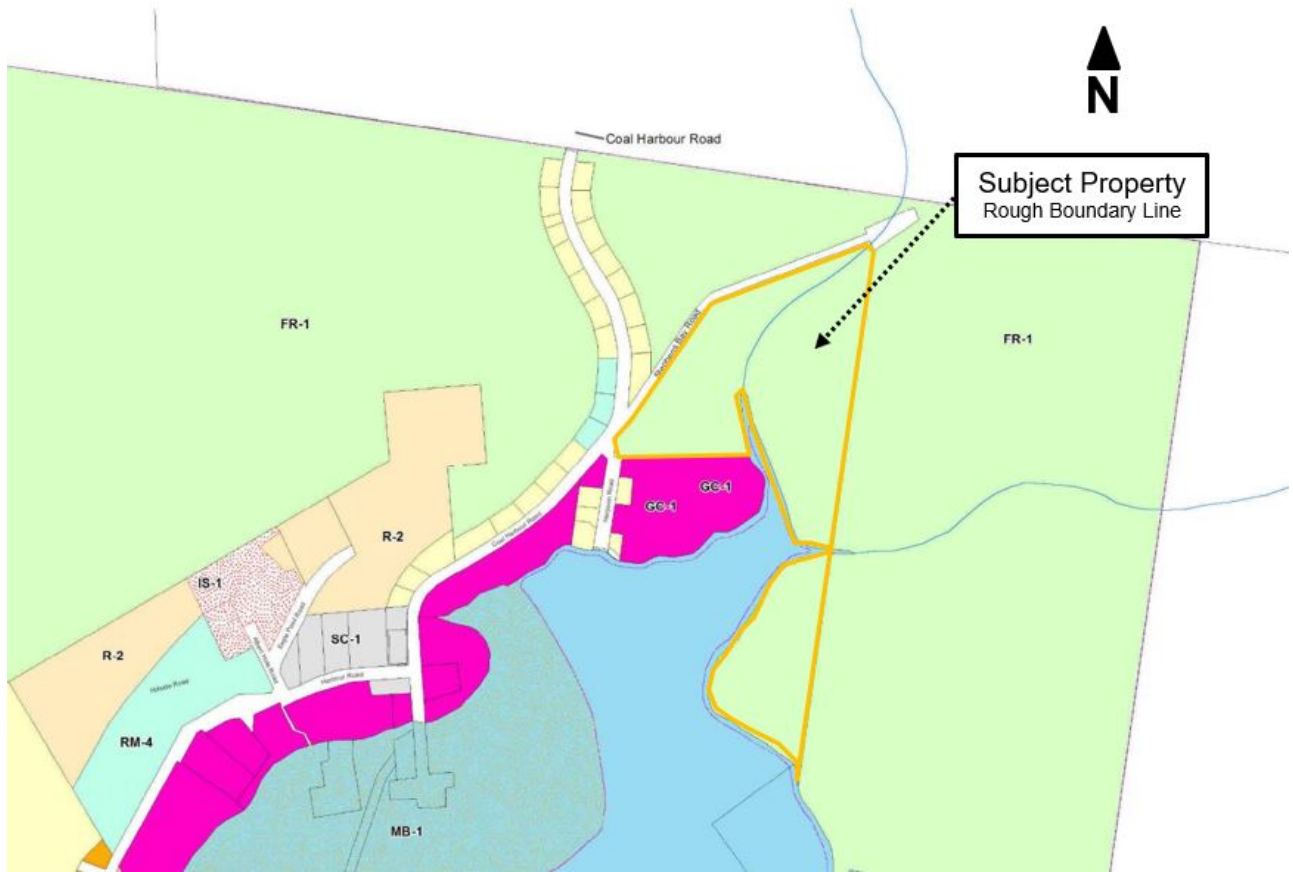


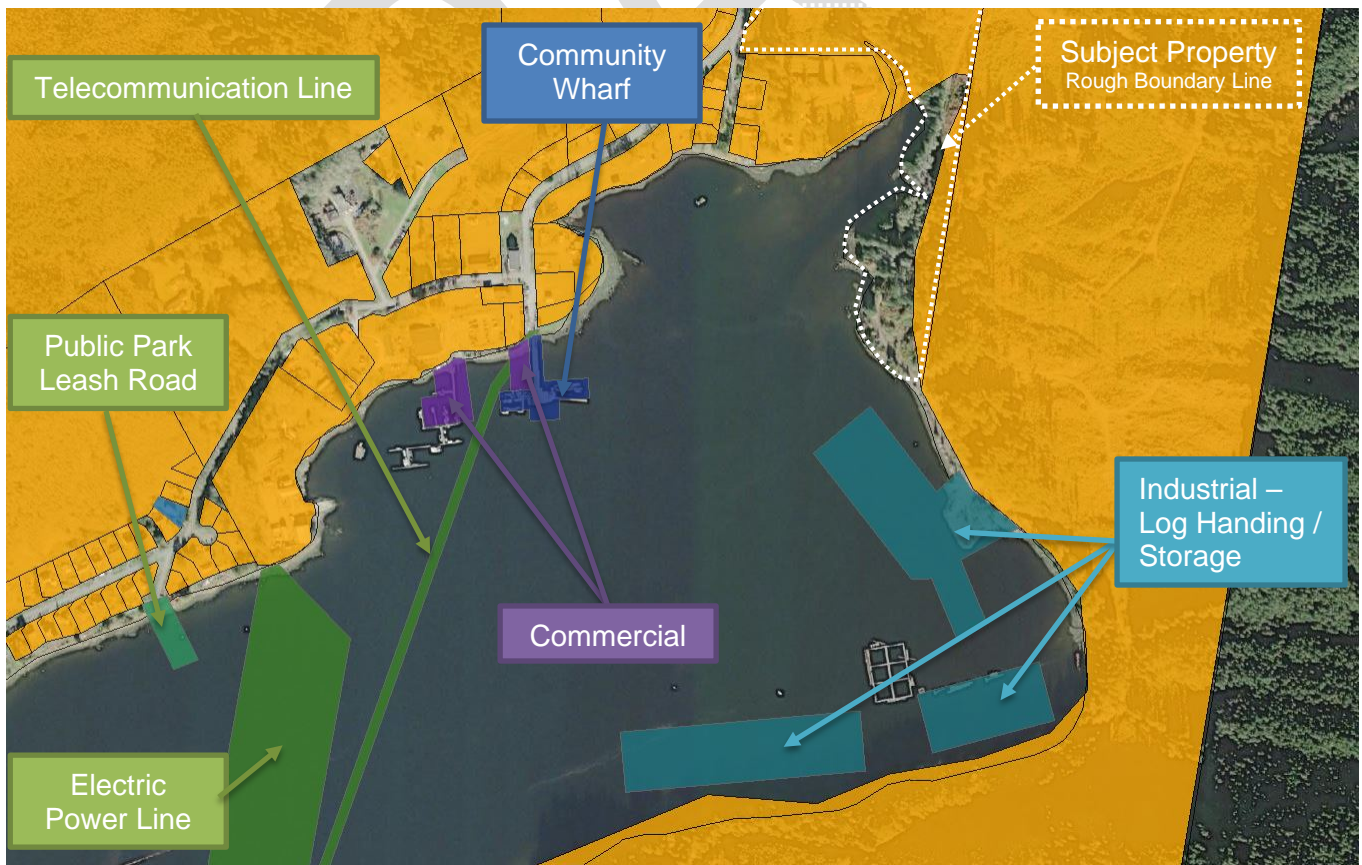
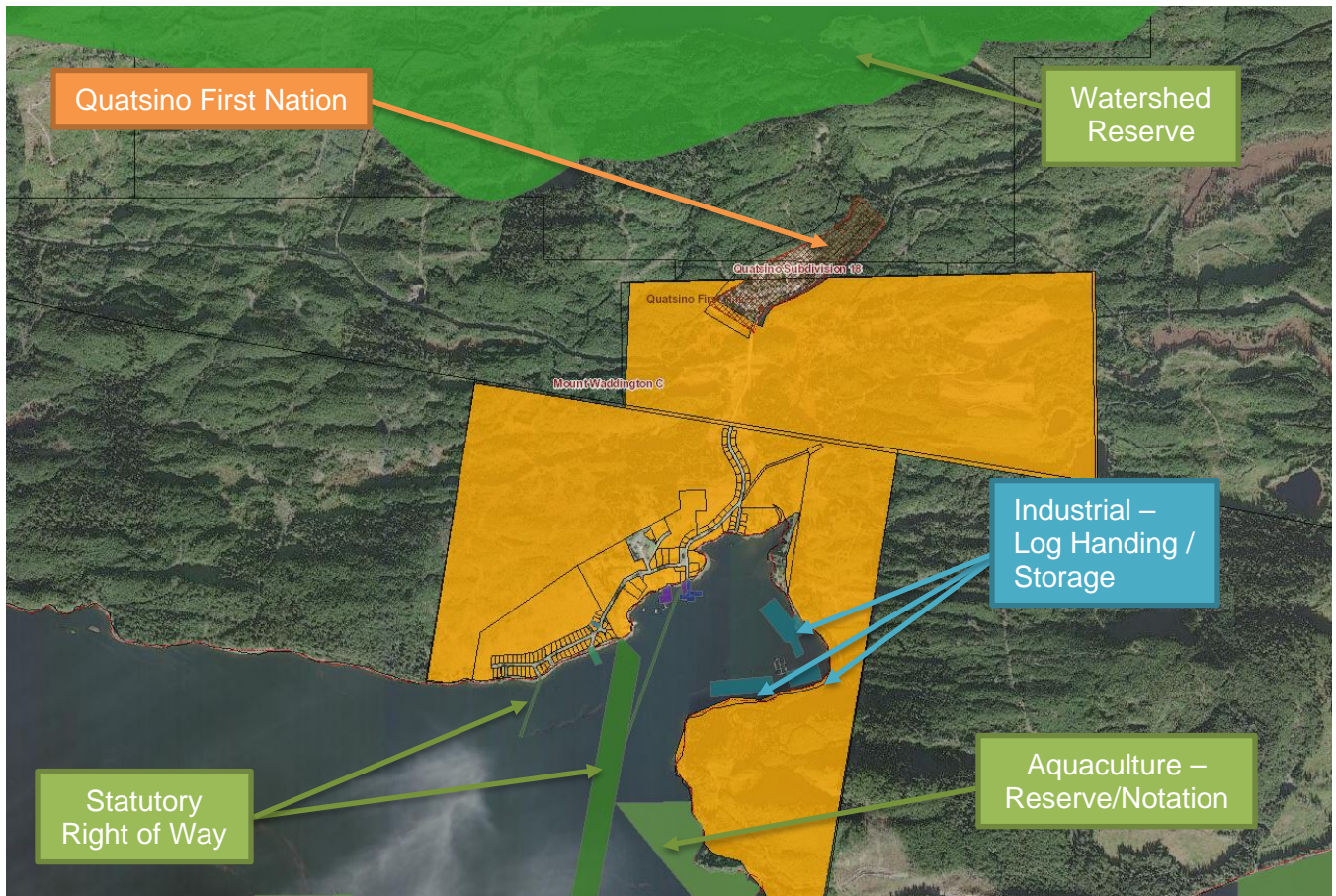
## DESCRIPTION OF THE SURROUNDING AREA

The subject property associates with privately owned properties. Land uses in the vicinity of the subject properties include:

- North:
  - A vacant and forested property, legally described as PARCEL A, PLAN VIP542, SECTION 1, RUPERT LAND DISTRICT, DD 97793I FORMERLY QUATSINO LD SHOWN IN BROWN ON PL 598R;
    - PID: 009-932-241
    - Zoning: Unzoned
    - Lot Dimension: 2.23 acres (0.90 hectares)
- South:
  - Property civically addressed as, 448 and 392 Harpoon Road;
    - PID: 000-866-300
    - Zoning: General Commercial (GC-1)
    - Lot Dimension: 6.955 acres (2.81 hectares)
  - Coal Harbour (Waterbody)
- East:
  - A vacant and forested properties, legally described as LOT 2, PLAN VIP11638, SECTION 1, RUPERT LAND DISTRICT, (FORMERLY QUATSINO DISTRICT);
    - PID: 004-968-794
    - Zoning: Forestry (FR-1)
    - Lot Dimension: 427.9 acres (173.16 hectares)
- West:
  - Residential properties along with Coal Harbour Road;
    - Residential (R-1) Zone

- Residential Multi-Family (RM-4) Zone





## POLICY AND REGULATORY FRAMEWORK

Planning staff reviewed the application based on relevant policies and requirements of both *Coal Harbour Official Community Plan Bylaw No. 657, 2002* and *Coal Harbour Zoning Bylaw No. 669, 2002*<sup>3</sup>;

### Coal Harbour Official Community Plan Bylaw No. 657, 2002

Lands designated for Village Business purpose are intended for light industrial, manufacturing, commercial or storage purposes. This includes but is not limited to:

- a) Forestry and related manufacturing activities
- b) Manufacturing and storage activities
- c) Natural resource processing activities
- d) Commercial sales of products manufactured on site.
- e) Commercial sale of goods and products or commercial services.
- f) Hotels, motels or other commercial services that provide accommodations or services for the travelling public.
- g) Residential uses for business owner's accessory to and part of the commercial or industrial facility.

Section 5.2.1 Village Business (VB) Development Policies includes following;

- 1) Access to a public road is required.
- 2) Adequate on-site parking spaces are required.
- 3) On-site loading and unloading space is required.
- 4) The development must respond to the physical constraints of the site.
- 5) The site can be serviced by the community sewage disposal and water systems.
- 6) The area designated Village Business located south of Stephens Creek may be serviced with on-site sewage disposal and water services. The development of on-site services must not have a detrimental effect or impact on adjacent property owners and shall be approved by the provincial agency having jurisdiction.
- 7) Proposed business uses that employ less than six people or are less than 200 square metres in gross floor area will be permitted in all business zones. Uses larger than this will require rezoning to an appropriate commercial or industrial zone. In considering rezoning, the Board of the Regional District of Mount Waddington will ensure that the proposed use can be conducted in an environmentally friendly manner and is reasonably inoffensive to the neighbouring land uses.
- 8) Light Industrial sites must be able to carry heavy loads and be located in areas that are well drained. The preferred soil type of the site is well-graded, well-compacted clay-sand or gravel.

<sup>3</sup> Please note that planning staff includes portions of *Coal Harbour Official Community Plan Bylaw No. 657, 2002* and *Coal Harbour Zoning Bylaw No. 669, 2002* through *POLICY AND REGULATORY FRAMEWORK*, for providing general information to *Regional Planning Committee*; full zoning bylaw and OCP were provided to the applicant.



- 9) Buffering by the use of berms, screens, fences or trees shall be required where any development is adjacent to any primary or secondary highways, residential, institutional or other dissimilar uses.

Section 5.6 Environmentally Sensitive Area (ESA) Policies states that;

The designation serves to advise property owners and developments that development within the ESA area is conditional on review and approval from the relevant provincial and/or federal agency.

Section 5.6.1 Environmentally Sensitive Area (ESA) Development Policies;

- 1) A 30 metre (100ft) area setback is designated from the top of the bank of streams, creeks and foreshore areas. Any development within this area may require review approval from the relevant provincial and/or federal agency. Development may be conditional on requirements for setback and restoration of riparian vegetation and fish habitat. Building setback requirements based on the conditions of development approval of federal or provincial agencies, may be established without rezoning.
- 2) Limited growth, with no resource extraction or harvesting activities, within the federally and/or provincially required setback areas is the desired development pattern. Development in areas not required for setbacks within the ESA designation will be permitted in conformity with the adjacent upland designation.
- 3) Owners of existing development within these areas are encouraged to consult with federal and provincial agencies, and based on recommendations of those agencies, to restore riparian vegetation and fish habitat.

#### Coal Harbour Zoning Bylaw No. 669, 2002

*Coal Harbour Zoning Bylaw No. 669, 2002* describes *General Commercial Zone* as a zone which intends to provide for tourist commercial and marine commercial development and related activities.

Permitted usages under General Commercial (GC-1) Zone are;

- 1) Motels and hotels, Tourist lodges and resorts.
- 2) Restaurants, cafes and pubs
- 3) Tourist cabins, campgrounds, recreation operations and related offices Recreational vehicles courts
- 4) Commercial parking lots
- 5) Marinas, docks, wharves and boat ways
- 6) Marine fueling, storage and maintenance operations
- 7) Boat and barge building, storage and repair operations
- 8) Water taxi and air charter operations
- 9) Retail stores, service shops including marine, aquaculture, and forestry related services
- 10) Service stations, car washing facilities and auto repair & maintenance shops, self-service laundries, and dry-cleaners

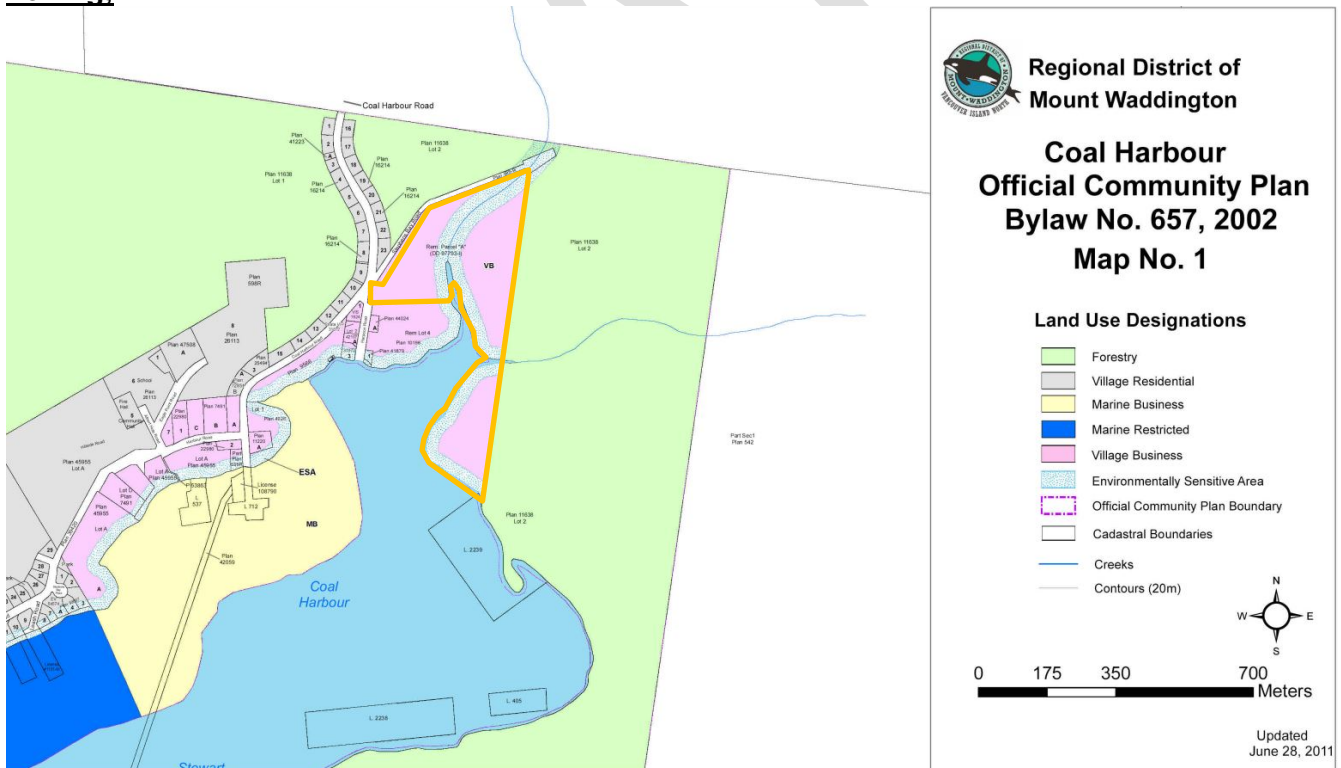
- 11) Apartment dwelling as an accessory use
- 12) One single detached dwelling per lot provided the lot on which the single detached dwelling is to be located is equal to or greater than 1.0 hectare (2.47 acres) in area, is occupied by an owners(s) of a business being undertaken on the lot, and there is at least one of the permitted principal uses being undertaken on the lot as outlined in sections 5.4.2 (a) (i) through (x) herein.
- 13) Accessory uses, buildings, and structures
- 14) Urban hens

Section 5.4.2 (e) stipulates followings as conditions of use;

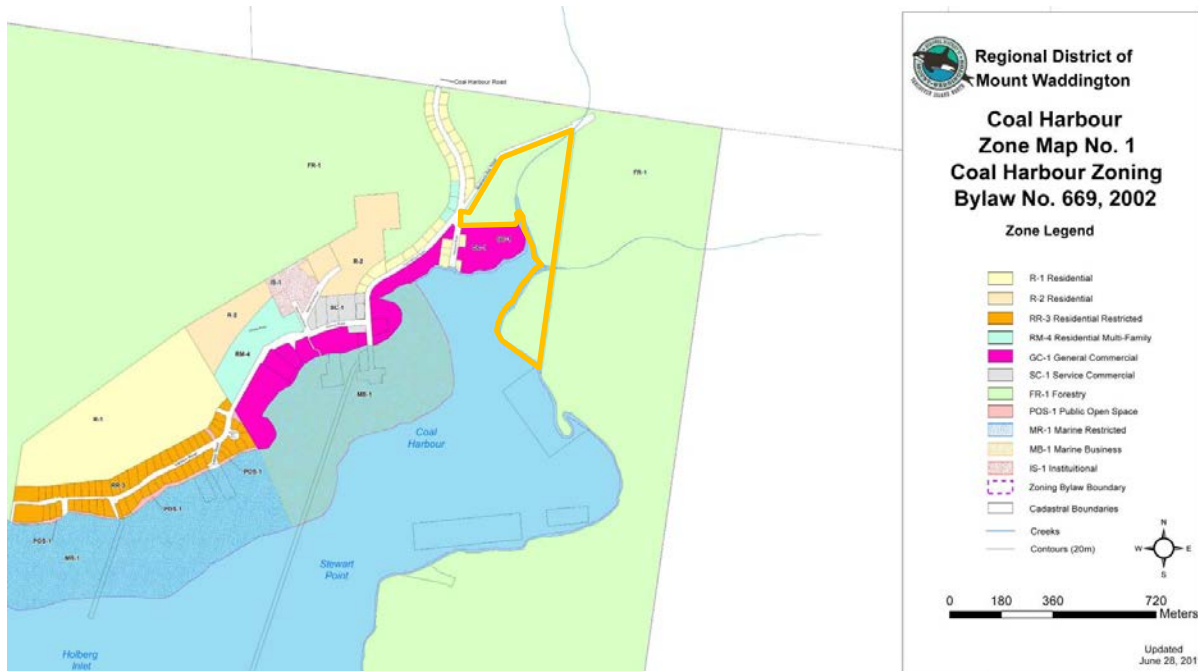
- a) Parking and loading must be in accordance with Section 3.1.0 of this Bylaw.
- b) Service connections shall be made be as per the applicable Regional District of Mount Waddington bylaws.
- c) Where a lot line abuts an R-1, R-2, RR-3, or RM-4 zone, a 5 meter (16 feet) vegetated, buffer area shall be provided and conform to section 3.2.0 of this Bylaw.

## PLANNING ANALYSIS

### Zoning:



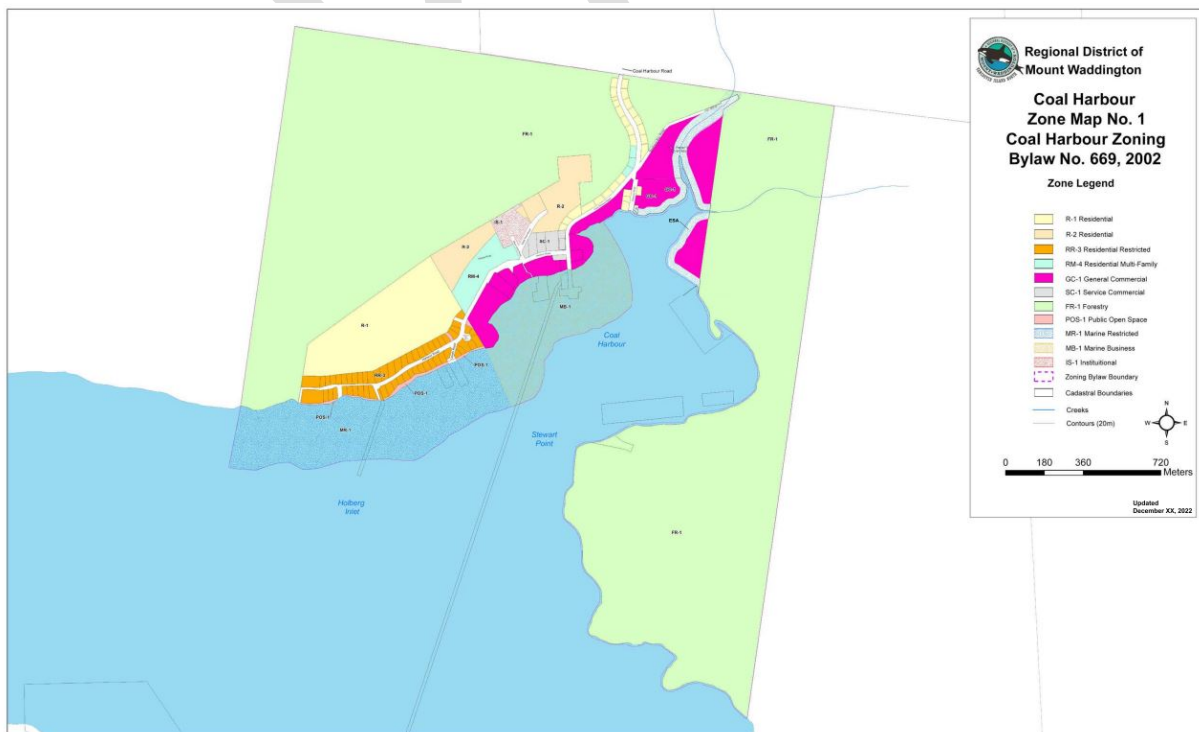
Coal Harbour Official Community Plan Bylaw No. 657, 2002 defines the subject property with Village Business designation



Coal Harbour Zoning Bylaw No. 669, 2002 defines the subject property as *Forestry (FR-1) Zone*

Environmentally Sensitive Area (ESA) defined in *OCP Map* is not reflected on current *Zone Map No. 1*; once the *Amendment Bylaw No. 1015, 2022* is adopted, the current *Zone Map No. 1* will be amended to feature followings;

- The subject property's zoning designation will be changed from *FR-1* to *GC-1*
- Environmentally Sensitive Area (ESA) will be reflected on *Zone Map No. 1*



*Zone Map No. 1 - DRAFT* after adoption of the *Amendment Bylaw No. 1015, 2022*.

**Archaeology**

A review of available Province of BC information (Remote Access to Archaeological Data) related to archaeological sites and areas of high potential for archaeological sites was conducted;

The subject property appears not to include / feature any archaeological findings.

### **Encumbrances**

Following Charges, Lines and Interests are found as a result of title search;

1. Timber Agreement
  - Registration Number: 83609G
  - Registration Date and Time: 1935-08-29 11:00
2. Statutory Right of Way
  - Registration Number: L77737
  - Registration Date and Time: 1982-11-08 14:41
3. Undersurface Rights
  - Registration Number: EG87553
  - Registration Date and Time: 1993-07-12 15:11
4. Undersurface Rights
  - Registration Number: EH34446
  - Registration Date and Time: 1994-03-18 09:30
5. Undersurface Rights
  - Registration Number: EM10421
  - Registration Date and Time: 1998-02-02 11:21

Planning staff provided relevant documents and informed the applicant of general nature of above noted charges, lines and interests associating with the subject property.

Planning staff informed Mr. Hole, representative of Coal Harbour Holdings Ltd., that;

- Activities described in Timber Agreement may interfere / interact with permitted usage prescribed by Coal Harbour Zoning Bylaw once the *Amendment Bylaw No. 1015, 2022* is adopted; Mr. Hole informed planning staff that the company registered as *British Columbia Pulp & Paper Company Limited* is non-existent as of today and no entity has succeeded the right associating with this Timber Agreement.
- Undersurface Rights often are used to preserve the right to minerals or timber when property is transferred. Ownership of the land transfers, but the right to minerals, or other elements as set out in the charge, remain with the party that holds the charge. In this regard, planning staff recommended Mr. Hole to contact parties / entities associating with aforementioned Undersurface Rights as the adoption of *Amendment Bylaw No. 1015, 2022* may interfere / interact with these Undersurface Rights.

### **Environment**

The portion of subject property consists area described as Environmentally Sensitive Area (ESA); Coal Harbour Official Community Plan recognizes buffer area relevant to streams and other water bodies as ESA. Through the *Amendment Bylaw No. 1015, 2022*, if adopted, *Coal Harbour Zoning Bylaw 669 2002, Zone Map No. 1* will be updated to reflect the area deemed as ESA.

## **Servicing**

The subject property does not have established utility infrastructure as of today.

Section 5.4.2 (e) (ii) of *Coal Harbour Zoning Bylaw No. 669, 2002*, stipulates that Service connections shall be made as per the applicable Regional District Mount Waddington bylaws. In this regard, through the development phase, such as, Building Permit Application process, applicant will be requested to contact Operations Department in regard to utility establishment.

## **AGENCY REFERRAL PROCESS AND COMMENTS**

Staff is recommending that this report and attached information, including *Coal Harbour Zoning Bylaw No. 669, 2002, Amendment Bylaw No. 1015, 2022*, be referred to the following organizations for review along with a request to provide input / comments by November 15, 2022:

1. Quatsino First Nation
2. Ministry of Forests
3. Ministry of Transportation and Infrastructure
4. Ministry of Environment
5. Fisheries and Oceans Canada
6. Island Health (formerly Vancouver Island Health Authority)

Any input received by these agencies can then be considered as part of the decision-making process associated with this proposal and *Amendment Bylaw No. 1015, 2022*.

## **PUBLIC PARTICIPATION**

Section 464 of the *Local Government Act* stipulates that a local government must not adopt a zoning bylaw without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw. Staff is recommending that a public hearing be conducted on November 15, 2022 after first reading has been given to proposed *Coal Harbour Zoning Bylaw No. 669, Amendment Bylaw No. 1015, 2022*.

## **COAL HARBOUR LOCAL COMMUNITY COMMISSION**

Planning staff attended Coal Harbour Local Community Commission (hereafter “CHLCC”) to obtain perspective of the community;

### ***CHLCC-2022 August 24, 2022 REZONING SUPPORTED***

1. *June Kwon, RDMW Planning Assistant, presented a proposal from the owner of 450 Coal Harbour Road for rezoning to GC-1. A motion was presented to support the application pending survey of the environmentally sensitive area to be excluded from GC-1 zoning. Moved/Seconded/Carried THAT the CHLCC is in support of the rezoning with above conditions.*

## **RECOMMENDATION**

Staff recommends:

*“THAT the Board of Directors gives first reading to Coal Harbour Zoning Bylaw No. 669, Amendment Bylaw No. 1015, 2022, which proposes to amend Coal Harbour Zoning Bylaw No. 669, 2002 by changing the applicable zoning category from the Forestry (FR-1) to the General Commercial Zone (GC-1), for the property described as:*

- *That Part of PARCEL "A"(DD 97793-1) OF SECTION 1, RUPERT DISTRICT (FORMERLY QUATSINO DISTRICT), PLAN 542, EXCEPT PLANS 598-R, 4926, 4928, 9566, 10196, 11638 AND 16214 (Parcel Identifier 001-486-195) containing 33 acres (13.35 hectare)*

*AND FURTHER THAT the Board of Directors directs staff to refer Coal Harbour Zoning Bylaw No. 669, Amendment Bylaw No. 1015, 2022 to the following agencies for review and comment by November 15, 2022: Quatsino First Nation, Island Health, Ministry of Forests, Ministry of Environment, Ministry of Transportation and Infrastructure, and Fisheries and Oceans Canada.*

*AND FURTHER THAT the Board of Directors directs staff to undertake preparations for advertising and conducting a public hearing with respect to Coal Harbour Zoning Bylaw No. 669, Amendment Bylaw No. 1015, 2022 at 12:00pm on November 15, 2022 at the Regional District office addressed as 2044 McNeill Road, Port McNeill, BC, in accordance with Section 464 of the Local Government Act.”*

Respectfully submitted,

June Kwon  
Planning Assistant on behalf of  
Manager of Planning & Development Services