

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **September 26, 2023, at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Approval of Supplementary Agenda
4. Adoption of Minutes of July 18, 2023
5. Chair's Report
6. Planner's Report
7. Provision of Park Land for Subdivision
 - a) SU000759 and SU000754 – Rem. Parcel A (DD 143426I) of Section 97, Renfrew District, Except Plans 15462, VIP77871, EPP24972 and EPP104826 (Parkinson Road)
8. Temporary Use Permit Application
 - a) TP000012 – Lot 1, Section 97, Renfrew District, Plan EPP24972 (17086 Parkinson Road)
9. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, July 18, 2023, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Natalia Day, Vern McConnell, Roy McIntyre, Ron Ramsay, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services; Wendy Miller, Recorder
ABSENT: Dale Risvold
PUBLIC: 7 in-person; 4 EP

EP – Electronic Participation

The meeting was called to order at 7:00 pm.

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgment.

2. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Natalia Day, **SECONDED** by Roy McIntyre that the supplementary agenda be approved.

CARRIED

4. Adoption of Minutes from the Meeting of June 20, 2023

MOVED by Roy McIntyre, **SECONDED** by Natalia Day that the minutes from the meeting of June 20, 2023, be adopted.

CARRIED

5. Chair's Report

Noting the range of public comments received and circulated in the supplementary agenda, it was advised that the LUC may only make recommendations to the Board on the matter of the applications.

6. Planner's Report

After consulting with the Chair, the LUC will adjourn for the month of August.

7. Development Variance Permit Application

- a) VA000159 – Lot 1, Section 98, Sooke District, Plan VIP23938 (6144 East Sooke Road)**
Iain Lawrence spoke to the staff report for a development permit with variance application to reduce the requirement that ten percent of the perimeter of the lot front onto a public highway in order to authorize a four-lot subdivision.

The subject property map, proposed subdivision plan, access points, building sites and frontage variance request for Lot 3 were highlighted.

Attention was directed to the seven submissions received and circulated in the supplementary agenda.

Staff confirmed that the agent for the application was present.

Agent comments included:

- the fee simple subdivision layout does not reflect use of lot averaging
- the fee simple subdivision layout, which would extend Timberdoodle Road, provides a better lot layout than a bareland strata subdivision, to which frontage requirements would not necessarily apply
- it is understood that the Ministry of Transportation and Infrastructure supports the extension of Timberdoodle Road to allow for future public road access to the parcel located on the east of the subject property

Iain Lawrence responded to questions from the LUC advising that:

- the requirement that ten percent of the perimeter of the lot front onto a public highway, as prescribed by the *Local Government Act*, would not apply to a private strata road
- staff may make comment to the Ministry of Transportation and Infrastructure requesting that a covenant be registered on the proposed hooked lot to restrict further subdivision
- based on the RR-5 zoning and proposed parcel size, each lot in the proposed plan of subdivision would be permitted either one secondary suite or one detached accessory suite
- concerns received from the public regarding a potential watercourse on the subject property will be assessed as part of the development permit application (DP000395) in-progress to authorize the four-lot subdivision layout

The Chair opened the floor to comments from the public.

Two public attendees spoke to the concerns outlined in their supplementary submissions. Additional concern was expressed regarding adequate fire hydrant servicing.

MOVED by Vern McConnell, **SECONDED** by Ron Ramsay that the Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.

Opposed: Natalia Day, Anna Russell

CARRIED

8. Provision of Park Land for Subdivision

a) SU000757 - Lot 1, Section 98, Sooke District, Plan VIP23938 (6144 East Sooke Road)

The Chair spoke to the staff report for the provision of park land or cash-in-lieu equivalent pursuant to Section 510 of the *Local Government Act* in conjunction with the proposed four-lot subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938.

The Chair reported that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission considered options for park land requirements at its meeting of May 30, 2023, and resolved to recommend that park dedication be received in the form of cash-in-lieu as the subject property does not provide connectivity to existing community parks or trails and that park dedication would provide limited community use.

MOVED by Roy McIntyre, **SECONDED** by Anna Russell that the Land Use Committee recommends to the CRD Board:

That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208, subject to verification of the land value pursuant to Section 510 of the *Local Government Act*.

CARRIED

9. Adjournment

The meeting adjourned at 7:47 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 26, 2023**

SUBJECT **Provision of Park Land for the Subdivision of Rem. Parcel A (DD 143426I) of Section 97, Renfrew District, Except Plans 15462, VIP77871, EPP24972 and EPP104826 (PID: 009-592-423)**

ISSUE SUMMARY

To consider options for the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* in conjunction with a proposed 31-lot bare land strata (SU000754) in Port Renfrew.

BACKGROUND

The subject properties are located adjacent to Parkinson Road in Port Renfrew (Appendix A). The lands are zoned Community Residential – One (CR-1) and partially designated as a riparian development permit area (DPA) by the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109.

Subdivision application SU000754 proposes to create 31 bare land strata lots from an existing 6.7 ha 4-lot bare land strata and from a 1.38 ha parcel that is proposed to be created under 2-lot subdivision application SU000759 (Appendix B). The 1.38 ha parcel was not previously considered for park dedication requirements.

In 2020, a subdivision proposal for the 4-lot bare land strata (SU000721) resulted in an initial review of park land dedication interests for the property. The CRD Board passed a resolution (20-373) at its meeting of August 12, 2020, requiring the construction and dedication of a CRD trail through an agreement with the landowner. Thereafter, a statutory-right-of-way for the trail (CB96336), was registered on title in favour of the CRD (Appendix C).

The applicant now proposes a realignment of statutory-right-of-way CB96336 within the 4-lot strata and extension of the trail through the lands that were not previously considered for park land dedication. At its meeting of June 27, 2023, the Juan de Fuca Electoral Area Community Parks and Recreation Advisory Commission (the Commission) considered the proposal and options for park land dedication requirements (Appendix D). The annotated proposed trail dedication plan identifies the proposed trail re-alignment and extension (Appendix E).

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the Capital Regional District Board:

That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for the 1.38 ha land area proposed by the subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, except plans 15462, VIP77871, EPP24972 and EPP104826 (PID: 009-592-423), except that a lesser amount may be acceptable where the owner agrees to dedicate land and construct a roadside trail to JdF Community Parks and Recreation Standards on that portion of the subject property and amending the Capital Regional District Statutory Right-of-Way CB96336 registered on the affected and new title certificates prior to subdivision approval.

Alternative 2

Refer the application back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the LGA (Appendix F) requires the provision of park land at the time of subdivision where fewer than 3 additional lots would be created if the parcel proposed to be subdivided was itself created by subdivision within the past 5 years. Where a regional district provides a community park service and an official community plan contains policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The amount of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, the value of the land is based on the average market value of all land in the proposed subdivision calculated as that value would be on the date that a proposed subdivision receives preliminary approval before any works or services are installed, or a value agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park lands.

Land Use Implications

Bylaw No. 3109 includes policies and objectives related to parks and trails. As part of the subdivision approval process, the provision of park land is required under Section 510 of the LGA. Five percent of the proposed 1.38 ha subject parcel is equal to 0.69 ha (690 m²). In the absence of a market value appraisal, the 2023 assessed value of the proposed 1.38 ha parcel is approximately \$92,755.72.

The Commission considered subdivision applications SU000759 and SU000754 at its meeting of June 27, 2023, and passed the following motion:

MOVED by Commissioner Braunschweig, ***SECONDED*** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that, in accordance with Section 510 of the Local Government Act, park dedication in the amount of 5% be required for proposed subdivision of Parcel A (DD 1434261), Section 97, Renfrew District, Except Plans 15462, VIP77871, EPP24972 and EPP104826; and Strata Lots 1-4, Section 97, Renfrew District, Strata Plan EPS7049 (SU000759 and SU000754), except where the owner agrees to dedicate that portion of land required to construct a trail that connects to Parkinson Road to JdF Community Parks and Recreation standards and that the owner agree to construct the trail prior to subdivision approval.

CARRIED

In accordance with Bylaw No. 3109, Section 4.8, the provision of park land must help the community achieve their quality-of-life goal objective. The Bylaw outlines that the provision of park land must be in the form of trails, tot lots, community parks, sports fields, regional parks, and/or interpretive parks. The proposed trail re-alignment and extension meets the intent of Bylaw No. 3109 by providing pedestrian connectivity and recreation opportunity through the proposed 31-lot bare land strata. Staff concur with the Commission's recommendation for this subdivision application. The applicant would be responsible for constructing a trail with a minimum width of 1.5 m prior to CRD approval of the subdivision. Completion of the works would be a condition of Juan de Fuca Planning's sign-off to the Ministry of Transportation and Infrastructure, confirming that all subdivision requirements have been met.

CONCLUSION

The applicant proposes to create 31 bare land strata lots within an existing 4-lot bare land strata and 1.38 ha portion of a 28 ha remainder parcel. The Commission considered the application on June 27, 2023, and recommended accepting a statutory right-of-way extension on lands that have not previously received formal consideration for park land dedication. Staff recommend that park dedication in the amount of 5% be received, except that a lesser amount may be acceptable if the owner agrees to amend CRD statutory right-of-way CB96336 to include a new section of trail through the 1.38 ha lot, and construct the trail to JdF Community Parks and Recreation standards prior to subdivision approval.

RECOMMENDATION

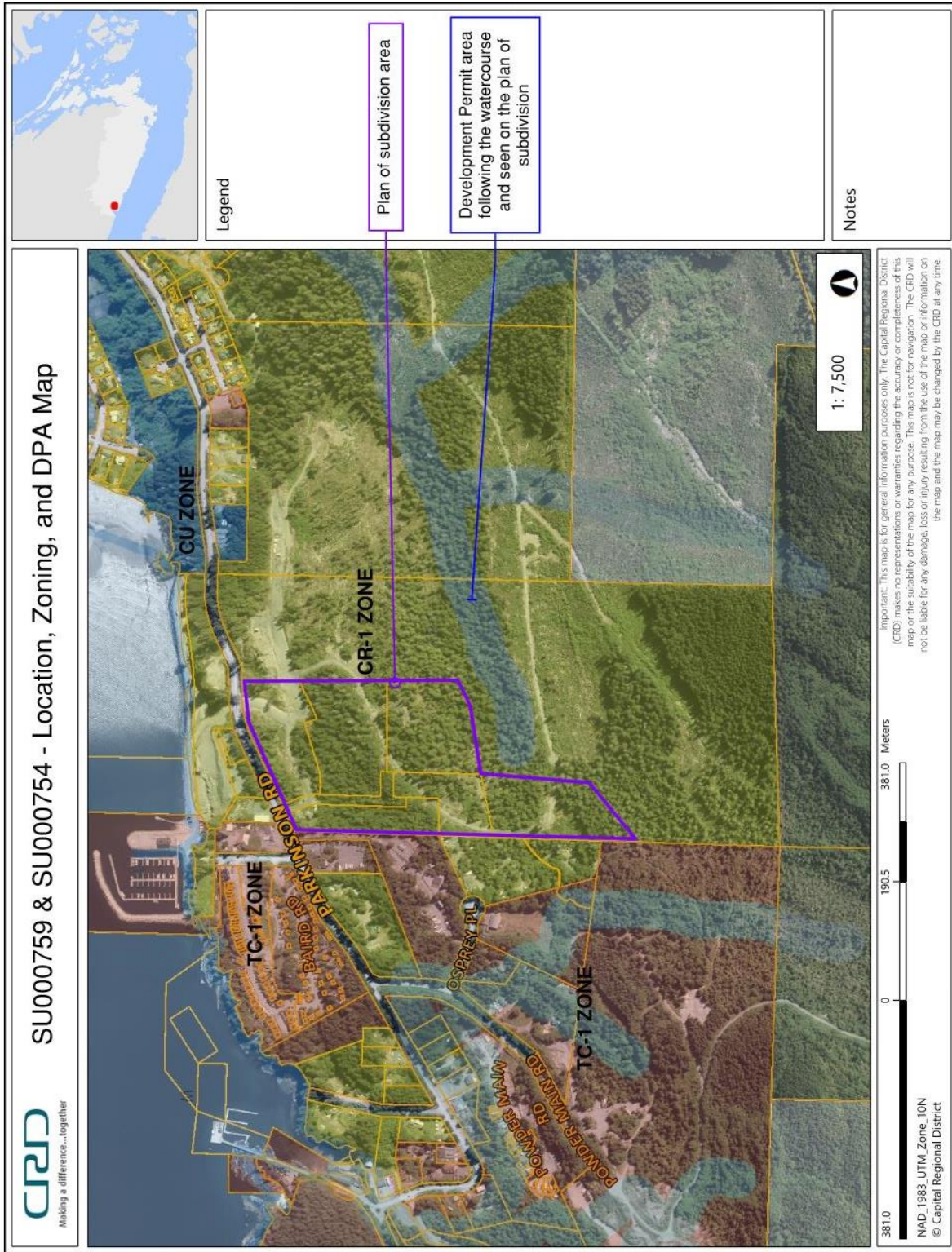
The Land Use Committee recommends to the Capital Regional District Board:
That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for the 1.38 ha land area proposed by the subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, except plans 15462, VIP77871, EPP24972 and EPP104826 (PID: 009-592-423), except that a lesser amount may be acceptable where the owner agrees to dedicate land and construct a roadside trail to JdF Community Parks and Recreation Standards on that portion of the subject property and amending the Capital Regional District Statutory Right-of-Way CB96336 registered on the affected and new title certificates prior to subdivision approval.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

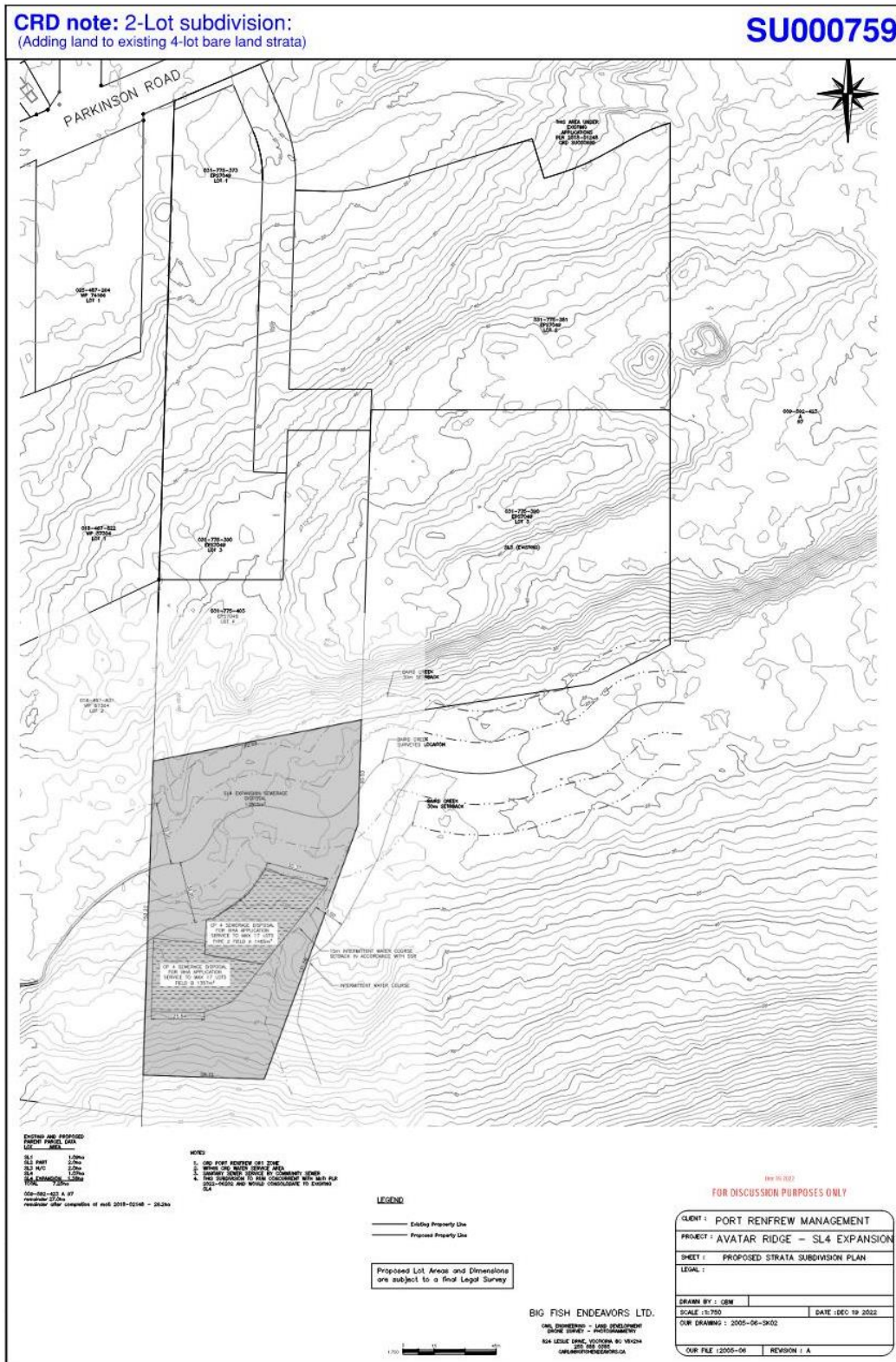
ATTACHMENTS

- Appendix A: Location Map
- Appendix B: Proposed Subdivision Plans SU000759 & SU000754
- Appendix C: CB96336 Reference Plan
- Appendix D: Minutes of the June 27, 2023, JdF Community Parks and Recreation Advisory Commission Meeting
- Appendix E: Annotated Proposed Trail Dedication
- Appendix F: Section 510 of the *LGA*

Appendix A: Location Map

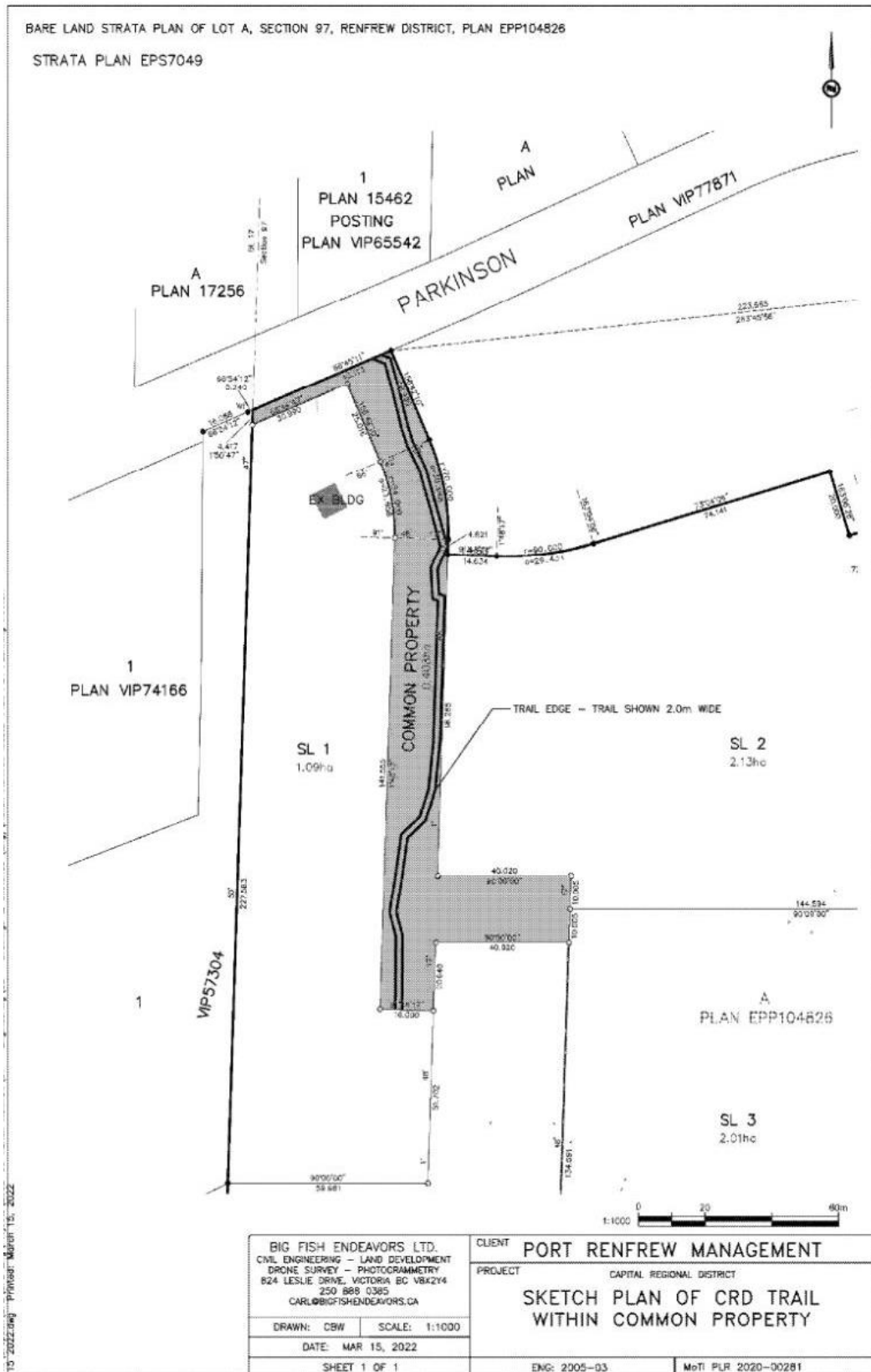


Appendix B: Proposed Subdivision Plans SU000759 & SU000754





Appendix C: CB96336 Reference Plan



Appendix D: Minutes of the June 27, 2023, JdF Community Parks and Recreation Advisory Commission Meeting

**Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
June 27, 2023**

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Comment was forwarded asking that a natural playground, to complement the newly installed equipment, be considered at a future meeting.

East Sooke – Copper Mine Tree Complaint

Adjacent property owners have expressed concern regarding the state of the park after recent tree work.

Don Closson reported that hazard tree assessments are performed annually and that the recent tree work was requested by the property owners through the Director. It was further reported that it is practice to not remove all cut limbs to limit disturbance to forested areas. Limbs crossing the fence line can be trimmed by the adjacent property owner.

7. Delegation – Juan de Fuca Community Planning

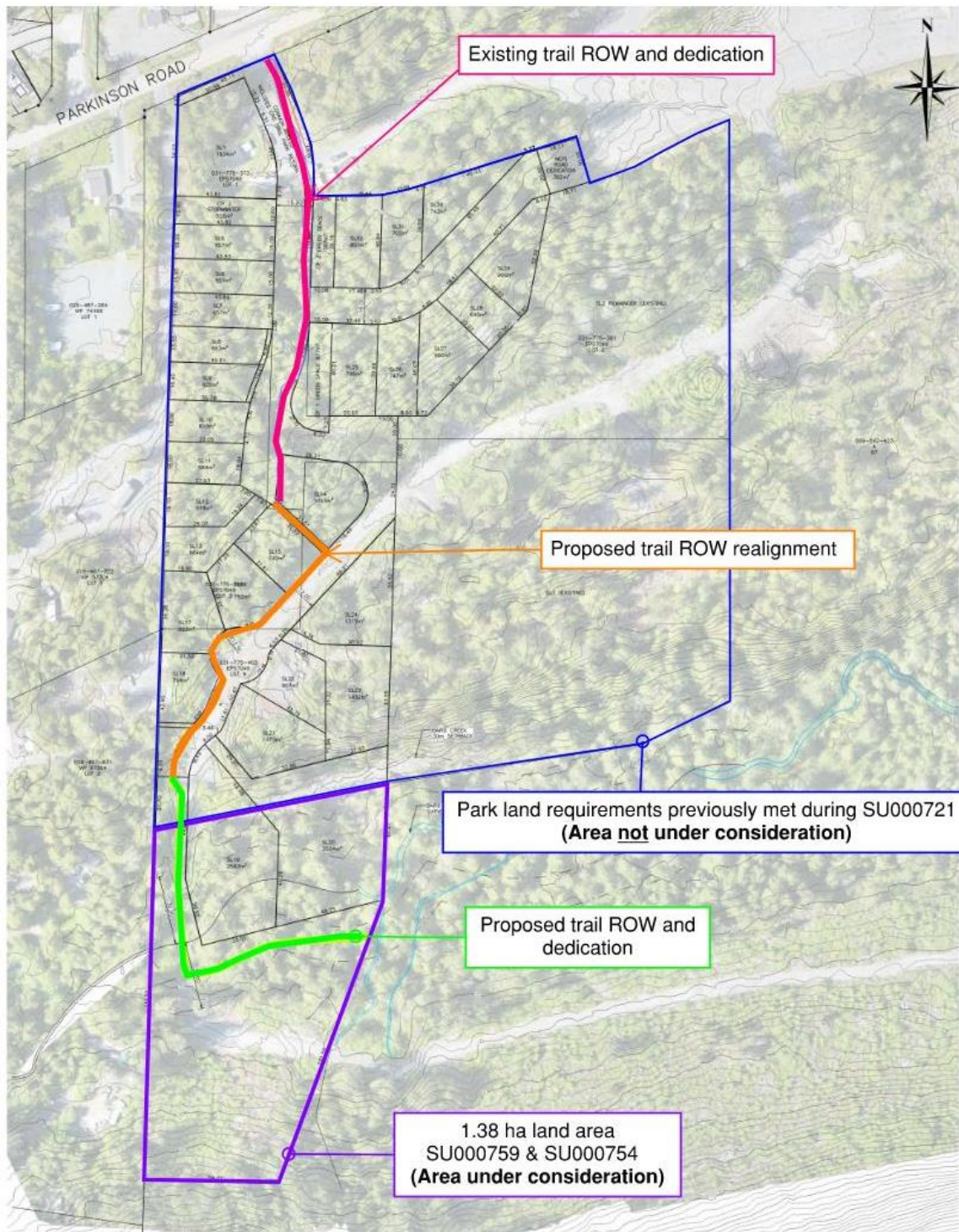
- a) **Subdivision Applications SU000759 and SU000754 – Parcel A (DD 143426I), Section 97, Renfrew District, Except Plans 15462, VIP77871, EPP24972 and EPP104826; and Strata Lots 1-4, Section 97, Renfrew District, Strata Plan EPS7049 (Parkinson Road)**
Darren Lucas spoke to the staff memo to the Commission regarding a referral received from the Ministry of Transportation and Infrastructure for two sequential subdivision applications for the same lands with access from Parkinson Road. The first application (SU000759) proposes a 2-lot conventional subdivision application that will add land to an existing 4-lot bare land strata. With the added land, a second application (SU000754) proposes to subsequently amend the existing strata, reconfiguring the layout to create 31 bare land strata lots.

The area of proposed subdivision and the existing statutory right-of-way (SRW) accepted by the Commission as trail through the adjacent development to the north were highlighted. It was advised that the current subdivision applications propose an extension to the existing SRW into the area of proposed subdivision.

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that, in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for proposed subdivision of Parcel A (DD 143426I), Section 97, Renfrew District, Except Plans 15462, VIP77871, EPP24972 and EPP104826; and Strata Lots 1-4, Section 97, Renfrew District, Strata Plan EPS7049 (SU000759 and SU000754), except where the owner agrees to dedicate that portion of land required to construct a trail that connects to Parkinson Road to JdF Community Parks and Recreation standards and that the owner agree to construct the trail prior to subdivision approval.

CARRIED

Appendix E: Annotated Proposed Trail Dedication



Requirement for provision of park land or payment for parks purposes

- 510** (1) Subject to this section and section 516 (3) (h) and (4) [*phased development agreement rules*], an owner of land being subdivided must, at the owner's option,
- (a) provide, without compensation, park land of an amount and in a location acceptable to the local government, or
 - (b) pay to the municipality or regional district an amount that equals the market value of the land that may be required for park land purposes under this section as determined under subsection (6) of this section.
- (2) Despite subsection (1),
- (a) if a regional district does not provide a community parks service, the option under subsection (1) (b) does not apply and the owner must provide land in accordance with subsection (1) (a), and
 - (b) subject to paragraph (a), if an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land under subsection (1) (a) or money under subsection (1) (b).
- (3) Subsection (1) does not apply to the following:
- (a) subject to subsection (4), a subdivision by which fewer than 3 additional lots would be created;
 - (b) a subdivision by which the smallest lot being created is larger than 2 hectares;
 - (c) a consolidation of existing parcels.
- (4) Subsection (1) does apply to a subdivision by which fewer than 3 additional lots would be created if the parcel proposed to be subdivided was itself created by subdivision within the past 5 years.
- (5) The amount of land that may be required under subsection (1) (a) or used for establishing the amount that may be paid under subsection (1) (b) must not exceed 5% of the land being proposed for subdivision.
- (6) If an owner is to pay money under subsection (1) (b), the value of the land is whichever of the following is applicable:
- (a) if the local government and the owner agree on a value for the land, the value on which they have agreed;
 - (b) the average market value of all the land in the proposed subdivision calculated
 - (i) as that value would be on the date of preliminary approval of the subdivision or, if no preliminary approval is given, a date within 90 days before the final approval of the subdivision,
 - (ii) as though the land is zoned to permit the proposed use, and
 - (iii) as though any works and services necessary to the subdivision have not been installed.
- (7) If an owner and a local government do not agree on the average market value for the purpose of subsection (6), it must be determined in the manner prescribed in the regulations that the minister may make for this purpose.

- (8) If an area of land has been used to calculate the amount of land or money provided or paid under this section, that area must not be taken into account for a subsequent entitlement under subsection (1) in respect of any future subdivision of the land.
- (9) Subject to subsection (11), the land or payment required under subsection (1) must be provided or paid to a municipality or regional district as follows
 - (a) subject to paragraph (b), before final approval of the subdivision is given;
 - (b) if the owner and the local government enter into an agreement that the land or payment be provided or paid by a date specified in the agreement, after final approval of the subdivision has been given.
- (10) Notice of an agreement under subsection (9) (b) must be filed with the registrar of land titles in the same manner as a notice of a permit may be filed and section 503 *notice of permit on land title* applies.
- (11) Despite subsection (9), the minister may, by regulation,
 - (a) authorize the payment that may be required by this section to be made by instalments, and
 - (b) prescribe the conditions under which instalments may be paid.
- (12) If land is provided for park land under this section, the land must be shown as park on the plan of subdivision.
- (13) Section 107 *[deposit in land title office operates to dedicate and vest park land]* of the *Land Title Act* applies to park land referred to in subsection (12), except that,
 - (a) in the case of land within a municipality, title vests in the municipality, and
 - (b) in the case of land outside a municipality, title vests in the regional district if it provides a community parks service.
- (14) If an owner pays money for park land under this section, the municipality or regional district must deposit this in a reserve fund established for the purpose of acquiring park lands.



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 26, 2023**

SUBJECT **Temporary Use Permit for Lot 1, Section 97, Renfrew District, Plan EPP24972 –
17086 Parkinson Road; PID: 028-991-125**

ISSUE SUMMARY

To consider referral of a temporary use permit application to authorize the use of *tourist facilities* in the form of 18 mobile tourist cabins on land zoned Community Residential – One (CR-1) under Bylaw No. 3109.

BACKGROUND

The 1.87 ha oceanfront property is located at 17086 Parkinson Road in Port Renfrew (Appendix A), and is zoned Community Residential – One (CR-1) under Schedule 'B' of the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The property is centrally located within Port Renfrew on the southern shore of Port San Juan. Abutting properties are zoned Commercial Marina (CM-1) to the northwest, Tourist Commercial – One (TC-1) to the west, CR-1 to the south across Parkinson Road, and Community Use (CU) to the east. There is an existing dwelling on the property, which is located to the east of the proposed tourist accommodation site. The property is located within the Port Renfrew Fire Protection and Water Supply service areas.

The application submitted by Pacheedaht First Nation includes a description of the development proposal (Appendix B) and concept plans illustrating the placement of 18 mobile tourist accommodation units that each have a floor area of approximately 26 m² (6.9 m x 3.81 m) and include cooking and sanitary facilities (Appendices C and D). It is anticipated that the Nation will apply to rezone the subject property during the term of the permit.

Staff have prepared temporary use permit TP000012 for consideration (Appendix E).

ALTERNATIVES

Alternative 1:

That staff be directed to refer Temporary Use Permit TP000012 to authorize the placement and use of 18 mobile tourist accommodation units on Lot 1, Section 97, Renfrew District, Plan EPP24972, to a public information meeting, appropriate CRD departments and the following external agencies for comment:

BC Hydro

Cowichan Valley Regional District

District of Sooke

Island Health

Ministry of Forests - Archaeology Branch

Ministry of Forests - Water Protection Section

Ministry of Land, Water and Resource Stewardship

Ministry of Transportation & Infrastructure

RCMP

Sooke School District #62

Alternative 2:

That Temporary Use Permit application TP000012 not be referred and the application be denied.

IMPLICATIONS

Legislative

Section 492 of the *Local Government Act (LGA)* enables a local government to designate areas where temporary uses may be allowed and to specify general conditions regarding the issuance of temporary use permits (TUPs) in those areas. TUPs may be issued throughout the Port Renfrew Official Community Plan (OCP) area as outlined in Bylaw No. 3109, Schedule 'A', Section 4.5, and in accordance with Sections 493 of the *LGA*.

Public Consultation

The Advisory Planning Commissions (APCs) were established to make recommendations on all matters referred to them related to Part 14 of the *LGA*; however, the Port Renfrew APC is currently inactive. Staff recommend referring TP000012 to a public information meeting in Port Renfrew to obtain community input on TP000012. Since newspaper circulation in Port Renfrew is limited, notice of the public information meeting will be mailed to the registered owners of land within 500 m of the subject property and distributed to local residents through a Canada Post unaddressed mail drop. Any responses received from the public will be presented to the LUC.

A public notice of intent to issue TP000012 will be published in the Sooke News Mirror prior to the CRD Board meeting at which the resolution to issue the permit will be considered.

Land Use Implications

The applicant proposes to place and use eighteen mobile tourist accommodation units on land designated Residential and zoned Community Residential – One (CR-1) by Bylaw No. 3109. The Residential designation includes policies that aim to ensure available housing stock that may or may not be occupied on a full-time basis and that meets the needs and requirements of the community. The designation allows for consideration of commercial, residential, and tourism-commercial uses as a venue for additional economic development activities. Permitted uses in the CR-1 zone include dwelling unit; religious centres; home based businesses including bed and breakfasts; and retail establishments. The CR-1 zone also permits up to one accessory cabin and one secondary suite. Tourist facilities are not permitted within the CR-1 zone; therefore, the property would either need to be rezoned or the use must be authorized by a temporary use permit.

Section 4.5 of Bylaw No. 3109 states that the CRD Board may issue a temporary use permit if the following conditions have been met:

- a. The impacts to any of the existing land uses are kept to a minimum.
- b. It does not involve the construction or erection of a new building.
- c. It does not involve numerous delivery trucks travelling to the site on a daily basis, to either pick up or drop off freight or other materials.
- d. The activity serves the needs of the community or is a part of the tourism sector.
- e. The activity will be carried out wholly within the principal building.
- f. There must be no on street parking.

The letter included in the application outlines a rationale for consistency between the conditions of Section 4.5 and the proposal. Staff are of the opinion that the proposal meets conditions 'a' and 'c' through 'f'; and that the mobile nature of the proposed cabins may be considered consistent with condition 'b'. The applicants have indicated that the proposed use and related works are intended to achieve the Nation's initiative to pilot new tourism concepts without impeding evolving plans for future development. Furthermore, the mobile cabin units are prefabricated to meet CSA A277 standards and would be placed on concrete pads, rather than being constructed in place on integrated foundations. Designed as portable spaces, these units are fixed in place using an approved anchoring system. The units can easily be removed should the permit expire and the tourist accommodation use not be permitted by the zone. The proposed temporary use aims to serve the needs of the tourism sector and does not involve the parking of commercial trucks, or the regular drop-off or pick-up of freight.

Bylaw No. 3109, Schedule 'B', Section 18 Parking Regulations, requires that each parcel must have on-site parking; however, the Bylaw does not specify the number of required parking spaces for tourist accommodation facilities other than a campground. Campgrounds require two parking spaces per proposed campsite. The proposed mobile cabins include only one bedroom; however, it is anticipated that additional guests may visit the property from time to time. Therefore, staff recommend that 1.5 parking spaces per cabin be provided as a condition of the temporary use permit.

In addition to the Water Supply and Fire Protection service areas, the land is subject to CRD covenants that regulate density and siting through water servicing (CA9549686) and require further geotechnical study (CA5328812 & CA3681762). Sewage generated by the development is proposed to be held in tanks and disposed of by a septic waste hauler. The proposed location of the units and any associated land alteration is outside designated development permit areas. Compliance with CRD covenant and servicing requirements will be addressed through the referral and subsequent building permit process.

Staff recommend that temporary use permit application TP000012 be referred to a public information meeting in the community, as well as to relevant CRD departments, and external agencies.

CONCLUSION

An application has been submitted for a temporary use permit to authorize *tourist facilities* in the form of 18 mobile tourist cabins on land zoned Community Residential – One (CR-1) under Bylaw No. 3109. Given the mobile nature of the proposed accommodation units, the proposal may also be considered consistent with the temporary use permit policies. Staff recommend that the temporary use permit application TP000012 be referred and that all comments received be brought back to the LUC for review. The LUC would also consider a recommendation to the CRD Board regarding issuance of the permit at that time.

RECOMMENDATION

That staff be directed to refer Temporary Use Permit TP000012 to authorize the placement and use of 18 mobile tourist accommodation units on Lot 1, Section 97, Renfrew District, Plan EPP24972, to a public information meeting, appropriate CRD departments and the following external agencies for comment:

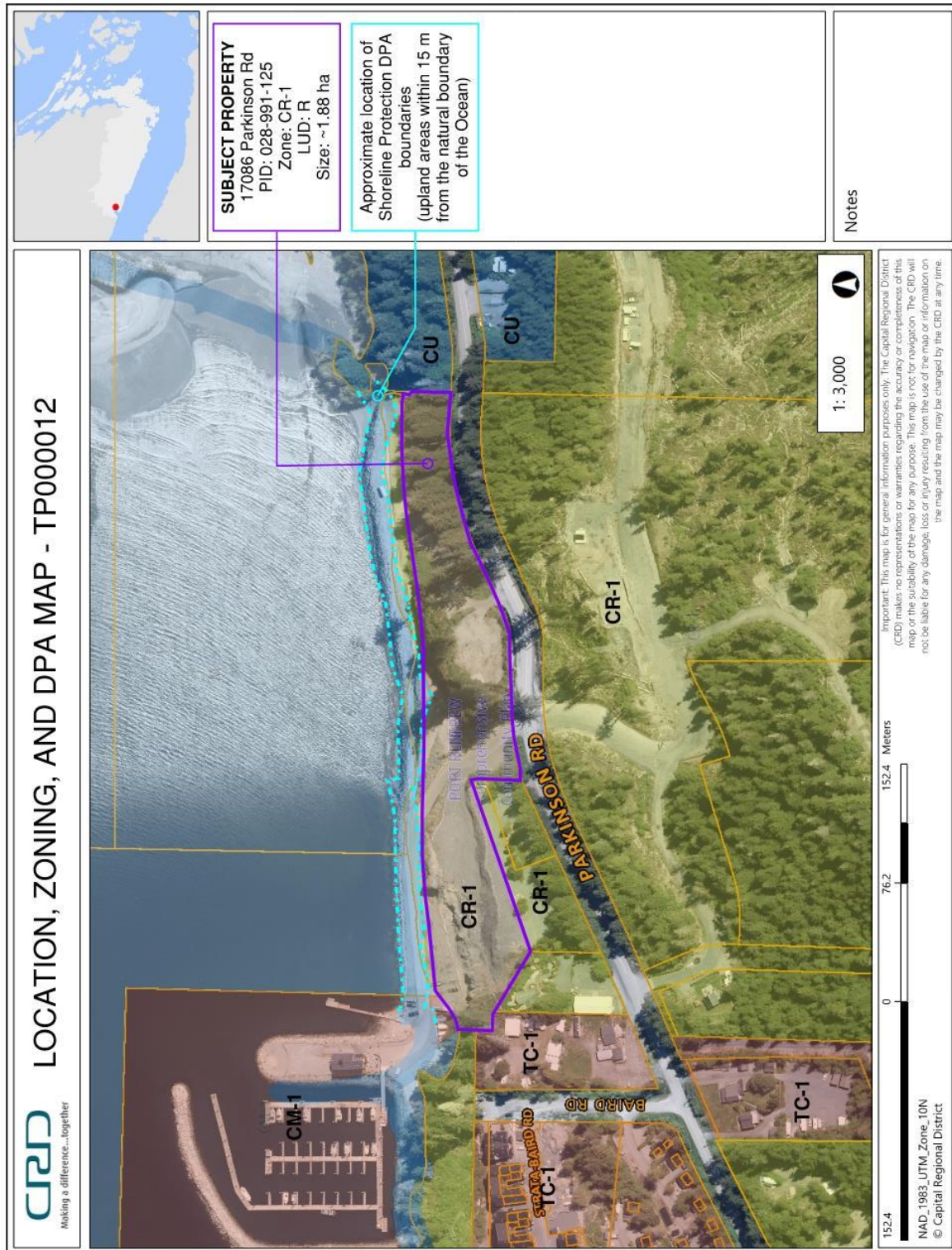
- BC Hydro
- Cowichan Valley Regional District
- District of Sooke
- Island Health
- Ministry of Forests - Archaeology Branch
- Ministry of Forests - Water Protection Section
- Ministry of Land, Water and Resource Stewardship
- Ministry of Transportation & Infrastructure
- RCMP
- Sooke School District #62

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services

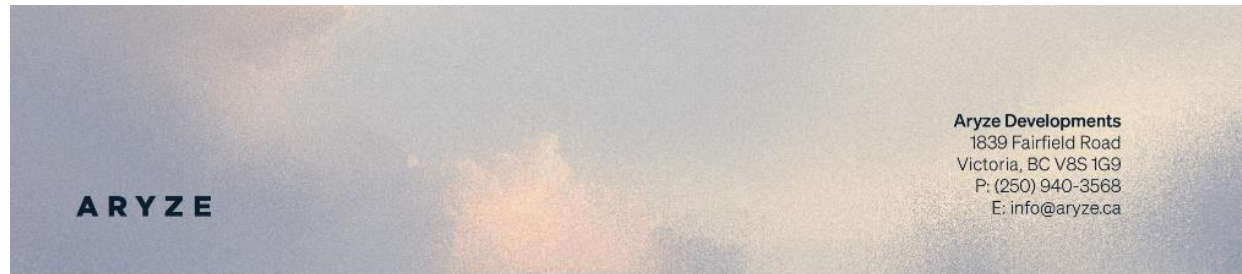
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Development Proposal
- Appendix C: Site Plan
- Appendix D: Mobile Tourist Accommodation Unit Drawings
- Appendix E: Temporary Use Permit TP000012 - Draft

Appendix A: Subject Property Map



Appendix B: Development Proposal



Darren Lucas
Planner, Juan de Fuca Local Area Services
Capital Regional District
3-7450 Butler Road
Sooke, BC V9Z 1N1

17 August 2023

Re: Pacheedaht First Nation | TP000012

Dear Mr. Lucas,

Thank you for your assistance and feedback to date regarding our application for a Temporary Commercial Use Permit ("TUP") to advance a small-scale tourist cabin retreat on behalf of Pacheedaht First Nation. The cabins are referred to as 'Dwellys' and are small, prefabricated A-Frame cabins offering an affordable 'plug and stay' nature experience for traveling guests.

The intent of this Permit application is to allow the Nation to continue pursuing its economic development potential with a focus on eco-tourism, as outlined in its Comprehensive Community Plan. This Permit will allow the Nation to pilot a temporary, modular cabin tourist destination on a relatively small portion of the land as it continues its long term planning for the larger remaining parcel of land.

The purpose of this letter is to address the TUP conditions as outlined in CRD Bylaw No. 3109. Specifically, Section 4.5.1 the Bylaw stipulates that the Regional Board may issue a temporary commercial use permit if certain conditions have been met. I will address each condition below.

@AryzeDevelopments

1



a. The impacts to any of the existing land uses are kept to a minimum.

The land is primarily cleared with a family cabin located at the eastern edge of the property. The intent is to use this existing cabin as a group cabin and place the modular cabins throughout the remaining site area.

Most of the existing site is disturbed and the modular nature of the Dwellys does not preclude future community residential or alternative uses in the future.

The intent is to create a peaceful, natural retreat and every effort will be made to work near current grades and maintain the existing landscaping.

b. It does not involve the construction or erection of a new building.

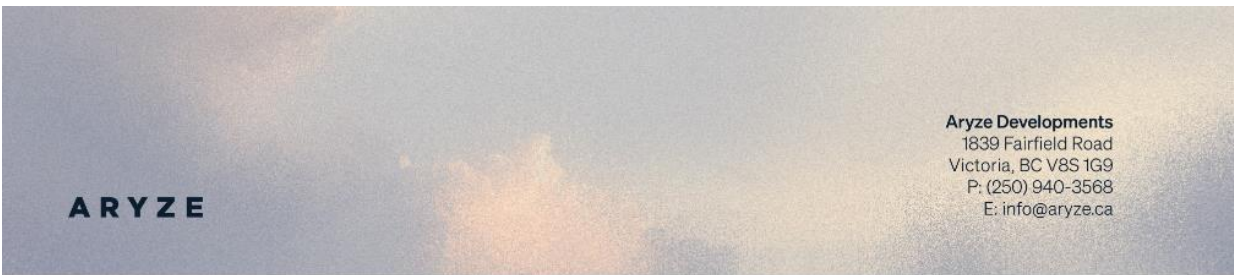
By their very 'plug and stay' nature, the Dwelly guest cabins are designed to be relocatable. Built to CSA A277 standards, the cabins are pre manufactured off site and are built to be portable spaces.

There is no intention to lay deep foundations for the construction of new, long term buildings. This is a temporary endeavour meant to pilot a new tourism initiative without hindering the Nation's ability to develop the land in the future as part of its long term strategies.

c. It does not involve numerous delivery trucks travelling to the site on a daily basis, to either pick up or drop off freight or other materials.

Primary users of the site will be tourists or locals seeking a get-away excursion, similar to camping or recreational stays. It is anticipated traffic will be restricted to single cars or SUVs with visitors bringing their own personal and traveling supplies.

No commercial deliveries are anticipated.



d. The activity serves the needs of the community or is a part of the tourism sector.

Operating a tourist retreat is a direct investment into the Nation's commitment to advance its economic development. It will allow the Nation to deliver a unique eco-tourism experience and serve as a model to drive further economic growth.

e. The activity will be carried out wholly within the principal building.

The intent is to use the existing cabin onsite as a group cabin and place the modular cabins throughout the remaining acreage of the recreational area. All activities will be contained within the property boundaries.

f. There must be no on street parking.

It is anticipated that parking will either be contained onsite within the cabin area or located within a short walking distance to the cabins, still within the property boundaries. Regardless, there will be no on street parking.

Thank you again for the opportunity to elaborate on our application. Please let me know if you have any questions.

Best regards,

A handwritten signature in black ink, appearing to be "G. Gillespie", written over two lines.

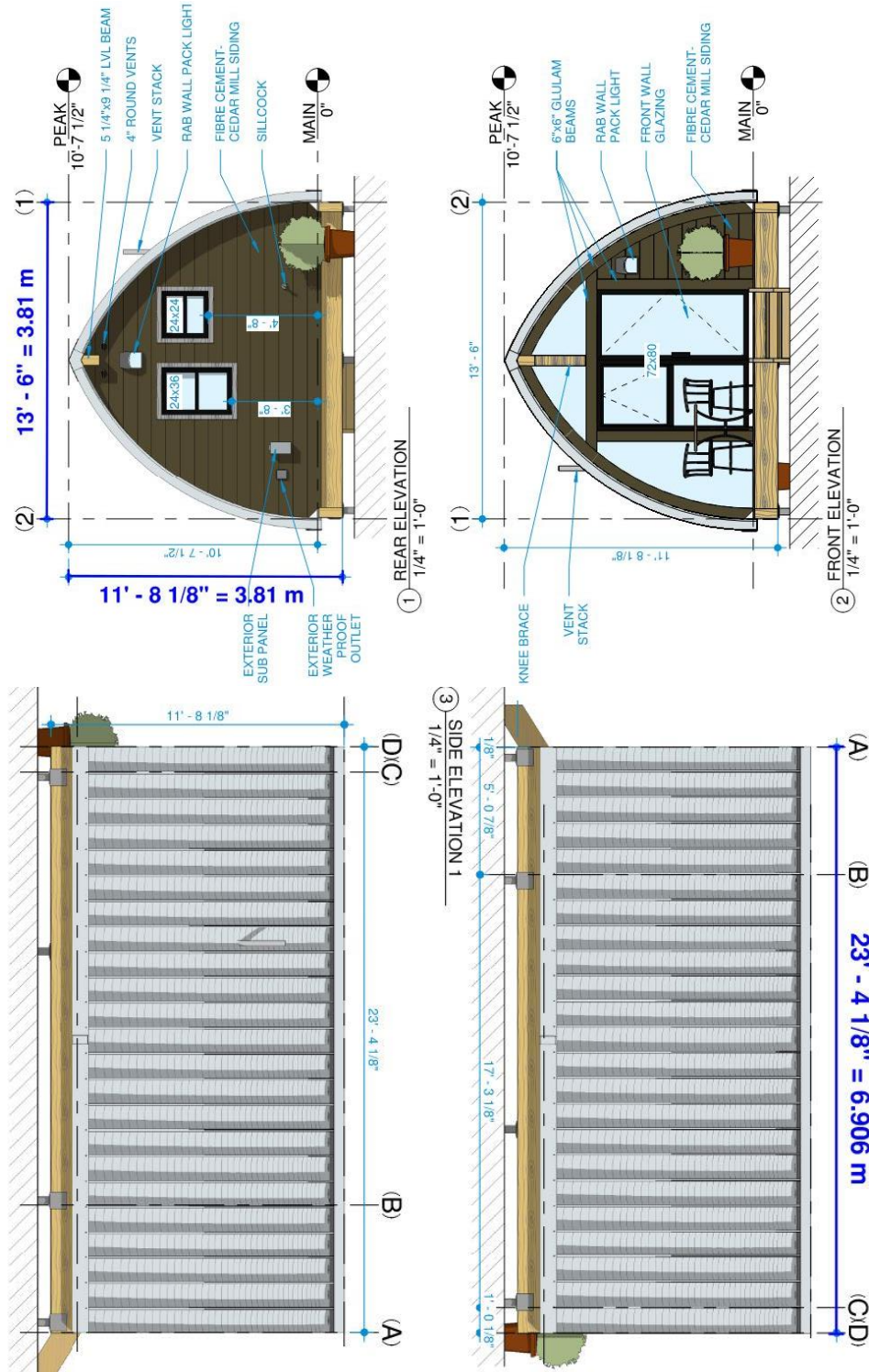
Greg Gillespie, BSc, PMP
Development Manager
250 858 6940

Appendix D: Mobile Tourist Accommodation Unit Drawings

① FRONT VIEW

② REAR VIEW

	<p>elly Alpine 265 Deluxe (FRONT GLAZING OPTION)</p>		<p>13020 Katoonian Street Maple Ridge, B.C. V2W 0L2 T: +1-604-474-4096 www.dwellytechindustries.com</p>	
	<p>3D VIEWS</p>		<p>Project number: A00 Date: 2022-10-07 3:07:52 PM Drawn by: E.J. Checked by: JA Scale:</p>	
<p>These plan and detail are, COPY, RIGHTED and ALL RIGHTS ARE RESERVED and may not be used or reproduced without written consent. Written dimensions shall have precedence over scaled dimensions. Contractor shall verify and be responsible for all dimensions and conditions on the job and this company shall be informed of any variations from the dimensions and conditions shown on the drawings prior to commencement of work. Any work completed without company's knowledge will be the full responsibility of the Owner and General Contractor.</p>				



Appendix E: Temporary Use Permit TP000012 - Draft



CAPITAL REGIONAL DISTRICT

TEMPORARY USE PERMIT NO. TP000012

1. This Permit is issued under the authority of Section 493 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Permit applies to and only to those lands within the Regional District described below (legal description), and to any and all buildings, structures, and other development thereon:
PID: 028-991-125
Legal Description: Lot 1, Section 97, Renfrew District, Plan EPP24972 (the "Land")
3. This Permit authorizes the placement and use of mobile tourist accommodation units (the "temporary use") on the Land, in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the temporary use referred to in Section 3 may be carried out are as follows:
 - a) The components of the temporary use shall be in general conformity with the Site Plan attached to this Permit as Appendix A to allow for flexibility in the placement of the mobile tourist accommodation units;
 - b) The components of the temporary use must be in accordance with the Mobile Tourist Accommodation Unit Drawings attached to this Permit as Appendix B;
 - c) No more than eighteen (18) mobile tourist accommodation units may be placed on the Land;
 - d) A minimum of one and a half (1.5) parking spaces per mobile tourist accommodation unit shall be provided on the Land;
 - e) The impacts to adjacent land uses are kept to a minimum whereby nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire or explosion hazard, electrical or navigation interference; and
 - f) The activity shall serve the needs of the community or is a part of the tourism sector.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (TP000012) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
7. The following plans and specifications are attached:
Appendix A: Site Plan
Appendix B: Mobile Tourist Accommodation Unit Drawings
8. In default of compliance with any of the provisions of this Permit, the Permit shall lapse.

TP000012

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9. The owner agrees to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.
10. This Permit is NOT a Building Permit.
11. This Permit shall expire 3 years after the date of issuance of the permit.

RESOLUTION PASSED BY THE BOARD, THE _____ day of _____, 2023

ISSUED this ____ day of _____, 2023

Corporate Officer

Appendix A: Site Plan



TP000012

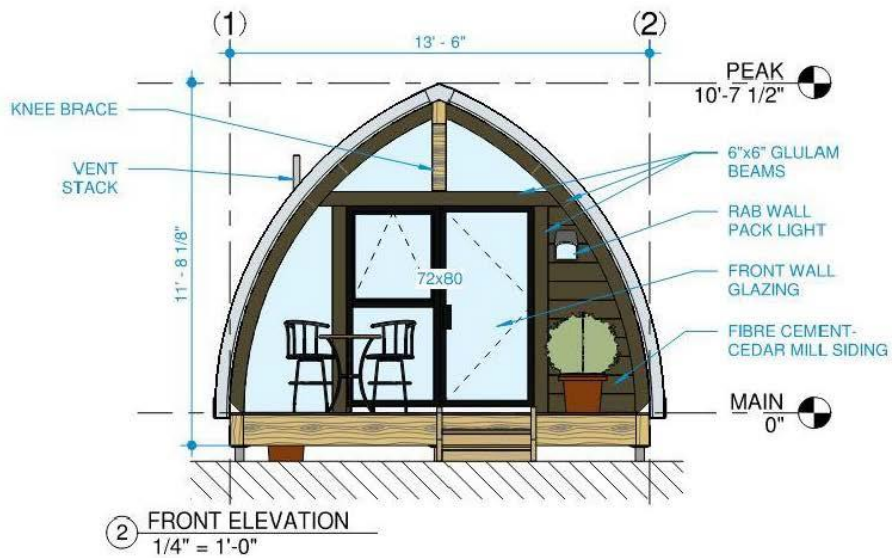
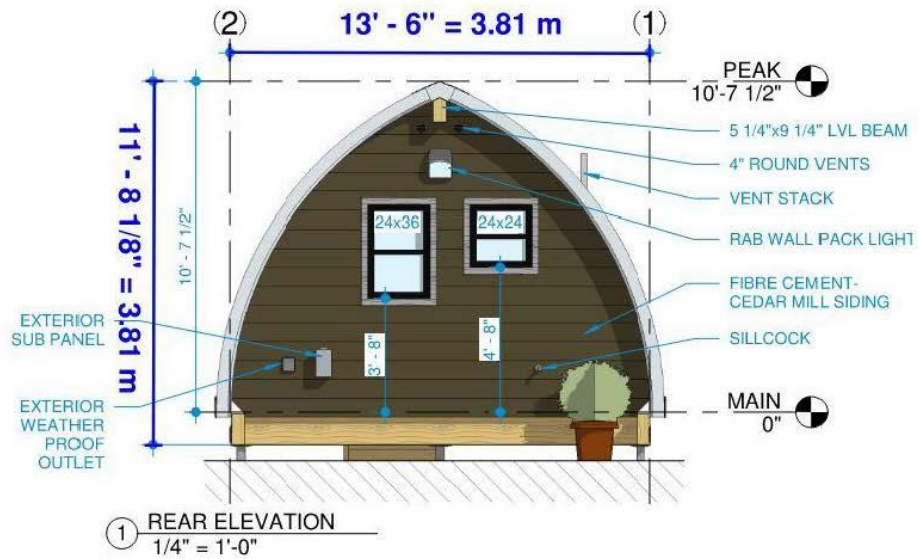
Page 4

Appendix B: Mobile Tourist Accommodation Unit Drawings



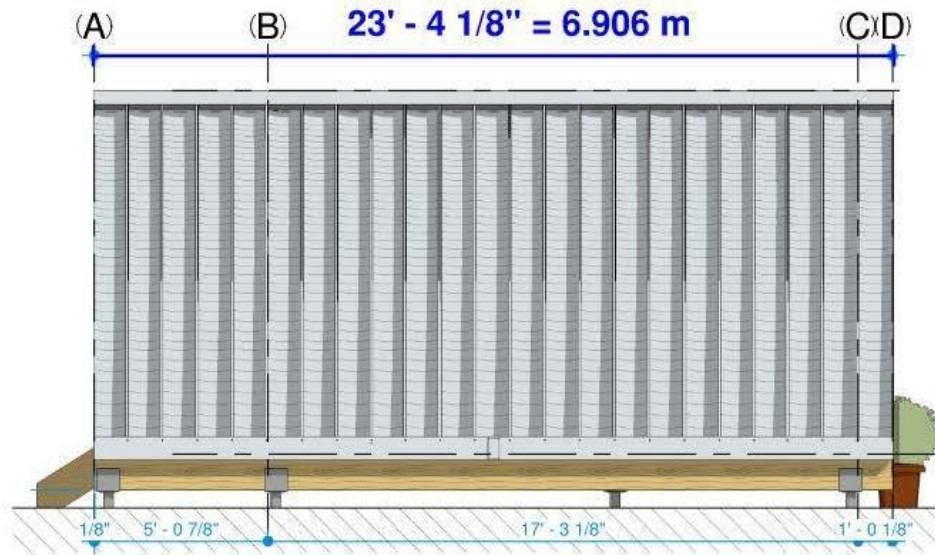
TP000012

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TP000012

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③ SIDE ELEVATION 1
 $1/4'' = 1'-0''$

