

**MINUTES OF THE OTTER POINT ADVISORY PLANNING COMMISSION
FOR THE JUAN DE FUCA ELECTORAL AREA**

**held in Otter Point Firehall, 3727 Otter Point Road, Sooke, BC
on Wednesday, November 16, 2011 at 7:00 p.m.**

IN ATTENDANCE: Sandy Sinclair, Chair, Bud Gibbons, Sid Jorna, Gerry Niedermeiser
ABSENT: Wayne Fritz
ALSO PRESENT: Emma Taylor (CRD staff), Applicant
PUBLIC: 6

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 pm

2. APPROVAL OF THE AGENDA

The Chair advised that supplementary correspondence had been received and should be added to the agenda.

MOVED by Sid Jorna, **SECONDED** by Gerry Niedermeiser that the agenda be approved as amended. **CARRIED**

3. ADOPTION OF APC MINUTES OF JUNE 14, 2011

MOVED by Sid Jorna, **SECONDED** by Gerry Niedermeiser that the minutes of June 14, 2011 be adopted. **CARRIED**

4. AGRICULTURAL LAND RESERVE APPLICATION FOR INCLUSION

a) ALR-01-11 – Lots 1 and 2, Section 30, Otter District, Plan 13987 (Shaw – 2322 Kemp Lake Road)

Staff reviewed the proposal to include two parcels in Otter Point into the Agricultural Land Reserve (ALR). It was clarified that the applicant is acting on behalf of the Otter Point property owners and that the applicant is also proposing to exclude three parcels from the ALR within the District of Sooke.

The District of Sooke has recommended approval subject to the inclusion of the two parcels in Otter Point. Staff confirmed that adjacent landowners have been notified and directed attention to the supplementary submissions received from Heather Rees and Marlene and Ron Barry.

Commission discussion ensued regarding potential impacts to adjacent properties related to the 15m Development Permit (DP) buffer.

A Commission member asked whether the Development Permit fee could be waived for adjacent owners building within the 15m buffer as it is a hardship. Staff clarified that such a waiver is not an exemption permitted in the bylaw currently. Another Commission member suggested a waiver of the DP buffer for the small lots.

John Brohman, Otter Point, stated support for the inclusion of the two properties into the ALR but recommended that the Development Permit buffer not be implemented around properties newly included into the ALR.

Heather Phillips, Otter Point, stated that the DP buffer would be removed if the properties were removed from ALR in future and asked if there are other conditions imposed on the adjacent properties as the subject properties are currently being farmed. Staff knew of none. Heather Phillips stated support for the inclusion of the two properties into the ALR.

Dane Bugoy, Otter Point, stated concern for the future loss of revenue to the Capital Regional District by the loss of tax-base should the properties be included in ALR. Dane Bugoy asked if the CRD was getting financial compensation from the District of Sooke should the inclusion proceed. Staff confirmed no financial exchange would be forthcoming as a result of the properties being included in ALR and that the tax was already reduced as the properties are under farm production.

The applicant, Ed Shaw, stated that tax assessments were complicated and no compensation was due. The applicant stated that the owners of the subject properties do not see need for the development permit buffer. Ed Shaw explained that properties to the sides and rear are used for agriculture and forestry and properties to the east are small lots and are already developed. The owners would not have a concern with adjacent owners erecting buildings.

Dave Gollmer, Otter Point, asked whether an amendment to the Regional Growth Strategy (RGS) would be required. Staff confirmed that the application was referred to the CRD Transportation, Planning and Protective Services Committee for comment on the need for an RGS amendment. As the land is not currently designated as Agricultural use, an amendment may be required to reflect the change in use.

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the two lots be included in the ALR and that the Development Permit buffer along adjacent parcels to the east be waived.

At the request of the Chair, submissions from residents were reviewed. Staff confirmed that residents within 500m were notified. The submission from Heather Rees states concern regarding the 15m buffer associated with Development Permit Area No. 4: Protection of Farming. The submission from and Marlene and Ron Barry states support for the inclusion application.

In response to Commission member comments regarding potential future development of adjacent properties and impact to farming, staff outlined the Development Permit justification and guidelines for the Protection of Farming. Upon Commission member enquiry, staff clarified that properties zoned AG are within the ALR unless the property had been previously removed from ALR and should be rezoned.

The Chair called the question and it was two in favour, Sandy Sinclair and Gerry Niedermeiser opposed. **DEFEATED**

MOVED by Gerry Neidermeiser, **SECONDED** by Bud Gibbons that the two parcels be included in the ALR and that there be no development permit buffer requirements on surrounding properties.

A Commission member requested that the motion be separated into two motions as there are two separate issues which should be distinguished.

The Chair called the question and it was three in favour, Sid Jorna opposed.

CARRIED

A Commission member stated no opposition to the inclusion request but stated concern for removing the buffer on all properties.

5. NEW BUSINESS

No new business.

6. ADJOURNMENT

On motion, the meeting adjourned at 8:05 pm

Chair

Recorder