



28 September 2009

SUBMISSION SUMMARY

The ELC's Deborah Curran¹ and Micah Carmody² recently provided the Capital Regional District (CRD) with written submissions on the CRD's proposed bylaws Nos. 3591 (Official Community Plan for the Rural Resource Lands) and 3602 (Land Use Bylaw for the Rural Resource Lands). The bylaws establish zoning and land use policies for the Rural Resource Lands designation in the Juan de Fuca Electoral Area.

The 2007 removal by the provincial government of Western Forest Products' private forest lands from Tree Farm License 25 and the subsequent offer for sale of substantial portions of these lands for development elicited a courageous response from the CRD. They enacted a series of bylaws that created a minimum parcel size of 120 hectares to protect the vast and largely undeveloped landscape. The BC Supreme Court and Court of Appeal recently struck down those bylaws on procedural grounds (that is, there was nothing wrong with the bylaws themselves, but the voting procedure was flawed).

Given their size, these lands are a cornerstone of the Regional Growth Strategy (RGS), a comprehensive plan designed to encourage sustainable, efficient development and human settlement. Their treatment to date reflects the longstanding commitment and foresight the CRD has shown in its sustainable community planning. The ELC applauds the regional district for drafting these two bylaws to provide land use policy for the Rural Resource Lands. Their strengths include riparian protection, one of the few development permit areas for the protection of farming in the province, guidelines for development in coastal areas, and the ability to ask for development approval information.

However, the Official Community Plan (OCP) and Land Use Bylaw, while stating that the Rural Resource Lands will remain for resource use, invite rezoning applications for non-resource uses in lands removed from Private Managed Forest Land status. The bylaws contemplate smaller rural lots (two and four hectares) by establishing criteria by which such rezoning applications will be evaluated. Some of the criteria are particularly vague, such as the requirement that the land be "in proximity to existing settlement[.]" Two and four hectare parcels, we submit, are not large enough to sustain resource uses, nor small enough to support neighbourhood services and regular transit. They are, in effect, rural sprawl that provides neither efficient communities nor biodiversity connectivity across the landscape.

The proposed bylaws may also be inconsistent with the Regional Growth Strategy. The RGS states that these lands are to be reserved for agriculture, forestry and silviculture, but the

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proposed bylaws add a non-resource land use, “recreation”, which could open the area to a variety of non-resource uses. The *Local Government Act* (s.865) stipulates that any new CRD bylaws must be consistent with the RGS. Planning for development in the Rural Resource Lands must be driven by the regional vision, not by development pressures. Sustainable community planning is about realizing the vision for the region, not responding to neighbourhood desires.

To uphold the RGS and reinforce the CRDs support for the Rural Resource Lands, the ELC recommends the following:

1. Revisit the Green/Blue Spaces Strategy, Given the Demise of Forest Land Reserve

With the unanticipated dissolution of the Forest Land Reserve and the release of private land from Crown regulation, it is imperative to revisit and revise the document that is the foundation of the RGS. It may now be important to designate biodiversity corridors on the Rural Resource Lands, as well as renew the commitment to resource uses in light of the desire to maintain functioning ecosystems across the CRD.

2. Designate Biodiversity Corridors

The Rural Resource Lands’ OCP needs to delineate protection of natural areas based on ecological values and connectivity requirements. This is a baseline or fundamental condition from which all planning can occur, particularly in this era of climate change and the requirement for more rapid species adaptation.

3. Designate Tourist Areas

Good planning foreshadows the vision for an area and points to designating small tourist nodes in light of regional tourism objectives, rather than inviting rezoning applications from across the plan area.

4. Enact Performance-based Measures

Many local governments include measurable performance-based targets in each chapter of an OCP or corporate plan that allow policies and practices to be evaluated and revised if objectives are not being met. Examples of performance-based measures the CRD could establish include: no net loss of forest land or ALR land; no net loss of sensitive ecosystems; maintenance of 99 percent of the landscape in 120 hectare lots; 70 percent of the landscape in biodiversity corridors; and 98 percent of new development located in a clustered development form.

5. Quantify the Rural Resource Impacts of Zoning and Subdivision Standards

The OCP and zoning should reflect a strong commitment to a working landscape that is not compromised by a desire for second homes. Rural resource zoning where there is no opportunity for non-resource uses should predominate throughout the area. If a rural cluster zone is to be available, it should set very specific standards that must be met in order for parcels to qualify for rezoning (such as 500 hectare minimum and 98 percent protection of the landscape).

Given the CRD’s demonstrated commitment to sustainable community planning, we trust that the Board will amend the proposed bylaws to firmly support rural resource use as the predominant land use in the Rural Resource Lands.