

Appendix 2: Report of the Public Hearing

REPORT OF PUBLIC HEARING
held at the Shirley Community Hall
2795 Sheringham Point Road, Shirley, BC
January 24, 2018 at 7:00 p.m.

SUBJECT: **BYLAW NO. 4179**, cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017”

PRESENT: **Director M. Hicks**, Chair by Resolution of the Capital Regional District Board on Wednesday, December 13, 2017

CRD Staff: I. Lawrence, Manager, Local Area Planning, E. Taylor, Recorder

PURPOSE OF THE HEARING:

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

NOTICE: Notices were inserted in two (2) consecutive issues of the Sooke News Mirror appearing on January 10, 2018 and January 17, 2018.

ATTENDANCE: There were forty four people in attendance.

The Chair declared the Public Hearing open at 7:00 p.m.

The guidelines and procedures of the Public Hearing and the Notice of Public Hearing were read to those present.

Iain Lawrence reported that eight written submissions were received. Sheringham Water Works Ltd. stated opposition until an assessment of water resources is conducted in the area affected. Brenda Mark stated support subject to consideration of water quality and quantity and wildlife risk. John Foweraker stated opposition due to lack of information about the impact to local water resources. Bobbie Metzger, Hilary West, Sheri Ross and Shannon Sheil stated opposition to bylaw amendments until the new Official Community Plan is adopted and until the *Water Sustainability Act* is amended to protect local watersheds. The Shirley Action and Education Society stated opposition and concern for development of lands historically reserved for forestry use.

The Chair called for comments from those in attendance.

Chuck Minten stated:

- he is a farmer
- opposed to blanket approach to zoning change
- proposals for agriculture zoning should be site specific.

Brenda Mark stated the concerns outlined in her written submission and suggested a development permit requirement could be applied to larger scale farm proposals.

Rick Fonger stated concern that Forestry (AF) zoned lands could be used to grow marihuana.

Chris Knoglinger requested clarification of the definition of Agriculture.

Gerard Leblanc stated:

- watersheds need protection
- a water license is required for wells on farms
- concern for protection of water quality from agricultural fertilizers and pollutants
- consideration of permitting gardening if agriculture is not supported.

Sonya Fogg stated:

- she recently purchased AF zoned property with intention of small-scale farming
- not aware of local concerns about water supply
- cost to apply for rezoning is high

Nathan Fogg stated that ten acres is a suitable parcel size for raising cattle and that no negative impacts to the water table should result.

Dale Williams stated:

- owns property zoned AF
- land is cleared and no longer used for forestry
- multiple property owners on Kirby Creek Road want to have small-scale farms.

Terri Alcock representing Sheringham Water Works Ltd., in addition to the written statement, stated:

- there is a need to study all watersheds in area, not only Goudie Creek
- there are multiple water sources that may be affected by agricultural production
- opposed to broad zoning change of thousands of acres until an assessment is done on water resources
- not opposed to small-scale farming on Kirby Creek Road properties if they applied for rezoning
- concern that permitting agriculture on four hectare parcels makes development of forestry land more desirable
- support for an alternative approach to considering agriculture use.

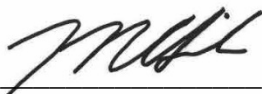
John Foweraker read written submission stating opposition.

Dale McLean stated a trend towards an increased demand for water and concerns may be alleviated if access to a community water system was available.

Colleen Minten stated:

- opposition to proposed bylaw
- impacts need to be studied
- proposed changes will impact community

The Chair called three times for further input on the bylaw and hearing none closed the Public Hearing on Bylaw No. 4179 at 7:25 p.m.



CHAIR, Director M. Hicks



RECORDER, E. Taylor



[REDACTED]

January 22, 2018

Juan de Fuca Electoral Area Planning
3, 7450 Butler Road
Sooke BC V9Z 1N1

Re: Public Hearing 1
Bylaw No. 4179
Juan de Fuca Land Use
Bylaw Amendment

Dear Sir/Madam:

We have received notice of a *Public Hearing* to be held in Shirley on January 24, 2018. As a community-owned and operated water system serving over 250 people in Sheringham Estates in Shirley, we feel we must respond to the proposed amendment.

As you know, we draw our water from Goudie Creek. The watershed for Goudie Creek is almost entirely contained within forest land on both sides of Highway 14. Despite talks with both the CRD and the Ministry of Forests, Water Rights Branch, it seems that there is little or no protection for watersheds, even when they are vital to an existing water utility and a large number of residents.

Before this matter is considered further, we ask that an assessment be carried out in Shirley/Jordan River of all water resources in the area covered by the proposed bylaw amendment, with mapping of watersheds, aquifers, creeks, and wells. It is vital to protect the water supply of residents in the area before more development takes place. And we feel that a blanket change in allowed use on forest land will lead to more development. This assessment must be completed before such a drastic measure is considered.

On behalf of our water subscribers we have no choice but to oppose the proposal and point out problems that could arise if this major change to the permitted use of forest lands in the area is allowed. It would affect potentially thousands of acres of forest. It seems both premature and foolhardy to allow sweeping changes without having studied possible effects not only on the Goudie Creek watershed, but also on the many creeks, wells and other watersheds in the area. It could not only endanger existing domestic water supplies, but also be problematic for the new homes that will surely follow.

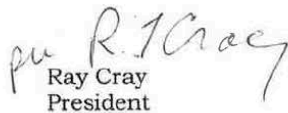
We have learned just today that another large property is going on the market in Shirley - the very forest lands that contain the Goudie Creek watershed. We fear that a sale will put the watershed in jeopardy. And imagine if the land is sold to a developer who divides this large parcel into 10 acre lots, each with the possibility of using water for agricultural purposes.

Despite our best efforts to be proactive and engage with those at the local and provincial level on this important issue, it seems that no one can or will help. Therefore, we have no choice but to oppose a blanket change of permitted use on all forest lands in the area.

If there are individual landowners who want to apply for a change to permitted use for their properties, then at least the community would be notified and be given an opportunity to examine each application, respond to each property based on location, proposed use and having weighed possible negative effects on neighbours.

Thank you for the opportunity to respond to this proposal. We await your response.

Sincerely,


Ray Cray
President

JDF EA Planning

January 24 2018

Re: Proposed Bylaw 4179 to Amend Bylaw 2040

Submission for Public Hearing 1, January 24 2018

I support agriculture as a use in the Forestry Zone, but with 1500 Hct of potential agricultural land created in Shirley if the proposed Bylaw 4179 to amend Bylaw 2040 is adopted there are major considerations. There should be measures in place to address the potential for:

- Draw-down of ground and surface water by agricultural irrigation, affecting already scarce domestic water resources
- Diversion of water for irrigation from streams without the appropriate water licence legally granted in accordance with the Water Sustainability Act
- Possibility of contamination of surface and groundwater from livestock and pesticides runoff
- Increased wildlife conflicts and management issues

It is a matter of scale, and 4 Hct of agricultural use per lot could have a huge impact on neighbourhoods. Because of this I think a development permit process should be in place to regulate farm uses of a certain size or nature (to be determined) if Bylaw 4179 is to be adopted as proposed.

Brenda Mark

[REDACTED]

[REDACTED]

24th January 2018

Juan de Fuca Electoral Area Planning
3, 7450 Butler Road
Sooke BC V9Z 1N1

Re Public Hearing 1
Bylaw No 4179
Juan de Fuca Land Use Bylaw Amendment

Dear Sir/Madam

My name is John Foweraker and my wife and I are residents in Shirley and have owned our property since 1973. From time to time over that period we have had to stand up along with our community to protect our Goudie Creek Watershed and our Goudie Creek drinking water supply from unreasonable land development proposals and deforestation within our watershed.

I consider this present Bylaw amendment to allow such a change by the CRD, without having shown us detailed studies of its effect on Goudie Creek Watershed and other watersheds in the area, to be premature and irresponsible.

It is vital that there first be a detailed study of the watersheds, aquifers creeks and wells in the proposed area, by professional experts and that the protection of existing residents water supply is assured first. Only then should further new development zoning be considered whether it is agricultural in nature or for new homes.

Thank you,

John Foweraker PhD., P.Eng. (Retired)

I live in Shirley and I am strongly opposed to Bylaw 4179. Please do NOT make any zoning changes until the Shirley/Jordon River OCP is adopted.

There should be no changes until the Water Sustainability Act is amended to protect Shirley Watersheds - including Goudie Creek, and well water protections are enacted. Our water supply source is the lifeblood of our community.

The proposed changes are not in-keeping with the spirit or the letter of the regional growth strategy and the concerns of the Shirley Community. If you care about your rural communities you will oppose this proposal.

Regards,

Bobbie Metzger

I am opposed to Bylaw 4179.

I ask for no zoning changes until the Shirley/Jordon River OCP is adopted.

We have to protect Shirley Watersheds - including Goudie Creek, and well water in the area. Unless protections are enacted there should be no changes. Please wait until the Water Sustainability Act is amended

Further uncontrolled development on lands that were set aside for Forestry and questionably removed from the protections of the Tree Farm License is unacceptable.

The proposed changes are not in-keeping with the spirit or the letter of the regional growth strategy and the concerns of the Shirley Community.

No to ANY Changes in zoning in our area until these important items are addressed.

Hilary West

I am opposed to Bylaw 4179.

To whom it may concern,

There should be no zoning changes until the Shirley/Jordon River OCP is adopted.

There should be no zoning changes until the Water Sustainability Act is amended to protect Shirley Watersheds- Including Goudie Creek, and well water protections are enacted.

Further uncontrolled development on lands that were set aside for forestry and questionably removed from the protections of the Tree Farm License is unacceptable.

The proposed changes are not in keeping with the spirit or the letter of the regional growth strategy and the concerns of the Shirley community.

NO to ANY changes in zoning in our area until these important items are addressed.

Thank you

Sheri Ross

Dear Mr. Hicks,

I am disappointed that I did not receive a notice in the mail about tonight's public hearing, re: bylaw 4179. I am a resident and home owner in Shirley.

I am opposed to Bylaw 4179. There should be no zoning changes until the Shirley/Jordon River OCP is adopted.

There should also be no changes until the Water Sustainability Act is amended to protect Shirley Watersheds - including Goudie Creek, and well water protections are enacted.

Further uncontrolled development on lands that were set aside for Forestry and questionably removed from the protections of the Tree Farm License is unacceptable.

The proposed changes are not in keeping with the spirit or the letter of the regional growth strategy and the concerns of the Shirley Community.

I do not support ANY Changes in zoning in our area until these important items are addressed.

Shannon Sheil



SEAS
SHIRLEY ACTION &
EDUCATION SOCIETY



info@seasbc.org

www.seasbc.org

January 20, 2018

Juan de Fuca Electoral Planning
3, 7450 butler Road
Sooke, BC.

VIA EMAIL

Dear Planning Department:

SEAS, on behalf of over 100 lifetime members in the Shirley Community, is opposed to by-law 4179.

There should be no zoning changes until the Shirley/Jordon River OCP is adopted.

There should be no changes in local planning bylaws until the Provincial Water Quality Act is amended to protect the Shirley Watersheds - including Goudie Creek Water and well water protections are enacted.

This bylaw is in direct contradiction to any effort to protect local water users.

Further, continued uncontrolled development on lands that were set aside for Forestry and questionably removed from the protections of the Tree Farm License is unacceptable.

This new proposed by-law flies in the face of protecting the public and in fact, places the public's water supply in jeopardy.

The proposed changes are not in-keeping with the spirit or the letter of the CRD regional growth strategy and the concerns of the Shirley Community.

SEAS is opposed to ANY Changes in zoning in our area until these important items are addressed.

Thank you.

Sincerely,

Dominique Bernardet

Dominique Bernardet

President

copies: Mike Hicks, Director
Hon John Horgan