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**Notes of a Meeting of the East Sooke Citizens' Committee
Official Community Plan Review**

Held December 8th, 2014 at East Sooke Fire Hall, 1397 Coppermine Road, East Sooke, BC

PRESENT: Zac Doeding, Stacey Scharf, Yale Shap, Linda Nehra, Brian White
Jane Hutchins, Rhonda Underwood, Roger Beck, Neil Smith.
Staff: Tracy Olsen, OCP Review Facilitator; Iain Lawrence, Planner

ABSENT: Adele Tomlinson

PUBLIC: 28

The meeting was called to order at 7:05 p.m.

- 1. Welcome**
- 2. Acceptance of Agenda:** Accepted.
- 3. Meeting Notes from September 22, 2014:** Accepted.
- 4. Status of Action Items:** None.
- 5. Report on November 22nd, 2014 Open House**

Tracy Olsen went over the report from the open house. Based on the feedback from the open house, twenty-five recommendations have been made by staff for the Committee's consideration and will be the focus of this meeting. Most of the recommendations will be discussed under Agenda Item #5 but the more complex topics related to the theme of Settlement and Local Economy will be discussed under Item #6.

In addition to the summary of public comments in the Report on the Open House, two additional comments were received after the agenda package was sent out. Copies of the these comments were distributed to the Committee members for consideration.

Recommendation #1: The wording of s.412(A) and 412(B) is leading readers to think that there is support the relocation of creeks and gravel removal. Both statements were brought forward from the existing OCP. In the existing OCP, they are classified policies but in the updated OCP, they are called broad objectives since only suggestions can be to the Province on matters outside the jurisdiction of the CRD. The intent is to inform the Province of the community's concerns if the Province does approve works in and about a watercourse. The Committee agreed to keep both broad objectives in the draft OCP but to improve the wording.

Recommendation #2: Staff explained that the Province and the CRD's Environmental Planning Department play a key role in environmental stewardship and environmental planning, especially in terms of data collection. The baseline data on sensitive ecosystems in East Sooke is from the 2001 Sensitive Ecosystem Inventory done by the Province. A Committee member noted the importance of being able to monitor change over time and to be able to do that, the data must be frequently updated. Staff advised that it is up to the Province to maintain its data base. The Committee agreed that the wording in section 310 should be improved to include a brief discussion on the importance of data to monitor incremental change. Staff will ask June Klassen to investigate the likelihood of another study of environmentally sensitive areas in East Sooke.

Recommendation #3: The Committee agreed to add comments to section 320 on the strong community support for both types of trails described in the draft OCP and mention the difficulties seniors and families living in East Sooke have in accessing the Goose for biking.

Recommendation #4: Members of the public raised concerns about the Province's section 17 Land Use Designation and noted the interest of First Nations in restoring shellfish harvesting in the area of Anderson Cove. The Committee agreed to make the preference for Anderson Cove boat launch clearer in section 330 and add the concerns raised by the public.

Recommendation #5: The Committee agreed to mentioning the strong community support for trails and the need to develop a network plan and servicing standards in section 340 and to add a policy statement regarding the network plan and servicing standards to section 440.

Recommendation #6: Tracy Olsen explained that the methodology used in traffic studies to determine road capacity relies on wait times to make turns at intersections, meaning East Sooke Road would not be considered over-capacity. While there are accidents in East Sooke, the rates are not high enough to be considered a priority by senior government for improvements when compared to the number of accidents at other intersections in Greater Victoria. It was agreed to add information to section 340 on how road capacity is determined.

Recommendation #7: It was agreed to add the comments from the Open House related to social infrastructure to section 350. A Committee member noted that there are a significant number of archeological sites in East Sooke. Staff mentioned that the wording of Section 472 is based on what was suggested by the Province in its response to the Otter Point OCP. The Committee asked for more emphasis in section 350 on the archeological importance of East Sooke as well as its post-contact history. Staff noted that Valerie Braunschweig has organized a meeting regarding the heritage project.

Recommendation #8: The draft of the Regional Sustainability Study (RSS) was released in October 2014 so staff can now add a section about it in the updated OCP. The Committee discussed the different attitudes between the Regional Growth Strategy and the RSS towards the availability of water services. Tracy reviewed policy statements 454 (L), (M) and (N) in Rough Draft #2 pertaining to water service with the Committee.

Recommendations #9: Development Cost Charges (DCCs) and the need for upgrades to the Copper Mine Reservoir for fire-fighting purposes were explained. The updated OCP supports an investigation of DCCs as a way to fund these improvements.

Recommendation #10: Comments on fire smart will be added to section 360.

Recommendations #13 and #14: Readers of the draft OCP appear to be confused about how densities established by policies in an OCP relate to minimum lot sizes in a zoning bylaw, in particular, the clustering of lots. It was agreed to improve the explanation in the updated OCP regarding the impact of the OCP on zoning and make it clear that clustering of lots is supported.

Recommendation #15: A policy will be added to the draft OCP stating that the owners of properties near any rezonings for marinas or applications for group moorages must be consulted with.

Recommendation #19: Staff do not have discretionary powers when it comes to development permits. Unless an exemption is clearly stated, a development permit is required. The purpose of the exemption in 515 (D) is to allow property owners to remove a small number of trees by hand and reduce the requirement for professional reports for selective and low impact tree removal. It was agreed that staff will ask the lawyer for assistance with the wording of this exemption and include ways to require the property owner to consider the impact on other properties.

Recommendation #20: Tracy will ask the lawyer if stronger language can be used for development permit areas noting it might not be possible as they are guidelines not policies.

Recommendation #21: Background information will be added to section 380 and a policy statement to section 480 regarding the need for a public consultation process for cell towers.

Recommendation #22: Iain Lawrence explained that rainwater capture can be used as a potable water supply for the construction of a house on an existing lot but not for the purposes of subdivision. Support for rainwater capture will be added to section 380.

Recommendation #23: Wood stoves were discussed with the Citizens' Committee and it was noted that in a rural community some homeowners rely on woodstoves as a primary heat source.

Recommendation #24: Staff investigated the concerns regarding development being directed towards environmentally sensitive areas. Based on Map 2 showing the location of sensitive ecosystems, there is very little overlap of sensitive ecosystems with areas having development potential however, some of the lots with subdivision potential are adjacent to East Sooke Regional Park which does contain a high number of sensitive ecosystems.

Recommendation #25: Committee members noted the problems posed by vacation rentals including the lack of knowledge by first responders as to whether or not there is someone inside a house when owners are only there part-time and the disruptive noise levels generated by some vacationers particularly in subdivisions with small lots. Noise may be more of an enforcement problem. Another Committee member noted that many of the seasonal owners do not rent their houses out. Staff noted the limitations to regulating this type of tenancy.

Before breaking for coffee, members of the public were asked for their comments:

Alex Van Netten, Park Heights, asked for more information on how the Farmland Protection Development Permit Area (DPA) will affect his property. In the past, there was a land exchange involving a property adjacent to his and land was included in the Agricultural Land Reserve. His property was then included in this DPA but without sufficient consultation. Tracy asked him to meet with her during the break to determine the impact on his specific property.

Tim Marks, Mount Matheson, wants a more forcible statement on the provision of water if it becomes available. He noted that rainwater capture is cutting-edge and wanted to know why it can only be used to provide gray water supply, not as a potable water supply.

Heather Phillips, Otter Point, wanted clarification on the difference between cottage industry and home industry as defined in Bylaw 2040. She felt that vacation rentals were a separate proposition from having a long-term tenant and felt that existing regulations should be rewritten to allow vacations rentals in a manner similar to bed and breakfasts.

Kara Middleton, East Sooke, has heard about the problems people living next door to vacation rentals can experience. She felt that vacation rentals should not be prohibited but there should be some type of regulation around the number of people staying in a vacation rental.

George May, East Sooke, said he has a large property and wants more flexibility in the number of trees that can be removed by hand. He wants to make sure that hazard trees are exempt from the permitting process and asked how you prove that the tree is a hazard. Staff explained that an arborist report may be needed depending on the type of development permit area. For most DPAs, no permit or report would be required. The sensitive ecosystem DPA would require an arborist report as the tree may have an ecological function.

Bill Boardman, East Sooke, asked if the multi-use trail policies could be changed to include equestrian uses.

Bertha Lane, East Sooke, objects to the oyster farm lease blocking access to the waterfront and cautioned against the expectation that the lease at Anderson Cove will be renewed.

6. Review of Changes Between Rough Draft #1 and #2

Before discussing the one hectare density being proposed in policy statement 484 (A), a series of four maps were handed out to the Committee members. The first map showed the areas of East Sooke with zoning already permitting lot sizes of one hectare or less as well as land which is not subdividable because it is park or in the ALR. The next map included parcels less than two hectares in area as they too small to be subdivided even if the OCP supports a density of one parcel per one hectare. Areas with covenants restricting further development are also shown. The third map adds a layer showing all areas designated in the current OCP as Settlement Containment Area (SCA) that are not already coloured. In the SCA, a density in the range of one hectare is currently supported. The final map includes all of the previous areas as well as those zoned Rural (A). After excluding all of these areas, there are twenty-seven parcels left whose development potential would be affected by changing density from in the range of greater than two hectares in the current OCP to one parcel per one hectare. (Rural (A) zoned properties will be discussed separately.)

In reference to Recommendation #12 from the Open House Report, Committee members were asked to read Table One in the hand-out which inventories the change in development potential of these 27 parcels and then comment on the impact of changing the proposed density of these parcels from two hectares to one hectare. All of the 27 parcels are outside the SCA, most have a zoning of Rural Residential 3, except one parcel zoned Agriculture and one parcel zoned Rural Residential Wolf Island.

A Committee member observed that the parcels numbered 5, 6, 7 and 8 are near the Copper Mine subdivision and are in the CRD Water Supply Area. The waterfront properties are not likely to be subdivided as they are long and narrow. In the Tideview area, CRD water is available to those parcels with subdivision potential.

In response to a question from a Committee member, staff advised that calculating the five to ten year demand for housing is a requirement when preparing an OCP. East Sooke can meet the five to ten year demand with the existing development potential and current rate of

development. However, the numbers in the hand-out calculate the development potential for the next 50 to 100 years.

A number of Committee members did not think that there would be as significant an increase in the rate of development in East Sooke as mentioned in Recommendation #11. One member felt that all of East Sooke should have a density of one hectare because many people are not likely to develop their properties. The Committee should not be selecting which parcels to leave out. One member pointed out that there is no development potential in Mount Matheson Estates as the only two large parcels are part of the community water supply area.

A Committee member asked if we really wanted to see future development adjacent to East Sooke Regional Park especially knowing that there environmentally sensitive areas nearby. Another member did not feel that having development adjacent to a park posed a problem when you consider Stanley Park in Vancouver or Central Park in New York.

Further to Recommendation #17, a Committee member reiterated safety concerns about having 23 or more additional lots with cars turning onto Copper Mine Road where children play. Another member is also concerned about the road structure.

A Committee member noted that the development potential on a number of the parcels would be restricted by large areas of steep slopes. Development of parcels 4, 5, 6 and 7 is simply an expansion of the existing living area. Parcel 8 has accessibility issues.

Because Wolfe Island is an island and was recently rezoned to permit a minimum lot size of four hectares, it will remain designated as Settlement on Schedule B, but there will be a specific policy statement in the updated OCP for a lower density. While not all of the Committee members agree with the remaining 26 parcels having a density of one hectare, most members do. These members felt that the development potential calculations on the hand-out would be greatly reduced by steep slopes and other constraints to development.

Staff reviewed Table Two on the hand-out comparing the development potential of Rural (A) zoned properties by tenure. One scenario calculates the number of houses that could be built if the properties were developed under the Rural (A) zone assuming parcels eight hectares or larger are subdivided into four hectare parcels before developing. The other scenario looked at the development potential if the parcels were rezoned to a new zone using a ratio of one lot per one hectare of land prior to road or park dedication. There is very little difference between the two scenarios in the number of houses that could be built.

Committee members discussed the impact of park and road dedication on lot yield. Staff reviewed policy statement 484 (B) with the Committee and explained that the intent of the policy is that if there are four houses at the start of the process then there should be four houses at the end with no increase in density.

One Committee member has tried to dissolve a building strata and has been advised that access by easement in fee simple subdivisions is not acceptable to the Ministry of Transportation and Infrastructure. Iain noted that roads in bare land stratas did not adhere to the same standard as public roads in terms of width and construction standards.

It was noted by a Committee member that the Committee agrees with solving the existing problems but not necessarily with giving the same flexibility to undeveloped properties. Staff noted that a policy statement will be added saying while the Rural (A) zone will remain, future applications for rezoning to Rural (A) will not be supported.

One member commented on the challenges posed by availability of water and topography when subdividing and the effect of these constraints on lot size and configuration. Another member noted the difficulty and expense of building roads in East Sooke and reminded the Committee that there is a process to go through in order to meet all of the requirements. Several members concurred with the need to meet all of the requirements for subdivision and felt that interest in developing a property would be affected by the high costs of servicing and addressing topographical challenges.

Another member felt that the updated OCP needs to present the opportunity for subdivision; otherwise, all of the Rural (A) zoned properties will be developed as a building strata.

Because there was not sufficient time to discuss recommendation #16, staff will make changes to the updated OCP to change "light industry" to "cottage industry", be more specific about what type of uses are being contemplated and consider if these type of uses are already covered by the definition of "home industry" in the current zoning bylaw.

Members of the public were then asked for their comments:

Tim Mark, East Sooke, felt that this OCP review process has strengthened the community. He owns a "4 on 10" with 3 houses on it. He has four children and would like to be able to subdivide his property into four lots so he is able to give a lot to each child. He also thought that both developed and undeveloped Rural (A) properties should be treated the same.

Alex Van Netten, Park Heights, supports one hectare for all residential properties in East Sooke and feels that it is fair.

George May, East Sooke, supports a density of one hectare.

Heather Phillips, Otter Point, thought she was hearing that developed Rural (A) parcels would be able to subdivide to lot sizes smaller than one hectare while undeveloped properties would have the opportunity to subdivide into one hectare parcels. But after park and road dedication, the parcel sizes would be smaller than one hectare. Staff agreed that the wording of the policies regarding Rural (A) zoned parcels needs to be clarified.

Derrick Archangelo, East Sooke, said that while a density of one hectare will not work for his property, one hectare should still be put in the updated OCP. It might not work for all properties, but if my neighbor has it why couldn't I?

Charlotte Senay, East Sooke, expressed her concern about a one hectare density but understands addressing the problems faced by the owners of Rural (A) zoned property.

Shelia Tremblay, East Sooke, supports a one hectare density.

Grant Wright, East Sooke, supports one hectare density as it is fair.

Trevor West, East Sooke Road, said that he supports one hectare density.

Sunny Matheson, East Sooke, was curious as to how 4 on 10 building stratas could be prevented and asked if there is anything that the CRD can do to stop building stratas. Staff advised that tenure is regulated by the Province and it would have to make changes to the *Land Title Act* and *Strata Property Act*.

Four other members of the audience who live in East Sooke spoke in favour of a density of one hectare. Another member of the audience supports one hectare rather than a "4 on 10".

7. Next Steps in Preparing the Updated OCP

Version #3 of the rough draft will now be prepared and then circulated to Committee members. It will also be sent for a legal review. All of the changes between version #2 and #3 will be highlighted. There will be a Committee meeting, probably in late January, to talk about Rough Draft # 3 and any changes made based on the legal review. Instead of mailing the packages, an e-mail will be sent to Committee members asking if they want to pick their packages up or have them delivered to their homes.

8. Next Meeting

The next meeting will likely be scheduled for late January but will depend on the length of time it takes for the legal review.

The meeting ended at 9:22 p.m.

Draft