

**CAPITAL REGIONAL DISTRICT**

**MEMO**

**Juan de Fuca Electoral Area Planning Department**

TO: The Chairman and Members of Juan de Fuca Land Use Committee Date: May 17, 2005

FROM: Ken Cossey, MCIP File Number: Z-01-03

SUBJECT: Public Hearing Report on Bylaw No. 3238  
East Sooke Official Community Plan

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**RECOMMENDATIONS**

That it be recommended to the Regional Board that:

1. the Report of the Public Hearing on Bylaw No. 3238 be received;
2. Bylaw No. 3238 be amended as follows:

Please note: In paragraphs where wording has been changed, wording marked with a strikethrough has been deleted and the underlined wording has been added. The agencies that have requested the changes are noted in parentheses.

*(Consistency with the establishment of the Juan de Fuca Electoral Area Parks Commission) - Page 10 Section 1.6 (Parks): Change all references to "SEAPARC" to "Juan de Fuca Electoral Area Parks Commission"*

*(District of Sooke) – Page 22 Section 1.8: Changed wording as follows:*

**1.8 Marinas**

~~There is currently one marina in operation in East Sooke ; however, a second marina – the Silver Spray marina – is in the development stage and when complete will serve the residents of that development.~~ The following sections will outline the marina facilities available in East Sooke.

*(CRD Regional Planning Department) - Page 30: Add the following paragraphs to new Section 2.4:*

“Section 2.4 Regional Growth Strategy Consistency”

Section 849 (1) of the Local Government Act states that “the purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.”

The eight goals of the Capital Regional District’s Regional Growth Strategy, which was adopted in August 2003, are as follows:

- 1/. Keep urban settlement compact
- 2/. Protect the integrity of rural communities
- 3/. Protect regional green/blue spaces
- 4/. Manage natural resources and the environment sustainably
- 5/. Build more complete communities
- 6/. Improve housing affordability
- 7/. Increase transportation choices
- 8/. Strengthen the regional economy

As the development policies of this Official Community Plan should work towards the goals of the Regional Growth Strategy, the following paragraphs will outline how this Official Community Plan supports these goals.

Firstly, in order to keep settlement compact this Official Community Plan outlines a number of settlement containment areas. The goal of which is to have smaller lots contained within these areas, and larger lots outside the containment areas. The settlement containment areas also strive to maintain the integrity of rural communities through preservation of large lot development. The integrity of rural communities is supported through the use of a protection of farming development permit area, the objective of which is to regulate development in such areas in a manner that protects the viability of agriculture for present and future generations. Additionally, this plan strives to protect the environment by identifying environmentally sensitive areas and by designating these as development permit areas.

To the extent possible as permitted through the Local Government Act, development permit areas will assist the Juan de Fuca Electoral Area in managing the environment in a sustainable manner. The Electoral Area, realizing that the Vancouver Island Health Authority is the main agency responsible for the control of sewage disposal and other health related issues with respect to land development, supports the Vancouver Island Health Authority in controlling and regulating waste discharge in a sustainable manner.

Management of natural resources is regulated and controlled through respective federal and provincial agencies, and the Electoral Area will comment on referrals within the context of sustainable development in order to assist these external agencies in managing the natural environment in a sustainable manner. While the Electoral Area does not have direct jurisdiction over the management of any natural resources, aside from agriculture activities, within the planning area it anticipates working cooperatively with other external decision-making agencies to ensure that all decision-making gives priority to options that maintain the ecological integrity of local ecosystems.

Additionally, residents are encouraged to participate in local initiatives and any regional programs that promote the principles of reducing, reusing and recycling.

In order to build more complete communities and strengthen the regional economy, as envisioned by the Regional Growth Strategy, the plan encourages the development of home-based business and agricultural, tourism or neighbourhood commercial activities within settlement areas. To improve housing affordability, the desired type of housing within the settlement containment areas includes not only low-density single-family dwellings but also special needs, rental and affordable housing.

Lastly, in order to increase transportation choice the plan permits the use of an amenity bonusing provision to, as opportunities arise, potentially acquire land for park-and-ride sites. It is also desired that by increasing local economic opportunities fewer car trips may be needed.

As outlined above, this community plan has been prepared in a manner consistent with the goals of the Capital Regional District's Regional Growth Strategy.

*(Due to the recent Board decision to expropriate Lot 19, Section 97, Plan 14984 – the two ponds property, the following goal should be added to the OCP in order to communicate the ecological importance of the property adjacent to the two ponds property) – Page 31: Added to the Goals of the plan:*

“Without limiting Section 4.5 “Parkland and School Site Dedication Policies”, while it is a general policy of this Plan to support initiatives likely to result in the preservation of Lot 20, Section 97, Plan 14984 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.”

*(CRD Electoral Area Planner-Administrator) – Page 31 Section 3.1.1 (Objectives of the Plan). Added the wording shown underlined:*

### 3.1.1 Objectives of the Plan

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

- Cluster growth into the following existing areas:
  - ❑ Mt. Matheson;
  - ❑ Seedtree;
  - ❑ Park Heights;
  - ❑ Anderson Cove;
  - ❑ Coppermine Estates;
  - ❑ Seagirt;
  - ❑ Tideview and Eliza Point; and
  - ❑ Pike Road
  - ❑ The north end of Gillespie Road
  - ❑ East Sooke Road near the Silver Spray development

*(CRD Regional Planning Department) - Page 31: Added last bullet to Section 3.1.1 (the Objectives of the plan):*

“As outlined through Section 2.4 of this bylaw and through the Local Government Act, the Official Community Plan should work towards the goals of the Regional Growth Strategy.”

*(Update due to boundary changes) – Page 32: Update each land use category and corresponding percentage.*

*(CRD Electoral Area Planner-Administrator) – Page 33, Section 3.2, Land Use Inventory Statistics: Added “Potential Park” as a category and renumbered accordingly and updated the statistics.*

*(CRD Regional Planning Department) - Page 33: Add to Section 4.1.1 (Development (S) Policies):*

- 1] a. *Keep as present* “Development must be consistent with the goals and objectives of this plan.”
- b. *Add:* The desired parcel size for residential development within settlement containment areas should be in the 1 ha. (2.5 acres)

range. Residential development outside the settlement containment areas should consist of parcels greater than 2ha. (5 acres).

*(Vancouver Island Health Authority)* - Page 37 Section 4.4 (5) Changed wording:

- 5] Any development must be designed to protect lakes, watercourses and their tributaries by not allowing sediments or other effluents into the water system as outlined through the Development Approval Information process in Section 4.12 of this bylaw.

*(Vancouver Island Health Authority)* – Page 37 Section 4.4 (7) Removed the following:

- 7] The proposed sewage disposal system must function properly with the various soil types and topography of the plan area without posing any risks to potable water supplies.

*(District of Metchosin)* – Page 37 Section 4.4 (10) Changed wording:

- 10] ~~Whenever required,~~ Access to lakes, rivers, streams, the sea and other water sources for emergency purposes must be provided.

*(District of Metchosin)* - Page 39: Section 4.6.1 (1): Changed as noted:

- 1] ~~“No growth into these areas is the desired development pattern.”~~ Add: “Development should not occur in these areas.”

*(Change in Provincial Regulations)* – Page 39 Section 4.6.1 (5) Changed wording as follows:

- 5] For development adjacent to any creek, stream, river or lake the developer must follow the criteria, for the determination of the riparian protection and streamside protection enhancement areas, as outlined in Section ~~6~~ 4 of the ~~Streamside Protection Regulation~~ Riparian Areas Regulation, B.C. Regulation ~~10/2004~~ 837/2004. This applies only to residential, commercial and industrial lands.

*(CRD Electoral Area Planner-Administrator)* - Page 39: Section 4.6.1 (6) Changed wording as follows:

- 6] For land developed adjacent to any stream, creek, river or lake, the developer is advised to use the " Land Development Guidelines for the Protection of the Aquatic Habitat" published by the Department of Fisheries and Oceans and the most current adopted edition of the Environmental Best Management Practices for Urban and Rural Land Development published by the Ministry of Water, Land and Air Protection.

*(CRD Regional Planning Department)* - Page 40: Add to Section 4.7.2 (Servicing Development Policies):

- 1] It is the intent of this plan that, if not already serviced by a ~~community~~ public water system, settlement containment areas as designated on Map No. 2 of this bylaw will be serviced by a ~~community~~ public water system in the future.

- 2] It is unknown when the settlement containment areas will be serviced. However, servicing of settlement containment areas should be provided in the order presented on Map No. 2, beginning with settlement containment area No. 1.
  
- 3] In accordance with the CRD's Regional Growth Strategy, water and sewer services shall not be extended, nor hookup permitted, outside the settlement containment areas identified on Map No. 2. To address extraordinary circumstances of risk to public and environmental health from water contamination, or from wildfire hazard, the CRD Board may permit the extension of water services only, beyond the designated settlement areas providing:
  - a) A proposal to extend water services is prepared that identifies and documents the extraordinary circumstances of risk to public and environmental health from water contamination or from wildfire hazard, supported by the appropriate public health and/or fire protection officials, including as appropriate, a report prepared under section 4.11.7 by a registered professional with experience relevant to wildland-urban interface hazard assessments;
  - b) The proposal is submitted to the CRD's Director of Regional Planning for review in concert with the General Manager of CRD Water Services, with a resolution of support from the Electoral Area Land Use Committee;
  - c) The proposal, the supporting resolution of the Land Use Committee and the recommendations of the Director of Regional Planning and the General Manager of Water Services are reviewed and considered by CRD Regional Planning Committee in making recommendation to the full CRD Board regarding either approval or refusal of the proposal to extend water services; and,
  - d) The full CRD Board passes a resolution giving approval for the extension of water services.

*(CRD Electoral Area Planner-Administrator) - Page 41: Section 4.11 Development Permit Areas, changed wording as noted:*

#### 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 purposes such as, but not limited to the of the following:

*(Change in Provincial Regulation) - Page 45 Section 4.11.4 (Justification 3/.) Development Permit Area No. 2: Changed all reference to "Streamside Protection Regulation" to "Riparian Areas Regulation"*

*(Vancouver Island Health Authority)* - Page 46: Section 4.11.4 (7) of Development Permit Area No.2 Foreshore, Wetlands and Riparian Areas. Removed the following:

“Any development must be designed to prevent any effluent or stormwater discharge that could have a detrimental effect on the environment or on public health.”

*(Consistency with the establishment of the Juan de Fuca Electoral Area Parks Commission)* - Page 57 Section 5.2 (Assembling of land for trails): Changed all references to “SEAPARC” to “Juan de Fuca Electoral Area Parks Commission”

*(Consistency with the establishment of the Juan de Fuca Electoral Area Parks Commission)* - Page 57 Section 5.3 (Development of a Public Wharf): Changed all references to “SEAPARC” to “Juan de Fuca Electoral Area Parks Commission”

*(District of Sooke and the CRD Electoral Area Planner-Administrator)* - Page 59: Added the following new Section:

## **5.6 Working Boundaries with Sooke and Metchosin**

### Preamble

The East Sooke area shares a boundary with both the municipalities of Sooke and Metchosin. There is significant potential benefit to all parties in collaborating about future land uses around their common boundaries.

### Policies

- 1/. The East Sooke OCP review committee supports the establishment of a joint mechanism between East Sooke, Sooke and Metchosin with a mandate to share information and recommend complementary land use policies affecting their shared boundaries.

### **Map Changes:**

*Note:* Due to recent subdivisions, all the maps have been updated with a new base layer showing updated lot boundaries.

#### *Map No. 2:*

- Two additional settlement containment areas – one for areas near the north end of Gillespie Road (10) and one for areas near the Silver Spray development at the end of East Sooke Road (9).
- Settlement containment area No. 5 boundaries were changed.
- “Seagirt Ponds Nature Park” (Lot 19, Section 97, Plan 14984) designated as “Existing Park and Open Space”
- Designation of Lot 20, Section 97, Plan 14984 (parcel of land adjacent to Seagirt Ponds Nature Park) as “Potential Park”
- Commercial Area notation reduced to west side of the Grouse Nest property (Sec 77).
- Seagirt Park boundary adjustment

#### *Map No. 3:*

- Seagirt Park boundary adjustment
- “Seagirt Ponds Nature Park” (Lot 19, Section 97, Plan 14984) designated as “Existing Parks”

*Map No. 3a, 3b, 3c, 3d, 3e and 4:*

- Seagirt Park boundary adjustment
- “Seagirt Ponds Nature Park” (Lot 19, Section 97, Plan 14984) designated as “Existing Parks”

*Map No. 3f:*

- Seagirt Park boundary adjustment
- “Seagirt Ponds Nature Park” (Lot 19, Section 97, Plan 14984) designated as “Existing Parks”
- “Commercial Areas” designation on the Grouse Nest property (Section 77) reduced to the west side of the Galloping Goose Trail

3. Bylaw No. 3238, as amended, be read a second time; and
4. a second Public Hearing be held by Director Lund or his Alternate.

### **BACKGROUND REPORT**

The land use issues identified during the Public Hearing on Bylaw No. 3238 held on March 16, 2005 are summarized below for your reference. A full copy of the public hearing report is provided as attached.

#### Issues

- Accuracy of the maps – Mapping technician has assured me that his database is the most current
- Addition of lands into a Settlement Containment Area – has been completed, as outlined on the maps.

Due to the amendments made to the bylaw, it is recommended that a second Public Hearing be held in the East Sooke Community.

Respectfully submitted

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Ken Cossey, MCIP

Attachment - revised Bylaw No. 3238

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