



REGIONAL DISTRICT OF MOUNT WADDINGTON

REGIONAL PLANNING COMMITTEE MEETING AGENDA

June 20, 2023 at 12:00PM

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

Join Zoom Meeting:

<https://us02web.zoom.us/j/87673052163?pwd=UnV2RSStISXNSL3NPTEhWdDYycGxHUT09>

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A. CALL TO ORDER

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B. APPROVAL OF AGENDA AS PRESENTED (or amended)

C. ADOPTION OF MINUTES

3-4

1. Minutes of the Regional Planning Committee Meeting held May 16, 2023.

D. DELEGATIONS - None

E. REPORTS

5-10

1. 2023-DVP-01

Recommendation:

THAT the Board approves Development Variance Permit 2023-DVP-01 to vary the provisions of section 5.3.3 (c) (i) of Coal Harbour Zoning Bylaw 669, 2002, to:

- 1) *Decrease the setbacks for primary dwelling from the rear lot lines from 9.0 metres (30.0 feet) to 4.8 metres (15.7 feet) for accommodating the construction of proposed primary dwelling, described as 'Proposed Primary Dwelling,' as shown on the site plan attached as Schedule 'B' to this Development Variance Permit 2023-DVP-01;*

Subject to the following conditions:

- a) *The development upon the land, construction of proposed primary dwelling unit, shall be carried out according to the specifications attached hereto as Schedule 'A' and plan attached hereto as Schedule 'B', which form part of this permit;*
- b) *The development must not cause any adverse impact to the RDMW infrastructure and right of ways. The provision of adequate professional engineer's recommendations(s) and endorsement(s) will be required before the release of the Development Variance Permit.*
- c) *The permittees to contact the Ministry of Forests advising the current condition of the portion of Crown land abutting to side lot line (SE side) of the subject property and implement Ministry's recommendations if required.*
- d) *The permittees to contact the Ministry of Transportation and Infrastructure advising the scope of the work, especially the work relevant to the access passage where the culvert associates with, and derive the work in accordance to the Ministry's standards, policies and recommendations.*
- e) *Provision to the Regional District of Mont Waddington of a site plan that accurately depicts the siting and area of all buildings and structures.*

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- f) *Provision to the Regional District of Mount Waddington, certified by a professional engineer that the building and site (such as, deep-fill, slope stability), as proposed, would be safe as per section 5.3.3. (c) (i) except the part what would be varied through this permit.*

AND FURTHER THAT the planning staff, on behalf of Manager of Planning & Development Services, be authorized to execute the permit once the conditions described herein have been completed in full.”

F. NEXT MEETING DATE: To be determined.

G. ADJOURNMENT



**REGIONAL DISTRICT OF MOUNT WADDINGTON
REGIONAL PLANNING COMMITTEE
MEETING MINUTES**

May 16, 2023 at 12:00pm
Board Room, RDMW Administrative Office, 2044 McNeill Road, Port McNeill, BC

Chair: Via Zoom: Dennis Buchanan
Directors: In Person: Pat Corbett-Labatt, Dennis Dugas, Andrew Hory, James Furney, David Summers, Kathryn Wykes
Via Zoom: Kevin Cameron, Michelle Pottage

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

Public

Resolution No. **A. CALL TO ORDER** **12:01 PM**

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 2023-05
Agenda adopted
Moved/Seconded/**CARRIED**
THAT the RDMW Regional Planning Committee Agenda of May 16, 2023 be approved as presented.

C. ADOPTION OF MINUTES

RPC 2023-06
2022 02 21
Minutes Adopted
Moved/Seconded/**CARRIED**
THAT the Minutes of the Board of Directors Meeting held February 21, 2023 be adopted as presented.

D. DELEGATIONS – None

E. REPORTS

RPC 2023-07
2023-DVP-02
Moved/Seconded/**CARRIED**
THAT the Board approves Development Variance Permit 2023-DVP-02 to vary the provisions of section 5.4.3 (d) i) of Malcolm Island Zoning Bylaw 725, to:

- 1) Decrease the setbacks for primary dwelling from the rear lot lines from 7.0 metres (22.97 feet) to 5.8 metres (19 feet) and side lot line setback from 3.0 meters (9.84 feet) to 2.1 meters (7 feet), for accommodating expansion, described as 'Proposed Addition,' of existing primary dwelling, described as 'Original House,' as shown on the site plan attached as Schedule 'B' to this Development Variance Permit 2023-DVP-02.

Subject to the following conditions:

- a) The development upon the land, expansion of existing primary residence shall be carried out according to the specifications attached hereto as Schedule 'A' and plan attached hereto as Schedule 'B', which form part of this permit;

AND FURTHER THAT the planning staff, on behalf of Manager of Planning & Development Services, be authorized to execute the permit once the conditions described herein have been

completed in full.”

RPC 2023-08 **ADOURNMENT** **TIME 12:05 PM**

CHAIR

SECRETARY

DRAFT



REGIONAL DISTRICT OF MOUNT WADDINGTON

STAFF REPORT

DATE: June 20, 2023 **FILE:** 2023-DVP-01
TO: Chair and Directors, Regional Planning Committee
FROM: June Kwon, Development Technician
RE: **APPLICATION FOR DEVELOPMENT VARIANCE PERMIT – Penner, Coal Harbour, ELECTORAL AREA ‘B’**

APPLICANT: Hartmut Penner, Erika Penner
JURISDICTION AND ROLL #: 78514599155
PARCEL IDENTIFIER: 000-966-134
LEGAL DESCRIPTION: LOT 8 SECTION 1 RUPERT DISTRICT (FORMERLY QUATSINO DISTRICT) PLAN 39867
CIVIC ADDRESS: 239 Leash Road, Coal Harbour, BC V0N 1K0
OCP BYLAW: Bylaw No. 657, being the “Coal Harbour Official Community Plan”
OCP DESIGNATION: Village Residential / Environmentally Sensitive Area
ZONING BYLAW: Bylaw No. 669, being the “Coal Harbour Zoning Bylaw”
ZONE: (RR-3) Residential Restricted

PURPOSE

The proponent is requesting a variance to decrease the rear lot line setback from required 9 metres (30 feet) to proposed 4.8 metres (15.7 feet) to accommodate a construction of primary dwelling unit on the subject property.

REGULATORY JURISDICTION

The *Local Government Act* (LGA) grants authority to local governments under section 498 (Development Variance Permits) of part 14 “Planning and Land Use Management” to issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of a bylaw, provided the use or density of the land, a floodplain specification, or a phased development agreement under section 516 is not varied.

BACKGROUND

Mr. Penner and Mrs. Penner (“Applicants”) contacted planning department for a Development Variance Application, purposing to achieve relaxation of rear lot line setback from required 9.0 metres (30.0 feet) to proposed 4.8 metres (15.7 feet). Through the variance, if granted, the applicants intend to construct a primary dwelling unit on the subject property.

“Due to the unique configuration of the lot and the steep hillside behind in we are requesting a variance permit from the required setback of 9m rear yard setback.”

COAL HARBOUR LOCAL COMMUNITY COMMISSION:

Planning staff attended Coal Harbour Local Community Commission meetings to enquire community perspective and recommendation;

“Moved/Seconded/Carried THAT the CHLCC grants development variance with conditions.¹”
- CHLCC Meeting minutes of April 12, 2023

PUBLIC NOTIFICATION PROCESS:

Through the public notification process, in addition circulating notification material to neighbouring properties within 100m radius from the subject property, the staff enquired Ministry of Forests and Ministry of Transportation and Infrastructure for comments and inputs.

Ministry of Transportation and Infrastructure advised that, they do not have an objection, condition to that the work will satisfy applicable standards and provisions.

Ministry of Forests – North Island Central Coast, indicated that they have no comments on the referred application.

ENVIRONMENTALLY SENSITIVE AREA (ESA) POLICIES:

An Environmentally Sensitive Area designation has been placed along the borders of streams and other water bodies. The designation serves to advise property owners and developers that development within the ESA is conditional on review and approval from the relevant provincial and/or federal agency.

As per ESA Policies, planning staff advised the applicants that 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.

¹ *“Recommendation to grant development variance application for East lot line subject to the following conditions:*

- *1 metre set back off right of way on South side of property.*
- *Owners must contact BC Ministry of Forests and Lands to obtain authorization.*
- *Slope over 15% needs geotechnical assessment.*
- *Retaining wall for tide management needs to be engineered if over 1 metre, includes material already put in place.*
- *Conditions over variance must be met before variance is activated and maintained.*
- *A motion was presented that in consideration of rear set back CHLCC has no concerns, however other conditions et out by RDMW staff must be met.”*

CHLCC-2023 Apr, 2023 Minute

- d) *The permittees to contact the Ministry of Transportation and Infrastructure advising the scope of the work, especially the work relevant to the access passage where the culvert associates with, and derive the work in accordance to the Ministry's standards, policies and recommendations.*
- e) *Provision to the Regional District of Mount Waddington of a site plan that accurately depicts the siting and area of all buildings and structures.*
- f) *Provision to the Regional District of Mount Waddington, certified by a professional engineer that the building and site (such as, deep-fill, slope stability), as proposed, would be safe as per section 5.3.3. (c) (i) except the part what would be varied through this permit.*

AND FURTHER THAT the planning staff, on behalf of Manager of Planning & Development Services, be authorized to execute the permit once the conditions described herein have been completed in full."

Respectfully:

June Kwon
Development Technician

Notification List Boundary – 2023-DVP-01



Site Plan

