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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, May 18, 2021, at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell (EP), Roy McIntyre (EP), Dale Risvold (EP), Sandy Sinclair (EP)  
**Staff:** Iain Lawrence, Manager, Community Planning (EP); Wendy Miller, Recorder (EP)  
**ABSENT:** Ron Ramsay  
**PUBLIC:** 5 EP

EP – Electronic Participation

The meeting was called to order at 7:00 pm.

The Chair provided a Territorial Acknowledgment.

**1. Approval of the Agenda**

**MOVED** by Dale Risvold, **SECONDED** by Vern McConnell that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Dale Risvold, **SECONDED** by Sandy Sinclair that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of March 16, 2021**

**MOVED** by Vern McConnell, **SECONDED** by Stan Jensen that the minutes from the meeting of March 16, 2021, be adopted.

**CARRIED**

**4. Chair's Report**

No report.

**5. Planner's Report**

No report.

Roy McIntyre entered the meeting at 7:05 pm.

6. Administrative Bylaws

a) **Bylaw No. 4385, “Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, Amendment Bylaw No. 1, 2021” (Agricultural Land Reserve Exclusions)**

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4385 which would establish fees for Official Community Plan (OCP) and zoning amendment applications where Agricultural Land Reserve (ALR) exclusion is also requested.

Iain Lawrence advised that:

- the application fee levied upon local governments by the Agricultural Land Commission for review of an ALR exclusion application is \$750
- an ALR exclusion application would require an OCP and zoning bylaw amendment
- as directed by the CRD Board, Bylaw No. 4385 has been drafted to increase fees for OCP and zoning amendment applications by \$2,000 in order to recover costs associated with ALR exclusion applications
- costs include staff time associated with application review, public notification and hearing expenses

Iain Lawrence responded to questions from the LUC advising that:

- in past, private property owners could submit ALR exclusion applications
- the *Agricultural Land Commission Act* now specifies that only government, First Nations or a prescribed body may apply to have land excluded from the ALR
- private property owners are still able to submit ALR inclusion applications and ALR subdivision applications
- the Building Division is permitted to charge \$30 for realtor property information reports (Bylaw No. 3741)
- there is degree of expectation that land use information is a basic level of service and that such information should be provided at no cost
- application fees for the Juan de Fuca Community Planning Division were last amended in 2019

The Chair stated support for proposed Bylaw No. 4385 as it would reduce tax payer subsidy. The Chair further stated that fees for soil removal and deposit applications are under review and that he continues to support review of financial separation of Building Inspection Services for each of the Electoral Areas.

**MOVED** by Sandy Sinclair, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4385, “Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, Amendment Bylaw No. 1, 2021” be introduced, read a first, a second and a third time; and
2. That Bylaw No. 4385 be adopted.

**CARRIED**

b) **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)**

Iain Lawrence 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.

Iain Lawrence 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
- regulation of outdoor recreation with no associated specifications for density is problematic
- the amendments are proposed to require review of specific proposals for outdoor recreation uses through submission of individual zoning amendment applications and public consultation on a site-specific basis

Iain Lawrence further 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.

The Chair requested comment from the public.

Brenda Mark, Shirley, stated that:

- she supports proposed Bylaw Nos. 4412 and 4413 as the CRD needs to be able to control and regulate campground use and activities
- the lands above her house are zoned Resource Lands, which permits the outdoor recreation use
- some of these lands have been removed from Private Managed Forest Land (PMFL) and sold
- there has been issues with the development of these recently sold lands and issues are anticipated to increase
- she supports outdoor recreation use, but through site specific rezoning to allow for regulations/controls to address such items as building and fire hazard concerns

Heather Phillips, Otter Point, stated that:

- outdoor recreation has been anticipated as a use in the Sooke Electoral Area since 1978
- supports 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
- in Nicola Valley there are public lakes stocked by the Province
- the public lakes are surrounded by private land
- through court action, the land owner does not need to provide access to the public lakes
- she is concerned that public access to Crown land sites such as the Kludahk Trail could also be restricted by land owners if the use is not permitted
- if outdoor recreation is struck as a permitted use, forestry companies may retract their access agreements

Iain Lawrence responded to questions from the LUC stating that:

- amending uses permitted in all zones would not ensure access to lands held by the forestry companies as the lands are privately held
- local government bylaws cannot regulate forestry use on PMFL

LUC comments included:

- access to private lands held by the forestry companies is by private agreement
- the private agreements address liability and insurance concerns
- support for amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to also include ATV trails
- support consideration of deleting camping from the definitions of outdoor use as a means of addressing development scale concerns

The Chair stated that:

- Jordan River has seen an increase in visitors
- the increase in visitations has seen an increase in development inquiries
- development inquiries have focused on campground development
- Juan de Fuca Community Planning has a well-established process for considering rezoning applications
- supports the proposed bylaws being referred to the APC and the T'Sou-ke First Nation and Pacheedaht First Nation

**MOVED** by Vern McConnell, **SECONDED** by Dale Risvold that staff be directed to refer proposed Bylaw Nos. 4412 and 4413 to appropriate CRD departments, the Shirley/Jordan River Advisory Planning Commission, T'Sou-ke First Nation and Pacheedaht First Nation for comment.

**CARRIED**

## **7. Adjournment**

The meeting adjourned at 7:45 pm.

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Chair