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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, May 17, 2016, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Ted Dixon, Stan Jensen, Roy McIntyre, Sandy Sinclair,
Art Wynans
Staff: Iain Lawrence, Supervisor, Local Area Planning; Wendy Miller, Recorder
ABSENT: Ron Ramsay
PUBLIC: 5

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

1. Approval of the Agenda and Supplementary Agenda

MOVED by Art Wynans, **SECONDED** by Ted Dixon that the agenda and supplementary agenda be approved. **CARRIED**

2. Adoption of Minutes from the Meeting of April 19, 2016

MOVED by Stan Jensen, **SECONDED** by Sandy Sinclair that the minutes from the meeting of April 19, 2016, be adopted. **CARRIED**

3. Chair's Report

No report.

4. Planner's Report

Iain Lawrence advised of the following meetings:

Shirley/Jordan River Advisory Planning Commission

Date: June 1, 2016

Time: 7pm

Place: Shirley Community Hall

Public Hearing – Rezoning Application RZ000241 (Sooke Business Park - Medical Marijuana)

Date: June 6, 2016

Time: 7pm

Place: Juan de Fuca Local Area Services Building

5. Development Permit Application with Variance

a) DV000047 - Lot 22, Section 43, Highland District, Plan 14620 (6678 Mark Lane)

Iain Lawrence spoke to the staff report and request for a development permit with variance to construct a two-storey addition and exterior deck to an existing dwelling within the steep slopes development permit area (DPA) and within the 6 m front yard setback of the Community Residential One (CR-1) zone. Iain Lawrence directed attention to the two supplementary submissions supporting the request. It was advised that no further submissions have been received from the public regarding the request.

The Chair confirmed that the applicant was present.

The applicant stated that the building site is challenging. It was further stated that Mark Lane is 40 ft away from the closest portion of the proposed addition.

LUC comments included:

- proposed addition is in keeping with the existing house
- flat area on the property is limited
- proposed addition is away from the paved road

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

That Steep Slopes Development Permit with Variance DV000047, as specified in Appendix E, for Lot 22, Section 43, Highland District, Plan 14620, for the purpose of constructing a two-storey addition with exterior deck to an existing dwelling, and for the purpose of recognizing an existing covered entry, be approved.

CARRIED

6. Development Variance Permit Application – Reconsideration

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)

The Chair stated that he would like to reconsider the resolution to deny Development Variance Permit VA000140.

The Chair stated that it is understood that:

- accessory structures are similarly sited on other strata lots on the strata property
- the applicant has come forward on his own accord to resolve building permit issues
- fire separation is not an issue

Further to comment made at the April meeting, Iain Lawrence advised that it has been determined that siting of the shed relative to location of a proposed trail is no longer an issue.

Stan Jensen stated that he voted for the resolution to deny the application.

MOVED by Stan Jensen, **SECONDED** by Director Hicks that the resolution from the April 19, 2016, meeting relating to Development Variance Permit VA000140 be reconsidered.

The Chair called the question and it was four in favour, Roy McIntyre and Ted Dixon opposed.

CARRIED

LUC comments included:

- support for including strata authorizations in staff reports
- approval of the variance for the shed siting is precedent setting for the strata property
- inspection of structures constructed without a building permit are done on a complaint basis
- application was not complaint driven
- applicant came forward on his own accord to resolve building permit issues
- two supplementary submissions have been received not supporting the application
- fire suppression issues can be addressed by the Building Code
- shed does not encroach onto adjacent properties
- shed encroaches into the highway setback

- shed is sited in a heavily forested area, away from the paved portion of Parkinson Road
- shed cannot be seen from Parkinson Road

Iain Lawrence responded to questions from the LUC confirming that:

- strata approval was required as part of the variance application
- the applicant has to pay double the building permit fee, as work was commenced without a building permit
- the number of accessory buildings allowed on the property is regulated through lot coverage
- the subject property does not exceed allowable lot coverage
- shed could have been attached to the dwelling unit, making the shed part of the principal building, eliminating the issue related to the distance between the shed and the cabin
- it is understood that the applicant can submit a new application to the Board of Variance to seek an order granting the variance

The Chair asked the membership to consider the staff recommendation that Development Variance Permit VA000140 be approved.

MOVED by Director Hicks, **SECONDED** by Art Wynans 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 approved.

The Chair called the question and it was two in favour, Ted Dixon, Stan Jensen, Roy McIntyre and Sandy Sinclair opposed. **DEFEATED**

7. Rezoning Application

a) RZ000243 - That Part of Section 82, Renfrew District Shown in Plan Deposited Under DD22435 (1 Sheringham Point Road)

Iain Lawrence spoke to the staff report and request to rezone the property from Rural Residential 2 (RR-2) to Community Facility – Heritage Lighthouse (P-2L) in order to recognize the use as a heritage lighthouse and to develop the site for community access.

The Chair confirmed that the application representative was present.

The representative responded to questions from the LUC stating that:

- access to the lighthouse site is permitted by a statutory right-of-way over a private strata road
- adjacent property to the west is owned by the Crown
- it is anticipated that the Crown parcel will be transferred to First Nations
- there is a café located at West Coast Road and Sheringham Point Road
- proposed zone includes retail sales which could include a gift shop

The LUC stated that the proposed zone restricts the maximum floor area of retail to 10 m². It was suggested that the regulation is too restrictive, noting that a simple gift shop

could easily exceed 10 m². The LUC stated support for striking “Maximum floor area of retail sales is 10 m²” from 31B.06.

Comment from the public stated that consideration has been given to using the existing engine house as a gift shop and that the engine house is 10 m².

The representative stated no objection to striking 31B.06 (b) from proposed Bylaw No. 4097.

Iain Lawrence responded to a question from the LUC confirming that the regulation restricting the maximum floor area of a dwelling unit for a caretaker to 90 m² matches the floor area for detached suites.

MOVED by Ted Dixon, **SECONDED** by Sandy Sinclair:

That staff be directed to refer proposed Bylaw No. 4097, “Juan de Fuca Land Use Bylaw, Bylaw No. 1, 1992, Amendment Bylaw No. 129, 2016”, as amended, to the Shirley/Jordan River Advisory Planning Commission and the following agencies and departments for comment:

BC Hydro	District of Sooke	RCMP
CRD Building Inspection	Island Health	Sooke School District No. 62
CRD Protective Services	MoTI	T’Sou-ke First Nation
Dept. of Fisheries and Oceans		

CARRIED

8. 2016 Regional Growth Strategy Referral

The Chair provided background information on review of the Regional Growth Strategy (RGS) to date and the process to approve amendments to the RGS. It was advised that the water servicing policy related to the extension of water services outside the Regional Urban Containment Servicing Policy Area (RUCSPA) continues to be a key issue.

Iain Lawrence stated that large parts of the RGS remain unchanged. Significant changes that affect the Juan de Fuca area include a revised policy area map to be more reflective of the current OCPs and removal of the policy that restricts water servicing.

Iain Lawrence directed attention to the staff report appendix, providing a basis for Land Use Committee discussion on the RGS.

Objective 1

Capital Green Lands Policy Area

Reviewed without comment from the Land Use Committee.

Renewable Resource Lands Policy Area

LUC stated support for striking “small-scale” from the proposed revised policy wording and adding wording that would tie the policy to the Official Community Plans (OCPs) for the area.

Iain Lawrence responded to a question from the LUC advising that hunting and fishing regulations fall under the Province and are not addressed by the RGS.

Zac Doeding, East Sooke, stated support for opportunity to review the proposed companion documents to RGS, questioning the status of the proposed documents.

The Chair advised that the companion documents would be reviewed as part of a future planning process.

Unprotected Green Space Policy Area

Iain Lawrence confirmed that the policy and mapping needs to be updated to reflect designation of Development Permit Areas and parks in the OCPs.

Reviewed without comment from the Land Use Committee.

Rural/Rural Residential Policy Area

Iain Lawrence confirmed that the Rural/Rural Residential lands reflected in yellow on Map 3 are the 1 ha and 2 ha parcels identified in the OCPs.

Reviewed without comment from the Land Use Committee.

1.2

LUC stated support for striking “small-scale” from the proposed revised wording for policy statement 2 and adding wording that would tie the policy to the OCPs for the area.

Proposed revised wording for policy statement 4 reviewed without comment from the Land Use Committee.

Zac Doeding stated no support for buffering between bordering rural OCP areas in the Juan de Fuca Electoral Area.

Objective 2

2.1

The LUC stated that it is understood that local government regulation over the surface of marine water is limited.

Proposed revised wording for 2.1 reviewed without comment from the Land Use Committee.

2.2

The LUC noted that the new *Water Sustainability Act (WSA)* is now in force. The LUC stated support for principles protecting the availability and quality of groundwater, but stated that management of this natural resource falls to the Province under the *WSA*.

The LUC stated no support for the principle of “user-pay” and proposed policy statement 5 for extension of CRD regional services, citing a lack of clarity regarding what “user-pay” means. The LUC stated support for the continued practice of water extension requests being approved by the Juan de Fuca Water Distribution Commission.

Iain Lawrence confirmed that the concept of user-pay has been more clearly defined in the pending East Sooke and Shirley – Jordan River OCPs.

Objective 3

The LUC stated that, due to its rural nature, the Juan de Fuca Electoral Area cannot accomplish the objectives to create complete communities. The LUC further stated that the

ability to provide community services and affordable housing opportunities should not be limited to communities within the RUCSPA.

Objective 4

The LUC acknowledged that increased urban development adjacent to and within the boundary of the CRD has significant impact on vehicle traffic. The LUC stated support for coordinated regional transportation planning.

Objective 5

LUC stated support for striking “small-scale” from the proposed revised wording for policy statement 3 and adding wording that would tie the policy to the OCPs for the area.

Implementation Measures

Proposed wording reviewed without comment from the Land Use Committee.

Table 2

Wording proposed for two new bullet statements reviewed without comment from the Land Use Committee.

Appendix C

Proposed wording reviewed without comment from the Land Use Committee.

Updated Community Profile

Proposed wording reviewed without comment from the Land Use Committee.

MOVED by Art Wynans, **SECONDED** by Sandy Sinclair:

- a) That the comments on 2016 Regional Growth Strategy (RGS) as outlined in the staff report, be received by the Land Use Committee for information; and
- b) That the Land Use Committee forward the minutes of its discussion regarding the 2016 RGS to staff for incorporation into the report going to the Committee of the Whole.

CARRIED

9. Adjournment

MOVED by Art Wynans, **SECONDED** by Sandy Sinclair that the meeting adjourn.

The meeting adjourned at 8:48p.m.

Chair