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## JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **May 15, 2012 at 7:0 p.m.**

Juan de Fuca Electoral Area Office, #2 – 6868 West Coast Road, Sooke, BC

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### SUPPLEMENTARY AGENDA

1. Correspondence received to be dealt with under the following agenda items:
  - a) Agenda Item 8 a) Z-01-12 – Lot 7, Section 129, Sooke District, Plan VIP67208 (Stokes – 470 Seedtree Road)
    - Dev Milward-Yates, Metchosin
  - b) Agenda Item 9 a) S-03-12 – Lot A, Section 43, Highland District, Plan VIP85011 (Lawrie - Mark Lane)
    - David Lawrie, Willis Point (FAMA)
    - David Lawrie, Willis Point (MOTI)
    - Art Wynans, Willis Point
2. Proposed Bylaw No. 3831, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 105, 2012

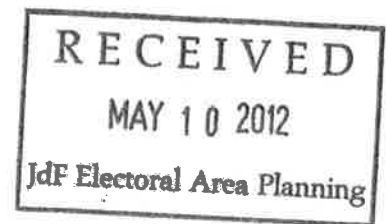
May 8/2012  
Re-zoning application  
470 Seedtree Rd.  
File Z-01-12

Victoria B.C.

Dear Sirs.

I fully support this Rezoning application.

Yours truly,  
Dew Milward-Gates



## June Klassen

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**From:** Dave Lawrié  
**Sent:** Saturday, May 05, 2012 7:39 PM  
**To:** June Klassen  
**Subject:** Emailing: Scan10003  
**Attachments:** Scan10003.PDF

The message is ready to be sent with the following file or link attachments:  
Scan10003

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

**Dave Lawrie**

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**From:** "Frank Edgell"  
**Date:** Tuesday, February 21, 2012 1:55 PM  
**To:** <ryan.evanoff@nov.bc.ca>  
**Cc:**  
**Subject:** Lot 2, Plan VIP77211, Section 23/24, Highland District.  
Edgell Consulting/Management Services  
February 21, 2012.

Good Afternoon Ryan:

I represent FAMA Holdings Ltd., owners of above captioned Lot 2, located near the north end of Willis Point in the CRD.

FAMA has been asked to support a proposal by the owners of Lots 37 and 38, Section 43, Plan 8166 (bounding the north west corner of said Lot 2), to relocate an old, 20 foot width, unconstructed road R/W in order to improve the subdivision potential of their land. FAMA has been contacted as the said R/W provides limited access between Lot 2 and Mark Lane.

The final decision on this proposal, of course, rests with your Ministry.

I am told that Messrs. Laurie and Sykes, owners of lots 37 and 38 respectively, have been advised by Katie Ollmann of your office that a *public trail* crosses Lot 2 between Willis Point Road and the said, 20 foot width, unconstructed road R/W. This information is not consistent with our records and is my reason for contacting your office.

Ministry of Highways was the Approving Officer (Rob Howat) at the time of the FAMA subdivision approval at Willis Point, and FAMA agreed to closure of the portion of the old Willis Point Road crossing what is now Lot 2.

Contrary to what Messrs. Laurie and Sykes have been advised by your office, there was no agreement to maintain a legal, public trail across Lot 2 in place of the closed road, and there is no record of any trail on the LTO Subdivision Plan.

Before considering further the request of Messrs. Laurie and Sykes, I would appreciate your confirmation that there is no legal, public trail across Lot 2 shown on the records of your Ministry, or if there is a notation shown on your records, it is not designating a trail for public use.

I look forward to your early advice in this matter.

Thank you.

Regards,

Frank Edgell, P.Ag. (retired)  
for FAMA Holdings Ltd.

## June Klassen

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**From:** Dave Lawrie  
**Sent:** Saturday, May 05, 2012 7:44 PM  
**To:** June Klassen  
**Subject:** Emailing: Scan10004  
**Attachments:** Scan10004.PDF

The message is ready to be sent with the following file or link attachments:  
Scan10004

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**Dave Lawrie**

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**From:** "Frank Edgell"  
**Date:** Wednesday, February 22, 2012 2:07 PM  
**To:**  
**Subject:** FW: Lot 2, Plan VIP77211, Section 23/24, Highland District.  
Dave:  
Confirmation that no public trail crosses Lot 2.  
Frank

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**From:** Deveau, Ross TRAN:EX [mailto:Ross.Deveau@gov.bc.ca]  
**Sent:** February-21-12 2:32 PM  
**To:**  
**Cc:**  
**Subject:** RE: Lot 2, Plan VIP77211, Section 23/24, Highland District.

Good afternoon Mr Edgell. Nice to hear from you again. The MOT does not have ant right-of-ways , easements or public trails in any portion of Lot 2 of the Fama Lands. The MOT does have jurisdiction over the 20 foot wide unopened road r/w between Lot 2 and Mark Lane. Please call is you have any other questions (250-952-4511). Thank you Ross Deveau Dev. Tech. MOT

**From:** Spillett, Ryan TRAN:EX  
**Sent:** Tuesday, February 21, 2012 2:03 PM  
**To:** Deveau, Ross TRAN:EX  
**Subject:** FW: Lot 2, Plan VIP77211, Section 23/24, Highland District.

**From:** Traverso, Mark TRAN:EX  
**Sent:** Tuesday, February 21, 2012 2:00 PM  
**To:** Spillett, Ryan TRAN:EX  
**Subject:** FW: Lot 2, Plan VIP77211, Section 23/24, Highland District.

**From:** Frank Edgel  
**Sent:** Tuesday, February 21, 2012 1:56 PM  
**To:** Evanoff, Ryan TRAN:EX  
**Cc:** Traverso, Mark TRAN:EX; Dave Lawrie  
**Subject:** Lot 2, Plan VIP77211, Section 23/24, Highland District.

Edgell Consulting/Management Services  
February 21, 2012.

Good Afternoon Ryan:

I represent FAMA Holdings Ltd., owners of above captioned Lot 2, located near the north end of Willis Point in the CRD.

FAMA has been asked to support a proposal by the owners of Lots 37 and 38, Section 43, Plan 8166 (bounding the north west corner of said Lot 2), to relocate an old, 20 foot width, unconstructed road R/W in order to improve the subdivision potential of their land. FAMA has been contacted as the said



Hello Land Use Commissioners.

I regret that I am not able to attend May's LUC meeting, as it concerns an application from Willis Point, concerning one of my neighbours' property. In my absence, I am happy to submit some comments, concerns and feedback represented from members of the community. I have also encouraged nearby neighbours to provide their feedback directly to the jdinfo email address.

The closure of this right of way will increase the value, salability, and usability of the applicant's property which has been listed for sale in the past with ReMax.

This topic has been referred to the LUC previously, when Pat O'Rourke was the commissioner for Willis Point. Pat indicated that the application at that time was for the closure of the road allowance and did not include an alternative right of way. FAMA objected at the loss of access to their property from Mark Lane. Community members from Willis Point objected to the loss of a "community trail" which provides a route from the upper part of Willis Point Road to Mark Lane for recreational access and access during road closures due to power lines on the road. It is my understanding the road had been closed a short time before the previous application was reviewed by the LUC.

I believe there is no longer an objection to the closure from FAMA, with the inclusion of an alternative right of way. Comments have been forwarded to me expressing concern that access to this community trail would be diminished, and access to Mark Lane during road closures would be inhibited. I should note that this "community trail" which is the original Willis Point Road, currently runs over private property. There are no indications on that property title that the trail exists. I have indicated the location of this trail as a red line in the photograph below.

I have also included 3 other photographs of

1. The existing community trail
2. The existing right of way
3. The proposed new right of way

I also wanted to reference a section from the parks strategic plan as it briefly touches on rights of way although this "community trail" is over private land

*The ministry of transportation and infrastructure (moti) is responsible for the establishment of public (road) accesses. these accesses, typically 20 meters in width, are moti titled lands required as a condition of subdivision as set out in Section 75 of the land title act [rSBC 1996] CHaPter 250. they are generally required at least every 200 m. in a rural area where the parcels into which the land is being subdivided all exceed 0.5 ha, they may be up to 400 meters apart. these public road accesses may be opened as roads by moti or kept as unopened rights-of-way. The moti public accesses can provide opportunities for community trail accesses within subdivisions as well as connecting corridors to foreshore/beach areas.*

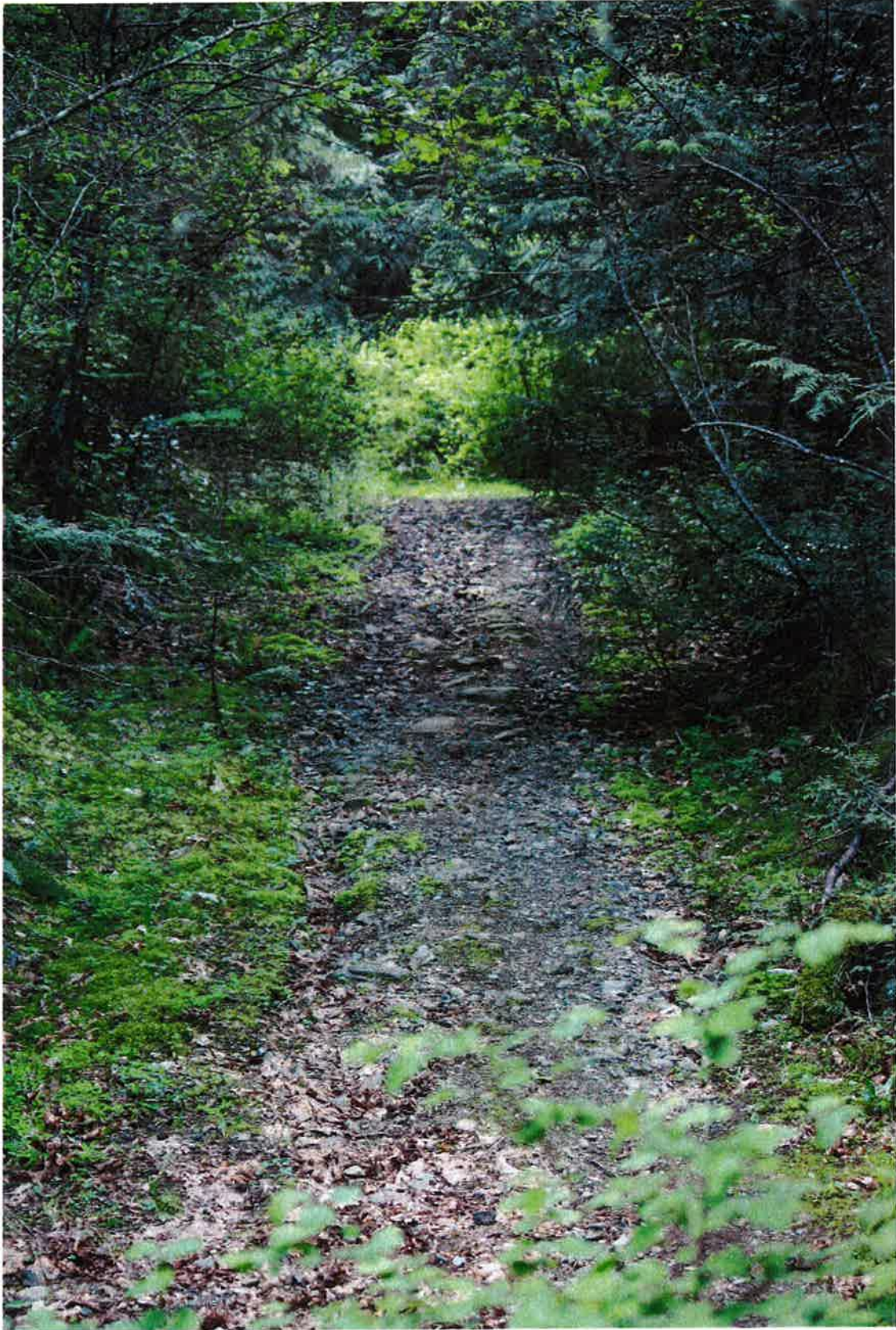
I hesitate to offer an absolute perspective as a LUC representative at this time, as I've not yet heard the discussions and comments at the meeting May 15<sup>th</sup>. I would also call attention to the fact that the subject property is adjacent to my personal property, which I feel would be negatively impacted (although minimally) by this change. I do see a potential for conflict of interest (or perception of conflict

of interest) if I were to vote on this matter, so it may be best that I simply represent the comments and facts above as best I can without bias. I look forward to reviewing the minutes on this application.

Best regards,  
Art Wynans













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**REPORT TO JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, MAY 15, 2012**

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**SUBJECT**     **PROPOSED AMENDMENT TO THE JUAN DE FUCA ELECTORAL AREA LAND USE BYLAW, 1992, BYLAW NO. 2040, (AMENDMENT BYLAW NO. 3831)**

**ISSUE**

To consider an amendment to the Juan de Fuca Electoral Area Land Use Bylaw, 1992, Bylaw No. 2040, to revise the general regulations regarding the height and maximum combined total floor area (all floors) of all accessory buildings and structures.

**BACKGROUND**

The general regulation regarding the height and maximum combined total floor area (all floors) of all accessory buildings and structures was amended by Bylaw No. 3705 and applied to Otter Point and Shirley/Jordan River but not to East Sooke (Appendix 1). The proposal to include East Sooke under the revised height and maximum combined total floor area (all floors) of all accessory buildings and structures provisions was considered by the East Sooke Advisory Planning Commission April 10, 2012 and supported. In addition, staff proposes a minor housekeeping amendment to the proposed accessory floor area table as there is a need to clarify which maximum floor area applies to lots of 5,000m<sup>2</sup>. A proposed Bylaw No. 3831 has been prepared to reflect these amendments (Appendix 2).

**ALTERNATIVES**

1. Approve the proposed Bylaw No. 3831 to amend the Juan de Fuca Electoral Area Land Use Bylaw, 1992, Bylaw No. 2040, and forward to the Capital Regional District (CRD) Board for first and second readings and direct to public hearing.
2. Not proceed with the proposed amendments to the Juan de Fuca Electoral Area Land Use Bylaw, 1992, Bylaw No. 2040.
3. Refer the bylaw back to staff for further information.

**INTER-DEPARTMENTAL IMPLICATIONS**

The proposed amendment facilitates the issuance of building permits for some accessory buildings or structures without the need for a development permit variance.

**LEGISLATIVE IMPLICATION**

Pursuant to Section 890 of the *Local Government Act*, an amendment to a zoning bylaw requires that a public hearing will be held subsequent to the amendment passing second reading by the CRD Board. The public hearing will be advertised in the local paper and on the website.

**PLANNING ANALYSIS**

Bylaw No. 3831 proposes that the accessory building height of 6m for a one-storey building which applies to Otter Point and Shirley/Jordan River also apply to East Sooke.

The proposed amendment clarifies the confusion regarding lot of 5,000m<sup>2</sup> which were designated as having 100m<sup>2</sup> and 250m<sup>2</sup> of total combined total floor area. It also proposes that the maximum combined total floor area (all floors) of all accessory buildings and structure which applies to Otter Point and Shirley/Jordan River also apply to East Sooke. The proposed amendment is denoted below:

Lot Size	Maximum Combined Total Floor Area (all floors) of All Accessory Buildings and Structures
Less than 2,000m <sup>2</sup>	60m <sup>2</sup>
2,000m <sup>2</sup> to less than 5,000m <sup>2</sup>	100m <sup>2</sup>
5,000m <sup>2</sup> or greater	250m <sup>2</sup>

While the increased height will increase the overall massing of the accessory building, the buildings will be one-storey. Requests for heights above 6m for one-storey or for two-storey accessory buildings will continue to require a development variance permit. The changes to the maximum combined total floor area (all floors) of all accessory buildings and structure clarifies that lots of 5,000m<sup>2</sup> are permitted 250m<sup>2</sup> accessory floor area. These amendments make the general regulations for the height and maximum combined total floor area (all floors) of all accessory buildings and structures consistent for all areas subject to Bylaw No. 2040.

**CONCLUSION**

The intent of the amendment bylaw is to make the height and the maximum combined total floor area (all floors) of all accessory buildings and structure consistent for all communities subject to Bylaw No. 2040. Staff recommends that the proposed amendment be forwarded to the CRD Board for first and second reading and on to Public Hearing.

**RECOMMENDATION**

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

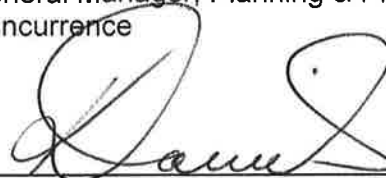
1. That Bylaw No. 3831, "Juan de Fuca Electoral Area Land Use Bylaw, 1992, Amendment Bylaw No. 105, 2012", be introduced and read a first time, and read a second time;
2. That in accordance with the provisions of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to that Bylaw No. 3831, "Juan de Fuca Electoral Area Land Use Bylaw, 1992, Amendment Bylaw No. 105, 2012".



June Klassen, MCIP  
Manager, Local Area Planning



Robert Lapham, MCIP  
General Manager, Planning & Protective Services  
Concurrence



Kelly Daniels  
Chief Administrative Officer  
Concurrence



Appendix 1

- (2) Regulations for Residential, Multiple Family Residential, Rural Residential and Rural Zones
- (a) For parcels located in Otter Point as shown on Map 2, and Shirley Jordan River as shown on Map 3, an accessory building in a Residential, Multiple Family Residential, Rural Residential, or Rural Zone shall not exceed 6m in height for a one storey building, except as otherwise provided for in this Bylaw. For parcels located in East Sooke as shown on Map 1, an accessory building in a Residential, Multiple Family Residential, Rural Residential, or Rural Zone shall not exceed 4m in height for a one storey building, except as otherwise provided for in this Bylaw;

*Bylaw 3705*

- (c) For parcels in Otter Point as shown on Map 2 and Shirley Jordan River as shown on Map 3, in Residential, Multiple Family Residential, Rural Residential, and Rural Zones, the combined total floor area of all accessory buildings and structures on a lot shall not exceed either the Lot Coverage permitted in the zone in which they are located, or the following:

Lot Size	Maximum Combined Total Floor Area (all floors) of All Accessory Buildings and Structures
Less than 2,000m <sup>2</sup>	60m <sup>2</sup>
2,000m <sup>2</sup> to 5,000m <sup>2</sup>	100m <sup>2</sup>
5,000m <sup>2</sup> to 2ha	250m <sup>2</sup>
Over 2ha	250m <sup>2</sup>

For parcels in East Sooke as shown on Map 1, in Residential, Multiple Family Residential, Rural Residential, and Rural Zones, the combined total floor area of all accessory buildings and structures on a lot shall not exceed either the Lot Coverage permitted in the zone in which they are located, or the following:

Lot Size	Maximum Combined Total Floor Area (all floors) of All Accessory Buildings and Structures
Less than 2,000m <sup>2</sup>	60m <sup>2</sup>
2,000m <sup>2</sup> to 5,000m <sup>2</sup>	80m <sup>2</sup>
5,000m <sup>2</sup> to 2ha	100m <sup>2</sup>
Over 2ha	250m <sup>2</sup>

*Bylaw 3705*

**CAPITAL REGIONAL DISTRICT  
 BYLAW NO. 3831**

\*\*\*\*\*  
**A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA ELECTORAL AREA LAND USE  
 BYLAW, 1992"**  
 \*\*\*\*\*

The Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Electoral Area Land Use Bylaw, 1992" is hereby amended:

**A. Part 1, Section 4.0 GENERAL REGULATIONS**

- (a) Amend Section **4.01 ACCESSORY BUILDINGS AND STRUCTURES** by deleting Subsection (2)(a) in its entirety and replacing with the words:

"(2)(a) A accessory building in a Residential, Multiple Family Residential, Rural Residential, or Rural Zone shall not exceed 6m in height for a one storey building, except as otherwise provided for in this Bylaw;"

- (b) Amend Section **4.01 ACCESSORY BUILDINGS AND STRUCTURES** by deleting Subsection (2)(c) in its entirety and replacing with the words:

"(2)(c) In Residential, Multiple Family Residential, Rural Residential, and Rural Zones, the combined total floor area of all accessory buildings and structures on a lot shall not exceed either the Lot Coverage permitted in the Zone in which they are located, or the following:

<b>Lot Size</b>	<b>Maximum Combined Total Floor Area (all floors) of All Accessory Buildings and Structures</b>
Less than 2,000m <sup>2</sup>	60m <sup>2</sup>
2,000m <sup>2</sup> to less than 5,000m <sup>2</sup>	100m <sup>2</sup>
5,000m <sup>2</sup> or greater	250m <sup>2</sup>

2. This bylaw may be cited as "Bylaw No. 3831, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 105, 2012".

READ A FIRST TIME	THIS	DAY OF	2012
READ A SECOND TIME	THIS	DAY OF	2012
READ A THIRD TIME	THIS	DAY OF	2012
APPROVED by the Minister of Transportation and Infrastructure	THIS	DAY OF	2012
ADOPTED	THIS	DAY OF	2012

\_\_\_\_\_  
 CHAIR

\_\_\_\_\_  
 CORPORATE OFFICER