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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, January 15, 2015 at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair, Art Wynans  
**Staff:** June Klassen, Local Area Planning Manager; Wendy Miller, Recorder  
**ABSENT:** Ted Dixon  
**PUBLIC:** 9

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

**1. Election of Vice Chair**

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee for 2015 and Art Wynans' name was put forward. The Chair called two times for further nominations and, as there were none, Art Wynans was declared Vice Chair.

**2. Approval of the Agenda**

**MOVED** by Ron Ramsay, **SECONDED** by Art Wynans that the agenda be approved.

**CARRIED**

**3. Approval of the Supplementary Agenda**

**MOVED** by Sandy Sinclair, **SECONDED** by Stan Jensen that the supplementary agenda be approved.

**CARRIED**

**4. Adoption of Minutes from the Meeting of November 18, 2014**

**MOVED** by Art Wynans, **SECONDED** by Roy McIntyre that the minutes from the meeting of November 18, 2014 be adopted.

**CARRIED**

**5. Receipt of East Sooke Advisory Planning Commission Draft Minutes of December 15, 2014**

**MOVED** by Roy McIntyre, **SECONDED** by Stan Jensen that the draft minutes from the December 15, 2014 East Sooke Advisory Planning Commission meeting be received.

**CARRIED**

**6. Chair's Report**

The Chair welcomed everyone to the meeting, noting that the LUC membership will be sitting for a four year term.

**7. Planner's Report**

June Klassen advised of the below:

Public Information Meeting - To consider proposed Bylaw Nos. 3978 and 3979  
(Rezoning Application Z-03-14 - 3932 Trans Canada Highway - Victoria Humane Society)  
Thursday, January 29, 2015 starting at 7pm  
2804 Shawnigan Lake Road, Shawnigan Lake

## 8. Floodplain Exemption Application

### a) FP-01-14 - Lot 3, Section 2, Renfrew District, Plan VIP83339 (Waters Edge Drive-Johns)

June Klassen spoke to the staff report and application for a floodplain exemption in order to construct a single-family dwelling within the floodplain setbacks specified in Part 5 of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. June Klassen advised that a geotechnical engineer's report has been prepared assessing the proposed building site on Lot 3 and providing recommendations to ensure it is built safely for the use intended.

June Klassen responded to a question from the LUC clarifying that a variance is not required as the proposed dwelling meets the setback requirements of the zone (Rural Residential 2A).

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

- a) That floodplain exemption FP-01-14 for Lot 3, Section 2, Renfrew District, Plan VIP83339 for the purpose of constructing a single-family dwelling, as shown in Appendix 2, be granted subject to the following conditions:
- b) That the proposed development comply with the recommendations outlined in the professional geotechnical engineer's reports prepared by Levelton Consultants Ltd., dated November 29, 2012 (Appendix 3) and December 3, 2014 (Appendix 4);
- c) That the building setback be verified by survey prior to completion of the building permit; and
- d) That the professional geotechnical engineer's reports prepared by Levelton Consultants Ltd., dated November 29, 2012 and December 3, 2014, be secured via a restrictive covenant registered on title as part of the Building Permit process.

Heather Phillips, Otter Point, questioned how the CRD is protected should the slope collapse and destroy the building.

June Klassen advised that the Section 219 restrictive covenant securing the geotechnical engineer's reports saves the CRD harmless.

The Chair called the question.

**CARRIED**

## 9. Development Variance Permit Applications

### a) VAR-03-14 - Lot 28, Section 81, Renfrew District, Plan 24939 (2697 Seaside Drive – Harrison)

June Klassen spoke to the staff report and application to relax the front yard setback requirement for accessory buildings from 15 m to 7.5 m for the purpose of completing construction of a garage.

June Klassen directed attention to the supplementary submission from Robert Kreiss not supporting the application.

June Klassen advised that the applicants received a variance (VAR-01-14) in July 2014 to relax the front yard setback for the purpose of constructing a 42.5 m<sup>2</sup> detached garage 8.7 m from the front property line. Due to a siting error that resulted in the garage being constructed 7.5 m from the front property line, the applicants are now requesting this variance to legalize the siting in order to complete their building permit. The new request reflects a difference of 1.2 m.

The Chair confirmed that the applicants, John and Helene Harrison, were present. The Harrisons advised that they contracted a recommended builder and stated that the setback discrepancy was not intentional. The Harrisons confirmed that the building is essentially complete but that all finishing works have ceased.

LUC member comments included:

- variance does not impact sight lines on Seaside Drive or Woodhaven Road
- adjacent properties are vacant

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

That Development Variance Permit VAR-03-14 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 7.5 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.

Heather Phillips stated that, although a lot may be vacant, it does not mean that the property owner has no interest in adjacent property development.

The Chair called the question.

**CARRIED**

**b) VAR-04-14 - Lot 9, Section 76, Renfrew District, Plan VIS4766 (Fishboat Bay Road – Norring)**

June Klassen spoke to the staff report and application to relax the side yard setback requirement for a principal building from 15 m to 6 m for the purpose of constructing a dwelling. It was noted that the Forestry (AF) zoned property was created through bareland strata with lot averaging resulting in a 1.01 ha parcel. Due to the size of the parcel, it is a challenge to meet the setbacks of the AF zone.

June Klassen directed attention to the supplementary submission from WestCoast Design and the supplementary submissions from Neva Hilliard and Edward and Chatherine Carlson supporting the revised setbacks reflected in the site plan submitted by WestCoast Design.

The Chair confirmed that the application agent, Randy Clarkston, was present. Randy Clarkston stated that the revised site plan reflects the compromise agreed to by the adjacent neighbours. Randy Clarkston further stated that no other changes have been made to the site plan.

Heather Phillips stated she is pleased that the direct adjacent property owners were able to support a compromise, noting that one of the direct adjacent properties is vacant. Heather Phillips stated that the staff report notes that the proposed dwelling is under the

maximum size for a residential building. It was questioned how the maximum size for a residential building is determined.

June Klassen advised that the AF zone sets the maximum size for a residential building and that, given the size of the subject property, the maximum size for a residential building is 0.45 FAR (Floor Area Ratio).

June Klassen outlined a revised recommendation for LUC consideration.

**MOVED** by Ron Ramsay, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee support the staff recommendation as amended to reflect the revised site plan and recommends to the CRD Board:

That Development Variance Permit VAR-04-14 for Lot 9, Section 76, Renfrew District, Plan VIS4766 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.07, to relax the side yard setback for a principal building from 15 m to 10 m adjacent to the west property line and from 15 m to 13 m adjacent to the east property line, for the purpose of constructing a dwelling, as shown on the attached revised site plan and building plans (Appendix 3) be approved.

**CARRIED**

## 10. Proposed Bylaws

### a) **Bylaw No. 3960, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 145, 2014"**

June Klassen spoke to proposed amendment to the Malahat Land Use Bylaw 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 directed attention to referral agency comments included in the staff report and noted that the submission from the Songhees First Nation supports the proposed amendment.

June Klassen responded to a question from the Chair advising that, should the LUC and the CRD Board support proposed Bylaw No. 3960 proceeding to public hearing, the public hearing would be held at the Juan de Fuca Local Area Services Building.

The Chair stated support for recommending that the public hearing for Bylaw No. 3960 be waived.

**MOVED** by Art Wynans, **SECONDED** by Stan Jensen that the Juan de Fuca Land Use Committee support the staff recommendation as amended to reflect waiving of a public hearing and recommends to the CRD Board:

- a) That proposed Bylaw No. 3960, "Malahat Land Use Bylaw, 1981, Amendment Bylaw No. 145, 2014", as included in Appendix 1, be introduced and read a first time and read a second time; and
- b) That in accordance with the provisions of Section 890 of the *Local Government Act*, the holding of a public hearing on Bylaw No. 3960 be waived.

**CARRIED**

c) **Bylaw No. 3973, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 122, 2014"**

June Klassen spoke to proposed amendment to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 to amend Section 3.10 to include a missing rural residential zone, to amend the secondary suite and detached accessory suite regulations to prohibit a building strata and to clarify the definition of floor area.

June Klassen directed attention to referral agency comments included in the staff report and noted that the bylaw was also considered and supported by the Otter Point Advisory Planning Commission, the Shirley/Jordan River Advisory Planning Commission and the East Sooke Advisory Planning Commission.

LUC members stated support for amending the definition for FLOOR AREA – ACCESSORY BUILDING OR STRUCTURES to clarify that garages and carports attached to detached accessory suites are not included in the calculation for floor area of a detached suite (90 m<sup>2</sup>).

June Klassen spoke to the standing practice of staff including detached garages and carports in the calculation of maximum combined total floor area for accessory structures.

Heather Phillips questioned the intent of the bylaw and stated that:

- the initial definition for FLOOR AREA – ACCESSORY BUILDING OR STRUCTURES was proposed to reflect the practice of including detached garages and carports in the calculation of maximum combined total floor area for accessory structures
- the revised proposed definition appears to be attempting to track detached accessory suite living space and accessory lot coverage
- the current proposed definition unrevised does not provide clarity
- the ratio (Floor Area Ratio) used to determine maximum size for a residential building supports an inappropriate amount of living space on lots of 1 ha or more in size

June Klassen read aloud proposed wording to amend the definition for FLOOR AREA – ACCESSORY BUILDING OR STRUCTURES.

**MOVED** by Sandy Sinclair, **SECONDED** by Art Wynans that the Juan de Fuca Land Use Committee support Bylaw No. 3973 as amended to reflect the revised definition for FLOOR AREA – ACCESSORY BUILDING OR STRUCTURES to read:

FLOOR AREA – ACCESSORY BUILDINGS OR STRUCTURES means the space on any storey and/or basement of an accessory building or structure; includes detached garages and carports, and the floor area of garages and carports in excess of detached accessory suite floor area but excludes uncovered decks.

**CARRIED**

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

- a) That proposed Bylaw No. 3973, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 122, 2014", as amended, be introduced and read a first time and read a second time; and

- b) 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. 3973.

**CARRIED**

**c) Bylaw No. 3996, “Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 4, 2015”**

June Klassen spoke to proposed amendment to Bylaw No. 3027, Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, to incorporate new steep slope mapping and to revise the zoning map to correct an error on an Agricultural Land Reserve parcel. It was advised that the steep slope development permit area mapping will be updated to reflect new more detailed 2013 contour information. The mapping error will be corrected to reflect that the subject property is not zoned Agriculture but that the parcel is Agricultural Land Reserve.

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

- a) Proposed Bylaw No. 3996, Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 4, 2015, as included in Appendix 1, be referred to a public information meeting in the community, and to appropriate CRD departments and agencies for comment:

Cowichan Tribes	Malahat First Nation
Cowichan Valley Regional District	Ministry of Transportation and Infrastructure
District of Highlands	School District #63
District of Saanich	Willis Point Fire Department
Island Health	

- b) Proposed Bylaw No. 3996, Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 4, 2015, as included in Appendix 1, 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**

## 11. Adjournment

The meeting adjourned at 7:58 p.m.

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Chair