



**REPORT TO JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JUNE 16, 2015**

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**SUBJECT**      **Proposed Amendment to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040  
(Amendment Bylaw No. 4028)**

**ISSUE**

An amendment to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, is proposed to remove a parcel size requirement from a permitted use in the Country Inn zone (CR-4).

**BACKGROUND**

The subject parcel is located at 9171 West Coast Road and is zoned Country Inn (CR-4) (Appendix A). The parcel is bound to the north, west and southeast by parcels zoned Rural A, to the south by the Strait of Juan de Fuca, and the east by West Coast Road (Appendix B). There is a dwelling unit located at the north end of the parcel which contains seven (7) sleeping rooms for temporary accommodation. The parcel is subject to Steep Slopes, Marine Shoreline and Commercial and Industrial Development Permit Areas.

Staff, in dealing with inquiries from a prospective purchaser, noted that the CR-4 zone states country inns on lots of 2 ha or more are permitted. However, the British Columbia Assessment Authority information indicates that the parcel is 1.86 ha in size. Therefore, the country inn use is not legal on this property. The parcel was rezoned in 2002 from Rural A to the Country Inn zone (CR-4).

To address this anomaly, staff have prepared proposed Bylaw No. 4028 which amends the permitted uses by deleting the reference to parcel size (Appendix C). No other changes are proposed to the CR-4 zone.

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

- 1) That proposed Bylaw No. 4028, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 125, 2015", as included in Appendix C, be referred to appropriate CRD departments and the following agencies for comment:

District of Sooke	Shirley Fire Department
Island Health	Shirley/Jordan River Advisory Planning Commission
Ministry of Transportation and Infrastructure	T'Sou-ke First Nation
School District #62	

- 2) That the CRD Board not refer proposed Bylaw No. 4028.
- 3) That more information be provided by staff.

**LEGISLATIVE IMPLICATIONS**

As the amendment 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.

Should the amendment to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 proceed, it will be considered pursuant to the bylaw amendment process outlined in the Juan de Fuca Electoral Area Development Procedures Bylaw, Bylaw No. 3110.

A public hearing pursuant to Section 890 of the *Local Government Act (LGA)* would be required subsequent to the amendments passing second reading by the CRD Board. A notice of the proposed bylaw amendment will be sent to landowners and occupiers within 500 m of the property and the notice will be advertised in the local paper, and on the CRD website.

### **PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee (LUC) on land use planning matters referred to them relating to Part 26 of LGA, therefore, the proposed bylaw should be referred to the Shirley/Jordan River APC.

### **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 the Official Community Plan (OCP) for Shirley/Jordan River, Bylaw No. 3717.

There is an existing country inn on the property and this amendment legalizes the use. The proposed amendment removes reference to a parcel size for a country inn but does not change the use or density of the parcel and therefore there are no RGS or OCP impacts.

### **PLANNING ANALYSIS**

The parcel is for sale and a potential purchaser had inquired regarding the process for adding units for temporary accommodation. Upon review of the CR-4 zone staff noted that under permitted uses item (a) stated that country inns on lots of 2 ha or more are permitted. However, the British Columbia Assessment Authority information indicates that the parcel is 1.86 ha in size.

In 2002 the parcel was rezoned from Rural A to the Country Inn zone (CR-4) although the parcel was smaller than 2 ha. Advice from legal counsel has indicated that this incongruity results in the existing inn being unlawful and not a legal non-conforming use. It is likely that the 2 ha parcel size provision would be interpreted as a use provision and therefore a development variance permit application or a Board of Variance appeal cannot be considered as neither of these processes can change use or density provisions. Therefore, to address this anomaly an amendment to the permitted use provision is required to legalize the country inn on the property.

Staff recommends referring proposed Bylaw No. 4028 to agencies for comment.

### **CONCLUSION**

This proposed amendment will delete the parcel size provision for country inn use in the CR-4 zone to legalize the existing country inn. Staff recommends that the proposed amendment bylaw proceed for referral.

### **RECOMMENDATION**

That the Land Use Committee recommends to the CRD Board:

That proposed Bylaw No. 4028, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 125, 2015", as included in Appendix C, be referred to appropriate CRD departments and the following agencies for comment:

District of Sooke	Shirley Fire Department
Island Health	Shirley/Jordan River Advisory Planning Commission
Ministry of Transportation and Infrastructure	T'Sou-ke First Nation
School District #62	

Submitted by:	June Klassen, MCIP, RPP, Manager Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

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Appendices:

- A. Country Inn Zone (CR-4)
- B. Location Map
- C. Proposed Bylaw No. 4028

Appendix A: Country Inn Zone (CR-4)

**25.0 COUNTRY INN ZONE - CR-4**

*Bylaw 2944*

**25.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Commercial Recreation Country Inn CR-4 Zone:

- (a) Country Inns on lots of 2ha or more;
- (b) One Dwelling Unit which may be attached to or within the Country Inn;
- (c) Agriculture;
- (d) Farm Buildings on Farms;
- (e) Home Based Business Categories One and Three.

*Bylaw 3705*

**25.02 Minimum Lot Size for Subdivision Purposes**

Minimum lot size for subdivision purposes shall be 2ha.

**25.03 Number of Dwelling Units**

One dwelling unit is permitted per lot.

**25.04 Density of Development**

A maximum of ten sleeping rooms shall be permitted for temporary accommodation and a maximum of 20 guests may be accommodated.

**25.05 Height**

Maximum height shall be 9m.

**25.06 Lot Coverage**

Maximum lot coverage shall be 20 percent.

**25.07 Yard Requirements**

- (a) Front yards shall be a minimum of 7.5m;
- (b) Side yards shall be a minimum of 3m;
- (c) Flanking yards shall be a minimum of 6m CTS;
- (d) Rear yards shall be a minimum of 6m.

**25.08 Accessory Buildings**

- (a) Temporary accommodation shall not be provided in accessory buildings;
- (b) For the purposes of determining the maximum allowable area of accessory buildings as required by Section 4.01 of Part 1 of this Bylaw, this zone shall be considered a Rural Zone.

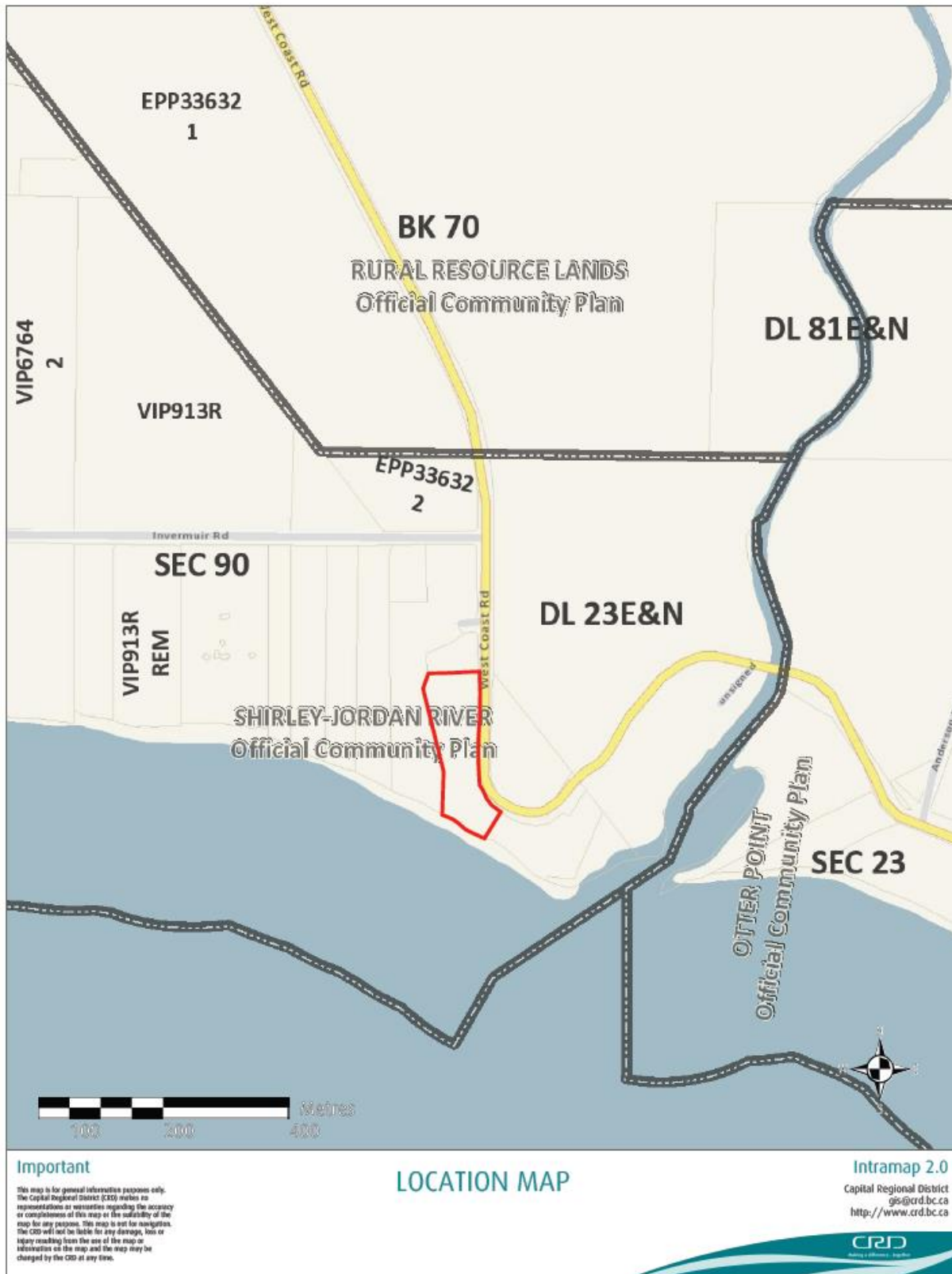
**25.09 Yard Requirements for Buildings and Structures for Livestock or Keeping of Animals**

- (a) Front yards shall be a minimum of 90m;
- (b) Side, flanking and rear yards shall be a minimum of 30m each.

**25.10 Yard Requirements - Other Farm Buildings**

- (a) Front yards shall be a minimum of 30m;
- (b) Side, flanking and rear yards shall be a minimum of 15m.

Appendix B: Location Map



**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4028**

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**A BYLAW TO AMEND**

**JUAN DE FUCA LAND USE BYLAW, 1992, BYLAW NO. 2040**

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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. PART 2 – ZONING DISTRICTS**
    - a) Amend Section 25.0 Country Inn Zone – CR-4 sub-section 25.01 Permitted Uses, by deleting item (a) in its entirety and replacing with the following words:  
“(a) Country Inn;”
2. This bylaw may be cited as Bylaw No. 4028, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 125, 2015”.

READ A FIRST TIME	THIS	DAY OF	2015
READ A SECOND TIME	THIS	DAY OF	2015
READ A THIRD TIME	THIS	DAY OF	2015
APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE			
	THIS	DAY OF	2015
ADOPTED	THIS	DAY OF	2015

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER