



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, September 20, 2022 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 (EP),
Ron Ramsay, Dale Risvold, Sandy Sinclair
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Wendy Miller, Recorder
ABSENT: Stan Jensen
PUBLIC: 6 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 Vern McConnell, **SECONDED** by Dale Risvold that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from the Meeting of July 19, 2022

MOVED by Dale Risvold, **SECONDED** by Vern McConnell that the minutes from the meeting of July 19, 2022, be adopted.

CARRIED

4. Chair's Report

It was advised that the current LUC membership can anticipate meeting in October and November, prior to the appointment of the new Director.

5. Planner's Report

No report.

6. Development Permit with Variance Application

a) DV000087 – Strata Lot 5, Section 16, Otter District, Strata Plan VIS7096 (11-7450 Butler Road)

Iain Lawrence spoke to the staff report for a development permit with variance to authorize the siting of a permanent shipping container and to authorize construction of an additional building within a designated commercial and industrial development permit area.

Iain Lawrence highlighted the subject property and site plan. The location of the existing boulevard landscaping and the location of the building were identified. The application was referred to the Juan de Fuca Community Parks Program as the building is adjacent to a community trail. Program staff had no concerns regarding the proposed development, and additional landscape screening was not requested.

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 applicants were present.

Iain Lawrence responded to questions from the LUC advising that:

- access for firefighting is considered as part of the building permit referral to the fire department
- spatial separation is considered by the Building Division when building plans are reviewed
- there is a registered architect overseeing the application
- the subject property backs onto vacant strata common property
- the subject property is zoned Sooke Business Park Industrial (M-SBP), which permits a lot coverage of 60%
- rainwater collection is not a requirement of the M-SBP zone

The applicants responded to questions from the LUC advising that:

- the property is serviced by rainwater collection and by trucked water
- the building is a steel structure with no windows
- the structure is the standard height for a shipping container
- the structure will be used for auxiliary cannabis processing

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

That Development Permit with Variance DV000087, for Strata Lot 5, Section 16, Otter District, Strata Plan VIS7096 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 0.6 m for the purpose of constructing an industrial building and to authorize the siting of a permanent shipping container, be approved.

CARRIED

b) DV000090 - Lot 14, Section 97, Sooke District, Plan 14282 (35 Seagirt Road)

Iain Lawrence spoke to the staff report for a development permit with variance application to authorize construction of a single family dwelling with secondary suite and related services, and to reduce the side yard setback requirement.

Iain Lawrence highlighted the subject property, site plan, and construction drawings. It was confirmed that the proposed single family dwelling with secondary suite is sited in the location of the previous dwelling which was constructed in 1974 and demolished in 2019. It was further 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 applicant was present.

The applicant responded to a question from the LUC advising that the subject property has not been subdivided since the original house was constructed.

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That Development Permit with Variance DV000090, for Lot 14, Section 97, Sooke District, Plan 14282, to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 10.09(b) by reducing the side yard setback requirement from 6 m to 3 m to authorize construction of a single family dwelling with secondary suite and related services, be approved.

CARRIED

7. Zoning Amendment Applications

a) **RZ000273 - 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 the staff report for the application that proposes a minor expansion of the Rural Residential 2 (RR-2) zone on the northern portion of the property and rezoning the southern portion of the property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) zone to permit business and general industrial uses.

Iain Lawrence advised that the LUC directed referral of the proposal to agencies and to the Otter Point Advisory Planning Commission (APC) at its meeting of July 20, 2021.

Iain Lawrence directed attention to the referral comments as included in the staff report. It was reported that Otter Point APC considered the proposal at its meeting of August 11, 2021. It was further reported that the applicant has amended the proposal in response to comments from the agencies and the APC. Amendments include a southerly expansion of the RR-2 zone to ensure alignment of future property lines with zoning boundaries; removal of cannabis production and accommodation for recreational vehicles; and limitations to the general industrial use.

Iain Lawrence highlighted the subject property and proposed zoning boundary and outlined the proposed M-RU zone.

The Chair confirmed that the application agent was present.

The application agent responded to a question from the LUC advising that the applicant withdrew the cannabis production and recreational vehicle component from the proposal in response to concerns raised through the referral process regarding high water use.

Iain Lawrence responded to questions from the LUC advising that:

- each of the four M-RU zoned lots proposed by subdivision application SU000711 would be permitted opportunity to have an accessory caretaker unit
- under the original Rural A zoning, the subject property could have been subdivided into three lots and each lot would have had opportunity to have multiple dwellings and a suite
- the maximum floor area proposed by the M-RU zone regulates density

In response to comments received from the APC, the Chair reported that it is not a function of the LUC to monitor water use. Iain Lawrence advised that the applicant was required to register a covenant (CA8709728) to ensure the installation of a 60,000 gallon water supply dedicated to fire protection for the industrial sawmill use and the community, in response to comments made by the APC and the Otter Point Volunteer Fire Department.

The application agent stated that the road access into the subject property has reduced the amount of land zoned RR-2. To support the potential for six rural residential zoned lots, a minor expansion of the RR-2 zone on the northern portion of the property has been requested.

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

- a) That the referral of proposed Bylaw No. 4423, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021" to the Otter Point Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Department of Fisheries and Oceans; District of Sooke; Ministry of Agriculture; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; RCMP; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4423, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021" 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. 4423.

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 advised that the LUC directed referral of the proposal to agencies and to the Shirley-Jordan River Advisory Planning Commission at its meeting of July 19, 2022.

Iain Lawrence directed attention to the referral comments as included in the staff report and highlighted the subject property and proposed amendment to the WT-4 zone.

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

1. That the referral of 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, 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, and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4496 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. 4496.

CARRIED

c) **RZ000279 - Strata Lots 1, 2, 3, & 4, Section 85, Sooke District, Strata Plan EPS1027 Together with an interest in the Common Property in proportion to the Unit Entitlement of the Strata Lot as shown on Form V (476, 478, 480 & 482 Beecher Bay Road)**

Iain Lawrence spoke to the staff report for a joint application to amend Bylaw No. 2040 by changing the zone from Rural Zone – A (Rural A) to the Rural Residential 6A Zone (RR-6A) for the purposes of dissolving the strata and facilitating subdivision to create the equivalent number of parcels.

Iain Lawrence highlighted the subject property and strata plan, advising that the East Sooke Official Community Plan, Bylaw, No. 4000, provides policies to support the rezoning of Rural A zoned lands and existing building strata developments for the purposes of subdivision as an alternative to a building strata to create an equivalent number of lots.

MOVED by Sandy Sinclair, **SECONDED** by Dale Risvold that staff be directed to refer proposed Bylaw No. 4505, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022", to the East Sooke Advisory Planning Commission, First Nations, appropriate CRD departments and the following external agencies for comment:

BC Hydro
District of Sooke
Island Health
Ministry of Forests – Archaeology Branch
Ministry of Forests – Water Protection Section
Ministry of Land, Water and Resource Stewardship
Ministry of Transportation & Infrastructure
RCMP
Sc'ianew (Beecher Bay) First Nation
Sooke School District #62
T'Sou-ke First Nation

CARRIED

8. Adjournment

At this time, the Chair responded to a question from a LUC member advising that comment raised by the Shirley-Jordan River APC at its meeting July 19, 2022, regarding vacation rental use will be an item for consideration by the next Director. The Chair responded to a further question from a LUC member confirming that next Director will make recommendation to the CRD Board to appoint individuals to the APCs and vacant LUC positions.

The meeting adjourned at 7:40 pm.

Chair