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**Minutes of a Meeting of the Shirley/Jordan River Advisory Planning Commission
Held June 7, 2021 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Fiona McDannold (Chair) (EP), Vivi Curutchet (EP), Melody Kimmel (EP)

Staff: Iain Lawrence, Manager, Community Planning (EP);
Emma Taylor, Planner (EP); Wendy Miller, Recorder (EP)

ABSENT: Emily Anderson, Blair Hughes

PUBLIC: 5 (EP)

EP – Electronic Participation

The meeting was called to order at 7:04 pm.

1. Approval of the Agenda

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the agenda be approved. **CARRIED**

2. Approval of the Supplementary Agenda

MOVED by Vivi Curutchet, **SECONDED** by Melody Kimmel that the supplementary agenda be approved. **CARRIED**

3. Adoption of the Minutes of April 6, 2021

MOVED by Vivi Curutchet, **SECONDED** by Melody Kimmel that the minutes of April 6, 2021, be adopted. **CARRIED**

4. Planner's Report

Iain Lawrence reported that Brenda Mark has stepped down from her position on the Advisory Planning Commission (APC) and extended a thank you to Brenda for her ten years of service on the APC. Emily Anderson has been appointed to the position. Emily has passed along regrets for this evening's meeting but her comments are included in supplementary agenda.

Iain Lawrence reported that the APC considered a zoning amendment application for a brewery in Jordan River (Bylaw No. 4381) at its December 9, 2020, meeting. The Juan de Fuca Land Use Committee (LUC) will consider recommending that proposed Bylaw No. 4381 be given first and second reading and direction to proceed to public hearing at its meeting of June 15, 2021.

Iain Lawrence reported that the APC considered a zoning amendment application for a portable sawmill operation in Shirley (Bylaw No. 4407) at its April 6, 2021, meeting. The LUC will consider recommending that proposed Bylaw No. 4407 be given first and second reading and direction to proceed to public hearing at its meeting of June 15, 2021.

Iain Lawrence responded to a question for the APC advising that proposed Bylaw No. 4381 was amended to reflect the APC's support for a reduction in Total Floor Area.

5. Administrative Bylaws

a) **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)**

Emma Taylor 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.

Emma Taylor 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
- provincially managed sites such as Tanksy, Avatar Grove, Lizard and Fairy Lakes, and the Kludahk Trail are not subject to the local government zoning
- outdoor recreation facilities operating prior to adoption of the amending bylaws would be considered legal non-conforming

Emma Taylor 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 and the zoning maps for Bylaw Nos. 3602 and 2040.

Emma Taylor responded to questions from the APC advising that, should the amendment bylaws be adopted:

- outdoor recreation proposals, such as low impact campgrounds, wilderness camping or zip line facilities, would be reviewed against the Official Community Plans (OCPs) for the Rural Resource Lands (Bylaw No. 3591) and Shirley-Jordan River (Bylaw No. 4001)
- each OCP has policies in place for consideration of outdoor recreation proposals, but the OCPs do not provide regulations for such items as scale, density, site servicing, ingress/egress, number of sites, size of buildings or setbacks
- when inquiries are received, staff cannot direct to specific regulations for scale and scope
- proposals for outdoor recreation activities would be considered on a site-by-site basis through a zoning amendment application initiated by individual land owners

Iain Lawrence reported that, upon its initial consideration of Bylaw Nos. 4412 and 4413, the LUC stated support for considering deleting camping from the definitions of outdoor recreation as a means of addressing development scale concerns, as well as reviewing uses permitted in all zones in Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw.

Heather Phillips, Otter Point, stated that:

- she was initially concerned regarding deleting outdoor recreation
- there are agreements in place with private property owners that allow for access to the Matterhorn, Camp Barnard and Private Managed Forest Lands
- if outdoor recreation is struck as a permitted use, private property owners may retract their access agreements
- her concerns might be addressed by 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
- if a use is not permitted by a zoning bylaw, the use is not allowed
- questioned how a structure built without a building permit can be considered grandfathered
- understands that there regulations to direct that buildings built without a building permit must be taken down

Brenda Mark, Shirley, stated that:

- it appears the proposed amendment bylaws have been drafted to address commercial, economically driven ventures
- current definitions of outdoor use are open to interpretation
- she supports deletion of outdoor recreation use to facilitate site specific rezoning

Iain Lawrence stated that inquires have focused on large sections of lands with an interest in some degree of financial return through commercial components.

Gerard LeBlanc, Shirley, stated:

- there have been issues with unregulated camping on the lands located to the north of his home
- issues include wildfire concerns, roaming dogs, lack of onsite caretakers and ingress/egress
- camping has not been limited to tenting
- structures have been built to support camping use
- he supports regulation of outdoor recreation
- he is concerned how sites will be deemed grandfathered and how the scale of such sites will be regulated

Karl Ablack, Port Renfrew, stated that:

- he supports regulation as opposed to deletion of outdoor recreation
- since COVID-19, Port Renfrew has seen an increase in interest in outdoor camping/recreation opportunities

Staff replied to questions from the public and the APC reporting that:

- grandfathered properties are reviewed to determine what uses/structures were in place at the time of grandfathering
- grandfathered properties cannot expand
- conferring legal non-conforming status to a use requires that the use was lawful at the time they started
- market demands change so quickly it is hard to anticipate what outdoor recreation uses will be proposed

APC comments included:

- it appears camping and related services/activities are the main issues
- camping concerns include wildfire concerns, lack of caretaker oversight, potable water, washroom facilities, noise and litter
- support for commercial ventures triggering the requirement for rezoning
- support for the uses permitted in all zones in the Juan de Fuca Land Use Bylaw
- support for 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
- Shirley/Jordan River OCP supports economic development through consideration of camps and guiding lodges
- concerned that, if outdoor recreation use is deleted, the use becomes invisible and cannot be supported
- update of zoning bylaws to complement the current OCPs is overdue

MOVED by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports the uses permitted in all zones as prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. **CARRIED**

MOVED by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports amending the uses permitted in all zones as prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to include parks, hiking trails, horse trails and bicycle paths. **CARRIED**

MOVED by Fiona McDannold, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports deleting 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, to support review of site specific proposals. **CARRIED**

6. Adjournment

The meeting adjourned at 8:47 pm.

Chair