

**JUAN DE FUCA  
AGRICULTURAL ADVISORY PLANNING COMMISSION**

Notice of Meeting on Tuesday, **July 23, 2024, at 6 p.m.**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

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**AGENDA**

1. Elections
2. Approval of Agenda
3. Adoption of Minutes of May 9, 2016
4. Planner's Report
5. Non-Adhering Residential Use within the Agricultural Land Reserve Application
  - a) AG000085 - Parcel A (DD 80053I) of Section 86, Sooke District (315 Becher Bay Road)
6. Adjournment



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**Minutes of a Meeting of the Juan de Fuca Agricultural Advisory Planning Commission  
Held Monday, May 9, 2016 at the Juan de Fuca Local Area Services Building,  
#3-7450 Butler Road, Otter Point, BC**

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**PRESENT:** Mary Alice Johnson (Chair), Dominique Bernardet, Teresa Willman  
**Staff:** Emma Taylor, Planner, Local Area Planning; Wendy Miller, Recorder  
**ABSENT:** Nick Wilde  
**PUBLIC:** 1

The meeting was called to order at 6:10 p.m.

**1. Elections**

Emma Taylor called for nominations for the position of Chair of the Agricultural Advisory Planning Commission (AAPC) for 2016 and Mary Alice Johnson's name was put forward. Emma Taylor called a second and third time for further nominations and, as there were none, Mary Alice Johnson was declared Chair.

Emma Taylor called for nominations for the position of Vice Chair of the AAPC for 2016 and Teresa Willman's name was put forward. Emma Taylor called a second and third time for further nominations and, as there were none, Teresa Willman was declared Vice Chair.

**2. Approval of the Agenda**

The Chair noted that spring is the peak season for farmers. It was further noted that review of the items on this evening's agenda required a significant amount of time to review.

**MOVED** by Mary Alice Johnson, **SECONDED** by Dominique Bernardet that the minute record reflect the AAPC's request that future meetings not be held in May and that meetings be preferably held in winter. **CARRIED**

**MOVED** by Teresa Willman, **SECONDED** by Dominique Bernardet that the agenda be approved. **CARRIED**

**3. Approval of the Supplementary Agenda**

No supplementary submissions.

**4. Adoption of Minutes from the Meeting of May 5, 2014**

**MOVED** by Teresa Willman, **SECONDED** by Dominique Bernardet that the minutes from the meeting of May 5, 2014 be adopted. **CARRIED**

**5. Planner's Report**

Emma Taylor advised that:

- staff have been working with the East Sooke and Shirley - Jordan River communities since November 2013 to review the existing Official Community Plans (OCP)
- the proposed OCPs reflect comments and concerns raised by two Citizens' Committees
- the OCPs have to be consistent with the Regional Growth Strategy (RGS)
- the RGS remains under review
- the OCPs will be reviewed by the CRD Board for consistency
- the OCPs have been referred to the communities and agencies for comment

- the OCPs include information from the Ministry of Agriculture's Agricultural Inventory (2009)

## 6. Proposed Bylaw

### a) Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016"

Emma Taylor directed attention to the table provided comparing agricultural policy changes between existing Bylaw No. 3718 and proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016".

Emma Taylor spoke to proposed Bylaw No. 4000, highlighting changes reflected in the comparison table.

## Part 2 – Administrative Structure

### Subsection 208 Regional Growth Strategy Consistency

Review of the RGS includes consideration of extending water services to agricultural lands outside of growth containment boundaries.

## Part 3 – Ecological Health

### Section 360 Food Security

Section is a new theme.

The AAPC stated support for including policies related to regional "food-shed protection" similar to policies related to watershed protection. It was advised that the concept of food-shed protection is being explored by the Sooke Region Farmland Trust Society. The AAPC also stated support for including mention of wild food collection in the Plan area.

### Subsection 368 Aylard Farm

As the park is in the Agricultural Land Reserve (ALR), policy statements support continued agricultural use of the lands, restricting intensive development of the park.

The AAPC stated that Planning regularly acknowledges the value of recreational and wildlife parks. The AAPC stated support for acknowledging the opportunity for "incubator farms" or training farms. It was suggested that Aylard Farm and lands held by Royal Canadian Search and Rescue could provide opportunity for new farmers to access land to develop skills in farming. Haliburton Farm, an educational farm in Saanich, was cited as an example.

Emma Taylor confirmed that policy statement S on p. 66 supports farm uses on Aylard Farm.

### Subsection 374 Heritage

Reflects farming as a historic activity and lists historic farm buildings.

### Subsection 384 Local Economy

Recognizes direct market farms and lists agricultural activities in the community documented in the Agricultural Inventory. Table 8 (p. 57) reflects that 4% of the land base in East Sooke is designated Agriculture.

### Subsection 391 Role as a Carbon Sink

Recognizes contribution of agricultural areas and policies to maintain agricultural land.

Subsection 392 Reducing the Number of Vehicle Trips

Recognizes that farm gate sales can reduce the amount of travel necessary to purchase food and other goods.

**Part 4 – Goals, Policies and Objectives**

Subsection 403 Agriculture Land Use Designations

Designates all lands in the ALR as Agriculture. Permits lands outside of the ALR that are being farmed to be designated Agriculture.

Subsection 414 Policies for Ecological Health

The AAPC stated support for expanding the policy related to limiting the introduction of invasive species to include invasive animals. Addling geese eggs was forwarded as an example to limit an invasive animal and the addling method was supported as a best-practice opposed to hunting.

Subsection 464 Polices for Food Security

Emma Taylor outlined the polices. It advised that policy statement G would support regulations in the Land Use Bylaw to support siting of buildings to maximize the area available for agriculture. It was further advised that policy statement H would support the concept of a cooperative or group farm if a proposal for rezoning was submitted.

**Part 5 - Development Permit Areas**

Subsection 503 General exemption from a Development Permit

Statement J exempts normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

Section 540 Sensitive Ecosystem Development Permit Area

The Sensitive Ecosystem Development Permit Area (DPA) includes seasonally flooded fields.

Section 560 Farmland Protection Development Permit Area

DPA has been retained in proposed Bylaw No. 4000. Emma Taylor advised that the Farmland Protection DPA buffer is on the adjacent land and not on land within the ALR. A DP would be required at the time of rezoning/subdivision.

Section 570 Medical Marihuana Production Facilities Development Permit Area

The DPA includes all land in the ALR and guides the form and character of medical marihuana production facilities.

**b) Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016"**

Emma Taylor directed attention to the table provided comparing the agricultural policy changes between existing Bylaw No. 3717 and proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016". It was advised that Bylaw No. 4000 and Bylaw No. 4001 are structured in the same way, sharing similar policy statements. It was further advised that water was the top priority communicated by the community and that the OCP includes information from the Sensitive Ecosystem Inventory commissioned in 2014.

Emma Taylor spoke to proposed Bylaw No. 4001, highlighting changes reflected in the comparison table.

Subsection 344 Agriculture

Agriculture has been included under the Resource section of the OCP.

An APC member indicated there may have been historical oil and gas drilling in the area, and indicated concern that this type of resource extraction could affect water supply. Emma Taylor reported that this comment was also made and recorded at the May 4, 2016 meeting of the Shirley – Jordan River Advisory Planning Commission meeting.

The AAPC stated support for acknowledging that there is potential for agricultural opportunities to increase with climate change.

Emma Taylor responded to questions from the AAPC advising that:

- air photos were used to select the lands included in the ALR
- that there has been an increase in enquiries regarding opportunities to farm in the Plan area
- there has been change at the provincial level to support farm tourism and alcohol production on ALR lands

Subsection 385 New Land Use Designations

Table 8 reflects that 77 ha are designated Agriculture in the Plan area.

Subsection 443 Objectives for Resources

Objective B supports and encourages food production, processing and storage.

Subsection 444 Policies for Resources

Includes sixteen policy statements supporting agriculture.

**Part 5 – Development Permit Areas**

Section 560 Farmland Protection Development Permit Area

DPA has been retained in proposed Bylaw No. 4001 and includes improved mapping (Schedule G).

The AAPC stated overall positive comment regarding proposed Bylaw No. 4000 and Bylaw No. 4001, noting that the bylaws reflect increased community support for and awareness of agriculture.

**MOVED** by Dominique Bernardet, **SECONDED** by Teresa Willman that the AAPC reports that it has reviewed the agricultural aspects in Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016" and in Bylaw No. 4001, "Official Community Plan for Shirley - Jordan River, Bylaw No. 1, 2016" and that it supports the bylaws with the comments requested by the AAPC. **CARRIED**

**7. Adjournment**

The meeting adjourned at 7:12 p.m.

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Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JUNE 18, 2024**

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**SUBJECT**            **Non-Adhering Residential Use within the Agricultural Land Reserve  
Application for Parcel A (DD 80053I) of Section 86, Sooke District – 315  
Becher Bay Road**

**ISSUE SUMMARY**

To consider an 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 (ALR).

**BACKGROUND**

The 4 ha parcel is located at 315 Becher Bay Road and is in the Agricultural Land Reserve (ALR) (Appendices A and B). The property is designated Agriculture in the Official Community Plan (OCP) for East Sooke, Bylaw No. 4000, and is zoned Agricultural (AG) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The parcel is adjacent to AG zoned parcels to the north and south and backs on to Becher Bay to the east (Appendix C).

CRD Building Permit records show that a single-family dwelling was constructed in 1977; however, the permit was never completed. The property is not currently used for farming.

The applicant recently commenced construction of a 186 m<sup>2</sup> carriage house that includes a 103 m<sup>2</sup> detached accessory suite (Appendix D), and an additional 114 m<sup>2</sup> steel frame garage without a building permit (Appendix E). ALR regulations were updated in 2021 to allow ALR parcels of 40 ha or less one residence up to 500 m<sup>2</sup> and one additional residence up to 90 m<sup>2</sup>. Since the floor area of the proposed residence is greater than 90 m<sup>2</sup>, it is considered a non-adhering residential use and must be approved by the Agricultural Land Commission (ALC). Since the proposed garage is not for farm use, it is also considered a non-adhering residential use and must be approved by the ALC. In order to obtain a building permit and complete construction, approval for the non-adhering residential use and approval for variances to increase the allowable floor area and height of a detached accessory suite are required.

**ALTERNATIVES**

*Alternative 1*

That staff be directed to refer the application for a non-adhering residential use for Parcel A (DD 80053I) of Section 86, Sooke District to the Juan de Fuca Electoral Area Agricultural Advisory Planning Commission for comment.

*Alternative 2*

That the application be denied and not be forwarded to the ALC.

*Alternative 3*

That the application be forwarded to the ALC with no comment.

*Alternative 4*

That this report be referred back to staff for more information.

## **IMPLICATIONS**

### *Legislative Implications*

Section 20.1 of the *Agricultural Land Commission Act (ALC Act)* limits residential use of agricultural land to one residence per parcel and a total floor area of 500 m<sup>2</sup> or less. Section 34.3 of the *Agricultural Land Reserve Use Regulation* allows for an additional residence to be constructed if conditions in the regulation are met. If a parcel is 40 ha or less, the secondary residence must have a floor area of 90 m<sup>2</sup> or less. An owner may apply to the ALC for a non-adhering residential use for permission to alter the condition limiting the size of an additional residence under Section 25 of the *ALC Act*. In making a determination with respect to an application for a non-adhering residential use, the ALC will consider the prescribed criteria, if any, and must not grant permission for an additional residence unless the additional residence is necessary for a farm use pursuant to section 25(1.1) of the *ALC Act*.

Section 34(4) of the *ALC Act* requires that local government review applications and, subject to subsection (5), forward the application to the ALC together with comments and recommendations in respect of the application. If the application applies to land zoned by bylaw to permit farm use, or requires an amendment to an official community plan or zoning bylaw, the local government may exercise its authority to forward the application to the ALC. If an application is not forwarded, it proceeds no further and is not considered by the ALC.

### *Public Consultation Implications*

There are no public notification requirements for non-adhering residential use applications established by the ALC. Applications must be filed with local government and public comments may be collected.

The Juan de Fuca Agricultural Land Reserve Application Policy (the Policy) was adopted by the CRD Board on December 9, 2020, to direct referral of ALR applications to either the JdF Agricultural Advisory Planning Commission (JdF AAPC) or to a local Advisory Planning Commission (APC) for comment.

The AAPC and APCs were established to make recommendations to the Land Use Committee (LUC) and CRD Board on land use planning matters referred to them. Staff recommend referring the application to the JdF AAPC for comment.

### *Land Use Implications*

There is a 290 m<sup>2</sup> single-family dwelling and a 14 m<sup>2</sup> wellhouse situated in the central eastern portion of the property. The detached accessory suite (carriage house) is proposed to be sited to the northwest of the dwelling and the accessory building (garage) is proposed to be sited to the southwest of the dwelling. All structures will be accessed from a single driveway access from Becher Bay Road to the west (Appendix F). The parcel is designated as several Development Permit Areas by the East Sooke OCP, Bylaw No. 4000. The applicable Development Permit guidelines for all recent non-farm use land clearing on the parcel are being addressed under Development Permit application DP000416.

The applicant has provided a proposal outlining the rationale for the application (Appendix G) that indicates the siting for the proposed structures were chosen for its accessibility from the existing driveway and house. Each storey of the carriage house is 93 m<sup>2</sup>; however, an additional 10 m<sup>2</sup> on the main floor is designated as an entrance and laundry area for the suite, which increases the floor area to approximately 103 m<sup>2</sup>.

The East Sooke OCP, Bylaw No. 4000, designates land in the ALR as Agriculture to protect these lands for current and future agricultural activities. This designation supports farming activities and other land uses as permitted by the ALC. Policy 464F states that the *ALC Act* and *Regulations* will be taken into account in the review of any land use or building application on

lands in the ALR. Policy 464G recommends that buildings be sited on less productive lands and that buildings be clustered to maximize the area available for agriculture. Policy 464H supports site specific zoning to allow multiple residences on Agriculture parcels to make farming more affordable, subject to appropriate controls being in place to ensure long-term farming use and approval of the ALC.

The land is zoned Agricultural (AG) under the Juan de Fuca Land Use Bylaw No. 2040. The AG zone permits multiple dwelling units including either a secondary suite or a detached accessory suite subject to approval from the ALC. Section 20.1 of the *ALC Act* was updated in 2019 and now limits parcels to one residence with a total floor area of 500 m<sup>2</sup> or less. Section 34.3 of the *Agricultural Land Reserve Use Regulation* was updated in 2021 and allows for an additional residence of up to 90 m<sup>2</sup> to be constructed on parcels less than 40 ha. In order to construct an additional residence with a floor area greater than 90 m<sup>2</sup>, approval for a non-adhering residential use is required from the ALC. Approval is required from the LUC and CRD Board to vary Section 4.20 (f) of the JdF Land Use Bylaw No. 2040, which specifies that the maximum floor area of a detached accessory suite is 90 m<sup>2</sup>. The request to increase the maximum allowable floor area of a detached accessory suite would be considered under concurrent Development Variance Permit application VA000162 upon return of this application to the LUC following review by the JdF AAPC. A request to increase the maximum height permitted for a detached accessory suite from 7 m to 8.37 m was also requested under the variance application.

The Ministry of Agriculture's 2013 *Guide for Bylaw Development in Farming Areas* includes criteria for regulating residential uses in the ALR. Options for reducing impacts of residential uses on ALR land include restricting the overall residential footprint, limiting the building size, and regulating the siting within a maximum setback from the roadway. Should the application be approved, the proposed detached accessory suite (carriage house) will be required to meet the siting specifications of the AG zone, as well as the Detached Accessory Suite regulations unless varied under VA000162. The proposed accessory building (garage) will be required to meet the siting specifications of the AG zone, as well as the Detached Accessory Buildings and Structures regulations.

The Juan de Fuca Agricultural Land Reserve Application Policy establishes evaluation criteria and procedures for ALR applications. In accordance with the Policy, staff recommend that the application be referred to the JdF AAPC for comment.

## **CONCLUSION**

An application has been received to approve the non-adhering residential use of land located within the Agricultural Land Reserve. The owners propose to construct a detached accessory suite (carriage house) with a floor area that exceeds the allowance provided by the *ALR Use Regulation*, and an accessory building (garage) for residential use. In order to proceed as proposed, the Agricultural Land Commission must approve the uses, which requires a resolution of support from the CRD Board. Staff recommend that the application be referred to the JdF Agricultural Advisory Planning Commission for review and comment. Comments received from the JdF AAPC will be returned the Land Use Committee for consideration and a recommendation to the CRD Board and Agricultural Land Commission. At that time, the Land Use Committee may also give consideration to approval of the requested variances for the detached accessory suite.



**RECOMMENDATION**

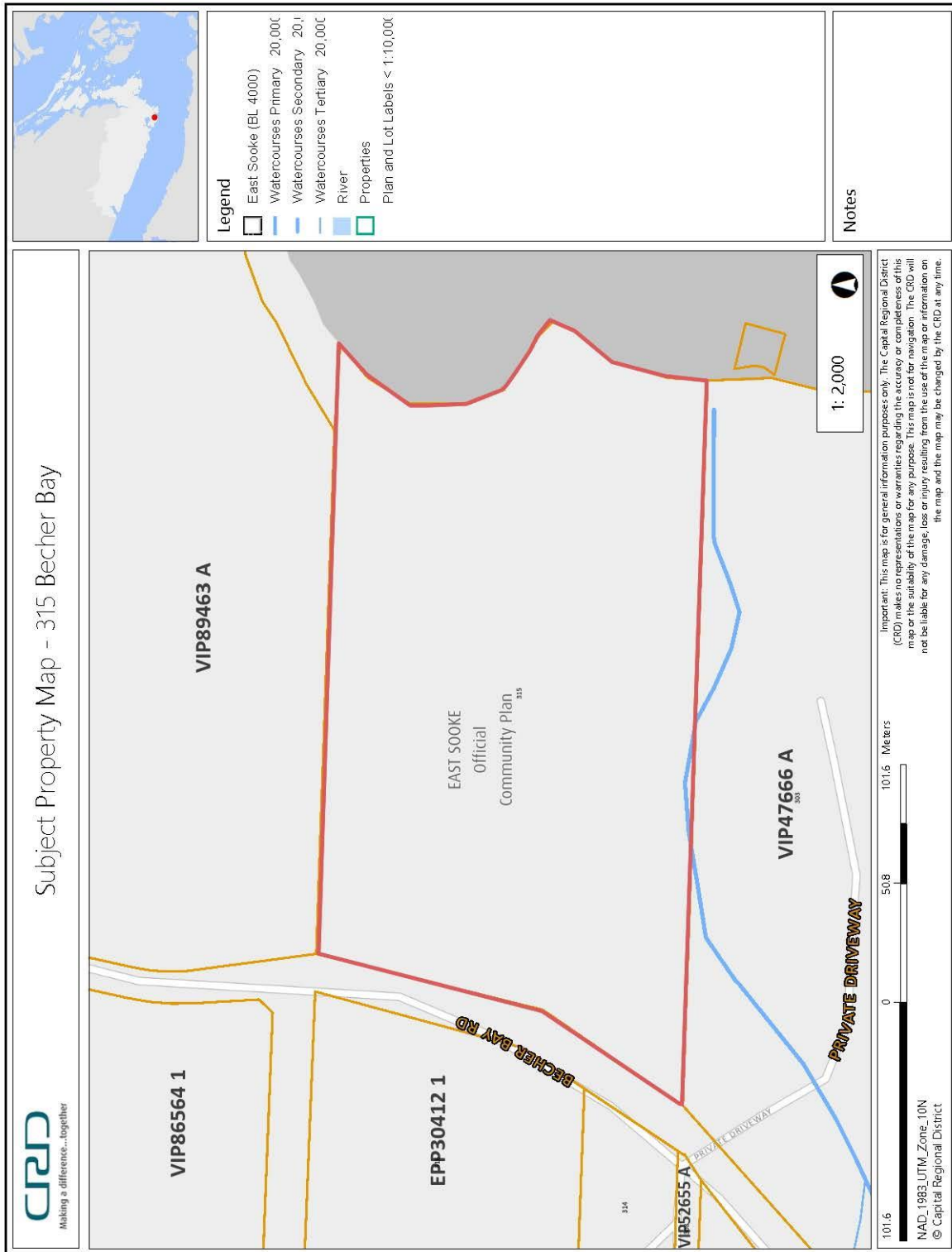
That the application for a non-adhering residential use for Parcel A (DD 80053I) of Section 86, Sooke District, be referred to the JdF Agricultural Advisory Planning Commission for comment.

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

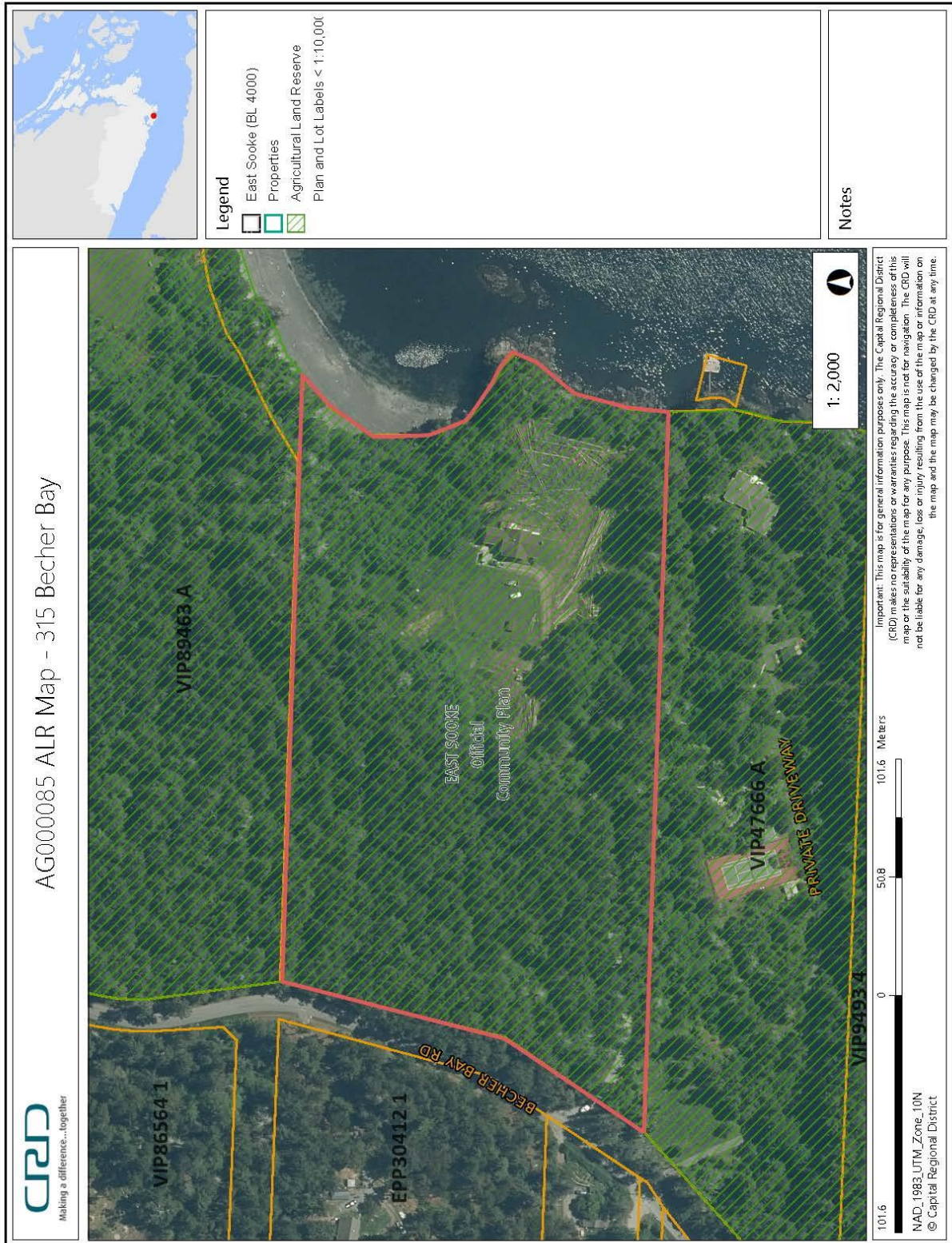
**ATTACHMENTS**

- Appendix A: Subject Property Map
- Appendix B: Agricultural Land Reserve Map
- Appendix C: Zoning Map
- Appendix D: Proposed Detached Accessory Suite (Carraige House)
- Appendix E: Proposed Accessory Building (Garage)
- Appendix F: Site Plan
- Appendix G: Proposal

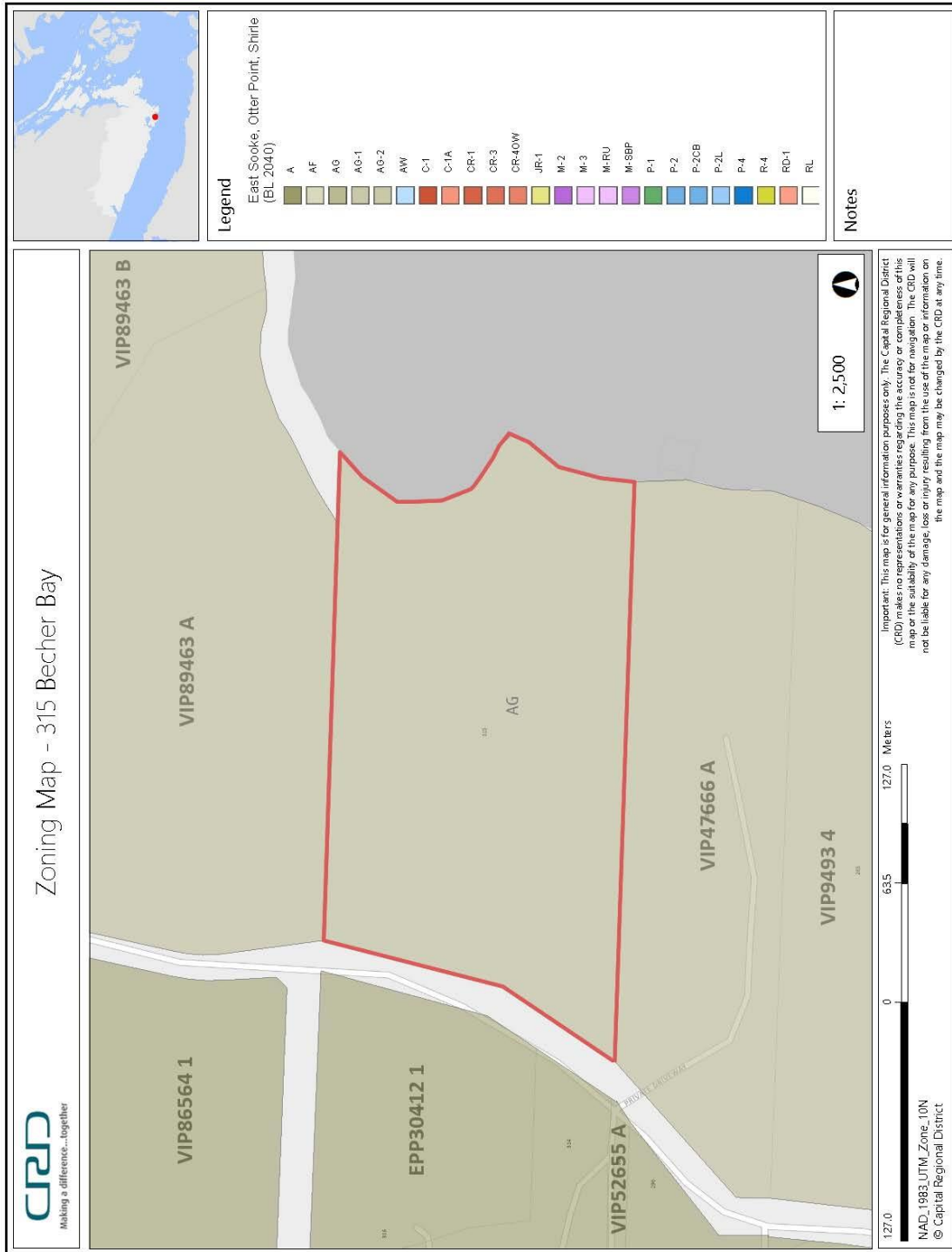
Appendix A: Subject Property Map



Appendix B: Agricultural Land Reserve Map

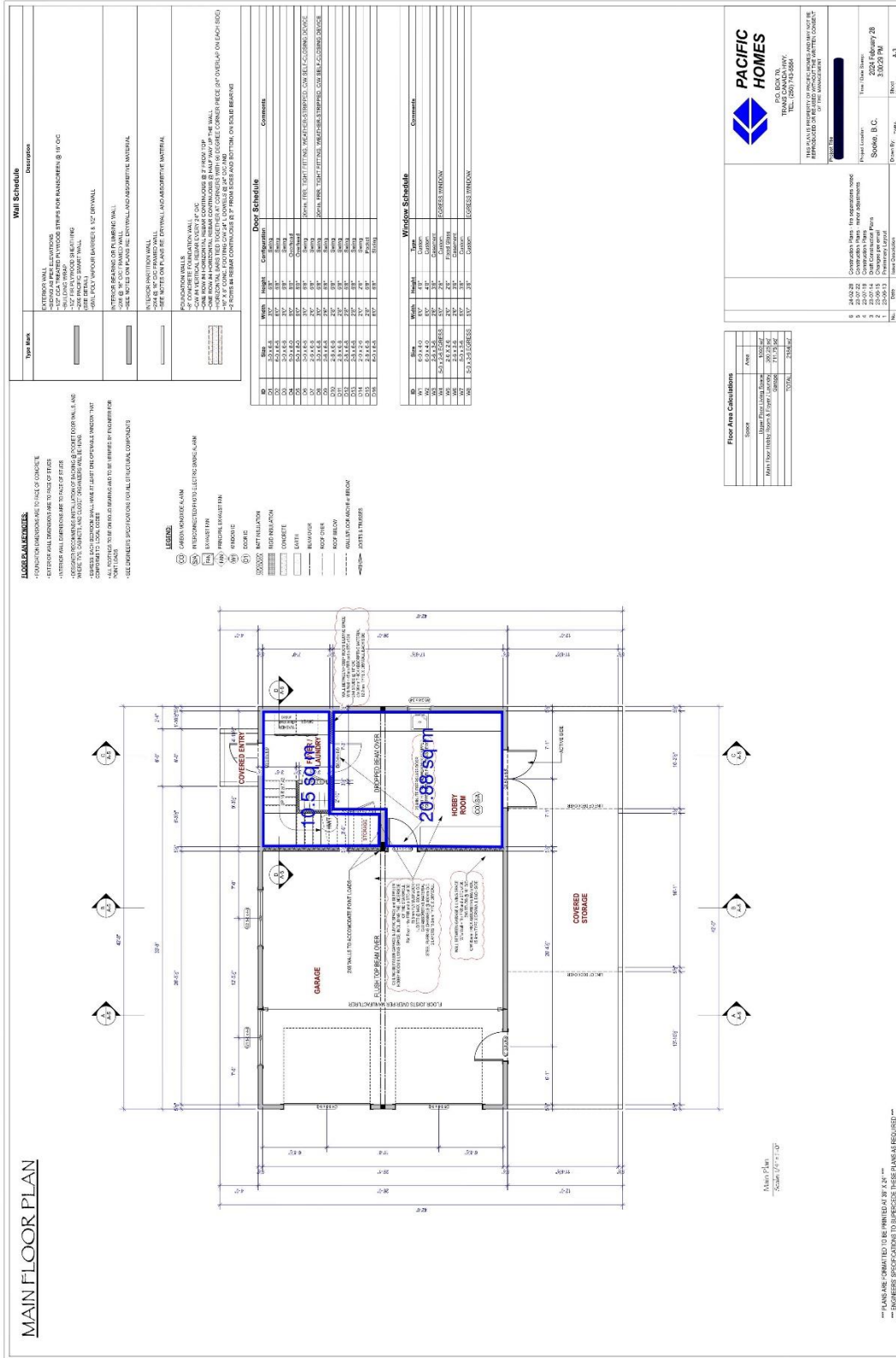


Appendix C: Zoning Map









**Wall Schedule**

Type	Material	Description
1	EXTENSION WALL	EXTENSION WALL
2	1/2\"	1/2\"
3	1/2\"	1/2\"
4	1/2\"	1/2\"
5	1/2\"	1/2\"
6	1/2\"	1/2\"
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**Door Schedule**

ID	Size	Material	Comments
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7	3'0\"	CONCRETE	
8	3'0\"	CONCRETE	
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**Window Schedule**

ID	Size	Material	Comments
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7	3'0\"	CONCRETE	
8	3'0\"	CONCRETE	
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**Pacific Homes**

100 BLOCK 70  
TAMPA, FL 33602  
TEL: (813) 724-5882

THIS PLAN IS PROPERTY OF PACIFIC HOMES AND IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF THE MANUFACTURER.

Project Name: [REDACTED]  
Project Location: [REDACTED]  
Project Number: [REDACTED]  
Date: 2024 February 28  
Scale: 1/8\"

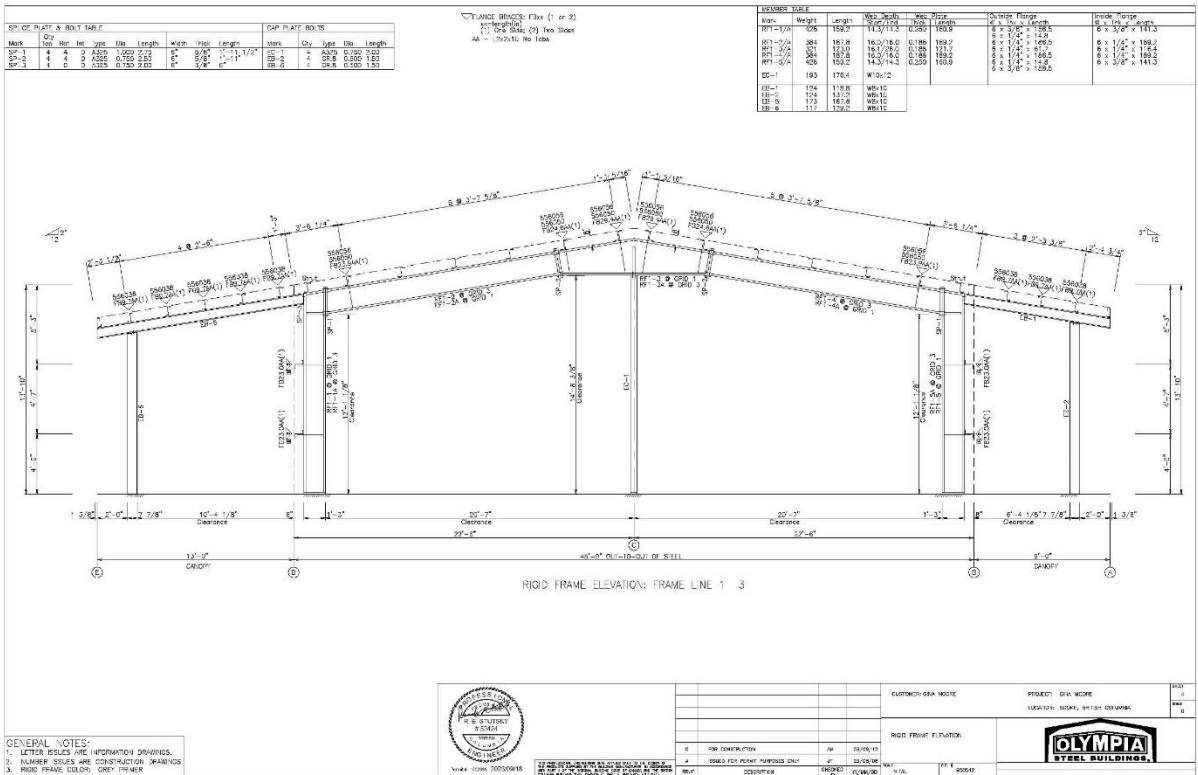
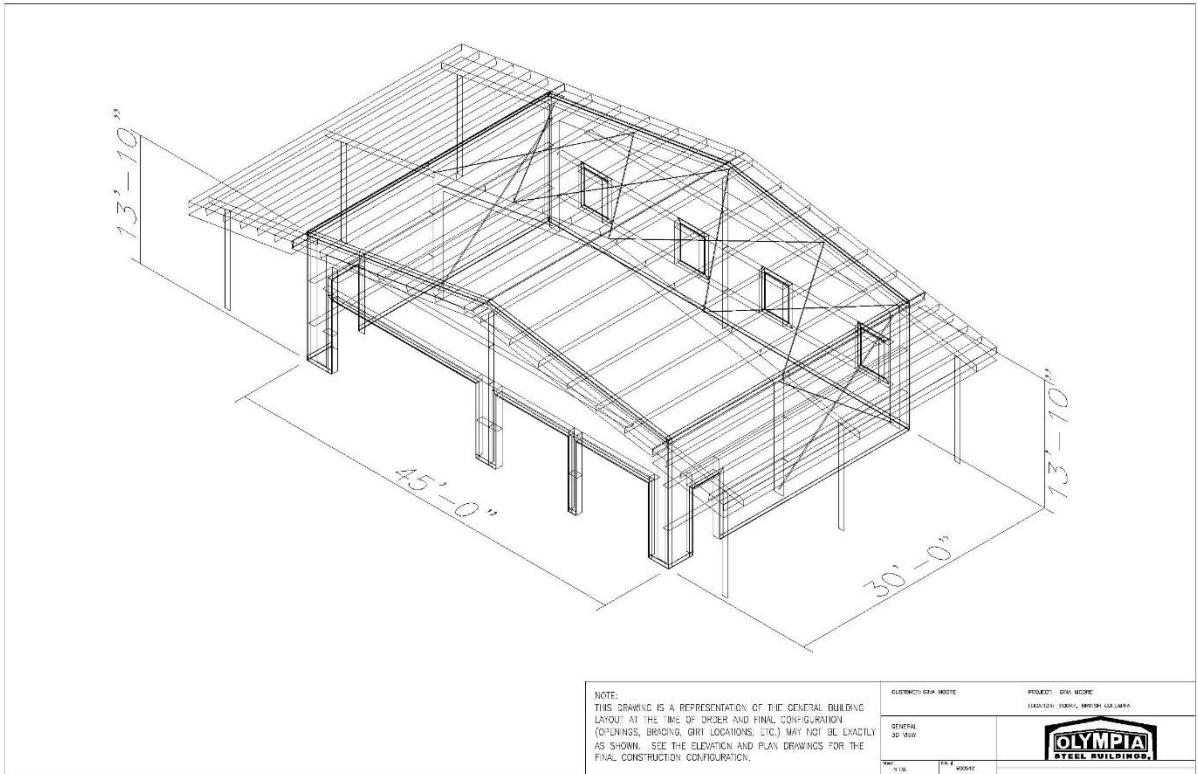
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Type: [REDACTED]  
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**Floor Area Calculations**

Space	Area
Garage	10.50 sqm
Hobby Room	20.88 sqm
Covered Storage	10.50 sqm
Other	0.00 sqm
<b>TOTAL</b>	<b>41.88 sqm</b>



Appendix E: Proposed Accessory Building (Garage)







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## Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 100902  
**Application Type:** Non-Adhering Residential Use within the ALR  
**Status:** Submitted to L/FNG  
**Applicant:** [REDACTED]  
**Local/First Nation Government:** Capital Regional District

### 1. Parcel(s) Under Application

#### Parcel #1

**Parcel Type** Fee Simple  
**Legal Description** PARCEL A (DD 80053I) OF SECTION 86, SOOKE DISTRICT  
**Approx. Map Area** 4.3 ha  
**PID** 008-413-835  
**Purchase Date** May 15, 2023  
**Farm Classification** No  
**Civic Address** 315 Becher Bay Rd, V9Z 1B7  
**Certificate Of Title** LAND TITLE OFFICE.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
[REDACTED]	No Data	[REDACTED]	[REDACTED]	Not Applicable

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## 2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

## 3. Primary Contact

Will one of the landowners or government contacts added previously be the primary contact? Yes

Type Land Owner  
First Name [REDACTED]  
Last Name [REDACTED]  
Organization (If Applicable) No Data  
Phone [REDACTED]  
Email [REDACTED]

## 4. Government

Local or First Nation Government: Capital Regional District

## 5. Land Use

### Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s). The property is being used for residential purposes. No agriculture

Describe all agricultural improvements made to the parcel(s). Approximately 1/3 of the property is fenced. Approx 1/2 acre of trees removed.

Describe all other uses that currently take place on the parcel(s). Residential, recreational. Vacation property

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**Choose and describe neighbouring land uses**

	<b>Main Land Use Type</b>	<b>Specific Activity</b>
<b>North</b>	Unused	raw land heavily treed
<b>East</b>	Other	ocean
<b>South</b>	Residential	neighbour
<b>West</b>	Unused	raw land heavily treed

**6. Proposal**

**Selected Subtype:** Additional Residence for Farm Use

**What is the purpose of the proposal?** We are building a carriage house to provide accommodation for family members when they come to visit as the principal residence will be losing sq. footage (bedrooms) during the renovation. Below the carriage house will be our garage as there won't be a garage in the principal residence. Note: We are also planning on building an engineered steel accessory building for storage of personal items (boat, kayaks, paddleboards, lawn equipment etc. ) This building is 114 m2

**What is the total floor area (m<sup>2</sup>) of the proposed additional residence?** 93

**Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.** The additional residence nor property will be used for farm use. It's a guest house for people to stay while on the property visiting and the accessory building will be strictly for storage of personal items.

**Describe the rationale for the proposed location of the additional residence.** It's located close the house. Will be able to share the driveway and have access to the yard. The accessory building will be on the opposite side as the carriage house also sharing the driveway and yard.

**Provide the total area (m<sup>2</sup>) and a description of infrastructure necessary to support the additional residence.** 93 m2 Concrete foundation, engineered Pacific Homes carriage house. 114 m2 Concrete foundation, engineered steel accessory building provided by Olympia Steel Buildings.

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**Describe the total floor area (m<sup>2</sup>), type, number, and occupancy of all residential structures currently located on the property.** 290 m2 principal residence. Tutor style home build in the 70s which will be occupied by my partner and I.

**Proposal Map / Site Plan** 3755-02-SITE-Signed.pdf

**Do you need to import any fill to construct or conduct the proposed non-adhering residential use?** No

## 7. Optional Documents

Type	Description	File Name
Professional Report	Geotech report	Geotechnical Schedule B - 315 Becher Bay, Sooke (1).pdf
Professional Report	Geotech report	23-747 - Geotechnical Memo 1 - Nov 23, 2023 BS2 (1).pdf