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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, July 21, 2020, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell (EP), Roy McIntyre, Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair
Staff: Iain Lawrence, Manager, Community Planning (EP); Wendy Miller; Recorder (EP)
PUBLIC: 8 In-person; 5 EP

The meeting was called to order at 7:00 pm.

1. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Dale Risvold, **SECONDED** by Roy McIntyre that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of June 16, 2020

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of June 16, 2020, be adopted.

CARRIED

4. Chair's Report

The Chair welcomed everyone to the meeting, extending a thank you to staff for their efforts to keep business proceeding as usual.

5. Planner's Report

a) At its meeting of June 24, 2020, the CRD Board supported the LUC's June 16, 2020, recommendation that Development Variance Permit for 615 Seacape Place be approved.

6. Development Permit with Variance Applications

a) **DV000071 - Lot 2, District Lot 39, Malahat District, Plan 23012 (2727 Anderson Road)**
Iain Lawrence spoke to the staff report and the request for a development permit with variance to address the Sensitive Ecosystem Development Permit (DP) guidelines and to reduce the requirement that 10% of the parcel perimeter front onto a highway, for the purpose of creating a 2-lot subdivision in the Forestry (AF) zone.

Iain Lawrence highlighted the proposed subdivision plan with frontage reduction request.

Iain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that the applicants were present.

MOVED by Stan Jensen, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

That Development Permit with Variance DV000071 for Lot 2, District Lot 39, Malahat District, Plan 23012 to authorize a 2-lot subdivision in a Sensitive Ecosystems Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum road frontage requirement from 10% (79.9 m) to 9.5% (76.4 m) for the purpose of authorizing a 2-lot subdivision, be approved.

CARRIED

b) DV000072 – Lot A, Section 89, Sooke District, Plan VIP54145 (7004 East Sooke Road)

Iain Lawrence spoke to the staff report and the request for a development permit with variance to address the Steep Slopes and Shoreline Protection Development Permit (DP) guidelines, and to vary the rear yard setback and the allowable projection of a deck into the rear yard setback for an addition to an existing single-family dwelling in the Rural Residential 6 (RR-6) zone.

Iain Lawrence highlighted the site plan with variance requests. It was advised that the applicant submitted a geotechnical report that included recommendations for the proposed development and a calculated flood construction level based on the most recent Provincial guidelines.

One comment was received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property. The comment from CRD Regional Parks was included in the supplementary agenda and stated no concerns regarding the application.

The Chair confirmed that the applicant was not present.

MOVED by Stan Jensen, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

That Development Permit with Variance DV000072 for Lot A, Section 89, Sooke District, Plan VIP54145 to permit alterations to a single-family dwelling and deck located within in a Steep Slopes and a Shoreline Protection Development Permit Area; and to vary Part 2, Section 10.09(d) by decreasing the minimum rear yard setback from 10 m to 7.5 m, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 4.10(1)(a) by increasing the maximum deck projection allowance into the rear yard setback from 1 m to 1.6 m, be approved.

CARRIED

7. Provision of Park Land for Subdivisions

a) SU000720 – Lot A, District Lot 17, Renfrew District, Plan EPP10506 (6505 Powder Main Road)

Iain Lawrence spoke to the staff report addressing the provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act* for the proposed 13-lot bare land strata subdivision.

Iain Lawrence highlighted the proposed strata plan, identifying the watercourse on the property.

Iain Lawrence responded to questions from the LUC advising that:

- the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission considered the application and recommends that park dedication be received in the form of cash in lieu
- the proposal does not require the subject property to be rezoned
- the proposal meets the minimum lot size permitted by the Tourism Commercial – One zone, if the parcel is connected to community water and community sewer
- the proposal intends to connect to the Port Renfrew Water System and a community sewer system in the form of a strata septic system approved by Island Health
- the Port Renfrew Comprehensive Community Development Plan (CCDP) does not speak to strata developments
- the Port Renfrew CCDP does not regulate form a tenure
- public input regarding the subdivision can be directed to the Approving Officer, Ministry of Transportation and Infrastructure
- the development permit required as part of the subdivision process will address the *Riparian Areas Protection Regulation*, and will need to demonstrate that there are building envelopes outside the Streamside Protection and Enhancement Areas

LUC comments included:

- the current lot layout crowds the riparian area
- support for reviewing the Official Community Plan relative to strata developments

The Chair advised that the LUC is being asked to consider provision of park land options this evening. The Chair advised that he and staff are available to receive public comment regarding the proposal. Public comments regarding the proposal will be considered as part of the broader application.

MOVED by Stan Jensen, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

That cash in lieu of park land dedication in the amount of 5% of the value of the land being subdivided be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506.

CARRIED

b) SU000721 – Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 (17151 Parkinson Road)

Iain Lawrence spoke to the staff report addressing the provision of 5% park land or cash-in-lieu pursuant to Section 510 of the *Local Government Act* for the four-lot bare land strata subdivision.

Iain Lawrence highlighted the proposed plan and trail network proposed by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission.

Iain Lawrence responded to questions from the LUC advising that:

- the parent parcel is being divided into 2-lots
- one lot is being divided into 4-lots which triggers the requirement for park dedication
- members of the Commission visited the subject property
- the Commission has identified the subject property as an area of interest to establish a trail network

MOVED by Sandy Sinclair, **SECONDED** by Stan Jensen that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

That 5% park land dedication be requested pursuant to Section 510 of the Local Government Act for the proposed subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, except that a lesser amount may be acceptable where the owner agrees to dedicate that portion of the subject property required to locate a trail along Parkinson Road to JdF Community Parks and Recreation standards, and that the owner agrees to construct the trail prior to subdivision approval.

CARRIED

8. Zoning and Official Community Plan Amendment Application

a) RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721(3542 & 1-3542 Otter Point Road)

Iain Lawrence advised that the LUC first considered the proposal at its meeting of July 19, 2020. At that meeting the LUC recommended referral of the proposal to agencies. Since the time that referrals were circulated, the applicant has revised the application to rezone the front part of the property to permit six rural residential parcels along Otter Point Road and to rezone the rear portion to permit an industrial sawmill operation. An amendment to the Otter Point Official Community Plan (OCP) is also proposed to designate portions of the property as Watercourses & Wetland Areas and Commercial & Industrial development permit areas.

Iain Lawrence spoke to proposed Bylaw No. 4316, which would rezone the parcel for the requested uses, and to proposed Bylaw No. 4317, which would amend the OCP. It was advised that Bylaw No. 4316 restricts the sawmill parcel from being further subdivided. It was further advised that Bylaw No. 4316 provides the requirement for vegetative screening along the entire length of the sawmill parcel boundaries.

Iain Lawrence summarized the referral comments received, as well as the professional environmental report submitted as part of the application process, as included in the staff report.

Iain Lawrence reported that:

- should the rezoning be supported, the residential parcels will require proof of potable water as part of the subdivision process in the amount of 1,400 litres per day per lot
- the sawmill operation will require a provincial water licence
- discharge associated with the sawmill operation will require provincial authorization under the *Environmental Management Act*
- the Ministry of Transportation and Infrastructure has requested dedication of Weiland Road along the southern portion of the property, which would support establishment of a trail as recommended by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
- the Otter Point Volunteer Fire Department has proposed that the applicant install water supply in the form of tanks (60,000 ga) to aid fire protection for the industrial sawmill use and the community
- in response, a covenant is recommended for fire protection works related to the sawmill operation prior to subdivision or further building construction

Iain Lawrence reported that 21 submissions were received as of the close of the working day on July 20, 2020, in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property. A further submission was received before the start of the meeting.

Iain Lawrence advised that a supplementary submission in the form of a PowerPoint presentation was received from the agent. Iain Lawrence summarized the supplementary comments received from the broader public advising that the submissions reflect:

- concern regarding impact on ground water quality and quantity
- concern regarding impact on food security, including a direct impact on ALM farm and water usage
- concern regarding the impact on the watercourse and wetland resulting from recent logging activity within the riparian area and support for restoration of that area
- support for the current scale of the sawmill operation, rather than expansion, due to noise and fire concerns

Iain Lawrence confirmed that the applicant and his agent were present.

The agent stated that the riparian area is being protected and that 1,000 trees have been planted.

Iain Lawrence responded to a question from the LUC regarding the recommendation for a covenant for fire protection works. Iain Lawrence advised that the recommended covenant is the most secure method to ensure the works are completed. The covenant can be requested prior to subdivision or as a condition of rezoning.

The Chair responded to a question from the LUC advising that the LUC is being asked to consider if the proposal should proceed to public hearing. Approval of the subdivision falls to the Ministry of Transportation and Infrastructure.

The applicant responded to questions from the Chair advising that:

- hours for the sawmill operation will be Monday – Friday from 8:00 am to 4:30 pm
- Saturdays will be open to customers
- over the last three years, \$600,000 to \$700,000 has been spent to reduce operational noise
- the sawmill has been in operation for 20 years
- the operation employs seven workers

Mary-Alice Johnson, Otter Point:

- concerned about ground water and surface water impacts on ALM farm and neighbouring properties
- ALM farm has a ground water licence for agricultural use, as well as a surface licence on King Creek
- in speaking with the provincial Regional Hydrologist, Water Projection, Sylvia Barroso, water in the area is a concern for everyone as the aquifer is limited
- all new wells affect other existing wells and overall surface water
- there are no more water licences available for King Creek
- concerned about the recovery of wetlands on the subject property
- the photos of the subject property as presented do not reflect that current state of the property
- it is understood that the wetlands continue to be traversed by equipment requiring access to the sawmill operation

Doug Brubaker, Otter Point:

- property has been clear cut by the applicant with no guidance from the CRD
- felling has taken place in the riparian area
- degree of damage is not known
- applicant has demonstrated poor water stewardship
- takes issue with residents asking for forgiveness after works have been completed
- noise will not be limited to the sawmill
- there will be noise associated with the industrial log sort
- 8 ha is a lot of industrial land for a sawmill

Christa Brenan:

- concerns initially raised by the community have not been addressed
- there has been no input from the Ministry of Agriculture
- concerned for food security
- in April 2019 the CRD Board supported input from municipalities on food lands and land contributions
- Premier John Horgan has recently stated concern for food security and lack of sustainable growing areas
- the proposal will need to adhere to the provincial *Water Sustainability Act* and the *Drinking Water Protection Act*
- support for protecting and assisting lands already in agriculture production

LUC comments included:

- development proposal is supported by the Official Community Plan
- water concerns cannot be scientifically substantiated
- everyone is short of water in August
- bulk water is available at a new station on Otter Point Road
- noise should not get worse and should be reduced
- cannot restrict subdivision of the land
- proof of water is required as part of the subdivision process
- the wells on the residential lots do not require licences
- concerns can be addressed by the provincial Water Management Branch
- cannot arbitrarily restrict someone from having a home

Iain Lawrence confirmed that a water licence is required for the industrial use.

The Chair stated that he has been endeavoring to see establishment of the trail supported by the community since he was first elected.

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4316, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019” and Bylaw No. 4317, “Otter Point Official Community Plan Bylaw, 2014, Amendment Bylaw No. 2, 2019” to the Otter Point Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Department of Fisheries and Oceans; District of Sooke; Ministry of Agriculture; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; RCMP; Sooke School District #62; and T’Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4316, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019” be introduced and read a first time and read a second time;
- c) That proposed Bylaw No. 4317, “Otter Point Official Community Plan Bylaw, 2014, Amendment Bylaw No. 2, 2019” be introduced and read a first time and read a second time;
- d) That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a public hearing with respect to Bylaw No. 4316 and Bylaw 4317; and
- e) That prior to adoption of the bylaws, the applicant:
 - i. Provide confirmation from a Qualified Environmental Professional that the vegetative screening requirements in the M-3 zone and the recommendations for restoration of the riparian area outlined in the Conditions and Impacts report prepared by Corvidae Environmental Consulting Inc., dated February 2020, have been implemented;
 - ii. Secure a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that the fire protection works related to the sawmill operation, described in the letter from the Otter Point Volunteer Fire Department dated January 30, 2020, be installed and conveyed to CRD prior to subdivision or further building construction.

9. Adjournment

The meeting adjourned at 8:11 pm.

Chair