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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, OCTOBER 15, 2024**

SUBJECT **Development Permit with Frontage Exemption for Lot 1, District Lot 17, Renfrew District, Plan VIP57304 – 17176 Osprey Place**

ISSUE SUMMARY

An application has been made for a Riparian Development Permit with a request 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 three-lot subdivision.

BACKGROUND

The 2.46 hectare (ha) subject property is located at 17176 Osprey Place in Port Renfrew (Appendix A). The parcel is zoned Tourism Commercial-One (TC-1) under the Comprehensive Community Plan for Port Renfrew, Bylaw No. 3109. The lot is within the Port Renfrew Fire Protection Local Service Area and is serviced by the CRD's Port Renfrew Water Service Area and onsite septic. The applicant has submitted an application for a three-lot fee simple subdivision (SU000724) (Appendix B). The TC-1 zone regulations specify a minimum parcel size of 0.4 ha if each parcel can be connected to either a community water or sewer system. The parcels as proposed, meet the minimum lot requirement.

There is currently a single-family dwelling and several accessory buildings located on the property. The survey shows a driveway access that roughly bisects the parcel from Osprey Place to the accessory buildings located near the easternmost boundary of the lot (Appendix B); the driveway access has since been extended through the panhandle to the Parkinson Road frontage.

The property is partly designated as a Riparian and a Sensitive Ecosystem Development Permit Area (DPA) by the Comprehensive Community Plan for Port Renfrew, Bylaw No. 3109. A development permit is required as part of the subdivision process. Proposed Lot 3 is a panhandle configuration and does not meet the statutory requirement specified by Section 512 of the *LGA* that one-tenth of the perimeter of a lot fronts on a public highway. The owner has requested an exemption to reduce the frontage requirement for Lot 3 from 59.97 m (10% of the lot perimeter) to 16.3 m (2.7% of the lot perimeter). Development Permit with Frontage Exemption DV000075 is included as Appendix C for consideration.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Frontage Exemption DV000075, for Lot 1, District Lot 17, Renfrew District, Plan VIP57304, to authorize a three-lot subdivision and to reduce the statutory frontage requirement for proposed Lot 3 from 59.97 m (10% of the lot perimeter) to 16.3 m (2.7% of the lot perimeter), be approved.

Alternative 2

That Development Permit with Variance DV000075 be denied.

IMPLICATIONS

Legislative Implications

The Comprehensive Community Plan for Port Renfrew, Bylaw No. 3109, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Riparian and Sensitive Ecosystem DPA and a development permit is required prior to subdivision or alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the authority to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

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 requirement specified by Section 512 applies. A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in Section 512(1). Proposed Lot 3 does not meet the requirement; therefore, a frontage exemption is required.

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 October 15, 2024, Land Use Committee meeting. There are no requirements for public consultation if a local government is considering a development permit.

Land Use Implications

Development Permit:

A Riparian Assessment Report was submitted by Jessica Harvey, R.P.Bio., and Julie Budgen R.P.Bio, of Corvidae Environmental Consulting, dated December 8, 2020. The Report addressed the *Riparian Areas Protection Regulations (RAPR)* and Riparian DP guidelines (Appendix D) for the proposed subdivision. The Report identified two unnamed streams and a roadside ditch, which is considered a stream under the *RAPR*. The watercourses drain roughly from south to north towards the western boundary of the parcel, into a culvert under Powder Main Road and eventually into Snuggery Cove. The Riparian Assessment Area (RAA) is comprised of mature, second growth forest and the watercourse is considered fish bearing. The Report established a Streamside Protection and Enhancement Area (SPEA) of 10 m for each watercourse. The Sensitive Ecosystem designation for this parcel is directly overlapped by the Riparian designation.

The Report confirmed that the driveway and all structures are outside of the SPEA, that no further development is proposed within the RAA, and advised that any future works within the RAA would require additional assessment. The proposal is not anticipated to affect stormwater flow or drainage, and the report stated that there are no floodplain concerns at this site. The Report was approved by the Province on January 29, 2021. A copy of the Report is appended to the draft permit. The recent extension of the access driveway from the eastern portion of the parcel through the panhandle to Parkinson Road is located outside of the designated Riparian Development Permit Area. As such, it is not required to be assessed.

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 a lot that fronts on a highway. Proposed Lots 1 and 2 meet this requirement; however, Lot 3, which requires 59.97 m of frontage, is proposed to have only 16.3 m (2.7% of the lot perimeter) in a panhandle configuration fronting onto Parkinson Road. The applicant has requested a frontage exemption to allow the proposed lot layout.

The Port Renfrew Comprehensive Community Development Plan does not outline any criteria for considering frontage requirements or panhandle lots; however, the future subdivision potential should be considered since there is no minimum lot size specified for the TC-1 zone when the parcel is connected to both community water and community sewer systems. The panhandle will not impact the future subdivision of proposed Lots 1 and 2, since both have adequate frontage on Osprey Place. Should proposed Lot 3 be subdivided in the future to create more than one additional parcel, the panhandle would likely need to serve as a common access as part of a bareland strata. Staff do not anticipate that the proposed frontage reduction will adversely impact adjacent properties since the panhandle configuration and driveway access currently exist as part of the parent parcel, and the proposed lot boundaries along the panhandle allow for the separation of private yards from the driveway. Therefore, staff recommend approval of development permit with frontage exemption DV000075.

CONCLUSION

The applicant has requested a Riparian Development Permit and an exemption from the statutory requirement that 10% of the perimeter of a lot front onto a public highway for a 3-lot subdivision on Parkinson Road in Port Renfrew. If the Land Use Committee and Regional Board concur, the frontage requirement of proposed Lot 3 would be reduced from 59.97 m (10% of the lot perimeter) to 16.3 m (2.7% of the lot perimeter). If the Permit is approved by the Board, the Corporate Officer will issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:
That Development Permit with Frontage Exemption DV000075, for Lot 1, District Lot 17, Renfrew District, Plan VIP57304, to authorize a three-lot subdivision and to reduce the statutory frontage requirement for proposed Lot 3 from 59.97 m (10% of the lot perimeter) to 16.3 m (2.7% of the lot perimeter), be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Plan of Proposed Subdivision
- Appendix C: Permit DV000075
- Appendix D: Development Permit Guidelines