



## Explanatory Memorandum

---

**Subject:** Macoah Zoning and Structures Act 2017

**Date:** August 8 2017 Council meeting

---

**Overview:** This report is recommending the first reading of the Macoah Zoning and Structures Act. This is the first step in the Act's adoption. This Act applies only to Toquaht lands at Macoah. Zoning is important Toquaht law that sets limits to what can be built where, and how land and buildings (structures) can be used. This law ensures that the community is developed in the way the community wants it to be developed.

**Recommendation:** That the Macoah Zoning and Structures Act is read a first time.

**Purpose of the Zoning and Structures Act:** The proposed Zoning and Structures Act divides Macoah into zones and regulates the use and dimensions of lands, buildings, structures and foreshore in the zones.

**Effect of the Zoning and Structures Act:** Once the Zoning and Structures Act is adopted, all future buildings and structures at Macoah must be built following the limitations in the Act, and all the land and buildings at Macoah must be used following the limitations in the Act. This Act applies to all owners and users of the land.

There are allowances for the continuity of current uses that are not permitted by the new Zoning. An existing use that does not conform to a new zoning law will be allowed to continue with some limitations. No new development (buildings, major renovations, structures) will be permitted except for what is permitted in the zoning law.

This proposed zoning law also regulates signage and off-street parking at Macoah.

**Toquaht citizen involvement:** Toquaht citizens have had opportunities to review the first draft of the Zoning and Structures Act prepared by Ratcliff and ask staff questions at the March 19 2016 and the July 23 2016 People's Assemblies. The version of the Act being proposed here only includes the sections that apply to Macoah. It was presented at the June 24<sup>th</sup> People's Assembly.

From October 2016- May 2017, Indigenous Community Planning students conducted in-depth community engagement towards a Macoah Village Concept Plan. This proposed Zoning and Structures Act considers the community directions from the Macoah Village Concept Plan.

Notification of Council’s consideration of first reading of the Zoning and Structures Act will be published on the Toquaht website and in the Toquaht Newsletter in July – November.

Citizens and the public at large will have the opportunity to provide written or oral commentary on the proposed Act during the public hearing which will be most likely scheduled in October of 2017. Notification of the date for the public hearing will be published in the Westerly News as well as on the Toquaht Notice boards. Please contact Juliet Van Vliet, Director of Lands, Public Works and Resources with any questions or thoughts ([julietv@toquaht.ca](mailto:julietv@toquaht.ca) and 250 726 5169).

**Changes from the first draft of the Zoning and Structures Act (2014) prepared by Ratcliff:** The current draft of the Zoning and Structures Act applies only to Macoah, where the first draft of the Act applied to all of Toquaht Lands. Generally Zoning laws apply across all lands comprehensively. Macoah is the only area currently being considered for fee simple interests and therefore it is most important that the Zoning and Structures Act apply at Macoah.

In advance of other Toquaht lands being considered for fee simple ownership or long term leases, zoning across Toquaht lands should be put in place.

**Directions from the Macoah Village Plan:** The Macoah village concept plan offers a few key directions to the proposed Macoah Zoning and Structures Act.

<b>Direction</b>	<b>How to incorporate these directions in our work at Macoah</b>
Support the wilderness feel and home privacy at Macoah	The existing low density residential area proposed in the Zoning and structures Act supports this direction.
Plan for a gathering space and a public works yard at Macoah	These uses are permitted by the Act in several locations. The definition of “government use” was broadened to specifically include the range of uses identified in the plan.
Retain a portion of the ballfield for open green space	Open space and recreation space is a permitted use in the institutional zone which covers lot 21 (old mill site)
Invest in low maintenance landscaping using non-invasive species	The proposed zoning includes limited landscaping requirements and more landscaping requirements between residential uses and other uses.
Support access to traditional foods on the Macoah waterfront	Recreational trails is a permitted use in the institutional zone which covers lot 21 (old mill site)
Pursue policies and programs that mitigate and adapt to climate change	It is important that future community development occur at higher elevations. However, servicing levels at higher elevations must be improved first before building can occur at higher elevations.

**Infrastructure planning considerations:** Toquaht staff have been engaged in an infrastructure planning process for Toquaht lands. Through this process it has become clear that the most affordable development is within the existing infrastructure service area (along Tiickin Drive at Macoah and under 15m in elevation). To make the most of that service area infrastructure and keep infrastructure costs to the Nation low, it would be ideal to build higher densities in that area. However, until we have better information on Macoah's daily water usage, the low flow rates of Macoah creek and the level of fire protection desired by the community, low density residential similar to the existing form and character is recommended within the serviced area at Macoah.

This proposed Zoning and Structures Act allows for more low density residential at Macoah. It also contemplates a range of uses the Toquaht Government may wish to see move forward including: a modest community gathering space, recreation facilities, additional affordable housing and an expanded public works yard.

**In line with the Official Community Plan:** This proposed Zoning and Structures Act cannot be in conflict with the directions in the Toquaht Official Community Plan Act (OCP). The Home lands section of OCP specifies that "Macoah is the current focus of home life for our community" and the home lands designation is "intended to provide for all the elements required at home." Uses within this Home lands designation include but are not limited to residential, home based businesses, local commercial, community centre, spiritual centre, long house or community gathering place, medical centre, healing/health centre, cultural education centre, schools, administration uses and buildings (office, works yard), recreation uses, and emergency services. These types of uses have been considered in the proposed Macoah Zoning and Structures Act.

**Important questions about the proposed zoning for Macoah:** Council may wish to review in detail the definition drafted for "family" in this Act. This definition could impact how people live together in homes in the future.

Council may also wish to review section 2.17 "dwelling unit residential floor area." This section requires that all dwelling units must be at least 70 square meters (approx.750 square feet). Mobile homes that are not in a mobile home park are required to comply with this size requirement – disallowing a travel trailer from being parked on a lot as a dwelling. So far, an area has not been designated for a mobile home park on Toquaht lands.

This proposed Zoning Act also regulates parking and signage. These are not required sections in a zoning law. They can be regulated in separate laws. The parking and signage sections were drafted by Ratcliff and staff have reviewed them. Parking requirements are often included in zoning laws because when a structure is being developed it is important to know how much land is needed on site for parking. Staff recommends that the parking requirements are included in this law.

Signage requirements are often in stand along laws rather than in the zoning law. However, it can be good to have signage requirements in a zoning law since as a new structure is being developed, it is important to know what kind of signage is permitted. Though I don't expect Toquaht's priority rests in enforcing signage regulations, it is good to have a law in place to prevent or enforce obnoxious signage that may affect the character of Macoah.

**Proposed timeline for adoption:** This timeline may change in response to public input or Council consideration.

March 2016 – July 2017	Citizen engagement	Engagement with citizens at People’s Assemblies, through the Macoah village planning process and through communications in the newsletters and the webpage
August 8	First and second Reading	Council may accept the Act as introduced and may choose to read it a second time
August - September	Committee of the whole review	Line by line review of the Act
August - September	Council receive recommendations	Recommendation from the committee is received by Council, including amendments as required.
October 4 and 11 issues of the westerly	Public notice	Public hearing advertisements in local newspapers, noticeboards and webpage.
October 13	Public Hearing	Written and Oral submissions on the Act are heard
November 7	Third Reading and adoption	Council may give the Act third reading and may adopt the Act

Questions and discussion are welcome and encouraged.

Respectfully submitted,

Juliet Van Vliet, MA Planning  
 Director of Lands, Public Works, and Resources

***Attachments:***

Macoah Zoning and Structures Act 2017