A meeting of the APC will be held on Tuesday March 7, 2017 in Council Chambers located at 2675 Dunsmuir Avenue, commencing at 11am

1. **CALL TO ORDER:** Time: ______am

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**
   a) The minutes of the meeting held May 3, 2016
   b) The minutes of the meeting held February 7, 2017

4. **REFERRALS FROM COUNCIL**
   a) Request from Coal Valley Estates to change the Comprehensive Development Agreement: Tabled for additional information
   b) 2017-02-DP – 2728 Derwent Avenue – Application to construct an Accessory Dwelling Unit.
   c) 2017-03-DP – 2799 Derwent Avenue – Application to construct an Accessory Dwelling Unit.
   d) Temporary Use Permit Applications for Medical Marijuana Dispensaries

5. **OLD BUSINESS**
   None

6. **NEXT REGULAR MEETING**
   Tuesday April 4, 2017 at 11am.

8. **TERMINATION:** Time: _____pm

*Lunch will be ordered, so confirm attendance to Judy by March 1, 2017.*
A meeting of the APC was held on Tuesday May 3, 2016 in Council Chambers located at 2675 Dunsmuir Avenue.

1. **CALL TO ORDER:** Time: 11:00am

2. **APPROVAL OF AGENDA**
   
The agenda was approved as presented.

3. **APPROVAL OF MINUTES**
   
The minutes of the meeting held April 5, 2016 were adopted as presented.

4. **REFFERRALS FROM COUNCIL**
   
a) None

5. **OLD BUSINESS**
   
a) Development Variance Permit – 2645 Penrith Avenue
   
   Moved/Seconded: THAT the Advisory Planning Commission recommends that Council grant the application for a Development Variance Permit to on property described as Lot 1, District Lot 24, Nelson District, Plan 35770 (2645 Penrith Avenue) to vary the maximum floor area of an accessory building from the permitted 50.0metres² to a combined total of 120.7metres².

   **CARRIED**

b) Zoning Bylaw Review Update

6. **NEXT REGULAR MEETING:**
   
   Tuesday June 7, 2016 at 11am (was cancelled)

7. **TERMINATION:** Time: 11:30am

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<tr>
<th>Certified Correct:</th>
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<tbody>
<tr>
<td></td>
<td>Chair</td>
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<td></td>
<td>Deputy Corporate Officer</td>
</tr>
</tbody>
</table>
Minutes of the Advisory Planning Commission held on Tuesday February 7, 2017 in Council chambers located at 2675 Dunsmuir Avenue, Cumberland BC. The meeting commenced at 11:00am.

PRESENT: Evan Loveless, Chair Meaghan Cursons
Amanda Howe, Secretary Jaye Mathieu
Vickey Brown Jason Ross

STAFF: Judith Walker, Senior Planner Joanne Rees, Planner

1. Approval of Agenda

2. Approval of Minutes

As there was no quorum for the meeting scheduled for January 3, 2017, there were no minutes.

The Commission reminded staff of the minutes from the Dec 6, 2016 meeting were still to be adopted. (this meeting was cancelled as having no business)

3. Referrals from Council:

a) Development Variance Permit – 2719 Penrith Avenue 2016-05-DV

Owner Anna Palumbo, and her agent Daryl Czegledi were present. Ms. Rees gave a brief overview of the application.


CARRIED

Brown/Ross: “THAT the Advisory Planning Commission recommends that Council grant the Development Variance Permit for property described as the easterly ½ of Lot 11, District Lot 21, Nelson District, Plan 522 (2719 Penrith Avenue) in order to legalize the siting of an existing accessory building by varying the following:

1) Section 7.2(7): The minimum rear setback from 1.5 metres to 0.8 metres; in accordance with the attached survey drawing prepared by Bruce Lewis BCLS dated July 13, 2016 and the elevation drawings contained as part the attached draft Development Variance Permit.”

CARRIED
b) **Rezoning for Potential Subdivision - 4681 Cumberland Road**

Paul Daley, the applicant and Marjorie Morris his agent were present. Ms. Walker gave a brief overview of the application.

Brown/Curson: “THAT the Advisory Planning Commission receive the “Rezoning Application - 4681 Cumberland Road” dated January 26, 2017.”

CARRIED

Curson/Ross: “THAT the Advisory Planning Commission recommends that the application (2016-01-RZ Daley - 4681 Cumberland Road) to rezone the subject property proceeds through the public planning process.”

CARRIED

c) **Request from Coal Valley Estates to change the Comprehensive Development Agreement**

Dave Atkinson, applicant and Chris Ewing, McElhanney were present. Ms. Rees gave a brief overview of the changes requested.

Curson/Mathieu: “THAT the Advisory Planning Commission receive the “Requested Changes to the Coal Valley Estates Comprehensive Development Agreement” report dated February 1, 2017

CARRIED

The Commission discussed the application.

Moved/Seconded: “THAT the Advisory Planning Commission table the “Requested Changes to the Coal Valley Estates Comprehensive Development Agreement” report dated February 1, 2017 pending receipt of additional information.”

CARRIED

4. **Old Business**

None

5. **Next Meeting**

Tuesday April 4, 2017 at 11am.

6. **CLOSED PORTION**

Ross/Brown: “THAT pursuant to Section 90(1) of the Community Charter close the meeting to the public to consider:

- litigation or potential litigation affecting the municipality;
- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.”

Time: 12:40pm

CARRIED
7. **Termination**

**Brown:** “THAT the meeting terminate.”

Time: 1:12pm

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__________________________  ____________________________
Chair                        Deputy Corporate Officer
REPORT DATE: February 1, 2017
MEETING DATE: February 7, 2017
TO: Mayor and Council
FROM: Joanne Rees, Planner
SUBJECT: Requested Changes to the Coal Valley Estates Comprehensive Development Agreement

RECOMMENDATION
i) THAT the Advisory Planning Commission receive the “Requested Changes to the Coal Valley Estates Comprehensive Development Agreement” report dated February 1, 2017

ii) THAT the Advisory Planning Commission recommends to Council that with regard to the requested changes to the Coal Valley Estates Comprehensive Development Agreement (CDA) Council accept the changes to the northern portion (above the riparian greenway) and instruct staff to negotiate changes to the southern-most portion (above Dunsmuir Avenue) of the proposal to mitigate the effects that an increase in density for this area would have on the adjacent residents as follows:

1. If multi-family is still desired, limit the height of buildings in the area where it would affect downhill neighbourhoods, to single storey (patio homes); AND

2. Require a “no build” covenant on the land adjacent to the area which includes the protected mature trees (to be determined) above Camp Road.

SUMMARY
The Owner of the Coal Valley Estates (CVE) development has requested changes to their overall site development plan as shown as Conceptual Drawing CDA-2. The existing conceptual layout which is contained in their Comprehensive Development Agreement (CDA) is attached to this report as well. The proposed changes are limited to the reconfiguration of the areas designated for single and multi-family development. Although the location of the areas are being changed, no reduction in unit numbers is being requested.
BACKGROUND
In 2011, the Village negotiated the CDA with CVE as part of the rezoning process. The CDA was registered on title of the affected property and addressed the following:

1. Plan for subdivision and uses;
2. Servicing required prior to subdivision;
3. Park dedication;
4. Highway improvements; and

The CDA contains the following language which allows for some changes to the plan:

(a) The parties acknowledge that the boundaries identified on the Conceptual Site Plan are approximate and modest variations are permitted without amendment to this Agreement, provided such variations comply with the Village’s bylaws, and upon Subdivision the boundaries shall be interpreted to coincide with newly created parcels. Despite the foregoing, the parties acknowledge and agree that the Land may be subdivided in phases (provided it is in compliance with Village Bylaws and this Agreement) with a Subdivision creating a portion of the lots shown in Schedule A and a remainder, and the Owner and the Village agree that this Covenant shall apply to all of the Land.

(b) The schedules attached to this Agreement form a part of it. The parties acknowledge and agree that the plan in Schedule A is schematic only and the exact configuration of the lot boundaries and the boundaries of the Commercial/Residential Area, the Park and the Greenway Area, the Multi-Family Areas, the Watercourse Linear Park, the Senior’s Area and the Single Family Areas may be determined in accordance with subsequent surveys prepared at the time of subdivision, provided such variations comply with the Village’s Bylaws. This Agreement shall be interpreted to apply to the lots and areas generally corresponding to the locations shown on the attached Schedules. However, should the number of lots or residential units or the areas identified as the Commercial/Residential Area, Park and Greenway Area, Multi-Family Areas, Watercourse Linear Park, Senior’s Area and Single Family Areas change by more than five percent prior written permission of the Village is required in its sole discretion acting reasonably. (Bolded text added for emphasis only)

Previous Application to Change the CDA
In June 2015, the Village was asked to consider the following changes to the Coal Valley Comprehensive Development Agreement:

i) changes to Phase 4b (which presently allows up to 96 units of multi-family residential homes) which would permit a combination of residential development including single family dwellings, duplexes, and multi-family dwelling units (estimated to be approximately 21 lots (seven limited to single detached/duplex, 14 single detached/duplex, and/or multi); and

ii) reducing the number of multi-family units in Phase 5 from 449 units to 210 units.
At that time, Council forwarded the request to the Advisory Planning Commission and the Homelessness and Affordability Select Committee. Both recommended denying the request mainly due to the great reduction in the multi-family units. Council agreed and denied the request.

**Staff Consideration of Present Proposal**

**North of the Riparian Greenway**

Staff concurs with the agent’s letter, that the land topography (height above 190 metres) would have an effect on the ability to provide water pressure adequate for fire-flows. However, there are solutions available which are currently in the planning stages which may or may not totally alleviate the water pressure at higher elevations.

Staff have no concerns with the proposed changes north of the riparian greenway.

**South of the Riparian Greenway**

During the 2010 Public Hearing for the rezoning of the subject property, a significant number of residents of “Camp Road” voiced their concerns with the effects that tree removal and building on the slopes north of them would have on their neighbourhood. In particular, they were worried about drainage issues and slope failure that may occur when trees were removed. Additional concerns were about having buildings “looming” over them.

As part of the rezoning of the subject property, the Comprehensive Development Agreement negotiated how much parkland was required, and where and when it was to be dedicated. A linear park or greenway was negotiated north of Camp Road. As well, a covenant was registered that protected all the mature trees (bigger than 24 inches in diameter) and their root areas. As you can see below many of the mature trees so protected, are within the area proposed to be multi-family where lot coverage in this zone is 65% whereas for single family dwellings, it is 35%.
**Development “Tools”**

**Development Permits**

The Official Community Plan designates the subject property as DPA#1 Environmental Protection and DPA#4 Wildfire Urban Interface. By virtue of the uses proposed, building permits for multi-family and commercial uses will initiate the requirement for Development Permits (DPs) for DPA#7 Multi-family and DPA#9 Commercial respectively.

DPA#1 and DPA#4 are triggered by any “development 1” on a property. The intent of DPA#1 is to protect Aquatic Ecosystems, Terrestrial Ecosystems, and Connectivity areas. A report by Registered Professional Biologist is required for the Environmental Protection DP and a report by Registered Professional Forester is required to address the Wildfire Urban Interface.

DPA#7 and DPA#9 are triggered by building permits for these uses. Development must address the following: Site Design, Landscaping, Accessibility, Building Form and Character, Sign, Lighting, Access & Parking, Energy Conservation & Reduction of Greenhouse Gas Emissions, Water Conservation, Stormwater, Soil Erosion and Sediment Control. In some cases, professional reports or designs are required for these DP’s.

**Zoning** (see attached Mixed Use One (MU-1) zone. The zoning determines things like uses, setbacks from property lines, density.

Presently there are two Environmental Protection and Wildfire DPs in place on this property. The first is to allow the subdivision of Phases 5a and 6 of the parcel. The second is to allow land preparation for future phases.

While the covenants (tree protection) already in place and the above noted development tools can address some of the concerns of Planning Staff and previous concerns from neighbours’ (stormwater drainage for example, will be addressed in the DPs for subdivision) it won’t prevent possible development from “looming” over the neighbourhood to the south and possibly changing the areas aesthetics (light pollution, privacy, etc) and enjoyment of the neighbourhood.

---

1 For this DPA, “development” includes any of the following:

a. Removal, alteration, disruption, or destruction of vegetation
b. Disturbance of gravel, sand, soils, and/or peat
c. Deposition of gravel, sand, soils, and/or peat and soil or other fill
d. Construction, erection, or alteration of buildings and structures
e. Creation of non-structural impervious or semi-pervious surfaces
f. Flood protection works
g. Preparation for or construction of roads, trails, docks, wharves, and bridges
h. Provision and maintenance of sewer and water services
i. Development of drainage systems
j. Development of utility corridors
k. Blasting
With the above information in mind, staff are suggesting that with this request to change the CDA it is an opportunity to also change the requirements for building in this area. For example:

1. If multi-family is still desired, limit the height of buildings in the area where it would affect downhill neighbourhoods, to single storey (patio homes); AND

2. Require a “no build” covenant from the height of land and the area including the protected mature trees (to be determined) above Camp Road;
Note: Even with the covenant protecting existing trees on private property (either single family or multi-family) will not guarantee protection and compliance by present and future owners.

FINANCIAL IMPLICATIONS

None

STRATEGIC OBJECTIVE

Comprehensive Community Planning

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The Comprehensive Development Agreement does not, in itself, require any public process. Legal advice received in 2015 said that as the numbers of units is not changing (i.e. density), just the location, that Council can make this change by resolution. However, as the CDA was part of the rezoning process which had a public hearing, staff are recommending that a notice (of the changes) be sent to adjacent landowners within 75m (see the map of the subject parcel’s property lines, and that comments received be made part of the next staff report to Council.

ATTACHMENTS

- The letter from the agent requesting the changes to the CDA which includes a map of the proposed changes to the conceptual layout.
- The existing conceptual layout from 2010.
- The Mixed Use One (MU-1) zone
- DPA#7 Multi-Family Residential Development Permit Guidelines.

CONCURRENCE

Rob Crisfield, Manager of Operations
OPTIONS

i) Table the application pending additional information.

ii) Recommend to Council to approve the proposal as submitted.

iii) Recommend to Council to approve the proposal with amendments.

iv) Recommend to Council that the proposal be denied (give reasons)

v) Any other action deemed appropriate by the APC.

Respectfully submitted,

____________________
Joanne Rees
Planner

____________________
Sundance Topham
Chief Administrative Officer
December 15, 2016

Our File: 2211-46871-08

Ms. Joanne Rees
Village Planner
Village of Cumberland
2673 Dunsmuir Avenue
Box 340, Cumberland, BC V0R 1S0

Dear Ms. Rees,

**RE: COAL VALLEY ESTATES COMPREHENSIVE DEVELOPMENT AGREEMENT**

This is further to Coal Valley Estates request to amend the proposed land use plan for the balance of their lands, legally identified as Rem. DL 24, Nelson District.

In 2011, Village Council approved a Comprehensive Development (CDMU6) zone for approximately 125 acres of land northwest of the Willard Road subdivision. The accompanying Comprehensive Development Agreement (CDA), dictated the maximum number of residential units (single and multifamily), the maximum allowable commercial floor area, the allowable number of seniors housing units, parkland dedications, and amenities.

Since approval of CDMU6, Coal Valley Estates has constructed what has commonly been referred to as Phases 4 and 5a, for a total of 66 single family lots, and a 96 unit multi-site (which has yet to be built upon). Preliminary Layout Review of Phase 6 has been reviewed by the Village and construction is underway.

During the development of CDMU6 (now MU-1), it was jointly decided by Coal Valley Estates and the Village that land use planning, and corresponding mapping to be included in CDA, should be undertaken at a very high level. This decision was justified based on the following:

- Build out of the property was expected to take 20 years plus, thus some flexibility to adapt to changing housing demand was required.

- The difficult topography of the site (steep, rocky and very uneven ground) made preliminary engineering (in advance of the certainty of land use approval) difficult and costly. This effort would need to be undertaken to definitively set road alignments and land use.
The topography of the site would ultimately dictate road alignments; this information was not available at the time of negotiation.

Mechanisms within the CDA would allow for the amendment of the spatial arrangement of various approved land uses, as long as maximum unit counts, floor areas, etc., were not exceeded.

According to specific language in the CDA, Coal Valley must seek out Village approval for any changes in land use greater than 5%. This requirement applies, as we understand it, to both unit counts, and locations. Accordingly, Coal Valley Estates requests the Village consider amendment of the CDMU6 overall land use plan, as shown on the attached drawing CDA-2, Rev.3. The requested changes are based on the following:

1. Coal Valley has now completed preliminary road designs for all lands within DL24 north of the dedicated riparian corridor that bisects the property. This design is based on detailed survey, and was developed with the intention of providing gravity sewage collection for the largest possible area of the site, meeting Village overall transportation and servicing requirements, and providing access to lands beyond. Design of major roadways within the site, and the relative siting of developable areas, has been determined based on existing, major landforms.

2. Single and multifamily areas have been relocated, to make better use of existing site topography. Specifically, some multifamily sites have been relocated to areas of the property where construction of single family lots will prove difficult because of access, (plan) geometric area, or overall gradient of the land, Note that no change to the total number of multifamily, single family, or commercial areas are proposed.

3. The existing potable water system within the Village is not capable of providing required firefighting flow to allow for construction of multifamily residences in the higher portions of the Coal Valley site. The existing Phase 4 multi-site lies at the practical upper limit of land serviceable by the Village’s system. The Phase 4 multi-site will require the use of a privately owned fire pump system, or the creation of a new pumped pressure zone to provide required service.

By relocating the denser multifamily development proposed within Coal Valley's site to lower elevation areas, the extents of required offsite potable water system upgrading and impacts to the Village's existing potable water system, are significantly reduced.

4. In order to allow for the implementation of higher density development, with decreased dependence on vehicular transportation, multifamily areas have been concentrated around the proposed commercial node in Coal Valley, and near the existing downtown (Dunsmuir) core.

We trust that the information herein is sufficient to inform Village staff, Council, and Advisory Planning Committee members on the need for minor amendments to Coal Valley Estates' Comprehensive Development Agreement. We look forward to working with Village staff and the APC on implementing these changes. Should you have any questions regarding this letter, we would ask that you contact the undersigned.
Yours truly,

McELHANNEY CONSULTING SERVICES LTD.

Bob Hudson, P.Eng.
Branch Manager

Reviewed by:
Chris Ewing, AScT

Enclosures

BH/njg

Cc: CVE Group
Proposed Changes to Conceptual Layout

**PHASE 4b LEGEND**
- MULTIFAMILY AREA
  - 2.59 Ha. 96 UNITS

**REMAINDER LEGEND**
- MULTIFAMILY AREA
  - 10.05 Ha. 592 UNITS
- RIPARIAN AREA
  - 3.46 Ha.
- COMMERCIAL/RESIDENTIAL
  - 0.76 Ha. 15 UNITS
- SENIOR'S HOUSING AREA
  - 3.45 Ha.
- PARK/GREENSSPACE
  - 4.99 Ha.
- SINGLE FAMILY RESIDENTIAL
  - 16.47 Ha. 263 UNITS
- MUNICIPAL ROAD R.O.W.
  - 0.77 Ha.

**PHASE 5 TOTAL** 670 UNITS

- ROAD ALIGNMENTS ARE PRELIMINARY & SUBJECT TO CHANGE AT DETAILED DESIGN STAGE.
- ALL AREAS TO BE CONFIRMED AT TIME OF DETAILED DESIGN.
Existing CDA Map

**PHASE 5 LEGEND**
- MULTI - FAMILY = 592 UNITS
- RIPARIAN AREA = 3.46 Ha. (7.5%)
- COMMERCIAL/RESIDENTIAL = 15 RESIDENTIAL UNITS
- SENIORS HOUSING AREA
- PARK/GREENSEARCH = 4.90 Ha. (10.7%)
- SINGLE FAMILY RESIDENTIAL = 263 UNITS

**PHASE 5 TOTAL = 670 UNITS**

- ROAD ALIGNMENTS ARE PRELIMINARY & SUBJECT TO CHANGE AT DETAILED DESIGN STAGE.
- ALL AREAS TO BE CONFIRMED AT TIME OF DETAILED DESIGN.

**PHASE 4 LEGEND**
- MULTI - FAMILY = 96 UNITS
- SINGLE FAMILY RESIDENTIAL = 34 UNITS
- MUNICIPAL ROAD R.O.W. = .45 Ha.

**PHASE 4 TOTAL = 130 UNITS**
# 7.10 MU-1—Mixed Use Residential Zone

## 1. Principal Uses
- Apartment
- Community care facility
- Mixed use building
- Office
- Personal service
- Retail, convenience
- Single family dwelling
- Townhouse

## 2. Accessory Uses

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>On any lot</td>
<td>Accessory buildings and structures</td>
</tr>
<tr>
<td>On single family dwelling lots</td>
<td>Home occupation</td>
</tr>
<tr>
<td>On any lot with a non-residential principal use</td>
<td>Secondary suite, Urban agriculture</td>
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</table>

## 3. Lots Created by Subdivision

<table>
<thead>
<tr>
<th>Area, minimum</th>
<th>Single Family Dwelling</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>450.0 square metres (4,843.8 square feet) for up to 50% of the number of lots created in any given plan of subdivision.</td>
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<tr>
<td></td>
<td>550.0 square metres (5,920.2 square feet) for all other lots.</td>
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<thead>
<tr>
<th>Area, minimum</th>
<th>Multi-family dwelling</th>
</tr>
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<tr>
<td></td>
<td>800.0 square metres (8,611.1 square feet)</td>
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<thead>
<tr>
<th>Area, minimum</th>
<th>All other uses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2,000.0 square metres (21,527.8 square feet)</td>
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<tr>
<th>Area, minimum</th>
<th>Single Family Dwelling</th>
</tr>
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<tr>
<td></td>
<td>15.0 metres (49.2 feet)</td>
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<table>
<thead>
<tr>
<th>Area, minimum</th>
<th>All other uses</th>
</tr>
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<tr>
<td></td>
<td>20.0 metres (65.6 feet)</td>
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## 4. Density

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<thead>
<tr>
<th>Building and use typology, maximum</th>
<th>Single Family Dwelling</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>263 dwelling units, excluding secondary suites</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building and use typology, maximum</th>
<th>Multi-family dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>592 dwelling units</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Building and use typology, maximum</th>
<th>Residential use accessory to a non-residential use</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>15 dwelling units</td>
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Accessory buildings shall have a maximum combined floor area of 50.0 square metres (538.2 square feet) or 10% of the area of the lot, whichever is less.

The total maximum combined floor area of office, personal service and retail, convenience uses is 7,900 square metres (85,034.9 square feet) with no individual unit exceeding 371.6 square metres (3,418.6 square feet).

The total maximum combined floor area of community care facility uses is 13,900 square metres (149,618.4 square feet).
## 5. Lot Coverage

<table>
<thead>
<tr>
<th>Coverage, maximum</th>
<th>Single Family Dwelling</th>
<th>Multi-family dwelling</th>
<th>All other uses</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>35%</td>
<td>65%</td>
<td>80%</td>
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### Single Family Dwelling Setbacks, Minimum

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Setbacks</th>
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</thead>
<tbody>
<tr>
<td>Front</td>
<td>6.0m (19.6feet) for a minimum of 5.5m (18.0feet) of the building; and for any portion of the building used as a garage or carport.</td>
</tr>
<tr>
<td>Rear</td>
<td>4.5m (14.8feet)</td>
</tr>
<tr>
<td>Side</td>
<td>1.5m (4.9feet)</td>
</tr>
<tr>
<td>Side, Exterior</td>
<td>3.0m (9.8feet)</td>
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</table>

### Multi-family dwelling Setbacks, Minimum

<table>
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<tr>
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<th>Minimum Setbacks</th>
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</thead>
<tbody>
<tr>
<td>Front</td>
<td>4.5m (14.8feet)</td>
</tr>
<tr>
<td>Rear</td>
<td>4.5m (14.8feet)</td>
</tr>
<tr>
<td>Side</td>
<td>1.5m (4.9feet)</td>
</tr>
<tr>
<td>Side, Exterior</td>
<td>3.0m (9.8feet)</td>
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### Office, personal service and Retail, Convenience Setbacks, Minimum

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Setbacks</th>
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<tbody>
<tr>
<td>Front</td>
<td>0.0m (0.0feet)</td>
</tr>
<tr>
<td>Rear</td>
<td>3.0m (9.8feet)</td>
</tr>
<tr>
<td>Side</td>
<td>0.0m (0.0feet)</td>
</tr>
<tr>
<td>Side, Exterior</td>
<td>3.0m (9.8feet)</td>
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### All other uses

| All lot lines | 7.5m (24.6feet) |

## 6. Principal Buildings and Structures

<table>
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<tr>
<th>Height, maximum</th>
<th>Single Family Dwelling</th>
<th>Multi-family dwelling</th>
<th>Community care facility</th>
<th>Mixed use buildings (home occupation excluded)</th>
<th>All other uses</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>10.0m (32.8feet)</td>
<td>15.0m (49.2feet)</td>
<td>15.0m (49.2feet)</td>
<td>15.0m (49.2feet)</td>
<td>12.0m (39.4feet)</td>
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<tr>
<td>7. <strong>Accessory Buildings and Structures</strong></td>
<td><strong>Setbacks, minimum</strong></td>
<td><strong>Front</strong></td>
<td>3.0metres (9.8feet)</td>
<td></td>
<td></td>
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<td>------------------------------------------</td>
<td>-----------------------</td>
<td>-----------</td>
<td>-------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Rear</strong></td>
<td>1.5metres (4.9feet)</td>
<td></td>
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<tr>
<td></td>
<td><strong>Side</strong></td>
<td>1.5metres (4.9feet)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td><strong>Side, Exterior</strong></td>
<td>3.0metres (11.5feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Height, maximum</strong></td>
<td>4.5metres (14.8feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. <strong>Conditions of Uses</strong></th>
<th><strong>a)</strong> On a lot where there is combined non-residential and residential use, all dwelling units shall:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>i) be contained in the same building that contains the principal use;</td>
</tr>
<tr>
<td></td>
<td>ii) be located over or to the rear of the building that contains the principal use; and</td>
</tr>
<tr>
<td></td>
<td>iii) have a separate entrance from the outside.</td>
</tr>
</tbody>
</table>
DEVELOPMENT PERMIT AREA GUIDELINES

Development Permit Areas are established to guide property owners and to assist the Village in addressing particular development issues by providing development guidelines. As well, they are intended to provide the residents of the Village with a degree of certainty that concerns regarding development, expressed during the Plan development process, will be adequately addressed.

Development Permit Areas (DPA) are designated under s.919.1 (1) of the Local Government Act (LGA). There are specific designations in the LGA as follows:

1) Protection of the natural environment, its ecosystems, and biological diversity.
2) Protection of development from hazardous conditions.
3) Protection of farming.
4) Revitalization of an area in which a commercial use is permitted.
5) Establishment of objectives for the form and character of intensive residential development.
6) Establishment of objectives for the form and character of commercial, industrial or multi-family residential development.
7) In relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region.
8) Establishment of objectives to promote energy conservation.
9) Establishment of objectives to promote water conservation.
10) Establishment of objectives to promote the reduction of greenhouse gas emissions.

A Development Permit Application will be required prior to undertaking works related to the construction, alteration or subdivision of lands within identified DPAs, as per LGA s.920(1), unless exempt as described in the individual DPA descriptions.

A development permit issued is to be in accordance with the stated guidelines. All of the respective guidelines may not be applicable in every permit; however, in situations where a guideline is not appropriate to the particular circumstances, Council may deem the guideline to be not applicable. Council may also issue a development permit that varies or supplements regulations, including of the Subdivision or Zoning Bylaw.

Use of the word “should” in a guideline does not indicate that compliance is at the option of the applicant. Rather, that compliance to the guideline will be required as a condition of issuance of a development permit, unless Council determines there are bona fide reasons why the guideline should not be applied to its fullest extent. Use of the term “encourage” indicates that compliance with a guideline may, at the discretion of the Council, be required as a condition of the issuance of the development permit.

DPA designations are mapped on Maps C, E, F, G, and H of Bylaw 990.

10.7 DPA 7 - Residential Multi-Family

10.7.1 Justification

This Development Permit Area designation is warranted to promote a high standard of design in medium to high density multi-family housing projects. Multi-family residential is intended to include ground oriented and stacked dwelling units in a compact arrangement with densities greater than 37 units per hectare (15
units per acre). The renovation of heritage homes to include multiple rental suites is also envisioned within this area. Typical multi-family development includes the following applications:

- Townhouse dwelling units
- Rowhouse dwelling units
- Apartments

This Development Permit Area designation is warranted to promote a high standard of design in multi-family. Generally, residential neighbourhoods in the Village enjoy the privacy and aesthetic benefits of modestly scaled character homes surrounded by well-established tree cover and landscaping. New Multi-family developments are encouraged to maintain and enhance these intrinsic characteristics.

It is the objective of the Village to promote quality residential environments that maintain desirable relationships to their surrounding context.

It is also objective of the Village to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions.

This Multi-Family Development Permit Area supports the goals, objectives and policies of this OCP, including but not limited to the following relevant sections of the OCP:

- Growth Management (Section 5.0)
- Environmental Preservation (Section 7.0)
- Views and Landscape Character (Section 7.0)
- Climate Change and Adaptability (Section 7.0)
- Recreation, Leisure and Parks (Section 8.0)

10.7.2 Category

This development permit area is designated pursuant to s.919.1 (1) (f), (h), (i), and (j) of the LGA.

- Establishment of objectives for the form and character of multi-family residential development.
- Establishment of objectives to promote energy conservation.
- Establishment of objectives to promote water conservation.
- Establishment of objectives to promote the reduction of greenhouse gas emissions.

10.7.3 Exemptions

1) A Development permit is not required in the following circumstances:

a. Farm Operations as defined under the *Farm Practices Protection (Right to Farm) Act* on properties with Farm Status pursuant to the *BC Assessment Act* where such activity is carried on in accordance with normal farm practices as defined under that Act.

b. Forestry activities in accordance with the *Forest Act* or *Private Managed Forest Land Act* and subsequent legislation that are not subject to regulation under the LGA.

c. Mining activities in accordance with the *Mines Act* and subsequent legislation that are not subject to regulation under the LGA.

d. Hydroelectric facilities licensed by the Province.

e. Construction involving a building floor area of 10.0 square metres or less (does not include additions to existing dwelling(s)).

f. Internal alterations to a building or structure.
g. Erection of fences 2.0metres or less in height.

h. Stream enhancement and fish and wildlife habitat restoration works that are approved by the provincial ministry responsible for the environment and the federal department responsible for fisheries and oceans where notification is given to the Village.

i. In-stream work as approved by Section 9 of the Water Act, or subsequent legislation.

j. Riparian planting of native vegetation.

k. Public infrastructure works undertaken by the Village or their agents, and where such necessary works have been approved by senior government agencies.

l. Subdivision.

m. For the addition or alteration of a principal building, where the value of the proposed construction is less than $50,000.00; and the proposed construction is located within an interior side or rear yard.

n. For the construction, alteration, renovation or demolition of single-family dwellings and associated landscaping.

o. For the construction, alteration, renovation or demolition of duplex dwellings and associated landscaping.

p. For the construction, alteration, renovation or demolition of single-family dwellings with a secondary suite and associated landscaping.

10.7.4 Designated Areas

The areas shown on Map C are designated as Development Permit Area No. 7

10.7.5 Guidelines

1) Site Design
   a. The Village will work with the principles of Crime Prevention Through Environmental Design (CPTED) in the consideration site design and landscaping.
   b. Site Design should consider the preservation of natural site features.
   c. Site design should protect the enhancement of view corridors to open areas and viewscapes.
   d. The use of rear lane access to garages and surface parking is encouraged.
   e. Buildings should be sited so as to ensure that any adjacent single-family residential properties have visual privacy, as well as protection from site illumination and noise.
   f. All developments should front or appear to front onto adjacent roadways. This may be achieved through appropriate treatment of the building exteriors and through the provision of pedestrian entranceways and walkways to the street.

2) Landscaping
   a. All landscaping shall be irrigated by means of an automated system.
   b. All waste disposal and recycling bins shall be screened on three sides within a solid walled animal-proof enclosure, not less than 2.0metres in height.
c. Such elements as shipping and loading areas, outdoor storage areas, transformers, and meters shall be additionally screened landscaping, solid fencing, and appropriate siting.

d. Building footprints should be located to create opportunities for plazas, courtyards, or garden patio areas with appropriate site furniture and lighting.

e. The appearance of both the buildings and the site landscaping should have a strong emphasis toward public street views, incorporating a concept that emphasizes the public realm.

f. Landscape plans will be provided at the developer’s expense, which have been prepared by a landscape professional utilizing plants appropriate to the growing conditions. The plan shall include a complete plant list and cost estimate. A performance security will be required before the Permit is issued.

g. Such elements as transformers, meters and garbage receptacles shall be screened from public view as effectively as possible through landscaping, fencing, and appropriate siting.

h. Landscape designs shall provide a minimum 30 percent tree cover within all new developments through the retention of existing vegetation or new plantings.

3) Accessibility

a. Accessibility features shall be integrated into the overall design concept and identified on the site plans.

b. Accessible travel routes shall be provided from adjacent roadways and parking areas to the main building entry and shall incorporate barrier-free universal design principles.

c. Accessible travel routes shall be of a hard, slip-resistant surface with a minimum width per requirements of the most current edition of the British Columbia Building Code (BCBC).

d. Accessible travel routes shall conform to the requirements of the most current edition of the BCBC.

4) Building Form and Character

a. Buildings should be sited to ensure that any adjacent single family residential properties have visual privacy, as well as protection from site illumination and noise.

b. All buildings and expansions thereto, storage, parking, and supply yards shall be designed to be compatible with surrounding land uses and the major roads fronting the property.

c. The use of smooth surfaced, wood, concrete board, acrylic stucco, brick, baked enamel-finished metal siding, or metal panels are encouraged.

d. The use of untreated or unfinished concrete, metal, vinyl siding as a final building finish is prohibited.

e. Rooftop mechanical equipment shall be hidden behind screens or parapets designed as an integral part of a building to conceal such equipment.

f. Building design should include a variety of architectural design treatments, including articulated building footprints to reduce massing and to promote architectural definition and interest.

g. Building massing shall consider the preservation or enhancement of view corridors to open areas and mountain vistas.
h. Building massing should respond to a human scale with materials and details that are proportionate to human height and provide visual interest at the street and sidewalk level.

i. Rooftop mechanical equipment shall be hidden behind screens or parapets designed as an integral part of a building to conceal such equipment.

j. Front doors shall be articulated a minimum of 1.2 metres forward of garage doors.

k. Buildings should be designed and sited so as to minimize opportunities for building occupants to overlook each other’s private spaces.

l. Appropriate acoustical design should be utilized to minimize noise levels between residential units particularly where a townhouse or apartment development is adjacent to residential dwellings.

m. In situations where multi-family units face single-family units across a street, the multi-family units should be designed to resemble a single-family dwelling.

5) Signs

a. Sign illumination for new signs shall be exterior, from the front and downcast. Internally illuminated signs may include halo lighting or the direct back lighting, only for individual letters and logos, subject to any Sign Bylaw.

b. Sign heights and size shall be in context with the neighbourhood, subject to the applicable bylaw provisions.

c. No signs shall be equipped with flashing, oscillating or moving lights or beacons.

d. Orientation signage for larger developments should be provided. All signage should be architecturally compatible with the overall design of the buildings.

6) Lighting

Natural cycles of day and night lighting are important for human health, the natural environment, astrophysical endeavors, and the conservation of energy. To minimize these impacts, outdoor lighting should be regulated to control both the quantity and quality of night lighting.

a. All site lighting installations shall be fully shielded (full cutoff).

b. Light shall be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

c. Security and other lighting shall be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

d. Exterior building lighting should generally be concealed in soffits or other similar architectural features.

e. Lamp poles and luminaries used for site area lighting should be complementary to the form and character of adjacent sites and Village streetlighting standards.

f. There should be sufficient on-site illumination for pedestrian/vehicle safety. Illumination shall not encroach onto adjacent properties.

g. Adhering to the principles of Crime Prevention through Environmental Design Principles (CPTED), lighting for pedestrian pathways, building entrances and parking areas should be designed at a human scale (i.e., low level bollards) and address pedestrian safety.
7) **Access & Parking**

Large surface parking areas may be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted, landscaped areas.

a. Parking areas shall clearly identify pedestrian circulation areas, preferably with different paving and landscaping treatment.

b. Parking areas should be surfaced with a paving treatment (including: pervious paving, cellular paving and concrete unit pavers). Parking aisles shall provide a hard travel surface.

c. Developers are encouraged to use permeable surface treatments for roadways, parking areas and other surfaced areas within a development, where appropriate.

d. Building entrances should be prominent and clearly visible from access driveways.

e. Site designs should include provisions for multi-modal transportation.

f. All parking requirements for the development shall be met on-site.

g. Where individual dwelling units have vehicular access via a public street, combined driveway access points are encouraged in order to minimize interruptions of landscaping along the boulevard.

h. Internal private roadways shall be wide enough to permit easy negotiation of car access to individual garage or carport, parking areas, and to provide fire truck accessibility.

i. Recreation and play areas should be provided within each project and should be sensitive to the needs of all groups likely to reside within the development. Where possible, recreation and play areas should be sited such that all units within a development may view them.

j. In the interest of providing an appropriate amount of usable open space and to create a pleasant liveable environment, landscaped areas with a balanced mix of grass, shrub beds, trees, screening and shading should be provided in the following locations:

   i. All portions of a lot located between the principal building or buildings fronting street or access road;

   ii. All portions of a lot located between the principal building and an adjoining commercial, industrial, residential or an accessory building.

k. Development proposals require the identification and layout of open spaces that:

   i. Is in accordance with the best principles of environmental site design.

   ii. Is located as close to all development as possible, with recreational corridors leading to major recreation spaces.

   iii. Includes major recreation areas that are best located to serve all community residents.

   iv. Is freely accessible to all residents and visitors within the Village.

   v. Require delineation of open space that physically screens or differentiates residential yards from common open space areas.
vi. Provide a portion of the open space that is usable for active recreation, where appropriate, as follows:

.1 The recreation land should not include narrow or irregular pieces of land that are remnants from subdivision or the layout of streets and parking areas;

.2 The slope of recreation land to be used for active play areas should not exceed two percent.
l. The area of any building site bounded by the front lot line, the exterior or interior side lot lines, as the case may be, and the front building line of the structure nearest the front lot line, should not be used as an outside storage area. Any portion of a building site which may be used as an outside storage area should only be used as such if:
   i. The area is enclosed within a 2.0metre high solid fence having a suitable security gate.
   ii. None of the goods or materials stored therein exceeds the height of the 2.0metre fence.
   iii. The area is not directly visible from any residential development.
   iv. In cases where the area lies between a structure and any public road, it is screened by an adequately landscaped buffer strip so that such storage areas are not readily visible from such public road.

8) Energy Conservation & Reduction of Greenhouse Gas Emissions
   a. Building design should include passive heating, lighting and cooling design features.
   b. Landscaping and building design should consider the incorporation of natural daylight and seasonal shade needs.
   c. Building orientation should, where practical, be designed to optimize the benefits of solar orientation.
   d. Building design should incorporate solar ready features.
   e. Sheltered and secure bicycle parking shall be provided to a level that is consistent with the proposed use.
   f. All buildings shall be designed and engineered to be solar ready.
   g. Adaptive reuse of buildings and on-site materials is encouraged, where permitted within the BC Building Code and under relevant legislation.

9) Water Conservation
   a. Development projects should incorporate rainfall capture systems for irrigation where feasible.
   b. Development projects should minimize impervious areas and incorporate on-site integrated stormwater management solutions that maintain pre-development infiltration rates and site hydrology.
   c. Landscape planting should be designed to reduce water consumption through the use of native and drought-tolerant plant species suitable for the growing area.
   d. Landscaped areas should be watered by an automatic irrigation system, complete with an automated ‘smart’ controller.
   e. High water use turf, sod, and lawn are discouraged.

10) Stormwater
    a. A stormwater management plan shall be required as prepared by a registered professional engineer that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season.
b. Stormwater management shall follow source control (on-site) principles and practices and minimize the use of conventional pipe and pond techniques, and avoid direct discharges to streams and other water-bodies.

c. Stormwater management shall take advantage of on-site opportunities to recycle water to absorbent soils, wetlands, and forests.

11) **Soil Erosion and Sediment Control**

A Sediment and Erosion Control Plan shall be prepared by a registered profession for the construction and operational phases of the development.
Attached is the additional information provided by Coal Valley Estates (1. & 2) and by staff (3.) as requested by the Advisory Planning Commission.

1. Additional topographical data & slope analysis map
2. Cross sections of buildings in relation to Camp Road houses and existing tree heights
3. Information on tree protection requirements

Tree Root Protection *(University of Minnesota)*

Trees can be damaged or killed by a wide variety of construction activities. Some practices lead to obvious injuries such as broken branches or torn bark. Open wounds of this type deplete a plant's energy resources and provide entry points for insects, or for diseases such as oak wilt.

The worst damage, however, often remains hidden underground. Roots are one of the most vital parts of a tree. They are responsible for nutrient and water uptake, store energy, and anchor the plant. Because they are so important, it is critical that you protect roots that lie in the path of construction.

*Figure 1. A tree's protected root zone (PRZ) is often considered to be the part of the roots that lie directly below its branches within an area known as the dripline.*
Figure 2. Approximate a tree's PRZ by calculating the critical root radius (CRR). First, measure the tree diameter in inches at breast height (DBH). Then multiply that number by 1.5 or 1.0. Express the result in feet.

Trees are never the same shape below ground as they are above, so it is difficult to predict the length or location of their roots. Typically, however, approximately 90-95 percent of a tree's root system is in the top three feet of soil, and more than half is in the top one foot. The part of this root system in which construction damage should be avoided is called the Protected Root Zone (PRZ).

One common method used to identify the PRZ is to define it as the "dripline"—the area directly below the branches of the tree (Fig. 1). However, many roots extend beyond the longest branches a distance equal to two or more times the height of the tree. For this reason you should protect as much of the area beyond the dripline as possible.

Unfortunately, on most sites space is limited and this rule must be bent. Just how close an activity can come without seriously threatening the survival of a tree depends on the species, the extent of damage, and the plant's health.

Some healthy trees can survive after losing 50 percent of their roots. However, other species are extremely sensitive to root cutting, even outside the dripline.

Table 1 shows the relative sensitivity of various tree species to root disturbance. If possible, disturb no more than 25 percent of the roots within the dripline for any tree, protect intermediate species to the dripline, and allow extra space beyond the dripline for sensitive species. For all trees, avoid needless or excessive damage. A qualified tree-care specialist can help you determine how much root interference a particular tree can tolerate.

When dealing with trees that have been growing in the forest or that naturally have a narrow growth habit, an approach called the "critical root radius" is more accurate than the dripline method for determining the PRZ. This is particularly true for columnar trees and for those where competition has reduced the canopy spread.

To calculate critical root radius, begin by measuring the diameter at breast height (DBH). This is done by measuring the tree's trunk diameter (thickness) at a point 4.5 feet above the ground. The measurement should be done in inches. For each inch of DBH, allow for 1.5 feet of critical root radius for sensitive, older, or unhealthy trees, or 1.0 feet for tolerant, younger, healthy trees. For example, if an older tree's DBH is 10 inches, then its critical root radius is 15 feet (10 x 1.5 = 15). The PRZ is then the area around the tree with a diameter of 30 feet (2x critical root radius), and is the area in which a critical amount of the tree's roots may be found. Whenever possible, isolate this area from construction disturbance (Fig. 2).
RECOMMENDATION


ii) THAT the Advisory Planning Commission recommends that Council grant the application (2017-02-DP) for a Residential Infill Development Permit on property described as Lot A, District Lot 21, Nelson District, Plan 35967 (2728 Derwent Avenue) substantially in compliance with the attached draft Development Permit.

SUMMARY
An application has been received for the above noted property to permit the construction of a single storey 37.2metre (400.0foot²) Accessory Dwelling Unit as a residence for the Owner’s father, as the applicant wishes to have more room for his growing family and potentially for a home-based business.

BACKGROUND
The subject property is within Development Permit Area No. 6 being the “Residential Infill Development Permit Area.

Residential infill development is intended to build density in mature residential areas located within a short walk of the downtown core. The creation of additional density may impact the privacy of adjacent landowners and the established neighbourhood character of...
these areas. Generally, residential neighbourhoods in the Village enjoy the privacy and aesthetic benefits of modestly scaled character homes surrounded by well-established tree cover and landscaping. New infill developments are encouraged to maintain and enhance these intrinsic characteristics.

It is the objective of the Village to guide the integration of new housing into established residential neighbourhoods and to promote quality residential environments that maintain desirable relationships to their surrounding context. It is also the objective of the Village to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions.

**DPA#6 – Residential Infill Development Permit**

This Development Permit (DP) applies to all the areas in the Village within the Residential One A (R-1A) zone for new Accessory Dwelling Units. The DPA cites two sections of guidelines:

- 10.6.5 Guidelines for Ground Oriented Housing (entire guidelines attached); and
- 10.6.6 Specific Guidelines for Coach Houses (now called Accessory Dwelling Units)

**10.6.5 Guidelines for Ground Oriented Housing**

The Guidelines for Ground Oriented Housing are meant to cover a variety of housing types including multi-family developments and as such, not all of the guidelines are applicable. In addition to all of the Specific Guidelines for Coach Houses, the following guidelines are considered applicable and are incorporated into the Development Permit.

1. **Site Design**

   The subject property is within the “mature” part of the Village, where 2.0 metre high fences surrounding each lot are the norm. This lot shares a lane with commercial buildings fronting Dunsmuir Avenue being 3.0 metre (10foot) wide and surfaced with gravel and dirt which would be navigable in all but the worst weather. The lane is not maintained by the Village. Back yards in the neighbourhood contain sheds and few mature trees.

   **Staff Assessment**

   The siting as proposed on the attached drawing meets the intent of the Development Permit guidelines.

2. **Landscaping**

   A landscape plan is required as a condition of the DP. The broad purpose is to provide privacy and aesthetics for the property owner and adjacent neighbours. Planning recommends that the professional plan provide for a privacy screen for the ADU (or fencing), while also providing “shade” from commercial lighting and noise across the lane.

   **Staff Assessment**

   Landscape plan is required. No information has been provided.

3. **Accessibility**

   The DPA requires that accessibility features be integrated into the overall design concept and identified on the site plans, such as but not limited to barrier-free universal design principles and travel routes a hard, slip-resistant surface with a minimum width per the BC Building Code.

   **Staff Assessment**
4. **Building Form and Character**

This section of the DPA addresses aesthetics, exterior materials, building massing and impacts on adjacent neighbours.

**Staff Assessment**

The Owner proposes to side the building in hardiplank in a horizontal lap configuration painted in Grand Canyon Tan (paint chip provided but it does not copy accurately). Window and door trim will be natural cedar. The metal roof and associated flashings will be Metro Brown to match the roof colour of the main home. The new building is one story (see schedule B).

The information provided on building materials and colours meets the building form and character requirements. There is no information on neighbouring buildings or how the proposed ADU impacts adjacent uses or how those impacts will be mitigated. This is required as a condition of the Development Permit as outlined in the Specific Guidelines for Coach Houses.

5. **Lighting**

All exterior lighting should follow the DarkSky.org principles of keeping the light where it is needed and not on adjacent neighbours. While Adhering to the principles of Crime Prevention through Environmental Design Principles (CPTED), this lighting can be achieved by insuring that all lighting on buildings be fully-shielded, concealed in soffits and placed where said lighting does not shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

**Staff Assessment**

No information has been provide. Lighting is included as a condition of the DP.

6. **Access, Parking, & Amenity Areas**

This section requires that the requirements for parking, which contained in the recently adopted Zoning Bylaw No. 1027, 2016, are met on-site. For a single family dwelling, and an ADU in this zone the minimum requirement is for 2 spaces at a length of 5.4 metres and width of 2.5 metres. This proposal shows a driveway and parking spaces off Derwent Avenue for the house and SDU. “Seasonal” parking is indicated off the un-maintained lane. The ADU shall be provided with a dedicated, unobstructed, hard surfaced path, not less than 1.2 metres in width that links the unit to a public street.

The DPA requires that an outside amenity area for the ADU is provided in the form of a deck, dedicated yard, garden or similar feature. The amenity area should not be narrower than 2.5 metres and must not be less than 10.0 metres² in area.

**Staff Assessment**

The Owners are proposing to provide an amenity area to the right side of the ADU. The area must be fenced (or otherwise screened) to keep this area “private” for the residents, to meet this requirement. No dimensions are provided. This is required as part of the landscape plan.
   The DP guidelines speak of many voluntary design features which include passive heating, lighting and cooling design features, natural daylight and seasonal shade needs and taking advantage of orientation towards or away from the sun. All buildings shall be designed and engineered to be solar ready and an electric vehicle plug-in should be provided.

   **Staff Assessment**
   No information has been provided by the applicants. The building design incorporating solar-ready features and an electric vehicle plug-in will be required in DP.

8. **Water Conservation**
   This section promotes water conservation through voluntary guidelines such as rainfall capture (and reuse), minimizing impervious surfaces, and using native and drought-tolerant plant species for landscaping.

   **Staff Assessment**
   No information has been provided by the applicants. The DP includes encouragement to include these features.

9. **Stormwater**
   Management of rainwater from impervious surfaces is a critical feature in today’s developments.

   **Staff Assessment**
   The DPA requires a Stormwater Management Plan from a professional engineer in order to best control post-development flows off the subject property.

10. **Soil Erosion and Sediment Control**
    A sediment and Erosion control Plan shall be prepared by a registered professional for the construction and operational phases of the development.

   **Staff Assessment**
   No information has been provided by the applicants. The proposed construction must not result in sediment transport or soil erosion beyond the property lines.

### 10.6.6 Specific Guidelines for Coach Houses

<table>
<thead>
<tr>
<th>10.6.6</th>
<th>Specific Guidelines for Coach Houses (Accessory Dwelling Units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>A landscape plan should be prepared, with the broad objectives of providing:</td>
</tr>
<tr>
<td>i)</td>
<td>Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties;</td>
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<tr>
<td></td>
<td>Include in required landscape plan</td>
</tr>
<tr>
<td>ii)</td>
<td>Low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces.</td>
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<tr>
<td></td>
<td>Include in required landscape plan</td>
</tr>
<tr>
<td>b)</td>
<td>Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. “temporary” storage or parking areas are not permitted.</td>
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<tr>
<td></td>
<td>Include in required Landscape plan</td>
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</tbody>
</table>
### 10.6.6 Specific Guidelines for Coach Houses (Accessory Dwelling Units)

| c) | An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area. | Include in required landscape plan | DP-3b |
| d) | The amenity area should not be narrower than 2.5 metres and must not be less than 10.0 metres² in area. | Include in required landscape plan | DP-3b |
| e) | Minimize impacts of decks and balconies on adjacent properties. | Include in required landscape plan and in building plans | DP-3b |
| f) | The civic addressing must be visible from the primary street frontage. | Include in required landscape plan | DP-3b |
| g) | Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2 metres in width that links the unit to a public street or lane. | Include in required landscape plan | DP-3b |
| h) | New Buildings should: | | |
|   i) | Create visual interest by providing variations in height, rooflines and massing; | Schedule B Meets DP guidelines | DP-3d |
|   ii) | Avoid building plans that are repetitive. | Schedule B Meets DP guidelines | DP-3d |
| i) | Large blank walls should not dominate the buildings and where windows/dormers/bays are not possible; landscaping should be used to mitigate the blank walls. | Schedule B Meets guidelines | DP-3d |
| j) | The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes. | No change proposed to garage | N/A |
| k) | The use of vinyl siding is discouraged. | Hardiplank is proposed to be used. | DP-3d |
| l) | Large windows should not face directly onto adjacent properties. | None | DP-3d |
| m) | The design and siting of buildings should: | Meets guidelines | DP-3d |
|   i) | Be sensitive to the scale, mass and form of adjacent buildings | Meets guidelines | DP-3d |
|   ii) | Use building materials that reflect the character of the principal dwelling unit | Meets guidelines | DP-3d |
|   iii) | Not overlook and shadow adjacent properties | Meets guidelines | DP-3d |
|   iv) | Utilize all habitable space opportunities such as building into the truss system of the unit | No information | DP-3d |
CITIZEN/PUBLIC RELATIONS IMPLICATIONS
The applicants are required to place a sign on-site, advertise and hold a public meeting. Attached to this report is the summary and comments received at their meeting held on Sunday February 12, 2017.

CONCURRENCE
Rob Crisfield, Manager of Operations

OPTIONS
vi) Recommend Granting the Permit as presented
vii) Recommend Grant the Permit with amendments.
viii) Recommend denying the Permit (must give reasons).
ix) Any other action deemed appropriate by the APC.

Respectfully submitted,

______________________
Joanne Rees
Planner

______________________
Sundance Topham
Chief Administrative Officer
10.6 DPA 6 - Residential INFILL

10.6.1 Justification
This Development Permit Area designation is warranted to promote a high standard of design in ground oriented medium density housing projects. Medium density is intended to include primarily single and two-family dwellings in a more compact arrangement with densities ranging from 25 to 37 units per hectare (10 to 15 units per acre). The renovation of heritage homes to include multiple rental suites is also envisioned within this area. Typical ground oriented medium density development includes the following applications:

- Narrow lot single family dwellings
- Single Family with accessory dwelling unit (garage apartment, coach house, laneway house)
- Duplex dwelling units
- Townhouse dwelling units
- Rowhouse dwelling units

Residential infill development is intended to build density in mature residential areas located within a short walk of the downtown core. The creation of additional density may impact the privacy of adjacent landowners and the established neighbourhood character of these areas. Generally, residential neighbourhoods in the Village enjoy the privacy and aesthetic benefits of modestly scaled character homes surrounded by well-established tree cover and landscaping. New infill developments are encouraged to maintain and enhance these intrinsic characteristics. It is the objective of the Village to guide the integration of new housing into established residential neighbourhoods and to promote quality residential environments that maintain desirable relationships to their surrounding context.

It is also the objective of the Village to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions.

This Residential Infill Development Permit Area supports the goals, objectives and policies of this OCP, including but not limited to the following relevant sections of the OCP:

- Growth Management (Section 5.0)
- Environmentally Sensitive Areas (Section 7.0)
- Views and Landscape Character (Section 7.0)
- Climate Change and Adaptability (Section 7.0)
- Recreation, Leisure and Parks (Section 8.0)
10.6.2 Category
This development permit area is designated pursuant to s.919.1 (1)(e), (h), (i), and (j) of the LGA.

  e) Establishment of objectives for the form and character of intensive residential development
  h) Establishment of objectives to promote energy conservation
  i) Establishment of objectives to promote water conservation
  j) Establishment of objectives to promote the reduction of greenhouse gas emissions

10.6.3 Exemptions

  12) A Development permit is not required in the following circumstances:
      d. Farm Operations as defined under the *Farm Practices Protection (Right to Farm) Act* on properties with Farm Status pursuant to the *BC Assessment Act* where such activity is carried on in accordance with normal farm practices as defined under that Act
      e. Forestry activities in accordance with the *Forest Act* or *Private Managed Forest Land Act* and subsequent legislation that are not subject to regulation under the LGA
      f. Mining activities in accordance with the *Mines Act* and subsequent legislation that are not subject to regulation under the LGA
      g. Hydroelectric facilities licensed by the Province
      h. Construction involving a building floor area of 10.0 square metres or less (does not include additions to existing dwelling(s))
      i. Internal alterations to a building or structure
      j. Erection of fences 2.0 metres or less in height
      k. Stream enhancement and fish and wildlife habitat restoration works that are approved by the provincial ministry responsible for the environment and the federal department responsible for fisheries and oceans where notification is given to the Village
      l. In-stream work as approved by Section 9 of the *Water Act*, or subsequent legislation
      m. Riparian planting of native vegetation.
      n. Public infrastructure works undertaken by the Village or their agents, and where such necessary works have been approved by senior government agencies
      o. Subdivision
      p. For the addition or alteration of a principal building, where the proposed construction is located within an interior side or rear yard
      q. For the construction, alteration, renovation or demolition of single-family dwellings and associated landscaping
      r. For the construction, alteration, renovation or demolition of duplex dwellings and associated landscaping
      s. For the construction, alteration, renovation or demolition of single-family dwellings with a secondary suite and associated landscaping

10.6.4 Designated Areas
The areas shown on *Error! Reference source not found.* are designated as Development Permit Area No. 6.
DPA#6 Residential Infill Development Permit Guidelines

10.6 Guidelines for Ground Oriented Housing

13) Site Design

  t. The Village will work with the principles of Crime Prevention Through Environmental Design (CPTED) in the consideration site design and landscaping.
  u. Site Design should consider the preservation of natural site features.
  v. Site design should consider the preservation and enhancement of view corridors to open areas and viewscapes.
  w. The use of rear lane access to garages and surface parking is encouraged.

14) Landscaping

  x. All landscaping should be irrigated by means of an automated system.
  y. All waste disposal and recycling bins shall be screened on three sides within a solid walled animal-proof enclosure.
  z. Building footprints should be located to create opportunities for courtyards, or garden patio areas with appropriate site furniture and lighting.
  aa. The appearance of the both the buildings and the site landscaping should have a strong emphasis toward public street views, incorporating a concept that emphasizes the public realm.
  bb. Landscape plans will be provided at the developer’s expense, which have been prepared by landscape professional utilizing plants appropriate to the growing conditions. The plan shall include a complete plant list and cost estimate. A performance security will be required before the Permit is issued.
  cc. A landscape plan should be prepared, with the broad objectives of providing:
     i. Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties;
     ii. Effective vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces.

15) Accessibility

  dd. Accessibility features shall be integrated into the overall design concept and identified on the site plans.
  ee. Accessible travel routes shall be provided from adjacent roadways and parking areas to the main building entry and shall incorporate barrier-free universal design principles.
  ff. Accessible travel routes shall be of a hard, slip-resistant surface with a minimum width per requirements of the most current edition of the British Columbia Building Code (BCBC).
gg. Accessible travel routes shall conform to the requirements of the most current edition of the BCBC.

16) Building Form and Character

hh. Buildings shall be sited to ensure that any adjacent residential properties have visual privacy, as well as protection from site illumination and noise.

ii. All buildings and expansions thereto, storage, and parking shall be designed to be compatible with surrounding land uses and the major roads fronting the property.

jj. The use of smooth surfaced, wood, concrete board, acrylic stucco, brick, baked enamel-finished metal siding, or metal panels are encouraged.

kk. The use of untreated or unfinished concrete, metal, vinyl siding as a final building finish is prohibited.

ll. Rooftop mechanical equipment shall be hidden behind screens or parapets designed as an integral part of a building to conceal such equipment.

mm. Building design should include a variety of architectural design treatments, including articulated building footprints to reduce massing and to promote architectural definition and interest.

nn. Building massing shall consider the preservation or enhancement of view corridors to open areas and mountain vistas.

oo. Building massing should respond to a human scale with materials and details that are proportionate to human height and provide visual interest at the street and sidewalk level.

pp. Minimize impacts of decks and balconies on adjacent properties.

qq. The civic addressing must be visible from the primary street frontage.

rr. Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2 metres in width that links the unit to a public street or lane.

ss. New Buildings should:

i. Create visual interest by providing variations in height, rooflines and massing;

ii. Avoid building plans that are repetitive.

tt. Large blank walls should not dominate the buildings and where windows/dormers/bays are not possible; landscaping should be used to mitigate the blank walls.

uu. The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes.

vv. Large windows should not face directly onto adjacent properties.

ww. Main entrances for all dwellings shall be located at ground level and should be prominent to the street.

17) Lighting

Natural cycles of day and night lighting are important for human health, the natural environment, astrophysical endeavors, and the conservation of energy. To minimize these impacts, outdoor lighting should be regulated to control both the quantity and quality of night lighting.

xx. All site lighting installations should be fully shielded (full cutoff).
yy. Light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

zz. Security and other lighting should be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

aaa. Exterior building lighting should generally be concealed in soffits or other similar architectural features.

bbb. Lamp poles and luminaries used for site area lighting should be complementary to the form and character of adjacent sites and Village streetlighting standards.

ccc. There should be sufficient on-site illumination for pedestrian/vehicle safety. Illumination should not encroach onto adjacent properties.

ddd. Adhering to the principles of Crime Prevention through Environmental Design Principles (CPTED), lighting for pedestrian pathways, building entrances and parking areas should be designed at a human scale (i.e., low level bollards) and address pedestrian safety.

18) Access, Parking, & Amenity Areas

Large surface parking areas may be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted, landscaped areas.

eee. Parking areas shall clearly identify pedestrian circulation areas, preferably with different paving and landscaping treatment.

fff. Parking areas should be surfaced with a paving treatment (including: pervious paving, cellular paving and concrete unit pavers). Parking aisles shall provide a hard travel surface.

ggg. Developers are encouraged to use permeable surface treatments for roadways, parking areas and other surfaced areas within a development, where appropriate.

hhh. Building entrances should be prominent and clearly visible from access driveways.

iii. Site designs should include provisions for multi-modal transportation.

jjj. All parking requirements for the development shall be met on-site.

kkk. Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. “Temporary” storage or parking areas are not permitted.

lll. An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area.

mmm. The amenity area should not be narrower than 2.5 metres and most not be less than 10.0 metres² in area.


nnn. Building design should include passive heating, lighting and cooling design features.

ooo. Landscaping and building design should consider the incorporation of natural daylight and seasonal shade needs.

ppp. Building orientation should, where practical, be designed to optimize the benefits of solar orientation.

qqq. Building design should incorporate solar ready features.
Sheltered and secure bicycle parking shall be provided to a level that is consistent with the proposed use.

Electric Vehicle Plug-ins should be provided for new developments.

All buildings shall be designed and engineered to be solar ready.

Adaptive reuse of buildings and on-site materials is encouraged, where permitted within the BC Building Code and under relevant legislation.

20) **Water Conservation**

Development projects should incorporate rainfall capture systems for irrigation where feasible.

Development projects should minimize impervious areas and incorporate on-site integrated stormwater management solutions that maintain pre-development infiltration rates and site hydrology.

Landscape planting should be designed to reduce water consumption through the use of native and drought-tolerant plant species suitable for the growing area.

Landscaped areas should be watered by an automatic irrigation system, complete with an automated ‘smart’ controller.

High water use turf, sod and lawn are discouraged.

21) **Stormwater**

A stormwater management plan shall be required as prepared by a registered professional engineer that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season.

Stormwater management shall follow source control (on-site) principles and practices and minimize the use of conventional pipe and pond techniques, and avoid direct discharges to streams and other waterbodies.

Stormwater management shall take advantage of on-site opportunities to recycle water to absorbent soils, wetlands, and forests.

22) **Soil Erosion and Sediment Control**

A Sediment and Erosion Control Plan shall be prepared by a registered profession for the construction and operational phases of the development

10.6.6 **Specific Guidelines for Coach Houses**

A landscape plan should be prepared, with the broad objectives of providing:

Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties

Low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces

Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. “Temporary” storage or parking areas are not permitted.
25) An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area.

26) The amenity area should not be narrower than 2.5metres and must not be less than 10.0square metres in area.

27) Minimize impacts of decks and balconies on adjacent properties.

28) The civic addressing must be visible from the primary street frontage.

29) Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2metres in width that links the unit to a public street or lane.

30) New Buildings should:

ffff. Create visual interest by providing variations in height, rooflines and massing

31) Large blank walls should not dominate the buildings and where windows/dormers/bays are not possible; landscaping should be used to mitigate the blank walls.

32) The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes.

33) The use of vinyl siding is discouraged.

34) Large windows should not face directly onto adjacent properties.

35) The design and siting of buildings should:

hhhh. Be sensitive to the scale, mass and form of adjacent buildings

iii. Use building materials that reflect the character of the principal dwelling unit

jjjj. Not overlook and shadow adjacent properties

kkkk. Utilize all habitable space opportunities such as building into the truss system of the unit
# Summary of Comments Received at Neighbourhood Meeting

<table>
<thead>
<tr>
<th></th>
<th>Neighbourhood meeting held in regards to:</th>
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<tr>
<td>1.</td>
<td>Development application for 2728 Derwent Ave.</td>
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<td>Sunday Feb 12th 2017 10Am.</td>
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<td>Newspaper (attach tear sheet)</td>
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<th>Summarize the comments received</th>
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<td>6.</td>
<td>The one attendee was very supportive of our plan. While delivering our notices we were very well supported by the neighbors we spoke to, and had no negative comments. Our feeling is the community supports infill</td>
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<th>Attach copies of written comments received</th>
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Signature of Applicant or Agent certified that the information it accurate and complete.
Invitation to Neighborhood Meeting

To review a proposed Development Permit to construct an accessory dwelling unit on property at 2728 Denwent Avenue, Cumberland B.C.

The meeting will be held on Sunday, February 12th at 10 A.M. at the home of the applicant at 2728 Denwent Avenue in Cumberland B.C.

Pre-Arrange your Prices with our "Proof Plan"
34-0707

value in funeral and cremation services
February 12, 2017

To: Blayne Prowse, Andrea Thornton, Dwight Prowse

Re: Development Application for 2728 Derwent Avenue

Thank you for the invitation to a neighbourhood meeting today to discuss your application to build a carriage house on the above property.

I support this application as I feel it is consistent with the intent of our Official Community Plan and associated Zoning Bylaw which designates our neighbourhood as R-1A, Residential Infill.

I wish you well in pursuing this and look forward to hearing that your application was successful.
TO: Blayne Prowse and Dwight Prowse

OF: PO Box 806, Cumberland, BC V0R 1S0

1. This Development Variance Permit (2017-02-DP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this permit for the purposes of constructing a new Accessory Dwelling Unit on the subject property.

2. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

   **Legal Description:** Lot A, District Lot 21, Nelson District, Plan 35967
   **Folio:** 516 00394.148
   **PID:** 000-368-148
   **Civic Address:** 2728 Derwent Avenue

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit:

   a) **Site Design**
      
      The siting be substantially in conformance with the attached Schedule A.

   b) **Landscaping**
      
      Landscape plans will be provided at the Owner’s expense, which have been prepared by a landscape professional utilizing plants appropriate to the growing conditions. The plan shall include a complete plant list and cost estimate. The plan shall cover the broad objectives of providing:
      
      i) Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants and uses of adjacent properties;
      
      ii) Irrigation by an automated system.
      
      iii) A solid walled animal-proof enclosure for waste disposal and recycling bins.
c) **Accessibility**
Accessibility features be integrated into the overall design concept and identified on the site plans, such as but not limited to barrier-free universal design principles and travel routes a hard, slip-resistant surface with a minimum width per the BC Building Code.

d) **Building Form and Character**
   i) The ADU be constructed substantially in compliance with the attached Schedule B.

e) **Lighting**
   i) Lights should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
   ii) Exterior building lighting should generally be concealed in soffits or other similar architectural features.
   iii) All residential lighting shall be should be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.
   iv) No lamp poles and luminaries used for site area lighting shall be permitted.

f) **Access, Parking, & Amenity Areas**
   i) The civic address for the ADU must be visible from the primary street frontage.
   ii) At least one parking space must be provided on site for the use of the ADU in accordance with the requirements of the Zoning Bylaw No. 1027, 2016.
   iii) The ADU shall be provided with a dedicated, unobstructed, hard surfaced path, not less than 1.2 metres in width that links the unit to a public street.
   iv) The outside amenity area as shown in the form of a yard/garden on the drawing Schedule B, must be no narrower than 2.5 metres and not be less than 10.0 metres² in area. This area shall be fenced or screened from the adjacent lane.

g) **Energy Conservation & Reduction of Greenhouse Gas Emissions**
   i) The buildings shall be designed and engineered to be solar ready.
   ii) The owner is encouraged to include the following in construction of the ADU:
       1) Sheltered and secure bicycle parking shall be provided to a level that is consistent with the proposed use.
       2) Electric Vehicle Plug-ins shall be provided for new developments.
h) **Water Conservation**

The Owner is encouraged to

i) Incorporate rainfall capture systems for irrigation where feasible;

ii) Minimize impervious areas and incorporate on-site integrated stormwater management solutions that maintain pre-development infiltration rates and site hydrology;

iii) Use native and drought-tolerant plant species suitable for the growing area in landscaping;

iv) Water by an automatic irrigation system, complete with an automated ‘smart’ controller; and

v) Not use high water use turf, sod and lawn.

i) **Stormwater**

i) A stormwater management plan shall be required as prepared by a registered professional engineer that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season.

ii) Stormwater management shall follow source control (on-site) principles and practices and minimize the use of conventional pipe and pond techniques, and avoid direct discharges to streams and other waterbodies.

iii) Stormwater management shall take advantage of on-site opportunities to recycle water to absorbent soils, wetlands, and forests.

4. **Security**

The Owner shall provide a security by letter of credit or in a form acceptable to the Village for **Landscaping**: This security is to provide the means by which Council can carry out the landscaping works if the Owner does not complete the approved Landscape Plan, as follows:

a) The amount shall be 120% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.

b) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.

c) The remaining 25% will be held back for one year at which time the Owner will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Owner per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.
5. **Expiry**
   Subject to the terms of the permit, if the Owner of this Development Permit does not substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses.

6. **Timing and Sequencing of Development**
   None

7. **List of Reports or Plans attached as Schedules**
   Schedule A – Site Plan
   Schedule B – Building Exteriors

8. **Contaminated Sites Regulation**
   This permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a “Site Declaration” for the subject property.

9. This Permit is **not** a Building Permit.

**CERTIFIED** as the **DEVELOPMENT VARIANCE PERMIT** granted by resolution of the Council of the Corporation of the Village of Cumberland on the ____ day of _____, 2017 and issued on the ____ day of _____, 2017. *(the Council grants the permit, and senior staff shall issue the permit when all the conditions have been met. *(such as the landscaping security, etc)*

__________________________
Corporate Officer
**Schedule A - Site Drawing**

**Lot Coverage Area:**
- SFD: 118.16m² (1,271.86ft²)
- ADU: 37.2m² (400.0ft²)
- Total: 155.03m² (1,668.73ft²)

**Lot Coverage Percentage:**
- 26.7%
- Permitted: 35%

**ADU Percentage of House:**
- 31.5%
- Permitted: 75%
Schedule B – Building Exteriors

Approximate exterior of carriage home
20x20' footprint
400 sq feet

Additional Information provided by the Applicant

Carriage House for 2728 Derwent.

As noted in the application this is some additional information for the carriage house we hope to build in the spring of 2017.

This carriage house will be for my elderly father. It will be slab on grade and built with accessibility in mind. There will be no stairs into the home. If the builder decides that we need to build with a crawlspace and the entry is elevated, the home will be accessed by a ramp.

The home will be finished with Hardie plank siding in a horizontal lap configuration. It will be painted Grand Canyon Tan (see included paint chip) or close match color. Window and door trim will be natural cedar. The metal roof and all associated flashings will be Metro brown color to match the roof color of the main home.

A parking stall will be provided in the back off the alley for the mild months and a space in the front of the home accessible for the winter. The necessary setbacks and access for fire fighters will be maintained.

Amenity space will be provided in the back yard as per the development permit as a gravel sitting area, where the tenant could potentially have garden space. The amenity space will be greater than that required in the development permit.
REPORT DATE: March 2, 2017  
MEETING DATE: March 7, 2017

TO: Chair and Members  
FROM: Joanne Rees, Planner  
SUBJECT: Residential Infill Development Permit – 2799A&B Derwent Avenue

OWNERS: Gerry and Jaye Mathieu  
FOLIO NO.: 516 00329.000  
PID: 008-929-840  
File No.: 2017-03-DP  
LEGAL: Lot 9, Block 23, District Lot 21, Nelson District, Plan 522C  
CIVIC ADDRESS: 2799A&B Derwent Avenue  
OCP DESIGNATION: Residential  
ZONE: Residential One A (R-1A)

RECOMMENDATION


iv) THAT the Advisory Planning Commission recommends that Council grant the application (2017-03-DP) for a Residential Infill Development Permit on property described as Lot 9, Block 23, District Lot 21, Nelson District, Plan 522C (2799A&B Derwent Avenue) substantially in compliance with the attached draft Development Permit.

SUMMARY

An application has been received for the above noted property to permit the construction of a two storey 89.2 metre² (960.0 foot²) Accessory Dwelling Unit.

BACKGROUND

The subject property is within Development Permit Area No. 6 being the “Residential Infill Development Permit Area”. Residential infill development is intended to build density in mature residential areas located within a short walk of the downtown core. The creation of additional density may impact the privacy of adjacent landowners and the established neighbourhood character of these areas. Generally, residential neighbourhoods in the Village enjoy the privacy and aesthetic benefits of modestly scaled character homes surrounded by well-established tree cover and landscaping. New infill developments are encouraged to maintain and enhance these intrinsic characteristics.

It is the objective of the Village to guide the integration of new housing into established residential neighbourhoods and to promote quality residential environments that maintain desirable relationships to their surrounding context. It is also a Village objective to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions.
DPA#6 – Residential Infill Development Permit
This Development Permit (DP) applies to all the areas in the Village within the Residential One A (R-1A) zone for new Accessory Dwelling Units. The DPA cites two sections of guidelines:

- 10.6.5 Guidelines for Ground Oriented Housing (entire guidelines attached); and
- 10.6.6 Specific Guidelines for Coach Houses (now called Accessory Dwelling Units)

10.6.5 Guidelines for Ground Oriented Housing
The Guidelines for Ground Oriented Housing are meant to cover a variety of housing types including multi-family developments and as such, not all of the guidelines are applicable. In addition to all of the Specific Guidelines for Coach Houses, the following guidelines are considered applicable. All applicable guidelines are incorporated into the Development Permit.

1. Site Design
   The subject property is within the “mature” part of the Village, where 2.0metre high fences surrounding each lot are the norm. Each lot backs onto a lane, 3.0metre (10foot) wide lane that is grass tracks which would be navigable in dry weather. The lane is not maintained by the Village. Back yards in the neighbourhood contain sheds and mature trees. There is a small shed at the rear right hand corner of the property that will be removed prior to construction of the ADU.

   Staff Assessment
   The siting as proposed on the attached drawing meets the intent of the Development Permit guidelines.

2. Landscaping
   Covered in Specific Guidelines
   Staff Assessment
   Landscape plan is required. No information has been provided.

3. Accessibility
   The DPA requires that accessibility features be integrated into the overall design concept and identified on the site plans, such as but not limited to, barrier-free universal design principles and travel routes a hard, slip-resistant surface with a minimum width per the BC Building Code.

   Staff Assessment
   Required as a condition of DP. No information provided.

4. Building Form and Character
   This section of the DPA addresses aesthetics, exterior materials, building massing and impacts on adjacent neighbours.
The Owner proposes to side the building in hardiplank painted in the same colours and trim as the existing single family dwelling.
The new building will be two story shed roof style with the main living area on the ground floor and two bedrooms on the upper floor. The second story windows will face to the rear (lane) where the nearest affected neighbours have a screen of mature trees at the rear of their lot.

**Staff Assessment**
Covered in Specific Guidelines. As this large blank wall is facing to the front, toward the main house, staff surmises that having no windows on this side significantly reduces the risk of losing privacy. For the large blank wall on the right side of the proposed building, landscaping is required unless the mature tree(s) on the property provide some screening.

5. **Lighting**
All exterior lighting should follow the DarkSky.org principles of keeping the light where it is needed and not on adjacent neighbours. While Adhering to the principles of Crime Prevention through Environmental Design Principles (CPTED), lighting this can be achieved by insuring that all lighting on buildings be fully-shielded, concealed in soffits and placed where said lighting does not shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

**Staff Assessment**
Required as a condition of DP. No information provided.
8. **Access, Parking, & Amenity Areas**

   This section requires that the requirements for parking, which are contained in the recently adopted Zoning Bylaw No. 1027, 2016, are met on-site. For a single family dwelling, and ADU and a secondary suite in this zone the minimum requirement is for 3 spaces at a length of 5.4metres and width of 2.5metres. The bylaw allows for up to two of these spaces to be “tandem”.

   The ADU shall be provided with a dedicated, unobstructed, hard surfaced path, not less than 1.2metres in width that links the unit to a public street.

   The DPA requires that an outside amenity area for the ADU is provided in the form of a deck, dedicated yard, garden or similar feature. The amenity area should not be narrower than 2.5metres and must not be less than 10.0metres² in area.

   **Staff Assessment**

   This proposal shows a driveway and parking spaces off Derwent Avenue for the house and the secondary suite. A onsite parking space must be provided for the ADU and indicated on the landscape plan.

   The amenity area is proposed to be located to the rear of the ADU, adjacent to the lane.

   The area must be fenced (or otherwise screened) to keep this area “private” for the residents to meet the requirement. Required to be included in the landscape plan.


   This DPA speaks of many voluntary design features which include passive heating, lighting and cooling design features, natural daylight and seasonal shade needs and taking advantage of orientation towards or away from the sun. Building design to incorporate solar ready features and electric vehicle plug-in should be provided.

   **Staff Assessment**

   Some of these have been realized in the design, as the ADU has no windows on the north side, and the windows which face south will be screened somewhat by the neighbours trees to provide solar gain in the winter and shade in the summer (assume trees are deciduous-owner to confirm). The building design incorporating solar-ready features and an electric vehicle plug-in will be required in DP.

8. **Water Conservation**

   This section promotes water conservation through voluntary guidelines such as rainfall capture (and reuse), minimizing impervious surfaces, and using native and drought-tolerant plant species for landscaping.

   **Staff Assessment**

   DP includes encouragement of these features.
9. **Stormwater**
Management of rainwater from impervious surfaces is a critical feature in today's developments.

**Staff Assessment**
The DPA requires a Stormwater Management Plan from a professional engineer in order to best control post-development flows off the subject property.

11. **Soil Erosion and Sediment Control**
A Sediment and Erosion Control Plan shall be prepared by a registered profession for the construction and operational phases of the development.

**Staff Assessment**
The subject property has a very slight decline towards the rear of the property. If excavation work is done using the lane as access during a dry time, sediment control will not be an issue. Staff recommends that a professional report not be required in this case.

10.6.6 **Specific Guidelines for Coach Houses**
The following are the specific guidelines to apply to ADU’s and are incorporated in the DP as conditions of the permit.

<table>
<thead>
<tr>
<th>Specific Guidelines for Coach Houses (Accessory Dwelling Units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) A landscape plan should be prepared, with the broad objectives of providing:</td>
</tr>
<tr>
<td>i) Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties;</td>
</tr>
<tr>
<td>ii) Low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces.</td>
</tr>
<tr>
<td>b) Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. “temporary” storage or parking areas are not permitted.</td>
</tr>
<tr>
<td>c) An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area.</td>
</tr>
<tr>
<td>d) The amenity area should not be narrower than 2.5metres and must not be less than 10.0metres² in area.</td>
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<td>i)</td>
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<td>ii)</td>
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<tr>
<td>iii)</td>
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<tr>
<td>iv)</td>
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</tbody>
</table>
CITIZEN/PUBLIC RELATIONS IMPLICATIONS
The applicants are required to place a sign on-site, advertise and hold a public meeting. At the time of writing this report, the applicant has not forwarded this information.

CONCURRENCE
Rob Crisfield, Manager of Operations

OPTIONS
x) Recommend Granting the Permit as presented
xi) Recommend Grant the Permit with amendments.
xii) Recommend denying the Permit (must give reasons).
xiii) Any other action deemed appropriate by the APC.

Respectfully submitted,

__________________________
Joanne Rees
Planner

__________________________
Sundance Topham
Chief Administrative Officer
10.6  DPA 6 - Residential INFILL

10.6.1 Justification
This Development Permit Area designation is warranted to promote a high standard of design in ground oriented medium density housing projects. Medium density is intended to include primarily single and two-family dwellings in a more compact arrangement with densities ranging from 25 to 37 units per hectare (10 to 15 units per acre). The renovation of heritage homes to include multiple rental suites is also envisioned within this area. Typical ground oriented medium density development includes the following applications:

- Narrow lot single family dwellings
- Single Family with accessory dwelling unit (garage apartment, coach house, laneway house)
- Duplex dwelling units
- Townhouse dwelling units
- Rowhouse dwelling units

Residential infill development is intended to build density in mature residential areas located within a short walk of the downtown core. The creation of additional density may impact the privacy of adjacent landowners and the established neighbourhood character of these areas. Generally, residential neighbourhoods in the Village enjoy the privacy and aesthetic benefits of modestly scaled character homes surrounded by well-established tree cover and landscaping. New infill developments are encouraged to maintain and enhance these intrinsic characteristics.

It is the objective of the Village to guide the integration of new housing into established residential neighbourhoods and to promote quality residential environments that maintain desirable relationships to their surrounding context.

It is also the objective of the Village to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions.

This Residential Infill Development Permit Area supports the goals, objectives and policies of this OCP, including but not limited to the following relevant sections of the OCP:

- Growth Management (Section 5.0)
- Environmentally Sensitive Areas (Section 7.0)
- Views and Landscape Character (Section 7.0)
- Climate Change and Adaptability (Section 7.0)
- Recreation, Leisure and Parks (Section 8.0)
10.6.2 Category
This development permit area is designated pursuant to s.919.1 (1)(e), (h), (i), and (j) of the LGA.

- Establishment of objectives for the form and character of intensive residential development
- Establishment of objectives to promote energy conservation
- Establishment of objectives to promote water conservation
- Establishment of objectives to promote the reduction of greenhouse gas emissions

10.6.3 Exemptions

36) A Development permit is not required in the following circumstances:

- Farm Operations as defined under the Farm Practices Protection (Right to Farm) Act on properties with Farm Status pursuant to the BC Assessment Act where such activity is carried on in accordance with normal farm practices as defined under that Act
- Forestry activities in accordance with the Forest Act or Private Managed Forest Land Act and subsequent legislation that are not subject to regulation under the LGA
- Mining activities in accordance with the Mines Act and subsequent legislation that are not subject to regulation under the LGA
- Hydroelectric facilities licensed by the Province
- Construction involving a building floor area of 10.0 square metres or less (does not include additions to existing dwelling(s))
- Internal alterations to a building or structure
- Erection of fences 2.0 metres or less in height
- Stream enhancement and fish and wildlife habitat restoration works that are approved by the provincial ministry responsible for the environment and the federal department responsible for fisheries and oceans where notification is given to the Village
- In-stream work as approved by Section 9 of the Water Act, or subsequent legislation
- Riparian planting of native vegetation.
- Public infrastructure works undertaken by the Village or their agents, and where such necessary works have been approved by senior government agencies
- Subdivision
- For the addition or alteration of a principal building, where the proposed construction is located within an interior side or rear yard
- For the construction, alteration, renovation or demolition of single-family dwellings and associated landscaping
- For the construction, alteration, renovation or demolition of duplex dwellings and associated landscaping
- For the construction, alteration, renovation or demolition of single-family dwellings with a secondary suite and associated landscaping

10.6.4 Designated Areas
The areas shown on Error! Reference source not found. are designated as Development Permit Area No. 6.
DPA#6 Residential Infill Development Permit Guidelines

11.6.5 Guidelines for Ground Oriented Housing

37) Site Design

bbbbb. The Village will work with the principles of Crime Prevention Through Environmental Design (CPTED) in the consideration site design and landscaping.

cccc. Site Design should consider the preservation of natural site features.

dddddd. Site design should consider the preservation and enhancement of view corridors to open areas and viewscapes.

eeeee. The use of rear lane access to garages and surface parking is encouraged.

38) Landscaping

fffff. All landscaping should be irrigated by means of an automated system.

ggggg. All waste disposal and recycling bins shall be screened on three sides within a solid walled animal-proof enclosure.

hhhhh. Building footprints should be located to create opportunities for courtyards, or garden patio areas with appropriate site furniture and lighting.

iiiii. The appearance of the both the buildings and the site landscaping should have a strong emphasis toward public street views, incorporating a concept that emphasizes the public realm.

jjjjj. Landscape plans will be provided at the developer’s expense, which have been prepared by landscape professional utilizing plants appropriate to the growing conditions. The plan shall include a complete plant list and cost estimate. A performance security will be required before the Permit is issued.

kkkkk. A landscape plan should be prepared, with the broad objectives of providing:

i. Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties;

ii. Effective vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces.

39) Accessibility

lllll. Accessibility features shall be integrated into the overall design concept and identified on the site plans.

mmmmm. Accessible travel routes shall be provided from adjacent roadways and parking areas to the main building entry and shall incorporate barrier-free universal design principles.

nnnnn. Accessible travel routes shall be of a hard, slip-resistant surface with a minimum width per requirements of the most current edition of the British Columbia Building Code (BCBC).

ooooo. Accessible travel routes shall conform to the requirements of the most current edition of the BCBC.
Building Form and Character

ppppp. Buildings shall be sited to ensure that any adjacent residential properties have visual privacy, as well as protection from site illumination and noise.

qqqqq. All buildings and expansions thereto, storage, and parking shall be designed to be compatible with surrounding land uses and the major roads fronting the property.

rrrrr. The use of smooth surfaced, wood, concrete board, acrylic stucco, brick, baked enamel-finished metal siding, or metal panels are encouraged.

sssss. The use of untreated or unfinished concrete, metal, vinyl siding as a final building finish is prohibited.

ttttt. Rooftop mechanical equipment shall be hidden behind screens or parapets designed as an integral part of a building to conceal such equipment.

uuuuu. Building design should include a variety of architectural design treatments, including articulated building footprints to reduce massing and to promote architectural definition and interest.

vvvvv. Building massing shall consider the preservation or enhancement of view corridors to open areas and mountain vistas.

wwwww. Building massing should respond to a human scale with materials and details that are proportionate to human height and provide visual interest at the street and sidewalk level.

xxxx. Minimize impacts of decks and balconies on adjacent properties.

yyyyy. The civic addressing must be visible from the primary street frontage.

zzzzz. Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2metres in width that links the unit to a public street or lane.

aaaaaa. New Buildings should:
   i. Create visual interest by providing variations in height, rooflines and massing;
   ii. Avoid building plans that are repetitive.

bbbbbb. Large blank walls should not dominate the buildings and where windows/dormers/bays are not possible; landscaping should be used to mitigate the blank walls.

cccc. The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes.

dddd. Large windows should not face directly onto adjacent properties.

eee. Main entrances for all dwellings shall be located at ground level and should be prominent to the street.

Lighting

Natural cycles of day and night lighting are important for human health, the natural environment, astrophysical endeavors, and the conservation of energy. To minimize these
impacts, outdoor lighting should be regulated to control both the quantity and quality of night lighting.

ffffff. All site lighting installations should be fully shielded (full cutoff).

gggggg. Light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

hhhhhh. Security and other lighting should be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

iiiiii. Exterior building lighting should generally be concealed in soffits or other similar architectural features.

jjjjjj. Lamp poles and luminaries used for site area lighting should be complementary to the form and character of adjacent sites and Village streetlighting standards.

kkkkkk. There should be sufficient on-site illumination for pedestrian/vehicle safety. Illumination should not encroach onto adjacent properties.

llllll. Adhering to the principles of Crime Prevention through Environmental Design Principles (CPTED), lighting for pedestrian pathways, building entrances and parking areas should be designed at a human scale (i.e., low level bollards) and address pedestrian safety.

42) Access, Parking, & Amenity Areas

Large surface parking areas may be broken down into smaller parking lots evenly dispersed throughout the development and integrated with planted, landscaped areas.

mmmmmm. Parking areas shall clearly identify pedestrian circulation areas, preferably with different paving and landscaping treatment.

nnnnnn. Parking areas should be surfaced with a paving treatment (including: pervious paving, cellular paving and concrete unit pavers). Parking aisles shall provide a hard travel surface.

oooooo. Developers are encouraged to use permeable surface treatments for roadways, parking areas and other surfaced areas within a development, where appropriate.

pppppp. Building entrances should be prominent and clearly visible from access driveways.

qqqqqq. Site designs should include provisions for multi-modal transportation.

rrrrrr. All parking requirements for the development shall be met on-site.

ssssss. Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. “Temporary” storage or parking areas are not permitted.

tttttt. An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area.

uuuuuu. The amenity area should not be narrower than 2.5metres and most not be less than 10.0metres² in area.
43) **Energy Conservation & Reduction of Greenhouse Gas Emissions**

vvvvv. Building design should include passive heating, lighting and cooling design features.

wwwwww. Landscaping and building design should consider the incorporation of natural daylight and seasonal shade needs.

xxxxxx. Building orientation should, where practical, be designed to optimize the benefits of solar orientation.

yyyyyy. Building design should incorporate solar ready features.

zzzzzz. Sheltered and secure bicycle parking shall be provided to a level that is consistent with the proposed use.

aaaaaa. Electric Vehicle Plug-ins should be provided for new developments.

bbbbbb. All buildings shall be designed and engineered to be solar ready.

ccccccc. Adaptive reuse of buildings and on-site materials is encouraged, where permitted within the BC Building Code and under relevant legislation.

44) **Water Conservation**

dddddd. Development projects should incorporate rainfall capture systems for irrigation where feasible.

eeeeee. Development projects should minimize impervious areas and incorporate on-site integrated stormwater management solutions that maintain pre-development infiltration rates and site hydrology.

fffff. Landscape planting should be designed to reduce water consumption through the use of native and drought-tolerant plant species suitable for the growing area.

ggggg. Landscaped areas should be watered by an automatic irrigation system, complete with an automated ‘smart’ controller.

hhhhh. High water use turf, sod and lawn are discouraged.

45) **Stormwater**

iiiiii. A stormwater management plan shall be required as prepared by a registered professional engineer that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season.

jjjjjjj. Stormwater management shall follow source control (on-site) principles and practices and minimize the use of conventional pipe and pond techniques, and avoid direct discharges to streams and other waterbodies.

kkkkkkk. Stormwater management shall take advantage of on-site opportunities to recycle water to absorbent soils, wetlands, and forests.

46) **Soil Erosion and Sediment Control**

A Sediment and Erosion Control Plan shall be prepared by a registered profession for the construction and operational phases of the development
Specific Guidelines for Coach Houses

47) A landscape plan should be prepared, with the broad objectives of providing:

- Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties.
- Low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces.

48) Parking areas for all recreational vehicles, trailers and boats, including commercial or industrial vehicles (if permitted by bylaw), should be located behind the front face of the primary dwelling unit. “Temporary” storage or parking areas are not permitted.

49) An outside amenity area should be provided in the form of a deck, dedicated yard, garden or similar feature. A parking area does not qualify as an outside amenity area.

50) The amenity area should not be narrower than 2.5 metres and must not be less than 10.0 square metres in area.

51) Minimize impacts of decks and balconies on adjacent properties.

52) The civic addressing must be visible from the primary street frontage.

53) Each dwelling unit should have a dedicated, unobstructed, hard surfaced path, not be less than 1.2 metres in width that links the unit to a public street or lane.

54) New Buildings should:

- Create visual interest by providing variations in height, rooflines and massing.
- Avoid building plans that are repetitive.

55) Large blank walls should not dominate the buildings and where windows/dormers/bays are not possible; landscaping should be used to mitigate the blank walls.

56) The garage should not be visually prominent, mitigated through the use of staggered setbacks, and varied orientation, materials, scale, and finishes.

57) The use of vinyl siding is discouraged.

58) Large windows should not face directly onto adjacent properties.

59) The design and siting of buildings should:

- Be sensitive to the scale, mass and form of adjacent buildings.
- Use building materials that reflect the character of the principal dwelling unit.
- Not overlook and shadow adjacent properties.
- Utilize all habitable space opportunities such as building into the truss system of the unit.
TO: Gerry and Jay Mathieu

OF: 3351 Mill Street, Cumberland, BC V0R 1S0

4. This Development Variance Permit (2017-03-DP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this permit for the purposes of building an Accessory Dwelling Unit on the subject property.

5. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

   Legal Description: Lot 9, Block 23, District Lot 21, Nelson District, Plan 522C
   Folio: 51600329.000
   PID: 008-929-840
   Civic Address: 2799 Derwent Avenue

6. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit:

   a) Site Design
      The siting be substantially in conformance with the attached Schedule A.

   j) Landscaping
      Landscape plans will be provided at the Owner’s expense, which have been prepared by a landscape professional utilizing plants appropriate to the growing conditions. The plan shall include a complete plant list and cost estimate. The plan shall cover the broad objectives of providing:

      j) Vegetative screening on private lots to protect the privacy and to mitigate noise between occupants of adjacent properties;

      v) Low height vegetation between adjacent driveways on private lots to mitigate the visual impact of paved surfaces where there is no fence in place.

      vi) Irrigation by an automated system.

      i) Retention of the existing mature trees on the property

      ii) A solid walled animal-proof enclosure for waste disposal and recycling bins.

   k) Accessibility
Accessibility features be integrated into the overall design concept and identified on the site plans, such as but not limited to barrier-free universal design principles and travel routes a hard, slip-resistant surface with a minimum width per the BC Building Code.

l) Building Form and Character
   i) The ADU be constructed substantially in compliance with the attached Schedule B
   ii) Exterior siding be hardiplank painted dark green with cedar trim to match the existing single family dwelling.

m) Lighting
   v) Lights should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
   vi) Exterior building lighting should generally be concealed in soffits or other similar architectural features.
   vii) All residential lighting shall be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.
   viii) No lamp poles and luminaries used for site area lighting shall be permitted.

n) Access, Parking, & Amenity Areas
   v) The civic address for the ADU must be visible from the primary street frontage.
   vi) At least one parking space must be provided on site for the use of the ADU in accordance with the requirements of the Zoning Bylaw No. 1027, 2016.
   vii) The ADU shall be provided with a dedicated, unobstructed, hard surfaced path, not less than 1.2 metres in width that links the unit to a public street.
   viii) The outside amenity area as shown in the form of a yard/garden on the drawing Schedule B, must be no narrower than 2.5 metres and not be less than 10.0 metres² in area. This area shall be fenced or screened from the adjacent lane.

o) Energy Conservation & Reduction of Greenhouse Gas Emissions
   iv) The buildings shall be designed and engineered to be solar ready.
   v) The owner is required to include the following in construction of the ADU:
      3) Sheltered and secure bicycle parking shall be provided to a level that is consistent with the proposed use.
      4) Electric Vehicle Plug-ins shall be provided for new developments.

p) Water Conservation
The Owner is encouraged to

vi) Incorporate rainfall capture systems for irrigation where feasible;
vii) Minimize impervious areas and incorporate on-site integrated stormwater management solutions that maintain pre-development infiltration rates and site hydrology;
viii) Use native and drought-tolerant plant species suitable for the growing area in landscaping;
ix) Water by an automatic irrigation system, complete with an automated ‘smart’ controller; and
x) Not use high water use turf, sod and lawn.

q) Stormwater
   i) A stormwater management plan shall be required as prepared by a registered professional engineer that has as its goal the maintenance of post-development flows equivalent to those of pre-development flow patterns and volumes over the entire wet weather season.
   ii) Stormwater management shall follow source control (on-site) principles and practices and minimize the use of conventional pipe and pond techniques, and avoid direct discharges to streams and other waterbodies.
   vi) Stormwater management shall take advantage of on-site opportunities to recycle water to absorbent soils, wetlands, and forests.

4. Security
   The Owner shall provide a security by letter of credit or in a form acceptable to the Village for Landscaping: This security is to provide the means by which Council can carry out the landscaping works if the Owner does not complete the approved Landscape Plan, as follows:
a) The amount shall be 120% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
b) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
c) The remaining 25% will be held back for one year at which time the Owner will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Owner per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

5. Expiry
   Subject to the terms of the permit, if the Owner of this Development Permit does not
substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses.

6. **Timing and Sequencing of Development**
   None

7. **List of Reports or Plans attached as Schedules**
   
   *Schedule A – Site Plan & Building Exterior*
   *Schedule B - Elevations*

8. **Contaminated Sites Regulation**
   This permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a “Site Declaration” for the subject property.

9. This Permit is **not** a Building Permit.

**CERTIFIED** as the DEVELOPMENT VARIANCE PERMIT granted by resolution of the Council of the Corporation of the Village of Cumberland on the ____ day of _____, 20__ and issued on the ____ day of _____, 20__. (the Council grants the permit, and senior staff shall issue the permit when all the conditions have been met. (such as the landscaping bond, etc)

________________________________________
Corporate Officer
Schedule A Site Drawing

Approximate locations of mature tree

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area:</td>
<td>668.9m² (7,200.0ft²)</td>
<td>334.5m² (3,600.0ft²)</td>
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<tr>
<td>Lot Coverage Calculation</td>
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<tr>
<td>SFD:</td>
<td>92.04m² (990.75ft²)</td>
<td>267.6m² (1,550.64ft²)</td>
</tr>
<tr>
<td>ADU:</td>
<td>52.02m² (560.00ft²)</td>
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</tr>
<tr>
<td>Total:</td>
<td>144.06m² (1,550.64ft²)</td>
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<td></td>
<td>21.5%</td>
<td>40%</td>
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<td>Gross Floor Area Calculation</td>
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<tr>
<td>SFD:</td>
<td>184.08m² (1,981.42ft²)</td>
<td>No Maximum GFA</td>
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<tr>
<td>ADU:</td>
<td>104.04m² (960.0ft²)</td>
<td>90.0 (968.8ft)</td>
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</table>
Schedule B Elevations and Exterior Example

Example of colours and materials.
REPORT

REPORT DATE: March 1, 2017
MEETING DATE: March 7, 2017

TO: Advisory Planning Commission
FROM: Judith Walker, Senior Planner
SUBJECT: Temporary Use Permits - Medical Marijuana Dispensaries - APC Referral

RECOMMENDATION

vii) THAT the Advisory Planning Commission receive the Temporary Use Permits – Medical Marijuana Dispensaries – APC Referral report.

viii) THAT the Advisory Planning Commission provide recommendations to Council regarding the four Temporary Use Permit applications under consideration, noting that Village policy allows for a maximum of up to two possible Medical Marijuana Dispensaries.

SUMMARY

Four applications have been received for Temporary Use Permits (TUPs) for Medical Marijuana Dispensaries in the Village of Cumberland. Council has referred the applications to the Advisory Planning Commission (APC) for comment. If the APC chooses to recommend any applications for approval, a maximum of two Medical Marijuana Dispensaries in the Village are allowed, with additional constraints as outlined in the attached Medical Marijuana Dispensaries Policy.

BACKGROUND

Council approved a motion on November 14, 2016 to bring forward all complete Medical Marijuana Dispensary applications for Temporary Use Permits as a package. Four applications were received and staff reviewed the applications for completeness. All four applications (attached) are complete, and contain all required information.

The four application locations are shown on the adjacent map:

- 2692 Dunsmuir Avenue
- 2718 Dunsmuir Avenue
- 3276 Third Street
- 2744 Dunsmuir Avenue
Two of the locations (3274 Third Street and 2744 Dunsmuir) are less than the 50.0metre separation distance between locations set as a condition by Council from the Medical Marijuana Dispensaries Policy. Therefore, only one of these two applications can be approved.

Although the format of the information provided by each of the applicants varies, each applicant has supplied all the required information in their applications for the TUP. Some applicants have provided more information than required, and some applicants provide letters of reference and some provided references to contact. For those applicants who provided references that required contacting, staff have completed the reference checks.

Among other requirements, all applicants were asked to show proof of compliance with municipal licensing and operations for any existing businesses, and all applicants were required to state that they understood that the RCMP has the power to enforce any legislation behind the dispensing of Marijuana. The complete Medical Marijuana Temporary Use Permit application package, which guided the proponent submissions, is attached.

The business license applications that accompanied the applications for a Temporary Use Permit will be held by staff until an applicant – (if any) is approved for a TUP, and then the business license application will be completed, including all the necessary fees. Those applications are a separate matter, and do not form part of this evaluation process.

The following is a basic synopsis of each of the applications. The complete applications are attached and have had personal information redacted where necessary to meet Freedom of Information requirements.

**Trugreen Solutions Inc. – 3274 Third Street (Property Owner G. Oliver)**

Trugreen Solutions has purchased 3274 Third Street, and proposes to operate in a portion of the building which is currently occupied by a Delica car dealer, while running a remediation business in the other portion of the property (currently operated as a garage/bodyshop). The applicants propose to live in Cumberland and has operated other businesses. This property and one other proposed Medical Marijuana Dispensary (Trichome Collective) are located within 50metres of each other, and therefore only one of these two applications can be approved, as set out in the Medical Marijuana Dispensary Policy. The contaminated site profile for this proposed location shows that the site will need to be remediated prior to any of the following triggers: zoning, subdivision, development permit, development variance permit, or demolition.

**Trichome Collective – 2744 Dunsmuir Avenue (Property Owner Marwayne Enterprises Ltd.)**

Trichome Collective proposes to operate in the building currently operated as the restaurant Mar’s On Main. The applicant has operated other businesses and proposes to eventually move to Cumberland. This property and one other proposed Medical Marijuana Dispensary (Trugreen Solutions Inc.) are located within 50metres of each other, and therefore only one of these two applications can be approved, as set out in the Medical Marijuana Dispensary Policy. This proposed location is adjacent to the Cumberland Public Library.

**Cumberland Pot Pourri – 2718 Dunsmuir Avenue (Property Owner I. & K Kelly)**

Cumberland Pot Pourri proposes to operate in an existing building which is currently occupied by a butcher shop. The building will be renovated to allow for the complete separation and
access to the proposed Medical Marijuana Dispensary business, while retaining the existing butcher shop. Although the application states that the applicant has previous business experience, the applicant clarified in their letter of January 31, 2017 that he has not operated any previous businesses that would apply to this application.

**Mid Island Medicinals – 2698 Dunsmuir Avenue (Property Owner Waverley Hotel & Pub)**

Mid Island Medicinals proposes to operate in the new commercial space adjacent to the Waverley Hotel & Pub. One of the applicants lives in Cumberland and one applicant has a business in Cumberland. One of the applicants owns the Waverley Hotel & Pub. It was noted in the review of the applications that the applicant still has outstanding conditions in relation to a Heritage Alteration Permit that was issued; the applicant advises that these will be completed “as soon as possible, weather permitting.”

**NEXT STEPS**
The applicants have conducted their public meeting, as outlined in the TUP application requirements. The results of the meetings are attached. Trichome Collective did not provide a summary.

The APC recommendations and the results of the applicants’ public meetings will be included in a staff report to Council that is proposed to be on the March 27, 2017 Council meeting agenda. The following day staff will inform the applicants of the successful parties (if any). Those successful applicants will then proceed to complete the required business license for the dispensaries.

The chart attached provides an overview of the steps for the Medical Marijuana Dispensaries TUP and business license process.

**ATTACHMENTS**

i) Temporary Use Permit Application Package for a Medical Marijuana Dispensary

ii) Complete application packages (Under separate cover)

iii) Results of the applicant’s public meetings (Under separate cover)

iv) Medical Marijuana Dispensaries Policy

v) Marijuana Related Business License Regulation Bylaw No. 1040

vi) Processing Flow Chart for the MMD TUPs
CONCURRENCE
Rob Crisfield, Manager of Operations
Adriana Proton, Deputy Corporate Officer

OPTIONS
xiv) Recommend approval of up to two applications for Medical Marijuana Dispensaries in the Village of Cumberland.

Respectfully submitted,

Original signed by
____________________
Judith Walker
Senior Planner

Original signed by
____________________
Sundance Topham
Chief Administrative Officer
Application for a Temporary Use Permit for a Medical Marijuana Dispensary

1. **APPLICABILITY**

   The issuance of Temporary Use Permits (TUP’s) can be considered in all Official Community Plan designations within limits of the Village boundaries. A TUP is a tool to allow a short-term commercial or industrial use that does not comply with the Zoning Bylaw and may be utilized where a condition prevails that warrants such a use for a short period of time, but does not warrant a change of land use designation or zoning of the land.

   a) The objective of TUP’s are to:
      
      i) Avoid conflicts between different types of uses (i.e., residential, commercial and industrial).
      
      ii) Provide for temporary approval of transitional uses, or uses where uncertainty exists.
      
      iii) Respecting appropriateness or viability of the use, and where it is premature to decide upon rezoning and long-term land use rights.
      
      iv) Ensure that temporary use permits are not considered a substitute for a rezoning application.

   b) In addition to development procedures requirements, TUP’s will be considered against the following criteria:

      i) The use must be clearly temporary or seasonal in nature.
      
      ii) Compatibility of the proposal with adjacent uses.
      
      iii) Impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas, and the proposed remedial measures to mitigate any damage to the natural environment as a result of the temporary use.
      
      iv) Intensity of the proposed use.
      
      v) Inability to conduct the proposed use on land elsewhere in the community.
      
      vi) Must be reviewed and approved by the Ministry of Transportation and Infrastructure (MOTI) with respect to access to and effect on Provincial highways.
2. APPLICATION
   a) An application shall be completed upon a form provided by the Village which then shall be delivered to the Village together with such additional plans and particulars as may be required. The application is considered as being accepted when all the required information (including fees) has been received.
   b) Each legal parcel shall be considered as a separate application, unless otherwise determined by the Chief Administrative Officer.

3. RE-APPLICATION
   An application that has been refused by Council shall not be reconsidered for a period of 12 months immediately following the date of refusal, except when permitted pursuant to the provisions of the *Local Government Act*. A re-application is considered a new application and additional fees apply, as noted in the following section 10.

4. ABANDONED APPLICATION
   An application which has been inactive for more than six months is deemed to be abandoned and will be closed.

5. NEIGHBOURHOOD PUBLIC MEETING(S) AND CONSULTATION
   Applications to consider a Temporary Use Permit will require the Owner to hold a Neighbourhood Public Meeting (the “meeting”) prior to presentation of the application to Council for first reading. The *meeting* shall be held in a venue in the Village of Cumberland. The Owner is required to prepare a summary of comments and/or concerns from the *meeting* and submit same to the Village in a timely manner in order that this information may be forwarded to Council.
   Council may require additional public consultation, the cost of which will be borne by the Owner.
   **Additional Requirements:** All properties within the Village to be notified of application. Advertising shall be approved by CAO, prior to publishing. Applicant provides input (minutes, submissions etc.) to planning staff within 30 days of *meeting*.

6. NOTIFICATION
   a) The Owner shall ensure that the notice of the *meeting* is placed in one edition of a local newspaper and mailed or otherwise delivered to adjacent landowners and occupiers of all properties within the Village of Cumberland [1] a 75.0 metre (246.0 feet) radius of the lot lines of the land involved under application at least 10 days before the *meeting*.
   **As a courtesy, Planning staff provided a sample notice.**

---

b) The Village shall have the notice of consideration of a Temporary Use Permit be advertised as required by the Local Government Act and shall be mailed or otherwise delivered to the owners and occupiers of all properties within *the Village of Cumberland* a 75.0 metre (246.0 feet) radius of the lot lines of the subject property at least 10 days before first consideration by Council.

c) The Owner shall install a public notice sign advising of the application within 10 days of the application being made in a location visible from the road the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days that date.

*As a courtesy Planning staff provided a pre-approved copy of what the sign will look like to the Owner and he/she is responsible for having it made.*

7. **AMENDMENT TO PERMIT**

After a Permit has been granted, minor amendments will be accepted provided that the fee as noted in section 10 below has been paid. Major changes which require significant review by Staff and Council will require a new application and fees.

8. **EXTENSION OF PERMIT**

The Owner may apply to Chief Administrative Officer to grant an extension of up to three years. Fees as noted in section 10 below, apply.

9. **APPLICATION REQUIREMENTS**

a) The completed application form which includes authorizing signatures of the Owner.

b) A Surveyors Certificate prepared by BCLS Surveyor will be required for existing development on the subject property.

c) Site plans which contain the following minimum information about the subject property:

   i) Location map, including neighbouring land uses;

   ii) Existing and proposed buildings in relation to legal property boundaries;

   iii) Building(s) internal layouts illustrating uses and areas;

   iv) Significant physical features and topographic information, all existing watercourses and wetlands, and all Sensitive Ecosystem Information;

   v) North arrow and drawing scales;

   vi) Dimensions for all elevations and site plans;

   vii) Roads, existing and/or proposed; and

   viii) Open space.

d) Landscape Plans, as required, must be professionally prepared and conform to the most recent BCSLA\BCLNA Landscape Standard and contain the following minimum information:

   i) Site organization, including planting beds, and landscape features.
ii) All plant material and landscape features at installed sizes, accurate location, and spacing.

iii) Plant list using botanical and common names for all recommended plant material and size specification.

iv) Location of all utility infrastructure (overhead, underground, light standards, etc.), which may be affected by landscaping.

v) A cost estimate of completing any required landscape plan. This estimate shall provide the following detailed (itemized) information:
   1) Softscaping such as but not limited to plants, bed preparation, etc.;
   2) Equipment to be installed such as but not limited to irrigation system, playground, etc.,
   3) Hardscaping such as but not limited to sidewalks, fencing, etc.’ and
   4) Labour costs required for the total cost of the construction and implementation of the plan.

e) **Security:** If required, the Owner shall provide a security by letter of credit or in a form acceptable to the Village for the following purposes:

i) **Landscaping:** If Landscaping is required, this security is to provide the means by which Council can carry out the landscaping works if the Owner does not complete the approved Landscape Plan, as follows:
   1) The amount shall be 120% of the cost estimate for the approved landscape plan and shall be received before the Permit is issued.
   2) An inspection shall be carried out upon completion of the plan and if compliant, a refund of 75% shall be made.
   3) The remaining 25% will be held back for one year at which time the Owner will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Owner per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

ii) **Unsafe Condition:** Where there is the high probability of an unsafe condition occurring due to a consequence of contravention of a condition in a permit, a Security may be required to provide the means by which Council can rectify said unsafe condition, as follows:
   1) The amount shall be 120% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.
   2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.
3) If the professional’s inspection reveals an unsafe condition, the Owner shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

iii) **Damage to Natural Environment:** Where there is the high probability of damage to the Natural Environment occurring due to a consequence of contravention of a condition in a permit, this Security may be required to provide the means by which Council can rectify said damage, as follows:

1) The amount shall be 120% of the cost estimate provided by a registered professional and shall be received before the Permit is issued.

2) An inspection shall be carried out upon completion of the plan by a registered professional and if found compliant, a full refund shall be made to the person who paid it.

3) If the professional’s inspection reveals an unsafe condition, the Owner shall rectify the condition, or failing this, the Village may use the security to rectify the condition. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

f) Completed “Site Profile” as per the *Environmental Management Act*, for the subject property.

g) Additional information may be required in accordance with the “Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005” and all amendments thereto.
10. FEES

<table>
<thead>
<tr>
<th>$1,000² plus $1 per 1.0 metre² GFA¹ of proposed commercial and/or industrial to a maximum of $2,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ <strong>Plus</strong> a fee to reimburse the Village (at cost) for Peer Review of (such as but not limited to) legal, engineering, environmental, architectural plans, studies, and/or documents. The Owner will be advised in writing of the amount outstanding and will be provided with an accounting of the costs incurred. Payment of these fees will be a condition that will be met prior to granting the permit.</td>
</tr>
<tr>
<td>+ <strong>Plus</strong> the Owner shall bear the costs of advertising Council consideration of the application, payment of this fee shall be a condition of issuing the Permit.</td>
</tr>
<tr>
<td>Extension to application</td>
</tr>
<tr>
<td>Refunds of application fees</td>
</tr>
</tbody>
</table>

**Notes:**

1. If a concept plan is not available this number will be calculated on the maximum build out allowed in the applicable Zone.
2. Where two or more types of applications are being made at the same time and can be processed together, only one fee shall be charged, whichever is the greater.
3. Application fees shall include Title searches but do not include other documents such as covenants, ROW’s, etc. The cost of retrieving these from LTO shall be borne by the Owner.

11. PROCESS

a) A complete application is received by staff. Processing will not commence until all the application requirements are met.

b) Staff prepares a brief report for Council outlining the application and requesting direction on referral to the Advisory Planning and/or Heritage Advisory Commissions. The Owner is invited to this meeting.

c) The Owner shall:

   i) Advertise in one local newspaper, send notification of Public Meeting, and conduct a Neighbourhood Public Meeting and provide the Village with proof of advertising and notes of the comments received, prior to first consideration by Council.

   ii) Install the Public Notice sign at least 10 days prior to consideration of Council (March 27th).
d) Staff shall:
   i) refer the application to internal departments for comment, as required;
   ii) advertise Council consideration of the TUP in accordance with the requirements of the *Local Government Act*.
   iii) send notification of Council consideration of the TUP to adjacent landowners and occupiers; and
   iv) prepare a report for Council.
   v) invite the Owner to attend the Council meeting.

e) Council, upon considering the application, may request additional information, grant the application, or may refer, table, or deny the application.

f) The Owner is advised of the Council’s decision within 14 days.

g) Where Council has granted a permit it is then prepared in the form of Schedule D-1. When the conditions of the Permit have been met (i.e., security, plans) it is then issued by the Corporate Officer; and Notice of the Temporary Use Permit is sent to Land Title Office for registration on the title of the subject property.

h) Where a permit has been denied by Council, the Owner shall be advised of the reasons for refusal.

i) The Owner removes the Public Notice sign within 10 days of the date of Council’s decision.
# Application for a Temporary Use Permit
## For Medical Marijuana Dispensary

### Application Information & Description of Property Affected

<table>
<thead>
<tr>
<th>Civic Address:</th>
<th>Legal Description as shown on the Certificate of Title:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>PID:</th>
<th>Folio:</th>
</tr>
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</table>

### Registered Property Owner

<table>
<thead>
<tr>
<th>Company Name (if applicable):</th>
<th>Name:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mailing Address:</th>
<th>Postal Code:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Phone:</th>
<th>Fax:</th>
<th>Cell:</th>
</tr>
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<table>
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<tr>
<th>Email:</th>
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</thead>
</table>

### Applicant if different from Owner (Owner signature required as Agent)

<table>
<thead>
<tr>
<th>Company Name (if applicable):</th>
<th>Contact Name:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Mailing Address:</th>
<th>Postal Code:</th>
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<th>Phone:</th>
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<tr>
<th>Email:</th>
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</table>

### Purpose of Application

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### Additional information required

a) Three personal references

b) Three business references

c) **Answer ALL the following Questions in a report format:**

<table>
<thead>
<tr>
<th>i)</th>
<th>Previous business experience</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>ii)</th>
<th>Location of previous business(es)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>iii)</th>
<th>Number of expected employees and proposed shifts</th>
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<tbody>
<tr>
<td>iv)</td>
<td>Previous experience with municipal business licensing. Proof is required of compliance with municipal licensing and operations for any existing or previously ran businesses of which the applicant was an owner, partner or shareholder. (i.e. copies of business licenses for any businesses, proof of payment of property taxes, etc...)</td>
</tr>
<tr>
<td>v)</td>
<td>Do you live in Cumberland?</td>
</tr>
<tr>
<td>vi)</td>
<td>Why do you want to open up a Medical Marijuana Dispensary?</td>
</tr>
<tr>
<td>vii)</td>
<td>Why in Cumberland?</td>
</tr>
<tr>
<td>viii)</td>
<td>How does your business plan reflect the objectives and policies contained within the Official Community Plan (OCP)?</td>
</tr>
<tr>
<td>ix)</td>
<td>How will you work in partnership with the Village to help address public health and wellness challenges? (In reference to OCP Section 8.0 Community Well-Being)</td>
</tr>
<tr>
<td>x)</td>
<td>How will your proposed development address the following issues? (In reference to OCP Section 9.6 regarding impact of a proposed activity on the community)</td>
</tr>
<tr>
<td>1)</td>
<td>The aesthetic values of the proposed development such as visual character, lighting noise and odour;</td>
</tr>
<tr>
<td>2)</td>
<td>The impact of the proposed development on traffic volumes and roads;</td>
</tr>
<tr>
<td>3)</td>
<td>How the proposed development impacts and buffers adjacent uses.</td>
</tr>
<tr>
<td>xi)</td>
<td>Do you understand that the Village of Cumberland has no ability to address the legalization of marijuana, and the RCMP maintains the jurisdiction and latitude to follow-up with enforcement against any marijuana related businesses that they deem to be illegal at their discretion until such time as the federal criminal law is changed?</td>
</tr>
</tbody>
</table>

**Signature of Owner/Authorized Agent**

| Owner/Applicant | Date of Application |
Authorization & Appointment of an Agent

I, _________________________________ being the registered owner of property legally described as:

Civic Address: ____________________________________________
Legal Description: ____________________________________________

PID: _________________________ Folio: __________________________

hereby give authorization for _________________________________
to act as my agent in the matter of _________________________________

It is understood that until the Corporation of the Village of Cumberland is advised otherwise, the Village shall deal exclusively with the above-noted person with respect to the matter noted above.

<table>
<thead>
<tr>
<th>Date</th>
<th>Signature of Owner</th>
</tr>
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</table>

Page 14 of 101
1. **Required Public Notice Sign Erected on Subject Property**
   a) A sign in the approved format* shall be erected on the subject property no less than 10 days prior to consideration of Council.
   *As a courtesy Planning staff can provide an approved copy of what the sign shall look like to the Owner and he/she is responsible for having it made.
   b) The sign shall be placed in a location visible from the road on the subject property. If the property has two road frontages, two signs may be required. The sign shall be in the format acceptable to the Village. The sign must remain in place until the last act of Council and shall be removed within 10 days of that date.

2. **Required Format**
   a) The sign must be professionally prepared on an appropriate type of material.
   b) Size of sign: 1.22 metres (4.0 feet) X 1.22 metres (4.0 feet)
   c) Minimum map/drawing size: 0.61 metres (2.0 feet) X 0.61 metres (2.0 feet)
   d) Font shall be a black serif-type Font on white background. The font size shall be relative to the example shown below.
Business License Application for Medical Marijuana Dispensaries

This form is used to apply for Resident Businesses for Medical Marijuana Dispensaries as defined below:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAO</td>
<td>means the Chief Administrative Officer of the Village and includes anyone authorized by Council to act on his behalf.</td>
</tr>
<tr>
<td>Marijuana</td>
<td>means cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing cannabis.</td>
</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td>means the use of land, buildings or other structures for dispensing, selling or distributing marijuana, or related controlled substances and derivatives, other than a medical marihuana facility. (note that this is a “Marihuana Dispensary” in the Village of Cumberland Zoning Bylaw No. 1027, 2016)</td>
</tr>
<tr>
<td>Medical Marijuana Facility</td>
<td>means the use of buildings and other structures for the purpose of growing, processing, packaging, testing, destroying, storing or shipping medical marijuana as authorized by a license issued under the Federal Marihuana for Medical Purposes Regulations or Access to Cannabis for Medical Purposed Regulations. (note that this is a “Medical Marihuana Facility” in the Village of Cumberland Zoning Bylaw No. 1027, 2016)</td>
</tr>
<tr>
<td>Resident Business</td>
<td>means commercial activity carried out on or in a property zoned Commercial or Industrial within the Village.</td>
</tr>
<tr>
<td>Shareholder</td>
<td>means a shareholder with a 10% or greater interest.</td>
</tr>
</tbody>
</table>

Step One: Review Bylaw Requirements

1. Restrictions for all Medical Marijuana Dispensaries

   A person carrying on a Medical Marijuana Dispensary must not:

   a) allow a person under the age of 19 to enter or remain on the premises;
   b) advertise or promote the use of marijuana to a person under the age of 19, including through product displays, names, logos or other signage;
   c) allow a person to smoke, vape, consume or otherwise ingest marijuana or products containing marijuana on the premises;
   d) sell cannabis or other substances under the Controlled Drugs and Substances Act in edible form, including beverage form; however, this provision does not prevent the sale of tinctures, capsules or edible oils, in sealed containers;
   e) be open for business between the hours of 8pm and 7am the next day;
   f) mail or deliver any products from the business premises; and
   g) use the premises to carry on business other than the Medical Marijuana Dispensary and accessory uses.
2. **Requirements for all Medical Marijuana Dispensaries**

A person carrying on a Medical Marijuana Dispensary **must**:

a) Prominently display a sign on the premises indicating that no persons under 19 years of age are permitted on the premises;

b) Post health and safety warning signs on the premises;

c) Ensure that at least two employees are present on the premises at all times when the business is open to the public, including one manager;

d) Ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements;

e) Conduct business within a completely enclosed building, with the doors remaining closed when not in use for immediate ingress and egress;

f) Install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties;

g) Implement the following security measures:
   i) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times with a high definition resolution;
   ii) retain video camera data for at least 21 days after it is gathered;
   iii) install a security and fire alarm system that is, at all times, monitored by a licensed third party; and
   iv) not allow marijuana, products containing marijuana or other valuables to remain on the premises when the business is not open to the public, unless the marijuana, products and other valuables are securely locked in a safe on the premises;

h) Promptly bring to the attention of the CAO:
   i) the name of any new on-site manager, officer, director or shareholder of the licensee;
   ii) any criminal charge laid or pending against the licensee or an on-site manager, officer, director or shareholder of the licensee; and
   iii) a current police information check, birth certificate and most recently issued driver’s license and passport for any new on-site manager, officer, director or shareholder of the licensee.

---

**Step Two:** **Submit Your Application**

*(which must be accompanied by the following information to be deemed complete)*

1. Complete application form signed by the registered owner(s) of the subject property. If the applicant is not the owner of the property a letter of agency which authorizes the applicant to operate a Medical Marijuana Dispensary business is required. Where a company name is not registered the License application must be made in an individual’s name.

2. Payment of the application fees.

3. The following information shall be provided at the time of application:
   a) A security plan for the premises that, in the opinion of the CAO, describes adequate security measures to mitigate risk of theft or robbery at the premises.
   b) Proof of a security alarm contract that includes monitoring at all times during the period for which the license is being sought.
   c) Contact information for a responsible person or persons available to be contacted at any time.
   d) A list of the names of all staff, together with a copy of photo identification for each staff member.

6Dec16: Told somebody that the full staff list could come later if successful.
e) A current police information check for:
   i) the applicant
   ii) if the applicant is a corporation, each shareholder, officer and director, and
   iii) each on-site manager.

**Step Three: Application Process Overview (see the attached process diagram)**

1. In conjunction with the application for a Temporary Use Permit, a Business License application is received by the Planning Department.
   The Planner reviews the application for completeness and she gathers any necessary information, such as archived building or property history files, lot plans, zoning, etc. and reviews the application from a land use perspective.
   Once deemed to be complete, no further processing of the application pending the outcome of the application of the Temporary Use Permit. If the Temporary Use Permit is denied by Council, the application is closed and no refund is owed.
   If Council grants the Temporary Use Permit, the application is passed to the Fire Chief for his review. *If the Fire Chief has already been onsite for this application, he will provide his inspection record for the file and the file is referred to the Building Inspector.*

2. The Fire Chief reviews the application from his perspective of the Fire Code requirements for the proposed business. He may, if he deems it appropriate carry out an inspection of the proposed premises and make recommendations for upgrades etc.* All recommendations made by the Fire Chief within his jurisdiction shall be complied with before the License may be granted.
   If all requirements have been met, the application is forwarded to the Building Inspector. *If the Building Inspector has already been onsite for this application (for example for a building permit inspection), he will provide his inspection record for the file and the file is referred to the Public Works.*

3. The Building Inspector reviews the application from his perspective of compliance with the BC Building Code requirements for the proposed business. He may, if he deems it appropriate carry out an inspection of the proposed premises and make recommendations for upgrades etc.* All recommendations made by the Building Inspector within his jurisdiction shall be complied with before the License may be granted.
   If all requirements have been met, the application is forwarded to the Public Works Supervisor. *If Public Works has already been onsite for this application, he will provide his inspection record for the file and the file referred to the CAO for his consideration.*

4. The Public Works Supervisor reviews the application from his perspective of the municipal services (water, sewer, storm) requirements for the proposed business. He may, if he deems it appropriate carry out an inspection of the proposed premises and make recommendations for upgrades etc.* All recommendations made by the Public Works Supervisor within his jurisdiction shall be complied with before the License may be granted.
   If all requirements have been met, the application is forwarded to the Chief Administrative Officer for approval.

5. Prior to sending the application to the CAO, an inspection is carried out by Planning staff and the Building Inspector, who will ensure that all applicable requirements of Village policies, bylaws and regulations have been met.

6. The CAO reviews the application, and any comments made by any other departments. If he deems it appropriate, he may approve the License.
Administration staff advises the applicant that the license has been approved and they are required to pay the appropriate annual fee as required by Schedule A of the Business License Bylaw No. 1040, 2016 and the License will be issued.

*Please note: Applicants are notified by telephone of the outstanding item(s) or necessary upgrades etc. If there has been no returned call or action within 15 days, a written notice outlining the deficiencies is sent to the applicant. If there is not satisfactory action for a further 15 days, the file is deemed to be abandoned and the file is closed.

<table>
<thead>
<tr>
<th>Marijuana-Related Business License Fees</th>
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<tbody>
<tr>
<td><strong>Application Fee</strong> <em>Paid at the time of application</em></td>
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<tr>
<td><strong>License Fee</strong> <em>Paid when License is approved, prior to issuing</em></td>
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<td><strong>Annual License Fee</strong></td>
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<tr>
<td><strong>Special¹ Fire &amp; Safety Inspection</strong></td>
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<tr>
<td><strong>Special¹ Building Inspection</strong></td>
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*Notes*¹ The first inspection is included in the Application Fee, however if subsequent inspection(s) or one requested or required at another time, this fee will be paid.
Application for Resident Business License for a Medical Marijuana Dispensary

Description of Property Affected

Civic Address: ________________________________________________________________

Legal Description: ____________________________________________________________________________________________

______________________________________________________________________________________________

PID: ___________________________ Folio: ___________________________

Owner of Property Affected

Name: ________________________________________________________________

Mailing Address: ____________________________________________________________

Postal Code: __________ Phone: __________ Cell: __________

Email: ________________________________________________________________

Applicant a Same as above

Name: ________________________________________________________________

Mailing Address: ____________________________________________________________

Postal Code: __________ Phone: __________ Cell: __________

Email: ________________________________________________________________

Name & Type of Business

Business Name: ________________________________________________________________

Description of Business: ____________________________________________________________________________________________

Information Attached to this Application

☐ Security Plan ☐ Proof of Alarm Contract ☐ 24-7 Contact List ☐ Police Information Checks (see over) ☐ Staff Information

Additional information required on the reverse side

Signature of Owner/Authorized Agent

Date of Application __________________________ Signature __________________________

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## Current Police Information Checks *(if space is insufficient, please attached a separate sheet)*

<table>
<thead>
<tr>
<th>Who</th>
<th>Full Names as they appear on the Police Information Checks</th>
<th>Received</th>
<th>If applicable, Professional Number</th>
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<tbody>
<tr>
<td>Applicant(s)</td>
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<td>On-Site Manager(s)</td>
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### All Staff *(if space is insufficient, please attached a separate sheet)*

<table>
<thead>
<tr>
<th>Employee’s Name</th>
<th>Title (if any)</th>
<th>Photo ID Provided</th>
<th>If applicable Professional Number</th>
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### Parking & Loading

How many on-site parking spaces are provided?

### Days and Hours of Operation

Days of the week: ____________________

Hours: ____________________
COUNCIL POLICY

Title: Medical Marijuana Dispensaries
Authority: Planning Department
Adopted Date: November 14, 2016
Amended Date: No.

POLICY STATEMENT
Council may consider Medical Marijuana Dispensaries to be located in Village Core Commercial Mixed Use One Zone (VCMU-1) in the Village of Cumberland as a temporary use subject to a Temporary Use Permit and under the regulations contained within Business License Bylaw No. 896, 2009, and Marijuana-Related Business License Regulation Bylaw No. 1040, 2016, as amended from time to time, as well as its legal authority under the Local Government Act and Community Charter.

PURPOSE
The purpose of this policy is to outline the criteria to be considered by Council as part of a Temporary Use Permit (TUP) Application to allow for a Medical Marijuana Dispensary within the Village Core Commercial Mixed Use One zone (VCMU-1) of the Zoning Bylaw No. 1027, 2016. This policy is intended to guide applicants and Village staff as part of the application process but it is not intended to fetter Council’s discretion when dealing with individual TUP applications, each of which will be evaluated on its own merits.

This policy was established in response to the anticipated legalization, or partial legalization, of marijuana by the federal government. It is intended to address potentially adverse community impacts of storefront Medical Marijuana Dispensaries, including inappropriate exposure of minors to marijuana and undesirable concentration of Medical Marijuana Dispensaries.

It is noted by Council that the Village of Cumberland has no ability to address the legalization of marijuana, and the RCMP with the Public Prosecution Service of Canada on behalf of Her Majesty the Queen in Right of Canada maintains the jurisdiction to enforce against any marijuana related businesses that the Federal Crown considers illegal until such time as the federal criminal law is changed.

POLICY
Definitions
Applicant means an applicant for a TUP that would allow for a storefront Medical Marijuana Dispensary within the VCMU-1 zone.
**Medical Marijuana Dispensary** means the use of lands, buildings or other structures for dispensing selling or distributing marijuana, or related controlled substances and derivatives, other than a Medical Marijuana Facility (note that this is a “Marihuana Dispensary” in the Village of Cumberland Zoning Bylaw No. 1027, 2016).

**Medical Marijuana Facility** means the use of buildings and other structures for the purpose of growing, processing, packaging, testing, destroying, storing or shipping medical marijuana as authorized by a license issued under the Federal Marihuana for Medical Purposes Regulations or the Access to Cannabis for Medical Purposes Regulations (note that this is a “Medical Marihuana Facility” in the Village of Cumberland Zoning Bylaw No. 1027, 2016).

**TUP considerations**

1. Medical Marijuana Dispensaries should not be considered appropriate for a Temporary Use Permit except in a retail location (VCMU-1 Zone) to minimize nuisance to nearby residential neighbours.

2. The sale of cannabis or other substances under the Controlled Drugs and Substances Act in edible form, including beverage form, in a Medical Marijuana Dispensary is not permitted; however, this provision does not prevent the sale of tinctures, capsules or edible oils, in sealed containers.

3. A Medical Marijuana Dispensary must be at least 150metres (in a straight line from closest lot line to closest lot line) from any public or independent community, elementary, middle or secondary school.

4. Medical Marijuana Dispensaries must be limited to a maximum total of two in the Village and each one must be located at least 50metres (in a straight line from closest lot line to closest lot line) from another lot where a Medical Marijuana Dispensary has been permitted, whether it is active or not.

5. The off-street parking requirements applicable to a medical clinic and/or retail stores as outlined in Part 6 Table 6.3.3 of the Zoning Bylaw No. 1027, 2016 apply to Medical Marijuana Dispensaries, depending on the amount of other products and paraphernalia sold.

6. No more than one Medical Marijuana Dispensary should be allowed per lot.

7. A TUP for Medical Marijuana Dispensary should not be approved for a term greater than one year, with the possibility for an additional one year extension, with the approval of Council.

**Application Process**

1. The applicant must undertake all of the standard processes required for a TUP application as outlined in Development Procedures and Fees Bylaw No. 1008, 2014.

2. Development Procedures and Fees Bylaw No. 1008, 2014 contains within it the ability for the Chief Administrative Officer to request additional information in accordance with the Corporation of the Village of Cumberland Development Approval Information Bylaw No. 809, 2005, including the following:
   - The provision of information that he/she deems necessary to properly assess the impact of an application’s proposed activity or development.
3. In addition to the requirements contained in legislation and Village bylaws, the applicant must provide public notification via a mailed notice of the proposed Medical Marijuana Dispensary location to all households and land owners in the Village of Cumberland, at the applicant’s expense. The Notice’s form and content is to prepared by the applicant, but subject to approval by the CAO prior to mailing.
Process Diagram for Temporary Use Permit & Business License for Medical Marijuana Dispensaries

Applicant submits application for TUP, including all DAI information requested and fees (plus advertising)

- Complete
- Incomplete

Application reviewed by staff

- Complete

All complete TUP applications held by staff to deadline date of January 15th, 2017

Applicant submits application for Business License (BL) (including fees)

- Complete
- Incomplete

BL Application reviewed by staff

Applicant may now proceed with Building Permit, Heritage Alteration Permit applications, as applicable depending on building alterations, if any.

All complete applications held by staff pending Council decision on TUP

Applicant notified of granted TUP

Applicant notified of approved BL pending compliance with all conditions. Pays license fees.

Council considers application and staff report and grants TUP

Council considers recommendation from staff and APC within 30 days of receipt of APC minutes

Applicant notified

Council considers application and staff report and denies TUP (with reasons). No refund

Council provides recommendations on TUP applications

Applicant notified of approved BL pending compliance with all conditions. Pays license fees.

Applicant notified

Staff prepares report for APC on TUP application

Staff prepares report for Council which includes APC recommendations; summary of public input received; and assessing the quality of each application. Statutory Newspaper Advertising carried out

Council considers recommendation from staff and APC within 30 days of receipt of APC minutes

Applicant notified

Staff prepares report for Council which includes APC recommendations; summary of public input received; and assessing the quality of each application. Statutory Newspaper Advertising carried out

Note: The applications for TUP, Business License, Heritage Alteration Permit and Building Permit (as applicable) may be applied for simultaneously. However, applications will not be processed until the prerequisite application requirement has been approved.

Following close of deadline for submissions on January 15th, 2017, staff reviews and assesses applications based on compliance with requirements and gives applicants until February 2nd to submit outstanding items

After February 2nd, Planning Staff notifies all applicants with completed submissions and sends them the Sample Public Notification Package, with Public Meeting Summary to be returned by February 24th.

Staff prepares report for Council confirming that all requirements have been met and recommending referral of each application to the APC

Council receives staff report and refers all TUP applications to the next monthly meeting of the Advisory Planning Commission (APC)

Planning staff carries out statutory notification of owners of property and occupiers within the Village of the TUP application(s) and requests input on the proposed TUP applications