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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held April 7, 2014 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Sid Jorna (Chair), Bud Gibbons, Anne Miller, Sandy Sinclair, Al Wickheim
Staff: June Klassen, Local Area Planning Manager; Emma Taylor, Planner
(Recorder)
PUBLIC: 3

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

1. Approval of the Agenda

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

CARRIED

2. Approval of the Supplementary Agenda

No supplementary agenda.

3. Adoption of the Minutes of March 12, 2014

MOVED by Sandy Sinclair, **SECONDED** by Anne Miller that the minutes of the meeting of March 12, 2014 be adopted.

CARRIED

4. Planner's Report

June Klassen updated the Commission on the Otter Point Official Community Plan (OCP) and explained that it was currently being referred to the CRD Board.

5. Proposed Bylaw

a) Bylaw No. 3849, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 112, 2014"

Emma Taylor outlined the proposed bylaw amendments related to definitions, general regulations, Forestry (AF) and Agricultural (AG) zones

Commission questions and comments on the general regulations section included:

- People may be able to dig a basement to achieve an additional storey.
- Construction of underground floors could be extensive provided it meets the total floor area requirements.
- Steep roof pitches minimize floor space and there may be a tendency to build flat roofs to maximize floor area to accommodate a second storey.
- Is there a projection that there will be more secondary suites?
- Is there any indication that they are making housing more affordable?
- Is there a general indication of how many illegal suites there are?

June Klassen confirmed that nine building permits for detached accessory suites have been completed in East Sooke, Otter Point and Shirley/Jordan River. Approximately two variances have been considered for increasing the height.

Zac Doeding, East Sooke, supports the proposed amendment to permit two-storey accessory buildings. Metchosin's regulations do not restrict number of storeys for accessory buildings and allow higher structures.

Commission questions and comments on the proposed amendments to remove the 300 m buffer from the Forestry (AF) zone included:

- what is motivating removal of the buffer?
- Buffers are important to the community.
- If the buffer is too narrow the trees fall down.
- This issue has not been widely discussed in the community and this proposal is more than a minor administrative amendment.
- Silviculture includes the growing of seedlings in greenhouses.
- Leaving too narrow of a buffer results in blow down and erosion.
- Removing the 300 m buffer would result in the cutting of trees along the road on the AF parcels at Muir Creek.
- 40 m doesn't sound like an adequate buffer in light of global trend towards greater winds and storm events. However, 300 m buffer could be significant impact on those wanting to harvest timber on their property.
- History of forestry activities in the area. It is a changing landscape.
- Beyond the scope of this discussion to determine an adequate buffer width.
- Buffer should be considered on a parcel by parcel basis.
- Issue of buffers should be properly investigated.
- Can covenants be registered on properties where there should be a buffer?
- Hydro outages result from blow down along highways.
- People can clear trees for residential purposes and circumvent the bylaw.
- People want to clear trees to obtain views.
- In some cases, forestry companies had clear-cut to the road and replanted trees with the intention of harvesting them in the future.
- Would selective harvesting of trees be permitted within the buffer?

Staff clarified that local government bylaws do not apply where land is managed as Private Managed Forest Land (PMFL) or as a Tree Farm License (TFL). The definition of silviculture includes the growing and harvesting of trees, so the language needs to clarify that the buffer should refer to harvesting of trees. Shirley/Jordan River Advisory Planning Commission suggested a 40 m buffer would be consistent with forestry practices. Further research on local government authority to establish buffers can be done in order to revise the wording to be enforceable.

Rosemary Jorna, Otter Point, asked how many AF parcels are there.

June Klassen stated that there are 46 in Otter Point, 18 of which are PMFL or Crown. Development Permit Areas may also apply to some of these parcels. Forest Stewardship Plans also include protection of view-scapes for TLF parcels.

Heather Phillips, Otter Point, stated that the AF zoned parcels along Anderson Road would be affected by the proposed amendment, as well as the AF parcel on Otter Point Road at Kemp Lake. Some AF parcels are 300 m deep and therefore the buffer would affect the entire parcel. In Shirley, some parcels are not adjacent to highway but are close enough to the highway that the 300 m buffer may still be applicable.

Zac Doeding, East Sooke, asked if Shirley/Jordan River APC has considered the issue and indicated support for the issue being revisited as part of the major zoning bylaw update. Mr. Doeding indicated that attention should be given to situations where the buffer impacts the entire parcel and indicated that selective harvesting should be permitted within the buffer area.

Staff clarified that Shirley/Jordan River APC recommended changing the buffer to 40 m and recommended that the issue should be revisited as part of the major update of the zoning bylaw. Further research into local government authority to implement buffers can be done.

Heather Phillips, Otter Point, suggested that smaller parcels zoned AF may be more appropriate in a Rural Residential zone and that this should be considered as part of major zoning bylaw update. Ms. Phillips highlighted the fact that the highway is not necessarily gazetted everywhere. In response to a comment made about forestry practices, Ms. Phillips stated that Bylaw No. 2040 applies only up to Wildwood Terrace area in Jordan River and that lands west are within Bylaw No. 3602. She also indicated that local government bylaws do apply when land is removed from PMFL, TFL or during the Interim Land Agreement with First Nations.

Rosemary Jorna, Otter Point, requested clarification that the buffer is measured from the road right of way.

Commission questions and comments on the proposed amendments to permit suites in the Forestry (AF) and Agricultural (AG) zones included:

- Community plan supports residential units for farm helpers.
- Permitting suites on AF parcels would encourage residential uses rather than forestry uses.
- Rental income would offset need to log property.
- Farmers need to supplement income. Rental units would be beneficial.
- Concern with increase of density in bylaws.
- Bylaws should not be short-sighted and include specific regulations for AG land if removed from Agricultural Land Reserve (ALR) in future.
- Suites may not be used for on-farm help or for family members.
- Need to consider the maximum housing footprint.
- Need to consider possible abuses to the regulations.
- Density is a complex issue that affects the neighbourhood character.
- Does the bylaw also permit recreational vehicle hookup?
- Shouldn't rely on Agricultural Land Commission (ALC) to set the rules. Community should adopt bylaws that work here.

June Klassen clarified that there are 36 AF parcels in Otter Point large enough to have a suite and that 50 parcels zoned AG and 44 greater than 0.4 ha that would accommodate suite. Staff confirmed that the *ALC Act* permits additional dwelling units for family members or for farm workers and that the *ALC Act* would permit one single family dwelling, one secondary suite and on manufactured home.

Zac Doeding, East Sooke, indicated support for the amendment to permit suites in the AG zone to be consistent with *ALC Act* and to aid farmers to provide housing for workers. Mr. Doeding also indicated support for the amendment to permit suites in the AF zone as rental income is important for both forestry and farming practices.

Heather Phillips, Otter Point, questioned whether adding suites would encourage more residential uses of agricultural land, but does respect the Agricultural Advisory Planning Commission's recommendation to support suites in AG zone. Ms. Phillips referenced the Otter Point OCP which encourages forestry on AF zones and stated that increasing residential density on AF parcels does not support forestry uses. She stated that if owners of an AF parcel want to become residential, they should rezone. Ms. Phillips pointed out that there is only one property in Otter Point zoned AG not within the ALR, plus many of our farms are not within the ALR or AG zone. She suggested that, as boarders and lodgers are already permitted in the AG zone, that there are options for extra farm employees to live on-site.

Rosemary Jorna, Otter Point, stated that larger farm operations may have difficulty operating if there is no on-site accommodation for staff.

MOVED by Sandy Sinclair, **SECONDED** by Bud Gibbons, that the Otter Point Advisory Planning Commission supports the proposed amendments to Part 1, Section 2.0 Definitions. **CARRIED**

MOVED by Sandy Sinclair, **SECONDED** by Anne Miller, that the Otter Point Advisory Planning Commission supports the proposed amendments to Part 1, Section 4.0 General Regulations. **CARRIED**

MOVED by Anne Miller, **SECONDED** by Sandy Sinclair, that the Otter Point Advisory Planning Commission supports proposed amendments (b), (c) and (c) to Part 2, Section 3.0 Forestry Zone. **CARRIED**

MOVED by Anne Miller, **SECONDED** by Bud Gibbons, that the Otter Point Advisory Planning Commission recommends that, with respect to proposed amendment (a) to Part 2, Section 3.0 Forestry Zone, more study is needed to develop an effective regulation for buffers as part of the major review of Bylaw No. 2040. **CARRIED**

MOVED by Sandy Sinclair, **SECONDED** by Al Wickheim, that the Otter Point Advisory Planning Commission recommends that, with respect to proposed amendments (a), (b) and (c) to Part 2, Section 4.0 Agricultural Zone, the wording be amended to permit options for a maximum of two dwelling units as presented in the example from Metchosin. **CARRIED**

6. Adjournment

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

The meeting adjourned at 8:42 p.m.

Chair