

**Notes of a Meeting of the Shirley/Jordan River Citizens' Committee
Official Community Plan Review – Meeting #11
Held October 1, 2014 at Shirley Community Hall, 2795 Sheringham Point Road, Shirley BC**

PRESENT: Sonja de Wit, Ron Ramsay, Fiona McDannold,
Staff: Tracy Olsen, Project Coordinator, Emma Taylor, Planner
ABSENT: Margaret Johnson Claire Denesovych, Pascale Knoglinger; Wayne Jackaman,
Dom Bernardet, Brenda Mark, Frank Limshue
PUBLIC: None.

The meeting was called to order at 7:10 p.m.

1. Introductions

2. Review of Agenda

The agenda from the September 24, 2014 meeting will be continued.

3. Review of the Revised Official Community Plan Rough Draft #1

Tracy Olsen advised that written comments have been submitted by two Committee members not in attendance tonight. Their comments related to Parts Five and Six will be read aloud tonight at the relevant time. Some of the written comments relate to issues discussed last week and being brought forward for a detailed discussion tonight. When these identified matters are discussed in detail, the written comments will be read aloud.

One member also requested minor changes to parts of the OCP discussed last week but which are not part of any detailed discussion tonight. As the changes are minor, the changes will be made, highlighted in the revised draft (Rough Draft #2) and added to Appendix A with a special notation. Any concerns about these minor changes can be brought up at the next Committee meeting.

The Committee was advised that the existing and proposed Riparian Development Permit Area (DPA) includes a 30 metre buffer around all watercourses. The SEI recommends a 10 metre buffer around non-fish bearing watercourses but there is no confirmation of which watercourses are fish bearing or not. To safely implement the *Riparian Area Regulations*, a 30 metre buffer will continue to be used to establish the DPA.

The locations of four eagle nests are shown in the detailed mapping for the SEI. For the next meeting, the buffers around eagle nests will be mapped out in accordance with the consultant's recommendation. Tracy noted that there is powerful provincial legislation in place to deal with eagles' nests. The consultants point out that the District of Saanich uses buffers to protect nests. To see how this type of buffer is implemented in conjunction with the provincial legislation, Tracy will contact Saanich.

The Industrial DPA designates two parcels of land in Jordan River as a DPA for form and character. One parcel is used as a log sort although not zoned for industrial use, it is registered in the PMFL program. Policies in the revised OCP support restoration of the property to a salt marsh if the log sort use is discontinued.

The other parcel designated as an Industrial DPA is on the east side of the Jordan River, north of Highway #14. The land is currently owned by the CRD but is being considered for

sale as surplus. It is zoned Rural A. If the parcel is disposed of, then a rezoning application would be required for industrial uses other than those currently allowed in the Rural A zone (land based finfish culture). Wording for industrial uses will be added to the DPA by staff.

A Committee member asked in writing about the reference to multi-family in s. 552. Staff explained that “multi-family” is used along with commercial and industrial in s. 919.1(1)(f) of the *Local Government Act*. The policies in the revised OCP do not support this type of land use which is why there is no multi-family DPA or guidelines. Any rezoning application for multi-family use would also require an OCP amendment including an amendment to designate the subject area as a DPA with appropriate guidelines.

The Committee discussed the exemption in the Steep Slopes DPA which would allow the removal of five trees without having a report by an expert (s. 515 (D) providing the root ball was kept. The Committee agreed that it seemed reasonable to only allow for the removal of up to five trees without an expert report as selective pruning is also allowed in this DPA.

Staff pointed out that the proposed DPA for Foreshore Protection now extends 15 metres out from the natural boundary of the sea as well as 15 metres inland. Private ramps, floats and docks with provincial approval are exempt from having to get a DP but not commercial operations. In response to a question from a Committee member, staff explained that a DPA seaward of the natural boundary will allow for Green Shores techniques to be applied to breakwaters and armouring of the foreshore. The guidelines have been revised to accommodate recommendations often made by qualified professionals and government agencies for works in the foreshore such as the use of bio-fuels and barging in equipment.

It was noted that the last six policies in section 484 should be numbered from J to O; not F and G then I to M. Tracy handed out a page with corrected numbering and will use the corrected numbering when referring to policy statements.

Concerns about policy statement 484 (E) caused a CC member to ask in writing for the underlined changes: “*Notwithstanding other policies concerning lot size on properties zoned Rural A, only parcels currently strata-titled with multiple dwellings*”. Tracy explained that if the wording is changed to “currently strata-titled”, then this policy would not apply to already developed Rural A properties owned jointly or as tenants-in-common: Forms of tenure most likely to be in place for family owned properties. The CC members felt that this policy should apply to all developed Rural A properties regardless of tenure but did not want it to apply in situations where properties had not been fully developed. For example, two houses are already built but four houses would be possible.

The term “Rural A” was not used in s.484 (E) as the name of the zone may be changed when the current zoning bylaw is up-dated. It was agreed to either use the term “Rural A” or else develop a definition for properties with multiple dwelling units to clarify it only applied to Rural A properties and not to other zones allowing multiple dwellings or to secondary suites.

After discussing the issues that can arise from common ownership of Rural A zoned properties (legal action, inability get agreement to correct servicing issues, strata corporations not set-up) and the benefits which can accrue if these properties are subdivided (park dedication, higher servicing standards), Committee members proposed a three-tiered approach to Rural A:

- Rezoning of additional properties to Rural A is not supported.

- Rezoning of properties zoned Rural A and already developed with three or more dwelling units as of the date of adoption of this OCP to a single family zone is supported providing there is no increase in density.
- Rezoning of properties zoned Rural A as of the date of adoption of this Plan to an single family zone which allows an average lot size of one hectare is supported providing there is no increase in density over what would be possible if the property were to be developed as a building strata.

New policy statements regarding the Rural A zone will be added to Rough Draft #2 for the Committee's review.

A Committee member requested in writing that staff explain to the Committee what lot averaging means. Emma Taylor circulated an example of a subdivision where lot averaging was used. The advantages to lot averaging are the ability to acquire parkland and protect large areas of green space. The Committee agrees with the practice of lot averaging for these reasons. Tracy will look at ways to change the wording of policies 484 (D) and 484 (L) to provide more clarity around minimum lot sizes and lot averaging.

There is a request in writing from a Committee member to add a policy statement saying no new properties will be added to the Settlement Area without a common water and sewer system. Staff explained that none of the policies in the revised OCP support designating additional lands as Settlement. An OCP amendment would be required before land could be added. If there was a policy statement in the revised OCP requiring common water and sewer for adding land to the Settlement Area, it could be misconstrued as support for adding land subject to these conditions being met. Regardless, if there was support to amend the OCP for the purpose of adding land to the Settlement Area, then any policy requiring common water and sewer could also be amended at the same time.

In writing, a Committee member also suggested replacing 484 (L) with these policy statements: *For lands designated Rural Settlement, the minimum lot size will be 4 hectares. Lot averaging may be permitted allowing an average lot size of 2.0 HA with no lots less than 1.0 HA.* This Committee member appears to be suggesting a density of four hectares in the Rural Settlement Land Use Designation (LUD). Staff suggested instead of changing the density for Rural Settlement, that lands where this density is desired could be added to the Forest LUD which supports a four hectare parcel size.

It was noted that there are a number of large parcels registered in the Private Managed Forest Land program which would be well-suited to the Forest LUD. Staff will contact the property owners to advise them that the Committee is considering this action.

4. Other Business

A preliminary Table of Concordance showing the changes between the existing OCP and revised OCP was shown to the Committee members to see if they wanted it completed. It was agreed that a full Table of Concordance was not needed but if the revisions to particular policies were of concern to the public or Committee members, staff would provide the background information on new numbering, wording changes or deletions.

As there have not been many people from Jordan River participating in the review process, it was agreed that an open house should be held in Jordan River prior to a community workshop. Staff will investigate finding a suitable location for this event.

Based on the discussions from tonight's meeting and Meeting #10, staff will prepare Rough Draft #2 and a committee meeting will be held to go the changes. If the Committee is satisfied with the document, staff will prepare for a community workshop on November 29th at the Shirley Community Hall. Another CC meeting will be scheduled for December 10th to discuss the community workshop and further revisions to the OCP.

5. Next Meeting

The next regular meeting will be October 29th at 7:00 p.m. at the Community Hall.

The meeting adjourned at 9:20 p.m.

Appendix A: List of Request Changes to Rough Draft #1 of the OCP

Page	Comment	Status as of Oct. 17
9	s. 209 Investigate ways to make this clearer	Need expert advice
12	s. 310 Include other creek names in particular, Aleda.	Done
13	s. 311 Identify who is considering a water protection plan.	Done
14	Confirmed drinking water not obtained from Jordan R.	Fixed.
14	Include policy re: DPA for groundwater conservation.	See 414 (D).
16	Added "only major road" re: s. 877of LGA compliance.	Staff initiative
18	10 meter buffer around non-fish bearing creeks	30 m on all creeks
18	10 meter buffer around other SEIs & eagle nests	Maps for Oct. 29
20	No organized effort at ecological restoration on Jordan River	Fixed.
21	Add more information on meeting place in Jordan River	JR Open House
26	s. 335 Clarify multi-use trails are for non-motorized vehicles	Fixed. Also 434 (M)
32	High speed internet now available in Shirley.	Delete 1 st sentence
36	Include discussion of recreation programs, etc.	In progress
36	Shirley is named after a town in England not an explorer.	Fixed.
38	Now 80 members in the Sooke Philharmonic.	Fixed.
38 *	No sure about the term "Greater Sooke Region:	Fixed.
39	Add importance of subsidies for rec & fitness programs	Done
41	Add examples: soap-making, seaweed harvesting; eco-tours	Done
45	Can density increase transferred outside of Plan Area?	Discuss on Oct. 29
45	Still concerns about Plan Area boundary at Muir Creek	Discuss on Oct. 29
49	Table Nine - check tally for number of parcels	Fixed.
50	s. 408 correct Name of LUD to Rural Settlement	Done
52	s. 411 Add stakeholder group & resulting in a formal plan	411 (A) (B); 412 (J)
52	s. 414 (J) Make clear the concern is synthetic chemicals.	Done.
53	s. 414 (C) delete the word "gradually"	Done.
53	s. 414 Add more about DPA and timing and length of well testing	s. 414 (D) and (I)
54	s. 422 Re-phrase and relocate	s. 542
54	s.424 Add GHG and Climate Change to title in brackets	Committee clarify.
55	More emphasis on conservation.	Committee clarify
56	s. 433 (H) Rework to emphasize parkland over cash in lieu	Fixed.
60	s. 442 (J) can replanting be required.	See DPA No. 5
65 *	s. 461 (B) & (J) Use "family and youth"; instead of just "youth"	Added
65	s. 461 (C) Add Shirley	See s. 461 (D)
69	s. 484 Fix numbering	Done
69	s. 484 Add policy stating rezoning to Rural A not supported	Done
69	s. 484 (E) Make it clear that applies to Rural A/define	In progress
69	s. 484 (K) Make the MLS and lot averaging clearer	See revision
69	s. 484 (L) Make the MLS and lot averaging clearer	See revision
69	s. 484 (L) increase MLS to 4 ha in Rural Settlement	Contacting owners
74	503 (C) Limit area at-grade patios & change walkways to trails	Done.
74	s.503 Added ALR and PMFL as they are exempt by Province	Staff initiative
77	s. 515 (C) make clearer	See revision
80	Make it clearer that commercial marinas need DP not private	See 525 (F)
84	Deleted s. 534 (O) as it is a repeat of s. 534 (E)	Staff initiative
85	Added s. 534 (U) based on Planning Law & Administration	Staff initiative
85	s. 535 (B) Add internal alterations and no impact on land	See revision
89	Add industrial guidelines to Commercial & Industrial DPA	In progress
94	s. 602 Tracy to check how MOTI handles traffic studies	S.85 of LTA
94	s. 602 B can ask for traffic studies in rezonings for 10 lots >	Done

*Minor change requested by Committee member in writing but not discussed at meeting.