

Notes of a Meeting of the Shirley/Jordan River Citizens' Committee
Official Community Plan Review – Meeting #14
Held December 10, 2014 at Shirley Community Hall, 2795 Sheringham Point Road, Shirley BC

PRESENT: Ron Ramsay, Fiona McDannold, Wayne Jackaman, Pascale Knoglinger,
Sonja de Wit, Margaret Johnson, Dom Bernardet, Brenda Mark
Staff: Tracy Olsen, Project Coordinator, Emma Taylor, Planner
ABSENT: Claire Denesovych, Frank Limshue
PUBLIC: One

The meeting was called to order at 7:07 p.m.

1. Introductions

2. Acceptance of Agenda

Agenda Item #8 will become Item #3 and the subsequent items renumbered accordingly.

3. Other Business Items

The Committee was advised by Tracy Olsen that the application for a composting facility will be processed under the current OCP. Any questions regarding this application should be directed to June Klassen. Committee members expressed interest in adding wording to the updated OCP regarding commercial composting facilities. One member read aloud possible wording for a policy which would not support any private or public composting facilities. Another member did not like the idea of a blanket statement. Some Committee members felt that a small scale, well-thought out composting facility to handle local waste from Shirley, Jordan River and Otter Point, might be acceptable. The need to address industrial development in the updated OCP was noted by a Committee member. Tracy advised that industrial uses in general should be addressed more thoroughly in the updated OCP but the context of the policy statements must be broader than just composting facilities. Staff will bring possible wording for policies regarding industrial uses including composting to the next Committee meeting.

Committee members wanted to know how the recently announced offer by BC Hydro to purchase eleven properties in Jordan River would affect the OCP review process. Tracy advised that nothing would be done in the short-term while the negotiations and discussions between BC Hydro and the property owners were underway. Other hazards associated with building on the Jordan River estuary have been discussed with the Committee such as the floodplain restrictions and storm surges that flood the road.

One Committee member wanted to know how wind turbines were being handled in the updated OCP as he is concerned about the noise emitted by small wind turbines used for personal power generation. Tracy explained that policy 444 (X) in the updated OCP supports metrological testing for commercial wind farms but does not comment on rezoning applications for commercial wind farms. Independent power producers responding to a RFP from BC Hydro can be exempt from local government regulations. Emma pointed out that personal wind turbines are not addressed in the zoning bylaw. Nuisance bylaws may offer a form of relief if they are too noisy.

4. Review of Notes from the November 19th, 2014 Meeting

A member asked for clarification on the Committee's discussion regarding RV parks. She wanted to know if mobile home parks were included in the proposal to not support RV parks. The Committee said that the intent is to not support either RV parks or mobile home parks. One member suggested some creative ways to come up with a new name to replace the "Western Lands" name currently being used as one of the land use designations.

5. Status of Action Items

At its last meeting, the Committee had asked for information on the servicing requirements based on tenure types as these costs could influence whether a property is developed as a building strata or rezoned for subdivision. Emma Taylor contacted the Island Health Authority and was advised that for the purposes of a potable water supply, there must be an individual well for each house in a building strata unless an application is made for a community water system. Anytime more than one house is hooked-up to a well, it must be designed a community water system. Emma used Sheringham Water Works as an example of a larger community water system. A single septic field can be shared by multi-houses in a building strata. But, if the properties are subdivided, then the system must be upgraded to a community septic system standard although it can still be a shared system. Because of the higher standards for servicing in subdivisions, especially for roads, they can be more expensive to develop than a building strata.

Further to the Committee discussion regarding the Rural (A) zone, an advertisement for a "4 on 10" was passed around to demonstrate how hard it is for potential purchasers to realize from a listing that a property is a building strata, not a bare land strata.

6. Report Back on November 29th, 2014 Community Workshop

Tracy read aloud comments sent by one of the participants sent in by one of the participants in the facilitated discussion giving a more detailed accounting of the results of the Rural (A) exercise. The participant said that the table-top participants supported smaller lots for already developed Rural (A) properties, but had felt that policy should not be applied to undeveloped properties as it would increase density, was too permissive, and would erode the forest base. One Committee member felt that she would benefit from using different format at Committee meetings such as a facilitated session done at the community workshop when the Committee has to cover difficult topics like the Rural (A) zone.

Based on the results of the Community Workshop, six recommendations have been made by staff. In accordance with Recommendation #1, a map with information on water resources in the Plan Area will be prepared for the updated OCP.

A Committee member asked about Recommendation #4 which says to ensure that the public is made well-aware that a new Development Permit Area for Environmental Sensitivities is being proposed. Tracy explained that because this is a new DPA, it is important to emphasize this feature of the updated OCP in all advertising and staff reports to make sure all property owners are aware of the proposed change and how it will affect their property.

No further information was obtained at the workshop on creek names in the Planning Area, so staff will contact the museum regarding old maps showing creek names. (Recommendation #6.) A Committee member offered to contact a local resident who might have some information. There might also be some information in the Shirley archives which are currently stored at one of the house of a Committee member.

Recommendation #3 was to have a discussion with the Citizens' Committee about the three policies in the updated OCP regarding density bonusing in light of the comments made by the table-top participants.

At the request of a Committee member, Tracy explained that a rezoning application which includes a request for a density bonus can be considered when an applicant offers an amenity over and above what is required by statute. The amenity is offered in exchange for an increase in density over what is permitted by the land use designation. How much of an increase in density would depend on the amenity being offered and if the community felt it was a reasonable exchange. Each situation would be unique and a site specific zone might be requested. A public hearing is required and before final reading, either the amenity itself or a surety/guarantee for the amenity must be secured by the CRD.

In order to entertain this type of rezoning application, the OCP must clearly state what type of amenities that the community is interested in. Tracy reviewed the amenities identified so far by the Committee and then asked if there were any other items. A member wondered if park land should be added. Tracy explained that for purposes of density bonusing, the policy should specify exactly what park land is of interest, for example, there are two policies specific to Muir Creek. If there is a specific area of land that the community is interested in as park, then the Committee should let Tracy know soon so it can be included in the draft.

The two policies regarding Muir Creek were discussed. It was noted that the Muir Creek property straddles the creek and lies in two plan areas. The Otter Point OCP has already been adopted and it includes a policy statement regarding density bonusing for the Muir Creek property. To ensure compatibility between the Otter Point OCP and the Shirley-Jordan River Plan, more open ended policy statements have been used in the Shirley-Jordan River Plan.

Members of the public were asked for any comments before the Committee took a break.

Terri Alcock, Shirley, said that she was in the table-top exercise and said that the table-top participants were concerned about policy statement 484 (Q) as they did not know where the density would be transferred to. Some of participants in the Otter Point OCP Review Process had expressed regret at being so specific regarding density bonusing for Muir Creek as it may have been possible to negotiate a better deal.

She asked if the Committee could consider reducing density in the Goudie Creek watershed as it is the community water supply for approximately 250 people. No development should occur in this watershed.

After a break, the Committee discussed the concerns raised by the table-top participants about transferring the density elsewhere in the Plan Area. Because there would be a rezoning application and a public hearing, the Committee recognized that there would be opportunities for any affected parties to object to the proposal.

Following up on Recommendation #2, maps showing Options #2 and #3 for land use designations on Schedule B were distributed for discussion. Staff requested assistance in coming up with a name other than Western Lands for the two hectare density.

An e-mail sent to Tracy on December 3, 2014 from one of the Committee members who also acts as an agent for a property owner in the Plan Area was distributed to the

Committee members. The agent is objecting to Option #3 which shows a proposed density of four hectares for ten properties owned by Timber West circled on the map accompanying his e-mail. He feels that they should be given a density of two hectares.

Committee members felt that the density bonusing offered for the Muir Creek property offsets the change in density from two hectares to four hectares. The density of four hectares is consistent with the minimum lot size allowed by Forestry zoning of most of these properties. Emma noted that one of the parcels is currently in the Rural Resource Lands with a minimum lot size of 120 hectares.

Staff reminded the Committee that the policies in the existing OCP would accommodate the rezoning and subdivision of up to 1400 additional lots within the Plan Area. To reduce the overall density possible in Plan Area, all of the properties owned by the Province which are part of TFL #31 have been given a density of 120 hectares per parcel on all of three options for Schedule B. With the agreement of the agent for Timber West, two large, land-locked parcels have also been given a density of four hectares instead of two hectares possible under the existing OCP. These two parcels are not the same ones mentioned in the e-mail from the Timber West agent.

Tracy canvassed all of the Committee members regarding their preferred option for Schedule B. One member stressed that compromise might be the key to acceptance of the updated OCP. While some Committee members want to see some compromise on the land use designations shown on Option #3, all of the Committee members prefer Option #3. One member noted the impact that timber harvesting and gravel extraction has had on the Invermuir Road neighbourhood and advocated in favour of a density of four hectares for areas near this neighbourhood.

Staff added that there needs to be some fine-tuning to Option #3. A small CRD park will be included in the Settlement Area. Several existing tourism commercial properties will be designated for a density of two hectares as this is consistent with the minimum lot size of the zoning for these properties. Additionally, there needs to be a policy added to the updated OCP regarding these commercial properties to ensure their current zoning is supported.

Tracy reminded the Committee of the concerns raised during table-top exercise at the Open House about the impact that the rezoning of Rural (A) zoned properties might have on density. A hand-out comparing the development potential of Rural (A) zoned properties by tenure was distributed to the Committee members for its review. One scenario calculated the number of houses that could be built if the properties were developed under the Rural (A) zone as a building strata assuming parcels eight hectares or larger would be subdivided into four hectare parcels before development. The other scenario looked at the development potential if the parcels were rezoned to a new zone using a ratio of one lot per one hectare of land based on size prior to road or park dedication. There is very little difference between the two scenarios in terms of the number of houses that could be built.

Staff explained that the question of detached suites would need to be considered during the rezoning process. Under the Rural (A) zone, only one detached suite per parcel is allowed. For example, only one detached suite is allowed on a "4 on 10" parcel even though there are four property owners in the strata. The zoning being requested for a particular Rural (A) property should specify if detached suites are allowed, and if so, how many. The intent of the Rural (A) policies in the updated OCP is to keep the same density regardless of the type

of tenure. Whether this intent was being achieved in a particular rezoning request would need to be considered by the decision-makers.

The Committee had a lengthy discussion regarding the complexities of addressing the Rural (A) zone but not allowing an increase in density. One member concluded that lot size does not make a difference providing the density does not change and noted many of the existing properties in the Plan Area are the result of lot averaging. Because of the physical constraints to development in the Plan Area, many of the houses are already close together. Recent subdivisions have not sold quickly and lead to the reduction of lot prices in these subdivisions so the rate of development of the Rural (A) properties is likely to be very slow. Most Committee members are fine with the Rural (A) policies in Rough Draft #2 of the OCP and feel that minimum lot size if a Rural (A) property is being rezoned is not an issue. Staff will modify the wording of these policies to reflect this opinion.

7. Finish Discussion of Proposed Changes Between Rough Draft #2 and #3

There was not sufficient time for the Committee to discuss the outstanding items on Appendix C attached to the notes from the November 19th meeting although Sections 1 and 2 have been discussed at previous meetings and most of the items listed in Section 5 were covered at this meeting.

Further to the items listed in Section 3, staff will add an emphasis on conservation to Rough Draft #3. Two Committee members expressed interest in a more detailed review of the industrial guidelines for one of the development permit areas. Staff noted that there will only be one, maybe two, more Committee meetings. The purpose of these meetings will be to review Rough Draft #3. If any Committee member wishes to comment on the guidelines for the form and character of industrial development before Rough Draft #3 is prepared, then the comments should be sent to Tracy very soon.

Tracy apologized for not being able to discuss the items listed in Section 4 but would respond directly to the Committee member regarding these items. Some of the changes suggested by the Committee member are intended to improve the clarity of the updated OCP. Any changes made to Rough Draft #2 in response to the Committee member's comments will be highlighted on Rough Draft #3. (See Appendix D attached to these notes for the list of proposed changes.)

8. Determine Steps Required to Prepare Final Draft

The third version of the rough draft will now be prepared and then circulated to Committee members. Changes between version #2 and #3 will be highlighted in Rough Draft #3. Once it is written, Rough Draft #3 will be sent for a legal review. There will be a Committee meeting, probably in late January, to talk about Rough Draft # 3 and any further changes to be made as a result of the legal review. Changes to Rough Draft #3 will result in the preparation of the Draft OCP and the formal review process will then begin. Any further comments on Rough Draft #2 must be sent in soon.

9. Next Meeting

The next regular meeting is tentatively scheduled for January 28th, 2014 at 7:00 p.m. at the Community Hall.

The meeting adjourned at 9:20 p.m.

APPENDIX D: LIST OF REQUESTED CHANGES TO ROUGH DRAFT #2 AS OF DEC. 19/14

Page	Comment	Status as of Dec. 19
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	Still need clarification
55	More emphasis on conservation.	To be done
89	Add industrial guidelines to Commercial & Industrial DPA	Send in comments

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