

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, Planner-Administrator File Number: Z-01-04

SUBJECT: Public Hearing Report on Bylaw No. 3239
Otter Point Official Community Plan

RECOMMENDATIONS

That it be recommended to the Regional Board that:

1. the Report of the Public Hearing on Bylaw No. 3239 be received;
2. Bylaw No. 3239 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.

(CRD Electoral Area Planner-Administrator) - Page 20 Section 1.7: Changed reference to "JJM" to "Mainroad Contracting"

(CRD Regional Planning Department) - Page 23: Added 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.

(CRD Regional Planning Department) - Page 24: Added last sentence to Section 3.1. (the Goal of the plan):

“Additionally, 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 lot boundary changes) – Page 25: Updated each land use category and corresponding percentage. Please note that due to recent subdivision of land, the amount of the planning area designated as “Existing Park and Open Space” and “Roads” has increased, with a corresponding decrease in the amount of land designated as “Settlement area”.

(Vancouver Island Health Authority) - Page 26 Section 4.1 (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 26 Section 4.1 (6) Removed the following:

- 6] 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 26 Section 4.1 (10) Changed wording:

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

(CRD Regional Planning Department) - Page 27: Added to Section 4.2.1 (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).

(District of Metchosin) - Page 31: 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 32 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 32: 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 32: Added 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 4.11.6 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 33: 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 37 Section 4.11.4 (Justification 3/.) of Development Permit Area No. 2 Foreshore, Wetlands and Riparian Areas: Changed all reference to “Streamside Protection Regulation” to “Riparian Areas Regulation”

(Vancouver Island Health Authority) - Page 38: 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 47: Section 5.1 (Assembling of land for trails): changed all references to “SEAPARC” to “Juan de Fuca Electoral Area Parks Commission”

(CRD Electoral Area Planner-Administrator) - Page 48 Section 5.3: Moved current policy #1 to #2. Add new policy No.1

- 1/. *Add:* “The Otter Point and the Shirley/Jordan River OCP committees agree that the Muir Creek boundary is considered to be a working boundary. As such, the OCP planning boundary issue will be reviewed after one year from the date of adoption of the respective bylaws to determine whether or not the boundary should be moved in either an easterly or westerly direction.”
- 2/. “The Otter Point OCP review committee supports the establishment of a joint mechanism between Otter Point and Shirley/Jordan River with a mandate to share information and recommend complementary land use policies affecting their shared boundary.”

Map Changes:

Map 2:

- Settlement containment area No. 2 has been altered on the east to take in the small lots around Kemp Lake. On the west it has been modified to match the lot boundaries (follows the large lot boundary).

- Settlement containment area No. 3 has also been modified on the north side to match lot boundaries (adjacent to the ALR).
- New Park has been created, Plan No. VIP 77477, Section 10, Otter District, shown on the maps as “Existing Park and Open Space”

Map 3a, 3b, 3c, 3d, 3e, 4

- New Park has been created, Plan No. VIP 77477, Section 10, Otter District, shown on the maps as “Existing Park and Open Space”

(end of revisions)

3. Bylaw No. 3239, 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. 3239 held on February 7, 2005 are summarized below. A full copy of the public hearing report is provided as attached.

Issues

- *Mapping not accurate* – the mapping technician has assured me that it is accurate based upon the information he has.
- *Parcel sizes in OCP* – has been completed
- *Settlement Areas* – remove Camp Bernard, Young’s Lake and McKenzie Lake from the Settlement Containment Areas and add the areas around Kemp Lake
- *Development Permit Exemption list should also include woodsheds, tool sheds and workshop* – the current wording indicates that if any structure is less than 400² feet it is already exempt from any development permit requirements

Due to the amendments made to the bylaw, it is recommended that a second Public Hearing be held in the Otter Point community.

Respectfully submitted

Ken Cossey, MCIP

Attachment - revised Bylaw No. 3239

File: Ken\staffreports\Bylaw 3239_PHreport_Otter Pt_sr