

Appendix C: Reports of the Public Hearing

REPORT OF PUBLIC HEARING

held at the Juan de Fuca Local Area Services Building
3-7450 Butler Road, Otter Point, BC
October 5, 2021 at 7:00 pm

SUBJECT: **BYLAW NO. 4412**, cited as “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021”

PRESENT: **Director M. Hicks** (EP), Chair by Resolution of the Capital Regional District Board on Wednesday, September 8, 2021
CRD Staff: I. Lawrence, Manager; JdF Community Planning (EP);
W. Miller, Recorder (EP)

PURPOSE OF THE HEARING:

Bylaw No. 4412 will amend Bylaw No. 3602, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009", by deleting the outdoor recreation definition and permitted use.

NOTICE: Notices were inserted in two (2) consecutive issues of the Sooke News Mirror appearing on September 23 and September 30, 2021.

ATTENDANCE: 4 EP

EP – Electronic Participation

The Chair provided a Territorial Acknowledgement.

The Chair declared the public hearing open at 7:00 pm.

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

I. Lawrence advised that two submissions of support were received for Bylaw No. 4412 in response to the notice of public hearing. One submission outlined support for existing uses being able to continue as a legal non-conforming use, should the bylaw be adopted. The submissions from Brenda Mark, Gerard LeBlanc and Brendan Herlihy will be recorded into the record of public hearing.

Brendan Herlihy, Jordan River, spoke to his written submission outlining efforts to develop a property in Jordan River for the purposes of low impact wilderness camping and requested that the existing use be considered a legal non-conforming use.

Sandy Sinclair, Otter Point, stated:

- concern regarding the ability of the bylaw to override existing agreements for use of Crown lands including camping
- camping is not a campsite
- campsites are a commercial use

The Chair called three times for further discussion on the bylaw and hearing none closed the public hearing on Bylaw No. 4412 at 7:05 pm.

CHAIR, Director M. Hicks

REPORT OF PUBLIC HEARING

held at the Juan de Fuca Local Area Services Building
3-7450 Butler Road, Otter Point, BC
October 5, 2021 at 7:00 pm

SUBJECT: **BYLAW NO. 4413**, cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021”

PRESENT: **Director M. Hicks** (EP), Chair by Resolution of the Capital Regional District Board on Wednesday, September 8, 2021

CRD Staff: I. Lawrence, Manager; JdF Community Planning (EP);
W. Miller, Recorder (EP)

PURPOSE OF THE HEARING:

Bylaw No. 4413 amend Bylaw No. 2040, “Juan de Fuca Land Use Bylaw, 1992”, by deleting the outdoor recreation definition and permitted use.

NOTICE: Notices were inserted in two (2) consecutive issues of the Sooke News Mirror appearing on September 23 and September 30, 2021.

ATTENDANCE: 4 EP

EP – Electronic Participation

The Chair declared the public hearing open at 7:07 pm.

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

I. Lawrence advised that two submissions of support were received for Bylaw No. 4413 in response to the notice of public hearing. One submission outlined support for existing uses being able to continue as a legal non-conforming use, should the bylaw be adopted. The submissions from Brenda Mark, Gerard LeBlanc and Brendan Herlihy will be recorded into the record of public hearing.

Brendan Herlihy, Jordan River, asked that his comments regarding Bylaw No. 4412 stand for Bylaw No. 4413.

Sandy Sinclair, Otter Point, asked that his comments regarding Bylaw No. 4412 stand for Bylaw No. 4413.

Gerard LeBlanc, Shirley, spoke to his written submission outlining support for Bylaw No. 4413 as the bylaw provides an approach to manage use in the forested interface lands. Further support was stated for not giving legal non-confirming status to existing uses when a use was not legal prior to the adoption of the bylaw.

The Chair called three times for further discussion on the bylaw and hearing none closed the public hearing on Bylaw No. 4413 at 7:11 pm.

CHAIR, Director M. Hicks

Public Hearing October 5 2021 Re: Bylaw 4412 and Bylaw 4413

I support the proposed Bylaws Nos. 4412 and 4413 to amend Bylaws Nos. 3602 and 2040 and delete the Outdoor Recreation definition and permitted use.

Because the definition of Outdoor Recreation is so open to interpretation, it seems best to delete it rather than trying to redefine it at this time, when situations that take advantage of an overly broad definition are already occurring. Particularly, wilderness camping has come to mean cheap camping without the need for the operator to meet any kind of requirement whatsoever.

The concept of outdoor recreation is important to residents but the CRD needs to be able to control and regulate operations in zones. It doesn't mean that people cannot pursue their personal recreational activities outdoors on their private property.

Like most residents in Shirley, our property lies directly below the former WFP lands that were removed from TFL and are now on the real estate market. When these lands were used for logging in the TFL there were environmental and other protections in place. Now that many of them have been sold we are seeing the detrimental aspects of what are basically unintended forms of development.

We are already experiencing those effects from recently purchased properties RL and Forestry Zones above our property. There is now a "glamping" operation with 3 cabins already established and according to the owner there will be "wilderness camping" sites coming. Some of these negative effects that we are experiencing are:

- increased non-local traffic on previously little-used **unopened** roads bordering our property
- substandard non-permitted buildings being rented out on Airbnb without approved sanitary or other facilities, and with uninspected woodstoves and chimneys
- threat to creeks with water licences by structures and activity nearby
- threat to wildlife with uncontrolled dogs
- potential for wildfire above us because of possible noncompliance with fire regulations and fire safety
- trespass on and disregard for the safety of our residential properties
- no on-site presence or supervision of any sort, all arrangements done online

There is also the horrendous potential for raves in remote areas that are unregulated and unmonitored yet accessible. During the extremely dry summer there was huge concern about the threat of wildfire with these cabins rented by those little understanding of the risks.

Brenda Mark

Shirley BC

October 4, 2021

Re.: Public Hearing October 5 2021 Re: Bylaw 4412 and Bylaw 4413

I voice my support for the proposed Bylaws Nos. 4412 and 4413 to amend Bylaws Nos. 3602 and 2040 to delete the definition of Outdoor Recreation and outdoor recreation as a permitted use from the zones that allow the use. Deleting the definition in the bylaws and as a permitted use in the various zones is an appropriate approach to managing a contentious and uncontrolled use in the forested and 'wild' areas of the Juan de Fuca EA.

It is important that the use be properly defined in the future. At present there are numerous proposals rumoured to be being considered for different 'wild' land areas. One already exists to the rear of our and several other properties in Shirley. This particular forest campground has two, if not three structures used for camping (human habitation) and at least one which has been constructed to include a wood-burning stove but with no sanitary facilities, including a lack of running water. In addition, there seems to be very little in terms of management of the uses and of the campers once they are on site.

This type of current unmanaged use must stop and any illegal uses need to be dealt with accordingly, beyond the proposed amendment. In addition, sufficient precautions to protect the area from potential wildfires due to increased interface activity in the forest:

- conflicts with wildlife that are observed in the area including bears, cougar, deer and others;
- impacts on streams which are licensed for domestic use by residents;
- unwanted intrusion on private property by campers looking for direction, their dogs seeking places to relieve themselves; and,
- the need for proper management plans including escape routes in case of emergency – wildfires, earthquakes or any other natural event.

The proposed amendments are an excellent start to better managing permitted land use activities on interface lands which can only handle limited intrusion. The new definitions and permitted uses in zones, when introduced in a subsequent zoning bylaw amendment, will hopefully address these concerns prior to any form of use being allowed.

Again I support the proposed amendments included in Bylaws 4412 and 4413 and look forward to future amendments to offer improved control over land use in more remote areas of the JDF EA.

Gerard LeBlanc
Shirley

October 5th, 2021

To The Juan de Fuca Land Use Committee, The Shirley/Jordan River Advisory Planning Commission, The CRD board and anyone else this may concern;

Re: 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.

I own the property [REDACTED] in Jordan River, [REDACTED]. I have included a plot plan of the property for quick reference. It is a 5 acre parcel and it is zoned "Resource Land". Over the past two years, I have been building a campground for the purposes of low impact wilderness camping as allowed in the zoning bylaw. To date, I have invested well over \$100,000 on the campground including land clearing, geo tech studies, low impact camping studies, land preparation, fire pits, picnic tables, portable toilet rentals, fencing, website design, graphic logo design, marketing materials, water system infrastructure, etc. I have also hired a full time employee (who quit his full time job in construction) as a full time onsite caretaker of the property, who will be putting the finishing touches on the campground and working and living there full time to run things after our official opening early next spring. We have done a soft opening already and allowed friends to camp there on occasion over this past summer.

I have had excellent feedback from the general public in terms of the concept and location. The property sits high on the hill overlooking the surf break and features amazing views of the Juan de Fuca Strait and Olympic Mountains. It is in very close proximity (a short walk) to the surf break and the Cold Shoulder Café, and it sits well above and safely out of the tsunami zone and the zone identified as a risk to human life in the event of an earthquake and possibility of the Jordan River dam failing and flooding the area downstream in the area around the mouth of the Jordan River. I have also made efforts to mitigate any potential concerns from neighboring land owners.

I am respectfully asking the CRD to grant my property "grandfathered" status in the event the property is downzoned as described in the proposed bylaw change. As in this excerpt from the proposal:

"Should the outdoor recreation use be removed from Bylaws 2040 and 3602 as a permitted use, 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)."

While I completely understand the concerns of the lack of definition in the zoning bylaw of exactly what "low impact wilderness camping" is, I don't agree that down zoning people's property is fair. I feel like it would make more sense to amend the bylaw to include clear definitions of what exactly constitutes

“low impact wilderness camping” instead of completely wiping out “outdoor recreation” and thereby taking away land owners property rights.

Regarding my specific property, I would be happy to give anyone concerned a tour of my campground property and work with the CRD to address any concerns they may have. I was planning on consulting with the CRD before the official opening in the spring but obviously with this proposed bylaw change it has moved up the timeline to do that. I would value the input from the CRD and look forward to arranging a site tour in the near future.

Sincerely,

Brendan Herlihy

[REDACTED]
[REDACTED]
[REDACTED]

Land owner [REDACTED]

Jordan River BC