

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **September 18, 2012 at 7:00 p.m.**

Juan de Fuca Electoral Area Office, #2 – 6868 West Coast Road, Sooke, BC

SUPPLEMENTARY AGENDA

1. Correspondence received to be dealt with under the following agenda items:
 - a) Agenda Item 6 a) VAR-05-10 – Lot 3, Section 130 and 131, Sooke District, Plan VIP73608 Except That Part in Plan VIP76689 (Gilbert – 706 Cains Way)
 - Mark LeBlanc, East Sooke
 - Yale Shap, East Sooke
 - Glynn Davies, East Sooke
 - John and Sheila Duncan, East Sooke
 - Blaire Walker, East Sooke
 - John Constable, East Sooke
 - Larry and Louise Greenhalgh, East Sooke
 - Doug and Carla Funk, East Sooke
 - Robert and Patricia Marsh, East Sooke
 - Ted Robbins, CRD Integrated Water Services Department
 - Kelly LeBlanc, East Sooke
 - b) Agenda Item 7 b) Z-01-12 – Lot 7, Section 129, Sooke District, Plan VIP67208 (Stokes – 470 – Seedtree Road)
 - Hugh Conlon, East Sooke
 - c) Agenda Item 8 a) Amendment to Bylaw No. 3166 and Bylaw No. 3110, CRD Board Policy – RGS Consistency
 - Otter Point & Shirley Residents and Ratepayers Association
 - George Miller, Shirley
 - Fiona McDannold, Shirley

10 Sep 2012

Juan de Fuca Land Use Committee
#2-6868 West Coast Rd.
Sooke, BC V9Z 0S9

By Fax: (250) 642-5274

**RE: DEVELOPMENT VARIANCE PERMIT FOR WAIVER OF 10% FRONTAGE
REQUIREMENT LOT 3. Section 130 AND 131 , Sooke District, VIP 73608 – 706 Cains
Way.**

**Reference: CRD Water Staff Report – Proposed Transfer of Watershed Lands – 24 Sep
2010:**

<http://www.crd.bc.ca/reports/wildernessmountainwa /2010 /wildernessmountainpr-1/wildernessmountainpr.pdf>

Dear Committee Members:

Subject to Section 944 of the Local Government Act, no parcel of land in any proposed subdivision shall have less than 10% of its perimeter fronting on a street. Relaxation of this requirement should be only for the benefit of the community. In this revised application there is no benefit for consideration as the transfer of lands to the CRD to help protect the Wilderness Mountain Water Service Catchment Area is no longer offered.

Mt. Matheson Estates is a planned development and the proposed configuration is not in keeping with the ambience / layout of the rest of the subdivision. The requirement for this reduce frontage is a result of a previous land use decision that did not consider future subdivision and allowed a non-conforming pan handle lot to be created in 2004 (lot C - 4928 Mt. Matheson Rd). The area of this lot will increase should this subdivision proceed.

The lands in question have several covenants and right of ways registered on title to protect the community water supply. The CRD has provided previous recommendations regarding the catchment area as listed in the reference. They are very clear that transfer of the catchment area to the CRD would better protect the local water supply.

Although this revised application may preclude construction of a driveway and a septic field in the watershed areas for now, it does not ensure that there will be no future development of the expanded lot C or the remaining area of lot 3. This application is still a subdivision therefore the permission of the covenant holders (CRD, HAT, and TLC) is necessary to proceed. Given there is a covenant to prevent subdivision, staff should not be requesting this waiver until the covenant holders have had an opportunity to provide comment and the application should be tabled until that time. There is no justifiable reason the offer to transfer the catchment area lands to the CRD should not be a condition of subdivision as both property owners will benefit from the subdivision and variance. It must be noted that granting this variance and subsequent subdivision does not preclude future application unless this transfer of lands occur as the current covenant had not discouraged the property owner from seeking subdivision. This application highlights the inadequacy of a covenant to prevent future subdivision therefore the transfer of catchments lands to the CRD needs occur to protect the community water supply.

Also subsequent to this application, the catchment area was redefined by the CRD and found to already have houses and structures inside or on the border of the watershed boundary. All new watershed lands should be included in any new covenant and this covenant should have a clause that expressly forbids any further subdivision with giving compensation to residents if this

situation occurs again. Those lands currently not developed should be transferred to the CRD to break this cycle of continual subdivision.

In terms of the lands donated to the CRD, the property already had a covenant held by the Comptroller of Water Rights that required the watershed lands to be transferred to the utility upon subdivision however this did not occur during previous approvals, nor is this a consideration for this application. As it is clear covenants provide minimal protection the lands that make up lot 3 should be protected by a Bylaw similar to that on lands surrounding the Sooke Lake Reservoir (Bylaw 2804). This will allow for enforcement rather than covenant mitigation. There should also be fencing considered on lot 3 to be put in place by the applicant to keep people out and minimize activity to help protect the watershed lands.

The Wilderness Mountain Water Commission should have met to review the CRD's position regarding this application and allow residents to raise concerns however no Commission meetings have occurred for several months. It is therefore the duty of the LUC as the CRD Board's representatives to address these concerns.

In summary the LUC should:

1. Table this application until the covenant holders (CRD, HAT, TLC, Comptroller of Water Rights) can provide comment;
2. Require the transfer of catchment lands to the CRD as per the original application;
3. Confirm with CRD Water that users will not incur additional costs as a result of this subdivision to mitigate water quality issues;
4. Confirm that the subdivision will not be detrimental and introduce new activity in the watershed;
5. Require a Bylaw similar to the Greater Victoria Water Supply Protection Bylaw 2804 to protect the water source upon transfer of the catchment lands to the CRD;
6. Require any new covenant to have penalties if further subdivision occurs; and
7. Require fencing on lot 3 at the applicant's expense.

Respectfully,



Mark LeBlanc

Sooke, BC



Making a difference...together

**REPORT TO WILDERNESS MOUNTAIN WATER SERVICE COMMISSION
MEETING OF FRIDAY 24 SEPTEMBER 2010**

SUBJECT PROPOSED TRANSFER OF OWNERSHIP OF WATERSHED LANDS

ISSUE

The owner of Lot 3, Section 130 and 131, Sooke District, Plan VIP73608 (PID 025-399-276, 706 Cains Way) is seeking to subdivide the property to create an additional residential lot. The property includes the primary water source for the Wilderness Mountain Water Service and is presently protected by a conservation covenant held jointly by the Capital Regional District (CRD), The Land Conservancy of British Columbia (TLC) and Habitat Acquisition Trust (HAT). The owner has filed a subdivision application with the Ministry of Transportation and Infrastructure for this purpose. In order for subdivision to proceed, the owner must obtain the consent of the CRD, HAT and TLC. In return for such consent, the owner has offered to transfer ownership of the bulk of the covenant area to the CRD.

BACKGROUND

The property (Lot 3, Plan VIP73608) is 9.8 ha located in the CRD Wilderness Mountain water service area in the Juan de Fuca Electoral Area, and includes the Wilfred Reservoir, a small man-made lake that is the primary water source for the CRD Wilderness Mountain water service. The CRD holds a water license for this purpose, owns two dams, a pumphouse and related works under a statutory right of way, and jointly holds a conservation covenant on the land with HAT and TLC. The covenant precludes subdivision without the consent of the covenant holders. Most of the land tributary to the Wilfred Reservoir is also contained within the property.

The property is owned by Mr. Chris Gilbert, who resides in a house located near the southeast corner fronting Cains Way. The majority of the property is protected by the conservation covenant. The owner proposes to subdivide the property into three parcels, including 1.0 ha containing his existing house, a second buildable 1.0 ha lot, and the 7.8 ha remainder (Attachment 1), which includes the Wilfred Reservoir and most of its tributary area, as well as all the CRD water service assets. The building site including septic field location on the second buildable lot will not encroach on the covenant area. The owner proposes to transfer ownership of the 7.8 ha remainder of Lot 3 to the CRD. Mr. Gilbert has requested that the CRD consider renaming the Wilfred Reservoir in his honour (i.e. as "Gilbert Lake" or similar), in recognition of the land transfer.

There are several covenants and other charges on title of Lot 3, Plan VIP73608. A summary of these is provided in Attachment 2.

Staff have consulted with representatives of TLC and HAT regarding the proposed subdivision. Although the owner will need to obtain their consent independently of the CRD, it is the understanding of CRD staff that their consent may be subject to the following or similar conditions:

- That the CRD establish a management plan for the remainder of Lot 3 as a water supply area, including habitat enhancement measures.

- That the CRD establish a plan for use and management of the land at such time as it is no longer required for community water supply purposes (e.g. regional park).
- That the current owner endow funds for the purpose of managing the two additional covenant areas that will be created by the subdivision.

ALTERNATIVES

1. That the Wilderness Mountain Water Service Commission:
 - a) Recommend that the Capital Regional District Board have no objection to the subdivision of Lot 3, Plan VIP73608 as proposed by the owner subject to transfer of ownership of the 7.8 ha remainder to the Capital Regional District for the purpose of community water supply and verification at the owner's cost by a registered BC Land Surveyor that the area of the proposed Lot 2 that falls outside the Wilfred Reservoir catchment area is sufficient for construction of a permanent dwelling and a septic field;
 - b) Authorize the expenditure of up to \$10,000 from the Wilderness Mountain Water Service Capital Reserve Fund for staff time and expenses relating to the transfer of the land to the Capital Regional District; and
 - c) Deny the owner's request that the CRD agree to or provide support for renaming of the Wilfred Reservoir.
2. That the Wilderness Mountain Water Service Commission consent to the subdivision of Lot 3, Plan VIP73608 as proposed by the owner and decline transfer of ownership of the 7.8 ha remainder to the Capital Regional District for the purpose of community water supply.
3. That the Wilderness Mountain Water Service Commission withhold its consent to the proposed subdivision.

IMPLICATIONS

Alternative 1

- a) Subdivision of Lot 3 would enable the construction of a new residence and septic field on the proposed Lot 2. There is a small potential increase in the risk of adverse impacts on water quality associated with future development on the proposed Lot 2. Covenant No. EW47310 prohibits the construction of a septic field within the covenant area except by permission of the CRD, HAT and TLC. The covenant area is defined by Plan VIP76871 (Attachment 3). Based on topographic maps included in EW47310, the covenant area boundary within the proposed Lot 2 is intended to correspond approximately with the catchment area of the Wilfred Reservoir, such that runoff from the buildable portion of the proposed Lot 2 would be diverted away from the water supply reservoir. Given the imprecision of the available plans, field verification of the watershed boundary would reduce the risk of runoff from a future dwelling or septic field to the community drinking water supply. In order to protect the water supply from contamination, all areas of Lot 2 within the allowable setbacks for building or septic field construction should be outside the catchment area for Wilfred Reservoir.

A driveway would be required through the water supply catchment lands (and conservation covenant area) to access the proposed building site. Construction of the driveway would require the prior approval of the covenantees (HAT, CRD and TLC), enabling the CRD to require measures to mitigate risks to the water supply during construction, and to require that the driveway design minimize migration of contaminants or silt into the reservoir, and minimize

diversion of water from the water supply catchment lands. These requirements may increase the owner's cost to develop the proposed Lot 2.

CRD ownership of the covenant area would reduce the number of direct stakeholders whose consent would be required to construct or modify waterworks infrastructure on the land, and would minimize conflict over the use of the land. Should the land dedication proceed, the Wilderness Mountain water service would assume responsibility for maintaining the land and complying with the covenants on title. Maintaining the land for water supply purposes is not expected to require significant effort, or to significantly impact the overall cost of water service.

The waterworks infrastructure on the parcel does not meet the permitted uses of the zone. Upon completion of a land transfer, staff would recommend an administrative amendment to the Land Use Bylaw to include waterworks infrastructure as a permitted use on the parcel.

- b) The cost to complete the transfer of title of the remainder of Lot 3, and associated tasks, including applicable staff time and legal fees, is estimated to be in the range of \$5,000 to \$10,000. The Wilderness Mountain Water Service Capital Reserve Fund currently holds an available balance of \$30,150.
- c) Officially renaming the reservoir would require provincial approval, and may not have the broad support of the community. Mr. Gilbert initially would or should have purchased the parent parcel at a price that reflected the impact of the covenant and statutory right of ways. The proposed land transfer is offered in exchange for consent to subdivide and create a new building lot, which is a significant benefit. Given that Mr. Gilbert is receiving subdivision rights in exchange for the transfer of the land, staff recommend that his request be denied.

Alternative 2

The implications of Alternative 2 are similar to those of Alternative 1, except that the implications of land transfer and ownership would not be realized. The CRD currently holds covenants and rights of way on the land that protect the water watershed and reservoir, and provide access to and use of the land sufficient to operate and maintain the water system. If the watershed lands are not transferred to the CRD, the current owner would remain a stakeholder in CRD use of the land for water supply purposes.

Alternative 3

The implications of Alternative 3 are similar to those of Alternative 2, except that the risks associated with access through the covenant area to a new building lot would be avoided should the Ministry of Transportation and Infrastructure deny the subdivision application.

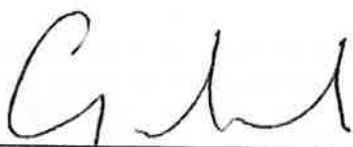
CONCLUSION

The proposed transfer of ownership of 7.8 ha of land to the CRD, including the primary water supply source and catchment lands for the Wilderness Mountain water service, would significantly benefit the participants in the service. The primary benefit (reduction in the number of direct stakeholders whose consent would be required to construct or modify waterworks infrastructure on the land) outweighs the costs of transfer and ownership of the land (up to \$10,000 in transfer costs, potential risk of impacts on the watershed due to driveway access to a new building lot, and increased responsibility for maintaining the land and associated covenants). Subdivision without transfer of the remainder to the CRD would yield no apparent benefit to the water service, but would introduce the new potential risk of impacts on the watershed due to driveway access to a new building lot.

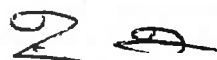
RECOMMENDATION

That the Wilderness Mountain Water Service Commission:

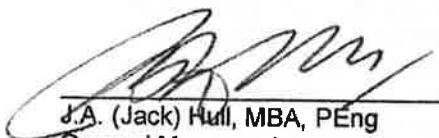
- a) Recommend that the Capital Regional District Board have no objection to the subdivision of Lot 3, Plan VIP73608 as proposed by the owner subject to transfer of ownership of the 7.8 ha remainder to the Capital Regional District for the purpose of community water supply and verification at the owner's cost by a registered BC Land Surveyor that the area of the proposed Lot 2 that falls outside the Wilfred Reservoir catchment area is sufficient for construction of a permanent dwelling and a septic field;
- b) Authorize the expenditure of up to \$10,000 from the Wilderness Mountain Water Service Capital Reserve Fund for staff time and expenses relating to the transfer of the land to the Capital Regional District; and
- c) Deny the owner's request that the CRD agree to or provide support for renaming of the Wilfred Reservoir.



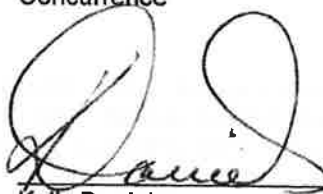
Colwyn Sunderland, ASCT
Local Services Engineering Coordinator



Tim Tanton PEng
Senior Manager, Infrastructure Engineering
Concurrence



J.A. (Jack) Hull, MBA, PEng
General Manager, Integrated Water Services
Concurrence



Kelly Daniels
CAO Concurrence

CS:ls
Attachments: 2



Document No.	Covenantee	Notes
K72766	Crown	Covenant - Comptroller of Water Rights, to preserve a suitable area of land for the purpose of the water utility. "Upon transfer in fee simple of a portion of the land sufficient for the water utility to function properly, the Covenantee shall release and discharge this Restrictive Covenant from the land."
K72768	Capital Regional District	Statutory Right of Way for the purpose of establishing a water utility. "The Covenantor shall transfer and convey in fee simple to the Grantee, a portion of the right of way, sufficient in size to permit the Grantee to operate a water utility to provide water to the service area, and, upon said transfer [sic] occurring, the Covenantee shall cancel, release and discharge this statutory right of way."
M76303	Director of Soldier Settlement	Undersurface rights. Document is not available from Land Titles.
N10949	Capital Regional District	Restrictive Covenant – no construction where drainage cannot be diverted either to a roadside ditch, natural drainage watercourse or 120 cu.ft. rock pit
EK61836	Wilderness Mountain Water Corporation (CRD)	Rent Charge. Grantee (utility) releases Grantor (owner of Lot 1 as of 20 November 1995) from rent charge if the utility is taken over by a public authority with taxing powers (i.e. CRD).
EM33778	Owner of Strata Lot 12, Plan VIS4243	Easement as shown on VIP67013 (595 m ² adjacent to reservoir site) for the purpose of vehicle parking for Lot 12.
EN83614	Crown	Restrictive Covenant - no subdivision without MOE consent
EN83615	Crown	Priority Agreement (EN83614 over EK61836, EM106167, EM111406, EN29369)
EN83616	Crown	Restrictive Covenant – no removal of vegetation or other changes to land within 7.5m of high water mark without prior written permission of Regional Fish, Wildlife and Habitat Manager (MOE).
EN83617		Priority Agreement (EN83616 over EK61836, EM106167, EM111406, EN29369)
ET42822	Crown	Covenant to protect wetlands: No construction within 15m of natural boundary (wetland); No construction at elevation less than 1.5m above natural boundary
ET42823		Priority Agreement (ET42822 over EK61836, EM111406, EN29369 (see EN 30792), EN106256)
ET42833		Statutory Building Scheme: grants development plan approval authority to 573132 BC Ltd, for design, siting, setbacks, building heights, maintenance of landscapes. Allows residential buildings only, and no diversion of water (page 8 of 8).
ET42839		Easement: Provides access by owner of Lot 3 access over Lots 1 and 2, Plan VIP73608; and access by owner of Lot 4 over Lots 1, 2 and 3; for construction, operation and maintenance of one water supply utility pipeline. Lot 4 is the CRD reservoir site.

ET42841		Easement appurtenant to Lot 4, Plan VIP73608
ET42844		Priority Agreement (ET42841 over EK61836, EM111406, EN29369 (see EN 30792), EN106256)
EW47310	Habitat Acquisition Trust The Land Conservancy of BC Capital Regional District	Covenant, part as shown on Plan VIP76871. Intent is to preserve natural state of land, and to permit operation of the water utility. Restrictions per Section 4, pp. 8-9 of 42. Allows removal of vegetation for utility maintenance, but does not permit construction of any buildings, roads or improvements without consent of all covenantees. Owner is subject to \$2,000 "rent charge" plus 110% of market value of any lost or damaged flora, fauna or mineral resulting from a breach of the covenant. Prohibits subdivision.
EW47311	Habitat Acquisition Trust The Land Conservancy of BC Capital Regional District	Statutory Right of Way, part as shown on Plan VIP76871
EW47312	Habitat Acquisition Trust The Land Conservancy of BC Capital Regional District	Rent Charge
FB220631	Computershare Trust Company of Canada	Mortgage



Wendy Miller

From: June Klassen
Sent: Wednesday, September 12, 2012 8:31 AM
To: Wendy Miller
Subject: FW: Variance - 706 Cains Way

For supplementary

-----Original Message-----

From: Yale Shap
Sent: Tuesday, September 11, 2012 3:29 PM
To: June Klassen
Cc: directorjdf
Subject: Variance - 706 Cains Way

Hi June,

As per our telephone conversation yesterday, I would like this email to be included in support of the Development Variance Permit Application regarding Lot 3, Section 130 and 131, Sooke District Plan VIP73608 etc. (aka 706 Cains Way).

Although I cannot attend the JDF Land Use Committee meeting on September 18 due to being in Europe on vacation, this application of a boundary adjustment is a win win situation for both landowners and the CRD.

Whereas the original variance application included a building lot which was highly contested by several Mt. Matheson residents, this variance request creates no new building sites, will not result in any new structures built, creates a long term benefit to both property owners, while continuing to protect the Wilderness Mountain Water Commission watershed.

I am writing this letter of support not as the chair of the aforementioned water commission but as a neighbour on Cains Way who believes that approving this application will bring a long-term positive tranquility to our neighbourhood.

Thank you for allowing me to voice my opinion.

Regards

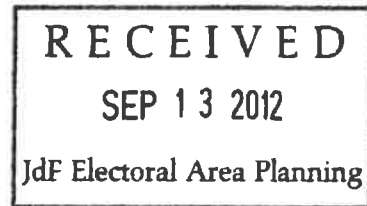
Yale Shap

E. Sooke

GLYNN G. DAVIES

September 13, 2012

Capital Regional District,
Juan de Fuca Electoral Area Planning,
Box 283, Sooke, B.C.,
V9Z 0S9



Dear Sir or Madam:

DEVELOPMENT VARIANCE PERMIT APPLICATION FILE VAR-05-10

Lot 3, Section 130 and 131, Sooke District Plan VIP73608

I refer to your letter of September 4, 2012 regarding the above.

The variance permit application is to "relax the requirement for one-tenth perimeter frontage for lot 3". I object to the relaxation of the requirement for one-tenth perimeter frontage for the following reasons.

1. Relaxation of the requirement that no parcel of land in any subdivision shall have less than 10% of its perimeter fronting on the street should be only for the benefit of the community. There is no community benefit in this instance.
2. Mt Matheson Estates is a planned development and the proposed configuration is not in keeping with the appearance and layout of the rest of the subdivision. Already one non-conforming lot (lot C 4928 Mt Matheson Road) has been allowed and approval of this variance adds a further non-conforming lot. Property owners rely upon these restrictions not only to preserve the appearance of the neighbourhood but also to maintain the market value of their homes. Voters and taxpayers look to the Land Use Committee to uphold the intent of the existing restrictions.
3. The lands in question have been subject to numerous attempts to subdivide or find ways around existing covenants and restrictions in order that additional dwellings may be constructed on the lands. All such attempts have been objected to because the lands are within the catchment area for the upper reservoir on Mount Matheson, the source of drinking water for the residents. Construction and habitation of an additional dwelling on these lands can only lead to additional risk of contamination of the water supply.
4. Since all residents of Mount Matheson Estates use water from the upper reservoir and thus are affected by this proposal I believe that the notice that was sent to me as an owner within 500 metres of the subject site, should in addition be sent to all residents of Mount Matheson Estates. Again we expect the Land Use Committee to consider most carefully the impact of this proposal on the drinking water supply.
5. It is frustrating that the owners of the lands in question continually keep returning to the Land Use Committee with proposals that have been turned down numerous times previously. Given that there is covenant to prevent subdivision I would suggest that the Committee make it clear to them that no further request for subdivision or relaxation of the requirements will be entertained in relation to the catchment area

For the reasons stated above I object to the requested variance.

Sincerely,

Glynn Davies

Wendy Miller

From: John Duncan
Sent: Saturday, September 15, 2012 7:50 AM
To: Wendy Miller
Subject: RE: VAR-05-10 - Gilbert, 706 Cains Way

Good morning

We have no objection to the proposed subdivision application. Thank you for informing us.

John and Sheila Duncan

From: Wendy Miller [<mailto:wmiller@crd.bc.ca>]
Sent: Thursday, September 13, 2012 11:59 AM
To:
Subject: RE: VAR-05-10 - Gilbert, 706 Cains Way

Good Afternoon,

Further to the below, I advise that you that there will be a meeting of the Land Use Committee for the Juan de Fuca Electoral Area on **September 18, 2012 at 7:00 p.m.** in the **Juan de Fuca Electoral Area Planning Office, 2-6868 West Coast Road, Sooke, BC** to consider the following requested development variance permit application (VAR-05-10):

To relax the requirement for one-tenth perimeter frontage for existing Lot 3 associated with a minor boundary adjustment. This is a revised subdivision application and no additional lots are being created. The frontage of existing Lot 3 will not be reduced rather the perimeter of Lot 3 is being increased.

The staff report can be found at:

<http://www.crd.bc.ca/reports/juandefucalandusecom /2012 /09september /index.htm>

Any written submissions regarding this application may be forwarded to the **Capital Regional District (CRD), Juan de Fuca Electoral Area Planning, Box 283, Sooke, BC V9Z 0S9** or via email to jdfinfo@crd.bc.ca and must be received prior to **4:00 p.m. on September 18, 2012** to ensure availability at the Land Use Committee meeting. Submissions can also be received at the meeting.

Thank you,

Wendy Miller

Administrative Clerk | JDF Electoral Area Planning | 250.642.1500, local 208
Capital Regional District | 2-6868 West Coast Road, PO Box 283, Sooke BC V9Z 0S9

Web: www.crd.bc.ca/jdf



Please consider the environment before printing this email.

From: Wendy Miller
Sent: Monday, July 16, 2012 12:09 PM

Wendy Miller

From: Blaire Walker
Sent: Sunday, September 16, 2012 2:47 PM
To: Wendy Miller
Subject: Re: 706 Cains Way

Dear Ms Miller

Re: The Development Variance Permit Application VAR-05-10:

If I am interpreting the Appendix 2 map of Lot 3, 706 Cains Way, correctly, I continue to be concerned about the impact of additional perspective residences in close proximity to the Reservoir lake in an area where the properties slope down into the lake. A portion of waste water from residences in this area will inevitably find its way into the reservoir and although the water treatment plant can destroy certain strains of E.coli, other human and animal pathogens of viral or cancerous origins would ultimately be pumped into our homes. For these reasons I cannot be in favour of any frontage variance that would inevitably result in the development of the area.

Although the variance also involves the donation of the remainder of Lot 3, the loss of property tax revenue must also be considered.

Sincerely,
Blaire Walker,

On Thu, Sep 13, 2012 at 12:40 PM, Wendy Miller <wmiller@crd.bc.ca> wrote:

Good Afternoon,

Further to the below, I advise that you that there will be a meeting of the Land Use Committee (LUC) for the Juan de Fuca Electoral Area on September 18, 2012 at 7:00 p.m. in the Juan de Fuca Electoral Area Planning Office, 2-6868 West Coast Road, Sooke, BC to consider the following requested development variance permit application (VAR-05-10):

To relax the requirement for one-tenth perimeter frontage for existing Lot 3 associated with a minor boundary adjustment. This is a revised subdivision application and no additional lots are being created. The frontage of existing Lot 3 will not be reduced rather the perimeter of Lot 3 is being increased.

The staff report can be found at:

http://www.crd.bc.ca/reports/juandefucalandusecom_/2012_/09september_/index.htm

Wendy Miller

From: j constable
Sent: Sunday, September 16, 2012 9:09 PM
To: Wendy Miller
Subject: RE: RE: Development Variance Permit Application Lot 3, Section 130 and 131, Sooke District, Plan VIP73608 Except That Part in Plan VIP76689 - 706 Cains Way

Thanks Wendy,

I understand.

As a owner within the boundary of this application, I wish to go on record as **opposed**.

I think the future environmental risks associated with the foreshore of the Mt. Matheson potable water drinking systems may be compromised by this change.

I can assure everyone that I am intimately familiar with, and know the challenges of keeping a drinking water system safe. Water risk and problems are not only limited to human elements they may also be caused by animal elements (ie. Walkerton water crisis that killed 8 people).

I know that the "buffer zone" around the reservoir was established with the best intentions for all residents by the developer at the time, Professional Engineer Richard (Dick) Cains.

The error made in the past with interim development around our drinking water reservoir is unfortunate for all of us on Mount Matheson.

Something of this magnitude should be put up to review by all residents of the mountain and not limited to those with a set distance of the land.

I feel that the repeated efforts to change things in this area should be open to the entire Mount Matheson Estate community because this will have the potential to seriously compromise their drinking water supply.

Consulting with only those within 500 Meters is not realistic.

I am opposed.

John Constable

September 16 , 2012

Juan de Fuca Land Use Committee
#2-6868 West Coast Rd.
Sooke, BC V9Z 0S9

By Fax: (250) 642-5274

**RE: DEVELOPMENT VARIANCE PERMIT FOR WAIVER OF 10% FRONTAGE
REQUIREMENT LOT 3. Section 130 AND 131 , Sooke District, VIP 73608 – 706 Cains Way.**

Reference: CRD Water Staff Report – Proposed Transfer of Watershed Lands – 24 Sep
2010: <http://www.crd.bc.ca/reports/wildernessmountainwa/2010/wildernessmountainpr-1/wildernessmountainpr.pdf>

Dear Committee Members:

We are property owners that back onto to the proposed plan of lot 3. We have lot 9. We are very interested in having our watershed protected and we don't believe that the proposed plan would be a very good idea. The property owners of lot C already are very close to the reservoir and it seems to me that the proposed change would give them even more property along the reservoir.

Just last Thursday, I walked down to the bottom of our property and I heard what sounded like chickens or some kind of poultry squawking. I can't see them from our property because of the trees but I can certainly hear them. The rest of the properties in Mt. Matheson estates are not allowed any type of farm animals because of proximity to the watershed. Lot C is by far the closest property to the watershed of any of them.

Please don't give this property owner any more property along the reservoir. Thank you for reading our letter and considering the implications to our drinking water.

Blessings,

Larry and Louise Greenhalgh

Sooke, B.C.

Handwritten signatures of Larry and Louise Greenhalgh. The signature for Larry is written above the signature for Louise. Both signatures are in cursive and appear to be in ink.

Wendy Miller

From: June Klassen
Sent: Monday, September 17, 2012 8:06 AM
To: Wendy Miller
Subject: FW: Gilbert Gilbert's application for a lot line adjustment

For supplementary

From: Doug
Sent: Sunday, September 16, 2012 5:44 AM
To: June Klassen
Cc: Chris Gilbert
Subject: Gilbert Gilbert's application for a lot line adjustment

Dear June - I'm writing as the closest neighbour to Chris Gilbert and David Wood and wish to convey my support for their request of a lot line adjustment between their properties.

Doug & Carla Funk

Wendy Miller

From: June Klassen
Sent: Monday, September 17, 2012 8:07 AM
To: Wendy Miller
Subject: FW: Gilbert Lot Line Adjustment

For supplementary

From: Robert Marsh
Sent: Sunday, September 16, 2012 11:42 AM
To: June Klassen
Subject: Gilbert Lot Line Adjustment

Ms. Klassen,

This note is to advise you that, as property owners at _____, Patricia Marsh and I fully support Mr. Gilbert's proposed lot line adjustment on his parcel of land adjacent to the Wilderness Mountain water reservoir. It is our sincere hope that these changes will be made expeditiously and that the issues around this proposal be finally resolved.

Thank you for your consideration on this.

Sincerely,
Robert Marsh

East Sooke

Wendy Miller

From: June Klassen
Sent: Monday, September 17, 2012 8:08 AM
To: Wendy Miller
Subject: FW: Mt. Matheson

For supplementary

From: Ted Robbins
Sent: Saturday, September 15, 2012 6:13 PM
To:
Cc:
Subject: RE: Mt. Matheson

Kelly,

To clarify below, JDF Planning has received a revised subdivision plan only for the purpose of consideration of a development variance permit as the existing lot frontage, while not proposed to change, does not meet the 10 percent requirement. MOT has not referred the plan to CRD as yet. Once JDF Planning receives the subdivision plan from MOT, it will be forwarded to all covenant holders.

Regards, Ted

From: Ted Robbins
Sent: Saturday, September 15, 2012 3:59 PM
To:
Cc:
Subject: RE: Mt. Matheson

Kelly,

The CRD Juan de Fuca Land Use Planning office has advised us that they have received a revised subdivision plan for the property you have inquired about, but approval has not been granted as yet. Further, Integrated Water Services has not received the referral from the JDF Planning office yet for comment.

Regards,

Ted Robbins
Acting General Manager
Integrated Water Services Department
Capital Regional District

479 Island Highway, Victoria, BC, V9B 1H7
T: 250-360-3061 C: 250-217-9084 F: 250-474-9652
trobbins@crd.bc.ca

From: Kelly Leblanc
Sent: Friday, September 07, 2012 11:25 AM
To: Ted Robbins; Stewart Irwin
Subject: Mt. Matheson

September 7, 2012

CRD, HAT, TLC

RE: Conservation Covenant – Remainder Lot 3 Mt. Matheson Estates

It has come to my attention that a revised subdivision has been submitted on the subject property on which the CRD, HAT and TLC hold a covenant. The revised subdivision application is considered a “minor boundary adjustment” and no additional lots are being created. Nonetheless, the boundary adjustment / subdivision occurs adjacent to the community water supply.

Though I’m not currently aware of all details regarding the revised subdivision application, my understanding is that the proposed boundary adjustment will require subdivision of the covenant area. The conservation covenant contains a clause which strictly prohibits subdivision of the covenant area. In order for the revised subdivision to proceed, the owner of Lot 3 must obtain the consent of the CRD, HAT and TLC.

My understanding is that consent to subdivide was granted by the CRD, HAT and TLC for the previous subdivision plan of Lot 3 (reference “Report to Wilderness Mountain Water Service Commission – Meeting of Friday 24 September 2010”) because the owner of Lot 3 offered to transfer ownership of the bulk of the covenant area (7.8 ha of land including the primary water supply source and catchment lands for the water service) to the CRD. This was considered a significant benefit to participants in the service.

Has the CRD, HAT and TLC provided consent to permit subdivision of the covenant area on Lot 3 (as per the “revised” subdivision plan) and if so, under what terms?

Sincerely,

Kelly LeBlanc

September 17, 2012

Juan de Fuca Land Use Committee
#2-6868 West Coast Rd.
Sooke, BC V9Z 0S9

By Fax: (250) 642-5274

**RE: DEVELOPMENT VARIANCE PERMIT FOR WAIVER OF 10%
FRONTAGE REQUIREMENT LOT 3 - Section 130 & 131, Sooke District, VIP
73608 – 706 Cains Way**

I request the subject application be tabled until the Ministry of Transportation refers the revised subdivision plan to agencies including the CRD, Habitat Acquisition Trust and the Land Conservancy of BC for comment.

Recently I was informed by both the CRD and Habitat Acquisition Trust that they had not received the revised subdivision plan for comment. The proposed boundary adjustment is not a minor issue because it proposes to transfer a portion of land that borders the community water supply from one private to another private individual. My understanding is that there is not currently road access to the area (proposed to be transferred to Lot C) from Lot 3. The boundary adjustment will make this area accessible from Lot C. My understanding is that current uses on Lot C may include farming.

Some background information:

- Lot 3 contains a conservation covenant with a clause that strictly prohibits subdivision of the covenant area. In order for the revised subdivision to proceed, the owner of Lot 3 must obtain consent from the CRD, HAT and TLC.

In a previous subdivision application for this property (reference "Report to Wilderness Mountain Water Service Commission – Meeting of Friday 24 September 2010") the owner of Lot 3 offered to transfer ownership of the bulk of the covenant area (7.8 ha of land including the primary water supply source and catchment lands for the water service) to the CRD. This was considered a significant benefit to participants in the service and provided reason for consideration to break the covenant.

- My understanding is that the current water treatment design relies heavily on a protected, pristine watershed. I believe the current conservation covenant, on its own, does not have strength to adequately protect the watershed. The only way for the watershed to be protected is if the CRD owns the land.

If the Land Use Committee decides to approve the variance application, I request that it be made subject to the following:

1. All of the conservation covenant area land currently on Lot 3 be transferred to the CRD including the conservation covenant area highlighted in yellow on the map, page 5 of the "Report to the LUC – September 18, 2012." This would leave land outside the conservation covenant area available for transfer to Lot C.
2. A fence, at the expense of the owner of Lot 3, to be constructed on the portion of land bordering the reservoir, currently highlighted in yellow on the map, page 5 of the "Report to the LUC – September 18, 2012."

This I believe would provide a win win for all parties. Lot 3 would receive a boundary adjustment. Lot C would receive the portion of land outside the covenant area. Participants in the water service area would get a CRD land owned watershed.

Sincerely,

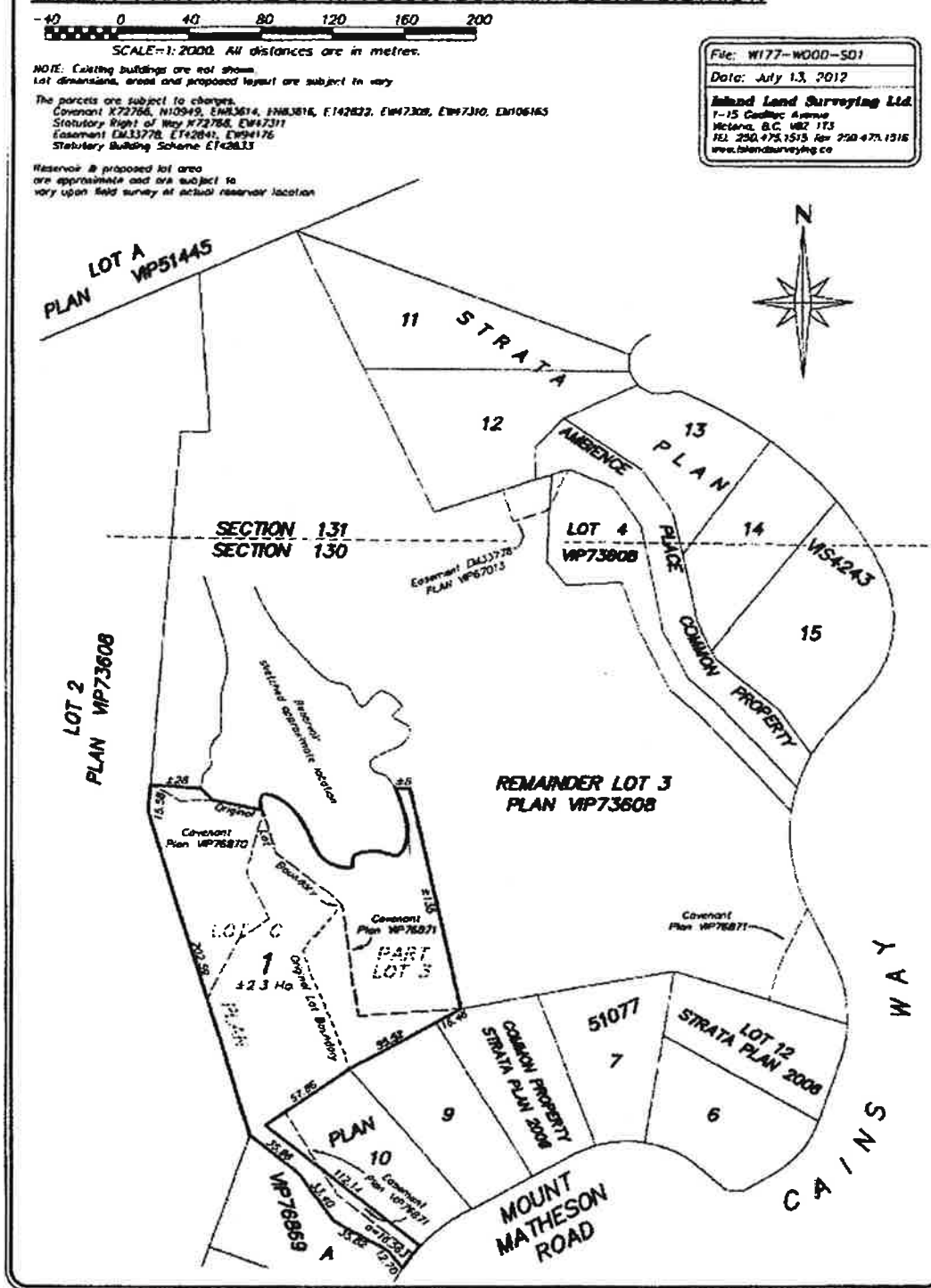
A handwritten signature in cursive script, appearing to read "K. LeBlanc".

Kelly LeBlanc

Pc CRD, HAT, TLC

5

PROPOSED SUBDIVISION PLAN OF LOT C, SECTION 130,
PLAN VP76869 AND LOT 3, SECTIONS 130 & 131, PLAN VP73608,
EXCEPT PART IN PLAN VP76869, BOTH IN SOOKE DISTRICT.



11th Sept 2012.

I Hugh Conlon resident and owner of
[redacted] The lot east of lot 7
my lot #6 appin s support the rezoning
application. It can only be beneficial for
seedtree rd.

Hugh Conlon



original to J. Ranns

CRD EXECUTIVE OFFICE

Received

SEP 11 2012

OTTER POINT & SHIRLEY RESIDENTS & RATEPAYERS ASSOCIATION
(WWW.OPSRRA.CA)

☒ CAO ☐ GM Parks ☒ GM PPS
☒ Chair ☐ GM CS ☐ GM IWS
☐ GM ES

Otter Point, B.C. \\\n10 September, 2012

Mayor John Ranns
Chair, CRD Planning, Transportation and Protective Services Committee

Dear Mayor Ranns:

I am writing on behalf of the Otter Point & Shirley Residents & Ratepayers Association (OPSRRA) about the committee's pending review of the staff report of July 25th concerning the role of the CRD Board in land use planning for the Juan de Fuca Electoral Area and the possible adoption of a CRD policy regarding consistency of land use planning in the JDFEA with the CRD's Regional Growth Strategy.

Our association has a longstanding interest in seeing changes made to the governance of the Juan de Fuca Electoral Area. For the past decade we have lobbied the province, our MLA, regional director and the CRD for a governance review. Last summer we renewed our request (see attached letter) but it wasn't until the conclusion of the public hearing for the Marine Trail Holdings rezoning application that all parties agreed to meet. On October 11, 2011 the Minister for Community, Sport and Cultural Development convened a meeting with representatives from OPSRRA, John Horgan, our MLA, Regional Director Hicks and Geoff Young as Chair of the CRD Board of Directors. At the conclusion of that meeting the minister directed staff from her ministry's Governance Structure Branch to prepare a report on a possible governance review. The preparation of this report has been on-going since January, 2012.

Is your committee aware of this governance review and are you in contact with the ministry to ensure that your committee's work is able to benefit from theirs?

Although many members of the CRD Board have shown an interest and understanding of the need to retain the rural character of the JDFEA, the thought of the full CRD Board undertaking further changes to JDFEA governance without consulting the residents and ratepayers of the area is contrary to what our association has worked for. In our opinion there is a need to step back from the "crisis of the moment" approach to governance in the JDFEA, whereby the CRD Board feels compelled to become involved from time-to-time without any lasting improvement. This "commission" form of governance weakens our local committees and commissions and is contrary to good governance. An approach which would strengthen the community's ability to understand and participate in its governance would be preferred. Will your committee be considering recommendations that would support this approach?

A reply is requested.

Regards,



Arnie Campbell – President, OPSRRA

Cc. Linda Galeaizzi – Acting Director, Government Structure Branch
Mike Hicks – Regional Director, JDFEA
John Horgan – MLA
Geoff Young – Chair, CRD Board of Directors

OTTER POINT & SHIRLEY RESIDENTS & RATEPAYERS ASSOCIATION

Otter Point, B.C. \
25 July, 2011

Hon. Ida Chong – Minister of Community, Sport and Cultural Development
Mr. John Horgan – MLA, Juan de Fuca
Mr. Mike Hicks – Regional Director, Juan de Fuca Electoral Area
Mr. Geoff Young – Chair, CRD Board of Directors

Dear Elected Representatives:

I am writing to you as a group, on behalf of the Otter Point & Shirley Residents & Ratepayers Association (OPSRRA), to request a round-table meeting with yourselves and a delegation of OPSRRA directors concerning the future of governance in the Juan de Fuca Electoral Area.

Over the past ten years representatives from our association and other community groups have attended numerous meetings at the local, regional and provincial level with our elected representatives and senior CRD and provincial ministry staff to discuss how governance in the Juan de Fuca Electoral Areas (JDFEA) could be improved. It would be unfair to say that nothing has happened; but fair to say that serious problems remain. The combination of the Electoral Area's unincorporated status and a past decision of the CRD Board to limit the JDFEA to one regional director leaves us unable to fully manage our own affairs. The list of problems which this has presented for all three levels of government – local, regional and provincial is well known to you and shouldn't need repeating.

At various times different things have been suggested by the community, the CRD and the province including:

- A governance options study.
- Adding a second regional director to the JDFEA.
- Having an elected Community Council.
- Considering the UBCM's idea of an elected Electoral Area Body.
- Removing the urban First Nations in Esquimalt and View Royal from the JDFEA.
- Expanding the responsibilities of elected committees and commissions.
- The incorporation of all the JDFEA lands west and north of Sooke.

Our association strongly supports reviewing these options and others in order to find a solution that meets the community's need for representative governance that includes the principles of accountability, autonomy, fairness and pride of place. Being at the centre of constant uncertainty and controversy over who gets to make the important decisions in our community does not contribute to good governance. Problem-solving to find an alternative is needed.

Regards,

Arnie Campbell – President, OPSRRA

Sept.18/12

To: Director Michael Hicks, Chair,
Land Use Committee.

Committee 'A' decides all land use matters in the Juan de Fuca Electoral Area because the CRD Board willingly surrendered its voting rights years ago, when the Order In Council was granted.

Once Regional Growth Strategies are established within a regional district, all municipalities must provide a regional context statement, but an electoral area cannot because it is not a local government. So, if there are any issues with the Regional Growth Strategies, the CRD should deal with Committee 'A', because it is our only authority.

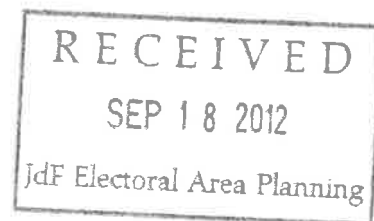
As taxpayers in the Juan de Fuca Electoral Area, we resent any politician from another jurisdiction, who owes no duty of care to us or to our area, to make decisions that affect our rights.

As Canadians, we demand fair process, which entitles us to appeal any CRD decision, that affects us.

We also demand a referendum prior to any proposed change to our voting rights.

Please respect our rights.

George Miller,
SHIRLEY, BC



Wendy Miller

From: June Klassen
Sent: Wednesday, September 19, 2012 1:31 PM
To: Wendy Miller
Subject: FW: proposal for RGS referral

-----Original Message-----

From: Fiona McDannold
Sent: Tuesday, September 18, 2012 11:07 PM
To: directorjdf; June Klassen
Subject: proposal for RGS referral

Hi Mike and June, here are my thoughts re the proposal to go before the Planning and Protective Services Committee. My apologies for not talking to these at the meeting, but I find writing much easier than speaking in public.

1. Sending OCP's in their early stages for referral to the Board for RGS consistency makes sense from a purely practical point of view...would not waste time on issues which are not going to be allowed anyway, and also may give some direction as to how to make a non-consistent OCP consistent.
2. I see the Rural Resource Lands as a separate issue from the settlement areas. I think that rezoning in that area is of legitimate interest to the larger community and these issues should go to the full board.
3. Referring rezoning applications in the settled areas for RGS consistency takes away any semblance of autonomy for the JDFA. This requirement would seem to make both the JdF LUC and the APC's redundant. Once the Board has determined consistency, it has in effect already voted on the application, it would be a "done deal", so there would be little point in going through the APC and LUC process.
4. A further reason for not referring rezoning applications in the settled areas for RGS consistency is the nature of the RGS itself. The staff report clearly admits that there is no methodology for determining consistency and that the language in the RGS is conceptual, general and open to interpretation. In the case of rezoning applications this may lead to long, frustrating and possibly expensive delays for the applicant, is open to potential political abuse and could precipitate an expensive legal challenge.

Mike, I support your proposal to have OCP's and RRL issues sent for RGS referral, but not rezoning applications in the settled areas.

Fiona McDannold