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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, DECEMBER 10, 2024

- SUBJECT** **Zoning Bylaw Amendment Application for the subject properties between Shirley and Jordan River described as:**
- **Parcel A (DD 104752I) of District Lot 745, Renfrew District; PID: 009-594-159**
 - **Parcel B (DD52657I) of District Lot 745, Renfrew District; PID: 009-594-183**
 - **District Lot 175, Renfrew District; PID: 023-414-308**

ISSUE SUMMARY

The landowner has applied to rezone the subject property from the Forestry (AF) and Resource Land (RL) zones to a new Silviculture Campground (CR5) zone.

BACKGROUND

The application comprises three parcels with a combined area of 106.3 ha. The subject properties are located north of West Coast Road between Shirley and Jordan River (Appendix A) and are zoned Forestry (AF) and Resource Land (RL) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix B). The lands are designated Coastal Upland (CU) in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001. Lands adjacent to the subject property are zoned AF to the east; AF, Intensive Commercial Recreation (CR-3), and Rural A to the west; RL to the north.

The subject properties are accessed from Cedar Coast Drive and West Coast Road, as well as by a driveway access through an adjacent parcel also owned by the applicant. The lands are partially located within the Shirley Fire Protection local service area. Portions of the land are designated as Steep Slope, Sensitive Ecosystem, and Riparian development permit areas.

At its meeting of March 19, 2024, the Juan de Fuca Land Use Committee (the "LUC") recommended referral of proposed Bylaw No. 4550 to rezone the subject properties from the AF and RL zones to a Wilderness Campground (WC) Zone. The Bylaw was referred to the Shirley-Jordan River Advisory Planning Commission; Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; Pacheedaht First Nation; T'Sou-ke First Nation; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests – Archaeology Branch, BC Wildfire Service; Ministry of Land, Water and Resource Stewardship – Water Protection Section; Ministry of Transportation and Infrastructure; RCMP; Sooke School District #62; and appropriate CRD departments.

During the referral period, public feedback on the initial application included discourse regarding the name of the Wilderness Campground zone, and concern regarding the inclusion of Strata Lot 13, Plan VIS4766 (Fishboat Bay). In response, the applicant removed the 64.5 ha strata lot from the proposal and that the proposed bylaw rezone the subject properties from AF and RL to a new Silviculture Campground (CR5) zone (Appendix C). The applicant has also reduced the proposed maximum camping space area; added vehicle restrictions, a maximum person capacity and a fire separation buffer; increased the setback requirement for Jacobs Creek, Swallow Creek, and Aleida Creek; and offered to register a no subdivision covenant for the 66.0 ha RL zoned parcel. The applicant has also supplemented the proposal with an environmental report (Appendix D) and an access and servicing route plan (Appendix E). If approved, the applicant intends to service a future campground with commercial water delivery and commercial waste-sewerage removal companies, rather than utilizing local land and resources.

The landowner has expressed opposition to providing a public trail over the subject properties and has not included such an amenity in the proposal. However, the provision of a trail to address the impacts of the development is identified as desirable by the Shirley-Jordan River OCP and the JdF Parks and Recreation Advisory Commission. Staff have revised Bylaw No. 4550 in accordance with the applicant's proposal (Appendix F) and recommend that prior to adoption of the bylaw, that a community amenity contribution be provided in the form of a public trail in favour of the CRD to connect

existing Juan de Fuca Community Parks trails and backcountry trails in order to address the impact of the development on the community.

ALTERNATIVES

Alternative 1

The Land Use Committee Recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023"; to the Shirley-Jordan River Advisory Planning Commission; Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; Pacheedaht First Nation T'Sou-ke First Nation; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests Archaeology Branch, BC Wildfire Service, and Water Protection; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Infrastructure; RCMP; and Sooke District #62 be approved and comments be received;
2. That proposed Bylaw No. 4599 be read a first and second time; and that in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4550;
3. That prior to adoption of proposed Bylaw No. 4550, the landowner registers a covenant in favour of the Capital Regional District prohibiting subdivision on District Lot 175, Renfrew District (PID: 023-414-308); and that staff be directed to ensure that all conditions are satisfied towards completion and registration; and
4. That prior to adoption of proposed Bylaw No. 4550, the landowner registers a statutory right-of-way for a public trail in favour of the Capital Regional District providing connectivity between existing Juan de Fuca Community Parks trails and backcountry trails, and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Alternative 2

The Land Use Committee Recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023"; to the Shirley-Jordan River Advisory Planning Commission; Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; Pacheedaht First Nation T'Sou-ke First Nation; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests Archaeology Branch, BC Wildfire Service, and Water Protection; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Infrastructure; RCMP; and Sooke District #62 be approved and comments be received;
2. That proposed Bylaw No. 4599 be read a first and second time; and that in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4550; and
3. That prior to adoption of proposed Bylaw No. 4550, the landowner registers a covenant in favour of the Capital Regional District prohibiting subdivision on District Lot 175, Renfrew District (PID: 023-414-308); and that that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Alternative 3

That proposed Bylaw No. 4550 not proceed.

IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the LUC on land use planning matters referred to them related to Part 14 of the *Local Government Act (LGA)*. The Shirley-Jordan River APC considered the application at its meeting on April 30, 2024.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

Regional Growth Strategy Implications

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a regional growth strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River OCP area is consistent with the OCP, it does not proceed to the CRD Board for a determination of consistency with the RGS. Staff are of the opinion that the proposed amendment is consistent with the policies of the Shirley-Jordan River OCP.

First Nations Implications

The CRD places a high value on its relationship with First Nations and the enhancement of reciprocal engagement procedures that advance reconciliation. The subject property is located within the traditional territory of the Pacheedaht and T'Sou-ke First Nations. Each Nation was invited to participate in the land use review and referral process to inform the Nations of proposed development activity within their territory and seek meaningful dialogue and comment with respect to the proposal.

Referral Comments

Referrals were sent to 11 agencies, Pacheedaht and T'Sou-ke First Nations, appropriate CRD departments, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, and to the Shirley-Jordan River APC. Comments received are summarized below and included in Appendix G.

Pacheedaht First Nation advised that PFN is currently conducting a water assessment through treaty negotiations and advises the applicant to be mindful of potential impacts to water resources. PFN comments also state that the campground will need to establish a user policy to address potential impacts to the natural environment and neighbouring landowners, and that the applicant should have a qualified professional conduct a cultural assessment to determine if there are areas of cultural and or archaeological significance that require protection.

T'Sou-ke First Nation is supportive of the rezoning application.

BC Hydro has no objection to the proposed rezoning and provided additional information for the applicant.

District of Sooke stated that its' interested are unaffected by the rezoning application.

Ministry of Forests – Archaeology Branch stated that while a permit is not required as records indicate that there are no known archaeological sites, lands in close proximity to the shoreline have a high potential for previously unidentified sites.

Ministry of Land, Water, and Resource Stewardship - Water Protection Section stated that are no concerns with respect to the proposal and provided additional information for the applicant.

The Shirley – Jordan River Advisory Planning Commission (the "APC") met on April 30, 2024, to consider the application with 36 members of the public in attendance and made the following motion:

MOVED by Fiona McDannold, **SECONDED** by Emily Anderson that the Shirley-Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee that the proposed Wilderness Campground (WC) zone be amended to:

- 1) specify a minimum lot size of 120 ha for subdivision purposes;
- 2) specify the maximum number of persons per campsite shall be 10 and the maximum number of persons over the age of 19 per campsite shall be 4 persons;
- 3) to prohibit recreational vehicles, as defined by Bylaw No. 2040, and specify a trailer weight limit;

- 4) to not include Strata Lot 13 (PID: 024-486-914);
- 5) to increase the campsite setback from a watercourse to 100 m or greater.

The Juan de Fuca Electoral Area Parks and Recreation Advisory Commission (the “Parks Commission”) reviewed the application at its meeting April 23, 2024, and provided the following recommendation by resolution.

MOVED by Commissioner Guenard, **SECONDED** by Commissioner Braunschweig that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission state to the Juan de Fuca Land Use Committee that the Commission’s interests are affected by the proposal (RZ000282) and that the Commission supports continued safe trail connectivity and recreation in the community including connecting backcountry trails and active transportation routes.

Land Use Implications

The landowner submitted an application to establish a commercial campground with a total of 20 campsites over three parcels with a density of 1 campsite per 5.0 ha, and continued silviculture activity under private managed forest regulations.

The Shirley-Jordan River OCP (the “OCP”) designates the subject property as Coastal Upland (CU), which consists primarily of parcels enrolled in the Private Managed Forest Lands (PMFL) program and supports the continued use of those land for forestry activities. If lands have been removed from the PMFL program, then uses such as low-impact recreation and low-impact tourism are supported. Community parks, single-family residential, and agriculture are also supported in this land use designation.

Development proposals should demonstrate that community interests can be protected and implemented subject to the criteria outlined by the OCP. This includes addressing geotechnical constraints, environmental protection, identification and protection of culturally significant features, emergency planning, and offsetting development impacts on local amenities. Where the OCP provides flexibility on terminology such as low-impact tourism, metrics can be established in proposed zones through the referral process, as well as through public consultation and comment.

Comments received through the referral process conveyed that while the scale of the initial proposal was consistent with low impact tourism, there were concerns that use of Strata Lot 13, which is subject to a “no subdivision” and “no build” covenant, will impact neighboring landowners. Potential subdivision of the 66.0 ha RL zoned lot, campsite capacity, large recreational vehicles, wildfire risks, impacts of development near watercourses were also noted as items of concern. The Juan de Fuca Community Parks and Recreation Advisory Commission recommended that public trails connecting community and backcountry trails should be considered.

During the referral period, public feedback on the initial application included concern regarding the proposed Wilderness Campground zone name. In response, the landowner changed the name of the proposed zone to the Silviculture Campground (CR5) zone. The revised proposal includes regulations for a *campground* and maintains the existing *silviculture* and *one-family dwelling* uses as principal uses. The proposed zone clarifies that *secondary suite*, *detached accessory suite*, and *homebased business* are accessory uses. Also, in response to the referral comments, the application no longer includes Strata Lot 13 and proposes a no subdivision covenant for the RL zoned lot in order to maintain the 4.0 ha minimum parcel size regulation from the AF zone. Therefore, there is now no potential net gain in the number of lots that could be created by subdivision. The revised regulations limit the number of persons per camping space and the size of vehicles, includes *fire buffer* requirements, and prescribes a 100 m setback from watercourses. The applicant was opposed to providing a public trail as was recommended by the Parks Commission. Such a trail would contribute to safe active transportation routes and connectivity between an adjacent community park and trails, and to back country trails.

Future Development Implications

Two of the three subject parcels have a total area of 40.3 ha and are zoned AF, which specifies a minimum parcel size of 4 ha. The largest parcel is 66.0 ha and zoned RL, which has a minimum parcel size of 120 ha. The AF and RL zones allow for similar uses, with the exception of *resource extraction* and *agriculture*, which are specifically consigned to the RL zone. Staff are of the opinion that the permitted uses and densities specified in the proposed CR-5 zone of Bylaw No. 4550 are consistent with the Coastal Uplands Land Use designation. However, the proposal is inconsistent with OCP policies related to community amenity contributions and the recommendation of the Parks and Recreation Advisory Commission.

In general, development applications should consider the provision of an amenity to address impacts of development that result from an increase in density or number of users, increased demand on local services and amenities such as existing roads, parks and parking area, or a reduction of those amenities. Since the application does not include a proposal to address such impacts, staff recommend that the LUC consider advancing Bylaw No. 4550 subject to the provision of a community amenity in the form of a CRD statutory-right-of-way (SROW) suitable for a public trail.

CONCLUSION

The purpose of Bylaw No. 4550 is to amend Bylaw No. 2040 by removing the subject properties from the Forestry (AF) and Resource Land (RL) zones and adding them to a new Silviculture Campground (CR5) zone. Staff have prepared proposed Bylaw No. 4550 and recommend receipt of referral comments, first, second and third readings, and that a public hearing be held with respect to the proposed Bylaw. Staff further recommend that adoption of the Bylaw be withheld pending registration of a statutory right-of-way in favour of the CRD for a public trail connecting existing community and backcountry trails, and registration of a restrictive covenant prohibiting further subdivision of District Lot 175.

RECOMMENDATION

The Land Use Committee Recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023"; to the Shirley-Jordan River Advisory Planning Commission; Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; Pacheedaht First Nation T'Souke First Nation; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests Archaeology Branch, BC Wildfire Service, and Water Protection; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Infrastructure; RCMP; and Sooke District #62 be approved and comments be received;
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Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng, MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Location, Zoning, and DPA Map
- Appendix B: Current Forestry (AF) and Resource Land (RL) Zones
- Appendix C: Proposed Silviculture Campground (CR-5) Zone
- Appendix D: Environmental Review, prepared by Steve Toth, ASct, R.P. Bio., December 20, 2023
- Appendix E: Visitor Access and Servicing Route Plans
- Appendix F: Proposed Bylaw No. 4550
- Appendix G: Referral Comments