

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **May 16, 2023, at 7 pm**

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

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Approval of Supplementary Agenda
4. Adoption of Minutes of January 17, 2023, and February 21, 2023
5. Chair's Report
6. Planner's Report
7. Zoning Amendment Application
 - a) RZ000282 – Parcel A (DD 104752I) of District Lot 745, Renfrew District; Parcel B (DD52657I) of District Lot 745, Renfrew District; District Lot 175, Renfrew District; and Strata Lot 13 of Section 76 and District Lot 745, Renfrew District, Strata Plan VIS4766 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (10700 Block of West Coast Road)
8. 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, January 17, 2023, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Natalia Day, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services; Darren Lucas, Planner; Wendy Miller, Recorder
PUBLIC: Approximately 32 in-person; 23 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgment.

2. Election of Vice Chair

MOVED by Anna Russell, **SECONDED** by Natalia Day that election of the Vice Chair be held after considering the development applications.

CARRIED

3. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the agenda be approved as amended to consider election of Vice Chair as Agenda Item 11.

CARRIED

4. Approval of the Supplementary Agenda

MOVED by Roy McIntyre, **SECONDED** by Anna Russell that the supplementary agenda be approved.

CARRIED

5. Adoption of Minutes from the Meeting of October 18, 2022

MOVED by Roy McIntyre, **SECONDED** by Ron Ramsay that the minutes from the meeting of October 18, 2022, be adopted.

CARRIED

6. Chair's Report

The Chair thanked everyone for coming to the first meeting of the newly appointed Juan de Fuca Land Use Committee (LUC), introducing first time appointees Natalia Day and Anna Russell.

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"

Iain Lawrence outlined the LUC's composition and its powers, as granted by the CRD Board by Bylaw No. 3166.

At 7:10 pm Natalia Day recused herself from participating in the proceedings related to the application at 6246 Gordon Road due to a non-pecuniary conflict of interest as a resident living in proximity to the proposed site.

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)

Iain Lawrence spoke to the staff report for the application received from 1291956 BC ULC for a 49 m radio communication antenna system 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.

Iain Lawrence outlined the public consultation process required by the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. It was advised that CRD First Nations Relations responded to the referral sent to CRD departments commenting that the closest registered archaeological site is located ~800 m north of the proposed tower. 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.

Iain Lawrence highlighted the subject property, tower proposal and site photos. The existing towers on site and adjacent to the subject property were identified.

Iain Lawrence advised that nine submissions and a web petition with 90 names were received for LP000034 during the notification period. Attention was directed to the 24 submissions and the updated petition received and circulated in the supplementary agenda. It was reported that the updated petition with 221 names is in opposition to the proposal and that submission comments stated concern regarding radiofrequency electromagnetic fields (EMF) impact on the public and wildlife, the outdatedness of Health Canada's standards, the experimental nature of the proposal, impact of construction on roads, and benefit to the community. Staff is recommending that a statement of concurrence be provided, as the proposal addresses the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy and as the concerns raised in the submissions are outside the scope of the Innovation, Science and Economic Development Canada's Procedures Circular (ISED) CPC-2-0-03.

The Chair confirmed that the application representatives were present.

Liv Desaulniers introduced herself as counsel for 1291956 BC ULC, Fred Mullie with Core One Consulting and Wayne Logan, director and part owner of 1291956 BC ULC.

Wayne Logan stated that:

- the application representatives have reviewed the comments received
- Health Canada's Safety Code 6 is current and tested
- the purpose of the tower is to test short wave radio
- the data collected is the extent of the experiment
- 1291956 BC ULC's head office is located in Calgary with the majority of investors located in Canada
- 1291956 BC ULC has three approved towers in Ontario

Fred Mullie stated a Radio Frequency Engineer has provided a report confirming compliance with Safety Code 6

Lindsay Trowell, East Sooke

- asked where the three towers in Ontario are located
- asked why the subject property in East Sooke was selected
- East Sooke is rural and residents wish to keep it that way
- technology moves faster than regulation
- regulations are not keeping up with technology

Sean Minaker, East Sooke

- asked how close the Ontario towers are to residential uses

Eric Hughes, East Sooke

- asked the output of the Ontario towers
- asked if 1000W is considered a high transmission
- 1000W is considered a high transmission under US standards
- Safety Code 6 is outdated
- questioned if the proponent has Radio Frequency Engineers on staff
- application is causing tension in the community
- residents have moved to East Sooke due to its rural nature and distance from radio towers
- requested that consideration of the application be postponed, noting that this is the first meeting of the new LUC membership
- more information is required regarding frequencies/outputs

Shandelle Conrad, East Sooke

- Safety Code 6 is outdated
- the subject property is designated Settlement by the East Sooke Community Plan
- land for settlement/development in East Sooke is limited
- the subject property is capable of receiving piped water
- the subject property is not in an industrial area
- the subject property is not in the middle of nowhere
- more details are required before a decision is made
- residents have been consulted but opportunity to appeal has not been given

Connor Nicol, East Sooke

- the CRD recently purchased a property across the street from the subject property to enhance East Sooke Regional Park and protect species at risk such as the Warty Jumping-slug

Member of the public, East Sooke

- questioned the residency of the representatives
- questioned the number of protesters required for an alternative location to be considered
- asked the representatives to explain what they mean by traditional, terrestrial transport technologies, as stated in responses to residents
- asked how long it takes to install a tower
- did not move to East Sooke to live beside a 49 m tower
- asked that consideration of the application be postponed as experts in the field of radio frequency are not in attendance

Member of the public, East Sooke

- questioned if other industrial locations in western Canada could be considered for the project

Linda Minaker, East Sooke

- moved to East Sooke to live in a rural residential neighbourhood
- questioned how an industrial tower can be installed in a rural residential neighbourhood
- Regional Parks supports the tower being lower than the tree canopy
- asked the representatives to explain what they mean by traditional, terrestrial transport technologies, as stated in responses to residents

Josh Stewart, East Sooke

- minimal data has been provided
- questioned how changes in wattage and/or ownership are communicated
- questioned if the tower will be permanent

Ron King, East Sooke

- questioned how long the testing will last
- communications from the applicant indicate that the intent of the tower was for the duration of the testing

Zig Readers, East Sooke

- with testing there is generally an expected result/desired outcome
- questioned who the end customer will be, should the experiment be deemed successful

Member of the public, East Sooke

- questioned who is responsible for removing the tower

Kyle Darling, Port Renfrew

- questioned if 1291956 BC UCL would be selling, renting, or leasing space to another company

Dana Livingstone, East Sooke

- had to move from her previous home due health impacts from a radio tower
- asked the LUC to learn more before making a recommendation on the proposal
- other local governments have listened to residents
- concerned for the community, East Sooke Regional Park, local wildlife, including insects, and those who live with electromagnetic hypersensitivity (EHS)

Member of the public, East Sooke

- many concerns have been expressed
- good questions have been asked
- if residents are being heard, another site should be considered

Charlotte Senay, East Sooke

- questioned who would own/operate of the tower
- questioned if there have been any studies on radio frequency impact on wildlife, including insects
- residents move to East Sooke to live with nature
- residents are taking issue with the proposal

Marg Friesen

- not all increases in tower height require public consultation
- 10.7 – 11.7GHz is not short wave
- the World Health Organization has established a task group on radiofrequency fields and health risks
- requested that consideration of the application be postponed until all requested information is made available including information on the Ontario towers

Steve Pridgeon, East Sooke

- questioned if the technology is related to commercial drone control
- questioned if sight lines into/out of East Sooke Regional Park have been determined

Marcia Waterway, East Sooke

- questioned how many other sites were considered and where those sites are and why there were rejected

NJ Hewitt, East Sooke

- questioned why the environment and health are not considered relevant

Iain Lawrence read aloud from the ISED Client Procedures Circular CPC-2-0-03 which outlines public consultation items that are considered reasonable or unreasonable in the evaluation of the proposal.

Iain Lawrence responded to questions from the public advising that:

- health concerns are outside the scope of the matters that are considered relevant by the ISED Client Procedures Circular CPC-2-0-03
- health concerns are outside the scope of land use
- the Juan de Fuca Land Use Committee may recommend issuance of a statement of concurrence or non-concurrence to the CRD Board
- the CRD Board does not have the authority to approve or not approve antenna towers

The representatives responded to questions from the public advising that:

- the subject property was selected due to local climate and the property's proximity to microwave and potential for long-term testing
- the subject property is not in a densely populated area and has existing towers on site
- the proposed tower will have low visual impact
- other towers in the area were considered for co-location and were identified as not being suitable
- other areas/sites were considered and identified as not being suitable
- the towers in Ontario are located in an industrial area
- the Ontario towers were tested, meeting Safety Code 6 standards
- there are Radio Frequency Engineers on staff but not in attendance
- willing to appoint a communications representative to answer questions
- the technology is not new
- the technology that is being tested is short wave radio and not related to drone control
- the proposed tower and compound are located outside of the area designated sensitive by the CRD
- line of sight study has not been done
- CRD Regional Parks has stated that its interests will not be unduly impacted by the tower
- should concurrence be received, installation could start within six months with construction taking approximately two months
- 1291956 BC UCL would be the owner/operator of the tower
- ISED would need to be informed of changes to the tower
- 1291956 BC UCL has a one-year license for development/testing purposes
- the desired outcome of the experiment is to provide an alternative to fiberoptic cable for data transmission
- the long-term intention is a permanent tower
- there is no intention to invite co-location on this tower unless co-location is required by ISED
- 1291956 BC UCL would be responsible for tower removal
- the proposal is compliant with Health Canada's Safety Code 6
- the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy has been met

LUC comments included:

- have heard the concerns expressed by the community
- acknowledge that health concerns are outside the scope of land use considerations
- insufficient rationale has been provided for the proposed location compared to alternate locations
- information on the Transport Canada's requirements for aeronautical markings has not been provided but a flashing light at the top is likely
- information on why the tower needs to be so high has not been provided
- it appears that the top of the tower with flashing light will be at the same level as the top of Mt. Maguire
- plan dimensions are difficult to understand as no scale has been provided
- it appears that the antenna will be 10 – 15 m wide and 6 – 11 m above the tree canopy
- no sight line report has been provided; however, based on location, height and topography, it appears that the tower will be visible from the beginning of the Coppermine Road trail, from residences on Gillespie Road and from Sooke Harbour
- proposal does not provide critical infrastructure for public benefit
- cannot overlook community concerns

- additional information from the applicant could be received at a future meeting, should the proposal be referred or postponed
- the CRD makes the final recommendation to ISED
- ISED is the authority for approving antenna towers

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

That a statement of non-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.

Opposed: Director Wickheim, Vern McConnell
CARRIED

At 9:10 pm Natalia Day returned to the meeting.

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)**

Iain Lawrence spoke to the staff report addressing the provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act (LGA)* for a five-lot bare land strata subdivision.

Iain Lawrence highlighted the subject properties, area of subdivision, proposed subdivision plan and the trail network proposed by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission.

Iain Lawrence stated that the trail network was proposed after CRD staff met with the Ministry of Transportation and Infrastructure (MOTI) to discuss community concerns regarding safe walking routes. Through dialogue with the MOTI, it was determined that sidewalks could not be accommodated in the road right-of-way due to required ditching and lack of a maintenance work function.

Iain Lawrence highlighted existing trail segments and related infrastructure.

Iain Lawrence responded to questions from the LUC advising that:

- the Juan de Fuca Community Park Program would be responsible for trail maintenance costs
- the trail surface would be gravel
- the *LGA* prescribes the requirement for either the provision of land or cash-in-lieu
- the staff recommendation enables the developer to retain land for a sellable lot as opposed to park dedication
- the staff recommendation enables the Juan de Fuca Community Park Program to not expend funds on construction
- the proponent supports continuing the existing trail into the current phase of subdivision

MOVED by Roy McIntyre, **SECONDED** by Vern McConnell that the Juan de Fuca 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% that encompasses the area required for trail 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.

CARRIED

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**

Iain Lawrence spoke to the staff report for an application to rezone the subject properties from the Forestry (AF) zone to the Rural Commercial Recreation (Campground) (CR-2), as amended, for the purpose of permitting 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.

Iain Lawrence highlighted the subject properties and concept plan. It was reported that portions of the property are located in Steep Slopes, Sensitive Ecosystem, and Riparian development permit areas and that an environmental assessment has been provided by the applicant which would be circulated to the Advisory Planning Commission and the LUC, should the proposal be referred.

Iain Lawrence outlined Bylaw No. 4518 and directed attention to the two submissions received and circulated in the supplementary agenda.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that an amendment to the CR-2 zone was requested to permit staff accommodation and that the staff accommodations would not be allowed to be subletted or leased.

Kyle Darling, Port Renfrew:

- staff housing is an issue in Port Renfrew as it is more profitable to provide accommodation for tourists
- supports the applicant's intent to provide staff accommodation

Gerard LeBlanc, Shirley

- application needs to be reviewed against the policies of the Official Community Plan
- area is sensitive in regards to water supply as area creeks are very susceptible to drought

- campground use is highest in the summer when wildfire risk is at its greatest
- application proposes approximately 50 temporary residential uses in the forest
- proposal does not address emergency planning or evacuation routes in the event of a wildfire or earthquake
- the subject properties are serviced by the Shirley Volunteer Fire Department which, although equipped to respond to residential/structural fires, is not responsible for responding to wildfire
- the Environmental Assessment maps included in the staff report identify species at risk and riparian areas but no further information is provided on those areas
- there is no information on the water source for the proposed commercial use, which will require a provincial water license
- the application is premature and requires referral back to staff and the applicant for further information

The applicant responded to questions from the LUC advising that a wildfire assessment has been completed and a plan has been developed based on the assessment's recommendations. A cistern and structural designs are being considered to mediate fire concerns. Emergency training would be provided to staff.

Iain Lawrence responded to questions from the LUC advising that:

- the proposal will be sent to CRD departments, including Protective Services for comment on fire servicing
- the wildfire assessment would be provided to Protective Services
- it is anticipated that the provincial Water Protection Section will provide comment on the aquifer
- if a zoning bylaw amendment application is consistent with an Official Community Plan, the zoning bylaw amendment does not proceed to the full CRD Board for a determination of consistency with the Regional Growth Strategy
- through meetings with the applicant, it was decided to amend the CR-2 rather than creating a site specific zone as there are no other lands currently zoned CR-2
- Bylaw No. 2040 provides a definition of campground which permits a stay of not more than 30 consecutive days
- feedback from the APC and the community would indicate the scale of low-impact recreation supported

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the agency referral list for Bylaw No. 4518 be amended to include BC Wildfire Service.

CARRIED

MOVED by Ron Ramsay, **SECONDED** Vern McConnell 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

BC Wildfire Service

District of Sooke

FLNR – Archaeology Branch

FLNR – Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR – Water Protection Section

Island Health

Ministry of Transportation & Infrastructure

Pacheedaht First Nation
RCMP
Sooke School District #62
T'Sou-ke First Nation

CARRIED

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

Iain Lawrence spoke to the staff report for an 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 the LUC directed referral of the proposal to agencies and to the Shirley-Jordan River Advisory Planning Commission at its meeting of October 18, 2022. Attention was directed to the referral comments as included in the staff report.

MOVED by Anna Russell, **SECONDED** by Natalia Day that the Juan de Fuca 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.

CARRIED

11. Election of Vice Chair

Item moved from Agenda Item 2 to Agenda Item 11.

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee (LUC) for 2023 and Roy McIntyre's name was put forward. The Chair called two additional times for further nominations and, as there were none, Roy McIntyre was acclaimed Vice Chair.

12. Adjournment

The meeting adjourned at 10:15 pm.

Chair



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, February 21, 2023, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Natalia Day, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold (EP), Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services; Wendy Miller, Recorder
PUBLIC: Approximately 24 in-person; 23 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgment.

2. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Natalia Day that the agenda be approved, as amended to add Public Comment on Agenda Items under New Business as Agenda Item 9.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Ron Ramsay, **SECONDED** by Anna Russell that the supplementary agenda be approved.

CARRIED

4. Adoption of Minutes from the Meeting of January 17, 2023

The Chair requested that the minutes be referred back to staff to review requested amendments against the transcription record.

MOVED by Anna Russell, **SECONDED** by Roy McIntyre that the draft minutes from the meeting of January 17, 2023, be referred back to staff.

CARRIED

5. Chair's Report

The Chair thanked everyone for coming to the meeting and stated that the chat function on WebEx has been disabled and that, should public comment be requested, comments be limited to three minutes or less.

6. Planner's Report

a) Powers of the Committee as Prescribed by Bylaw No. 3166, "Juan de Fuca Land Use Committee Bylaw, Bylaw No. 2004"

Iain Lawrence outlined the standard practice/procedure for consideration of matters/applications, as prescribed by Bylaw No. 3166, by the LUC for recommendation to the CRD Board.

At this time, Iain Lawrence reported that, after consulting with the Chair, the LUC will adjourn for the month of March.

7. Agricultural Land Reserve Application

a) AG000082 - Lot B Section 110 Sooke District Plan 32912 (6040 East Sooke Road)

Iain Lawrence spoke to the staff report for a 2-lot, fee-simple subdivision of land within the Agricultural Land Reserve (ALR), in accordance with Section 34.1 of the *Agricultural Land Commission Act (ALC Act)*.

Attention was directed to the eleven submissions received and circulated in the supplementary agenda.

The Chair confirmed that the applicant was present.

Bill Riggs, Chief Executive Officer, Royal Canadian Marine Search & Rescue

- a significant mortgage remains
- the RCM-SAR Board supports pursuing subdivision of a 4.0 ha portion of the subject property
- sale of the 4.0 ha would provide capital funding to support operations at the subject property and at other marine rescue stations operated by RCM-SAR

The Chair stated that comments received regarding the application are to be related to the proposed subdivision of the subject property.

The Chair opened the floor to comments from the public regarding the proposed subdivision.

Shandelle Conrad, East Sooke

- family regularly accesses the property with permission
- subject property is the site of a wilderness school for preschoolers
- is opposed to the application as subdivision may result in decreased public access

Gerard LeBlanc, Director, Sooke Region Food CHI

- spoke to the supplementary submission from Sooke Region Food CHI and requested withdrawal of statement #4 from the submission
- is opposed to the application as the subdivision would take lands out of agricultural production and as the proposal is not in keeping with the objectives of the CRD Food and Agriculture Strategy

Linda Minaker, East Sooke

- submitted a supplementary submission in opposition to the application
- stated concern regarding future use of the land and the use's potential impact to Sooke Basin, should subdivision be pursued

Gloria Snively, East Sooke

- is opposed to the application as the subdivision does not support the community's desire that the subject property remain accessible to the community and used for education, environmental preservation and for farming/gardening

Charlotte Senay, East Sooke

- submitted a supplementary submission in opposition to the application
- is opposed to the application as the subdivision is not in keeping with the East Sooke Official Community Plan's objectives for food security and as agricultural production on proposed Lot 2 would be further limited due to the non-farm use area and decrease in lot size, should the subject property be subdivided

Jim Maxwell, East Sooke

- proposal does not align with community's wishes
- is opposed to the application as proposed Lot 1 would be permitted the same structural density as the subject property is presently permitted, reducing agricultural production potential

Vivi Curutchet, Shirley

- lived on the subject property and farmed the subject property
- subject property is viable farmland but farming has not been pursued since non-farm use was approved
- is opposed to the application as farmland is limited in East Sooke and subdivision would reduce lands for agricultural production

Sandy McAndrews, East Sooke

- submitted a supplementary submission in opposition to the application
- is opposed to the application as residents cannot gauge impact on the community without knowing the intended use of the land after subdivision

Susan Nelson, Shirley

- previously lived on and farmed the subject property
- questioned if covenants could be registered on the subject property
- if the applicant wishes to subdivide for the purpose of farming, property should be sold at a price that a farmer can afford

Wendy Herring, East Sooke

- owns lands within the ALR and has a lease agreement to keep the land in agricultural production
- is opposed to the application as she does not support ALR land being used for products for non-human consumption

Iain Lawrence responded to questions from the LUC and the public:

- only local governments or prescribed bodies may submit an exclusion application to the ALC
- lot coverage for each lot would be 20%, should the subject property be subdivided
- regardless of local government zoning, residential density provisions are approved by the ALC for lands within the ALR
- application does not proceed to the CRD Board for a determination of consistency with the Regional Growth Strategy as the proposed subdivision meets the zone regulations
- should the LUC support referral of the application, advance notice of the Agricultural Advisory Planning Commission meeting would be mailed to property owners and occupiers of land within 500 m of the subject property
- the LUC would consider an application for non-farm use, should a non-farm use, as determined by the ALC, be pursued in future

LUC discussion ensued regarding the Official Community Plan's objectives for food security, public feedback and overall agricultural sustainability of the land, should the subject property be subdivided.

MOVED by Director Wickheim, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District:
That Agricultural Land Service application AG000082 for Lot B, Section 110, Sooke District, Plan 32912, be denied.

CARRIED

The Chair recessed the meeting from 8:43 – 8:50 pm.

8. Zoning Amendment Application

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

Iain Lawrence spoke to the staff report for the application to rezone the subject property from Rural Zone – A (Rural A) to the Rural Residential 6A Zone (RR-6A) for the purposes of dissolving the strata and facilitating subdivision to create the equivalent number of parcels.

Attention was directed to the one submission received and circulated in the supplementary agenda.

The Chair confirmed that the applicants were present.

An applicant responded to a question from the LUC, identifying the location of a covenant area on the strata plan.

Iain Lawrence responded to questions from the LUC advising that:

- park land requirements are considered at the time of subdivision
- the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission makes recommendation to the LUC regarding the provision of park land or cash in lieu of park land
- the CRD advises the Ministry of Transportation and Infrastructure of when all applicable CRD bylaws/regulations have been complied with

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

1. That the referral of proposed Bylaw No. 4505, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022", to the East Sooke Advisory Planning Commission; CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Forests – Water Protection Section; Ministry of Land, Water and Recourse Stewardship; Ministry of Transportation & Infrastructure; RCMP; Sc'ianew First Nation; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4505 be introduced and read a first time and read a second time;
3. That in accordance with the provisions of section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4505; and
4. That adoption of proposed Bylaw No. 4505 be withheld pending receipt by the CRD of a Preliminary Layout Review from the Ministry of Transportation and Infrastructure for subdivision application SU000753.

CARRIED

9. New Business

a) Public Comment on Agenda Items

Staff spoke to the practice/procedure for public comment on matters/applications for consideration by the LUC, advising that:

- comment from the public during the meeting is at the discretion of the Chair
- the public may submit comment in writing for circulation in the supplementary agenda

10. Adjournment

The meeting adjourned at 9:11 pm.

Chair



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 16, 2023**

- SUBJECT** **Zoning Bylaw Amendment Application for the subject property between Shirley and Jordan River described as:**
- **Parcel A (DD 104752I) of District Lot 745, Renfrew District;
PID: 009-594-159**
 - **Parcel B (DD52657I) of District Lot 745, Renfrew District;
PID: 009-594-183**
 - **District Lot 175, Renfrew District;
PID: 023-414-308**
 - **Strata Lot 13 of Section 76 and District Lot 745, Renfrew District, Strata Plan VIS4766 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1;
PID: 024-486-914**

ISSUE SUMMARY

The landowner has applied to rezone the subject property from the Forestry (AF) and Resource Land (RL) zones to a new Wilderness Campground (WC) zone.

BACKGROUND

The subject property is located north of West Coast Road between Shirley and Jordan River (Appendix A) and zoned Forestry (AF) and Resource Land (RL) (Appendix B) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The lands are designated Coastal Upland (CU) in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001. Lands adjacent to the subject property are zoned AF to the east; AF, Intensive Commercial Recreation (CR-3), and Rural A to the west; RL to the north; and AF on the south side of West Coast Road.

The subject property is comprised of four parcels accessed from both Cedar Coast Drive and West Coast Road. The total estimated land area is 170.8 ha and extends roughly 1.7 km from West Coast Road to the most northern property line. The subject property is partially within the Shirley Fire Protection local service area and portions of the lands are designated as Steep Slope, Sensitive Ecosystem, and Riparian development permit areas.

The landowner has submitted an application to amend Bylaw No. 2040 by removing the lands from the AF and RL zones (Appendix B) and adding them to a new Wilderness Campground (WC) zone to allow for walk-in campsites located throughout the 170.8 ha area. A proposed conceptual site plan illustrating 20 camping areas and an emergency evacuation plan are included in Appendix C. Staff have prepared Bylaw No. 4550 for referral (Appendix D).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023" to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, First Nations and the following external agencies for comment:

- Pacheedaht First Nation
- T'Sou-ke First Nation
- BC Hydro

BC Parks
District of Sooke
Island Health
Ministry of Forests - Archaeology Branch
Ministry of Forests - Water Protection Section
Ministry of Land, Water and Resource Stewardship
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62

Alternative 2

That proposed Bylaw No. 4550 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 proposed Bylaw No. 4550 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 property 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 property as Coastal Upland (CU), which consists primarily of parcels enrolled in the Private Managed Forest Lands (PMFL) program and supports the continued use of those land for forestry activities. If lands have been 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 land use designation.

Three of the four subject parcels are zoned AF, which specifies a minimum parcel size of 4 ha. The fourth parcel is zoned RL, which has a minimum parcel size of 120 ha. The AF and RL zones allow for similar uses, with the exception of *resource extraction* and *agriculture*, which are specifically consigned to the RL zone. Staff are of the opinion that the proposed development and the permitted uses listed in the proposed WC zone of Bylaw No. 4550 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 impact from the proposed development can be determined through the referral process and consideration of broader OCP policies and objectives.

The southernmost parcel is part of the Fishboat Bay strata (VIS4766), which is zoned AF and was created using the parcel averaging provisions of the *Bare Land Strata Regulation* of the *Strata Property Act*. The parcel is the subject of covenant EN21276, which is registered in favour of

Capital Regional District. The covenant prohibits subdivision and the construction or placement of structures including fencing. Staff are of the opinion that should the zoning amendment be supported, the covenant would require an amendment to allow the camping use. Restrictions on subdivision specified within the covenant should remain in order to maintain the lot averaging of the strata.

Should proposed Bylaw No. 4550 proceed, the new WC zone would permit one camping space per 8.5 ha with a 20 m separation distance between each site, as well as continued silviculture, residential, and home-based business uses. The minimum proposed parcel size of 8 ha has been calculated to reflect the average parcel size of the total area of the lands and the minimum lot size specified by the existing zones. Staff recommend referral to the Shirley-Jordan River APC, CRD departments, First Nations and external agencies.

CONCLUSION

The purpose of Bylaw No. 4550 is to amend Bylaw No. 2040 by removing the subject property from the Forestry (AF) and Resource Land (RL) zones and adding them to a new Wilderness Campground (WC) zone. Consideration should be given to potential amendments to Covenant EN21276 that is registered to the specified strata lot as a condition of bylaw adoption. Staff have prepared proposed Bylaw No. 4550 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. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023" to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, First Nations and the following external agencies and for comment:

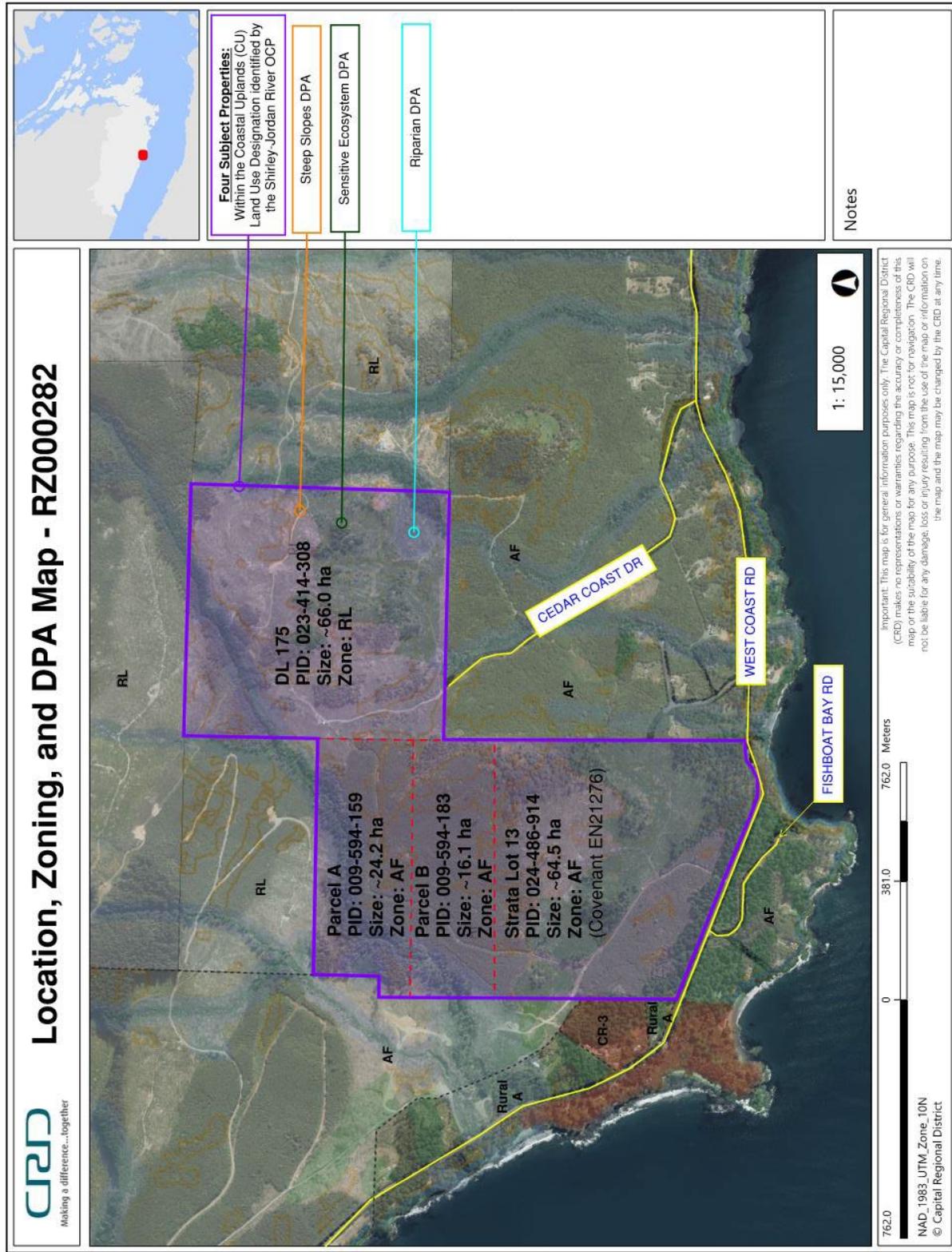
- Pacheedaht First Nation
- T'Sou-ke First Nation
- BC Hydro
- BC Parks
- District of Sooke
- Island Health
- Ministry of Forests - Archaeology Branch
- Ministry of Forests - Water Protection Section
- Ministry of Land, Water and Resource Stewardship
- Ministry of Transportation & Infrastructure
- RCMP
- Sooke School District #62

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: Location, Zoning, and DPA Map
- Appendix B: Current Forestry (AF) and Resource Land (RL) Zones
- Appendix C: Concept Plans
- Appendix D: Proposed Bylaw No. 4550

Appendix A: Location, Zoning, and DPA Map



Appendix B: Current Forestry (AF) and Resource Land (RL) Zones

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*

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

1A.0 RESOURCE LAND ZONE - RL

Bylaw 3759

1A.01 Permitted Uses

In addition to the uses permitted by Part 2, Schedule A of this bylaw, the following uses and no others shall be permitted in the Resource Land RL Zone:

Principal Uses:

- (a) Residential;
- (b) Resource Extraction;
- (c) Agriculture.

Bylaw 4413

Accessory Uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Secondary suite or detached accessory suite; and
- (f) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01.

Local government land use regulations may not be applicable to private managed forest lands pursuant to Part 3, Section 21 of the *Private Managed Forest Land Act*.

1A.02 Minimum Parcel Size for Subdivision Purposes

- (a) The minimum parcel size for subdivision purposes is 120 ha;
- (b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size of the remainder parcel is 120 ha where lands have been removed from Private Managed Forest Land status.

1A.03 Density Provisions

- (a) One single-family dwelling;
- (b) One secondary suite or one detached accessory suite.

1A.04 Height

Maximum height of principal buildings shall be 9 m.

1A.05 Maximum Size of Buildings

- (a) Provided that percolation and septic field requirements are met pursuant to the Sewerage System Regulation, principal buildings and structures shall not exceed a Total Floor Area of 418 m².

1A.06 Yard Requirements

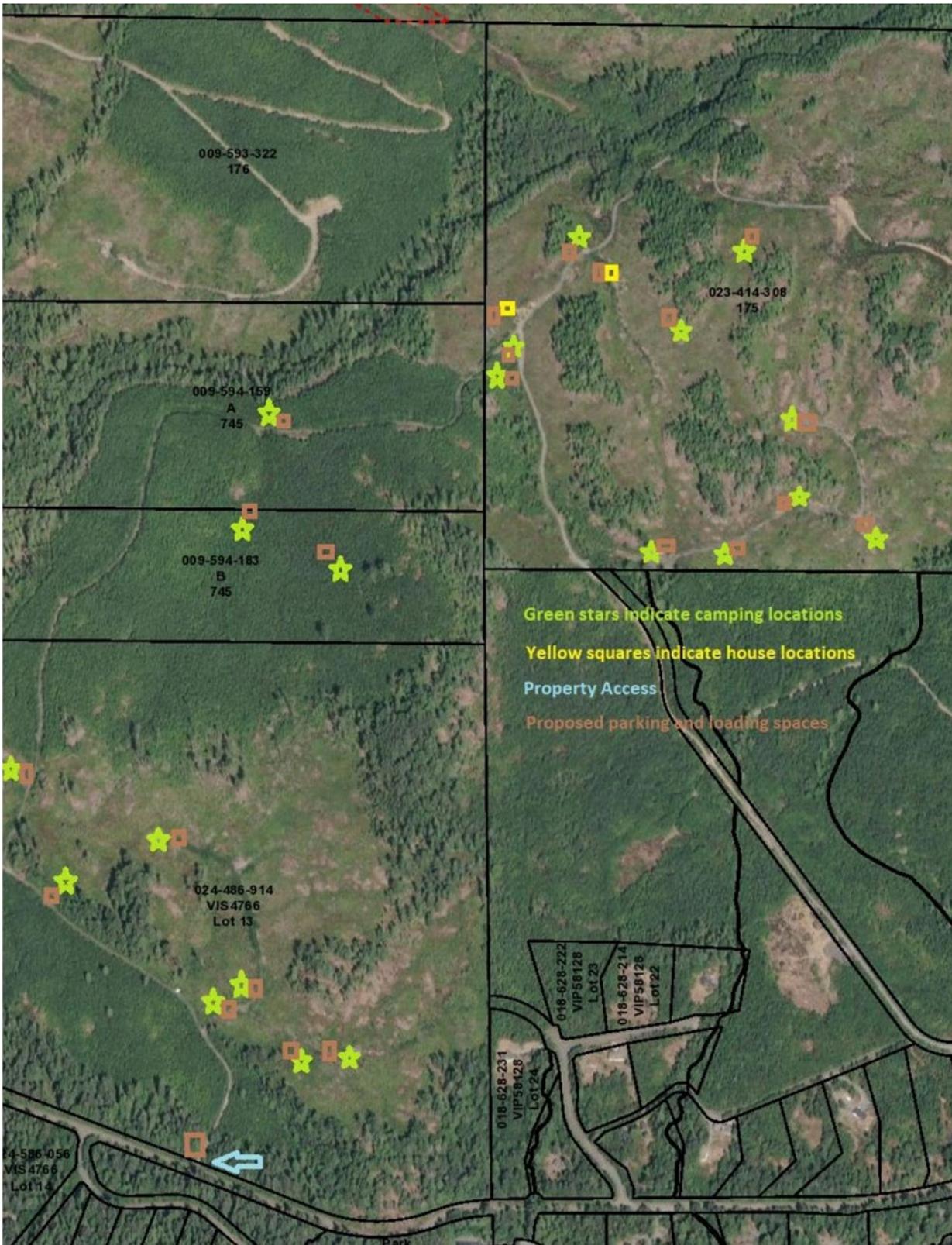
- (a) Front yards shall be a minimum of 7.5 m;
- (b) Interior and exterior side yards shall be a minimum of 15 m;
- (c) Rear yards shall be a minimum of 15 m.

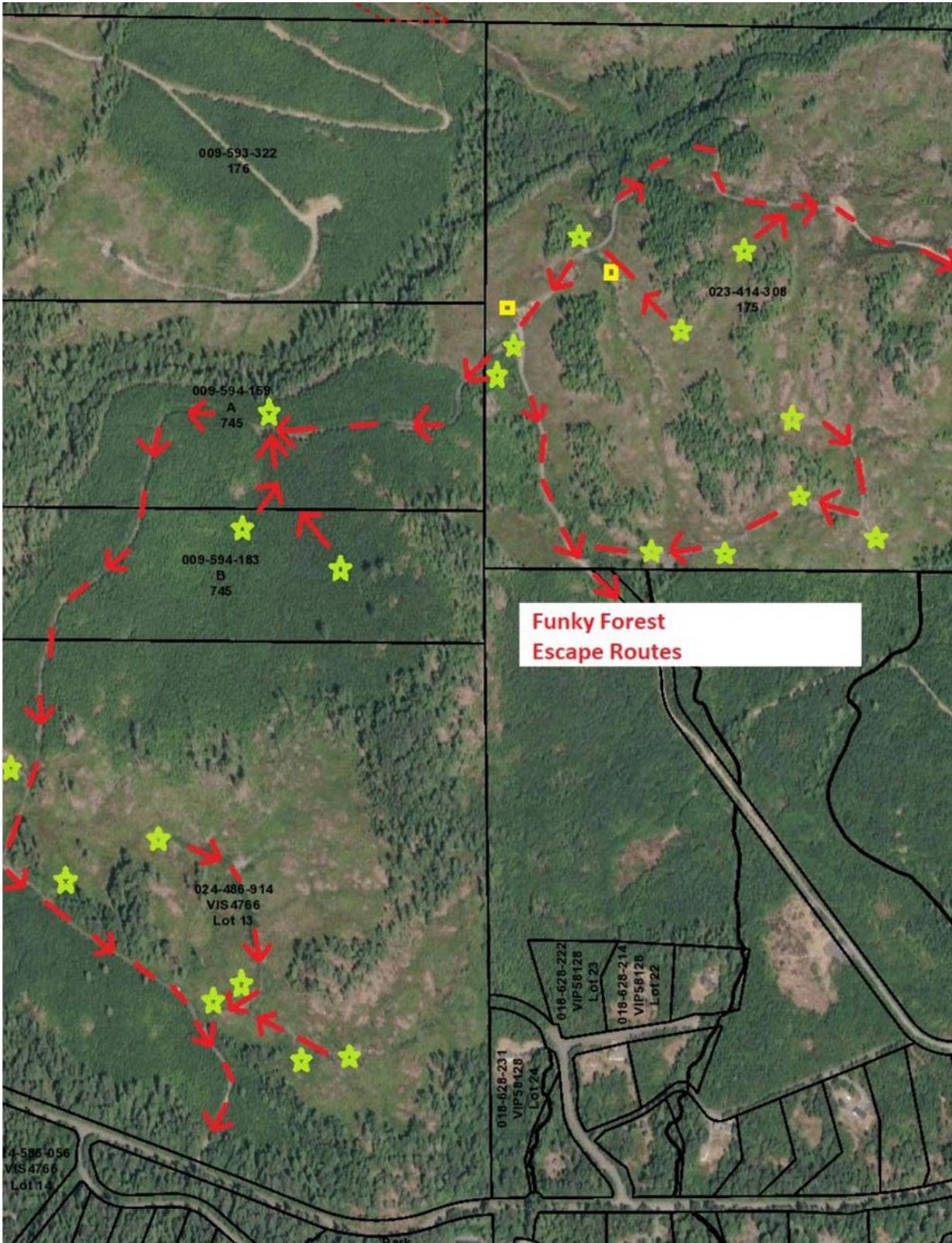
1A.07 Yard Requirements for Agriculture and Agricultural Buildings Adjacent to Non-Farm Parcels

Notwithstanding the above, setbacks for agricultural uses and agricultural buildings are as follows:

- (a) 30 m of a front parcel line;
- (b) 15 m of a side parcel line; and
- (c) 15 m of a rear parcel line.

Appendix C: Concept Plans







Appendix D: Proposed Bylaw No. 4550

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4550**

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 adding the new 22.0A Wilderness Campground Zone – WC as follows:

22A.0 WILDERNESS CAMPGROUND ZONE – WC

22A.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 Wilderness Campground (WC) zone:

Principle uses:

- (a) One-family dwelling;
- (b) Camp ground;
- (c) Silviculture.

Accessory uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (f) Detached Accessory Suite pursuant to Part 1, Subsection 4.20.

22A.02 Minimum Lot Size for Subdivision Purposes

(a) The minimum lot size for subdivision purposes is no less than 8 ha.

22A.03 Number of Residential Units

(a) One dwelling unit per lot is permitted.

22A.04 Height

(a) Maximum height shall be 11 m.

22A.05 Lot Coverage

(a) Maximum lot coverage shall be 10 percent.

22A.06 Density

- (a) One camping space per 8.5 ha;
- (b) Individual camping spaces shall be a maximum of 400 m².

CRD Bylaw No. 4550

2

22A.07 Setback Requirements

(a) All campsites, buildings, and structures, must be setback a minimum of 15m from every parcel line and watercourses.

22A.08 Separation Space

(a) All campsites, buildings, and structures must be separated by a minimum of 20m 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, or other outdoor uses.

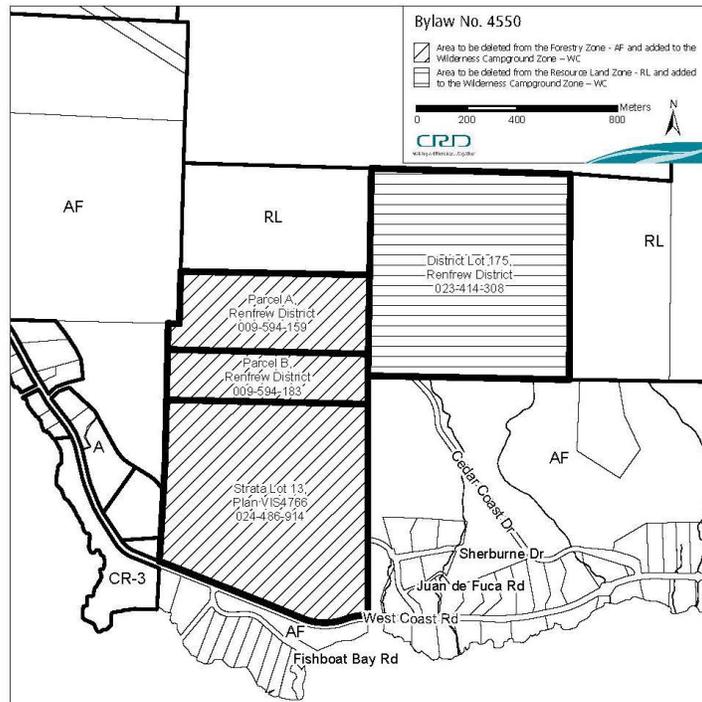
B. SCHEDULE B, ZONING MAPS

- a. By deleting Parcel A (DD 10475211) of District Lot 745, Renfrew District, from the Forestry Zone - AF, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.
- b. By deleting Parcel B (DD 526571) of District Lot 745, Renfrew District, from the Forestry Zone - AF, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.
- c. By deleting District Lot 175, Renfrew District, from the Resource Land Zone - RL, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.
- d. By deleting Strata Lot 13 of Section 76 and District Lot 745, Renfrew District, Strata Plan VIS4766 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1, from the Forestry Zone - AF, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.

CRD Bylaw No. 4550

3

Plan No. 1 of Bylaw No. 4550, an amendment to Bylaw No. 2040



2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 160, 2023".

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