

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **January 19, 2021 at 7 pm**

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

---

**AGENDA**

1. Election of Vice Chair
2. Approval of Agenda
3. Approval of the Supplementary Agenda
4. Adoption of Minutes of December 15, 2020
5. Chair's Report
6. Planner's Report
7. Development Permit with Variance Application
  - a) DV000073 - Lot 5, Section 87, Sooke District, Plan VIP64712 (Seedtree Road)
8. Zoning Amendment Application
  - a) RZ000269 - Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (4460 Rannveig Place)
9. Adjournment

*Please note that during the COVID-19 situation, the public may attend the meeting electronically through video or teleconference. Should you wish to attend electronically, please contact us by email at [jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca) so that staff may forward meeting details. Written submissions continue to be accepted.*



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee**  
**Held Tuesday, December 15, 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 (EP),  
Roy McIntyre (EP), Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)  
**Staff:** Iain Lawrence, Manager, Community Planning (EP);  
Wendy Miller; Recorder (EP)  
**PUBLIC:** 1 EP

EP – Electronic Participation

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

The Chair provided a Territorial Acknowledgment.

**1. Approval of the Agenda**

**MOVED** by Dale Risvold, **SECONDED** by Sandy Sinclair that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

No supplementary items.

**3. Adoption of Minutes from the Meeting of November 17, 2020**

**MOVED** by Vern McConnell, **SECONDED** by Dale Risvold that the minutes from the meeting of November 17, 2020, be adopted.

**CARRIED**

**4. Chair's Report**

No report.

**5. Planner's Report**

At its meeting of December 9, 2020, the CRD Board:

- supported a statement of concurrence for Radio Communication and Broadcasting Antenna Systems Application LP000019 for 3727 Otter Point Road
- approved the Juan de Fuca Agricultural Land Reserve Application Policy BRD05
- postponed consideration of the Pacific Gateway Marina proposal (RZ000242) to its meeting of February 10, 2021
- resolved to support the staff recommendation for Non-Farm Use Agricultural Land Reserve Application AG000081 for East Sooke Regional Park

LUC discussion ensued regarding the committee's consideration of application AG000081 at its November 17, 2020, meeting.

The Chair confirmed that the Agricultural Land Commission (ALC) will make the final decision regarding application AG000081. The Chair further confirmed that committee members are welcome to submit individual comment to the ALC.

**6. Frontage Exemption Application**

**a) VA000154 - Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 (17151 Parkinson Road)**

Iain Lawrence spoke to the staff report and the application for an exemption from the statutory requirement that the minimum frontage on the highway must be 10% of the perimeter of the lot, pursuant to Section 512 of the *Local Government Act* for the purpose of creating a two-lot subdivision.

Iain Lawrence highlighted the subject property and proposed subdivision plan, confirming that the applicant has submitted an application for a two-lot fee-simple subdivision (SU000722) and a separate subdivision application for a four-lot bare land strata subdivision (SU000721). It was further confirmed that proposed Lot 1 (SU000721) does not meet the minimum frontage requirement.

Iain Lawrence responded to a question from the LUC advising that the access easement noted on the proposed subdivision plan will not be the access to the subdivision.

**MOVED** by Roy McIntyre, **SECONDED** by Dale Risvold that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

That Frontage Exemption VA000154, for Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, to reduce the minimum required frontage for proposed Lot 1 from 125.4 m (10%) to 45.1 m (3.6%) for the purpose of creating a two-lot subdivision, be approved.

**CARRIED**

**7. Provision of Park Land for Subdivision Application**

**a) SU000725/SU000726 - Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree Road)**

Iain Lawrence spoke to the staff report addressing the provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act* for the proposed four-lot subdivision.

Iain Lawrence highlighted the subject property and proposed subdivision plan, confirming that members of the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and the Community Parks and Recreation Manager visited the site and determined that a trail is not viable. Iain Lawrence further confirmed that the application agent is in attendance.

The agent confirmed that he is available to answer any questions, should the members have any questions.

Iain Lawrence responded to a question from the LUC advising that the applicant has applied to subdivide the property into two fee simple lots (SU000725) with a concurrent application to further subdivide one of the newly created parcels into three bare land strata lots (SU000726). It was further advised that there is an existing house on proposed Lot A (SU000725).

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

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

**CARRIED**

#### 8. Receipt of a Housing Needs Report for the Juan de Fuca Electoral Area

Iain Lawrence provided background information on the housing needs assessment prepared for the Juan de Fuca Electoral Area.

Iain Lawrence confirmed that:

- the assessment report was prepared in response to the provincial government's directive that local governments prepare and publish housing needs reports every five years
- the Province has provided a total of \$5 million to assist local governments in the preparation of these reports
- the CRD Regional Housing division led the project to complete housing needs reports for 10 municipalities and the Juan de Fuca Electoral Area
- the assessment report does not provide recommendations
- the assessment report is intended to be used as a resource during the update of Official Community Plans

Iain Lawrence summarized the report's findings for the Juan de Fuca and responded to questions from the LUC advising that the CRD Regional Growth Strategy and the individual communities' official community plans restrict opportunities for multi-family housing units. It was confirmed that affordable housing in the Juan de Fuca is largely addressed through secondary/detached suites and that the report was initiated, in part, to address tax loopholes, money laundering and fraud associated with the real estate market in the Lower Mainland.

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

That the Juan de Fuca Electoral Area Housing Needs Report be received and published on the CRD website in accordance with the requirements of the *Local Government Act*.

**CARRIED**

#### 9. Adjournment

The meeting adjourned at 7:26 pm.

---

Chair



Making a difference...together

## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 19, 2021

---

**SUBJECT**     **Development Permit with Variance for Lot 5, Section 87, Sooke District,  
Plan VIP64712 – Seedtree Road**

### **ISSUE SUMMARY**

A request has been made for a development permit with variance to address the Steep Slopes, Riparian, and Sensitive Ecosystem (DP) guidelines, and to reduce the requirement that 10% of the parcel perimeter fronts onto a public highway, for the purpose of authorizing the development of a subdivision for a relative.

### **BACKGROUND**

The 4.1 ha property is located on Seedtree Road in East Sooke and is zoned Rural (A) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix A). The property is bounded by Rural (A) zoned properties to the west, north, and east, and by Seedtree Road to the south. The lot is roughly a triangular shape, and slopes upwards from the southwest to the northeast. Seedtree Creek runs approximately east to west and intersects the parcel near the southernmost lot line, adjacent to Seedtree Road.

One single family dwelling (640 Seedtree) and an accessory building are located on the northern portion of the parcel, which is accessed from Seedtree Road by a driveway easement through the neighboring property to the east. Two move-in mobile home dwellings (650 and 658 Seedtree), and one accessory building are located near the middle of the parcel. These structures are accessed via a driveway from Seedtree Road, over Seedtree Creek, and along the eastern property boundary. One single-family dwelling (670 Seedtree) is located to the south of the creek; this structure is accessed by a driveway from Seedtree Road through the neighboring property to the west via easement.

The applicant has submitted an application for a 2-lot subdivision for a relative under Section 514 of the *Local Government Act (LGA)*. Proposed Lot 1 is 1 ha and will contain the dwelling located south of the creek. The remainder of the structures will be located on proposed Lot 2, which is 3.1 ha. The property is partially designated as Steep Slopes, Riparian, and Sensitive Ecosystem development permit areas; therefore, a development permit is required as part of the subdivision process. The plans propose a reduction of the minimum road frontage requirement for proposed Lot 2 from 10% (97.68 m) to 8.75% (85.49 m) of the lot perimeter. Therefore, the owner has requested a frontage variance (Appendix B).

### **ALTERNATIVES**

#### *Alternative 1*

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000073 for Lot 5, Section 87, Sooke District, Plan VIP64712, to authorize a 2-lot subdivision within Steep Slopes, Riparian, and Sensitive Ecosystems Development Permit Areas, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum road frontage requirement from 10% (97.68 m) to 8.75% (85.49 m), be approved.

#### *Alternative 2*

That the Development Permit with Variance DV000073 be denied.

*Alternative 3*

That the application be referred back to staff for additional information.

**IMPLICATIONS**

*Legislative Implications*

The East Sooke Official Community Plan, Bylaw No. 4000, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Steep Slopes, Riparian, and Sensitive Ecosystem DPAs. In accordance with the *LGA*, the issuance of a development permit is required prior to subdivision. CRD Delegation of Development Permit Approval Authority Bylaw, 2009, No. 3462, gives the General Manager, Planning and Protective Services, the power to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.10(4), specifies that road frontage shall be a minimum of 10% of the perimeter of a parcel. Since proposed Lot 2 does not meet this requirement, a variance is required in order to permit the subdivision.

*Public Consultation Implications*

Pursuant to Section 499 of the *LGA*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 metres. Any responses received from the public will be presented at the January 19, 2021 Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

*Land Use Implications*

**Development Permit:**

The applicant has requested that the requirement to submit professional reports assessing the development permit areas be waived since the parcel is developed and no further land alteration is proposed for the subdivision. Any future development activities within the designated development permit areas on the newly created parcels would require a subsequent Development Permit application and accompanying professional assessment reports.

**Variance:**

The Juan de Fuca Land Use Bylaw requires that where a lot being created by a subdivision fronts on a public highway, the minimum frontage on the highway shall be one-tenth of the perimeter of the lot. Proposed Lot 1 meets this requirement; however, proposed Lot 2 requires 97.68 m of frontage, but is proposed to only have 85.49 m (8.75%).

In evaluating whether a frontage exemption is justified, the following technical criteria are normally considered:

- How does the proposed subdivision layout relate to the topography of the area?
- Does the proposed layout create any environmental impacts?
- Will reducing the frontage produce an awkward lot configuration?
- Will reducing the frontage eliminate future subdivision potential of the lot and of lots beyond?
- Will the reduced frontage limit road network and access options?
- Does the proposed reduction disturb existing residences?

The proposed lot boundary follows the natural topographical features. The proposed subdivision layout is not expected to affect the environment, road network, or neighboring properties since no further development activity is proposed as a part of the subdivision.

The policies of the East Sooke Official Community Plan support the rezoning of parcels zoned Rural A to allow subdivision with an average lot size of 1 ha. While the applicant does not propose to rezone the property at this time, the effect of subdividing under Section 514 of the *LGA* to provide residence for a relative is the same since the proposed lot would meet the 1 ha average lot size. The East Sooke OCP also supports subdivision under Section 514.

Both proposed parcels are smaller than the required minimum of 4 ha specified by the Rural A zone; however, no minimum parcel size is specified for subdivision for a relative in the Rural A zone, and the application was made under Section 514 of the *LGA*. The proposal meets all other requirements of the zone.

Development Permit with Variance DV000073 has been prepared for consideration to authorize a 2-lot subdivision in Steep Slopes, Riparian, and Sensitive Ecosystems Development Permit Areas and to grant a variance to reduce the minimum frontage requirement from 10% to 8.75% on proposed Lot 2 (Appendix C). Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

### **CONCLUSION**

The applicant has requested a development permit with variance for the purpose of authorizing a 2-lot subdivision for a relative. The proposed variance is to reduce the minimum frontage requirement for proposed Lot 2 from 10% to 8.75%. Since there will be no land alteration within the designated development permit areas, staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

### **RECOMMENDATION**

The Land Use Committee recommends to the Capital Regional District Board:  
That Development Permit with Variance DV000073 for Lot 5, Section 87, Sooke District, Plan VIP64712, to authorize a 2-lot subdivision within Steep Slopes, Riparian, and Sensitive Ecosystems Development Permit Areas, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum road frontage requirement from 10% (97.68 m) to 8.75% (85.49 m), be approved.

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

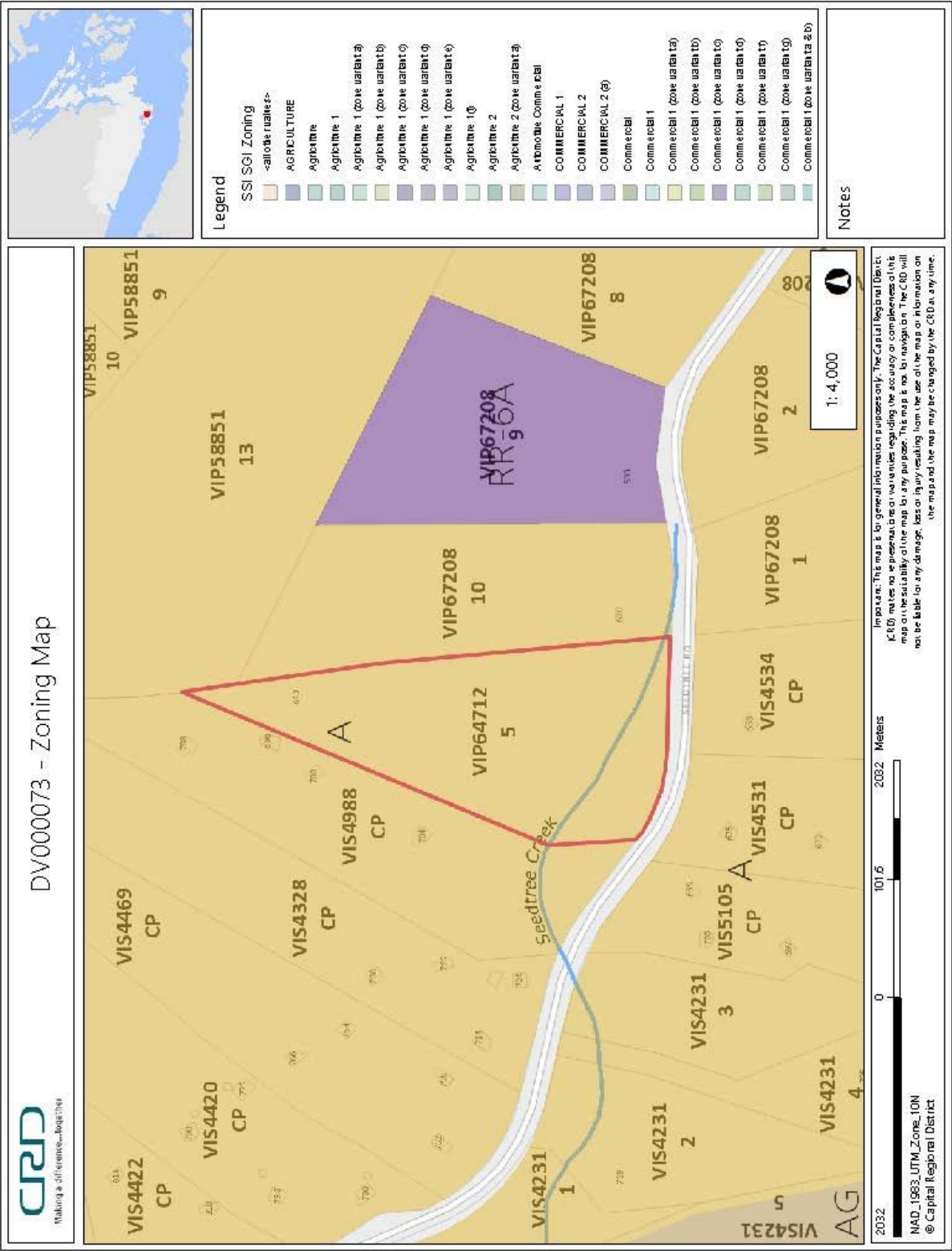
### **ATTACHMENTS**

Appendix A: Subject Property Map

Appendix B: Subdivision Survey Plan and Requested Frontage Variance

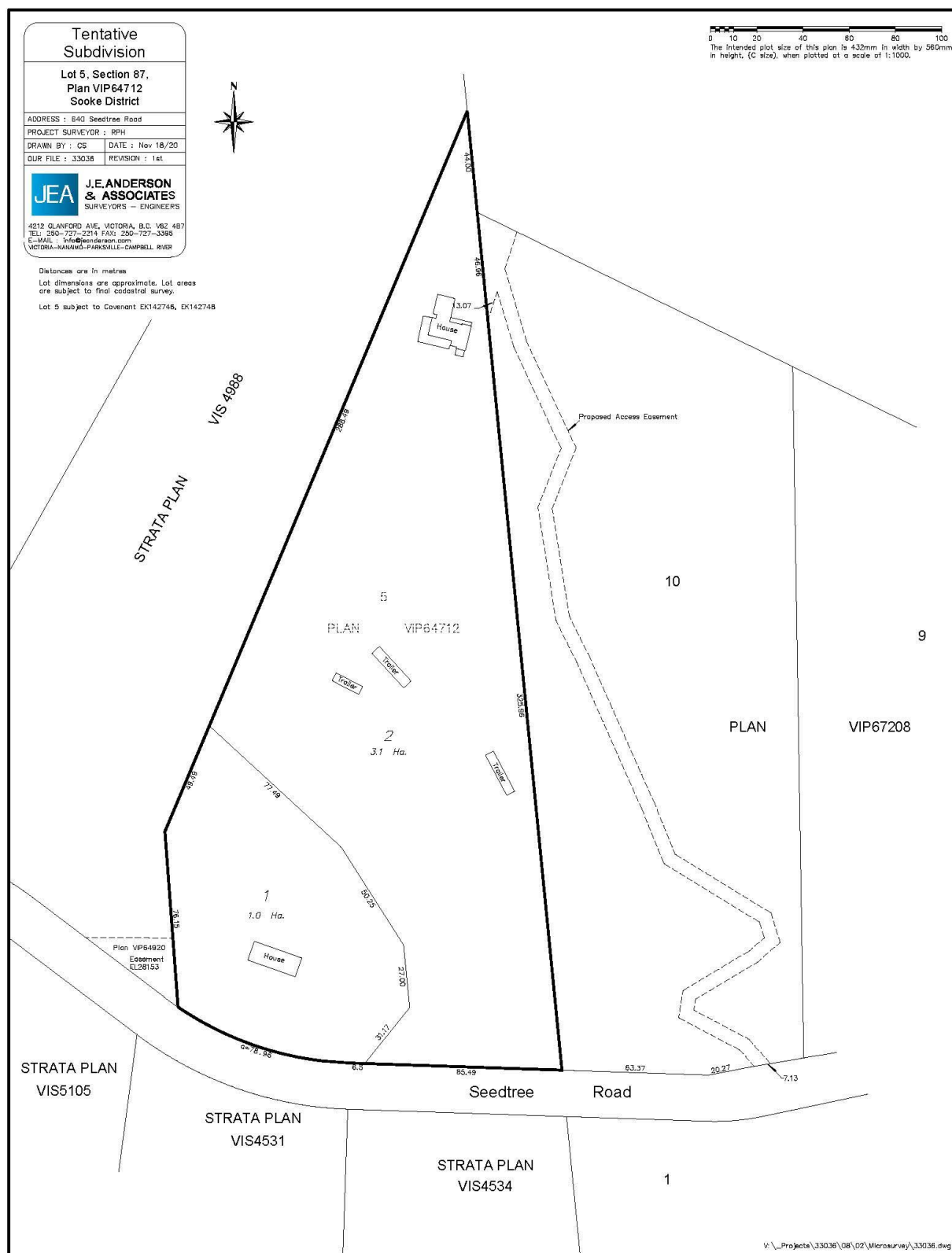
Appendix C: Permit DV000073

Appendix A: Subject Property Map





Appendix B: Subdivision Survey Plan and Requested Frontage Variance



Appendix C: Permit DV000073



CAPITAL REGIONAL DISTRICT

**DEVELOPMENT PERMIT WITH VARIANCE NO. DV000073**

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:  
**PID: 023-658-398;**  
**Legal Description: Lot 5, Section 87, Sooke District, Plan VIP64712 (the "Land")**
3. This development permit authorizes a 2 lot subdivision (the "development") on the Land, located within the development permit areas established under the East Sooke Official Community Plan, Bylaw No. 4000, 2018, Section 510 (Steep Slopes), Section 530 (Riparian), and Section 540 (Sensitive Ecosystems) in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
  - a. That the components of the development occur as identified on the Survey Plan, prepared by J.E.Anderson & Associates;
5. The Capital Regional District's Bylaw No. 2040, Part 2, Section 3.10(4), is varied under section 498 of the *Local Government Act* as follows:
  - a. That the the minimum frontage requirement of proposed Lot A be reduced from 10% to 8.75%.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000073) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:
  - i. Subdivision Survey Plan.
10. This Permit is NOT a Building Permit.

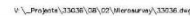
**RESOLUTION PASSED BY THE BOARD, THE \_\_\_\_ day of \_\_\_\_\_, 2021.**

**ISSUED** this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Kristen Morley  
Corporate Officer



Attachment 1: Subdivision Survey Plan





Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JANUARY 19, 2021**

---

**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 originally subdivided and removed from the Agricultural Land Reserve (ALR) in 1991. The land was subsequently subdivided in order to provide a residence for a relative in 2004, and rezoned in 2011 (Z-07-10) to a new AG-1 zone on the former ALR portion of the property, and 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 permit 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), while the AG-1 zone boundary is proposed to be adjusted to align with the boundary of proposed Lot 3 in the plan of subdivision (Appendix F). 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).

At its meeting of November 17, 2020, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaw to the Otter Point Advisory Planning Commission (APC), CRD departments, BC Hydro, District of Sooke, Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch and Environmental Stewardship Division, Island Health, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Transportation & Infrastructure, RCMP, School District #62 and T'Sou-ke First Nation. Comments have been received from agencies and are included in Appendix H.

**ALTERNATIVES**

*Alternative 1*

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

- a) That the referral of proposed Bylaw No. 4380, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 148, 2020" directed by the Juan de Fuca Land use Committee to the Otter Point Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Environmental Stewardship Division Island Health, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Transportation & Infrastructure, RCMP, Sooke School District #62 and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4380, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 148, 2020" be introduced and read a first time and read a second time; and
- c) That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4380.

*Alternative 2*

That the CRD Board not proceed with proposed Bylaw No. 4380.

*Alternative 3*

That more information be provided.

**IMPLICATIONS**

*Legislative*

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). The Otter Point APC considered the application its meeting December 8, 2020.

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.

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.

*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.

*Referral Comments*

Referrals were sent to ten agencies, to CRD departments and to the Otter Point APC. Comments received are summarized below and included in Appendix G.

CRD Bylaw Enforcement does not have any specific objections to the application other than noting that with increased density there may be increased demands for Bylaw Enforcement Services.

District of Sooke stated their interests are unaffected by the proposal.

FLNRO – Archaeology Branch stated there are no known archaeological sites on the property and archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property. Should any suspected archaeological deposits be encountered during land alterations on the property, all work must be halted and the Archaeology Branch contacted.

FLNR – Ecosystems Section noted that any development should follow the relevant guidelines in *Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*; any development below the high water mark requires submission of a Section 11 Notification/Approval under the *Water Sustainability Act*; and that completion of a *Riparian Areas Protection Regulation* assessment report is required. Confirmation of sufficient potable water should be conducted as part of the subdivision review.

Island Health stated that the subdivision will be required to comply with Island Health's Subdivision Standards.

RCMP provided no comment.

Sooke School District #61 stated no concerns with the proposal.

T'Sou-ke First Nation stated no concern with the request for creating two residential parcels.

The Otter Point APC met on December 8, 2020, to consider the application. Seven members of the public were in attendance. Three letters were received in support of the application, as well as a petition of support that included twelve signatures. The Otter Point APC moved the following motion:

**MOVED** by Sid Jorna, **SECONDED** by Stephen Smith that the Otter Point Advisory Planning Commission report to the Juan de Fuca Land Use Committee that it supports the rezoning application.  
**CARRIED**

### *Land Use*

Section 4.1.1 of the Otter Point OCP, Bylaw No. 3819, states that development may be supported subject to the development having a 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.

Based on CRD orthophoto imagery and contour information, the subject property is largely unforested and slopes upwards from west to east at an approximate incline of 20%. The proposed rural residential areas on the east side of the property are not designated as development permit areas for the protection of the environment or for the protection of development from hazardous conditions; however, an area on the agricultural portion, to the west of the existing buildings, is designated as Watercourses and Wetlands development permit area for the protection of Orveas Creek. Since the purpose of the proposed rezoning is to permit two additional rural residential lots on the east side of the property, away from the riparian area, staff recommend that a professional report focused on the riparian area be required through a development permit process, rather than at the time of rezoning. A development permit is required at the time of subdivision, or prior to any land alteration or the issuance of a building permit within the development permit area.

The protection of natural features will also be ensured through the retention of covenants on title. 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 OCP 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 are 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 policies of the Otter Point OCP, comments from agencies in the referral process, and a motion of support by the Otter Point APC, staff recommend that proposed Bylaw No. 4380 be introduced, read a first and second time, and that a public hearing be held.

### **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 received referral comments from seven agencies and the Otter Point Advisory Planning Commission. Staff recommend receipt of the referral comments and proceeding with first and second reading of the bylaw and holding a public hearing.

### **RECOMMENDATION**

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

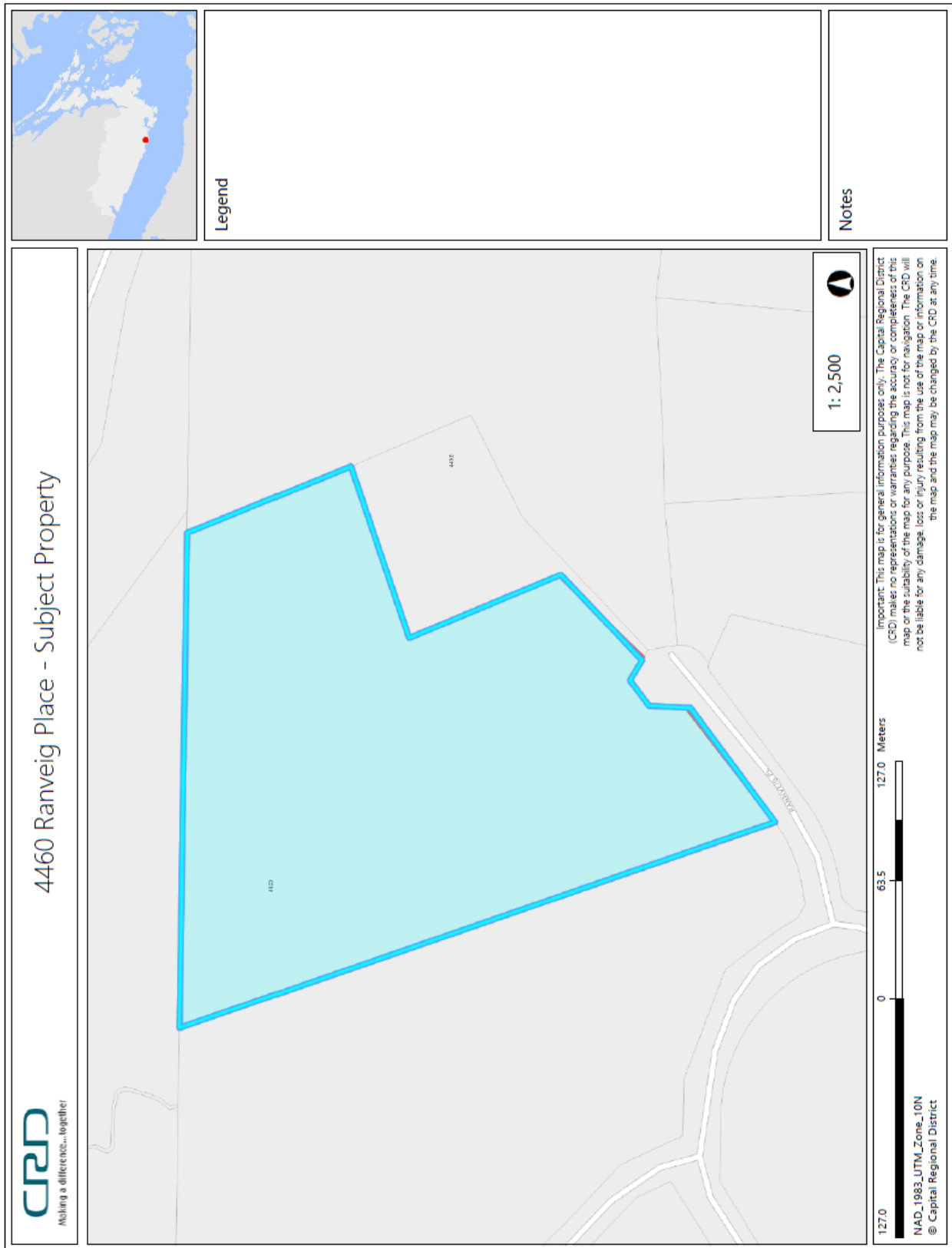
- a) That the referral of proposed Bylaw No. 4380, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 148, 2020" directed by the Juan de Fuca Land use Committee to the Otter Point Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Environmental Stewardship Division Island Health, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Transportation & Infrastructure, RCMP, Sooke School District #62 and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4380, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 148, 2020" be introduced and read a first time and read a second time; and
- c) That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4380.

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: 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 H: Referral Comments

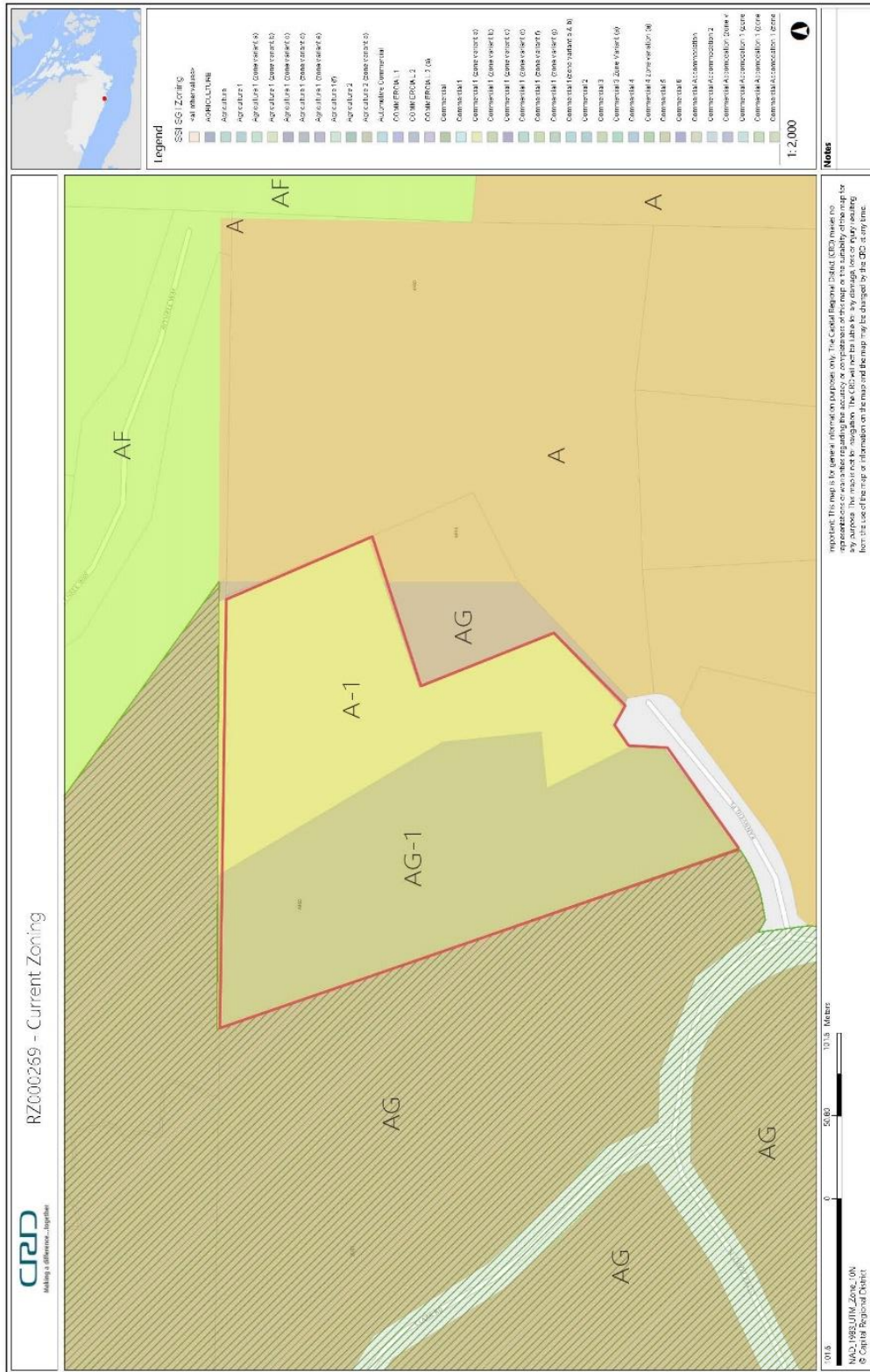
Appendix A: Subject Property Map







Appendix B: Current Zoning





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 418m<sup>2</sup>, 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.

---

CONSOLIDATED FOR CONVENIENCE ONLY

April 8, 2020

59

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 418m<sup>2</sup>, 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

- |  |  |
|--|--|
| <b>2A.07</b> <u><b>Maximum Size of Residential Buildings</b></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><br>(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 <sup>2</sup> , whichever is less;<br>(b) On lots of 1ha or more in size, residential buildings and structure shall not exceed a Floor Area Ratio of 0.45. |
| <b>2A.08</b> <u><b>Yard Requirements for Residential Buildings</b></u>                           | (a) Front yards shall be a minimum of 7.5m;<br>(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 <sup>2</sup> , minimum side yards shall be 15m each side;<br>(c) Flanking yards shall be a minimum of 6m CTS;<br>(d) Rear yards shall be a minimum of 11m.   |
| <b>2A.09</b> <u><b>Yard Requirements for Farm Buildings</b></u>                                  | (a) Front yards shall be a minimum of 30m;<br>(b) Side, flanking and rear yards shall be a minimum of 15m.   |
| <b>2A.10</b> <u><b>Yard Requirements for Finfish Culture, Land-Based Uses and Structures</b></u> | Front, side, flanking and rear yards shall be a minimum of 30m.  |
| <b>2A.11</b> <u><b>Yard Requirements for Intensive Agriculture Uses and Buildings</b></u>        | (a) Front yards shall be a minimum of 30m;<br>(b) Side, rear and flanking yards shall be a minimum of 30m.   |

---

CONSOLIDATED FOR CONVENIENCE ONLY

April 8, 2020

50

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**

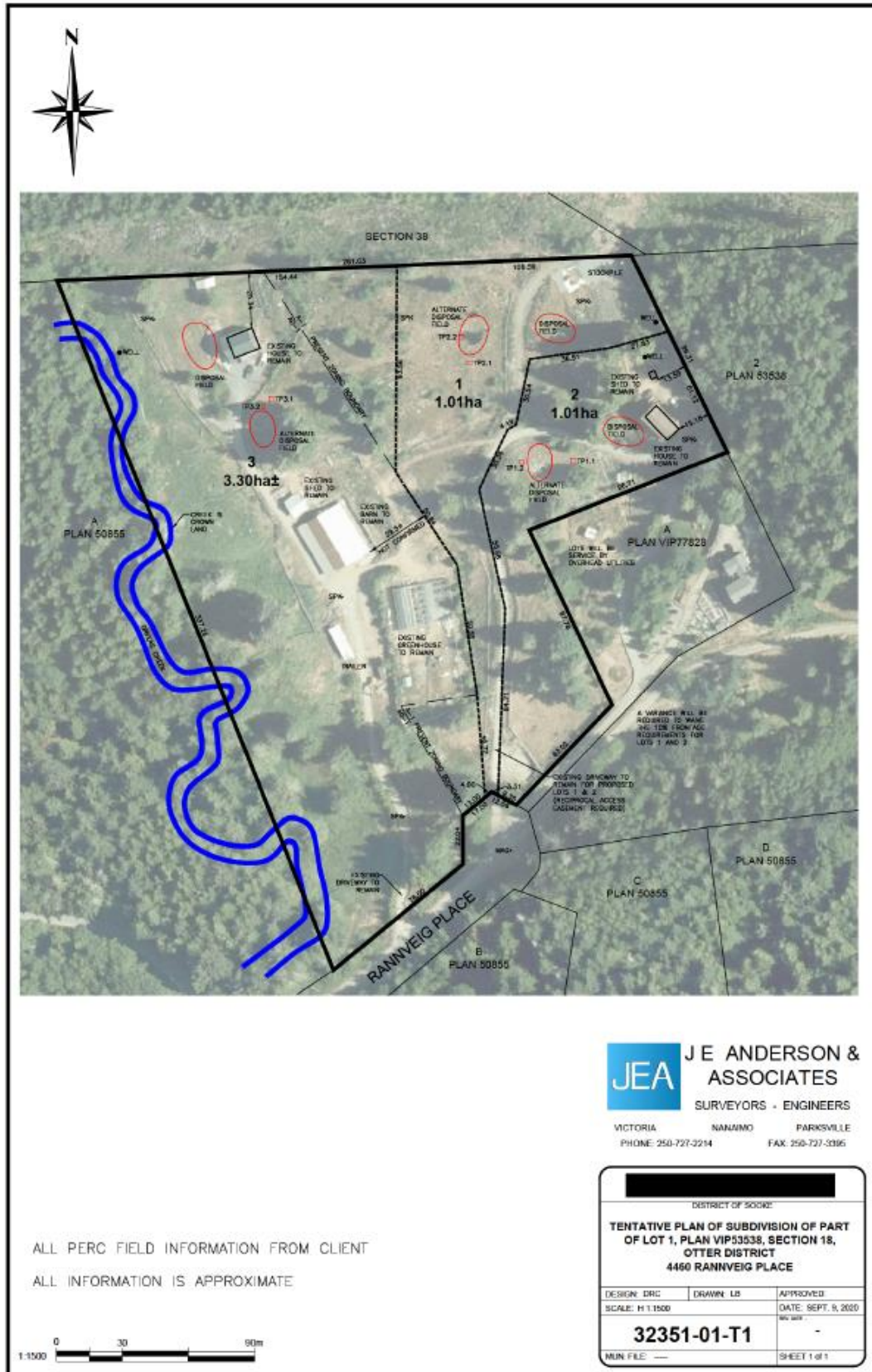
Lot coverage shall not exceed 25 percent

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

- |      |   |  |
|------|---|--|
| 6.06 | <b><u>Maximum Size of Residential Buildings</u></b>                       | 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><br>(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 <sup>2</sup> , whichever is less;<br>(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 | <b><u>Yard Requirements</u></b>   | (a) Front yards shall be a minimum of 7.5 m;<br>(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 <sup>2</sup> , minimum side yards shall be 15m each side;<br>(c) Flanking yards shall be a minimum of 6m CTS;<br>(d) Rear yards shall be a minimum of 10m.  |
| 6.08 | <b><u>Yard Requirements for Agricultural Buildings and Structures</u></b> | 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 F: Development Proposal



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 way 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

Appendix H: Referral Comments

**Wendy Miller**

---

**From:** Wilf Marquis  
**Sent:** Monday, November 30, 2020 11:22 AM  
**To:** Wendy Miller  
**Subject:** RE: Referral - Zoning Amendment Application for Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (RZ000269)

CRD Bylaw Enforcement Services has reviewed the staff report for Rezoning Application RZ000269 for 4470 Rannveig Place (proposed Bylaw No. 4380), a proposal to rezone the subject property to create two additional rural residential parcels. The proposed Bylaw No. 4380 is to rezone the property to AG-1 and RR-2 for the purpose of creating a three-lot subdivision.

This staff report and proposed rezoning and subdivision layout it is pointed out aligns with the intent of the OCP designation.

Along with increased density, CRD Bylaw Services could see potentially increased incidents regarding nuisance type issues such as noise, unsightly property, barking dogs, etc. given closer proximity to neighbors.

CRD Bylaw Enforcement does not have any specific objections to this application other than noting that with increased density there may be increased demands for Bylaw Services intervention.

Wilf MARQUIS | Senior Bylaw Officer  
Bylaw and Animal Care Services | Capital Regional District  
#212-2780 Veterans Memorial Parkway, Victoria, B.C. V9B 3S6  
T: 250.474.3351 (21) | C: 250.883.1299 | F : 250.391.9727  
[www.crd.bc.ca](http://www.crd.bc.ca) |



December 7, 2020

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

Attn: Iain Lawrence, Manager, Community Planning

**RE:** Referral Comments on Bylaw No. 4380 – Rezoning Application RZ000269 (4460 Rannveig Place)

---

Upon review of the proposed bylaw amendments staff have determined that the District of Sooke's interests are unaffected.

Thank you for providing the opportunity to comment on the proposed rezoning.

Regards,

**Tara Johnson**, RPP MCIP  
Planner II- District of Sooke  
2205 Otter Point Road, Sooke BC V9Z 1J2  
Phone (250) 642-1634

c: Matthew Pawlow, Director of Planning and Development

---

**Wendy Miller**

---

**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** Tuesday, December 15, 2020 11:25 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000269 - CRD Referral

Hello Wendy,

Sorry about the brevity of this response.

Thank you for your referral regarding rezoning of 4460 Rannveig Place, Otter Point, PID 017612471, LOT 1, SECTION 18, OTTER DISTRICT, PLAN VIP53538, EXCEPT PART IN PLAN VIP77828.

There are no known archaeological sites on the property and archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property.

There is always a possibility for previously unidentified archaeological sites to exist on the property. Should any suspected archaeological deposits be encountered during land alterations on the property, all work must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

Please let me know if you have any questions regarding this information.

Kind regards,



**Diana Cooper**  
**Archaeologist/Archaeological Information Administrator**  
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Phone: (250) 953-3343 | Email: [diana.cooper@gov.bc.ca](mailto:diana.cooper@gov.bc.ca) | Website [www.gov.bc.ca/archaeology](http://www.gov.bc.ca/archaeology)



**RESPONSE SUMMARY – REZONING APPLICATION RZ000269**

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

We have few concerns with the proposed rezoning and subdivision of the property located at 4460 Rannveig Place in Otter Point as the property has been used for agriculture and most of the trees and other native vegetation have been removed the site. We recommend that any development that occurs following subdivision follow the relevant guidelines in [\*Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia\*](#). Orveas Creek flows through the property. Any development below the high water mark of the creek will require the submission a Section 11 Notification/Approval under the Water Sustainability Act before the start of work. Also, any proposed development within 30 m of Orveas Creek will require the completion of a Riparian Areas Protection Regulation assessment report prepared by a Qualified Environmental Professional.

We have no information in our records to suggest that there is insufficient potable ground water for the two new lots that would be created by subdivision. Confirmation of sufficient potable water will be determined by the Ministry of Transportation and Infrastructure subdivision review process which will likely require the drilling of test wells and pump tests.

Dr. Grant Bracher P.Ag., R.P.Bio.

Ecosystem Biologist

Signed

Title

November 27, 2020

Ecosystems Section FLNRORD

Date

Agency

**RESPONSE SUMMARY – REZONING APPLICATION RZ000269**

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

**Comments:**

No objections to this zoning amendment provided Island Health  
is referred to during the subject property's subdivision to  
ensure compliance with the Island Health Submission Standards.

Signed

Title

Date

Agency



---

**Wendy Miller**

---

**From:** Brett SINDEN <brett.sinden@rcmp-grc.gc.ca>  
**Sent:** Thursday, December 10, 2020 11:59 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000269 - CRD Referral

No comment to make.

Thanks,

Brett

S/Sgt Brett SINDEN  
Detachment Commander  
Sooke RCMP  
250-642-5241 extension 2227

---

**Wendy Miller**

---

**From:** Pete Godau <pgodau@sd62.bc.ca>  
**Sent:** Thursday, November 19, 2020 2:56 PM  
**To:** Wendy Miller  
**Cc:** Scott Stinson; Harold Cull; Windy Beadall; Kristina Ross  
**Subject:** FW: Rezoning Application RZ000269 - CRD Referral  
**Attachments:** PPS-JDF-2020-11-17-RZ000269-Referral-LUC-Report.pdf; REFFERAL-FORM-AGENCIES-RZ000269.pdf

Good afternoon Wendy,

At this the school district does not have any concerns with the referral.

Thanks,

Pete

Peter Godau  
Director of Facilities | School District # 62  
P (250)474-9840 Ext 203 | C (250)361-7330 | [pgodau@sd62.bc.ca](mailto:pgodau@sd62.bc.ca)  
Shaping Tomorrow Today

---

**Wendy Miller**

---

**From:** landsmanager@tsoukenation.com  
**Sent:** Thursday, December 10, 2020 1:33 PM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000269 - CRD Referral

Hello,

At this time I do not see any issues with this request for creating 2 residential parcels. Does this not have to go through the District of Sooke?

Elizabeth

## 6. Rezoning Application

### a) RZ000269 - Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (4460 Rannveig Place)

Emma Taylor spoke to the staff report and the request to rezone the subject property to create two additional rural residential parcels by rezoning a portion of the subject property from Rural A-1 to Rural Residential 2 (RR-2) and rezoning a portion of the property from Rural A-1 to Agricultural AG-1.

Emma Taylor confirmed that the Juan de Fuca Land Use Committee considered the application at its meeting of November 17, 2020 and recommended that the proposal be referred to agencies and to the Otter Point Advisory Planning Commission. Emma Taylor directed attention to the Otter Point Official Community Plan policies for consideration of an application for rezoning, as included in the staff report. Emma Taylor further directed attention to the submissions received in response to the notices delivered to owners and occupants within 500 m of the subject property, as included on the supplementary agenda.

Emma Taylor confirmed that:

- a Qualified Environmental Professional's report will be requested to support a development permit application as part of the subdivision application process as the property is designated as a Watercourse and Wetland development permit area
- there are covenants registered on the title limiting building and alterations adjacent to the creek
- a further covenant is registered on title requiring geotechnical review prior to construction
- the statutory requirement for park dedication is not triggered as only two new lots are being created
- an application for subdivision for a relative as permitted by *Local Government Act* has not been submitted
- the applicants have declared that subdivision is being pursued for family members

Emma Taylor advised that the applicants and members of the public are in attendance.

The applicant stated that:

- after the property was initially rezoned in 2011 to Rural A-1 and Agricultural AG-1, a second dwelling was built
- the second dwelling is occupied by her son
- the intent of the rezoning application to permit subdivision to create one lot for her son and one lot for her daughter
- wells, hydro and septic are already in place for the two proposed lots
- the two proposed lots are sited to the north-east, well away from Orveas Creek
- there are no trails on subject property

**MOVED** by Sid Jorna, **SECONDED** by Stephen Smith that the Otter Point Advisory Planning Commission report to the Juan de Fuca Land Use Committee that it supports the rezoning application.

**CARRIED**