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REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD MEETING OF WEDNESDAY, MARCH 12, 2025

SUBJECT Public Hearing Report on Bylaw No. 4598, “Shirley-Jordan River Official Community Plan Bylaw No. 5., 2018, Amendment Bylaw No. 2, 2024” and Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024”

ISSUE SUMMARY

To receive the Report of the Public Hearing held January 28, 2025, for proposed Bylaw No. 4598, and Bylaw No. 4599 and to consider the bylaws for third reading.

BACKGROUND

At its meeting of November 13, 2024, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4598, “Shirley-Jordan River Official Community Plan Bylaw No. 5., 2018, Amendment Bylaw No. 2, 2024” and Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024” and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw Nos. 4598 and 4599.

Bylaw No. 4598 (Appendix A) will amend the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001, by redesignating Lot A, Section 4, Renfrew District, Plan EPP131465 from Pacific Acreage (PA) to Commercial (CO) with amendments.

Bylaw No. 4599 (Appendix B) will amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Wildwood Terrace Neighbourhood Commercial (C-1A) Zone by including additional commercial uses and a smaller average and minimum parcel size to facilitate subdivision of Lot A, Section 4, Renfrew District, Plan EPP131465.

A public hearing was held for Bylaw Nos. 4598 and 4599 on January 28, 2025. Thirteen members of the public attended the hearing. No written submissions were received in response to the notice of public hearing. The Report of Public Hearing is attached as Appendix C.

ALTERNATIVES

Alternative 1

- 1) That the minutes that form the Report of Public Hearing for Bylaw No. 4598, “Shirley-Jordan River Official Community Plan Bylaw No. 5., 2018, Amendment Bylaw No. 2, 2024”, and Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on January 28, 2025, be received;
- 2) That Bylaw No. 4598, as amended, be read a third time;
- 3) That Bylaw No. 4598 be adopted;
- 4) That Bylaw No. 4599 be read a third time; and
- 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

That the minutes that form the Report of Public Hearing for Bylaw No. 4598, “Shirley-Jordan River Official Community Plan Bylaw No. 5., 2018, Amendment Bylaw No. 2, 2024”, and Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on January 28, 2025, be received.

IMPLICATIONS

Regional Growth Strategy Implications

Section 445 of the *Local Government Act (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 Shirley-Jordan River OCP, the bylaws were considered and accepted by the Planning and Protective Services Committee and by the CRD Board on November 13, 2024, in accordance with section 445 of the *LGA*.

Referral Process Implications

Bylaw Nos. 4598 and 4599 were referred to external agencies, the Shirley–Jordan River Advisory Planning Commission (APC) and to CRD departments in March 2024.

Public comment made at the April 23, 2024, meeting of the APC indicated support for improved pedestrian and biking access to the proposed commercial development fronting Highway 14.

In related comments, the JdF EA Parks and Recreation Advisory Commission addressed public safety, recreation opportunities and connectivity along West Coast Road by recommending the establishment of a roadside trail.

In response to those comments, the applicant has committed to providing a statutory right-of-way in favour of the CRD as a community amenity contribution for a roadside trail should Bylaw No. 4599 be adopted.

Referral comments and an updated concept plan with the proposed trail location were returned to the Land Use Committee, and the CRD Board gave first and second reading to Bylaw Nos. 4598 and 4599 at its meeting on November 13, 2024.

Land Use Implications

The proposal considered by the Land Use Committee at its meeting of March 19, 2024, identified that the land subject to the application was a portion of Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, EPP69011 and EPP117093. Since that meeting, the area subject to the bylaw amendments has been registered as Lot A, Section 4, Renfrew District, Plan EPP131465 (CRD File: SU000770). Staff have amended Bylaw No. 4598 to reflect the new legal description. No other changes to the bylaws have been made since second reading.

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. The *Commercial* designation supports small-scale commercial; civic, institutional, tourism, recreation, silviculture; community parks; and light industrial uses, but prescribes parcel sizes of 120 ha or greater.

The subject property is zoned C-1A under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The C-1A zone only applies to the subject property and 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 C-1A zone currently permits 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 proposed amendments to the C-1A zone include reducing the minimum parcel area 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. Additional permitted uses would include restaurant, personal service, office, and health services.

Since the proposed uses are better suited to the *Commercial* designation, the application proposes an OCP amendment under Bylaw No. 4598 to redesignate the subject property from *Pacific Acreage* to *Commercial*. In order to support the proposed lot sizes, the amendment includes a change to policy 484 N to support an average parcel size of 0.4 ha and a minimum of 0.2 ha. An amendment to policy 484 R to add a 120 ha minimum parcel size to the *Restricted Development* designation is included to address concerns related to flooding hazards in the inundation area around Jordan River.

In order to make land available for a public trail, pedestrian access, natural vegetation, and landscaping, 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.

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 proposed Bylaw No. 4598, as amended to reflect the registration of Lot A, Section 4, Renfrew District, Plan EPP131465, be given third reading and adopted, and that proposed Bylaw No. 4599 be given third reading. Staff also recommend that prior to adoption of Bylaw No. 4599, 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 No. 4598 is to amend the Shirley-Jordan River Official Community Plan, Bylaw No. 4001, by redesignating the subject property from *Pacific Acreage* to *Commercial* with amendments. The purpose of Bylaw No. 4599 is 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. Proposed Bylaw Nos. 4598 and 4599 have been read a second time and a public hearing for the Bylaws was held on January 28, 2025. Staff recommend that the minutes of the public hearing be received, and that the proposed bylaws be given third reading. Staff further recommend that prior to adoption of Bylaw No. 4599, the landowner provide 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.

RECOMMENDATIONS

- 1) That the minutes that form the Report of Public Hearing for Bylaw No. 4598, “Shirley-Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 2, 2024”, and Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on January 28, 2025, be received;
- 2) That Bylaw No. 4598, as amended, be read a third time;
- 3) That Bylaw No. 4598 be adopted;
- 4) That Bylaw No. 4599 be read a third time; and
- 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, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Patrick Klassen, MCIP, RPP, Acting General Manager – Housing, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Proposed Bylaw No. 4598
- Appendix B: Proposed Bylaw No. 4599
- Appendix C: Report of Public Hearing