



**REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 16, 2013**

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, to rezone Camp Barnard, and to correct a zoning anomaly in Shirley/Jordan River.

BACKGROUND

Staff identified two properties and part of parcel that were not subject to Bylaw No. 2040, but that are subject to Bylaw No. 189, which 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 m² (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).

At their January 15, 2013 meeting, the Juan de Fuca Land Use Committee (LUC) considered the proposed amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Amendment Bylaw No. 3857) and recommended referral of the proposed bylaw. At their meeting on February 13, 2013, the Capital Regional District (CRD) Board directed that the proposed bylaw be referred to the following agencies and First Nations 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

Scia'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

Comments were received from eight agencies and their responses are included in Appendix 1. The proposed bylaw was considered by the East Sooke Advisory Planning Commission (APC) on February 25, 2013, the Shirley/Jordan River APC on March 5, 2013 and the Otter Point APC on March 11, 2013.

ALTERNATIVES

1. Advance proposed Bylaw No. 3857, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013” and proceed to the Capital Regional District (CRD) Board for first and second readings and direct the bylaw to a public hearing.
2. Not advance proposed Bylaw No. 3857, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013” to rezone the properties.
3. Refer the proposed Bylaw No. 3857 back to staff for more information.

LEGISLATIVE IMPLICATIONS

Section 903 of the *Local Government Act* authorizes local governments to establish zoning districts and land use regulations. The Juan de Fuca Development Procedures Bylaw No. 3110 establishes a process for considering an amendment to a zoning bylaw. The CRD Board provides opportunities for consultation it considers appropriate to the persons, organizations and authorities that may be affected by the adoption, repeal or amendment of a zoning bylaw.

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

Should the proposal proceed, a public hearing pursuant to Section 890 of the *Local Government Act* (LGA) will be required subsequent to the amendment passing second reading by the CRD Board, which will be advertised in the local paper and on the CRD website.

PLANNING ANALYSIS

Referrals were forwarded on February 14, 2013, to those agencies specified by the Board. Comments were received from eight agencies including the Ministry of Transportation and Infrastructure, the RCMP, the District of Sooke, the Vancouver Island Health Authority (VIHA), the Otter Point Fire Department, BC Hydro, T’Sou-ke First Nation and Scia’new First Nation. With the exception of VIHA and the Scia’new First Nation, all other responses indicated their interest was not affected by the proposal.

VIHA indicated standard servicing requirements for Wolf Island.

A meeting was held with Scia’new Chief Russell Chipps, a member of Council and the Scia’new Economic Development Officer regarding the development of a consultation protocol and concerns regarding Wolf Island. With respect to Wolf Island, Chief Russell Chipps indicated a concern pertaining to the protection of the burial cairns on the island and the potential commercial use of the property. Staff contacted the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations and they confirmed three sites on the island. The owner had been requested to provide a covenant to protect the archaeology features; however, the Archaeology Branch can only require a covenant through the subdivision process. The Branch has requested that the requirement for a covenant be considered as part of the rezoning process and staff has amended the proposed Wolf Island zone accordingly. With respect to the use of the property, the owner’s agent confirmed that the island is for a private residence only. Staff proposes establishing a new rural residential Wolf Island zone as the island is not subject to any land use regulation and therefore is vulnerable to any type of land use. By restricting the land use to rural residential and by limiting lot coverage, this new zone should better protect the archaeological features on the island. With respect to a consultation protocol Sue Hallatt, Manager Aboriginal Initiatives

is working to develop consultation protocols with First Nations who have interests in the Juan de Fuca Electoral Area.

The Otter Point APC supported zoning the two parcels subject to Bylaw No. 189 (inset 1 and 2) to Forestry (AF); and the rezoning of Camp Barnard (inset 3) to a new Community Facility Camp Barnard (P-2CB) zone.

The East Sooke APC supported zoning Wolf Island (inset 4) and to new Rural Residential Wolf Island (RR-WI) zone.

The Shirley/Jordan River APC supported the proposed rezoning of 9375 Invermuir Road (inset 5) to Rural (A).

A revised bylaw has been prepared which incorporates minor formatting changes, and changes to the Wolf Island zone to incorporate VIHA's comments (Appendix 2).

Proposed Bylaw No. 3857 has been considered by the landowners, the LUC, referral agencies and at three APC meetings. There are no objections from the community or the referral agencies to the proposed Bylaw No. 3857. Therefore, staff recommend that Bylaw No. 3857 be read a first and second time and proceed to public hearing.

CONCLUSION

The primary intent of the proposed amendments to Bylaw No. 2040 is to zone parcels subject to Bylaw No. 189, to clarify the zoning for Camp Barnard and to address a zoning anomaly in Shirley. Staff recommend that Bylaw No. 3857 be read a first and second time and proceed to public hearing.

RECOMMENDATION

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

1. That proposed Bylaw No. 3857 "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013", be read a first time, read a second time; and
2. That in accordance with the provisions of Section 890 and 891 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 proposed Bylaw No. 3857 "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013".

****ORIGINAL SIGNED****

June Klassen, MCIP, RPP
Manager, Local Area Planning Services

Marg Misek-Evans, MCIP, RPP
Acting General Manager, Planning & Protective
Services
Concurrence

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendices:

1. Referral Comments
2. Proposed Bylaw No. 3857

Appendix 1: Referral Comments


RESPONSE SUMMARY – PROPOSED BYLAW NO. 3857

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

BC Hydro interests are unaffected by these Bylaw amendments. We note that the property title of the Scouts Canada property called Camp Barnard has a BC Hydro transmission line right of way charge registered against its property title, however, this right of way is unaffected by the proposed Bylaw amendment from Bylaw No. 2040 Community Facility (P-2) zone and Rural A zone to new Community Facility Camp Barnard (P2-CB) zone.

Signed 
Rita Brom
March 12, 2013

Date

Property Coordinator
Title

BC Hydro - Property Rights Services
Agency Task 1078634

Wendy Miller

From: Katherine Lesyshen <klesyshen@sooke.ca>
Sent: Wednesday, February 20, 2013 9:24 AM
To: Wendy Miller
Cc: Gerard LeBlanc
Subject: RE: Proposed Bylaw No. 3857

Hi Wendy,

The Planning Department has reviewed proposed Bylaw No. 3857. The proposed **amendments address administrative issues and increased land development controls.**

The District of Sooke's interests are, therefore, seen to be unaffected.

Regards,

Katherine Lesyshen, MCIP, RPP
Planner II- District of Sooke
2205 Otter Point Road, Sooke BC V9Z 1J2
Email: klesyshen@sooke.ca
(250) 642-1627 Fax: (250) 642-0541

Wendy Miller

From: Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>
Sent: Thursday, February 14, 2013 3:35 PM
To: Wendy Miller
Subject: RE: Proposed Bylaw No. 3857

Wendy,

Please accept this email as an official referral response to the rezoning proposal outlined below.

The Ministry has no objections to the rezoning, as presented, and has no additional conditions of approval. The Ministry file number for this referral is 2013-00713.

If you require any additional information please feel free to contact myself directly.

Thanks,

RYAN EVANOFF | DISTRICT DEVELOPMENT TECHNICIAN | BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE | VANCOUVER ISLAND DISTRICT | 240-4460 CHATTERTON WAY, VICTORIA, BC V8X 5J2 |
T: 250.952.4495 | F: 250.952.4508
WEBSITE FOR DEVELOPMENT APPROVALS:
www.th.gov.bc.ca/Development_Approvals/home.htm | MINISTRY WEBSITE: <http://tranbc.ca/>

RESPONSE SUMMARY – PROPOSED BYLAW NO. 3857

- Interest Affected by Proposal for Reasons Outlined Below
- Interest Unaffected by Proposal

Comments:

NO CONCERNS

T Godau
Signed

DIRECTOR OF FACILITIES
Title

MARCH 7, 2013
Date

School District #62
Agency

Wendy Miller

From: Stephen Wright <stephen.w.wright@rcmp-grc.gc.ca>
Sent: Thursday, February 14, 2013 2:22 PM
To: Wendy Miller
Subject: Re: Proposed Bylaw No. 3857

no issues

steve

Wendy Miller

From: Bonnie English <benglish@tsoukenation.com>
Sent: Monday, March 04, 2013 3:32 PM
To: Wendy Miller
Subject: FW: Proposed Bylaw No. 3857
Attachments: PPS-JDF-2013-01-15-BL3857-LUCReport_WithoutSignatures.pdf; PPS-JDF-2013-02-14-BL3857-T'Sou-keFirstNation.pdf

Hi Wendy,

Thank you for sending the attached referral to T'Sou-ke for comment. T'Sou-ke is okay with the proposed Bylaw No. 3857 revisions.

Bonnie English

RESPONSE SUMMARY – PROPOSED BYLAW NO. 3857

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

- ① Lot A, Block 70, District Lot 39, Malahat District, Plan 25590:
Interests unaffected by this proposal.
- ② Parcel A, Block 69 & 70, Malahat District:
Interests unaffected by this proposal.
- ③ Camp Barnard: Interests unaffected by this proposal.
- ④ Wolf Island (District Lot 185, Sooke District, P20-009-392-882):
a) Provided that separate / single water sources
are provided for each single family dwelling, and;
b) Provided an Authorized person submits the
required documentation for all sewerage systems
on the property to this office
This office's interests would then be unaffected by this proposal.
- ⑤ 9375 Invermay Road (Lot B, Section 90, Renfrew District, Plan 23273):
Interests unaffected by this proposal.


Signed Rory Bese

EHO
Title

Feb 20, 2013
Date

Vancouver Island Health Authority
Agency

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

February 21, 2013

Capital Regional District
#2-6868 West Coast Road,
Sooke, B.C., V9Z 0S9
Attention: June Klassen, Manager, Local Area Planning



Re: Proposed Bylaw 3857: Amend Land Use Bylaw, No. 2040

The Otter Point Fire Department has no concerns with any of the proposed zoning changes.

Yours truly,



Kevan Brehart
Fire Chief

Appendix 1: Proposed Bylaw No. 3857

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3857

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

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

1. Bylaw No. 2040 being the "Juan de Fuca 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 deleting after the word RR-6 the word "and" and adding after the words "RR-OB," the words "and RR-WI,".

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

a. By amending Section 3.01 by adding the words "The Capital Regional District Bylaw No. 189, cited as "Juan de Fuca Subdivision Bylaw No. 189, 1974" is hereby repealed only insofar as it applies to Lot A, District Lot 39, Block 70, Malahat District, Plan 23590; and Parcel A (DD 540191) of Blocks 69 & 70, Malahat District; and District Lot 185, Sooke District, known as Wolfe Island.

b. By amending Section 3.07 ZONES by adding after the words "RR-OB" 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-W1) applies only to District Lot 185, Sooke District, known as Wolfe Island.

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:

Principal Uses:

- (a) Residential;
- (b) Agriculture;

Accessory Uses:

- (c) Home Based Business Categories One, Two and Three;
- (d) One travel trailer or one camper is permitted on a parcel in conjunction with a residential use on a parcel, for the incidental temporary use by non-paying guests of the owners or occupants of the parcel;
- (e) One secondary suite per parcel pursuant to Part 1, Subsection 4.19; or

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- (f) One Detached Accessory Suite per parcel pursuant to Part 1, Subsection 4.20.
- 4D.03 **Minimum Parcel Size for Subdivision Purposes**
The minimum parcel size shall be 4.0 ha.
- 4D.04 **Number of Dwelling Units**
Two one-family dwellings are permitted per parcel.
- 4D.05 **Height**
The maximum height permitted shall be 15 m.
- 4D.06 **Parcel Coverage**
The maximum parcel coverage permitted shall be 15 percent.
- 4D.07 **Maximum Size of Residential Buildings**
Provided applicants have proof of a separate water source for each dwelling and have either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral for each dwelling, residential buildings and structures shall not exceed a Total Floor Area of 1,500 m².
- 4D.08 **Yard Requirements for Principal Use 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 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 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 that part in Plans 5502 and 29472 and Lot 1, Section 12, Otter District, Plan 5502, except that part in Plan 23399 and Section 53, Otter District.
- 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 Camp Barnard Zone:
Principal Uses:
 - (a) Assembly Uses;
 - (b) Camping Spaces;
 - (c) Recreation Vehicles Pads, for temporary accommodation;
 - (d) Dormitory;
 - (e) Lodges;
 - (f) Silviculture;Accessory Uses:
 - (g) Residential uses as accessory use to the Assembly Use;
 - (h) Ancillary accessory uses to the Assembly Use.

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31A.03 Minimum Parcel Size for Subdivision Purposes

Minimum parcel size shall be 4 ha.

31A.04 Lot Coverage

Maximum parcel 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 that part in Plans 5502 and 29472 and Lot 1, Section 12, Otter District, Plan 5502, except that part in Plan 23399;
- (b) One one-family dwelling unit as accessory use to the assembly use on Section 53, Otter District;
- (c) Temporary on-site parking for events;
- (d) Total Floor Area for all buildings and structures is not to exceed 4,445 m².

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, District Lot 39, Block 70, Malahat District, Plan 23590; and
 - Parcel A (DD 54019I) of Blocks 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)
- 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 that part in Plans 5502 and 29472, and

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- Lot 1, Section 12, Otter District, Plan 5502, except that part in 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".

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

CHAIR

CORPORATE OFFICER

CRD Bylaw No. 3857

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Map 1 – Zone Amendments

