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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, March 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, Kara Middleton,
Heather Phillips, Art Wynans
Staff: June Klassen, Local Area Planning Manager; Wendy Miller, Recording
Secretary
ABSENT: Harold Shipton
PUBLIC: Approximately 16

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

1. Approval of the Agenda

The following addition was made to the agenda:

11. a) Juan de Fuca Electoral Area Regional Growth Strategy Dispute Resolution
Process

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

2. Approval of the Supplementary Agenda

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

3. Adoption of Minutes from the Meeting of February 19, 2013

MOVED by Ted Dixon, **SECONDED** by Kara Middleton that the minutes from the meeting of
February 19, 2013 be adopted. **CARRIED**

**4. Receipt of Draft East Sooke Advisory Planning Commission Minutes of February 25,
2013**

MOVED by Kara Middleton, **SECONDED** by Art Wynans that the draft East Sooke Advisory
Planning Commission Minutes of February 25, 2013 be received. **CARRIED**

**5. Receipt of Draft Shirley/Jordan River Advisory Planning Commission Minutes of
March 5, 2013**

MOVED by Ted Dixon, **SECONDED** by Heather Phillips that the draft Shirley/Jordan River
Advisory Planning Commission Minutes of March 5, 2013 be received. **CARRIED**

6. Chair's Report

The Chair welcomed everyone to the meeting.

June Klassen advised that draft Advisory Planning Commission minutes are presented to keep the membership informed regarding the status of applications that will be returning to the LUC for further consideration.

7. Planner's Report

Further to comment made at the February meeting, June Kassen confirmed that an amendment to the Regional Growth Strategy (RGS) must be accepted by each municipal council before the amendment can be considered by the CRD Board. A majority vote of the CRD Board is required to amend the RGS. A majority vote of the CRD Board is required to deem a bylaw consistent with the RGS.

June Klassen advised of the below meetings:

March 25 (and April 2 if required) – Otter Point Fire Hall
Otter Point Citizens' Committee
- OCP Draft 2 review

April 15 – Willis Point Fire Hall
Advisory Planning Commission
- Bylaw No. 3720 – Proposed Amendments - Comprehensive Community Plan Bylaw for Willis Point, Bylaw No. 3027

April 22 – Shawnigan Lake Community Centre
Public Information Meeting
- Bylaw No. 3874 – Proposed Amendments - Langford Electoral Area Zoning Bylaw, 1981, Bylaw No. 980 (for the Malahat area)

April 23 – Shirley Community Hall
Shirley/Jordan River Advisory Planning Commission
- Bylaw No. 3759 – Proposed Amendments - Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040

8. Development Variance Permit Application

a) VAR-01-13 – Lot 2, Section 17, Otter District, Plan VIP87777 (Sullivan - 3525A Otter Point Road)

June Klassen spoke to the staff report and request for a development variance permit to reduce the required side yard setback from 6.0 m to 5.7 m in order to legalize the non-conforming siting of a newly constructed single-family dwelling.

The Chair confirmed that the applicant, Rick Sullivan, was present. Rick Sullivan advised that the building siting was altered slightly to avoid a rock.

Dane Bugoy, Otter Point, stated no issue with the variance. It was stated that the variance is not large and that there should be a database of approved variances or some type of system to reduce the process related to variance applications.

June Klassen responded to a question directed through the Chair confirming that the variance is for the encroachment outlined in the staff report. Another development variance permit application would be required if there is a future encroachment. The siting of the building is not questioned again unless such an encroachment occurs.

Arnie Campbell, Otter Point, stated that he is a property owner within 500 m of the subject property and that he has no issue with the variance.

MOVED by Heather Phillips, **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-01-13 for Lot 2, Section 17, Otter District, Plan VIP87777 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 6.07(b), by reducing the required side yard setback from 6 m to 5.7 m as shown on the attached BC Land Surveyors Certificate of Location of Foundation, signed by Jason Kozina, BCLS, be approved. **CARRIED**

9. Temporary Use Permit Application

a) TUP-04-13 - Plan 344R, Section 97, Renfrew District and District Water Lot 751, Block A and B (Three Point Properties)

June Klassen spoke to the staff report and request for a temporary use permit to allow the operation of a commercial marina which includes moorage for private fishing and pleasure craft as well as ancillary uses including fuel sales, sport-caught fish processing using salt water, two recreation vehicles units and a small retail food and beverage service in the Community Residential – One (CR-1) and Marine (M) zones.

June Klassen advised that a public information meeting is scheduled for April 4, 2013 at 6:00 p.m. at the Port Renfrew Recreation Centre, 6638 Deering Road, Port Renfrew, BC to provide information and obtain community comments regarding application.

As outlined in the report, the commercial marina has been operated for the past two years; however, the use does not conform to the zoning for the land lots or the water lots. The owners were notified of this violation and are proceeding with a rezoning application. The temporary use permit is to allow for the operation of the commercial marina for the 2013 fishing season while the rezoning application is processed.

June Klassen directed attention to mapping, clarifying the access to the marina from Parkinson Road.

The Chair confirmed that the applicants were present.

Jack Julseth, Three Point Properties, stated that the marina development is intended to be a successful commercial enterprise providing benefit to the Port Renfrew community. Three Point Properties has been working and will continue to work with the community and all levels of government including the CRD, the Department of Fisheries and Oceans, the Ministry of Forests, Lands and Natural Resource Operations and the Pacheedaht First Nation.

At this time, the Chair confirmed that he resigned from the Port Renfrew Wharf Society.

The Chair spoke to resident concerns including access to the marina through Beach Camp and impact of the marina to existing commercial businesses (fish processing and food services).

Jack Julseth confirmed that there is a statutory right of way from the marina to the Beach Camp area but that trucks and trailers will access the marina via the access off Parkinson Road.

Andrew Purdy, Pacific Gateway Marina, stated that substantial work has been done to develop the access from Parkinson Road and that the statutory right of way will only be used for emergency purposes. Andrew Purdy spoke to capital expenditures, benefits to the larger community and need for financial payback to draw future capital support. It was advised that food service is anticipated to be limited to the "Pie Lady".

The Chair confirmed that all uses are current with the exception of fish-processing.

Mike Cedar, Port Renfrew, forwarded concern regarding fire access and questioned if there is a fire plan. Mike Cedar stated no objection to the marina at its current size.

Andrew Purdy advised that further road improvements will be made to the access from Parkinson Road. Dialogue with the fire department will be pursued.

June Klassen responded to a question directed through the Chair, confirming that a referral will be sent to CRD Risk Management to request comment from the Port Renfrew fire department.

Bob Whelan, Port Renfrew, stated that the marina is a tremendous facility that is supported by many local fishermen and small business owners.

Ted Mehler, Port Renfrew, questioned whether there are any additional land titles, statutory right of ways, easements, building permits or approved building plans held by Three Point Properties in the Port Renfrew area.

Jack Julseth confirmed that all plans pertaining to the marina would be held by Pacific Gateway Marina. Pacific Gateway Marina is contracted to act as operator and is the pending owner of the marina.

Ted Mehler stated that:

- there are occupancy conditions outlined in the water license agreement between TFL Forest, Three Point Properties and the Province
- the Port Renfrew OCP designates the marina area as marine protection
- heavily loaded trucks have used the access through Beach Camp for construction works/gravel transfer
- there is concern that the loads have negatively impacted cement/asbestos water infrastructure
- there is concern regarding a fuel tank in a marine protection zone
- there are concerns regarding tsunamis, fire and emergency servicing
- the marina operation is impacted by the *Navigable Waters Protection Act* and the Navigable Waters Protection Program

Jack Julseth offered to talk to Mr. Mehler regarding his concerns.

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

1. That public notification and referrals to relevant CRD departments, to a public information meeting in Port Renfrew, and to the following agencies proceed for the Temporary Use Permit TUP-04-13 for the purpose of operating a commercial marina on Plan 344R, Section 97, Renfrew District and on District Water Lot 751, Block A and B:

Archaeology Branch
BC Hydro
Cowichan Valley Regional
District
Department of Fisheries and
Oceans

Ministry of Environment
Ministry of Transportation and
Infrastructure
Pacheedaht First Nation

CARRIED

10. Temporary Use Permit and Development Variance Permit Applications

- a) **TUP-01-13/TUP-02-13/TUP-03-13 and VAR-02-13/VAR-03-13/VAR-04-13 - Block 1410, Malahat District and Lot A, Block 1264 and District Lot 124, Malahat District, Plan 21358 (TimberWest Forest Corp. Inc.)**

June Klassen spoke to the staff report and request for temporary use permits to construct three meteorological towers in the Rural Resource Lands to explore the potential for power generation with wind energy. It was advised that development variance permits are needed to change the height requirement from 6 m to 80 m.

Frank Limshue, Couverdon Real Estate/TimberWest, stated that approximately two years of testing/wind data collection is needed to determine feasibility for permanent towers.

LUC member comments included:

- concern regarding bird strikes
- a request for information from TimberWest regarding tower impact to bird populations
- support for the proposal, suggesting that TimberWest contact communities that have had success with wind farming
- the suggestion that TimberWest also consider vertical turbines

A LUC member questioned the long-term plan/scale for wind farming in the area.

In response to concerns regarding bird strikes, Frank Limshue noted that the Ministry of Environment is an identified referral agency. Frank Limshue stated that testing is taking place all over the island. TimberWest would return to the community for further dialogue should testing deem an area feasible for a wind farm.

June Klassen responded to a question directed through the Chair, confirming that staff will request comment on the distance between the Kludahk Trail and the tower sites.

MOVED by Art Wynans, **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 Permits VAR-02-13/VAR-03-13/VAR-04-13 for Block 1410, Malahat District and Lot A, Block 1264 and District Lot 124, Malahat District, Plan 21358, to vary the Rural Resource Lands Land Use Bylaw, Bylaw No. 3602 Section 4.1.2, by increasing the maximum height from 6 m to 80 m for the purpose of allowing the construction of three metrological towers, be approved.
2. That public notification and referrals to relevant CRD departments and to the following agencies proceed for the Temporary Use Permits TUP-01-13/TUP-02-13/TUP-03-13 for the purpose of constructing three 80 m meteorological towers on Block 1410, Malahat District and Lot A, Block 1264 and District Lot 124, Malahat District, Plan 21358:

Archaeology Branch	Ministry of Transportation and
BC Hydro	Infrastructure
Cowichan Tribes	Pacheedaht First Nation
Cowichan Valley Regional	T'Sou-ke First Nation
District	Landowners within 5 km radius of
District of Sooke	subject properties
Ministry of Environment	

11. New Business

a) Juan de Fuca Electoral Area Regional Growth Strategy Dispute Resolution Process

Further to comment made by the Chair at the February LUC meeting, June Klassen spoke to the staff report (PPS/JP 2013-02) presented to the Planning, Transportation and Protective Services Committee on February 27. It was advised that the dispute resolution process and the amendment to the terms of reference for the Development Planning Advisory Committee were supported by the Board on March 13, 2013. The new internal process outlines a process for dealing with Regional Growth Strategy (RGS) consistency disputes with the JdF Electoral Area. Prior to this process, there was no dispute resolution mechanism in place for JdF Electoral Area. June Klassen spoke to the process chart included in the staff report.

The Chair advised that there is support for referring proposals to the Board for determination of consistency with the RGS early in the bylaw approval process. If a proposed bylaw is deemed inconsistent, no further consideration can be given to the application proposing the bylaw change.

June Klassen responded to a question directed through the Chair advising that the Juan de Fuca Electoral Area Development Procedures Bylaw Development Procedures Bylaw, Bylaw No. 3110 was amended (Bylaw No. 3664) to direct staff and Voting Block A or B to refer all zoning applications in the Rural Resource Lands, all OCPs and all OCP amendment applications to the full Board for a determination of consistency with the RGS. If an application is deemed consistent and the Board supports referral of the application/bylaw, the referral comments are reported back to the LUC.

LUC member comments included:

- concern regarding proposals considered inconsistent being reviewed by a sub-committee consisting of anonymous members of the from the Development Planning Advisory Committee

- questioned selection process for anonymous members

June Klassen stated that anonymous professional review of a proposal eliminates potential political/public influence and provides the Board with another perspective.

LUC member comments included:

- professionals should be able to withstand pressure
- sub-committee members should be identified to provide transparency
- consideration of a proposed bylaw that has continued onto public hearing will still be subject to a political decision
- questioned how anonymous members are paid
- LUC statements are part of the public record
- LUC does not hold closed meetings

Zac Doeding, East Sooke, stated that the opinion of the anonymous sub-committee will be public. Support was forwarded for pursuing the same dispute resolution mechanism granted to municipalities.

The Chair closed the discussion advising that now that a formal dispute process is recognized by the Board, changes to the process can be considered. The dispute resolution mechanism granted to municipalities will be pursued for the electoral area.

12. Adjournment

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

The meeting adjourned at 8:35 p.m.

Chair