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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, June 21, 2022 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 (EP), Roy McIntyre (EP), Dale Risvold (EP), Sandy Sinclair
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services; Wendy Miller, Recorder
REGRETS: Ron Ramsay
PUBLIC: 9 in-person; 2 EP

EP – Electronic Participation

The meeting was called to order at 7:00 pm.

The Chair provided a Territorial Acknowledgment.

1. Approval of the Agenda

MOVED by Stan Jensen, **SECONDED** by Sandy Sinclair that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Vern McConnell, **SECONDED** by Stan Jensen that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of May 17, 2022

MOVED by Dale Risvold, **SECONDED** by Stan Jensen that the minutes from the meeting of May 17, 2022, be adopted.

CARRIED

4. Chair's Report

The Chair thanked everyone for coming to the meeting.

5. Planner's Report

No report.

6. Development Variance Permit Application

a) VA000155 – Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan121 RW and Except That Part in Plan EPP63580 (Clark Road & Aythree Way)

Iain Lawrence spoke to the staff report for a variance to reduce the requirement that 10% of a parcel front onto a highway, and to reduce the minimum width of a panhandle access strip for the purpose of creating a seven-lot subdivision.

Iain Lawrence highlighted the subject property and advised that:

- the property is the subject of a zoning amendment application which has gone to public hearing

- adoption of the amendment bylaw was pending *Water Sustainability Act (WSA)* approval for works in and about a watercourse, approval of the *Riparian Areas Protection Regulation (RARP)* assessment by the Province, restoration of the riparian areas on the property and approval of a frontage variance and development permit
- *WSA* and *RARP* approval has been granted and an amended development permit issued

Iain Lawrence highlighted the proposed subdivision layout and outlined the frontage variances requested.

Iain Lawrence directed attention to six submissions received and circulated in the supplementary agenda. In response to the comments received, Iain Lawrence advised that:

- the Ministry of Transportation and Infrastructure (MoTI) is the authority responsible for road safety and public road accesses
- despite the narrow frontages, there appears to be between 50 - 60 m of parcel width at the proposed building site locations
- reports of noise and power generation are outside the scope of the frontage variance request
- noise complaints are overseen by CRD Bylaw Enforcement
- approval from the Province would be required for micro hydro generation

The Chair confirmed that the applicant and application representatives were present.

An application representative stated that:

- three subdivision configurations were presented to MoTI
- MoTI has selected the configuration presented this evening
- the configuration is considered to have the least environmental impact in regards to blasting requirements and water crossings while still providing building envelopes that meet yard setbacks and provide a distance of approximately 50 m between house sites

The applicant responded to questions from the LUC stating that:

- a generator had been used initially to power tools
- a generator has not been required since hydro was installed last fall
- the easement through the property is an old rail line
- the adjacent property to the north, Section 41, is accessed off of Clark Road and not through the development site
- number of campsites on proposed Lot 2 is limited to five sites
- the campsites are not intended for use by RVs
- wells for the proposed lots have been drilled
- the road within the subdivision has been paved and is approximately 15 m wide
- the private driveway for proposed Lot 2 was designed by an engineer and has two pull outs
- the private driveway is currently road base with paving anticipated in 2023

Howard Taylor, Otter Point:

- Lot 2 is subject to a rezoning application to permit a campground
- should rezoning be approved, the campground use will be permitted on the land regardless of who owns the land
- Bylaw Enforcement monitoring will be required to ensure the campground use remains in compliance with the zone

- would support the frontage variance request for proposed Lot 2, if the campground use was withdrawn

In response to a question from the LUC, Iain Lawrence clarified that the number of campsites on proposed Lot 2 was reduced to a total of three prior to the Public Hearing.

Andrew MacKay, Otter Point:

- the development proposal has proceeded through various government agency approvals during COVID when in-person public meeting attendance was limited
- the development has not been finalized as the variance requests have not been approved yet
- the committee still has time to consider public feedback
- the committee is the closest to the people and has regulatory responsibilities
- there are already horses on site and lots being advertised as sold although the development is not complete
- concerns continue to be raised regarding noise, the water table, campground use and width of driveways

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

That Development Variance Permit VA000155 for Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121RW and Except That Part in Plan EPP63580 to vary:

- a) Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4) by reducing the required frontage for:
 - i. Lot 2 from 231 m (10%) to 15.7 m (0.68%);
 - ii. Lot 3 from 112 m (10%) to 46 m (4.13%);
 - iii. Lot 4 from 116 m (10%) to 100 m (8.61%);
 - iv. Lot 5 from 134 m (10%) to 51.7 m (3.85%);
 - v. Lot 6 from 116 m (10%) to 38.3 m (3.3%);
 - vi. Lot 7 from 124 m (10%) to 49.4 m (3.99%); and
- b) Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(5)(b) by reducing the minimum width of a panhandle access strip from 20 m to 15.7 m;

for the purpose of creating a seven-lot subdivision, be approved.

CARRIED

7. Development Permit with Variance Application

a) DV000088 - Lot 12, Section 10, Otter District, Plan VIP77477 (2193 Otter Ridge Drive)

Iain Lawrence spoke to the staff report for a development permit with variance to authorize subdivision (SU000737) for a relative on a parcel designated as a Sensitive Ecosystem Development Permit (DP) area, and to reduce the requirement that 10% of the lot perimeter of a parcel front onto a public highway.

Iain Lawrence highlighted the subject property and directed attention to two submissions received and circulated in the supplementary agenda. In response to the comments received, Iain Lawrence advised that the applicant has provided an environmental report in support of the application. Iain Lawrence highlighted photos from the environmental report which states the trees on the subject property are not mature forest and that the adjacent property pond is not subject to the *Riparian Areas Protection Regulation*.

The Chair confirmed that the applicant was present.

The applicant stated that:

- access to both lots was to be by easement over an existing driveway
- MoTI has approved separate driveways for the two lots
- the covenant that restricted further subdivision was released by the CRD
- the purpose of the subdivision is to provide a residence for his son
- the subject property is on Kemp Lake Water
- septic has been approved by Island Health

Dawn Hobenshield, Otter Point:

- owns the property with the pond referenced in the environmental report
- pond is used by wildlife and by the family's dogs and poultry
- there is a covenant registered on title that states that the property is likely to be subject to flooding/erosion
- ditching was required to direct water across the property during last winter's heavy rains
- concerned about additional water runoff from the proposed new lot
- requested comment on the covenant that is registered on lots created for a relative

Iain Lawrence reported that the *Local Government Act* requires that the new lot be for a residential use for five years after subdivision. It was further reported that MoTI requires the owner to provide an affidavit that the subdivision is for a relative.

The applicant stated that the environmental report provides recommendations to limit impact on adjacent properties.

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

That Development Permit with Variance DV000088 for Lot 12, Section 10, Otter District, Plan VIP77477, to authorize the subdivision of land designated as a Sensitive Ecosystems Development Permit Area; 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% (31.6 m) of the lot perimeter to 1.93% (6 m) of the lot perimeter for proposed Lot B, as shown on the plans prepared by West Coast Design and Development Services, dated August 3, 2021, be approved.

CARRIED

MOVED by Sandy Sinclair, **SECONDED** by Stan Jensen that staff request the Ministry of Transportation and Infrastructure consider stormwater drainage as part of the subdivision application review.

CARRIED

8. Temporary Use Permit Applications

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

Iain Lawrence spoke to the staff report for a three year renewal of temporary use permit TP000010 to authorize a federally licensed micro-cannabis cultivation facility in the Rural Residential 2 (RR-2) zone.

Iain Lawrence highlighted the subject property and site plan, identifying the location of the proposed micro facility.

Iain Lawrence outlined permit conditions advising that no activities authorized by the permit have been undertaken as the applicant continues to work to meet Health Canada's requirements for a licensed facility.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- a building permit (BP006599) had been issued for the proposed facility
- COVID and supply costs contributed to the delay in building the facility
- a nursery cannabis licence with Health Canada is currently being pursued
- the nursery would be operated from a shipping container
- the nursery would occupy approximately 200 sq. ft.
- a hydro upgrade is not anticipated
- the nursery would have lower water consumption than micro cannabis cultivation
- a micro cannabis cultivation licence is still desired in the longer term

Iain Lawrence reported that, should the permit be renewed, the permit would be extended for a further three years. After three years, the applicant would need to rezone the subject property or relocate to an appropriately zoned property.

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 three year renewal for Temporary Use Permit TP000010 to authorize a federally licensed micro-cannabis cultivation facility be approved.

CARRIED

b) TP000011 - Lot 4, Section 47, Otter District, Plan VIP52344 (7861 Tugwell Road)

Iain Lawrence spoke to the staff report for a new temporary use permit to allow for the continued operation of a microbrewery with new outdoor patio and expanded food service on land zoned Rural Residential 2 (RR 2).

Iain Lawrence highlighted the subject property and updated site plan, identifying the picnic and patio areas. It was reported that the LUC considered a concurrent CRD liquor licence referral application (LP000031) at its meeting of April 19, 2022. At that meeting the LUC passed a resolution of support for the lounge endorsement subject to issuance of the temporary use permit.

Iain Lawrence directed attention to the referral comment included in the staff report from the Otter Point Fire Volunteer Fire Department, which stated no concerns with the issuance of the permit provided that Tugwell Road does not become blocked by parked vehicles. The referral comment from the Otter Point Advisory Planning Commission (APC) stated support for the application and recommended that the applicant manage parking by designating parking areas through improved signage. The APC comment further stated concern regarding the use of temporary use permits for ongoing uses.

Iain Lawrence highlighted photos and the updated site plan showing the designated parking areas and advised that the permit requires a minimum of thirteen on-site parking spaces.

The Chair confirmed that the applicant was present.

The applicant responded to a question from the LUC reporting that there is one porta-potty on site and that a second wheelchair accessible porta-potty would be ideal.

Iain Lawrence responded to questions from the LUC advising that a new temporary use permit application was recommended rather than renewal of the existing temporary use due to the addition of proposed uses and to allow broader public consultation regarding the expanded service. Should a new temporary use permit be issued, that permit would be for a term of three years with an option to renew for an additional three years.

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

1. That the referral of Temporary Use Permit TP000011, directed by the Juan de Fuca Land Use Committee on April 19, 2022, to the Otter Point Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, RCMP and T'Sou-ke First Nation, be approved and comments be received; and
2. That Temporary Use Permit TP000011, to allow for the continued operation of a microbrewery with new outdoor patio and expanded food service, on Lot 4, Section 47, Otter District, Plan VIP52344, be approved.

CARRIED

9. Proposed Bylaw

a) New Bylaw for Juan de Fuca Electoral Area Advisory Planning Commissions, Bylaw No. 4120

Iain Lawrence spoke to the staff report for proposed Bylaw No. 4120, which would establish a single bylaw for the for the Advisory Planning Commissions (APCs) and the Agricultural Advisory Planning Commission (AAPC). Bylaw No. 4120 would reflect the current role of the APCs, have the members appointed rather than elected, align with current CRD Board procedures and meeting practices, and update the AAPC membership.

Iain Lawrence responded to questions from the LUC advising that:

- maintaining five members on each APC has been difficult
- currently, two of the six APCs are active
- the bylaw proposes to reduce the minimum number of APC members from five to three with a maximum of five members
- the APCs and AAPC would remain advisory to the LUC
- an election would still be held for LUC members
- LUC recommendations would still be considered by the Juan de Fuca Director and four members of the CRD Board

The Chair reported that development proposals would still need to be in keeping with the communities' Official Community Plans.

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

1. That Bylaw No. 4120, "Juan de Fuca Advisory Planning Commission Bylaw No. 1, 2022", be read a first time, a second time and a third time; and
2. That Bylaw No. 4120, "Juan de Fuca Advisory Planning Commission Bylaw No. 1, 2022" be adopted.

CARRIED

10. Adjournment

The meeting adjourned at 8:21 pm.

Chair