



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, July 23, 2015 at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

---

**PRESENT:** Ted Dixon, Roy McIntyre, Ron Ramsay, Sandy Sinclair, Wally Vowles (Alternate Director)  
**Staff:** June Klassen, Local Area Planning Manager; Wendy Miller, Recorder  
**ABSENT:** Stan Jensen, Art Wynans  
**PUBLIC:** 7

The Manager ascertained that a quorum was present and called the meeting to order at 7:01 p.m. In the absence of the Chair and the Vice Chair, the Alternate Director was appointed as Acting Chair.

**1. Approval of the Agenda**

**MOVED** by Ted Dixon, **SECONDED** by Sandy Sinclair that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

June Klassen advised of the below additional submissions supporting Development Permit with Variance DV000045:

Don and Geri Gorling, Willis Point  
Wes and Shelley Klassen, Willis Point  
Mark and Dianne Twamley, Willis Point  
Jim Potvin and Bonnie Manning, Willis Point  
Catherine Patchell, Willis Point  
Bill and Joan Wright, Willis Point

**MOVED** by Roy McIntyre, **SECONDED** by Ron Ramsay that the supplementary agenda be approved as amended to include the submissions received at the meeting.

**CARRIED**

June Klassen advised that the supplementary agenda with submissions will be posted to the CRD website.

**3. Adoption of Minutes from the Meeting of June 16, 2015**

**MOVED** by Sandy Sinclair, **SECONDED** by Ted Dixon that the minutes from the meeting of June 16, 2015 be adopted.

**CARRIED**

**4. Chair's Report**

No report.

## 5. Planner's Report

June Klassen advised of the below meeting:

Shirley/Jordan River Advisory Planning Commission Meeting  
Rezoning Application RZ000238 (9171 West Coast Road – Ocean Wilderness)  
Date: August 5, 2015  
Time: 7:00pm  
Place: Shirley Community Hall  
2795 Sheringham Point Road

It was confirmed that the August meeting of the LUC has been cancelled.

## 6. Development Permit with Variance

### a) DV000045 – Lot 11, Section 43, Highland District, Plan VIP14620 (6800 Mark Lane)

June Klassen spoke to the staff report and request for a development permit with variance in order to address the Steep Slopes and the Foreshore, Wetlands and Riparian Development Permit Area (DPA) guidelines for an addition and renovation to a dwelling, and to reduce the front yard setback for an existing deck and stairs, to reduce the exterior side yard setback for the existing dwelling and deck and proposed addition and to reduce the rear yard setback for an existing retaining wall and proposed deck.

June Klassen noted that all staff report references to Section 24 should read Section 43.

In response to the supplementary submission received from Denise and Laurie Blade and dialogue with the applicant, June Klassen read aloud the below amendment to the staff recommendation:

- iv. That the maximum height of the proposed or future structure should not exceed 27 ft. measured from the floor plate of the existing recreational cottage.

The Acting Chair confirmed that the applicants were present. The applicants responded to questions from the LUC providing information on the property's septic.

June Klassen responded to questions from LUC confirming that:

- the lot is 0.05 ha
- it is understood that lot size may be due to the property being split by Mark Lane
- property development is challenging due to lot size and topography
- community does not have piped water or fire hydrant service
- community has a very active volunteer fire department
- the applicants' designer has confirmed that the building height does not exceed the height outlined in Bylaw No. 3027

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

That the Steep Slopes and Foreshore, Wetlands and Riparian Development Permit with Variance (DV000045) for Lot 11, Section 43, Highland District, Plan VIP14620, to vary Comprehensive Community Plan for Willis Point, Bylaw No. 1, 2002, Bylaw No. 3027, Schedule B, Part IV, Section 22(2)(d), to:

- a) reduce the front setback from 6 m to 1.83 m for an existing deck and stairs;
- b) reduce the exterior side setback from 4.6 m to 3.57 m for the proposed addition;
- c) reduce the exterior side setback from 4.6 m to 2.57 m for the proposed renovation to the existing dwelling;
- d) reduce the exterior side setback from 4.6 m to 1.84 m for an existing deck;
- e) reduce the rear setback from 6 m to 0 m for the proposed renovation over an existing seawall;

as shown on the attached site plan and building plans (Appendices B and C), be approved subject to the following:

- i) That the proposed development comply with the Steep Slopes, and Foreshore, Wetlands and Riparian Development Permit Guidelines outlined in the Willis Point Comprehensive Community Plan, Bylaw No. 3027;
- ii) That the development comply with the recommendations in the report from Levelton Consultants Ltd., dated June 19, 2015, as shown in Appendix D, including site monitoring during construction and submission of a final report;
- iii) That the Levelton Consultants Ltd. report dated June 19, 2015 be secured via a restrictive covenant registered on title as part of the building permit process;
- iv) That the maximum height of the proposed or future structure should not exceed 27 ft. measured from the floor plate of the existing recreational cottage.

**CARRIED**

## 7. Development Variance Permit

### a) VA000133 – Strata Lot 10, Section 76, Renfrew District, Plan VIS4766 (2900 Fishboat Bay Road)

June Klassen spoke to the staff report and request for a development variance permit to relax the side yard setback requirement for a principal building in the Forestry (AF) zone from 15 m to 10 m for the purpose of constructing an addition to the existing dwelling. It was confirmed that the 1.01 ha property was created through lot averaging and, while the AF zone establishes a 15 m side yard setback, it should be noted that many rural residential zones in Bylaw No. 2040 require 6 m for properties of a similar size.

The Acting Chair confirmed that the applicant was present. The applicant responded to questions from the LUC stating that the adjacent property to the west recently received a variance (VAR-04-14) and that this property owner emailed to state support for this application. The applicant stated that the variance being requested will have no impact on current views.

Staff confirmed that no submissions have been received regarding the variance request. Further to questions from the LUC regarding the interior layout of the addition, June Klassen stated that direction has been given that interior layouts cannot be released in accordance with the *Freedom of Information and Protection of Privacy Act*.

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

That Development Variance Permit VA000133 for Strata Lot 10, Section 76, Renfrew District, Plan VIS4766, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.07, to relax the western side yard setback for a principal building from 15 m to 10 m for the purpose of constructing an addition to the dwelling as shown on the attached site plan and building plans (Appendices B and C), be approved.

**CARRIED**

## 8. Proposed Bylaw

### a) Bylaw No. 3941, "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 2, 2015"

June Klassen advised that proposed Bylaw No. 3941, which will repeal and replace Soil Removal or Deposit Bylaw No. 3297, was referred to relevant CRD departments, to a public information meeting and to 23 provincial agencies, First Nations, municipalities and school districts. June Klassen outlined changes made to the proposed bylaw in response to the referral comments received.

June Klassen directed attention to the supplementary submissions received from Gerard LeBlanc and the Otter Point, Shirley and Jordan River Resident and Ratepayers Association.

June Klassen stated that permit fees and security deposit are considered fair and adequate and clarified that:

- Mines Act Permit holders will be required to apply for a permit under Bylaw No. 3941 but will not be required to provide a security deposit
- Mines Act Permit holders may provide the documentation submitted in support of a Mines Act Permit to the CRD to meet the requirements set out under Bylaw No. 3941
- The bylaw was referred to all First Nations with reserves in the Juan de Fuca Electoral Area
- First Nation reserve lands are not subject to CRD bylaws
- a process description will not be included in the bylaw but a brochure can be made to assist with the application process
- the bylaw includes the requirement that a site profile be submitted to the CRD at least 10 days before the proposed deposit, regardless of deposit size, advising of the site from which the soil originated
- the term "Engineer's Professional Report" has been revised to "Professional Report" to describe the reports prepared by a Qualified Professional
- the required Qualified Professional reports will be specific to the attributes of the property
- notice of permit application will be sent prior to permit approval
- notice of renewal will be sent prior to renewal
- in the case of a soil permit for a parcel which has an active Mines Act Permit, the soil permit under this bylaw will only be renewed in accordance with renewals to the Mines Act Permit

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

- a) That proposed Bylaw No. 3941, "Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw No. 2, 2015", as included in Appendix B, 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. 3941.

**CARRIED**

## 9. Adjournment

**MOVED** by Sandy Sinclair, **SECONDED** by Roy McIntyre that the meeting adjourn.

The meeting adjourned at 7:55 p.m.

---

Chair