



Making a difference...together

Notes of a Meeting of the Shirley/Jordan River Citizens' Committee

Official Community Plan Review – Meeting #13

Held November 9, 2014 at Shirley Community Hall, 2795 Sheringham Point Road, Shirley BC

PRESENT: Ron Ramsay, Fiona McDannold, Wayne Jackaman, Pascale Knoglinger;
Frank Limshue, Margaret Johnson; Dom Bernardet, Brenda Mark
Staff: Tracy Olsen, Project Coordinator, Emma Taylor, Planner

ABSENT: Claire Denesovych, Sonja de Wit,

PUBLIC: None.

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

1. Introductions

2. Acceptance of Agenda

3. Review of Notes from the October 29th, 2014 Meeting

In response to a question from a Committee member, the differences between a development permit area on Schedule F and a land use designation on Schedule B were explained by staff.

4. Status of Action Items:

Staff asked Madrone Consultants Ltd. about the Terrestrial Ecosystem Mapping (TEM) label assigned to the Jordan River Estuary. Based on the current condition of the Jordan River estuary, and after discussing the matter with experts in the field, Madrone confirmed that Jordan River does not meet the criteria for the estuarine TEM label.

The contact information for the Ministry of Transportation and Infrastructure has been given to the Committee member who requested it.

5. Report Back on November 1st, 2014 Open House in Jordan River

A written report on the Open House in Jordan River was provided to the Committee members. Around 30 people attended.

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

Two Committee members responded to staff's request to provide any comments on Rough Draft #2 that they might have in addition to those already listed on "Appendix A" (attached to the October 29th meeting notes). "Appendix A" has been updated as "Appendix B" and is attached to the November 19th meeting notes. "Appendix B" provides a status report on the progress made in addressing the Committee's comments on Rough Draft #2. Staff are proposing to address any additional concerns raised by Committee members under Agenda Item #8 if time permits. The four items listed as "To be discussed" on "Appendix B" will be covered under Agenda Item #7: Camp Jubilee; RV Parks, Land Use Designations and Rural (A) zoning. Two Committee members noted that they have are likely to have further comments in addition to those already listed on Appendix B or otherwise provided, in particular, there was interest in reviewing the guidelines for the Commercial and Industrial Development Permit Area.

Staff confirmed Rough Draft #2 will be used at the Open House. A Rough Draft #3 cannot be written until after the December 10th meeting once the additional comments from the Committee are received and the results of the Open House are reviewed.

7. Specific Topics for Discussion

Tracy Olsen contacted the Girl Guides of Canada to discuss the future plans for Camp Jubilee. There is interest in possibly adding a bunkhouse and caretaker's cottage sometime in the future. The Rural (A) zoning of the property does not allow for a bunkhouse and unless there is a supportive policy in the OCP, an OCP amendment might be required to accommodate recreational development of the camp. To facilitate a rezoning request for higher density recreational uses such as a bunkhouse, or for site specific zone to be considered during a zoning bylaw rewrite, a supportive policy in the update OCP would be useful. Committee members agreed that a specific policy statement should be added to the updated OCP supporting the continued use of Camp Jubilee as a Girl Guide camp.

A Committee member has raised concerns about recreational vehicle (RV) parks including water consumption, effluent disposal, highway access and the tendency for seasonal occupation to be extended to year round residency. It was noted that the two nearby provincial parks provide camping sites that can be used RVs.

Emma Taylor clarified that a previous application for an RV park near Jordan River was changed to an application for a residential zone and a neighbourhood commercial zone, neither of which allows RV parks. Emma advised that the only property in the Plan Area with zoning for an RV Park is Point No Point. A Committee member noted that people can buy leases on properties and then park their RV there. Committee members discussed the high density of RV parks and the commonly associated amenities such as a club house, a store and recreational facilities. Committee members agreed that while camping is supported, RV Parks are not. A policy statement will be added to the OCP stating the RV parks are not supported in any land use designation. Staff added that manufactured homes or modular homes on residential lots would not be affected by this type of policy.

At the October 29th, 2014 meeting, a Committee member presented a draft Rural Land Use Bylaw for illustrative purposes and asked for consideration of a rural conservation area. In response, a third option for Schedule B was prepared for the Committee's consideration which respects the Electoral Area Director's public statement that there will be no "downzoning". To avoid downzoning, the density for the OCP land use designation cannot be less than the minimum lot sizes of the various zones in that land use designation or all of the parcels in that land use designation must already be too small to be subdivided any further. Copies of the third option were handed out to the Committee members.

The names for the land use designations have been changed as some were too similar to names used in the Regional Sustainability Strategy. Staff reviewed the new names:

Former Name	New Name	Density
Resource Forestry	Renewable Resource	One parcel per 120 hectares
Rural Settlement	Coastal Uplands	One parcel per 4 hectares
Settlement	Western Lands	One parcel per 2 hectares
	No change	One parcel per 1 hectare

There were no changes to the Agriculture, Park and Marine designations. The name "Western Lands" is just a place holder name until a better one is found. Names referring to a specific community or subdivision should be avoided though.

A Committee member noted that minimum lot size for the Shores subdivision is one hectare but on the Option #3 Schedule B, it is designated as Western Lands with a density of two hectares. Staff noted that the Shores is already designated as "Settlement" in the current OCP which supports a density of greater than two hectares and that none of the lots are subdividable under the current zoning as they are all smaller than two hectares.

Most Committee members liked Option #3 for Schedule B: Land Use Designations and are agreeable to having it presented at the November 29th Open House. The second option which was circulated at an earlier Citizens' Committee meeting will also be presented. Staff noted that some of the details on the third option have not yet been sorted out, in particular, properties currently zoned for tourism commercial uses.

In response to a question from a Committee member, staff and another Committee member explained the relationship between policies in the OCP regarding density and rezoning applications. Although a policy in the OCP supports a certain density, it does not mean that a rezoning application for that density is guaranteed approval. It does improve the chances for success of that application though and avoids the need for an OCP amendment in addition to the rezoning application.

Tracy explained the number of houses allowed on a parcel in the Rural (A) zone is based on lot size. For this reason, it can be argued that the Rural (A) zone has a density of one house per hectare as four houses are allowed on a four hectare parcel. Rural (A) is a unique zone. Many of the Rural (A) zoned properties are developed as a building strata. Purchasers of a house in a building strata can be unaware of the implications owning a house with this type of tenure. While building stratas can work well, sometimes, problems arise, particularly around servicing or when a strata corporation has not been set up.

The Committee members agreed with the proposed policy statement 484 (N) which does not support future rezonings to Rural (A). The proposed wording for policy 484 (M) to address already developed Rural (A) properties was read aloud. Staff estimate that four properties in the Plan Area have been developed as a building strata. Staff stressed that there will need to be a rezoning application in order to subdivide these properties, but the minimum lot sizes could be smaller than what is allowed by the land use designation providing the overall density of the property was not increased. A ratio of one house per lot is being used.

Staff read aloud policy 484 (L) that would apply to properties zoned as Rural (A) that are not developed or not fully developed. A Committee member asked how many people would be interested in subdividing under this type of policy. Staff advised that a policy like this is in the Otter Point OCP and will likely be in the updated East Sooke OCP where more lands are zoned Rural (A). The purpose of the policy is to encourage rezoning for the purpose of subdivision instead of development as a building strata but it is too early to tell if the new Otter Point OCP will encourage developers to subdivide instead of doing a building strata.

Most of the larger parcels zoned Rural (A) are owned by the government and one of the parcels is owned by the Girl Guides. The remaining three large parcels have an area of 8 hectares, 14 hectares and 24 hectares. There are two-six hectare parcels and one-five hectare parcel. There are thirteen parcels with an area between four and five hectares.

One Committee member reminded the rest of the Committee that road and parkland dedication would be required as part of any rezoning application so requiring one hectare minimum lot size might not encourage rezonings. The better idea might be to allow smaller lot sizes based on a ratio of one lot per hectare of land prior to road and park dedication. Staff confirmed that the parkland dedication or cash-in-lieu requirement cannot be waived.

Infrastructure requirements are not as onerous for four on tens making them cheaper to develop. For example, driveways instead of roads, are the only requirement for internal access. One Committee member did not support smaller lot sizes and felt it was buyer beware. Another Committee member recognized that first time buyers might not be aware of what they were buying into.

In principal, all Committee members agree with providing a fee simple alternative to the Rural (A) zone. Most members are not concerned about establishing a minimum lot size but do not want to see density increased. One member asked what difference does lot size make if there are four houses at the start and four at the end. The difficulty is determining if there is need for an incentive to encourage rezonings and what is an appropriate incentive. It is more expensive to do a fee simple subdivision than a building strata so an extra lot may be necessary to offset the additional cost of subdividing.

The Committee discussed concerns about having the proper protocols in place to acquire the right type of parkland. If it is subdivision, then there is little opportunity for public input, but if it is a rezoning, as all of the Rural (A) properties would need to go through, then the public would have more opportunity to comment on the overall proposal including parkland.

Servicing requirements for building stratas were discussed by the Committee as well as the other factors affecting lot size such as the lay of the land, riparian areas and access. Recognizing that servicing standards have changed in the past ten years, Emma was asked by a Committee member to contact VIHA for more information on community wells and septic systems in a building strata.

8. Other Business Items

There will be an Open House on November 29, 2014 from 1 to 4. The public is welcome. There will be displays around the room with a questionnaire to get input on the changes being proposed. People can register for an exercise regarding Rural (A) and settlement patterns. A Committee member asked if the workshop could be limited to residents only.

9. Next Meeting

The next regular meeting will be December 10th, 2014 at 7:00 p.m. at the Community Hall.

The meeting adjourned at 9:15 p.m.

APPENDIX A: REPORT BACK ON NOVEMBER 29th, 2014 OPEN HOUSE

An Open House was held from 1:00 to 4 p.m. on Saturday, November 29th, 2014 at the Shirley Community Hall as part of the Shirley-Jordan River Official Community Plan Review (OCP). Notices were sent to all residents of the communities of Shirley and Jordan River with mail boxes accepting bulk mail-outs. Approximately 14 people attended.

A series of nine posters, each associated with a theme in the updated OCP were displayed. There was also one poster for Development Permit Areas (DPAs). Each poster listed the highlights of that particular theme. Background information was included on each poster and provided an overview of the Citizens' Committee's conversations, relevant tables and statistics. Posters to welcome participants, outline the OCP review process, administrative matters and provide answers to "Frequently Asked Questions" were also on display.

A set of comment sheets was also prepared: one for each of the ten posters. The comment sheet provided information similar to what was on the poster for each theme. Open-ended questions were then asked. Most participants left their completed forms in the box provided but some took the sheets away to complete prior to December 2nd, 2014. Two responses were received by this deadline. The comments have been transcribed below under the heading: "Responses to Comment Sheets".

Five people participated in the table top exercise which focused on the Settlement & Local Economy Theme. The results of the table top exercise can be found below under the heading: "Results of Roundtable Discussion". All three exercises were completed.

Copies of Rough Draft #2 of the OCP, the accompanying maps and the Final Report of the Sensitive Ecosystem Inventory were available for attendees to read while sitting at tables. Attendees were encouraged to write their comments on these copies but none were received. A map showing the location of creeks with unknown names did not yield any responses and no additional background was obtained on the history of creek names. Support was also solicited for the heritage project but no one came forward.

Two planners were on hand to answer questions from the public about the draft OCP and displays. There were very few questions and one property owner was concerned about the designation of a development permit area for environmental sensitivities.

Discussion and Recommendations

In terms of numbers, there was a low turn-out at the Open House. In terms of percentage of population, approximately 2.5 % of the population participated which for a planning exercise, is not uncommon. The low turn-out might be attributable to the weather (snow), time of the year (close to Christmas), apathy or general agreement with the work of the Committee to-date. The high rate of turn-out at the Open House in Jordan River (30+) does balance out the participation rate and may be another reason for the low turn-out in Shirley since these people had recently attended a planning function.

The responses on the comment sheets indicate support for the updated OCP document. A number of suggestions made by the respondents can be added to Part Three. The importance of having information on water resources was mentioned and supports the Committee's request for a map showing water resources in the Plan Area.

Based on results of the table top exercise, there is support for policies to facilitate subdivision of Rural (A) zoned parcels instead of their development as a building strata and discourage future rezonings to Rural (A). Option #3 was selected as the preferred option for Schedule B: Land Use Designations. As noted by the participants, there is a need to fine-tune this option especially for commercial. Concerns were raised by the participants about density bonusing in terms of transferring it to another parcel and lack of control over the process.

Recommendation #1: Prepare map with information on water resources in the Plan Area.

Recommendation #2: Fine tune Option #3 for Schedule B: Land Use Designations and advise property owners of the proposed changes.

Recommendation #3: Discuss the density bonusing policy statements with the Citizens' Committee in light of the comments made by the table-top participants.

Recommendation #4: Ensure that the public is made well-aware that a new Development Permit Area for Environmental Sensitivities will be included with the updated OCP.

Recommendation #5: Discuss exact wording of policy statements 484 (M) and 484 (N) regarding the Rural (A) zone further with the Citizens' Committee.

Recommendation #6: Staff will contact the museum regarding old maps showing creek names.

APPENDIX B: PUBLIC FEEDBACK FROM NOVEMBER 29, 2014 OPEN HOUSE

Responses to Comment Sheet by Theme:

THEME: WATER

- I absolutely agree that water protection, provision and management is a major issue in this region. Variability seasonally and annually is also a feature to be addressed in a primarily rural area still and the implications much more carefully considered in terms of development demands, especially of a large scale nature. I support the Committee's recommendation for a more pro-active and structured approach and idea of an advisory board.
- Totally Agree. Needs to be more knowledge and help re: rainwater collection and STORAGE.

THEME: ENVIRONMENT

- Yes, like for water, a much more pro-active jurisdictional approach, especially in the areas highlighted by the Committee. Protection of aquifers and riparian areas is important. Regulations over latter seem to need to be stricter or more extensive. I also get rather concerned when property owners clear-cut treed areas so much without compensating measures to avoid big-tree vulnerability to wind/weather.
- Excellent but need more detail on buffer strips.

THEME: PARKS & TRAILS

- See this as a big priority in Shirley. Need for more connectivity, clarity, maintenance and more waterfront accesses. Also ensure some public land on Sheringham Point, an opportunity badly missed in the past. CRD Parks needs to be more pro-active in this area in terms of percentage of parkland compared to elsewhere and funding!
- Ensure whenever appropriate facilitate access for people with disabilities – AND CONSTRUCT THEM FIRST.

THEME: RESOURCES

- Strongly support Committee position on these issues, especially protection of land where food and other natural resources can be grown.
- This appears reasonable but the "devil is in the details" of policies and administration. This could become unworkable if so much bureaucracy.

THEME: TRAFFIC

- Start with better road maintenance all over! Add better shoulders and white sidelines to the Highway. For walking and cycling, better local trails are needed but not sure we can reduce dependency on cars much for longer journeys. Bus service to Sooke maybe?
- Recognition of increasingly elderly population and others with physical disabilities. A committee of such stakeholders should be regularly involved in planning if inclusion is to be recognized.

THEME: SERVICES & EMERGENCY PLANNING

- Good ideas.
- Emergency Preparedness. Yes. ++
- Jordan River Community Facility. Yes. ++

- New Fire Department Facility. Yes. ++
- Encourage and develop fire hydrants along roads with good rainwater tank back-ups, if nothing else available. This is not only emergency savvy but insurance value for households.
- Use of the Shirley Hall for medical and allied health is a growing need. But there are a number of people in community with skills to help. Identify them!!!

THEME: COMMUNITY HEALTH

- Good initiatives to aim for.
- Positive but greater effort to identify active and retired professionals willing to make themselves available for named activities.

THEME: SETTLEMENT & LOCAL ECONOMY

- I would need further detail and specifics. In general, seems fine.

THEME: CLIMATE CHANGE

- All very positive.
- Suggest encourage local employment with "Taxi" available from each community.

THEME: DEVELOPMENT PERMIT AREAS

- Makes sense.
- Guidelines for H²O and energy conservation. Would like to see this more active with skilled consultant's support available. Having lived in several countries, one with extremely low rainfall, I cannot understand the lack of enthusiasm and support for conservation of rainfall for home use!

CONCLUDING REMARKS

- Our jurisdictional bodies, CRD and JDFA at the local level, both need to move further ahead of change to this area. Broadly think our model of governance needs to be updated as per brought up in recent years by locals.

Table Top Exercise Results

EXERCISE ONE: Rural (A) Zoning

Question 1: Properties currently zoned Rural (A) will be keeping the Rural (A) zone when an updated OCP is adopted. Properties already with this zone will continue to be rezoned Rural (A) even if a new zoning bylaw is written. Should a policy be added to the updated OCP stating there is no support for future rezonings of property to the Rural (A) zone? i.e. no additional properties can be zoned as Rural (A).

- Zone is too permissive
- Too much density in a rural area
- Don't want to see AF rezoned to Rural (A)
- Avoid stratas

Question 2: Policy 484 (E) below is from the updated OCP. The intent is to support rezoning applications for the purposes of subdivision of properties already developed as a building strata under Rural (A) zoning. The intent is to have one lot per dwelling unit providing there is no increase in overall density. What are your thoughts on this policy? While a number of

properties zoned Rural (A) have one or two houses on them, it is estimated that there are four parcels in the Plan Area which have been developed under the Rural (A) zone and would fall into this category.

- Additional conditions on the servicing? Septic, water, dry season testing
- Separate title is an advantage which increases property values

Question 3: *How should rezoning applications for parcels zoned Rural (A) that are NOT developed as a building strata as of the date of adoption of the OCP be looked at? Many of the larger parcels zoned Rural (A) in the Jordan River area are owned by government. One large parcel near Shirley is owned by the Girl Guides of Canada.*

- All for 3? May need to take what they can get
- All four fee simple lots where 4 on 10 permitted but give time limit and current
- Allow regardless of time limit
- Support for rezoning to allow subdivision
- Should be some way of preventing large Rural (A) properties to subdividing into four hectare parcels and then to one hectare lots

EXERCISE TWO: Options for Schedule B: Land Use Designations

Three different options for Schedule B have been prepared. The types of land use designations are the same for each option. The areas designated for a particular land use are different though.

- Goudie Creek watershed restrictions on land that comes out of PMFL
- Many creeks used for drinking water need protection of water
- Supportive of Option #3 at a minimum
- Option #1 allows development that would impact water supply (Bliss Spring)
- Jordan River commercial designation for lands south of the log sort?
- Residential and commercial: corner store, restaurant, retail store
- Difficult to say now where commercial development should be

EXERCISE THREE: Density Bonusing

What are your comments about the policies that would allow density bonusing in exchange for amenities such as the dedication of parkland as part of a rezoning proposal? This parkland would be in excess of what would be required by statute.

- Let density bonus apply east of Muir Creek – in other words, in Otter Point only
- Consideration for neighbours of where density gets transferred to
- Seen as potentially giving away control
- Policy can't allow it to be "open season"
- Concern that it pits land owners against one another
- Make the policy more "general" less certain that the transfer will happen
- Explain purpose of policy prior to adoption

APPENDIX C: LIST OF REQUESTED CHANGES TO ROUGH DRAFT #2 AS OF DEC. 3/14

Page	Comment	Status as of Dec. 3
1. CHANGES TO BE MADE TO ROUGH DRAFT #3		
Maps	Add as many creek names as possible to mapping.	Contact Museum.
Maps	Add "Shirley and Jordan River" to Map 1 & "Shirley" to Map 2	To be fixed
Map1	Use 2011 Wildfire study; add notation to power right of way	To be fixed
SchB	Add additional parcel of provincial Crown land in TFL	Done
SchE	Add buffer around wildlife trees	To be fixed
9	s. 210 Investigate ways to make this clearer	Seek expert advice
14	Use stronger language; say "want", reference ground water	To be fixed
18	Delete reference to 10 meter buffer and check presence of beaver	To be fixed
21	Add more information on meeting place in Jordan River	To be fixed.
38	Change to "Sooke Region" and delete use of Edward Milne School	To be fixed
46	Change Table Eight based > 2 hectares; and if LUDs change	To be fixed
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	s. 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
56	s. 433 (H) Reword to emphasize parkland over cash in lieu	See * below.
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)
68	s. 483 (D) Delete reference to limited commercial activity	Done
69	s. 484 Fix numbering	Done
69	s. 484 Add policy stating rezoning to Rural A not supported	See s. 484 (N)
69	s. 484 (E) Make it clear that it applies to Rural A/define	s. 484 (L) (M); 620
69	s. 484 (I) increase MLS to 4 ha in Rural Settlement	Have Option #3
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 s. 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
94	s. 602 B ask for traffic studies in rezonings for 10 lots >	Done
<i>*Minor change requested by Committee member in writing but not discussed at meeting</i>		
2. CHANGES AGREED TO AT THE NOVEMBER 19th MEETING		
	Girl Guide Camp – add information and possible policy statement	Policy to be added.
	RV Parks – question from Committee member re: policy	Policy to be added.
3. ITEMS TO BE DISCUSSED - CARRIED OVER FROM NOVEMBER 19th MEETING		
54	s.424 Add GHG and Climate Change to title in brackets	Committee to clarify
55	More emphasis on conservation.	Committee to clarify
89	Add industrial guidelines to Commercial & Industrial DPA	To be discussed

4. NEW COMMENTS FROM COMMITTEE MEMBERS YET TO BE DISCUSSED		
46	Line 3 - Instead of "strong interest", say "interest"	
52	s. 411 (A) Goals for Water: change wording	
53	s. 414 (C) Policies for Water – change wording	
56	s. 433 (H) Objectives for Parks & Trails – fix sentence structure	
59	s. 441 (G) Goals for Resources – good stewardship to protection	
59	s. 442 (E) Broad Objectives for Resources – wording changes	
61	s. 444 (J) Resources Policies - consideration of incentive programs	
62	s.444 (T) definition of nuisance issues	
5. POSSIBLE CHANGES BASED ON OPEN HOUSE RESPONSES AND RECOMMENDATIONS		
Var.	Add some of the responses from the Comment Sheets to Part 3	
Map	Prepare a new map for Water Resources	
SchB	Fine tune Option #3 – Schedule B: Land Use Designations	
62	s.444 (Q) and (R) to be revised to match new land use labels	
69	s. 484 (M) & (N) Rural (A) zone – finalize wording	
69	s. 484 (G), (J), (K), (L) to be revised to match new land use labels.	
70	s.484 (O), (P) and (Q) Density bonusing – finalize wording	