



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 16, 2019**

SUBJECT **Zoning Amendment Application for Lot D, Section 36, Renfrew District, Plan VIS5337 – 17015 Parkinson Road**

ISSUE

The applicant proposes to amend the Tourism Commercial - One (TC-1) zone to in order to permit an existing mix of commercial and residential uses on a parcel in Port Renfrew.

BACKGROUND

The 0.35 ha subject property is located in Port Renfrew at 17015 Parkinson Road (Appendices 1 and 2). The property is designated as Tourism Commercial (TC) under Schedule 'A' (Official Community Plan) of the Comprehensive Development Plan for Port Renfrew, Bylaw No. 3109, and zoned Tourism Commercial - One (TC-1) under Schedule 'B' (Zoning) of the bylaw. The parcel is the site of the Port Renfrew General Store and is adjacent to CR-1 zoned land to the west, south and east, and Parkinson Road to the north.

A building strata, granting individual title to the ground-floor retail space and each of the three dwelling units above was registered in April 2003. Since building construction and strata registration occurred prior to the adoption of a zoning bylaw for Port Renfrew in August, 2004, and the use has been ongoing since that time, the property is considered legal non-conforming for use in accordance with Section 528 of the *Local Government Act (LGA)*.

The *LGA* allows that if, at the time a land use bylaw is adopted, the land is lawfully used and does not conform to the new bylaw, the use may be continued as a non-conforming use. The *LGA* does not confer protection on uses that are discontinued for a period of 6 months or buildings that contain such a use if they are destroyed to more than 75% of the value above the foundation.

At the time Bylaw No. 3109 was developed a survey of existing uses was undertaken. The regulations were then written to accommodate those uses and minimize the number of non-conforming cases. The language in the TC-1 zone makes allowance for additional dwelling units above a retail use; however, any such units are considered accessory to the retail use and do not allow for occurrences where the units were strata titled and existed as a principal use.

The requested zone amendment would legalize the two additional dwelling units that exceed the current regulation by allowing for three principal dwelling units to be located above the retail space.

Staff have prepared Bylaw No. 4292 to amend the Tourism Commercial - One (TC-1) zone to permit Section 36, Renfrew District, Plan VIS5337 a maximum residential density of three (3) dwelling units above a tourist commercial or retail use (Appendix 3). The Juan de Fuca Land Use Committee (LUC) considered the issue at their meeting of March 19, 2019 and recommended that proposed Bylaw No. 4292 be referred to a public information meeting in Port Renfrew, CRD departments and agencies for comment. Comments received are included in Appendix 4.

ALTERNATIVES

Alternative 1

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee to a public information meeting; BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62; and CRD departments be approved and the comments be received;

- b) That proposed Bylaw No. 4292, “Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 12, 2019” be introduced and read a first time and read a second time; and
- 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. 4292.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4292.

Alternative 3

That more information be provided by staff.

LEGISLATIVE IMPLICATIONS AND PUBLIC CONSULTATION IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendment and it will be advertised in the local paper and on the website.

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. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Port Renfrew OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. This application is consistent with the policies of the Port Renfrew OCP.

REFERRAL COMMENTS

Referrals were sent to eight agencies, to CRD departments and to a public information meeting. Comments received are noted below and included in Appendix 4.

BC Hydro stated no objections to the proposal and requested that the applicant contact BC Hydro to confirm potential servicing requirements.

Cowichan Valley Regional District stated that its interests are unaffected by the proposal.

CRD Bylaw Enforcement reviewed the proposed bylaw and stated that no significant bylaw enforcement implications are anticipated as a result of the proposal.

CRD Integrated Water Services (IWS) confirmed that the existing property is presently serviced with water from the Port Renfrew water service area and is currently billed separately for one commercial and three one bedroom units and that the owner(s) are required to provide notice to IWS of any increase in water use.

District of Sooke stated no objections to the proposed amendment.

Island Health reported that the development must be in compliance with the Municipal Wastewater Regulation and noted that any change to the adjoining retail space would be regulated by agency's Health Protection and Environmental Services department.

Ministry of Transportation and Infrastructure stated no objections to the proposed rezoning and reported that there are no conditions to be met at this time.

School District #62 – Sooke stated that it does not have any concerns with the rezoning application.

RCMP – Sooke reported no objections to the application.

The proposal was presented to the community in Port Renfrew at a public information meeting, held at the Port Renfrew Community Centre on May 29, 2019. There were 15 members of the public in

attendance. Two individuals spoke in support of the bylaw amendment and no individuals spoke in opposition.

PLANNING IMPLICATIONS

The Port Renfrew Comprehensive Community Development Plan designates the subject property as Tourism Commercial (TC). This designation's focus is on a mix of commercial activities including: recreational vehicle storage, pubs, restaurants, hotels and motels, vacation sites, guest cabins, residential uses and various other commercial activities that cater to visitors. Developments under this designation must be designed to minimize potential land use conflict with adjacent uses.

The Tourism Commercial – One (TC-1) zone allows for residential, retail and tourist commercial uses, as well as supportive uses including staff accommodation and accessory dwelling units. Such accessory dwelling units are only permitted in conjunction with an existing retail use. In addition, the zone includes further complicating language that negates the allowance for the additional dwelling units. Regardless, it would be expected that accessory dwelling units would remain under the ownership and control of the owner of the primary retail use, and not provided with individual title and ownership through the *Strata Property Act*. The development of Bylaw No. 3109 included a land use survey to accommodate existing uses and this particular situation was either missed or not provided with adequate regulation to fully accommodate the use.

Since each of the dwelling units has been granted individual title and would be considered a principal use, staff recommend a site specific amendment to the TC-1 zone to allow three dwelling units above a retail or tourist commercial use on the subject property.

Ongoing use of the land would remain unchanged and be in keeping with the use of land in this part of the Port Renfrew town site. Neighbouring uses include dwelling units, the Port Renfrew Community Centre, and a waste transfer station.

Staff recommend proceeding with proposed Bylaw No. 4292 for first and second reading and the holding a public hearing.

CONCLUSION

The purpose of this Comprehensive Community Development Plan amendment application is to authorize three dwelling units above a retail establishment as a conforming use on Section 36, Renfrew District, Plan VIS5337. Referral comments have been received and staff recommend proceeding with proposed Bylaw No. 4292 for first and second reading and proceeding to a public hearing.

RECOMMENDATION

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee to a public information meeting; BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62; and CRD departments be approved and the comments received;
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- 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. 4292.

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

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Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Orthophoto Plan
- Appendix 3: Proposed Bylaw No. 4292
- Appendix 4: Referral Comments