



REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MAY 20, 2014

SUBJECT **PROPOSED AMENDMENTS TO THE LAND USE BYLAW FOR THE RURAL RESOURCE LANDS, BYLAW NO. 3602 (AMENDMENT BYLAW NO. 3958)**

ISSUE

Amendments to the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, are proposed to clarify the definition of outdoor recreation.

BACKGROUND

Staff received an inquiry regarding permitted uses on a parcel of land zoned Resource Land (RL) in the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602. The RL zone permits a dwelling unit, resource extraction, agriculture and outdoor recreation uses. The proponent requested clarification as to what activities were considered under the definition of outdoor recreation, which reads:

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, low-impact wilderness camping and hunting.

The proponent wishes to develop an un-serviced campground as 'low-impact wilderness camping' consistent with the permitted outdoor recreation use. Staff proposes amending the definition to clarify the activities and accessory infrastructure associated with low-impact wilderness camping.

ALTERNATIVES

1. Recommend to the Capital Regional District (CRD) Board that proposed Bylaw No. 3958, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment No. 4, 2014" be referred to relevant CRD departments and agencies for comment.
2. Recommend that the CRD Board not refer proposed Bylaw No. 3958, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment No. 4, 2014".
3. Request more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 879 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Pursuant to Section 881 of the *LGA*, a proposed amendment to a zoning bylaw must be referred to the school district. Where an amendment or new land use and subdivision bylaw will apply to land within 800 m of a controlled access highway, the bylaw must be referred to the Ministry of Transportation and Infrastructure.

PUBLIC CONSULTATION IMPLICATIONS

An amendment to the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, has been prepared and will be considered pursuant to the rezoning process outlined in the Juan de Fuca Electoral Area Development Procedures Bylaw (Bylaw No. 3110). The proposed amendment is presented to the Land Use Committee (LUC) and, through the CRD Board, will

be referred to agencies for comment. As the bylaw relates to the Rural Resource Lands, it will be referred to the full CRD Board for determination of consistency with the Regional Growth Strategy (RGS). The proposed bylaw, revised to address community and referral agency concerns, would be considered by the LUC for a recommendation to the CRD Board for first and second reading and direction to a public hearing. A public hearing pursuant to Section 890 of the *LGA* would be required subsequent to the amendments passing second reading by the CRD Board. A notice of the proposed bylaw amendment will be advertised in the local paper and on the website.

There is no Advisory Planning Commission for the Rural Resource Lands; therefore, any public comments on the proposed bylaw amendment will be considered at the Land Use Committee meeting.

REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS

In the evaluation of a zoning amendment, consideration must be given to the CRD's RGS Bylaw No. 2952 and Official Community Plan (OCP) for the Rural Resource Lands Bylaw No. 3591. The proposal to amend the definition of outdoor recreation to exclude commercial tourism uses is not inconsistent with the Renewable Resources designation in the RGS or the Resource Lands designation policies in the OCP.

PLANNING ANALYSIS

In the development of the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, the rationale for including outdoor recreation as a permitted use in the RL zone was to recognize the community's use of these lands for backcountry wilderness activities. The definition does not include any reference to commercial activities associated with tourism. The bylaw specifically defines such commercial tourism and campground uses separately:

TOURISM USES means a facility, building or uses for tourists including: cabins, campgrounds, recreational vehicle sites, resorts and tourist lodges.

CAMPGROUND means a site operated as temporary accommodation for travelers in travel trailers, recreation vehicles or tents; excludes mobile home parks, motels and hotels; may include sanitary and laundry facilities.

Staff recommends amending the definition of outdoor recreation to clarify it as a backcountry activity that may include associated accessory infrastructure to support the activity (shelter, tent/viewing platform), whereas a campground would be specific infrastructure. The amended definition is proposed:

OUTDOOR RECREATION means a passive, not for profit, recreational activity, which does not involve the use of principal buildings or structures, but may include associated accessory infrastructure to support the activity (shelter, tent/viewing platform), 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, remote low-impact back-country wilderness camping and hunting; excludes commercial campgrounds, tourism uses.

By amending the definition of outdoor recreation, any proposal for campground uses in the RL zone would require rezoning to support a tourism use. Currently, only the Gordon River Recreation (GR) zone permits such commercial tourist accommodation uses in Bylaw No. 3602.

Staff recommends referring Bylaw No. 3958 to agencies for comment.

CONCLUSION

The purpose of this zoning amendment is to clarify the definition of outdoor recreation to be distinctly different from commercial tourism and campground uses.

RECOMMENDATIONS

That the Land Use Committee recommends to the CRD Board that:

1. Proposed Bylaw No. 3958, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment No. 4, 2014", as included in Appendix 1, be referred to appropriate CRD departments and the following agencies for comment: School District #62, Ministry of Transportation & Infrastructure, Cowichan Valley Regional District, and District of Sooke.
2. That proposed Bylaw No. 3958, to amend the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy in accordance with the Juan de Fuca Development Procedure Bylaw No. 3110.

****ORIGINAL SIGNED****

Emma Taylor, MA
Planner, Local Area Planning

June Klassen, MCIP, RPP
Manager, Local Area Planning

Kevin Lorette, P.Eng., MBA
General Manager,
Planning and Protective Services

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendix 1: Proposed Bylaw No. 3958

