



REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 16, 2016

SUBJECT East Sooke Official Community Plan Update

ISSUE

To consider referring Bylaw No. 4000 East Sooke Official Community Plan (OCP), which would repeal and replace the existing East Sooke OCP, Bylaw No. 3718.

BACKGROUND

The East Sooke area is within the Juan de Fuca Electoral Area (JdFEA) of the Capital Regional District (CRD) and is bound to the east by the District of Metchosin, Becher Bay First Nation and Becher Bay, to the north by the District of Sooke and Sooke Harbour, and to the west and south by the Strait of Juan de Fuca (Appendix A).

Staff have been working with the East Sooke community since November 2013 to review the existing OCP, to prepare policy amendments and to prepare new mapping. The overall goal of the OCP update was to provide an opportunity for the community to review the existing OCP and to identify those policies they wanted to add, retain or amend. The planning process focused on a number of areas including Regional Growth Strategy (RGS) policies and designations, the Agricultural Land Reserve (ALR), the settlement containment boundary, community services, development approval information area, and development permit areas. The proposed OCP contains a set of goals, objectives and policies for future land use in East Sooke that follows provincial legislation and relevant best practices and promotes the aspirations and interests of the community.

Staff have prepared Bylaw No. 4000 and recommend the proposed OCP bylaw be referred to agencies for comment.

ALTERNATIVES

That the Land Use Committee recommends to the CRD Board:

- 1. a) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016", as included in Appendix B, be referred to appropriate CRD departments and the following agencies for comment:

Agricultural Land Commission	Hul'qumi'num Treaty Group	MFLNRO – Crown Lands/Foreshore
BC Hydro	Island Health	Ministry of Transportation & Infrastructure
Cowichan Tribes	JdFEA Parks & Recreation	Pacheedaht First Nation
Cowichan Valley Regional District	JdF AAPC	Penelakut Tribe
District of Metchosin	Lake Cowichan First Nation	School District #62
District of Sooke	Lyackson First Nation	Scai'new First Nation
East Sooke APC	Ministry of Agriculture	Seagirt Waterworks Improvement District
East Sooke Fire Department	Ministry of Environment	Stz'uminus First Nation
Halalt First Nation	MFLNRO – Arch Branch	Te'Mexw Treaty Association
		T'Sou-ke First Nation

- b) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016", as included in Appendix B, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy.

- 2. That the bylaw be referred back to staff for more information.

FINANCIAL IMPLICATIONS

The East Sooke OCP was a major project undertaken by a consultant and Local Area Planning staff through the fall of 2013 to the spring 2015. The Federal Gas Tax Community Works Fund was accessed for the OCP review under the Integrated Community Sustainability Planning program. Funds were allocated for

professional planning expertise, and consultation materials and services in support of the OCP review. The JdFEA Planning budget provided for costs associated with staff time and legal advice.

INTER-DEPARTMENTAL IMPLICATIONS

Due to possible impacts on programs, other CRD departments will be involved in the review of the bylaw, such as Building Inspection, Environmental Protection, Integrated Water Services, Protective Services, Regional Parks, Regional Planning, and the JdFEA Parks and Recreation Advisory Commission.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 475 of the *Local Government Act (LGA)*, an amendment to an OCP requires that local government provide one or more opportunities for consultation with persons, organizations and authorities that 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.

Pursuant to Sections 476 and 477 (3) (b) of the *LGA*, a proposed amendment to an OCP must also be referred to the School District, and to the Agricultural Land Commission. Although the amendment bylaw will not apply to land within 800 m of a controlled access highway, the proposed bylaw will be referred to the Ministry of Transportation and Infrastructure as they own and operate the roads in East Sooke.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 (3) (c) to hold a public hearing as part of the amendment process. In this case, the comments will be received prior to proceeding to first reading of the bylaw.

The Juan de Fuca Development Procedures Bylaw, Bylaw No. 3110 established an OCP amendment process which requires that the proposed amendment bylaw be referred to the full CRD Board for a determination of consistency with the RGS.

Should the proposal proceed, a public hearing pursuant to Section 465 of the *LGA* will be required subsequent to the amendments passing second reading by the Capital Regional District Board.

PUBLIC CONSULTATION IMPLICATIONS

Prior to beginning the review process, a Consultation Plan was prepared to outline how the community, government agencies, First Nations and interest groups would participate in the OCP review. The Consultation Plan called for a series of Citizens' Committee meetings and community events to discuss and work through key issues and policies, and to review several drafts of the OCP. A total of 13 Citizens' Committee meetings and three community events were held. Comments and concerns raised at the meetings and events were considered by staff in preparing the OCP update.

The Advisory Planning Commissions (APCs) were established to make recommendations to the Juan de Fuca Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*; therefore, the draft OCP Bylaw No. 4000 should be referred to the East Sooke APC. As the proposed OCP addresses agricultural land policies, the OCP should also be referred to the Juan de Fuca Agricultural Advisory Planning Commission (AAPC).

REGIONAL GROWTH STRATEGY IMPLICATIONS

Section 445 of the *LGA* requires all bylaws adopted by a regional district board after the board has adopted a RGS, be consistent with the RGS. The RGS established initiatives relating to Managing and Balancing Growth, Environment and Resources, Housing and Community, Transportation and Economic Development. The following outlines how the OCP goals, objectives and policies correlate with the RGS.

Managing and Balancing Growth

The RGS established six policy designations and lands in East Sooke are designated as Rural/Rural Residential, Renewable Resource, Capital Green Lands and Unprotected Green Space.

The OCP has designated all non-ALR and non-regional parkland as settlement lands, with policies which support the continued slow and moderate growth and correlates with the "Keeping Urban Settlement Compact" sub-initiative. Settlement Areas accommodate rural residential, agriculture, and limited small-

scale commercial and industrial uses in appropriate locations, at an appropriate scale and with development capacity limits which correlates with the “Protect the Integrity of Rural Communities” sub-initiative.

The proposed OCP Settlement designation has a density of one lot per 1 ha which is an increase in the desired parcels size of lands in the existing OCP. This designation change results in an increase of 310 parcels to the overall development potential from the current OCP. This is a very small proportion of the growth expected in the Region.

This increase would be a result if the existing Rural Residential 3 zoned parcels with a minimum parcel size of 2 ha were rezoned to a new zone with a 1 ha minimum parcel size and were all subdivided which results in 49 additional parcels. This increase would also result from the existing Rural A zoned parcels with a minimum parcel size of 4 ha were rezoned to a new zone with a 1 ha minimum parcel size and were all subdivided which results in 231 additional parcels. The rationale for the Settlement designation having a 1 ha average parcel size is to provide a viable alternative for Rural A parcels to consider an alternative to building strata developments. The Rural A zone permits multiple dwellings which increase with parcel size. These multiple dwellings can be registered as a building strata and a Certificate of Title under provisions of the *Strata Property Act*. As these developments do not go through the standard provincial subdivision approval process, there is no park dedication requirement. By providing this alternative to a building strata development, the applicant must apply for a rezoning and subdivision approval process which provides the opportunity to identify and protect sensitive ecosystems and obtain park land dedication.

It should be noted that this development potential is calculated by simply dividing the parcel size by the Settlement Area parcel size of 1 ha. This calculation provides a very high estimate as the methodology does not reflect the actual site conditions such as parcel configuration, topography, development permit area setback limitations and public access which will significantly reduce the actual number of additional parcels that could be realized. Nor does it reflect the fact that rezoning applications must be submitted to realize new additional parcels. The rezoning process does not guarantee a specific outcome.

The OCP has designated all ALR lands and has established policies to protect the land base, addresses food security, and establishes a Farmland Protection Development Permit Area which also correlates with the “Protect the Integrity of Rural Communities” sub-initiative in the RGS.

In Section 355 Water Supply the OCP indicates that should future water extensions occur adjacent to the Plan area boundaries, the community may consider service extensions into East Sooke if feasible. Further, in Section 454 Policies for a Safe and Healthy Community under the section Water Supply, the OCP states that a public water service may service lands designated as Settlement, Agriculture and Parks in the future. However, the extension of water service, either within the existing CRD Water Service Area or within new service areas, is predicated on an amendment to the RGS water service policy.

The RGS is currently under review and there has been significant discussion of the proposal to eliminate the policy related to the extension of water services. Should the restriction on the extension of water service be deleted through an RGS amendment, the community may consider extensions of public water distribution service in the future, to lands designated as Settlement Area, Agriculture and Park.

Should the restriction on the extension of water service not be removed through an RGS amendment, an amendment to the water servicing policy in the RGS would be required to recognize water service extensions in East Sooke. Such an amendment would acknowledge that the OCP states that lands designated as Settlement Area, Agriculture and Park could be serviced by a public water distribution service in the future.

Environment and Resources

The “Capital Green Lands” designation in the RGS applies to the regional parks within the OCP area including East Sooke, Roche Cove and Matheson Lake. These regional parks are recognized in the OCP and designated as Park. Further, the OCP provides policy guidance addressing future parks and trails.

The lands identified as “Unprotected Green Space” in the RGS are within the Settlement Area designation of the OCP and the existing zoning permits rural residential use. However, the most significant features within “Unprotected Green Space” have been designated as steep slopes, foreshore, riparian or sensitive ecosystem development permit areas. These designations ensure development proposals address natural hazards, and protect or mitigate impacts on riparian areas and sensitive ecosystems. The development

permit areas provide a level of protection that correlates to the “Protect Regional Green and Blue Spaces” sub-initiative.

Environment and Resources

The OCP provides goals, objectives and policies regarding protecting ecological health which address sensitive terrestrial, marine and aquatic ecosystems that “Manage Natural Resources and the Environment Sustainably” sub-initiative. Further, the OCP designates lands subject to Steep Slopes, Shoreline Protection, Riparian and Sensitive Ecosystems Development Permit areas that provide a level of protection that correlates to the “Manage Natural Resources and the Environment Sustainably” sub-initiative.

Housing and Community

The OCP under the Settlement goals, objectives and policies provides affordable housing and rental options through support for both secondary and detached accessory suites and consideration of co-housing developments which correlates with the “Improve Housing Affordability” sub-initiative.

Transportation

The OCP provides goals, objectives and policies regarding connectivity and transportation that support the development of multi-use trails and improved transit service and carpooling and ride share programs to reduce car trips to and from East Sooke which correlates with the “Increase Transportation Choice” sub-initiative.

Economic Development

The OCP addresses local economic development through Settlement and Food Security goals, objectives and policies which support home based businesses, agriculture and food production and limited neighbourhood commercial activities which correlates to item (III) under the “Strengthen the Regional Economy” sub-initiative.

PROPOSED MAJOR OCP UPDATES

The primary goal of this OCP update is to protect the rural character and natural environment of the community, while accommodating rural residential, agriculture, and limited commercial uses in appropriate locations. The community supports continued slow and moderate growth in East Sooke.

The OCP has been restructured around themes identified by the community. The updated OCP, proposed Bylaw No. 4000, is included as Appendix B. The major differences between the existing and the proposed OCP are noted in Appendix C.

Of particular note are the policies related to rural residential development. The proposed OCP maintains the desired parcel size of 1 ha for the Settlement Containment Areas and has re-designated the old Settlement Areas with a desired parcel size of 2 ha to a new Settlement Area with a density of one lot per 1 ha. This land use designation change results in an increase in the overall development potential from the current OCP of 310 parcels. As noted above, this is largely based upon the rezoning of Rural Residential 3 zoned parcels and Rural A zoned parcels.

While proposed Bylaw No. 4000 builds upon the policies in the existing OCP, the development servicing policy has been altered from stating that the seven settlement containment areas will be serviced by a public water system in the future, to now state that a public water service may service lands designated as Settlement, Agriculture and Parks under specific conditions, predicated on an amendment to the RGS water servicing policy. If the OCP is adopted, the water service policy simply provides for consideration of a public water service by the community should opportunities arise. In addition to the RGS amendment, a thorough technical and financial analysis and broad community debate are required to determine the feasibility and level of support for any future community water service.

The OCP update has included new policy areas including health and safety, food security, social infrastructure, climate change, temporary use permits and a new form and character development permit area for medical marijuana production facilities (Appendix C).

The OCP update reflects comments arising at meetings with the Citizens’ Committee and at public events. Staff recommend that proposed Bylaw No. 4000 be referred for comments.

CONCLUSION

The East Sooke OCP has undergone extensive community consultation and proposed Bylaw No. 4000 addresses the comments and vision of the community based upon the activities related to the Citizens' Committee process. Staff recommends referring the proposed bylaw to the community, and to the full CRD Board for determination of consistency with the RGS, and to relevant CRD departments and other agencies for comment.

RECOMMENDATION

That the Land Use Committee recommends to the CRD Board:

- a) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016", as included in Appendix B, be referred to appropriate CRD departments and the following agencies for comment:

Agricultural Land Commission	Hul'qumi'num Treaty Group	MFLNRO – Crown Lands/Foreshore
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- b) That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 1, 2016", as included in Appendix B, be referred to the full CRD Board for a determination of consistency with the Regional Growth Strategy.

Submitted by:	June Klassen, MCIP, RPP, Manager Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

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Appendices:

- A. East Sooke Area
- B. Proposed Bylaw No. 4000
- C. Major Differences Between Existing OCP and Proposed OCP

Appendix B – Proposed Bylaw No. 4000

Separate Attachment

Appendix C - Major Differences Between Existing OCP and Proposed OCP

Ecological Health

- New policies to support the restoration of environmentally sensitive areas
- New policies to support the protection of aquifers

Parks

- Policies identify two types of trail systems – multi-use trails adjacent to but separate from East Sooke and Gillespie Roads, and a network of off-road trails to connect neighbourhoods
- Support for a potential land addition to East Sooke park

Access to Water

- Retain all existing access points (generally public road rights-of-way)
- Support for a boat launch on Sooke harbour
- Potential use of the Royal Canadian Marine Search and Rescue (RCM-SAR) facility for evacuation purposes

Connectivity & Transportation

- Traffic safety is identified as a top priority for the residents of East Sooke
- Broad objective directed towards the Ministry of Transportation and Infrastructure (MoTI) calling for safety improvements to Gillespie and East Sooke Roads
- Multi-use trails are supported within the road right-of-way
- The MoTI is encouraged to consult with School District #62 on school bus pullouts and turn-arounds
- BC Transit is encouraged to develop a strategy for improving ridership and accessibility
- A link between the Galloping Goose regional trail and a network of neighbourhood trails is supported

Safe & Healthy Community

- Upgrades to the existing water supply system for fire-fighting purposes and using development cost charges to fund these water improvements are supported
- If development external to East Sooke triggers an extension of CRD Water Service through East Sooke, the plan supports the provision of drinking water to all residential areas subject to availability and cost, subject to a RGS amendment
- Emergency preparedness planning, ham radio operators and personal preparedness are supported
- The need to establish vertical and horizontal setbacks for flood prone areas to address both inland and coastal flooding concerns is recognized
- The need to identify and plan for a meeting place in East Sooke is recognized

Food Security

- Continued protection of the ALR is a priority
- Importance of local food security recognized and policies supportive of local agriculture, farmers' markets and farm gate sales have been added
- The Protection of Farmland Development Permit Area has been revised to remove areas on split-zoned parcels
- The negative impacts of wildlife and domestic animals on agriculture and the importance of protecting soil are recognized

- Multiple residences, such as a farming collective, are supported subject to ALC approval
- The clustering of buildings on the less productive portions of a farm parcel is supported in order to increase the area available to farming

Social Infrastructure

- Objectives and policies addressing heritage, social services, health care and arts and culture are included
- Policies regarding archaeology sites have been included
- Programs, services and initiatives directed towards youth and seniors are addressed
- Local community arts and culture are supported

Settlement & Local Economy

- Low-density development should occur at a gradual pace, with a range of economic activities that are of a scale appropriate to the size of the community and its rural nature
- A density of one lot per 1 ha of land is established over all lands designated as Settlement. This results in a net increase in the development potential of 310 parcels over the potential calculated for the current OCP. The increase is due to the Settlement designation being extended to areas that currently allow for parcels in the 2 ha range, as well as to Rural A policies supportive of fee simple or bare land strata subdivisions as an alternative to building strata. These latter policies result in an increase in the number of parcels, but not in the number of dwelling units.
- Policies support the opportunity for existing building stratas to convert to fee simple or bare land stratas
- Affordable and rental housing options are recognized and supported through the Rural A zone and suites
- Large-scale commercial and industrial uses are not supported
- Small-scale tourism uses are supported
- The clustering of neighbourhood commercial uses near the intersection of Gillespie and East Sooke Roads is supported

Climate Change

- Local objectives for Climate Change are:
 - a) Discouraging residential and commercial uses from locating in areas at high risk of flooding, erosion and exposure to high winds;
 - b) Preserving East Sooke's environmental resources, such as trees, that shield the community from storms, store carbon and reduce GHGs;
 - c) Maintaining forest and agricultural land;
 - d) Encouraging site sensitive housing and subdivision design to conserve water, reduce run-off, and minimize removal of vegetation;
 - e) Encouraging development and retro-fits that use energy efficient design and incorporate alternative energy sources;
 - f) Reducing the number of vehicle trips from East Sooke by:
 - i. Supporting carpooling and car sharing;
 - ii. Supporting home based businesses;
 - iii. Supporting a local trail network, with a connection to the Galloping Goose trail, in order to provide safer walking and cycling options;
 - iv. Supporting local delivery of medical and community outreach programs;

- v. Supporting local recreational and social opportunities for families and youth; and
- vi. Supporting neighbourhood commercial uses and farm gate sales.

Development Permit Areas

- New, more accurate steep slope mapping is provided
- Guidelines to address the *Riparian Areas Regulation* requirements are included
- Guidelines for water and energy conservation are added to the Commercial development permit area
- A new development permit area to address the form and character of medical marihuana production facilities is added

Temporary Use Permits

- Temporary Use Permits may be issued on parcels in all land use designations throughout the East Sooke area, subject to the policies of the Plan