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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, July 19, 2016, at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair,  
**Staff:** Iain Lawrence, Manager, Local Area Planning; Wendy Miller, Recorder  
**ABSENT:** Ted Dixon, Art Wynans  
**PUBLIC:** 2

The meeting was called to order at 6:03 p.m.

**1. Approval of the Agenda and Supplementary Agenda**

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

**2. Adoption of Minutes from the Meeting of June 21, 2016**

**MOVED** by Ron Ramsay, **SECONDED** by Sandy Sinclair that the minutes from the meeting of June 21, 2016, be adopted. **CARRIED**

**3. Chair's Report**

No report.

**4. Planner's Report**

Iain Lawrence confirmed that the LUC will not be meeting in August.

It was advised that the CRD procedural bylaw permits one member of a commission to participate electronically at meetings. As the LUC is a committee, electronic participation is not permitted at this time. Staff will work with CRD Legislative Services to explore the opportunity to change the procedural bylaw to permit electronic participation by the LUC.

At the Director's request, the LUC will continue to meet at 7:00 p.m.

**5. Floodplain Exemption Application**

**a) DV000049 - Lot 5, Section 2, Renfrew District, Plan VIP83339 (Waters Edge Drive)**

Iain Lawrence spoke to the staff report and the request for a floodplain exemption in order to construct a single-family dwelling within the floodplain setbacks specified in Part 5 of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. It was advised that a geotechnical engineer's report has been submitted which specifies that a 17 m setback from the crest of the slope is safe for Lot 5 provided that the report's recommendations are followed. It was confirmed that no submissions have been received from the public regarding the request.

Iain Lawrence spoke to the provisions of the *Local Government Act* that permit local governments to approve floodplain exemptions and the supporting regulations of Bylaw No. 2040. It was advised that the General Manager, Planning and Protective Services does not have the authority to approve floodplain exemptions.

The Chair confirmed that the applicant was present.

**MOVED** by Sandy Sinclair, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the CRD Board:

That floodplain exemption DV000049 for Lot 5, Section 2, Renfrew District, Plan VIP83339 for the purpose of constructing a single-family dwelling be granted subject to the following conditions:

- a) That the proposed development comply with the recommendations outlined in the professional geotechnical engineer's report prepared by WSP Canada Ltd., dated April 7, 2016;
- b) That the building location be verified by a BC Land Surveyor prior to completion of the building permit; and
- c) That the professional geotechnical engineer's report prepared by WSP Canada Ltd., dated April 7, 2016, be secured via a restrictive covenant registered on title as part of the Building Permit process.

**CARRIED**

## 6. Rezoning Application

### a) **RZ000243 – That Part of Section 82, Renfrew District Shown in Plan Deposited Under DD22435 (Sheringham Point Lighthouse)**

Iain Lawrence spoke to the staff report and the request to rezone the property from Rural Residential 2 (RR-2) to Community Facility – Heritage Lighthouse (P-2L) in order to recognize the use as a heritage lighthouse and to develop the site for community access. At its May meeting the LUC directed referral of Bylaw No. 4097 to the Shirley-Jordan River Advisory Planning Commission and to agencies for comment.

Iain Lawrence outlined the referral comments included in the staff report. It was advised that Island Health has stated that the property needs to either connect to an approved drinking water supply or obtain the necessary permits from Island Health. To satisfy this requirement, a covenant requiring proof of potable water prior to the occupancy of buildings that will be used by the public or a caretaker should be registered on the title of the property before final adoption of the bylaw.

Iain Lawrence responded to questions from the LUC confirming that staff worked with the applicant to propose a new zone based on the Community Facility zone (P-2). It was further confirmed that, at the request of the LUC and the applicant, a maximum floor area for retail sales has been removed from the proposed P-2L zone.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC stating that it is understood that:

- an onsite caretaker is desired
- work will be required to meet current septic standards
- there are capped wells on site

The LUC stated support for a covenant requiring proof of potable for public use.

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

- a) That the referral of proposed Bylaw No. 4097 directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, BC Hydro, the Department of Fisheries and Oceans, the District of Sooke, Island Health, the Ministry of Transportation and Infrastructure (MoTI), the RCMP, Sooke School District No. 62, T'Sou-ke First Nation, CRD Building Inspection and CRD Protective Services be approved and the comments be received;
- b) That proposed Bylaw No. 4097, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 129, 2016" be introduced and read a first time, read a second time; and
- c) 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. 4097.

**CARRIED**

## 7. Proposed Bylaws

### a) **Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016"**

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4000, East Sooke Official Community Plan (OCP), which would repeal and replace the existing East Sooke OCP, Bylaw No. 3718. It was advised that staff have been working with the East Sooke community since November 2013 to review the existing OCP. At its February meeting the LUC directed referral of Bylaw No. 4000 to the East Sooke Advisory Planning Commission (APC) and to agencies for comment and to the full CRD Board for a determination of consistency with the Regional Growth Strategy (RGS). As changes have been made to the proposed bylaw to reflect referral comments, staff recommends that the LUC refer the most recently revised version of the Plan to the full Board for consideration.

At the request of the Chair, Iain Lawrence spoke to the approval timeline for the OCP advising that it is expected that the OCP will:

- be considered by the Planning, Transportation and Protective Services Committee in September
- be considered by the CRD Board in October
- proceed to public hearing in late October/early November
- be adopted by January 2017 based on this timeline

Iain Lawrence outlined the referral comments included in the staff report. Iain Lawrence responded to a question from the LUC confirming that the OCP continues to reflect a policy to support site specific zoning to allow multiple residences on lands designated Agriculture.

**MOVED** by Stan Jensen, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016", directed by the Juan de Fuca Land Use Committee to the Agricultural Land Commission, BC Hydro, Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, District of Sooke, East Sooke APC, East Sooke Fire Department, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF AAPC, JdFEA Parks and Recreation Advisory Commission, Lake Cowichan First Nation, Lyackson First Nation, Ministry of Agriculture, Ministry of Environment, 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 the comments received;

- b) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016", be considered by the full CRD Board for consistency with the Regional Growth Strategy;
- c) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016", be introduced and read a first time, read a second time; and
- d) 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.

**CARRIED**

**b) Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016"**

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4001, Official Community Plan (OCP) for Shirley – Jordan River, which would repeal and replace the existing OCP, Bylaw No. 3717. It was advised that staff have been working with the Shirley – Jordan River community since November 2013 to review the existing OCP. At its April meeting the LUC directed referral of Bylaw No. 4001 to the Shirley/Jordan River Advisory Planning Commission (APC) and to agencies for comment and to the full CRD Board for a determination of consistency with the Regional Growth Strategy (RGS). As changes have been made to the proposed bylaw to reflect referral comments, staff recommends that the LUC refer the most recently revised version of the Plan to the full Board for consideration.

Iain Lawrence outlined the referral comments included in the staff report. It was confirmed that the OCP boundary adjustment proposed by Bylaw No. 4001 was not supported by the Shirley/Jordan River APC. Due to this lack of support, it is recommended that the proposed boundary re-alignment (Bylaw Nos. 4079, 4070 and 4071) not proceed.

Iain Lawrence directed attention to the supplementary submissions received from Gerard LeBlanc and Brenda Mark. In response to the submissions, it was advised that:

- at the time of writing, the location of one eagle nest was registered in the Wildlife Tree Atlas database
- the nest location falls within the Sensitive Ecosystem Development Permit Area (DPA)
- the guidelines for the Sensitive Ecosystem DPA (Section 545) addresses timing of construction and the provision of buffers
- designation of a development permit area specific to eagle nests would require more consideration by staff and the community
- Section 484 supports consideration of density bonusing if a proposal provides dedication of portions of District Lot 23, Malahat Land District as park land
- the watercourse mapping discrepancies can be addressed prior to first reading of Bylaw No. 4001

Iain Lawrence advised that it is expected the OCP approval timeline will follow a similar timeline to the timeline anticipated for the East Sooke OCP. However, at present, the current RGS incorrectly designates lands within the Shirley – Jordan River Plan area as lands within the Renewable Resource Lands Policy Area. It was advised that the Shirley – Jordan River OCP needs to be held at third reading until mapping discrepancies between the OCP and the RGS are resolved.

LUC discussion ensued regarding opportunity to request an amendment to the current RGS to appropriately designate lands within the Shirley – Jordan River Plan area should adoption of the new RGS be delayed.

**MOVED** by Ron Ramsay, **SECONDED** by Sandy Sinclair that Bylaw No. 4001 be amended to address mapping discrepancies by aligning watercourse names with watercourse locations.

**CARRIED**

**MOVED** by Ron Ramsay, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016", directed by the Juan de Fuca 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 AAPC, JdFEA Parks and Recreation Advisory Commission, Lyackson First Nation, Malahat First Nation, Managed Forest Council, Ministry of Agriculture, Ministry of Environment, MFLNRO – Arch Branch, MFLNRO – Crown Lands/Foreshore, MoTI, Pacheedaht First Nation, Pauquachin First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Sheringham Waterworks, Shirley/Jordan River APC, 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 proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016", as amended to incorporate revised watercourse mapping, be considered by the full CRD Board for consistency with the Regional Growth Strategy;
- c) That proposed Bylaw No. 4079, Bylaw No. 4070 and Bylaw No. 4071 not proceed;
- d) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016", as amended to incorporate revised watercourse mapping, be introduced and read a first time, read a 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. 4001.

**CARRIED**

## 8. Adjournment

**MOVED** by Sandy Sinclair, **SECONDED** by Stan Jensen that the meeting adjourn.

The meeting adjourned at 6:52 p.m.

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Chair