



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 21, 2019**

SUBJECT Temporary Use Permit Renewal For That Part Of Section 97, Renfrew District As Shown Coloured Red On Plan 344R; Lot 1, Section 97, Renfrew District, Plan EPP24972; 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, Containing 3.86 Hectares, More Or Less. – Parkinson Road

ISSUE

A request has been made for a three year renewal of temporary use permit TP000008 for the purpose of continuing to allow the operation of a 60-slip commercial marina, providing moorage for commercial vessels and private pleasure craft, as well as a mobile food service, offices, fuel sales, retail sales, boat trailer parking and boat storage within the Marine (M) and Community Residential 1 (CR-1) zones.

BACKGROUND

The subject properties and licence of occupation area (Appendix 1), located in Port Renfrew, are zoned Marine (M) and Community Residential 1 (CR-1) under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The subject properties have a combined total area of approximately 6.0 ha, and front Parkinson and Baird Roads to the south, Port San Juan to the north and west, Tourism Commercial-One (TC-1) zoned land to the southwest, and Community Use (CU) zoned land to the east. Only a portion of the upland parcels are currently used as part of the marina operation.

The CRD Board passed a resolution approving the issuance of TP000008 subject to conditions on June 8, 2016. The permit was subsequently issued on June 28, 2016, for a period of three years and will expire on June 28, 2019.

The temporary use permit authorizes the operation of a 60-slip commercial marina, providing moorage for commercial vessels and private pleasure craft, as well as a mobile food service, offices, fuel sales, retail sales, recreation, boat trailer parking and boat storage.

An application to rezone the licence of occupation area and related upland property was received by JdF Community Planning on May 3, 2018 (RZ000242). Upon completion by the applicant and staff of a draft zone, the application was considered by the Land Use Committee on September 18, 2018, at which time, staff were directed to proceed with the referral. The application was presented at a public information meeting in Port Renfrew on December 11, 2018. Since that time, the applicant has been working to address concerns raised by the public, including completion of an environmental report, provision of a site plan showing vehicle and trailer parking areas, and development of a phasing plan related to water and sewage treatment demand.

An application for renewal, received March 4, 2019, from the applicant, requests a three year extension to the permit in recognition of the fact that the zoning amendment cannot be completed prior to the expiration of the temporary use permit.

The *Local Government Act (LGA)* allows that the holder of a temporary use permit may apply to have the permit renewed, but that the permit may only be renewed once. Planning staff recommend that temporary use permit TP000008 be renewed for a period of three years subject to two additional conditions that are intended to address complaints received about the marina operations. Renewal of the permit will give the applicant time to work towards addressing community concerns while continuing to operate the marina.

ALTERNATIVES

Alternative 1:

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

That a three year renewal for Temporary Use Permit TP000008 to allow the operation of a commercial marina, on That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R; Lot 1, Section 97, Renfrew District, Plan EPP24972; 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, Containing 3.86 Hectares, More Or Less be approved subject to the following conditions:

- a) That the mobile food service be operated in accordance with Island Health's requirements for food service facilities, including permits to operate a water system.
- b) That no additional structures or modifications to structures be constructed on the lands for a use under this permit until such time as authorized by bylaw.

Alternative 2:

That the temporary use permit renewal be denied.

Alternative 3:

That the temporary use permit renewal request be referred back to staff for more information.

LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS

Section 492 of the *Local Government Act (LGA)* enables a local government to issue temporary use permits within areas designated by the Official Community Plan. Temporary use permits may be issued throughout the Port Renfrew Comprehensive Community Development Plan (CCDP) area as outlined in Bylaw No. 3109 and in accordance with Sections 493 to 497 of the *LGA*.

Section 497(2) of the *LGA* states that a temporary use permit holder may apply to have the permit renewed, but that the permit may only be renewed once.

The *LGA* does not require that notice be given of the CRD's intent to pass a resolution regarding the renewal of a temporary use permit, and CRD Bylaw No. 3885 has no requirement for public notification or consultation of a temporary use permit renewal. However, notice of the May 21, 2019, Land Use Committee agenda will be published in the Sooke News Mirror and on the CRD website.

LAND USE IMPLICATIONS

The 60-slip marina infrastructure and associated breakwater was constructed under a licence of occupation issued by the Province in February 2016. The marina use was subsequently authorized under Temporary Use Permit TP000008. The marina includes services such as fuel sales, food services, retail sales, and onsite boat trailer parking and boat storage.

The CCDP supports tourism through Economic Goal 3.1.3, which seeks to establish a healthy tourism sector, and through Plan Objective 11, which supports the improvement of tourism infrastructure in Port Renfrew. The establishment of a year-round marina and related services provides improved facilities for fishing and eco-tourism vessels and contributes to the local economy by providing a range of employment opportunities for local residents.

JdF Community Planning staff received two primary complaints regarding the operation of the marina under the temporary use permit. The first was related to the construction of a restaurant building on the breakwater, and the second to the conveyance of water from an adjacent

residential property, within the Port Renfrew water supply and utility system areas, to the marina, which is located outside those water service areas.

The restaurant building was initially shown to be a picnic shelter for use by patrons of the mobile food service and was determined to be a temporary structure. Since that time, glass panels have been installed to provide additional protection from the weather. Staff recommend the inclusion of a condition that no additional structures or modifications to structures be permitted on the lands for a use under the permit until such time as authorized by bylaw.

With regards to the second complaint, in response to the request to renew the temporary use permit, JdF Community Planning staff sought comment from Island Health and CRD Integrated Water Services.

Island Health advised that all food service facilities must obtain water from an approved source and CRD Integrated Water Services staff advised that properties outside the Port Renfrew water local service area cannot be supplied with a water connection.

The marina water source includes a water tank located at the end of Baird Road; however, the system is only approved to use hauled water from an Island Health approved water hauler (South Island Water Ltd.). Closure Orders for the food service have been issued in the past when it was found that a garden hose attached to an adjacent dwelling was being used to fill the tank. Staff recommend the inclusion of a condition that the mobile food service be operated in accordance with Island Health's requirements for food service facilities, including permits to operate a water system.

The applicant has submitted a CCDP amendment application to allow the commercial marina to operate on a permanent basis. The proposal also includes upland facilities such as a small hotel and conference centre and residential units. The bylaw amendment is currently proceeding through the amendment review and adoption process as per Bylaw No. 3885, and the applicant is working to address concerns raised at the public information meeting.

It is recognized that the marina plays an important role in the economy of the community, and provides year-round moorage for residents, tour and guide operators, and visitors to the community. Therefore, staff recommend proceeding with Alternative 1, that the temporary use permit be renewed for a further three years subject to the inclusion of the two additional conditions (Appendix 2).

CONCLUSION

A commercial marina has been in operation at, or adjacent to, the site since May 2013. The applicant obtained a licence of occupation from the Province for a year-round, 60-slip commercial marina and expanded ancillary marine uses following an indication of support from Pacheedaht First Nation in February, 2016. A CCDP amendment is required in order to allow operation of the marina beyond the time limit authorized by renewal of the temporary use permit.

The CRD Board passed a resolution approving temporary use permit TP000008 on June 8, 2016. The permit was subsequently issued on June 28, 2016, and will expire on June 28, 2019. The owner has applied to renew the permit for an additional three years while the proposed CCDP amendment application is considered.

If the permit is renewed, staff recommend the inclusion of two additional conditions to address complaints received regarding water use and the construction of accessory structures.

RECOMMENDATION

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

That a three year renewal for Temporary Use Permit TP000008 to allow the operation of a commercial marina, on That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R; Lot 1, Section 97, Renfrew District, Plan EPP24972; 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, Containing 3.86 Hectares, More Or Less be approved subject to the following conditions:

- a) That the mobile food service be operated in accordance with Island Health's requirements for food service facilities, including permits to operate a water system.
- b) That no additional structures or modifications to structures be constructed on the lands for a use under this permit until such time as authorized by bylaw.

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

IL:wm

Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Temporary Use Permit TP000008