



REPORT TO JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 16, 2014

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**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**

At their meeting of May 20, 2014, the Juan de Fuca Land Use Committee (LUC) considered an amendment to the definition of outdoor recreation in the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, as follows:

*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.*

At the meeting, LUC members recommended striking the references to 'not for profit' and 'commercial' from the proposed definition.

At their meeting of June 18, 2014, the Capital Regional District (CRD) Board approved referring proposed amendment Bylaw No. 3958 to BC Hydro, Cowichan Valley Regional District (CVRD), District of Sooke, Ministry of Transportation and Infrastructure (MoTI), School District #62 and relevant CRD departments. A motion was also made by the CRD Board to refer the proposal to the full Board for a determination of consistency with the Regional Growth Strategy (RGS).

Referrals were sent on June 16, 2014 and responses have been received from MoTI, CVRD, District of Sooke and CRD Regional Parks (Appendix 1).

**ALTERNATIVES**

1. Recommend to the CRD Board that proposed Bylaw No. 3958, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment No. 4, 2014" proceed for first and second readings and to direct the bylaw to public hearing.
2. Recommend that the CRD Board not approve 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 MoTI.

## **PUBLIC CONSULTATION IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Section 890 of the LGA will be required subsequent to the amendments receiving second reading. A notice of the proposed bylaw amendment will be advertised in the local paper and on the CRD's website.

## **REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS**

In the evaluation of a zoning amendment, consideration must be given to the CRD's Regional Growth Strategy 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 was deemed consistent by the CRD Board at their meeting of August 13, 2014.

## **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 Resource Land (RL) and Rural Resource Land (RRL) zones was to recognize the use of these lands for outdoor recreational activities. The LUC first considered the amendment to the outdoor recreation definition at their meeting of May 20, 2014 and the CRD Board recommended referring the bylaw to agencies for comment. Responses from MoTI, CVRD and District of Sooke indicated no concern with the amendment. The response from CRD Regional Parks suggested deleting the word 'passive' from the definition as the nature of outdoor recreational activities is active. Referral comments are included in Appendix 1. The CRD deemed proposed Bylaw No. 3958 consistent with the RGS at their meeting of August 13, 2014.

Based on discussion generated at the May 20, 2014 LUC meeting recommending striking the references to 'not for profit' and 'commercial' from the proposed definition of outdoor recreation, and on comments received from referral agencies, staff have incorporated changes into the proposed amendment (Appendix 2). Further, reference to hunting has been removed from the definition as that activity is regulated by the Province. The revised definition is 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.*

By clarifying the definition of outdoor recreation by excluding tourist cabins and drive-in campgrounds, proposals for such uses in the RL and RRL zones would require rezoning. Currently, only the Gordon River Recreation (GR) zone permits such commercial tourist accommodation uses in the Rural Resource Lands. Although the Province operates two recreation sites in the Rural Resource Lands at Fairy Lake and Lizard Lake, local government bylaws do not apply to these operations.

## **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. The definition has been revised based on discussion generated at the May 20, 2014 LUC meeting and from referral agency comments. Staff recommends that Bylaw No. 3959 proceed to first and second reading and be directed to public hearing.

**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 2, be introduced and read a first time and read a second time; and.
2. That in accordance with the provision of Section 890 and 891 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or the Alternate Director, be delegated the authority to hold a public hearing with respect to Bylaw No. 3958.

**\*\*ORIGINAL SIGNED\*\***

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Emma Taylor, MA  
Planner, Local Area Planning

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June Klassen, MCIP, RPP  
Manager, Local Area Planning  
Concurrence

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

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Robert Lapham, MCIP, RPP  
Chief Administrative Officer  
Concurrence

Appendix 1: Agency Comments  
Appendix 2: Proposed Bylaw No. 3958

Appendix 1: Agency Comments

**Wendy Miller**

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**From:** Evanoff, Ryan TRAN:EX <Ryan.Evanoff@gov.bc.ca>  
**Sent:** Monday, June 16, 2014 1:07 PM  
**To:** Wendy Miller  
**Subject:** RE: CRD Referral - Proposed Bylaw No. 3958 (Rural Resource Lands - Outdoor Recreation)

Wendy,

Please accept this email as an official response from the Ministry to the bylaw referral outlined below. The Ministry file number for this referral is 2014-02859.

The Ministry has no objections to the proposed bylaw amendment as presented and has no additional requirements for approval. Clearly defining allowable uses on property will aid in future access permit requests and other approvals.

The certified bylaw forms may be forwarded to this office after third reading for stamp / signature. Please include the Ministry file number in any future correspondence regarding this bylaw amendment.

If you require any additional documentation please feel free to contact myself directly.

Thank you,

**RYAN EVANOFF** | DISTRICT DEVELOPMENT TECHNICIAN | BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE | VANCOUVER ISLAND DISTRICT | 240-4460 CHATTERTON WAY, VICTORIA, BC V8X 5J2 |  
T: 250.952.4495 | F: 250.952.4508  
WEBSITE FOR DEVELOPMENT APPROVALS:  
[www.th.gov.bc.ca/Development\\_Approvals/home.htm](http://www.th.gov.bc.ca/Development_Approvals/home.htm) | MINISTRY WEBSITE: <http://tranbc.ca/>

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**From:** Mike Tippett  
**Sent:** Tuesday, June 17, 2014 11:49 AM  
**To:** Planning and Development  
**Subject:** RE: Attn: Tom Anderson - CRD Referral - Proposed Bylaw No. 3958

Dear Wendy,

It looks good to me, other than this: you may want to add a comma after the word "structures".

I will not be referring this to our Board.

One other thing: Tom Anderson has retired from the CVRD. Ross Blackwell will be the new General Manager here starting June 30<sup>th</sup>.

Best regards,

Mike Tippett MCIP, RPP

Acting General Manager  
Planning and Development Department  
Cowichan Valley Regional District  
175 Ingram Street, Duncan BC V9L 1N8

Telephone: (250) 746-2602 or 1-800-665-3955 toll-free in BC

**Wendy Miller**

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**From:** Katherine Lesyshen <klesyshen@sooke.ca>  
**Sent:** Thursday, June 26, 2014 8:59 AM  
**To:** Wendy Miller  
**Cc:** Gerard LeBlanc  
**Subject:** FW: CRD Referral - Proposed Bylaw No. 3958 (Rural Resource Lands - Outdoor Recreation)  
**Attachments:** PPS-JDF-2014-05-20-BL3602-AMDBL3958-LUC-referral-revised.pdf; PPS-JDF-2014-05-20-BL3958-LUCReport-WithoutSignatures-ForReferral-WithoutBylaw.pdf; PPS-JDF-2014-06-16-BL3958-Referral-Agency.pdf

Hello Wendy,

I have reviewed the attached documents, and have found that the District of Sooke has no concerns with the proposed amendment to the Land Use Bylaw.

Regards,

Katherine Lesyshen, MCIP, RPP  
Planner II - District of Sooke  
2205 Otter Point Road, Sooke BC V9Z 0X1  
Email: [klesyshen@sooke.ca](mailto:klesyshen@sooke.ca)  
Ph: (250) 642-1627 Fax: (250) 642-0541

**Wendy Miller**

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**From:** Jeff Ward  
**Sent:** Tuesday, July 08, 2014 11:37 AM  
**To:** Wendy Miller; June Klassen  
**Cc:** Jeanette Mollin  
**Subject:** Comments - RE: Proposed Bylaw No. 3958 (Rural Resource Lands - Outdoor Recreation)

June

I understand that the definition for "outdoor recreation" really applies to recreation activities in the backcountry. This would permit Regional Parks to have supporting facilities such as a backcountry campground with shelters and visitor and operational buildings (e.g., storage building, ranger cabin or public shelter).

I would delete the word "passive" as many of the outdoor recreation activities are active. Maybe it could read OUTDOOR RECREATION means a not for profit, recreation activity ...

What if we were to permit commercial backcountry guiding in regional parks and they used designated regional park campground facilities (such as a backcountry campground at Shields Lake)?

*Jeff Ward*, MCIP RPP  
Manager Planning, Resource Management and Development  
Capital Regional District Parks  
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Victoria, British Columbia  
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