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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, January 15, 2013 at the Juan de Fuca Electoral Area Office, #2-6868 West  
Coast Road, Sooke, BC**

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**PRESENT:** Director Mike Hicks (Chair), Ted Dixon, Roy McIntyre, Kara Middleton,  
Heather Phillips, Harold Shipton, Art Wynans  
**Staff:** June Klassen, Local Area Planning Manager; Wendy Miller, Recording  
Secretary  
**PUBLIC:** Approximately 22

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

**1. Election of Vice Chair**

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee for 2013 and Heather Phillips' name was put forward. The Chair called two times for further nominations and, as there were none, Heather Phillips was declared Vice Chair.

**2. Approval of the Agenda**

**MOVED** by Ted Dixon, **SECONDED** by Kara Middleton that the agenda be approved as amended to consider amendment to the minutes of September 18, 2012 previously adopted on October 16, 2012. **CARRIED**

**3. Approval of the Supplementary Agenda**

**MOVED** by Harold Shipton, **SECONDED** by Roy McIntyre that the supplementary agenda be approved. **CARRIED**

**4. Adoption of Minutes from the Meeting of November 20, 2012**

**MOVED** by Heather Phillips, **SECONDED** by Ted Dixon that the minutes from the meeting of November 20, 2012 be adopted with the following amendments: (1) Page 3, Item 6 a) strike "e" from "Anne", (2) Page 3, Item 6 a) insert an apostrophe at the end of "Sisters". **CARRIED**

**5. Amendment of the Minutes from the Meeting of September 18, 2012 Previously Adopted on October 16, 2012**

**MOVED** by Heather Phillips, **SECONDED** by Kara Middleton that the minutes from the meeting of September 18, 2012 previously adopted on October 16, 2012 be amended to add Marg Misk-Evans, Senior Manager, Regional & Strategic Planning, Planning and Protective Services to the list of staff at the meeting. **CARRIED**

**6. Chair's Report**

The Chair welcomed everyone to the meeting.

## 7. Planner's Report

June Klassen relayed that the next meeting of the Planning, Transportation and Protective Services Committee is scheduled for February 27, 2013. It is anticipated that a report outlining a series of Official Community Plan principles pertaining to settlement and extension of water and a report regarding Official Community Plan/Regional Growth Strategy conflict resolution, similar to the appeal process granted to municipalities, will be presented at this meeting.

## 8. Development Permit with Variance Application

### a) DP-10-12 with Variance – That Part of Section 86, Sooke District, Lying to the North of Plan 623-R, Except Parcel 'A' (DD 80053-I) (Larkin - 314 Becher Bay Road)

June Klassen spoke to the staff report and request for a development permit with variance in order to address the steep slopes; watercourses, wetlands and riparian areas; and sensitive ecosystems development permit guidelines, as well as to reduce the required frontage of the proposed remainder lot from 10% of the lot perimeter to 4.3% of the lot perimeter, and to reduce the front yard setback of an existing cottage from 7.5 m to 4.0 m, for the purpose of allowing subdivision for a relative in accordance with Section 946 of the *Local Government Act (LGA)*. It was noted that the primary purpose of the subdivision application is to provide separate, fee-simple legal title among family members to land around existing residences and accessory buildings.

The Chair confirmed that the applicant's representative, Lorna Moth, was present.

LUC member comments included:

- measure of 9.6 ha included on the diagram on p. 15 of the staff report appears to be closer to the property size than the measure of the property size reflected in the staff report text (5.97 ha)
- property is zoned Rural A, allowing for minimum parcel size of 4 ha for subdivision
- subdivision for a family member permits a parcel size smaller than the minimum parcel size permitted (4 ha)
- Rural A zone allows for multiple houses
- proposed Lot 1 would allow three houses and one suite (detached or accessory)
- remainder parcel would allow for four houses
- subdivision would result in more houses than anticipated
- consider covenant to limit proposed Lot 1 to one house with suite

June Klassen confirmed that the current parcel permits four houses. Three houses would be permitted on proposed Lot 1; four houses on the remainder parcel.

The applicant's representative did not object to the proposed covenant.

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

1. That Steep Slopes; Watercourses, Wetlands and Riparian Areas; and Sensitive Ecosystems development permit DP-10-12 with Variance for That Part of Section 86, Sooke District, Lying to the North of Plan 623-R, Except Parcel 'A' (DD 80053-I) be approved subject to the following conditions:
  - a. That the proposed development comply with the Steep Slopes; Watercourses, Wetlands and Riparian Areas; and Sensitive Ecosystems Development Permit

Guidelines outlined in the East Sooke Official Community Plan, Bylaw No. 3718;  
and

- b. That the proposed development comply with the recommendations outlined in Enkon Environmental reports prepared by Susan Blundell, R.P.Bio., dated November 27, 2012, (Appendix 4), and January 18, 2010, (Appendix 5);
2. That Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 3.10(4)(a) be varied by relaxing the minimum frontage requirement for the proposed remainder lot from 10% of the perimeter of the lot that fronts on a highway to 4.3% of the perimeter of the lot that fronts on a highway, as shown on the Island Land Surveying plans dated October 26, 2012, and July 1, 2012 (Appendices 2 and 3);  
and
3. That Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 2.07(a) be varied by relaxing the minimum front yard setback requirement for the existing cottage from 7.5 m to 4.0 m, as shown on the Island Land Surveying plan dated October 26, 2012, (Appendix 2).
4. That a covenant be placed on proposed Lot 1 to limit the parcel to one house and one suite.

**CARRIED**

**9. Development Variance Permit Application**

**a) VAR-07-12 - Lot 55, Section 2, Renfrew District, Plan VIP83894 (Nicholson - 3632 Petrel Drive)**

June Klassen spoke to the staff report and request for a development variance permit to permit a detached accessory suite in the second storey of an existing garage/shop.

The Chair confirmed that the applicant, Tim Nicholson, was present.

June Klassen directed attention to the supplementary submission from Joen and Maureen Nelson, Jordan River, stating no objection to the variance. The submission requests amending Bylaw No. 2040 to lower the maximum height of an accessory building used for a detached accessory suite from 7 m to allow only one storey detached suites or amending the bylaw to allow two storey detached accessory suites, maintaining the maximum height of 7 m.

The Chair responded to a question regarding the intent of the detached suite bylaw (Bylaw No. 3605). The Chair acknowledged that the maximum height of a one storey accessory building is 6 m while the height of a detached accessory suite is 7 m. The Chair stated that the height of 7 m was intended to support two storey detached accessory suites. The Chair forwarded support for revisiting the regulations for detached accessory suites to permit two storeys.

June Klassen responded to questions directed through the Chair advising that, as confirmed by the building inspector, the building height, as measured to the peak of the roof, is 6.63 m. The existing garage/shop complies with the maximum height for accessory buildings. A variance is requested to permit a second storey to accommodate a detached suite above the garage/shop.

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

1. That Development Variance Permit VAR-07-12 for Lot 55, Section 2, Renfrew District, Plan VIP83894 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.20(g), by increasing the maximum height of an accessory building used for a detached accessory suite from one storey to two storeys, be approved.

**CARRIED**

The Chair initiated discussion regarding regulations for detached accessory suites.

LUC member comments included:

- No issue with one storey or two storey if the structure meets all building regulations
- windows and adjacent property privacy may arise when the regulations for detached accessory suites are revisited

## **10. Rezoning Applications**

### **a) Z-04-12 - Lot 1, Section 31, Otter District, Plan 25582 Except Part in Plan VIP63956 (Young - 2276 Kemp Lake Road)**

June Klassen spoke to the staff report advising that the applicants are proposing to rezone the 4.66 ha property from RR-3 to a new Rural Residential 3 Kennel (RR-3K) zone to legalize an existing dog breeding kennel. June Klassen directed attention to the supplementary submission from Dave McConnell, Otter Point, stating no support for the application. It was confirmed that Mr. McConnell is not a direct adjacent neighbour.

The Chair acknowledged that the bylaw enforcement complaint which prompted the rezoning application was made by a resident from outside the Juan de Fuca Electoral Area.

The Chair confirmed that the applicants, Gary Young and Beverley Boyce-Young, were present.

Beverley Boyce-Young spoke to the CKC registered miniature Schnauzers breeding kennel she has operated for the last six years. Beverley Boyce-Young outlined the facilities and care provided to the dogs on site advising that the breeding kennel is her only income and that she intends on remaining on the property for years to come.

June Klassen responded to questions directed through the Chair advising that:

- staff is requesting referral of a new zone for this specific property
- a kennel license has not been granted as the property is not zoned for kennel use
- the proposed zone outlines that kennel use is only permitted on parcels of 4 ha, limiting the possibility of two kennels side by side should subdivision be pursued
- the CRD reviews kennel operations every two years
- the CRD responds to dog complaints immediately

A LUC member noted that Bylaw No. 1465 provides a mechanism to address dog barking/noise (#26, 1) or any other animal concerns on properties not zoned agricultural (#26, 2).

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

1. That proposed Bylaw No. 3872 for Lot 1, Section 31, Otter District, Plan 25582 except part in Plan VIP63956, be referred to the appropriate CRD departments and the following agencies for comment:

BC Hydro  
District of Sooke  
Ministry of Transportation and  
Infrastructure  
Otter Point Advisory Planning  
Commission

Otter Point Fire Department  
RCMP  
Sooke School District #62  
T'Sou-ke First Nation  
Vancouver Island Health Authority

**CARRIED**

**b) Z-06-12 - Lot 28, Section 15, Otter District, Plan VIP87643 (Orza/Read - 3312 Otter Point Road)**

June Klassen spoke to the staff report advising that the applicants are proposing to rezone the 1.01 ha property from RR-A to a new Rural Residential A Kennel (RR-AK) zone to legalize an existing kennel use. It was confirmed that the parcel is subject to a building scheme that prohibits dog kennels but the developer who has the authority to waive the disclosure statement and building scheme has provided written confirmation to waive this provision.

The Chair acknowledged that the bylaw enforcement complaint which prompted the rezoning application was made by a resident from outside the Juan de Fuca Electoral Area.

June Klassen directed attention to the supplementary submission from Arnie Campbell, Otter Point, questioning when the kennel use began.

The Chair confirmed that the applicants, Jacklyn Orza and Richard Read, were present.

Jacklyn Orza advised that she is a certified dog trainer and has been using the property since 2010 for dog training/agility. On site care currently includes dog sitting/daycare.

Arnie Campbell asked that the owners inspect the lighting used at night, suggesting that one of the lights needs to be redirected away from Otter Point Road.

A LUC member forwarded support for receiving feedback from the Otter Point Advisory Planning Commission.

Wally Vowles, adjacent property owner, stated support for the application, advising that there is no noise coming from the operation.

Gunter Rieper, Otter Point, stated that he used the training services, relaying positive comment on the property size, fencing and noise control.

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

1. That proposed Bylaw No. 3873 for Lot 28, Section 15, Otter District, Plan VIP87643, be referred to the appropriate CRD departments and the following agencies for comment:

BC Hydro	Otter Point Fire Department
District of Sooke	RCMP
Ministry of Transportation and Infrastructure	Sooke School District #62
Otter Point Advisory Planning Commission	T'Sou-ke First Nation
	Vancouver Island Health Authority

**CARRIED**

**c) Z-05-12 – Strata Lots 1, 2 and 3, Section 16, Otter District, Plan VIS7096 (Amending Bylaw No. 3780) (CRD – 7450 Butler Road/Sooke Business Park)**

June Klassen spoke to the staff report outlining the CRD proposal to locate and build a new multi-purpose administrative office within the Juan de Fuca Electoral Area. It is proposed that a new office building to house Juan de Fuca services be located at 7450 Butler Road within the Sooke Business Park. The building would have offices, meeting space, storage facilities, parking and accessory uses.

June Klassen advised that proposed Bylaw No. 3870 would rezone three parcels from General Industrial M-2 to a new Public Institutional P-4 zone. It was advised that referral agency comments stated no objection to the proposed bylaw. It was further advised that at its meeting of January 7, 2013 the Otter Point APC passed a motion to support the proposed zone with the amendment of the title from Public Institutional (P-4) to Juan de Fuca Public Service Building (P-4).

LUC member comments included:

- support for reviewing the definition of country market
- support for reflecting country market as a permitted use if the intent of commercial use is to facilitate community group use of the site to host a country market
- dialogue with property owners regarding amending the definition of country market would be limited to the Shirley Community Association, the Otter Point Fire Department and the East Sooke Fire Department
- review of the country market definition is supported by the Shirley farmers' market

The Chair asked that consideration of proposed Bylaw No. 3870 not be delayed by review of the definition of country market, noting that country market can be considered as a permitted use at a later date.

June Klassen responded to questions directed through the Chair advising that:

- the Otter Point APC supported the proposed zone
- the CRD has no intent to manage commercial operations at the site
- commercial use would allow for a broad range of community sponsored events
- any amendment to permitted use would require the proposed bylaw to be re-referred to agencies for comment

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

1. That proposed Bylaw 3870, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 115, 2013" 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 Alternate Director, be delegated authority to hold a Public Hearing with respect to proposed Bylaw 3870, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 115, 2013".

**CARRIED**

#### 11. Proposed Bylaw

a) **Proposed Bylaw No. 3857, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013**

June Klassen spoke to the staff report outlining proposed revisions to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to zone three properties in Otter Point and East Sooke that are subject to Bylaw No. 189, rezone Camp Barnard, and to correct a zoning anomaly in Shirley/Jordan River. June Klassen provided background on the properties identified in the staff report.

June Klassen spoke to Bylaw No. 189 and responded to questions directed through the Chair advising that:

- no zone change is required for the Crown parcels at Sheringham Point
- mapping anomaly at Sheringham Point has been addressed
- rezoning signs have been posted on the identified properties
- should rezoning proceed, split zoning is permitted should there be any lot line adjustment subdivisions
- it is anticipated that a report addressing the properties in Jordan River that are subject to Bylaw No. 189 will be presented in February

A LUC member forwarded support for receiving feedback from the referral agencies and communities.

Arnie Campbell stated that zoning at Camp Barnard has been identified as an issue by the Otter Point & Shirley Residents and Ratepayers Association for five years. It is understood that Camp Barnard supports the rezoning proposal. The rezoning proposal for Camp Barnard is fully supported by OPSRRA.

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

1. Refer proposed Bylaw No. 3857 "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013" for Lot A, Block 70, District Lot 39, Malahat District, Plan 23590; Parcel A, Block 69 & 70, Malahat District; Camp Barnard Section 12, Otter District except Plans 5502 and 29472, and Lot 1, Section 12, Otter District, Plan 5502, except Plan 23399, and Section 53, Otter District; Wolf Island, District Lot 185, Sooke District, PID: 009-392-882; and 9375 Invermuir Road, Lot B, Section 90, Renfrew District, Plan 23273, be referred to the appropriate CRD departments and the following agencies for comment:

BC Hydro  
District of Sooke  
Ministry of Transportation and  
Infrastructure  
Otter Point Advisory Planning  
Commission

Otter Point Fire Department  
RCMP  
Sooke School District #62  
T'Sou-ke First Nation  
Vancouver Island Health Authority

**CARRIED**

**12. New Business**

**13. Adjournment**

**MOVED** by Harold Shipton, **SECONDED** by Ted Dixon that the meeting adjourn.

The meeting adjourned at 8:05 p.m.

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Chair