

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **May 16, 2023, at 7:00 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

SUPPLEMENTARY AGENDA

1. Additional information received for the following agenda item:
 - a) Agenda Item 7 a) RZ000282 – Parcel A (DD 104752I) of District Lot 745, Renfrew District; Parcel B (DD52657I) of District Lot 745, Renfrew District; District Lot 175, Renfrew District; and Strata Lot 13 of Section 76 and District Lot 745, Renfrew District, Strata Plan VIS4766 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (10700 Block of West Coast Road)
 - Gerard LeBlanc, Shirley
 - Brenda Mark, Shirley
 - Denis Beaudoin, Shirley
 - Amy S-Turnbull, Shirley

May 14, 2023

JDF Electoral Area Land Use Committee (LUC)

3 – 7450 Butler Road,

Otter Point, BC V9Z 0K8

Dear LUC Members:

Re.: Zoning Amendment Application RZ000282; 10700 Block of West Coast Road; Proposed CRD Zoning Bylaw 4550.

I am writing to express some of my concerns with the application noted above involving four lots in the area to the west and north of my residence. I believe the application has merit given the possible low-impact form of development it represents, nonetheless the application has shortcomings which I believe need to be acknowledged and dealt with by the JDF Land Use Committee no. These are not dissimilar to those noted for the proposed cabin and cottage proposal considered in the application that generated proposed CRD Bylaw 4518 for lands in the Sandcut/Rockbottom Creek area.

The subject property includes lands that are designated as Steep Slope, Sensitive Ecosystem, and Riparian Development Permit Areas. There are two creeks, Aleda and Swallow Creeks that rise, in part, on DL 175. Both these creeks each have two (2) water licences for potable water issued to existing landowners. The water from these creeks is used to supplement domestic sources during periods of aridity. The streams have not been identified as such nor considered in the development proposal under application. Currently there is a vehicle parked on a small stream/tributary to Aleda Creek or that forms part of Fisherman's Creek. The health of this small stream has likely been compromised by the presence of the vehicle parked within it. This is not the form of environmental stewardship expected when a wilderness campground proposal is being considered.

That being said there are other riparian issues to be considered as well as wildlife habitat, sensitive ecosystem, steep slope, species at risk and wildfire potential considerations that need attention, among others. These require an assessment by a qualified professional who can provide guidance and measures for the implementation of appropriate management initiatives for the campground once it is established.

Further, with the exception of the identification of rudimentary escape routes, there's no indication of how an evacuation might be coordinated along these different routes during an emergency event. The application does not include details on the management of the campground relative to wildfires, earthquakes or wildlife incidents. The Staff report on the application notes that the campground is proposed to be a walk-in wilderness campground yet each campsite has a parking area and loading space as illustrated on Appendix C: Concept Plans. What is the campground proposed to be, walk-in or drive-in? What roads will be built and how will steep slopes, stream crossings

and related issues be dealt with? Information on these concerns needs to be provided to the LUC and area residents by the applicant in order for an informed decision to be made on the application.

In addition, how will the campground be managed? Will there be an on-site manager with experience in managing this type of campground?

In considering Shirley residents, what community benefits are going to be provided to the community by the applicant/land-owner should the application succeed. In past years the previous land owners permitted hikers, runners and dog walkers to access the roads on the various properties for these passive recreational purposes. Except for a few local people who run on the property roads or use them for other purposes, the current owner has prohibited these passive recreational uses by not allowing people to walk, run or hike on the existing roads. These activities do no harm to the land, other people or to streams and wildlife. The prohibited access has been counterintuitive to building community relationships and trust.

The LUC should take direct the applicant to complete two initiatives prior to this application receiving any further consideration by the LUC or referral out to external agencies.

1. Provide the information noted in **Part Six - Development Approvals Information Area** to enable the impacts of this development proposal to be properly assessed in the context of the requirements of **Part Six**; and,
2. Hold a Public Information Meeting at the Shirley Community Hall to explain the campground proposal and provide information on environmental protection, access to potable water, managing septic waste, wildfire management considerations, community benefits and wildlife awareness and other issues arising from the campground proposals.

A campground use such as the one proposed can likely co-exist with existing residential and resource uses. It nonetheless needs to be indicated that it will be properly developed, managed and operated while minimizing negative impacts on the natural environment and the community.

Thank you for providing this opportunity to comment on this application. I look forward to participating in the Land Use Committee meeting on May 16th.

Yours truly,



Gerard V. LeBlanc

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Shirley, BC, ██████████

Juan de Fuca Land Use Committee
Meeting May 16 2023

Re: Zoning Bylaw #4550 to amend Zoning Bylaw #2040

Proposed Bylaw 4550 proposes to amend the zoning of 4 parcels to a Wilderness Campground Zone or WC Zone. Currently these parcels are designated as Coastal Upland. The Shirley/Jordan River OCP supports small scale wilderness camping for lands removed from Coastal Upland land use designation.

It is difficult to determine what is small scale as it is not defined in Zoning Bylaw 2040. The 20 proposed campsites could be considered within the realm of small scale by some, others may not think so. It really should have been defined since the last recent application for wilderness campsites in order to clear up that ambiguity prior to bringing another application forward.

Whereas I may not be adverse to some form of wilderness camping on some areas of these parcels, I would want it to be acceptable to residents, especially near neighbours like us. I am astounded by the lack of detail and lack of any kind of reports to support the use. Other than the staff report, all that is submitted are a couple of rough drawings over maps showing campsites, a crude escape route plan and a basic tent platform design. Not much care and attention has gone into this, which is concerning if it is a reflection of how such an enterprise might be developed and managed.

Specifically there is not:

- a wildfire management plan
- riparian assessments done by a qualified professional
- an environmental assessment for wildlife, species at risk, steep slopes, or sensitive ecosystems done by qualified professionals
- specifics of water supply
- location and specifics of approved pit toilets
- campground management plan, rules and regulations

LUC should know that there is a big problem with lack of watercourse mapping on former WFP lands when they were removed from TFL. Many of the creeks shown on CRD mapping just ended at the boundaries of WFP. Specific to this application, Swallow Creek and Aleda Creek are shown just starting at the south boundary of District Lot 175 PID 023 414 308. Fisherman Creek is not shown at all at that boundary although it has to go through there. There are 2 water licences on Swallow Creek, one of them is ours and we depend on it, and 2 water licences on Aleda Creek. Fisherman

Creek does not have an official water licence on it although I believe that is being considered by a resident. These creeks are our precious water resources and they are vulnerable.

During the Shirley/Jordan River OCP Committee discussions, the importance of identifying the creeks in the area was stressed, as they were shown inaccurately on the CRD mapping at the time. Although Goudie Creek was officially mapped by the CRD for the OCP, it was left that other creeks should be identified and mapped at the time of development. That time is now. You can't recognize and protect a riparian area if it's not identified. The previous owner of the lot to the east of DL 175 was required by the CRD to map Swallow Creek where it ran through his property when he was developing it several years ago. The CRD has that map and it would help to determine the location of Swallow Creek in this instance. The Water Sustainability Act requires particular protection for streams upon which there are official water licences.

There is also a ravine on Lot 175 that has been home to bear dens for many years. We told the owner of the lots about the dens when he bought the land. There is no evidence in this application of wildlife habitat protection or enabling wildlife connectivity in this area, which is mentioned in the OCP. As well, steep slope and sensitive ecosystem DPAs may be required.

The campsite locations drawing shows 6 campsites in the areas where Swallow, Aleda and likely Fisherman Creeks pass through, as well as adjacent to the area of bear habitat and dens. There should not be development there (and what is proposed is a form of development) until the appropriate mapping and reports have been submitted by qualified professionals and appropriate measures taken as recommended by them.

There is no mention of community amenities. Why would nearby residents be in favor of a rezoning, that in the case of the Resource Lands zoning allows 1 dwelling in 120 ha, to a zone which allows multiple campsites with uncertain effects? Why would the residents of Fishboat Bay Rd. want to have a covenant that ensures no structures are erected be amended to allow the same situation of multiple campsites with uncertain effects?

This application should not be before the LUC without all of the required reports and information to consider, and therefore should not proceed further. It is premature to refer the application out to agencies or the APC as is.

Thank you
Brenda Mark
Shirley, BC

To:

JDF Land Use Committee

Re:

Comments regarding Zoning Bylaw Amendment Application, Upcoming Meeting of Tuesday May 16, 2023 and proposal to rezone Lot #13 of Section 76, District Lot 745 Strata Plan VIS4766

As an owner in Strata Plan VIS4766 on Fishboat Bay, I'd like to register my personal concerns regarding rezoning Strata Lot #13 of VIS4766 from AF to WC, and also regarding modifying Covenant EN21276.

I did not have enough notice of this meeting to collect opinions/feedback from the other owners who are all a part of VIS4766. Most I spoke to were not aware of this upcoming meeting. However, as president of our strata VIS4766, if "Alternative 1" in the report is chosen, **I request that all the owners who are on lots 1 through 12 of VIS4766 specifically be solicited for feedback regarding changes and rezoning proposal to lot #13 before a decision is made (just as is documented in "Alternative 1" from BC Hydro, First Nations, Island Health, etc.).** These changes could significantly impact VIS4766 and their property values. For some, these properties were an investment. For others, it is their home, lifestyle and retirement.

- 1) First and foremost, I am personally very much opposed to changing the zoning of VIS4766 Lot#13 from AF (Forestry) to WC (Wilderness Campground). Lot #13 exists to preserve green space and control the lot size average in the area for the benefit of Fishboat Bay residents, even if Covenant EN21276 is registered in favor to the CRD. Changing it to WC could have significant implications by putting a business so close to a small park like Fishboat Bay, which is often overcrowded during the summer weekends, with pedestrians and parking currently allowed on both sides of Fishboat Bay Road, sometimes causing driving or walking to our private driveways a challenge
- 2) The lot (#13 of strata VIS4766) was sold by WFP (Western Forest Products) and purchased by the new owner with full knowledge of Covenant EN21276. Despite this covenant which restricts any form of construction and even specifically restricting a fence, some cabins were built very soon on lot #13, a fence and gate were installed at the entrance (still there), disregarding EN21276. A business named Funky Forest was started, and a promotional website advertised rental cabins on this land, including lot #13. This raises concerns about "pushing the limits" of even any modified covenants or restrictions. Therefore, any changes to covenant EN21276 or zoning must be VERY monitorable and enforceable

- 3) Although there hasn't been any significant change to the tree barrier along the south edge of the property between lot #13 along West Coast Road, VIS4766 Strata had negotiated a 50m, tree buffer zone and visual barrier with WFP. This had been previously agreed to years ago, between Strata and WFP (see attached letter). I feel a similar buffer zone should be a mandatory requirement in any modifications in EN21276 or zoning amendment (if it proceeds), and should be considered a positive by most
- 4) Many owners on Fishboat Bay are starting to have water yield issues from their wells since logging took place on lot #13 a few years ago. Many must (as we do on our lot) regularly bring in city water to refill their cisterns at least once a year or more. We are concerned if changes on lot#13 (or those above), might affect our water supply, given that it isn't clear where our aquifer is fed from
- 5) VIS4766 owners (other than lot 13) are required to pay strata fees (not imposed on Lot #13) which provides access to a septic field along Fishboat Bay Road from lots 1-12. The septic field does not include capacity for access from lot #13, because it was never expected to be developed in any way (covenant EN21276). Should any cabins OR even just tent platforms be approved on lot #13, it isn't clear how they would deal with water supply, septic services, showers, outhouses, cleanup and garbage collection without impacting the rest of VIS4766
- 6) Who would be responsible for fire or emergency water supply on this section of land? The trees will surely grow back and present a fire risk, specifically if there are campsites and campfires
- 7) Any changes to Covenant EN21276 and Lot#13 plans must not impact future construction limits and requirements of unbuilt homes on VIS4766 lots #1 to #12; i.e., the existing lot size averaging limits must not be impacted by anything that takes place on lot#13

The owners who are part of strata VIS4766 purchased / invested and moved here with certain expectations based on covenant EN21276 and zoning of VIS4766 (and the neighboring lots). This decision will impact the owners directly. Please select Alternative 2, or do not proceed with this rezoning amendment and covenant change without at least involving all the owners in strata VIS4766 and also considering the above. I'll be happy to provide you with contact information for all VIS4766 owners if you need it.

Sincerely,

Denis Beaudoin, [REDACTED]

[REDACTED]
Shirley, BC [REDACTED]
[REDACTED]

The Owners, Strata Plan VIS 4766

[REDACTED]
[REDACTED]
[REDACTED]

August 12, 2002

VIA: Fax

Western Forest Products Limited
Jordan River Forest Operation
Jordan River, B.C. V0S 1L0
FAX: (250) 646-2834

Attention: Warren Littlejohn

Dear Mr. Littlejohn

RE: Your letter of May 8th, 2002 regarding timber value of Lot 76, Refrew District

On behalf of the Owners of Strata Plan VIS 4766 (the Owners) I would like to thank you for your letter of May 8th, 2002. After much discussion the Owners accept your proposal to “provide for a minimum 50 metre no-harvest visual buffer along the West Coast Highway, at no cost to yourself.”

Once again I thank you for your cooperation and patience. If you have any questions I can be reach at [REDACTED].

Yours truly;

Bob Black
Chairman, Strata Plan VIS 4766

Juan de Fuca Land Use committee

Meeting May 16, 2023

Re: Zoning bylaw 4550 to amend zoning bylaw, 2040

I am concerned about Aleda Creek as we have water rights to the same Creek and are concerned with use and or contamination by campers.

I am very concerned about a fire management plan as we live in a high risk fire area.

Most government parks have parks staff and regulations enforced by on site managers/park's employees.

Is there a plan for someone to be on site to make sure fires are safe and people are respecting both the wildlife and sensitive ecosystems? I don't see that assessments for sensitive ecosystems and wildlife have been made on this application.

Making sure that there is no loud sound pollution for neighbors as well as wildlife? Or roaming pets.

I am also concerned with the specifics of approved, pit toilets.

Is there an accurate map of water supply/creeks? It looks as if there are six campsites in the area where our creeks could be affected.

Amy S-Turnbull