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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, January 17, 2023, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Natalia Day, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services; Darren Lucas, Planner; Wendy Miller, Recorder
PUBLIC: Approximately 32 in-person; 23 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgment.

2. Election of Vice Chair

MOVED by Anna Russell, **SECONDED** by Natalia Day that election of the Vice Chair be held after considering the development applications.

CARRIED

3. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the agenda be approved as amended to consider election of Vice Chair as Agenda Item 11.

CARRIED

4. Approval of the Supplementary Agenda

MOVED by Roy McIntyre, **SECONDED** by Anna Russell that the supplementary agenda be approved.

CARRIED

5. Adoption of Minutes from the Meeting of October 18, 2022

MOVED by Roy McIntyre, **SECONDED** by Ron Ramsay that the minutes from the meeting of October 18, 2022, be adopted.

CARRIED

6. Chair's Report

The Chair thanked everyone for coming to the first meeting of the newly appointed Juan de Fuca Land Use Committee (LUC), introducing first time appointees Natalia Day and Anna Russell.

7. Planner's Report

a) Powers of the Committee as Prescribed by Bylaw No. 3166, "Juan de Fuca Land Use Committee Bylaw No. 1, 2004"

Iain Lawrence outlined the LUC's composition and its powers, as granted by the CRD Board by Bylaw No. 3166.

At 7:10 pm Natalia Day recused herself from participating in the proceedings related to the application at 6246 Gordon Road due to a non-pecuniary conflict of interest as a resident living in proximity to the proposed site.

8. Radiocommunication and Broadcasting Antenna Systems Application

a) LP000034 - Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 (6246 Gordon Road)

Iain Lawrence spoke to the staff report for the application received from 1291956 BC ULC for a 49 m radio communication antenna system for the purpose of providing long-range, high-throughput data communications in the high frequency band to support business activities in the area of data communications.

Iain Lawrence outlined the public consultation process required by the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. It was advised that CRD First Nations Relations responded to the referral sent to CRD departments commenting that the closest registered archaeological site is located ~800 m north of the proposed tower. CRD Regional Parks commented that its primary concern is that the tower be sited in such a way as to minimize the height difference between the tower and the surrounding trees in order to reduce its visual impact on park visitors. CRD Regional Parks further replied that it does not support any trail or road development from the tower compound into East Sooke Regional Park.

Iain Lawrence highlighted the subject property, tower proposal and site photos. The existing towers on site and adjacent to the subject property were identified.

Iain Lawrence advised that nine submissions and a web petition with 90 names were received for LP000034 during the notification period. Attention was directed to the 24 submissions and the updated petition received and circulated in the supplementary agenda. It was reported that the updated petition with 221 names is in opposition to the proposal and that submission comments stated concern regarding radiofrequency electromagnetic fields (EMF) impact on the public and wildlife, the outdatedness of Health Canada's standards, the experimental nature of the proposal, impact of construction on roads, and benefit to the community. Staff is recommending that a statement of concurrence be provided, as the proposal addresses the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy and as the concerns raised in the submissions are outside the scope of the Innovation, Science and Economic Development Canada's Procedures Circular (ISED) CPC-2-0-03.

The Chair confirmed that the application representatives were present.

Liv Desaulniers introduced herself as counsel for 1291956 BC ULC, Fred Mullie with Core One Consulting and Wayne Logan, director and part owner of 1291956 BC ULC.

Wayne Logan stated that:

- the application representatives have reviewed the comments received
- Health Canada's Safety Code 6 is current and tested
- the purpose of the tower is to test short wave radio
- the data collected is the extent of the experiment
- 1291956 BC ULC's head office is located in Calgary with the majority of investors located in Canada
- 1291956 BC ULC has three approved towers in Ontario

Fred Mullie stated a Radio Frequency Engineer has provided a report confirming compliance with Safety Code 6

Lindsay Trowell, East Sooke

- asked where the three towers in Ontario are located
- asked why the subject property in East Sooke was selected
- East Sooke is rural and residents wish to keep it that way
- technology moves faster than regulation
- regulations are not keeping up with technology

Sean Minaker, East Sooke

- asked how close the Ontario towers are to residential uses

Eric Hughes, East Sooke

- asked the output of the Ontario towers
- asked if 1000W is considered a high transmission
- 1000W is considered a high transmission under US standards
- Safety Code 6 is outdated
- questioned if the proponent has Radio Frequency Engineers on staff
- application is causing tension in the community
- residents have moved to East Sooke due to its rural nature and distance from radio towers
- requested that consideration of the application be postponed, noting that this is the first meeting of the new LUC membership
- more information is required regarding frequencies/outputs

Shandelle Conrad, East Sooke

- Safety Code 6 is outdated
- the subject property is designated Settlement by the East Sooke Community Plan
- land for settlement/development in East Sooke is limited
- the subject property is capable of receiving piped water
- the subject property is not in an industrial area
- the subject property is not in the middle of nowhere
- more details are required before a decision is made
- residents have been consulted but opportunity to appeal has not been given

Connor Nicol, East Sooke

- the CRD recently purchased a property across the street from the subject property to enhance East Sooke Regional Park and protect species at risk such as the Warty Jumping-slug

Member of the public, East Sooke

- questioned the residency of the representatives
- questioned the number of protesters required for an alternative location to be considered
- asked the representatives to explain what they mean by traditional, terrestrial transport technologies, as stated in responses to residents
- asked how long it takes to install a tower
- did not move to East Sooke to live beside a 49 m tower
- asked that consideration of the application be postponed as experts in the field of radio frequency are not in attendance

Member of the public, East Sooke

- questioned if other industrial locations in western Canada could be considered for the project

Linda Minaker, East Sooke

- moved to East Sooke to live in a rural residential neighbourhood
- questioned how an industrial tower can be installed in a rural residential neighbourhood
- Regional Parks supports the tower being lower than the tree canopy
- asked the representatives to explain what they mean by traditional, terrestrial transport technologies, as stated in responses to residents

Josh Stewart, East Sooke

- minimal data has been provided
- questioned how changes in wattage and/or ownership are communicated
- questioned if the tower will be permanent

Ron King, East Sooke

- questioned how long the testing will last
- communications from the applicant indicate that the intent of the tower was for the duration of the testing

Zig Readers, East Sooke

- with testing there is generally an expected result/desired outcome
- questioned who the end customer will be, should the experiment be deemed successful

Member of the public, East Sooke

- questioned who is responsible for removing the tower

Kyle Darling, Port Renfrew

- questioned if 1291956 BC UCL would be selling, renting, or leasing space to another company

Dana Livingstone, East Sooke

- had to move from her previous home due health impacts from a radio tower
- asked the LUC to learn more before making a recommendation on the proposal
- other local governments have listened to residents
- concerned for the community, East Sooke Regional Park, local wildlife, including insects, and those who live with electromagnetic hypersensitivity (EHS)

Member of the public, East Sooke

- many concerns have been expressed
- good questions have been asked
- if residents are being heard, another site should be considered

Charlotte Senay, East Sooke

- questioned who would own/operate of the tower
- questioned if there have been any studies on radio frequency impact on wildlife, including insects
- residents move to East Sooke to live with nature
- residents are taking issue with the proposal

Marg Friesen

- not all increases in tower height require public consultation
- 10.7 – 11.7GHz is not short wave
- the World Health Organization has established a task group on radiofrequency fields and health risks
- requested that consideration of the application be postponed until all requested information is made available including information on the Ontario towers

Steve Pridgeon, East Sooke

- questioned if the technology is related to commercial drone control
- questioned if sight lines into/out of East Sooke Regional Park have been determined

Marcia Waterway, East Sooke

- questioned how many other sites were considered and where those sites are and why there were rejected

NJ Hewitt, East Sooke

- questioned why the environment and health are not considered relevant

Iain Lawrence read aloud from the ISED Client Procedures Circular CPC-2-0-03 which outlines public consultation items that are considered reasonable or unreasonable in the evaluation of the proposal.

Iain Lawrence responded to questions from the public advising that:

- health concerns are outside the scope of the matters that are considered relevant by the ISED Client Procedures Circular CPC-2-0-03
- health concerns are outside the scope of land use
- the Juan de Fuca Land Use Committee may recommend issuance of a statement of concurrence or non-concurrence to the CRD Board
- the CRD Board does not have the authority to approve or not approve antenna towers

The representatives responded to questions from the public advising that:

- the subject property was selected due to local climate and the property's proximity to microwave and potential for long-term testing
- the subject property is not in a densely populated area and has existing towers on site
- the proposed tower will have low visual impact
- other towers in the area were considered for co-location and were identified as not being suitable
- other areas/sites were considered and identified as not being suitable
- the towers in Ontario are located in an industrial area
- the Ontario towers were tested, meeting Safety Code 6 standards
- there are Radio Frequency Engineers on staff but not in attendance
- willing to appoint a communications representative to answer questions
- the technology is not new
- the technology that is being tested is short wave radio and not related to drone control
- the proposed tower and compound are located outside of the area designated sensitive by the CRD
- line of sight study has not been done
- CRD Regional Parks has stated that its interests will not be unduly impacted by the tower
- should concurrence be received, installation could start within six months with construction taking approximately two months
- 1291956 BC UCL would be the owner/operator of the tower
- ISED would need to be informed of changes to the tower
- 1291956 BC UCL has a one-year license for development/testing purposes
- the desired outcome of the experiment is to provide an alternative to fiberoptic cable for data transmission
- the long-term intention is a permanent tower
- there is no intention to invite co-location on this tower unless co-location is required by ISED
- 1291956 BC UCL would be responsible for tower removal
- the proposal is compliant with Health Canada's Safety Code 6
- the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy has been met

LUC comments included:

- have heard the concerns expressed by the community
- acknowledge that health concerns are outside the scope of land use considerations
- insufficient rationale has been provided for the proposed location compared to alternate locations
- information on the Transport Canada's requirements for aeronautical markings has not been provided but a flashing light at the top is likely
- information on why the tower needs to be so high has not been provided
- it appears that the top of the tower with flashing light will be at the same level as the top of Mt. Maguire
- plan dimensions are difficult to understand as no scale has been provided
- it appears that the antenna will be 10 – 15 m wide and 6 – 11 m above the tree canopy
- no sight line report has been provided; however, based on location, height and topography, it appears that the tower will be visible from the beginning of the Coppermine Road trail, from residences on Gillespie Road and from Sooke Harbour
- proposal does not provide critical infrastructure for public benefit
- cannot overlook community concerns

- additional information from the applicant could be received at a future meeting, should the proposal be referred or postponed
- the CRD makes the final recommendation to ISED
- ISED is the authority for approving antenna towers

MOVED by Roy McIntyre, **SECONDED** by Anna Russell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of non-concurrence be provided to 1291956 BC UCL. for the proposed 49 m radio communication and broadcasting antenna system on Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290.

Opposed: Director Wickheim, Vern McConnell
CARRIED

At 9:10 pm Natalia Day returned to the meeting.

9. Provision of Park Land for Subdivision

- a) **SU000748 - The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except that part shown coloured red on Plan 346-R and except those parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; AND The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District except those parts in Plans 5109, 24267, and 24755 (Beachview Rise)**

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 (LGA)* for a five-lot bare land strata subdivision.

Iain Lawrence highlighted the subject properties, area of subdivision, proposed subdivision plan and the trail network proposed by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission.

Iain Lawrence stated that the trail network was proposed after CRD staff met with the Ministry of Transportation and Infrastructure (MOTI) to discuss community concerns regarding safe walking routes. Through dialogue with the MOTI, it was determined that sidewalks could not be accommodated in the road right-of-way due to required ditching and lack of a maintenance work function.

Iain Lawrence highlighted existing trail segments and related infrastructure.

Iain Lawrence responded to questions from the LUC advising that:

- the Juan de Fuca Community Park Program would be responsible for trail maintenance costs
- the trail surface would be gravel
- the *LGA* prescribes the requirement for either the provision of land or cash-in-lieu
- the staff recommendation enables the developer to retain land for a sellable lot as opposed to park dedication
- the staff recommendation enables the Juan de Fuca Community Park Program to not expend funds on construction
- the proponent supports continuing the existing trail into the current phase of subdivision

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

That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% that encompasses the area required for trail be required for proposed subdivision of The Easterly ½ of the North West ¼ of Section 36 Township 13 Renfrew District except that Part shown coloured Red on Plan 346R and Except those Parts in Plans 22475, 24267, 24755, 26515, 41154, 50819, VIP59967 and EPP116278; PID: 000-468-291 and The West ½ of the North West ¼ of Section 36 Township 13 Renfrew District Except Those Parts in Plans 5109, 24267, and 24755; PID: 009-565-787 (SU000748), except that a lesser amount may be acceptable where the owner agrees to register a Statutory Right-of-way located on the common property of the proposed strata to the Capital Regional District connecting Beachview Drive to the established Statutory Right-of-Way shown on plan VIP50141, and that the owner agrees to construct a trail built to JdF Community Parks and Recreation standards prior to subdivision approval; and that the owner is requested to retain native vegetation on the land adjacent to the trail.

CARRIED

10. Zoning Amendment Applications

a) **RZ000280 – Lot A Section 74 Renfrew District Plan VIP71883 (11237 West Coast Road) and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW**

Iain Lawrence spoke to the staff report for an application to rezone the subject properties from the Forestry (AF) zone to the Rural Commercial Recreation (Campground) (CR-2), as amended, for the purpose of permitting 39 cabins; 84 campsites; staff accommodation; office and reception space combined with a convenience store and a caretaker dwelling unit; assembly uses; and accessory and utility buildings.

Iain Lawrence highlighted the subject properties and concept plan. It was reported that portions of the property are located in Steep Slopes, Sensitive Ecosystem, and Riparian development permit areas and that an environmental assessment has been provided by the applicant which would be circulated to the Advisory Planning Commission and the LUC, should the proposal be referred.

Iain Lawrence outlined Bylaw No. 4518 and directed attention to the two submissions received and circulated in the supplementary agenda.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that an amendment to the CR-2 zone was requested to permit staff accommodation and that the staff accommodations would not be allowed to be subletted or leased.

Kyle Darling, Port Renfrew:

- staff housing is an issue in Port Renfrew as it is more profitable to provide accommodation for tourists
- supports the applicant's intent to provide staff accommodation

Gerard LeBlanc, Shirley

- application needs to be reviewed against the policies of the Official Community Plan
- area is sensitive in regards to water supply as area creeks are very susceptible to drought

- campground use is highest in the summer when wildfire risk is at its greatest
- application proposes approximately 50 temporary residential uses in the forest
- proposal does not address emergency planning or evacuation routes in the event of a wildfire or earthquake
- the subject properties are serviced by the Shirley Volunteer Fire Department which, although equipped to respond to residential/structural fires, is not responsible for responding to wildfire
- the Environmental Assessment maps included in the staff report identify species at risk and riparian areas but no further information is provided on those areas
- there is no information on the water source for the proposed commercial use, which will require a provincial water license
- the application is premature and requires referral back to staff and the applicant for further information

The applicant responded to questions from the LUC advising that a wildfire assessment has been completed and a plan has been developed based on the assessment's recommendations. A cistern and structural designs are being considered to mediate fire concerns. Emergency training would be provided to staff.

Iain Lawrence responded to questions from the LUC advising that:

- the proposal will be sent to CRD departments, including Protective Services for comment on fire servicing
- the wildfire assessment would be provided to Protective Services
- it is anticipated that the provincial Water Protection Section will provide comment on the aquifer
- if a zoning bylaw amendment application is consistent with an Official Community Plan, the zoning bylaw amendment does not proceed to the full CRD Board for a determination of consistency with the Regional Growth Strategy
- through meetings with the applicant, it was decided to amend the CR-2 rather than creating a site specific zone as there are no other lands currently zoned CR-2
- Bylaw No. 2040 provides a definition of campground which permits a stay of not more than 30 consecutive days
- feedback from the APC and the community would indicate the scale of low-impact recreation supported

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the agency referral list for Bylaw No. 4518 be amended to include BC Wildfire Service.

CARRIED

MOVED by Ron Ramsay, **SECONDED** Vern McConnell that staff be directed to refer proposed Bylaw No. 4518, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022", to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, the following external agencies and First Nations for comment:

BC Hydro

BC Wildfire Service

District of Sooke

FLNR – Archaeology Branch

FLNR – Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR – Water Protection Section

Island Health

Ministry of Transportation & Infrastructure

Pacheedaht First Nation
RCMP
Sooke School District #62
T'Sou-ke First Nation

CARRIED

b) RZ000281 – Strata Lot A (3692 Waters Edge Drive) and Strata Lot B (12051 West Coast Road), Section 2, Renfrew District, Strata Plan VIS6939

Iain Lawrence spoke to the staff report for an application to rezone the subject property from the Rural Residential 2A (RR-2A) zone to the Rural Residential 1 (RR-1) zone for the purposes of dissolving a building strata and subdividing the property into two fee-simple parcels.

Iain Lawrence highlighted the subject property and proposed subdivision plan. It was advised the LUC directed referral of the proposal to agencies and to the Shirley-Jordan River Advisory Planning Commission at its meeting of October 18, 2022. Attention was directed to the referral comments as included in the staff report.

MOVED by Anna Russell, **SECONDED** by Natalia Day that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4519, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 159, 2022", to the Shirley-Jordan Advisory Planning Commission, CRD departments, BC Hydro; District of Sooke; the Archaeology Branch and Water Protection Section within the Ministry of Forests; the Ministry of Land, Water, and Resource Stewardship; the Ministry of Transportation & Infrastructure; the Pacheedaht First Nation; RCMP; Sooke School District #62; and the T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4519 be introduced and read a first time and read a second time; and
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. 4519.

CARRIED

11. Election of Vice Chair

Item moved from Agenda Item 2 to Agenda Item 11.

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee (LUC) for 2023 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.

12. Adjournment

The meeting adjourned at 10:15 pm.

Chair