

SHIRLEY-JORDAN RIVER ADVISORY PLANNING COMMISSION

Notice of Meeting on Tuesday, **August 9, 2022 at 7 pm**

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

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of March 15, 2022
4. Planner's Report
5. Zoning Amendment Application
 - a) RZ000278 - Add Detached Accessory Suite as a Permitted Accessory Use in the Wildwood Terrace 4 (WT-4) Zone
6. Adjournment

PLEASE NOTE: During the COVID-19 situation, the public may attend the meeting in-person or electronically through video or teleconference. Should you wish to attend the meeting in-person, please contact the Juan de Fuca Community Planning Office at 250.642.8100 or by email at jdfinfo@crd.bc.ca. Should you wish to attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details. Written submissions continue to be accepted until 4:00 pm the day before the meeting.



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**Minutes of a Meeting of the Shirley/Jordan River Advisory Planning Commission
Held March 15, 2022 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Fiona McDannold (Chair), Emily Anderson, Vivi Curutchet, Melody Kimmel

Staff: Iain Lawrence, Senior Manager, JdF Local Area Services (EP);
Wendy Miller, Recorder (EP)

ABSENT: Blair Hughes

PUBLIC: Approximately 7 (EP); 4 in-person

EP – Electronic Participation

The meeting was called to order at 7:05 pm.

1. Elections

Iain Lawrence called for nominations for the position of Chair of the Shirley/Jordan River APC for 2022 and Fiona McDannold's name was put forward. Iain Lawrence called two further times for nominations and, as there were none, Fiona McDannold was acclaimed Chair.

Fiona McDannold called for nominations for the position of Vice Chair of the Shirley/Jordan River APC for 2022 and Melody Kimmel's name was put forward. Fiona McDannold called two further times for nominations and, as there were none, Melody Kimmel was acclaimed Vice Chair.

2. Approval of the Agenda

MOVED by Vivi Curutchet, **SECONDED** Emily Anderson by that the agenda be approved. **CARRIED**

3. Approval of the Supplementary Agenda

MOVED by Melody Kimmel, **SECONDED** by Emily Anderson that the supplementary agenda be approved. **CARRIED**

4. Adoption of the Minutes of June 7, 2021

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the minutes of June 7, 2021, be adopted. **CARRIED**

5. Planner's Report

No report.

6. Zoning Amendment Application

a) RZ000275 - Lots A-H, and J and K, District Lot 87, Renfrew District, Plan EPP31225 (Kirby Creek Road)

Iain Lawrence spoke to the staff report for a joint application to rezone the subject properties from Forestry (AF) to Rural 2 (RU2). It was advised that the Juan de Fuca Land Use Committee (LUC) directed referral of the application to the Shirley/Jordan River APC at its meeting of February 15, 2022.

Iain Lawrence highlighted the subject properties and outlined the RU2 zone. It was advised that the RU2 zone requires that agricultural uses and farm buildings/structures be a minimum of 15 m from the natural boundary of a watercourse and that the RU2 zone provides definitions for Agriculture and Farm Building that are specific to the zone.

Iain Lawrence responded to questions from the APC advising that:

- the RU2 zone was created for the rezoning of a split zoned Rural A and AF parcel on Invermuir Road in Shirley in 2019
- the Invermuir Road property is large and would have been able accommodate a sizable indoor equestrian riding arena
- a proposal in Otter Point is currently being considered to permit an equestrian riding facility under a new agriculture zone
- the primary applicant sought out other 4 ha property owners interested in rezoning
- one of the 4 ha properties in the subdivision is not part of the rezoning application and will remain zoned AF with the current list of permitted uses.
- the 15 m setback from the natural boundary of a watercourse required by the RU2 zone is in keeping with the provincial agricultural setbacks from watercourses
- the Official Community Plan Development Permit Area designations include a 30 m assessment area on both sides of a stream/watercourse that applies to any removal of vegetation or other site alteration
- sewerage/septic capacity is confirmed by a certified Wastewater Operator and approved by Island Health and verified through the building permit process
- agricultural runoff is regulated by the Ministry of Agriculture

A member of the public stated that there are existing dwellings in the subject application area without approved septic and that non-compliance has been reported to the CRD.

Iain Lawrence stated that he will contact CRD Bylaw Enforcement regarding the report of non-compliance.

Applicants stated:

- rainwater is being captured for domestic use by some property owners
- property owners are interested in small stock livestock keeping and not large commercial agricultural pursuits

MOVED by Fiona McDannold, **SECONDED** by Emily Anderson that the APC recommends to the LUC that it supports the rezoning application.

CARRIED

7. Adjournment

The meeting adjourned at 7:30 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 19, 2022

SUBJECT **Zoning Bylaw Amendment to Add Detached Accessory Suite as a Permitted Accessory Use in the Wildwood Terrace 4 (WT-4) Zone**

ISSUE SUMMARY

Property owners and consenting pre-sale landowners of land in the Jordan River area have submitted a joint application to amend the Wildwood Terrace 4 (WT-4) zone to allow for either one secondary suite or one detached accessory suite.

BACKGROUND

The subject area is located north of West Coast Road on the west side of Jordan River and includes all properties that are subject to the WT-4 zone (Appendix A). Land in the WT-4 zone is designated as Pacific Acreage in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001. The area zoned WT-4 is composed of one 144.6 ha parcel and four 1 ha lots located on Timberline Way. The 144.6 ha parcel is under review for a 12-lot subdivision (SU000728) and is currently awaiting registration with Land Title and Survey Authority.

While the subject area is not located within any CRD service areas, Covenant CA5916759 requires that all buildings and structures require an automatic sprinkler system that fully meets the requirements of the National Fire Protection Association (NFPA).

The various property owners and pre-sale contract holders have submitted applications and letters of authorization to amend the WT-4 zone for the purpose of establishing detached accessory suites as a permitted accessory use (Appendix B). Staff have prepared Bylaw No. 4496 for consideration (Appendix C).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4496, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 156, 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 Transportation & Infrastructure
RCMP
Sooke School District #62
Pacheedaht First Nation
T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4496 not be referred

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 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 land 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 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

The Shirley-Jordan River OCP designates the subject area as Pacific Acreage. The intent of the Pacific Acreage land use designation is to support residential uses. Suites and duplexes are acceptable forms of development to increase the affordability of housing and offer rental accommodation. Permitting detached accessory suites as an accessory use within the WT-4 zone and updating Subsection 6E.03 “Density Provisions”, to allow “One secondary suite or one detached accessory suite pursuant to Part 1, Subsection 4.19 & 4.20”, per parcel is supported by this designation.

The current residential uses permitted within the WT-4 zone (Appendix D), are one single-family dwelling and one secondary suite. The abutting properties are zoned Wildwood Terrace 1, 2 and 3 (WT-1, WT-2, & WT-3). Rather than *detached accessory suites*, these zones permit *secondary dwellings*, which have a maximum floor area of 115 m². Proposed Bylaw No. 4496 does not increase the potential density within the WT-4 zone as it would only allow for a suite to be located within the principle building or to be either freestanding or combined with an accessory building (Appendix E). A *secondary suite* may have a maximum floor area of 90 m² or 40% of the principle dwelling’s floor area, whichever is less, and a detached accessory suite may have a maximum floor area of 90 m².

As the area to be rezoned is outside a fire protection local service area, covenants registered at the time of subdivision require that buildings and structures comply with NFPA standards for dedicated water supply and sprinkler systems.

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 area that is the subject of this application includes all parcels that are zoned WT-4 under Bylaw No. 2040. The purpose of Bylaw No. 4496 is to amend the WT-4 zone by adding *detached accessory suites pursuant to part 1 subsection 4.20* as a permitted accessory use, and updating the applicable density provisions. Staff have prepared proposed Bylaw No. 4496 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. 4496, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 156, 2022" to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

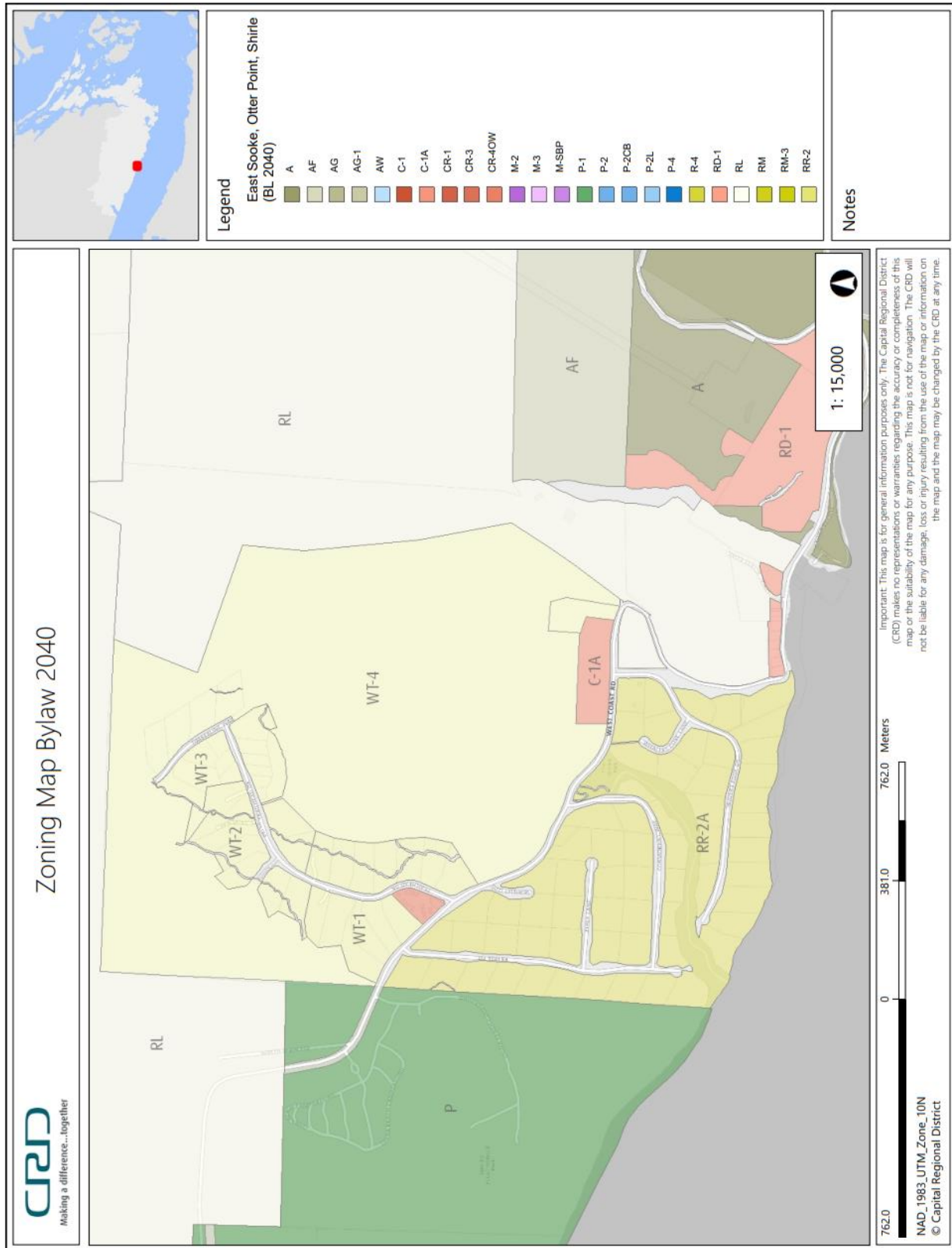
BC Hydro
District of Sooke
FLNR - Archaeology Branch
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development
FLNR - Water Protection Section
Island Health
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62
Pacheedaht First Nation
T'Sou-ke First Nation

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

ATTACHMENTS

Appendix A: Zoning Map
Appendix B: Detached Accessory Suites
Appendix C: Proposed Bylaw No. 4496
Appendix D: Current Wildwood Terrace 4 Zone - WT-4
Appendix E: Proposed Wildwood Terrace 4 Zone - WT-4

Appendix A: Zoning Map



Appendix B: Detached Accessory Suites

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

4.20 DETACHED ACCESSORY SUITES

Bylaw 3605

- (a) A detached accessory suite shall only be permitted in those zones in this bylaw which allow detached accessory suites, and if the parcel size is 0.4ha or greater;
- (b) Only one detached accessory suite or one secondary suite shall be permitted per lot;
- (c) The detached accessory suite can be freestanding or combined with an accessory building;
- (d) A building permit must be obtained for a detached accessory suite. An assessment of the property's ability to accommodate an increase in onsite sewerage capacity i.e., that the system is capable of supporting the additional effluent flow produced by the suite is required. An Authorized Person as defined in the *Public Health Sewerage System Regulation* is to conduct the assessment and determine whether an expansion of the existing system would be possible and submit a letter either authorizing the existing system is satisfactory or requiring specific upgrades;
- (e) Proof of source of potable water, in addition to the quantity required for the principal dwelling unit, of at least 1400 litres per day;
- (f) The floor area of a detached accessory suite shall not be smaller than 33.4m² and not exceed 90m²;
- (g) The maximum height of an accessory building used for a detached accessory suite shall be 7m to the peak of the roof;
Bylaw 3849
- (h) Detached accessory suites must be located within the same side and rear yard setbacks as the principal dwelling;
Bylaw 3849
- (i) One additional on-site parking space shall be provided for a detached accessory suite;
- (j) Access to the detached accessory suite is to be provided from the same road access that provides access to the principal dwelling. In cases where a separate access for the detached accessory suite is required this access must first be approved by the Ministry of Transportation and Infrastructure prior to access construction or final approval by the Capital Regional District;
Bylaw 3705
- (k) The detached accessory suite may be in the form of manufactured or modular home but shall not exceed a length of 13m, but does not include a Recreation Vehicle or Travel Trailer;
- (l) An owner of the lot must occupy either the detached accessory suite or the principal dwelling;
- (m) The keeping of boarders and lodgers shall not be permitted within a single family dwelling on a lot containing a detached accessory suite;
- (n) A bed and breakfast use shall only be permitted in the principal dwelling unit on a lot containing a detached accessory suite;
- (o) A detached accessory suite is not permitted on a lot with a two-family dwelling;
Bylaw 3705
- (p) As a detached accessory suite is accessory to a principal dwelling, a detached accessory suite cannot be registered as a building strata.
Bylaw 3973

Appendix C: Proposed Bylaw No. 4496

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4496**

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

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

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

A. SCHEDULE A, PART 2, SECTION 6E.0 WILDWOOD TERRACE 4 ZONE – WT-4

- (a) By adding a new paragraph to Section 6E.01 under *Accessory Uses* as follows:
"(g) Detached accessory suite pursuant to Part 1, Subsection 4.20"; and
- (b) By replacing the text of the paragraph in Section 6E.03, subsection (b) as follows:
"(b) One secondary suite or one detached accessory suite pursuant to Part 1, Subsection 4.19 & 4.20".

2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 156, 2022".

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.

CHAIR

CORPORATE OFFICER

Appendix D: Current Wildwood Terrace 4 Zone – WT-4

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

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

Bylaw 3759

6E.01 Permitted Uses

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

Principal Uses:

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

Accessory Uses:

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

6E.02 Minimum Parcel Size for Subdivision Purposes

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

6E.03 Density Provisions

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

6E.04 Height

Maximum height of principal buildings shall be 9 m.

6E.05 Parcel Coverage

Parcel coverage shall not exceed 25%.

6E.06 Maximum Size of Principal Buildings

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

6E.07 Yard Requirements

No principal building shall be located within:

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

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

6E.08 Setbacks for Processing Facilities

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

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

Appendix E: Proposed Wildwood Terrace 4 Zone – WT-4

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

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

Bylaw 3759

6E.01 Permitted Uses

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

Principal Uses:

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

Accessory Uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01;
- (f) Secondary suite pursuant to Part 1, Subsection 4.19.
- (g) Detached accessory suite pursuant to Part 1, Subsection 4.20

6E.02 Minimum Parcel Size for Subdivision Purposes

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

6E.03 Density Provisions

- (a) One single-family dwelling;
- (b) One secondary suite or one detached accessory suite pursuant to Part 1, Subsection 4.19 & 4.20;
- (c) On Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549 and VIP82411, PID: 009-573-356, one processing facility is permitted in conjunction with a valid permit issued in compliance with the Ministry of Forests, Mines and Lands and CRD Bylaw No. 3297, A Bylaw to Regulate the Removal or Deposit of Soil on Lands within the Juan de Fuca Electoral Area.

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Maximum height of principal buildings shall be 9 m.

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Parcel coverage shall not exceed 25%.

6E.06 Maximum Size of Principal Buildings

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

6E.07 Yard Requirements

No principal building shall be located within:

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

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

6E.08 Setbacks for Processing Facilities

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

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