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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, August 20, 2024, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Les Herring, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Local Area Services; Darren Lucas, Planner; Wendy Miller, Recorder
PUBLIC: 13 in-person; 6 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Approval of the Agenda

Iain Lawrence confirmed that the variance permit application (VA000162) and the Agricultural Land Reserve application (AG000085) are for 315 Becher Bay Road. Staff will speak to both applications concurrently although each application requires individual consideration.

MOVED by Dale Risvold, **SECONDED** by Ron Ramsay that the agenda be approved.

CARRIED

3. Adoption of Minutes of June 18, 2024

MOVED by Anna Russell, **SECONDED** by Vern McConnell that the minutes from the meeting of June 18, 2024, be adopted.

CARRIED

4. Chair's Report

The Chair welcomed everyone to the meeting and thanked the membership and staff for their service.

5. Planner's Report

The September 17 Land Use Committee (LUC) meeting will be rescheduled to September 24 to accommodate the UBCM convention.

Barefoot Planning and Design is providing consultant services for the update to the Port Renfrew Official Community Plan (OCP). An expression of interest has been issued for the OCP Citizens' Committee.

6. Development Variance Permit Application

a) VA000162 - Parcel A (DD 800531) of Section 86, Sooke District (315 Becher Bay Road)

Iain Lawrence spoke to the application for a development variance permit to increase the maximum combined total floor area allowance for accessory buildings and structures from 250 m² to 314 m² on a lot with an area of more than 5,000 m², for the purpose of constructing a garage and two-storey accessory building with a detached accessory suite; and to increase the maximum height of a detached accessory suite from 7 m to the peak of the roof to 8.37 m, and increase the maximum allowable floor area of a detached accessory suite from 90 m² to 103 m² for the purpose of constructing a detached accessory suite.

The subject property, site plan and building plans were highlighted.

No submissions were received in response to the notice of intent mailed to adjacent property owners and occupiers within 500 m of the subject.

The Chair confirmed that the applicant was present.

Members of the public questioned whether approval of the variances would be precedence setting.

The Chair clarified that applications are considered on an individual basis and that the fact that the structures have been constructed should be considered.

MOVED by Vern McConnell, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the Capital Regional District Board:

That Development Variance Permit VA000162 to authorize the construction of a garage and accessory building with a detached accessory suite on Parcel A (DD 800531) of Section 86, Sooke District, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040:

1. Part 1, Section 4.01 2(c) by increasing the maximum combined total floor area allowance for accessory buildings and structures on a lot with an area of more than 5,000 m² from 250 m² to 314 m²;
2. Part 1, Section 4.20(f) by increasing the maximum floor area permitted for a detached accessory suite from 90 m² to 103 m²; and
3. Part 1, Section 4.20(g) by increasing the maximum height of an accessory building used for a detached accessory suite from 7 m to the peak of the roof to 8.37 m;

be approved and that issuance of the permit be withheld pending approval by the Agricultural Land Commission for a non-adhering residential use in accordance with the *Agricultural Land Reserve Use Regulation*.

Opposed: Ron Ramsay, Anna Russell

CARRIED

7. Non-Adhering Residential Use within the Agricultural Land Reserve Application

a) AG000085 - Parcel A (DD 800531) of Section 86, Sooke District (315 Becher Bay Road)

Iain Lawrence spoke to the application for a non-adhering residential use for the purpose of constructing a detached secondary suite (carriage house) and an accessory building (garage) on land in the Agricultural Land Reserve. It was advised that, in order to obtain a building permit and complete construction, approval for the non-adhering residential use is required prior to approval for variances to increase the allowable floor area and height of a detached accessory suite.

The application was initially considered by the LUC at its meeting of June 18, 2024. At that meeting, the LUC directed referral of the application to the Agricultural Advisory Planning Commission (AAPC). The resolution from the July 23, 2024, meeting of the AAPC was outlined.

No submissions were received in response to the notice of intent mailed to adjacent property owners and occupiers within 500 m of the subject.

Applicant comments included:

- short-term intent is to use the property as a vacation property for family
- long-term intent is to sell land that is currently being farmed and move to the subject property to occupy as a primary residence, using the land and garage for farming
- farming activities to be moved to the subject property in future include steer and geese production and associated equipment
- there is one registered well on site and cisterns would be used in future

Public comments included:

- land clearing in the Becher Bay floodplain has resulted in an increase of silt in the bay, affecting the overall ecology of the bay
- Becher Bay is a First Nation harvesting area
- there are cairns on properties located along Becher Bay
- a provincial water licence is required for agricultural activities

LUC discussion ensued regarding:

- the degree of land clearing and construction completed without building permit oversight
- providing comment to the Agricultural Land Commission based on future intentions
- the detached accessory suite being marginally oversized
- the additional floor area of the detached accessory suite being limited to utility use

The Chair stated that the applicant made early comment during the CRD application process that farm activities are planned on the subject property in future. The Chair further stated that application approval is not an endorsement of works commencing without the appropriate permits in place.

Iain Lawrence confirmed that:

- a development permit has been issued for land clearing (DP000416)
- a stop work order has been issued by the Building Inspection Division
- the provincial *Heritage Conservation Act* applies to the subject property

MOVED by Vern McConnell, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the Capital Regional District Board:

That staff be directed to forward comments from the Juan de Fuca Agricultural Advisory Planning Commission and the Juan de Fuca Land Use Committee to the Agricultural Land Commission for the Land Commission's consideration of the non-adhering residential use application for Parcel A (DD 80053I) of Section 86, Sooke District, in accordance with Section 34(4) of the *Agricultural Land Commission Act*.

Opposed: Ron Ramsay, Anna Russell
CARRIED

8. Zoning Amendment Application

a) **RZ000280 - Lot A Section 74 Renfrew District Plan VIP71883 (11237 West Coast Road) and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW**

Darren Lucas spoke to the application to rezone the subject properties from the Forestry (AF) zone to an amended Rural Commercial Recreation (Campground) (CR-2) zone with a park amenity.

The application was initially considered by the LUC at its meeting of January 17, 2023. At that meeting the LUC directed referral of the application to agencies and to the Shirley-Jordan River Advisory Planning Commission (APC). In response to agency comments and comments received from the APC, the applicant has reduced overall tourist accommodation by approximately 50% and offered a public trail amenity. The assembly space proposed by Bylaw No. 4518 has been removed. A separate temporary use permit application (TP000013) has been submitted to establish a gathering space with conditions at a scale intended to address the concerns expressed by the APC. It was noted that the maximum number of tourist cabins per a parcel initially proposed by the application is 30, not 20 as advised in the staff report. Should rezoning be approved, a development permit would be required to support the commercial development.

The subject property and updated concept plan were highlighted.

The Chair confirmed that the applicant was present.

Applicant comments included:

- the property would be built out gradually
- buildout would be based on the availability of water supply
- the existing surface water licence would need to be amended to service a commercial campground
- water management options include onsite water storage, water capture and greywater recycling
- separate onsite water storage for firefighting would be supplied as recommended by the qualified professional
- property has been logged multiple times and harvesting activities included a logging railway
- there is no intent to develop the property on the western side of Sandcut Creek

Public comments included:

- positive comment on the professional reports submitted by the applicant
- support for the overall development
- a campground development would have the least amount of impact on the land

- Sandcut Creek runs dry in the summer
- support for a water flow monitoring study as noted in the qualified professional's report
- concern about the impact on wildfire potential with additional people and activity in the area
- firefighting requirements would be overseen by the CRD Shirley Volunteer Fire Department
- support for the lower parcel adjacent to Sandcut Creek and Sandcut Beach being left as greenspace

LUC discussion ensued regarding:

- potential impacts to Sandcut Creek and waterfall
- anticipated water supply required for a commercial campground
- support for a 50 m vegetated buffer along the applicant's property line adjacent to Jordan River Regional Park
- mechanisms for addressing areas of archaeological potential highlighted by the T'Sou-ke First Nation
- user density

MOVED by Anna Russell, **SECONDED** by Dale Risvold that proposed Bylaw No. 4518 be amended to specify a 50 m vegetated buffer along the western property line adjacent to Jordan River Regional Park.

CARRIED

MOVED by Anna Russell, **SECONDED** by Vern McConnell that an archaeological assessment be required prior to the issuance of a development permit sought to authorize development in areas of high archaeological potential.

CARRIED

MOVED by Anna Russell, **SECONDED** by Director Wickheim that the Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4518, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022", to the Shirley-Jordan River Advisory Planning Commission, Pacheedaht First Nation; T'Sou-ke First Nation; CRD departments, BC Hydro; District of Sooke; the Archaeology Branch and Water Protection; the Ministry of Water, Air, Land, and Resource Stewardship; the Ministry of Transportation & Infrastructure; RCMP; and Sooke School District #62 be approved and comments be received;
2. That proposed Bylaw No. 4518, as amended, be introduced and read a first time and read a second time;
3. That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4518; and
4. That prior to adoption of Bylaw No. 4518:
 - a. That a commercial access permit be issued by the Ministry of Transportation and Infrastructure; and
 - b. That the landowner provide an amenity contribution by registering a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail, and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

CARRIED

9. Temporary Use Permit Application

a) TP000013 – Lot A Section 74 Renfrew District Plan VIP71883 (11237 West Coast Road) and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW

Darren Lucas spoke to the application for a temporary use permit application to authorize a gathering space as a permitted use to provide a venue for outdoor events associated with a proposed campground being considered under application RZ000280 and Bylaw No. 4518. It was advised that the *Local Government Act* allows a temporary use permit to be issued for up to three years and that the holder of the permit can apply to have the permit renewed once.

Proposed Permit TP000013 was presented.

Applicant comments included:

- the subject property is isolated
- live music events are regularly held in the community at Pioneer Park and are received positively
- security (letter of credit) is required by the CRD to ensure compliance with the temporary use permit conditions
- the proposal would have positive impacts on the community

LUC discussion ensued regarding the event density and scale proposed by the permit relative to the commercial objectives of the Shirley-Jordan River OCP.

MOVED by Anna Russell, **SECONDED** by Director Wickheim that the staff recommendation be amended to replace “CRD Board” with “Land Use Committee”.

CARRIED

MOVED by Anna Russell, **SECONDED** by Director Wickheim that staff be directed to refer Temporary Use Permit TP000013 to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies for comment:

Pacheedaht First Nation

T-Sou-ke First Nation

Island Health

Ministry of Transportation & Infrastructure

RCMP

And that all comments received be returned to the Land Use Committee for consideration of approval of the Permit.

CARRIED

10. Adjournment

The meeting adjourned at 9:46 pm.

Chair