



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 17, 2018**

SUBJECT **East Sooke Official Community Plan, Bylaw No. 4000**

ISSUE

To consider Bylaw No. 4000, East Sooke Official Community Plan (OCP), which would repeal and replace the existing East Sooke OCP, Bylaw No. 3718.

BACKGROUND

The community of East Sooke is located within the Juan de Fuca Electoral Area (JdFEA) of the Capital Regional District (CRD) and is bounded to the east by the District of Metchosin, Scia'new First Nation and Becher Bay, to the north and west by the District of Sooke and Sooke Basin and Harbour, and to the south by the Strait of Juan de Fuca (Appendix A).

Staff and consultants have worked with the East Sooke community and a 12-member Citizens' Committee since November 2013 to review and update the existing OCP, Bylaw No. 3718, and to prepare policy amendments and new mapping. The overall goal of the OCP update was to provide an opportunity for the community to review the existing OCP and to identify policies they wanted to add, retain or amend. The proposed OCP, Bylaw No. 4000, contains a set of goals, objectives and policies for future land use in East Sooke that follow provincial legislation and relevant best practices, and that promote the aspirations and interests of the community (Appendix B).

The LUC directed referral of proposed Bylaw No. 4000 to 28 agencies and appropriate CRD departments in February, 2016. Comments were received from 10 agencies including CRD departments, the Juan de Fuca Agricultural Advisory Planning Commission (AAPC), the JdFEA Parks and Recreation Advisory Commission, and the East Sooke Advisory Planning Commission (APC) (Appendix C).

The LUC also recommended referral of Bylaw No. 4000 to the CRD Board for a determination of consistency with the Regional Growth Strategy (RGS). The Board will review the most recently revised version of the Plan prior to consideration of first and second readings.

ALTERNATIVES

That the Land Use Committee recommends to the CRD Board:

1. a. That the referral of proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", directed by the Juan de Fuca (JdF) Land Use Committee to the Agricultural Land Commission, BC Hydro, Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, District of Sooke, East Sooke Advisory Planning Commission, East Sooke Fire Department, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lake Cowichan First Nation, Lyackson First Nation, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Lands, Natural Resource Operations (MFLNRO) – Arch Branch, MFLNRO – Crown Lands/Foreshore, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Seagirt Waterworks Improvement District, Stz'uminus First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and appropriate CRD Departments, be approved and comments received;
- b. That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", be considered by the CRD Board for consistency with the Regional Growth Strategy;
- c. That proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", be introduced and read a first and second time; and
- d. That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4000.
2. That the CRD Board not proceed with proposed Bylaw No. 4000.

3. That the bylaw be referred back to staff for more information.

FINANCIAL IMPLICATIONS

The East Sooke OCP was a major project undertaken by a consultant and Local Area Planning staff through the fall of 2013 to the spring 2015. The Federal Gas Tax Community Works Fund was accessed in the amount of \$150,000 for the OCP reviews for both East Sooke and Shirley/Jordan River under the Integrated Community Sustainability Planning program. Funds were allocated for professional planning expertise, consultation materials and services in support of the OCP review. The JdFEA Planning budget provided for costs associated with staff time and legal advice.

INTER-DEPARTMENTAL IMPLICATIONS

Due to possible impacts on programs, other CRD divisions have been involved in the review of the bylaw, including Building Inspection, Environmental Services, Integrated Water Services, Protective Services, Regional Parks, Regional and Strategic Planning, and JdFEA Parks and Recreation.

LEGISLATIVE IMPLICATIONS

Pursuant to Section 475 of the *Local Government Act (LGA)*, an OCP requires that local government provide one or more opportunities for consultation with persons, organizations and authorities that may be affected by the adoption, repeal or amendment of an OCP. Specific consideration must be given to referring the proposed bylaw to adjacent regional districts or municipalities and First Nations. Consideration should also be given to referring the proposed bylaw to improvement districts and to applicable provincial and federal agencies.

Pursuant to Sections 476 and 477(3)(b) of the *LGA*, an OCP must also be referred to the School District and to the Agricultural Land Commission (ALC). Although the bylaw does not apply to land within 800 m of a controlled access highway, it was referred to the Ministry of Transportation and Infrastructure (MoTI) as they own and operate the roads in East Sooke.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477(3)(c) to hold a public hearing as part of the adoption process. In this case, the LUC recommends that the referral of proposed Bylaw No. 4000 be approved prior to proceeding to first reading of the bylaw.

The Juan de Fuca Development Procedures Bylaw, Bylaw No. 3110, established a process that requires the proposed OCP be referred to the CRD Board for a determination of consistency with the RGS.

Should the proposed OCP Bylaw be deemed consistent with the RGS, and should the Regional Board grant first and second readings, a public hearing pursuant to Section 465 of the *LGA* will be required prior to the bylaw passing third reading.

PUBLIC CONSULTATION IMPLICATIONS

Prior to beginning the OCP review process, a consultation plan was prepared in order to outline how the community, government agencies, First Nations and interest groups would participate in the OCP review. The consultation plan called for the establishment of a Citizens' Committee, and a series of Citizens' Committee meetings and community events were held to work through key issues and policies, and to review several drafts of the OCP. A total of 13 Citizens' Committee meetings and three community events were held. Comments and concerns raised at the meetings and events were considered by staff in preparing the OCP.

The APCs were established to make recommendations to the Juan de Fuca Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*; therefore, Bylaw No. 4000 was referred to the East Sooke APC. As the proposed OCP addresses agricultural land policies and includes policies related to park land acquisition and trail development, the bylaw was also referred to the Juan de Fuca AAPC and to the JdFEA Parks and Recreation Advisory Commission.

REFERRAL COMMENTS

Referral responses for the proposed OCP Bylaw were received from ten agencies, including CRD departments, the East Sooke APC, the JdFEA AAPC, and the JdFEA Parks and Recreation Advisory Commission. The comments are summarized below and are provided in their original form in Appendix C.

Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, MFLNRO, and Pacheedaht First Nation, indicated that their interests are unaffected by the proposed OCP.

District of Sooke – Suggestions were provided for improving the format of the OCP and for expanding Sections 311 and 322 to consider invasive species that enter the ecosystem as a result of soil disturbance related to new development and site preparation.

Island Health – Outlined evidence-based information related to community health for the Sooke region. Island Health requires construction and operating permits where water supplies provide water to more than one single-family residence. Island Health also discourages rainwater capture systems as potable water supplies for subdivision. Support was given for road safety improvements, food security and provision of affordable and rental housing options. Island Health suggested that community health benefits would be realized through improvements to air quality and supports encouraging installation of CSA certified low-emitting wood stoves.

Ministry of Agriculture – The Ministry noted that the CRD does not have full jurisdiction over lands in the ALR. The Ministry does not support multiple dwellings on farm properties to make farming more affordable or a Medical Marihuana Production Facilities Development Permit Area as they are agricultural operations and could be minimized from view through applying setbacks and buffer requirements. The Ministry suggested a wording change for ‘farm direct marketing’ and recommended referencing the ‘Fire Smart’ publication.

MoTI – The Ministry had no objections to the proposed bylaw, but requested a re-referral if substantive changes are made.

CRD Protective Services – Staff recommended that subdivisions should ensure at least two means of ingress/egress, that hazardous materials sites be separated from general residential sites, and suggested that the reference to ham radios is not appropriate in the OCP. Protective Services outlined the risk associated with acquiring dams and reservoirs for firefighting purposes and suggested that water supplies be achieved through alternative methods.

CRD Regional Parks – Staff suggested a change in the reference from ‘off-road’ to ‘off-street’ trails, that developing trails on provincial land requires a tenure agreement and requested that future consultation with CRD Regional Parks occur with regards to locating trails on CRD park land.

Scia'new First Nation – Scia'new stated that should there be archaeological finds, all parties should be involved to achieve appropriate outcomes in such sensitive areas.

AAPC – The Commission provided edits to Section 360 Food Security. In relation to Section 368 Aylard Farm, the Commission indicated interest in making the ALR land available for incubator or training farms. Support for the proposed OCP was stated.

JdFEA Parks and Recreation Advisory Commission – The Commission provided edits to Section 340 Connectivity and Transportation, Section 358 Community Gathering Place, Section 391 Role as a Carbon Sink, Section 392 Reducing the Number of Vehicle Trips, and Section 420 Parks and Trails. Support for the proposed OCP was stated.

East Sooke APC – The Commission provided edits to Section 358 Community Gathering Place. Positive comments were forwarded regarding the inclusion of language related to valuing dark skies at night. Support for the proposed OCP was stated.

With the exception of the Ministry of Agriculture’s comments regarding the establishment of a development permit area addressing the form and character of medical marihuana production facilities, comments received have been incorporated into the Plan presented for First Reading. Staff recommend that the Board approve the referral of Bylaw No. 4000 and accept comments received.

REGIONAL GROWTH STRATEGY IMPLICATIONS

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted an RGS, be consistent with the RGS. The East Sooke Official Community Plan, Bylaw No. 4000, will be considered by the CRD Planning and Protective Services Committee on April 25, 2018. The Committee's recommendation regarding consistency will be forwarded to the CRD Board to make a final determination of consistency prior to consideration of first reading on May 9, 2018.

PLANNING ANALYSIS

The primary goal of this OCP update was to review the objectives and policies that guide decisions on planning and land use management in East Sooke. The OCP aims to protect the rural character and natural environment of the community, while accommodating rural residential, agriculture, and limited commercial uses in appropriate locations. The Plan has been restructured around themes and priorities identified by the community, and includes new policies for water servicing, residential settlement, emergency planning, community health, food security, temporary use permits, and medical marijuana production facilities.

The Plan accommodates limited growth in East Sooke through the establishment of the Settlement land use designation (LUD). The Settlement LUD supports a density of one parcel per hectare throughout the rural residential areas in East Sooke. Whereas Bylaw No. 3718 had an overall development potential of 379 additional parcels, the new Settlement LUD results in an increase in the overall subdivision potential to 689 additional parcels. This increase of 310 additional parcels is primarily the result of policies supportive of rezoning Rural A zoned parcels to permit fee simple or bareland strata subdivision, and, to a lesser extent, of the re-designation of parcels zoned Rural Residential 3 (RR-3), which have a two hectare designation in Bylaw No. 3718. The intent of the new Rural A policies is to provide property owners with an alternative to building strata development and the community with an opportunity to obtain parkland for a community trail network. These policies could result in an increase in the number of fee-simple lots in the East Sooke area, but would not result in an increase in the number of principal dwelling units currently permitted under the Rural A zone. The Agriculture, Park and Marine designations are retained from Bylaw No. 3718.

The development servicing policy in Bylaw No. 3718 states that the seven settlement containment areas will be serviced by a public water system in the future. This policy has been revised in Section 454 of Bylaw No. 4000 to provide consideration, under specific conditions, for water service to be provided to all lands designated Settlement to a maximum of 1,407 connections, which is in accordance with the RGS, Policy 2.2.2(b). These policies support the expansion of water service subject to minimizing the financial impacts on those currently serviced and avoiding negative impacts on the long-term availability of water to existing development and planned growth.

The OCP update process involved extensive public consultation and review, and edits to the document have been made to incorporate referral comments received. Should the Board determine that the Plan is consistent with the RGS, staff recommend giving first and second reading to Bylaw No. 4000 and proceeding to public hearing.

CONCLUSION

The East Sooke OCP has undergone extensive community consultation and proposed Bylaw No. 4000 addresses the comments and vision of the community based upon the referral and review process. Staff recommend that the referral of the proposed bylaw to recommended agencies, CRD departments, First Nations and the East Sooke APC be approved, that the CRD Board consider the proposed OCP Bylaw for determination of consistency with the RGS, that the Bylaw be granted first and second readings, and that a public hearing be held.

RECOMMENDATIONS

That the Land Use Committee recommends to the CRD Board:

1. a. That the referral of proposed Bylaw No. 4000, "Official Community Plan for East Sooke, Bylaw No. 5, 2018", directed by the Juan de Fuca (JdF) Land Use Committee to the Agricultural Land Commission, BC Hydro, Cowichan Tribes, Cowichan Valley Regional District, District of Metchosin, District of Sooke, East Sooke Advisory Planning Commission, East Sooke Fire Department, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lake Cowichan First Nation, Lyackson First Nation, Ministry of Agriculture, Ministry of Environment, Ministry of Forests, Lands, Natural Resource Operations (MFLNRO) – Arch Branch, MFLNRO – Crown Lands/Foreshore, Ministry of Transportation and Infrastructure, Pacheedaht First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Seagirt Waterworks Improvement District, Stz'uminus First Nation, Te'Mexw Treaty Association, T'Sou-ke First Nation, and appropriate CRD Departments, be approved and comments received;
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- d. That in accordance with the provisions of Section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4000.

Submitted by:	Emma Taylor, MCIP, RPP, Planner, Juan de Fuca Local Area Planning
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

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Appendices:

- A. East Sooke Area Location Map
- B. Proposed Bylaw No. 4000
- C. Referral Comments