



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

SUBJECT Shirley – Jordan River Official Community Plan Update

ISSUE

To consider Bylaw No. 4001, Shirley – Jordan River Official Community Plan (OCP), which would repeal and replace the existing Shirley/Jordan River OCP, Bylaw No. 3717.

BACKGROUND

The communities of Shirley and Jordan River are located within the Juan de Fuca Electoral Area (JdFEA) of the Capital Regional District (CRD) and are bounded to the east by Muir Creek and the Otter Point area, to the north by the Rural Resource Lands, to the west by Juan de Fuca Provincial Park, and to the south by the Strait of Juan de Fuca (Appendix A).

Staff and consultants have been working with the communities of Shirley and Jordan River, and a 10 member Citizens' Committee, since November 2013 to review and update the existing OCP, Bylaw No. 3717, to complete a sensitive ecosystem inventory, and to prepare policy amendments and new mapping. The overall goal of the OCP update was to provide an opportunity for the communities to review the existing OCP and to identify policies they wanted to add, retain, or amend. The proposed OCP, Bylaw No. 4001, contains a set of goals, objectives and policies for future land use in Shirley and Jordan River that follow provincial legislation and relevant best practices, and that promote the aspirations and interests of the communities (Appendix B).

The LUC directed referral of proposed Bylaw No. 4001 to 35 agencies and appropriate CRD departments for comment in April, 2016. Comments have been received from 14 agencies including CRD departments, the Juan de Fuca Agricultural Advisory Planning Commission (AAPC), the JdFEA Parks and Recreation Advisory Commission, and the Shirley/Jordan River Advisory Planning Commission (APC) (Appendix C).

A change to the OCP area boundary was considered by the Citizens' Committee during the preparation of the OCP. To accommodate the proposed boundary realignment, staff prepared amendments Bylaw No. 4079 (Rural Resource Lands OCP), Bylaw No. 4070 (Land Use Bylaw for Rural Resource Lands) and Bylaw No. 4071 (Juan de Fuca Land Use Bylaw). These bylaws were also referred to agencies for comment (Appendix D). Since there was lack of support for the proposed boundary re-alignment from the Shirley/Jordan River APC, the Bylaws are not included in the recommendation for first reading.

The LUC also recommended referral of Bylaw No. 4001 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. 4001, "Official Community Plan for Shirley – Jordan River, 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, Esquimalt Nation, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lyackson First Nation, Malahat First Nation, Managed Forest Council, 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, Pauquachin First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Sheringham Waterworks, Shirley/Jordan River Advisory Planning Commission, Shirley Fire Department, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsartlip Indian Band, Tsawout First Nation, Tseycum Indian Band, T'Sou-ke First Nation, and appropriate CRD departments, be approved and the comments received;
- b) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", be considered by the CRD Board for consistency with the Regional Growth Strategy;

- c) That proposed Bylaw No. 4079, Bylaw No. 4070 and Bylaw No. 4071 not proceed;
 - d) That proposed Bylaw No. 4001, “Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018”, be introduced and read a first and a second time; and
 - e) 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. 4001.
- 2. That the CRD Board not proceed with proposed Bylaw No. 4001.
 - 3. That the bylaw be referred back to staff for more information.

FINANCIAL IMPLICATIONS

The Shirley – Jordan River 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 Shirley/Jordan River and East Sooke under the Integrated Community Sustainability Planning program. Funds were allocated for professional planning expertise, consultation materials and services in support of the OCP, such as the ecological studies. 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 the 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). The proposed bylaw also must be referred to the Ministry of Transportation & Infrastructure (MoTI), since it applies to land within 800 m of a controlled access highway and MoTI owns and operates the roads in Shirley and Jordan River.

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. 4001 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 that the proposed OCP be referred to the CRD Board for a determination of consistency with the RGS.

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 15 Citizens' Committee meetings and four community events were held. Comments and concerns raised at these meetings and events were considered by staff in preparing the OCP.

The APCs were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*; therefore, Bylaw No. 4001 was referred to the Shirley/Jordan River 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 14 agencies, including CRD departments, the Shirley/Jordan River APC, the 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, Esquimalt Nation, District of Metchosin, Ministry of Agriculture and School District #62 indicated that their interests are unaffected by the proposed OCP.

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.

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

CRD Environmental Services – The CRD Climate Action Program recognized that while rural communities of Shirley and Jordan River face certain challenges in reducing Greenhouse Gas (GHG) emissions generated by transportation and buildings, they encourage a higher reduction target than 3%. Suggestions included support for installing electric vehicle infrastructure and upgrading wood stoves to low-emission appliances.

CRD Regional & Strategic Planning – At the time of comments were received, the RGS review was still underway. Staff commented that any potential need for an RGS amendment would be identified through the Board's evaluation.

AAPC – The Commission acknowledged that the potential for agricultural opportunities may increase with climate change. Support for the proposed OCP was stated.

JdFEA Parks and Recreation Advisory Commission – The Commission provided edits to Section 330 Parks and Trails. Support for the proposed OCP was stated.

Shirley/Jordan River APC – The Commission provided edits to Sections 310 and 410 Water, Sections 330 and 430 Parks and Trails, and to Section 380 Development and Local Economy. Suggestions were made to not identify the location of eagle's nests on the maps. Additions to Section 450 Transportation for traffic improvements, and to Section 460 Services and Emergency Planning were also outlined. Support was indicated for re-designating smaller parcels from Coastal Upland to Pacific Acreage on Schedule B and in Section 480 Development and Local Economy. Discussion on development permit areas (DPAs) related to enforcement issues and improving the design guidelines in Section 550 Commercial and Industrial DPA. The proposed boundary amendment to include a parcel from the Rural Resource Lands OCP area was not supported.

Since there was lack of support for the proposed boundary re-alignment from the Shirley/Jordan River APC, the Bylaws are not included in the recommendation for first reading. All other comments received have been incorporated into the plan presented for first reading. Staff recommend that the Board approve the referral of Bylaw No. 4001 and accept comments received.

RGS 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 Shirley/Jordan River Official Community Plan, Bylaw No. 4001, 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 Shirley and Jordan River. The OCP aims to protect the rural character and natural environment of the community, while accommodating rural residential, resource, and limited commercial uses in appropriate locations. The Plan has been restructured around themes identified by the community and includes a focus on protecting water quantity and quality. New policy areas include community services, resources, emergency planning, community health, and a provision for temporary use permits. A sensitive ecosystem inventory was prepared by Madrone Environmental Services Ltd. in 2014. This inventory was used to determine the extent of the Sensitive Ecosystem Development Permit Area and to establish development permit guidelines.

The Plan accommodates limited growth in Shirley and Jordan River. New land use designations (LUDs) are established that more accurately represent the range of current uses and the desired development potential. The establishment of the new Settlement, Pacific Acreage, Commercial, Coastal Upland, and Renewable Resource LUDs results in a decrease in the development potential of 856 lots when compared with the land use designations in the current OCP. The development potential is outlined in Section 386 and changes are summarized below:

Bylaw No.	Land Use Designation	Development Potential
3717 (Existing OCP)	Settlement Containment (1 ha)	1
	Settlement Area (2 ha)	1,438
	TOTAL	1,439
4001 (Proposed OCP)	Settlement (1 ha)	3
	Pacific Acreage (2 ha)	163
	Commercial (120 ha)	0
	Coastal Upland (4ha)	416
	Renewable Resource (120 ha)	1
	TOTAL	583
Reduction in Development Potential		856

The Coastal Upland LUD is applied to privately owned lands in the Private Managed Forest Land program. This LUD supports the continued use of parcels for forestry, residential, and limited low-impact tourism uses. The Coastal Upland designation supports a density that reflects the minimum lot size established by the Forestry zone in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, which is 4 ha with one dwelling per parcel.

The Renewable Resource LUD is applied to Crown Land in Tree Farm License #61, the existing industrial forestry log sort parcel, and land owned by BC Hydro being used for power generation. This designation supports resource uses and a density of one parcel per 120 ha.

The Commercial LUD is applied to lands in Jordan River. This designation restricts residential and tourist accommodation uses while supporting commercial, institutional and light industrial uses with a density of one parcel per 120 ha.

Proposed Bylaw No. 4001 retains the Settlement Containment Area LUD from the 2007 OCP for parcels in the 1 ha range, but renames it as Settlement. The designation includes parcels within the Sheringham Water Works service area and incorporates a small community park owned by the CRD.

The Pacific Acreage LUD is applied to parcels in the 2 ha range that were designated as Settlement Area in Bylaw No. 3717. Only those lands already zoned for rural residential or commercial uses outside the Settlement LUD are included in Pacific Acreage.

Policies that support rezoning of lands zoned Rural A, which permits multiple dwelling units on a single parcel, are included in Section 484 of Bylaw No. 4001. The intent of these policies is to provide property owners an alternative to building strata development under provisions of the *Strata Property Act*, and to provide the community an opportunity to obtain park dedication.

A Restricted Development LUD is applied to lands within the flood inundation zone identified by BC Hydro. Overnight accommodation uses are not permitted in this designation.

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. 4001 and proceeding to public hearing.

CONCLUSION

The Shirley – Jordan River OCP has undergone extensive community consultation and proposed Bylaw No. 4001 addresses the comments and vision of the community based upon the referral and review process. Staff recommend that the referral of the proposed bylaws to agencies, CRD departments, First Nations and the Shirley/Jordan River APC be approved, that the CRD Board consider the proposed OCP Bylaw for a 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. 4001, "Official Community Plan for Shirley – Jordan River, 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, Esquimalt Nation, Halalt First Nation, Hul'qumi'num Treaty Group, Island Health, JdF Agricultural Advisory Planning Commission, JdF Electoral Area Parks and Recreation Advisory Commission, Lyackson First Nation, Malahat First Nation, Managed Forest Council, 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, Pauquachin First Nation, Penelakut Tribe, Scia'new First Nation, School District #62, Sheringham Waterworks, Shirley/Jordan River Advisory Planning Commission, Shirley Fire Department, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsartlip Indian Band, Tsawout First Nation, Tseycum Indian Band, T'Sou-ke First Nation, and appropriate CRD departments, be approved and the comments received;
- b) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", be considered by the CRD Board for consistency with the Regional Growth Strategy;
- c) That proposed Bylaw No. 4079, Bylaw No. 4070 and Bylaw No. 4071 not proceed;
- d) That proposed Bylaw No. 4001, "Official Community Plan for Shirley – Jordan River, Bylaw No. 5, 2018", be introduced and read a first and a second time; and
- e) 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. 4001.

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

ET:wm

Appendices:

- A. Shirley/Jordan River Area
- B. Proposed Bylaw No. 4001
- C. Referral Comments
- D. Bylaw No. 4079, Bylaw No. 4070 and Bylaw No. 4071