

**SUPPLEMENTARY REPORT TO  
JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 15, 2020**

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**SUBJECT**      **Comprehensive Community Development Plan Amendment Application for: That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125); That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006); and Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less**

**ISSUE SUMMARY**

This report provides supplementary information and a revised recommendation for the Report tabled by the Juan de Fuca Land Use Committee (LUC) on June 16, 2020, as a result of correspondence received from Pacheedaht First Nation on June 16, 2020.

**BACKGROUND**

Prior to consideration of this application by the LUC on June 16, 2020, JdF Community Planning received correspondence from Pacheedaht First Nation (Appendix A) highlighting a number of concerns and questions related to the consultation process and governance, and regarding various aspects of the development of the subject lands within Pacheedaht's traditional territory. The LUC determined that the concerns warranted tabling the item to its September 15, 2020, meeting, in order to give staff time to work with the applicant and Pacheedaht to address the noted concerns and questions.

Subsequent to the June 16, 2020, meeting, JdF Community Planning received an Archaeological Impact Assessment (AIA), dated July 31, 2018, and accompanying geotechnical report, dated November 19, 2015. Having received and reviewed this new information, staff recommend a revised recommendation.

**ALTERNATIVES**

*Alternative 1*

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
- b) That proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" be introduced and read a first time and read a second time;
- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 4096; and

- d) That prior to adoption of the bylaws, the applicant:
  - i. Register a covenant on the title of the lands pursuant to Section 219 of the *Land Title Act* in favour of the CRD securing the Archaeological Impact Assessment prepared by Duncan McLaren, PhD, dated July 31, 2018, and the geotechnical report prepared by Bruce Dagg, P.Eng., dated November 19, 2015.

*Alternative 2*

That the CRD Board not proceed with proposed Bylaw No. 4096.

*Alternative 3*

That more information be provided.

**IMPLICATIONS**

In their correspondence dated June 16, 2020, Pacheedaht First Nation raised a number of concerns regarding the application review and consultation processes, and potential impacts on the environment and damage to sites of cultural importance. They also asked several questions regarding site servicing, including community water and sewage disposal.

Consultation Implications

The CRD's development application processes are established through Bylaw No. 3885 and the *Local Government Act*. The process allows for referral by the Juan de Fuca Land Use Committee and the CRD Board to agencies and departments they determine may have interests that are affected by proposed development. Comments received from external agencies, including Pacheedaht, were included in the staff report for the June 16, 2020, LUC meeting and part of the staff recommendation was intended to address their original concerns. However, as a result of ongoing dialogue between CRD and Pacheedaht, CRD has acknowledged the desire for greater participation on the part of the Nation, and has committed to providing an avenue for more meaningful dialogue with those First Nations in whose traditional territory a development application is being considered.

Land Use Implications

As part of the Licence of Occupation application process for the marina, a consultation process involving the proponent and Pacheedaht was required by the Province. That process was to have addressed concerns related to the impact on the marine environment, including shellfish harvesting and underwater noise, and resulted in moving the marina infrastructure and breakwater to their present location. As part of the current development application, we are in receipt of an environmental report for the upland portion of the development. The report was attached to the June 16, 2020, LUC report.

Subsequent to the June 16, 2020, LUC meeting, JdF Community Planning received a copy of an archaeological inventory and impact assessment report, dated July 31, 2018, prepared by Duncan McLaren, PhD, (Cordillera Archaeology). The report provided details on the results of assessment of the land in the vicinity of the Pacific Gateway Marina, and focused on a number of sea cave features along the foreshore. The report affirmed Pacheedaht's concerns regarding vibrations from blasting and machinery activities in the vicinity of the sea caves, including those that would originate from the "Little Renfrew" site directly above the caves. The Report also included a 2015 Ryzuk geotechnical report (the "Geotechnical Report") that commented on the stability of the caves and provided vibration threshold recommendations. In light of this information, staff recommend registration of a covenant on the title of the lands to require that all future development be conducted in accordance with the recommendations of the Archaeological and Geotechnical Reports. This would address future land alteration and construction activity on District Lot 17, and ensure that it follows the recommendations for a vibration threshold, monitoring and impact mitigation.

With regards to water supply, the proponent has partnered with Port Renfrew Management Ltd. to install a 100,000 gallon water tank to increase the overall storage capacity of the Port Renfrew water system. In exchange for that work and based on the value of the contract, under an agreement with the Port Renfrew Utility Services Commission and CRD Integrated Water Services, 32 single-family equivalents (SFEs) are to be allocated to Pacific Gateway Marina, 32 SFEs to Port Renfrew Management Ltd, and 8 SFEs to Port Renfrew Business Park Ltd. As a result of this increase in capacity, approximately 75 SFEs presently remain unallocated and available for other development proposals within the local service area upon payment of the amenity fee.

At the present time, sewage treatment is proposed to be via a community system constructed in partnership with Port Renfrew Management Ltd., on the south side of Parkinson Road. The system would require approval from Island Health under the *Sewerage System Regulation* of the *Public Health Act*. Such a system is limited to a flow rate of 22,700 L/day. At such time as the development proposes to exceed this threshold, a larger system, involving approvals from the Ministry of Environment under the *Environmental Management Act* and *Municipal Wastewater Regulation*, will be required.

As a result of the concerns raised by Pacheedaht and the additional information received from the applicant regarding the culturally sensitive areas within the development area, staff recommend a revised Land Use Committee recommendation to include a covenant securing the 2018 Duncan McLaren archaeological assessment and associated 2015 Ryzuk geotechnical report.

### **RECOMMENDATION**

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4096, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020” to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
- b) That proposed Bylaw No. 4096, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020” be introduced and read a first time and read a second time;
- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 4096; and
- d) That prior to adoption of the bylaws, the applicant:
  - i. Register a covenant on the title of the lands pursuant to Section 219 of the *Land Title Act* in favour of the CRD securing the Archaeological Impact Assessment prepared by Duncan McLaren, PhD, dated July 31, 2018, and the geotechnical report prepared by Bruce Dagg, P.Eng., dated November 19, 2015.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

### **ATTACHMENT:**

Appendix A: Correspondence from Pacheedaht First Nation, June 16, 2020

Appendix A: Correspondence from Pacheedaht First Nation



**Pacheedaht First Nation**

350 Kalaid Street  
Port Renfrew, BC  
V0S 1K0  
Phone: (250) 647-5521  
Fax: (250) 647-5561

June 16, 2020

**VIA EMAIL**

Capital Regional District  
625 Fisgard Street  
Victoria, BC V8W 1R7

**Attention:** Mike Hicks, Director  
Chair, Juan de Fuca Land Use  
Committee  
(mhicks@crd.bc.ca)

Dear Sirs/Mesdames:

**Re: Proposed New Pacific Gateway Marine Comprehensive Development Zone  
Comprehensive Community Development Plan Amendment Application for:  
That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-  
592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125);  
That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-  
575-006); and Those Parts of Block A and B, District Lot 751, Together with Unsurveyed  
Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All  
Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86  
Hectares, More or Less**

On behalf of the Pacheedaht First Nation, I am writing in relation to this evening's meeting of the Juan de Fuca Land Use Committee (the Committee).

I understand that tonight's agenda includes an application by Pacific Gateway Marina (PGM) for a rezoning of the properties listed above (the Rezoning Application). The rezoning would seriously change the way the properties are used, allowing year-round residential accommodation, vacation properties, commercial tourism, and increased recreation and marina services.

Before the Committee meets, I wanted to take this opportunity to explain some of Pacheedaht's concerns with the Rezoning Application. I am writing to you directly in advance of the Committee convening as in the background materials for tonight, I do not see a plan for direct engagement with Pacheedaht other than some proposed input on an archaeological report. I wanted to let you know at this early juncture that, due to the nature of the potential impacts it contemplates, a process of direct engagement is needed between the Capital Regional District (CRD) and Pacheedaht in relation to the Rezoning Application before any further steps are taken.



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### **Pacheedaht Concerns with Rezoning Application**

As you will be aware, Pacheedaht asserts Aboriginal rights and title to the properties included in the Rezoning Application, as well as the surrounding lands and waters. Our members are worried about what the Rezoning Application could mean for our territory. Some of our concerns are as follows.

#### Heritage and cultural sites

There are a number of known archaeological sites as well as undocumented sites within the area subject to the Rezoning Application. These sites are of immeasurable value to Pacheedaht and include sacred sea caves and other cultural features. Our oral history tells us these sites were used for burials and were also sites for cleansing, collecting red ochre (a substance sacred to Pacheedaht), and other important cultural rituals. Protecting these sites and the cultural remains they contain is of the highest concern to our Nation.

These sites have already been subject to damage, including by construction of the railway in the 1930s, when burials boxes were removed. As Pacheedaht, we know these sites to be incredibly fragile. Damage to them in the past has resulted in some caves collapsing such that they are no longer accessible.

Were it permitted, the Rezoning Application would allow PGM to build a very dense residential development above these sites. Pacheedaht is deeply concerned that blasting and other heavy machinery work associated with construction near these fragile sites could lead to irreparable damage, including their permanent collapse and the loss or damage to their sacred contents. We simply cannot take the risk that this part of our history and culture could be lost.

I see from the background materials for this evening's meeting that one of the Committee's options in considering the Rezoning Application would be for PGM to submit an archaeological report, created with Pacheedaht's input, to be considered at a public hearing. I stress that it is absolutely crucial that the Committee, and the CRD, hear directly from Pacheedaht in relation to our concerns about preventing and managing impacts to these sites. It is not sufficient or appropriate for consideration of impacts to Pacheedaht to be limited to a report written about us.

#### Other impacts

Pacheedaht's concerns with the Rezoning Application are not limited to our heritage and cultural sites. I feel compelled to set out some of our additional concerns here because the background materials for this evening's meeting appear to limit our concerns to archaeological impacts.

Our other concerns with the Rezoning Application include impacts to shoreline and marine species from construction activities, ongoing underwater noise, environmental impacts caused by fuel and other vessel discharges, and potential interference with our members' harvesting activities due to increased marine traffic and reduced shoreline access.

Water supply is also a serious concern in our remote community. Pacheedaht understands that PGM is applying for community piped water to be supplied to the properties, but that the usual amenity contributions for water use are being waived due to a cost share of a proposed storage tank. Pacheedaht is requesting more information about this proposal as well as the general water needs for what PGM is proposing. Along these same lines, Pacheedaht also has concerns relating to drainage,



Pacheedaht First Nation

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grey water, and sewage disposal. Given the proximity of the properties to our community, and important fishing areas, our members will be deeply impacted by any changes in service levels from PGM's proposed development of the area.

Pacheedaht is also concerned that PGM's plans for the properties may not comply with Port Renfrew's 2003 Official Community Plan (OCP). For example it is not clear to us whether PGM's proposed residential accommodation meets the needs of the area in terms of affordability, and whether the proposed tourist accommodation of cabins, RV and camper rental spaces comply with the OCP. As set out in the May 2019 letter from Pacheedaht's Referrals Coordinator, Kristine Pearson, in our view the OCP needs to be updated in collaboration with Pacheedaht to reflect current land use and needs from both Pacheedaht and the Port Renfrew community. The Rezoning Application is an important opportunity to consider how the CRD, Port Renfrew and Pacheedaht can work together on land and marine use planning in Pacheedaht territory.

### Next Steps

As set out above, we have a number of serious concerns with the Rezoning Application, and also the process by which it will be reviewed. A public hearing with consideration of an archaeological report is not sufficient. Rather than being the subject of a report, Pacheedaht needs a seat at the table. There needs to be a meaningful opportunity for our governments to sit down and discuss what is being proposed, and more generally to work collaboratively on applications in Pacheedaht territory.

Given the serious issues it raises, Pacheedaht is requesting the opportunity to work with the CRD to develop a process for ensuring our views and concerns are meaningfully considered in the Rezoning Application. Such a process would be in line with the CRD's Statement of Reconciliation, which includes supporting the participation of First Nations in the CRD's decision-making processes.

As a first step, please contact Kristine Pearson at [referrals@pacheedaht.ca](mailto:referrals@pacheedaht.ca) to set up a meeting as soon as possible, to be held by way of video conference or teleconference.

We look forward to hearing from you.

Yours truly,

PACHEEDAHT FIRST NATION

A handwritten signature in blue ink, appearing to read 'Jeff Jones'.

Chief Jeff Jones  
[jeffi@pacheedaht.ca](mailto:jeffi@pacheedaht.ca)

cc: Capital Regional District, Attn. Colin Plant, Board Chair ([cplant@crd.bc.ca](mailto:cplant@crd.bc.ca))  
Pacheedaht First Nation, Attn. Kristine Pearson ([referrals@pacheedaht.ca](mailto:referrals@pacheedaht.ca))  
Mandell Pinder LLP, Attn. Rosanne Kyle ([rosanne@mandellpinder.com](mailto:rosanne@mandellpinder.com))



Making a difference...together

**REPORT TO JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JUNE 16, 2020**

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**SUBJECT**      **Comprehensive Community Development Plan Amendment Application for:  
That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R  
(PID: 009-592-342);  
Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125);  
That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R  
(PID: 009-575-006); and  
Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown  
Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All  
Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing  
3.86 Hectares, More or Less**

**ISSUE SUMMARY**

The applicant has applied to re-designate the subject properties from Marine Protection (M) and Residential (R) to a new Pacific Gateway Marina (PGM) designation, and to rezone the subject properties from Marine (M) and Community Residential – One (CR-1) to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, in order to permit a mix of community uses, year-round residential accommodation, vacation properties and commercial tourism, recreation and marina services to the general public.

**BACKGROUND**

The subject properties are located in Port Renfrew at 17110 Parkinson Road and 6598 Baird Road (Appendices A and B). The upland properties are designated as Residential (R) and the Licence of Occupation area is designated as Marine Protection (M) under the Comprehensive Community Development Plan (CCDP) for Port Renfrew, 2003, Bylaw No. 3109. The upland properties are zoned Community Residential – One (CR-1) and the Licence area is zoned Marine (M) under Bylaw No. 3109. The subject areas are adjacent to Tourist Commercial – One (TC-1) and CR-1 zoned land to the south and west, Community Use (CU) zoned land to the east, and Port San Juan to the north.

The parcels located at 17110 Parkinson Road and the Licence area are currently located outside the Port Renfrew Water Service Area, while the property located at 6598 Baird Road is located inside the service area. The land based parcels are all located within the Port Renfrew Fire Protection Local Service Area, while the Licence area on which the marina is situated is located outside the service area.

The CR-1 zone allows development in the form of one residential unit per parcel, home based businesses, bed and breakfasts, religious centres, and retail establishments. The Marine zone allows private boat docks.

The Licence of Occupation area, on which the current marina infrastructure is located, was issued by the Province on February 25, 2016. Temporary Use Permit TP000008 was issued by the Regional Board on June 28, 2016, renewed on July 24, 2019, and will expire on June 28, 2022. The Permit authorizes the operation of a 60-slip commercial marina, offices, food services, fuel sales, recreation, boat trailer parking and boat storage within the Licence area and part of the adjoining upland property.

The proposed rezoning to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone would establish six development areas, each with a variety of uses including residential, tourist commercial, recreation, community and marina services to the general public (Appendices C and D).

In order to rezone the property, a new Pacific Gateway Marina (PGM) land use designation has been developed. The PGM designation includes policies that support the uses of the proposed zone, that outline the required level of servicing for the proposed development, and that formalize the community's interest in a publicly accessible walking trail through the marina development.

Staff have prepared Bylaw No. 4096 (Appendix E), to re-designate the subject properties and Licence of Occupation area from Residential and Marine Protection to a new Pacific Gateway Marina designation, and to rezone the subject areas from CR-1 and M to a new PGM-CD zone.

At their meeting of September 18, 2018, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaws to agencies and to a Public Information Meeting in Port Renfrew. Comments are included as received in Appendix F.

## **ALTERNATIVES**

### *Alternative 1*

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
- b) That proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" be introduced and read a first time and read a second time;
- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 4096 upon receipt by the CRD from the applicant of a report prepared by a professional archaeologist, with input from the Pacheedaht First Nation, to the satisfaction of the CRD and the Archaeology Branch that addresses the known archaeological site and any additional sites identified in the area, and that determines the steps in managing impacts to the site.

### *Alternative 2*

That the CRD Board not proceed with proposed Bylaw No. 4096.

### *Alternative 3*

That more information be provided.

## **IMPLICATIONS**

### *Legislative Implications*

Pursuant to Section 477 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 to hold a public hearing as part of the amendment process. On December 11, 2018, the Electoral Director and staff met with the members of the Port Renfrew community and the applicant at a Public Information Meeting to discuss the proposal.

### *Regional Growth Strategy Implications*

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. Since the proposal includes an amendment to the Official Community Plan (OCP) schedule of Bylaw No. 3109, the bylaw

will be considered by the Planning, Transportation and Protective Services Committee and/or the CRD Board for a determination of consistency with the RGS prior to first reading. An amendment to the water servicing bylaw will also require a determination of consistency prior to adoption.

*Referral Process Implications*

Referrals were sent to external agencies, CRD departments, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission, and to a Public Information Meeting in Port Renfrew. Comments received are noted below and included in Appendix F.

CRD Bylaw Enforcement does not anticipate any significant bylaw enforcement implications as a result of this proposal.

CRD Integrated Water Services commented that water could be supplied to the proposed lots subject to all lots being included in the water service area, and a second reservoir tank being installed and commissioned. Among other things, the owners would be required to provide an amenity contribution of \$8,000 per single family equivalent (SFE) for future water system upgrades; however, a total of 32 SFEs are reserved for the development in-lieu of payment due to a cost share of the proposed storage tank.

The Cowichan Valley Regional District commented that the proposal was too remote to impact their interests.

The Department of Fisheries and Oceans commented that the agency does not have a regulatory role related to this application because the proposal does not directly propose works, undertakings or activities that may result in serious harm to fish.

District of Sooke stated no objection as the subject properties are well outside the District's boundaries.

Ministry of Forests, Lands and Natural Resource Operations (FLNRO) – Archaeology Branch commented that there is a documented archaeological site on one of the subject properties. The site is protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. The waterfront location and proximity to other nearby archaeological sites increases the potential for unknown/unrecorded archaeological deposits to be present. Prior to any land-altering activities, an eligible consulting archaeologist should be engaged to determine the steps in managing impacts to the site.

FLNRO – Ecosystems commented that they had few concerns with the proposal provided that vegetation clearing was minimized and occurred outside the bird nesting period, and that the development follow other best management practices in the Develop with Care manual.

Island Health commented that they would have regulatory requirements with regards to drinking water supply systems, liquid waste discharges less than 22,700 L/day, food premises, and facilities that include the recreational use of water such as pools and spas. Island Health acknowledged that there were a number of aspects of the development that address their objective of encouraging a healthy built environment.

Ministry of Transportation and Infrastructure stated no objection to the proposed amendment. The Ministry would provide additional comment should the property be subdivided in the future. Commercial access permits for any new access onto Parkinson Road would be required.

Pacheedaht First Nation (PFN) commented that the Nation has concerns regarding the high strength of claim and cultural values in the area of the application. The area has known archaeological sites and undocumented sites, both of which are of vital importance to PFN. The Nation also retains the water lot lease to the southeast of the marina and want to ensure that the impacts of this application are better understood.

Sooke School District #62 commented that the school district does not have any concerns with the development.

A Public Information Meeting was held in Port Renfrew on December 11, 2018. There were 38 members of the public in attendance. One submission was received and read at the meeting and four

supplementary submissions were received after the meeting. Concern was raised regarding enforcement of conditions of the applicant's current temporary use permit, the perceived broad scope of the rezoning application and a lack of related development permits. Concern was also raised regarding the impact on sewage and water capacity, drainage, roads and access, and the volunteer fire department. Support was expressed for continued access to the waterfront trails historically used by the community.

A meeting of the JdF EA Parks and Recreation Advisory Commission was held on January 29, 2019. There was one member of the public in attendance and no written submissions were received regarding the application. The Commission discussed the proposal and passed the following motion:

**MOVED** by Commissioner Braunschweig, **SECONDED** by Commissioner Sloan that the Commission accept the amenity in the form of a continuous statutory right-of-way, trail and stairway from Lot 64 to Baird Road which is open to the public with the trail and staircase maintained by the development. **CARRIED**

#### *Land Use Implications*

The official community plan schedule of the Port Renfrew CCDP, designates the subject properties as Residential (R) and the Licence of Occupation area as Marine Protection (M). The objectives of the Residential designation is to ensure the housing stock in the plan area meets the needs and requirements of the market place for at least five years. This designation identifies mixed residential/commercial uses as viable activities for economic development within the residential designation. The Marine Protection designation prohibits the operation of log booms. Neither the Residential nor the Marine Protection designations are entirely appropriate for use of the property as a comprehensive marina development; therefore a change from the Residential and Marine Protection designations to a new Pacific Gateway Marina (PGM) designation is required.

The proposed PGM land use designation includes policies regarding improvements to the Port Renfrew Water Supply System, as well as the provision of community water and sewer service to the subject properties. The PGM policies also outline the community interest in a publicly accessible trail through the property as part of larger network connecting various areas of Port Renfrew.

The proposed Pacific Gateway Marina Comprehensive Development (PGM-CD) zone establishes six development areas. Each development area includes a specific set of permitted uses and regulations. These uses are conditional upon connection to the Port Renfrew Community Water Supply System, connection to a community sewer system to the satisfaction of Island Health or the Ministry of Environment, and provision of a public walking trail connecting Development Areas A, B and C.

Development Area A is proposed to include a series of courtyard cabins and stacked duplexes that range in size from 70 m<sup>2</sup> to 90 m<sup>2</sup> to a maximum floor area ratio of 0.30, in one- and two-bedroom configurations. Based on the proposed area of DA-A, this would allow a total floor area of 2,334 m<sup>2</sup>.

Development Area B is proposed to include six courtyard cabins of approximately 90 m<sup>2</sup>, to a maximum floor area ratio of 0.35. Based on the proposed area of DA-B, this would allow a total floor area of 913 m<sup>2</sup>.

Development Area C comprises the marina operation itself, and includes boat docks, food services and retail establishments, community uses, office uses, and tourist facilities. This area could include a future fishing lodge and/or small conference centre. A portion of this area may also be dedicated to Canadian Coast Guard operations.

Development Area D is proposed to include tourist accommodation facilities in the form of cabins, and RV and camper rental spaces. Density is limited to a floor area ratio of 0.25, which would allow a total floor area of 859 m<sup>2</sup>.

Development Area E includes an existing dwelling unit and may be subdivided from the parent property in the future. The use of this development area would remain as residential to a maximum of one dwelling unit.

Development Area F is proposed to include larger, single-family dwellings with the option of year-

round residency. Units are proposed to be in the 110 m<sup>2</sup> to 150 m<sup>2</sup> range to a maximum floor area ratio of 0.35. Based on the proposed size of DA-F, this would allow a total floor area of 1,454 m<sup>2</sup>. DA-F could potentially be used as the site of a small conference centre or spa associated with the fishing lodge proposed for Development Area C.

The proposed PGM-CD zone includes minimum servicing requirements for community water and community sewer, as well as a community amenity requirement in the form of a public trail through Development Areas A, B, C and D, connecting Baird Road and Lot 64. In order to achieve the full development potential permitted in each development area, the property must first be connected to a community water system and a community sewer system. The Port Renfrew community water system requires expansion in order to support the level of development proposed. Construction and commissioning of the expansion must be completed prior to the property being included in the local service area. With regards to community sewer, daily flows to a small community/strata system that fall below 22,700 L/day may be approved by Island Health under the *Sewerage System Regulation*. Flows in excess of this amount will require a larger system approved by the Ministry of Environment under the *Municipal Wastewater Regulation*. The public trail must be constructed and secured via statutory right-of-way in favour of the CRD. Until such time as these services and the amenity are provided, the use and density of the property is limited to one single-family dwelling.

Section 4.2 of the Port Renfrew CCDP outlines the preferred form and methods for acquiring park land. At their meeting of January 29, 2019, the JdF EA Parks and Recreation Advisory Commission reviewed the proposed bylaw amendment and recommended that a trail and staircase connecting Lot 64 to the east and Baird Road to the southwest, be constructed and that the trail be secured by a maintenance agreement and statutory right-of-way. This is in keeping with the policies of the CCDP.

Pacheedaht First Nation noted their strength of claim and cultural values in the area, and the Archaeology Branch advised that there is a known archaeological site within the application area. They also commented that given the waterfront location, there may be additional, unidentified deposits in the area and recommended that prior to any land-altering activities, an eligible consulting archaeologist should be engaged to determine the steps in managing impacts to the site. While the Archaeology Branch could not require a study for development activity beyond the known site, JdF Planning staff recommend that the applicant provide a professional archaeologist's report of the entire subject property, with input from Pacheedaht First Nation and to the satisfaction of the CRD and the Archaeology Branch, prior public hearing. The study would address the known site and any additional sites identified in the area, and determine the steps in managing impacts to the site.

Subsequent to the Public Information Meeting, the applicant has submitted an environmental assessment report prepared by a professional biologist (Appendix G). In addition, three new development permit areas (DPAs) were added to the Port Renfrew CCDP: a Shoreline Protection DPA, a Riparian DPA, and a Sensitive Ecosystem DPA. The property is now partially designated as a Shoreline Protection development permit area (DPA) and a development permit will be required as a condition of subdivision or prior to upland construction activity within 15 m of the natural boundary of the sea. The recommendations of the environmental report could be included as conditions of a future development permit.

Juan de Fuca Community Planning staff recommend receipt of referral comments, proceeding with proposed Bylaw No. 4096 for first and second readings, and that a public hearing be held in the community.

## **CONCLUSION**

The purpose of this Comprehensive Community Development Plan (OCP and zoning) amendment application is to allow a mix of community uses, year-round residential accommodation, vacation properties and commercial tourism, recreation, and marina services to the general public. Referral comments have been received and staff recommend that proposed Bylaw No. 4096 proceed for first and second readings, and that a public hearing be held. Upon closure of the public hearing, a report of the hearing will be forwarded to the Board along with a recommendation regarding further readings of the Bylaw.

## **RECOMMENDATION**

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

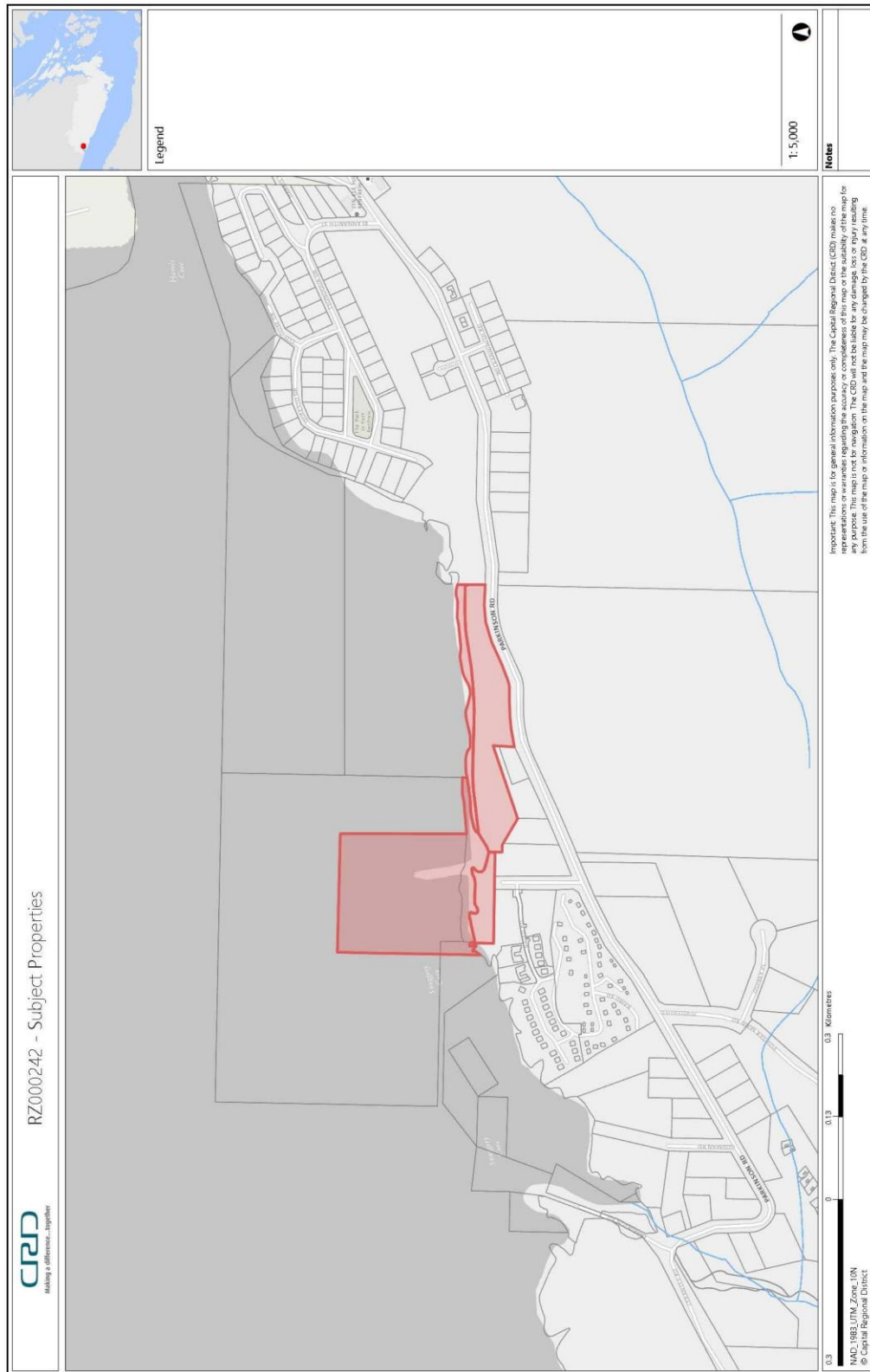
- a) That the referral of proposed Bylaw No. 4096, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020” to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
- b) That proposed Bylaw No. 4096, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020” be introduced and read a first time and read a second time;
- c) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 4096 upon receipt by the CRD from the applicant of a report prepared by a professional archaeologist, with input from the Pacheedaht First Nation, to the satisfaction of the CRD and the Archaeology Branch that addresses the known archaeological site and any additional sites identified in the area, and that determines the steps in managing impacts to the site.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

## **ATTACHMENT(S)**

- Appendix A: Subject Property Map  
Appendix B: Orthophoto Plan  
Appendix C: Site Plans  
Appendix D: Concept Sketch  
Appendix E: Proposed Bylaw No. 4096  
Appendix F: Referral Comments  
Appendix G: Environmental Report

Appendix A: Subject Property Map



## Appendix B: Orthophoto Plan



Appendix C: Site Plans



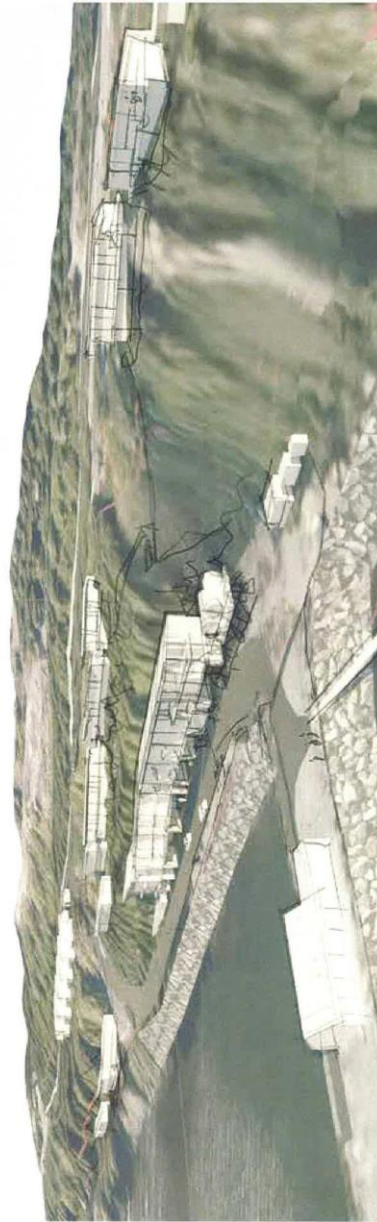




Pacific Gateway Marina  
Topography and Sensitive Areas  
Scale 1:2000 May 02, 2018

**D'AMBROSIO**  
For illustration only. Delineation subject  
architecture + urbanism to legal survey confirmation

Appendix D: Concept Sketch



RECEIVED  
MAY 03 2018  
JdF Electoral Area Planning

Concept Sketch  
Pacific Gateway Marina \_17.07.26

D'AMBROSIO  
ARCHITECTURE + URBANISM

Appendix E: Proposed Bylaw No. 4096

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4096**

\*\*\*\*\*

**A BYLAW TO AMEND BYLAW NO. 3109,  
THE "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW, BYLAW NO. 1, 2003"**

\*\*\*\*\*

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 3109 being the "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003" is hereby amended:

**A. SCHEDULE A, SECTION 4.0 DEVELOPMENT POLICIES**

- (a) By inserting a new Section 4.5 "Pacific Gateway Marina (PGM) Policies" after Section 4.4, to be read as follows:

**4.5. Pacific Gateway Marina (PGM) Policies**

**Objective**

The objective of the PGM designation is to provide a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public. Development within the PGM designation should support the economic, social and cultural well-being of the Port Renfrew community.

**4.5.1. Development (PGM) Policies**

- 1) In order to facilitate the increased level of use supported by the PGM designation the following services should be constructed and bylaws adopted prior to development:
  - a) Installation of a second water reservoir to expand the capacity of the Port Renfrew Water Supply System to the satisfaction of the Capital Regional District.
  - b) Adoption of an amendment to the Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Bylaw No. 1747, to include all those lands and the surface of the water within the PGM land use designation.
  - c) Adoption of an amendment to the Port Renfrew Fire Protection Local Service Establishment Bylaw, 1989, Bylaw No. 1743, to include all those lands and the surface of the water within the PGM land use designation.
- 2) The following amenity is of interest to the community and should be completed in accordance with the requirements specified by the Pacific Gateway Marina Comprehensive Development (PGM-CD) zone:
  - a) Construction of a public trail and staircase providing connectivity between the Juan de Fuca Electoral Area Community Parks and Recreation trail on Lot 64, Plan VIP24755, and Baird Road. The route provided by this trail and staircase should be protected by a statutory right-of-way in favour of the CRD.

- 3) Areas of known archaeological significance that are located within the area under the PGM designation are to be protected in accordance with Provincial legislation.

and renumbering Section 4 accordingly.

**B. SCHEDULE B, PART I, SECTION 1 DEFINITIONS**

- (a) By inserting a new definition for “COMMERCIAL MARINA” before the words “COMMUNITY SEWAGE SYSTEM”, as follows:

“COMMERCIAL MARINA means a facility providing moorage for commercial vessels and private pleasure craft, as well as offices, food service establishments, fuel sales, recreation, boat trailer parking and boat storage.”

- (b) By inserting a new definition for “CONFERENCE CENTRE” before the words “BED AND BREAKFAST”, as follows:

“CONFERENCE CENTRE means an establishment used for the holding of conventions, seminars, workshops or similar activities, and may include dining and lodging facilities for the use of participants, as well as compatible accessory facilities.”

**C. SCHEDULE B, PART IV ZONES**

- (a) By inserting a new “Pacific Gateway Marina Comprehensive Development (PGM-CD)” zone after Section 27, to be read as follows:

**28.0 Pacific Gateway Marina Comprehensive Development (PGM-CD) Zone**

**Purpose**

The purpose of this zone is to implement the Pacific Gateway Marina (PGM) land use designation in order to provide a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public.

The PGM-CD zone is divided into Development Areas A – F, which are shown in Section 28.06. Development within each Development Area is to occur in accordance with the regulations indicated below.

Except where otherwise provided for in this Bylaw, only the specified list of permitted uses may be carried out on the parcels within the PGM-CD zone.

**28.01 PGM-CD Zone – General Regulations**

- (a) Permitted uses:
  - (i) Single-family residential
  - (ii) Accessory buildings and structures
- (b) Maximum density:
  - (i) One single-family dwelling
- (c) Where the following services and amenities are provided, the permitted uses, densities and regulations of Development Areas A-F, as specified in Sections 28.02 to 28.06, shall apply:
  - (i) Connection to the Port Renfrew Water Supply System to the satisfaction of the Capital Regional District.
  - (ii) Connection to a community sewer system to the satisfaction of Island Health where total daily flows are less than 22,700 L/day, and to the satisfaction of the Ministry of Environment where total daily flows exceed 22,700 L/day.
  - (iii) Provision of a public trail constructed in a location and to a standard approved by Juan de Fuca Electoral Area Community Parks and Recreation, connecting Development Area A with Development Areas B and C. The trail is to be protected for public use via statutory right-of-way and maintenance agreement in favour of the Capital Regional District.

- (d) The Development Area boundaries, as shown in Section 28.06 shall be deemed to be lot boundaries for the purposes of determining applicable uses, densities and regulations.
- (e) Where a survey plan approved by the Surveyor General indicates the adjustment of a parcel boundary due to accretion, the zoning and development area designation applicable to the parcel is deemed to extend to the new parcel boundary despite the zoning designation of the accreted area indicated in Section 28.06.
- (f) As a requirement of subdivision, each proposed parcel within the PGM-CD zone must be connected to a community sewer system to the satisfaction of Island Health or the Ministry of Environment, and to a community water system to the satisfaction of the Capital Regional District.

#### **28.02 Development Area A – Specific Regulations**

(1) Permitted uses	(a) Single-family residential (b) Duplex residential (c) Accessory buildings or structures to the above permitted uses
(2) Minimum lot size for subdivision purposes	0.75 ha
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m
(7) Maximum floor area ratio of residential units shall be:	0.30
(8) Maximum lot coverage	40% of the parcel area
(9) Maximum principal building height	11.75 m
(10) Maximum accessory building height	6.0 m

#### **28.03 Development Areas B, D and E – Specific Regulations**

(1) Permitted uses	(a) Single-family residential (b) Duplex residential (c) Home based business (d) Staff accommodation (e) Accessory buildings or structures to the above permitted uses
(2) Minimum lot size for subdivision purposes:	
(a) Development Area B	0.26 ha
(b) Development Area D	0.34 ha
(c) Development Area E	300 m <sup>2</sup>
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m

(7) Maximum combined floor area ratio of residential, tourist accommodation and staff accommodation units	
(a) Development Area B	0.35
(b) Development Area D	0.25
(c) Development Area E	0.35
(8) Maximum lot coverage	40% of the parcel area
(9) Maximum principal building height	11.75 m
(10) Maximum accessory building height	6.0 m

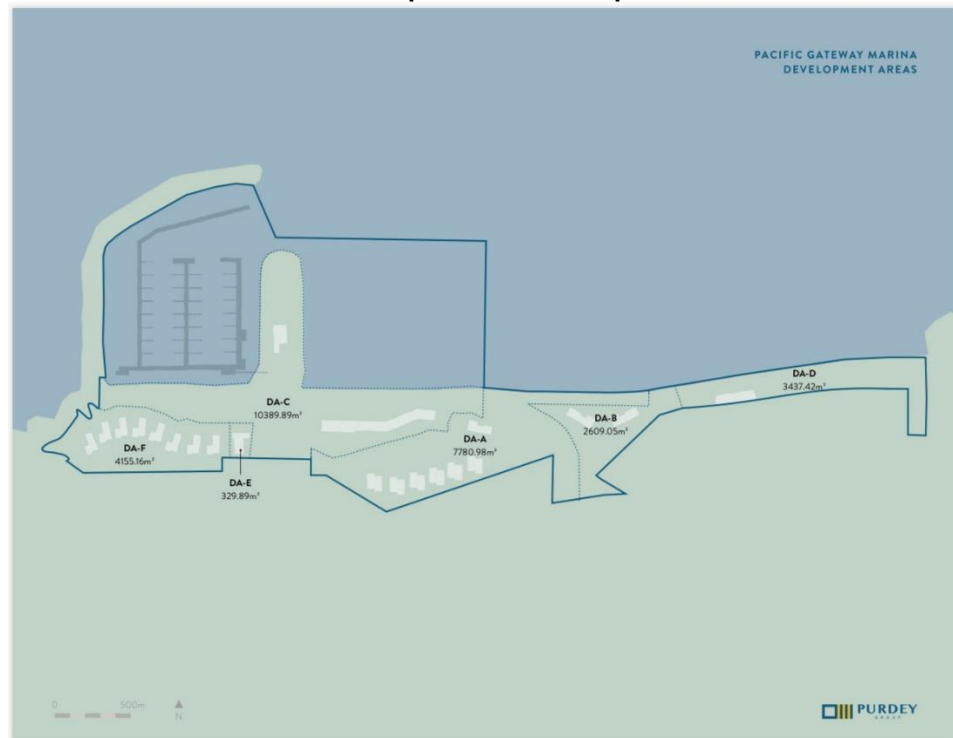
#### 28.04 Development Area C – Specific Regulations

(1) Permitted uses	<ul style="list-style-type: none"> <li>(a) Commercial marina</li> <li>(b) Community uses</li> <li>(c) Conference centre</li> <li>(d) Fish processing</li> <li>(e) Food service establishments</li> <li>(f) Hotels and motels</li> <li>(g) Office uses</li> <li>(h) Retail establishments</li> <li>(i) Staff accommodation</li> <li>(j) Tourist facilities and related amenities</li> <li>(k) Accessory buildings or structures to the above permitted uses</li> </ul>
(2) Minimum lot size for subdivision purposes	1.0 ha
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m
(7) Maximum combined floor area ratio of tourist accommodation and staff accommodation units	0.60
(8) Maximum lot coverage	50% of the parcel area
(9) Maximum principal building height	12.0 m
(10) Maximum accessory building height	6.0 m

**28.05 Development Area F – Specific Regulations**

(1) Permitted uses	<ul style="list-style-type: none"> <li>(a) Single-family residential</li> <li>(b) Duplex residential</li> <li>(c) Townhouse residential</li> <li>(d) Community uses</li> <li>(e) Conference centre</li> <li>(f) Food service establishments</li> <li>(g) Home based business</li> <li>(h) Hotels and motels</li> <li>(i) Office uses</li> <li>(j) Retail establishments</li> <li>(k) Staff accommodation</li> <li>(l) Tourist facilities and related amenities</li> <li>(m) Accessory buildings or structures to the above permitted uses</li> </ul>
(2) Minimum lot size for subdivision purposes	0.4 ha
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m
(7) Maximum combined floor area ratio of residential, tourist accommodation and staff accommodation units	0.35
(8) Maximum lot coverage	40% of the parcel area
(9) Maximum principal building height	12.0 m
(10) Maximum accessory building height	6.0 m

28.06 PGM-CD Zone Development Areas Map



**D. SCHEDULE A, MAP NO. 2 – LAND USE DESIGNATIONS**

- (a) By deleting That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125); and That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) from the Residential (R) designation and adding said lots to the Pacific Gateway Marina (PGM) designation, as shown on Plan No. 1, attached to and forming part of this bylaw; and
- (b) By deleting Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less from the Marine Protection (M) designation and adding said licence area to the Pacific Gateway Marina (PGM) designation, as shown on Plan No. 1, attached to and forming part of this bylaw.

- (a) By deleting That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125); That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) from the Community Residential – One (CR-1) zone and adding said lots to the Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, as shown on Plan No. 2, attached to and forming part of this bylaw; and
- (b) By deleting Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less from the Marine (M) zone and adding said licence area to the Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, as shown on Plan No. 2, attached to and forming part of this bylaw.

- |                         |        |         |
|-------------------------|--------|---------|
| READ A FIRST TIME THIS  | day of | , 2020. |
| READ A SECOND TIME THIS | day of | , 2020. |
| READ A THIRD TIME THIS  | day of | , 2020. |
| ADOPTED THIS            | day of | , 2020. |

CORPORATE OFFICER

Appendix F: Referral Comments

**Wendy Miller**

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**From:** Wilf Marquis  
**Sent:** Wednesday, October 17, 2018 10:10 AM  
**To:** Wendy Miller  
**Subject:** RE: Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina - Port Renfrew)

CRD Bylaw Enforcement Services has reviewed the staff report for Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina - Port Renfrew) and does not anticipate any significant bylaw enforcement implications as a result of this proposal.

Wilf MARQUIS  
Senior Bylaw Officer

Bylaw and Animal Care Services  
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6  
Ph. 250.474.3351 ext. 22 \ Fax: 250.391.9727 \ TF: 800.665.7899  
email: wmarquis@crd.bc.ca



**TO:** Iain Lawrence, Manager, Juan de Fuca Local Area Planning  
**FROM:** Joseph Marr, Manager, Water Distribution Engineering and Planning  
**CRD FILE:** 3360-20-PRENW-18-003  
**DATE:** December 13, 2018

**SUBJECT: ZONING AMENDMENT APPLICATION – PACIFIC GATEWAY MARINA**

Thank you for the zoning amendment application referral received September 21, 2018, which requests that we examine the above referenced proposal with regard to the water supply regulations and policies of the Capital Regional District (CRD) Integrated Water Services as established for the Port Renfrew Utility Service Committee (PRUSC).

If the CRD receives an appropriate application to supply water, and if the Owner(s) is prepared to meet the conditions of CRD Bylaw No. 1792, and pay the necessary costs and fees as authorized under CRD Bylaw No. 3847, community piped water can be supplied to this proposed development subject to the following:

- 1) Confirmation that all proposed lots to be serviced by CRD water are within the Port Renfrew water service area.
- 2) The proposed additional storage tank for the Port Renfrew Water Service area has been installed and commissioned.
- 3) The water service(s) must comply with all relevant bylaws and applicable codes for servicing (CRD land use approvals, Building Code, MOTI, etc).
- 4) The Owner(s) provides an amenity contribution of \$8,000 per Single Family Equivalent Unit for future water system upgrades. There are currently 32 Single Family Equivalent Units proposed to be reserved in lieu of payment due to a cost share of the proposed storage tank.
- 5) The Owner(s) pays for all applicable fees, applications, process review, including parcel taxes and/or user fees as required.
- 6) The Owner(s) provides engineering design drawings for the development showing the proposed water servicing and an associated design brief.
- 7) The Owner(s) provides metering and appropriate back flow prevention device(s) at the property line(s) to service the proposed lots.
- 8) The Owner(s) needs to provide confirmation that all approvals have been met for the proposed sewer system.

IWSS-1714139953-3960

Iain Lawrence – December 13, 2018  
Zoning Amendment – Pacific Gateway Marina

2

- 9) If a service connection is required for a 'Common Property' disposal field(s), then the Owner(s) pays all applicable connection fees and must install an approved backflow prevention device at his/her own expense. The device is to be tested annually by a certified technician of cross connection control devices and the test results, including repairs performed, are to be submitted to the CRD.

The subject property 6598 Baird Road is located within the Port Renfrew water service area, property 17110 Parkinson Road is not located in the water service area.

This memo is for the purpose of providing you with information regarding the services available from the CRD, and should not be construed as either approval or rejection of the proposed rezoning by the CRD.

These conditions are valid for 180 days from date of writing. However, if at any time there is a change in legislation, regulations or CRD Bylaws, which would cause any of the above conditions to be non-conforming, then the CRD reserves the right to revise any or all of the conditions accordingly, at any time during the 180 day period.

Yours truly,



Joseph Marr, P.Eng.  
Manager, Water Distribution Engineering and Planning  
Infrastructure Engineering  
Integrated Water Services

Jm:eu

Attachments: Report to the Juan De Fuca Land Use Committee – September 18, 2018

cc: Ian Jesney, Senior Manager, Infrastructure Engineering  
Wendy Miller, Administrative Clerk, Juan de Fuca Local Area Planning  
Malcolm Cowley, Manager Regional Wastewater, Infrastructure Engineering

IWSS-1714139953-3960

RESPONSE SUMMARY  
COMPREHENSIVE COMMUNITY PLAN AMENDMENT APPLICATION RZ000242

- ☒ Interest Affected by Proposal for Reasons Outlined Below  
☐ Interest Unaffected by Proposal

Comments:

too remote from CVRD for an impact.  
Best wishes,

M. Juppitt  
Signed  
2018/10/16  
Date

MANAGER COMM. PLANNING  
Title  
CVRD  
Agency

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**Wendy Miller**

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**From:** Gravelle, Kristin <Kristin.Gravelle@dfo-mpo.gc.ca>  
**Sent:** Tuesday, September 25, 2018 10:36 AM  
**To:** Wendy Miller  
**Subject:** RE: Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina - Port Renfrew) - CRD Referral

Hello Wendy,

The role of the DFO's Fisheries Protection Program (FPP) is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the Fisheries Act. The FPP is specifically responsible for reviewing projects for which a s.35(2) Fisheries Act Authorization is required.

DFO does not have a regulatory role related to RZ000242 (Pacific Gateway Marina - Port Renfrew) Proposed Bylaw No. 4096 because it does not directly propose works, undertakings or activities that may result in serious harm to fish.

DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the *Fisheries Act*, request a DFO review of a project, and request a *Fisheries Act* authorization.

If you have any further questions about DFO's regulatory process or need general information, contact DFO's Fisheries Protection Program toll free: 1-866-845-6776 or email: [EnquiriesPacific@dfo-mpo.gc.ca](mailto:EnquiriesPacific@dfo-mpo.gc.ca).

Thank you,

**Kristin Gravelle**

Fisheries Protection Biologist, Fisheries Protection Program  
Fisheries and Oceans Canada/Government of Canada  
[Kristin.Gravelle@dfo-mpo.gc.ca](mailto:Kristin.Gravelle@dfo-mpo.gc.ca)/Tel: 250-756-7292

Biologiste de la protection des pêches, La protection des pêches Programme  
Pêches et Océans Canada | Gouvernement du Canada  
[Kristin.Gravelle@dfo-mpo.gc.ca](mailto:Kristin.Gravelle@dfo-mpo.gc.ca)/Tél 250-756-7292

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**Wendy Miller**

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**From:** Nicholas Deibler <ndeibler@sooke.ca>  
**Sent:** Friday, October 12, 2018 9:27 AM  
**To:** Wendy Miller  
**Subject:** RE: Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina - Port Renfrew) - CRD Referral

Good Morning Wendy,

Thank you for your development referral regarding the Comprehensive Community Plan Amendment Application for 17110 Parkinson Road and 6598 Baird Road, received by the District of Sooke on September 21.

The District of Sooke has no objections to the proposed Comprehensive Community Plan Amendment, as the subject properties are located well outside of our boundaries.

Regards,

**Nicholas Deibler**  
*Planner 1*  
District of Sooke  
2205 Otter Point Rd  
Sooke BC, V9Z 1J2  
250-642-1634 ext. 627



**Wendy Miller**

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**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** Friday, September 21, 2018 12:37 PM  
**To:** Wendy Miller  
**Subject:** RE: Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina Port Renfrew) - CRD Referral

Hello Wendy,

Thank you for your referral regarding a proposed Comprehensive Community Plan Amendment (Application RZ000242) for lands describes as:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Provincial records indicate previously recorded archaeological site **DdSc-24** is recorded on [REDACTED] (see screenshot below). **DdSc-24** is recorded as a cave burial. The site is protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

Additionally, the waterfront location and proximity to other nearby archaeological sites increases the potential for unknown/unrecorded archaeological deposits to be present.

Prior to any land-altering activities (e.g. addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be engaged to determine the steps in managing impacts to the archaeological site.

An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists ([www.bcapa.ca](http://www.bcapa.ca)) or through local directories.

Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

If a permit is required, proponents should be advised that the permit application and issuance process takes approximately 8-10 weeks and should plan their development schedule accordingly.

If work is planned that is **outside of the red area** as shown in the screenshot below, the Archaeology Branch cannot require the proponent conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent. However, the Archaeology Branch strongly encourages engaging an archaeologist prior to development as the site may extend beyond the limits indicated on the attached screenshot.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be

in contravention of the *Heritage Conservation Act* and likely experience development delays while the appropriate permits are obtained.

If you or your clients have questions, please visit the FAQ page at <http://www.for.gov.bc.ca/archaeology/faq.htm> and the Property Owners and Developers web page at [http://www.for.gov.bc.ca/archaeology/property\\_owners\\_and\\_developers/index.htm](http://www.for.gov.bc.ca/archaeology/property_owners_and_developers/index.htm).

If you or your clients have further questions regarding the permitting process, please contact Nathan Friesen (Supervisor, Archaeology Branch) at 250-953-3306 or [Nathan.P.Friesen@gov.bc.ca](mailto:Nathan.P.Friesen@gov.bc.ca).

Please review the screenshot of the property below (outlined in yellow) in relation to the archaeological site (red area). If this is not the property as described in the data request, please contact me.

Please feel free to contact me should you have any questions regarding this referral response.

Kind regards,

Diana

RESPONSE SUMMARY  
COMPREHENSIVE COMMUNITY PLAN AMENDMENT APPLICATION RZ000242

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

We have few concerns with the proposed rezoning, providing the following recommendations are followed during subsequent development:

- We recommend that vegetation clearing be minimized and occur outside the nesting period from March 1 to August 31 to reduce impacts on all bird species. A search for the nests of birds (eagles, peregrine falcons, gyrfalcon, ospreys and herons) protected under Section 34(b) of the *Wildlife Act* should be conducted before the start of vegetation clearing. Should the nest of a bird requiring protection under Section 34(b) of the *Wildlife Act* be located, please refer to the recommended buffer distances in Table 4.1 (Section 4) of *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (MOE 2014)* available at <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices/develop-with-care>.
- Follow other relevant best management practices in *Develop with Care*.
- The San Juan River and its estuary provide high value fish habitat and support important salmon spawning activity. It is essential that any future development in the Port Renfrew area does not adversely impact this resource. We recommend that a referral be sent to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and Fisheries and Oceans Canada, for any proposed development that may impact fish habitat. This will provide an opportunity for government biologists to assess potential adverse impacts to fish and suggest mitigation measures.

Dr. Grant Bracher PAg, RPBio

DR. GRANT BRACHER

Signed

ECOSYSTEM BIOLOGIST  
Title

SEPTEMBER 27, 2018  
Date

ECOSYSTEMS SECTION  
Agency FURNORD - WEST  
COAST

**Wendy Miller**

---

**From:** Takeuchi, Kazuhiro <Kazuhiro.Takeuchi@VIHA.CA>  
**Sent:** Friday, October 19, 2018 3:09 PM  
**To:** Wendy Miller  
**Subject:** RE: Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina - Port Renfrew) - CRD Referral

Hi Wendy,

Thank you for the opportunity to comment on this Community Plan Amendment. The past few years have seen significant advances in linking urban planning with a variety of health outcomes. These include outcomes such as: the encouragement of physical activity, healthier eating, greater safety, cleaner air and healthier living environments, access to health services, food security, age friendly communities, and improved social interaction amongst other potential health criteria. There are a number of aspects from a *Healthy Built Environment* (HBE) perspective that is inclusive of these health outcomes, however we have some notable regulatory concerns we must bring forward prior to any HBE related comments:

- Drinking water - Under the Drinking Water Protection Act and Regulation, any construction, installation, alteration, or extension of (a) a water supply system, or (b) works, facilities, or equipment that are intended to be a water supply system or part of a water supply system, must be issued a construction permit from our Public Health Engineer. Consultation with our Drinking Water Officer will also be needed (<https://www.islandhealth.ca/index.php/learn-about-health/drinking-water/drinking-water-legislation-approval>) in light of the developments water needs and the second reservoir to expand capacity.
- Liquid waste – For wastewater systems servicing, under 22,700 L flow/day, this office has jurisdiction under the Sewerage System Regulation. For any new system or alteration to an existing septic system property owners must consult with an Authorized Person (as defined in the Regulation) and submit paperwork to this office. For wastewater systems servicing greater than 22,700 L flow/day, please refer to the Ministry of Environment.
- Food premises - The Health Protection and Environmental Services (HPES) department in Island Health has a regulatory role in food premises from construction to operation (under the Food Premises Regulation). Any changes to the existing food premises and the possible construction of new food premises must be undertaken with the appropriate construction and operating permits.
- Proposed spa may include recreational water, e.g. swimming pool and hot tub, and personal service establishment (PSE) amenities - These types of facilities, depending on public use and the nature of services offered, may be privy to the Pool Regulation and Regulated Activities Regulation respectively under the Public Health Act and overseen by Island Health HPES. Again, we would review these activities from construction to operation.
- HBE commentary - could zero in on public trails, diversity of housing access, greenspace/blue space, commercial space-mixed use, and climate change adaptability. Although, due to the above mentioned concerns (#'s 1-4) we have not provided a HBE lens to this rezoning. If however, after the above infrastructure/issues are addressed and your office would like to hear our comments in this regard, we'd be happy to provide them.

If you have any questions regarding the above information, please do not hesitate to contact me.

Sincerely,

**Kazuhiro Takeuchi, B.Sc., B.Tech., CPHI(C)**  
Environmental Health Officer  
Gateway Village Health Unit  
Suite 201 – 771 Vernon Avenue, Victoria, BC. V8X 5A7  
Phone: (250) 519-3401 Ext 33655  
Email: [Kazuhiro.Takeuchi@viha.ca](mailto:Kazuhiro.Takeuchi@viha.ca)

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**Wendy Miller**

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**From:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Sent:** Monday, October 22, 2018 10:48 AM  
**To:** Wendy Miller  
**Subject:** RE: Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina - Port Renfrew) - CRD Referral

Good Morning,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the Comprehensive Community Plan Amendment for Pacific Gateway in Port Renfrew; Ministry File 2018-05576.

The Ministry has no objections to the proposed Community Plan Amendment at this time. The Ministry will provide comments should the parcel be further subdivided.

Commercial Developments wishing to construct new access onto West Coast Road are required to apply for a commercial access permit through this office.

If you have any questions please do not hesitate to ask.

Thank you,

**Nikki Schneider**

District Development Technician  
Ministry of Transportation and Infrastructure – Vancouver Island District  
Ph: 778-974-2633  
Fx: 250-952-4508



**Proud Member of the EAF**  
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**Pacheedaht First Nation**  
**350 Kalaid Street**  
**Port Renfrew, BC**  
**V0S 1K0**  
**Phone: (250) 647-5521**  
**Fax: (250) 647-5561**

May 14, 2019

Capital Regional District  
Juan De Fuca Community Planning  
3-7450 Butler Road  
Sooke, BC V9Z 1N1

**Attention: Iain Lawrence**

Dear Sirs/Mesdames:

**Re: Proposed Bylaw No. 4266 and Referral #RZ000242**

Thank you for your efforts to inform Pacheedaht First Nation on the two files above as they relate to Pacheedaht territory and processes.

The proposed Bylaw # 4266 will help to update the parameters in Port Renfrew to bring development into compliance, as required in CRD's jurisdictions. PFN recommends it as an interim step to bring more oversight to hazardous conditions currently being challenged, including slope stability, geotechnical review, and compatible land uses with marine stewardship. The long term solution will still require an updating of the OCP, and therefore it is critical for CRD to implement a plan for the OCP to be updated, to reflect current land use and needs from both Pacheedaht and Port Renfrew Community.

Until such time, PFN would like to discuss the possibility of also integrating developmental considerations around heritage and archeological sites, to recognize Pacheedaht's strong rights and title central to Port Renfrew.

PFN is completing the Land Use Plan for the territory and would like to be involved in CRD land use planning conversations to facilitate communication now; with Treaty negotiations progressing, it is important to facilitate this communication to enable both governments to work collaboratively in the region. In particular, any advances in the understanding of flood risks, tsunami risks, liquefaction, or sea level rise would be very helpful to learn from the CRD's perspective. We would be happy to discuss the initial Pacheedaht Land Use Plan when appropriate.

With respect to Referral #RZ000242, PFN has concerns regarding the high strength of claim and cultural values in the area of the application. The development area has

known archeological sites and undocumented sites, both of which are vitally importance to PFN.

The Nation also retains the water lot lease to the Southeast of the marina infrastructure and want to ensure the impacts from this application are better understood. Any infrastructure improvements relating to drainage, grey water, and sewage contemplated by the new zonation will need further conversation.

We look forward to being informed of the next steps for both files

Respectfully,

A handwritten signature in black ink, appearing to be 'KP' with a stylized flourish.

Kristine Pearson  
Pacheedaht Referrals Coordinator

**Wendy Miller**

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**From:** Pete Godau <pgodau@sd62.bc.ca>  
**Sent:** Friday, September 21, 2018 9:44 AM  
**To:** Wendy Miller  
**Cc:** Scott Stinson; Harold Cull; Joanne Kimm  
**Subject:** FW: Comprehensive Community Plan Amendment Application RZ000242 (Pacific Gateway Marina - Port Renfrew) - CRD Referral  
**Attachments:** REFFERAL-FORM-AGENCIES-RZ000242.pdf; STAFFRPT-LUC-REFERRAL-RZ000242.pdf

Morning Wendy,

At this time the school district does not have any concerns with this development.

Thank you,

Pete

Peter Godau  
Director of Facilities | School District # 62  
P (250)474-9840 Ext 203 | C (250)361-7330 | [pgodau@sd62.bc.ca](mailto:pgodau@sd62.bc.ca)  
Shaping Tomorrow Today



**Notes from a Public Information Meeting**  
**Held December 11, 2018 at the Port Renfrew Community Centre, 6638 Deering Road,**  
**Port Renfrew, BC**

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**SUBJECT:** Comprehensive Community Plan Amendment Application for:  
That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R  
(PID: 009-592-342);  
Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125);  
That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan  
347R (PID: 009-575-006); and  
Those Parts of Block A and B, District Lot 751, Together with Unsurveyed  
Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San  
Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027,  
Containing 3.86 Hectares, More or Less

**PRESENT:** Director Mike Hicks  
Staff: Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder

**PUBLIC:** Approximately 38

The meeting was called to order at 6:05 p.m.

The Director welcomed everyone to the meeting and introduced staff and the application representatives. It was advised that since the Advisory Planning Commission for Port Renfrew is inactive, the proposal has been referred to a public information meeting to receive comments from the community. The information collected from the meeting and from referral agencies and First Nations will be presented to the Juan de Fuca Land Use Committee (LUC) for recommendation to the CRD Board. It was noted that the LUC representative for Port Renfrew, Roy McIntyre, was in attendance.

Iain Lawrence spoke to the staff report and the request to redesignate the subject properties from Marine Protection (M) and Residential (R) to a new Pacific Gateway Marina (PGM) designation, and to rezone the subject properties from Marine (M) and Community Residential – One (CR-1) to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, in order to permit a mix of community uses, year-round residential accommodation, vacation properties, commercial tourism, recreation and marina services to the general public. It was reported that the proposed PGM-CD zone includes six development areas and that each development area has specific regulations.

The planner for the application spoke to a visual presentation, outlining the six development areas proposed by the PGM-CD zone and the design elements intended to compliment the topography and natural environment and protect identified heritage areas.

The architect for the application spoke to the building layout plan advising that buildings will be sited to meet flood plain elevations and that buffering used to stabilize steep slope areas will be used as a walkway to a proposed waterfront trail. Buildings will generally be long, narrow and terraced to allow for views and solar capture. A natural colour palette will be used to highlight the natural environment. Roofing will be metal.

The planner for the application advised that as the development area does not have the capacity to accommodate onsite sewer infrastructure, an easement has been secured to permit a land-based system on a property located to the south. The system, which will be able to accommodate 3-5 years of development, will need to be authorized by Island Health. Should the project exceed that capacity, the system will be converted into system authorized by the Ministry of Environment. The proposal includes funding a \$500,000 water tower, which will double the current water servicing capacity and

PPSS-35010459-1902

Public Information Meeting Notes  
December 11, 2018

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increase fire flow capacity. The development proposal will create jobs, provide a tourism boost, and expand the community trail networks.

Janice Hiles, Port Renfrew, referenced the 2003 Official Community Plan (OCP) for Port Renfrew and stated that the number one goal of the OCP is to protect and preserve the natural ecosystem and that the number one objective of the OCP is to preserve natural amenities including major watercourses and tributaries, wetland areas, steep hill sides and the marine foreshore.

Janice Hiles stated concern regarding enforcement of the conditions of the applicant's current temporary use permit, concern regarding the broad scope of the rezoning application, concern regarding the lack of related development permits and an independent environmental study, and concern for the development's overall impact on:

- sewerage
- water capacity
- drainage
- roads and road accesses and the community's one-way bridges
- the volunteer fire department

Janice Hiles noted the community's current level of internet and telephone service and lack of cell phone coverage, safe pedestrian routes, affordable housing and rental housing.

Peter Hovey, Port Renfrew, stated:

- support for development
- concern regarding the lack of parking proposed by the development scheme
- support for increased water system capacity

Iain Lawrence stated that a condition of the zoning application is the installation of a second water reservoir to expand the capacity of the Port Renfrew Water Supply System to the satisfaction of the Capital Regional District.

The Director stated that the second water reservoir will provide water capacity to allow development of properties outside of the subject application area.

Mike Conlin, Port Renfrew, stated that:

- the community has received assurances in the past from other developers that water system infrastructure will be improved
- there are properties currently located in the Port Renfrew Water Service Area that want to hook up to the system
- the proposed water tower will only be able to service low lying properties due to the proposed location of the tower
- the Beach Camp sewerage system will need to be replaced eventually
- developers should be approached regarding improving the Beach Camp sewerage system to pump effluent upland
- should the rezoning proposal proceed, the applicant's land value will increase substantially
- it is understood that written comment regarding the proposal will be submitted by the Pacheedaht First Nation

A member of the public stated support for having developers pay for infrastructure improvements as opposed to residential taxpayers.

The Director stated that there may be opportunity to utilize gas tax funding to provide a pump station to increase water pressure to upland properties and that sewerage grant opportunities are being monitored.

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**Public Information Meeting Notes  
December 11, 2018**

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Iain Lawrence responded to a question from a member of the public confirming the location of the area to be deleted from the Marine Protection designation and added to the new Pacific Gateway Marina (PGM) designation.

A member of the public stated support for continued access to the waterfront trails historically used by the community.

The planner for the application outlined the proposed statutory right-of-way in favour of the CRD which would run from the stairway at Baird Road and along the waterfront to the stairway located at Lot 64.

A member of the public stated concern for the rocks placed in the ocean by the applicant (below proposed Development Area D). It was noted that rock replacement has increased the land base significantly and that campers have been using the land and depositing of greywater inappropriately.

Iain Lawrence reported that the licence of occupation issued by the Province permitted the placement of rock and that the licence required the submission of environmental reports.

A member of the public stated that Port Renfrew has seen a lot of environmental pressure over the years, that developments have started and stopped and that some developments have not been done well. The member of the public stated concern regarding sewerage running down to the foreshore, impacting the local ecosystem. Additional concern was stated regarding waste management for the fish processing proposed by the applicant. Support was forwarded for regular fecal coliform testing. Further support was forwarded for the continued enjoyment of the foreshore by residents and visitors.

Jack Julseth, Port Renfrew, stated that tonight's comments have focused on larger community concerns regarding servicing and the environment and that a separate informal community forum may be required to discuss opportunity to work together as a community to address these concerns. Jack Julseth stated support for providing options for accommodation and activities to draw tourists to the community.

A member of the public stated support for prioritizing tourism promotion after servicing infrastructure is in place to support increased tourism activity. The member of the public stated support for developers providing greater amenities and noted that the community cannot get excited over the prospect of another restaurant when the community does not have a grocery store.

Janice Hiles stated support for an OCP review.

Peter Hovey stated support for opportunities to allow residents to invest and work in the community that they live in.

The meeting adjourned at 7:20 p.m.

Hi I am Janice Hiles. My husband Ken and I have a residence in beach camp. We have always loved Port Renfrew.

If anyone would like a copy of my more technical speech that refers each of my points to the OCP please see me later.

We are here tonight to discuss bylaw 4096, the Pacific Gateway Marina policies. I do believe however that the additional 17 cabins that are listed on the PGM website are notable and apparently currently under a separate subdivision application as they do not require a rezone. I will refer to the upper 17 cabins or townhouses as the upland development.

I appreciate seeing folks out to this meeting 2 weeks before Christmas. I can see locals, business owners and cabin owners and summer residents all in attendance as well as members from the CRD. There are many people who care about this community.

In 2003 a group of Port Renfrew citizens along with planners from the Juan de Fuca Capital regional District created an official community plan for Port Renfrew which I will refer to as the OCP. The OCP is an official and legal document which lays out the land use management and planning.

That plan helps to guide services and their costs to residents, and to inform those in the plan area about the type of land use activities that are likely to occur in their neighbourhood.

This information allows residents of the planning area to play a role in determining how and when their community will develop or not.

Bylaw 4096 being the amendment before us states that the PGM policies should support the economic, social and cultural well-being of the Port Renfrew community.

The desires and concerns of the resident's makeup much of the official community plan.

The number one goal listed in the OCP is protection and preservation of the natural eco-system, which impacts upon the special character of Port Renfrew.

The number one objective listed in this plan is to preserve the natural amenities of the major watercourse and their tributaries, wetland areas steep hill sides and the marine foreshore.

Clearly in 2003 long before climate change concerns, the people of Port Renfrew valued their environment. The residents that I know still value their beaches, the forests and streams and the beauty all around us here.

Infrastructure is a significant concern.

The development policies in the OCP state we should encourage growth and development based upon the capacity of the community's infrastructure capabilities. These are some of my concerns.

1) Sewage, and lack of any referral to it on this amendment.

- 2) Water, do we really have enough, what study proves this.
- 3) Drainage, and the lack of any referral to it in this amendment.
- 4) Roads, the accesses are on curves and sketchy.
- 5) Sidewalks, if you have ever walked with a child and your dog on Parkinson Road you know what I mean.
- 6) Fire Protection, how can our fire Department continue to have the volunteers to staff and service the area when the only housing we create is for tourists?
- 7) One way bridges
- 8) Internet, telephone and lack of cell phone coverage.
- 9) Affordable housing and rental housing.

**This development further stresses our entire infrastructure!**

Currently this Property is Zoned Community Residential One which would allow each property to have a duplex and a cabin. There appears to be only two buildable properties but because maps provided in this document are different from each other it is difficult to even know how many properties there are.

The amendment before us is not clear about what is intended. It states there will be year round accommodation, vacation properties, commercial tourism recreation and Marina services. This includes hotels, motels food services, fish plants, retail establishments, tourist facilities.

How can we really know what or how much construction is going to happen because it seems like they have covered their bases to do just about anything.

This amendment seems to provide two amenities. The first being increased water capacity. Clearly the development of this property needs that extra capacity to support its own growth.

The second is a path. Please note however that there is no mention of that path being along the waterfront.

Now I would like to speak to you about what has been done.

Pacific Gateway Marina was issued a temporary permit by the CRD in May of 2013.

These were the conditions of that permit.

- a. The impacts to any of the existing land uses are kept to a minimum.
- b. It does not involve the construction or erection of a new building.
- c. It does not involve numerous delivery trucks travelling to the site on a daily basis.
- d. The activity serves the needs of the community or is a part of the tourism sector.
- e. The activity will be carried out wholly within the principal building.

Clearly most of us know what this resulted in.

They have built an enclosed building with a year round restaurant, have had regular deliveries, the mountains were blown up and the vegetation decimated and they have erected numbered RV sites along the waterfront for camping.

In 2013 the people of Port Renfrew were invited to comment or attend a meeting in Sooke regarding this Temporary permit. 16 people wrote letters. That is nearly a tenth of the population who had concerns.

**I must question why these contraventions of the temporary permit have not been addressed.**

I would also like to bring attention to the fact that no development permit has been asked for in this amendment.

Our own OCP states the CRD will assist the applicable Provincial and Federal ministries in protecting the ecosystem along the foreshore area and estuaries in regards to:

- 1) Buildings in the foreshore area
- 2) Removal or addition of fill in the marine foreshore area
- 3) Retention of foreshore vegetation

A development permit would require an independent study by a qualified environmental professional. This study would look at the foreshore and the streams as well as the remaining vegetation and trees.

**I would like to know why a development permit is not being required for both the Pacific Gateway lands and the upland lot.**

To summarize I believe that the people of Port Renfrew and many businesses recognize the importance of our natural environment and want to preserve it as best we can. We have concerns about infrastructure, our roads, sewer, water, drainage.

The proposal before us seems to present an unknown amount of development, but most certainly a huge increase in density. The CRD has not held the Pacific Gateway accountable in regards to the terms of the temporary permit, and lastly they have not asked for an independent environmental study.

I have spent many hours studying these bylaws, amendments and zoning documents I cannot identify how amendment 4096 supports the economic, social and cultural wellbeing of this community.

People tell me you cannot fight big business. I am not asking for a fight. I am asking that the rules that were laid out in Port Renfrew's Official Community Plan be adhered to and that the CRD enforces them.

Thank you for listening.

jdf info

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**From:** John Wells  
**Sent:** Saturday, December 15, 2018 10:52 AM  
**To:** jdf info  
**Subject:** Pacific Gateway Project

I'm in full support of this development moving forward. This is great news for our community.

It's not just the employment opportunity's , but the social well being of this community I see the benefits of keeping our young people in town.

The way to do this is supply employment & affordable property where those who wish to stay full time can. Ownership of your own property is a great motivator.

Pacific Gateway has shown to pay good wages, so those local young members can live here.

I understand we are short on local affordable housing.

I would like to work with CRD on helping to elevate this issue. I believe it's a team (town) effort to help.

For the future growth of our community and social well being this project is what's needed.

Thank you for your time

John Wells

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**jdf info**

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**From:** Ken and Janice Hiles  
**Sent:** Monday, December 17, 2018 8:03 AM  
**To:** jdf info  
**Subject:** Fw: Port renfrew meeting.

**Sent:** Monday, December 17, 2018 8:00 AM

Thank you for the information meeting On December 11th.  
I would like to voice some concerns I have.

- 1) there should be unit restrictions on each of the zones that the Purdy group has asked for.
- 2) they stated at the meeting that there would be no camping on part D but show it on their maps on their display boards as having camping.
- 3) they stated at the meeting that there would be a water front trail but this is not written or shown in any documentation.
- 4) they show no boat trailer parking so are the locals going to continue to be able to launch boats.
- 5) in Mill Bay the Purdy group promised to replace our boat launch when they destroyed the existing one when they developed but years later we still don't have one.
- 6) it is difficult to trust what this group says, we need everything we are willing to agree to extremely clearly written and examined by a number of professionals.

I believe this project should not move forward until we have a new OCP. This project along with the Purdy uplands seems to house about 90 living units. The residents and home owners in Port Renfrew deserve more of a say in the development of their community.

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**Wendy Miller**

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**From:** Wendy Miller  
**Sent:** Tuesday, December 18, 2018 10:11 AM  
**To:** Wendy Miller  
**Subject:** FW: Purdy Group zoning amendment 2018

**From:** Ken Hiles [mailto:[kjhiles@crd.bc.ca](mailto:kjhiles@crd.bc.ca)]  
**Sent:** Monday, December 17, 2018 5:53 PM  
**To:** Ken and Janice Hiles  
**Cc:** jdf info <[jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca)>  
**Subject:** Re: Purdy Group zoning amendment 2018

On Mon, Dec 17, 2018, 2:20 PM Ken Hiles wrote:

Hello I am writing this email in regard to the 2018 Pacific Gateway Marina rezone amendment. I feel that the PGM (Purdy Group) are not giving near enough amenities for the upgrade in zoning they are asking for. I own property in Beach Camp and I therefore would like to see the boat launch at the PGM property be covenanted to remain for public use and at no charge. I also have a home in Cobble Hill near in Mill Bay. When the Purdy Group (Mill Bay Marine Group) purchased the Mill Bay Marina in 2010 Andrew Purdy after removing the boat launch on the property promised that he would build a new boat launch and parking for public use if the CVRD gave him the go ahead on the marina and condo development. To this day Dec. 17 th 2018 ,no boat launch has been built and the area residents have no means to launch in this area. The nearest boat launch is 12 kilometers north of Mill Bay. Please don't let this happen in Port Renfrew. I would also like to see a covenanted trail along waters edge from the CRD property at the edge of Beach Camp and along the foreshore of the PGM property to the marina. This is where the residents of Port Renfrew have always been able to walk unrestricted.  
Thank you for this consideration.  
Ken Hiles

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**Wendy Miller**

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**From:** Wendy Miller  
**Sent:** Friday, January 18, 2019 10:20 AM  
**To:** Wendy Miller  
**Subject:** Port Renfrew Pacific gateway proposal

From: Cam Hamilton  
Sent: Thursday, January 17, 2019 12:36 PM  
To: 'jdinfo@crd.bc.ca'  
Cc:  
Subject: Port Renfrew Pacific gateway proposal

To whom it may concern,

I am writing this letter for my concerns on the Pacific gateway proposal. I am a concerned home owner with a house in this area, and a volunteer firefighter with another small town ,my concern is with the expansion comes more people and not enough people that live in the town year round for fire fighters , they are hard to get volunteers when there is not enough people living there to pull from. My other concern is not enough water supply for fighting any fire which may arise from this expansion, there is fuel on site and wooden structures that would need protection and not enough water supply. I know they are stating they are going to donate\$ 500,000 dollars to help expand the water system but that is probably only half enough for these upgrades .

Yours Truly  
Cam Hamilton  
Deputy Chief Youbou Fire Dept.

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

Juan de Fuca Electoral Area Parks and Recreation  
Advisory Commission Meeting Minutes  
January 29, 2019

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6. Delegation – Juan de Fuca Community Planning

a) Comprehensive Community Plan Amendment Application - RZ000242

That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342);

Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125) (17110 Parkinson Road);

That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) (6598 Baird Road); and

Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less

Iain Lawrence spoke to staff report to the Juan de Fuca Land Use Committee and the request to redesignate the subject properties from Marine Protection (M) and Residential (R) to a new Pacific Gateway Marina (PGM) designation, and to rezone the subject properties from Marine (M) and Community Residential – One (CR-1) to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, in order to permit a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public. Iain Lawrence provided an overview of the six development areas proposed by the PGM-CD zone.

Iain Lawrence responded to questions from the Commission confirming that:

- the current marina is operated under a temporary use permit issued by the CRD
- Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" (RGS) designates the marina properties as an Urban Containment Policy Area
- Section 445 of the *Local Government Act* requires that all bylaws adopted by a regional district board after the Board has adopted a RGS, be consistent with the RGS
- as the application proposes an amendment to the Port Renfrew Official Community Plan (Schedule A, Bylaw No. 3109, "Comprehensive Community Plan for Port Renfrew Bylaw No. 1, 2003"), the bylaw will be referred to the CRD Board for a determination of consistency prior to first reading
- the CRD is reviewing the sewer and water services proposed by Bylaw No. 4096

Iain Lawrence directed attention to Section 4.5.1 of Bylaw No. 4096 which proposes construction of a public trail and staircase providing connection between the Juan de Fuca Community Parks trail on Lot 64 and Baird Road.

Commission comments included:

- stairs at Baird Road are in poor condition
- concern for maintenance costs related to the staircase
- the development will want to keep the staircase in good condition as the focus of the proposal is to draw tourists to the community
- there is a roughed-in trail that has been used by residents that connects to Godman Road
- support for considering locating a trail with guard rails on higher land to avoid pedestrian and boat trailer conflicts
- a trail on the higher land would continue to provide water views

PREC-227576723-434

Juan de Fuca Electoral Area Parks and Recreation  
Advisory Commission Meeting Minutes  
January 29, 2019

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- the buildings proposed by the application have not been built
- the proposed higher land trail may not have the same water views once these structures are built
- the dominant user of the waterfront trail may be limited to the users of the marina
- the public generally desires continued access to and along the waterfront

Iain Lawrence responded to a question from the Commission, confirming that the Commission previously considered park dedication requirements for the 6-lot bareland strata subdivision (SU000687) on Lot 1, Plan EPP24972. It was advised that the CRD Board supported the Commission's recommendation that parkland dedication be received in the form of cash-in-lieu for application SU000687 and that the trail and staircase proposed by Bylaw No. 4096 are amenity provisions.

In response to Commission concerns related to trail standards, Don Closson noted that staff will be working with the developer as proposed Bylaw No. 4096 outlines the requirement that provision of a public walking trail and staircase are to be constructed in a location and to a standard approved by Juan de Fuca Electoral Area Community Parks and Recreation.

**MOVED** by Commissioner Braunschweig, **SECONDED** by Commissioner Sloan that the Commission accept the amenity in the form of a continuous statutory right-of-way, trail and stairway from Lot 64 to Baird Road which is open to the public with the trail and staircase maintained by the development.

**CARRIED**

**b) Subdivision Application SU000697 - Subdivision of Lot 93, Renfrew District, Except Part in Plan 23812 – West Coast Road**

Regina Robinson spoke to staff memo to the Commission and the referral received from the Ministry of Transportation and Infrastructure (MoTI) for a proposed 3-lot subdivision of Lot 93 on West Coast Road. It was confirmed that no park dedication is required for the application; however, Section 75(c) of the *Land Title Act* requires that if land to be subdivided borders on a body of water, the bed of which is owned by the Crown, access must be given by highways 20 m wide to the body of water at distances not greater than 200 m between centre lines, or, in a rural area where the parcels into which the land is subdivided all exceed 0.5 ha, at distances not greater than 400 m between centre lines. A Memorandum of Understanding (MoU) between the CRD and the MoTI allows that subdivision applications that require access to water in accordance with Section 75 will be referred to the Commission prior to issuance of preliminary layout approval. It was further confirmed that the applicant submitted a request to the CRD and the MoTI to waive the statutory requirement to provide access to water.

Don Closson stated that:

- there is a provincial access to water to the east of Fossil Bay Resort, which is located between proposed Lot 1 and proposed Lot 2
- the subject property is steep and benched
- there is little sign of public historic use of the subject property
- should the waiver not be supported, the applicant has proposed that the water access be located at the west end of proposed Lot 2

PREC-227576723-434

Appendix G: Environmental Report



Cascadia Biological Services  
772 Goldstream Ave  
PO Box 27034  
Victoria, BC  
V9B 5S4

March 10th 2019

CRD Planning – Port Renfrew  
Attn: Senior Planner

**Environmental Impact Assessment**  
**6598 Baird Road/17086 Parkinson Road**  
**Capitol Regional District (CRD) – Juan de Fuca Electoral Area**  
**Port Renfrew BC**

**Purpose**

This report is in response to a request by the CRD (Juan de Fuca Electoral Area) for an Environmental Assessment of potential impacts resulting from proposed disturbances associated with a municipal residential land development located in the community of Port Renfrew. The civic addresses for the proposed development are located at 6598 Baird Road and 17086 Parkinson Road (refer to Attachment I). Specifically, the disturbances are associated with a proposed residential development including a stormwater outfall and walking path required to satisfy requirements of the Preliminary Lot Approval (PLA) issued by the CRD. This letter report will therefore accompany and form an addendum to the development permit application (DPA) or equivalent. The DPA is required as the development and associated infrastructure trigger the DPA at the time of development. Located approximately 700m west of the Port Renfrew town centre, the two parent property(s) being developed measures approximately 4.0 hectares and has approximately 575m of marine shoreline.

Typical site photographs are presented following this letter report in Attachment II.

**Background**

At the request of the owner, Cascadia Biological Services was retained to conduct an overview environmental impact assessment of proposed works associated with a residential development on parent lot(s) located at 6598 Baird Road and 17086 Parkinson Road located in the Community of Port Renfrew. The proposed disturbances include land alterations and disturbances to 1 hectare of land as shown in Attachment III. These areas are currently in a somewhat natural state and have been left undisturbed from previous development stages within the subject property(s). As a result, Cascadia



Biological Services was charged with conducting an overview environmental assessment of the proposed disturbed area. The assessment was completed over a four-day period in January and February of 2019. Prior to the field visit, an overview search of existing environmentally significant areas was conducted including a search of the British Columbia Conservation Data Centre (BC CDC) rare element occurrences of which none were documented.

#### **Environmental Assessment Findings**

- 1) **Land Use** – The proposed disturbed area including the marine riparian zone along the foreshore of the subject properties have been utilized for residential and industrial purposes for many years. Most of the native vegetation in and around the subject property has been replaced by lawns and ornamental gardens comprised primarily of introduced species or by larger areas of crushed rock used for levelling of future building pads. Larger industrial uses are historic and sporadic along the foreshore environment. Some smaller older second-generation polygons do exist in and around the surrounding area however, have been severely fragmented due to urban encroachment. Other environmentally significant features within 500m of the subject property include the steep coastal bluffs/cliffs. Land Use within the marine environment along the subject and adjoining properties is primarily limited to docks, gangways and erosion control platforms extending into and along the water. Most of these structures extend no more than 30m into the harbour waters.
- 2) **Subject Property** - The potential development permit area within the subject property measures approximately 560m (length along foreshore) X 15m (development permit area width) for a total area of 8400 m<sup>2</sup> and has been previously disturbed (>80%) except for two small polygons located along both the eastern and western sections of the property (refer to Attachment III). Existing vegetation within the proposed disturbed area associated with the new residential development will include disturbances to most of the remaining natural state polygons. Approximately 10 larger trees (older second generation) will be cut within the within the proposed disturbed areas
- 3) **Rare Plants/Wildlife/Ecosystems** – From our assessment, there are no environmentally significant polygons/attribute along the proposed disturbed area associated with the proposed residential areas. From our assessment, several larger older second-generation Douglas fir and spruce trees will be removed from the natural state area. These trees have been surveyed with drones and spotting scopes as well as assessed on the ground to determine if any raptor nests, nesting cavities or blue heron rookeries were present. None were observed during our assessment of the property (s). No rocky outcrops, wildlife trees/dens, stick nest or other environmentally significant attributes including sensitive ecosystems were noted along the proposed disturbed area of the property. The Provincial rare element occurrences program which documents the potential for existing rare elements including rare vegetation, ecosystems and wildlife is presented in Attachment IV. Existing mapping shows the potential occurrences of both a



vascular plant named nodding semaphonegrass as well as the potential in the area for the northern red-legged frog. Both of the rare elements listed above were not observed on the subject property(s) nor are expected to occur on site given the previous disturbances as well as existing conditions.

### **Conclusions**

From my assessment of the site in January and February of 2019, I have come up with the following conclusions;

- 1) The subject property(s) along the marine environment and immediate upland areas of the property has been previously disturbed to over 90% of the total property area;
- 2) No environmentally significant attributes were noted along the proposed natural state areas;
- 3) No raptor nest, nesting cavities or heron rookeries were observed during our assessment

### **Options and Recommendations**

It is in my opinion that the proposed disturbed area as shown (refer to Attachments III) for the subject property located at 6598 Baird Road and 17806 Parkinson Road in the Community of Port Renfrew will not negatively impact the area at a community scale if the following recommendations are adhered to:

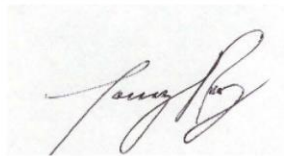
- 1) All works will be monitored by the designated Qualified Environmental Professional (QEP). The QEP will periodically visit the site during the construction period to ensure the impacts to the environment are negligible. It is anticipated that one site visit each week or even bi-monthly will be sufficient depending on what time of year the disturbances take place. Any contraventions will be forwarded by the on-site biologist to the appropriate agencies;
- 2) Sediment fencing should be installed immediately outside of the proposed disturbed areas. The designated QEP will advise the appropriate agencies that the sediment fencing is in place and that the proposed works may proceed;
- 3) All equipment required for the proposed works including backhoes and excavators etc. need to be fuelled outside of the 15m marine foreshore area unless the fuel stations are confined to an absorbent bath containment system. QEP to designate safe fuelling area and/or best management practices directly to the builder;
- 4) As a result of the proposed disturbed areas near the marine foreshore, Cascadia Biological Services recommends that 2 nesting boxes be erected at select locations within the subject property to improve upon existing passerine nesting cavities. QEP to erect the nesting boxes and notify the appropriate agencies once activities are deemed complete and the nesting boxes are in place;



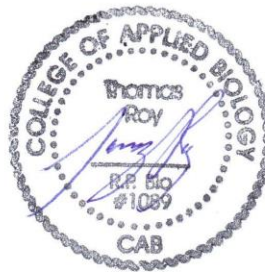
- 5) All trees (approximately 10 in total) to be removed within 30m of the marine foreshore area, must be replaced at a 2:1 ratio on-site within those same areas. QEP to determine where they are to be re-planted;
- 6) All tree removal should take place outside of the bird nesting season which begins mid-April and ends mid-July.

If you have any questions regarding this assessment, please do not hesitate to contact me by means below.

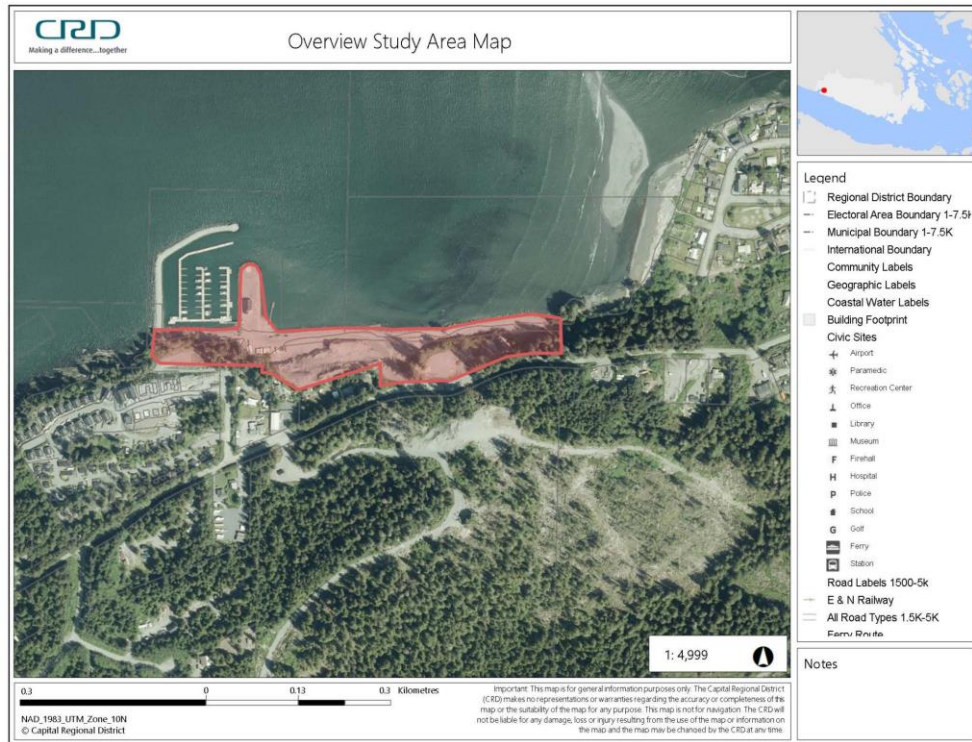
Thanks for your time.



Thomas Roy, R.P. Bio., QEP  
Cascadia Biological Services



  
**Cascadia Biological Services**  
**Attachment I – Overview Map of Site**





**Attachment II – Typical Site Photographs**



Plate #1. Typical view of the subject property(s)



Plate #2. Typical view of the subject property(s)



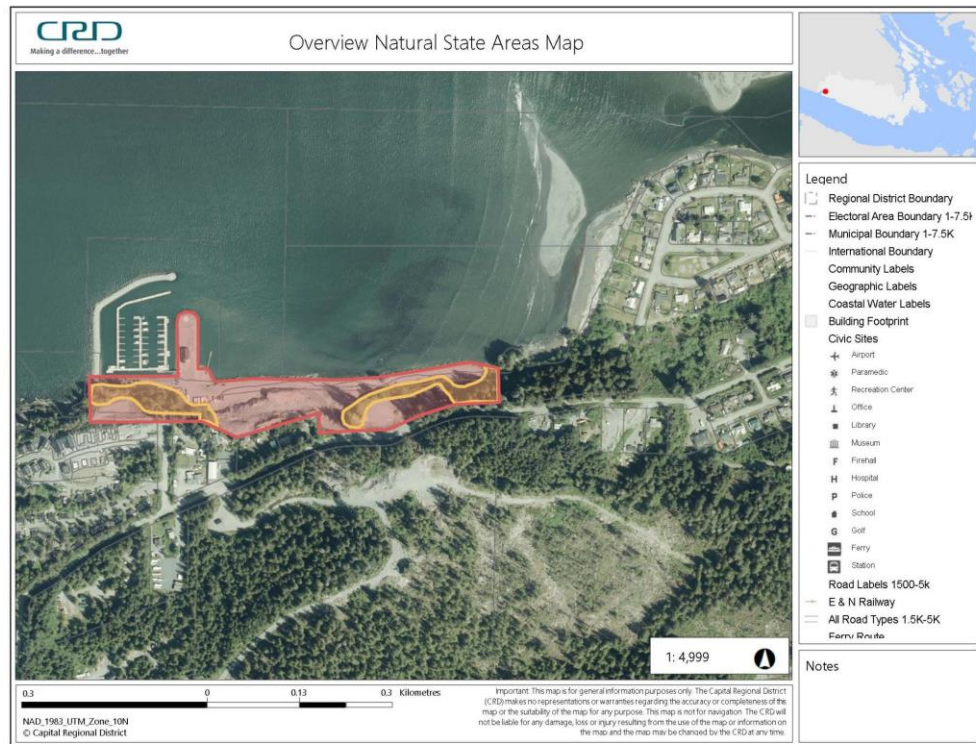
Plate #3. Typical view of the subject property(s)



Plate #4. Typical view of the subject property(s)

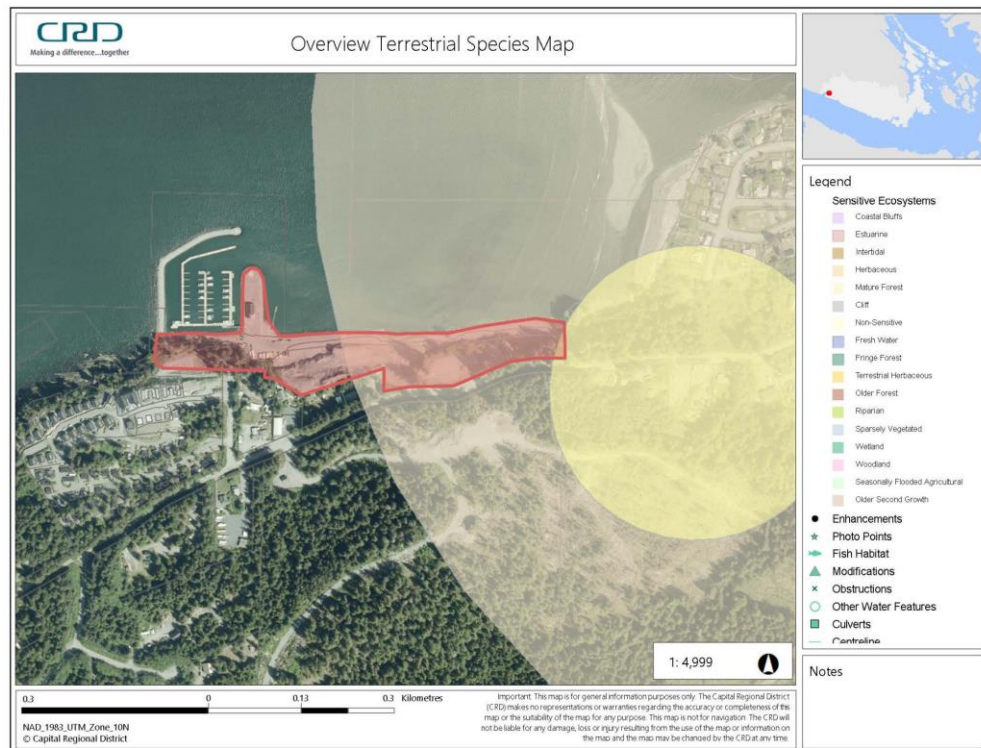


Attachment III – Proposed Disturbed Area(s)



Note: Maps are reduced scale

  
**Cascadia Biological Services**  
**Attachment IV – Rare Elements Occurrence Map**



**Note: Maps are reduced scale**