

**Notes of a Meeting of the Shirley/Jordan River Citizens' Committee  
Official Community Plan Review – Meeting #9  
Held June 25, 2014 at Shirley Community Hall, 2795 Sheringham Point Road, Shirley BC**

---

**PRESENT:** Margaret Johnson, Ron Ramsay, Fiona McDannold, Frank Limshue,  
Brenda Mark

**Staff:** Tracy Olsen, Project Coordinator, Emma Taylor, Planner

**ABSENT:** Sonja de Wit, Pascale Knoglinger, Claire Denesovych,  
Wayne Jackaman, Dom Bernardet

**PUBLIC:** Two

The meeting was called to order at 7:02 p.m.

**1. Introductions**

**2. Review of Agenda**

**3. Review of Notes of June 11, 2014 Meeting**

Emma Taylor noted that the discussion the Committee had regarding gathering baseline data on water should be added to the notes. Tracy Olsen mentioned that although a Committee member had actually said a “one in 300 year” flood occurrence, the much more common term of a “one in 200 year” flood occurrence was used in the notes.

**4. Status of Any Action Items**

**5. Boundaries of Shirley-Jordan River Plan Area**

The policy statements describing the boundaries of the Plan Area from Bylaw No. 1645, the previous OCP, and Bylaw No. 3717, the current OCP, were handed out to Committee members. In the respective current OCPs, Muir Creek was used to delineate the planning area boundary between the Otter Point and the Shirley-Jordan River. This same boundary was used again in the recently revised Otter Point OCP with a slight tweaking of the boundary at the mouth of Muir Creek to accommodate the 300 metre off-shore jurisdictional boundary of the CRD. Tracy Olsen pointed out that if Shirley-Jordan River Citizens' Committee advocated changing the boundaries for the purpose of preparing this OCP, then new mapping would need to be prepared, new data must be generated and the progress of the Otter Point OCP through the formal review process could be affected.

A member asked why the planning area boundary review promised in section 5.2 of the existing OCP had not been done. Tracy explained that usually OCP's are only referred to in response to a development proposal and are not used as work plans. The revised Otter Point OCP still has a reference to the working boundaries. It was agreed by Committee members to use Muir Creek as the boundary between the two Planning Areas for the purposes of preparing the OCP and to retain the current policy statements (5.2 (1) and (2)) regarding the working boundary but to delete the second sentence in policy statement 5.2(1) setting a one year target for reviewing the boundaries.

Another anomaly of the Shirley-Jordan River Plan Area boundaries is the portion of Blueberry Flats south of Highway #14. Although it is contiguous with the Plan Area, this

area is actually in the Rural Resource Lands OCP. The current boundary between these two planning areas does not follow any property lines or geographic features. It was agreed by the Committee that staff would follow up on the possibility of including this portion of the Blueberry Flats in the Shirley-Jordan River Plan Area.

## **6. Settlement Theme**

The Committee began its' discussion of the Settlement Theme. A member noted that the Cedar Coast and Fish Boat Bay subdivisions were missing from the discussion paper. Sheringham Estates is the name of the 126 lot subdivision along Seaside Drive not the immediately adjacent 18 lot subdivision created in 2006. Tracy will find the correct name for the 18 lot subdivision.

How affordable and special needs housing are addressed in the Plan Area was discussed. In response to a question from a Committee member on the time frame covered by the population projections and number of dwelling units needed to accommodate future growth, Emma advised that the start date is 2014. Tracy noted the relatively small average family size could be indicative of seasonal occupation of dwellings. Table Four listing the number of parcels by zoning and land use designation and Table Five analyzing the number of potential new lots by zone were discussed by the Committee.

Under the existing zoning, Tracy noted there is currently no development potential in the SCA. Other than a possible nine additional lots in the SCA which could be created by rezoning, all of the development potential in the Plan Area is outside of the SCA. Without rezoning, up to 407 additional lots are possible in the Settlement Area (SA) and with rezoning, up to 1425 lots might be created in the SA. Much of this development potential arises from large parcels zoned Rural Resource designated as SA. Rezoning applications for minimum lot sizes of two hectares are supported by current policy statements for these large parcels. Much of the development potential is north of Highway #14 at a higher elevation than the existing settlement areas. The relationship between rezoning applications and policies in the OCP was reviewed by the Committee. Committee members agreed that any large parcels zoned Rural Resource Land and owned by the provincial government will be designated as Rural Resource Lands in the revised OCP. Policy statements will be added supporting resource uses and a parcel size of 120 hectares.

There are large parcels, some of which are land-locked, zoned Forestry with a minimum lot size of four hectares. Because of the high costs associated with servicing these properties for the purpose of development, it was agreed to create a new designation in the OCP for parcels zoned Forestry and not accessible by public road. This new designation will have policy statements supporting forestry uses and a parcel size of four hectares.

Committee members were asked if there were any properties which should be added to the SCA. The challenge of providing services to lots smaller than two hectares was noted by a Committee member. The interrelationship between servicing and OCP land use designations was discussed by the Committee. Emma explained that even when there is a four hectare minimum lot size in a particular zone, smaller lots can be created in bare land strata subdivisions through lot averaging. When asked if parcels less than two hectares in area with no subdivision potential should be added to the SCA, the Committee was of the opinion that there was no advantage in adding this type of parcel but did feel that the SCA land use designation should be retained.

Teresa Howden, Victoria, wanted to know the zoning of the Girl Guide camp. Staff advised it was Rural (A), a portion of which is in the Agricultural Land Reserve.

Debb Read, Jordan River, wanted to know if new developments could connect to existing water systems. Tracy replied that it was assumed that all new developments would need to provide their own water. In terms of how access to water is regulated, Tracy advised that the Province issues water licenses, Vancouver Island Health Authority (VIHA) regulates quality and adequacy and the CRD has a servicing bylaw requiring that each house must have a potable water supply. Teresa noted that VIHA requires all camps to have a potable water supply on-site and that the Girl Guide camp cannot use the two surface wells without a permanent disinfection system. A Committee member suggested that a watershed plan could aid in determining where development should occur.

After the break, a hand-out was distributed to the Committee containing information on Rural (A) zoning and land tenure. In the vicinity of Shirley, six Rural (A) zoned properties have been developed as building stratas. Tracy explained that in fee simple and bare land strata subdivisions, people own their lots. In building stratas, people own their houses to the centre of the walls. The process by which a building strata is created is to first build all of the new houses to lock-up, then a strata plan is registered with Land Titles prior to occupancy. Approval by local government is not needed. There is a table in the hand-out listing all of the building stratas in Shirley and the year they were registered.

Also in the hand-out is a table analyzing some of the requirements for rezoning Rural (A) and what type of policies could be in the OCP. In response to a question by a Committee member, staff advised that neighbourhood consultation is not a requirement of developing a Rural (A) property for multi-dwelling units; only building permits are necessary. If a property is subdivided, further information can be requested and if there is a rezoning to allow subdivision into parcel sizes of less than four hectares, then the neighbours will be consulted. One Committee member observed that there may be fewer dwelling units if the property is subdivided. Another member wanted to know if the value of the Rural (A) properties would be increased if they can be subdivided. Tracy advised that she thought houses on “four on tens” would be more affordable but has heard that the appraisals of the houses on “four on tens” arrived at market values very similar to those on bare land stratas.

A Committee member asked about the different standards for driveways and was advised that in a fee simple subdivision, public road access is required. Bare land strata subdivisions can have a private road but input from the fire department on access can be requested by the Approving Officer. For building stratas, the building inspector asks for the opinion of fire department. Emma said that many of the existing building stratas have a shared well and no strata corporation has been set up. When a problem arises on a “four on ten”, most people who talk to CRD staff do not seem to know what they have bought.

Neither the OCP nor the zoning bylaw regulate tenure so building stratas are possible. Policies supportive of rezoning Rural (A) properties to encourage fee simple or bare land strata subdivisions are the recommended approach. Because the Rural (A) zone has a sliding scale which determines the number of houses based on lot size, it means that the larger the Rural (A) parcel is, the more houses there can be. For example, a sixteen hectare property can be subdivided into four-four hectare lots which would then allow a total of 16 dwelling units to be built. Because the density can be increased by subdividing larger parcels in to smaller four-hectare parcels, Tracy explained that the minimum average lot size needed to encourage subdivision of Rural (A) properties is approximately one hectare.

A Committee member pointed out that you will not encourage owners of Rural (A) properties to rezone their properties for fee simple or bareland strata subdivisions instead of buildings stratas, if the maximum number of dwelling units possible under the new zone is less than what they can achieve under the current Rural (A) zoning.

Because a rezoning is required before a Rural (A) property can be subdivided into one hectare lots, an amenity such as trail construction may be requested. Five percent parkland dedication or cash-in-lieu is required at the time of subdivision when three or more lots are being created, none of which are less than two hectares in size.”

Several draft policy statements were reviewed by the Committee members to assist staff in determining the preferred criteria to be used when drafting policies supportive of Rural (A) rezonings. In response to an inquiry from a Committee member, Tracy explained that the Rural (A) zone will remain and if a rezoning application is not approved, then the property owner will still be able to develop their property in accordance with its Rural (A) zoning. Tracy noted that in the recently prepared Otter Point OCP, there is a policy recommending an average parcel size of one hectare but no lots smaller than 0.5 hectares. The Committee is willing to entertain a similar policy in the rough draft of the revised OCP.

At previous meetings, the Committee has discussed the types of commercial uses which are supported. In terms of industrial uses, under Settlement Area, the current OCP mentions forestry and industrial activities located in Jordan River, but offers no further guidance as there are no policy statements.

One Committee member wanted something done about gravel pits. Staff explained that gravel pits are a use permitted outright by the Province. It is only if a gravel pit operation starts processing gravel on-site that local government has some control.

Policies around the types of industrial and tourism uses supported on the new Rural Resource and Forest/Rural Land Use designations will be added to the revised OCP. It was agreed by the Committee that eco-tourism would be supported on these lands.

A Committee member brought up his problem of having to get permits for the temporary towers used to do metrological testing and thought it would be nice if this use could be permitted outright. Two options were presented by Emma. The zoning bylaw could be changed to allow the research and development of renewable resources as an outright use or policies could be included in the OCP to require that this change be made to the zoning bylaw if it is revised in the future. In response to concerns from another Committee member regarding the potential impact of permanent wind towers, this Committee member said that he was not talking about the permanent wind towers, only the temporary towers used to gather metrological information.

There is a policy in the OCP which allows for amenity bonusing and staff wanted to know what specific amenities the Committee would like to see acquired for the community noting the importance which has been placed on Muir Creek in the Committee's earlier conversations.

In response to a question from a Committee member, staff advised it would be possible to have a statement supporting the transfer of density from one property to another property owned by the same party in exchange for acquiring one of the two parcels. Regional Parks has identified Muir Creek as a possible acquisition but does not have sufficient funds to buy

it at this time. A Committee member noted that lack of developable area on the Muir Creek property due to environmental sensitivities and other constraints and felt this would prevent any future development. Tracy explained that a development permit can be used to guide development but not to prevent it. An amenity would be over and above the 5% parkland required by statute and it's likely the community is interested in acquiring more than 5% of this property in order to protect the environmentally sensitive areas and gain access to the beach.

A Committee member said that there is no legislation stating that old growth trees can't be harvested. Responsible forest companies do not harvest this type of tree because of their environmental importance but future owners of the land might not feel the same way. Staff explained the importance of having a policy statement regarding the community's interest in acquiring Muir Creek as parkland in exchange for rezoning to an increased density so that future owners would be aware of this option. An open-ended statement regarding the amount of density that would be considered in exchange for the amenity is preferred as the increase in density should be determined based on how much land will be offered as park. Part of the Muir Creek property is within the Otter Point Plan Area, so staff must make sure the policies of the two Plan Areas are not conflicting.

Committee members agreed that parks and trails are amenities that the community is interested in acquiring and that the construction of trails at the time of development is a suitable amenity.

Before adjourning for the summer, Tracy canvassed all of the members to see if there were any thoughts or comments for staff before writing begins on the OCP. One Committee member said that water needs to be featured predominantly in the document. Another member wanted clearer definitions about industrial uses in the OCP.

The Committee discussed the importance of reaching out to the community. The large sandwich board advertising there is an OCP meeting that gets mounted at the entrance Shirley Community Hall needs to be reactivated. Notices mounted at community mail boxes are another good way to get the message out. Tracy explained that the release of the rough draft of the OCP will be well-advertised in the community.

Debb Read, Jordan River expressed her concern that Jordan River was not represented in the composition of the Committee and the lack of policies about the industrial land in Jordan River noting the disturbance to the residents caused by the existing log sort yard. Emma explained that there were two members from Jordan River on the Committee but both were absent tonight. The conversation on industrial land in Jordan River is being deferred because the Committee members here tonight are uncomfortable in speaking on behalf of Jordan River. Tracy will contact the Jordan River Committee members about this matter and advised that a Committee member has specifically asked for an Open House to be held in Jordan River.

## **7. Next Meeting**

The next meeting will be in September, most likely on September 24, 2014.

The meeting adjourned at 9:32 p.m.