



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

SUBJECT ZONING AMENDMENT APPLICATION FOR LOT A, SECTION 51, OTTER DISTRICT, PLAN VIP89485

ISSUE

The applicants are proposing to rezone the property from Rural Residential 3 (RR-3) to Rural Residential 2 (RR-2) in order to permit a 2-lot subdivision.

BACKGROUND

The 2.03 ha property is located at 4039 Otter Point Road and lies adjacent to Otter Point Road and Eagle Crest Drive (Appendix 1). There is an existing dwelling and several accessory buildings on the property. As well, an easement provides access to Lot B, Section 51, Otter District, Plan VIP89485 to the north.

As the proposed subdivision would result in parcels about 1 ha in size and the subject parcel was within the Settlement Area which permits parcels greater than 2 ha, this application initially included an amendment to the Otter Point Official Community Plan (OCP), Bylaw No. 3719. The proposed amendment was to re-designate the property as Settlement Containment Area which has a desired parcel size in the 1 ha (2.5 acres) range. However, on October 8, 2014 the CRD Board adopted a new Otter Point OCP, Bylaw No. 3918 which designated the subject parcel as Settlement Area 2 which permits an average parcel size of 1 ha and a minimum parcel size of 0.8 ha. Therefore, the proposed OCP amendment has been withdrawn.

The applicant is proposing to subdivide the parcel to provide a lot for a family member (Appendix 2). A subdivision application was submitted to the Ministry of Transportation and Infrastructure (MoTI) in 2013 pursuant to Section 946 of the *Local Government Act (LGA)*, but was denied by the Provincial Approving Officer as the remainder parcel would not meet the 2 ha minimum parcel size for the RR-3 zone. The applicant wishes to rezone the property to RR-2 which permits a 1 ha minimum parcel size for subdivision in order to permit proceeding with the subdivision for a family member.

Staff prepared Bylaw No. 3964, which would rezone the subject parcel from RR-3 to RR-2 (Appendix 3).

The Land Use Committee (LUC) first considered this proposal at its meeting on July 15, 2014. At its meeting on August 13, 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 |
| Cowichan Valley Regional District | Otter Point Fire Department |
| District of Sooke | RCMP |
| Island Health | Sooke School District #62 |
| Ministry of Transportation & Infrastructure | T'Sou-ke First Nation |

Comments were received from BC Hydro, Cowichan Valley Regional District, the District of Sooke, the Ministry of Transportation and Infrastructure, Sooke School District #62 and Island Health (Appendix 4). The proposed bylaw was considered by the Otter Point Advisory Planning Commission (APC) at a meeting held on October 20, 2014.

ALTERNATIVES

1. a. Recommend to the CRD Board that Bylaw No. 3964, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 121, 2014” be introduced and read a first time, read a second time; and
 - b. 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. 3964, “Juan de Fuca Land Use Bylaw, 1992, Amendment No. 121, 2014”.
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 *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 OCP Bylaw No. 3918. The proposal to rezone for the purpose of subdividing to create 1 ha parcels is supported by the Settlement Area 2 policies of the OCP, and on October 8, 2014 the CRD Board determined that the proposed bylaw was consistent with the RGS.

REFERRAL COMMENTS

Referrals were forwarded on August 14, 2014, to those agencies specified by the CRD Board. All of the referral agency responses indicated they had no objections to the proposal. No comments were received from the Otter Point Fire Department, the RCMP or from the T'Sou-ke First Nation at the time this report was written.

The Otter Point APC considered the application at its meeting on October 20, 2014. At the APC meeting, questions were raised regarding the provision of water to the new lots and the applicant indicated that there were no issues with the quantity or quality of the wells on the property. The APC passed a resolution supporting the rezoning from RR-3 to RR-2.

PLANNING ANALYSIS

The applicant is proposing to subdivide the parcel to provide a lot for a family member pursuant to Section 946 of the *LGA*. However, when a previous subdivision application was submitted to the MoTI it was denied by the Provincial Approving Officer as the remainder parcel would not meet the 2 ha minimum parcel size for the RR-3 zone.

The new Otter Point OCP designates the subject property as Settlement Area 2 which permits an average parcel size of 1 ha and a minimum parcel size of 0.8 ha. Therefore, the proposed subdivision into two 1 ha parcels complies with the OCP policy regarding desired lot size.

As the Settlement Area 2 designation permits a parcel size in the 1 ha range, the applicants wish to rezone the parcel to RR-2, which has a minimum parcel size of 1 ha. This would result in allowing the remnant parcel to meet the requirements of the Provincial Approving Officer.

The RR-3 zone has a minimum parcel size of 2 ha while the RR-2 zone has a minimum parcel size of 1 ha. There is a difference between the permitted uses in the zones as the RR-2 zone would permit horticulture, silviculture and the temporary accommodation of non-paying guests or visitors in a travel trailer or camper, which is not included in the existing RR-3 zone. However, the RR-2 zone would not include veterinary clinics or hospitals which are permitted in the RR-3 zone.

Since the Settlement Area 2 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 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. a That Bylaw No. 3964, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 121, 2014” be introduced and read a first time, read a second time; and
- b. 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. 3964, “Juan de Fuca Land Use Bylaw, 1992, Amendment No. 121, 2014”.

****ORIGINAL SIGNED****

June Klassen, MCIP, RPP
Manager Local Area Planning

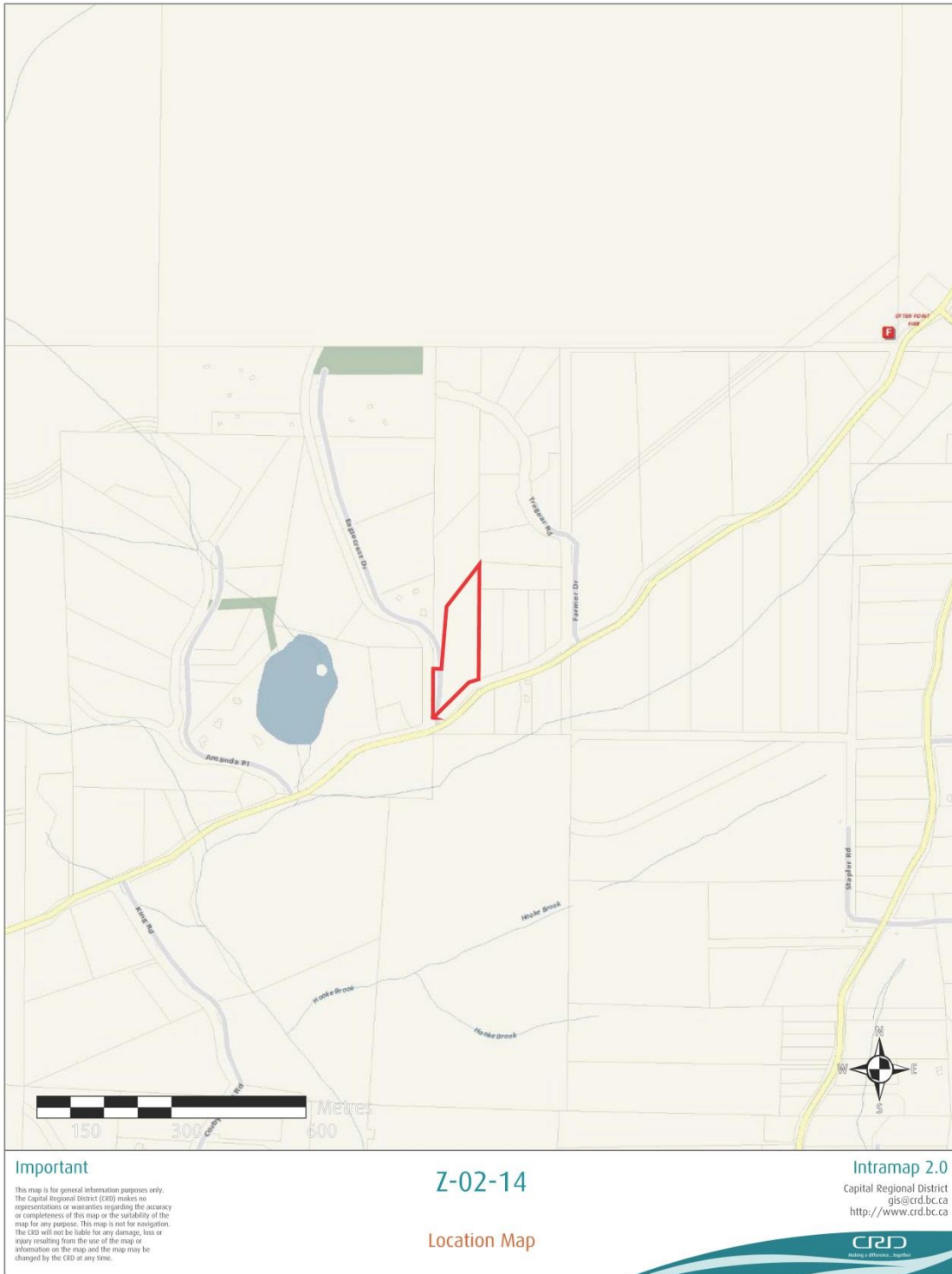
Kevin Lorette, P.Eng., MBA
General Manager
Planning and Protective Services
Concurrence

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

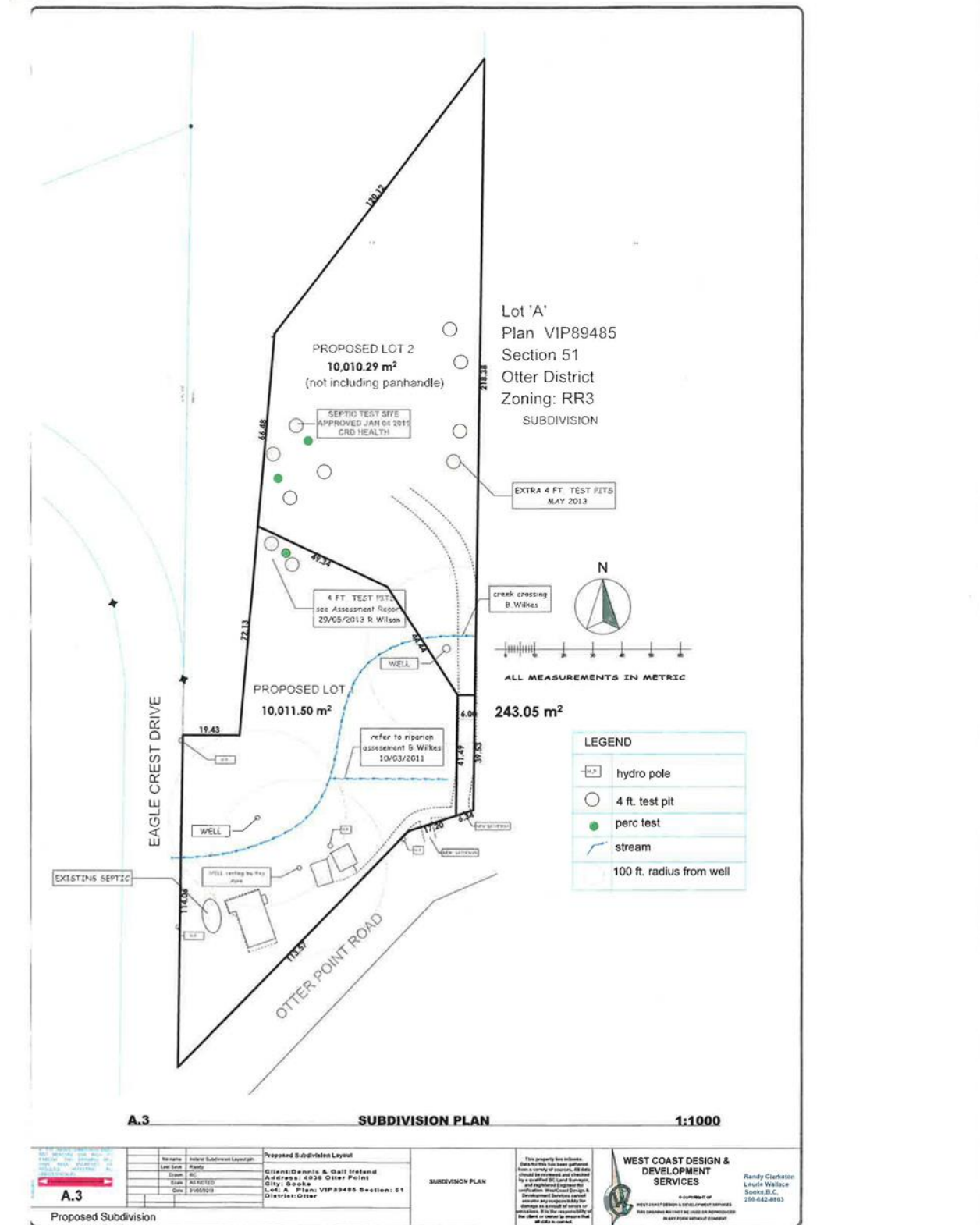
Appendices:

1. Subject Property
2. Proposed Site Plan
3. Proposed Bylaw No. 3964
4. Referral Comments

Appendix 1: Subject Property



Appendix 2: Proposed Site Plan



**CAPITAL REGIONAL DISTRICT BYLAW
BYLAW NO. 3964**

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) By deleting from the Rural Residential 3 (RR-3) zone, and adding to the Rural Residential 2 (RR-2) zone, for the purpose of permitting a two lot subdivision of Lot A, Section 51, Otter District, Plan VIP89485, shown attached on Plan No.1, attached to and forming part of this bylaw.
2. This bylaw may be cited as Bylaw No. 3964, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 121, 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
ADOPTED	THIS	DAY OF	2014

CHAIR

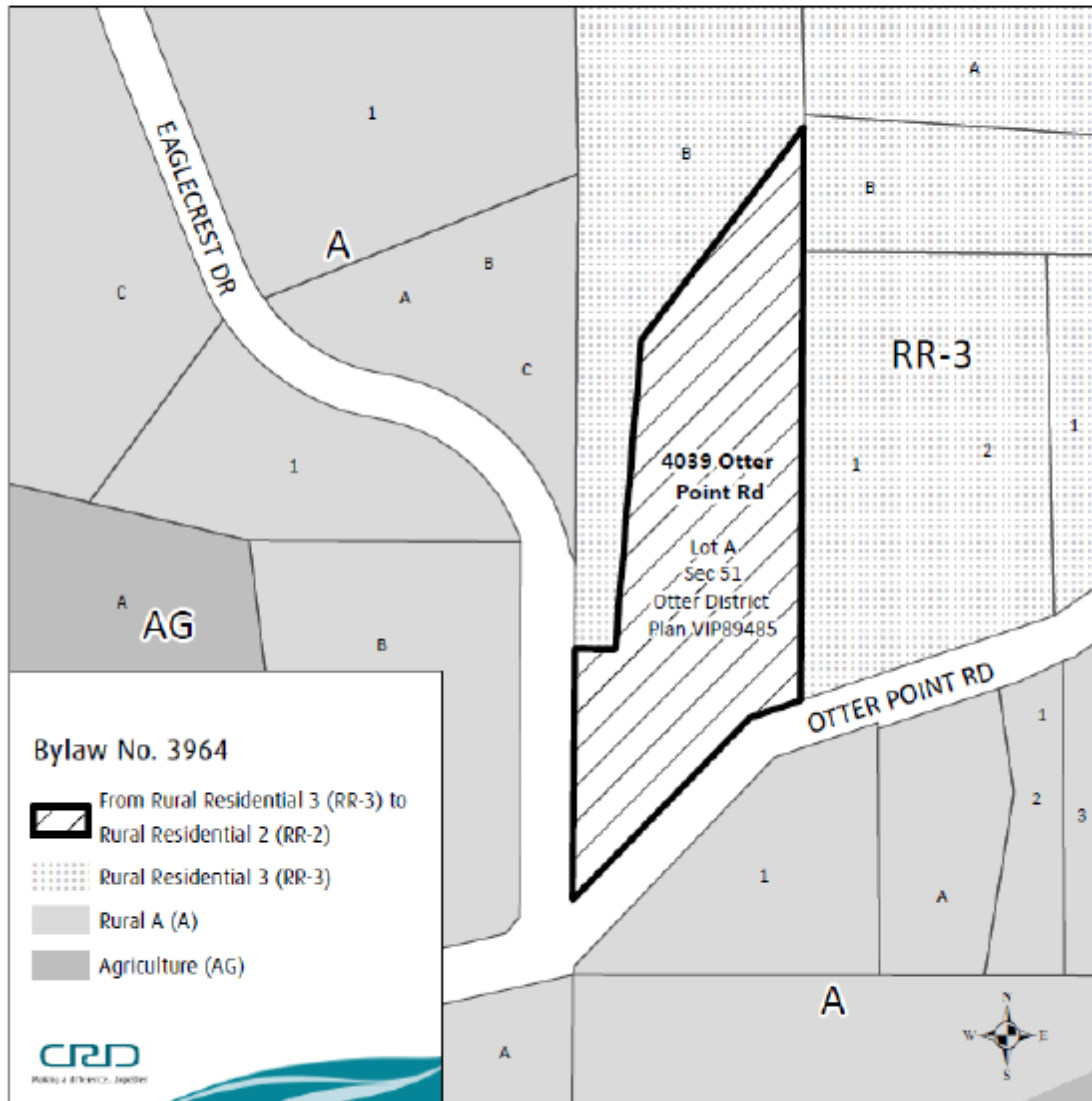
CORPORATE OFFICER

CRD Bylaw No. 3964

2

Plan No. 1 of Bylaw No. 3964

Lot A, Section 51, Otter District, Plan VIP89485 shown hatched on this plan attached to and forming part of this bylaw.



RESPONSE SUMMARY – OCP AMENDMENT AND REZONING APPLICATION Z-02-14

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

Comments:

On behalf of BC Hydro, Property Rights Services Department, I confirm that

BC Hydro interests are unaffected by the proposed amendments.

Signed  Elaine Mann	Property Coordinator, Property Rights Services
September 4, 2014	British Columbia Hydro and Power Authority
Date	Agency

Wendy Miller

From: Katherine Lesyshen <klesyshen@sooke.ca>
Sent: Friday, August 15, 2014 2:20 PM
To: Wendy Miller
Subject: FW: CRD OCP Amendment and Rezoning Application Z-02-14 - Referral
Attachments: PPS-JDF-2014-08-14-Z-02-14-Referral-Agency.pdf; PPS-JDF-2014-07-15-Z-02-14-LUC-StaffReport-WithoutSignatures.pdf

Hi Wendy,
This OCP Amendment and rezoning proposal does not impact the District of Sooke.

Regards,

Katherine Lesyshen, MCIP, RPP
Planner II - District of Sooke
2205 Otter Point Road, Sooke BC V9Z 0X1
Email: klesyshen@sooke.ca
Ph: (250) 642-1627 Fax: (250) 642-0541

Wendy Miller

From: Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>
Sent: Thursday, August 14, 2014 2:53 PM
To: Wendy Miller
Subject: RE: CRD OCP Amendment and Rezoning Application Z-02-14 - Referral

Wendy,
Please accept this email as an official response to your rezoning referral below, Ministry file 2014-03890.

The Ministry has no objections to the rezoning as proposed and has no additional requirements for approval.

As subdivision of the proposed lot will fall under Ministry jurisdiction we will review the proposal at that time.

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

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.

RESPONSE SUMMARY – OCP AMENDMENT AND REZONING APPLICATION Z-02-14

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

Comments:

The office was involved in the subdivision (our File # 25/10) and had no objections to the subdivision, therefore this office has no objections to the OCP amendment and rezoning application.

	Ruby Berse
Signed	Title
Aug 26, 2014	VIMA
Date	Agency

RESPONSE SUMMARY – OCP AMENDMENT AND REZONING APPLICATION Z-02-14

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments: The school District has no
concerns with this development.

P Godwin
Signed

Director of Facilities
Title

Aug 15, 2014
Date

SD 62
Agency