

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **November 16, 2021, 2021 at 7:00 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

SUPPLEMENTARY AGENDA

1. Additional information received for the following agenda item:
 - a) Agenda Item 7 a) RZ000272 – Section 42, Otter District (Clark Road & Aythree Way)
 - Revised Bylaw No. 4422
 - b) Agenda Item 7 a) RZ000272 – Section 42, Otter District (Clark Road & Aythree Way)
 - Ivan and Kathryn Parsons, Otter Point
 - Lynn Moss, Otter Point
 - Sharon Sterling and Howard Taylor, Otter Point
 - Rich Mably, Otter Point
 - Heather Phillips, Otter Point
 - Sheila and Andrea Hubbard, Otter Point

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4422**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE A, PART 1, SECTION 2 – DEFINITIONS

(a) By adding a new definition after the definition of ELECTRONIC MESSAGE CENTER SIGN, as follows:

"EQUESTRIAN RIDING FACILITY means the use of land, buildings and structures to keep, breed, raise, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital; excludes racetracks and events that must be licenced by the BC Racing Commission, competitions, fairs and festivals."

(b) By amending the definition of CAMPING SPACE by adding the words "no greater than 125m²" after the word "area".

B. SCHEDULE A, PART 1, SECTION 3.07

(a) By adding the words "AG-2 Agricultural 2" after the words "AG Agricultural".

C. SCHEDULE A, PART 2 - ZONING DISTRICTS

(a) By adding a new section 3B.0 Agricultural 2 Zone – AG-2 as follows:

3B.0 Agriculture 2 Zone – AG-2

3B.01 Permitted Uses & Buildings

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted by the Agricultural 2 AG-2 Zone:

Principal Uses:

- (a) Agriculture;
- (b) Farm Buildings;
- (c) Residential;
- (d) One-family Dwelling;
- (e) Equestrian Riding Facility;

Accessory Uses:

- (f) Accessory buildings and structures ancillary to a permitted use pursuant to Part 1, section 4.01;
- (g) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (h) Detached Accessory Suite pursuant to Part 1, Subsection 4.20;
- (i) Home Based Business Categories One, Two and Three;
- (j) Two Boarders or Lodgers;
- (k) Composting of organic waste generated on site;
- (l) Campground.

- 3B.02 Minimum Lot Size for Subdivision Purposes** (a) The minimum lot size for subdivision purposes shall be 10.0 ha.
- 3B.03 Lot Coverage** (a) The maximum lot coverage shall be 10%.
- 3B.04 Density** (a) One one-family dwelling per 4 hectares is permitted;
 (b) One secondary suite or one detached accessory suite per 4 hectares is permitted;
 (c) The Floor Area Ratio of all Farm Buildings, and buildings and structures devoted to Agriculture or an Equestrian Facility shall not exceed 0.0085;
 (d) Residential buildings and structures shall not exceed a Floor Area Ratio of 0.01;
 (e) One camping space per 2 ha and a maximum total floor area of 60 m² for all accessory buildings and structures devoted to the campground use;
 (f) The maximum number of persons per camping space shall be 10.
- 3B.05 Height** (a) The maximum height of principal buildings and structures shall be 11 m.
- 3B.06 Required Yards** (a) Residential buildings and structures shall be set back a minimum of:
 i) 7.5 m from the front lot line;
 ii) 6 m from side lot lines;
 iii) 10 m from the rear lot line;
 iv) 6 m CTS from flanking lot lines.
 (b) Buildings and structures devoted to Agriculture and Equestrian Riding Stables shall be set back a minimum of:
 i) 30 m from the front lot line;
 ii) 15 m from side, rear and flanking lot lines.
 (c) Campgrounds shall be set back a minimum of 30 m from the front, side, rear and flanking lot lines.
- 3B.07 Watercourse Setbacks** (a) Farm buildings, buildings and structures devoted to Agriculture or an Equestrian Riding Facility, and manure storage areas shall be setback a minimum of 30 m from the natural boundary of a watercourse.

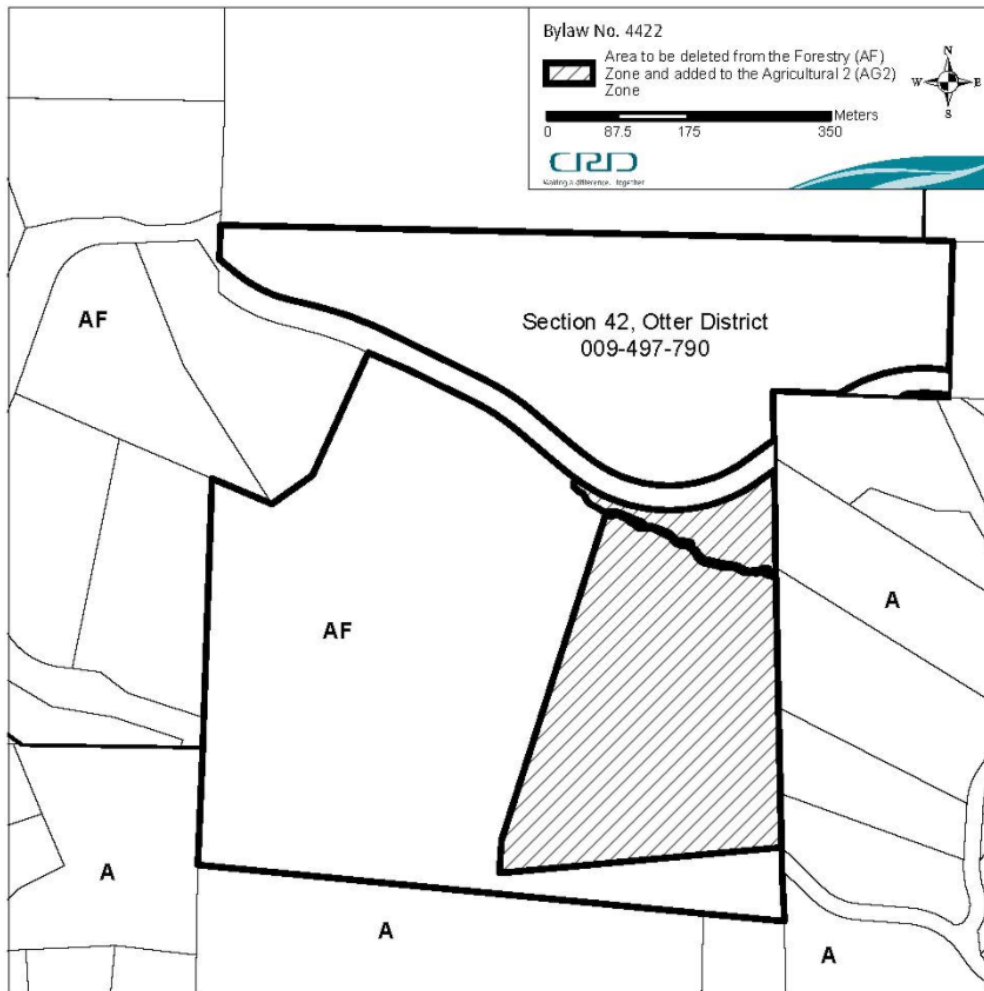
E. SCHEDULE A, PART 3, SECTION 5.0 LAND USE AND PARKING SPACES REQUIRED

- (a) By adding the words "Equestrian Riding Facility 5 plus 1 per 2 employees" below the words "Equipment Sales/Rentals (See Retail Uses of the same size)"; and

F. SCHEDULE B, ZONING MAPS

- (a) By deleting that portion of Section 42, Otter District, except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580 from the Forestry AF zone and add it to the Agricultural 2 (AG-2) zone, as shown in Plan No. 1.

Plan No. 1 of Bylaw No. 4422, an amendment to Bylaw No. 2040



2. This bylaw may be cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021”.

READ A FIRST TIME THIS	day of	, 2021.
READ A SECOND TIME THIS	day of	, 2021.
READ A THIRD TIME THIS	day of	, 2021.
ADOPTED THIS	day of	, 2021.

CHAIR

CORPORATE OFFICER

Aug 3
2001

To Otter Point Advisory Planning Commission

From Ivan and Kathryn Parsons

As owners of
we would like to express concern to
the changes requested by the owner
of Section 42 Clarke Road and Aythree
Way. Water drains from the property
through our land to a tributary of
King Swamp. There is no mention of
numbers of animals, workers, or campers
in the Section 42 presentation
waste from manure and sewage would
be a problem.

Please consider our concerns

Kathryn Parsons 

jdf info

From:
Sent: Sunday, September 19, 2021 3:22 PM
To: jdf info
Subject: Contact Us - Submission

The following message was received through the form at '<https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information>'. Neither the name nor the e-mail address can be confirmed as accurate.

.....

Your Name:
Lynn Moss

Your Email Address:

Message:
Sept. 19,2021

RZ000272

In reference to the proposed development on Aythree Way for a horse stable and campground.

I am in full support of people making their living at home or close to home rather than commuting as long as the development does not interfere with the enjoyment of way of life of their neighbours or threatens the existing wells or streams in the area. My concern with this development is simply that it will likely require a considerable amount of water. In 2004 there was a water study of the Aquifer 606 and even back then it was noted it is a fragile aquifer that reaches from Langford to past Port Renfrew. There has been considerable development since that study seventeen years ago. A new water study is underway and I would respectfully suggest that any new development than requires water be delayed until the new study shows that there is sufficient water to support this new development without in any way threatening or interfering with the water usage of others already in the area.

Lynn Moss

Otter Point

Submitted at:9/19/2021 3:21:39 PM
Submitted via:<https://www.crd.bc.ca/contact-us?r=juan-de-fuca-information>
User Agent:Mozilla/5.0 (Windows NT 10.0; WOW64) AppleWebKit/537.36 (KHTML, like Gecko)
Chrome/93.0.4577.82 Safari/537.36
User Host Address:24.108.202.178

To: Otter Point Advisory Planning Commission

From: Sharon Sterling & Howard Taylor

Date: 12 November 2021

RE: Zoning Amendment Application

Section 42, Otter District – Clark Road & Aythree Way (PID 009-497-790)

Thank you for the opportunity to participate in the public meeting held on 6 July 2021. The meeting was well-run and informative.

Based on the discussion at the meeting, we would like to clarify our position regarding the camping proposal portion of this rezoning, suggest specific recommendations for the zoning, and raise a couple of new concerns that came out of the meeting.

We support hobby farms and equine establishments in Otter Point. Although we don't see this land as being suitable for agriculture, we believe that our new neighbours have good intentions. But once the zoning is changed, it is open to use for a variety of purposes by subsequent owners. For this reason, we request that this specially created AG-2 zoning be more specific regarding what is and isn't allowed on this property so that it suits both the current owner's needs and the nature of the community for years to come.

We think that what we are suggesting fits with what _____ described as being the main intention of the owners. Our comments on the equine facilities are based on 30 years of horse ownership, including managing a large boarding stable with both indoor and outdoor arenas.

Camping

We agree with our neighbours on Amanda Place that this area is not suitable for a campground. We are concerned that *any* camping for *any* length of time will be a fire and security risk for adjacent properties, and it will be noisy.

_____ said that the camping would only be for clinics. The proposal submitted by Grayland Consulting says 'overnight camping with or without horses' which suggests the general travelling public could also be camping there. If camping is allowed in the zoning, there should be strict limits on who may camp and how long they may stay. For example, the current definition of a campground for the

travelling public in Juan de Fuca Land Use Bylaw 2040 permits stays of up to 30 days, which is not acceptable to us nor necessary for the use the developers have described.

If camping is to be allowed, we suggest that the zoning specifies:

- only people attending an event held on the site may stay overnight
- maximum number of people staying be limited to 10
- campers may stay for a maximum of three nights
- overnight events would be held a maximum of once a month
- all outdoor gatherings cease at 10:00 pm

These limits would accommodate clinics, which are typically three days long at most.

Number of Livestock on the Property

It appears to us that the proposed AG-2 zoning has no limit on the number of livestock per hectare. From discussions with the owners, we understand they plan to have goats, cattle, horses and chickens, so we would like to see the allowed number specified in the zoning.

Since the current owners are planning for a commercial equine establishment, we are especially interested in the maximum number of horses they plan to permanently house on the property. A figure of a total of six horses was mentioned at one point during the 6 July meeting. At another point there was a mention of maybe four boarders visiting their horses each day. The owners currently have three horses of their own on the property, so we think this would mean three boarders to reach a total of six.

We agree with the owners that six permanent horses on the property is reasonable, which would suggest a six-stall barn. An additional five horses could be provided temporary boarding in paddocks for a clinic. (Not every clinic attendee will require overnight boarding.)

Indoor/Covered Riding Arena

It is right that a covered riding space is important for an equine facility in our climate. But we aren't clear on what is planned in this case. The dimensions mentioned were 30 X 50 feet. This would be small even for the average hobby farm riding ring—we don't see it being usable for clinics, lessons, etc. Our personal experience is that the minimum dimensions for a usable arena (indoor or out) is 70 X 130 feet, although some sources say you can go as small as 60 X 120 feet. Small-scale hobby-use covered arenas are typically 16 feet high (18 if you want to jump), commercial ones go higher. So they dominate the landscape where they are.

We suggest that the zoning specifies:

- The dimensions of the allowed indoor/covered arena
- Its permitted location with respect to neighbouring properties

Water Use

We don't understand water management issues as well as many of the people who spoke at the July 6th meeting. We were concerned by some of the information shared, and are pleased that the committee is emphasizing the need for more study into this matter, and that the owners have already done their due diligence and can provide the required information.

We were especially interested in the point raised of the possible effect of blasting on the access to water and, presumably, how the runoff feeds into our creeks. There are few flat areas on the subject property, so there is going to continue to be a lot of blasting for building, access, and the creation of an arena.

mentioned a typical gallons-per-horse water-use figure. It would be good to clarify if that figure takes into account that an indoor/covered arena will need watering year-round to stop dust from becoming a health hazard for horses and riders. Exactly how much water will depend on the final dimensions and the footing, but it is not an insignificant amount. In summer, outdoor arenas also require watering for dust control. And, of course, water use would increase depending on the number of other livestock kept on the property.

Trails for the use of Local Residents

explanation that they are working with CRD regarding trails in the parcel labelled as Rem Part Sec 42 on the plan is terrific news. But without access through the subdivision, this isn't of benefit to the people who will be most affected by the development. The only access would potentially be through Clark Rd—which is well-known to be a dangerously busy narrow road. We would be delighted if a revised proposal included a public trail through the subdivision to the proposed trail system in the north.

Access

This is not related to the proposal under question, but it did come up at the meeting, so we think it worth mentioning. was adamant that the Blue Grouse Way right of way leading to Amanda Place would not be developed as a road. We are relieved to hear this because doing so would disturb the small remaining piece of the wetland that was destroyed when the area was logged, and the turn from Amanda Place onto Otter Point Road is a dangerous one that cannot support more traffic.

However, we notice that the latest version of the subdivision plan (SU0007040) creates an odd-shaped lot (Proposed Lot 1) that leads directly from Aythree Way to the undeveloped Blue Grouse Way right of way, neatly missing the 11-ha parcel under discussion in this proposal.

This odd arrangement raises the concern that the consortium of owners might later put a road through as part of the subdivision proposal to meet the access demands of a commercial establishment. We

absolutely do not support the development of a commercial equine facility if to do so requires Blue Grouse Way to become the access road.

Dear Mr. Hicks and the Land Use Committee:

I am firmly opposed to the Zoning Amendment Application for Section 42, Otter District, Clark Road & Aythree Way (PID: 009-497-790).

My property neighbours the subject property. I have received no notice from the CRD about this LUC meeting.

I live in a quiet, low-density residential neighbourhood that has been established for about four decades. Few people move in or out of this neighbourhood, which makes it a stable, peaceful community. We have lived here with the expectation that the land on which the subject parcel sits would be used as a tree farm during our lifetime, the primary use for which it is currently zoned (silviculture); and, alas, an ideal neighbour! There is no appreciable commercial activity in our neighbourhood other than farm stands and home occupations.

The new owner of the property is proposing a different land use, one that does not already exist in the area. Neighbours who have been here for decades will be given the opportunity to respond to that proposal at the 11th hour if the LUC approves and the CRD board approves at first and second readings. How many such applications have ever been defeated at third reading? The Land Use Committee are the people closest to the local community, and should be most responsive to the community that they are supposed to represent, which has been overwhelmingly opposed to this proposal.

Why should the existing community, who already registered strong opposition at the Advisory Planning Commission stage, have to fight to preserve the status quo against a newcomer whose proposal would detrimentally affect the community? Shouldn't the onus be on the proponent to persuade the community members of the net benefit of the proposal, and thereby obtain their support, in order for the proposal to advance? That has not been done, and I don't see it happening.

Given that a commercial development is being requested, I ask:

- How would additional drawdown of the aquifer benefit the community? The staff report before us already states that the aquifer "has very low productivity and available water to provide for the proposed development is likely to be limited." Some local properties already have to rely on water delivered by truck.
- How would runoff from a livestock operation (riding ring) benefit the community? The Ministry of Lands and Natural Resources, Water Protection Section, states that the aquifer has "an overall high vulnerability to contaminants introduced at the land surface". At least one well in the community has had to be shut down due to contamination by animal waste. The runoff of animal waste is essentially fertilizer for downstream riparian areas, which upsets the ecosystem. And animal feed can introduce pest species of vegetation.

- How would additional traffic, conveying customers and material through, to and from the neighbourhood, benefit the community? There would be increased noise, pollution of air and land, and risk to pedestrians and cyclists (and wildlife), who do actively use Otter Point Road.
- How would campfire smoke and the increased risk of wildfire benefit the community?
- How would protection of livestock against the native bears, cougars, and wolves benefit the native fauna and those of us who live in harmony with them? We know who is sacrificed when there is a conflict. And yet who is responsible for this conflict, when non-native livestock are introduced?
- How would bringing in non-resident campers who explore, gather, or otherwise use the neighbouring forested private property benefit the community?

Do LUC members see the addition of a campground and riding ring adjacent to a residential area as beneficial to the established residential community? How so? Have community members sought out or expressed a desire for such development any time over the past decades – or have we united to keep Otter Point rural and residential and free from commercial intrusion and detrimental environmental activities? What significant benefit would this proposal bring to the community, that would outweigh the detriments?

Please support the community to stay quietly residential and preserve the natural environment that we value.

Sincerely,

Rich Mably

Wendy Miller

From: Bob & Heather Phillips
Sent: Sunday, November 14, 2021 10:26 AM
To: Wendy Miller; Bob and Heather Phillips
Subject: JUAN DE FUCA LAND USE COMMITTEE Zoning Amendment Application a) RZ000272 -

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Heather Phillips

JUAN DE FUCA LAND USE COMMITTEE November 16, 2021 at 7 pm

Zoning Amendment Application a) RZ000272 - Section 42, Otter District, (Clark Road & Aythree Way)

I support the re-zoning to a new Agricultural 2 zone. The proposed AG 2 zone is appropriate in that it defines riding and boarding of horses as an accepted use

The need to protect the water resource is recognized. The problems with finding and protecting groundwater are recognized. At this time, the JdF LUC is not responsible for managing the water resource, although water resources and managing water supply should be a main feature of land use planning. When the Juan de Fuca Land Use bylaw is finally, after more than thirty years, re-written, there will be many issues to address.

Additional comments.

First. In the draft of Bylaw 4422 proposed to create the new zone, Sec. 3B.01, under **Accessory Uses**, the list does not specify camping or camp sites. Sections 3B.04, **density** and 3B.06, **required yards**, support campsites in this zone.

I suggest a 3B.01 (l) that specifies campsites.

Composting of organic waste generated on site would become (m)

Second. Bylaw 2040 Schedule A will also be amended to list the new zone in other places. For example 1 Table of Contents, 2 Definitions, 3.07, where Zones are listed, to add AG 2 to the lists of zones. Is there any simple way of saying "Schedule A amended where needed"?

Third: Rural lands zoning implies agricultural or forestry: commercial activity and traffic. These are not residential zones. Converting a parcel from AF to AG @ is not a far stretch. Commercial traffic is appropriate. The road access to the parcel for which the zone is proposed is better, at this point in time, than access to much of East Sooke

Heather Phillips, Otter Point

Wendy Miller

From: Sheila Hubbard
Sent: Monday, November 15, 2021 12:19 AM
To: Wendy Miller
Subject: Zoning amendment for Section 42, Otter District

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

This letter is in regards to the zoning amendment for section 42, Otter District Clark Rd & Aythree way (PID: 009-497-790)
Meeting on Nov 16,2021

I strongly oppose this application for the following reasons

I still have concerns about the waterways as they are above my property. The usage as well as the fecal matter from the animals absorbed into the ground affecting my drinking water. Our summers get drier every year and with more water usage from higher grounds won't leave enough for the people that live in the surrounding area.

I'm also concerned about campers in the area as they will want to go explore the area and as there are no fences, they will trespass onto my property and end up in my driveway. Not to mention the noise. This past summer someone from that property was playing music until around midnight one night and I could hear it clearly. I don't want to have to hear that every night.

What about the wildlife in the area they will be losing even more land.

Another question I have is how can the said owners already own farm animals (horses, goats, cows and such) when the bylaw right now states that it is forestry zoned and the application is for agriculture zoning . Shouldn't they have to wait for the bylaw to be changed first before owning the farm animals. It seems like they don't care about following the rules. Therefore it makes me wonder what else they might try to do. To me it seems like they are flaunting that it will be changed so it doesn't matter if they have the animals first and that's not right.

It's already bad enough that you didn't take my concerns for the cell tower . I believe someone on the counsel said at that meeting that it only affected one person/property and went ahead and approved the tower. Well that one person is me and I'm still not happy about that.

As a concerned neighbour I would like a link to this meeting on Nov 16th. Please email me the link.

Thank you
Sheila Hubbard & Andrea Hubbard