



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, February 21, 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 (EP), Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Wendy Miller, Recorder
PUBLIC: Approximately 24 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. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Natalia Day that the agenda be approved, as amended to add Public Comment on Agenda Items under New Business as Agenda Item 9.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Ron Ramsay, **SECONDED** by Anna Russell that the supplementary agenda be approved.

CARRIED

4. Adoption of Minutes from the Meeting of January 17, 2023

The Chair requested that the minutes be referred back to staff to review requested amendments against the transcription record.

MOVED by Anna Russell, **SECONDED** by Roy McIntyre that the draft minutes from the meeting of January 17, 2023, be referred back to staff.

CARRIED

5. Chair's Report

The Chair thanked everyone for coming to the meeting and stated that the chat function on WebEx has been disabled and that, should public comment be requested, comments be limited to three minutes or less.

6. Planner's Report

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

Iain Lawrence outlined the standard practice/procedure for consideration of matters/applications, as prescribed by Bylaw No. 3166, by the LUC for recommendation to the CRD Board.

At this time, Iain Lawrence reported that, after consulting with the Chair, the LUC will adjourn for the month of March.

7. Agricultural Land Reserve Application

a) AG000082 - Lot B Section 110 Sooke District Plan 32912 (6040 East Sooke Road)

Iain Lawrence spoke to the staff report for a 2-lot, fee-simple subdivision of land within the Agricultural Land Reserve (ALR), in accordance with Section 34.1 of the *Agricultural Land Commission Act (ALC Act)*.

Attention was directed to the eleven submissions received and circulated in the supplementary agenda.

The Chair confirmed that the applicant was present.

Bill Riggs, Chief Executive Officer, Royal Canadian Marine Search & Rescue

- a significant mortgage remains
- the RCM-SAR Board supports pursuing subdivision of a 4.0 ha portion of the subject property
- sale of the 4.0 ha would provide capital funding to support operations at the subject property and at other marine rescue stations operated by RCM-SAR

The Chair stated that comments received regarding the application are to be related to the proposed subdivision of the subject property.

The Chair opened the floor to comments from the public regarding the proposed subdivision.

Shandelle Conrad, East Sooke

- family regularly accesses the property with permission
- subject property is the site of a wilderness school for preschoolers
- is opposed to the application as subdivision may result in decreased public access

Gerard LeBlanc, Director, Sooke Region Food CHI

- spoke to the supplementary submission from Sooke Region Food CHI and requested withdrawal of statement #4 from the submission
- is opposed to the application as the subdivision would take lands out of agricultural production and as the proposal is not in keeping with the objectives of the CRD Food and Agriculture Strategy

Linda Minaker, East Sooke

- submitted a supplementary submission in opposition to the application
- stated concern regarding future use of the land and the use's potential impact to Sooke Basin, should subdivision be pursued

Gloria Snively, East Sooke

- is opposed to the application as the subdivision does not support the community's desire that the subject property remain accessible to the community and used for education, environmental preservation and for farming/gardening

Charlotte Senay, East Sooke

- submitted a supplementary submission in opposition to the application
- is opposed to the application as the subdivision is not in keeping with the East Sooke Official Community Plan's objectives for food security and as agricultural production on proposed Lot 2 would be further limited due to the non-farm use area and decrease in lot size, should the subject property be subdivided

Jim Maxwell, East Sooke

- proposal does not align with community's wishes
- is opposed to the application as proposed Lot 1 would be permitted the same structural density as the subject property is presently permitted, reducing agricultural production potential

Vivi Curutchet, Shirley

- lived on the subject property and farmed the subject property
- subject property is viable farmland but farming has not been pursued since non-farm use was approved
- is opposed to the application as farmland is limited in East Sooke and subdivision would reduce lands for agricultural production

Sandy McAndrews, East Sooke

- submitted a supplementary submission in opposition to the application
- is opposed to the application as residents cannot gauge impact on the community without knowing the intended use of the land after subdivision

Susan Nelson, Shirley

- previously lived on and farmed the subject property
- questioned if covenants could be registered on the subject property
- if the applicant wishes to subdivide for the purpose of farming, property should be sold at a price that a farmer can afford

Wendy Herring, East Sooke

- owns lands within the ALR and has a lease agreement to keep the land in agricultural production
- is opposed to the application as she does not support ALR land being used for products for non-human consumption

Iain Lawrence responded to questions from the LUC and the public:

- only local governments or prescribed bodies may submit an exclusion application to the ALC
- lot coverage for each lot would be 20%, should the subject property be subdivided
- regardless of local government zoning, residential density provisions are approved by the ALC for lands within the ALR
- application does not proceed to the CRD Board for a determination of consistency with the Regional Growth Strategy as the proposed subdivision meets the zone regulations
- should the LUC support referral of the application, advance notice of the Agricultural Advisory Planning Commission meeting would be mailed to property owners and occupiers of land within 500 m of the subject property
- the LUC would consider an application for non-farm use, should a non-farm use, as determined by the ALC, be pursued in future

LUC discussion ensued regarding the Official Community Plan's objectives for food security, public feedback and overall agricultural sustainability of the land, should the subject property be subdivided.

MOVED by Director Wickheim, **SECONDED** by Vern McConnell that the Juan de Fuca Land Use Committee recommends to the Capital Regional District:
That Agricultural Land Service application AG000082 for Lot B, Section 110, Sooke District, Plan 32912, be denied.

CARRIED

The Chair recessed the meeting from 8:43 – 8:50 pm.

8. Zoning Amendment Application

a) RZ000279 – Strata Lots 1, 2, 3, & 4, Section 85, Sooke District, Strata Plan EPS1027 Together with an interest in the Common Property in proportion to the Unit Entitlement of the Strata Lot as shown on Form V (476, 478, 480 & 482 Becher Bay Road)

Iain Lawrence spoke to the staff report for the application to rezone the subject property from Rural Zone – A (Rural A) to the Rural Residential 6A Zone (RR-6A) for the purposes of dissolving the strata and facilitating subdivision to create the equivalent number of parcels.

Attention was directed to the one submission received and circulated in the supplementary agenda.

The Chair confirmed that the applicants were present.

An applicant responded to a question from the LUC, identifying the location of a covenant area on the strata plan.

Iain Lawrence responded to questions from the LUC advising that:

- park land requirements are considered at the time of subdivision
- the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission makes recommendation to the LUC regarding the provision of park land or cash in lieu of park land
- the CRD advises the Ministry of Transportation and Infrastructure of when all applicable CRD bylaws/regulations have been complied with

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

1. That the referral of proposed Bylaw No. 4505, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 157, 2022", to the East Sooke Advisory Planning Commission; CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch; Ministry of Forests – Water Protection Section; Ministry of Land, Water and Recourse Stewardship; Ministry of Transportation & Infrastructure; RCMP; Sc'ianew First Nation; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4505 be introduced 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. 4505; and
4. That adoption of proposed Bylaw No. 4505 be withheld pending receipt by the CRD of a Preliminary Layout Review from the Ministry of Transportation and Infrastructure for subdivision application SU000753.

CARRIED

9. New Business

a) Public Comment on Agenda Items

Staff spoke to the practice/procedure for public comment on matters/applications for consideration by the LUC, advising that:

- comment from the public during the meeting is at the discretion of the Chair
- the public may submit comment in writing for circulation in the supplementary agenda

10. Adjournment

The meeting adjourned at 9:11 pm.

Chair