



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, November 16, 2021 at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair) (EP), Stan Jensen (EP), Vern McConnell (EP),
Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)
Staff: Iain Lawrence, Manager, Community Planning (EP);
Wendy Miller, Recorder (EP)
ABSENT: Roy McIntyre
PUBLIC: Approximately 12 EP

EP – Electronic Participation

The meeting was called to order at 7:04 pm.

The Chair provided a Territorial Acknowledgment.

1. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Vern McConnell, **SECONDED** by Stan Jensen that the supplementary agenda be approved. **CARRIED**

3. Adoption of Minutes from the Meeting of October 19, 2021

MOVED by Sandy Sinclair, **SECONDED** by Stan Jensen that the minutes from the meeting of October 19, 2021, be adopted. **CARRIED**

4. Chair's Report

The Chair thanked everyone for coming to the meeting.

5. Planner's Report

After consulting with the Chair, the LUC will adjourn for the month of December, unless there is a pressing matter.

6. Radio Communication and Broadcasting Antenna Systems Applications

a) LP000028 - Section 64, Renfrew District – West Coast Road; LP000029 - District Lot 348, Renfrew District – West Coast Road; and LP000030 - District Lot 319, Renfrew District – West Coast Road

Iain Lawrence spoke to the staff report for the applications received from Rogers Communications for a 63 m radio communication tower with antennas and lightening rod on Section 64, Renfrew District, a 52 m radio communication tower with antennas on District Lot 348, Renfrew District and a 97 m radio communication tower with antennas secured with guy-lines on District Lot 319, Renfrew District.

Iain Lawrence highlighted the subject properties, site plans and tower plans and advised that:

- the subject properties are Crown land
- the tower location for LP000028 is located near Newmarch Creek
- the tower location for LP000029 is located near Loss Creek
- the tower location for LP000030 is located near Parkinson Creek
- the three applications being considered this evening are the final applications being submitted by Rogers as part of the current initiative to expand service between Sooke and Port Renfrew

The Chair confirmed that the application representative was present.

Brian Gregg, representative for Rogers, responded to questions from the LUC and the public advising that:

- the three subject locations are already accessible
- Rogers will enter into road use agreements with the existing road permit holders
- road gates have not been considered at this time
- installation of weather stations would require an amendment to Rogers' Crown land tenure applications
- Crest is co-locating on two of the tower locations (LP000029 and LP000030)
- there is opportunity for CREST to co-locate on the third tower in future

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Section 64, Renfrew District (LP000028);
2. That a statement of concurrence be provided to Rogers Communications for the proposed 52 m radio communication and broadcasting antenna system on District Lot 348, Renfrew District (LP000029); and
3. That a statement of concurrence be provided to Rogers Communications for the proposed 97 m radio communication and broadcasting antenna system on District Lot 319, Renfrew District (LP000030).

CARRIED

7. Zoning Amendment Application

a) RZ000272 - Section 42, Otter District, (Clark Road & Aythree Way)

Iain Lawrence spoke to the staff report for the application to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

Iain Lawrence highlighted the subject property and advised that the property is also subject to an 8-lot subdivision application (SU000704) and development permit (DP000291). It was further advised that the LUC directed referral of the proposal to agencies and to the Otter Point Advisory Planning Commission (APC) at its meeting of June 15, 2021.

Iain Lawrence outlined the referral comments as included in the staff report. Further to comments received by the APC, Iain Lawrence reported that proposed Bylaw No. 4422 has been revised to more clearly regulate the equestrian and campground uses and densities.

Iain Lawrence directed attention to revised Bylaw No. 4422 as circulated with the supplementary agenda.

The Chair confirmed that the applicant was present.

Dale Risvold entered the meeting at 7:26 pm.

The applicant and application representatives responded to questions from the LUC advising that:

- restoration of the previously disturbed wetlands is required by the Province and will be addressed as part of the subdivision application and development permit
- the soil deposit application (SP000092) for the subject property is now closed
- the deposited soil will be used to top dress road sides and individual lots
- the two cisterns that are on site will be used for rain water capture
- that dwelling that is currently under construction has been designed for rain water capture
- a maximum of six horses will be on site at any time
- the three resident horses will be used for equine therapy
- manure will be composted on site using a three-bay aeration system

The Chair directed attention to the submissions included in the supplementary agenda which include concern regarding the proposal's camping component.

The LUC questioned if the applicant would consider decreasing camping spaces from five (one camping space per 2 ha) to three (one camping space per 3 ha).

The applicant stated support for decreasing camping spaces to three.

Heather Phillips, Otter Point:

- supports proposed Bylaw No. 4422 defining equestrian riding facility as the facility is not a permitted agriculture or farm use
- the subject property is a rural property
- properties adjacent to the subject property on Amanda Place are permitted full farm operations
- the agriculture scale proposed by Bylaw No. 4422 is in keeping with a hobby farm
- new roads in the Clark Road subdivision are better than most roads
- barrier to success will be water availability
- supports the scale proposed by Bylaw No. 4422

Sheila Hubbard, Otter Point:

- animals have been moved onto the subject property although the keeping of animals is not currently permitted
- questioned if the proposal will be proceeding when people have expressed opposition to the proposal

The Chair commented that bylaw enforcement regarding the keeping of animals on this property would not be pursued further at this time.

The Chair confirmed that the public will be able to make further comment regarding this application, should the LUC and the CRD Board support the bylaw proceeding to public hearing.

Having considered the submissions received this evening and having heard from the applicant, the LUC stated support for amending Bylaw No. 4422 to decrease camping spaces from five to three and to tie the accessory camping use directly to the principal equestrian facility use.

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021" directed by the Juan de Fuca Land Use Committee to the Otter Point Advisory Planning Commission; appropriate CRD departments; BC Hydro; District of Sooke; Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) Archaeology Branch, Ecosystems Branch and Water Protection Section; Island Health; Ministry of Agriculture; Ministry of Transportation & Infrastructure; Otter Point Fire Department; RCMP; Sooke School District #62; and Sc'ianew and T'Sou-ke First Nations be approved and the comments received;
2. That proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw No, 1992, Amendment Bylaw No. 152, 2021, as included in the supplementary agenda be introduced, as amended, and read a first time and read a second time;
3. 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 4422; and
4. That prior to adoption of proposed Bylaw No. 4422, the following conditions be met:
 - a. Submission of a Section 11 Approval under the *Water Sustainability Act* for Changes In or About a Stream and/or a Conditions & Impacts Report prepared by a Qualified Environmental Professional, as well as completion of any recommended restoration measures to the satisfaction of the Province and the CRD;
 - b. Approval of a frontage variance and development permit to authorize the subdivision of Section 42, Otter District.

CARRIED

8. Adjournment

The meeting adjourned at 7:46 pm.

Chair