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**Minutes of a Meeting of the Shirley/Jordan River Advisory Planning Commission  
Held June 1, 2016 at the Shirley Community Hall,  
2795 Sheringham Point Road, Shirley, BC**

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**PRESENT:** Pascale Knoglinger (Chair), Dominique Bernardet, Sonja De Wit, Fiona McDannold  
Brenda Mark

**Staff:** Iain Lawrence, Supervisor, Local Area Planning; Emma Taylor, Planner;  
Wendy Miller, Recorder

**PUBLIC:** 10

The meeting was called to order at 7:00 p.m.

**1. Approval of the Agenda**

**MOVED** by Fiona McDannold, **SECONDED** by Dominique Bernardet that the agenda be approved. **CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Sonja De Wit, **SECONDED** by Dominique Bernardet that the supplementary agenda be approved. **CARRIED**

**3. Adoption of the Minutes of May 4, 2016**

**MOVED** by Fiona McDannold, **SECONDED** by Dominique Bernardet that the minutes of May 4, 2016 be adopted as amended to insert "text" after "OCP" under Section 320 and to insert " - Canadian Historic Site" after "Sheringham Point Lighthouse" under Section 330. **CARRIED**

**4. Planner's Report**

No report.

**5. Rezoning Application**

**a) RZ000243 - That Part of Section 82, Renfrew District Shown in Plan Deposited Under DD22435 (1 Sheringham Point Road)**

Iain Lawrence spoke to the staff report considered by the Juan de Fuca Land Use Committee (LUC) on May 17, 2016 and Bylaw No. 4097, which would rezone the property from Rural Residential 2 (RR-2) to Community Facility – Heritage Lighthouse (P-2L) in order to recognize the use as a heritage lighthouse and to develop the site for community access.

Iain Lawrence advised that the LUC amended proposed Bylaw No. 4097 at its May 17, 2016, meeting to strike "Maximum floor area of retail sales is 10 m<sup>2</sup>" from Section 31B.06, as the LUC considered the regulation too restrictive. The applicant supported the amendment proposed by the LUC.

An APC member stated that it understood that the applicant had considered using the existing engine house as a gift shop and that the engine house is 10 m<sup>2</sup>.

Iain Lawrence responded to questions from the APC stating that:

- the proposed zone permits assembly uses
- assembly use permits the gathering of people on the property and could include use of the property for weddings
- the proposed zone also permits retail sales accessory to a heritage lighthouse facility
- access to the property is via a CRD statutory right-of-way, under the terms of an operating agreement with the applicant
- there is a lower parking lot, leading to a trail to the lighthouse site

The applicant stated that it is anticipated that visitors to the lighthouse will support local restaurants and that gift shop sales would be limited to such food items as ice cream or premade sandwiches. It was further stated that the trail permits wheelchair access to the lighthouse site but, at present, the lighthouse structure is not wheelchair accessible. Overall accessibility to the site and structure are still under review.

The APC stated that the rezoning application is supported by the Sheringham Point Lighthouse Preservation Society.

**MOVED** by Fiona McDannold, **SECONDED** by Dominique Bernardet that the APC state support for rezoning application RZ000243 to rezone the property from Rural Residential 2 (RR-2) to Community Facility – Heritage Lighthouse (P-2L) in order to recognize the use as a heritage lighthouse. **CARRIED**

**6. Proposed Bylaws (Review resumed from the meeting of May 4, 2016)**

**a) Bylaw No. 4001, “Official Community Plan for Shirley – Jordan River, Bylaw No. 1, 2016”**

The Chair resumed review of Bylaw No. 4001 at Section 480.

**Part Four – Goals, Policies and Objectives**

**480 Development and Local Economy**

Emma Taylor advised that:

- as there is a Settlement land use designation (LUD) in Bylaw No. 4001, the section title has been changed from Settlement and Local Economy to Development and Local Economy
- policy statement B refers to Schedule B
- lands designated Settlement in Bylaw No. 4001 are lands designated Settlement Containment Area in the current Official Community Plan (OCP)
- policy statement C allows parcel averaging, similar to the Settlement LUD in the current OCP
- there has been previous consideration to re-designating some smaller Coastal Upland parcels along West Coast Road
- the parcels under consideration were created by parcel averaging

Emma Taylor opened discussion to consider re-designating the smaller parcels along West Coast Road as Settlement. The Settlement LUD permits an average density of one parcel per 1 ha with no new parcel being less than 0.5 ha. Staff noted that The Shores subdivision could also be re-designated as Settlement to reflect existing lot sizes.

APC comment included:

- concern for re-designating the parcels under consideration as Settlement as the Settlement designation supports a minimum parcel size of 0.5 ha
- support for designating parcels according to existing parcel size
- support for creating a new LUD for the parcels under consideration

Staff advised that the APC's concern could be addressed by revisiting the wording for policy statement B. It was suggested that parcel use should be examined to determine if a new designation is warranted.

Public comment included:

- policy statement B supports a minimum parcel size of 0.5 ha if no new parcels are created
- as the parcels under consideration already exist, re-designation would not result in creating legal non-conforming parcels
- current land use should determine parcel LUD
- support for creating a new LUD for the parcels under consideration
- support for breaking Section 480 out by LUD and listing applicable policies under each LUD

Emma Taylor advised that:

- lands designated Park are CRD Regional Park lands and provincial park lands
- CRD Community Parks are not designated Park
- mapping to be updated to reflect purchase of Regional Park lands by BC Hydro

APC comment included:

- policy statement G, supporting bed and breakfasts, eco-tourism, and low-impact adventure tourism, would be restricted by covenants on the title of some parcels
- covenants can include building schemes
- covenants can also limit parcel use
- OCP cannot address all covenants

Emma Taylor responded to questions from the APC and the public advising that:

- policy statements would apply to properties, but it is acknowledged that parcels may have specific constraints to development and may be bound by restrictive covenants
- policy statements guide future development
- some parcels in the Pacific Acreage LUD are already zoned for small-scale tourism development (policy statement G) or a small destination resort (policy statement K)
- parcels not currently zoned for tourism/resort use would have to rezone
- community support for such proposals would be determined through the rezoning process

Emma Taylor directed attention to policy statement V and the supplementary submission received from Debbie Read, Jordan River, requesting more language to regulate home base businesses. It was advised that the Land Use Bylaw, Bylaw No. 2040, regulates home based businesses, addressing such issues as noise, odour and parking. It was advised that the regulations for home based business can be considered when Bylaw No. 2040 proceeds to review.

Public comment stated support for revising policy statement V to incorporate concern for water and the environment.

The APC completed review of Section 480, requesting that the smaller Coastal Upland parcels along West Coast Road being considered for re-designation be designated Pacific Acreage. It was further requested that policy statement V be revised to incorporate comment received in the supplementary submission.

#### 490 Climate Change Adaptation and Greenhouse Gas Reduction

Emma Taylor responded to questions from the public confirming that the language for high wind is new. It was advised that:

- there is no schedule for Section 490
- flooding and erosion (subsection 493) is addressed by the Steep Slope Development Permit Area (DPA) and the Shoreline Protection DPA
- Floodplain regulations are included in Bylaw No. 2040

The Chair called for a five minute break, resuming review at Part 5.

#### **Part 5 – Development Permit Areas**

Emma Taylor advised that the section has been slightly reorganized since last presented to the Citizens' Committee to align with other OCPs and to support more user friendly handouts.

#### 510 Steep Slope Development Permit Area

Bylaw No. 4001 includes improved mapping (Schedule C) for the DPA.

Subsection 514(c) is new, exempting a development permit for a building constructed under a valid building permit in the Steep Slope DPA provided that no other part of the land in the Steep Slope DPA will be altered for other purposes.

#### 520 Shoreline Protection Development Permit Area

DPA has been renamed from Foreshore to Shoreline as the DPA includes all land lying 15 m upland of the natural boundary of the ocean. DPA does not extend out into the ocean. Lands included in the DPA are shown on Schedule D.

Public comment included:

- the Rural Resource Lands OCP (Coastal Habitat and Hazard Protection DPA) recommends a vertical elevation level setback based on height
- it is understood that the Sooke OCP also recommends a vertical elevation level setback
- considering low bank areas in the Plan area, it was suggested that a height setback be included in Shoreline Protection DPA
- there appears to be more tsunami awareness in communities

Emma Taylor stated that:

- there is not sufficient mapping information available at this time to implement a DPA for lands that are subject to flooding
- the Province is also updating its floodplain methodology
- floodplain regulations will be considered when Bylaw No. 2040 is reviewed

APC comment included:

- concern for tree cutting on rocky shores to support ocean views
- support for educating property owners and tree companies regarding DPA regulations
- property owners are responsible for understanding regulations
- a company's due diligence should include understanding regulations

Staff stated that:

- there is opportunity for the CRD to support public awareness through Qualified Professionals (QPs) and CRD Bylaw Enforcement
- the CRD's ticketing bylaw (Bylaw No. 1857) provides opportunity for enforcement

Public comment stated support for expanding policy statement G to clarify that approval from the Department of Fisheries and Oceans and/or Environment Canada may be required for shoreline protection works.

#### 530 Riparian Development Permit Area

Emma Taylor advised that, in consultation with the Province, Schedule D and Schedule E include lands defined as riparian assessment area and land 30 m from the natural boundary on either side of all watercourses. Bylaw No. 4001 includes improved mapping for Schedule D and Schedule E, increasing awareness of the DPA.

APC comment included:

- concern for when a watercourse abuts directly between the Shirley – Jordan River Plan area and the Rural Resource Lands Plan area and the different protection regulations in the Plan areas
- it appears that property owners within the Shirley – Jordan River Plan area are more heavily regulated
- resource development is regulated by the Province
- there is opportunity to report concerns related to resource extraction in the Rural Resource Lands Plan area to the Province

Staff stated that the:

- OCP's broad objectives (subsection 442) support greater dialogue between resource extraction proponents and local residents
- Riparian DPA is required by the Province, providing some flexibility based on parcel attributes

Public comment included:

- noting the amount of provincial land in the CRD, there may be opportunity to incorporate language regarding resource development into the Regional Growth Strategy (RGS)
- noting recent case law, it is unclear if exemption for subdivisions noted under subsection 534 is current

#### 540 Sensitive Ecosystem Development Permit Area

Known eagle nest to be removed from Schedule E.

Staff advised that statement F is new, exempting the requirement for a development permit when the sensitive ecosystem has been identified by a QP and is protected by a

registered restrictive covenant that includes a reference plan showing the location of the sensitive ecosystem on that parcel.

Emma Taylor directed attention to the supplementary submission, advising that the DPA supports specification of a buffer zone as recommended by a QP. The DPA includes ten classes of sensitive ecosystems and identifies mature forests as important ecosystems.

Public comment included:

- 100 m buffer around eagle nests supported by the DPA is not sufficient
- support for designating the entire Plan area as an eagle nest tree DPA
- it is understood that the Campbell River Bald Eagle Nest Tree DPA does not support any development within 60 m of a nest tree
- disturbance to a nest disrupts further nesting
- look to other local governments to determine how raptor nesting sites are protected

#### 550 Commercial and Industrial Development Permit Area

Commercial DPA includes all land zoned commercial or tourist-commercial. Industrial DPA includes lands where industrial forestry uses have historically occurred. Bylaw No. 4001 expands the DPA language, providing guidance on form and character and water/energy conservation.

Public comment included support for subsection 554 having a separate guideline addressing Greenhouse Gas.

APC comment included:

- section language appears outdated and requires review to reflect alternative energy options
- support for revising guideline L to read "Where possible, use building products and design that demonstrate green technology in keeping with current LEED guidelines."

Pascal Knoglinger excused herself from the meeting at 9:35 p.m.

The Vice Chair resumed review of Bylaw No. 4001 at Part Six.

#### **Part Six – Development Approval Information Area**

Emma Taylor spoke to the areas designated development approval information area (DAIA). It was advised that the DAIA includes parcels that are 2 ha or larger as shown on Schedule H. The DAIA permits the ability to request submission of professional reports. Development approval information requirements and procedures are established by CRD Bylaw (Bylaw No. 2975).

#### **Part 7 – Temporary Use Permits**

Enables local government to issue temporary use permits (TUPs) to allow specific land uses to occur for a short period of time. A TUP can be issued for a maximum total of six years (three years plus three year renewal). A covenant can be required to ensure buildings associated with the TUP are removed upon permit expiration.

#### **Appendix A – Definitions**

Definition for Qualified Environmental Professional (QEP) is from the *Riparian Areas Regulation*.

**List of Schedules**

Emma Taylor responded to a question from the public confirming that Schedule I Restricted Development Land Use Designation is referenced under subsection 409 Restricted Development Land Use Designation and under subsection 464 Policies for Services and Emergency Planning, policy statement G.

- b) Bylaw No. 4070, “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment No. 7, 2016”**
- c) Bylaw No. 4071, “Juan de Fuca Land Use Bylaw, Bylaw No. 1, 1992, Amendment No. 128, 2016”**
- d) Bylaw No. 4079, “Official Community Plan for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 1, 2016”**

Emma Taylor advised that Bylaw Nos. 4070, 4071 and 4079 relate to the proposal considered by the Citizens’ Committee to amend the Shirley – Jordan River OCP boundary by taking in a parcel (Lot 1, Block 70, Malahat District, Plan EPP33632) to provide a distinguishable boundary between the Shirley - Jordan River OCP area and the Rural Resource Lands OCP area.

Staff confirmed that Bylaw No. 4079 includes a housekeeping amendment to correct wording for Section 3.2.

Emma Taylor responded to questions from the APC and the public confirming that:

- zoning for the subject parcel will remain Resource Land should the parcel be included in the Shirley – Jordan River Plan area
- the minimum parcel size for subdivision for the subject parcel is 120 ha
- the subject parcel would be designated Coastal Upland under Bylaw No. 4001
- Bylaw No. 4001 permits a density of one parcel for 4 ha for lands designated Coastal Upland

APC comment included:

- the boundary amendment was considered by the Citizens’ Committee to support potential park land dedication in the Muir Creek area
- rezoning of the subject parcel could potentially reduce gravel truck travel
- rezoning of the subject parcel to residential use could provide more opportunity for stewardship or park land dedication
- the proposed boundary amendment provides no clear benefit at this time

Public comment included:

- subject to rezoning, the subject parcel would have greater subdivision potential should it be taken into the Shirley – Jordan River Plan area
- it is understood that there is First Nation interest in Muir Creek
- formal park dedication would not be triggered should the subject parcel be subdivided into lots larger than 2 ha
- rezoning of the subject parcel to residential use could provide some improvement to Highway 14

Staff advised that:

- subsection 484 supports density bonusing should community amenities or park land in the Muir Creek area are provided
- the Shirley/Jordan River APC would consider any proposal to rezone the subject parcel, should the parcel be taken into the Shirley – Jordan River Plan area
- applications to rezone a parcel in the Rural Resource Lands Plan area would be considered at a public information meeting
- applications for rezoning in the Rural Resource Lands Plan area require full CRD Board approval

**MOVED** by Brenda Mark, **SECONDED** by Dominique Bernardet that the APC state support for Bylaw No. 4001, “Official Community Plan for Shirley - Jordan River, Bylaw No. 1, 2016” with the revisions requested by the APC and without the proposed amendment to the Plan area boundary.

**CARRIED**

Emma Taylor advised that the proposed bylaw with referral comments, including the comments received this evening, will be considered by staff and the LUC. The bylaw will also be considered by the Planning, Transportation and Protective Services Committee and the CRD Board for a determination of consistency with the RGS. The bylaw would then proceed to first and second reading and to a public hearing followed by third reading and then adoption.

## **7. Adjournment**

The meeting closed at 10:15 p.m.

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Chair