

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **January 18, 2022 at 7 pm**

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

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**AGENDA**

1. Election of Vice Chair
2. Approval of Agenda
3. Approval of the Supplementary Agenda
4. Adoption of Minutes of November 16, 2021
5. Chair's Report
6. Planner's Report
7. Zoning Amendment Applications
  - a) RZ000274 - Lot 28, Section 15, Otter District, Plan VIP87643 (3312 Otter Point Road)
  - b) RZ000275 - Lots A-H, and J and K, District Lot 87, Renfrew District, Plan EPP31225 & Section 85, Renfrew District (Kirby Creek Road)
8. 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, 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 until 4:00 pm the day before the meeting.*



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee**  
**Held Tuesday, November 16, 2021 at the Juan de Fuca Local Area Services Building**  
**3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Director Mike Hicks (Chair) (EP), Stan Jensen (EP), Vern McConnell (EP),  
Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)  
**Staff:** Iain Lawrence, Manager, Community Planning (EP);  
Wendy Miller, Recorder (EP)  
**ABSENT:** Roy McIntyre  
**PUBLIC:** Approximately 12 EP

EP – Electronic Participation

The meeting was called to order at 7:04 pm.

The Chair provided a Territorial Acknowledgment.

**1. Approval of the Agenda**

**MOVED** by Vern McConnell, **SECONDED** by Sandy Sinclair that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Vern McConnell, **SECONDED** by Stan Jensen that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of October 19, 2021**

**MOVED** by Sandy Sinclair, **SECONDED** by Stan Jensen that the minutes from the meeting of October 19, 2021, be adopted.

**CARRIED**

**4. Chair's Report**

The Chair thanked everyone for coming to the meeting.

**5. Planner's Report**

After consulting with the Chair, the LUC will adjourn for the month of December, unless there is a pressing matter.

**6. Radio Communication and Broadcasting Antenna Systems Applications**

**a) LP000028 - Section 64, Renfrew District – West Coast Road; LP000029 - District Lot 348, Renfrew District – West Coast Road; and LP000030 - District Lot 319, Renfrew District – West Coast Road**

Iain Lawrence spoke to the staff report for the applications received from Rogers Communications for a 63 m radio communication tower with antennas and lightening rod on Section 64, Renfrew District, a 52 m radio communication tower with antennas on District Lot 348, Renfrew District and a 97 m radio communication tower with antennas secured with guy-lines on District Lot 319, Renfrew District.

Iain Lawrence highlighted the subject properties, site plans and tower plans and advised that:

- the subject properties are Crown land
- the tower location for LP000028 is located near Newmarch Creek
- the tower location for LP000029 is located near Loss Creek
- the tower location for LP000030 is located near Parkinson Creek
- the three applications being considered this evening are the final applications being submitted by Rogers as part of the current initiative to expand service between Sooke and Port Renfrew

The Chair confirmed that the application representative was present.

Brian Gregg, representative for Rogers, responded to questions from the LUC and the public advising that:

- the three subject locations are already accessible
- Rogers will enter into road use agreements with the existing road permit holders
- road gates have not been considered at this time
- installation of weather stations would require an amendment to Rogers' Crown land tenure applications
- Crest is co-locating on two of the tower locations (LP000029 and LP000030)
- there is opportunity for CREST to co-locate on the third tower in future

**MOVED** by Sandy Sinclair, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028);
2. That a statement of concurrence be provided to Rogers Communications for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and
3. That a statement of concurrence be provided to Rogers Communications for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

**CARRIED**

## **7. Zoning Amendment Application**

### **a) RZ000272 - Section 42, Otter District, (Clark Road & Aythre Way)**

Iain Lawrence spoke to the staff report for the application to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

Iain Lawrence highlighted the subject property and advised that the property is also subject to an 8-lot subdivision application (SU000704) and development permit (DP000291). It was further advised that the LUC directed referral of the proposal to agencies and to the Otter Point Advisory Planning Commission (APC) at its meeting of June 15, 2021.

Iain Lawrence outlined the referral comments as included in the staff report. Further to comments received by the APC, Iain Lawrence reported that proposed Bylaw No. 4422 has been revised to more clearly regulate the equestrian and campground uses and densities.

Iain Lawrence directed attention to revised Bylaw No. 4422 as circulated with the supplementary agenda.

The Chair confirmed that the applicant was present.

Dale Risvold entered the meeting at 7:26 pm.

The applicant and application representatives responded to questions from the LUC advising that:

- restoration of the previously disturbed wetlands is required by the Province and will be addressed as part of the subdivision application and development permit
- the soil deposit application (SP000092) for the subject property is now closed
- the deposited soil will be used to top dress road sides and individual lots
- the two cisterns that are on site will be used for rain water capture
- that dwelling that is currently under construction has been designed for rain water capture
- a maximum of six horses will be on site at any time
- the three resident horses will be used for equine therapy
- manure will be composted on site using a three-bay aeration system

The Chair directed attention to the submissions included in the supplementary agenda which include concern regarding the proposal's camping component.

The LUC questioned if the applicant would consider decreasing camping spaces from five (one camping space per 2 ha) to three (one camping space per 3 ha).

The applicant stated support for decreasing camping spaces to three.

Heather Phillips, Otter Point:

- supports proposed Bylaw No. 4422 defining equestrian riding facility as the facility is not a permitted agriculture or farm use
- the subject property is a rural property
- properties adjacent to the subject property on Amanda Place are permitted full farm operations
- the agriculture scale proposed by Bylaw No. 4422 is in keeping with a hobby farm
- new roads in the Clark Road subdivision are better than most roads
- barrier to success with be water availability
- supports the scale proposed by Bylaw No. 4422

Sheila Hubbard, Otter Point:

- animals have been moved onto the subject property although the keeping of animals is not currently permitted
- questioned if the proposal will be proceeding when people have expressed opposition to the proposal

The Chair commented that bylaw enforcement regarding the keeping of animals on this property would not be pursued further at this time.

The Chair confirmed that the public will be able to make further comment regarding this application, should the LUC and the CRD Board support the bylaw proceeding to public hearing.

Having considered the submissions received this evening and having heard from the applicant, the LUC stated support for amending Bylaw No. 4422 to decrease camping spaces from five to three and to tie the accessory camping use directly to the principal equestrian facility use.

**MOVED** by Sandy Sinclair, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021" directed by the Juan de Fuca Land Use Committee to the Otter Point Advisory Planning Commission; appropriate CRD departments; BC Hydro; District of Sooke; Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) Archaeology Branch, Ecosystems Branch and Water Protection Section; Island Health; Ministry of Agriculture; Ministry of Transportation & Infrastructure; Otter Point Fire Department; RCMP; Sooke School District #62; and Sc'ianew and T'Sou-ke First Nations be approved and the comments received;
2. That proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw No, 1992, Amendment Bylaw No. 152, 2021, as included in the supplementary agenda be introduced, as amended, and read a first time and read a second time;
3. 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 4422; and
4. That prior to adoption of proposed Bylaw No. 4422, the following conditions be met:
  - a. Submission of a Section 11 Approval under the *Water Sustainability Act* for Changes In or About a Stream and/or a Conditions & Impacts Report prepared by a Qualified Environmental Professional, as well as completion of any recommended restoration measures to the satisfaction of the Province and the CRD;
  - b. Approval of a frontage variance and development permit to authorize the subdivision of Section 42, Otter District.

**CARRIED**

## 8. Adjournment

The meeting adjourned at 7:46 pm.

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Chair



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## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 18, 2022

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**SUBJECT**      **Zoning Amendment for Lot 28, Section 15, Otter District, Plan VIP87643 –  
3312 Otter Point Road**

### **ISSUE SUMMARY**

The owners have applied to amend the Rural Residential A Kennel (RR-AK) zone to permit an existing accessory athletic facility.

### **BACKGROUND**

The 0.983 ha subject property is located at 3312 Otter Point Road and is zoned Rural Residential A Kennel (RR-AK) in the Juan de Fuca (JdF) Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix A). The parcel is adjacent to Rural A zoned Crown Land to the west, a CRD owned right-of-way to the east, the Denfield Road right-of way and Sooke Business Park to the south, and Otter Point Road and Rural Residential A (RR-A) properties to the north. There are an existing dwelling, including secondary suite, and accessory building on the property (Appendix B).

The property is designated as Settlement Area 1 in the Otter Point Official Community Plan (OCP), Bylaw No. 3819, and falls outside any designated development permit areas. The parcel is within the Otter Point Fire Protection Local Service Area, and is serviced by well water and onsite septic.

The property was the subject of a zoning amendment application (RZ000227) in 2012/13 to rezone the parcel from RR-A to RR-AK to permit a kennel and dog obedience training operation. The kennel is no longer active; however, a fitness facility (Otter Point Athletics) is operating out of the accessory building. The original building permit for the accessory building expired in 2018 and a new permit application was submitted in 2021 to complete the outstanding items and receive a final inspection. In order to complete the permit, the athletic facility use must either be legalized through rezoning, or discontinued. The owners have applied to rezone the property and staff have prepared Bylaw No. 4454 (Appendix C) to amend the RR-AK zone by adding “athletic facility accessory to a principal residential use” to the list of permitted uses (Appendix C).

At its meeting of September 21, 2021, the Juan de Fuca Land Use Committee recommended referral of proposed Bylaw No. 4454 to the Otter Point Advisory Planning Commission (APC), CRD departments, first nations and other external agencies. Comments have been received from agencies and are included in Appendix D.

### **ALTERNATIVES**

#### *Alternative 1*

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

1. That the referral of proposed Bylaw No. 4454, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 154, 2021”, to the Otter Point Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, FLNR – Water Protection, Island Health, Ministry of Environment & Climate Change Strategy – Environmental Protection and Sustainability, Ministry of Transportation & Infrastructure, Otter Point Fire Department, RCMP, Sc’ianew First Nation, and T’Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4454 be introduced and read a first time and read a second time; and

3. 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. 4454.

*Alternative 2*

That the CRD Board not proceed with proposed Bylaw No. 4454.

*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 at its meeting on November 2, 2021.

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

*Regional Growth Strategy*

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 OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. Staff are of the opinion that the proposed amendment is consistent with the policies of the Otter Point OCP.

*Referral Comments*

Referrals were sent to 17 agencies and CRD departments, and to the Otter Point APC. Comments received are summarized below and included in Appendix D.

BC Hydro stated that they had no objection and that their interests were unaffected by the proposal.

RCMP stated that they had no concerns.

Ministry of Transportation & Infrastructure stated that they had no objection to the rezoning as proposed.

District of Sooke stated that their interests are unaffected by the proposed bylaw amendment.

CRD Bylaw Enforcement commented that they did not foresee any significant impacts to its services by this application.

FLNR – Ecosystems Section stated that their interests were unaffected by the proposal.

FLNR – 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.

The Otter Point Fire Department stated that they had no concerns with the rezoning application.

The Otter Point APC met on November 2, 2021, to consider the application, with one member of

the public in attendance. Two letters were received in response to public notification. The first letter stated support for the application. The second letter advised of the owner's requirement to licence the existing well for commercial use, but expressed no objection the rezoning. The Otter Point APC moved the following motion:

**MOVED** by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee (LUC) that the zoning amendment proceed and that the well be registered.

**CARRIED**

#### *Land Use*

The proposed bylaw includes an amendment to add "athletic facility accessory to a principal residential use" in order to legalize an existing fitness centre and allow the building permit process for the accessory building to be completed.

The subject property was rezoned in 2013 from RR-A to RR-AK in order to allow a dog obedience training operation under the *kennel* definition. The Settlement Area designation of the Otter Point Official Community Plan, Bylaw No. 3819, supports accommodating limited industrial and commercial development with a focus on the Sooke Business Park. The property is located in close proximity to local industrial, commercial and institutional uses, including light industrial and warehousing activities in Sooke Business Park, Otter Point Collision and the CRD Local Area Services Building.

As a permitted accessory use, the fitness facility would be limited in size to the maximum floor area of accessory buildings (250 m<sup>2</sup>). Parking requirements are regulated under Part 3 of Bylaw No. 2040 which requires a minimum of 1 space per 3.18 m<sup>2</sup> of floor area used by patrons. Parking allocation will be assessed through by JdF Planning through the building permit process.

Water licensing requirements under the *Water Sustainability Act* will be addressed through the building permit process.

The proposed bylaw was sent to 17 agencies and CRD departments, and to the Otter Point APC. No comments received expressed any concern with the bylaw or proposal activity.

Based on the information provided by the applicant, referral comments received and the policies of the Otter Point OCP, staff recommend that proposed Bylaw No. 4454 be introduced, read a first and a second time, and that a public hearing be held.

#### **CONCLUSION**

The purpose of this zoning bylaw amendment application is to amend the Rural Residential A Kennel (RR-AK) zone to permit an athletic facility accessory to a principal residential use. Staff have prepared proposed Bylaw No. 4454 and recommend receipt of referral comments, first and second reading and advancement to public hearing.



## **RECOMMENDATION**

### *Alternative 1*

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

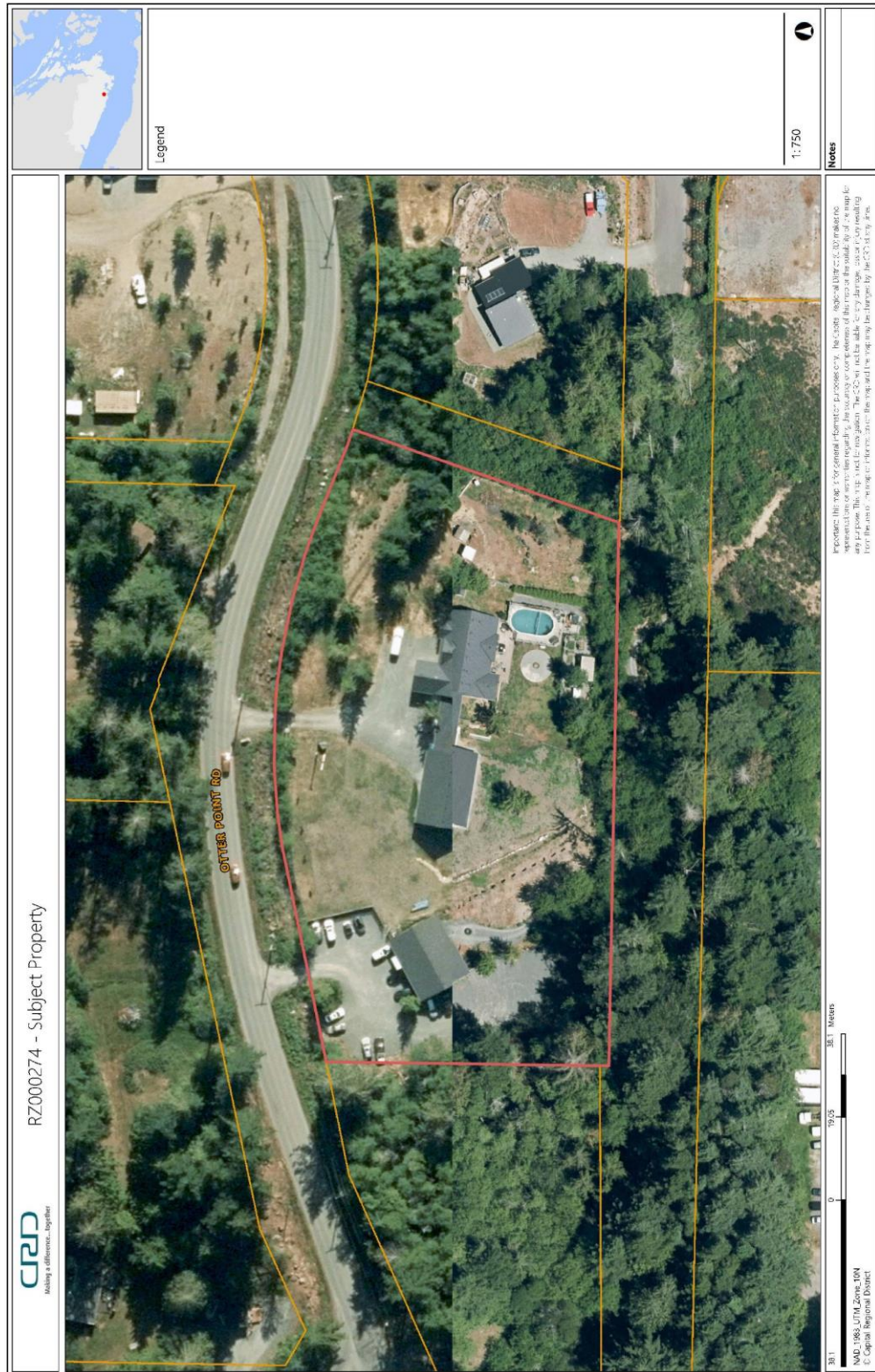
1. That the referral of proposed Bylaw No. 4454, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 154, 2021”, to the Otter Point Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, FLNR – Water Protection, Island Health, Ministry of Environment & Climate Change Strategy – Environmental Protection and Sustainability, Ministry of Transportation & Infrastructure, Otter Point Fire Department, RCMP, Sc’ianew First Nation, and T’Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4454 be introduced and read a first time and read a second time; and
3. 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. 4454.

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

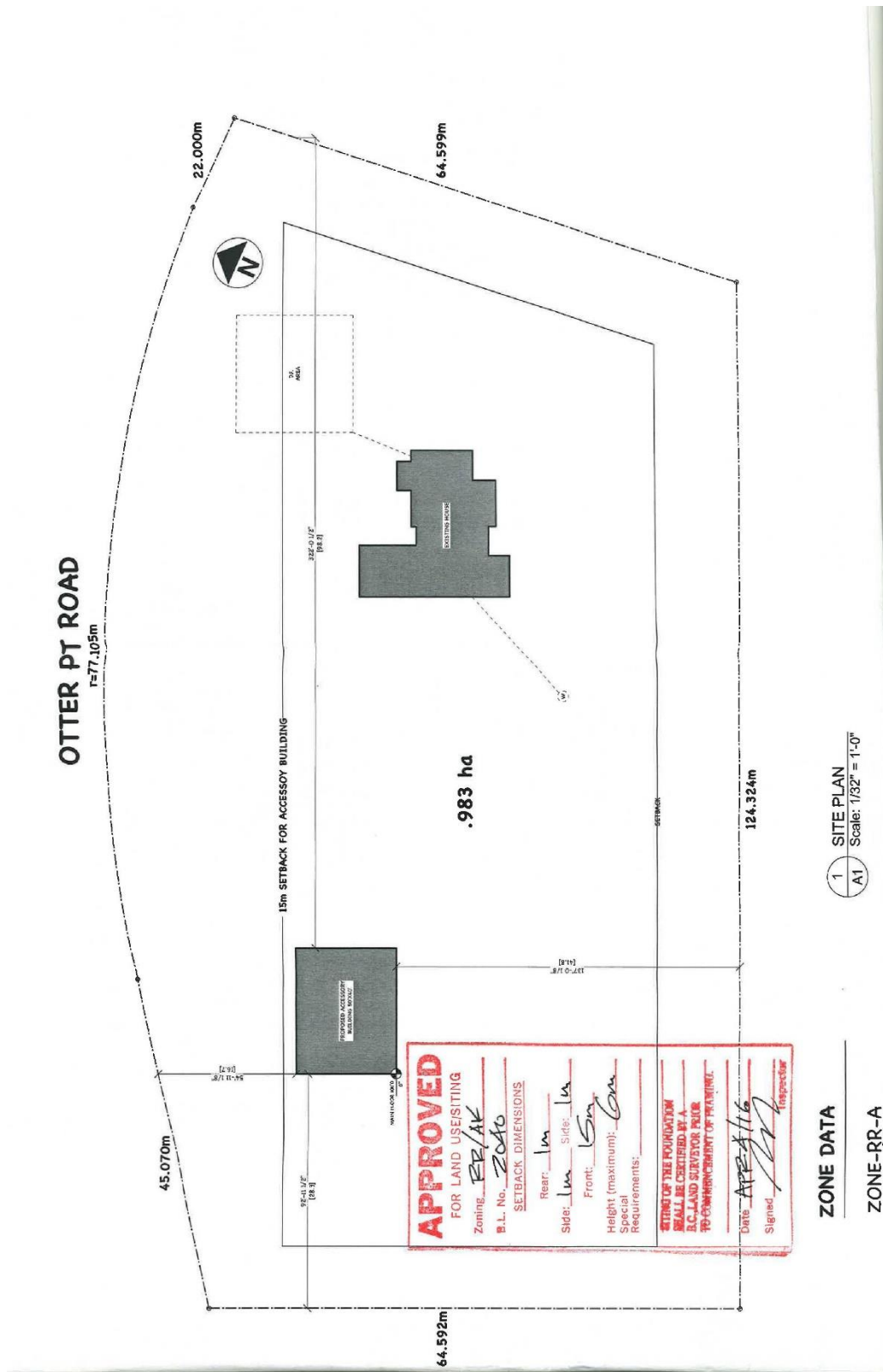
## **ATTACHMENTS**

- Appendix A: Subject Property  
Appendix B: Site Plan  
Appendix C: Proposed Bylaw No. 4454  
Appendix D: Referral Comments

Appendix A: Subject Property



Appendix B: Site Plan







Appendix D: Referral Comments

**Wendy Miller**

**From:** Towstego, Lucas FLNR:EX <Lucas.Towstego@gov.bc.ca>  
**Sent:** Wednesday, October 13, 2021 1:11 PM  
**To:** Wendy Miller; Roden, Jacqueline FLNR:EX; South Island District Office, Forests FLNR:EX; Doyle, Jessica FLNR:EX; Bracher, Grant FLNR:EX  
**Subject:** RE: Zoning Amendment Application RZ000274 - CRD Referral

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Wendy,

Thank you for your archaeological information request regarding 3312 Otter Point Road (PID 028147057 Legal: L 28 SEC 15 OTTER DISTRICT PL VIP87643). Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your information request.

**Results of Provincial Archaeological Inventory Search**

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, an archaeological site is recorded within 60 m of the subject property, and there is high potential for unrecorded portions of the archaeological site to extend onto the subject property.

**Archaeology Branch Advice**

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

**Rationale and Supplemental Information**

- A protected archaeological site is located within 60 m the subject property, and there is high potential for previously unidentified portions of the site to extend to other parts of the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.

- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

#### How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website ([www.bcapa.ca](http://www.bcapa.ca)) and in local directories.

#### Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or [archaeology@gov.bc.ca](mailto:archaeology@gov.bc.ca).

For more general information, visit the Archaeology Branch website at [www.gov.bc.ca/archaeology](http://www.gov.bc.ca/archaeology).



Please note that subject lot boundaries (yellow), archaeological site boundaries (red), and areas of archaeological potential indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent.

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**Wendy Miller**

**From:** Mann, Elaine <Elaine.Mann@bchydro.com>  
**Sent:** Tuesday, October 12, 2021 2:54 PM  
**To:** Wendy Miller  
**Subject:** RE: [External] Zoning Amendment Application RZ000274 - CRD Referral

Hi Wendy,

BC Hydro, Property Rights have no objection as our interests are unaffected by this proposal.

Regards,

**Elaine Mann** | Property Coordinator, Property Rights Services

**BC Hydro**  
Vancouver Island

**P** 250-755-7169  
**E** [elaine.mann@bchydro.com](mailto:elaine.mann@bchydro.com)

[bchydro.com](http://bchydro.com)

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2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2  
Phone: 250-642-1634 Fax: 250-642-0541 Email: [info@sooke.ca](mailto:info@sooke.ca) Website: [www.sooke.ca](http://www.sooke.ca)

**CRD Rezoning Application Referral to District of Sooke Planning Department**

Friday, October 8, 2021

DOS File No.: CRD Referral

Juan de Fuca Community Planning  
3-7450 Butler Road  
Sooke, BC V9Z 1V1

Via Email: [wmiller@crd.bc.ca](mailto:wmiller@crd.bc.ca)

Dear Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning

**Re:** Referral Comments on rezoning application to amend Bylaw No. 2040 to amend the Rural Residential A Kennel (RR-AK) zone to permit an existing accessory athletic facility.

Upon review of the proposed bylaw amendment to Bylaw No. 2040, Planning staff have determined that the District of Sooke's interest are unaffected by the proposed bylaw amendment RZ000274.

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

If you have any further questions, please do not hesitate to contact me at the email provided below.

Yours Truly,

Kasha Janota-Bzowska, Planner I  
Planning and Development Department  
2205 Otter Point Road  
Sooke, BC, V9Z 1J2

Email: [kjanotabzowska@sooke.ca](mailto:kjanotabzowska@sooke.ca)  
Web: [www.sooke.ca](http://www.sooke.ca)

CC: Matthew Pawlow, RPP, MCIP, Director of Planning and Development Services



**Wendy Miller**

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**From:** Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>  
**Sent:** Thursday, October 07, 2021 11:27 AM  
**To:** Wendy Miller  
**Subject:** RE: Zoning Amendment Application RZ000274 - CRD Referral

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Morning Wendy,

Please consider this the official response from the Ministry of Transportation and Infrastructure regarding the proposed rezoning of 3312 Otter Point Road to permit an accessory athletic facility.

The Ministry has no objections to the rezoning as proposed.

Thank you for the opportunity to comment. Should you wish to discuss further, please feel free to contact me.

Regards,

**Owen Page**  
**Development Officer**  
**Ministry of Transportation and Infrastructure**  
Vancouver Island District  
Ph: 236-478-1552



Ministry of  
Transportation  
and Infrastructure

WEBSITE FOR DEVELOPMENT APPROVALS:

[www.th.gov.bc.ca/Development\\_Approvals/home.htm](http://www.th.gov.bc.ca/Development_Approvals/home.htm) | MINISTRY WEBSITE: <http://tranbc.ca/>

**Wendy Miller**

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**From:** John McCrea <jmccrea@otterpointfire.bc.ca>  
**Sent:** Friday, September 24, 2021 1:25 PM  
**To:** Wendy Miller  
**Cc:** Jonathan Reimer; chief@otterpointfire.bc.ca  
**Subject:** Re: Zoning Amendment Application RZ000274 - CRD Referral

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Morning Wendy

Thank you for the opportunity to comment on this rezoning application.

The Otter Point Fire Department has no concerns with the rezoning application for 3312 Otter Point Road.

Regards

John

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

RESPONSE SUMMARY – REZONING APPLICATION RZ000274

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Our interests are unaffected as this pertains solely to rezoning and no new construction is planned.

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



Ecosystem Biologist

Signed

Title

September 24, 2021

Ecosystems, FLNRORD

Date

Agency

**Wendy Miller**

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**From:** Sinden, Brett <brett.sinden@rcmp-grc.gc.ca>  
**Sent:** Wednesday, September 22, 2021 11:59 AM  
**To:** Wendy Miller  
**Subject:** RE: Zoning Amendment Application RZ000274 - CRD Referral

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

No concerns.

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

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**Minutes of a Meeting of the Otter Point Advisory Planning Commission**  
**Held Tuesday, November 2, 2021, at Juan de Fuca Local Area Services Building,**  
**3-7450 Butler Road, Otter Point, BC**

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**PRESENT:** Sid Jorna (Vice Chair), Bud Gibbons, Stephen Smith (EP), Al Wickheim  
**Staff:** Iain Lawrence, Manager, Juan de Fuca Community Planning (EP);  
Wendy Miller, Recorder (EP)  
**ABSENT:** Anne Miller (Chair)  
**PUBLIC:** 1 (EP)

EP – Electronic Participation

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

**1. Approval of the Agenda**

**MOVED** by Bud Gibbons, **SECONDED** by Al Wickheim that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Bud Gibbons, **SECONDED** by Stephen Smith that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of the Minutes of August 11, 2021**

**MOVED** by Stephen Smith, **SECONDED** by Bud Gibbons that the minutes of the meeting of August 11, 2021, be adopted.

**CARRIED**

**4. Planner's Report**

No report.

**5. Zoning Amendment Application**

a) **RZ000274 – Lot 28, Section 15, Otter District, Plan VIP87643 (3312 Otter Point Road)**  
Iain Lawrence spoke to the staff report for the application to amend the Rural Residential A Kennel (RR-AK) zone to permit an existing accessory athletic facility.

Iain Lawrence highlighted the subject property map and advised that:

- the building permit for the accessory building used for the athletic facility has lapsed and the use to which the uncompleted building permit is being put does not comply with the RR-AK zone
- the zoning amendment would legalize the athletic facility and allow the building permit to be completed
- the athletic facility is serviced by an onsite well and septic
- eleven letters of support submitted at application intake are included in the staff report considered by the Juan de Fuca Land Use Committee
- there have been no bylaw enforcement complaints regarding the athletic facility

**Otter Point Advisory Planning Commission Meeting Minutes  
November 2, 2021**

**2**

Iain Lawrence directed attention to the supplementary agenda which includes a further submission of support, as well as one submission regarding a water licence for use of groundwater for non-domestic purposes.

Iain Lawrence confirmed that the applicant was present.

The applicant responded to questions from the APC stating that:

- the athletic facility has one washroom with a toilet and a sink
- there have been no issues with the well, even during the last drought
- trucked water has not been required
- one septic field services the single family dwelling
- the secondary suite and athletic facility are serviced by a separate septic field
- increased sewerage is not anticipated
- the Province has been contacted regarding the well licence

**MOVED** by Sid Jorna, **SECONDED** by Bud Gibbons that the Otter Point Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee (LUC) that the zoning amendment proceed and that the well be registered.

**CARRIED**

**6. Adjournment**

The meeting adjourned at 7:12 pm.

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Chair



Making a difference...together

## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 18, 2022

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**SUBJECT**      **Zoning Amendment Application for Lots A-H, and J and K, District Lot 87, Renfrew District, Plan EPP31225 & Section 85, Renfrew District – Kirby Creek Road**

### **ISSUE SUMMARY**

Property owners on Kirby Creek Road have submitted a joint application to rezone the subject properties from Forestry (AF) to Rural 2 (RU2).

### **BACKGROUND**

The eleven subject properties are located on Kirby Creek Road in Shirley and include Lots A-H, and J and K in Plan EPP31225, which are all approximately 4 hectares (ha) in area and Section 85, Renfrew District which is approximately 65 ha (Appendix A). The properties are zoned Forestry (AF) in Bylaw No. 2040 (Appendix B) and designated as Coastal Upland in the Shirley-Jordan River Official Community Plan Bylaw No. 4001, with portions of the properties in the steep slope, sensitive ecosystems and riparian development permit areas. The area is within the Shirley Fire Protection Service Area, but outside a community water service area.

Since the properties in Plan EPP31225 were created in 2015, residential uses have been established and there is interest from the owners in pursuing agricultural activities in keeping with rural residential and other rural zones, which are not currently permitted in the AF zone. The eleven property owners have submitted an application to rezone the properties from Forestry (AF) to Rural 2 (RU2) for the purpose of permitting agricultural uses and farm buildings (Appendix C). Staff have prepared Bylaw No. 4464 for consideration (Appendix D).

### **ALTERNATIVES**

#### *Alternative 1*

That staff be directed to refer proposed Bylaw No. 4464, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022” to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro  
District of Sooke  
FLNR - Archaeology Branch  
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
FLNR - Water Protection Section  
Island Health  
Ministry of Agriculture  
Ministry of Transportation & Infrastructure  
RCMP  
Shirley Fire Department  
Sooke School District #62  
Pacheedaht First Nation  
T’Sou-ke First Nation

#### *Alternative 2*

That proposed Bylaw No. 4464 not be referred.

*Alternative 3*

That more information be provided.

## **LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS**

### **Legislative Implications**

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

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

Where groundwater is used for non-domestic purposes, a license is required 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 Groundwater Protection Section for comment.

## **REGIONAL GROWTH STRATEGY IMPLICATIONS**

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

## **LAND USE IMPLICATIONS**

The Shirley-Jordan River OCP, Bylaw No. 4001, designates the subject properties as Coastal Upland. The primary use for the Coastal Upland policy area is to support the continued use of these lands for forestry. Single-family residential and agriculture are also supported in this designation provided the density does not exceed one parcel per 4 ha and one dwelling per parcel. The AF zone permits silviculture and residential uses reflective of the historical use of the lands as working forests. The Rural 2 (RU2) zone is considered consistent with the uses and density supported by the Coastal Upland designation and allows for the scale of agricultural activities desired by the applicants. The RU2 zone permits agriculture, farm buildings and residential uses with a 4 ha minimum lot size for subdivision purposes and a density of one dwelling and suite per parcel (Appendix C). The RU2 zone incorporates specific definitions for these uses, as follows:

*Agriculture* means the growing, rearing, producing or harvesting agricultural crops or livestock; apiculture; horticulture; silviculture; the use and storage of associated farm machinery, implements and agricultural supplies; includes the ancillary sale, storage and processing on a parcel of the primary products harvested, reared or produced on that parcel; excludes intensive agriculture, intensive agriculture – medical marihuana, licenced cannabis production pursuant to the *Cannabis Act*, kennels, aquaculture, growing of mushrooms within a building and the permanent confinement of livestock or animals of any kind within a building.

*Farm Building* means a structure which does not contain a residential occupancy and is: i) associated with and located on land devoted to the practice of farming; and ii) used essentially for the housing of agricultural crops or equipment or livestock including storage and processing of agricultural products produced on site; but excludes abattoirs, indoor equestrian riding arenas, and buildings for the permanent confinement of livestock or animals of any kind.



Past proposals to amend the Forestry (AF) zone to permit agriculture have been considered by the CRD Board. Bylaw No. 4179 proposed to add agriculture as a permitted use on all lands zoned AF, but was withdrawn in 2018 in favour of considering zoning amendments to allow agriculture on a case-by-case basis. A site specific rezoning of a split zoned Rural A and AF parcel in Shirley to a new Rural 2 (RU2) zone was completed in 2019 (Bylaw No. 4259). Staff consider the RU2 zone appropriate for properties in the 4 ha range that have been removed from forestry programs, have established rural residential uses, and wish to conduct agricultural activities.

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

### **CONCLUSION**

The purpose of this zoning bylaw amendment application is to rezone ten 4 ha properties and one 65 ha property on Kirby Creek Road, from the Forestry (AF) zone to the Rural 2 (RU2) zone for the purpose of permitting agriculture and farm buildings. Staff have prepared proposed Bylaw No. 4464 and recommend referral to the Shirley/Jordan River 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 staff be directed to refer proposed Bylaw No. 4464, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022" to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

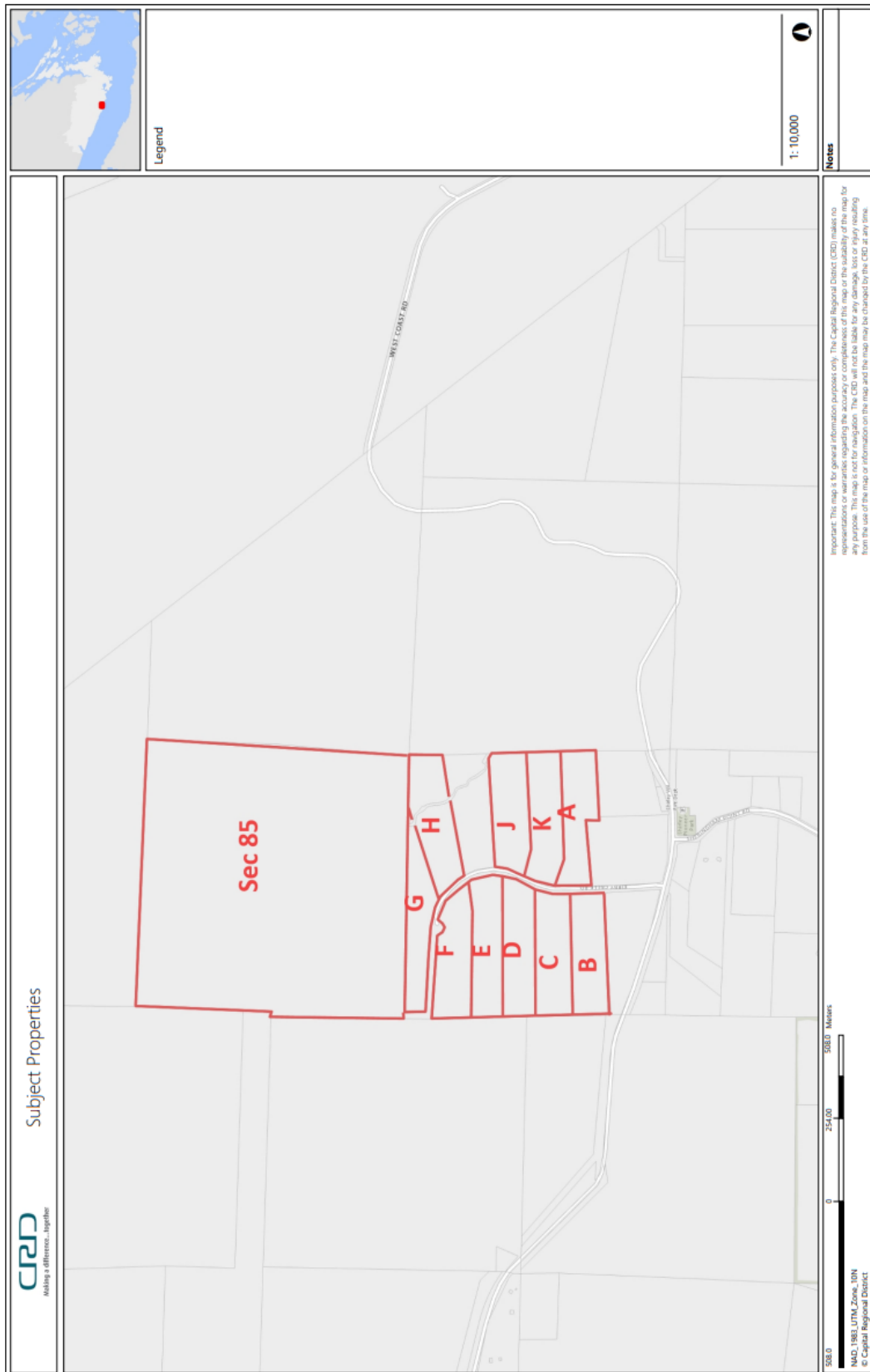
BC Hydro  
District of Sooke  
FLNR - Archaeology Branch  
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
FLNR - Water Protection Section  
Island Health  
Ministry of Agriculture  
Ministry of Transportation & Infrastructure  
RCMP  
Shirley Fire Department  
Sooke School District #62  
Pacheedaht First Nation  
T'Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services

### **ATTACHMENTS**

Appendix A: Subject Properties  
Appendix B: Forestry AF Zone  
Appendix C: Rural 2 RU2 Zone  
Appendix D: Proposed Bylaw No. 4464

Appendix A: Subject Properties



Appendix B: Forestry AF Zone

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

3.0 **FORESTRY ZONE - AF**

3.01 **Permitted Uses**

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

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20. *Bylaw 3849*

3.02 **Minimum Parcel Size for Subdivision Purposes**

The minimum lot size is 4ha;

3.03 **Density**

One one-family dwelling per lot is permitted.

One secondary suite or one detached accessory suite per lot is permitted. *Bylaw 3849*

3.04 **Height**

Maximum height shall be 11m.

3.05 **Lot Coverage**

Maximum lot coverage shall be 10 percent.

3.06 **Maximum Size of for 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.

3.07 **Yard Requirements**

For all structures, the front, side, rear and flanking yards shall be a minimum of 15m. *Bylaw 3849*

Appendix C: Rural 2 RU2 Zone

**3A.0 RURAL 2 ZONE – RU2**

*Bylaw 4259*

**3A.01 Permitted Principal Uses & Buildings**

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 by the Rural 2 RU2 Zone:

- (a) Agriculture;
- (b) Farm Buildings on Farms;
- (c) Residential;
- (d) One-family Dwelling.

**3A.02 Permitted Accessory Uses**

- (a) Accessory buildings and structures ancillary to a permitted use pursuant to Part 1, section 4.01;
- (b) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (c) Detached Accessory Suite pursuant to Part 1, Subsection 4.20;
- (d) Home Based Business Categories One, Two and Three;
- (e) Two Boarders or Lodgers;
- (f) One recreation vehicle 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) Composting of waste generated on-site.

**3A.03 Minimum Parcel Size for Subdivision Purposes**

- (a) The minimum lot size is 4 ha.

**3A.04 Density**

- (a) One one-family dwelling per lot is permitted.
- (b) One secondary suite or one detached accessory suite per lot is permitted.
- (c) Farm buildings and structures shall not exceed a total floor area 1,000m<sup>2</sup>.
- (d) Residential buildings and structures shall not exceed a total floor area of 418 m<sup>2</sup>.

**3A.05 Height**

- (a) The maximum height of principal buildings is 11 m.

**3A.06 Lot Coverage**

- (a) The maximum lot coverage shall be 10%.

**3A.07 Yard Requirements**

- (a) Residential buildings and structures shall be set back a minimum of:
  - a. 7.5 m from the front lot line;
  - b. 6 m from side lot lines;
  - c. 10 m from the rear lot line; and
  - d. 6 m CTS from flanking lot lines.
- (b) Except for grazing of livestock and growing of agricultural crops, agricultural uses and farm buildings shall be set back a minimum of:
  - a. 30 m from the front lot line;
  - b. 15 m from side, rear and flanking lot lines.

**3A.08 Watercourse Setbacks**

- (a) Agricultural uses and farm buildings and structures shall be a minimum of 15 m from the natural boundary of a watercourse.

**3A.09 Definitions**

- (a) For the purpose of the RURAL 2 zone – RU2, the following definitions apply:

**Agriculture** means the growing, rearing, producing or harvesting agricultural crops or livestock; apiculture; horticulture; silviculture; the use and storage of associated farm machinery, implements and agricultural supplies; includes the ancillary sale, storage and processing on a parcel of the primary products harvested, reared or produced on that parcel; excludes intensive agriculture, intensive agriculture – medical marihuana, licenced cannabis production pursuant to the *Cannabis Act*, kennels, aquaculture, growing of mushrooms within a building and the permanent confinement of livestock or animals of any kind within a building.

**Farm Building** means a structure which does not contain a residential occupancy and is: i) associated with and located on land devoted to the practice of farming; and ii) used essentially for the housing of agricultural crops or equipment or livestock including storage and processing of agricultural products produced on site; but excludes abattoirs, indoor equestrian riding arenas, and buildings for the permanent confinement of livestock or animals of any kind.

Appendix D: Proposed Bylaw No. 4464

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4464**

\*\*\*\*\*

**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 B, Map No. 3 – SHIRLEY JORDAN RIVER ZONING MAP**

- (a) By deleting

Lot A, District Lot 87, Renfrew District, Plan EPP31225

Lot B, District Lot 87, Renfrew District, Plan EPP31225

Lot C, District Lot 87, Renfrew District, Plan EPP31225

Lot D, District Lot 87, Renfrew District, Plan EPP31225

Lot E, District Lot 87, Renfrew District, Plan EPP31225

Lot F, District Lot 87, Renfrew District, Plan EPP31225

Lot G, District Lot 87, Renfrew District, Plan EPP31225

Lot H, District Lot 87, Renfrew District, Plan EPP31225

Lot J, District Lot 87, Renfrew District, Plan EPP31225

Lot K, District Lot 87, Renfrew District, Plan EPP31225

Section 85, Renfrew District

from the Forestry (AF) zone and adding to the Rural 2 (RU2) zone, as shown on Plan No. 1.

2

Bylaw No. 4464

Area to be deleted from the Forestry (AF) Zone and added to the Rural 2 (RU2) Zone

0 125 250 500 Meters

CRD  
Columbia River District

Section 85  
009591648

Lot G EPP31225  
029514878

Lot F  
EPP31225  
029514860

Lot E EPP31225  
029514851

Lot D EPP31225  
029514843

Lot C  
EPP31225  
029514835

Lot B  
EPP31225  
029514827

Lot H  
EPP31225  
029514886

Lot J  
EPP31225  
029514908

Lot K  
EPP31225  
029514916

Lot A EPP31225  
029514819

West Coast Rd

Kirby Creek Rd

RL

AF

AF

A

AG

- |                         |        |         |
|-------------------------|--------|---------|
| READ A FIRST TIME THIS  | day of | , 2022. |
| READ A SECOND TIME THIS | day of | , 2022. |
| READ A THIRD TIME THIS  | day of | , 2022. |
| ADOPTED THIS            | day of | , 2022. |

CORPORATE OFFICER