



Making a difference...together

**BYLAW NO. 3819**

**OTTER POINT**

**OFFICIAL COMMUNITY PLAN**

**Consolidated for Public Convenience**  
**(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED OCTOBER 8, 2014  
(Consolidated with Amending Bylaws 4104 and 4317)

For reference to original bylaws or further details, please contact the Capital Regional District,  
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**Amending Bylaws Consolidated**

<b>Bylaw No.</b>	<b>Type</b>	<b>Adopted</b>	<b>Purpose</b>
4104	Map	July 12, 2017	Update Map No. 3: Land Use Designations Update Map No. 5a: Steep Slopes Development Permit Area
4317	Map	February 10, 2021	Add to Map No. 5c: Watercourses & Wetlands Development Permit Area – RZ000267 Add to Map No. 5e: Commercial & Industrial Development Permit Area – RZ000267

## **Acknowledgements**

This Official Community Plan (OCP) was developed through a collaborative effort which involved a broad cross-section of Otter Point residents and stakeholders. This OCP would not have been possible without the hard work and dedication of those involved. The CRD would like to acknowledge and thank all those who participated in the OCP review. Special thanks go out to the Otter Point OCP Review Citizens' Committee and the team from Golder-HB Lanarc, to the Otter Point Advisory Planning Commission, and to the Sooke Region Museum historian, who all devoted a significant amount of time and energy to produce this document.

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The preparation of this sustainable Community Plan was carried out with assistance from the Green Municipal Fund, a Fund financed by the Government of Canada and administered by the Federation of Canadian Municipalities. Notwithstanding this support, the views expressed are those of the Capital Regional District. The Federation of Canadian Municipalities and the Government of Canada accept no responsibility for them.

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 3819**

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**A BYLAW TO ESTABLISH AN OFFICIAL COMMUNITY PLAN FOR OTTER POINT**

\*\*\*\*\*

**A**     **WHEREAS** the Capital Regional Board wishes to update the Community Plan for the Otter Point area of the Regional District;

**B**     **AND WHEREAS** the residents of Otter Point, the adjacent municipality and various external provincial and federal government agencies have reviewed this Community Plan;

**C**     **AND WHEREAS** this community plan has been considered in conjunction with the Capital Regional District's Financial and Capital Expenditures program and the Capital Regional District's Regional Growth Strategy;

**D**     **AND WHEREAS** Sections 876, 877, 919.1, 920, 920.01 and 920.2 of the *Local Government Act* authorize the Capital Regional District to develop a bylaw to address all of the following issues:

- The development of an Official Community Plan
- The establishment of Green House Gas reduction targets
- The designation of Development Permit Areas
- The designation of Development Approval Information Areas
- The designation of Temporary Use Permit areas

**E**     **NOW THEREFORE** the Board of the Capital Regional District in open meeting assembled, enacts as follows:

**SECTION 1     GEOGRAPHIC AREA OF THE BYLAW**

This bylaw covers the area referred to as Otter Point, which is a part of the Juan de Fuca Electoral Area within the Capital Regional District, as outlined on Map 1 – Plan Area, which is attached to and forms a part of this bylaw.

**SECTION 2     SEVERABILITY**

If any section, subsection, sentence, paragraph, schedule, or map forming part of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, paragraph, schedule, or map may be severed from the bylaw without affecting the validity of the bylaw or any portion of the bylaw or remaining schedules or maps.

**SECTION 3     INCORPORATION OF SCHEDULES AND MAPS**

Schedule "A", Appendix 1 and Maps numbered 1 to 6 attached hereto are hereby made a part of this bylaw.

**SECTION 4     REPEAL OF BYLAWS**

The following bylaw is hereby repealed:

The Capital Regional District Bylaw No. 3719, cited as the "Official Community Plan for Otter Point Bylaw No. 1, 2010".

**SECTION 5 TITLE**

This bylaw may be cited for all purposes as the "Otter Point Official Community Plan Bylaw No. 1, 2014".

**SECTION 6 IMPLEMENTATION**

READ A FIRST TIME THIS	9 <sup>th</sup>	day of	July,	2014
READ A SECOND TIME THIS	9 <sup>th</sup>	day of	July,	2014
READ A THIRD TIME THIS	13 <sup>th</sup>	day of	August,	2014
RESCINDED THIRD READING THIS	10 <sup>th</sup>	day of	September,	2014
READ A THIRD TIME, AS AMENDED, THIS	10 <sup>th</sup>	day of	September,	2014
Schedule A of this bylaw is approved by the				
Minister of Transportation and Infrastructure this	23 <sup>rd</sup>	day of	September,	2014
ADOPTED THIS	8 <sup>th</sup>	day of	October,	2014

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CHAIR

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CORPORATE OFFICER

Schedule "A" of Capital Regional District Bylaw No. 3819

Otter Point Official Community Plan

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**Otter Point Official Community Plan**

**PART 1.0 COMMUNITY BACKGROUND INFORMATION**

**1.1 Introduction**

As shown on Map 1, the Otter Point area is located within the Juan de Fuca Electoral Area and is adjacent to the District of Sooke, bound on the north by the Rural Resource Lands, to the west by the Shirley/Jordan River area and to the south by the Strait of Juan de Fuca. The area is comprised of approximately 3,344 hectares. It is primarily a rural community with large tracts of forest and Agricultural Land Reserve (ALR) lands, and single-family rural residential parcels. There are 2 commercial parcels, 41 industrial parcels, most of which are located at the Sooke Business Park, a large Scouts Canada facility located at Camp Barnard, and 2 institutional parcels including the Otter Point Fire Hall and the Juan de Fuca Local Area Services Building.

**1.2 Demographics**

Based upon the 2006 Census Canada information, the Otter Point population was estimated to be approximately 1,650. The age breakdown of the population was as follows:

**2001 to 2011 Population Breakdown**

<b>Age Group</b>	<b>2001</b>	<b>2006</b>	<b>2011</b>
0 to 4 years	55	60	90
5 to 9 years	85	60	100
10 to 14 years	75	120	90
15 to 19 years	85	105	105
20 to 24 years	60	70	70
25 to 29 years	80	50	60
30 to 34 years	60	70	105
35 to 39 years	120	125	130
40 to 44 years	145	125	110
45 to 49 years	140	155	135
50 to 54 years	120	180	190
55 to 59 years	90	170	200
60 to 64 years	90	130	155
65 to 74 years	110	85	180
75 + years	90	90	90
<b>TOTAL</b>	<b>1415</b>	<b>1650</b>	<b>1810</b>

Note: Total population varies due to rounding

The population increase for 2001 to 2006 was 235 persons, or a growth of 17%. The population in 2011 was 1,810 which indicates there is a declining rate of growth for 2006 to 2011 with 160 persons or a growth of 9%. The average annual population growth for 2006-2011 was approximately 1.8%. Using this annual average, the population of Otter Point in 2018 is estimated at 2,050.

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**2001 to 2011 Total number of private households by household size**

	<b>2001</b>	<b>2006</b>	<b>2011</b>
<b>Total private households</b>	600	680	750
1 person	140	180	175
2 persons	265	290	325
3 persons	70	75	110
4 to 5 persons	115	125	120
6 or more persons	10	15	20
Average number of persons per households	2	2.3	2.4

The total number of private households has increased by 25% since 2001 with the majority being two person households. The average number of persons per household in Otter Point has risen due to the increase in 2 and 3 person households.

**2001 to 2011 Family Structure**

<b>Total couple families by family structure</b>	<b>2001</b>	<b>2006</b>	<b>2011</b>
<b>Total</b>	<b>370</b>	<b>455</b>	<b>505</b>
Married couples	305	355	385
Without children at home	175	220	245
With children at home	130	135	145
1 child	55	40	60
2 children	60	65	65
3 or more children	20	25	20
Common-law couples	65	95	120
Without children at home	60	55	65
With children at home	0	40	55
1 child	0	25	25
2 children	0	15	15
3 or more children	0	0	5
 <b>Total lone-parent families by sex of parent</b>	 <b>70</b>	 <b>60</b>	 <b>60</b>
<b>Female parent</b>	<b>55</b>	<b>55</b>	<b>45</b>
1 child	35	30	25
2 children	10	20	10
3 or more children	15	0	5
<b>Male parent</b>	<b>10</b>	<b>10</b>	<b>20</b>
1 child	10	0	15
2 children	10	0	5
3 or more children	0	0	5

The family structure in Otter Point continues to be predominately married or common-law couples without children but the number of families with children is increasing.

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**2001 to 2011 Occupations**

<b>Occupation</b>	<b>2001</b>	<b>2006</b>	<b>2011</b>
<b>Total</b>	<b>735</b>	<b>980</b>	<b>885</b>
Occupation - Not applicable	20	10	0
<b>All occupations</b>	<b>715</b>	<b>970</b>	<b>885</b>
A Management occupations	45	130	100
B Business, finance and administration occupations	90	115	150
C Natural and applied sciences and related occupations	25	65	45
D Health occupations	45	40	80
E Occupations in social science, education, government service and religion	20	100	105
F Occupations in art, culture, recreation and sport	40	35	0
G Sales and service occupations	205	185	195
H Trades, transport and equipment operators and related occupations	145	180	150
I Occupations unique to primary industry	50	75	30
J Occupations unique to processing, manufacturing and utilities	40	30	0

There was a decline in total occupation from 980 in 2006 to 885 in 2011. The largest decline was in occupations in art, culture, recreation and sport and in primary industry. Increases were in health and business.

**Total Employed Population by Place of Work**

<b>Total employed population 15 years and over by place of work status</b>	<b>2001</b>	<b>2006</b>	<b>2011</b>
<b>Total</b>	<b>660</b>	<b>950</b>	<b>865</b>
Worked at home	110	115	145
Worked outside Canada	0	0	0
No fixed workplace address	130	155	155
Worked at usual place	420	680	575

Most of the jobs are located at a fixed place and are located outside Juan de Fuca Electoral Area but remain within the region. The proportion of those working at home, about 16% in 2011, has remained fairly constant since 2001.

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**Otter Point Official Community Plan**

**Total Employed Population by Mode of Transportation**

<b>Total employed population 15 years and over with a usual place of work or no fixed workplace address by mode of transportation</b>	<b>2001</b>	<b>2006</b>	<b>2011</b>
<b>Total</b>	<b>550</b>	<b>835</b>	725
Car, truck, van, as driver	470	670	565
Car, truck, van, as passenger	45	70	35
Public transit	10	60	85
Walked	25	20	0
Bicycle	0	10	0
Other method	0	10	0

The single occupant vehicle remains the main mode of travel for workers in Otter Point, with about 83% of work trips in 2011. This is a continuing decline from about 94% from 2001. This dependence on private vehicles reflects the fact that most of the jobs are located outside the Juan de Fuca Electoral Area and the limited transit service to the area. There was an increase in the public transit riders from 2% in 2001 to 12% in 2011. This may reflect the impact of the Otter Point community bus service.

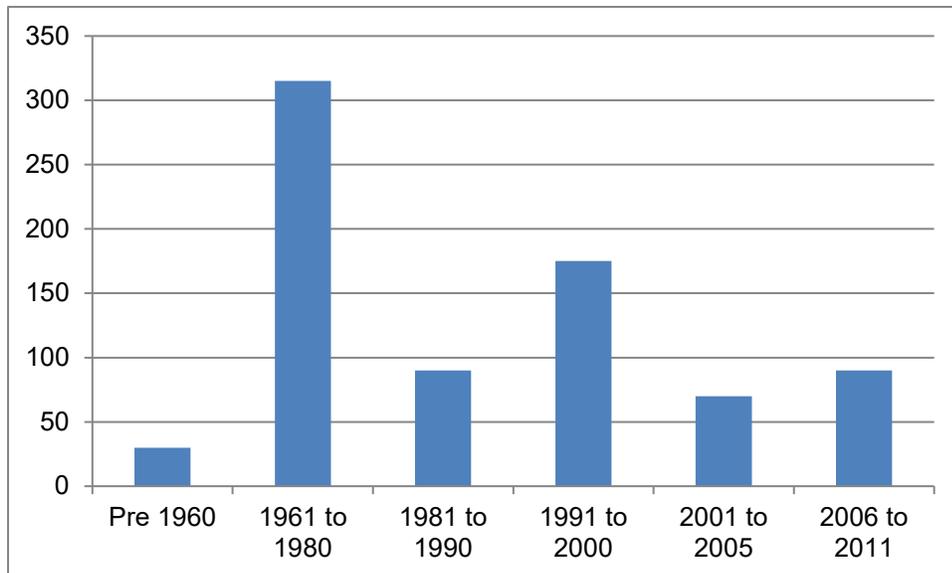
**1.3 Building Permit Trends**

The predominant type of dwelling in Otter Point is a single-family dwelling unit at about 88% of all dwelling dwellings. The other dwelling types are apartments and mobile homes.

**Occupied Dwellings 2001 to 2006**

<b>Number of occupied private dwellings by structural type of dwelling</b>	<b>2001</b>	<b>2006</b>
<b>Total</b>	<b>600</b>	<b>685</b>
Single or Duplex	485	615
Apartment or Movable	110	65

**Occupied Private Dwellings by Year of Construction**



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**Otter Point Official Community Plan**

**New Dwelling Unit Permits 2006 – 2013**

	2006	2007	2008	2009	2010	2011	2012	2013	Total
Building Permits Issued	44	16	21	8	20	25	10	13	157

Permits issued for Otter District includes single family, two-family, multi-family and mobile homes

The building permit record indicates a wide annual variation from 2006 to 2013 with an average of 20 permits per year.

**1.4 Housing Demand**

Given that the population by 2018 is estimated at 2,050 and using the 2006 average persons per household of 2.3, a total of 892 dwellings are needed to accommodate population growth. Given the existing inventory of 750 private households and the potential for additional parcels there is sufficient housing capacity in the Otter Point area for the next five years.

**1.5 Development Potential**

The 2007 OCP designated the Otter Point area as Agricultural Land Reserve, Settlement Area and Settlement Containment Areas. The Settlement Containment Areas had a desired parcel size in the 1 ha range and the Settlement Area had a desired parcel size of 2 ha or greater. To calculate the development potential of the 2007 designations the desired parcel size for each designation was used. The ALR area did not have a desired parcel size, and as subdivision is only permitted at the discretion of the Agricultural Land Commission (ALC) for agricultural reasons, a development potential has not been provided for these lands. This approach provides a high estimate of potential parcels as site specific characteristics such as topography and public access and development permit requirements which can significantly reduce this potential are not considered. The number of potential parcels does not readily translate into dwellings as about 290 of the parcels are zoned Rural A which permits multiple dwellings per parcel.

The potential of the 2007 OCP Land Use Designations for rural residential development is approximately 1,885 parcels. The community supports maintaining the development potential below the 2007 OCP level.

2007 OCP Land Use Designations	Parcel Development Potential
Settlement Area	1140
Settlement Containment Areas	745
<b>Total</b>	<b>1885</b>

**1.6 Physiography of the Area**

Based upon a review of a report titled *An Introduction to the Ecoregions of British Columbia*, the study area is a part of the Georgia Depression Ecoprovince, the Georgia-Puget Basin Ecoregion and the Juan de Fuca Strait Ecoregion. This suggests the following:

- The ocean and the Strait of Georgia modify temperatures throughout the area.
- The southern parts of this ecoprovince, which includes Otter Point, have the highest annual amounts of sunshine in the province.

**General Topographical Information and Main Topographical Features**

Most soils in the Otter Point area are well to rapidly drained soils and the general topography can be characterized as moderately rolling to hilly. The elevation above sea level ranges from 0-150 metres in areas nearer the coast and reaches as high as 200-300 metres in more northern areas, such as near Broom Hill. In addition, many beach areas have steep slopes associated with them. Rock outcrops are also common throughout the area.

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**Geological Setting and Soil Characteristics**

The following soil associations have been identified in the Otter Point area.

**Soil Units of the Otter Point Area**

<b>Soil Units</b>	<b>Drainage Rating</b>	<b>Usual Texture</b>	<b>Slope Range in Percent (Degrees)</b>	<b>Developed in</b>	<b>General Topographical Characteristics</b>
Coastal Beach (CB)	-	-	-	Marine deposits	-
Dashwood (D)	Well	Very gravelly loamy sand to gravelly sandy loam	9-15 (5-8)	Fluvial, fluvioglacial and/or marine deposits	Moderately rolling; Normally less than one meter over compact morainal deposit
Fairbridge (F)	Imperfect to moderate	Silt loam	2-9 (1-5)	Deep silty and/or clayey marine deposits	Undulating to gently rolling; Minor gullied areas may be present; Perched water table in winter
Hawarth (HA)	Rapid	Very gravelly to gravelly loamy sand	5-15 (3-8)	Fluvial, fluvioglacial and/or marine deposits	Moderately rolling with some areas of gentle rolling
Qualicum (Q)	Rapid	Very gravelly to gravelly loamy sand	2-5 (1-3)	Fluvial, fluvioglacial and/or marine deposits	Undulating
Quinsam (QN)	Well	Gravelly, sandy loam	5-15 (3-8)	Morainal deposits	(till) Moderately rolling with some areas of gentle rolling
Robertson (RB)	Rapid	Cobbly, gravelly, sandy loam to cobbly gravelly loam	15-30 (8-17)	Colluvial morainal deposits	or Strongly rolling
Rock Outcrop (RO)	-	-	-	Bedrock	-
Rosewall (RL)	Rapid	Cobbly, gravelly sandy loam or cobbly, gravelly loam  (some areas can be very gravelly sand)	9-60 (5-33)	Colluvial morainal deposits	or Moderately rolling to hilly; Often between 10-50 cm over bedrock  (some areas are very hilly)
Shawnigan (S)	Well	Gravelly, sandy loam or gravelly loamy sand	5-15 (3-8)	Morainal deposits	(till) Gently rolling to moderately rolling
Squally (SL)	Rapid	Gravelly loamy sand or gravelly sandy loam	9-60 (5-33)	Colluvial morainal deposits	or Moderately rolling to hilly

Source: Soils of Southern Vancouver Island, MOE Technical Report, 1985

Many of the soil types identified here have developed in morainal deposits, suggesting that the area may have several gravel deposits.

**Sand and Gravel**

The Province is responsible for management of mineral and aggregate resource extraction, and the CRD’s role is limited to provisions under the Juan de Fuca Electoral Area Soil Removal or Deposit Bylaw. Gravel extraction sites within Otter Point are indicated on Map 2.

## Schedule “A” of Capital Regional District Bylaw No. 3819

### Otter Point Official Community Plan

#### 1.7 Dominant and Sensitive Ecosystems

A Sensitive Ecosystem Inventory was conducted for the Otter Point area by Raincoast Applied Ecology/HB Lanarc using the same methodology as the Sensitive Ecosystems Inventory carried out by the Canadian Wildlife Service for other CRD communities. The purpose of the Otter Point Sensitive Ecosystems Inventory (SEI) was to identify, classify and map remnants of rare and fragile terrestrial ecosystems. Conserving sensitive ecosystems is important as they provide ecosystem services for a healthy economy and for social well-being. They help maintain clean water, prevent erosion, support fish and wildlife, and help define Otter Point’s rural character and natural beauty. Conservation planning for sensitive ecosystems and other ecological features will be integrated with a variety of land use planning decisions as part of the OCP.

Map 4 illustrates the locations of the seven classes of sensitive ecosystems occurring in the study area, and these were broken down into subclasses that describe their physiognomy and/or plant community composition: Woodland Ecosystems; Herbaceous Ecosystems (coastal herbaceous, spit and shrub-dominated); Riparian Ecosystems (medium and high bench floodplains, fringe, gully and river); Wetland Ecosystems (fen, marsh, swamp and shallow water); Freshwater Ecosystems (pond subclass); Cliff Ecosystems (inland cliff subclass); and Sparsely Vegetated Ecosystems (rock outcrop and shrub dominated subclasses). Two other important ecosystems are mapped in SEIs: Mature Forests (coniferous subclass) and Seasonally Flooded Agricultural Fields. The SEI also identified five marine shoreline habitat types including Bedrock, Mixed Gravel-Cobble Substrate, Sparsely-Vegetated, Wetland, and Developed.

There were 370 SE polygons mapped in the study area. They range from 0.02 ha to 85.6 ha in size (mean of 4.8 ha). Most polygons represent a single class and subclass, while the remainder were mapped as complexes containing two or three ecosystem types (e.g. 80% woodland mixed with 20% sparsely vegetated). In total, there were 429 occurrences of sensitive ecosystem types and 63 occurrences of other important ecosystems. Riparian Ecosystems (126 occurrences accounting for 388 ha) and Woodland Ecosystems (114 occurrences accounting for 394 ha) were the most common sensitive ecosystems found. Of the riparian ecosystems, the most common type was Riparian Fringe (72% of riparian ecosystems by area), as it can be found along most streams and lake or pond edges. The third most common sensitive ecosystem class was Sparsely Vegetated Rock Outcrop (184 ha across 76 occurrences). Approximately 70 ha of Wetland Ecosystems were mapped, 77% of which were swamp ecosystems, and the remainder marsh, fen or shallow open water ecosystems. Deeper Freshwater Ponds accounted for 39 ha of the study area. Cliff and Herbaceous Ecosystems were the most rare, totaling roughly 3 ha each. While some older trees were found, no Old Forest stands found in the study area.

These sensitive areas will be protected through a Watercourses, Wetlands and Riparian Development Permit Area and a Sensitive Ecosystems Area Development Permit Area. Any proposed land use change will require the identification of the impacts the proposed development will have on the environment and the mitigative measures recommended to offset the impacts or remediate the area.

The rural and mostly natural setting of the Plan area provides good habitat for wildlife, as well as containing marine habitat. There is abundant second-growth forest in the area, which is important not only in socio-economic terms for its contribution to the forestry industry but also in terms of providing the following products and uses:

- wildlife corridors for connecting habitat patches;
- buffers around more sensitive areas such as wetlands or streams;
- habitat for a broad range of wildlife;
- non-timber forest products such as salal, wild mushrooms, and wild berries; and
- green space.

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#### Watercourses, Wetlands and Lakes

Map 4 shows the general locations of streams and water bodies within Otter Point based upon provincial TRIM data. Many streams in the Otter Point area are important salmon-spawning streams and support a variety of riparian biota including native plants, amphibians, and other fish and wildlife.

Most of these streams and water bodies are important fish bearing watercourses and support sculpin, trout and salmon. The Sooke Salmon Enhancement Society operates the Jack Brooks hatchery on Rocky Creek. The Society works to raise Chinook Salmon, Coho Salmon and Steelhead Trout and releases the fish into local spawning streams, including DeMamiel Creek, to enhance survival of these species.

There are several other ephemeral streams located throughout the area as well as several wetland areas. Wetlands are important due to their capacity to:

- store water, and retain storm water runoff;
- maintain water quality by reducing the levels of sediment, nutrients, and toxic chemicals in outflow water;
- provide excellent habitat for a wide variety of biota; and
- provide additional greenspace and recreational value.

#### 1.8 Community Water Systems and Sewage Disposal

The only known community water system is that of the Kemp Lake Waterworks District, which currently provides chlorine treated water to approximately 410 households in the area as identified by the Kemp Lakes Waterworks Improvement District. Map 2 indicates the service area.

The Kemp Lake Waterworks Improvement District manages the distribution of water, maintains the current infrastructure, and works to inform residents and visitors to use caution in the watershed in order to maintain a safe water supply. Recently, the Kemp Lake Waterworks District undertook a watershed risk assessment. The Waterworks District anticipates that it would have the capacity to service approximately 100 new connections and currently has no plans for future expansion of servicing but continues to investigate alternative water sources. Since many households rely on water from Kemp Lake as their primary source of water, it is important to maintain the quality of water within the lake and to minimize the amount of pollutants entering the watershed.

In addition to the Kemp Lake Waterworks Improvement District, there may be some private waterlines associated with strata development. Many residents in Otter Point, outside the Kemp Lake Waterworks Improvement District, use wells to access groundwater; the use of cisterns for additional water storage is also quite common and a few households depend on water licenses. This Official Community Plan stresses the need to protect the groundwater supply and that any additional wells should not interfere with the water supply of current residents. As such, the maintenance of wetland ecosystems may be particularly important for the services they provide in water storage and filtration for the Otter Point area.

Residences in the Otter Point area are serviced by private septic systems and which regulated under the provincial *Sewerage System Regulation*.

#### 1.9 Local Community Parks

There are several local community parks in the Plan area totaling 18.65 ha (0.54% of Plan area). See Map 2, which shows the general locations of local parks in Otter Point. The following list provides the names of the parks. Details on each park can be found in the Juan de Fuca Electoral Area Community Parks Strategic Plan.

- Amanda Place
- Brotherstone Park
- Carpenter Road Park
- Corby Park
- Eaglecrest Park

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- Elrose Park
- Elrose Park II
- Otter Point Park
- Otter Point Access Park
- William Simmons Memorial Park
- Demamiel Park

#### 1.10 Public Access to Water/Right-of-Way

A report titled *Juan de Fuca Electoral Area Foreshore Access Report 2003*, commissioned by the CRD through the Economic Development Commission, outlines various constraints and opportunities associated with the development of Ministry of Transportation and Infrastructure (MOTI) public road right-of-way for water access pursuant to Section 75 of the *Land Title Act* and this information was incorporated into the Juan de Fuca Electoral Area Community Parks Strategic Plan. The following is a list of the public access locations in Otter Point. Details on each location is provided in the Juan de Fuca Electoral Area Community Parks Strategic Plan. The Juan de Fuca Electoral Area Parks and Recreation Advisory Commission is not responsible for these accesses. However, the CRD, through consultation with the Juan de Fuca Electoral Area Parks and Recreation Commission Advisory Commission, may consider acquiring MOTI permits for selected recreational sites. Additional public access to water will be considered when new development applications adjacent to lakes, streams and the ocean are submitted.

- Blackfish Road
- Blue Jay Way
- Breakers Place
- Carpenter Road
- Chisholm Road
- Fillippo Road
- Ford Lane
- Orveas Bay Road
- Poirier Lake
- Razzo Road
- Romeo Lane
- Shoemaker Road
- Surf Lane
- West Coast Road #1 (Name unknown)
- West Coast Road #2 (Name unknown)
- West Coast Road at King Creek

#### 1.11 Otter Point Heritage Sites and Areas of Historical Interest

There is a long history of settlement in the Otter Point area. To capture and retain this history, a report titled *Otter Point Heritage Sites and Areas of Historical Interest* was prepared as background to the OCP review. This report identifies many of the historic dwellings and areas of historical interest in Otter Point. However, First Nation archaeological sites have not been identified due to their sensitive nature. Many sites have been identified by the Archaeological Branch of the Ministry of Forests, Lands and Natural Resource Operations and information can be obtained from the Ministry.

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This historical information involved a review of materials at the Sooke Region Museum and meetings and conversations with older residents of the Otter Point area. This information is provided to raise awareness of the rich history of the Plan area and for consideration of protection of these resources.

#### 1.12 Archaeological Sites

Part of the Plan area’s heritage includes archaeological sites - the physical evidence of how and where people lived in the past. For 98% of the time people have lived in this area, no written records were made. Archaeological sites and oral tradition are the only vestiges of this rich history extending back many thousands of years. The Plan area contains recorded archaeological sites and has the potential to contain more. The Province protects these sites, whether known or unrecorded, through the *Heritage Conservation Act*. This protection applies to both private and Crown land and means that applicants must have a provincial heritage permit to alter or develop in proximity to an archaeological site. Archaeological site locations are not identified in this OCP due to their sensitive nature.

#### 1.13 Other Land Use

##### Agricultural Land Reserve (ALR)

There are several parcels designated as ALR in the Otter Point area. See Map 3, which shows the locations of parcels of land within the ALR. Within the ALR, land use and subdivision decisions are largely governed by the *ALC Act and Regulations*.

##### Camp Barnard

Camp Barnard is a Scouts Canada facility that has operated in Otter Point since 1945. The Camp includes about 101 ha of lake, forest and wetlands. A Camp Ranger and a part-time grounds-keeper live on the property year round. Residential style camping facilities include two lodges accommodating about 75 persons and two kitchen/dining buildings with adjoining sleeping cabins accommodating 96 campers. In addition, there are several semi-cleared wilderness camping areas. There has been a significant increase in the number of camper nights from about 7,000 in 2003 to 12,000 in 2010. Campers are primarily scouting groups but other outdoor programs and youth groups access the camp as well. See Map 2.

##### Crown Lands

There are several Crown parcels located in Otter Point and it is acknowledged that the Province has jurisdiction over these lands. The Crown land is designated as a Woodlot Licence (W1526 (Blocks A & B)) held by T’Sou-ke Nation or as BC Timber Sales lands. Local bylaws including the OCP do not apply to forest management activity relating to the production and harvesting of timber on provincial Crown land under the *Forest Act*. Should these lands no longer remain under Crown ownership, the OCP provisions will apply.

## PART 2.0 ADMINISTRATIVE STRUCTURE OF THE PLAN

### 2.1 Purpose

This Official Community Plan (OCP) sets out the long-term vision for the Otter Point community within the Juan de Fuca Electoral Area and provides goals and policies that guide land use decisions. Once adopted, further bylaws adopted by the Capital Regional District (CRD) Board or works of the CRD must be consistent with the Plan. This includes decisions about land use, density, other regulatory bylaws and the installation of services.

This Plan is an update of the previous OCP approved in 2007. It reflects community values and addresses new issues. The Plan acknowledges the concept of sustainability and the key issues of environmental protection and climate change. A Sensitive Ecosystems Inventory was completed and provides a sound foundation to the Plan.

Issues identified through community consultation include:

- amenity provisions;
- groundwater protection;
- provision of community water;
- watershed protection;
- archaeological and First Nations cultural site policies; and
- food security.

This OCP is intended to guide land use and development decisions, provide detailed planning direction with respect to community development and establish regulatory functions for the Otter Point area. It is the intention of the community to maintain this area for rural residential and resource use. In adopting the Otter Point OCP, it is not the intention of the CRD to create conflicts with provincial enactments.

### 2.2 Scope

An OCP is authorized by the *Local Government Act (LGA)* and is a statement of objectives and policies to guide decisions on planning and land use management in the area covered by the OCP.

This OCP includes statements and Land Use Designations for:

- approximate location, amount, type and density of residential development to meet anticipated housing needs over a period of at least five years, required by the *LGA*;
- approximate location, amount and type of commercial, industrial, institutional, agricultural, recreational, and public utility land required to meet anticipated needs;
- approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- establishment of objectives for development to meet water conservation, energy conservation and Green House Gas reduction targets;
- restrictions on the use of land that is subject to hazardous conditions or is environmentally sensitive to development;
- establishment of objectives for the form and character of proposed multi-family residential, commercial and industrial development;
- approximate location and phasing of any major road, sewer and water systems;
- approximate location and type of present and proposed public facilities such as schools, water treatment, waste treatment, parks, trails, and disposal sites; and
- housing policies of the local government that affect affordable housing, rental housing and special needs housing.

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The Plan includes policy statements, including social policies, agricultural policies and policies regarding the protection and restoration of the natural environment.

This OCP designates Development Permit Areas. These Development Permit Areas allow that development in such areas is given extra care and attention to address issues relating to safety, sustainability or aesthetic quality.

This OCP designates a Development Approval Information Area. This Development Approval Information Area allows the thorough analysis of environmentally sensitive features to be completed prior to development taking place.

This OCP also establishes a Temporary Use Permit designation. This designation allows the CRD to issue temporary commercial or industrial use permits throughout the Plan area, subject to the policies of this Plan, enabling entrepreneurs to respond to temporary, short-term business opportunities in keeping with the rural character of the area, in areas where commercial or industrial zoning does not exist.

#### **2.3 Plan Area and Time Frame**

This OCP applies to the Otter Point area as shown on Map 1, which is attached to and forms a part of this bylaw. The intent of this OCP is to provide direction on how the area may change over the next five to ten years while also looking further forward. Periodic updates and amendments may be undertaken as required. It is also recognized that the Plan may require amendment in response to future changes in legislation, changing community values and the adoption of the new Regional Sustainability Strategy.

#### **2.4 Goals, Objectives and Policies**

Most sections within the OCP include goals, objectives and policies.

Goals represent the long term vision for the community and are a broad statement of what each section seeks to achieve. All goals are based on community values and shape the objectives and policies for each section.

Objectives are measurable and tangible expressions of the OCP goals. They serve as the mechanism to translate broad goals into policies. In instances where objectives are beyond the jurisdictional scope of the CRD, this OCP states the broad objectives of the Otter Point community. There is no hierarchy as to the importance of each objective listed in each section.

Policies provide guidance for subsequent CRD decision making in order to accomplish the goals and objectives of the Plan.

#### **2.5 Public Consultation**

This OCP update was a collaborative process that involved extensive community consultation and technical analysis. A consultation plan was approved by the Juan de Fuca Land Use Committee which outlined a consultation framework, roles and responsibilities of participants, and addressed First Nation consultation. The consultation approach was based upon a series of meetings and workshops with an appointed Citizens' Committee, the Otter Point Advisory Planning Commission and public events for Otter Point residents. An extensive list identified federal, provincial and regional agencies that were consulted on Plan development.

The initial consultation was undertaken by Golder-HB Lanarc working with the Otter Point Citizens' Committee to develop recommendations for changes to the OCP. The Otter Point Advisory Planning Commission worked with CRD Planning staff to review and revise the draft OCP bylaw. In addition, the CRD Juan de Fuca Electoral Area website provided information on the planning process, gave access to draft versions of the Plan and to background information, and solicited public comments.

The draft Plan was referred to federal, provincial and regional agencies and First Nations with an interest in the area, as well as numerous stakeholder groups. Referral comments were considered and many were incorporated into the final Plan.

#### **2.6 First Nations**

The Otter Point area is within the traditional territory of the T'Sou-ke Nation. In addition, other First Nations and Treaty Groups have identified an interest in the Otter Point area: these include the Pacheedaht, Scia'new, Halalt, Lake Cowichan, Lyackson, and Stz'uminus First Nations, the Cowichan Tribes, the Penelakut Tribe, and the Hul'qumi'num and Te'Mexw Treaty Groups. The area has been used for

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settlement, hunting, fishing, foraging and cultural activities. First Nations are in treaty negotiations with the Province and have interest in some of the Crown lands within the OCP area. The OCP has recognized Crown lands as Otter Point Rural Lands due to their being under provincial control and their being considered as part of the treaty process. The Province signed an agreement in 2013 which will see the T’Sou-ke Nation acquire two 60 hectare parcels (Lots 40 and 41, Sooke Land District). One parcel has been transferred to the T’Sou-ke Nation at the signing of the Incremental Treaty Agreement. The other parcel will be transferred when the T’Sou-ke Nation signs the agreement-in-principle. Due to the long use of the area by First Nations, significant archaeological resources exist in the area. Policies for the identification and preservation of these resources are addressed in Section 5.5 of the OCP.

#### 2.7 Regional Growth Strategy Consistency

The CRD adopted a Regional Growth Strategy (RGS) in 2003. Section 849 (1) of the *LGA* states that “the purpose of a regional growth strategy is to promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources.”

Section 865 of the *LGA* requires that since the RGS has been adopted, all bylaws adopted by the Board must be consistent with the RGS.

Therefore, this OCP was prepared to comply with the initiatives and actions of the RGS as they relate to protecting the integrity of rural communities, protecting regional green/blue spaces, managing natural resources and the environment sustainably, and strengthening the regional economy. The RGS states that OCPs for the Juan de Fuca Electoral Area will be updated in a manner that maintains a long-term rural vision. The development policies of this OCP work towards the goals of the RGS. The following paragraphs outline how this OCP supports these goals.

The RGS has eight goals as follows.

1. Keep urban settlement compact.
2. Protect the integrity of rural communities.
3. Protect regional green/blue spaces.
4. Manage natural resources and the environment sustainably.
5. Build more complete communities.
6. Improve housing affordability.
7. Increase transportation choices.
8. Strengthen the regional economy.

Firstly, in order to keep settlement compact, this OCP designates both Rural Lands and Settlement Areas. The goal is to have smaller rural residential parcels contained within Settlement Areas, and larger parcels in the Rural Lands. The Rural Lands maintain the integrity of rural communities through preservation of large parcels. Additionally, this OCP protects the environment by identifying environmentally sensitive areas and by designating these as Development Permit Areas.

To the extent possible, as permitted through the *LGA*, Development Permit Areas will assist the CRD in managing the environment of Otter Point in a sustainable manner.

Island Health governs the *Sewerage System Regulation*, which is responsible for all daily domestic sewage flows of less than 22,700 liters/day and disposals greater than this flow are governed by the Ministry of Environment under the *Waste Management Act*. The CRD supports these agencies in controlling and regulating waste discharge in a sustainable manner.

Management of natural resources is regulated and controlled through federal and provincial agencies, and the CRD will comment on referrals within the context of sustainable development in order to assist these external agencies. While the CRD does not have direct jurisdiction over the management of any natural resources, it anticipates working cooperatively so that all decision-making within the Plan area gives priority to options that maintain the ecological integrity of local ecosystems.

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Residents are encouraged to participate in local initiatives and any regional programs that promote the principles of reducing, reusing and recycling.

In order to build more complete communities and strengthen the regional economy, as envisioned by the Regional Growth Strategy, the Plan supports the development of home based business, agriculture, and tourism within the Plan area and the establishment of a community centre. Housing affordability is improved by including secondary suites, detached accessory suites and manufactured homes in the types of housing accepted within the Plan area.

Lastly, in order to increase transportation choice, the OCP encourages the Ministry of Transportation and Infrastructure (MOTI) to provide cycling lanes on West Coast Road, Otter Point Road and Kemp Lake Road, and encourages BC Transit to increase the frequency and expand the service areas for community bus service. The OCP also supports the creation of a network of trails for pedestrians, cyclists and equestrians to link key land uses, parks, and recreation sites within Otter Point and to connect to the Rural Resource Lands and the District of Sooke. It permits the use of amenity bonusing, as opportunities arise, to acquire land for parks, trails, and park-and-ride sites. It is also anticipated that, with increasing local economic opportunities, fewer car trips may be generated.

The RGS also outlines three land use policy designations in the Growth Management Concept Plan that affect the Otter Point area:

1. Renewable Resource Lands Policy Area;
2. Rural/Rural Residential Policy Area; and
3. Unprotected Green Space Policy Area.

The Renewable Resource Lands Policy Area refers to lands where the intent is to support the long-term use of the lands as renewable resource working landscapes such as agricultural and forestry lands. The 2007 OCP designated these lands as ALR or as Settlement Area. This Plan has designated these lands as Rural Lands to reflect the resource use and larger parcel size. This change in designation provides a 56% reduction in the 2007 development potential of these lands.

In the Rural/Rural Residential Policy Area, it is proposed that lands identified as rural/rural residential should remain rural in character. The 2007 OCP designated these as Settlement or Settlement Containment Areas with a density of 2 ha and 1 ha respectively. This OCP has designated these lands as Settlement Areas 1, 2 and 3 where rural residential use is proposed but having differing densities.

The Unprotected Green Space Policy Area designation applies to a small portion of the Plan area that was identified in the Regional Green/Blue Spaces Strategy as unprotected and that may have ecological, recreational or scenic values that were not fully inventoried and not included in the Capital Green Lands Policy Area. These lands have been designated to the Rural Lands Area primarily due to their potential consideration in treaty negotiations with First Nations.

The existing community features of Otter Point are maintained. The primary goal of this Plan is to maintain the rural character and protect the environment of the Otter Point area in the context of resource and economic uses. The Plan accommodates rural residential, agricultural, industrial, resource extraction, tourism, and recreational uses in appropriate locations. Furthermore, the community has expressed a desire for community water service, reflecting the vulnerability of potable water from groundwater and surface water in much of the area. The provision of community water service is predicated upon maintaining the residential density provisions of the 2007 OCP.

### **2.8 Transportation**

The Ministry of Transportation and Infrastructure (MOTI) is responsible for road development and maintenance in the Juan de Fuca Electoral Area.

The community supports increasing transportation options through integrating land use and transportation policies, enhancing alternatives to driving alone, managing transportation systems to maximize mobility and safety, and managing transportation investments in a fiscally responsible and strategic manner. Another important strategy in rural areas is providing travel alternatives by means of providing attractive linkages of cycling networks in order to minimize auto dependence. Such policies are outlined in the CRD's

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TravelChoices document, the Regional Pedestrian and Cycling Master Plan and the Regional Transportation Corridor study.

There is also a request for MOTI to develop different road classifications for roadways in Otter Point. There is specific interest in lower standard for roads in small subdivisions similar to the private roads that serve the separate dwellings in building stratas.

In addition, due to the risk of a natural disaster such as an earthquake closing Highway 14 access to the community, MOTI and CRD Emergency Services are requested to establish an alternate emergency access using existing forestry roads so that supplies and resources can be provided to the community.

#### **2.9 Regional and Agency Collaboration**

The CRD will strive to work in collaboration and partnership with First Nations, the ALC, provincial ministries, Island Health, the District of Sooke and other nearby communities and all other necessary agencies and groups to address infrastructure, transportation, energy and emissions management, and environmental concerns. In this regard, the CRD and the District of Sooke have signed a Memorandum of Understanding which provides a framework for reaching agreements on the provision of services, land use planning, development and environmental concerns, shared and cross-boundary issues and economic opportunities.

#### **2.10 External Agency Authorities**

The community supports the efforts of the provincial Approving Officer and other public agents to work with landowners to maintain public access to beaches, riparian areas, streams and other waterbodies, scenic viewpoints and the backcountry.

Acknowledging the jurisdiction of the Ministry of Transportation and Infrastructure, the community supports the placement of paths along road right-of-ways.

#### **2.11 Working Boundaries with Shirley/Jordan River**

Muir Creek identifies the boundary between the Otter Point and the Shirley/Jordan River OCP areas. There is significant potential benefit to both areas in collaborating on future land uses around this common boundary, particularly in regard to the establishment of park land and the protection of ecosystems. The Otter Point community supports the sharing of information and working towards complementary land use policies affecting Muir Creek and its foreshore area.

#### **2.12 Green House Gas Reduction**

Green House Gas (GHG) emissions are generated within a community by electricity and fossil fuel energy use, transportation and the quantity and composition of waste and disposal methods. The provincial government does not prescribe types of targets or levels of targets, but looks to local governments to demonstrate leadership and take aggressive action on tackling climate change by establishing meaningful and achievable targets in their communities. The Province is actively developing ways to provide information to communities regarding their energy use and GHG emission in order to support local governments in setting targets, policies and objectives and monitoring their progress. The Province has created a Community Energy Emissions Inventory which will provide baseline community-wide energy and emissions information. Information is available for the Juan de Fuca area as a whole and may not be for individual communities.

For the purpose of Section 877 of the *LGA*, the target for the reduction of GHG emissions in the Region is 33% below 2007 levels by 2020. That is consistent with the provincial target. The CRD has established a Climate Action Program which acts as a regional hub and facilitator on climate change issues. It works with local governments, non-profit societies, public institutions, and the private sector to help reduce emissions today and plan for future climate change. The Otter Point community will work to reduce GHG emissions within the Plan area by 3% below 2007 levels by 2020, as its contribution to the CRD target.

This target will be met by the CRD as follows:

1. Developing a carbon reduction plan for the CRD operations in the Otter Point area; and
2. Undertaking the following:
  - a. Educating residents, businesses and tourists about climate change as it relates to community priorities.

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- b. Implementing policies and objectives within the OCP to:
  - promote use of green building techniques and materials;
  - maintain agricultural and forestry lands;
  - promote cycling and transit use;
  - preserve environmentally sensitive areas;
- c. Collaborating with other governments in examining and implementing GHG reduction strategies on a regional basis through one or more of the following:
  - development of GHG reduction standards for buildings by addressing each issue such as energy performance, local material, orientation and density;
  - development of additional infrastructure for cycling, walking, transit and carpooling as alternatives to single occupant vehicle use;
  - waste reduction including enhanced waste diversion of recyclable and compostable materials;
  - protection of ecosystems through the conservation and enhancement of forested areas;
  - development of a renewable energy generation plan;
  - development of programs and policies that increase local food security and local food supply options.

## **PART 3.0 GOALS AND OBJECTIVES OF THE PLAN**

### **3.1 Otter Point’s Rural Character**

Otter Point is a rural community adjacent to the more urban centre of Sooke towards the south-east, the rural communities of Shirley and Jordan River to the west and the Rural Resource Lands to the west and north. Significant community features such as gravel quarries, community parks and public access to water right-of-way points are denoted on Map 2. The Rural Resource Lands provide much of the economic activity in the region; this includes forestry, fishing, mining, wildcrafting, recreation and tourism.

Residents of Otter Point value the rural character of their community, including its tranquility and privacy and the prevalence of green space. While they value the quiet, they also desire the freedoms associated with rural living. They do not mind the noises associated with a farm, or the occasional chainsaw or use of machinery. They place a high value on the natural environment and connections to parks and trails. They have expressed a strong desire to protect the Rural Resource Lands for the purpose of sustaining the economy and to provide access to the land. They are concerned with the protection of forest, wetland and fish habitat. They engage in salmon enhancement activities.

Recreation is important to the residents of Otter Point. Typically this includes horseback riding, hiking, fishing, mountain biking and motorized sports, where appropriate. Community trails offer the opportunity for daily walking and cycling. Citizens value their “Wild West Coast” and proximity to regional assets such as the Kludahk Trail and the Juan de Fuca Marine Trail, the Sea to Sea Green/Blue Belt, the Sooke Potholes and other excellent parks and trails.

Residents of Otter Point typically earn their living from the Rural Resource Lands, in the more urban communities, or from home based business. Many are retired with their income base outside the region.

Farming and the provision of locally grown food are increasingly important. Internet related employment is a growing economic niche requiring access to high-speed internet and cellular service throughout Otter Point. Residents depend on the municipalities to the east for shopping, cultural events, health care and administration, and see this continuing into the future. The automobile with its inherent flexibility will continue to be their primary mode of transportation; however, improvements to public transportation, and pedestrian and cycling facilities are expected to reduce automobile use.

Citizens have expressed a desire for limited development with an emphasis on protecting the environment, providing parks and trails, and preserving green space, and the rural character of Otter Point. This Official Community Plan is designed to protect these values. Residents also value their property rights and seek to protect these rights.

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#### 3.2 Goals of the Plan

Otter Point’s vision is encapsulated in the following principles, which should guide decision-making arising from this Plan:

- retain both the rural and natural character of the area;
- protect and enhance the natural environment, its ecosystems and biological diversity;
- protect and enhance community recreation parks and trails;
- manage residential development to avoid conflicts with agricultural, forestry, commercial, tourism, industrial and recreational activities;
- consider and protect aboriginal lands and resources and;
- preserve the existing land use and density rights of land owners.

The community has identified the following issue specific goals and objectives. Reference to directly related policies is noted.

##### 3.2.1 Environment and Habitat Goal and Objectives

The Otter Point community honours and wishes to protect the natural environment and give priority to supporting ecosystem health through the preservation of indigenous species, vital wildlife corridors and waterways.

##### Objectives

- Reduce Green House Gas emissions.
- Support green building practices.
- Improve wildfire interface precautions.
- Protect watersheds with recognition of watershed purpose and source area.
- Protect groundwater resources.
- Manage use in the offshore (300 m).
- Protect marine and foreshore areas.
- Protect the environment, ecosystems and biological diversity.
- Protect forest ecosystems, with different standards for working forests and rare or endangered forest types.
- Protect species at risk.
- Protect wildlife corridors.
- Encourage protection of agricultural land and encourage farming.

##### Related Policies

Sections 5.3, 5.6, 6.4, 6.5, and 6.6

##### 3.2.2 Sense of Place Goal and Objectives

Otter Point residents are passionate about the community’s rural and natural character and the protection of archaeological and preservation of heritage sites and buildings.

##### Objectives

- Protect archaeological sites.
- Preserve heritage buildings.
- Retain rural and natural character.

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- Support retail business in the District of Sooke rather than creating a commercial shopping or service hub in Otter Point.
- Preserve significant viewscales.
- Establish a multi-functional community centre/emergency shelter.

#### Related Policies

Sections 5.5 and 5.7.2

#### 3.2.3 Residential Types and Location Goal and Objectives

Maintaining the character of rural housing character is a top priority. Planning for sustainable growth is focused on achieving the goals for protecting the environment, sense of place and water supply.

#### Objectives

- Support planned development to protect viewscales, avoid hillside grading scars, and preserve rural character and natural settings.
- Site buildings to maintain rural appearance by encouraging vegetative buffers and minimizing environmental impact by clustering and siting to protect sensitive areas.
- Create a mixed residential area with a variety of parcel density, and minimum parcel sizes to maintain a rural character and avoid development that results in unappealing uniformity of houses in the same location on the same size lots.
- Encourage achievable alternatives to “4 on 10” building stratas: in other words, make bare land strata or fee simple parcels a preferred option.
- Support rural forms of affordable housing e.g., manufactured homes, two-family dwellings, secondary suites and detached accessory suites.
- Use parcel averaging and amenity bonus approaches to encourage provision of trails, open space and amenities.

#### Related Policies

Section 4.1 and 4.2

#### 3.2.4 Drinking Water and Infrastructure Goal and Objectives

The Otter Point community’s safe and clean supply of water is always top of mind. The community wants to protect the watersheds and practice water conservation to reduce water use.

#### Objectives

- Identify alternative water sources to Kemp Lake.
- Pursue rainwater capture, water conservation, and groundwater and wellhead protection.
- Future development should not deplete or contaminate existing wells.
- Recognize the importance of dependable potable water sources to support agricultural activity.

#### Related Policies

Sections 5.6 and 5.8.2

#### 3.2.5 Economic Development Goal and Objectives

Small industry, home based business, agriculture, forestry and recreational tourism contribute to environmental goals and support self-reliant lifestyles. Local networks promote economic success.

#### Objectives

- Accommodate limited industrial and commercial development with a focus on the Sooke Business Park.

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- Recognize and support Camp Barnard.
- Support home based business.
- Support forestry, agriculture, wildcrafting, apiaries and local food production.
- Support tourism.
- Support multiple dwellings on farm properties for relatives and farm workers.
- Support continued forestry operations on Woodlot W1526 and BC Timber Sales lands.

#### **Related Policies**

Sections 4.2.1, 4.4 and 6.7

#### **3.2.6 Parks, Trails and Transportation Goal and Objectives**

Otter Point residents prioritize an extensive network of multi-use trails that support recreation and connect to bus stops, parks and to the District of Sooke. Safety is a primary focus for these connections, separating motorized vehicles from horses, pedestrians and cyclists.

#### **Objectives**

- Develop a system of linked parks and trails.
- Support a regional or private licensed motorized recreation park in the Rural Resource Lands separate from Otter Point.
- Improve recreational access to fresh and salt water.
- Expand community public transit in Otter Point.
- Encourage local organizations to develop community forest and community farming areas.
- Consult with public and private landowners of the Rural Resource Lands to identify opportunities for public access.
- Develop customized rural road standards applicable to certain local road classes in Otter Point such as narrower lanes and gravel surfaces in smaller subdivisions.
- Develop roadside amenities such as bus stop pull-offs, cycling lanes and jogging paths and “slow water” infiltration ditches.
- Use amenity bonusing to provide trails, parks and other community amenities.
- Encourage an alternative emergency access route to/from Otter Point.
- Where trails are proposed within or adjacent to ALR lands, adequate separation between the trail and the agricultural land will be provided to minimize land use conflicts.

#### **Related Policies**

Sections 5.1, 5.2 and 5.8.1

## **PART 4.0 LAND USE DESIGNATIONS**

The policies in this section apply to the areas designated on Map 3 which is attached to and forms a part of this bylaw. Land Use Designations include:

- Settlement Areas 1, 2 and 3
- Rural Lands Area
- Marine Area

The Settlement Areas designate lands primarily for rural residential uses. The Rural Lands Area is designated primarily for renewable resource use. A Marine Area designation is established to recognize use of the surface of the Juan de Fuca Strait and integration with the foreshore uses.

**Land Use Designation Statistics**

<b>Land Use Designations</b>	<b>Number of Parcels</b>	<b>Approximate Land Area (Hectares)</b>	<b>Approximate Land Area (Acres)</b>	<b>Percentage of OCP Area</b>
<b>Settlement Area 1</b>	640	779	1925	23%
<b>Settlement Area 2</b>	124	417	1030	12%
<b>Settlement Area 3</b>	3	239	590	7%
<b>Rural Lands</b>	118	1700	4201	49%
<b>Other Lands</b>	114	312	771	9%
<b>TOTAL</b>	<b>999</b>	<b>3447</b>	<b>8518</b>	
<b>Agricultural Land Reserve</b>		305	754	
<b>Crown Land</b>		402	993	
<b>Marine Shoreline</b>		240	593	

Three Settlement Area designations are proposed, specifically Settlement Area 1, Settlement Area 2 and Settlement Area 3 as shown on Map 3. Settlement Areas 1 and 2 have an average parcel size of 1 ha and Settlement Area 3 has an average parcel size of 2 ha. They are intended for rural residential uses and account for 42% of the area.

The Rural Lands Area includes land designated as Renewable Resource Lands in the Regional Growth Strategy. These lands have an average parcel size of 4 ha. They are intended for long-term agriculture or forestry use and account for 49% of the area.

Other lands include common property, commercial, institutional and industrial parcels.

To calculate the development potential of the Land Use Designations, the average parcel size was used. This approach provides a high estimate of potential as site specific characteristics such as topography, public access and Development Permit requirements which can significantly reduce this potential are not considered.

Although there is a significant increase in the lands with an average parcel size of 1 ha, it is offset by the increase in parcel size from 2 ha to 4 ha for the Rural Lands Area. The development potential resulting from the Land Use Designation is below the 2007 OCP level.

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<b>Land Use Designations</b>	<b>Development of Potential Parcels</b>
Settlement Area 1	948
Settlement Area 2	417
Settlement Area 3	119
Rural Lands	350
<b>TOTAL</b>	<b>1833</b>

This land use pattern will be supported through strategies that:

- consider parcel averaging;
- consider an increase in density through a reduction of 20% in the average parcel size through rezoning when amenities are provided;
- consider environmental factors in all land use planning decisions;
- establish mitigation strategies to limit or minimize any potential impact that new development may have on the natural environment;
- promote land uses that protect the natural environment;
- minimize soil erosion, water pollution or increased water runoff or negative impacts on existing groundwater sources;
- protect the marine ecosystems;
- support compatible land uses and parcel sizes within a zone;
- support practical measures to prevent and/or reduce forest and wild fires; and
- support agriculture, forestry, wildcrafting, apiaries and local food production.

**4.1 Settlement Area Designation**

The Settlement Area designation signifies that the predominant land use is rural residential; however, agriculture, resource extraction, commercial, industrial, tourism and park and trail uses are also permitted. This designation also includes Kemp Lake, Poirier Lake and McKenzie Lake. The OCP is required by law to ensure that the housing stock available in the Plan area meets the needs and requirements for residential housing for at least five years. These needs can readily be accommodated according to current population projections. The Settlement Area designations are shown on Map 3.

Residential housing may include but is not limited to private ownership, special needs housing, and rental housing. As well, housing may be provided as single-family, two-family, or multi-family dwellings, homes, mobile homes, secondary suites or detached accessory suites. The housing stock may or may not be occupied on a full-time basis. Home based businesses are considered as opportunities for additional economic activity for residents within the Settlement Areas.

Additional uses within the Settlement Areas include the following:

- a. neighbourhood commercial uses on lands zoned commercial; and temporary commercial uses with a valid Temporary Use Permit on non-commercial zoned lands;
- b. tourism development activities, such as but not limited to, bed and breakfasts and agri-tourism uses;
- c. industrial uses on lands zoned industrial and temporary industrial uses with a valid Temporary Use Permit on non-industrial zoned lands;
- d. home based business uses that are ancillary to the primary residential use and are compatible with the community’s character) e.g., having minimal traffic, parking, noise or nuisance impacts);

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- e. parks and trails;
- f. institutional uses such as fire halls and community centres; and
- g. agricultural uses on non-ALR lands.

**4.1.1 Settlement Area Policies**

1. More intensive development such as rural residential subdivisions should locate within Settlement Areas where development is currently more concentrated and new development conforms to the settlement policies, goals and objectives of this Plan.
  - a. The desired average parcel size for residential development within Settlement Area 1 is one hectare with a minimum parcel size of 0.5 hectare;
  - b. The desired average parcel size for residential development within Settlement Area 2 is one hectare with a minimum parcel size of 0.8 hectare;
  - c. The desired average parcel size for residential development within Settlement Area 3 is two hectare with a minimum parcel size of 1 hectare;
  - d. Parcels with multiple dwellings constructed or building stratas registered prior to adoption of this Plan, may be considered for rezoning to permit subdivision to create the equivalent number of parcels which may not meet the average parcel size; however, park and road dedication may be required.
2. Affordable housing is encouraged in the community and shall conform to the following policies:
  - a. Two-family dwellings are permitted in all Settlement Areas subject to the Land Use Bylaw.
  - b. Multiple-family dwellings are permitted in all Settlement Areas subject to the Land Use Bylaw.
  - c. One secondary suite or one detached accessory suite shall be permitted in all Settlement Areas where permitted by the Land Use Bylaw.
  - d. Mobile homes shall be permitted as the principal dwelling unit in Settlement Areas.
  - e. Home based business shall be a permitted use in Settlement Areas as defined by the Land Use Bylaw.
  - f. Subdivisions under Section 946 of the *LGA* are permitted if approved by the provincial Approving Officer.
3. Development may be supported subject to the following:
  - a. The development of the site will have minimal impact on the existing man-made and the natural physical features of the area.
  - b. The development is designed to control surface runoff.
  - c. The development is designed to prevent the depletion or contamination of existing wells.
  - d. All development must respond to the physical constraints of the site and must be consistent with the retention of the visual landscape of natural areas, especially on or near hilltops and ridges.
  - e. All residential development should endeavor to protect the natural native vegetation cover.
4. In any consideration of an application for rezoning, CRD Planning and community support for the rezoning is more likely where it can be demonstrated that community values and features can be protected subject to the following criteria:

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- a. there is evidence from a Qualified Professional, or it is determined by CRD Planning staff, that the land is suitable for the intended use, there is an assessment of geotechnical and environmental constraints, there is evidence that potable water and sewage disposal can be supported on the parcel, and that development will not deplete or contaminate existing wells;
  - b. the scale of the proposal supports the rural character of the community;
  - c. the proposal demonstrates protection and preservation of the integrity of natural features and sensitive environmental features and includes adequate setbacks and vegetated buffers;
  - d. a means of protection is provided for lands that are considered regionally or locally significant; this includes natural features that are valued by the community or provide public access to points of interest; protection will be provided as an amenity, and may be done by such means as transfer to the CRD, statutory right-of-way, covenant, or stewardship agreement with a conservation society;
  - e. construction using the best “green” techniques and materials is proposed; and
  - f. works, services or community benefits required to mitigate the impact of development are proposed.
5. Community-sponsored facilities and buildings, programs and activities that serve to enhance the community’s lifestyle may be considered.
  6. Density bonusing can be considered if a proposal provides community amenities such as the conservation of natural features, the provision of trails or funding dedicated towards a community centre;
  7. Development of land adjacent to any ALR designated parcel shall be carried out with consideration of the *Landscape Buffer Specifications* publication produced by the Agricultural Land Commission and the Ministry of Agriculture’s *Guide to Edge Planning* and the *Planning Subdivisions near Agriculture* publication.
  8. Roads that provide “access to lands beyond” should not abut the Agricultural Land Reserve areas.
  9. For parcels assessed as farm by the BC Assessment Authority or zoned Agriculture under the Land Use Bylaw, the community supports additional temporary dwellings for farm family members and farm workers. However, the ALC does not support additional dwellings for family members except as provided under Part 2.3 (1) (b) of the *Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation 171/2002* and may support additional dwellings for farm workers where a clear long term need has been substantiated for full-time farm help and the dwelling has been approved by the ALC.
  10. The community supports rezoning of parcels to a new Farm Village zone which would permit additional permanent dwellings for farmers subject to a covenant requiring the removal of the dwellings should the farm use be discontinued.
  11. Developers who propose a mixed commercial/residential use must adhere to the following policies:
    - a. any mixed-use development must be compatible with the form and character of neighbouring land use;
    - b. adequate parking space is to be provided for the required commercial use and the residential use.
    - c. the commercial parking spaces are to be physically separated from the required residential parking spaces;
    - d. the residential use must be protected from any adverse impact from the commercial activities;

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- e. the area to be used for residential purposes is to be physically separated from the commercial area. The residential use and commercial use may be either in the same building, and separated by either a wall or floor, or on the same parcel but in two separate buildings. Preference will be given to mixed-use developments that are in a single building or structure; and
  - f. adequate and well-designed off-street parking, loading and service areas are provided on the site of each mixed-use development with consideration given to:
    - i. safe movement of vehicular and pedestrian traffic on the site;
    - ii. design of a safe access and egress point; and
    - iii. type and design of signs in relation to commercial uses.
12. Private or public docks may be considered on the surface of Kemp Lake, Poirier Lake and McKenzie Lake.

#### 4.2 Rural Lands Designation

The Rural Lands accommodate larger rural residential parcel sizes with a density of one parcel per four hectares. The primary use for the Rural Lands Area is to protect renewable resources including lands designated as ALR, and Crown lands or Private Managed Forest Lands (PMFL) used for forestry purposes. The provisions of Section 4.2 will not apply to the ALR without the approval of the ALC or to Crown lands or PMFL lands until they are removed from Crown ownership or the PMFL designation is removed.

##### 4.2.1 Rural Lands Policies

- 1. The desired average parcel size within Rural Lands designation is 4 hectares with a minimum parcel size of 2 hectares, subject to the provisions of 4.2.1.5 with respect to land within the ALR.
- 2. Private or public docks may be considered on Young Lake.
- 3. Continued use of Young Lake for fish enhancement activities is supported.
- 4. Affordable housing is encouraged in the community and shall conform to the following policies:
  - a. Two-family dwellings are permitted on Rural Lands subject to the Land Use Bylaw.
  - b. Multiple-family dwellings are permitted on Rural Lands subject to the Land Use Bylaw.
  - c. One secondary suite or one detached accessory suite is permitted on Rural Lands subject to the Land Use Bylaw.
  - d. Mobile homes shall be permitted as the principal dwelling unit on Rural Lands.
  - e. Home based business shall be a permitted use in Rural Lands as defined by the Land Use Bylaw.
  - f. Subdivisions under Section 946 of the *LGA* are permitted if approved by the provincial Approving Officer.
- 5. Development may be supported subject to the following:
  - a. The development of the site will have minimal impact on the existing man-made and the natural physical features of the area.
  - b. The development is designed to control surface runoff.
  - c. The development is designed to prevent the depletion or contamination of existing wells.
  - d. All development must respond to the physical constraints of the site and must be consistent with the retention of the visual landscape of natural areas, especially on or near hilltops and ridges.

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- e. All residential development should limit the removal of and endeavor to protect the natural native vegetation cover.
6. In any consideration of an application for rezoning, CRD Planning and community support for the rezoning is more likely where it can be demonstrated that community values and features can be protected subject to the following criteria:
  - a. there is evidence from a Qualified Professional, or it is determined by CRD Planning staff, that the land is suitable for the intended use, there is an assessment of geotechnical and environmental constraints, there is evidence that potable water and sewage disposal can be supported on the parcel, and that development will not deplete or contaminate existing wells;
  - b. the scale of the proposal supports the rural character of the community;
  - c. the proposal demonstrates protection and preservation of the integrity of natural features and sensitive environmental features and includes adequate setbacks and vegetated buffers;
  - d. a means of protection is provided for lands that are considered regionally or locally significant; this includes natural features that are valued by the community or provide public access to points of interest; protection will be provided as an amenity, and may be done by such means as transfer to the CRD, statutory right-of-way, covenant, or stewardship agreement with a conservation society;
  - e. construction using the best “green” techniques and materials is proposed; and
  - f. works, services or community benefits required to mitigate the impact of development are proposed.
7. The community supports rezoning of parcels to a new Farm Village zone which would permit additional permanent dwellings for farmers subject to a covenant requiring the removal of the dwellings should the farm use be discontinued.

#### 4.2.1.1 Rural A Zoned Lands

1. An alternative to building strata development on Rural A zoned lands is supported. Accordingly, for Rural A parcels created prior to adoption of this OCP, the Plan supports consideration of rezoning to allow subdivision to permit a density of one parcel per hectare up to four hectares and one parcel per two hectares for each additional two hectare portion of the parcel.
2. Parcels with multiple dwellings constructed or building stratas registered prior to adoption of this Plan may be considered for rezoning to permit subdivision to create the equivalent number of parcels which may not meet the average parcel size; however, park and road dedication may be required.

#### 4.2.1.2 Private Managed Forest Lands

1. Where forestry and forestry-related activities are practiced as a permitted use, such activities are supported and encouraged to continue.
2. Any privately-owned forest land that is assessed as Managed Forest under the *Private Managed Forest Land Act* should be retained and managed as long-term forestry land.
3. Residential uses, silviculture, aggregate extraction, agriculture, outdoor recreation, tourism including agri-tourism, parks and wilderness activities are permitted uses in this designation.

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4. Aggregate and forestry processing uses may be considered on lands within the Rural Lands designation subject to issuance of a Temporary Use Permit pursuant to Section 4.4 or through adoption of a rezoning bylaw, where the proposed uses are considered compatible with the objectives of the Plan.
5. The Ministry of Forests, Lands and Natural Resource Operations and the private forest companies are encouraged to allow for outdoor wilderness recreation including controlled use of private logging roads and areas during non-operating periods, except during times of high or extreme fire hazard.

#### 4.2.1.3 Camp Barnard

1. Activities and development relating to Scout Canada objectives may be supported.

#### 4.2.1.4 Crown Lands

1. Crown lands in the Otter Point area are under consideration in the treaty negotiations with First Nations. Due to the sensitivity of these negotiations, this OCP designates these lands as Rural Lands and maintains the parcel size in effect at the time this Plan is adopted.

#### 4.2.1.5 Agricultural Land Reserve

1. Agriculture is recognized as the priority land use in the ALR and is encouraged.
2. Development adjacent to the ALR may be supported subject to the following:
  - a. the site will have minimal impact on the existing man-made and natural physical features of the area; and
  - b. a buffer between the proposed land use and the agricultural parcels of land should be considered.
3. The subdivision of any land with the ALR designation can be supported for agricultural activities only, and must be approved by the ALC.
4. For land located within the ALR as outlined on Map 3, or as those boundaries may, from time to time, be amended by the Agricultural Land Commission, the application of this bylaw is subject to the *Agricultural Land Reserve Act* and the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation 171/2002*.
5. It is a policy of the CRD not to support subdivision for a relative (Section 946 of the *LGA*) in any land designated Agricultural Land Reserve.
6. The CRD supports the preservation of agricultural land and encourages farming.
7. Development of land, including trail development, adjacent to any ALR designated parcel shall be carried out with consideration of the Landscape Buffer Specifications publication produced by the Agricultural Land Commission, and the Ministry of Agriculture’s Guide to Edge Planning.
8. Roads that provide “access to lands beyond” should not abut the Agricultural Land Reserve areas.
9. For parcels assessed as farm by the BC Assessment Authority or zoned Agriculture under the Land Use Bylaw, the community supports additional temporary dwellings for farm family members and farm workers. However, the ALC does not support additional dwellings for family members except as provided under the Part 2.3 (1) (b) of the *Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation 171/2002* or may support additional dwellings for farm workers where a clear long term need has been substantiated for full-time farm help and the dwelling has been approved by the ALC.
10. The community supports rezoning of parcels to a new Farm Village zone which would permit additional permanent dwellings for farmers subject to a covenant requiring the removal of the dwellings should the farm use be discontinued. However, the ALC does not support additional dwellings for family members except as provided under Part 2.3 (1) (b) of the *Agricultural Land Use, Subdivision and Procedure Regulation, BC Regulation*

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171/2002 and may support additional dwellings for farm workers where a clear long term need has been substantiated for full-time farm help and the dwelling has been approved by the ALC.

#### 4.3 Marine Area Designation

The Marine Area extends out from the Strait of Juan de Fuca for a distance of 300 metres. The 2013 natural boundary of the sea is shown on Map 3. The Marine Area designated is under provincial ownership; however, the CRD does have jurisdiction over the use of this area by persons other than the Crown pursuant to the CRD’s ability to regulate the use of land, which includes the surface of water.

This area consists of two regions: beach/rocky shore area and confluence areas. Beach/rocky areas generally consist of rock platforms or shelves overlain with beach veneers of boulders or gravel. Confluence areas consist of the regions where the freshwater of the various intermittent and permanent streams and the saltwater of Juan de Fuca Strait meet.

##### 4.3.1 Marine Policies

1. A Development Permit Area for protection of the marine shoreline is established in Section 6.4 of this Plan. Any development within the Development Permit Area is governed by the guidelines.
2. Except where otherwise permitted in the Land Use Bylaw or by a Development Permit, all uses, buildings and structures must be set back at least 15 metres (50 feet) from the natural boundary of the sea as noted on Map 5b.
3. Flood construction levels will be regulated by the applicable flood hazard management bylaw. The level is generally established by a geotechnical report which should address the potential sea level rise risk. In some cases the shoreline may be within a tsunami hazard area and such risk should be assessed prior to any development.
4. The protection, retention and restoration of natural shoreline vegetation, natural features and naturally occurring driftwood and rocks are encouraged.
5. Armouring or hardening of the shoreline by retaining walls, cement blocks or other permanent structures is discouraged.
6. Where shoreline protection is required, new or replaced protection structures should be constructed of rip-rap, large boulders or large wood material, rather than concrete walls.
7. Public recreational use of marine shorelands should be consistent with the suitability of each shore type for the proposed use, and users are encouraged to refrain from disturbing or polluting marine and related terrestrial habitats.
8. Environmentally sustainable economic ventures such as seaweed collection are supported.
9. Log booms, commercial marinas, related commercial facilities, sale or rental of docking space, services for boats or float planes are discouraged in this area.
10. Ocean fish farms are not supported by the community.

#### 4.4 Temporary Use Permits

Section 921 of the LGA enables local government to issue Temporary Use Permits to allow specific land uses to occur for a short period of time. The permit can contain detailed requirements such as indicating the buildings that can be used, the time frame of the permit and other conditions. Temporary Use Permits may be issued by the CRD throughout the Otter Point area subject to the policies of this Plan. The purpose is to provide for temporary approval of transitional uses, or uses where uncertainty exists respecting appropriateness or viability of the use, and where it is premature to decide upon rezoning and long-term land use patterns. However, a Temporary Use Permit is not a substitute for a rezoning amendment.

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**4.4.1 Temporary Use Permit Policies**

1. Land within all of the Land Use Designations in this Plan is designated under Section 920.2 of the *LGA* as an area in which Temporary Use Permits may be issued.
2. No public health, public safety or negative environmental impacts shall result from the proposed activity.
3. In evaluating a Temporary Use Permit application, the CRD will consider the following:
  - a. the use must be clearly temporary or seasonal in nature;
  - b. compatibility of the proposal with adjacent uses;
  - c. impact of the proposed use on the natural environment;
  - d. intensity of the proposed use;
  - e. opportunity to conduct the proposed use on other land in the Plan area; and
  - f. remedial measures to mitigate any impact to the natural environment.
4. In issuing a Temporary Use Permit, the CRD may specify conditions including, but not limited to:
  - a. buildings to be used;
  - b. environmental protection measures;
  - c. siting;
  - d. hours of operation;
  - e. parking and traffic management;
  - f. on-site storage, buffers and screening;
  - g. external lighting, nuisance and dust and noise abatement;
  - h. waste management; and
  - i. a post-use site restoration plan and implementation strategy.
5. An applicant may be required to indemnify the CRD and to post security to ensure compliance with the conditions of a permit.
6. The CRD may expire a Temporary Use Permit if all the conditions established in the permit are not complied with by the user.

## **PART 5.0 DEVELOPMENT POLICIES**

In addition to the policies related to Land Use Designations, the Plan provides policy direction regarding both the natural environment and specific land uses.

### **5.1 Park and Natural Area Policies**

The CRD is responsible for Community Parks and several trails within the Otter Point area. Community parks are developed for a range of active and passive uses, which can include protected natural areas to highly manicured recreational playgrounds and sport fields. As outlined in the Juan de Fuca Electoral Area Community Parks Strategic Plan, four types of community parks can exist. These are defined as: Special Preservation Parks, Nature Parks, Natural Area Recreation Parks and Intensive Recreation Parks. Each park type addresses a different management and use need as noted below.

Type	Characteristics	Examples	Activities	Facilities Permitted
Special Preservation	<ul style="list-style-type: none"> <li>Undeveloped park land</li> <li>High ecological values</li> </ul>	<ul style="list-style-type: none"> <li>Difficult access</li> <li>Unique habitat or species</li> </ul>	<ul style="list-style-type: none"> <li>Walk-in access</li> </ul>	<ul style="list-style-type: none"> <li>None Planned</li> </ul>
Nature Park	<ul style="list-style-type: none"> <li>High natural values</li> <li>Important species or habitats</li> <li>undeveloped</li> </ul>	<ul style="list-style-type: none"> <li>Mature forests</li> <li>Riparian shoreline</li> <li>Limited disturbance</li> <li>Ocean and lake shoreline</li> </ul>	<ul style="list-style-type: none"> <li>Nature viewing</li> <li>Hiking</li> </ul>	<ul style="list-style-type: none"> <li>Trails/structures</li> <li>Benches, viewpoints</li> </ul>
Natural Area Recreation	<ul style="list-style-type: none"> <li>Good natural features</li> <li>Often subject to past human disturbance</li> <li>Informal trails</li> <li>Multiple uses</li> </ul>	<ul style="list-style-type: none"> <li>Second growth forest</li> <li>Open areas/fields</li> </ul>	<ul style="list-style-type: none"> <li>Nature viewing</li> <li>Hiking</li> <li>Cycling on trails</li> <li>Equestrian use</li> <li>Community uses</li> </ul>	<ul style="list-style-type: none"> <li>Trails/structures</li> <li>Equestrian trails</li> <li>Cycling trails</li> <li>Benches/tables</li> <li>Community flower gardens</li> <li>Picnic area</li> </ul>
Intensive Recreation	<ul style="list-style-type: none"> <li>Limited natural values</li> <li>High recreational opportunities</li> </ul>	<ul style="list-style-type: none"> <li>Sport facilities</li> <li>Play areas</li> <li>Multiple uses</li> <li>Highly manicured</li> </ul>	<ul style="list-style-type: none"> <li>Group and individual recreation</li> <li>Multiple facilities</li> </ul>	<ul style="list-style-type: none"> <li>Tennis courts</li> <li>Soccer/ball fields</li> <li>Playgrounds</li> <li>Boat launches</li> </ul>

General objectives for the acquisition of lands for community parks are:

- The initial focus for new community park acquisitions will be west of the municipality of Sooke;
- Generally, park dedications will be preferred to cash-in-lieu in subdivision situations. In some instances, it may be more appropriate to seek cash-in-lieu than to pursue park dedication in marginal locations;
- The preservation of natural areas and the provision of community parks and trails should be considered as amenities during the rezoning process;
- Wherever possible, park dedications should be consolidated within and between subdivisions;
- To improve park accessibility by local residents, trail access should be included in park dedication or as an amenity in subdivision development.

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1. Provision of park land will help the community achieve its quality of life objectives. This can be accomplished through developers providing park land, without compensation, to the community pursuant to Section 941 of the *LGA*. Depending on the size and location of the parcel being subdivided and the number of parcels created, the size, location and form of park land will be determined by the CRD with input from the community through the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission. At its discretion, the CRD may ask for cash-in-lieu as the requirement for compliance with Section 941 of the *LGA* for the future purchase of land for parks.
2. The provision and type of any park land must be in a location that is acceptable to the CRD.
3. With respect to the locations and types of future parks, policies of the CRD include:
  - environmentally sensitive areas and sensitive ecosystems will be given priority for protection and will be considered appropriate only as natural park land or green space when appropriate recreation opportunities may be permitted without damage to the area;
  - emphasis will be given to ensuring that every neighbourhood and community is served by appropriate public park land; and
  - a set of selection criteria will be used to assess potential or proposed park and trail sites for acquisition.
4. Park identification and selection criteria may include:
  - changing population and demographics;
  - gaps in the existing types of parks and trails needed;
  - trails that connect existing parks, other trails, green spaces and public areas;
  - areas that allow families the ability to spend time together pursuing a variety of activities such as hiking, swimming and picnicking in one location;
  - improvements required at the site;
  - maintenance and liability issues;
  - location, topography and features of the parcel;
  - sensitive ecosystems;
  - presence of wildlife and important habitat;
  - integrity of watershed areas;
  - accessibility and connectivity;
  - land ownership;
  - current and past land use;
  - surrounding land uses;
  - applicable OCP policies, and
  - potable water protection.
5. Park land and trails are permitted and encouraged under all Land Use Designations.
6. Park land is supported for the preservation of locally significant environmentally sensitive features and the protection of these features through parcel averaging and density bonusing should be in addition to the minimum 5% park land dedication provided under Section 941 of the *LGA*.

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7. In areas where park land is desired, developers are encouraged to dedicate more than 5% park land. Park land proposals must provide a benefit for the community and those lands with no benefit to the community should not be accepted.
8. Land being considered for park land should be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed park land is to be used for recreational purposes which require cleared lands or if the land can be remediated for park purposes.
9. Volunteer and non-profit assistance in the stewardship and management of community parks and trails is supported.
10. Public involvement early in the planning process and during acquisition and development of community parks is essential for the success of community parks.
11. CRD Planning staff and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission will collaborate with CRD Regional Parks to implement the Juan de Fuca Electoral Area Community Parks Strategic Plan and the Regional Parks Strategic Plan, to acquire parks and trails in the Plan area and to ensure connectivity between community and regional parks and trails.
12. Provincial and federal Crown lands within the Plan area form a substantial portion of the green space enjoyed by residents and access to these lands is encouraged.
13. Private managed forest land owners are encouraged to continue to make their lands available for public recreation.
14. Environmentally sensitive areas and sensitive ecosystems will be considered appropriate only as natural park land or green space not intended for human disturbance. However, appropriate recreation activities that do no damage to the area may be permitted. All trails running parallel to a stream should be located outside the Streamside Protection and Enhancement Area (SPEA) unless a Qualified Environmental Professional identifies satisfactory mediation measures.
15. Potential or proposed park sites and trails will be identified through CRD Regional Parks and Trails plans and according to the criteria and objectives described in the OCP and in the Community Parks Strategic Plan. High potential park and trail opportunities within the Otter Point area include:
  - a. regional park and local community interests in a wildlife and recreational corridor along Muir Creek and Tugwell Creek;
  - b. the Admiral’s Forest as a community forest/park;
  - c. protection of the bluffs overlooking the Sooke Pot Holes Regional Park;
  - d. regional trail connection between the Galloping Goose Regional Trail and the Juan de Fuca Provincial Park Marine Trail;
  - e. additional public access to the ocean, lakes and watercourses;
  - f. an inter-connected network of trails through the Plan area linking community parks and trails, access to water and to the District of Sooke. Key trails would provide access linking William Simmons Memorial Park, Young Lake, the Rural Resource Lands, the District of Sooke and the Galloping Goose Trail, and;
  - g. provision of paths using wide shoulders on road right-of-ways in new subdivisions, where possible, through the provincial subdivision approval process.
16. Encourage the acquisition of land for trails in conjunction with the park land dedication features of the LGA by such means as, but not limited to:
  - using bequests and donations;
  - setting up conditional gifts;

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- using management agreements;
- utilizing an option-to-purchase approach; and
- working with any local, provincial, or national land trust or similar organization.

#### 5.2 Off-Highway Vehicle Recreation Areas

There is a demand for areas for the use of off-highway vehicles (e.g., ATVs and motorcycles) in the Electoral Area. However, these uses are not supported within community or regional parks or in the Otter Point Plan area generally due to the proximity to residences. This OCP supports off-highway vehicle uses being located in the Rural Resource Lands OCP area and on appropriate Crown or private lands with management agreements between the owners and self-insured recreational societies.

#### 5.3 Environmentally Sensitive Areas

The Plan area contains environmentally sensitive areas as shown on Map 4, which is attached to and forms a part of this bylaw. It is an objective of the Plan to protect watercourses, wetlands, riparian areas, and sensitive ecosystems that provide habitat for rare and endangered species, and this is effected through the designation of Development Permit Areas in Part 6.0. The *Riparian Areas Regulation (RAR)* sets out the criteria for the determination of the riparian protection and streamside protection enhancement areas in connection with development in riparian areas.

As noted in Section 1.7, a Sensitive Ecosystem Inventory was completed in 2010 to identify, classify and map remnants of rare and fragile terrestrial ecosystems. Conserving sensitive ecosystems is important as they provide ecosystem services for a healthy economy and for social well-being. They help maintain clean water, prevent erosion, support fish and wildlife, and help define Otter Point’s rural character and natural beauty. The following principles for environmentally sensitive areas include:

1. Retain a range of biodiversity to maintain and re-establish indigenous and endangered species.
2. Maintain water quality in surface water, groundwater and aquifers.
3. Encourage rehabilitation, restoration and enhancement of environmentally sensitive areas which have been disturbed.
4. Where a development proposal would adversely affect a sensitive ecosystem or species of concern as determined by a Qualified Environmental Professional, the CRD should only consider development applications where the identified impacts can be mitigated in a manner recommended by the Qualified Environmental Professional.

##### 5.3.1 Watercourse, Wetland and Riparian Areas Policies

1. In order to protect streams and watercourses and watercourse ecosystems and in keeping with the intent of the *Riparian Areas Regulation*, the retention in their natural state of all streams and watercourses and the land within 30 metres of the high water mark on both sides of the streams is recommended.
2. The streams and wetlands that are subject to the *Riparian Areas Regulation* are designated as Development Permit Areas and are shown on Map 5c.
3. Non-fish bearing streams and watercourses and watercourse ecosystems are also designated as Development Permit Areas and shown on Map 5c.

##### 5.3.2 Sensitive Ecosystems Policies

1. In order to protect sensitive ecosystems and to ensure that they are not negatively impacted by development, areas as shown on Map 5d are designated as a Development Permit Area.
2. Where a development proposal would adversely affect a sensitive ecosystem or species of concern as determined by a Qualified Environmental Professional (QEP), the CRD should only consider development applications where the identified impacts can be mitigated in a manner recommended by the Qualified Environmental Professional.

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3. Except where otherwise permitted by a Development Permit, all uses, buildings and structures should be located outside of sensitive ecosystem areas.

#### 5.4 Natural Hazard Areas Policies

1. Areas with a slope exceeding 30% are designated as Development Permit Areas, as shown on Map 5a.
2. Areas that are potentially subject to flooding or erosion are designated as Foreshore Development Permit Areas and Watercourses Development Permit Areas and are shown on Maps 5b and 5c.
3. Areas considered to be at high risk of wildfire, as identified in the *Wildfire Risk Management System Otter Point Wildfire Protection Plan* prepared in July 2011 by Blackwell and Associates, are shown on Map 2. Within these areas, it is recommended that a 10 metre buffer to provide a fuel-free zone for fire protection be maintained between buildings and forested areas in new subdivisions where these areas are adjacent to forest land and woodlots of 20 hectares or more.
4. Within wildfire hazard areas, all development activities, subdivision and rezoning applications should be planned and implemented in a manner that will reduce risks associated with wildfires.
5. Owners/applicants are responsible for reviewing all subdivision proposals and rezoning applications in accordance with relevant provincial fire protection guidelines and policies.
6. Any development or structural improvements within or at the edge of forested lands should address the requirements established in National Fire Protection Association (NFPA) Standards 1142 (Water Supplies for Suburban and Rural Fire Fighting) and NFPA 1144 (Protection of Life from Wildfire), and the Ministry of Forests, Lands, and Natural Resource Operations Home Owners FireSmart Manual.

#### 5.5 Archaeological Sites Policies

1. Part of the Plan area’s heritage includes archaeological sites—the physical evidence of how and where people lived in the past. Archaeological sites, whether known or unknown, are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. Protected archaeological sites include any site with physical evidence of past human habitation or use that predates 1846, or any burial place or aboriginal rock paintings (pictograph) or carvings (petroglyph) regardless of age. Archaeological site types include but are not limited to, shell middens, known ancient village sites, petroglyphs, pictographs, petroforms, culturally modified trees and individually found artifacts. Any development that occurs within the Plan area must not alter or damage a protected archaeological site unless a permit has been issued by the Archaeology Branch, Ministry of Forests, Lands and Natural Resource Operations.
2. Prior to submission of a development application, a proponent should contact the Archaeology Branch for information regarding archaeological sites or the potential for unknown archaeological sites within the development area. An online request for archaeological information may be made through the online data request form through the Ministry. Alternatively, a proponent can engage an eligible consulting archaeologist to determine if detailed archaeological studies of the parcel are required. An eligible consulting archaeologist is one who is able to hold a provincial heritage permit that allows them to conduct archaeological studies.
3. It is the responsibility of the development proponent to have any provincially required archaeological studies or permits in place prior to development.

#### 5.6 Surface Water and Groundwater Supply Policies

A portion of the community which relies on individual wells and water licenses for drinking water is concerned about the impact of development on existing wells, water bodies used as water supplies, and groundwater recharge areas.

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1. To protect groundwater recharge areas the OCP designates about 51% of the Plan area as Rural Lands to allow for low density development.
2. All subdivision applications must include a letter from a community water system stating the proposed development can be provided potable water or else proof of sufficient potable water from individual drilled wells as determined by a Qualified Professional.
3. All users that rely on groundwater are encouraged to conserve water.
4. All development should protect groundwater sources and not deplete or contaminate existing wells.

#### **5.7 School Site Dedication and Community Centre Policies**

##### **5.7.1 School Site Dedication**

School site acquisition charges are payable in respect of development in accordance with Division 10.1 of Part 26 of the *LGA*. However, no new school is anticipated in the Plan area.

##### **5.7.2 Community Centre**

The community has identified a need for a community centre to provide a venue for programs and activities. Establishing the community centre will require a sustainable funding source for land acquisition, building construction and centre operation. The centre could be administered through a community-based non-profit society that would raise funds to construct and operate the facility. Grants and other sources of funding may be available to assist with the project. The centre could be funded through taxation if a new recreation service was established and a specific tax allocation requisitioned. This would result in an overall tax increase.

#### **5.8 Roads and Servicing**

The provision of roads and services on the land could play a role in shaping the land use development patterns in the Otter Point Plan area. No major roads, sewer or water systems are planned for the Otter Point area at the time of preparation of this Plan.

##### **5.8.1 Road Development Policies**

1. The Ministry of Transportation and Infrastructure (MOTI) road standards and requirements will be adhered to.
2. MOTI is encouraged to improve the level of maintenance of the roads in the area.
3. MOTI is encouraged to provide a reduced right-of-way road standard for small rural residential subdivisions.
4. MOTI is encouraged to provide pedestrian and cycling facilities along West Coast Road, Otter Point Road and Kemp Lake Road, as either separate facilities or as extra-wide shoulders, to provide for alternative modes of transportation and to reduce Green House Gas emissions.
5. MOTI, with the support of the CRD and the forestry companies is encouraged to provide an alternative emergency route from Otter Point through the forest lands to address closure of West Coast Road during a significant emergency event.
6. MOTI is encouraged to permit the use of undeveloped road right-of-ways for the development of pedestrian and cycling infrastructure.

##### **5.8.2 Servicing Development Policies**

1. It is the intent of this OCP that, if not already serviced by a public water system, Settlement Areas designated on Map 3 of this bylaw may be serviced by a public water system in the future.
2. It is unknown when the Settlement Areas will be serviced. However, servicing of these areas should be provided in an efficient progression.
3. In accordance with the CRD's Regional Growth Strategy, water and sewer services will not be extended, nor hookup permitted, outside Settlement Areas identified on Map 3. To address extraordinary circumstances of risk to public and environmental health from water

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contamination, or from wildfire hazard, or to service agriculture, the CRD Board may permit the extension of water service, beyond the designated Settlement Areas, providing:

- a. a proposal to extend water services is prepared that identifies and documents the extraordinary circumstances of risk to public and environmental health from water contamination or from wildfire hazard, and is supported by the appropriate public health and/or fire protection officials;
- b. the proposal is submitted to the CRD’s General Manager of Planning and Protective Services for review in concert with the General Manager of CRD Water Services, with a resolution of support from the Juan de Fuca Land Use Committee;
- c. the proposal, the supporting resolution of the Juan de Fuca Land Use Committee and the recommendations of the General Manager of Planning and Protective Services and the General Manager of Water Services are reviewed and considered by the Planning, Transportation and Protective Services Committee which then makes a recommendation to the full CRD Board regarding either approval or refusal of the proposal to extend water services; and
- d. the full CRD Board passes a resolution giving approval for the extension of water services.

#### **5.9 Public Facilities**

The location of public facilities, such as schools, water distribution systems and waste treatment and disposal sites could play a role in shaping the land use development patterns in the Otter Point Plan area. No new public facilities are planned for the Otter Point area at the time of preparation of this Plan. When public uses are contemplated for an area, there must be community infrastructure to support the proposed uses.

#### **5.10 Sand and Gravel Deposits**

Five gravel quarry permits were identified at the time of preparation of this Plan and are noted on Map 2. The location and operation of existing and future sand and gravel extraction activities are subject to the requirements of the *Mines Act*.

## PART 6.0 DEVELOPMENT PERMIT AREAS

Development Permits are a planning tool for sites, buildings and structures that warrant special protection or development control. Unless authority is delegated, Development Permits must be approved by the CRD Board and may require some sort of security to ensure that the conditions in the Development Permit have been achieved. The guiding principle for the use of Development Permits is found within Section 919.1 of the *LGA*. Development Permit Areas can be designated for purposes such as, but not limited to the following:

- to protect the natural environment, its ecosystems and biological diversity;
- to protect development from hazardous conditions;
- to establish the form and character of commercial, industrial or multi-family residential development; or
- to promote energy conservation, water conservation and the reduction of Green House Gas emissions.

With respect to areas designated as Development Permit Areas, the OCP must:

- describe the conditions or objectives that justify the designation; and
- specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

### 6.1 General Development Permit Policies

1. Where a development site lies within more than one Development Permit Area, all of the applicable permit guidelines must be met.
2. In accordance with the *LGA*, a Development Permit must be obtained prior to subdivision, construction, alteration of land, soil deposit or removal, or any other development or activity that would impact on any of the elements protected by a Development Permit.
3. Any additional information, including the preparation of covenants, requested by the CRD as outlined in the following sections will be provided at the applicant's expense.
4. A Development Permit is not required where it can be demonstrated that the proposed development is located outside the designated Development Permit Area. A Qualified Professional or Qualified Environmental Professional must submit a report or provide certification acceptable to the CRD that the proposed development is not within the designated Development Permit Area.

### 6.2 General Exemptions for a Development Permit

No Development Permit will be required for the following:

1. internal alterations to a building;
2. boundary adjustments between parcels when no new parcels are created and the boundary is not located within 30 metres of a watercourse or wetland;
3. external alterations, including adding a second storey, that are entirely within the building footprint;
4. landscaping, or constructing fences and not located within 30 metres of a stream or wetland;
5. structures which are not greater in area than 10.0 square metres (107 square feet) and are not located within 30 metres of a watercourse or wetland;
6. walkways, ramps and/or stairways, at-grade patios and retaining walls not requiring a building permit and not located within 30 metres of a watercourse or wetland;
7. removal of hazard trees;

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8. emergency actions for flood or erosion protection;
9. emergency works to repair or replace public utilities or infrastructure;
10. removal of invasive non-native vegetation from within 30 metres of a watercourse or wetland;
11. in-stream habitat development or restoration that complies with provincial and federal legislation and requirements;
12. agricultural activities and developments on farms on ALR lands.

**References in this section to a distance from a watercourse or wetland shall be deemed to be references to a distance from the natural boundary of the watercourse.**

### **6.3 Development Permit Area No. 1: Steep Slopes**

#### **6.3.1 Designation**

That part of the Otter Point area shown as “Steep Slopes” on Map 5a, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area, the “Steep Slopes DPA”, under Section 919.1(1)(b) of the *LGA*, for protection of development from hazardous conditions.

The “Steep Slopes DPA” boundaries include areas having slopes exceeding 30% or 16.7 degrees in slope over a minimum 10 metre run. Notwithstanding the areas identified on Map 5a, the actual Development Permit Area will in every case be verified.

#### **6.3.2 Justification**

The topography of the area, as well as the slope gradation and thin soil cover, renders the area highly susceptible to erosion hazard. Careful control of development or other alteration of these slopes is needed to reduce the risk to life and property, to prevent erosion and potential risks to down-slope properties, and to prevent destabilization of slopes. Land clearing, road construction, changes in slope profiles, construction of buildings, structures, improvements or roads or other site disturbance in these areas could increase risk to life and property and harm the environmental values of the slopes and are examples of development to be controlled.

#### **6.3.3 Objective**

To regulate development in the area with a view to protecting the integrity of the slopes and reducing the risk of injury to persons or damage to property resulting from erosion, landslide and slope slippage.

#### **6.3.4 Guidelines**

Development Permits issued in “Steep Slope DPA” will be in accordance with the following:

1. No development, subdivision or sewage disposal system will be permitted in a “Steep Slopes DPA”, as specified in the Justification above, except as allowed by a Development Permit or subject to a general exemption as outlined in Section 6.2 of this Plan.
2. Avoid intrusion of development into Development Permit Areas and to minimize the impact of any activity in these areas. Development shall generally only be supported where the applicant provides compelling reasons supported by a Qualified Professional’s recommendations for mitigation to support the request or if there are no alternate building locations. Variances from other applicable regulations, including height, setback and location regulations may be considered in order to minimize encroachment into the “Steep Slopes DPA”.
3. Development or subdivision of land should be designed to comply with the policies in Section 5.4 of the Plan.

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4. An application for a Development Permit for land within a “Steep Slopes DPA” on Map 5a, shall provide an assessment of the slope conditions on the proposed development site by a geotechnical engineer, and recommendations on the suitability and stability of the soil for the proposed development. The assessment should include recommendations for vegetation protection, enhancement or retention, where applicable. A plan prepared by a British Columbia Land Surveyor may be required as a condition of the Development Permit.
5. As a condition of the issuance of a Development Permit, compliance with any or all conditions recommended in the report prepared by the Qualified Professional may be required.
6. A Development Permit shall not be issued without confirmation by the Qualified Professional regarding the safety of proposed development and assurances that the development will not have detrimental impact on the environment or adjoining properties. No development or alteration of land shall occur where the Qualified Professional’s geotechnical engineering report indicates that a hazardous condition may result except in compliance with all conditions recommended by the Qualified Professional’s report.
7. An applicant may be required to provide a sediment and erosion plan with recommendations for implementation. Erosion control measures, during and after construction, may be specified in the permit.
8. Any development must be designed to avoid storm water runoff that could destabilize the slope or cause damage to neighbouring properties. An applicant may be required to provide a drainage plan with recommendations for implementation.
9. Removal of vegetation should be minimized to allow only for building sites, sewage disposal systems, driveways, landscaping and other permitted land uses.
10. A disturbed site should be re-vegetated using plant material indigenous to the site or other suitable non-invasive plants. An applicant may be required to provide a re-vegetation plan with recommendations for implementation.
11. An applicant may be required to register a covenant under Section 219 of the *Land Title Act* attaching a copy of the report of the Qualified Professional.
12. Where the Qualified Professional recommends re-vegetation or remediation works, a landscaping plan and security deposit may be required.

#### 6.4 Development Permit Area No. 2: Marine Shoreline Areas

##### 6.4.1 Designation

That part of the Otter Point shoreline area, which includes the uplands within 15 metres (50 feet) of the natural boundary of the sea, as shown on Map 5b, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area, the “Marine Shoreline DPA”, under Section 919.1(1)(a) and (b) of the *LGA*, for protection of the natural environment, its ecosystems and biological diversity and for protection of development from hazardous conditions.

##### 6.4.2 Justification

The marine shoreline upland is a coastal sensitive area for aquatic life and has high ecological and aesthetic values and may contain unstable slopes subject to erosion and land slip. Due to their physical and biological characteristics and situation, development on the upland must be managed in order to avoid potential negative impacts to the shoreline.

An emerging concern is a rise in sea level. While the exact rise is unknown, it is expected that the sea level on the west coast of Vancouver Island will rise somewhere in the vicinity of one metre by the year 2100. Any development along the coastline must take this into consideration in an attempt to anticipate and minimize any negative impacts that rising sea levels may have on the built environment and the safety of residents.

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#### 6.4.3 Objective

To protect the ecological integrity and the stability of the marine upland slopes and shoreline, alteration of adjacent lands must be regulated.

#### 6.4.4 Guidelines

Development Permits issued in “Marine Shoreline DPA” will be in accordance with the following:

1. No development, subdivision, or sewage disposal system will be permitted in a “Marine Shoreline DPA”, as specified in the Justification above, except those allowed by a Development Permit or subject to the general exemptions as outlined in Section 6.2 of this Plan.
2. Avoid intrusion of development into Development Permit Areas and minimize the impact of any activity in these areas. Development shall generally only be supported where the applicant provides compelling reasons supported by a Qualified Environmental Professional’s recommendations for mitigation to support the request or if there are no alternate building locations. Variances from other applicable regulations, including height, setback and location regulations may be considered in order to minimize encroachment into the Development Permit Area.
3. Development or subdivision of land should be designed to comply with the Marine policies in Section 4.3.1 of this Plan.
4. The applicant for a Development Permit for land within the “Marine Shoreline DPA” on Map 5b, the Development Permit must provide an assessment by a Qualified Environmental Professional on the environmental conditions, and an assessment by a Qualified Professional on the shoreline conditions on the proposed development site and recommendations on the suitability of the site for the proposed development. The assessment should include proposals for vegetation protection, enhancement or retention, where applicable. A plan prepared by a British Columbia Land Surveyor may be required as a condition of the Development Permit.
5. Compliance with any or all conditions recommended in the report prepared by the Qualified Environmental Professional or Qualified Professional may be required.
6. A Development Permit shall not be issued without confirmation by the Qualified Professional regarding the safety of proposed development and assurances that the development will not have detrimental impact on the environment or adjoining properties. No development or alteration of land shall occur where the geotechnical engineering report indicates that a hazardous condition may result.
7. An applicant may be required to provide a sediment and erosion plan with recommendations for implementation. Erosion control measures, during and after construction, may be specified in the permit.
8. Planting of indigenous vegetation may be required on the site to reduce erosion risk, restore the natural character of the site, improve water quality or stabilize slopes and banks. An applicant may be required to provide a re-vegetation plan with recommendations for implementation.
9. Where a shoreline stabilization device is proposed, the applicant may be required to provide a report from a Qualified Professional assessing the risk of erosion and the suitability of the parcels for such a device. The report must also assess the impacts on adjacent parcels as a result of installing or not installing the proposed device. Shoreline stabilization devices are not supported on parcels that are not subject to active erosion.
10. The use of marine retaining walls and other hard surfaces such as rip-rap shall only be supported where a Qualified Professional has determined that alternative approaches to shoreline stabilization such as vegetation enhancement, upland drainage control or gravel placement are not appropriate given site specific conditions.
11. Shoreline stabilization measures near the natural boundary of the sea that obstruct

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pedestrian access to and along the public foreshore area are not supported.

12. All new developments or modifications to existing developments must be designed so as to avoid any increase in storm water runoff. An applicant may be required to supply a drainage plan with recommendations for implementation.
13. An applicant may be required to register a covenant under Section 219 of the *Land Title Act* attaching a copy of the report prepared by the Qualified Environmental Professional or Qualified Professional.
14. Where the Qualified Environmental Professional or Qualified Professional recommends re-vegetation or remediation works, a landscaping plan and security deposit may be required.

#### **6.5 Development Permit Area No. 3: Watercourses and Wetlands Areas**

##### **6.5.1 Designation**

That part of the Otter Point area, within 30 metres (100 feet) of the natural boundary of watercourses, wetlands and lakes as outlined on Map 5c, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area, the “Watercourses DPA”, under Section 919.1(1)(a) of the *LGA*, for protection of the natural environment, its ecosystems and biological diversity.

The “Watercourses DPA” applies to all streams subject to the provincial *Riparian Areas Regulation* as well as mapped lakes, wetlands, ponds and other watercourses which are not subject to the *Riparian Areas Regulation*. For a stream subject to the *Riparian Areas Regulation* the assessment area is defined by the *Regulation*.

##### **6.5.2 Justification**

Riparian ecosystems occur adjacent to lakes, streams, creeks, wetlands and rivers, where the increased soil moisture supports and enhances plant communities distinct from the adjacent terrestrial areas.

The Province of British Columbia’s *Riparian Areas Regulation*, under the *Fish Protection Act*, aims to protect riparian areas for the protection of fish habitat. This regulation requires that an assessment by a Qualified Environmental Professional be conducted for all proposed development in a Riparian Assessment Area. The purpose of this assessment is to ensure the protection of the natural environment in accordance with the *Fish Protection Act* by protecting the features, functions, and conditions critical to support fish processes and ensuring appropriate measures are in place for the protection of the natural environment.

In addition to protecting the features which are required to support fish, this DPA is also intended to address other important values associated with aquatic and riparian ecosystems such as the maintenance of the natural hydraulic regime, and the role that aquatic and riparian ecosystems play in supporting plant and animal species.

##### **6.5.3 Objective**

To regulate development adjacent to water features, watercourses and riparian areas in order to protect the community’s water supply, to maintain the ecological value of these areas, to support the viability of fish habitat and guard against environmental impact on aquatic and riparian habitat.

##### **6.5.4 Guidelines**

###### **General Guidelines**

Development Permits issued in the “Watercourse DPA” will be in accordance with the following:

1. No development, subdivision, or sewage disposal system will be permitted in a “Watercourses DPA”, except those allowed by a Development Permit or subject to the general exemptions as outlined in Section 6.2 of this Plan.
2. Avoid intrusion of development into Development Permit Areas and minimize the impact of any activity in these areas. Development shall generally only be supported where the applicant provides compelling reasons supported by a Qualified Environmental Professional’s recommendations for mitigation to support the request or if there are no alternate building locations. Variances from other applicable regulations, including height,

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setback and location regulations may be considered in order to minimize encroachment into the Development Permit Area.

3. Development or subdivision of land should be designed to comply with the policies in Section 5.3.1 of the Plan.
4. The application for a Development Permit for land within the “Watercourses DPA” on Map 5c, must provide an assessment by a Qualified Environmental Professional on the environmental conditions on the proposed development site and recommendations on the suitability of the site for the proposed development. The assessment should include recommendations for vegetation protection, enhancement or retention, where applicable. A plan prepared by a British Columbia Land Surveyor may be required as a condition of the Development Permit.
5. As a condition of the issuance of a Development Permit, compliance with any or all conditions recommended in the report prepared by the Qualified Environmental Professional may be required.
6. Construction at a time of year and using construction methods that minimize the impacts on rare and sensitive species may be required.
7. Development must be designed so as to maintain the quality of any storm water flowing toward or into the identified water features and so as to prevent any increase in volume and peak flow of runoff. An applicant may be required to provide a drainage plan with recommendations for implementation.
8. Indigenous vegetation may be required to be planted on the site to reduce erosion risk, restore the natural character of the site, improve water quality, or stabilize slopes and banks. An applicant may be required to provide a re-vegetation plan from a person qualified and the development permit may include conditions intended to implement the recommendations.
9. Modification of channels, banks or shores which could result in significant environmental harm or significantly alter local hydrological conditions will not be permitted.
10. Landscaping and other related residential activities should be sited so as to prevent nutrient-rich water from entering natural water features.
11. A buffer zone within which land alteration or structures will be limited to those compatible with safeguarding the characteristics of the water feature in accordance with the professional report may be required and the specific or general location of the buffer zone may be designated.
12. Conditions relating to road and driveway construction in these areas will ensure that:
  - a. watercourse crossings are located so as to minimize disturbance of water feature banks, channels, shores, and vegetation cover;
  - b. wherever possible, bridges are used instead of culverts for crossings of fish-bearing watercourses; and
  - c. culverts are sited below the seasonal low water level to allow unrestricted movement of fish in both directions.
13. Where the Qualified Environmental Professional or Qualified Professional recommends re-vegetation or remediation works, a landscaping plan and security deposit may be required.
14. In order to ensure unnecessary encroachment does not occur into the Development Permit Area at the time of construction, permanent or temporary fencing measures may be required.

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15. Development should be designed to minimize stream crossings. However, any required crossing should be in compliance with all conditions recommended by the Qualified Environmental Professional's report.
16. If any temporary stream alteration or diversion takes place, streams should be rerouted through their original channels with provincial or federal approval.
17. The removal of gravel and soil from streambeds of watercourses is prohibited unless provincial or federal approval is received.
18. In reviewing a Development Permit application the CRD shall consider the site-specific natural features, ecological processes that support riparian function, wildlife ecology, and unique ecosystems. These include, but are not limited to:
  - a. maintenance of an effective visual and sound (natural vegetated) buffer around nesting trees or other sensitive features;
  - b. vegetation, trees, snags, and root systems;
  - c. rare and uncommon species and plant communities;
  - d. soils and soil conditions (moisture, nutrients and permeability);
  - e. birds and other wildlife species and their habitats, such as shelter, nesting trees, perch trees, and breeding areas;
  - f. maintenance of linkages with adjacent riparian ecosystems to minimize fragmentation;
  - g. topography and relative orientation of features on neighbouring properties; and,
  - h. appropriate timing of construction.

#### **Additional Guidelines Applicable to All Streams Subject to the RAR:**

The Development Permit Area includes the following, having reference to the *Riparian Areas Regulation*:

- (a) the 30 metre strip on both sides of the stream measured from the high water mark;
  - (b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
  - (c) for a ravine 60 metres wide or greater, a strip of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.
1. For all development within the riparian assessment area of all streams subject to the *Riparian Areas Regulation*, a report prepared by a Qualified Environmental Professional and submitted to the Ministry of Environment pursuant to the *Riparian Areas Regulation* is required.
  2. An applicant may be required to provide an explanatory plan of the Streamside Protection and Enhancement Area (SPEA) including the registration of a covenant prohibiting development and use in the SPEA and securing the measures required to protect it.
  3. The owner shall implement all measures necessary to maintain the integrity of the SPEA as specified in the Qualified Environmental Professional's report and such measures may be included as conditions of the Development Permit.
  4. In addition to implementing the measures contained in the Qualified Environmental Professional report, to ensure future encroachment into the SPEA is reduced, the land owner may consider the following:
    - a. dedicating back to the Crown provincial or CRD all or part of the SPEA;
    - b. gifting to a nature conservation organization (tax receipts may be issued) all or part of the SPEA; or

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- c. registering restrictive covenant(s) or conservation covenant(s) securing the measures prescribed in the Qualified Environmental Professional assessment report;
- 5. Developers are encouraged to exceed the minimum standards set out in the RAR.
- 6. Development Permits may include requirements for environmental monitoring where riparian areas must be protected, remediation must be completed or where construction requires environmental controls. Environmental monitoring reports, when required, must be prepared by the Qualified Environmental Professional.

**Additional Guidelines Applicable to Non-RAR Lakes, Wetlands, and Other Watercourses:**

- 1. Before development is permitted in a “Watercourses DPA” not subject to a RAR, the applicant may be required to supply an assessment, prepared by a Qualified Environmental Professional. The report must inventory the site to identify existing environmentally sensitive feature(s) and assess the environmental impact of the proposed development. The report must provide recommendations for construction, mitigation, and protection of environmentally sensitive features and sensitive habitat, to ensure that the impacts of development are minimized and to preserve and/or restore the natural ecosystem components and processes which are important to maintain ecosystem function and health.
- 2. Compliance with any or all conditions recommended in the report prepared by the Qualified Environmental Professional may be required in a development permit.

**6.6 Development Permit Area No. 4: Sensitive Ecosystems Areas**

**6.6.1 Designation**

That part of the Otter Point area within the boundaries of areas marked “Cliffs”, “Seasonally Flooded Agricultural Fields”, “Herbaceous”, “Mature Forest”, “Sparsely Vegetated” and “Woodland” on Map 5d, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area, the “Sensitive Ecosystems DPA”, under Section 919.1(1)(a) of the *LGA* for the protection of the natural environment, its ecosystems and biological diversity.

The “Sensitive Ecosystems DPA” boundaries include Seasonally Flooded Agricultural Fields and the following ecosystems identified in the Sensitive Ecosystem Inventory prepared in July 2011 by Raincoast Applied Ecology/HB Lanarc: Herbaceous, Mature Forest, Sparsely Vegetated and Woodland.

**6.6.2 Justification**

These are important vegetation communities that have been identified by the Sensitive Ecosystem Inventory. Maintaining this vegetation is important to the protection of habitat and the natural environmental character of Otter Point. Land clearing, tree cutting, construction of buildings or roads, or other site disturbance in these areas could harm their functions and value to the community.

**6.6.3 Objective**

The primary objective of this Development Permit Area designation is to minimize the impact of development on the natural environment. The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage.

Sensitive ecosystems support a number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed species at risk. This Development Permit Area is intended to protect habitat for rare and endangered species of native vegetation or wildlife and to provide wildlife corridors and secondary habitat within Otter Point.

**6.6.4 Guidelines**

Development Permits issued in “Sensitive Ecosystems DPA” will be in accordance with the following:

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1. No development, subdivision or sewage disposal system will be permitted in the "Sensitive Ecosystems DPA", except as allowed by a Development Permit or subject to the general exemptions as outlined in Section 6.2 of this Plan.
2. Avoid intrusion of development into Development Permit Areas and to minimize the impact of any activity in these areas. Development shall generally only be supported where the applicant provides compelling reasons supported by a Qualified Environmental Professional's recommendations for mitigation to support the request or if there are no alternate building locations. Variances from other applicable regulations, including height, setback and location regulations may be considered in order to minimize encroachment into the Development Permit Area.
3. Development or subdivision of land should be designed to comply with the policies in Section 5.3.2 of the Plan.
4. The applicant for a Development Permit for land within the "Sensitive Ecosystems DPA" must provide an assessment by a Qualified Environmental Professional on the environmental conditions on the proposed development site and recommendations on the suitability of the site for the proposed development. The assessment must include recommendations for vegetation protection, enhancement or retention, where applicable. A plan prepared by a British Columbia Land Surveyor may be required as a condition of the Development Permit.
5. As a condition of the issuance of a Development Permit, compliance with any or all conditions recommended in the report prepared by the Qualified Environmental Professional may be required.
6. Disturbance to existing vegetation that is not directly affected by the footprint of building, ancillary uses, and driveways must be minimized. Any disturbed areas shall be rehabilitated with appropriate landscaping and habitat compensation measures. Loss of natural habitat shall be minimized.
7. A buffer zone within which land alteration or structures will be limited to those compatible with the characteristics of the sensitive ecosystems, or those that can be mitigated in a manner recommended by a Qualified Environmental Professional may be required and the specific or general location of the buffer zone may be designated.
8. In order to ensure unnecessary encroachment does not occur into the Development Permit area at the time of construction, permanent or temporary fencing measures may be required.
9. Environmentally sensitive areas and the habitat requirements for wildlife species at risk as defined in the federal *Species at Risk Act* should remain in their natural state and should not be developed or disturbed.
10. Where possible, large tracts of wildlife habitat or continuous habitat corridors should be preserved, in order to facilitate movement of wildlife. In addition, where possible, landscape plans should enhance, expand or create wildlife habitat such as wetlands, native aquatic and terrestrial plants.
11. Planting of invasive species adjacent to or within designated "Sensitive Ecosystems DPA" will not be permitted.
12. Changes in the land surface which could affect the health of vegetation or the biodiversity of any plant communities and disturbance of mature vegetation and under-storey plants will be minimized.
13. Any development must be designed to avoid storm water runoff and the development or subdivision may be required to be carried out in accordance with recommendations contained in a drainage plan that the applicant may be required to provide.

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14. Removal of gravel, sand, soil or peat in “Sensitive Ecosystems DPA” will be strictly limited and only permitted if impacts can be mitigated in a manner recommended by a Qualified Environmental Professional.
15. Development should generally conform to *Develop with Care 2012: Environmental Guidelines for Urban and Rural Land Development in British Columbia*.
16. Development may be required to incorporate environmentally sound building practices where appropriate, such as natural drainage, or use of permeable paving materials.
17. A subdivision application which proposes the creation of parcels less than the average parcel size supported by this Plan and located within a smaller footprint of the parent parcel may be supported where the conditions are secured for the permanent on-going protection or restoration of environmentally sensitive features without an amendment to this Plan. However, the overall number of parcels must be consistent with the Land Use Designation.
18. Where the Qualified Environmental Professional or Qualified Professional recommends re-vegetation or remediation works, a landscaping plan and security deposit may be required.

#### **6.7 Development Permit Area No. 5: Commercial and Industrial Development Areas**

##### **6.7.1 Designation**

That part of the Otter Point area marked “Commercial DPA” and “Industrial DPA” shown on Map 5e, which is attached to and forms a part of this bylaw, is designated as a Development Permit Area, the “Commercial and Industrial DPA”, under Section 919.1(1)(f) of the LGA for the form and character of commercial and industrial development.

The “Commercial and Industrial DPA” boundaries include lands zoned commercial or industrial under the Land Use Bylaw.

##### **6.7.2 Justification**

The various commercial and industrial areas in Otter Point merit designation as Development Permit Areas for the form and character of commercial and industrial development due to their unique location and their relationship to surrounding land uses.

##### **6.7.3 Objective**

To encourage a building design theme and form that is complementary to and respectful, as possible, of the natural setting and the rural character of Otter Point.

##### **6.7.4 Guidelines**

Development Permits issued in “Commercial and Industrial DPA” will be in accordance with the following:

1. No development, building, subdivision or sewage disposal system will be permitted in the Commercial and Industrial Development Permit Area, as specified in the Justification above, except as allowed by a Development Permit or subject to the general exemptions as outlined in Section 6.2 of this Plan.
2. Design buildings to take advantage of natural contours and features of the landscape so that buildings and structures fit into the natural surroundings.
3. Design buildings in a form which can make best use of the natural setting, which allows for retention of natural vegetative cover and which reinforces existing aesthetic and natural advantages of the area.
4. Retain existing second-growth forest and native understorey plants in areas where there are no buildings, structures, parking areas or other constructed features.
5. Minimize outdoor storage and screen outdoor storage and loading/unloading facilities from neighbouring properties through the retention of trees and native understorey plants, or through the planting of native or complementary species, or by using fencing.

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6. Screen parking areas to the greatest extent possible with existing and new landscaping, as described in subparagraph (5).
7. Install outdoor lighting which is of low intensity and pedestrian-oriented or which is directed down and away from surrounding residential areas so as to reduce and minimize glare into the environment.
8. The range of building materials used for new buildings should be complementary to existing buildings. The front entrances should be designed to use a combination of exterior surface textures.
9. Where parcels are located adjacent to a trail established by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, buildings should be set back from the property line to prevent the trail being in constant shadow, and landscaping provided to screen the commercial or industrial use from the trail.
10. Roof-top equipment should be kept to a minimum and integrated into the overall building design.
11. Parking, loading, and access and egress areas should be designed to accommodate commercial vehicles and ensure safe vehicular movement.
12. To ensure that all landscaping requirements and/or site remediation works of the Development Permit Area are undertaken, applicants may be required to provide a detailed landscape estimate. Prior to issuance of any permit, the applicant may be required to provide a security deposit.

#### **6.8 Development Approval Information Area Designation**

##### **6.8.1 Designation**

That area of the Otter Point OCP area (being parcels greater than two hectares in area at the time of adoption of the OCP) as shown in pale green on Map 6, which is attached to and forms a part of this bylaw, is designated as a Development Approval Information Area.

##### **6.8.2 Justification**

1. The natural environment of the Otter Point Plan area supports an ecosystem of great diversity which includes rare species of flora and fauna and supports human habitation. All of the living things in Otter Point depend on the quantity and quality of the available groundwater. Any development has the potential to deplete groundwater and otherwise interfere with wetlands. The extent to which a new well may have interfered with existing wells cannot be reliably judged except from actual interference testing of the affected wells.
2. Any new large-scale development creating 20 or more parcels will increase the traffic flow along the various roads within Otter Point. Information is required for reviewing the potential impact that the greater traffic flows may have on the various roads.
3. New development may affect the provision of fire and police protection in Otter Point. Information is required on the possible impact that development may have on the provision of fire and police protection.
4. Given the topography and the rich biodiversity of Otter Point, the Plan area has numerous environmentally sensitive features that require a thorough analysis be completed prior to development taking place. This includes an analysis of any liquid waste, to ensure that it will have no adverse effect on human health or the natural environment.

##### **6.8.3 Objective**

The purpose of this designation is to enable the CRD to obtain information in connection with an application for an amendment to a land use or zoning bylaw or a Development Permit that could affect one or more of the following:

- a. the natural environment;
- b. traffic flows in the case of a zoning amendment or a Development Permit that may create

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20 or more parcels;

- c. the provision of community services, including but not limited to schools, fire protection, policing and similar services; and
- d. the local infrastructure, including water service, sewage treatment and disposal, and other services and utilities.

**6.8.4 Guidelines**

1. As a part of applications for a zoning change or the issuance of a Development Permit, applicants must provide, at their expense, an assessment by a Qualified Professional or Qualified Environmental Professional, as outlined in the Development Approval Information Bylaw, of the impact that the proposed development may have on any of the above-referenced matters (6.8.3).

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**APPENDIX 1: DEFINITIONS**

In this bylaw, which includes Schedule "A", the following definitions apply:

**A**

**ACCESSORY BUILDING** means a building or structure, the use of which is ancillary to the principal building;

**ACCESSORY USE** means a use which is incidental or subordinate to the principal use;

**AGRICULTURAL LAND RESERVE (ALR)** means lands designated pursuant to the *Agricultural Land Commission Act* to be preserved for agricultural use or uses compatible with agricultural purposes;

**AGRICULTURE** means a farm use as defined in the *Agricultural Land Commission Act* in the Agricultural Land Reserve but, outside the ALR, does not include Intensive Agriculture or any manufacturing, processing, and storage and repairs;

**AGRICULTURE BUILDING** or **FARM BUILDING** means a building which is

- (a) associated with and located on land devoted to the practice of farming; and
- (b) used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds;

**AGRI-TOURISM** means a tourist activity, service or facility that provides an opportunity for visitors to experience agricultural life by participating in or watching farming activities or purchasing and consuming farm produce on a farm;

**AMENITY** means an item of benefit to the community that is determined through the development approvals process, and may include park land, community trails, infrastructure, special housing, parking areas, and community facilities or a natural feature that is a community benefit;

**AMENITY BONUSING** means an increase in the allowable density on a parcel of land in exchange for an amenity provided by the developer for the community to be implemented through density bonus provisions in the applicable bylaw under Section 904 of the *Local Government Act*;

**ASSESSMENT REPORT** means a report prepared in accordance with the *Riparian Area Regulations* assessment methods to assess the potential impact of proposed development in a riparian assessment area, which is certified by a Qualified Environmental Professional or any report prepared by a Qualified Professional in support of an application for a development approval or development approval information area requirements;

**AQUIFER** means an underground water body, which may be overlain with permeable material such as gravel or impermeable material such as clay.

**B**

**BED AND BREAKFAST** means a home based business which provides for temporary accommodation accessory to the principal residential use of a parcel, but which does not provide meals, other than breakfast, or kitchen facilities for guests;

**BIODIVERSITY** means the variety of life on earth in all its forms including genera, species and ecosystems and the natural processes that link and maintain them;

**BOARD** means the Board of Directors of the Capital Regional District;

**BUFFER** means an area of land separating adjacent land uses that is managed to mitigate impacts of one use on another and includes any combination of setbacks, existing vegetation, ditches, roads, landscaping, berming, and fencing;

**BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy;

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**C**

**CABIN** means a structure or building with a floor area of not more than 90 m<sup>2</sup> which is used as temporary accommodation; and which may or may not include kitchen or sanitary facilities;

**CAMPGROUND** means a site operated as temporary accommodation for travellers in travel trailers, recreational vehicles or tents; but excludes mobile home parks, motels and hotels; the site may include sanitary and laundry facilities;

**CATCHMENT AREA** means an area from which rainfall flows into a stream.

**COMMUNITY CARE FACILITY** means housing units or facility licenced under the *Community Care and Assisted Living Act*;

**COMMUNITY WATER SYSTEM** means a system of waterworks which is owned, operated and maintained by a water users' community under the *Water Act*, by an improvement district, or by the Capital Regional District and is permitted by Island Health;

**CONSERVATION COVENANT** means a covenant under Section 219 of the *Land Title Act*, registered against the title to land, in which a land owner covenants and agrees to protect the land or amenities in respect of the land or amenities in respect of the land in specified ways;

**D**

**DELETERIOUS SUBSTANCE** means any substance that would degrade or alter the quality of the environment so that it becomes damaging to fish or fish habitat or other wildlife and flora, or becomes unsuitable for human consumption or any other use for which it is legally licensed;

**DENSITY** means a measure of development intensity on a parcel, measured in dwelling units per hectare for residential uses, or in parcels per hectare;

**DESIGNATED FLOOD** means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unrelated history flood records or by regional analysis where there is inadequate streamflow data available; where the flow of a large watercourse is controlled by a major dam, the designated shall be set a site specific basis;

**DESIGNATED FLOOD LEVEL** means the observed or calculated flood elevation for the designated flood, which is used in the calculation of the flood construction level.

**DETACHED ACCESSORY SUITE** means an accessory dwelling unit detached from the principal residential building;

**DEPLETION OF EXISTING WELLS** means to reduce the quantity of existing adjacent wells below the minimum requirements established by the Land Use Bylaw;

**DEVELOPMENT** means any of the following residential, commercial or industrial activities or ancillary activities:

- (a) removal, alteration, disruption or destruction of vegetation;
- (b) removal or deposit of soils;
- (c) construction or erection of buildings and structures;
- (d) creation of non-structural impermeable or semi-impermeable surfaces;
- (e) flood protection works;
- (f) construction of roads, trails, docks, wharves and bridges;
- (g) provision and maintenance of sewer and water services;
- (h) development of drainage systems;
- (i) development of utility corridors; and
- (j) subdivision as defined in Section 872 of the *Local Government Act*;

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**DEVELOPMENT PERMIT AREA** means an area that has been designated in the Official Community Plan pursuant to Section 919.1 of the *Local Government Act* as requiring issuance of a Development Permit prior to the commencement of development;

**DISTURBANCE** means a discrete force that causes significant change in the composition of soil or terrain through human-caused events such as cutting trees, or clearing land;

**DUPLEX** means **DWELLING, TWO-FAMILY**;

**DWELLING UNIT** means one or more rooms which comprise a self-contained unit used or intended to be used for habitation by one or more residents, including living and sleeping areas, sanitary facilities and a single kitchen; this includes mobile homes, modular homes or prefabricated dwellings meeting CSA-A277 or CSA-Z240 (mobile) standards or equivalent, but not recreational vehicles, tents, buses, travel trailers or other vehicles;

**DWELLING, MULTI-FAMILY** means a residential use in a building with three or more principal dwelling units;

**DWELLING, SINGLE-FAMILY** means a residential use in a building for one principal dwelling unit;

**DWELLING, TWO-FAMILY** means a residential use in a building which is divided into two principal dwelling units which are either placed one above the other or side-by-side, and share a common wall; specifically excludes dwelling units attached by carport, sundeck, breezeway or other similar structures and secondary suites;

**E**

**ECOSYSTEM** means a functional unit consisting of all the living (biotic) and non-living (abiotic) factors of a definable portion of the landscape, together with the processes that link and affect them including nutrient cycling and energy flow;

**ENVIRONMENTALLY SENSITIVE AREA** means any parcel of land or area that has environmental attributes worthy of retention or special care and for the purposes of this bylaw has been identified as Development Permit Area;

**EROSION** means a combination of processes by which materials of the earth’s surface are loosened, dissolved or worn away, and transported from one place to another by natural or human agents;

**F**

**FARM** means an area of land used for agriculture or land classified as a farm under the *Assessment Act*, or both;

**FISH** means all stages of salmonids, game fish and regionally significant fish;

**FLOOD CONSTRUCTION LEVEL** means a designated flood level plus freeboard, or where a designated flood level cannot be determined: a specified height above the natural boundary, natural ground elevation, or any obstruction that could cause ponding;

**FLOODPLAIN** means an area susceptible to flooding from a watercourse, lake, or other body of water designated in Part 5 of the Land Use Bylaw;

**FOOD SECURITY** means a condition in which all the residents, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life;

**FORESHORE** means the area of the shore located below the natural boundary;

**G**

**GREEN BUILDING** means a building that incorporates a variety of features such energy and water efficiency, natural storm water management, locally sourced materials, low site impact and healthy indoor environmental quality;

**GREEN HOUSE GAS** means any or all of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and any other substance proscribed by regulation;

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**GROUND WATER** means water below the surface of the ground;

**GROUND WATER RECHARGE** means the movement of rainwater down through the soil and into the aquifers beneath;

**H**

**HABITAT** means the natural home of a plant or an animal including all the associated biotic and abiotic elements;

**HAZARDOUS TREE** means a diseased or damaged tree that poses a danger to a person or property or is likely to cause harm to persons or property;

**HIGH WATER MARK** means **NATURAL BOUNDARY**;

**HOME BASED BUSINESS** means any occupational or professional use conducted for gain and secondary to the residential use of a parcel pursuant to the Land Use Bylaw;

**I**

**IMPROVEMENT DISTRICT** means, as the context requires, either the public corporate body or the tract of land incorporated under the *Local Government Act* and includes an improvement district constituted under a former Act;

**INDUSTRIAL USE** means a use providing for the processing, fabricating, assembling, storing, transportation, distribution, wholesaling, testing, servicing, repairing, wrecking or salvaging of goods, materials, or things, and heavy equipment sales/rentals, and retail sales accessory to a principal industrial use; and includes the operation of truck terminals, docks, railways, vehicle paint and body shops, and soil improvement operations; specifically excludes the burning of things salvageable;

**INVASIVE SPECIES** means a species that is non-native to the ecosystem under consideration and which, if introduced, may cause economic or environmental harm (including harm to human health);

**L**

**LANDSLIP** means the downward and outward movement of slope-forming material composed of natural rock, soils, artificial fills, or combinations of these materials, which movement may proceed by any one of three principal types of movement such as, or combination of, falling, sliding or flowing;

**LOT** means **PARCEL**;

**M**

**MANUFACTURED HOME** means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to provide residential accommodation and to be moved from one place to another by being towed or carried;

**MOBILE HOME** means **MANUFACTURED HOME**;

**MOBILE HOME PARK** means any parcel on which are installed, or intended to be installed, for use as dwelling units, three or more mobile homes; and which is regulated by Capital Regional District Mobile Home Bylaw;

**N**

**NATURAL BOUNDARY** means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself. In addition, the natural boundary includes the edge of dormant or old side channels and marsh areas;

**O**

**OUTDOOR RECREATION** means a recreational use or activity undertaken where the outdoor setting and landscape is a significant element in the use or activity and includes: parks, trails, open space, playing fields, playgrounds, low-impact wilderness camping, fishing, and hunting;

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P

**PARCEL** means any lot, block, parcel or other area in which real property is held or into which real property is subdivided, and includes a strata lot created under the *Bare Land Strata Regulations* pursuant to the *Strata Property Act*, but specifically excludes a building strata created pursuant to Section 241 of the *Strata Property Act*;

**PARCEL, MINIMUM SIZE** means the smallest size of a parcel created by subdivision;

**PARCEL AVERAGING** means the calculation of the number of parcels that may be permitted by dividing the gross area by the average parcel size;

**PARK** means a park established under the *Park Act* or the *Park (Regional) Act* or any land dedicated under the *Local Government Act* or *Land Title Act*;

**POTABLE WATER** means water which meets the standards in the *Drinking Water Protection Act* and *Drinking Water Protection Regulation*;

**PRINCIPAL BUILDING** means the building which contains the principal use;

**PRINCIPAL USE** means the chief or main purpose or function to which land, buildings and structures are designed, intended to be put, or put;

**PRIVATE MANAGED FOREST** means private land which has a management commitment and is classified as private managed forest land under the *BC Assessment Act* and regulated by the *Private Managed Forest Land Act*;

**PROCESSING USE** means the use of land, buildings or structures for the sorting, crushing, washing, screening, scaling, milling, processing, or storage of material;

Q

**QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP)** means an applied scientist or technologist, acting alone or together with another Qualified Environmental Professional if:

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, and
- (b) the individual's area of expertise is recognized by the CRD in its assessment methods as expertise that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise;

**QUALIFIED PROFESSIONAL (QP)** means an applied engineer or geotechnical scientist, acting alone or together with another Qualified Professional, if:

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association, and
- (b) the individual's area of expertise is recognized by the CRD in its assessment methods as expertise that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise;

R

**RECREATIONAL VEHICLE** means any vehicle, trailer or combination of vehicles and accessories used or designed to be used primarily for accommodation during travel or recreation; does not include mobile homes;

**REGIONAL BOARD** means the Board;

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**REGIONAL GROWTH STRATEGY (RGS)** means an agreement, developed and approved by the CRD and its member municipalities and electoral areas, in accordance with the provincial legislation contained under Part 25 of the *Local Government Act*;

**RESIDENTIAL USE** means the use of a building or part thereof as a dwelling unit;

**RESOURCE EXTRACTION** means the removal of resource products, such as but not limited to forest or mining products, by either physical labour or with machinery or by a combination of the two;

**RESTRICTIVE COVENANT** means a covenant between the landowner and the Province of British Columbia, a local government or another agency, registered under Section 219 of the *Land Title Act* which restricts certain activities that may occur on that land;

**RIPARIAN AREA** means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream;

**RIPARIAN ASSESSMENT AREA** means, as defined by the *Riparian Areas Regulation*:

- (a) for a stream, the 30 m strip on both sides of the stream, measured from the high water mark;
- (b) for a ravine less than 60 m wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 m beyond the top of the ravine bank; and
- (c) for a ravine 60 m wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 m beyond the top of the ravine bank;

**S**

**SECONDARY SUITE** means an accessory self-contained dwelling unit with cooking facilities, located in a single-family dwelling;

**SILVICULTURE** means all activities related to the production and harvesting of timber including the removal of harvestable timber stocks but specifically excluding the processing of wood or wood products;

**STORM WATER MANAGEMENT** means measures to control rainwater run-off where development has affected natural drainage systems or water quality;

**STREAM** includes any of the following that provides:

- (a) a fish habitat;
- (b) a watercourse, whether it usually contains water or not;
- (c) a pond, lake, river, creek or brook;
- (d) a ditch, spring or wetland that is connected by surface flow to something referred to in (a) or (b);

**STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA)** means an area the size of which is determined according to the *Riparian Areas Regulation* on the basis of an assessment report provided by a Qualified Environmental Professional in respect of a development proposal;

**STRUCTURE** means anything which is constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, and includes a satellite dish, antenna or retaining wall;

**SUBDIVISION** means the division of land into two or more parcels, whether by plan, descriptive words, or otherwise, and includes a plan consolidating two or more parcels into the same or a lesser number of parcels but excludes a building strata;

**SWALE** means a shallow linear depression that accommodates water drainage;

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T

**TEMPORARY ACCOMMODATION** means accommodation for not more than 60 consecutive days or a total of 185 days per calendar year;

**TOP OF THE RAVINE BANK** means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed;

**TOURISM USE** means a use for tourists including recreation, cabins, campgrounds, recreational vehicle sites, resorts and tourist lodges;

**TSUNAMI HAZARD AREA** means the upland area extending from the high tide line to an inundation zone elevation determined by Emergency Management BC;

W

**WATERCOURSE** means a permanent or non-permanent (containing water at least six months of the year) source of water supply that is natural or man-made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a stream, with well-defined banks and a bed of 0.6 m or more below the surrounding land serving to give direction to or containing a current of water but does not apply to a man-made pond that does not connect to a stream;

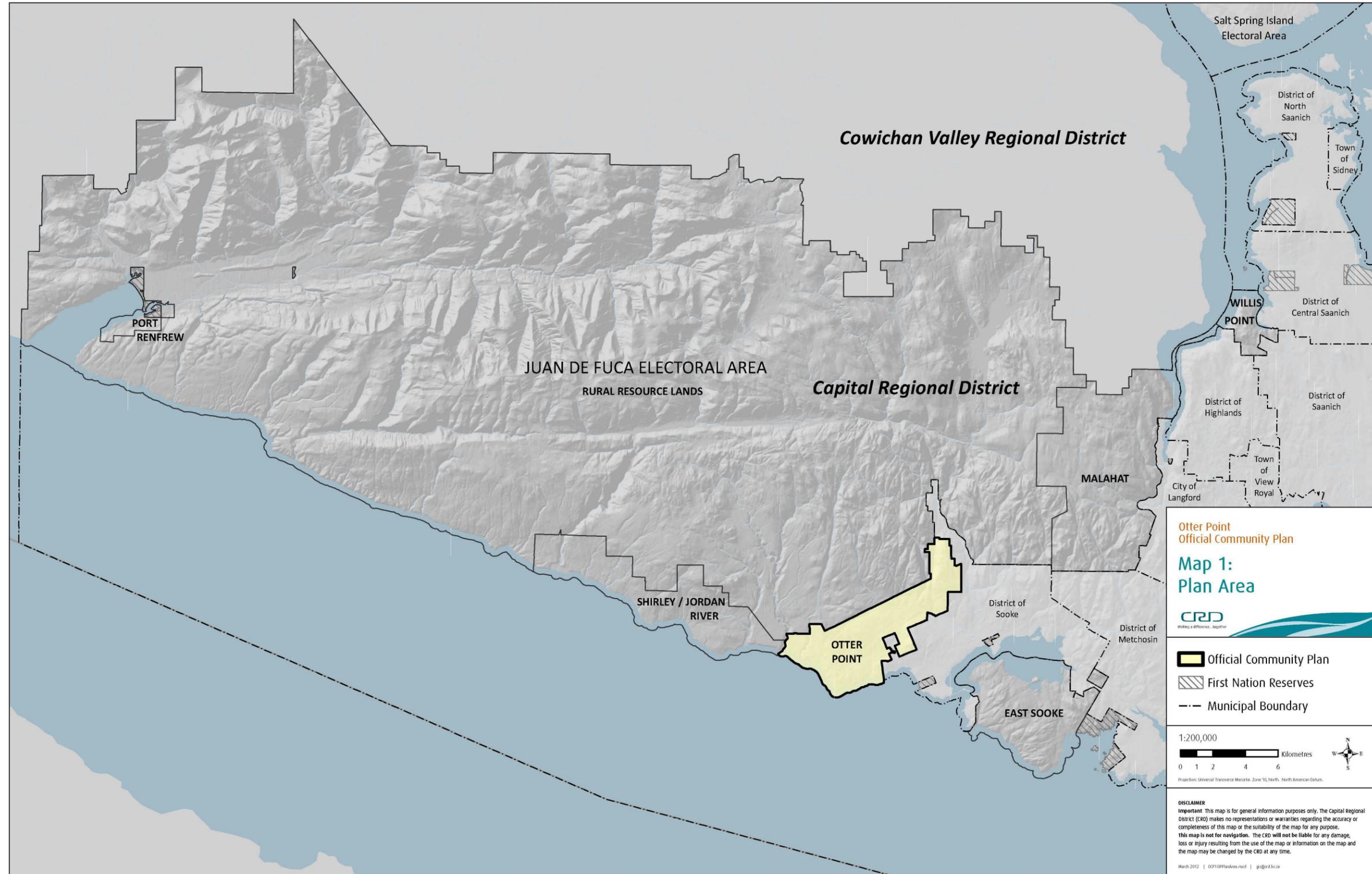
**WATERSHED** means the geographic region where all watercourses and all of the land drains into a common catchment area;

**WETLAND** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, estuaries, and similar areas that are not part of the active floodplain of a watercourse;

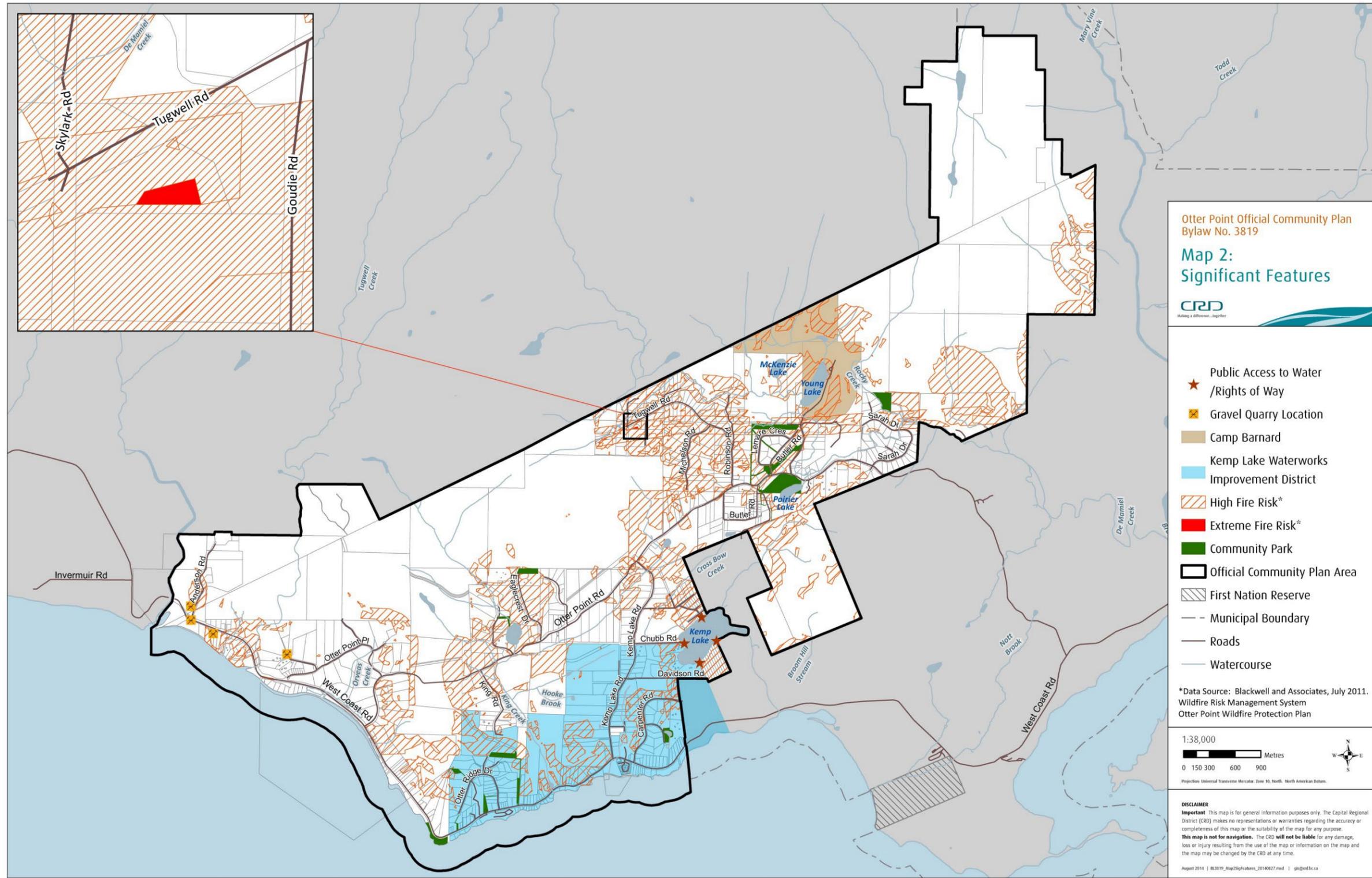
**WILDCRAFTING** means the practice of harvesting plants from their natural or wild habitats, whether marine or land-based, for food, medicinal, or topical uses and applies to uncultivated plants wherever they may be found and is not necessarily limited to wilderness areas;

**WILDFIRE INTERFACE** means an area of land where residential and other types of development are found in close proximity to forested areas, where a forest fire is likely to become an interface fire capable of consuming developed and forested areas simultaneously;

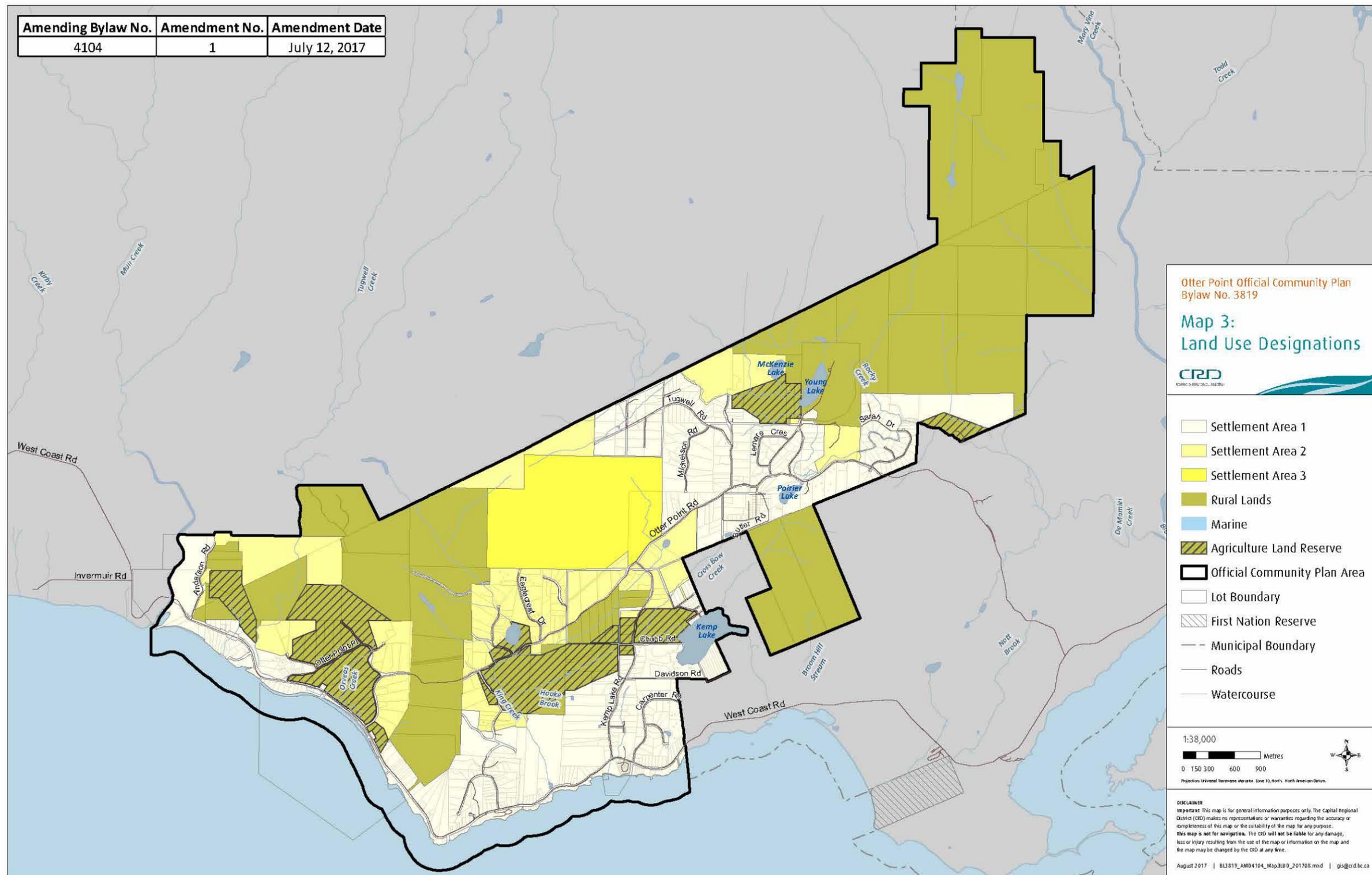
APPENDIX 2: OTTER POINT OCP MAPPING



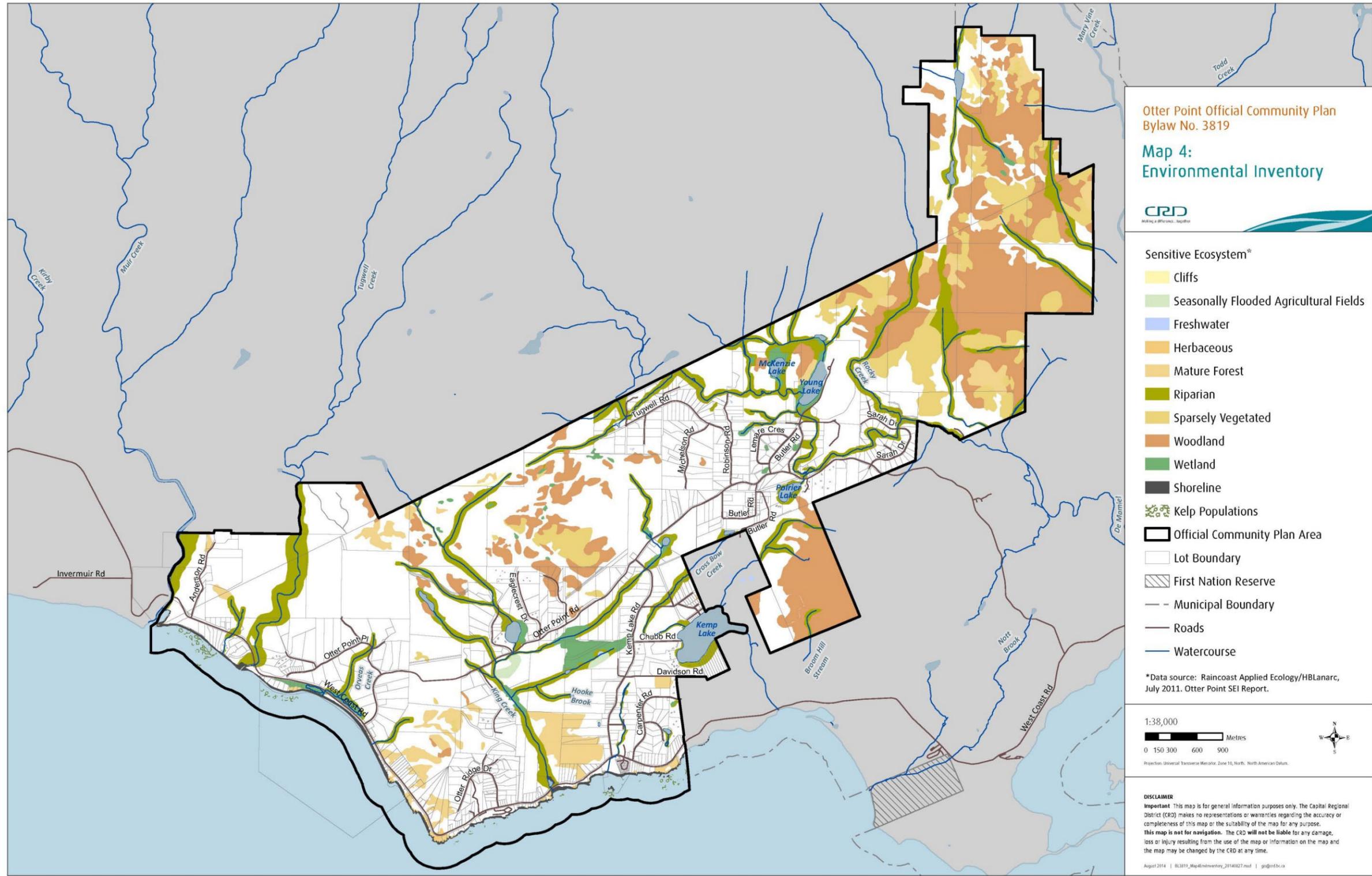
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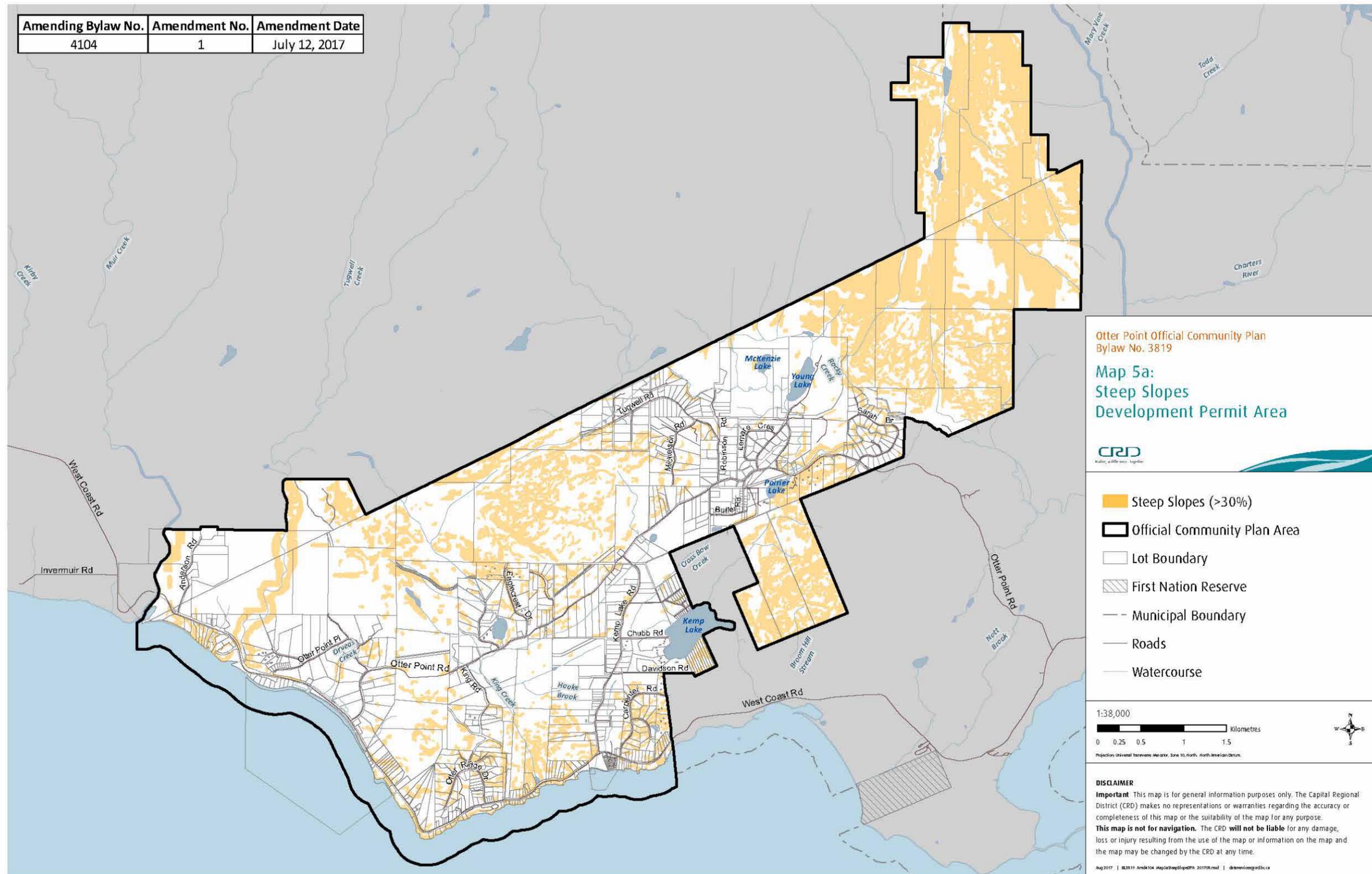
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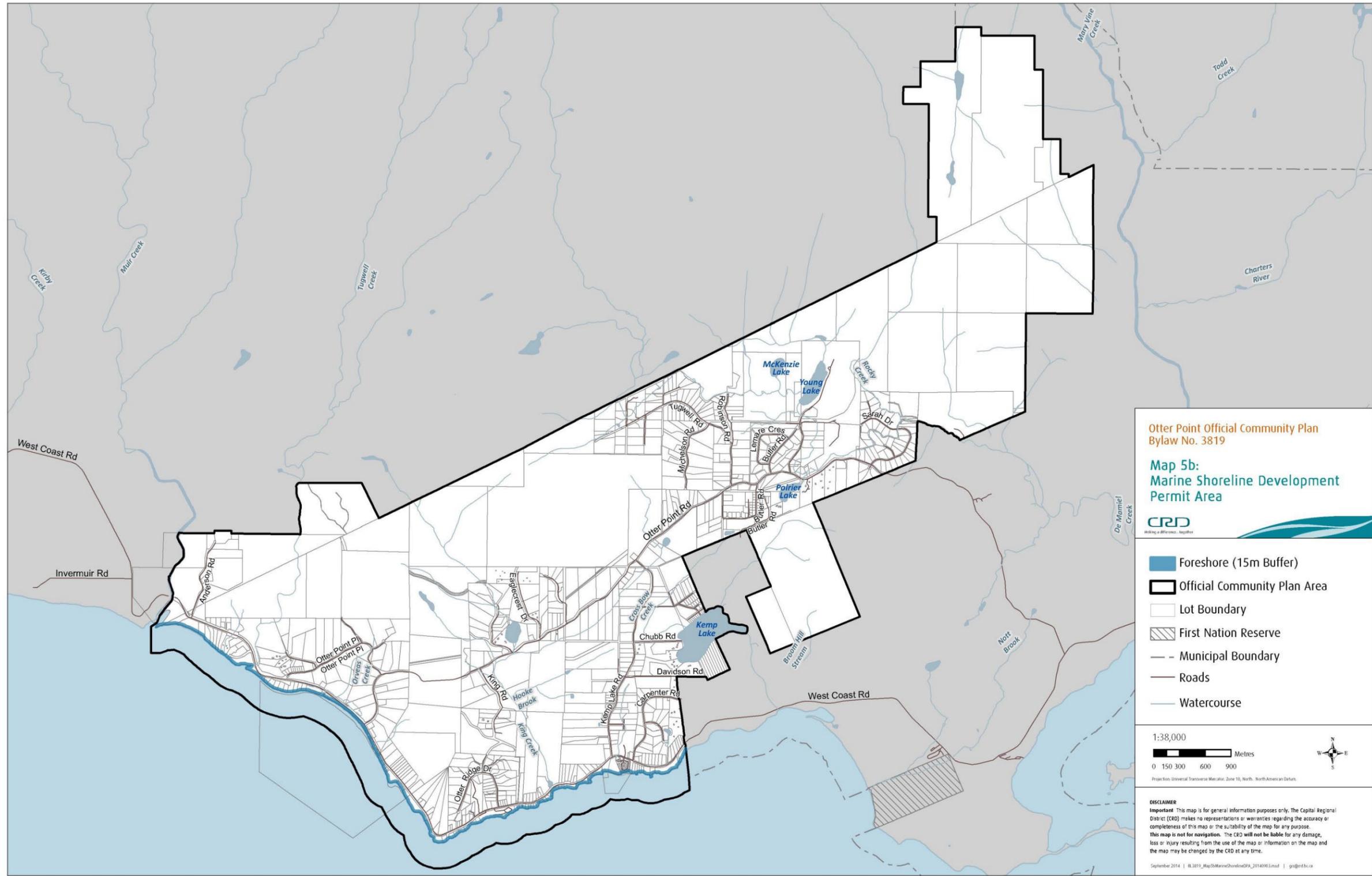
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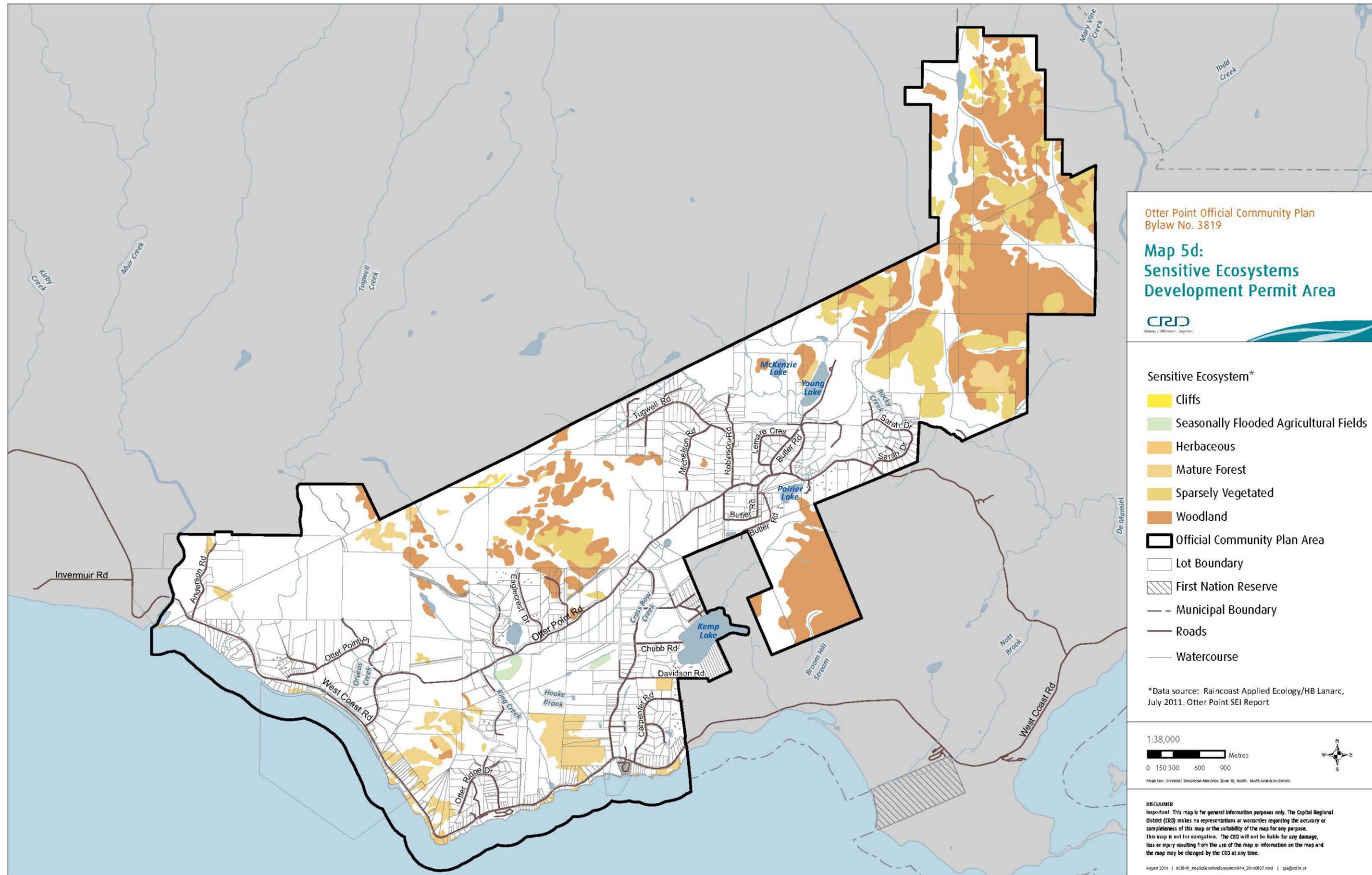


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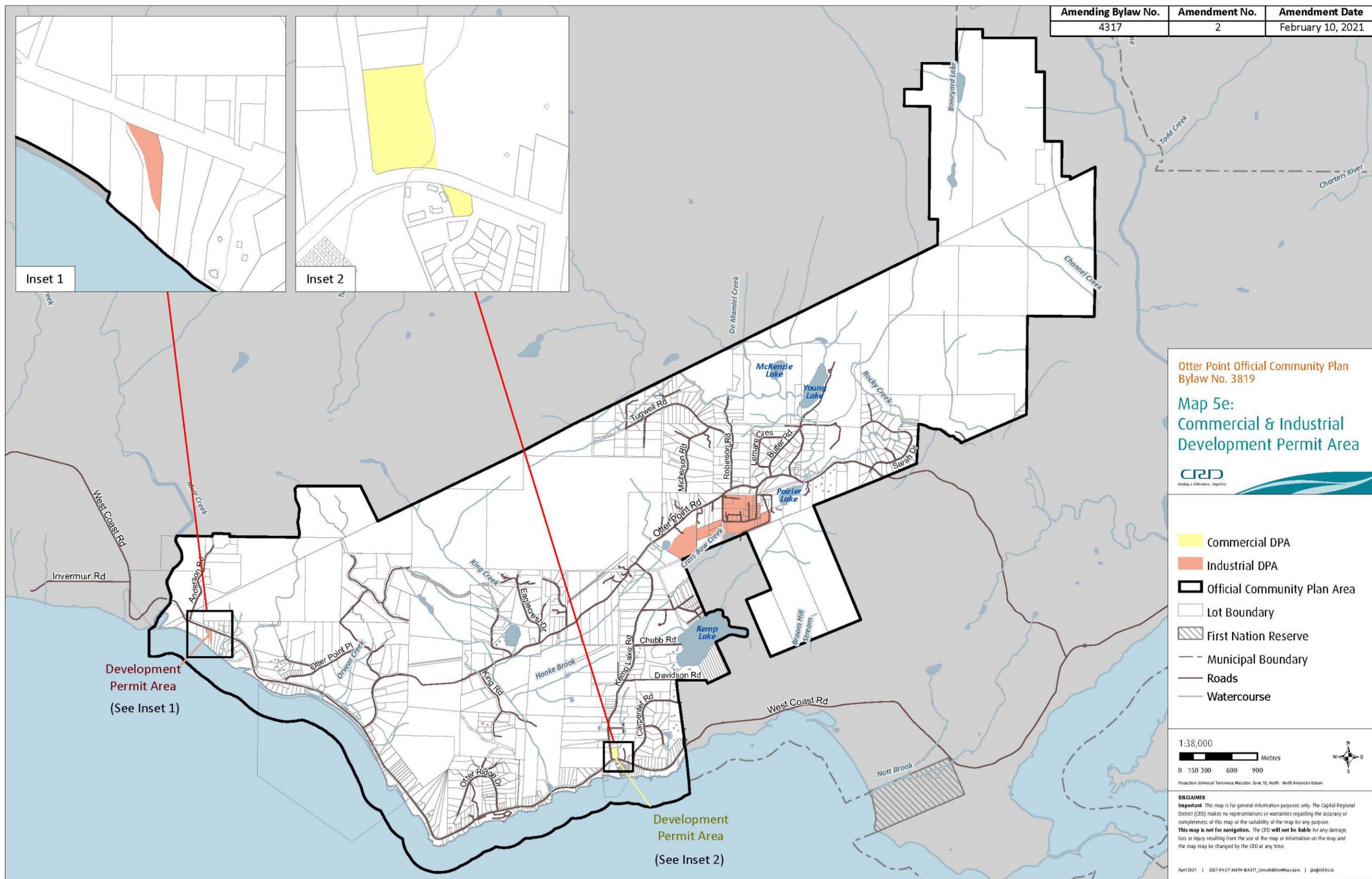


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Amending Bylaw No.	Amendment No.	Amendment Date
4317	2	February 10, 2021



Otter Point Official Community Plan  
 Bylaw No. 3819

Map 5e:  
 Commercial & Industrial  
 Development Permit Area

CRD  
 making + difference. together

- Commercial DPA
- Industrial DPA
- Official Community Plan Area
- Lot Boundary
- First Nation Reserve
- Municipal Boundary
- Roads
- Watercourse

1:38,000

0 150 300 600 900 Metres

Projection: Universal Transverse Mercator, Zone 10, North, North American Datum.

**DISCLAIMER**  
 Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

April 2021 | 2021-04-27-34394-BL4317\_ConsolidatorMap.aprx | go@cd.bc.ca

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