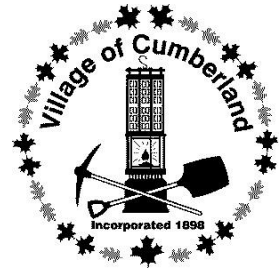


**The Corporation of the Village of Cumberland  
Advisory Planning Commission Agenda**

**May 11, 2023 at 4 p.m.  
Council Chamber, 2675 Dunsmuir Avenue**



We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

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**1. Approval of the Agenda**

**2. Minutes**

Adoption of Minutes of April 13, 2023

**3. Unfinished Business**

None

**4. New Business**

4.1 Development Variance Permit - 3025 Royston Road

4.2 [Phase 10/11 Coal Valley Estates](#) \*pending referral from Council on May 8<sup>th</sup>, 2023

4.3 Tree Protection Bylaw

4.4 OCP Review (no attachment)

- May 24 Plan your Community Street Event
- Scheduling of meetings for additional, OCP-related, APC meetings

**5. Next Meeting**

The next meeting of the Advisory Planning Commission will be held on Thursday, June 8, 2023, at 4 p.m.

**6. Adjournment**



# Village of Cumberland

# Advisory Planning Commission

## Minutes

The meeting of the APC was held on Thursday April 13, 2023 at Village of Cumberland Council Chambers, commencing at 4:03pm.

<b>PRESENT:</b>	Nick Ward, Chair	Jason Ross
	Janet Bonaguro, Secretary	Ryan Camp
	Jaye Mathieu	
<b>ABSENT:</b>	Genevieve Burdett	
	Debbie Bowman	
<b>GUESTS \ STAFF:</b>	Courtney Simpson, Manager of Development Services	
	Karin Albert, Senior Planner	
	Nancy Henderson Senior Local government Advisor, Urban Systems (Item 4.1)	
<b>OBSERVERS:</b>	None	

### 1. CALL TO ORDER

The meeting of the APC was held on Thursday April 12, 2023 at Village of Cumberland Council Chambers, commencing at 4:03pm. We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

### 2. APPROVAL OF AGENDA

Bonaguro / Ross: THAT the agenda be approved with the addition of item 4.2 "OCP Review Process and Engagement Plan."

**CARRIED UNANIMOUSLY**

### 3. APPROVAL OF MINUTES

Ross / Mathieu: THAT the minutes of the meeting held December 8, 2022 be approved as presented.

**CARRIED UNANIMOUSLY**

### 4. REFERRALS FROM COUNCIL

1. Request for Comment – Development Application Procedures Bylaw and Fees Amendment Bylaw

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the staff report titled “Request for Comment – Development Application Procedures Bylaw and Fees Amendment Bylaw”.

### **CARRIED UNANIMOUSLY**

#### **DISCUSSION**

- Consultant, Nancy Henderson presented an overview of the changes.
- General
  - Staff believe these changes will make a cumulative impact on effectiveness and efficiency of development processes for applicants, staff, Council and APC.
- Development Approval Information (Section 5)
  - Q: There appear to be more requirements for studies when compared with the old bylaw.
  - A: There is more detail in this bylaw than the past one. Staff use minimum requirement checklists that define the requirements for each type of development. Staff have some discretion on what studies are required based on the nature of the development. Staff will determine this at the pre-application stage. (Nancy)
- Development Permit Applications
  - Consider working change to Schedule 4, item 2e change from “will” to “may”, as not all applications will be referred.
- Delegated Minor DVPs
  - Good to have an avenue to reconsider delegated decisions and bring to Council.
  - Language in 12.6 and 12.8 related to what is considered “minor” seems vague. There is a line between being too prescriptive when scenarios are likely individually unique.
  - Staff professionals in their field and can make these judgement calls.
  - When staff are reviewing and considering minor DVP applications at least two planning department staff work on an application, one being the Manager of Development Services. Other internal departments are consulted if the DVP impacts other parts of village operations.
  - A report on minor variances approved by staff would be helpful so that Councilors understand what the nature of the minor variances was and the volume. Quarterly reporting may not be sufficient. The website, once operational, would be helpful at highlighting to the public what applications were approved by staff.
- Public Information Meeting
  - Risks associated with the requirement for the applicant to report on their meeting outcomes. Need a good set of guidelines to ensure that fulsome information is reported. The consultants recommended an “applicant guide” to assist applicants in hosting and reporting on public information meetings.

Suggest that the guidelines request that the host explain the process and their responsibilities around reporting what they heard, as well as the opportunity for participants to review what was submitted by the applicant and how to address inaccuracies.

- Public Hearings and Notifications
  - Notification of amendment for neighbours early in the process good; is there an opportunity to enhance the content of those notifications to provide some basic information (e.g. the application is in alignment with the OCP, zoning and development permit guidelines). The APC (and staff) see a lot of uninformed questions, it might be helpful to lift the knowledge level of community members by providing enhanced information when its relevant to them.
  - It makes sense that when an application is non-discretionary not to bring the public in when they can't influence it.
- Delegated Comprehensive Development Plans
  - Council may not entertain a CDP application without a Terms of Reference given the potential complexity of the development, therefore it makes sense to not bring anything to council until this step has been completed.

Bonaguro / Mathieu: THAT the Advisory Planning Commission recommend to Council adoption of the Development Application Procedures Bylaw No. 1187, 2023 and Fees Bylaw Amendment No. 1188, 2023.

**CARRIED UNANIMOUSLY**

## **2. OCP Review Process and Engagement Plan**

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the staff report titled "OCP Review Process and Engagement Plan".

**CARRIED UNANIMOUSLY**

### **DISCUSSION**

- Staff provided an overview of the report.
- General
  - Staff confirmed that land use maps and DPA's get amended through amendments to the OCP. The OCP process will review both land use maps and DPAs.
- Role of the APC
  - The APC is very supportive of our proposed role in the OCP process.
- Hot topics
  - Environmental protection areas and standards.
- Community engagement
  - Phase 1 – would like to see consultation with local non-profits working in the community as these are the drivers of change that do significant related

work in the community (CBA, CCSS, CCFS, clubs, legion, dawn to dawn, other societies). Staff clarified that groups will be invited to join in the public consultation events. Rather than consult with groups individually, the OCP engagement events will encourage groups and individuals to come together to exchange ideas and concerns. This typically results in more creative discussions and solutions to problems.

- Staff confirmed that the public will be consulted on the results of the Phase 3 engagement activities and opportunity identification.
- Staff Capacity
  - Staff indicated that one planning resource would be dedicated at an average 50% of their time (0.5 FTE) for the duration of the OCP process, and other staff will be involved as well. The Village is also getting assistance from consultants (e.g. graphic design, housing needs report update, facilitation).
- Timing
  - Wednesday May 24 is the first planned event from 12-7pm.
  - APC will look at member availability over the next several months to meet to conduct work on this.

Bonaguro / Ross: THAT the APC recommend to Council to accept the OCP review process as presented.

**CARRIED UNANIMOUSLY**

**5. NEXT MEETING**

The next APC meeting is Thursday May 11, 2023 at 4:00pm.

**6. TERMINATION:**

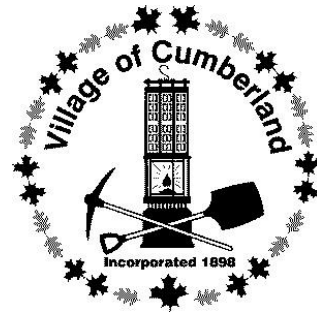
Bonaguro: THAT the meeting terminate.

Time: 6:20pm

Certified Correct:  _____	Confirmed:  _____
Chair	Deputy Corporate Officer

# MEMO

## ADVISORY PLANNING COMMISSION



REPORT DATE: 5/4/2023  
MEETING DATE: 5/11/2023

File No. 2023-02-DV & 2021-01-MHP

TO: Advisory Planning Commission  
FROM: Meleana Searle, Planner  
SUBJECT: Request for Comment on Development Variance Permit Application & Manufactured Home Park Permit Amendment – 3025 Royston

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Council has referred an application for a development variance permit and a manufactured home park permit amendment to allow for the construction of the second phase of manufactured homes. The applicant is proposing to vary:

- The requirement for a manufactured home park with more than 24 units to have a second access from a public road to instead provide emergency access from a private road with access easement; and
- the Zoning Bylaw to increase the height of all principal dwellings be from 4.5m to 5.5m; and
- an amendment to 2021-01-MHP to include the second phase of development on the property.

The attached staff report to Council includes detailed background and analysis of the application.

Pursuant to Advisory Planning Commission Bylaw No. 999, the Commission is requested to provide a recommendation to Council stating the following:

- approval, or;
- approval subject to various conditions, with conditions stated, or;
- denial with stated reasons.

Following are possible resolutions for convenience:

- i. That the Advisory Planning Commission recommend (*approval/denial*) of the development variance permit (2023-02-DV) and amendment to the manufactured home park permit (2021-01-MHP).
  - ii. That the Advisory Planning Commission recommend approval of the development variance permit (2023-02-DV) and amendment to the manufactured home park permit (2021-01-MHP) with the following (*conditions/changes to the draft permit 2022-03-DP*):
-

- iii. That the Advisory Planning Commission recommend (*approval/denial*) of the development variance permit (2023-02-DV) and amendment to the manufactured home park permit (2021-01-MHP).
- iv. That the Advisory Planning Commission recommend approval of the development variance permit (2022-04-DV) and amendment to the manufactured home park permit (2021-01-MHP) with the following (*conditions/changes to the draft permit 2022-04-DV*):  
\_\_\_\_\_

**ATTACHMENTS**

- 1. March 31, 2023 Council Report

Respectfully submitted,

\_\_\_\_\_  
Meleana Searle  
Planner

# COUNCIL REPORT



REPORT DATE: 3/31/2023  
MEETING DATE: 4/11/2023

File No. 2023-02-DV & 2021-01-MHP

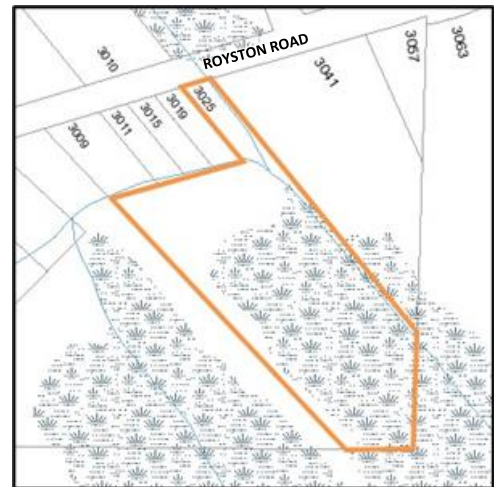
TO: Mayor and Councillors  
FROM: Meleana Searle, Planner  
SUBJECT: Development Variance Permit and Manufactured Home Park Permit  
Amendment 3025 Royston Road

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## RECOMMENDATION

THAT Council refer the following development variance permit and manufactured home park permit amendment application for 3025 Royston Road to the Advisory Planning Commission:

- variance to the Manufactured Home Park Bylaw by changing the requirement for a manufactured home park with more than 24 units to have a second access from a public road to instead provide emergency access from a private road with access easement; and
- variance to the Zoning Bylaw to increase the height of all principal dwellings be from 4.5m to 5.5m; and
- amendment to 2021-01-MHP to include the second phase of development on the property.



**Subject Property**

## PURPOSE

The purpose of this report is to request a referral to the Advisory Planning Commission for comment on an application for a development variance permit and an amendment to 2021-01-MHP to include the proposed second phase of development. The applicant is proposing to vary the Manufactured Home Park Bylaw by changing the requirement for a manufactured home park with more than 24 units to have a second access from a public road to instead provide emergency access from a private road. The applicant is also requesting that the maximum height for all principal dwellings be increased from 4.5m to 5.5m. An amendment to the original MHP permit (2021-01-MHP) is also required to reflect permission for Phase 2.

**PREVIOUS COUNCIL DIRECTION**

<b>Date</b>	<b>Resolution</b>
April 11, 2022	THAT Council approve the manufactured home park permit, development permit and development variance permit for the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490 (3025 Royston Road).

**BACKGROUND**

***Proposed Development***

On April 11, 2022, Council approved development permits for a Manufactured Home Park and Development Permit Area 1 – Environmental Protection. The development is proposed to be completed in two phases. Phase One includes 24-units, an internal road network and all civil services. Each lot will accommodate a single-family residential dwelling in the form of a prefabricated modular home. Council also granted a variance to allow for the primary access from Royston Road to be narrowed from 8.0m to 6.5m. The property owner is now requesting to vary the Manufactured Home Park Bylaw by changing the requirement for a MHP with more than 24 units to have a second access street from a public road to instead provide emergency access from a private road. Approval of this variance would allow the MHP permit to be amended for construction of Phase 2 - an additional 32 dwelling units.

The applicant is also requesting that the maximum height for all phase two principal dwellings be increased from 4.5m to 5.5m. The height issue was not identified until the building permit phase. An increase to the maximum height for all principal dwellings in phase one was granted by the Board of Variance on January 24, 2023. The height variance for the dwellings in phase two is not eligible to be considered by the Board of Variance because the access variance is also required at the same time and it cannot be considered by the Board of Variance. Legislation outlines that when multiple variances are required and not all can be considered by the Board of Variance, all must go to Council for decision. The height variance for phase 1 was considered on its own as it was not certain if or when phase 2 would be possible due to the requirement for the access easement.

***Official Community Plan***

The Official Community Plan Bylaw No. 990. 2014 (OCP) designates the subject property as Greenway. This designation applies to corridors and areas of land that provide trails, wetlands, biodiversity and wildlife connectivity. The subject property is bounded by riparian areas and is adjacent to Trent River Main which is identified as a greenway and future trail.

The subject property is within Development Permit Area #1 (DPA #1) – Environmental Protection with aquatic ecosystem areas and connectivity areas identified. A development permit was granted on April 11, 2022.

***Zoning Bylaw***

The subject property is zoned MHP-1 – Manufactured Home Park Zone pursuant to Zoning Bylaw No. 1027, 2016. The principal use in this zone is manufactured home park or a singular manufactured home. Accessory buildings and home occupations are permitted as accessory uses. The zone permits 20 units per hectare. At 3.29 hectares, the proposed development is within the permitted density at 56 units. The maximum height for a principal building or structure is 4.5m.

### ***Floodplain Management Bylaw***

The Floodplain Management Bylaw No. 962, 2012, specifies that construction adjacent to any river, stream or creek must be 1.5m above the natural boundary of the watercourse and set back 15.0m from the natural boundary, creeks and streams. The natural boundary is defined as the visible high watermark of the waterbody. The development complies with the required setbacks for flood construction levels.

### ***Manufactured Home Park Bylaw***

The proposed development is subject to the Manufactured Home Park (MHP) Bylaw No. 1036, 2016. The MHP Bylaw sets out guidelines and requirements for servicing, buffer areas, landscaping, on-site parking and access. As per the bylaw, where a MHP contains 25 or more spaces, a second access from a public street separated by at least 30.0m from the first access shall be provided. A MHP permit for the first phase of development was issued on April 11, 2021.

### **ANALYSIS**

The applicant is proposing to provide an 8.0m wide emergency access road onto the Trent River Main. The applicant has entered into a legal agreement with the property owner of the Trent River Main and has registered an easement that grants them access to the proposed emergency access (Attachment 3 – Map of Easement). The current access gate on the Trent River Main will be moved past the access road. The emergency access to the MHP will have bollards that restrict vehicle access other than emergency services who will have a key. Should the Trent River Main become a public road at any point in the future the emergency access could become a regular access to the site.

The applicant is also requesting to increase the maximum height for principal dwellings from 4.5m to 5.5m to account for the foundation and required driveway upslope on site. The applicant has provided a Letter of Rationale (Attachment 4 – letter of Rationale) that describes the technical rationale for the increased height request.

#### *Land use justification*

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.

A 14.9m wide panhandle is the only access to the subject property from a public road. The ability to develop the lot is hindered by the MHP bylaw requirements for a second access onto a public highway. The proposed variances would allow for the applicant to build out to the permitted density in the MHP-1 Zone. This would result in the addition of 32 new prefabricated, single-family dwellings to Cumberland.

By limiting the height of the units to 4.5m the builder would be required to build the homes outside of best practices, as described in the Letter of Rationale. Granting the requested height variance would allow for higher quality building standards on the site.

### *Impacts of the Variance*

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance. Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road rights-of-way.
- iii. Environmental impact. This includes the impact of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.

The current reduced primary access road still meets MMCD guidelines for travel-lane width. In the event of an emergency such as a fire, the reduced width access road could be obstructed by emergency service vehicles which have a greater width than a standard vehicle. Pedestrian access would not be obstructed. Should the primary access road be congested with residents leaving the property, emergency service vehicles would have access to the Trent River Main emergency access road. A culvert has already been installed across the ditch between the MHP and the Trent River Main. Prior to the culvert installation a Qualified Environmental Professional surveyed the area and conducted a breeding bird survey. The biologist reported that the area could be cleared with minimal risk of incidental take or harm to migratory birds/eggs in compliance with the Migratory Bird Convention Act and Wildlife Act.

The impact of the 1.0m height increase would be minimal. The 5.5m height is lower than the 10.0m maximum height for principal buildings for the neighbouring properties in the R-3 Large Lot Rural Residential Zone. The additional height is not expected to noticeably change the overall look, except to accommodate a more contemporary design. The first phase of 24 manufactured homes is permitted a 5.5m height by the Board of Variance.

### **PUBLIC NOTIFICATION AND REFERRALS**

Pursuant to the requirements of the Village of Cumberland Development Procedures and Fees Bylaw No. 1073, 2018:

1. The Applicant has placed the required signage on site.
2. Village staff prepared a notice of Council consideration of a Development Variance Permit which was mailed to owners and occupants of properties within 75.0m on March 3, 2023, meeting the Bylaw minimum of 10 days before Council considers the application.

At the time of this report, staff have not received feedback from members of the public.

### **ALTERNATIVES**

1. THAT Council not refer the application to the Advisory Planning Commission and direct staff to prepare and issue the development variance permit to:

- Vary the Manufactured Home Park Bylaw by changing the requirement for a manufactured home park with more than 24 units to have a second access street from a public road to instead provide emergency access from a private road; and
  - Increase the height of all principal dwellings be increased from 4.5m to 5.5m; and
  - Amend 2021-01-MHP to include the second phase of development on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490.
2. THAT Council deny the application for a development variance permit to:
- Vary the Manufactured Home Park Bylaw by changing the requirement for a manufactured home park with more than 24 units to have a second access street from a public road to instead provide emergency access from a private road; and
  - Increase the height of all principal dwellings be increased from 4.5m to 5.5m; and
  - Amend 2021-01-MHP to include the second phase of development on the property described as Lot 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490.
3. THAT Council request further information.

**STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

**FINANCIAL IMPLICATIONS**

None.

**OPERATIONAL IMPLICATIONS**

The review of development variance permit applications is part of the services provided by Development Services.

**CLIMATE CHANGE IMPLICATIONS**

The potential flood hazard from Maple Lake Creek has been considered in the context of future climate change. The stormwater management plan considers climate change in its calculations and design of detention ponds, and the required flood construction levels for the dwellings also account for increases in flood waters. The proposed development supports Village climate change adaptation goals through the creation of a compact community along an existing corridor and within walking distance of Village amenities.

**ATTACHMENTS**

1. 2023-02-DV
2. 2021-01-MHP - AMENDED
3. Map of Easement
4. Letter of Rationale

**CONCURRENCE**

Courtney Simpson, Manager of Development Services **CS**

Mike Williamson, Fire Chief **MW**

Rob Crisfield, Manager of Operations **RC**

Respectfully submitted,

***M. Searle***

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Meleana Searle  
Planner

***M. Mason***

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Michelle Mason  
Chief Administrative Officer



Corporation of the  
Village of Cumberland

*DEVELOPMENT  
VARIANCE PERMIT*

**TO:** 1318796 BC LTD.

**OF:** 3025 Royston Road, Cumberland, BC, V0R 1S0

This Development Variance Permit (2023-02-DV) 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 developing a manufactured home park.

1. 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 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490

**Folio:** 516 00813.200 **PID:** 000-066-923

**Civic Address:** 3025 Royston Road

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Manufactured Home Park Bylaw No.1036, 2016 is varied as follows:

Section 13, a). where a MHP contains 25 or more spaces, a second access from a public street separated by at least 30.0metres (98.8feet) from the first access is not required. Access will be provided from a private road as shown on the site plan attached to this permit as Schedule A.

3. The Zoning Bylaw No.1027, 2016 is varied as follows:

Section 7.7 The maximum height of a principal building is increased to 5.5metres.

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance 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.

5. **Timing and Sequencing of Development**

None.

6. **List of Reports or Plans attached as Schedules**

1. Schedule A – Site Plan

7. **Contaminated Sites Regulation**

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Applicant has completed a “Site Declaration” for the subject property.

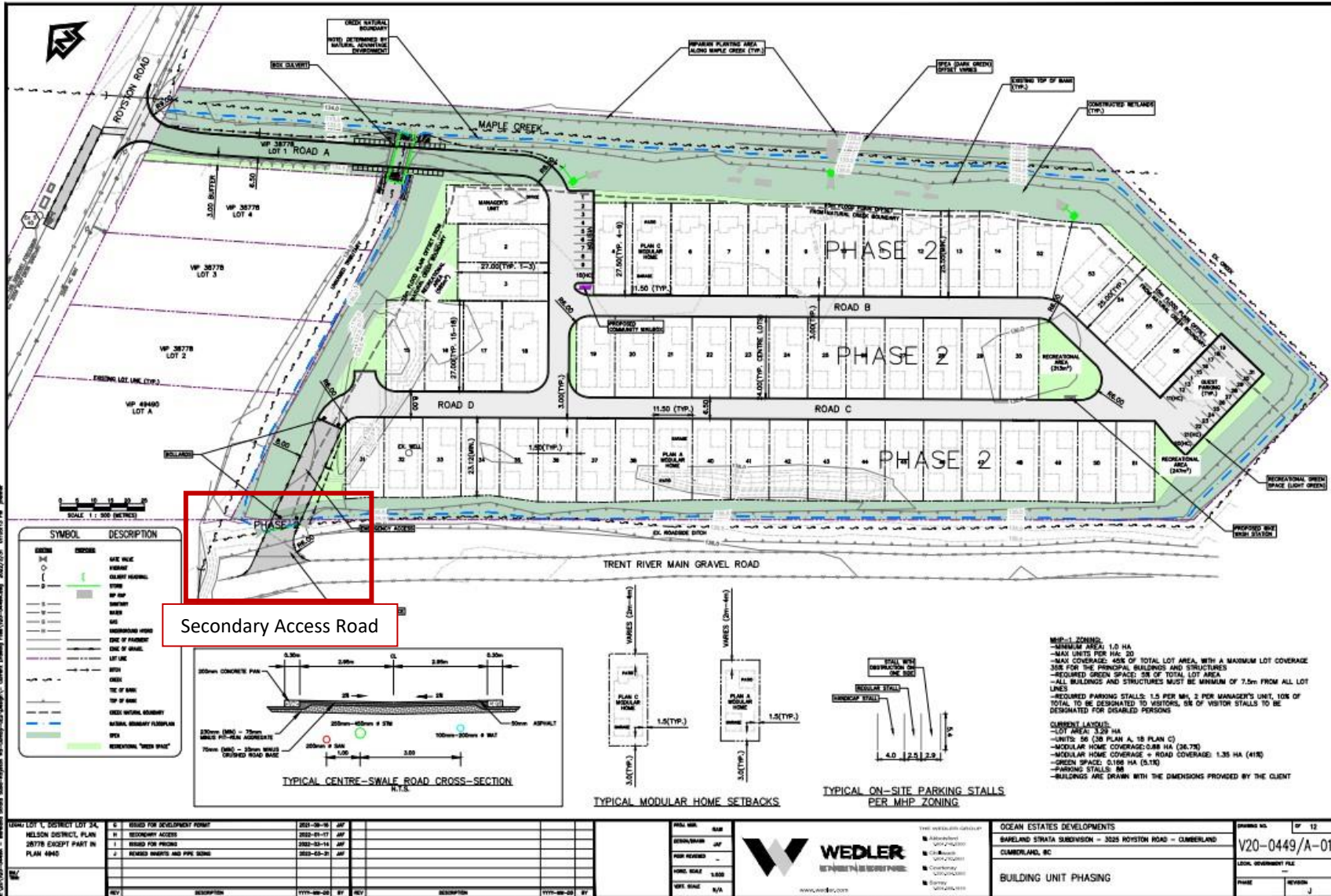
8. This Permit is **not** a Building Permit.

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on April 11, 2023.

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Corporate Officer

Schedule A – Site Plan





Corporation of the  
Village of Cumberland

*MANUFACTURED  
HOME PARK PERMIT  
AMENDED*

**TO:** 1318796 BC LTD

**OF:** 3025 Royston Road, Cumberland, BC V0R 1S0

This Manufactured Home Park Permit (2021-01-MHP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of developing a manufactured home park.

1. This Manufactured Home Park 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 1, District Lot 24, Nelson District, Plan 38778 Except Part In Plan 49490

**Folio:** 516 00813.200 **PID:** 000-066-923

**Civic Address:** 3025 Royston Road

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:
  - a. The siting and design of the Manufactured Home Park (MHP) shall be substantially in compliance with the site plan and drawings attached to this permit as Schedule A.
  - b. The landscaping shall be substantially in compliance with the landscape plan attached to this permit at Schedule B.
  - c. Works and services will be designed and secured for the development in accordance with the requirements of the Manufactured Home Park Bylaw, No.136, 20616 and all applicable Municipal bylaws and policies.
    - i) All aspects of the work shall meet or exceed the standards in the current edition of the Master Municipal Construction Document (MMCD). This does not relieve the Registered Professional from their professional responsibilities to satisfy themselves as to the adequacy of the design.
    - ii) The Owner shall retain a Coordinating Registered Professional (CRP) to design the works and services, prepare specifications covering their installation, carry out all necessary surveys, supervise the installation of all works and services and, upon completion, shall provide certification that all works have been designed and installed according to all approved designs and good engineering practices.

- iii) The CRP shall submit certified "Record" drawings to the Village, together with certification confirming that all aspects of the work have been carried out in accordance with the Village's Bylaws, policies and regulations.
  - iv) A Municipal "Permit to do Works within a Street Right of Way" is required for any work within an existing Municipal right-of-way. All works and services shall be constructed by qualified civil contractors.
- d. Provision of 87 parking spaces.
- i) Two spaces are to be assigned to the manager's unit.
  - ii) Nine spaces are to be assigned as visitor's paces.
  - iii) Four spaces are to be assigned as accessible parking.
  - iv) Parking stalls shall be clearly marked by painted lines and appropriate signage.
- e. One freestanding sign on each road frontage on the same parcel as the MHP shall be permitted. Signs must conform to the requirements in MHP Bylaw No.1036, 2016.
- f. A separate Park Office is required. The Park Office shall be adequately identified by a sign not to exceed 0.4m<sup>2</sup> (4.3feet<sup>2</sup>) in area.

### 3. **Security**

- a) A security in an amount equal to 125% of the cost estimate for the approved landscape plan shall be received before the Permit is granted.
- b) When the plan has been completely implemented the Owner shall request an inspection. If found to be compliant, a refund of 75% of the security received 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 landscaping is 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 as 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.

### 4. **Timing and Sequencing of Development**

Subject to the terms of the Permit, if the Applicant of this 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.

### 5. **List of Reports or Plans attached as Schedules**

1. Schedule A – Site Plan
2. Schedule B – Landscape Plan

3. Schedule C – Stormwater Management Report

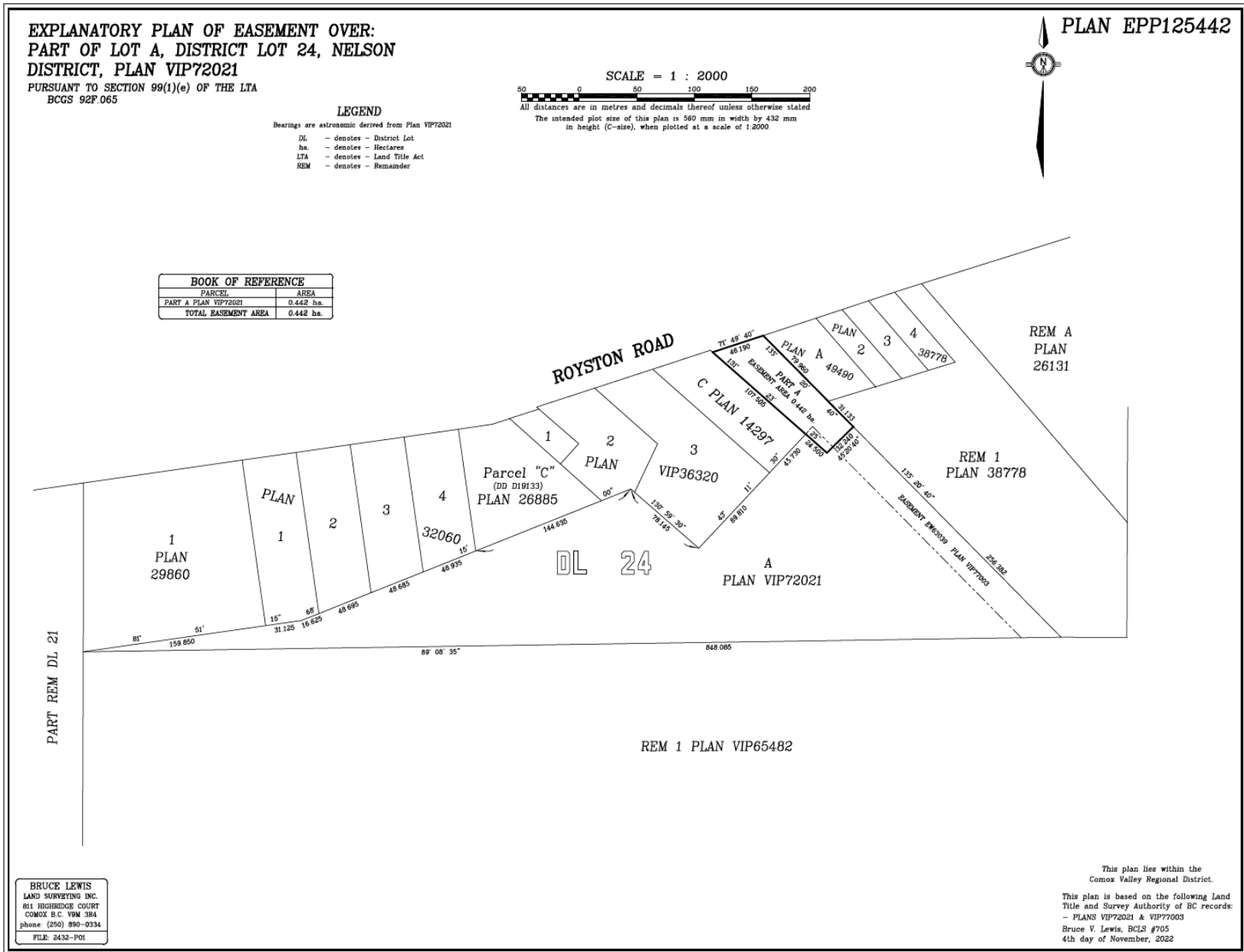
**Certification for Manufactured Home Park Permits where there are no pre-conditions:**  
CERTIFIED as the MANUFACTURED HOME PARK PERMIT approved for issuance by resolution of the Council of the Corporation of the Village of Cumberland on April 11, 2022.  
Corporate Officer

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Corporate Officer

DRAFT

146833/259818  
 MTD0CS 45935397v3



- END OF DOCUMENT -

SCHEDULE A



GRAF Concrete & Iron Inc.  
 2965 Norman Rd  
 Nanaimo BC  
 V9X 1K5

December 6<sup>th</sup>, 2022

**Village of Cumberland**

**Meleana**

Planner

O: 250 336 2291

M: 250 336 3010

[msearle@cumberland.ca](mailto:msearle@cumberland.ca)

**3025 Royston**  
 Development Variance Permit  
 Maximum building height from 4.5m to 5.5m

Letter of Rationale  
 22.12.06 - Rev 00

**1.0 Supporting Docs**

1. *Elevation views of 3 proposed house models – Great Slaty, Northern Flicker, The Lewis*
2. *Sample site layout – lot 6 – Northern Flicker*
3. *Sample, combined elevation view – completed **lot 6** dwelling (Northern Flicker Mirrored)*

**2.0 Technical**

Proposed Building Heights:

Each proposed model is shown in the table below.

House-type	Height (mm)	Sub-structure (mm)	Overall Height (mm)
Great Slaty	4080	509	4589    4.6m
Lewis	4240	509	4749    4.7m
Northern Flicker	4300	509	4809    4.8m

As can be observed on the elevation views. The vertical construction of the three proposed dwellings is well within moderate design.



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#### Examination of Manufactured Home Design:

For the purposes of this document, we will examine the tallest of the three buildings, the Northern Flicker.

The northern flicker has a interior wall height, which is common to all structures of eight (8) feet. This is the lowest permissible wall height for a conventional living space. In contrast to many other single story homes which are now carrying nine (9) feet.

In the elevation view, it can be seen that there are two separate roof pitches forming a detached gable roof. This design is more vertically economical than a single pitch roof, which would gain double the vertical height per distance of span.

One roof is pitched at 2:12, while the other is 3:12. This is considered in modern building terms as a low-pitched roof. A 4:12 to 5:12 would be most common. Additionally, a single shed roof over a 28' would not be considered unreasonable.

Since manufactured homes are required to be constructed with transport in mind. The homes have a 350mm double plated steel truss, with 140mm cassettes (joists) that sit on top of the foundation. This adds 590mm to the building height. This height is part of the structure and not an architectural convenience and therefore is a requirement, not a luxury.

#### Examination of additional contributing factors:

The Flicker is currently planned to sit on a concrete foundation. This removes a 600mm cribbing requirement that would normally be required if the home was on piles or cribbing.

To meet BCBC code and good practice requirements, the foundation needs to project 50mm where areas are hard surfaced, and 200mm where they are landscaped. Given not all areas will be hard surfaced, we are required to project the top of foundation wall 200mm above finished grade. Additionally, in order to facilitate due-diligence we proposed to add an additional 50mm taking the total projection to 250mm above finished grade.

The total building height will be calculated from an average grade over the four corners of the dwelling. Since the lots are designed to slope 0.5% away from the road, this sets the dwelling an additional 150mm below curb grade. This elevation would cause the driveways to slope towards the dwelling. This creates problematic conditions and is against best practises. Therefore, we propose to set the top of driveway at the house tie in to 2% up slope. In total this requires an additional 0.3m from the MHP bylaw standard.



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### 3.0 Summary

As can be observed in the aforementioned technical points, a maximum roof height of 4.5m from averaged grade does not work for the project requirements. Further, it could be said and examined that other than a flat roofed structure sitting on grade, there would be no way to meet this design threshold.

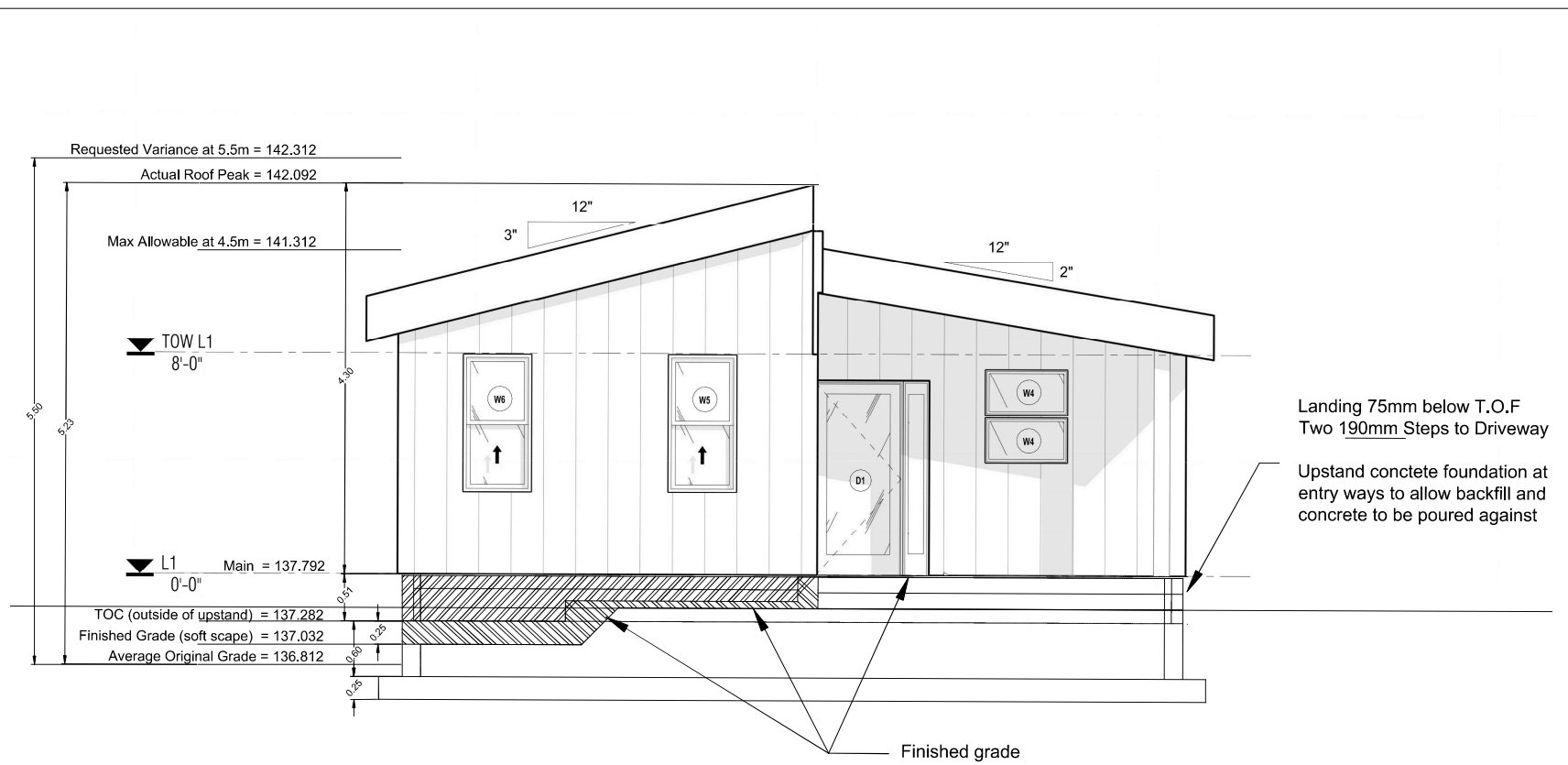
For this reason, we request a blanket variance for 3025 Royston from 4.5m to 5.5m total building height for all of the buildings on the property.

Thank you for the consideration to this matter.

Kind regards,

Trevor Styan

Owner  
Graf Concrete & Iron Inc.  
Nanaimo BC  
250-739-2262  
[grafconcion@gmail.com](mailto:grafconcion@gmail.com)



Drawn By:

TS

Date:

2022/12/06

Rev:

00

Scale:

1:50

Lot #:

6

Bldg Type:

N. Flicker  
(Mirrored)

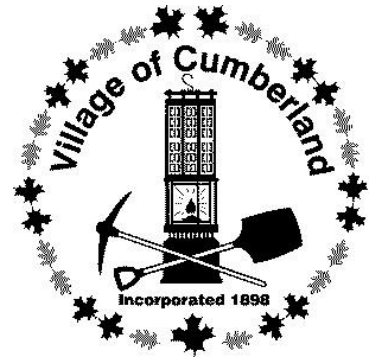


1318796 B.C. Ltd

3025 Royston Rd, Cumberland

# MEMO

## ADVISORY PLANNING COMMISSION



REPORT DATE: 5/5/2023  
MEETING DATE: 5/11/2023

File No. 5280/03 Trees/2023TreeProtectionBylaw

TO: Commission Members  
FROM: Karin Albert, Senior Planner  
SUBJECT: Tree Protection Bylaw

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At their March 27, 2023 meeting, the Committee of the Whole received a presentation by Camille Lefrançois with Diamond Head Consulting on a possible tree protection bylaw for the Village.

The staff report and Mrs. Lefrançois' presentation slides are attached to this report. The narrated presentation provides an excellent overview of tree protection bylaw options and can be viewed on the Village's YouTube Channel at [https://www.youtube.com/watch?v=8drpw\\_tYzmM](https://www.youtube.com/watch?v=8drpw_tYzmM), starting at minute 50:05.

The purpose of this agenda item is to seek input from the Advisory Planning Commission (APC) on the following key questions regarding a possible tree protection bylaw:

**1. Does the APC support the Village implementing a tree protection bylaw? (Yes/No)**

If a tree protection bylaw is supported, please provide feedback on the following questions.

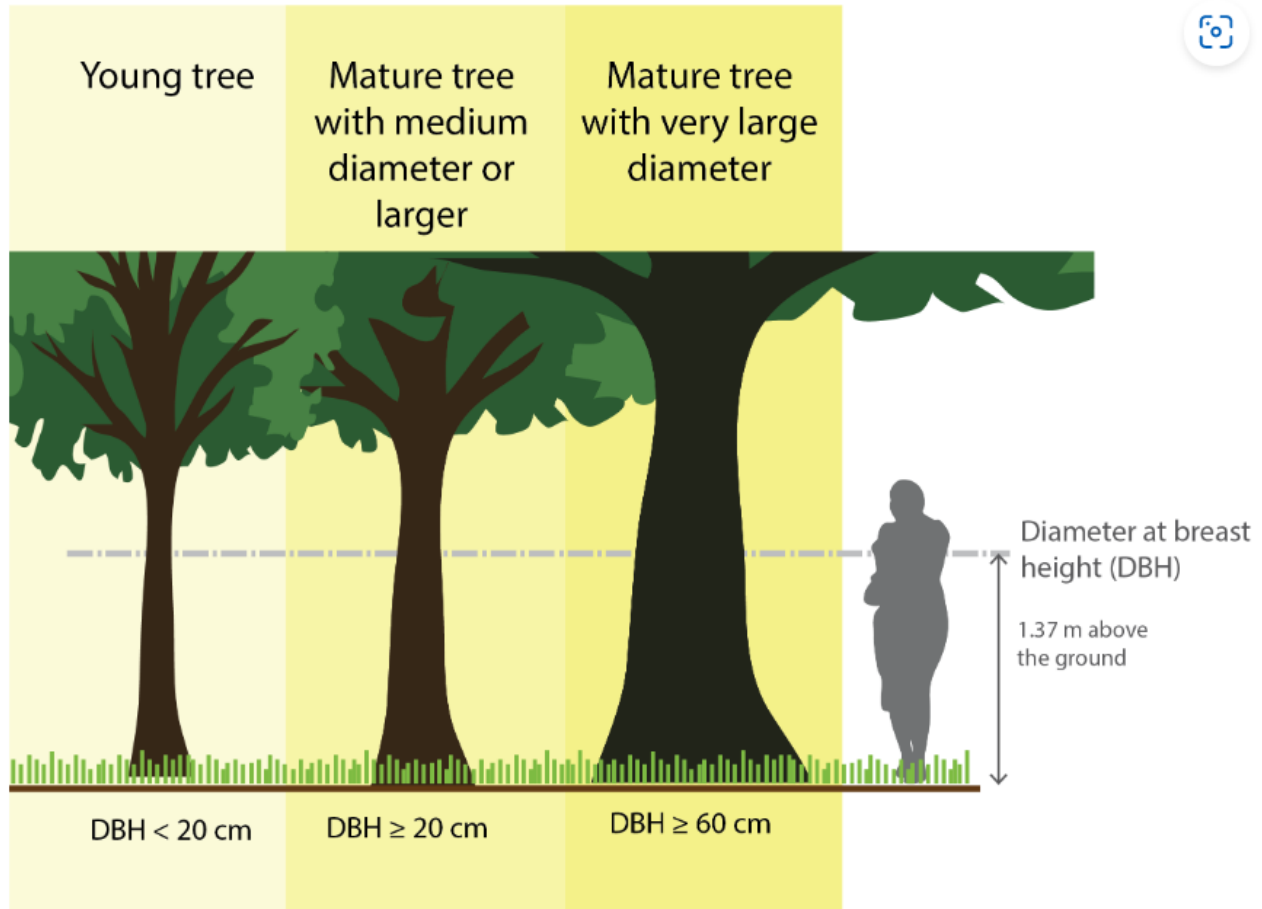
**2. What private properties should be regulated under the Tree Protection Bylaw?**

- a. All properties
- b. Only properties that have few or no trees (i.e., properties that have less than a targeted number of trees per hectare)
- c. Only large, forested properties
- d. Only properties undergoing subdivision or development (i.e., trees would not be protected until an application for development is made)
- e. Other (specify)

**3. How large should a tree be before it is regulated on private property?**

- a. Small (e.g., < 20 cm diameter)
- b. Medium (e.g., ≥ 20 cm diameter)
- c. Large (i.e., mature trees, e.g., ≥ 60 cm diameter)

Refer to the image below to visualize the different tree diameters.



**4. In some communities, certain types of trees of high significance are given greater protection than others. Which of these examples do you feel should have a greater level of protection?**

- a. Very large mature trees (e.g., ≥60 cm diameter)
- b. Trees individually nominated to a significant tree registry
- c. Native species of importance
- d. Other (specify)

**5. Should replacement trees be planted for every tree removed?**

- a. Always, for all tree removals
- b. Sometimes, only for properties that have few trees left
- c. Sometimes, only when the trees removed are very large or important to the community
- d. Never, no replacement trees should be required

**6. How many replacement trees do you think property owners should be required to plant for every tree that is removed on their property?**

- a. None
- b. One replacement tree
- c. Two replacement trees
- d. More than two replacement trees. Please specify the number:

**7. Tree bylaws require staff time to implement and typically charge fees for tree permits that can cover some of the implementation costs. If Cumberland had a Tree Protection Bylaw, how should it be funded?**

- a. Through general revenue (i.e., property taxes)
- b. By the permit fees
- c. A combination of both

**ATTACHMENTS**

- 1. March 27, 2023 report to Committee of the Whole
- 2. Diamond Head powerpoint presentation

Respectfully submitted,

***K. Albert***

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Karin Albert  
Senior Planner

# COUNCIL REPORT



REPORT DATE: 3/15/2023  
MEETING DATE: 3/27/2023

File No. 5280/03 Trees/2023TreeProtectionBylaw

TO: Mayor and Councillors  
FROM: Karin Albert, Senior Planner  
SUBJECT: Tree Protection Bylaw

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## RECOMMENDATION

This report is presented for information.

## PURPOSE

The purpose of this report is to provide an overview of the project to develop a tree protection bylaw for the Village and introduce Camille Lefrançois with Diamond Head Consulting. Mrs. Lefrançois will present on the regulatory tools available to municipalities to protect trees, the key elements of a tree bylaw, activities to engage the public in the discussions and project timelines.

## PREVIOUS COUNCIL DIRECTION

Date	Resolution
Nov. 22, 2021	THAT Council direct staff to report back to Council on financial and work plan implications to move the Urban Forest Management Plan and tree bylaw into the 2022 financial year.

## BACKGROUND

In November 2019, Council adopted the Village of Cumberland [Urban Forest Management Plan 2020-2040](#). The Plan provides guidance and recommendations to enhance the health of Cumberland's urban forest and increase the Village's canopy cover. Key recommendations in the Plan are that Cumberland maintain a 56 percent canopy over its entire administrative boundary and seek to increase the canopy cover in the developed urban areas from 20 percent to 30 percent by 2040.

The Village is actively increasing the canopy cover on public lands through its street tree planting and maintenance program. To retain or increase the tree canopy on private land, the Urban Forest Management Plan recommends a tree protection bylaw.

A tree protection bylaw does not prevent landowners from developing their land as permitted under land use planning and development bylaws. The intent of a tree protection bylaw is to

ensure trees are not needlessly removed and the maximum number of trees practical are retained during land clearing and development.

As part of the development of the Urban Forest Management Plan in 2019, the Village conducted a survey to learn about public support for enhancing the Village's urban forest. Among the 258 survey respondents, there was considerable support for increasing the canopy cover and for providing some protection for trees on private land:

- 76 percent felt that the urban forest canopy cover target should be set above where it currently stands for the *total* Cumberland area
- 89 percent felt it should be set above where it currently stands for the *developed* areas of Cumberland
- 77 percent strongly agreed or agreed with the statement that “the Village of Cumberland should take measures to protect trees on private land”
- 68 percent supported the idea that “private landowners should be allowed to remove healthy trees but there should be some restrictions,” and
- 62 percent agreed that “new developments should be allowed to remove healthy trees but there should be some restrictions.”

The current project to develop a tree protection bylaw will build on the recommendations in the Urban Forest Management Plan and the 2019 survey results. At the Committee of the Whole meeting, Diamond Head Consulting will review the range of regulatory options available to municipalities to protect trees on private land, what other local municipalities are doing, and best practices. The consultants will also provide an overview of upcoming activities to further engage the public and learn what level of support exists for the different regulatory options. The following provides a brief summary of the key items to be presented for discussion at the meeting:

1. Possible application of a tree protection bylaw:
  - Trees on properties under development
  - Trees on large or greenfield properties
  - Trees on all properties
  - Trees of a certain size or diameter
  - Trees of high significance
  - Heritage trees or important species
2. Conditions when a tree can be removed and replacement requirements
3. Implementation considerations
  - Incentives
  - Permit fees
  - Enforcement
4. Bylaws in neighbouring municipalities
  - Courtenay
  - Comox
5. Public engagement
  - Online meeting
  - Survey
6. Project steps and timeline

## **PUBLIC NOTIFICATION AND CONSULTATION**

Public engagement on a tree protection bylaw is planned for May of this year and will include an online public meeting and a survey.

The key questions to be explored with the public will also be discussed with the Advisory Planning Commission (APC) at an upcoming APC meeting.

The results from the public engagement and discussion with the APC will be shared with Council in late spring.

## **ALTERNATIVES**

1. THAT Council provide specific direction to staff for the tree protection bylaw and direct staff to consult with the public on a draft bylaw.

*This would mean public input is deferred to later in the process and would not inform the drafting of the bylaw.*

2. Not proceed with any action at this time.

## **STRATEGIC OBJECTIVE**

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

## **FINANCIAL IMPLICATIONS**

The development of a tree protection bylaw is funded in the 2023-2027 financial plan. Implications of a tree protection bylaw on financial and staff resources will be discussed when the components of the bylaw have been developed and a draft bylaw is introduced to Council for consideration.

## **OPERATIONAL IMPLICATIONS**

The development of the tree protection bylaw is supported by Development Services staff. Once adopted, depending on the type of regulations, a tree protection bylaw may require staff resources to implement and enforce a tree cutting permit system.

## **CLIMATE CHANGE IMPLICATIONS**

A tree protection bylaw will support the goal of the Urban Forest Management Plan to increase the urban forest canopy cover in the Village. An increased canopy cover moderates the micro-climate in and around treed areas, mitigating against the severity of summer heat waves and their health impact on residents. Tree retention and planting also reduces the severity of erosion and flooding during severe rainfalls and increases the uptake of greenhouse gases emission.

## **ATTACHMENTS**

None.

**CONCURRENCE**

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

***K. Albert***

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Karin Albert  
Senior Planner

***M. Mason***

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Michelle Mason  
Chief Administrative Officer




# Village of Cumberland Tree Protection Bylaw

Council Presentation | March 27, 2023  
Camille Lefrançois, Environmental Planning Manager  
Diamond Head Consulting

1

## Agenda

- Project context
- Overview of tree regulatory tools
- Key elements of tree bylaws
- Project next steps
- Discussion



2



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## Official Community Plan



- Building on relevant OCP objectives, including: KA0
  - Environmental preservation: “Protect and enhance the integrity of the natural environment” (section 7.1.2 (1))
  - Economic development: “Expand, preserve and promote the Village’s working forest land, environmentally sensitive areas, and natural amenities” (section 6.1.2 (5))

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# Urban Forest Management Plan



- Identified:
  - Canopy cover loss to which development contributed
  - Community support for more private tree protection
- Recommended a private Tree Protection Bylaw, inclusive of:
  - Replacement tree requirements
  - Construction requirements for tree protection

## Cumberland canopy cover targets

### Village-wide

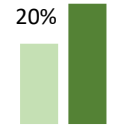
56% 56%



2020-2040

### Urban areas

20% 30%



2020-2040



5



## Overview of tree regulatory tools

6

## Regulatory tools for trees

### 1. Higher-level tools

- a. Regional Growth Strategy
- b. Official Community Plan

### 2. Tools regulation land use

- a. Zoning Bylaw
- b. Subdivision and Development Bylaw

### 3. Tools primarily regulating trees

- a. Development Permit Areas
- b. Tree Bylaw



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## Land use

### Regulating the space where trees grow:

- Zoning bylaws:
  - Site coverage
  - Landscaping requirements, incl. tree planting at laneway housing development
- Subdivision and development bylaws:
  - Street boulevards
  - Utilities and drainage

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## Trees: Development Permit Area



- DPA 1 (Environmental Protection)
  - Protection + restoration requirements
- DPAs 7-9 (Form and Character) – landscaping requirements
  - Multi-family: minimum tree cover
  - Commercial + mixed use: screening, shading, and stormwater management

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Key elements of tree bylaws

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## Best practices/administrative elements



- Application requirements
- Exemptions
- Tree protection during construction
- Timing of tree clearing (development)
- Technical standards for replacement trees (species, soil volume, etc.)
- Enforcement

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## Value-informed elements



### 1. WHAT is regulated

- Bylaw application – types of properties or applications
- Type of trees

### 2. HOW it is regulated:

- Restrictions on removals + exemptions
- Replacement requirements

### 3. HOW it is implemented:

- Incentives to protect trees
- Permit fees
- Enforcement approach

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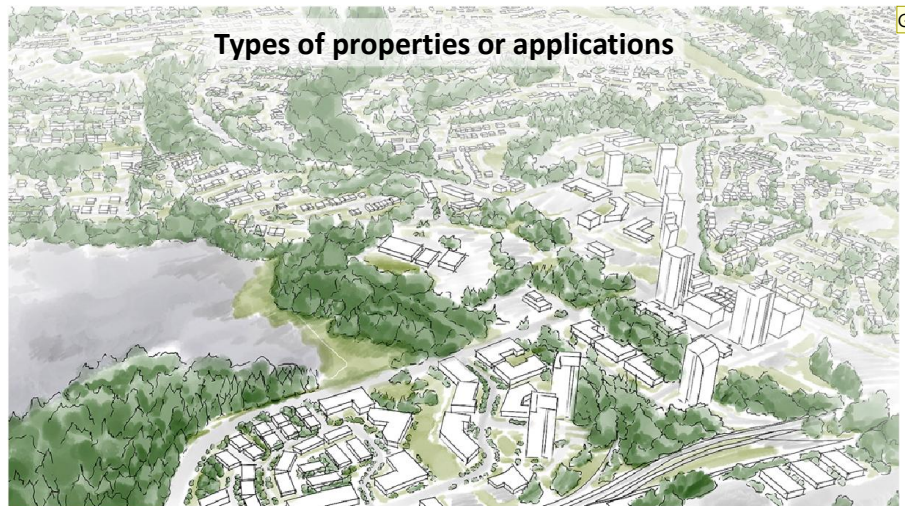


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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Bylaw application



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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Bylaw application



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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Bylaw application



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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Bylaw application



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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Protected trees



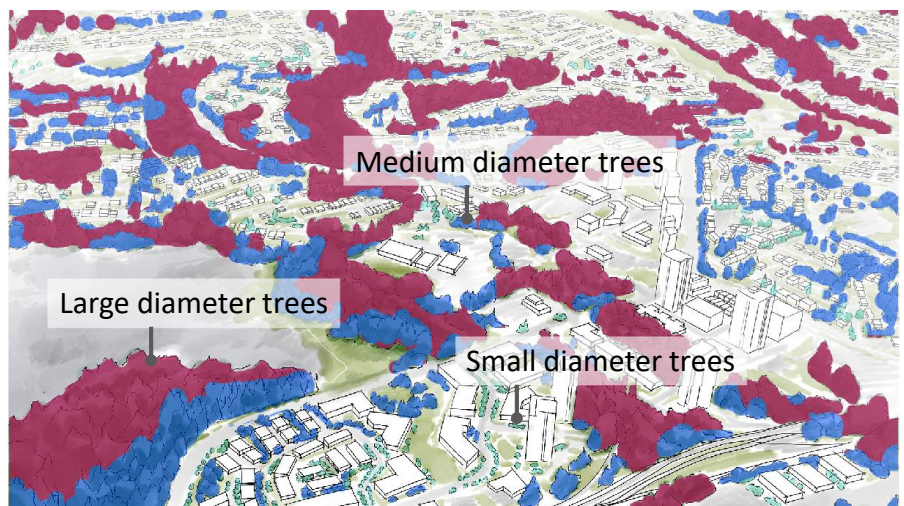
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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Protected trees



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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Trees of high significance



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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Trees of high significance



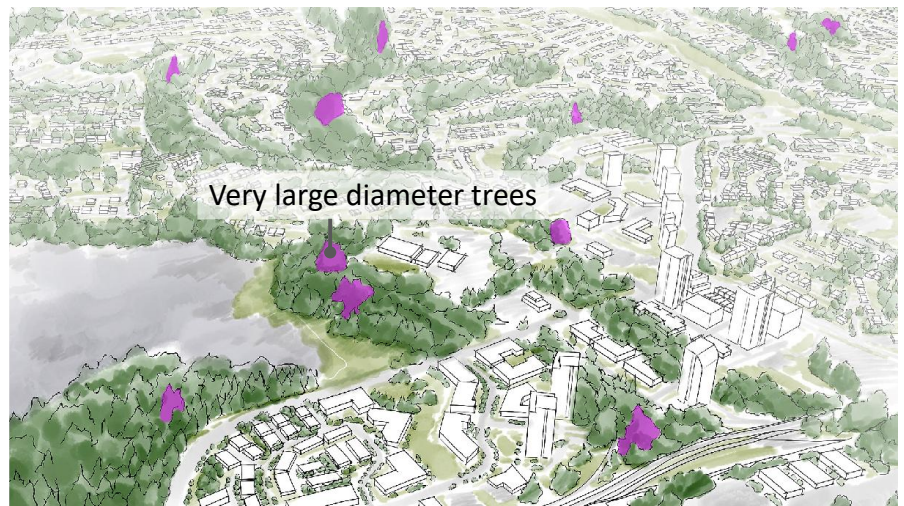
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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Trees of high significance



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## Value-informed: What is regulated

### 1. WHAT is regulated:

- Trees of high significance



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## Value-informed: How it is regulated



### 2. HOW it is regulated:

- Restrictions on removals
  - Conditions when a tree can be removed
- Replacement requirements
  - Number of trees planted for every tree removed



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## Value-informed: How it is implemented



### 3. HOW it is implemented

- Incentives to protect trees
- Permit fees
- Enforcement approach



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## Summary of value-informed elements



### 1. WHAT is regulated:

- Bylaw application:
  - Size of property
  - Type of application
- Type of trees:
  - Protected trees – Based on diameter size
  - Trees of significance – individual or size/species importance

KAO

### 2. HOW it is regulated:

- Restrictions on removals + exemptions
- Replacement requirements

### 3. HOW it is implemented:

- Incentives to protect trees
- Permit fees
- Enforcement approach

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## Objectives for key directions



Understanding Council's overall preference for the desired level of:



**Urban forest protection**

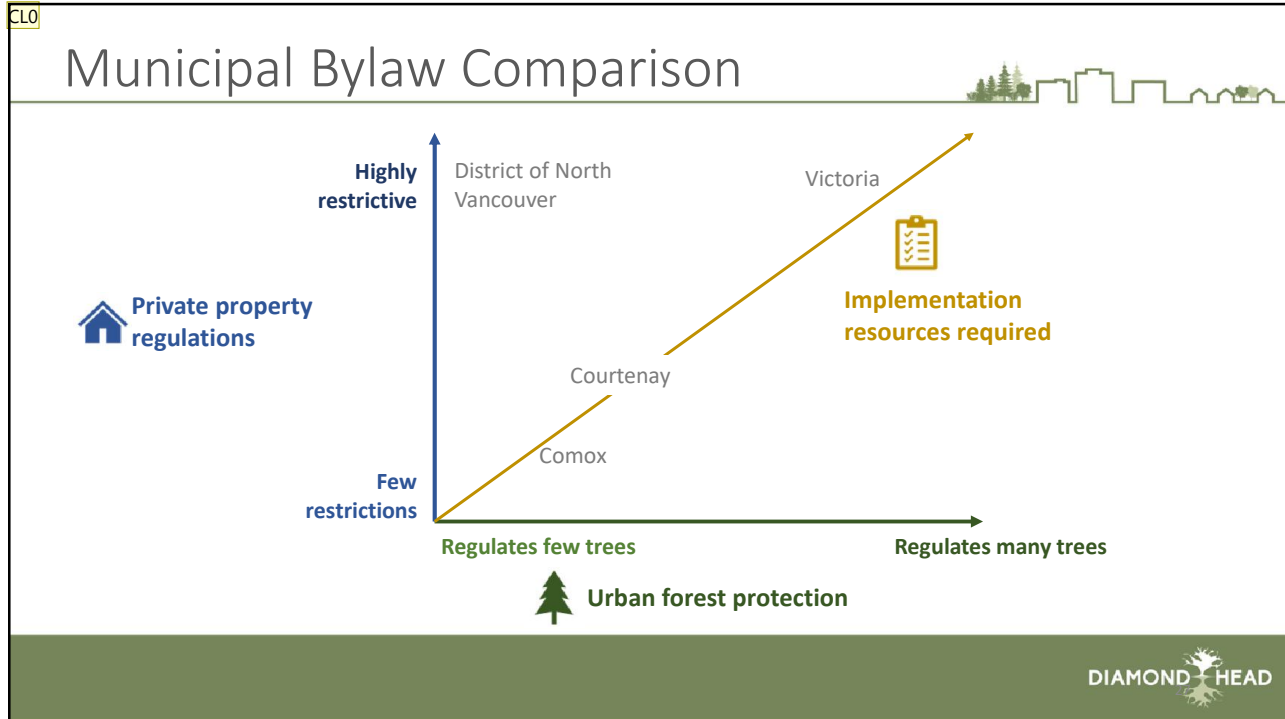


**Implementation resources required**

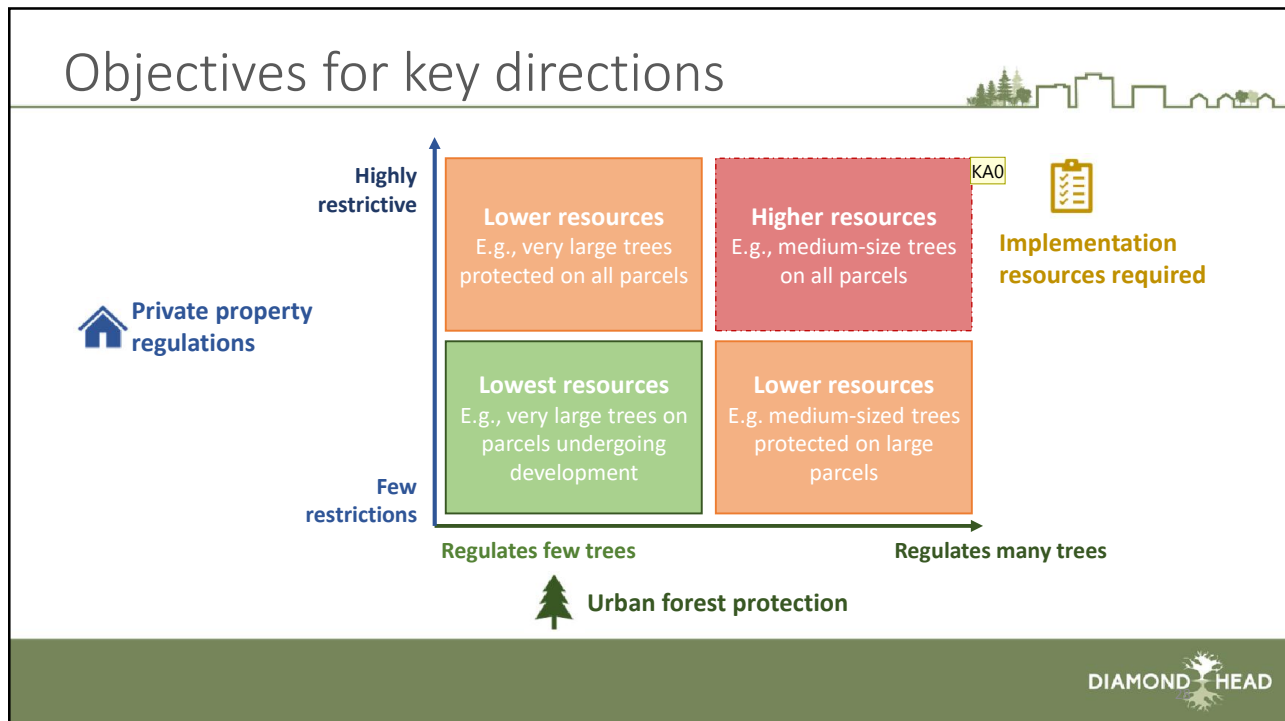


**Private property regulations**

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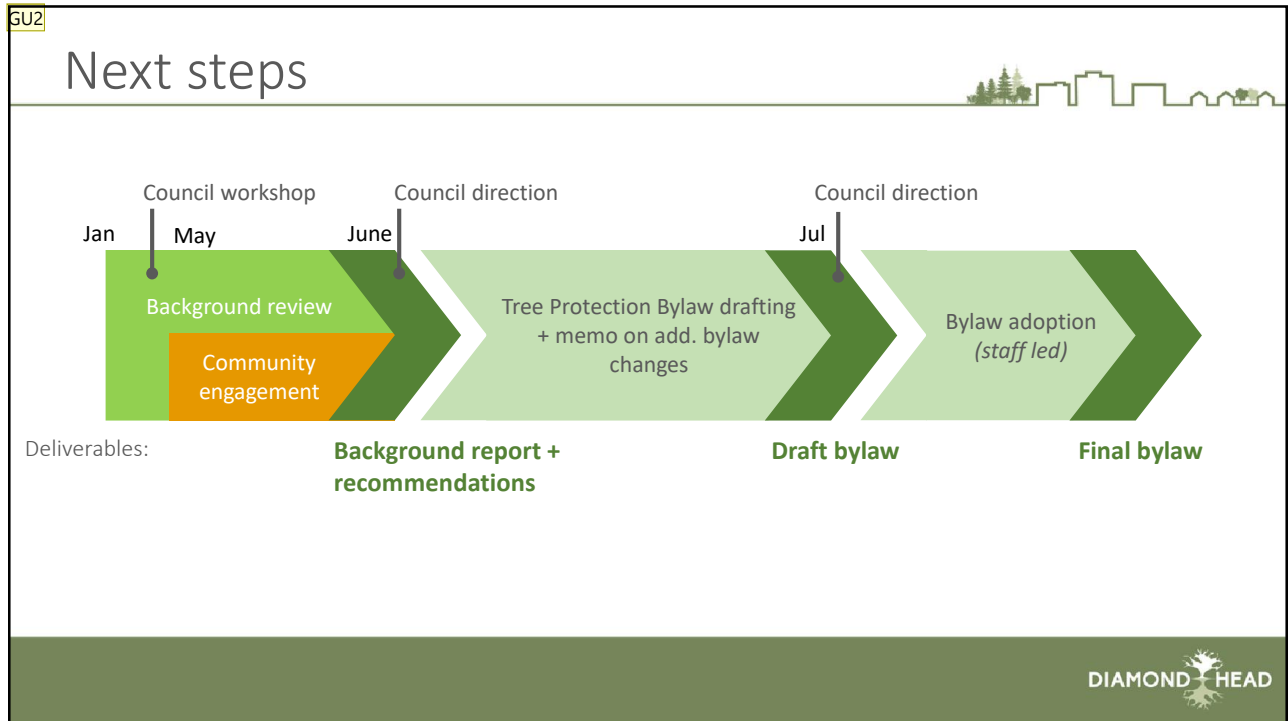
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## Questions



- What are Council's objectives for tree regulations?
  - For example:
    - Preventing clearcutting
    - Protecting specific types of trees
    - Improving subdivision/development outcomes

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## Objectives for key directions



Understanding Council's overall preference for the desired level of:



**Urban forest protection**



**Implementation resources required**



**Private property regulations**