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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held March 11, 2013 at Otter Point Fire Hall, 3727 Otter Point Road, Otter Point, BC**

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

PUBLIC: Approximatley 15

The meeting was called to order at 7:00 p.m.

1. Approval of the Agenda

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

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

CARRIED

3. Adoption of the Minutes of June 20, 2012

MOVED by Anne Miller, **SECONDED** by Bud Gibbons that the minutes of the meeting of June 20, 2012 be adopted.

CARRIED

4. Adoption of the Minutes of January 7, 2013

MOVED by Sandy Sinclair, **SECONDED** by Al Wickheim that the minutes of the meeting of January 7, 2013 be adopted.

CARRIED

5. Planner's Report

June Klassen advised that a report regarding policy changes related to the Otter Point Official Community Plan (OCP) update (Settlement Area change/provision of water) and a report outlining a dispute resolution process to address Regional Growth Strategy (RGS) consistency disputes were considered and supported by the Planning, Transportation & Protective Services Committee on February 27. The reports will be considered by the CRD Board on March 13.

It was advised that the Otter Point Citizens' Committee will be meeting on March 18 (to be continued on March 25 and April 2 if required) at the Otter Point fire hall at 7:00 p.m. to review the second draft of the Otter Point OCP. The draft and an addendum related to Section 1.8 and the recent provincial agreement to transfer lands to the T'Sou-ke First Nation are available from the CRD website and in hardcopy.

June Klassen responded to a question directed through the Chair confirming that Settlement Area Policies will be updated to reflect that the alternative to building strata development on Rural A zoned parcels (rezoning to subdivide – 1 parcel per ha up to 4 ha and 1 parcel per 2 ha for each additional 2 ha) will now only apply to the Rural Lands designation.

6. Rezoning Application

a) Z-04-12 - Lot 1, Section 31, Otter District, Plan 25582 Except Part in Plan VIP63956 (Young - 2276 Kemp Lake Road)

June Klassen spoke to the staff report advising that the applicants are proposing to rezone the 4.66 ha property from RR-3 to a new Rural Residential 3 Kennel (RR-3K) zone to legalize an existing dog breeding kennel. It was advised that the bylaw enforcement complaint which prompted the rezoning application was made by a resident from outside the Juan de Fuca Electoral Area. June Klassen directed attention to the supplementary submission from Shirley and Ron O'Brien, Otter Point, stating no support for the application. It was confirmed that the O'Brien property is approximately 850 m away from the subject property.

The Chair confirmed that the applicant, Gary Young, was present.

June Klassen responded to questions advising that the CRD reviews kennel operations every two years. The CRD responds to dog complaints immediately.

John Brohman, Otter Point, stated:

- the property operates as breeding kennel, providing a different service than a boarding kennel
- many dog owners end up caring for large litters
- there have been no noise complaints
- full support for the proposal
- support for bylaws having more flexibility
- support for regular review of older bylaws

Heather Phillips, Otter Point, stated:

- Bylaw No. 1465 defines breeding kennel and boarding kennel
- it is understood that a property cannot operate as a breeding kennel and a boarding kennel
- property owners are not permitted more than four dogs over a certain age (four months) without holding a valid kennel licence
- subject property is similar in size to larger properties allowed to support intensive agriculture uses (kennel)

June Klassen responded to a question directed through the Chair advising that minimum parcel size for subdivision is 2 ha. Proposed new zone permits kennel use on parcels 4 ha or larger.

Trevor Welsh, Otter Point, stated:

- that he has general dog security, operation scale and noise concerns
- he has had no issue to date with the operation

APC member comments included:

- animal regulations are in place to monitor kennel operations
- operation is a local business fixture with no complaints
- no objection to the proposal but noted that rezoning is being pursued after the establishment of a use not permitted by the original zone

Dave Gollmer, Otter Point, stated:

- that the property owners' interest evolved into a passion that evolved into a business
- no objection to the proposal

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons that the APC support the rezoning of Lot 1, Section 31, Otter District, Plan 25582 except part in Plan VIP63956 from Rural Residential 3 (RR-3) to a new Rural Residential 3 Kennel (RR-3K) zone. **CARRIED**

b) Z-06-12 - Lot 28, Section 15, Otter District, Plan VIP87643 (Orza/Read - 3312 Otter Point Road)

June Klassen spoke to the staff report advising that the applicants are proposing to rezone the 1.01 ha property from RR-A to a new Rural Residential A Kennel (RR-AK) zone to legalize an existing kennel use. It was confirmed that the parcel is subject to a building scheme that prohibits dog kennels but the developer who has the authority to waive the disclosure statement and building scheme has provided written confirmation to waive this provision. It is understood the bylaw enforcement complaint which prompted the rezoning application was made by a resident from outside the Juan de Fuca Electoral Area.

The Chair confirmed that the applicant, Richard Read, was present. Richard Read confirmed that size of the operation is limited by the size of the property.

John Brohman stated:

- support for the proposal noting that the property owners are long time residents of the Sooke area that have committed funds to the operation, house and land
- subject property is adjacent to industrial zoned properties
- supports regular review of older bylaws to potentially eliminate time and process related to rezoning

Heather Phillips stated:

- operation is on a smaller lot
- proposal is more similar to a home based business
- road allowance at the rear of the property provides a buffer
- no complaints received from neighbours

APC member comments included:

- complaint prompting rezoning was from a resident outside of the Electoral Area
- operation provides training and daycare with limited bordering

Richard Read responded to a question advising that on site digesters are used for dog waste.

Dane Bugoy, Otter Point, stated:

- the development has been tastefully done
- operation is an asset to the neighbourhood

Heather Phillips stated:

- regulations are in place for noise, breeding, animal keeping, etc.
- such regulations are needed
- any regulation related to a proposal needs to be reviewed
- the APCs and the Land Use Committee are in place to review such proposals

John Brohman stated:

- that the Chair did not formally correct an attendee when the attendee stated disagreement with a specific APC member
- a formal complaint will be forwarded regarding the Chair's conduct
- a request that the minute record reflect his comments

June Klassen advised that Planning staff do not seek out bylaw/regulation violations. Staff are charged with responding to bylaw/regulation complaints. Staff then assist property owners by providing processes to remedy the violation.

Jacklyn Orza, applicant, advised that she has pursued rezoning to adhere to the zoning bylaw and not as a result of a bylaw enforcement complaint.

MOVED by Bud Gibbons, **SECONDED** by Sandy Sinclair that the APC support the rezoning of Lot 28, Section 15, Otter District, Plan VIP87643 from Rural Residential A (RR-A) to a new Rural Residential A Kennel (RR-AK) zone. **CARRIED**

7. Proposed Bylaw

a) Proposed Bylaw No. 3857, Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 113, 2013

To zone:

- Lot A, Block 70, District Lot 39, Malahat District, Plan 23590 (Anderson Road) from Bylaw No. 189 to Bylaw No. 2040, Forestry (AF) zone
- Parcel A, Blocks 69 & 70, Malahat District (Crown Parcel, Clark Road) from Bylaw No. 189 to Bylaw No. 2040 Forestry (AF) zone
- Section 12, Otter District except Plans 5502 and 29472; Lot 1, Section 12 Otter District, Plan 5502, except Plan 23399; and Section 53, Otter District (Camp Barnard) from Bylaw No. 2040 Community Facility (P-2) zone and Rural A zone to new Community Facility Camp Barnard (P2-CB) zone

June Klassen spoke to the staff report outlining proposed revisions to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to zone two properties in Otter Point that are subject to Bylaw No. 189 and to rezone Camp Barnard. It was advised that proposed Bylaw No. 3857 addresses a total of five properties. June Klassen provided background on the three properties in Otter Point. It was advised that Camp Barnard consists of four parcels. The proposed Community Facility Camp Barnard (P-2CB) zone encompasses three parcels. The fourth parcel will remain Agricultural (AG). June Klassen directed attention to the supplementary submission from Greg and Sheila Whincup supporting the new zone for Camp Barnard.

The Chair recognized Richard Druce, representative for Camp Barnard. Richard Druce stated that he has been working directly with June Klassen for over a year and that Scouts Canada is happy with the proposed bylaw. Although the zoning may

potentially reduce sales value, it was advised that there is no interest in selling the land or any portion of the land in the foreseeable future.

Arnie Campbell, Otter Point, spoke on behalf of the directors for the Otter Point and Shirley Residents and Ratepayers Association stating:

- that rezoning of the camp has been supported for over five years
- the new zone is in line with the OCP and its long term purpose for the lands
- that the camp generates significant economic activity throughout the year, bringing monies into the community with little environmental impact
- the camp sees approximately 10,000 – 12,000 campers a year with 2000 campers anticipated to attend the Pacific Jamboree (July 2015)

June Klasen responded to questions confirming the number of dwelling units and total floor area for all buildings and structures (3,715 m²).

Zac Doeding, East Sooke:

- questioned the number of dwelling units and total floor area as the current zone allows the potential of over 600 parcels

Dane Bugoy stated:

- no support for the rezoning proposal
- that the land owner is giving up rights
- support for the camp receiving compensation or benefit of some kind

The Chair noted that compensation/benefit falls outside of the purview of the APC.

Richard Druce responded to questions from the APC advising that:

- the initial parcel and house was bequeathed to Scouts Canada by Senator Barnard
- the original house has been expanded and additional land acquired
- no compensation is being sought by Scouts Canada
- zoning was pursued to reflect Scout camp uses
- the adventure program in Victoria supports fire/police training
- as a non-profit society, the camp is exempt from income tax and property tax

APC member comments included:

- camp is a designated reception area in the event of a significant disaster
- camp has resources to assist in a disaster (kitchen/lodging)
- rezoning strengthens camp's position in the community

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the APC support the zoning of Lot A, Block 70, District Lot 39, Malahat District, Plan 23590 which is partially zoned Forestry (AF) and partially subject to Bylaw No. 189 to Forestry (AF).

CARRIED

MOVED by Bud Gibbons, **SECONDED** by Al Wickheim that the APC support the zoning of Parcel A, Block 69 & 70, Malahat District, which is only subject to Bylaw No. 189 to Forestry (AF).

CARRIED

MOVED by Sandy Sinclair, **SECONDED** by Anne Miller that the APC support the rezoning of Camp Barnard (Section 12, Otter District except Plans 5502 and 29472; and Lot 1, Section 12, Otter District, Plan 5502, except Plan 23399) from Community Facility (P-2); and (Section 53) from Rural A, to a new zone Community Facility Camp Barnard (P-2CB). **CARRIED**

8. Adjournment

MOVED by Bud Gibbons, **SECONDED** by Sandy Sinclair that the meeting adjourn.

CARRIED

The meeting adjourned at 8:05 p.m.

Chair