

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **May 21, 2024, at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Adoption of Minutes of March 19, 2024, and April 16, 2024
4. Chair's Report
5. Planner's Report
6. Provision of Park Land Requirement for Subdivision
 - a) SU000711 and SU000756 - 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: PID: 009-499-369 (3542 Otter Point Road)
7. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, March 19, 2024, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Les Herring, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Rivold, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Darren Lucas, Planner, JdF Community Planning; Wendy Miller, Recorder

PUBLIC: 6 in-person; 6 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Election of Vice Chair

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee (LUC) for 2024. Roy McIntyre, Ron Ramsay, Les Herring and Anna Russell's names were put forward. Roy McIntyre accepted nomination. Ron Ramsay, Les Herring and Anna Russell declined nomination. The Chair called two additional times for further nominations and, as there were none, Roy McIntyre was acclaimed Vice Chair.

3. Approval of the Agenda

MOVED by Anna Russell, **SECONDED** by Dale Risvold that the agenda be approved.

CARRIED

4. Adoption of Minutes from the Meeting of November 21, 2023

MOVED by Roy McIntyre, **SECONDED** by Vern McConnell that the minutes from the meeting of November 21, 2023, be adopted.

CARRIED

5. Chair's Report

The Chair welcomed everyone to the first meeting of 2024 and thanked staff for their service.

6. Planner's Report

Iain Lawrence provided information on the enactment of the *Short-Term Rental Accommodations Act* as well as the *Housing Statutes (Residential Development) Act*.

It was advised that a Request for Proposal has been issued for a consultant to update the Port Renfrew Official Community Plan.

7. Development Variance Permit Application

a) VA000161 - Lot 44, Section 4, Renfrew District, Plan VIP83894 (3620 Piper Lane)

Iain Lawrence spoke to the request for a development variance permit to reduce the required yard setbacks for an accessory building from 1 m to 0.83 m for a side yard and from 15 m to 0.68 m for the front yard where the distance between the principal building and the front lot line is greater than 15 m.

The site plan, requested variance and photos from a site visit were highlighted.

No submissions were received in response to the notice of intent mailed to adjacent property owners and occupiers within 500 m of the subject.

The Chair confirmed that the applicant was present.

The applicant stated that the accessory building is sited at the location of a drilled well and that the accessory building was in place when the property was purchased. Relocation of the accessory building is not preferred as relocation would require tree removal.

MOVED by Anna Russell, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000161 for Lot 44, Section 4, Renfrew District, Plan VIP83894, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to authorize the siting of a utility building as follows:

1. Part 1, Section 4.01(1)(d) to reduce the front yard requirement for an accessory building 15 m to 0.68 m; and
 2. Part 1, Section 4.01(1)(h)(i) to reduce the side yard requirement for an accessory building from 1 m to 0.83 m
- be approved.

CARRIED

At this time, the LUC stated support for considering amendments to the setback projections permitted by Bylaw No. 2040.

8. Zoning Amendment Application

a) RZ000282 – Parcel A (DD 104752I) of District Lot 745, Renfrew District; Parcel B (DD52657I) of District Lot 745, Renfrew District; District Lot 175, Renfrew District; and Strata Lot 13 of Section 76 and District Lot 745, Renfrew District, Strata Plan VIS4766 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (10700 Block of West Coast Road)

Darren Lucas spoke to the request to rezone the subject property from the Forestry (AF) and Resource Land (RL) zones to a new Wilderness Campground (WC) zone to permit a commercial wilderness campground with a total of 20 campsites over four parcels with a total area of 170.8 ha (1 campsite per 8.5 ha) with a 20 m separation distance between each site, as well as continued silviculture, residential, and home-based business uses.

The application was previously considered by the LUC at the May 16, 2023, meeting. At that time, the LUC passed a motion that additional information be provided by the applicant. The application has now returned with additional information, as requested by the LUC.

The subject property and air photo with proposed campsites and suggested alternative campsite locations, as recommended by the environmental report included in the staff reported, were highlighted.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- campsites would be serviced by commercial bottled water delivery and waste-sewerage removal companies; operating a water system to serve the public would be cost-prohibitive based on the number of campsites
- Jacob Creek and existing quarries on site could be utilized for water storage for fire protection
- cleared areas established by previously constructed logging roads would be utilized for the campsites
- camping would be limited to tent camping

Staff responded to questions from the LUC advising that:

- should the LUC support referral, the proposal would be referred to CRD Protective Services to comment on the proposal and fire protection and BC FireSmart recommendations provided in the environmental report
- a referral would be sent to the Ministry of Transportation and Infrastructure (MoTI) to comment on Cedar Coast Road
- the covenant registered on Strata Lot 13 prohibits subdivision and the construction or placement of structures
- Bylaw No. 2040 provides a definition of *campground*

LUC discussion ensued regarding removing Silviculture as a permitted use in the proposed zone.

The applicant stated support for retaining Silviculture as a permitted use to support continued forest management on those parts of the land that would not be used for a campground.

MOVED by Anna Russell, **SECONDED** by Ron Ramsay that Silviculture be removed as a permitted use from the proposed Wilderness Campground (WC) zone.

Opposed: Director Al Wickheim, Les Herring, Vern McConnell, Roy McIntyre, Dale Rivold.

DEFEATED

Public comments included:

- the extent of Aleda Creek has not been reflected in the environmental report provided by the applicant
- concern regarding campground use impact on surface water licences and groundwater wells including impact of the proposed campsite locations
- concern regarding use of Cedar Coast Road as the road does not meet MoTI standards
- concern regarding onsite campground management and monitoring

The LUC stated support for referring the proposal to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and BC Wildfire Service.

MOVED by Vern McConnell, **SECONDED** by Roy McIntyre that staff be directed to refer proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023" to the Shirley-Jordan River Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, appropriate CRD departments, First Nations and the following external agencies and for comment:

Pacheedaht First Nation

T'Sou-ke First Nation

BC Hydro

BC Parks

District of Sooke

Island Health

Ministry of Forests – Archaeology Branch

Ministry of Forests – BC Wildfire Service

Ministry of Forests – Water Protection Section

Ministry of Land, Water and Resource Stewardship

Ministry of Transportation & Infrastructure

RCMP

Sooke School District #62

CARRIED

9. Zoning and Official Community Plan Amendment Application

a) RZ000284 - Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, EPP69011 and EPP117093 (12036 West Coast Road)

Darren Lucas spoke to the staff report for the application to amend the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001, by redesignating a 3.3 ha portion of the subject property from Pacific Acreage (PA) to Commercial (CO) with amendments and to amend Bylaw No. 2040 to amend the Wildwood Terrace Neighbourhood Commercial (C-1A) zone to permit additional commercial uses and a smaller average and minimum parcel size to facilitate subdivision.

The subject property and concept plan were highlighted.

The Chair confirmed that the applicant was present.

Applicant comments included:

- Jordan River Brewing Company would be located in the subdivision and would be the focus of initial development
- long-term development envisions a village gathering place that would serve the community, and support local tourism
- the commercial development would include improvements to support vehicle access and parking
- the lots would be subject to the requirements of Commercial Development Permit Area designation
- park land requirements for the larger subject property were satisfied at the time of initial residential subdivision

Staff responded to questions from the LUC advising that:

- the 120 ha lot size stipulated by the Restricted Development Permit Area designation would be retained
- the Shirley-Jordan River OCP supports consideration of amenities as a condition of rezoning
- as the subject property is not located within community water, sewer or fire protection local service areas, a covenant is registered on the title of the property and requires that all buildings and structures require an automatic sprinkler system

The LUC stated support for referring the proposal to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission.

MOVED by Vern McConnell, **SECONDED** by Roy McIntyre that staff be directed to refer proposed Bylaw No. 4598, "Shirley-Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 2, 2024", and Bylaw No. 4599, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 162, 2024" to the Shirley-Jordan River Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, appropriate CRD departments, First Nations and the following external agencies and for comment:

- Pacheedaht First Nation
- T'Sou-ke First Nation
- BC Hydro
- BC Parks
- District of Sooke
- Island Health
- Ministry of Forests - Archaeology Branch
- Ministry of Forests - Water Protection Section
- Ministry of Land, Water and Resource Stewardship
- Ministry of Transportation & Infrastructure
- RCMP
- Sooke School District #62

CARRIED

10. Adjournment

The meeting adjourned at 9:26 pm.

Chair



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, April 16, 2024, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Les Herring, Vern McConnell, Roy McIntyre,
Ron Ramsay, Dale Rivold, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Wendy Miller, Recorder
PUBLIC: Approximately 20

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Approval of the Agenda

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

CARRIED

3. Chair's Report

The Chair expressed concern for water supply in the Juan de Fuca Electoral Area and stated support for managing water to moderate consumption and enhance supply to accommodate existing residents and future developments.

4. Planner's Report

No report.

5. Administrative Bylaw

a) Bylaw No. 4606, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 163, 2024" (Subdivision Servicing Requirements – Potable Water)

Iain Lawrence spoke to the staff report for proposed Bylaw No. 4606 as drafted at the request of the Director, which would amend Bylaw No. 2040 to increase the flow requirement of a water source from 1,400 L/day to 3,500 L/day without exceeding 70% of the available drawdown, and require that flow testing be conducted during the drier months of the year. Exemptions as included in Bylaw No. 4606 were outlined.

Iain Lawrence responded to questions from the LUC advising that:

- the flow requirement specified by the Province for rural subdivision approval is 2,500 L/day
- the flow requirement prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, is 3,000 L/day
- flow requirements prescribed by other jurisdictions were examined as part of the preparation of Bylaw No. 4606
- in accordance with the *Local Government Act*, proposed Bylaw No. 4606 would not affect an active subdivision application for a period of 12 months after the bylaw is adopted

LUC comments included:

- given reports of wells running dry and reliance on trucked water, there appears to be a downward trend in groundwater supply
- increasing the flow requirement to 3,500 L/day may give the appearance that greater water consumption and deeper wells are supported
- given climate change, water source security concerns and the flow rates prescribed by other jurisdictions, a higher flow requirement may be appropriate
- the higher flow requirement may identify aquifer sensitivity and tolerance of use and potentially decrease impacts on neighbouring wells
- support for specifying testing parameters and requiring notice of groundwater testing

The Director reported that a study will be commissioned to evaluate the aquifer and potential demands on groundwater resources in East Sooke, Otter Point, Shirley and Jordan River.

Public comments included:

- there is a lack of data to support the increase in flow requirement
- the increase in flow requirement will restrict development
- the Province has not mandated housing growth in the Juan de Fuca
- the proposed bylaw does not require a parcel to be serviced by a groundwater well
- support for requiring onsite water storage based on the number of bedrooms proposed in a dwelling to decrease groundwater demand
- support for establishing a fair measure/process for proving of potable water for subdivision

MOVED by Roy McIntyre, **SECONDED** by Dale Risvold that staff be directed to refer proposed Bylaw No. 4606, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 163, 2024", to a public information meeting, appropriate First Nations and CRD departments, and to the following agencies for comment:

Pacheedaht First Nation

Sc'ianew First Nation

T'Sou-ke First Nation

District of Metchosin

District of Sooke

Ministry of Forests, Water Protection, West Coast Region

Ministry of Transportation and Infrastructure

Provincial Approving Officer

CARRIED

6. Adjournment

The meeting adjourned at 8:15 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, MAY 21, 2024

SUBJECT **Provision of Park Land Requirement for Subdivision Applications SU000711 and SU000756 at 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: PID: 009-499-369 – 3542 Otter Point Road**

ISSUE SUMMARY

To consider options for the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* regarding a 6-lot conventional subdivision in Otter Point.

BACKGROUND

The 15 ha subject property is located at 3542 Otter Point Road in Otter Point, and is zoned Rural Residential 2 (RR-2) and Rural Industrial (M-RU) by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix A). The Otter Point Official Community Plan, Bylaw No. 3819 (the OCP), designates portions of the subject property as watercourse & wetland and commercial & industrial development permit areas.

The CRD has received a referral from the Ministry of Transportation and Infrastructure (MoTI) for a 6-lot fee simple subdivision application (SU000711) and a subsequent 4-lot bare land strata subdivision application (SU000756) (Appendix B). Since 3 or more parcels will be created, the smallest of which is less than 2 ha, the provision of park land is required in accordance with Section 510 of the *LGA* (Appendix C).

The subject property was rezoned from Rural (A) to RR-2 and M-RU in 2021 to permit a range of light industrial to general industrial uses in addition to the continued operation of an existing sawmill. During rezoning process, the application was referred to the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission for consideration (the "Commission"). At its meeting of July 30, 2019, the Commission recommended support of the proposed rezoning subject to the provision of a trail along the Wieland Road right-of-way at the time of subdivision (Appendix D). The landowner now proposes to meet the Commission's interest in park expressed at the time of rezoning and the requirements of Section 510 of the *LGA* by constructing a trail that completes the Wieland trail, which extends from William Simmons Park to Kemp Lake Road, on a portion of land that will become part of the Wieland Road right-of-way upon completion of the 6-lot subdivision (Appendix E).

At its meeting of March 26, 2024, the Commission considered the landowner's proposal and its earlier recommendation in 2019 related to the rezoning application (Appendix F).

ALTERNATIVES

Alternative 1

The 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% be required for the proposed subdivision of 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 (the "Land"); PID: 009-499-369; except that a lesser amount may be acceptable where the owner agrees to construct a trail built to JdF Community Parks and Recreation standards prior to subdivision approval on that part of the Land that will become the Wieland Road right-of-way.

Alternative 2

That the application be referred back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the *LGA* requires the provision of park land at the time of subdivision where three or more additional lots are created, and the smallest lot being created is 2 ha or less. Where a regional district provides a community park service and an official community plan contains policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The area of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, the value of the land is based on the average market value of all land in the proposed subdivision calculated as that value would be on the date that a proposed subdivision receives preliminary approval before any works or services are installed, or a value agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park lands.

Land Use Implications

The OCP includes policies and objectives related to parks and trails. Should the application be approved, provision of parkland is required under Section 510 of the *LGA*. Five percent of the 15 ha land area is equal to 0.75 ha. In absence of an appraisal that follows provincial guidelines and regulations, the 2024 assessed land value is \$749,000.00; with \$37,450.00 being 5% of this value.

The Commission considered subdivision application SU000711 at its meeting of March 26, 2024, and passed the following Motion.

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner McKay that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommends to the Juan de Fuca Land Use Committee that a trail be constructed to JdF Community Parks and Recreation standards for the proposed 6-lot subdivision (SU000711) and 4 lot bare land strata subdivision (SU000756) of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD 43782I) and Except Parts in Plans 3054 and 17721, as outlined in the proposal submitted by the landowner, dated March 14, 2024.

CARRIED

In accordance with Section 3.2.6 of the Otter Point OCP, the provision of park land prioritizes an extensive network of multi-use trails that support recreation and connect to bus stops, parks and to the District of Sooke. With a primary focus on safety, these connections encourage trails that separate motorized vehicles from horses, pedestrians, and cyclists. The proposed trail through the Wieland Road public right-of-way intends to follow the direction provided by the Commission and meet the goals and objectives of the OCP for park land. The applicant would also be responsible for constructing a trail as a condition of CRD sign-off to MoTI advising that all subdivision requirements have been met. Staff recommend considering the Commission's advice for this subdivision application.

CONCLUSION

The applicant proposes to subdivide an existing 15 ha split-zoned parcel to create 6 RR-2 zoned lots and 4 M-RU zoned lots. The Commission considered the applications at its meeting of March 26, 2024, and recommended accepting the construction of a trail within the future Wieland Road public right-of-way. Staff recommend that park land dedication in the amount of 5% be provided, except that a lesser amount may be accepted where the owner agrees to construct a trail to CRD standards as a condition of the CRD's sign-off to MoTI, prior to final approval of the subdivision.

RECOMMENDATION

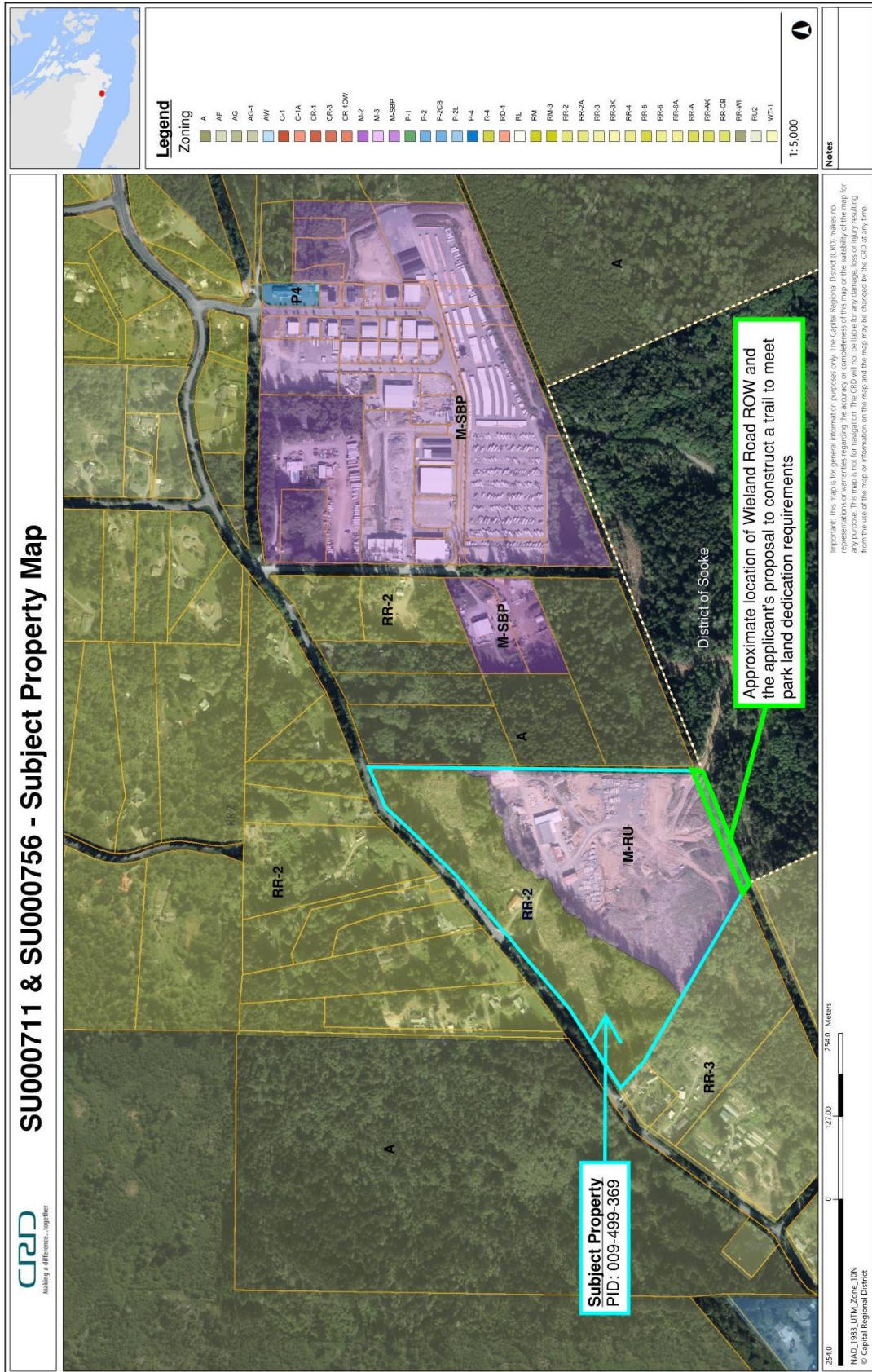
The Land Use Committee recommends to the Capital Regional District Board:
That in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for the proposed subdivision of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) and Except Parts in Plans 3054 and 17721 (the "Land"); PID: 009-499-369; except that a lesser amount may be acceptable where the owner agrees to construct a trail built to JdF Community Parks and Recreation standards prior to subdivision approval on that part of the Land that will become the Wieland Road right-of-way.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

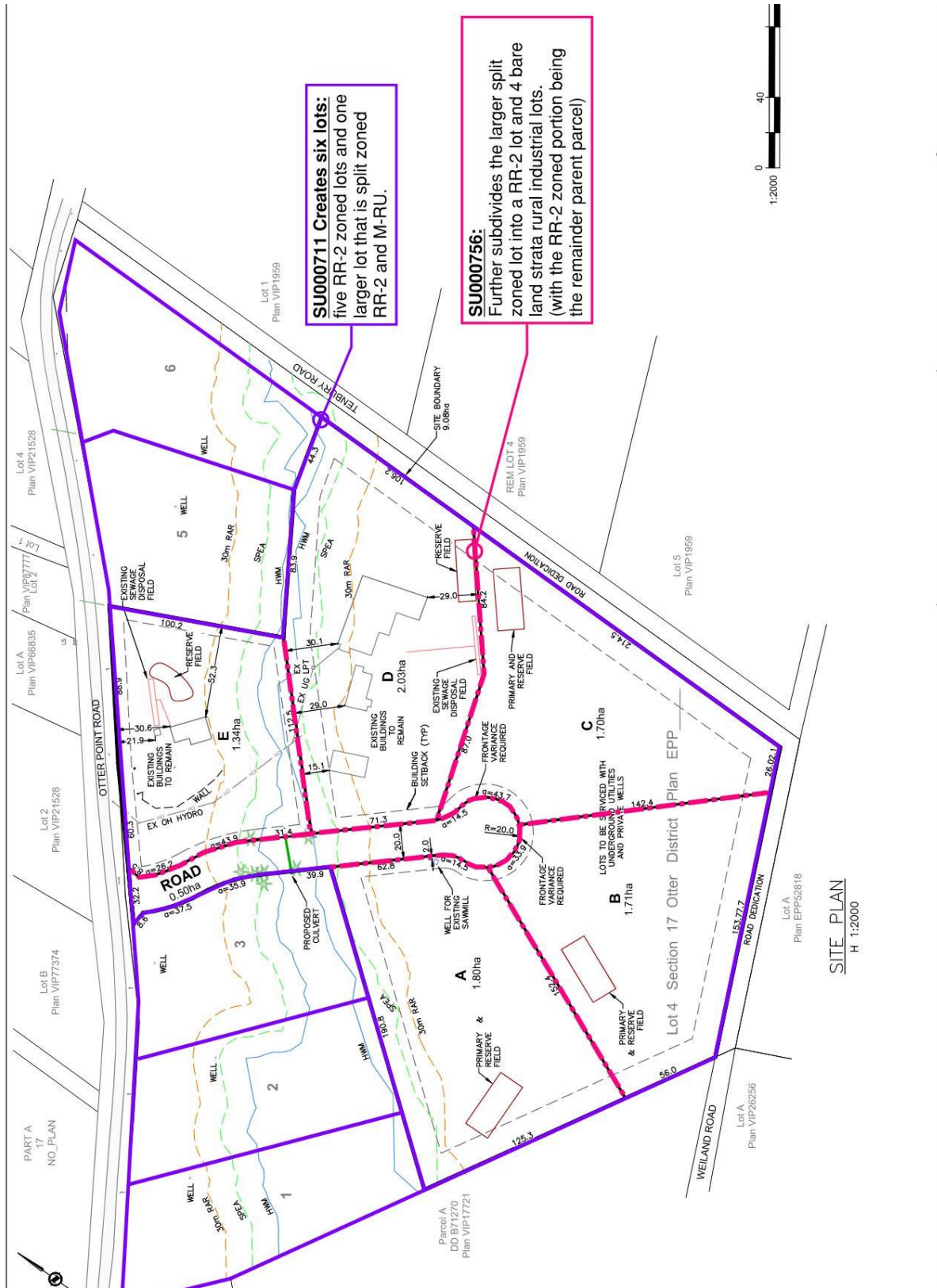
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plans SU000711 & SU000756
- Appendix C: Section 510 of the *LGA*
- Appendix D: Minutes from the July 30, 2019, Juan de Fuca Electoral Area Parks and Recreation Advisory Commission Meeting
- Appendix E: Proposal to Meet the Provision of Park Land Requirements
- Appendix F: Minutes from the March 26, 2024, Juan de Fuca Electoral Area Parks and Recreation Advisory Commission Meeting

Appendix A: Subject Property Map



Appendix B: Proposed Subdivision Plans SU000711 & SU000756



Requirement for provision of park land or payment for parks purposes

- 510** (1) Subject to this section and section 516 (3) (h) and (4) [*phased development agreement rules*], an owner of land being subdivided must, at the owner's option,
- (a) provide, without compensation, park land of an amount and in a location acceptable to the local government, or
 - (b) pay to the municipality or regional district an amount that equals the market value of the land that may be required for park land purposes under this section as determined under subsection (6) of this section.
- (2) Despite subsection (1),
- (a) if a regional district does not provide a community parks service, the option under subsection (1) (b) does not apply and the owner must provide land in accordance with subsection (1) (a), and
 - (b) subject to paragraph (a), if an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land under subsection (1) (a) or money under subsection (1) (b).
- (3) Subsection (1) does not apply to the following:
- (a) subject to subsection (4), a subdivision by which fewer than 3 additional lots would be created;
 - (b) a subdivision by which the smallest lot being created is larger than 2 hectares;
 - (c) a consolidation of existing parcels.
- (4) Subsection (1) does apply to a subdivision by which fewer than 3 additional lots would be created if the parcel proposed to be subdivided was itself created by subdivision within the past 5 years.
- (5) The amount of land that may be required under subsection (1) (a) or used for establishing the amount that may be paid under subsection (1) (b) must not exceed 5% of the land being proposed for subdivision.
- (6) If an owner is to pay money under subsection (1) (b), the value of the land is whichever of the following is applicable:
- (a) if the local government and the owner agree on a value for the land, the value on which they have agreed;
 - (b) the average market value of all the land in the proposed subdivision calculated
 - (i) as that value would be on the date of preliminary approval of the subdivision or, if no preliminary approval is given, a date within 90 days before the final approval of the subdivision,
 - (ii) as though the land is zoned to permit the proposed use, and
 - (iii) as though any works and services necessary to the subdivision have not been installed.
- (7) If an owner and a local government do not agree on the average market value for the purpose of subsection (6), it must be determined in the manner prescribed in the regulations that the minister may make for this purpose.

- (8) If an area of land has been used to calculate the amount of land or money provided or paid under this section, that area must not be taken into account for a subsequent entitlement under subsection (1) in respect of any future subdivision of the land.
- (9) Subject to subsection (11), the land or payment required under subsection (1) must be provided or paid to a municipality or regional district as follows
 - (a) subject to paragraph (b), before final approval of the subdivision is given;
 - (b) if the owner and the local government enter into an agreement that the land or payment be provided or paid by a date specified in the agreement, after final approval of the subdivision has been given.
- (10) Notice of an agreement under subsection (9) (b) must be filed with the registrar of land titles in the same manner as a notice of a permit may be filed and section 503 *notice of permit on land title* applies.
- (11) Despite subsection (9), the minister may, by regulation,
 - (a) authorize the payment that may be required by this section to be made by instalments, and
 - (b) prescribe the conditions under which instalments may be paid.
- (12) If land is provided for park land under this section, the land must be shown as park on the plan of subdivision.
- (13) Section 107 [*deposit in land title office operates to dedicate and vest park land*] of the *Land Title Act* applies to park land referred to in subsection (12), except that,
 - (a) in the case of land within a municipality, title vests in the municipality, and
 - (b) in the case of land outside a municipality, title vests in the regional district if it provides a community parks service.
- (14) If an owner pays money for park land under this section, the municipality or regional district must deposit this in a reserve fund established for the purpose of acquiring park lands.

Appendix D: Minutes from the July 30, 2019, Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission Meeting



**Minutes of a Meeting of the
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
Held Tuesday, July 30, 2019 at the Juan de Fuca Local Area Services Building,
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: S. Jorna (Chair), V. Braunschweig, B. Croteau, J. Gaston,
Director M. Hicks, A. Marchand, A. Sielopp, P. Sloan
Staff: D. Closson, Manager, Juan de Fuca Parks and Recreation;
E. Taylor, Planner; W. Miller, Recorder

PUBLIC: 1

The meeting was called to order at 3:00 pm

1. Approval of the Agenda

MOVED by Commissioner Croteau, **SECONDED** by Commissioner Sielopp that the agenda be approved, as amended, to add a presentation from the Friends of Coppermine Park Society under New Business.

CARRIED

2. Adoption of the Minutes of May 28, 2019

MOVED by Commissioner Croteau, **SECONDED** by Commissioner Sielopp that the minutes from the meeting of May 28, 2019, be adopted.

CARRIED

3. Chair's Report

None.

4. Director's Report

Director Hicks reported that Wally Vowles has stepped down as Alternate Director and that Dan Quigley now fills the position. Director Hicks relayed that he anticipates attending future meetings of the Commission.

5. Delegation – Juan de Fuca Community Planning

a) Zoning and Official Community Plan Amendment Application 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)

Emma Taylor spoke to the staff report to the Juan de Fuca Land Use Committee and the request to rezone a 5 ha portion of the subject property from Rural A to Rural Residential 2 (RR-2) to allow a five lot rural residential subdivision, to rezone a 6 ha area to a new Industrial Sawmill (M-3) zone, and to rezone a 4 ha portion to a new Industrial Aquaculture (M-4) zone. 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.

Emma Taylor confirmed that the agent for the application was present and directed attention to the policies in the Otter Point OCP for parks and natural areas for the Commission's consideration.

PREC-227576723-462

**Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission Meeting Minutes
July 30, 2019**

2

The Chair reported that staff and members of the Commission attended the two subject properties being considered for rezoning on July 29.

Commission comments included:

- the Commission holds a licence of occupation over Wieland Road for trail use
- the subject property interrupts the trail
- extension of the gazetted road or establishment of a statutory right-of-way over the subject property would provide an alternative transportation route from William Simmons Memorial Park to Kemp Lake Road to Crown lands to the west

Emma Taylor responded to questions from the Commission advising that

- the obligation for formal park land dedication in accordance with Section 510 of the *Local Government Act (LGA)* would be at the time of subdivision, should the rezoning application proceed
- the applicant has submitted a subdivision application
- the applicant is aware of the licence of occupation
- the rezoning application has been referred to agencies for comment
- agency comments will be shared with the applicant and considered by the Land Use Committee

Director Hicks stated that, should a route be secured over the subject property, gas tax funds could be utilized to support construction of a trail.

Staff presented photos from the July 29 site visit.

Commission comments included:

- it is understood that the property owner wants to be able to access the adjacent private property to the south as part of the sawmill operation
- measures would need to be in place to ensure the safety of all users
- proposed route would be screened by trees
- the proposed route would benefit the community of Otter Point

Emma Taylor responded to a question from the Commission advising that a combination of land and cash can be considered at the time of subdivision to meet the requirements of Section 510 of the *LGA*.

MOVED by Director Hicks, **SECONDED** by Commissioner Sloan that the Commission supports the rezoning application with establishment of a trail for continuation of Wieland Road at the time of subdivision.

Staff responded to a question from the Commission advising that the application will also be considered by the Otter Point Advisory Planning Commission.

The Chair called the question.

CARRIED

Appendix E: Proposal to Meet the Provision of Park Land Requirements

Conditions provided by landowner on March 14, 2024

The landowner is offering to construct the Weiland Road Trail to satisfy Section 510 of the *LG Act*. The offer is made with the following understanding:

- Trail construction will occur during the summer of 2024, and will be completed by September 30, 2024.
- The trail work includes approximately 180 m of trail along the south boundary of the property, approximately 305 m of trail to the west, and approximately 320 m of trail to the east. Total length is approximately 805 m.
- The trail will be constructed in conformance with the Juan de Fuca Electoral Area Community Park Trail Standards (Type 2). The trail work will include grading, cut and fill slopes, ditching and culverts, granular trail structure and finish, and appropriate seeding. The work does not include retaining walls, timber cribbed steps or boardwalks.
- Split rail fencing, imported topsoil and landscaping plants (if required or desired) will be by others after the trail work is accepted by the CRD.
- Managing off site issues including DP's, RAPR, sensitive ecosystems, neighbor communications etc. will be by the CRD.
- JEA will provide site boundary flagging, trail layout and periodic construction inspection.
- CRD will provide construction inspection as it feels appropriate, and will provide final review and acceptance of the trail works.

Appendix F: Minutes from the March 26, 2024, Juan de Fuca Electoral Area Parks and Recreation
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East Sooke – Copper Mine

- it was reported that an inquiry was received from a member of the public questioning if a park permit grants exclusive use of the park
- it was reported that a comment was received from another member of the public regarding park users using the parking at the community hall, which can be an issue when there is an event at the hall

Don Closson reported that a park permit does not imply or allow exclusive use of a park; however, portions of a park can be portioned off for a private event or function, such as a picnic shelter.

Commission discussion ensued regarding opportunities to improve parking at Copper Mine Park including removing brush and laying gravel on the road right-of-way to promote forward parking along Copper Mine Road.

Don Closson stated that he was not aware of any parking issues and that he is available to discuss the matter further with the member of the public.

Shirley – Sheringham Point Trail

- three large trees have fallen and small tree cutting work requires clean up

Don Closson reported that staff will address the trail this spring.

Shirley – Priest Cabin

- support was forwarded for installation of signage to mark the junction to the Matterhorn

Don Closson reported that staff are still working on the full sign package.

7. Delegation - Juan de Fuca Community Planning

a) Subdivision Application SU000711 & SU000756 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD 43782I) and Except Parts in Plans 3054 and 17721

Don Closson spoke to the staff memo provided by Community Planning regarding a referral received from the Ministry of Transportation and Infrastructure for a 6-lot conventional subdivision application (SU000711) and a subsequent 4-lot bare land strata subdivision application (SU000756) at 3542 Otter Point Road. The Commission considered the rezoning application submitted to permit subdivision at its meeting of July 20, 2019. At that meeting, the Commission recommended support of the rezoning if a trail connecting Wieland Road is provided at the time of subdivision.

The landowner proposes to meet section 510 of the *Local Government Act* by constructing a trail that connects through Wieland Road, on a portion of land that will become a part of the public right-of-way.

It was confirmed that the agent for the application was present.

Don Closson responded to questions from the Commission advising that the CRD would:

- allow for trail crossing by the applicant for industrial purposes
- be responsible for trail construction within the Watercourses and Wetlands Areas Development Permit Area

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- be responsible for landscaping except that larger cleared areas will be allowed to regenerate naturally

The agent stated that the industrially zoned lots are designated an Industrial Development Permit Area and, as such, a degree of screening will be required.

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner McKay that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommends to the Juan de Fuca Land Use Committee that a trail be constructed to JdF Community Parks and Recreation standards for the proposed 6-lot subdivision (SU000711) and 4 lot bare land strata subdivision (SU000756) of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD 437821) and Except Parts in Plans 3054 and 17721, as outlined in the proposal submitted by the landowner, dated March 14, 2024.

CARRIED