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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, September 21, 2021 at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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

**PUBLIC:** Approximately 13 EP

EP – Electronic Participation

The meeting was called to order at 7:02 pm.

The Chair provided a Territorial Acknowledgment.

**1. Approval of the Agenda**

At this time, it was advised that the applicant for Development Permit with Variance Application DV000082 for 4-7450 Butler Road has requested that consideration of the application be withdrawn from the September 21, 2021, Juan de Fuca Land Use Committee meeting agenda.

**MOVED** by Dale Risvold, **SECONDED** by Vern McConnell that the agenda be approved, as amended.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Dale Risvold, **SECONDED** by Vern McConnell that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of July 20, 2021**

**MOVED** by Sandy Sinclair, **SECONDED** by Stan Jensen that the minutes from the meeting of July 20, 2021, be adopted.

**CARRIED**

**4. Chair's Report**

The Chair thanked everyone for coming to the meeting and asked that the members continue attending meetings electronically until such time that the public is able to attend meetings in-person.

**5. Planner's Report**

No report.

**6. Radio Communication and Broadcasting Antenna Systems Application**

**a) LP000025 - District Lot 175, Renfrew District (Cedar Coast Road)**

Iain Lawrence spoke to the staff report for the application received from Rogers Communications for a 57 metre (m) radio communication tower with attached antennas and satellite dishes for the purpose of expanding telecommunications services.

Iain Lawrence highlighted the site plan and orthophoto showing the subject property and proposed tower location. It was advised that this radio communication tower application, which includes a CREST antenna, and a previously CRD Board supported radio communication tower application (LP000021) are part of the initiative to expand service between Sooke and Port Renfrew.

Iain Lawrence confirmed that no comments were 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 application representative was present.

Brian Gregg, representative for Rogers, responded to a question from the LUC advising that site preparation works will commence as each tower location is approved. Tower installation will proceed once fabrication/construction project contracts are finalized.

**MOVED** by Sandy Sinclair, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of concurrence be provided to Rogers Communications for the proposed 57 m radio communication and broadcasting antenna system on District Lot 175, Renfrew District.

**CARRIED**

**7. Development Permit with Variance Applications**

**a) DV000078 - Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132 (6301 Quail Peak Place)**

Iain Lawrence spoke to the staff report for the application for a development permit with variance to authorize construction of a single family dwelling, reduce the front yard and side yard setback requirements, and permit that parking be located within the front yard setback of a residential parcel.

Iain Lawrence highlighted the subject property map, site plan and building elevations. It was advised the *Riparian Areas Protection Regulations (RAPR) Assessment Report* submitted as part of the application addresses the CRD Riparian DP guidelines for the proposed development and has been approved by the Province.

Iain Lawrence reported that the subject parcel was created through lot averaging and is .26 ha. The smaller lot size, combined with the required Streamside Protection and Enhancement Area (SPEA) setback for the creek transecting the parcel places restrictions on the buildable area and parking locations.

Iain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair responded to a question from the public confirming that the subject property is not serviced by the Seagirt Waterworks District; the subject property is serviced by the Juan de Fuca Water Distribution Service.

**MOVED** by Stan Jensen, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000078 for Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132, to authorize construction of a single-family dwelling within a Riparian and Sensitive Ecosystem Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

1. Part 2, Section 9.09(a) to reduce the front yard requirement from 7.5 m to 5.5 m;
2. Part 2, Section 9.09(b) to reduce the side yard requirement from 6 m to 2.5 m; and
3. Part 3, Section 6.0(3) to permit parking to be located within the required front yard be approved.

**CARRIED**

**b) DV000081 - Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011 (12036 West Coast Road)**

Iain Lawrence spoke to the staff report for the application for a development permit with variance to authorize subdivision on a parcel designated as Steep Slope, Riparian, and Sensitive Ecosystem Development Permit (DP) areas and to reduce the requirement that 10% of a parcel fronts onto a highway.

Iain Lawrence highlighted the subject property map, proposed subdivision plan and watercourse mapping as included in the Environmental Assessment report submitted to address the Riparian DP and Sensitive Ecosystem DP guidelines. It was advised that the subdivision area is currently classified as Private Managed Forest Land (PMFL) and that future works on the lots will require a development permit and riparian assessment report if works are to take place in the riparian assessment area. Staff support the proposed lot layout as it minimizes stream crossings through the use of panhandle driveways and shared access driveways.

Iain Lawrence directed attention to the submissions included in the supplementary agenda.

The Chair confirmed that the application representatives were present.

The representatives responded to questions from the LUC advising that:

- the trees are third growth and are approximately 15-20 m high and 20-30 cm in diameter
- a 10 m SPEA has been established for Second Creek and for seasonal streams
- the minimum driveway access width is 6 m

Iain Lawrence responded to a question from the LUC advising that the average parcel size is 2 ha with a minimum lot size of 1 ha.

Heather Phillips, Otter Point:

- concerned about the availability of groundwater
- the community, through its Official Community Plan review, supports more information regarding groundwater resources
- new uses should not interfere with existing uses

- salmon bearing streams are an existing use

Iain Lawrence responded to questions from the public advising that:

- shared driveways will be established by easement and maintenance of the driveways would fall under the easement agreement
- setbacks are specified by the Wildwood Terrace 4 (WT-4) zone
- the lot layout is finalized once the subdivision plan is registered by the Ministry of Transportation and Infrastructure
- local government approval is not required for road building on PMFL
- the requested variances do not include reduced setbacks from property lines, only frontage reductions

**MOVED** by Stan Jensen, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000081 for Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011 to authorize the subdivision of land designated as Steep Slope, Riparian, and Sensitive Ecosystems Development Permit Areas; and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum frontage requirement from 10% to 1.5% for proposed Lot 1, 5% for proposed Lot 2, 1.1% for proposed Lot 5, 6.2% for proposed Lot 6, 0.9% for proposed Lot 7, 2.5% for proposed Lot 8, 0.5% for proposed Lot 11, and 0.7% for proposed Lot 12, as shown on the Tentative Plan of Subdivision, prepared by J.E. Anderson, dated August 23, 2021, be approved.

**CARRIED**

## 8. Zoning Amendment Application

### a) RZ000274 - Lot 28, Section 15, Otter District, Plan VIP87643 (3312 Otter Point Road)

Iain Lawrence spoke to the staff report for the application to amend the Rural Residential A Kennel (RR-AK) zone to permit an existing accessory athletic facility.

Iain Lawrence highlighted the subject property map, site plan and proposed Bylaw No. 4454.

Iain Lawrence responded to questions from the LUC advising that:

- the kennel operation is currently not active
- athletic facility visitations exceed the home based business regulations
- the kennel was not operated from the accessory building that is used as an athletic facility
- the building permit for the subject accessory building has expired
- in order to complete the permit, the athletic facility use must be either be legalized through rezoning, or discontinued

Heather Phillips, Otter Point, spoke to new provincial legislative that is anticipated in 2022 and questioned if a separate well will be required for the commercial use.

The Chair confirmed that the applicant was presented.

The applicant stated that the:

- property has one well
- well has never run dry
- athletic operation does not provide shower, laundry or kitchen facilities

**MOVED** by Sandy Sinclair, **SECONDED** by Vern McConnell that staff be directed to refer proposed Bylaw No. 4454, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 154, 2021” to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

District of Sooke

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR - Water Protection Section

Island Health

Ministry of Environment & Climate Change Strategy – Environmental Protection and Sustainability

Ministry of Transportation & Infrastructure

Otter Point Fire Department

RCMP

Sc'ianew

T'Sou-ke First Nation

**CARRIED**

## **9. Adjournment**

The meeting adjourned at 8:32 pm.

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Chair