

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2366**

A BYLAW TO AMEND THE SOOKE OFFICIAL COMMUNITY PLAN BYLAW 1988

WHEREAS the Regional Board of the Capital Regional District on the 14th day of August, 1988 adopted Bylaw No. 1645, being the "Sooke Official Community Plan Bylaw, 1988:"

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assemble, pursuant to Division 1, Part 29 of the Municipal Act, enacts as follows:

1 Capital Regional District Bylaw No. 1645, being the "Sooke Official Community Plan Bylaw, 1988", is hereby amended by amending the Sooke Official Community Plan, 1988 as follows:

(1) Delete all reference to the words "West Sooke" in the text and maps and insert in its place the new words "Otter Point and Shirley".

(2) **Section 3.1, Interpretation of the Plan**

Insert the following new paragraph after the fourth paragraph of Section 3.1:

"The Local Area Plans are prepared to complement the goals, objectives and policies of this Plan, except insofar as they differ from goals, objectives and policies of the Local Area Plans, in which cases the Local Area Plans will take precedence."

(3) Insert after "Appendix II, Lot Absorption of Lots Created 1982 to 1986" the following new "Appendix IV, Otter Point and Shirley Local Area Plan" attached hereto as Attachment 1 which forms part of this bylaw.

2 This bylaw may be cited as "Official Community Plan (Sooke) Bylaw, Amendment Bylaw No. 27, 1996".

READ A FIRST TIME THIS	24 th	day of January	1996
READ A SECOND TIME THIS	13 th	day of March	1996
READ A THIRD TIME THIS	23 th	day of March	1996
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	27 th	day of June	1996
ADOPTED THIS	10 th	day of July	1996

CHAIRPERSON

SECRETARY

Attachment 1

APPENDIX 14

OTTER POINT AND SHIRLEY LOCAL AREA PLAN

1.0 INTRODUCTION

1.1 OTTER POINT AND SHIRLEY

- Otter Point and Shirley are rural and natural areas west of Sooke.
- Otter Point stretches from Boneyard Lake Road and Kemp stream west to Muir Creek. Shirley stretches from Muir Creek west to Jordan River. Exact boundaries are shown in Map 1, accompanying this Local Area Plan.
- The area is forested, with wild beaches and secluded creeks.
- Land use is largely rural or forestry, with some rural residential areas, particularly near the coast at Kemp Lake Road and Sheringham Estates (where there is a public water system), and in the Robinson-Tugwell Roads area (where there is not).
- There is one industrial area near Poirier Lake; small cottage industries are scattered here and there.
- Otter Point and Shirley are neighbourly communities, in which people are considerate of their neighbours, try not to disturb them, and try to solve problems in a neighbourly way.
- There is some tourist accommodation in the area, particularly bed and breakfasts.
- There are parks and beaches for local, regional and tourist use.
- Otter Point and Shirley: Where the West Coast Begins.

1.2 BACKGROUND

- The regional director asked the Otter Point and Shirley Local Area Planning Committee to help prepare a local area plan for the West Sooke sub-area of the Sooke Official Community Plan.
- Open meetings were held about twice a month from March 1994 to March 1995 to discuss the Sooke OCP and develop proposals for a Local Area Plan. Decisions were made by consensus among the people who came to the meetings.
- Detailed suggestions were presented to a day-long Open House at the Otter Point fire hall on 29 April 1995. Further copies of the suggestions were made available at the CRD office in Sooke. Almost all reaction was positive.
- A further series of meetings studied public input from the Open House, and prepared a draft plan.
- The draft was presented to the regional director in June 1995.

1.3 OVERVIEW AND INTERPRETATION OF THE LOCAL AREA PLAN

- This Local Area Plan endorses the goals, objectives and policies of the Sooke Official Community Plan, except insofar as they differ from goals, objectives and policies of the Local Area Plan, in which cases the Local Area Plan will take precedence.
- In Particular, the Local Area Plan endorses the OCP's goal of concentrating residential growth and commercial activity in the Sooke Village area, so as to keep servicing costs low and protect the environment from unrestrained development and urban sprawl.
- Where goals, objectives or policies in this Local Area Plan repeat ideas that are already in the Sooke OCP, they are meant to emphasize their desirability.
- The Local Area Plan's main goal is to preserve the rural and natural character of the area.

1.4 LOCAL AREA PLAN AND NATURAL ENVIRONMENT MAPS

- Attached Otter Point and Shirley Local Area Plan Map showing planning area boundaries and land use designations forms a part of this Plan.
- Attached Otter Point and Shirley Natural Environment Map showing development permit areas for the protection or preservation of natural features forms a part of this Plan. This Map also includes development permit areas for commercial or industrial uses, and Forest Land Reserve (FLR).

2.0 GOALS

1. To maintain Otter Point and Shirley's rural and natural character—in particular its forested appearance—and avoid urban sprawl.
2. To protect the environment—for its own sake, for the sake of present and future residents, for the sake of visitors, and for the sake of fishery and forest production.
3. To promote an overall pace and pattern of development that are sustainable, that will maintain biodiversity, and that recognizes ecological interdependence.
4. To protect residents from disturbance or endangerment by industrial activity, while ensuring that industrial activity, especially small-scale industrial activity, remains possible.
5. To make Otter Point and Shirley a showcase of sustainable second-growth forestry, combining forest production with a beautiful landscape.

3.0 OBJECTIVES AND POLICIES

3.1 NATURAL ENVIRONMENT

Objectives

1. To preserve the natural forested appearance of Otter Point and Shirley.
2. To protect the marine shoreland.
3. To protect lakes, rivers, and creeks—for their own sake, as wildlife and fish habitat, for their natural beauty, and as water-sources.
4. To enhance fisheries of indigenous species.

5. To protect natural habitats.
6. To minimise adverse impacts of resource extraction both on nearby residents and on the land itself.
7. To protect marshes, run-offs and other natural drainage features—for the sake of the lakes and creeks they feed, in order to protect water-supplies, and in order to avoid drainage problems and flooding.

Policies

1. The Capital Regional District will assist the provincial Ministry of Environment and the federal Department of Fisheries and Oceans in protecting Goudie, Kirby, Muir, Tugwell, DeMamiel, Jacob, Rockbottom, Sandcut, Desolation, Swallowbank, McManus, Eaglet, Vye, Frenchhome, Legge and King creeks, Jordan River, and Kemp, Poirier, Young and MacKenzie lakes.
2. The Capital Regional District will support the Ministry of Environment and the Department of Fisheries and Oceans in preventing the removal—without the approval of those agencies—of gravel, sand and soil from the creeks and lakes listed above; and in order to prevent adverse environmental effects, will ensure that there is no significant modification of banks or channels without careful consideration and the approval of people in one or both of those agencies.
3. Habitable buildings must not be constructed within thirty (30) metres (100 feet) horizontal distance from high water mark of Jordan River, Goudie, Kirby, Muir, Tugwell and DeMameil creeks, and Kemp and Young lakes.
4. Habitable buildings must not be constructed within fifteen (15) metres (50 feet) horizontal distance from high water mark of Kemp Stream, Jacob, Rockbottom, Sandcut, Desolation, Swallowbank, McManus, Vye, Eaglet, Frenchhome, Legge and King Creeks, and Poirier and MacKenzie Lakes.
5. In order to retain vegetation cover on stream banks, any clearing or construction that might affect a listed creek must have Ministry of Environment and/or Department of Fisheries approval.
6. A regional trunk trail and secondary trails should be established on public land including parts of the above-noted streams and rivers only if this can be done in a manner that ensures that fish habitats are not damaged through the removal of stream bank vegetation, that erosion is minimized, and that residents are not disturbed.
7. In order to maintain groundwater levels and protect water in creeks and lakes, protection must be given to marshes, ponds and runoffs. There should be no significant construction or clearing within fifteen (15) metres (50 feet) of such bodies of water.
8. Improvements should be encouraged for public access to shoreland environments through future development of adjacent uplands, where access will not disturb nearby residents or damage the shoreland itself.
9. Construction and clearing must avoid interfering with natural drainage patterns.

3.2 HOUSING

Objectives

1. To maintain the rural and natural character of Otter Point and Shirley.
2. To ensure that new residential development is in harmony with nearby land uses.
3. To ensure a scale and form of future residential development which will minimize demand for extensive community services.
4. To ensure the protection and preservation of the natural environment.

5. To keep settlement in this area relatively sparse.

Policies

1. A diversity of methods of housing design and construction should be encouraged.
2. Measures should be considered for encouraging retention of trees.
3. Screening or landscaping of residences should be encouraged.
4. Existing small lots adjacent to larger properties should not necessarily set a precedent for subdivision.
5. In order to avoid runoff and septic problems, land with a high average natural slope should remain in parcels of ten acres or more.
6. The smallest size a new lot should normally be is 0.5 hectares (2 ½ acres).

Rural Residential

7. The main uses in Rural Residential areas should be one-family dwellings, two-family dwellings, parks, agriculture, churches, schools, community facilities and public recreation uses.
8. Rural residential areas should not necessarily be developed to the maximum of their carrying potential.
9. Areas should be rezoned to permit Rural Residential development only when all of the following criteria can be complied with:
 - a. General accessibility;
 - b. Availability of fire protection services;
 - c. Suitability of the soils for sewage disposal;
 - d. Availability of water supply of adequate quality and quantity; and
 - e. Compatibility with surrounding land uses.
10. Lot averaging must not be permitted, even in the case of large parcels of land.
11. The maximum density of residential buildings in Rural Residential shall not exceed one dwelling unit per hectare (2.5 acres) of land.
12. In addition to the residential use of lands in a Rural Residential Zone, the implementing land use bylaw should permit uses such as cottage industries and home occupations, including bed and breakfasts, as long as they do not disturb nearby residents who are present at the time a new use or a new level of use begins.

Rural

Rural areas, by nature of their steepness, rock outcroppings, their soils or remoteness from community services, or for other reasons such as comparative remoteness, environmental protection, or preservation of rural atmosphere, are suitable only for limited residential development. **Definition:** The Rural designation identifies areas which, due to site characteristics or location, or for other reasons, are suitable for only limited residential development.

13. In the preparation of the implementing zoning bylaw, consideration should be given to recognizing that existing buildings for which a valid building permit has been issued or which antedate zoning may be added to or replaced.
14. Notwithstanding Policy 2.2.8.3 (third paragraph) of this Plan, where the total number of residential buildings is in excess of the number permitted, applications for subdivision may be considered for approval provided that the parcels created are not less than one hectare (2.5 acres) in size. In considering such subdivision, account must be taken of the density-patterns laid out in this Plan and, in any case, more than one such subdivision per four hectares (10 acres) should not be approved.

15. In addition to the residential use of lands in a Rural Zone, the implementing zoning bylaw should permit uses consistent with small scale resource extraction and processing enterprises, cottage industries and home occupations such as bed and breakfasts and other tourist-oriented businesses, as long as they do not disturb nearby residents who are there when a new use or a new level of use begins.

Upland Watershed

16. Areas (such as marshes, streams, lakes, reservoirs, etc.) that may contribute to present or future water-sources should be protected.

3.3 AGRICULTURE

Objectives

1. To preserve agricultural lands in the Plan area.
2. To encourage the production of agricultural products and services in the Plan area.
3. To encourage sustainable, non-polluting agriculture.

Policies

1. All agricultural land should be preserved, whether productive at this moment or not.
2. Sustainable, non-polluting agricultural enterprises should be encouraged; intensive enterprises should be permitted.
3. Where permitted by provincial law, the implementing land use bylaw should permit non-farm uses such as cottage industries and home occupations, as long as they do not disturb nearby residents who are present at the time a new use or new level of use begins.

3.4 FORESTRY

Objectives

1. To encourage good forest management practices, especially those that leave the forest looking like a forest.
2. To encourage small scale resource protection and production.
3. To encourage diversification of wood processing and products.
4. To make Otter Point and Shirley a showcase of good second-growth forest management, management that produces value while protecting the long-term ecological future of this area and maintaining a beautiful natural landscape.

Policies

1. Harvesting plans that maintain the natural forested appearance of an area should be encouraged in every way possible.
2. Programs such as the provincial woodlot program, which make small-scale forest production possible, should be encouraged.
3. Owners of forested land should be encouraged to take advantage of provincial forest management programs to put their land, of whatever size, under a timber management plan.
4. Small local mills should be encouraged to avail themselves of opportunities that may exist to obtain log supplies through government programs and governments should be encouraged to provide further opportunities for small mills to obtain sufficient logs.
5. Encourage secondary manufacturing using local timber.

3.5 COMMERCIAL

Objectives

1. A major objective of the Sooke OCP is strengthening the Sooke Village area as the centre of commercial activity in the area. This local area plan confirms that objective.
2. Encourage the establishment in Otter Point and Shirley of high quality tourist accommodation and commercial recreation uses that maintain and emphasize the beauty of the natural environment, and do not disturb nearby residents.
3. Encourage commercial enterprises that cater to seniors.
4. All commercial sites should be subject to a development permit that requires, among other things, good screening and/or landscaping that maintain and emphasize the beauty of the natural environment.

3.6 INDUSTRY

Objectives

1. Encourage a diversified industrial base, particularly small industry rather than large.
2. Encourage the development of both light industrial and cottage industry uses that are in harmony with nearby land uses and the natural environment.
3. Recognize the need for sufficient industrial land to meet the requirements of small industry.

Policies

1. New industrial uses shall be permitted in areas that have not developed predominantly with residences but not in areas designated for future residential or rural residential development. They will be encouraged to locate among other industrial uses or in areas where adverse effects on surrounding uses will be minimized.
2. The implementing zoning bylaw shall consider small scale processing and manufacturing, the production of crafts, electronic components and the limited production of specialized food items, which do not rely primarily on retail sales and service from that location and which will not normally interfere with the neighbouring owners' right to peaceful enjoyment of their property, in rural, non-industrial parts in the Plan area, but not in areas that are rural residential or have developed primarily residentially.
3. Dense screens and natural or landscaped buffers, consisting of drought-resistant native trees and other landscaping, which are not less than 15 metres (50 feet) in width in a General Industrial Zone and not less than 7.5 metres (25 feet) in width in Light Industrial and Marine Industrial Zones, and which constitute an effective sound-barrier, shall be required where noise, light, or undesirable visual effects may come from structures, vehicular areas, or outdoor storage areas, or any other activity related to an industrial use, and when it is deemed that they may adversely affect adjacent land uses. Hours of work may also be limited to normal working hours.
4. Large industrial sites shall not be encouraged. Large-scale gravel extraction, especially that primarily for export, should be opposed.
5. Resource extraction and processing operations, sawmills and dog kennels should be located at sufficient distance from residences that they do not interfere with neighbours' use and enjoyment of their property.
6. Operations requiring regular heavy transport, such as gravel pits, should be located so that transport does not disturb or endanger nearby residents.

7. In order to protect the purity of air, land and water, dangerous substances must be disposed of in a safe and proper way.
8. Encourage secondary manufacturing using local timber.

Development Permits (Industrial)

Those areas shown as Development Permit Areas on maps attached to and forming part of this plan, and all other areas designated Industrial, are hereby designated, pursuant to section 945(4)(a) of the ***Municipal Act*** as areas for the establishment of objectives and the provisions of guidelines for the form and character of industrial development. This designation is justified by the Industrial objectives of this Local Area Plan. The following guidelines apply to the development of land and/or construction of buildings to which the development permit applies.

Guidelines

Development permits issued for industrial land shall be in accordance with the following:

- 1) The size (scale) and shape (massing) of buildings shall be compatible with adjoining existing and proposed land uses;
- 2) The adverse impact of noise, light, odour and any undesirable visual effects on adjoining properties shall be prevented or severely mitigated by substantial screening, setbacks and landscaping;
- 3) Storage and garbage disposal facilities shall be adequately provided; and,
- 4) Require high quality sign design and construction that does not detract from the natural environment.
- 5) Proper landscaping or screening shall be provided to protect the privacy and enjoyment of adjacent residential properties.

3.7 TRANSPORTATION

Objectives

1. To encourage the development of a safe and efficient transportation system.
2. To ensure that there is an effective integration of neighbourhood, community and regional transportation networks.
3. To encourage continued development of public and/or private transit, involving bus, minibus or inexpensive taxi service connecting all settled parts of Otter Point and Shirley with Sooke and Victoria.

Policies

1. Provision should be made for wide shoulders or some other means of safe, separated movement for pedestrians, cyclists and equestrians along highways and major roads, especially those which are used for pedestrian access to schools, shopping facilities, or other community facilities. In particular, it should be possible to walk, cycle or ride along West Coast, Otter Point and Kemp Lake Roads from the eastern boundary of Otter Point to Tugwell Creek.
2. Priority should be given to making it possible to walk safely between Gordon's Beach and Kemp Lake.

3.8 OPEN SPACE AND RECREATION

Objectives

1. To help ensure that Otter Point and Shirley retain their rural, open space character.
2. To acquire and maintain parks to meet the needs of local and nearby residents.
3. To provide public access that meets the needs of local and area residents to shoreland, upland and other natural areas.
4. To ensure that recreation facilities (trails, beach access, etc.) are designed so as to avoid disturbing residents.

Policies

1. Because of the sensitivity of Kemp Lake and its use as a water supply area, special consideration will be given to protecting the Lake in any parks facility development.
2. Recreation areas or reserves for motorcycles, mini-bike and other motorized vehicles should not be developed unless they can be separate from trails and distant enough from residences to cause not disturbance.
3. In developing a trail system or other recreational facilities, special care must be taken that residents and property-owners not be disturbed or exposed to potential liability.

3.9 SERVICES AND FACILITIES

Water Supply

1. The distribution of water in the Kemp Lake Waterworks District is the responsibility of the Kemp Lake Waterworks District.
2. The quality of water in Kemp Lake must be preserved. The Kemp Lake watershed is hereby designated a development permit area. Development permit guidelines based on the objectives and policies of the Plan should be established as soon as possible. Before the issuance of a development permit for a property in Kemp Lake watershed, the applicant may be requested to furnish, at his expense, a report certified by a professional engineer, to assist the Capital Regional District Board in determining what conditions or requirements it will impose in the permit.
3. At the time of subdivision, all new wells must have a properly engineered test to prove that they have a secure, safe and adequate water-supply.
4. New wells must be planned so as not to endanger the water supplies of existing wells.
5. Governments should be encouraged to make a detailed study of drainage and groundwater in the Otter Point area so as to make it possible to plan the proper number and location of wells. Until such a study is made, no upzoning should take place in areas where water supply or well-interference could be a problem. Extreme caution should be used when considering subdivision applications in such areas.
6. Areas (such as marshes, streams, lakes, reservoirs, etc.) that may provide future water-sources should be strictly protected.
7. In order to retain groundwater, tree-cover should be maintained.

Sewage Disposal

8. All possible measures should be taken to educate the public, particularly new residents, in the care of septic systems. Merchants should be advised which of their products are potentially harmful to septic systems.
9. Alternate methods of sewage disposal should be investigated, and a suitable site distant from housing sought for safe composting of material pumped from septic tanks.

10. New septic fields should be designed so as to avoid polluting present and possible future water supplies.

4.0 IMPLEMENTATION

Zoning and subdivision by-laws should be amended to accord with the objectives and policies of this Plan. In particular, by-laws should be prepared to require that all new wells have a professionally engineered test to prove that they have a safe, secure and adequate water supply; and to designate present and future commercial and commercial recreation-zoned properties as development permit areas.