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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, March 19, 2019, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair
Staff: Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder
ABSENT: Vern McConnell, Dale Risvold
PUBLIC: 11

The meeting was called to order at 7:00 p.m.

1. Approval of the Agenda

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

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from the Meeting of February 19, 2019

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of February 19, 2019, be adopted.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

At its meeting of March 13, 2019, the CRD Board adopted Bylaw Nos. 4259 and 4260. Bylaw No. 4259 created a new Rural 2 (RU2) zone and rezoned 9330 Invermuir Road from Rural (A) and Forestry (AF) to RU2 to permit agriculture. Bylaw No. 4260 rezoned 1021 Parkheights Drive from Rural Residential 3 (RR-3) to Rural Residential 6A (RR-6A) to permit a two-lot subdivision.

At this time the Chair requested that the Land Use Committee consider the applications from Port Renfrew (RZ000252 and RZ000265).

6. Rezoning Applications

a) RZ000252 - Lot 1, District Lot 17, Renfrew District, Plan VIP57304 (Osprey Place)

Iain Lawrence spoke to the staff report and the request to re-designate the subject property from Residential (R) to Tourism Commercial (TC), and to rezone the land from Community Residential – One (CR-1) to Tourism Commercial - One (TC-1), in order to provide guest accommodation in conjunction with an existing fishing guide business. It was confirmed that the proposal was referred to a public information meeting in Port Renfrew and to agencies including CRD Integrated Water Services (IWS). IWS advised that there is currently one (1) single family equivalent allocated to the subject property and that there is insufficient capacity to approve additional service. IWS and the applicant are in agreement with the registration of a covenant restricting additional building construction and uses until such time as additional capacity is available in the system.

Iain Lawrence responded to a question from the applicants advising that consideration can be given to removing the covenant requested by the CRD at such time that the capacity of the CRD water system in Port Renfrew is increased.

MOVED by Roy McIntyre, **SECONDED** by Stan Jensen that the Land Use Committee recommends to the CRD Board:

- a) That the referral of the proposed bylaw directed by the Juan de Fuca Land Use Committee on July 17, 2018, to a Public Information Meeting in Port Renfrew, BC Hydro, Cowichan Valley Regional District, District of Sooke, Island Health, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and appropriate CRD departments be approved and the comments received;
- b) That proposed Bylaw No. 4254, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 2018", 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. 4254.

CARRIED

b) RZ000265 - Lot D, Section 36, Renfrew District, Plan VIS5337 (17015 Parkinson Road)

Iain Lawrence spoke to the staff report and the request to amend the Tourism Commercial - One (TC-1) zone in order to permit an existing mix of commercial and residential uses on a parcel in Port Renfrew.

Iain Lawrence reported that:

- a building strata, granting individual title to the ground-floor retail space and each of the three dwelling units above was registered in April 2003
- each of the three dwelling units is considered a principal dwelling, rather than an accessory dwelling, since the units have been strata titled and are not under the control of the owner of the retail space
- since building construction and strata registration occurred prior to the adoption of a zoning bylaw for Port Renfrew in August, 2004, and the use has been ongoing since that time, the property is considered legal non-conforming for use in accordance with Section 528 of the *Local Government Act (LGA)*
- the *LGA* allows that if, at the time a land use bylaw is adopted, the land is lawfully used and does not conform to the new bylaw, the use may be continued as a non-conforming use
- the *LGA* does not confer protection on uses that are discontinued for a period of 6 months or buildings that contain such a use if they are destroyed to more than 75% of the value above the foundation
- the applicant is in the process of purchasing one of the dwelling units
- the limitations placed on non-conforming uses make it more difficult for lending institutions to approve mortgage applications
- the requested zone amendment would legalize the two dwelling units that exceed the current existing use and allow for the three dwelling units to be located above the primary dwelling as a conforming use