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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, May 15, 2012 at the Juan de Fuca Electoral Area Office, #2-6868 West Coast
Road, Sooke, BC**

PRESENT: Director Mike Hicks, Chair, Ted Dixon, Kara Middleton, Heather Phillips, Harold Shipton
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording Secretary
ABSENT: John Wells, Art Wynans
PUBLIC: Approximately 14

The meeting was called to order at 7:00 p.m.

1. Approval of the Agenda

The Chair asked that subdivision application S-03-12 be considered after the Planner's Report and that Proposed Bylaw No. 3831, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 105, 2012 as included in the supplementary agenda be considered as item 10 b).

A LUC member asked that an update on the Telus tower at Sooke Business Park be provided as part of the Planner's Report.

MOVED by Ted Dixon, **SECONDED** by Harold Shipton that the agenda be approved as amended. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Heather Phillips, **SECONDED** by Kara Middleton that the supplementary agenda be approved. **CARRIED**

3. Adoption of Minutes from the Meeting of March 20, 2012

MOVED by Harold Shipton, **SECONDED** by Ted Dixon that the minutes from the meeting of March 20, 2012 be adopted. **CARRIED**

4. Receipt of East Sooke Advisory Planning Commission Minutes of April 10, 2012

MOVED by Heather Phillips, **SECONDED** by Kara Middleton that the draft minutes from the April 10, 2012 meeting of the East Sooke Advisory Planning Commission be received. **CARRIED**

5. Chair's Report

6. Planner's Report

June Klassen confirmed that a development permit has been issued (DP-28-11) to permit the construction of a telecommunications tower at Sooke Business Park. An update on the status of the building permit will be relayed to the membership.

7. Subdivision Application – Proposed Road Closure

a) S-03-12 – Lot A, Section 43, Highland District, Plan VIP85011 (Lawrie – Mark Lane)

June Klassen spoke to the staff report advising that the applicant is requesting closure of an unopened road right-of-way (6.10 m) and proposing provision of an alternative road right-of-way (12.19 m).

The proposed road closure was previously considered in 2006 (S-03-03) however a specific location of an alternative road right-of-way was not included. At that time, the LUC recommended that the application and all correspondence regarding the application be forwarded to the Ministry of Transportation without recommendation due to the opposition from the owners of Lot 2, Section 23/43, Highland District, Plan VIP77211. At the May 10, 2006 CRD Board meeting the Board accepted the LUC recommendation and forwarded the application without recommendation to the Ministry.

As included in the staff report, the owners of Lot 2 (FAMA Holdings Ltd.) have provided a written statement supporting the closure of the unopened road right-of-way and the dedication of the new right-of-way. The Ministry of Transportation and Infrastructure has also indicated support of the proposal and it is understood that the community of Willis Point also supports the proposal. In consideration of support from the community of Willis Point, June Klassen read aloud wording amending the staff recommendation.

The Chair opened the floor to the applicant, David Lawrie. David Lawrie thanked the Chair for amending the agenda to hear the application from Willis Point first. David Lawrie advised that the proposed right-of-way will provide access to FAMA lands and may provide for trail access in future. It was also noted that the newly dedicated road provides better sight lines and gradation.

MOVED by Heather Phillips, **SECONDED** by Harold Shipton that the Juan de Fuca Land Use Committee support the staff report and recommendation as amended and recommend to the CRD Board:

1. That the proposed closure of the unopened road right-of-way and provision of an alternate road right-of-way on Lot A, Section 43, Highland District, Plan VIP85011, as shown in Appendix 2, be approved; and
2. That staff be directed to prepare a letter to the Ministry of Transportation and Infrastructure indicating the Capital Regional Board decision.

CARRIED

At this time, the Chair opened the floor to Cleo Gardener, Shirley. Cleo Gardener questioned the process for allowing the public to ask questions or make comment regarding an application before the LUC. The Chair advised that the public is permitted to make comment and ask questions and asked if Cleo Gardener had a question or comment. Cleo Gardener did not request further comment from the LUC or the applicant, stating that the question was no longer before the membership.

8. Development Permit with Variance Application

a) DP-34-11 – Strata Lots 1, 2, 3 and 4, Section 16, Otter District, Plan VIS7097 (West Coast Super Storage – Sooke Business Park)

June Klassen spoke to the staff report advising that the applicant is requesting a development permit with variance in order to permit the placement of up to 1,044 intermodal storage containers on four industrial properties. It was advised that Gage-Babcock and Associates have prepared a report demonstrating that the shipping containers/storage units meet the standards of the *BC Building Code*. It was noted that 165 storage containers already on site are located within the 4.5 m rear yard setback and cannot be moved without some degree of hardship as they have been filled by clients. The applicant, therefore, has requested a development variance to relax the rear yard setback of the General Industrial M-2 Zone from 4.5 m to 0.7 m. It was noted that the containers are located adjacent to a strata road and along a property line where traffic sight-lines will be unaffected. As well, fence and landscape screening has been installed in the boulevard between the buildings and the strata road. The applicant also proposes to continue Row A, within the 4.5 m setback to the western side of Strata Lot 2.

The Chair opened the floor to Michael Volk, representative for Sooke Business Park. Michael Volk stated that the figure of 1,044 represents container capacity. It is not anticipated that the storage properties will meet this capacity. It is anticipated that client requests for storage of vehicles and boats will outnumber the requests for storage containers.

At the request of the Chair, Michael Volk advised that the containers will not be stacked as stacking would not allow easy access to stored items. In response to a LUC member, Michael Volk advised that no comments have been received from the other strata owners regarding the application. June Klassen confirmed that written notice was given to each resident/tenant within 500 m.

Dane Bugoy, Otter Point, stated that he received written notice and relayed support for the site layout and application.

Arnie Campbell, Otter Point, requested identification of the Telus tower location and questioned whether consideration had been given to the application's impact on traffic volume on Otter Point Road. June Klassen identified the location of the Telus tower on site mapping and advised that the application is anticipated to have little impact on traffic volume due to the low number of client trips to the storage facility.

MOVED by Ted Dixon, **SECONDED** by Harold Shipton that the Juan de Fuca Land Use Committee support the staff recommendation and report and recommend to the CRD Board:

1. That the Commercial & Industrial Development Areas Development Permit (DP-34-11) for Strata Lots 1, 2, 3 and 4, Section 16, Otter District, Plan VIS7097, as shown and described in Appendices 2, 3, 4 and 5, be approved subject to the following conditions:

- a. That the proposed construction comply with the Commercial & Industrial Development Areas Development Permit Guidelines outlined in the Otter Point Official Community Plan, Bylaw No. 3354; and
 - b. That the conditions of this development permit be verified as part of the building permit process.
2. That Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 27.08(d)(ii) be varied to reduce the rear yard setback of Strata Lot 2, Section 16, Otter District, Plan VIS7097, from 4.5 m to 0.7 m, as shown on the Curtis Paxton Miles Site Plan, dated April 16, 2012.

CARRIED

9. Rezoning Application

a) Z-01-12 – Lot 7, Section 129, Sooke District, Plan VIP67208 (Stokes – 470 Seedtree Road)

June Klassen spoke to the staff report advising that the applicants are proposing to rezone the 4 ha property to permit the subdivision of three fee simple parcels in order that each dwelling unit currently located on the property may be individually titled. It was advised that a geotechnical report, certified by Richard Brimmell, P.Eng. identified two future building sites located to the north and northwest of the primary single family dwelling. The report described the site to the northwest as free of geotechnical hazards and safe for the intended residential use. The report described the site to the north as capable of being “developed for foundations, however, a rockfall hazard exists” in that area due to its proximity to a southwest facing rock bluff. This second site is the proposed location of a new home, to be built upon successful completion of the rezoning and subdivision applications, and removal of an existing mobile home.

A DP with variance application (DP-05-12) has been submitted by the applicant in order to address the DP Guidelines of the East Sooke OCP with respect to the geotechnical, riparian and sensitive ecosystem concerns associated with the property. A variance has been requested as part of the DP application in order to reduce the minimum frontage requirement of 10% lot perimeter for two of the proposed lots. Approval of the DP with variance would be required in fulfillment of the subdivision application requirements (S-02-12).

The Chair opened the floor to the applicants, Donna and Matthew Stokes. In response to LUC members, Matthew Stokes advised that the location of the cottage will remain unchanged but that the cottage will be a dwelling unit on a proposed new lot. Matthew Stokes spoke to property water sources.

June Klassen clarified that wells will be required for each dwelling unit as part of the subdivision process.

Cleo Gardener, Shirley, requested clarification regarding the road frontage variance, asking what the standard is for road frontage and what is being requested by the applicants. June Klassen explained that two of the proposed lots do not meet the minimum frontage requirement of 10%. The rezoning request does not include a measure pertaining to relaxation of the road frontage. A measure will be determined by

way of a surveyor as part of the development permit with variance application required as part of the subdivision process.

Zac Doeding, East Sooke, relayed that he supports the proposal stating that the application sets a good precedence for a Rural A Zone property moving to fee simple parcels. Matthew Stokes responded to Zac Doeding confirming that the existing mobile home could remain on the property but that the proposal reflects the removal of the mobile.

Wayne Fleetham, East Sooke, stated that he neither supports or opposes the application at this time but stated concern with water. It was noted that new wells can impact existing water sources. It was asked that the residents of Seedtree Road be made aware of the application. The Chair advised that the community will be able to consider the application further if the proposal is referred to the East Sooke Advisory Planning Commission (APC).

MOVED by Ted Dixon, **SECONDED** by Harold Shipton that the Juan de Fuca Land Use Committee direct staff to refer the May 15, 2012 staff report and proposed Bylaw No. 3829 for Lot 7, Section 129, Sooke District, Plan VIP67208, to the appropriate CRD departments and the following agencies for comment:

BC Hydro	Ministry of Environment
District of Metchosin	Ministry of Transportation and Infrastructure
District of Sooke	Sca'i'new First Nation
East Sooke Advisory Planning Commission	Sooke School District #62
East Sooke Fire Department	T'Sou-ke First Nation
	Vancouver Island Health Authority

A LUC member stated no support for referring the proposal for comment noting that the property is within the settlement containment area and further stating that settlement containment areas are tied to water supply and the ability to provide water servicing. In consideration of water concerns and the steep slope, riparian and sensitive ecosystem concerns associated with the property and overall proposed lot configuration, the LUC member stated that the proposal sets a bad precedence.

The Chair solicited comment from the other LUC members. All indicated support for further community consultation through the APC.

A LUC member stated that there is conflicting language between the development policies of settlement containment areas and the large lot provisions of the Rural A Zone.

The Chair called the question and it was four in favour, Heather Phillips opposed.

CARRIED

10. Proposed Bylaws

a) Proposed Amendment of the East Sooke Official Community Plan Bylaw No. 3353 (Amendment Bylaw No. 3718)

June Klassen spoke to the staff report advising that the East Sooke Official Community Plan (OCP), Bylaw No. 3353 is proposed to be amended to increase the definition of

steep slope from 20 percent to 30 percent, provide additional exemptions for development permits, incorporate a Greenhouse Gas (GHG) Reduction statement, reflect adoption of the Parks Plan and incorporate revised mapping. June Klassen directed attention to p. 47 of the staff report advising that "6" should be replaced by "10" in section 4.4.4.1.

In response to a LUC member, June Klassen confirmed that proposed Bylaw No. 3718 will repeal and replace the East Sooke OCP Bylaw No. 3353 as noted on p. 9 of the staff report.

A LUC member questioned whether there was adequate public consultation regarding change to the steep slope designation. It was suggested that the public may not fully understand the change in designation and that public support was based on the understanding that 30 percent is used by other rural municipalities and supported by the LUC.

The Chair advised that the draft was presented and supported by the East Sooke APC and that there is opportunity for further public input at the public hearing.

June Klassen responded to a LUC member advising that the draft OCP was referred multiple times for comment and that no submissions have been received from First Nations.

June Klassen noted that the building inspector can still request submission of a geotechnical report to determine safety when mapping does not indicate a property to be in a steep slope development permit area.

A LUC member stated that Pender Island designates moderate steep slope as 22 percent to 43 percent and that Nanaimo designates steep slope as 20 percent. The LUC member suggested that these designations allow for consideration of slope appearance and slope structure in addition to addressing safety concerns. The LUC member questioned how the public will be given the opportunity to understand the change in designation prior to the public hearing noting that meeting/public hearing notification is not education.

Another LUC member agreed that some members of the public may not understand the change in designation but stated that notification allows individuals to come forward with questions.

Cleo Gardener, Shirley, agreed with comments suggesting that the public may not fully understand the change in designation, noting the various terms used to describe the current change in slope designation (percent, degree, run). Cleo Gardener forwarded support for a public education program, suggesting use of local papers.

A LUC member agreed with the comments forwarded by Cleo Gardener questioning opportunities to provide greater public education.

Zac Doeding, East Sooke, stated that technical information was provided at the recent East Sooke APC meeting with supporting comments coming from building professionals who regularly require geotechnical reports. It was stated that 20 percent was supported

by the community of Willis Point and was then used for the definition of steep slope in the other community OCPs. Zac Doeding stated that building inspection can request submission of a geotechnical report if there is any site safety concern.

A LUC member noted that there can be opportunity to explain the change in designation as part of the Otter Point OCP review. It was suggested that neighbouring communities could be invited to any education opportunities extended to the community of Otter Point.

The Chair stated that support for repealing and replacing the OCP will be determined by the community of East Sooke at the public hearing. In response to a LUC member, the Chair advised that he would not entertain dividing the motion as the proposed amendments to the OCP were supported at the East Sooke APC meeting. The Chair confirmed that amendment to the proposed bylaw can be made by way of recommendation to the Board after a public hearing.

MOVED by Kara Middleton, **SECONDED** by Harold Shipton that the Juan de Fuca Land Use Committee support the staff recommendation and report and recommend to the CRD Board:

1. That Bylaw No. 3718, "Official Community Plan for East Sooke Bylaw No. 1, 2012" be introduced and read a first time, read a second time; and
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 Alternative Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 3718, "Official Community Plan for East Sooke Bylaw No. 1, 2012".

CARRIED

b) Proposed Bylaw No. 3831, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 111, 2012

June Klassen spoke to the staff report advising that the Juan de Fuca Electoral Area Land Use Bylaw, 1992, Bylaw No. 2040 is proposed to be amended to revise the general regulations regarding the height and maximum combined total floor area (all floors) of all accessory buildings and structures as supported by the East Sooke APC at its meeting on April 10, 2012.

A LUC member stated that the Rural A Zone requires improved wording to describe the number of dwelling units permitted on a parcel (by lot size). June Klassen advised that a separate bylaw amendment is anticipated after completion of the Otter Point OCP review and that the requested improved wording can be included in that future amendment.

MOVED by Kara Middleton, **SECONDED** by Ted Dixon that the Juan de Fuca Land Use Committee support the staff recommendation and report and recommend to the CRD Board:

1. That Bylaw No. 3831, "Juan de Fuca Electoral Area Land Use Bylaw, 1992, Amendment Bylaw No. 111, 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 Bylaw No. 3831, "Juan de Fuca Electoral Area Land Use Bylaw, 1992, Amendment Bylaw No. 111, 2012".

CARRIED

11. New Business

At this time, a LUC member asked if there has been any record of a building problem associated with use of 20 percent as the designation for steep slope. June Klassen advised that a project cannot proceed until a geotechnical report states that a site is safe for the intended use.

Cleo Gardener, Shirley, questioned process stating that the public was not permitted the opportunity to provide input during discussion of steep slope. Cleo Gardener stated that it appears that the Chair is arbitrarily deciding which discussion items are opened to the public for comment and who can speak to those items. Cleo Gardener stated that the public has the right to be properly informed regarding meetings and meeting information further stating that staff reports posted to the CRD website are taken down after two days.

12. Adjournment

MOVED by Heather Phillips, **SECONDED** by Harold Shipton that the meeting adjourn.

The meeting adjourned at 8:17 p.m.

Chair