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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, July 16, 2019, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

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

The meeting was called to order at 7:03 pm

1. Approval of the Agenda

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the agenda be approved.
CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from the Meeting of May 21, 2019

MOVED by Roy McIntyre, **SECONDED** by Sandy Sinclair that the minutes from the meeting
of May 21, 2019, be adopted.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

a) At its meeting of July 10, 2019, the CRD Board:

- approved a three year renewal of Temporary Use Permit TP000008 for operation of the commercial marina in Port Renfrew
- adopted Bylaw No. 4254, redesignating a property at Osprey Place from Residential (R) to Tourism Commercial (TC) and rezoning the property 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 (RZ000252)
- adopted Bylaw No. 4285, rezoning 5728 Titan Place from Rural Residential 3 (RR-3) to Rural Residential 6A (RR-6A) for the purpose of permitting a 3-lot subdivision (RZ000262)

b) After consulting with the Chair, the LUC will adjourn for the month of August, unless there is a pressing matter.

6. Correspondence

a) Regional Growth Strategy Population Projections Update

Iain Lawrence spoke to the correspondence from the CRD Board Chair, and outlined that the Regional Board welcomed comment regarding the proposed Regional Growth Strategy amendment from the LUC.

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the correspondence be received.

CARRIED

7. Development Permit with Variance Application

a) DV000058 - Lot 17, Section 43, Highland District, Plan 14620 (6736 Mark Lane)

Iain Lawrence spoke to the staff report and the request for a development permit with variance to address the Steep Slope Development Permit guidelines and to reduce the side yard setback for the purpose of constructing an accessory building.

Iain Lawrence advised that the recommendations from the geotechnical report submitted as part of the application process have been added as conditions of the development permit.

The Chair confirmed that the applicant was present.

The applicant stated that:

- the existing accessory building is a high pitch A-frame
- the A-frame will be removed and a second storey and carport added
- no trees will be felled as part of the building project
- a hedge separates the building from the closest neighbor to the south
- no views will be impacted
- accessory building finishes will match the single-family dwelling finishes

Iain Lawrence 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.

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

That Development Permit with Variance DV000058 for Lot 17, Section 43, Highland District, Plan 14620, to authorize construction in a Steep Slopes Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part IV, Section 22.2(d)(ii), by reducing the side yard setback from 1.5 m to 0.62 m for the purpose of constructing an addition to an accessory building, be approved.

CARRIED

At this time, the agent for Development Variance Permit VA000148 advised that the applicant would be arriving shortly and requested that the LUC withhold consideration until his arrival.

The Chair supported the request.

8. Building Conversion to Strata Application

a) BC000023 - Lot 1, Block 453, Malahat District, Plan VIP84067 (1480 & 1490 Finlayson View Place)

Iain Lawrence spoke to the staff report and the request to convert two single-family dwelling buildings to strata at 1480 and 1490 Finlayson View Place.

Iain Lawrence confirmed that:

- the subject property is located in the Goldstream Heights development
- the property is split-zoned Greenbelt 3 (GB-3) and Greenbelt 2 (GB-2) in the Malahat Land Use Bylaw, 1981, Bylaw No. 980
- Bylaw No. 980 states that where a lot is included in more than one zone, the zone boundary shall be deemed to be a lot boundary for the purposes of determining applicable uses and densities
- one single-family dwelling is complete and a second single-family dwelling is under construction
- the existing groundwater well on the property provides an estimated flow rate of 26,712 litres per day
- Bylaw No. 980 requires proof of potable water of at least 1,400 litres per day for each single-family dwelling and each suite

The Chair confirmed that the applicant was not present.

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

That Building Conversion Strata BC000023, for Lot 1, Block 453, Malahat District, Plan VIP84067, to obtain individual title for two single-family dwellings as shown on the Sketch Plan prepared by Glen Mitchell, BCLS, be approved subject to the following conditions:

- i. Approval for a water supply system under the *Drinking Water Protection Act* be obtained;
- ii. A certificate of occupancy for the dwelling at 1490 Finlayson View Place be obtained;
- iii. The submission of a final survey plan for endorsement by the General Manager, Planning & Protective Services Department.

CARRIED

9. Rezoning Applications

a) 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. It was confirmed that the building strata, granting individual title to the ground-floor retail space and each of the three dwelling units above was registered in April 2003 prior to the adoption of a zoning bylaw for Port Renfrew in August 2004. As 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*. It was further confirmed that the bylaw amendment was prompted by the applicant as part of the process to purchase one of the dwelling units.

Iain Lawrence directed attention to the referral comments received from agencies and to the minutes from the May 29, 2019, public information meeting held in Port Renfrew. It

was advised that two members of the public stated support for the proposal and that no objections to the proposal were stated at the public information meeting.

The Chair confirmed that the applicant was not present.

Iain Lawrence responded to a question from the LUC confirming that the bylaw amendment is site specific as proposed Bylaw No. 4292 specifies that three dwelling units above the retail store or tourist facility are permitted on the subject property.

MOVED by Roy McIntyre, **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 to a public information meeting; 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 CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4292, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 12, 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. 4292.

CARRIED

b) RZ000268 - Lot 12, Section 128, Sooke District, Plan VIP58851 (5495 Mt. Matheson Road)

Iain Lawrence spoke to the staff report and the request to rezone the subject property from the Rural (A) zone to the Rural Residential 6A (RR-6A) zone to permit a four lot subdivision.

Iain Lawrence confirmed that:

- a development permit was issued to authorize construction of two dwellings and driveways within the steep slopes, riparian and sensitive ecosystem DPAs (DP-18-12)
- there is one house on the property that was constructed in 2014
- covenant CA3979900 is registered on title requiring a professional engineer to confirm that the land is safe for the use intended
- there an easement to provide access to a shared well on the adjacent property
- the East Sooke Official Community Plan, Bylaw No. 4000, supports an average density of one parcel per one hectare within a plan provided that no new parcels are created with an area of less than 0.4 ha

Iain Lawrence responded to questions from the LUC confirming that:

- proof of potable water is a condition of subdivision
- subdivisions are approved by the Provincial Approving Officer
- the Province regulates water licences and approvals

MOVED by Vern McConnell, **SECONDED** Sandy Sinclair by that staff be directed to refer proposed Bylaw No. 4314, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 146, 2019" to the East Sooke Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and the following external agencies for comment.

BC Hydro	FLNR – Archaeology Branch	Scia'new First Nation
District of Sooke	Ministry of Transportation and Infrastructure	Sooke School District #62
Island Health	RCMP	T'Sou-ke First Nation

CARRIED

The Chair requested that Development Permit VA000148 be considered at this time.

10. Development Variance Application

a) **VA000148 – Lot B, Section 97, Sooke District, Plan VIP82392 (1617 Cole Road)**

Iain Lawrence spoke to the staff report and the request for a development variance permit to reduce the setback requirements for a barn on proposed Lot 6 of a seven-lot subdivision. It was noted that the staff report states that the barn was constructed in 2012 and that the existing house will be located on proposed Lot 1. It was confirmed that the barn was constructed in 2011, that the existing house will be located on proposed Lot 2 and that the subdivision will be serviced by a community septic system.

Iain Lawrence presented pictures of the barn, which is currently used to house llamas. It was reported that the barn will become the principal building on proposed Lot 6 upon registration of the subdivision and that the future owners of Lot 6 could continue using the barn for an agricultural use or apply to convert the structure to an accessory building.

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

That Development Variance Permit VA000148, for Lot B, Section 97, Sooke District, Plan VIP82392 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 9.10, by reducing the setback requirement for farm buildings from 15 m to 3.4 m on the west parcel boundary and from 15 m to 1.43 m from the south parcel boundary on proposed Lot 6, be approved.

CARRIED

11. Zoning and Official Community Plan Amendment Application

a) RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)

Iain Lawrence spoke to staff report and the request to rezone a 5 ha portion of the subject property from Rural A to Rural Residential 2 (RR-2) to allow a five lot rural residential subdivision, to rezone a 6 ha area to a new Industrial Sawmill (M-3) zone, and to rezone a 4 ha portion to a new Industrial Aquaculture (M-4) zone. An amendment to the Otter Point Official Community Plan is also proposed to designate portions of the property as Watercourses & Wetland Areas and Commercial & Industrial development permit areas.

Iain Lawrence directed attention to Bylaw No. 4316, which provides regulations for the new Industrial Sawmill zone and the new Industrial Aquaculture zone including regulations for screening and parking.

The Chair confirmed that the application representatives were present.

Iain Lawrence responded to questions from the LUC confirming that the subdivision (SU000711) application proposes fee simple lots and that the lots will be serviced by individual septic systems.

The representative for the proposed aquaculture facility responded to questions from the LUC and the public advising that:

- the proposed facility is anticipated to produce 326 metric tons of leafy greens and 66 metric tons of trout annually
- organic compost will be produced as a byproduct of the processing facility
- compost will be trucked out for retail use
- the facility will be serviced by well water, recycled water or trucked water, if required
- Noa Fisheries will supply the trout stock
- the facility is anticipated to employ 20 workers

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that staff be directed to refer Bylaw No. 4316, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019" and Bylaw No. 4317, "Otter Point Official Community Plan Bylaw, 2014, Amendment Bylaw No. 2, 2019" to the Otter Point Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Commission, to appropriate CRD departments and the following external agencies for comment.

BC Hydro	Ministry of Agriculture	RCMP
Department of Fisheries and Oceans	Ministry of Environment and Climate Change Strategy	Sooke School District #62
District of Sooke	FLNR – Ministry of Forests, Lands and Natural Resource Operations	T'Sou-ke First Nation
Island Health	Ministry of Transportation and Infrastructure	

CARRIED

12. Proposed Bylaw

a) **Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019” (Port Renfrew Development Permit Areas and Development Approval Information)**

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4266. Iain Lawrence directed attention to the referral comments received from agencies and to the minutes from the May 29, 2019, public information meeting held in Port Renfrew.

Iain Lawrence advised that:

- the comments received from the public information meeting indicate support for better stream mapping
- establishment of a development approval information area bylaw will allow staff to request professional engineer reports to support development permit applications
- development permit mapping will improve as the professional reports are submitted to support development applications
- the provincial *Heritage Conservation Act* is the legislation that provides protection and conservation of heritage sites including archaeological sites
- the Archaeology Branch must be notified if evidence of an archaeological site is encountered during development

MOVED by Roy McIntyre, **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 to a public information meeting; Agricultural Land Commission; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; FLNR – Resource Management Objectives Branch; TRAN – Ministry of Transportation and Infrastructure; Pacheedaht First Nation; School District #62 – Sooke; and CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4266, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 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. 4266.

CARRIED

13. Building Strata Policy

Iain Lawrence spoke to the proposed building conversion to strata application policy that will supplement the Juan de Fuca Development Fees and Procedures Bylaw, Bylaw No. 3885, by outlining required application information and the review process for requests to convert previously occupied buildings to a strata in accordance with the *Strata Property Act*.

Gerard LeBlanc, Shirley, questioned if the new policy permits accesses to existing homes to remain easements or if the accesses would need to be improved to meet road standards required by the Ministry of Transportation and Infrastructure.

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

- under the new proposed policy, the LUC would provide recommendation directly to the CRD Board
- a property's zone determines density for building conversion to strata applications
- accesses to existing homes could remain as easements or be designated as common property
- the policy can be amended, as required, to address issues identified through the application process, including access requirements

MOVED by Roy McIntyre, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the CRD Board that the Juan de Fuca Building Conversion to Strata Application Policy be approved.

CARRIED

14. Adjournment

The meeting adjourned at 8:00 pm.

Chair