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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, May 21, 2019, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair), Stan Jensen, Vern McConnell, Roy McIntyre, Dale Risvold, Sandy Sinclair
Staff: Iain Lawrence, Manager, Community Planning; Wendy Miller, Recorder
ABSENT: Ron Ramsay
OTHER: Alternate Director Wally Vowles
PUBLIC: 2

The meeting was called to order at 7:00 pm

1. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the agenda be approved, as amended, to consider application DV000067 first and TP000008 last.

CARRIED

2. Approval of the Supplementary Agenda

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

CARRIED

3. Adoption of Minutes from the Meeting of April 16, 2019

MOVED by Roy McIntyre, **SECONDED** by Stan Jensen that the minutes from the meeting of April 16, 2019, be adopted.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

a) At its meeting of May 8, 2019, the CRD Board adopted a resolution to issue temporary use permit TP000010 to permit a micro-cannabis cultivation facility (7822 Tugwell Road). At that same meeting, the CRD Board adopted Bylaw No. 4265, rezoning 590 Seedtree Road from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a four-lot subdivision.

b) A public hearing is scheduled for Official Community Plan amendment and rezoning application RZ000252 (Osprey Place/Bylaw No. 4254):

Date: Wednesday, May 29, 2019

Time: 6 pm

Place: Port Renfrew Community Centre, 6638 Deering Road, Port Renfrew, BC

- c) A public information meeting is scheduled for rezoning application RZ000265 (17015 Parkinson Road) and proposed Bylaw No. 4266 (Development Permit Areas and Development Approval Information):

Date: Wednesday, May 29, 2019

Time: 6 pm, after the close of public hearing for Bylaw No. 4254

Place: Port Renfrew Community Centre, 6638 Deering Road, Port Renfrew, BC

- d) A public hearing is scheduled for rezoning application RZ000262 (5728 Titan Place):

Date: Wednesday, June 12, 2019

Time: 7 pm

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

6. Development Permit with Variance Application

a) DV000067 - Lot 1, Section 43, Highland District, Plan 14620 (6900 Mark Lane)

Iain Lawrence spoke to the staff report and the request for a steep slopes and a foreshore development permit with variance to reduce the rear and exterior side setback requirements for the purpose of renovating an existing residence and accessory buildings in the Community Residential One (CR-1) zone.

Iain Lawrence spoke to the geotechnical report included in the staff report that describes the site as sloping down from Mark Lane towards the west at a steep inclination of approximately 40 degrees. A picture of the subject property was presented to the LUC showing the location of the residence and carport relative to Mark Lane. It was confirmed that modifications to the retaining wall adjacent to the carport will be required, that excavation will be required and that the geotechnical report recommends installation of silt abatement fencing to limit sediment ingress to the marine area.

Iain Lawrence directed attention to the variance as identified on the site plan and to the letter of support received from Ken and Kathryn Ilott, Willis Point, as included on the supplementary agenda.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC confirming that:

- the pool house will be demolished down to the concrete foundation
- the pool will be filled in and the pool house foundation will be utilized to construct a landscaped terrace
- the boathouse encroaches onto the right-of-way
- no renovations to the boathouse are planned at this time

Iain Lawrence responded to a question from the LUC confirming that the building permits applied for in the 1970s were not completed.

The applicant stated that the closest property owner (6890 Willis Point) has not stated objection to the proposal.

LUC comments included:

- the development permit with variance will allow the structures to come into compliance
- the closest property owner (6890 Willis Point) also has a development permit with variance to bring the property into compliance

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

That Development Permit with Variance DV000067, for Lot 1, Section 43, Highland District, Plan 14620, to authorize construction in a steep slope and foreshore development permit area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d) by:

- a) reducing the rear setback from 6 m to 1.5 m for renovation of the residence; and
- b) reducing the rear setback from 1.5 m to 0.1 m for renovation of the accessory pool building; and
- c) reducing the exterior side setback from 4.6 m to 0.8 m for improvements to the accessory carport and rock wall structures,

be approved.

CARRIED

7. Provision of Park Land for Subdivision

a) SU000699/SU000700 - Lot 2, Section 97, Sooke District, Plan 15036 (6400 Block East Sooke Road)

Iain Lawrence spoke to the staff report addressing the provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act* for a proposed subdivision.

Iain Lawrence confirmed that the initial rezoning application (RZ000253) to support the nine-lot subdivision was considered by the East Sooke Advisory Planning Commission (APC) on August 8, 2018. At that meeting, the APC stated support for the protected area proposed by the applicant not being dedicated as park as the area acts as a wildlife corridor. It was further confirmed that the subdivision application was considered by the Juan de Fuca Electoral Area Parks and Recreation Commission on May 29, 2019. At that meeting, the commission supported protection of the wildlife corridor through a multi-party covenant and park land dedication in the form of cash-in-lieu.

Iain Lawrence responded to questions from the LUC advising that:

- protection of the corridor will be secured by a restrictive covenant between the CRD, private property owners and the future strata
- in accordance with the professional report submitted at the time of rezoning, the development permit with variance application (DV000068) required for subdivision will require that a professional biologist be consulted regarding the driveways that will cross through the corridor
- payment for park purposes is required for phase two of the subdivision (seven lots)
- payment for park purposes is required prior to registration of the seven-lot subdivision

The Chair confirmed that the applicant was present.

The applicant stated that he considers the protected area to be an asset to the land. The applicant confirmed that access to the corridor will be limited to the private property owners registered on the covenant and that the covenant will restrict alteration to the corridor.

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

That 5% cash in lieu of park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot 2, Section 97, Sooke District, Plan 15036.

CARRIED

8. Proposed Bylaws

a) **Bylaw No. 4290, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 2018” (Sooke Business Park)**

Iain Lawrence spoke to the staff report for proposed Bylaw No. 4290 that would establish a consistent land use zoning designation for parcels within the Sooke Business Park development. Iain Lawrence directed attention to the referral comments received and confirmed that the Juan de Fuca Local Area Services Building, located in the development, will remain zoned Juan de Fuca Public Service Building (P-4).

MOVED by Sandy Sinclair, **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 to the Otter Point Advisory Planning Commission; BC Hydro; District of Sooke; Island Health; 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. 4290, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 143, 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. 4290.

CARRIED

b) **Bylaw No. 4303, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 145, 2019” (Fencing)**

Iain Lawrence spoke to the staff report for proposed Bylaw No. 4303 that would establish additional fencing regulations to specify that the use of barbed-wire, razor wire and electric wire as a fencing material is only permitted where such fences are necessary for the confinement of livestock, or where a fence is required to limit access to a lawful commercial, industrial, community or institutional use and the wire component is no closer than 2 m to the ground.

Iain Lawrence responded to questions from the LUC confirming that:

- the bylaw was prepared in response to a complaint of a barbed-wire fence being erected along the boundary of two rural residential properties
- while the bylaw amendment might not apply to the current complaint, the *Community Charter* permits local governments to declare certain structures to be hazardous and require remedial action
- should the bylaw be adopted, property owners could apply for a variance for fencing that does not comply with the fencing regulations

LUC discussion ensued regarding:

- fencing required for growing and rearing not related to farm practices
- fencing required to limit human-wildlife conflicts
- enforcement of the proposed bylaw

Iain Lawrence responded that the Ministry of Environment discourages the use of barbed-wire fencing as it can injure wildlife.

MOVED by Dale Risvold, **SECONDED** by Sandy Sinclair that proposed Bylaw No. 4303 not be referred.

CARRIED

Director Hicks excused himself from the meeting at 7:40 pm, declaring a potential conflict of interest as a family member has an interest in an adjacent property.

The Vice Chair, Roy McIntyre, took the position of chair.

Alternate Director Vowles joined the meeting.

9. Temporary Use Permit Application Renewal

a) TP000008 - For 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 (Parkinson Road)

Iain Lawrence spoke to the staff report and the request for a three-year renewal of temporary use permit TP000008 for the purpose of continuing to allow the operation of a 60-slip commercial marina, providing moorage for commercial vessels and private pleasure craft, as well as a mobile food service, offices, fuel sales, retail sales, boat trailer parking and boat storage within the Marine (M) and Community Residential 1 (CR-1) zones.

Iain Lawrence directed attention to the permit included in the staff report which includes two additional permit conditions that are intended to address complaints received regarding water use and the construction of accessory structures.

The Vice Chair confirmed that the applicant was not present.

Iain Lawrence responded to questions from the LUC confirming that:

- the rezoning application (RZ000242) for the marina development remains active
- as part of the rezoning process, the applicant has been working to address concerns raised by the public, including completion of an environmental report, provision of a site plan showing vehicle and trailer parking areas, and development of a phasing plan related to water and sewage treatment demand
- at this time, the marina development is trucking sewerage out and trucking potable water in
- the rezoning application will move forward once a development agreement between the owner and the CRD is prepared
- the proposed bylaw for the rezoning, Bylaw No. 4096, will return for recommendation that the bylaw proceed to second reading when the development agreement is readied for review by the LUC
- the maximum the permit can be renewed is three years

LUC discussion ensued regarding the term of the permit renewal.

MOVED by Alternate Director Vowles, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the CRD Board:

That a three year renewal for Temporary Use Permit TP000008 to allow the 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 be approved subject to the following conditions:

- a) That the mobile food service be operated in accordance with Island Health's requirements for food service facilities, including permits to operate a water system.
- b) That no additional structures or modifications to structures be constructed on the lands for a use under this permit until such time as authorized by bylaw.

CARRIED

10. Adjournment

The meeting adjourned at 8:03 pm

Chair