



Making a difference...together

**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held May 9 and Continued on May 16, May 23, May 28, June 6, June 13 and June 18, 2012
at Otter Point Fire Hall, 3727 Otter Point Road, Sooke, BC**

PRESENT: Sid Jorna, Chair, Sandy Sinclair, Vice Chair, Bud Gibbons, Anne Miller,
Al Wickheim
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording
Secretary

PUBLIC: Approximately 26

The meeting was called to order at 7:05 p.m.

1. Elections

June Klassen called for nominations for the position of Chair and Sid Jorna's name was put forward. June Klassen called for nominations a second and third time and hearing none Sid Jorna was declared Chair.

June Klassen called for nominations for the position of Vice Chair and Sandy Sinclair's name was put forward. June Klassen called for nominations a second and third time and hearing none Sandy Sinclair was declared Vice Chair.

2. Approval of the Agenda

At this time, the Chair welcomed everyone to the meeting and spoke to formulation of the draft bylaw to date. The Chair spoke to meeting conduct, advising that the APC will review the draft bylaw on an item by item basis. It is anticipated that a final revised draft reflecting the changes made by the APC in consultation with the public will be presented to the APC for recommendation to the Juan de Fuca Land Use Committee (LUC). The draft bylaw will be channeled through the CRD Board to allow the draft bylaw to proceed to Public Hearing and then on to review by the Ministry of Community, Sport and Cultural Development. Final approval of the bylaw rests with the CRD Board.

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the agenda be approved. **CARRIED**

3. Approval of the Supplementary Agenda

No supplementary agenda.

4. Adoption of Minutes from Meeting of November 16, 2011

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons that the minutes of November 16, 2011 be adopted. **CARRIED**

5. Correspondence

- a) **Bev and Milt Randall, Otter Point**
- b) **Lynne and Jack Wormald, Otter Point**
- c) **Sandy Sinclair, Otter Point**
- d) **Bud Gibbons, Otter Point**

All correspondence was received after the close of the November 16, 2011 meeting.

MOVED by Bud Gibbons, **SECONDED** by Sandy Sinclair that the correspondence be received. **CARRIED**

6. Proposed Bylaws

a) Bylaw No. 3819, Otter Point Official Community Plan Bylaw No. 1, 2012

June Klassen directed attention to copies of mapping and recommendations presented at the April 5, 2012 meeting of the Otter Point OCP Review Citizen's Committee. It was advised that the draft bylaw reflects the recommendations made by the committee. The mapping and recommendations will be referenced throughout the APC review process.

June Klassen circulated a handout on proposed revised or additional definitions. Included in the handout is a definition for Building Strata as the term is referenced throughout the proposed bylaw. At the request of an APC member, June Klassen spoke to the differences between Bare Land Strata, Building Conversion Strata, Building Strata and Fee Simple Subdivision.

Although the CRD and the Province are not involved with the registration of a building strata, it was confirmed that a building strata must meet *BC Building Code* and zoning requirements unless a variance is approved by the LUC.

Dane Bugoy, Otter Point

- Questioned the CRD's regulations for stratas

June Klassen confirmed that bare land stratas, building conversion stratas and building stratas fall under the provincial *Strata Property Act*.

Keary Conwright, Otter Point

- Questioned if 2 houses are permitted on 5 acres as 4 houses are permitted on 10 acres (building strata)

June Klassen confirmed that the number of dwelling units is determined by the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. June Klassen spoke to the number of dwelling units supported by the Rural A Zone, noting that number of units is determined by lot size. It was further confirmed that one secondary suite or one detached accessory suite is supported by the Rural A Zone. Lot coverage for the zone applies.

Stephen Smith, Otter Point

- Questioned where the definitions came from

June Klassen advised that the definitions have been extracted from existing bylaws.

After receiving multiple comments from the floor, the Chair advised that each proposed definition will be reviewed. Any revisions will be reflected in the final revised draft for review by the APC.

June Klassen spoke to each of the proposed definitions.

Review of Proposed Definitions – New, Revised or Questioned:

ACCESSORY BUILDING and ACCESSORY USE to replace ACCESSORY or ACCESSORY USE

AGRICULTURE BUILDING OR FARM BUILDING

AMENITY BONUSING

ASSESSMENT REPORT

AQUIFER

BED AND BREAKFAST

June Klassen noted that “home occupation” will be replaced by “home based business”.

CABIN

CIVIC USE

Heather Phillips, Otter Point

- Asked that “but not limited to” be inserted after “includes”

CLUSTER DEVELOPMENT

Heather Phillips

- Asked that the definition of Cluster Development read “means the practice of concentrating development onto a portion of a parcel ~~site~~ to protect the integrity and limit development on the ~~remaining property~~ remainder of the parcel;”

COMMUNITY CARE FACILITY

Dane Bugoy

- Questioned specific zoning that would allow for a Community Care Facility

June Klassen advised that a definition for Community Care Facility is included in the draft OCP as the term is referenced in the proposed bylaw. Permitted uses, such as Community Care Facility, are identified in individual zones in Bylaw No. 2040.

The Chair clarified that the OCP is the broader bylaw for the community and is the focus for the evening’s discussion. Zoning speaks to specific parcels and is outlined in Bylaw No. 2040.

Wally Vowles, Alternate Director, noted that any proposed change to Bylaw No. 2040 must conform to the OCP.

CONSERVATION AREA

Bob Phillips, Otter Point

- Questioned the use of “may be” in the definition of Conservation Area

June Klassen confirmed that “may be” is an open term and consideration can be given to replacing with “such as” or “including but not limited to”.

COMMUNITY WATER SYSTEM

DELETERIOUS SUBSTANCE

June Klassen stated support for striking “irrigation and livestock” and replacing with “agriculture uses”.

Bob Phillips

- Asked that “or other wildlife or flora” be added after “fish or fish habitat”

Heather Phillips

- Stated support for protecting any water from deleterious substances and not just water used for agriculture and livestock

Zac Doeding, Association of BC Landowners

- Questioned the inclusion of the definition of Deleterious Substance

June Klassen advised that the definition applies to an identified development permit area. The definition of Deleterious Substance can be revisited when the development permit area wording is reviewed.

Bob Phillips

- Noted that water quality can also be degraded by substances added to the air

June Klassen advised that definitions have been included when a term applies to an identified development permit area. Consideration can be given to defining broader terms such as Toxic or Air Pollution should such definitions be desired.

Stephen Smith

- Supported inclusion of a definition when a term applies to a specific regulation or legislation

DENSITY

An APC member supported striking references to “lot” and replacing with “parcel”.

DENSITY AVERAGING

Arnie Campbell, Otter Point

- Questioned whether roads are included in density averaging

June Klassen advised that all lots must meet the lot minimum. Roads are not included in the lot size.

DESIGNATED FLOOD

Rosemary Jorna, Otter Point

- Questioned criteria for a “200-year” flood noting there has not been 200 years of settlement in the area

June Klassen advised that “200-year” is a scientific designation to reference a point on a bank. June Klassen to confirm the definition.

DEVELOPMENT

Zac Doeding

- Spoke to the broad wording including the definition of Development pertaining to removal, alteration, disruption or destruction of vegetation
- Noted that the CRD does not have a tree cutting bylaw
- Questioned issues related to removal, alteration, disruption or destruction of vegetation in identified development permit areas

June Klassen advised that minimal work can be done without a development permit in a development permit area. Degree of work proposed can trigger the need for a development permit such as stump removal and excavation. Concern from neighbours can also trigger review for the need for a development permit. Slope failure will require a development permit.

Bob Phillips

- Discussion is anticipated relative to the community's expectations regarding current and future development practices and the Otter Point Sensitive Ecosystem Inventory (SEI) as a guiding document

DEVELOPMENT PERMIT AREA

In response to an APC member, June Klassen advised that the fee for a development permit is \$550 and spoke to fees associated with professional reports, surveys and covenants.

Wally Vowles advised that a standard professional report can average between \$1,200 - \$1,500.

DISTURBANCE

Heather Phillips

- Questioned the meaning of "structure"

Bob Phillips

- Suggested inserting "of terrain" after "change in structure or composition"

DWELLING, SINGLE-FAMILY

June Klassen read the current definition of Dwelling, Single-Family and a proposed simplified definition.

DWELLING, TWO-FAMILY

June Klassen read the current definition of Dwelling, Two-Family and a proposed simplified definition.

Arnie Campbell

- Questioned whether a two-family dwelling is the same as a duplex.

June Klassen confirmed that a two-family dwelling is a duplex. However, at present no bylaw references duplex.

ECOSYSTEM

An APC member questioned the meaning of “energy flow”.

Greg Whincup, Otter Point

- Asked that “are” be replaced by “is”

Bob Phillips, Otter Point

- Suggested that there needs to be a definition for Sensitive Ecosystem or reference to the Otter Point SEI as a guiding document

EROSION

An APC member asked that “or human agents” be inserted after “by natural agents”.

FARM

FLOODPLAIN

Staff advised that “Bylaw” will be struck in the definition of Floodplain and replaced with “the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040”.

FORESHORE

Heather Phillips

- Suggested that “between the high and low water levels, that is flooded daily by the tide” be struck and replaced with “below the natural boundary”

GREEN BUILDING

Veronica Smith, Otter Point

- Questioned the definition and measure for “sustainability”
- Supports striking “sustainability” from the definition of Green Building

An APC member supported replacing “high” with “healthy” in the definition of Green Building.

Marika Nagasaka, Otter Point

- Suggested inserting “intelligent design” or similar term after “low site impact” to support such design elements as placing windows on the south side of a building

Veronica Smith

- Questioned enforcement of such design elements

June Klassen advised that the OCP would only encourage such design elements. Design requirements are outlined by the *BC Building Code*. Staff noted typos in the definition of Green Building. “Variety” and “stormwater” to be corrected.

Greg Whincup

- Questioned ability to review the draft OCP in the four designated meetings.

Bob Phillips

- If meeting time is an issue, requested specific review of definitions of Riparian Area, Riparian Assessment Area, Watercourse, Watershed and Wetland

June Klassen relayed that review of the OCP by the APC is not limited to four meetings.

David Young, Otter Point

- Questioned permitted industrial use

June Klassen asked that parcel specific questions be directed to her outside of the meeting.

GREEN INFRASTRUCTURE

June Klassen relayed that “with Sooke” and “urban” will be struck.

GREEN HOUSE GAS

Heather Phillips

- Asked that “and contributes” be inserted after “absorbs”

GROUNDWATER

Arnie Campbell

- Requested comment from a geotechnical professional regarding the definition of Groundwater

Heather Phillips

- Asked that “and” be replaced with “or”

Bob Phillips

- Questioned if the OCP will reference soils

June Klassen advised that the background information included in the current OCP will be referenced as a separate document to allow updates without requiring an OCP amendment. Soil information will be included in the background information document.

GROUNDWATER RECHARGE

At this time, the Chair opened the floor to Arnie Campbell.

Arnie Campbell advised that a workshop is scheduled for Tuesday, May 22 at 1:30 p.m. at the Juan de Fuca Planning Office to review historical information available for Otter Point and to collect new information, incomplete information or incorrect information. Collected data to be added to the previously mentioned background information document.

The meeting adjourned at 9:10 p.m.

The Vice Chair resumed the meeting on May 16, 2012 at 7:03 p.m.

PRESENT: Sandy Sinclair, Vice Chair, Bud Gibbons, Anne Miller,
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording Secretary
ABSENT: Sid Jorna, Chair, Al Wickheim
PUBLIC: Approximately 20

The Vice Chair reconvened review of proposed definitions.

HAZARDOUS TREE

An APC member questioned including a definition of Hazardous Tree stating that property owners should be able to cut trees for firewood.

June Klassen advised that the definition was included as hazard tree is referenced in the development permit exemptions.

Veronica Smith

- Questioned the need for a certified arborist to identify a hazard tree, supporting striking “as determined by a Certified Arborist”

Heather Phillips, Otter Point

- Noted that other jurisdictions state an annual cutting limit of hazard trees

INVASIVE SPECIES

Heather Phillips

- Supported striking the final sentence, simplifying the definition

Greg Whincup

- Supported keeping the final sentence

LOT

An APC member stated that the draft should be reviewed for consistency for use of “lot” and “parcel”.

MANUFACTURED HOME

MOBILE HOME

Discussion ensued regarding wording for Manufactured Home and Mobile Home. June Klassen advised that she will check the definitions against the *BC Building Code*.

Heather Phillips

- Stated support for tracking the use of subdivision and parcel to ensure that building stratas do not fall under the definition of subdivision

An APC member supported consideration of defining multi-family dwellings. June Klassen confirmed that multi-family is referenced in draft. June Klassen to review.

NATURAL BOUNDARY

Heather Phillips

- Stated support for identifying another marker for determining flood level, noting that debris level may provide a better marker for a flood mark than the visible high water mark

Ken Pungente, Otter Point

- High water marks may not be remain visible unless recorded

Zac Doeding

- Further to comments regarding multi-family and duplex, stated support for striking reference to “common wall” and allowing for such dwellings to be attached by a carport or similar structures

Greg Whincup

- Stated support for distinguishing a suite from multi-family dwelling

OUTDOOR RECREATION

An APC member stated support for adding “fishing”.

PARK

June Klassen noted that plural references in *Parks Act* will be struck.

PRINCIPLE BUILDING

Heather Phillips

- Stated support for adding “contains the principle use”

PRIVATE MANAGED FOREST

June Klassen noted that BC Assessment Act should be in italics.

QUALIFIED PROFESSIONAL (QP)

Bob Phillips

- Stated support for expanding the definition of Qualified Professional to reflect that the qualified professional’s credentials are recognized by the CRD

Stephen Smith

- Stated support for distinguishing/defining Qualified Environmental Professional as credentials are specifically defined by the *Riparian Areas Regulation (RAR)*

Heather Phillips

- Suggested that the type of qualified professionals/reports required could be identified in each identified development permit area

Definition to be revised to add “and” after “that association,”

In response to questions from public attendees, June Klassen advised that the *Local Government Act (LGA)* allows for designation of development permit areas. Development

permit areas are identified on CRD mapping. The requirement for a professional report rests with Planning and/or Building Inspection. The OCP also allows for development permit exemptions.

Bob Phillips

- Raised concern regarding identification of watercourses stating that the Otter Point SEI notes that available mapping is considered preliminary

Further to previous comments and comment made by an APC member regarding ephemeral creeks, June Klassen advised that applicants must declare if there is a watercourse on a property. June Klassen further advised that funds are not available to produce 100% accurate mapping.

An APC member noted that some development permit applications will require more than one professional report, noting cost for each report required.

In response to the comment made by the APC member and comments made by public attendees, June Klassen advised that local governments identify development permit areas in response to community's desire to protect the natural environment. Protection of riparian areas is mandated by the Province, identification of further development permit areas is directed by the community. Other municipalities address development permit areas through the building permit process. A single professional report can address all building envelopes, thus reducing the cost associated with submitting a professional report for each building proposal.

Heather Phillips

- Stated that identification of a development permit area may be optional but that an OCP must identify hazardous areas

Arnie Campbell

- Noted that a wildfire hazard development permit area for Otter Point was not pursued in past as the whole area is deemed to be a wildfire hazard area

RECREATION VEHICLE

RIPARIAN AREA

Bob Phillips

- Stated need for broad definition to ensure definition does not limit watercourses to just those watercourses deemed to be fish bearing

Stephen Smith

- Questioned where the definition came from
- Questioned legal authority of the Otter Point SEI
- Supported definition consistency with the Riparian Areas Regulation

Heather Phillips

- Local governments have been granted the authority to establish development permit areas
- The Otter Point SEI identifies community valued ecosystems which assists in the establishment of development permit areas

Stephen Smith

- As an OCP becomes a bylaw, restrictions must be backed by statutory regulation
- Concern that development permits will restrict ability to build

Marie Brotherstone

- Questioned if the SEI is ground true and if the OCP will outline policy statements related to the SEI

Heather Phillips

- Questioned how past cutting in mature forest will be addressed

June Klassen noted that the standards and methodology for sensitive ecosystem inventories are established by the Province. It was advised that development permit areas are not intended to restrict building but provide guidelines/flexibility to permit building. It was further advised that the OCP also allows for development permit exemptions if it is determined that development permit area mapping is inaccurate.

SECONDARY SUITE

In response to an APC member, June Klassen advised that an in-law suite could be a secondary suite or detached accessory suite.

SILVICULTURE

June Klassen confirmed that silviculture addresses timber but not processing of wood or wood products.

STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA)

Bob Phillips

- Cautioned use of “stream” stating that stream is the term used by the *BC Water Protection Act* to describe all watercourses

SUBDIVISION

June Klassen confirmed that the definition will be revised to exclude building stratas.

TEMPORARY ACCOMMODATION

Heather Phillips

- Stated supported striking “six months” replacing with “185 days”

TOP OF THE BANK

Stephen Smith

- Stated support for refining the definition to reference the RAR

TOURISM USES

Heather Phillips

- Stated support for a consistent definition of “cabin” between the zoning bylaw and the community OCPs

June Klassen stated that “cabin” should be used when referring to tourism use.

TSUNAMI HAZARD AREA

June Klassen revised the definition striking “the tsunami hazard area for emergency planning”.

WATERCOURSE

Bob Phillips

- Stated support for stressing the connectivity between watercourses

Further to comment made regarding ditches, June Klassen relayed that there are instances of a development permit being required for a man-made watercourse.

Heather Phillips

- Suggested including a definition of “ditch” to address road ditches

Stephen Smith

- Stated support for revising the definition to utilize the *RAR* definition for “stream”

WATERSHED

Bob Phillips

- Stated support for striking “watercourses drain into a common terminus” and replacing with “of all of the water and all of the land that drain into a common catchment area”

At this time, Arnie Campbell asked if a definition will be considered for “buffer”. Arnie Campbell then spoke to the workshop is scheduled for Tuesday, May 22 to review and collect historical information available for Otter Point.

The meeting adjourned at 8:53 p.m.

The Chair resumed the meeting on May 23, 2012 at 7:00 p.m.

PRESENT: Sid Jorna, Chair, Sandy Sinclair, Vice Chair, Bud Gibbons, Anne Miller, Al Wickheim
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording Secretary

PUBLIC: Approximately 29

The Chair reconvened review of the draft bylaw starting on p. 5.

June Klassen advised that the background information provided in the current OCP is not included in the current draft. Background information will be maintained as a separate document to allow for regular updates without requiring a bylaw amendment. June Klassen briefly spoke to Part 1, 2, 4, 5 and 6 of the proposed bylaw.

PART 1.0 - INTRODUCTION

1.1 Propose

Arnie Campbell

- Stated that the draft captures the work and recommendations of the Otter Point Citizens Committee
- Suggested that “several” be replaced with “numerous”
- Suggested that “resources” be replaced with “protection”
- Questioned whether a definition will be considered for “food security”

Heather Phillips

- Requested that “changing” be struck

Dane Bugoy

- Stated that there has been significant change since the last OCP update

1.2 Scope

June Klassen confirmed that the bullet statements are provided for by the *LGA*.

1.4 Guiding Principles

Arnie Campbell

- Questioned whether protection of surface water should be reflected in the bulleted list

June Klassen confirmed that “natural environment” under the broad guiding principle statements can encompass surface water.

Bob Phillips

- Spoke to the Lanarc consultation process, noting community desire to protect groundwater

Zac Doeding

- Stated support for adding provision of community water noting that the Lanarc process also identified community desire for this service

1.9 Regional Growth Strategy Consistency

June Klassen directed attention to the text boxes in the draft noting that these sections will require determination of consistency with the RGS by the CRD Board.

Rosemary Jorna

- Requested that “within Otter Point” be inserted after “creation of a network of trails”

Greg Whincup

- Questioned if the OCP will speak to future governance options, noting potential infrastructure costs associated with different governance models

June Klassen confirmed that governance is not a required component of an OCP.

Heather Phillips

- Questioned if the draft OCP will more clearly outline the community’s wishes of the Ministry of Transportation and Infrastructure (road designation)
- Supports the draft recognizing Otter Point as part of the Juan de Fuca Electoral Area

Zac Doeding

- Stated that some members of the farming community are taking issue with the buffer associated with the Protection of Farming Development Permit Area

Gerry Niedermeiser, Otter Point

- Stated that consultation indicates strong support for community water and that residents are feeling disengaged from the CRD and are questioning governance options

June Klassen stated that the draft is attempting to separate settlement area from the provision of water, noting efforts made to communicate opportunities to provide input in review of the draft OCP.

Arnie Campbell

- Supported striking “within settlement areas” and replacing with “the community”
- Supported inserting “frequency and expand” before “community bus service”
- Supported striking “structure” and “is” replacing with “features” and “are”

June Klassen stated that reference to “containment” in the same paragraph will be struck and that the definition of two-family will be revised to reference duplexes.

Rosemary Jorna

- In response to water concerns, stated support for a separate meeting with CRD and provincial representatives to speak to water options

1.10 Transportation

June Klassen confirmed that “cycling networks” will stand as the section specifically addresses transportation.

1.14 Greenhouse Gas Reduction

June Klassen advised that the CRD’s Climate Action Program will be referred the draft. It is suspected that simple changes to the *BC Building Code* such as window upgrades will assist in meeting reduction targets. It is recognised that many residents have to leave the community to commute to work.

Part 2.0 GOALS AND OBJECTIVES OF THE PLAN

2.1 Otter Point Rural Character

Arnie Campbell

- Supported striking “/” and inserting “,” between “Shirley” and “Jordan River”
- Supported striking “provide” and replacing with “protect”

Heather Phillips

- Asked that an opportunity be given to editing 2.1 for grammar

An APC member suggested using “wild crafter” to expand upon the region’s economic basis to encompass mushroom, seaweed and salal pickers.

2.2 – Goals of the Plan

Stephen Smith

- Stated that section 2.2 should identify all the goals of the plan with objective details following
- Stated that goals should state protection of property rights and promotion of economic development

In response to public comments, June Klassen suggested moving section 1.4 to section 2.2 *Goals of the Plan*.

Gerry Niedermeiser

- Stated support for identifying provision of a water line as an objective

Bob Phillips

- Stated support for adding “and source area” to the third bullet under objectives

Stephen Smith

- Stated support for identifying protection and maintenance of property owner rights as an objective

June Klassen stated that the objectives under section 2.2.1 reflect identified development permit areas.

2.2.2. – Sense of Place Goal and Objectives

June Klassen questioned how the community wishes to recognize/protect identified historical sites.

Heather Phillips

- Questioned if there is a tax impact (bylaw/service area) if an OCP identifies historical sites

June Klassen stated that an OCP can state an objective for recognizing historical sites but that no community discussion has taken place regarding how those resources will be stewarded.

An APC member stated support to linking historical sites to the Sooke Regional Historical Society.

Several public attendees stated support for a record of historical sites/homes to make owners aware of building history without restricting building use.

2.2.4 – Drinking Water and Infrastructure Goal and Objectives

An APC member stated that planning should recognize the area’s finite water supply and plan with an understanding of how many residents can be supported by a contained system.

June Klassen stated that the draft is attempting to capture the wishes of the community, separating development from the provision of water.

Len Pratt, Otter Point

- Is concerned that his well and neighbouring wells will go dry

Heather Phillips

- Stated support for separating development from the provision of water with the understanding that density cannot be based on the whole of Otter Point receiving community water as the service is costly and the area is large

June Klassen stated that the concept of protecting groundwater is embraced by the OCP and will be implemented by Bylaw No. 2040. An amendment to Bylaw No. 2040 is anticipated to address water volume and testing required for subdivision.

Zac Doeding

- Stated that the District of Metchosin supports provision of water but is very strict about zoning

Greg Whincup

- Stated support for efforts to separate development from the provision of water but stated that water will facilitate development
- Stated that not all residents support lot averaging as lot averaging can lead to phased developments

Zac Doeding

- Stated support for not identifying specific areas where community water may be considered
- Community water will support more agriculture

An APC member stated that there are examples of subdivision developments that have not protected groundwater, resulting in the need for trucked water thus increasing greenhouse gas emissions.

Marika Nagasaka

- Should community water be considered, stated support for continued measures to protect groundwater, capture water and reduce water use

Rosemary Jorna

- Digging deeper and deeper wells not only impacts groundwater but also impacts surface vegetation
- Supports broader community discussion regarding water prior to the next OCP review
- Spoke to lot size and lot averaging and surrounding community green space noting that Otter Point has no public green space to protect flora/fauna

An APC member stated concern regarding use of radioisotopes to measure water flows.

2.2.5 – Economic Development Goal and Objectives

Arnie Campbell

- Stated support recognizing Camp Barnard for its economic, educational and recreational value

An APC member suggested use of the term “wild crafter” to expand upon the third bullet objective.

2.2.6 - Parks, Trails and Transportation Goal and Objectives

An APC member suggested greater use of school bus services to provide broader community transit options noting school buses are generally not running at capacity.

PART 3.0 LAND USE DESIGNATIONS

June Klassen stated that the draft proposes four land use designations including Settlement Area 1 and Settlement Area 2 and Rural Lands. The current land use designation Settlement Containment Area would be eliminated. June Klassen spoke to the proposed permitted uses and densities of the proposed settlement designations and development potential of those designations. It was advised that the proposed Rural Lands designation reflects a minimum parcel size of 4 ha, "shaking down" parcels below 4 ha into proposed Settlement Area 2. June Klassen further spoke to a proposed alternative to building strata development on Rural A properties to consider rezoning and potential development figures. It was advised that the potential development figures are theoretical and do not take in site specific considerations. It was further advised that each rezoning application is considered on its own merits. Another option proposed but not worded in the draft is the option of all settlement areas having a 1 ha average parcel size with a minimum parcel size of 0.5 ha. Should this option be preferred by the community, the alternative to building strata development on Rural A properties would no longer be required as part of the plan. Again, each rezoning application would be considered on its own merits.

Marie Brotherstone, Otter Point

- Forwarded support for consideration of comprehensive development plans for larger developments with an average minimum parcel size of 4 ha to allow density to be condensed to allow for conservation of natural features and green spaces

The Chair adjourned the meeting at 9:05 p.m.

The Chair resumed the meeting on May 28, 2012 at 7:04 p.m.

PRESENT: Sid Jorna, Chair, Sandy Sinclair, Vice Chair, Bud Gibbons, Anne Miller, Al Wickheim
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording Secretary
PUBLIC: Approximately 20

June Klassen reconvened review of the proposed bylaw starting on p. 20.

The Chair advised that discussion regarding the Protection of Farming Development Permit Area will be discussed at the next meeting.

3.1 Settlement Area Designations

Arnie Campbell

- Supported home base business storage being compatible with residential surroundings, suggesting the option of screening

June Klassen relayed that such requirements as screening would be addressed by Bylaw No. 2040 and responded to an APC member stating that there is one apartment building in Otter Point (multi-family).

Zac Doeding

- Stated support for the Rural Lands designation and the “shaking down” into the Settlement Areas
- Stated concern for specific parcels being identified as being within Settlement Area 2 when the parcels are directly adjacent Settlement Area 1

3.1.1 - Settlement Area Policies

Arnie Campbell

- Suggested including duplexes and subdivision for a family member (section 946 of the LGA) as affordable housing options

June Klassen stated that another option would be to note Rural A can allow for multiple dwellings.

In response to an APC member, June Klassen stated that housing for farm workers is addressed under the draft bylaw’s agricultural policies.

Zac Doeding

- Stated support for the option of having a smaller average parcel size to allow for amenity provisions (park, water, community hall site, etc.) particularly in relation to the alternative proposed for building strata development on Rural A zoned lands and the larger Rural A property owners considering development

Rosemary Jorna

- Noted that Crown Land is not available for public green space considerations and that 4 on 10 does not allow for park dedication
- A large Rural A property owner has forwarded support for clustering development to allow for covenanted green space

An APC member questioned if there is an option to bring the DeMamiel and Tugwell watersheds into the Otter Point OCP area.

Zac Doeding

- Stated 4 on 10 provides for the same density as smaller lots without amenity provision

An APC member stated that large development proposals can provide the community with the opportunity to provide guidance on how a development can blend into the existing area.

Bob Phillips

- Speaking to the strategies listed on p. 19, forwarded support for a strong statement for protection of existing wells suggesting a new objective under 2.2.4
- Suggested the statement “does not deplete, contaminate or jeopardize existing wells”

In response to public comments, June Klassen noted that densities proposed would have to be achieved through rezoning.

John Brohman

- Considers 1 ha average parcel size too large
- Consider .50 acre lots in Settlement Area 1
- Suggested Settlement Area 2 specify the requirement for a treatment plant and a water system for higher density considerations

- Supports strong wording in the OCP to reflect the wishes of the community which would provide stronger guidance to developers rather hodgepodge rezonings/developments

Bob Phillips

- Suggested item 3 a) on p. 22 needs to state that the development does not impact existing wells

Zac Doeding

- Suggested striking “only” from item 3 p. 22
- Suggested ending item 3 b) on p. 22 after “community”

Heather Phillips

- Asked that “Planning” be added after “staff” in item 3 a) on p. 22

Marie Brotherstone

- Stated support for a general water protection statement but questioned what information/marker would be required

June Klassen advised that Bylaw No. 2040 would outline the requirements for water and the potential requirements for a hydrogeologist.

Rosemary Jorna

- Stated that development continues to proceed although there is not enough information available on water
- Suggested implementing the requirement for cisterns

June Klassen replied to a question from the public regarding density bonusing stating that the maximum reduction is 20% in the average parcel size not the minimum parcel size. Correction noted.

In response to an APC member, June Klassen stated that water is the first consideration for any rezoning. Another APC member noted annual rainfall, stating that the issue of water is more an issue of water management.

Arnie Campbell

- Although there is support for additional dwellings for farm family members and farm workers, there is concern regarding the dwellings should a property cease to be assessed as a farm

June Klassen noted detached accessory suites and changing a dwelling’s use as options to address such concerns.

Stephen Smith

- Questioned the legal authority of the Landscape Buffer Specifications publication

3.2 RURAL LANDS DESIGNATION

3.2.1 - Rural Lands Policies

June Klassen noted that 3.2.1 has been revised to read “The minimum average parcel size for subdivision within the Rural Lands designation is 4 ha with a 2 ha minimum.” to provide an opportunity to protect natural features.

3.2.1.2 - Private Managed Lands

An APC member noted that parcels can cease to be assessed as Private Managed Forest Land (PMFL). The APC member noted that the draft currently does not support rezoning applications on lands removed from PMFL after adoption of the plan. Should a Rural A parcel cease to be assessed as PMFL, the parcel would not be afforded the same alternative to building strata development as Rural A lands in the proposed Rural Lands designation.

In response to the APC member and comment from the public, June Klassen stated that the intent of the Rural Lands designation is to support the community's desire to project forestry and agriculture.

June Klassen responded to an APC member advising that a temporary use permit costs \$550.

3.2.1.3 - Camp Barnard

June Klassen advised that she would like Bylaw No. 2040 to identify a specific zone for Camp Barnard.

Arnie Campbell

- Advised that he has been in dialogue with Camp Barnard representatives
- Asked that "quantity" be incorporated into item 9 to address drinking water concerns in the Young Lake watershed
- Asked that buffers be considered to prohibit development up to the borders of Camp Barnard

June Klassen confirmed that Young Lake Road is a public road and that a gate may be permitted where Young Lake Road ceases and becomes private property.

An APC questioned whether the Young Lake watershed encompasses all of DeMamiel Creek.

Bob Phillips

- Noted that two dams held by two different provincial ministries are located on DeMamiel Creek above Young Lake
- Stated support acknowledging the complexities between multiple jurisdictions and the importance of fish and water flows

3.2.1.5 - Agricultural Land Reserve

Stephen Smith

- Noted that the LGA sets out the authority to establish a development permit area for the protection of farming
- The LGA does not specify the protection of ALR

3.3.1 - Marine Policies

An APC member noted that "assess" should replace "access" in item 4.

In response to comment from the public regarding development set back from the natural boundary of the sea, June Klassen advised that the CRD Climate Action Program is looking at distances and mapping with respect to sea level rise.

Heather Phillips

- Noted that the natural boundary from the sea can change and noted concern regarding tying reference to mapping

June Klassen stated that Development Permit Area No. 2: Foreshore and Marine Shoreline Areas specifies structure distance from the natural boundary from the sea.

In response to APC members, June Klassen advised that Bylaw No. 2040 addresses height construction and that use of cement blocks would require a development permit and submission of a geotechnical report.

An APC member stated no support for item 10 restricting log booms, commercial marinas and related commercial facilities.

Rosemary Jorna

- Stated support for protecting the salmon runs of Muir Creek, further stating support for retaining item 10

The meeting adjourned at 9:03 p.m.

The Chair resumed the meeting on June 6, 2012 at 7:00 p.m.

PRESENT: Sid Jorna, Chair, Sandy Sinclair, Vice Chair, Bud Gibbons, Anne Miller, Al Wickheim
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording Secretary

PUBLIC: Approximately 29

The Chair reconvened review of the draft bylaw advising that the evening's review will begin with the Protection of Farming Development Permit Area in consideration of the number of comments and submissions received and the attendees present.

The Chair advised that not all issues identified in the submissions fall under the purview of the APC. The evening's discussion will focus on the nature of the development permit area and associated buffer and its function in the OCP.

June Klassen provided background information on the development permit area advising that the Protection of Farming Development Permit Area was included in the 2007 OCP and that the concept of such a development permit area began in the 1990s with the Agricultural Land Commission and the Ministry of Agriculture. The intent of the buffer is to address compatibility between land uses otherwise known as edge planning. June Klassen referenced multiple provincial documents outlining various positions to address edge planning.

June Klassen cited the provisions of the *LGA* that allow designation of a development permit area to protect farming (919.1 (c)) and consideration for screening (920 (10)) as well as for creation of farm bylaws (917). It was noted that there are also land use issues/approvals that fall under the authority of the ALC. It was further noted that the *Land Title Act* allows for a subdivision plan to be denied if it is considered that a subdivision would unreasonably interfere with farming operations or if a subdivision would unreasonably increase access to land in the ALR (861 (1)(c)(x)(xi)). June Klassen stated that it is known that buffers influence perception and that visual barriers reduce complaints. It was further stated that there has been no Protection of Farming Development Permit Area applications to date. It was confirmed that if there is an existing structure within the 15 m buffer and no change is proposed, then a development permit is not required.

In response to a question from the public, June Klassen confirmed that the provisions of the LGA that allows for consideration of a development permit area to protect farming and consideration for screening. They are not required regulations. June Klassen spoke to other OCPs, noting that some OCPs do not include a development permit area for the protection of farming, some support the development permit area and that other jurisdictions include regulations in their zoning bylaws.

5.7 Development Permit Area No. 5 Protection of Farming

Zac Doeding

- Referenced specific properties impacted by the Protection of Farming Development Permit Area
- Noted that the LUC recently supported exemption from development the 15 m buffer on properties adjacent to an ALR inclusion application
- Noted the number of submissions not supporting the 15 m buffer
- Stated that the provision/language of the development permit area is to address the land use interface between rural and urban
- Development permit area was not intended for a rural community

June Klassen noted that other jurisdictions use zoning setbacks for the buffer and further noted that, should the community at large not wish to support the development permit area, other areas of the draft bylaw will require revision.

An APC member responded to a question from the public, stating that a submission has been received from a farm property owner also not supporting the buffer.

June Klassen stated that the buffer can mitigate conflict between land use and questioned if there should be a trigger for consideration of such a buffer.

Arnie Campbell

- Stated that there was past discussions on having the buffer be split between the farm parcel and the adjacent parcel

June Klassen stated that is in not known if such a compromise is possible due to rights outlined in the *Farm Practices Protection Act*.

John Brohman

- Otter Point is a rural community and has had no issues related to ALR/farm operations
- Noted restrictions in Sooke related to properties adjacent to ALR lands regardless of if the land is farmed
- Noted that properties adjacent to a recently excluded ALR parcel are still impacted by OCP restrictions

An APC member stated that the rural communities of the mainland and lower island did not anticipate housing development growth seen in recent years. The APC member noted that the intent of the development permit is not to restrict building but provide options to permit building. The APC member forwarded support for some element of application to advise adjacent owners of proposed works to ensure consideration of farmland protection by each party. The APC suggested use of simple vegetation strips.

Heather Phillips

- If the intent of the development permit area is to provide for a buffer, item 5 on p. 22 provides for the buffer if the word “must” is supported

- Surface water/ground water protection between any two parcels is a policy statement not restricted to item 5.7

Bob Philips

- Questioned whether a 15 m buffer could be considered when necessary

June Klassen advised the need for a development permit would be triggered when a change is proposed. If the rear and side yard setbacks were deemed the buffer, a change could be addressed through a development variance permit.

Laurei Fontaine, Otter Point

- Stated that one of the main issues is the lack of owner notification regarding implementation of the development permit area on specific parcels
- Stated support for notification by way of registered letter

June Klassen spoke to the general, legislated public consultation process.

Heather Phillips

- The development permit area was discussed as early as the 2004 OCP review and has been philosophically supported since that time
- The intent of the OCP is to reflect the broad wishes of the community

The Chair asked that comments on process/notice be limited as the APC has not been asked to review procedure. Public comments have been noted.

Zac Doeding

- Spoke to specific aerial mapping of farmland where the buffer would end up protecting nonfarm uses (vehicle storage)
- A precedence has been set by the LUC to exempt properties from the buffer

Bev Randall, Otter Point

- Disagrees with the buffer
- Vote on the issue now
- Owns property that has been impacted by the buffer

Tom Lewis, Otter Point

- Suggested having the adjacent property owner ask/apply for the buffer

Greg Whincup

- Questioned potential buffer triggers
- Questioned ability to tie the requirement for a buffer into the building permit process as a way to eliminate the cost and process associated with a development permit application

June Klassen stated that there are trigger options (adjacent lot size, overall development size, rezoning application, setbacks). June Klassen noted that if the buffer is tied to a zone setback, an amendment to Bylaw No. 2040 would be required. If development is proposed within the setback, a development variance permit would be required.

An APC member stated that the buffer should be removed now as the community has spoken and there is no support for the buffer.

Laurei Fontaine, Otter Point

- Questioned ability to rebuild if a structure within the buffer is burned down

June Klassen confirmed that if the land is within the ALR, the answer rests with the ALC. If the land is non ALR, a development permit would be required.

APC member discussion ensued regarding whether recommendations should be made on an issue by issue basis or if recommendations should be made after the first draft has been reviewed in its entirety and all public submissions on the first draft have been received.

Marika Nagasaka

- Not all members of the community are represented at this evening's meeting
- Not all members of the community feel comfortable making comment at meetings
- Further time is required to consider the comments received regarding the buffer
- Further time is required to allow for further submissions/input

The Chair supported further time to contemplate the settlement area options in addition to the buffer zone.

3.3.1 - Marine Policies

An APC member returned discussion to item 10 on p. 27 stating that the language restricting log booms, commercial marinas and related commercial facilities is strong and should be considered as part of Bylaw No. 2040. Should the item remain in the OCP, it was suggested that "not be permitted" be reconsidered.

Rosemary Jorna

- Review of the draft should take into consideration the work and community input gathered over the past 14 months through advertised public meetings and public workshops
- The draft is not to reflect just the people in the room but the broad community

John Brohman

- Supports striking item 10 on p. 27
- Muir Creek is sensitive and should be identified
- Without log booms, there has been an increase of logging trucks on Highway 14
- There are other boom areas besides Muir Creek in Otter Point

Comments were forwarded questioning whether there is concern regarding seaweed gathering and fish farms.

Greg Whincup

- Supports replacing "not be permitted" with "be discouraged"
- Supports statement not supporting fish farms

Rosemary Jorna

- Supports statement not supporting in ocean fish farms

Heather Phillips

- Stated support for retaining item 10 noting that the statement speaks to commercial endeavours and that, as John Brohman has stated, log booms fall under the jurisdiction of the Province
- Stated that waterfront property owners have concerns with visual, noise and spillage issues associated with commercial operations

June Klassen suggested tying item 10 to commercial facilities upland which would tie the marine policy to Bylaw No. 2040.

Heather Phillips

- Supports statement not supporting fish farms

Item 11 on p. 27 to include reference to the Department of Fisheries and Oceans.

3.4 – Temporary Use Permits

June Klassen spoke to Temporary Use Permit policies.

PART 4.0 DEVELOPMENT POLICIES

In response to public comments, June Klassen confirmed that development includes subdivisions and building stratas. It was further confirmed that farm has been defined.

Bob Phillips

- Supports adding protection of wells and groundwater to item 5 on p. 29

Heather Phillips

- Suggested that item 4 on p. 29 is subjective and consideration should be given to how the statement is to be interrupted

June Klassen stated that the development policies are visionary.

Zac Doeding

- Questioned the sentiment that existing residents own the water table
- Stated that all residents have the right to drill wells

June Klassen confirmed that wells can be drilled on existing lots. Subdivision triggers the requirement to prove water source and volume.

Stephen Smith

- Questioned the use of “must” in item 4 on p. 29 which limits the removal of or damage to natural native vegetation

June Klassen stated that there is broad community support for maintaining the rural character of Otter Point and vegetation supports a rural setting.

Greg Whincup

- Zoning language supports the use of “must”, OCP language supports the use of “should”
- Wishes there were ways to address depletion of water

Bob Phillips

- Spoke to provision for water protection management plans under the *Water Protection Act*

June Klassen relayed that proof of water will require a statement from a hydrologist or well log.

An APC member stated support for protection of well heads suggesting that all wells should be inspected. Another APC member noted that item 4 does not provide for a specific limit and that some vegetation removal should be promoted to reduce fire risks.

June Klassen replied to a member of the public, clarifying the difference between a road leading to a lot (MoTI) and roads on a property. Roads on a property are to follow CRD Driveway Guidelines to allow for emergency access. If a driveway cannot be accessed by an emergency vehicle, sprinkling may be required.

Zac Doeding

- Supports incorporating “encourage” into item 16 and 17 p. 30

The Chair asked that reduction of 20% (item 20) be reviewed in conjunction with the proposed Settlement Areas.

Greg Whincup

- Not in favour of reducing parcel size in exchange for amenities

In response to public comments, June Klassen clarified that provision for rezoning outlined in item 21 would not impact density as the buildings are already in existence. It was confirmed that a building strata can only be registered if the buildings are built. June Klassen further clarified that the potential provision of parkland outlined in item 21 would not necessarily be limited to cash-in-lieu.

Dave Gollmer, Otter Point

- Raised concern regarding the status of building strata roads and emergency vehicle access should a property be rezoned to permit subdivision

June Klassen stated that it is anticipated that building stratas would pursue rezoning to allow for the parcel to become a bareland strata. Bareland strata roads would remain common property but would have to meet MoTI road standards.

The Chair asked that staff ready potential wording to make recommendation on the proposed Settlement Areas and the farmland land buffer.

As review of the first draft has not been completed, June Klassen forwarded support for two more meetings for a total of three more meetings.

The meeting adjourned at 9:03 p.m.

The Chair resumed the meeting on June 13, 2012 at 7:00 p.m.

PRESENT: Sid Jorna, Chair, Sandy Sinclair, Vice Chair, Bud Gibbons, Anne Miller, Al Wickheim
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording Secretary

PUBLIC: Approximately 20

The Chair reconvened the meeting advising that two more meetings have been scheduled for Monday, June 18 and Wednesday, June 20. It is anticipated that review of the draft bylaw will be completed this evening with motions on specific issues being made on June 18 followed by review of the final draft and final recommendations for consideration by the LUC being made on June 20.

4.2 - Park and Natural Area Policies

An APC member forwarded support for revising item 6 on p. 31 to promote provision of good access.

Heather Phillips

- Suggested that item 5 on p. 31 should tie back to the general policy statement on p. 30 which permits consideration of parcel size reduction when an amenity is provided
- Does not support lot averaging without benefit to the community

An APC member noted that item g. on p. 22 addresses rezoning applications and the dedication of additional park land.

Zac Doeding

- Opposes suggestion that park land greater than 5% be provided in exchange for lot averaging

An APC member suggested tying dedication of parkland greater than 5% to lot averaging that creates greater density.

June Klassen stated that lot averaging can be considered appropriate when clustering provides protection of sensitive features.

Bob Phillips

- Suggested that item 7 on p. 31 can address the issue of accessibility

An APC member stated that park land dedication issues fall under the purview of the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission.

Mary Alice Johnson, Otter Point

- Suggested adding “community gardens” to potential park forms

An APC member stated that, although there is support community forest, land policies do not support harvesting.

In response to an APC member question regarding identifying park land as park reserve, June Klassen advised that the Juan de Fuca Electoral Area Community Parks Strategic Plan provides for such classifications as passive parks.

Rosemary Jorna

- Stated the Otter Point has 18.6 ha of community park land
- 160.8 ha would represent 5% park land for Otter Point
- East Sooke has 9.6 ha of community park land and 1743 ha of public park land
- Crown land is identified for treaty considerations, constraining public park land opportunities

June Klassen responded to an APC member confirming that public foreshore accesses fall under the authority of the Ministry of Transportation and Infrastructure. The CRD can apply for a licence of occupation to develop and manage the right of way for recreational purposes. The CRD takes full liability for the right of way once a licence has been issued.

4.4.1 - Watercourse, Wetland and Riparian Areas Policies

Stephen Smith

- Stated that section 4.4.1 is poorly worded noting that RAR only addresses fish bearing habitat
- Use of RAR must fall within the statutory regulation

June Klassen advised that the Watercourses, Wetlands and Riparian Areas development permit address both fish and non-fish ecosystems. Wording and use of RAR will be reviewed.

4.4.2 - Sensitive Ecosystems Policies

Heather Phillips

- Suggested that “sensitive ecosystems” replace references to “sensitive vegetation” in section 5.6 Development Permit Area No. 4 Sensitive Ecosystems

4.5 - Natural Hazard Areas Policies

June Klassen reported that diagrams have been requested to depict the difference between slope exceeding 30 percent and slope exceeding 20 percent.

4.7 - Private Surface Water and Groundwater Supply Policies

June Klassen spoke to the policies advising that Bylaw No. 2040 will be updated to strengthen groundwater protection policies and water servicing requirements.

An APC member questioned including item 4 and item 5 on p. 35 in the OCP noting that item 4 refers to a consideration that falls under the Province and item 5 refers to a potential amendment to Bylaw No. 2040.

Bob Phillips

- Stated that there needs to be definition consistency between the OCP and Bylaw No. 2040
- Acknowledged the OCP’s role as a guiding document but also supports the document clarifying that the Province currently does not provide protection for existing private wells

An APC member stated concern that a groundwater licensing program for water would result in water metering and a well usage charge. Another APC member questioned whether trucked water service would meet the subdivision requirement for proof of potable water. The APC member further questioned the ability of a community water service to verify water provision to a proposed subdivision.

June Klassen clarified that trucked water and cisterns do not meet the water requirements for subdivision.

4.8 - School Site Dedication and Community Centre Policies

Policy statement was expanded to include the concept of a community centre with the understanding that such a facility would require a sustainable funding source.

4.9.2 - Servicing Development Policies

June Klassen advised that the policy was revised to struck identification of which settlement areas should receive water servicing.

In response to a public comment, June Klassen clarified “lands designated as farms” on p. 36 refers to lands assessed as farm by the BC Assessment Authority.

Zac Doeding

- Supports statement that community water should be considered for lands designated as farm as a means of supporting farming

Marika Nagasaka

- Stated that there are instances of farms using more water than necessary when water use is tied to an agriculture water rate
- Forwarded support for continued water conservation measures if water service is considered

An APC member questioned water service extension and the Regional Growth Strategy (RGS). June Klassen advised that Kemp Lake Water works is bound by the RGS.

PART 5.0 DEVELOPMENT PERMIT AREAS

June Klassen responded to a question from the public advising that a covenant required a part of the building permit process can cost approximately \$500 when the document is produced by the CRD. Section 5.1 has been revised to reflect that the cost of preparing a covenant is covered by the applicant when a draft covenant has been prepared by the applicant's lawyer.

An APC member stated concern for the proposed revision to the definition of Hazardous Tree that strikes the need for a certified arborist. June Klassen advised that determination of if a tree is hazardous rests with the land owner noting that electoral areas cannot implement a tree cutting bylaw. If tree cutting is happening in a development permit area, the office is generally contacted by concerned neighbours.

Development Permit Area No. 1: Steep Slopes

Zac Doeding

- Item 9 on p. 43 that requires a landscaping security deposit is too onerous

June Klassen was receptive to revising the statement to tie landscaping requirements to the recommendations of the required geotechnical report. Revised statement to also be added to item 7 on p. 46.

June Klassen responded to an APC member advising that security deposits for landscaping/remediation vary but generally reflect 150% of all landscaping/remediation works. June Klassen responded to a question from the public stating that alternation of lands within a development permit area, including drilling and blasting, will require a development permit.

Development Permit Area No. 3: Watercourses, Wetlands and Riparian Areas

Language to be reviewed for use of "riparian".

Heather Phillips

- Report from the Ministry of Environment regarding the Kemp Lake watershed places highest sensitivity value on aquatic life
- Report from MOE does not deem protection of drinking water the highest sensitivity value
- Report did not speak to how protection will be achieved

Development Permit Area No. 4: Sensitive Ecosystems

An APC member stated support for item 18 on p. 53 which allows for consideration of parcels less than the minimum parcel size as a means of supporting protection and enhancement of an environmentally sensitive feature but stated issue with the cost of rezoning.

Another member questioned if item 19 on p. 53 can allow for natural seed remediation.

June Klassen advised that landscaping requirements are based on the recommendation of a qualified professional and that such recommendations generally support native, non-invasive landscaping measures.

Development Permit Area No. 5: Protection of Farming

June Klassen spoke to a drawing depicting the 15 m buffer and options to potentially address concerns from residents regarding the buffer while still requiring buffering/landscaping when it is considered a proposal will impact ALR. Should there be interest in maintaining the development permit area, June Klassen read aloud potential development permit exemptions. The development permit fee would be triggered if the proposal was not a recognized exemption.

Zac Doeding

- Rather than trying to compile a list of exemptions, suggested that the decision to buffer/landscape should rest with the landowner adjacent to ALR
- Decision to buffer/landscape can be made without identification of a development permit area/fee
- Alternatively, a development permit could be triggered when a substantial development adjacent to ALR is proposed

Maria Nagy, Otter Point

- Property is adjacent to ALR
- Stated concern for protecting an existing well and accessory buildings
- No interest in moving existing structures

June Klassen confirmed that residents are not being asked to move existing structures. The intent of the development permit area is to provide for compatibility between land uses adjacent to ALR. June Klassen stated that the exemptions have been proposed to allow for a development permit to be triggered if there is a substantial change in land use/density.

Bob Phillips

- Supports the exemption list as it eliminates the requirement for a development permit for minor change but requires a development permit for large development proposals

Lynne Wormald, Otter Point

- Spoke to her property and surrounding properties impacted by the development permit area
- Takes issue with the development permit being applied to her property
- Supports removal of the development permit area

June Klassen replied to a question from the public confirming that the *Farm Practices Protection Act* applies to ALR not actively farmed.

Development Permit Area No. 6: Commercial and Industrial Area

Zac Doeding

- Stated that the requirements of the development permit are too onerous

June Klassen stated that the development permit was built upon the existing building scheme for Sooke Business Park.

Bob Phillips

- Through public process, residents have strongly indicated support that development should be complementary to the rural character of the community

June Klassen responded to an APC member stating that item 9 on p. 56 addresses light pollution concerns. June Klassen confirmed that the development permit does not speak to farm greenhouses as farms are not deemed commercial or industrial.

PART 6.0 IMPLEMENTATION ACTIONS

June Klassen advised that the table reflects the recommendations compiled by the Otter Point Citizens Committee. The table also reflects how the OCP addresses each recommendation.

The Chair advised that APC recommendations will be formulated at the next meeting of the APC.

June Klassen noted the OCP drafted after the Citizens Committee process was not presented to the LUC nor was that draft issued to government agencies or First Nations for comment. It was advised that further consultation is still required and that the recommendations made by the Citizens Committee and the APC may not stand in the final draft of the OCP.

Heather Phillips

- Supported reviewing the consultation plan presented the Land Use Committee in May 2010

Zac Doeding

- Stated that the Citizens Committee based its recommendations on information collected through its public consultation process
- Stated that the APC will be basing its recommendations on information collected through its public consultation process
- Supports the APC recommendations returning to the Citizens Committee

June Klassen spoke to the development potential table and density currently proposed under Settlement Area 1 (1 parcel per 1 ha and a minimum parcel size of 0.5 ha) and Settlement Area 2 (1 parcel per 2 ha and a minimum parcel size of 1 ha). Should the same density be considered for both Settlement Area 1 and Settlement Area 2, June Klassen advised that the potential lots in Settlement Area 2 would double (from 372 to 673).

In response to a member of the public, June Klassen advised that there are 3 detached accessory suites in the Juan de Fuca Electoral Area. It was further advised that there are 25 building permits issued a year for Otter Point and that population projection indicates that 1000 more dwelling units would be needed to satisfy dwelling requirements to 2038.

June Klassen responded to an APC member advising that OCP density provisions cannot be applied to specific parcels. June Klassen responded to a member of the public advising that staff is looking at a specific zone for Camp Barnard with Scouts Canada.

An APC member stated that once a particular density is supported in an OCP there will be little support in future to decrease that density.

The meeting adjourned at 9:10 p.m.

The Chair resumed the meeting on June 18, 2012 at 7:00 p.m.

PRESENT: Sid Jorna, Chair, Sandy Sinclair, Vice Chair, Bud Gibbons, Anne Miller, Al Wickheim
Staff: June Klassen, Local Area Planning Manager, Wendy Miller, Recording Secretary
PUBLIC: Approximately 20

The Chair reconvened the meeting advising that the recommendations made by the APC will be channelled to the LUC and incorporated into a further public review process. Final recommendations and the final OCP draft will be incorporated into a report for consideration by the LUC for recommendation to the CRD Board.

June Klassen responded to Heather Phillips advising that the diagrams depicting the difference between slope exceeding 30 percent and slope exceeding 20 percent were not available for the meeting. It is anticipated that the diagrams will be available for the June 27 Citizens Committee. It was noted that the CRD Board adopted Bylaw No. 3719, "Official Community Plan for Otter Point Bylaw No. 1, 2010" on June 13 which supports the designation of 30 percent.

The Chair spoke briefly to voting procedure.

Development Permit Area No. 5: Protection of Farming

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons that the Otter Point Advisory Planning Commission recommend to the Land Use Committee that they strike the Protection of Farming Development Permit Area from the Otter Point OCP.

APC discussion points:

- Acknowledged the strong public sentiments forwarded not supporting the development permit area
- Stated support for some form of protection when a substantial development adjacent to ALR is proposed
- Noted the number of submissions/petitions received not supporting the development permit area
- Noted that the buffer was a result of a previous public process and that the community should be considering what is best for farm land, balancing the need for protection
- The community is rural and farm land is getting scarce
- Protection measures can be agreed upon between neighbours
- Central Saanich does not have a Protection of Farming Development Permit Area or buffer, tying an extra 5 m to building setbacks

The question was called and it was two in favour, Sid Jorna, Anne Miller, Al Wickheim opposed.

DEFEATED

APC member discussion ensued regarding potential wording to balance the need to protect farmland and the need to protect the adjacent property owner and existing uses/structures while addressing concerns associated with substantial development proposals.

June Klassen advised that under the *Farm Practices Protection Act*, farm activities cannot be limited. June Klassen further advised that the intent of the development permit area is to provide for compatibility between land uses adjacent to ALR. The development permit area does not stop development but provides guidelines to allow for development. To date, there have been no Protection of Farming Development Permit Area applications. Should a development permit area not be supported, June Klassen drew attention to item 5 on p. 22 which speaks to the requirement to adhere to the Landscape Buffer Specifications publication produced by the ALC.

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons that the Otter Point Advisory Planning Commission recommend to the Land Use Committee that they strike the Protection of Farming Development Permit Area from the Otter Point OCP and amend 3.1.1, item 5 to replace “must” with “should”.

APC discussion points:

- Stated concern with revising item 5 to reflect “should”
- Stated no support for any measure that would negatively impact property value
- There are no current farming activities in Otter Point that would negatively impact an adjacent property
- Concern regarding impact of a large/commercial development adjacent to ALR
- Public input indicates no support for the development permit area/buffer
- Stated support for revising “should” to “shall”

In response to an APC member, June Klassen spoke to the different buffers/screening outlined in the Landscape Buffer Specifications. The report to the LUC to consider an application to rezone would confirm if the development proposal adhered to OCP and the requirements outlined in the Landscape Buffer Specifications.

The question was called and it was four in favour, Sid Jorna opposed.

CARRIED

PART 3.0 LAND USE DESIGNATIONS

MOVED by Bud Gibbons, **SECONDED** by Sandy Sinclair that the Otter Point Advisory Planning Commission recommend to the Land Use Committee that they support the two settlement areas concept with the following densities and parcel sizes in the Otter Point OCP

Settlement Area 1:

1 hectare density with a .5 hectare minimum parcel size

Settlement Area 2:

For parcels under 25 hectares:

1 hectare density with a .8 hectare minimum parcel size

For parcels over 25 hectares:

2 hectare density with a 1 hectare minimum parcel size

The Chair noted that if the proposed density is not supported by the property’s zone, rezoning would be required to meet the density potential.

In regards to the proposed density provisions, June Klassen responded to an APC member advising that consistency with the RGS will still need to be determined.

APC discussion points:

- Stated that the density and parcel sizes proposed do not stray far from what was initially proposed in the draft OCP
- Stated that the proposed density/parcel size for parcels over 25 hectares takes away potential to acquire green space
- Stated that the proposed density/parcel size for parcels over 25 hectares takes away alternative to building strata (4 on 10)

- 1 hectare parcels maintain rural character
- Stated that the proposed density/parcel size for parcels over 25 hectares does not permit the flexibility needed to allow for provision of community amenities/creative developments

June Klassen stated that, although development demand in Otter Point is not large, the proposed density/parcel size may allow the potential for infrastructure servicing.

The question was called and it was two in favour, Sid Jorna, Anne Miller, Al Wickheim opposed.

DEFEATED

MOVED by Bud Gibbons, **SECONDED** by Sandy Sinclair that the Otter Point Advisory Planning Commission recommend to the Land Use Committee that they support the two settlement areas concept with the following densities and parcel sizes in the Otter Point OCP:

Settlement Area 1:

1 hectare density with a .5 hectare minimum parcel size

Settlement Area 2:

1 hectare density with a .8 hectare minimum parcel size

APC discussion points:

- Stated that the proposed density/parcel size will allow large developments to be more creative
- Stated that the proposed density/parcel size will create a viable alternative to building strata (4 on 10)
- There will be further discussion at the Citizens Committee meeting

CARRIED

4.1 General Development Policies – Application to all Land Use Designations

In consideration of the density proposed for Settlement Area 2, an APC member stated support for relooking at item 20 on p. 30 that allows for consideration of a reduction of 20% in the average minimum parcel size.

June Klassen responded to a question from the public and the APC member advising that item 3 on p. 22 outlines the considerations for rezoning applications including the consideration of density bonusing. June Klassen stated that rezoning applications are channeled through a public process.

4.9.2 Servicing Development Policies

APC member discussion ensued regarding the provision of public water.

APC discussion points:

- Acknowledged community concern that water will result in greater development/density
- Stated that water should not be used to limit development
- Stated that development should be guided by the OCP and zoning
- Stated that all residents have a right to water

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons that the Otter Point Advisory Planning Commission recommend to the Land Use Committee that they support the below servicing development policy in the Otter Point OCP:

It is the intent of this Plan that, if not already serviced by a public water system, Settlement Areas 1 and 2 as designated on Map 3 of this bylaw will be serviced by a public water system in the future. Consideration should be given to providing access to community water to lands designated as farms to support local food production.

An APC member noted that provision of public water will come at a cost and, although the OCP may support provision of water, provision of water is not guaranteed. APC member discussion ensued regarding use of "will be serviced".

MOVED by Al Wickheim, **SECONDED** by Anne Miller that the preceding main motion be amended to strike "will be" with "may be".

The question was called on the subsidiary motion and it was three in favour, Bud Gibbons, Sandy Sinclair opposed. **CARRIED**

The question was called on the main motion. **CARRIED**

Lot Averaging

An APC member acknowledged concern regarding lot averaging and the potential for greater density if a remainder lot is subdivided.

June Klassen stated that a covenant on the remainder parcel can stipulate that the parcel cannot be subdivided.

An APC member stated that covenants can be discharged if the covenant holders agree to the discharge. June Klassen stated that all covenant holders have to agree to the discharge and that the local government will want the support of the community to consider discharge.

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the Otter Point Advisory Planning Commission recommend to the Land Use Committee that they support the below statement in the Otter Point OCP:

In cases where lot averaging has been applied to a property, further subdivision will not be supported.

The question was called it was three in favour, Bud Gibbons, Sandy Sinclair opposed. **CARRIED**

Greenhouse Gas

An APC member stated support for deleting reference to greenhouse gas as the science is not understood and is being debated.

In response to the APC member, June Klassen spoke to Bill 27 and the requirement to provide a target reduction rate.

An APC member spoke to the Guiding Principles on p. 6 (moved to p. 22) and property owner rights.

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons that the Otter Point Advisory Planning Commission recommend to the Land Use Committee that they support amending, "Balance the protection of individual land rights and community needs;" to two statements reading "Protect individual land rights;" and "Consider community needs;". **CARRIED**

Lynne Wormald

- Thanked the APC for its recommendation regarding the Protection of Farming Development Permit Area

Lorna Long, Otter Point

- Questioned how land owners were notified regarding implementation of the development permit area
- Stated support for improved public notice

June Klassen stated that the Protection of Farming Development Permit Area was considered as part of the OCP amendment made in 2007. Notice of meetings addressing the OCP amendment would have been advertised in the local paper.

Zac Doeding

- Supported notice by way of a registered letter if a development permit area is being considered on specific parcels

An APC member stated support for issuing letters when any down zoning/devaluing is being considered on specific parcels.

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the meeting adjourn. **CARRIED**

The meeting adjourned at 9:10 p.m.

Chair