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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 17, 2023

SUBJECT **Zoning Amendment Application for Strata Lot A (3692 Waters Edge Drive) & Strata Lot B (12051 West Coast Road), Section 2, Renfrew District, Strata Plan VIS6939, Together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form V**

ISSUE SUMMARY

Landowners of a non-conforming two-lot building strata property in Jordan River have submitted a joint application to amend Bylaw No. 2040 by changing the zone from Rural Residential 2A (RR-2A) to the Rural Residential 1 (RR-1) zone for the purposes of dissolving the strata and subdivision.

BACKGROUND

The 0.94 ha property is located in Jordan River on the corner of Waters Edge Drive of West Coast Road and is subject to the Rural Residential 2A (RR-2A) zone under Bylaw No. 2040 (Appendix A). The property is designated as Pacific Acreage under the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001.

The property is a non-conforming two-lot building strata that was constructed prior to adoption of the bylaw that zoned the land RR-2A, which permits only one dwelling unit per parcel. Buildings and structures cover approximately 3% of the property and are arranged as two limited common property areas aligned with the siting of the two existing one-family dwellings. The eastern dwelling and related land area is identified as "A" (Strata Lot A – 3692 Waters Edge Drive) with the western lands, dwelling and detached accessory suite identified as "B" (Strata Lot B – 12051 West Coast Road). The dwelling units are serviced by separate wells and septic systems.

The landowners have made an application to change the zone from RR-2A (Appendix B) to Rural Residential 1 (RR-1) (Appendix C). The RR-1 zone includes a minimum parcel size that would permit subdivision to dissolve the existing building strata and divide the property into two 0.4 ha fee-simple parcels that reflect the current arrangement of buildings and limited common property areas (Appendix D). Staff have prepared Bylaw No. 4519 for consideration (Appendix E).

At its meeting of October 18, 2022, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaw to the Shirley-Jordan River Advisory Planning Commission (APC); appropriate CRD departments; BC Hydro; District of Sooke; the Archaeology Branch and Water Protection Section within the Ministry of Forests; the Ministry of Land, Water, and Resource Stewardship; the Ministry of Transportation & Infrastructure; the Pacheedaht First Nation; RCMP; Sooke School District #62; and the T'Sou-ke First Nation. Comments have been received and are included in Appendix F.

ALTERNATIVES

Alternative 1

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

1. That the referral of proposed Bylaw No. 4519, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 159, 2022", to the Shirley-Jordan Advisory Planning Commission, CRD departments, BC Hydro; District of Sooke; the Archaeology Branch and Water Protection Section within the Ministry of Forests; the Ministry of Land, Water, and Resource Stewardship; the Ministry of Transportation & Infrastructure; the Pacheedaht First Nation; RCMP; Sooke School District #62; and the T'Sou-ke First Nation be approved and the comments received;

2. That proposed Bylaw No. 4519 be introduced and read a first time and read a second time; and
3. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4519.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4519.

IMPLICATIONS

Legislative Implications

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 Shirley-Jordan River APC considered the application at its meeting on November 15, 2022.

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 Land will be sent notice of the proposed bylaw amendment and the public hearing would be advertised in the local paper and on the CRD website.

Regional Growth Strategy Implications

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 Shirley-Jordan River OCP (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 Shirley-Jordan River OCP.

Referral Comments

Referrals were sent to 11 agencies, CRD departments and to the Shirley-Jordan River APC. Comments received are summarized below and included in Appendix F.

BC Hydro has no issues or concerns with the zoning amendment.

District of Sooke has no concerns.

T'Sou-ke First Nation stated that there are no comments to provide at this time.

Ministry of Transportation & Infrastructure explained that this proposed bylaw amendment does not require Ministry approval under Section 52 of the *Transportation Act*. However, the Ministry noted that a subdivision application to the Ministry will be required once the strata has been dissolved.

Ministry of Forests, Water Protection advised that it may be in the interests of owners of the unregistered well identified within the application to have it registered. Pursuant to the *Water Sustainability Act*, any and all wells must be licenced if used for non-domestic purposes. Water Protection also noted that, while the subject aquifer (aquifer 944) is classified as moderately vulnerable to surface sourced contamination, the location of the subject properties may be highly vulnerable. The Ministry provided links to information for guiding the landowners for future use on their property to reduce potential impacts to the subject aquifer.

School District # 62 specified that they have no concerns with respect to this application.

CRD First Nations Relations and Archaeology stated that this department has no comments.

CRD Bylaw Enforcement expressed no issues with the proposed bylaw.

The Shirley-Jordan River APC considered the application at their November 15, 2022, meeting with approximately 4 members of the public in attendance. The Shirley-Jordan River APC moved 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 amendment application RZ000281.

CARRIED

Land Use

The subject property is on the southwestern corner of the intersection between Waters Edge Drive and West Coast Road. The abutting parcels to the west and south are subject to the RR-2A zone, the parcel on the opposite side of Waters Edge Drive is subject to the Resource Land (RL) zone, and a large 130.8 ha property on the north side of West Coast Road is split-zoned Wildwood Terrace Neighbourhood Commercial (C-1A) and Wildwood Terrace 4 (WT-4). The Shirley-Jordan River OCP, Bylaw No. 4001, designates the subject property as Pacific Acreage. The intent of the Pacific Acreage land use designation is to support residential uses, suites and duplexes to create housing affordability, home based businesses, agriculture, and small-scale commercial and tourism activities. Supported parcel sizes are generally on parcels in the 2 ha range, which is larger than the proposed minimum parcel size. The Shirley-Jordan River OCP does not designate any development permit areas on the subject building strata property.

Notwithstanding the development policies for the Pacific Acreage designation, the Shirley-Jordan River OCP allows for consideration of rezoning applications of building strata properties for subdivision, provided that the subject strata was registered prior to the adoption of the OCP. In particular, the OCP stipulates that the total number of parcels that can be created as a result of such a rezoning application must be equivalent to the number of existing dwellings. Registration of the subject building strata occurred in April 2010, prior to adoption of the Shirley-Jordan River OCP in July 2018. Proposed Bylaw No. 4519 deletes the property from the RR-2A zone and adds it to the RR-1 zone. Such an amendment is consistent with the OCP.

The proposed RR-1 zone includes *agriculture* as a permitted use, whereas the RR-2A zone permits *horticulture* accessory to a residential use. Furthermore, the RR-1 does not permit an additional camper/travel trailer for temporary accommodation of guests or Category 3 home based businesses (home industry), which are listed as permitted within the current RR-2A zoning. The proposed RR-1 zone permits a minimum parcel size of 0.4 ha, one two-family dwelling per parcel, community care facilities, which are densities and uses that are excluded from the RR-2A zone. While both the current and proposed zones allow for either one secondary or one detached accessory suite; suites are not permitted on properties with a two-family dwelling and must adhere to Part 1, Subsection 4.19 or 4.20 of Land Use Bylaw No. 2040.

Comments received have been reviewed by staff in conjunction with proposed Bylaw No. 4519. Based on the information provided by the applicants, received comments, and the policies of the Shirley-Jordan River OCP, staff recommend that proposed Bylaw No. 4519, be introduced, read a first and second time, and that a public hearing be held with respect to the proposed bylaw.

CONCLUSION

The purpose of Bylaw No. 4519 is to amend the Juan de Fuca Land Use Bylaw No. 2040 by changing the zone of the subject property from RR-2A to RR-1. Staff have prepared proposed Bylaw No. 4519 and recommend receipt of referral comments, first and second reading and advancement to public hearing.

RECOMMENDATION

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

1. That the referral of proposed Bylaw No. 4519, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 159, 2022", to the Shirley-Jordan Advisory Planning Commission, CRD departments, BC Hydro; District of Sooke; the Archaeology Branch and Water Protection Section within the Ministry of Forests; the Ministry of Land, Water, and Resource Stewardship; the Ministry of Transportation & Infrastructure; the Pacheedaht First Nation; RCMP; Sooke School District #62; and the T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4519 be introduced and read a first time and read a second time; and
3. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4519.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services
Concurrence:	Larisa Hutcheson, P. Eng., Acting Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property and Zoning Map
Appendix B: Current Rural Residential 2A Zone – RR-2A
Appendix C: Proposed Rural Residential 1 Zone – RR-1
Appendix D: Proposed Strata Conversion Plan
Appendix E: Proposed Bylaw No. 4519
Appendix F: Referral Comments