

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **February 18, 2025, at 7 pm**

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

AGENDA

1. Territorial Acknowledgment
2. Election of Vice Chair
3. Approval of Agenda
4. Adoption of Minutes of December 10, 2024
5. Chair's Report
6. Planner's Report
7. Temporary Use Permit
 - a) TP000013 – Lot A, Section 74, Renfrew District, Plan VIP71883 – 11237 West Coast Road; PID: 024-937-207; and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW; PID: 009-590-412
8. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, December 10, 2024, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Al Wickheim (Chair), Les Herring, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Local Area Services; Don Closson, Manager, Juan de Fuca Community Parks and Recreation; Wendy Miller, Recorder
GUEST: Sid Jorna, Chair, Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
PUBLIC: 3 in-person; 2 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Approval of the Agenda

MOVED by Director Wickheim, **SECONDED** by Vern McConnell that the agenda be approved, as amended, to consider Zoning Amendment Application RZ000282 as Agenda Item 7 and the 2024 Interim Housing Needs Report as Agenda Item 8.

CARRIED

3. Adoption of Minutes of October 15, 2024

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the minutes from the meeting of October 15, 2024, be adopted.

CARRIED

4. Chair's Report

The Chair stated that there are many factors to consider when addressing housing needs including associated infrastructure and services.

5. Planner's Report

No report.

6. Delegation

a) Juan de Fuca Community Parks and Recreation Program

Further to the request made by the LUC at its meeting of May 21, 2024, Don Closson and Sid Jorna presented information on the role of staff and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission in the administration and operation of the Juan de Fuca Parks and Recreation Service.

7. Zoning Amendment Application

a) RZ000282 - Parcel A (DD 104752I) of District Lot 745, Renfrew District; Parcel B (DD52657I) of District Lot 745, Renfrew District; and District Lot 175, Renfrew District; (10700 Block of West Coast Road)

Iain Lawrence spoke to the request to rezone the subject property from the Forestry (AF) and Resource Land (RL) zones to a new Silviculture Campground (CR5) zone.

The application was initially considered by the LUC at its meeting of May 16, 2023, and March 24, 2024. At the March 24, 2024, meeting the LUC directed referral of the application to agencies and to the Shirley-Jordan River Advisory Planning Commission (APC).

The subject property and proposed Bylaw No. 4550, as amended in response to referral agency comments and comments received from the APC, were reviewed.

Don Closson spoke to potential trail connectivity opportunities considered by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission.

LUC discussion ensued regarding trail connectivity opportunities, should an amenity in the form of a statutory right-of-way be made a condition of rezoning. The LUC noted that a statutory right-of-way trail would be available for use by campground users, as well as the general public. The LUC noted that the 65.5 ha strata lot, which has been removed from the application, would have provided an opportunity to establish a safe roadside trail, but questioned whether a trail on the northern part of the development would provide high backcountry connectivity opportunity.

The Chair confirmed that the applicant was present.

Applicant comments included:

- not opposed to the concept of a roadside trail in the future
- opposed to the provision of an amenity as a condition of rezoning given the numerous revisions made to the zoning proposal and additional information, including stream locations, provided to address comments received through the application review process

Public comments included:

- concern that the CRD did not require the applicant to have the full extent of Aleda Creek professionally surveyed
- concern regarding the APC's request to increase setbacks from a watercourse to 100 m

MOVED by Vern McConnell, **SECONDED** by Ron Ramsay that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023"; to the Shirley-Jordan River Advisory Planning Commission; Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; Pacheedaht First Nation T'Sou-ke First Nation; BC Hydro; BC Parks; District of Sooke; Island Health; Ministry of Forests Archaeology Branch, BC Wildfire Service, and Water Protection; Ministry of Land, Water and Resource Stewardship; Ministry of Transportation & Infrastructure; RCMP; and Sooke District #62 be approved and comments be received;

2. That proposed Bylaw No. 4550 be read a first and second time; and that in accordance with the provisions of Section 469 of the *Local Government Act*, the Director of the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4550; and
3. That prior to adoption of proposed Bylaw No. 4550, the landowner registers a covenant in favour of the Capital Regional District prohibiting subdivision on District Lot 175, Renfrew District (PID: 023-414-308); and that staff be directed to ensure that all conditions are satisfied towards completion and registration.

Opposed: Anna Russell

CARRIED

8. 2024 Interim Housing Needs Report for the Juan de Electoral Area

Iain Lawrence spoke to the 2024 Juan de Fuca Electoral Area (JdF EA) Interim Housing Needs Report (IHNR), which identified housing needs for the next 5 and 20 years. Upon receipt of the JdF EA 2024 IHNR by the CRD Board, it will be published on the CRD website and used to amend the 2020 JdF EA Housing Needs Report (HNR). The Report will also be submitted to the Province.

Attention was directed to the JdF EA IHNR report, which was amended to correct an error in Table 5c, which also impacted Table 6. The Headship Rate calculations that account for the two census areas in Table 7 were also corrected, which impacted Tables 8, 12 and 13.

Iain Lawrence responded to questions from the LUC advising that:

- the Province requires the HNR to be updated every five years
- the JdF EA has seven OCPs
- each of the seven OCPs will need to consider the HNR to address housing policies when an OCP undergoes review
- housing policies for the entire JdF EA could be contemplated under a single OCP
- a consolidated OCP could recognize each community through individual local area plans

The LUC indicated support for OCP consolidation that addressed required content as part of the broader electoral area, such as housing in relation to servicing and infrastructure needs, provided that it allowed each community to be distinctly recognized and retain its individual character.

Public comment included:

- support for onsite water collection as opposed to water infrastructure

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

1. That the 2024 Juan de Fuca Electoral Area Interim Housing Needs Report, as amended, be received and published on the CRD website;
2. That staff be directed to amend the 2020 Capital Regional District Housing Needs Assessment by attaching the 2024 Juan de Fuca Electoral Area Interim Housing Needs Report as an appendix; and
3. That staff be directed to submit the amended 2020 Capital Regional District Housing Needs Assessment to the Province demonstrating that the legislative requirements have been met.

CARRIED

9. Adjournment

The meeting adjourned at 9:00 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, FEBRUARY 18, 2025

SUBJECT Temporary Use Permit Application for Lot A, Section 74, Renfrew District, Plan VIP71883 – 11237 West Coast Road; PID: 024-937-207; and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW; PID: 009-590-412

ISSUE SUMMARY

To consider referral of a temporary use permit application TP000013 to authorize a *gathering space* use in conjunction with a proposed campground being considered under application RZ000280 and Bylaw No. 4518.

BACKGROUND

The 78.11 ha subject area is comprised of two parcels including a 7.7 ha waterfront parcel and a 70.4 ha upland parcel, currently classified as Private Managed Forest Land (PMFL). The subject properties are located on the north and south sides of West Coast Road, adjacent to the eastern boundary of Jordan River Regional Park – Sandcut Beach (Appendix A). The parcels are zoned Forestry (AF) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, and lie adjacent to AF zoned lands to the east and west, and Resource Land (RL) zoned land to the north. The subject lands are designated Coastal Upland (CU) in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001. Portions of the property are located in Steep Slopes, Sensitive Ecosystem, and Riparian development permit areas.

The landowner has submitted an application for a temporary use permit (TUP), to authorize *gathering space* as a permitted use to provide a venue for outdoor events within the commercial campground proposed under Bylaw No. 4518. The Bylaw originally proposed to rezone the subject properties from AF to Rural Commercial Recreation (Campground) (CR-2) with additional permitted uses including *assembly use* to allow outdoor commercial events. At the January 17, 2023, Juan de Fuca Land Use Committee (LUC) meeting, the LUC recommended referral of Bylaw No. 4518 to various agencies, including the Shirley-Jordan River Advisory Planning Commission (APC), for comment. The APC considered the proposed development on February 7, 2023, and recommended that the proposed *assembly use* should be more clearly specified and address community concerns such as the scale of events, parking availability and noise.

In response to APC and community feedback, the landowner revised the proposal to remove *assembly use* from Bylaw No. 4518 and propose a *gathering space* under a temporary use permit (Appendix B). At its meeting of August 20, 2024, the LUC recommended first and second readings of the amended Bylaw, as well as referral of the proposed temporary use permit to the Shirley-Jordan River APC, appropriate CRD departments, Pacheedaht First Nation, T'Sou-Ke First Nation, Island Health, Ministry of Transportation & Transit (formerly Infrastructure), and RCMP. The Committee further recommended that all comments received be returned to the LUC in advance of consideration of permit approval by the Capital Regional District (CRD) Board.

As a result of the most recent APC and community comments, the landowner has revised the proposed temporary use permit conditions to specify that events of more than 80 people be limited to a total of 15 days per year and not more than three consecutive days per month. The landowner has also specified that there would be no amplified music between the hours of 11:00 pm to 7:00 am, in keeping with the JdF EA Noise Bylaw, and decreased the number of event-only guests from 150 to 75 people. Staff have prepared temporary use permit TP000013 for LUC consideration to temporarily authorize a commercial gathering space in two potential locations (Appendix C).

ALTERNATIVES

Alternative 1:

The Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of Temporary Use Permit TP000013 to the Shirley-Jordan River Advisory Planning Commission, Pacheedaht & T'Sou-ke First Nations, Island Health, Ministry of Transportation & Infrastructure, RCMP, and appropriate CRD departments be approved and comments be received; and
2. That Temporary Use Permit TP000013 be approved.

Alternative 2:

That Temporary Use Permit TP000013 be denied.

IMPLICATIONS

Legislative

Section 492 of the *Local Government Act (LGA)* enables a local government to designate areas where temporary uses may be allowed and to specify general conditions regarding the issuance of temporary use permits (TUPs) in those areas. In accordance with Sections 493 of the *LGA*, Section 711 of the OCP designates land within all land use designations as an area in which TUPs may be issued.

Public Consultation

The APCs were established to make recommendations to the LUC on land use planning matters referred to them related to Part 14 of the *LGA*. The Shirley-Jordan River APC considered the application at its meeting on October 22, 2024.

A public notice of intent to issue TP000013 will be published in the Sooke News Mirror prior to the CRD Board meeting at which the resolution to issue the permit will be considered.

First Nations Implications

The subject property is located within the traditional territory of the Pacheedaht and T'Sou-ke First Nations. Each Nation was invited to participate in the land use review and referral process to inform the Nations of proposed development activity within their territory and seek meaningful dialogue and comment with respect to the proposal.

Referral Comments

Referrals were sent to three agencies, Pacheedaht and T'Sou-ke Nations, appropriate CRD departments, and the Shirley – Jordan River APC. Comments received are summarized below and included in Appendix D.

The Pacheedaht and T'Sou-ke First Nations advised that they have no comments regarding proposal.

CRD Protective Services stated that the Shirley Fire Department does not have any concerns regarding the proposal provided that fire regulations are adhered to.

The Shirley – Jordan River APC met on October 22, 2024, to consider the application with approximately 44 members of the public in attendance and made the following motion:

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the Shirley – Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee that proposed Temporary Use Permit TP000013 be amended to specify that:

1. Ticketed events be limited to 2 in a calendar year;
2. Ticketed events be limited to a duration of 3 days;
3. Ticketed events must only occupy the upland portion of the property (Area A);
4. Unticketed events be limited to 5 in a calendar year;
5. Unticketed events be limited to a duration of 2 days;
6. Events may occur entirely within the hours of 12:00 pm to 10:00 pm; and
7. The Temporary Use must not service more than 50 persons of the general public that are visiting the Land for less than a 24-hour period.

Land Use Implications

The landowner has submitted an application requesting a temporary use permit to authorize a *gathering space* to allow for events at a campground being considered through rezoning application RZ000282 (proposed Bylaw No. 4518). The proposed *gathering space* use is described as use of land, buildings, or a portion thereof, for the presentation and display of artistic and cultural endeavours for commercial purposes with for food and beverage services.

The Shirley-Jordan River OCP designates the subject properties as Coastal Upland. The intent of the Coastal Upland land use designation is to support the continued use of those such lands for forestry; however, if lands are removed from the PMFL program, then uses such as low-impact recreation and low-impact tourism are supported. Community parks, single-family residential, and agriculture are also supported in this designation. In addition to land use designation policy, the OCP provides policies for considering temporary use permit applications. Both the Coastal Uplands designation and the TUP policies allow for consideration of low-impact tourism that considers the impact and compatibility with the zone, adjacent uses and the natural environment (Appendix E).

The permitted uses proposed in the CR-2 zone include residential, campground and tourist cabin uses as principal uses, and convenience store, outdoor recreation facilities, and a caretaker dwelling uses as accessory uses. *Assembly use*, which is a broadly defined term in Bylaw No. 2040, is no longer proposed as part of the CR-2 zone. Instead, the applicant has requested a temporary use permit to authorize a *gathering space* conditional to the lands being zoned to permit a commercial campground.

During the referral period, public feedback on the initial application included a range of concerns and support. Concerns generally centered around the frequency of events along with potential impacts to the local economy, parks, services, and the natural environment. Furthermore, there are concerns that the temporary use will generate nuisances and safety issues affecting the general well-being of the local community. However, public comment also supported up to 16 events per year and the potential economic enhancement to local business. It was recognized that regulated events are preferred over the unregulated events observed in the area.

In response to comments received through the referral process, the landowner has revised the proposal. The proposal continues to permit a *gathering space* use in one of two cleared outdoor areas no greater than 2,000 m², that are separate from other uses, and that are sited at least 30 m from all parcel boundaries and 200 m from parks and Residential, Rural Residential, or Rural zones. The proposal has been revised by reducing the total number of days on which an event may held from 16 “separate days” to a total of 15 days per calendar year, no more than 3 consecutive days per event and a two-week period between events; replacing the permitted hours of operation with a regulation prohibiting outdoor amplified music that disturbs neighbouring residents between 11:00 pm and 7:00 am; and decreasing the number of event-only visitors (i.e. people not staying at the campground

or tourist cabins) from 150 to 75 people and the minimum number of visitor parking spaces from 75 to 40. The proposal was also revised to allow 80 or fewer people staying at the campground to hold smaller events such as weddings, seminars, and club or recreational meetings on a more regular basis. The reports provided by the applicant in support of the rezoning application (RZ000280) and future development permits also address the environmental and design-related temporary use permit policies of the OCP.

Staff recommend that the referral of temporary use permit application TP000013 to the Shirley–Jordan River APC, CRD departments, and external agencies be approved; that comments be received; and that the permit proceed to the CRD Board for approval. Upon receipt of the security deposit and registration of a covenant and indemnity, the permit would be issued by the Corporate Officer.

CONCLUSION

An application has been submitted for a temporary use permit to authorize *gathering space* as permitted use on land that is proposed to be zoned for a commercial campground. Staff recommend that all comments be received, and that temporary use permit TP000013 be forwarded to the CRD Board for approval.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of Temporary Use Permit TP000013 to the Shirley-Jordan River Advisory Planning Commission, Pacheedaht & T'Sou-ke First Nations, Island Health, Ministry of Transportation & Infrastructure, RCMP, and appropriate CRD departments be approved and comments be received; and
2. That the Temporary Use Permit TP000013 be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Don Elliott, MUP, Acting General Manager, Housing, Planning & Protective Services
Concurrence	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS:

- Appendix A: Subject Property Map
- Appendix B: Temporary Use Permit TP000013 for Referral
- Appendix C: Temporary Use Permit TP000013
- Appendix D: Referral Comments
- Appendix E: Shirley-Jordan River OCP Temporary Use Permit Policies

SUBJECT PROPERTY MAP - TP000013

CRPD
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Jordan River Regional Park

Jordan River Regional Park

West Coast Rd.

AF

AF

AF

RL

RL

Scale: 0 to 381.0 Meters

North Arrow

1: 7,500

Location of subject Property.
(Composed of 2 parcels)

PID: 009-590-412

PID: 024-937-207

Notes

Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damages, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

NAD 1983 UTM Zone 10N
© Capital Regional District

Appendix B: Temporary Use Permit TP000013 for Referral



CAPITAL REGIONAL DISTRICT

TEMPORARY USE PERMIT NO. TP000013

1. This Permit is issued under the authority of Section 493 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Permit applies to and only to those lands within the Regional District described below (legal description), and to any and all buildings, structures, and other development thereon:

PID: 024-937-207
Legal Description: Lot A Section 74 Renfrew District Plan VIP71883 -11237 West Coast Road

AND
PID: 009-590-412
Legal Description: That Part of Section 74, Renfrew District lying to the North of the Northerly Boundary of Plan 109RW

Together herein referred to as the "Land"
3. This Permit authorizes a *Gathering Space* use, which is the use of land, buildings, or a portion thereof, for an event such as the presentation and display of artistic and cultural endeavours for commercial purposes with food and beverage services (the "Temporary Use"), on the Land, in accordance with the Site Plan submitted to the CRD and subject to the conditions set out in this Permit.
4. This Permit is only authorized on the condition that proposed Bylaw No. 4518, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022, is adopted by the Capital Regional District Board.
5. The terms and conditions under which the Temporary Use referred to in Section 3 must be carried out are as follows:
 - a) The components of the temporary use must be in general conformity with the Site Plan attached to this Permit as Appendix A;
 - b) The impacts to adjacent land uses are kept to a minimum whereby nothing must be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, dust, fumes, vibration, noise glare or illumination; nor must anything be done which creates or causes a health, fire or explosion hazard, electrical or navigational interference; and
 - c) The Temporary Use must only occur:
 - i. On not more than 16 separate days in a calendar year; and
 - ii. Entirely within the hours of 12:00 to 24:00 (noon to midnight) Pacific Standard Time.
 - d) The Temporary Use permit must only occupy:
 - i. One physically contiguous land area at a time that is visually and physically separated from other active uses on the Land through the implementation of a clearly defined perimeter delineated by a wall, fence, gate, berm, natural vegetation and or landscaping; and
 - ii. A total land area that must not exceed 2,000 m², where the total land area is measured from the outermost surface of the clearly delineated perimeter.

TP000013

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- e) The Temporary Use must only serve:
 - i. Patrons that are actively staying at the campground or tourist cabins for a 24-hour period or more;
 - ii. Not more than 150 persons of the general public that are visiting the Land for less than a 24-hour period;
 - iii. At any given time, the total number of persons must not exceed the maximum number of persons that is determined as safe by the governing body responsible or by a qualified professional that is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- f) The Temporary Use must provide:
 - i. A minimum of 75 parking spaces on the Land in addition to all other parking requirements.
 - ii. Traffic controlling where required by a provincial agency.
- 6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (TP000013) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 7. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
- 8. The following plans and specifications are attached:
Appendix A: Site Plan
- 9. That an irrevocable Letter of Credit in the amount of \$10,000.00 be provided to the CRD held for the period of the permit to ensure compliance with the permit conditions.
- 10. In default of compliance with any of the provisions of this Permit, the Permit shall lapse.
- 11. The owner agrees to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.
- 12. This Permit is NOT a Building Permit.
- 13. This Permit shall expire 3 years after the date of issuance of the permit.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2024

ISSUED this ____ day of _____, 2024

Corporate Officer

TP000013

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Appendix A: Site Plan



Appendix C: Temporary Use Permit TP000013



CAPITAL REGIONAL DISTRICT

TEMPORARY USE PERMIT NO. TP000013

1. This Permit is issued under the authority of Section 493 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Permit applies to and only to those lands within the Regional District described below (legal description), and to any and all buildings, structures, and other development thereon:
Legal Description: Lot A Section 74 Renfrew District Plan VIP71883 – 11237 West Coast Road (PID: 024-937-207); and
That Part of Section 74, Renfrew District lying to the North of the Northerly Boundary of Plan 109RW (PID: 009-590-412)
Together herein referred to as the “Land”
3. This temporary use permit authorizes a *Gathering Space* use (the “Temporary Use”) accessory to the operation of a commercial campground on the Land, located within temporary use permit area established under the Shirley-Jordan River Official Community Plan, Bylaw No. 4001, Section 711 (Designation of Temporary Use Permit Areas), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the Temporary Use referred to in Section 3 may be carried out are as follows:
 - a) **Definition:** The Temporary Use means:
 - i. The use of land, buildings, or a portion thereof, for events such as the presentation of and participation in artistic and cultural endeavours for commercial purposes with or without food and beverage services.
 - b) **Prohibitions:** The Temporary Use must not:
 - i. Create a noise by means of amplified music that disturbs or tends to disturb other people at a point of reception outside the Land between the hours of 11:00 pm and 7:00 am;
 - ii. Create a nuisance to the surrounding areas by reason of unsightliness, the emission of odours, dust, fumes, vibration, noise, glare or illumination; or
 - iii. Cause a health, fire or explosion hazard, electrical or navigational interference.
 - c) **Siting and Setbacks:** The Temporary Use must be:
 - i. Sited in general conformity with the Gathering Space and Parking Area Locations plan (the “Site Plan”);
 - ii. Visually and physically separated from other uses through the implementation of a clearly defined perimeter delineated by a wall, fence, gate, berm, natural vegetation and or landscaping;
 - iii. Located at least 30 meters from all property lines and 200 meters from the property lines of a public park or residential, rural residential, or rural zone; and

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- iv. Not occupy an area of land greater than 2,000 m², where the total land area is measured from the outermost edge of the clearly delineated perimeter.
- d) **Parking and Traffic Control:** The landowner must provide:
 - i. A minimum of 40 off-street parking spaces setback a minimum distance of 30 m from a front parcel line; and
 - ii. Traffic control where required by a provincial agency.
- e) **Duration and Frequency:** The Temporary Use may occur for not more than:
 - i. 1 event per 2-week period between the start of each event;
 - ii. 3 consecutive days per event; and
 - iii. A total of 15 days per calendar year.
- f) **Event Attendees:** Attendees of events held under this Permit may only include:
 - i. Any registered, overnight guests of the campground or tourist cabins; and
 - ii. Not more than 75 non-registered, day-use guests.
- g) **Maximum Number of Attendees:** At any given time, the total number of event attendees must not exceed the maximum number of persons prescribed by the authority having jurisdiction.
- 5. Events serving a maximum number of 80 registered, overnight guests of the campground or tourist cabins are excluded from condition 4(e).
- 6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
- 7. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (TP000013) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 8. The following plans and specifications are attached:
 - Appendix A: Site Plan
- 9. That an irrevocable Letter of Credit in the amount of \$10,000.00 be provided to the CRD held for the period of the Permit to ensure compliance with the permit conditions.
- 10. In default of compliance with any of the provisions of this Permit, the Permit shall lapse.
- 11. The owner agrees to indemnify and save harmless the CRD against all costs and expenses incurred by the CRD, in default by the owner, in the conversion, demolition or removal of the temporary use, and/or legal costs incurred in pursuing such legal remedies as the CRD sees fit.
- 12. This Permit is NOT a Building Permit.
- 13. This Permit shall expire 2 years after the date of issuance of the permit.

APPROVED BY RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2025

ISSUED this ____ day of _____, 2025

Corporate Officer

TP000013

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Appendix A: Site Plan



Appendix D: Referral Comments



PO Box 307, Sooke B.C., V9Z 1G1
Ph.: 250 642-3957 Fax: 250 642-7808

29 November 2024

**RE: Temporary Use Permit Application TP000013 - CRD Referral (Gathering Space - Proposed
Campground - 11237 West Coast Road/Shirley)**

File: **TP000013**

Dear Darren Lucas,

Thank you for providing the opportunity to review the application. T'Sou-ke Nation has no comments at this time.

Should you have any comments or questions following this review please correspond with the Lands Governance Director at landsmanager@tsoukenation.com or at 250-642-3957 ext. 227.

Sincerely,

Bonnie Hill

Bonnie Hill
Lands Governance Director, T'Sou-ke First Nation
250-642-3957; landsmanager@tsoukenation.com

Cc:
Michelle Thut, Administrator, T'Sou-ke First Nation

From: [Chris J Vrabel](#)
To: [Wendy Miller](#)
Cc: [fireadmin](#)
Subject: FW: Temporary Use Permit
Date: Thursday, September 19, 2024 8:58:17 AM

Hi Wendy,
Please see below from the Shirley Fire Chief.
Sincerely,
Chris

From: Leah Hill <shirleychief2@gmail.com>
Sent: Wednesday, September 18, 2024 12:04 AM
To: Chris J Vrabel <CVrabel@crd.bc.ca>
Cc: Brian E <westcoasticelander@gmail.com>; Shirley Assistant Chief <ma.davidson@hotmail.com>
Subject: Re: Temporary Use Permit

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hi Chris,
The Shirley Fire Department doesn't have any concerns regarding the proposal for a Gathering Place as long as they are following whatever current fire regulations and bylaws are in effect.

Leah Hill
Shirley Fire Chief
shirleychief2@gmail.com
250-646-2107

On Tue, Sept 17, 2024, 19:17 Chris J Vrabel <CVrabel@crd.bc.ca> wrote:

Hi, does Shirley Fire have any concerns regarding ability to deliver services related to the attached Temporary Use Permit for a "Gathering Space?" It appears there will be a maximum allowable 16 events per calendar year between the hours of noon and midnight. This is associated to the proposed campground located at 11237 West Coast Road.

I don't see any immediate concerns however I defer to you as to what "comment" might be added from the perspective of the Shirley Volunteer Fire Department.

Thanks,
Chris

Chris Vrabel



**Minutes of a Meeting of the Shirley-Jordan River Advisory Planning Commission
Held October 22, 2024, at the Shirley Community Hall, 2795 Sheringham Point Road,
Shirley, BC**

PRESENT: Fiona McDannold (Chair), Emily Anderson, Vivi Curutchet, Melody Kimmel
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Local Area Services;
Darren Lucas, Planner; Wendy Miller, Recorder

PUBLIC: Approximately 44

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

1. Approval of the Agenda

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

2. Adoption of the Minutes of July 9, 2024

MOVED by Melody Kimmel, **SECONDED** by Emily Anderson that the minutes from the meeting of July 9, 2024, be adopted.

CARRIED

3. Planner's Report

No report.

4. Temporary Use Permit Application

a) TP000013 – Lot A Section 74 Renfrew District Plan VIP71883 (11237 West Coast Road) and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW

Darren Lucas spoke to the application for a temporary use permit to authorize a gathering space as a permitted use to provide a venue for outdoor events associated with a proposed campground being considered under zoning amendment application RZ000280 and Bylaw No. 4518.

It was advised that zoning amendment application RZ000280 was considered by the Advisory Planning Commission (APC) at its meeting of February 7, 2023. At that meeting, the APC recommended that the assembly use proposed by Bylaw No. 4518 be more clearly specified. In response to that recommendation, the applicant removed assembly use from Bylaw No. 4518 to allow gathering space use to be considered under a temporary use permit. At its meeting of August 20, 2024, the Land Use Committee recommended that temporary use permit TP000013 be referred to the APC for comment.

Darren Lucas outlined the conditions of temporary use permit TP000013, confirming that the permit cannot be authorized until such time that Bylaw No. 4518 is adopted. It was further confirmed that the *Local Government Act* allows a temporary use permit to be issued for up to three years and that the holder of the permit can apply to have the permit renewed once. The subject property would have to be rezoned to allow gathering space use as a permanent permitted use.

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The Chair confirmed that the applicant was present.

Applicant and application representative comments included:

- the temporary use permit specifies that gathering space use would be limited to 16 separate days in a calendar year
- events are anticipated to be 2 to 4 days in length and would be dispersed throughout the year
- the property would be utilized as a venue for a variety of events including music, dance, food, and fitness events
- security and medical teams would be on-site during events
- event planning would include on-site staged parking and sound system testing
- landscaping/hardscaping is also planned to further support sound mitigation measures
- event management would address garbage, recycling, compost, evacuation protocols and participant conduct
- event participants would not be permitted to leave and then re-enter
- events would benefit the local economy by attracting new visitors to the community, boosting the local food, arts and music scene
- events would connect participants to the natural environment
- event organizers are professionals who are vested in ensuring event success
- sales from ticketed events can be used to support fundraising causes
- the event scale proposed is not large
- main focus of the property would remain a campground

The Chair opened the floor to public comments. Approximately 25 members of the public spoke to the proposal.

Public comment on noise included:

- visitors to the community come to enjoy the quiet of nature
- amplified noise travels and the gathering space could impact nearby commercial accommodations
- there would be event noise every weekend in the summer
- events would also increase traffic noise
- noise has a negative impact on wildlife

Public comment on community safety included:

- event use would result in increased risk of impaired driving
- event use would result in increased risk of wildfire
- CRD enforcement resources are limited
- complaint driven enforcement is ineffective
- Shirley Volunteer Fire Department resources are limited
- RCMP presence in the community is limited
- event organizers cannot enforce the law

Public comment on the natural environment included:

- housing starts and current visitor volume are already having a negative impact on local parks
- promoting the community as an event destination would result in more unregulated gatherings being held on forestry lands
- the applicant has an interest in keeping the land intact to attract visitors to the campground

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Public comment on economic impact included:

- event venue proposal is not in keeping with economic activities/economic scale supported by the Official Community Plan
- economic benefit would be limited to the event venue/event organizers
- the campground would be in competition with other accommodations

Public comment on permit conditions included:

- the proposed permit would support an event every weekend in the summer
- midnight is too late for an event to operate

Public comment in favour of the proposal included:

- support for a regulated event venue as opposed to unregulated events being held on forestry lands
- support for an alternative to further residential development
- 16 is an acceptable number of events in a calendar year
- the community already supports a growing tourism industry through the promotion of various venues, accommodations and events such as the Sheringham Point Lighthouse, numerous Bed and Breakfasts and Shirley Days

The APC considered the proposal and passed the following resolution.

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the Shirley-Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee that proposed Temporary Use Permit TP000013 be amended to specify that:

1. ticketed events be limited to 2 in a calendar year;
2. ticketed events be limited to a duration of 3 days;
3. ticketed events must only occupy the upland portion of the property (Area A);
4. unticketed events be limited to 5 in a calendar year;
5. unticketed events be limited to a duration of 2 days;
6. events must occur entirely within the hours of 12:00 pm to 10:00 pm; and
7. the Temporary Use must only service not more than 50 persons of the general public that are visiting the Land for less than a 24-hour period.

Opposed: Emily Anderson

CARRIED

5. Adjournment

The meeting adjourned at 10:26 pm.

Chair

Appendix E: Shirley-Jordan River OCP Temporary Use Permit Policies

Section 712 of the OCP provides guidelines when considering TUP authorization:

- A. TUPs may be issued by the CRD throughout the Shirley – Jordan River Plan area subject to the policies of this Plan.
- B. No public health, public safety or negative environmental impacts can result from the proposed activity.
- C. In evaluating a TUP application, the CRD will consider the following:
 - i. Whether the use is clearly temporary or seasonal in nature;
 - ii. Whether the use is compatible with adjacent uses;
 - iii. The impact of the proposed use on the natural environment;
 - iv. The intensity of the proposed use; and
 - v. The opportunity to conduct the proposed use on other land in the Plan area.
- D. In issuing a TUP, the CRD may specify conditions including, but not limited to:
 - i. The buildings to be used;
 - ii. Siting;
 - iii. Environmental protection, remediation and mitigation measures to address any impact to the natural environment;
 - iv. Hours of operation;
 - v. Parking and traffic management;
 - vi. On-site storage, buffers and screening;
 - vii. External lighting;
 - viii. Nuisance, dust and noise abatement;
 - ix. Waste management; and
 - x. A post-use site restoration plan and implementation strategy.
- E. An applicant may be required to indemnify the CRD and post security to ensure compliance with the conditions of a permit.