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**REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 21, 2021**

SUBJECT **Regional Growth Strategy Consistency – Outdoor Recreation Definition Amendment**

ISSUE SUMMARY

To consider whether a proposed amendment to the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602 to delete the *outdoor recreation* definition and permitted use is consistent with the Regional Growth Strategy (RGS).

BACKGROUND

Section 445 of the *Local Government Act* requires that all bylaws adopted by a regional district be consistent with its RGS. The Capital Regional District (CRD) Board adopted Bylaw No. 4017, “Capital Regional District Regional Growth Strategy Bylaw No.1, 2016” in 2018.

The Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602 permits outdoor recreation as a permitted use. The definition in Bylaw No. 3602 is as follows:

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape and the density of recreational users are not significant elements in the activity; excludes tourist lodges and cabins, marinas, recreational vehicle sites, resorts, and drive-in campgrounds.

Juan de Fuca planning staff regularly receive inquiries regarding the scope of permitted *outdoor recreation* uses. The bylaws have no controls for regulating the density, servicing, accessory buildings or siting for such operations. The inquiries pose challenges for interpretation and may result in unintended forms of development not contemplated for the rural resource lands.

At its May 18, 2021 meeting, the Juan de Fuca Land Use Committee (JdF LUC) recommended that the definition and permitted use be deleted from Bylaw No. 3602. The proposed amendment would require applicants to bring forward proposals for outdoor recreation activities through a zoning amendment application. The desired outcome is to protect lands from unintended development by considering proposals for outdoor recreation on a site-by-site basis.

The JdF LUC referred the proposed amendment to appropriate CRD departments for comment. The lands covered by Bylaw No. 3602 are designated Renewable Resource Lands Policy Area in the RGS. Regional and Strategic Planning staff identified applicable RGS policy areas and indicated that CRD Board determination of RGS consistency is required.

At its July 20, 2021 meeting, the JdF LUC recommended first and second reading of the amendment bylaw and it is now coming to the Board for determination of consistency. See Appendix A for the amendment bylaw and Appendix B for details about the proposed bylaw amendment.

ALTERNATIVES

Alternative 1

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be reviewed as it relates to Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

Alternative 2

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be reviewed as it relates to Bylaw No. 4017 "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed not consistent with the 2018 RGS Bylaw No. 4017.

Alternative 3

That the Regional Growth Strategy Consistency – Outdoor Recreation Definition Amendment report be referred back to staff for additional information based on Planning and Protective Services Committee direction.

IMPLICATIONS

Regional Growth Strategy Implications

The proposed bylaw amendment relates to rural land uses, addressed by RGS Objectives 1.2 and 5.1. There are four applicable RGS criteria to consider for RGS consistency:

- 1) Principle 1.2(I): Maintain working landscapes including agriculture, forestry and outdoor recreation activities that contribute to the region's economy.
- 2) Principle 1.2(II): Avoid the creation of future urban areas through development patterns that complement rural form, density and character.
- 3) Principle 1.2(III): Minimize impacts to the natural environment and surrounding working landscapes.
- 4) Policy 5.1(4): Ensure the long-term protection of Renewable Resource Lands.

No other RGS policy areas are applicable.

The proposed bylaw amendment addresses an underlying land use consideration that could permit density, servicing, access or other associated infrastructure unintended for the RGS Renewable Resource Lands Policy Area. Removing the definition allows for the consideration of recreation uses on a case-by-case basis using a planning approach that protects lands from undesired development patterns. As noted by JdF Planning staff, this approach is necessary as the scope of outdoor recreation is broad and not easily captured in a zoning definition.

This approach is consistent with the above RGS criteria as it continues to allow for outdoor recreation activities that contribute to the economy, while maintaining rural development patterns, minimizing impacts to the natural environment and ensuring the long-term protection of the

Renewable Resource Lands. Existing outdoor recreation sites would be maintained as legal non-conforming.

CONCLUSION

All bylaws adopted by the CRD must be consistent with its RGS. There are four applicable RGS criteria for the proposed removal of the *outdoor recreation* definition in the Land Use Bylaw for the Rural Resource Lands. Proposed Bylaw No. 4412 to remove the *outdoor recreation* definition and permitted use meets all criteria. A determination of consistency allows for adoption of Bylaw No. 4412.

RECOMMENDATION

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be reviewed as it relates to Bylaw No. 4017, "Capital Regional District Regional Growth Strategy Bylaw No.1, 2016" and be deemed consistent with the 2018 Regional Growth Strategy Bylaw No. 4017.

Submitted by:	Emily Sinclair, MCIP, RPP, Senior Manager, Regional & Strategic Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021"

Appendix B: July 20, 2021 Report to the Juan de Fuca Land Use Committee: Outdoor Recreation Bylaw Amendments