



**REPORT TO JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 15, 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 create a new Country Inn Ocean Wilderness zone (CR-4OW) and rezone 9171 West Coast Road (PID: 009-592-199) from the Country Inn zone (CR-4) to the new zone CR-4OW.

**BACKGROUND**

The subject parcel is located at 9171 West Coast Road and is zoned Country Inn (CR-4) (Appendix A). 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 creates a new Country Inn Ocean Wilderness zone (CR-4OW) which amends the CR-4 permitted uses by deleting the reference to parcel size (Appendix B).

The Land Use Committee (LUC) first considered this proposal for referral at its meeting on June 16, 2015. At its meeting on July 8, 2015, the Regional Board considered the LUC recommendation and directed staff to refer the proposed bylaw to the District of Sooke, Island Health, Ministry of Transportation and Infrastructure, School District #62, Shirley Fire Department, Shirley/Jordan River Advisory Planning Commission (APC) and the T'Sou-ke First Nation.

The proposed amendment bylaw was also considered at a Shirley/Jordan River APC meeting held on August 5, 2015.

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

1. a. That Bylaw No. 4028, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 125, 2015", as included in Appendix B, 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. 4028, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 125, 2015".
2. That the CRD Board not approve proposed Bylaw No. 4028
3. That more information be provided by staff.

**PUBLIC CONSULTATION IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Section 890 of the *Local Government Act* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners/tenants 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 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 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.

**REFERRALS COMMENTS**

Referrals were forwarded on July 14, 2015, to those agencies specified by the CRD Board. Comments were received from the District of Sooke, Island Health and the Shirley Fire Department and there were no objections to the proposed rezoning (Appendix C). No comments were received from the Ministry of Transportation and Infrastructure, School District #62 or from the T'Sou-ke First Nation at the time this report was written. Additional comments received will be presented at the LUC meeting.

The proposed bylaw was considered at a Shirley/Jordan River APC meeting held on August 5, 2015 and the APC supported the proposed bylaw amendment (Appendix C).

**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 staff prepared a new zone Country Inn Ocean Wilderness zone (CR-4OW) which has all the provisions of the CR-4 zone except that the reference to 2 ha was removed from the Country Inn use under Section 25.01 Permitted Uses. The bylaw also rezones the property from CR-4 to CR-4OW.

The proposed new CR-4OW zone applies to the subject property only. Future applicants wishing to create a new country Inn will need to conform to all of the provisions of the CR-4 zone. The proposed rezoning to CR-4OW simply legalizes the permitted use of the property which the applicant had assumed was provided in the 2002 rezoning process. Further, as the referral agencies had no objections and the APC supports the proposed rezoning, staff recommends proceeding with the bylaw adoption.

**CONCLUSION**

This proposed amendment will create a new Country Inn Ocean Wilderness zone (CR-4OW) and rezone 9171 West Coast Road (PID: 009-592-199) from the Country Inn zone (CR-4) to the new zone CR-4OW. Staff recommends that the proposed amendment bylaw proceed for first and second reading and be directed to public hearing.

**RECOMMENDATION**

That the Land Use Committee recommends to the CRD Board:

- a. That Bylaw No. 4028, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 125, 2015", as included in Appendix B, 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. 4028, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 125, 2015".

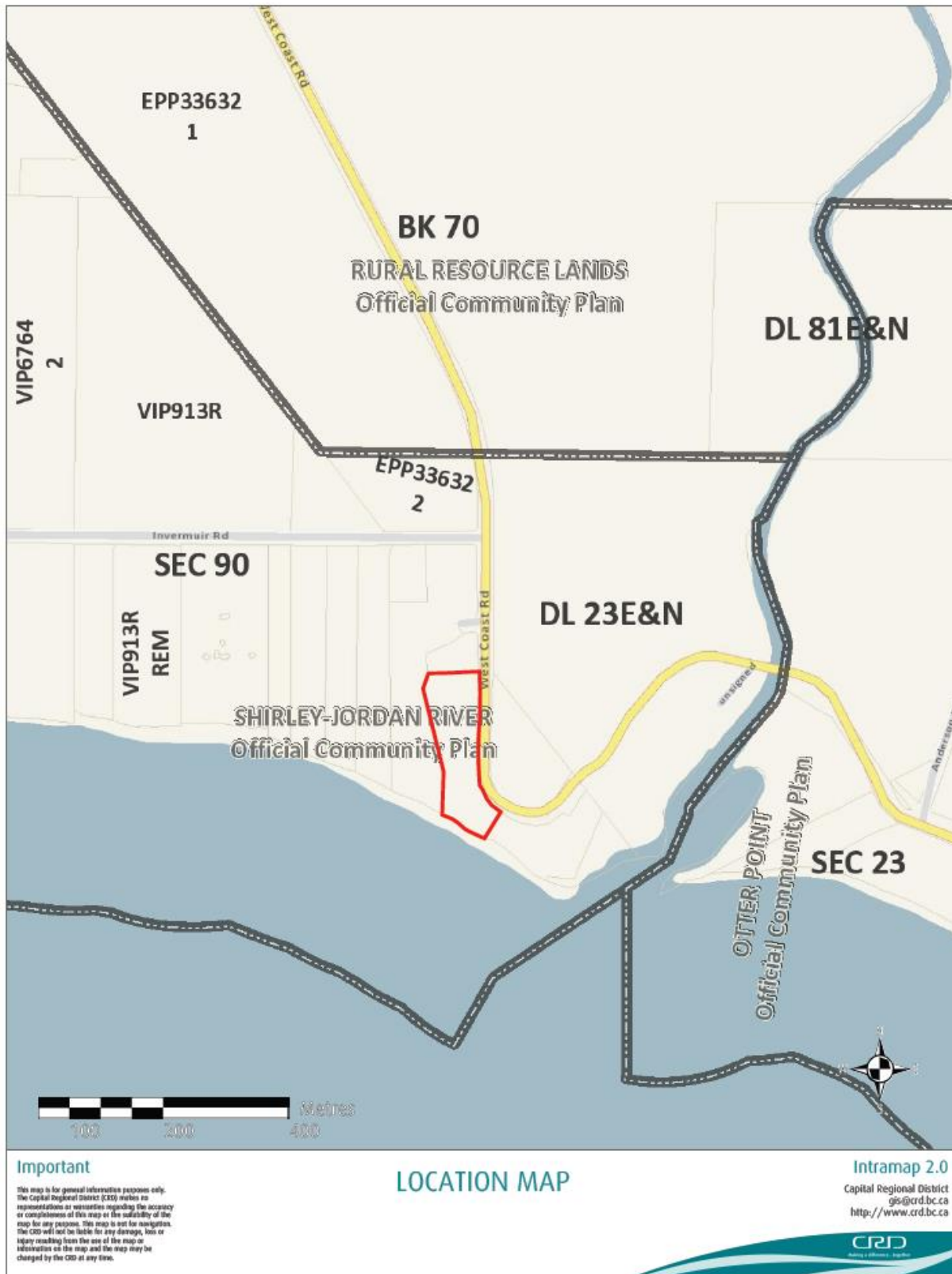
Submitted by:	June Klassen, MCIP, RPP, Manager Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

JK:wm

Appendices:

- A. Location Map
- B. Proposed Bylaw No. 4028
- C. Referral Comments

Appendix A: 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 as follows:
  - a) Schedule "A", PART 1, SECTION 2.0 DEFINITIONS by amending the definition of COMMERCIAL ZONE by inserting the word "CR-4OW" after the word "CR-4";
  - b) Schedule "A", PART 1, SECTION 3.0 ADMINISTRATION AND ENFORCEMENT by amending item 3.07 Zones by inserting the words "CR-4OW Country Inn Ocean Wilderness" after the words "CR-4 Country Inn";
  - c) Schedule "A", PART 2 – ZONING DISTRICTS by creating a new zone, "Country Inn Ocean Wilderness - CR-4OW", to be inserted after Section 25.0, and to be read as follows:

<b>25A.0 COUNTRY INN OCEAN WILDERNESS ZONE - CR-4OW</b>	
<b>25A.01 <u>Zone Application</u></b>	
For the purposes of this Bylaw, the Country Inn Ocean Wilderness Zone applies only to the parcel located at 9171 West Coast Road (PID: 009-592-199).	
<b>25A.02 <u>Permitted Uses</u></b>	
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 Ocean Wilderness CR-4OW Zone:	
(a) Country Inns;	
(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.	
<b>25A.03 <u>Minimum Lot Size for Subdivision Purposes</u></b>	Minimum lot size for subdivision purposes shall be 2ha.
<b>25A.04 <u>Number of Dwelling Units</u></b>	One dwelling unit is permitted per lot.
<b>25A.05 <u>Density of Development</u></b>	A maximum of ten sleeping rooms shall be permitted for temporary accommodation and a maximum of 20 guests may be accommodated.
<b>25A.06 <u>Height</u></b>	Maximum height shall be 9m.
<b>25A.07 <u>Lot Coverage</u></b>	Maximum lot coverage shall be 20 percent.
<b>25A.08 <u>Yard Requirements</u></b>	(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;

CRD Bylaw No. 4028

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**25A.09 Accessory Buildings**

- (d) Rear yards shall be a minimum of 6m.
- (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.

**25A.10 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.

**25A.11 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."

(d) By deleting from the Country Inn (R-4) zone and adding to a new Country Inn Ocean Wildemess (CR-4OW) zone, those parts of Section 90, Renfrew District, shown outlined in red on Plan 919R except those parts in Plans 16254 and 32476 and except that part bounded on the west, south and southeast by Plan 1171 OS and on the northeast by the northeasterly boundary of said section, (PID:009-592-199), as shown on Plan No.1, attached to and forming part of this Bylaw.

(e) By amending Schedule "B" by incorporating the zoning change set out in paragraph 1 (d) of this Bylaw on Map 3: Shirley Jordan River Zoning.

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

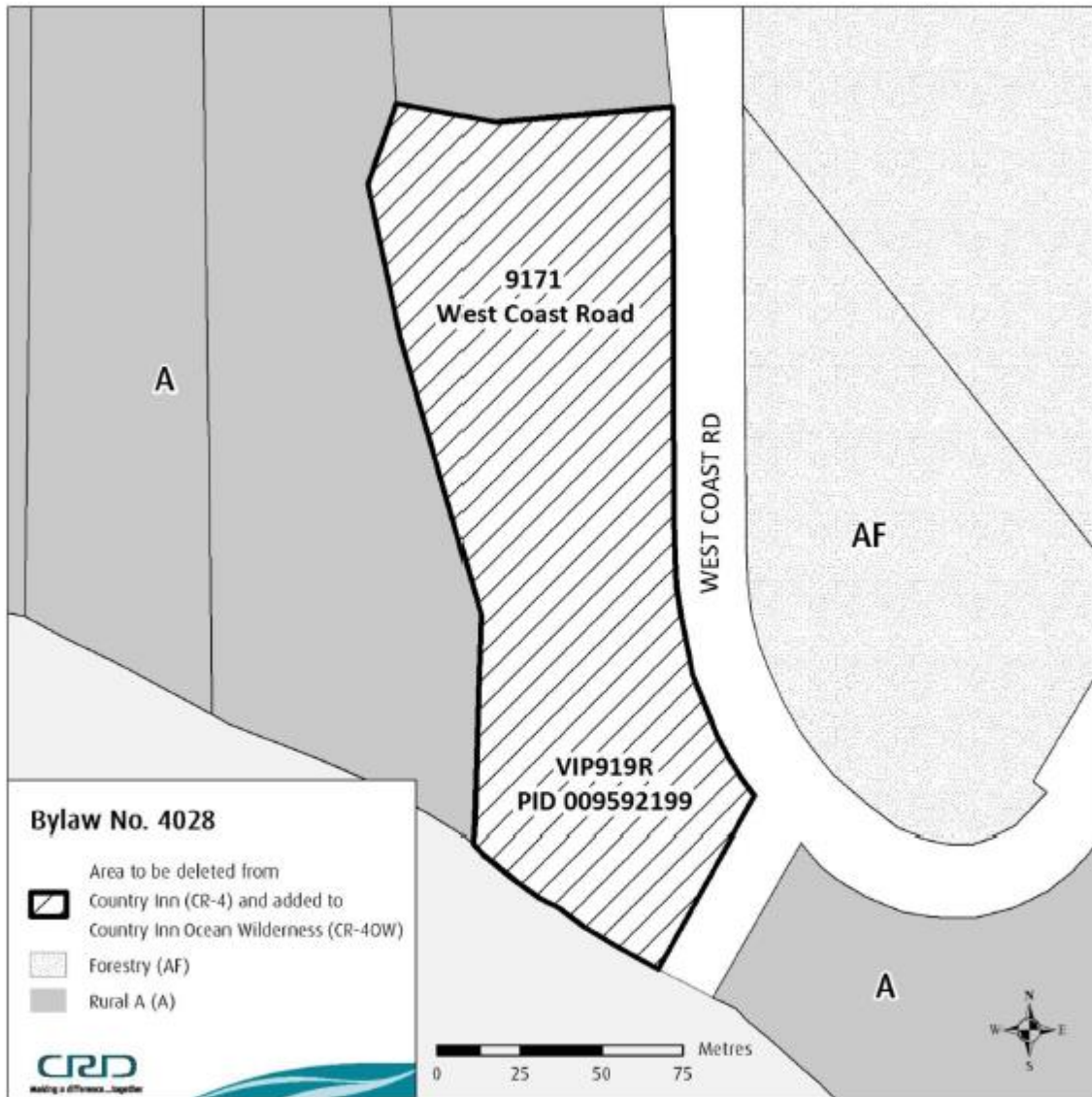
\_\_\_\_\_  
 CHAIR

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

CRD Bylaw No. 4028

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Plan No. 1 Bylaw No. 4028



Appendix C: Referral Comments

**Wendy Miller**

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**From:** Tara Johnson <tjohnson@sooke.ca>  
**Sent:** Tuesday, July 14, 2015 3:55 PM  
**To:** Wendy Miller  
**Cc:** Katherine Lesyshen  
**Subject:** RE: CRD Rezoning Application RZ000238 (Ocean Wilderness) - Referral

Hi Wendy,

Upon review of Rezoning application RZ00238 staff have determined that the proposed bylaws do not affect the District's interests.

Regards,

*Tara Johnson*, MCIP, RPP  
Planner II - District of Sooke  
2205 Otter Point Road, Sooke BC V9Z 1J2  
Email: [tjohnson@sooke.ca](mailto:tjohnson@sooke.ca)  
(250) 642-1628 Fax: (250) 642-0541

**Wendy Miller**

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**From:** Beise, Rory <Rory.Beise@viha.ca>  
**Sent:** Tuesday, August 04, 2015 4:17 PM  
**To:** Wendy Miller  
**Subject:** RE: CRD Rezoning Application RZ000238 (Ocean Wilderness) - Referral

Wendy,

Let me know if you need me to fill out the actual referral form, but this office has no objections to the rezoning application as the property owners have submitted the documentation to become a drinking water system through obtaining permits from this office.

Rory Beise  
Environmental Health Officer  
Vancouver Island Health Authority  
Gateway Village  
201-771 Vernon Avenue  
Victoria, BC V8X 5A7  
Phone: (250) 519-3645  
Fax: (250) 519-3402  
[rory.beise@viha.ca](mailto:rory.beise@viha.ca)



**Wendy Miller**

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**From:** Peter Ensor  
**Sent:** Wednesday, August 05, 2015 10:18 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000238 (Ocean Wilderness)

I had spoken to the fire chief and thought I had forwarded his comments to you. He is of the opinion that nothing is changing. We do not have any concerns regarding either water source/supply or access.

Thanks for the follow-up

PE





Making a difference...together

**Minutes of a Meeting of the Shirley/Jordan River Advisory Planning Commission  
Held August 5, 2015 at the Shirley Community Hall,  
2795 Sheringham Point Road, Shirley, BC**

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**PRESENT:** Pascale Knoglinger (Chair), Dominique Bernardet, Sonja De Wit, Fiona McDannold  
**ABSENT:** Brenda Mark  
**Staff:** June Klassen, Local Area Planning Manager; Wendy Miller, Recorder  
**PUBLIC:** 11

The meeting was called to order at 7:00 p.m.

**1. Elections**

June Klassen called for nominations for the position of Chair and Pascale Knoglinger was nominated. June Klassen called for nominations a second and third time and hearing none Pascale Knoglinger was declared Chair.

June Klassen called for nominations for the position of Vice Chair and Fiona McDannold was nominated. June Klassen called for nominations a second and third time and hearing none Fiona McDannold was declared Vice Chair.

**2. Approval of the Agenda**

**MOVED** by Fiona McDannold, **SECONDED** by Dominique Bernardet that the agenda be approved. **CARRIED**

**3. Approval of the Supplementary Agenda**

June Klassen advised that she received a phone call from Shirley resident Ritchard Keir supporting application RZ000238. June Klassen directed attention to the supplementary agenda, noting the additional submission from Kate Woods received and circulated in advance of the meeting and the submission received from Diane Foster at the meeting. The submission from Diane Foster was read aloud.

**MOVED** by Sonja De Wit, **SECONDED** by Fiona McDannold that the supplementary agenda be approved as amended to include additional written submissions. **CARRIED**

**4. Adoption of the Minutes of November 5, 2014**

**MOVED** by Fiona McDannold, **SECONDED** by Dominique Bernardet that the minutes of November 5, 2014 be adopted. **CARRIED**

**5. Planner's Report**

No report.

**6. Rezoning Application**

- a) RZ000238 – Section 90, Renfrew District, Plan VIP919R – Rezone to New Country Inn Ocean Wilderness Zone (9171 West Coast Road – Ocean Wilderness)  
June Klassen spoke to the staff report and application considered by the Land Use Committee (LUC) on June 16, 2015. To address concerns raised by residents, the LUC revised proposed Bylaw No. 4028 at its June meeting to create a new Country Inn Ocean Wilderness zone (CR-4OW) which would delete reference to parcel size.

**Shirley/Jordan River Advisory Planning Commission Meeting Minutes  
August 5, 2015**

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June Klassen responded to questions from the APC advising that the:

- parcel was rezoned from Rural A to CR-4 in 2002
- CR-4 zone would remain unrevised
- new CR-4OW zone only applies to the subject property
- property currently has seven sleeping rooms
- CR-4 and CR-4OW zones permit a total of ten sleeping rooms

The applicant stated that the current situation has distressed the owners as the property was purchased in 2007 with the understanding that it complied with the CR-4 zone. It was further stated that resolving that zoning anomaly is important to prospective purchasers and that the large property provides value to the community by:

- being able to host larger events
- attracting tourism
- providing local employment
- purchasing local goods and services

The following attendees stated support for the application:

- Veronica Diment, Otter Point
- Richard and Christine Hopkins, Shirley
- Robin Fleming, Shirley
- Grant Richardson, Shirley
- Bud and Wilma Gibbons, Otter Point
- Kate Woods, Otter Point
- Diane Foster, Shirley

The applicant responded to a question directed through the Chair advising that the property is serviced by a drilled well and that the provincial water license for the creek is not being utilized.

**MOVED** by Sonja De Wit, **SECONDED** by Pascale Knoglinger that the Shirley/Jordan River APC supports rezoning application RZ000238. **CARRIED**

**7. Adjournment**

**MOVED** by Fiona McDannold, **SECONDED** by Dominique Bernardet that the meeting adjourn.

The meeting was adjourned at 7:20 p.m.

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Chair