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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, April 17, 2018, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair, Art Wynans,
Staff: Iain Lawrence, Manager, Local Area Planning; Emma Taylor, Recorder

ABSENT: Dale Risvold

PUBLIC: 12

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

1. Approval of the Agenda

MOVED by Art Wynans, **SECONDED** by Sandy Sinclair that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Ron Ramsay, **SECONDED** by Art Wynans that the supplementary agenda be approved. **CARRIED**

3. Adoption of Minutes from the Meeting of February 20, 2018

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of February 20, 2018, be adopted. **CARRIED**

4. Chair's Report

The Chair thanked the members and public for attending the meeting. It was stated that the opportunity to review the Official Community Plans is a historical occasion for the Electoral Area.

5. Planner's Report

No report.

6. Floodplain Exemption

a) DV000057 – Lot 13, Section 4, Renfrew District, Plan VIP79213 (Trailhead Drive)

Iain Lawrence spoke to the staff report and outlined the requested floodplain exemption to reduce the flood construction level to 0.2 m above finished grade for a proposed dwelling. It was noted that a riparian development permit is being considered by the General Manager, Planning and Protective Services, in conjunction with the floodplain exemption. Staff confirmed receipt of a professional engineer's report indicating the proposed construction is safe for the use intended and recommend that the report be secured on title as a restrictive covenant.

The applicant was in attendance and acknowledged that the information presented was accurate.

Iain Lawrence responded to an LUC question regarding of how the flood construction level is measured.

MOVED by Stan Jensen, **SECONDED** by Sandy Sinclair that the Land Use Committee recommend to the CRD Board:

That subject to the Ministry of Transportation and Infrastructure agreeing to discharge covenant EX87077 from title, that floodplain exemption DV000057 for Lot 13, Section 4, Renfrew District, Plan VIP79213 for the purpose of constructing a single-family dwelling, be approved subject to the following conditions:

- a) That the underside of the ground floor system elevation be a minimum of 0.2 m above the final ground surface elevation in accordance with the recommendations outlined in the professional geotechnical engineer's report prepared by Ryzuk Geotechnical, dated March 9, 2018;
- b) That the professional engineer's report prepared by Ryzuk Geotechnical, dated March 9, 2018, be secured via a new restrictive covenant registered on title;
- c) That the building location and elevation be verified by a BC Land Surveyor prior to completion of the building permit.

CARRIED

7. Rezoning Application

a) RZ000255 – Strata Lots 13, 26 and 27, Section 16, Otter District, Plan VIS7096 (Sooke Business Park – 7450 Butler Road)

Iain Lawrence outlined the staff report and the proposal to rezone three strata lots to the Sooke Business Park Industrial (M-SBP) zone.

The Chair confirmed that the staff recommendation was to refer the application to agencies and the Otter Point Advisory Planning Commission for comment.

Iain Lawrence responded to a question by clarifying the permitted uses in the General Industrial (M-2) zone and the Sooke Business Park Industrial (M-SBP) zone.

Sandy Sinclair raised the issue of federal legalization of recreational cannabis and whether the zoning bylaw would permit this. It was further noted that the community has only reviewed rezoning applications for medical marihuana production.

Staff responded that the legislation is not yet available to review.

The applicant described a need to provide a licensing scheme for small-scale recreational cannabis producers.

The Chair commented that retail sales of recreational cannabis will require a Provincial licence.

MOVED by Ron Ramsay, **SECONDED** by Art Wynans:

That staff be directed to refer proposed Bylaw No. 4234, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 133, 2018", to the Otter Point Advisory Planning Commission and to the following agencies and departments for comment:

BC Hydro	District of Sooke	RCMP
CRD Building	Island Health	T'Sou-ke First Nation
Inspection	Ministry of Transportation	
CRD Protective	and Infrastructure	
Services		

CARRIED

8. Proposed Bylaws

a) Bylaw No. 4000, "East Sooke Official Community Plan, Bylaw No. 5, 2018"

b) Bylaw No. 4001, "Shirley – Jordan River Official Community Plan, Bylaw No. 5, 2018"

Iain Lawrence outlined the Official Community Plan review processes for East Sooke and Shirley-Jordan River that commenced in 2013 and highlighted the major changes to the proposed bylaws including new land use designations. It was further explained that the proposed policies provide an opportunity for parcels zoned Rural A to be rezoned for further subdivision, and that there is an overall increase in development potential in East Sooke and a decrease in Shirley-Jordan River.

Staff indicated that referral of the bylaws to agencies was completed in 2016 and the comments were incorporated into the bylaws where appropriate.

Staff directed attention to the supplementary agenda item #1, which outlined proposed policy amendments related to servicing.

Staff also confirmed that it is recommended that the bylaws relating to the proposed Shirley-Jordan River Official Community Plan boundary adjustment not proceed.

Discussion ensued on the policies that provide development potential for Rural A zoned parcels, including:

- number of dwelling units
- lot size
- park dedication or cash-in-lieu requirements
- road dedication

The correspondence received from Heather Phillips, included as supplementary agenda item #2, was reviewed.

Heather Phillips was in attendance and stated objection to the development policies in the East Sooke Official Community Plan, raising the following issues:

- growth rate projections are low compared to proposed development potential;
- only 42 dwellings are required to meet the housing needs for next 10 years;
- Otter Point and Shirley-Jordan River policies reduced the development potential;
- East Sooke absorbs 137% of projected growth for the entire Electoral Area;
- Port Renfrew is designated as a growth area in the Regional Growth Strategy;
- Rural A zoning and strata development has been controversial for decades;
- Regional Growth Strategy debate confirmed that density should be managed through land use bylaws and not provision of water and sewer services;
- rationale for development policies should not be based on real estate market;
- protection of groundwater resources and monitoring septic systems is needed until such time as community water is extended;
- Metchosin includes both a 4 hectare and a 1 hectare land use designation;
- 1 hectare parcel size changes the rural character of community.

Director Hicks stated that the Regional Growth Strategy includes a cap on the number of dwellings, which the Board agreed upon and that the proposed policies reflect the East Sooke community's vision. Iain Lawrence confirmed the number of water connections is specified in the Regional Growth Strategy.

MOVED by Stan Jensen, **SECONDED** by Roy McIntyre that the LUC recommend to the CRD Board:

1. a) That the referral of proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", directed by the Juan de Fuca (JdF) Land Use Committee to the Agricultural Land Commission, BC Hydro, Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, District of Sooke, East Sooke Advisory Planning Commission, East Sooke Fire Department, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lake Cowichan First Nation, Lyackson First Nation, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Lands, Natural Resource Operations (MFLNRO) – Arch Branch, MFLNRO – Crown Lands/Foreshore, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Seagirt Waterworks Improvement District, Stz'uminus First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and appropriate CRD Departments, be approved and comments received;
 - b) That Section 454(l)(vi) be deleted and replaced with the following words:
 - vi. For areas not currently within an existing water service area, support the adoption of a new water service establishment bylaw for public water distribution systems managed and operated by the CRD in accordance with conditions 454(l)(i) through 454(l)(v), and the establishment of a mechanism to cover costs of the service and infrastructure.
 - c) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", be considered by the CRD Board for consistency with the Regional Growth Strategy;
 - d) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", be introduced and read a first and second time; and
 - e) 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. 4000.
2. a) That the referral of proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", directed by the Juan de Fuca (JdF) Land Use Committee to the Agricultural Land Commission, BC Hydro, Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, District of Sooke, Esquimalt Nation, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lyackson First Nation, Malahat First Nation, Managed Forest Council, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Lands, Natural Resource Operations (MFLNRO) – Arch Branch, MFLNRO – Crown Lands/Foreshore, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Pauquachin First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Sheringham Waterworks, Shirley/Jordan River Advisory Planning Commission, Shirley Fire Department, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsartlip Indian Band, Tsawout First Nation, Tseycum

Indian Band, T'Sou-ke First Nation, and appropriate CRD departments, be approved and the comments received;

- b) That Section 414(P) be added as follows:
 - P. No new CRD water systems are contemplated to service new or existing development and sewage treatment is to be provided by on-site systems.
- c) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", be considered by the CRD Board for consistency with the Regional Growth Strategy;
- d) That proposed Bylaw No. 4079, Bylaw No. 4070 and Bylaw No. 4071 not proceed;
- e) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", be introduced and read a first and a second time; and
- f) 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. 4001.

CARRIED

9. Adjournment

The meeting adjourned at 7:40 p.m.

Chair