



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 15, 2014**

SUBJECT **ZONING AMENDMENT APPLICATION LOT 2, DISTRICT LOT 17, RENFREW DISTRICT,
PLAN 32241**

ISSUE

The applicant proposes an amendment to rezone the subject parcel in order to permit a seven lot subdivision and include a provision for accessory tourist accommodation.

BACKGROUND

The 0.83 ha property is located at 6649 Godman Road in Port Renfrew (Appendix 1). The waterfront property is zoned Community Residential 1 (CR-1) and designated as Residential in the Comprehensive Community Development Plan (CCDP) for Port Renfrew, Bylaw No. 3109. There is a bylaw contravention notice registered on title due to outstanding building inspection issues. The owner is actively working towards bringing the structures into compliance.

The CR-1 zone permits a dwelling unit plus one accessory cottage and a minimum lot size of 1 ha where a parcel is connected to either a community water or community sewage system. Where a parcel is connected to both community water and sewer, a minimum parcel size of 0.1 ha is permitted.

The applicant is proposing amendments to the Community Residential 1 (CR-1) zone to permit a seven-lot subdivision with tourist accommodation permitted in the accessory cottage. The proposed rezoning would establish a minimum lot size of 0.1 ha where a parcel is connected to community water and an engineered on-site sewage disposal system. The proposed plan of subdivision is included in Appendix 2. A preliminary geotechnical report has been submitted in support of the proposed development (Appendix 3).

Staff has prepared Bylaw No. 3950, which would amend the Community Residential 1 (CR-1) zone to permit an accessory tourist cottage and the proposed seven lot subdivision (Appendix 4).

ALTERNATIVES

1. Recommend to the Capital Regional District Board that proposed amendment Bylaw 3950, "Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014" be referred to agencies for comment.
2. Recommend that the CRD Board not approve the proposed amendment and not proceed with referral.
3. Request more information be provided from the applicant or staff.

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 amendment 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 subject property is bordered by an unconstructed portion of Godman Road to the west, CR-1 properties to the south, a Tourist Commercial 1 (TC-1) property to the east and Snuggery Cove to the north. The seven proposed bare-land strata parcels would be accessed from a common property cul-de-sac off Godman Road.

The CR-1 zone currently establishes a minimum parcel size of 1 ha for parcels connected to either community water or sewer. The property is currently connected to community water but is outside the Port Renfrew local sewer servicing area as defined in Bylaw No. 1744, the Port Renfrew Local Service Establishment Bylaw No. 1, 1989. The applicant proposes to construct an engineered on-site sewage disposal system to service the seven bareland strata parcels. The CR-1 zone permits a 0.1 ha parcel size where parcels are connected to both community water and sewer and the proposed development would be consistent with this density provided an on-site sewage disposal system can be designed with adequate capacity.

A preliminary geotechnical hazard assessment of the property was conducted by Ryzuk Geotechnical in 2011 (Appendix 3). The report describes the property sloping gently to the north towards the shoreline where there is a 20 m high bluff. The ground rises more steeply towards a ridge that extends to the northeast. The engineer recommends a 3 m setback from the top of the bluff until further geotechnical review of the site is conducted.

The CR-1 zone is a residential zone that permits one dwelling unit and an accessory cottage. Bed and Breakfasts are permitted as an accessory home based business and are only permitted in the primary residence of the operator and limited to not more than four bedrooms. The applicant is proposing that temporary tourist accommodation be permitted in a detached cottage as an accessory use to the single family residential use.

The CCDP for Port Renfrew Bylaw No. 3109 designates Lot 2, District Lot 17, Renfrew District, Plan 33241 as Residential. The Residential policies in section 4.1.1 include:

- 1) *The development of any residential lot or lots may be supported subject to the following:*
 - a. *The site will have minimal impacts on the existing man-made and natural physical features of the area;*
 - b. *The site offers an attractive residential setting;*
 - c. *The development of the site supports clustered or infill development and it is compatible with the adjacent uses;*
 - d. *The on-site or community sewage disposal system can function adequately with the various soil types and topography of the plan area.*
- 2) *The preferred development pattern is low to medium density clustered growth.*
- 3) *The development must respond to the physical constraints of the site.*

Additional Residential policies state that mixed commercial/residential uses must be compatible with the form and character of surrounding land uses, provide adequate parking and separate commercial from residential uses. The proposed rezoning appears consistent with the Residential policies and compatible with surrounding land uses; therefore, staff recommends referring the proposed bylaw for comment.

CONCLUSION

The applicant is proposing a rezoning to permit a 0.1 ha minimum parcel size for subdivision to accommodate a seven-lot bareland strata subdivision and an accessory tourist cottage use. The proposed amendments are outlined in proposed Bylaw No. 3950. 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 recommends to the CRD Board:

1. That proposed Bylaw No. 3950, “Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014” for Lot 2, District Lot 17, Renfrew District, Plan 32241, be referred to a public information meeting, 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
Juan de Fuca Electoral Area Parks and Recreation	Sooke School District #62
Advisory Commission	
Ministry of Transportation and Infrastructure	

****ORIGINAL SIGNED****

Emma Taylor, MA
Planner, Local Area Planning

June Klassen, MCIP, RPP
Manager, Local Area Planning

Travis Whiting
Acting General Manager
Planning & Protective Services
Concurrence

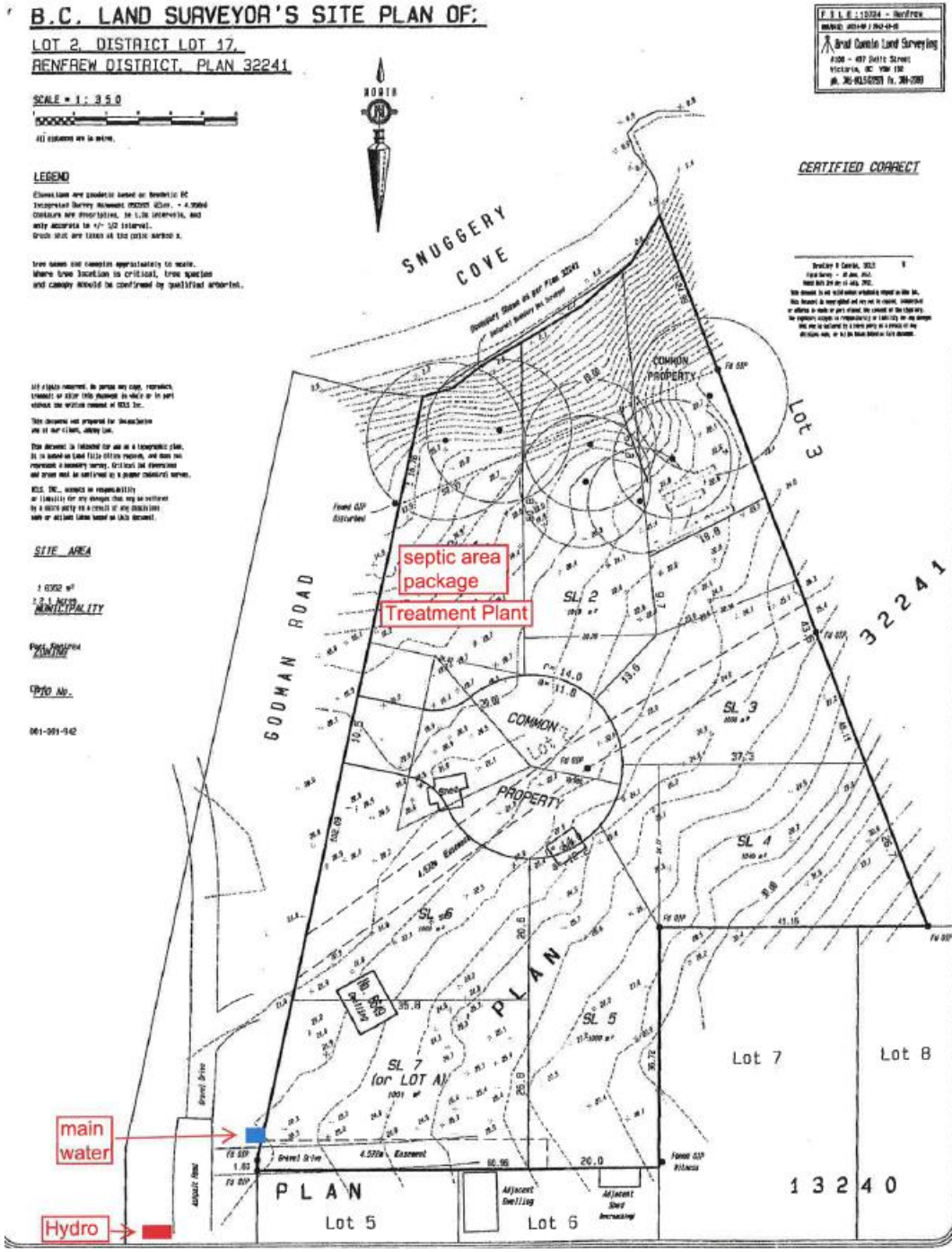
Robert Lapham, MCIP, RPP
Corporate Administrative Officer
Concurrence

Appendices:

1. Location
2. Subdivision Plan
3. Geotechnical Report
4. Proposed Bylaw No. 3590

Appendix 1: Location





RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

June 24, 2011

File No: 8-6078-1

Mr. James Lum and Mr. John Lum
P.O. Box 5134, Station B
Victoria, B.C.
V8R 6N4

Dear Sirs,

Re: Geotechnical Hazard Assessment for Proposed Recreational/Residential Development
6649 Godman Road – Port Renfrew, B.C.
(Lot 2, District Lot 17, Renfrew District, Plan 32241)

As requested we have completed a geotechnical hazard assessment at the referenced site to delineate safe building areas within the property. We understand that this assessment is required as a condition of any development permit or subdivision of the property. As the proposed form of any future development or layout of any subdivision has not yet been determined, we have examined the entire property for evidence of geotechnical hazards, but with particular reference to the foreshore bluffs on the north side of the site. Our observations and associated recommendations are summarized below. Our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

Our assessment included a detailed field reconnaissance of the site carried out on foot on June 9, 2011, accompanied by you. We also examined survey and zoning information provided by you, correspondence from the Capital Regional District (CRD), and general information on the area available in our files from ongoing work on two large properties at 6596 and 6574 Baird Road, about 50 m to the east.

The subject property is located on the south shore of Snuggery Cove (part of San Juan Harbour) in the community of Port Renfrew on the southwest coast of Vancouver Island. It is an irregular shaped parcel of land that extends about 45 - 50 m along the shoreline. It is bounded on the west by Godman Road (which is not constructed except at the southwest corner of the property), on the south by four smaller properties fronting on Parkinson Road, and on the east by a similar sized property that is not developed. An easement, which we understand contains an abandoned water main, crosses through the middle of the property from northeast to southwest. The majority of the property slopes gently to the north and northwest, towards the shoreline and

Ryzuk Geotechnical

RYZUK GEOTECHNICAL

Mr. James Lum and Mr. John Lum
6649 Godman Road – Port Renfrew, B.C.

June 24, 2011

towards the northern part of the Godman Road right-of-way respectively. East of the property the ground rises somewhat more steeply towards a ridge that extends to the northeast. Along the shoreline there is a bluff an estimated 15 - 20 m high inclined at between 35 and 50 degrees to the horizontal overall (but with localized near-vertical sections), based on spot measurements with a hand clinometer. The bluff is mostly bedrock (inferred to be largely shale or phyllite), with a cover of less than 1 m of surficial material. The bedding planes of the bedrock dip towards the shoreline at an inclination of about 65° - 70° to the horizontal, which is consistent with our previous observations on the Baird Road properties to the east.

Regional surficial geology (terrain) mapping suggests that bedrock is close to the surface in most areas of the subject property, overlain by a thin veneer of either colluvial soil (material likely derived from local weathering of the bedrock) or morainal material (glacial till). Bedrock geology mapping indicates that the rock in the area is part of the Leech River Formation, which consists mostly of metamorphosed siltstones and sandstones. This is consistent with our observations along the foreshore bluff as described above. Bedrock outcrops were not observed elsewhere on the site. No natural drainage courses were observed, but there is a shallow swale along an unpaved road within the old water main easement that we understand conveys water during wetter times of the year.

We did not see any evidence of rockfall or other slope instability that could affect the site other than along the foreshore slope, nor did we see any indication of flooding or other potential geological hazards. Accordingly, the only potential geotechnical hazard that could impact the lot is judged to be recession of the crest of the foreshore slope, either due to rockfall or sliding of the surficial material. The impact of such can most easily be mitigated by establishing a setback line for all development from the crest of the bluff. We consider that a safe setback can be defined by projecting an imaginary line up from the toe of the slope (approximately at the natural boundary of the site along the shoreline) at an inclination of 1 H : 1 V (Horizontal : Vertical), and requiring that all building foundations be set behind the point where this line intersects the ground surface, as well as a minimum of 3 m back of the crest of the slope, unless a more detailed geotechnical assessment is carried out. It would be necessary to complete a survey of the natural boundary as well as the area within about 5 m of the crest of the slope in order to precisely establish the location of this line on the ground. All portions of the property south of such a line are judged safe to build in, from a geotechnical hazard point of view. It should also be noted that construction north of this setback line may be possible, subject to a more detailed assessment, but special measures such as the use of drilled rock anchors for the building footings could be required.

On the basis of our observations made during our site visit, we consider all the areas of the lot south of the setback line described above to be safe for the use intended, that being recreational

RYZUK GEOTECHNICAL

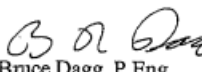
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residential development, based on a 2% probability of occurrence of a geotechnical hazard in 50 years in accordance with Section 86 of the Land Title Act.

We hope the preceding is suitable for your purposes at present. If you have any questions or require further clarification, please contact us.

Yours very truly,
Ryzuk Geotechnical


Bruce Dagg, P.Eng.
Geotechnical Engineer



Attachment - Statement of Terms of Engagement

Appendix 4: Proposed Bylaw No. 3590

CAPITAL REGIONAL DISTRICT
BYLAW NO. 3590

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 "ACCESSORY TOURIST COTTAGE" after the definition of "ACCESSORY" as follows:

"ACCESSORY TOURIST COTTAGE means a commercial use of a building that provides temporary accommodation for visitors, and does not include the use of the building as a permanent dwelling unit;"
 - b. By adding a new definition for "TEMPORARY ACCOMMODATION" after the definition of "STAFF ACCOMMODATION" as follows:

"TEMPORARY ACCOMMODATION means a total length of stay of not more than six months per calendar year;"
 - B. Schedule "B" Part IV ZONES, SECTION 22, CR-1 (COMMUNITY RESIDENTIAL – ONE) ZONE
 - a. By adding a new subsection 1 (h) under "Permitted Uses", as follows:

"h) On Lot 2, District Lot 17, Renfrew District, Plan 32241, one cottage or one accessory tourist cottage is permitted."
 - b. By adding a new subsection (i) under "Regulations" to be inserted after subsection 2 (b) as follows:

"i) On Lot 2, District Lot 17, Renfrew District, Plan 32241, the minimum parcel size is 0.1 ha when the parcel is hooked up to a community water system and an engineered on-site sewage disposal system."
 - c. By adding a new subsection (i) under "Regulations" to be inserted after subsection 2 (d) as follows:

"i) The accessory tourist cottage must not exceed 83 square metres."
 - C. This bylaw amends the Community Residential One (CR-1) zone for Lot 2, District Lot 17, Renfrew District, Plan 32241, for the purpose of permitting a seven lot subdivision and accessory tourist cottages, as shown on Plan No. 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as Bylaw No. 3950, "Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1, 2003, Amendment Bylaw No. 5, 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. 3950

Lot 2, District Lot 17, Renfrew District, Plan 32241, shown on this plan attached to and forming part of this bylaw.

