

January 25, 2011

Katherine Lesyshen, Planner
District of Sooke
2205 Otter Point Road
Sooke, British Columbia V9Z 1J2

Dear Katherine:

**RE: Strengths and Weaknesses of Existing Sooke Zoning Bylaw
Interim Report**

In accordance with the Terms of Reference for this project, we are pleased to provide this Interim Report on the current District of Sooke Zoning Bylaw. The report outlines a summary of the analysis undertaken to date, and an indication of our next steps on the project.

Should you have any questions or concerns about this proposed plan of action, please let us know as soon as possible.

Sincerely,

Beverly Suderman
For the planning team

Attachments:

- Interim Report on the strengths and weaknesses of the existing bylaw
- Summary of Sooke staff input

Strengths and Weaknesses of the Existing Sooke Zoning Bylaw: Interim Report

Prepared for Katherine Lesyshen, Planner, District of Sooke
Under the terms of the Sooke Zoning Bylaw Project

Report prepared by: Chris Hall & Beverly Suderman

January 25, 2011



Introduction

The District of Sooke is looking for a user-friendly, innovative Zoning Bylaw that meets the needs of the community's vision, as contained in the new Official Community Plan (2010) and in other recent plans and studies, including the:

- Parks and Trails Master Plan (2009),
- Town Centre Plan (2009),
- Transportation Master Plan (2009),
- Sustainability Strategy (2008),
- Accessibility and Inclusiveness Study (2008),
- Community Amenity Contribution Policy (2010),
- Liquid Waste Management Plan (2010), and
- Subdivision and Development Standards Bylaw (2003).

To be successful and effective, the new Zoning Bylaw will:

- Implement the new policy direction;
- Improve clarity, ease of interpretation, and user-friendliness of the bylaw for all users;
- Include progressive and forward-looking standards that reflect the current and anticipated needs of the community;
- Streamline development review and approval processes; and
- Be legally enforceable and consistent with other bylaws and provincial legislation.

In November 2010, the District of Sooke engaged the services of M.E. Kelly Consulting, now operating as Island Planning Services Consortium, to undertake the development of their new Zoning Bylaw. This interim report documents the results of the consulting team's analysis and process to date, based on:

- the direction provided by the Official Community Plan and other plans which reflect the community's vision;
- the issues identified by Sooke staff members at our workshop on December 7, 2010, and a follow-up meeting with Building Inspectors on January 19, 2011; and
- the consultants' review of the existing Zoning Bylaw.

Issues to be addressed

The primary reason for undertaking a Zoning Bylaw review is to ensure consistency between the Official Community Plan (OCP), adopted by the District of Sooke in 2010, and the Zoning Bylaw, which is a primary implementation tool.

Specific areas identified in the OCP to be addressed by the new Zoning Bylaw include the following:

- Support:
 - compact community growth through the development of new zones;
 - food security initiatives;
 - implementation of the Town Centre Plan and the Parks and Trails Master Plan;
 - the use of solar energy, through standards for development;
 - tourism;
- Permit fast-tracked redevelopment when it supports community goals;
- Ensure that commercial development is of an appropriate size;
- Use flexible and inclusive zoning for affordable housing, and other goals;
- Create density bonusing provisions and phased development criteria;
- Protect the environment and viewscales;
- Strengthen development permit provisions.

Sooke staff members have identified aspects of the existing Zoning Bylaw they have found to work well, along with difficulties in its use. With regard to the latter, staff noted the following:

- Too many sections, in the wrong order;
- Too many zones;
- Unclear direction with regard to parking, secondary suites, and other matters;
- Conflict between building code standards and what the zoning allows;
- Issues around accessory buildings and secondary suites;
- Weak or vague definitions (i.e. fencing, grade), and
- Lack of internal consistency.

The maps, while being one of the features of the bylaw that work best, also have room for improvement, in that there are some zoning errors, i.e. parcels that were zoned incorrectly in the last Zoning Bylaw, and the logic of map order needs some improvement. Brian and his crew have been working hard on addressing these, so the consulting team has a clean draft map to work with for this project.

A full list of staff input is contained in the attachment to this report.

Other considerations:

The preparation of the new Zoning bylaw will require close assistance from staff on specific issues, together with Council's direction on broad policy direction matters. The following describes some of these topics.

Legal Non-Conformancy: To achieve some of the bylaw efficiencies, Council will need to assess whether sufficient provisions exist to not unduly harm existing situations.

Pre-Zoning: Should land be pre-zoned to meet Sooke's development objectives?
Considerations:

- Tax implications for Sooke residents;
- Pre-supposes developer needs on a particular piece of land.

Parking: Should the existing minimum parking standard become the new maximum parking standard?

While there is general support for the idea of reducing parking, there are also concerns because Sooke is a bedroom community of Victoria, and therefore is a car-based community.

Many communities examine parking as part of an overall Transportation Demand Management strategy, which considers all modes in assessing the needs of development. The experience has been that setting inflexible parking standards tends to perpetuate past practice. Offsite parking, whether public or private, is a popular option which requires careful pricing to be effective as an alternative to onsite parking.

Big Box Retail: The OCP contains policy that discourages "big box" development. The policy, however, is not specific as to what constitutes big box stores... Is it simply size? If so, what should the limit be? Is it product? Are grocery stores excluded from the definition?

Largest stores in Sooke: the new Shoppers Drug Mart, which is 18,000 sq. ft. and Village Foods, which is ~25,000 sq ft. May be that the largest commercial space that a community the size of Sooke can support is 30,000 sq. ft. May wish to exclude grocery stores from this size limitation.

Secondary Suites: Suites are a valuable part of affordable housing. The challenge is to ensure that they are incorporated well into neighborhoods and maintain a single family residential style of housing. Often parking, building code issues, and lack of contribution to infrastructure create problems for residents and the municipality. Careful integration of

zoning provisions along with complementary practices dealing with utilities, code violations and parking are necessary to minimize issues.

Next Steps

To address the new policy direction and the issues as identified through the analysis, the consulting team proposes to undertake the following steps to develop a new Zoning Bylaw for the District of Sooke:

1. Develop a new logic for the Zoning Bylaw that is straightforward to use, while respecting the features of the existing layout that are valued by the staff: page layout, and succinct, readable text.
2. Update general provisions of the zoning bylaw: parking, landscaping, subdivision, amenity provisions, and other considerations, making generous use of illustrations and photographs to support interpretation and understanding.
3. Update existing zones, addressing concerns to protect the environment, support food security and solar energy use, while ensuring consistency with density provisions of the OCP.
4. Eliminate redundant zones or consolidate where there are marginal differences.
5. Develop new zones as called for in the OCP: manufactured home park zone, town centre, technical industrial centre, and commercial nodes.
6. Determine and make recommendations regarding issues that have emerged from the Zoning Bylaw review process that cannot be addressed in the Zoning Bylaw.

A new Zoning Bylaw is to be drafted and submitted to the Sooke staff by January 31, 2011. Then the consulting team will be in a position to undertake a mini-workshop with staff to test the Zoning Bylaw, hopefully the week of February 7. Based on that workshop, the consulting team will make appropriate revisions to the draft Zoning Bylaw, and move forward with the start of the public review process, through the Technical Review Committee.

Conclusion

In our research to date, it has become apparent that the Sooke OCP contains policies that indicate fairly radical changes for the community. These policies may be difficult to achieve in the near term, in part because they depend on market forces to create the desired changes, as well as significant changes to the current habits of residents, i.e. use of cars.

There are elements of the community's vision that warrant the development of additional policy to ensure that zoning bylaw standards are effective and consistent with broader objectives (i.e. enforcement, town centre parking).

As a precautionary note, let us conclude by saying that it may not be possible to trigger some OCP policies in this version of the Zoning Bylaw. The unfolding of the entirety of the community's vision will depend, in large part, on market forces that are unpredictable

and respond to a much larger context than municipal boundaries. However, it will be possible to launch Sooke on the trajectory of meeting its vision through its new Zoning Bylaw.

Summary of Sooke staff input:

Strengths:

- Maps are clear and generally easy to use
- Page layout works fairly well
- Text is short, to the point, and readable. Specifics are laid out clearly
- Integration of Riparian Area Regulation, so that all departments see it and are reminded to check for riparian areas when they are checking on a particular development application.

Areas needing improvement:

- Needs to be more user-friendly, easier to navigate
- Hard to read the maps in the areas that overlap (related to the selected grid system); Maps should flow in a logical order (also related to the selected grid system)
- Separation of basic provisions, general regulations, and other general regulations (parts 16, 17, 18, 19) is too confusing – makes it harder to be sure that all appropriate information is being provided to applicants; makes it almost impossible for applicants to be able to read the bylaw on their own. Consolidation of general regulations needs to be undertaken
- Too many zones, with minimal differences between them – need simplification and consolidation
- Parking regulations are unclear, especially in the Town Centre
- Parking and secondary suites sections are confused in their direction
- Home-based businesses section needs clarification
- Definitions need to be clearer (ex: dwellings, fence)
- The Zoning Bylaw needs to be consistent with the Building Code and Engineering bylaws
- Enforcement provisions need to be stronger to address infractions; penalties need to be put into place
- Zoning boundaries should match the parcel boundaries; need to address the issue of split zoning on particular parcels; at time of subdivision, needs to be made clear
- Basic information as to when and where environmental reports are required
- Clarity on s.946 subdivision requirements as to minimum lot sizes for parent property and child property
- Some properties have been incorrectly zoned (mistakes in the carry-forward with the last zoning bylaw)
- There are contradictions between provisions within the zoning bylaw that need to be fixed
- Definitions are lacking
- Clarify permitted and accessory uses, so that accessory uses are clearly accessory

What needs to be added to the Zoning Bylaw when it is revised?¹

- Parking:
 - Provisions directly or indirectly addressing how to realize a downtown central parking structure through cash-in-lieu of parking contributions
 - Drawings of parking stalls
 - Parking requirements to include street parking and other tools for reducing vehicular use (offsets for alternatives...transit passes for employees, bike storage etc.)
- Add the possibility of “green” living fencing to the definitions; separate retaining walls and fences
- Specific animal and agricultural regulations, especially for lands outside the ALR
- Small lot farming regulations
- Ministry of Transportation – enforcement (?)
- Policy re how road closures are zoned
- Strengthening of environmental protection within the zoning bylaw (as much as is possible), i.e. more RAR information; other environmentally sensitive areas such as rocky outcroppings; species at risk; foreshore
- Foreshore regulations and water zones; marinas and structures at marinas
- Environmental hazards – including rising sea levels, and implications for waterfront development
- Land clearing and development practices – need to avoid land clearing practices that occur before development applications are submitted, i.e. clearing to bare soil
- Updating of Mobile Home Park regulations, or creating a new zone with regulations
- New Town Centre Zone to accommodate the new OCP
- Amenity provisions within the zones
- Development permit zones and maps for all types (trees, plants, etc.); or development permit provisions within zones
- Fill areas
- Environmentally sound construction
- Updated and clarified definitions
- Strengthen enforcement provisions, and provide the ability to assess penalties
- New format: more pictures and visuals to aid with interpretation
- Reformatting of map booklet and wall map
- Standardization of zone “colour” on the maps, i.e. APA standardized colour scheme for types of land uses (yellow for residential, red for commercial, purple for industrial, grey for transportation, blue for institutional & infrastructure uses, green is resource uses and parks, and so on)

¹ Please note that this is a full and accurate record of staff input. It may be that not all of the ideas are actionable within the scope of the Zoning Bylaw project.