



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF WEDNESDAY, MAY 20, 2015**

SUBJECT Zoning Amendment Application for Lot 205, Renfrew District (6215 Powder Main Road)

ISSUE

The applicants are proposing to rezone the property from Rural Resource Land (RRL) to a Comprehensive Development One – Soule Creek (CD-1) zone in order to permit tourist accommodation.

BACKGROUND

The 65 ha property is located in the Rural Resource Lands area at 6215 Powder Main Road (Appendix A). The property is designated as Rural Resource Land (RRL) in the Official Community Plan (OCP) for the Rural Resource Lands, Bylaw No. 1, 2009, Bylaw No. 3591 and is within a Watercourses, Wetlands and Riparian Development Permit Area (DPA).

The subject property is zoned RRL in the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Bylaw No. 3602 which permits a dwelling unit, resource extraction, agriculture, outdoor recreation, and a minimum lot size of 4 ha for subdivision purposes. The property is within the Port Renfrew fire protection service area but outside the local water and sewer service areas. Access to the property is off Powder Main Road by easement over the adjacent private land.

In 2013, the owners applied for a subdivision (S-12-13) to permit three lots and it was determined that the owners are operating a tourist facility called Soule Creek Lodge. Soule Creek Lodge consists of a tourist lodge with four suites and a dining room for guests, four yurts and a tourist cabin (Appendix B). The owners indicate the business has been in operation since May 2001, prior to adoption of land use regulations. However, Building Inspection records indicate only a single-family dwelling was constructed in 1994. The applicants have declared their intent to not pursue subdivision of the subject property at this time, but are now requesting a rezoning of the property to permit the tourist uses and provide opportunity for expansion.

Staff has drafted a proposed Soule Creek Tourist Commercial (TC-SC) zone permitting a tourist lodge with five accommodation units, one unit for staff accommodation, ten tourist cabins/yurts, and a spa facility on a 4 ha area of the property (Appendix C). The proposed zone permits one one-family dwelling plus either a secondary suite or detached accessory suite. The remainder of the property would retain the RRL zone designation.

ALTERNATIVES

- 1. a) That proposed Bylaw No. 4018, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 5, 2015", included in Appendix C, be referred to a public information meeting, relevant CRD departments and to the following agencies for comment:

BC Hydro	Halalt First Nation	Pacheedaht First Nation
Cowichan Tribes	Island Health	Penelakut Tribe
Cowichan Valley Regional District	JdFEA Parks & Rec Advisory Commission	Port Renfrew Fire Department
Cowichan Valley SD No. 79	Lake Cowichan First Nation	RCMP
District of Colwood	Lyackson First Nation	Scia'new First Nation
District of Langford	Ministry of Environment	Sooke SD No. 62
District of Metchosin	MFLNRO – Archaeology Branch	Stz'uminus First Nation
District of Sooke	MoTI	T'Sou-ke First Nation

- b) That proposed Bylaw No. 4018, “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 5, 2015”, included in Appendix C, be referred 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. 4018.
3. Request more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Section 890 of the *Local Government Act (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.

PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee (LUC) on land use planning matters referred to them relating to Part 26 of the *LGA*; however, there is no APC for the RRL. Staff proposes holding a public information meeting to obtain community comments on proposed Bylaw No. 4018.

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 (MoTI) as they own and operate the roads in the electoral area.

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 the OCP for the Rural Resource Lands, Bylaw No. 3591.

The RGS designates the subject parcel as Renewable Resource Lands. This designation includes land within the Agricultural Land Reserve, land assessed as Private Managed Forest Land (PMFL), and Crown Forest Lands. The RGS proposes the continued long-term use of these lands as renewable resource working landscapes.

The primary goal for the RRL is to protect natural resources in the context of resource and economic uses, maintaining the rural atmosphere, and protecting its environment. The RRL OCP designation recognizes lands formerly removed from PMFL where owners may have begun the process of planned development or were entitled to consideration of subdivision under the pre-existing bylaw. RRL policies support resource, recreation, tourism, parks and residential uses. Forms of development that increase demands for services and infrastructure, and that negatively impact the rural resource nature and the integrity of rural communities of the area are not supported by the OCP.

Since proposed Bylaw No. 4018 amends the Land Use Bylaw for the RRL, it must be referred to the full CRD Board for a determination of consistency with the RGS.

PLANNING ANALYSIS

The Rural Resource Lands OCP designates the subject property as Rural Resource Land (RRL). This designation recognized that the lands had previously been provided with smaller minimum lots sizes for subdivision under the Juan de Fuca Subdivision Bylaw, Bylaw No. 189. The RRL designation supports resource, recreation, tourism, parks and residential uses, but does not establish a preferred density. Other existing tourist uses in the RRL designation include a Comprehensive Development (CD-2) zone at a similar scale to Soule Creek Lodge. Also in the OCP area is the higher-density Gordon River Campground which is designated Recreational Commercial and within the Commercial DPA. The RRL designation can be considered appropriate for the tourism uses proposed in this application; therefore, an OCP amendment has not been requested.

In accordance with the general policies of the OCP, applications for rezoning will only be considered where it can be demonstrated that regional and community valued features and landscapes can be protected. Should the application proceed through the referral process, consideration should be given to the criteria outlined in this policy. Additional information related to geotechnical and environmental constraints, servicing and infrastructure may be requested of the applicant. However, at this time the applicants have not prepared any additional information to address these policies. It is noted that the property is currently serviced by an enterprise water license on Tom Baird creek and by septic field.

A proposed bylaw, Bylaw No. 4018, has been drafted to establish a Tourist Commercial – Soule Creek (TC-SC) zone to recognize current tourist commercial uses on a portion of the property and to reflect the applicants' desire to expand the facility in future (Appendix C). The proposed TC-SC zone would permit a tourist lodge with five units for temporary accommodation plus a unit for the operator; 10 tourist cabins/yurts; space for offering personal services; and a one-family dwelling plus suite. The TC-SC zone would apply to a 4 ha area that would need to be delineated by a BC Land Surveyor prior to approval. The remainder of the property would retain the RRL zone which permits agriculture, resource extraction and outdoor recreation and a minimum parcel size of 4 ha for subdivision purposes.

It appears there is adequate space to meet parking requirements of Section 2.13 of Bylaw No. 3602. Section 2.14 of Bylaw No. 3602 permits conversion of buildings for another use provided the Building Inspector is satisfied that the building is suitable for conversion. Review of permitted buildings and structures on the property will be required as part of an approval process. Other servicing considerations for the development include provision of potable water, septic and fire protection. Staff recommends referring the application to relevant CRD departments as well as the Port Renfrew Fire Department, Island Health, BC Hydro and Ministry of Environment.

As the property is within the Watercourses, Wetlands and Riparian DPA, a report from a Qualified Environmental Professional may be required. The watercourses are also subject to floodplain regulations in Part 5 of Bylaw No. 3602. The riparian areas are sensitive habitat and hazardous floodplain areas; staff recommends requesting these areas be protected by a restrictive covenant in favour of CRD.

The applicants have declared that they do not wish to proceed with their subdivision due to geotechnical constraints identified by the Provincial Approving Officer. However, the proposed TC-SC zone has been drafted to retain the 4 ha subdivision potential.

The subject property is within traditional First Nations' territory and may have significant archaeological features and/or historical significance. Staff recommends referring the application to local First Nations and the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) for comment.

Staff recommends Alternative 1, referral of proposed Bylaw No. 4018, to relevant CRD departments and agencies for comment as well as to the CRD Board for determination of consistency with the RGS. As there is no APC for the RRL, staff also recommends holding a public information meeting.

CONCLUSION

The purpose of this zoning amendment application is to permit tourist accommodation on a 4 ha portion of Lot 205, Renfrew District (6215 Powder Main Road) currently zoned RRL. The property has been operating a tourist lodge and cabin rentals, called Soule Creek Lodge, since 2001. Although the operation commenced prior to the adoption of land use zoning on the property, a building permit would need to be issued as part of an approval process. Staff has prepared a Tourist Commercial – Soule Creek (TC-SC) zone that would recognize the tourist use and allow for expansion of the tourist lodge and cabins. Staff recommends referral of the application to the full CRD Board for determination of consistency with the RGS, to a public information meeting and to relevant CRD departments and external agencies for comment. Staff will report back to the LUC and the CRD Board after the referral period with comments received.

RECOMMENDATION

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

- a) That proposed Bylaw No. 4018, “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 5, 2015”, included in Appendix C, be referred to a public information meeting, relevant CRD departments and to the following agencies for comment:

BC Hydro	Halalt First Nation	Pacheedaht First Nation
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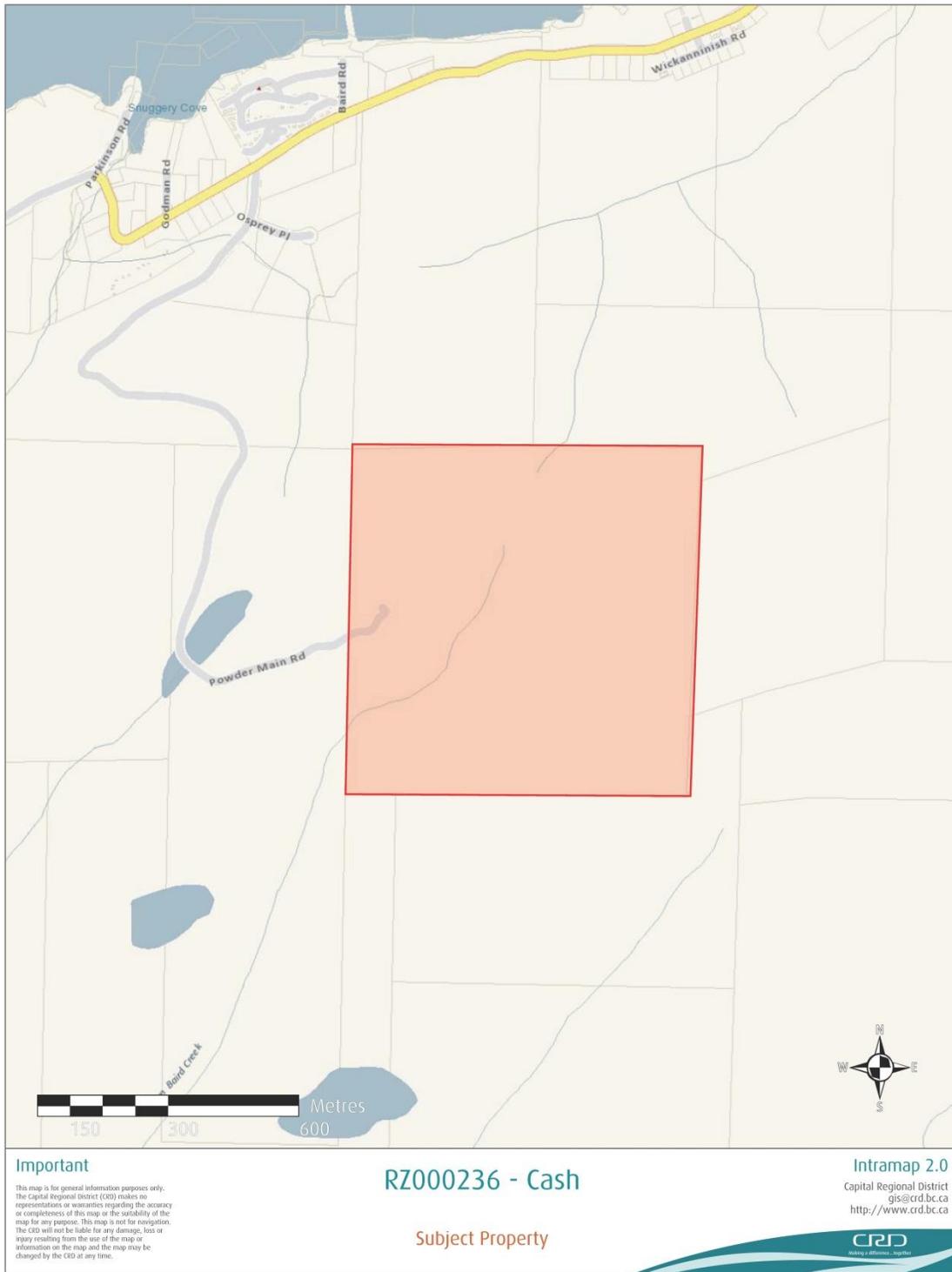
- b) That proposed Bylaw No. 4018, “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 5, 2015”, included in Appendix C, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy (RGS).

Submitted by:	Emma Taylor, MCIP, RPP, Planner
Concurrence:	June Klassen, MCIP, RPP, Manager Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

- Attachments: Appendix A – Location Map
 Appendix B – Site Plan
 Appendix C – Proposed Bylaw No. 4018

Appendix A: Location Map





**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4018**

**A BYLAW TO AMEND BYLAW NO. 3602, THE "LAND USE BYLAW FOR THE RURAL RESOURCE
LANDS, BYLAW NO. 1, 2009"**

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

- 1. Bylaw No. 3602 being the "Land Use Bylaw for the Rural Resource Lands, 2009" is hereby amended as follows:

A. SCHEDULE A, II. DEFINITIONS

- a. By inserting a new definition for "PERSONAL SERVICES" after the definition of "PARCEL WIDTH" as follows:

"PERSONAL SERVICES means premises that provide personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects."

B. SCHEDULE A, PART 4, ZONING DISTRICTS

- a. By inserting a new Section 4.7 – TOURIST COMMERCIAL – SOULE CREEK (TC-SC) after Section 4.6 COMPREHENSIVE DEVELOPMENT ZONE (CD-2) as follows:

"Section 4.7 – TOURIST COMMERCIAL – SOULE CREEK (TC-SC)

4.7.1 Permitted Uses

This zone applies to the portion of PID: 008-360-740, Lot 205, Renfrew District as indicated by BC Land Surveyor as shown on Plan No. 1 attached to and forming part of this bylaw.

In addition to the uses permitted by Part 2.4, Schedule A of this bylaw, the follow uses and no others shall be permitted in the Tourist Commercial – Soule Creek (TC-SC) zone:

- 1. In the area marked 'TC-SC' as shown on Plan No. 1 attached to and forming part of this bylaw the following uses shall be permitted:
 - a) Agriculture;
 - b) Outdoor Recreation;
 - c) Residential;
 - d) Resource Extraction;
 - e) Buildings or structures accessory to the above uses.

In the area marked 'TC-SC' as shown on Plan No. 1 attached to and forming part of this bylaw the following uses shall be permitted where amenities referred to below are provided:

- a) Personal Services;
- b) Temporary Accommodation;
- c) Tourist Uses excluding campgrounds and recreational vehicle sites;
- d) Buildings or structures accessory to the above uses.

- 2. The amenities include the provision of the following:
 - a) Designation by restrictive covenant over the riparian and floodplain areas on PID: 008-360-740, Lot 205, Renfrew District in favour of the Capital Regional District.

4.7.2 Regulations

On a parcel located in the TC-SC zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size for subdivision purposes is 4 ha.
- b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size of the parcel to be subdivided is 4 ha.

Density Provisions

- a) One building for Personal Services;
- b) One Tourist Lodge with a maximum of five units for temporary accommodation, one dwelling unit for the operator and accessory retail sales;
- c) Ten Tourist Cabins;
- d) One one-family dwelling;
- e) One secondary suite or one detached accessory suite subject to Part 2.11 of this bylaw.
- f) Buildings or structures accessory to the permitted use subject to Part 2.2 of this bylaw.

Height

The maximum height of a principal building or structure shall be 9 m.

Maximum Floor Area

- a) One-family dwelling shall not exceed 418 m²;
- b) Personal Services shall not exceed 90 m²;
- c) Tourist Cabins shall not exceed 90 m²;
- d) Tourist Lodge shall not exceed 1000 m²;
- e) Within the Tourist Lodge, the dwelling unit for operator shall not exceed 90 m²; and
- f) Within the Tourist Lodge, accessory retail sales shall not exceed 100 m².

Setbacks

Except as otherwise specifically permitted, no building or structure shall be located within 15 m of a front, side or rear parcel line."

C. SCHEDULE A, MAP NO. 2 – OFFICIAL LAND USE ZONING MAP

- a. By deleting the portion of PID: 008-360-740, Lot 205, Renfrew District from the Rural Resource Land (RRL) zone, and adding to the Tourist Commercial – Soule Creek (TC-SC) zone, as indicated by BC Land Surveyor as shown on Plan No. 1 attached to and forming part of this bylaw.
2. This bylaw may be cited as Bylaw No. 4018, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009".

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

Plan No. 1 of Bylaw No. 4018

