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**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, JULY 13, 2022**

SUBJECT **Public Hearing Report on Bylaw No. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021”**

ISSUE SUMMARY

To receive the Report of the Public Hearing held January 24, 2022, for proposed Bylaw No. 4422, and to consider Bylaw No. 4422 for third reading.

BACKGROUND

At its meeting of December 8, 2021, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021” and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4422.

A proposed subdivision under CRD file SU000704 would create an additional 7 lots, including an 11 ha parcel referenced as Lot 2. Bylaw No. 4422 (Appendix A) has been drafted to amend Bylaw No. 2040, "Juan de Fuca Land Use Bylaw, 1992", by deleting the 11 ha portion of Section 42, Otter District (PID 009-497-790) from the Forestry (AF) Zone and adding it to a new Agricultural 2 (AG-2) Zone, for the purpose of permitting agriculture, an equestrian riding facility with an ancillary campground, and two dwelling units with up to either two secondary suites or two detached accessory suites.

On January 24, 2022, a public hearing was held for Bylaw No. 4422. There were ten people in attendance at the hearing. Twenty-five submissions were received in response to the notice of public hearing. Thirteen submissions supported the application. Eleven submissions generally supported the agricultural component of the bylaw amendment but stated concern or opposition to the inclusion of a campground accessory to an equestrian riding facility. One submission expressed concern regarding the commercial nature of an equestrian facility. Two members of the public stated general support for the proposal but requested that Bylaw No. 4422 be amended to more clearly associate the ancillary campground use with the equestrian riding facility use. One member of the public in attendance spoke in favour of the proposal. The Report of the Public Hearing is attached (Appendix B).

Consideration of third reading and adoption of the bylaw has been on hold pending confirmation that the subdivision lot layout and area to be rezoned would remain unchanged as a result of review by the Province. CRD staff have now received confirmation that the layout remains unchanged.

ALTERNATIVES

Alternative 1

1. That the minutes that form the Report of the Public Hearing for Bylaw No. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on January 24, 2022, for Bylaw No. 4422, be received;
2. That Bylaw No. 4422 be read a third time as amended; and
3. That Bylaw No. 4422 be adopted.

Alternative 2

That the minutes that form the Report of the Public Hearing for Bylaw No. 4422, which are certified as a fair and accurate summary of the representations that were made at the public hearing held

on January 24, 2022 for Bylaw No. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021”, be received.

IMPLICATIONS

Legislative

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)*. The Otter Point APC considered the application at its meeting on July 6, 2021.

A water licence is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning.

Regional Growth Strategy

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 Otter Point 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 Otter Point OCP.

Land Use

The Otter Point OCP, Bylaw No. 3819, designates the subject property as Rural Lands. The primary use for the Rural Lands policy area is to protect renewable resources such as agriculture and forestry. OCP policies are supportive of development proposals where the development has minimal impact on existing features, surface runoff is controlled, depletion and contamination of wells is prevented, and vegetation is retained.

The property is zoned AF in Bylaw No. 2040, which permits silviculture, residential and ancillary uses. The applicant has requested that an 11 ha portion of the property, proposed as Lot 2 in concurrent subdivision application SU000704, be rezoned to permit, silviculture, agriculture, an equestrian riding facility and ancillary campground, and a residential density of one dwelling and suite per 4 ha of land. Staff have drafted a new Agriculture 2 (AG-2) zone to reflect the applicant's proposal.

As part of the proposal, Bylaw No. 4422 includes a new definition for equestrian facility as follows:

EQUESTRIAN RIDING FACILITY means the use of land, buildings and structures to keep, breed, raise, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital; excludes racetracks and events that must be licenced by the BC Racing Commission, competitions, fairs and festivals.

There were ten people in attendance at the hearing. Twenty-five submissions were received in response to the notice of public hearing. Thirteen submissions supported the application. Eleven submissions generally supported the agricultural component of the bylaw amendment, but stated concern or opposition to the inclusion of a campground accessory to an equestrian riding facility. One submission commented that the proposed equestrian facility and camping appeared commercial in nature. Two members of the public stated general support for the proposal but requested that Bylaw No. 4422 be amended to more clearly associate the ancillary campground use with the equestrian riding facility use. One member of the public in attendance spoke in favour of the proposal.

Proposed Bylaw No. 4422 was revised through the referral process in response to public feedback to decrease the number of camping spaces from five (one camping space per 2 ha) to three (one camping space per 3 ha). As a result of continued concern raised at the public hearing regarding

the potential impact of camping activity, staff recommend an amendment to Section 3B.04(f) of the proposed AG-2 zone in Bylaw No. 4422 to limit the number of persons over the age of 19 per camping space to 4 and the total number of persons per camping space to 10. This change is shown in red and underlined in Appendix A. Setbacks from watercourses of 30 m for agricultural buildings and structures and for manure piles are included in the proposed AG-2 zone to address environmental concerns related to impacts on water quality and riparian areas. In addition, a licence for ground or surface water use for agricultural purposes is required in accordance with the *Water Sustainability Act*. Issuance of the license would occur after adoption of the proposed bylaw designating the AG-2 zone.

Consideration of third reading and adoption of the bylaw has been on hold pending confirmation that the subdivision lot layout and area to be rezoned would remain unchanged as a result of review by the Province. CRD staff have now received confirmation that the layout remains unchanged.

Based on feedback at the public hearing and resultant changes to the proposed AG-2 zone, as well as confirmation that the area to be rezoned remains unchanged as a result of Provincial review, staff recommend that the proposed bylaw be given third reading and adopted.

CONCLUSION

A public hearing was held on January 24, 2022, for Bylaw No. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021”. The minutes are attached as the Report of the Public Hearing. Consideration of third reading and adoption of the bylaw has been on hold pending confirmation that the subdivision lot layout and area to be rezoned would remain unchanged.

Based on feedback at the public hearing, changes have been made to the bylaw to limit the campground uses. Staff recommend Alternative 1: to receive the minutes of the public hearing, for the proposed bylaw to be given third reading as amended, and that the bylaw be adopted.

RECOMMENDATIONS

1. That the minutes that form the Report of the Public Hearing for Bylaw No. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on January 24, 2022, for Bylaw No. 4422, be received;
2. That Bylaw No. 4422 be read a third time as amended; and
3. That Bylaw No. 4422 be adopted.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

ATTACHMENTS

- Appendix A: Proposed Bylaw No. 4422 as Amended
- Appendix B: Report of the Public Hearing January 24, 2022