



**REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 18, 2014**

SUBJECT **PROPOSED AMENDMENTS TO THE JUAN DE FUCA LAND USE BYLAW, 1992,
BYLAW NO. 2040 (AMENDMENT BYLAW NO. 3849)**

ISSUE

Amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 are proposed to remove the requirement that accessory buildings be one-storey, and to address minor housekeeping items.

BACKGROUND

At their meeting of January 15, 2013, the Land Use Committee (LUC) discussed amending the bylaw to allow two-storey detached accessory suites while maintaining the height requirement. Staff has removed the reference to 'one-storey' building for both detached accessory suites and accessory buildings for consideration. In addition, an amendment to both the Forestry (AF) and Agricultural (AG) zone to permit secondary suites and detached accessory suites is proposed. Minor housekeeping revisions are also proposed to revise text.

ALTERNATIVES

1. That the Juan de Fuca Land Use Committee recommend to the CRD Board that proposed Bylaw No. 3849, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014" be referred to appropriate CRD departments and agencies for comment.
2. That the Juan de Fuca Land Use Committee recommend to the CRD Board that proposed Bylaw No. 3849, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014" not be referred.
3. Refer proposed Bylaw No. 3849 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 East Sooke, Otter Point and Shirley/Jordan River Advisory Planning Commissions. The Agricultural Advisory Planning Commission was established to provide advice on agricultural issues in the Electoral Area, and as amendments will affect the Agriculture zone the proposal should be referred to the Commission. Alternatively, a public information meeting could be held on these proposed amendments.

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 proposed amendments are compatible with the OCPs; however, proposals must still be reviewed to ensure consistency with the RGS.

PLANNING ANALYSIS

A recent development variance permit application to permit a two-storey accessory building without increasing the height requirement led to discussion at a LUC meeting regarding changing the requirement in the Land Use Bylaw. The proposed amendment retains the height requirements for accessory buildings and detached accessory suites, but removes the one-storey restriction. This change should not affect impacts to neighbouring properties.

Owners of lands zoned Forestry and Agriculture have requested an amendment to permit secondary suites and detached accessory suites. Land zoned Agriculture that is designated as Agricultural Land Reserve would require the approval of the Agricultural Land Commission to proceed. In addition, on Agricultural zoned land classified as “farm” by the BC Assessment Authority that have an additional dwelling pursuant to Section 4.07, would not be permitted a detached accessory suite. As the minimum parcel size for both these zones is four hectares, the addition of a secondary suite or a detached accessory suite should not significantly impact the overall density or impact neighbouring properties. Additional amendments to the Forestry (AF) zone would remove the 300 m setback for silviculture and delete redundant wording.

A minor change is proposed to the definition of “height” to ensure that, although the diagram identifies the “highest roof plane”, it is explicit in the text. Changes are proposed to clarify the definitions of “institutional zone” and “rural residential zone” to reflect three newly created zones.

Staff recommends that proposed Bylaw No. 3849 be referred to agencies for comment.

CONCLUSION

Bylaw amendments are proposed to permit two-storey accessory buildings and detached accessory suites in order to reduce the need for development variance permits. Proposed amendments would permit secondary suites and detached accessory suites on land zoned Forestry and Agriculture as are permitted in most other zones. Minor text amendments are also included to clarify institutional and rural residential zone definitions to acknowledge newly created zones.

RECOMMENDATION

That the Land Use Committee recommends to the CRD Board that:

1. Proposed Bylaw No. 3849, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014” be referred to appropriate CRD departments and agencies for comment:

Agricultural Advisory Planning Commission
Agricultural Land Commission
BC Hydro
District of Sooke
East Sooke Advisory Planning Commission
East Sooke Fire Department
Island Health
Ministry of Agriculture
Ministry of Transportation and Infrastructure
Otter Point Advisory Planning Commission

Otter Point Fire Department
Pacheedaht First Nation
RCMP
Scia'new First Nation
Shirley/Jordan River Advisory Planning
Commission
Shirley Fire Department
Sooke School District #62
T'Sou-ke First Nation

****ORIGINAL SIGNED****

Emma Taylor, MA
Planner, Local Area Planning

June Klassen, MCIP, RPP
Manager, Local Area Planning

Travis Whiting
Acting General Manager,
Planning & Protective Services

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3849**

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, Part 1, Section 2.0 DEFINITIONS

- (a) By amending the definition of "HEIGHT" by inserting the words "of the highest roof plane" after the words "mean level";
- (b) By amending the definition of "INSTITUTIONAL ZONE" by adding the word "P-4" after the word "P-3";
- (c) By amending the definition of "RURAL RESIDENTIAL" zone by inserting the word "RR-AK" after the word "RR-A" and by inserting the word "RR-3K" after the word "RR-3".

B. Schedule A, Part 1, Section 4.0 GENERAL REGULATIONS

- (a) By deleting from Section 4.01 (2) (a) the words "for a one storey building" after the word "height";
- (b) By deleting from Section 4.20 DETACHED ACCESSORY SUITES subsection (g) the words "of a one storey detached building" after the word "roof".
- (c) By deleting from Section 4.20 DETACHED ACCESSORY SUITES subsection (h) the word "front," after the word "same".

C. Schedule A, Part 2, Section 3.0 FORESTRY ZONE – AF

- (a) By deleting from Section 3.01 (a) the words "except within 300 m of a highway";
- (b) By adding to Section 3.01 a new permitted use (f) which states:
" (f) One secondary suite per lot pursuant to Part 1, Subsection 4.19";
- (c) By adding to Section 3.01 a new permitted use (g) which states:
" (g) Detached Accessory Suites pursuant to Part 1, Subsection 4.20";
- (d) By deleting from Section 3.07 the words ", except that for lots larger than 1 ha and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side" after the word "15 m".

D. Schedule A, Part 2, Section 4.0 AGRICULTURAL ZONE - AG

- (a) By adding to Section 4.01 a new permitted use (i) which states:
" (i) One secondary suite per lot pursuant to Part 1, Subsection 4.19";
- (b) By adding to Section 4.01 a new permitted use (j) which states:
" (j) Detached Accessory Suites pursuant to Part 1, Subsection 4.20 on ALR lands with the approval of the Agricultural Land Commission";
- (c) By adding to Section 4.01 a new permitted use (k) which states:
" (k) Detached Accessory Suites pursuant to Part 1, Subsection 4.20 on non-ALR lands without an additional dwelling pursuant to Section 4.07".

2. This bylaw may be cited as Bylaw No. 3849, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014".

READ A FIRST TIME THIS day of , 2014.

READ A SECOND TIME THIS day of , 2014.

READ A THIRD TIME THIS day of , 2014.

APPROVED by the Minister of Transportation and Infrastructure
THIS day of , 2014.

ADOPTED THIS day of , 2014.