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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, March 19, 2019, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair
Staff: Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder
ABSENT: Vern McConnell, Dale Risvold
PUBLIC: 11

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

1. Approval of the Agenda

MOVED by Ron Ramsay, **SECONDED** by Sandy Sinclair that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from the Meeting of February 19, 2019

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of February 19, 2019, be adopted.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

At its meeting of March 13, 2019, the CRD Board adopted Bylaw Nos. 4259 and 4260. Bylaw No. 4259 created a new Rural 2 (RU2) zone and rezoned 9330 Invermuir Road from Rural (A) and Forestry (AF) to RU2 to permit agriculture. Bylaw No. 4260 rezoned 1021 Parkheights Drive from Rural Residential 3 (RR-3) to Rural Residential 6A (RR-6A) to permit a two-lot subdivision.

At this time the Chair requested that the Land Use Committee consider the applications from Port Renfrew (RZ000252 and RZ000265).

6. Rezoning Applications

a) RZ000252 - Lot 1, District Lot 17, Renfrew District, Plan VIP57304 (Osprey Place)

Iain Lawrence spoke to the staff report and the request to re-designate the subject property from Residential (R) to Tourism Commercial (TC), and to rezone the land from Community Residential – One (CR-1) to Tourism Commercial - One (TC-1), in order to provide guest accommodation in conjunction with an existing fishing guide business. It was confirmed that the proposal was referred to a public information meeting in Port Renfrew and to agencies including CRD Integrated Water Services (IWS). IWS advised that there is currently one (1) single family equivalent allocated to the subject property and that there is insufficient capacity to approve additional service. IWS and the applicant are in agreement with the registration of a covenant restricting additional building construction and uses until such time as additional capacity is available in the system.

Iain Lawrence responded to a question from the applicants advising that consideration can be given to removing the covenant requested by the CRD at such time that the capacity of the CRD water system in Port Renfrew is increased.

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on July 17, 2018, to a Public Information Meeting in Port Renfrew, BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4254, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 2018", be introduced and read a first time and 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. 4254.

CARRIED

b) RZ000265 - Lot D, Section 36, Renfrew District, Plan VIS5337 (17015 Parkinson Road)

Iain Lawrence spoke to the staff report and the request to amend the Tourism Commercial - One (TC-1) zone in order to permit an existing mix of commercial and residential uses on a parcel in Port Renfrew.

Iain Lawrence reported that:

- a building strata, granting individual title to the ground-floor retail space and each of the three dwelling units above was registered in April 2003
- each of the three dwelling units is considered a principal dwelling, rather than an accessory dwelling, since the units have been strata titled and are not under the control of the owner of the retail space
- since building construction and strata registration occurred prior to the adoption of a zoning bylaw for Port Renfrew in August, 2004, and the use has been ongoing since that time, the property is considered legal non-conforming for use in accordance with Section 528 of the *Local Government Act (LGA)*
- the *LGA* allows that if, at the time a land use bylaw is adopted, the land is lawfully used and does not conform to the new bylaw, the use may be continued as a non-conforming use
- the *LGA* does not confer protection on uses that are discontinued for a period of 6 months or buildings that contain such a use if they are destroyed to more than 75% of the value above the foundation
- the applicant is in the process of purchasing one of the dwelling units
- the limitations placed on non-conforming uses make it more difficult for lending institutions to approve mortgage applications
- the requested zone amendment would legalize the two dwelling units that exceed the current existing use and allow for the three dwelling units to be located above the primary dwelling as a conforming use

The Chair advised that the retail space, the Port Renfrew General Store, is under new ownership.

MOVED by Roy McIntyre, **SECONDED** by Stan Jensen that staff be directed to refer proposed Bylaw No. 4292, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 12, 2019" to a Public Information Meeting in Port Renfrew, to appropriate CRD departments and the following external agencies for comment.

BC Hydro	Island Health	RCMP
Cowichan Valley	Ministry of Transportation and	Sooke School District
District of Sooke	Pacheedaht First Nation	

CARRIED

7. Development Permit with Variance Application

a) DV000064 - Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 (#16 - 7450 Butler Road)

Iain Lawrence spoke to the staff report and the request for a development permit with variance in order to construct an industrial building and to reduce the flanking yard setback. It was confirmed that no comments have been received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that a representative for the applicant was present.

MOVED by Sandy Sinclair, **SECONDED** by Stan Jensen that the Land Use Committee recommends to the CRD Board that Development Permit with Variance DV000064, for Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m CTS to 4.8 m CTS, for the purpose of constructing a 543.05 m² steel building be approved.

CARRIED

8. Cannabis Retail Application

a) LP000003 - Lot 1, District Lot 17, Renfrew District, Plan VIP65199 (17293 Parkinson Road)

Iain Lawrence spoke to the staff report and the application received for a licenced private cannabis retail store in Port Renfrew. It was confirmed that at its meeting of January 9, 2019, the CRD Board adopted the Juan de Fuca Cannabis Retail Licence Application Policy. The policy requires public consultation and forwarding a Board recommendation to the provincial Liquor and Cannabis Regulation Branch (LCRB).

Iain Lawrence responded to questions from the LUC confirming that:

- the LCRB notifies local governments of an application received for a proposed store
- local governments can choose whether or not to make comments and recommendations in respect of an application to the LCRB
- the LCRB will not issue a licence where local governments have declined to make a recommendation or where the recommendation is to deny the licence
- there are existing liquor licences in proximity to the subject property
- there is no liquor licence currently issued for the subject property

- the CRD's policy specifies that a distance of 300 m should be provided between the subject property and any sensitive uses
- the proposed retail store is not within 300 m of the school, day care facilities, community centres or parks
- consideration can be given in the future to limiting the number of licenced private cannabis retail stores in each community
- no comments have been received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property

The Chair confirmed that the applicant was present.

The applicant confirmed that access to the property is currently by easement over the adjacent parcel but that the subject property has frontage on Parkinson Road.

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

- a) That a resolution for the cannabis retail application LP000003 for Lot 1, District Lot 17, Renfrew District, Plan VIP65199, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence and requesting that the licence be withheld until completion of a building permit for the proposed retail store occupancy; and
- b) That the public comments received be forwarded to the Liquor and Cannabis Regulation Branch.

CARRIED

9. Temporary Use Permit Application

a) TP000009 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)

Iain Lawrence spoke to the staff report and the request for a temporary use permit to allow the proposed expansion of a home based microbrewery in the Rural Residential 2 (RR-2) zone.

Iain Lawrence confirmed that:

- the applicants have been issued a Manufacturer's Brewing Licence with Picnic Area endorsement for up to 30 patrons, from the Liquor and Cannabis Regulation Branch
- the brewery operation is serviced by a well on the property or via a truck during the summer
- it is anticipated that the Province will require the applicants to obtain a commercial licence for the well
- no comments have been received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property

Iain Lawrence directed attention to the permit conditions as included in the staff report and advised that the applicants have agreed to the conditions.

The Chair confirmed that the applicants were present.

The applicants stated that:

- the Manufacturer's Brewing Licence does not permit indoor seating
- seating is limited to the picnic area
- they will not be applying for a lounge license, which would permit indoor seating

- they hope to relocate the operation in the next two years
- homes on adjacent properties are located behind the brewery and behind their house
- the property is approximately 2.5 acres

Iain Lawrence confirmed that the temporary use permit is for three years and that the permit can be renewed once for another three years. Notice of the CRD Board's intent to issue the permit would be mailed to adjacent property owners within 500 m of the subject property.

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

- a) That the referral of Temporary Use Permit TP000009, directed by the Juan de Fuca Land Use Committee on November 20, 2018, to the Otter Point Advisory Planning Commission, BC Hydro, District of Sooke, Island Health, the Ministry of Transportation and Infrastructure, the Ministry of Public Safety and Solicitor General – Liquor and Cannabis Regulation Branch, the RCMP and T'Sou-ke First Nation, be approved and the comments received; and
- b) That Temporary Use Permit TP000009, to allow the expansion of a home based microbrewery in the Rural Residential 2 (RR-2) zone, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved; and
- c) That a covenant be registered prior to issuance of the permit and pursuant to Section 219 of the *Land Title Act* to permit the temporary use for the period of the permit. The covenant shall also include an agreement by the owner to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.

CARRIED

10. Proposed Bylaws

a) Juan de Fuca Board of Variance Bylaw, Bylaw No. 4288 "Juan de Fuca Board of Variance Bylaw No. 10, 2019"

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4288 which would combine the Malahat and Willis Point Area Board of Variance with the Board of Variance for the remainder of the Juan de Fuca Electoral Area.

Iain Lawrence reported that:

- Bylaw No. 3839 established a board of variance for the areas of East Sooke, Otter Point, Shirley, Jordan River, Port Renfrew and the Rural Resource Lands
- due to the difficulty in obtaining members from Malahat and Willis Point communities, there is no active board of variance for that area
- applicants from Malahat and Willis Point wishing to make an appeal to the Board of Variance for minor variances have been required to submit applications for a development variance permit to the LUC for consideration

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

- a) That Bylaw No. 4288 be introduced and read a first time, a second time and a third time;
- b) That Bylaw No. 4288 be adopted; and
- c) That in accordance with Bylaw No. 4288, the following persons be appointed to the Juan de Fuca Board of Variance for a term to expire April 10, 2022: Paul Clarkston, Axel Joosting, Greg Whincup.

CARRIED

b) Cannabis Bylaw, Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018”

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4278 which would address the current legislative framework for the licensing of recreational cannabis cultivation and distribution, and to permit the use in the Sooke Business Park Industrial (M-SBP) zone. Iain Lawrence reported that proposed Bylaw No. 4278 eliminates the distinction between medical cannabis production and recreational cannabis production in the M-SBP zone, as requested by the LUC at its December 17, 2018 meeting.

Iain confirmed that the proposed amendment to the M-SBP does not include cannabis retail sales. It was further confirmed that no objections were received from referral agencies, including the Otter Point Advisory Planning Commission.

Iain Lawrence directed attention to minor text corrections in proposed Bylaw No. 4278.

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; MFLNRORD – Archaeology Branch; MFLNRORD – Groundwater Protection Branch; Ministry of Transportation and Infrastructure (MoTI); RCMP; T’Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4278, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 141, 2018”, as amended, be introduced and read a first time and 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. 4278.

CARRIED

c) Bylaw No. 4290, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2019” (Sooke Business Park)

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4290 that would establish a consistent land use zoning designation for parcels within the Sooke Business Park development by rezoning ten parcels from General Industrial (M-2), seven parcels from the General Industrial – Medical Marihuana (M-2MM) zone, and two common property areas from Rural A to the Sooke Business Park Industrial (M-SBP) zone. Iain Lawrence

confirmed that the M-SBP zone does not allow gravel processing as a permitted use and clarifies those uses that are prohibited by covenant FB0424654 and allows parking within the front yard setback on lots that front an internal strata road.

The LUC stated support for the Sooke Business Park's commercial tax base.

A Sooke Business Park property owner stated support for the M-SBP zone's parking setback.

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that staff be directed to refer proposed Bylaw No. 4290, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2019" to the Otter Point Advisory Planning Commission, to appropriate CRD departments and the following external agencies for comment:

BC Hydro	MFLNRORD – Groundwater Protection Branch	RCMP
District of Sooke	Ministry of Transportation and Infrastructure (MoTI)	T'Sou-ke First Nation
Island Health		

CARRIED

11. Rezoning Applications (cont'd)

a) **RZ000255 - Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (Sooke Business Park)**

Iain Lawrence spoke to the staff report and the request to rezone three properties from the General Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone. It was advised that the Otter Point Advisory Planning Commission raised concerns when it first considered the application in June 2018 regarding water usage, site contamination, drainage and waste disposal, as well as interference with radio-communication systems. Since that time, staff have confirmed that there are regulatory bodies in place to monitor these concerns including CRD Building Inspection, CRD Bylaw Enforcement, Island Health, BC Hydro, Technical Safety BC (electrical permits) and Industry Canada (radio communications).

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on April 18, 2018 and December 17, 2018 to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; Ministry of Transportation and Infrastructure; RCMP; T'Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4234, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 133, 2018" be introduced and read a first time and 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. 4234.

CARRIED

b) RZ000257 - Strata Lot 10, Section 16, Otter District, Plan VIS7096 (Sooke Business Park)

Iain Lawrence spoke to the staff report and the request to rezone Strata Lot 10, Section 16, Otter District, Strata Plan VIS7096 from the General Industrial (M-2) zone to the Sooke Business Park Industrial (M-SBP) zone.

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

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on December 17, 2018, to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; Ministry of Transportation and Infrastructure; RCMP; T'Sou-ke First Nation; and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4276, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 139, 2018", be introduced and read a first time and 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. 4276.

CARRIED

12. Adjournment

The meeting adjourned at 7:47

Chair