

I'm Heather Phillips from Otter Point. Thank you for this opportunity to defend the Regional Growth Strategy. I hope you've read my Friday letter. What I want to say doesn't fit in four minutes.

A lot of people don't want the Regional Growth Strategy interfering with their personal interests. It is a regional interest and I don't think it allows an increase in the potential for new residential parcels in East Sooke zoned at one hectare or smaller.

Nearly all the OCP vision assessed in Appendix B is as achievable with the current Settlement Area Land Use Designation as with the one proposed in Bylaw 4000.

How can increasing parcel numbers align with the RGS? Only 800 new dwellings are anticipated in the Juan de Fuca Electoral Area by 2038. Bylaw 4000 proposes a potential 689 new dwellings in East Sooke. That's 86% of what is expected for the whole Electoral Area.

Bylaw 4000 says the demand for housing has gone down. Forty-two new dwellings over ten years, to 2024, will easily meet the need. The existing Settlement Areas designation in the current OCP bylaw creates a potential of 379 new parcels. That allows an average 15 new dwellings every year from 2014 to 2038. It more than meets the need and keeps more "rural" in the RGS policy area. Why ask for more?

Well, says Bylaw 4000, strata subdivisions on Rural A parcels aren't as popular as they were so East Sooke should just bypass "Rural" zoning and go straight to "Rural Residential" at one hectare minimum. This report says growth in East Sooke will be "monitored", as in "watched" or "regulated." In the twenty years from 1990 to 2010, we watched an average of 19 new dwellings go up every year. Allowing re-zoning to one hectare parcels may speed things up again. Bylaw 4000 says construction workers are 17.7% of the labour force in East Sooke. It does not mention "subdivision" and "housing construction" as part of an economic development plan, but I think they are.

East Sooke is a rocky peninsula with only 4% agricultural land reserve. What is not designated "park" or "agriculture" is "Settlement Area". All vehicle traffic to East Sooke, to the CRD wilderness parks, and to Sooke Point travels either Highway 14 and Gillespie Road, or through Metchosin. People are already stressed by the amount of traffic on Highway 14 and in East Sooke.

Two hectare parcel size is a better buffer for the wilderness parks and better protection for the water supply. Parts of Metchosin with similar geographic features are designated for four hectares minimum parcel size. It is only the undesirable trend to strata subdivisions on Rural A parcels that makes anyone think of taking Rural parcels down to one hectare.

My idea of access to public or private water service is flexibility in the face of a natural crisis, not that the CRD water lines go in and housing follows, or that the area is over-built and people are forced to ask for CRD water instead of accessing local sources.

When the Juan de Fuca argued to retain potential for public and private water service, people said density can be regulated through zoning. That starts with the Land Use Designations. Once the Board agrees to the OCP designations, there isn't much opportunity to disagree with re-zoning applications. If a building boom was triggered over the next few years, I don't think the Board could "regulate" back to the larger parcel sizes.

Leave the Settlement Area Land Use Designation as it is in Bylaw 3718. In the Settlement Containment areas, parcels sizes are to be in the one hectare range. A parcel size of two hectares, matching the Rural Residential 3 Zone minimum parcel size, should be accepted in the remaining Settlement Area.

As noted in my letter, a trail system will take a lot more work than waiting for small lot subdivisions to happen. The community can make progress by identifying routes and obstacles and working with MoTI, CRD Parks and private owners. All over Canada, public trails run over private property by negotiated agreements.

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"Friday letter"
referred to in opening statement
April 25 2018

To: CRD Planning and Protective Services Committee Members
By email,
April 20, 2018

C to K. Lorette, GM, P&PS

Re: Amend East Sooke OCP CRD Bylaw 4000 to keep the Land Use Designations for East Sooke as they are in the current OCP, CRD Bylaw 3718

The issues I discuss below are raised in the Report to the Juan de Fuca Land Use Committee on East Sooke OCP Bylaw No.4000 for the meeting April 17, 2018. (Planning Analysis, page 4)

Water Service Issues

The 2018 RGS clarifies that Settlement Areas in East Sooke and Otter Point may be provided private or public water system services. As noted on page 52 of Bylaw 4000, any drinking water source that supplies more than a single-family dwelling is considered as a water supply system. On page 76, the discussion of Water Supply seems to overlook the potential for "private" water supply systems.

When I wrote to CRD Directors at the end of November 2017, I supported that Land Use Designations and zoning should be used to manage "rural sprawl". I suggested Board directors concerned about rural sprawl in the Electoral Area should look at the designations in the proposed OCPs to be sure there is no potential for rezoning to a density not approved by the RGS.

The Settlement Area in East Sooke is approximately 100 hectares smaller than the Settlement Area in Otter Point. Both planning areas have some community water services that is, at this time or soon will be, sourced from a CRD water service. Otherwise, water is sourced from wells and surface water. All residences use septic tanks and fields for sewage. Protecting the groundwater and run off is essential.

A neighborhood sharing a productive local water source has created a public or private water supply, as residents at Tugwell Creek, Mount Matheson, Anderson Road, and in the community at Shirley have known for years. The Jordan River hamlet was served by a natural spring. Point No Point and Fossil Bay resorts operate from a local water source.

I do not support that a development model in East Sooke or Otter Point will assume access to water piped from the Sooke Lake Reservoir. This would likely create a situation where long term residents and new-comers are forced to apply for access because their local water source is compromised. Climate change alone may compromise their local supply which is another reason I advocated that public/private water supplies be permitted under the RGS.

East Sooke OCP Bylaw 3718 proposes 379 new parcels in the Settlement Area designation. The new OCP Bylaw 4000 proposed 689 new parcels with the new Settlement Area designation: an additional 310 parcels.

According to the RGS, the number of new dwellings projected for the whole of the Electoral Area by the year 2038 is 800 dwellings (RGS Table 1, page 7). The RGS policy for Water Service to the EA is that not more than 3384 parcels in the Settlement Areas in East Sooke and Otter Point will be allowed access to a "public or private water distribution system" up to the year 2038.

Bylaw 4000 seems based on the premise that each fee simple parcel will have only one dwelling unit. This is not necessarily true. Increased the number of people creates a new demand for infrastructure and services as well as greater damage to the natural environment future generations will inherit.

Bylaw 4000 assigns 1407 "units" of water service (parcels hooked up) to East Sooke. It explains that 577 parcels have been identified within pre-existing water service areas so that 830 additional parcels would be allowed "public or private water service".

Some figures shown in Bylaw 4000 do not match. Bylaw 3718 estimates the Settlement Area to be 1364.12 ha. Bylaw 4000 shows 1332.12 ha. in Table 7, where the estimate of 1407 potential parcels under the new Settlement Area designation is given. In Table 8, the Settlement Area is shown as 1300 ha. and the number of parcels is estimated at 793.

Approving a certain number of "hook ups" or "units" of water service in the RGS does not mean that the matching houses have to be built (LGA Part 13, Div. 4 Sec. 445). How can Directors support land use designations that are intended to **increase** the number of potential parcels from 1097 to 1407? That is an 82% increase over the number of new parcels permitted under the current Bylaw 3718 land use designations.

Discussion of past and proposed development potential.

I use the term "development potential" because it is used in the description in Bylaw 4000 of why Rural A parcels should be allowed rezoning to one-hectare parcels (page 52-53).

The new Shirley Jordan River OCP, CRD Bylaw 4001, **reduces** the number of potential new parcels significantly. In the new Otter Point OCP, CRD Bylaw 3819, new descriptions for designated areas **reduced** the total number of potential new parcels by 886.

Bylaw 4000 puts forward that 42 new dwelling units will meet the projected need for new residences in East Sooke for the next ten years. The bylaw also puts forward that there is a trend to "vacation homes" that are not occupied year-round. I believe that the estimated need for new residences in East Sooke may be high at 42 if a significant number of second homes are included in calculations.

Geographically, East Sooke is not convenient for young families or an aging population to access services. Bylaw 4000 puts forward that adding 310 parcels to the existing potential of 1097 is desirable and would be consistent with the RGS. But it does not add up. Maintaining the current designations in East Sooke does not punish the residents.

Director Hicks expressed an opinion that it would take a hundred years for East Sooke to grow into the projected 689 new parcels in East Sooke. The past 27 years saw East Sooke grow by approximately 460 dwellings (Bylaw 4000, Table 4, page 48). I believe much of this growth was due to strata development on Rural A parcels.

Discussion of managing Rural A zones in East Sooke.

"Multiple Dwelling Unit Zoning" is discussed on pages 52-53 of Bylaw 4000. The zoning identified is the Rural A zoning under CRD Bylaw 2040. It permits multiple dwelling units on Rural A parcels. Minimum parcel size is four hectares, which allows 4 dwelling units. Most other zones allow suites as well as a principle dwelling to a maximum of two dwelling units per parcel. To date, suites have not been popular in East Sooke.

If all Rural A parcels were subdivided to one-hectare parcels, it is possible that each one-hectare parcel would have two dwelling units. As well, any Rural Residential 3 zoned parcels could be rezoned to one-hectare parcels that would also accommodate two dwelling units.

There is some discussion in the proposed Bylaw 4000 that suggests not permitting suites if a Rural A parcel that has maximum build-out were to be subdivided. I do not recall seeing the point made that each fee simple parcel at one hectare has the potential to accommodate two dwellings.

The argument I have seen is that a Settlement Area designation allowing a minimum parcel size of one hectare throughout would not result in more dwelling units than the current Rural A provision for multiple dwelling units on one parcel. In fact, the number of new dwelling units could be greater than the number of new parcels.

The discussion on page 52-53 suggests that providing for strata development is the prime reason for the Rural A parcel allowing multiple dwellings. It goes on to say strata developments are not ideal and many strata owners are not happy. I read this as saying that strata developments/units are not selling as well as they used to so property owners should be allowed to just subdivide to fee simple parcels at one hectare and bypass the strata ownership.

However, if stratas aren't popular and aren't selling, the real estate market is helping manage rural sprawl. Why should the CRD Board support rezoning to one-hectare parcels?

The CRD twice passed bylaws designed to stop strata subdivisions that were creating a density of one dwelling per hectare in rural areas where an average closer to one dwelling per four hectares was intended. The second set of bylaws was set aside because the wrong procedure was used to vote on them, not because upholding the intention of Rural zoning and the Regional Growth Strategy was illegal.

I do not think the CRD Directors should support rezoning Rural A parcels in East Sooke when it will result in an increase in potential parcels. Leave the Land Use Designations basically as they are in the current East Sooke OCP, CRD Bylaw 3718.

Discussion of a trail network in East Sooke.

One reason given for changing the minimum parcel sizes in the Settlement Area/Settlement Containment Area is that the community wants to accumulate land and funds for a trail system.

The Local Government Act (Part 14, Division 4, Sec. 473, 1 (e)) implies that the OCP might have a map showing the proposed trails system since it is proposed as a public facility.

MoTI and CRD Parks each commented that they would have to be consulted before trails were run over land under their ownership/management (See map?). The other land that trails might run over would be private land (What map?). Even with a trail plan and cooperation from developers, the ability to

assemble public and private land for trail corridors through dedication at the time of subdivision or through purchase with funds in lieu of dedication seems limited. I believe there are other means to engage the community, MoTI and CRD Parks in attempting to create a trail system.

I recommend only a small change to the current land use designations with regard to park dedication. Bylaw 3718 designates a minimum parcel size "greater" than two hectares for the Settlement Area. This would create no dedication of land or funds towards a park/trail system. Although I do not think the RGS supports the change to all of the Settlement Area designated for one hectare parcels, changing the wording for Bylaw 4000 to indicate a minimum parcel size of two hectares, instead of the "greater" than two hectares as designated in Bylaw 3718, might allow at least some dedication for parks and also would match the Rural Residential 3 zone which is in place on some parcels in the Settlement Area.

Some thoughts on the Strata Owner's Dilemma

Bylaw 4000, on page 52, puts forward that shared ownership of a strata property can lead to conflict amongst the owners. They are tenants in common with the *Strata Property Act* and *Regulations* and their own bylaws to govern them. They are managing a corporation, the same as a municipal council is managing a corporation, only on a smaller scale. There are regular meetings with all the records, reports and planning that goes into governance.

If well written and properly enforced, the strata's bylaws will manage conflict and protect the owners from each other's bad habits. It is a lot of work and requires that the strata owners are honest with each other, are willing to share the work of management and able to make the financial commitments required. They also need to respect their bylaws and the provincial legislation.

I suspect in any unhappy strata community, there is a bully who does not respect the law. It is wearing to withstand bullying. It may seem easier to sell and leave, but if the market isn't there, it will be hard to sell and relocate to an equivalent residence. However, dissolving their strata corporation will leave them as tenants in common, still sharing title to a parcel of land and improvements but without the *Strata Property Act* or their strata bylaws to help them sort out the problems of shared ownership that they still face.

A better way is to support each other in the face of bullying and enforce the bylaws.