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Z-02-12 – THREE POINT PROPERTIES (2006) LTD. &
0932694 BC LTD.

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 21, 2014**

SUBJECT **ZONING AMENDMENT APPLICATION LOT B, DISTRICT LOT 17, RENFREW DISTRICT, PLAN VIP88597; AND THAT PART OF DISTRICT LOT 17, RENFREW DISTRICT, SHOWN OUTLINED IN RED ON PLAN 347R**

ISSUE

The applicant proposes an amendment to rezone the lands from Tourist Commercial 1 (TC-1) and Community Residential 1 (CR-1) to a new Community Residential 2 (CR-2) zone in order to permit multiple dwelling units and a provision for vacation rentals.

BACKGROUND

The 2.68 ha properties are adjacent to Baird Road in Port Renfrew (Appendix 1). The property is zoned Tourist Commercial 1 (TC-1) and Community Residential 1 (CR-1) in the Comprehensive Community Development Plan (CCDP) for Port Renfrew, Bylaw No. 3109.

The applicant is proposing a new zone to permit multiple single-family and two-family dwelling units, and to permit visitor accommodation and live-work uses within those units. The existing TC-1 and CR-1 zones are limited in that the TC-1 zone permits one dwelling unit and tourist facilities for visitors, but does not permit permanent occupancy of the tourist units; and the CR-1 zone permits only one dwelling unit and one cottage. The proposed concept plan is shown in Appendix 2.

The applicant has also submitted a boundary adjustment subdivision application to the Ministry of Transportation and Infrastructure, and to this office (CRD File: S-15-11), in order to create a parcel whose boundaries will match those of the proposed zone boundaries.

Staff has prepared Bylaw No. 3791, which would rezone the lands from Tourist Commercial 1 (TC-1) and Community Residential 1 (CR-1) to a new Community Residential 2 (CR-2) zone (Appendix 3).

ALTERNATIVES

1. Proceed with referral of the proposed Bylaw 3791, "Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2014" to agencies for comment.
2. Deny the application and do not proceed with referral.
3. Refer the application back to staff for more information.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 879 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.

Pursuant to Section 881 of the *LGA*, a proposed amendment to a zoning bylaw must be referred to the school district. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the *LGA*; however, the Port Renfrew Advisory Planning Commission is inactive. Staff proposes holding a public information meeting to obtain community comments.

Should the proposal proceed, a public hearing pursuant to Section 890 of the *LGA* will be required subsequent to the amendments passing second reading by the Capital Regional District (CRD) Board.

Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments. The notice will also be provided to Port Renfrew residents through an unaddressed mail drop. The proposed amendment and Land Use Committee meeting will be advertised in the local paper and on the website.

REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS

In the evaluation of a zoning amendment, consideration must be given to the CRD's Regional Growth Strategy (RGS) Bylaw No. 2952 and CCDP for Port Renfrew Bylaw No. 3109. The RGS designates Port Renfrew as Renewable Resource Lands which does not reflect the existing settlement, despite recognition of the community as a residential policy area within the CCDP and being included within CRD local sewer and water servicing areas.

PLANNING ANALYSIS

The CCDP for Port Renfrew Bylaw No. 3109 designates Lot B, District Lot 17, Renfrew District, Plan VIP88597 as Residential and that part of District Lot 17, Renfrew District shown outlined in red on Plan 347R as Tourism Commercial. The Residential section 4.1.1(5) states:

- (5) *Multiple family residential development may be allowed in the area, if design of the new proposal is compatible with the form and character of the surrounding residential uses.*

Further the Residential policy states:

Developers who propose a mixed commercial/residential use must adhere to the following policies as well as to the foregoing:

- 6j *Any mixed-use development must be compatible with the form and character of neighbouring land uses and must ensure that:*
- a. *There is adequate parking space for the required commercial use and the residential use. The commercial parking spaces are to be physically separated from the required residential parking spaces;*
 - b. *The residential use must be protected from any adverse impacts from the commercial activities;*
 - c. *The area to be used for residential purposes is to be physically separated from the commercial area. The residential use and commercial use may be either in the same building, and separated by either a wall or floor or on the same lot but in two separate buildings. The development must meet the BC Building Code and the BC Fire Code requirements. Preference will be given to mixed use developments that are in a single building or structure; and*
 - d. *Adequate and well-designed off-street parking, loading, and service areas should be provided on the site of each mixed use development with consideration given to:*
 - i. *Safe movement of vehicular and pedestrian traffic on and off site;*
 - ii. *Design of a safe access and egress point; and*
 - iii. *Type and design of signs in relation to commercial uses with traffic signs.*

The Tourism Commercial designation states:

- 6j *Mixed residential/commercial uses will be considered.*

Developers who propose a mixed commercial/residential use must adhere to the following policies as well as to the foregoing:

- 7j *Any mixed-use development shall be compatible with the form and character of neighbouring land uses and must ensure that:*
- a. *There is adequate parking space for the required commercial use and the residential use. The commercial parking spaces are to be physically separated from the required residential parking spaces;*

- b. *The residential use must be protected from any adverse impacts from commercial activities;*
- c. *The area to be used for residential purposes is to be physically separated from the commercial area. The residential use and commercial use may be either in the same building, and separated by either a wall or floor or on the same lot but in two separate buildings. The development must meet the BC Building Code and the BC Fire Code requirements. Preference will be given to mixed use developments that are in a single building or structure; and*
- d. *Adequate and well-designed off-street parking, loading, and service areas should be provided on the site of each mixed use development with consideration given to:*
 - i. *Safe movement of vehicular and pedestrian traffic on and off site;*
 - ii. *Design of a safe access and egress point; and*
 - iii. *Type and design of signs in relation to commercial uses with traffic signs.*

It appears that the proposed multiple-family uses, which could include vacation rentals and live-work uses, meet the intent of the CCDP; therefore, staff recommends referring the proposed bylaw for comment.

CONCLUSION

The applicant is proposing a new zone to permit multiple single-family and two-family dwelling units, and to provide visitor accommodation and live-work units. A new zone has been created to accommodate the proposed uses on the property as outlined in proposed Bylaw No. 3791. Staff recommends referring the proposed bylaw to relevant CRD departments and other agencies for comment, and that a public information meeting be scheduled to obtain community comments.

RECOMMENDATION

That the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. That proposed Bylaw No. 3791, "Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2014" for Lot B, District Lot 17, Renfrew District, Plan VIP88597 and that part of District Lot 17, Renfrew District shown outlined in red on Plan 347R, be referred to the appropriate CRD departments and the following agencies for comment:

BC Hydro	Pacheedaht First Nation
Cowichan Valley Regional District	Port Renfrew Fire Department
Island Health	RCMP
Ministry of Transportation and Infrastructure	Sooke School District #62

****ORIGINAL SIGNED****

Iain Lawrence
Planner, Local Area Planning

June Klassen, MCIP
Manager, Local Area Planning

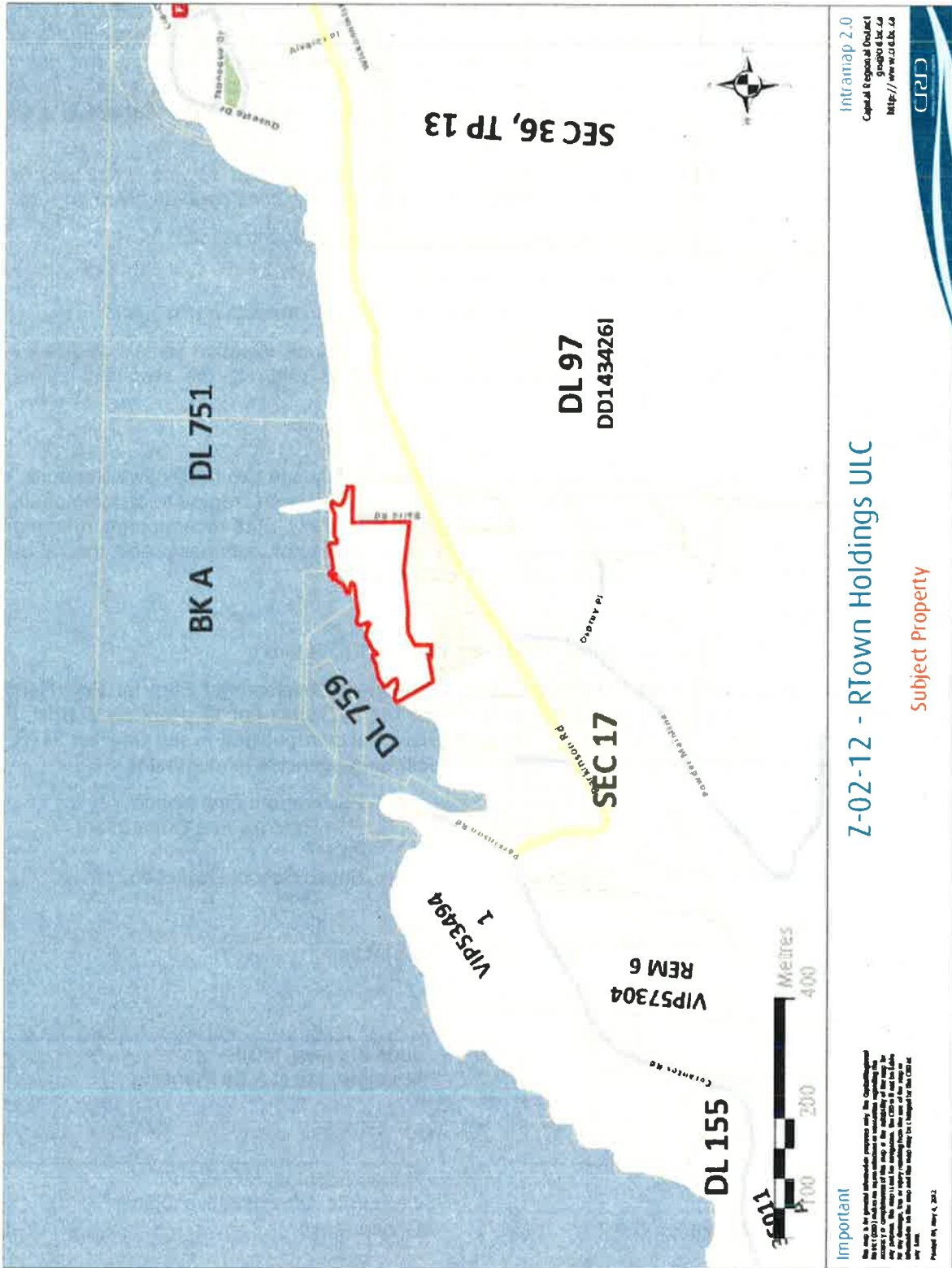
Maurice Rachwalski, PhD
Acting General Manager
Planning & Protective Services
Concurrence

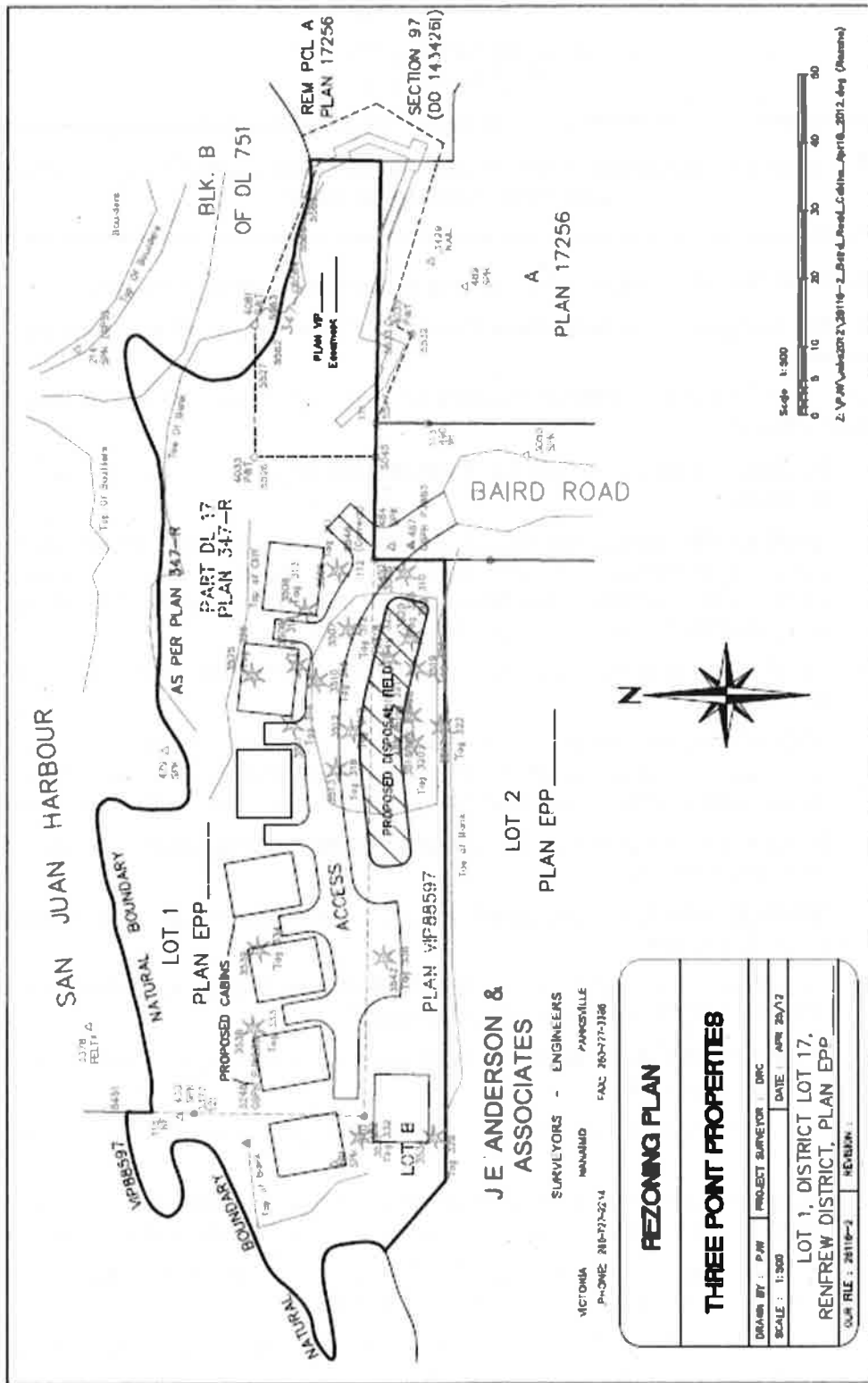
Robert Lapham, MCIP, RPP
Corporate Administrative Officer
Concurrence

Appendices:

1. Location
2. Concept Plan
3. Proposed Bylaw No. 3791

Appendix 1: Location





J E ANDERSON & ASSOCIATES
 SURVEYORS - ENGINEERS
 VICTORIA PHONE 250-727-9214
 NANAIMO PHONE 250-777-3146
 LANGFORD PHONE 250-777-3146

REZONING PLAN	
THREE POINT PROPERTIES	
DRAWN BY : P.W.	PROJECT SURVEYOR : DRC
SCALE : 1:500	DATE : APR 29/12
LOT 1, DISTRICT LOT 17, RENEWAL DISTRICT, PLAN EPP	
OUR FILE : 25116-2	REVISION :

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3791**

**A BYLAW TO AMEND BYLAW NO. 3109, "COMPREHENSIVE COMMUNITY DEVELOPMENT
PLAN FOR PORT RENFREW"**

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 3109 being the "Comprehensive Community Development Plan, Bylaw No. 1, 2003" is hereby amended:
 - A. Schedule "B", Part 1, ADMINISTRATION OF THE LAND USE REGULATIONS, SECTION 1, DEFINITIONS
 - a. By adding a new definition for "**LIVE-WORK BUILDING**" after the word "**KENNEL**" as follows:

"**LIVE-WORK BUILDING** means a building or space within a building that is used jointly for office use, personal services uses, small commercial uses catering to tourist, and residential purposes, where the non-residential use of the space is accessory to the primary use as a dwelling unit;"
 - b. By adding a new definition for "**PERSONAL SERVICES**" after the word "**PARCEL**" as follows:

"**PERSONAL SERVICES** means use or structures for attending to individual needs which are related to human or pet care and appearance, includes accessory sale of goods, barber shops, beauty shops, pet day cares, spas, tailors, dressmakers;
 - c. By adding a new definition for "**SINGLE FAMILY DWELLING**" after the words "**SIDE PARCEL LINE**" as follows:

"**SINGLE FAMILY DWELLING** means a residential use of a building for one dwelling unit only;"
 - d. By adding a new definition for "**TEMPORARY ACCOMMODATION**" after the words "**STAFF ACCOMMODATION**" as follows:

"**TEMPORARY ACCOMMODATION** means a total length of stay of not more than six months per calendar year;"
 - e. By adding a new definition for "**TOWNHOUSE**" before the words "**VISITOR**" as follows:

"**TOWNHOUSE** means a building or buildings divided into not less than three dwelling units with each dwelling unit having direct access to the outside at grade;"
 - f. By amending the definition for "**TWO FAMILY DWELLING UNIT**" by deleting the definition in its entirety and replacing with the following:

"**TWO FAMILY DWELLING** means a residential use of a building for two dwelling units;"
 - g. By adding a new definition for "**VACATION ACCOMMODATION**" before the word "**VISITOR**" as follows:

“VACATION ACCOMMODATION means the use of a dwelling or secondary suite for temporary accommodation;”

- B. Schedule “B” Part IV ZONES by creating a new zone, Community Residential Two (CR-2), to be inserted after Section 22, and to read as follows:

22.1 CR-2 (Community Residential Two) Zone

Permitted Uses

1. The following uses and no others are permitted in this zone:

- (a) Single Family Dwelling;
- (b) Two Family Dwelling;
- (c) Townhouse
- (d) Bed and breakfast;
- (e) Home Based Business;
- (f) Temporary Accommodation;
- (g) Live-Work Building.

Permitted accessory uses and buildings on any parcel includes the following:

- a) Staff accommodations; and
- b) Any accessory building or structures to any of the above permitted uses.

Regulations

2. On a parcel of land located in this zone:

Minimum Parcel Size for Subdivision Purposes

- (a) The minimum parcel size is 0.1ha when the parcel is hooked up to both a community sewage and water system.
- (b) The minimum parcel size is 0.4ha when the parcel is hooked up to either a community sewage or water system.
- (c) The minimum parcel size is 4ha where there is no community sewage or water system or the owner decides not to hook into both the community sewage and water system.

Number and Type of Dwelling Units Allowed

- (d) The total number and type of dwelling units permitted on a parcel is 10 dwelling units per 0.4ha.

Number and Size of Live-Work Units Allowed

- (e) Not more than one building per parcel may be a live-work building and not more than 50 percent (50%) of that building shall be used as the work portion.

Height

- (f) No principal building or structure shall exceed 9.75m in height.
- (g) No accessory building or structure shall exceed 6m in height.

Setbacks

- (h) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
- i. 6m of a front parcel line;
 - ii. 1.5m of an interior side parcel line;
 - iii. 4.6m of an exterior side parcel line; or
 - iv. 6m of a rear parcel line.

Accessory Buildings

- (i) An accessory building must not be within 1.5m of a rear parcel line.

Parcel Area Coverage

- (j) The maximum permitted parcel area coverage of the principal building with all accessory buildings and structures is 50 percent (50%).

C. By deleting from the Community Residential One (CR-1) and Tourist Commercial One (TC-1) zones and adding to a new Community Residential Two (CR-2) zone, for the purpose of permitting multiple dwelling unit uses for Lot B, District Lot 17, Renfrew District, Plan VIP88597 and that part of District Lot 17, Renfrew District shown outlined in red on Plan 347R, as shown on Plan No.1, attached to and forming part of this bylaw.

2. This bylaw may be cited as Bylaw 3791, "Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1, 2003, Amendment Bylaw No. 4, 2014".

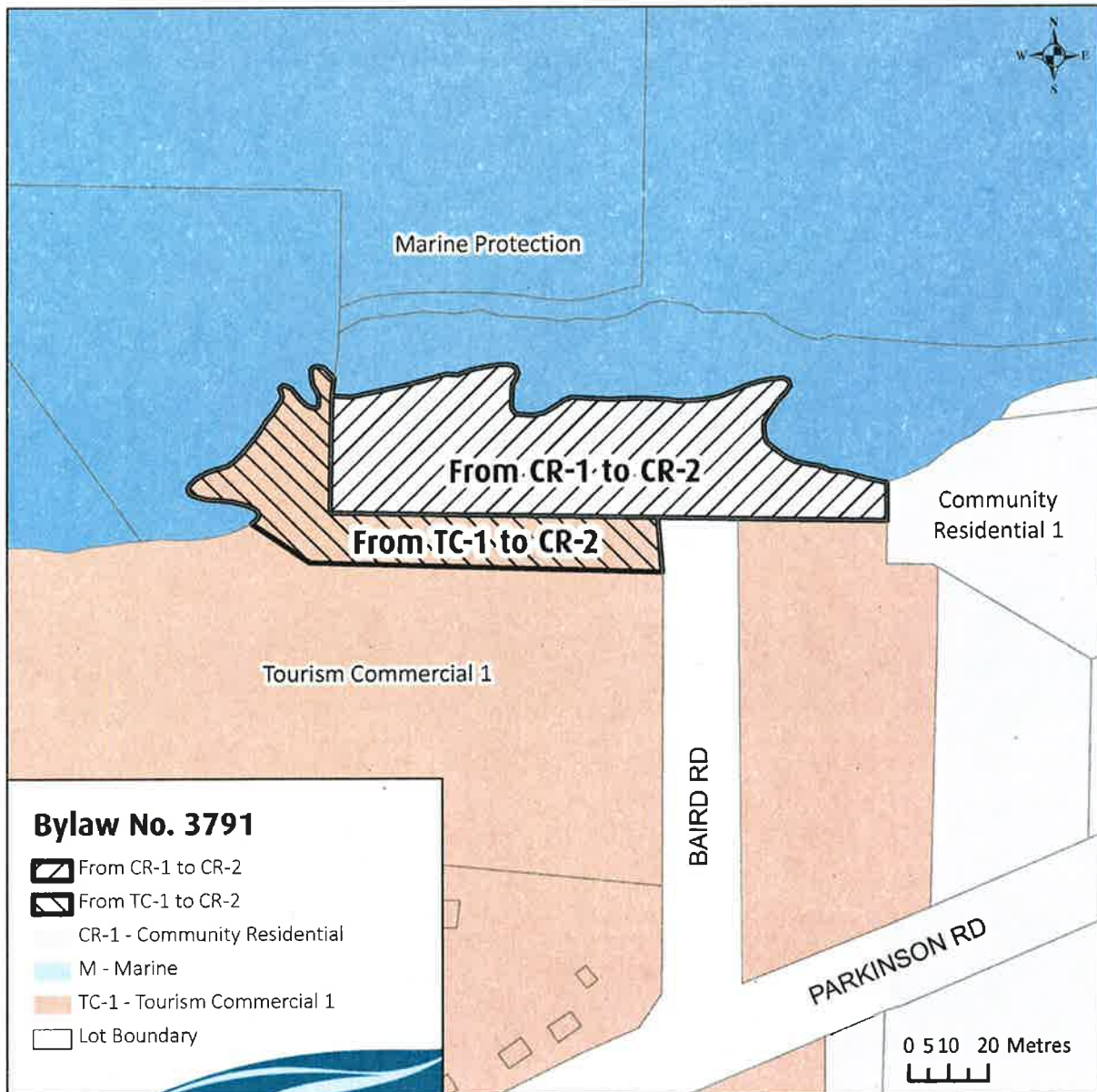
READ A FIRST TIME	THIS	DAY OF	2014
READ A SECOND TIME	THIS	DAY OF	2014
READ A THIRD TIME	THIS	DAY OF	2014
APPROVED by the Minister of Community, Sport and Cultural Development	THIS	DAY OF	2014
APPROVED by the Minister of Transportation and Infrastructure	THIS	DAY OF	2014
ADOPTED	THIS	DAY OF	2014

CHAIR

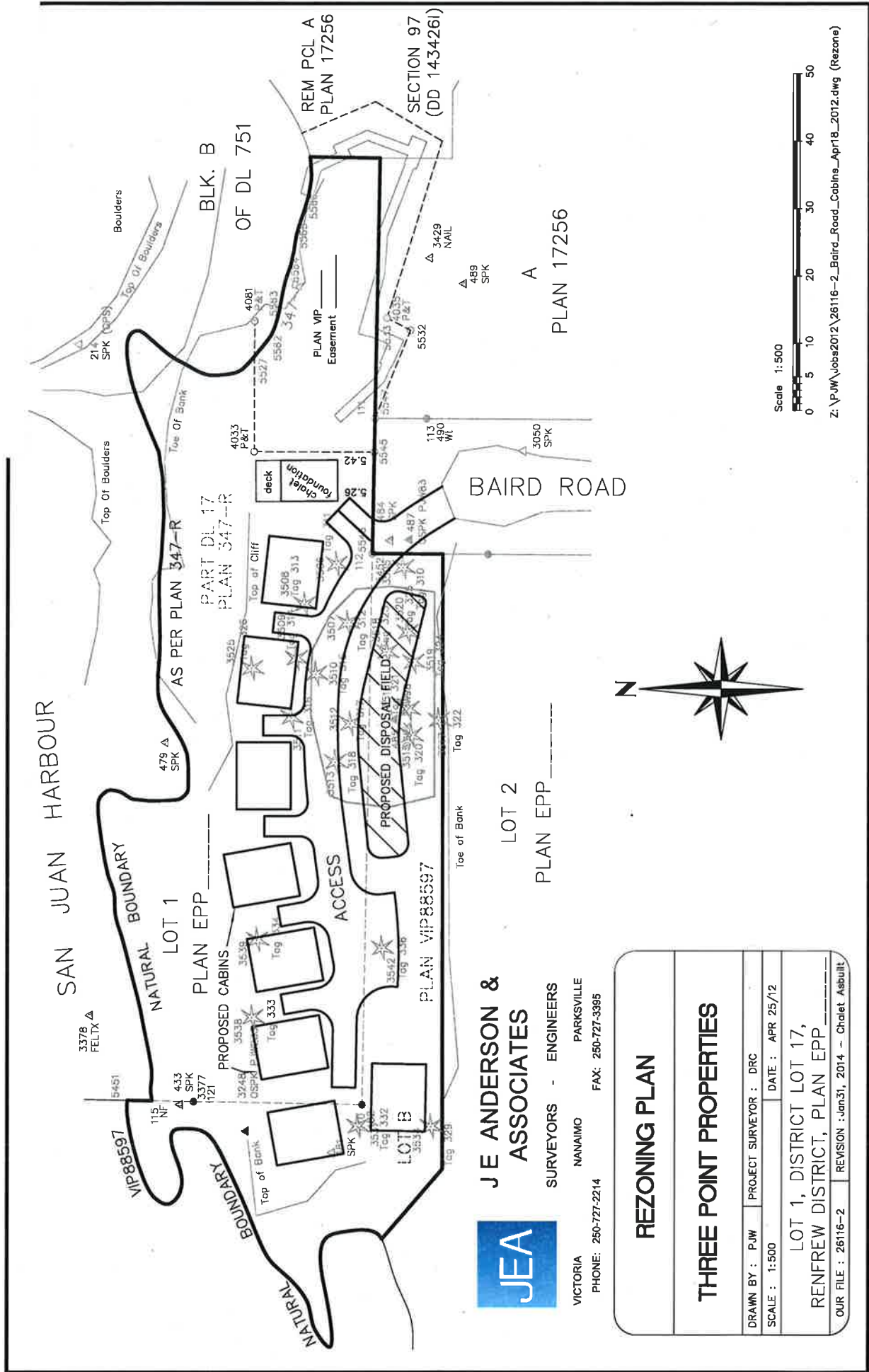
CORPORATE OFFICER

Plan No. 1 of Bylaw No. 3791

Lot B, District Lot 17, Renfrew District, Plan VIP88597 and part of District Lot 17, Renfrew District shown outlined in red on Plan 347R, shown on this plan attached to and forming part of this bylaw.



Updated Concept Plan



JE ANDERSON & ASSOCIATES
 SURVEYORS - ENGINEERS



NANAIMO
 VICTORIA
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PARKSVILLE
 FAX: 250-727-3395

REZONING PLAN	
THREE POINT PROPERTIES	
DRAWN BY : PJW	PROJECT SURVEYOR : DRC
SCALE : 1:500	DATE : APR 25/12
LOT 1, DISTRICT LOT 17, RENFREW DISTRICT, PLAN EPP	
OUR FILE : 26116--2	REVISION : Jan31, 2014 - Chalet Asbuilt