

Appendix D: Shirley/Jordan River Advisory Planning Commission meeting minutes

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binding dispute resolution process. Consideration of Bylaw No. 4000 and Bylaw No. 4001 cannot proceed until issues related to the RGS are resolved.

6. Rezoning Application

- a) RZ000248 - Lot 2, Section 2, Renfrew District, Plan VIP4194; Lot 6, Section 2, Renfrew District, Plan VIP4194; Lot C, Section 2, Renfrew District, Plan VIP60061; Lot 1, Section 2, Renfrew District, Plan VIP11741; Lot 1, Section 2, Renfrew District, Plan VIP4194; Lot A, Section 2, Renfrew District, Plan VIP60061; Lot 8, Section 2, Renfrew District, Plan VIP4194; Lot 9, Section 2, Renfrew District, Plan VIP4194; Parcel Number 1 (DD130151I) of Parcel A (DD88175I), of Section 2, Renfrew District; Lot A, Section 2, Renfrew District, Plan VIP50879; Lot 1, Section 9, Renfrew District, Plan EPP59131; Lot 2, Section 9, Renfrew District, Plan EPP59131; and Lot 3, Section 9, Renfrew District, Plan EPP59132 (Jordan River)

Emma Taylor spoke to the staff report and the request to rezone four parcels from the Jordan River Hamlet (JR-1) zone to a new Restricted Development – Flood Hazard Area (RD-1) zone; to rezone five parcels from the Jordan River Hamlet Commercial (C-1B) zone to the RD-1 zone; to rezone one parcel from the Jordan River Destination Resort (CR-1A) zone to the RD-1 zone; and to rezone three parcels from the Rural A zone to the RD-1 zone (proposed Bylaw No. 4188) in order to restrict development within an area found to be at risk of catastrophic flooding due to dam failure associated with an extreme seismic event. Emma Taylor directed attention Appendix 3 and 4 in the staff report reflecting the current zoning for the subject properties.

Emma Taylor confirmed that:

- the properties are subject to the current OCP and current development permit area designations
- the proposed zone does not support an overnight component
- the proposed zone restricts subdivision (120 ha)
- the proposed amendment will create one split zoned parcel
- it is not known if the properties are subject to treaty negotiation

It was confirmed that representatives from BC Hydro, Mike Prettejohn, Contract Property Representative, and Ted Olynyk, Manager, Community Relations, were present.

The representatives responded to questions from the APC and the public advising that:

- it is proposed that Lot 1, EPP59131 be split zoned RD-1/Rural A as the full parcel is not considered at risk based on tsunami hazard line data and contour flood hazard line data
- they are unaware any other comparable zoning amendments prompted by BC Hydro
- the restrictive covenants and statutory rights-of-way (SRWs) registered on the title of the properties restrict overnight accommodation
- consolidation of the smaller properties would not support light industrial use as consolidation would not result in a 4.0 ha lot

Wayne Jackaman, Jordan River

- the properties currently zoned Jordan River Hamlet Commercial (C-1B) allow retail store as a permitted use but includes exclusionary language to restrict gas bars, gas stations or bulk fuel sales, auto repair and car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*

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- stated support for adding the exclusionary language from the C-1B zone to the proposed RD-1 zone to limit the type of retail store uses
- pending OCP notes that to assess the impact of a particular development proposal, more detailed information and studies may be necessary
- the community considers the Jordan River Powerhouse to have heritage value (PID 009-573-437)
- the policies and objectives of the pending OCP support heritage protection measures
- it is understood that there are known contamination issues on the properties located to the east

Emma Taylor confirmed that some of the subject properties are currently designated as being in a Commercial or Industrial Development Permit Area and that the pending OCP maintains these designations while providing further refinements to Development Permit Area guidelines.

The representatives responded to questions from the APC and the public advising that:

- BC Hydro's environment division is investigating claims of contamination as it is anticipated that purchasers will seek comfort from BC Hydro with respect to this issue
- status of this investigation and remediation is not known
- there is a known residential contamination issue related to a heating oil tank
- all buildings have either been demolished or moved off site

MOVED by Pascale Knoglinger, **SECONDED** by Dominique Bernardet that the APC recommend to the Land Use Committee that clarification be requested regarding BC Hydro's current and future obligations to remediate contamination issues related to the thirteen properties subject to the rezoning application. **CARRIED**

MOVED by Dominique Bernardet, **SECONDED** by Fiona McDannold that the APC recommends to the Land Use Committee that the words, " , excluding gas bars, gas stations or bulk fuel sales, auto repair and car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*;" be added to Bylaw No. 4188, Section 34.01 after the words "retail stores;". **CARRIED**

The representatives responded to questions from the APC and the public advising that:

- the restrictive covenants and SRWs apply to all lands identified as being within the proposed RD-1 zone
- time required to evacuate in the event of a major dam failure is not known
- in the event of an emergency, people should evacuate as soon as possible

Wayne Jackaman, Jordan River

- the community would be insulted if a property owner proposed reinstating residential use as a permitted use to the properties subject to the rezoning application
- the pending OCP supports appropriate small-scale neighbourhood commercial activities and small-scale tourism activities
- considers the maximum height of 12 m proposed by Bylaw No. 4188 to be potentially too great when it is not known what is going to be built

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Emma Taylor responded to questions from the APC advising that the subject properties are designated Settlement Area (SA) in the current OCP and that some of the properties subject to the rezoning proposal are not designated as being in a Commercial or Industrial Development Permit Area.

MOVED by Pascale Knoglinger, **SECONDED** by Sonja De Wit that the APC recommends to the Land Use Committee that the permitted uses proposed for RD-1 zone be aligned with the Land Use Designations for the subject properties as proposed by the pending OCP. **CARRIED**

MOVED by Dominique Bernardet, **SECONDED** by Fiona McDannold that the APC recommends to the Land Use Committee that all thirteen properties subject to the rezoning proposal be designated as being in a Commercial or Industrial Development Permit Area. **CARRIED**

Public attendees questioned if future property owners will be able to get insurance or if the CRD will be able to issue building permits considering the subject properties are considered at risk properties.

A Jordan River resident stated that he considers the rezoning application to be an opportunity to communicate the community's interest in the lands. Community members stated support for securing land as conservation areas and for public uses such as park land and community market space.

The representatives stated that:

- a great deal of money was spent to purchase the at risk properties
- the purpose of the rezoning application is to ensure that it is known prior to selling that the properties are not suitable for residential use and that overnight accommodation is not permitted
- once the rezoning process is complete, the properties will be disposed
- BC Hydro will not be involved with development of the properties
- the community will work with the new property owners

Emma Taylor confirmed that building permit approval and development permit approval do not require public consultation.

APC comments included:

- there is local community interest in these lands
- communications from BC Hydro over the last two years has been limited
- the community of Jordan River is growing
- support for greater applicant engagement with the broader community in Jordan River
- support for input from the CRD as to how it is able to address community concerns and requests
- the rezoning application only addresses pressing uses but not how the community will be developed in future
- there has been no venue prior to this evening's meeting to receive community input
- written notice of the meeting was sent to owners within 500 m of the subject properties

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Gerard LeBlanc, Shirley

- questioned if BC Hydro received a site contamination waiver from the original property owners or if BC Hydro assumed responsibility for site contamination
- it is understood that under the *Environmental Management Act* the original polluter is responsible for site remediation
- requested clarification on who is responsible for site reclamation
- it appears counterintuitive to prohibit overnight accommodation but still permit commercial use of the properties when dam failure can happen at all times of the day

MOVED by Pascale Knoglinger, **SECONDED** by Brenda Mark that the APC recommends to the Land Use Committee that a public information meeting be held prior to first reading of Bylaw No. 4188. **CARRIED**

A Jordan River resident stated that the rezoning application provides an opportunity to reclaim the land as a salt water marsh, supporting river restoration and the return of salmon runs and the overall remediation initiatives of the Jordan River Roundtable.

The representatives confirmed that BC Hydro is part of the Roundtable group.

MOVED by Pascale Knoglinger, **SECONDED** by Dominique Bernardet that the APC recommends to the Land Use Committee that the rezoning proposal incorporate consideration of parkland, community market space, arts and culture space, and conservation areas. **CARRIED**

The APC questioned BC Hydro's plans to provide emergency preparedness education to residents and tourists.

The representatives confirmed that additional warning signs will be placed.

Emma Taylor responded to a question from the APC confirming that lands owned by corporations are subject to local government bylaws; lands held under treaty are not.

7. Proposed Bylaw

a) Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017"

Emma Taylor spoke to the staff report and proposed Bylaw No. 4179, which would add agriculture and intensive agricultural uses to the Forestry (AF) zone. It was advised that staff have recently received several inquiries into AF zoned properties from prospective buyers that have expressed interest in agricultural activities. At present, staff cannot provide assurance to prospective buyers that complaints regarding agricultural activities on these properties will not initiate enforcement action.

Emma Taylor reported that:

- parcels removed from PMFL have been subdivided into smaller, residential parcels
- the AF zone permits a 4 ha minimum parcel size for subdivision purposes
- the AF zone presently permits an accessory suite or a detached accessory suite
- adoption of the amendment bylaw would add 800 hectares of agricultural land in Otter Point and 1,500 hectares in Shirley and Jordan River