



REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 15, 2016

SUBJECT Proposed Amendments to the Otter Point Official Community Plan, Bylaw No. 3819 (Amendment Bylaw No. 4104)

ISSUE

An amendment to Bylaw No. 3819, Official Community Plan for Otter Point Bylaw No. 1, 2014, is proposed to incorporate updated steep slopes development permit area mapping and to revise the Land Use Designation map to re-designate a parcel that was previously excluded from the Agricultural Land Reserve.

BACKGROUND

The Otter Point Official Community Plan (OCP) Bylaw No. 3819 was adopted in 2014. The bylaw incorporated new steep slope development permit area (DPA) data based on 1 m contours. Updated mapping is proposed to delete several small slope areas from Map 5a to better reflect the designation description defined as “slopes exceeding 30% or 16.7 degrees in slope over a 10 metre run”.

During the update of the Otter Point OCP, a 0.4 hectare (ha) parcel described as Lot 1, Section 7, Otter District, Plan 22721 was designated as Rural Lands – ALR on Map 3: Land Use Designations. The parcel had been excluded from the Agricultural Land Reserve (ALR) in 2009, but was not re-designated as part of the OCP update. An amendment to Map 3 has been prepared to re-designate the parcel from Rural Lands – ALR to Settlement Area 1.

Staff has prepared proposed Bylaw No. 4104, which inserts the updated Map 3: Land Use Designations and Map 5a: Steep Slopes Development Permit Area into the Otter Point OCP (Appendix 1).

ALTERNATIVES

- 1) That staff be directed to refer proposed Bylaw No. 4104, “Official Community Plan for Otter Point Bylaw No. 1, 2014, Amendment Bylaw No. 1, 2016”, to appropriate CRD departments and the following agencies for comment:

Agricultural Land Commission	Otter Point Advisory Planning Commission
Cowichan Valley Regional District	Scia’new First Nation
District of Sooke	School District #62
Island Health	Te’Mexw Treaty Association
Ministry of Transportation and Infrastructure	T’Sou-ke First Nation

- 2) That proposed Bylaw No. 4104 not be referred.
- 3) That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 475 of the *Local Government Act (LGA)*, an amendment to an OCP requires that local governments provide one or more opportunities for consultation it considers appropriate to 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. Pursuant to Section 476 of the *LGA*, a proposed amendment to an OCP must also be referred to the School District. As the amendment bylaw will apply to land within 800 m of a controlled access highway, the proposed bylaw will also be referred to the Ministry of Transportation and Infrastructure.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 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 establishes an OCP amendment process that requires that the proposed amendment bylaw be referred to the full Capital Regional District (CRD) Board for a determination of consistency with the Regional Growth Strategy (RGS). This referral would occur prior to consideration of the bylaw for first reading.

PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*. Therefore, staff recommends referring the proposed amendment bylaw to the Otter Point APC for consideration.

REGIONAL GROWTH STRATEGY AND OFFICIAL COMMUNITY PLAN IMPLICATIONS

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted an RGS be consistent with the RGS. The proposed amendment bylaw shall be referred to the CRD Board for a determination of consistency with the RGS prior to first reading of the bylaw.

PLANNING ANALYSIS

The Steep Slopes DPA designation is described in section 6.3.1 of the Otter Point OCP as “areas having slopes exceeding 30% or 16.7 degrees in slope over a minimum 10 metre run.” Staff has determined that Map 5a: Steep Slopes Development Permit Area includes polygons that are smaller than the definition (less than 10 m). This results in confusion as to whether property owners must obtain a development permit in areas that are not intended to be identified by the designation. An updated Map 5a has been prepared that eliminates all polygons with a slope length of less than 10 m.

An amendment to Map 3: Land Use Designations has been prepared to re-designate a 0.4 ha parcel described as Lot 1, Section 7, Otter District, Plan 22721 from Rural Lands – ALR to Settlement Area 1. The parcel was excluded from the ALR in 2009, but was not re-designated as part of the OCP update. The Rural Lands Designation, as outlined in section 4.2 of the Otter Point OCP, includes larger rural residential parcels with renewable resource potential that are in the ALR, Crown lands or Private Managed Forest Lands. The Settlement Area policies outlined in section 4.1 of the OCP, including a policy regarding parcels with multiple dwellings constructed prior to the adoption of the OCP, are more applicable to the 0.4 ha parcel as the predominant land use is rural residential.

Staff recommends referring proposed Bylaw No. 4104 to the Otter Point APC, appropriate CRD departments and relevant agencies for comment.

CONCLUSION

Proposed Bylaw No. 4104 will incorporate updated Steep Slopes DPA mapping in Map 5a and re-designate Lot 1, Section 7, Otter District, Plan 22721 from Rural Lands – ALR to Settlement Area 1 on Map 3 for the Otter Point OCP. Staff recommend that the proposed amendment bylaw proceed for referral.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4104, “Official Community Plan for Otter Point Bylaw No. 1, 2014, Amendment Bylaw No. 1, 2016”, to appropriate CRD departments and the following agencies for comment:

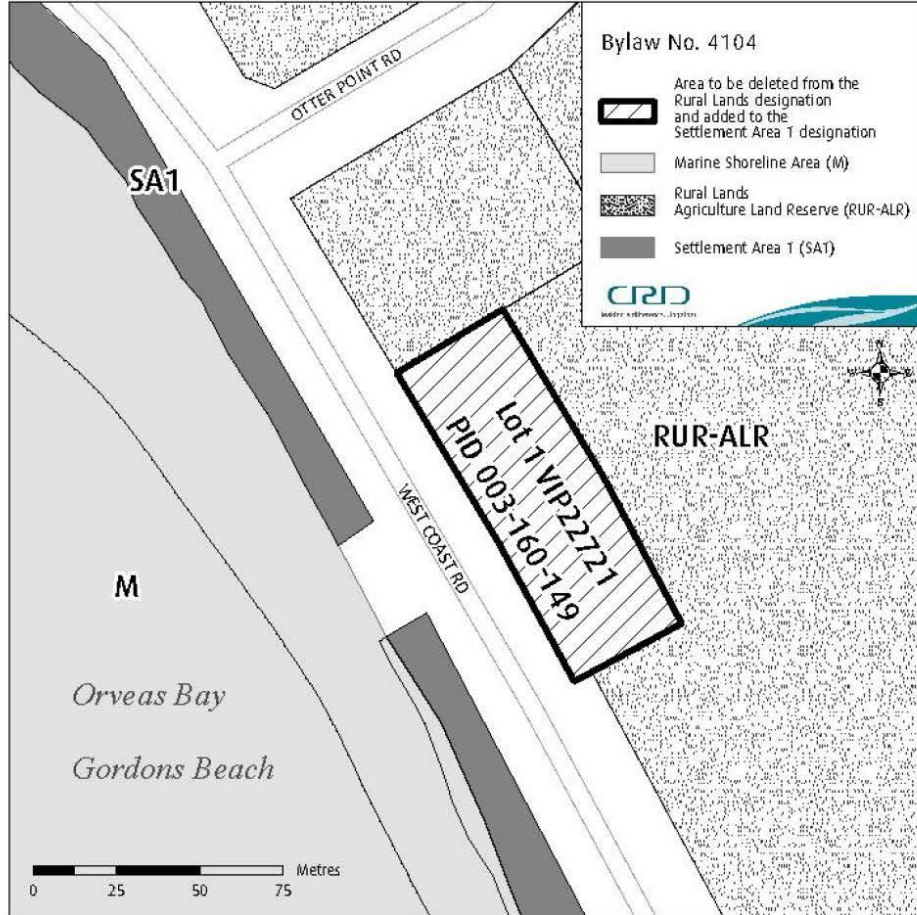
Agricultural Land Commission	Otter Point Advisory Planning Commission
Cowichan Valley Regional District	Scia’new First Nation
District of Sooke	School District #62
Island Health	Te’Mexw Treaty Association
Ministry of Transportation and Infrastructure	T’Sou-ke First Nation

Submitted by:	Emma Taylor, MA, MCIP, Planner
Concurrence:	Iain Lawrence, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ET:wm

Appendix 1: Proposed Bylaw No. 4104

Plan No. 1 of Bylaw No. 4104, and amendment to Bylaw No. 3819



PPSS-35010459-857

