



Making a difference...together

Z-03-13 – PURDY & VOWLES

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 15, 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 adoption of the amending bylaw.

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).

The Land Use Committee (LUC) first considered this proposal at its meeting on January 21, 2014. At its meeting on February 12, 2014, the Regional Board considered the LUC recommendation and directed staff to refer the proposed bylaw to the following agencies and groups 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 & Infrastructure | |

Comments were received from BC Hydro, the District of Sooke, Island Health, the Ministry of Environment, the Ministry of Transportation and Infrastructure, and the Otter Point Fire Department (Appendix 4). The proposed bylaw was considered at the Otter Point Advisory Planning Commission at a meeting held on March 12, 2014.

ALTERNATIVES

1. Recommend to the Capital Regional District Board that proposed amendment Bylaw No. 3934, "Juan de Fuca Electoral Area Land Use Bylaw, 1992, Amendment Bylaw No. 120, 2014" to rezone the subject parcel from Rural A to Rural Residential 2 (RR-2) proceed for first and second readings and to direct the bylaw to public hearing.
2. Recommend that the CRD Board not approve the proposed amendment to the Juan de Fuca Land Use Bylaw to rezone the property.
3. Request more information be provided by the applicant to clarify agency concerns and recommendations.

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. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendment, and it will be advertised in the local paper and on the CRD 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 Official Community Plan (OCP) Bylaw No. 3719. The proposal to rezone for the purpose of subdividing to create two, 1 ha parcels is supported by the Settlement Containment Area policies of the OCP and is not inconsistent with the Rural/Rural Residential policy area of the RGS.

REFERRAL COMMENTS

Referrals were forwarded on February 14, 2014, to those agencies specified by the CRD Board. The Ministry of Transportation and Infrastructure advised that they have no objections to the proposed rezoning, and that the Ministry's requirements for subdivision will be considered during the subdivision application process. Island Health has no objections to the proposed rezoning provided that the lots meet their subdivision standards and each lot is either connected to community water or serviced by individual wells. The Ministry of Environment commented that they have no objections, provided a *Riparian Areas Regulation* Assessment is conducted and that Develop With Care, 2012 best management practices are followed during development of the lots. The District of Sooke Council resolved that its interests are unaffected by the proposed amendment; the Otter Point Fire Department has no concerns with the proposed zoning amendment; and BC Hydro has confirmed that their interests are unaffected by the proposed zoning amendment. No comments were received from Sooke School District #62 or from the T'Sou-ke First Nation at the time this report was written.

The Otter Point Advisory Planning Commission (APC) considered the application at its meeting on March 12, 2014, and passed a resolution supporting the rezoning from Rural (A) to Rural Residential (RR-2).

At the APC meeting, all members of the public who spoke expressed general support for the proposed zoning amendment. Some concern was raised regarding the provision of water to the new lots and potential secondary or detached accessory suites. Staff advised that each lot would be required to provide a source of potable water of at least 1,400 L/day and that a secondary or detached accessory suite would require an additional 1,400 L/day. Planning staff received two pieces of correspondence in response to public notification: one supporting the application, and the other raising concerns related to land clearing, loss of habitat and the impact of the development on an existing well. The correspondence was included in a supplementary package to the APC members and given consideration at their meeting.

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 complies with the SCA policy regarding desire lot size.

While the subject property is not currently designated as a DP area, staff notes 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 three 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 one 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. The owners will also be required to apply for a change of occupancy permit

and designate one of the dwelling units located on proposed Lot A as a detached accessory suite prior to adoption of the amending bylaw.

Since the SCA land use designation in the Otter Point OCP supports residential lots in the 1 ha range, and since there were no objections from referral agencies, Planning staff recommends that the proposed bylaw proceed for approval.

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. As there were no objections from referral agencies or neighbouring residents, staff recommends that the proposed bylaw proceed for approval.

RECOMMENDATION

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board that:

1. That Bylaw No. 3934, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 120, 2014” be introduced and 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 Bylaw No. 3934, “Juan de Fuca Land Use Bylaw, 1992, Amendment No. 120, 2014”.

****ORIGINAL SIGNED****

Iain Lawrence
Planner, Local Area Planning

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

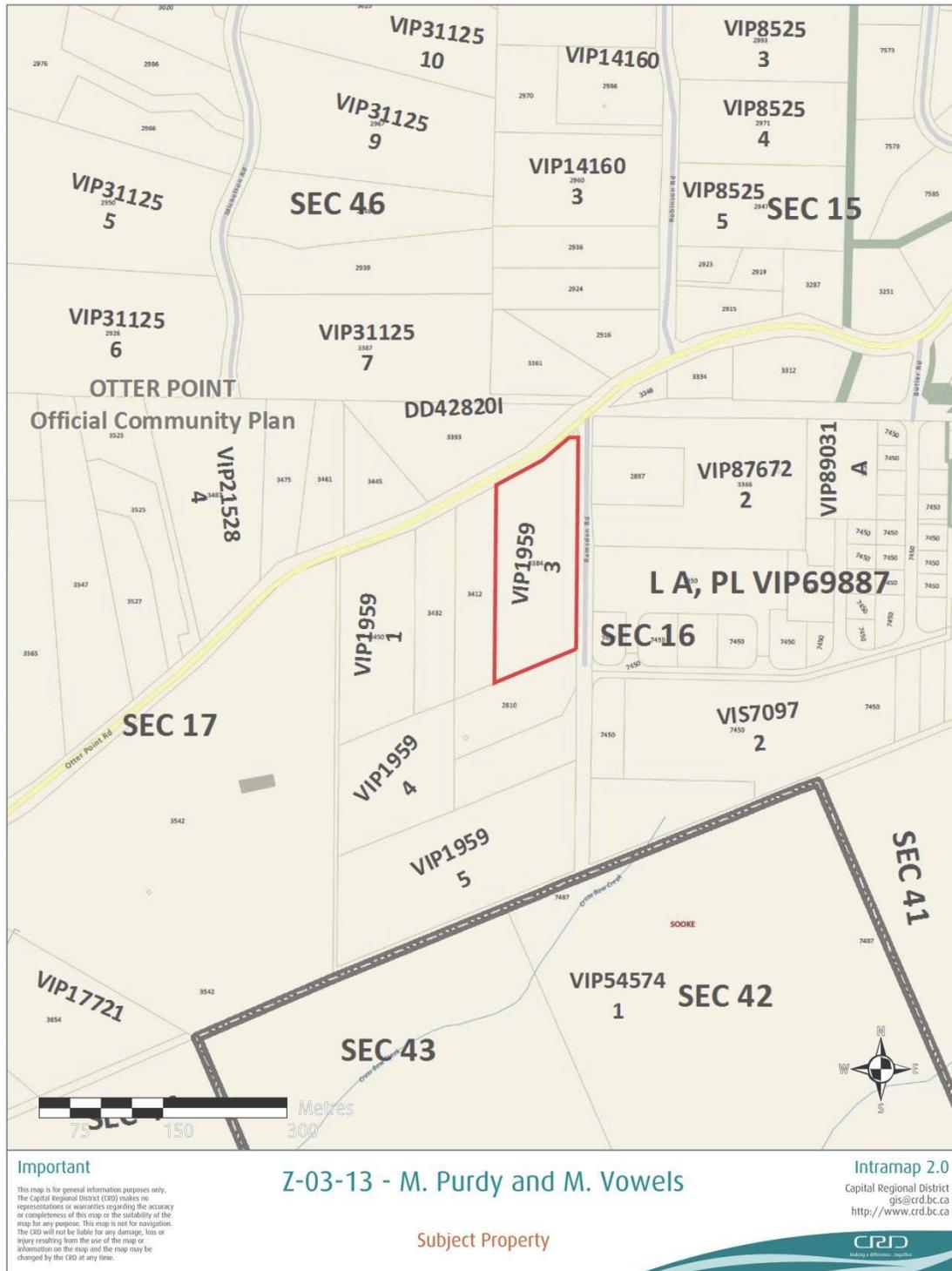
Travis Whiting
Acting General Manager
Planning and Protective Services

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendices:

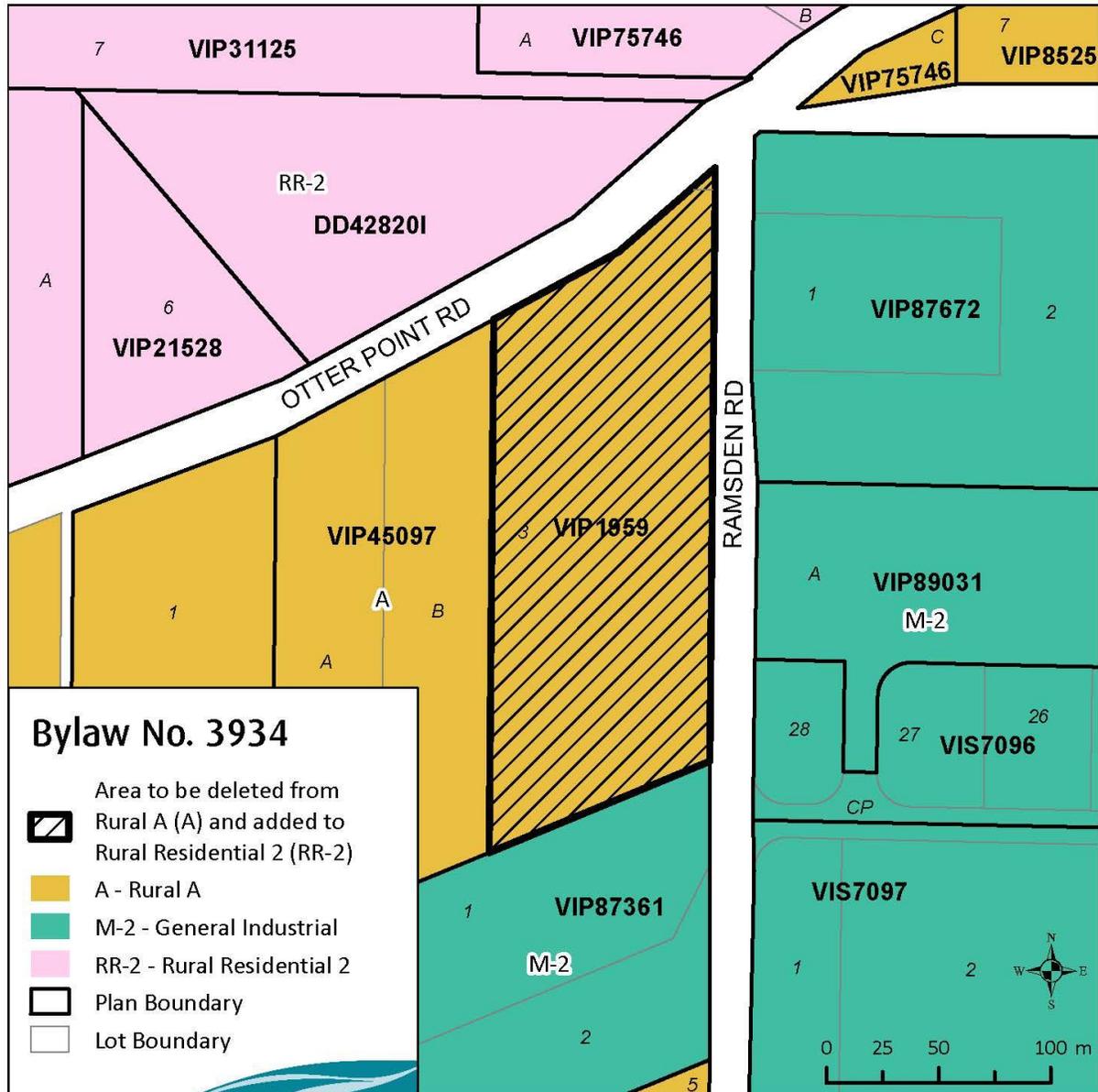
1. Subject Property
2. Proposed Site Plan
3. Proposed Bylaw No. 3934
4. Referral Comments

Appendix 1: Subject Property



Plan No. 1 of Bylaw No. 3934

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



Wendy Miller

From: Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>
Sent: Monday, February 17, 2014 8:44 AM
To: Wendy Miller
Subject: RE: CRD Rezoning Application Z-03-13 - Referral

Wendy,
Please accept this email as an official response to your rezoning referral below.

The Ministry has no objections to the rezoning proposal as presented and has no additional requirements for approval. This rezoning approval should not be considered approval for the planned subdivision, as any Ministry requirements will be reviewed at that time.
The Ministry file number for this referral is 2014-00577.

Thank you,

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/>

 Please consider the environment before printing this email.

From: Wendy Miller [<mailto:wmill@crd.bc.ca>]
Sent: February-14-14 2:44 PM
To: Evanoff, Ryan TRAN:EX
Subject: CRD Rezoning Application Z-03-13 - Referral

Good Afternoon,

Please find attached a referral letter and staff report for an application to rezone a property from Rural A to Rural Residential 2 (RR-2) in order to permit a 2-lot, fee simple subdivision.

Comment is requested by March 14, 2014.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.1500
JDF Local Area Services Building | Capital Regional District
3 – 7450 Butler Road, Sooke, BC V9Z 1N1

Web: www.crd.bc.ca/jdf

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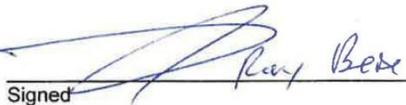
RESPONSE SUMMARY – REZONING APPLICATION Z-03-13

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

No objections provided lots meet our subdivision standards on subdivision and each lot is serviced by a municipal water system or individual wells.

Signed		Title	EHO
Date	Feb 18, 2014	Agency	Island Health

1485675

RESPONSE SUMMARY – REZONING APPLICATION Z-03-13

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal PROVIDING CONDITIONS BELOW ARE FOLLOWED.

Comments:

- A RIPARIAN AREAS REGULATION ASSESSMENT SHOULD BE DONE FOR THE STREAM ON THE PROPERTY AND THE MEASURES TO PROTECT THE STREAMSIDE PROTECTION AND ENHANCEMENT AREA AFFECTED UPON.
- RELEVANT BEST MANAGEMENT PRACTICES IN "DEVELOP WITH CARE 2012" SHOULD BE FOLLOWED WITH SUBSEQUENT LOT DEVELOPMENT.


Signed

ECOSYSTEMS BIOLOGIST
Title

February 21, 2014
Date

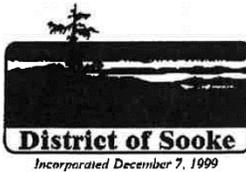
Ministry of Forests, Lands
Agency
and Natural Resource
Operations

1485675

03/11/2014 11:17 District Of Sooke

(FAX)250 642 0541

P.001/001



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

File No. 0400-90

March 11, 2014

VIA FACSIMILE 250-642-5274

June Klassen
Manager of Local Area Planning
Juan de Fuca Electoral Area Planning
PO Box 283
Sooke, BC V9Z 0S9

Dear Ms. Klassen:

RE: Referrals for Bylaw Nos. 3922, 3923, 3926, 3928, 3929 (Medical Marijuana Production Facilities) and 3934 (3384 Otter Point Road)

Please be advised that at the March 10th 2014 Regular Council Meeting, the District of Sooke Council resolved as follows:

"MOVED and seconded to direct staff to respond to the zoning bylaw amendment referrals by noting that the District of Sooke interests are unaffected by the proposed amendments.

CARRIED UNANIMOUSLY"

We trust that you will find the above to be in order however if you require further information, please do not hesitate to contact me directly at 250-642-1634.

Sincerely,


Bonyle Sprinkling
Corporation Officer

**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

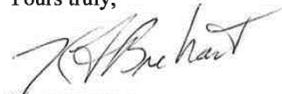
March 11, 2014

Capital Regional District
#3-7450 Butler Road,
Sooke, B.C., V9Z 1N1
Attention: June Klassen, Manager, Local Area Planning

Re: Rezoning Referral: Z-03-13 – Purdy & Vowels
Lot 3 of Section 16, Otter Land District, Plan 1959

The Otter Point Fire Department has no concerns with this zoning amendment.

Yours truly,



Kevan Brehart
Fire Chief

RESPONSE SUMMARY – REZONING APPLICATION Z-03-13

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

Comments: On behalf of BC Hydro, Property Rights Services Department, I herewith confirm that BC Hydro interests are unaffected by the rezoning proposal from Rural A to Rural Residential 2 (RR-2) to permit a two-lot, fee simple subdivision. I would, however, recommend that the registered owners contact the BC Hydro Electric Service Coordination Centre (ESCC) toll-free at 1-877-520-1355 to discuss service connection options for the new lot, if they have not already done so.

Signed  Property Coordinator, Property Rights Services
Rita Brown Title

Date March 13, 2014 British Columbia Hydro and Power Authority
Agency

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