



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

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**SUBJECT**     **Public Hearing Report on Bylaw No. 4188, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017”**

**ISSUE**

To receive the Report of the Public Hearing held January 24, 2018, for proposed Bylaw No. 4188 and to consider Bylaw No. 4188 for third reading and adoption.

**BACKGROUND**

This zoning amendment application was submitted by BC Hydro in order to mitigate the risk associated with a catastrophic failure of the Jordan River Dam. In response to a seismic study completed in 2014, BC Hydro purchased 13 at-risk properties: 10 from private individuals and 3 from the Capital Regional District (CRD). As the owner, BC Hydro registered restrictive covenants and statutory rights-of-way to restrict overnight accommodation and residential habitation. The purpose of the rezoning is to formalize the permitted uses and activities in a manner that is consistent with the covenants.

At its meeting on December 13, 2017, the CRD Board gave first and second reading to Bylaw No. 4188, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017”, and passed a resolution to delegate authority to the Regional Director to hold a Public Hearing with respect to Bylaw No. 4188.

Bylaw No. 4188 (Appendix 1) will amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by rezoning the 13 subject properties to a new “Restricted Development – Flood Hazard Area (RD-1)” zone 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.

On January 24, 2018, a Public Hearing was held for Bylaw No. 4188. There were approximately 40 people in attendance. One written submission was received from CRD Regional Parks in support of the bylaw. Three people spoke to the proposal. 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, 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. 4188, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017”, be received; and
- b) That Bylaw No. 4188 be read a third time and adopted.

*Alternative 2*

That the minutes that form the Report of the Public Hearing on Bylaw No. 4188, 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. 132, 2017”, be received.

**CONCLUSION**

A Public Hearing was held on January 24, 2018, for Bylaw No. 4188, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017”. The minutes are attached as the Report of the Public Hearing.

Approximately 40 people were in attendance at the public hearing. Three people spoke to the proposal. One written submission was received in support. Staff recommend Alternative 1 to receive the Report of the Public Hearing and for Bylaw No. 4188 to be read a third time and adopted.

**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. 4188, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 132, 2017”, be received; and
- b) That Bylaw No. 4188 be read a third time and adopted.

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. 4188

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