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**REPORT TO THE CAPITAL REGIONAL DISTRICT BOARD  
MEETING OF WEDNESDAY, FEBRUARY 12, 2025**

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**SUBJECT**     **Public Hearing Report on Bylaw No. 4518, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022”**

**ISSUE SUMMARY**

To receive the Report of the Public Hearing held November 12, 2024, for proposed Bylaw No. 4518, and to consider Bylaw No. 4518 for third reading.

**BACKGROUND**

At its meeting of September 11, 2024, the Capital Regional District (CRD) Board gave first and second reading to Bylaw No. 4518, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022” and passed a resolution to delegate authority to the Regional Director to hold a public hearing with respect to Bylaw No. 4518.

Bylaw No. 4518 (Appendix A) will amend Bylaw No. 2040, "Juan de Fuca Land Use Bylaw, 1992", by deleting the subject property from the Forestry Zone (AF) and adding it to the Rural Commercial Recreation Zone (Campground) Zone (CR-2) for the purpose of permitting cabins; campsites; staff accommodation; office and reception space combined with a convenience store and a caretaker dwelling unit; and accessory and utility buildings.

A public hearing was held for Bylaw No. 4518 on November 12, 2024. Nine members of the public attended the hearing. Seven members of the public spoke to the application. Seven written public hearing submissions were received prior to the close of the public hearing. Written public hearing submissions were provided to the Board prior to the close of the public hearing through the CRD Board Correspondence Portal. The Report of the Public Hearing is attached as Appendix B.

**ALTERNATIVES**

*Alternative 1*

- 1) That the minutes that form the Report of the Public Hearing for Bylaw No. 4518, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on November 12, 2024, for Bylaw No. 4518, be received;
- 2) That Bylaw No. 4518 be read a third time; and
- 3) That prior to adoption of Bylaw No. 4518:
  - a. A commercial access permit be issued by the Ministry of Transportation and Infrastructure; and
  - b. The landowner provide an amenity contribution by registering a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail, and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

*Alternative 2*

That the minutes that form the Report of the Public Hearing for Bylaw No. 4518, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on November 12, 2024, for Bylaw No. 4518, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022”, be received.

## **IMPLICATIONS**

### *Regional Growth Strategy Implications*

Section 445 of the *Local Government Act (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 Official Community Plan (OCP) area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The proposed rezoning is consistent with the policies of the Shirley–Jordan River OCP.

### *Referral Process Implications*

Bylaw No. 4518 was referred to external agencies, the Shirley–Jordan River Advisory Planning Commission (APC) and to CRD departments in January 2023. Referral comments indicated that the scale, assembly use, and tourism accommodation density presented in the initial proposal were inconsistent with low-impact tourism. It was also recommended that additional information be provided to better inform the proposed zone and stipulate regulations to address the noted concerns. In particular, the APC recommended that the proponent reduce the scale of potential development, provide clearer, contextually appropriate conditions for the *assembly use*, and address the environmental; emergency management; traffic; and local amenity impact concerns expressed by the community.

Referral comments and a revised proposal were returned to the Land Use Committee, and the CRD Board gave first and second reading to Bylaw No. 4518 at its meeting on September 11, 2024.

### *Land Use Implications*

The Shirley-Jordan River OCP designates the subject properties as Coastal Upland. The intent of the Coastal Upland land use designation is to support the continued use of such lands for forestry. Lands in this designation consist primarily of parcels enrolled in the Private Managed Forest Land (PMFL) program or zoned for forestry uses. If lands are 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 designation.

The proposal included an Environmental Report, Geotechnical Report, Wildfire Report, Emergency Plan, historical information, and a Water Supply Assessment, which were considered by the CRD Board at its meeting of September 11, 2024.

The revised proposal maintains permissions for a campground that includes camping spaces, tourist cabins; staff accommodation; a convenience store; one caretaker dwelling; and one one-family dwelling. However, in response to referral comments, the permitted tourist accommodation density has been reduced from 2 camping spaces per hectare and a maximum of 100 camping spaces to 0.9 camping spaces per hectare and a maximum of 64 camping spaces per parcel, and from 2 tourist cabins per hectare and a maximum of 30 cabins per parcel, to 0.3 tourist cabins per hectare and a maximum of 23 tourist cabins per parcel.

The applicant has also removed the *assembly use* from the proposal and submitted a separate temporary use permit (TUP) application (TP000013) with conditions to establish a *gathering space* at a scale intended to address the concerns expressed by the APC. The initial application intended for the assembly use to also encompass spaces for play and leisure related outdoor recreation activities commonly associated with a campground. With the removal of *assembly use*, the proposed zone would accommodate outdoor recreation activities by permitting accessory outdoor recreation facilities including parks, trails, open spaces, playing fields, and playgrounds as part of a commercial campground.

Some members of the public expressed concern that a commercial campground would generate additional traffic impacting West Coast Road, which is the only route connecting the local area to other communities. The Ministry of Transportation and Transit advised that future development would require a commercial access permit. Staff recommend that adoption of Bylaw No. 4518 be withheld pending approval of a commercial access permit by the Province.

In related comments, the JdF EA Parks and Recreation Advisory Commission addressed public safety, recreation opportunities and connectivity along West Coast Road by recommending the establishment of a roadside trail. The applicant has committed to providing a statutory right-of-way in favour of the CRD for a roadside trail connecting the adjacent Jordan River Regional Park with land to the east as an amenity contribution should Bylaw No. 4518 be adopted.

Staff are of the opinion that the revised proposal is aligned with the Coastal Uplands land use designation and broader OCP policies, and recommend that the proposed bylaw be given third reading. Staff also recommend that prior to adoption, a commercial access permit be issued by the Ministry of Transportation and Transit and that the landowner register a statutory right-of-way adjacent to West Coast Road in favour of the CRD for the purpose of establishing a public trail.

**CONCLUSION**

The purpose of Bylaw No. 4518 is to amend the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 by rezoning the subject property from AF to CR-2. Proposed Bylaw No. 4518 has been read a second time and a public hearing for Bylaw No. 4518 was held on November 12, 2024. Staff recommend that the minutes of the public hearing be received, and that the proposed bylaw be given third reading. Staff further recommend that prior to adoption of the Bylaw, a commercial access permit be issued by the Ministry of Transportation and Transit and that the landowner provide an amenity contribution by registering a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail, and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

**RECOMMENDATIONS**

- 1) That the minutes that form the Report of the Public Hearing for Bylaw No. 4518, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022”, which are certified as a fair and accurate summary of the representations that were made at the public hearing held on November 12, 2024, for Bylaw No. 4518, be received;
- 2) That Bylaw No. 4518 be read a third time; and
- 3) That prior to adoption of Bylaw No. 4518:
  - a. A commercial access permit be issued by the Ministry of Transportation and Infrastructure; and
  - b. The landowner provide an amenity contribution by registering a statutory right-of-way adjacent to West Coast Road in favour of the Capital Regional District for the purpose of establishing a public trail, and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Housing, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**ATTACHMENTS**

- Appendix A: Proposed Bylaw No. 4518
- Appendix B: Report of the Public Hearing November 12, 2024