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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held May 6, 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; Wendy Miller, Recorder
PUBLIC: 10

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

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the supplementary agenda be approved.

CARRIED

3. Adoption of the Minutes of April 7, 2014

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the minutes of the meeting of April 7, 2014 be adopted.

CARRIED

4. Planner's Report

No report.

5. Proposed Bylaw

a) Bylaw No. 3819, "Otter Point Official Community Plan Bylaw No. 1, 2014"

June Klassen reported that Bylaw No. 3819 has been considered by the Otter Point Citizens' Committee and by the Juan de Fuca Land Use Committee (LUC) since the last time the Otter Point Advisory Planning Commission (APC) considered the bylaw. At its November meeting the LUC recommended that the bylaw be referred to appropriate CRD departments and agencies for comment. The CRD Board supported the recommendation that the bylaw be referred at its December meeting.

In accordance with the Juan de Fuca Development Procedures Bylaw No. 3110, the proposed bylaw was considered by the Planning and Protective Services Committee for referral to the full CRD Board for determination of consistency with the Regional Growth Strategy (RGS). At its meeting in April the CRD Board deemed proposed Bylaw No. 3819 consistent with the RGS. It was reported that Bylaw No. 3819 was considered and supported by Juan de Fuca Electoral Area Parks and Recreation Advisory Commission at its April meeting. The Agricultural Advisory Planning Commission considered the bylaw on May 5.

June Klassen highlighted the three changes made between the OCP presented to the LUC in November and to the CRD Board in December (Section 1.6, 4.1.1 and 4.2.1). June Klassen listed the agency comments received, noting that agency comments will be included in the next report to the LUC.

June Klassen advised that comment was received from the Ministry of Agriculture suggesting that some definitions are too narrow. June Klassen advised that definitions related to agriculture and farming will be considered as part of the larger discussion to amend Bylaw No. 2040, Juan de Fuca Land Use Bylaw. June Klassen further advised that follow up is required with the Ministry of Forests, Lands and Natural Resource Operations regarding their request that Crown lands be reflected on OCP mapping. June Klassen stated support for striking, "Separate the provision of community piped water from Land Use Designations. Make careful land use choices to maintain rural character, but make community water supply choices a separate discussion" (3.2.4) as consideration is being given to separating the provision of water from the development limitations in the RGS. It was advised that community background information (Part 1.0) will be updated to reflect 2011 Census Canada data.

Section 4.2.1.5 Agricultural Land Reserve – Buffer

The Chair directed attention to the supplementary submission received from Heather Phillips recommending a change in wording to Section 4.2.1.5 to state that a buffer between a proposed land use and agricultural parcels may be required.

June Klassen relayed comment from AAPC members reporting that a buffer must be maintained between farm activities and contamination sources for a farm to be certified organic. It was reported that the AAPC supports revising Section 4.2.1.5 2 b) to read, "a buffer between the proposed land use and the agricultural parcels of land may be considered; however, if there is potential contamination to adjacent farm activities, a buffer may be required".

Zac Doeding, East Sooke

- supports the unrevised statement
- spoke to submissions received not supporting the buffer associated with the Protection of Farming Development Permit Area (DPA)
- wording of the revised statement is vague, leaving consideration of a buffer to the discretion of Planning
- farmers wishing to be certified organic have opportunity to maintain a 15 m buffer on the farm property

The Chair noted that the wording being considered this evening is not related to the DPA buffer zone. The Protection of Farming DPA has been struck from the proposed OCP bylaw.

Heather Phillips, Otter Point

- read aloud Section 86 1) c) x) from the *Land Title Act* that states that the Provincial Approving Officer for the Ministry of Transportation and Infrastructure (MOTI) can refuse a subdivision plan if, "the anticipated development of the subdivision would unreasonably interfere with farming operations on adjoining or reasonably adjacent properties, due to inadequate buffering or separation of the development from the farm"
- revised statement captures good neighbour policy and MOTI consideration of development of land adjacent to farming activities

Bev Randall, Otter Point

- supports unrevised statement
- statement has been discussed at length and voted upon by the APC

June Klassen clarified that:

- OCP consultation requires referral to multiple agencies
- referral agency comments will be considered by staff for recommendation to the LUC
- proposed bylaw will proceed from the LUC to the CRD Board and onto public hearing
- AAPC member input and input from the public can be received by the LUC, the CRD Board and at the public hearing

Arnie Campbell, Otter Point

- responded to an APC member advising he and one more member of the public participated at the May 5 meeting attended by three members of the AAPC
- AAPC considers the revised wording to reflect a compromise, reflecting concerns of farmers
- the May 5 meeting was the first time comments related to organic certification requirements were received – adding new information to the public consultation process

John Brohman, Otter Point

- District of Sooke proposed similar buffer and was not supported by residents
- District of Sooke decided not to support a 15 m buffer

Dane Bugoy, Otter Point

- questioned if ditches and berms are considered buffers
- ditches and berms collect water, impacting groundwater supply
- groundwater and wells are susceptible to contamination from septic fields, potentially impacting farming activities

Zac Doeding

- revised statement does not outline when or what kind of a buffer will be required

June Klassen stated that:

- unrevised statement allows for dialogue to request consideration of a buffer
- a buffer can be required through dialogue with the community when a rezoning application is received
- MOTI can request a buffer when considering a subdivision application

APC member comments included:

- farmers can purchase land from adjacent owners to meet the 15 m buffer requirement (lot line adjustment/subdivision)
- in the United States it is incumbent upon the farmer to maintain the buffer between non-genetically modified crops and genetically modified crops
- agricultural lands in California are being left fallow due to lack of water which will impact dependence on local food production
- a buffer does not have to be limited to a distance – buffers can include berms, swales and fences
- type of buffer can be determined on a property by property basis
- statement can proceed unrevised as buffer can be considered as part of a rezoning or subdivision process
- revised statement appears to encumber property adjacent to farming activities

- revised statement accommodates input received through the APC consultation process and the AAPC consultation process

Two APC members stated support for voting on the unrevised statement. The Chair stated support for considering a statement to reflect that a buffer may be required as part of the public rezoning process.

MOVED by Sid Jorna, **SECONDED** by Anne Miller that the AAPC support revising Section 4.2.1.5 2 b) to read, "a buffer between the proposed land use and the agricultural parcels of land may be considered; however, if there is a rezoning application adjacent to farm activities, a buffer may be required".

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

Staff spoke to the APC's establishment bylaw (Bylaw No. 2945) and meeting procedures (Bylaw No. 3828) confirming that the Chair of the APC is a voting member, permitted to make motions.

Part 1.0 Community Background Information

June Klassen responded to Arnie Campbell, highlighting sections that will be updated to reflect 2011 Census Canada data.

1.5 Development Potential

Arnie Campbell relayed that he has received comment questioning how the development figure of 2,000 was determined.

As the community supported maintaining development potential below the 2007 OCP level, June Klassen advised that:

- the figure of 2,000 was calculated by dividing parcels in each land use designation by the desired parcel size for each designation (Settlement Area = 2 ha/Settlement Containment Area – 1 ha)
- the Agricultural zone minimum parcel size was used for ALR lands as the ALR designation did not have a desired parcel
- the figure of 2,000 is high and assumes that each parcel is flat
- the figure does not consider development permit areas or site specific characteristics
- the figure does not reflect number of potential dwellings
- number of permitted dwellings in based on a property's zone

Map 2 – Significant Figures

Arnie Campbell stated that the bylaw states that three sand or gravel pits are identified in the OCP area. Map 2 appears to identify five.

June Klassen reported that staff will confirm.

4.2.1.5 Agricultural Land Reserve – Additional Dwellings

An APC member forwarded comment endorsing AAPC support for additional, permanent dwellings to support farm cooperatives.

June Klassen confirmed that there is interest in the community to allow rezoning to support farm cooperatives. Considerations for rezoning would include a covenant that would address the additional dwellings and the zone in the event that the cooperative dissolved.

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the APC state support for revising Section 4.2.1.5 to expand item 9 or create a new item 10 to allow for consideration of rezoning to support farm cooperatives. **CARRIED**

5.8.1 Road Development Policies

Gordon Stewart, Otter Point, stated that Otter Point Road is dangerous and questioned how road safety will be improved.

Heather Phillips stated that it is important for residents to write to MOTI to advise of ongoing road concerns.

Arnie Campbell spoke to recent road improvements completed by MOTI in response to comments from residents.

June Klassen noted MOTI's budget restraints but stated that Planning staff is in regular dialogue with MOTI and will request that Planning be advised of any road expansion and/or improvement plans.

6. Adjournment

MOVED by Sandy Sinclair, **SECONDED** by Anne Miller that the meeting adjourn.

CARRIED

The meeting adjourned at 8:42 p.m.

Chair