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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, July 19, 2022 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), Stan Jensen (EP), Vern McConnell,  
Roy McIntyre (EP), Ron Ramsay, Dale Risvold (EP), Sandy Sinclair  
**Staff:** Iain Lawrence, Senior Manager, JdF Local Area Services;  
Wendy Miller, Recorder  
**PUBLIC:** 3 in-person; 7 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 Vern McConnell, **SECONDED** by Ron Ramsay that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Sandy Sinclair, **SECONDED** by Ron Ramsay that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of June 21, 2022**

**MOVED** by Sandy Sinclair, **SECONDED** by Vern McConnell that the minutes from the meeting of June 21, 2022, be adopted.

**CARRIED**

**4. Chair's Report**

The Chair thanked everyone for coming to the meeting.

**5. Planner's Report**

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

**6. Development Variance Permit Application**

**a) VA000157 – Lot 1, Section 32, Otter District, Plan 25866 (8015 West Coast Road)**

Iain Lawrence spoke to the staff report for a variance to reduce the front yard setback for an accessory building from 7.5 m to 3.8 m, and to allow an accessory building to be located closer to the front lot line than the principle building.

Iain Lawrence highlighted the subject property, site plan and site photo advising that other locations for siting this structure on the property are limited a due to topographic constraints, the shape of the parcel and proximity to the shoreline.

Iain Lawrence confirmed that the applicants have obtained approval from the Ministry of Transportation and Infrastructure for placement of the accessory structure within 4.5 m of the highway right-of-way and that 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 applicants were present.

The applicants stated that the accessory building is a hydro shed with wash sink and that they initially believed that because the building was under 10 m<sup>2</sup> a building permit was not required.

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

That Development Variance Permit VA000157 for Lot 1, Section 32, Otter District, Plan 25866, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 6.07(a), by reducing the front yard setback from 7.5 m to 3.8 m; and Part 1, Section 4.01(1)(d) by allowing an accessory building to be located closer to the front lot line than the principle building to authorize the siting of a utility building, be approved.

**CARRIED**

## 7. Liquor Primary Structural Change for Outdoor Patio Application

### a) LP000033 – Lot 1, District Lots 17, 899 & 929, Renfrew District, Plan VIP79865 (17310 Parkinson Road)

Iain Lawrence spoke to the staff report for a liquor primary structural change for an outdoor patio advising that the provincial Liquor and Cannabis Regulation Branch granted the Port Renfrew Pub a Temporary Expanded Service Area (TESA) to support compliance with the Provincial Health Officer's orders and guidelines regarding physical distancing due to COVID-19. Authorized TESAs are set to expire on March 31, 2023. To make the TESA authorization permanent, the applicant has applied for a new outdoor patio permanent structural change.

Iain Lawrence highlighted the subject property and patio location. It was advised that CRD Building Inspection and the Port Renfrew Fire Department have both supported a patio occupant load of twenty-four persons and that hours of operation for the patio coincide with the hours of operation of the pub which are currently 11:30 am to 8:00 pm but may vary over the season. It was further advised 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 applicant was present.

The applicant stated that:

- interest in outdoor seating has increased in response to COVID-19
- the outdoor patio has been in operation for two years and is generally used in July and August
- no complaints have been received regarding the patio
- the patio will change the boundaries of the liquor licence, but will not increase the total capacity allowed under the licence
- to-date, person capacity exceeding approved occupant load has not been an issue

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

1. That comment be provided to the LCRB confirming that the Land Use Committee has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community of the proposed structural change for outdoor patio application for the Renfrew Pub (LP000033);
2. That public comments received by the Land Use Committee regarding application LP000033 be provided to the LCRB; and
3. That the structural change for outdoor patio application for the Renfrew Pub (LP000033) be supported.

**CARRIED**

## 8. Zoning Amendment Applications

### a) RZ000275 - Lots A-H, and J and K, District Lot 87, Renfrew District, Plan EPP31225 (Kirby Creek Road)

Iain Lawrence spoke to the staff report for a joint application to amend Bylaw No. 2040 by rezoning the subject properties from Forestry (AF) to Rural 2 (RU2) for the purpose of agricultural activities.

Iain Lawrence highlighted the subject properties and advised that the LUC directed referral of the proposal to agencies and to the Shirley/Jordan River Advisory Planning Commission (APC) at its meeting of February 15, 2022.

Iain Lawrence outlined the referral comments included in the staff report and advised that the APC recommended support for the proposal at its meeting of March 15, 2022.

Iain Lawrence responded to questions from the LUC advising that:

- the RU2 would not increase the density permitted by the AF zone
- the RU2 allows the keeping of livestock, but not the operation of a piggery as the RU2 zone does not permit intensive agriculture uses
- the rezoning was initiated by property owners within the subdivision area and only those that expressed interest are included

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

1. That the referral of proposed Bylaw No. 4464, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 155, 2022", to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, 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 Agriculture, Ministry of Transportation & Infrastructure, RCMP, Shirley Fire Department, Sooke School District #62, Pacheedaht First Nation and T'Sou-ke First Nation be approved and the comments received.
2. That proposed Bylaw No. 4464 be introduced and read a first time and read a second time; and;
3. 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. 4464.

**CARRIED**

**b) RZ000278 - Add Detached Accessory Suite as a Permitted Accessory Use in the Wildwood Terrace 4 (WT-4) Zone**

Iain Lawrence spoke to the staff report for a joint application to amend the Wildwood Terrace 4 (WT-4) zone to allow a suite to be located in an accessory building.

Iain Lawrence highlighted the subject property and the proposed amendment to the WT-4 zone. It was advised that the subject area is designated Pacific Acreage by the Shirley – Jordan River Official Community Plan, Bylaw No. 4001, and that accessory suites are in keeping with the residential uses supported by the designation.

Iain Lawrence directed attention to the one submission received and circulated in the supplementary agenda which states general support for the application but concern related to potential nuisance and hazardous activities in the community and CRD oversight of such activities.

The Chair confirmed that the applicant was present and reminded the LUC that opportunity for detached accessory suites was added to Bylaw No. 2040 thirteen years ago as a means of supporting housing options.

Iain Lawrence responded to questions from the LUC advising that:

- the subject properties are designed Private Managed Forest Land (PMFL) by the Province
- the WT-4 zone includes resource extraction as a permitted use as the 144.6 ha Remainder parcel historically includes a gravel processing area
- the LUC has recently considered development applications for the 144.6 ha parcel including applications related to commercial use for a craft brewery, as well as a variance application related to a 12-lot subdivision

**MOVED** by Ron Ramsay, **SECONDED** by Sandy Sinclair that staff be directed to refer proposed Bylaw No. 4496, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 156, 2022" to the Shirley/Jordan River 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 Transportation & Infrastructure

Pacheedaht First Nation

RCMP

Sooke School District #62

T'Sou-ke First Nation

**CARRIED**

**9. Comprehensive Community Development Plan Amendment Application**

**a) RZ000276 - Blocks D and E, District Lots 751 and 911, Renfrew District, Plan EPC2056 (Crown Lease #927321)**

Iain Lawrence spoke to the staff report for the application to rezone the subject property from Marine (M) to a new Commercial Marina (CM-1) zone in order to permit a commercial marina, community use services, food service establishments and retail establishments. Iain Lawrence reported that proposed Bylaw No. 4473 also proposes to rezone an area of foreshore fill in proximity to sea caves to a new Heritage Conservation (HC) zone to protect the integrity of the caves and provide access to them.

Iain Lawrence highlighted the subject property and advised that:

- the subject property was initially granted status as a Licence of Occupation area by the Province on February 25, 2016
- the marina is operating under Temporary Use Permit TP000008 which was issued by the CRD in 2016 and renewed in 2019
- Temporary Use Permit TP000008 will expire on July 24, 2022
- the LUC directed referral of proposed Bylaw No. 4473 to agencies and to a public information meeting at its meeting of February 15, 2022

Iain Lawrence outlined the referral comments included in the staff report and advised that the proposal was considered at a public information meeting on March 7, 2022.

Iain Lawrence directed attention to the one submission received and circulated in the supplementary agenda which states concern regarding the application and concern related to notification of this evening's meeting. It was advised that notification requirements for the meeting were satisfied and, should the application proceed to public hearing, notice of public hearing will be posted to the CRD website, advertised in the local paper and distributed to mailboxes in Port Renfrew.

The Chair confirmed that the applicant was present and advised that:

- the marina proposal has been under review for six years
- the earlier comprehensive proposal for the marina and upland areas (RZ000242) was separated into two separate zoning amendment applications
- only the marina proposal is being considered this evening
- through public feedback and consultation with the Pacheedaht First Nation, concerns regarding the marina proposal related to sewerage and water servicing and protection of the caves have been addressed
- the marina is a local employer, providing office and restaurant jobs and fishing guide work

Iain Lawrence responded to questions from the LUC advising that:

- public hearings are held in accordance with the *Local Government Act*
- upon expiry of Temporary Use Permit TP000008, the current zoning for the upland areas would apply
- any activities related to marina use occurring on the upland areas will need to be relocated upon expiry of Temporary Use Permit TP000008

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

1. That the referral of proposed Bylaw No. 4473, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 14, 2022", to Public Information Meeting, CRD departments, BC Hydro, Cowichan Valley Regional District, Department of Fisheries and Oceans, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR), FLNR - Archaeology Branch, Island Health, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, and Sooke School District #62 be approved and the comments received.
2. That proposed Bylaw No. 4473 be introduced and read a first time and read a second time; and;
3. 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. 4473.

**CARRIED**

## **10. Adjournment**

The meeting adjourned at 7:47 pm.

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Chair