

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)

Iain Lawrence spoke to the staff report and the request to rezone four parcels from the Jordan River Hamlet (JR-1) zone, five parcels from the Jordan River Hamlet Commercial (C-1B) zone, one parcel from the Jordan River Destination Resort (CR-1A) zone, and three parcels from the Rural A zone to a new Restricted Development – Flood Hazard Area (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.

Iain Lawrence reported that at its July 18, 2017, meeting the LUC recommended that the proposal be referred to agencies and to the Shirley/Jordan River Advisory Planning Commission (APC). Iain Lawrence summarized the referral comments included in the staff report and highlighted the changes made to Bylaw No. 4188 in response to the comments received from referral agencies. It was confirmed that, as requested by the Shirley/Jordan River APC, a meeting was held by Director Hicks in Jordan River on September 22, 2017. At this meeting a representative of Pacheedaht First Nation (PFN) clarified that PFN intends to purchase the lands from BC Hydro.

Iain Lawrence responded to a question from the LUC advising that BC Hydro is responsible for contamination for the properties on the west side of Jordan River related to home heating oil tanks. Any contamination on the east side of the river is the responsibility of the original polluter.

The Chair clarified that should the lands be identified as treaty settlement lands through the treaty process, they would no longer be subject to local government zoning bylaws. In the interim, the proposed zone restricts overnight accommodation as requested by BC Hydro and addresses comments received from PFN.

The Chair confirmed that the spokespersons for the applicant were present.

A spokesperson for the applicant responded to questions from the LUC advising that:

- the Jordan River dam is considered one of the strongest dams in BC Hydro's system
- the dam is considered integral to the power system for southern Vancouver Island
- BC Hydro followed the disposition process for sale of Crown lands, which includes priority sale to First Nations

MOVED by Ron Ramsay, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4188 directed by the Juan de Fuca Land Use Committee to CRD Building Inspection, CRD Protective Services, CRD Regional

Parks, Fisheries & Oceans Canada, Island Health, Ministry of Environment, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and the Shirley/Jordan River Advisory Planning Commission be approved and the comments be received;

- b) That proposed Bylaw No. 4188, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017", be introduced and read a first time, read a second time; and
- c) 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. 4188.

CARRIED

7. Proposed Bylaw

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

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4179, which would add Agriculture as a permitted use in the Forestry (AF) zone.

Iain Lawrence reported that at its June 20, 2017, meeting the LUC recommended that the proposal be referred to agencies and to the Otter Point Advisory Planning Commission (APC) and the Shirley/Jordan River APC. Iain Lawrence outlined the referral comments included in the staff report and highlighted the changes made to Bylaw No. 4179 in response to the comments received from referral agencies.

LUC comments included:

- the AF zone applies to private lands classified as private managed forest land (PMFL)
- local government zoning bylaws do not apply to PMFL
- private property owners can apply to have parcels removed from PMFL and then subdivide land into smaller, residential parcels

Iain Lawrence responded to questions from the LUC confirming that:

- all other zones in the Juan de Fuca that permit forestry use also permit agricultural use including lands zoned Rural Resource Land
- adding a use to AF zoned properties is considered beneficial to the property owner when land is removed from PMFL
- owners of AF zoned properties will be able to apply to have land classified as a farm should Bylaw No. 4179 proceed

MOVED by Art Wynans, **SECONDED** by Sandy Sinclair that the Land Use Committee recommends to the CRD Board:

- a) That the referral of proposed Bylaw No. 4179 directed by the Juan de Fuca Land Use Committee to the Agricultural Advisory Planning Commission, Cowichan Valley Regional District, District of Sooke, Managed Forest Council, Ministry of Agriculture, Ministry of Forests, Lands and Natural Resource Operations, Ministry of Transportation & Infrastructure, Otter Point Advisory Planning Commission, Pacheedaht First Nation, Scia'new First Nation, Shirley/Jordan River Advisory Planning Commission, T'Sou-ke First Nation, and appropriate CRD departments be approved and the comments be received;