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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, July 16, 2013 at the Juan de Fuca Electoral Area Office, #2-6868 West Coast
Road, Sooke, BC**

PRESENT: Heather Phillips (Vice Chair), Roy McIntyre, Kara Middleton, Wally Vowles
(Alternate Director), Art Wynans
Staff: June Klassen, Local Area Planning Manager; Wendy Miller, Recorder
PUBLIC: 13

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

1. Approval of the Agenda

MOVED by Wally Vowles, **SECONDED** by Roy McIntyre that the agenda be amended to consider proposed Bylaw No. 3857 after the Planner's report.

CARRIED

MOVED by Roy McIntyre, **SECONDED** by Wally Vowles that the agenda be approved as amended.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Wally Vowles, **SECONDED** by Roy McIntyre that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of June 18, 2013

MOVED by Art Wynans, **SECONDED** by Kara Middleton that the minutes from the meeting of June 18, 2013 be adopted with the following amendments: (1) Page 2, Item 9 a) insert "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." after "anticipates no change to the road.", (2) Page 2, Item 9 a) insert "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." after the bullet list, (3) Page 5, Item 10 b) strike "approximately 450 residents received notice of the public information meeting by mail and or email" and insert "approximately 450 notices of the public information meeting were sent by mail and or email".

CARRIED

June Klassen stated that the notice of public information meeting was distributed through the Malahat postal outlet which covers the Malahat area and a portion of the Cowichan Valley Regional District.

4. Chair's Report

The Vice Chair welcomed everyone to the meeting.

5. Planner's Report

June Klassen advised of the below public hearings.

Bylaw No. 3759, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 107, 2013"
Shirley Community Hall
2795 Sheringham Point Road, Shirley, BC
Wednesday, August 7, 2013 at 7: 00 p.m.

Bylaw No. 3874, "Langford Zoning Bylaw, Amendment Bylaw No. 143, 2013"
Shawnigan Lake Community Centre
2804 Shawnigan Lake Road, Shawnigan Lake, BC
Thursday, August 8, 2013 at 7:00 p.m.

6. Proposed Bylaw

a) Bylaw No. 3857, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 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 three properties in Otter Point and East Sooke that are subject to Bylaw No. 189, to rezone Camp Barnard, and to correct a zoning anomaly in Shirley/Jordan River.

June Klassen directed attention to the eight agency comments included in the staff report. It was advised that:

- the Otter Point APC supported zoning the two parcels subject to Bylaw No. 189 and the rezoning of Camp Barnard to a new Community Facility Camp Barnard (P-2CB) zone;
- the East Sooke APC supported zoning Wolf Island to a new Rural Residential Wolf Island (RR-WI) zone; and
- the Shirley/Jordan River APC supported the proposed rezoning of 9375 Invermuir Road to Rural (A).

June Klassen noted that a meeting was held with Scia'new Chief Russell Chipps, a member of Council and the Scia'new Economic Development Officer to discuss development of a consultation protocol and concern pertaining to the protection of the burial cairns on Wolf Island and the potential commercial use of the property. June Klassen advised that Sue Hallatt, Manager Aboriginal Initiatives, is working to develop consultation protocols with First Nations who have interests in the Juan de Fuca Electoral Area. At the request of the owner's agent, June Klassen asked that the Rural Residential Wolf Island (RR-WI) zone be revised to strike "proof of a separate water source for each dwelling and" (4D.07) as this requirement is addressed as part of the building permit process.

At this time, the Vice Chair directed attention to the two different spellings for Wolf Island. It was noted that the land title references "Wolfe" while CRD mapping identifies the island as "Wolf".

In response to LUC member comment, June Klassen suggested that the Community Facility Camp Barnard (P-2CB) zone could be revised to change the minimum parcel size for subdivision purposes from 4 ha to 54 ha (31A.03). June Klassen noted that any future change in use from the Community Facility Camp Barnard (P-2CB) zone would require rezoning and that the minimum parcel size for subdivision purposes would be reconsidered at that time.

Grace Seabrook, Camp Barnard representative, stated no objection to the change to minimum parcel size for subdivision.

Dane Bugoy, Otter Point, questioned the need for a new zone for Camp Barnard, stating that:

- the current zoning is fine;
- the new zone results in downzoning;
- Camp Barnard representatives have been convinced that there will be a tax increase if the camp is not rezoned;
- downzoning negatively impacts the camp financially; and
- the camp should receive compensation or benefit of some kind.

June Klassen stated that, over the years, community members have expressed concern regarding the current zoning of the camp and that staff has worked directly with Scouts Canada to develop the new zone.

MOVED by Art Wynans, **SECONDED** by Roy McIntyre 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. 3857, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 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 proposed Bylaw No. 3857, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013".

CARRIED

7. Development Variance Application

a) VAR-07-13 - Lot B, Section 135A, Sooke District, Plan VIP79979 (Fyfe - 1689 Cole Road)

June Klassen spoke to the staff report and the request for a development variance permit to reduce the minimum rear yard setback from 11 m to 8.74 m for the purpose of legalizing the siting of a single-family dwelling currently under construction.

As outlined in the staff report, the applicant submitted an updated survey as required at framing that indicated that the building identified as "SL 4" is located within the rear yard setback. June Klassen identified the subject building on the tentative strata plan and the property owners in support and not in support of the application.

The Chair confirmed that the applicant, Marty Fyfe, was present. Marty Fyfe stated that north-east property line was not adequately marked, resulting in a miscommunication with the surveyor.

Deena Burnett, East Sooke, withdrew her opposition to the application and the opposition stated in the two other letters from her property (Kristopher Gilbertson and Alexia Gilbertson-Burnett), as circulated in the supplementary agenda, as it has been confirmed that the variance is not for the building ("SL 1") adjacent to her property.

A LUC member noted that the direct adjacent property owners have submitted support for the application. It was stated that, although the closest adjacent dwelling is 34 m and is buffered by forest, it does not mean that the adjacent owner is not impacted by the variance.

MOVED by Roy McIntyre, **SECONDED** by Kara Middleton 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-07-13 for Lot B, Section 135A, Sooke District, Plan VIP79979 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 2.07(d), by reducing the minimum rear yard setback from 11 m to 8.74 m, as shown, on the attached tentative strata plan (Attachment 2), be approved.

CARRIED

8. Subdivision Application with Exemption from 10% Frontage Requirement

a) S-11-11 - Lot 4, District Lot 17, Renfrew District, Plan VIP57304 (JE Anderson – 6505/6493 Powder Main Road and 17195 Osprey Place)

June Klassen spoke to the staff report and the request for an exemption from Section 944 of the *Local Government Act (LGA)* to permit a two-lot subdivision as proposed Lot A does not meet the requirement that ten percent of the lot perimeter must front onto a public road. June Klassen clarified that a variance is not required as, unlike the Juan de Fuca Land Use Bylaw, the Comprehensive Community Development Plan for Port Renfrew does not specify a requirement for minimum frontage onto a public road.

As outlined in the staff report, access for proposed Lot A is currently over the adjacent, privately owned parcel to the west; access for proposed Lot B is from Osprey Place. The applicants have relayed that long-term use of the access to Lot A has occurred without incident. June Klassen advised that, should the existing access be obstructed by the property owner and Powder Main not extended, the applicants could construct a driveway onto Lot A from Osprey Place, crossing the stream. Alternatively, an easement may be negotiated over proposed Lot B.

The Chair confirmed that the property owner, Mike Conlin, was present. Mike Conlin spoke to the tentative subdivision plan, stating that Defiance Creek does not cross the property. Defiance Creek crosses the back south east corner of adjacent Lot 3 and across Lot 2. There is a spring/watercourse on the property that runs into Defiance Creek. The current location of the driveway into Lot A was constructed as to avoid the watercourse crossings identified on the subdivision plan.

Mike Conlin responded to questions from LUC members identifying the location and use of the four dwellings on the property and confirming that:

- Preliminary Layout Approval (PLA) has been issued by the Ministry of Transportation and Infrastructure;
- the PLA does not comment on driveway access onto Lot A from Osprey Place;
- there are three easements on Powder Main;
- the owners of the subject property are not listed on any of the easements;
- to be listed on an easement, survey work and dedication of land would be required; and
- granting of the exemption would provide a legal access to Lot A.

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

1. That the request for an exemption from Section 944(1)(a) of the *Local Government Act* for the proposed two-lot subdivision of Lot 4, District Lot 17, Renfrew District, Plan VIP57304 as shown in the Tentative Subdivision Plan by JE Anderson & Associates dated June 17, 2013 (Appendix 2), be approved.

CARRIED

9. Proposed Bylaw

a) 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 outlining public consultation to date to consider amendments to the Comprehensive Community Plan Bylaw for Willis Point, Bylaw No. 3027, 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 directed attention to the nine agency comments included in the staff report. June Klassen spoke to revisions suggested through the consultation process including comment received from the Willis Point Fire and Recreation Facilities Commission and the Willis Point Advisory Planning Commission. It was advised that the bylaw has been revised to:

- amend section 4.10 Development Permit areas, subsection 4.10.2 General Exemptions item to include Sensitive Ecosystems in items 10 and 11;
- include a definition for watercourse;
- establish a 0 m front yard requirement and add a notation exempting towers from height requirements in the P-2 Community facility zone;
- replace Civic Use with Community Use Services in the P-2 Community facility zone which better reflects the existing use; and
- delete the proposed definition of Civic Use as it is not required.

It was further advised that the bylaw reflects deletion of a proposed Agricultural zone which would affect only one parcel (Lot 1, Section 53A, Highland District, Plan 20302 – 6115 Castlerock Road) as the landowner has not authorized the new zone.

A LUC member noted that the tracked changes for 4.10.1 4) is missing the "be" required after "where it can". Statement correct in the proposed bylaw.

June Klassen responded to an LUC member advising that the one parcel that would have been addressed by the proposed Agricultural zone is subject to the Comprehensive Community Plan's agricultural land use policies (Section 19.0) and the *Agricultural Land Commission Act*. It was confirmed that the parcel has been designated ALR since 2002.

MOVED by Art Wynans, **SECONDED** by Kara Middleton 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, "Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 1, 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 proposed Bylaw No. 3720, "Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2013".

CARRIED

10. New Business

11. Adjournment

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

CARRIED

The meeting adjourned at 7:58 p.m.

Chair