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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, January 15, 2019, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Mike Hicks (Chair), Stan Jensen, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Sandy Sinclair
Staff: Iain Lawrence, Manager, Local Area Planning; Emma Taylor, Planner; Wendy Miller, Recorder
PUBLIC: Approximately 18

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

1. Election of Vice Chair

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee for 2019 and Roy McIntyre's name was put forward. The Chair called two additional times for further nominations and, as there were none, Roy McIntyre was acclaimed Vice Chair.

2. Approval of the Agenda

MOVED by Dale Risvold, **SECONDED** by Sandy Sinclair that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Roy McIntyre, **SECONDED** by Vern McConnell that the supplementary agenda be approved.

CARRIED

4. Adoption of Minutes from the Meeting of December 17, 2018

MOVED by Sandy Sinclair, **SECONDED** by Ron Ramsay that the minutes from the meeting of December 17, 2018, be adopted.

CARRIED

5. Chair's Report

The Chair thanked attendees for coming to the meeting.

At this time, the Chair asked that the application for a temporary use permit for 7822 Tugwell Road (TP000010) be considered by the LUC after the application for a development permit with variance for 6890 Mark Lane (DV000063).

6. Planner's Report

a) Public Hearing – Bylaw No. 4259 (9330 Invermuir Road)
Date: February 6, 2019
Time: 7 pm
Location: Shirley Community Hall

b) At its meeting of January 9, 2019, the CRD Board adopted Bylaw No. 3885, "Juan de Fuca Development Fees and Procedures Bylaw No. 30, 2018" and approved the Juan de Fuca

Cannabis Retail Licence Application Policy and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy.

- c) At its meeting of January 9, 2019, the CRD Board adopted Bylaw No. 4271, "Juan de Fuca Land Use Committee Bylaw No. 1, 2004.

7. Development Permit with Variance Application

a) DV000063 - Lot 2, Section 43, Highland District, Plan 14620 (6890 Mark Lane)

Iain Lawrence spoke to the staff report and the request for a development permit with variance to decrease the rear yard setback requirements of the Community Residential One (CR-1) zone, and to address the Steep Slopes and the Foreshore, Wetlands and Riparian Areas Development Permit (DP) guidelines for the construction of a deck extension. Iain Lawrence confirmed that the previous owner constructed an addition to a previously approved deck without a permit. The new owner has requested the development permit with variance in order for the expanded deck to be brought into compliance with the Willis Point Comprehensive Community Plan. Iain Lawrence advised that the applicant has submitted a geotechnical report and site survey.

Iain Lawrence directed attention to the supplementary submission from Robert M. Scott and Celia Ann Alexander-Scott stating support for the application.

The Chair confirmed that the applicant was not present.

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000063 for Lot 2, Section 43, Highland District, Plan 14620, to authorize the siting of an existing deck, and to vary the Willis Point Comprehensive Community Plan, 2003, Bylaw No. 3027, Schedule B, Part IV, Section 22.2(d)(iv), by reducing the rear yard setback from 6 m to 2.3 m, be approved.

CARRIED

8. Temporary Use Permit Application

a) TP000010 - Lot 4, Section 47, Otter District, Plan 23769 (7822 Tugwell Road)

Iain Lawrence spoke to the staff report and the request for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility in the Rural Residential 2 (RR-2) zone. Iain Lawrence outlined the proposed conditions of the permit as included in the staff report.

Iain Lawrence responded to questions from the LUC confirming that the *Local Government Act (LGA)* allows a temporary use permit to be issued for up to three years and that the holder of the permit can apply to have a permit renewed once. Iain Lawrence further confirmed that the proposed micro-cultivation building would be sited outside of the Steep Slopes and Riparian Development Permit Areas designated on the property.

The applicant responded to questions from the LUC advising that:

- carbon filters will eliminate all odours
- he currently holds two licences for medical cannabis production
- the cultivated product will not be sold on site
- the cultivated product will be sold to a Health Canada licensed processor or the Provincial control board

- Health Canada mandates product testing
- he currently has a concurrent application with Health Canada for processing
- Health Canada will not issue a processing licence until the building is constructed
- the subject property is 2.5 acres

MOVED by Ron Ramsay, **SECONDED** by Stan Jensen that staff be directed to refer proposed Temporary Use Permit TP000010 to the Otter Point Advisory Planning Commission, to appropriate CRD departments and to the following external agencies for comment:

BC Hydro	MFLNRORD – Archaeology Branch	RCMP
District of Sooke	MFLNRORD – Groundwater Protection Branch	T’Sou-ke First Nation
Island Health	Ministry of Transportation and Infrastructure (MoTI)	

CARRIED

9. Soil Deposit Permit Application

a) SP000092 - Section 42, Otter District except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580 (Clark Road)

Iain Lawrence spoke to the staff report initially presented to the LUC at its December 17, 2018, meeting. At that time, the applicant requested a soil permit to deposit up to 20,000 cubic metres (m³) of soil on the subject property to complete creek restoration and for road construction associated with a proposed subdivision. In response to concerns raised at the December meeting, he and the Chair visited the source site on December 18. The Chair and members of the LUC visited the deposit site on January 3.

As a result of the site visits, the applicant has revised their request. Iain Lawrence directed attention to the supplementary agenda, which includes the applicant’s revised request, revised cut and fill volumes plan and geotechnical letter. It was confirmed that the applicant has now requested to deposit up to 14,000 cubic metres (m³) of soil on the subject property for the purposes of road construction and landscaping for a proposed residential subdivision. Iain Lawrence read aloud the terms and conditions included in the revised request:

- soil deposit trucking to Section 42 Otter Point will be restricted to week days between the hours of 8:30 a.m. and 3:00 p.m.
- signs restricting speeds to 20km/hr will be posted on Otter Ridge and Clark Roads, visible both directions
- no soil deposit trucking will occur on:
 - statutory holidays (Family Day, February 18; Easter Friday, April 19; Easter Monday, April 22; Victoria Day, May 20)
 - School District 62 Non-Instructional days (February 15, April 12 May 10)
 - 2019 Spring Break (March 18-29)
- soil deposit trucking will cease on the last day of the 2018/19 school year, June 28
- if required, soil deposit trucking may resume in September of 2019 after the first day of school, under the same conditions, upon written permission of the Juan de Fuca Planner

- the owners will obtain from Hemmera Envirochem, a letter of engagement to perform random testing of the imported materials to ensure compliance. Reports shall be copied to the Juan de Fuca Planner
- the owners will engage a Registered Professional Biologist to monitor the site and perform erosion and sediment control supervision, in accordance with development permits issued for the site

The Chair confirmed that the proposal no longer includes creek restoration.

A LUC member stated concern regarding the quality of the source site soil.

The applicant stated that:

- he can appreciate concerns raised regarding soil quality
- he has no intention of depositing contaminated soil as it would be catastrophic to the development
- professional reports substantiate the quality of the soil
- soil testing will be done to the highest protocol
- soil testing will be done at the source site and at the deposit site

The Chair directed attention to the supplementary agenda, which included an independent review he requested from Wittich Environmental Services (WES) Ltd. of the Hemmera soil characterization. The Chair noted that the WES report stated that comment cannot be provided regarding certain potential contaminants of concern (PCOC) as the Preliminary Site Investigation report was not provided. Accordingly, the WES report states that other PCOCs, such as PCBs, may be appropriate to consider.

The applicant stated that:

- logistically, the entire source site cannot be tested
- areas within the source site are identified
- the different areas are tested in the field and in laboratories
- source materials are tested for numerous contaminants
- no objection to independent material testing being done at the deposit site
- Hemmera would be retained for testing at the source site and the deposit site

Iain Lawrence responded to a question from the LUC confirming that the Preliminary Site Investigation report referenced in the WES report was reviewed by Hemmera.

A member of the public stated that this evening's discussion has focused on soil when all he has seen is the delivery of rock and gravel.

The applicant stated that different grades of soil, including rock and gravel, are required to create a base for soil to support regrowth.

An adjacent property owner stated that the development is affecting the enjoyment of her property and noted that her livestock have been impacted by blasting and that she has had to deal with an increase in noise, camping, parties, firearm use and dumping. The adjacent property owner stated that she cannot afford additional fencing to protect her livestock and property from trespassers.

The applicant stated that the subject property has been damaged and that he intends on being here for the long term. The applicant asked concerned residents to bear with the initial development of the property as the property needs to be repaired.

Jo Phillips, Otter Point:

- questioned the quantity of soil requested when the adjacent development did not require trucked soil
- questioned if there is a way to reduce the amount of fill
- stated concern regarding the number of dump trucks anticipated as Clarke Road is a one lane road which is also regularly used by logging trucks
- stated support for limiting gravel delivery to 4 dump trucks a day

The applicant stated that a rock crusher will process materials on site, eliminating trucking of additional soil and reducing the amount of time associated with road construction.

Al Wickheim, Otter Point, questioned how the development will benefit Otter Point and what water services are proposed.

The applicant stated that:

- the subject property has spectacular views
- the property is currently a “moonscape”
- it is anticipated that portions of the subject property will be remediated to Agricultural Land Reserve standards
- rezoning was not being pursued for higher density
- lots will be 10 acres in accordance with the zone
- lots will be serviced by onsite wells

Al Wickheim stated that, regardless of lot size, the lots will be drawing from the same aquifer, deleting the water supply for current residents.

The applicant responded to questions from members of the public confirming that:

- the gate to the property had been cut and refuse dumped illegally on the property
- the refuse will be removed
- a professional report has been provided quantifying the amount of road shoulder material required
- there is currently 3,000 m³ of soil on site
- 11,000 m³ of soil still needs to be trucked in
- subdivision road plan still to be finalized

A member of the public stated support for continuous, independent soil monitoring.

A member of the public stated concern for the site access proposed off of Amanda Place.

The Chair confirmed that site access will be determined by the Ministry of Transportation and Infrastructure (MoTI).

Iain Lawrence confirmed that new roads associated with the development will have to meet Ministry standards.

The LUC stated support for the additional conditions proposed by the applicant in their letter of January 3, 2019, and independent monitoring by Wittich Environmental Services at the deposit site.

A member of the public noted that the letter of January 3, 2019, notes speed signs being posted on Otter Ridge Road. It was noted that access to the subject property is off of Otter Point Place.

The applicant responded to a question from the Chair confirming that soil will be stock piled to support limited replenishment.

MOVED by Director Hicks, **SECONDED** by Vern McConnell that Soil Deposit Permit SP000092 for Section 42, Otter District except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580, for the purpose of road construction and landscaping associated with subdivision, and comments received be forwarded to the General Manager of Planning and Protective Services for a decision.

Opposed: Stan Jensen
CARRIED

MOVED by Sandy Sinclair, **SECONDED** by Dale Risvold that staff be directed to contact the Ministry of Transportation and Infrastructure regarding the state of Clarke Road.
CARRIED

10. Adjournment

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the meeting adjourn.

The meeting adjourned at 8:15 p.m.

Chair