



**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, MARCH 14, 2018**

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**SUBJECT**     **Public Hearing Report on Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”**

**ISSUE**

To receive the Report of the Public Hearing held January 24, 2018, for proposed Bylaw No. 4179 and to consider withdrawing Bylaw No. 4179.

**BACKGROUND**

At its meeting on December 13, 2017, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”, and passed a resolution to delegate authority to the Regional Director to hold a Public Hearing with respect to Bylaw No. 4179.

Bylaw No. 4179 (Appendix 1) would amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, to allow Agriculture as a permitted use in the Forestry (AF) zone.

On January 24, 2018, a Public Hearing was held for Bylaw No. 4179. There were 44 people in attendance. Seven written submissions were received in opposition to the bylaw. One written submission expressed support subject to conditions. Three people spoke in favour of the proposal. Seven people spoke in opposition and two expressed conditional support. The Report of the Public Hearing is attached (Appendix 2).

**ALTERNATIVES**

*Alternative 1*

- a) That the minutes that form the Report of the Public Hearing on Bylaw No. 4179, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on January 24, 2018 for “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”, be received; and
- b) That Bylaw No. 4179 be withdrawn.

*Alternative 2*

- a) That the minutes that form the Report of the Public Hearing, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on January 24, 2018, for Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”, be received;
- b) That Bylaw No. 4179 be read a third time; and
- c) That Bylaw No. 4179 be adopted upon approval by the Ministry of Transportation and Infrastructure.

## **LAND USE IMPLICATIONS AND PLANNING ANALYSIS**

In response to the Notice of Public Hearing, seven submissions expressing objection and one submission expressing conditional support to the proposed addition of *agriculture* as a permitted use to the Forestry (AF) zone were received. During the public hearing, three attendees spoke in support of the proposed amendment, seven expressed opposition and two expressed conditional support.

The principal objection to the proposed amendment was concern regarding the impact of widespread, additional agricultural activity on groundwater resources, both in terms of quantity and quality. One of the letters of objection was received from Sheringham Waterworks, a private water utility that currently provides service to 100 rural residential parcels and relies on Goudie Creek and the surrounding watershed as a surface water source. The lands surrounding Goudie Creek are primarily zoned AF and the proposed amendment could apply to those lands in the future.

This bylaw amendment was initiated by staff in response to several inquiries from the owners of smaller AF zoned parcels in Shirley that are no longer used for silviculture. However, in light of the concerns raised by the public and by Sheringham Waterworks, staff recommend that the present amendment to add *agriculture* as a permitted use the AF zone be withdrawn, and that small-scale agricultural operations, such as hobby farms, on smaller AF zoned parcels be considered on a case-by-case basis.

## **CONCLUSION**

A Public Hearing was held on January 24, 2018, for Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”. The minutes are attached as the Report of the Public Hearing.

Forty four people were in attendance at the public hearing. Three people spoke in favour of the proposal, seven people spoke in opposition, and two expressed conditional support. Eight written submissions were received. Taking into consideration the concerns raised during the public hearing process, it would be more appropriate to consider proposals for agriculture use on a site specific basis. Staff recommends Alternative 1 to receive the Report of the Public Hearing and withdraw the proposed bylaw.

## **RECOMMENDATIONS**

- a) That the minutes that form the Report of the Public Hearing, which is certified as a fair and accurate summary of the representations that were made at the Public Hearing held on January 24, 2018, for Bylaw No. 4179, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”, be received; and
- b) That Bylaw No. 4179 be withdrawn.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning & Protective Services
Concurrence:	Nelson Chan, MBA, CPA, CMA, Acting Chief Administrative Officer

Appendix 1 – Proposed Bylaw No. 4179

Appendix 2 – Report of the Public Hearing January 24, 2018