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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, April 19, 2016 at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Mike Hicks (Chair), Ted Dixon, Stan Jensen, Roy McIntyre, Ron Ramsay,  
Sandy Sinclair, Art Wynans  
**Staff:** Iain Lawrence, Supervisor, Local Area Planning; Wendy Miller, Recorder  
**PUBLIC:** 4

The meeting was called to order at 7:03 p.m.

**1. Approval of the Agenda and Supplementary Agenda**

The Chair requested that Item 9 a) (RZ000241) be considered after Item 7 a) (VA000140).

**MOVED** by Sandy Sinclair, **SECONDED** by Stan Jensen that the agenda as amended and supplementary agenda as presented be approved. **CARRIED**

**2. Adoption of Minutes from the Meeting of March 15, 2016**

**MOVED** by Ted Dixon, **SECONDED** by Ron Ramsay that the minutes from the meeting of March 15, 2016 be adopted. **CARRIED**

**3. Chair's Report**

The Chair reported that the Otter Point, Shirley and Jordan River Residents and Ratepayers Association (OPSRRA), with grant in aid funding support and with assistance from Mainroad Construction and CRD Hartland Landfill, will be removing trash from problem sites in the communities on April 22.

**4. Planner's Report**

Iain Lawrence advised of the following meetings:

East Sooke Advisory Planning Commission

Date: April 25, 2016 and continued on May 2, 2016 (if required)

Time: 7pm

Place: East Sooke Community Hall

Juan de Fuca Electoral Area Parks and Recreation Advisory Planning Commission

Date: April 26, 2016

Time: 3pm

Place: Juan de Fuca Local Area Services Building

Agricultural Advisory Planning Commission

Date: May 9, 2016

Time: 6:00 pm

Place: Juan de Fuca Local Area Services Building

Juan de Fuca Board of Variance

Date: April 27, 2016

Time: 6:00 pm

Place: Juan de Fuca Local Area Services Building

It was confirmed that the Advisory Planning Commissions will be considering Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016".

**5. Development Permit Application with Variance and Floodplain Exemption**

**a) DV000046 - Lot 3, Section 32, Otter District, Plan 25866 (8000 Block West Coast Road)**

Iain Lawrence spoke to the staff report and request for a development permit with variance and floodplain exemption to construct a single-family dwelling with attached studio within the steep slopes, foreshore and sensitive ecosystem development permit areas (DPAs), within the rear and side yard setbacks of the Rural Residential 2 (RR-2) zone, and within the floodplain setback requirement. It was confirmed that a studio space will be created by connecting the dwelling to an existing cottage by a fully enclosed breezeway. It was further confirmed that no submissions have been received from the public regarding the request.

The Chair confirmed that the architect, representing the applicant, was present. The architect stated that the design to incorporate the existing non-conforming cottage is intended to have minimum impact on the property. The design includes a low height, low sloping roof.

Iain Lawrence spoke to the provisions of the *Local Government Act* that permit local governments to approve floodplain exemptions and the supporting regulations of Bylaw No. 2040 and Bylaw No. 3819. It was reported that a geotechnical report has been received confirming that the site may be safely used for the intended use provided the report's recommendations are followed. It was further reported that the geotechnical report will be secured to the property by a covenant.

Trevor Emsley, Otter Point, stated that there has been considerable blowdown on his property and damage to his property as a result of clearing on the subject property resulting in inconvenience at a cost. Trevor Emsley stated no objection to the variance requested for the existing cottage, acknowledging that the cottage could not be moved without damage. Trevor Emsley stated concern regarding potential remaining hazard trees, privacy and future use of the property including use as a vacation rental.

The Chair confirmed that the CRD does not have a tree bylaw or a vacation home bylaw.

Iain Lawrence confirmed that the cottage is old and was used to house workers during the construction of West Coast Road. It was stated that, due to property size, the cottage cannot be used as a detached suite.

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

That Steep Slopes, Foreshore and Sensitive Ecosystem Development Permit with Variance and Floodplain Exemption, DV000046, as specified in Appendix E, for Lot 3, Section 32, Otter District, Plan 25866, for the purpose of constructing a dwelling and attaching an existing cottage, be approved.

**CARRIED**

## 6. Development Variance Permit Application

### a) VA000140 - Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V (9 – 6574 Baird Road)

Iain Lawrence spoke to the staff report and request for a development variance permit to reduce the minimum distance that an accessory building or structure may be located from a principal building on the same parcel from 3 m to 0.13 m and to reduce the exterior side parcel line setback from 4.6 m to 1.02 m, for the purpose of allowing the siting of a storage shed. It was confirmed that the applicant has provided a letter of authorization from the strata council to obtain the necessary approvals for the construction and siting of the shed. It was further confirmed that no submissions have been received from the public regarding the request.

Iain Lawrence responded to questions from the LUC advising that:

- it is understood that the minimum distance that an accessory building may be located from a principal building is 3 m to deter fire spread
- fire breaks can be constructed for distances less than 3 m
- the applicant obtained a contractor to build the shed
- the contractor did not receive a building permit prior to starting construction
- the applicant is wishing to resolve outstanding building permit issues by applying for a variance

LUC comments included:

- it is understood that shed is close to an area being considered for a trail
- approval of the variance for the shed siting is precedent setting for the strata property
- siting of the shed is close to the road
- concern for lack of fire separation

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

That Development Variance Permit VA000140, as specified in Appendix 3, for Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, for the purpose of allowing the siting of a storage shed, be denied and require the structure to comply with zoning requirements.

**CARRIED**

## 7. Rezoning Application

### a) RZ000241 - Strata Lots 5, 15, 16, 17, 22 and 25, Section 16, Otter District, Strata Plan VIS7096 (Sooke Business Park - Butler Road)

Iain Lawrence spoke to the staff report and request to rezone six properties from General Industrial (M-2) to General Industrial Medical Marihuana (M-2MM) in order to permit licensed medical marihuana production facilities pursuant to Health Canada's Marihuana for *Medical Purposes Regulation (MMPR)* in order to attract medical marihuana production facilities to locate within the Sooke Business Park. At its February meeting the LUC supported referral of the application to the Otter Point Advisory Planning Commission and to agencies. Iain Lawrence outlined the referral comments included in the staff report. It was confirmed that no submissions have been received from the public regarding the request.

The Chair confirmed that the applicant was present.

The applicant confirmed that each lot is serviced by rain water and by individual septic chambers, allowing for inspection. The applicant stated that such facilities would provide benefit to the community by way of jobs and taxes.

**MOVED** by Ron Ramsay, **SECONDED** by Stan Jensen that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4054 to the Otter Point Advisory Planning Commission, BC Hydro, the District of Sooke, Island Health, the Ministry of Transportation & Infrastructure (MoTI), the RCMP, School District No. 62, T'Sou-ke First Nation, CRD Building Inspection and CRD Protective Services be approved.
- b) That proposed Bylaw No. 4054, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 127, 2016", as included in Appendix E, be introduced and read a first time, read a second time; and
- c) That in accordance with the provisions of Section 469 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. 4054.

**CARRIED**

#### 8. Temporary Use Permit Application

- a) **TP000008 - That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R; Lot 1, Section 97, Renfrew District, Plan EPP24972; and those Parts of Block A and B, District Lot 751, together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, all within Renfrew District, Containing 3.86 Hectares, More Or Less (Waterfront Lands North of Baird Road)**

Iain Lawrence spoke to the staff report and request for a temporary use permit to allow the construction and operation of a 60-slip commercial marina, providing moorage for commercial vessels and private pleasure craft, as well as offices, food services, fuel sales, retail sales, helicopter landing, boat trailer parking and boat storage within the Marine (M) and Community Residential 1 (CR-1) zones.

Iain Lawrence directed attention to the supplementary submission from Pacheedaht First Nation. Further to this correspondence and in consultation with the applicant, the proposed permit has been revised to delete "fish processing". Should the LUC support referral of the application, referral agencies will be advised that the permit has been revised. It was reported that no further submissions have been received from the public regarding the request.

Iain Lawrence responded to a question from the LUC confirming that referral comments will be included in a report to the Board. The application will not return to the LUC for consideration. It is anticipated that the Board will consider the application at its June meeting.

Ian Laing, Port Renfrew, stated that he represents two of the three restaurants currently operating in Port Renfrew. At present, restaurants are struggling to stay in operation for six months of the year. It was noted that the revised permit supports food services. Ian Laing stated concern regarding further food service competition.

The Chair commented that the applicant is considering a food truck. It was advised that the LUC is considering referral of the application at tonight's meeting, including referral of

the application to a public information meeting in Port Renfrew. Community comments/submissions can be considered at that meeting.

Iain Lawrence confirmed that the public information meeting is scheduled for May 12.

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

- a) That staff be directed to refer Temporary Use Permit TP000008, as specified in Appendix D, to allow the construction and operation of a commercial marina, on That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R; Lot 1, Section 97, Renfrew District, Plan EPP24972; and those Parts of Block A and B, District Lot 751, together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, all within Renfrew District, Containing 3.86 Hectares, More Or Less, to a public information meeting and to the following agencies and relevant CRD departments for comment:

BC Hydro	MFLNRO – Archaeology Branch
Cowichan Valley Regional District	Ministry of Transportation and Infrastructure
Department of Fisheries and Oceans	Pacheedaht First Nation
Ministry of Environment	

- b) That all comments received be forwarded to the CRD Board for consideration; and
- c) That the Land Use Committee endorse approval of Temporary Use Permit TP000008 subject to agency comments and public notification.

**CARRIED**

## 9. Proposed Bylaw

### a) Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016"

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4001, the Official Community Plan (OCP) for Shirley – Jordan River, which would repeal and replace the existing OCP, Bylaw No. 3717. It was advised that staff have been working with the Shirley – Jordan River community since November 2013 to review the existing OCP. It was advised that proposed Bylaw No. 4001 reflects comments and concerns raised at fifteen Citizens' Committee meetings and four community events. It was reported that the OCP goals, objectives and policies directly correlate with the policies of the Regional Growth Strategy (RGS).

Iain Lawrence reported that, to accommodate an anticipated boundary change, companion amendment bylaws have been prepared to remove the parcel from the Rural Resource Lands OCP area and from the Rural Resource Lands Land Use Bylaw area. An additional bylaw amendment is proposed to include this land in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 area. These amendment bylaws would be circulated in conjunction with the OCP referrals. Iain Lawrence directed attention to Bylaw No. 4069, advising that the bylaw should be noted as Bylaw No. 4079.

Comment from the LUC was made stating that, at present, the policies of the RGS prohibit extension of existing private community water systems. Concern was stated that, should the RGS be amended to allow the expansion of water service areas, the language of the

water policies reflected in proposed Bylaw No. 4001 will continue to prohibit extension of these private systems.

Iain Lawrence responded to questions from the LUC and from the public advising that:

- the referral list reflects First Nations with an interest in the OCP area as provided by the provincial First Nations Consultative Areas Database
- the provincial government is the level of government legally obligated to consult with First Nations
- First Nations on the referral list are provided an opportunity to submit comment on the proposed OCP and companion amendment bylaws
- proposed Bylaw No. 4001 provides an alternative for building stratas to subdivide while still providing for "4 on 10" building stratas
- the language of Section 383 supports policy statements to permit building stratas to rezone and subdivide
- these policy statements are outlined in Section 484

**MOVED** by Ron Ramsay, **SECONDED** by Sandy Sinclair that staff be directed to refer proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016", as included in Appendix B; proposed Bylaw No. 4079, "Official Community Plan for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 1, 2016"; proposed Bylaw 4070, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment No. 7, 2016"; and proposed Bylaw No. 4071, "Juan de Fuca Land Use Bylaw, Bylaw No. 1, 1992, Amendment No. 128, 2016", as included in Appendix C, to appropriate CRD departments and the following agencies for comment:

Agricultural Land Commission	Lake Cowichan First Nation	Scia'new First Nation
BC Hydro	Lyackson First Nation	School District #62
Cowichan Tribes	Malahat First Nation	Sheringham Waterworks
Cowichan Valley Regional District	Managed Forest Council	Shirley/Jordan River APC
District of Metchosin	Ministry of Agriculture	Shirley Fire Department
District of Sooke	Ministry of Environment	Stz'uminus First Nation
Esquimalt Nation	MFLNRO-Arch Branch	Te'Mexw Treaty Assoc.
Halalt First Nation	MFLNRO-Crown Lands/Foreshore	Tsartlip Indian Band
Hul'qumi'num Treaty Group	MoTI	Tsawout First Nation
Island Health	Pacheedaht First Nation	Tseycum Indian Band
JdF AAPC	Pauquachin First Nation	T'Sou-ke First Nation
JdFEA Parks & Recreation	Penelakut Tribe	
Advisory Commission		

**CARRIED**

## 10. Adjournment

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

The meeting adjourned at 8:08 p.m.

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Chair