



REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 17, 2015

SUBJECT **OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENT FOR LOT 1, DISTRICT LOT 17, RENFREW DISTRICT, PLAN VIP79040**

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.

The Land Use Committee (LUC) first considered this proposal at its meeting on October 21, 2014. At its meeting on November 12, 2014, the Regional Board considered the LUC recommendation and directed staff to refer the proposed bylaw to the following agencies and groups 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 | |

The proposed amendment bylaw was also considered at a public information meeting held in Port Renfrew on December 1, 2014.

Proposed Bylaw No. 3986 which amends the OCP portion of Port Renfrew Comprehensive Community Plan was also referred to the full Board for a determination of consistency with the Regional Growth Strategy.

ALTERNATIVES

1. a. Recommend to the CRD Board that Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014" be introduced and read a first time, read a second time; and
- b. That in accordance with the provisions of Section 890 and 891 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. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014".

2. Recommend that the CRD Board not approve the proposed amendment to the Comprehensive Community Development Plan for Port Renfrew.
3. Request more information be provided by staff.

PUBLIC CONSULTATION IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Section 890 of the *Local Government Act* 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 Regional Growth Strategy (RGS) Bylaw No. 2952 and OCP Bylaw No. 3109. As the existing restaurant is not a permitted use in the Residential designation, an amendment to the Comprehensive Community Development Plan is required.

At its meeting on February 11, 2015 the CRD Board determined that the proposed bylaw was consistent with the RGS.

REFERRALS COMMENTS

Referrals were forwarded on November 13, 2014, to those agencies specified by the CRD Board. All of the referral agency responses indicated their interests were unaffected (Appendix 5). No comments were received from the BC Hydro, the Ministry of Transportation and Infrastructure, Port Renfrew Fire Department, the RCMP or from the Pacheedaht First Nation at the time this report was written.

The proposed bylaw was considered at a public information meeting on December 1, 2014 and the attendees supported the proposed bylaw amendments (Appendix 5).

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.

To reconcile the zoning with the existing uses staff proposed a new TC-1A zone which is based on the Tourism Commercial One (TC-1) zone but that amends the front yard setback from 6 m to 4.55 m and amends the percentage of residential area in retail buildings to 50% (Appendix 4).

To reconcile the Land Use Designation with the existing uses, proposed Bylaw No. 3986 designates the entire parcel as Tourism Commercial in the OCP and includes residential to the list of permitted uses in the Tourism Commercial designation 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 proceeding with the bylaw adoption.

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:

- a. Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014" be introduced and read a first time, read a second time; and
- b. In accordance with the provisions of Section 890 and 891 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. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014".

****ORIGINAL SIGNED****

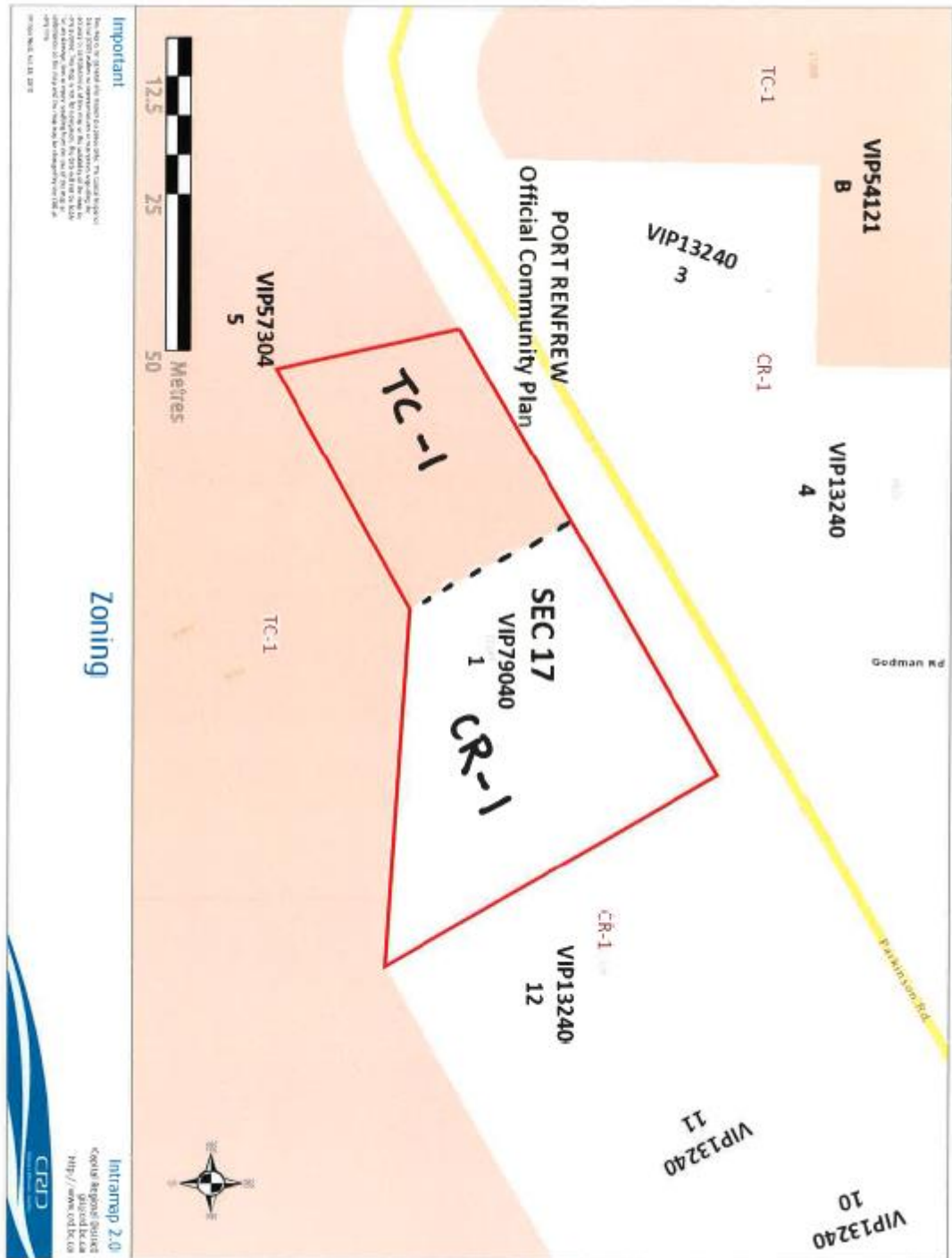
June Klassen, MCIP, RPP
Manager, Local Area Planning

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

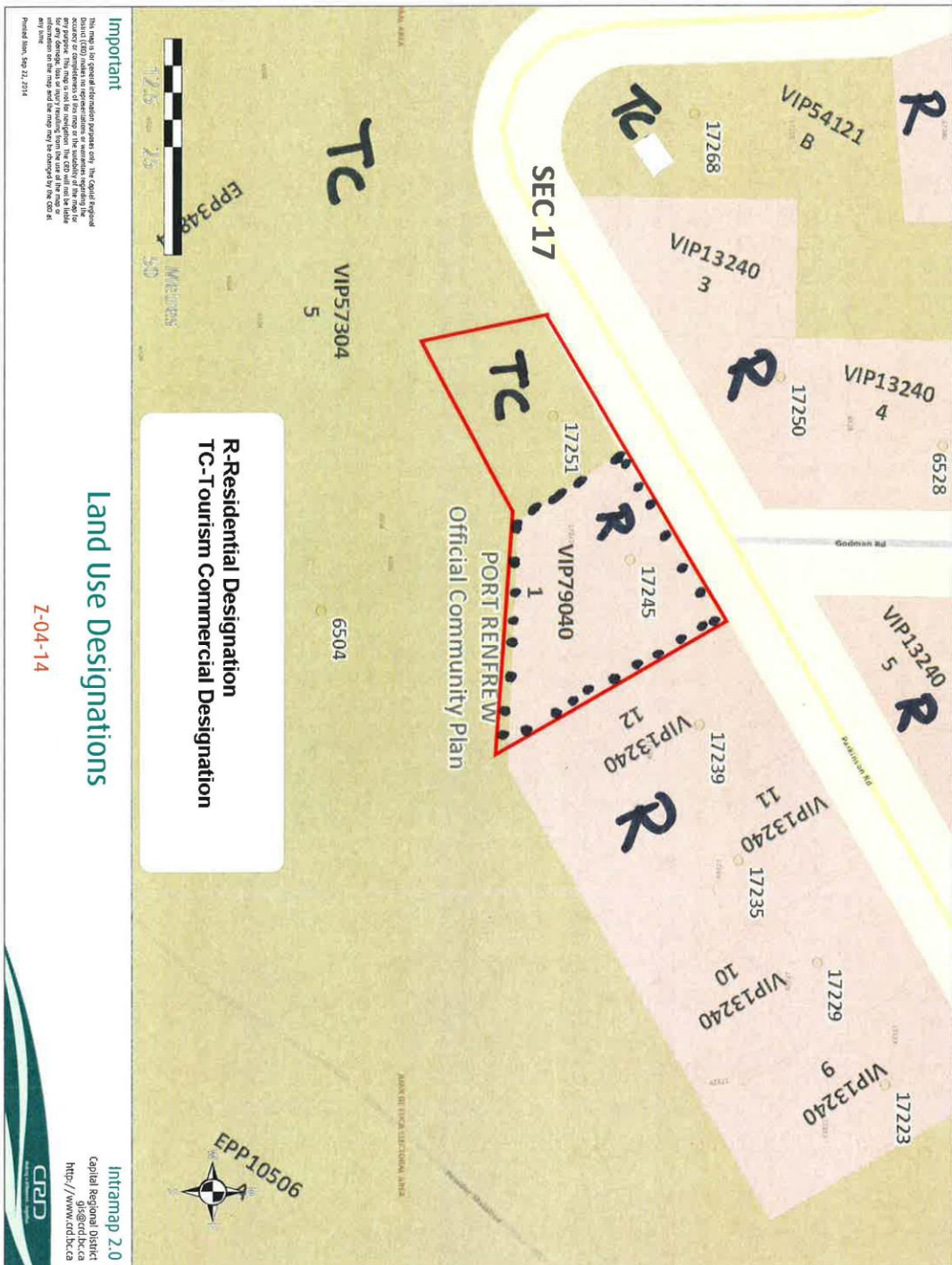
Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

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

Appendix 2: Existing Zoning



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 amending Section 17 1) by deleting the words "Notwithstanding the regulations set out in Part IV of this bylaw, no building, structure, or structural feature shall be located in a setback area except:" and replacing with the words "Unless otherwise permitted in Part IV of this bylaw, only the following structures or structural features shall be located in a setback area:".
 - b) 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 4.0 Ha (10 acres) where there is no community sewage or water system or the owner decides not to hook into both the community sewage and water system.
- b) If the parcel is connected to a community sewer and water system, then there is no minimum parcel size.
- c) If the parcel is connected to either a community water or sewer system, but not both, then the minimum parcel size is 0.4 Ha (1 acre).

Minimum Size of Accessory Dwelling Units and Staff Accommodations

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

Number and Type of Dwelling Units Allowed

- c) 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

- d) 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

- e) 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%).

CRD Bylaw No. 3986

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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	2015
READ A SECOND TIME	THIS	DAY OF	2015
READ A THIRD TIME	THIS	DAY OF	2015
APPROVED by the Minister of Transportation and Infrastructure	THIS	DAY OF	2015
ADOPTED	THIS	DAY OF	2015

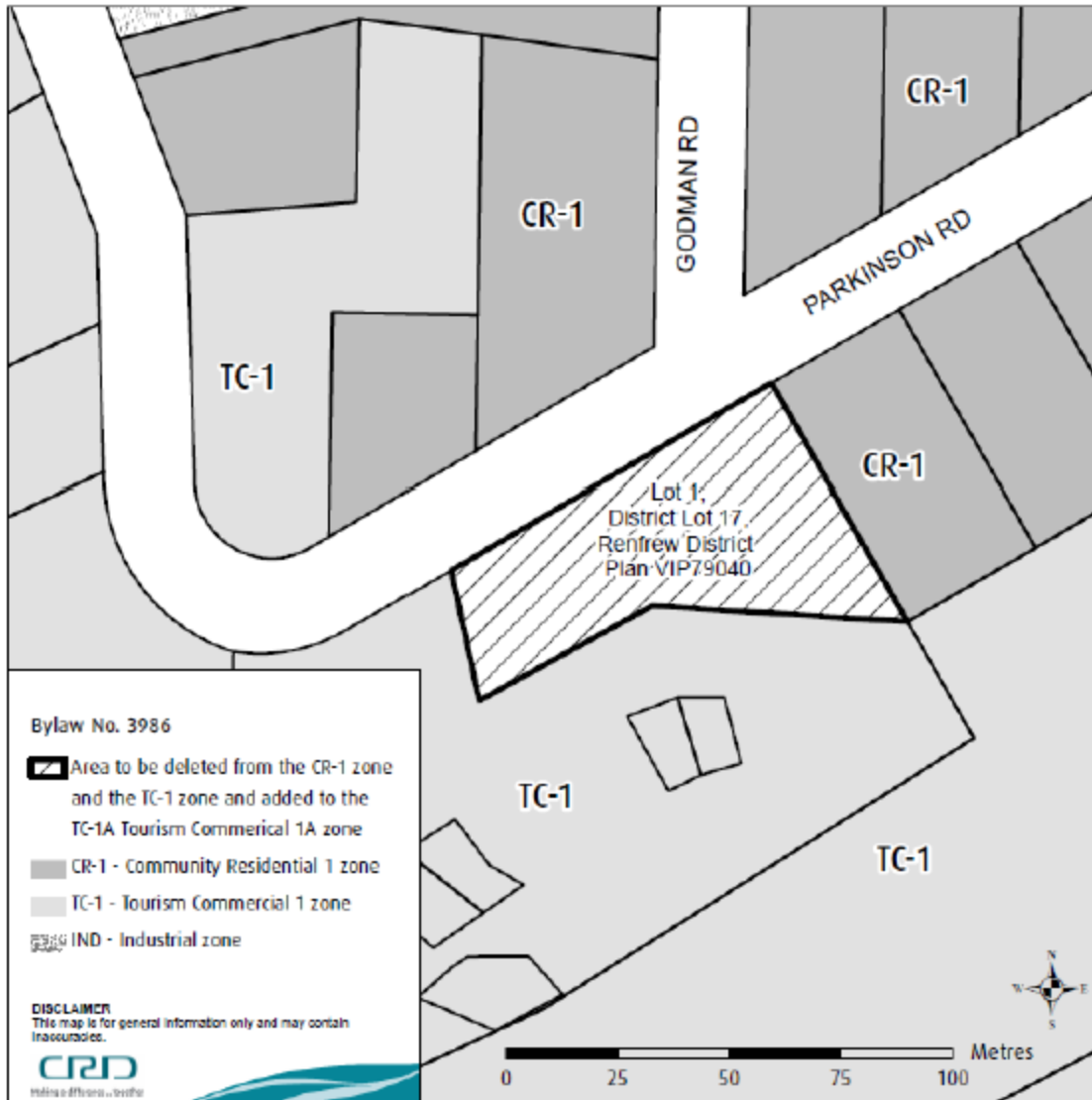
CHAIR

CORPORATE OFFICER

CRD Bylaw No. 3986

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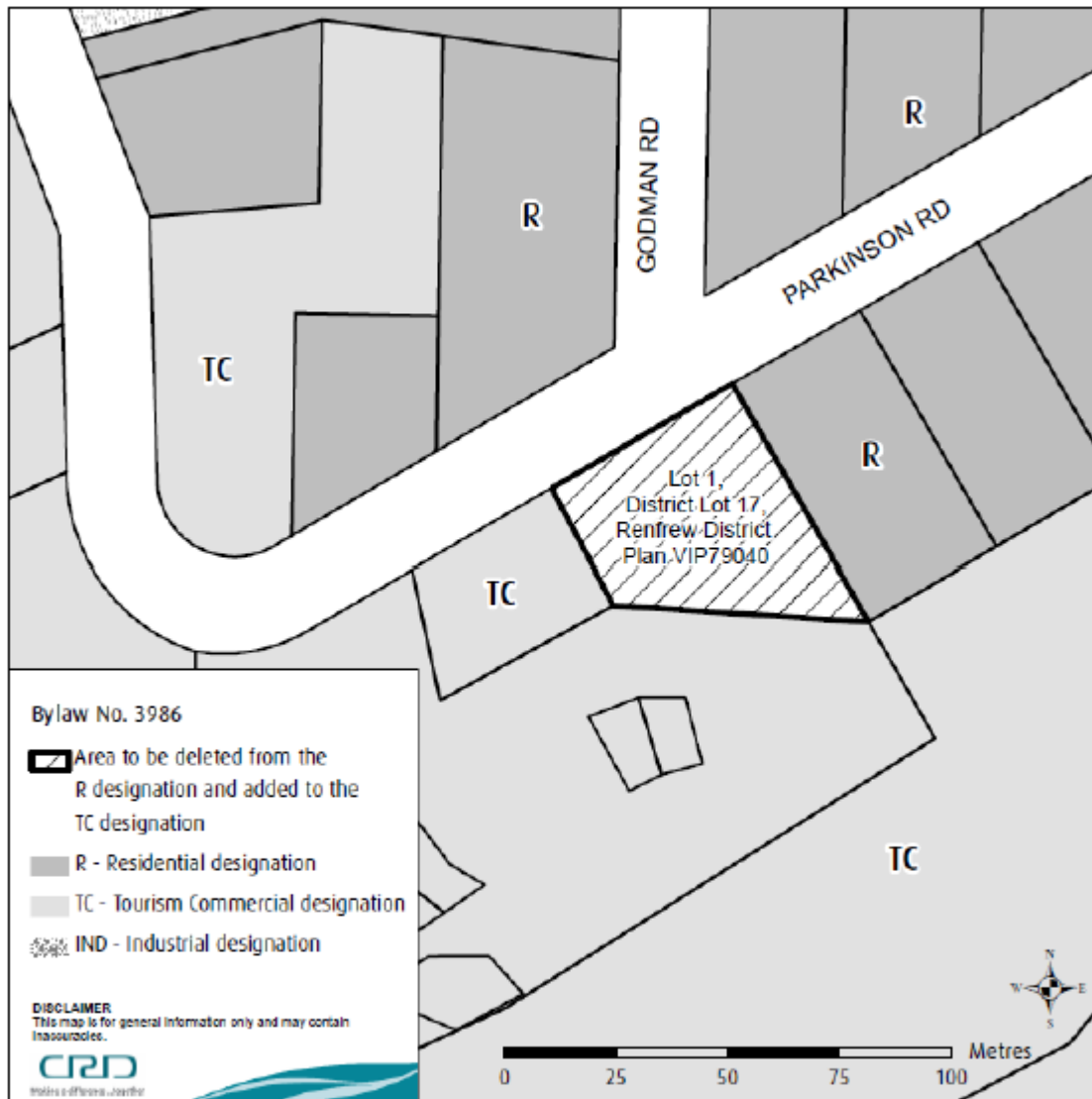
Plan No. 1 – Bylaw No. 3986



CRD Bylaw No. 3986

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Plan No. 2 – Bylaw No. 3986




RESPONSE SUMMARY – OCP AMENDMENT AND REZONING APPLICATION Z-04-14

- Interest Affected by Proposal for Reasons Outlined Below
- Interest Unaffected by Proposal

Comments:

This office is in favor of the rezoning of this property. The current owners hold a valid operating permit, as per the Food Premises Regulation, with this office.

 Signed _____ Title EMO
Date Nov 14, 2014 Agency VI HA

Wendy Miller

From: Katherine Lesyshen <klesyshen@sooke.ca>
Sent: Monday, November 17, 2014 11:03 AM
To: Wendy Miller
Subject: RE: Proposed OCP Amendment and Rezoning Application - CRD Referral (File Z-04-14)

Hi Wendy,
I have reviewed the application and find that it does not affect the District of Sooke's interests.

Sincerely,

Katherine Lesyshen, MCIP, RPP
Planner II - District of Sooke
2205 Otter Point Road, Sooke BC V9Z 0X1
Email: klesyshen@sooke.ca
Ph: (250) 642-1627 Fax: (250) 642-0541



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**Notes from a Public Information Meeting
Held December 1, 2014 at the Port Renfrew Community Centre, 6638 Deering Road,
Port Renfrew, BC**

PRESENT: June Klassen, Local Area Planning Manager; Wendy Miller, Recorder
PUBLIC: 6

The meeting was called to order at 5:30 p.m.

1. Official Community Plan Amendment and Rezoning Application

**a) Z-04-14 - Lot 1, District Lot 17, Renfrew District, Plan VIP79040 (17242/17245
Parkinson Road – Coastal Kitchen/Hicks)**

June Klassen spoke to the staff report and application to amend the Port Renfrew Comprehensive Community Development Plan (CCDP), Bylaw No. 3109 to reconcile existing land use, including an established dwelling unit and restaurant, with the property's land use designation and zoning.

It was confirmed that the applicant, Tom Wyton, was present.

June Klassen advised that:

- no physical or structural changes to the property are proposed at this time
- the property's current zoning and land use designation do not match current site uses
- structures on site were in place prior to the adoption of the CCDP
- rezoning to Tourism Commercial 1 (TC-1) would have supported the property's existing land use but the TC-1 zone would not have supported setbacks of the existing structures which would have resulted in the structures being legal non-conforming
- proposed Bylaw No. 3986 would rezone the property to a new Tourism Commercial (TC-1A) zone
- Bylaw No. 3986 would address setbacks, eliminating the need for a development variance application and a second public approval process
- Bylaw No. 3986 also amends Section 4.4 Tourism Commercial (TC) policies to include residential uses

June Klassen directed attention to the two maps included in Bylaw No. 3986 and spoke to adjacent zoning and land use designations. It was confirmed that water user fees are based on a property's use.

The meeting adjourned at 5:43 p.m.