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## PROPOSED BYLAW NO. 3857

### REPORT TO JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 15, 2013

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**SUBJECT**      **PROPOSED AMENDMENTS TO THE JUAN DE FUCA LAND USE BYLAW, 1992, BYLAW NO. 2040 (AMENDMENT BYLAW NO. 3857)**

**ISSUE**

Revisions are proposed to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to zone three properties in Otter Point and East Sooke that are subject to Bylaw No. 189, rezone Camp Barnard, and to correct a zoning anomaly in Shirley/Jordan River.

**BACKGROUND**

Staff has prepared this amending bylaw to deal with several zoning issues. Staff had identified three properties that were not subject to Bylaw No. 2040 but were subject to Bylaw No. 189. Bylaw No. 189 establishes a minimum parcel size for subdivision of 120 ha and has no land use regulation. In addition, staff is proposing to create a site specific zone for Camp Barnard which reflects Scout Properties (BC/Yukon Ltd.) intentions for the property. As well, a property owner on Invermuir Road questioned why his parcel was not zoned Rural A when the adjacent parcels were zoned in 1992. Staff has prepared Bylaw No. 3857 which proposes the following:

- Lot A, Block 70, District Lot 39, Malahat District, Plan 23590 which is partially zoned Forestry (AF) and partially subject to Bylaw No. 189 to be zoned Forestry over the entire parcel (Inset 1);
- Parcel A, Block 69 & 70, Malahat District, which is only subject to Bylaw No. 189 to be zoned Forestry (AF) as are the adjacent parcels (Inset 2);
- Camp Barnard (Section 12, Otter District except Plans 5502 and 29472; and Lot 1, Section 12, Otter District, Plan 5502, except Plan 23399) to be zoned from Community Facility (P-2); and (Section 53) to be zoned from Rural A, to a new zone Community Facility Camp Barnard (P-2CB) (Inset 3);
- Wolf Island (District Lot 185, Sooke District, PID: 009-392-882) in Becher Bay in East Sooke which is subject to Bylaw No. 189, be zoned to a new Rural Residential Wolf Island Zone (RR-WI) which has the same features as the Rural A zone with the exceptions that only two one-family dwellings are permitted and the maximum size of residential buildings is a Total Floor Area of 1,500 m<sup>2</sup> (Inset 4); and
- 9375 Invermuir Road (Lot B, Section 90, Renfrew District, Plan 23273) to be rezoned from Forestry (AF) to Rural (A) (Inset 5).

**ALTERNATIVES**

1. Refer proposed Bylaw No. 3857, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013" to the appropriate CRD departments and agencies for comment.
2. Not to refer proposed Bylaw No. 3857, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013".
3. Refer the proposed Bylaw No. 3857 back to staff for more information.

**LEGISLATIVE IMPLICATIONS**

Pursuant to Section 879 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Pursuant to Section 881 of the *LGA*, a proposed amendment to a zoning bylaw must be referred to the school district. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

### **PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the *LGA*, therefore, the proposal should be referred to the relevant Otter Point, East Sooke and Shirley/Jordan River Advisory Planning Commission.

Should the proposal proceed, a public hearing pursuant to Section 890 of the *LGA* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendments and it will be advertised in the local paper and on the website.

### **REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS**

In the evaluation of a zoning amendment, consideration must be given to the CRD's Regional Growth Strategy (RGS) Bylaw No. 2952 and Otter Point OCP Bylaw No. 3719, East Sooke OCP Bylaw No. 3718 and Shirley/Jordan River OCP Bylaw No. 3717. The proposal to rezone the five properties is compatible with the OCPs; however, proposals must still be reviewed to ensure consistency with the RGS.

### **PLANNING ANALYSIS**

Staff is concerned about the vulnerability of several parcels in Otter Point and East Sooke that are only subject to Bylaw No. 189. As there are no land use regulations associated with Bylaw No. 189, non-subdivision development applications could be proposed. As well a review of the P-2 zoning on Camp Barnard revealed that there was a significant subdivision potential should the land no longer be used for a Scout Camp. In addition, staff is responding to a zoning query from a land owner in Shirley where a zoning anomaly appears and there is no planning rationale for this variation.

#### **Lot A, Block 70, District Lot 39, Malahat District, Plan 23590**

This property is located at the end of Anderson Road along the northern boundary of Otter Point (Inset 1). The south portion of the property is zoned Forestry (AF) and the northern portion is subject to Bylaw No. 189. The adjacent parcels are zoned Forestry and proposed Bylaw No. 3870 proposes to zone the entire property Forestry. The owners have agreed to the proposed zoning.

#### **Parcel A, Block 69 & 70, Malahat District**

This Crown parcel is located north of Clark Road along the northern boundary of Otter Point (Inset 2). This parcel is subject to Bylaw No. 189. The parcel is adjacent to other lands zoned Forestry. Proposed Bylaw No. 3857 would zone the parcel as Forestry. The provincial representative has agreed to the rezoning subject to the proposal being referred to T'Sou-ke First Nation.

#### **Camp Barnard (Section 12, Otter District except Plans 5502 and 29472 and Lot 1, Section 12, Otter District, Plan 5502, except Plan 23399, and Section 53, Otter District)**

Camp Barnard is on three parcels comprised of 55.61 ha adjacent to Young Lake and along Young Lake Road, as well as Section 53 which lies north of the Young Lake properties comprised of 42.5 ha (Inset 3). The two properties adjacent to Young Lake are currently zoned Community Facility (P-2) and Section 53 is zoned Rural A. While the P-2 zone does permit assembly uses which relates to its use as a Scout Camp it includes other uses that are not consistent with its use for this purpose. In addition, the zone has a minimum lot size for subdivision of 900 m<sup>2</sup> which has a potential of over 600 parcels should it be subdivided. The Rural A zone does not permit assembly uses. Staff has worked with Scout representatives and created a site specific zone, Community Facility Camp Barnard (P-2CB), that reflects their use of the properties.

**Wolf Island (District Lot 185, Sooke District, PID: 009-392-882)**

This 8.9 ha island is located in Becher Bay off the eastern boundary of East Sooke (Inset 4). The property is subject to Bylaw No. 189 and has no land use regulation. The owners have constructed a dwelling on the property and propose to construct additional buildings. As Bylaw No. 189 has no land use regulation there are no land use parameters guiding the development. Staff has worked with the owner representatives and proposed Bylaw No. 3857 proposes a new Rural Residential Wolf Island zone (RR-WI) which reflects their intentions for the property. The Rural Residential Wolf Island zone has the same features as the Rural A zone with the exceptions that only two one-family dwellings are permitted and the maximum size of residential buildings is a Total Floor Area of 1,500 m<sup>2</sup>.

**9375 Invermuir Road (Lot B, Section 90, Renfrew District, Plan 23273)**

The owner of this property had questioned why his property was zoned Forestry when all of the adjacent parcels south of Invermuir Road were zoned Rural A. Staff reviewed the old files relating to the establishment of Bylaw No. 2040 in 1992 and could find no information regarding this anomaly. As all adjacent parcels are zoned Rural A, this rezoning would bring this property into conformance with its neighbours.

**CONCLUSION**

The primary intent of the proposed amendments to Bylaw No. 2040 is to address the vulnerability of parcels subject to Bylaw No. 189, to clarify the zoning for Camp Barnard and to address a zoning anomaly in Shirley. Staff recommends that the Bylaw No. 3857 be referred to agencies for comment.

**RECOMMENDATION**

That the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. Refer proposed Bylaw No. 3857 “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013” for Lot A, Block 70, District Lot 39, Malahat District, Plan 23590; Parcel A, Block 69 & 70, Malahat District; Camp Barnard Section 12, Otter District except Plans 5502 and 29472, and Lot 1, Section 12, Otter District, Plan 5502, except Plan 23399, and Section 53, Otter District; Wolf Island, District Lot 185, Sooke District, PID: 009-392-882; and 9375 Invermuir Road, Lot B, Section 90, Renfrew District, Plan 23273, to the appropriate CRD departments and the following agencies for comment:

BC Hydro  
District of Sooke  
East Sooke Advisory Planning Commission  
East Sooke Fire Department  
Ministry of Transportation and Infrastructure  
Otter Point Advisory Planning Commission  
Otter Point Fire Department

RCMP  
Scai’ new First Nation  
Shirley/Jordan River Advisory Planning  
Commission  
Shirley Fire Department  
Sooke School District #62  
T’Sou-ke First Nation  
Vancouver Island Health Authority

Original Signed \_\_\_\_\_  
June Klassen, MCIP, RPP  
Manager, Local Area Planning

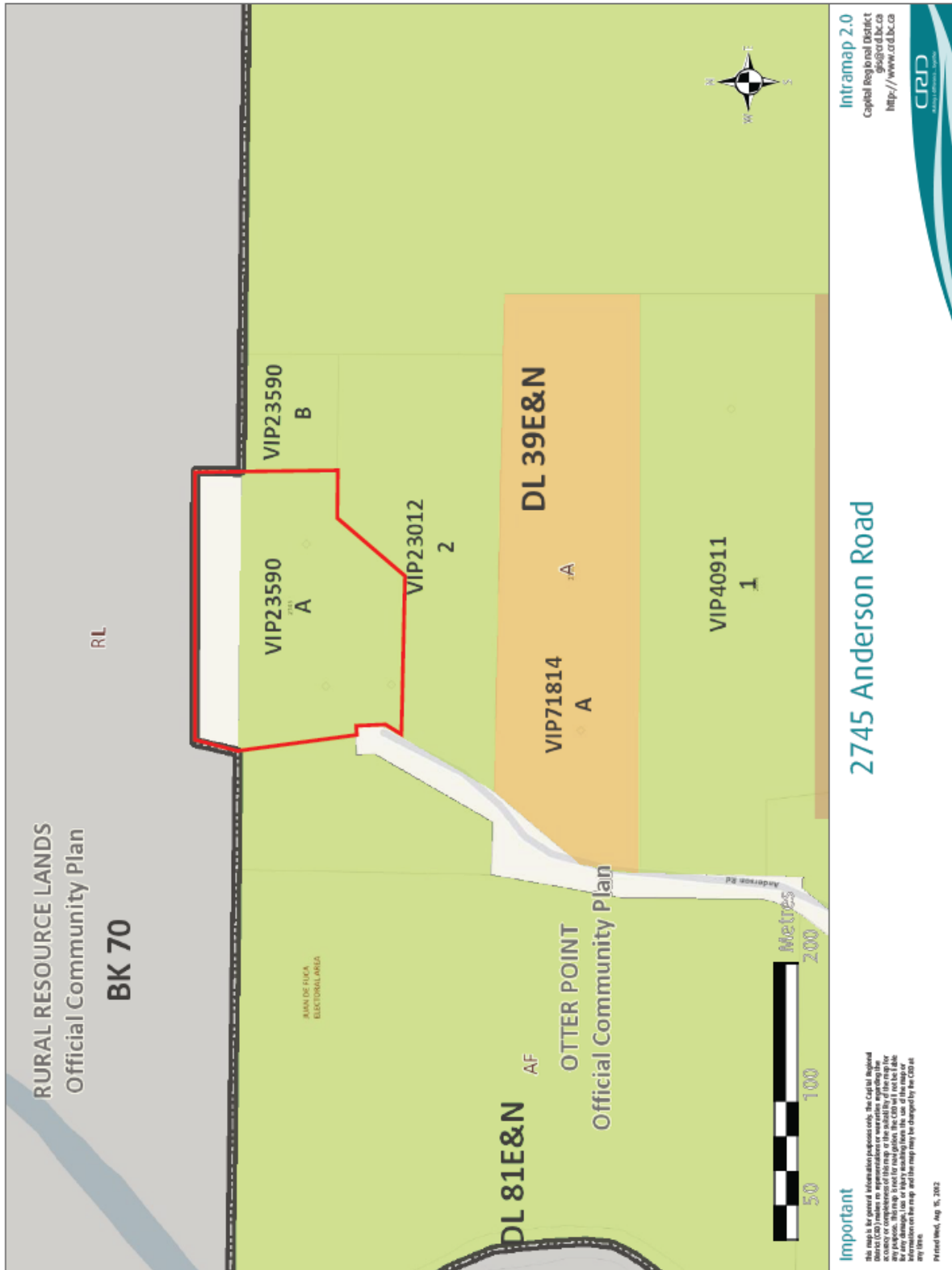
Original Signed \_\_\_\_\_  
Robert Lapham, MCIP  
General Manager, Planning & Protective Services

Original Signed \_\_\_\_\_  
Kelly Daniels  
Chief Administrative Officer  
Concurrence

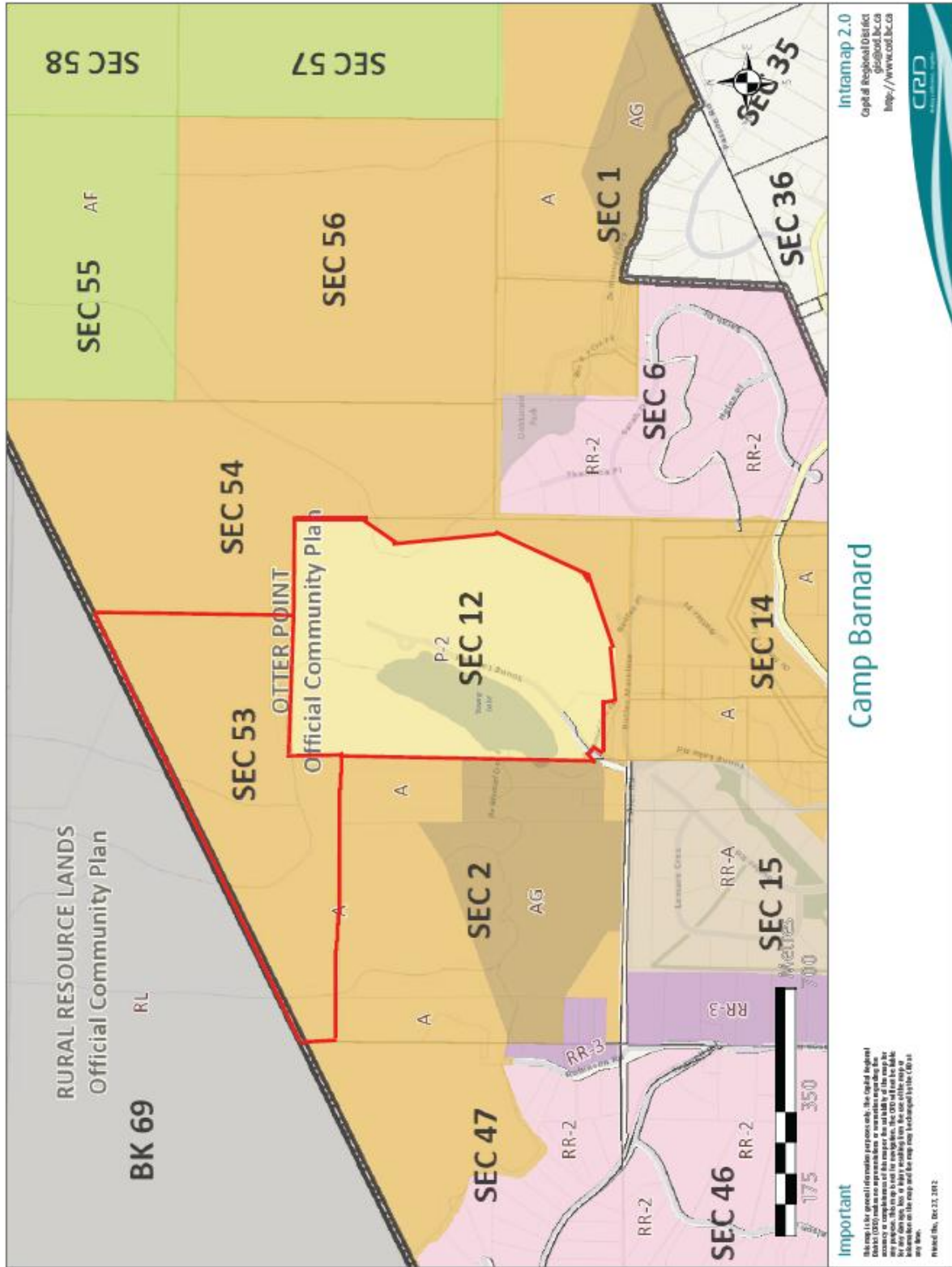
Appendices:

1. Location Maps
2. Proposed Bylaw No. 3857

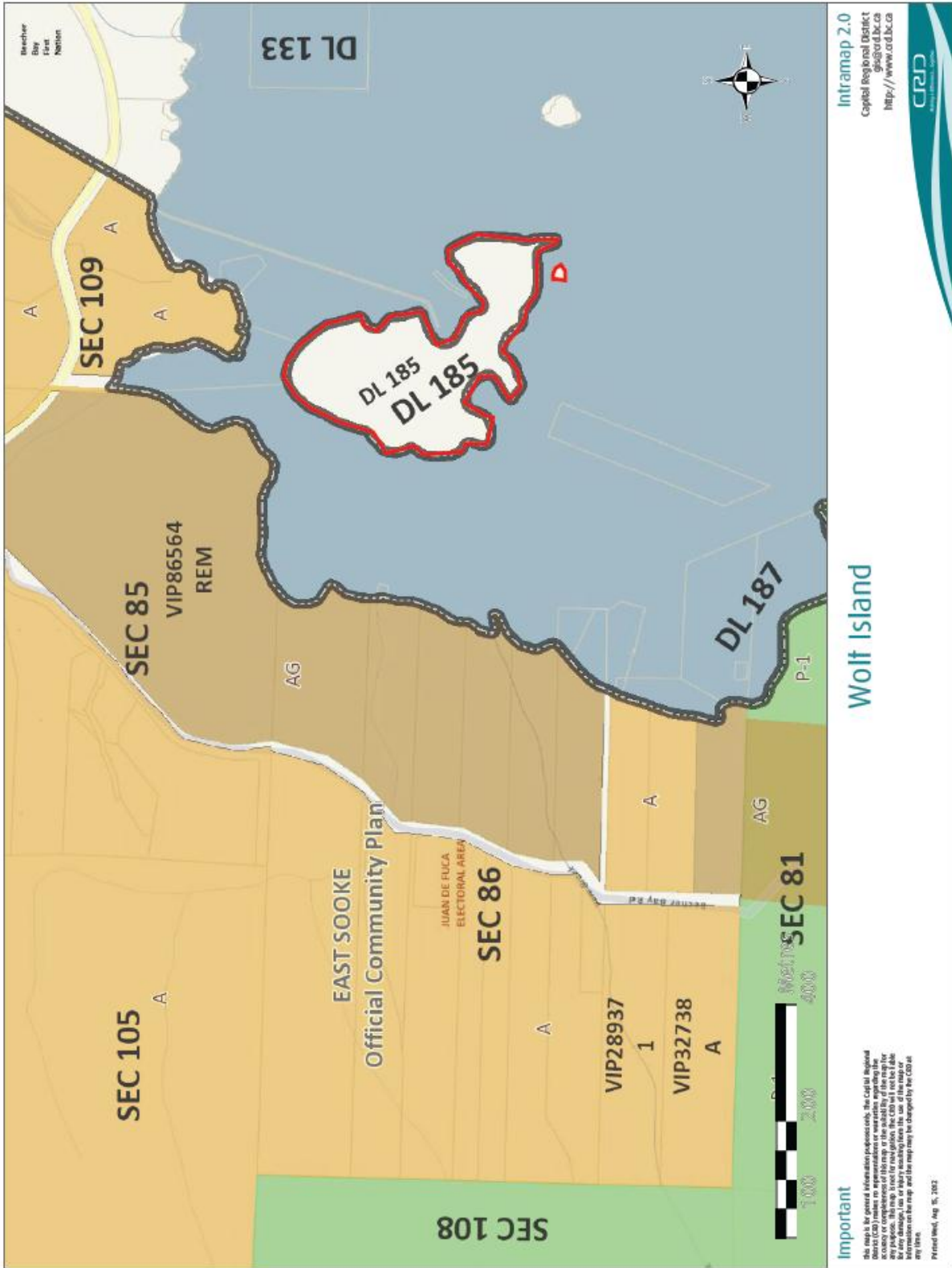
Appendix 1: Location Maps

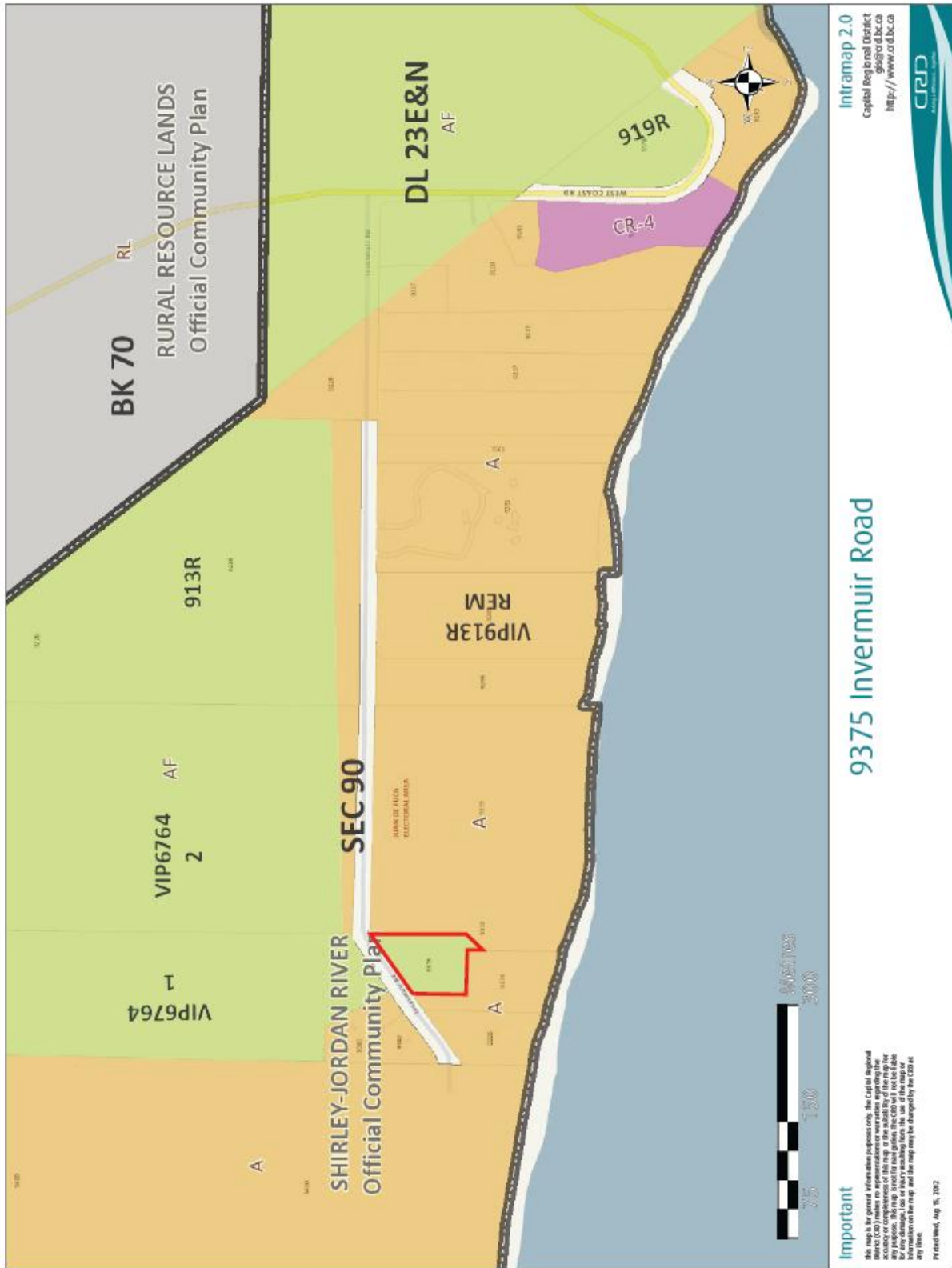














**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3857**

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**A BYLAW TO AMEND**

**BYLAW NO. 2040, THE "JUAN DE FUCA ELECTORAL AREA LAND USE BYLAW, 1992"**

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

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

**A. SCHEDULE "A" TABLE OF CONTENTS**

- a. PART 2 – ZONING DISTRICTS add the following:

1. 4D.0 Rural Residential Wolf Island Zone – RR-WI
2. 31A.0 Community Facility Camp Barnard – P-2CB

**B. SCHEDULE "A" PART 1, Section 2.0 DEFINITIONS**

- a. By amending the definition for "RURAL RESIDENTIAL ZONE" by adding after the words "RR-6," the words "RR-WI,".

**C. SCHEDULE "A" PART 1, Section 3.0 ADMINISTRATION AND ENFORCEMENT**

- a. By amending Section 3.07 ZONES by adding after the words "RR-6" the words "RR-WI Rural Residential Wolf Island", and adding after the words "P-2" the words "P-2CB Community Facility Camp Barnard".

**D. SCHEDULE "A" PART 2 - ZONING DISTRICTS**

- a. By adding the following zone 4D.0 Rural Residential Wolf Island – RR-WI which states:

***4D.0 RURAL RESIDENTIAL WOLF ISLAND ZONE – RR-WI***

**4D.01 Zone Application**

For the purposes of this Bylaw, the Residential Wolf Island Zone (RR-WI) applies only to District Lot 185, Sooke District, PID:009-392-882.

**4D.02 Permitted Uses**

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

- (a) Residential;
- (b) Agriculture;
- (c) Home Based Business Categories One, Two and Three;
- (d) 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;
- (e) One secondary suite per lot pursuant to Part 1, Subsection 4.19;
- (f) Detached Accessory Suites pursuant to Part 1, Subsection 4.20.

**4D.03 Minimum Parcel Size for Subdivision Purposes**

The minimum lot size shall be 4.0 ha.

**4D.04 Number of Dwelling Units**

Two one-family dwellings are permitted per lot.

**4D.05 Height**

The maximum height permitted shall be 15 m.

**4D.06 Lot Coverage**

The maximum lot coverage permitted shall be 15 percent

**4D.07 Maximum Size of Residential Buildings**

Provided applicants having either met the Sewerage System Regulation (e.g., a filing) or acceptance by VIHA via referral, residential buildings and structures shall not exceed a Total Floor Area of 1,500 m<sup>2</sup>;

**4D.08 Yard Requirements for Residential Buildings**

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m except for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m<sup>2</sup>, 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 11 m.

b. By adding the following zone 31A.0 Community Facility Camp Barnard – P-2CB which states:

**31A.0 COMMUNITY FACILITY CAMP BARNARD ZONE - P-2CB**

**31A.01 Zone Application**

For the purposes of this Bylaw, the Community Facility Camp Barnard Zone (P-2CB) applies only to Section 12, Otter District except Plans 5502 and 29472 (PID: 009-505-288) and Lot 1, Section 12, Otter District except Plan 23399 (PID: 003-866-378) and Section 53, Otter District (PID: 003-877-655).

**31A.02 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Community Facility P-2 Zone:

- (a) Assembly Uses;
- (b) Residential uses as accessory use to the assembly use;
- (c) Camping Spaces;
- (d) Recreation Vehicles Pads, for temporary accommodation;
- (e) Dormitory;
- (f) Lodges;
- (g) Silviculture;
- (h) Ancillary accessory uses.

**31A.03 Minimum Lot Size for Subdivision Purposes**

Minimum lot size shall be 4 ha.

**31A.04 Lot Coverage**

Maximum lot coverage shall be 40 percent.

**31A.05 Height**

Maximum height shall be 12 m.

**31A.06 Yard Requirements**

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

**31A-07      Special Regulations**

- (a) One one-family dwelling unit as accessory use to the assembly use on either Section 12, Otter District except Plans 5502 and 29472 (PID: 009-505-288) or Lot 1, Section 12, Otter District except Plan 23399 (PID: 003-866-378);
- (b) One one-family dwelling unit as accessory use to the assembly use on Section 53, Otter District (PID: 003-877-655);
- (c) Temporary on-site parking for events;
- (d) Total Floor Area for all buildings and structures is not to exceed 3,715 m<sup>2</sup>.

**E.      SCHEDULE “A” PART 4 – SIGNS**

- a. By amending section 1.12 SIGN AREAS subsection (a) by adding “RURAL RESIDENTIAL WOLF ISLAND”.
- b. By amending section 1.12 SIGN AREAS subsection (c) by adding “COMMUNITY FACILITY CAMP BARNARD”.

**F.      SCHEDULE “B” ZONING MAPS**

- a. Amend Map 1 East Sooke Zoning to incorporate the amendment as shown on Map 1 attached to and forming part of this bylaw.
  - b. Amend Map 2 Otter Point Zoning to incorporate the amendments as shown on Map 1 attached to and forming part of this bylaw.
  - c. Amend Map 3 Shirley Jordan River Zoning to incorporate amendments as shown on Map 1 attached to and forming part of this bylaw.
2. Add to the Forestry (AF) Zone:
- Lot A, Block 70, District Lot 39, Malahat District, Plan 23590; and
  - Parcel A, Block 69 & 70, Malahat District
- as shown on Map 1, attached to and forming part of this bylaw.
3. Add to the Rural Residential Wolf Island zone:
- Wolf Island (District Lot 185, Sooke District, PID: 009-392-882)
- as shown on Map 1, attached to and forming part of this bylaw.
4. Delete from the Community Facility (P-2) Zone and add to the Community Facility Camp Barnard (P-2CB) Zone:
- Section 12, Otter District, except Plans 5502 and 29472, and
  - Lot 1, Section 12, Otter District, Plan 5502, except Plan 23399
- as shown on Map 1, attached to and forming part of this bylaw.
5. Delete from the Rural (A) zone and add to the Community Facility Camp Barnard (P-2CB) Zone:
- Section 53, Otter District
6. Delete from the Forestry (AF) zone and add to the Rural (A) zone:
- Lot B, Section 90, Renfrew District, Plan 23273
- as shown on Map 1, attached to and forming part of this bylaw.
7. This bylaw may be cited as “Bylaw No. 3857, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013.”

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READ A FIRST TIME	THIS	DAY OF	2013
READ A SECOND TIME	THIS	DAY OF	2013
READ A THIRD TIME	THIS	DAY OF	2013
APPROVED by the Minister of Transportation and Infrastructure			
	THIS	DAY OF	2013
ADOPTED	THIS	DAY OF	2013

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CHAIR

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CORPORATE OFFICER

Map 1 – Zone Amendments

