



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MAY 17, 2016**

**SUBJECT Zoning Amendment Application for Sheringham Point Lighthouse Property at That Part of Section 82, Renfrew District Shown in Plan Deposited Under DD22435**

**ISSUE**

The applicant is proposing to rezone the property from Rural Residential 2 (RR-2) to Community Facility – Heritage Lighthouse (P-2L) in order to recognize the use as a heritage lighthouse and to develop the site for community access.

**BACKGROUND**

The 1.6 ha subject property is located at 1 Sheringham Point Road in Shirley (Appendix A). The property is zoned Rural Residential 2 (RR-2) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property is located adjacent to Rural A zoned bareland strata parcels to the north, east and west, and to the Strait of Juan de Fuca to the south.

The rezoning would recognize the transfer of land in 2015 from the Department of Fisheries and Oceans to the Sheringham Point Lighthouse Preservation Society for the purpose of operating the federally-designated heritage lighthouse and ancillary uses. Since the RR-2 zone only permits residential, agricultural and accessory uses, the applicant has applied to rezone the property to Community Facility – Heritage Lighthouse (P-2L).

While the main use of the site will be to allow visitors to view the lighthouse, the applicant anticipates the future construction of facilities such as a small gift shop for the sale of related items, a small caretaker’s unit, a picnic area, and a small playpark. In addition, the applicant plans to have limited forms of nature interpretation relevant to the surrounding lands and marine environment.

Access to the lands is via a Capital Regional District (CRD) statutory right-of-way, under the terms of an operating agreement with the applicant.

Staff have prepared proposed Bylaw No. 4097, which would rezone the parcel from RR-2 to P2-L in order to permit the use of the property as a privately operated heritage lighthouse facility and allow for additional natural interpretive uses.

**ALTERNATIVES**

1. That staff be directed to refer proposed Bylaw No. 4097, “Juan de Fuca Land Use Bylaw, Bylaw No. 1, 1992, Amendment Bylaw No. 129, 2016”, as included in Appendix B, to the Shirley/Jordan River Advisory Planning Commission and the following agencies and departments for comment:

BC Hydro	District of Sooke	RCMP
CRD Building Inspection	Island Health	Sooke School District No. 62
CRD Protective Services	MoTI	T’Sou-ke First Nation
Dept. of Fisheries and Oceans		

2. That proposed Bylaw No. 4097 not be referred.
3. That more information be provided by staff.

### **LEGISLATIVE IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *Local Government Act (LGA)* will be required prior to third 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 the hearing 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 14 of the *LGA*; therefore, the proposal should be referred to the Shirley/Jordan River APC.

Although the amendment bylaw will not apply to land within 800 m of a controlled access highway, the proposed bylaw will be referred to the Ministry of Transportation and Infrastructure (MoTI) as they own and operate the roads in the electoral area.

### **PLANNING ANALYSIS**

The Settlement Area designation specifies that the predominant land use is rural residential; however, additional uses such as tourism development are supported. Passive recreation, heritage conservation and nature interpretation are also appropriate uses within the Settlement Area.

In accordance with the terms of the grant by which the applicant gained possession of the lands, the applicant entered into a restrictive covenant agreement (CA4733810) with the Department of Fisheries and Oceans. The covenant requires that the applicant 1) only use the lands for public park purposes, 2) maintain the lighthouse facility in accordance with the *Heritage Lighthouse Preservation Act*, 3) maintain the lighthouse in a manner that does not interfere with existing aids to navigation and weather equipment, 4) ensure that the lands are accessible to the general public, and 5) not lease the lands, except for daily usage or facility rental purposes.

The proposed bylaw, which includes public assembly and heritage lighthouse uses, will allow the applicant to operate the facility in accordance with the terms of the covenant and accommodate their future plans for a small gift shop, caretakers unit, nature interpretation and the development of limited recreation areas for the enjoyment of visitors.

Staff recommend Alternative 1, referral of proposed Bylaw No. 4097, to the Shirley/Jordan River APC, BC Hydro, CRD Building Inspection, CRD Protective Services, District of Sooke, Island Health, DFO, MoTI, RCMP, Sooke School District No. 62 and T'Sou-ke First Nation.

### **CONCLUSION**

The purpose of this zoning amendment application is to recognize the heritage lighthouse and ancillary uses. Staff recommends referral of the application to the Shirley/Jordan River APC, and to departments and agencies for comment. Staff will report back to the LUC and the CRD Board after the referral period with comments received.

**RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4097, “Juan de Fuca Land Use Bylaw, Bylaw No. 1, 1992, Amendment Bylaw No. 129, 2016”, as included in Appendix B, to the Shirley/Jordan River Advisory Planning Commission and the following agencies and departments for comment:

BC Hydro	District of Sooke	RCMP
CRD Building Inspection	Island Health	Sooke School District No. 62
CRD Protective Services	MoTI	T’Sou-ke First Nation
Dept. of Fisheries and Oceans		

Submitted by:	Iain Lawrence, Planning Supervisor
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

IL:wm

Attachments:

- Appendix A: Location Map
- Appendix B: Proposed Bylaw No. 4097

Appendix A: Location Map



**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4097**

\*\*\*\*\*

**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 as follows:

**A. SCHEDULE A, PART 2, ZONING DISTRICTS**

a) By inserting a new SECTION 31B.0 COMMUNITY FACILITY – HERITAGE LIGHTHOUSE ZONE (P-2L) after SECTION 31A.0 COMMUNITY FACILITY CAMP BARNARD (P-2CB) ZONE, as follows:

**"31B.0 COMMUNITY FACILITY – HERITAGE LIGHTHOUSE ZONE – P-2L**

**31B.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 shall be permitted in the Community Facility – Heritage Lighthouse P-2L zone:

- (a) Heritage Lighthouse Facility and Interpretive Uses;
- (b) Assembly Uses;
- (c) Retail sales as accessory to a heritage lighthouse facility;
- (d) One dwelling unit for a caretaker as accessory to a heritage lighthouse facility.

**31B.02 Minimum Parcel Size for Subdivision Purposes**

Minimum parcel size shall be 2 ha.

**31B.03 Lot Coverage**

Maximum lot coverage shall be 40%.

**31B.04 Height**

Maximum height shall be 12 m.

**31B.05 Yard Requirements**

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

**31B.06 Special Regulations**

- (a) Heritage lighthouse and mechanical equipment are not subject to yard requirements.
- (b) Maximum floor area of retail sales is 10 m<sup>2</sup>.
- (c) Maximum floor area of dwelling unit for caretaker is 90 m<sup>2</sup>."

**B. SCHEDULE B, MAP NO. 3 – SHIRLEY JORDAN RIVER ZONING**

a) By deleting That Part of Section 82, Renfrew District Shown in Plan Deposited Under DD22435 from the Rural Residential 2 (RR-2) zone, and adding it to the Community Facility – Heritage Lighthouse (P-2L) zone, as shown on Plan No. 1 attached to and forming part of this bylaw.



Plan No. 1 of Bylaw No. 4097

