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JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **February 15, 2022 at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of January 18, 2022
4. Chair's Report
5. Planner's Report
6. Development Permit with Variance Application
 - a) DV000076 – Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (4460 Rannveig Place)
7. Temporary Use Permit Renewal Application
 - a) TP000009 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)
8. Zoning Amendment Application
 - a) RZ000275 - Lots A-H, and J and K, District Lot 87, Renfrew District, Plan EPP31225 (Kirby Creek Road)
9. Comprehensive Community Development Plan Amendment Applications
 - a) RZ000276 - Blocks D and E, District Lots 751 and 911, Renfrew District, Plan EPC2056 (Crown Lease #927321)
 - b) RZ000277 - Lot 1, Section 97, Renfrew District, Plan EPP24972; and part of Section 97, Renfrew District Shown Coloured Red on Plan 344R (17110 Parkinson Road)
10. Adjournment

Please note that during the COVID-19 situation, the public may attend the meeting electronically through video or teleconference. Should you wish to attend, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details. Written submissions continue to be accepted until 4:00 pm the day before the meeting.



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, January 18, 2022 at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair) (EP), Stan Jensen (EP), Roy McIntyre (EP),
Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services (EP);
Wendy Miller, Recorder (EP)

ABSENT: Vern McConnell

PUBLIC: 2 EP

EP – Electronic Participation

The meeting was called to order at 7:00 pm.

The Chair provided a Territorial Acknowledgment.

1. Election of Vice Chair

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee (LUC) for 2022 and Roy McIntyre's name was put forward. The Chair called two additional times for further nominations and, as there were none, Roy McIntyre was acclaimed Vice Chair.

2. Approval of the Agenda

The Chair advised that the Kirby Creek zoning amendment application (RZ000275) requires an amendment/revision prior to being considered by the LUC.

MOVED by Roy McIntyre, **SECONDED** by Ron Ramsay that the agenda be approved, as amended to strike consideration of zoning amendment application RZ000275.

CARRIED

3. Approval of the Supplementary Agenda

No supplementary items.

4. Adoption of Minutes from the Meeting of November 16, 2021

MOVED by Sandy Sinclair, **SECONDED** by Stan Jensen that the minutes from the meeting of November 16, 2021, be adopted, as amended.

CARRIED

5. Chair's Report

The Chair thanked everyone for coming to the meeting. It was advised that the Province will be hosting a groundwater protection presentation electronically on January 26. It was further advised that Iain Lawrence has been promoted to Senior Manager, JdF Local Area Services.

6. Planner's Report

No report.

7. Zoning Amendment Application

a) RZ000274 - Lot 28, Section 15, Otter District, Plan VIP87643 (3312 Otter Point Road)

Iain Lawrence spoke to the staff report for the application to rezone to amend the Rural Residential A Kennel (RR-AK) zone to permit an existing accessory athletic facility.

Iain Lawrence highlighted the subject property and advised that the LUC directed referral of the proposal to agencies and to the Otter Point Advisory Planning Commission (APC) at its meeting of September 21, 2021.

Iain Lawrence directed attention to the referral comments as included in the staff report. It was advised that no agency comments expressed concern with the bylaw or proposed activity. The Otter Point APC considered the proposal at its meeting of November 2, 2021, and recommended that the rezoning proceed and the subject property's well be registered.

Iain Lawrence responded to a question from the LUC advising that registration of the well is not a condition of rezoning. Water licensing is a requirement of the Province and the owner has submitted an application to the Province. The CRD will have no further requirements in this regard.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- the athletic facility has been in place since approximately 2015
- the athletic facility is located adjacent to the Sooke Business Park and Otter Point Road
- no complaints have been communicated to the property owners/facility operator
- registration of the well with the Province is in progress
- water use is limited to one washroom equipped with a toilet and sink
- the athletic facility does not have a shower or onsite laundry

MOVED by Sandy Sinclair, **SECONDED** by Ron Ramsay that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4454, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 154, 2021", to the Otter Point Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, FLNR – Water Protection, Island Health, Ministry of Environment & Climate Change Strategy – Environmental Protection and Sustainability, Ministry of Transportation & Infrastructure, Otter Point Fire Department, RCMP, Sc'ianew First Nation, and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4454 be introduced and read a first time and read a second time; and
3. That in accordance with the provisions of section 469 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. 4454.

CARRIED

8. Adjournment

The meeting adjourned at 7:19 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 15, 2022**

SUBJECT Development Permit with Variance for Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 – 4460 Rannveig Place

ISSUE SUMMARY

A request has been made for a riparian development permit with variance to reduce the requirement that 10% of a parcel fronts onto a highway for the purpose of creating a three-lot subdivision.

BACKGROUND

The 5.35 hectare (ha) subject property is located at 4460 Rannveig Place in Otter Point (Appendix A). The parcel is within the Otter Point Fire Protection Local Service Area and serviced by on-site wells and septic. The subject property was originally subdivided and removed from the Agricultural Land Reserve (ALR) in 1991. In 2004, the land was subdivided in order to provide a residence for a relative, creating the current plan configuration.

In 2011, the parcel was rezoned (CRD File: Z-07-10) to create a new AG-1 zone on the former ALR portion of the property and a new Rural A-1 zone on the remainder to permit a two-lot subdivision that was never completed. The property was the subject of a zoning amendment again in 2021 (RZ000269) to rezone the Rural A-1 portion of the property to Rural Residential 2 (RR-2) for the purpose of creating two 1.0 hectare parcels and to adjust the AG-1 zone boundary to align with the proposed plan of subdivision (Appendices B and C). There are currently agricultural buildings, accessory buildings and two dwellings on the property.

The property is partly designated as a Watercourses and Wetland Areas development permit area (DPA) by the Otter Point Official Community Plan (OCP), Bylaw No. 3819. A development permit is required as part of the subdivision process. Proposed Lots 1 and 2 are roughly panhandle configurations and do not meet the requirement that one tenth of the perimeter of the lot fronts on a highway. The owner is requesting a variance to reduce the frontage requirement for Lot 1 from 67.27 m (10%) of lot perimeter to 7.31 m (1.1%), and Lot 2 from 56.36 m (10%) of lot perimeter to 9.35 m (1.6%). Development Permit with variance DV000076 is included as Appendix D for consideration.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000076, for Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828, to authorize a three-lot subdivision and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 3.10(4) by reducing the frontage requirement for proposed Lot 1 from 10% (67.27 m) of lot perimeter to 1.1% (7.31 m), and for proposed Lot 2 from 10% (56.36 m) of lot perimeter to 1.6% (9.35 m), as shown on the plans prepared by J.E. Anderson, dated January 4, 2022, be approved.

Alternative 2

That Development Permit with Variance DV000076 be denied.

Alternative 3

That the application be referred back to staff for additional information.

IMPLICATIONS

Legislative Implications

The Otter Point Official Community Plan, Bylaw No. 3819, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Watercourses and Wetland Areas DPA and a development permit is required prior to subdivision or alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the authority to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4) specifies that the minimum frontage on the highway shall be one tenth of the perimeter of the lot that fronts on the highway. The proposed lots do not meet this requirement; therefore, a variance is requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board may, at any time, refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the February 15, 2022, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications

Development Permit:

A Riparian Assessment report was submitted by Thomas Roy, R.P.Bio., of Cascadia Biological Services, dated December 20, 2021. The report addressed the *Riparian Areas Protection Regulations (RAPR)* and Watercourses and Wetland Areas DP guidelines for the proposed subdivision. The report reviewed Orveas Creek, which flows from the north, through a portion of the subject property along the western boundary of the parcel, under Otter Point Place and eventually into Orveas Bay. The Riparian Assessment Area (RAA) is comprised of native vegetation with fields historically cleared for agricultural uses adjacent to the stream, and the watercourse is considered fish bearing. The report established a Streamside Protection and Enhancement Area (SPEA) of 15 m.

The report confirmed that the driveway and all structures located on proposed Lot 3 are outside of the SPEA, that no further development is proposed within the RAA, and that any future works within the RAA would require additional assessment. The proposal is not anticipated to affect stormwater flow or drainage, and the report stated that there are no floodplain concerns at this site.

Variance:

The Juan de Fuca Land Use Bylaw requires that where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be one tenth of the perimeter of the lot. Proposed Lot 3 meets this requirement; however, proposed Lot 1 requires 67.27 m of frontage, but is proposed to have only 7.31 m (1.1%) and Proposed Lot 2 requires 56.36 m of frontage, but is proposed to have only 9.35 m (1.6%).

In evaluating whether a frontage exemption is justified, the following technical criteria are normally considered:

- How does it relate to the topography of the area?
- Does it create any environmental impacts?
- Will reducing the frontage produce an awkward lot configuration?
- Will reducing the frontage eliminate future subdivision potential of the lot and of lots beyond?
- Will the exemption reduce road network and access options?
- Does the proposed reduction disturb existing residences?

The proposed subdivision configuration clearly defines Lot 3 within the Agricultural 1 (AG-1) zone boundary and creates two additional parcels with a minimum lot size of 1 ha as required by the RR-2 zone. The plan shows an existing driveway access to fully developed Lot 3 on Rannveig Place, and a panhandle driveway access from the cul-de-sac at the north end of Rannveig Place over proposed Lot 1, which is currently vacant. Proposed Lot 2 has a dwelling under construction and is also provided frontage on the cul-de-sac; the access strip to the building area is narrow, but meets the minimum panhandle requirements of Bylaw No. 2040.

The shape of the parent parcel is somewhat irregular due to previous subdivision layout and the historical location of the Agricultural Land Reserve boundary. Reduction of the frontage requirement for the proposed parcels does not increase those irregularities. The proposed 7.31 m and 9.35 m panhandle widths comply with Section 3.10(5) of Bylaw No. 2040 for lots that cannot be further subdivided.

The owner will put in place a reciprocal access easement between Lots 1 and 2 to utilize the existing driveway and reduce the impact of the subdivision on the neighbouring property to the south. Proposed Lot 1 and Lot 2 have no designated Development Permit areas.

Since the number of accesses onto Rannveig Place will not increase as a result of the creation of the additional parcels, the proposed subdivision layout should not affect the existing road network and access options. The proposed lot boundaries follow natural topographical features and existing infrastructure, and allow for the separation of private yards and buffers from riparian areas. Any residents that may be affected by the proposed frontage reduction will have an opportunity to come forward with their concerns through the public notification process. Staff recommend approval of DV000076 subject to public notification.

CONCLUSION

The applicant has requested a Riparian development permit with a variance to reduce the 10% minimum parcel frontage requirement for a proposed three-lot subdivision at 4460 Rannveig Place in Otter Point. Any neighbouring residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000076, for Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828, to authorize a three-lot subdivision and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 3.10(4) by reducing the frontage requirement for proposed Lot 1 from 10% (67.27 m) of lot perimeter to 1.1% (7.31 m), and for proposed Lot 2 from 10% (56.36 m) of lot perimeter to 1.6% (9.35 m), as shown on the plans prepared by J.E. Anderson, dated January 4, 2022, be approved.

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

ATTACHMENTS

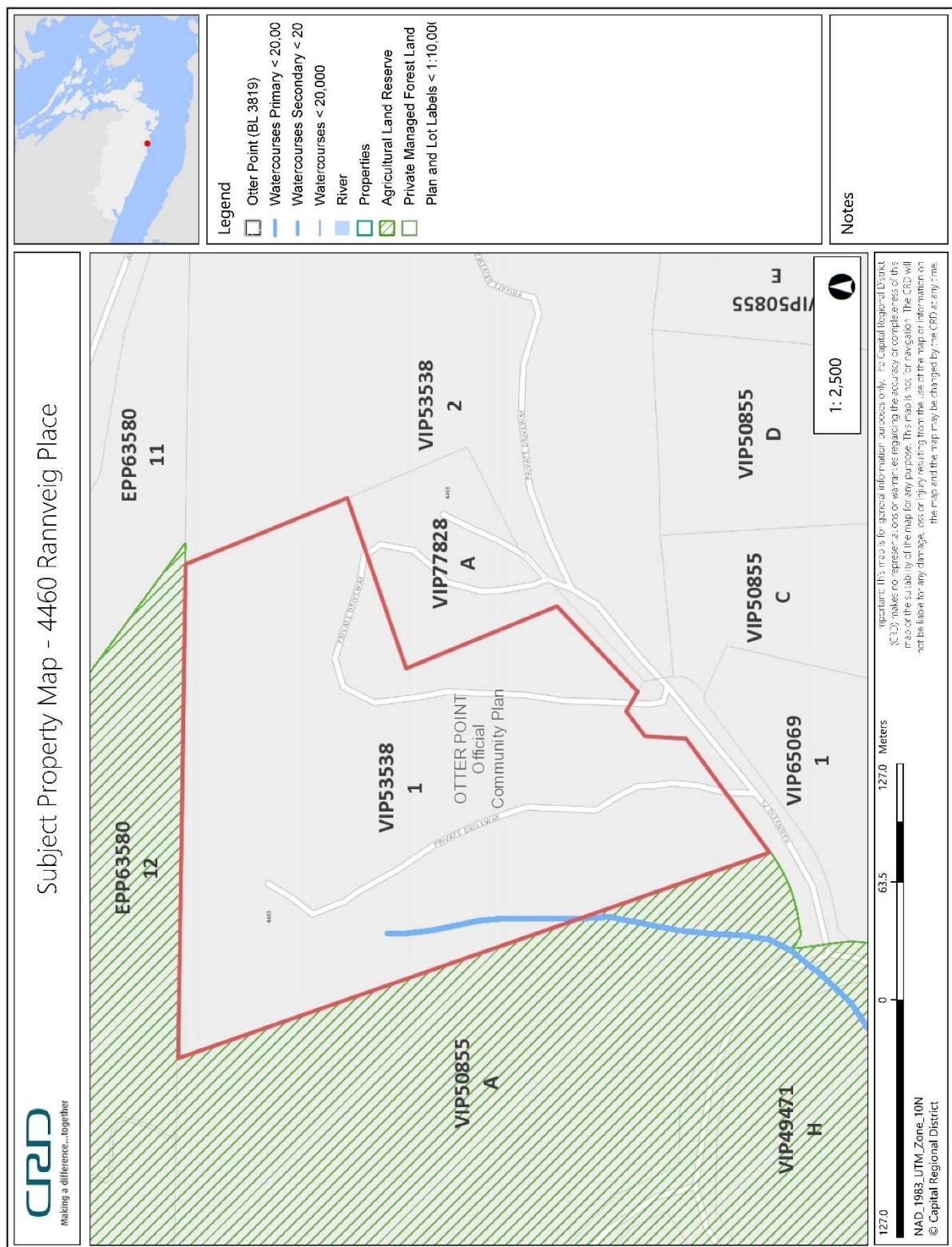
Appendix A: Subject Property Map

Appendix B: Zoning Map

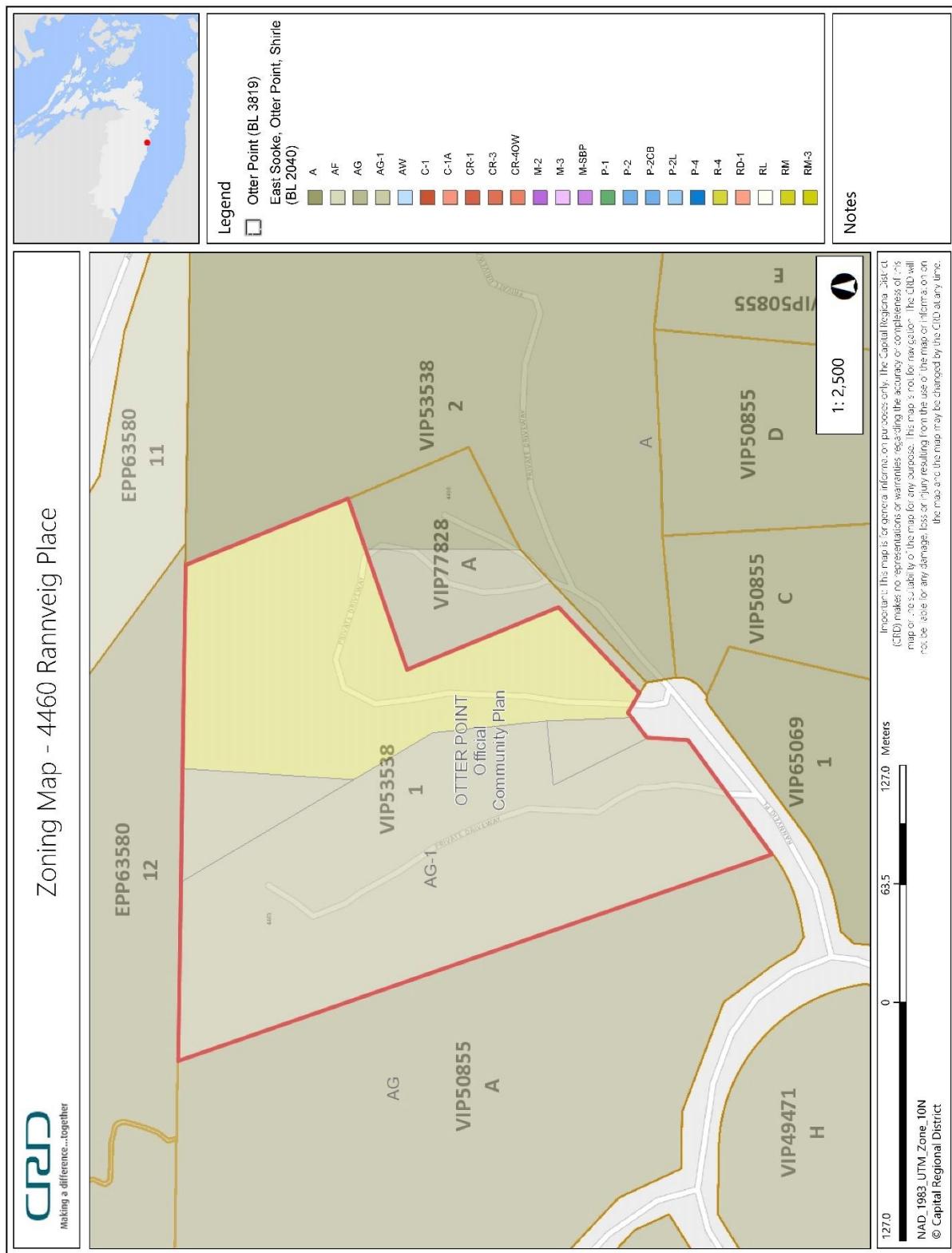
Appendix C: Plan of Subdivision

Appendix D: Permit DV000076

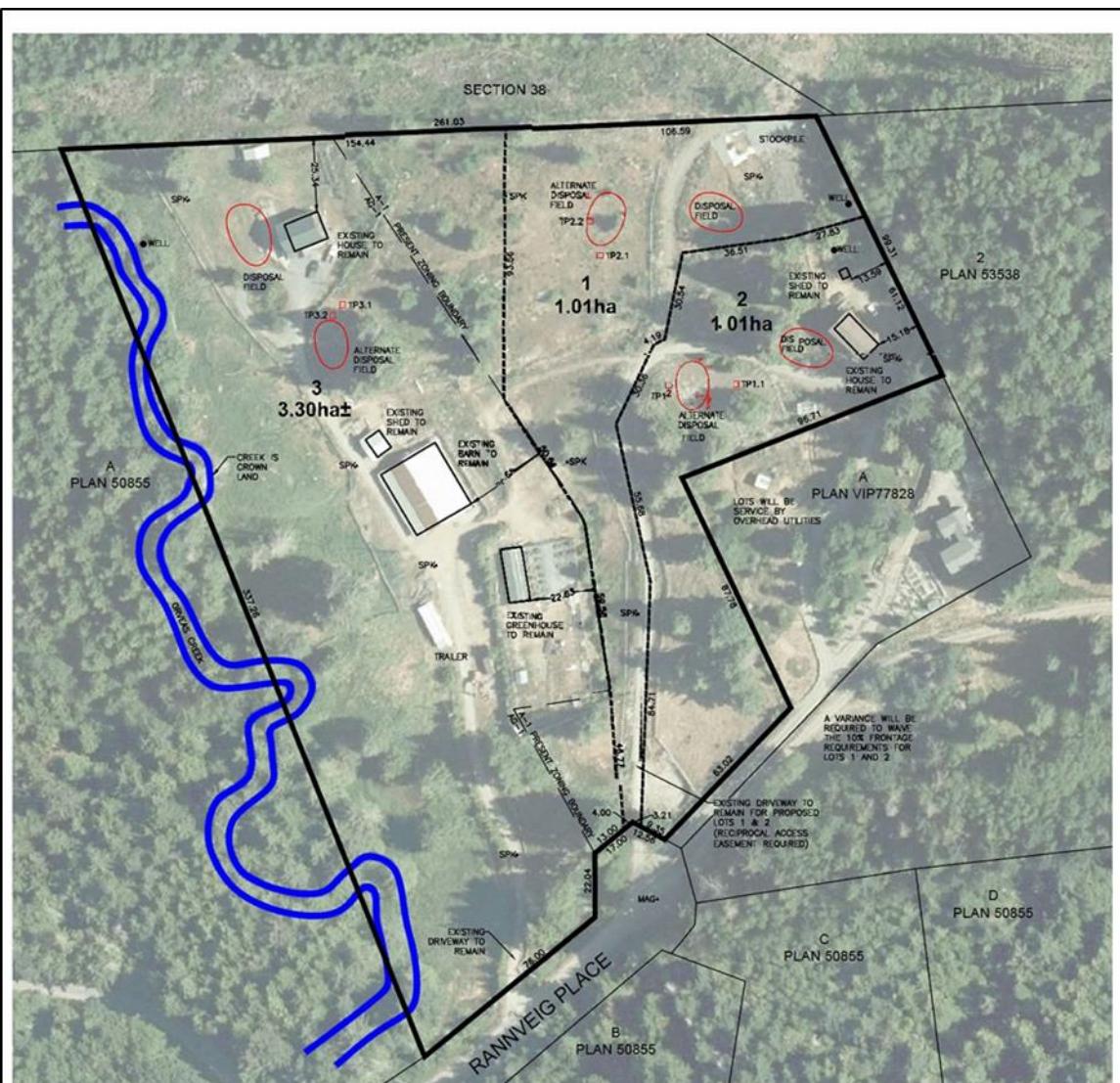
Appendix A: Subject Property Map



Appendix B: Zoning Map



Appendix C: Plan of Subdivision



ALL PERC FIELD INFORMATION FROM CLIENT
ALL INFORMATION IS APPROXIMATE

0 30 90m
1:1500

JEA J E ANDERSON &
ASSOCIATES
SURVEYORS - ENGINEERS
VICTORIA NANAIMO PARKSVILLE
PHONE: 250-727-2214 FAX: 250-727-3395

[Redacted]		
TENTATIVE PLAN OF SUBDIVISION OF PART OF LOT 1, PLAN VIP53538, SECTION 18, OTTER DISTRICT 4460 RANNVEIG PLACE		
DESIGN: DRC	DRAWN. LB	APPROVED:
SCALE: H 1:1500		DATE: SEPT. 9, 2020
32351-01-T1-REV2		
MUN. FILE: -----	REV DATE: JAN 4, 2022	
SHEET 1 of 1		

Appendix D: Permit DV000076



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000076

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID: 017-612-471;

Legal Description: Lot 1, Section 18, Otter District, Plan VIP53538, Except Part in Plan VIP77828 (the "Land")

3. This development permit authorizes a three lot subdivision (the "development") on the Land, located within the development permit areas established under the Otter Point Official Community Plan, Bylaw No. 3819, 2018, Section 6.4 (Watercourses and Wetlands Areas), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a) That the components of the development occur as identified on the Survey Plan, prepared by JE Anderson & Associates, dated January 4, 2022; and
 - b) That the development comply with the report prepared by Thomas Roy, R.P.Bio., of Cascadia Biological Services, dated December 20, 2021 (the "Riparian Assessment Report").
5. The Capital Regional District's Juan de Fuca Land Use **Bylaw No. 2040** Schedule A, Part 1, Section 3.10(4) is varied under section 498 of the *Local Government Act* as follows:
 - a) That the minimum road frontage requirement be reduced from 67.27 m (10%) to 7.31 m (1.1%) for proposed Lot 1; and
 - b) That the minimum road frontage requirement be reduced from 56.36 m (10%) to 9.35 m (1.6%) for proposed Lot 2.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000076) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:
Appendix 1: Survey Plan
Appendix 2: Riparian Assessment Report
10. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE _____ day of _____, 2022.

ISSUED this _____ day of _____, 2022

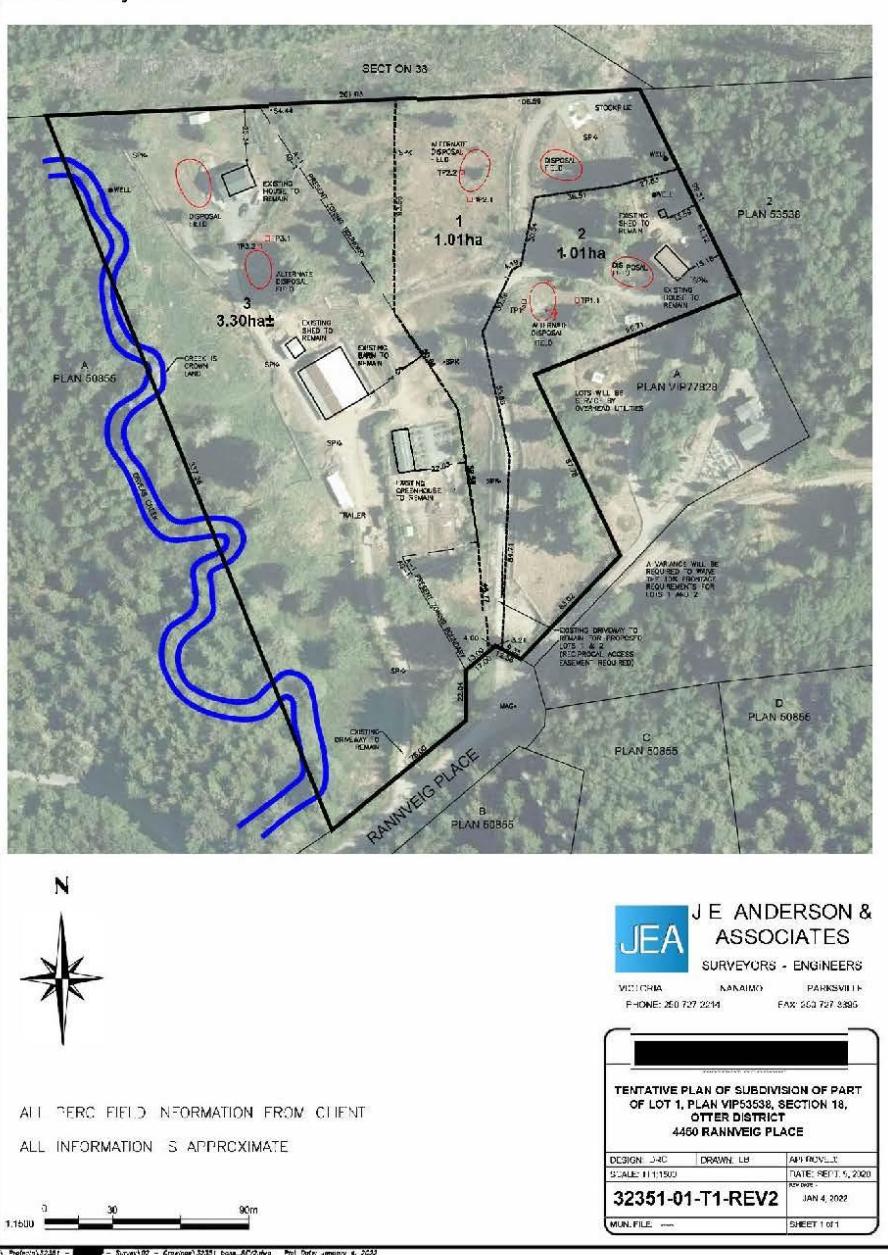
Corporate Officer
Kristen Morley



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Appendix 1: Survey Plan





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Appendix 2: Riparian Assessment Report

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2021-12-20

I. Primary QEP Information

First Name	Thomas	Middle Name
Last Name	Roy	
Designation	R.P. Bio	Company Cascadia Biological Services
Registration #	1089	Email cascadiabiological@shaw.ca
Address	772 Goldstream Ave PO Box 27034	
City	Victoria	Postal/Zip V9B 5S4
Prov/state	BC	Phone # 250 888-4864 Country Canada

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name	Middle Name	
Last Name		
Designation	Company	
Registration #	Email	
Address		
City	Postal/Zip	Phone #
Prov/state	Country	

III. Developer Information

First Name	Middle Name	
Last Name		
Company		
Phone #	Email	
Address	4460 Rannveig Road	
City	Sooke	Postal/Zip V0S 1N0
Prov/state	BC	Country Canada

IV. Development Information

Development Type	Subdivision: <6 Single Family Lots		
Area of Development (ha)	0.01	Riparian Length (m)	383
Lot Area (ha)	5.4	Nature of Development	New
Proposed Start Date	2021-10-30	Proposed End Date	2022-12-31

V. Location of Proposed Development

Street Address (or nearest town)	Otter Point Community		
Local Government	Juan de Fuca Electoral District	City	Sooke
Stream Name	Orveous Creek		
Legal Description (PID)	017612471	Region	CRD
Stream/River Type	Stream	DFO Area	South Coast
Watershed Code	930-029400		
Latitude	48	22	44
Longitude	123	49	53

Insert that form immediately after this page.



DV000076

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Table of Contents for Assessment Report

Page Number

1.	Description of Fisheries Resources Values
2.	Results of Riparian Assessment (SPEA width)
3.	Site Plan
4.	Measures to Protect and Maintain the SPEA (detailed methodology only).
1.	Danger Trees.....
2.	Windthrow.....
3.	Slope Stability.....
4.	Protection of Trees.....
5.	Encroachment.....
6.	Sediment and Erosion Control.....
7.	Floodplain.....
8.	Stormwater Management.....
5.	Environmental Monitoring
6.	Photos
7.	Assessment Report Professional Opinion



DV000076

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Orveous Creek (WSC - 930-029400)

The purpose of this Riparian Areas Protection Regulation (RAPR) assessment is to determine RAR assessment area boundaries as well as designated Streamside Protection and Enhancement Area (SPEA) zones for a small family subdivision that is proposing to partition one large lot into three smaller ones. The total project area (parent property) measures approximately 5.4 hectares. The parent lot is located at 4460 Rammeig Place in the community of Outer Point (CRD). The property is accessed via Clark Road and then onto Rammeig Place. See site plan section for specific location. The goal of this report therefore is to locate the Streamside Protection and Enhancement Areas (SPEA) for the watercourse located along the southern boundary of the property.

The subject property is L shaped, encompassing approximately 5.4 hectares and has a general southwestern aspect. Our assessment of the subject property in early July of 2021, determined there was 1 watercourse that met the definition of a stream as identified by the Fish-Stream Identification Guidebook (1998). Stream #1 is the main stem which runs just outside and sometimes within the western property boundary. Please refer to site plan for the stream location. The creek at this location is gazetted as Orveous Creek. Orveous Creek flows directly into the ocean and is considered fish bearing along its length.

Stream #1 Reach #1

This 3rd order stream enters the property along the northwestern corner and includes flows from 3 tributaries. It and all the tributaries above this location (and including) are considered fish bearing by default. With an average channel width of 3.38m and an average gradient of 1.5%, the stream morphology is considered rill-like pool. The reach is approximately 385m in length and has a canopy closure is between 60-70% and is composed of younger second-generation conifers. The understory vegetation varies with salmonberry, sword fern, skunk cabbage, deer fern and sedges in the understory closest to the creek with evergreen huckleberry and oceanspray as you move further up the reach. The stream channel is fairly defined with a substrate dominated by gravel with fines being sub-dominant.

As a result of the sensitive nature of the stream at this location, the calculated SPEA of 10.14m has been expanded to include a fisheries sensitive zone of 4.86m resulting in a total amalgamated SEA zone measuring 15m. All SPEA measurements have been included on the following maps.

Amendment Dec 22 2021

Note: At this particular location and within the study area (parent lot), the designated HWM represents the extent of the active floodplain.



DV000076

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: | 2021-10-04

Description of Water bodies involved (number, type)	
Stream	#1
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)	Gradient (%)
starting point	4.9
Upstream	2.7
	3.7
	3.1
	2.4
Downstream	4.1
	3.5
	3.8
	2.2
	5.8 high
	1.98 low
Total: minus high /low	30.4
Mean	3.38
R/P	C/P
Channel Type	S/P

I, Thomas Roy, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
		I, Thomas Roy, hereby certify that:
		<ul style="list-style-type: none"> a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	1 LC SH TR	Method employed if other than TR
SPVT Type	X	
Polygon No:	[REDACTED]	Method employed if other than TR



DV000076

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

SPVT Type	LC	SH	TR	
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Polygon No:		Method employed if other than TR
SPVT Type		

Zone of Sensitivity (ZOS) and resultant SPEA

Segment 1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons		
-----------	---	--	--

No: LWD, Bank and Channel 10.14

Stability ZOS (m)

Litter fall and insect drop

ZOS (m)

Shade ZOS (m) max 10.14

South bank Yes

Ditch

Justification description for classifying as a ditch (manmade,

no significant headwaters or springs, seasonal flow)

Ditch Fish Yes

No

If non-fish bearing insert no fish

Bearing

bearing status report

SPEA Maximum 10.14

(For ditch use table3-7)

Segment 2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons		
-----------	---	--	--

No: LWD, Bank and Channel 10.14

Stability ZOS (m)

Litter fall and insect drop

ZOS (m)

Shade ZOS (m) max 10.14

South bank Yes

Ditch

Justification description for classifying as a ditch (manmade,

no significant headwaters or springs, seasonal flow)

Ditch Fish Yes

No

If non-fish bearing insert no fish

Bearing

bearing status report

SPEA Maximum 10.14

(For ditch use table3-7)

Segment 3	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons		
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No: LWD, Bank and Channel 10.14

Stability ZOS (m)

Litter fall and insect drop

ZOS (m)

Shade ZOS (m) max 10.14

South bank Yes

Ditch

Justification description for classifying as a ditch (manmade,

no significant headwaters or springs, seasonal flow)

Ditch Fish Yes

No

If non-fish bearing insert no fish

Bearing

bearing status report

SPEA Maximum 10.14

(For ditch use table3-7)

I, Thomas Roy, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer ;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

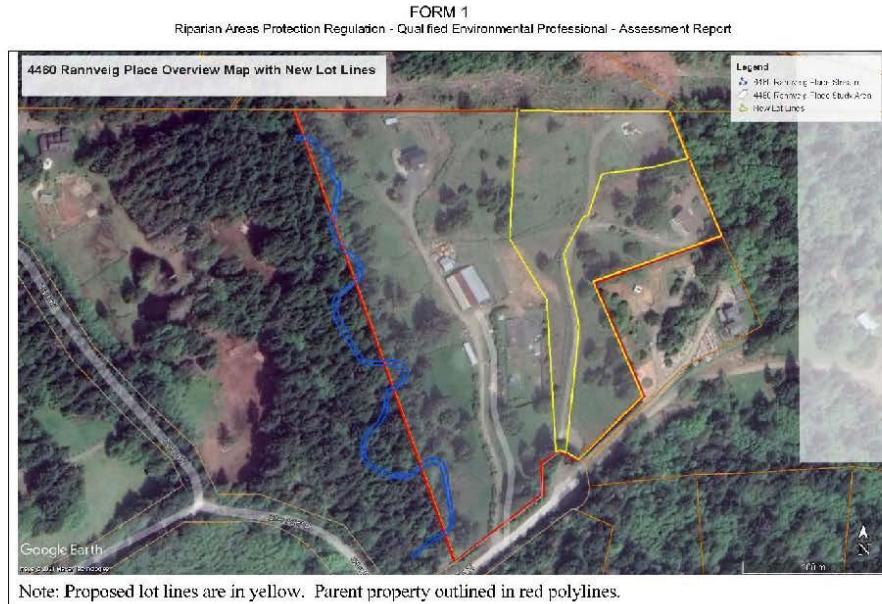
Segment 1 represents the left bank facing downstream

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

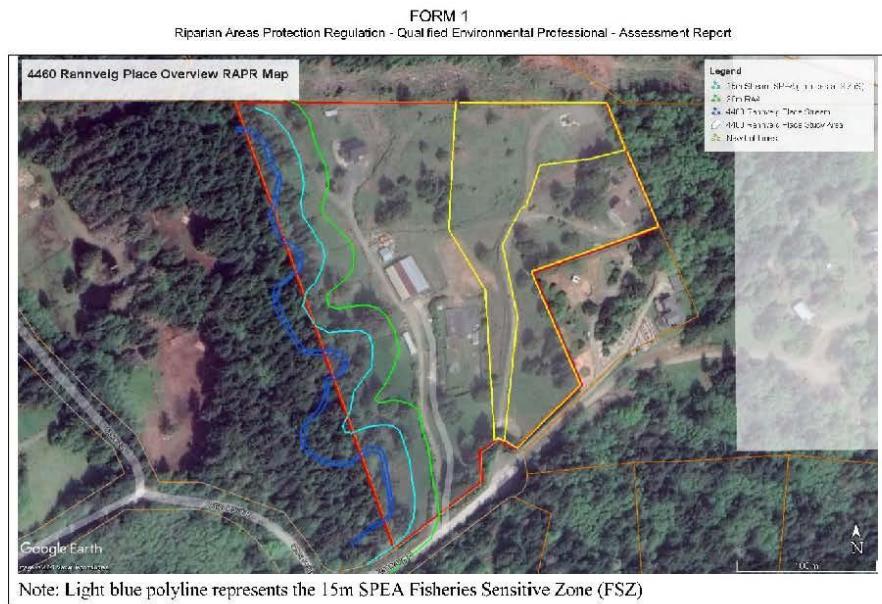
Section 3. Site Plan

Insert jpg file below









FORM 1
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Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	No danger trees identified. No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report I, Thomas Rev., hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> . b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED] c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
2. Windthrow	No windthrow issues identified on site. No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report I, Thomas Rev., hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> . b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Dev. [REDACTED] c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
3. Slope Stability	No slope stability issues identified onsite as all slopes are of low relief. No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report I, Thomas Rev., hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> . b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED] c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
4. Protection of Trees	No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report I, Thomas Rev., hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> . b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED] c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
5. Encroachment	No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report I, Thomas Rev., hereby certify that:



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Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

a.	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;
b.	I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
c.	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
6. Sediment and Erosion Control	No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report
, Thomas Rev., hereby certify that:	
a.	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;
b.	I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
c.	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
7. Stormwater Management	No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report
, Thomas Rev., hereby certify that:	
a.	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;
b.	I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
c.	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
8. Floodplain Concerns (highly mobile channel)	Floodplain concerns not an issue at this site. No works or disturbances are proposed to vegetation/soil within the 30m RAA for either the parent property or the new properties being subdivided. Future works if proposed within the 30m RAA will require amendments to this report
, Thomas Rev., hereby certify that:	
a.	I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ;
b.	I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
c.	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.



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Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF before inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Specific Recommendations for Works Within the Proposed Subdivision

4460 Rannveig Place – Sooke BC
October 4th, 2021

Works Adjacent to the 30m RAPR assessment area

- Areas designated as the RAA will be flagged with high visibility flagging tape and temporary fencing prior to future works proposed in or near the RAA.
- Prior to construction or tree removal adjacent to the 30m RAPR assessment area (if any), a sediment and erosion control plan will be developed to prevent the discharge of sediment laden water into the RAA. This will include the installation of sediment fencing/hay bales as determined by on-site biologist prior to the initiation of construction activities.
- Prior to construction or tree removal adjacent to the 30m RAPR assessment area (if any), a detailed plan as to which areas will have work done within the RAA should be made available to government bodies and approved by a QEP.
- No works shall be undertaken within areas designated as RAA (refer to maps) unless amendments are filed and uploaded to the RARNS
- All works Scheduled Adjacent to the 30m of a Watercourse will adhere to all recommendations as outlined in the BMP - Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia. As well:
 - Ensure construction will proceed smoothly without harmful alteration of habitat;
 - Provide long-term monitoring for disturbed sites until green-up is established and the soils at the site are stable.
- Heavy equipment (excavators etc.) working adjacent to the RAA will be monitored for leaks (oil, hydraulic fluid etc.).



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- Detailed direction to contractors will be given to ensure that no erosion or sediment movement will occur and that no silt will be released to the RAPR assessment area during the construction and post construction phase when and if works are proposed adjacent to the RAA.
- The site will be monitored by the designated QEP (once every two weeks or as required due to high rainfall events - >30mm/24 hour period) during the construction period (if proposed). Any contraventions of the RAPR will be communicated to the builder as well as local municipal staff and RAR staff.
- A post construction report generated by the designated QEP will be submitted to RAPR and local municipal staff within four months of the end of significant activities (if proposed).



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Section 6. Photos



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FORM 1
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Plate #1

Stream #1 Reach 1



Form 1

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FORM 1
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Plate #2

Stream #1 – Reach 1



Form 1

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FORM 1
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Plate #3

Stream #1 – Reach 1



Form 1

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FORM 1
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Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date

1. I/We Thomas Roy

(Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) N/A the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and
- b) the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]



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FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Submission Instructions
Riparian Areas Regulation – Qualified Environmental Professional – Assessment Report
RAR-QEP-AR

Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: See the Guidelines and the Assessment Methods for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a single Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be complete, by submitting the information specified, and posted to provide notification to the local government, Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans Canada.

Tips for working with MS Word Template Forms

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 15, 2021**

SUBJECT **Temporary Use Permit Renewal for Lot 4, Section 47, Otter District, Plan VIP52344 – 7861 Tugwell Road**

ISSUE SUMMARY

A request has been made for a three-year renewal of a temporary use permit to allow for the continued operation of a microbrewery in the Rural Residential 2 (RR-2) zone.

BACKGROUND

The 1.0 ha property is located at 7861 Tugwell Road in Otter Point (Appendix 1) and is zoned Rural Residential 2 (RR-2) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property fronts onto Tugwell Road to the east, and other RR-2 zoned properties to the east, west and south.

The owner applied for a temporary use permit in 2018 to expand a microbrewery operation beyond what would be permitted under the Home Based Business Category 3 (Home Industry) regulations. Changes requested at that time included moving the sales area to an unused portion of the building and expanding the brewing operation to include the area used for sales. Two outdoor, covered storage areas for refrigeration equipment, an air compressor, forklift, empty kegs and other brewery equipment were also proposed (Appendix 2). The microbrewery has been issued a Manufacturer's Brewing Licence with Picnic Area endorsement from the Liquor and Cannabis Regulation Branch. The Picnic Area endorsement allows the operator to host up to 30 persons on the property for the purpose of consuming products outdoors.

On April 10, 2019, the CRD Board passed a resolution approving the issuance of TP000009 subject to conditions. The permit was issued on August 30, 2019, following registration of a restrictive covenant and indemnity, and will expire on August 30, 2022, three years after the date of issuance of the Permit.

The initial operation occupied an indoor floor area of 59.4 m² within an accessory building. A building permit (BP005329) to increase the indoor floor area to 96.7 m² was completed in December 2019, and a building permit (BP008015) to construct an 82 m² covered, outdoor storage area is in progress. The combined area devoted to the microbrewery use does not exceed the conditions set by TP000009.

The owner has now applied for a three year renewal of the temporary use permit to allow for the continued operation of the microbrewery.

The *Local Government Act* (LGA) allows that a temporary use permit holder may apply to have the permit renewed, but that the permit may only be renewed once. Staff have prepared temporary use permit renewal TP000009 (Appendix 3) for consideration.

ALTERNATIVES

Alternative 1:

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

That a three year renewal for Temporary Use Permit TP000009, to allow the operation of a microbrewery in the Rural Residential 2 (RR-2) zone, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved.

Alternative 2:

That the temporary use permit renewal be denied.

IMPLICATIONS

Legislative

Section 497 (2) of the *LGA* states that a temporary use permit holder may apply to have the permit renewed, but that the permit may only be renewed once.

The *LGA* does not require that notice be given of the CRD's intent to pass a resolution regarding the renewal of a temporary use permit. CRD Bylaw No. 3885, Juan de Fuca Development Applications Procedures Bylaw, has no requirement for public notification of a temporary use permit renewal.

Land Use

The subject property is designated as Settlement Area 1 under the Otter Point OCP, Bylaw No. 3819. In accordance with Section 4.1(b), the Settlement Area 1 designation supports industrial uses on lands zoned industrial, as well as temporary industrial uses with a valid temporary use permit on non-industrial zoned lands. The designation also supports home based business uses that are compatible with the community's character, including having minimal traffic, parking, noise or nuisance impacts.

The existing microbrewery operation was established in 2017 under the Home Based Business Category 3 (Home Industry) regulations. Based on the size of the dwelling, the area devoted to the microbrewery was restricted to 60 m² (640 sq. ft.). This allowed the brewery to occupy only part of an existing accessory building. Temporary use permit TP000009 was issued in 2019 to authorize the use to occupy the entire 96.7 m² (1,040 sq. ft.) accessory building, as well as 82 m² (884 sq. ft.) of additional outdoor covered storage space. The permit also allowed that up to 30 members of the public and a total of up to 10 vehicles, could be present at the facility at one time.

The owner has obtained a manufacturer's brewing licence with picnic endorsement from the BC Liquor and Cannabis Regulation Branch. In accordance with TP000009, the picnic endorsement allows the operator to host up to 30 members of the public. Liquor consumption in the picnic area is restricted to that which is served or sold from the on-site store, and to that registered under the manufacturer's licence.

To limit impact on the public road, the Permit includes a condition that all parking spaces required for temporary use must be located on the subject property. To limit nuisances caused by the temporary use, the Permit includes a condition that restricts nuisances or annoyances caused by noise, odour or unsightliness. The owner has also agreed to restrict the hours of operation of the store and picnic area to between 11:00 am and 7:00 pm.

To date, the Juan de Fuca planning office has received no complaints from neighbouring residents regarding noise, odour or traffic related to the existing use.

Given the proposed scale of the use and the lack of complaints from the neighbouring property owners regarding the operation, staff recommend that temporary use permit TP000009 be renewed for a period of three years.

CONCLUSION

The CRD Board passed a resolution to approve the issuance of temporary use permit TP000009 on April 10, 2019. The Permit was issued on August 30, 2019, for a period of three years. The owner has applied to renew the Permit for an additional three years. If the brewery is to continue to operate at the subject property on a permanent basis, the owner will be required to apply for a zoning amendment prior to expiration of the renewed temporary use permit.

RECOMMENDATIONS

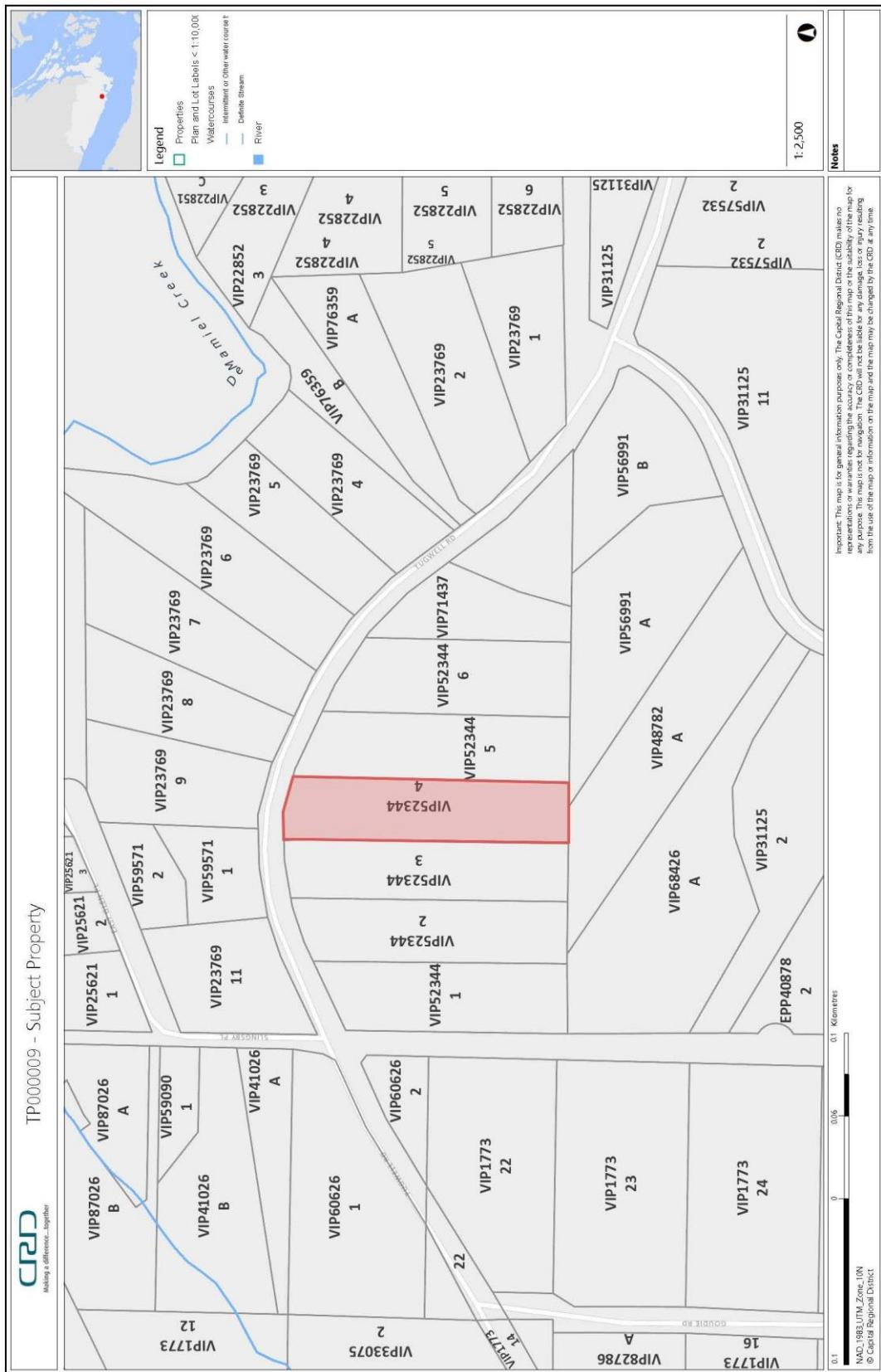
The Land Use Committee recommends to the Capital Regional District (CRD) Board:
That a three year renewal for Temporary Use Permit TP000009, to allow the operation of a microbrewery in the Rural Residential 2 (RR-2) zone, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved.

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

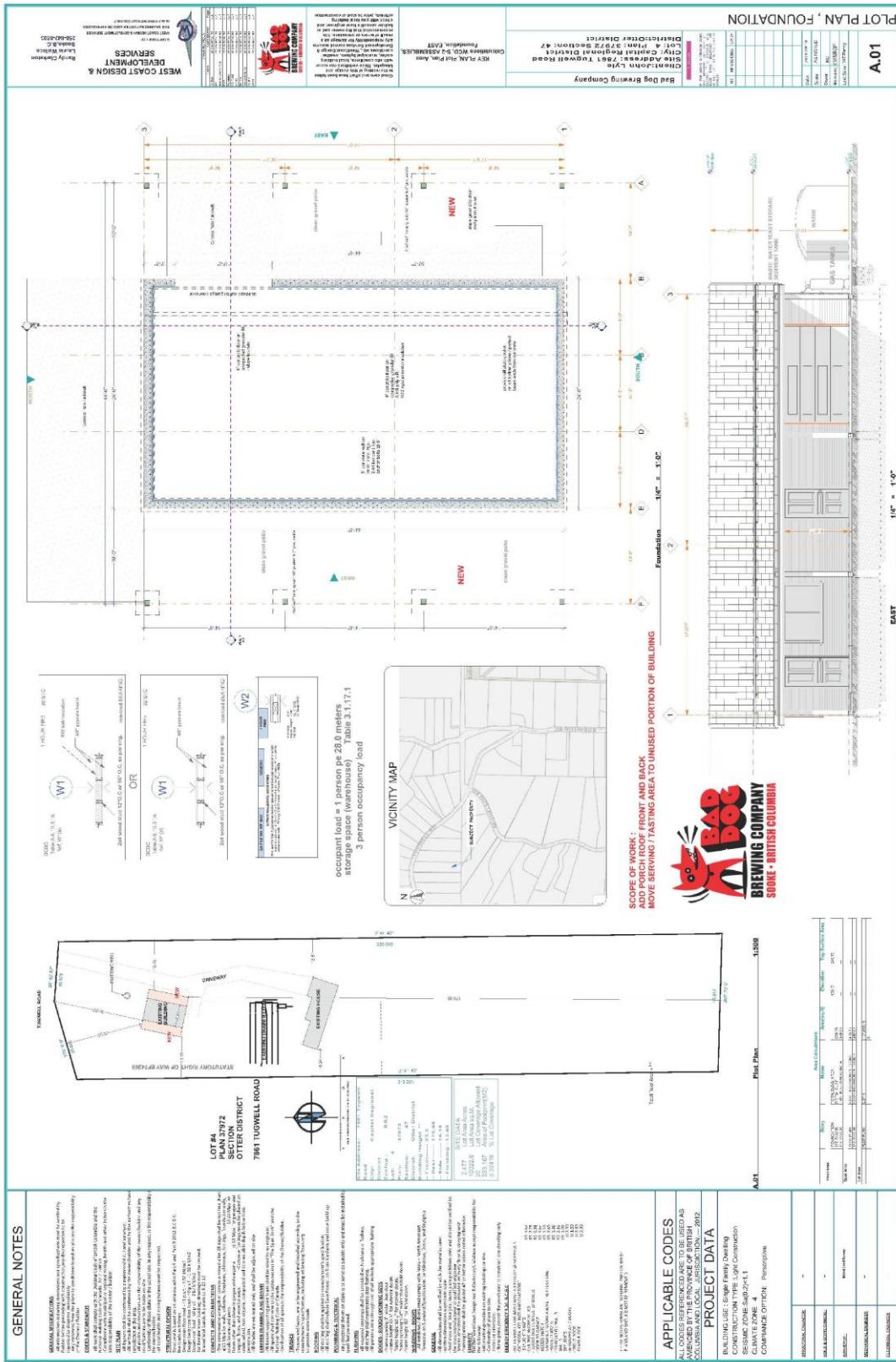
ATTACHMENTS

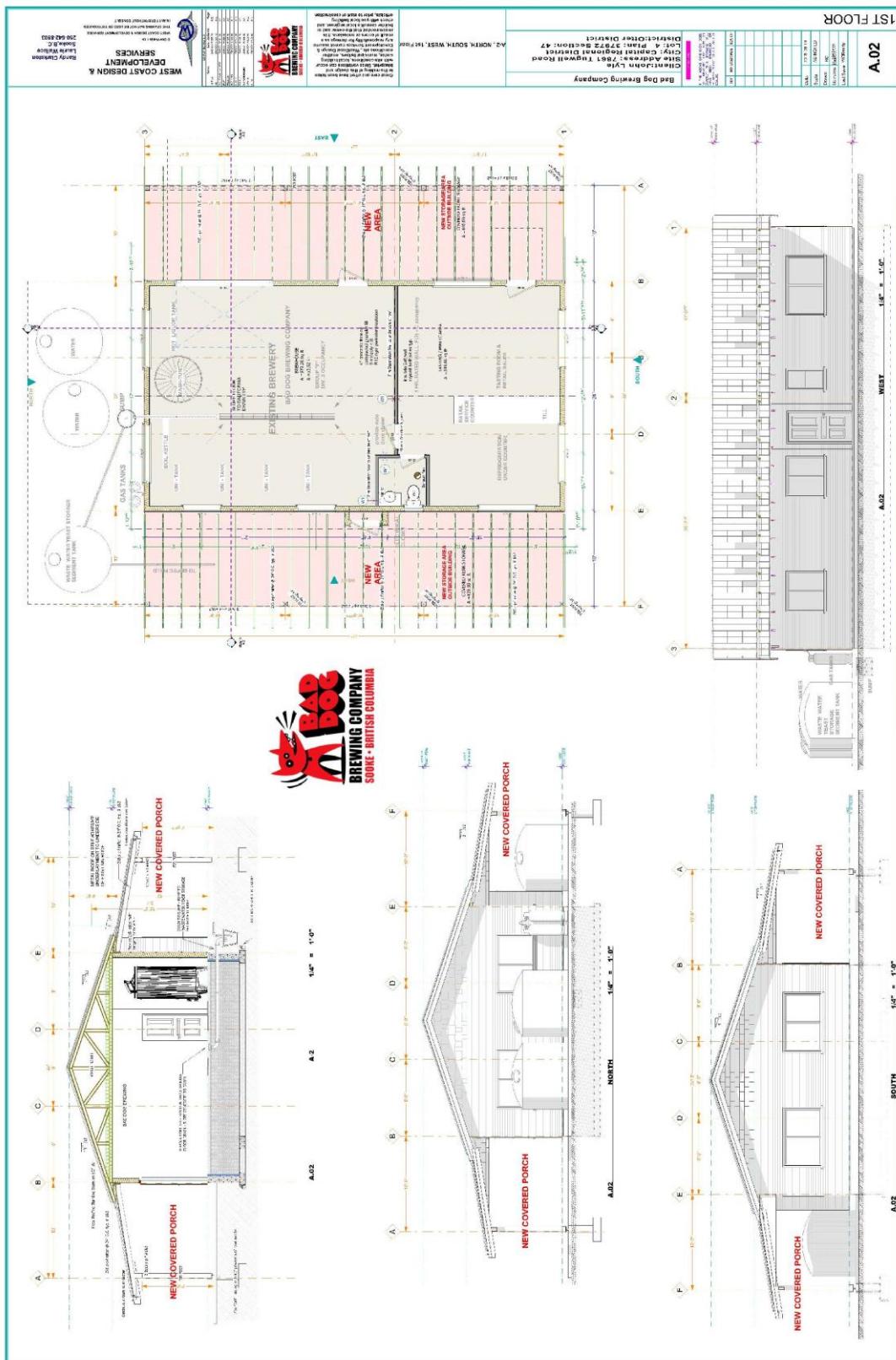
- Appendix 1: Subject Property Map
- Appendix 2: Site and Building Plans
- Appendix 3: Temporary Use Permit TP000009

Appendix 1: Subject Property Map



Appendix 2: Site and Building Plans





Appendix 3: TP000009 – Renewed



CAPITAL REGIONAL DISTRICT

TEMPORARY USE PERMIT NO. TP000009 - RENEWAL

1. This Permit is issued under the authority of Section 493 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Permit applies to and only to those lands within the Regional District described below (legal description), and to any and all buildings, structures, and other development thereon:
PID: 017-338-085;
Legal Description: Lot 4, Section 47, Otter District, Plan VIP52344 (the "Land")
3. This Permit authorizes the operation of a micro-brewery, including brewing, fermenting, packaging and canning, kegging, keg cleaning, tasting and sales (the "temporary use"), on the Land, in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the temporary use referred to in Section 3 may be carried out are as follows:
 - a) The components of the temporary use shall occur within the areas identified on the Site and Building Plans attached to this Permit.
 - b) Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire or explosion hazard, electrical or navigation interference.
 - c) The temporary use shall not be open to members of the public, except during the hours of 11:00 am and 7:00 pm.
 - d) Not more than thirty (30) members of the public may be present on the Land at any one time.
 - e) All parking required for the temporary use shall be provided on the Land.
 - f) There shall be no increase in vehicular traffic flow and parking by the public by more than ten (10) additional vehicles at a time.
 - g) The use of commercial vehicles for the delivery of materials to and from the premises shall be limited to a maximum of two vehicles per day.
5. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (TP000009 - RENEWAL) or any amendment thereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
7. The following plans and specifications are attached:
Appendix 1: Site and Building Plans
8. In default of compliance with any of the provisions of this Permit, the Permit shall lapse.
9. The owner agrees to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.

TP000009 - RENEWAL

Page 2

10. This Permit is NOT a Building Permit.
11. This Permit shall expire 3 years after the date of issuance of the permit.

RESOLUTION PASSED BY THE BOARD, THE _____ day of _____, 2022

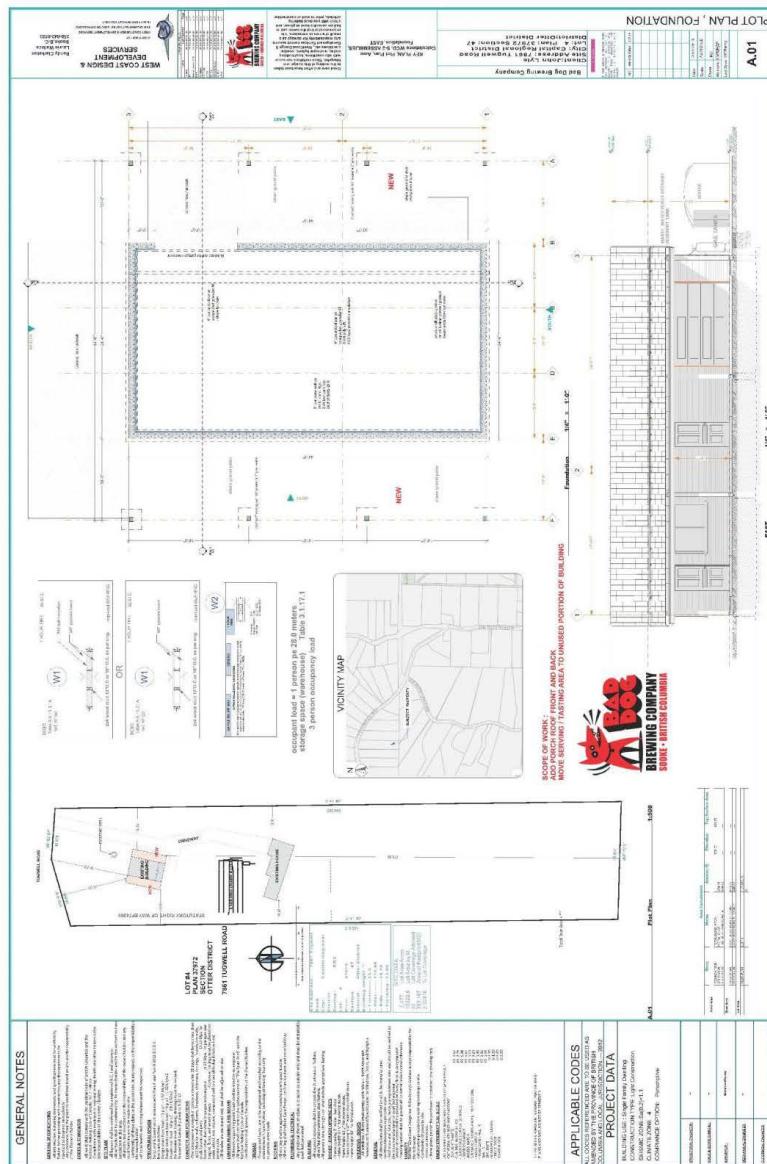
ISSUED this _____ day of _____, 2022

Corporate Officer

TP000009 - RENEWAL

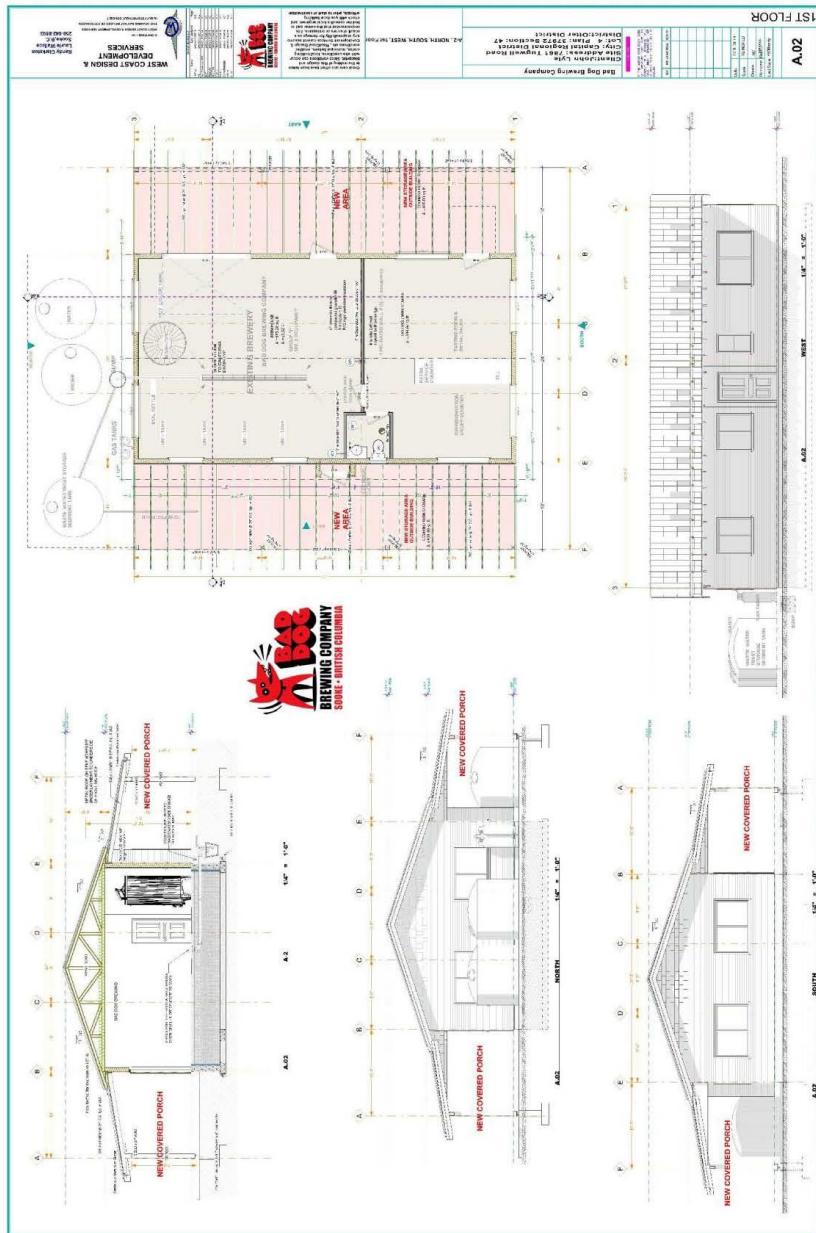
Page 3

Appendix 1: Site and Building Plans



TP000009 - RENEWAL

Page 4





Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, FEBRURY 15, 2022

SUBJECT Zoning Amendment Application for Lots A-H, and J and K, District Lot 87, Renfrew District, Plan EPP31225 – Kirby Creek Road

ISSUE SUMMARY

Property owners on Kirby Creek Road have submitted a joint application to rezone the subject properties from Forestry (AF) to Rural 2 (RU2).

BACKGROUND

The ten subject properties are located on Kirby Creek Road in Shirley and include Lots A-H, and J and K in Plan EPP31225, which are all approximately 4 hectares (ha) in area (Appendix A). The properties are zoned Forestry (AF) in Bylaw No. 2040 (Appendix B) and designated as Coastal Upland in the Shirley-Jordan River Official Community Plan Bylaw No. 4001, with portions of the properties in the steep slope, sensitive ecosystems and riparian development permit areas. The area is within the Shirley Fire Protection Service Area, but outside a community water service area.

Since the properties in Plan EPP31225 were created in 2015, residential uses have been established and there is interest from the owners in pursuing agricultural activities in keeping with rural residential and other rural zones, but that are not currently permitted in the AF zone. The ten property owners have submitted an application to rezone the properties from Forestry (AF) to Rural 2 (RU2) for the purpose of permitting agricultural uses and farm buildings (Appendix C). Staff have prepared Bylaw No. 4464 for consideration (Appendix D).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4464, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022” to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

District of Sooke

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR - Water Protection Section

Island Health

Ministry of Agriculture

Ministry of Transportation & Infrastructure

RCMP

Shirley Fire Department

Sooke School District #62

Pacheedaht First Nation

T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4464 not be referred.

LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act* (*LGA*). Therefore, staff recommend referring the proposed amendment bylaw to the Shirley/Jordan River APC.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 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 notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

Where groundwater is used for non-domestic purposes, a license is required pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning. Staff recommend referral to the provincial Groundwater Protection Section for comment.

REGIONAL GROWTH STRATEGY IMPLICATIONS

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The proposed zoning amendment is consistent with the policies of the OCP.

LAND USE IMPLICATIONS

The Shirley-Jordan River OCP, Bylaw No. 4001, designates the subject properties as Coastal Upland. The primary use for the Coastal Upland policy area is to support the continued use of these lands for forestry. Single-family residential and agriculture are also supported in this designation provided the density does not exceed one parcel per 4 ha and one dwelling per parcel. The AF zone permits silviculture and residential uses reflective of the historical use of the lands as working forests. The Rural 2 (RU2) zone is considered consistent with the uses and density supported by the Coastal Upland designation and allows for the scale of agricultural activities desired by the applicants. The RU2 zone permits agriculture, farm buildings and residential uses. Density is restricted through a minimum lot size of 4 ha, and an allowance of one dwelling and one suite per parcel (Appendix C). This is in keeping with the density permitted by the AF zone. The RU2 zone incorporates specific definitions for the proposed uses, as follows:

Agriculture means the growing, rearing, producing or harvesting agricultural crops or livestock; apiculture; horticulture; silviculture; the use and storage of associated farm machinery, implements and agricultural supplies; includes the ancillary sale, storage and processing on a parcel of the primary products harvested, reared or produced on that parcel; excludes intensive agriculture, intensive agriculture – medical marihuana, licenced cannabis production pursuant to the *Cannabis Act*, kennels, aquaculture, growing of mushrooms within a building and the permanent confinement of livestock or animals of any kind within a building.

Farm Building means a structure which does not contain a residential occupancy and is: i) associated with and located on land devoted to the practice of farming; and ii) used essentially for the housing of agricultural crops or equipment or livestock including storage and processing of agricultural products produced on site; but excludes abattoirs, indoor equestrian riding arenas, and buildings for the permanent confinement of livestock or animals of any kind.

Past proposals to amend the Forestry (AF) zone to permit agriculture have been considered by

the CRD Board. Bylaw No. 4179 proposed to add agriculture as a permitted use on all lands zoned AF, but was withdrawn in 2018 in favour of considering zoning amendments to allow agriculture on a case-by-case basis. A site specific rezoning of a split zoned Rural A and AF parcel in Shirley to a new Rural 2 (RU2) zone was completed in 2019 (Bylaw No. 4259). Staff consider the RU2 zone appropriate for properties in the 4 ha range that have been removed from forestry programs, have established rural residential uses, and wish to conduct agricultural activities.

Based on the information provided by the applicants and the policies of the Shirley-Jordan River OCP, staff recommend referral of the rezoning application to the Shirley/Jordan River APC, appropriate CRD departments, external agencies and First Nations for comment.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone ten 4 ha properties property on Kirby Creek Road from the Forestry (AF) zone to the Rural 2 (RU2) zone for the purpose of permitting agriculture and farm buildings. Staff have prepared proposed Bylaw No. 4464 and recommend referral to the Shirley/Jordan River Advisory Planning Commission, First Nations, CRD departments and external agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4464, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022" to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro
District of Sooke
FLNR - Archaeology Branch
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development
FLNR - Water Protection Section
Island Health
Ministry of Agriculture
Ministry of Transportation & Infrastructure
RCMP
Shirley Fire Department
Sooke School District #62
Pacheedaht First Nation
T'Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services

ATTACHMENTS

- Appendix A: Subject Properties
- Appendix B: Forestry AF Zone
- Appendix C: Rural 2 RU2 Zone
- Appendix D: Proposed Bylaw No. 4464

Appendix A: Subject Properties



Appendix B: Forestry AF Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

3.0 ***FORESTRY ZONE - AF***

3.01 **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 Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20. *Bylaw 3849*

3.02 **Minimum Parcel Size for Subdivision Purposes** The minimum lot size is 4ha;

3.03 **Density** One one-family dwelling per lot is permitted.

One secondary suite or one detached accessory suite per lot is permitted. *Bylaw 3849*

3.04 **Height** Maximum height shall be 11m.

3.05 **Lot Coverage** Maximum lot coverage shall be 10 percent.

3.06 **Maximum Size of for Residential Buildings** Provided applicants having either met the Sewerage System Regulation (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

3.07 **Yard Requirements** For all structures, the front, side, rear and flanking yards shall be a minimum of 15m. *Bylaw 3849*

Appendix C: Rural 2 RU2 Zone

3A.0 RURAL 2 ZONE – RU2

Bylaw 4259

3A.01 Permitted Principal Uses & Buildings

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 by the Rural 2 RU2 Zone:

- (a) Agriculture;
- (b) Farm Buildings on Farms;
- (c) Residential;
- (d) One-family Dwelling.

3A.02 Permitted Accessory Uses

- (a) Accessory buildings and structures ancillary to a permitted use pursuant to Part 1, section 4.01;
- (b) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (c) Detached Accessory Suite pursuant to Part 1, Subsection 4.20;
- (d) Home Based Business Categories One, Two and Three;
- (e) Two Boarders or Lodgers;
- (f) One recreation vehicle may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (g) Composting of waste generated on-site.

3A.03 Minimum Parcel Size for Subdivision Purposes

- (a) The minimum lot size is 4 ha.

3A.04 Density

- (a) One one-family dwelling per lot is permitted.
- (b) One secondary suite or one detached accessory suite per lot is permitted.
- (c) Farm buildings and structures shall not exceed a total floor area 1,000m².
- (d) Residential buildings and structures shall not exceed a total floor area of 418 m².

3A.05 Height

- (a) The maximum height of principal buildings is 11 m.

3A.06 Lot Coverage

- (a) The maximum lot coverage shall be 10%.

3A.07 Yard Requirements

- (a) Residential buildings and structures shall be set back a minimum of:
 - a. 7.5 m from the front lot line;
 - b. 6 m from side lot lines;
 - c. 10 m from the rear lot line; and
 - d. 6 m CTS from flanking lot lines.
- (b) Except for grazing of livestock and growing of agricultural crops, agricultural uses and farm buildings shall be set back a minimum of:
 - a. 30 m from the front lot line;
 - b. 15 m from side, rear and flanking lot lines.

3A.08 Watercourse Setbacks

- (a) Agricultural uses and farm buildings and structures shall be a minimum of 15 m from the natural boundary of a watercourse.

3A.09 Definitions

- (a) For the purpose of the RURAL 2 zone – RU2, the following definitions apply:

Agriculture means the growing, rearing, producing or harvesting agricultural crops or livestock; apiculture; horticulture; silviculture; the use and storage of associated farm machinery, implements and agricultural supplies; includes the ancillary sale, storage and processing on a parcel of the primary products harvested, reared or produced on that parcel; excludes intensive agriculture, intensive agriculture – medical marihuana, licenced cannabis production pursuant to the *Cannabis Act*, kennels, aquaculture, growing of mushrooms within a building and the permanent confinement of livestock or animals of any kind within a building.

Farm Building means a structure which does not contain a residential occupancy and is: i) associated with and located on land devoted to the practice of farming; and ii) used essentially for the housing of agricultural crops or equipment or livestock including storage and processing of agricultural products produced on site; but excludes abattoirs, indoor equestrian riding arenas, and buildings for the permanent confinement of livestock or animals of any kind.

Appendix D: Proposed Bylaw No. 4464

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4464**

A BYLAW TO AMEND BYLAW NO. 2040, THE “JUAN DE FUCA LAND USE BYLAW, 1992”

The Capital Regional District Board, 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 B, Map No. 3 – SHIRLEY JORDAN RIVER ZONING MAP

- (a) By deleting

Lot A, District Lot 87, Renfrew District, Plan EPP31225

Lot B, District Lot 87, Renfrew District, Plan EPP31225

Lot C, District Lot 87, Renfrew District, Plan EPP31225

Lot D, District Lot 87, Renfrew District, Plan EPP31225

Lot E, District Lot 87, Renfrew District, Plan EPP31225

Lot F, District Lot 87, Renfrew District, Plan EPP31225

Lot G, District Lot 87, Renfrew District, Plan EPP31225

Lot H, District Lot 87, Renfrew District, Plan EPP31225

Lot J, District Lot 87, Renfrew District, Plan EPP31225

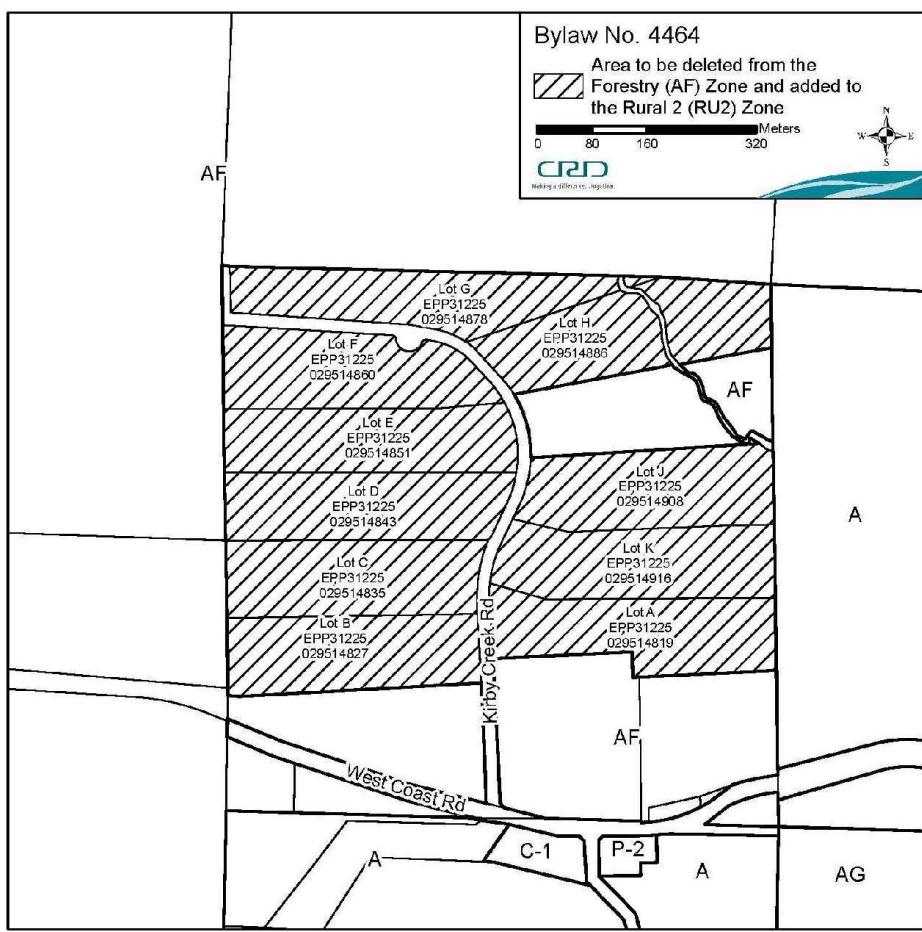
Lot K, District Lot 87, Renfrew District, Plan EPP31225

from the Forestry (AF) zone and adding to the Rural 2 (RU2) zone, as shown on Plan No. 1.

CRD Bylaw No. 4464

2

Plan No. 1 of Bylaw No. 4464, an amendment to Bylaw No. 2040



2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022".

READ A SECOND TIME THIS day of , 2022.

READ A THIRD TIME THIS _____ day of _____, 2022.

ADOPTED THIS _____ day of _____, 2022.

CHAIR

CORPORATE OFFICER



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, FEBRURY 15, 2022

SUBJECT **Comprehensive Community Development Plan Amendment Application
for Blocks D and E, District Lots 751 and 911, Renfrew District, Plan EPC2056
(Crown Lease #927321)**

ISSUE SUMMARY

The applicant proposes to rezone the subject property from Marine (M) to a new Commercial Marina (CM-1) zone in order to permit a commercial marina, community use services, food service establishments and retail establishments.

BACKGROUND

The subject property includes the surface of the water and breakwater fill areas within Crown Lease #927321, and is located adjacent to 17110 Parkinson Road in Port Renfrew (Appendix A). The property is designated as Marine Protection (M) under Bylaw No. 3109, Schedule 'A', and is currently zoned Marine (M) under Bylaw No. 3109, Schedule 'B' (Appendix B). The property is adjacent to Community Residential – One (CR-1) zoned land to the south and southeast, Tourist Commercial – One (TC-1) zoned land to the southwest, and the waters of Port San Juan, which are zoned M, to the north, west and east.

The area was included in the Port Renfrew Water Supply Local Service Area under Bylaw No. 4442 on December 8, 2021. The adjacent upland property is within the Port Renfrew Fire Protection Local Service Area; however, the Lease area currently remains outside the fire protection area.

The subject property was initially granted status as a Licence of Occupation area by the Province on February 25, 2016. Temporary Use Permit TP000008 was then issued by the Regional Board on June 28, 2016, to authorize a 60-slip commercial marina, offices, food services, fuel sales, recreation, boat trailer parking and boat storage (Appendix C). The Permit renewal was authorized by the CRD Board on July 10, 2019, and will expire on July 24, 2022. The Licence of Occupation area has recently been resurveyed and converted by the Province to a Crown Lease area.

An application to rezone the marine area, as well as two adjoining upland properties has been the subject of rezoning application RZ000242 and proposed Bylaw No. 4096. Bylaw No. 4096 included a new Pacific Gateway Marina (PGM) land use designation to amend Schedule 'A' (the OCP) of Bylaw No. 3109, and a new Pacific Gateway Comprehensive Development (PGM-CD) zone to amend Schedule 'B' (zoning). The proposed PGM-CD zone included four distinct development areas (DA-A to DA-D) with uses ranging from a commercial marina, conference centre, food service establishments, hotel and motels, and residential units. The applicant has now requested that Bylaw No. 4473 (Appendix D) be drafted to sever the marine component from the upland areas in order to allow the marina to continue to operate upon expiry of the temporary use permit.

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4473, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 14, 2022” to a Public Information Meeting, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

Cowichan Valley Regional District

Department of Fisheries and Oceans

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Island Health

Ministry of Transportation & Infrastructure

RCMP

Sooke School District #62

Pacheedaht First Nation

Alternative 2

That proposed Bylaw No. 4473 not be referred.

IMPLICATIONS

Legislative and Public Consultation Implications

Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *Local Government Act* (*LGA*). At the present time, there is no active APC for Port Renfrew; therefore, staff recommend referring the proposed amendment bylaw to a Public Information Meeting to be held via video and tele-conference.

Section 464(2) of the *LGA* allows that where the proposed bylaw is consistent with the official community plan for the area, the local government is not required to hold a public hearing on the proposed bylaw. The subject property is located within the Comprehensive Community Development Plan Area for Port Renfrew, Bylaw No. 3109, proposed Bylaw No. 4473 is consistent with “Schedule ‘A’ – Official Community Plan for Port Renfrew” of Bylaw No. 3109, and the marina use has been ongoing for six years under a temporary use permit. Therefore, staff recommend that a public hearing not be held with respect to Bylaw No. 4473. Should the Bylaw proceed without a public hearing, notice will be given in accordance with Section 467 of the *LGA*.

Regional Growth Strategy Implications

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Port Renfrew Comprehensive Community Development Plan area is consistent with the Plan, it does not proceed to the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS. The proposed zoning amendment is consistent with the policies of the Plan.

Land Use Implications

Schedule ‘A’ of the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, designates the subject property, which is defined by Crown Lease #927321, as Marine Protection (M). The Marine Protection designation does not support log booming operations, and is silent on other maritime uses. The subject property is currently zoned Marine (M) under Schedule ‘B’ of Bylaw No. 3109, which only permits private boat docks.

The proposed uses in the Commercial Marina (CM-1) zone include commercial marina, community use services such as government services, food service establishments and retail establishments. These uses are currently authorized under Temporary Use Permit TP000008. The Permit will expire on July 24, 2022, and there is no option to renew the permit for another term.

Construction of the breakwater and dock facilities was approved by the Province through the issuance of the original licence of occupation. At that time, the Province required detailed environmental assessments, which led to the present location and configuration of the breakwater structures. The marina provides a year-round safe harbour and now plays an important economic role for the surrounding community.

Staff recommend referral of Bylaw No. 4473 to a Public Information Meeting, appropriate CRD departments, external agencies and First Nations for comment.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone the subject property in Port Renfrew from the Marine (M) zone to a new Commercial Marine (CM-1) zone for the purpose of permitting a commercial marina, community use services, food service establishments and retail establishments upon the expiry of Temporary Use Permit TP000008. Staff have prepared proposed Bylaw No. 4473 and recommend referral of the Bylaw to a Public Information Meeting, First Nations, CRD departments and external agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4473, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 14, 2022” to a Public Information Meeting, appropriate CRD departments and the following external agencies and First Nations for comment:

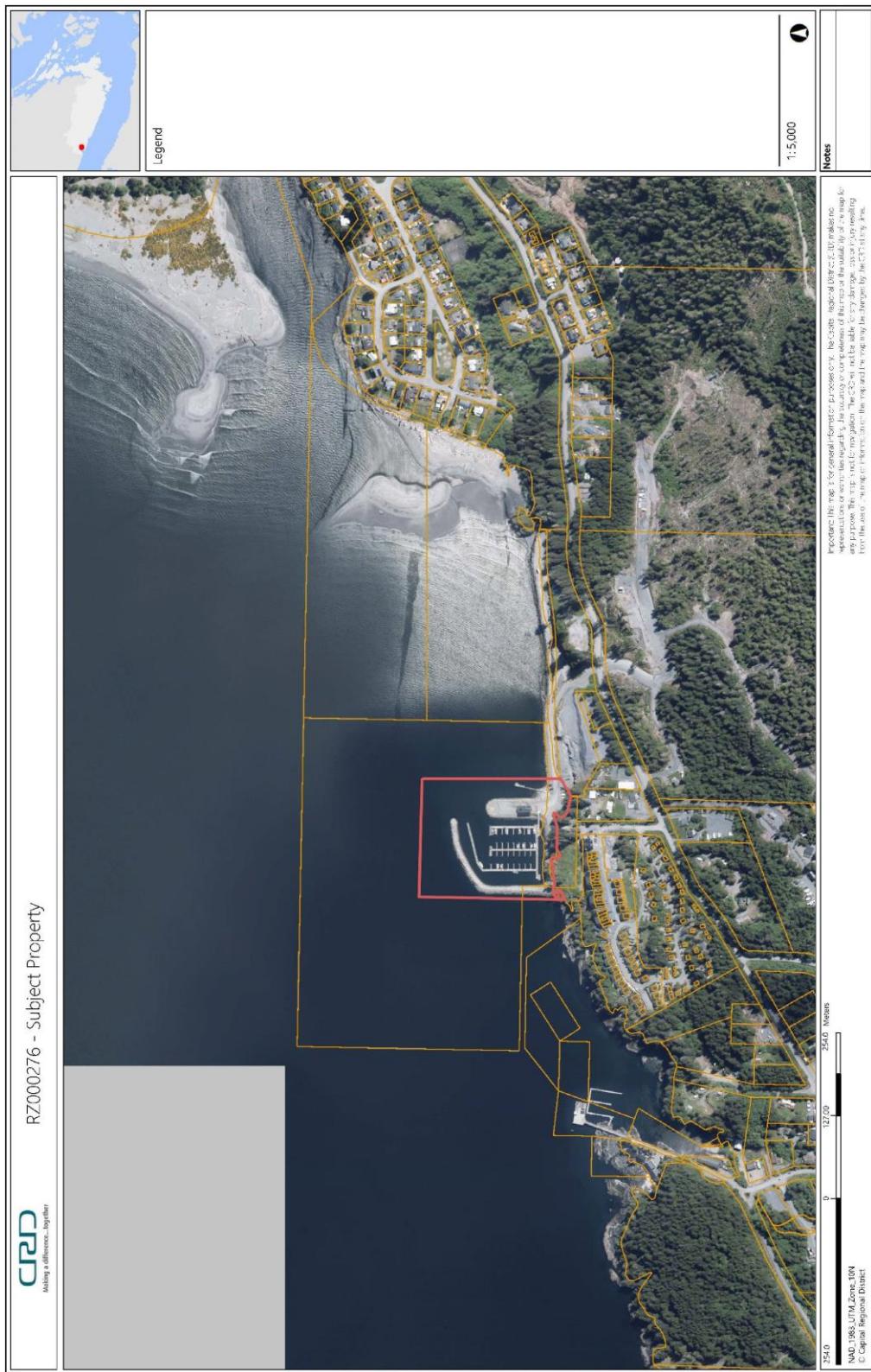
BC Hydro
Cowichan Valley Regional District
Department of Fisheries and Oceans
FLNR - Archaeology Branch
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Island Health
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62
Pacheedaht First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services

ATTACHMENTS

- Appendix A: Subject Properties
- Appendix B: Marine Zone
- Appendix C: TP000008 Marina Site Plan
- Appendix D: Proposed Bylaw No. 4473

Appendix A: Subject Property



Appendix B: Marine Zone

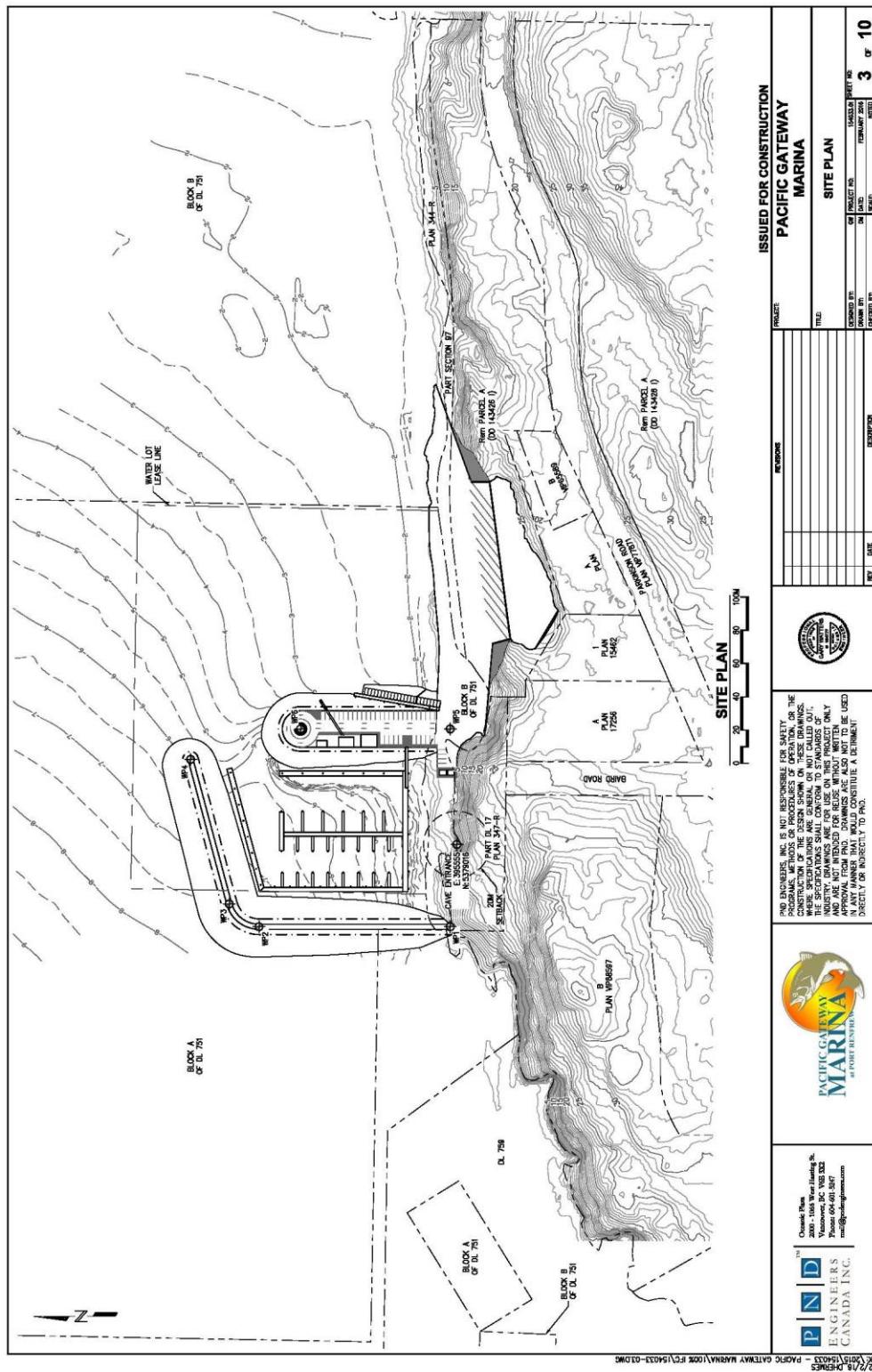
Schedule "B" of
Capital Regional District Bylaw No. 3109

SECTION 27 M (Marine) Zone

Permitted Uses

1. The following uses and no others are permitted in this zone:
 - a) Private boat docks.

Appendix C: TP000008 Marina Site Plan



Appendix D: Bylaw No. 4473

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4473

A BYLAW TO AMEND BYLAW NO. 3109,
THE "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW, BYLAW NO. 1, 2003"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 3109 being the "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003" is hereby amended:

A. SCHEDULE B, PART 1, SECTION 1 DEFINITIONS

- (a) By adding a new definition for "COMMERCIAL MARINA" before the words "COMMUNITY SEWAGE SYSTEM" as follows:

COMMERCIAL MARINA means a facility providing moorage for commercial vessels and private pleasure craft, as well as offices, fuel sales, boat trailer parking and boat storage.

B. SCHEDULE B, PART IV - ZONES

- (a) By inserting a new "Commercial Marina – CM-1" zone, after Section 27, to be read as follows:

SECTION 27A CM-1 (Commercial Marina) Zone

Permitted Uses

1. The following uses and no others are permitted in this zone:

- a) Commercial marina;
- b) Community use services;
- c) Food service establishments;
- d) Retail establishments.

Permitted accessory uses and buildings on any parcel include the following:

- e) Any buildings or structures accessory to any of the above listed uses;

Regulations

2. On a parcel of land located in this zone:

Height

- a) No principal building or structure shall exceed 9.75 metres in height.

No accessory building or structure shall exceed 6 metres in height.

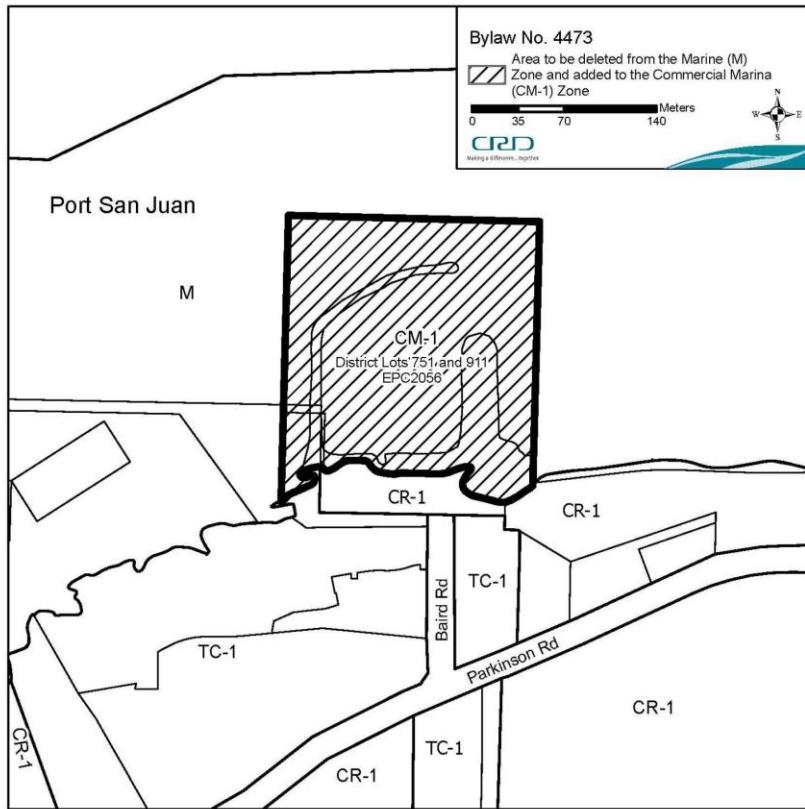
C. SCHEDULE B, MAP NO. 3 – ZONING

- (a) By deleting Blocks D and E, District Lots 751 and 911, Renfrew District, Plan EPC2056, Lease #927321, from the Marine (M) zone and adding said Lease area to the Commercial Marina (CM-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

CRD Bylaw No. 4473

2

Plan No. 1 of Bylaw 4473, an amendment to Bylaw No. 3109



2. This bylaw may be cited as Bylaw No. 4473, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 14, 2022".

READ A FIRST TIME	THIS	DAY OF	2022
READ A SECOND TIME	THIS	DAY OF	2022
READ A THIRD TIME	THIS	DAY OF	2022
ADOPTED	THIS	DAY OF	2022

CHAIR

CORPORATE OFFICER



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, FEBRURY 15, 2022

SUBJECT **Comprehensive Community Development Plan Amendment Application for Lot 1, Section 97, Renfrew District, Plan EPP24972; and part of Section 97, Renfrew District Shown Coloured Red on Plan 344R – 17110 Parkinson Road**

ISSUE SUMMARY

The applicant proposes to rezone the subject properties from Community Residential – One (CR-1) to a new Multiple Family Residential (MR-1) zone in order to permit residential development in the form of single family dwellings, duplexes, townhomes, and apartment units.

BACKGROUND

The subject properties are located at 17110 Parkinson Road in Port Renfrew (Appendix A). The property is designated as Residential (R) under Bylaw No. 3109, Schedule 'A', and is currently zoned Community Residential – One (CR-1) under Bylaw No. 3109, Schedule 'B' (Appendix B). The subject properties are adjacent to Parkinson Road and Community Residential – One (CR-1) zoned land to the south, Tourist Commercial – One (TC-1) zoned land to the southwest, Community Use (CU) zoned land to the east, and the waters of Port San Juan, which are zoned M, to the north.

The properties were fully included in the Port Renfrew Water Supply Local Service Area under Bylaw No. 4442 on December 8, 2021, and are within the Port Renfrew Fire Protection Local Service Area.

An application to rezone the subject properties and an adjoining marine lease area has been the subject of rezoning application RZ000242 and proposed Bylaw No. 4096. Bylaw No. 4096 included a new Pacific Gateway Marina (PGM) land use designation to amend Schedule 'A' (the OCP) of Bylaw No. 3109, and a new Pacific Gateway Comprehensive Development (PGM-CD) zone to amend Schedule 'B' (zoning). The proposed PGM-CD zone included four distinct development areas (DA-A to DA-D) with uses ranging from commercial marina, conference centre, food service establishments, hotels and motels, and residential units. The applicant has now requested that Bylaw No. 4477 (Appendix D) be drafted to sever the marine component from the upland areas in order to focus on a smaller part of the upland development to allow residential development in accordance with the existing OCP policies.

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4477, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 15, 2022" to a Public Information Meeting, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro
Cowichan Valley Regional District
Department of Fisheries and Oceans
FLNR - Archaeology Branch
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Island Health
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62
Pacheedaht First Nation

Alternative 2

That proposed Bylaw No. 4477 not be referred.

IMPLICATIONS

Public Consultation Implications

Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *Local Government Act* (LGA). At the present time, there is no active APC for Port Renfrew; therefore, staff recommend referring the proposed amendment bylaw to a Public Information Meeting to be held via video and tele-conference.

Regional Growth Strategy Implications

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Port Renfrew Comprehensive Community Development Plan area is consistent with the Plan, it does not proceed to the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS. The proposed zoning amendment is consistent with the policies of the Plan.

Land Use Implications

Schedule 'A' of the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, designates the subject properties as Residential (R). The Residential designation supports multiple family residential development in the area if the design of the new proposal is compatible with the form and character of the surrounding residential uses. The subject property is currently zoned Community Residential – One (CR-1) under Schedule 'B' of Bylaw No. 3109, which permits single-family dwellings, and duplexes or retail establishments.

The proposed Multiple Family Residential (MR-1) zone would permit residential development in the form of single-family dwellings, duplexes, townhomes or apartment units. Retail establishments are not proposed to be a permitted use of the MR-1 zone. Density is proposed to be regulated through a floor space ratio (FSR), which is defined as meaning the total floor area of all buildings on the lot divided by the lot area or the area zoned for the multiple family use. The FSR is proposed to be 0.35, which means that the maximum floor space of all buildings and structures cannot exceed 35% of the parcel area. The proposed MR-1 zoned area is approximately 7,500 m², which would permit a floor area of up to 2,625 m² (28,255 sq. ft.).

The proposed MR-1 zone limits density to one single-family dwelling if the parcel is not connected to both a community sewage and community water system. The subject properties were recently included in the Port Renfrew Water Supply Local Service Area and would be permitted to connect to the recently upgraded system. The property is not currently serviced by a community sewage system; however, a strata system authorized by Island Health for an amount up to 22,700 L/day (5,000 imperial ga/day) would qualify as a community system.

The maximum height of principal buildings and structures is proposed to be 15 m (45.9 ft.), which could accommodate a 4-storey apartment building with sloped roof.

At this time, staff recommend referral of Bylaw No. 4477 to a Public Information Meeting,

appropriate CRD departments, external agencies and First Nations for comment.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone parts of the subject properties in Port Renfrew from the Community Residential – One (CR-1) zone to a new Multiple Family (MR-1) zone for the purpose of permitting residential development in the form of single-family dwellings, duplexes, townhomes or apartments, with a maximum density calculated using floor space ratio of 0.35. Staff have prepared proposed Bylaw No. 4477 and recommend referral of the Bylaw to a Public Information Meeting, First Nations, CRD departments and external agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4473, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 14, 2022” to a Public Information Meeting, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro
Cowichan Valley Regional District
Department of Fisheries and Oceans
FLNR - Archaeology Branch
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Island Health
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62
Pacheedaht First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services

ATTACHMENTS

- Appendix A: Subject Properties
- Appendix B: Community Residential – One Zone
- Appendix C: Concept Site Layout
- Appendix D: Proposed Bylaw No. 4477

Appendix A: Subject Property



Appendix B: Community Residential – One (CR-1) Zone

Schedule "B" of
Capital Regional District Bylaw No. 3109

PART IV ZONES

SECTION 22 CR-1 (Community Residential – One) Zone

Permitted Uses

1. The following uses and no others are permitted in this zone:

- a) Dwelling unit;
- b) Religious centres;
- c) Bed and breakfasts;
- d) Home based business;
- e) Retail establishments.

Permitted accessory uses and buildings on any parcel includes the following:

- f) Any accessory buildings or structures to any of the above listed uses, including one or more dwelling units in the rear of or above a retail establishment;
- g) One-cottage in conjunction with the above permitted uses, provided that the cottage does not exceed 83 square metres (900 square feet).

Regulations

2. On a parcel of land located in this zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size is 1.0 Ha (2.5 acres) when there is no community sewage or water system to hook into or the owner decides not to hook into both a community sewage and water system.
- b) The minimum parcel size is 0.1 Ha (0.25 acres) when the parcel is hooked up to a community sewer and water system.

Minimum Size of Accessory Dwelling Units and Cottage

- c) Not more than 30 percent (30%) of the principal building shall be used for an accessory dwelling unit or units in a retail establishment.
- d) The accessory cottage must not exceed 83 square metres (900 square feet).

Number and Type of Dwelling Units Allowed

- e) Despite paragraph (d) above, not more than the following types of dwelling units, not contained within a retail establishment, are allowed on a parcel in this zone:
 - i. One (1) single-family dwelling unit;
 - ii. One (1) two-family dwelling unit, if there is no retail establishment on the parcel.

Schedule "B" of
Capital Regional District Bylaw No. 3109

Height

- f) No principal building or structure shall exceed 9.75 metres (32 feet) in height. No accessory building or structure shall exceed 4.8 metres (16 feet) in height.

Setbacks

- g) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
- i. 6 metres (20 ft) of a front parcel line;
 - ii. 1.5 metres (5 ft) of an interior side parcel line;
 - iii. 4.6 metres (15 ft) of an exterior side parcel line;
 - iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

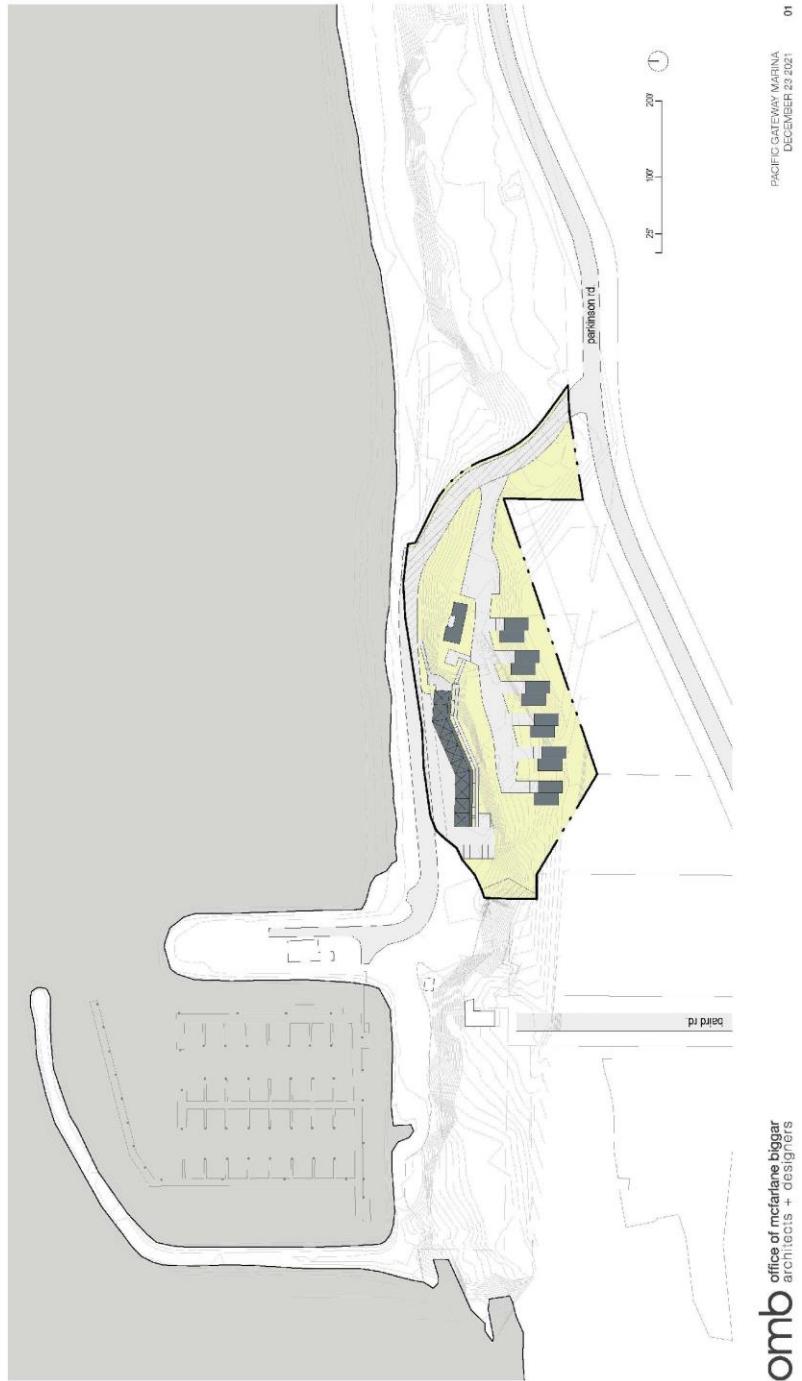
- h) The total floor area of all accessory buildings must not exceed 10-percent (10%) of the parcel area;
- i) An accessory building must not be located within 1.5 metres (5 ft) of a rear parcel line.

Parcel Area Coverage

- j) The maximum permitted parcel area coverage of the principal building with all accessory buildings and structures is 40 percent (40%).

Appendix C: Concept Site Layout

OPTION 01
CUTBACK SCHEME



Appendix D: Bylaw No. 4477

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4477**

**A BYLAW TO AMEND BYLAW NO. 3109,
THE "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW, BYLAW NO. 1, 2003"**

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 3109 being the "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003" is hereby amended:

A. SCHEDULE B, PART 1, SECTION 1 DEFINITIONS

- (a) By adding a new definition for "APARTMENT" after the definition of "ACCESSORY or ACCESSORY USE" as follows:

APARTMENT means a dwelling unit contained in an apartment building;

- (b) By adding a new definition for "APARTMENT BUILDING "before the definition of "CARETAKER'S QUARTERS" as follows:

APARTMENT BUILDING means a building divided into not less than three dwelling units other than Townhouses; specifically excludes a building used for a Hotel or Motel;

- (c) By adding a new definition for "DWELLING, DUPLEX" after the definition of "DERELICT VEHICLE" as follows:

DWELLING, DUPLEX means a residential use in a building which is divided into two dwelling units which are either placed one above the other or side by side, and sharing a common wall, each unit of which is occupied or intended to be occupied as a permanent home or residence; specifically excludes dwelling units attached by carport, sundeck, breezeway or other similar structures;

- (d) By adding a new definition for "DWELLING, SINGLE-FAMILY" before the definition of "DWELLING, DUPLEX" as follows:

DWELLNG, SINGLE-FAMILY means a residential use in a detached building having independent exterior walls, consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence and having not more than one kitchen;

- (e) By adding a new definition for "DWELLING, TOWNHOME" before the definition of "DWELLING UNIT" as follows:

DWELLNG, TOWNHOME means a residential use in a building which is divided into three or more dwelling units which are either placed one above the other or side by side, and sharing a common wall, each unit of which is occupied or intended to be occupied as a permanent home or residence; specifically excludes dwelling units attached by carport, sundeck, breezeway or other similar structures;

By adding a new definition for "FLOOR SPACE RATIO" after the definition of "FLOOR AREA" as follows:

FLOOR SPACE RATIO means the total floor area of all buildings on the lot divided by the lot area or that part of the lot so zoned for the use to which the floor space ratio applies;

B. SCHEDULE B, PART IV - ZONES

- (a) By inserting a new “MR-1 (Multiple Family Residential)” zone, after Section 22A, to be read as follows:

SECTION 22B MR-1 (Multiple Family Residential) Zone

Permitted Uses

1. The following uses and no others are permitted in the MR-1 zone:

- a) Dwelling unit;
- b) Home based business;

Permitted accessory uses and buildings on any parcel include the following:

- c) Any buildings or structures accessory to any of the above listed uses;

Regulations

2. On a parcel of land located in this zone:

Minimum Parcel Size for Subdivision Purposes

- a) The minimum parcel size is 0.75 ha (1.85 ac).

Density and Type of Dwelling Units

- b) Dwelling units may be in the form of:

- i) single-family dwelling units;
- ii) duplex dwelling units;
- iii) townhome dwelling units; or
- iv) apartment units in an apartment building.

- c) The density of dwelling units must not exceed:

- i) Where the lot is not connected to both a community water system and a community sewer system:
 - (a) 1 dwelling unit per ha.
- ii) Where the lot is connected to both a community water system and a community sewer system:
 - (a) a combined floor space ratio (FSR) of all dwelling units of 0.35.

Height

- d) Principal buildings or structures must not exceed 15 m (49.2 ft) in height.

- e) Accessory buildings or structures must not exceed 6.0 m (19.6 ft) in height.

Setbacks

- f) Except as otherwise specifically permitted in this bylaw, buildings or structures must not be located within:

- i) 6 m (19.6 ft) of a front parcel line;
- ii) 6 m (19.6 ft) of an interior side parcel line;
- iii) 6 m (19.6 ft) of an exterior side parcel line; and
- iv) 6 m (19.6 ft) of a rear parcel line.

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Accessory Buildings

- g) The total floor area of all accessory buildings must not exceed 10% of the parcel area.
- h) Accessory buildings must not be located within 1.5 m (5 ft) of a rear parcel line.

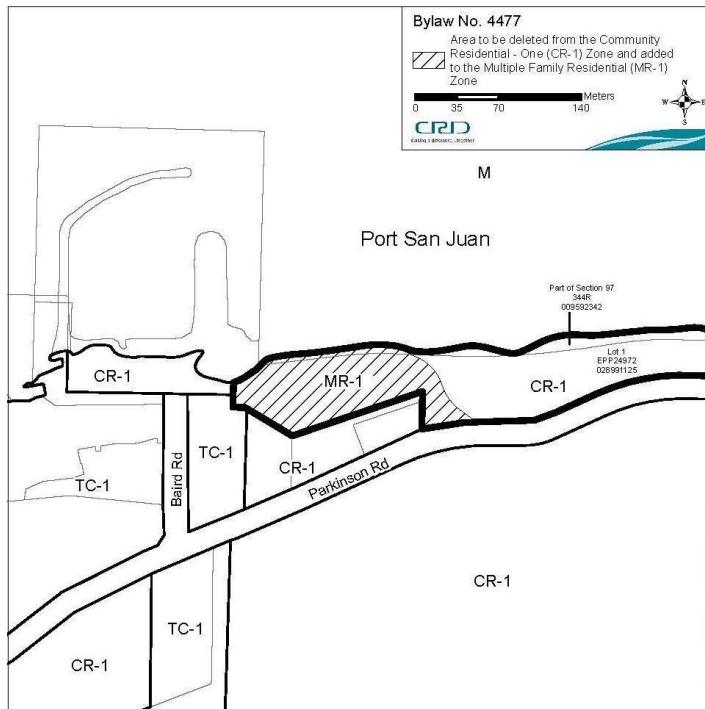
Parcel Area Coverage

- i) The maximum parcel coverage of the principal building and all accessory buildings and structures must not exceed 30% of the parcel area.

C. SCHEDULE B, MAP NO. 3 – ZONING

- (a) By deleting part of Lot 1, Section 97, Renfrew District, Plan EPP24972; and part of Section 97, Renfrew District Shown Coloured Red on Plan 344R from the Community Residential One (CR-1) zone and adding said part to the Multiple Family Residential (MR-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

Plan No. 1 of Bylaw 4477, an amendment to Bylaw No. 3109



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2. This bylaw may be cited as Bylaw No. 4477, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 15, 2022".

READ A FIRST TIME	THIS	____	DAY OF	_____	2022
READ A SECOND TIME	THIS	____	DAY OF	_____	2022
READ A THIRD TIME	THIS	____	DAY OF	_____	2022
ADOPTED	THIS	____	DAY OF	_____	2022

CHAIR

CORPORATE OFFICER