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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, February 19, 2013 at the Juan de Fuca Electoral Area Office, #2-6868 West
Coast Road, Sooke, BC**

PRESENT: Director Mike Hicks (Chair), Ted Dixon, Roy McIntyre, Heather Phillips,
Art Wynans
Staff: June Klassen, Local Area Planning Manager; Wendy Miller, Recording
Secretary
ABSENT: Kara Middleton, Harold Shipton
PUBLIC: 6

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

1. Approval of the Agenda

MOVED by Art Wynans, **SECONDED** by Heather Phillips that the agenda be approved as presented. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Roy McIntyre, **SECONDED** by Art Wynans that the supplementary agenda be approved. **CARRIED**

3. Adoption of Minutes from the Meeting of January 15, 2013

MOVED by Ted Dixon, **SECONDED** by Heather Phillips that the minutes from the meeting of January 15, 2013 be adopted. **CARRIED**

4. Chair's Report

The Chair advised that a report regarding policy changes related to the Otter Point OCP update and a report outlining a dispute resolution process to address Regional Growth Strategy (RGS) consistency disputes will be on the February 27 Planning, Transportation & Protective Services Committee meeting agenda.

June Klassen responded to questions directed through the Chair advising that it is understood that an affirmative vote of all Board members is required to amend the RGS; a majority vote is required to deem a bylaw consistent with the RGS.

5. Planner's Report

June Klassen advised of the below meetings:

February 25 – East Sooke Fire Hall

East Sooke Advisory Planning Commission

- Bylaw No. 3857 - District Lot 185, Sooke District (Wolf Island) from Bylaw No. 189 to Bylaw No. 2040 new Rural Residential Wolf Island (RR-WI) Zone

March 4 – Otter Point Fire Hall

Public Hearing

- Proposed Bylaw No. 3870 (Rezoning Application Z-05-12 - CRD - 7450 Butler Road/Sooke Business Park)

March 5 – Shirley Community Hall

Shirley/Jordan River Advisory Planning Commission

- Bylaw No. 3857 - Lot B, Section 90, Renfrew District, Plan 23273 (Invermuir Road) from Bylaw No. 2040 Forestry (AF) zone to Rural A Zone

March 11 – Otter Point Fire Hall

Otter Point Advisory Planning Commission

- Rezoning Application Z-04-12 for kennel use (2276 Kemp Lake Road)
- Rezoning Application Z-06-12 for kennel use (3312 Otter Point Road)
- Bylaw No. 3857 - to rezone Camp Barnard, land at Anderson Road, and lands above Clark Road

6. Development Permit and Floodplain Setback Exemption Application

a) DP-19-12 - Lot 3, Section 9, Otter District, Plan 15583 (Danes – 8603 West Coast Road)

June Klassen spoke to the staff report and request for a development permit and a floodplain exemption in order to construct a deck attached to an existing single-family dwelling within a foreshore and marine shoreline development permit area, and to exempt the deck structure from the floodplain setback requirement of 15 m from the natural boundary of the sea.

The Chair confirmed that the applicant, Vern Danes, was present.

LUC member comments included:

- subject property is located along the waterfront
- sea levels are anticipated to rise
- the restrictive covenant, a condition of the development permit, saves the CRD harmless

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

1. That Foreshore and Marine Shoreline Development Permit DP-19-12 and a floodplain setback exemption for Lot 3, Section 9, Otter District, Plan 15583, be approved subject to the following conditions:
2. That the proposed development comply with the Foreshore and Marine Shoreline Development Permit Guidelines outlined in the Otter Point Official Community Plan, Bylaw No. 3719;
3. That the proposed development comply with the recommendations outlined in the professional engineer's report prepared by Ryzuk Geotechnical Engineering, certified by Bruce Dagg, P.Eng., dated November 30, 2012, (Appendix 2);
4. That the proposed development be sited in conformity with the BC Land Surveyor's Building Locate Certificate, signed by Jordan Elliot Litke, BCLS, dated November 26, 2012 (Appendix 3);
5. That the professional engineer's report certified by Bruce Dagg, P.Eng., dated November 30, 2012, and the BCLS Building Location Certificate, signed by Jordan Elliot Litke, BCLS, dated November 26, 2012, be secured via a restrictive covenant registered on title as part of the building permit process;

6. That the conditions of the development permit be verified as part of the building permit process.

CARRIED

7. Development Variance Permit Application

a) VAR-05-12 - Lot B (DD.EP307), Section 1, Township 11, Renfrew District, Plan 24755 (Hiles – 6654 Queesto Drive)

June Klassen spoke to the staff report and request for a development variance permit to reduce the required front yard setback from 6.0 m to 5.2 m for the purpose of legalizing the siting of an existing single-family dwelling in order to permit a 2-lot subdivision.

June Klassen responded to a question directed through the Chair advising that the shed reflected on the site plan still needs to be removed.

The Chair noted that regulations for subdivision will be reviewed as part of the subdivision process.

MOVED by Roy McIntyre, **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 Development Variance Permit VAR-05-12 for Lot B (DD.EP307), Section 1, Township 11, Renfrew District, Plan 24755 to vary Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109, Schedule 'B', Part 4, Section 22.2(g)(i), to reduce the required setback from a front parcel line from 6.0 m to 5.2 m, as shown on the attached site plan, for the purpose of legalizing the siting of an existing single-family dwelling in order to permit a 2-lot subdivision, be approved.

CARRIED

8. Proposed Bylaws

a) Proposed Bylaw No. 3720, Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2013

June Klassen spoke to the staff report and proposed amendments to incorporate a Greenhouse Gas Reduction statement, revise the definition of height, add a new definition of average natural grade, increase the height of accessory buildings, provide additional exemptions for development permits, incorporate new mapping and clarify some land use zoning. June Klassen provided detail on each of the proposed amendments and advised that a new Agricultural zone is proposed to address ALR lands and a new P-2 zone is proposed to address the community and fire hall.

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

- no change has been proposed to the definition of steep slope
- steep slope remains defined as slopes exceeding 20 percent
- accessory building height has been revised to 6 m
- definition of height has been revised
- staff work closely with Building Inspection and applicants to ensure buildings do not exceed height requirement (without a variance)
- new development permit exemptions (#10 and #11) allows the requirement for a development permit to be waived if a qualified professional submits a report or certification acceptable to the CRD that no features requiring protection are located on a parcel (eliminating the \$550.00 application fee and approval process)
- a development permit can still be required if a site visit confirms the existence of a feature requiring protection even if the feature is not reflected on CRD mapping

- this amendment process is not the full OCP review/update
- bylaw number (Bylaw No. 3027) will continue to be used as bylaw will be amended, not repealed
- First Nation referral list is provided by the Province and reflects First Nations with interest in the area

The Chair advised that the Willis Point Community Association can provide feedback at the Advisory Planning Commission meeting.

MOVED by Art Wynans, **SECONDED** by Ted Dixon 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. 3720 which amends the Comprehensive Community Plan for Willis Point, Bylaw No. 3027 be referred to the appropriate CRD departments and the following agencies for comment:

BC Hydro	Pauquachin First Nation
Cowichan Tribes	Penelakut Tribe
District of Highlands	RCMP
District of Central Saanich	Saanich School District #63
District of Saanich	Stz'uminus First Nation
Halalt First Nation	Te'Mexw Treaty Association
Hul'qumi'num Treaty Group	Tsartlip Indian Band
Lake Cowichan First Nation	Tsawout First Nation
Lyackson First Nation	Tseycum Indian Band
Malahat First Nation	Vancouver Island Health Authority
Ministry of Transportation and Infrastructure	Willis Point Advisory Planning Commission
	Willis Point Fire Department

CARRIED

b) Proposed Bylaw No. 3759, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 107, 2013

June Klassen spoke to the staff report and public consultation to date regarding amendments to zone lands in the Shirley and Jordan River Official Community Plan area that are currently regulated by the Juan de Fuca Subdivision Bylaw No. 189. June Klassen provided detail on the proposed Resource Land zone, the proposed Wildwood Terrace zones and the proposed Jordan River Hamlet zones. June Klassen directed attention to the supplementary submissions from Barry DeVocht, Good People Estates, noting that revisions to the Wildwood Terrace Tourist Commercial zone (WT-TC) have been made in response to the submissions. It was further noted that the lodge (WT-TC) will require appropriate water and sewer services and be able to provide adequate on-site parking.

June Klassen responded to a question directed through the Chair advising that Secondary Dwelling is not the same as Secondary Suite. The definition for Secondary Dwelling reflects building scheme language and is specific to zones included in the proposed bylaw (Wildwood Terrace 1 zone, Wildwood Terrace 2 zone, Wildwood Terrace 3 zone and Jordan River Destination Resort zone).

LUC member comments included:

- language of the proposed bylaw is shifting from the standard language of Bylaw No. 2040
- Proposed Wildwood Terrace zones and Jordan River Hamet zones currently fall under the Rural Residential 2 zone section of Bylaw No. 2040 although both proposed zone areas have commercial zones outlined
- zone format has been changed to include accessory uses under permitted uses

June Klassen advised that format changes to provide greater clarity, similar to those included in the proposed zones presented, will be considered for the next amendment to Bylaw No. 2040.

MOVED by Art Wynans, **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 No. 3759, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 107, 2013", be referred to the appropriate CRD departments and the following agencies for comment:

BC Hydro	Pauquachin First Nation
Cowichan Tribes	Penelakut Tribe
District of Sooke	Private Managed Forest Lands Council
Esquimalt Nation	RCMP
Fisheries & Oceans Canada	Scia'new First Nation
Halalt First Nation	Shirley/Jordan River Advisory Planning Commission
Hul'qumi'num Treaty Group	Shirley Volunteer Fire Department
Lake Cowican First Nation	Sooke School District #62
Lyackson First Nation	Stz'uminus First Nation
Malahat First Nation	Te'Mexw Treaty Association
Ministry of Environment	Tsartlip Indian Band
Ministry of Forests, Lands and Natural Resource Operations	Tsawout First Nation
Ministry of Transportation and Infrastructure	Tseycum Indian Band
Pacheedaht First Nation	T'Sou-ke First Nation
	Vancouver Island Health Authority

CARRIED

June Klassen responded to the Chair advising that two parcels in Port Renfrew are still subject to the Juan de Fuca Subdivision Bylaw No. 189. The first parcel is located at a point adjacent to Juan de Fuca Park; the second is the cemetery (San Juan).

c) Proposed Bylaw No. 3874, Malahat Land Use Bylaw, 1981, Bylaw No. 980, Amendment No. 143, 2013

June Klassen spoke to the staff report to consider an amendment to the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980, (for the Malahat area) to revise definitions as well as clarify general regulations for accessory building height and maximum floor area, and add regulations for secondary suites, detached accessory suites, and bed and breakfasts.

As the Malahat Advisory Planning Commission is not active, it is recommended that the amendments be considered at a public information meeting. It was noted that the

Malahat Fire Hall may not be large enough to host the meeting. Other potential venues have been relayed.

A LUC member forwarded comment regarding the area's general water concerns.

June Klassen responded to a question directed through the Chair confirming that strata property owners are to adhere to strata bylaws. The zoning bylaw does not override strata bylaws.

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

1. That proposed Bylaw No. 3874 which amends the Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980 be referred to the appropriate CRD departments and the following agencies for comment:

City of Langford	Malahat First Nation
City of View Royal	Ministry of Transportation and Infrastructure
Cowichan Tribes	Penelakut Tribe
Cowichan Valley Regional District	RCMP
District of Highlands	Scia'new First Nation
Halalt First Nation	Sooke School District No. 62
Hul'qumi'num Treaty Group	Stz'uminus First Nation
Lake Cowichan First Nation	Te'Mexw Treaty Association
Lyackson First Nation	T'Sou-ke First Nation
Malahat Fire Department	Vancouver Island Health Authority

2. That in accordance with Section 237.1(2) of the *Local Government Act*, the Board authorize a public information meeting with respect to Bylaw No. 3874, to be held at a location outside of the Capital Regional District Boundary.

CARRIED

9. New Business

10. Adjournment

MOVED by Art Wynans, **SECONDED** by Roy McIntyre that the meeting adjourn.

The meeting adjourned at 7:56 p.m.

Chair