

## Reorganized OCP – Changes Accepted- Hand-Out – Meeting 4 -26/02/14

### NEW SECTION ONE - ADD A VISION STATEMENT

#### PART 3.0 GOALS AND OBJECTIVES OF THE PLAN

##### 3.1 Goal of the Plan

The goals of the Plan are:

- To maintain the integrity of the existing character of the neighbourhood;
- To achieve sustainable growth striking a balance between environmental, economic, and cultural values; and
- To conserve green spaces, forest land, and wildlife habitat corridors.

##### 3.1.1 Objectives of the Plan

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

- Establish a pattern of land use that would retain both the rural and the natural character of the area. The desired settlement pattern consists of the following:
  - Clustered growth into the designated settlement containment areas. Within these areas, lot sizes may vary according to the requirements of the community;
  - Development located outside of these areas will be maintained as large lots for agricultural, renewable resources, and residential purposes;
  - Compatible land uses and comparable lot sizes are highly desirable;
  - Settlement containment areas should be surrounded by a natural buffer area.
- Understand and research the potential impact of development upon the Shirley/Jordan River natural environment;
- Set up mitigation strategies to limit or minimize any potential impact of new development upon either the man-made or natural environment;
- Consider environmental factors in all land use planning decisions and subsequent actions;
- Identify and protect sensitive plant life, fish and animal habitats, and distinctive geological and historical features;
- Protect the marine ecosystem;
- Protect important wildlife habitats and corridors;
- Enhance local environmental awareness and promote land uses that protect the natural environment;
- Maintain as much land as possible in its current natural state in order to protect and enhance the present diversity of plant and animal life;
- Encourage the acquisition of land for either greenspace, parkland, or forest land;
- Protect and, if necessary, restore the natural water systems. Ensure that development utilises maximum economies in water use and does not contribute to soil erosion, slope instability, or increased surface-water runoff;
- Ensure the long-range viability of our natural sources of potable water by preventing pollutants from entering the water system. This includes surface-water runoff channels, aquifers, groundwater areas or wetland areas;

- Site sewage disposal systems to minimize pollution of surface and groundwater, and to conform to appropriate setbacks from water wells, marine shores, watercourses and wetlands;
- Encourage businesses that are respectful of the community and its residents;
- Protect persons and property from hazards associated with destabilization of steep slopes;
- Seek active cooperation between the Capital Regional District, local community groups, and the Shirley/Jordan River Advisory Planning Commission;
- As outlined through Section 2.3 of this bylaw and through the *Local Government Act*, the Official Community Plan should work towards the goals of the Regional Growth Strategy.

**3.1.2 Land Use Inventory Statistics**

**THIS TABLE WILL BE ALTERED AND THEN USED TO ESTABLISH LAND USE DESIGNATIONS**

**Table 5: Land Use Inventory Statistics**

Land Use Area	Approximate Land Area	Percentage of Plan Area
Settlement Area	3608.6 ha (8916.95 acres)	94.6
Existing Park and Open Space	66.6 ha (164.6 acres)	1.8
Agricultural Land Reserve	81.8 ha (202.2 acres)	2.1
Roads	58.7 ha (143.3 acres)	1.5
<b>Total Land Area (Not including Marine shoreline<sup>1</sup>)</b>	<b>3815.7 ha (9428.7 acres)</b>	<b>100</b>
Marine Shoreline Areas	582.3 ha (1438.9 acres)	
Settlement Containment Area	87.9 ha (217.2 acres)	

Note: <sup>1</sup> Does not include lakes which have not been classified.

See Maps No. 2 and 3, which are attached to and forms a part of this bylaw, for approximate locations of the land uses identified above.

The approximate land area figures were derived from the Capital Regional District’s Geographic Information Systems (GIS) mapping system and may not be an accurate representation of actual land areas.

**PART 2.0 ADMINISTRATIVE STRUCTURE AND APPLICATION OF THE PLAN**

**Comment [T01]:** Will probably remain as section 2

**2.1 Administrative Structure of this Plan**

An Official Community Plan (OCP) or “Plan” is authorized by the *Local Government Act*, which defines an OCP as:

“ . . . a general statement of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use and servicing requirements.”

The key to developing a Community Plan is that it is a community-driven exercise that reflects the community's values with respect to growth and development.

**2.2 Application of the Plan**

This Official Community Plan applies to the Shirley/Jordan River area as shown on Map No. 1, which is attached to and forms part of this Bylaw. It is not the intention of the Capital Regional District in adopting the Shirley/Jordan River Official Community Plan to create a conflict with provincial enactments.

**Muir Creek Boundary**

- 1/. The Shirley/Jordan River and the Otter Point 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 Shirley/Jordan River OCP committee anticipates working co-operatively with the residents of Shirley/Jordan River and the Otter Point OCP committee in sharing any information relevant to Muir Creek.

**4.3.2.2 School Site Dedications**

School site acquisition charges are payable in respect of development in accordance with Division 10.1 of Part 26 of the *Local Government Act*.

DRAFT - For discussion purposes only

## THEME – PROCESS

### 2.5 Community and Development Policies

The residents of Shirley/Jordan River understand that the development and protection of their community takes an effort from both the future residents through the development process and the current residents by collectively working towards their community goal.

### 2.3 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 encouraging the identification and protection of environmentally sensitive areas and by designating known environmentally sensitive areas as Development Permit Areas.

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.

**THEME - SETTLEMENT**

**PART 1.0 COMMUNITY BACKGROUND INFORMATION**

**1.1 2001 Population Profile and Estimates for 2006 and 2011**

The population of the Shirley/Jordan River Study area is estimated to be approximately 490. Based upon 2001 Census Canada information the age breakdown of the population is as follows:

The estimated population for 2006 is 595, an increase of 105 people. A 21% increase from 2001. This was based on building permit statistics and the average annual population growth rate. Given the average annual population growth of approximately 2.67% in the Juan de Fuca Electoral Area the estimated population for 2011 is 680. This is based on growth remaining constant. It is known that this may not be the case given the recent interest in some large tracts of land for residential development in the area.

Notes: 1. Total community population 490

**1.2 Building Permit Trends**

The predominant type of dwelling in Shirley/Jordan River is a single-family dwelling unit.

The above information suggests that demand for new dwellings in this area has been strong during the 1990s. Between 2001 and 2006, the number of building permits issued each year has remained relatively constant, but has more than doubled from the previous five years.

**.2.1 Settlement Area Designation**

**4.2.1.1 Preamble**

The settlement designation signifies that the predominant land use is for residential purposes. The Plan is required by law to ensure that the housing stock available in the Plan area meets the needs and requirements of the market place for at least five (5) years. This can easily be accommodated without any zoning changes as outlined by the current population projections. Residential housing may include but is not limited to private ownership, special needs housing, rental, and affordable housing. The housing stock may or may not be occupied on a full-time basis. Home-based business may be considered as an opportunity to provide economic development activities for individuals situated in an area within the settlement designation.

Additional uses within this designation include the following:

- a. commercial activities;
- b. tourism development activities, such as but not limited to bed and breakfasts and agro-tourism;
- c. forestry and industrial activities located in Jordan River as designated on Map No. 5c, which is attached to and forms a part of this bylaw; and
- d. non-ALR designated agricultural activities.

**4.2.1.2 Settlement Area Policies**

- 1]
  - a. Development must be consistent with the goals and objectives of this Plan.
  - b. 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 2 ha. (5 acres).
- 2] Development may be supported subject to the following:

**Comment [T02]:**  
WILL REPLACE WITH ACTUAL DATA FROM 2006 and 2011 and projection to 2020

**Comment [T03]:**  
Will replace with up to date statistics

- a. The site will have minimal impact on the existing man-made and the natural physical features of the area; and will be planned to preserve and maximize wildlife corridors, buffering areas from roadways;
  - b. The proposed development is designed to prevent pollutants from entering into the water system. This includes surface-water runoff channels, aquifers, groundwater areas or wetland areas; and
  - c. Greenbelts, natural buffer areas and berms must be used to separate incompatible land uses.
- 3] Community-sponsored facilities, programs and activities that serve to enhance the community's lifestyle may be considered.
  - 4] Any non-ALR designated land that is developed adjacent to any Agricultural Land Reserve designated parcel must adhere to the Landscape Buffer Specifications publication produced by the Agricultural Land Commission.
  - 5] In settlement areas, there must be no road ends that abut the Agricultural Land Reserve (ALR) areas that would suggest that either the road or development will proceed onto the ALR lands at some future date.
  - 6] This area may be subject to the amenity bonusing provision as outlined in the *Local Government Act* and as allowed through the applicable zoning district.

Developers who propose a mixed commercial/residential use must adhere to the following policies as well as to the foregoing:

- 7] Any mixed-use development must be compatible with the form and character of neighbouring land uses and must ensure that:
  - a. There is adequate parking space for the required commercial use and the residential use. The commercial parking spaces are to be physically separated from the required residential parking spaces;
  - b. The residential use must be protected from any adverse impact from the commercial activities;
  - c. The area to be used for residential purposes is to be physically separated from the commercial area. The residential use and commercial use may be either in the same building and separated by either a wall or floor, or on the same lot but in two separate buildings. The development must meet the BC Building Code and the BC Fire Code requirements. Preference will be given to mixed-use developments that are in a single building or structure; and
  - d. Adequate and well-designed off-street parking, loading, and service areas should be provided on the site of each mixed-use development with consideration given to:
    - i. Safe movement of vehicular and pedestrian traffic on and off the site;
    - ii. Design of a safe access and egress point; and
    - iii. Type and design of signs in relation to commercial uses with traffic signs.
- 8] Developers are advised to ensure that they have reviewed the other development policies as outlined through this bylaw.

#### 4.3.4 Public Facilities

The location of public facilities, such as schools, parks, water distribution systems, and waste treatment and disposal sites could play a role in shaping the land use development patterns in the Shirley/Jordan River Plan area. No new public facilities are planned for the Shirley/Jordan River area at the time of preparation of this

Plan. When public uses are contemplated for an area, consideration needs to be given to community infrastructure to support the proposed use.

### **Potential Heritage Sites**

Sheringham Point Lighthouse is a site representing significant heritage value. The lighthouse was built in 1912 and the original inhabitants of the lighthouse were members of the Arden family. This coast guard property formerly housed the operators of the lighthouse. However, when the lighthouse was automated, the buildings that housed the light keeper were removed from the site. These buildings were constructed in 1962 and were deemed not to have any significant heritage value. The Sooke Region Museum currently displays the original lens from the lighthouse.

The property also hosts a monument with several plaques commemorating the signing of a treaty in 1908 between the United States and Canada regarding the southwestern (Canadian) boundary between the two nations (Bourhill, 2003). It has been suggested that the CRD investigate acquiring the surplus coast guard land and developing it as a regional park (please see section 1.6, Seaside Drive #2). Currently the Coast Guard is reviewing whether they want to dispose of the surplus areas of the property and must identify any impact to their operation based on that decision. Therefore this project is considered to be on-going and may take several years before a decision is reached.

The Sooke Region Museum has created shields/signs that highlight the importance of certain sites as heritage points of interest. The following lists these and other potential heritage sites within the Shirley/Jordan River area:

- Muir creek is the site of many historic events, including when the "third-generation Muir brothers, John and Andrew, when driving a team with a load of hay to feed the oxen at the logging site, were thrown from their wagon and found with their necks broken in Muir creek, in 1900" (Sooke Region Museum 1985).
- Shirley Community Hall/Sheringham Point Lighthouse
- Within Jordan River, there are shields commemorating the importance of the forestry and hydropower industries to the development of Jordan River, whose population in the early 20<sup>th</sup> century was larger than that of Sooke.

In addition, a designated heritage tree exists near the Shirley Community Hall. This oak tree was planted in 1937 by the Shirley Women's Institute "to commemorate the coronation of King George VI. Designated a Heritage Tree in 1976, this oak will continue to be tended and protected by volunteers, as it brings great joy to the community" (Shirley Community Association 2004).

**Comment [T04]:**  
WAS SECTION 1.5

## THEME – ENVIRONMENT

### 1.3 Physiography of the Area

Based upon a review of a report entitled *An Introduction to the Ecoregions of British Columbia*, the study area is a part of the Georgia Depression Ecoprovince, the Georgia-Puget Basin Ecoregion and the Juan de Fuca Strait Ecoregion.

#### 1.3.1 General Topographical Information and Main Topographical Features

Generally speaking, the area is quite hilly with some areas consisting of steep slopes; the more northern portions of the Shirley/Jordan River area see rapid elevation gains of up to approximately 500-600 metres in some areas. The Vancouver Island Mountain Range begins approximately west of China Beach Provincial Park and extends west along the coast and north towards the interior of the island. Areas near the coast generally have elevations in the range of 100-200 metres above sea level.

### 1.4 Dominant and Sensitive Ecosystems

The Shirley/Jordan River area is located outside the study area for the Sensitive Ecosystems Inventory. However, the rural and mostly natural setting of the area provides good habitat for wildlife, as well as containing marine habitat. In addition, many streams in the Shirley/Jordan River area are important salmon-spawning streams and support a variety of riparian biota including native plants, amphibians and other fish and wildlife. The names of the major streams and fish distributions found in the Shirley/Jordan River area are as follows\*:

- Muir Creek
- Kirby Creek
- Goudie Creek
- Frenchome Creek
- Begg Creek
- Eaglet Creek
- Swallow Creek
- Fisherman Creek
- Jacob Creek
- Unnamed creek west of Point No Point and Jacob Creek, locally known as "Jeans" Creek
- Vye Creek
- Rockbottom Creek
- Sandcut Creek
- McManus Creek
- Desolation Creek
- Jordan River and upstream tributaries: Sinn Fein Creek, and several unnamed creeks and streams
- First Creek
- Second Creek

**Comment [T05]:** Types of fish found has been removed – did not include all streams/ivers ; will be rewritten in paragraph format with most current information

Source: Ministry of Sustainable Resource Management, FISS and Shirley/Jordan River OCP Review Committee

\* The above information regarding fish species represents existing information from Ministry of Sustainable Resource Management databases and more information is periodically being added. The absence of fish in the above list does not imply that there are no fish present.

In addition to these watercourses, there are several wetland areas dotted throughout the community.

### **4.3.1 Environmentally Sensitive Area Inventory**

#### **4.3.1.1 Preamble**

Any environmentally sensitive area identified on Map No. 4, which is attached to and forms a part of this bylaw, should be preserved in its natural state. In order to achieve this goal and to protect watercourses, wetlands, riparian areas, habitat, sensitive ecosystems, and rare and endangered species, these areas are designated as Development Permit Areas, as indicated on Map No. 5b.

#### **4.3.1.2 Watercourse, Wetland and Riparian Areas Policies**

- 1] In order to protect fish habitat, fish-feeding and fish-supportive watercourses and watercourse ecosystems and in keeping with the intent of the *Riparian Areas Regulation*, the retention in their natural state of all streams and watercourses and the land within 30 metres of the high water mark on both sides of the streams is recommended.
- 2] The watercourses and wetlands that are subject to the *Riparian Areas Regulations* are designated as Development Permit Areas and are shown on Map No. 5b. Development Permit policies for these areas are contained in section 4.4.6.
- 3] For residential, commercial, and industrial development adjacent to any creek, stream, river, or lake proposed within the 30-metre setback requirement the developer must follow the criteria for the determination of the riparian protection and streamside protection enhancement areas, as outlined in Section 4 of the *Riparian Areas Regulation*, B.C. Regulation 837/2004.
- 4] That when land in a watercourse, wetland and/or riparian area is being cleared for farm uses as defined in the *Agricultural Land Commission Act*, the required setback on both sides of a riparian area shall not be less than three (3.0) metres.

This Marine area extends out from the Shirley/Jordan River Official Community Plan area across Juan de Fuca Strait for a distance of 300 metres from the foreshore area as shown on Map No. 2.

#### **4.2.2.2 Marine Policies**

- 1] In order to protect the marine shoreline and to ensure that it is not negatively impacted by development, shoreline areas as shown on Map No. 5b are designated as Development Permit Areas. Policies for these areas are contained in section 4.4.5.
- 2] Except where otherwise permitted in the zoning bylaw or by a Development Permit, buildings and accessory structures must be set back at least 15.0 metres from the natural boundary of the sea.
- 3] Any construction, development or alteration of land within 15.0 metres of the natural boundary of the sea is subject to the requirements for a Development Permit as set out in section 4.4.5.
- 4]
- 5] The protection, retention and restoration of natural shoreline vegetation, natural features and naturally occurring driftwood and rocks are encouraged.

- 6] Armouring or hardening of the shoreline by retaining walls, cement blocks or other permanent structures is discouraged.
- 7] Where shoreline protection is required, new and reconstructed protection structures should be constructed of rip-rap, large boulders or large wood material, rather than concrete walls.
- 8] Public recreational use of marine shorelands should be consistent with the suitability of each shore type for the proposed use, and users are encouraged to refrain from disturbing or polluting marine and related terrestrial habitats.
- 9] Notwithstanding the Jordan River booming grounds, there shall be no log booms allowed in this area except at Jordan River, and no commercial marinas except at Jordan River, Muir Creek, and Fishboat Bay.
- 10] Any type of boathouse, wharf, pier, float, or any other type of man-made structure that will be located on Crown land requires approval from the Province of B.C.
- 11] The sale or rental of any docking space, related commercial facilities, and services for boats or float planes will not be allowed within this area except as noted in Policy 9] above and not with residential properties.

## 4.2.2 Marine Designation

### 4.2.2.1 Preamble

Although the Province of British Columbia owns the shoreline adjacent to the study area, the Capital Regional District does have the jurisdiction in regard to the use of this area by persons other than the Crown pursuant to its ability to regulate the use of land, which includes the surface of water. This area consists of two regions: a beach/rocky shore area and confluence areas.

- The beach/rocky area generally consists of rock platforms or shelves overlain with beach veneers of boulders or gravel.
- The confluence areas consist of the regions where the freshwater of the various intermittent and permanent streams and the saltwater of Juan de Fuca Strait meet.

### BELOW ARE POLICIES 4 to 8 FROM SECTION 4.1 GENERAL DEVELOPMENT ALSO IN THE WATER THEME

- 4) The development must respond to the physical constraints of the site and must limit the removal of or damage to any of the natural vegetation cover.
- 5] Any development must be designed to protect lakes, watercourses and their tributaries by not allowing sediments or other effluents into the water system and the Juan de Fuca Strait as outlined through the Development Approval Information process in Section 4.5 of this bylaw.
- 6] Stream crossings shall be located so as to minimize the disturbance of banks, channels, and vegetation cover.
- 7] If any temporary watercourse alteration or diversion takes place, streams should be rerouted through their original channels.
- 8] The appropriate authorities should prohibit the unnecessary removal of gravel and soil from streambeds of the above-referenced watercourses and should ensure that there is no modification of these stream channels and banks without careful consideration of potential adverse environmental effects.

**THEME – EMERGENCY PLANNING**

The generally steep slopes combined with the wet climate of the area result in many areas having unstable banks or showing indications of past slumping or sloughing (mass wasting). In fact, along some areas of West Coast Road there is evidence of differential settling of underlying sediment and of creep, which suggests that this area may be vulnerable to erosion and in some areas to slope failure.

**Comment [T06]:** FROM SECTION 1.3.1

**4.3.1.3 Natural Hazard Areas Policies**

- 1] Areas with a slope exceeding 30 % are designated as Development Permit Areas, as shown on Map No. 5a. Policies for these areas are contained in section 4.4.4.
- 2] Areas that are potentially subject to flooding or erosion are generally included within the foreshore Development Permit Area and are shown on Map No. 5b. Guidelines for these areas are contained in section 4.4.5.
- 3] Areas that are considered to be at high risk of wildfire are shown on Map No.3, Significant Features. Within these areas, it is recommended that a 10-metre buffer in order to provide a fuel-free zone for fire protection be maintained between buildings and forested areas in new subdivisions where these areas are adjacent to forestland and woodlots of 20 hectares or more.
- 4] Within wildfire hazard areas, all development activities, subdivision and rezoning applications should be planned and implemented in a manner that will reduce risks associated with wildfires.
- 5] Owners/applicants are responsible for reviewing all subdivision proposals and rezoning applications in accordance with relevant provincial fire protection guidelines and policies.
- 6] Property owners are encouraged to adhere to the guidelines contained in the publication entitled *FireSmart: Protecting Your Community from Wildfire*.
- 4) Flood construction levels will be regulated by the applicable flood hazard management bylaw.
- 9) Access to lakes, rivers, streams, the sea, and other water sources for emergency purposes must be provided.
- 10] Any development proposal must incorporate designs that reduce forest fire risks for homes within, and at the edge of, forested lands.
- 11] The development must be sited to allow access for emergency vehicles.

**Comment [T07]:**  
FROM SECTION 4.2.2.2  
MARINE POLICY #4

**Comment [T08]:**  
FROM SECTION 4.1  
General Development Policies  
- #9 to 11

## **THEME – WATER**

### **1.4.1 Community Water System**

In addition to recognition of watercourses as sensitive ecosystems for flora and fauna it should be noted that Goudie Creek is the primary water source for the Sheringham Estates Water System.

**BELOW ARE POLICIES #4 to 7 FROM SECTION 4.1; THEY HAVE ALSO BEEN INCLUDED IN THE ENVIRONMENT THEME**

- 4) The development must respond to the physical constraints of the site and must limit the removal of or damage to any of the natural vegetation cover.
- 5] Any development must be designed to protect lakes, watercourses and their tributaries by not allowing sediments or other effluents into the water system and the Juan de Fuca Strait as outlined through the Development Approval Information process in Section 4.5 of this bylaw.
- 6] Stream crossings shall be located so as to minimize the disturbance of banks, channels, and vegetation cover.
- 7] If any temporary watercourse alteration or diversion takes place, streams should be rerouted through their original channels.
- 8] The appropriate authorities should prohibit the unnecessary removal of gravel and soil from streambeds of the above-referenced watercourses and should ensure that there is no modification of these stream channels and banks without careful consideration of potential adverse environmental effects.

**THEME - RESOURCES/AGRICULTURE**

**4.2.4 Agricultural Land Reserve Designation**

**4.2.4.1 Preamble**

Within the Shirley/Jordan River area there are numerous areas designated part of the Agricultural Land Reserve (ALR) and it is imperative that this land be protected for current and future agricultural activities.

**4.2.4.2 Agricultural Land Reserve Policies**

- 1] Development adjacent to agricultural areas may be supported subject to the following:
  - a. The site will have minimal impact on the existing man-made and natural physical features of the area;
  - b. There must be a buffer used between the proposed land use and the agricultural parcels of land.
- 2] The subdivision of any land within the ALR designated lands can only be supported for agricultural activities.
- 3] For land located within the ALR as outlined on Map No. 2, attached to and forming a part of this bylaw, this bylaw is binding only insofar as it is not contrary to the *Agricultural Land Reserve Act* and the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation 171/2002*.
- 4] It is a policy of the Capital Regional District not to support any subdivision for a relative in any ALR area as designated by the Province of British Columbia.
- 5] The CRD supports the preservation of agriculture and encourages farming.

**GRAVEL PITS – REQUIRED ELEMENT OF PLAN – Which theme? Resources????**

Based on the above information, most soils in the area are well- to rapidly-drained and many have developed in morainal deposits, which suggests that there could be a significant number of gravel deposits present in the area.

**1.3.3 Gravel Pit**

**Table 4: Gravel Pit**

Pit Number	Pit Name	Owner	Date Evaluated
6269B	French Beach	MoT	1985

There is one known gravel pit located in the Shirley/Jordan River planning area.

Source: Thurber Engineering 1990

**4.3.5 Sand and Gravel Deposits**

One gravel pit, described in section 1.3.3, was identified in the Shirley/Jordan River area during the preparation of this Plan. The location and operation of both existing and any future sand and gravel extraction activities are subject to the requirements of the *Mines Act*.

## THEME – PARKS AND TRAILS

### 1.6 Parks

There are several provincial and local (community) parks in the area as well as various recreation sites as outlined below. Approximate locations of parks and beach access points are shown on Map No. 3.

#### 1.6.1 Provincial Parks

- French Beach Provincial Park

59 Ha. (141.6 acres) Established January 24, 1974 The park is named after James French, who walked from New Brunswick to Victoria circa 1885 and built his home at French Beach. French was an early naturalist and the French family played an active part in the local logging industry. French Beach lies within the traditional territory of the T'Souke First Nation. Some recent management issues that are being addressed by BC Parks include vehicle break-ins and thefts from campsites, near-elimination of shellfish due to recreational harvesting, monitoring of air quality during high-use times for pollution from campfires.

The park serves a variety of purposes; the first is to provide day use and overnight recreational opportunities along the beautiful southwestern edge of Vancouver Island. The second role of the park is to protect important habitat for the blue-listed nodding semaphore grass and old-growth Douglas-fir; in addition, to provide fish habitat in Goudie and French creeks and to be a wildlife corridor for many larger mammals, such as cougar and black bear.

Special features of the park include the beach area, which is significant for its excellent whale-watching opportunities, other wildlife viewing opportunities, and beautiful views of the Strait of Juan de Fuca and the Olympic Mountains. Facilities provided at the park include 69 vehicle-accessible campsites, winter vehicle-accessible camping, playground, group campsites, picnic tables, fire rings, freshwater tap, pit toilet, sani-station/dump located on Highway 14 west of the park entrance.

Activities in the park include campfires, hiking, swimming, canoeing and kayaking, saltwater fishing, cycling (permitted on roadways), wildlife viewing (whales, otters, seals, sea lions, and seabirds) and scenic nature viewing, windsurfing.\* Please note that some of the above facilities are wheelchair-accessible.

Source: BC Parks

#### 1.6.2 Local (Community) Parks

There are several local (community) parks in the area. The following list provides the names of the parks with a brief description and assessment of each, as provided by the SEALRP, Sooke Electoral Area Long Range Plan, a report commissioned by the Sooke Electoral Area Parks and Recreation Commission (SEAPARC).

- Merrill Ring Property (A),

near French Beach 0.67 Ha (1.66 acres) Undeveloped Nature Park/Trail Accessible via Juan de Fuca Road, off West Coast Road; however, there is no defined access point. This park consists primarily of forest land (alder) and does not provide access to the waterfront. The Sooke Electoral Area Long Range Plan (SEALRP) recommends retaining this park as a public access point. The special features of this park include waterfront views of the Strait of Juan de Fuca and the Olympic Mountains, wildlife corridor, attractive sandy beach.

- Merrill Ring Property (B)

6.88 Ha. (17 acres) Undeveloped Nature Park, Passive Park Accessible via Cedar Coast Drive, off West Coast Road. The park is accessible to pedestrians via the logging road to the north and the trail from the SOUTH beginning at the northern portion of Lot 14. SEALRP recommends future use and preservation of the cabin located on the property, in addition to undertaking a flora species inventory. The park is significant for the following features: The excellent views of French Beach, the Strait of Juan de Fuca and the Olympic Mountains. The outstanding natural beauty and presence of sensitive flora. The "Priest's Cabin", which adds to the historic importance of the site.

**Comment [T09]:** Same information with bullet formatting removed. Will be rewritten in paragraph format using more current information.

- Kaulitz Park

0.68 Ha. (1.7 acres) Undeveloped Nature Park Accessible via West Coast Road (adjacent to Tieulie Place); however, there is no defined access SEAPLRP indicates that further expansion of this park is unnecessary at this time since it is situated close to French Beach, which provides many recreational opportunities This park is significant because t contributes forest cover (large fir trees) Goudie Creek, a seasonal creek, runs through the park it is likely to support wildlife

- Shirley Pioneer Park

0.45 Ha. (1.11 Acre) Passive Park Owned by the Shirley Community Association Situated at the corner of West Coast Road and Sheringham Point Road The legal point of entry is via Sheringham Point Road SEALRP recommends developing a plan for the improvement and maintenance of the garden facilities Site of the Shirley Fire Hall and the Community Hall This park is significant because it is a site of historical interest, there are several ornamental trees which have been planted to commemorate early pioneers; it provides picnic tables, covered barbecue and basic toilet facilities; and it hosts a variety of local events, such as Shirley Day and the Shirley Spring and Christmas Craft Show.

### 1.6.3 Recreation Sites

- Jordan River Surfing Beach

The recreation site provided at the beach is maintained by Western Forest Products. The purpose of the park is for excellent surfing opportunities and is a popular site for locals as well as regional visitors. The facilities provided at this site include 16 sites (picnic tables provided) 4 outhouses day-use parking Presently there are two small cabins on the property that appear to be used as private residences.

### 1.7 Beach Access Points/Right-of-Way

A REPORT COMMISSIONED BY THE CRD THROUGH THE ECONOMIC DEVELOPMENT COMMISSION, "JUAN DE FUCA ELECTORAL AREA FORESHORE ACCESS REPORT 2003," OUTLINES VARIOUS CONSTRAINTS AND OPPORTUNITIES ASSOCIATED WITH THE DEVELOPMENT OF PUBLIC BEACH ACCESS POINTS.

Comment [TO10]:  
INCLUDE SANDCUT

Comment [TO11]:  
CRD PARK

Comment [TO12]:  
Rewrite in paragraph format  
with most current information

DRAFT - For discussion purposes only

## **THEME – COMMUNITY HEALTH**

### **FROM SECTION 3.1.1 Objectives of Plan – also retained under goals and objectives**

Seek active cooperation between the CRD, local groups, and the Shirley/Jordan River Advisory Planning Commission

#### **2.4 Greenhouse Gas Reduction Targets**

The Capital Regional District will work to reduce greenhouse gas (GHG) emissions within the plan area shown on Map No. 1 by 3% below 2007 levels by 2020.

This target will be met by:

- a. Developing a carbon reduction plan for the Capital Regional District operations in the Shirley/Jordan River area; and
- b. Undertaking the following:
  - 1) Educating residents, businesses and tourists about climate change as it relates to community priorities.
  - 2) Reviewing existing policies and objectives within the OCP and/or establishing new policies and objectives with the intent of reducing energy use and protection of valuable carbon sinks.
  - 3) Collaborating with other governments in examining and implementing GHG reduction strategies on a regional basis through one or more of the following:
    - development of GHG reduction standards for buildings by addressing each issue such as energy performance, local material, orientation and density;
    - development of additional infrastructure for cycling, walking, transit and carpooling as alternatives to single occupant vehicle use;
    - waste reduction including enhanced waste diversion of recyclable materials;
    - protection of ecosystems through the conservation and enhancement of forested areas;
    - development of a renewable energy generation plan;
    - development of programs and policies that increase local food security and local food supply options.

**THEME: TRAFFIC**

**4.3.3 Roads and Servicing Policies**

**4.3.3.1 Preamble**

The provision of roads and services of the land could play a role in shaping the land use development patterns in the Shirley/Jordan River Plan area. No major roads, sewer systems or water systems are planned for the Shirley/Jordan River area at the time of preparation of this Plan.

**4.3.3.2 Road Development Policies**

- 1] The Ministry of Transportation and Infrastructure road standards and requirements shall be adhered to.

**THEME – COMMERCIAL/ECONOMY**

FROM Section 3.1.1 Objectives of Plan – Encourage businesses that are respectful of the community and its residents

(Also moved to first section of plan under goals and objectives)

**THEME - SERVICES**

DRAFT - For discussion purposes only

## 4.4 Development Permit Policies

### 4.4.1 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 following:

- Protection of the natural environment, its ecosystems, and biological diversity;
- Protection of development from hazardous conditions;
- Protection of farming;
- Establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

With respect to areas designated as Development Permit Areas, the Community Plan must:

- Describe the conditions or objectives that justify the designation;
- Specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

### 4.4.2 General Development Permit Guidelines

- 1] Where land lies within more than one Development Permit Area, all of the applicable permit requirements must be met.
- 2] In accordance with the *Local Government Act*, a Development Permit must be obtained prior to subdivision, construction, alteration of land, soil deposit or removal, or any other development or activity that would impact on any of the elements protected by a Development Permit.
- 3] Any additional information requested by the Capital Regional District as outlined in the following sections must be provided at the applicant's expense.

Any development, construction or alteration of land within an area designated as a Development Permit Area (DPA) is subject to the requirements of the relevant Development Permit (DP) policies contained in this bylaw.

**Comment [TO13]:** FROM SECTION 4.1 General Development Policies – #1

### 4.4.3 General Exemptions for a Development Permit

No Development Permit will be required for the following:

1. internal alterations to a building;
2. accessory buildings built after the main residential structure, but included in the original building permit plans;
3. structures which are not greater in area than 10.0 square metres (107 square feet) and are accessory to an existing residence. This may include but is not limited to:
  - gazebos;
  - garden sheds;
  - tool sheds; and

- decks;
4. walkways, ramps and/or stairways for providing pedestrian and/or wheelchair access to any structure exempted in paragraph 3 above;
  5. removal of hazard trees;
  6. emergency actions for flood or erosion protection;
  7. emergency works to repair or replace public utilities or infrastructure;
  8. removal of invasive non-native vegetation from riparian areas;
  9. in-stream habitat development or restoration that complies with provincial and federal legislation and requirements.
  10. subdivision and development applications on lands subject to steep slopes or watercourses, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the parcel does not include slopes exceeding 30-percent or 16.7 degrees in slope over a minimum 10 metre run, or not to contain a watercourse or wetland (that is, no features requiring protection are located on the parcel);
  11. development applications on lands subject to steep slopes or watercourse, wetlands or riparian development permit, where a qualified professional submits a report or provides certification acceptable to the CRD that the proposed development is located outside the steep slope or riparian assessment area, or the setback for non-fish bearing watercourses or wetlands (that is, no feature requiring protection will be affected). This exemption does not apply to subdivision applications.

DRAFT - For discussion purposes only

#### **4.4.4 Development Permit Area No. 1: Steep Slopes**

##### **4.4.4.1 Designation**

That part of the Shirley/Jordan River area shown in blue hatching outlined on Map No. 5a, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area under Section 919.1(1)(b) of the *Local Government Act*.

All areas having slopes exceeding 30 % or 16.7 degrees in slope over a minimum 10 metre run are designated as Development Permit Areas and are shown on Steep Slopes Development Permit Area Map No. 5a, which is attached to and forms a part of this bylaw. 4.4.4.2 Justification

As pursuant to Section 919.1(1)(b) of the *Local Government Act*

(Protection of development from hazardous conditions)

The topography of the area, as well as the slope gradation and thin soil cover, renders the area highly susceptible to erosion and high windthrow hazard. Careful control of development or other alteration of these slopes is needed to reduce the risk to life and property, to prevent erosion and potential risks to down-slope properties, to prevent destabilization of slopes, and to protect the visual quality of the slopes. Land clearing, road construction, changes in slope profiles, construction of buildings or roads, or other site disturbance in these areas could increase risk to life and property and harm the environmental values of the slopes.

##### **4.4.4.3 Objective**

To regulate development in the area with a view to protecting the integrity of the slopes and reducing the risk of injury to persons or damage to property.

##### **4.4.4.4 Guidelines**

Development Permits issued in steep slope areas shall be in accordance with the following:

- 1] There shall be no site disturbances on a steep slope other than those allowed in a Development Permit or subject to a general exemption as outlined in section 4.4.3 of this bylaw.
- 2] Excluding trees that present a safety hazard or those that a higher-level government has authorized to be removed, no disturbance of vegetation or movement of substrate will be allowed where there is any potential for erosion, other than that allowed in a Development Permit or subject to a general exemption.
- 3] Erosion control measures, during and after construction, will be specified in the permit application.
- 4] Any development must be designed to avoid stormwater runoff that could destabilize the slope or cause damage to neighbouring properties.
- 5] Removal of vegetation should be minimized to allow only for building sites, sewage disposal systems, driveways, landscaping, and other permitted land uses.
- 6] A disturbed site should be revegetated using plant material indigenous to the site or other suitable non-invasive plants.

#### **4.4.5 Development Permit Area No. 2: Foreshore and Marine Shoreline Areas**

##### **4.4.5.1 Designation**

That part of the Shirley/Jordan River foreshore area, shown in a heavy blue line on Map No. 5b, which is attached to and forms a part of this bylaw, is designated a Development Permit Area under Section 919.1(1)(a) of the *Local Government Act*.

##### **4.4.5.2 Justification**

As pursuant to Section 919.1(1)(a) of the *Local Government Act* (Protection of the natural environment, its ecosystems and biological diversity)

All foreshore areas are considered fragile. A Development Permit will be required for any uses, buildings or structures proposed within 15.0 metres (50 feet) of the natural boundary of the sea.

##### **4.4.5.3 Objective**

To regulate development adjacent to foreshore and marine shoreline areas in order to maintain the ecological value of these areas, and to guard against their contamination.

##### **4.4.5.4 Guidelines**

Development Permits issued in these areas will be in accordance with the following:

- 1] No development, building, structure, site disturbance or sewage disposal system will be permitted in a foreshore or marine shoreline Development Permit area as specified in the Justification above, except those subject to the general exemptions as outlined in section 4.4.3 or as permitted by a Development Permit.
- 2] An assessment by a qualified professional and a B.C. land surveyor's certificate will be conditions of the Development Permit for shoreline protection devices or works.
- 4] Vegetation appropriate, preferably indigenous, to the site may be required to be planted on the site to reduce erosion risk, restore the natural character of the site, improve water quality, or stabilize slopes and banks.
- 5] Modification of banks, or shores, which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted.
- 6] All new developments or modifications to existing developments must be designed to avoid any increase in runoff.

#### **4.4.6 Development Permit Area No. 3: Watercourses, Wetlands, and Riparian Areas**

##### **4.4.6.1 Designation**

1. That part of the Shirley/Jordan River area shaded blue, adjacent to the various creeks and streams as outlined on Map No. 5b, which is attached to and forms a part of this bylaw;
2. that part of the Shirley/Jordan River area shaded blue, adjacent to the various lakes and wetlands as outlined on Map No. 5b, which is attached to and forms a part of this bylaw, are designated as Development Permit Areas under Section 919.1(1)(a) of the *Local Government Act*; and
3. notwithstanding the areas identified on Map 5b, the actual Development Permit Area No. 3: Watercourses, Wetlands and Riparian Areas will in every case be verified and measured on the ground.

##### **4.4.6.2 Justification**

As pursuant to Section 919.1(1)(a) of the *Local Government Act*

(Protection of the natural environment, its ecosystems and biological diversity)

Riparian ecosystems occur adjacent to lakes, streams, creeks, and rivers, where the increased soil moisture supports and enhances plant communities distinct from the adjacent terrestrial areas. As a general rule, the protection of riparian systems is important for the following reasons: the protection of their biodiversity, the maintenance of water quality, the protection of aquatic habitat, and the retention of wildlife corridors.

The Development Permit Area established under this section for the watercourses, streams, wetlands and riparian areas includes:

1. All non-tidal water, such as watercourses, wetlands, and all lands lying within 30 metres (100 feet) of these features.
2. Watercourse areas as identified on Map No. 5b, the extent of which shall be partly determined through the *Riparian Areas Regulation* process for fish-bearing watercourses and by a Qualified Professional for non-fish bearing watercourses.

##### **4.4.6.3 Objective**

To regulate development adjacent to water features, watercourses and riparian areas in order to protect the community's water supply, to maintain the ecological value of these areas, and to guard against their contamination.

##### **4.4.6.4 Guidelines**

Development Permits issued in these areas shall be in accordance with the following:

- 1] Development or alteration of land or vegetation should be planned to avoid intrusion into Development Permit Areas and to minimize the impact of any activity in these areas.
- 2] No development, building or other structure, subdivision of land, sewage disposal system or site disturbance (alteration of land or vegetation) shall be permitted in the Development Permit Areas, as indicated on Map No. 5b, except as permitted by a Development Permit.
- 3] Development activities or proposals that have addressed the requirements of the *Riparian Areas Regulation* will be deemed to have met the requirements of this Development Permit Area as it pertains to fish-bearing watercourses. There may be a need for additional requirements for habitat protection for wildlife/birds/amphibians and land management responsibilities of the Regional

District for both fish and non-fish bearing watercourses.

- 4] Development Permit applications that affect a fish-bearing watercourse will include a report prepared by a Qualified Environmental Professional (QEP), as defined by the *Riparian Areas Regulation*, (BC Reg. 376/2004). The report should be prepared pursuant to the *Riparian Areas Regulations Assessment Methodology Guidebook*.
- 7] Any development must be designed so as to maintain the quality of any stormwater flowing toward or into the identified water features and to prevent any increase in volume and peak flow of runoff.
- 8] Vegetation appropriate, preferably indigenous, to the site may be required to be planted on the site to reduce erosion risk, restore the natural character of the site, improve water quality, or stabilize slopes and banks.
- 9] Modification of channels, banks, or shores, which could result in environmental harm or significantly alter local hydrological conditions, will not be permitted.
- 10] All new developments or modifications to existing developments must be designed to avoid any increase in runoff and to prevent pollutants from entering water features.
- 11] Gardening and other related residential activities should be sited so as to prevent nutrient-rich water from entering natural water features.
- 12] The Development Permit may designate and specify, where necessary, a buffer zone within which land alteration or structures will be limited to those compatible with safeguarding the characteristics of the water feature in accordance with a professional report.
- 13] Development Permits issued with regard to road and driveway construction in this area will ensure that:
  - a) watercourse crossings are located so as to minimize disturbance of water feature banks, channels, shores, and vegetation cover;
  - b) wherever possible, bridges are used instead of culverts for crossings of fish-bearing watercourses;
  - c) culverts are sited to allow unrestricted movement of fish in both directions. Where desirable, culverts may be designed to encourage in-stream storage of water.
- 14] That when land is being cleared for farm uses as defined in the *Agricultural Land Commission Act*, the required setback on both sides of a riparian area shall not be less than three (3.0) metres.

## **4.4.7 Development Permit Area No. 4: Protection of Farming**

### **4.4.7.1 Designation**

That part of the Shirley/Jordan River area outline in brown, which extends 15 metres from the Agricultural Land Reserve boundaries, as outlined on Map No. 5d, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area under Section 919.1 (1) (c) of the *Local Government Act*.

### **4.4.7.2 Justification**

As pursuant to Section 919.1 (1) (c) of the *Local Government Act* (Protection of Farming).

These areas are situated immediately adjacent to designated Agricultural Land Reserve areas. The *Farm Practices Protection Act* gives farmers the right to farm provided they are following normal farm practices; this Development Permit Area will ensure that adjacent land uses do not interfere with the functioning of normal farm operations and help mitigate potential conflicts between adjacent uses. Retaining the viability of these lands for agriculture is important in terms of providing local food security and economic diversity but also in terms of preserving valuable rural landscapes for the community.

### **4.4.7.3 Objective**

To regulate development in such areas in a manner that protects the viability of agriculture for present and future generations.

### **4.4.7.4 Guidelines**

Development Permits issued in agricultural areas shall be in accordance with the following:

- 1] Require the siting of buildings or structures such that road access is oriented away from adjacent land used for farming.
- 2] The Development Permit may designate and specify, where necessary, a buffer zone within which land alteration or structures will be limited to those compatible with the characteristics of agriculture.
- 3] Areas within any designated buffer zone should be landscaped in such a way as to provide a physical barrier between the agricultural use and the adjacent uses. This could include the planting of trees or shrubs that are natural to the area.
- 4] If applicable, there will be no siting of buildings or structures, including structures associated with the development of a trail or linear park, inside the buffer area.
- 5] Drainage in the Development Permit Area will be designed and constructed so that there is no increase or decrease in the amount of surface-water or groundwater available to the agricultural lands.

#### **4.4.8 Development Permit Area No. 5: Commercial Development Areas**

##### **4.4.8.1 Designation**

The areas of land shown shaded yellow on Map No. 5c, which is attached to and forms a part of this bylaw, are designated as a Development Permit Areas for the form and character of commercial development.

##### **4.4.8.2 Justification**

As pursuant to Section 919.1 (1) (f) of the *Local Government Act* (Establishment of guidelines for the form and character of commercial, industrial and multi-family residential development).

The various commercial areas in Shirley/Jordan River merit designation as Development Permit Areas for the form and character of commercial development due to their unique location and their relationship to surrounding land uses.

##### **4.4.8.3 Objective**

To encourage a building design theme that is complementary to and respectful of the natural setting.

##### **4.4.8.4 Guidelines**

Development Permits issued in these areas shall be in accordance with the following:

- 1] Design buildings to take advantage of natural contours and features of the landscape so that buildings and structures fit into the natural surroundings.
- 2] Cluster buildings to reduce and minimize disturbance of the natural vegetative cover.
- 3] Design buildings in a form which can make best use of the natural environment, which allows for retention of natural vegetative cover, and which reinforces existing aesthetic and natural advantages of area.
- 4] Retain existing second-growth forest and native understorey plants in areas where there are no buildings, structures, parking areas, or other constructed features.
- 5] Minimize outdoor storage and screen outdoor storage and loading/unloading facilities from neighbouring properties through the retention of trees and native understorey plants or the planting of native or complementary species.
- 6] Screen parking areas to the greatest extent possible, with existing and new landscaping as described in subparagraph (5).
- 7] Install outdoor lighting which is of low intensity and pedestrian-oriented or which is directed down and away from surrounding residential areas so as to reduce and minimize glare into the environment.
- 8] If applicable, site accessory developments, such as parking and storage, away from the shoreline to reduce the visual impact of the development from the water.

## 4.5 Development Approval Information Area

### 4.5.1 Designation

Part of the Shirley/Jordan River study area, as shown on Map No. 6, which is attached to and forms a part of this bylaw, is designated as a Development Approval Information area.

### 4.5.2 Justification

- 1] The natural environment of the Shirley/Jordan River area supports an ecosystem of great diversity, including rare species of flora and fauna, and supports human habitation. All of the living things in Shirley/Jordan River depend on the quantity and quality of the available groundwater. Any development with the potential to deplete the groundwater or interfere with wetlands in one region also has the potential to diminish the quantity and quality of available groundwater in one or more of the other groundwater regions. In particular, the extent to which a new well is likely to interfere with an existing well cannot be reliably inferred except from actual interference testing of the affected wells.
- 2] Any new large-scale development will increase the traffic flow along the various roads within Shirley/Jordan River. Information is required in reviewing the potential impact that the larger traffic flows may have upon these various roads.\*
- 3] New development may affect the provision of fire and police protection in Shirley/Jordan River. Information is required on the possible impact that development may have upon the provision of fire and police protection.
- 4] Given the topography and the rich biodiversity of Shirley/Jordan River, the Plan area has numerous environmentally sensitive features that require a thorough analysis to be completed prior to development taking place. This also includes an analysis of any liquid waste disposal in order to ensure that it has no adverse effect on human health or the natural environment.

### 4.5.3 Objective

- 1] Information relating to the following matters is required whenever an application is made for either a zoning change or a Development Permit:
  - a. the natural environment;
  - b. traffic flows;
  - c. the provision of community services including but not limited to schools, fire protection, policing and similar services;
  - d. the local infrastructure, which means water service, sewage disposal, and other utilities.

### 4.5.4 Guidelines

- 1] As a part of an application for a zoning change or the issuance of a Development Permit, applicants must provide, at their expense, an assessment by a qualified professional, as outlined in the Development Approval Information Bylaw, of the impact that the proposed development may have on any of the above-referenced matters.

\* In terms of traffic flow, large-scale development is defined as the creation of 20 or more lots. This includes phased approaches or one time application for all the new lots.

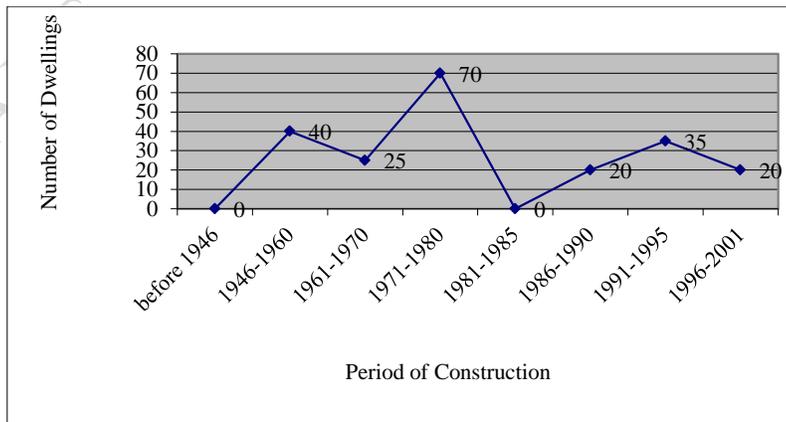
**APPENDIX:**

**Table 1: 2001 Population Breakdown**

Age	Jordan River/Shirley
0 - 4	20
5 - 9	20
10 - 14	25
15 - 19	30
20 - 24	25
25 - 29	35
30 - 34	30
35 - 39	35
40 - 44	35
45 - 49	40
50 - 54	45
55 - 59	40
60 - 64	50
65 - 69	15
70 - 74	20
75 - 79	15
80 - 84	5
85 - 89	0
90 - 94	0
95 - 99	0
100 +	0
Total - All Ages	490

The number of building permits issued in the area is as follows:

**Figure 1: Period of Construction of Private Dwellings**



Source: Capital Regional District Planning Department 2001

Notes 1/. Data for 2001-2006 is represented in Table 2.

**Table 2: Building Permits 2001 - 2006**

	2001	2002	2003	2004	2005	2006	Total
Building Permits Issued	4	7	10	7	7	9	44

### 1.3.2 Geological Setting and Soil Characteristics

The following soil associations have been identified in the Shirley/Jordan River area:

**Table 3: Soil Units of the Shirley/Jordan River Area**

Soil Associations	Drainage Rating	Usual Texture	Slope Range in Percent (Degrees)	Developed In	General Topographical Characteristics
Cassidy (CA)	Rapidly drained	Very gravelly loamy sand or very gravelly sand	Usually less than 5 (3)	Areas that consist of deep, sandy gravelly, fluvial, fluvio-glacial or marine deposits	Recently deposited material
Haslam (H)	Well-drained	Gravelly sandy loam or gravelly loam	2-9 (1-5)	Areas that consist of fine morainal (till) deposits	Undulating to gently rolling; Normally underlain by shale or siltstone
Hawarth (HA)	Rapidly drained	Very gravelly to gravelly loamy sand	30-60 (17-33)	Areas that consist of deep, sandy gravelly, fluvial or fluvio-glacial or marine deposits	Steeply sloping; Hilly
Honeymoon (HM)	Rapidly drained	Very gravelly loamy sand	5-15 (3-8)	Areas that consist of deep, sandy, gravelly fluvial, fluvio-glacial or marine deposits	Moderately rolling to strongly rolling
Quatsino (QS)	Well-drained	Gravelly sandy loam	5-30 (3-17)	Areas that consist of deep, gravelly, sandy morainal (till) deposits	Gently rolling to moderately rolling; Presence of cobbles, stones and boulders is common
Quimper (QP)	Well-drained	Gravelly sandy loam or gravelly loamy sand	9-60 (5-33)	Areas that consist of deep, sandy gravelly morainal (till) deposits	Moderately rolling to hilly
Quinsam (QN)	Well-drained	Gravelly, sandy loam or gravelly loamy sand	9-30 (5-17)	Areas that consist of deep, sandy gravelly morainal (till) deposits	Moderately rolling to strongly rolling
Robertson (RB)	Well- to rapidly drained	Gravelly loam to cobbly very gravelly sandy loam	9-30 (5-17)	Areas that consist of rubbly, sandy or gravelly colluvial or morainal deposits	Moderately rolling to strongly rolling; Less than one meter thick over bedrock
Rock Outcrop	-	-	-	Bedrock	-
Rossiter (RT)	Well-drained	Gravelly loam to cobbly, very gravelly sandy loam	9-60 (5-33)	Areas that consist of rubbly, sandy and gravelly sandy colluvial or morainal deposits	Moderately rolling to hilly; Less than 10-50cm thick over bedrock
Rutley (RY)	Well-drained	Gravelly loam to very gravelly or gravelly sandy loam	2-5 (1-3); some areas have slopes ranging from 15-60 (8-33)	Areas that consist of rubbly, bouldery sand, colluvial or morainal deposits	Gently sloping; some areas are strongly rolling to hilly

## **.5.1 Potential Heritage Buildings**

This section describes buildings that have been identified as being sites of high heritage value within the Shirley/Jordan River area. It is important to note that these buildings have not been officially designated, by bylaw, as heritage sites.

### *Cross Point Farm - Sunny Brae Road*

This house was built in 1903 by Charles Smith and is situated on the coast east of Sheringham Point Lighthouse. In 1920 Thomas E. Cross bought the house and in 1921 a tree fell on it and knocked it off the original foundation. It was pulled back into shape and moved to its present location. The house has undergone some renovations and remains the property of Cross family descendants (1984).

### *Austin Kirby house - Kirby Road, Jordan River*

This house, built in 1908, is believed to be the oldest house in Jordan River. The house is in some ways associated with all three industries, logging, hydro-electric, and copper mining, which have shaped Jordan River. It was the first office of the Michigan Pacific Lumber Company, and later (1909) was bought by the Vancouver Island Power Company. Austin Kirby came to Jordan River as a driver for Sunlock Mines and bought the land and house from the power company in 1918. The house has undergone renovations but still retains features of the original home.

### *Jordan River Powerhouse*

"For nearly half a century this Plant was the main hydro-electric operation producing and transmitting electricity to serve Victoria and the lower Island area. It was built by Vancouver Island Power Company, a subsidiary of B.C. Electric" (Sooke Region Museum 1985). Construction of the power generating system began in 1909 and records "show that the first power reached Victoria on September 10, 1911. Diversion Dam, located about seven miles upstream from the river mouth, is one of the largest dams in the province and was heralded as a major engineering achievement when built in 1912" (Sooke Region Museum 1985). The population of Jordan River peaked during the construction phase at 1000 people, many of whom left after the construction was finished. In 1962, the B.C Hydro and Power Authority took over the Jordan River hydro-electric system and a new powerhouse and other infrastructure were built.

### *V.I Power Co. Guest house - Kirby Road, Jordan River*

Built around 1912, this house is situated on the hill above the old power station and was built to house visitors to the plant's operations. It provides wonderful views to the Strait of Juan de Fuca as well as the Olympic Mountains. When Kirby bought his property (please see above, Austin Kirby house) he also inadvertently became owner of the guest house due to faulty surveying. After Kirby's death, the house was owned by "Joey" Giacomini (Austin Kirby's widow) until 1980.

### *1<sup>st</sup> Jordan River School - Kirby Road, Jordan River*

Built in 1912 by the Vancouver Island Power Company this building also sits on the hill above the power plant. It was used as a school until 1918, when classes were transferred to a building in the village centre, and afterwards used as a residence. Around 1920, Austin and "Joey" Kirby bought the house and rented it to Poiriers, who later bought the home.

### *2<sup>nd</sup> Jordan River School - Jordan River*

Before classes were moved to this site in 1918, the building was used as a hospital for both copper miners and loggers. In 1948, school was transferred to a nearby World War II army camp and the old building was moved east a short distance and became the home of the school bus driver, later serving as a teacherage.

### *Superintendent's house - Jordan River*

Built in 1914 by the Michigan Pacific Lumber Company, this house has been the property of a variety of forestry companies since. It served to house superintendents and their families but was also rented to the power company to house some of their men. In 1926, the son of an employee of the power company

was born in this house. In 1971, a mudslide hit the back porch and the building was later moved fifty feet from its original wood post foundation to a concrete one in addition to other renovations.

*Sheringham Point Lighthouse - Sheringham Point Road (also see above Sheringham Point Lighthouse, section 1.7)*

Installed in 1912, this lighthouse was the scene of an accident soon after it was installed. "The master of an inbound ship, being unfamiliar with this new light, mistook it for the light at Race Rocks, and, believing he was approaching Esquimalt Harbour, turned his ship to port, and sailed the *Country Linlithgow* right onto Gordons Beach" (Sooke Region Museum 1985). The Arden family were the lighthouse keepers for thirty-four years. The original residence, built in 1912, was a plain two-storey house and was removed from the property many years ago.

*Mountainview - West Coast Road*

In 1912 Percy Clark began working on this two-storey house on the hill west of Kirby Creek, building it for his bride Margaret Anderson. He purchased much of the lumber from the Malahat Farm and the home was completed in 1914. The exterior has retained many of the original features; however, the interior has been significantly altered.

Source: Sooke Region Museum, 1985

*Shirley Community Hall, West Coast Road and Sheringham Point Road*

The site that currently hosts the Shirley Community Association's Pioneer Park was donated in 1915 by Mr. Hugh Campbell and originally hosted the Shirley schoolhouse from 1915-1946. In fact, several Shirley community members attended this schoolhouse. The Shirley Community Hall was built in 1937 and provides a venue for community events, including weddings, elections, playgroups, and many others. The Shirley Community Association received a Heritage Grant in 1988/89 to improve the community hall. All subsequent additions to the hall, including the additions made to house fire protection machinery and equipment, and other upgrades, were carefully planned to complement the existing hall and to maintain its historic appearance.

Source: Shirley Community Association, 2004

Listed below is a summary of the findings:

- Salmon Road
  - Undeveloped road right-of-way extending from West Coast Road to Orveas Bay
  - Development of the site is not recommended for the following reasons\*:
    - Very steep slope
    - Development at the site could cause erosion of the steep slope and damage existing habitat (coastal rainforest, nearby Muir Creek and kelp beds in the nearshore)
    - Adverse parking conditions on West Coast Road would conflict with the existing traffic flow

\*Note: Based on the above information this site should be retained as a community greenspace site.

- "Pork Chop Hill Road", previously known as "Newell Road"
  - Partially developed road right-of-way extending from Sunnybrae Road to the Strait of Juan de Fuca
  - Surrounded by residential properties
  - Development of the site is not recommended for the following reasons:
    - Steep slope and drainage patterns at the site make it vulnerable to erosion and make the slope potentially unstable

- Forest cover provides habitat, which should be retained as community greenspace
  - Seaside Drive #1
    - Undeveloped road right-of-way extending from Seaside Drive to Strait of Juan de Fuca
    - Development of the site is not recommended for the following reasons:
      - Rough terrain is unsuitable for trail development
      - Presence of a steep cliff would necessitate construction of a staircase to provide safe access to the foreshore
      - Right-of-way is only 6 metres wide
      - Beach area does not provide much opportunity for recreational activities because of its small size
      - Parking on Seaside Drive is limited
  - Seaside Drive #2
    - Undeveloped road right-of-way extending from the eastern end of Seaside Drive to the Strait of Juan de Fuca
    - Site is adjacent to the Sheringham Point Light Station property, a portion of which the Ministry of Fisheries and Oceans has recently identified as surplus to their operations. The excellent view of the lighthouse, the Strait of Juan de Fuca and the Olympic Mountains are major assets to this property and this plus the historical importance of the lighthouse would make this site an excellent regional park. If the regional park is established, then the Seaside Drive right-of-way could be developed to provide pedestrian access to the park from the adjacent residential area.
    - Development of the site is not recommended for the following reasons\*:
      - There is limited space for parking
      - Established public access point exists at Flea Beach, 650 metres to the west of the site
      - There is a steep slope that would necessitate the construction of a staircase
- \*Note: Based on the above information, this site should be retained as a trail access point, which could serve the Regional Park in the event that such a park is created.

- Flea Beach Road
  - Partially developed road right-of-way extending from Seaside Drive to the Strait of Juan de Fuca
  - Public access already exists at the site; however, there is potential for improvement as a recreation area, including signage indicating that the area is a public beach. Since the beach is accessible by road, the area has excellent accessibility for a variety of users, including the elderly and people with disabilities.
  - Significant features at the site include the following:
    - Dense thickets of salmonberry and a variety of other native plants
    - Small creek flowing through the area to the foreshore
    - Lovely cobble beach in a cove bordered by rocky headlands
- Marion Road and Adjacent Park
  - Undeveloped road right-of-way extending from West Coast Road to the Strait of Juan

de Fuca

- Located near the residential subdivision along Fishboat Bay Road and West Coast Road
- The site is significant because
  - A watercourse is present at the site
  - Parks on either side of the right-of-way are densely forested with several old growth Western red cedar, Sitka spruce, and Douglas-fir trees
  - These parks provide habitat for a variety of wildlife, including cormorants and otters
- Development of the site is not recommended for the following reasons:
  - Steep slope of the site
  - Poor parking conditions on West Coast Road, which may conflict with the existing traffic flow
- Fishboat Bay Road and Adjacent Park
  - Partially developed road right-of-way
  - Bordered by residential/recreational property that is part of a strata subdivision just south of West Coast Road, consisting of approximately a dozen lots
  - The site is significant for the following features:
    - Pristine coastal rainforest
    - Excellent habitat for flora and fauna
  - The site has excellent potential for development due to the natural beauty of the site, space for parking and ample space for recreational activities; in addition, this site along with the adjacent Marion Road and parkland could form an exceptional nature park.
  - The following actions need to be carried out if development occurs:
    - Replacement of dangerous trail to the foreshore
    - Provide signage advising users of the steep and rough trail
    - Provide signage advising users of the dangerous wave action and slippery rocks
    - Create a proper trail with steps and retaining wall to prevent erosion and preserve the sensitive groundcover
- Poseidon Place
  - Undeveloped road right-of-way extending from Fishboat Bay Road to the Strait of Juan de Fuca
  - Surrounded by residential lots
  - Development of the site is not recommended for the following reasons:
    - Steep slope (20-30 metres high) at the southern end of Poseidon Road above the foreshore
    - Lack of parking space
    - Rocky shoreline
- Packham Road

- Undeveloped road right-of-way extending from West Coast Road to the Strait of Juan de Fuca
- Surrounded by residential lots
- The site is significant for the following features:
  - Coastal rainforest, which provides excellent habitat for wildlife
- Development of the site is not recommended for the following reasons\*:
  - Steep section is a falling hazard
  - No space for the development of parking area
  - Adverse parking conditions on West Coast Road may conflict with the existing traffic pattern
  - The foreshore is not appropriate for recreational activities, including boat launching, due to the small size of the beach area

\*Note: Based upon the above information this site should be retained as a community greenspace site.

- Jordan River Town Site
  - Approximately 300 metres of road right-of-way along West Coast Road and adjacent to the foreshore
  - Foreshore at this location consists of an expansive shingle beach at Jordan River and is part of the Jordan River Surfing Beach Provincial Park Reserve (res.#1-6-1-475)
  - Surrounding area consists primarily of residential and commercial properties
  - Western Forest Products Jordan River Recreation site is located within 200 metres of the site, across the Jordan River
  - Site-specific issues include the following:
    - Sitka spruce ranging in age between 20 and 60 years grow between the mid-section of the strip of land between West Coast Road and the foreshore; the roots of these trees have been undermined by erosion of the beach and represent a significant falling hazard to the public and to nearby property; this therefore requires immediate attention
    - Coastline is fortified by rip-rap; however, there are spots along the coastline within the right-of-way where rip-rap has become dislodged
    - With high tides and storm surges, the West Coast road and adjacent buildings may be flooded or debris may be washed up onto the road. This has happened twice in the last 10 years.

The Western Forest Products site (please see section 1.5.3) provides ample recreation space and any further development at the site would require extensive consultation with the residents of Jordan River.

**THE FOLLOWING FOUR SECTIONS WILL NEED TO BE REWRITTEN TO EXTRACT THE POLICY STATEMENTS AND LEAVE OUT THE ADMINISTRATIVE DETAILS OF HOW TO APPLY FOR AN APPLICATION WHICH SHOULD BE IN BYLAW #1561**

**SECTION 4.4.4.4 (7)**

An applicant shall be required to provide a Slope Stability Plan, certified by a qualified professional with relevant expertise, showing how the proposed development is to be designed and constructed so as to prevent any destabilization or erosion on the slope. The Slope Stability Plan must take account of, but is not limited to whichever of the following factors are relevant to the proposed development:

- a) Slope stability prior to development, identification of any areas subject to landslide, landslip, rockfall, and windthrow;
- b) Soil types, depths, and conditions;
- c) Siting of all buildings and other structures, services, driveways, and parking areas;
- d) Existing and proposed impervious surfaces;
- e) Stream channeling and drainage systems;
- f) Measures to safeguard neighbouring properties and structures from hazards arising from the siting, the preparation of the site (including but not limited to blasting), and the construction of the proposed development;
- g) Design of mitigation measures, such as sediment traps, in areas subject to destabilization during land clearing, construction, and rehabilitation;
- h) Alternative vegetation and erosion control measures;
- i) Survey of tree cover and other major vegetation cover shown before and after the proposed development;
- j) Location of well, sewage disposal system, and soil test sites;
- k) Anticipated removal or additions of soil, sand, or gravel.

**From Section 4.4.5.4**

A Development Permit application will provide the following:

- a site plan, certified by a qualified, licensed professional with relevant expertise, drawn at a scale of 1:2,000 or, with approval of the Capital Regional District, at a scale of 1:5,000. The site plan must show:
  - a) the foreshore areas on the site;
  - b) the proposed location of the principal dwelling or other buildings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces, and direction and quantity of any surface water discharge, before and after any development;
  - c) any other feature of the development (including but not limited to alteration of the ground surface by removal, filling, or blasting) with the potential to affect the protected areas.

**FROM SECTION 4.4.6.4**

Development Permit applications that affect non-fish bearing watercourses will include a report/assessment prepared by a qualified professional (eg. RPBio, Environmental Engineer) outlining the following information:

- a) a detailed site plan drawn at a scale of 1:2,000 (or with the approval of the Capital Regional District, 1:5,000) identifying the high water mark of a stream or top of a ravine bank and a line 15 metres from the high water mark or top of ravine bank;
  - b) any intermittent or permanent wetlands on the site;
  - c) an environmental assessment of the watercourse ecosystem;
  - d) an impact statement describing effects of proposed development on the natural conditions;
  - e) measures deemed necessary to protect the integrity of the watercourse ecosystem from the effects of development;
  - f) guidelines and procedures for mitigating habitat degradation including limits of proposed leave areas;
  - g) habitat compensation alternatives, where compensation is approved.
- 6] All Development Permit applications will also include a plan showing the following:
- a) the proposed location of the principal dwelling or other buildings and any accessory structures, wells, sewage disposal systems, driveways, parking areas, impermeable surfaces, and direction and quantity of any surface water discharge, before and after any development;
  - b) any other feature of the development (including but not limited to alteration of the ground surface by removal, filling, or blasting) with the potential to affect the protected areas;

**FROM SECTION 4.4.7.4**

A scale-drawn site plan, certified by a qualified professional, drawn at a scale of 1:2,000, or, with approval of the Capital Regional District at a scale of 1:5,000, must be prepared and provided to the Capital Regional District. The site plan must show:

- a) the proposed location of the principal dwellings, any accessory structures, wells, sewage disposal systems, driveways, parking areas, and impermeable surfaces;
- b) identification of all other features of the development with the potential to affect the protected area, including but not limited to, the direction and quantity of any surface water discharge before and after development.

**IN SECTION 2.5 BELOW - SECOND SENTENCE MAY NO LONGER BE APPLICABLE; FIRST SENTENCE MOVED TO PROCESS THEME**

This Community Plan has two policy sections for that purpose: development policies in Part 4.0 to be addressed at the development stage and community policies in Part 5.0, which can be refined by the community over the long-term.

- if any development occurs, care must be taken to minimize the impact on the natural environment, the existing neighbourhoods and any ALR designated land.
- 3] Any development should be consistent with the retention of the visual landscape of natural areas, especially on or near hilltops and ridges and on the waterfront.
- Development** proposals should address the requirements established in National Fire Protection Association (NFPA) standards 1142 (Water Supplies for Suburban and Rural Fire Fighting).

**Comment [T014]:** FROM SECTION 4.1 General Development Policies - #2 and #3 are too broad and will discuss how to rewrite

**Comment [T015]:** FROM SECTION 4.1 Policies 12 to 19.

- 13] There are several archaeological sites within the planning area; therefore, any proposed development may be subject to an archaeological search conducted by CRD Planning staff. As a result, the applicant may be required to contact the Archaeological Branch of the provincial government in order to satisfy their requirements.
- 14] Historic and archaeological sites are sensitive to human presence. Development proposals will be review in relation to existing and possible archaeological sites, and where sites are apparent, such proposals will be referred to the Heritage Conservation Branch of the provincial government for comment.
- 15] Where forestry and forestry-related activities are practiced as a permitted use, such activities are supported and encouraged to continue.
- 16] Any privately-owned forestland that is assessed as Managed Forest under the *Private Managed Forest Land Act* should be retained and managed as long-term forestry lands.
- 17] Where lands are assessed as Managed Forest under the *Private Managed Forest Land Act*, uses permitted under the *Act* will be deemed permitted uses under this Plan.
- 18] Conformance with the guidelines in the provincial publication *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia* and in the joint federal-provincial publication *Land Development Guidelines for the Protection of Aquatic Habitat* is encouraged.
- 19] It is acknowledged that there are environmentally sensitive areas within the Plan area that have not been mapped or identified in this Plan. In order to identify and protect these areas, all development proponents are encouraged to conduct a complete site terrain and inventory analysis to locate environmentally sensitive areas, sensitive ecosystems, rare and endangered species and habitat prior to planning development. The actual physical reality shall take precedence over its geographical representation on a map.

### 1.5.2 Archaeological Sites

Part of the plan area's heritage includes archaeological sites – evidence of the past and how people lived. These represent the only component 'written' history of the area that exist today and deserve protection. There is one recorded archaeological site in the Ministry of Tourism, Sport and the Arts for the plan area and likely more to be discovered. Whether recorded or not the *Heritage Conservation Act* protects archaeological resources on both private and on Crown land. A heritage permit is required from the province to alter an archaeological site.

The OCP notes there are likely to be heritage sites within the Plan area and where development might encounter archaeological sites. It is recommended that when development occurs the developer engage a qualified archaeologist to determine if archaeological studies of the proposed development site are required. The Ministry can provide further information concerning archaeological information for the area.

**Comment [T016]:**  
NEEDS TO BE REWRITTEN  
TO BE LESS SPECIFIC