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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, April 16, 2019, 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, Dale Risvold,  
Sandy Sinclair  
**Staff:** Iain Lawrence, Manager, Community Planning; Wendy Miller, Recorder  
**ABSENT:** Vern McConnell  
**PUBLIC:** 21

The meeting was called to order at 7:00 pm

**1. Approval of the Agenda**

**MOVED** by Dale Risvold, **SECONDED** by Sandy Sinclair that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Dale Risvold, **SECONDED** by Ron Ramsay that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of March 19, 2019**

**MOVED** by Ron Ramsay, **SECONDED** by Stan Jensen that the minutes from the meeting of March 19, 2019, be adopted.

**CARRIED**

**4. Chair's Report**

An update was provided on the federal Department of Fisheries and Oceans conservation measures for southern resident killer whales and the chinook salmon fishery including potential fish closures.

**5. Planner's Report**

a) At its meeting of April 10, 2019, the CRD Board adopted Bylaw No. 4288, which established a Board of Variance for the entire Juan de Fuca Electoral Area, and approved Temporary Use Permit TP000009, to allow the expansion of a home based microbrewery in the Rural Residential 2 (RR 2) zone, located at 7861 Tugwell Road.

b) A public hearing is scheduled for rezoning application RZ000260 (590 Seedtree Road):

Date: Wednesday, April 24, 2019

Time: 7:00 pm

Place: East Sooke Community Hall, 1397 Coppermine Road, East Sooke, BC

- c) Public hearings are scheduled for rezoning applications RZ000255 (Strata Lots 13, 26 & 27 – Butler Road) and RZ000257 (Strata Lot 10 – Butler Road) and Bylaw No. 4278 (Cannabis Bylaw):

Date: April 30, 2019

Time: 7:00 pm

Place: Juan de Fuca Local Area Services Building, 3 – 7450 Butler Road, Otter Point, BC

- d) Staff has started review and update of the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. Bylaws for consideration by the Land Use Committee (LUC) will include a bylaw to address subdivision servicing requirements, a bylaw to address floodplain management and one bylaw to incorporate all zoning areas in the Juan de Fuca Electoral Area, excluding the Rural Resource Lands.

At this time, the Chair requested that the LUC consider application VA000150.

## **6. Development Permit with Variance Application**

### **a) VA000150 - Lot 105, Section 95, Renfrew District, Plan 26054 (2845 Woodhaven Road)**

Iain Lawrence spoke to the staff report and the request for a development variance permit to increase the total floor area of accessory buildings and structures from 100 m<sup>2</sup> to 160.53 m<sup>2</sup>, on a lot with an area of more than 2,000 m<sup>2</sup> and less than 5,000 m<sup>2</sup>, for the purpose of constructing a garage with finished attic space.

Iain Lawrence directed attention to the revised site plan submitted by the applicant as included in the supplementary agenda. It was confirmed that the proposed building conforms to the height and yard requirements of the general regulations for accessory buildings and lot coverage specified by the property's zone. It was further 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.

Iain Lawrence responded to a question from the LUC confirming that the vaulted area above the double garage on the main floor is 53.41 m<sup>2</sup>.

James Powell, Shirley, stated concern regarding the finished vaulted area being converted into living space and impact to Sheringham Water Works.

Iain Lawrence advised that the property is zoned Rural Residential 2 (RR-2) and that the RR-2 zone permits one detached accessory suite.

The Chair confirmed that the applicant was present.

The applicant stated that the accessory building will not have plumbing fixtures and that his family may use the structure for woodworking or for a home based business in future.

Malcolm Taylor, Shirley, stated support for the application, noting that, due to the structure's siting and the property's landscaping, the structure is not visible from the road.

A property owner adjacent to the subject property stated support for the application.

LUC comments included:

- the subject property is 0.4 ha
- if the property was 0.5 ha, the permitted total floor area would be 250 m<sup>2</sup>
- concern that approval of the variance is precedent setting

Iain Lawrence advised that variance applications are reviewed on an individual basis and that the subject property is located in the Sheringham Estates subdivision, which includes lots of various sizes which are permitted a total floor area of either 100 m<sup>2</sup> or 250 m<sup>2</sup>.

**MOVED** by Dale Risvold, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the CRD Board that Development Variance Permit VA000150 for Lot 105, Section 95, Renfrew District, Plan 26054, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01 (2)(c), by increasing the maximum combined total floor area of all accessory buildings and structures on a lot 2,000 m<sup>2</sup> or greater and less than 5,000 m<sup>2</sup> from 100 m<sup>2</sup> to 160.53 m<sup>2</sup>, for the purpose of constructing a garage with vaulted finished space on a second floor, be approved.

**CARRIED**

## 7. Development Permit with Variance Applications

### a) DV000065 - Lot 1, Section 128, Sooke District, Plan VIP58851 (5480, 5488, 5494 Mt. Matheson Road)

Iain Lawrence spoke to the staff report and the requested development permit with variance to address the Steep Slopes, Riparian and Sensitive Ecosystem Development Permit (DP) guidelines, and to decrease the front yard setback requirement for an accessory building for a proposed three-lot subdivision in the Rural Residential 6A (RR-6A) zone. It was confirmed that the applicant has submitted a geotechnical report and an environmental report to support the proposed development permit for subdivision.

Iain Lawrence directed attention to the letter of support received from Martin Humphries, East Sooke, as included in the supplementary agenda.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- the accessory building subject to the variance was built approximately two years ago
- the remaining buildings and driveway were built approximately 20 years ago
- when he built the accessory building two years ago he was not aware that a variance would be required to permit subdivision
- the accessory building subject to the variance request was sited to fit the natural layout of the property

**MOVED** by Stan Jensen, **SECONDED** by Dale Risvold that the Land Use Committee recommends to the CRD Board that Development Permit with Variance DV000065, for Lot 1, Section 128, Sooke District, Plan VIP58851, to authorize a three-lot subdivision and to vary the Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 4.01(d) by reducing the front yard setback for an existing accessory building on proposed Strata Lot 3 from 15 m to 2.76 m, be approved.

**CARRIED**

**b) DV000066 - Lot 2, Section 95, Sooke District, Plan 45068 (1021 Parkheights Drive)**

Iain Lawrence spoke to the staff report and the request for a development permit with variance for a steep slopes, sensitive ecosystems, and riparian development permit with variance to reduce the requirement that 10% of the parcel fronts onto a highway for the purpose of creating a two-lot subdivision in the Rural Residential 6A (RR-6A) zone.

Iain Lawrence directed attention to the letters of support from Bev Benson, East Sooke, and Marjorie Schmidt, East Sooke, as included in the supplementary agenda.

Iain Lawrence responded to a question from the LUC confirming that where frontage requirements are not specified by local government bylaw, the requirement specified by the *Local Government Act (LGA)* would apply. In either case, the LUC would need to consider a variance to the required minimum. It was further confirmed that the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, outlines the requirements for panhandle lots and minimum frontage on the highway.

**MOVED** by Sandy Sinclair, **SECONDED** by Stan Jensen that the Land Use Committee recommends to the CRD Board that Development Permit with Variance DV000066, for Lot 2, Section 95, Sooke District, Plan 45068, to authorize a two-lot subdivision and to vary the Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 3.10(4) by reducing the frontage requirement for proposed Lot B from 58.6 m (10%) to 10.05 m (1.7%), be approved.

**CARRIED**

**8. Cannabis Retail Application**

**a) LP000004 - Lot 2, Section 31, Otter District, Plan VIP39224 – 7875 West Coast Road**

Iain Lawrence spoke to the staff report and the application received for a licenced private cannabis retail store in Otter Point.

Iain Lawrence directed attention to the supplementary agenda which includes a letter of opposition from Gunter Rieper and Rita Rieper, Otter Point, and the letters of support from Arlene Rose Stenvall, Otter Point, and Alexander Kalicki, Otter Point, as well as a letter from the applicant. It was confirmed that the letters of support and the letter from the applicant state support for retaining the bus stops located in front of retail establishment.

Iain Lawrence responded to a question from the LUC confirming that the evaluation criteria outlined in the Juan de Fuca Cannabis Retail Licence Application Policy allows for consideration of the proposed establishment relative to the location of sensitive uses such bus stops and exposure to youth.

LUC discussion ensued regarding the staff recommendation that the licence be withheld until completion of a building permit for the proposed retail store occupancy and the recommendation that the applicant and the Liquor and Cannabis Regulation Branch work with BC Transit and School District #62 to locate their bus stops in a suitable location.

The Chair stated support for not including that part of the recommendation regarding the licence being withheld as the applicant can work concurrently with the CRD to resolve building permit requirements, and also for not including the statement regarding the bus stops as the Province can address their location.

**MOVED** by Director Mike Hicks, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the CRD Board:

- a) That a resolution for the cannabis retail application LP000004 for Lot 2, Section 31, Otter District, Plan VIP39224, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence; and
- b) That the public comments received be forwarded to the Liquor and Cannabis Regulation Branch.

**CARRIED**

## 9. Temporary Use Permit Application

### a) TP000010- Lot 4, Section 47, Otter District, Plan 23769 (7822 Tugwell Road)

Iain Lawrence spoke to the staff report and the request for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility in the Rural Residential 2 (RR-2) zone. Iain Lawrence outlined the comments received from referral agencies as included in the staff report. It was confirmed that the conditions of the temporary use permit have been revised to address the comments received from the Otter Point Advisory Planning Commission (APC).

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that the proposed building is located:

- approximately 45 ft from each adjacent property line
- approximately 150 ft from the residence on one side of the property
- approximately 250 ft from the residence on the other side of the property

In response to comment received from the Otter Point APC, the applicant reported that he has collected letters of support from neighbouring residents.

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

- a) That the referral of Temporary Use Permit TP000010, directed by the Juan de Fuca Land Use Committee on January 15, 2019, to the Otter Point Advisory Planning Commission, BC Hydro, District of Sooke, Island Health, the Archaeology Branch and Groundwater Protection Branch of Ministry of Forests Lands Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, RCMP, T'Sou-ke First Nation and appropriate CRD departments be approved and the comments received;
- b) That Temporary Use Permit TP000010, to allow a federally licensed micro-cannabis cultivation facility in the Rural Residential Two (RR-2) zone, on Lot 4, Section 47, Otter District, Plan 23769, be approved; and
- c) That a covenant be registered prior to issuance of the permit 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. Rezoning Application

### a) RZ000262 - Lot 3, Section 88, Sooke District, Plan 38149 (5728 Titan Place)

Iain Lawrence spoke to the staff report and the request to rezone the subject property from the Rural Residential 3 (RR-3) zone to the Rural Residential 6A (RR-6A) zone to permit a three-lot subdivision. Iain Lawrence outlined the comments received from referral agencies as included in the staff report. It was confirmed that the application is consistent with the policies of the East Sooke Official Community Plan and that the applicants could have pursued rezoning to four lots, but that the applicants have requested rezoning to three lots.

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

- a) That the referral of proposed Bylaw No. 4285, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019" directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission, appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests Lands Natural Resource Operations and Rural Development; Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4285, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019" 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. 4285.

**CARRIED**

## 11. Adjournment

The meeting adjourned at 7:50 pm

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Chair