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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, June 18, 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:** 5

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

**1. Approval of the Agenda**

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

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Heather Phillips, **SECONDED** by Harold Shipton that the supplementary agenda  
be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of April 16, 2013**

**MOVED** by Roy McIntyre, **SECONDED** by Art Wynans that the minutes from the meeting of  
April 16, 2013 be adopted.

**CARRIED**

**4. Receipt of Draft Willis Point Advisory Planning Commission Minutes of April 15, 2013**

**MOVED** by Art Wynans, **SECONDED** by Harold Shipton that the draft minutes from the  
April 15, 2013 meeting of the Willis Point Advisory Planning Commission be received.

**CARRIED**

**5. Receipt of Public Information Meeting Notes of April 22, 2013**

**MOVED** by Ted Dixon, **SECONDED** by Roy McIntyre that the draft minutes from the  
April 22, 2013 public information meeting held in the Malahat be received.

**CARRIED**

**6. Receipt of Draft Shirley/Jordan River Advisory Planning Commission Minutes of  
April 23, 2013**

**MOVED** by Harold Shipton, **SECONDED** by Heather Phillips that the draft minutes from the  
April 23, 2013 meeting of the Shirley/Jordan River Advisory Planning Commission be  
received.

**CARRIED**

**7. Chair's Report**

The Chair welcomed everyone to the meeting.

**8. Planner's Report**

June Klassen requested that, unless a pressing matter comes forward, that the LUC adjourn for the month of August and that consideration be given to adjourning for the month of December.

The Chair stated no objection to adjourning for the month of August, noting that he will be away for the month of July and August. The Vice Chair will chair the July meeting.

**9. Development Variance Applications**

**a) VAR-05-13 - Lot 61, Section 1, Renfrew District, Plan 24755 (Smith – 16957 Tsonoqua Drive)**

June Klassen spoke to the staff report and the request for a development variance permit to reduce the required front yard setback from 6 m to 3.68 m, to reduce the required rear yard setback from 6 m to 3.92 m, and to reduce the required exterior side yard setback from 4.6 m to 0 m for the purpose of bringing the siting of an existing dwelling into conformance with the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 and to allow the construction of an attached garage.

As outlined in the staff report, the plot plan for the proposed addition shows that the addition would encroach 0.58 m into the Ministry of Transportation and Infrastructure's (MoTI) public highway right-of-way. June Klassen noted that Ministry has no objection to the proposed encroachment onto Tsonoqua Drive and has issued a *Permit to Authorize Structures Constructed Within the Right-of-Way of a Provincial Public Highway*.

The Chair confirmed that the applicant, Brett Smith was present. Brett Smith stated that the permit for the encroachment was issued as the Ministry anticipates no change to the road. The applicant informed the LUC members that the property line from which the rear yard setback is currently established will be adjusted through negotiation with the Ministry.

The Chair spoke to mapping identifying the subject property and the encroachment on the highway right-of-way.

LUC member comments included:

- highway setback is 4.5 m on each side
- existing dwelling does not meet this setback
- good MoTI recognizes that not all dwellings will be able to meet setback requirements
- larger vehicles can navigate existing road
- encroachment into MoTI right-of-ways also occurring in other Electoral Area communities

A LUC member is concerned that too many properties in Port Renfrew may be "legal non-conforming" because of the front yard setbacks established in Bylaw No. 3109.

**MOVED** by Roy McIntyre, **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 Development Variance Permit VAR-05-13 for Lot 61, Section 1, Renfrew District, Plan 24755 to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Part IV, Section 22.2(g), to reduce the required front setback from 6 m to 3.68 m, to reduce the required rear setback from 6 m to 3.92 m, and to reduce the required exterior side setback from 4.6 m to 0 m, in accordance with the attached site plan, prepared by JE Anderson and Associates, dated February 26, 2013 (Attachment 2), and the Plot Plan prepared by West Coast Design, dated May 21, 2013 (Attachment 3), for the purpose of bringing the siting of an existing dwelling into conformance with Bylaw No. 3109 and to allow the construction of an attached garage, be approved.

**CARRIED**

**b) VAR-06-13 - Lot 21, Section 15, Otter District, Plan VIP87643 (Whitnack - 7564 Lemare Crescent)**

June Klassen spoke to the staff report and request for a development variance permit to relax the side yard setback of the Rural Residential A (RR-A) zone from 7.5 m to 7.07 m for the purpose of constructing a single-family dwelling with secondary suite.

As outlined in the staff report, a survey was submitted by Island Land Surveying Ltd. on May 22, 2013 showing the location of the foundation encroaching into the 7.5 m side yard setback of the RR-A zone (Appendix 3). The siting was due to a survey error and the applicant wishes to pursue the variance request rather than cutting the foundation back to meet the 7.5 m setback.

June Klassen stated that the variance is minor and the encroachment is not expected to create hardship on adjacent properties. June Klassen directed attention to the supplementary submission forwarded by the applicant noting seven neighbours in support of the variance.

The Chair confirmed that the applicant, James Whitnack was present.

**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 Development Variance Permit VAR-06-13 for Lot 21, Section 15, Otter District, Plan VIP87643 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 4A.05, by reducing the side yard requirement from 7.5 m to 7.07 m as shown in the Island Land Surveying Ltd. survey plan dated May 22, 2013 for the purpose of constructing a single-family dwelling with secondary suite, be approved.

**CARRIED**

LUC member comments included:

- appears to be ongoing occurrences of applications being presented to the LUC for consideration due to professional error
- suggestion that a disincentive be put in place to deter such errors
- suggestion that a margin of error be permitted

James Whitnack advised that the surveyor was very apologetic and paid for the variance application fee.

## 10. Proposed Bylaws

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

June Klassen spoke to the staff report outlining public consultation to date to consider amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to zone lands in the Shirley and Jordan River Official Community Plan (OCP) area that are currently regulated by the Juan de Fuca Subdivision Bylaw No. 189.

Minor wording changes were circulated. June Klassen asked that these changes be incorporated into the proposed bylaw, noting that the changes do not impact the context of the bylaw.

June Klassen responded to questions directed through the Chair regarding building height, tree height and fencing. It was advised that:

- planning principles support building height as a means of deterring buildings shadowing neighbouring properties
- planning principles support building height as a means of maintaining a streetscape
- regional districts are not extended the power to regulate trees/tree height
- trees provide privacy
- zones proposed in Bylaw No. 3759 were developed from existing building schemes and in consultation with landowners
- fencing/hedging height restrictions are not outlined in rural residential zones

Christian Knogliner, Jordan River, stated support for the proposed bylaw, noting that the bylaw supports the current building schemes, maintaining status quo.

Zac Doeding, Association of BC Landowners, forwarded positive comment regarding Planning's public consultation. Zac Doeding forwarded concern regarding minimum parcel size for subdivision, noting that the proposed zones eliminate the ability for property owners to subdivide for a family member (Section 946 of the *Local Government Act*). Zac Doeding questioned the CRD regulating subdivision for a family member when subdivision for a family member falls under the authority of the Province.

June Klassen stated that the zones were developed from existing building schemes and that all properties have a no further subdivision covenant registered on title.

LUC member comments included:

- lands had no zoning regulations prior to proposed Bylaw No. 3759
- community has expressed concern over uncontrolled development on these lands
- subdivision for a family member generally happens on larger parcels
- parcels falling under this bylaw are smaller, residential parcels
- community thoroughly consulted, accommodating individual property owners while balancing the interest of the larger community

**MOVED** by Harold Shipton, **SECONDED** by Kara Middleton that the Juan de Fuca Land Use Committee support the staff report, recommendation and proposed bylaw as amended 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 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 Bylaw No. 3759, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 107, 2013".

**CARRIED**

**b) Proposed Bylaw No. 3874, Langford Zoning Bylaw, Amendment No. 143, 2013**

June Klassen spoke to the staff report outlining public consultation to date 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.

June Klassen advised that a public information meeting was held at the Shawnigan Lake Community Centre on April 22, 2013. Attending members of the public were generally supportive of the proposed changes. An increase in the maximum height of detached accessory suites, such that it not exceed the maximum height specified by the zone, was suggested. Changing the definition of "Height" to conform with the definition provided in Juan de Fuca Land Use Bylaw No. 2040 was discussed and supported.

A LUC member forwarded positive comment regarding Planning's public consultation.

June Klassen responded to a question directed through the Chair confirming that approximately 450 notices of the public information meeting were sent by mail and or email.

In response to the submission from Cowichan Tribes regarding construction of in-ground septic/sewage systems within 30 m of the natural boundary of watercourses and water bodies, June Klassen advised that the *Riparian Area Regulation* applies to fish bearing watercourses and that the Watercourses, Wetlands and Riparian Areas Development Permit Area would apply to non-fish bearing watercourses.

**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. 3874, "Langford Zoning Bylaw, Amendment Bylaw No. 143, 2013" 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. 3874, "Langford Zoning Bylaw, Amendment Bylaw No. 143, 2013"; and
3. That in accordance with Section 237.1(2) of the *Local Government Act*, the Board authorize that the Public Hearing with respect to Bylaw No. 3874, be held at the Shawnigan Lake Community Centre, which is located outside the Capital Regional District Boundary.

**CARRIED**

**11. New Business**

**12. Adjournment**

**MOVED** by Kara Middleton, **SECONDED** by Harold Shipton that the meeting adjourn.

**CARRIED**

The meeting adjourned at 7:45 p.m.

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Chair