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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, OCTOBER 15, 2024**

**SUBJECT Zoning Bylaw & Official Community Plan Amendment Application for Lot A
Section 4 Renfrew District Plan EPP131465; PID: 032-229-046**

ISSUE SUMMARY

The landowner has submitted an application to redesignate a 3.3 ha portion of the subject property from the *Pacific Acreage* to the *Commercial* land use designation and amend the *Commercial* designation policies; and to amend the Wildwood Terrace Neighbourhood Commercial (C-1A) zone to permit additional commercial uses and facilitate subdivision.

BACKGROUND

The 3.3 ha subject property (the “Land”) is located in the community of Jordan River on the northern side of West Coast Road. The Land is zoned C-1A under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (the “Zoning Bylaw”) (Appendix A). The property is currently designated *Pacific Acreage* in the Shirley-Jordan River Official Community Plan, Bylaw No. 4001 (the “OCP”) and is subject to the Commercial and Industrial development permit (DP) area. The Land is not located within community water, sewer or fire protection local service areas. Covenant CA5916759 is registered on the title of the property and requires that all buildings and structures be equipped with an automatic sprinkler system that fully meets the requirements of the National Fire Protection Association (NFPA).

The Land was the subject of a zoning bylaw amendment in 2021 to adjust the WT-4/C-1A zone boundary and permit a country market and micro-brewery with ancillary onsite store, picnic area, lounge and special event area. Development permit DP000378 was approved and in October 2022, and is awaiting issuance to address the form and character of a proposed microbrewery.

The landowner (the “applicant”) has submitted an application to amend the C-1A zone for the purpose of permitting a subdivision to create a commercial bare land strata and to include additional neighbourhood commercial uses with changes to the siting and development requirements. The application includes an OCP amendment to remove the 3.3 ha lands from the PA designation, which primarily supports rural residential, agricultural and small-scale neighbourhood commercial uses, and add it to the *Commercial* designation with an amendment to support smaller minimum lot sizes. At its meeting of March 19, 2024, the Juan de Fuca Land Use Committee (the “LUC”) recommended referral of proposed Bylaw No. 4598 & 4599 to the Shirley-Jordan River Advisory Planning Commission (the “APC”); CRD departments; Pacheedaht First Nation; T’Sou-ke First Nation; BC Hydro; BC Parks; District of Sooke; Island Health; the Ministry of Forests – Archaeology Branch; Ministry of Water, Land and Resource Stewardship – Water Protection Section; Ministry of Transportation & Infrastructure; RCMP; and the Sooke School District # 62.

In response to the comments received during the referral process the applicant has modified the setbacks in the amendments proposed for the C1-A zone (Appendix B) to provide space for a public trail offered as a community amenity contribution. The applicant has also updated the concept plan (Appendix C) and provided a subdivision plan from SU000770 (Appendix D), an environmental assessment (Appendix E), and a groundwater assessment to supplement the initial report (Appendix F). The proposal includes a village gathering place that serves the community, supports local tourism, and provides opportunities for local ownership of commercial lands. Staff have prepared Bylaw No. 4598 for the proposed amendments to the OCP (Appendix G) and Bylaw No. 4599 for the proposed amendments to the C1-A zone (Appendix H) in accordance with the applicant’s proposal.

ALTERNATIVES

Alternative 1

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

1. That the referral of proposed Bylaw No. 4598, “Shirley - Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 2, 2024”; and proposed Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024”; to the Shirley-Jordan River Advisory Planning Commission; Pacheedaht First Nation; T’Sou-ke First Nation; CRD departments; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Water, Land and Resource Stewardship – Water Protection Section; Ministry of Transportation & Infrastructure; RCMP; and Sooke School District # 62 be approved and comments be received;
2. That proposed Bylaw No. 4598 be read a first and second time;
3. That proposed Bylaw No. 4599 be read a first and second time;
4. That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4598 and Bylaw No. 4599;
5. That prior to the adoption of proposed Bylaw No. 4599, the landowner provides an amenity contribution by registering a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail; and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Alternative 2

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

That proposed Bylaw No. 4598, “Shirley - Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 2, 2024”; and proposed Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024” not proceed.

IMPLICATIONS

Legislative Implications

The 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)*. The Shirley-Jordan River APC considered the application at its meeting on April 23, 2024.

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.

Regional Growth Strategy Implications

The RGS designates the subject property as Rural/Rural Residential, which includes lands used for rural and rural residential purpose. While not intended to become future urban areas requiring extensive services, commercial uses serving the local community by providing employment opportunities in a rural context can be supported if impacts to the local community and environment are minimal.

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. Since the proposal includes an amendment to the OCP, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for determination of consistency with the RGS prior to first reading.

First Nations Implications

The subject property is located within the asserted traditional territory of the Pacheedaht and T’Sou-ke First Nations. Each nation was invited to participate in an application review process with staff and the applicant to better inform consideration of the proposal.

Referral Comments

Referrals were sent to 12 agencies, CRD departments, Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and to the Shirley – Jordan River APC. Comments received are summarized below and included in Appendix I.

Pacheedaht First Nation stated concerns on potential impacts to the delivery of emergency services and the aquifer that the local area relies on. The PFN encouraged the applicant to respond by providing information on the Bliss Spring water resource and address pedestrian accessibility to the site.

T'Sou-ke First Nation requested to be informed and involved in any archaeological findings identified during the construction on the property and that an archaeological chance-find procedure should be implemented during the construction.

The RCMP expressed that they had no comments or concerns on the proposal.

Ministry of Forests - Archaeology Branch stated that there are no known archaeological sites recorded on the subject property, and there is no available modelling for archaeological potential in the immediate area. Should archaeological or cultural features be identified during construction, a permit under the *Heritage Conservation Act* will be required.

Ministry of Transportation & Infrastructure stated that they have no objections or concerns. However, the proposed bylaws will require Ministry approval in accordance with Section 52 the *Transportation Act*.

CRD First Nations Relations stated that while there are registered archaeological sites within ~570 m of the property, a Provincial *Heritage Conservation Act* permit is not required prior to development. However, First Nations Relations explained that there could be significant delays in acquiring a permit if archaeological deposits, features, or materials are identified during development, and recommended prior consultation with a qualified professional Archaeologist.

CRD Protective Services confirmed that the subject property is not located within a fire service area and acknowledged the sprinkler fire suppression covenant registered on title.

The Juan de Fuca Community Parks and Recreation Advisory Commission reviewed the application at its meeting on April 23, 2024, and provided the following recommendation by resolution:

MOVED by Commissioner McAndrews, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission state to the Juan de Fuca Land Use Committee that the Commission's interests are affected by the proposal (RZ000284) and that the Commission supports the continued safe trail connectivity and recreation in the community including connecting backcountry trails and active transportation routes.

The Shirley-Jordan River Advisory Planning Commission met on April 23, 2024, to consider the application with 14 members of the public in attendance and made the following motion:

MOVED by Fiona McDannold, **SECONDED** by Vivi Curutchet that the Shirley-Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee support for Zoning and Official community Plan Amendment application RZ000284.

Official Community Plan Context and Policy Implications

The applicant's primary objective for this application is to improve the viability of and access to rural commercial land within Jordan River. The Shirley-Jordan River OCP designates the subject property as *Pacific Acreage*, which supports 2.0 ha residential parcels, agriculture uses, and small-scale neighborhood commercial activities. In order to support an average lot size of 0.4 ha and a minimum of 0.2 ha, this application proposes an OCP amendment to redesignate the subject property from *Pacific Acreage* to *Commercial*, and to update the corresponding policies. The proponent's land use analysis provided during the initial application (Appendix J) suggested that the proposed C-1A zone amendments are better suited to *Commercial* designation, which supports small-scale commercial; civic, institutional, tourism, recreation, silviculture; community parks; and light industrial uses. However, the *Commercial* designation currently applies only to parcels in the flood inundation area around Jordan River that are also designated as *Restricted Development*. The present *Commercial* designation policies support a minimum lot size of 120 ha, which prevents subdivision and limits the availability of land for commercial development in Jordan River. This proposal includes a text amendment to policy 484 N of the OCP that reduces the minimum

parcel size from 120 ha to an average parcel size of 0.4 ha and a minimum of 0.2 ha, and to policy 484 R that adds a 120 ha minimum parcel size restriction to the *Restricted Development* designation to address the flood hazard concerns related to failure of the dam above Jordan River.

Section 208 – Regional Growth Strategy

In keeping with the RGS, OCP policies support compact rural settlements that are not intended to become future urban areas requiring extensive servicing. The application proposes onsite well and septic systems, which support a rural scale of development rather than an urban scale seen in neighbouring incorporated communities where community level services are available. The proposed rural servicing will require permitting and licensing at the time of development. The proposed OCP amendment will be reviewed by the Planning and Protective Services Committee for determination of consistency with the RGS prior to first reading of the bylaw to amend the OCP (Bylaw No. 4598).

Section 310 – Water

The proposed OCP and zone amendments are in keeping with the existing permitted commercial uses. Uses not supported by the OCP due to their association with potential hazardous spills and contamination, such as a gas stations and bulk fuel sales, are not included in the proposal. The initial proposal included a groundwater study; however, comments received from Pacheedaht First Nation expressed concern regarding potential impacts to local water availability with particular interest in Bliss Spring. In response, the applicant submitted an additional groundwater study. The supplementary assessment focused on quantity and quality testing from the well to be used by the brewery, which is located at an elevation above Bliss Spring. Anticipating that the brewery will likely have the highest water demand, findings from this assessment confirmed that the immediate aquifer is capable of meeting a maximum potential demand of 350,000 litres per year (extrapolated to 3,000,000 litres per year in 10 years for the entire development) without impacting availability. However, the study advised that it is possible that continuous pumping at the maximum potential demand could affect the flows of Bliss Spring. The groundwater reports advised that potential contamination of the aquifer is not anticipated and recommended that wells should be constructed in accordance with Provincial licensing and permitting requirements, that water meters be used, that regular water quality testing be undertaken, and that there be further investigation of potential impacts to Bliss Spring during the licensing process.

Section 333 – Connectivity and Section 335 – Park Land Acquisition

The OCP states that residents have expressed interest in a network of local trails developed in both the communities of Shirley and Jordan River. This network should connect residential areas with commercial nodes, local and regional parks and trails, and other community-based amenities. There is also a community concern for providing safe routes for school-aged children when travelling independently in their community and to school bus stops. To address the goals of the OCP and in response to the comments from the JdF Parks and Recreation Advisory Commission the applicant has offered a public trail in the form of a statutory right-of-way in favour of the CRD as a community amenity contribution. The proposed trail location is identified on the updated concept plan.

Section 392 – Reducing the Number of Vehicle Trips

One of the ways that residents of Shirley and Jordan River can contribute to reducing greenhouse gas emissions is through reducing the number of vehicle trips. Delivery of medical and community outreach programs at a venue in Shirley or Jordan River could see the service providers making one or two round trips within the Plan area instead of multiple trips outside the community by residents travelling elsewhere to access services. Increased recreational and social opportunities for youth within the Plan area would reduce the need for parents to take their children to and from activities in Sooke. Support for locally owned and/or operated neighbourhood commercial uses and farm gate sales can also reduce the travel necessary for employment or to purchase food and other goods. Installation of Electric Vehicle infrastructure is also supported.

Land Use Analysis

The subject property is zoned C-1A by the Juan de Fuca Land Use Bylaw. Permitted uses of the C-1A zone include convenience stores; civic uses; food and beverage processing; country market; and retail stores. The zone specifically excludes gas bars, gas stations, bulk fuel sales, auto repair, carwashes, or any use for which a permit is required under the *Environmental Management Act* or *Regulation*. Accessory uses

include residential; screened outdoor storage; onsite store; picnic area; lounge; special event area in conjunction with *Liquor Control and Licensing Act*; as well as buildings or structures that support a permitted principal use.

The C-1A zone, which only applies to the subject property, specifies a minimum parcel size of 3.3 ha, maximum height of 9 m; parcel coverage of 25%; maximum floor area of 2,000 m²; and setbacks of 7.5 m (front); 6.0 m (side); and 10.0 m (rear). The zone was amended by Bylaw No. 4381 in December 2021, to add food and beverage processing, a country market, and accessory uses related to a manufacturer liquor license as permitted uses.

The proposed amendments to the C-1A zone include reducing the minimum parcel size to an average of 0.4 ha and a minimum of 0.2 ha; increasing the maximum height of buildings and structures to 12 m; replacing the maximum total floor area with a floor space ratio (FSR) of 0.4; reducing the side yard setback to 3.0 m and the rear yard setback to 5.0 m, except that a 9.0 m minimum setback is required from residential and rural zones; and specifying minimum front and flanking yard setbacks of 7.5 m from a public road.

In order to make land available for a public trail, pedestrian access, natural vegetation, landscaping, and to be consistent with the commercial industrial development permit area guidelines of the OCP, parking spaces are proposed to be setback a minimum of 7.5 m from lot lines abutting West Coast Road and 3.0 m from other lot lines. Parking would also be permitted on strata common property, rather than only on the property for which it is required. Finally, the applicant proposes adding restaurant, personal service, office, and health services uses as permitted uses to the zone.

The proposed commercial bare land strata arrangement with smaller lots is intended to allow for financing and development at an individual business level, as well as to promote an opportunity for clustering and building character diversity, rather than the single-owner model with larger, more uniform building design and leased commercial spaces (Appendices B, C, D, & J).

The proposal is supported by an environmental assessment (Appendix E) and groundwater studies (Appendix F) that assessed the feasibility of implementing ten individual commercial wells. The March 27, 2024, groundwater study reported that the well to be used by the brewery (Well ID: 69081) was tested at a rate of ~45 L/min and that, while the area influenced by pumping the well was relatively large during the test, the amount of well interference on neighbouring domestic wells was relatively small. Based on the brewery's projected water use, the study extrapolated a water usage rate of 5.7 L/minute in 10 years once the development has been fully built out. The professional commented that the interference would be proportionately much less than the test demonstrated; however, there is potential for future impact on Bliss Spring. This will need to be further studied as the brewery's water usage becomes better understood through the Provincial licensing process.

Staff are of the opinion that the proposed zoning amendments are in keeping with the direction provided by the OCP, and that the proposed OCP amendments are consistent with the other policies of the Plan. Staff recommend that the referral comments be received, that proposed Bylaw Nos. 4598 and 4599 be read a first and second time, that a public hearing be held with respect to the bylaws, and that prior to adoption, the landowner register a statutory right-of-way in favour of the CRD for a public trail along the property boundary shared by West Coast Road.

CONCLUSION

The purpose of Bylaw Nos. 4598 and 4599 is to amend the Shirley-Jordan River Official Community Plan, Bylaw No. 4001, by redesignating a 3.3 ha portion of the subject property from *Pacific Acreage* to *Commercial* with amendments, and to amend the Wildwood Terrace Neighbourhood Commercial (C-1A) zone of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by permitting additional commercial uses and a smaller average and minimum parcel size to facilitate subdivision. Staff have prepared the proposed Bylaws and recommend receipt of the referral comments, first and second reading, and advancement to public hearing. Staff also recommend that prior to adoption, the landowner work with staff to register a statutory right-of-way in favour of the CRD along West Coast Road.

RECOMMENDATION

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

1. That the referral of proposed Bylaw No. 4598, “Shirley - Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 2, 2024”; and proposed Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024”; to the Shirley-Jordan River Advisory Planning Commission; Pacheedaht First Nation; T’Sou-ke First Nation; CRD departments; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Water, Land and Resource Stewardship – Water Protection Section; Ministry of Transportation & Infrastructure; RCMP; and Sooke School District # 62 be approved and comments be received;
2. That proposed Bylaw No. 4598 be read a first and second time;
3. That proposed Bylaw No. 4599 be read a first and second time;
4. That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4598 and Bylaw No. 4599;
5. That prior to the adoption of proposed Bylaw No. 4599, the landowner provides an amenity contribution by registering a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail; and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Administration
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Location, Zoning, and DPA Map
- Appendix B: Proposed Amendments to the C-1A zone
- Appendix C: Updated Concept Plan
- Appendix D: Plan of Subdivision SU000770
- Appendix E: Environmental Assessment
- Appendix F: Groundwater Reports
- Appendix G: Bylaw No. 4598 – Proposed Amendments to the OCP
- Appendix H: Bylaw No. 4599 – Proposed Amendments to the C-1A
- Appendix I: Referral Comments
- Appendix J: Project Details