



**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, MARCH 13, 2019**

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**SUBJECT**      **Public Hearing Report on Bylaw No. 4259, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 136, 2018”**

**ISSUE**

To receive the Report of the Public Hearing held February 6, 2019, for proposed Bylaw No. 4259, and to consider Bylaw No. 4259 for third reading and adoption.

**BACKGROUND**

At its meeting on January 9, 2019, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4259, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 136, 2018”, and passed a resolution to delegate authority to the Regional Director to hold a Public Hearing with respect to Bylaw No. 4259.

Bylaw No. 4259 (Appendix 1) will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by deleting That Part of Lot 2, Section 90, Renfrew District, Plan VIP6764 Lying to the North of the 66 Foot Road Dedicated by Said Plan from the Rural (A) zone and from the Forestry (AF) zone, and adding said lot to a new Rural 2 (RU2) zone for the purpose of permitting agriculture.

On February 6, 2019, a Public Hearing was held for Bylaw No. 4259. There were four people in attendance. One written submission supporting the proposal was received. The Report of the Public Hearing is attached (Appendix 2).

**ALTERNATIVES**

**Alternative 1**

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4259, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on February 6, 2019, for Bylaw No. 4259, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 136, 2018”, be received; and
- b) That Bylaw No. 4259 be read a third time and adopted.

**Alternative 2**

That the minutes that form the Report of the Public Hearing for Bylaw No. 4259, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on February 6, 2019, for Bylaw No. 4259, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 136, 2018”, be received.

**LAND USE IMPLICATIONS AND PLANNING ANALYSIS**

The subject property is currently split-zoned Forestry (AF) and Rural A in Bylaw No. 2040. The split-zone boundary has been in place since the adoption of Bylaw No. 282, 1976, but there is no obvious rationale for this divide. Staff propose eliminating the split-zone boundary by including the entire parcel within one zone that supports agricultural uses.

The property is designated Coastal Uplands (CU) in the Shirley – Jordan River OCP which supports the continued use of these lands for forestry purposes; however, if lands are removed from PMFL then uses such as low-impact recreation, low-impact tourism, community parks, single-family residential and agriculture are also supported in this designation. The CU designation supports a density of one parcel per 4 ha and one dwelling per parcel.

A bylaw amendment, Bylaw No. 4179, was considered by the Land Use Committee in 2017 to add agriculture and intensive agriculture as permitted uses in the AF zone. The amendment was prepared by staff in response to inquiries from a number of property owners wishing to pursue farming on AF zoned properties in Otter Point and Shirley. While the bylaw amendment was ultimately withdrawn due to a stated community desire to protect the long-term use of AF zoned lands for silviculture practices and the potential water use and wildlife conflicts associated with agriculture, an approach of site-specific rezoning applications for agriculture was supported.

The application RZ000259 to rezone the subject property to the Agriculture (AG) zone was referred to agencies and to the Shirley/Jordan River Advisory Planning Commission (APC). Members of the public and the APC stated concern for the scale of the proposed intensive agriculture uses and potential impacts on nearby water supplies. The applicant has confirmed support for applying a new zone to the property that permits agricultural uses at a smaller scale and that is consistent with the policies of the CU designation. Staff have revised Bylaw No. 4259 by creating a new Rural 2 (RU2) zone that is intended to clarify the scale of agricultural uses supported by the APC and to be consistent with the CU density provisions. The RU2 zone could be applied to other Forestry AF rezoning proposals that seek to pursue agriculture use in the future.

Staff recommend that the minutes that form the record of the Public Hearing for Bylaw No. 4259 be received, that Bylaw No. 4259 be read a third time, and that Bylaw No. 4259 be adopted.

### **CONCLUSION**

A Public Hearing was held on February 6, 2019, for Bylaw No. 4259, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 136, 2018”. The minutes are attached as the Report of the Public Hearing.

There were four people in attendance at the Public Hearing and one written submission supporting the proposal was received.

Staff recommend Alternative 1 to receive the minutes and for the proposed bylaw to be given third reading and adopted.

### **RECOMMENDATIONS**

- a) That the minutes that form the Report of the Public Hearing for Bylaw No. 4259, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on February 6, 2019, for Bylaw No. 4259, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 136, 2018”, be received; and
- b) That Bylaw No. 4259 be read a third time and adopted.

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

IL:wm

Appendix 1 – Proposed Bylaw No. 4259

Appendix 2 – Report of the Public Hearing February 6, 2019