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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, September 15, 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, Roy McIntyre, Ron Ramsay, Dale Risvold (EP), Sandy Sinclair
Staff: Kevin Lorette, General Manager, Planning and Protective Services (EP), Iain Lawrence, Manager, Community Planning (EP); Wendy Miller; Recorder (EP)
PUBLIC: 0 In-person; approximately 8 EP

EP – Electronic Participation

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

The Chair provided a Territorial Acknowledgement.

1. Approval of the Agenda

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

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Vern McConnell, **SECONDED** by Ron Ramsay that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of July 21, 2020

MOVED by Sandy Sinclair, **SECONDED** by Ron Ramsay that the minutes from the meeting of July 21, 2020, be adopted, as amended.

CARRIED

4. Chair's Report

The Chair welcomed Kevin Lorette, General Manager, Planning and Protective Services, and thanked everyone for coming to the meeting.

5. Planner's Report

- a) At its meeting of August 12, 2020, the CRD Board supported the LUC's July 21, 2020, recommendations:
- approving provision of parkland in the form of cash-lieu for subdivision application SU000720 (6505 Powder Main)
 - approving provision of parkland in the form of cash-lieu or lesser amount if the owner agrees to dedicate and construct a trail for subdivision application SU000721 (17151 Parkinson Road)
 - approving development permit with variance application DV000071 (2727 Anderson Road)
 - giving Bylaw Nos. 4316 and 4317 first and second reading and direction that the bylaws proceed to public hearing (rezoning and OCP amendment application RZ000267 - 3542 Otter Point Road)

- b) Public hearings are scheduled for rezoning and OCP amendment application RZ000267:

Date: Monday, September 21, 2020

Time: 7pm

Place: Juan de Fuca Local Area Services Building
3-7450 Butler Road, Otter Point, BC

6. Comprehensive Community Development Plan Amendment Application

- a) **RZ000242 - That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342);**

Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125) (17110 Parkinson Road);

That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) (6598 Baird Road);

and Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less

Iain Lawrence reported that the application is to redesignate the subject properties from Marine Protection (M) and Residential (R) to a new Pacific Gateway Marina (PGM) designation, and to rezone the subject properties from Marine (M) and Community Residential – One (CR-1) to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, in order to permit a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public.

The application was scheduled to be considered by the LUC at its June 16, 2020, meeting. At that meeting, the LUC considered a letter included on the supplementary agenda from Pacheedaht First Nation received the day of the meeting. At that meeting, the LUC resolved to table consideration of the proposal to its September 15, 2020, in order to provide time to respond to Pacheedaht's concerns, including a review of the Port Renfrew OCP, and consultation and decision making processes generally, and site servicing, and areas of cultural and archaeological significance within the area subject to the application.

Iain Lawrence directed attention to the June 16, 2020, staff report. The staff report includes the referral comments received from agencies in response to the LUC's referral of the application on September 18, 2018, to agencies and to a Public Information Meeting in Port Renfrew. Iain Lawrence summarized the referral comments as included in the staff report and advised that the proposal was considered at a Public Information Meeting in Port Renfrew on December 11, 2018, as well as by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission on January 29, 2019.

Iain Lawrence directed attention to the September 15, 2020, supplementary staff report, which provided additional information and a revised recommendation as result of the correspondence received from Pacheedaht on June 16, 2020. The recommendation has been revised to require the applicant to register a covenant on the title of the lands prior to bylaw adoption in favour of the CRD securing the Archaeological Impact Assessment (AIA) and geotechnical reports as submitted by the applicant. The proposed bylaw continued to reflect the requirement for provision of water and sewer amenities.

Iain Lawrence directed attention to the September 15, 2020, amended supplementary staff report, which provides further additional information and a revised bylaw as result of the correspondence received from the Pacheedaht on September 8, 2020.

Iain Lawrence advised that the proposed revised bylaw reflects removal of the property known as "Little Renfrew" and removal of Development Areas E and F. Iain Lawrence outlined the bylaw as included in the amended supplementary staff report.

Iain Lawrence reported that staff also recommends that the proposed bylaw be further amended to remove the residential portion of Lot 1, Section 97, Renfrew District, Plan EPP24972. It was advised that "Little Renfrew" and the residential portion of Lot 1 are known areas of cultural and archaeological significance.

Iain Lawrence reported that, since the time that the supplementary agenda was circulated, additional correspondence from the Pacheedaht was received stating that the proposed revised bylaw does not address the concerns set out in the September 8, 2020, letter.

The Chair confirmed that the applicant was present.

Iain Lawrence responded to questions from the LUC advising that:

- the property identified as Community Use (Lot 64) on Plan No. 2 of proposed Bylaw No. 4096 is not included in the area subject to the application
- the area subject to the application includes the areas identified on Plan Nos. 1 and 2 of proposed Bylaw No. 4096 minus the residential portion of Lot 1, Section 97, Renfrew District, Plan EPP24972
- with the removal of "Little Renfrew" and the residential portion of Lot 1, no caves are in the area subject to the application

At the request of the Chair, Iain Lawrence highlighted the revised area subject to the application.

The applicant confirmed that the revised area is correct.

The Chair requested comment from Kristine Gatzke, Referrals Coordinator, Pacheedaht First Nation; and Kelsey McDermott, Associate, Mandell Pinder, legal representative for Pacheedaht First Nation.

Kristine Gatzke thanked membership for the invite to the meeting and thanked Director Hicks for reaching out directly this afternoon.

Kristine Gatzke's comments included:

- in Pacheedaht's opinion, consultation/meaningful dialogue has not started
- it had been hoped that the CRD would have scheduled a meeting with the Pacheedaht prior to tonight's meeting as requested in the letter dated June 16, 2020 to address concerns and development recommendations regarding the proposal
- the recommendations presented in the most recent report were developed without direct input from the Pacheedaht
- Pacheedaht does not agree with the covenant recommendation
- Pacheedaht does not agree with the removal of Lot 1 from the subject area as removal does not encompass all archaeological sites including the foreshore leading to the cave entrance and the cave entrance

Kelsey McDermott advised that she will be speaking to Pacheedaht's letter dated September 8, 2020, and the letter received in response from Iain Lawrence dated July 31, 2020.

Kelsey McDermott's comments included:

- Pacheedaht and the CRD were both involved in the provincial licence of occupation process for the water lot for the marina
- the marina and the uplands are located in two different areas
- the two areas are different and should be considered separately
- there are operational concerns regarding the established marina that require multi-agency input
- the upland residential areas have yet to be established
- the clarification received this evening regarding the area subject to the application is appreciated
- the issues related to the application remain complicated and difficult to discuss when dialogue is limited to making representation as a member of the public
- consultation/meaningful dialogue can start with this application
- the AIA has limitations
- it is understood that there is a network of caves and that not all caves have been found
- Pacheedaht and Port Renfrew community members have knowledge regarding the caves
- Pacheedaht considers the caves to have ongoing cultural importance with the hope to use them for ceremonial purposes
- the geotechnical report included in the AIA references one study addressing limestone caves in England
- Pacheedaht questions whether the geotechnical report is relevant to the caves in Port Renfrew
- environmental information is limited to the Environmental Impact Assessment (EIA) prepared by Cascadia Biological Services
- Pacheedaht was not given opportunity to make comment on the environment or the EIA
- Pacheedaht requests that the application not proceed this evening
- Pacheedaht requests that consideration of the application continue on two tracks, one for the marina and the other for the uplands
- Pacheedaht wishes to develop processes for working with the CRD
- Pacheedaht looks forward to opportunity to participate in the process for updating the Port Renfrew Official Community Plan

The Chair's comments included:

- the membership is being asked this evening to decide if the proposal should proceed
- he would never want jeopardize the caves
- the proposal has been revised to remove cave areas
- no caves are in the area subject to the application
- the covenant will guide development regardless of ownership
- the public trail amenity is supported by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and the community of Port Renfrew
- the water tank amenity has been provided
- a land based community sewer system to the satisfaction of the Ministry of Environment is required
- application has been in progress for four years
- application has merit to move forward to the CRD Board for consideration

The Chair asked Iain Lawrence to read allowed the revised recommendation which reflects removal of the caves from the area subject to the application.

Iain Lawrence read aloud an amendment to recommendation d), i) and new recommendation e).

MOVED by Director Hicks, **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. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" to a Public Information Meeting in Port Renfrew, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Cowichan Valley Regional District; Department of Fisheries and Oceans; District of Sooke; Island Health; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; Pacheedaht First Nation; RCMP; Sooke School District #62 be approved and the comments received;
- b) That proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 13, 2020" be introduced and read a first time and read a second time;
- 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. 4096; and
- d) That prior to adoption of the bylaws, the applicant:
 - i. Register a covenant on the title of the lands pursuant to Section 219 of the *Land Title Act* in favour of the CRD securing the Archaeological Impact Assessment prepared by Duncan McLaren, PhD, dated July 31, 2018, and the geotechnical report prepared by Bruce Dagg, P.Eng., dated November 19, 2015, and require that any land alteration requiring blasting or excavation within 100 m of a sea cave be reviewed and monitored by a geotechnical engineer and monitored by a representative from the Pacheedaht;
- e) That Plan Nos. 1 and 2 of Bylaw No. 4096 be amended to remove a part of Lot 1, Section 97, Renfrew District, Plan EPP24972 prior to public hearing.

Opposed: Ron Ramsay
CARRIED

7. Adjournment

The meeting adjourned at 7:54 pm.

Chair