

**7. Non-Adhering Residential Use within the Agricultural Land Reserve Application**

**a) AG000085 - Parcel A (DD 800531) of Section 86, Sooke District (315 Becher Bay Road)**

Iain Lawrence spoke to the application for a non-adhering residential use for the purpose of constructing a detached secondary suite (carriage house) and an accessory building (garage) on land in the Agricultural Land Reserve. It was advised that, in order to obtain a building permit and complete construction, approval for the non-adhering residential use is required prior to approval for variances to increase the allowable floor area and height of a detached accessory suite.

The application was initially considered by the LUC at its meeting of June 18, 2024. At that meeting, the LUC directed referral of the application to the Agricultural Advisory Planning Commission (AAPC). The resolution from the July 23, 2024, meeting of the AAPC was outlined.

No submissions were received in response to the notice of intent mailed to adjacent property owners and occupiers within 500 m of the subject.

Applicant comments included:

- short-term intent is to use the property as a vacation property for family
- long-term intent is to sell land that is currently being farmed and move to the subject property to occupy as a primary residence, using the land and garage for farming
- farming activities to be moved to the subject property in future include steer and geese production and associated equipment
- there is one registered well on site and cisterns would be used in future

Public comments included:

- land clearing in the Becher Bay floodplain has resulted in an increase of silt in the bay, affecting the overall ecology of the bay
- Becher Bay is a First Nation harvesting area
- there are cairns on properties located along Becher Bay
- a provincial water licence is required for agricultural activities

LUC discussion ensued regarding:

- the degree of land clearing and construction completed without building permit oversight
- providing comment to the Agricultural Land Commission based on future intentions
- the detached accessory suite being marginally oversized
- the additional floor area of the detached accessory suite being limited to utility use

The Chair stated that the applicant made early comment during the CRD application process that farm activities are planned on the subject property in future. The Chair further stated that application approval is not an endorsement of works commencing without the appropriate permits in place.

Iain Lawrence confirmed that:

- a development permit has been issued for land clearing (DP000416)
- a stop work order has been issued by the Building Inspection Division
- the provincial *Heritage Conservation Act* applies to the subject property

**MOVED** by Vern McConnell, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the Capital Regional District Board:

That staff be directed to forward comments from the Juan de Fuca Agricultural Advisory Planning Commission and the Juan de Fuca Land Use Committee to the Agricultural Land Commission for the Land Commission's consideration of the non-adhering residential use application for Parcel A (DD 80053I) of Section 86, Sooke District, in accordance with Section 34(4) of the *Agricultural Land Commission Act*.

Opposed: Ron Ramsay, Anna Russell  
**CARRIED**