



**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, SEPTEMBER 11, 2019**

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**SUBJECT**      Public Hearing Report on Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019”

**ISSUE**

To receive the Report of the Public Hearing held September 3, 2019, for proposed Bylaw No. 4266, and to consider Bylaw No. 4266 for third reading and adoption.

**BACKGROUND**

At its meeting on August 14, 2019, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019”, and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4266.

Bylaw No. 4266 (Appendix 1) will amend Bylaw No. 3109, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003” by establishing riparian, sensitive ecosystem and shoreline protection development permit areas, and by updating the development approval information area in Port Renfrew.

On September 3, 2019, a public hearing was held for Bylaw No. 4266. There were six people in attendance. No submissions regarding the proposal were received prior to the hearing. Three members of the public in attendance spoke to the proposal. The Report of the Public Hearing is attached (Appendix 2).

**ALTERNATIVES**

**Alternative 1**

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4266, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on September 3, 2019, for Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019”, be received; and
- b) That Bylaw No. 4266 be read a third time and adopted.

**Alternative 2**

That the minutes that form the Report of the Public Hearing for Bylaw No. 4266, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on September 3, 2019, for Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019”, be received.

## **LAND USE IMPLICATIONS AND PLANNING ANALYSIS**

The proposed bylaw amendment would add three development permit areas and update the Development Approval Information Area designation and requirements in Schedule A of the Comprehensive Community Development Plan for Port Renfrew.

A shoreline protection development permit area (DPA) is proposed for the protection of the environment and for the protection of development from hazardous conditions. This permit area is proposed to extend 15 m inland from the natural boundary of the sea. As there are currently no floodplain regulations in place for Port Renfrew, the establishment of a shoreline protection DPA would allow CRD to request geotechnical review of any development proposed within 15 metres of the shoreline. As the upland area along a shoreline is also considered to have ecological values, a professional report would also be required to address this where appropriate.

Under a directive issued by the *Riparian Areas Protection Act* and the *Riparian Areas Regulation (RAR)*, local governments must include riparian area protection provisions in zoning and land use bylaws or ensure that bylaws and permits under Part 14 of the *Local Government Act (LGA)* provide a level of protection that is comparable to or exceeds that established by the directive.

The *RAR* requires that development may not be approved or proceed in riparian assessment areas unless the affected local government is notified by the provincial Ministry that Fisheries and Oceans Canada and the Ministry have been notified of the development proposal and have been provided with a copy of a report prepared by a qualified environmental professional who has carried out an assessment conducted in accordance with the prescribed methods.

Local governments can implement the *RAR* through various means. The most common method is through the establishment of development permit areas and development approval information areas as authorized by Part 14 of the *LGA*. Development permit areas for the protection of riparian areas have been established in all other Official Community Plans (OCPs) in the Juan de Fuca Electoral Area (JdF EA). Most recently, new OCPs were adopted for East Sooke and for the Shirley-Jordan River areas that incorporate input from public consultation and best practices. Due to the recent extensive review of the DP and DAIA policies in those OCPs, staff recommend applying a similar approach to Port Renfrew.

The Riparian DPA is proposed to include those areas intended to be protected as defined by the *RAR*. This is typically 30 m on either side of a stream that provides fish habitat, or the area adjacent to a ravine. The guidelines for development within the Riparian DPA are consistent with the *RAR* including submission of a riparian assessment report by a qualified environmental professional.

For non-fish bearing streams where the *RAR* is not applicable, a Sensitive Ecosystem DPA is proposed that protects the freshwater ecosystem values of these areas, such as providing habitat for numerous species and maintaining the natural hydraulic regime for water conservation purposes. Recommendations from a qualified professional would be considered when establishing permit conditions.

Watercourse mapping for both *RAR* and non-*RAR* streams can be updated through the rezoning process, at which time the provision of a riparian and/or environmental assessment report would be required.

The *LGA* allows a regional district to request a professional engineer's report to support development permit applications in areas designated for the protection of development from hazardous conditions, such as to address potential flooding concerns within the proposed Shoreline DPA. The provision of other reports relies on the establishment of a development approval information area bylaw.

Development approval information areas (DAIA) must be designated in an OCP and specify circumstances for which information may be required. An update to the Port Renfrew DAIA is proposed to include all parcels of land in order for information to be requested with respect to applicable development permit areas.

Comments received from members of the public present at the public hearing conveyed support for adding community-wide environmental protection measures around sensitive ecosystems, including riparian areas, which is the subject of the proposed bylaw amendment. There was also interest expressed in a more detailed OCP review and in policies that acknowledge the interests of the undersurface rights holders. Such work would form part of a separate community planning project. At this time, there are no immediate plans to begin this work.

Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and adopted.

### **CONCLUSION**

A public hearing was held on September 3, 2019, for Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019”. The minutes are attached as the Report of the Public Hearing.

There were six members of the public in attendance at the public hearing. No submissions regarding the proposal were received prior to the public hearing. Three members of the public in attendance spoke in support of the proposed amendment.

Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and adopted.

### **RECOMMENDATIONS**

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4266, which is certified as a fair and accurate summary of the representations that were made at the public hearing held on September 3, 2019, for Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019”, be received; and
- b) That Bylaw No. 4266 be read a third time and adopted.

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

Appendix 1 – Proposed Bylaw No. 4266

Appendix 2 – Report of the Public Hearing September 3, 2019