



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

SUBJECT **OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENT FOR LOT 1, DISTRICT LOT 17, RENFREW DISTRICT, PLAN VIP79040 (17245 Parkinson Road)**

ISSUE

An amendment to the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 is proposed to reconcile existing land use with the property's land use designation and zoning.

BACKGROUND

The 0.33 ha subject property is located at 17242/17245 Parkinson Road in Port Renfrew (Appendix 1). The property is split-zoned Tourist Commercial One (TC-1) and Community Residential One (CR-1) under the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 (Appendix 2). The property is adjacent to parcels zoned CR-1 to the east, TC-1 to the west and south and Parkinson Road to the north.

The property is also split-designated with the westerly portion designated Tourism Commercial and the easterly portion designated Residential under the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 (Appendix 3).

There is a dwelling unit and restaurant located on the property; however, the restaurant is located on the portion zoned CR-1 and designated as Residential. A restaurant use is not permitted in this zone or by the designation. The owners have been advised of the non-conformance and have requested that the parcel designation and zoning be reconciled with the existing long-term use of the property.

Staff has prepared proposed Bylaw No. 3986, which would designate the easterly portion from Residential to Tourism Commercial and which would rezone the parcel from CR-1 and TC-1 to a new TC-1A zone, to legalize an existing operating restaurant (Appendix 4). In addition, to reconcile the Tourism Commercial designation in Schedule "A" the Official Community Plan (OCP) with the tourist commercial zones in Schedule "B" the Land Use Bylaw, a residential use has been added to the list of permitted uses in the OCP designation.

ALTERNATIVES

1. Recommend to the Capital Regional District (CRD) Board that proposed Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014" be referred to a public information meeting, to appropriate CRD departments and agencies for comment, and to the full CRD Board for a determination of consistency with the Regional Growth Strategy (RGS).
2. Recommend that the CRD Board not refer proposed Bylaw No. 3986.
3. Request more information be provided by 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. Although the amendment bylaw will not apply to land within 800 m of a controlled access highway, the proposed bylaw will be referred to the Ministry of Transportation and Infrastructure as they own and operate the roads in Port Renfrew.

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 on proposed Bylaw No. 3986.

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 CRD Board. Property owners/tenants within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the CRD website.

REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS

In the evaluation of a zoning amendment, consideration must be given to the CRD's RGS Bylaw No. 2952 and Comprehensive Community Development Plan 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 Comprehensive Community Development Plan and being included within CRD local sewer and water servicing areas.

As the existing restaurant is not a permitted use in the Residential designation, an amendment to the Comprehensive Community Development Plan is required. As proposed Bylaw No. 3986 amends an OCP, it will be referred to the full CRD Board for determination of consistency with the RGS.

PLANNING ANALYSIS

The property was initially two properties but the lots were consolidated in 2005. As a result of the consolidation, the property is split-zoned and has a split-designation. There is a dwelling unit and restaurant located on the property; however, the restaurant is located on the portion of the parcel with a zone and designation that does not permit this use and is therefore legal non-conforming as to use.

This non-conformance did not exist when a building permit application for renovations to the restaurant was submitted in April 2003, as the Comprehensive Community Development Plan for Port Renfrew was not adopted until August 2004. However, prior to its operation as the Coastal Kitchen another restaurant operated on the site. Although a restaurant had been located on the property prior to adoption of the Comprehensive Community Development Plan, the land use designation map and the zoning map do not recognize this use.

Staff initially proposed zoning the entire parcel TC-1; however, in reviewing the site plan it was noted that both the restaurant and the dwelling are located less than 6 m from the front property line (Appendix 5). Rezoning the entire property TC-1 would result in the buildings being legal non-conforming as to siting. Therefore, to legalize the existing uses it is proposed that a new TC-1A zone be established which amends the front yard setback from 6 m to 4.55 m. Through proposed Bylaw No. 3897, currently at second reading, the minimum parcel size for subdivision of the TC-1 zone is being amended to address connections to the Port Renfrew Community Sewer and Water Systems, and the percentage of residential area in retail buildings is proposed to increase to 50%. These amendments have been included in the TC-1A zone as well (Appendix 4).

In addition to establishing a new zone for the property, proposed Bylaw No. 3986 also designates the entire parcel as Tourism Commercial in keeping with the existing land uses in the OCP. However, in reviewing Schedule "A" Section 4.4 Tourism Commercial (TC) policies, specific reference was not made to a residential use being permitted. To clarify the uses under this land use designation, the proposed bylaw includes residential to the list of permitted uses in the OCP which reflects the range of permitted uses under the zones in the Land Use Bylaw applied to this designation.

The proposed bylaw reconciles the land use designation and zoning with the existing long-term uses on the property and as these uses existed prior to adoption of the Comprehensive Community Development Plan, staff supports the proposed amendments and recommends referring the proposed bylaw for comment.

CONCLUSION

An existing restaurant has been operating in Port Renfrew; however, the use does not comply with the land use designation or the zoning on the property in the Port Renfrew Comprehensive Community Development Plan. Although the restaurant had been located on the property prior to adoption of the Comprehensive Community Development Plan, the land use designation map and the zoning map do not recognize this use. The proposed bylaw reconciles the land use designation and zoning with the existing long-term uses on the property. Staff recommends referring the proposed bylaw for comment.

RECOMMENDATIONS

That the Land Use Committee recommends to the CRD Board that:

1. Proposed Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014", as included in Appendix 5, be referred to a public information meeting and to appropriate CRD departments and the following agencies for comment:

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

2. Proposed Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew Bylaw, No. 1, 2003, Amendment Bylaw No. 7, 2014" as included in Appendix 5, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy in accordance with the Juan de Fuca Development Procedure Bylaw No. 3110.

****ORIGINAL SIGNED****

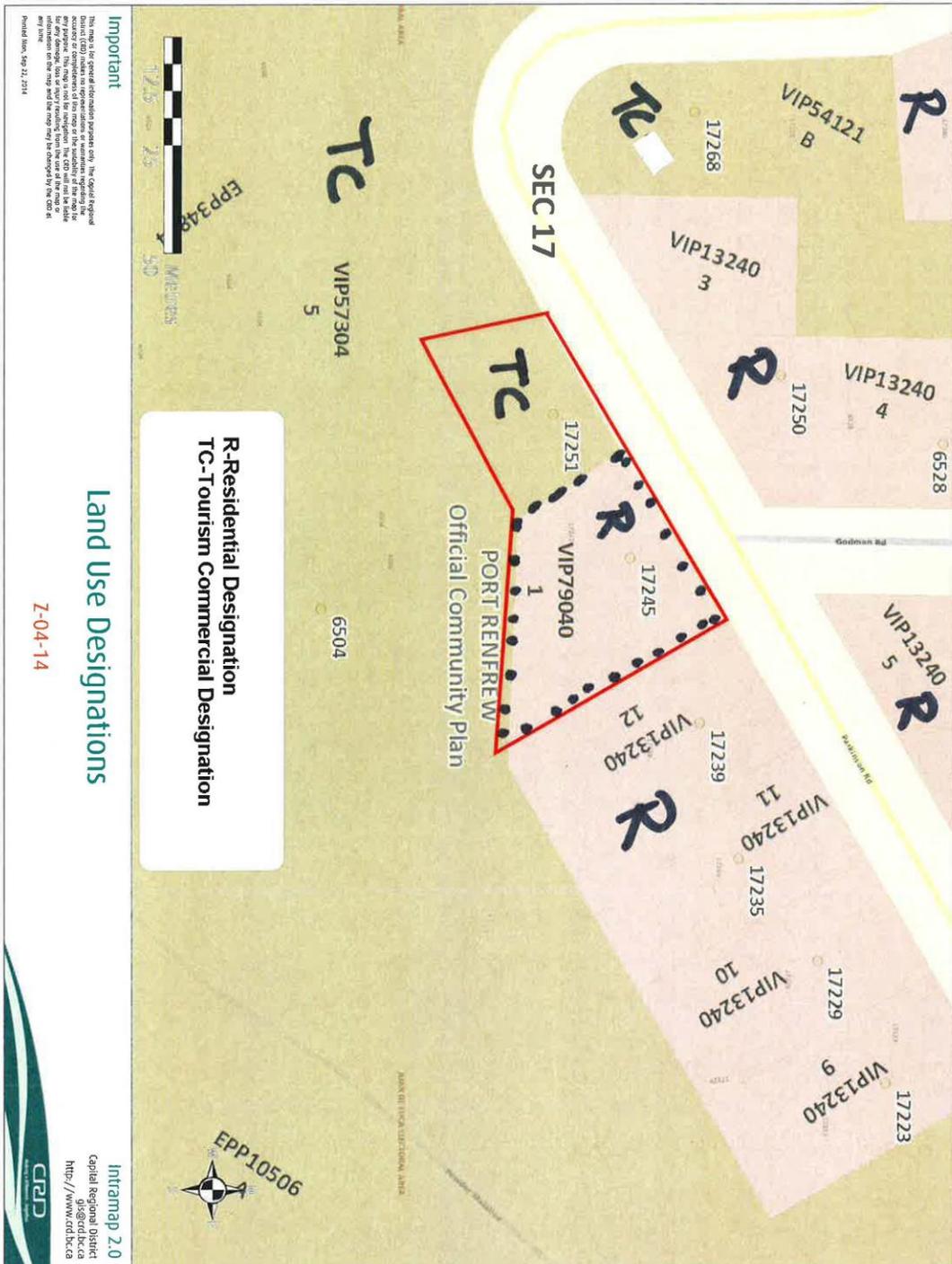
June Klassen, MCIP, RPP
Manager, Local Area Planning

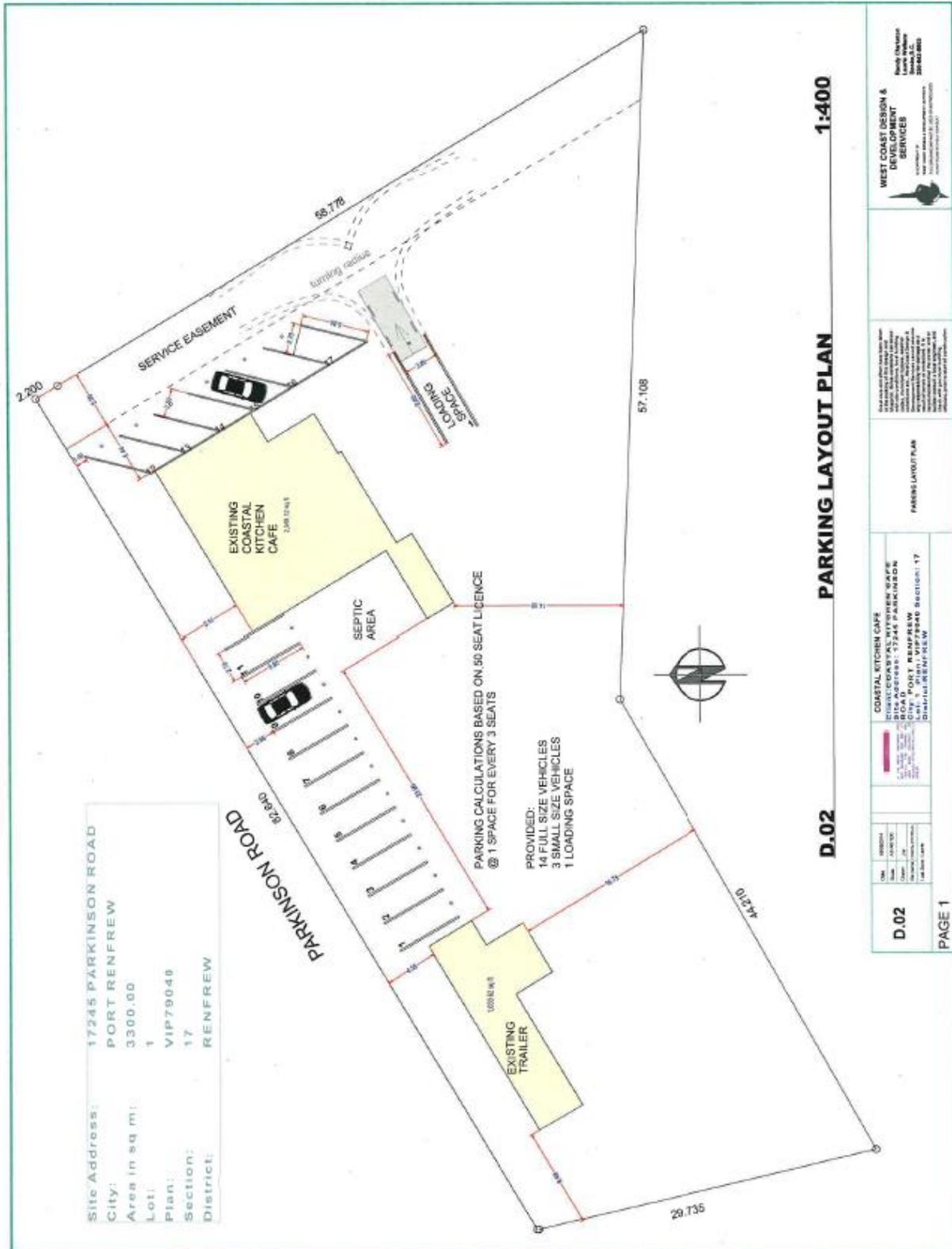
Kevin Lorette, P.Eng., MBA
General Manager Planning and Protective Services
Concurrence

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendix 1: Site Location
Appendix 2: Existing Zoning
Appendix 3: Existing Land Use Designation
Appendix 4: Site Plan
Appendix 5: Proposed Bylaw No. 3986

Appendix 3: Existing Land Use Designation







CAPITAL REGIONAL DISTRICT

BYLAW NO. 3986

A BYLAW TO AMEND

BYLAW NO. 3109, "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW"

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

1. Bylaw No. 3109 being the "Comprehensive Community Development Plan for Port Renfrew" is hereby amended:

A. SCHEDULE "A", TABLE OF CONTENTS

- a) By inserting the following words after SECTION 27 M (Marine) Zone:

"List of Maps

Map 1: Port Renfrew Official Community Plan - Location Map

Map 2: Port Renfrew Official Community Plan - Land Use Designations

Map 3: Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 - Zoning

Map 4: Port Renfrew Official Community Plan - Development Approval Information Area"

B. SCHEDULE "A", 4.0 DEVELOPMENT POLICIES

- a) By amending Section 4.4 Tourism Commercial (TC) policies by inserting the following words in the preamble after item (g):

"(h) residential uses"

- b) By amending Section 4.4 Tourism Commercial (TC) policies by renumbering existing item (h) as item (i).

C. SCHEDULE "B", PART IV ZONES

- a) By adding a new zone Section 23A TC-1A (Tourism Commercial 1A) after Section 23 TC-1 (Tourism Commercial One) as follows:

Section 23A TC-1A (Tourism Commercial 1A)

Permitted Uses

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

- a) Dwelling unit;
- b) Bed and breakfast;
- c) Home based business;
- d) Retail establishments;
- e) Tourist facilities.

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

- f) Staff accommodations;
- g) Any accessory buildings or structures to any of the above listed uses, including one or more dwelling units in the rear of or above a retail establishment.

Regulations

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

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size is 1.0 Ha (2.5 acres) when a parcel is not connected to the Port Renfrew Community Sewer System and the Port Renfrew Community Water System.
- b) The minimum parcel size is 0.4 Ha (1 acre) when a parcel is not connected to the Port Renfrew Community Sewer System or the Port Renfrew Community Water System.
- c) The minimum parcel size is 0.1 Ha (0.25 acre) when a parcel is connected to the Port Renfrew Community Sewer System and the Port Renfrew Community Water System.

Minimum Size of Accessory Dwelling Units and Staff Accommodations

- d) Not more than 50 percent (50%) of the principal building shall be used for an accessory dwelling unit or units in a retail establishment.
- e) The total floor space of the staff accommodations must not exceed 83 square metres (900 square feet).

Number and Type of Dwelling Units Allowed

- f) Despite paragraph (d) above the total number and type of dwelling unit that is allowed on a parcel in this zone is as follows;
 - i. One (1) single-family dwelling unit;

Height

- g) No principal building or structure shall exceed 9.75 metres (32 feet) in height. No accessory building or structure shall exceed 4.8 metres (16 feet) in height.

Setbacks

- h) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i. 4.55 metres (15 ft.) of a front parcel line;
 - ii. 1.5 metres (5 ft.) of an interior side parcel line;
 - iii. 4.6 metres (15 ft.) of an exterior side parcel line;
 - iv. 6 metres (20 ft.) of a rear parcel line.

Accessory Buildings

- i) No accessory building may be located closer than 1.5 metres (5 ft.) to 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%).

Additional Requirements

- k) Buildings or structures used for any part of a retail establishment must be a minimum of 4.5 metres (15 ft.) from any parcel line that is used or zoned residential.

D. SCHEDULE B, MAP NO. 2 - LAND USE DESIGNATIONS

- a) By deleting the easterly portion of Lot 1, District Lot 17, Renfrew District, Plan VIP79040 from the Residential designation and adding it to the Tourism Commercial designation, as shown on Plan No. 1 attached to and forming part of this bylaw;

E. SCHEDULE B, MAP NO. 3 - ZONING

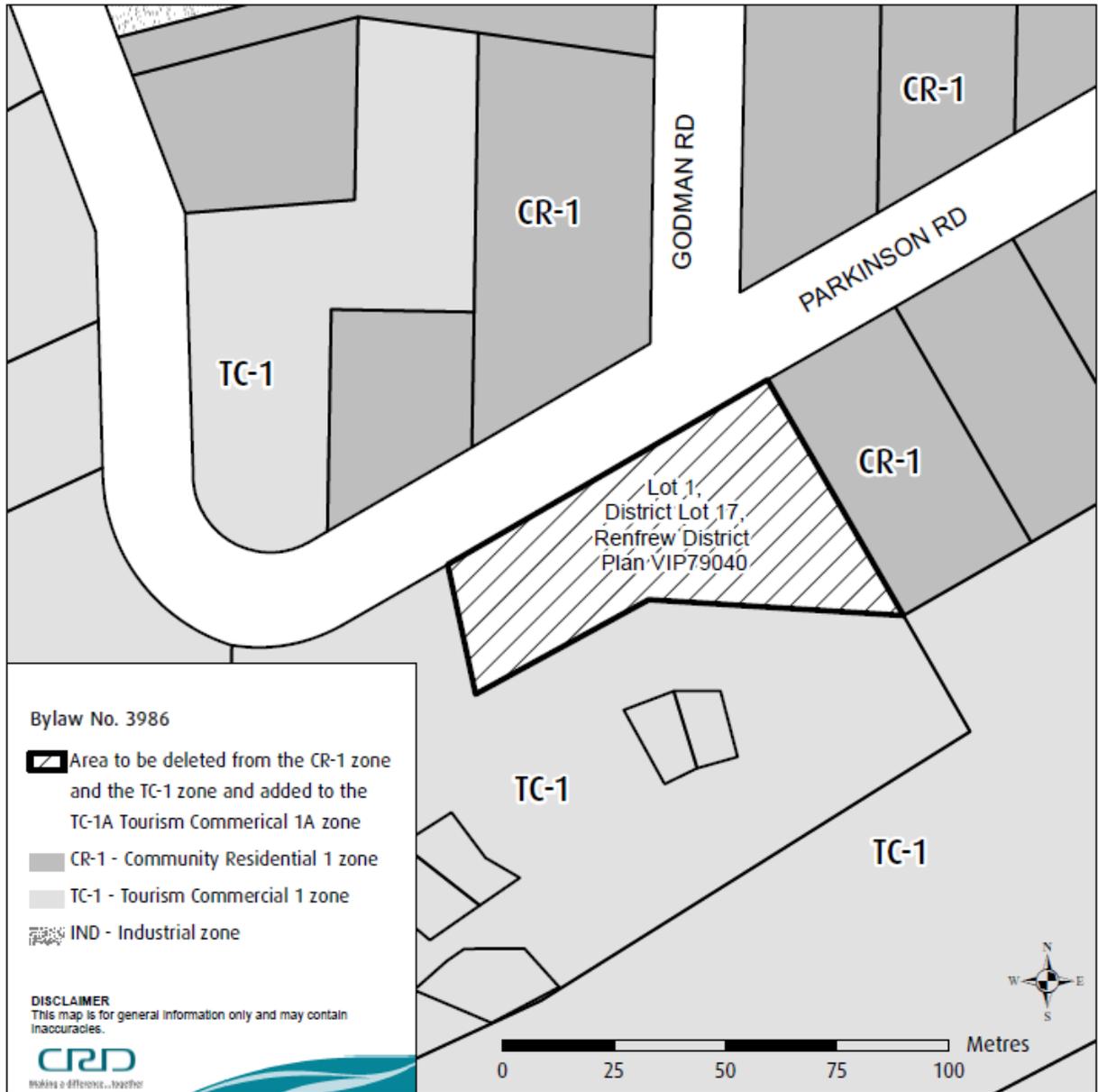
- a) By deleting the easterly portion of Lot 1, District Lot 17, Renfrew District, Plan VIP79040 from the Community Residential One (CR-1) zone and deleting the westerly portion of Lot 1, District Lot 17, Renfrew District, Plan VIP79040 from the Tourism Commercial One (TC-1) zone and adding the entire parcel to the Tourist Commercial 1A (TC-1A) zone, as shown on Plan No. 2 attached to and forming part of this bylaw;
2. This bylaw may be cited as Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 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 Transportation and Infrastructure			
	THIS	DAY OF	2014
ADOPTED	THIS	DAY OF	2014

CHAIR

CORPORATE OFFICER

Plan No. 1 – Bylaw No. 3986



Plan No. 2 – Bylaw No. 3986

