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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, June 17, 2014 at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair), Roy McIntyre, Kara Middleton, Heather Phillips, Art Wynans
Staff: June Klassen, Local Area Planning Manager; Wendy Miller, Recorder
ABSENT: Ted Dixon, Harold Shipton
PUBLIC: 11

The meeting was called to order at 7:04 p.m.

1. Approval of the Agenda

MOVED by Roy McIntyre, **SECONDED** by Kara Middleton that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

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

CARRIED

3. Adoption of Minutes from the Meeting of May 20, 2014

MOVED by Art Wynans, **SECONDED** by Heather Phillips that the minutes from the meeting of May 20, 2014 be adopted as amended.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

At the request of the Chair, June Klassen outlined the Board referral process noting that Official Community Plan bylaws and amendments to the Rural Resource Lands Land Use Bylaw are considered by the Planning, Transportation and Protective Services Committee for recommendation to the Board for determination of consistency with the Regional Growth Strategy.

6. Development Permit Application with Variance

a) DP-04-09 - Lot 2, Section 43, Highland District, Plan 14620 (6890 Mark Lane - Gregg's Furniture MFG Ltd./Scott)

June Klassen spoke to the staff report and request to relax the side yard requirement from 1.5 m to 0 m for the purpose of allowing an existing retaining wall located within the Steep Slopes Development Permit Area. June Klassen noted that the applicant has provided a geotechnical report which indicates that the site and wall as constructed may be used safely for the use intended. Further, Engineering Schedule B-1 and Schedule B-2 gives assurance that the structural capacity and geotechnical bearing capacity of the soil, the slope stability and backfill of the retaining wall comply with the BC Building Code.

June Klassen directed attention to the nine supplementary letters received from Willis Point residents stating support for the application.

The Chair confirmed that the owner was present and noted that the subject property is a residential property.

MOVED by Art Wynans, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the CRD Board that:

1. That the steep slopes development permit (DP-04-09) for Lot 2, Section 43, Highland District, Plan 14620 for an existing retaining wall be approved subject to the following conditions:
 - i. That the proposed development comply with the Steep Slopes Development Permit Guidelines outlined in the Willis Point Comprehensive Community Plan, Bylaw No. 3027;
 - ii. That the professional engineer's report and schedules prepared by Robert M. Scott, P. Eng. (Appendix 4) be secured via a restrictive covenant registered on title as part of the Building Permit process; and
2. That the request for relaxation of the side yard requirement from 1.5 m to 0 m for the existing retaining wall as shown in Appendix 2 , be approved.

CARRIED

7. Development Variance Application

a) VAR-01-14 - Lot 28, Section 81, Renfrew District, Plan 24939 (2697 Seaside Drive – Harrison)

June Klassen spoke to the staff report and request to relax the front yard setback requirement for accessory buildings from 15 m to 8.7 m for the purpose of constructing a 42.5 m² garage.

The Chair confirmed that the owners were present. John Harrison stated that there are very few level areas suitable for building on the 1 acre property.

June Klassen confirmed that no submissions were received in response to the notice of intent mailed to adjacent property owners within 500 metres.

MOVED by Art Wynans, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the CRD Board that:

That Development Variance Permit VAR-01-14 for Lot 28, Section 81, Renfrew District, Plan 24939 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(d), by relaxing the front yard setback for accessory buildings from 15 m to 8.7 m for the purpose of constructing a detached garage as shown on the attached site plan and building plans (Appendices 2 and 3), be approved.

CARRIED

8. Proposed Bylaws

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

June Klassen spoke to proposed Bylaw No. 3819 that would repeal and replace the existing Otter Point Official Community Plan (OCP) Bylaw No. 3719. It was advised that at its meeting of December 11, 2013 the CRD Board supported the LUC recommendation and referred the proposed Bylaw No. 3819 to the appropriate CRD departments and agencies for comment.

June Klassen directed attention to the agency comments included in the staff reporting including comment received from the Juan de Fuca Agriculture Advisory Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and the Otter Point Advisory Planning Commission. It was advised that, in accordance with the Bylaw No. 3110, Juan de Fuca Development Procedures Bylaw, the bylaw was referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy (RGS). In addition, Section 6.0 Development Permit Areas was submitted to legal counsel for review.

Further to comments received from the Ministry of Agriculture and the Ministry of Forests, Lands and Natural Resource Operations, June Klassen advised that definitions related to agriculture and farming will be considered as part of the larger discussion to amend Bylaw No. 2040, Juan de Fuca Land Use Bylaw, and that identification of Crown lands will not be reflected on OCP mapping as the lands are being considered as part of the treaty negotiation process.

June Klassen responded to the Chair clarifying that changes can be made to proposed Bylaw No. 3819 in response to comments received at the public hearing. However, the Board would have to rescind first and second reading of the bylaw, give the bylaw first and second reading again and direct the bylaw to a second public hearing should substantive changes be requested.

Mapping

LUC discussion ensued regarding a request to amend Map 5c (Watercourses and Wetland Development Permit Area). Comment was received stating that the mapping appears to identify a wetland at Amanda Place and Otter Point Road as a freshwater body making the wetland appear to be a lake. It was further stated that an earlier version of Map 5c, dated June 2013, reflects the subject area as wetland.

Sandy Sinclair, Otter Point

- alternation of the map at this time would permit no opportunity for the landowner(s) to verify if the identified area is a wetland or freshwater body

Arnie Campbell, Otter Point

- a public hearing in past was challenged successfully due to a mapping issue
- consequently, the public hearing had to be redone

Wally Vowles, Otter Point

- at the start of the OCP consultant process it was acknowledged that there are discrepancies/errors in the mapping

- discrepancies/errors can be confirmed on a site by site basis as development proposals area received

Zac Doeding, East Sooke

- area in question and actions impacting the area have been disputed in past
- review of this area may delay the bylaw approval process

The LUC member who directed attention to the mapping withdrew the request to consider a mapping change at this time.

Section 1.5 Development Potential

The LUC agreed to a request to amend this section to add the words “size” and “only” so that the below sentence reads:

“The ALR area did not have a desired parcel size, and as subdivision is only permitted at the discretion of the Agricultural Land Commission (ALC) for agricultural reasons, a development potential has not been provided for these lands.”

The 2006 OCP was adopted in 2007. June Klassen stated no issue with proposed Bylaw No. 3819 referencing information from the 2006 OCP (Bylaw No. 3354) as 2007 information.

Section 1.10 Public Access to Water/Right-of-Way

The LUC agreed to the request to strike “The accesses are noted on Map 2.” from Section 1.10 as Map 2 only reflects Kemp Lake accesses.

Section 4.2.1.5 Agricultural Land Reserve – Farm Village Zone (Item 10)

LUC discussion ensued regarding community support for a Farm Village zone. It was questioned whether this item should be included in Section 4.2.1.5 as the statement was not considered by the Agricultural Land Commission and the Ministry of Agriculture at the time the bylaw was referred.

June Klassen stated no issue with new Item 10 as support for the zone was conveyed by the Agricultural Advisory Planning Commission (AAPC) and the Otter Point Advisory Planning Commission (APC). It was noted that any change in land use on land within the Agricultural Land Reserve must be approved the ALC.

The LUC agreed not to strike/amend Item 10.

Section 4.2.1.5 Agricultural Land Reserve – Buffer (Item 2 b)

LUC member comments included:

- the AAPC and APC have conveyed support for revising Item 2 b)
- the Ministry of Agriculture has stated support for minor changes to Section 4.2.1.5
- support for replacing the current definition of Buffer with the definition of Buffer outlined in the Ministry of Agriculture’s *Guide for Bylaw Development in Farming Areas*

- the proposed definition provides a broader definition providing for Ministry of Transportation and Infrastructure's considerations (subdivision application) and Planning's considerations as part the community consultation process (rezoning application)

June Klassen stated that the current wording of Item 2 b) will sufficiently address consideration of a buffer and concerns raised by the AAPC and APC should a development proposal adjacent to an agricultural parcel be received.

Wally Vowles

- issue of buffer was discussed in great length at numerous meetings
- some residents would support removal of Item 2 b)
- current wording reflects a compromise achieved through the public consultation process

Lynne Wormald, Otter Point

- supports comment made at a Citizens' Committee meeting – that buffering is a concept developed for the mainland
- it is out of context to consider use of buffering in this community

Zac Doeding

- numerous letters and petition received not supporting a buffer
- supports "should be considered" as wording supports consultation
- does not support "maybe required" as wording leaves consideration of a buffer to the discretion of Planning

June Klassen stated no issue with the proposed definition.

The LUC agreed not to strike/amend Item 2 b).

Section 6.3.2 Justification (Development Permit Area No. 1: Steep Slopes)

The LUC agreed to a request to strike "as" and replace with "are" so that the below sentence reads:

"Land clearing, road construction, changes in slope profiles, construction of buildings, structures, improvements or roads or other site disturbance in these areas could increase risk to life and property and harm the environmental values of the slopes and are examples of development to be controlled."

Section 6.6.4 Guidelines (Development Permit Area No. 4: Sensitive Ecosystems Areas)

The LUC agreed to a request to strike the comma after "supported" so that the below item reads:

"A subdivision application which proposes the creation of parcels less than the average parcel size supported by this Plan and located within a smaller footprint of the parent parcel may be supported where the conditions are secured for the permanent on-going protection or restoration of environmentally sensitive features without an amendment to

this Plan. However, the overall number of parcels must be consistent with the Land Use Designation.”

Section 6.7 Development Permit Area No. 5

The LUC agreed to a request to amend the title so that the title reads:

“6.7 Development Permit Area No. 5: Commercial and Industrial Development Areas”

Definitions

MOVED by Heather Phillips, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee delete the definition of Buffer in its entirety from proposed Bylaw No. 3819 and replace with the following definition:

“**BUFFER** means a device or feature arranged and maintained to screen or separate adjoining land uses or properties, and includes any combination of setbacks, existing vegetation, ditches, roads, landscaping, berming, and fencing;”

Noting that the proposed definition is a Ministry of Agriculture definition, June Klassen stated that she expects that the proposed definition does not conflict with the *Landscape Buffer Specifications* publication produced by the Agricultural Land Commission and the Ministry of Agriculture’s *Guide to Edge Planning* as referenced in proposed Bylaw No. 3819.

LUC member comments included:

- “screen or separate” is limited
- “mitigate” is broader allowing potential consideration for such impacts as dust, contamination, smell, etc.

MOVED by Roy McIntyre, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee amend the proposed new definition of Buffer, so that the definition reads:

“**BUFFER** means an area of land separating adjacent land uses that is managed to mitigate impacts of one use on another and includes any combination of setbacks, existing vegetation, ditches, roads, landscaping, berming, and fencing;”

The Chair called the question on the motion to amend.

CARRIED

The Chair called the question on the main motion as amended.

CARRIED

The LUC agreed to a request to amend the definition of Depletion of Existing Wells to strike the word “flow” to support consistency with the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, so that definition reads:

“**DEPLETION OF EXISTING WELLS** means to reduce the quantity of existing adjacent wells below the minimum requirements established by the Land Use Bylaw;”

MOVED by Heather Phillips, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the CRD Board that:

1. That proposed Bylaw No. 3819 "Otter Point Official Community Plan, Bylaw No. 1, 2014" as amended, 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. 3819 "Otter Point Official Community Plan, Bylaw No. 1, 2014".

CARRIED

The LUC forwarded no issue with proceeding with a Public Hearing in July or as soon as possible, should the CRD Board support the above recommendations at its July 9 meeting.

b) Bylaw No. 3897, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 5, 2014"

June Klassen spoke to the staff report and proposed amendments to the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, to clarify the definitions of community water system and community sewage system as they relate to minimum lot size for subdivision and to define zoning categories. Specifically, the proposed bylaw clarifies that the smaller minimum parcel size for subdivision provisions apply to parcels connected to the CRD services as defined in the service establishment bylaws, Bylaw Nos. 1747, 1744, 3646 and 3644. It was advised that on-site engineered community sewage and water systems would still be permitted but would not trigger the smaller parcel size for subdivision.

June Klassen directed attention to the amendment bylaw circulated reflecting minor editing changes. It was clarified that Bylaw No. 3897 also establishes a minimum parcel for subdivision for the TC-1 zone and the TC-2 zone.

MOVED by Roy McIntyre, **SECONDED** by Heather Phillips that the Juan de Fuca Land Use Committee recommends to the CRD Board that:

Proposed Bylaw No. 3897, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 5, 2014", as included in Appendix 1, be referred to a public information meeting, appropriate CRD departments and the following agencies for comment: Cowichan Valley Regional District, District of Sooke, Ministry of Transportation & Infrastructure, Port Renfrew Fire Department, Port Renfrew Utilities Commission, and School District #62.

CARRIED

c) Bylaw No. 3926, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 3, 2014"

June Klassen spoke to the staff report and proposed amendments to the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Bylaw No. 3602 to define and regulate medical marijuana production facilities as intensive agricultural on lands within the Agricultural Land Reserve. It was advised that the full CRD Board deemed the proposed bylaw consistent with the RGS at its meeting on May 14, 2014.

MOVED by Kara Middleton, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee recommends to the CRD Board that:

1. That proposed Bylaw No. 3926, as included in Appendix 2, 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 the Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 3926.

CARRIED

9. Adjournment

The meeting adjourned at 8:30 p.m.

Chair