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**REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JUNE 16, 2020**

SUBJECT **Comprehensive Community Development Plan Amendment Application for:
That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R
(PID: 009-592-342);
Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125);
That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R
(PID: 009-575-006); 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, Shown Outlined in Red on Licence V905027, Containing
3.86 Hectares, More or Less**

ISSUE SUMMARY

The applicant has applied to re-designate the subject properties from Marine Protection (M) and Residential (R) to a new Pacific Gateway Marina (PGM) designation, and to rezone the subject properties from Marine (M) and Community Residential – One (CR-1) to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, in order to permit a mix of community uses, year-round residential accommodation, vacation properties and commercial tourism, recreation and marina services to the general public.

BACKGROUND

The subject properties are located in Port Renfrew at 17110 Parkinson Road and 6598 Baird Road (Appendices A and B). The upland properties are designated as Residential (R) and the Licence of Occupation area is designated as Marine Protection (M) under the Comprehensive Community Development Plan (CCDP) for Port Renfrew, 2003, Bylaw No. 3109. The upland properties are zoned Community Residential – One (CR-1) and the Licence area is zoned Marine (M) under Bylaw No. 3109. The subject areas are adjacent to Tourist Commercial – One (TC-1) and CR-1 zoned land to the south and west, Community Use (CU) zoned land to the east, and Port San Juan to the north.

The parcels located at 17110 Parkinson Road and the Licence area are currently located outside the Port Renfrew Water Service Area, while the property located at 6598 Baird Road is located inside the service area. The land based parcels are all located within the Port Renfrew Fire Protection Local Service Area, while the Licence area on which the marina is situated is located outside the service area.

The CR-1 zone allows development in the form of one residential unit per parcel, home based businesses, bed and breakfasts, religious centres, and retail establishments. The Marine zone allows private boat docks.

The Licence of Occupation area, on which the current marina infrastructure is located, was issued by the Province on February 25, 2016. Temporary Use Permit TP000008 was issued by the Regional Board on June 28, 2016, renewed on July 24, 2019, and will expire on June 28, 2022. The Permit authorizes the operation of a 60-slip commercial marina, offices, food services, fuel sales, recreation, boat trailer parking and boat storage within the Licence area and part of the adjoining upland property.

The proposed rezoning to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone would establish six development areas, each with a variety of uses including residential, tourist commercial, recreation, community and marina services to the general public (Appendices C and D).

In order to rezone the property, a new Pacific Gateway Marina (PGM) land use designation has been developed. The PGM designation includes policies that support the uses of the proposed zone, that outline the required level of servicing for the proposed development, and that formalize the community's interest in a publicly accessible walking trail through the marina development.

Staff have prepared Bylaw No. 4096 (Appendix E), to re-designate the subject properties and Licence of Occupation area from Residential and Marine Protection to a new Pacific Gateway Marina designation, and to rezone the subject areas from CR-1 and M to a new PGM-CD zone.

At their meeting of September 18, 2018, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaws to agencies and to a Public Information Meeting in Port Renfrew. Comments are included as received in Appendix F.

ALTERNATIVES

Alternative 1

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

- a) That the referral of proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
- b) That proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" be introduced and read a first time and read a second time;
- 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. 4096 upon receipt by the CRD from the applicant of a report prepared by a professional archaeologist, with input from the Pacheedaht First Nation, to the satisfaction of the CRD and the Archaeology Branch that addresses the known archaeological site and any additional sites identified in the area, and that determines the steps in managing impacts to the site.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4096.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative Implications

Pursuant to Section 477 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 to hold a public hearing as part of the amendment process. On December 11, 2018, the Electoral Director and staff met with the members of the Port Renfrew community and the applicant at a Public Information Meeting to discuss the proposal.

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. Since the proposal includes an amendment to the Official Community Plan (OCP) schedule of Bylaw No. 3109, the bylaw

will be considered by the Planning, Transportation and Protective Services Committee and/or the CRD Board for a determination of consistency with the RGS prior to first reading. An amendment to the water servicing bylaw will also require a determination of consistency prior to adoption.

Referral Process Implications

Referrals were sent to external agencies, CRD departments, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission, and to a Public Information Meeting in Port Renfrew. Comments received are noted below and included in Appendix F.

CRD Bylaw Enforcement does not anticipate any significant bylaw enforcement implications as a result of this proposal.

CRD Integrated Water Services commented that water could be supplied to the proposed lots subject to all lots being included in the water service area, and a second reservoir tank being installed and commissioned. Among other things, the owners would be required to provide an amenity contribution of \$8,000 per single family equivalent (SFE) for future water system upgrades; however, a total of 32 SFEs are reserved for the development in-lieu of payment due to a cost share of the proposed storage tank.

The Cowichan Valley Regional District commented that the proposal was too remote to impact their interests.

The Department of Fisheries and Oceans commented that the agency does not have a regulatory role related to this application because the proposal does not directly propose works, undertakings or activities that may result in serious harm to fish.

District of Sooke stated no objection as the subject properties are well outside the District's boundaries.

Ministry of Forests, Lands and Natural Resource Operations (FLNRO) – Archaeology Branch commented that there is a documented archaeological site on one of the subject properties. The site is protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. The waterfront location and proximity to other nearby archaeological sites increases the potential for unknown/unrecorded archaeological deposits to be present. Prior to any land-altering activities, an eligible consulting archaeologist should be engaged to determine the steps in managing impacts to the site.

FLNRO – Ecosystems commented that they had few concerns with the proposal provided that vegetation clearing was minimized and occurred outside the bird nesting period, and that the development follow other best management practices in the Develop with Care manual.

Island Health commented that they would have regulatory requirements with regards to drinking water supply systems, liquid waste discharges less than 22,700 L/day, food premises, and facilities that include the recreational use of water such as pools and spas. Island Health acknowledged that there were a number of aspects of the development that address their objective of encouraging a healthy built environment.

Ministry of Transportation and Infrastructure stated no objection to the proposed amendment. The Ministry would provide additional comment should the property be subdivided in the future. Commercial access permits for any new access onto Parkinson Road would be required.

Pacheedaht First Nation (PFN) commented that the Nation has concerns regarding the high strength of claim and cultural values in the area of the application. The area has known archaeological sites and undocumented sites, both of which are of vital importance to PFN. The Nation also retains the water lot lease to the southeast of the marina and want to ensure that the impacts of this application are better understood.

Sooke School District #62 commented that the school district does not have any concerns with the development.

A Public Information Meeting was held in Port Renfrew on December 11, 2018. There were 38 members of the public in attendance. One submission was received and read at the meeting and four

supplementary submissions were received after the meeting. Concern was raised regarding enforcement of conditions of the applicant's current temporary use permit, the perceived broad scope of the rezoning application and a lack of related development permits. Concern was also raised regarding the impact on sewage and water capacity, drainage, roads and access, and the volunteer fire department. Support was expressed for continued access to the waterfront trails historically used by the community.

A meeting of the JdF EA Parks and Recreation Advisory Commission was held on January 29, 2019. There was one member of the public in attendance and no written submissions were received regarding the application. The Commission discussed the proposal and passed the following motion:

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner Sloan that the Commission accept the amenity in the form of a continuous statutory right-of-way, trail and stairway from Lot 64 to Baird Road which is open to the public with the trail and staircase maintained by the development. **CARRIED**

Land Use Implications

The official community plan schedule of the Port Renfrew CCDP, designates the subject properties as Residential (R) and the Licence of Occupation area as Marine Protection (M). The objectives of the Residential designation is to ensure the housing stock in the plan area meets the needs and requirements of the market place for at least five years. This designation identifies mixed residential/commercial uses as viable activities for economic development within the residential designation. The Marine Protection designation prohibits the operation of log booms. Neither the Residential nor the Marine Protection designations are entirely appropriate for use of the property as a comprehensive marina development; therefore a change from the Residential and Marine Protection designations to a new Pacific Gateway Marina (PGM) designation is required.

The proposed PGM land use designation includes policies regarding improvements to the Port Renfrew Water Supply System, as well as the provision of community water and sewer service to the subject properties. The PGM policies also outline the community interest in a publicly accessible trail through the property as part of larger network connecting various areas of Port Renfrew.

The proposed Pacific Gateway Marina Comprehensive Development (PGM-CD) zone establishes six development areas. Each development area includes a specific set of permitted uses and regulations. These uses are conditional upon connection to the Port Renfrew Community Water Supply System, connection to a community sewer system to the satisfaction of Island Health or the Ministry of Environment, and provision of a public walking trail connecting Development Areas A, B and C.

Development Area A is proposed to include a series of courtyard cabins and stacked duplexes that range in size from 70 m² to 90 m² to a maximum floor area ratio of 0.30, in one- and two-bedroom configurations. Based on the proposed area of DA-A, this would allow a total floor area of 2,334 m².

Development Area B is proposed to include six courtyard cabins of approximately 90 m², to a maximum floor area ratio of 0.35. Based on the proposed area of DA-B, this would allow a total floor area of 913 m².

Development Area C comprises the marina operation itself, and includes boat docks, food services and retail establishments, community uses, office uses, and tourist facilities. This area could include a future fishing lodge and/or small conference centre. A portion of this area may also be dedicated to Canadian Coast Guard operations.

Development Area D is proposed to include tourist accommodation facilities in the form of cabins, and RV and camper rental spaces. Density is limited to a floor area ratio of 0.25, which would allow a total floor area of 859 m².

Development Area E includes an existing dwelling unit and may be subdivided from the parent property in the future. The use of this development area would remain as residential to a maximum of one dwelling unit.

Development Area F is proposed to include larger, single-family dwellings with the option of year-

round residency. Units are proposed to be in the 110 m² to 150 m² range to a maximum floor area ratio of 0.35. Based on the proposed size of DA-F, this would allow a total floor area of 1,454 m². DA-F could potentially be used as the site of a small conference centre or spa associated with the fishing lodge proposed for Development Area C.

The proposed PGM-CD zone includes minimum servicing requirements for community water and community sewer, as well as a community amenity requirement in the form of a public trail through Development Areas A, B, C and D, connecting Baird Road and Lot 64. In order to achieve the full development potential permitted in each development area, the property must first be connected to a community water system and a community sewer system. The Port Renfrew community water system requires expansion in order to support the level of development proposed. Construction and commissioning of the expansion must be completed prior to the property being included in the local service area. With regards to community sewer, daily flows to a small community/strata system that fall below 22,700 L/day may be approved by Island Health under the *Sewerage System Regulation*. Flows in excess of this amount will require a larger system approved by the Ministry of Environment under the *Municipal Wastewater Regulation*. The public trail must be constructed and secured via statutory right-of-way in favour of the CRD. Until such time as these services and the amenity are provided, the use and density of the property is limited to one single-family dwelling.

Section 4.2 of the Port Renfrew CCDP outlines the preferred form and methods for acquiring park land. At their meeting of January 29, 2019, the JdF EA Parks and Recreation Advisory Commission reviewed the proposed bylaw amendment and recommended that a trail and staircase connecting Lot 64 to the east and Baird Road to the southwest, be constructed and that the trail be secured by a maintenance agreement and statutory right-of-way. This is in keeping with the policies of the CCDP.

Pacheedaht First Nation noted their strength of claim and cultural values in the area, and the Archaeology Branch advised that there is a known archaeological site within the application area. They also commented that given the waterfront location, there may be additional, unidentified deposits in the area and recommended that prior to any land-altering activities, an eligible consulting archaeologist should be engaged to determine the steps in managing impacts to the site. While the Archaeology Branch could not require a study for development activity beyond the known site, JdF Planning staff recommend that the applicant provide a professional archaeologist's report of the entire subject property, with input from Pacheedaht First Nation and to the satisfaction of the CRD and the Archaeology Branch, prior public hearing. The study would address the known site and any additional sites identified in the area, and determine the steps in managing impacts to the site.

Subsequent to the Public Information Meeting, the applicant has submitted an environmental assessment report prepared by a professional biologist (Appendix G). In addition, three new development permit areas (DPAs) were added to the Port Renfrew CCDP: a Shoreline Protection DPA, a Riparian DPA, and a Sensitive Ecosystem DPA. The property is now partially designated as a Shoreline Protection development permit area (DPA) and a development permit will be required as a condition of subdivision or prior to upland construction activity within 15 m of the natural boundary of the sea. The recommendations of the environmental report could be included as conditions of a future development permit.

Juan de Fuca Community Planning staff recommend receipt of referral comments, proceeding with proposed Bylaw No. 4096 for first and second readings, and that a public hearing be held in the community.

CONCLUSION

The purpose of this Comprehensive Community Development Plan (OCP and zoning) amendment application is to allow a mix of community uses, year-round residential accommodation, vacation properties and commercial tourism, recreation, and marina services to the general public. Referral comments have been received and staff recommend that proposed Bylaw No. 4096 proceed for first and second readings, and that a public hearing be held. Upon closure of the public hearing, a report of the hearing will be forwarded to the Board along with a recommendation regarding further readings of the Bylaw.

RECOMMENDATION

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

- a) That the referral of proposed Bylaw No. 4096, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020” to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
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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

ATTACHMENT(S)

- Appendix A: Subject Property Map
Appendix B: Orthophoto Plan
Appendix C: Site Plans
Appendix D: Concept Sketch
Appendix E: Proposed Bylaw No. 4096
Appendix F: Referral Comments
Appendix G: Environmental Report