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JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **November 21, 2017 at 7 p.m.**

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

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of October 17, 2017
4. Chair's Report
5. Planner's Report
6. Rezoning Application
 - a) RZ000248 - Lot 2, Section 2, Renfrew District, Plan VIP4194; Lot 6, Section 2, Renfrew District, Plan VIP4194; Lot C, Section 2, Renfrew District, Plan VIP60061; Lot 1, Section 2, Renfrew District, Plan VIP11741; Lot 1, Section 2, Renfrew District, Plan VIP4194; Lot A, Section 2, Renfrew District, Plan VIP60061; Lot 8, Section 2, Renfrew District, Plan VIP4194; Lot 9, Section 2, Renfrew District, Plan VIP4194; Parcel Number 1 (DD130151I) of Parcel A (DD88175I), of Section 2, Renfrew District; Lot A, Section 2, Renfrew District, Plan VIP50879; Lot 1, Section 9, Renfrew District, Plan EPP59131; Lot 2, Section 9, Renfrew District, Plan EPP59131; and Lot 3, Section 9, Renfrew District, Plan EPP59132 (Jordan River)
7. Proposed Bylaw
 - a) Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017"



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, October 17, 2017, 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; Wendy Miller, Recorder

ABSENT: Dale Risvold

PUBLIC: 3

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

1. Approval of the Agenda

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

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from the Meeting of September 19, 2017

MOVED by Ron Ramsay, **SECONDED** by Sandy Sinclair that the minutes from the meeting of September 19, 2017, be adopted as amended. **CARRIED**

4. Chair's Report

a) The Chair reported that he has sent a letter to Premier John Horgan requesting that the government dissolve the CRD's non-binding resolution process to reach acceptance on the Regional Growth Strategy (RGS) update and initiate binding arbitration. The letter further requests that Juan de Fuca Electoral Area be provided an opportunity to make direct submission in the settlement process regarding water servicing.

The Chair advised that:

- the Province has directed that the non-binding process be started no later than June 14, 2017
- the Province has communicated that it is expected that the interests and concerns of the electoral area would be brought forward by the CRD Board as part of the non-binding process
- there is still no confirmed start date for the mediation process
- the CRD Board has appointed Director Ben Isitt as one of the two directors representing the CRD's position in the mediation process
- Director Isitt has made previous public statements saying that he does not support the extension of drinking water to Juan de Fuca residents

b) The Chair reported that the District of Metchosin, one of the three local governments that accepted the RGS update, will be participating in the mediation process and that Metchosin has asked him to assist in representing the District.

- c) The Chair reported that he will be stepping down as Chair of the CRD Regional Parks Committee for 2018.

5. Planner's Report

- a) Free Event – Water Sustainability

Date: Wednesday, October 18, 2017

Time: 7pm - 9pm

Place: Juan de Fuca Local Area Services Building

- b) Public Hearing – Bylaw No. 4187 (Sooke Business Park Industrial Zone)

Date: Monday, November 6, 2017

Time: 7 pm

Place: Juan de Fuca Local Area Services Building

- c) The CRD has implemented a subscribe service that allows people to register to receive email notification when agendas and minutes are posted to the CRD website. Staff will circulate the web link to the membership.

- d) The Province has launched a website (BC Cannabis Regulation Engagement) to collect public feedback regarding provincial regulations for the commercial production of cannabis. Staff will circulate the web link to the membership.

6. Development Variance Permit Application

- a) **VA000143 - Lot 3, Sections 45-A and 46-A, Highland District, Plan VIP22641 (6606 Mark Lane)**

Iain Lawrence spoke to the staff report and the request for a variance permit to reduce the minimum front yard setback from 6.0 m to 5.0 m, and reduce the rear yard setback from 6.0 m to 0.91 m, for the purpose of allowing the siting of an existing single-family dwelling and the construction of a deck. Iain Lawrence reported that the survey received as part of the building permit in 1985 for the dwelling confirmed that the location of the dwelling met the requirements of the zone. A new survey, obtained by the current owner, indicates that the building dimensions provided in the original survey are not in compliance with the CR-1 zone requirements.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- a steep, narrow strip of Gowland Tod Provincial Park separates the subject parcel from Finlayson Arm
- the strip of land, measuring 66 ft across, is not developed

LUC comments included:

- the general public is not accessing the strip of park land
- access to the strip of park land would be limited to adjacent property owners
- users of the park would not be impacted by construction of a deck at the proposed location
- adjacent property owners have submitted letters of support

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

That Development Variance Permit VA000143 for Lot 3, Sections 45-A and 46-A, Highland District, Plan VIP22641, to reduce the required front yard setback from 6.0 m to 5.0 m and to reduce the required rear yard setback from 6 m to 0.91 m, for the purpose of allowing the siting of an existing single-family dwelling and deck, be approved.

CARRIED

7. Provision of Park Land for Subdivision

a) SU000687 - Lot 1, Section 97, Renfrew District, Plan EPP24972 (17086 Parkinson Road)

Iain Lawrence spoke to the staff report and the request that the requirement for park dedication be received in the form of cash-in-lieu. It was reported that on September 12, 2017, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission considered the proposed 6-lot bare land strata subdivision and recommended that that dedication be received in the form of cash-in-lieu. Iain Lawrence confirmed that the subject parcel would not provide connectivity to the Commission's park and trail interests in Port Renfrew.

Iain Lawrence responded to questions from the LUC advising that:

- each of the lots must be connected to a community sewage system and a community water system prior to final approval of the subdivision
- provision of park land or payment for park purposes must also be satisfied prior to final approval of the subdivision
- parkland value would be determined at such time a Preliminary Layout Approval is granted by the Ministry of Transportation and Infrastructure
- subdivision cannot be approved until the application complies with all CRD requirements

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

That the requirement for parkland dedication in accordance with Section 510 of the *Local Government Act*, for the proposed bare land strata subdivision of Lot A, Section 97, Renfrew District, Plan EPP71912 as shown in the plan prepared by J.E. Anderson & Associates dated May 26, 2017, be received in the form of cash in lieu of parkland.

CARRIED

8. Adjournment

The meeting adjourned at 7:24 p.m.

Chair



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RZ000248

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 21, 2017**

<u>SUBJECT</u>	Zoning Amendment Application for Lot 2, Section 2, Renfrew District, Plan VIP4194 (PID: 000-141-917); Lot 6, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-229); Lot C, Section 2, Renfrew District, Plan VIP60061 (PID: 023-000-392); Lot 1, Section 2, Renfrew District, Plan VIP11741 (PID: 005-054-532); Lot 1, Section 2, Renfrew District, Plan VIP4194 (PID: 000-141-909); Lot A, Section 2, Renfrew District, Plan VIP60061 (PID: 023-000-376); Lot 8, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-270); Lot 9, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-318); Parcel Number 1 (DD130151I) of Parcel A (DD88175I), of Section 2, Renfrew District (PID: 009-573-127); Lot A, Section 2, Renfrew District, Plan VIP50879 (PID: 016-334-485); Lot 1, Section 9, Renfrew District, Plan EPP59131 (PID: 029-899-907); Lot 2, Section 9, Renfrew District, Plan EPP59131 (PID: 029-899-915); and Lot 3, Section 9, Renfrew District, Plan EPP59132 (PID: 029-900-221)
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ISSUE

The applicant proposes to rezone four parcels from the Jordan River Hamlet (JR-1) zone to a new Restricted Development – Flood Hazard Area (RD-1) zone; to rezone five parcels from the Jordan River Hamlet Commercial (C-1B) zone to the RD-1 zone; to rezone one parcel from the Jordan River Destination Resort (CR-1A) zone to the RD-1 zone; and to rezone three parcels from the Rural A zone to the RD-1 zone, in order to restrict development within an area found to be at risk of catastrophic flooding due to dam failure associated with an extreme seismic event.

BACKGROUND

The thirteen subject properties are located in Jordan River, and are designated as Settlement Area in the Shirley/Jordan River Official Community Plan (OCP), Bylaw No. 3717. Under the current OCP, several of the parcels are partially designated as a Steep Slopes or as a Watercourses, Wetlands and Riparian Areas development permit area.

Four of the subject properties are zoned JR-1, five are zoned C-1B, one is zoned CR-1A, and three are zoned Rural (A) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. These zones permit a variety of commercial, residential and agricultural uses, and allow for overnight accommodation.

In 2014, BC Hydro completed a seismic hazard study in an effort to better understand the intensity of ground movements during a major to extreme earthquake and the potential impact on their facilities. BC Hydro considers the Jordan River Dam to be safe under normal circumstances and to be one of the strongest dams in BC; however, there are no dams known to have been constructed to the level identified in the hazard study. The study identified that the seismic hazard at the Jordan River Dam was almost twice as high as was previously thought, and that it was particularly vulnerable given its proximity to the major fault line west of Vancouver Island.

In order to mitigate the risk associated with a catastrophic dam failure, BC Hydro purchased thirteen at-risk properties: ten from private individuals and three from the Capital Regional District. As the owner, BC Hydro has registered restrictive covenants and statutory rights-of-way to restrict overnight accommodation and residential habitation. The purpose of rezoning the properties is to formalize the permitted uses and activities in a manner that is consistent with the covenants.

Upon completion of the rezoning, BC Hydro intends on disposing of the lands so that the community is able to use the lands subject to the permitted and restricted uses. Staff have prepared Bylaw No. 4188 to rezone the subject from JR-1, C-1B, CR-1A and Rural A to RD-1 (Appendix A). The proposed Bylaw as referred to agencies is included in Appendix B.

The Land Use Committee recommended referral of the proposed bylaw to the following agencies at their meeting of July 18, 2017:

CRD Building Inspection	Island Health	Pacheedaht First Nation
CRD Protective Services	Ministry of Environment	Te'Mexw Treaty Association
CRD Regional Parks	Ministry of Transportation & Infrastructure	T'Sou-ke First Nation
Fisheries & Oceans Canada		

Comments were received from Fisheries and Oceans Canada, the Ministry of Environment, the Ministry of Transportation & Infrastructure, Island Health, Pacheedaht First Nation, CRD Bylaw and Animal Care Services, CRD Protective Services and CRD Regional Parks (Appendix C). The proposed bylaw was considered by the Shirley/Jordan River Advisory Planning Commission (APC) on August 2, 2017 (Appendix D).

ALTERNATIVES

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. a) That the referral of proposed Bylaw No. 4188 directed by the Juan de Fuca Land Use Committee to CRD Building Inspection, CRD Protective Services, CRD Regional Parks, Fisheries & Oceans Canada, Island Health, Ministry of Environment, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and the Shirley/Jordan River Advisory Planning Commission be approved and the comments be received;
 - b) That proposed Bylaw No. 4188, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017", 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. 4188.
2. That the CRD Board not proceed with proposed Bylaw No. 4188.
 3. That the report be referred back to staff for more information.

LEGISLATIVE IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Section 464 of the *Local Government Act (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 a notice of the proposed bylaw amendment, and it will be advertised in the local paper and on the CRD website.

REFERRAL COMMENTS

Referrals were sent to eleven agencies on July 19, 2017. Responses were received from Fisheries and Oceans Canada, the Ministry of Environment, the Ministry of Transportation and Infrastructure, Island Health, Pacheedaht First Nation, CRD Bylaw and Animal Care Services, CRD Protective Services and CRD Regional Parks.

Fisheries and Oceans Canada advised that it does not have a regulatory role related to the rezoning application because it does not propose works, undertakings or activities that may result in serious harm to fish.

The Ministry of Forests, Lands and Natural Resource Operations, responding on behalf of the Ministry of Environment, advised that their interests were unaffected by the proposed rezoning. The Ministry of Transportation and Infrastructure also advised that it had no objection to the proposed bylaw amendment.

Island Health commented that it supports the proposal as it recognizes safety concerns related to potential dam failure in the event of an extreme seismic event.

Pacheedaht First Nation responded to request that the maximum lot coverage be increased from 25% for the parcels on the west side of Jordan River. They also viewed the proposed 12 m maximum height allowance as too restrictive for structures such as an envisioned cultural centre.

CRD Bylaw and Animal Care Services stated no issue with the rezoning application.

CRD Protective Services advised that it was supportive of the proposed rezoning.

CRD Regional Parks confirmed that its interests are unaffected by the proposed rezoning and that it supports the application.

The proposed bylaw was considered by the Shirley/Jordan River APC on August 2, 2017. At that meeting, the APC requested clarification regarding BC Hydro's current and future obligations for remediation of any contaminated sites and recommended that language be added to exclude gas bars, gas stations or bulk fuel sales, auto repair and car wash, or any use for which a permit is required under the *Environmental Management Act* or *Regulation* be added to the "retail stores" use. The APC recommended that the proposed permitted uses be aligned with the land use designations in the proposed OCP and that the subject properties be designated as a commercial or industrial development permit area. In response to what was considered to be a lack of information regarding the future plans for the lands, the APC requested that a public information meeting be held prior to first reading of the bylaw. The APC recommended that the rezoning proposal incorporate consideration of parkland, community market space, arts and culture space, and conservation areas.

PLANNING ANALYSIS

The current Shirley/Jordan River OCP designates the subject property as Settlement Area. This designation supports commercial, tourism development, forestry, industrial and agricultural activities. It is the owner's intention that the lands be prevented from further subdivision to create additional parcels and that overnight accommodation be prohibited.

The JR-1 zone has a limited set of permitted uses that includes residential and home based business uses. The C-1B zone allows a wider range of uses, including residential, retail and convenience stores and restaurants. The CR-1A zone allows residential and tourist accommodation uses, and restaurants. The Rural A zone allows a broad range of uses including residential, agriculture and intensive agriculture, silviculture, animal hospitals and veterinary clinics, and land-based aquaculture.

While some of the permitted uses under the current zones do not involve overnight accommodation, all of the zones do allow either residential or tourist accommodation. For this reason, as well as to reinforce registered restrictive covenants and statutory rights-of-way, the applicant has requested that a new Restricted Development – Flood Hazard (RD-1) zone be applied to those parcels within the designated flood-hazard/inundation area.

The RD-1 zone would apply to thirteen lots in Jordan River and allows for a similar set of permitted uses as those allowed under the current zones, including arts and culture, light industrial, offices, outdoor recreation, restaurants, retail stores and silviculture, and expressly prohibits overnight accommodation.

In response to the Shirley/Jordan River APC's request for a public information meeting, the Electoral Area Director held a meeting at Jordan River to provide background on the situation regarding the flood hazard and to respond to questions from residents. A representative of Pacheedaht First Nation was also in attendance, and clarified that Pacheedaht intends to purchase the lands from BC Hydro. In response to questions from the public, Pacheedaht advised that there are currently no fixed plans for the lands, but that they do form a part of the Nation's long-term economic development plan. Currently envisioned uses include eco-tourism, a cultural centre and the potential storage of forestry related products.

Light industrial uses would only be permitted on parcels greater than 4.0 ha, which excludes those parcels on the west side of Jordan River. The industrial uses contemplated at the present time include warehouses and the storage of forestry related products. While the proposed OCP supports forestry activity on the three larger properties, it does not contemplate a wider range of industrial uses. The current OCP, under which this application must be evaluated, does, however, support such uses.

At the time this report was written, BC Hydro had removed the dwelling units from the properties on the west side of Jordan River. Underground oil tanks used for storing home heating oil were also removed at that time. Any contamination on the east side of the river is the responsibility of the original polluter and BC Hydro has expressed no intention of addressing such conditions.

In response to comments from the Shirley/Jordan River APC, retail uses have been restricted to prohibit gas stations or any other use that would require a permit under the *Environmental Management Act* or *Regulation*.

Subsequent to referral of the proposed zoning amendment, BC Hydro requested that the “outdoor recreation use”, which excluded overnight camping, be removed from the list of principal uses and added to the list of accessory uses. Such a change allows for eco-tourism uses that would be accessory to a principal retail or cultural use. Planning staff have no reason to object to this proposed change.

The proposed amendment will create three split zoned parcels; however, the Rural A/RD-1 split would not increase the potential number of dwelling units or lots that could be created by subdivision.

Staff recommends Alternative 1, approval of the referral, receipt of comments and proceeding for first and second readings of Bylaw No. 4188.

CONCLUSION

The purpose of this zoning amendment is to restrict development within an area found to be at risk of catastrophic flooding due to dam failure associated with a major to extreme seismic event. The proposed bylaw has been revised to address comments received from Pacheedaht First Nation and the Shirley/Jordan River APC.

Staff recommend proceeding with proposed Bylaw No. 4188 for first and second readings and proceeding to a public hearing.

RECOMMENDATIONS

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board that:

- a) That the referral of proposed Bylaw No. 4188 directed by the Juan de Fuca Land Use Committee to CRD Building Inspection, CRD Protective Services, CRD Regional Parks, Fisheries & Oceans Canada, Island Health, Ministry of Environment, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and the Shirley/Jordan River Advisory Planning Commission be approved and the comments be received;
- b) That proposed Bylaw No. 4188, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017”, 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. 4188.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning and Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

IL:wm

Attachments: Appendix A - Proposed Bylaw No. 4188, for 1st and 2nd reading
Appendix B - Proposed Bylaw No. 4188, for referral
Appendix C - Referral Comments
Appendix D - Shirley/Jordan River Advisory Planning Commission Minutes

Appendix A: Proposed Bylaw No. 4188 for 1st and 2nd Reading

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4188**

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 1, SECTION 2.0 DEFINITIONS

- (a) By adding a new definition for “ARTS AND CULTURE” before the word “ASSEMBLY USE” as follows:

ARTS AND CULTURE means the use which provides for the creation, presentation and display of artistic and cultural endeavours and includes workshops, studios, galleries and museums.

B. SCHEDULE A, PART 1, SECTION 3.0 ADMINISTRATION AND ENFORCEMENT

- (a) By amending subsection 3.07 Zones by inserting the words, “RD-1 Restricted Development – Flood Hazard Area” after the words “CR-1A Jordan River Destination Resort”.

C. SCHEDULE A, PART 2 – ZONING DISTRICTS

- (a) By inserting a new, “Restricted Development – Flood Hazard Area – RD-1” zone, to be inserted after Section 33.0, and to be read as follows:

34.0 RESTRICTED DEVELOPMENT – FLOOD HAZARD AREA – RD-1

34.01 Permitted Uses

With the exception of those uses permitted by Part 1, Section 4.15, only those uses stated in this section are permitted in the Restricted Development – Flood Hazard Area (RD-1) zone:

- a) arts and culture;
- b) civic uses;
- c) convenience store;
- d) light industrial, on lots 4.0 ha or greater;
- e) offices;
- f) personal services;
- g) restaurants;
- h) retail stores, excluding gas bars, gas stations, or bulk fuel sales, auto repair and car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*;
- i) Silviculture, on lots 4.0 ha or greater;

Accessory Uses:

- j) storage and warehousing of forestry related products, on lots 4.0 ha or greater;
- k) buildings and structures accessory to the above permitted uses, pursuant to Part 1, Section 4.01.
- l) outdoor recreation, but excludes overnight camping;

34.02 Prohibited Uses

In addition to the list of uses prohibited by Part 1, Section 4.09, the following uses are prohibited in the Restricted Development – Flood Hazard Area (RD-1) zone:

- a) any use or occupancy that provides for overnight accommodation.

34.03 Minimum Lot Size for Subdivision Purposes Minimum lot size is 120 ha.

34.04 Lot Coverage

- (a) On parcels 2 ha or less, lot coverage shall not exceed 50 %.
- (b) On parcels greater than 2 ha, lot coverage shall not exceed 25 %.

34.05 Height

Maximum height shall be 12 m.

34.06 Yard Requirements

- (a) On parcels 2 ha or less:
 - (i) Front yards shall be a minimum of 4.5 m CTS;
 - (ii) Side yards shall be 3.0 m;
 - (iii) Flanking yards shall be a minimum of 4.5 m CTS;
 - (iv) Rear yards shall be a minimum of 3.0 m.
- (b) On parcels greater than 2 ha:
 - (i) Front yards shall be a minimum of 7.5 m CTS;
 - (ii) Side yards shall be 6.0 m;
 - (iii) Flanking yards shall be a minimum of 7.5 m CTS;
 - (iv) Rear yards shall be a minimum of 10.0 m.
- (c) All setback requirements for new construction are subject to compliance with the *BC Building Code*, and, if required, a setback permit from the Ministry of Transportation and Infrastructure.
- (d) All new construction must meet the minimum flood construction level as determined by a qualified professional.

D. SCHEDULE B, MAP NO. 3 – SHIRLEY JORDAN RIVER ZONING MAP

(a) By deleting

- (i) Lot 2, Section 2, Renfrew District, Plan VIP4194 (PID: 000-141-917);
- (ii) Lot 6, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-229);
- (iii) Lot C, Section 2, Renfrew District, Plan VIP60061 (PID: 023-000-392); and
- (iv) Lot 1, Section 2, Renfrew District, Plan VIP11741 (PID: 005-054-532)

from the Jordan River Hamlet (JR-1) zone, and adding the lots to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

- (b) By deleting

 - (i) Lot 1, Section 2, Renfrew District, Plan VIP4194 (PID: 000-141-909);
 - (ii) Lot A, Section 2, Renfrew District, Plan VIP60061 (PID: 023-000-376);
 - (iii) Lot 8, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-270);
 - (iv) Lot 9, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-318);
 - (v) Parcel Number 1 (DD130151I) of Parcel A (DD88175I), of Section 2, Renfrew District (PID: 009-573-127)

from the Jordan River Hamlet Commercial (C-1B) zone, and adding the lots to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

(c) By deleting

 - (i) Lot A, Section 2, Renfrew District, Plan VIP50879 (PID: 016-334-485)

from the Jordan River Destination Resort (CR-1A) zone, and adding the lot to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

(d) By deleting

 - (i) Lot 1, Section 9, Renfrew District, Plan EPP59131 (PID 029-899-907);
 - (ii) Lot 2, Section 9, Renfrew District, Plan EPP59131 (PID 029-899-915); and
 - (iii) Lot 3, Section 9, Renfrew District, Plan EPP59132 (PID 029-900-221)

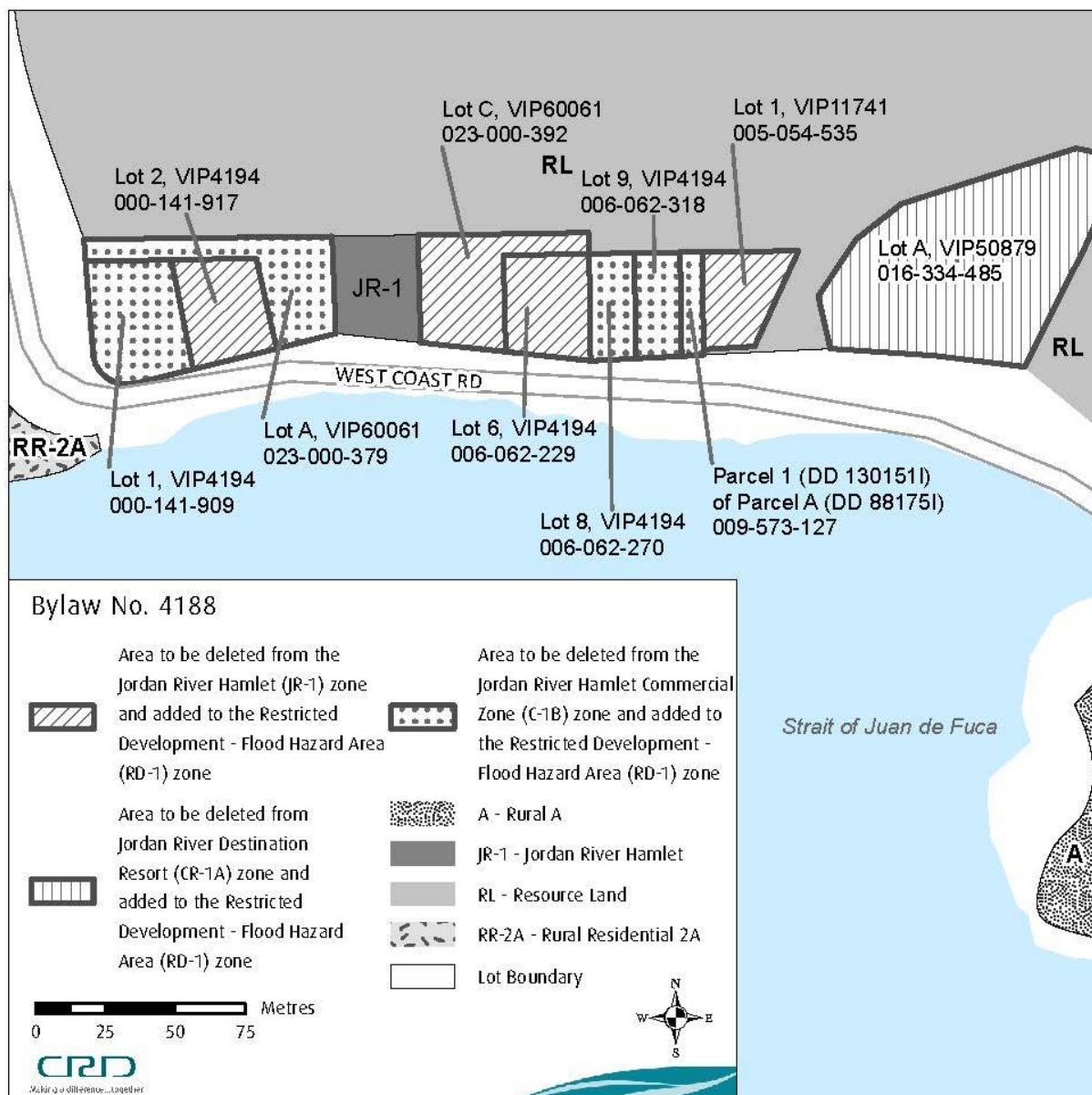
from the Rural A zone, and adding the lots to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 2, attached to and forming part of this bylaw.

2. This bylaw may be cited as Bylaw No. 4188, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017".

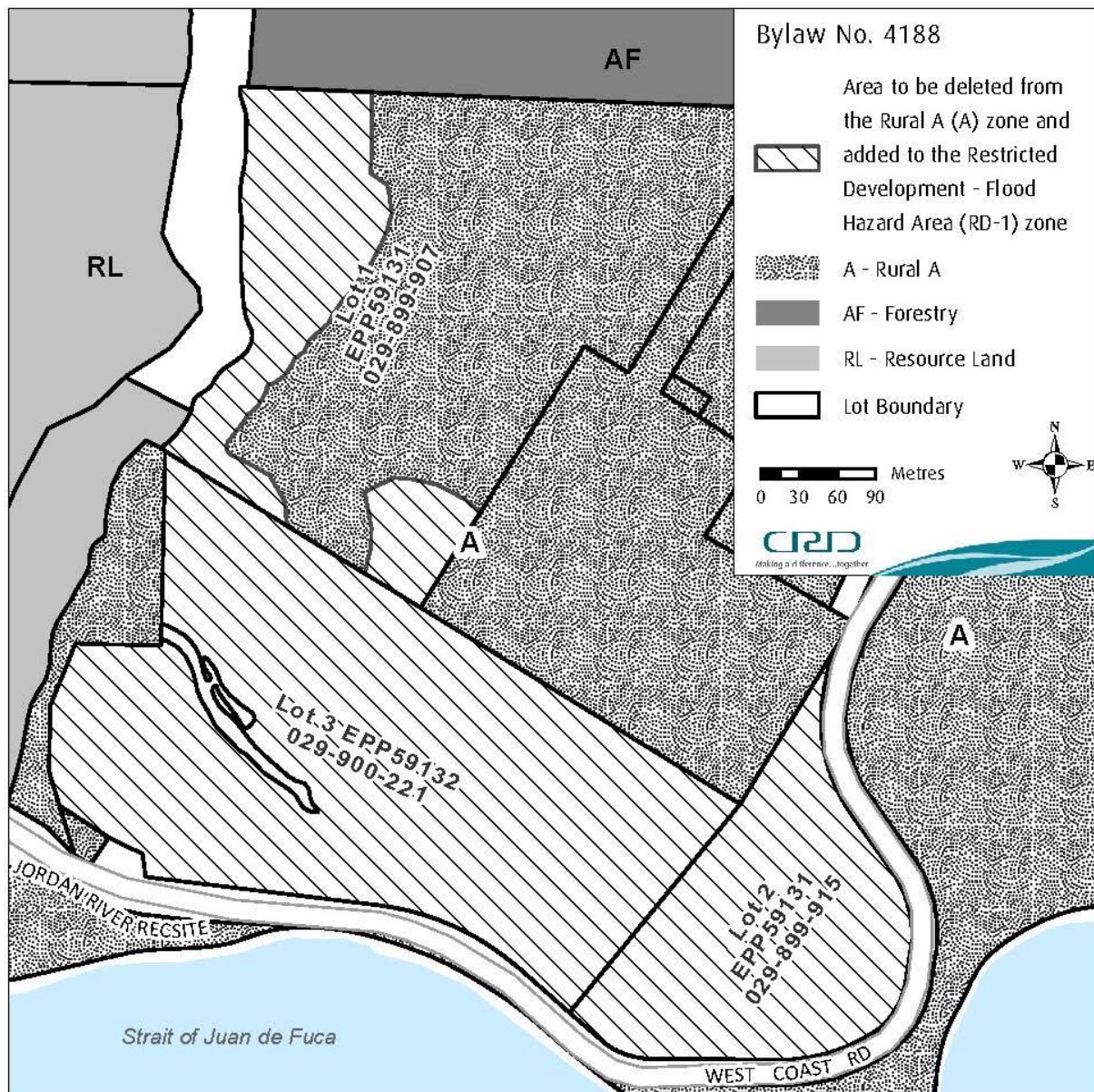
CHAIR

CORPORATE OFFICER

Plan No. 1 of Bylaw 4188, an amendment to Bylaw No. 2040



Plan No. 2 of Bylaw 4188, an amendment to Bylaw No. 2040



Appendix B: Proposed Bylaw No. 4188 for Referral

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4188**

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:

3. Bylaw No. 2040 being the “Juan de Fuca Land Use Bylaw, 1992” is hereby amended as follows:

A. SCHEDULE A, PART 1, SECTION 2.0 DEFINITIONS

- (a) By adding a new definition for “ARTS AND CULTURE” before the word “ASSEMBLY USE” as follows:

ARTS AND CULTURE means the use which provides for the creation, presentation and display of artistic and cultural endeavours and includes workshops, studios, galleries and museums.

B. SCHEDULE A, PART 1, SECTION 3.0 ADMINISTRATION AND ENFORCEMENT

- (a) By amending subsection 3.07 Zones by inserting the words, “RD-1 Restricted Development – Flood Hazard Area” after the words “CR-1A Jordan River Destination Resort”.

C. SCHEDULE A, PART 2 – ZONING DISTRICTS

- (a) By inserting a new, “Restricted Development – Flood Hazard Area – RD-1” zone, to be inserted after Section 33.0, and to be read as follows:

34.0 RESTRICTED DEVELOPMENT – FLOOD HAZARD AREA – RD-1

34.01 Permitted Uses

With the exception of those uses permitted by Part 1, Section 4.15, only those uses stated in this section are permitted in the Restricted Development – Flood Hazard Area (RD-1) zone:

- m) arts and culture;
- n) light industrial, on lots 4.0 ha or greater;
- o) offices;
- p) outdoor recreation, but excludes overnight camping;
- q) restaurants;
- r) retail stores;
- s) silviculture;

Accessory Uses:

- t) storage and warehousing of forestry related products, on lots 4.0 ha or greater;
- u) buildings and structures accessory to the above permitted uses, pursuant to Part 1, Section 4.01.

34.02 Prohibited Uses

In addition to the list of uses prohibited by Part 1, Section 4.09, the following uses are prohibited in the Restricted Development – Flood Hazard Area (RD-1) zone:

- b) any use or occupancy that provides for overnight accommodation.

34.03	<u>Minimum Lot Size for Subdivision Purposes</u>	Minimum lot size is 120 ha.
34.04	<u>Lot Coverage</u>	Lot coverage shall not exceed 25 percent.
34.05	<u>Height</u>	Maximum height shall be 12 m.
34.06	<u>Yard Requirements</u>	(a) Front yards shall be a minimum of 4.5 m CTS; (b) Side yards shall be 3.0 m; (c) Flanking yards shall be a minimum of 4.5 m CTS; (d) Rear yards shall be a minimum of 3.0 m.

D. SCHEDULE B, MAP NO. 3 – SHIRLEY JORDAN RIVER ZONING MAP

(a) By deleting

- (i) Lot 2, Section 2, Renfrew District, Plan VIP4194 (PID: 000-141-917);
- (ii) Lot 6, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-229);
- (iii) Lot C, Section 2, Renfrew District, Plan VIP60061 (PID: 023-000-392); and
- (iv) Lot 1, Section 2, Renfrew District, Plan VIP11741 (PID: 005-054-532)

from the Jordan River Hamlet (JR-1) zone, and adding the lots to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

(b) By deleting

- (i) Lot 1, Section 2, Renfrew District, Plan VIP4194 (PID: 000-141-909);
- (ii) Lot A, Section 2, Renfrew District, Plan VIP60061 (PID: 023-000-376);
- (iii) Lot 8, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-270);
- (iv) Lot 9, Section 2, Renfrew District, Plan VIP4194 (PID: 006-062-318);
- (v) Parcel Number 1 (DD130151I) of Parcel A (DD88175I), of Section 2, Renfrew District (PID: 009-573-127)

from the Jordan River Hamlet Commercial (C-1B) zone, and adding the lots to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

(c) By deleting

- (i) Lot A, Section 2, Renfrew District, Plan VIP50879 (PID: 016-334-485)

from the Jordan River Destination Resort (CR-1A) zone, and adding the lot to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 1, attached to and forming part of this bylaw.

(d) By deleting

- (i) Lot 1, Section 9, Renfrew District, Plan EPP59131 (PID 029-899-907);
- (ii) Lot 2, Section 9, Renfrew District, Plan EPP59131 (PID 029-899-915); and
- (iii) Lot 3, Section 9, Renfrew District, Plan EPP59132 (PID 029-900-221)

from the Rural A zone, and adding the lots to the Restricted Development – Flood Hazard Area (RD-1) zone, as shown on Plan No. 2, attached to and forming part of this bylaw.

2. This bylaw may be cited as Bylaw No. 4188, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017".

READ A SECOND TIME THIS day of , 2017.

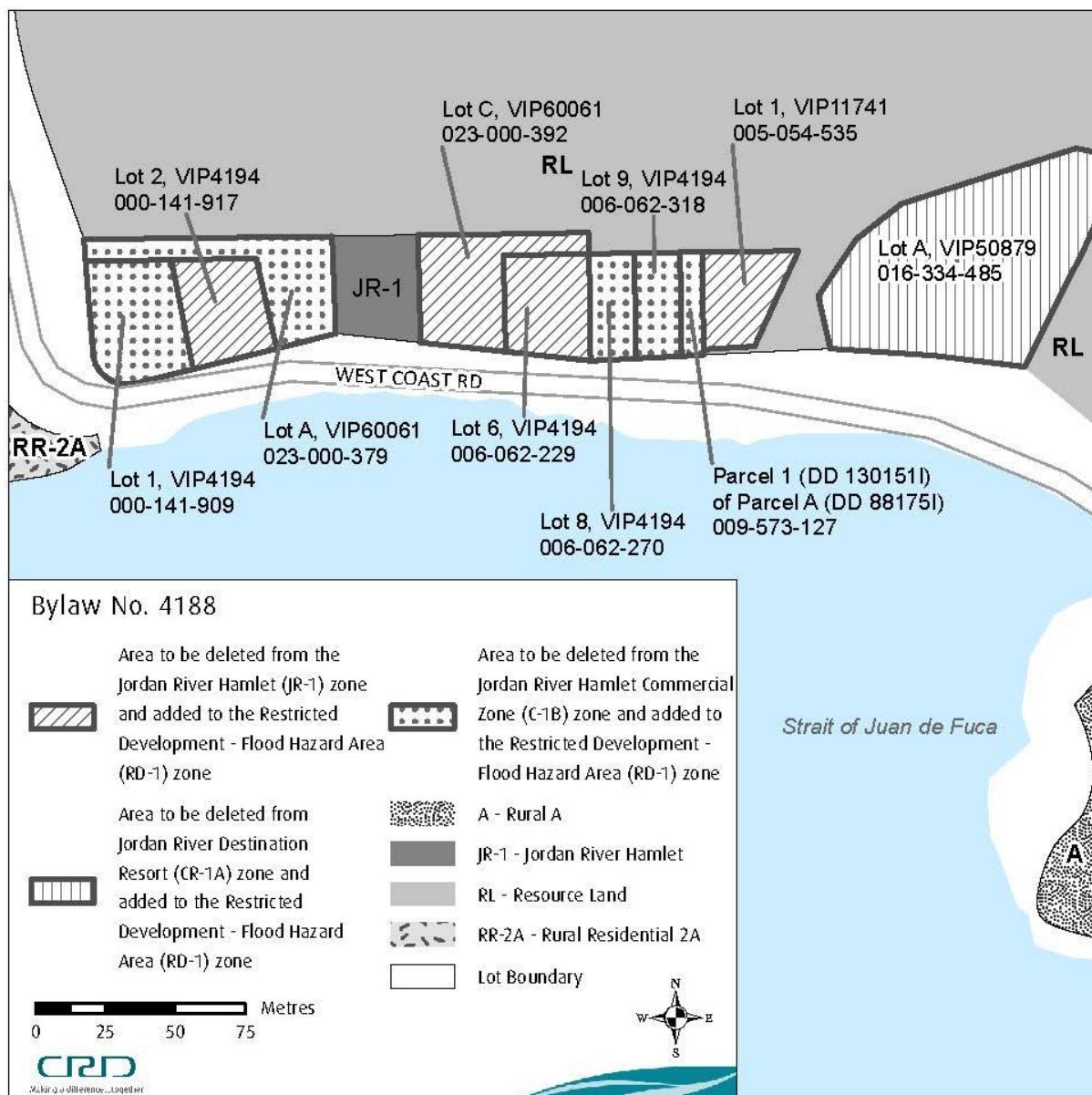
READ A THIRD TIME THIS _____ day of _____, 2017.

ADOPTED THIS _____ day of _____, 2017.

CHAIR

CORPORATE OFFICER

Plan No. 1 of Bylaw 4188, an amendment to Bylaw No. 2040



Plan No. 2 of Bylaw 4188, an amendment to Bylaw No. 2040



Appendix C: Referral Comments

Wendy Miller

From: FPP.PAC.Enquiries / Renseignements.PPP.PAC (DFO/MPO) <XPAC.EnquiriesPacific@dfo-mpo.gc.ca>
Sent: Wednesday, August 02, 2017 11:25 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000248 (Jordan River - BC Hydro Properties) - CRD Referral

Hello Wendy,

The role of the DFO's Fisheries Protection Program (FPP) is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the *Fisheries Act*. The FPP is specifically responsible for reviewing projects for which a s.35(2) *Fisheries Act* Authorization is required.

DFO does not have a regulatory role related to the rezoning application RZ000248 (Bylaw No. 4188) because it does not directly propose works, undertakings or activities that may result in serious harm to fish.

DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the *Fisheries Act*, request a DFO review of a project, and request a *Fisheries Act* authorization.

If you have any further questions about DFO's regulatory process or need general information, contact DFO's Fisheries Protection Program toll free: 1-866-845-6776 or email: EnquiriesPacific@dfo-mpo.gc.ca.

Thank you,

Kristin Gravelle

Fisheries Protection Biologist, Fisheries Protection Program
Fisheries and Oceans Canada/Government of Canada
Kristin.Gravelle@dfo-mpo.gc.ca/Tel: 250-756-7263

Biographe de la protection des pêches, La protection des pêches Programme
Pêches et Océans Canada | Gouvernement du Canada
Kristin.Gravelle@dfo-mpo.gc.ca/Tél 250-756-7263

RESPONSE SUMMARY – REZONING APPLICATION RZ000248

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

We have few concerns with the proposed rezoning providing the following conditions are followed during subsequent development:

- We recommend that vegetation clearing be minimized and occur outside the nesting period from March 1 to August 31 to reduce impacts on all bird species. A search for the nests of birds (eagles, peregrine falcons, gyrfalcon, ospreys and herons) protected under Section 34(b) of the *Wildlife Act* should be conducted before the start of vegetation clearing. Should the nest of a bird requiring protection under Section 34(b) of the *Wildlife Act* be located, please refer to the recommended buffer distances in Table 4.1 (Section 4) of *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (MOE 2014)* available at <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/index.html>.
- Follow other relevant best management practices in *Develop with Care*.

Should you have any questions regarding our response, please do not hesitate to contact Dr. Grant Bracher (grant.bracher@gov.bc.ca Tel. 250-751-3221).

Signed

Dr. Grant Bracher FRP Bio

DR. GRANT BRACHER

Ecosystem Biologist

Title

Date

AUGUST 29, 2017

MINISTRY OF FORESTS, LANDS AND
Agency
NATURAL RESOURCE OPERATIONS

Wendy Miller

From: Berube, Nikki TRAN:EX <Nikki.Berube@gov.bc.ca>
Sent: Thursday, July 20, 2017 12:08 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000248 (Jordan River - BC Hydro Properties) - CRD Referral

Hi Wendy,

Please accept this as official response from the Ministry of Transportation and Infrastructure.

The Ministry has no objections to the proposed rezoning and bylaw amendment. There are no other conditions to be met at this time.

Thank you,

Nikki Bérubé

District Development Technician
Ministry of Transportation and Infrastructure – Vancouver Island District
Ph: 250-952-5562 Cell: 778-679-1973
Fx: 250-952-4508



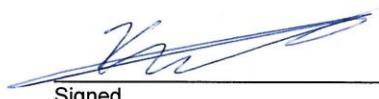
Proud Member of the EAF
For employees, by employees

RESPONSE SUMMARY – REZONING APPLICATION RZ000248

- Interest Affected by Proposal for Reasons Outlined Below
 Interest Unaffected by Proposal

Comments:

See attached comments.



Signed _____ Environmental Health Officer
Title _____

Aug 16, 2017

Date VIHA
Agency _____

Highlight:

- Studies conducted on the area have found it to be at risk of catastrophic flooding due to failure of the dam in the event of a major/extreme seismic event. In light of this risk the application proposes to prohibit overnight accommodations; residential as well as tourist. Island Health supports the proposal, as it recognizing safety concerns, and is taking steps to safeguard residents and visitors to the area by restricting overnight accommodation.

Recommendations:

- While some current uses of the property will continue as is, not all future use of the property are determined at this stage. The listed permitted uses include outdoor recreation. Ideally an outdoor recreation space will include benches or other seating areas and where restoration to the natural environment is to occur, it would ideally be carried out using vegetation native to the area. The addition of outdoor recreation site will allow visitors and residents in the area to engage and interact with the natural environment. Interaction with the natural environment is an important component to the health of our communities. Health evidence shows a strong link between exposure and engagement with nature and the reduction of stress, chronic diseases, depression and anxiety as well as improvements in cognitive functions.

Regulatory:

- The Health Protection and Environmental Services (HPES) department in Island Health have a regulatory role in food premises from construction to operation. Any changes to existing food premises and the possible construction of new food premises must be undertaken with the appropriate construction and operating permits.
- Under the *Drinking Water Protection Act* and *Regulation*, any construction, installation, alteration or extension of the water supply system must be issued a construction permit from our Public Health Engineer (for more information: <http://www.viha.ca/mho/water>).
- Sewage disposal development must be in compliance with the *Sewerage System Regulation* or the *Municipal Wastewater Regulation*.

Wendy Miller

From: Kristine Pearson <referrals@pacheedaht.ca>
Sent: Thursday, August 17, 2017 3:30 PM
To: Wendy Miller
Subject: Re: Rezoning Application RZ000248 (Jordan River - BC Hydro Properties) - CRD Referral

Hi Wendy,

Please find the response to application RZ000248 from Pacheedaht First Nation below:

Interest affected:

1. Lot Coverage

The threshold of 25% coverage for the Jordan River parcels will be restrictive to the current Land Use Planning process initiated by PFN. Jordan River has been identified as a key area for economic development as presented to the CRD in May 2017. We request an increase in maximum lot coverage, especially for the western side of the Jordan River (the residential properties), and for utilities such as light industrial use on JR 2/3.

2. Height

The maximum height restriction of 12 m is viewed by PFN as implicating development, especially in structures such as the envisioned cultural centre. This provision should be increased to accommodate, again for the ongoing Land Use Plan currently being developed by the Nation.

We look forward to your review.

Thank you,

Kristine Pearson
Pacheedaht Referrals Coordinator
250-647-0020

Wendy Miller

From: Wilf Marquis
Sent: Thursday, July 20, 2017 3:13 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000248 (Jordan River - BC Hydro Properties)

Thank you Wendy, no issues with the Rezoning Application RZ000248 to restrict development within an area found to be at risk of catastrophic flooding due to an extreme seismic event.

Wilf MARQUIS
Senior Bylaw Officer

Bylaw and Animal Care Services
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6
Ph. 250.474.3351 ext. 22 \ Fax: 250.391.9727 \ TF: 800.665.7899
email: wmarquis@crd.bc.ca

Wendy Miller

From: Peter Ensor
Sent: Wednesday, July 19, 2017 2:09 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000248 (Jordan River - BC Hydro Properties)

Protective Services is supportive of this rezoning.

PE

Wendy Miller

From: Wendy Miller
Sent: Monday, August 14, 2017 8:41 AM
To: Wendy Miller
Subject: Rezoning Application RZ000248 (Jordan River - BC Hydro Properties)

From: Lynn Wilson
Sent: Friday, August 11, 2017 4:50 PM
To: Wendy Miller <wmiller@crd.bc.ca>
Cc: Kathy Moore <kmoores@crd.bc.ca>
Subject: RE: Rezoning Application RZ000248 (Jordan River - BC Hydro Properties)

"Thank you for referring JDF Rezoning Application RZ000248 to CRD Regional Park for comment. CRD Regional Parks doesn't believe the proposed rezoning will affect our interests at Jordan River Regional Park. For this reason, CRD Regional Parks supports the rezoning application."

Appendix D: Shirley/Jordan River Advisory Planning Commission meeting minutes

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
August 2, 2017

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binding dispute resolution process. Consideration of Bylaw No. 4000 and Bylaw No. 4001 cannot proceed until issues related to the RGS are resolved.

6. Rezoning Application

- a) RZ000248 - Lot 2, Section 2, Renfrew District, Plan VIP4194; Lot 6, Section 2, Renfrew District, Plan VIP4194; Lot C, Section 2, Renfrew District, Plan VIP60061; Lot 1, Section 2, Renfrew District, Plan VIP11741; Lot 1, Section 2, Renfrew District, Plan VIP4194; Lot A, Section 2, Renfrew District, Plan VIP60061; Lot 8, Section 2, Renfrew District, Plan VIP4194; Lot 9, Section 2, Renfrew District, Plan VIP4194; Parcel Number 1 (DD130151I) of Parcel A (DD88175I), of Section 2, Renfrew District; Lot A, Section 2, Renfrew District, Plan VIP50879; Lot 1, Section 9, Renfrew District, Plan EPP59131; Lot 2, Section 9, Renfrew District, Plan EPP59131; and Lot 3, Section 9, Renfrew District, Plan EPP59132 (Jordan River)

Emma Taylor spoke to the staff report and the request to rezone four parcels from the Jordan River Hamlet (JR-1) zone to a new Restricted Development – Flood Hazard Area (RD-1) zone; to rezone five parcels from the Jordan River Hamlet Commercial (C-1B) zone to the RD-1 zone; to rezone one parcel from the Jordan River Destination Resort (CR-1A) zone to the RD-1 zone; and to rezone three parcels from the Rural A zone to the RD-1 zone (proposed Bylaw No. 4188) in order to restrict development within an area found to be at risk of catastrophic flooding due to dam failure associated with an extreme seismic event. Emma Taylor directed attention Appendix 3 and 4 in the staff report reflecting the current zoning for the subject properties.

Emma Taylor confirmed that:

- the properties are subject to the current OCP and current development permit area designations
- the proposed zone does not support an overnight component
- the proposed zone restricts subdivision (120 ha)
- the proposed amendment will create one split zoned parcel
- it is not known if the properties are subject to treaty negotiation

It was confirmed that representatives from BC Hydro, Mike Prettejohn, Contract Property Representative, and Ted Olynyk, Manager, Community Relations, were present.

The representatives responded to questions from the APC and the public advising that:

- it is proposed that Lot 1, EPP59131 be split zoned RD-1/Rural A as the full parcel is not considered at risk based on tsunami hazard line data and contour flood hazard line data
- they are unaware any other comparable zoning amendments prompted by BC Hydro
- the restrictive covenants and statutory rights-of-way (SRWs) registered on the title of the properties restrict overnight accommodation
- consolidation of the smaller properties would not support light industrial use as consolidation would not result in a 4.0 ha lot

Wayne Jackaman, Jordan River

- the properties currently zoned Jordan River Hamlet Commercial (C-1B) allow retail store as a permitted use but includes exclusionary language to restrict gas bars, gas stations or bulk fuel sales, auto repair and car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
August 2, 2017

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- stated support for adding the exclusionary language from the C-1B zone to the proposed RD-1 zone to limit the type of retail store uses
- pending OCP notes that to assess the impact of a particular development proposal, more detailed information and studies may be necessary
- the community considers the Jordan River Powerhouse to have heritage value (PID 009-573-437)
- the policies and objectives of the pending OCP support heritage protection measures
- it is understood that there are known contamination issues on the properties located to the east

Emma Taylor confirmed that some of the subject properties are currently designated as being in a Commercial or Industrial Development Permit Area and that the pending OCP maintains these designations while providing further refinements to Development Permit Area guidelines.

The representatives responded to questions from the APC and the public advising that:

- BC Hydro's environment division is investigating claims of contamination as it is anticipated that purchasers will seek comfort from BC Hydro with respect to this issue
- status of this investigation and remediation is not known
- there is a known residential contamination issue related to a heating oil tank
- all buildings have either been demolished or moved off site

MOVED by Pascale Knoglinder, **SECONDED** by Dominique Bernardet that the APC recommend to the Land Use Committee that clarification be requested regarding BC Hydro's current and future obligations to remediate contamination issues related to the thirteen properties subject to the rezoning application. **CARRIED**

MOVED by Dominique Bernardet, **SECONDED** by Fiona McDannold that the APC recommends to the Land Use Committee that the words, ", excluding gas bars, gas stations or bulk fuel sales, auto repair and car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*;" be added to Bylaw No. 4188, Section 34.01 after the words "retail stores.". **CARRIED**

The representatives responded to questions from the APC and the public advising that:

- the restrictive covenants and SRWs apply to all lands identified as being within the proposed RD-1 zone
- time required to evacuate in the event of a major dam failure is not known
- in the event of an emergency, people should evacuate as soon as possible

Wayne Jackaman, Jordan River

- the community would be insulted if a property owner proposed reinstating residential use as a permitted use to the properties subject to the rezoning application
- the pending OCP supports appropriate small-scale neighbourhood commercial activities and small-scale tourism activities
- considers the maximum height of 12 m proposed by Bylaw No. 4188 to be potentially too great when it is not known what is going to be built

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
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Emma Taylor responded to questions from the APC advising that the subject properties are designated Settlement Area (SA) in the current OCP and that some of the properties subject to the rezoning proposal are not designated as being in a Commercial or Industrial Development Permit Area.

MOVED by Pascale Knoglinder, **SECONDED** by Sonja De Wit that the APC recommends to the Land Use Committee that the permitted uses proposed for RD-1 zone be aligned with the Land Use Designations for the subject properties as proposed by the pending OCP.
CARRIED

MOVED by Dominique Bernardet, **SECONDED** by Fiona McDannold that the APC recommends to the Land Use Committee that all thirteen properties subject to the rezoning proposal be designated as being in a Commercial or Industrial Development Permit Area.
CARRIED

Public attendees questioned if future property owners will be able to get insurance or if the CRD will be able to issue building permits considering the subject properties are considered at risk properties.

A Jordan River resident stated that he considers the rezoning application to be an opportunity to communicate the community's interest in the lands. Community members stated support for securing land as conservation areas and for public uses such as park land and community market space.

The representatives stated that:

- a great deal of money was spent to purchase the at risk properties
- the purpose of the rezoning application is to ensure that it is known prior to selling that the properties are not suitable for residential use and that overnight accommodation is not permitted
- once the rezoning process is complete, the properties will be disposed
- BC Hydro will not be involved with development of the properties
- the community will work with the new property owners

Emma Taylor confirmed that building permit approval and development permit approval do not require public consultation.

APC comments included:

- there is local community interest in these lands
- communications from BC Hydro over the last two years has been limited
- the community of Jordan River is growing
- support for greater applicant engagement with the broader community in Jordan River
- support for input from the CRD as to how it is able to address community concerns and requests
- the rezoning application only addresses pressing uses but not how the community will be developed in future
- there has been no venue prior to this evening's meeting to receive community input
- written notice of the meeting was sent to owners within 500 m of the subject properties

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
August 2, 2017

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Gerard LeBlanc, Shirley

- questioned if BC Hydro received a site contamination waiver from the original property owners or if BC Hydro assumed responsibility for site contamination
- it is understood that under the *Environmental Management Act* the original polluter is responsible for site remediation
- requested clarification on who is responsible for site reclamation
- it appears counterintuitive to prohibit overnight accommodation but still permit commercial use of the properties when dam failure can happen at all times of the day

MOVED by Pascale Knoglinger, **SECONDED** by Brenda Mark that the APC recommends to the Land Use Committee that a public information meeting be held prior to first reading of Bylaw No. 4188.

CARRIED

A Jordan River resident stated that the rezoning application provides an opportunity to reclaim the land as a salt water marsh, supporting river restoration and the return of salmon runs and the overall remediation initiatives of the Jordan River Roundtable.

The representatives confirmed that BC Hydro is part of the Roundtable group.

MOVED by Pascale Knoglinger, **SECONDED** by Dominique Bernardet that the APC recommends to the Land Use Committee that the rezoning proposal incorporate consideration of parkland, community market space, arts and culture space, and conservation areas.

CARRIED

The APC questioned BC Hydro's plans to provide emergency preparedness education to residents and tourists.

The representatives confirmed that additional warning signs will be placed.

Emma Taylor responded to a question from the APC confirming that lands owned by corporations are subject to local government bylaws; lands held under treaty are not.

7. Proposed Bylaw

a) **Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”**

Emma Taylor spoke to the staff report and proposed Bylaw No. 4179, which would add agriculture and intensive agricultural uses to the Forestry (AF) zone. It was advised that staff have recently received several inquiries into AF zoned properties from prospective buyers that have expressed interest in agricultural activities. At present, staff cannot provide assurance to prospective buyers that complaints regarding agricultural activities on these properties will not initiate enforcement action.

Emma Taylor reported that:

- parcels removed from PMFL have been subdivided into smaller, residential parcels
- the AF zone permits a 4 ha minimum parcel size for subdivision purposes
- the AF zone presently permits an accessory suite or a detached accessory suite
- adoption of the amendment bylaw would add 800 hectares of agricultural land in Otter Point and 1,500 hectares in Shirley and Jordan River

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 21, 2017**

SUBJECT **Addition of Agricultural Uses to the Forestry Zone**

ISSUE

To consider an amendment to the Juan de Fuca Land Use Bylaw, 1992, Bylaw 2040, to add Agriculture as a permitted use in the Forestry (AF) zone.

BACKGROUND

The Forestry (AF) zone (Appendix A) was established upon adoption of the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, in 1992. Amendments to the AF zone have since been made by Bylaw Nos. 3705 and 3849 to expand the residential uses permitted, including the provision for suites and home based businesses.

Staff have recently received several inquiries into AF zoned properties from prospective buyers and current land owners that have expressed interest in starting small agricultural operations. The four hectare minimum parcel size and typically deforested landscapes are appealing to property owners interested in hobby farming and small-scale agriculture. The AF zone, however, does not currently permit a full range of agricultural uses. Staff have prepared proposed Bylaw No. 4179 to amend the AF zone to add *agriculture* as a permitted use on land that has been removed from Private Managed Forest Land (PMFL) (Appendix B). The proposed Bylaw as referred to agencies is included in Appendix C.

The Land Use Committee recommended referral of the proposed bylaw to appropriate CRD departments and to the following agencies at their meeting of June 20, 2017:

Agricultural Advisory Planning Commission
Cowichan Valley Regional District
District of Sooke
Managed Forest Council
Ministry of Agriculture
Ministry of Forests, Lands and Natural Resource Operations

Ministry of Transportation and Infrastructure
Otter Point Advisory Planning Commission
Pacheedaht First Nation
Scia'new First Nation
Shirley/Jordan River Advisory Planning Commission
T'Sou-ke First Nation

Comments were received from Cowichan Valley Regional District, District of Sooke, Ministry of Forests, Lands and Natural Resource Operations, Ministry of Transportation and Infrastructure, CRD Bylaw and Animal Care Services, and CRD Regional and Strategic Planning (Appendix D). The proposed bylaw was considered by the Otter Point Advisory Planning Commission on July 17, 2017 (Appendix E) and by the Shirley/Jordan River Advisory Planning Commission on August 2, 2017 (Appendix F). Quorum requirements for the Agricultural Advisory Planning Commission meeting, scheduled for August 1, 2017, were not met.

ALTERNATIVES

That the Land Use Committee recommends to the Capital Regional District Board:

1. a) That the referral of proposed Bylaw No. 4179 directed by the Juan de Fuca Land Use Committee to the Agricultural Advisory Planning Commission, Cowichan Valley Regional District, District of Sooke, Managed Forest Council, Ministry of Agriculture, Ministry of Forests, Lands and Natural Resource Operations, Ministry of Transportation & Infrastructure, Otter Point Advisory Planning Commission, Pacheedaht First Nation, Scia'new First Nation, Shirley/Jordan River Advisory Planning Commission, T'Sou-ke First Nation, and appropriate CRD departments be approved and the comments be received;
- b) That proposed Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017" 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. 4179.

2. That the CRD Board not proceed with proposed Bylaw No. 4179.
3. That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Should the proposal proceed, a public hearing pursuant to Section 464 of the *Local Government Act (LGA)* will be required subsequent to the amendment passing second reading by the CRD Board. The hearing will be advertised in the local paper and on the CRD website. Since the bylaw applies to 10 or more parcels owned by 10 or more persons, notice is not required to be delivered to the owners and tenants subject to the bylaw alteration, pursuant to Section 466 of the *LGA*.

REFERRAL COMMENTS

Referrals were sent to 12 agencies on June 21, 2017.

Cowichan Valley Regional District - responded to advise that their interests were unaffected by the proposed rezoning.

CRD Bylaw and Animal Care Services - expressed no issues with the amendment.

Ministry of Transportation & Infrastructure – indicated no objections for approval but, as a condition, the Ministry requires that should any commercial enterprises form as a result of the changes, that the proper commercial access permits to Ministry owned roads and dedications be applied for as needed.

CRD Regional and Strategic Planning – reviewed the amendment against the 2003 Regional Growth Strategy (RGS), Bylaw No. 2952. Regional Planning staff advised that lands under the AF zone are designated as a Renewable Resource Lands Policy Area. Action 1.2(2) of the RGS is to ensure the long-term protection of this policy area to support forestry and silviculture on Private Managed Forest Lands (PMFL). Staff were of the opinion that agricultural uses could result in a move away from forestry and silviculture and change the landscape character. The change would provide an alternative rural working landscape function, but presents a policy change from supporting forestry uses.

It was recognized, however, that the addition of agriculture as a permitted use would allow an additional working landscape function should the lands be removed from PMFL.

Ministry of Forests, Lands and Natural Resource Operations – indicated that the Ministry's interests are affected by the proposal. The comments reiterated concerns raised during the Otter Point Official Community Plan review process regarding loss of forest land to residential use and agriculture, and the resultant permanent loss of greenspace. Crown land in Tree Farm License 61 and the timber supply area managed by BC Timber Sales in Otter Point and Shirley/Jordan River will continue to be managed for forest resources, but are not intended to offset loss of greenspace through conversion of AF zoned lands to agricultural use.

District of Sooke – indicated the municipality's interests are affected by the proposed bylaw amendment. The submission outlined that Sooke residents' stated though a recent Official Community Plan public engagement process that their number one goal is to protect the local environment and natural surroundings. There is concern that introducing farming into the surrounding landscape will permanently alter the ecosystem, and compromise watersheds and viewscapes, thereby impacting Sooke's local economy. Long-term trends towards converting forest land to agricultural use would reduce the local carbon sink and hasten climate change. Further, while the community of Sooke supports food security measures, much of the existing agricultural land is underutilized.

Otter Point APC – considered the bylaw amendment at their meeting of July 17, 2017. Comments included that the OCP supports protection and enhancement of forest lands, that there is already land with agricultural potential and introducing agriculture could destroy forestry lands by changing physical landscape and affecting wildlife. It was acknowledged, however, that the 4 ha minimum lot size and setbacks required for silviculture would make forestry activity difficult on smaller lots and that agricultural uses, such as the keeping of horses and other livestock, represented a reasonable alternative use of the land. The Otter Point APC recommended deleting *intensive agriculture* as a permitted use from the AF zone and adding *agriculture* as an accessory use to a one-family dwelling.

Shirley/Jordan River APC – considered the bylaw amendment at their meeting of August 2, 2017. Support for clarifying the definitions of *agriculture* and *intensive agriculture* was expressed. Comments included

that small-scale agriculture is less intrusive to neighbours, concern regarding limited enforcement resources, impacts on water resources, sewerage and wildlife. Support was expressed for addressing wilderness-agriculture interface issues, for conducting farm impact assessments, and for a broader review of agricultural regulations. The APC recommends that intensive agriculture be prohibited on AF zoned properties, that agriculture use be limited by agricultural units and be aligned with the policies in the CRD Regional Food and Agriculture Strategy (RFAS), and that agricultural operations comply with the *Water Sustainability Act*.

REGIONAL IMPLICATIONS

The RFAS, completed in 2016, was prepared in response to a high level of public interest and concern for food and agricultural production across the region. The purpose of the RFAS is to guide action and foster leadership in regional food and agriculture. One recommendation in the RFAS, especially applicable to the Juan de Fuca area, is to consider approaches to address existing and emerging regional wildlife and invasive species issues. The potential for wildlife conflict could increase with expanded agriculture uses in wilderness interface areas, such as AF zoned lands.

A local initiative is the formation of a group, called the “Coexisting with Carnivores Alliance”, of government and community members formed to provide strategic leadership, education and support to prevent human conflict with bears, cougars and wolves in the Capital Region. The group has recently obtained funding for development of a program to support coexistence between farmers and carnivores.

The Juan de Fuca Agricultural Inventory project, conducted in 2009 by the Ministry of Agriculture, surveyed existing agricultural land uses and land available for farming throughout the electoral area. The project was initiated partly in response to removal of land from Tree Farm Licenses and public interest in determining alternative uses for forestry land. The inventory report was completed in 2013 and was intended to inform an agricultural planning process for the Juan de Fuca. The recent Official Community Plan reviews for East Sooke and Shirley/Jordan River involved consideration of agricultural policies and, once adopted, would inform a comprehensive review of agricultural zoning for the Juan de Fuca. The proposed amendment to the AF zone is intended to facilitate agricultural activity based on recent public inquiries.

PLANNING ANALYSIS

Agency referral comments regarding the proposed addition of *agriculture* and *intensive agriculture* to the AF zone generally highlighted concerns regarding the conversion of forest resource lands to agricultural uses. Silviculture has historically been the predominant activity defining the rural working landscape character of land in the Juan de Fuca Electoral Area. After the Minister of Forests and Range removed land from Tree Farm License (TFL) #25 in 2007, much of that land was classified as Private Managed Forest Land (PMFL). Land in PMFL is a taxation assessment classification and imposes less onerous responsibilities for forest management than TFLs. Local government land use zoning applies to land removed from PMFL status.

The AF zone now covers approximately 2,300 hectares of land within the Otter Point and Shirley/Jordan River areas. The 4 ha minimum parcel size specified in the AF zone has led to instances of harvesting under PMFL regulations followed by subdivision for rural residential purposes in accordance with the AF zone and removal of land from PMFL. Examples of this have occurred in the vicinity of Fishboat Bay, Kirby Creek, Invermuir Road and Clark Road. Staff have received several inquiries from current and prospective land owners regarding the allowance of agricultural operations on smaller AF zoned lots.

Although the addition of agricultural uses to the AF zone would not preclude silviculture from occurring again in the future, several issues with permitting agriculture in forestry areas were highlighted by the referral agencies and should be acknowledged. Such issues relate to the permanent removal of available land for renewable forest generation; the social, economic and environmental benefits of greenspace; conflicts between agricultural uses and wildlife; spread of invasive species; agricultural use of water resources; and, proximity of intensive agricultural operations to residences. In order to address that concern, staff recommend that agriculture be included as a permitted use on AF zoned property, only where land has been removed from PMFL.

Staff have considered referral comments and have deleted *intensive agriculture* from proposed Bylaw No. 4179 to address many of the concerns raised in the referral process. The proposed addition of agriculture use aligns with the range of uses permitted in the Resource Lands (RL) zone in Bylaw No. 3602 and aligns with the general support of local agricultural production across the region. The complexity of

land use issues related to agricultural activities warrants a comprehensive review of the regulations in the Juan de Fuca Land Use Bylaw to update definitions, reflect current best practices and support the current interest in hobby farming. This overarching review is more appropriately conducted for all land use zones and not solely the amendment to the AF zone. Therefore, staff recommend that the referral comments be received and that the proposed Bylaw No. 4179 be given first and second readings and proceed to a public hearing.

CONCLUSION

The purpose of this zoning amendment is to allow agricultural uses on land that has been removed from PMFL and is zoned Forestry (AF) by the Juan de Fuca Land Use Bylaw No. 2040. Referral comments have been received and the proposed bylaw has been amended to address issues raised. Staff recommend proceeding with proposed Bylaw No. 4179 for first and second reading and proceeding to a public hearing.

RECOMMENDATIONS

That the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

- a) That the referral of proposed Bylaw No. 4179 directed by the Juan de Fuca Land Use Committee to the Agricultural Advisory Planning Commission, Cowichan Valley Regional District, District of Sooke, Managed Forest Council, Ministry of Agriculture, Ministry of Forests, Lands and Natural Resource Operations, Ministry of Transportation & Infrastructure, Otter Point Advisory Planning Commission, Pacheedaht First Nation, Scia'new First Nation, Shirley/Jordan River Advisory Planning Commission, T'Sou-ke First Nation, and appropriate CRD departments be approved and the comments be received;
- b) That proposed Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017" 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. 4179.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

Appendices:

- A. Forestry (AF) zone
- B. Proposed Bylaw No. 4179 for 1st and 2nd reading
- C. Proposed Bylaw No. 4179, for referral
- D. Referral Comments
- E. Otter Point Advisory Planning Commission minutes
- F. Shirley/Jordan River Advisory Planning Commission minutes

Appendix A: Forestry (AF) zone

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*

Appendix B: Proposed Bylaw No. 4179 for 1st and 2nd Reading

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4179**

A BYLAW TO AMEND BYLAW NO. 2040, "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, SECTION 3.0 FORESTRY ZONE -AF

- (a) Amend Section 3.01 Permitted Uses by adding a new item after item 3.01 (g) which states:
“(h) Agriculture on land not classified as private managed forest land under the *Private Managed Forest Land Act* or as managed forest land under the *Assessment Act*”

(b) By adding a new Section 3.08 after Section 3.07 which states:
“Yard Requirements, Agriculture and Farm Buildings
(a) Front yards shall be a minimum of 30m;
(b) Side, rear and flanking yards shall be a minimum of 15m.”

2. This bylaw may be cited as Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017".

READ A FIRST TIME THIS **day of** , 2017.

APPROVED by the Minister of Transportation and Infrastructure

THIS _____ day of _____, 2017.

ADOPTED THIS _____ day of _____, 2017.

CHAIR

CORPORATE OFFICER

Appendix C: Proposed Bylaw No. 4179 for Referral

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4179**

A BYLAW TO AMEND BYLAW NO. 2040, "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, SECTION 3.0 FORESTRY ZONE -AF

- (a) Amend Section 3.01 Permitted Uses by adding new items after item 3.01 (g) which states:
 - "(h) Agriculture;
 - (i) Intensive Agriculture."
 - (b) By adding a new Section 3.08 after Section 3.07 which states:
 - "Yard Requirements, Agriculture and Farm Buildings
 - (a) Front yards shall be a minimum of 30m;
 - (b) Side, rear and flanking yards shall be a minimum of 15m."
 - (c) By adding a new Section 3.09 after Section 3.08 which states:
 - "Yard Requirements for Intensive Agriculture Buildings
 - (a) Front yards shall be a minimum of 90m;
 - (b) Side, flanking and rear yards shall be a minimum of 30m."

2. This bylaw may be cited as Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017".

READ A FIRST TIME THIS day of , 2017.

READ A SECOND TIME THIS day of , 2017.

READ A THIRD TIME THIS day of , 2017.

APPROVED by the Minister of Transportation and Infrastructure

THIS _____ day of _____, 2017.

ADOPTED THIS _____ day of _____, 2017.

CHAIR

CORPORATE OFFICER

Appendix D: Referral Comments

RESPONSE SUMMARY – BYLAW NO. 4179

- Interest Affected by Proposal for Reasons Outlined Below
 Interest Unaffected by Proposal

Comments:

CVRD has for decades permitted agricultural uses in Forestry zones. Good idea! Best regards

Signed



Acting Q.M. Landuse Services CVRD
Title

Date

2017/06/21

COWICHAN VALLEY R.D.
Agency

Wendy Miller

From: Wilf Marquis
Sent: Thursday, July 06, 2017 1:54 PM
To: Wendy Miller
Cc: Iain Lawrence
Subject: RE: Proposed Bylaw No. 4179

Wendy, no issues with the proposed amendment to allow for Agricultural Uses.

Wilf MARQUIS
Senior Bylaw Officer

Bylaw and Animal Care Services
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6
Ph. 250.474.3351 ext. 22 \ Fax: 250.391.9727 \ TF: 800.665.7899
email: wmarquis@crd.bc.ca

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If you receive this message in error, please delete all copies and contact the sender.

Wendy Miller

From: Berube, Nikki TRAN:EX <Nikki.Berube@gov.bc.ca>
Sent: Wednesday, June 28, 2017 11:28 AM
To: Wendy Miller
Subject: RE: Proposed Bylaw No. 4179 - CRD Referral

Hi Wendy,

Thank you for providing the additional information.

Please accept this email as official response from the Ministry of Transportation and Infrastructure. The Ministry has no objections to the proposed amendment to the Juan de Fuca Land Use Bylaw, 1992; to include agriculture and intensive agricultural uses to the Forestry (AF) zone.

As a condition, the Ministry does require that should any commercial enterprises come to be as a result of the changes, that the proper Commercial Access permits for access to Ministry owned roads and dedications be applied for as needed.

There are no other conditions for completion. Feel free to forward any associated bylaw documentation to this office at your convenience.

Have a great day,

Nikki Bérubé

District Development Technician
Ministry of Transportation and Infrastructure – Vancouver Island District
Ph: 250-952-5562 Cell: 778-679-1973
Fx: 250-952-4508



Proud Member of the EAF
For employees, by employees

Wendy Miller

From: Emily Sinclair
Sent: Wednesday, August 16, 2017 3:59 PM
To: Iain Lawrence
Cc: Signe Bagh; Wendy Miller
Subject: RSP Response - Proposed Bylaw No. 4179

Hi Iain,

Thank you for the opportunity to provide referral comments on the proposed amendments to the Forestry (AF) zone in the Juan de Fuca Land Use Bylaw. Comments from Regional and Strategic Planning are provided below. Comments relate to a review of the proposed amendment against the 2003 Regional Growth Strategy (RGS) Bylaw No. 2952. Staff note a policy matter to consider from an RGS perspective.

The 2003 Regional Growth Strategy (RGS) designates the planning area covered by the AF zone as Renewable Resource Lands Policy Area.

- 1) **RGS Action 1.2(2)** is to ensure the long-term protection of the Renewable Resource Lands Policy Area and to support farming within the Agricultural Land Reserve (ALR) and forestry and silviculture within the Forest Land Reserve (now called Privately Managed Forest Land [PMFL]). Almost all of the land within the AF zone is enrolled in the PMFL program.

Bylaw 4179 proposes to add agriculture uses to lands within the Renewable Resource Lands Policy Area that are within the PMFL. The proposed agriculture uses could result in a move away from forestry and silviculture, depending on the scale of agriculture use uptake across the JdF EA. A potential impact could be a change to landscape character. From an RGS perspective, the change would maintain the rural working landscape function but represents a change in policy from supporting forestry uses within the PMFL.

The above being said, allowing agriculture uses would provide an alternative working landscape function should land be removed from the PMFL program. Note that unlike the ALR, the PMFL does not protect land for forestry uses. Rather, the PMFL is a tax assessment class that provides incentives for ongoing forestry use and wise forestry management practices. When land is removed from the PMFL, underlying zoning applies.

- 2) **RGS Action 1.2(3)** is to generally limit rural subdivision and development to the designated Official Community Plan capacity levels as determined at the date of adoption of the RGS. No changes to residential density are proposed, in line with policy 1.2(3).

Please let me know should you have any questions.

Emily

Emily Sinclair MCIP, RPP
Planner
Regional and Strategic Planning

Capital Regional District | 625 Fisgard Street, Victoria, BC V8W 2S6
250.360.3163 | esinclair@crd.bc.ca | www.crd.bc.ca

RESPONSE SUMMARY – BYLAW NO. 4179

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

The loss of forested land classified as AF to other land uses such residential use and agriculture has been a concern to many residents of communities within regional districts. I commented on the Otter Point official community plan (OCP) a few years ago for the Ministry of Forest, Lands and Natural Resource Operations (FLNRO); South Island Natural Resource District (SINRD) and it was apparent that the community and regional district planners favoured treed greenspaces. The amount of development including increased housing density resulting in the permanent loss of greenspace was a significant concern to the extent that there were discussions about harvesting operations on Crown land within the Provincial Forest including the T'sou-ke First Nation Woodlot 1526. The conversion of forested land to agricultural is considered permanent deforestation resulting in the loss of greenspace. Crown land within w1526, TFL61 and the timber supply area managed by BC Timber Sales within the Otter Point and Shirley/Jordan River OCP areas will continue to be managed for forest resources including harvesting and reforestation (silviculture). The regional district and the communities must not set the expectation that the loss of treed greenspace due to agricultural use can be offset by placing restrictions against harvesting on Crown land through future changes to land use bylaws. FLNRO will continue to issue cutting authorities on Crown land within the Provincial Forest on the various tenures mentioned above as dictated by Provincial Legislation. Crown land within the OCP areas will continue to be managed for forest resources including, in part, timber production and wildlife and it is not intended to be used as permanent reserves to offset the loss of greenspaces through the conversion of AF classified lands to agriculture use.

Please contact Rob Furness, RPF at 250 731-3023 if you require further clarification.


Robert Furness
RPF 2017.07.20
15:07:55 -07'00'

Authorizations Forester

Signed

Title

Date

July 20, 2017

FLNRO
Agency

RESPONSE SUMMARY – BYLAW NO. 4179

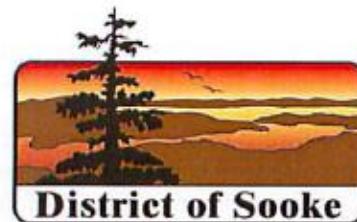
Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments: Please see attachments provided.

Danica Rice	Planner II
Signed	Title
July 19th, 2017	District of Sooke
Date	Agency

REFERRAL COMMENT



TO: CRD Planning staff
SUBJECT: District of Sooke Response to referral request
Addition of Agricultural Uses to the Forestry Zone
Bylaw No 4179
DATE: July 19th, 2017

The District of Sooke has concerns with the proposed Proposed Bylaw No. 4179 as residents have recently stated through the Official Community Plan public engagement process that their number one goal is to **protect the local environment and Sooke's natural surroundings**. The District has concerns that introducing livestock and farming practices into Sooke's surrounding native landscape will forever alter the ecosystem of the forest, compromise local watersheds and alter the landscape that is of great value to locals and our tourism industry. The impact that the change in use from Forestry to Agricultural has on the greater population should not be outweighed by the few who will benefit from farm practice when many local farmlands currently lie fallow.

Please note the Environmental goals of the current District of Sooke Bylaw 400, Official Community Plan:

- Sooke shall take responsibility for a sustainable, positive community future by ensuring the on-going health of the natural environment, **both within and surrounding Sooke**; and
- Sooke shall identify, **protect, enhance, and create environmental resources for the long term** of wildlife, natural ecosystems and the enjoyment of the present and future population and visitors to the District of Sooke.

Also, key future directions for the upcoming revised OCP include:

- **Preserve Ecosystems:** monitor finite resources, preserve habitat and wildlife corridors

The introduction of Agricultural use on surrounding Forestry zoned lands, will have negative and irreversible effects on local wildlife and their habitat, native ecosystems, watersheds and reduce the local carbon sink. Expediting deforestation will also hasten climate change. These effects will have a significant impact on Sooke residents and the beauty of Sooke's unique forestry-based landscape, tourism industry, local economy, and culture.

Recent OCP direction from the community regarding food security includes:

- **Secure our Food:** support and celebrate our local farms and their employees, promote and market value added products, the harvest, local markets and artisans.

While most residents in Sooke support the notion of food security, the District of Sooke contains only 3 percent of the region's ALR lands. However, over 9 percent of the District is made up of ALR land, most of which lie underutilized or fallow.

The District of Sooke Agricultural Plan (2012) notes that the reason for the decrease in number of farm operators can be attributed to the high cost of entering farming (land, equipment), the lack of interest by young people in becoming farmers and the low pay. Forestry lands are generally less expensive to purchase than agricultural lands. It appears that the proposed zoning changes may have come forward considering real estate costs of Forestry lands being less than those zoned for Agricultural uses.

A final direction provided through our recent public engagement process includes verbiage for the future:

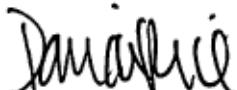
- **Plan for future generations: Protect and secure public views and access to the waterfront, develop partnerships to acquire key natural, cultural, or human assets when opportunities arise.**

Impacts to the local environment, climate change and surrounding natural landscape are not only contrary to the District of Sooke's OCP as outlined in paragraph 2, but also against three of the CRD's Regional Growth Strategic Plan goals.

1. Keep urban settlement compact
2. Protect regional green and blue spaces
3. Manage natural resources and the environment sustainably

Thank you for the opportunity to provide insight on this important bylaw. Please feel free to contact me for further discussion and for any questions.

Sincerely,



Danica Rice, MEDes, RPP, MCIP
Planner II

District of Sooke
2205 Otter Point Road
Sooke, British Columbia, V9Z 1J2
Phone 250.642.1634
drice@sooke.ca

IMPORTANT BACKGROUND INFORMATION

The following excerpts outline the value of second growth forest ecosystems and provide insight on some of the local environmental impacts that would result if agriculture were introduced into Sooke's surrounding CRD Forestry (F) zoning.

Future older forests – Within 20 years, many of the Second Growth Forests that were logged early this century will become Older Forests. The biodiversity values of second growth forest generally become higher with age. This means it will be able to sustain more and larger species of plants and animals.

Landscape connectivity – Second Growth Forest stands provide connections between other natural areas that promote the movement and dispersal of many forest dwelling species across the landscape. Species as varied as black-tailed deer, black bears, northwestern salamanders, and northern flying squirrels use second growth forest for a large portion of their lifecycle, but also require access to other habitat patches for feeding, breeding, or migration. *Fragmentation is an important conservation concern.*

Buffers – Second Growth Forests can minimize disturbance (such as residential use) to sensitive ecosystems that occur within or adjacent to the forest patch. Where they border or surround wetlands, patches of older forest or other sensitive ecosystems, the second growth area serves an important role in buffering the adjacent sensitive areas.

Conservation concerns of Older Second Growth Forest Ecosystems–Larger stands of second growth forest provide landscape level connectivity and support larger species with larger home ranges. The high biodiversity values of second growth forest come, in large part, from its function in landscape connectivity. For this reason, preventing fragmentation of this ecosystem is especially important. Logging is the most significant cause of second growth forest decline.

Forest Types: Develop with Care Standards, Ministry of Environment 2014

Much of the region is in the Coastal Western Hemlock bio-geoclimatic zone. These 'temperate rainforests' are complex and highly productive ecosystems, with a variety of habitats for birds and mammals. Because these forest soils are generally nutrient poor, fungi and seedlings depend on fallen trees, while the forest canopy provides habitat for lichens, mosses, and insects. Where there are gaps in the canopy, understory vegetation flourishes, supplying forage for Roosevelt elk and other wildlife. The many streams are excellent habitat for fish and other aquatic species.

The Coastal Douglas-fir Zone is found only in the southwest corner of British Columbia, along the east coast of Vancouver Island, the Gulf Islands and parts of the Lower Mainland. The Coastal Douglas-fir zone contains a wide diversity of ecosystems including woodlands, rocky outcroppings, coastal bluffs and wetlands. In upland areas Douglas-fir are found in association with salal and Oregon grape. Garry Oak and Arbutus grow with the Douglas-fir in rocky outcrop areas, together with other drought-tolerant species such as Baldhip Rose, Snowberry and Oceanspray. Moister areas support Grand Fir, Western Redcedar, and Bigleaf Maple together with Sword Fern, Salmonberry and Trillium as the understory.

The Coastal Douglas-fir Zone is one of the smallest and most endangered biogeoclimatic zones in British Columbia and has the highest number of species at risk per unit area of any zone in B.C. (Holt 2001)

Appendix E: Otter Point Advisory Planning Commission Minutes

6. Proposed Bylaw

a) Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4179, which would add agriculture and intensive agricultural uses to the Forestry (AF) zone. It was advised that the AF zone is one of the few zones in Bylaw No. 2040 that does not permit agriculture and intensive agricultural uses and that the bylaw amendment was generated by staff in response to prospective buyers that have expressed interest in agricultural activities on AF zoned properties.

Iain Lawrence reported that:

- the setbacks for agricultural buildings proposed by Bylaw No. 4179 are in keeping with the regulations in the Agricultural (AG) zone
- the AF zone generally applies to Crown lands, lands held under tree farm licence or lands classified private managed forest land (PMFL)
- the AF zone has become, in some instances, more of a rural residential zone as parcels removed from PMFL have been subdivided into smaller, residential parcels
- amendments to the AF zone have included adding a suite or a detached suite as a permitted use
- adoption of the amendment bylaw would add 800 hectares of agricultural land in Otter Point and 1,500 hectares in Shirley and Jordan River

APC comments included:

- the Otter Point Official Community Plan (OCP) supports the protection and enhancement of forest lands
- great agricultural potential already exists within the OCP area without adding agriculture and intensive agriculture uses to the AF zone
- adding agriculture and intensive agriculture uses to the AF zone provides a mechanism for destroying forest lands
- agriculture and intensive agriculture puts pressure on wildlife and changes topography and hydrology while reducing a natural resource
- tree felling impacts adjacent tree stands during high winds/wind storms
- tree harvesting is not the issue
- small scale farming is not the issue
- supporting reforestation is the issue
- the AF zone permits silviculture except within 300 m of a highway
- support for utilizing a setback to support forest regeneration
- property owners purchased lands knowing the uses permitted by the AF zone
- individuals purchasing new lots in the AF zone would have some expectation that they could keep animals such as horses and have a small farm
- AF property owners can apply for individual rezoning to permit agriculture and intensive agriculture uses
- is it reasonable to restrict home owners from utilizing the smaller properties for agriculture.

Iain Lawrence responded to questions from the APC advising that the:

- AF zone supports a 4 ha minimum lot size for subdivision
- Resource Lands (RL) zone in the Rural Resource Lands Land Use Bylaw permits Agriculture uses
- RL zone does not permit intensive agriculture uses
- CRD does not have the authority to enact a tree regulation bylaw

MOVED by Sid Jorna, SECONDED by Anne Miller that the Otter Point APC supports proposed Bylaw No. 4179, as amended, to delete intensive agriculture as a permitted use from the Forestry (AF) zone and to add agriculture as an accessory use to a one-family dwelling to the AF zone. CARRIED

Appendix F: Shirley/Jordan River Advisory Planning Commission Minutes

7. Proposed Bylaw

a) **Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”**

Emma Taylor spoke to the staff report and proposed Bylaw No. 4179, which would add agriculture and intensive agricultural uses to the Forestry (AF) zone. It was advised that staff have recently received several inquiries into AF zoned properties from prospective buyers that have expressed interest in agricultural activities. At present, staff cannot provide assurance to prospective buyers that complaints regarding agricultural activities on these properties will not initiate enforcement action.

Emma Taylor reported that:

- parcels removed from PMFL have been subdivided into smaller, residential parcels
- the AF zone permits a 4 ha minimum parcel size for subdivision purposes
- the AF zone presently permits an accessory suite or a detached accessory suite
- adoption of the amendment bylaw would add 800 hectares of agricultural land in Otter Point and 1,500 hectares in Shirley and Jordan River
- the CRD Food and Agriculture Strategy (RFAS), completed in 2016, guides action and fosters leadership in regional food and agriculture including approaches to address existing and emerging regional wildlife and invasive species issues
- a local initiative called “Coexisting with Carnivores Alliance” is a group of government and community members formed to provide strategic leadership, education and support to prevent human conflict with bears, cougars and wolves in the CRD
- the Juan de Fuca Agricultural Inventory project, completed in 2013, surveyed existing agricultural uses and land available for farming

Emma Taylor responded to questions from the APC advising that:

- the Shirley/Jordan River OCP identifies lands designated as being in a Protection of Farming Development Permit Area
- definition of Agriculture and Intensive Agriculture have not been amended since 1992
- salt and seafood harvesting are not considered agricultural activities
- salt and seafood harvesting would fall under Home Based Business and Home Industry in Bylaw No. 2040
- fish farming (finfish) is a separately defined use in Bylaw No. 2040
- the definition of Agriculture and Intensive Agriculture does not support abattoirs

APC comments included:

- support for clarifying the definitions of Agriculture and Intensive Agriculture including providing limits based on agriculture units
- small scale agriculture is less intrusive to neighbours
- support for greater oversight from the RFAS/implementing RFAS actions addressing interface issues prior to bylaw amendment
- agriculture impacts water, sewerage and wildlife
- subdivision equally impacts water, sewerage and wildlife
- support for implementing a development permit area/farm proposal assessment process
- 4 ha is too small for such activities as kennels and manure storage
- AF property owners can apply for individual rezoning
- opposed to large scale operations and issues related to animal confinement
- concern regarding limited enforcement resources
- support for more information on bylaw regulations for agriculture from other jurisdictions
- support for not limiting food production

Gerard LeBlanc, Shirley

- raising livestock in confined spaces is a hard use on the land
- livestock rearing impacts adjacent properties (e.g. odour)
- agriculture impacts ground water resources
- other local governments limit agricultural uses based on parcel size or through specifying agricultural units based on parcel size
- does not support intensive agriculture on parcels 4 ha or less

MOVED by Pascale Knoglinger, **SECONDED** by Fiona McDannold that the APC recommends to the Land Use Committee that intensive agriculture use be prohibited on AF zoned properties. **CARRIED**

MOVED by Fiona McDannold, **SECONDED** by Dominique Bernardet that the APC recommends to the Land Use Committee that agriculture use on AF zoned properties be limited by agriculture unit, be aligned with the policies of the CRD Food and Agriculture Strategy and be in accordance with the *Water Sustainability Act*. **CARRIED**