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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held October 20, 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: 5

The meeting was called to order at 7:01 p.m.

The Chair welcomed everyone to the meeting and provided a brief overview of the role of the Commission noting that the Commission is an advisory body to the Juan de Fuca Land Use Committee. The Juan de Fuca Land Use Committee makes recommendations to the CRD Board.

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 submissions.

3. Adoption of the Minutes of May 6, 2014

MOVED by Anne Miller, **SECONDED** by Bud Gibbons that the minutes of the meeting of May 6, 2014 be adopted.

CARRIED

4. Planner's Report

June Klassen advised of the below:

Public Hearings

To consider adoption of two bylaw amendments to Bylaw No. 3602

Bylaw No. 3926 (Medical Marijuana) and Bylaw No. 3958 (Outdoor Recreation)

Monday, October 27, 2014 at 7pm

#3 – 7450 Butler Road, Otter Point, BC

June Klassen reported that the CRD Board adopted Bylaw No. 3819, "Otter Point Official Community Plan Bylaw No. 1, 2014" at its October 8, 2014 meeting.

5. Rezoning Application

a) Z-02-14 - Lot A, Section 51, Otter District, Plan VIP89485 (4039 Otter Point Road – Ireland)

June Klassen spoke to the staff report and application to rezone the subject property to permit a two lot subdivision. It was clarified that the application initially included an amendment to the Otter Point Official Community Plan (OCP), Bylaw No. 3719, to re-designate the property as Settlement Containment Area which has a desired parcel size in the 1 ha (2.5 acres) range. However, as Bylaw No. 3918 has been adopted and designates the subject parcel as Settlement Area 2 which permits an average parcel

size of 1 ha and a minimum parcel size of 0.8 ha, the OCP amendment has been withdrawn.

The Chair confirmed that the application agent, Randy Clarkston, and the property owner, Dennis Ireland, were present.

Randy Clarkston stated that, to prepare for subdivision, wells have been drilled on each of the proposed lots, a biologist report has been prepared and Island Health sewerage approvals received.

Dennis Ireland spoke to the property's potable water supply advising that there have been no issues with water quantity or quality. Mr. Ireland stated that he has always had enough water for personal and livestock consumption. There has never been a need to store or truck water. Mr. Ireland spoke to the proposed subdivision plan stating that access will be off Otter Point Road and that the layout maintains privacy.

June Klassen responded to a question directed through the Chair advising that the application cost \$3,300. As an OCP amendment is no longer required, \$200 in advertising fees has been refunded.

Mr. Ireland stated no issue with the application fee.

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the OP APC supports the rezoning of Lot A, Section 51, Otter District, Plan VIP89485 from RR-3 to RR-2.

CARRIED

6. Proposed Bylaw

a) Bylaw No. 3973, "Juan De Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 122, 2014"

June Klassen spoke to the staff report and proposed amendments to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, including amendments to:

- Section 3.10(6)(b) to include the Rural Residential A (RR-A) zone as a subdivision is preferable to the registration of a detached accessory suite
- Section 4.19 to prohibit accessory suites from being registered as a building strata as supported by the Land Use Committee at its September meeting
- Section 4.20 to prohibit detached accessory suites from being registered as a building strata
- the definition of Floor Area to distinguish between the principal residential building and accessory building floor area

Section 3.10 (6)(b)

June Klassen provided background information, advising that the owners of a RR-A parcel split by a highway would like to get separate title to both portions of the existing lot. Section 3.10(6)(b) permits the creation of a lot smaller than the minimum parcel size of the zone if the parcel is split by a highway. As the RR-A zone is not identified under Section 3.10 (6)(b), the owners are now considering creating separate titles by registering a building strata for the principal dwelling and the detached accessory suite.

June Klassen responded to a questions directed through the Chair advising that the proposal to register separate title for a principal dwelling and a detached accessory suite potentially undermines the intent of regulations for suites.

Heather Phillips, Otter Point, stated support for adding the RR-A zone to Section 3.10 (Lots Created by Subdivision) noting that exclusion was an oversight.

Randy Clarkston, Otter Point, stated that the RR-A parcel being discussed has two existing dwelling units measuring 90 m². Should the parcel proceed to subdivision, there is potential opportunity for both of the existing dwelling units to be designated detached accessory suites.

June Klassen stated that, should the RR-A parcel proceed to subdivision, it is understood the resulting lots would not be large enough to support a principal building and a detached accessory suite. However, should the lots be large enough to support this scenario, a covenant could be placed on the lots restricting detached suites.

MOVED by Bud Gibbons, **SECONDED** by Al Wickheim that the OP APC supports amending Section 3.10(6)(b) to include the RR-A zone.

CARRIED

Section 4.19 and 4.20

June Klassen stated that the intent of the amendments to Section 4.19 and 4.20 is to restrict the ability of separate title being registered on a dwelling unit accessory to a principal dwelling.

Heather Phillips stated that, at present, there is no regulation to restrict the ability of separate title being registered for a secondary suite through the building strata conversion process. One main change addressed by the new Otter Point OCP is the establishment of alternatives to building stratas.

MOVED by Al Wickheim, **SECONDED** by Bud Gibbons that the OP APC supports amendment to Section 4.19 and Section 4.20 to prohibit suites from being registered as a building strata.

CARRIED

Floor Area

June Klassen clarified that staff has included accessory garages/carports in the calculation of maximum combined total floor area for accessory structures as outlined in Section 4.01(2)(c). An amendment is requested to define Floor Area – Principal Residential Buildings and Floor Area – Accessory Building or Structures as the current definition of Floor Area excludes garages/carports.

Randy Clarkston stated that:

- there was concern for overbuilding when Sooke increased its limits on lot coverage
- limits were increased and overbuilding has not occurred
- the CRD continues to over regulate, limiting the ability to build proper buildings without public approval processes
- at present, it is easier for a property owner to drop an unsightly Sea Can on a lot as a Sea Can requires no building permit and no approval process

June Klassen stated that, should there be support to only have lot coverage regulate the size of residential buildings, the requested definition amendments can be considered an interim measure until such time that Bylaw No. 2040 proceeds to full review.

Heather Phillips questioned:

- if definitions related to Floor Area should also be reviewed as to how the amendments relate to business/commercial use
- if it would be more appropriate to consider amendment to definitions to when Bylaw No. 2040 proceeds to full review
- if interim amendments could negatively impact properties, effectively making some properties legal non-conforming

June Klassen responded to a question directed through the Chair stating no issue with excluding attached garages/carports in the proposed definition of Floor Area – Principal Residential Buildings.

Heather Phillips stated support for revising the definitions related to Floor Area to reflect that Floor Area is measured from the inside of the wall.

MOVED by Sandy Sinclair, **SECONDED** by Anne Miller that the OP APC supports counting accessory garages and carports in the calculation of accessory floor area.

The Chair called the question and it was three in favour, Bud Gibbons and Al Wickheim opposed.

CARRIED

7. Adjournment

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the meeting adjourn.

CARRIED

The meeting adjourned at 8:12 p.m.

Chair