



REPORT TO THE LAND USE COMMITTEE  
MEETING OF TUESDAY, JULY 20, 2021

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**SUBJECT** Outdoor Recreation Bylaw Amendments

**ISSUE SUMMARY**

To consider an amendment to the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602 and to the Juan de Fuca Land Use Bylaw No. 2040 to delete the *outdoor recreation* definition and permitted use from Bylaw Nos. 2040 and 3602, and to expand the scope of uses permitted in all zones in Bylaw No. 3602 to include a number of outdoor recreation uses.

**BACKGROUND**

The Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, was adopted in 2010 and established the Resource Land (RL) zone, Rural Resource Lands (RRL) zone and Resource Land – Meteorological Tower (RL-MT) zone. These zones all permit *outdoor recreation* as a permitted use. In response to inquiries regarding the scope of permitted *outdoor recreation* uses in Bylaw No. 3602, the definition for the use was amended in 2015 by Bylaw No. 3958 in order to clarify those activities that are permitted under the definition. The definition in Bylaw No. 3602 currently reads 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.

The Juan de Fuca Land Use Bylaw No. 2040 was amended in 2013 by Bylaw No. 3759 to zone lands in Shirley and Jordan River that were previously regulated by the Juan de Fuca Subdivision Bylaw No. 189 and had no associated land use regulations. As part of the amendment, the Resource Land (RL) zone was added and included the following definition of *outdoor recreation*:

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes: parks, trails, open space, playing fields, playgrounds, and low-impact wilderness camping.

Bylaw No. 2040 was further amended in 2018 to add the Restricted Development – Flood Hazard Area (RD-1) zone, which also permits *outdoor recreation*, but specifically excludes overnight camping.

Staff have continued to receive inquiries regarding the scope of permitted *outdoor recreation* uses on land zoned RL in both the Bylaw No. 2040 and Bylaw No. 3602 areas. In particular, proponents have requested clarification as to what constitutes “low-impact wilderness camping” in order to determine the feasibility of developing campgrounds. As written, the bylaws have no controls for regulating the density, servicing, accessory buildings or siting for such operations.

The *outdoor recreation* definitions continue to pose challenges for interpretation and may result in unintended forms of development. Therefore, staff have prepared Bylaw Nos. 4412 and 4413

to delete the *outdoor recreation* definition and all related references to the term (Appendix A and B).

At its meeting of May 18, 2021, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaws to the Shirley/Jordan River Advisory Planning Commission (APC), CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation for comment. Comments received are included in Appendix C.

## **ALTERNATIVES**

### *Alternative 1:*

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. That the referral of proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation be approved and the comments received;
2. That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be introduced and read a first time and read a second time;
3. That proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" be introduced and read a first time and read a second time;
4. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4412 and Bylaw No. 4413.

### *Alternative 2:*

That proposed Bylaw Nos. 4412 and 4413 not proceed.

### *Alternative 3:*

That more information be provided by staff.

## **IMPLICATIONS**

### *Legislative*

Should the *outdoor recreation* use be removed from Bylaws 2040 and 3602 as a permitted use, lawful outdoor recreation facilities operating prior to adoption of the amending bylaws would be considered legal non-conforming (i.e. grandfathered), and would be allowed to continue in accordance with Section 528 of the *Local Government Act (LGA)*.

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*. The Shirley/Jordan River APC considered the proposed bylaws at its meeting June 7, 2021. There is no APC established for the Rural Resource Lands.

Should the proposed bylaw amendments proceed and be granted second reading by the CRD Board, public hearings pursuant to Part 14, Division 3 of the *LGA* will be required. In accordance with Section 466(7) of the *LGA*, since more than 10 parcels owned by 10 or more persons are the subject of the bylaw, individual property owners will not be directly notified; however, the public

hearings on the proposed bylaw amendments will be advertised in the local paper and on the CRD website.

### *Regional Growth Strategy*

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. Since the proposal includes an amendment to the Land Use Bylaw for the Rural Resource Lands, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS prior to first reading. This procedure is consistent with the Board's Juan de Fuca Development Application RGS Consistency Policy, 2012. JdF Planning staff are of the opinion that the proposed amendments are consistent with the RGS.

### *Referral Comments*

Referrals were sent to the Shirley/Jordan River APC, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation. Comments received are summarized below and included in Appendix C.

The Shirley/Jordan River APC met on June 7, 2021, to consider the application. Five members of the public were in attendance. The Shirley/Jordan River APC moved the following motions:

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports the uses permitted in all zones as prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. **CARRIED**

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports amending the uses permitted in all zones as prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to include parks, hiking trails, horse trails and bicycle paths. **CARRIED**

**MOVED** by Fiona McDannold, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports deleting the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to support review of site specific proposals. **CARRIED**

CRD Regional & Strategic Planning provided comment to indicate that consideration of consistency with the Regional Growth Strategy is required.

CRD Bylaw Enforcement provided comment indicating support for the proposed bylaws.

CRD Protective Services provided comment advising that CRD Open Fire Bylaw 3452 applies within Fire Protection Areas only, and that CRD would not have to the ability to restrict fire use in these areas. Areas outside a fire protection area default to Provincial jurisdiction for fire regulation. CRD Protective Services stated no objection to the proposed bylaws.

JdF Planning staff and Pacheedaht First Nation staff discussed the proposed amendments on April 16, 2021, prior to initial consideration by the Land Use Committee, and on June 16, 2021,

during the referral period. Pacheedaht staff supported the amendments and expressed concern regarding widespread, unregulated camping.

### *Land Use*

The policies in the Official Community Plan (OCP) for the Rural Resource Lands, Bylaw No. 3591, support uses including outdoor recreation; tourism, including agri-tourism; and parks and wilderness activities.

The Shirley-Jordan River OCP, Bylaw No. 4001, designates lands zoned RL and RD-1 in Bylaw No. 2040 as either Coastal Upland or Renewable Resource. The Coastal Uplands policies support consideration of low-impact recreation and low-impact tourism uses if lands are removed from the Private Managed Forest Land program. Lands designated Renewable Resource in Bylaw No. 4001 are intended to support forestry and resource use.

Outdoor recreation opportunities in the Rural Resource Lands and in Shirley-Jordan River OCP areas are valued by local residents and by the region. Formal recreation sites and trails in the area, such as Tanksy, Avatar Grove, Lizard and Fairy Lakes, and the Kludahk Trail, are managed by the Province and are not subject to local government zoning. There are also many informal outdoor recreation opportunities occurring on Crown, forestry and private lands, such as hunting, fishing, off-road motorcycling, and hiking. The commercial tourism sector relies considerably on access to parks, trails and wilderness areas. As such, the scope of outdoor recreation in the Resource Lands and Shirley-Jordan River areas is broad and not easily captured in one definition.

The broad scope of what may be permitted as *outdoor recreation* in the bylaws is problematic as there are no regulatory measures to control density, servicing, access or other associated infrastructure. Such implications were not fully contemplated when the definitions were added to the bylaws and staff suggest that such uses are best addressed through submission of a zoning amendment application and public consultation. Therefore, staff propose deleting the definitions of *outdoor recreation* and all references to the term from Bylaw No. 2040 and Bylaw No. 3602.

Deleting the term from the bylaws is not intended to minimize the significance of these lands for outdoor recreation by the regional population; rather, it is an approach that aims to protect the lands from undesired development and allow for site-specific approvals and public consultation. Proposals for outdoor recreation activities that include low-impact or wilderness camping could be considered on a site-by-site basis through a zoning amendment application initiated by individual land owners, in accordance with the policies of the applicable OCP.

Parks, hiking trails, horse trails and bicycle paths are uses permitted in all zones within Bylaw No 2040, as stated in Part 2, Section 4.15(d). In Bylaw No. 3602, Part 2, section 2.4, the following uses are permitted in all zones: ecological reserves, fish and wildlife habitat, fish hatchery on lots greater than 4 ha, parks, watershed protection and erosion control. While the uses permitted in all zones in Bylaw No. 2040 include limited outdoor recreation uses, the uses in Bylaw No. 3602 are strictly environmental protection uses. The Shirley/Jordan River APC supports expanding the uses permitted in all zones in Bylaw No. 3602 to include “parks, hiking trails, horse trails and bicycle paths” as a means of supporting limited outdoor recreation uses. Proposed Bylaw No. 4412 has been revised to include this amendment.

Based on the referral comments received and the policies of the Rural Resource Lands and Shirley-Jordan River OCPs, staff recommend that Bylaw Nos. 4412 and 4413 be introduced, read a first and a second time, and that a public hearing be held.

## **CONCLUSION**

*Outdoor recreation* is a permitted use in the Resource Land (RL) and Restricted Development – Flood Hazard (RD-1) zones in the Juan de Fuca Land Use Bylaw No. 2040 and in the Resource Land (RL), Rural Resource Land (RRL) and Resource Land – Meteorological Tower (RL-MT) zones in the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602. There are no regulatory measures to limit the density of *outdoor recreation* uses or structures in the bylaws. Staff recommend that specific proposals for outdoor recreation uses be addressed through submission of individual zoning amendment applications and public consultation on a site-specific basis, that the definitions and related references to the term be deleted from the bylaws and that uses permitted in all zoned in Bylaw No. 3602 be expanded to include parks, hiking trails, horse trails and bicycle paths. Staff have prepared proposed Bylaw No. 4412 and 4413 and recommend receipt of referral comments, first and second reading and advancement to public hearing.

## **RECOMMENDATION**

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. That the referral of proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation be approved and the comments received;
2. That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be introduced and read a first time and read a second time;
3. That proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" be introduced and read a first time and read a second time;
4. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4412 and Bylaw No. 4413.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning and Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

## **ATTACHMENTS**

Appendix A: Proposed Bylaw No. 4412

Appendix B: Proposed Bylaw No. 4413

Appendix C: Referral Comments

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4412**

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**A BYLAW TO AMEND BYLAW NO. 3602, THE "LAND USE BYLAW FOR THE RURAL  
RESOURCE LANDS, BYLAW NO. 1, 2009"**

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The Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Bylaw No. 3602 being the "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009" is hereby amended as follows:
  - A. SCHEDULE A, II DEFINITIONS**
    - (a) By deleting the "OUTDOOR RECREATION" definition in its entirety.
  - B. SCHEDULE A, PART 2, SECTION 2.4 PERMITTED USE EXCEPTIONS**
    - (a) By inserting the words ", hiking trails, horse trails and bicycle paths" after the word "parks".
  - C. SCHEDULE A, PART 4, SECTION 4.1 RESOURCE LAND (RL) ZONE**
    - (a) By deleting Subsection 4.1.1, Paragraph "d) Outdoor Recreation".
  - D. SCHEDULE A, PART 4, SECTION 4.1A RESOURCE LAND – METEOROLOGICAL TOWER (RL-MT) ZONE**
    - (a) By deleting Subsection 4.1A.1, Paragraph "d) Outdoor Recreation".
  - E. SCHEDULE A, PART 4, SECTION 4.2 RURAL RESOURCE LAND (RRL) ZONE**
    - (a) By deleting Subsection 4.2.1, Paragraph "d) Outdoor Recreation".
2. This Bylaw may be cited as Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, Amendment Bylaw No. 8, 2021".

READ A FIRST TIME THIS	day of	2021.
READ A SECOND TIME THIS	day of	2021.
READ A THIRD TIME THIS	day of	2021.
ADOPTED THIS	day of	2021.

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CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

Appendix B: Proposed Bylaw No. 4413

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4413**

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**A BYLAW TO AMEND BYLAW NO. 2040, THE “JUAN DE FUCA LAND USE BYLAW, 1992”**

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The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:
  - A. SCHEDULE A, PART 1, SECTION 2.0 DEFINITIONS**
    - (b) By deleting the “OUTDOOR RECREATION” definition in its entirety.
  - B. SCHEDULE A, PART 2, SECTION 1A.0 RESOURCE LAND ZONE – RL**
    - (a) By deleting Subsection 1A.01, Paragraph “d) Outdoor Recreation” and re-numbering the section accordingly.
  - C. SCHEDULE A, PART 2, SECTION 34.0 RESTRICTED DEVELOPMENT – FLOOD HAZARD AREA – RD-1**
    - (a) By deleting Subsection 34.01, Paragraph “l) outdoor recreation, but excludes overnight camping”.
2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021".

READ A FIRST TIME THIS	day of	2021
READ A SECOND TIME THIS	day of	2021
READ A THIRD TIME THIS	day of	2021
ADOPTED THIS	day of	2021

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Chair

\_\_\_\_\_  
Corporate Officer

Appendix C: Referral Comments

CRD Regional & Strategic Planning:

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**From:** Jeff Weightman  
**Sent:** Friday, June 04, 2021 9:47 AM  
**To:** Iain Lawrence <ilawrence@crd.bc.ca>  
**Cc:** Emily Sinclair <esinclair@crd.bc.ca>  
**Subject:** Land Use Bylaw for Bylaw No. 3602 and 2040 to delete the outdoor recreation definition

Hi Iain,

Thank you for the opportunity to provide referral comments on the proposed amendments to remove the outdoor recreation use in the Juan de Fuca Land Use Bylaw. Comments from Regional and Strategic Planning are provided below. Comments relate to a review of the proposed amendment against the 2018 Regional Growth Strategy (RGS) Bylaw No. 4017.

Please note that the CRD Board will need to consider the proposed amendments and make a determination of consistency with the RGS once the Land Use Committee directs first and second bylaw reading. The 2018 Regional Growth Strategy (RGS) designates the planning area affected mostly as part of the Rural/Rural Residential Policy Area and Renewable Resource Lands Policy Area. 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. Since the proposal includes an amendment to the Land Use Bylaw for the Rural Resource Lands, evaluation for consistency is needed for all OCP amendments in the Juan de Fuca Electoral Area and the land use bylaw for the rural resource lands as it does not have an OCP.

**RGS Action 1.2(1)** is to maintain working landscapes including agriculture, forestry and outdoor recreation activities that contribute to the region's economy.

The proposed bylaw proposes to remove the outdoor recreation use within the Rural/Rural Residential Policy Area. The intent of this change is due to the ambiguity and lack of policy details around what can be permitted under an outdoor recreation use. Existing outdoor recreation sites such as Avatar Grove, Fairy and Lizard Lakes would be maintained as legal non-conforming. However, future consideration for future outdoor recreation uses would be considered on a case by case basis.

There is an underlying land use consideration in the policy change whereby, Juan de Fuca planning staff receive inquiries regarding types of uses that could be considered under outdoor recreation, namely, higher density development inquiries such as cabins and resort style developments not previously considered as outdoor recreation.

RGS Policy 1.1 protects rural communities by requiring that local municipalities and the Juan de Fuca Electoral Area provide for land uses consistent with the Growth Management Concept Plan and adopt policies that would prevent lands designated as Rural/Rural Residential from becoming future urban areas. Strengthening the character and quality of rural communities can be achieved by planning for development in accordance with the principles set out. Removing the outdoor recreation use from the Bylaws provides support to RGS principles 1.2.3 to protect the natural environment and working landscapes and 1.2.2 that avoids future urban areas through development patterns that support rural density, scale and character.

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Thanks,

Jeff

Jeff Weightman, RPP, MCIP, PMP | Planner  
Regional and Strategic Planning | Capital Regional District  
625 Fisgard Street, Victoria, BC V8W 1R7  
T: 250.360.3162 | C: 250.413.7674  
[www.crd.bc.ca](http://www.crd.bc.ca) | [Facebook](#) | [Twitter](#) | [YouTube](#)



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CRD Bylaw Enforcement:

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**From:** Shayne Gorman  
**Sent:** Tuesday, June 08, 2021 12:45 PM  
**To:** Wendy Miller <wmiller@crd.bc.ca>  
**Subject:** RE: Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Good Afternoon Wendy

I have asked for input and our response is below.

CRD Bylaw Enforcement Services has reviewed the staff report for the amendment Bylaws to Land Use Bylaw for the Rural Resource Lands , Bylaw No. 3602 (Bylaw No. 4412) and Juan de Fuca Land Use bylaw No. 2040 (Bylaw No. 4413) to delete the “Outdoor Recreation” definition and permitted use.

CRD Bylaw Services understands that the current definition of “Outdoor Recreation” being broad in scope and not adequately defined in regulatory measures to address density, servicing, access or other associated infrastructure poses implications. The potential impacts for CRD Bylaw Services Department as a result of this broad scope interpretation would be in addressing public concerns regarding allowable uses in relation to this broad definition. Such undefined regulatory definitions makes mitigating public concerns from an enforcement perspective difficult. The proposed method of considering individual zoning amendment applications and public consultation for such uses on a site specific basis is the proposed alternative and would allow for control of density, servicing, access or other associated infrastructure on a case by case basis.

CRD Bylaw Enforcement supports the approval of Bylaw’s No. 4412 & 4413 to remove the ambiguity of the definition of “Outdoor Recreation”.

Thank you

**Shayne Gorman** | Senior Bylaw Officer  
Bylaw and Animal Care Services | Capital Regional District  
#212-2780 Veterans Memorial Parkway, Victoria, B.C. V9B 3S6  
T: 250.474.3351 (22) | F : 250.391.9727  
[www.crd.bc.ca](http://www.crd.bc.ca) |

CRD Protective Services:

**Wendy Miller**

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**From:** Jonathan Reimer  
**Sent:** Thursday, June 10, 2021 11:01 AM  
**To:** Wendy Miller  
**Cc:** 'shirleychief@shaw.ca'; Iain Lawrence  
**Subject:** RE: Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Thank you. CRD Open Fire Bylaw 3452 applies within Fire Protection Areas only, meaning that most CRD Resource Lands default to Provincial jurisdiction for fire regulation. I suspect that CRD would not have to the ability to restrict fire use in these areas through the proposed bylaw change. If the intention is to limit overnight use for social or ecological reasons, Protective Services has no objection.

**Jonathan Reimer**  
Manager, Electoral Area Fire and Emergency Programs  
Protective Services | Capital Regional District  
625 Fisgard St, Victoria BC V8W 2S6  
T: 250-360-3137 | C: 250-415-1695

For emergencies, contact the CRD Duty Officer at 250-360-3223 or eocreports@crd.bc.ca

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**From:** Wendy Miller  
**Sent:** Tuesday, June 08, 2021 9:17 AM  
**To:** Jonathan Reimer <jreimer@crd.bc.ca>  
**Cc:** 'shirleychief@shaw.ca' <shirleychief@shaw.ca>  
**Subject:** Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Good Morning,

At its meeting of May 18, 2021, the Juan de Fuca Land Use Committee (LUC) directed referral of proposed Bylaw Nos. 4412 and 4413.

Proposed Bylaw No. 4412 would amend Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, by deleting the outdoor recreation definition and permitted use.

Proposed Bylaw No. 4413 would amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, by deleting the outdoor recreation definition and permitted use.

The amendments are proposed to support review of specific proposals for outdoor recreation uses through submission of individual zoning amendment applications and public consultation on a site-specific basis.

I attach the staff report considered by the LUC at its May meeting.

Referral comments are summarized in the staff report to the LUC; the actual comments received are inserted verbatim into the staff report as an appendix.

Comment is requested by June 17, 2021.

Thank you,

**Wendy Miller**  
Administrative Clerk | JDF Community Planning | 250.642.8100

Shirley/Jordan River APC:

Shirley/Jordan River Advisory Planning Commission Meeting Minutes  
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**5. Administrative Bylaws**

**a) Bylaw No. 4412, “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021” and Bylaw No. 4413, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021” (Outdoor Recreation)**

Emma Taylor spoke to the staff report and proposed Bylaw Nos. 4412 and 4413 which would delete the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040.

Emma Taylor highlighted the present definitions for outdoor recreation and reported that:

- the definition of outdoor recreation was added to the Land Use Bylaw for the Rural Resource Lands in 2010 and to the Juan de Fuca Land Use Bylaw in 2013
- the definition in the Land Use Bylaw for the Rural Resource Lands was amended in 2015 to clarify those activities that are permitted under the definition
- the Juan de Fuca Land Use Bylaw was amended in 2018 to add the Restricted Development – Flood Hazard Area (RD-1) zone which permits outdoor recreation, but specifically excludes overnight camping
- since these amendments, staff have continued to receive inquiries regarding the scope of permitted outdoor recreation uses
- in particular, proponents have requested clarification as to what constitutes “low impact wilderness camping” in order to determine the feasibility of developing campgrounds
- provincially managed sites such as Tanksy, Avatar Grove, Lizard and Fairy Lakes, and the Kludahk Trail are not subject to the local government zoning
- outdoor recreation facilities operating prior to adoption of the amending bylaws would be considered legal non-conforming

Emma Taylor highlighted the uses permitted in all zones prescribed by the Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw and the zoning maps for Bylaw Nos. 3602 and 2040.

Emma Taylor responded to questions from the APC advising that, should the amendment bylaws be adopted:

- outdoor recreation proposals, such as low impact campgrounds, wilderness camping or zip line facilities, would be reviewed against the Official Community Plans (OCPs) for the Rural Resource Lands (Bylaw No. 3591) and Shirley-Jordan River (Bylaw No. 4001)
- each OCP has policies in place for consideration of outdoor recreation proposals, but the OCPs do not provide regulations for such items as scale, density, site servicing, ingress/egress, number of sites, size of buildings or setbacks
- when inquiries are received, staff cannot direct to specific regulations for scale and scope
- proposals for outdoor recreation activities would be considered on a site-by-site basis through a zoning amendment application initiated by individual land owners

Iain Lawrence reported that, upon its initial consideration of Bylaw Nos. 4412 and 4413, the LUC stated support for considering deleting camping from the definitions of outdoor recreation as a means of addressing development scale concerns, as well as reviewing uses permitted in all zones in Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw.

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Heather Phillips, Otter Point, stated that:

- she was initially concerned regarding deleting outdoor recreation
- there are agreements in place with private property owners that allow for access to the Matterhorn, Camp Barnard and Private Managed Forest Lands
- if outdoor recreation is struck as a permitted use, private property owners may retract their access agreements
- her concerns might be addressed by amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to include parks, hiking trails, horse trails and bicycle paths
- if a use is not permitted by a zoning bylaw, the use is not allowed
- questioned how a structure built without a building permit can be considered grandfathered
- understands that there regulations to direct that buildings built without a building permit must be taken down

Brenda Mark, Shirley, stated that:

- it appears the proposed amendment bylaws have been drafted to address commercial, economically driven ventures
- current definitions of outdoor use are open to interpretation
- she supports deletion of outdoor recreation use to facilitate site specific rezoning

Iain Lawrence stated that inquires have focused on large sections of lands with an interest in some degree of financial return through commercial components.

Gerard LeBlanc, Shirley, stated:

- there have been issues with unregulated camping on the lands located to the north of his home
- issues include wildfire concerns, roaming dogs, lack of onsite caretakers and ingress/egress
- camping has not been limited to tenting
- structures have been built to support camping use
- he supports regulation of outdoor recreation
- he is concerned how sites will be deemed grandfathered and how the scale of such sites will be regulated

Karl Ablack, Port Renfrew, stated that:

- he supports regulation as opposed to deletion of outdoor recreation
- since COVID-19, Port Renfrew has seen an increase in interest in outdoor camping/recreation opportunities

Staff replied to questions from the public and the APC reporting that:

- grandfathered properties are reviewed to determine what uses/structures were in place at the time of grandfathering
- grandfathered properties cannot expand
- conferring legal non-conforming status to a use requires that the use was lawful at the time they started
- market demands change so quickly it is hard to anticipate what outdoor recreation uses will be proposed

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APC comments included:

- it appears camping and related services/activities are the main issues
- camping concerns include wildfire concerns, lack of caretaker oversight, potable water, washroom facilities, noise and litter
- support for commercial ventures triggering the requirement for rezoning
- support for the uses permitted in all zones in the Juan de Fuca Land Use Bylaw
- support for amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to include parks, hiking trails, horse trails and bicycle paths
- Shirley/Jordan River OCP supports economic development through consideration of camps and guiding lodges
- concerned that, if outdoor recreation use is deleted, the use becomes invisible and cannot be supported
- update of zoning bylaws to complement the current OCPs is overdue

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports the uses permitted in all zones as prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. **CARRIED**

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports amending the uses permitted in all zones as prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to include parks, hiking trails, horse trails and bicycle paths. **CARRIED**

**MOVED** by Fiona McDannold, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports deleting the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to support review of site specific proposals. **CARRIED**

**6. Adjournment**

The meeting adjourned at 8:47 pm.

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Chair