

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **November 17, 2020 at 7 pm**

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

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of October 20, 2020
4. Chair's Report
5. Planner's Report
6. Non-Farm Use Agricultural Land Reserve Application
 - a) AG000081 - Section 81, Sooke District (East Sooke Regional Park)
7. Radio Communication and Broadcasting Antenna Systems Application
 - a) LP000019 - Block A, District Lot 49, Otter District (3727 Otter Point Road)
8. Rezoning Applications
 - a) RZ000269 - Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (4460 Rannveig Place)
 - b) RZ000270 - Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)
9. Adjournment

Please note that during the COVID-19 situation, the public may attend the meeting in-person or electronically through video or teleconference. Since in-person capacity is limited, should you wish to attend the meeting in-person, please contact the Juan de Fuca Community Planning Office at 250.642.8100 or by email at jdfinfo@crd.bc.ca. Should you wish to attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details. Written submissions continue to be accepted.



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Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, October 20 2020, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold (EP), Sandy Sinclair
Staff: Iain Lawrence, Manager, Community Planning (EP); Wendy Miller; Recorder (EP)
PUBLIC: 0

EP – Electronic Participation

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

The Chair provided a Territorial Acknowledgement.

1. Approval of the Agenda

MOVED by Sandy Sinclair, **SECONDED** by Ron Ramsay that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Vern McConnell, **SECONDED** by Roy McIntyre that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of September 15, 2020

MOVED by Sandy Sinclair, **SECONDED** by Ron Ramsay that the minutes from the meeting of September 15, 2020, be adopted.

CARRIED

4. Chair's Report

The Chair provided an update on the Pacific Gateway Marina proposal (RZ000242), advising that Pacheedaht First Nation and the applicant were delegates at the October 14, 2020, CRD Board meeting. At that meeting, the CRD Board resolved to defer consideration of the proposal to its December 9, 2020, meeting. The CRD CAO will be meeting with Pacheedaht and the applicant prior to the December meeting.

5. Planner's Report

- a) At its meeting of October 14, 2020, the CRD Board considered rezoning and OCP amendment application RZ000267, deeming Bylaw No. 4317 consistent with the 2018 Regional Growth Strategy (RGS) and giving Bylaw Nos. 4316 and 4317 third reading. Adoption of the bylaws is withheld pending confirmation that vegetative screening requirements are met and pending registration of a covenant for fire protection works, which requires installation and conveyance of said works to the CRD for the sawmill operation prior to subdivision or building construction.

6. Juan de Fuca Agricultural Land Reserve Application Policy BRD05

Iain Lawrence spoke to the proposed policy for considering Agricultural Land Reserve (ALR) applications in the Juan de Fuca Electoral Area. It was advised that the policy will complement the Juan de Fuca Electoral Area Development Fees and Procedures Bylaw, Bylaw No. 3885. It was further advised that an ALR application is anticipated for the November LUC meeting.

Iain Lawrence outlined the types of applications that would be addressed by the policy, as well as the application review process that would be established by the policy.

Iain Lawrence reported that:

- ALR exclusion applications from private landowners are no longer received by the Agricultural Land Commission (ALC)
- the ALC will only accept exclusion applications from the provincial government, local or First Nation government, or a prescribed public body
- the proposed policy provides a process for receiving exclusion applications from private property owners
- exclusions are anticipated to require an Official Community Plan (OCP) and zoning bylaw amendment
- should the LUC support the policy, staff is recommending that Bylaw No. 3885 be amended to specify a fee for zoning and OCP amendments associated ALR exclusion
- as a result of the public comments received and circulated in the supplementary agenda, staff have amended the proposed policy to clarify consultation processes

Iain Lawrence responded to a question from the LUC confirming that the RGS designates and maps ALR lands. Accordingly, an ALR exclusion would require an amendment to the RGS.

The Chair noted that RGS amendments require the approval of the thirteen municipalities in the CRD as well as the CRD Board.

The LUC stated support for exclusion applications being referred to the CRD Board to deem if an exclusion request will require a RGS amendment prior to an application being referred to an Advisory Planning Commission (APC).

Iain Lawrence confirmed that property owners are advised during application intake if an application is anticipated to require a RGS amendment. It was further confirmed that the policy provides for application review by the CRD Board prior to review by an APC.

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the Agricultural Land Reserve Application Policy be approved, as amended; and
- b) That the staff be directed to initiate an amendment to the Juan de Fuca Electoral Area Development Fees and Procedures Bylaw, 2018, Bylaw No. 3885, to increase the application fees for OCP and zoning amendment applications where exclusion from the ALR is also required or requested.

CARRIED

7. Adjournment

The meeting adjourned at 7:25 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 17, 2020**

SUBJECT **Non-Farm Use Agricultural Land Reserve Application for Section 81, Sooke District – East Sooke Regional Park**

ISSUE SUMMARY

An application has been received for non-farm use of land in the Agricultural Land Reserve for the purpose of expanding a parking lot and replacing a picnic shelter in East Sooke Regional Park.

BACKGROUND

The approximately 63 hectare (ha) subject property was transferred to the Capital Regional District (CRD) from the Crown in 1972 and incorporated into East Sooke Regional Park (Appendix A). A portion of the property, referred to as Aylard Farm, is within the Agricultural Land Reserve (ALR). The property is accessed from Becher Bay Road and includes a 74-space parking-lot, washroom building, picnic shelter and trail facilities (Appendix B). The property is adjacent to non-ALR Agricultural (AG) zoned land to the north, Becher Bay to the east, and park parcels to the west and south.

The *Agricultural Land Commission Act (ALC Act)* and regulations establish measures to ensure the preservation of agricultural land. Local government bylaws must be consistent with this legislation. The East Sooke Official Community Plan (OCP), Bylaw No. 4000, designates the property as Park provided that only passive recreational uses that do not preclude future agricultural use are supported on the portion of the parcel within the ALR. The portion of the property within the ALR is zoned Agricultural (AG) in the Juan de Fuca Land Use Bylaw No. 2040 and the remainder of the parcel is zoned Public Recreation (P-1); however, parks, trails and related accessory buildings and structures are permitted uses in all zones as outlined in Part 1, Section 4.15 of Bylaw No. 2040.

CRD Regional Parks has identified a need to expand the existing parking lot to accommodate 101 vehicle spaces, and to construct a new 36 m² picnic shelter within the ALR in East Sooke Regional Park. The proposed work will also include deposit of approximately 840 m³ of clean fill. Development of park uses and infrastructure in the ALR requires an application for non-farm use, review by local government and approval by the Agricultural Land Commission (ALC). Therefore, CRD Regional Parks has submitted a non-farm use application for the proposed work (Appendix B). As the CRD is the local government authority for East Sooke in the Juan de Fuca Electoral Area, the Juan de Fuca Land Use Committee will consider the application and forward a recommendation to the CRD Board. The Board may determine whether to advance the application to the ALC for review.

ALTERNATIVES

Alternative 1

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board: That the non-farm use and soil deposit within the Agricultural Land Reserve application AG000081 for expansion of a parking lot and construction of a picnic shelter on Section 81, Sooke District, be supported and forwarded to the Agricultural Land Commission along with any public comments received.

Alternative 2

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board: That the non-farm use and soil deposit within the Agricultural Land Reserve application for construction of a parking lot and picnic shelter on Section 81, Sooke District, be referred to the East Sooke Advisory Planning Commission for comment.

Alternative 3

That the application not be forwarded to the Agricultural Land Commission.

IMPLICATIONS

Legislative

Section 20(2) of the *ALC Act* requires that an application be made for permission for a non-farm use of agricultural land. Section 20.3 of the *ALC Act* restricts the removal and deposit of soil or fill on agricultural land unless done in accordance with the regulations. A non-farm use application may not proceed unless authorized by a resolution of the local government if the application applies to land that is zoned by bylaw to permit farm use, as outlined in Section 25 of the *ALC Act*. Section 34.1 of the *ALC Act* requires that local government review applications and, subject to subsection (2), forward to the ALC the application together with comments and recommendations in respect of the application. If an application is not forwarded, it proceeds no further and is not considered by the ALC.

Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, and the proposed Juan de Fuca Agricultural Land Reserve Application Policy BRD05 (the “Policy”) establish procedures for considering ALR applications.

The Juan de Fuca Soil Removal or Deposit Bylaw No. 3941 regulates the removal and deposit of soil, including sand, gravel and rock, within the electoral area. Section 8.0(c) of the Bylaw exempts the deposit of soil required for the construction or repair of works, roads, highways or services by or on behalf of the CRD and the deposit is onto a parcel owned or leased by the CRD.

Public Consultation

There are no public notification requirements for non-adhering residential use applications established by the ALC. Applications must be filed with local government and public comments may be collected.

The Juan de Fuca Agricultural Land Reserve Application Policy BRD05 was recommended for approval by the Land Use Committee and will be considered by the CRD Board at its November meeting. The policy directs staff to notify property owners and occupants within 500 metres of the subject property the opportunity to provide comment on an application. The CRD Board may consider referral of ALR applications to either the JdF Agricultural Advisory Planning Commission (AAPC) or to a local advisory planning commission (APC) for comment.

The APCs were established under Bylaw Nos. 3517 and 2945 to make recommendations to the Land Use Committee and CRD Board on land use planning matters referred to them. If the Board determines there is public interest in holding an APC meeting based on the public notification, staff have provided an alternative recommendation to refer the application to the East Sooke APC for review, as the AAPC does not have active membership.

Land Use

East Sooke Regional Park was established by the CRD in 1972 and a portion of the land, known as Aylard Farm, is within the ALR and subject to the *ALC Act* and regulations. The land is used for passive park and conservation purposes with limited park infrastructure including a parking lot, washroom, signage, trails, open field, picnic tables and a picnic shelter. There is an orchard but little evidence of historical agricultural use remains. The CRD Board initiated a process to develop a management plan for the park in spring 2020 and this process is underway. CRD Regional Parks has identified the need to complete two park improvement projects in 2021: expansion of a parking lot and replacement of a picnic shelter, both within the ALR portion of the park. An application for non-farm use has been submitted for these projects comprising approximately 0.2 hectares of ALR land (Appendix B).

Parking Lot

The existing 74 space, 2,931 m² paved parking lot is proposed to be expanded and reconfigured to create a 101 space, 4,935 m² parking lot. The expansion is proposed to accommodate increased visitor use and to facilitate improved emergency vehicle access. The proposed parking lot design encompasses a similar footprint as the existing parking lot and adjacent field area used for overflow parking. The proposal utilizes an area that is already disturbed by existing parking uses, rather than encroaching into natural forested areas. The parking surface material for the new parking area has not been finalized, but may include gravel or pavement. The ALR boundary runs through the parking lot with 31 spaces proposed outside the ALR and 70 in the ALR.

The proposed excavation of the parking lot will involve relocating approximately 800 m³ of existing soil to a location elsewhere on site within the ALR. Approximately 600 m³ of gravel subbase will then be placed at 300 mm deep, with 200 m³ of 19 mm minus gravel placed on top at 100 mm deep.

Picnic Shelter

There is an existing picnic shelter on site that is at the end of its serviceable life and is proposed to be replaced to continue serving the public use of the park. The proposal is to construct a new 36 m² shelter in an adjacent location to improve the visitor use experience and site design, and to reduce the risk presented by danger trees and foreshore erosion. The existing earth-floor picnic shelter will be demolished, concrete blocks removed, and the site restored and replanted with native grass seed. The proposed siting for the new picnic shelter is on a mowed area of meadow used as leisure space by park visitors.

Construction of the picnic shelter will involve a 100 mm thick concrete slab floor set on 650 mm deep subbase gravel. A 51 m² area will be excavated to a depth of 0.75 m for a total excavation and replacement with clean fill of approximately 40 m³.

CRD Bylaws

The East Sooke OCP designates the subject property as Park and includes policies that support protection of the long-term potential of Aylard Farm for farm use. Section 424(S) of Bylaw No. 4000 states that only passive recreational uses that do not involve the alteration of land or farm uses are supported on lands in the ALR in East Sooke Regional Park known as Aylard Farm. The proposed non-farm use comprises 0.2 ha within the ALR portion of the subject property. The proposed development is not anticipated to detract from future agricultural use of this land due to the small footprint and utilization of a previously disturbed parking area.

The Juan de Fuca Soil Removal or Deposit Bylaw No. 3941 does not apply to the movement of soil within the boundary of a parcel, and the proposed deposit of fill for construction of the parking lot and picnic shelter is exempt from a permit under section 8.1(c) of the bylaw. The proposed works are located outside any development permit areas (DPAs) designated by Bylaw No. 4000 on the subject property; therefore a development permit is not required. A building permit will be required for demolition and replacement of the picnic shelter.

The proposal is consistent with the Park designation in the OCP and the long-term use of the land as a regional park. Staff recommend that, subject to public notification, a resolution of support be forwarded to the Agricultural Land Commission along with copies of any comments received.

CONCLUSION

An application has been received for the non-farm use of a portion of East Sooke Regional Park located within the Agricultural Land Reserve, for the purpose of expanding a parking lot and replacement of a picnic shelter. The proposed work will also include deposit of approximately 840 m³ of fill. A non-farm use application may not proceed unless authorized by a resolution of the local government. Staff have conducted public notification of the application as outlined in the Juan de Fuca Agricultural Land Reserve Application Policy BRD05. Subject to public notification, staff recommend that a resolution of support be forwarded to the Agricultural Land Commission along with copies of any public comments received.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That the non-farm use and soil deposit within the Agricultural Land Reserve application AG000081 for expansion of a parking lot and construction of a picnic shelter on Section 81, Sooke District, be supported and forwarded to the Agricultural Land Commission along with any public comments received.

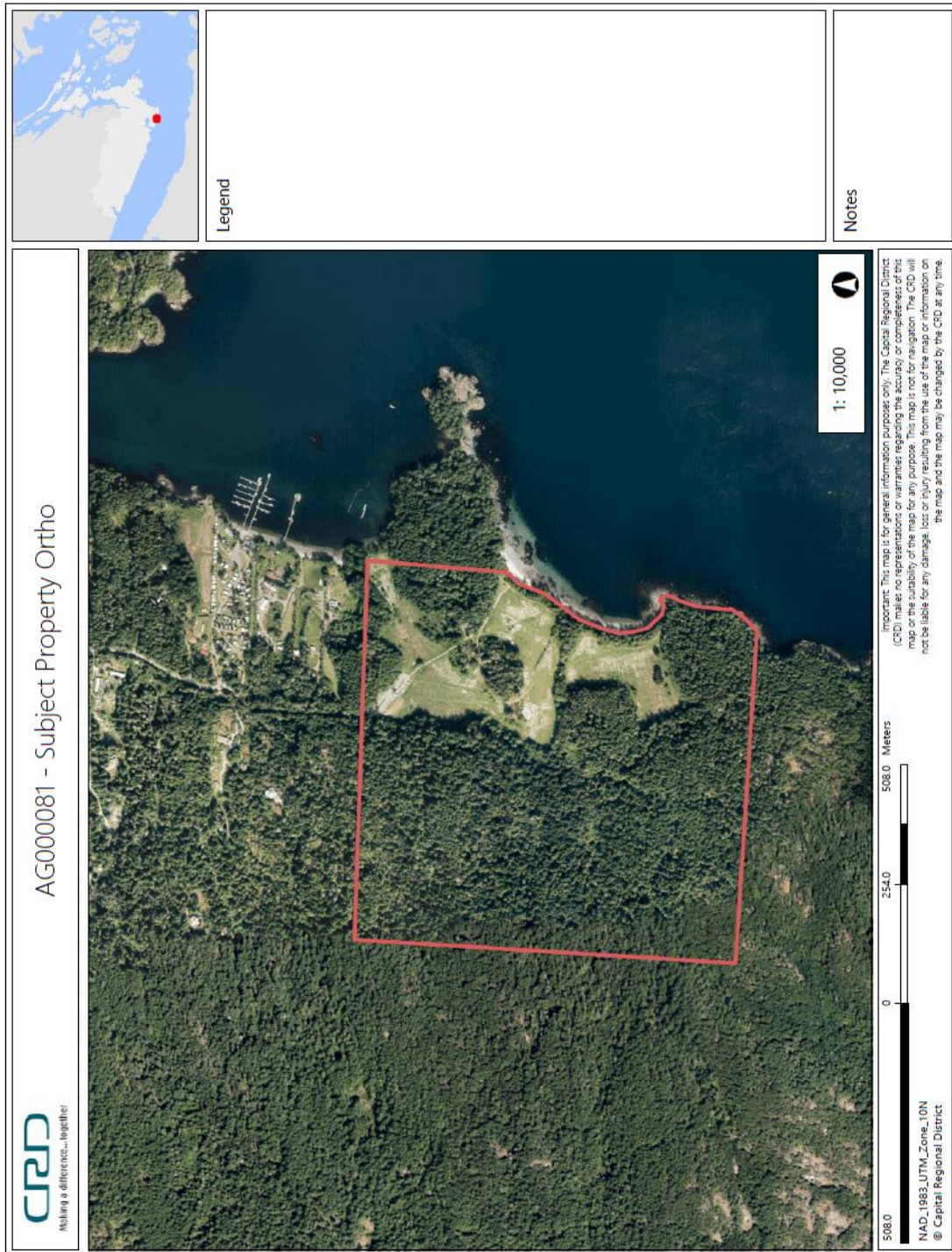
Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, RPP, MCIP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property

Appendix B: Non-Farm Use Application

Appendix A: Subject Property Map



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 61414

Application Status: Under LG Review

Applicant: CAPITAL REGIONAL DISTRICT

Local Government: Capital Regional District

Local Government Date of Receipt: 10/08/2020

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: Please note: regarding the application question asking to identify other parcels of interest, the CRD owns or manages 35+ parcels in East Sooke.

There are 2 park improvement projects proposed in the ALR:

Parking Lot:

The existing parking lot is proposed to be expanded and reconfigured, from a 74 space paved lot (plus a grassed overflow field) to a 101 space paved lot. The expansion is required due to increased demand and to facilitate emergency service access. The new parking design would utilize a similar footprint as the existing paved area and the adjacent field currently used for overflow parking (see attached concept design). Parking surface material (gravel or asphalt) for the new paved area will be finalized during the subsequent detail design phase. Detailed design is planned for 2021 and construction in 2022.

Picnic Shelter:

There is an existing picnic shelter on site which is at the end of its serviceable life and needs to be replaced as a maintenance obligation to continue this public service. The proposal is to replace the shelter in an adjacent location for: improved visitor use experience; risk reduction from potential danger trees; better site design allowing the picnic shelter (which is reservable) to be located in one area and open picnicking in another; and for long term sustainability in the event that the high bank below the current shelter location begins to erode. The current shelter will be removed, including the concrete pier blocks used as footings. The earth flooring will be raked and planted with native grass seed. Access will be via a mowed grass surface; no new trail is proposed.

Mailing Address:

490 Atkins Rd

Langford, BC, BC

V9B 2Z8

Canada

Primary Phone: (250) 360-3339

Email: mwalker@crd.bc.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
Parcel Identifier: 009-390-430
Legal Description: SEC 81 SOOKE
Parcel Area: 20.5 ha

Applicant: CAPITAL REGIONAL DISTRICT

Civic Address:

Date of Purchase: 11/08/1972

Farm Classification: No

Owners

1. **Name:** CAPITAL REGIONAL DISTRICT

Address:

625 Fisgard Street

VICTORIA, BC, BC

V8W 1R7

Canada

Phone: (250) 360-3339

Email: mwalker@crd.bc.ca

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

While this area of East Sooke Regional Park was previously farmed (Aylard Farm), there are no current agriculture activities taking place on the parcel.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

The parcel has not been farmed since the CRD acquired the land in 1973 to add to East Sooke Regional Park. There is little evidence left of historic agricultural improvements. There are no structures remaining. There are a few historic apple trees and a cleared field that is not maintained as a field.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

All activities that take place on the parcel are for park passive recreation and/or conservation purposes. They include an accessible parking lot, interpretive programs, park kiosk, park signs, accessible toilet, group picnic shelter, mowed picnic area, forested areas, open fields, and trails.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: large lot residential

East

Land Use Type: Other

Specify Activity: parkland and ocean

South

Land Use Type: Other

Specify Activity: forested parkland

West

Land Use Type: Other

Specify Activity: forested parkland

Proposal

1. How many hectares are proposed for non-farm use?

0.2 ha

2. What is the purpose of the proposal?

Please note: regarding the application question asking to identify other parcels of interest, the CRD owns or manages 35+ parcels in East Sooke.

There are 2 park improvement projects proposed in the ALR:

Parking Lot:

The existing parking lot is proposed to be expanded and reconfigured, from a 74 space paved lot (plus a grassed overflow field) to a 101 space paved lot. The expansion is required due to increased demand and to facilitate emergency service access. The new parking design would utilize a similar footprint as the existing paved area and the adjacent field currently used for overflow parking (see attached concept design). Parking surface material (gravel or asphalt) for the new paved area will be finalized during the subsequent detail design phase. Detailed design is planned for 2021 and construction in 2022.

Picnic Shelter:

There is an existing picnic shelter on site which is at the end of its serviceable life and needs to be replaced as a maintenance obligation to continue this public service. The proposal is to replace the shelter in an adjacent location for: improved visitor use experience; risk reduction from potential danger trees; better site design allowing the picnic shelter (which is reservable) to be located in one area and open picnicking in another; and for long term sustainability in the event that the high bank below the current shelter location begins to erode. The current shelter will be removed, including the concrete pier blocks used as footings. The earth flooring will be raked and planted with native grass seed. Access will be via a mowed grass surface; no new trail is proposed.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

Parking Lot - the proposed parking lot expansion formalizes/paves an unpaved but already disturbed/compacted area currently used for overflow parking, and largely utilizes the same footprint. Moving the parking lot out of the ALR would require clearing forest, excavating large quantities of soils, and disturbing natural areas, which would be in conflict with the conservation mandate of the park.

Picnic shelter - The shelter is proposed to be replaced adjacent to the location of an existing picnic shelter, near the beach and a mown area of meadow used as group event amenities. Moving the shelter out of the ALR would require clearing forest and disturbing natural areas, which would be in conflict with the park's conservation mandate. The existing shelter is nearing the end of its serviceable life, and will be removed.

4. Does the proposal support agriculture in the short or long term? Please explain.

The proposal does not impact agricultural potential within this parcel except for these project areas. The proposed parking lot would largely utilize the same already impacted area as the existing lot. Soils excavated for both projects would be retained/reused within the ALR. If ever required, both project areas could be restored for farm use.

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

Yes

Proposal dimensions

Total fill placement area (0.01 ha is 100 m²) 0.2 ha

Maximum depth of material to be placed as fill 0.7 m

Volume of material to be placed as fill 840 m³

Estimated duration of the project. 4 Months

Describe the type and amount of fill proposed to be placed.

Parking Lot:

Parking surface material (gravel or asphalt) will be finalized during a subsequent detail design phase but is assumed to be gravel for this application. Any soils excavated to create stable gravel paving will remain on site within the ALR. As the parking lot design is currently in the schematic phase, with detailed grading design to be developed at a future phase, the provided fill calculations are approximate estimates only, based on the assumption that the existing topography is relatively flat and presents the desired slope. The existing paved parking area is 2931m². The proposed new parking area is 4935m². The new paved area of approximately 2000m² is proposed to be excavated to a depth of 400mm, with 800m³ of existing soils to be removed and reused and reseeded on site within the ALR boundary. 600m³ of subbase gravels will be placed at 300mm deep, with 200m³ of 19mm minus gravels placed above as the top layer at 100mm deep, for an estimated total of 800m³ of fill.

Picnic Shelter:

The new shelter will have a 100mm thick concrete slab flooring set on 650mm deep subbase gravel. An area of 6m x 8.5m will be excavated to a depth of 0.75m, for a total excavation of about 40m³. Any soils excavated for the flooring will remain on site within the ALR.

Briefly describe the origin and quality of fill.

Fill will be locally available commercially sourced gravels suitable for structural support, and a concrete slab floor for the picnic shelter.

Applicant Attachments

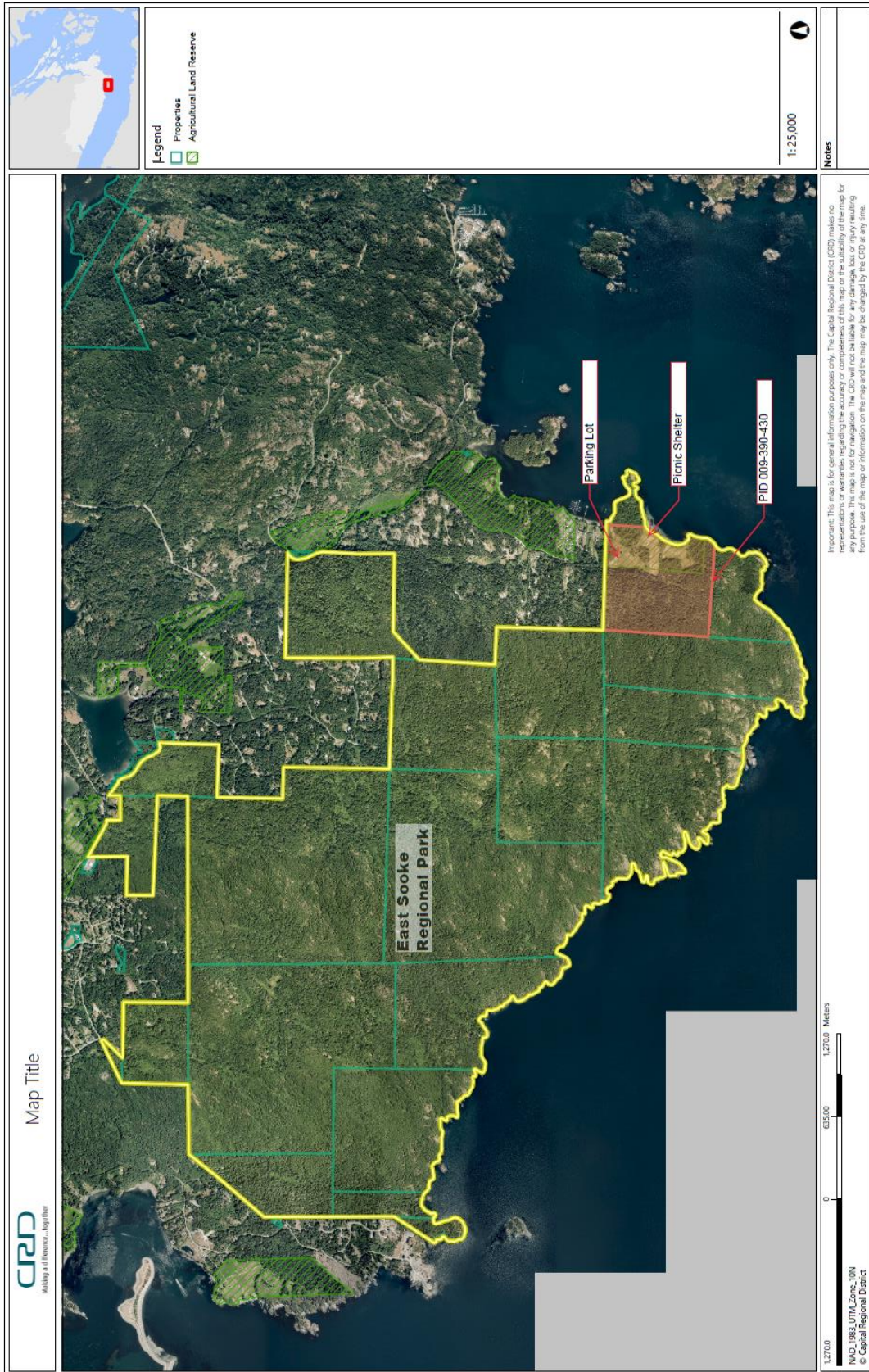
- Site Photo - parking lot photos
- Other correspondence or file information - picnic shelter photos and drawings
- Other correspondence or file information - Park Map
- Proposal Sketch - 61414
- Other correspondence or file information - Project Locations Plan
- Certificate of Title - 009-390-430

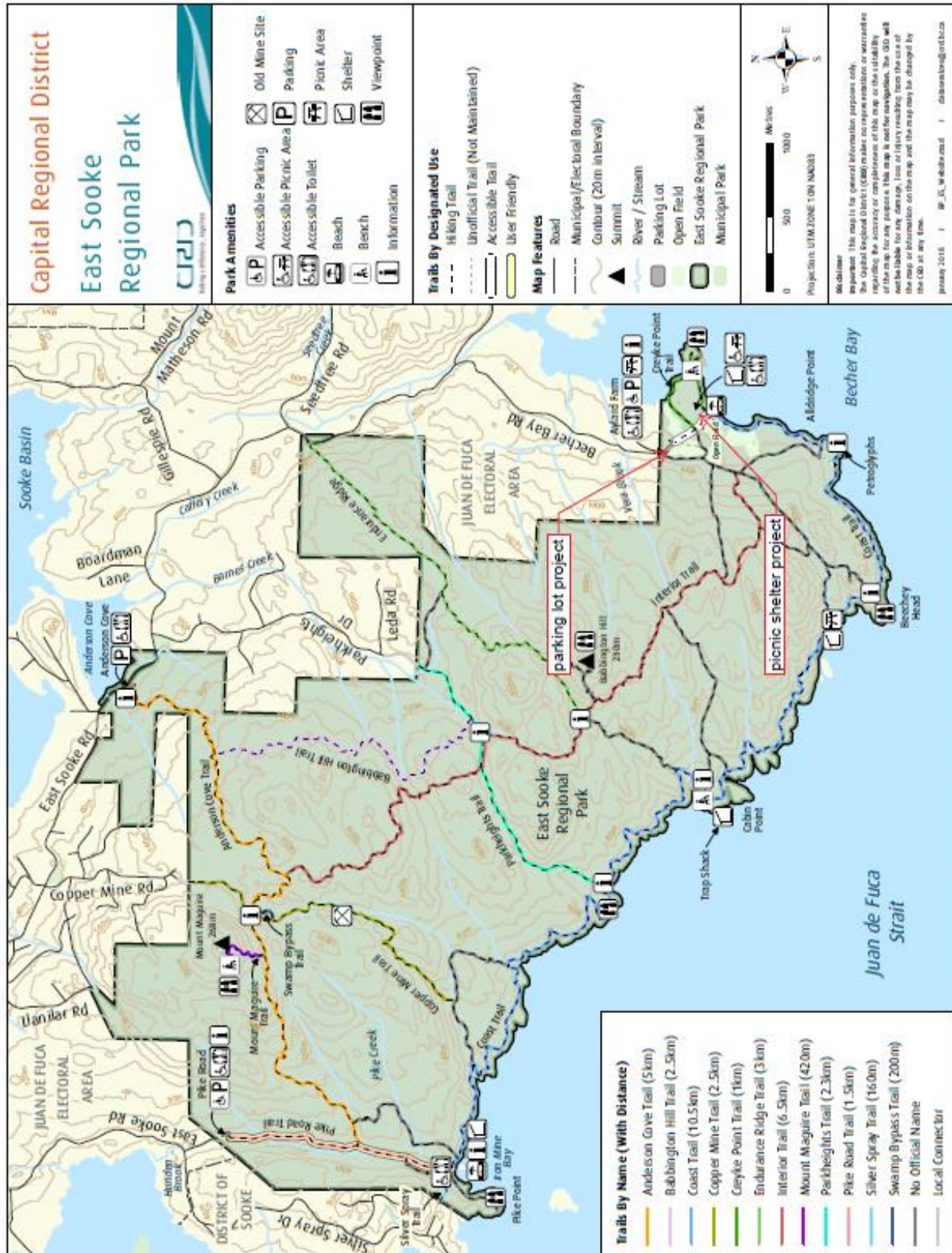
ALC Attachments

None.

Decisions

None.





East Sooke Regional Park

ALC Application

Parking Lot Project – Site Photos



Photo 1 –Existing parking lot, looking south east. The grass overflow lot can be seen to the right of the photo.



Photo 2 – Existing paved portion of parking lot, looking north west towards parking lot entrance.



Photo 3– Existing parking lot and overflow parking lot, looking north.

East Sooke Regional Park

ALC Application

Picnic Shelter Project – Site Photos

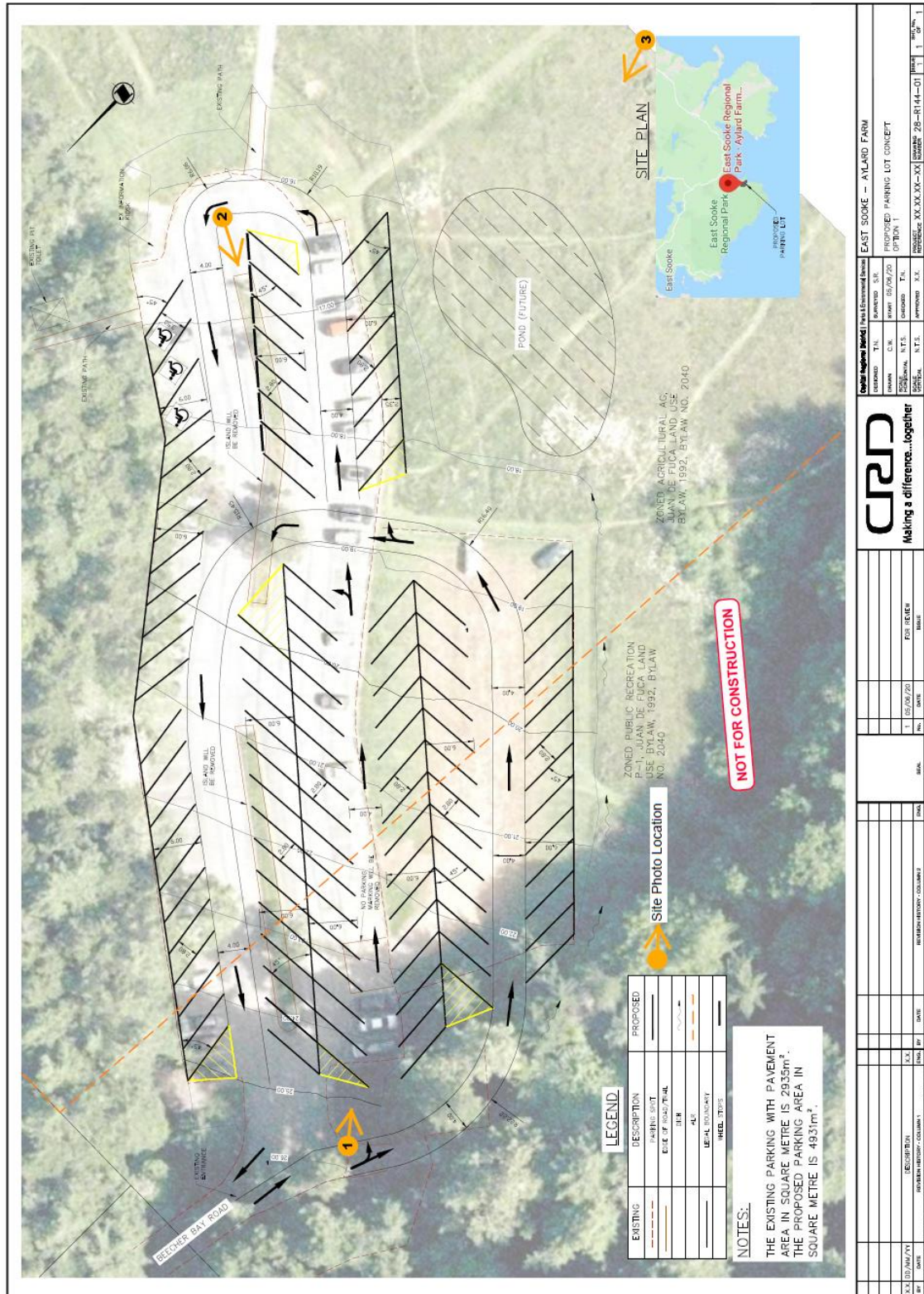


Photo 1 – Looking east towards existing picnic shelter, Salish Sea beyond. Proposed shelter location in foreground mowed area.



Photo 2 – Looking southwest. Proposed shelter location in corner of mowed area.





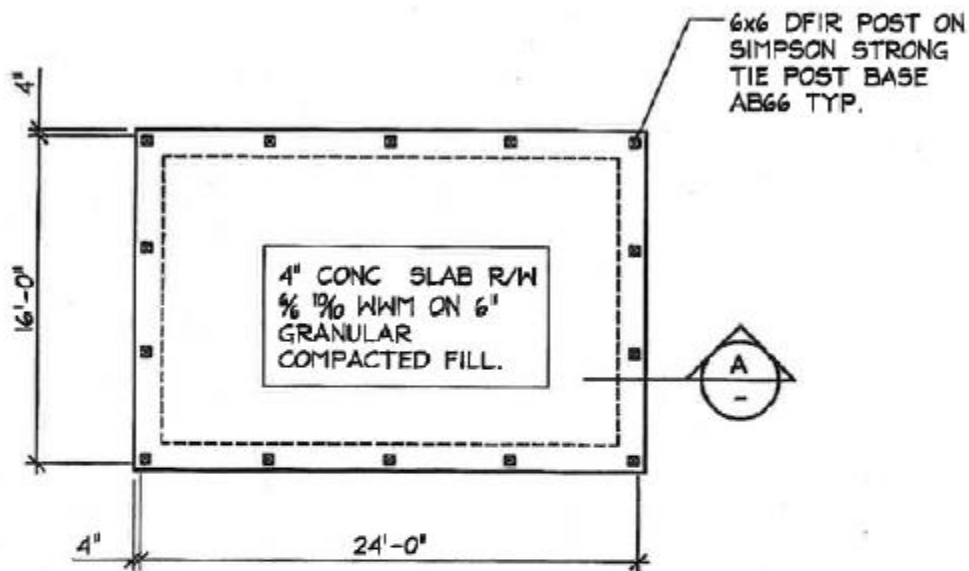
East Sooke Regional Park

ALC Application

Picnic Shelter Project – Drawings

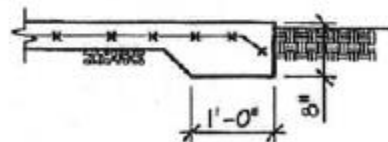
Foundation Plan

Not to Scale



FOUNDATION PLAN

1/8" = 1'-0"

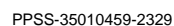


A SECTION

1/2" = 1'-0"

Picnic Shelter Project – Drawings

Not to Scale



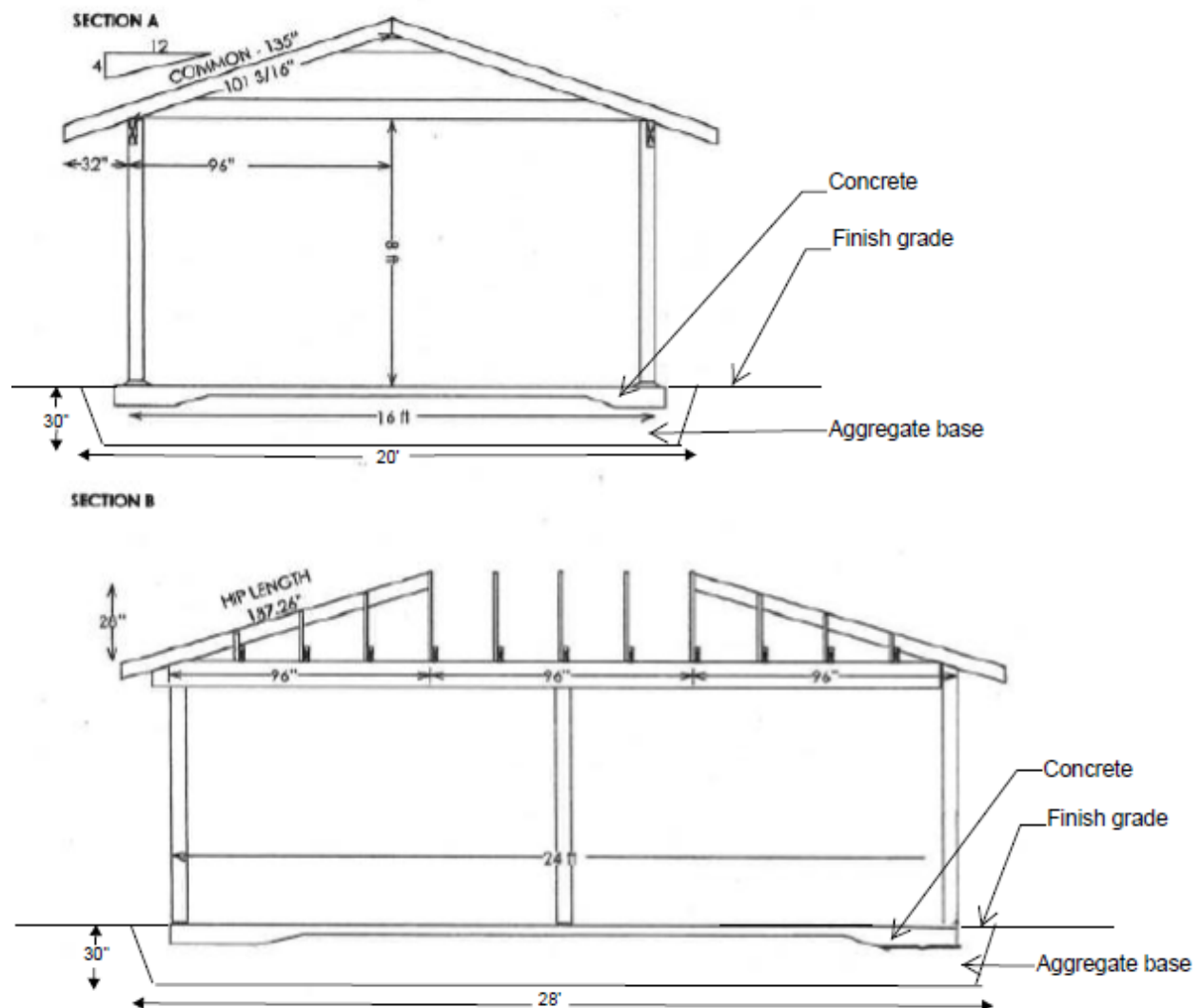
East Sooke Regional Park

ALC Application

Picnic Shelter Project – Drawings

Sections

Not to Scale





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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, NOVEMBER 17, 2020

SUBJECT **Radio Communication and Broadcasting Antenna Systems Application for Block A, District Lot 49, Otter District – 3727 Otter Point Road**

ISSUE SUMMARY

An application has been received for a 45 metre (m) radio communication tower with a 48.2 m antenna at 3727 Otter Point Road for the purpose of improving public safety radio coverage in the community.

BACKGROUND

The 1.3 hectare (ha) subject property at 3727 Otter Point Road was granted to the Capital Regional District (CRD) by the Crown in 1982 for use as a fire hall site (Appendix A). The property was rezoned from Rural (A) to Community Facility (P-2) in 2003 (Z-02-03) and development of the fire hall site has occurred between the early 1980s to present.

The applicant has requested a Licence of Occupation from CRD to erect a 45.0 m radio communication tower and 48.2 m antenna on the Otter Point Fire Hall site to increase public safety radio coverage in the Otter Point area, which is consistent with the fire hall use. The proposal includes a fenced compound enclosing the self-supported tower structure and associated infrastructure (Appendix B). The applicant anticipates a possible co-location agreement with Rogers in future to augment cellular service, but this agreement is not finalized.

Staff initiated public consultation for the application from September 10 – October 9, 2020. Four submissions were received (Appendix C) and the applicant has submitted a response (Appendix D). As the land use authority for the application, the CRD Board is requested to provide a statement of concurrence or non-concurrence to the applicant and to Industry Canada.

ALTERNATIVES

Alternative 1

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

That a statement of concurrence be provided for the proposed 45.0 m radio communications tower and 48.2 m antenna on Block A, District Lot 49, Otter District for the purpose of improving public safety radio coverage.

Alternative 2

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

That a statement of non-concurrence be provided for the proposed 45.0 m radio communications tower and 48.2 m antenna on Block A, District Lot 49, Otter District for the purpose of improving public safety radio coverage.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system.

Industry Canada's Spectrum Management and Telecommunications Client Procedures Circular outlines the process that must be followed by proponents seeking to install or modify antenna systems. Part of the process includes contacting the land use authority and following the land use authority's consultation process or the Default Public Consultation Process established by Industry Canada. The CRD is the land use authority for the Juan de Fuca Electoral Area where the subject property is located.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the "Policy") in 2019. The Policy established a public consultation process and procedures following Industry Canada's guidelines.

Public Consultation

In accordance with the Policy, a notice was published in the newspaper and a notice delivered to property owners and occupants within 500 m of the subject property advising the public of the application and the opportunity to provide written comments and questions. The notice was published on September 10, 2020, and submissions were to be received by 4:00 p.m. on October 9, 2020. As of that time, four submissions were received (Appendix C).

In advance of the November 17, 2020, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the application and the opportunity to be heard and provide comment at the meeting.

The public consultation process is to be complete within 120 days from initial contact with the application. A recommendation from the Land Use Committee along with any additional public comments received will be considered by the CRD Board and forwarded to the applicant.

Land Use

The Otter Point OCP designates the subject property as Settlement Area 2, which supports institutional uses including fire halls. The OCP policies include consideration of the community's ability to provide fire protection and emergency services as development occurs. The Community Facility P-2 zone permits *civic uses*, which also includes fire halls. Part 1, Section 4.05 of Bylaw No. 2040, exempts transmission towers from height requirements specified in the zone. The proposal is consistent with all other bylaw requirements.

In accordance with the Policy, staff conducted public consultation and referred the application to applicable CRD departments. A comment was received from the JdF Emergency Program in support of the application as it would improve radio reception in the area. The Otter Point Fire Chief provided a letter of support for the application. CRD Building Inspection responded to indicate that a building permit is not required for a stand-alone tower. A letter was received from local residents outlining concerns and questions related to opportunities to co-locate on existing towers in the area, consideration for alternative locations, the public consultation process, exposure to radio frequencies, and aeronautical obstruction markings. Copies of submissions are included as Appendix C. The applicant was provided the submissions and requested to respond to the concerns and questions raised. Their response letter clarifies the rationale for the proposed location is to provide public safety radio coverage towards Shirley, that no letters of concern were received from immediate neighbours, and that the proposal complies with Health Canada's Safety Code 6 for and Navigation Canada's lighting regulations (Appendix D).

The Policy includes the following evaluation criteria the CRD Board may consider when reviewing an application for an antenna system (Appendix E). The applicant states that many locations have been evaluated for the proposed tower and there are currently no towers west of Sooke that will provide the necessary coverage. The proposed tower will be surrounded by trees and only the portion above the tree tops will be visible. A perimeter fence will be erected to secure the tower and associated infrastructure. The subject property is adjacent to undeveloped land to the north and east, and an unconstructed road right of way to the south; however, some rural residential properties in the vicinity of Otter Point and Kemp Lake roads are within the 135 m setback guideline outlined in the Policy. The location is outside of any development permit areas identified in the Otter Point OCP. An "L-810 obstruction light" will be mounted at the top of the tower as required by Transport Canada. Staff do not identify any concerns or issues relating to the proposal.

Given the public benefit of improvements to the public safety radio coverage for the Sooke, Otter Point and Shirley areas resulting from the tower installation, and a lack of more suitable locations, staff recommend that a statement of concurrence be provided subject to any additional public comments.

CONCLUSION

An application has been received to construct a 45.0 m radio communications tower and a 48.2 m antenna for the purpose of improving public safety radio coverage in the Otter Point area. Public consultation was conducted and four letters were received. The applicant has addressed questions and concerns related to the proposal. Staff recommend that a statement of concurrence be provided for the application.

RECOMMENDATION

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That a statement of concurrence be provided for the proposed 45.0 m radio communications tower and 48.2 m antenna on Block A, District Lot 49, Otter District for the purpose of improving public safety radio coverage.

Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, RPP, MCIP, Chief Administrative Officer




ATTACHMENTS

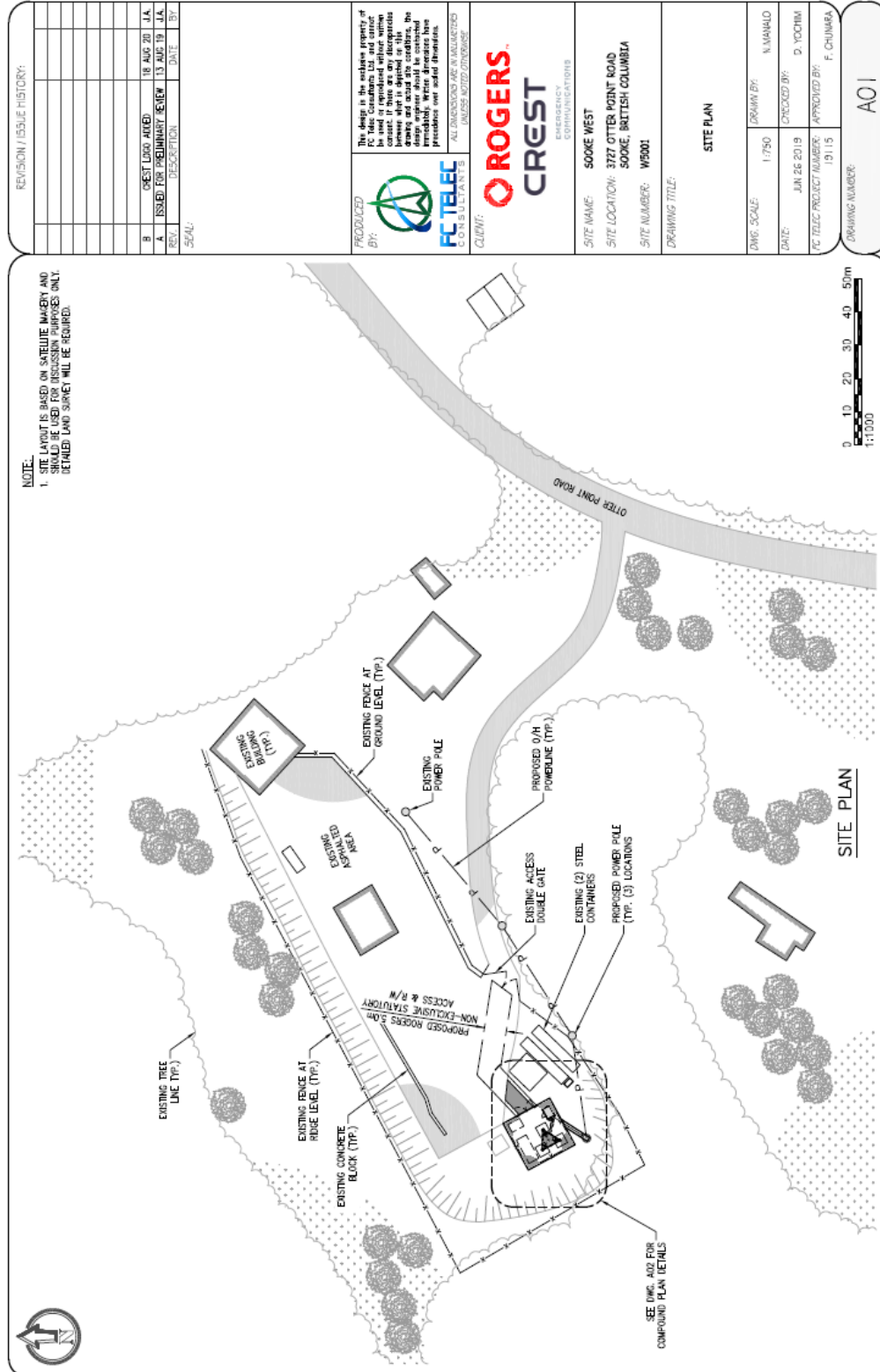
- Appendix A: Subject Property Map
- Appendix B: Development Proposal
- Appendix C: Comments Received
- Appendix D: Applicant's Response Letter
- Appendix E: Evaluation Criteria

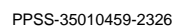
Appendix A: Subject Property Map

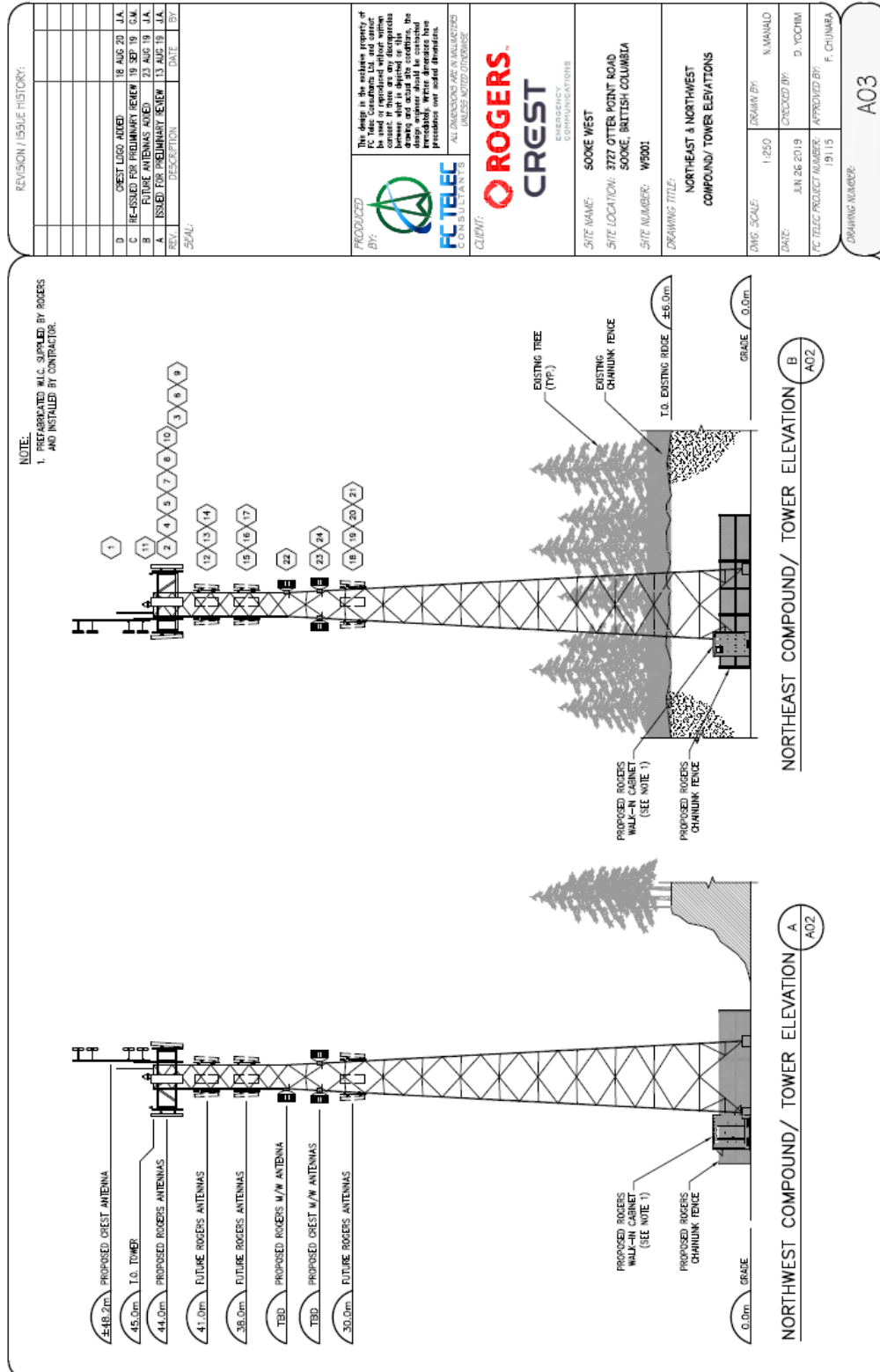


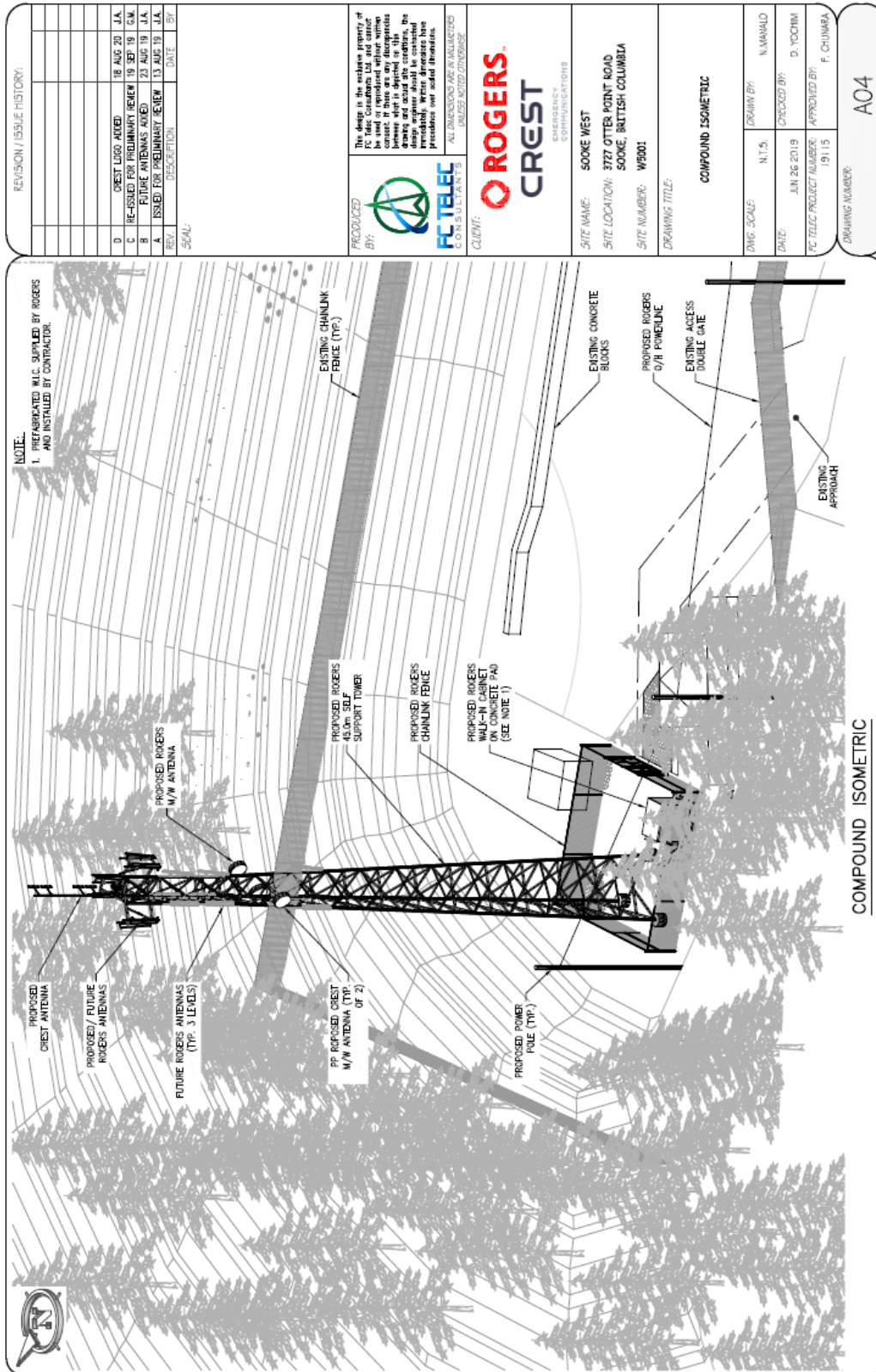
Appendix B: Development Proposal

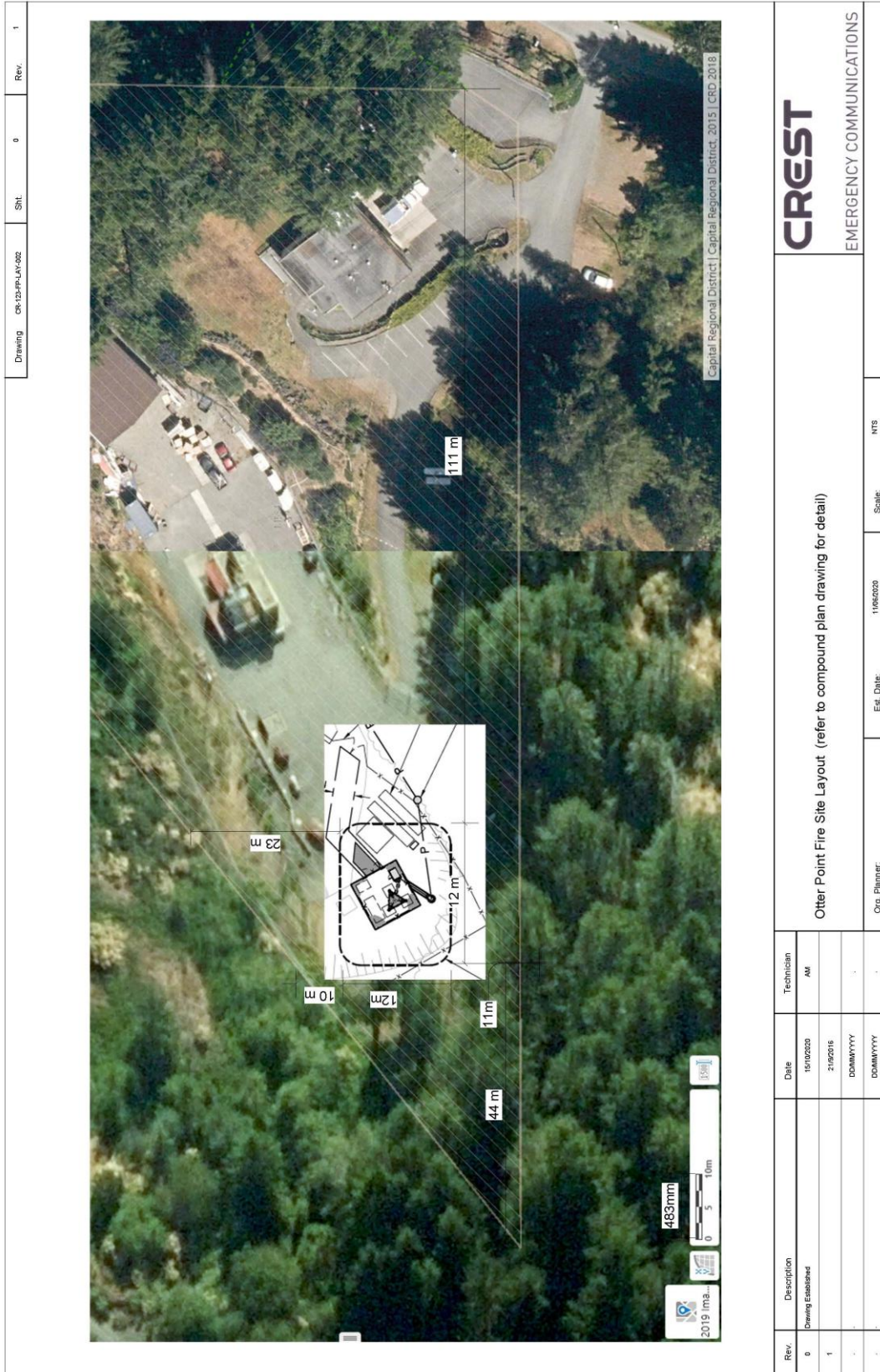
<p>DRAWINGS PRODUCED BY:</p> <p>FC TELECOM CONSULTANTS ELECTRICAL, INSTRUMENTATION, TELECOMMUNICATIONS, MECHANICAL, PLUMBING, AND HVAC 1001 - 3601 ELWOOD DRIVE SW EDMONTON, ALBERTA, T6X 3B1 TEL: (780) 424-6306 FAX: (780) 702-0812 WWW.FCTELEC.COM</p>		<p>CLIENT:</p> <p>ROGERS EMERGENCY COMMUNICATIONS</p>		<p>DRAWING LIST:</p> <p>DRAWING NUMBER: 19115 A: COVER PAGE B: DRAWING TITLE</p> <p>CENTRAL DRAWINGS</p> <p>001 D COVER PAGE 002 D ANTENNA CHART 003 D ANTENNA CHART</p> <p>ARCHITECTURAL DRAWINGS</p> <p>001 B SITE PLAN 002 B COMPOUND PLAN 003 B NORTHWEST & NORTHEAST COMPOUND TOWER ELEVATIONS 004 D COMPOUND BOWTIE</p>		<p>PROJECT CONTACTS:</p> <p>ROGERS PROJECT MANAGER: YANDI THIO (778) 235-4130</p> <p>DESIGN ENGINEERS: FC TELECOM CONSULTANTS LTD. (780) 421-6306</p>		<p>BRITISH COLUMBIA KEY MAP:</p> 		<p>APPROVALS:</p>																			
<p>PROJECT INFORMATION:</p> <p>SITE ID: W5001 SITE NAME: SOOKE WEST ADDRESS: 3727 OTTER POINT ROAD MUNICIPALITY: SOOKE, BRITISH COLUMBIA LEGAL DESCRIPTION: LATITUDE 48° 23' 10.1" N LONGITUDE 123° 47' 40.4" W INSTALLATION: WALK-IN CABINET CONFIGURATION: 45 OM SELF SUPPORT TOWER RE-ISSUED FOR: PRELIMINARY REVIEW DATE: AUGUST 18 2020</p>		<p>MAP:</p> 		<p>SATELLITE IMAGE:</p> 		<p>DRAWING NUMBERS:</p> <p>GOI</p>		<p>REVISIONS:</p> <table border="1"> <thead> <tr> <th>REV.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>D</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>18 AUG 20</td> <td>J.A.</td> </tr> <tr> <td>C</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>19 SEP 19</td> <td>G.M.</td> </tr> <tr> <td>B</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>23 AUG 19</td> <td>J.A.</td> </tr> <tr> <td>A</td> <td>ISSUED FOR PRELIMINARY REVIEW</td> <td>13 AUG 19</td> <td>J.A.</td> </tr> </tbody> </table>		REV.	DESCRIPTION	DATE	BY	D	RE-ISSUED FOR PRELIMINARY REVIEW	18 AUG 20	J.A.	C	RE-ISSUED FOR PRELIMINARY REVIEW	19 SEP 19	G.M.	B	RE-ISSUED FOR PRELIMINARY REVIEW	23 AUG 19	J.A.	A	ISSUED FOR PRELIMINARY REVIEW	13 AUG 19	J.A.
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COMMUNITY IMPACT STATEMENT

<p>What is the rationale for the proposed location?</p> <p>To improve Public Safety radio coverage Otter Point area and extend coverage along highway 14 west of Sooke.</p>
<p>Has an alternative location or expansion of an existing tower been considered?</p> <p>Many locations have been evaluated. There are currently no towers in West Sooke that will provide the necessary coverage.</p>
<p>What measures will be taken to integrate the antenna system into the local surroundings?</p> <p>The tower will be constructed in an area surrounded by trees. The only portion visible will be above the trees.</p>
<p>Have any hazardous or environmentally sensitive areas been identified in proximity to the proposed location?</p> <p>No, the proposed site was blasted years ago to level out the property.</p>
<p>What mitigation measures are proposed to minimize the impact of the tower on the community?</p> <p>The tower location is situated so that there are no residential areas.</p>
<p>What security measures are proposed or required to protect the infrastructure and control public access?</p> <p>A perimeter fence will be installed.</p>
<p>What aeronautical safety requirements will be imposed by Transport Canada?</p> <p>An L-810 obstruction light will be mounted at the top of the tower.</p>
<p>Describe how the proposal will minimize effects on existing radiocommunication and broadcasting antenna systems.</p>

Appendix C: Comments Received

October 4, 2020

Juan de Fuca Electoral Area Planning
3-7450 Butler Road
Sooke, BC V9Z 1N1

Re: Capital Regional District
Notice of Application
Radio Communication & Broadcasting Antenna System
LP000019 – District Lot 49 Block A, Otter District
(3727 Otter Point Road – Otter Point Fire Hall)

Erecting a 45 m radio communication tower

To Whom It May Concern:

As a resident of Otter Point I have concerns and questions about the above-mentioned Notice of Application.

Have you considered using one of the two towers located in the Sooke Business Park on the West Coast Super Storage property rather than erect another tower?

Why is it not possible to use these existing towers? Please consider using existing infrastructure before proposing new antenna-supporting structures.

The towers in the Sooke Business Park are in an industrial area whereas the proposed application for a tower at Otter Point Fire Department is in a residential area. Out of consideration for residents in the area why is it not being placed in an industrial area over residential especially when there are already towers erected?

Has there been any alternate locations that have been looked into for the tower other than the suggestion above (the Sooke Business Park) or the proposed location of the Otter Point Fire Department? If so, what is the reason for not placing the tower at another location?

Have you contacted residents by mail or hand delivery that are within the radius of three times the tower height?

Has there been any consideration into the safety of our Front Line Responders, namely the Firefighters of the Volunteer Fire Department of Otter Point being exposed to the radio frequencies emitted with a radio communication and broadcasting antenna system at their work place?

Have you considered options in satisfying aeronautical obstruction marking requirements at the site due to frequent helicopters that fly over this area when performing a West Coast Trail/Juan de Fuca Trail rescue as well as any other private planes using the same flight path?

I would appreciate a response to these concerns and questions in a timely manner and that all required government authorities have been made aware of this correspondence.

Otter Point Residents,

Arlene and Robb McInnis

Wendy Miller

From: JDFEPC - Jeri Grant
Sent: Wednesday, September 30, 2020 1:27 PM
To: Mike Taylor; Emma Taylor; Michael Matlo; BJDF; Jonathan Reimer; Shawn Carby; Geoff Gullekson; John McCrea; Stephen Henderson; Jessica Arnet
Cc: Iain Lawrence; Kevin Lorette; Wendy Miller; JDFDEPC
Subject: Re: Referral - Radio communication tower application, Otter Point Fire Hall, 3727 Otter Point Rd (LP000019)

Hi Emma,

Sorry this slipped through the cracks. The Juan de Fuca Emergency Program has no issue with this application, we fully support it. This tower would in fact improve CREST radio reception in the area including the JdF Local Services Building.

Stay safe and stay healthy,
Jeri Grant
Juan de Fuca Emergency Program Coordinator

jdfepec@crd.bc.ca
Office 250.642.8105 | Cell 250.883.0607 | Fax 250.642.5274
JdF Local Area Services Building | Capital Regional District
3 – 7450 Butler Road, Sooke, BC V9Z 1N1

For information on Emergency Preparedness in the Capital Region, go to: www.prepareyourself.ca

Please consider the environment before printing this email.

Wendy Miller

From: Mike Taylor
Sent: Wednesday, September 30, 2020 1:12 PM
To: Emma Taylor; Michael Matlo; BIJDF; Jonathan Reimer; JDFEPC - Jeri Grant; Shawn Carby; Geoff Gullekson; John McCrea; Stephen Henderson; Jessica Arnet
Cc: Iain Lawrence; Kevin Lorette; Wendy Miller
Subject: RE: Referral - Radio communication tower application, Otter Point Fire Hall, 3727 Otter Point Rd (LP000019)

Hi, Emma. As previously indicated by Mike Matlo our Building Bylaw would require a Building Permit for the tower installation only if physically affected a building. As this appears to be a stand-alone tower the Building Dept. has no concerns.

Mike

Michael Taylor

Manager and Chief Building Inspector
Capital Regional District T: 250.360.3291
Email: mtaylor@crd.bc.ca

From: [John McCrea](#)
To: [Michael Matlo](#)
Cc: [Emma Taylor](#); [Mike Taylor](#); [BJDF](#); [Jonathan Reimer](#); [JDFEPC - Jeri Grant](#); [Shawn Carby](#); [Geoff Gullekson](#); [Stephen Henderson](#); [Jessica Arnet](#)
Subject: Re: Referral - Radio communication tower application, Otter Point Fire Hall, 3727 Otter Point Rd (LP000019)
Date: Tuesday, September 15, 2020 10:15:13 AM

Good Morning Emma

The Otter Point Fire Department is in full support of this project and has no concerns with the tower being built on our property.

Thank you

John

*John McCrea; Fire Chief
Otter Point Fire Department and Training Centre
3727 Otter Point Road
Sooke, BC. V9Z 0K1
P: 250 642-6211
C: 250 213-7745*

Appendix D: Applicant's Response Letter



EMERGENCY COMMUNICATIONS

Unit 110-2944 West Shore Parkway, Victoria, BC V9B 0B2
Phone 250.391.6552 | Fax 250.391.1601 | [CREST.CA](http://crest.ca)

Juan De Fuca Electoral Area Planning
Attn: Emma Taylor, Planner
3-7450 Butler Road
Sooke, BC
V9Z 1N1

October 13, 2020

Re: Capital Regional District
Notice of Application
Radio Communication & Broadcasting Antenna System
LP000019 – District Lot 49 Block A, Otter District
(3727 Otter Point Road – Otter Point Fire Hall)

Dear Emma,

Thank you for forwarding the submission from Arlene and Robb McInnis regarding our application for a public safety transmission facility at the Otter Point Fire Hall. I will try and answer their questions.

We have examined other options for a site in the general area but have not found any that meet our criteria. Our first choice is always to look at collocating on existing infrastructure since it is a more cost-effective solution. The Sooke Business Park is at a much lower elevation (above sea level) than Otter Pt. Fire Hall (which is about 150 feet higher elevation) so was not high enough for our siting requirements. As well we wanted to be farther west to provide better coverage out towards Shirley.

We did not have any letters of concern from the immediate neighbourhood, and they were notified of our application.

Health Canada's Safety Code 6 regulations are applicable to this, and all telecommunications sites. Safety Code 6 seeks to limit the public's exposure to radio frequency electromagnetic fields and ensures public safety for all Canadians. Our transmitters operate at a low power setting and they are used only for emergency communications. Improving communications in this area makes first responders safer and the public they serve. We also comply with Navigation Canada lighting regulations.

We are planning to make this investment in our network to extend our coverage, at the request of police, fire, and ambulance agencies. We are simply trying to give them adequate communication tools.

I hope I have addressed the McInnis's concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Gord Horth".

Gord Horth
General Manager

CC: Arlene & Robb McInnis, [REDACTED]

Appendix E: Evaluation Criteria

Evaluation Criteria:

The CRD Board may consider the following when reviewing an application for an antenna system:

1. Rationale for proposed location;
2. Proximity to residential uses, institutions and public lands;
3. Visibility and measures to integrate the antenna system into the local surroundings;
4. Security measures;
5. Alternatives and/or mitigation measures;
6. Hazardous areas;
7. Environmentally sensitive areas;
8. Transport Canada's aeronautical safety requirements;
9. Referral responses including compliance with BC Building Code, if applicable;
10. Comments received through public notification;
11. Potential impact on the community if the application is approved.
12. Designs that address the following guidelines:
 - i) antenna systems are as unobtrusive and inconspicuous as possible;
 - ii) the visual aesthetic impacts on the community is minimized;
 - iii) landscaping or screening is incorporated;
 - iv) displays of any type of lighting are avoided except where required by Transport Canada. Where lighting is proposed for security reasons, it shall be shielded from adjacent properties and kept to a minimum intensity by being of capped, downward facing and motion-sensory designs;
 - v) antenna systems are set back at least three times the height of the antenna system from adjacent dwellings. The CRD may request a different setback due to factors such as buffering topography and vegetation, transportation and utility corridors, watercourses, or public comments.



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 17, 2020**

SUBJECT **Zoning Amendment Application for Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 – 4460 Rannveig Place**

ISSUE SUMMARY

The owner has applied to rezone the subject property to create two additional rural residential parcels.

BACKGROUND

The 5.35 hectare (ha) subject property is located at 4460 Rannveig Place in Otter Point and is split-zoned Rural A-1 (A-1) and Agricultural 1 (AG-1) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendices A and B). The property is designated as Settlement Area 2, and is partly designated as a Watercourses and Wetland Areas development permit area (DPA) by the Otter Point Official Community Plan (OCP), Bylaw No. 3819. The parcel is within the Otter Point Fire Protection Local Service Area and serviced by on-site wells and septic.

The subject property was created by subdivision and removed from the Agricultural Land Reserve (ALR) in 1991. A portion was subsequently removed from the subject property through a subdivision for a relative in 2004, and a rezoning application was approved in 2011 (Z-07-10) that established a new AG-1 zone on the portion of the property that was formerly in the Agricultural Land Reserve, and established a new Rural A-1 zone to permit a two-lot subdivision (Appendices C and D). There are currently agricultural buildings, accessory buildings and two dwellings on the property.

The applicant has now submitted an application to rezone the property in order to allow a three-lot subdivision. The Rural A-1 portion of the property is proposed to be rezoned to Rural Residential 2 (RR-2) for the purpose of creating two 1.0 hectare parcels (Appendix E). The AG-1 zone boundary is proposed to be adjusted to align with the proposed boundary of Lot 3 in the plan of subdivision (Appendix F) in order to ensure that it meets the minimum lot size specified by the AG-1 zone and creates no further split zoned areas. Staff have prepared proposed Bylaw No. 4380 to rezone the property to AG-1 and RR-2 for the purpose of creating a three-lot subdivision (Appendix G).

ALTERNATIVES

Alternative 1

That the staff be directed to refer proposed Bylaw No. 4380, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 148, 2020" to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies for comment:

BC Hydro
District of Sooke
FLNR - Archaeology Branch
Island Health
Ministry of Environment & Climate Change Strategy – Water Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Environmental Stewardship Division
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62
T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4380 not be referred.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative

A license is required for non-domestic (agricultural) groundwater use pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning. Staff recommend referral to the provincial Water Stewardship Division for comment.

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *Local Government Act* (LGA). Therefore, staff recommend referring the proposed amendment bylaw to the Otter Point APC.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the LGA will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the website.

Regional Growth Strategy

Section 445 of the LGA requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Otter Point Official Community Plan area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS.

Land Use

Section 4.1.1 of the OCP states that development may be supported subject to the development having minimal impact on the existing and natural features of the area, control of surface runoff, preventing depletion or contamination of existing wells, responding to physical constraints of the site including retention of visual landscapes and natural areas, and protecting natural vegetation. In consideration of an application for rezoning, the OCP outlines that support is more likely where it can be demonstrated that community values and features can be protected subject to the following criteria:

- a. There is evidence from a Qualified Professional, or it is determined by CRD Planning staff, that the land is suitable for the intended use, there is an assessment of geotechnical and environmental constraints, there is evidence that potable water and sewage disposal can be supported on the parcel, and that development will not deplete or contaminate existing wells;
- b. The scale of the proposal supports the rural character of the community;
- c. The proposal demonstrates protection and preservation of the integrity of natural features and sensitive environmental features and includes adequate setbacks and vegetated buffers;
- d. A means of protection is provided for lands that are considered regionally or locally significant; this includes natural features that are valued by the community or provide public access to points of interest; protection will be provided as an amenity, and may be done by such means as transfer to the CRD, statutory right-of-way, covenant, or stewardship agreement with a conservation society;
- e. Construction using the best “green” techniques and materials is proposed; and
- f. Works, services or community benefits required to mitigate the impact of development are proposed.

The protection of natural features will be ensured through the retention of covenants on title and through implementation of the development permit guidelines. A portion of the property is designated as a Watercourse and Wetland development permit area in Bylaw No. 3819 for protection of Orveas Creek. A Qualified Environmental Professional's report will be requested to support a development permit application as part of the subdivision application process. Covenants EE142716 and EW147443 are registered on title limiting building and alterations adjacent to the creek. Covenant CA2238459 is also registered on title requiring further geotechnical review prior to construction. A review of the capacity of the site to accommodate on-site services will be conducted as part of the subdivision application process.

The Otter Point Official Community Plan, Bylaw No. 3819, designates the subject property as Settlement Area 2 which signifies the predominant land use is rural residential; however, agriculture, resource extraction, commercial, industrial, tourism and park uses are also supported. The desired average parcel size for residential development within Settlement Area 2 is 1.0 ha with a minimum parcel size of 0.8 ha.

The proposed rezoning and subdivision layout aligns with the intent of the OCP designation.

The proposed plan of subdivision suggests that the required setbacks for the existing uses and buildings can be met; however, upon receipt of a detailed survey as part of the subdivision application, a more detailed review will be conducted by staff to ensure compliance with land use regulations. The statutory park dedication requirements are not applicable to the proposed subdivision. No information about proposed construction practices or materials has been provided, but typical residential and agricultural buildings are anticipated to be developed on the lots.

Through referral to agencies, potential impacts or implications of the proposed development and any applicable best practices or guidelines can be considered. The subdivision layout does not meet the requirement that 10% of the perimeter of the lot fronts on a road; therefore, a variance will be required as part of the subdivision process should the rezoning be supported.

Based on the information provided by the applicant and the policies of the Otter Point OCP, staff recommend referral of the rezoning application to the Otter Point APC, appropriate CRD departments and external agencies for comment.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone a portion of the subject property from Rural A-1 to Rural Residential 2 (RR-2) and to rezone a portion of the property from Rural A-1 to Agricultural AG-1 for the purpose of creating a three-lot subdivision. Staff have prepared proposed Bylaw No. 4380 and recommend referral to the Otter Point Advisory Planning Commission, First Nations, CRD departments and external agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That the staff be directed to refer proposed Bylaw No. 4380, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 148, 2020" to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies for comment:

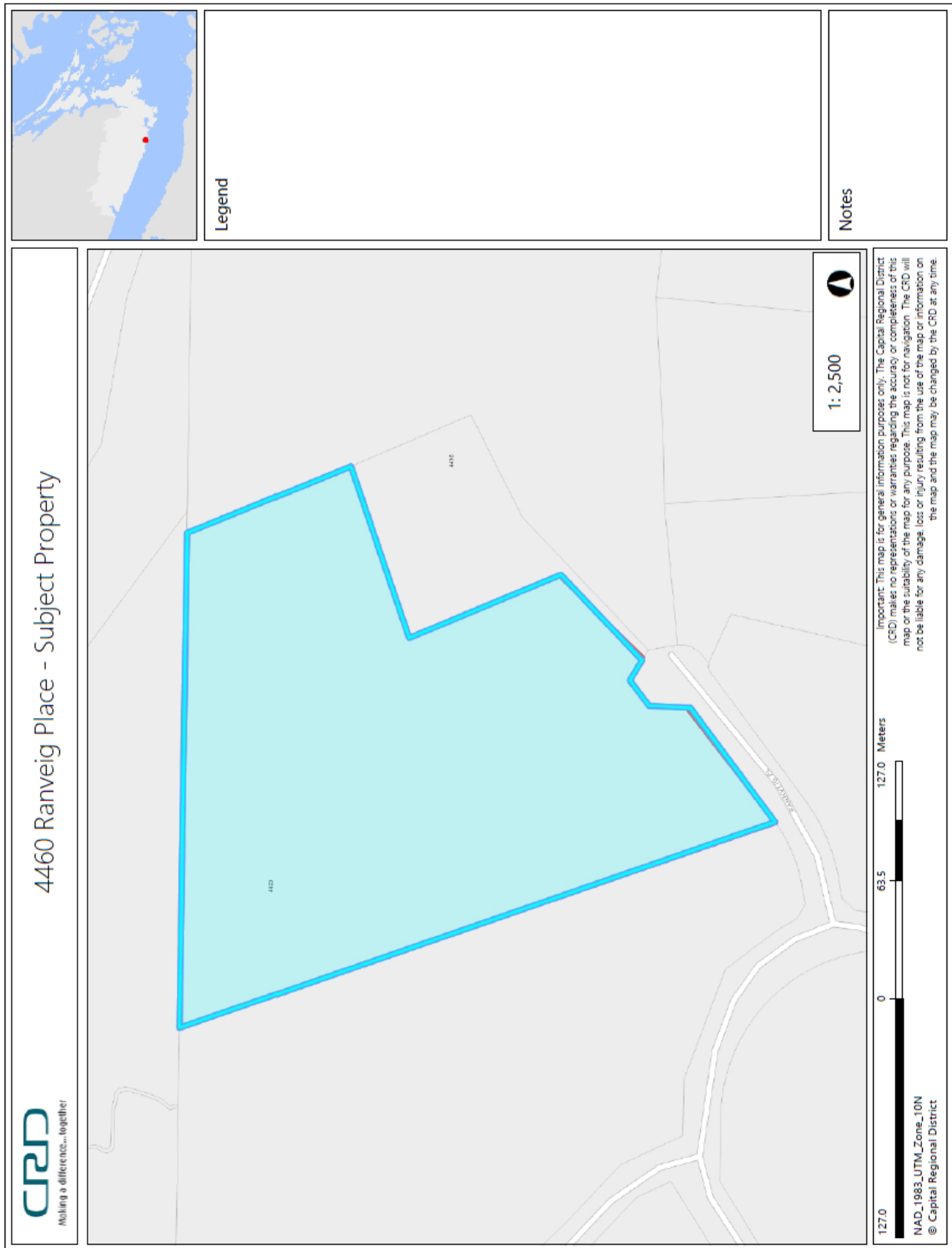
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District of Sooke
FLNR - Archaeology Branch
Island Health
Ministry of Environment & Climate Change Strategy – Water Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Environmental Stewardship Division
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62
T'Sou-ke First Nation

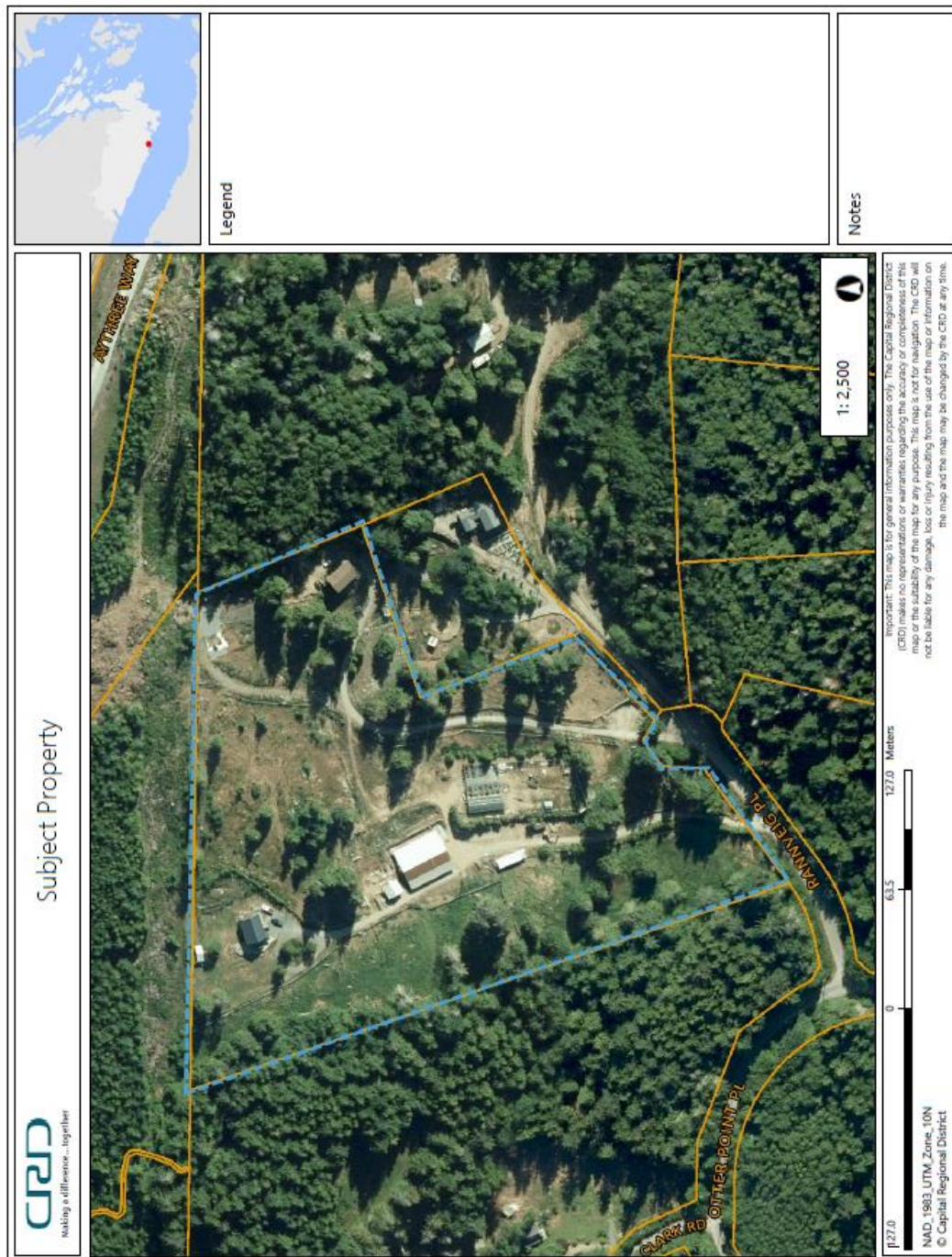
Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Current Zoning
Appendix C: Agricultural 1 (AG-1) Zone
Appendix D: Rural A-1 (A-1) Zone
Appendix E: Rural Residential 2 (RR-2) Zone
Appendix F: Development Proposal
Appendix G: Proposed Bylaw No. 4380

Appendix A: Subject Property Map





[illegible]

Appendix C: Agricultural 1 (AG-1) Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

4C.01 AGRICULTURAL 1 ZONE - AG-1

Bylaw 3797

4C.01 Zone Application

For the purposes of this Bylaw, the Agricultural 1 AG-1 Zone applies only Lot 1, Section 18, Otter District, Plan VIP53538, except part in Plan VIP77828.

4C.02 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Agricultural 1 AG-1 Zone:

- (a) Agriculture;
- (b) Intensive Agriculture;
- (c) One-family dwellings;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Farm Buildings;
- (f) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (g) Accessory uses such as on-site logging, and pole- or post- or shake-cutting, from trees grown on the lot;
- (h) Two boarders or lodgers.

4C.03 Minimum Lot Size for Subdivision Purposes

The minimum lot size shall be 3.03ha.

4C.04 Number of Dwelling Units

One one-family dwelling is permitted on a lot.

4C.05 Height

Maximum height shall be 11m.

4C.06 Lot Coverage

The maximum lot coverage shall be 20 percent.

4C.07 Maximum Size of Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral: *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

4C.08 Yard Requirements, Agriculture and Farm Buildings

- (a) Front yards shall be a minimum of 30m;
- (b) Side, rear and flanking yards shall be a minimum of 15m.

4C.09 Yard Requirements for Intensive Agriculture uses and Buildings

- (a) Front yards shall be a minimum of 90m;
- (b) Side, flanking and rear yards shall be a minimum of 30m.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

**4C.10 Yard Requirements for All Other
Permitted Uses and Buildings**

- (a) Front yards shall be a minimum of 7.5m;
- (b) Side yards shall be a minimum of 6m; except that for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15m each side;
- (c) Flanking yards shall be a minimum of 6m CTS;
- (d) Rear yards shall be a minimum of 10m.

Appendix D: Rural A-1 (A-1) Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

2A.0 RURAL ZONE - A-1

Bylaw 3797

2A.01 Zone Application

For the purposes of this Bylaw, the Rural A-1 Zone applies only Lot 1, Section 18, Otter District, Plan VIP53538, except part in Plan VIP77828.

2A.02 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural A-1 Zone:

- (a) Agriculture;
- (b) Intensive Agriculture, except that sites for piggeries, fur farming and other similar agricultural, horticultural and animal raising activities in which the intensity and nature of the use would be materially more offensive by reason of noise, odour or appearance shall be located at least 150m from the nearest Residential or Multiple Family Residential Zone;
- (c) Silviculture;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) One-family dwelling;
- (f) Two-family dwelling;
- (g) Animal Hospitals;
- (h) Veterinary Clinics;
- (i) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (j) Two Boarders or Lodgers;
- (k) Accessory uses such as on-site logging, and pole- or post- or shake-cutting from trees grown on-site;
- (l) Finfish culture, land-based;
- (m) One secondary suite per lot pursuant to Part 1, Subsection 4.19;
- (n) Detached Accessory Suites pursuant to Part 1, Subsection 4.20.

2A.03 Minimum Parcel Size for Subdivision Purposes The minimum lot size shall be 2.4ha.

2A.04 Number of Dwelling Units The maximum density for residential buildings (comprised of one- and/or two-family dwellings) shall not exceed three one-family dwellings or three dwelling units.

2A.05 Height The maximum height permitted shall be 11m.

2A.06 Lot Coverage The maximum lot coverage permitted shall be 15 percent.

CONSOLIDATED FOR CONVENIENCE ONLY

April 8, 2020

49

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

- | | |
|--|--|
| 2A.07 <u>Maximum Size of Residential Buildings</u> | Provided applicants having either met the <i>Sewerage System Regulation</i> (e.g., a filing) or acceptance by VIHA via referral. <i>Bylaw 3705</i>
(a) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m ² , whichever is less;
(b) On lots of 1ha or more in size, residential buildings and structure shall not exceed a Floor Area Ratio of 0.45. |
| 2A.08 <u>Yard Requirements for Residential Buildings</u> | (a) Front yards shall be a minimum of 7.5m;
(b) Side yards shall be a minimum of 6m except for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m ² , minimum side yards shall be 15m each side;
(c) Flanking yards shall be a minimum of 6m CTS;
(d) Rear yards shall be a minimum of 11m. |
| 2A.09 <u>Yard Requirements for Farm Buildings</u> | (a) Front yards shall be a minimum of 30m;
(b) Side, flanking and rear yards shall be a minimum of 15m. |
| 2A.10 <u>Yard Requirements for Finfish Culture, Land-Based Uses and Structures</u> | Front, side, flanking and rear yards shall be a minimum of 30m. |
| 2A.11 <u>Yard Requirements for Intensive Agriculture Uses and Buildings</u> | (a) Front yards shall be a minimum of 30m;
(b) Side, rear and flanking yards shall be a minimum of 30m. |

Appendix E: Rural Residential 2 (RR-2) Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

6.0 RURAL RESIDENTIAL 2 ZONE - RR-2

6.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 2 RR-2 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Agriculture;
- (d) Horticulture;
- (e) Silviculture;
- (f) Two Boarders or Lodgers;
- (g) Farm Buildings on Farms;
- (h) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (i) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (j) Secondary suite pursuant to Part 1, Subsection 4.19; *Bylaw 2674*
- (k) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

6.02 Minimum Lot Size for Subdivision Purposes

- (a) Minimum lot size is 1ha;
- (b) Notwithstanding Section 6.02(a) of Part 2 of this Bylaw, when the area of the original lot being subdivided is 40ha or more, then lot averaging may be permitted with an average lot size of 1ha and a minimum lot size of 0.5ha;
- (c) Notwithstanding Sections 6.02(a) and (b) of Part 2 of this Bylaw, lot sizes for subdivision purposes shall be 1ha average and 0.5 ha minimum for Lot 1, Plan 24917, Sec. 10, Otter District;
- (d) Notwithstanding Section 6.02(a) of Part 2 of this Bylaw, when the area of the original lot being subdivided is 40ha or more, minimum lot size may be reduced by a maximum of 20% pursuant to Section 904 of the *Local Government Act* where the following amenities are provided:
 - (i) fish habitat protection measures, and
 - (ii) public amenity land dedication other than that required under Section 941 of the *Local Government Act*. *Bylaw 3156*

6.03 Number of Residential Buildings

One one-family dwelling or one two-family dwelling is permitted on a lot.

6.04 Height

Maximum height shall be 9m.

6.05 Lot Coverage

Lot coverage shall not exceed 25 percent

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

- | | | |
|------|---|--|
| 6.06 | <u>Maximum Size of Residential Buildings</u> | Provided applicants having either met the <i>Sewerage System Regulation</i> (e.g., a filing) or acceptance by VIHA via referral: <i>Bylaw 3705</i>
(i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m ² , whichever is less;
(ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45. |
| 6.07 | <u>Yard Requirements</u> | (a) Front yards shall be a minimum of 7.5 m;
(b) Side yards shall be a minimum of 6m; except that for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m ² , minimum side yards shall be 15m each side;
(c) Flanking yards shall be a minimum of 6m CTS;
(d) Rear yards shall be a minimum of 10m. |
| 6.08 | <u>Yard Requirements for Agricultural Buildings and Structures</u> | Buildings and structures for agricultural use shall be not less than 30m from the front lot line and not less than 15m from any other boundary of the lot. |

Appendix G: Proposed Bylaw No. 4380

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4380**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

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

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE A, PART 1 – INTERPRETATION AND ADMINISTRATION

- (a) By amending Section 2.0 Definitions by deleting "A-1" from the definition of "Rural Zone";
- (b) By amending Section 3.07 Zones by deleting the words "A-1 Rural A-1";

B. SCHEDULE A, PART 2 – ZONING DISTRICTS

- (a) By deleting Section 2A.0 Rural Zone A-1 in its entirety;

C. SCHEDULE B, MAP No. 2 – OTTER POINT ZONING MAP

- (a) By deleting That Part of Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 from the Rural A-1 (A-1) Zone, and adding to the Rural Residential 2 (RR-2) Zone, as shown on Plan No. 1.
- (b) By deleting That Part of Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 from the Rural A-1 (A-1) Zone, and adding to the Agricultural 1 (AG-1) Zone, as shown on Plan No. 1.

2

Area to be deleted from the Rural A-1 Zone and added to the Rural Residential 2 (RR-2) Zone

Area to be deleted from the Rural A-1 Zone and added to the Agricultural AG-1 Zone

0 35 70 140 Meters

CRPD
Building a different. Together.

Lot 1, Plan
VIP77828
017-612-471

CLARK RD

OTTER POINT PL

RAMVEIG PL

- | | | |
|-------------------------|--------|---------|
| READ A FIRST TIME THIS | day of | , 2020. |
| READ A SECOND TIME THIS | day of | , 2020. |
| READ A THIRD TIME THIS | day of | , 2020. |
| ADOPTED THIS | day of | , 2020. |

CORPORATE OFFICER



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 17, 2020**

SUBJECT **Zoning Amendment Application for Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 – 12036 West Coast Road**

ISSUE SUMMARY

The owner has applied to rezone a portion of the subject property to permit a micro-brewery.

BACKGROUND

The approximately 145 hectare (ha) subject property is located at 12036 West Coast Road in Jordan River (Appendix A). A 3.3 ha portion of the property is zoned Wildwood Terrace Neighbourhood Commercial (C-1A) (Appendix B) and the remainder of the property is zoned Wildwood Terrace 4 (WT-4) (Appendix C) in the Juan de Fuca Land Use Bylaw No. 2040.

The subject parcel has been altered through a series of subdivision applications in the vicinity of Trailhead Drive since 2005. A subdivision application for 14 bareland strata parcels is currently under review for the western portion of the subject property in accordance with the development potential permitted in the WT-4 zone (SU000728 and SU000729). Statutory park dedication requirements have already been met for the lands.

The property is designated as Pacific Acreage in the Shirley-Jordan River Official Community, Bylaw No. 4001. Portions of the property are designated as development permit areas for Steep Slopes, Riparian, Sensitive Ecosystem, Commercial and Industrial areas, and is within the Development Approval Information Area specified in Bylaw No. 4001. The parcel is outside a fire protection area and would be serviced by on-site wells and septic.

The property is currently enrolled in the provincial Private Managed Forest Land program. A processing facility is also permitted for gravel and rock material, as well as related shop/office and weigh scale facilities in accordance with the WT-4 zone provisions. The owner has submitted a rezoning application to permit a micro-brewery and accessory retail sales, on-site tasting and a lounge (Appendix D). Staff have prepared Bylaw No. 4381 which would amend the C-1A zone to add food and beverage processing as a permitted principal use and permit accessory service and sale of liquor subject to approval of a licence and endorsement under the *Liquor Control and Licensing Act* (Appendix E).

ALTERNATIVES

Alternative 1

That the staff be directed to refer proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies for comment:

BC Hydro
District of Sooke
FLNR - Archaeology Branch
Island Health
Liquor and Cannabis Regulation Branch
Managed Forest Land Council
Ministry of Environment & Climate Change Strategy – Water Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Ministry of Public Safety & Emergency Services – Wildfire Service
Ministry of Transportation & Infrastructure
Pacheedaht First Nation
RCMP
Sooke School District #62
T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4381 not be referred.

Alternative 3

That more information be provided.

LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS

Legislative Implications

Section 21 of the *Private Managed Forest Land Act* restricts local government authority regarding uses of private managed forest land so as not to have the effect of restricting a forest management activity. Staff recommend referring the proposal to the Managed Forest Land Council and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for comment.

As the property has been used for industrial gravel pit and processing uses, as well as forestry, a site profile has been requested pursuant to the *Environmental Management Act*.

A license is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning. Staff recommend referral to the provincial Water Stewardship Division for comment.

The brewery use will require a manufacturer licence (brewery licence) in accordance with the *Liquor Control and Licensing Act*. Staff recommend referral of the proposal to the Liquor and Cannabis Regulation Branch.

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *Local Government Act* (LGA). Therefore, staff recommend referring the proposed amendment bylaw to the Shirley/Jordan River APC.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the LGA will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

REGIONAL GROWTH STRATEGY IMPLICATIONS

Section 445 of the LGA requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River Official Community Plan area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS.

LAND USE IMPLICATIONS

The Shirley-Jordan River Official Community Plan, Bylaw No. 4001, designates the subject property as Pacific Acreage. The objectives of this designation are to support rural residential uses, as well as agriculture, home based business, small-scale neighbourhood commercial activities, small-scale tourism, community parks and civic uses, with an average density of one parcel per two hectares within a plan of subdivision. Pacific Acreage policies are supportive of small-scale commercial uses serving local needs.

The C-1A zone was established in 2013 for this 3.3 ha portion of the subject property to permit a convenience store and limited retail uses. There are no building permit records for the property on record; however, the property is actively being used as an industrial gravel operation.

The applicant is now proposing to add *food and beverage processing* as a permitted use in the C-1A zone for the purpose of establishing a micro-brewery facility with on-site tasting, lounge and retail sales, as outlined in Appendix D. The micro-brewery use will require a manufacturer licence (brewery licence) in accordance with the *Liquor Control and Licensing Act*. A manufacturer licence allows sale of products to licensees through an agreement with the Liquor Distribution Branch, marketing and promotion of products offsite to licensees and the public, serving of samples to patrons, and guided tours of the manufacturing facility, which may include service and sale of samples. Separate endorsement applications are available to manufacturing licence holders for an onsite store, picnic area, lounge and/or special event area. The serving of food is required in conjunction with a lounge endorsement. The picnic area, lounge and special

event endorsements are subject to additional local government, First Nation and public consultation.

Staff have prepared proposed Bylaw No. 4381 to add *food and beverage processing*, accessory onsite sales, picnic area, lounge and special event areas subject to the *Liquor Control and Licensing Act*, and associated parking requirements to the C-1A zone (Appendix E). The definition of *food and beverage processing* is defined in Bylaw No. 2040 as follows:

FOOD AND BEVERAGE PROCESSING means the use of a building or structure where food and beverages are processed or otherwise prepared for human consumption. Includes the production of beer, wine and spirits in accordance with all applicable Provincial regulations. Includes tasting and retail sales accessory to the principal food and beverage processing use. Includes catering operations, but does not include a restaurant use;

The construction of a brewery, retail and tasting facility will require issuance of a development permit for the form and character of commercial buildings, as outlined in Section 550 of Bylaw No. 4001. The proposed location for the brewery is outside of any DPAs established for protection of the environment or for protection from hazardous conditions.

Section 414 of Bylaw No. 4001 outlines policies for water use and protection. Policy 414B states that in consideration of a development proposal, the protection of aquifers and water resources from contamination and depletion will be ensured. Policy H indicates that industrial or commercial uses proposed for areas with aquifers at high risk of contamination will provide a hydrological assessment. Provincial groundwater data included in Map 3 in Bylaw No. 4001, identifies the subject property as having high intrinsic aquifer vulnerability. Since the non-domestic use of groundwater will require a provincial license, staff recommend referral to the Ministry of Environment - Water Stewardship Division for comment. Section 414, also includes policies regarding rainwater collection and the use of water-efficient fixtures, as well as improvements to ensure there is adequate water capacity to handle fire-fighting efforts (Policies K, L and N).

Section 434 of the OCP outlines the location and type of desired parks and trails in the community. Statutory park dedication has been provided for the subject property as part of previous subdivision developments. Section 454 of the OCP indicates that as part of a rezoning proposal, routes and facilities for alternative transit options such as walking and cycling will be taken into consideration and that increased connectivity between neighbourhoods for walking and cycling be considered. Establishment of neighbourhood commercial uses is noted in section 493 as a means of reducing greenhouse gas emissions from vehicles by providing goods within the community. Also, Policy 464 K identifies the need for a local site for meetings and activities, which could occur on the subject property as the C-1A zone permits Civic uses. Proposed Bylaw No. 4381 has been prepared to include on-site parking requirements for the brewery use. As the Ministry of Transportation & Infrastructure regulates commercial access requirements in the Electoral Area, staff recommend referring the application to that agency for comment.

The subject property is outside of a local fire protection service area and is not serviced by community water or sewage. Staff recommend referral to Island Health and the Ministry of Public Safety & Emergency Services – Wildfire Service for comment. The referral will also include CRD Building Inspection and Protective Services.

Based on the information provided by the applicant and the policies of the Shirley-Jordan River OCP, staff recommend referral of the rezoning application to the Shirley/Jordan River APC, appropriate CRD departments and external agencies for comment.

CONCLUSION

The purpose of this zoning bylaw amendment application is to amend the Wildwood Terrace Neighbourhood Commercial C-1A zone to add food and beverage processing in order to permit a micro-brewery and accessory service and sales. Staff have prepared proposed Bylaw No. 4381 and recommend referral to the Shirley/Jordan River Advisory Planning Commission, First Nations, CRD departments and agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That the staff be directed to refer proposed Bylaw No. 4381, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020” to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies for comment:

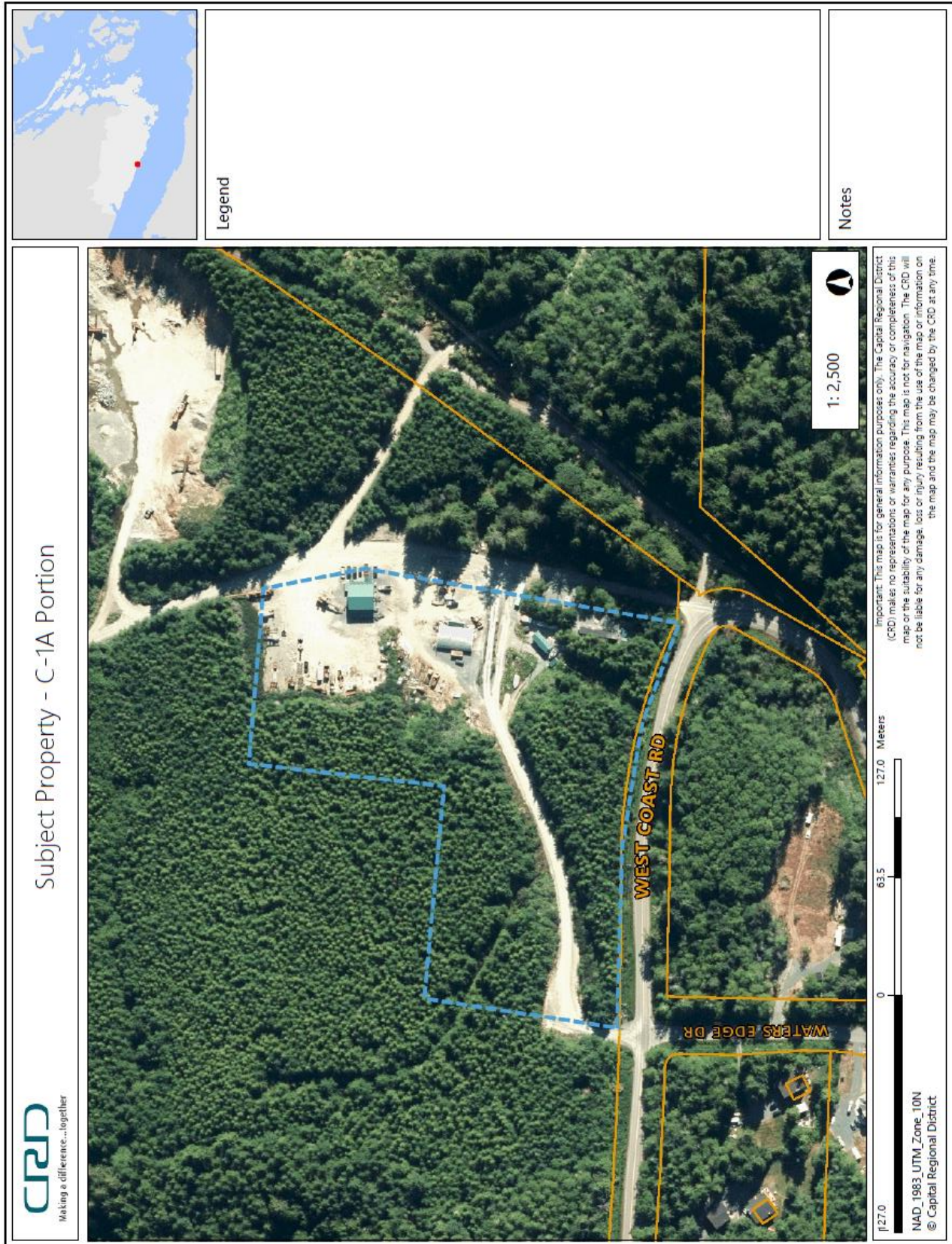
BC Hydro
District of Sooke
FLNR - Archaeology Branch
Island Health
Liquor and Cannabis Regulation Branch
Managed Forest Land Council
Ministry of Environment & Climate Change Strategy – Water Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Ministry of Public Safety & Emergency Services – Wildfire Service
Ministry of Transportation & Infrastructure
Pacheedaht First Nation
RCMP
Sooke School District #62
T'Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: Subject Property, Current Zoning and Application Area Map
Appendix B: Wildwood Terrace Neighbourhood Commercial C-1A Zone
Appendix C: Wildwood Terrace 4 Zone
Appendix D: Development Proposal
Appendix E: Proposed Bylaw No. 4381

[illegible]



Appendix B: Wildwood Terrace Neighbourhood Commercial C-1A Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

6G.0 WILDWOOD TERRACE NEIGHBOURHOOD COMMERCIAL ZONE - C-1A

Bylaw 3759

6G.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Wildwood Terrace Neighbourhood Commercial C-1A Zone:

Principal Uses:

- (a) Convenience Store;
- (b) Retail Store, excluding gas bars, gas stations or bulk fuel sales, auto repair or car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*;
- (c) Civic Uses;

Accessory Uses:

- (d) Residential;
- (e) Screened storage yard;
- (f) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01.

6G.02 Minimum Parcel Size for Subdivision Purposes

For Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213 and VIP82411, as shown on Map Nos. 1 and 2, one 3.3 ha parcel is permitted.

6G.03 Density Provisions

One dwelling unit in conjunction with a principal use.

6G.04 Height

No principal building or structure shall exceed 9 m in height.

6G.05 Parcel Coverage

Maximum parcel coverage shall be 25%.

6G.06 Minimum Frontage for Subdivision Purposes

Minimum frontage on a highway shall be 16 m.

6G.07 Maximum Size of Principal Buildings

The maximum size of all buildings and structures shall not exceed a Total Floor Area of 1000 m².

6G.08 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be 6 m;
- (c) Rear yards shall be 10 m;
- (d) Where a permitted use in this zone is proposed adjacent to a Rural Residential Zone, no building or structure or use except a fence and/or a retaining wall shall be located in the required yard which separates the two.

Appendix C: Wildwood Terrace 4 Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

6E.0 WILDWOOD TERRACE 4 ZONE - WT-4

Bylaw 3759

6E.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Wildwood Terrace 4 WT-4 Zone:

Principal Uses:

- (a) Residential;
- (b) Resource Extraction;
- (c) Processing Facility for gravel and rock material including related shop/office and weigh scale facilities;

Accessory Uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01;
- (f) Secondary suite pursuant to Part 1, Subsection 4.19.

6E.02 Minimum Parcel Size for Subdivision Purposes

- (a) For Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213 and VIP82411, PID:009-573-356, as shown on Map No. 3, an average parcel size is 2 ha with no parcel being less than 1 ha, to a maximum number of 54 parcels;
- (b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size of the remainder parcel is 2 ha.

6E.03 Density Provisions

- (a) One single-family dwelling;
- (b) One secondary suite;
- (c) On Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549 and VIP82411, PID: 009-573-356, one processing facility is permitted in conjunction with a valid permit issued in compliance with the Ministry of Forests, Mines and Lands and CRD Bylaw No. 3297, A Bylaw to Regulate the Removal or Deposit of Soil on Lands within the Juan de Fuca Electoral Area.

6E.04 Height

Maximum height of principal buildings shall be 9 m.

6E.05 Parcel Coverage

Parcel coverage shall not exceed 25%.

6E.06 Maximum Size of Principal Buildings

Principal buildings and structures shall not exceed a Total Floor Area of 418 m².

6E.07 Yard Requirements

No principal building shall be located within:

- (a) 7.5 m of a front parcel line;
- (b) 6 m of a side parcel line; and
- (c) 10 m of a rear parcel line.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

6E.08 Setbacks for Processing Facilities

Notwithstanding the above, setbacks for processing facilities are as follows:

- (a) 50 m from parcel boundaries;
- (b) 100 m from residential parcel boundaries.

Appendix D: Development Proposal

General Outline of Proposal for addition of FOOD AND BEVERAGE PROCESSING to C-1A

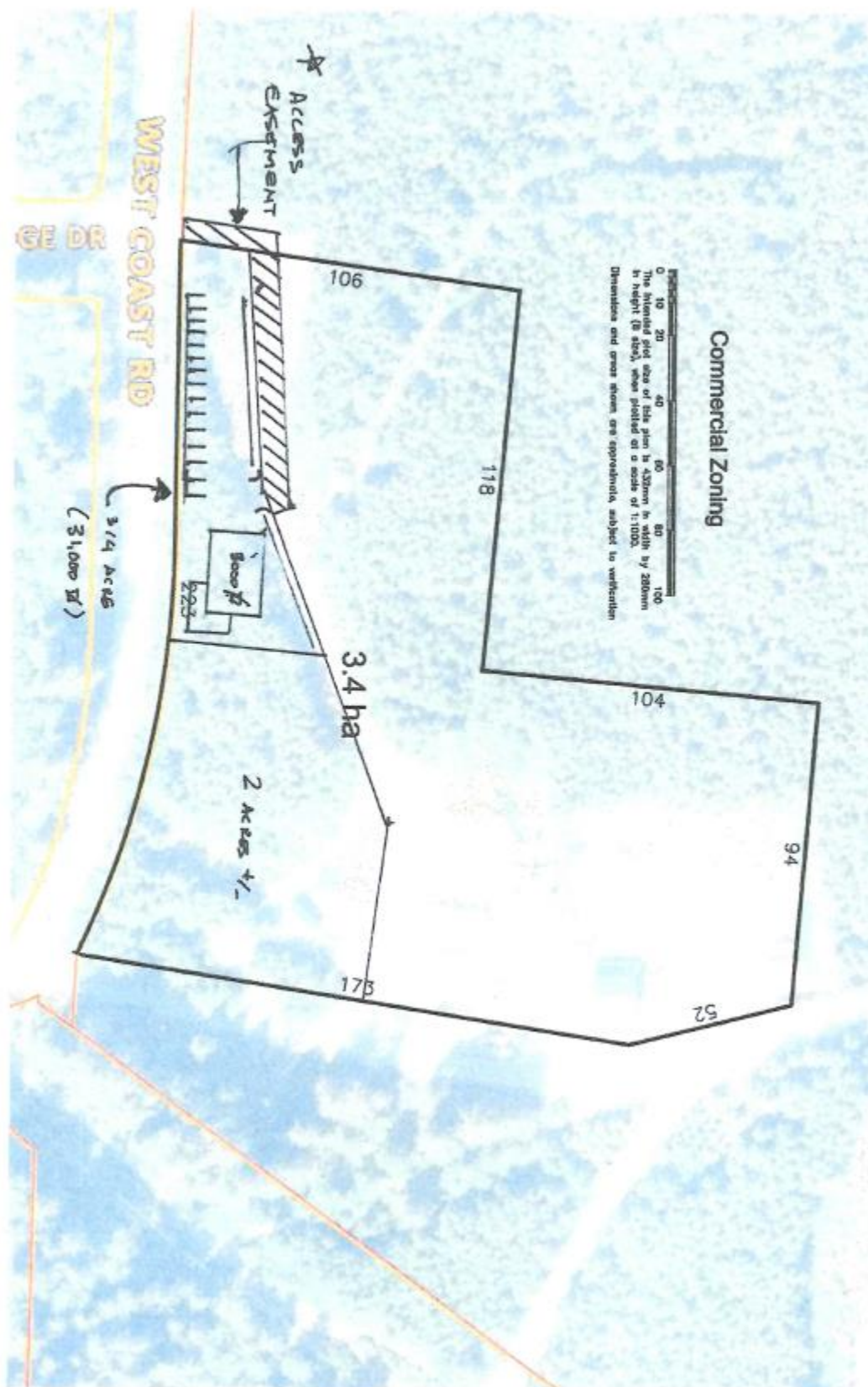
Site Area: 3/4-1acre; (sketch attached)

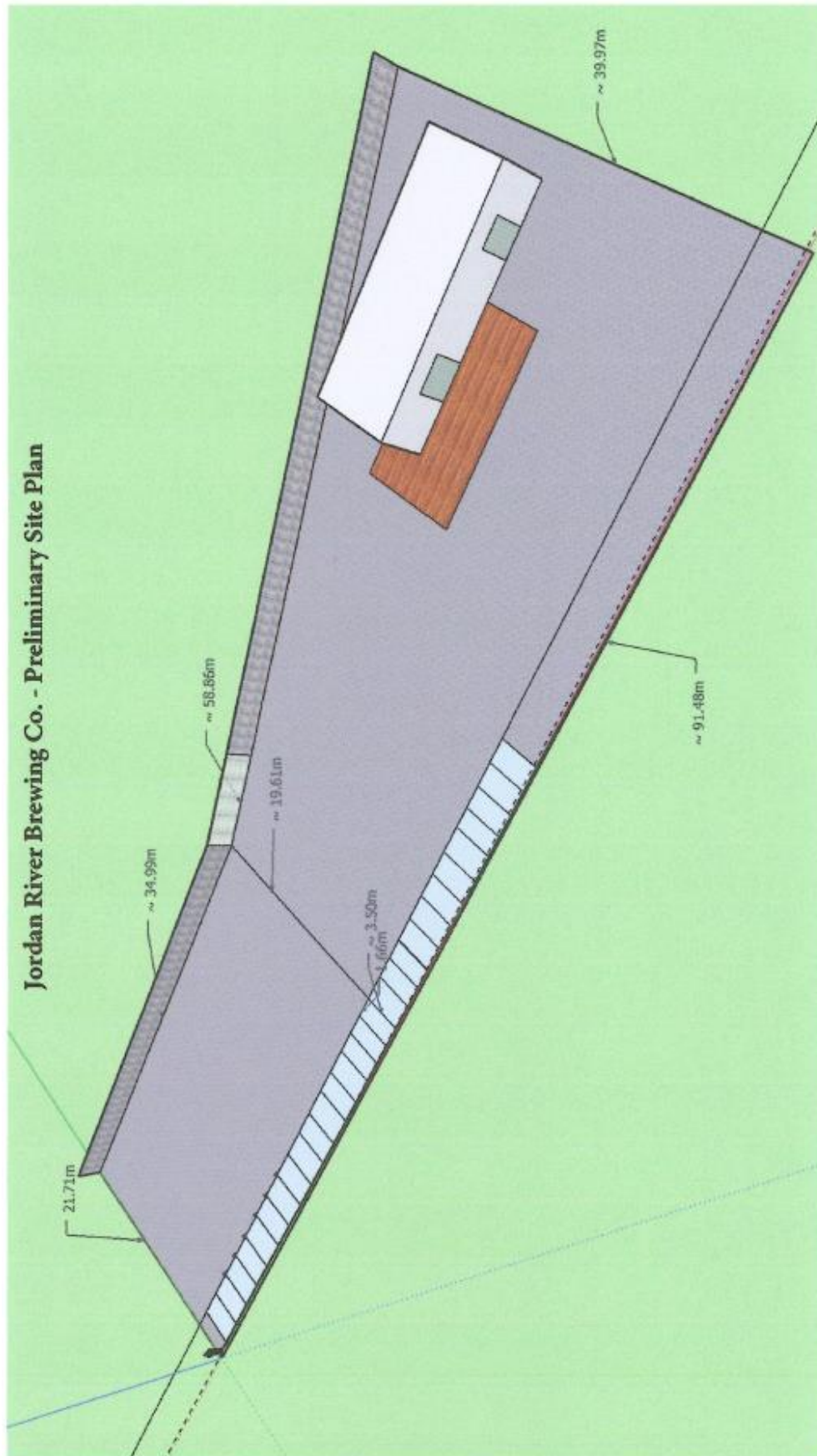
Brewery Building Area: 3000-4000 sq.ft. (expansion ability to 6000 sq.ft.);

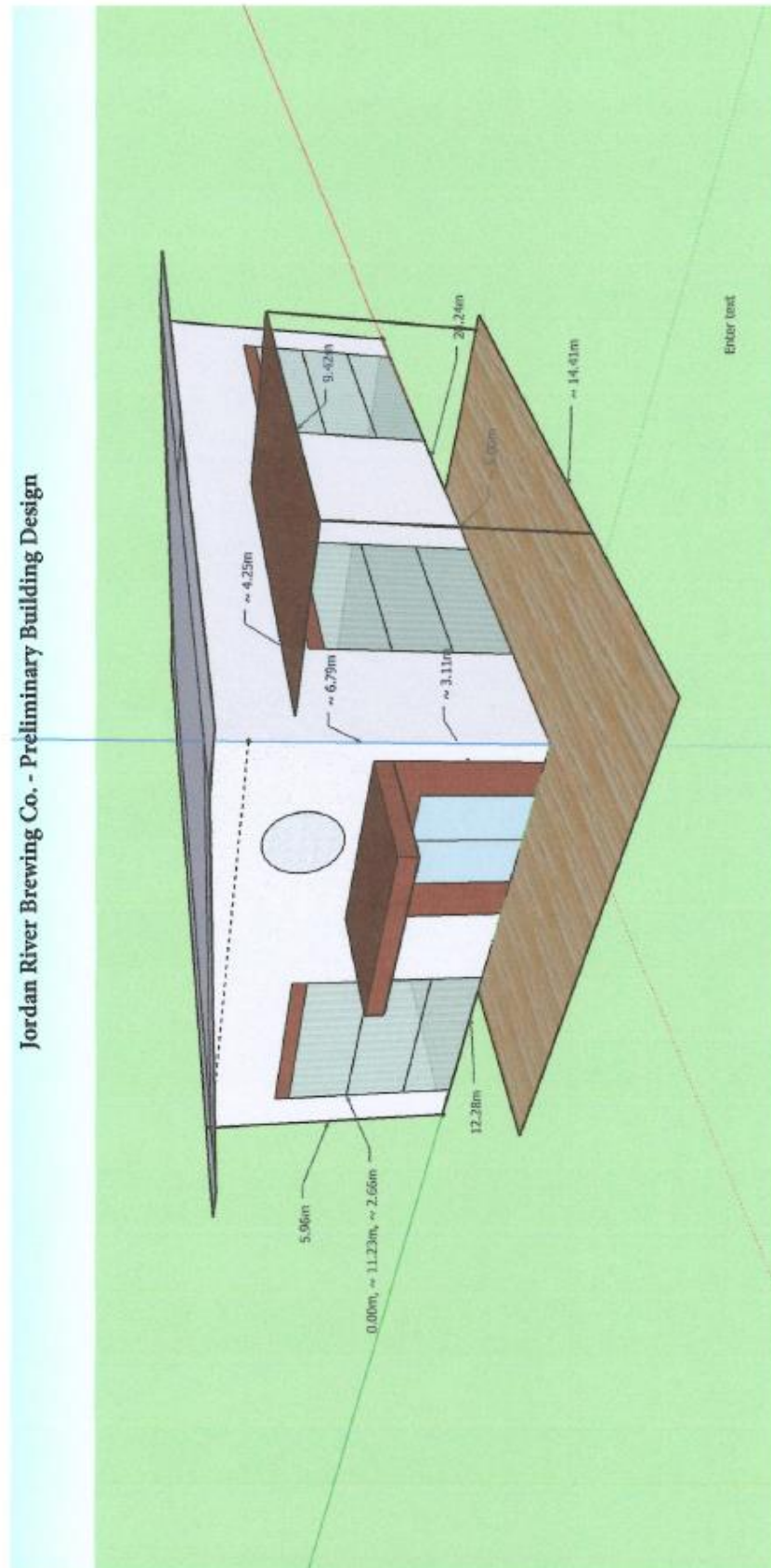
Site Structure and Development: Subject to DP, proposed metal building (18' clear interior), glass roll up doors (3) for deliveries / deck access, wood frame entrance, covered deck, rear fencing / landscaping, gravel parking area (see attached plan);

Interior: 2300 +/- sq.ft. brewing and processing area (10 BBL 3 vessel system), 1200 +/- sq.ft. sales / lounge and tasting area / merchandise sales (see attached plan);

Proposed Use: Micro-brewery for beer products. The facility will produce beer for offsite sales (growlers, kegs, cans and/or bottles), as well as retail distribution, onsite tasting / lounge operation as well as general merchandise sales.







**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4381**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

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

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:
 - A. **SCHEDULE A, PART 2, SECTION 6G.0 WILDWOOD TERRACE NEIGHBOURHOOD COMMERCIAL ZONE – C-1A**
 - (a) By amending section 6G.01 Permitted Uses by adding a new subsection under Principal Uses as follows:

"(d) food and beverage processing";
 - (b) By amending section 6G.01 Permitted Uses by adding a new subsection under Accessory Uses as follows:

"(g) Onsite store, picnic area, lounge and special event area accessory to a manufacturer liquor licence subject to the *Liquor Control and Licensing Act*."
 - B. **SCHEDULE A, PART 3 – PARKING AND LOADING REQUIREMENTS**
 - (a) By amending section 5.0 by inserting after "Equipment sales/Rentals" the following:

"Food and Beverage processing 1 per 2 employees".

This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020".

READ A FIRST TIME THIS	day of	, 2020.
READ A SECOND TIME THIS	day of	, 2020.
READ A THIRD TIME THIS	day of	, 2020.
ADOPTED THIS	day of	, 2020.

CHAIR

CORPORATE OFFICER