

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **January 17, 2023, at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Territorial Acknowledgment
2. Election of Vice Chair
3. Approval of Agenda
4. Approval of Supplementary Agenda
5. Adoption of Minutes of October 18, 2022
6. Chair's Report
7. Planner's Report
 - a) Powers of the Committee as Prescribed by Bylaw No. 3166, "Juan de Fuca Land Use Committee Bylaw No. 1, 2004"
8. Radiocommunication and Broadcasting Antenna Systems Application
 - a) LP000034 - Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 (6246 Gordon Road)
9. Provision of Park Land for Subdivision
 - a) SU000748 - The Easterly $\frac{1}{2}$ of the North West $\frac{1}{4}$ of Section 36 Township 13 Renfrew District Except that part shown coloured red on Plan 346-R and except those parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; AND The West $\frac{1}{2}$ of the North West $\frac{1}{4}$ of Section 36 Township 13 Renfrew District except those parts in Plans 5109, 24267, and 24755 (Beachview Rise)
10. Zoning Amendment Applications
 - 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
 - b) RZ000281 – Strata Lot A (3692 Waters Edge Drive) and Strata Lot B (12051 West Coast Road), Section 2, Renfrew District, Strata Plan VIS6939
11. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, October 18, 2022 at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Mike Hicks (Chair), Roy McIntyre, Ron Ramsay, Dale Risvold (EP),
Sandy Sinclair
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Wendy Miller, Recorder
ABSENT: Stan Jensen, Vern McConnell
PUBLIC: 4 in-person; 3 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 Sandy Sinclair, **SECONDED** by Dale Risvold that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Ron Ramsay, **SECONDED** by Roy McIntyre that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of September 20, 2022

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of September 20, 2022, be adopted.

CARRIED

4. Chair's Report

The Chair welcomed Al Wickheim, the newly elected Director for the Juan de Fuca Electoral Area.

In speaking with staff and the incoming Director, the LUC will adjourn until January, unless there is a pressing matter.

5. Planner's Report

Iain Lawrence reported JdF Community Planning would work with Legislative Services to confirm that the LUC will be able to continue to meet electronically in the new term.

6. Development Permit with Variance Applications

a) DV000086 – Lot 1, Section 9, Otter District, Plan 12535 (8492 West Coast Road)

Iain Lawrence spoke to the staff report for a development permit with variance application to authorize subdivision (SU000741) for a relative on a parcel partially designated as Steep Slopes and Sensitive Ecosystems Development Permit areas, 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 proposed subdivision plan.

Iain Lawrence directed attention to the one submission received in response to the notice of intent mailed to adjacent property owners and occupiers within 500 m of the subject property, as circulated in the supplementary agenda.

Iain Lawrence responded to questions from the LUC advising that:

- each lot will be accessed by a separate driveway
- the Ministry of Transportation and Infrastructure (MoTI) will approve the final lot layout including the proposed driveway accesses
- MoTI will require the owner to provide an affidavit that the subdivision is for a relative
- the proposed remainder lot is 0.87 ha
- Section 514 of the *Local Government Act* allows a subdivision for a relative to create a lot that is less than 1 ha with Island Health approval

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

That Development Permit with Variance DV000086 for Lot 1, Section 9, Otter District, Plan 12535, to authorize the subdivision and proposed development of land designated as Steep Slopes and Sensitive Ecosystems Development Permit Areas; 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 for proposed Lot A from 10% of the lot perimeter (116.9 m) to 2.8% of the lot perimeter (33 m), as shown on the plans prepared by McIlvaney Riley Land Surveying Inc., dated January 14, 2022, be approved.

CARRIED

b) DV000089 - Section 41, Otter District as Shown on Plan Deposited Under DD 551121 (Clark Road)

Iain Lawrence spoke to the staff report for a development permit with variance application to authorize subdivision layout on a parcel designated as Steep Slopes, Riparian, and Sensitive Ecosystem Development Permit areas and to reduce the requirement that 10% of a parcel fronts onto a highway.

Iain Lawrence highlighted the subject property and proposed subdivision plan.

Iain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners and occupiers within 500 m of the subject property.

The Chair confirmed that the applicant was present.

Iain Lawrence responded to questions from the LUC advising that:

- the proposed panhandles meet the minimum 6 m width requirement for parcels that cannot be further subdivided
- the Province has approved the biologist's report for subdivision layout through the Riparian Areas Protection Regulation Notification System (RAPRNS)

The applicant responded to a question from the LUC advising that the subject property will continue to be used by TimberWest to access a property located to the north, but that the adjacent logging roads are being readied for decommissioning which will reduce traffic.

The Chair stated that roads fall to the Province.

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

That Development Permit with Variance DV000089 for Section 41, Otter District as Shown on Plan Deposited Under DD 55112I to authorize the subdivision of land designated as Steep Slopes, Watercourses and Wetland Areas, and Sensitive Ecosystems Development Permit Areas; 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 for:

- a) proposed Lot 3 from 10% of the lot perimeter (88 m) to 7.5% of the lot perimeter (66 m);
- b) proposed Lot 7 from 10% of the lot perimeter (119 m) to 0.5% of the lot perimeter (6 m); and
- c) proposed Lot 18 from 10% of the lot perimeter (141 m) to 0.46% of the lot perimeter (6.5 m)

as shown on the plan prepared by J.E. Anderson, revised September 21, 2022, be approved.

CARRIED

7. Zoning Amendment Application

- a) **RZ000281 - Strata Lot A (3692 Waters Edge Drive) & Strata Lot B (12051 West Coast Road), Section 2, Renfrew District, Strata Plan VIS6939, Together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form V**

Iain Lawrence spoke to the staff report for a joint application to rezone the subject property from the Rural Residential 2A (RR-2A) zone to the Rural Residential 1 (RR-1) zone for the purposes of dissolving a building strata and subdividing the property into two fee-simple parcels.

Iain Lawrence highlighted the subject property and proposed subdivision plan. It was advised that the property is a non-conforming two-lot building strata that was constructed prior to adoption of the bylaw that zoned the land RR-2A.

Iain Lawrence responded to questions from the LUC advising that the dwelling units are serviced by separate well and septic systems and that separate driveway accesses are proposed.

The Chair confirmed that the applicants were present.

MOVED by Ron Ramsay, **SECONDED** by Sandy Sinclair that staff be directed to refer proposed Bylaw No. 4519, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 159, 2022", to the Shirley-Jordan 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

Pacheedaht First Nation

RCMP

Sooke School District #62

T'Sou-ke First Nation

CARRIED

8. Adjournment

The meeting adjourned at 7:27 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 17, 2023

SUBJECT **Radiocommunication and Broadcasting Antenna Systems Application for Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 - 6246 Gordon Road**

ISSUE SUMMARY

An application has been received from 1291956 BC ULC for a 49 m radio communication antenna system. The purpose of the tower is to provide long-range, high-throughput data communications in the high frequency band to support business activities in the area of data communications.

BACKGROUND

1291956 BC ULC. has requested a statement of concurrence from the CRD to construct a 49 m radio communication antenna system on the subject property (Appendix A).

The approximately 18.44 hectare (ha) property at 6246 Gordon Road is zoned Rural Residential 3 (RR-3) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. The property is designated Settlement by the East Sooke Official Community Plan (OCP) Bylaw, Bylaw No. 4000, which signifies that the predominant land use is rural residential. The property is also partially designated as Steep Slope, Riparian and Sensitive Ecosystem development permit areas. There are two existing towers on the property.

The proposal includes a fenced compound enclosing a self-supported tower structure and associated infrastructure (Appendix B).

In accordance with the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application policy, staff initiated a 30-day public consultation period for the application from September 15 - October 14, 2022. Nine submissions were received from members of public and forwarded to the applicant to provide a response. A web petition with 90 names was also forwarded to the applicant. Responses and a response matrix as provided by the applicant are included as Appendices C and D. CRD First Nations Relations and CRD Regional Parks responded to the referral sent to CRD departments (Appendix E). As the land use authority for the application, the CRD Board is requested to provide a statement of concurrence or non-concurrence to the applicant and Industry Canada.

ALTERNATIVES

Alternative 1

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That a statement of concurrence be provided to 1291956 BC ULC for the proposed 49 m radio communication and broadcasting antenna system on Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290.

Alternative 2

The Juan de Fuca Land Use Committee recommends to the CRD Board:
That a statement of non-concurrence be provided to 1291956 BC ULC for the proposed 49 m radio communication and broadcasting antenna system on Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290.

IMPLICATIONS

Legislative

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters that the Minister considers relevant for ensuring the orderly development and efficient operation of radio communication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in Innovation, Science and Economic Development Canada's (ISED) *Spectrum Management and Telecommunications Client Procedures Circular* when installing or modifying an antenna system.

Part of the process includes contacting the land use authority and following the required consultation process. The CRD is the land use authority for the Juan de Fuca Electoral Area where the subject property is located.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the “Policy”) in 2019. The Policy establishes a public consultation process and procedures.

Public Consultation

In accordance with the Policy, a notice was published in the local newspaper and a notice was delivered to property owners and occupants within 500 m of the subject property to advise of the application and the opportunity to provide written comments and questions. The notice was published on September 15, 2022, and submissions were to be received by 9:00 am on October 14, 2022. Nine submissions and a web petition with 90 names were received for LP000034 during the notification period. The submissions were forwarded to the applicant who then provided a response to the concerns and questions raised (Appendix C).

In advance of the January 17, 2023, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the second opportunity to be heard and provide additional comment at the meeting.

A recommendation from the Land Use Committee along with any additional public comments received will be considered by the CRD Board and forwarded to the applicant and Industry Canada.

Referral Comments

In accordance with the JdF Radiocommunication and Broadcasting Antenna Systems policy, staff referred the application to applicable CRD departments.

CRD First Nations Relations commented that the closest registered archaeological site is located ~800m north of the proposed tower and, given that there is no registered archaeological site on the property, a *Provincial Heritage Conservation Act* permit is not required to undertake the work. A *Provincial Heritage Conservation Act* permit would be required if archaeological deposits, features or materials are exposed and/or encountered during land-altering activities that includes tree felling.

CRD Regional Parks commented that its primary concern is that the tower be sited in such a way as to minimize the height difference between the tower and the surrounding trees in order to reduce its visual impact on park visitors. CRD Regional Parks further replied that it does not support any trail or road development from the tower compound into East Sooke Regional Park. Upon review of additional information provided by the applicant (Appendix E), which states that the tower will be hidden from view from most vantage points due to the rolling terrain of the area and that access points from the tower site to East Sooke Regional Park are not planned, CRD Regional Parks has stated that it does not believe its interests will be unduly impacted by the tower.

Land Use

The RR-3 zone does not expressly permit radio communication towers; however, it is considered a use permitted in all zones in accordance with Part 1, Section 4.15 of Bylaw No. 2040, which states: “Except where specifically excluded, the following uses shall be permitted in any zone: public utility poles, pipelines, radio, television, and transmission towers and wires; traffic control devices; and underground or submarine utility systems, the installation of which may be sited on any portion of a lot.”

Portions of the property are designated as Steep Slope, Riparian and Sensitive Ecosystem development permit areas by Bylaw No. 4000; however, the proposed tower and compound are located outside these DP areas. CRD Building Inspection has indicated that a building permit is not required for the tower.

Evaluation criteria to be considered by the CRD when reviewing an application for a radio communication and broadcasting antenna system is outlined in the Policy and included in Appendix F.

Rationale for the proposed location: 1291956 BC UCL stated that the site location was chosen as it can provide the line of sight required for technical purposes while minimizing the visual impact of the tower. It was further stated that the location was also chosen as there are already existing towers on the subject property and that the proposed tower location is located outside of the designated Steep Slope, Riparian and Sensitive Ecosystem development permit areas.

Proximity to residential uses, institutions, and public lands: The proposed tower site is adjacent to RR-3 zoned properties to the north and west, a Rural Watershed (AW) zoned property to the north, and Public

Recreation (P-1) zoned properties to the east and south. The AW zoned property is held by the CRD. The P-1 zoned properties are part of East Sooke Regional Park. The closest dwelling is located on the subject property, approximately 360 m from the tower. The next closest dwelling is located on Copper Mine Road, approximately 390 m away.

Visibility and measures to integrate the tower into local surroundings: The proposed antenna system would be located adjacent to undeveloped portion of East Sooke Regional Park. The applicant has stated that tower will be hidden from view from most vantage points due to the rolling terrain of the area and due to the local tree canopy, which is approximately 38 m tall.

Security measures: The applicant stated that there is an existing locked gate at the beginning of the access road to the proposed site and that the compound and tower area would be fenced and signed to restrict public access. The applicant further stated that the widening of Valentine Road, required to permit access to construction vehicles, will be backfilled once construction is completed. Security cameras to be considered in future.

Alternatives/mitigation measures: The proposed location for the tower meets the applicant's required conditions, including line of sight, ease of access, cleared land and a willing property owner. Other locations were investigated and were either found to be unsuitable because line of sight could not be achieved or for technical operation reasons including structure and height requirements. The applicant also examined colocation options in the area and has determined that no existing structures are available to satisfy its coverage objectives. The applicant has stated that the display of any type of lighting, except where required by Transport Canada, will be avoided.

Hazardous areas: There are no known hazardous conditions in proximity to the proposed tower location.

Environmentally sensitive areas: The proposed tower and compound are located outside the Steep Slope, Riparian and Sensitive Ecosystem development permit areas; therefore, there is no requirement for a professional report or permit.

Aeronautical safety requirements: The applicant will be required to abide by any Transport Canada specifications for installing lights on the proposed antenna system.

Impact on community: Nine submissions from members of the public and a web petition with 90 names were received during the notification period. The petition spoke in opposition to the proposed tower; however, it does not provide information to determine if the individuals reside or own property in the local community. The remainder of the submissions requested information regarding the identity of the applicant, purpose of the tower installation, tower and antenna design details and public consultation measures. The submissions expressed general health and safety concerns including concerns related to emissions/transmissions. The applicant responded that the radiation type is non-ionizing radiation and that the power level is below levels established by Health Canada and ISED Safety Code 6 levels, and that the transmission technology is mature and tested.

The submissions stated concern regarding the tower's vicinity to a residential neighbourhood and/or East Sooke Regional Park and the potential impacts of light pollution and potential impacts to property values and to wildlife. The applicant responded to state its responsibility under ISED Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, for ensuring that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements. The applicant further replied that issues related to the impact on property values are outside of the scope of the application. One submission questioned how East Sooke will benefit from the tower installation. The applicant responded that it may consider third-party requests for colocation for the purpose of hosting safety/emergency services telecommunication infrastructure. Five of the submissions and the petition stated non-support for the application.

In addition to replying to each submission, the applicant has provided a response matrix which is included as Appendix D.

Designs that address the guidelines: The distance between the proposed tower and adjacent residences is greater than three times the tower height, as recommended by the CRD policy. The proposed tower site is located adjacent to undeveloped portion of East Sooke Regional Park. The closest dwelling on an adjacent property is located on Copper Mine Road, approximately 390 m away.

ISED Procedures Circular CPC-2-0-03 outlines matters and concerns that are considered “reasonable” and “unreasonable” under the public consultation process for proponents. Matters that are considered “reasonable” include: why the use of an existing antenna system or structure is not possible; why an alternate site is not possible; what the proponent is doing to ensure that the antenna system is not accessible to the general public; how the proponent is trying to integrate the antenna into the local surroundings; what options are available to satisfy aeronautical obstruction marking requirements at this site; what steps the proponent took to ensure compliance with the general requirements of this document. These concerns form the basis of the information requested of applicants in the CRD’s radio antenna system application policy in order to guide staff in providing a recommendation regarding antenna proposals.

Matters that are considered by ISED to be “unreasonable” include: those that are related to disputes with members of the public related to the proponent’s service, but unrelated to antenna installations; potential effects that a proposed antenna system will have on property values or municipal taxes; and questions as to whether the *Radiocommunication Act*, the CPC-2-0-03 document itself, Safety Code 6, locally established bylaws, or other legislation, procedures and processes are valid or should be reformed in some manner.

The concerns raised by the public primarily relate to uncertainty around the health consequences attributed to electromagnetic fields and around benefits to the local community of the proposal as a system intended for research purposes rather than improving service directly to residents. However, the proposed tower location and design satisfy the evaluation criteria outlined in the CRD’s policy. The applicant has presented rationale for the proposed location, demonstrated consideration of alternatives and mitigation measures, and provided information that address comments and questions received from members of the public. Therefore, staff recommend that a statement of concurrence be provided for the proposed 49 m telecommunications tower (LP000034).

CONCLUSION

An application has been received from 1291956 BC ULC to construct a 49 m telecommunications antenna system at 6246 Gordon Road for the purpose of providing long-range, high-throughput data communications in the high frequency band to support business activities in the area of data communications. Through the public consultation process, owners and occupants of land in proximity to the subject properties were provided opportunity to comment or ask questions. Nine submissions and a web petition with 90 names were received. The applicant submitted responses to each of the submissions and has provided a response matrix. The proposal addresses the evaluation criteria in the CRD’s Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy and concerns raised in the submissions are outside the scope of matters that are considered “relevant” as part of the public consultation process outlined in ISED Procedures Circular CPC-2-0-03. Therefore, staff recommend that a statement of concurrence be provided.

RECOMMENDATION

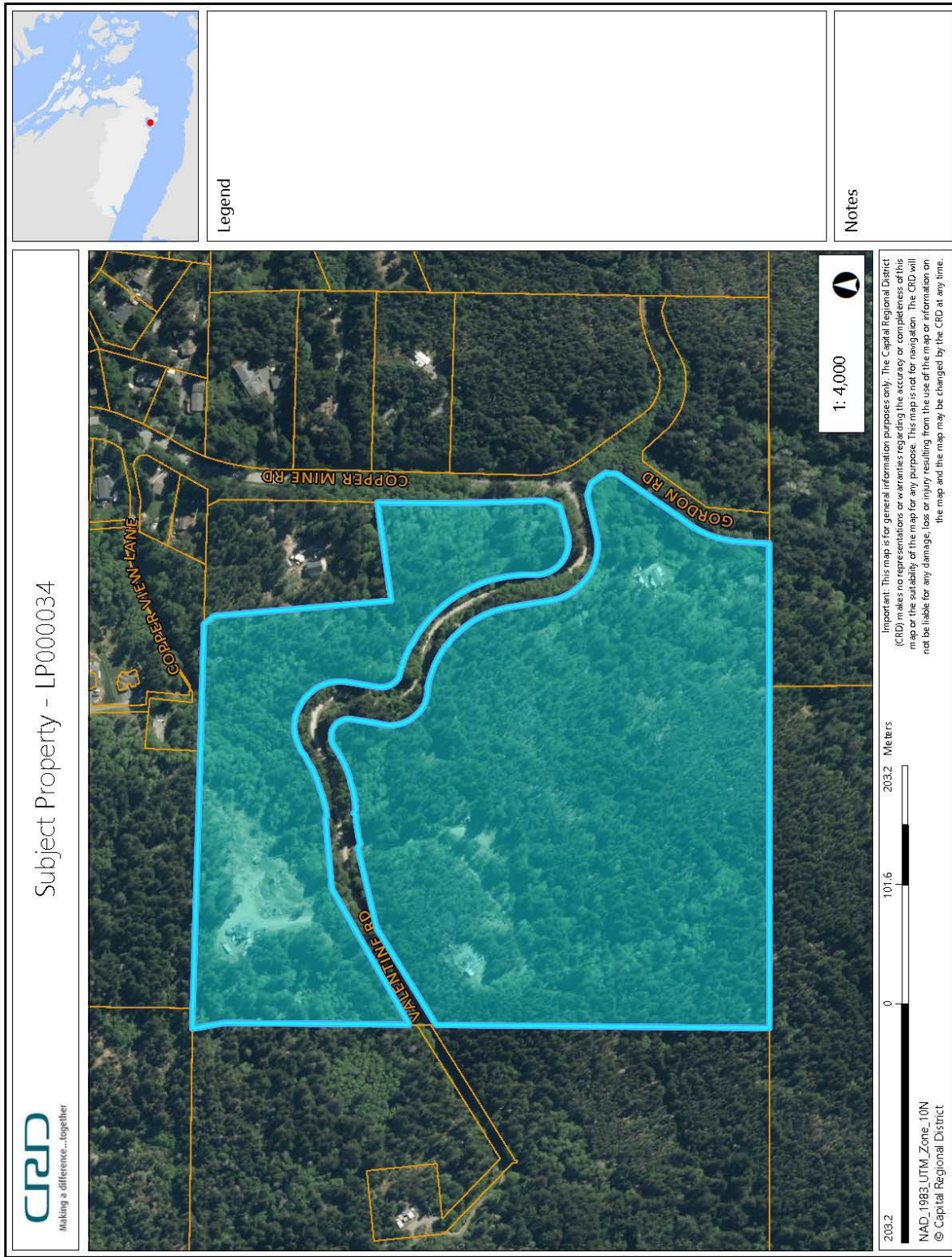
The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:
That a statement of concurrence be provided to 1291956 BC UCL. for the proposed 49 m radio communication and broadcasting antenna system on Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Larisa Hutcheson, P. Eng., Acting Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Development Proposal
- Appendix C: Public Submissions and Applicant Responses
- Appendix D: Response Matrix
- Appendix E: Referral Comments
- Appendix F: Evaluation Criteria

Appendix A: Subject Property Map



PPSS-35010459-2925

DRAWING INDEX		
DWG NO	DRAWING TITLE	REV
T-1	TITLE SHEET	A
A-1	SITE PLAN	A
A-2	ENLARGED SITE PLAN	A
A-3	EAST ELEVATION	A

KEY PLAN

N
NORTH ARROW

LATITUDE N 48°37'78"

LONGITUDE W 123°58'15"

NATURAL SCALE

SITE INFORMATION

SITE ID: B000142

SITE NAME: MOUNT MAGUIRE (EAST SIOOKE)

SITE ADDRESS: 6246 GORDON ROAD SIOOKE BC

LEGAL DESCRIPTION: REFERENCE PLAN OF PART OF LOT 2 DISTRICT LOTS 143 AND 200 AND SECTION 154, SIOOKE DISTRICT, PLAN 42260

SITE CONFIGURATION: MONOPOLE

APPLICANT: GLOBAL NETWORK TRANSPORT

PERMIT TO CONSTRUCT - TOWER

DATE: 2024-09-11

TIME: 10:00 AM

LOCATION: 6246 GORDON ROAD SIOOKE BC

CORE ONE CONSULTING INC.

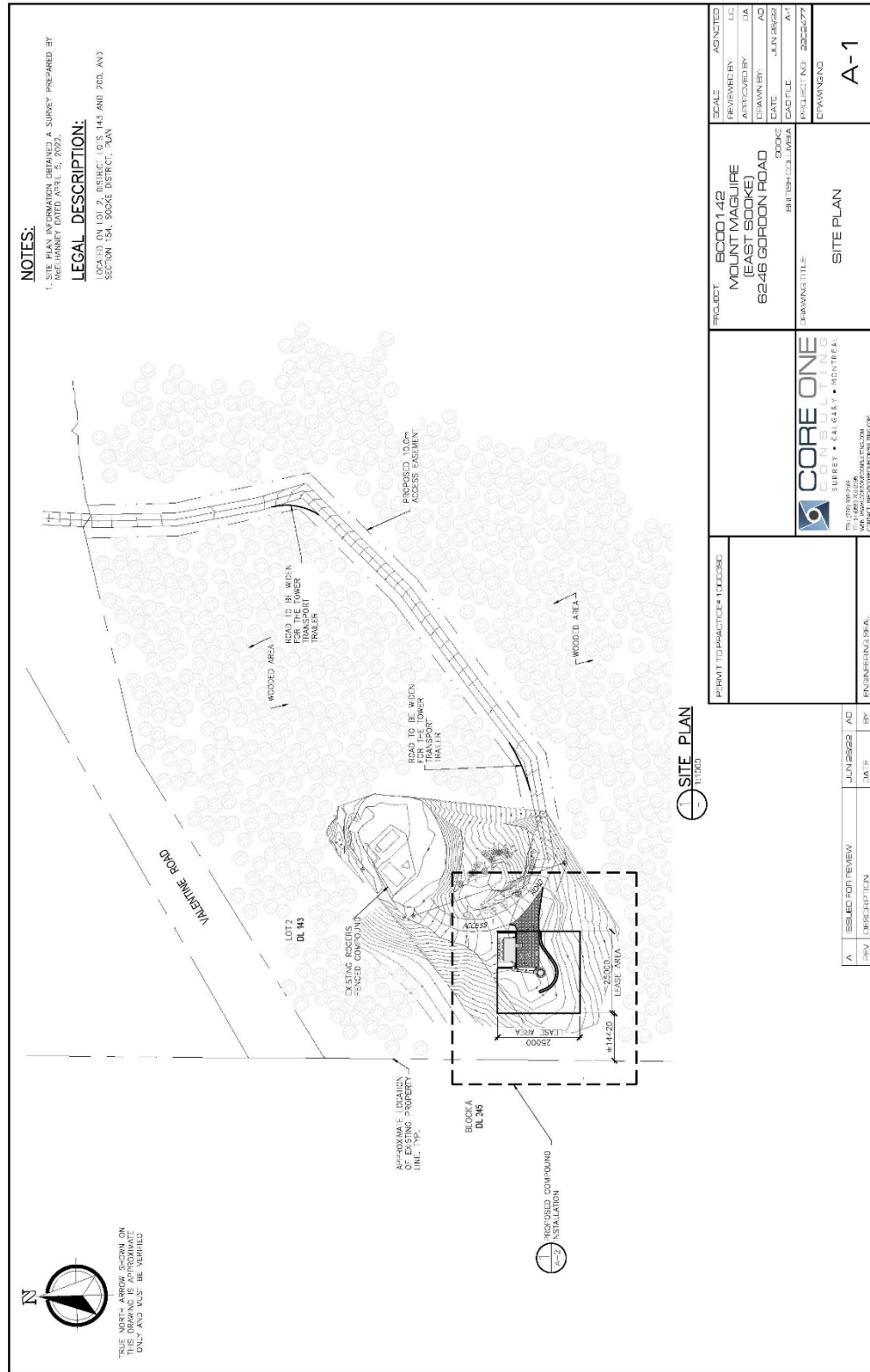
SIOOKE • CALGARY • MONTREAL

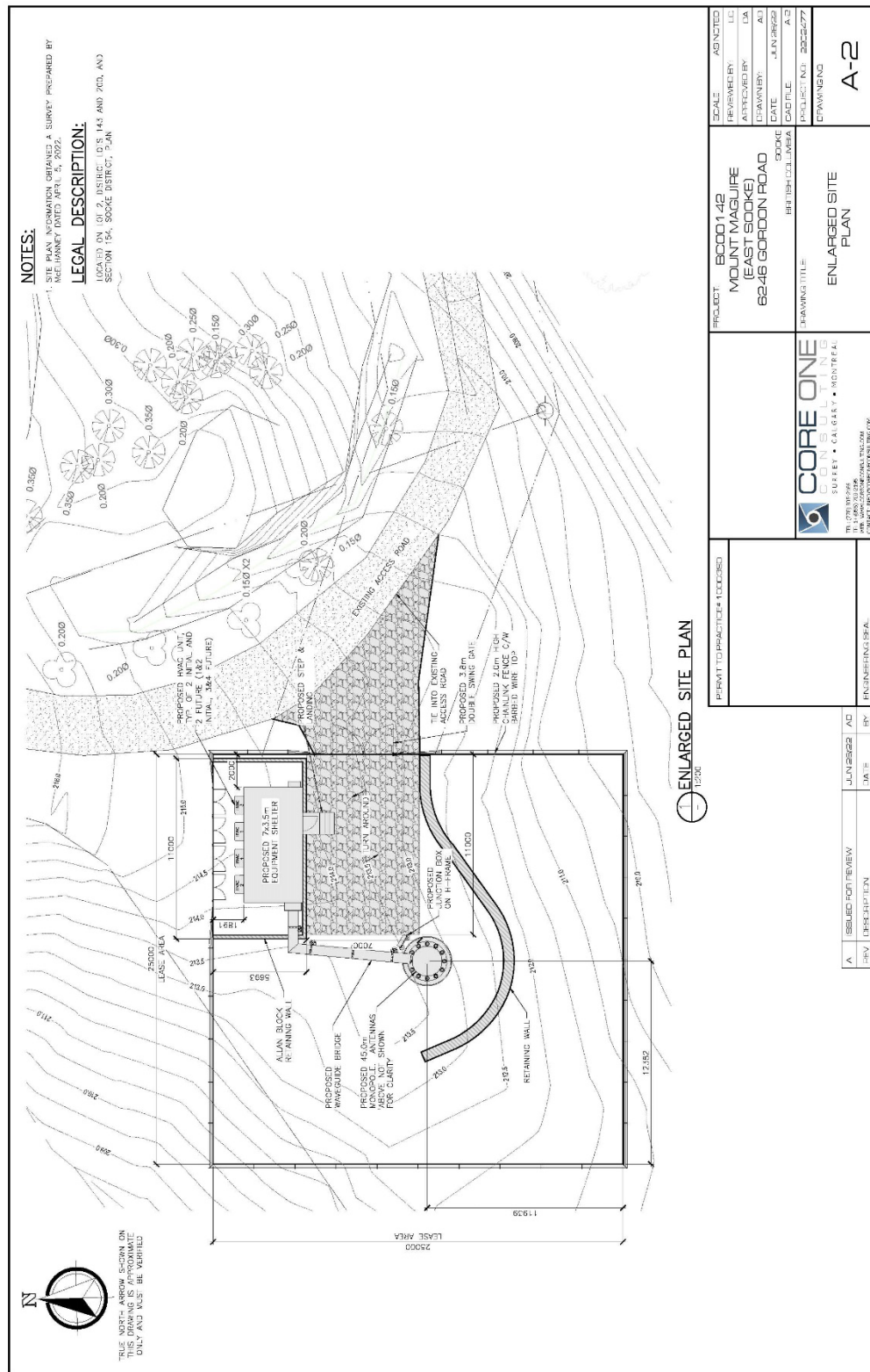
WE: 403-682-2886

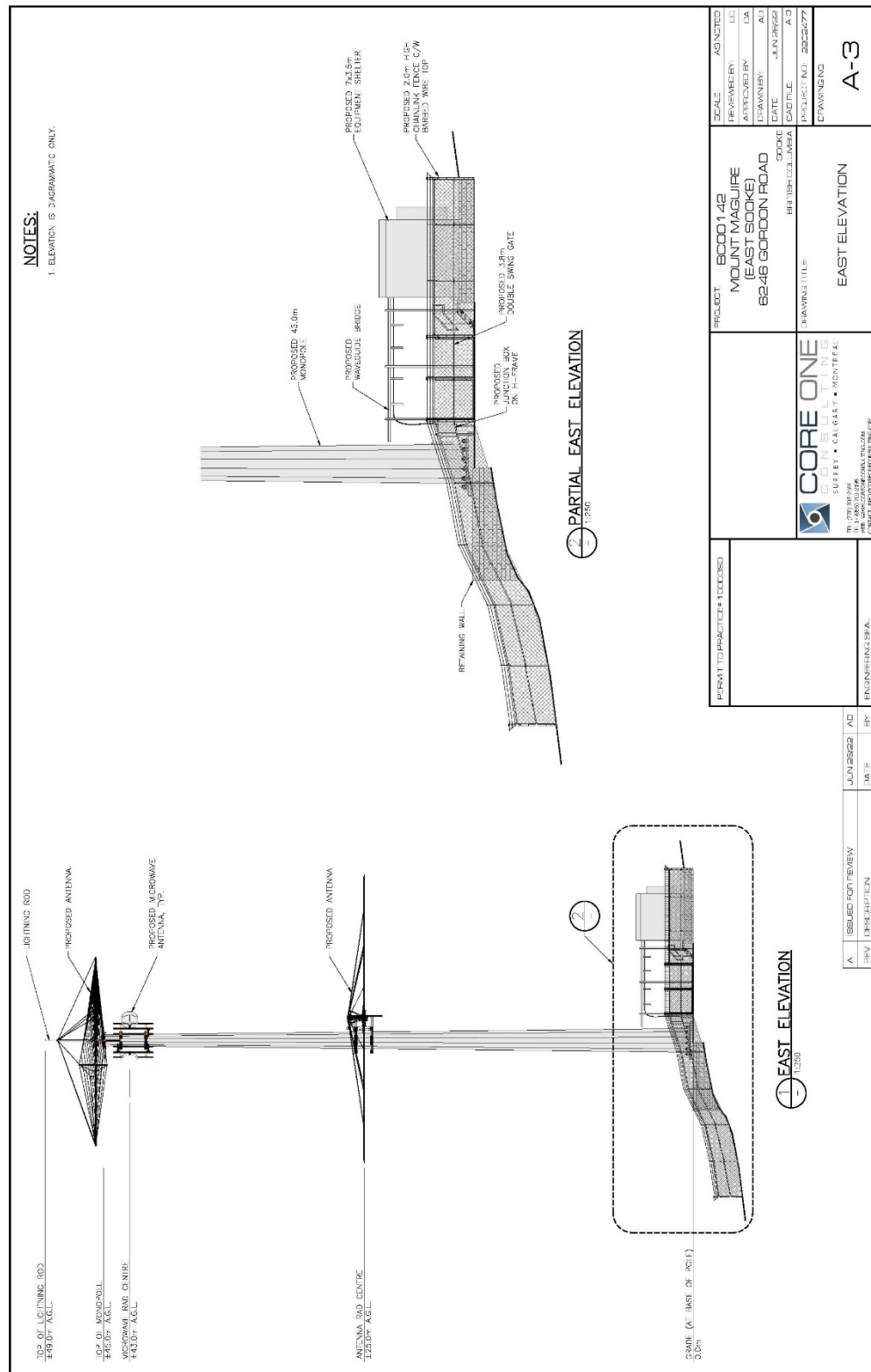
WWW.COREONECONSULTING.COM

T-1

TITLE SHEET







Appendix C: Public Submissions and Applicant Responses

Submission #1: Kim Amorim

From: [REDACTED]
To: [jdf.info](#)
Subject: Radio communications tower at Gordon road / East Sooke
Date: Friday, September 16, 2022 7:08:01 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Thanks for the info dated September 15 /22 referring to the subject.

1 - Unfortunately, the attachment 2 is illegible and therefor worthless.

Is this a lapse or is it intentional ?

2 – what is the radiation type and its radius, emitted by the antenna ?

Best Regards,

Kim Amorim

[REDACTED]
East Sooke BC

Applicant's Response #1: Kim Amorim

From: fred.mullie@coreoneconsultants.com
To: [Wendy Miller](#)
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Friday, September 30, 2022 2:28:59 PM
Attachments: [image001.png](#)
[understanding-safety-code-6-eng.pdf](#)
[6246 Gordon Road, Sooke, PRELIM REV 0.pdf](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Wendy,

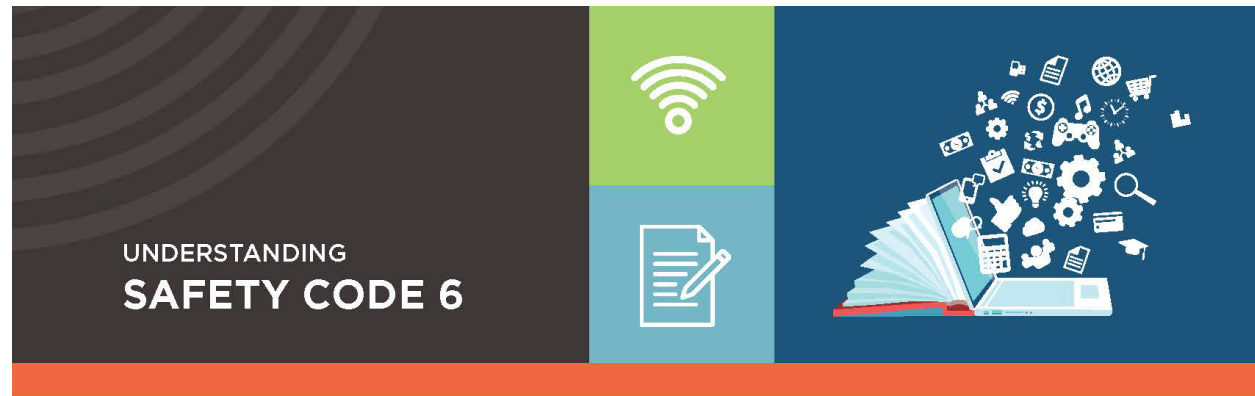
Please find response to the questions below.

1. As to the attachment of the letter sent by JDF being illegible and whether lapse or intentional? Pretty sure this was not intentional, please see attached copy of preliminary designs, in case JDF wants to send full set.
2. The radiation type is non-ionizing radiation, and power is below levels established in Health Canada and ISED Safety Code 6 standard. See Attached Government Safety-code 6 document.

Please let me know if you have any questions, comments or concerns.

Thank you,
Regards,
FRED

Fred Mullie
Director Business Development and Network Infrastructure Projects | **Core One Consulting**
18525 53rd Avenue, Suite 229, Surrey, BC V3S 7A4
(O) (778) 805-2166 | (M) (778) 9035200
(E) fred.mullie@coreoneconsulting.com
www.coreoneconsulting.com | info@coreoneconsulting.com



ABOUT SAFETY CODE 6

Safety Code 6 is a document that sets out recommended safety limits for human exposure to radiofrequency electromagnetic fields (EMF) in the frequency range from 3 kHz to 300 GHz.

This range covers the frequencies used by communications devices and equipment that emit radiofrequency EMF such as:

- › Wi-Fi
- › cell phones
- › smart meters
- › cell phone towers
- › those using 5G technology

ABOUT THE SAFETY LIMITS

The safety limits in the code:

- › protect against all established adverse health effects related to radiofrequency EMF, no matter the source
- › incorporate large safety margins to provide a significant level of protection for all Canadians, including those working near RF sources
- › provide protection for people of all ages and sizes, from exposure to all forms of radiofrequency EMF on a continuous (24 hours a day/7 days a week) basis

The exposure limits in Safety Code 6 are based on:

- › Health Canada research
- › an ongoing review of published scientific studies on potential adverse health effects

You are **protected** from the combined exposure of radiofrequency EMF from multiple sources with Safety Code 6 exposure limits in place. Safety Code 6 takes into account the total exposure from all sources of radiofrequency EMF in the range of 3kHz to 300 GHz. This includes those that may be used in 5G technology.

Safety Code 6 is reviewed on a regular basis to confirm that it continues to provide protection against all known potentially adverse health effects.

Visit **Canada.ca** and search **Safety Code 6** for more information.



Health
Canada

Santé
Canada

Canada

UNDERSTANDING
SAFETY CODE 6



HOW DEVICES ARE REGULATED

Innovation, Science and Economic Development Canada (ISED) regulates wireless communication equipment such as:

- › Wi-Fi
- › cell phones
- › cell phone towers

ISED also:

- › oversees the licensing and placement of cell phone towers
- › ensures that these towers comply with regulatory standards for human exposure limits outlined in Safety Code 6
- › considers the effects on the environment and local land use before towers are installed

- › develops regulatory standards that require compliance with the human exposure limits outlined in Safety Code 6
- › ensures that exposure to radiofrequency EMF from cell phones and cell phone towers do not exceed the specified limits
- › maintains a market surveillance program and routinely audits antenna installations and devices to verify compliance

If new scientific evidence were to show that exposure to radiofrequency EMF below the levels found in Safety Code 6 poses a risk, the Government of Canada would take steps to **protect the health** of Canadians.

Visit **Canada.ca** and search **Safety Code 6** for more information.

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Health
Canada

Santé
Canada

Canada

Submission #2a: Sean Holland

From: [REDACTED]
To: jdf.info
Subject: Contact Us - Submission
Date: Monday, September 19, 2022 1:26:10 PM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Sean Holland

Your Email Address:
[REDACTED]

Message:

I live on [REDACTED] in East Sooke and received notice that we are within 500 metres of the radio communication tower on Gordon Road proposed in an application. What I haven't been able to find out is: Who is applying to put up that tower? What will its purpose be? Please let our neighbourhood know this information that could significantly affect whether or not we are happy about this application. Thank you.

Applicant's Response #2a: Sean Holland

From: fred.mullie@coreoneconsultants.com
To: [Wendy Miller](#)
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Friday, September 30, 2022 1:19:47 PM
Attachments: [image001.png](#)

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Hi Wendy,

Please see response below.

#1291956 B.C. Unlimited Liability Company is applying to put up the Tower.

Purpose of tower and antenna and radio systems:

The purpose of the tower and antenna and radio system is to test and investigate the possibilities of long-range data communications to complement traditional terrestrial transport technologies. 1291956 B.C. Unlimited Liability Company is progressing and advancing a mature, tested, and safe radio transmission technology. The objective for the experiment include the determination of the feasibility of reliable long range data communication in a real world environment that cannot be simulated in a laboratory. 1291956 B.C. Unlimited Liability Company experimental operations will use commercially available and experimental radio equipment all complying with Health Canada's Safety Code 6 guidelines.

Thank you,
Regards,
FRED

Fred Mullie
Director Business Development and Network Infrastructure Projects | [Core One Consulting](#)
18525 53rd Avenue, Suite 229, Surrey, BC V3S 7A4
(O) (778) 805-2166 | (M) (778) 9035200
(E) fred.mullie@coreoneconsulting.com
www.coreoneconsulting.com | info@coreoneconsulting.com

Submission #2b: Sean Holland

From: [REDACTED]
To: [jdf.info](#)
Subject: Contact Us - Submission
Date: Friday, October 14, 2022 8:27:01 AM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Sean Roderick Holland

Your Email Address:
[REDACTED]

Message:

Please do not approve the application for the proposed 'experimental' radio communications tower at the top of Coppermine Rd in East Sooke. This type of facility is not appropriate for a residential neighbourhood right next to East Sooke Park.

Applicant's Response #2b: Sean Holland

From: [Fred Mullie](#)
To: [Wendy Miller](#)
Subject: Re: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Monday, October 31, 2022 11:32:41 AM
Attachments: [image002.png](#)

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Hi Wendy,

Please see the response below.

Roderick Holland

Our evaluation of the environmental conditions in the area of the proposed tower location (the "Proposed Site") confirmed that the tower is unlikely to cause negative environmental impacts. Along the Valentine Road, there is an area noted as "riparian and sensitive," but this area is not in close proximity to the Proposed Site. We acknowledge our responsibility under Innovation, Science and Economic Development Canada ("ISED") Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, for ensuring that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements.

Thank you,

Regards,

FRED

Submission #3a: Alex Stringer

From: [REDACTED]
To: [jdfinfo](#)
Subject: Contact Us - Submission
Date: Wednesday, October 05, 2022 12:59:23 PM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Alex Stringer

Your Email Address:
[REDACTED]

Message:

Hello, I am writing in reference to the proposed radio communication tower/application LP000034 on Gordon Road in East Sooke. I am against having this tower installed so close to residential neighborhoods. Regardless of what you believe are relevant concerns or not (as listed in the public consultation letter we received from the CRD), my main concern is for my son's health. He is immunocompromised and one of the numerous reasons we moved out to East Sooke was to allow him to grow up as healthy as possible. This tower being so close to where we live, sending out signals 24 hours a day until he turns 18 is not something we were looking for when we decided to move out here. I know the general response is "the science isn't conclusive" regarding health effects when companies want to install towers in the middle of residential neighborhoods; however, I firmly believe living this close to a tower would be detrimental to his health. We already have UHF signals from existing towers in the area, and our proximity to the Rocky Point military base does not help matters either. I would very much like to avoid another trip to the emergency room with him. You may view this as a dramatic approach, however in this case every little bit helps. Furthermore, I have a difficult time deciding the placement of the tower. Of course I understand towers are necessary and the location proposed may seem like a good spot being so elevated, however why not somewhere that does not have an entire neighborhood living under it?? To be honest, unfortunately I'm already feeling defeated as there are a number of proposals in our area that are "in progress", and it doesn't really seem like anybody really wants to know what the community's input is. A public inquiry is opened for a period of time, the community has their say, and the proposal moves forward regardless of what the public thinks. This is one of the main reasons we moved away from Langford. In this instance, however, I hope you will listen to the general public's opinion and seriously consider whether you HAVE to put the tower where it has been proposed. I am a homeowner who really doesn't care what this tower will do to my home's value. I don't care about what it looks like. I wouldn't care where you put it in all honesty if it wasn't for the various radio signals etc. it would be broadcasting through our homes' walls 24 hours a day. I care about my son's health, and the health and well-being of my neighborhood as a whole. Thank you.

Applicant's Response #3a: Alex Stringer

From: fred.mullie@coreoneconsultants.com
To: [Wendy Miller](#)
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Friday, October 14, 2022 2:44:57 PM
Attachments: [image001.png](#)

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Hi Wendy,

Please see response below,

Alex Stringer

1291956 B.C. cares about safety. The proposed structure will be operated in a manner that complies with Health Canada's RF exposure guideline, Safety Code 6

Thank you,
Regards,
FRED

Fred Mullie
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(O) (778) 805-2166 | (M) (778) 9035200
(E) fred.mullie@coreoneconsulting.com
www.coreoneconsulting.com | info@coreoneconsulting.com

Submission #3b: Alex Stringer

From: [REDACTED]
To: [jdf.info](#)
Subject: Contact Us - Submission
Date: Monday, October 10, 2022 10:29:21 AM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Alex Stringer

Your Email Address:

[REDACTED]

Message:

Hello, I have already emailed you regarding the proposed tower on gordon Rd in east sooke. I felt the need to email again as I have just learned that the tower is going to be used to "test and investigate" the possibility of long-range data communications and "experiment" to determine the feasibility of their technology in a "real world environment". I do not under any circumstances want new technology, or existing technology being used in new ways to be tested just above my house. We live in east sooke to be away from development, towers, and major infrastructure etc. Please put your tower somewhere else.

Applicant's Response #3b: Alex Stringer

From: fred.mullie@coreoneconsultants.com
To: [Wendy.Miller; fred.mullie@coreoneconsultants.com](mailto:Wendy.Miller@fred.mullie@coreoneconsultants.com)
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Wednesday, November 02, 2022 1:05:08 PM
Attachments: [image002.png](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Wendy,

Please see response below;

Alex Stringer

We acknowledge the receipt of this feedback. As stated in CPC-2-0-03 — *Radiocommunication and Broadcasting Antenna Systems*, “current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.” (at pg. 13). We note that existing provincial and federal regulations for the permitting of telecommunication towers do not require applicants to provide research or studies to prove these facilities will have no health effect on local residents. We have taken steps to minimize any potential issues regarding visual aesthetic impact. One of the main reasons we selected the Proposed Site was its close proximity to two existing communication towers. We also considered the Proposed Site to be appropriate as it is distant from community sensitive locations

Thank you,

Regards,

FRED

Fred Mullie

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Submission #4: Justin Rubelo

From: [East Sooke](#)
To: [jdfinfo](#)
Subject: Proposed 49 m radiocommunications facility
Date: Friday, October 07, 2022 3:40:36 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I live very near the proposed new facility and have owned this property for over 7 years and for some reason I was only just informed about this proposal by my next-door neighbour who tells me that he got a notice in the mail about this. Why is it that I was not delivered any such notice? How many of my neighbours were also not notified?

It is unacceptable that this proposal could be ruled on when clearly you have failed to sufficiently notify the nearby residents of their opportunity to comment and it should be required for you to ensure that all of the affected residents are properly given notice and opportunity to comment.

As it stands, I object to the proposal both on the grounds that we do not need yet another radio tower here (we already have one) and that it could be seen as though someone is intentionally trying to allow this to go through by failing to inform all of the affected parties about the proposal so that the number of negative comments will be very low and make it appear as if you have the consent of the majority who in fact may not even be aware of the proposal.

I would like to receive a response confirming that you are going to do something about this issue. The local residents MUST be made aware of this and their opportunity to comment must be extended since they have not been notified in a reasonable timeline.

Justin Rubelo
[REDACTED]

Applicant's Response #4: Justin Rubelo

From: fred.mullie@coreoneconsultants.com
To: [Wendy Miller](#); fred.mullie@coreoneconsultants.com
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Wednesday, November 02, 2022 12:10:20 PM
Attachments: [image003.png](#)

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Hi Wendy,

Please see response below.

Justin Rubelo

The community has been engaged in accordance with the JDF Policy. As part of this engagement, CDR posted on its website a notice of the application and an invitation for public input on September 15, 2022. The CRD's notice of application and invitation for comments was also published on the Sooke News Mirror on the same day.

Thank you,
Regards,
FRED

Fred Mullie
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(E) fred.mullie@coreoneconsulting.com
www.coreoneconsulting.com | info@coreoneconsulting.com

Submission #5: Josh Stewart

From: [REDACTED]
To: [jdf.info](#)
Subject: Contact Us - Submission
Date: Monday, October 10, 2022 11:08:19 AM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Joshua Stewart

Your Email Address:

[REDACTED]

Message:

Hello, I am a resident of East Sooke in the Copper Mine Rd area and have learned of the radio tower proposal. I firmly oppose the idea of this construction. The tower would be far too close to many residences, would protrude far to high above the existing forest canopy, would be a source of light pollution and Electromagnetic frequency pollution within close proximity to wildlife passages and residential areas. I don't want my children to have to grow up under a radio tower.

I would like to know what group or business is funding the tower and the reason to build an experimental radio tower between a neighborhood and a popular community wilderness park.

Josh Stewart

Applicant's Responses #5: Josh Stewart

From: fred.mullie@coreoneconsultants.com
To: [Wendy Miller](#)
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Friday, October 14, 2022 2:28:40 PM
Attachments: [image002.png](#)

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Hi Wendy,

Please see response below.

Joshua Stewart

– The tower/business planning the tower is 1291956 B.C. Unlimited Liability Company. The location was chosen as it fits the requirements necessary for the Company's needs. The proposed structure will be operated in a manner that complies with Health Canada's RF exposure guideline, Safety Code 6. The transmission technology is mature and tested. The experimental nature of the signal is in reference to the novel application of an existing technology.

Thank you,
Regards,
FRED

Fred Mullie
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www.coreoneconsulting.com | info@coreoneconsulting.com



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From: Wendy Miller <wmiller@crd.bc.ca>
Sent: October 11, 2022 4:20 PM
To: fred.mullie@coreoneconsultants.com
Subject: Submission Received - CRD File LP000034/6246 Gordon Road

From: fred.mullie@coreoneconsultants.com
To: [Wendy Miller](#)
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Wednesday, November 02, 2022 12:16:28 PM
Attachments: [image003.png](#)

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Hi Wendy,

Please see response below,

Josh Stewart -

The applicant, 1291956 B.C. ULC is funding the tower. The purpose of the tower is to provide long-range, high-throughput data communications in the HF band to complement traditional, terrestrial transport technologies. The tower and associated antennas are needed to support business activities in the area of data communications.

As for concerns regarding light pollution to nearby residences, in accordance with CRD's *Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy* ("JDF Policy") the applicant will avoid the display of any type of lighting except where required by Transport Canada. If lighting is required for security reasons, the applicant will endeavour to shield it from adjacent properties and keep it to a minimum intensity (ensuring, where possible, it is downward facing and motion-sensory designed). Further, we will comply with the setback from adjacent dwellings imposed by the JDF Policy, or a different setback as may be required by CRD.

As stated in CPC-2-0-03 — *Radiocommunication and Broadcasting Antenna Systems*, "current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6." (at pg. 13). We note that existing provincial and federal regulations for the permitting of telecommunication towers do not require applicants to provide research or studies to prove these facilities will have no health effect on local residents

Thank you,
Regards,
FRED

Submission #6: Eric Hughes

From: [Eric](#)
To: [idfinfo](#)
Subject: Opposition to the radio tower at 6246 Gordon Road and questions
Date: Monday, October 10, 2022 3:28:40 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

I am 100% against this radio tower project. As someone who has opted to rarely use a cell phone, have a "radio off" hydro meter at the house etc I moved out here to be away from the multitudes of RF sources found in town.

To have a potentially high powered antenna transmitting from within 500m of my house is something I am steadfastly against. What do I have to do to stop this project?

Here are my questions.

- 1) How many antenna will be on the tower?
- 2) What power outputs will the antennas be putting out?
- 3) What frequencies will the tower be transmitting in?
- 4) What is the expected effect on the surrounding area?
- 5) What will be the expected measurable RF radiation at 50m, 100m, 250m and 500m from the tower?
- 6) What research and or studies has been done or consulted that prove that the tower will have no effect over the local residents?
- 7) At 49m tall the tower will detract from the natural beauty of the local park and neighbourhood. This will reduce our property values. What compensation will be provided to the residents due to the unsightly tower ruining the local beauty?
- 8) Will there be regular RF level testing in the surrounding area to ensure that the tower remains within compliant levels? If the tower is found to exceed levels, what remedies will be taken and how quickly will they be applied?

Eric Hughes

Applicant's Response #6: Eric Hughes

From: fred.mullie@coreoneconsultants.com
To: [Wendy Miller](#)
Subject: RE: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Wednesday, November 02, 2022 12:23:13 PM
Attachments: [image003.png](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Wendy,

Please see response below:

Eric Hughes

1. The tower will have three antennas.
2. The two high frequency ("HF") antennas will be transmitting < 1000W. The 10.7-11.7GHz microwave will be <1W.
3. Two antennas will be transmitting in the HF band 5-30MHz, and one will be transmitting in the 10.7-11.7GHz microwave band.
4. Our evaluation of the environmental conditions in the area of the proposed tower location (the "Proposed Site") confirmed that the tower is unlikely to cause negative environmental impacts. Along the Valentine Road, there is an area noted as "riparian and sensitive," but this area is not in close proximity to the Proposed Site.
5. As we confirmed in our "Conditions and Declarations" document, the tower will be designed and operated in accordance with Health Canada's *Safety Code 6: Radiofrequency Exposure Guidelines* ("Safety Code"). We will retain a licensed engineer to ensure compliance with the *Safety Code*. Our obligation to comply with the *Safety Code* is ongoing and, at any time, we may be required, as directed by Innovation, Science and Economic Development Canada ("ISED"), to demonstrate compliance by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures (as required by CPC-2-0-20, *Radio Frequency (RF) Fields – Signs and Access Control*). We note that the radio equipment powering the antennas is designed for *Safety Code* adherence, and we will not operate it over the limit recommended by manufacturing specifications. For clarity, potential equipment malfunctioning would not lead to inadvertent power output beyond *Safety Code* limits. Therefore, inspection of the equipment for this reason is not required.
6. As stated in CPC-2-0-03 — *Radiocommunication and Broadcasting Antenna Systems*, "current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with *Safety Code 6*." (at pg. 13). We note that existing provincial and federal regulations for the permitting of telecommunication towers do not require applicants to provide research or studies to prove these facilities will have no health effect on local residents.
7. Issues related to impact on property values are outside the scope of this application. As stated in CPC-2-0-03 — *Radiocommunication and Broadcasting Antenna Systems*, "potential effects that a proposed antenna system will have on property values" is not a "relevant" concern (pg. 8) and, therefore, applicants are not required to address it.
8. As we confirmed in our "Conditions and Declarations" document, the tower will be designed and operated in accordance with Health Canada's *Safety Code 6: Radiofrequency Exposure Guidelines* ("Safety Code"). We will retain a licensed engineer to ensure compliance with the *Safety Code*. Our obligation to comply with the *Safety Code* is ongoing and, at any time, we may be required, as directed by Innovation, Science and Economic Development Canada ("ISED"), to demonstrate compliance by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures (as required by CPC-2-0-20, *Radio Frequency (RF) Fields – Signs and Access Control*). We note that the radio equipment powering the antennas is designed for *Safety Code* adherence, and we will not operate it over the limit recommended by manufacturing specifications. For clarity, potential equipment malfunctioning would not lead to inadvertent power output

beyond *Safety Code* limits. Therefore, inspection of the equipment for this reason is not required.

Thank you,

Regards,

FRED

Fred Mullie

Director Business Development and Network Infrastructure Projects | [Core One Consulting](#)

18525 53rd Avenue, Suite 229, Surrey, BC V3S 7A4

(O) (778) 805-2166 | (M) (778) 9035200

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www.coreoneconsulting.com | info@coreoneconsulting.com

Submission #7: Shandelle Conrad

From: [REDACTED]
To: jdfinfo
Subject: Contact Us - Submission
Date: Thursday, October 13, 2022 1:46:46 PM

The following message was received through the form at 'https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Shandelle Conrad

Your Email Address:
[REDACTED]

Message:

I am opposed to the tower proposed at Gordon's Rd & Valentine. This is an eco-sensitive area. The community has not been engaged.

Shandelle

Applicant's Response #7: Shandelle Conrad

From: [Fred Mullie](#)
To: [Wendy Miller](#)
Subject: Re: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Monday, October 31, 2022 11:19:51 AM
Attachments: [image002.png](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Wendy,

Please see response below.

Shandelle Conrad

We acknowledge our responsibility under Innovation, Science and Economic Development Canada ("ISED") Procedures Circular CPC-2-0-03, Radiocommunication and Broadcasting Antenna Systems, for ensuring that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements. The community has been engaged in accordance with the JDF Policy. As part of this engagement, CRD posted on its website a notice of the application and an invitation for public input on September 15, 2022. The CRD's notice of application and invitation for comments was also published on the Sooke News Mirror on the same day.

Thank you,

Regards,

FRED

Submission #8: Ron King

From: [Ron King](#)
To: [jdfinfo](#)
Subject: Written Submission for file: LP000034
Date: Thursday, October 13, 2022 6:00:57 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello;

I am an owner/occupier within 500 meters of the subject site (6246 Gordon Road) and would like to provide the following comments and questions about the application.

I feel that is important to voice my questions and concerns as I have noticed that information about this project seems to be fluid.

My family purchased and moved to our property nearly 20 years ago. We are very concerned about this project and the effects it could have on our community.

Why is a numbered company listed as the applicant and not a parent company or corporation?
Is this for protection from possible liability?

Why is this rather large and expensive endeavor being proposed for a test?

What happens with the tower and equipment after the test is completed?

What is the proposed duration of the project? (from start of construction to end of testing experiment)

Who if anyone would be monitoring the construction process/progress and during testing/experimenting operations for potential harmful output from the testing equipment?

Who would assume liability if there were harmful health damages to local residents or properties as a result of construction or operations of the facility?

Has the possible harmful effects of the construction and operation of the facility been thoroughly investigated?

The area is a sensitive location as there is East Sooke Park adjacent to the proposed facility. There is a public trail access to East Sooke Park adjacent to the proposed facility.

As mentioned by CRD "This area is important habitat for large carnivores as well as many smaller organisms including the Warty Jumping - Slug - a Species of Special Concern under the Federal Species at Risk Act"

Widening and constructing a larger access road would definitely have a negative impact.

We purchased our home and moved to this neighbourhood to enjoy the peaceful lifestyle that came with the area. If this facility is built, the negative effects would definitely compromise our daily lives. We chose to live here to be away from the effects and signs of industry, not to be living and now retired, adjacent to it.

The applicant mentioned that the project would be complying with Health Canada Safety Code 6 Guidelines. These are only safe in a perfect scenario. Who's to say that something harmful wouldn't go wrong? The potential damage can't always be seen or proven until long after it's done. An example would be with the tobacco industry and the effects of smoking causing extremely high risk for lung cancer in humans.

One may say that there is no science to prove there is harm to human health from RADIOCOMMUNICATIONS FACILITIES and one can also say that there is no science to prove otherwise.

My suggestion would be for this facility to be suitably constructed at a safe distance away from any residential neighbourhoods.

Thank you for your time and I look forward to your reply.

Applicant's Response #8: Ron King

From: [Fred Mullie](#)
To: [Wendy Miller](#)
Subject: Re: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Tuesday, November 08, 2022 9:21:01 AM
Attachments: [image002.png](#)
[image003.png](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Wendy,
Please see response below.

RON KING

The bullets correspond to the various questions:

- The applicant, 1291956 B.C. ULC. will own and operate the tower and, therefore, is the appropriate named applicant. The applicant is the entity with legal authority to bind the company.
- On the subject of liability, we note that we are a Canadian corporation and, as such, subject to Canadian common law and applicable provincial and federal statutes.
- The purpose of the tower is to provide long-range, high-throughput data communications in the HF band to complement traditional, terrestrial transport technologies. The tower and associated antennas are needed to support our business activities in the area of data communications.
- We have not yet determined for how long we will operate the tower. Such determination depends on a number of factors that have yet to be assessed, including how well the tower will perform in the Proposed Site. When the tower is removed from the Proposed Site, we will comply with any legal requirements for reclamation and remediation of the site, as applicable.
- We have not yet determined for how long we will operate the tower. Such determination depends on a number of factors that have yet to be assessed, including how well the tower will perform in the Proposed Site. When the tower is removed from the Proposed Site, we will comply with any legal requirements for reclamation and remediation of the site, as applicable.
- The applicant and/or its contractors will monitor construction progress.
- As stated in CPC-2-0-03 — *Radiocommunication and Broadcasting Antenna Systems*, “current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.” (at pg. 13). We note that existing provincial and federal regulations for the permitting of telecommunication towers do not require applicants to provide research or studies to prove these facilities will have no health effect on local residents.
- As we confirmed in our “Conditions and Declarations” document, the tower will be designed and operated in accordance with Health Canada’s Safety Code 6: Radiofrequency Exposure Guidelines (“Safety Code”). We will retain a licenced engineer to ensure compliance with the Safety Code. Our obligation to comply with the Safety Code is ongoing and, at any time, we may be required, as directed by Innovation, Science and Economic Development Canada (“ISED”), to demonstrate compliance by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures (as

required by CPC-2-0-20, Radio Frequency (RF) Fields – Signs and Access Control)

- Our evaluation of the environmental conditions in the area of the proposed tower location (the “Proposed Site”) confirmed that the tower is unlikely to cause negative environmental impacts. Along the Valentine Road, there is an area noted as “riparian and sensitive,” but this area is not in close proximity to the Proposed Site. We will ensure the tower is installed and operated in a manner that complies with statutory requirements, such as those under the *Migratory Birds Convention Act* (1994, SC 1994, c 22) and the *Species at Risk Act* (SC 2002, c 29), as applicable. We note that the tower is not expected to represent a source of light pollution in the surrounding area. Once our proposal is reviewed by Transport Canada, we will inform the community of Transport Canada’s marking/lighting requirements for the tower. As indicated in our “Community Impact Statement,” we do not anticipate the need for day lighting. We do not anticipate constructing a large access road for the tower. However, a small section of Valentine Road will be temporarily widened for construction vehicle access to the Proposed Site. We note that the road widening will be backfilled once construction is completed.

Thank you,
Regards,
FRED

Submission #9: Natalia Day

From: [Natalia Day](#)
To: [jdf.info](#)
Cc: [Iain Lawrence](#); [Wendy Miller](#)
Subject: Application for Radiocommunication Tower - 6246 Gordon Road
Date: Thursday, October 13, 2022 6:18:18 PM

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Hello,

This message is regarding the proposed radio communications tower for 6246 Gordon Road.

I wish to have the following questions answered by the applicant.

Who is the actual owner of the tower? As Core One Consulting is likely representing someone, who are they representing?

What is the intended purpose of their 'experiment' and how does that relate to use of the tower over the long term?

What benefits will this tower bring to East Sooke, and the JDF?

What laboratory results has this testing generated, and how has that deemed field testing to be safe?

What other locations are currently being considered to complete this testing?

Should residents suffer consequences as a result of this testing (health impacts, property value decline) who is responsible?

What will be done to mitigate light pollution, and impacts to resident's view?

It has been stated that the tower height will be in excess of the current tree canopy. What will the applicant do to ensure it is not an eye-sore for residents?

Thank you.

Natalia Day
[REDACTED]

Applicant's Response #9: Natalia Day

From: [Fred Mullie](#)
To: [Wendy Miller](#)
Subject: Re: Submission Received - CRD File LP000034/6246 Gordon Road
Date: Tuesday, November 08, 2022 9:27:08 AM
Attachments: [image001.png](#)

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Hi Wendy,

Please see below response

NATALIA DAY

1. Core One Consulting is representing the applicant, 1291956 B.C. ULC.
2. The purpose of the tower is to provide long-range, high-throughput data communications in the HF band to complement traditional, terrestrial transport technologies. The tower and associated antennas are needed to support our business activities in the area of data communications.
3. Regarding benefits to East Sooke and the Juan de Fuca community, we may consider, on a case-by-case basis, third-party requests to collocate additional equipment on the tower for the purposes of hosting safety/emergency services telecommunication infrastructure. We note we will only consider collocation requests for the strict purpose of safety and/or emergency services and not for business or commercial purposes.
4. As we confirmed in our "Conditions and Declarations" document, the tower will be designed and operated in accordance with Health Canada's *Safety Code 6: Radiofrequency Exposure Guidelines* ("Safety Code"). We will retain a licensed engineer to ensure compliance with the *Safety Code*. Our obligation to comply with the *Safety Code* is ongoing and, at any time, we may be required, as directed by Innovation, Science and Economic Development Canada ("ISED"), to demonstrate compliance by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures (as required by CPC-2-0-20, *Radio Frequency (RF) Fields – Signs and Access Control*). We note that the radio equipment powering the antennas is designed for *Safety Code* adherence, and we will not operate it over the limit recommended by manufacturing specifications. For clarity, potential equipment malfunctioning would not lead to inadvertent power output beyond *Safety Code* limits. Therefore, inspection of the equipment for this reason is not required.
5. At present, no other locations are being considered for the installation of this tower other than the Proposed Site. However, we have received a statement of concurrence and ISED license to install a tower for similar research reasons in Essex, Ontario. The Essex tower has been in operation since February 2022.
6. Issues related to impact on property values are outside the scope of this application. As stated in CPC-2-0-03 — *Radiocommunication and Broadcasting Antenna Systems*, "potential effects that a proposed antenna system will have on property values" is not a "relevant" concern (pg.

8) and, therefore, applicants are not required to address it. As stated in CPC-2-0-03 — *Radiocommunication and Broadcasting Antenna Systems*, “current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.” (at pg. 13). We note that existing provincial and federal regulations for the permitting of telecommunication towers do not require applicants to provide research or studies to prove these facilities will have no health effect on local residents.

7. We note that the tower is not expected to represent a source of light pollution in the surrounding area. Once our proposal is reviewed by Transport Canada, we will inform the community of Transport Canada’s marking/lighting requirements for the tower. As indicated in our “Community Impact Statement,” we do not anticipate the need for day lighting. In accordance with CRD’s *Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy* (“JDF Policy”) we will avoid the display of any type of lighting except where required by Transport Canada. If lighting is required for security reasons, we will endeavour to shield it from adjacent properties and keep it to a minimum intensity (ensuring, where possible, it is downward facing and motion-sensory designed). Further, we will comply with the setback from adjacent dwellings imposed by the JDF Policy, or a different setback as may be required by CRD.
8. We have taken steps to minimize any potential issues regarding visual aesthetic impact. One of the main reasons we selected the Proposed Site was its close proximity to two existing communication towers. We also considered the Proposed Site to be appropriate as it is distant from community sensitive locations. Additionally, the proposed tower and antenna have a low-profile visual impact.

Thank you,
Regards,
FRED

From: [Ron King](#)
To: [jdfinfo](#)
Subject: Submission for file: LP000034
Date: Thursday, October 13, 2022 8:57:37 PM
Attachments: [Names for Tower 1 \(1\).pdf](#)

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Hello;

Please accept this community petition started by some local neighbours who oppose the tower in the Coppermine Area of East Sooke. As of right now, we have 90 supporters. Their names and postal codes are attached. We hope that you consider this information as part of the community engagement process. The petition was only started on Monday and people are still signing. If I can send you an updated list in the future please let me know. Thank you for your attention to this matter.

Ron King

53/90 East Sooke or Sooke (59%)

64/90 CRD (71%)

26/90 Outside area (29%)

Say No to Proposed East Sooke 'Experimental' Radio Tower
Petition Names and Location
10/13/2022 5:00PM

Shandelle Conrad	V9Z	
Joshua Stewart	V9Z	
Brook Reed	V9Z	
Eric Hughes	V9Z	
Oleksiy Dzyuba	M3J	
Ali Samavati I	T3A	
Judy Bruce	L9Z 2B1	
Ellen Hurst	V9Z 1B2	
Stefan Nowak	V9Z 1B3	
Kerry Mewhort	VoH 1T0	
Brynn Watson	V5R	
m mil	V9Z	
Elnaz jajouei		
moghadam	V5P	
Joan Hughes	K2M 2N6	
Nicci Simon	V9Z	
Corey Phillips	M6P	
John Palliser	V9Z	
Jessica Petley	V5K	
Alex Stringer	V9Z	
Rick Mcmurdo	V9Z	
Wayne Skeritt	K2M2N6	
Jacqueline Klose		64720
Armaghan Keshmiri	V6V 3z1	
Maryam Mahmoudi	V6	
Jennifer Bryce	V9Z	
Steven Grebanier	V8r1g5	
Pamela Boulding	V2M 2Z6	
Mailo Paukkunen	V0R 1A1	
Doug Gradecki	B0K 1V0	
Katharine Allen	V9Z	
Michelle Landry	V9Z	
Dana Hughes	V9A3M7	
Lynn Noel	V9Z	
Julie Hughes	V9Z	
Rebecca Clarke-Coates	V9Z	

Say No to Proposed East Sooke 'Experimental' Radio Tower
Petition Names and Location
10/13/2022 5:00PM

Manon Bolliger	V0N 1G2	
Alison Charlton	V9Z1A9	
Cory Hobbs	V9Z	
Reiner Meyer	V9Z	
Peter Andrachuk	V9Z	
D G	v8v2p6	
Erica McMillen	V9Z	
Terrie Wilcox	V9B	
Ute Schnarr	V9Z 1A2	
Stefanie Russell	V9Z	
Dana Livingstone	V9Z 1B3	
Genessa Henderson	V9Z0Z7	
Jocelyne Thibeault	V9Z	
Melanie Walton	V9Z1A9	
Luke Thonp	V6B	
Jenna Hobbs	V9z1a9	
Barbara Quick		95954
Steve Pridgeon	V9Z	
Nelson Karger	V3T	
Sarah Buchinski	V9Z	
Keldi Forbes	V9Z	
Nkhia Furlow		36701
haymanpt yimam		89129
Cameron Armstrong		96819
Mercedes Arias		11234
Lenore Black	L3R	
Alexandra Collicott	V9Z	
Wes Collicott	V9Z	
Madison Grothen	V3N	
Marion Schubert	V9B	
Richard Champ	V9Z	
Wendy Cooper	V9Z	
Chris Lewis	V9Z	
Madison Frost	V9Z	
Jesse Baker	V9A	
Noah Morgan	V9A	
Krissy Forward	V9A	

Say No to Proposed East Sooke 'Experimental' Radio Tower
Petition Names and Location
10/13/2022 5:00PM

Levi Clark	V6K	
Catherine Albertson	V9C 4H9	
Justin Rebelo	V9Z1B1	
T Forbes	V9Z	
Elizabeth Summers	V9Z	
Les Smith	V9Z	
Krista Kielbusiewicz	V9Z	
J. Hutchins	V9Z	
Bonnie Thynne	V9Z	
Sandra Meyer	V9Z	
Charlotte Senay	V9Z 1A6	
Kimberley McTaggart	V9Z 1A1	
Aleana Repay	V9Z	
Leslie Sharon	V8W 1K2	
S White		98160
Amy Stringer	V9Z	
Nico Mennie	V9Z	
Brad Jones	T6W 1E7	

Appendix D: Response Matrix

Residents' Comments re Telecommunications Tower

Categories	Residents' comments	Applicant's response:
<p>Environmental concerns – including:</p> <ul style="list-style-type: none"> Wildlife 	<p>Concerns/Questions regarding:</p> <ul style="list-style-type: none"> The tower would be a source of light pollution as it would be too high above the existing forest canopy, affecting nearby wildlife passages. This is an eco-sensitive area. Widening and constructing a larger access road would have a negative impact. Proposed experimental radio communications tower is not appropriate for a residential neighborhood beside East Sooke Park. 	<p>Our evaluation of the environmental conditions in the area of the proposed tower location (the "Proposed Site") confirmed that the tower is unlikely to cause negative environmental impacts. Along the Valentine Road, there is an area noted as "rural and sensitive," but this area is not in close proximity to the Proposed Site.</p> <p>We acknowledge our responsibility under Innovation, Science and Economic Development Canada ("ISED") Procedures Circular CPC-2.0-03, <i>Radiocommunication and Broadcasting Antenna Systems</i>, for ensuring that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements.</p> <p>We note that the tower is not expected to represent a source of light pollution in the surrounding area. Once our proposal is reviewed by Transport Canada, we will inform the community of Transport Canada's marking/lighting requirements for the tower. As indicated in our "Community Impact Statement," we do not anticipate the need for day lighting.</p> <p>We do not anticipate constructing a large access road for the tower. However, a small section of Valentine Road will be temporarily widened for construction vehicle access to the Proposed Site. We note that the road widening will be backfilled once construction is completed.</p> <p>The purpose of the tower installation is to allow us to gather data on the performance of such towers in remote locations. However, the technology of the tower is not novel and has been widely used in the last decades. Similarly, the frequency at which we proposed to operate the antenna is not "experimental."</p>
<p>Health concerns – including:</p> <ul style="list-style-type: none"> Electromagnetic field concerns Compliance with radiofrequency requirements Issues with liability associated with health concerns Light pollution 	<p>Concerns/Questions regarding:</p> <ul style="list-style-type: none"> The tower would be a source of light pollution as it is too close to many residences. There are concerns about a high-powered antenna transmitting within proximity of residences. Despite the project being compliant with Health Canada Safety Code 6 Guidelines, there remain concerns with the potential damage not being seen until after testing is completed. Number of antennas Power outputs of antennas Expected measurable radio frequency ("RF") radiation at 50m, 100m, 250m, 500m of the tower Whether there will be regular RF level testing and applicable remedy if test results indicate non-compliance monitoring for health impacts associated with this experiment liability if there are health effects Whether research has been conducted to prove field testing is safe or has no effect on the residents 	<p>As we confirmed in our "Conditions and Declarations" document, the tower will be designed and operated in accordance with Health Canada's <i>Safety Code 6: Radiofrequency Exposure Guidelines</i> ("Safety Code"). We will retain a licensed engineer to ensure compliance with the <i>Safety Code</i>.</p> <p>Our obligation to comply with the <i>Safety Code</i> is ongoing and, at any time, we may be required, as directed by Innovation, Science and Economic Development Canada ("ISED"), to demonstrate compliance by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures (as required by CPC-2.0-20, <i>Radio Frequency (RF) Fields – Signs and Access Control</i>). We note that the radio equipment powering the antennas is designed for <i>Safety Code</i> adherence, and we will not operate it over the limit recommended by manufacturing specifications. For clarity, potential equipment malfunctioning would not lead to inadvertent power output beyond <i>Safety Code</i> limits. Therefore, inspection of the equipment for this reason is not required.</p> <p>As stated in CPC-2.0-03 — <i>Radiocommunication and Broadcasting Antenna Systems</i>, "current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with <i>Safety Code 6</i>," (at pg. 13). We note that existing provincial and federal regulations for the permitting of telecommunication towers do not require applicants to provide research or studies to prove these facilities will have no health effect on local residents.</p>

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	<p>As for concerns regarding light pollution to nearby residences, in accordance with CRD's <i>Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy</i> ("JDF Policy") we will avoid the display of any type of lighting except where required by Transport Canada. If lighting is required for security reasons, we will endeavour to shield it from adjacent properties and keep it to a minimum intensity (ensuring, where possible, it is downward facing and motion-sensory designed). Further, we will comply with the setback from adjacent dwellings imposed by the JDF Policy, or a different setback as may be required by CRD.</p> <p>On the subject of liability, we note that we are a Canadian corporation and, as such, subject to Canadian common law and applicable provincial and federal statutes.</p> <p>Please see our response regarding the specific questions about the tower's technical specifications:</p> <ul style="list-style-type: none">• The tower will have three antennas.• The two high frequency ("HF") antennas will be transmitting < 1000W. The 10.7-11.76GHz microwave will be <1W.• Two antennas will be transmitting in the HF band 5-30MHz, and one will be transmitting in the 10.7-11.76GHz microwave band <p>The applicant, 1291956 B.C. ULC, will own and operate the tower and, therefore, is the appropriate named applicant. The applicant is the entity with legal authority to bind the company.</p> <p>The purpose of the tower is to provide long-range, high-throughput data communications in the HF band to complement traditional, terrestrial transport technologies. The tower and associated antennas are needed to support our business activities in the area of data communications.</p> <p>Although our proposed tower may assist in evaluating the reliability of HF band usage for connectivity purposes in remote areas, we clarify that the purpose of the tower is to gather data on how it performs in a remote site. The type and purpose of the tower is not new to the industry and a number of similar towers exist in Vancouver Island. Additionally, we have undertaken extensive laboratory and testing on our communication system and associated equipment to ensure it will comply with the <i>Safety Code</i>.</p> <p>We have not yet determined for how long we will operate the tower. Such determination depends on a number of factors that have yet to be assessed, including how well the tower will perform in the Proposed Site. When the tower is removed from the Proposed Site, we will comply with any legal requirements for reclamation and remediation of the site, as applicable.</p> <p>At present, no other locations are being considered for the installation of this tower other than the Proposed Site. However, we have received a statement of concurrence and RED licence to install a tower for similar research reasons in Essex, Ontario. The Essex tower has been in operation since February 2022.</p>	
<p>Project details—including:</p> <ul style="list-style-type: none">• Issues related to the project's purpose, location, ownership, duration, etc.	<p>Concerns/Questions regarding:</p> <ul style="list-style-type: none">• The ownership of the tower.• why is a numbered company listed as the applicant as opposed to the parent or corporation?• Why is this test of this scale and expense?• What happens to the tower and equipment once the testing is completed?• Proposed duration of the project (start of construction to end of testing).• Installing another radio tower when one already exists.• What is the intended purpose of the 'experiment' and how it relates to the use of the tower long term?• What other locations are being considered to complete this testing?• One resident indicated they do not want new technology or existing technology to be researched on its feasibility just above their house.	
<p>Construction Monitoring</p>	<p>Concerns/Questions regarding:</p> <ul style="list-style-type: none">• Who will be responsible for monitoring the construction progress?	<p>The applicant and/or its contractors will monitor construction progress.</p>

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<p>Visual impact and impact on property values –including:</p> <ul style="list-style-type: none"> • Compensation for reduced property values 	<p>Concerns/Questions regarding:</p> <ul style="list-style-type: none"> • The tower would detract from the natural beauty of the local park and neighbourhood and reduce residential property values. • Who will be responsible for the decline property value as a result of this experiment? • What will be done to mitigate impacts to resident's views since the tower height will be above the current tree canopy? 	<p>Issues related to impact on property values are outside the scope of this application. As stated in CPC-2-0-03 — <i>Radiocommunication and Broadcasting Antenna Systems</i>, "potential effects that a proposed antenna system will have on property values" is not a "relevant" concern (pg. 8) and, therefore, applicants are not required to address it.</p> <p>We have taken steps to minimize any potential issues regarding visual aesthetic impact. One of the main reasons we selected the Proposed Site was its close proximity to two existing communication towers. We also considered the Proposed Site to be appropriate as it is distant from community sensitive locations. Additionally, the proposed tower and antenna have a low-profile visual impact.</p>
<p>Lack of Notice</p>	<p>Concerns/Questions regarding:</p> <ul style="list-style-type: none"> • Applicant's failure to provide affected resident with proper notice and allow them an opportunity to comment on the proposal. • Lack of community engagement on the proposal. 	<p>The community has been engaged in accordance with the IDF Policy. As part of this engagement, CDR posted on its website a notice of the application and an invitation for public input on September 15, 2022. The CDR's notice of application and invitation for comments was also published on the Sooke News Mirror on the same day.</p>
<p>Benefits</p>	<p>Concerns/Questions regarding:</p> <ul style="list-style-type: none"> • What benefits the tower will bring to East Sooke and IDF • Various residents rose concerns about moving to this neighborhood to be away from industry 	<p>As indicated above, it is not anticipated the tower will negatively impact the nearby residents as it will be compliant with applicable safety measures and has been designed to minimize as much as possible potential visual impacts.</p> <p>Regarding benefits to East Sooke and the Juan de Fuca community, we may consider, on a case-by-case basis, third-party requests to collocate additional equipment on the tower for the purposes of hosting safety/emergency services telecommunication infrastructure. We note we will only consider collocation requests for the strict purpose of safety and/or emergency services and not for business or commercial purposes.</p>

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Appendix E: Referral Comments

Referral Response – CRD First Nations Relations

From: Shauna Huculak
Sent: Monday, October 03, 2022 10:52 AM
To: Iain Lawrence <ilawrence@crd.bc.ca>; Wendy Miller <wmiller@crd.bc.ca>
Cc: Caitlyn Vernon <CVernon@crd.bc.ca>
Subject: RE: Referral: Radiocommunications Tower Application at 6246 Gordon Road - East Sooke (LP000034)

Recommendations:

Although the property is not located within or immediately adjacent to a registered *Heritage Conservation Act* (HCA) protected archaeological site, it is located in an area of **archaeological potential** as determined by the Provincial archaeological overview assessment (CRD 2008) available via the *Remote Access to Archaeological Data* (RAAD) managed by the BC Archaeology Branch (Ministry of Forests). A search of RAAD was undertaken by the CRD on 3-October-2022 as related to Referral: Radiocommunications Tower Application at 6246 Gordon Road - East Sooke (LP000034).

The search indicated that the closest registered archaeological site is located ~800m north of the proposed Radiocommunications Tower. Given that there is no registered archaeological site on the property, a Provincial *Heritage Conservation Act* permit is not required to undertake the work. However, a Provincial *Heritage Conservation Act* permit will be required if archaeological deposits, features or materials are exposed and/or encountered during land-altering activities that includes tree felling. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

All archaeological sites, whether on Provincial Crown or private land (including land under water) that are known or suspected to predate AD 1846, are automatically protected under the HCA (S.13) this includes culturally modified trees. Certain sites, including human burials and rock art sites with heritage value, are automatically protected regardless of their age. Shipwrecks and plane wrecks greater than two years of age are also protected under the HCA. The *Heritage Conservation Act* does not distinguish between those archaeological sites which are "intact," (i.e., those sites which are in a pristine, or undisturbed state) and those which are "disturbed" (i.e., those sites which have been subject to alteration, permitted or otherwise). All

archaeological sites, regardless of condition, are protected by the HCA, as described above. *Heritage Conservation Act* -protected archaeological sites or objects cannot be disturbed or altered without a permit issued by the Archaeology Branch (Ministry of Forests).

Referral Response – CRD Regional Parks

From: [Lynn Wilson](#)
To: [Wendy Miller](#)
Cc: [Larissa Rathwell](#); [Mike Macintyre](#)
Subject: RE: Referral: Radiocommunications Tower Application at 6246 Gordon Road - East Sooke (LP000034)
Date: Monday, October 03, 2022 11:30:17 AM
Attachments: [RE Transmission Tower application at 6246 Gordon Road Sooke B.C. .msq](#)
[image001.png](#)

Hi Wendy:

Based on our review of the referral package documents and additional information provided by the proponent (see attached from Fred Mullie on behalf of 1291956 B.C. Unlimited Liability Company), we don't believe the transmission tower at 6246 Gordon Road in East Sooke will unduly impact CRD Regional Park interests for East Sooke Regional Park. Our primary concern is siting of the transmission tower in such a way that it minimizes the height difference between the tower and surrounding trees in order to reduce its visual impact on park visitors. We also do not support any trail or road development from the tower compound into East Sooke Regional Park.

If any significant changes are proposed to the application during the review and approvals process, we would like to request another opportunity to comment on the referral prior to project approval.

Please feel free to reach out to me if you have any questions or comments.

Thank you,
Lynn

Lynn Wilson M.A., RPP MCIP | Park Planner
Regional Parks | Capital Regional District
490 Atkins Avenue, Victoria, BC V9B 2Z8
T: 250.360.3369 | C: 250.889.8029
www.crd.bc.ca | [Facebook](#) | [Twitter](#) | [YouTube](#)



In order to prepare comments on the application, I have a few questions that I am hoping you can answer:

- How tall is the proposed tower in relation to the existing tower on the Gordon property? **The proposed tower height is at 45 meters. The existing tower on the Gordon property is 36 meters tall. Note that the proposed tower is quite a ways downhill from the existing (Rodgers) tower so that AMSL (above mean sea level) difference in height of the two towers is significantly lessened.**
- How tall is it in relation to surrounding trees or other built structures? **The local tree canopy is roughly 38 meters tall.**
- Do you know if the height of the new tower will be visible to people using trails in East Sooke Regional Park—particularly along the northern parts of the Anderson Cove Trail, Copper Mine Trail, and from the summit of Mount Maguire (summit elevation is 268m)? **Tower visibility will be mainly determined by the viewing angle of the person. The tower will be hidden from view from most vantage points on the roads/towns due to the rolling terrain of the area. The tower may be visible from certain higher elevations; however it is hard to specify exactly where as this is dependent on the angle and viewing position of the viewer.**
- Does the proposed lease area include any portion of the adjacent East Sooke parcel to the west of the tower site? (it is a little unclear where the lease area boundary is relative to the property boundary) **No.**
- Does the tower emit any noise or sound related to its operation that would impact wildlife or park visitors in the nearby vicinity? **The tower does not emit any impactful sounds.**
- Will any trails or other access points be developed between the tower site and East Sooke Regional Park? **This is not currently in the development plans.**
- Should park visitors in the vicinity of the tower be concerned about any potential health issues arising from the operation of this tower? **No, this antenna uses a mature and tested technology which does not pose any potential health issues to people in the vicinity of the tower.**
- Will the installation and operation of the tower result in any predicted harms to wildlife that may use this area to travel to/from East Sooke Regional Park? (i.e., will wildlife be allowed to safely travel through the site outside of the fenced area?) **We do not predict any harms to wildlife. Wildlife will be able to travel safely outside of the fenced compound.**
- What is the predicted need for servicing and maintaining the tower, from a traffic volume/type/timing perspective? **Very minimal once construction is complete. Estimated between (2) and (6) visits annually, dependent on ground equipment replacement needs. Service and maintenance, when necessary, can mostly be done with one to two workers in a standard work truck.**
- Are there examples of similar towers installed elsewhere that you can send pictures of? (i.e., the site plan shows a significant structure going in, and it would be good to see what it looks like in relation to its environment elsewhere). **Similar tower deployments done by 1291956 BC ULC have been in very dissimilar environments (open fields) and would not be illustrative of how the proposed structure would look in relation to the environment.**

Appendix F: Evaluation Criteria

Evaluation Criteria:

The CRD Board may consider the following when reviewing an application for an antenna system:

1. Rationale for proposed location;
2. Proximity to residential uses, institutions and public lands;
3. Visibility and measures to integrate the antenna system into the local surroundings;
4. Security measures;
5. Alternatives and/or mitigation measures;
6. Hazardous areas;
7. Environmentally sensitive areas;
8. Transport Canada's aeronautical safety requirements;
9. Referral responses including compliance with BC Building Code, if applicable;
10. Comments received through public notification;
11. Potential impact on the community if the application is approved.
12. Designs that address the following guidelines:
 - i) antenna systems are as unobtrusive and inconspicuous as possible;
 - ii) the visual aesthetic impacts on the community are minimized;
 - iii) landscaping or screening is incorporated;
 - iv) displays of any type of lighting are avoided except where required by Transport Canada. Where lighting is proposed for security reasons, it shall be shielded from adjacent properties and kept to a minimum intensity by being of capped, downward facing and motion-sensory designs;
 - v) antenna systems are set back at least three times the height of the antenna system from adjacent dwellings. The CRD may request a different setback due to factors such as buffering topography and vegetation, transportation and utility corridors, watercourses, or public comments.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 17, 2023

SUBJECT **Provision of Park Land for Subdivision Application SU000748 in Port Renfrew, BC, for The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except that part shown coloured red on Plan 346-R and except those parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; AND The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District except those parts in Plans 5109, 24267, and 24755**

ISSUE SUMMARY

To consider options for the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* with respect to a five-lot bare land strata subdivision in Port Renfrew.

BACKGROUND

The 1.08 ha area of land being subdivided is located within the northern portion of two larger parcels accessed from Parkinson Road that have combined total land area of 48.84 ha (Appendix A). The land is zoned CR-1 (Community Residential – One) under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The 1.08 ha northern portion that is under consideration is accessed from Beachview Rise. The watercourse that flows through the parent properties is located well outside the subject area and is unaffected by the proposed subdivision.

The application that is under consideration (SU000748) follows SU000747, which is an active subdivision application proposing to create a 1.08 ha parcel. SU000748, proposed to further subdivide the 1.08 ha parcel into five bare land strata lots (Appendix B). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *LGA* applies to the five bare land strata lot application (SU000748) (Appendix C).

At the October 25, 2022, meeting, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission (the Commission) considered options for park land dedication requirements (Appendix D).

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the Capital Regional District Board:

That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for proposed subdivision of The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District except that Part shown coloured Red on Plan 346R and Except those Parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; PID: 000-468-291 and The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except Those Parts in Plans 5109, 24267, and 24755; PID: 009-565-787 (SU000748), except that a lesser amount may be acceptable where the owner agrees to establish a Statutory Right-of-way located on the common property of the proposed strata to the Capital Regional District connecting Beachview Drive to the established Statutory Right-of-Way shown on plan VIP50141, and that the owner agrees to construct a trail built to JdF Community Parks and Recreation standards prior to subdivision approval; and that the owner is requested to retain native vegetation on the land adjacent to the trail.

Alternative 2

Refer the application back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the *LGA* requires the provision of park land at the time of subdivision where three or more additional lots are created and the smallest lot being created is 2 ha or less. Where a regional district provides a community park service and an official community plan contains policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The amount of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, the value of the land is based on the average market value of all land in the proposed subdivision calculated as that value would be on the date of preliminary approval of the subdivision before any works or services are installed, or a value agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park lands.

Land Use Implications

Bylaw No. 3109, includes policies and objectives related to parks and trails. Should the application be approved, provision of park land is required under Section 510 of the *LGA*. Five percent of the total combined 48.84 ha land area is equal to 2.44 ha. However, the area of land being subdivided is 1.08 ha, where 5% would be equal to 540 m². In absence of an appraised market value as identified by the *LGA*, the total combined 2022 assessed value of the 48.84 ha properties is \$2,556,000.00; with \$27,800.00 being 5% of this value. As SU000748 only considers a 1.08 ha portion of this larger property, the scaled 5% park land dedication is equal to approximately \$2,826.00, based on the 2022 assessed value.

In order to work towards a more interconnected community, staff drafted a plan for discussion purposes only that identified potential east-west trail locations in Port Renfrew (Appendix E). The area of land being subdivided is identified as a location of interest as there is an opportunity for securing these connections.

The Commission considered subdivision application SU000748 at its meeting of October 25, 2022, and passed the following motion:

MOVED by Commissioner Croteau, **SECONDED** by Commissioner McKay that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that a trail be accepted in the form of a statutory right-of-way constructed to JdF Community Parks and Recreation standards for proposed subdivision of The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District except that Part shown coloured Red on Plan 346R and Except those Parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; PID: 000-468-291 and The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except Those Parts in Plans 5109, 24267, and 24755; PID: 009-565-787 and that the applicant be requested to retain native vegetation on the land adjacent to the trail.

CARRIED

A similar agreement was established during previous subdivision applications that abut the subject area. In accordance with Bylaw No. 3109, Section 4.8, the provision of park land must help the community achieve their quality of life goal objective. The Bylaw outlines that the provision of park land must be in the form of trails, tot lots, community parks, sports fields, regional parks, and/or interpretive parks. The proposed roadside trail to provide connectivity through existing and future residential areas meets the intent of Bylaw No. 3109. Staff recommend considering the JdF EA Parks and Recreation Advisory Commission's advice for this subdivision application. The applicant would be responsible for constructing a 1.5 m wide trail prior to CRD approval of the subdivision. Completion of the works would be a condition of Juan de Fuca Planning's sign-off to the Ministry of Transportation and Infrastructure that all subdivision requirements have been met.

CONCLUSION

The applicant proposes to subdivide 1.08 ha within a combined 48.84 ha subject area to create five bare land strata parcels and a common access driveway. The Commission considered the application on October 25, 2022, and recommended accepting a statutory right-of-way to accommodate a trail through the subdivision. Staff recommend that park dedication in the amount of 5% be received, except that a lesser amount may be accepted where the owner agrees to register a statutory right-of-way and construct a trail to JdF Community Parks and Recreation standards as a condition of the CRD's sign-off to the Ministry of Transportation and Infrastructure prior to final approval of the subdivision.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:

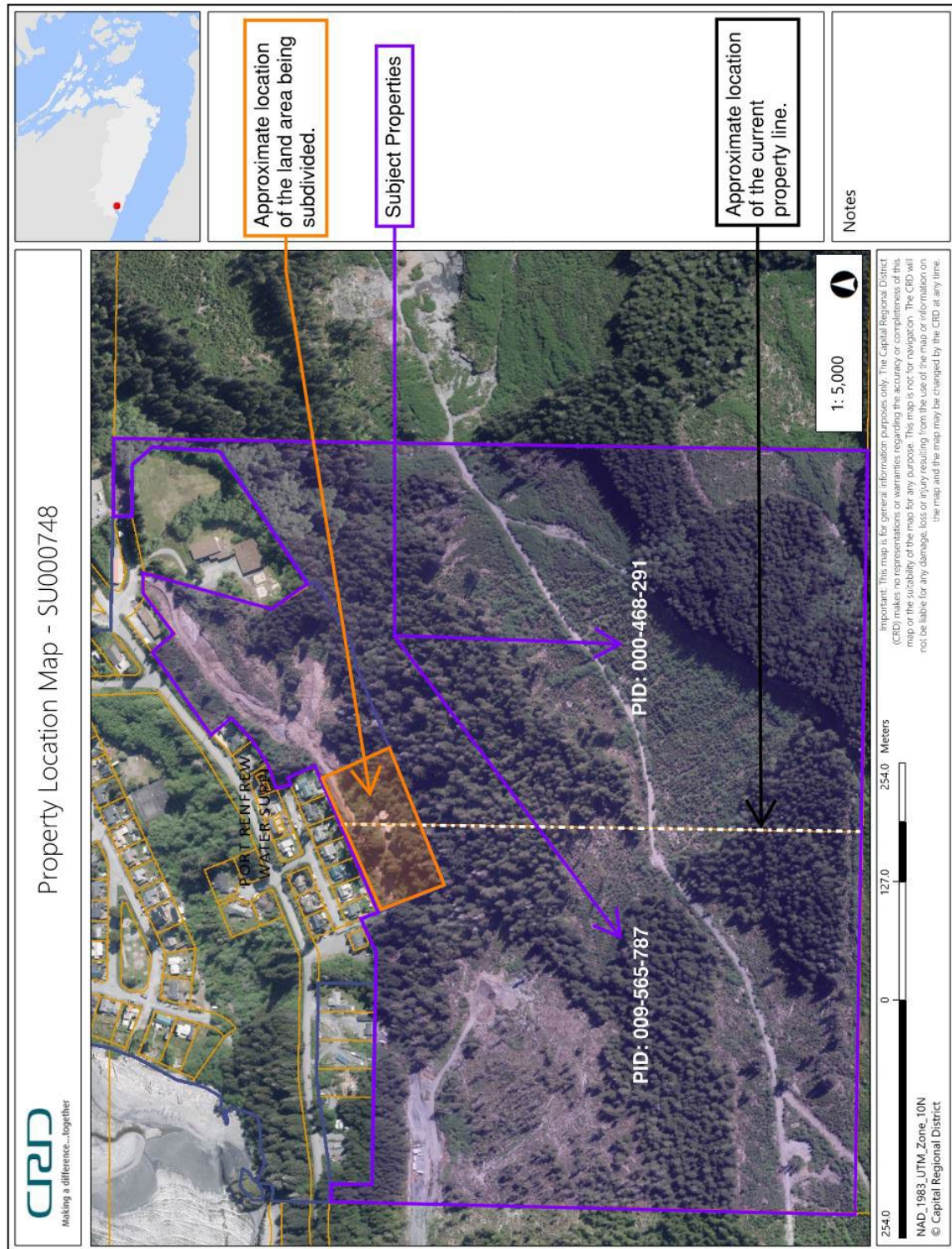
That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for proposed subdivision of The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District except that Part shown coloured Red on Plan 346R and Except those Parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; PID: 000-468-291 and The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except Those Parts in Plans 5109, 24267, and 24755; PID: 009-565-787 (SU000748), except that a lesser amount may be acceptable where the owner agrees to register a Statutory Right-of-way located on the common property of the proposed strata to the Capital Regional District connecting Beachview Drive to the established Statutory Right-of-Way shown on plan VIP50141, and that the owner agrees to construct a trail built to JdF Community Parks and Recreation standards prior to subdivision approval; and that the owner is requested to retain native vegetation on the land adjacent to the trail.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services
Concurrence:	Larisa Hutcheson, P. Eng., Acting Chief Administrative Officer

ATTACHMENTS

- Appendix A: Property Location Map
- Appendix B: Proposed Subdivision Plan
- Appendix C: Section 510 of the LGA
- Appendix D: Minutes of a Meeting of the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission held on Tuesday, October 25, 2022
- Appendix E: Draft Version of Port Renfrew Trails Plan

Appendix A: Property Location Map



Appendix B: Proposed Subdivision Plan



Appendix C: Section 510 of the LGA

Requirement for provision of park land or payment for parks purposes

510 (1) Subject to this section and section 516 (3) (h) and (4) [*phased development agreement rules*], an owner of land being subdivided must, at the owner's option,

(a) provide, without compensation, park land of an amount and in a location acceptable to the local government, or

(b) pay to the municipality or regional district an amount that equals the market value of the land that may be required for park land purposes under this section as determined under subsection (6) of this section.

(2) Despite subsection (1),

(a) if a regional district does not provide a community parks service, the option under subsection (1) (b) does not apply and the owner must provide land in accordance with subsection (1) (a), and

(b) subject to paragraph (a), if an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land under subsection (1) (a) or money under subsection (1) (b).

(3) Subsection (1) does not apply to the following:

(a) subject to subsection (4), a subdivision by which fewer than 3 additional lots would be created;

(b) a subdivision by which the smallest lot being created is larger than 2 hectares;

(c) a consolidation of existing parcels.

(4) Subsection (1) does apply to a subdivision by which fewer than 3 additional lots would be created if the parcel proposed to be subdivided was itself created by subdivision within the past 5 years.

(5) The amount of land that may be required under subsection (1) (a) or used for establishing the amount that may be paid under subsection (1) (b) must not exceed 5% of the land being proposed for subdivision.

(6) If an owner is to pay money under subsection (1) (b), the value of the land is whichever of the following is applicable:

(a) if the local government and the owner agree on a value for the land, the value on which they have agreed;

(b) the average market value of all the land in the proposed subdivision calculated

(i) as that value would be on the date of preliminary approval of the subdivision or, if no preliminary approval is given, a date within 90 days before the final approval of the subdivision,

(ii) as though the land is zoned to permit the proposed use, and

(iii) as though any works and services necessary to the subdivision have not been installed.

- (7) If an owner and a local government do not agree on the average market value for the purpose of subsection (6), it must be determined in the manner prescribed in the regulations that the minister may make for this purpose.
- (8) If an area of land has been used to calculate the amount of land or money provided or paid under this section, that area must not be taken into account for a subsequent entitlement under subsection (1) in respect of any future subdivision of the land.
- (9) Subject to subsection (11), the land or payment required under subsection (1) must be provided or paid to a municipality or regional district as follows
 - (a) subject to paragraph (b), before final approval of the subdivision is given;
 - (b) if the owner and the local government enter into an agreement that the land or payment be provided or paid by a date specified in the agreement, after final approval of the subdivision has been given.
- (10) Notice of an agreement under subsection (9) (b) must be filed with the registrar of land titles in the same manner as a notice of a permit may be filed and section 503 *notice of permit on land title* applies.
- (11) Despite subsection (9), the minister may, by regulation,
 - (a) authorize the payment that may be required by this section to be made by instalments, and
 - (b) prescribe the conditions under which instalments may be paid.
- (12) If land is provided for park land under this section, the land must be shown as park on the plan of subdivision.
- (13) Section 107 *[deposit in land title office operates to dedicate and vest park land]* of the *Land Title Act* applies to park land referred to in subsection (12), except that,
 - (a) in the case of land within a municipality, title vests in the municipality, and
 - (b) in the case of land outside a municipality, title vests in the regional district if it provides a community parks service.
- (14) If an owner pays money for park land under this section, the municipality or regional district must deposit this in a reserve fund established for the purpose of acquiring park lands.

Appendix D: Minutes of a Meeting of the Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission held on Tuesday, October 25, 2022



**Minutes of a Meeting of the
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
Held Tuesday, October 25, 2022, at the Juan de Fuca Local Area Services Building,
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: S. Jorna (Chair), V. Braunschweig, B. Croteau (EP), S. McAndrews, S. McKay,
P. Sloan
Staff: D. Closson, Manager, Juan de Fuca Community Parks and Recreation;
D. Lucas, Planner, Juan de Fuca Community Planning
W. Miller, Recorder
ABSENT: Director M. Hicks, J. Gaston
PUBLIC: 1

The meeting was called to order at 3:00 pm.

1. Approval of the Agenda

MOVED by Commissioner McAndrews, **SECONDED** by Commissioner Sloan that the agenda be approved as amended to add Motion to Rescind and Territorial Acknowledgement under New Business. **CARRIED**

2. Adoption of Minutes from the Special Meeting of September 14, 2022

MOVED by Commissioner McAndrews, **SECONDED** by Commissioner Braunschweig that the minutes from the special meeting of September 14, 2022 be adopted. **CARRIED**

3. Adoption of Minutes from the Meeting of September 27, 2022

MOVED by Commissioner McAndrews, **SECONDED** by Commissioner Croteau that the minutes from the meeting of September 27, 2022 be adopted. **CARRIED**

4. Chair's Report

The Chair welcomed Al Wickheim, the newly elected Director for the Juan de Fuca Electoral Area.

Roundtable introductions were made.

5. Director's Report

No report.

6. Delegation – Juan de Fuca Community Planning

- a) **Subdivision Application SU000748 – The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District except that Part shown coloured Red on Plan 346-R and Except those Parts in Plans 22475, 24267, 24755, 29515, 41154, 50819, VIP59967 and EPP116278 (PID: 000-468-291); and The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except Those Parts in Plans 5109, 24267, and 24755 (PID: 009-565-787)**

Darren Lucas spoke to the staff memo to the Commission regarding the referral received from the Ministry of Transportation and Infrastructure (MoTI) for a proposed 5-lot bare land strata.

**Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
October 25, 2022**

2

Darren Lucas highlighted the subject properties and specified the area of land being subdivided.

Darren Lucas reported that:

- the trail being proposed by the landowner would extend the trail dedication established by subdivision application SU000679
- the trail being proposed by the landowner would connect to an established statutory right-of-way that connects to Wickanninish Road and Parkinson Road

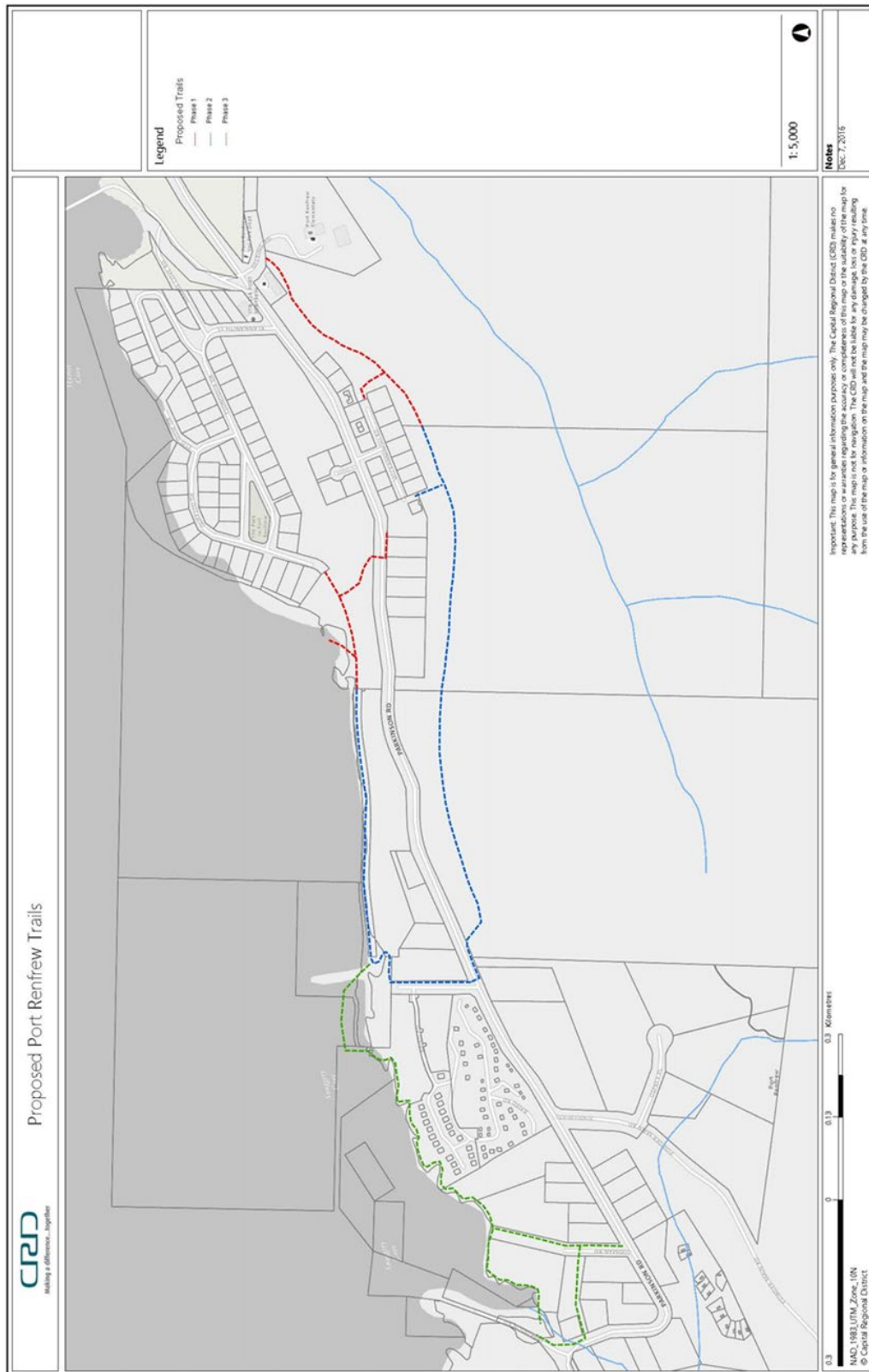
Don Closson highlighted a series of proposed trail networks which have been considered by the Commission in response to various development applications. It was reported that the trail networks would provide walking routes and neighbourhood connectivity.

Don Closson responded to questions from the Commission confirming that the proposed trail is located on strata common property, which is currently vegetated. It was further confirmed that the trail network is introduced in general discussions with proponents and that the current proponent has expressed interest in continuing the trail through the current phase of subdivision. A community's Official Community Plan provides the broad goals and objectives for parks and trails.

MOVED by Commissioner Croteau, **SECONDED** by Commissioner McKay that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that a trail be accepted in the form of a statutory right-of-way constructed to JdF Community Parks and Recreation standards for proposed subdivision of The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District except that Part shown coloured Red on Plan 346R and Except those Parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; PID: 000-468-291 and The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except Those Parts in Plans 5109, 24267, and 24755; PID: 009-565-787 and that the applicant be requested to retain native vegetation on the land adjacent to the trail.

CARRIED

Appendix E: Draft Version of Port Renfrew Trails Plan





Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 17, 2023

SUBJECT **Zoning Bylaw Amendment Application for Two Properties Located at 11237 West Coast Road – described as:**

- **Lot A Section 74 Renfrew District Plan VIP71883 – 11237 West Coast Road; PID: 024-937-207; and**
- **That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW; PID: 009-590-412**

ISSUE SUMMARY

The landowner has submitted an application to rezone the subject properties from the Forestry (AF) zone to the Rural Commercial Recreation (Campground) (CR-2) zone with amendments.

BACKGROUND

The properties are subject to the Forestry (AF) zone and located on the north and south sides of West Coast Road, abutting the eastern boundary of Jordan River Regional Park (Sandcut Beach) to the west, AF zoned lands to the east and west, and Resource Land (RL) zoned land to the north (Appendix A). The subject lands are designated Coastal Upland (CU) in the Shirley-Jordan River Official Community Plan (OCP) Bylaw No. 4001. Portions of the property are located in Steep Slopes, Sensitive Ecosystem, and Riparian development permit areas. The 78.11 ha subject area is comprised of two parcels including a 7.7 ha waterfront parcel and a 70.4 ha Private Managed Forest Land (PMFL) parcel. The land is within the Shirley Fire Protection Service Area.

The landowner has submitted an application to amend Bylaw No. 2040 by removing the land from the AF zone (Appendix B) and adding it to the CR-2 zone. The proposal includes amendments to the CR-2 zone for the purpose of developing a cabin and campground resort with accessory uses (Appendix C). The applicant has provided a concept plan that illustrates the future establishment of an “environmentally responsible” resort/“eco-resort” (Appendix D). The concept plan is supplemented by an Environmental Assessment and a *Riparian Areas Protection Regulation* assessment report (RAPR report) to inform and guide site planning and future development (Appendix E). Staff have prepared Bylaw No. 4518, for consideration (Appendix F).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4518, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 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

Alternative 2

That proposed Bylaw No. 4518 not proceed.

IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act (LGA)*. Staff recommend referring the proposed Bylaw No. 4518 to the Shirley-Jordan River APC.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject properties will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

Regional Growth Strategy Implications

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a regional growth strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS.

Land Use Implications

The Shirley-Jordan River OCP designates the subject area as Coastal Upland. The intent of the Coastal Upland land use designation is to support the continued use of those lands for forestry. Lands in this designation consist primarily of parcels enrolled in the PMFL program or zoned for forestry uses. If lands are removed from the PMFL program, then uses such as low-impact recreation and low-impact tourism are supported. Community parks, single-family residential, and agriculture are also supported in this designation. The concept plan proposes low-impact tourism consistent the Shirley-Jordan River contextual rural character and in keeping with the community goals identified by the OCP.

The CR-2 zone currently exists within Bylaw No. 2040; however, no lands in the bylaw area are currently subject to this zone (Appendix G). The provided concept plan illustrates 39 cabins; 84 campsites; staff accommodation; office and reception space combined with a convenience store and a caretaker dwelling unit; assembly uses; and accessory and utility buildings. The proposal also retains a dwelling and cabin located on the waterfront portion of the property. In order to regulate these uses, a number of amendments are proposed to CR-2 zone. Since no land within the bylaw area is currently subject to this zone, no non-conforming land uses and developments will be created as a result of amendments. Staff are of the opinion that the proposed development may be considered in alignment with the Coastal Uplands Land Use designation and Shirley-Jordan River OCP policies; however, the OCP does not define low-impact tourism.

The development proposal incorporates recommendations provided by the environmental reports to preserve watercourses and limit the number of new stream crossings. The proposed semi-clustering of accommodation types and limits on the potential expansion of the proposed development would be regulated by the proposed amendments to the CR-2 zone.

Should proposed Bylaw No. 4518 proceed, the amended CR-2 zone would allow for a mixture of uses and low densities including one campsite per 0.5 ha to a maximum of 100 campsites per parcel; one tourist cabin per 0.5 ha to a maximum of 30 tourist cabins per parcel; one convenience store per parcel; one caretaker dwelling; one one-family dwelling; and assembly uses. The proposed zone also introduces a definition for staff accommodation, which provides an opportunity to address housing goals identified in the OCP. The proposed zone stipulates 9 m to

15 m setbacks, and separation distances between cabin units to provide space for vegetation consistent with the landowner's intention to develop an "eco-resort" that integrates with the broader community's rural character.

Based on the information provided by the applicants and the policies of the Shirley-Jordan River OCP, staff recommend that the application be referred to the Shirley-Jordan River APC, and to relevant CRD departments, First Nations and external agencies.

CONCLUSION

The purpose of Bylaw No. 4518 is to amend Bylaw No. 2040 by removing the subject properties from the Forestry (AF) zone and adding those parcels to the Rural Commercial Recreation (Campground) (CR-2) zone with amendments. Staff have prepared proposed Bylaw No. 4518 and recommend referral to the Shirley-Jordan River APC, First Nations, CRD departments and external agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4518, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022", to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, the following external agencies and First Nations for comment:

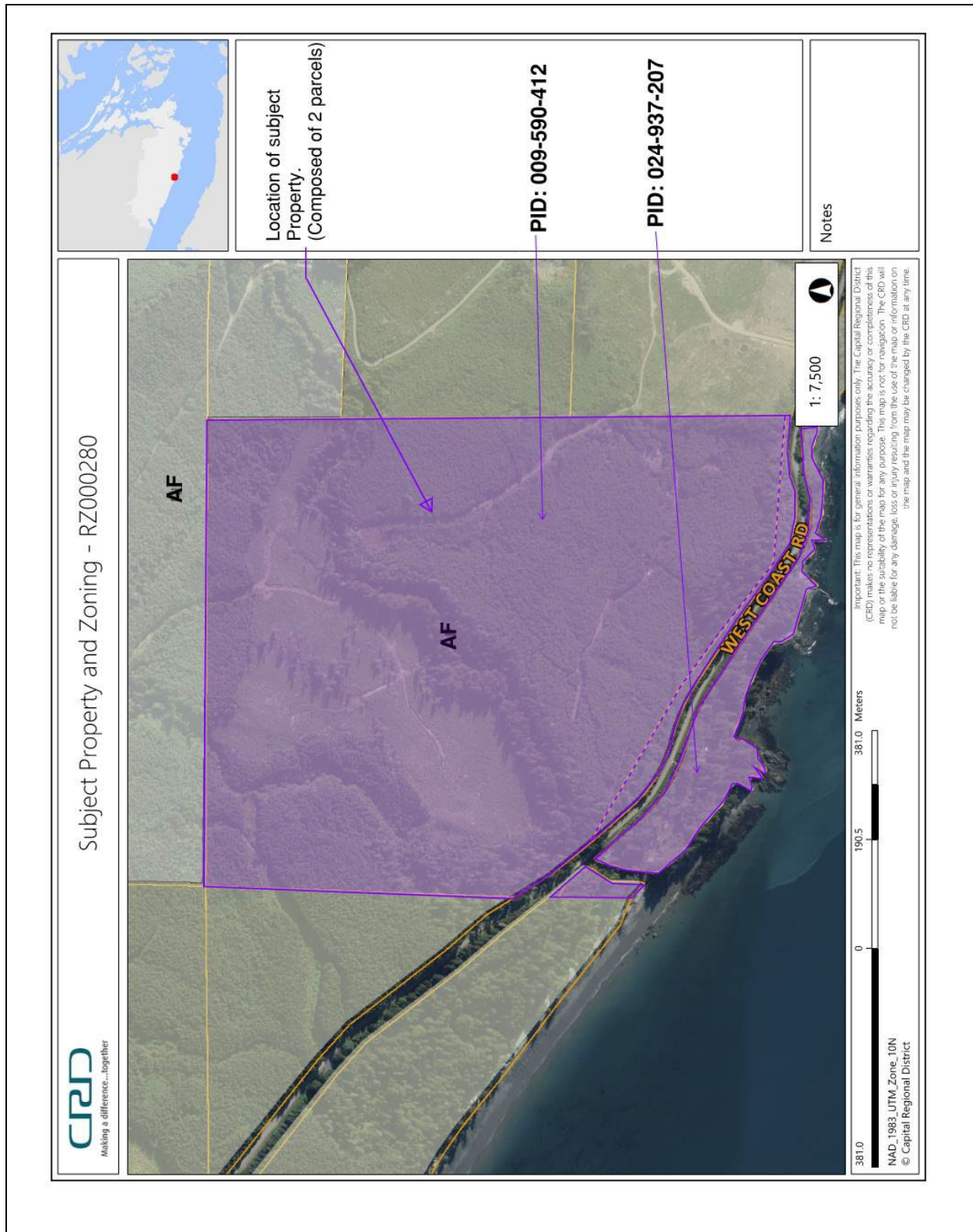
BC Hydro
District of Sooke
FLNR - Archaeology Branch
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development
FLNR - Water Protection Section
Island Health
Ministry of Transportation & Infrastructure
Pacheedaht First Nation
RCMP
Sooke School District #62
T'Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: Subject Property and Zoning Map
Appendix B: Current Forestry Zone – AF
Appendix C: Proposed Rural Commercial Recreation (Campground) Zone – CR-2 with amendments
Appendix D: Concept Plan
Appendix E: Environmental Assessment Maps by Corvidae, dated May 2022
Appendix F: Proposed Bylaw No. 4518
Appendix G: Unimplemented Rural Commercial Recreation (Campground) Zone – CR-2

Appendix A: Subject Property and Zoning Map



Appendix B: Current Forestry Zone – AF

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

3.0 FORESTRY ZONE - AF

3.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20. *Bylaw 3849*

3.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size is 4ha;

3.03 Density

One one-family dwelling per lot is permitted.

One secondary suite or one detached accessory suite per lot is permitted. *Bylaw 3849*

3.04 Height

Maximum height shall be 11m.

3.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

3.06 Maximum Size of for Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

3.07 Yard Requirements

For all structures, the front, side, rear and flanking yards shall be a minimum of 15m. *Bylaw 3849*

Appendix C: Proposed Rural Commercial Recreation (Campground) Zone – CR-2
with amendments

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

23.0 RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2

23.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Commercial Recreation (Campground) CR-2 Zone:

- (a) Camp ground;
- (b) Tourist cabins;
- (c) Assembly use;
- (d) One-family dwelling.

Accessory Uses

- (a) Convenience store accessory to a camp ground use;
- (b) Staff accommodation pursuant to Part 2, Subsection 23.10;
- (c) Caretaker dwelling unit

23.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum lot size for subdivision purposes is no less than 4 ha.

23.03 Number of Residential Units

One dwelling unit per lot is permitted.

23.04 Height

Maximum height shall be 11m for the dwelling unit and 6m for all other principal buildings, structures and uses.

23.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

23.06 Density of Provisions

- (a) 30 tourist cabins per parcel or one tourist cabin per 0.5 hectares; whichever is less;
- (b) 100 camping spaces per parcel or one campsite per 0.5 hectares; whichever is less;
- (c) One convenience store per parcel;
- (d) One Caretaker dwelling unit per parcel

23.07 Floor Area Regulation

- (a) Individual camping spaces shall be a minimum of 110m².

23.08 Setback Requirements

- (a) All campsites, buildings, and structures, must be setback a minimum of 9m from every parcel line; and 15m from the boundary of land designated as park.

23.09 Separation Space

- (a) All campsites and tourist cabins must be individual or freestanding; separated by a minimum of 9m measured from the outside surface of the nearest exterior wall of a building or structure; and the outermost edge of an area cleared of trees and other vegetation for a campsite, assembly use, or other outdoor uses.

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

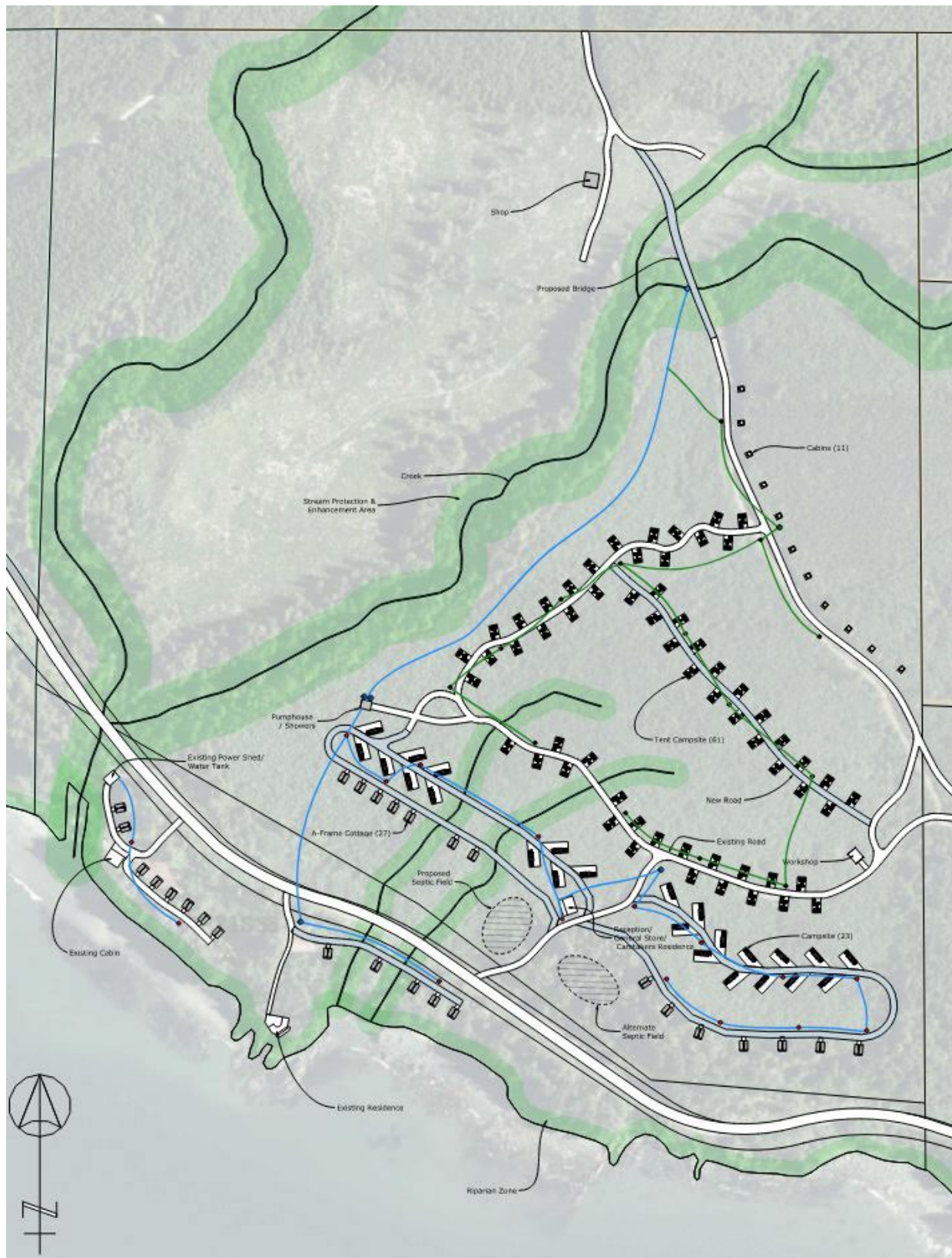
23.10 Definitions

(a) For the purpose of the *RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2*, the following definitions apply:

Staff Accommodation means the accessory use of tourist cabins, for the accommodation of employees.

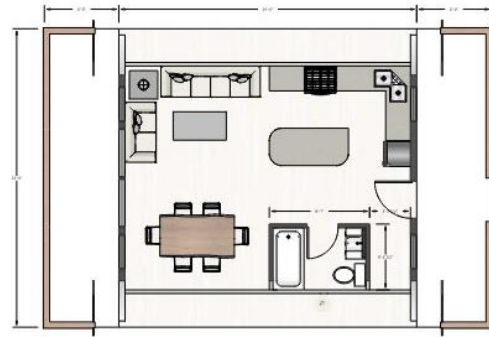
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Appendix D: Concept Plan



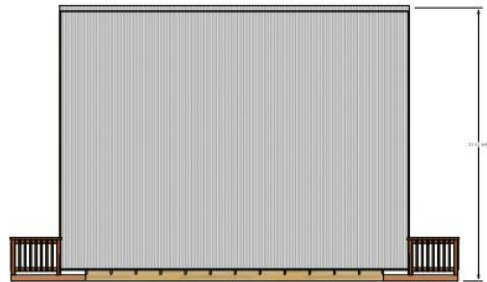
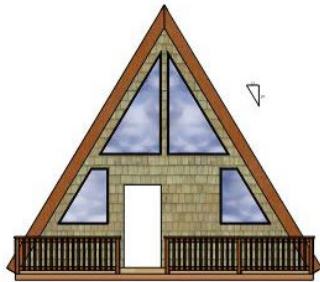


Render



Floor Plan
Area: 41.43 m²

Notes:
-Cabins shall be separated from each other
and from other buildings and structures
by a minimum of 3m.



North Elevation

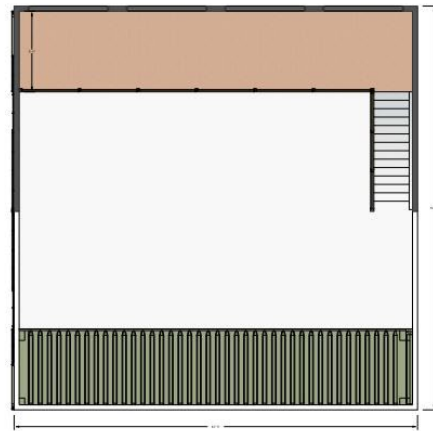


East Elevation

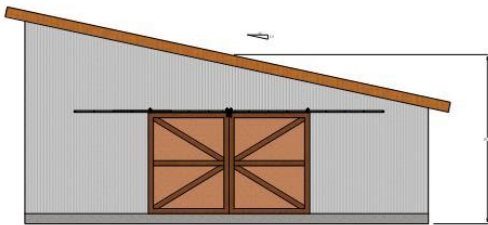




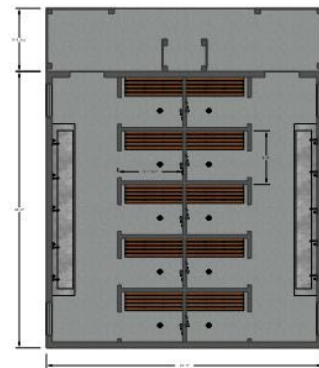
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Floor Plan



Render



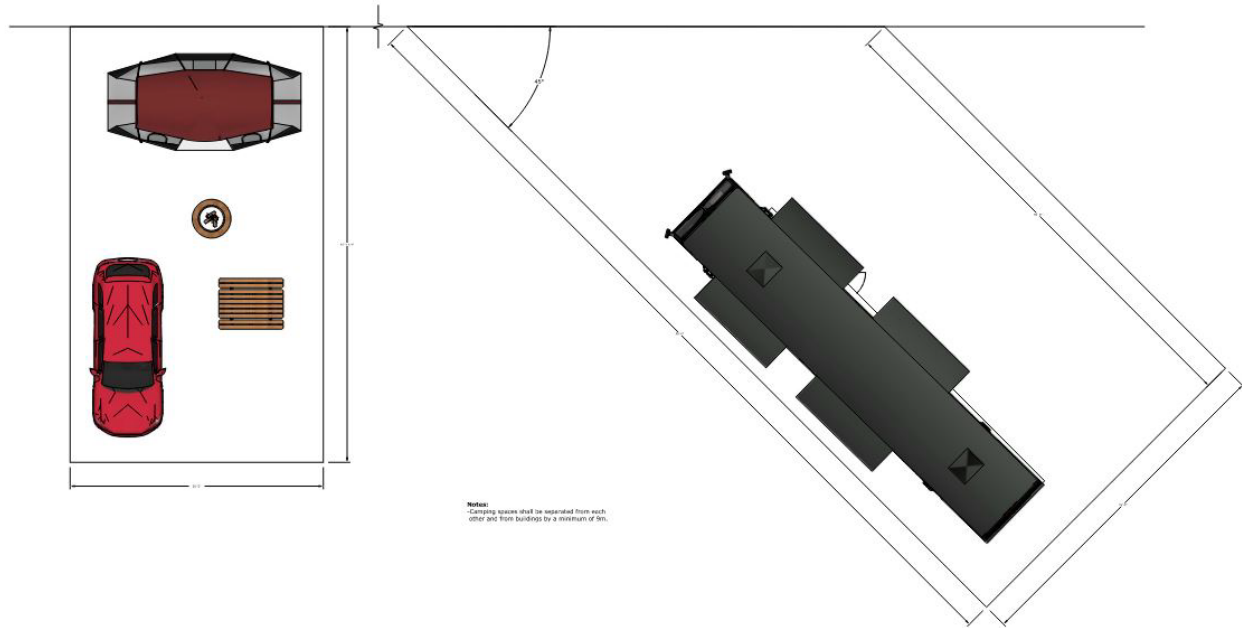
Floor Plan



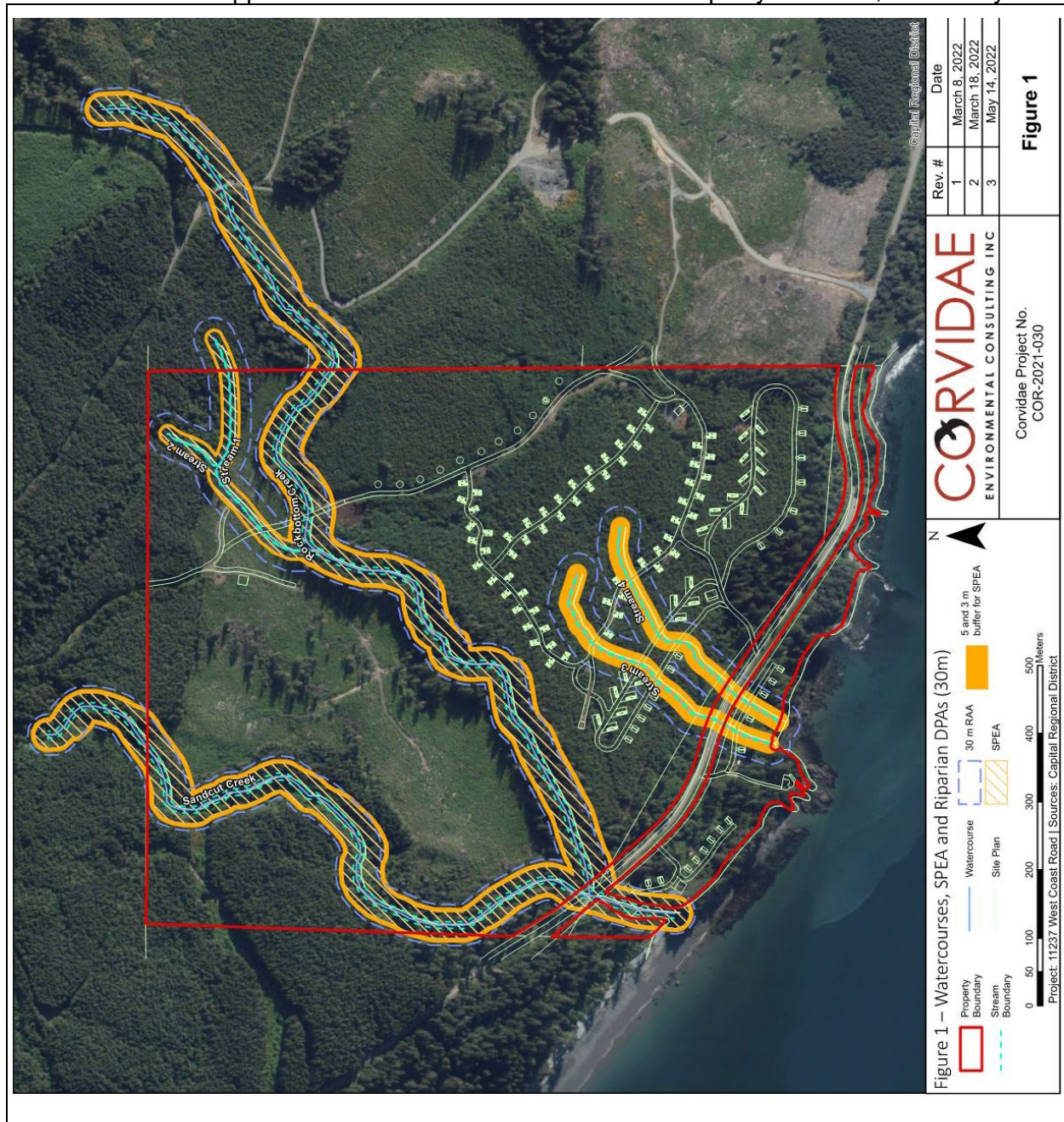
Side Elevation

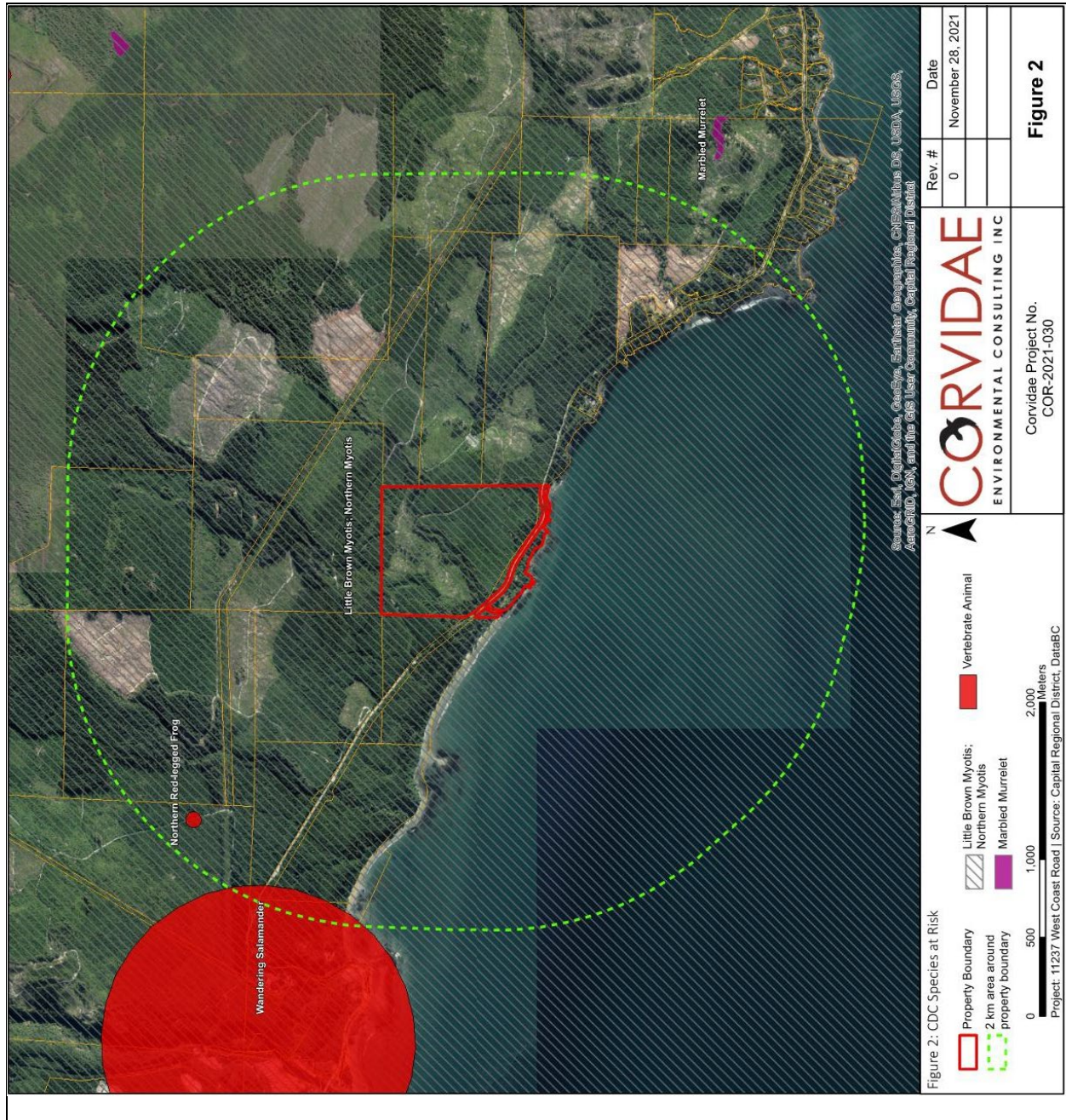


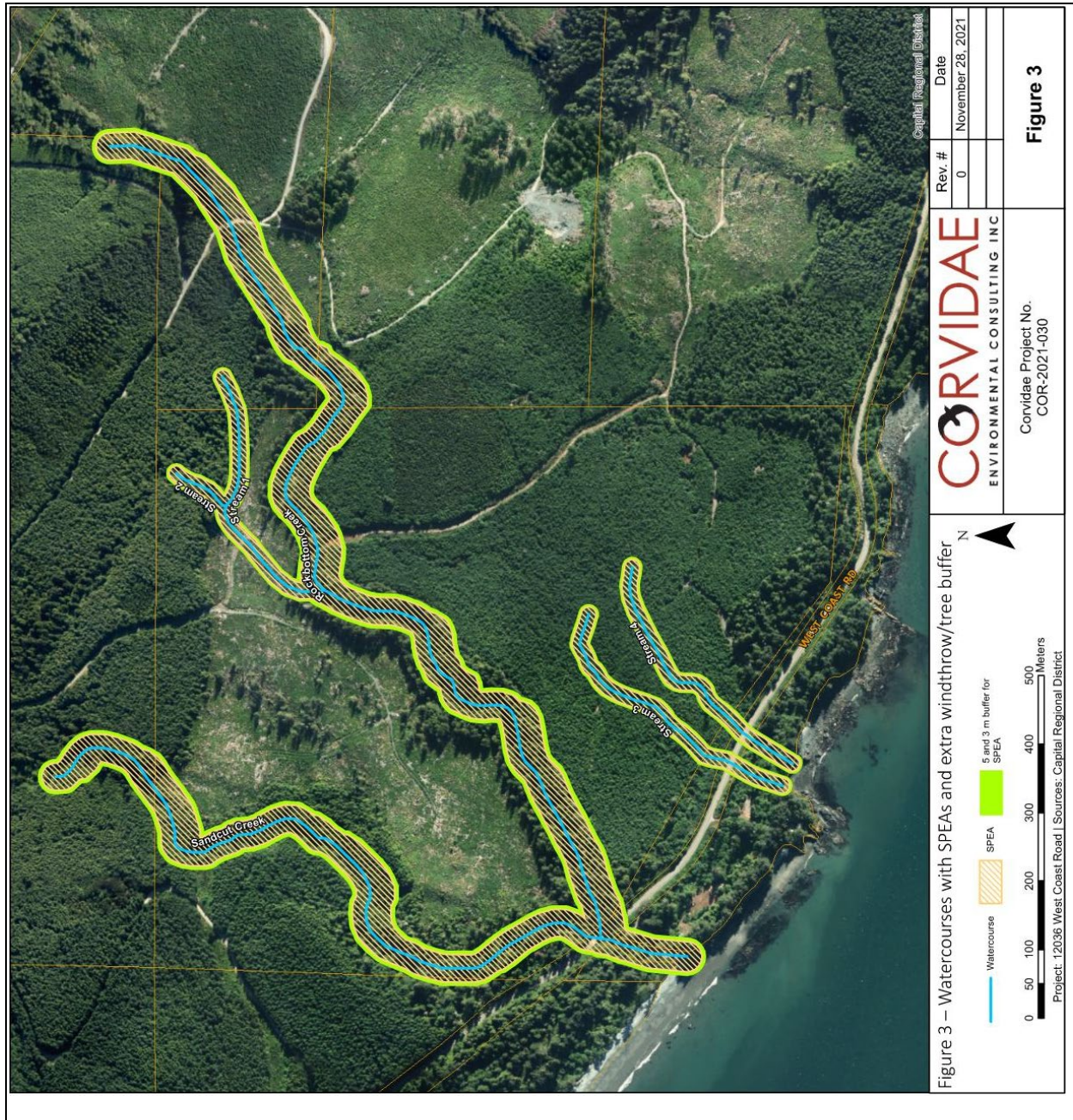
Rear Elevation



Appendix E: Environmental Assessment Maps by Corvidae, dated May 2022







Appendix F: Proposed Bylaw No. 4518

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4518**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE A, PART 2 - ZONING DISTRICTS

- (a) By deleting the section 23.0 Rural Commercial Recreation (Campground) Zone – CR-2 and replacing it with the new 23.0 Rural Commercial Recreation (Campground) Zone – CR-2 as follows:

23.0 RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE – CR-2

23.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Commercial Recreation (Campground) CR-2 Zone:

- (a) Camp ground;
- (b) Tourist Cabin;
- (c) Assembly use;
- (d) One-family dwelling;

Accessory Uses

- (e) Convenience store accessory to a camp ground use;
- (f) Staff accommodation pursuant to Par 2, Subsection 23.10.
- (g) Caretaker dwelling unit

23.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum lot size for subdivision purposes is no less than 4 ha.

23.03 Number of Residential Units

One dwelling unit per lot is permitted.

23.04 Height

Maximum height shall be 11m for the dwelling unit and 6m for all other principal buildings, structures and uses.

23.05 Lot Coverage

Maximum lot coverage shall be 10 percent.

23.06 Density of Provisions

- (a) 30 tourist cabins per parcel or one tourist cabin per 0.5 hectares; whichever is less;
- (b) 100 camping spaces per parcel or one campsite per

CRD Bylaw No. 4518

2

- 0.5 hectares; whichever is less;
- (c) One convenience store per parcel;
- (d) One Caretaker dwelling unit per parcel

23.07 Floor Area Regulation

- (a) Individual camping spaces shall be a minimum of 110m².

23.08 Setback Requirements

- (a) All campsites, buildings, and structures, must be setback a minimum of 9m from every parcel line; and 15m from the boundary of land designated as park.

23.09 Separation Space

- (a) All campsites and tourist cabins must be individual or freestanding; separated by a minimum of 9m measured from the outside surface of the nearest exterior wall of a building or structure; and the outermost edge of an area cleared of trees and other vegetation for a campsite, assembly use, or other outdoor uses.

23.10 Definitions

(a) For the purpose of the *RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2*, the following definitions apply:

Staff Accommodation means the accessory use of tourist cabins, for the accommodation of employees.

D. SCHEDULE B, ZONING MAPS

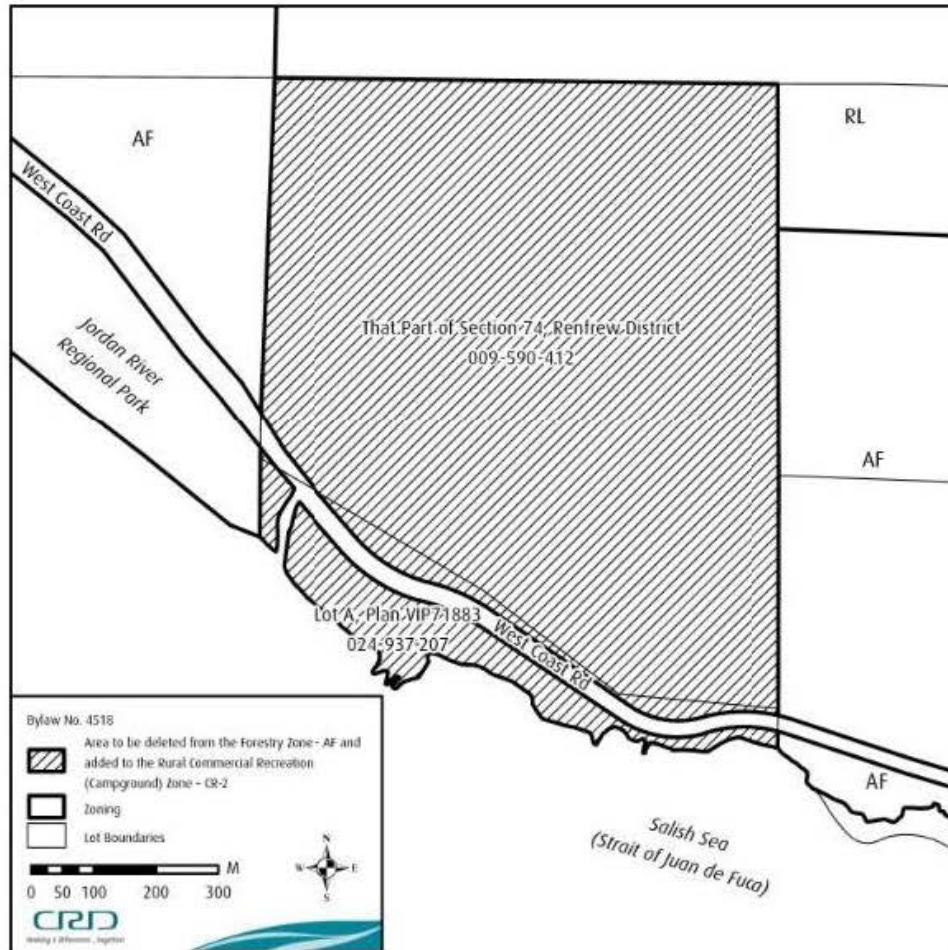
- a. By deleting LOT A SECTION 74 RENFREW DISTRICT PLAN VIP71883 from the Forestry zone - AF, and adding to the Rural Commercial Recreation (Campground Zone – CR-2, as shown in Plan No. 1.
- b. By deleting THAT PART OF SECTION 74, RENFREW DISTRICT LYING TO THE NORTH OF THE NORTHERLY BOUNDARY OF PLAN 109RW from the Forestry zone - AF, and adding to the Rural Commercial Recreation (Campground Zone – CR-2, as shown in Plan No. 1..

CRD Bylaw No. 4518

3

Plan No. 1 of Bylaw No. 4518, an amendment to Bylaw No. 2040

2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022"



READ A FIRST TIME THIS	day of	2023
READ A SECOND TIME THIS	day of	2023
READ A THIRD TIME THIS	day of	2023
ADOPTED THIS	day of	2023

CHAIR

CORPORATE OFFICER

Appendix G: Unimplemented Rural Commercial Recreation (Campground) Zone – CR-2

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

23.0 RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2

23.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Commercial Recreation (Campground) CR-2 Zone:

- (a) Camp Grounds;
- (b) Tourist Cabins;
- (c) Dormitories;
- (d) Restaurant;
- (e) Private Clubs;
- (f) Amusement Facilities, Indoor;
- (g) Amusement Facilities, Outdoor;
- (h) One dwelling unit.

23.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size shall be 2ha.

23.03 Number of Residential Units

One Dwelling unit per lot is permitted.

23.04 Height

Maximum height shall be 7.5m for the dwelling unit and 4m for all other principal buildings, structures and uses.

23.05 Lot Coverage

Maximum lot coverage shall be 20 percent.

23.06 Density of Development

- (a) A maximum of 20 camping spaces per hectare are permitted; or
- (b) A maximum of 12 tourist cabins per hectare are permitted; or
- (c) A maximum of 48 guests per hectare in dormitory accommodation are permitted; or
- (d) When the above accommodation types are mixed, densities equivalent to (a) to (c) above will be permitted based on the proportion of lot area devoted to each type.

23.07 Size of Camping Spaces

Individual camping spaces shall be a minimum of 110m².

23.08 Yard Requirements

- (a) Front yards shall be a minimum of 7.5m;
- (b) Side yards shall be a minimum of 3m, except where the lot abuts a lot in a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 6m;
- (c) Flanking yards shall be a minimum of 6m CTS;
- (d) Rear yards shall be a minimum of 6m.

23.09 Separation Space

- (a) Tourist cabins and dormitories shall be separated from other structures and from camping spaces by a minimum of 3m;
- (b) Camping spaces shall be separated from each other and from structures by a minimum of 9m.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 17, 2023

SUBJECT **Zoning Amendment Application for Strata Lot A (3692 Waters Edge Drive) & Strata Lot B (12051 West Coast Road), Section 2, Renfrew District, Strata Plan VIS6939, Together with an interest in the Common Property in proportion to the unit entitlement of the Strata Lot as shown on Form V**

ISSUE SUMMARY

Landowners of a non-conforming two-lot building strata property in Jordan River have submitted a joint application to amend Bylaw No. 2040 by changing the zone from Rural Residential 2A (RR-2A) to the Rural Residential 1 (RR-1) zone for the purposes of dissolving the strata and subdivision.

BACKGROUND

The 0.94 ha property is located in Jordan River on the corner of Waters Edge Drive of West Coast Road and is subject to the Rural Residential 2A (RR-2A) zone under Bylaw No. 2040 (Appendix A). The property is designated as Pacific Acreage under the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001.

The property is a non-conforming two-lot building strata that was constructed prior to adoption of the bylaw that zoned the land RR-2A, which permits only one dwelling unit per parcel. Buildings and structures cover approximately 3% of the property and are arranged as two limited common property areas aligned with the siting of the two existing one-family dwellings. The eastern dwelling and related land area is identified as "A" (Strata Lot A – 3692 Waters Edge Drive) with the western lands, dwelling and detached accessory suite identified as "B" (Strata Lot B – 12051 West Coast Road). The dwelling units are serviced by separate wells and septic systems.

The landowners have made an application to change the zone from RR-2A (Appendix B) to Rural Residential 1 (RR-1) (Appendix C). The RR-1 zone includes a minimum parcel size that would permit subdivision to dissolve the existing building strata and divide the property into two 0.4 ha fee-simple parcels that reflect the current arrangement of buildings and limited common property areas (Appendix D). Staff have prepared Bylaw No. 4519 for consideration (Appendix E).

At its meeting of October 18, 2022, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaw to the Shirley-Jordan River Advisory Planning Commission (APC); appropriate CRD departments; BC Hydro; District of Sooke; the Archaeology Branch and Water Protection Section within the Ministry of Forests; the Ministry of Land, Water, and Resource Stewardship; the Ministry of Transportation & Infrastructure; the Pacheedaht First Nation; RCMP; Sooke School District #62; and the T'Sou-ke First Nation. Comments have been received and are included in Appendix F.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4519, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 159, 2022", to the Shirley-Jordan Advisory Planning Commission, CRD departments, BC Hydro; District of Sooke; the Archaeology Branch and Water Protection Section within the Ministry of Forests; the Ministry of Land, Water, and Resource Stewardship; the Ministry of Transportation & Infrastructure; the Pacheedaht First Nation; RCMP; Sooke School District #62; and the T'Sou-ke First Nation be approved and the comments received;

2. That proposed Bylaw No. 4519 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. 4519.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4519.

IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act (LGA)*. The Shirley-Jordan River APC considered the application at its meeting on November 15, 2022.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the Land will be sent notice of the proposed bylaw amendment and the public hearing would be advertised in the local paper and on the CRD website.

Regional Growth Strategy Implications

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River OCP (OCP) area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The proposed zoning amendment is consistent with the Shirley-Jordan River OCP.

Referral Comments

Referrals were sent to 11 agencies, CRD departments and to the Shirley-Jordan River APC. Comments received are summarized below and included in Appendix F.

BC Hydro has no issues or concerns with the zoning amendment.

District of Sooke has no concerns.

T'Sou-ke First Nation stated that there are no comments to provide at this time.

Ministry of Transportation & Infrastructure explained that this proposed bylaw amendment does not require Ministry approval under Section 52 of the *Transportation Act*. However, the Ministry noted that a subdivision application to the Ministry will be required once the strata has been dissolved.

Ministry of Forests, Water Protection advised that it may be in the interests of owners of the unregistered well identified within the application to have it registered. Pursuant to the *Water Sustainability Act*, any and all wells must be licenced if used for non-domestic purposes. Water Protection also noted that, while the subject aquifer (aquifer 944) is classified as moderately vulnerable to surface sourced contamination, the location of the subject properties may be highly vulnerable. The Ministry provided links to information for guiding the landowners for future use on their property to reduce potential impacts to the subject aquifer.

School District # 62 specified that they have no concerns with respect to this application.

CRD First Nations Relations and Archaeology stated that this department has no comments.

CRD Bylaw Enforcement expressed no issues with the proposed bylaw.

The Shirley-Jordan River APC considered the application at their November 15, 2022, meeting with approximately 4 members of the public in attendance. The Shirley-Jordan River APC moved the following motion:

MOVED by Fiona McDannold, **SECONDED** by Vivi Curutchet that the Shirley-Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee support for zoning amendment application RZ000281.

CARRIED

Land Use

The subject property is on the southwestern corner of the intersection between Waters Edge Drive and West Coast Road. The abutting parcels to the west and south are subject to the RR-2A zone, the parcel on the opposite side of Waters Edge Drive is subject to the Resource Land (RL) zone, and a large 130.8 ha property on the north side of West Coast Road is split-zoned Wildwood Terrace Neighbourhood Commercial (C-1A) and Wildwood Terrace 4 (WT-4). The Shirley-Jordan River OCP, Bylaw No. 4001, designates the subject property as Pacific Acreage. The intent of the Pacific Acreage land use designation is to support residential uses, suites and duplexes to create housing affordability, home based businesses, agriculture, and small-scale commercial and tourism activities. Supported parcel sizes are generally on parcels in the 2 ha range, which is larger than the proposed minimum parcel size. The Shirley-Jordan River OCP does not designate any development permit areas on the subject building strata property.

Notwithstanding the development policies for the Pacific Acreage designation, the Shirley-Jordan River OCP allows for consideration of rezoning applications of building strata properties for subdivision, provided that the subject strata was registered prior to the adoption of the OCP. In particular, the OCP stipulates that the total number of parcels that can be created as a result of such a rezoning application must be equivalent to the number of existing dwellings. Registration of the subject building strata occurred in April 2010, prior to adoption of the Shirley-Jordan River OCP in July 2018. Proposed Bylaw No. 4519 deletes the property from the RR-2A zone and adds it to the RR-1 zone. Such an amendment is consistent with the OCP.

The proposed RR-1 zone includes *agriculture* as a permitted use, whereas the RR-2A zone permits *horticulture* accessory to a residential use. Furthermore, the RR-1 does not permit an additional camper/travel trailer for temporary accommodation of guests or Category 3 home based businesses (home industry), which are listed as permitted within the current RR-2A zoning. The proposed RR-1 zone permits a minimum parcel size of 0.4 ha, one two-family dwelling per parcel, community care facilities, which are densities and uses that are excluded from the RR-2A zone. While both the current and proposed zones allow for either one secondary or one detached accessory suite; suites are not permitted on properties with a two-family dwelling and must adhere to Part 1, Subsection 4.19 or 4.20 of Land Use Bylaw No. 2040.

Comments received have been reviewed by staff in conjunction with proposed Bylaw No. 4519. Based on the information provided by the applicants, received comments, and the policies of the Shirley-Jordan River OCP, staff recommend that proposed Bylaw No. 4519, be introduced, read a first and second time, and that a public hearing be held with respect to the proposed bylaw.

CONCLUSION

The purpose of Bylaw No. 4519 is to amend the Juan de Fuca Land Use Bylaw No. 2040 by changing the zone of the subject property from RR-2A to RR-1. Staff have prepared proposed Bylaw No. 4519 and recommend receipt of referral comments, first and second reading and advancement to public hearing.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:

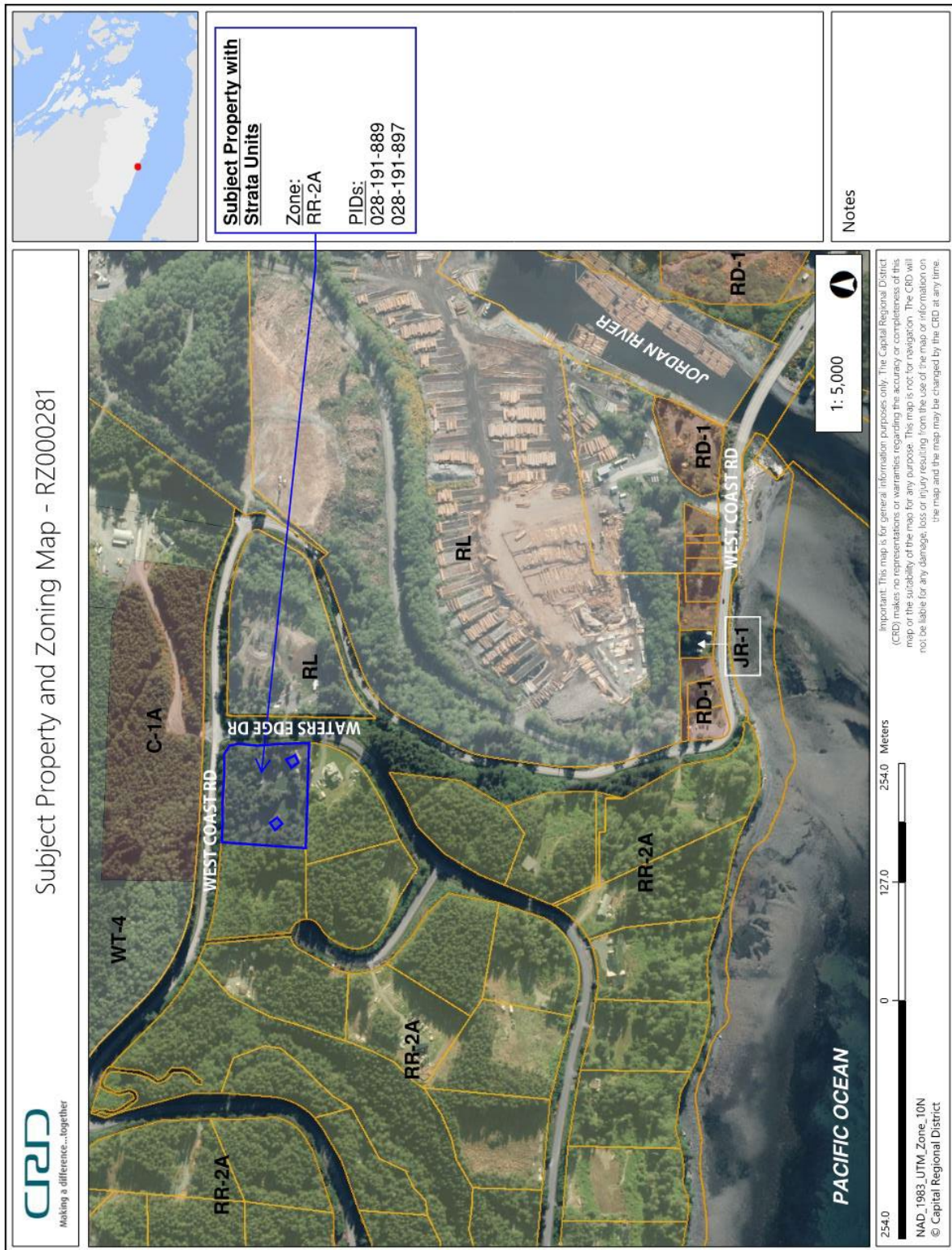
1. That the referral of proposed Bylaw No. 4519, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 159, 2022", to the Shirley-Jordan Advisory Planning Commission, CRD departments, BC Hydro; District of Sooke; the Archaeology Branch and Water Protection Section within the Ministry of Forests; the Ministry of Land, Water, and Resource Stewardship; the Ministry of Transportation & Infrastructure; the Pacheedaht First Nation; RCMP; Sooke School District #62; and the T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4519 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. 4519.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services
Concurrence:	Larisa Hutcheson, P. Eng., Acting Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property and Zoning Map
- Appendix B: Current Rural Residential 2A Zone – RR-2A
- Appendix C: Proposed Rural Residential 1 Zone – RR-1
- Appendix D: Proposed Strata Conversion Plan
- Appendix E: Proposed Bylaw No. 4519
- Appendix F: Referral Comments

Appendix A: Subject Property and Zoning Map



Appendix B: Current Rural Residential 2A Zone – RR-2A

Schedule “A” of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

6A.0 RURAL RESIDENTIAL 2A ZONE - RR-2A

Bylaw 3689

6A.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 2A RR-2A Zone:

- a) One-family dwelling;
- b) Horticulture, accessory to a residential use;
- c) Two Boarders or Lodgers;
- d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- e) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors
- f) Secondary Suite pursuant to Part 1, Subsection 4.19;
- g) Detached Accessory Suite pursuant to Part1, Subsection 4.20.

6A.02 Minimum Lot Size for Subdivision Purposes

Minimum lot size is 1ha.

6A.03 Number of Residential Buildings

One one-family dwelling is permitted on a lot.

6A.04 Height

Maximum height shall be 9m.

6A.05 Lot Coverage

Lot coverage shall not exceed 25 percent.

6A.06 Maximum Size of Residential Buildings

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral: *Bylaw 3705*

- a) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- b) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

6A.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5m;
- (b) Side yards shall be a minimum of 6m; except that for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15m each side;
- (c) Flanking yards shall be a minimum of 6m CTS;
- (d) Rear yards shall be a minimum of 10m.

Appendix C: Proposed Rural Residential 1 Zone – RR-1

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

5.0 RURAL RESIDENTIAL 1 ZONE - RR-1

5.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Residential RR-1 Zone:

- (a) One-family dwelling;
- (b) Two-family dwelling;
- (c) Home Based Business Categories One and Two; *Bylaw 3705*
- (d) Community Care Facilities;
- (e) Agriculture;
- (f) Two Boarders or Lodgers;
- (g) Secondary suite pursuant to Part 1, Subsection 4.19; *Bylaw 2674*
- (h) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

5.02 Minimum Lot Size for Subdivision Purposes Minimum lot size shall be 0.4ha.

5.03 Number of Residential Buildings One one-family dwelling or one two family dwelling is permitted on a lot.

5.04 Height Maximum height shall be 9m.

5.05 Lot Coverage Lot coverage shall not exceed 25 percent.

5.06 Maximum Size of Residential Buildings Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral: *Bylaw 3705*
(i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
(ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

5.07 Yard Requirements
(a) Minimum front yard shall be 7.5m;
(b) Minimum side yard shall be 6m; except that for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15m each side;
(c) Minimum flanking yard shall be 6m CTS;
(d) Minimum rear yard shall be 10m.

5.08 Setbacks for Agricultural Uses Buildings and structures for agriculture use shall be not less than 30m from the front lot line and not less than 15m from any other lot line; excludes greenhouses accessory to residential uses.

5.09 Minimum Lot Frontage The minimum frontage of lots for subdivision purposes shall be 6m.

PROPOSED STRATA CONVERSION OF LOT 13, SECTION 2, RENFREW DISTRICT. sTRATA PLAN VIS 6939

PROPOSED STRATA CONVERSION OF LOT 13, SECTION 2, RENFREW DISTRICT. sTRATA PLAN VIS 6939

PROPOSED FEE SIMPLE LOT "A"
 12051 - WEST COAST ROAD
 3692 - WATERS EDGE DRIVE
 4,883.59 m²
 50.567 hectares
 1.16 Acres
 Bldg Footprint: 271.20
 Lot Coverage: 2.83

PROPOSED FEE SIMPLE LOT "B"
 12051 - WEST COAST ROAD
 3692 - WATERS EDGE DRIVE
 4,697.89 m²
 50.567 hectares
 1.16 Acres
 Bldg Footprint: 271.20
 Lot Coverage: 2.83

EXISTING FULL STRATA LOT - LOT 13
 4,951.45 m²
 53.134 hectares
 1.23 Acres
 Bldg Footprint: 271.20
 Lot Coverage: 2.83

EXISTING FULL STRATA LOT - LOT 12
 4,951.45 m²
 53.134 hectares
 1.23 Acres
 Bldg Footprint: 271.20
 Lot Coverage: 2.83

LEGEND:
 PARKING SPACE
 SEPTIC FIELD LOCATIONS
 30 METER RADIUS FROM WELLS
 WELLS
 PRIMARY RESIDENCE
 GARAGE / SUITE

MEASUREMENTS:
 0 10m 25m
 ALL MEASUREMENTS IN METRIC

WATERS EDGE DRIVE
WEST COAST ROAD

VICINITY MAP
 Renfrew District
 12051 - WEST COAST ROAD
 3692 - WATERS EDGE DRIVE

TABLES:

DATE	BY	REVISIONS
2014-04-14	AS NOTED	

DATE	BY	REVISIONS
2014-04-14	AS NOTED	

PLAT DATA:
 Plan No.: 2014-04-14
 Unit Name: Renfrew District
 Unit Size: 1.16 hectares

PLAT DATA:
 Plan No.: 2014-04-14
 Unit Name: Renfrew District
 Unit Size: 1.16 hectares

ADDENDUM TO REZONING APPLICATION – DISSOLVING STRATA – VIS6939

To support our application and to provide further information for the consideration of dissolving our strata, please note the following:

i. Wells/Septic Systems

- As per the BC Public Health Act – Sewerage System Regulation, and as can be noted on the Plot Plan with this application:
 - the sewerage systems for both properties are more than 30 metres (100 feet) from the wells.
 - As per Section 42, both wells meet the requirement to be set back at least 30 metres (100 Feet) from possible sources of contamination, ie. the distance of the wells from the septic field and holding tanks, and the placement, elevation and flow of the septic fields do not have the potential to contaminate wells.

ii. Shirley – Jordan River OCP Alignment

- Currently designated as Pacific Acreage and once strata is dissolved and each property rezoned, both properties will continue to meet the Pacific Acreage designation.
- Once re-zoned, both properties will continue to meet the criteria in the OCP as Rural A.
- Will continue to meet Water Policies in the OCP as water needs will remain the same, ie. wells and septic systems have always been separate and will remain separate. Going forward water use will continue to be used for residential purposes only on each property.

iii. Support for Rezone to RR1

- To sub-divide the common property in 2010 into separate lots, a strata was formed. As per Strata Plan VIS6939 drawings completed by Island Land Surveying Ltd. in 2010 a property line was formed between the common property. Each property owner has considered this property line their boundary in which they have followed for placement of buildings, structures, and fences.
- The boundary line that separates the common property proposed on the Plot Plan submitted with this application is inline with the same boundary line that is on the current strata plan.
- All buildings, structures and fences do not need to be disturbed, moved, dismantled or re-claimed with the proposed property lines on the Plot Plan.

iv. Rezone Fit with Existing Community and Surrounding Properties

- Currently the common property lot size does not fit the current zoning of RR-2A as per Bylaw No. 2040.
- RR-2A requires a minimum lot size of 1 ha for minimum lot size for subdivision purposes. The total common property lot size is approximately .94 ha, which is less than the 1 ha requirement. We are already sub-divided and do not meet the 1 ha requirement.
- Once the strata is dissolved, each property will be just over the 0.4 ha minimum lot size for subdivision purposes requirement to meet the RR-1 zone, as requested in this application for rezoning.
- The RR-1 zoning will fall in line with surrounding residential properties, which also fall into the RR-1, RR-2 and RR-2A zones.
- Both property lot owners have been long term Jordan River residents, each original owners of their property for 10+ years. Both use their property for residential purposes – raising families – and follow permitted uses within their zone.

v. Bylaw No. 2040 Compliance

- The application and additional information provided for the purposes of the rezone and dissolve of the current strata adheres to the compliance with the regulations of Bylaw No. 2040.

Appendix E: Proposed Bylaw No. 4519

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4519

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

- Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE B, Map No. 3 – SHIRLEY JORDAN RIVER ZONING

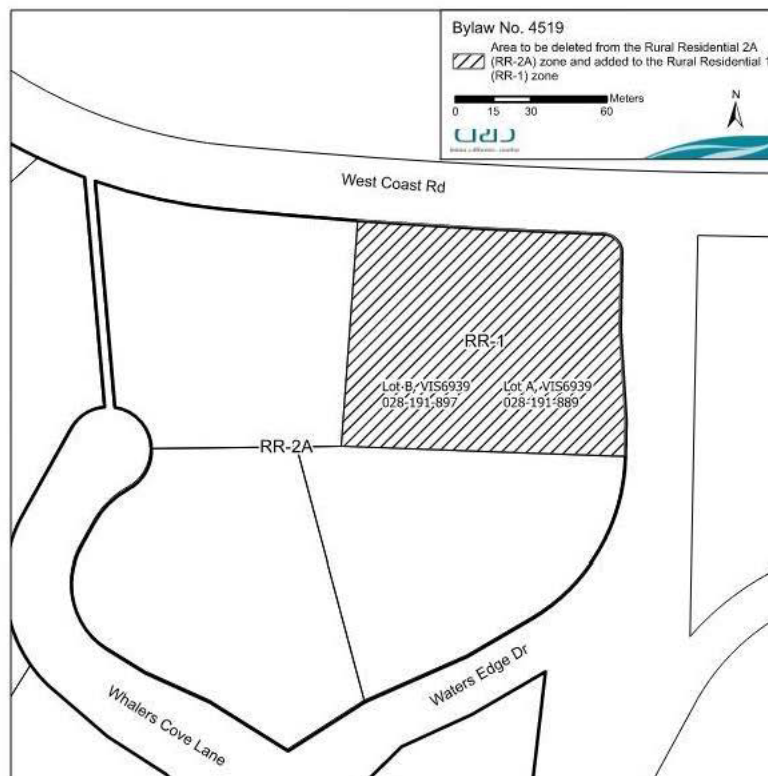
- By deleting

Strata Lot A Section 2 Renfrew District Strata Plan VIS6939;

Strata Lot B Section 2 Renfrew District Strata Plan VIS6939; and

Together with an interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as Shown on Form V from the Rural Residential 2A (RR-2A) zone and adding to the Rural Residential 1 (RR-1) zone, as shown on Plan No. 1.

Plan No. 1 of Bylaw No. 4519, an amendment to Bylaw No. 2040



2

ADOPTED THIS _____ day of _____, 2023.

CORPORATE OFFICER

Appendix F: Referral Comments

From: [Design, SVI](#)
To: [Wendy Miller](#)
Subject: FW: Zoning Amendment Application RZ000281 - CRD Referral (Strata Dissolution/Subdivision - Jordan River)
Date: Monday, November 21, 2022 11:13:02 AM
Attachments: [REFERRAL-FORM-AGENCIES-RZ000281.pdf](#)
[PPS-JDF-2022-10-18-RZ000281-Referral-LUC-Report.pdf](#)
[COMMON_PROPERTY-VIS6939.pdf](#)
[TITLE-BB1539689-PID-028-191-889.pdf](#)
[TITLE-CA6942163-PID-028-191-897.pdf](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Wendy,

BC Hydro has no issues or concerns with the zoning amendment.

Thanks,

Mike Hoekstra
Design Technician Work Leader
BC Hydro
4400 West Saanich Rd
Victoria, BC V8Z 3E9

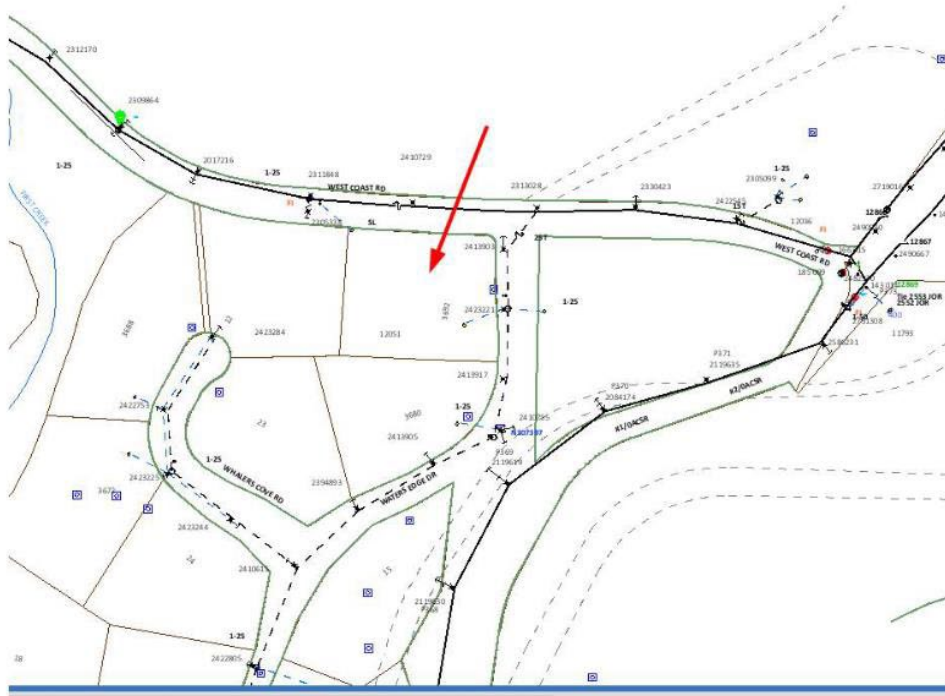
T 250.727.5172
M 250.888.8486
E michael.hoekstra@bchydro.com
E design.svi@bchydro.com

- [Initiate & Manage Connection Requests Online with MyHydro](#)

From: Mann, Elaine <Elaine.Mann@bchydro.com>
Sent: 2022, November 21 8:38 AM
To: Design, SVI <design.svi@bchydro.com>
Cc: Reidy, Drew <Drew.Reidy@bchydro.com>
Subject: FW: Zoning Amendment Application RZ000281 - CRD Referral (Strata Dissolution/Subdivision - Jordan River)

Zoning bylaw change and conversion of strata lots to 2 separate residential lots. See pages 4 and 7 in their report for the location and the proposed subdivision. Please provide your comments back to CRD.

Thank you.



Elaine Mann | Property Coordinator, Property Rights Services

BC Hydro
Vancouver Island
400 Madsen Road | Nanaimo, BC V9R 5M3

P 250-755-7169
E elaine.mann@bchydro.com

bchydro.com

Smart about power in all we do.

From: [Lauren Mattiussi](#)
To: [Wendy Miller](#)
Cc: [Planning](#)
Subject: RE: Zoning Amendment Application RZ000281 - CRD Referral (Strata Dissolution/Subdivision - Jordan River)
Date: Thursday, November 10, 2022 2:44:10 PM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Afternoon Wendy,

District of Sooke has no concerns with this proposal.

Best,
Lauren

From: Planning <planning@sooke.ca>
Sent: October 31, 2022 8:04 AM
To: Lauren Mattiussi <LMattiussi@sooke.ca>
Subject: FW: Zoning Amendment Application RZ000281 - CRD Referral (Strata Dissolution/Subdivision - Jordan River)

From: Wendy Miller <wmiller@crd.bc.ca>
Sent: Friday, October 28, 2022 12:02 PM
To: Planning <planning@sooke.ca>
Subject: Zoning Amendment Application RZ000281 - CRD Referral (Strata Dissolution/Subdivision - Jordan River)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Please find attached a referral form and staff report with proposed Bylaw No. 4519 for zoning amendment application RZ000281.

Proposed Bylaw No. 4519 would amend Bylaw No. 2040 to rezone the subject property from the Rural Residential 2A (RR-2A) zone to the Rural Residential 1 (RR-1) zone for the purposes of dissolving a building strata and subdividing the property into two fee-simple parcels.

Comment is requested by November 28, 2022.

Comments received are distributed as part of the public record.

RESPONSE SUMMARY – REZONING APPLICATION RZ000281

X Interest Affected by Proposal for Reasons Outlined Below

 Interest Unaffected by Proposal

Comments:

The Ministry of Forests, Water Protection, has received a referral with respect to proposed land-use change of the subject area (Strata Lot A (3692 Waters Edge Drive) & Strata Lot B (12051 West Coast Road), Section 2, Renfrew District, Strata Plan VIS6939).

The Groundwater Wells database (GWELLS) shows one well record on the east side of the subject area lot, WTN90561, in the unconsolidated sand and gravel Aquifer 944 (AQ 944) to a depth of 21.6 m with a potential yield of 20 US gallons per minute (US GPM). AQ 944 (Fact Sheet: <https://apps.nrs.gov.bc.ca/gwells/aquifers/944>) consists of confined sand and gravel, known to have a moderate productivity. The median finished depth of 71 unconsolidated wells registered in the Groundwater Wells database (GWELLS <https://apps.nrs.gov.bc.ca/gwells>) within 1 km of this site is 36 m, ranging from 13 m to 130 m. AQ 944 is underlain by fractured crystalline bedrock aquifer AQ 943. The median finished depth of 12 bedrock wells within 1 km is 85 m, ranging from 36 to 182 m.

According to the Report to the Juan de Fuca Land Use Committee (Appendix D, October 18, 2022) an additional well exists on the west side of the subject area. This well is not registered. It may be in the interests of the well owner to register this well. If it is used for non-domestic use, then the well must be licenced.

As this area does not have a local water service provider, the applicants should be advised that a water licence for surface water or for non-domestic groundwater use is required under the *Water Sustainability Act* (<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14015>). Information about water application requirements and process can be found here: <https://portal.nrs.gov.bc.ca/web/client/-/water-licence-application>.

The nearest water body, Jordan River, lies approximately 500 m to the east of the property. For information on water licensing and rights refer to: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights>. A groundwater license for domestic use on a single lot is not required for domestic parcels serviced by individual wells.

Aquifer 944 is classified as having an overall moderate vulnerability to contaminants introduced at the land surface. Intrinsic vulnerability mapping (<https://catalogue.data.gov.bc.ca/dataset/drastic-aquifer-intrinsic-vulnerability>) indicates that aquifer vulnerability to contamination in the area of the subject parcel may be high. Animal grazing areas, paddocks and locations of manure storage can be a source of nutrient and bacterial contamination of surface and groundwater sources, therefore adequate (minimum 30 m) setbacks of these contaminant source from wells and surface water sources is required (in accordance with *Public Health Act*, Health Hazard Regulation https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/216_2011), and agricultural best practices (Code of Practice for Agricultural Environmental Management https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/8_2019) to reduce runoff of contaminants are recommended to be employed.

No additional concerns are noted with respect to the proposed bylaw.

RESPONSE SUMMARY – REZONING APPLICATION RZ000281

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

The property does not fall within Section 52 of the Transportation Act and will not require Ministry formal approval. The Ministry has no objections to the rezoning, however, a subdivision application to the Ministry will be required once the strata has been dissolved.

Applications can be submitted online:

<https://www2.gov.bc.ca/gov/content?id=98219C50C0A74658AB8CC813D5A92558>



Senior Development Services Officer

Signed

Title

November 2, 2022

Ministry of Transportation and Infrastructure

Date

Agency

From: [Pete Godau](#)
To: [Wendy Miller](#)
Cc: [Scott Stinson](#); [Harold Cull](#); [Windy Beadall](#); [Kristina Ross](#)
Subject: FW: Zoning Amendment Application RZ000281 - CRD Referral (Strata Dissolution/Subdivision - Jordan River)
Date: Monday, November 14, 2022 1:08:14 PM
Attachments: [REFERRAL-FORM-AGENCIES-RZ000281.pdf](#)
[PPS-JDF-2022-10-18-RZ000281-Referral-LUC-Report.pdf](#)

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Afternoon Wendy,

At this time the school district does not have any concerns with this referral.

Thanks,

Pete

From: Wendy Miller <wmiller@crd.bc.ca>
Sent: Friday, October 28, 2022 12:04 PM
To: Pete Godau <pgodau@sd62.bc.ca>
Subject: Zoning Amendment Application RZ000281 - CRD Referral (Strata Dissolution/Subdivision - Jordan River)

CAUTION - EXTERNAL SENDER: This email originated from outside of School District 62. Do not click links or open attachments unless you have verified the sender and know the content is safe.

Good Afternoon,

Please find attached a referral form and staff report with proposed Bylaw No. 4519 for zoning amendment application RZ000281.

Proposed Bylaw No. 4519 would amend Bylaw No. 2040 to rezone the subject property from the Rural Residential 2A (RR-2A) zone to the Rural Residential 1 (RR-1) zone for the purposes of dissolving a building strata and subdividing the property into two fee-simple parcels.

Comment is requested by November 28, 2022.

Comments received are distributed as part of the public record.

Please advise if you have any questions about our referral process.

Thank you,

Wendy Miller



2154 Lazzar Road, Sooke B.C., V9Z 1G1
Ph.:250-642-3957 Fax: 250-642-7808

20 October 2022

Re: Zoning Amendment Application RZ000279

File: RZ000279

Attention: Wendy Miller

Dear Wendy:

T'Sou-ke Nation has no comment at this time. If you have any questions or follow up, please do not hesitate to contact our office.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Coggins".

Sam Coggins, PhD RPF
A/Lands Manager, T'Sou-ke Nation

Cc:
Michelle Thut; T'Sou-ke Nation Administration

From: [Shauna Huculak](#)
To: [Wendy Miller](#); [Caitlyn Vernon](#)
Cc: [Sandra Allen](#)
Subject: RE: Zoning Amendment Application RZ000281 - Referral (Strata Dissolution/Subdivision - Jordan River)
Date: Monday, October 31, 2022 10:20:36 AM

No comments from archaeology at this time Wendy.

Caitlyn is away, so I ran a consultative areas database search and the nations you indicated below are the ones with an expressed interest in the area.

Thanks,
shauna

From: Wendy Miller
Sent: Friday, October 28, 2022 4:11 PM
To: Caitlyn Vernon <CVernon@crd.bc.ca>
Cc: Shauna Huculak <SHuculak@crd.bc.ca>; Sandra Allen <SAllen@crd.bc.ca>
Subject: Zoning Amendment Application RZ000281 - Referral (Strata Dissolution/Subdivision - Jordan River)

Good Afternoon,

At its meeting of October 18, 2022, the Juan de Fuca Land Use Committee (LUC) directed referral of proposed Bylaw No. 4519.

Proposed Bylaw No. 4519 would amend Bylaw No. 2040 to rezone the subject property from the Rural Residential 2A (RR-2A) zone to the Rural Residential 1 (RR-1) zone for the purposes of dissolving a building strata and subdividing the property into two fee-simple parcels.

I attach the staff report considered by the LUC at its October meeting.

The LUC supported referral of the proposal to Pacheedhat First Nation and T'Sou-ke First Nation.

As per our normal practice, I confirm that this office has referred the proposal to our contacts at the above Nations.

This office has also referred the proposal directly to the provincial Arch Branch.

Referral comments are summarized in the staff report to the LUC; the actual comments received are inserted verbatim into the staff report as an appendix.

Should First Nations Relations have comment, comment is requested by November 28, 2022.

Thank you,

From: [Mark Groulx](#)
To: [Wendy Miller](#)
Cc: [Shayne Gorman](#); [Coral L. Henderson](#)
Subject: Re: Zoning Amendment Application RZ000281 - Referral (Strata Dissolution/Subdivision - Jordan River)
Date: Sunday, October 30, 2022 9:54:41 AM

Good day Wendy,

No issues from Bylaw regarding this proposed change.

regards

From: Wendy Miller
Sent: Friday, October 28, 2022 4:11 PM
To: Mark Groulx
Cc: Shayne Gorman; Coral L. Henderson
Subject: Zoning Amendment Application RZ000281 - Referral (Strata Dissolution/Subdivision - Jordan River)

Good Afternoon,

At its meeting of October 18, 2022, the Juan de Fuca Land Use Committee (LUC) directed referral of proposed Bylaw No. 4519.

Proposed Bylaw No. 4519 would amend Bylaw No. 2040 to rezone the subject property from the Rural Residential 2A (RR-2A) zone to the Rural Residential 1 (RR-1) zone for the purposes of dissolving a building strata and subdividing the property into two fee-simple parcels.

I attach the staff report considered by the LUC at its October meeting.

Referral comments are summarized in the staff report to the LUC; the actual comments received are inserted verbatim into the staff report as an appendix.

Comment is requested by November 28, 2022.

Thank you,

Wendy Miller

Administrative Clerk | JdF Local Area Services | 250.642.8100
JdF Local Area Services Building | Capital Regional District
3 – 7450 Butler Road, Sooke, BC V9Z 1N1



Making a difference...together

**Minutes of a Meeting of the Shirley-Jordan River Advisory Planning Commission
Held November 15, 2022, at the Shirley Community Hall, 2795 Sheringham Point Road,
Shirley, BC**

PRESENT: Fiona McDannold (Chair), Emily Anderson, Vivi Curutchet, Melody Kimmel

Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;

Darren Lucas, Planner; Wendy Miller, Recorder

ABSENT: Wayne Jackaman

PUBLIC: 4

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

1. Approval of the Agenda

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of the Minutes of August 9, 2022

MOVED by Melody Kimmel, **SECONDED** by Emily Anderson that the minutes of August, 9, 2022, be adopted. **CARRIED**

4. Planner's Report

Iain Lawrence extended a thank you to the APC for its work over the last four years, noting that the term of the current APC concludes December 31, 2022. Certificates of appreciation as issued by the CRD Board Chair were presented to the APC.

It was advised that residents interested in becoming a member of the APC need to submit interest by November 18, 2022.

5. Zoning Amendment Application

a) RZ000281 – Strata Lot A (3692 Waters Edge Drive) and Strata Lot B (12051 West Coast Road), Section 2, Renfrew District, Strata Plan VIS6939

Darren Lucas spoke to the staff report for a joint application to rezone the subject property from the Rural Residential 2A (RR-2A) zone to the Rural Residential 1 (RR-1) zone for the purposes of dissolving a building strata and subdividing the property into two fee-simple parcels.

The Chair confirmed that the applicants were present.

An applicant stated that, should the property be permitted to subdivide, the land will essentially remain status quo as the dwelling units are serviced by separate well and septic systems.

**Shirley-Jordan River Advisory Planning Commission Meeting Minutes
November 15, 2022**

2

APC comments included:

- no other properties are zoned RR-1
- the RR-1 zone permits a minimum lot size of 0.4 ha which is significantly smaller than the minimum lot size permitted by the RR-2A zone, which may be precedent setting
- dissolution of the strata would grant more control to the property owners while not increasing the number of dwelling units permitted on each lot
- the RR-1 zone does not permit use of a trailer for temporary accommodation of guests unlike the RR-2A zone

Staff responded to questions for the APC advising that:

- the property is considered a non-conforming two-lot building strata as the dwellings were constructed prior to adoption of the bylaw that zoned the land RR-2A
- the Shirley-Jordan River OCP allows for consideration of rezoning applications of building strata properties for subdivision to create lots smaller than the lot size otherwise supported by the OCP, provided that the subject strata was registered prior to the adoption of the OCP
- the subject building strata was established prior to the adoption of the current OCP
- the number of building strata developments registered prior to the adoption of the current Shirley-Jordan River OCP is generally limited to a few Rural A zoned properties.
- should rezoning and subdivision of the subject property proceed, each lot would be permitted either one second suite or one detached accessory suite

MOVED by Fiona McDannold, **SECONDED** by Vivi Curutchet that the Shirley-Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee support for zoning amendment application RZ000281.

CARRIED

6. Adjournment

The meeting adjourned at 7:12 pm.

Chair