

OTTER POINT ADVISORY PLANNING COMMISSION

Notice of Meeting on Tuesday, **December 8, 2020 at 7 pm**

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

AGENDA

1. Elections
2. Approval of Agenda
3. Approval of the Supplementary Agenda
4. Adoption of Minutes of September 10, 2019
5. Planner's Report
6. Rezoning Application
 - a) RZ000269 - Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (4460 Rannveig Place)
7. 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.

Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held September 10, 2019 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC

PRESENT: Al Wickheim (Chair), Bud Gibbons, Sid Jorna, Anne Miller, Stephen Smith
Staff: Emma Taylor, Planner; Wendy Miller, Recorder
PUBLIC: 26

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

1. Approval of the Agenda

MOVED by Anne Miller, **SECONDED** by Sid Jorna that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of the Minutes of April 9, 2019

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the minutes of the meeting of April 9, 2019, be adopted.

CARRIED

4. Planner's Report

- a) At its meeting of August 14, 2019, the CRD Board adopted Bylaw No. 4290, rezoning the remaining lots in the Sooke Business Park to the Sooke Business Park Industrial (M-SBP) zone and specifying that the maximum floor area for a caretaker suite in the M-SBP zone is 90 m².
- b) CRD Corporate Services is hosting a committee/commission orientation on Monday, September 16, 2019 at 3 pm at the Juan de Fuca Local Area Services Building.
- c) It was confirmed that at its meeting of April 10, 2019, the CRD Board approved the temporary use permit for 7861 Tugwell Road (TP000009) allowing the proposed expansion of a home based microbrewery.

5. Zoning and Official Community Plan Amendment Application

- a) **RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)**

The Chair directed attention to the staff report considered by the Juan de Fuca Land Use Committee at its meeting of July 16, 2019.

Emma Taylor advised the property owner is requesting to rezone the property to permit a seven-lot subdivision, as well as an industrial sawmill operation and an aquaponics facility (Bylaw No. 4316). An Official Community Plan (OCP) amendment is also proposed to update the Watercourses and Wetland Areas and Commercial Industrial development areas (Bylaw No. 4317). It was advised that the Land Use Committee has directed referral of the proposal to external agencies, CRD departments, the Juan de Fuca Electoral Area

Parks and Recreation Advisory Commission and to the Otter Point Advisory Planning Commission (APC).

Emma Taylor spoke to the proposed subdivision plan identifying the areas proposed for residential, aquaponics and sawmill use. It was confirmed that the proposed OCP amendment would designate the areas identified for aquaponics and sawmill use as a development permit area to address the form and character of commercial and industrial buildings. Attention was directed to the OCP policies as included in the staff report for community consideration of rezoning applications.

Emma Taylor reported that the owner has submitted an environmental assessment report prepared by Corvidae Environmental Consulting Inc. which identifies a watercourse on the property and outlines considerations for future development. It was advised that the Biologist who prepared the report is acting as the application agent.

Emma Taylor identified the subject property on the web map, identifying industrial zoned properties in the vicinity of the subject property and the undeveloped roads adjacent to the subject property. It was advised that the Juan de Fuca Community Parks division currently holds a Licence of Occupation over Weiland Road right-of-way for future construction of a multi-use trail extending from William Simmons Memorial Park to Kemp Lake Road, but that the right of way terminates at the subject property.

Emma Taylor directed attention to Bylaw No. 4316 as included in the meeting agenda package to reflect changes related to building size and lot coverage for the proposed aquaponics use as requested by the applicant.

The Chair confirmed that the application representatives were present.

The Chair requested that the representatives speak to the proposed residential area.

Residential Area

The representatives stated that:

- the five proposed residential lots are for the owner's children and will be developed as required
- individual wells have been drilled on the five proposed residential lots
- although not required, cisterns will be installed on each lot
- percolation test holes have been dug
- surface water will be protected through the update to the Watercourse and Wetland Areas development permit area (DPA)
- the watercourse identified on the subject property flows west to east, draining into King Creek

Emma Taylor identified lands on the web map that are in the vicinity of the subject property that are designated a Watercourse and Wetland Areas DPA. It was confirmed that the Watercourse and Wetland Areas DPA includes land within 30 metres (100 feet) of the natural boundary of a watercourse.

The agent responded to a question from the APC regarding viability of a trail in the vicinity of Weiland Road advising that there is methodology available for creek crossings.

The representatives confirmed that well reports can be made available.

The Chair requested that the representatives speak to the proposed aquaponics area.

Aquaponics Area

The representatives stated that:

- the facility requires 0.4 gallons per minute (GPM) of water
- a well has been drilled and a percolation test hole dug
- a cistern will be installed
- the aquaponics building is sited at the back of the property to limit views of the facility from Otter Point Road
- views of the facility will be buffered by the proposed residential use
- the proposed height of the building (12.6 m) would reduce the footprint of the facility
- a separate access to the facility is required
- access to be determined by the Ministry of Transportation and Infrastructure (MoTI)
- access will not be by easement over the other proposed lots
- the facility is anticipated to operate 35 hours a week and employ 20 workers
- operation will produce salad greens, micro greens, herbs and trout
- fish species may change depending on market demand
- reinforced, lined cement tanks will be above ground
- no water will be discharged to the surface
- the facility will be built to meet a life expectancy of 25 years
- building materials will be food grade to meet organic status
- the facility will produce vermicompost (worm compost)
- HVAC will scrub any odour but vermicompost is generally odourless
- a HACCP (Hazard Analysis and Critical Control Points) plan is being designed for the facility
- monitors will be installed to detect any water breaks
- in the event of a break, the system would shut down and overflow directed to a filtration system
- sawdust from the sawmill operation may be utilized as the aquaponics facility requires a grain chaff

Emma Taylor responded to a question from the APC confirming that, should the applicant's proposed changes to the M-4 zone not be supported, the applicant could submit a variance application to vary the building's building size and height,

The Chair requested that the representatives speak to the proposed sawmill area.

Sawmill Area

The representatives stated that:

- sawdust is currently stored outdoors
- a new structure for sawdust storage is proposed
- sawdust will be bagged for sale
- current sawmill operation employs 8-10 full-time workers

Doug Brubaker, Otter Point, stated that:

- he owns a lumber manufacturing company
- his establishment offers sawdust free of charge
- sawdust is not easy to get rid of
- water supply is a concern in the community and on his property even with rainwater capture and greywater reuse
- he has concern regarding property development, in general, as all watercourses have not been mapped

The Chair opened the floor to questions.

A member of the public stated that she lives on an adjacent property and has concern regarding hours of operation and air quality as the property owner currently burns wood debris outdoors. It was questioned if Tenbury Road, the undeveloped road to the east, will be utilized.

A representative stated that the owner will be moving to an electric sawmill and that the new mill will be enclosed.

Emma Taylor advised that the MoTI is the authority for roads and that the MoTI has relayed that an industrial access permit is required for the sawmill operation.

Ron Watson, Otter Point, stated that he:

- has concern regarding water supply as water is limited 3-5 months of the year
- has concern regarding spontaneous combustion of sawdust
- lives downhill from the subject property and can hear the sawmill operation at its present size
- has concern that noise impact will increase, should the operation expand
- had hoped to see more written material regarding the proposal

A representative stated that current noise levels are high as the site is being readied for development.

A member of the public questioned if the aquaponics facility will have backup generators.

The aquaponics representative stated that, in addition to having a diesel generator, the facility will have solar panels on the roof with storage and grid connection.

Doug Dunnett, Otter Point, stated that:

- he lives on an adjacent property
- he has concern regarding water supply
- he has concern regarding the access to the aquaponics area and provisions for buffering

Emma Taylor confirmed that the proposed Industrial Aquaculture (M-4) zone provides regulations for screening and that the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, provides regulations for fencing.

A member of the public stated that:

- he lives across from the subject property
- the subject property sits in a valley
- noise from the sawmill operation echoes across the valley
- the property has been cleared with the exception of the lands within the riparian assessment area
- no buffer has been left
- he has concern regarding hydrocarbon storage
- King Creek is salmon bearing

A representative stated that there is a replanting plan.

Arnie Campbell, Otter Point, stated that:

- he has no issue with the background noise associated with the operation's current outside work
- he has issue with noise produced by the ventilation system for the current enclosed structure
- the ventilation system noise is a high pitched whine
- he has concern that noise impact will increase, should enclosed operations increase

A member of the public stated that:

- she lives across from the subject property
- noise levels over the past year have been too much
- she has concern regarding the compost facility increasing the rodent population
- she has concern for the existing wildlife/bear corridor the subject property provides
- she has concern regarding water supply
- she has concern regarding increased traffic on Otter Point Road
- Otter Point Road was not built for large volumes
- there is already an issue with speeding on Otter Point Road

A member of the public stated that:

- he has concern regarding noise
- he has concern regarding the aquaponics facility, should the business plan fail
- it is not known what kind of operation could happen in future
- the community should question what it is getting back by supporting the rezoning proposal

Emma Taylor responded to questions from the APC confirming that the OCP is the guiding document for community consideration of rezoning applications and directed attention to policy 4.1.1 (4) which outlines that support for rezoning is more likely where it can be demonstrated that community values and features can be protected subject to the listed criteria. Clarification was provided regarding the potential requirement for 5% park dedication at the time of subdivision pursuant to Section 510 of the *Local Government Act*.

A member of the public stated that:

- she has concern regarding water supply
- noise levels over the past year have been awful
- work has started at 6:00 am and stopped at dark
- work has been lifestyle changing
- she no longer enjoys being outdoors on her property

- the community should question if the proposal is wanted by the community
- the community should question if it wants to support a rural operation developing into an industrial operation
- to date, it has not been clear as to what the property owner is proposing
- she is having a hard time believing that what is proposed will happen

Emma Taylor responded to the question from the public advising that the applicant can request that additional uses be added to the proposed M-4 zone and that, in future, a property owner could submit an application to rezone the property or submit an application for a temporary use permit.

Dane Bugoy, Otter Point, stated that:

- he has concern regarding water supply
- he has concern regarding fire protection as the volunteer fire department has limited resources
- residents regularly need to resort to trucked water
- hauling water increases traffic, impacting carbon levels
- he supports extension of CRD water and hydrant installation

A member of the public stated support for noise mitigation measures as there will also be noise associated with the property's long term buildout.

The agent for the application responded to questions from the public confirming that:

- some trees have been removed from the Streamside Protection and Enhancement Area
- replanting recommendations have been made
- no buildings are currently sited or planned to be sited in the SPEA
- the aquaponics facility will require a stream crossing
- the stream crossing would be in accordance with provincial regulations

Arnie Campbell requested that the proposed subdivision plan be updated to reflect that the property is in Otter Point.

Emma Taylor confirmed that the plan notes the property mailing address and that the property borders the District of Sooke.

The representatives responded to a question from the APC advising that there is no lot large enough in the Sooke Business Park to accommodate the aquaponics proposal which requires at least 1.5 acres of lot coverage.

John McCrae, Fire Chief, Otter Point Volunteer Fire Department, stated that:

- the proposal was referred to the Otter Point Volunteer Fire Department
- the Otter Point Volunteer Fire Department has concern regarding water supply for firefighting services
- the Otter Point Volunteer Fire Department will work with the applicant and the CRD to address concerns

The APC stated:

- concern regarding dust levels
- support for a noise abatement agreement
- concern regarding increased traffic and property access/egress
- support for setting limitations to the aquaponics use proposed by the M-4 zone
- that the OCP supports green initiatives
- trucking water is not a green initiative

The APC acknowledged the concerns identified by the members of the public and advised that residents can forward their concerns directly to staff and to the Land Use Committee.

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the Otter Point Advisory Planning Commission recommend that the Juan de Fuca Land Use Committee allow for further review of primary community concerns including water supply, firefighting servicing, noise, hours of work, traffic, rodents, future land use considerations, pollution including lighting, fencing/buffering and protection of the riparian area.

Opposed: Bud Gibbons
CARRIED

An APC member stated that the proposal should not be given further consideration until the owner addresses current noise issues.

The APC asked the representatives to relay the community's concerns to the owner. The APC stated that it would have appreciated hearing directly from the property owner.

6. Adjournment

The meeting adjourned at 9:10 pm.

Chair



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**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:

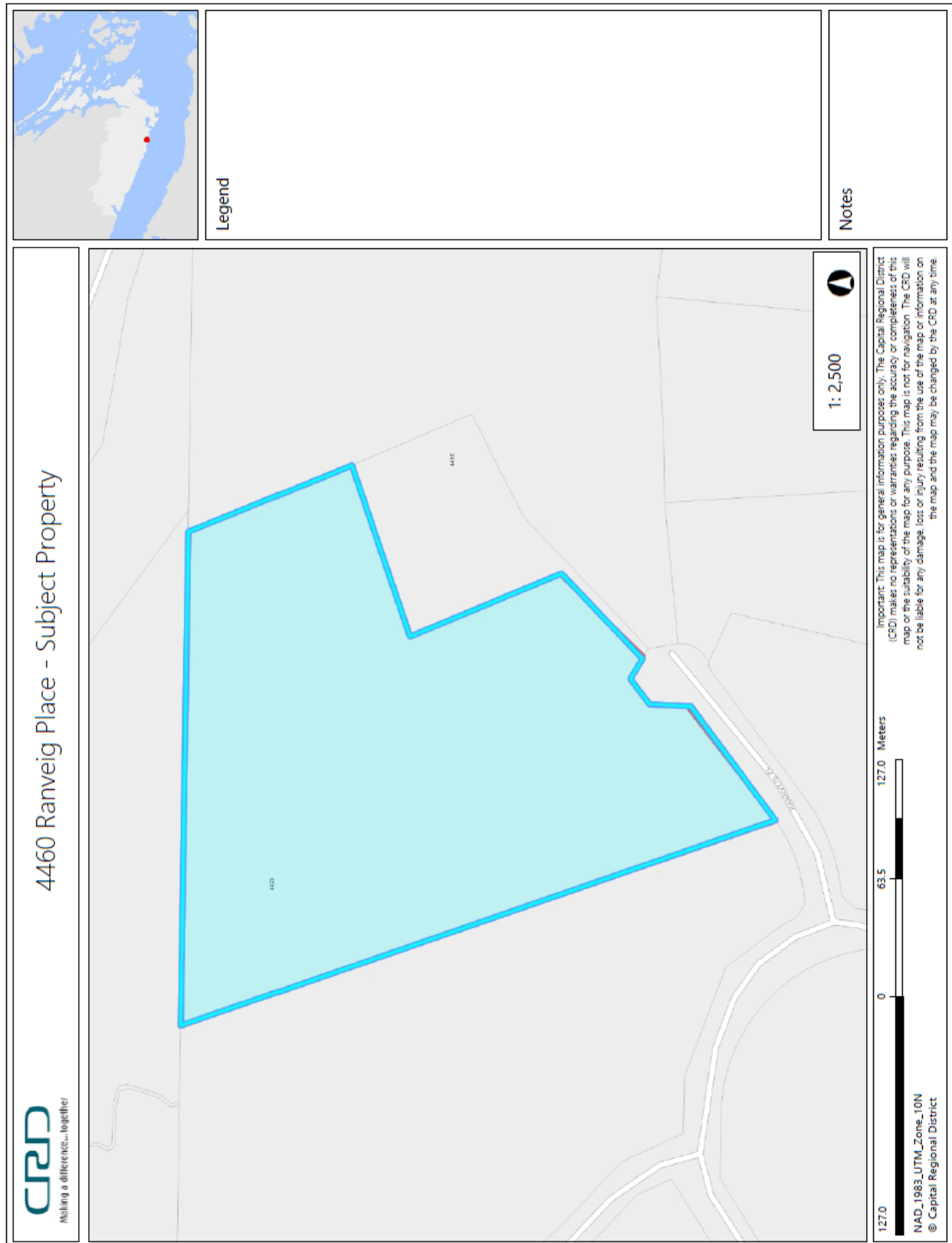
BC Hydro
District of Sooke
FLNR - Archaeology Branch
Island Health
Ministry of Environment & Climate Change Strategy – Water Stewardship Division
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Environmental Stewardship Division
Ministry of Transportation & Infrastructure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

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





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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

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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;

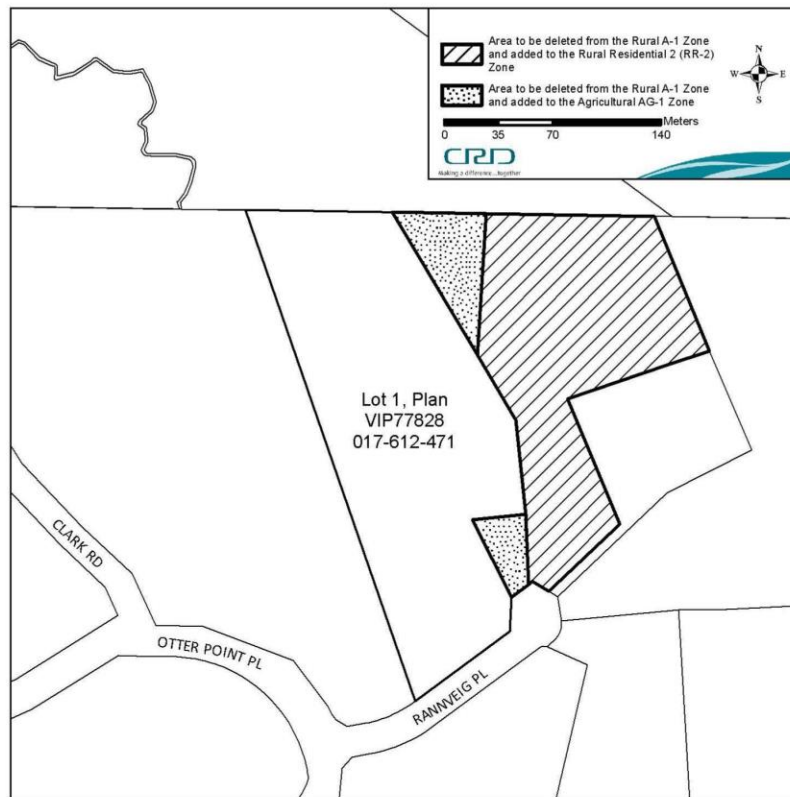
C. SCHEDULE B, MAP No. 2 – OTTER POINT ZONING MAP

- (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.

CRD Bylaw No. 4280

2

Plan No. 1 of Bylaw 4380, an amendment to Bylaw No. 2040



2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 148, 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