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PROPOSED BYLAW NO. 3720

**REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 19, 2013**

SUBJECT **PROPOSED AMENDMENT TO THE COMPREHENSIVE COMMUNITY PLAN FOR WILLIS POINT, BYLAW NO. 3027 (AMENDMENT BYLAW NO. 3720)**

ISSUE

Amendments to the Comprehensive Community Plan Bylaw for Willis Point, Bylaw No. 3027 are proposed to incorporate a Greenhouse Gas Reduction statement, revise the definition of height, add a new definition of average natural grade, increase the height of accessory buildings, provide additional exemptions for development permits, incorporate new mapping and clarify some land use zoning.

BACKGROUND

Greenhouse Gas Targets

Pursuant to Bill 27 local governments are to include greenhouse gas emission reduction targets, policies and action in Official Community Plans (OCP). These requirements were to be incorporated into the OCPs by May 31, 2010. Staff from the Capital Regional District Environmental Sustainability Department developed a statement for inclusion in all of the Juan de Fuca Electoral Area OCPs to address this provincial requirement. Staff was directed by the Land Use Committee to discuss the proposed greenhouse gas reduction statement with the community at an Advisory Planning Commission (APC) meeting. A meeting was held on May 31, 2010 to discuss the proposed amendments. The APC made a motion to recommend that the Juan de Fuca Land Use Committee to include the proposed statement in the Comprehensive Community Development Plan for Willis Point, Bylaw No. 3207. It should be noted that the proposed Greenhouse Gas Reduction statement has been incorporated into the East Sooke, Malahat, Otter Point and Shirley/Jordan River OCPs.

Height

The definitions of height and natural grade have been an ongoing problem for staff and members of the public as the current definitions in the Comprehensive Community Plan for Willis Point, Bylaw No. 3207 and in the other land use bylaws in the Electoral Area are not consistent. The APC met on July 26 and August 24, 2010 to discuss these proposed changes to the definitions. The APC supports the proposed changes. It should be noted that the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 was amended to incorporate this new height definition which pertains to East Sooke, Otter Point and Shirley/Jordan River areas.

Natural Grade

The proposed height definition references "natural grade" which requires that a definition for natural grade be provided in the plan. It should be noted that the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 was amended to incorporate this new definition which pertains to East Sooke, Otter Point and Shirley/Jordan River areas.

Accessory Building Height

The maximum accessory building heights established for the Community Residential – One (CR-1), Rural Conservation (RC) and the Community Residential – Two (CR-2) zones is 4.8 m which restricts the construction of one-storey buildings with peaked roofs. The proposed amendment would increase the height of an accessory building to 6 m. The proposed change is intended to provide more freedom of design and to take a hardship of obtaining a development permit variance from ordinary accessory building permit applications. As the height definition is being amended as well to be measured at the mid-point and not at the peak, the increased accessory height may not increase the overall massing of the building. Requests for heights above 6 m for accessory buildings will continue to require a development variance permit. At their May 31, 2010 meeting, the APC also passed a motion in support of increasing the height for accessory buildings. It should be noted that the Juan de Fuca Land Use Bylaw, 1992,

Bylaw No. 2040 was amended to permit a 6 m height for accessory buildings which pertains to East Sooke, Otter Point and Shirley/Jordan River areas.

Development Permit Area Exemptions

A development permit is a planning tool for properties that warrant special protection or development control. A development permit is required prior to subdivision, construction, alteration of land, soil deposit or removal or any other development or activity that would impact on any of the elements protected by the development permit designation. These permits must be approved by the CRD Board or a delegate of the Board and may require some sort of security to ensure that the conditions in the permit have been achieved. The guiding principle for the use of development permits is found within Section 919.1 of the *Local Government Act (LGA)*.

The maps included in the OCP which identify the development permit areas lack the accuracy necessary to reasonably identify and evaluate slopes, sensitive ecosystems or water features. This means an applicant proposing a development must apply for a development permit if the OCP maps identified their parcel as being within a development area even though the property may not contain the features. While staff can waive the requirements for assessments from qualified professionals in these cases, there is no ability to exempt them from the permit process. In addition, staff has utilized qualified professionals to determine the applicability of development permit areas in accordance with the criteria used to establish them in the OCP. In the case of construction, alteration of land, soil deposit or removal or any other development or activity, if a professional certifies that the proposed activity is to be located outside of the development permit area on the property, staff have accepted that the development permit area is not applicable. The OCP does provide exemptions for development permits and the community has requested additional exemptions to address the lack of accuracy with the development permit area mapping. The APC considered these proposed amendments at meetings on May 31, July 26 and August 24, 2010 and support the proposed amendment. However, subsequent to the APC meetings the proposed development permit exemptions were revised and need to be reconsidered by the APC. It should be noted that the East Sooke, Malahat, Otter Point and Shirley/Jordan River OCPs contain these new exemptions.

New Mapping

Changes have been made to the mapping to reflect new corporate standards as well as the need to clarify some land use designations and zoning.

Land Use Zoning

Several new definitions are proposed in addition to height and natural grade noted above, including ALR, Agriculture, Agricultural Building, Building, and Civic Use. Specifically a new Agricultural zone was included to address the ALR lands, a new P-2 zone to address the community and fire hall.

Staff have prepared proposed Bylaw No. 3720 which amends the Comprehensive Community Plan for Willis Point, Bylaw No. 3027 (Appendix 1). Also provided is the existing Comprehensive Community Plan showing the proposed changes to the Bylaw (Appendix 2).

ALTERNATIVES

1. Proceed with referral of proposed Bylaw No. 3720, "Comprehensive Community Plan for Willis Point, Amendment Bylaw No. 1, 2013" to agencies for comment.
2. Not proceed with referral of proposed Bylaw No. 3720, "Comprehensive Community Plan for Willis Point, Amendment Bylaw No. 1, 2013".
3. Refer proposed Bylaw No. 3720 back to staff for more information.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 879 of the *LGA*, an amendment to an OCP requires that local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of an OCP.

Specific consideration must be given to referring the proposed amendment to the adjacent regional districts or municipalities and First Nations. Consideration should also be given to referring the proposed amendment to improvement districts and applicable provincial and federal agencies. Amendments to electoral area OCPs must be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy, and also require the approval of the Minister of Community, Sport and Cultural Development.

PUBLIC CONSULTATION IMPLICATIONS

The APCs are established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 26 of the *LGA*. The amendment should be considered by the Willis Point APC.

Should the proposal proceed, a public hearing pursuant to Section 890 of the *LGA* will be required subsequent to the amendments passing second reading by the Capital Regional District Board.

CONCLUSION

Several amendments are proposed to the Willis Point Comprehensive Community Plan. Proposed amending Bylaw No. 3027 includes a greenhouse gas reduction statement, changes to the definitions, an increase to the height of accessory buildings, additional development permit exemptions, and includes a new ALR and Community Facility zone. Staff recommend that the proposed bylaw be referred for comments.

RECOMMENDATION

That the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. That proposed Bylaw No. 3720 which amends the Comprehensive Community Plan for Willis Point, Bylaw No. 3027 be referred to the appropriate CRD departments and the following agencies for comment:

BC Hydro
Cowichan Tribes
District of Highlands
District of Central Saanich
District of Saanich
Halalt First Nation
Hul'qumi'num Treaty Group
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Ministry of Transportation and Infrastructure
Pauquachin First Nation

Penelakut Tribe
RCMP
Saanich School District #63
Stz'uminus First Nation
Te'Mexw Treaty Association
Tsartlip Indian Band
Tsawout First Nation
Tseycum Indian Band
Vancouver Island Health Authority
Willis Point Advisory Planning Commission
Willis Point Fire Department

Original Signed

June Klassen, MCIP, RPP
Manager, Local Area Planning

Original Signed

Robert Lapham, MCIP, RPP
General Manager, Planning & Protective Services

Original Signed

Kelly Daniels
Chief Administrative Officer
Concurrence

Appendix 1: Proposed Bylaw No. 3720
Appendix 2: Bylaw No. 3027 Tracked Changes

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3720**

**A BYLAW TO AMEND BYLAW NO. 3027, "COMPREHENSIVE COMMUNITY PLAN
FOR WILLIS POINT BYLAW NO. 1, 2002"**

The Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

1. Bylaw No. 3027 being the " Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002" is hereby amended:

A. RECITALS

- a. Insert the letters "A. To F." before each paragraph.

B. SECTION 1 GEOGRAPHIC AREA OF THE BYLAW

- a. Section 1 – delete the word "No." after the Word "Map".

C. TABLE OF CONTENTS

- a. Insert item "2.4 Greenhouse Gas Reduction Targets".
- b. Amend section 4.1 by deleting the word "Policies" and replacing with the words "(R) Designation".
- c. Insert item "4.1.1 Residential Policies".
- d. Amend section 4.2 by deleting the word "Policies" and replacing with the words "(M) Designation".
- e. Insert item "4.2.1 Marine Policies".
- f. Insert a new item "4.4.1 Parkland".
- g. Insert a new item "4.4.2 School Sites".
- h. Rename item "4.5 Environmentally Sensitive Areas".
- i. Insert new item "SECTION 26.0 AG (Agricultural) Zone".
- j. Insert new item "SECTION 27.0 P-2 (Community Facility) Zone".
- k. Insert a new item "LIST OF MAPS" after "SECTION 28.0" which reads as follows:

"LIST OF MAPS

Map 1 – Plan Area

Map 2 – Land Use Designations

Map 2a – Development Approval Information Area

Map 3 – Environmental Constraints

Map 3a – Steep Slopes Development Permit Area

Map 3b – Foreshore, Wetland and Riparian Areas Development Permit Area

Map 3c – Sensitive Ecosystems Development Permit Area

Map 4 – Zoning

Map 5 – Slope Analysis"

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D. SCHEDULES A AND B

- a. Delete the word "No." after the word "Map" wherever it should appear.
- b. Replace the words "Ministry of Transportation" with the "Ministry of Transportation and Infrastructure" wherever they appear.
- c. Replace the words "Ministry of Air, Water and Land Protection" with the words "Ministry of Forests, Lands and Natural Resource Operations" wherever they appear.
- d. Replace the words "Ministry of Forests" with the words "Ministry of Forests, Lands and Natural Resource Operations" wherever they appear.

E. SCHEDULE A, PART 1.0 COMMUNITY DEVELOPMENT PLANNING POLICIES

- a. Delete the title of item 1.6 and replace with the following words:
"1.6 Sensitive Ecosystem Inventory"

F. SCHEDULE A, PART 2.0 ADMINISTRATIVE STRUCTURE AND APPLICATION OF THIS PLAN

- a. Insert after item 2.3 a new section 2.4 Greenhouse Gas Reduction Targets which reads:

"2.4 Greenhouse Gas Reduction Targets

The Capital Regional District will work to reduce greenhouse gas (GHG) emissions within the plan area shown on Map 1 by 3% below 2007 levels by 2020.

This target will be met by:

- (a) Developing a carbon reduction plan for the Capital Regional District operations in the Willis Point area; and

- (b) Undertaking the following:

- 1) Educating residents, businesses and tourists about climate change as it relates to community priorities.
- 2) Reviewing existing policies and objectives within the Community Plan and/or establishing new policies and objectives with the intent of reducing energy use and protection of valuable carbon sinks.
- 3) Collaborating with other governments in examining and implementing GHG reduction strategies on a regional basis through one or more of the following:
 - development of GHG reduction standards for buildings by addressing each issue such as energy performance, local material, orientation and density;
 - development of additional infrastructure for cycling, walking, transit and carpooling as alternatives to single occupant vehicle use;
 - waste reduction including enhanced waste diversion of recyclable materials;
 - protection of ecosystems through the conservation and enhancement of forested areas;
 - development of a renewable energy generation plan;
 - development of programs and policies that increase local food security and local food supply options."

G. SCHEDULE A, PART 4.0 DEVELOPMENT POLICIES

- a. In title 4.1 replace the word "Policies" with the word "Designation".

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- b. In title 4.1.1 replace the word "Development" with the word "Residential".
- c. In title 4.2 replace the word "Development Policies" with the word "Designation".
- d. Section 4.2 last sentence replace the word "zone" with the word "designation" and add the words "as shown on Map 2" after the bracket.
- e. In title 4.2.1 replace the word "Development" with the words "Marine Shoreline".
- f. In section "4.4 Parkland and School Site Dedication Policies" insert the number "4.4.1" in the title "Parkland".
- g. In Section 4.4.1 Parkland add a new subsection 3 which reads:
"3. For information relative to the acquisition, development, operation, preservation and maintain of parks in the Juan de Fuca Electoral Area, applicants shall refer to the Juan de Fuca Electoral Area Community Parks Strategic Plan."
- h. In section "4.4 Parkland and School Site Dedication Policies" insert the number "4.4.2" in the title "School Site Dedications".
- i. In title 4.5.1 replace the word "Development" with the words "Environmentally Sensitive".
- j. Section 4.10 Development Permit Areas, subsection 4.10.2 General Exemptions for a Permit after item 4 add the following:
 - "5) removal of hazard trees;
 - 6) emergency actions for flood or erosion protection;
 - 7) emergency works to repair or replace public utilities or infrastructure;
 - 8) removal of invasive non-native vegetation from riparian areas;
 - 9) in-stream habitat development or restoration that complies with provincial and federal legislation and requirements.
 - 10) subdivision and development applications on lands subject to steep slopes or watercourses, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the parcel does not include slopes exceeding 20-percent or 11 degrees in slope over a minimum 6 metre run, or not to contain a watercourse or wetland (that is, no features requiring protection are located on the parcel);
 - 11) development applications on lands subject to steep slopes or watercourse, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the proposed development is located outside the steep slope or riparian assessment area, or the setback for non-fish bearing watercourses or wetlands (that is, no feature requiring protection will be affected). This exemption does not apply to subdivision applications."
- k. Section 4.10 Development Permit Areas, subsection 4.10.3 Development Permit Area No. 1: Steep Slopes under Designation first sentence delete the words "shown in blue hatching and red outline".
- l. Section 4.10 Development Permit Areas, subsection 4.10.3 Development Permit Area No. 1: Steep Slopes under Designation second sentence delete the words "Hazardous Protection" and replace with the words "Steep Slopes".

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- m. Section 4.10 Development Permit Areas, subsection 4.10.4 Development Permit Area No. 2 Foreshore, Wetlands and Riparian Areas, Designation, item 1 delete the words “shown in a heavy red line and shaded yellow” and replace with the word “outlined”.
- n. Section 4.10 Development Permit Areas, subsection 4.10.4 Development Permit Area No. 2 Foreshore, Wetlands and Riparian Areas, Designation, item 2 delete the words “shaded grey.”.
- o. Section 4.10 Development Permit Areas, subsection 4.10.4 Development Permit Area No. 2 Foreshore, Wetlands and Riparian Areas, Designation, item 3 delete parcel “Lot 1, Plan 21981”.
- p. Section 4.10 Development Permit Areas, subsection 4.10.5 Development Permit Area No. 3 Sensitive Ecosystems first sentence under Designation delete the words “shown in red heavy outline and shaded in orange, red, green, solid hatching or cross-hatching”.
- q. In section 4.11 Development Approval Information Area, item 2, delete the second and third sentences and replace with the following:
“The test results may be used to assist the Advisory Planning Commission and the Juan de Fuca Land Use Committee with their recommendations, and the CRD Board with its approval process.”

H. PART 5.0 COMMUNITY POLICIES

- a. Section 5.4 Salt Water Uses – Saanich Inlet and Tod Inlet, Community policies, item 1, delete the words “British Columbia Assets and Land Corporation, BC Parks” and replace with the words “Ministry of Environment”.
- b. Section 5.12 Assembling of Land for Trails, Community Policies after the bulleted list add the following:
“For information relative to the acquisition, development, operation, preservation and maintenance of parks and trails in the Juan de Fuca Electoral Area, applicants shall refer to the Juan de Fuca Electoral Area Community Parks Strategic Plan.”

I. SCHEDULE B, LAND USE ZONING, PART I ADMINISTRATION OF THE LAND USE REGULATIONS, SECTION 1.0 DEFINITIONS

- a. After the definition of “ACCESSORY or ACCESSORY USE” add definitions for “AGRICULTURAL LAND RESERVE (ALR)”, “AGRICULTURE”, “AGRICULTURAL BUILDING”, “BUILDING”, and “CIVIC USE” which read:
“AGRICULTURAL LAND RESERVE (ALR) means lands designated pursuant to the *Agricultural Land Commission Act* to be preserved for agricultural use or uses compatible with agricultural purposes. The Agricultural Land Commission decides on requests for inclusions, exclusion, subdivision and non-farm use of land in the ALR;
AGRICULTURE means a farm use as defined in the *Agricultural Land Commission Act and Regulations*; specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition, on non-ALR lands.
AGRICULTURAL BUILDING means a building which does not contain a residential occupancy and which is:
 - (a) associated with and located on land devoted to the practice of farming and
 - (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds and

includes barns, produce storage buildings, milking parlours, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storage, greenhouses and garages not attached to the farm residence;

BUILDING means a structure used or intended for supporting or sheltering any use or occupancy;

CIVIC USE means a use which provides for public functions under the auspices of a government or community body; includes offices, schools and colleges, hospitals, community recreation centres, halls, arenas, stadiums, armouries, public swimming pools, public art galleries, libraries, museums, police stations, ambulance stations, jails and prisons, courts of law, and firehalls;”

- b. Amend the definition of “**EXTERIOR SIDE PARCEL LINE**”, “**FRONT PARCEL LINE**”, “**INTERIOR SIDE PARCEL LINE**”, “**REAR PARCEL LINE**”, “**SETBACK**” and “**SIDE PARCEL LINE**” by deleting the words in brackets and replacing with the words:

“(Please see the Parcel Definition Diagram 1 and the Setback Definition Diagram 2)”

- c. Delete the definition of “**HEIGHT**” in its entirety and replace with the following:

“**HEIGHT** means the vertical distance from average natural grade at the outermost corners of a building or structure to the highest point of the roof surface of a flat roof, or on the highest roof plane, to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure, as shown on Figure 1. Where it is not possible to determine natural grade, the height shall be measured from average grade;”

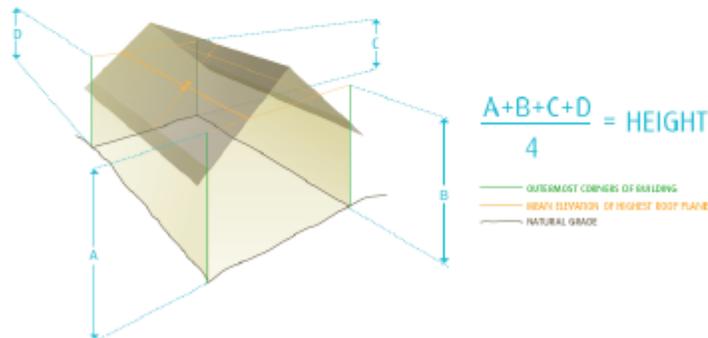


FIGURE 1 - Illustration of calculation of height

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- d. Amend the definition of "KENNEL" by adding after the word "pets" the words "and where a kennel license has been approved under CRD Animal Regulation and Impounding Bylaw No. 1465".
 - e. Add a new definition for "NATURAL GRADE" before "PARCEL AREA" which states:
"NATURAL GRADE means the average ground level recorded at the outermost corners of a building or proposed building as determined by survey and references bench mark prior to site preparation;"
 - f. Amend Diagram No. 2 by deleting the Height Examples 1 and 2.
- J. SCHEDULE B, PART II GENERAL LAND USE ZONING REGULATIONS, SECTION 19.0 AGRICULTURAL LAND POLICIES**
- a. subsection 1 delete the last sentence in its entirety and replace with the words "(See Section 27.0 Agriculture Zone.)"
- K. SCHEDULE B, PART IV ZONES**
- a. Amend Section 22.0, CR-1 (Community Residential – One) Zone, Regulations, subsection 2 Height, item (c), by deleting the words "4.8 metres" and replacing with the words "6 metres" and by deleting the words "16 feet" and replacing with the words "19.7 feet".
 - b. Amend Section 23.0, RC (Rural Conservation) Zone, Regulations, subsection 2 Height, item (e), by deleting the words "4.8 metres" and replacing with the words "6 metres" and by deleting the words "16 feet" and replacing with the words "19.7 feet".
 - c. Amend Section 24, CR-2 (Community Residential – Two) Zone, Regulations, subsection 2 Height, item (c), by deleting the words "4.8 metres" and replacing with the words "6 metres" and by deleting the words "16 feet" and replacing with the words "19.7 feet".
 - d. Add a new section 26.0 AG (Agricultural) Zone which reads:
"SECTION 26.0 AG (Agricultural) Zone
Permitted Uses

1. The following uses and no others are permitted in an Agricultural AG Zone:
(a) Agricultural uses;
(b) Residential uses;
(c) Home-based business; and
(d) Community uses.

Permitted accessory uses and buildings on any parcel includes the following:
(a) Secondary suites; and
(b) Accessory buildings in support of any permitted use.

Regulations

2. On a parcel of land located in an AG zone:
Minimum Parcel Size for Subdivision purposes
(a) The minimum parcel size is 4 hectares (9.88 acres).

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Number and type of Dwelling Units allowed

- (b) One of the following types of dwelling units is allowed on a parcel on land:
- i. One (1) single-family dwelling,
 - ii. However, one additional single-family dwelling for housing farm employees may be located on a lot classified as a farm pursuant to the *Assessment Act*, and where approved by the Agricultural Land Commission.

Height

- (c) No principal building or structure shall exceed 9.75 metres (32 feet) in height.
(d) No accessory building or structure shall exceed 6 metres (19.7 feet) in height.
(e) Barns are not subject to the building height provisions of this zone.

Setbacks

- (f) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
- i. 6 metres (20 ft) of a front parcel line;
 - ii. 1.5 metres (5 ft) of an interior side parcel line;
 - iii. 4.6 metres (15 ft) of an exterior side parcel line;
 - iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

- (g) No accessory building may be located closer than 1.5 metres (5 ft) to a rear parcel line.

Parcel Area Coverage

- (h) The maximum permitted parcel area coverage must be as follows:
- Principal building with all accessory buildings and structures 10-percent.

Additional requirements

- (i) Yard Requirements for Agricultural Buildings
- i. Front yards shall be a minimum of 30 metres (94 ft);
 - ii. Side, rear and flanking yards shall be a minimum of 15 metres (49.2 ft).
- j) Notwithstanding 2 (i) above, one additional one-family dwelling for the sole purpose of housing employees may be located on a lot classified as a farm pursuant to the *Assessment Act* where such lot is 4 hectares (9.88 acres) or more in area, and where approved by the B.C. Agricultural Land Commission.
- k) Two boarders or lodgers.”
- e. Add a new section area 27.0 P-2 (Community Facility) Zone which reads:

“SECTION 27.0 P-2 (Community Facility) Zone

Permitted Uses

1. The following uses and no others are permitted in an Community Facility P-2 Zone:

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- (a) Assembly uses;
- (b) Civic uses;

Permitted accessory uses and buildings on any parcel includes the following:

- (c) Accessory buildings in support of any permitted use.

Regulations

- 2. On a parcel of land located in an AG zone:

Minimum Parcel Size for Subdivision purposes

- (a) The minimum parcel size is 12 hectares (30 acres).

Height

- (b) No principal building or structure shall exceed 9.75 metres (32 feet) in height.
- (c) No accessory building or structure shall exceed 6 metres (19.7 feet) in height.

Setbacks

- (d) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i. 6 metres (20 ft) of a front parcel line;
 - ii. 1.5 metres (5 ft) of an interior side parcel line;
 - iii. 4.6 metres (15 ft) of an exterior side parcel line;
 - iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

- (e) No accessory building may be located closer than 1.5 metres (5 ft) to a rear parcel line.

Parcel Area Coverage

- (f) The maximum permitted parcel area coverage must be as follows:
 - Principal building with all accessory buildings and structures 40-percent.

L. SCHEDULE B MAPS

- a. By deleting Maps No. 1 to 5 and replacing with new maps as follows:

“Map 1 – Plan Area

Map 2 – Land Use Designations

Map. 2a - Development Approval Information Area

Map 3 – Environmental Constraints

Map 3a – Steep Slopes Development Permit Area

Map 3b – Foreshore, Wetland and Riparian Areas Development Permit Area

Map 3c – Sensitive Ecosystems Development Permit Area

Map 4 – Official Zoning

Map No. 5 – Slope Analysis”

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2. This bylaw may be cited as "Bylaw No. 3720, Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002, Amendment Bylaw No. 1, 2013".

READ A FIRST TIME THIS DAY OF 2013

READ A SECOND TIME THIS DAY OF 2013

READ A THIRD TIME THIS DAY OF 2013

APPROVED by the Minister of Community, Sport and Cultural Development

THIS DAY OF 2013

APPROVED by the Minister of Transportation and Infrastructure

THIS DAY OF 2013

ADOPTED THIS DAY OF 2013

CHAIR

CORPORATE OFFICER

Bylaw No. 3027 Willis Point Comprehensive Development Plan

- A. WHEREAS** the Capital Regional Board wishes to update the community plan for the Willis Point area of the regional district;
- B. AND WHEREAS** the residents of Willis Point, the adjacent municipalities and various external provincial and federal government agencies have reviewed this community plan;
- C. AND WHEREAS** this community has been considered in conjunction with the Capital Regional District's Financial and Capital Expenditures programme and the Liquid Waste Management Plan;
- D. AND WHEREAS** Sections 876, 903, 906, 919.1 and 920.01 of the *Local Government Act* allows the Capital Regional District to develop a bylaw to address all of the following issues:
- The development of an Official Community Plan
 - The development of a Zoning Bylaw
 - On site parking requirements
 - Designate Development Permit areas
 - Designate Development Approval Information Areas
- E. AND WHEREAS** Section 259.1 of the *Local Government Act* allows the Capital Regional District to develop a comprehensive general bylaw;
- F. NOW THEREFORE** the Board of the Capital Regional District in open meeting assembled, enacts as follows:

SECTION 1 GEOGRAPHIC AREA OF THE BYLAW

This bylaw covers the area referred to as Willis Point, which is part of the Capital Regional District, as outlined on Map 1, which is attached to and forming a part of this bylaw.

SECTION 2 SEVERABILITY

If any section, subsection, sentence, paragraph, schedule or map forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, schedule or map may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules or maps.

SECTION 3 INCORPORATION OF SCHEDULES AND MAPS

Schedules "A, B" and Maps numbered 1 to 5 attached hereto are hereby made a part of this bylaw.

SECTION 4 REPEAL OF BYLAWS

1. The following bylaws are hereby repealed only insofar, as they apply to the Willis Point area:
 - 1.1 The Capital Regional District Bylaw No. 1404, cited as the "Langford Official Community Plan Bylaw, 1986".

1.2 The Capital Regional District Bylaw No. 980, cited as the “Colwood, Langford and part of View Royal Zoning Bylaw, 1981”.

SECTION 5 TITLE

This bylaw may be cited for all purposes as the “Comprehensive Community Plan for Willis Point Bylaw No. 1, 2002”.

SECTION 6 IMPLEMENTATION

READ A FIRST TIME THIS 27th day of November, 2002.
Public Hearing Advertisements placed this 6th day and this 7th day of February, 2003.
Public Hearing held this 17th day of February, 2003.
READ A SECOND TIME THIS 26th day of March, 2003.
Second Public Hearing Advertisements placed this 7th day of March, 2003.
Second Public Hearing held this 14th day and this 8th day of April, 2003.
READ A THIRD TIME THIS 28th day of May, 2003.
Schedule “A” of this Bylaw as approved by the Minister of Community, Aboriginal and Women’s Services
this 2nd day of July, 2003.
ADOPTED THIS 9th day of July, 2003.

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SCHEDULE A – COMMUNITY DEVELOPMENT PLANNING POLICIES

PART 1.0 COMMUNITY BACKGROUND INFORMATION

1.1 1996 Population Profile and Estimates for 2001 and 2006

The population of the Willis Point Study area is estimated to be approximately 442, or 0.13-percent of the Capital Regional District's total population. Based upon 1996 census information the age sex breakdown of the population is as follows:

1996 Population Breakdown

MALES	AGE COHORT	FEMALES
22	65+	22
9	60 – 64	9
9	55 – 59	9
18	50 – 54	18
21	45 – 49	21
27	40 – 44	27
20	35 – 39	20
22	30 – 34	22
7	25 – 29	7
9	20 – 24	9
12	15 – 19	12
20	10 – 14	20
14	5 – 9	14
11	0 – 4	11
221	TOTALS	221

Notes:

- 1/. This breakdown profile has been developed using an extrapolation method, based upon the study area containing approximately 0.13-percent of the total Capital Regional District's population.

Utilizing this breakdown as the base age sex profile of the Willis Point area, population estimates and breakdowns have been developed for 2001 and 2006 respectively.

2001 Population Estimate

MALES	AGE COHORT	FEMALES
16	65+	16
9	60 – 64	9
18	55 – 59	18
21	50 – 54	21
27	45 – 49	27
20	40 – 44	20
22	35 – 39	22
7	30 – 34	7
9	25 – 29	9
12	20 – 24	12
20	15 – 19	20
14	10 – 14	14
11	5 – 9	11
10	0 – 4	9
216	TOTALS	215

Notes:

- 1/. This estimate has been developed using the age-specific fertility rate for the Local Health Unit Area and factoring in a portion of the total in-migration for the Capital Regional District. The provincial age-specific death rate was utilized.
- 2/. With the migration factor portioned in the population range is estimated to be in the range of 431 to 446.

2006 Population Estimate

MALES	AGE COHORT	FEMALES
16	65+	16
9	60 – 64	9
18	55 – 59	18
21	50 – 54	21
27	45 – 49	27
20	40 – 44	20
22	35 – 39	22
7	30 – 34	7
9	25 – 29	9
12	20 – 24	12
20	15 – 19	20
14	10 – 14	14
11	5 – 9	11
10	0 – 4	9
216	TOTALS	215

Notes:

- 1/. This estimate has been developed using the age-specific fertility rate of the Local Health Unit Area and factoring in a portion of the total in-migration for the Capital Regional District. The provincial age-specific death rate was utilized.
- 2/. With the migration factor portioned in the population range is estimated to be in the range of 420 to 435.

1.2 Building Permit Trends

The predominant type of dwelling in Willis Point is a single-family dwelling unit. The number of building permits issued in the area is as follows:

Permit Issued	1996	1997	1998	1999	2000	2001
Single Family Dwelling	5	1	2	0	2	0
Additions to a SFD	0	0	0	2	2	1
Commercial	0	0	0	0	0	0

Source: CRD Building Inspection Department, 2001

The above information suggests that demand for new dwellings in this area has been strong over the last five years. Coupled with the declining population estimates (see Section 1.1), new residential lands are not required to account for the next five years of projected growth.

1.3 Physiography of this Area

Based upon a review of a report entitled, An Introduction to the Ecoregions of British Columbia, the study area is part of the Georgia Depression Ecoprovince, the Eastern Vancouver Island Ecoregion and the Nanaimo Lowland Ecosection. This suggests the following:

The ocean and the Strait of Georgia modify temperatures throughout the area. The southern parts of this ecoprovince, which includes Willis Point, have the highest annual amounts of sunshine in the province;

This ecoprovince is predominantly a semi-enclosed estuarine environment, which is strongly affected by freshwater discharges. A near shore environment or zone surrounds all the islets, islands and the mainland portions adjacent to saltwater. The dominant interface between land and saltwater is an intertidal zone.

1.3.1 General Topographical Information and Main Topographical Features

Speaking in general terms the topography consists of the following features:

- Strongly rolling features – in the 15 to 30-percent range (8 to 17-degrees)
- Steeply sloped hills – in the 30 to 100-percent range (17 to 55-degrees)
- Hilly – in the 30 to 60-percent range (17 to 33-degrees)
- Sharp ridge like crests
- Various ridge, trough and bench areas
- Numerous surface drainage channels
- Various wetland types, consisting of ecosystems with wet soil and moisture-dependent plants; bog, fen, marsh, swamp, shallow water and wet meadow.

The area also has significant areas of exposed bedrock. The main topographical features of the area consist of Partridge Hills, Cole Hill and Durrance Lake

1.3.2 Bedrock Geology

The bedrock geology of the area has been mapped by discussed by Muller (1971). Speaking in general terms the bedrock within the Nanaimo Lowland region, which includes the Willis Point study area, is a sedimentary-based rock, consisting predominantly of sandstone and conglomerates.

1.3.3 Soils of the Willis Point Study Area

Upon a review of the Soils of Southern Vancouver Island report, the following soil associations, with a brief description of each, are located within the study area:

Soil Units of the Willis Point area

Soil Unit	Drainage Rating	Usual Texture	Slope Range in Percent (Degrees)	Developed in	General Topographical Features
Ragbark (RJ)	Rapidly	Cobbly, gravelly sandy loam or cobbly, gravelly loam	15 to 100 (8 to 55-degrees)	Areas that consist of colluvial or morainal deposits	Hilly to steeply sloped
Rock Out Crops (RO)		Exposed Bedrock	15 to 60 (8 to 33-degrees)		Strongly rolling and hilly
Somenos (SO)	Well	Gravelling sandy loam or very gravelly sandy loam	0 to 50 (0 to 28-degrees)	Areas that consist of morainal deposits	Strongly rolling
Sprucebark (SJ)	Rapidly	Cobbly, gravelling loamy sand or cobbly, very gravelling loamy sand	15 to 100 (8 to 55-degrees)	Areas that consist of colluvial or morainal deposits	Hilly to steeply sloped

Source: Soils of Southern Vancouver Island, MOE Technical Report 17, 1985.

Please see additional maps and reports for additional information on the Willis Point area:

- 1/. A study on the Residential Suitability of the Willis Point area – Project No. 81-023P-C 1987. Map No. 92B-053. Published by the Ministry of Environment, Lands and Parks.
- 2/. Soils of Southern Vancouver Island. Report No. 44 British Columbia Soil Survey, and Map Sheet 1.

1.4 Community Values

Willis Point is a rural, family-oriented neighbourhood that takes considerable pride in its sense of community and in its surrounding natural environment. The residents of Willis Point feel secure in their homes; they share a sense of neighbourly good will and they accept the responsibility of stewardship for the forested hills, shoreline, and inlet waters that form the community's natural borders.

The Willis Point residents recognize that the natural, undeveloped landscape and adjoining marine environment that defines the community is also a valuable ecological asset for the entire Capital Regional District, and even the province as a whole. Partridge Hills in particular harbours unique and rare plant communities and wildlife habitat.

Other valued environmental features of Willis Point include the tree-bordered winding rural road, the distinguishing canopy of trees within the residential community, an extensive network of informal trails through undeveloped private lands, and the broad sweep of shoreline and foreshore that links the community with Saanich Inlet.

The residents of Willis Point wish to see these community principles sustained into the future. They believe the current community of approximately 150 homes situated in a park-like natural setting should be maintained; any future development should be extremely modest, a logical extension of the existing character of the community. Indeed, in accordance with the evolving growth strategy for the Capital Regional District, Willis Point will continue to define itself as a rural community with very limited growth potential. One of the great strengths of Willis Point is its strong community character, as demonstrated through an active community association, a dedicated volunteer fire department and a responsible community administration. Neighbourly cooperation and respect is a fundamental community characteristic. While a small number of formal bylaws are "on the books", they are there to be invoked only in exceptional circumstances. Ultimately, the vision for Willis Point is one of abiding respect; respect for one another, respect for the community and respect for the surrounding environment.

1.4.1 Environmental Issues and Values

Standing with its back to the forest and looking out over Saanich Inlet, Willis Point is a spectacular work of nature. The ecological, recreational, educational and aesthetic significance of this land and marine environment simply cannot be overestimated.

To reach Willis Point you drive by the buffering forested slopes of Partridge Hills, one of the last remaining enclaves of Douglas-fir forest on the Saanich Peninsula. This is a wild land where blacktail deer and red squirrels abound, and where cougars and black bear put in an occasional appearance. The hillsides are dotted with open grassy meadows ringed with arbutus trees and pockets of Garry Oak woodlands. In spring and early summer these meadows abound in wildflowers, including the increasingly rare shooting star, calypso orchid and chocolate lily.

The entire area, dependent upon one watershed and five (5) groundwater regions, constitutes a comprehensive ecosystem; the land, ocean, streams, wetlands, soils and slopes, forests, aquifers and wells, plants and animals and the air we breathe are one entity. One cannot divide

the land without fragmenting the entire ecosystem; one cannot develop the land without considering consequences to the whole ecosystem. Removal of trees, for example, may affect windthrow, soil and slope erosion, drainage systems, plant communities, wildlife habitat, sedimentation, groundwater and the marine ecosystem. Both the Capital Regional District's Roundtable on the Environment and the Saanich Inlet Study identify the need for an integrated, multi-level approach to address environmental issues and to guide land and water use decisions from a total ecological, or watershed perspective. To halt foreshore degradation, prevent ground and surface water contamination, protect rare and dwindling species, and achieve environmental preservation, one must look beyond land to the total ecosystem. Additional environmental issues to be considered for the Willis Point area includes the following:

- The Provincial and Federal governments, under the Pacific Marine Legacy Heritage Program, are currently investigating the feasibility of designating Saanich Inlet as a Marine Heritage Park.
- A majority of the study area is classified as a sensitive ecosystem, based upon the Sensitive Ecosystems Inventory report (1997). This report considers only 8-percent of the area from Campbell River, through the Gulf Islands, to southern Vancouver Island as fragile, rare, and worthy of, or priority for preservation.
- Willis Point is located at the heart of the Sea-to-Sea Blue/Green Spaces.
- In spite of the fact that comprehensive inventories have not been completed, the BC Conservation Data Centre has identified a number of communities, elements and species as red-listed, which means extirpated, endangered, facing extinction or threatened or blue-listed, which means vulnerable, sensitive or at risk. Please see Section 1.6 of this community plan to view a partial listing of wildlife found within Willis Point.

Historically, Douglas-fir forests once blanketed the south and east sides of Vancouver Island. Today, this Coastal Douglas-fir Biogeoclimatic Zone, which constituted only 0.3-percent of the province in 1992 (CRD Parks), is considering unique and rare, both provincially and federally. In combination with Arbutus trees, which are also somewhat threatened, this forest is characteristic of only two communities in British Columbia, none elsewhere in Canada, and only one other along the southern California coastline. There also exists a rare deciduous woodland ecosystem, which includes Garry oak, pacific dogwood and bigleaf maple trees. Old growth rain shadow coastal forest, dominated by Douglas fir, grand fir, and western red cedar, is now extremely rare, but exists in several sites surrounding Willis Point. Similarly, the area is characterized by second growth forest, some of which is 80 years old and, therefore, is considered to be almost as valuable as old growth. In this context, the forest landscape of Partridge Hills becomes a highly valuable conservation feature for the entire south island.

There are several major wetlands, considered rare for any upland site. Wetland areas are important for storm water retention and groundwater recharge, and they are sensitive to water level changes and adjacent uses. One contains organic soils and another peat deposits, which commonly harbour paleobotanical (plant fossil) records. Also considered ecologically sensitive is a narrow roadside drainage corridor and several riparian zones, along with red-listed cedar-slough sedge, a related number of rare vascular plants, and a variety of amphibians.

The shoreline provides a home for river otters, as well as a rich marine habitat for a diversity of migrating waterfowl. The seashore, together with open forest and rock outcrop habitats, supports over 150 species of resident and migrant birds, including hawks, turkey vultures, grouse and owls. Bird species designated sensitive and vulnerable and found in the area include Anna's Hummingbird, Bald Eagle, Wintering Western Grebe, Great Blue Heron, Green-backed Heron and Peale's Peregrine Falcon.

The Saanich Inlet constitutes a coastal fjord that preserves unique marine communities of giant cloud sponges, anemones, sea plumes, lampshells, and other invertebrates, particularly in the Finlayson Arm-Squally Reach area. The marine ecosystem includes at least sixteen rare species, some of which have been rarely, if ever, recorded elsewhere in the province, some of which are unrecorded elsewhere in the world, and at least one species that has never been identified anywhere. Offshore waters also provide a natural habitat for large marine animals, including a variety of whales, seals, porpoises, sea lions and white-sided dolphins, as well as octopus, six-gill sharks and wolf eels.

Moreover, the area is notable for its visual quality (viewsapes), aesthetic value, recreational opportunities, historic and cultural resources. Of particular importance is the number of unexcavated First Nations' archaeological sites, some dating back 1500 years, which have been identified along neighbourhood shorelines.

Both the water and land are highly susceptible to environmental degradation. Weak tidal currents and sluggish circulation limit the Inlet's capacity to assimilate contaminants. At particular risk are sea lion and harbour seal haulouts, soft-bottom invertebrates, several species of fish, and eelgrass beds, the preferred herring-spawning habitat.

Slope gradation, variable from 15 to 70-percent and frequently over 30-percent, in combination with both the predominant thin, rubbly, rapid-draining soils and secondary silty sediment, renders the area vulnerable to soil erosion and high hazard windthrow. The majority of the area has low suitability for septic tank effluent absorption (Ministry of Environment, 1987).

The entire area, due to its dependence upon one watershed, rapid stormwater runoff, high soil erosion potential, and low effluent absorption, is very sensitive to ground and surface water contamination from upland residential development. The potential for water quality problems as well as potable water shortages is apparent.

Because the entire area consists of an extremely sensitive ecosystem, land use decisions in the Willis Point area must consider the potential cumulative effects on our vulnerable marine environment in addition to other communities. Extensive residential development could have a significant, negative and irreversible environmental impact upon surrounding parks, forests, wildlife habitat, watershed, wetlands and slopes, as well as inlets.

For that reason, a high priority for this community plan is to safeguard the ecological integrity of our natural environment, ensuring that the fundamental link between the land and water is never severed.

1.5 Regional Context

Willis Point is bounded by the District of Highlands to the south, the District of Saanich to the southeast and the District of Central Saanich to the east and by the waters of Tod Inlet, Brentwood Bay and Squally Reach that form a part of Saanich Inlet. Willis Point forms part of the Juan de Fuca Electoral Area in the Capital Regional District (CRD) as shown on Map 1, which is attached to and forms a part of this bylaw. It comprises a total land area of 635 ha (1570 acres) and total water area of 210 ha (520 acres), 46-percent of the land area is devoted to both a provincial and a regional park, 295 ha (729 acres), while the remaining land is either part of a well-established residential community or is in large, undeveloped or vacant forested parcels.

The rugged topography and relative isolation from major growth centres in the region contributes to the green and rural character of the community. Willis Point is further isolated from the main portion of the Capital Regional District by the Mt. Work Regional and Gowlland-Tod Provincial Parks.

The major roles of Willis Point in the Capital Region are to accommodate a particular style of rural living, to preserve large areas of natural greenspace, to protect elements of the region's ecosystem, and to provide outdoor recreational opportunities for the CRD residents and visitors. The Capital Regional District is now preparing a Regional Growth Strategy. All four alternatives designate Willis Point as a core greenspace area. Willis Point will support those elements of the Regional Growth Strategy that reinforce the regional context of this area and that ensure compatibility of land uses in the adjacent municipalities with the green, rural, and residential character of Willis Point.

1.6 Sensitive Ecosystem Inventory

The study area has been partially inventoried by CRD Parks, the Conservation Data Centre and the Sensitive Ecosystem Inventory. This inventory, combined with community input, results in the following general listing of species, animal or plant, found in the study area. For the purposes of this community plan the species have been broken into the following categories of Plant Communities, Flora, Tree Cover, Mammals, Marine Mammals, Birds, Fish, Marine Invertebrates, Reptiles, Amphibians.

The assistance and advice of Ms. Laura Friis of the Biodiversity Branch of the Government of British Columbia is gratefully acknowledged in updating the listing of animals.

Please note the following key:

- * Red-listed species (extirpated, endangered, facing extinction, or threatened)
- ** Blue-listed species (vulnerable, sensitive, at risk)

1.6.1 Plant Communities

- *Abies Grandis*/*Mahonia Nervosa* (Grand-fir/Dull Oregon-grape)*
- *Abies Grandis*/*Tiarella Trifoliata* (Grand-fir/Three-leaf Foamflower)*
- *Alnus Rubra*/*Carex Obnupta* (Red Alder/Cedar-Slough Sedge)*
- *Pseudotsuga Menziesii*/*Arbutus Menziesii* (Douglas-fir/Arbutus)*

- Pseudotsuga Menziesii/Gaultheria Shallon (Douglas-fir/Salal)*
- Thuja Plicata/Achlys Triphylla (Western Redcedar/Vanilla Leaf)*

1.6.2 Flora

- Calypso Orchid
- Camas
- Cedar Slough Sedge
- Chocolate Lily
- Common Horse Tail
- Giant Chain Fern*
- Hairy Manzanita**
- Pathfinder
- Salal
- Shooting Star
- Skunk Cabbage
- Slender-spike Mannagrass**
- Star Flower
- Sweet-scented bedstraw
- Three-leaf Foamflower
- Twin Flower
- Vanilla Leaf
- Western Mannagrass**

1.6.3 Tree Cover

- Arbutus
- Big Leaf Maple
- Dogwood
- Douglas-fir
- Douglas-fir (100+ years)*
- Douglas-fir (80+ years)**
- Garry Oak*
- Grand Fir
- Pacific Yew
- Shore Pine
- Western Red Cedar

1.6.4 Mammals

- Townsend's Big-eared Bat ** Corynorhinus townsendi
- California Myotis Myotis californicus
- Western Long-eared Myotis Myotis evotis
- Little Brown Myotis Myotis lucifugus
- Longlegged Myotis Myotis volans
- Yuma Myotis Myotis yumanensis
- Keen's Long-eared Myotis* Myotis keenii

- Hoary Bat *Lasiurus cinereus*
- Silver-haired Bat *Lasionycteris noctivagans*
- Big Brown Bat *Eptesicus fuscus*
- Red Squirrel *Tomasciurus hudsonicus*
- Townsend's Vole *Microtus townsendi*
- Deer Mouse *Peromyscus maniculatus*
- Keen's Mouse *Peromyscus keenii*
- Dusky Shrew *Sorex monticolus*
- Water Shrew* *Sorex palustris*
- Wandering Shrew *Sorex vagrans*
- Black Bear *Ursus americanus*
- Cougar *Felis concolor*
- River Otter *Lutra Canadensis*
- River Otter *Lutra Canadensis*
- American Mink *Mustela vison*
- Blacktailed Deer *Odocoileus hemionus*
- European Rabbit (introduced) *Oryctolagus cuniculus*

1.6.5 Marine Mammals

- Gray Whale *Eschrichtius robustus*
- Humpback Whale *Megaptera novaeangliae*
- Killer Whale *Orcinus orca*
- Pilot Whale *Globicephola sieboldii*
- White-sided Dolphin *Lagenorhynchus obliquidens*
- California Sea Lion *Zalophus californianus*
- Stellar Sea Lion *Eumetopias jubatus*
- Northern Elephant Seal *Mirounga angustirostris*
- Harbor Seal *Phoca vitulina*

1.6.6 Birds

- Anna's Hummingbird
- Bald Eagle
- Barn Owl**
- Blue Heron**
- Bufflehead
- Cormorant
- Golden Eye
- Green Backed Heron**
- Grouse
- Gulls (several species)
- Loon (four species)
- Marbled and Ancient Murrelet

- Merganser
- Northern Harrier
- Peale's Peregrine Falcon**
- Pileated Woodpecker
- Red-tailed Hawk
- Scoter
- Short-eared Owl
- Snow Goose
- Turkey Vulture
- Vaux's Swift**
- Western Grebe*
- Western Screech Owl**

1.6.7 Fish

- Basking Shark
- Dogfish
- Flounder
- Fringed Sculpin Fish*
- Herring
- Ling Cod
- Pacific Salmon (various species)
- Rockfish
- Six-gilled Shark

1.6.8 Marine Invertebrates

- Anemones*
- Bivalve mollusks
- Clams
- Crabs
- Fleplanktonic copepods (crustacean)*
- Glass Sponges (cloud and boot)*
- Jellyfish
- Lamp Shells
- Limpets
- Mussel Worms*
- Octopus
- Oysters
- Sea Cucumber
- Sea Plumes
- Sea-squirt*
- Sea Star
- Sea Urchin

- Univalve Mollusks
- Wolf Eels

1.6.9 Reptiles

- Northern Alligator Lizard *Elgaria coerulea*
- European Wall Lizard (introduced) *Podarcis muralis*
- Garter Snake *Thamnophis elegans*
- Garter Snake *Thamnophis ordinoides*
- Garter Snake *Thamnophis sirtalis*
- Sharp-tailed Snake* *Contia tenuis*

1.6.10 Amphibians

- Northwestern Toad (COSEWIC special concern) *Bufo boreas*
- Pacific Chorus Frog *Pseudacris regilla*
- Red-legged Frog** (COSEWIC special concern) *Rana aurora*
- Rough-skinned Newt *Taricha granulosa*
- Northwestern Salamander *Ambystoma gracile*
- Long-toed Salamander *Ambystoma macrodactylum*
- Clouded Salamander *Aneides vagrans*
- Red-backed Salamander *Plethodon vehiculum*
- Oregon Salamander *Ensatina eschscholtzii*

PART 2.0 ADMINISTRATIVE STRUCTURE AND APPLICATION OF THE PLAN

2.1 Administrative Structure of this Plan

This comprehensive community plan is broken down into the following schedules:

- Schedule A The Official Community Plan for Willis Point
- Schedule B The Land Use Zoning Bylaw for Willis Point

This comprehensive community development plan is intended to provide information on the community of Willis Point and to provide direction for decision-making with respect to community development and planning. An Official Community Plan (OCP) or “Plan” is authorized by the *Local Government Act*, which defines an OCP as:

“...a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements.”

The key to developing a community plan is that it is a community driven exercise that reflects the community’s values with respect to growth and development.

2.2 Application of the Plan

This Comprehensive Community Plan applies to the Willis Point settlement area as shown on Map 1, which is attached to and forms part of this Bylaw. It is not the intention of the Capital

Regional District in adopting the Willis Point Comprehensive Community Plan to create a conflict with provincial enactments.

2.3 Community and Development Policies

The residents of Willis Point are of the understanding that the protection of their community takes an effort from both future residents and current residents working towards their community goals. As such the plan has two sections of policies; development policies found in Section 4.0, and long-term community policies found in Section 5.0.

2.4 Greenhouse Gas Reduction Targets

The Capital Regional District will work to reduce greenhouse gas (GHG) emissions within the plan area shown on Map 1 by 3% below 2007 levels by 2020.

This target will be met by:

- a. Developing a carbon reduction plan for the Capital Regional District operations in the Willis Point area; and
- b. Undertaking the following:
 - 1) Educating residents, businesses and tourists about climate change as it relates to community priorities.
 - 2) Reviewing existing policies and objectives within the Community Plan and/or establishing new policies and objectives with the intent of reducing energy use and protection of valuable carbon sinks.
 - 3) Collaborating with other governments in examining and implementing GHG reduction strategies on a regional basis through one or more of the following:
 - development of GHG reduction standards for buildings by addressing each issue such as energy performance, local material, orientation and density;
 - development of additional infrastructure for cycling, walking, transit and carpooling as alternatives to single occupant vehicle use;
 - waste reduction including enhanced waste diversion of recyclable materials;
 - protection of ecosystems through the conservation and enhancement of forested areas;
 - development of a renewable energy generation plan;
 - development of programs and policies that increase local food security and local food supply options.

PART 3.0 GOALS AND OBJECTIVES OF THE PLAN

3.1 Goal of the Plan

It is a fundamental principle of the community plan to maintain the integrity of this surrounding greenspace and associated environmental features, sustaining them in good health far into the future. Indeed, the conservation of this greenspace is essential to the vision of the Community Plan. Without limiting section 4.4 “Parkland Dedication Policies”, while it is a general policy of this Plan to support initiatives likely to result in the maintenance of Partridge Hills in its current undeveloped state or the dedication or acquisition of this area as park by a provincial or local government, the plan will allow for low density private residential use and accessory home-based use in the area noted as potential park.

3.1.1 Objectives of the Plan

The above referenced goal will be achieved through the following objectives:

- Insofar as it lawfully can, the plan encourages promotes and secures the preservation of Partridge Hills in its current natural state;
- Encourage the acquisition of land for either greenspace or parkland;
- Understand and research the potential impact development would have upon the Willis Point natural environment;
- Consider environmental factors in all land use planning decisions and subsequent actions;
- Enhance local environmental awareness and promote land uses that protect the natural environment;
- Maintain as much land as possible in its current natural state, in order to protect and enhance the present diversity of plant and animal life;
- Identify and protect sensitive plant life, fish and animal habitats and distinctive geological and historical features;
- Protect and, if necessary, restore the natural water systems. Ensure that development does not contribute to soil erosion, slope instability or increased water run-off;
- Ensure the long-range viability of our natural sources of potable water by preventing pollutants from entering the water system. This includes surface water runoff channels, aquifers, groundwater areas or wetland areas;
- Establish a pattern of land use which would retain the rural residential character of the area;
- Prohibit any type of industrial development in the area;
- Protect the marine ecosystem;
- Protect important wildlife habitats and corridors;
- Site sewage disposal systems to minimize pollution of surface and groundwater, and to conform to appropriate setbacks from water wells, marine shores, watercourses and wetlands;
- Protect persons and property from hazards associated with destabilization of steep slopes;

- Encourage home-based businesses that are respectful of the community and its residents;
- Require the Capital Regional District to work with local community groups and provide the necessary technical information to assist the Willis Point Community Association and the Willis Point Advisory Planning Commission with their respective mandates.

3.2 Land Use Inventory Statistics

The current amount of land within the total plan area is 734.66 hectares (1815.3 acres), broken out as follows:

- A. Community Residential 1 Area (See Map 4, which is attached to and forms a part of this bylaw, for the approximate location of the Community Residential 1 Area). The current use is approximately 46.71 hectares (115.4 acres) or approximately 6.36 percent of the plan area.
- B. Community Residential 2 (See Map 4, which is attached to and forms a part of this bylaw, for the approximate location of the Community Residential 2 Area). The current use is approximately 29.25 hectares (72.3 acres) or 3.98 percent of the plan area.
- C. Marine Zone Area (See Map 4, which is attached to and forms a part of this bylaw, for the approximate location of the Marine Zone Area). The current amount of land designated as Marine Zone is approximately 155.13 hectares (383.3 acres) or approximately 21.12 percent of the plan area.
- D. Existing Park and Open Space Area (See Map 4, which is attached to and forms a part of this bylaw, for the approximate location of the Existing Park Area). The current amount of land designated for Park use is approximately 312.03 Ha (771.0 acres) or approximately 42.47 percent of the plan area.
- E. Agricultural Land Reserve Area (See Map 4, which is attached to and forms a part of this bylaw for the approximate location of the Agriculture Land Reserve Area). The current amount of land designated as Agricultural Land Reserve is approximately 2.46 hectares (6.1 acres) or approximately 0.33 percent of the plan area.
- F. Community Hall Area (See Map 2, which is attached to and forms a part of this bylaw, for the approximate location of the Community Hall Area). The current amount of land designated as Community Hall is 1.27 hectares (3.1 acres) or approximately 0.17 percent of the plan area.
- G. Rural Conservation Area (See Map 4, which is attached to and forms a part of this bylaw, for the approximate location of the Rural Conservation Area). The current amount of land zoned as Rural Conservation is 171.22 hectares (423.1 acres) or approximately 23.31 percent of the plan area.
- H. Roads – The current amount of land used as Roads is 16.60 hectares (41 acres) or approximately 2.26 percent of the plan area.

PART 4.0 DEVELOPMENT POLICIES

4.1 Residential (R) ~~Policies~~Designation

Preamble

The Residential designation signifies that the predominant land use is for residential purposes. Map 2 shows the land use designations for Willis Point. The plan is required by law to ensure that the housing stock available in the plan area meets the needs and requirements of the market place for at least five (5) years. This can easily be accommodated without any zoning changes (see 1.2). Residential housing may include but is not limited to private ownership, special needs housing and affordable housing. The housing stock may or may not be occupied on a full time basis. Home-based businesses may be considered as a venue for additional economic development activities for the individuals situated in an area with the residential designation.

4.1.1 ~~Development~~ Residential (R) Policies

- 1) Any development must be consistent with Section 3.1 (Goals and Objectives).
- 2) Development of residential parcels may be supported subject to the following:
 - a. The site will have minimal impacts on the existing man-made and the natural physical features of the area;
 - b. The development of the site is compatible with the protection of existing wells from depletion due to interference;
 - c. The proposed sewage disposal system would function properly with the various soil types and topography of the plan area without posing any risks to potable water supplies;
 - d. The proposed development is designed to prevent pollutants from entering into the water system. This includes surface water runoff channels, aquifers, ground water areas or wetland areas.
- 3) The development must respond to the physical constraints of the site.
- 4) Community-sponsored activities that serve to enhance the rural lifestyle may be considered.
- 5) All buildings should be sited to allow emergency vehicle access.

4.2 Marine Shoreline (M) ~~Development~~ PoliciesDesignation

Preamble

Although the Province of British Columbia owns the shoreline adjacent to the study area, the Regional District does have the jurisdiction in regard to the use of this area by persons other than the Crown pursuant to its ability to regulate the use of land, which includes the surface of water. The Saanich Inlet constitutes a coastal fjord that preserves unique marine communities. From a land use planning perspective, the need to preserve rare and fragile marine ecosystems must be integrated with the provision of views, recreational opportunities, and accessibility to Saanich and Tod Inlet. This area consists of two regions, a beach/rocky shore area and confluence areas.

- The beach/rocky area consists of rock platforms or shelves overlain with beach veneers of boulders or gravel.
- The confluence areas consist of the regions where the freshwater of the various intermittent permanent streams and the saltwater of Saanich Inlet meet.

This Marine Shoreline ~~zone~~ designation extends out from the Willis Point Comprehensive Community Plan area across either Saanich or Tod Inlet for a distance of 300 metres from the foreshore area (subject to Section 21, Schedule B) as shown on Map 2.

4.2.1 ~~Development~~ Marine Shoreline (M) Policies

- 1) There shall be no, log booms, commercial marinas or aquaculture operations allowed in this area.
- 2) Removal of natural features should not be excessive.
- 3) Natural features should be preserved and protected if any development is contemplated along the foreshore.
- 4) Public recreational use of marine shorelands should be consistent with the suitability of each shore type for the proposed use.
- 5) Any type of boathouse, wharf, pier, float or any other type of man-made structure that will be located on Crown Land requires approval from the Province of B.C.
- 6) There must be no selling or rental of any docking space, related commercial facilities, or services for boats or float planes within this area.
- 7) Encourage the retention of natural vegetation along marine shores.

4.3 General Development Policies – applicable to all land use designations

- 1) If any development occurs, care must be taken to minimize the impact on the natural environment and existing neighbourhoods. The wetlands play a critical role as reservoirs in the natural system that recharges the well water systems; as such they must be protected. Any development must be designed to prevent pollutants from entering the water system. This includes surface water runoff channels, aquifers, groundwater areas and wetland areas.
- 2) Any development should be consistent with the retention of the visual landscape of natural areas, especially on or near hilltops and ridges.
- 3) Any development must be designed to protect watercourses and their tributaries, by not allowing sediments or other effluents into the water system.
- 4) Any development must limit the removal of or damage to any of the natural vegetation cover.
- 5) Stream crossings shall be located so as to minimize the disturbance of banks, channels and vegetation cover.
- 6) If any temporary watercourse alteration or diversion takes place, streams should be rerouted through their original channels.
- 7) The appropriate authorities should prohibit the unnecessary removal of gravel and soil from streambeds of the above watercourses, and should also ensure that there is no modification of these stream channels and banks without careful consideration of potential adverse environmental effects.

- 8) Whenever required, access to lakes, streams, the sea, and other water sources for emergency purposes must be provided.
- 9) Any development proposal should incorporate designs that reduce forest fire risks for homes within, and at the edge of, forested lands.
- 10) Development proposals must meet requirements established in NFPA standards 1231 (Water Supplies for Suburban and Rural Fire Fighting) and NFPA 299 (Protection of Life from Wildfire).
- 11) Land uses or activities that could damage or reduce groundwater quantity or quality will be discouraged.
- 12) Wells that serve more than one parcel shall require a Certificate of Public Convenience and Necessity through the *Water Utility Act*.

4.4 Parkland and School Site Dedication Policies

4.4.1 Parkland

- 1) Provision of parkland must help the community achieve their quality of life goal objectives. This can be accomplished through the provision of having the developer provide parkland, without compensation, to the community. Depending upon the number of parcels of land being created and the size and location of the parcel being subdivided, the size, location and form of parkland will be determined by the Capital Regional District with input from the community. The parkland provided must be in the form of:
 - a) trails, or
 - b) tot lots, or
 - c) community parks, or
 - d) sports fields, or
 - e) regional parks, or
 - f) interpretive parks, or
 - g) any combination of the above.

The provision and type of any parkland must be in a location that is acceptable to the Capital Regional District.

- 2) At its discretion the Capital Regional District may ask for cash-in-lieu, as the requirement for compliance with Section 941 of the *Local Government Act*, for the future purchase of land for parks or development of parks in Willis Point.
- 3) For information relative to the acquisition, development, operation, preservation and maintain of parks in the Juan de Fuca Electoral Area, applicants shall refer to the Juan de Fuca Electoral Area Community Parks Strategic Plan.

4.4.2 School Site Dedications

School site acquisition charges are payable in respect of development in accordance with Division 10.1 of Part 26 of the *Local Government Act*.

4.5 Environmentally Sensitive Areas

Preamble

Any environmentally sensitive area, as identified on Maps 3 and 5, which are attached to and form a part of this bylaw, should be preserved in its natural state.

4.5.1 ~~Development~~ Environmentally Sensitive Policies

- 1) No growth into these areas is the desired development pattern.
- 2) If any development does occur in these areas, it must be consistent with the protection of wetlands, riparian areas and sensitive ecosystems.
- 3) For the protection of wetlands and riparian areas, a buffer zone shall be designated, and there will be no development within this buffer zone.

4.6 Roads and Servicing

Preamble

The provision of roads and services of the land could play a role in shaping the land use development patterns in the Willis Point plan areas. Currently no major roads, sewer or water systems are planned for the Willis Point area, at the time of preparation of this plan.

4.6.1 Road Development Policies

- 1) The Ministry of Transportation and Infrastructure road standards and requirements shall be adhered to.
- 2) A buffer zone must be in place for any development that is adjacent to Willis Point Road.

4.7 Public Facilities

Preamble

The location of public facilities, such as schools, parks, waste treatment and disposal sites could play a role in shaping the land use development patterns in the Willis Point plan area. Currently no public facilities are planned for the Willis Point area, at the time of preparation of this plan.

4.8 Soil and Gravel Deposits

Preamble

The location of any sand and gravel deposits could play a role in shaping the land use development patterns in the Willis Point plan area. Currently there are no known sand or gravel operations planned for the Willis Point area, at the time of preparation of this plan.

4.9 Locations of Additional Land Uses

Preamble

The location of additional land uses, for commercial, industrial, institutional, recreation, public utility lands and agricultural activities could play a role in shaping the land use development patterns in the Willis Point plan area. Currently there are no known additional land uses planned for the Willis Point area, at the time of preparation of this plan.

4.10 Development Permit Areas

Preamble

Development Permits are a planning tool for sites, buildings and structures that warrant special protection or development control. These Permits must be approved by the Capital Regional District Board and may require some sort of security to ensure that the conditions in the Permit have been achieved.

The guiding principle for the use of Development Permits is found within Section 919.1 of the *Local Government Act*. Development permit areas can be designated for purpose of the following:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions.

With respect to areas designated as Development Permit Areas, the community plan must:

- Describe the conditions or objectives that justify the designation;
- Specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

4.10.1 General Development Permit Guidelines

- 1) Where land lies within more than one development permit area, all of the applicable permit requirements must be met.
- 2) In accordance with the *Local Government Act*, a development permit must be obtained prior to subdivision construction, alteration of land, soil deposit or removal, or any other development or activity that would impact on any of the elements protected by a development permit.

4.10.2 General Exemptions for a Development Permit

No development permit will be required for the construction of any:

- 1) internal alterations to a building;
- 2) accessory buildings built after the main residential structure, but included in the original building permit plans;
- 3) structures which are sited and in conformity with Guideline #1 of Development Permit Area #2 and Guideline #1 of Development Permit Area #3, are not greater in area than 37.16 square metres (400 square feet) and are accessory to an existing residence. This may include, but is not limited to:
 - Gazebos;
 - Garden sheds;
 - Tool sheds;
 - Decks
 - Boathouses
- 4) walkways, ramps and/or stairways for providing pedestrian and/or wheelchair access to any structure exempted in paragraph 3 above;
- 5) removal of hazard trees;
- 6) emergency actions for flood or erosion protection;
- 7) emergency works to repair or replace public utilities or infrastructure;
- 8) removal of invasive non-native vegetation from riparian areas;
- 9) in-stream habitat development or restoration that complies with provincial and federal legislation and requirements.
- 10) subdivision and development applications on lands subject to steep slopes or watercourses, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the parcel does not include slopes exceeding 20-percent or 11 degrees in slope over a minimum 6 metre run, or not to contain a watercourse or wetland (that is, no features requiring protection are located on the parcel);
- 11) development applications on lands subject to steep slopes or watercourse, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the proposed development is located outside the steep slope or riparian assessment area, or the setback for non-fish bearing watercourses or wetlands (that is, no feature requiring protection will be affected). This exemption does not apply to subdivision applications.

4.10.3 Development Permit Area No. 1: Steep Slopes

Designation

That part of the Willis Point area ~~shown in blue hatching and red outline~~ outlined on Map 3a, which is attached to and forms a part of this bylaw, is designated as a development permit area under Section 919.1(1)(b) of the *Local Government Act*.

All areas having slopes exceeding 20 percent or 11 degrees in slope over a minimum 6 metre run are designated as Development Permit Areas and are shown on ~~Hazardous Protection~~ Steep Slopes Development Permit Area Map 3a, which is attached to and forms a part of this bylaw.

Justification As pursuant to S 919.1(1)(b) of the *Local Government Act*

(Protection of development from hazardous conditions)

The topography of the area, as well as the slope gradation and thin soil cover, renders the area highly susceptible to erosion and high windthrow hazard. Careful control of development or other alteration of these slopes is needed to reduce the risk to life and property, to prevent erosion and potential risks to down-slope properties, to prevent destabilization of slopes, and to protect the visual quality of the slopes. Land clearing, road construction, changes in slope profiles, construction of buildings or roads, or other site disturbance in these areas could increase risk to life and property and harm the environmental values of the slopes.

Objective

Regulate development in the area with a view to protecting the integrity of the slopes and reducing the risk of injury to persons or damage to property.

Guidelines

Development permits issued in steep slope areas shall be in accordance with the following:

- 1) There shall be no site disturbances on a steep slope other than those allowed in a development or subject to a general exemption as outlined in section 4.10.2.
- 2) Excluding trees which present a safety hazard, no disturbance of vegetation or movement of substrate will be allowed where there is any potential for erosion, other than that allowed in a development permit or subject to a general exemption.
- 3) Erosion control measures, during and after construction, will be specified in the permit application.
- 4) Any development must be designed to avoid stormwater runoff which could destabilize the slope or cause damage to neighbouring properties.
- 5) Removal of vegetation should be minimized to allow only for building sites, sewage disposal systems, driveways, landscaping and other permitted land uses.
- 6) A disturbed site should be revegetated using plant material indigenous to the site or other suitable non-invasive plants.
- 7) An applicant shall be required to provide a Slope Stability Plan, certified by a qualified professional with relevant expertise, showing how the proposed

development is to be designed and constructed so as to prevent any destabilization or erosion on the slope.

The Slope Stability Plan must take account of, but is not limited to, whichever of the following factors are relevant to the proposed development:

- a) Slope stability prior to development, identification of any areas subject to landslide, landslip, rockfall and windthrow;
- b) Soil types, depths and conditions;
- c) Siting of all buildings and other structures, services, driveways and parking areas;
- d) Existing and proposed impervious surfaces;
- e) Stream channeling and drainage systems;
- f) Measures to safeguard neighbouring properties and structures from hazards arising from the siting, the preparation of the site (including but not limited to blasting), and the construction of the proposed development;
- g) Design of mitigation measures, such as sediment traps, in areas subject to destabilization during land clearing, construction and rehabilitation;
- h) Alternative vegetation and erosion control measures;
- i) Survey of tree cover and other major vegetation cover shown before and after the proposed development;
- j) Location of well, sewage disposal system and soil test sites;
- k) Anticipated removal or additions of soil, sand or gravel.

4.10.4 Development Permit Area No. 2: Foreshore, Wetlands and Riparian Areas

Designation

- 1) That part of the Willis Point foreshore area, ~~shown in a heavy red line and shaded yellow~~ outlined on Map 3b, which is attached to and forms a part of this bylaw.
- 2) That part of the Willis Point area ~~shaded grey~~, adjacent to the various creeks and streams as outlined on Map 3b, which is attached to and forms a part of this bylaw.
- 3) All the wetlands, as shown on Map 3b, which is attached to and forms a part of this bylaw, as found on parcels of land legally described as:
 - District Lot 46A
 - Lot A, Plan 28244
 - Lot B, Plan 28244
 - Lot 1, Plan 465281
 - ~~Lot 1, Plan 21981~~
 - District Lot 23
 - Lot 1, Plan 31762

are designated as a development permit area under Section 919.1(1)(a) of the *Local Government Act*.

Justification As pursuant to Section 919.1(1)(a) of the *Local Government Act*

(Protection of the natural environment, its ecosystems and biological diversity)

The Development Permit area established under this section for the non-tidal and foreshore areas includes:

- 1) All non-tidal water, such as; riparian areas, water courses, wetlands and all lands lying within 30 metres (100 feet) of these features;
- 2) All foreshore areas, defined as where the high-water mark and private property meet in the foreshore region. This area lies within a line 15 metres (50 feet) from and parallel to the natural boundary of Saanich Inlet.

The wetlands function as drainage, storage and recharge areas for downslope groundwater regions. These areas are important to the ecological integrity of Willis Point, serve as temporary stormwater retention and transmission areas, and are crucial to the natural environment and, therefore, the community's water supply. Building of structures or roads, or substantial land clearing or disturbance in these areas, could harm the functions of these water and riparian areas.

Riparian ecosystems occur adjacent to lakes, streams, creeks and rivers, where the increased soil moisture supports and enhances plant communities distinct from the adjacent terrestrial areas. As a general rule, the protection of the riparian systems is important for the following reasons: the protection of their biodiversity, the maintenance of water quality, the protection of aquatic habitat and the retention of wildlife corridors.

All foreshore areas are considered fragile and require the protection of a development permit.

Objective

Regulate development adjacent to water features and riparian areas to protect the community's water supply, to maintain the ecological value of these areas and to guard against their contamination.

Guidelines

Development permits issued in these areas shall be in accordance with the following:

- 1) No development or site disturbance shall be permitted on a wetland, a riparian area, or within the buffer zone specified in this bylaw for wetlands and riparian areas.
- 2) No site disturbances shall be permitted on a foreshore area, as specified in the Justification section #2 above except those allowed in a Development Permit or subject to the general exemptions as outlined under section 4.10.2.
- 3) No habitable building or other structures requiring foundations will be constructed and no sewage disposal system will be installed in these Development Permit Areas except those allowed in a Development Permit or subject to the general exemptions as outlined under sections 4.10.2.

- 4) Any development must be designed so as to maintain the quality of any stormwater flowing toward or into the identified water features and to prevent any increase in volume and peak flow of runoff.
- 5) Vegetation appropriate (preferably indigenous) to the site may be required to be planted on the site to reduce erosion risk, restore the natural character of the site, improve water quality or to stabilize slopes and banks.
- 6) Modification of channels, banks, or shores, which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted.
- 7) Any development must be designed to prevent any effluent or stormwater discharge that has either public health or environmental impact implications.
- 8) Controls are required on surface water drainage to prevent pollutants from entering water features.
- 9) All new developments or modifications to existing developments must be designed to avoid any increase in runoff.
- 10) Gardening and other related residential activities should be sited so as to prevent nutrient-rich water from entering natural water features.
- 11) The development permit may designate and specify where necessary, a buffer zone within which land alteration or structures will be limited to those compatible with safeguarding the characteristics of the water feature.
- 12) Development permits issued with regard to road and driveway construction in this area will ensure that:
 - a) Watercourse crossings are located so as to minimize disturbance of water feature banks, channels, shores, and vegetation cover;
 - b) Wherever possible, bridges are used instead of culverts for crossings of fish-bearing watercourses;
 - c) Culverts are sited to allow unrestricted movement of fish in both directions. Where desirable, culverts may be designed to retard low flows and encourage in-stream storage of water.
- 14) An applicant shall provide the following:

A scale-drawn site plan, certified by a qualified professional with relevant expertise, drawn at a scale of 1:2,000 or with approval of the Capital Regional District, at a scale of 1:5,000.

The site plan must show:

 - a) Any wetlands, foreshore area or any intermittent or permanent riparian areas on the site;
 - a) The proposed location of the principal dwelling or other buildings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces, direction and quantity of any surface water discharge, before and after any development;
 - b) Any other feature of the development (including but not limited to alteration of the ground surface by removal, filling or blasting) with the potential to affect the protected areas.

4.10.5 Development Permit Area No. 3 Sensitive Ecosystems

Designation

That part of the Willis Point area ~~shown in a red heavy outline and shaded in orange, red, green, solid hatching or cross hatching~~ as outlined on Map 3c, which is attached to and forms a part of this bylaw, is designated as a development permit area under Section 919.1(1)(a) of the *Local Government Act*.

Justification As pursuant to Section 919.1(1)(a) of the *Local Government Act*

(Protection of the natural environment, its ecosystems and biological diversity)

This area is considered by the Sensitive Ecosystems Inventory as a unique ecological region with exceptionally high biodiversity values. It supports many unique ecosystems and contains some of the most endangered, rare species in British Columbia (see 1.4.1 and 1.6). The size of the area and its location adjacent to the Gowlland Tod Provincial Park further enhance its ecological value.

Land clearing, construction of building or roads, or other site disturbances in this area would degrade the ecological value of this area.

Objective

Regulate development in such areas in a manner that protects biodiversity and ecological values.

Guidelines

Development permits issued in sensitive ecosystem areas shall be in accordance with the following:

- 1) No development or site disturbance shall be permitted within an older forest or woodlands, as defined in the Sensitive Ecosystem Inventory Map 3c.
- 2) In the remaining treed areas, disturbance of mature vegetation and understorey plants will be minimized.
- 3) Changes in the land surface, which could affect the health of vegetation or the biodiversity of any plant communities, will be minimized.
- 4) Drainage will be designed and constructed so that there is no increase or decrease in the amount of surface water or ground water available to the sensitive ecosystems.
- 5) Where necessary, provision will be made and works undertaken to maintain the quality of water reaching the sensitive ecosystem.
- 6) The development permit may designate and specify where necessary, a buffer zone within which land alterations or structures will be limited to those compatible with the characteristics of the sensitive ecosystems.
- 7) Planting of invasive non-native vegetation adjacent to or in designated sensitive ecosystem areas will be discouraged.
- 8) An applicant must provide the following:
A scale-down site plan, certified by a qualified professional, drawn at a scale of 1:2,000 or with approval of the Capital Regional District, at a scale of 1:5,000,

showing the location on the property of all the features of the proposed development which would entail removal or disturbance of any sensitive vegetation, as identified in Section 1.6. These features include, but are not limited to, the following:

- a) The proposed location of the principal dwelling or dwellings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces;
- b) Identification of all other features of the development with the potential to affect the protected area, including but not limited to the direction and quantity of any surface water discharge, before and after any development.

4.11 Development Approval Information Area

Preamble

Part of the Willis Point study area, as shown on Map 2a, which is attached to and forms a part of this bylaw, is designated as a development approval information area.

Justification

- 1) The natural environment of the Willis Point area supports an ecosystem of great diversity, including rare species of flora and fauna. It also supports human habitation. All of the living things at Willis Point depend on the quantity and quality of the available groundwater. Great care must be taken to preserve and protect the watersheds, riparian areas and, in particular, the wetlands which serve as natural reservoirs essential to the well being of various plant and animal species during the typical long drought period in the summer. Willis Point is in a fractured rock zone in which the underground pathways of the groundwater are very difficult to predict. Furthermore, although there are discernibly different groundwater regions, according to a groundwater assessment study completed in 2000, (Thurber Environmental Consultants Ltd.), there is a likelihood of an interconnection between regions due to the probable existence of fault and fracture zones.

The general point is that any development with the potential to deplete the groundwater or otherwise interfere with the wetlands in one region also has the potential to diminish the quantity and quality of available groundwater in one or more of the other groundwater regions. In particular, the extent to which a new well is likely to interfere with an existing well cannot be reliably inferred except from actual interference testing of the affected wells.
- 2) Willis Point Road is the sole fixed or highway access point into Willis Point. Any new development would increase the traffic flow along this road. Information is required in reviewing the potential impact that the larger traffic flows may have upon this highway point.
- 3) New development may affect the provision of fire and police protection in Willis Point. Information is required on the possible impact that development may have upon the provision of these two services.

- 4) Given the topography and the rich biodiversity of Willis Point, the plan area has numerous environmentally sensitive features that require a thorough analysis to be completed prior to development taking place. This also includes an analysis of any liquid waste, to ensure that it has no adverse effect on human health or the natural environment.

Objective

- 1) Information relating to the following is required whenever an application is made for either a zoning change or a development permit:
 - a) The natural environment;
 - b) Traffic flows;
 - c) The provision of community services;
 - d) The local infrastructure, which means water service, sewage disposal and other utilities.

Guidelines

- 1) At the applicant's expense, prior to the creation of more than one parcel by subdivision, an applicant must provide an assessment by an appropriate professional, as outlined in the Development Approval Information Bylaw, on the impact of the proposed development on the quality and quantity of the groundwater which existing wells tap into. The Approving Officer has the authority to reject or accept the test results. The test results may be used to assist the Approving Officer in his or her subdivision approval process.
- 2) At the applicant's expense, as a part of an application for a zoning change, an applicant must provide an assessment by an appropriate professional, as outlined in the Development Approval Information Bylaw, on the impact of the proposed development on the quality and quantity of the groundwater which existing wells tap into. ~~Land Use Committee "B", with input from the Willis Point Advisory Planning Commission, has the authority to accept or reject the test results.~~—The test results may be used to assist the Advisory Planning Commission and the Juan de Fuca Land Use Committee "B" with their approval process and the Advisory Planning Commission with their recommendations, and the CRD Board with its approval process.
- 3) Before being issued a development permit in either Development Permit Area 2 or Development Permit Area 3, the applicant may be required to provide, at the applicant's expense, a report, certified by an appropriate professional, as outlined in the Development Approval Information Bylaw, to assist in determining what conditions or requirements to impose in the permit related to the site under review.
- 4) Before being issued a development permit in any of the Development Permit Areas 1, 2, or 3, an applicant may be required to provide a report, certified by an appropriate professional, as outlined in the Development Approval Information Bylaw, demonstrating that the proposed development and its construction satisfy all of the requirements contained in the guidelines of the applicable Development Permit Area(s), except that if one or more of the requirements cannot be

satisfied, the report must explain the reasons and, where applicable, recommend mitigation measures.

PART 5.0 COMMUNITY POLICIES

5.1 Wildlife Habitat

Preamble

As defined in the provincial *Wildlife Act*, wildlife includes amphibians, reptiles, birds and mammals. Since we now recognize the interdependence of organisms, the spectrum of species included in a definition of wildlife is increasing. The wildlife policy for Canada covers wild mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi, algae, bacteria, and other wild organisms. Wildlife needs are complex and not always fully understood. Particular species require specific ecosystems and sometimes require different ones at different times of the year or at different stages in the life cycle. Many species of animals require areas that have been undisturbed for long periods of time, such as old growth forest. They require large areas of habitat, so there is “interior” habitat as well as “edge” habitat. They also require migration routes, or wildlife corridors, connecting the larger areas of habitat. In the past, when humans altered landscapes for urban development or resource use, natural areas were often left as parks or reserves. From a wildlife perspective, these areas were isolated, and the animals could not move from one place to another to maintain healthy and genetically diverse populations. Wildlife corridors are one way to solve the problems of habitat fragmentation.

Community Policies:

- 1) Educate local landowners in the importance of preserving wildlife habitats.
- 2) Work with governing authorities in preserving wildlife habitat and increasing wildlife management.
- 3) Create a wildlife inventory.

5.2 Wooded Areas

Preamble

The Willis Point Community Plan area consists mainly of a variety of wooded areas each with its own special character. Moisture is absorbed and retained during wetter seasons and slowly released during drier periods. Furthermore, pollutants are filtered before they enter the surface and ground water systems. These areas contain high biodiversity, including many species and communities of plants, wildlife and organisms that are dependent on them. By their nature they provide wildlife with necessary interior habitat. Many of the plant communities in these areas are on the Ministry of ~~Air, Water and Land Protection~~ Forests, Lands and Natural Resource Operations red or blue lists. Red-listed communities are those considered endangered or threatened. Blue-listed communities are vulnerable, meaning they are particularly sensitive to human activities or natural event (see Section 1.6).

Community Policies

- 1) Through a public education campaign, help people identify sensitive areas so that they can respect them.
- 2) Residential gardeners are encouraged to use native plants, including trees, in their landscaping practices and help maintain the many important features and functions of upland areas by leaving wooded areas intact.

- 3) Removal of invasive species such as scotch broom and Himalayan blackberry is encouraged so that native species can re-establish.

5.3 Wetlands

Preamble

Within the Willis Point Community Plan area there are numerous wetlands of varying sizes. Wetlands provide habitat to numerous aquatic and terrestrial plants and animals. Healthy wetlands have a high level of biodiversity. In dry periods, they help to maintain summer flows in streams and to recharge ground water critical to the community's potable water supply. They also have a filtering function for sediments and pollutants from runoff.

Community Policies

- 1) Encourage the community to take a stewardship role in keeping wetlands free from garbage and harm. This will include a policy to educate the public on the important of wetlands and their sensitivity.
- 2) Develop an education programme that will discourage the use of motorized vehicles in any wetland areas.

5.4 Salt Water Uses – Saanich Inlet and Tod Inlet

Preamble

The surface of the water beyond the Willis Point marine shorelands provides wonderful recreational opportunities as well as economic activities for many area residents and visitors. The plan supports the continued use of the water surface for these activities, but does place limitations on objectionable activities, which may have a negative effect on residents.

Community Policies

- 1) The Willis Point residents through the Capital Regional District will assist the Provincial Ministry of Forests, Lands and Natural Resource Operations~~Water, Land and Air Protection, British Columbia Assets and Land Corporation, BC Parks~~Ministry of Environment and the Federal Department of Fisheries and Oceans in protecting the ecosystem in Tod Inlet and Saanich Inlet.
- 2) The community will work with the Saanich Inlet Protection Society to ensure the long-term health of the Saanich Inlet ecosystem.

5.5 Durrance Lake

Preamble

Durrance Lake is the only lake in the Willis Point Community Plan area. It is in the Mt. Work Regional Park and has its own management plan. A healthy riparian zone surrounds the lake. Native vegetation, grassy areas and trails have replaced the old Durrance Road, which borders the northern shore. The lake is stocked with trout. It tends to be an important recreational destination for both local residents and those of the Capital Region. Associated with this lake is one small parking parcel, which means that many users of the lake have to park along Willis Point Road.

Community Policies

- 1) The community will assist with the development of any plan or public education campaign that will protect the long-term health of Durrance Lake and its riparian zone.

5.6 Watercourses

Preamble

Although a few of the streams in the Willis Point Community Plan area flow all year round, most are seasonal, flowing only during the winter months. Seasonal streams are important because they channel and filter runoff from upland areas and provide wintering habitat for fish and year-round habitat for birds and other wildlife. The riparian zone, the transition area between water and land, filters sediments and pollutants from stormwater runoff. It also provides water, food and shelter for fish and other animals, both aquatic and terrestrial. Movement corridors for wildlife are also provided in riparian zones. In order to protect watercourse functions, a riparian zone or leave-strip region is needed. In many areas the vegetation is in its native state and is distinctive from their surrounding uplands. In some areas the seasonal watercourses in particular have been altered by human activity such as road building. In some cases, these activities have been the cause of erosion and sediments being washed into Tod Inlet and Finlayson Arm.

Community Policies

- 1) Support the Prospect Lake/Tod Creek Watershed Action Plan.
- 2) Support B.C. Parks and CRD Parks in the implementation of their management plans and in maintaining the high integrity of the watercourses originating from upland areas.
- 3) Educate the public, and landowners through whose property watercourses run, on the importance of healthy streams and riparian zones.
- 4) Identify the locations of any intermittent streams.

5.7 Fire Protection

Preamble

Willis Point operates a volunteer fire department for fire emergencies, medical emergencies (First Responder) and accidents. Co-operation is encouraged with the Ministry of [Forests, Lands and Natural Resource Operations](#) ~~Forests~~ for forest fire prevention and suppression, and with fire departments of adjacent municipalities to maintain high levels of fire protection.

Community Policies

- 1) Willis Point residents should be encouraged to support the volunteer fire department.
- 2) Willis Point residents, working with the Capital Regional District, should seek means to provide financial assistance to the volunteer fire department to enable the purchase of fire fighting apparatus, and equipment, when required.
- 3) The fire department will continue to operate the fire sign on Willis Point Road, showing the level of danger from Forest Fires.

- 4) The fire department will issue permits for the temporary burning of materials on private property and stands ready to answer any questions pertaining to fire hazards.

5.8 Police Protection

Preamble

Police protection for the Willis Point area is provided by the North Saanich detachment of the Royal Canadian Mounted Police.

Community Policies

- 1) The R.C.M.P. Sidney/North Saanich Detachment is encouraged to maintain or to increase “proactive policing” throughout the community by:
 - a) Assisting residents to organize crime prevention programs, such as Neighbourhood Watch, Block Parents and Operation Identification;
 - b) Maintaining a police profile and an adequate presence to deter criminal activities, vandalism, vehicle speeding, and driving while impaired;
 - c) The Solicitor General is requested to maintain manpower levels of the R.C.M.P. North Saanich Detachment at standards prepared by the B.C. Police Commission for unorganized areas.

5.9 Community Hall Area

Preamble

Willis Point residents use and maintain the site on a daily basis under the guidance of the Fire and Recreation Commission.

Community Policies

- 1) Maintain the community hall/fire hall as a focus for the community so that all residents will benefit.

5.10 Ground Water

Preamble

Willis Point relies on groundwater as its domestic water source and it is critical that the aquifer is not depleted or contaminated. Additionally, because of the proximity to CRD’s Hartland Road Regional Landfill, and because of the number and density of existing wells in the Community Residential Zone, the quality and security of the water system needs special attention. Therefore, it is essential that residents maintain the current water supply sources so that they remain plentiful and uncontaminated.

Community Policies

- 1) Work with regulating agencies to produce enabling legislation for ground water management.
- 2) Work in cooperation with other communities in the vicinity of the Hartland Landfill to insure that:

- a) Safety standards regarding leachate collection, containment, transmission and disposal meet the standards of the precautionary principle;
- b) If any leachate escapes into the groundwater, a system which meets the standards of the precautionary principle is devised for monitoring the leachate and for testing wells which may be affected. The methods, assumptions, procedures, and the data collected by that system must be available to the public and subject to third party scrutiny, for example, by officers of the Vancouver Island Health Region.
- c) Conduct detailed mapping of the upland wetlands and consider placing appropriate third party restrictive covenants upon the use of these wetlands to protect groundwater recharge areas.
- d) Encourage all well owners to have their well water tested once a year.

5.11 Solid Waste Disposal

Preamble

Ensure that solid waste generated in the plan area is disposed of in a safe and environmentally friendly manner.

Community Policies

- 1) Garbage must not be buried, burned, dumped or stored long-term on the land at Willis Point. All non-recyclable solid waste generated by Willis Point residents must be disposed of at designated Regional landfill sites.
- 2) Environmentally acceptable solid waste disposal methods are encouraged, especially reduction of waste, reuse of materials, recycling, and backyard composting.
- 3) The views of Willis Point residents should be invited regarding the future development of the Hartland Road landfill site.

5.12 Assembling of Land for Trails

Preamble

Walking trails play a significant part in the lifestyle of the residents of Willis Point. They are used for recreational pursuits, educational purposes or for access to significant scenic and ecological features. To be used in conjunction with the parkland dedication feature of the *Local Government Act*.

Community Policies

Encourage the acquisition of land for trails by:

- Using bequests and donations;
- Setting up conditional gifts;
- Using management agreements;
- Utilizing an option to purchase approach;
- Working with any local, provincial or national Land Trust organizations.

~~For information relative to the acquisition,~~ development, operation, preservation and maintenance of parks and trails in the Juan de Fuca Electoral Area, applicants shall refer to the Juan de Fuca Electoral Area Community parks Strategic Plan.

SCHEDULE B - LAND USE ZONING

PART I ADMINISTRATION OF THE LAND USE REGULATIONS

SECTION 1.0 DEFINITIONS

In this bylaw, which includes Schedules “A” and “B”, unless the context requires otherwise:

ACCESSORY or **ACCESSORY USE** means a use, building or structure that is incidental or subordinate to, and exclusively devoted to and located on the same parcel as a principal use, building or structure;

AGRICULTURAL LAND RESERVE (ALR) means lands designated pursuant to the *Agricultural Land Commission Act* to be preserved for agricultural use or uses compatible with agricultural purposes. The Agricultural Land Commission decides on requests for inclusions, exclusion, subdivision and non-farm use of land in the ALR;

AGRICULTURE means a farm use as defined in the *Agricultural Land Commission Act and Regulations*; specifically excludes Intensive Agriculture and all manufacturing, processing, storage and repairs not specifically included in this definition, on non-ALR lands.

AGRICULTURE BUILDING means a building which does not contain a residential occupancy and which is

- (a) associated with and located on land devoted to the practice of farming and
- (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds and includes barns, produce storage buildings, milking parlours, piggeries, poultry houses, grain bins, silos, machinery sheds, farm workshops, feed preparation centres, manure storage, greenhouses and garages not attached to the farm residence;

BUILDING means a structure used or intended for supporting or sheltering any use or occupancy;

CIVIC USE means a use or building the use of which provides for public functions under the auspices of a government or community body; includes offices, schools and colleges, hospitals, community recreation centres, halls, arenas, stadiums, armouries, public swimming pools, public art galleries, libraries, museums, police stations, ambulance stations, jails and prisons, courts of law, and firehalls;

COMMUNITY USE SERVICES means the use of land, a building, a structure or facilities for the following purposes:

- a) Recreational and social activities for local community purposes;
- b) Community-sponsored and publicly funded educational activities;
- c) Community safety or emergency response activities, including fire, police, ambulance and first responder services; and
- d) Any government services;

DAY CARE CENTRE means a licensed facility providing day or after school supervision with or without an educational program;

DERELICT VEHICLE means any motor vehicle which has not been licensed pursuant to the Motor Vehicle Act for a period of more than twelve (12) months and which is not housed in a garage or carport;

DWELLING UNIT means accommodation providing sleeping, washrooms and one room which, due to its design, plumbing, equipment and furnishings may be used primarily as a kitchen for a domestic use and used or intended to be used permanently or semi-permanently as a residence for a household;

ECOLOGICAL RESERVE means land used or intended to be used for the preservation of the environment or for scientific research and education pertaining to studies in the inter-relationships between species and the behaviour of unique flora and fauna;

EXTERIOR SIDE PARCEL LINE means a side parcel line that abuts a highway. [Please see the Parcel Definition Diagram No. 1 ~~on Page 48~~ and the Setback/~~Height~~ Definition Diagram No. 2 ~~on Page 49~~];

FLOOR AREA means the aggregate of the area of all floors in a building, measured between the inside surface of the exterior walls of the building, excluding any area used for parking vehicles;

FRONT PARCEL LINE means a front parcel boundary that abuts a highway, and in respect of a corner parcel is the shortest parcel boundary abutting a highway. [Please see the Parcel Definition Diagram No. 1 ~~on Page 48~~ and the Setback/~~Height~~ Definition Diagram No. 2 ~~on Page 49~~];

GOVERNMENT SERVICES means the use of land, a building a structure, facilities or other works by a level of government, improvement district, a public utility regulated under the *Utilities Commission Act*, an incorporated non-profit society or by a corporation providing a service to a municipality or regional district pursuant to a partnering agreement under the *Local Government Act*;

HEIGHT means the average vertical distance from natural grade at the outermost corners of a building or structure to the highest point of the roof surface of a flat roof, or to the mean level between the eaves and the ridge of a gable, hip, gambrel or other sloping roof, and in the case of a structure without a roof to the highest point of the structure, as shown in Figure 1. Where it is not possible to determine natural grade, the height shall be measured from average grade.

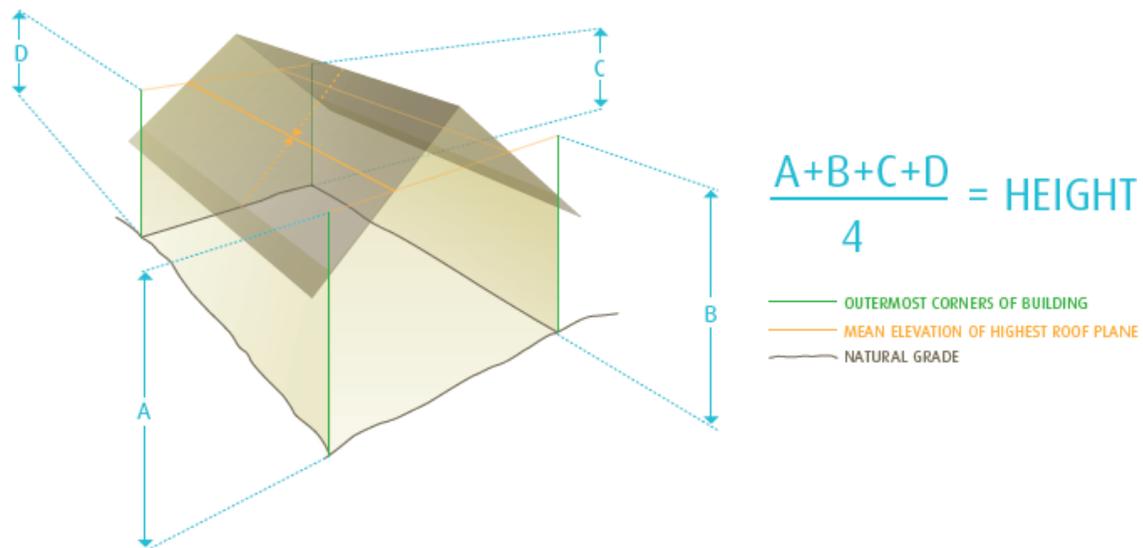


FIGURE 1 - Illustration of calculation of height

HOME-BASED BUSINESS means an occupation or profession that may include accessory retail sales, carried out in a dwelling, by the residents of the dwelling, where such occupation or profession is incidental or secondary to the residential use of the subject property;

HOUSEHOLD means:

- a) a person;
- b) two or more persons related by blood, marriage cohabitation or adoption; associated through foster care; or
- c) a group of not more than five persons, including boarders, who are not related by blood, marriage or adoption or associated through foster care;
- d) in addition, individuals who reside in the dwelling and who are employed for the purpose of providing services to other members of the household or in relation to the dwelling itself;

INTERIOR SIDE PARCEL LINE means a side parcel line that is not common to a highway other than a lane or walkway. [Please see the Parcel Definition Diagram No. 1 ~~on Page 45~~ and the Setback/~~Height~~ Definition Diagram No. 2 ~~on Page 46~~];

KENNEL means a commercial establishment for the keeping, breeding, or training of domestic pets and where a kennel license has been approved under CRD Animal Regulation and Impounding Bylaw No. 1465;

NATURAL BOUNDARY means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of water a character distinct from that of its bank, in vegetation as well in the nature of the soil itself;

NATURAL GRADE means the average ground level recorded at the outer most corners of a building or proposed building as determined by survey and referenced bench mark prior to site preparations;

PARCEL AREA COVERAGE means the horizontal area within the vertical projection of the outermost walls of the building and structures on a parcel expressed as a percentage of the parcel area, and for a structure with no outer wall measured to the drip line of the roof;

PRINCIPAL USE means a use, building or structure, which occupies the major or central portion of a parcel and constitutes the primary purpose for which the parcel is used;

PROFESSIONAL means a person registered in British Columbia with a professional association, acting under that association's code of ethics and subject to disciplinary action by that association, whose education, experience, accreditation and knowledge provide reasonable grounds for relying on that person's professional expertise;

REAR PARCEL LINE means the boundary of a parcel that lies the most opposite to and is not connected to the front parcel line. [Please see the Parcel Definition Diagram No. 1 ~~on Page 48~~ and the Setback/~~Height~~ Definition Diagram No. 2 ~~on Page 49~~];

REGIONAL BOARD means the Capital Regional District Board;

RIPARIAN AREA means an area used to refer to a zone within which plants grow rooted in the water table of any of the following; rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs, and wet meadows. This area is influenced by and exerts an influence on the associated aquatic ecosystems.

SCREENING means a fence, wall, berm or similar barriers or any combinations therefore, that effectively obstruct the view or deny physical access to a parcel or portion thereof;

SECONDARY SUITE means an accessory dwelling located within the structure of a principal single-family detached dwelling;

SETBACK means either the minimum horizontal distance required under this Bylaw between a building or structure and a specified parcel line [see the Setback/~~Height~~ Diagram No. 2 ~~on Page 48~~ or between the boundary of an area protected under this bylaw and any feature of a development;

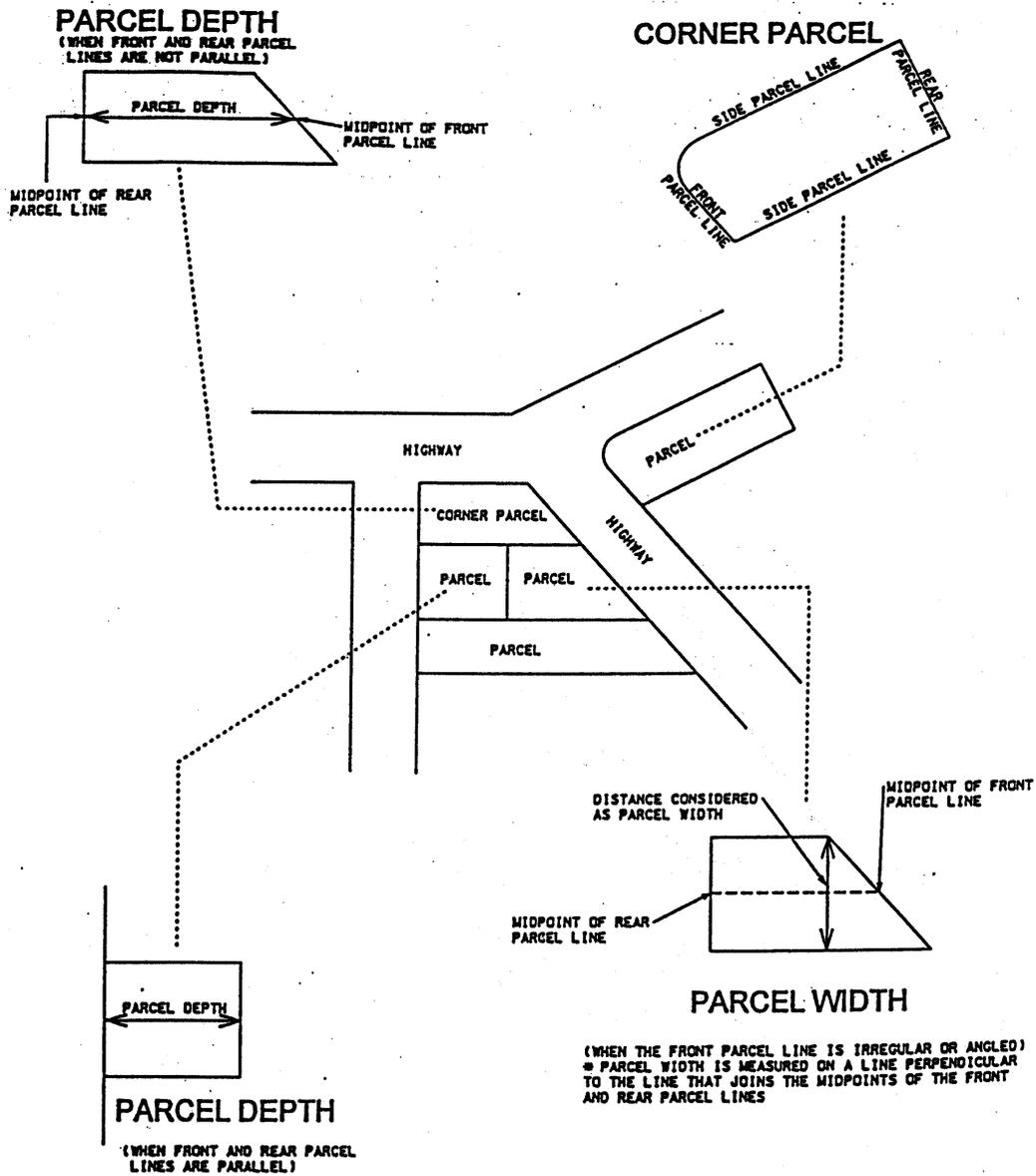
SIDE PARCEL LINE means a parcel line other than a front or rear parcel line. [Please see the Parcel Definition Diagram No. 1 ~~on Page 45~~ and the Setback/~~Height~~ Definition Diagram No. 2 ~~on Page 49~~];

STEEP SLOPE means all areas having slopes exceeding 20-percent or 11-degrees in slope over a minimum 6 metre run;

TOP OF BANK means a point at which the topography of the bank slopes shows a significant and continuous change to a less steep slope. This means the area where the level of rooted terrestrial vegetation meets the streambed;

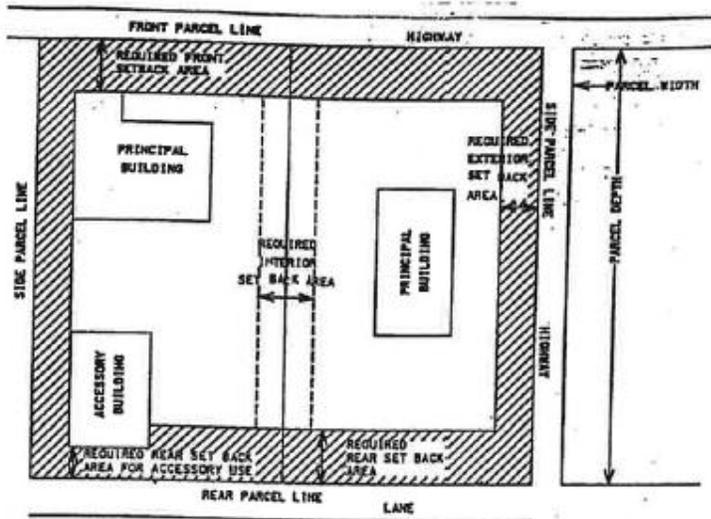
WETLAND means an ecosystem that is characterized by daily, seasonal or year-round water, either at or above the surface or within the root zones of plants. This includes but is not limited to wet soil and moisture-dependent plants; bogs, fens, marshes, swamps, shallow water or wet meadows.

Diagram No. 1
PARCEL DEFINITIONS



Schedule "A" of
Capital Regional District Bylaw No. 3027, 2002

Diagram No.2 - Setback Definition



SECTION 2.0 APPLICATIONS

1. This Bylaw and Schedule applies to all of the land, surface of water, buildings and structure within the boundaries of the Willis Point area as shown on Map 4, which is attached to and forms a part of this bylaw.
2. Where a single lot is severed by a dedicated highway, consideration will be given to allowing a subdivision to create a separate parcel of land for each severed parcel provided that an adequate building area is identified.

SECTION 3.0 CONFORMITY

1. Land or water shall not be used and buildings, structures and signs shall not be constructed, altered, located or used except as specifically permitted in this Bylaw.

SECTION 4.0 NON-CONFORMING USES

1. Non-conforming uses of land, buildings and structures, the non-conforming siting, size or dimensions of existing buildings or structures, off-street parking area and loading spaces shall be governed by the *Local Government Act*.
2. Parcels in existence prior to the adoption of this bylaw do not have to comply with the minimum parcel size requirements, subject to their compliance with all the other provisions of the bylaw.

SECTION 5.0 ENFORCEMENT

1. A CRD Bylaw Enforcement Officer and /or the Planner/Administrator is authorized at all reasonable times to enter onto real property that is subject to the bylaw to determine whether or not the regulations of this bylaw are being observed.

SECTION 6.0 VIOLATION

1. A person who is an owner or occupier of land in the area subject to this bylaw who:
 - a) Uses or permits the use of land or a building or structure contrary to any provision of this bylaw; or
 - b) Builds, alters, reconstructs, moves, or extends any building or structure contrary to the provisions of this bylawcommits an offence and is subject to the penalty prescribed in Section 7.
2. It shall be unlawful for any person to prevent or obstruct any official appointed under Section 5(1) from the carrying out of the duties under this bylaw.

SECTION 7.0 PENALTY

1. A person who contravenes this bylaw is liable on summary conviction to a penalty of not less than \$200.00 and not more than the maximum prescribed under the Offense Act and to costs of prosecution.

SECTION 8.0 METRIC UNITS

1. Metric units are used for all measurements in this bylaw. The approximate equivalents of these units in imperial measure shown in brackets following each metric measurement are included for convenience only and do not form part of this bylaw.

PART II GENERAL LAND USE ZONING REGULATIONS

SECTION 9.0 ACCESS TO ARTERIAL HIGHWAYS

1. Notwithstanding any regulations contained in this bylaw, access to land adjacent to a controlled access highway shall be subject to approval from the Ministry of Transportation and Infrastructure, pursuant to the Highway Act.
2. There shall be no direct access to a controlled access highway if any alternate access is available, without the approval of the Ministry of Transportation and Infrastructure.
3. Where a parcel of land is divided by a highway and under one-title, the areas created by such division must be deemed to be separate parcels of land for the purposes of determining parcel coverage, setbacks, minimum site area and the number of dwelling units per parcel.

SECTION 10.0 GARAGES ATTACHED TO A PRINCIPAL BUILDING

1. A garage or carport attached to a principal building is deemed to be a portion of the principal building.

SECTION 11.0 HEIGHT EXCEPTIONS

1. No building, structure or structural feature shall exceed the height limitations set out in Part IV of this bylaw except:
 - a) Flag poles;
 - b) Chimneys;
 - c) Communication towers, antennas or masts for the reception of communication signals;
 - d) Fire Halls;
 - e) Community Halls.

SECTION 12.0 HOME-BASED BUSINESS

Home-based businesses shall comply with all of the following regulations:

- a) There shall be no external display or advertisement other than a sign that shall not exceed 0.2-square metres (2 square feet) in area;
- b) A maximum of two persons may be employed in a home-based business that are not residents of the parcel upon which the home-based business is taking place;]
- c) A home-based business shall be conducted entirely within a dwelling or within a building accessory to a dwelling;
- d) The floor area of the home-based business shall not exceed 20-percent (20%) of the entire floor area of the entire dwelling;
- e) No outdoor storage of materials, containers, or finished products shall be permitted;

SECTION 13.0 MINIMUM PARCEL SIZE EXCEPTIONS

1. Notwithstanding the regulations set out in Part IV of this bylaw there shall be no minimum parcel size requirements for any of the following uses, where a covenant under Section 219 of the Land Title Act is registered restricting the use of the land to one or more of the following:
 - a) Ecological reserves;
 - b) Fish and wildlife habitat areas;
 - c) Watershed protection and erosion control areas.
2. Notwithstanding the regulations set out in Part IV of this bylaw there shall be no minimum parcel size requirements for any community uses as outlined in Section 15.0 of this bylaw.

SECTION 14.0 OFFENSIVE USES

1. The following land uses are not allowed in any land use zone:
 - a) Kennels;
 - b) Auto wrecking and storage yards;
 - c) The storage of hazardous, biohazardous or toxic wastes.

SECTION 15.0 PERMITTED USE EXCEPTIONS

1. Notwithstanding the regulations set out in Part IV of this bylaw, the following uses are permitted in all zones:
 - a) Community uses, which is limited to the following:
 - i. Parks;
 - ii. Tot lots;
 - iii. Community Halls; and
 - iv. Fire Halls
 - b) Ecological reserves;
 - c) Fish and wildlife habitat;
 - d) Watershed protection and erosion control.

SECTION 16.0 SECONDARY SUITES

1. Notwithstanding the regulations set out in Part IV of this bylaw, a secondary suite is permitted on every parcel where a single-family dwelling is permitted, subject to the following conditions:
 - a) A secondary suite shall comply with all statutory and bylaw requirements, such as, but not limited to, approval from the agency having the jurisdiction for the proposed means of sewage disposal;
 - b) The secondary suite shall not exceed ninety (90) square metres or forty (40) percent of the area of the principal single family dwelling;
 - c) No more than one secondary suite shall be located on a parcel of land;

SECTION 17.0 SETBACK AREA EXCEPTIONS

1. Notwithstanding the setback regulations set out in Part IV of this bylaw, a fence may be located in setback area, only if the fence is not erected in any setback area for the protection of the environment.

SECTION 18.0 ON-SITE PARKING

1. In all zones, each residential parcel must have on-site parking.
2. All secondary suites must provide at least one on-site parking spot.
3. All home-based businesses must provide on-site parking for their staff and their potential customers. Each home occupation must provide at least one on-site parking stall.
4. Each parking stall must not be shorter than 5.5 metres (18 feet) in length nor less than 2.5 metres (8 feet) wide. There will be a vertical clearance of 2.5 metres (8 feet) in height.

SECTION 19.0 AGRICULTURAL LAND USE POLICIES

1. For land located within the Agricultural Land Reserve as outlined on Map 4, attached to and forming part of this bylaw, the bylaw is binding only insofar as it is not contrary to the *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation 171/2002*. ~~All uses permitted in terms of Parts 2.2. (1) and 2.3 (4), (5) and (6) of regulation 171/2002 are expressly permitted and all uses falling under Part 2.3 (1) are prohibited.~~ See Section 27.0 Agriculture Zone.

PART III CREATION OF ZONES

SECTION 20.0 DEFINITION OF ZONES

1. Willis Point is divided into the zones depicted on “Map 4”, which is attached to and forms a part of this bylaw and is known as the “Willis Point Zoning”.

SECTION 21.0 LOCATIONS OF ZONES

1. The location of each zone is defined on “Map 4” entitled “Willis Point Zoning” of Comprehensive Bylaw No.3027, 2003.
2. Where a zone boundary is shown on “Map 4” as following a highway or watercourse, the centre line of the highway or watercourse shall be the zone boundary.

PART IV ZONES

SECTION 22.0 CR-1 (Community Residential – One) Zone

Permitted Uses

1. The following uses and no others are permitted in a CR-1 zone:
 - a) Residential uses;
 - b) Home based businesses; and
 - c) Community uses.

Permitted accessory uses and buildings on any parcel includes the following:

- d) Secondary suites; and
- e) Accessory buildings in support of any permitted use.

Regulations

2. On a parcel of land located in a CR-1 zone:

Minimum Parcel Size for Subdivision purposes

- a) The minimum parcel size is 0.4 Ha (1.0 acre).

Number and type of Dwelling Units allowed

- b) One of the following types of dwelling units is allowed on a parcel on land:
 - i. One (1) single-family dwelling

Height

- c) No principal building or structure shall exceed 9.75 metres (32 feet) in height. No accessory building or structure shall exceed ~~4.8~~ 6 metres (~~16~~ 19.7 feet) in height.

Setbacks

- d) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i. 6 metres (20 ft) of a front parcel line;
 - ii. 1.5 metres (5 ft) of an interior side parcel line;
 - iii. 4.6 metres (15 ft) of an exterior side parcel line;
 - iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

- e) The total floor area of all accessory buildings on a parcel of land must not exceed 10-percent (10%) of the area of the parcel.
- f) No accessory building may be located closer than 1.5 metres (5 ft) to a rear parcel line.

Parcel Area Coverage

- g) The maximum permitted parcel area coverage must be as follows:
 - Principal building with all accessory buildings and structures: 40-percent.

SECTION 23.0 RC (Rural Conservation) Zone

Permitted Uses

1. The following uses and no others are permitted in a RC zone:
 - a) Residential uses;

- b) Home-based business; and
- c) Community uses.

Permitted accessory uses and buildings on any parcel includes the following:

- d) Secondary suites; and
- e) Accessory buildings in support of any permitted use.

Regulations

2. On a parcel of land located in a RC zone:

Minimum Parcel Size for Subdivision purposes

- a) The minimum parcel size is 12.0 Ha (30 acres).
- b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size is 15.0 Ha (37 acres).

Number and type of Dwelling Units allowed

- c) One of the following types of dwelling units is allowed on a parcel on land:
 - i. One (1) single-family dwelling.

Height

- d) No principal building or structure shall exceed 9.75 metres (32 feet) in height.
- e) No accessory building or structure shall exceed ~~4.86~~ metres (~~16.19.7~~ feet) in height.

Setbacks

- e) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i. 6 metres (20 ft) of a front parcel line;
 - ii. 1.5 metres (5 ft) of an interior side parcel line;
 - iii. 4.6 metres (15 ft) of an exterior side parcel line;
 - iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

- f) No accessory building may be located closer than 1.5 metres (5 ft) to a rear parcel line.

Parcel Area Coverage

- g) The maximum permitted parcel area coverage must be as follows:
 - Principal building with all accessory buildings and structures: 10-percent.

Additional requirements

- h) If a development is adjacent to Willis Point Road, a 30-metre buffer strip is required. This buffer strip will be in addition to any highway right-of-way requirements. This buffer strip will extend for a distance of 30 metres from the highway right-of-way requirements, along the affected parcel of land.

SECTION 24.0 CR-2 (Community Residential – Two) Zone

Permitted Uses

1. The following uses and no others are permitted in a CR-2 zone:
 - a) Residential uses;

- b) Homebased businesses; and
- c) Community uses.

Permitted accessory uses and buildings on any parcel includes the following:

- d) Secondary suites; and
- e) Accessory buildings in support of any permitted use.

Regulations

2. On a parcel of land located in a CR-2 zone:

Minimum Parcel Size for Subdivision purposes

- a) The minimum parcel size is 1 Ha (2.5 acres).

Number and type of Dwelling Units allowed

- b) One of the following types of dwelling units is allowed on a parcel on land:
 - i. One (1) single-family dwelling.

Height

- c) No principal building or structure shall exceed 9.75 metres (32 feet) in height. No accessory building or structure shall exceed ~~4.8~~ 6 metres (~~16~~ 19.7 feet) in height.

Setbacks

- d) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i. 6 metres (20 ft) of a front parcel line;
 - ii. 1.5 metres (5 ft) of an interior side parcel line;
 - iii. 4.6 metres (15 ft) of an exterior side parcel line;
 - iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

- e) The total floor area of all accessory buildings on a parcel of land must not exceed 10-percent (10%) of the area of the parcel.
- f) No accessory building may be located closer than 1.5 metres (5 ft) to a rear parcel line.

Parcel Area Coverage

- g) The maximum permitted parcel area coverage must be as follows:
 - Principal building with all accessory buildings and structures: 30-percent.

SECTION 25.0 M (Marine) Zone

Permitted Uses

1. The following uses and no others are permitted in an M zone:

- a) Private boat docks

Permitted accessory uses and buildings includes the following:

- b) Accessory buildings in support of any permitted use.

Regulations

2. On a parcel of land located in an M zone:

Minimum Parcel Size for Subdivision purposes

- a) Not applicable

Number and type of Dwelling Units allowed

- b) No type of dwelling unit is allowed.

Height

- c) Not applicable

SECTION 26.0 AG (Agricultural) Zone

Permitted Uses

1. The following uses and no others are permitted in an Agricultural AG

Zone:

- a) Agricultural uses;
- b) Residential uses;
- c) Home-based business; and
- d) Community uses.

Permitted accessory uses and buildings on any parcel includes the following:

- e) Secondary suites; and
- f) Accessory buildings in support of any permitted use.

Regulations

2. On a parcel of land located in an AG zone:

Minimum Parcel Size for Subdivision purposes

- a) The minimum parcel size is 4 hectares (9.88 acres)

Number and type of Dwelling Units allowed

- b) One of the following types of dwelling units is allowed on a parcel on land:
 - i. One (1) single-family dwelling.
 - ii. However, one additional single-family dwelling for housing farm employees may be located on a lot classified as a farm pursuant to the *Assessment Act*, and where approved by the Agricultural Land Commission.

Height

- c) No principal building or structure shall exceed 9.75 metres (32 feet) in height.
- d) No accessory building or structure shall exceed 6 metres (19.7 feet) in height.
- e) Barns are not subject to the building height provisions of this zone.

Setbacks

- f) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - i. 6 metres (20 ft) of a front parcel line;
 - ii. 1.5 metres (5 ft) of an interior side parcel line;
 - iii. 4.6 metres (15 ft) of an exterior side parcel line;
 - iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

- g) No accessory building may be located closer than 1.5 metres (5 ft) to a rear parcel line.

Parcel Area Coverage

- h) The maximum permitted parcel area coverage must be as follows:
- Principal building with all accessory buildings and structures 10-percent.

Additional requirements

- i) Yard Requirements for Agricultural Buildings
- i. Front yards shall be a minimum of 30 metres (94. ft);
 - ii. Side, rear and flanking yards shall be a minimum of 15 metres (49.2 ft).
- j) Notwithstanding 2 (i) above, one additional one-family dwelling for the sole purpose of housing employees may be located on a lot classified as a farm pursuant to the *Assessment Act* where such lot is 4 hectares (9.88 acres) or more in area, and where approved by the B.C. Agricultural Land Commission.
- k) Two boarders or lodgers.

SECTION 27.0 P-2 (Community Facility) Zone

Permitted Uses

1. The following uses and no others are permitted in an Community Facility

P-2 Zone:

a) Assembly uses;

b) Civic uses;

Permitted accessory uses and buildings on any parcel includes the following:

c) Accessory buildings in support of any permitted use.

Regulations

2. On a parcel of land located in an AG zone:

Minimum Parcel Size for Subdivision purposes

a) The minimum parcel size is 12 hectares (30 acres).

Height

b) No principal building or structure shall exceed 9.75 metres (32 feet) in height.

c) No accessory building or structure shall exceed 6 metres (19.7 feet) in height.

Setbacks

d) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:

i. 6 metres (20 ft) of a front parcel line;

ii. 1.5 metres (5 ft) of an interior side parcel line;

iii. 4.6 metres (15 ft) of an exterior side parcel line;

iv. 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

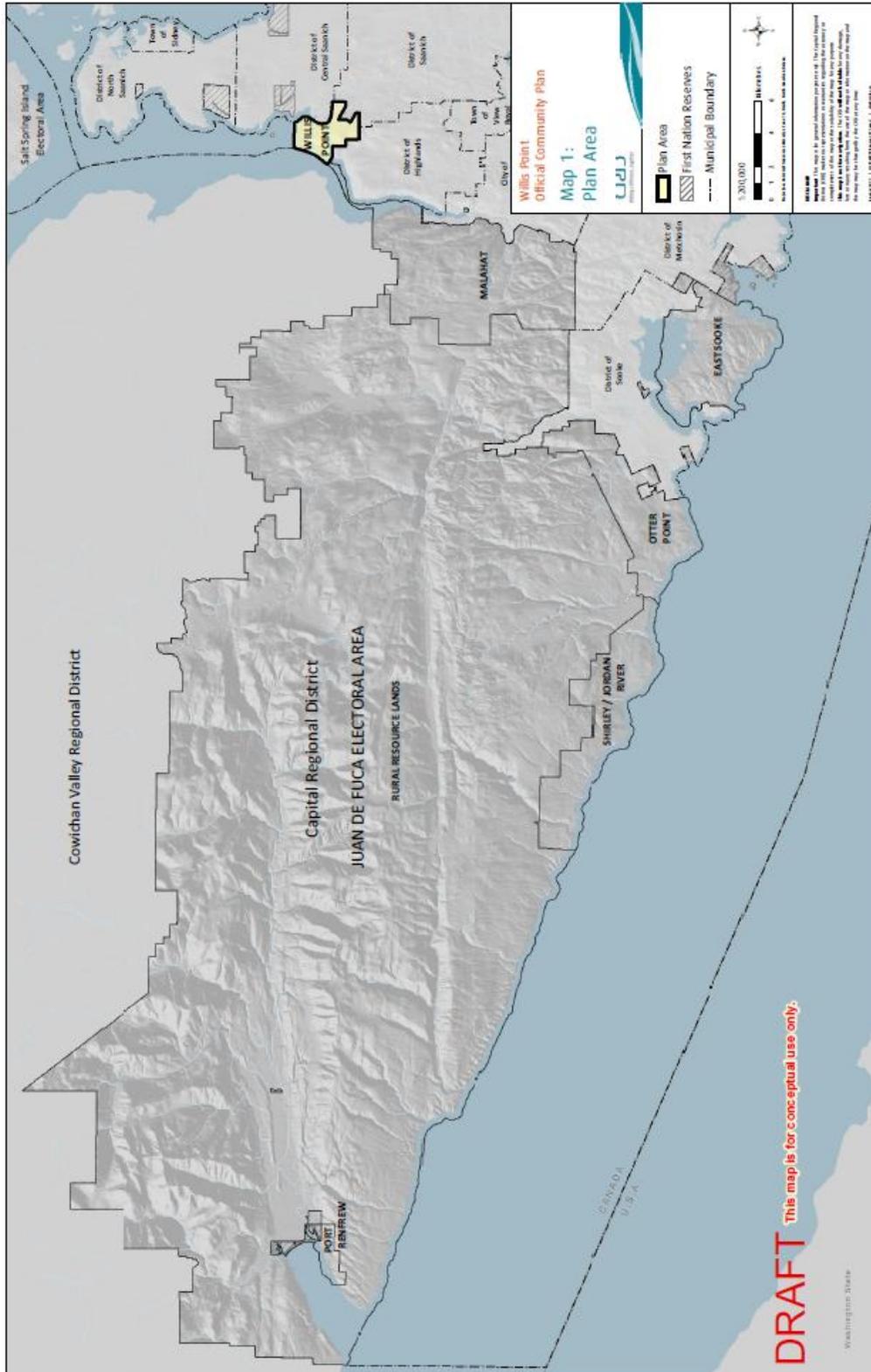
e) No accessory building may be located closer than 1.5 metres (5 ft) to a rear parcel line.

Parcel Area Coverage

f) The maximum permitted parcel area coverage must be as follows:

- Principal building with all accessory buildings and structures 40-percent.

Map 1 – Plan Area



Map 2 – Land Use Designations

Map 2a – Development Approvals Information Area

Map 3 – Environmental Constraints

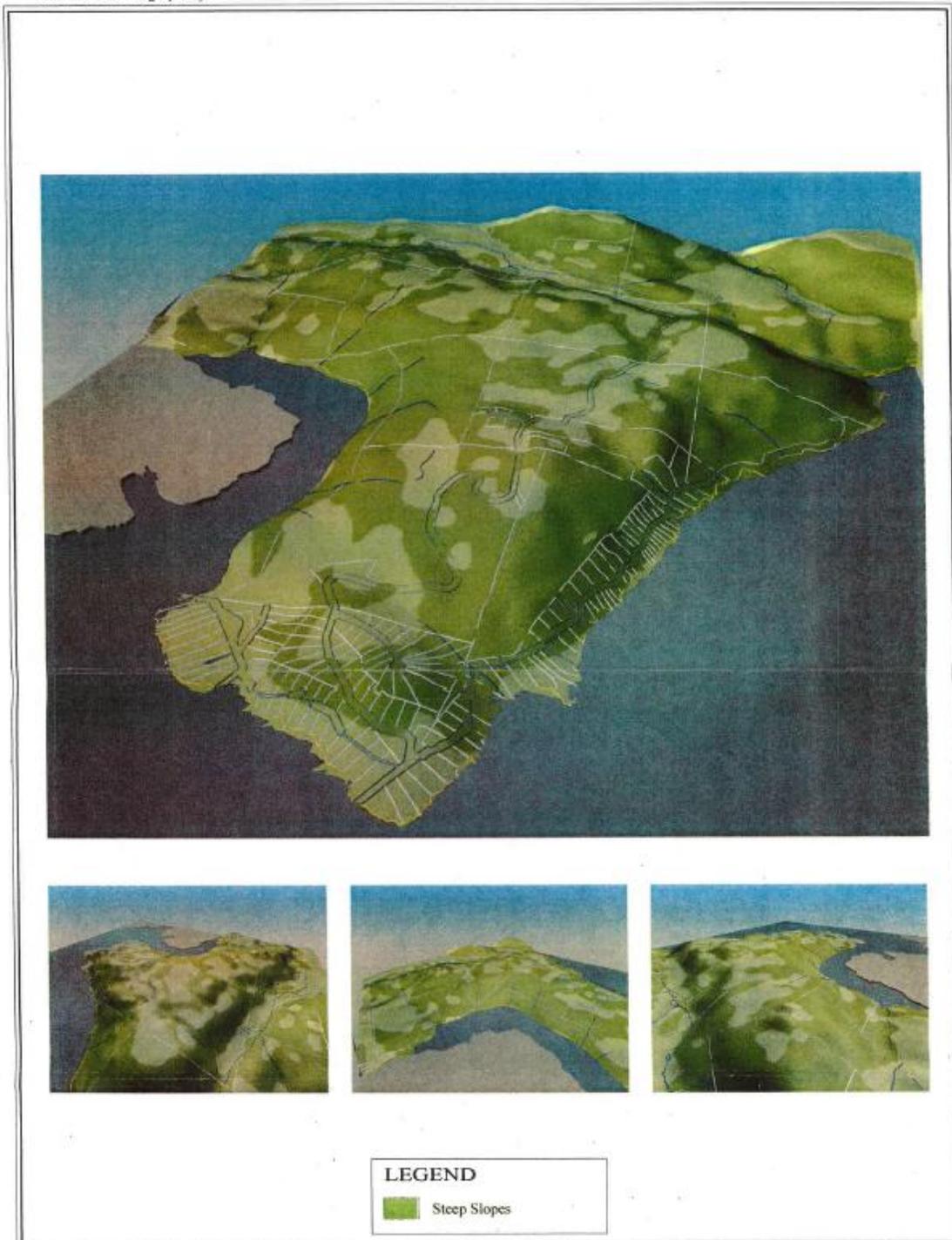
Map 3a – Steep Slopes

Map 3b – Foreshore, Wetland and Riparian DP Areas

Map 3c – Sensitive Ecosystems

Map 4 – Official Zoning Map

Map 5 – Slope Analysis



MAP #5
WILLIS POINT- Slope Analysis

June 2002
FINAL