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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, DECEMBER 15, 2020

SUBJECT Frontage Exemption for Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 – 17151 Parkinson Road

ISSUE SUMMARY

A request has been made for an exemption from the statutory requirement that the minimum frontage on the highway must be 10% of the perimeter of the lot, pursuant to Section 512 of the *Local Government Act (LGA)* for the purpose of creating a two-lot subdivision.

BACKGROUND

The 30.9 hectare (ha) property is located at 17151 Parkinson Road and is zoned Community Residential - 1 (CR-1) in the Comprehensive Community Development Plan for Port Renfrew Bylaw No. 3109 (Appendix A).

The applicant has submitted an application for a two-lot fee-simple subdivision (SU000722) and a separate subdivision application to create a four-lot bare land strata subdivision (SU000721) (Appendix B). The CR-1 zone establishes a minimum lot size of one hectare (ha) when there is no community sewage or water system. In the first phase of subdivision, the remainder parcel is 24.2 ha, and proposed Lot 1, which will be further subdivided into four bare land strata lots, is 6.7 ha.

Proposed Lot 1 does not meet the statutory requirement that the minimum frontage on the highway must be 10% of the perimeter of the lot, pursuant to Section 512 of the *LGA*. The applicant has requested a variance to reduce the frontage requirement from 125.4 metres (m) (10%) to 45.1 m (3.6%). Development Variance Permit VA000154 is included as Appendix C for consideration.

ALTERNATIVES

Alternative 1:

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

That Frontage Exemption VA000154, for Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, to reduce the required frontage for proposed Lot 1 from 125.4 m (10%) to 45.1 m (3.6%) for the purpose of creating a two-lot subdivision, be approved.

Alternative 2:

That Frontage Exemption VA000154 be denied and require that the subdivision to comply with frontage requirements in Section 512 of the *LGA*.

Alternative 3:

That the application be referred back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 512 of the *LGA* outlines requirements for minimum parcel frontage on a highway. If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of 10% of the perimeter of the lot or the minimum frontage that the local government bylaws provide. The Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109, does not specify a minimum frontage requirement; therefore, the statutory requirement specified by the *LGA* applies. Section 512(2) provides that a local government may exempt a parcel from the statutory or bylaw minimum frontage.

Proposed Lot 1 does not meet this requirement; therefore, a frontage exemption is being requested.

Public Consultation Implications

There is no statutory public notification requirement for requests for local governments to grant frontage exemptions pursuant to Section 512 of the *LGA*. Capital Regional District Bylaw No. 3885, Juan de Fuca Development Fees and Procedures Bylaw, does not include public notification requirements for adjacent property owners for frontage exemptions; however, Bylaw No. 3885 specifies that the CRD Board may request referral to any persons, organizations and authorities that may be affected by an application. The frontage exemption request will be included on the Land Use Committee agenda, which will be posted on the CRD website. Any comments received from the public will be presented at the December 15, 2020 Land Use Committee meeting.

Land Use Implications

Frontage:

Section 512 (1)(a) of the *LGA* specifies that the minimum frontage on the highway must be greater than 10% of the perimeter of the lot that fronts on the highway. The proposed remainder lot meets this requirement; however, Lot 1, which requires 125.4 m of frontage, is proposed to have only 45.1 m (3.6%). The applicant has requested a frontage exemption to allow the proposed lot configuration.

The subject property rises in elevation from Parkinson Road towards the north. Portions of the remainder parcel are designated as Steep Slope and Riparian Development Permit areas in the Comprehensive Community Development Plan for Port Renfrew Bylaw No. 3109. There are no designated development permit areas in proposed Lot 1.

The layout of Lot 1 is proposed in order to facilitate further subdivision of four bare land strata lots. There is an existing access constructed for logging purposes and registered with the Ministry of Transportation and Infrastructure. A single common property access to the strata lots would intersect with Parkinson Road at that same location and run within the panhandle area. The location is relatively level and at grade with the highway and is currently being updated to a multi-use access with the Ministry to allow for the new strata road usage.

The Port Renfrew Comprehensive Community Development Plan does not outline any criteria for considering frontage requirements. The Ministry of Transportation and Infrastructure has jurisdiction over the roads in the electoral area and is the approving authority for subdivision. The proposed frontage reduction is not anticipated to create a hardship to adjacent properties. Staff recommend approval of frontage exemption VA000154.

CONCLUSION

The applicants are requesting an exemption from the requirement that 10% of the perimeter of the lot front onto a public highway, in order to proceed with a 2-lot subdivision of a parcel located on Parkinson Road in Port Renfrew. If the Land Use Committee and Regional Board concur, the frontage requirement of proposed Lot 1 would be reduced from 125.4 m (10%) to 45.1 m (3.6%).

RECOMMENDATION

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

That Frontage Exemption VA000154, for Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, to reduce the minimum required frontage for proposed Lot 1 from 125.4 m (10%) to 45.1 m (3.6%) for the purpose of creating a two-lot subdivision, be approved.

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

ATTACHMENTS

Appendix A: Subject Property Map

Appendix B: Proposed Subdivision Plans