

REPORT OF PUBLIC HEARING
held at the Otter Point Fire Hall
3727 Otter Point Road, Sooke, BC
August 30, 2011
Following the Public Hearing on Bylaw No. 3797

SUBJECT: **BYLAW NO. 3719**, cited as the "Official Community Plan for Otter Point Bylaw No. 1, 2010"

PRESENT: **Alternate Director W. Vowles**, Chair by Resolution of the Capital Regional District Board on Wednesday, August 10, 2011
CRD Staff: J. Klassen, Local Area Planning Manager; W. Miller, Recording Secretary

PURPOSE OF THE HEARING:

To repeal and replace CRD Bylaw No. 3354, cited as the "Official Community Plan for Otter Point Bylaw No. 1, 2006 and update the Official Community Plan by including:

- a Greenhouse Gas Reduction statement,
- amending the Development Permit Area No.1: Steep Slopes by changing the lands designated from areas having slopes exceeding 20 percent or 11 degrees in slope over a minimum 6 metre run to areas having slopes exceeding 30 percent or 16.7 degrees in slope over a minimum 10 metre run,
- providing additional exemptions for development permits,
- reflecting adoption of the Parks Plan, and
- incorporating revised mapping

NOTICE: Property owners and occupiers were given notice as set out under Section 892 of the *Local Government Act*. Notices were inserted in two (2) consecutive issues of the Sooke Mirror appearing on August 17 and August 24, 2011.

ATTENDANCE: There were approximately 8 people in attendance.

The Chair declared the Public Hearing open at 7:18 p.m. The guidelines and procedures of the Public Hearing and Notice of Public Hearing were read to those present and the Chair called for comments from those in attendance.

June Klassen advised that written submissions were received from three Otter Point residents. The submission from Heather Phillips states concerns regarding process, public consultation and steep slope determination. Submissions from Simon Corriveau and John Payne support the change in steep slope determination.

Bev Brow, Otter Point

- Supports the change in steep slope determination
- Questioned if the Greenhouse Gas Reduction statement would affect burning permits

June Klassen clarified that inclusion of the reduction statement was required by the Province and that burning permits will not be impacted.

Arnie Campbell, Otter Point

- Advised that he will submit his written statement prior to the close of the Public Hearing
- Stated that this is his third submission regarding steep slope determination

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- Change in run and degree of slope may or may not be good or necessary but stated that change in steep slope determination was not referred to the Otter Point Advisory Planning Commission although there has been ample time for the change to be referred to the APC
- Does not believe there is a full understanding in the community regarding the change in steep slope determination and the impact the change will have
- Referral to the APC would have provided opportunity to explain and discuss the change in steep slope determination

Bud Gibbons, Otter Point

- Supports the change in steep slope determination
- Considered 20% too onerous, resulting in additional expenses to property owners
- Always thought determination of steep slope and need for geotechnical reports should have rested with the Building Inspector
- Stated that standard geotechnical reports can be anticipated to cost \$2,000

Phillip Bradshaw, Shirley

- Questioned whether geotechnical reports are required for all development permit area criteria if a property is deemed to fall within a steep slope development permit area

June Klassen clarified that only one professional report would be required if a property falls within a steep slope development permit area. However, if a property were deemed to fall within multiple development permit areas (steep slope, riparian and/or sensitive ecosystem), professional reports would be required for each identified development permit area although the reports would be applied to one application proposal.

Dave Brow, Otter Point

- Supports change in steep slope determination

The Chair called three times for further discussion on the bylaw and hearing none closed the Public Hearing on Bylaw No. 3719 at 7:27 p.m.



CHAIR, Alternate Director W. Vowles



RECORDING SECRETARY, W. Miller

SUBMISSION TO
Bylaw No 3719
30 August 2011
at Public
Regional Director Hicks ^{Hearings}
Chair, Juan de Fuca Land Use Committee

Otter Point

19 March 2011

Dear Mike:

I am following-up on our conversation of March 17th with details about why I feel that the Land Use Committee was in error when approving the degree and run of steep slope amendment to Official Community Plans for East Sooke, Otter Point and Shirley/Jordan River without first sending the matter for consideration by the respective Advisory Planning Commissions.

As noted in the 15 February 2011 tabled report to LUC, Planning Services advised that the Otter Point APC did not support making changes, involving policy implications, to Bylaw 2040 at this time. As a result, proposed changes to 2040 that involved policy implications were dropped from this round of proposed amendments. What is not mentioned in the staff report is the reason why the Otter Point APC did not support making changes involving policy implications at this time. It was because they felt that these types of changes should wait the outcome of the Otter Point OCP review. In my opinion this was an important piece of missing information when it came to discuss and vote on the degree and run of steep slope amendment at the March 15th meeting because degree and run of slope is a change involving policy implications.

The reasons for requesting various exemptions to steep slope development permits was considered and approved by the APCs. However the proposed change to the degree and run of slope was not. When this was pointed-out at the LUC meeting and a request was made to send this section back to the APCs it was determined by staff and yourself to be unnecessary for three reasons: it would take too much time; the recommended change brought the steep slope change into line with various other OCPs in the CRD and the APCs would likely recommend the proposed change anyway. I disagree with this logic as follows:

1. Clearly the Otter Point APC had voted not to support some changes that involved policy implications until the Otter Point OCP review was completed. Planning staff respected this and took it into consideration when removing the proposed policy implication changes from Bylaw 2040. Why, therefore, was another amendment (degree and run of steep slope), that had policy implications, considered without being brought forward to the APCs for discussion and recommendation?
2. As a result of LUC's decision a new criteria for recommending and approving policy changes to our bylaws has now been created. The new criteria is that if you can find the change you want in enough other bylaws from other communities in the CRD then it is okay to proceed without going to the APCs for discussion and recommendation.
3. Why the rush to introduce this change? If it was such a critical problem for the Planning Department then why wasn't it identified months ago when the other proposed amendments to steep slopes were first introduced?

4. Without the benefit of a staff report on the degree and run of slope, LUC is making a decision without an awareness of why 20% or 11 degrees over a 6 metre run was used in the original OCPs, exactly who is now requesting a change and why and any possible structural, environmental, safety or visual impact implications.

Making changes to bylaws is sometimes necessary and can improve their fairness, reflect changing community values and protect individuals, property and a community from harm. In this case changing the degree and run of slope may or may not be a good or necessary decision. Without all the available information we'll likely never know until we see what the consequences may or may not be.

Regards,



Arnie Campbell

Cc. Bob Lapham - General Manager, Planning and Protective Services
June Klassen - Manager, Local Area Planning

Submitted at P.H.

Sooke
April 29, 2011

To CRD committee members,

I am writing to support the current petition to relax the maximum slope requirement in building areas to 30%.

As this by-law applies to land other than near creeks, rivers, lakes or ocean I feel this is a much more reasonable and appropriate degree.

Thank you for your attention
John Payne

Wendy Miller

From: Simon Corriveau
Sent: Monday, August 29, 2011 6:07 PM
To: jdf info
Subject: bylaw 3719

Hi

I am writing this email in **support** of the change in the steep slope development permit area . I believe this whole steep slope area should be removed since the building inspector would ask for a geotech report when he consider it needed .

Thanks

Simon Corriveau

, Sooke , BC.

Wendy Miller

From: Bob & Heather Phillips
Sent: Tuesday, August 23, 2011 10:39 AM
To: jdf info
Cc: directorjdf; denise.blackwell@shaw.ca; mayor@colwood.ca; bsprinkling@sooke.ca; jranns@metchosin.ca
Subject: Public Hearing for Bylaw No. 3719, OCP for Otter Point
Attachments: Public Hearing for Bylaw No. 3719, OCP for Otter Point 11 08 22.docx

22 August 2011

To: Land Use Committee A
From: Heather Phillips

Re: Public Hearing for CRD Bylaw No. 3719, OCP bylaw for Otter Point

The process by which the proposed new OCP for Otter Point has been introduced has been flawed by
--the assumption that "private" consultation by JDF LUC members is equivalent to "public" consultation through duly advertised opportunities for consultation when the change to the steep slopes development designation was proposed and
--errors in preparing the motions necessary to effect the proposed changes.

For the reasons described above and explained in more detail below, I do not support the adoption of Bylaw 3719 in its present form. I draw to your attention the following irregularities which may be of concern to you.

On the Agenda and in the draft minutes for the CRD Board meeting on 10 August 2011, the motion for first and second reading of Bylaw No. 3719 was introduced as follows:

4. Proposed Amendments to Bylaw 3717 and 3719 (Shirley/Jordan River and Otter Point Official Community Plans - Additional Exemptions for Development Permits/Greenhouse Gas Reduction Statement/Adoption of the Parks Plan)

The business is described in the draft minutes as follows:

Bylaw 3719 – Proposed Amendment of the Otter Point Official Community Plan Bylaw No. 3354
MOVED by Director Alternate Director Vowles, **SECONDED** by Director Evans
That Bylaw No. 3719, "Official Community Plan for Otter Point Bylaw No. 1, 2010" be introduced and read a first time and second time.
CARRIED

In the introduction to the motion, committee members are advised that they are considering proposed amendments to Bylaw No. 3719, not proposed amendments to Bylaw No. 3354 and not the repeal of Bylaw No. 3354. Since Bylaw 3719 has not yet been adopted, people may have been misled by the description that it is the Otter Point OCP to be amended. The motion that carried was for first and second reading of Bylaw No. 3719.

-Bylaw No. 3719 will repeal the present CRD Bylaw No. 3354, cited as "Official Community Plan for Otter Point Bylaw No. 1, 2006". This is by no means made clear by the motion passed by LUC A on 10 August 2011.

-The change to the Steep Slope designation, section 4.4.4, in the proposed Bylaw No. 3719 is not an exemption to the development permit requirements. It is a change in the designation of the development permit area.

-Although the recital for Bylaw No. 3719 states the "the residents of Otter Point, the adjacent municipality and various external provincial and federal government agencies have reviewed this community plan", this is not the case.

-The agendas and minutes for the APC meetings in June 2010 and in June 2011 do not make any reference to the intention that Bylaw No. 3354 would be repealed and replaced with Bylaw No. 3719, which was presented as an amendment to Bylaw No. 3354.

-The advertisement for the Public Hearing may state clearly that the current OCP will be repealed, but a Public Hearing is not an opportunity for public consultation.

-Minutes for the Otter Point APC meeting on 23 June 2010 reflect that the public was consulted on the principles of the additional development permit exemptions and agree to the principles. The public was consulted on the deletion of the steep slope development permit category and did not agree to such deletion. The public was consulted on the green house gas emission statement and were supportive of the planner's recommendation.

-The change to the designation of the steep slope development permit area was never on any agenda. It was made solely at the discretion of the JDF LUC at the 15 March 2011 meeting.

" The Chair asked that the LUC consider changing the Steep Slope Development Permit designation to reflect 30 percent as opposed to 20 percent, advising that the majority of adjacent municipalities use 30 percent. Staff confirmed that the District of Sooke, District of Metchosin, Langford, Colwood, Highlands, Central Saanich and North Saanich use 30 percent."

* Committee comment suggested that the change in slope criteria reflects a reasonable construction standard.

MOVED by George Miller, **SECONDED** by Ted Mehler that the Juan de Fuca Land Use Committee revise the East Sooke, Malahat, Otter Point and Shirley/Jordan River Official Community Plans Steep Slope Development Permit designation from 20% to 30% and from a 6 metre run to a 10 metre run. **CARRIED**

-Minutes for the Otter Point APC meeting on 14 June 2011 reflect that the public was not consulted on the final set of development permit exemptions or on the change to the steep slope designation. The public was further consulted on the green house gas emission statement and were supportive of the planner's recommendation.

-The change in the designation of the steep slope development permit area has not been made with adequate public consultation, given that the intention to make such a change was never advertised to the residents of the Otter Point OCP area.

Sincerely,

Heather Phillips

Sooke [Otter Point] B.C.