

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **September 20 , 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 July 19, 2022
4. Chair's Report
5. Planner's Report
6. Development Permit with Variance Permit Applications
 - a) DV000087 – Strata Lot 5, Section 16, Otter District, Strata Plan VIS7096 (11-7450 Butler Road)
 - b) DV000090 - Lot 14, Section 97, Sooke District, Plan 14282 (35 Seagirt Road)
7. Zoning Amendment Applications
 - a) RZ000273 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)
 - b) RZ000278 - Add Detached Accessory Suite as a Permitted Accessory Use in the Wildwood Terrace 4 (WT-4) Zone
 - c) RZ000279 - Strata Lots 1, 2, 3, & 4, Section 85, Sooke District, Strata Plan EPS1027 Together with an interest in the Common Property in proportion to the Unit Entitlement of the Strata Lot as shown on Form V (476, 478, 480 & 482 Becher Bay Road)
8. Adjournment

Please note that 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. 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 Juan de Fuca Land Use Committee
Held Tuesday, July 19, 2022 at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell,
Roy McIntyre (EP), Ron Ramsay, Dale Risvold (EP), Sandy Sinclair
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Wendy Miller, Recorder
PUBLIC: 3 in-person; 7 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 Vern McConnell, **SECONDED** by Ron Ramsay that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

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

CARRIED

3. Adoption of Minutes from the Meeting of June 21, 2022

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the minutes from the meeting of June 21, 2022, 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 August, unless there is a pressing matter.

6. Development Variance Permit Application

a) VA000157 – Lot 1, Section 32, Otter District, Plan 25866 (8015 West Coast Road)

Iain Lawrence spoke to the staff report for a variance to reduce the front yard setback for an accessory building from 7.5 m to 3.8 m, and to allow an accessory building to be located closer to the front lot line than the principle building.

Iain Lawrence highlighted the subject property, site plan and site photo advising that other locations for siting this structure on the property are limited due to topographic constraints, the shape of the parcel and proximity to the shoreline.

Iain Lawrence confirmed that the applicants have obtained approval from the Ministry of Transportation and Infrastructure for placement of the accessory structure within 4.5 m of the highway right-of-way and that that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that the applicants were present.

The applicants stated that the accessory building is a hydro shed with wash sink and that they initially believed that because the building was under 10 m² a building permit was not required.

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

That Development Variance Permit VA000157 for Lot 1, Section 32, Otter District, Plan 25866, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 6.07(a), by reducing the front yard setback from 7.5 m to 3.8 m; and Part 1, Section 4.01(1)(d) by allowing an accessory building to be located closer to the front lot line than the principle building to authorize the siting of a utility building, be approved.

CARRIED

7. Liquor Primary Structural Change for Outdoor Patio Application

a) LP000033 – Lot 1, District Lots 17, 899 & 929, Renfrew District, Plan VIP79865 (17310 Parkinson Road)

Iain Lawrence spoke to the staff report for a liquor primary structural change for an outdoor patio advising that the provincial Liquor and Cannabis Regulation Branch granted the Port Renfrew Pub a Temporary Expanded Service Area (TESA) to support compliance with the Provincial Health Officer's orders and guidelines regarding physical distancing due to COVID-19. Authorized TESAs are set to expire on March 31, 2023. To make the TESA authorization permanent, the applicant has applied for a new outdoor patio permanent structural change.

Iain Lawrence highlighted the subject property and patio location. It was advised that CRD Building Inspection and the Port Renfrew Fire Department have both supported a patio occupant load of twenty-four persons and that hours of operation for the patio coincide with the hours of operation of the pub which are currently 11:30 am to 8:00 pm but may vary over the season. It was further advised no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that the applicant was present.

The applicant stated that:

- interest in outdoor seating has increased in response to COVID-19
- the outdoor patio has been in operation for two years and is generally used in July and August
- no complaints have been received regarding the patio
- the patio will change the boundaries of the liquor licence, but will not increase the total capacity allowed under the licence
- to-date, person capacity exceeding approved occupant load has not been an issue

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

1. That comment be provided to the LCRB confirming that the Land Use Committee has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community of the proposed structural change for outdoor patio application for the Renfrew Pub (LP000033);
2. That public comments received by the Land Use Committee regarding application LP000033 be provided to the LCRB; and
3. That the structural change for outdoor patio application for the Renfrew Pub (LP000033) be supported.

CARRIED

8. Zoning Amendment Applications

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 amend Bylaw No. 2040 by rezoning the subject properties from Forestry (AF) to Rural 2 (RU2) for the purpose of agricultural activities.

Iain Lawrence highlighted the subject properties and advised that the LUC directed referral of the proposal to agencies and to the Shirley/Jordan River Advisory Planning Commission (APC) at its meeting of February 15, 2022.

Iain Lawrence outlined the referral comments included in the staff report and advised that the APC recommended support for the proposal at its meeting of March 15, 2022.

Iain Lawrence responded to questions from the LUC advising that:

- the RU2 would not increase the density permitted by the AF zone
- the RU2 allows the keeping of livestock, but not the operation of a piggery as the RU2 zone does not permit intensive agriculture uses
- the rezoning was initiated by property owners within the subdivision area and only those that expressed interest are included

MOVED by Ron Ramsay, **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. 4464, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022", to the Shirley/Jordan River 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 Section, Island Health, Ministry of Agriculture, Ministry of Transportation & Infrastructure, RCMP, Shirley Fire Department, Sooke School District #62, Pacheedaht First Nation and T'Sou-ke First Nation be approved and the comments received.
2. That proposed Bylaw No. 4464 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. 4464.

CARRIED

b) RZ000278 - Add Detached Accessory Suite as a Permitted Accessory Use in the Wildwood Terrace 4 (WT-4) Zone

Iain Lawrence spoke to the staff report for a joint application to amend the Wildwood Terrace 4 (WT-4) zone to allow a suite to be located in an accessory building.

Iain Lawrence highlighted the subject property and the proposed amendment to the WT-4 zone. It was advised that the subject area is designated Pacific Acreage by the Shirley – Jordan River Official Community Plan, Bylaw No. 4001, and that accessory suites are in keeping with the residential uses supported by the designation.

Iain Lawrence directed attention to the one submission received and circulated in the supplementary agenda which states general support for the application but concern related to potential nuisance and hazardous activities in the community and CRD oversight of such activities.

The Chair confirmed that the applicant was present and reminded the LUC that opportunity for detached accessory suites was added to Bylaw No. 2040 thirteen years ago as a means of supporting housing options.

Iain Lawrence responded to questions from the LUC advising that:

- the subject properties are designed Private Managed Forest Land (PMFL) by the Province
- the WT-4 zone includes resource extraction as a permitted use as the 144.6 ha Remainder parcel historically includes a gravel processing area
- the LUC has recently considered development applications for the 144.6 ha parcel including applications related to commercial use for a craft brewery, as well as a variance application related to a 12-lot subdivision

MOVED by Ron Ramsay, **SECONDED** by Sandy Sinclair 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

Pacheedaht First Nation

RCMP

Sooke School District #62

T'Sou-ke First Nation

CARRIED

9. Comprehensive Community Development Plan Amendment Application

a) RZ000276 - Blocks D and E, District Lots 751 and 911, Renfrew District, Plan EPC2056 (Crown Lease #927321)

Iain Lawrence spoke to the staff report for the application to rezone the subject property from Marine (M) to a new Commercial Marina (CM-1) zone in order to permit a commercial marina, community use services, food service establishments and retail establishments. Iain Lawrence reported that proposed Bylaw No. 4473 also proposes to rezone an area of foreshore fill in proximity to sea caves to a new Heritage Conservation (HC) zone to protect the integrity of the caves and provide access to them.

Iain Lawrence highlighted the subject property and advised that:

- the subject property was initially granted status as a Licence of Occupation area by the Province on February 25, 2016
- the marina is operating under Temporary Use Permit TP000008 which was issued by the CRD in 2016 and renewed in 2019
- Temporary Use Permit TP000008 will expire on July 24, 2022
- the LUC directed referral of proposed Bylaw No. 4473 to agencies and to a public information meeting at its meeting of February 15, 2022

Iain Lawrence outlined the referral comments included in the staff report and advised that the proposal was considered at a public information meeting on March 7, 2022.

Iain Lawrence directed attention to the one submission received and circulated in the supplementary agenda which states concern regarding the application and concern related to notification of this evening's meeting. It was advised that notification requirements for the meeting were satisfied and, should the application proceed to public hearing, notice of public hearing will be posted to the CRD website, advertised in the local paper and distributed to mailboxes in Port Renfrew.

The Chair confirmed that the applicant was present and advised that:

- the marina proposal has been under review for six years
- the earlier comprehensive proposal for the marina and upland areas (RZ000242) was separated into two separate zoning amendment applications
- only the marina proposal is being considered this evening
- through public feedback and consultation with the Pacheedaht First Nation, concerns regarding the marina proposal related to sewerage and water servicing and protection of the caves have been addressed
- the marina is a local employer, providing office and restaurant jobs and fishing guide work

Iain Lawrence responded to questions from the LUC advising that:

- public hearings are held in accordance with the *Local Government Act*
- upon expiry of Temporary Use Permit TP000008, the current zoning for the upland areas would apply
- any activities related to marina use occurring on the upland areas will need to be relocated upon expiry of Temporary Use Permit TP000008

MOVED by Director Hicks, **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. 4473, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 14, 2022", to Public Information Meeting, CRD departments, BC Hydro, Cowichan Valley Regional District, Department of Fisheries and Oceans, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR), FLNR - Archaeology Branch, Island Health, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, and Sooke School District #62 be approved and the comments received.
2. That proposed Bylaw No. 4473 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. 4473.

CARRIED

10. Adjournment

The meeting adjourned at 7:47 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 20, 2022

SUBJECT **Development Permit with Variance for Strata Lot 5, Section 16, Otter District, Strata Plan VIS7096 – 11-7450 Butler Road**

ISSUE SUMMARY

An application has been made for a development permit with variance in order to authorize the siting of a permanent shipping container and authorize construction of an additional building within a designated commercial and industrial development permit area.

BACKGROUND

The subject property is located within the Sooke Business Park strata development on Butler Road in Otter Point (Appendix A). Boulevard landscaping was installed as part of Development Permit DP-07-08, issued for the original subdivision. The property is entirely enclosed with black chain-link fencing.

The property is zoned Sooke Business Parks Industrial (M-SBP) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. There is an existing 174 m² industrial building with a 90.1 m² caretakers dwelling unit on the lot that was completed under Building Permit BP002771 and Development Permit DP000221. An addition to the unit to expand the entrance was completed under BP005887. The building operates as a cannabis production facility under a licence from Health Canada.

The owners have now applied to construct a 59 m² building in the rear yard in order to expand the cannabis production facility (Appendix B). The site plan submitted in support of the application shows an additional shipping container located in the rear yard installed without permits. The applicant has confirmed that the shipping container is used for storage and is to remain on the parcel permanently. The applicant has requested a variance to reduce the rear yard setback from 4.5 m to 0.6 m to allow for construction of an additional structure and to authorize the siting of the existing shipping container (Appendix C).

The property is designated within the Commercial and Industrial Development Permit Area in the Otter Point Official Community Plan, 2014, Bylaw No. 3819, for the form and character of industrial development (Appendix D). The applicant has requested a development permit for the proposed accessory building.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000087, for Strata Lot 5, Section 16, Otter District, Strata Plan VIS7096 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 0.6 m for the purpose of constructing an industrial building and to authorize the siting of a permanent shipping container, be approved.

Alternative 2

That Development Permit with Variance DV000087 be denied.

IMPLICATIONS

Legislative Implications

The Otter Point Official Community Plan, 2014, Bylaw No. 3819, designates development permit areas for the form and character of industrial development. The subject property is located within a Commercial and Industrial development permit area; therefore, a development permit is required for the proposed construction. CRD Delegation of Development Permit Approval Authority Bylaw, 2009, Bylaw 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, Bylaw No. 2040, Part 2, Section 27B.09(d)(ii) specifies that the rear yard setback requirement is 4.5 m. An existing shipping container was placed within the rear yard setback and the applicants are proposing to construct an additional building within the rear yard setback; therefore, a variance is requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, 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 September 20, 2022 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 owners have retained Doran Musgrove Architect to design the 60 m² additional industrial building. The construction must address the form and character development permit guidelines as outlined in Section 6.7.4, Guideline #1, of Bylaw No. 3819.

Guideline #2 requires that the proposed building design fit into the natural surroundings. The façade of the new building is to be a combination of natural colour siding and metal siding and the use of shipping containers for storage within screened areas is commonplace within the strata. The development is located in the rear yard adjacent to the common property septic disposal field area for the West Coast Super Storage strata. The subject property is located within Sooke Business Park which was previously a dryland sort yard supporting forestry operations and has long been cleared of any natural vegetation. Therefore, guideline #3 is not applicable.

To address guidelines #4, #5 and #6, existing boulevard landscaping will be retained in order to screen parking areas, loading facilities and outdoor storage.

Downward facing lights will be installed above all entrances in order to reduce glare into the surrounding environment, pursuant to guideline #7.

Guideline #8 recommends the range of building material be complementary to existing buildings and that front entrances use a combination of exterior surface textures. The additional building will be located behind the existing structure which incorporates wood posts and siding to define the main entrance and textured corrugated metal siding, similar to other buildings in the Sooke Business Park.

The building is adjacent to a community trail; therefore, guideline #9 is applicable. Planning staff referred the application to JdF Electoral Area Parks for comment. Parks staff had no concerns regarding the proposed development and additional landscape screening was not requested.

No roof-top equipment is proposed and parking requirements have been addressed, as outlined in guidelines #10 and #11.

A security deposit is not requested as indicated in guideline #12 as no further landscaping is required.

Potable water and sewage disposal will be required in accordance with existing covenants registered on title of the property and the CRD Building Bylaw. The application was referred to JdF Building Inspection; any additional requirements for both the existing shipping container and the proposed additional building will be confirmed through the building permit process.

Variance:

The applicant proposes to construct an industrial building within 0.6 m of the rear parcel line; however, the M-SBP zone specifies a minimum setback requirement of 4.5 m. The applicant has requested a variance to allow for the siting of the industrial building and to also authorize the siting of an existing permanent shipping container, which is located 0.9 m from the rear lot line.

Both the proposed building and the existing shipping container meet the front, internal and external side yard setback requirements and all existing and proposed structures on the parcel are within the 60% maximum lot coverage. Access and egress will remain on the strata road to the north of the property. The setbacks for the proposed building will be verified by survey at the time of construction through the Building Permit process.

Development Permit with Variance DV000087 is included as Appendix E for consideration. Since the proposed design satisfies the development permit guidelines as outlined in Section 6.7.4 of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the rear yard setback from 4.5 m to 0.6 m in this circumstance, staff recommend issuance 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 the siting of a permanent shipping container, and to authorize construction of a new industrial building within a designated commercial and industrial development permit area. The proposed variance would reduce the rear yard setback from 4.5 m to 0.6 m. Since the proposed design satisfies the development Commercial and Industrial Development Permit Area guidelines of Bylaw No. 3819, and as no significant impacts are anticipated to result from the variance, 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

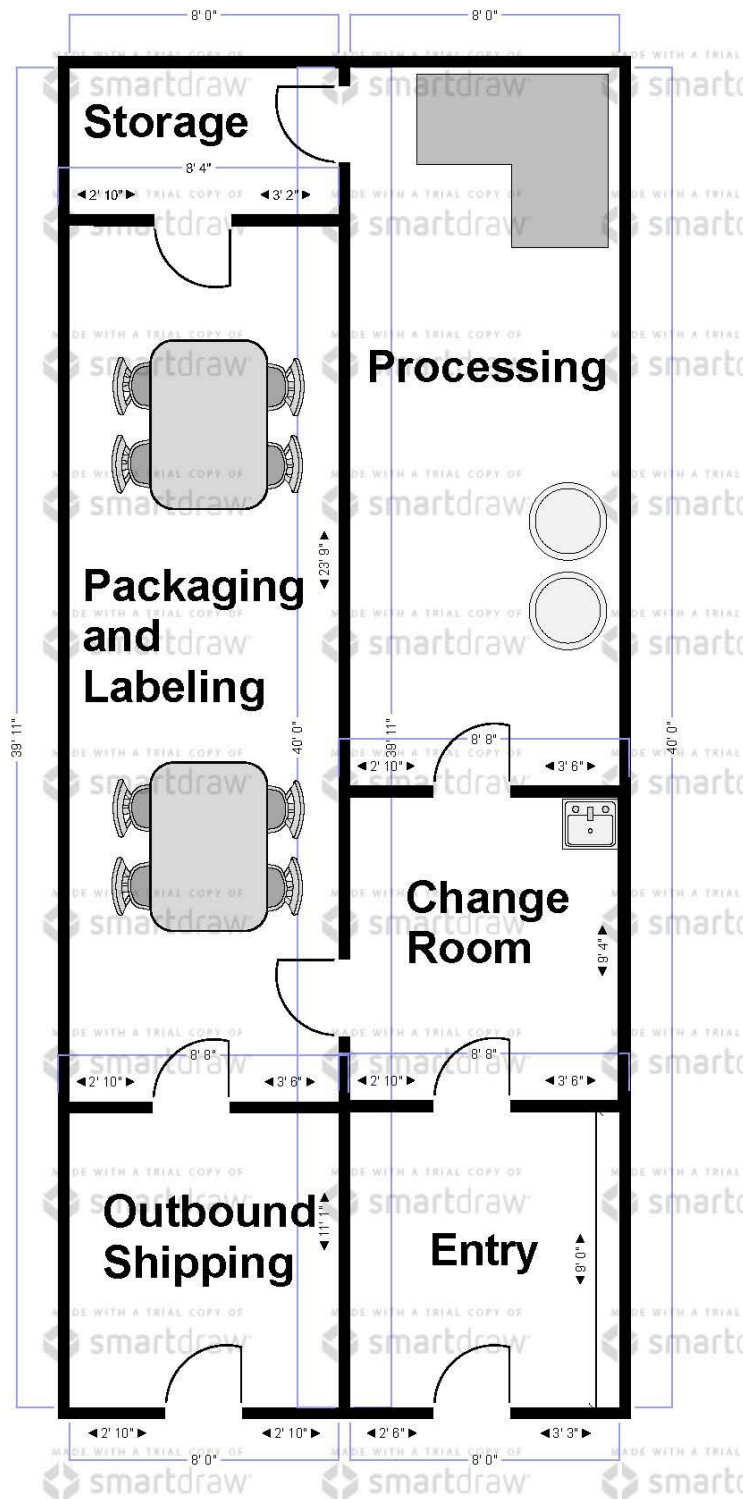
The Land Use Committee recommends to the Capital Regional District Board:
That Development Permit with Variance DV000087, for Strata Lot 5, Section 16, Otter District, Strata Plan VIS7096 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 0.6 m for the purpose of constructing an industrial building and to authorize the siting of a permanent shipping container, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., Acting Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Proposed Building Plans – Additional Industrial Building
Appendix C: Site Plan and Requested Variance
Appendix D: Development Permit Guidelines
Appendix E: Permit DV000087

Appendix B: Proposed Building Plans – Additional Industrial Building



[illegible]

Appendix D: Development Permit Guidelines

6.7.4 Guidelines

Development Permits issued in “Commercial and Industrial DPA” will be in accordance with the following:

1. No development, building, subdivision or sewage disposal system will be permitted in the Commercial and Industrial Development Permit Area, as specified in the Justification above, except as allowed by a Development Permit or subject to the general exemptions as outlined in Section 6.2 of this Plan.
2. Design buildings to take advantage of natural contours and features of the landscape so that buildings and structures fit into the natural surroundings.
3. Design buildings in a form which can make best use of the natural setting, which allows for retention of natural vegetative cover and which reinforces existing aesthetic and natural advantages of the area.
4. Retain existing second-growth forest and native understorey plants in areas where there are no buildings, structures, parking areas or other constructed features.
5. Minimize outdoor storage and screen outdoor storage and loading/unloading facilities from neighbouring properties through the retention of trees and native understorey plants, or through the planting of native or complementary species, or by using fencing.
6. Screen parking areas to the greatest extent possible with existing and new landscaping, as described in subparagraph (5).
7. Install outdoor lighting which is of low intensity and pedestrian-oriented or which is directed down and away from surrounding residential areas so as to reduce and minimize glare into the environment.
8. The range of building materials used for new buildings should be complementary to existing buildings. The front entrances should be designed to use a combination of exterior surface textures.
9. Where parcels are located adjacent to a trail established by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, buildings should be set back from the property line to prevent the trail being in constant shadow, and landscaping provided to screen the commercial or industrial use from the trail.
10. Roof-top equipment should be kept to a minimum and integrated into the overall building design.
11. Parking, loading, and access and egress areas should be designed to accommodate commercial vehicles and ensure safe vehicular movement.
12. To ensure that all landscaping requirements and/or site remediation works of the Development Permit Area are undertaken, applicants may be required to provide a detailed landscape estimate. Prior to issuance of any permit, the applicant may be required to provide a security deposit.

Appendix E: Permit DV000087



CAPITAL REGIONAL DISTRICT

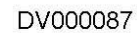
DEVELOPMENT PERMIT WITH VARIANCE NO. DV000087

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: 028-646-452;
Legal Description: Strata Lot 5, Section 16, Otter District, Strata Plan VIS7096 (the "Land")
3. This development permit authorizes the construction an industrial building and the siting of a permanent shipping container (the "development") on the Land, located within the development permit areas established under the Otter Point Official Community Plan, Bylaw No. 3819, 2014, Section 6.7 (Commercial and Industrial) 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 on the Sketch Plan, prepared by Doran Musgrove Architecture, dated April 22, 2022.
5. The Capital Regional District's **Bylaw No. 2040**, Part 2, Section 27B.09(d)(ii), is varied under section 498 of the *Local Government Act* as follows:
 - a. That the rear yard setback of the Sooke Business Park Industrial (M-SBP) zone be reduced from 4.5 m to 0.6 m for the purpose of constructing an industrial building and to authorize the siting of a permanent shipping container, as shown on the Sketch Plan.
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 (DV000087) 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. Sketch Plan prepared by Doran Musgrove Architecture, dated April 22, 2022.
10. This Permit is NOT a Building Permit.

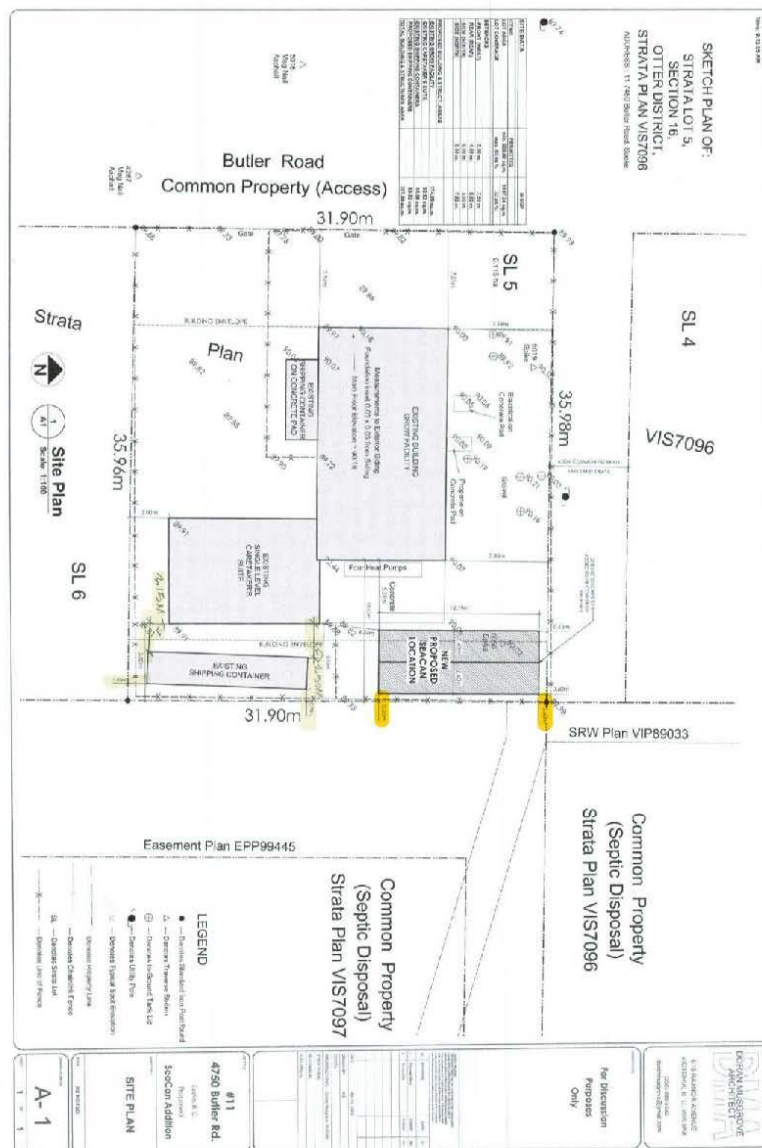
RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2022.

ISSUED this ____ day of _____, 2022

Kristen Morley
Corporate Officer



Attachment 1: Site Plan





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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 20, 2022

SUBJECT Development Permit with Variance for Lot 14, Section 97, Sooke District, Plan 14282 – 35 Seagirt Road

ISSUE SUMMARY

A request has been made for a development permit with variance to authorize construction of a single family dwelling with secondary suite and related services, and to reduce the side yard setback requirement.

BACKGROUND

The 0.19 ha property is located at 35 Seagirt Road and is zoned Rural Residential 6 (RR-6) in the Juan de Fuca Land Use Bylaw No. 2040. The property is bounded by RR-6 zoned properties to the north, west, and south, Seagirt Road to the west, and Sooke Basin to the east (Appendix A).

Portions of the property are designated as Steep Slopes, Shoreline Protection, and Sensitive Ecosystem development permit areas by the East Sooke Official Community Plan, Bylaw No. 4000. A development permit is required to authorize works in designated development permit areas.

Prior to the adoption of land use or building bylaws in the Juan de Fuca Electoral Area, a single family dwelling was constructed on the subject property. Building Inspection records show that permit #5204 was issued in 1974 for an addition to the existing single family dwelling; this permit lapsed. In 2019, Building Inspection issued a demolition permit (BP005697) to clear the parcel.

The new owners now wish to construct a single family dwelling including a secondary suite roughly in the location of the previous dwelling (Appendices B and C). To accommodate the proposed structure, installation of a new septic field requiring excavation and site preparation within designated Steep Slopes is proposed.

Development Permit with Variance DV000090 is included as Appendix D for consideration.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000090, for Lot 14, Section 97, Sooke District, Plan 14282, to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 10.09(b) by reducing the side yard setback requirement from 6 m to 3 m to authorize construction of a single family dwelling with secondary suite and related services, be approved.

Alternative 2

That Development Permit with Variance DV000090 be denied.

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, Shoreline Protection, and Sensitive Ecosystem DPAs and, unless an exemption applies, a development permit is required prior to subdivision or alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the authority 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.

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 10.09(b) specifies that the minimum side yard setback is 6 m. The proposed development does not meet this requirement; therefore, a variance is requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, 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 September 20, 2022, 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:

A geotechnical report was submitted by Alec Morse, P.Eng., of MGE Services Inc., dated June 24, 2022. The report provides a preliminary review of the site conditions, confirms that the proposal meets the Floodplain regulations in Part 5 of the JdF Land Use Bylaw, and addresses the applicable Steep Slope DP guidelines of the East Sooke Official Community Plan (Appendix E) for the proposed development. The professional report is appended to the draft permit (Appendix D).

The report described the existing driveway and cleared area located in a moderately sloped area near the middle of the parcel adjacent to the southern side lot line, as well as a steeper slope between the house pad and the foreshore in the northeast portion of the lot. The report advised that further excavation is required to expand the building site to accommodate the proposed development.

Construction of a dwelling under a valid Building Permit is exempt from Steep Slopes development permit area requirements as established by the East Sooke Official Community Plan Bylaw No. 4000, Section 514(C), provided that no other part of the land in the Steep Slope DPA will be altered for other purposes. A bedrock outcropping located along the western portion of the site is anticipated to require some drilling and blasting to provide an area for septic; therefore, the development does not meet the Steep Slope DP exemption criteria.

The site plan and professional report indicates that all proposed development will be located beyond the 15 m Shoreline Protection DPA boundary and no new works are proposed within the Sensitive Ecosystem designated area. Site preparation includes excavation to expose competent bearing soils below any fill and organic materials, and some form of rockfall mitigation is anticipated to be required from excavation of the bedrock. All foundations and retaining wall preparations will require further geotechnical review through the building permit process.

Variance:

The Rural Residential 6 (RR-6) zone regulations specify that side yard setbacks shall be a minimum of 6 m. The owner has requested a variance to reduce the side yard setback by 3 m to 3 m for the proposed dwelling. The proposal otherwise meets the requirements for the zone. Guideline (L) of Section 515 in the East Sooke OCP states that variances to allow the siting of buildings and structures outside of Steep Slopes will be considered.

The minimum lot size specified by the RR-6 zone is 1 ha; however, the subject property is only 0.19 ha as the subdivision was registered in 1960, before bylaws establishing minimum lot sizes were adopted. The smaller lot size, combined with the physical constraints imposed by the foreshore and steep slope areas restricts the buildable area. Staff note that the previous dwelling would have been located within the current side yard setback; however, it was constructed prior to zoning.

Development Permit with Variance DV000090 has been prepared for consideration to authorize the development and to grant a variance to reduce the side yard setback requirement from 6 m to 3 m. 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 constructing a single family dwelling with secondary suite and related services in a designated Steep Slope Development Permit Area, and reduce the side yard setback requirement from 6 m to 3 m. Since feasible building locations are restricted by the topography of the site, 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 CRD Board:

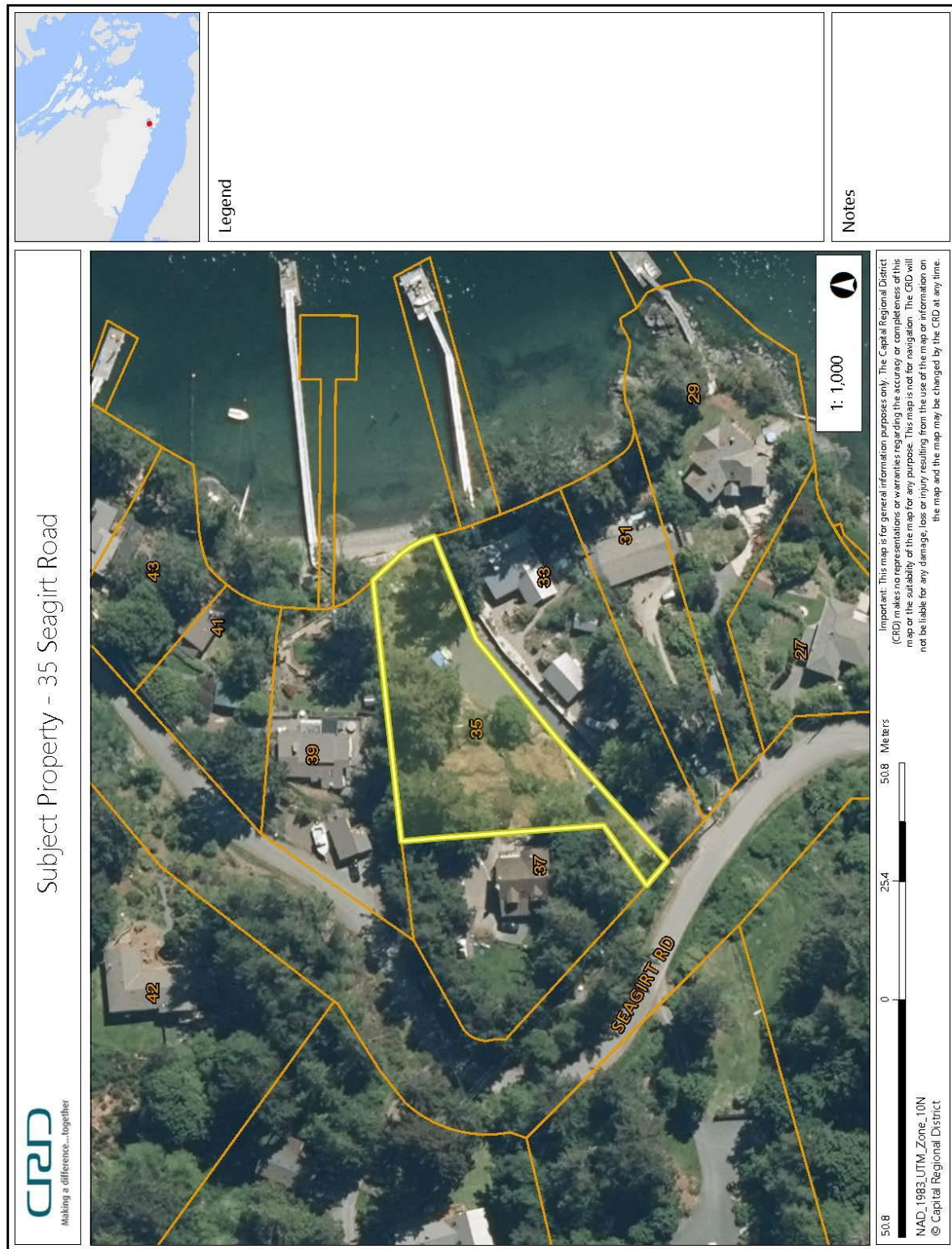
That Development Permit with Variance DV000090, for Lot 14, Section 97, Sooke District, Plan 14282, to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 10.09(b) by reducing the side yard setback requirement from 6 m to 3 m to authorize construction of a single family dwelling with secondary suite and related services, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., Acting Chief Administrative Officer

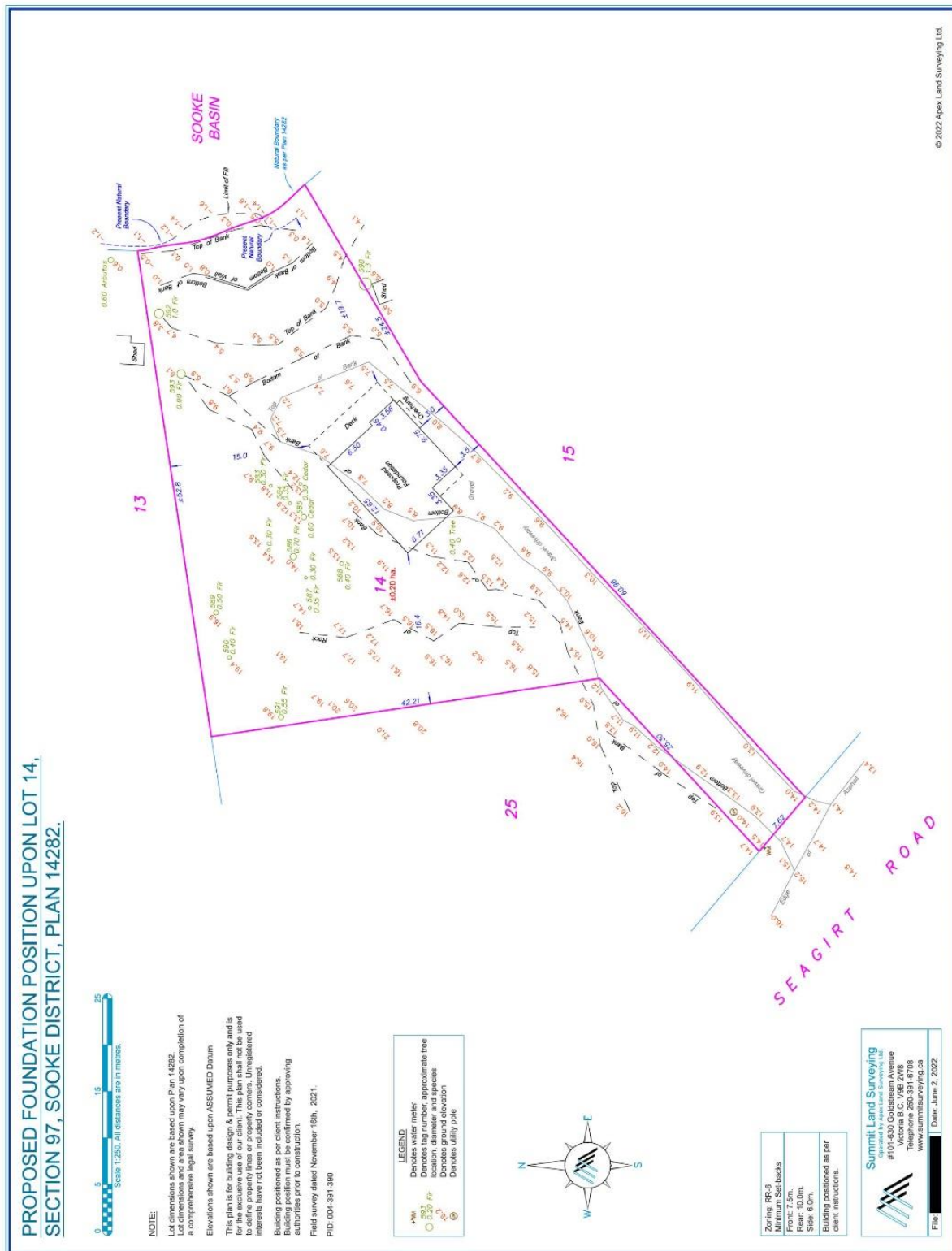
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Site Plan with Requested Variance
- Appendix C: Building Drawings
- Appendix D: Permit DV000090
- Appendix E: Development Permit Guidelines

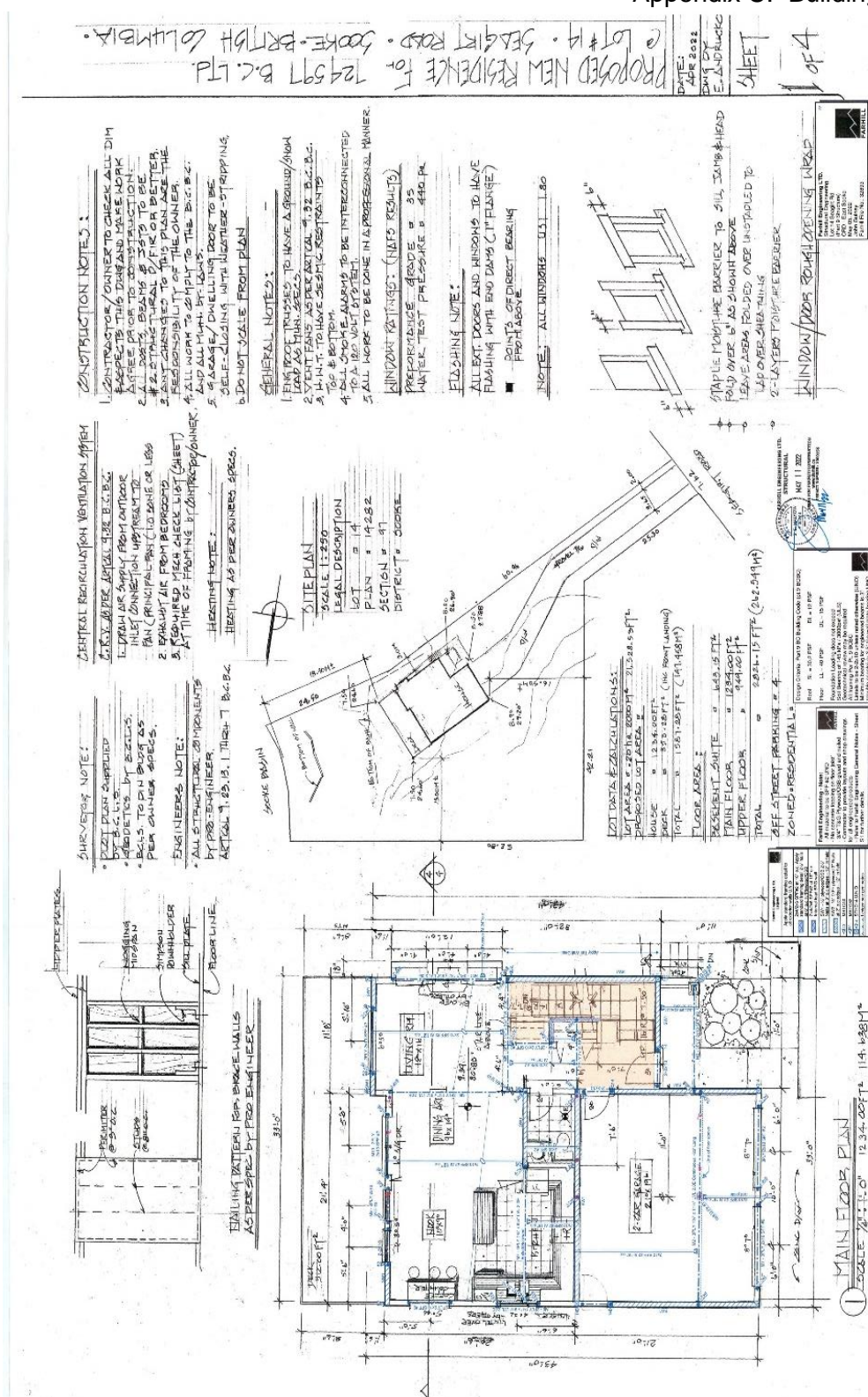
Appendix A: Subject Property Map

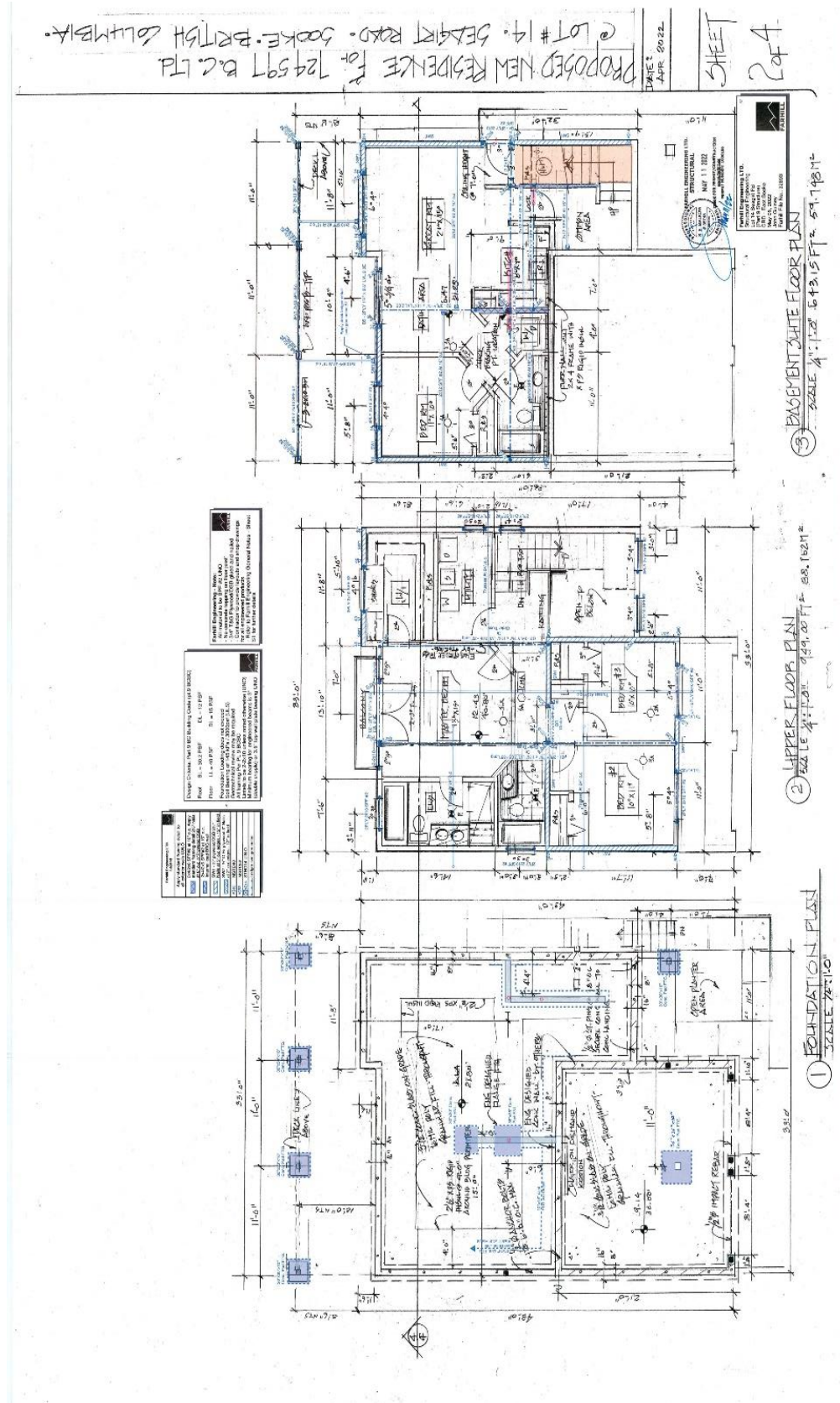


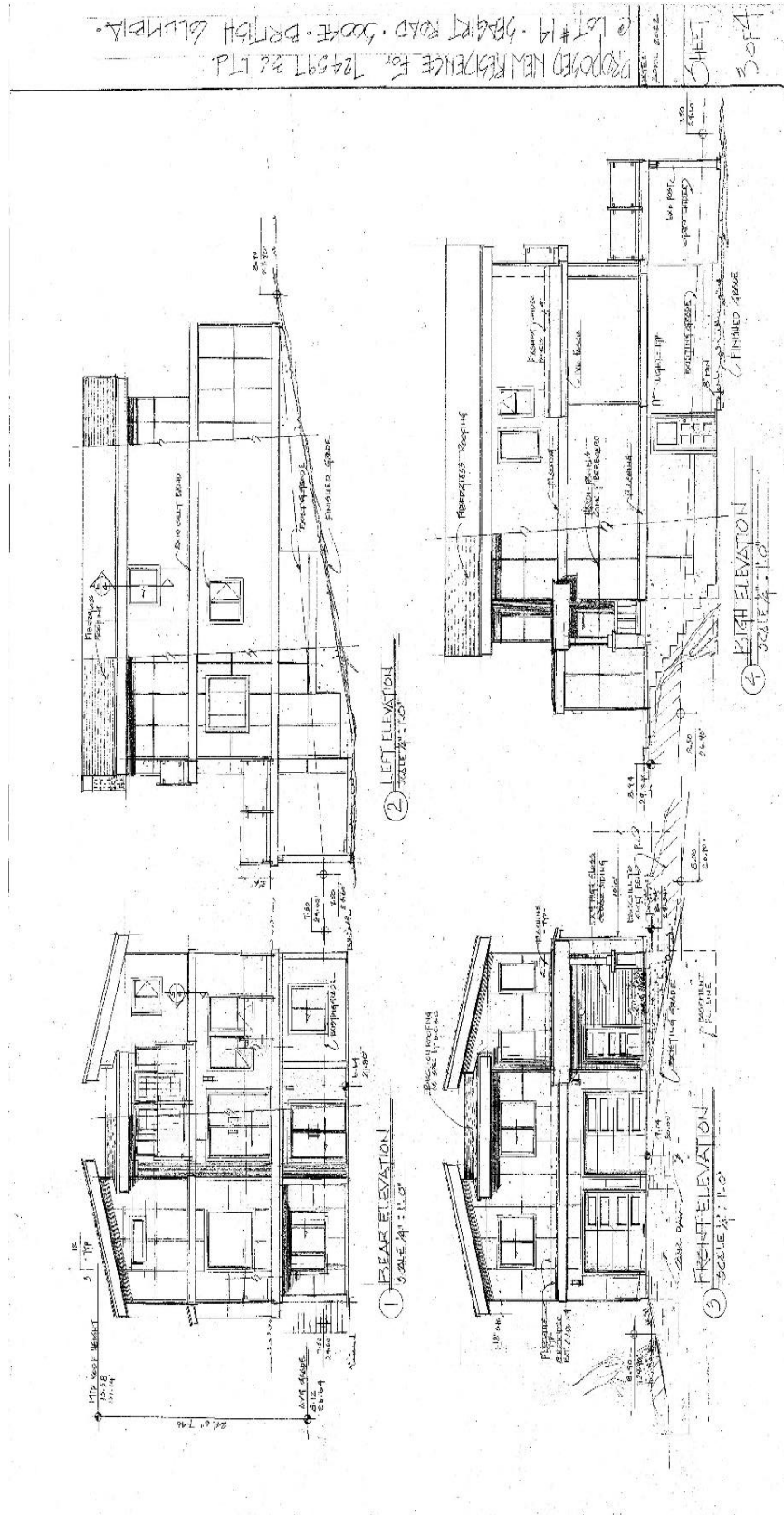
Appendix B: Site Plan with Requested Variance

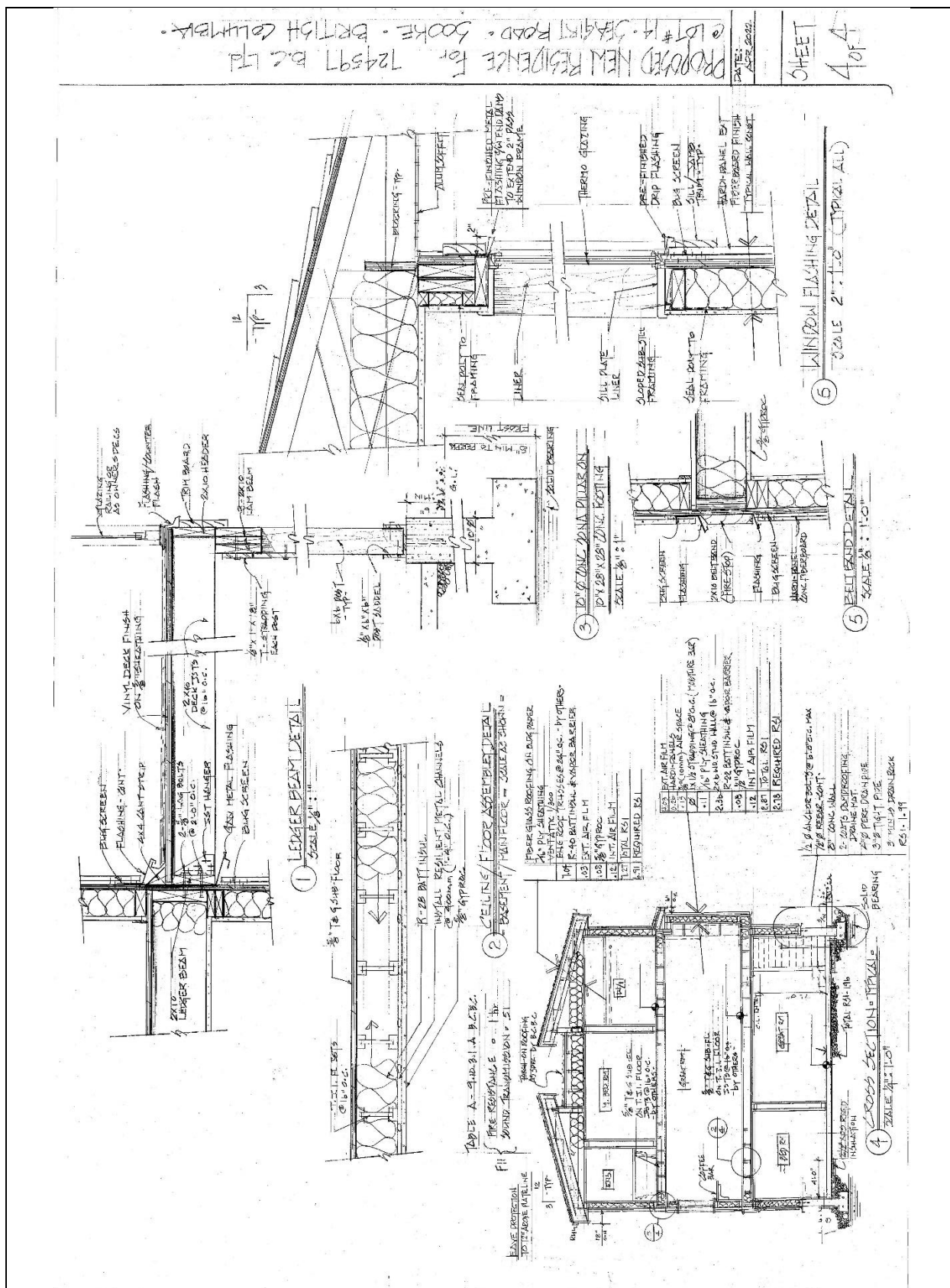


Appendix C: Building Drawings











CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000090

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: 004-391-390;
Legal Description: Lot 14, Section 97, Sooke District, Plan 14282 (the "Land")
3. This development permit authorizes construction and installation of a single family dwelling with secondary suite and services (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), 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 development occur as identified on the Site Plan, prepared by Summit Land Surveying, dated June 2, 2022;
 - b) That the development occur as identified on the Building Plans, dated April, 2022;
 - c) That the development comply with the report prepared by Alec Morse, P.Eng., of MGE Services Inc., dated June 24, 2022 (the "Geotechnical Report"),
 - d) That the Land within 15 m from the natural boundary of the sea remain free of development; and
 - e) That disturbed areas within the steep slopes development permit area be properly revegetated using plant material indigenous to the site or other suitable non-invasive species designated as acceptable by the CRD.
5. The Capital Regional District's Juan de Fuca Land Use **Bylaw No. 2040** is varied under section 498 of the *Local Government Act* as follows:
 - a) That Part 2, Section 10.09(b) be varied by reducing the side yard setback requirement from 6 m to 3 m.
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 (DV000090) 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.



DV000090

9. The following plans and specifications are attached to and form part of this Permit:

- Appendix A: Site Plan
- Appendix B: Building Plans
- Appendix C: Geotechnical Report

10. This Permit is NOT a Building Permit.

11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2022.

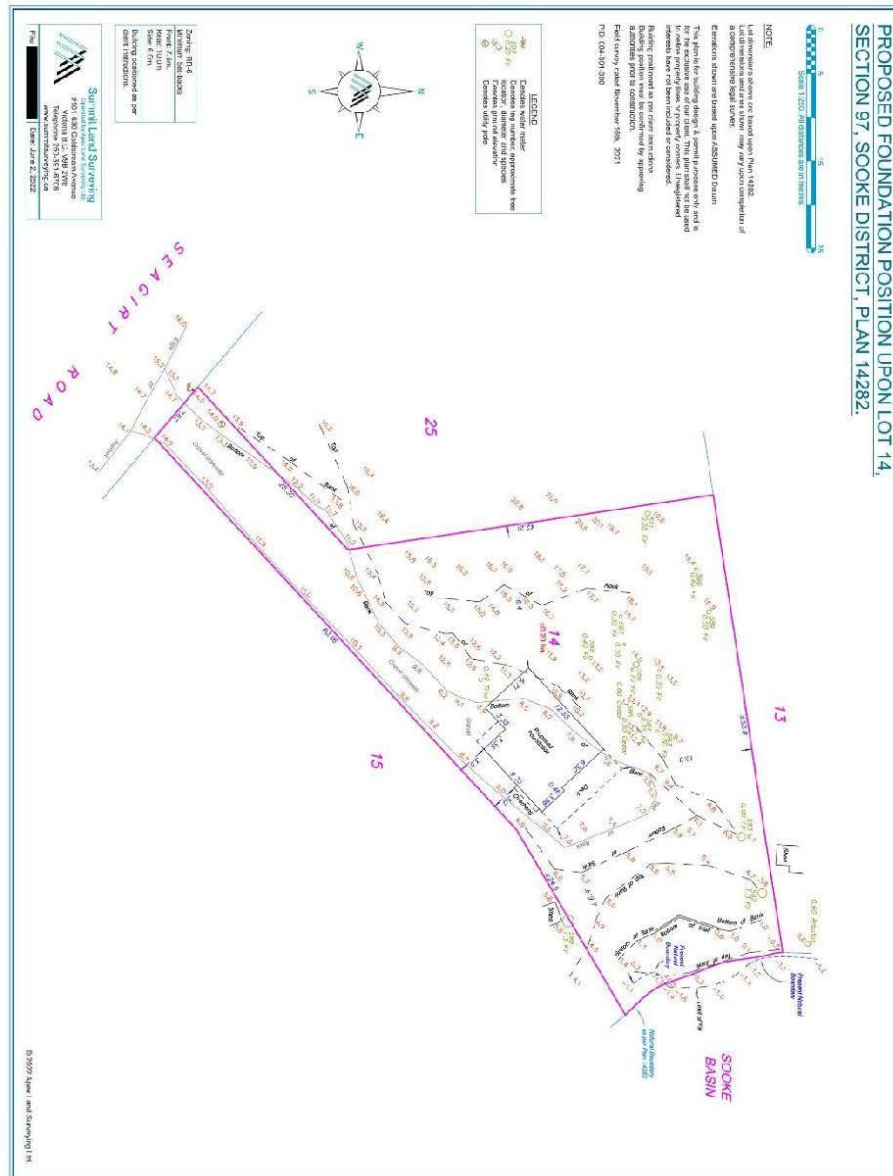
ISSUED this ____ day of _____, 2022.

Corporate Officer
Kristen Morley



DV000090

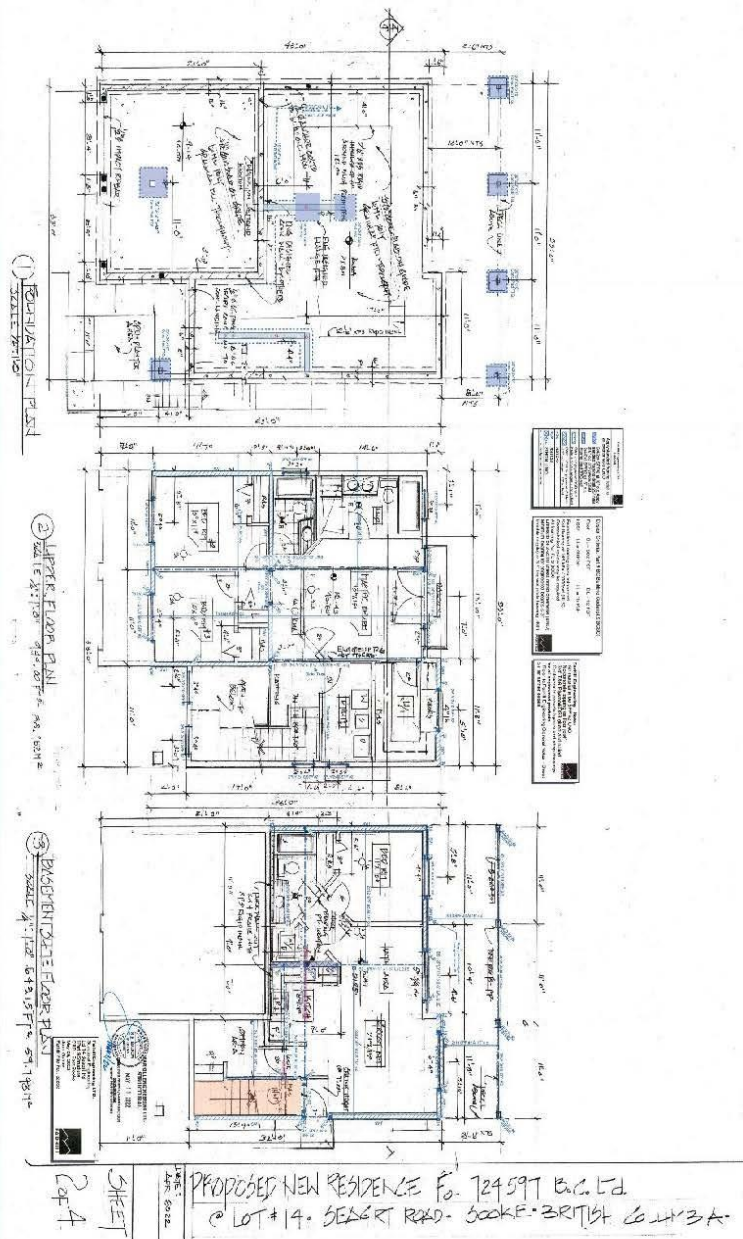
Appendix A: Site Plan with Requested Variance



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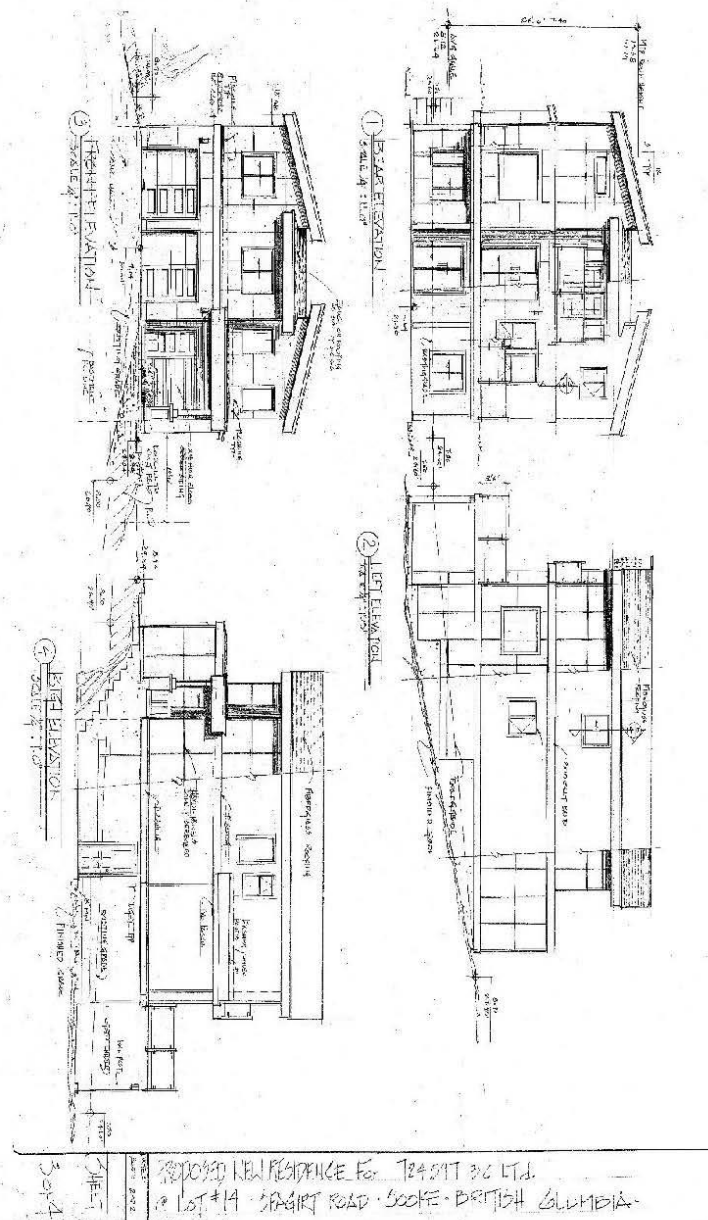


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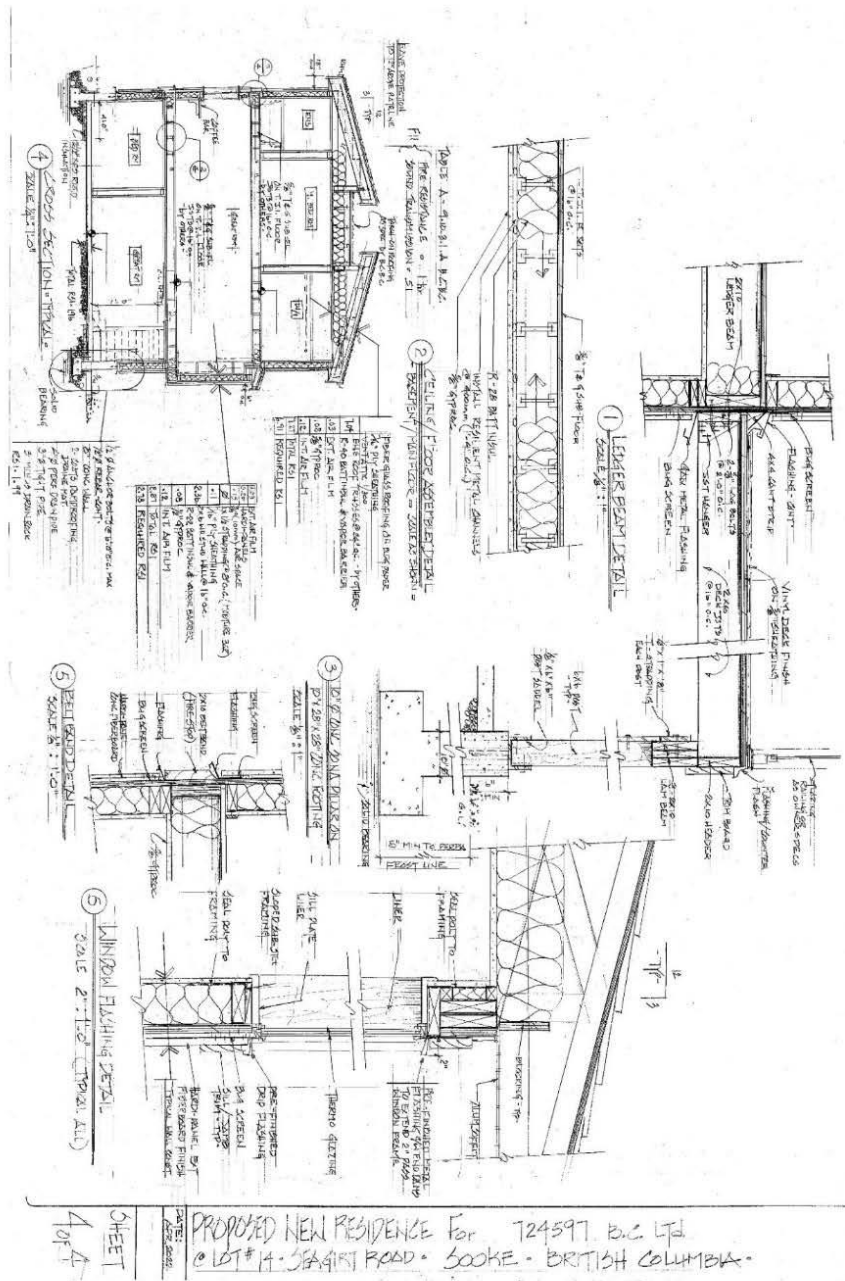


DV000090





DV000090





DV000090

Appendix C: Geotechnical Report



MGE Services Inc.
740 Cowper Street, Victoria, BC V9A 2E9
250-661-8335
MGEservices@shaw.ca
www.MGEservices.ca

June 24, 2022
File: 21M-082



**RE: Proposed House – 35 Seagirt Road, East Sooke
Preliminary Geotechnical Report**

As requested by [REDACTED] (the Client), MGE Services Inc. (MGE) has carried out a preliminary geotechnical review at the above-referenced site for a proposed new residential dwelling to be constructed on the site. The subject property has a foreshore slope down to the north and has been designated as a steep slope according to the Capital Regional District (CRD) Bylaw No. 4000. Review of the Juan de Fuca Land Use Bylaw No. 2040 was also carried out with respect to the flood plain setback for the dwelling, as discussed herein.

The site is located on the northeast side of Seagirt Road in East Sooke with other residential properties on either side. There had been a residential dwelling on the property, which has been demolished at the time of our review. The site has an overall slope down towards Sooke Basin to the north of the site, with the driveway and house pad area sloped gently and a steeper portion of the slope between the proposed house pad and the beach. The surficial and bedrock geology mapping indicates that the site is underlain by a relatively thin veneer of glacial deposits (Vashon Till), overlying hard, sound, metamorphic bedrock (Wark Gneiss). There is bedrock outcropping along the west side of the site, which is expected to require drilling and blasting for removal.

MGE conducted a site visit with the Client and Mr. John Guiney (the Contractor) to review the existing conditions on February 4, 2022. The attached Table 1 – Site Photos provides documentation of the current conditions at the subject site. The proposed house pad appears to consist of miscellaneous fills that following house demolition and it is expected that further site preparation will be needed. Review of the slope down from the house pad to the beach indicates there are localized steep portions of the slope that were measured to be greater than 45 degrees and the majority of the slope was measured to be approximately 30 degrees, which the CRD uses to categorize the site as a steep slope. The slope was observed to be vegetated with grass and shrubs, and there was no evidence of active slope creep.

Review of the house plans, recently updated, indicate that the building is being constructed as a stepdown basement, with the slope being daylighted at the level of the basement. This lowering of the house foundation and reducing of the overall height of the slope provides suitable stability and bearing support for the proposed structure. With the footing level at this new designed elevation, flood plain setback from Bylaw 2040 is considered to be met.

There will need to be site preparation required to create a building pad for the proposed house, which will include drilling, blasting and excavation to expose competent bearing soils below the fills and organic



DV000090



MGE Services Inc.
740 Cowper Street, Victoria, BC V9A 2E9
250-861-8335
MGEservices@shaw.ca
www.MGEServices.ca

June 24, 2022
File: 21M-082

materials. MGE should carry out further review when earthworks are ongoing on the site to confirm the subsurface conditions within the building site.

Based on the house plans showing the house and garage sites extending into the existing intact bedrock, there will be cut slopes within the bedrock that will need to be reviewed as the site is developed. It is anticipated that there some form of rockfall mitigation will be needed, likely a catchment ditch or wall. Further review will need to be carried out by MGE following blasting.

This report has been prepared exclusively for Mark & Ariana Lynn in accordance with the November 29, 2021 contract between MGE and the Client. No third party can rely on this letter subject to the terms and conditions under which the work was completed. The Capital Regional District is considered to be an authorized user of this report.

We trust this meets your current requirements and ask that you contact the undersigned if there are any questions or concerns.

Yours truly,
MGE Services Inc. (Permit to Practice No. 1003085)


Per: Alec Morse, P.Eng.



Attach: Table 1 – Site Photos







DV000090



Table 1: Site Photos
Project: 35 Seagirt Lane, East Sooke

File: 21M-082

	
Driveway leading down to proposed house site, with bedrock outcrop exposed on west side.	Building site covered with gravel following demolition of former house on the property.
	
Foreshore slope extending down to the beach from the proposed house site.	Existing slope, into which the house foundation will be excavated and daylighted for basement.

Appendix E: Development Permit Guidelines

515 Guidelines for the Steep Slope Development Permit Area

Development permits for development in the Steep Slope DPA will be considered in accordance with the following guidelines:

- A. Development and alteration of land will be planned to avoid intrusion into and minimize the impact on the Steep Slope DPA.
- B. The removal of vegetation and impact to tree root zones will be minimized.
- C. The placement of fill, disturbance to the soil, undercutting and blasting will be minimized.
- D. Development should minimize alterations to steep slopes and the development should be designed to reflect the site rather than altering the site to reflect the development.
- E. Changes in hydrology will be minimized.
- F. Runoff from the development will not destabilize or cause damage to the subject property or neighbouring properties.
- G. Development will be designed to avoid erosion and sedimentation.
- H. Erosion control measures and temporary fencing may be required during and after construction.
- I. The planting of native vegetation in both disturbed and undisturbed areas may be required to reduce the risk of erosion and improve slope stability.
- J. Heavy machinery cannot be used in circumstances where or when it might cause erosion or destabilize the slope.
- K. The clustering of buildings and structures on less steep areas is encouraged and setbacks may be varied to accommodate this.
- L. Variances to allow the siting of buildings and structures outside the Steep Slope DPA will be considered.
- M. Over-steep driveways and sharp switchbacks are discouraged and will be minimized.
- N. Shared driveways may be required where they will minimize the disturbance to steep slopes.
- O. Large, single-plane retaining walls are discouraged and landscaping should follow the natural contours of the land.
- P. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a *QP* will be considered by the CRD and may be included in development permit.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF SEPTEMBER 20, 2022

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

ISSUE SUMMARY

The landowner has submitted an application that proposes a minor expansion of the Rural Residential 2 (RR-2) zone on the northern portion of the property and changes the zone on the southern portion of the property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) Zone to permit business and general industrial uses with limitations.

BACKGROUND

The adoption of Bylaw No. 4316 (RZ000267) in 2021, authorized the zoning of the 15 ha property located at 3542 Otter Point Road as Rural Residential 2 (RR-2) and Industrial Sawmill (M-3) under the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). The parcel is adjacent to the Tenbury Road right-of-way (ROW) and Rural A zone land to the east; the Wieland Road ROW and the District of Sooke boundary to the south; Rural Residential 3 (RR-3) zoned properties to the west; and Otter Point Road and RR-2 zoned lands to the north. There is an existing dwelling and sawmill operation on the property. The current RR-2 zone would allow for the creation of up to six 1 ha RR-2 parcels, one 8 ha M-3 zoned parcel and additional road dedication.

The property is designated as Settlement Area 2 in the Otter Point OCP and is subject to the Watercourse & Wetlands and Commercial & Industrial development permit areas. The parcel is within the Otter Point Fire Protection Local Service Area, but outside a community water service area.

The landowner submitted a bylaw amendment application for the Juan de Fuca Land Use Committee's (LUC) consideration in 2021 to rezone the Industrial Sawmill (M-3) zoned area to a new Rural Industrial (M-RU) Zone. This preliminary amendment proposed a range of general industrial and business uses along with a range of associated retail opportunities.

The property has an ongoing two-phase subdivision application (SU000711), which requires a development permit (DP000370). The rezoning and subdivision plan is referenced within Appendix B.

At its meeting of July 20, 2021, the LUC recommended referral of the proposed bylaw to the Otter Point Advisory Planning Commission (APC), and to relevant CRD Departments and external agencies. In response to comments received, the application was revised by removing cannabis production and accommodation for recreational vehicles, and adding limitations to the general industrial use within the new M-RU zone. In accordance with these changes, Staff have revised proposed Bylaw No. 4423 (Appendix C).

ALTERNATIVES

Alternative 1

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

- a) That the referral of proposed Bylaw No. 4423, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021" to the Otter Point Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Department of Fisheries and Oceans; District of Sooke; Ministry of Agriculture; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural

Resource Operations; Ministry of Transportation and Infrastructure; RCMP; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;

- b) That proposed Bylaw No. 4423, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021" 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. 4423.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4423

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 related to Part 14 of the *Local Government Act (LGA)*. The Otter Point APC considered the application at its meeting on August 11, 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 Process

Referrals were sent to 13 agencies and CRD departments, and to the Otter Point APC. Comments received are summarized below and included in Appendix D.

BC Hydro; District of Sooke; FLNR – Archaeology Branch; FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development stated that they have no issue and/or their interests remain unaffected by with the proposed bylaw to rezone a portion of the subject property.

FLNR – Ecosystems Section provided conditions that ensure the riparian areas on the property are protected during future development. Development must adhere to the *Riparian Areas Protection Regulation (RAPR)* and the *Water Sustainability Act (WSA)* using the best management practices presented in the Develop with Care (2014) document.

Island Health stated that they have no objections provided that the food and personal service establishments obtain the necessary approvals through Island Health; that water supply systems obtain an operating permit under the *Drinking Water Protection Act (DWPA)*; and that any sewage systems be in compliance with the Sewerage System Regulation.

Ministry of Environment & Climate Change Strategy (MOE) confirmed that applications such as Bylaw No. 4423, where a Site Disclosure Statement (SDS) is required cannot be approved by the CRD until the applicant receives approval and/or permission from the Province and provides a copy to the CRD.

Ministry of Transportation and Infrastructure (MoTI) stated no objection to the proposed rezoning; however, the applicant is required to complete a Traffic Impact Study (TIS/TIA), and the proposed development must not direct drainage towards Ministry ROWs.

Otter Point Fire Department commented that a water storage system of no less than 60,000 gallons must be installed prior to further development or subdivision. The system must be engineered to deliver a minimum of 1,000 gallons per minute, with the hydrant located close to the entrance of the industrial property to ensure access.

RCMP and Sooke School District #62 specified that they have no concerns and or no comments regarding this application.

CRD Bylaw Enforcement stated that they have no concerns.

CRD Building Inspection advised that there are outstanding building permit requirements on the property and that certain aspects of the construction will involve oversight of a Registered Professional.

The Otter Point APC met on August 11, 2021 to consider the application with 7 members of public in attendance. The Otter Point APC made the following motion:

MOVED by Bud Gibbons, **SECONDED** by Sid Jorna that the Otter Point Advisory Planning Commission report to the Juan de Fuca Land Use Committee (LUC) that:

- It recommends that the LUC monitor water use, considering the possibility of 10 wells feeding out of an already burdened aquifer
- The issue of fire suppression, especially in drought conditions, is a burden on water storage and water capture
- There is large concern for the possibility of twelve RVs being housed, placing demand on services and also potentially being another source of fire hazard due to the number of propane tanks
- It wishes to see the Wieland Road trail connector be part of the overall plan.

Land Use

The subject property is currently zoned RR-2 and M-3 and is designated as Settlement Area 2 in the Otter Point OCP. The Settlement Area designations contemplate industrial uses on lands zoned industrial and support accommodating limited industrial and commercial development with a focus on the Sooke Business Park.

Since the Land Use Committee first considered this application in 2021, the landowner has amended the application in response to comments from the agencies and the APC. Amendments include a minor southerly expansion of the RR-2 zone to ensure alignment of future property lines with zoning boundaries; removal of cannabis production and accommodation for recreational vehicles; and limitations to the general industrial use.

The M-RU zone includes some of the permitted uses provided in the nearby Sooke Business Park (M-SBP) zone, but stipulates a lower density. The M-RU zone has a larger 1.7 ha minimum lot size, rather than the 900 m² minimum lot size permitted by the M-SBP zone. The M-RU zone includes a maximum lot coverage of 25% and a floor area ratio of 0.4, whereas the M-SBP zone stipulates a maximum lot coverage of 60% and no floor area ratio regulation. Therefore, the maximum density on a 1.7 ha lot within the M-RU zone could allow for a total floor area of 6,800 m² with a total building footprint of 4,250 m². The M-RU zone also specifies screening requirements and is intended to provide an opportunity for less dense and impactful industrial development relative to the M-SBP zone.

The permitted uses proposed by Bylaw No. 4423, include continued operation of the existing sawmill, as well as limitations to the general industrial use; business office and support services; athletic facilities; personal services; unenclosed storage; retail sales of building and landscaping

supply; retail sales of vehicle accessory parts; retail sales accessory to a principle industrial use; and one accessory caretaker dwelling unit with a maximum floor area of 110 m². The M-RU zone specifically prohibits refuse and garbage dumps, including transfer stations; salvage and wrecking yards, including auto salvage and wrecking; and the burning of vehicles and other salvage.

Procedures and Future Development

The property owner is advised of the requirements under the *RAPR*, *WSA*, *DWPA*, in addition to interrelated regulations, codes, and statutes contained within these Acts. Some concerns from Provincial Ministries may also be addressed through CRD procedure.

Development proposals should demonstrate that community values and features can be protected subject to the criteria outlined in the Otter Point OCP, including review of the geotechnical and environmental constraints of the site; adequate potable water and sewage disposal; protection of existing groundwater supplies; appropriate scale of development; protection of natural features; adequate setbacks and vegetated buffers; protection of land considered regionally or locally significant; use of 'green' building techniques; and other works, services or community benefits required to mitigate the impact of development.

The Otter Point OCP also identifies high potential park and trail opportunities including a desire to establish an inter-connected network of trails through the Plan area. The JDF Community Parks division currently holds a Licence of Occupation over Wieland Road ROW for future construction of a multi-use trail extending from William Simmons Memorial Park to Kemp Lake Road, but the ROW terminates at the subject property. The rezoning plan provided by the applicant proposes the dedication of these ROWs for future trail development where procurement will be arranged as part of the ongoing subdivision application.

As part of rezoning application RZ000267, which rezoned the subject property from Rural A to RR-2 and M-3, an environmental assessment report was prepared by Corvidae Environmental Consulting Inc. The report identified a riparian area on the property and recommended replanting and restoration measures. Replanting and restoration was required prior to adoption of the previous zoning bylaw amendment and active development permit application DP000370 is a requirement for the ongoing subdivision application. The development permit application involves the continuation of the Environmental Impact Assessment by Corvidae, and will require Provincial review and approval in accordance with the *RAPR*.

The CRD Building Inspection Division advised that a Registered Professional will be required to be involved in certain aspects of the construction and that the applicant is advised to work with the CRD to resolve any outstanding building permits. The need for fire protection measures was also raised by the Otter Point Volunteer Fire Department. As a condition of the previous zoning bylaw amendment for this property (RZ000267), the applicant was required to register a covenant (CA8709728) to ensure the installation of a 60,000 gallon water supply dedicated to fire protection for the industrial sawmill use and the community. Installation of the system is required prior to approval of subdivision application SU000711 or completion of building permits.

Should the rezoning be approved, the owner would be required to provide proof of potable water for each new industrial parcel created as part of the subdivision process. As was noted during the previous zoning amendment application to rezone the property from Rural A to Rural Residential 6 and Industrial Sawmill, members of the public expressed concern that groundwater supplies are scarce in the area and that many wells run dry. To address this broader concern, the CRD has installed a bulk drinking water station on Otter Point Road in Sooke that provides potable water through the Juan de Fuca Water Distribution System. The overall level of development permitted under the previous Rural A zone is comparable to that under the RR-6 and M-RU zones. The *Water Sustainability Act* requires that non-domestic users of groundwater obtain a licence; therefore, water used for industrial purposes under the proposed M-RU zone will require a

provincial water licence, the issuance of which includes an analysis by Ministry staff of existing water use in the area.

Part 2 Division 3 Section 4.2 of the *Contaminated Sites Regulation* of the *Environmental Management Act*, exempts the landowner from the requirement of providing the CRD with an SDS. Therefore the CRD can no longer require an SDS from the landowner for the purposes of the subject rezoning application. A copy of this section from the *Contaminated Sites Regulation* under the *Environmental Management Act* is included along with MOE's comments in Appendix D.

The landowner has provided a Traffic Impact Study (TIS) (Appendix E) and a stormwater management (SWM) briefing (Appendix F) for the review by the Ministry of Transportation & Infrastructure. The TIS identified locations for future motor vehicle access with the best visibility. The potential development will generate approximately 46 new trips during the peak hours; however, this additional traffic will not impact the use or safety of Otter Point Road. The SWM briefing outlined the conditions for onsite management on each proposed lot. The briefing stated that an increase in runoff and adverse effects to downstream water, habitats, and structures, future development should be mitigated. This can be achieved by promoting infiltration. Solutions would include in-ground disposal and detention of water and flow from hard surfaces should be controlled to mimic pre-development flows. Should the rezoning be approved, the TIS and a SWM plan would require the Ministry's review and approval as a part of the subdivision application process.

While the rezoning plan proposed four 1.8 ha rural industrial lots, the applicant is requesting a 1.7 ha minimum parcel size to accommodate the provision of land for future road dedication. Future industrial development within the M-RU zone should emphasize a more rural character in comparison to the Sooke Business Park, as it prohibits more impactful industrial uses with a lower density and requires the retention of natural aspects in addition to screening. Based on the information provided by the applicant and the policies of the Otter Point OCP, staff recommend that proposed Bylaw No. 4423 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 provide a minor expansion of the Rural Residential 2 (RR-2) zone and change the resulting 7.48 ha industrial portion of the subject property from Industrial Sawmill (M-3) zone to the new Rural Industrial (M-RU) zone for the purposes of a subsequent two-phase subdivision to create 6 rural residential parcels and 4 rural industrial lots. Staff have prepared Bylaw No. 4423 and recommend receipt of the referral comments, first and second reading, and advancement to public hearing.

RECOMMENDATION

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

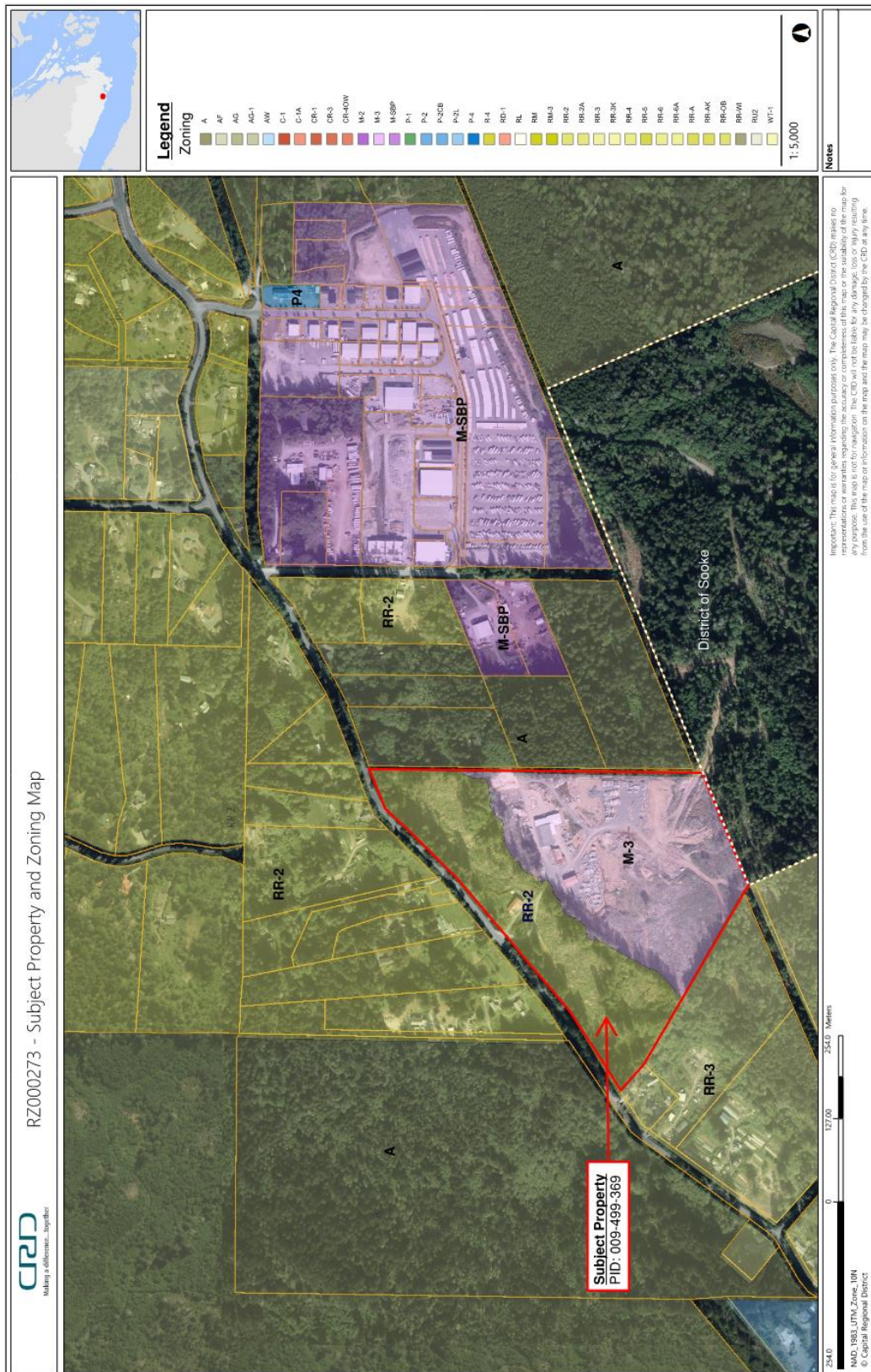
- a) That the referral of proposed Bylaw No. 4423, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021” to the Otter Point Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Department of Fisheries and Oceans; District of Sooke; Ministry of Agriculture; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; RCMP; Sooke School District #62; and T’Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4423, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021” 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. 4423.

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
Concurrence:	Kristen Morley, J.D., Acting Chief Administrative Officer

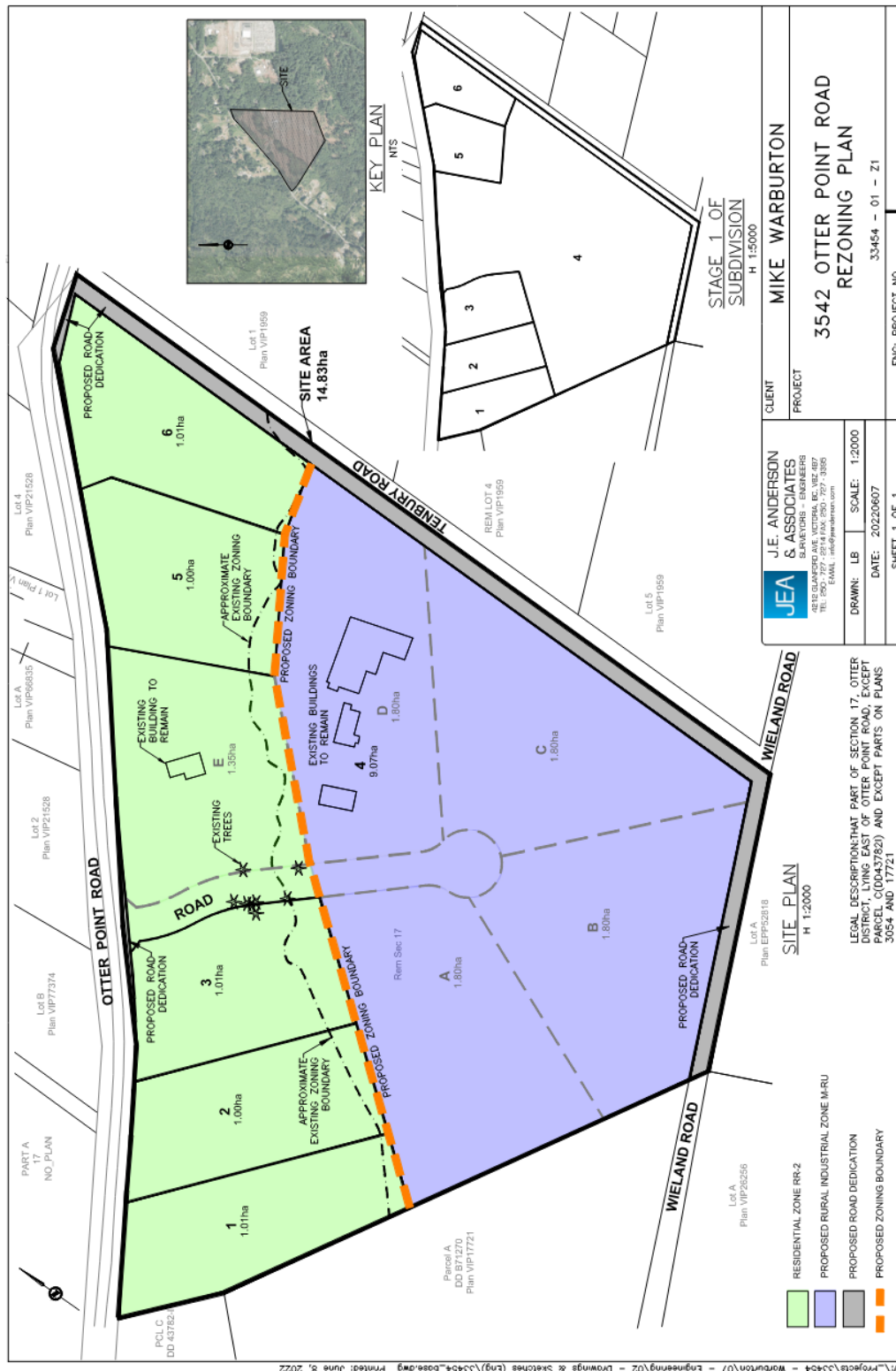
ATTACHMENTS

- Appendix A: Subject Property and Zoning Map
- Appendix B: Rezoning and Subdivision Plan
- Appendix C: Proposed Bylaw No. 4423
- Appendix D: Referral Comments
- Appendix E: Traffic Impact Study by Watt Consulting Group – March 3, 2022
- Appendix F: Storm Water Management Brief by JEA – March 3, 2022

Appendix A: Subject Property and Zoning Map



Appendix B: Rezoning and Subdivision Plan



Appendix C: Proposed Bylaw No. 4423

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4423**

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, SECTION 2 – DEFINITIONS

- (a) By deleting the definition of INDUSTRIAL ZONE and replacing it with a new definition as follows:

"INDUSTRIAL ZONE means the M-SBP, M-2, M-3 and M-RU zoning districts;"

B. SCHEDULE A, PART 1, SECTION 3.07

- (a) By adding the words "M-RU Rural Industrial" after the words "M-3 Industrial Sawmill".

C. SCHEDULE A, PART 2 - ZONING DISTRICTS

- (a) By adding a new section 29.0 Rural Industrial – M-RU Zone as follows:

29.0 Rural Industrial – M-RU Zone

29.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and buildings are permitted in the Rural Industrial (M-RU) zone:

- (a) General industrial uses;
- (b) Industrial sawmill and associated log storage and sorting, lumber milling, processing, and storage;
- (c) Business office and support services;
- (d) Athletic facilities;
- (e) Personal services;
- (f) Unenclosed storage;
- (g) Retail sales of building and landscape supplies;
- (h) Retail sales accessory to a principal industrial use;
- (i) Retail sales of vehicle accessory parts;
- (j) One dwelling unit for the use of a caretaker accessory to a principal use.

29.02 Prohibited Uses

Despite Section 29.01, the following uses are prohibited in the Rural Industrial (M-RU) zone

- (a) Refuse and garbage dumps, including transfer stations;
- (b) Salvage and wrecking yards, including auto salvage and wrecking;
- (c) The burning of vehicles and other salvage.

29.03 Minimum Lot Size for Subdivision Purposes

- (a) The minimum lot size for subdivision purposes shall be 1.7 ha.

29.04 Lot Coverage

- (a) The maximum lot coverage shall be 25%.

- 29.05 Number of Dwelling Units** (a) The maximum number of dwelling units for the use of a caretaker accessory to a principal use shall be 1.
- 29.06 Maximum Floor Area** (a) The maximum floor area ratio of buildings and structures shall be 0.4.
(b) The maximum floor area of a caretaker's suite shall be 110 m².
- 29.07 Height** (a) The maximum height shall be 14.0 m for all principal buildings and structures.
(b) The maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential Zone, Multiple Family Residential Zone, Commercial Zone, Rural Zone, Agricultural Zone or Institutional Zone.
- 29.08 Required Yards** (a) Front yards shall be a minimum of 7.5 m;
(b) Side yards shall be a minimum of 6 m, except:
i) where the lot abuts a Residential, Rural Residential, Rural, or Multiple Family Residential zone, the side yard shall be a minimum of 15 m;
ii) where the lot abuts an Industrial Zone, the side yard may be 0 m;
(c) Flanking yards shall be a minimum of 7.5 m CTS.
(d) Rear yards shall be a minimum of 15 m, except:
i) Where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.
- 29.09 Storage** (a) Storage shall not be permitted in required yards adjacent to any Residential, Rural Residential, Rural, or Multiple Family Residential Zone.
- 29.10 Screening** (a) Where the lot abuts a public highway, or a Residential, Rural Residential, Rural or Multiple Family Residential Zone, a vegetative screen shall be located and maintained along the entire length of parcel boundaries.
(b) The vegetative screen shall consist of coniferous vegetation native to the region that is not less than 2 m high, space not more than 2 m apart, and not less than 15 m deep on any portion of the lot that abuts a Residential, Rural Residential, Rural or Multiple Family Residential, and not less than 7.5 m deep on any portion of the lot that abuts a public highway.

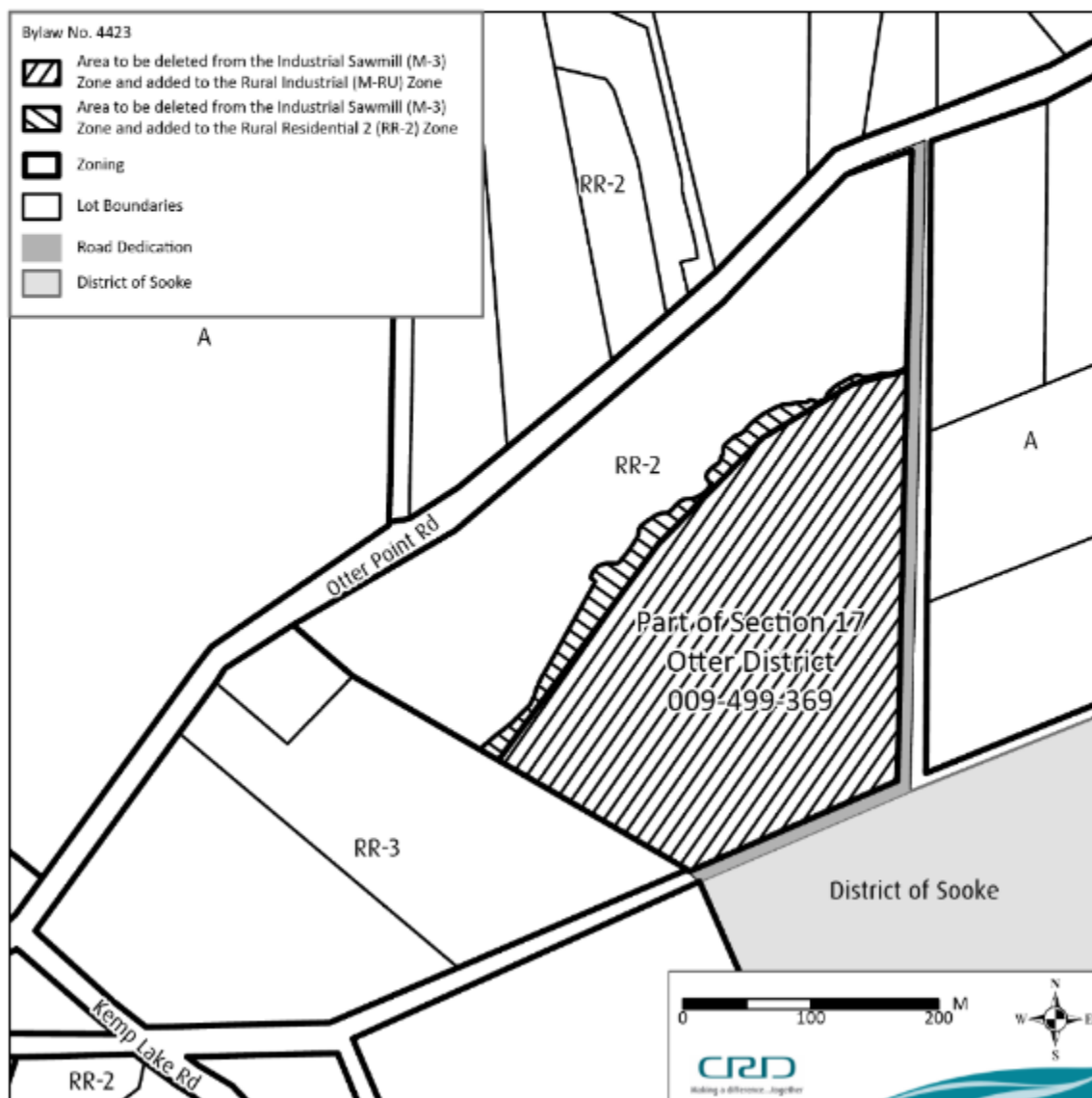
CRD Bylaw No. 4423

3

D. SCHEDULE B, ZONING MAPS

- a. By deleting that portion of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD437821) And Except Parts in Plans 3054 And 17721 from the Industrial Sawmill (M-3) zone, and adding to the Rural Industrial (M-RU) zone, as shown in Plan No. 1.
- b. By deleting that portion of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD437821) And Except Parts in Plans 3054 And 17721 from the Industrial Sawmill (M-3) Zone, and adding to the Rural Residential 2 (RR-2) Zone, as show in Plan No. 1.

Plan No. 1 of Bylaw No. 4423, an amendment to Bylaw No. 2040



CRD Bylaw No. 4423 4

2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021".

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: Referral Comments

Wendy Miller

From: Design, SVI <design.svi@bchydro.com>
Sent: Tuesday, August 03, 2021 9:33 AM
To: Wendy Miller
Cc: Reidy, Drew; Mann, Elaine
Subject: RE: [External] Zoning Amendment Application RZ000273 - CRD Referral

Hi Wendy,

No issues or concerns from Distribution Design.

Thanks.

Mike Hoekstra
Design Technician Work Leader
BC Hydro
4400 West Saanich Rd
Victoria, BC V8Z 3E9

T 250.727.5172
M 250.888.8486
E michael.hoekstra@bchydro.com
E design.svi@bchydro.com

[Initiate & Manage Connection Requests Online with MyHydro](#)

Wendy Miller

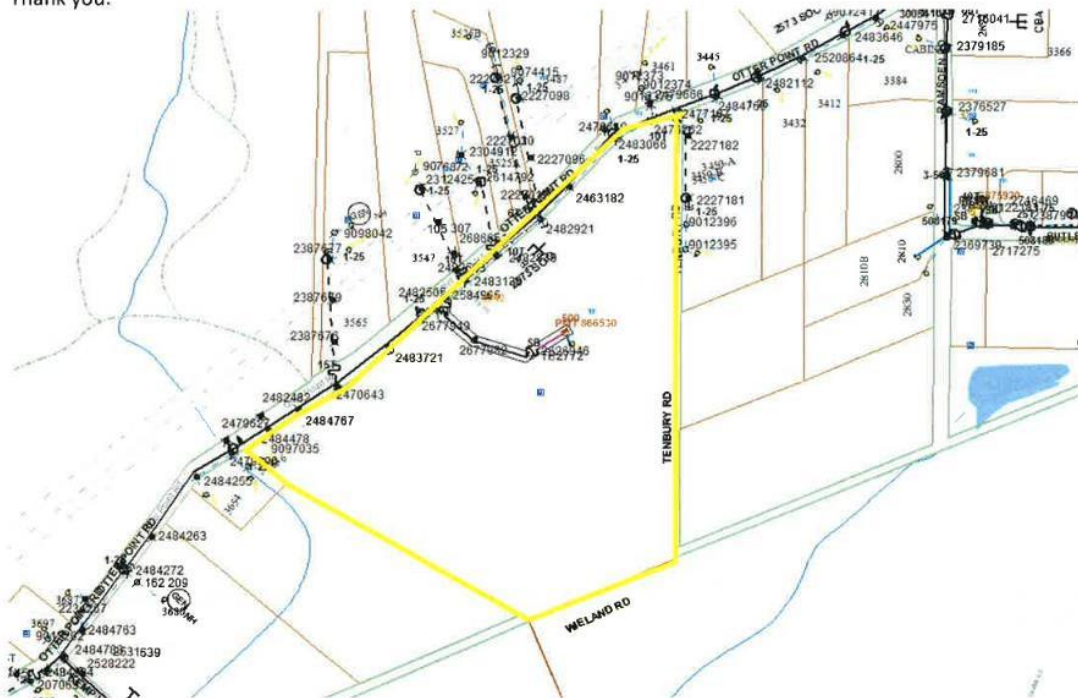
To: Wendy Miller
Subject: Zoning Amendment Application RZ000273 - CRD Referral

From: Mann, Elaine [mailto:Elaine.Mann@bchydro.com]
Sent: Thursday, July 22, 2021 8:37 AM
To: Wendy Miller <wmiller@crd.bc.ca>
Cc: Reidy, Drew <Drew.Reidy@bchydro.com>; Design, SVI <design.svi@bchydro.com>
Subject: RE: [External] Zoning Amendment Application RZ000273 - CRD Referral

Hi Wendy,

BC Hydro Property Rights Services have no issue with the amendment to the zoning amendment. I am copying South Vancouver Island Distribution Design for their review who can comment back directly if they have any concerns.

Thank you.



Elaine Mann | Property Coordinator, Property Rights Services

BC Hydro
Vancouver Island

P 250-755-7169
E elaine.mann@bchydro.com

bchydro.com



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

CRD Rezoning Application Referral to District of Sooke Planning Department

Monday, August 9, 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

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

Re: Referral Comments on rezoning application to amend Bylaw No. 2040 to amend Zoning Bylaw No. 2040 to rezone an approximately 8.5 ha portion of the subject property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) zone to permit a range of business, general industrial and associated retail uses on the below property.

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 RZ000273.

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
Web: www.sooke.ca

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

Wendy Miller

To: Wendy Miller
Subject: Zoning Amendment Application RZ000273 - CRD Referral

From: Cooper, Diana FLNR:EX [mailto:Diana.Cooper@gov.bc.ca]
Sent: Thursday, July 29, 2021 8:30 AM
To: Wendy Miller <wmiller@crd.bc.ca>
Subject: RE: Zoning Amendment Application RZ000273 - CRD Referral

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

Hello Wendy,

Thank you for your referral regarding a proposed zoning amendment for 3542 and 1-3542 Otter Point Road, PID 009, THAT PART OF SECTION 17, OTTER DISTRICT, LYING EAST OF OTTER POINT ROAD, EXCEPT PARCEL C (DD 43782I) AND EXCEPT PARTS IN PLANS 3054 AND 17721. 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 referral.

Results of Provincial Archaeological Inventory Search

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

Archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this referral response.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) 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

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist on 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.

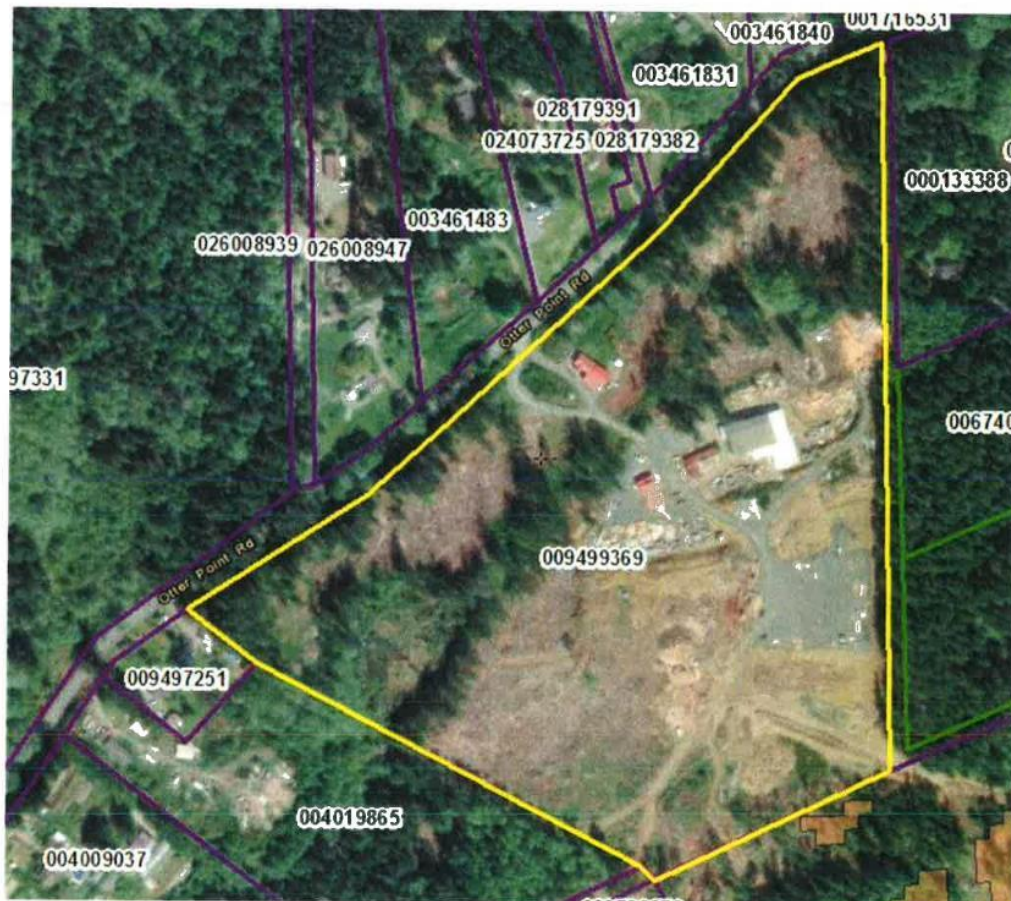
Questions?

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

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Kind regards,

Diana



Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown) 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.



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 | Website www.gov.bc.ca/archaeology

Wendy Miller

From: Robinson, David FLNR:EX <David.Robinson@gov.bc.ca>
Sent: Monday, August 16, 2021 9:44 AM
To: Wendy Miller
Subject: FW: Zoning Amendment Application RZ000273 - CRD Referral
Attachments: REFERRAL-FORM-AGENCIES-RZ000273.pdf

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

Hi Wendy,

Referral comments attached.

Thanks,

David Robinson
Resource Manager
South Island Natural Resource District
Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: 250-736-6980

From: South Island District Office, Forests FLNR:EX <Forests.SouthIslandDistrictOffice@gov.bc.ca>
Sent: August 12, 2021 4:30 PM
To: Robinson, David FLNR:EX <David.Robinson@gov.bc.ca>
Subject: FW: Zoning Amendment Application RZ000273 - CRD Referral

Forwarding.

Jaime Berry

A/Client Service Assistant
South Island Natural Resource District
Ministry of Forests, Lands,
Natural Resource Operations and Rural Development
4885 Cherry Creek Road
Port Alberni BC V9Y 8E9
Ph: (250) 736-6880/Fax: (250) 731-3010
Email: Jaime.berry@gov.bc.ca

[FrontCounter BC Website](#) | Toll-Free Contact Centre: 1-877-855-3222
Tell us about your experience with FrontCounter BC: [Complete an Online Comment Card](#)

RESPONSE SUMMARY – REZONING APPLICATION RZ000273

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

Private land. No concerns related to disposition of Crown land.

Signed

Title

Date

Agency

RESPONSE SUMMARY – REZONING APPLICATION RZ000273

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

We have few concerns with the proposed rezoning providing the following conditions are adhered to during subsequent development:

- That the stream and wetland occurring on the property are protected during development, and that all requirements under the Riparian Areas Protection Regulation and the Water Sustainability Act are met.
- That the applicable best management practices presented in Develop with Care (2014) are followed.

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

Ecosystem Biologist
Title

July 22, 2021
Date

Ecosystems Section - FLNRORD
Agency

RESPONSE SUMMARY – REZONING APPLICATION RZ000273

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

No Objections provided:

- Water supply systems servicing more than one single-family dwelling must obtain an operating permit under the Drinking Water Protection Act issued by this office.

- Food service establishments and personal service establishments must obtain the appropriate permit/approval from this office.

- Onsite sewerage systems must be constructed and maintained as per the Sewerage System Regulation.

Signed

Environmental Health Officer
Title

August 20, 2021
Date

Island Health
Agency

Wendy Miller

From: ENV Site ID ENV:EX <siteID@gov.bc.ca>
Sent: Monday, August 16, 2021 2:05 PM
To: Wendy Miller
Subject: RE: Site Profile - Zoning Amendment Application RZ000273 - CRD Referral

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

Hi Wendy,

Thank you for taking my call.

As discussed, if a Zoning Amendment Application is the same as a Zoning Application, and the Zoning Application you have mentioned is new, since February 1, 2021, it will trigger the requirement for a Site Disclosure Statement (formerly Site Profile), and freeze municipal permit approvals.

In most cases, submission of a site disclosure statement (SDS) triggers a requirement in EMA and the CSR to complete site investigations.

If the SDS was submitted in conjunction with a municipal application, the municipality cannot approve the application until the applicant applies for and obtains from the ministry a copy of a Determination that the site is not contaminated, an Approval in Principle of a remediation plan, a Certificate of Compliance or a Voluntary Remediation Agreement; or a release notice.

We therefore, recommend that site owners seek guidance from an environmental professional who is familiar with the contaminated sites regulatory framework in BC, and is able to guide them on the next steps for their specific site. The [CSAP Society](#) webpage is a good resource to find Approved Professionals and the organizations that they work for.

After an SDS has been submitted, the ministry will send an email to the responsible person/owner to let them know the SDS has been satisfactorily completed and provide the Site ID number. This typically happens within a month, depending on the volume of submissions ENV is receiving. Note: this response email does not allow the municipality to approve the application. The municipal application will still remain 'frozen' until a ministry certification document or release notice has been obtained by the applicant.

If the responsible person/owner applies for a ministry certification document or release notice, the current turnaround time for the ministry to process their application is four months.

For more information on the Site Identification process, I recommend reviewing the ministry's [Site Identification](#), and [Municipalities and Approving Officers](#) webpages. If you have not done so already, I would recommend watching the ministry's webinar for [Stage 13 Amendment Implementation for Municipalities and Approving Officers](#). I would also suggest subscribing to [Site Remediation News](#), to receive notifications on upcoming webinars, and updates to regulations.

Also please note, the ministry is holding a webinar for Municipalities and Approving Officers on September 15th through the Local Government Management Association, which I would highly recommend.

The webinar will be on Additional Implementation Guidance on the New Provincial Contaminated Site Identification Requirements, and registration is available [here](#).

All enquiries regarding the Site Identification process should be sent to SiteID@gov.bc.ca

Kind regards,

Vanessa Osorio

Contaminated Sites Officer | Land Remediation Section
Environmental Emergencies and Land Remediation Branch | B.C. Ministry of Environment and Climate Change Strategy
She/her/hers

The information or advice provided in this email is for guidance only and does not limit, and should not be construed as limiting, a director's exercise of discretion under the Environmental Management Act.

From: Wendy Miller <wmiller@crd.bc.ca>

Sent: August 12, 2021 4:19 PM

To: Lawrence, Stephanie A ENV:EX <Stephanie.Lawrence@gov.bc.ca>; Delaney, Colleen ENV:EX <Colleen.Delaney@gov.bc.ca>

Cc: siteprofiles@gov.bc.ca

Subject: Site Profile - Zoning Amendment Application RZ000273 - CRD Referral

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good Afternoon,

I follow up to the follow email.

This office is hoping to seek comment from MOE re: site profile as the attached staff report states:

A regional district must not approve a development application with respect to a site where a site profile is required until such time a release is granted pursuant to Section 557 of the LGA. A site profile was recently submitted as part of zoning amendment application RZ000267 on the same property. Staff recommend a referral to the Ministry of Environment & Climate Change Strategy confirm whether a release is required in conjunction with the current application.

I reach out to you as it appears you may have made comment when the subject property was under CRD application RZ000267.

We are hoping to receive agency comments by August 19, 2021.

Thank you,

Wendy Miller

Administrative Clerk | JdF Community Planning | 250.642.8100
JdF Local Area Services Building | Capital Regional District
3 – 7450 Butler Road, Sooke, BC V9Z 1N1

From: Wendy Miller

Sent: Wednesday, July 21, 2021 11:22 AM

To: 'Forests.SouthIslandDistrictOffice@gov.bc.ca' <Forests.SouthIslandDistrictOffice@gov.bc.ca>; 'archdatarequest@gov.bc.ca' <archdatarequest@gov.bc.ca>; Doyle, Jessica FLNR:EX <Jessica.Doyle@gov.bc.ca>; Roden, Jacqueline FLNR:EX <Jacqueline.Roden@gov.bc.ca>; Bracher, Grant FLNR:EX <Grant.Bracher@gov.bc.ca>; 'siteprofiles@gov.bc.ca' <siteprofiles@gov.bc.ca>

Subject: Zoning Amendment Application RZ000273 - CRD Referral

Sections of the *Environmental Management Act's* Contaminated Sites Regulation were copied and placed accordingly by CRD staff for the purposes of considering proposed Bylaw No. 4423

The arrangement of the statutes on this document does not present in the same manner as page 10 of the consolidation of the Contaminated Sites Regulations. Please see: https://www.bclaws.gov.bc.ca/civix/document/id/crbcrbc/crbcrbc/375_96_multi

**ENVIRONMENTAL MANAGEMENT ACT
CONTAMINATED SITES REGULATION**

B.C. Reg. 375/96

Part 2 – Site Disclosure Statements

Division 3 – Exemptions from Providing Site Disclosure Statements

Exemption – persons applying to municipalities

- 4.2** (1) A person is exempt from the requirement to provide a site disclosure statement to a municipality under section 40 (1) (b) (i) of the Act if
- (a) the land in relation to which the person is seeking approval for zoning is being used for a specified industrial or commercial use, and
 - (b) the specified industrial or commercial use would continue to be authorized on the land if the zoning were approved.
- (2) A person is exempt from the requirement to provide a site disclosure statement to a municipality under section 40 (1) (b) (ii) of the Act if the development permit or building permit in relation to which the person is seeking approval is for only one or more of the following purposes:
- (a) demolition;
 - (b) installing or replacing underground utilities;
 - (c) installing or replacing fencing or signage;
 - (d) paving;
 - (e) landscaping.
- (3) If, in relation to a development on land, a person applies for or otherwise seeks from a municipality more than one approval for zoning or permits at the same time, the person may comply with the requirement under section 40 (1) (b) of the Act by providing a single site disclosure statement relating to the land for the purposes of all those approvals.

[en. B.C. Reg. 161/2020, App. 2, s. 3.]

Consolidated Regulations of British Columbia

Last Amended July 7, 2021 by Reg. 179/2021

Wendy Miller

From: Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>
Sent: Thursday, August 19, 2021 4:01 PM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000273 - CRD Referral
Attachments: TIA Generic TOR 20200414.pdf

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

Good Afternoon Wendy,

Please consider this the official response from the Ministry of Transportation and Infrastructure regarding the proposed rezoning of approximately 8.5 ha portion of the subject property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) zone to permit a range of business, general industrial and associated retail uses.

The Ministry has no objection to the rezoning as presented subject to:

- The developer retaining a Professional Traffic Engineer, licensed to practice in the Province of BC, to produce a Traffic Impact Study (TIS/TIA). The study shall investigate the impact of the ultimate development on the undeveloped road dedication adjacent to the east of the subject property, according to the Terms of Reference (ToR) and the format of the Ministry of Transportation & Infrastructure "Planning and Designing Access to Developments" Manual. Conclusions of the TIA may lead to a requirement to construct a public road to the rezoned area, to MoTI engineering standards, within the road dedication.
- Expansion of the road dedication to the east of the subject property should be completed to increase the width of the existing dedication to 20 metres.
- Applicant is advised that all structures are to be located at least 4.5 metres back from the highway right-of-way, or 3 metres, where the structure has access from another street. The applicant should check with the Capital Regional District as to what their requirements are, and the greater of the two will apply. Please refer to Section 12 of the Provincial Public Undertakings Regulation BC Reg. 513/2004.
- No storm drainage shall be directed into Ministry of Transportation and Infrastructure systems. This would include, but is not limited to, collection/run-off of the internal road system. All storm water is to be directed to a municipally maintained storm system.

Thank you for the opportunity to comment. If further discussion is warranted, please feel free to contact me.

Regards,

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

Please take a moment to complete the Ministry of Transportation and Infrastructure's Customer Satisfaction Survey - <https://survey.th.gov.bc.ca/transportation2021>



OTTER POINT VOLUNTEER FIRE DEPARTMENT

Thursday, 7-9 p.m.
Office Phone 642-6211
Office Fax 642-2673

3727 Otter Point Road
Sooke, B. C. V9Z 0K1
www.otterpointfire.bc.ca

August 31, 2021

CRD: JDF Community Planning
Attn. Iain Lawrence
#3 – 7450 Butler Road.
Sooke, BC V9Z 1N1

Re: Referral for Warburton Subdivision Proposal

Property at 3542 Otter Point Road.
Known as; Warburton's Mill
PID 009-499-369, Section 17
Folio: 762.16114.000

CRD Files: SU000711/RZ000267

Most of my comments remain the same as with the previous subdivision and rezoning proposal.
Please reference previous communications to development on this property.

The Fire Department requires adequate fire access roads to all buildings on the property.

Mr. Warburton has agreed to, and the Otter Point Fire Department requires a 60,000 imperial gallons water reservoir for the purpose of fire suppression. Plumbing and a hydrant (or standpipe) system must be engineered to deliver a minimum of 1000 gallons a minute. The hydrant must be located near the entrance to the commercial property so it can be accessed on the way in to fight a fire no matter where the fire is located on the property.

If you have any further questions please contact me at the above number or by email at jmccrea@otterpointfire.bc.ca

Yours truly,



John McCrea, Fire Chief
Otter Point Fire Department

CC:

Wendy Miller

From: Sinden, Brett <brett.sinden@rcmp-grc.gc.ca>
Sent: Wednesday, July 21, 2021 10:40 AM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000273 - CRD Referral

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

Sooke RCMP – No comment on this application.

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

CONFIDENTIALITY NOTICE

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From: Wendy Miller <wmiller@crd.bc.ca>
Sent: July 21, 2021 10:33 AM
To: Sinden, Brett <brett.sinden@rcmp-grc.gc.ca>
Subject: Zoning Amendment Application RZ000273 - CRD Referral

Good Morning,

Please find attached a referral form and staff report for proposed Bylaw No. 4423 for zoning amendment application RZ000273.

Proposed Bylaw No. 4423 would amend Bylaw No. 2040 to rezone an approximately 8.5 ha portion of the subject property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) zone to permit a range of business, general industrial and associated retail uses.

Comments received are distributed as part of the public record.

Comment is requested by August 19, 2021.

Please advise if you have any questions about our referral process.

Thank you,

Wendy Miller

Wendy Miller

From: Pete Godau <pgodau@sd62.bc.ca>
Sent: Friday, August 13, 2021 2:17 PM
To: Wendy Miller
Cc: Scott Stinson; Harold Cull; Windy Beadall; Kristina Ross
Subject: FW: Zoning Amendment Application RZ000273 - CRD Referral
Attachments: REFFERAL-FORM-AGENCIES-RZ000273.pdf; PPS-JDF-2021-07-20-RZ000273-LUC-Referral.pdf

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Afternoon Wendy,

At this time 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
Shaping Tomorrow Today

From: Wendy Miller <wmiller@crd.bc.ca>
Sent: Wednesday, July 21, 2021 10:33 AM
To: Pete Godau <pgodau@sd62.bc.ca>
Subject: Zoning Amendment Application RZ000273 - CRD Referral

CAUTION - EXTERNAL SENDER: This email originated from outside of School District 62. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Good Morning,

Please find attached a referral form and staff report for proposed Bylaw No. 4423 for zoning amendment application RZ000273.

Proposed Bylaw No. 4423 would amend Bylaw No. 2040 to rezone an approximately 8.5 ha portion of the subject property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) zone to permit a range of business, general industrial and associated retail uses.

Comments received are distributed as part of the public record.

Comment is requested by August 19, 2021.

Wendy Miller

From: Wendy Miller
Sent: Wednesday, August 18, 2021 2:52 PM
To: Wendy Miller
Subject: Referral - Zoning Amendment Application RZ000273

From: Shayne Gorman
Sent: Tuesday, August 17, 2021 2:45 PM
To: Wendy Miller <wmliller@crd.bc.ca>
Cc: Iain Lawrence <ilawrence@crd.bc.ca>
Subject: FW: Referral - Zoning Amendment Application RZ000273

From: Wilf Marquis
Sent: Tuesday, August 17, 2021 9:38 AM
To: Shayne Gorman <sgorman@crd.bc.ca>
Subject: Re: Referral - Zoning Amendment Application RZ000273

CRD Bylaw Enforcement Services has reviewed the staff report for the amendment Bylaw No. 4423 to the Juan de Fuca Land Use Bylaw No. 2040 to rezone an approximately 8.5 ha. portion of the subject property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) zone to permit a range of business, general industrial and associated retail uses.

The report points out that the property was subject of a recent zoning and OCP amendment (RZ000267) to rezone the southern part of the 15 ha. parcel from Rural A to M-3 to permit a sawmill operation and to rezone the northern remainder from Rural A to RR-2 to allow subdivision for six rural residential parcels.

Bylaw No. 4423 purpose is to rezone 8.5 ha. to a new RURAL Industrial M-RU ZONE to permit a range of business, general industrial and associated retail uses. Within the report there are significant measures in place to address density, prohibit wrecking and salvaging, maintain community values, protect features and environmental assessment requirement to name a few.

CRD Bylaw Enforcement Services given the current zoning already present and this proposal and measures in place, does not foresee any significant impacts to its services by this application.

Therefore, CRD Bylaw Enforcement has no specific concerns with the amendment Bylaw No. 4423.

Wilf MARQUIS | 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 |

From: Shayne Gorman
Sent: Thursday, August 12, 2021 4:30 PM

From: [Mike Taylor](#)
To: [Darren Lucas](#)
Cc: [Iain Lawrence](#)
Subject: RZ000273, 3542 Otter point Rd
Date: Friday, September 02, 2022 2:47:59 PM

Hello, Iain and Darren. With respect to the rezoning application RZ000273 I had previously attended the property at 3542 Otter Point Rd. with you and the owner, Mike Warburton, in 2020 and had reviewed the two existing buildings currently in use as a saw mill operation. I have also reviewed a report assessing these buildings prepared by BICC Professional Inc., dated March 30, 2020.

In accordance with the BC Building Code the use or occupancy of each of the buildings would be classified as Medium Hazard Industrial, F2. According to the BICC report the larger of the buildings is approximately 6880 sq ft. Due to its size it must be considered to be a Part 3 building with respect to the Code. Part 3 buildings are required to be designed and constructed with the oversight of Registered Professionals (registered Architects and Engineers) for all aspects of the project. Although there is some limited permit information in the property file for this site the sawmill buildings do not appear to be complete, nor in compliance with all aspects of the BC Building Code.

With the goal of completing these buildings in a manner that is in reasonable compliance with the BC Building Code I recommend that the applicant submit a Building Permit application for Code compliance review and completion of the buildings. This permit application should be accompanied with sealed drawings and Letters of Assurance from Registered Professionals for all aspects of the building demonstrating and detailing work needed to verify Building Code compliance. The areas of approval would include, but may not be limited to, Architectural, Structural, Mechanical/Plumbing, and Electrical. Through the previous site inspection I attended I have become aware of many aspects of the Building that I would assume to be non-compliant with respect to the Code including access to exit, fire separations and fire protection, stair design, lack of finishing both interior and exterior, etc.

The second smaller building, also being used as a sawmill, may be considered to be a Part 9 building as opposed to a Part 3 building, however, I believe it would also require Registered Professionals to be involved with a building permit application to demonstrate compliance with the BC Building Code. Also evident on file is a small number of outstanding and expired building permits. The applicant is advised to work with the Building Inspection Dept. to review and resolve any outstanding matters so the approvals may be submitted.

I would be happy to review this matter with you further, or to discuss with the property owner our building permit application process and Building Code requirements. Thank you.

Mike

Michael Taylor

Manager and Chief Building Inspector

Capital Regional District | 625 Fisgard Street, PO Box 1000, Victoria, BC V8W 2S6

T: 250.360.3230 | F: 250.360.3232 | Email: mtaylor@crd.bc.ca

Office Hours: Monday - Friday 8:30 am - 4:30 pm



Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held Wednesday, August 11, 2021, at Juan de Fuca Local Area Services Building,
3-7450 Butler Road, Otter Point, BC

PRESENT: Anne Miller (Chair), Bud Gibbons, Sid Jorna, Stephen Smith (EP)
Staff: Iain Lawrence, Manager, Juan de Fuca Community Planning (EP);
Wendy Miller, Recorder (EP)
ABSENT: Al Wickheim
PUBLIC: 7 (EP)

EP – Electronic Participation

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

1. Approval of the Agenda

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Stephen Smith, **SECONDED** by Anne Miller that the supplementary agenda be approved.

CARRIED

3. Adoption of the Minutes of July 6, 2021

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the minutes of the meeting of July 6, 2021, be adopted, as amended.

CARRIED

4. Planner's Report

No report.

5. Zoning Amendment Application

a) RZ000273 – That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)

Iain Lawrence spoke to the request to rezone a portion of the subject property to permit a range of general industrial and commercial uses.

Iain Lawrence highlighted the subject property. It was advised that property is also subject to an active subdivision application (SU000711) to create six rural residential parcels with a minimum lot size of 1 ha, and one 8.5 ha industrial sawmill parcel. The applicant now wishes to rezone the Industrial Sawmill (M-3) zoned area to permit a broader range of uses.

Iain Lawrence outlined proposed Bylaw No. 4423, which would create a new Rural Industrial (M-RU) zone. It was advised that the permitted uses proposed by the M-RU zone are similar to the uses permitted in the Sooke Business Park. The M-RU zone also proposes to permit personal services and recreational overnight accommodation.

Otter Point Advisory Planning Commission Meeting Minutes
August 11, 2021

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Iain Lawrence responded to questions from the Advisory Planning Commission (APC) advising that:

- the minimum parcel size for subdivision permitted by the M-RU is proposed to be 2 ha, which would permit a total of four industrial lots
- a total of six residential lots are already permitted on the residential zoned portion of the subject property
- the four industrial lots would each be permitted one caretaker unit and up to 3 recreational vehicles for a length of stay not to exceed 7 nights
- park dedication and options for expansion of Wieland Road will be considered as part of subdivision application SU000711

Iain Lawrence confirmed that the land owner's agent was present.

The agent responded to questions from the APC advising that:

- the proposed uses will be less intrusive to the community in regards to noise and dust compared to the permitted industrial sawmill use
- the subject area will be accessed by a single driveway
- the Ministry of Transportation and Infrastructure will confirm access requirements
- the four proposed industrial lots will be serviced by individual septic tanks and a shared field
- sewerage will be provided in accordance with Island Health's regulations
- a stormwater management plan can be considered
- four industrial lots will be created through a bareland strata subdivision, should the rezoning be supported
- a sani-dump and shower/washroom facilities are not being considered for the proposed recreational vehicle accommodation

Iain Lawrence reported that as part of the review of this application and other rezoning and subdivision applications, the Juan de Fuca Land Use Committee will consider recommending a covenant for rainwater capture to supplement groundwater.

The agent responded to questions from the public advising that:

- six individual wells are required for the residential parcels
- four wells would be required for the four industrial properties
- it is assumed that the wells would draw from the same aquifer
- proof of potable water is a requirement for subdivision
- a stormwater/filtration system is anticipated to treat surface water runoff on the industrial zoned area
- there is an existing culvert in place to cross the watercourse on the subject property
- if a second culvert is required, it would be installed at a higher elevation

Chris Moss, Otter Point, stated:

- water is the issue and will continue to be the issue
- additional wells may impact already existing wells/groundwater users including ALM Farm
- supports the requirement for rainwater capture
- proposed Bylaw No. 4423 does not stipulate that RV users must be a patron of the industrial business

Otter Point Advisory Planning Commission Meeting Minutes
August 11, 2021

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Iain Lawrence confirmed that:

- the Sooke Business Park is serviced by rainwater capture and trucked water
- proposed Bylaw No. 4423 does not regulate the types of amenities required/prohibited for overnight RV accommodation

John Steffa, Otter Point, stated:

- water supply is already an issue on his road
- property owners on his road have had to resort to rainwater capture and trucked water
- the rezoning proposal includes cannabis production on up to four lots
- cannabis facilities require a great amount of water
- retailers such as Walmart no longer support RV overnight accommodation as issues arose with long-term RV accommodation
- concern regarding runoff as the industrial zoned portion of the property slopes down towards a watercourse to the south

Lynn Moss, Otter Point, stated concern regarding any type of hydroponic use.

Lysa Steffa, Otter Point, stated that:

- RV accommodation will add a different element to the residential community
- existing taxpayers/residents were not anticipating RV accommodation

Iain Lawrence responded to questions from the APC advising that:

- reports of RVs being used as dwellings are addressed by CRD Bylaw Enforcement through the CRD's ticketing bylaw (Bylaw No. 1857)
- a fire protection covenant was registered on title as part of a prior rezoning application (RZ000267) which provides for 60,000 gallons of stored water for fire protection
- there is a mutual aid agreement in place between the fire departments in the region

APC comments included:

- there may be an increase in noise complaints due to the proposed new industrial uses
- there may be an increase in traffic due to the proposed new industrial uses
- there is concern regarding groundwater use, septic and runoff
- there is concern regarding the RV accommodation component of the proposed zone
- the owners of the four industrial lots could have very different business plans for RV accommodation
- in the event of a fire, there is only one access into/out of the subject property

Otter Point Advisory Planning Commission Meeting Minutes
August 11, 2021

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MOVED by Bud Gibbons, **SECONDED** by Sid Jorna that the Otter Point Advisory Planning Commission report to the Juan de Fuca Land Use Committee (LUC) that:

- it recommends that the LUC monitor water use, considering the possibly of 10 wells feeding out of an already burdened aquifer
- the issue of fire suppression, especially in drought conditions, is a burden on water storage and water capture
- there is large concern for the possibility of twelve RVs being housed, placing demand on services and also potentially being another source of fire hazard due to the number of propane tanks
- it wishes to see the Wieland Road trail connector be part of the overall plan

CARRIED

6. Adjournment

The meeting adjourned at 8:10 pm.

Chair

Appendix E: Traffic Impact Study by Watt Consulting Group – March 3, 2022



#302-740 Hillside Avenue
Victoria, BC V8T 1Z4
T 250.388.9877
E. ckopeck@wattconsultinggroup.com
wattconsultinggroup.com

MEMORANDUM

To: Lori Baxter – JE Anderson
From: Caytlin Kopeck, EIT
Our File #: 3232.B01
Project: 3542 Otter Point Road Development
Date: March 3, 2022
RE: Traffic Impact Assessment

1.0 INTRODUCTION

Watt Consulting Group was retained by JE Anderson to conduct a traffic impact assessment for the proposed rezoning and subdivision at 3542 Otter Point Road located in the Juan De Fuca District electoral area of the CRD, north of the District of Sooke boundary. The development includes creation of six residential lots along Otter Point Road and one large industrial lot behind the residential lots. The site is currently one large lot. See **Figure 1** for an aerial of the study area.

The purpose of this study is to identify any impacts to the surrounding transportation network due to the proposed development plan and review the proposed Road A.

To: **Lori Baxter** – JE Anderson

March 3, 2022

Re: 3232.B01 3542 Otter Point Road Development - Traffic Impact Assessment

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Figure 1: Study Area

2.0 BACKGROUND

2.1 EXISTING CONDITIONS & DEVELOPMENT PLANS

Currently, the site consists of one residential home and a woodworks facility. The site is currently zoned for rural use as per the Juan De Fuca 2040 Bylaw. The existing house is located on the future Lot 4 and the woodwork facility is on the future Lot 7 which are accessed by a private driveway off Otter Point Road. During Phase 1 of the project, the residential lots (1 to 6) and one industrial lot will be developed, and the industrial lot will continue to utilize the existing access via Lot 4's driveway. The residential lots will each have their own (new) driveway accesses that connect to Otter Point Road. During Phase 2, the industrial lot will be subdivided into four industrial lots and Road A will be built and used as the access for the industrial lots.

2.2 TRAFFIC GENERATION AND ASSIGNMENT

Trips for the site were generated using the ITE Trip Generation Manual and a count of an industrial lot in the area. The single-family residential lots will generate three trips in and two trips out during the PM peak hour or just under one trip per lot. The development industrial lot is a similar size to the Sooke Business Park industrial lot east of the development on Butler Road. It is expected the development will generate a similar amount of traffic and therefore, will generate 14 trips in and 27

To: **Lori Baxter** – JE Anderson

March 3, 2022

Re: 3232.B01 3542 Otter Point Road Development - Traffic Impact Assessment

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trips out during the PM peak hour, as worst-case scenario. 90% of trips are assumed to be going to / coming from the east on Otter Point Road. The remaining 10% of trips are assumed to be going to / coming from the west on Otter Point Road based on existing traffic movements at Otter Point Road / Butler Road.

3.0 TRAFFIC ANALYSIS

Traffic counts were taken at Otter Point Road / Butler Road during the PM peak hour of 4:00-5:00PM on February 9th, 2022 to determine the volume of traffic on Otter Point Road near the site. Traffic was modeled using Synchro / SimTraffic for the post-development conditions.

The existing PM peak hour traffic on Otter Point Road is 71 vehicles per hour westbound and 55 vehicles per hour eastbound. Traffic on this section of Otter Point Road is not expected to grow due to no planned developments west of 3542 Otter Point Road and due to this area being within the CRD.

Once the development has been fully built out, up to 46 trips in the PM peak hour may be added to the network. All traffic was assigned to Road A as a worst-case scenario as the residential lots would have one vehicle per hour at their driveways; therefore, individual driveways will operate better than Road A. All movements at Road A / Otter Point Road will operate at a LOS A for all movements post-development. During Phase 1 prior to Road A being built, the existing private driveway on Lot 4 will operate the same as Road A. A review of the 95th percentile queues identified no queuing issues along Otter Point Road at Road A. There will be a queue of 15m or less (2 vehicle lengths) during the PM peak hour for vehicles turning out of Road A.

There is no need for a left turn bay at Road A based on MOTI's left turn warrant. Based on the MOTI TAC Supplement a Type 1B right turn access is warranted. At 50km/h a Type 1B right turn requires at 20m right turn taper and no PL (parallel length).

4.0 SIGHT DISTANCES

Watt Consulting Group conducted a site visit on February 9th, 2022 to review existing sight lines along the development frontage. This was supplemented by survey data assessed in AutoCAD.

To: **Lori Baxter** – JE Anderson

March 3, 2022

Re: 3232.B01 3542 Otter Point Road Development - Traffic Impact Assessment

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The TAC Geometric Design Guide (2017) identifies the minimum stopping sight distance and sight distance for turning from a stop. For a vehicle turning left out of an access (from a stop) the turning sight distance on a 50km/hr road is 105m, looking left and right. For a vehicle turning right, the turning sight distance is 95m, looking left. These distances are based on approaching vehicles not having to slow down by more than 70% of their original speed. The required stopping sight distance is 65m for vehicles travelling along Otter Point Road.

The site visit determined that some sections along Otter Point Road do not meet the recommended turning sight distance due to vertical curves on the roadway as well as trees obstructing horizontal sight lines. **Figure 2** shows where accesses can be provided along the Otter Point Road frontage based on a standard driver eye height of 1.08m and a tail / head light height of 0.38m to meet turning sight distance. The tail / head light height is based on the 1996 TAC Geometric Design Guide and is a conservative height. The current TAC Geometric Design Guide (2017) utilizes a 0.6m tail / head light height based on 95% of vehicles' tail / head lights being at this height or higher. A 0.6m tail / head light height was checked along sections of the road where sight lines were not met with the 0.38m height to determine if the extra height allowed vehicles to meet the turning sight distance requirement.

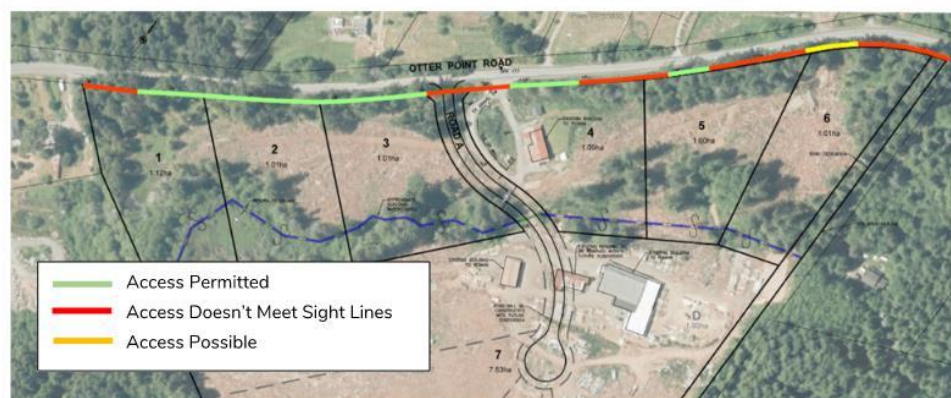


Figure 2: Identification of Permissible Access Locations with Existing Otter Point Road

The access for Lot 1 should be positioned as far east as possible due to undesirable sight lines, to the west, due to the curve on Otter Point Road. At minimum the access should be positioned 40m east of the west property line. Accesses may be placed anywhere along Lot 2 and 3

To: **Lori Baxter** – JE Anderson

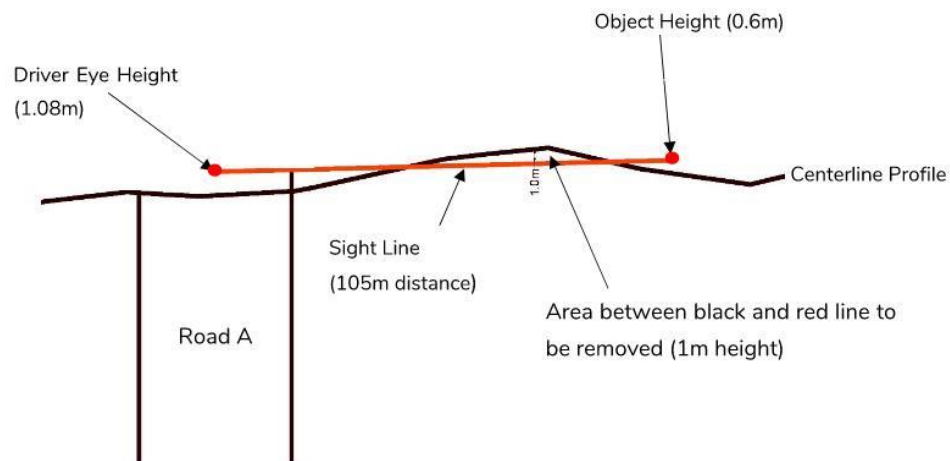
March 3, 2022

Re: **3232.B01 3542 Otter Point Road Development - Traffic Impact Assessment**

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frontages. The access for Lot 5 should be positioned within 15-45m from the west property line. The sightlines for Lot 6 are not met horizontally and requires the area 7.5m from the edge of the asphalt to be cleared (and to remain clear long term). With the vegetation removed an access can be positioned anywhere within 40m of the west property line on Lot 6.

The proposed position of Road A does not meet the turning sight distance due to the vertical curve east of Road A. For Road A to be placed in the identified location either the intersection (and section of Otter Point Road) needs to be raised by 1m, or the height of the vertical curve to the east needs be reduced by 1m to remove the top of the curve (see **Figure 3**). Alternatively, Road A could be moved east by 50m or west by 20m from the centerline of currently proposed Road A location. The existing private driveway on Lot 4 also does not meet the turning sight distance and needs to be relocated to the east 10m-50m, from its existing location, unless the vertical curve to the east is reduced in height. Any driveways are to be a minimum of 1m apart and any access must be at least 15m from Road A.



5.0 CONCLUSIONS AND RECOMMENDATION

The 3542 Otter Point Road development will generate 46 new trips during the PM peak hour to and from the development. The added development traffic does not cause any operational

To: **Lori Baxter** – JE Anderson

March 3, 2022

Re: 3232.B01 3542 Otter Point Road Development - Traffic Impact Assessment

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concerns on Otter Point Road or at any of the site driveways. A right turn taper of 20m will be required on Otter Point Road at Road A. In order to provide sufficient sight distance at Road A / existing Lot 4 driveway one of the following mitigations is required:

- Reduce the vertical curve, east of Road A by 1m
- Raise Otter Point Road at Road A / Lot 4 existing driveway by 1m
- Relocate Road A by 50m or west by 20m and relocate Lot 4's existing driveway 10 to 50m to the east.

Lot 4 driveway sight lines must be mitigated with one of the above tactics prior subdivision of the lots to ensure that Lot 4 and 7 (sharing a driveway to start) have sufficient sight lines. The accesses for Lots 2 and 3 are acceptable anywhere along the property frontage. For Lots 1 and 5 a driveway may only be located in a short section of their frontage. The driveway for Lot 6 requires vegetation 7.5m from edge of asphalt to be cleared of all vegetation along the Lot 6 property line to ensure sufficient sight distances can be obtained.

If there are any questions regarding this letter please feel free to contact me.

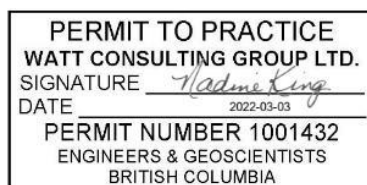
Sincerely,

Watt Consulting Group

Caytlin Kopeck, EIT
Transportation Engineer-in-Training



Nadine King, P.Eng., PTOE
Senior Transportation Engineer



Appendix F: Storm Water Management Brief by JEA – March 3, 2022

LEGAL SURVEYS
MUNICIPAL ENGINEERING
LAND DEVELOPMENT AND MANAGEMENT



March 03, 2022

File No. 33454

CRD, Juan de Fuca
3 – 7450 Butler Road
Sooke, BC V9Z 1N1

Attn: Iain Lawrence, Manager Juan de Fuca Community Planning

Dear Sir,

Re: 3542 Otter Point Road - CRD file SU000711/RZ000267 - Stormwater Management Brief

Project Overview:

Legal Description – That part of section 17, Otter District, lying east of Otter Point Road, except parcel C (DD 437821) and except parts in plans 3054 and 17721.

Northern Portion Zoning - Rural Residential 2 (RR-2)

Southern Portion Zoning - Industrial Sawmill (M-3). This portion is currently being rezoned to Rural Industrial (M-RU)

Proposed Lot Use:

Phase 1 – 5 residential single family lots, and one industrial lot (remainder)

Phase 2 – Further subdivide the remainder industrial lot into 4 industrial lots

Existing Drainage Conditions:

- Trees are present along the Otter Point Road frontage and along the drainage corridor. The remaining lot is cleared but has good soil conditions, adequate to accommodate sewage disposal.
- Downstream to the west on private property a blockage is causing backup/storage.
- Currently one residence with accessory buildings and three industrial buildings exist on the lot of which will remain.
- Area around industrial buildings is porous blast rock

Stormwater Management Requirements:

- No increase in runoff
- Mitigate effects on downstream habitats, water courses, and structures

Stormwater Management Solutions:

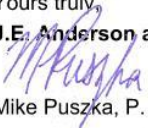
- Promote infiltration
- Drainage review to confirm no impacts on drainage. Solution to be inground disposal and detention to control flows to mimic pre-development flows off all new hard surface areas.
- Environmental considerations may be needed as directed by biologist. Culvert to have capacity for major storms without over topping and to MoTI standards and requirements.

Conclusion:

With implementation of stormwater management on each proposed lot, there will be no adverse effects on the downstream network.

Yours truly,

J.E. Anderson and Associates


Mike Puszka, P. Eng.

☒ 4212 Glanford Avenue
Victoria, BC V8Z 4B7
Phone 250-727-2214
Fax 250-727-3395

☐ A – 3411 Shenton Rd
Nanaimo, BC, V9T 2H1
Phone 250-758-4631
Fax 250-758-4660

☐ 203 – 177 Weld St. PO Box 247
Parksville, BC V9P 2G4
Phone 250-248-5755
Fax 250-248-6199

☐ Unit F – 1250 Cedar Street
Campbell River, BC V9W 2W5
Phone 250- 287-4865

www.jeanderson.com



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 20, 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 130.8 ha remainder parcel, four 1 ha lots, and a 13.8 ha 12-lot subdivision on Creekside Glen Place.

The subject area is not located within any CRD service areas, including fire protection. 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).

At its meeting of July 19, 2022, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaw to the Shirley-Jordan River Advisory Planning Commission (APC), CRD departments, BC Hydro, District of Sooke, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR), FLNR - Archaeology Branch, FLNR – Water Protection Section, Island Health, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation. Comments have been received 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. 4496, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 156, 2022", to the Shirley-Jordan River 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 Section, Island Health, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4496 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. 4496.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4496.

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)*. The Shirley-Jordan River APC considered the application at its meeting on August 9, 2022.

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 Shirley-Jordan River OCP.

Referral Comments

Referrals were sent to 11 agencies, CRD departments, and to the Shirley-Jordan River APC. Comments received are summarized below and included in Appendix D.

BC Hydro stated that they have no issue with the proposed bylaw.

FLNR – Archaeology Branch stated that potential modelling indicates that there is not a high potential and there are no known archaeological sites.

FLNR – Ministry of Forests, Lands, Natural Resource Operations and Rural Development stated that they are unaffected by the proposed zoning changes at this time.

FLNR – Water Protection Section stated that further development and deforestation could impact the moderate vulnerability of the aquifer below the subject area and recommends limiting impervious surfaces; promoting natural drainage; retention & infiltration of storm water; as well as restricting the frequency of stream crossings during later subdivisions by arranging property boundaries that are responsive to riparian areas. The Ministry explained that any surface water diversion requires a water license and that individual wells could support indoor residential uses, but might be insufficient for additional uses, including outdoor residential uses. The Ministry encouraged the CRD to consider a long-term strategy for water supply because the subject area does not have access to a local water service, which could also address these potential issues.

Island Health referenced the *Drinking Water Protection Act* and the *BC Sewerage System Regulation*, and support the idea that suites and duplexes are acceptable forms of development to increase housing affordability. Island Health recommended that accessory buildings be constructed on lots serviced by municipal sewer and water, but should consult Island Health's Subdivision Standards where these services are unavailable.

The Ministry of Transportation & Infrastructure commented that the proposal falls within Section 52 of the *Transportation Act* and will require formal Ministry approval and signature. However, the Ministry has no objections to the proposed rezoning.

CRD – Bylaw and Animal Care Services stated that they have no issues with the proposed bylaw.

The Shirley-Jordan River APC considered the application at their August 9, 2022 meeting with approximately 5 members of the public in attendance. The Shirley-Jordan River APC moved the following motion:

MOVED by Vivi Curutchet, **SECONDED** by Wayne Jackaman that the APC recommends to the LUC that proposed Bylaw No. 4496 proceed and that the APC state its support for addressing vacation rental use in all zones and its support for review of Bylaw No. 2040.

CARRIED

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 on parcels that are in the 2 ha range. 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 E), 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 principal building or to be within an accessory building (Appendix F). 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.

Procedures and Future Development

The received comments have been reviewed by staff in conjunction with proposed Bylaw No. 4496.

The Shirley-Jordan River OCP identifies riparian, steep slopes, and sensitive ecosystem development permit areas (DPA) in the subject area. Land alteration, subdivision and building construction in a designated DPA require a development permit that may include a professional report. For development within a riparian DPA, a Riparian Areas Protection Regulation report with provincial approval is required prior to issuance of the permit. The CRD has no jurisdiction to require works around road culverts or within a road right-of-way and there are no regulations for residential lands limiting impermeable surfaces; however, the WT-4 zone does restrict the maximum parcel coverage to 25%, which provides increased opportunity for natural infiltration. Stormwater management is evaluated by the Ministry of Transportation and Infrastructure as part of subdivision applications.

Property owners are advised to confirm the requirements provided in the statutes and regulations of the *Water Sustainability Act*, the *Drinking Water Protection Act*, and the *Public Health Act* regarding water quality, licensing, setbacks, and standards for the onsite servicing of future development.

The CRD’s Regional Growth Strategy (RGS) provides a long-range water supply strategy for all of the communities within the Capital region. The RGS restricts the extension of local water services to address climate change by providing cost-effective and efficient services that better manage public assets while promoting densification of specified community areas within the region. While there are certain conditions where the CRD may consider supplementing current systems, the subject area is well beyond the reach of existing infrastructure. Extension of water service beyond planned boundaries should not contribute to sprawling settlement patterns that

are proven to have a high potential for compounding undesirable environmental and socio-economic impacts. Based on the information provided by the applicants, received comments, and the policies of the Shirley-Jordan River OCP, staff recommend that proposed Bylaw No. 4496 be introduced, read a first and second time, and that a public hearing be held.

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 receipt of referral comments, first and second reading, and advancement to public heading.

RECOMMENDATION

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

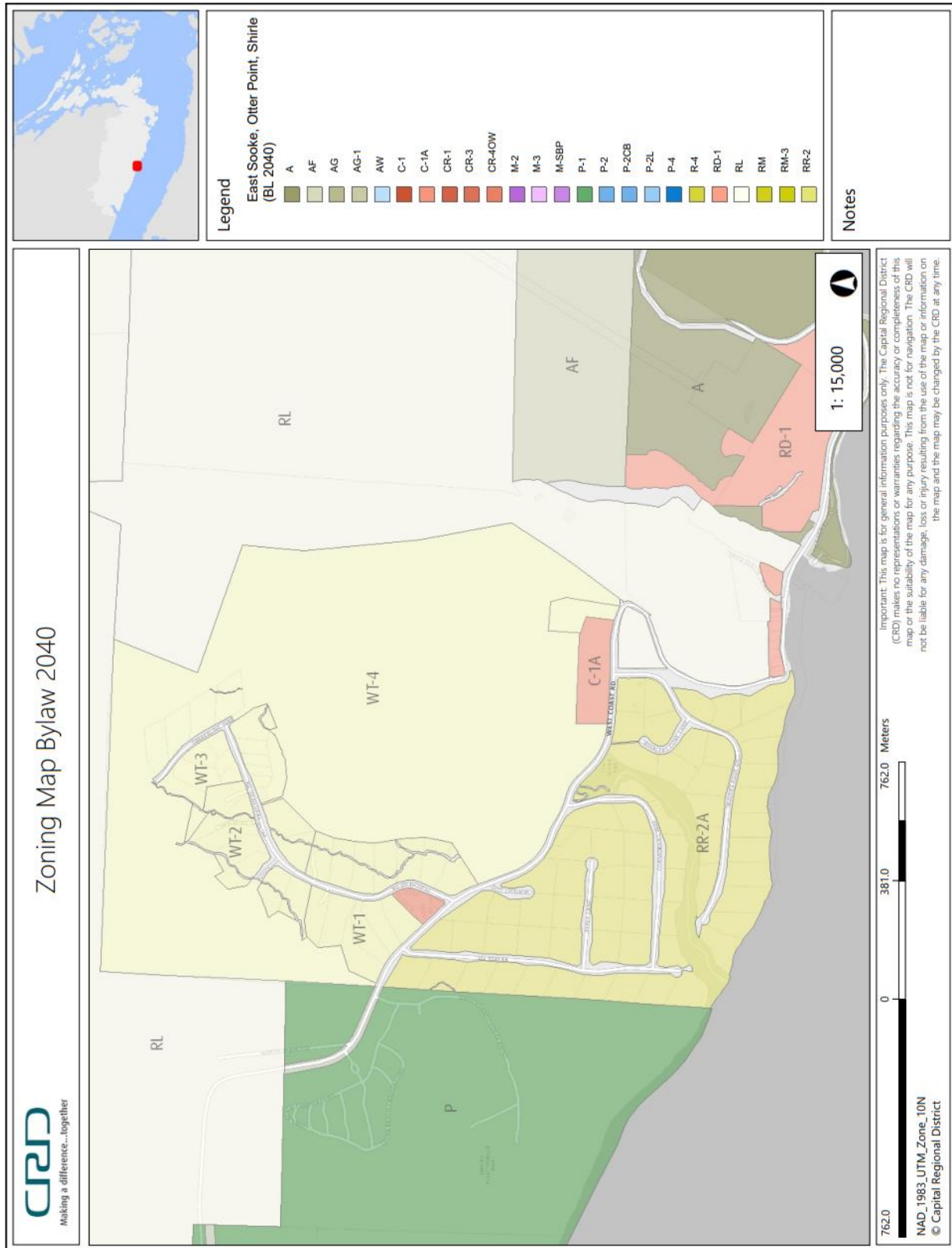
1. That the referral of proposed Bylaw No. 4496, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 156, 2022”, to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR -Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, FLNR - Water Protection Section, Island Health, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4496 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. 4496.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer

ATTACHMENTS

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

From: [Mann, Elaine](#)
To: [Wendy Miller](#)
Cc: [Design, SVI](#)
Subject: RE: Zoning Amendment Application RZ000278 - CRD Referral (WT-4 Zone Suites - Jordan River)
Date: Wednesday, July 20, 2022 10:08:34 AM
Attachments: [PPS-JDF-2022-07-19-RZ000278-Referral-LUC-Report.pdf](#)
[REFERRAL-FORM-AGENCIES-RZ000278.pdf](#)

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

Hi Wendy

Property Rights Services have no issue with bylaws. If South Vancouver Island Design have any comments they can contact you via separate email.

Regards,

Elaine Mann | Property Coordinator, Property Rights Services

BC Hydro
Vancouver Island
400 Madsen Road | Nanaimo, BC V9R 5M3

P 250-755-7169
E elaine.mann@bchydro.com

bchydro.com

Smart about power in all we do.

From: [Cooper, Diana FOR:FX](#)
To: [Wendy Miller](#)
Subject: RE: Zoning Amendment Application RZ000278 - CRD Referral (WT-4 Zone Suites - Jordan River)
Date: Wednesday, August 10, 2022 7:46:56 AM
Attachments: [image002.png](#)
[image003.png](#)

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

Hello Wendy,

Thank you for your referral regarding proposed rezoning of the Wildwood Terrace development on West Coast Road to allow for either one secondary suite or one detached accessory suite. Please review the screenshot of the area below (outlined in yellow) and notify me immediately if it does not represent the area listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded within the WT-4 Zone.

Archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this referral response.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) 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

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist within the area of interest.
- 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.

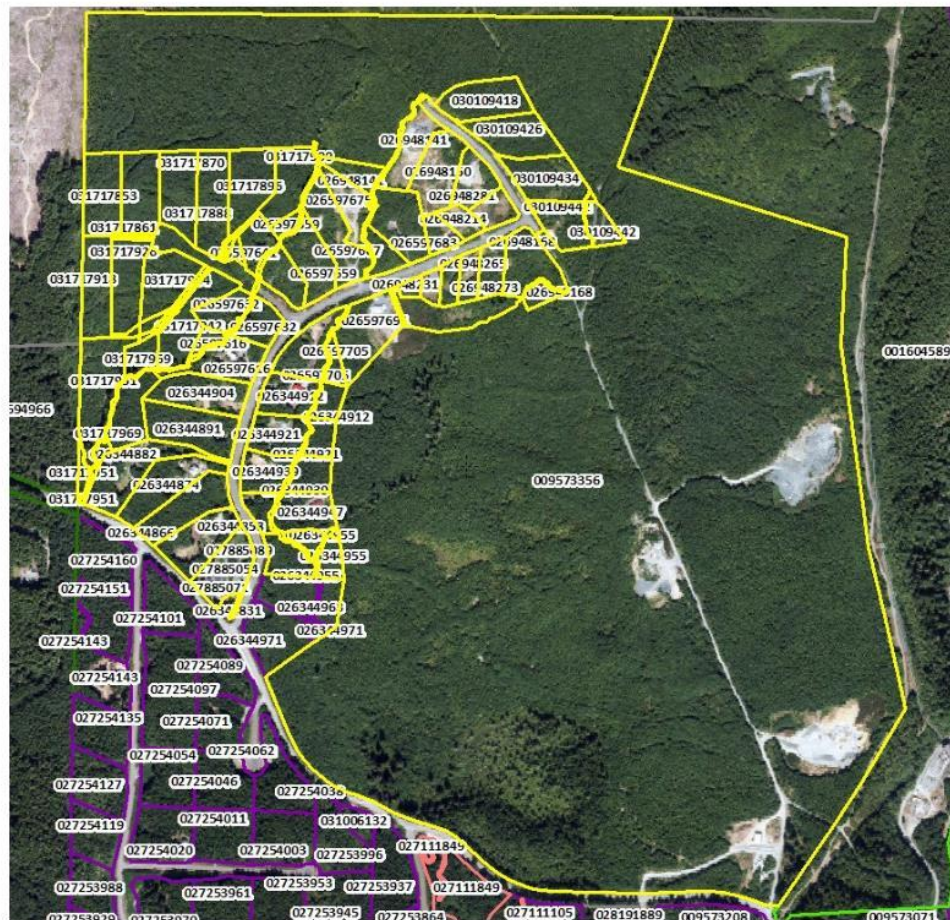
Questions?

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

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Kind regards,





Please note that subject lot boundaries (yellow) 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.



Diana Cooper
Archaeologist/Archaeological Information Administrator
Archaeology Branch/Ministry of Forests
Phone: (250) 953-3363 | Email: diana.cooper@gov.bc.ca | Website: www.gov.bc.ca/archaeology

RESPONSE SUMMARY – REZONING APPLICATION RZ000278

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

The Ministry of Forests, Water Protection Section has received a referral with respect to proposed land use change of the subject parcels. The primary source of water in this area is Aquifer 943 (AQ943), a fractured crystalline bedrock aquifer that has been mapped from Jordan River to Rosamond Creek ([AQ943 Summary](#)). The aquifer is considered moderately vulnerable to contaminants introduced at the land surface. Changes in land use, including road building and deforestation may alter the hydraulic processes such as aquifer recharge. Promoting or mandating practices to limit impervious surfaces, and promote natural drainage, retention and infiltration of stormwater are recommended. For the larger (144 ha) parcel, orientation of subdivision lot boundaries to retain and enhance stream riparian buffers (minimum 30 m) and limit stream crossings is also recommended.

New well construction must meet requirements within the *Water Sustainability Act*, Ground Water Protection Regulation, including ensuring a minimum setback distance of 15 m between wells on adjacent properties. The *Public Health Act*, Health Hazard Regulation requires wells to be sited a minimum of 30 m from probable sources of contamination including septic tanks and disposal fields.

The subject area does not have a local water service provider and water is intended to be supplied by individual wells. AQ943 has limited productivity, and wells are typically deep with low yields, in particular in high elevation areas. Existing wells along Timberline Way average 200 m (650 ft) deep, most with estimated yields of 3.8 L/min (1 US gallon per minute) or less. Actual well productivity is often less than estimated by the driller when the well was drilled and may be seasonally limited due to reduced productivity during dry months. Residential demand for indoor use is normally small (average 270 L/day/household), and individual wells in this part of the aquifer may provide adequate quantity for indoor residential use, including use for a secondary suite, but there may be insufficient quantity for larger uses including residential outdoor use, and non-domestic (licensable) purposes. Where well yields are low or seasonally limited, alternate water sources such as rainwater collection or bulk hauling may need to be used. Deeper wells are often associated with production of mature groundwater which can have elevated concentrations of metals such as iron, manganese, or arsenic, necessitating water to be treated to potable standards. If development in this area continues, the Capital Regional District may want to consider a long-term strategy for water supply in this region.

A water licence is required for any surface water diversion, or non-domestic groundwater use (not currently proposed for the development). For information on water rights and licensing see: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights>.

No additional concerns are noted regarding the proposed bylaw.

Signed: Sylvia Barroso  _____

Regional Hydrogeologist, West Coast Water Protection, Ministry of Forests

August 3, 2020

RESPONSE SUMMARY – REZONING APPLICATION RZ000278

☒ Interest Affected by Proposal for Reasons Outlined Below
☐ Interest Unaffected by Proposal

Comments:

Thank you for the opportunity to provide comment on the proposed amendment.
Island Health supports the belief that "suites and duplexes are acceptable forms of development to increase the affordability of housing and offer rental accomodation".
We recommend that accessory buildings be constructed on lots that are serviced by municipal sewer and water to reduce the regulatory burden on homeowners. Where this is not available, Island Health's Subdivision Standards should be considered in regards to lot size to ensure the lot is able to support acceptable sewerage disposal areas and allow for the provision of potable water. Please review the applicable legislation pertaining to this development which includes the Drinking Water Protection Act and Regulation as well as the BC Sewerage System Regulation.

Sincerely,

Tim Hibbs

Island Health


Signed

Environmental Health Officer
Title

August 10, 2022
Date

Island Health
Agency

RESPONSE SUMMARY – REZONING APPLICATION RZ000278

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

The proposal falls within Section 52 of the Transportation Act and will require formal
Ministry approval and signature. The Ministry has no objections to the proposed rezoning.



Signed

Senior Development Officer

Title

July 28, 2022

Date

Ministry of Transportation

Agency

From: [Mark Groulx](#)
To: [Wendy Miller](#)
Cc: [Shayne Gorman](#); [Coral L. Henderson](#)
Subject: RE: Zoning Amendment Application RZ000278 - Referral (WT-4 Zone Suites - Jordan River)
Date: Wednesday, August 10, 2022 8:48:30 AM

Good day Wendy,

No issues from our dept!

Thanx,

Mark Groulx | Chief Bylaw Officer
Bylaw and Animal Care Services | Capital Regional District
212-2780 Veterans Memorial Parkway, Victoria BC V9B 3S6
T: 250.474.3351 | F : 250.391.9727
mgroulx@crd.bc.ca



**Minutes of a Meeting of the Shirley-Jordan River Advisory Planning Commission
Held August 9, 2022 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Fiona McDannold (Chair), Vivi Curutchet, Wayne Jackaman (EP), Melody Kimmel
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Darren Lucas, Planner; Wendy Miller, Recorder

ABSENT: Emily Anderson

PUBLIC: 4 (EP); 1 in-person

EP – Electronic Participation

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

1. Approval of the Agenda

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the supplementary agenda be approved. **CARRIED**

3. Adoption of the Minutes of March 15, 2022

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the minutes of March 15, 2022 be adopted. **CARRIED**

4. Planner's Report

Further to the APC's consideration of the zoning amendment application for Kirby Creek (Bylaw No. 4464), Iain Lawrence reported that the CRD Board will consider giving proposed Bylaw No. 4464 first and second reading and direction to proceed to public hearing at its meeting of August 10, 2022. The public hearing is tentatively scheduled for September.

Iain Lawrence introduced Darren Lucas, Planner.

5. Zoning Amendment Application

a) RZ000278 - To Add Detached Accessory Suite as a Permitted Accessory Use in the Wildwood Terrace 4 (WT-4) Zone

Darren Lucas spoke to the staff report for a joint application to amend the Wildwood Terrace 4 (WT-4) zone to allow opportunity for a suite to be located in an accessory building. The subject properties, zoning map and proposed amendment to the WT-4 zone were highlighted. It was advised that proposed Bylaw No. 4496 will not increase density or minimum setbacks permitted by the WT-4 zone.

**Shirley-Jordan River Advisory Planning Commission Meeting Minutes
August 9, 2022**

2

The applicant stated that:

- the WT-4 zone does not permit a secondary dwelling, unlike the WT-1, WT-2 and WT-3 zones
- the WT-1, WT-2 and WT-3 zones permit a greater height for principal buildings and a greater Total Floor Area than the WT-4 zone
- amending the WT-4 zone to provide opportunity for either a secondary suite or a detached accessory suite would provide greater equity between the residential zones in Jordan River and the Juan de Fuca
- the amendment does not propose a change to parcel coverage or Total Floor Area
- the proposal is consistent with the Official Community Plan
- opportunity for a secondary suite or a detached accessory suite would provide greater housing options/greater property affordability options

Brenda Mark, Shirley:

- the staff report notes that suites are considered acceptable forms of development to increase the affordability of housing and offer rental accommodation
- the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, does not regulate rental length of stay nor does it regulate vacation rental use with the exception of bed and breakfast use
- without these regulations, suites are being used as vacation rentals which do not provide residential housing
- lack of residential housing and unregulated vacation rental use is becoming an issue in many communities including the Juan de Fuca
- the conversation regarding vacation rental use needs to start because the issue is not going away
- the proposal to add detached accessory suite to the WT-4 zone provides opportunity to consider adding language to proposed Bylaw No. 4496 to address rental length of stay and vacation rental use in Bylaw No. 2040
- Bylaw No. 2040 is old and requires review

Kate Vallance and Charles Macpherson, Jordan River:

- own a WT-4 zoned lot
- support the bylaw amendment to provide a housing option for family

Iain Lawrence responded to a question from the APC advising that prior to 2010 the Wildwood Terrace properties were not zoned. The land is designated Private Managed Forest Land (PMFL) and the WT-4 zone includes resource extraction as a permitted use as the parcel has historically included a gravel processing area.

The applicant stated that:

- the WT-1, WT-2 and WT-3 zones reflect the building schemes registered prior to the properties being zoned
- at the time that zoning was being considered, many different draft zones were under review
- it is suspected that adding a detached accessory suite as a permitted use in the WT-4 zone was overlooked
- regulation of vacation rental use is a larger question for the CRD consider

**Shirley-Jordan River Advisory Planning Commission Meeting Minutes
August 9, 2022**

3

APC comments included:

- appreciate the comments submitted by residents to the LUC and the APC
- acknowledge that many lots in the subject area are irregular and subject to riparian setbacks
- setbacks for a detached accessory suite should avoid awkward siting
- variances can be requested to reduce required setbacks
- variances to reduce setbacks to address riparian and steep slope areas have been approved, causing tension in the community
- suites are an important housing option
- support the detached accessory suite regulations requiring that the owner of the lot must occupy either the detached accessory suite or the principal dwelling
- length of rental stay/vacation rental use is a concern and needs to be addressed
- enforcement/enforcement resources for non-compliance is an issue
- Bylaw No. 2040 is in need of review

Iain Lawrence responded to questions from the APC advising that:

- staff would need to see a site plan and building design to comment on structure siting for a specific parcel
- adjacent owners and occupiers receive notice of variance applications
- the LUC and the BOV have both been sensitive to neighbour concerns in considering approval of variances
- staff is aware of the communities' long-standing interest in reviewing Bylaw No. 2040

MOVED by Vivi Curutchet, **SECONDED** by Wayne Jackaman that the APC recommends to the LUC that proposed Bylaw No. 4496 proceed and that the APC state its support for addressing vacation rental use in all zones and its support for review of Bylaw No. 2040.

CARRIED

6. Adjournment

The meeting adjourned at 7:41 pm.

Chair

Appendix E: 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 F: 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.

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;
100 m from residential parcel boundaries.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 20, 2022

SUBJECT **Zoning Bylaw Amendment Application for Strata Lots 1, 2, 3, & 4, Section 85, Sooke District, Strata Plan EPS1027 Together with an interest in the Common Property in proportion to the Unit Entitlement of the Strata Lot as shown on Form V – 476, 478, 480 & 482 Becher Bay Road**

ISSUE SUMMARY

Landowners of a four lot building strata property on Becher Bay Road have submitted a joint application to amend Bylaw No. 2040 by changing the zone from Rural Zone – A (Rural A) to the Rural Residential 6A Zone (RR-6A) for the purposes of dissolving the strata and facilitating subdivision to create the equivalent number of parcels.

BACKGROUND

The 4.5 ha building strata property is located in East Sooke on Becher Bay Road and is subject to the Rural A zone in Bylaw No. 2040 (Appendix A). The property is designated as Settlement under the East Sooke Official Community Plan (OCP), Bylaw No. 4000.

The four single-family detached strata units are dispersed throughout the subject property and cover 2.4% (1,102 m²) of the subject land area. The property is located within the East Sooke Fire Protection Service Area and each detached dwelling is serviced by a separate well and septic system.

The landowners have made an application to change the current Rural A zone (Appendix B) to the Rural Residential 6A (RR-6A) zone (Appendix C). The RR-6A zone would allow for a subdivision application that would dissolve the building strata and divide the property into four fee-simple properties that complement the existing arrangement of buildings and have an average parcel size of 1 ha (Appendix D). Staff have prepared Bylaw No. 4505 for consideration (Appendix E).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4505, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022", to the East Sooke Advisory Planning Commission, First Nations, appropriate CRD departments and the following external agencies for comment:

BC Hydro
District of Sooke
Island Health
Ministry of Forests – Archaeology Branch
Ministry of Forests – Water Protection Section
Ministry of Land, Water and Resource Stewardship
Ministry of Transportation & Infrastructure
RCMP
Sc'ianew (Beecher Bay) First Nation
Sooke School District #62
T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4505 not be referred

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 East Sooke 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 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 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 East Sooke 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

All of the parcels that abut the subject property are subject to the Rural A zone, and two properties located to the east across Becher Bay Road are subject to the Agricultural Zone (AG). The East Sooke OCP, Bylaw No. 4000, designates the subject property as Settlement Area. The intent of the Settlement Area land use designation is to support residential uses; agricultural uses; suites to increase housing affordability; home based businesses; small-scale commercial and tourism activities; cottage industry; civic and institutional uses; and community parks subject to consideration in any individual circumstances of the anticipated impact of the use. Furthermore, OCP policies support the rezoning of Rural A zoned lands and existing building strata developments for the purposes of subdivision as an alternative to a building strata to create an equivalent number of lots. Proposed Bylaw No. 4505 changes the current Rural A zone to the RR-6A zone, which is aligned with the OCP and its intention to maintain the neighbourhood's rural character.

The RR-6A zone does not permit intensive agriculture; animal hospitals; veterinary clinics; accessory on-site logging; pole, post, or shake cutting from on-site trees; and finfish culture, which are all permitted uses within the current Rural A zone. The RR-6A zone has a minimum average parcel size of 1 ha and permits one one-family dwelling per parcel with either a secondary suite or a detached accessory suite. In comparison, the current Rural A zone has a minimum parcel size of 4 ha and permits up to four one-family dwellings on parcels that are greater than 4 ha but less than 16 ha. Proposed Bylaw No. 4505, does not increase the existing density of one-family dwellings on the 4.5 ha property. Each potential parcel could include a suite in accordance with the OCP's goals to increase housing affordability.

Should Bylaw No. 4505 be approved, an application could be made to dissolve the building strata and subdivide the property into four parcels through the Ministry of Transportation and Infrastructure. Pursuant to the East Sooke OCP, the CRD will require a development permit prior to subdivision as the lands are subject to the Steep Slopes, Sensitive Ecosystem, and Riparian development permit areas.

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

CONCLUSION

The purpose of Bylaw No. 4505 is to amend the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 by rezoning the subject property from Rural A to RR-6A. Staff have prepared proposed Bylaw No. 4505 and recommend referral to the East Sooke APC, 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. 4505, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022", to the East Sooke Advisory Planning Commission, First Nations, appropriate CRD departments and the following external agencies for comment:

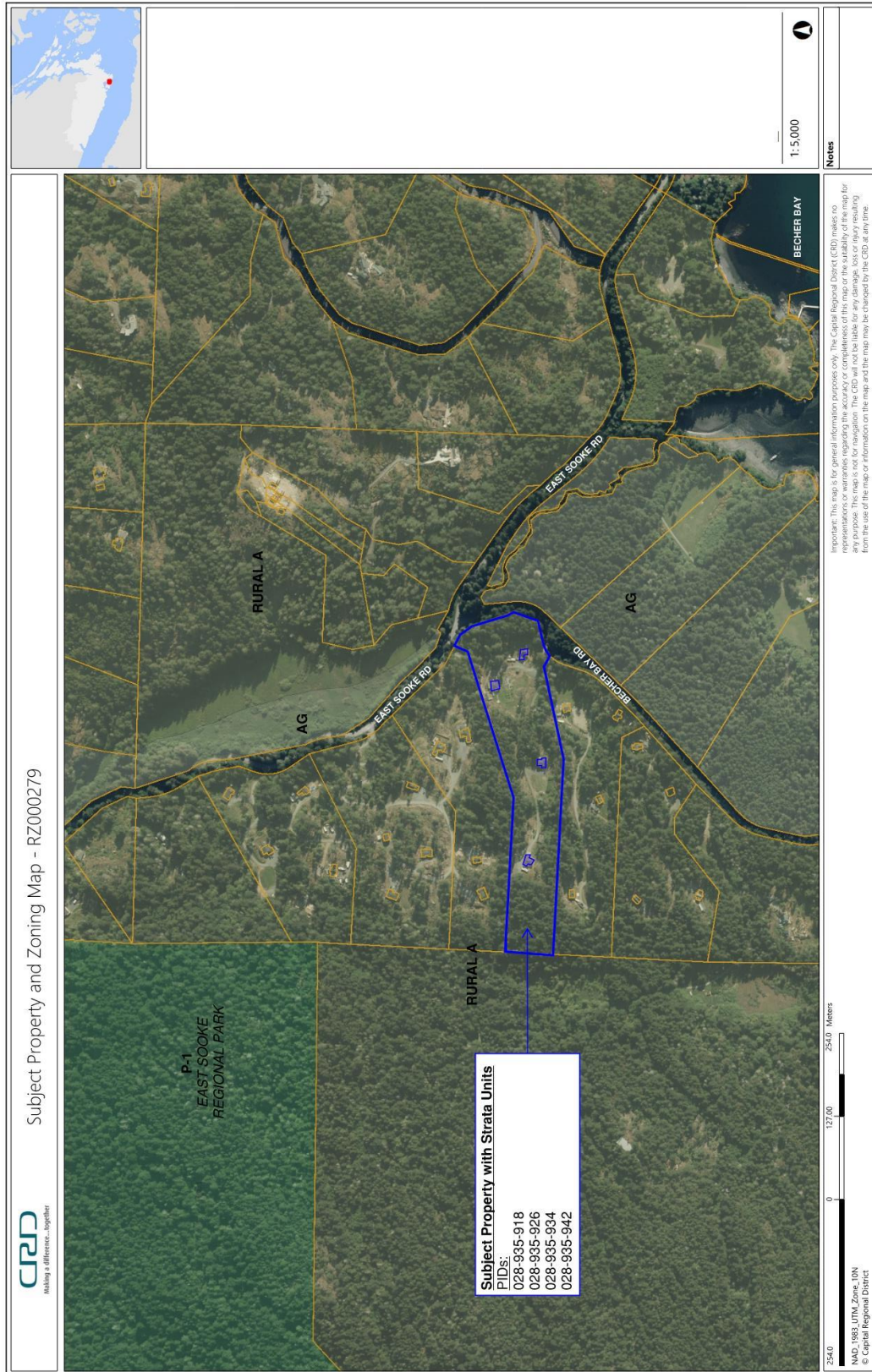
BC Hydro
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Ministry of Land, Water and Resource Stewardship
Ministry of Transportation & Infrastructure
RCMP
Sc'ianew (Beecher Bay) First Nation
Sooke School District #62
T'Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective

ATTACHMENTS

Appendix A: Subject Property and Zoning Map
Appendix B: Current Rural Zone – A
Appendix C: Proposed Rural Residential 6A Zone - RR-6A
Appendix D: Lot Plan
Appendix E: Proposed Bylaw No. 4505

Appendix A: Subject Property and Zoning Map



Appendix B: Current Rural Zone – A

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

2.0 RURAL ZONE - A

2.01 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 Rural A 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; *Bylaw 2674*
- (n) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

2.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size shall be 4.0ha.

2.03 Number of Dwelling Units

The maximum density for residential buildings (comprised of one- and/or two-family dwellings) shall not exceed the following:

- (a) On lots of 0.4ha or less, one one-family dwelling;
- (b) On lots of more than 0.4ha and less than 0.8ha, not more than two one-family or one two-family dwelling;
- (c) On lots of more than 0.8ha and less than 4ha, not more than three one-family dwellings or three dwelling units;
- (d) On lots of more than 4ha and less than 16ha, not more than four one-family dwellings or four dwelling units;
- (e) On lots of more than 16ha and less than 32ha, not more than five one-family dwellings or five dwelling units;
- (f) On lots of more than 32ha, not more than eight one-family dwellings or eight dwelling units.

2.04 Height

The maximum height permitted shall be 11m.

2.05 Lot Coverage

The maximum lot coverage permitted shall be 15 percent.

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

- 2.06 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
- (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 418m², whichever is less;
 - (b) On lots of 1ha or more in size, residential buildings and structure shall not exceed a Floor Area Ratio of 0.45.
- Bylaw 3705*
- 2.07 Yard Requirements for Residential Buildings**
- (a) Front yards shall be a minimum of 7.5m;
 - (b) Side yards shall be a minimum of 6m except for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15 m each side;
 - (c) Flanking yards shall be a minimum of 6m CTS;
 - (d) Rear yards shall be a minimum of 11m.
- 2.08 Yard Requirements for Farm Buildings**
- (a) Front yards shall be a minimum of 30m;
 - (b) Side, flanking and rear yards shall be a minimum of 15m.
- 2.09 Yard Requirements for Finfish Culture, Land-Based Uses and Structures** Front, side, flanking and rear yards shall be a minimum of 30m.
- 2.10 Yard Requirements for Intensive Agriculture Uses and Buildings**
- (a) Front yards shall be a minimum of 30 m;
 - (b) Side, rear and flanking yards shall be a minimum of 30m.
- Bylaw 2103*

Appendix C: Proposed Rural Residential 6A Zone - RR-6A

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

10A.0 RURAL RESIDENTIAL 6A ZONE – RR-6A

Bylaw 4246

10A.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 6A (RR-6A) zone:

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

10A.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum average lot size for subdivision purposes is 1 ha and no lot shall be created with a lot size smaller than 0.5 ha.
- (b) For the purposes of this zone, the total area of land in a plan of subdivision, prior to the removal of land for road and park dedication or for common property, divided by the number of lots intended to be created shall not be less than the minimum average lot size specified in Section 10A.02(a).

10A.03 Number of Dwellings

One one-family dwelling and one of either a secondary suite or a detached accessory suite, but not both.

10A.04 Height

Maximum height shall be 9 m.

10A.05 Lot Coverage

Lot coverage shall not exceed 25 percent.

10A.06 Maximum Size of Residential Buildings

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

- (a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Total Floor Area of 418 m²;
- (b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.045.

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

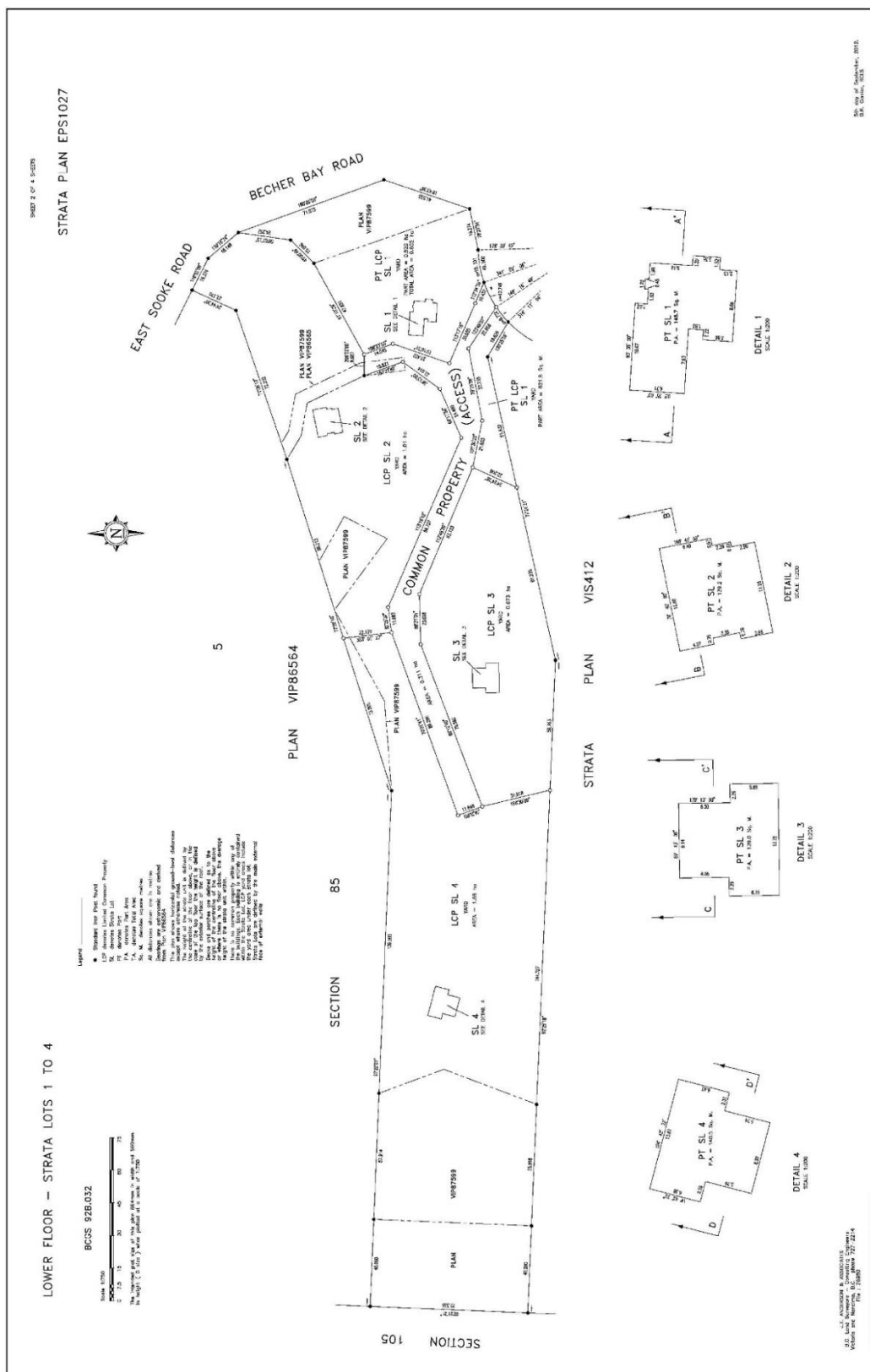
10A.07 Yard Requirements

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

**10A.08 Yard Requirements for
Agricultural Buildings
and Structures**

Farm buildings and structures for agricultural uses shall be not less than 30 m from the front lot line and not less than 15 m from any other boundary of the lot.

Appendix D: Lot Plan



Appendix E: Proposed Bylaw No. 4505

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4505

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. 1 – EAST SOOKE ZONING MAP

- (a) By deleting

Strata Lot 1 Section 85 Sooke District Strata Plan EPS1027;

Strata Lot 2 Section 85 Sooke District Strata Plan EPS1027;

Strata Lot 3 Section 85 Sooke District Strata Plan EPS1027;

Strata Lot 4 Section 85 Sooke District Strata Plan EPS1027; and

Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form V from the Rural Zone – A (Rural A) and adding to the Rural Residential 6A (RR-6A) zone, as shown on Plan No. 1.

Plan No. 1 of Bylaw No. 4505, an amendment to Bylaw No. 2040



CRD Bylaw No. 4505

2

2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 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