

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **January 19, 2016 at 7:00 p.m.**

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

SUPPLEMENTARY AGENDA

1. Correspondence received to be dealt with under the following agenda items:
 - a) Agenda Item 7 a) Bylaw No. 4037, “Capital Regional District Land Use Committee, Bylaw No. 1, 2004, Amendment Bylaw No. 7, 2016”
 - Heather Phillips, Otter Point

To: Regional Director Mike Hicks, Chair Juan de Fuca Land Use Committee;
JdF LUC members;
June Klassen, Manager, Local Area Planning;
Iain Lawrence, Supervisor, Local Area Planning.

From: Heather Phillips

Date: 17 January 2016

Re: Proposed Bylaw 4037 to amend Bylaw 3166.

On Public Consultation Implications: Since the agenda and reports for most JdF Land Use Committee meetings are published on the Friday before the meeting, there is hardly an opportunity for the public to provide comments. I am possibly more interested in the month-to-month activities of the Land Use Committee than most other residents so I did check the agenda and found this proposed amendment to CRD Bylaw 3166. Let us be honest in the assessment of opportunities.

That said, I support of the amendments proposed, with a couple of considerations.

Consider the following.

4.0 describes the Powers of the Committee.

4.1 says the committee may make recommendations to the Board on any of the matters listed.

4.2 says "The responsibilities include making recommendations" on another list.

4.3 and 4.4 mention bylaws and amendments that will be referred to the full Board.

Point one: perhaps the LUC does not have "Powers". Perhaps it has "Responsibilities". Maybe while amending the Bylaw, change from "Powers" to "Responsibilities" or "Duties".

Point two: this amending bylaw is intended to clarify which body initiates the referral to agencies. I don't see anything in the proposed amendments that cancels the procedure outlined in Bylaw 3110. Which body is supposed to initiate the referrals to the various agencies? Is it the Voting Panel that receives the LUC recommendation on which agencies to refer to? Where does Bylaw 3166 tell us?

Point three: it seems the amending/amended Bylaw 4037/Bylaw 3166 will refer to "the Board" and "the full Board". The definitions might need to distinguish between the Voting Panels representing the Board (part of the Board) and the full Board. The fact of deleting the definition of Part 26 Services does not make a difference to the clarity of the establishing bylaw. The question is not which decisions the LUC is responsible for making recommendations about so much as which members of the CRD Board will actually make the decisions.

Also consider the following.

In proposed Bylaw 4037, 1. (C), (vi) and (vii) begin with the words, "*With the exception of minor housekeeping amendments*". I doubt any OCP bylaw amendment that alters the use or

density of a parcel will be a “minor housekeeping amendment”. If a minor amendment alters the use or density, etc., I think the full Board should consider it. This is a better process than having staff and the LUC decide what alterations are minor. Staff and the LUC are always advisory: responsible for putting together as much relevant information as possible and reflecting the community’s wishes but not responsible for the decision making.

The revised Bylaw 3166 would read:

4.0 POWERS DUTIES OF THE COMMITTEE

4.3 All official community plan bylaw amendments that alter the use or density of a designated parcel will be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy.

4.4 All amendments to the zoning bylaw for the Rural Resource Lands that alter the use or density of a designated parcel will be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy.

THE END. I am sorry I won’t be able to attend the LUC meeting. Regards, Heather Phillips