



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 21, 2014**

SUBJECT ZONING AMENDMENT APPLICATION FOR LOT 3, SECTION 16, OTTER DISTRICT, PLAN 1959

ISSUE

The applicants are proposing to rezone the property from Rural A to Rural Residential 2 (RR-2) in order to permit a 2-lot, fee simple subdivision.

BACKGROUND

The 2.4 ha subject property is located in Otter Point at 3384 Otter Point Road (Appendix 1). The property is designated as Settlement Containment Area (SCA) in the Otter Point Official Community Plan (OCP), Bylaw No. 3719. Under the current OCP, the parcel is not designated as a development permit area.

The property is zoned Rural A in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, and has two single-family dwellings (Appendix 2). Since the subject property is greater than 0.8 ha and less than 4 ha, the Rural A zone permits three dwelling units, and either one secondary suite or one detached accessory suite. The RR-2 zone permits one single-family dwelling or one two-family dwelling, as well as a detached accessory suite, per parcel. Based on the proposed plan of subdivision, in order for Lot A to comply with the regulations specified by the RR-2 zone, the owners will need to designate one of the dwelling units as a detached accessory suite prior to completion of the subdivision.

Staff have prepared Bylaw No. 3934, which would rezone the 2.4 ha parcel from Rural A to Rural Residential 2 (RR-2) (Appendix 3).

ALTERNATIVES

1. Proceed with referral of the proposed Bylaw No. 3934, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 120, 2014" to agencies for comment.
2. Deny the application and do not proceed with referral.
3. Refer the application 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 Otter Point 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.

PLANNING ANALYSIS

The Otter Point OCP designates the subject property as SCA. This designation states that “the desired parcel size for residential development within settlement containment areas should be in the 1 ha (2.5 acres) range.” The proposed subdivision of a 2.4 ha parcel into 2 parcels is not inconsistent with the SCA policy regarding desire lot size.

While the subject property is not currently designated as a DP area, staff note the presence of a stream that crosses the parcel from Otter Point Road to Ramsden Road. As part of the subdivision process, the owner will be required to provide a Riparian Areas Assessment from a Qualified Environmental Professional (QEP).

Under the current zoning, the parcel can support a total of 3 dwelling units and either one secondary suite or one detached accessory suite. At the present time, there are two dwelling units on the parcel. Therefore, the parcel could potentially support one additional dwelling unit, as well as a secondary or detached accessory suite.

Under the proposed RR-2 zone, subdivision of the parcel into two fee-simple lots would allow for the construction of either one additional single-family or two-family dwelling, and either one secondary suite or one detached accessory suite. Proof of potable water will be required for each lot prior to approval of the subdivision. Planning staff recommend referring the proposed bylaw for comment.

CONCLUSION

The purpose of this zoning amendment application is to allow subdivision of the property into two fee simple parcels. The proposed subdivision to create lots in the 1 ha range is currently supported by the Otter Point OCP. Staff recommend referring the proposed bylaw to relevant CRD departments, the Otter Point Advisory Planning Commission, and other agencies for comment.

RECOMMENDATION

1. That staff be directed to refer the January 21, 2014 staff report and proposed Bylaw No. 3934 for Lot 3, Section 16, Otter District, Plan 1959, to the appropriate CRD departments and the following agencies for comment:

BC Hydro	Otter Point Advisory Planning Commission
District of Sooke	Otter Point Fire Department
Island Health	Sooke School District #62
Ministry of Environment	T’Sou-ke First Nation
Ministry of Transportation and Infrastructure	Vancouver Island Health Authority

****ORIGINAL SIGNED****

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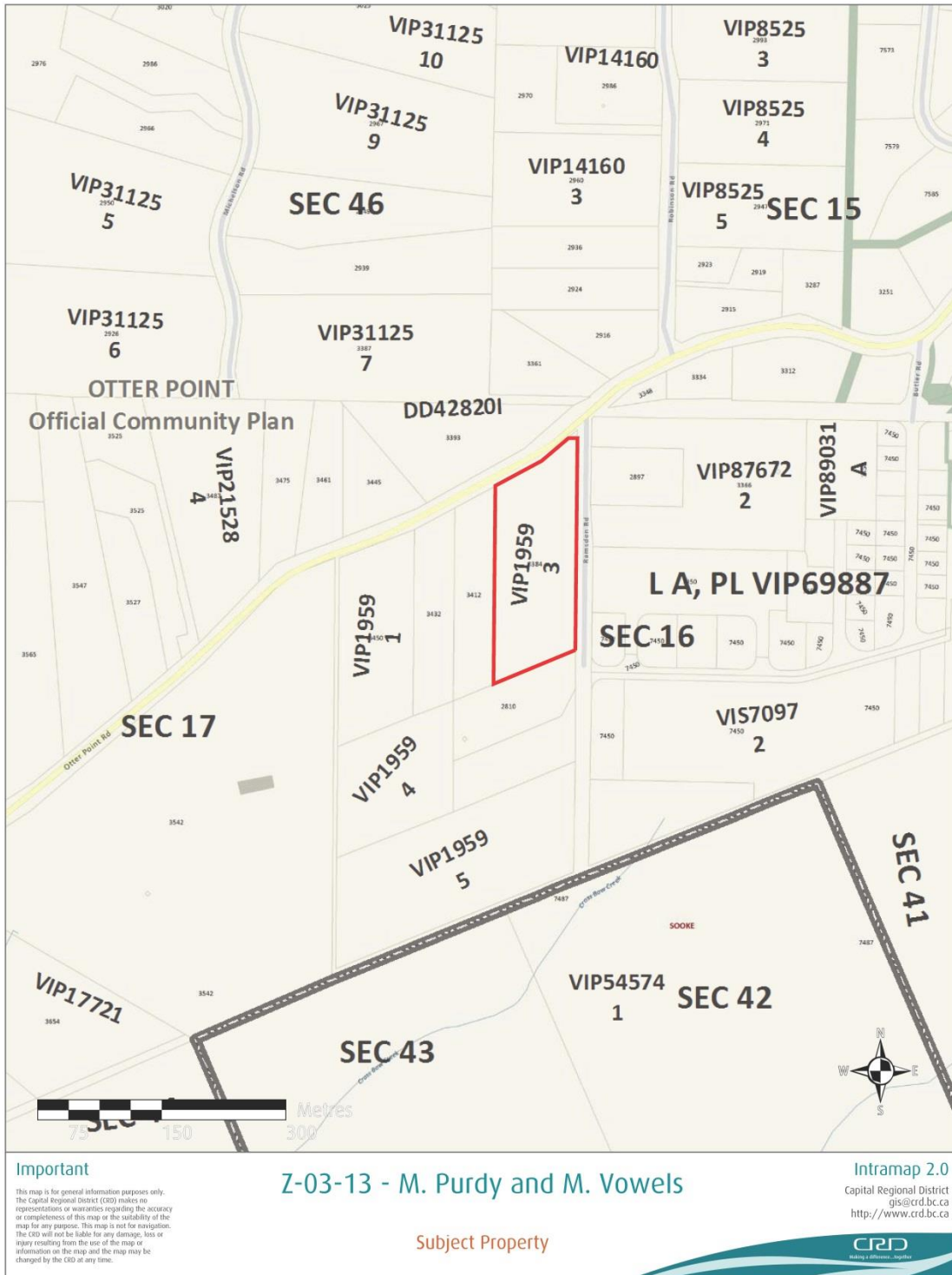
Maurice Rachwalski, PhD
Acting General Manager, Planning & Protective Services
Concurrence

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Attachments:

1. Subject Property, 2. Proposed Plan of Subdivision, 3. Proposed Bylaw No. 3934

Attachment 1: Subject Property



Plan No. 1 of Bylaw 3934

Lot 3, Section 16, Otter District, Plan 1959 shown on this plan attached to and forming part of this bylaw.

