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

PRESENT: Director Mike Hicks (Chair), Ted Dixon, Kara Middleton, Roy McIntyre,
Heather Phillips, Art Wynans
Staff: June Klassen, Local Area Planning Manager; Wendy Miller, Recorder
ABSENT: Harold Shipton
PUBLIC: 16

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

1. Approval of the Agenda

June Klassen responded to a question directed through the Chair regarding General Manager report approval. It was advised that the General Manager, Planning and Protective Services, position is vacant. Maurice Rachwalski is the Acting General Manager for the planning function; Travis Whiting is the Acting General Manager for the protective services function. Hiring for the General Manager position is in progress. Signe Bagh is the new Senior Manager, Regional & Strategic Planning.

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

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Kara Middleton, **SECONDED** by Ted Dixon that the supplementary agenda be approved.

CARRIED

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

MOVED by Roy McIntyre, **SECONDED** by Art Wynans that the minutes from the meeting of October 15, 2013 be adopted.

CARRIED

4. Chair's Report

The Director reported that this will be the last time the Land Use Committee will be meeting at this building. The Land Use Committee will be meeting at the new Juan de Fuca Local Area Services building in January. An official opening ceremony will be planned after staff settles into the new facility.

5. Planner's Report

June Klassen reported that the move to the new building is scheduled for Friday, December 6 with the office opening on Monday, December 9.

June Klassen reported the below meetings:

Shirley/Jordan River Citizens' Committee Meeting
November 20, 2013 at 7:00 p.m.
Shirley Community Hall
2795 Sheringham Point Road, Shirley

East Sooke Citizens' Committee Meeting
December 9, 2013 at 7:00 p.m.
East Sooke Fire Hall
1397 Coppermine Road, East Sooke

6. Development Permit and Frontage Exemption Application

a) DP-08-11 - Block 352, Malahat District, Except Part in VIP84067 and Block 399 Malahat District (Isis Land Corporation/Hawes – Goldstream Heights)

June Klassen spoke to the staff report and request to amend a development permit issued for a proposed subdivision within the steep slopes and watercourses, wetland and riparian development permit area to include a sensitive ecosystem development permit and by including additional exemptions of Section 944 of the *Local Government Act (LGA)* to relax the requirement that the minimum frontage of a lot shall be one tenth of the perimeter of the lot that fronts on the highway.

It was advised that the LUC first considered the application at its June 21, 2011 meeting. The CRD Board supported the recommendation from this meeting and approved the development permit with frontage exemption at its meeting of July 13, 2011.

Subsequent to CRD Board approval, it was noted that the property was also subject to a sensitive ecosystem development permit area as well.

Consequently, the development permit needs to be amended to include the sensitive ecosystem development permit area for the 86 lot subdivision and, due to the creation of remnant parcels to be developed in subsequent subdivision phases, an exemption to Section 944 of the *LGA* to relax the 10% frontage is required.

LUC member comments included:

- development permits are reviewed and approved by the General Manager
- the request for frontage exemption brings the application to the LUC for consideration
- the request will have little impact on the existing residences within the development

MOVED by Ted Dixon, **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 Steep Slopes, Watercourses, Wetlands and Riparian Areas development permit DP-08-11 for Block 352, Malahat District, Except Part in VIP84067 and Block 399 Malahat District, for the purposes of permitting a 86-lot subdivision, as shown on the Tentative Subdivision Plan, prepared by Bazett Land Surveying Inc., dated 2011 (Appendix 2), be amended to include the Sensitive Ecosystem Development Permit area subject to the following conditions:
 - a. That the proposed development comply with the Steep Slopes, Watercourses, Wetlands and Riparian Areas, and Sensitive Ecosystem Development Permit Guidelines outlined in the Malahat Official Community Plan, Bylaw No. 3721;
 - b. That the proposed development comply with the recommendations outlined in the geological reports prepared by Thurber Engineering Ltd dated October 18,

2010, and April 18, 2011, and the qualified environmental professional's report prepared by P.A. Harder and Associates dated March 31, 2011;

- c. That the SPEA as shown on the Tentative Subdivision Plan, prepared by Bazett Land Surveying Inc., dated October 10, 2013 (Appendix 3), be secured by restrictive covenant as part of the subdivision approval process;
 - d. That the geological reports prepared by Thurber Engineering Ltd. dated October 18, 2010, and April 18, 2011, be secured by restrictive covenant as part of the subdivision approval process;
 - e. That the Trans Canada Trail right of way and related park area as shown on the Tentative Subdivision Plan, prepared by Bazett Land Surveying Inc., dated October 10, 2013 (Appendix 3), be transferred to the CRD as part of the subdivision approval process, and
2. That the request for an exemption from Section 944(1)(a) of the *Local Government Act* for the proposed lots highlighted on the Tentative Subdivision Plan prepared by Bazett Land Surveying Inc., dated 2011 (Appendix 2) and the Remnant Lots 1 to 6, as shown on the Tentative Subdivision Plan, prepared by Bazett Land Surveying Inc., dated October 10, 2013 (Appendix 3), for Block 352 , Malahat District, Except Part in VIP84067 and Block 399 Malahat District, be approved.

CARRIED

7. Development Variance Permit Application

a) VAR-08-13 - Lot A, Sections 97 & 98, Sooke District, Plan 49886, Except Part in Plan VIP85241 (MacDonald – 1525 Woodcock Road)

June Klassen spoke to the staff report and request for a development variance to increase the maximum number of storeys of an accessory building from one storey to two storeys for the purpose of permitting the construction of a two-storey accessory building.

June Klassen directed attention to six supplementary submissions and the petition signed by ten residents all supporting the application.

The Director advised that the application is before the LUC for consideration because the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 limits accessory buildings to one storey. An amendment to Bylaw No. 2040 will be proposed to amend the height of accessory buildings. Two storey accessory buildings would be permitted. A variance would be required to vary height.

June Klassen advised that it is anticipated that a proposed bylaw to amend Bylaw No. 2040 will be presented to the LUC in January.

LUC member comments included:

- petition notes that the application is to increase the height of the basement from 1.8 m to 2.4 m
- change in accessory building height may impact use of a building
- change in accessory building height may impact privacy
- topography of a property needs to be considered with each variance request

- the request before the LUC will have little impact on the adjacent property as the building will be set down into an existing slope

June Klassen clarified that the letter of notification sent to owners/occupiers within 500 m of the property outlined that the variance is to increase the maximum number of storeys of an accessory building from one storey to two storeys.

MOVED by Kara Middleton, **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 Development Variance Permit VAR-08-13 for Lot A, Sections 97 & 98, Sooke District, Plan 49886, Except Part in Plan VIP85241, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(2)(a), by increasing the maximum number of storeys of an accessory building from one storey to two storeys in order to permit the construction of a two-storey accessory building, as shown on the attached West Coast Design Plot Plan, Foundation and First Floor drawings (Appendices 2 & 3), be approved.

CARRIED

8. Proposed Bylaw for Referral

a) Bylaw No. 3819, "Otter Point Official Community Plan Bylaw No. 1, 2014"

June Klassen spoke to the staff report outlining public consultation to date to repeal and replace the existing Otter Point Official Community Plan (OCP) Bylaw No. 3719. June Klassen directed attention to a text error on p. 35 of the staff report. It was advised that section 4.1.1 1 c) should reference Settlement Area 3.

In regards to the department and agency referral list included in the staff report, the Chair requested that the Juan de Fuca Economic Development Commission be struck due to current inactivity. June Klassen clarified that the Ministry of Community, Sport and Cultural Development requires consultation with principal First Nations and with First Nations with an interest in the lands.

LUC member comments included:

- on p. 17 of the staff report, strike "will" from "sea level will ranges"
- throughout the public consultation process there was discussion regarding the use of "should be considered" or "may be required" in section 4.2.1.5 2 b)
- it is understood that the provincial Approving Officer may not approve a subdivision if an adequate buffer is not provided
- it is understood that the Agricultural Land Commission may require a buffer
- the proposed bylaw will be referred to the Agricultural Advisory Planning Commission
- as the Province may require a buffer, there is reason to support changing section 4.2.1.5 2 b) to read "may be required"
- new shoreline research is available and may provide updated information for the OCPs
- Metchosin is hosting a shoreline session on November 20

June Klassen clarified that the number of camper nights (7,000) reflected under section 1.13 is correct. It was advised that comment on the document can be received throughout the referral process.

Rather than making language changes at this meeting, the Director supported referring the proposed bylaw to the Otter Point Advisory Planning Commission, the Agricultural Advisory Planning Commission and agencies for comment. Referral comments will be considered by the LUC.

Bud Gibbons, Otter Point

- Approximately 100 letters were received throughout the public consultation process to date opposing the buffer

June Klassen clarified that Development Permit Area No. 4: Protection of Farming has been struck from proposed Bylaw No. 3819. Development Permit Area No. 4 outlined a specific buffer zone. Section 4.2.1.5 refers to a buffer between land uses (e.g. fences, screens, shrubs). The two buffers are different.

MOVED by Heather Phillips, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee support the staff report and recommendation as amended to strike the Economic Development Commission from the referral list and recommend to the CRD Board:

1. That proposed Bylaw No. 3819, "Otter Point Official Community Plan Bylaw No. 1, 2014" be referred to the appropriate CRD departments and the following agencies for comment:

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| Agricultural Land Commission | Otter Point Fire Department |
| BC Hydro | Ministry of Agriculture |
| Cowichan Tribes | Ministry of Environment |
| Cowichan Valley Regional District | Ministry of Forests, Lands and |
| District of Sooke | Natural Resource Operations – |
| Halalt First Nation | Archaeology Branch/Crown Lands |
| Hul'qumi'num Treaty Group | Branch/Forest Branch |
| Island Health | Ministry of Transportation and |
| Juan de Fuca Electoral Area Parks | Infrastructure |
| and Recreation Advisory | Pacheedaht First Nation |
| Commission | Penelakut First Nation |
| Juan de Fuca Agricultural Advisory | Scai'new First Nation |
| Planning Commission | Sooke RCMP |
| Kemp Lake Water Improvement | Sooke School District #62 |
| District | Stz'uminus First Nation |
| Lake Cowichan First Nation | Te'Mexw Treaty Association |
| Lyackson First Nation | T'Sou-ke First Nation |
| Otter Point Advisory Planning | |
| Commission | |

CARRIED

9. New Business

a) New Marihuana for Medical Purposes Regulations

June Klassen spoke to the staff report outlining the Health Canada's implementation of new *Marihuana for Medical Purposes Regulations* which authorize supply and distribution of medical marihuana by licensed producers. It was advised that staff has received multiple inquiries about the siting of new licensed facilities and has received

one notice of a medical marihuana production facility on a General Industrial (M-2) zoned parcel in Otter Point.

June Klassen responded to a question directed through the Chair advising that licensed facilities will have to meet the requirements of the *Marihuana for Medical Purposes Regulations*, the applicable zoning bylaw and the BC Building Code. As notice of a facility has been received, staff is recommending that a public information meeting be held on this issue.

LUC member comments included:

- public consultation in each electoral area community should be considered
- issue is so new that it may be premature to consult the communities
- spot zoning for non-Agricultural Land Reserve (ALR) parcels can be considered
- spot zoning would require notice of each zoning amendment to be referred to adjacent property owners and the local Advisory Planning Commission
- there needs to be ongoing examination of what is considered "rural" as marihuana cultivation and related facilities are considered consistent with the definition of Agriculture and Agriculture is permitted on the majority of Rural Residential zones and Intensive Agriculture is permitted on lands zoned Rural A
- there is concern that viable farmland is being used to accommodate facilities

June Klassen advised that proposed zoning amendments to ALR lands would be limited to parcel size and setbacks.

Zac Doeding, East Sooke

- does not support limiting this Agriculture use to ALR parcels
- does not support limiting this Agriculture use to parcels of a specific size

June Klassen advised that staff will deny building permits for medical marihuana facilities until zoning regulations are addressed. It was confirmed that existing facilities do not fall under a "grandfather clause".

MOVED by Director Hicks, **SECONDED** by Heather Phillips that the Juan de Fuca Land Use Committee refer the issue back to staff to draft a proposed zoning bylaw for the January Land Use Committee meeting. **CARRIED**

Al Wickheim, Otter Point

- other local businesses/producers are not subject to such extensive regulations
- appears the LUC recommendation may be reflecting a moral judgment

The Director advised that all businesses/producers are subject to some degree of regulation.

Sandy Sinclair, Otter Point

- regulations have come forward to address illegal marihuana operations and sales

10. Adjournment

MOVED by Art Wynans, **SECONDED** by Ted Dixon that the meeting adjourn.

The meeting adjourned at 8:10 p.m.

Chair