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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, September 16, 2014 at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

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, Recorder
PUBLIC: 18

The meeting was called to order at 7:01 p.m.

1. Approval of the Agenda

MOVED by Harold Shipton, **SECONDED** by Art Wynans that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Ted Dixon, **SECONDED** by Roy McIntyre that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of July 15, 2014

MOVED by Heather Phillips, **SECONDED** by Harold Shipton that the minutes from the meeting of July 15, 2014 be adopted as amended.

CARRIED

4. Chair's Report

The Chair welcomed everyone to the meeting noting that there will be one more LUC meeting prior to the election scheduled in November.

5. Planner's Report

No report.

6. Development Permit with Variance Application

a) DP-08-14 - Lot 1, Section 31, Otter District, Plan 7179 (7951 West Coast Road – Currie)

June Klassen spoke to the staff report and application to address the Steep Slopes and the Foreshore and Marine Shoreline Development Permit guidelines and the request to reduce setbacks for existing structures for the purpose of allowing a 2-lot subdivision of a parcel split by a highway.

June Klassen reported that the Ministry of Transportation and Infrastructure (MOTI) requires confirmation from the CRD that the requirements of all applicable bylaws have been met. In order for the CRD to issue such a confirmation, the front and rear yard setbacks for the existing home, and the front yard setback for the existing storage shed must be "legalized" by way of a development variance permit. It was further reported that MOTI has provided comment indicating that they have no objection to the requested variance from the front lot line, which is a MOTI controlled highway right-of-way.

June Klassen reported that, prior to subdivision or any site disturbance, a development permit is required. It was advised that the applicant has submitted a geotechnical report, prepared by a qualified professional. The qualified professional has certified that the new building site on proposed Lot 2 may be safely used for the use intended.

The Chair confirmed that the applicant, Jeffrey Currie, was present. Mr. Currie stated that MOTI has approved a driveway access permit to proposed Lot 2.

June Klassen directed attention to the supplementary submission received stating concern regarding septic location and blasting. June Klassen advised that Island Health is the authority that addresses sewerage regulations.

Gary Petersen, Otter Point, stated that he operates a Bed & Breakfast adjacent to the subject property. Mr. Petersen stated interest in being provided notice of blasting.

June Klassen stated that there is no blasting bylaw for the Electoral Area. It was suggested the applicant work with neighbours, advising of blasting plans and schedules.

LUC discussion points included:

- development variance permit applies only to existing structures
- new structures on Lot 1 or Lot 2 will have to comply with zoning (RR-3)
- questioned the geotechnical engineer's comment regarding blasting and potential impact to existing fractures in rock along West Coast Road and the adjacent property to the west

Mr. Currie stated that the proposed building site is situated approximately 45 m from West Coast Road and to the east of the western boundary.

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

1. That Steep Slopes, and Foreshore and Marine Shoreline development permit DP-08-14 for Lot 1, Section 31, Otter District, Plan 7179 be approved subject to the following conditions:
 - a) That the proposed development comply with the Steep Slopes, and Foreshore and Marine Shoreline Development Permit Guidelines outlined in the Otter Point Official Community Plan, Bylaw No. 3719;
 - b) That the proposed development comply with the recommendations outlined in the professional engineer's report sealed by Isabelle Maltais, P.Eng., dated June 20, 2014, (Appendix 4);
 - c) That the professional engineer's report sealed by Isabelle Maltais, P.Eng., dated June 20, 2014, be secured via a restrictive covenant registered on title as part of the subdivision process; and
 - d) That the conditions of this development permit with variance be verified as part of the subdivision approval process; and
2. That Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 2, Section 7.07(a) be varied by reducing the minimum required front yard setback for

the existing house and attached garage from 7.5 m to 0.9 m; and Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 2, Section 7.07(d) be varied by reducing the minimum required rear yard setback for the existing house and attached garage from 10 m to 6.4 m, and vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 4.01(d) by reducing the minimum required front yard setback for an existing storage shed from 7.5 m to 2.2 m, as shown on the JE Anderson & Associates BC Land Surveyor's Building Location Certificate (Appendix 3), in order to permit a proposed 2-lot subdivision, subject to the following condition:

- a. That the owner register a covenant on the title of proposed Lot 1 at the time of subdivision requiring that if the existing dwelling and garage and the existing storage shed are damaged or destroyed to the extent of 75% or more of its value above its foundation, as determined by the building inspector, it must not be repaired or reconstructed except in conformance with the requirements specified by the zone and with the requirements of any flood plain regulations in effect at that time.

CARRIED

7. Development Variance Permit

a) VAR-02-14 - Lot B, Section 51, Otter District, Plan VIP82573 (Tregear Road – Tregear)

June Klassen spoke to the staff report and application to reduce the 10% minimum frontage requirement for the purpose of subdividing a parcel for a family member pursuant to Section 946 of the *Local Government Act*. It was advised that proposed Lot 1 is 1.55 ha and requires a 77.657 m frontage but only has 52.43 m. Proposed Lot 2 meets the frontage requirement. June Klassen directed attention to the supplementary submissions received noting that the five submissions all state concern regarding provision of water.

LUC discussion points included:

- subdivision proposal is not large scale
- subdivision is for a family member, resulting in one additional lot
- homes in the area regularly require trucked water
- rain water collection is another way water can be provided to existing homes
- change to water quantity impacts adjacent property owners' investment
- questioned what recourse is there should water be impacted
- should the subdivision be approved, there is potential for each parcel to have one principle building and one suite, increasing water requirements
- water collection on the subject property may be challenging as the property is uphill
- uphill water collection may impact downhill property water collection
- there are many vacant lots in the Tregear Road subdivision
- supplementary submissions also note concern regarding potential contamination of surface wells by septic run off
- input from neighbours is considered as part of the variance process
- there are no means to ensure that the new parcel is not sold outside of the family

June Klassen stated that each parcel will need to prove a source of potable water of at least 1400 litres per day.

The Chair confirmed that the applicant, John Tregear, was present. Mr. Tregear stated that he is requesting a reduction in the minimum frontage. Water provision will be addressed as part of the subdivision application.

Mr. Tregear responded to questions directed through the Chair stating that:

- there is a surface well on the existing lot (proposed Lot 2)
- a well will be drilled on the new lot (proposed Lot 1)
- he currently does not reside in the subdivision
- he currently owns all lots within the subdivision with the exception of one lot
- there are no dwellings on the parent lot (Lot B)

Susan Isaac, Otter Point, questioned what the full development plan is for the subdivision noting that further subdivision for a family member may be possible. It was suggested that, as there are many vacant lots in the Tregear Road subdivision, subdivision for a family member is not required at this time.

Mr. Tregear stated that configuration of the other lots within the subdivision would not support further subdivision under Section 946.

The Chair clarified that MOTI is the subdivision approving authority.

June Klassen advised that an applicant must have owned a parcel for at least 5 years before making the application for subdivision under Section 946. It was stated that it is not known if the adjacent properties have drilled wells or surface wells. It was further stated that no submissions have been received stating concern with the minimum frontage request.

MOVED by Ted Dixon, **SECONDED** by Harold Shipton that the Juan de Fuca Land Use Committee table the application, referring the application back to staff for more information regarding the status of the wells of the five adjacent owners that provided comments on the application.

CARRIED

8. Official Community Plan Amendment and Rezoning Application

a) Z-03-14 - Lot 1, District Lot 147, Malahat District, Plan 22170 (3932 Trans Canada Highway - Victoria Humane Society)

June Klassen spoke to the staff report and application to amend the Malahat Official Community Plan (OCP), Bylaw No. 3721 and the Malahat Land Use Bylaw, 1981, Bylaw No. 980 to permit the operation of an animal shelter. Staff has prepared two proposed bylaws. Proposed Bylaw No. 3978 would rezone the subject property from Tourist Commercial - Campground (CT2) to a new Animal Shelter (AS1) zone. Bylaw No. 3979 would amend the Malahat OCP to include 'animal shelter' as a permitted use in the Settlement Area designation.

The Chair confirmed that representatives from the Victoria Humane Society were present.

Marg LeGuilloux, volunteer, introduced the Society's Board of Directors and spoke to the need for a shelter and the Society's volunteer efforts, rescue/adoption rates, and the Society's revenue and expenditures.

Marg LeGuilloux spoke to potential community concerns stating that:

- a manager will be on site 24 hours a day
- a maximum of 12 dogs will be on site at any one time
- 50 foster homes are working with the Society
- dogs will be supervised at all times

- property will be fenced
- dog training/exercise areas will be double fenced
- a total of 10 volunteers will be on site at any one time
- volunteers undergo a criminal record check
- increase to traffic flow is not anticipated
- there is onsite parking

Marg LeGuilloux responded to questions directed through the Chair advising that that the 12 acre property has access off of the Trans Canada Highway. Shelter operations will take place in the existing house. The closest adjacent house cannot be seen as the property is treed.

June Klassen directed attention to the supplementary submissions received noting that eight writers oppose the proposal, one writer supports the proposal and that the remaining submission is from the property owner.

LUC discussion points included:

- the property owner in support of the proposal is not an adjacent property owner
- in past there were incidents in the community involving a kennel which may be making residents wary of the shelter proposal
- supplementary submissions may not represent the full community
- support for holding a public information meeting to gather broader community input
- a public information meeting will allow the Society to come more prepared to speak to resident concerns including exact distance from the closest adjacent house

Penny Stone, Executive Director, responded to questions directed through the Chair advising that exotic birds and wild birds will not be keep on site. Birds will be limited to the likes of budgies and canaries.

Bill Eller, Malahat, stated that he is an adjacent property owner vehemently opposed to the proposal. Mr. Eller stated support for animal welfare but no support for a facility in a residential area.

Susan Isaac stated support for the public process that allows new ideas to be considered. It was suggested that the Society provide feedback from property owners adjacent to existing Victoria Humane Society facilities.

June Klassen stated that, should the recommendation for referral be supported, the public information meeting will be advertised by way of a mail drop and in the Goldstream Gazette. Adjacent property owners within 500 m of the subject property will also receive notification by mail. In reference to the referral agencies identified in the report, staff will confirm if the subject property falls under School District #62 or School District #79.

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

1. That proposed Bylaw No. 3978, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 146, 2014", as included in Appendix 2, and proposed Bylaw No. 3979, "Official Community Plan for Malahat, Bylaw No. 1, 2012, Amendment Bylaw No. 1, 2014", as included in Appendix 3, be referred to a public information meeting and to appropriate CRD departments and the following agencies for comment:

BC Hydro	District of Highlands
City of Langford	Island Health
Cowichan Tribes	Malahat Fire Department
Cowichan Valley Regional District	Ministry of Transportation and Infrastructure
Cowichan Valley School District #79	RCMP

2. That proposed Bylaw No. 3979, "Official Community Plan for Malahat, Bylaw No. 1, 2012, Amendment Bylaw No. 1, 2014", as included in Appendix 3, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy in accordance with the Juan de Fuca Development Procedure Bylaw No. 3110.

CARRIED

9. Proposed Bylaws

a) Bylaw No. 3897, "Comprehensive Community 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, to revise the minimum parcel size for residential and tourist commercial zones, increase the percentage of residential use in a retail building, and to define zoning categories. It was noted that the staff report recommends referral as the bylaw has been revised.

June Klassen responded to questions directed through the Chair stating that residents at the July 22 public information meeting supported the amendments to address water and sewer and the change to minimum parcel size.

The Chair stated support for not referring the proposed bylaw to a further public information meeting as there is community support for the amendments.

June Klassen noted that no concerns were forwarded by referral agencies.

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

1. That proposed Bylaw No. 3897, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 5, 2014", be introduced and read a first time and read a second time; and
2. That in accordance with the provision 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 the authority to hold a public hearing with respect to Bylaw No. 3897.

Although referenced in the staff report, staff confirmed that revision to the definition of height and increase to the height for accessory buildings is not being pursued at this time.

LUC discussion points included:

- consolidated web version of Bylaw No. 3109 requires formatting and bylaw amendment citation review
- some bylaw sections appear to contradict other bylaw sections
- support for overall review and revision of Bylaw No. 3109

The Chair agreed that the bylaw requires review. Review is being considered for the 2015 Planning work plan.

The Chair called the question on the motion.

CARRIED

b) Bylaw No. 3958, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 4, 2014"

June Klassen reviewed the staff report and proposed amendments to the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to clarify the definition of outdoor recreation. It was advised that no concerns were forwarded by referral agencies.

The LUC supported amending the proposed bylaw to add a comma after "resorts".

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

1. That proposed Bylaw No. 3958, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment No. 4, 2014", as amended, be introduced and read a first time and read a second time; and
2. That in accordance with the provision 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 the authority to hold a public hearing with respect to Bylaw No. 3958.

CARRIED

c) Bylaw No. 3960, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 145, 2014"

June Klassen spoke to the staff report and proposed amendments to the Malahat Land Use Bylaw, Bylaw No. 980, to revise the bylaw map to incorporate the Chatham and Discovery Islands which were inadvertently deleted, and to delete the zoning from the First Nation and Crown lands.

June Klassen clarified that:

- the Chatham and Discovery Islands were included in the Langford Electoral Area and are now part of the Juan de Fuca Electoral Area
- zoning does not apply to Crown lands or First Nation lands
- the Chatham and Discovery Islands are not part of the Malahat OCP area
- local government bylaws do not apply to First Nations

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

That proposed Bylaw No. 3960, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 145, 2014", as included in Appendix 1, be referred to appropriate CRD departments and the following agencies for comment: BC Parks, Fisheries and Oceans Canada, District of Oak Bay, Corporation of the District of Saanich, Islands Trust, Ministry of Transportation and Infrastructure, School District #79 and Songhees First Nation.

CARRIED

d) Bylaw No. 3973, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 122, 2014”

June Klassen spoke to the staff report and proposed amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. June Klassen provided background information, advising that the owners of a Rural Residential A (RR-A) parcel split by a highway would like to get separate title to both portions of the existing lot. Section 3.10(6)(b) permits the creation of a lot smaller than the minimum parcel size of the zone if the parcel is split by a highway. As the RR-A zone is not identified under Section 3.10 (6)(b), the owners are now considering creating separate titles by registering a building strata for the principal dwelling and the detached accessory suite. It was also advised that the current definition of Floor Area excludes garages and carports. Although the floor area of a detached suite cannot exceed 90 m², the definition of Floor Area currently allows a garage/carport of any floor area within the allowable total accessory floor area, increasing density legally.

Amendments are proposed to:

- Section 3.10(6)(b) to include the RR-A zone as a subdivision is preferable to the registration of a detached accessory suite
- Section 4.20 to prohibit detached accessory suites from being registered as a building strata
- the definition of Floor Area to distinguish between the principal residential building and accessory building floor area

LUC discussion points included:

- the intent of the detached accessory suite provision was not to support building stratas
- only lot coverage should regulate size of residential buildings with the exception of the size limit applied to suites (90 m²)
- support for referring the amendments addressing the RR-A zone and building strata restrictions for suites
- support for including uncovered decks in the definition of Floor Area – Accessory Building or Structures
- support for reexamining definitions addressing Floor Area and potential for oversized garages prior to referral

The LUC supported amending proposed Bylaw No. 3973 to amend Section 4.19 to restrict a secondary suite from being registered as a building strata.

June Klassen clarified that staff has included accessory garages/carports in the calculation of maximum combined total floor area for accessory structures. An amendment to the definition of Floor Area is required for clarity.

Arnie Campbell, Otter Point

- the Otter Point OCP went through four years of community consultation to produce alternatives to “4 on 10” building stratas
- the proposal to register separate title for a principal dwelling and a detached accessory suite brings the issue of building stratas back into the community
- the subject property being considered for building strata registration has a principal dwelling with an attached garage and a detached accessory suite with an attached garage
- the garages appear to be equal in floor area – going against the intent that detached accessory suites be limited to 90 m²

The LUC supported amending the definitions in the bylaw to match the definitions in the staff report.

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

That proposed Bylaw No. 3973, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 122, 2014", as amended, be referred to the community and the following agencies for comment:

BC Hydro
District of Metchosin
District of Sooke
East Sooke Advisory Planning Commission
East Sooke Fire Department
Island Health
Ministry of Transportation and Infrastructure
Otter Point Advisory Planning Commission

Otter Point Fire Department
Pacheedaht First Nation
RCMP
Scia'new First Nation
Shirley/Jordan River Advisory
Planning Commission
Shirley Fire Department
Sooke School District #62
T'Sou-ke First Nation

CARRIED

10. Adjournment

The meeting adjourned at 9:00 p.m.

Chair