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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, October 21, 2014 at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Heather Phillips (Vice Chair), Ted Dixon, Roy McIntyre, Harold Shipton,  
Wally Vowles (Alternate Director), Art Wynans  
**Staff:** June Klassen, Local Area Planning Manager; Wendy Miller, Recorder  
**ABSENT:** Kara Middleton  
**PUBLIC:** 8

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

**1. Approval of the Agenda**

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

**CARRIED**

**2. Approval of the Supplementary Agenda**

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

**CARRIED**

**3. Adoption of Minutes from the Meeting of September 16, 2014**

**MOVED** by Art Wynans, **SECONDED** by Ted Dixon that the minutes from the meeting of September 16, 2014 be adopted as amended.

**CARRIED**

**4. Chair's Report**

The Vice Chair welcomed everyone to the meeting and briefly spoke to the CRD's Procedures Bylaw (Bylaw No. 3828). It was noted that, in cases not provided for under this bylaw, the Newly Revised Robert's Rules of Order, 11th edition, 2011, apply to the proceedings of the Land Use Committee. It was also advised that, where a Committee member who is present when a vote is taken abstains from voting, that member is deemed to have voted in the affirmative and in the case of a tie vote the motion is defeated.

At the Vice Chair's request, the Alternate Director read a thank you from Director Hicks to the membership for its work over the last three years.

June Klassen reported that current LUC terms expire December 31, 2014.

**5. Planner's Report**

June Klassen advised of the below:

Public Hearings

To consider adoption of two bylaw amendments to Bylaw No. 3602  
Bylaw No. 3926 (Medical Marijuana) and Bylaw No. 3958 (Outdoor Recreation)  
Monday, October 27, 2014 at 7pm  
#3 – 7450 Butler Road, Otter Point, BC

East Sooke Advisory Planning Commission Meeting  
To consider an amendment to Bylaw No. 2040  
Bylaw No. 3973 (RR-A subdivision/no accessory suites/total floor area)  
Monday, November 3 at 7pm  
1397 Coppermine Road, East Sooke, BC

Shirley/Jordan River Advisory Planning Commission Meeting  
To consider an amendment to Bylaw No. 2040  
Bylaw No. 3973 (RR-A subdivision/no accessory suites/total floor area)  
Wednesday, November 5 at 7pm  
2795 Sheringham Point Road, Shirley, BC

**6. Development Variance Permit – Tabled Item**

**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*.

As directed by the LUC, it was advised that staff requested more information on the status of the wells of the five adjacent owners that provided comment at the September meeting. June Klassen directed attention to the three supplementary submissions from two of the five adjacent owners. June Klassen stated that the applicant is requesting a reduction in the minimum frontage. CRD legal counsel has advised that the basis for refusing an application must relate directly to the variance request. Concerns raised by adjacent property owners related to groundwater supply do not relate directly to the variance request.

The Vice Chair confirmed that the applicant, John Tregear, was present.

Mr. Tregear stated that:

- Section 946 has been in force for approximately fifty years
- subdivision servicing requires that each lot have a proven source of potable water of at least 1400 litres per day
- he has owned the property for forty-four years and previously lived on the property for fifteen years
- his son currently lives in the subdivision and, with five grandchildren, it is anticipated that more properties will go to family members

In addition to owning the subject parcel for at least five years, Mr. Tregear spoke to other conditions of Section 946 including restrictions on use of the parcel subdivided and use of the remainder of the original parcel. June Klassen stated that, in addition to proving water, the subdivision will also have to meet septic requirements.

Mr. Tregear responded to a question directed through the Vice Chair stating that the proposed new lot is intended for his grandson.

LUC discussion points included:

- Section 946 has been interpreted differently by the various Approving Officers
- understand community water concerns
- public comments can be forwarded to the Approving Officer for consideration
- application is for a minor variance

Bud Gibbons, Otter Point, stated that Mr. Tregear offered to dedicate beach access and a wetland as part of recent subdivision at Orveas Bay (S-01-10). The Juan de Fuca Electoral Area Parks and Recreation Advisory Commission requested cash-in-lieu of park land dedication. Bud Gibbons stated support for the variance application noting that Mr. Tregear dedicated \$100,000 in lieu of park land for the Orveas Bay subdivision.

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

That Development Variance Permit VAR-02-14 for Lot B, Section 51, Otter District, Plan VIP82573 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 3.10(4)(a) to reduce the minimum frontage requirement of proposed Lot 1 from 77.657 m (10%) to 52.43 m (6.75%) for the purpose of subdividing for a family member pursuant to Section 946 of the *Local Government Act*, as shown in Appendix 2, be approved.

**CARRIED**

## 7. Subdivision Application – Provision of Park Land

### a) S-03-14 - Lot 2, District Lot 17, Renfrew District, Plan 32241 (6649 Godman Road – Lum)

June Klassen spoke to the staff report addressing provision of 5% park land or cash-in-lieu pursuant to Section 941 of the *Local Government Act* for the proposed bare land strata subdivision of the subject property. June Klassen advised that the application was considered by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission at its meeting of September 23, 2014. The Commission supports cash-in-lieu of park land dedication.

June Klassen noted that, although access to water may be desirable, the resulting park dedication would be relatively small and not connect to any existing parks in the area. It was further noted that the Approving Officer has the discretion to request dedication of a public access to water as part of the subdivision approval process.

A LUC member noted that, although development of a public access may be limited by the area's steep topography, the proposed subdivision is adjacent to a Ministry of Transportation and Infrastructure public access.

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

That cash in-lieu of land be requested pursuant to Section 941 of the *Local Government Act* for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 subject to:

- a) verification of appraisal value acceptable to the CRD; and
- b) receipt of funds prior to registration of the subdivision.

**CARRIED**

8. Official Community Plan Amendment and Rezoning Application

a) Z-04-14 - Lot 1, District Lot 17, Renfrew District, Plan VIP79040 (17242/17245 Parkinson Road – Coastal Kitchen/Hicks)

June Klassen spoke to the staff report and application to amend the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 to reconcile existing land use, including an established dwelling unit and restaurant, with the property's land use designation and zoning.

The Vice Chair confirmed that the applicant, Tom Wyton, was present.

Mr. Wyton stated that:

- he has been involved in the commercial operation since 2006
- he and his wife have always assumed that the property's zoning and land use designation supported the restaurant operation

June Klassen responded to questions directed through the Vice Chair stating that:

- proposed Bylaw No. 3986 includes tourist facilities as a permitted use
- the definition of tourist facility includes restaurant
- the new zone (Tourism Commercial 1A) proposed by Bylaw No. 3986 can be made available to other properties upon rezoning
- rezoning to Tourism Commercial 1 (TC-1) would have supported the property's existing land use but the TC-1 zone would not have supported setbacks of the existing structures which would have resulted in the structures being legal non-conforming
- if the property was rezoned to TC-1, a second development variance permit application would have to be considered to legalize structure setbacks
- the new zone addresses setbacks, eliminating the need for a second application

The LUC supported a further amendment to Bylaw No. 3109 to revise Section 17 by deleting "no building, structure, or structural feature shall be located in a setback area except:" and replacing with "the following structures or structural features may be located in a setback area:" so that Section 17 reads "Notwithstanding the regulations set out in Part IV of this bylaw, the following structures or structural features may be located in a setback area:".

June Klassen stated support for adding the proposed wording change to amendment Bylaw No. 3986 noting that the change provides clarity to setback exceptions.

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

1. Proposed Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 7, 2014", as amended be referred to a public information meeting and to appropriate CRD departments and the following agencies for comment:

BC Hydro  
Cowichan Valley Regional District  
District of Sooke  
Island Health  
Ministry of Transportation and Infrastructure

Pacheedaht First Nation  
Port Renfrew Fire Department  
RCMP  
Sooke School District #62

2. Proposed Bylaw No. 3986, "Comprehensive Community Development Plan for Port Renfrew Bylaw, No. 1, 2003, Amendment Bylaw No. 7, 2014", as amended, 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. Adjournment**

**MOVED** by Art Wynans, **SECONDED** by Wally Vowles that the meeting adjourn.

The meeting adjourned at 8:43 p.m.

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Chair