

**SUPPLEMENTARY REPORT TO  
JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 15, 2020**

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**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**

This report provides supplementary information and a revised recommendation for the Report tabled by the Juan de Fuca Land Use Committee (LUC) on June 16, 2020, as a result of correspondence received from Pacheedaht First Nation on June 16, 2020.

**BACKGROUND**

Prior to consideration of this application by the LUC on June 16, 2020, JdF Community Planning received correspondence from Pacheedaht First Nation (Appendix A) highlighting a number of concerns and questions related to the consultation process and governance, and regarding various aspects of the development of the subject lands within Pacheedaht's traditional territory. The LUC determined that the concerns warranted tabling the item to its September 15, 2020, meeting, in order to give staff time to work with the applicant and Pacheedaht to address the noted concerns and questions.

Subsequent to the June 16, 2020, meeting, JdF Community Planning received an Archaeological Impact Assessment (AIA), dated July 31, 2018, and accompanying geotechnical report, dated November 19, 2015. Having received and reviewed this new information, staff recommend a revised recommendation.

**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; and

- d) That prior to adoption of the bylaws, the applicant:
  - i. Register a covenant on the title of the lands pursuant to Section 219 of the *Land Title Act* in favour of the CRD securing the Archaeological Impact Assessment prepared by Duncan McLaren, PhD, dated July 31, 2018, and the geotechnical report prepared by Bruce Dagg, P.Eng., dated November 19, 2015.

*Alternative 2*

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

*Alternative 3*

That more information be provided.

**IMPLICATIONS**

In their correspondence dated June 16, 2020, Pacheedaht First Nation raised a number of concerns regarding the application review and consultation processes, and potential impacts on the environment and damage to sites of cultural importance. They also asked several questions regarding site servicing, including community water and sewage disposal.

Consultation Implications

The CRD's development application processes are established through Bylaw No. 3885 and the *Local Government Act*. The process allows for referral by the Juan de Fuca Land Use Committee and the CRD Board to agencies and departments they determine may have interests that are affected by proposed development. Comments received from external agencies, including Pacheedaht, were included in the staff report for the June 16, 2020, LUC meeting and part of the staff recommendation was intended to address their original concerns. However, as a result of ongoing dialogue between CRD and Pacheedaht, CRD has acknowledged the desire for greater participation on the part of the Nation, and has committed to providing an avenue for more meaningful dialogue with those First Nations in whose traditional territory a development application is being considered.

Land Use Implications

As part of the Licence of Occupation application process for the marina, a consultation process involving the proponent and Pacheedaht was required by the Province. That process was to have addressed concerns related to the impact on the marine environment, including shellfish harvesting and underwater noise, and resulted in moving the marina infrastructure and breakwater to their present location. As part of the current development application, we are in receipt of an environmental report for the upland portion of the development. The report was attached to the June 16, 2020, LUC report.

Subsequent to the June 16, 2020, LUC meeting, JdF Community Planning received a copy of an archaeological inventory and impact assessment report, dated July 31, 2018, prepared by Duncan McLaren, PhD, (Cordillera Archaeology). The report provided details on the results of assessment of the land in the vicinity of the Pacific Gateway Marina, and focused on a number of sea cave features along the foreshore. The report affirmed Pacheedaht's concerns regarding vibrations from blasting and machinery activities in the vicinity of the sea caves, including those that would originate from the "Little Renfrew" site directly above the caves. The Report also included a 2015 Ryzuk geotechnical report (the "Geotechnical Report") that commented on the stability of the caves and provided vibration threshold recommendations. In light of this information, staff recommend registration of a covenant on the title of the lands to require that all future development be conducted in accordance with the recommendations of the Archaeological and Geotechnical Reports. This would address future land alteration and construction activity on District Lot 17, and ensure that it follows the recommendations for a vibration threshold, monitoring and impact mitigation.

With regards to water supply, the proponent has partnered with Port Renfrew Management Ltd. to install a 100,000 gallon water tank to increase the overall storage capacity of the Port Renfrew water system. In exchange for that work and based on the value of the contract, under an agreement with the Port Renfrew Utility Services Commission and CRD Integrated Water Services, 32 single-family equivalents (SFEs) are to be allocated to Pacific Gateway Marina, 32 SFEs to Port Renfrew Management Ltd, and 8 SFEs to Port Renfrew Business Park Ltd. As a result of this increase in capacity, approximately 75 SFEs presently remain unallocated and available for other development proposals within the local service area upon payment of the amenity fee.

At the present time, sewage treatment is proposed to be via a community system constructed in partnership with Port Renfrew Management Ltd., on the south side of Parkinson Road. The system would require approval from Island Health under the *Sewerage System Regulation* of the *Public Health Act*. Such a system is limited to a flow rate of 22,700 L/day. At such time as the development proposes to exceed this threshold, a larger system, involving approvals from the Ministry of Environment under the *Environmental Management Act* and *Municipal Wastewater Regulation*, will be required.

As a result of the concerns raised by Pacheedaht and the additional information received from the applicant regarding the culturally sensitive areas within the development area, staff recommend a revised Land Use Committee recommendation to include a covenant securing the 2018 Duncan McLaren archaeological assessment and associated 2015 Ryzuk geotechnical report.

### **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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- 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; and
- d) That prior to adoption of the bylaws, the applicant:
  - i. Register a covenant on the title of the lands pursuant to Section 219 of the *Land Title Act* in favour of the CRD securing the Archaeological Impact Assessment prepared by Duncan McLaren, PhD, dated July 31, 2018, and the geotechnical report prepared by Bruce Dagg, P.Eng., dated November 19, 2015.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

### **ATTACHMENT:**

Appendix A: Correspondence from Pacheedaht First Nation, June 16, 2020