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**Minutes of a Meeting of the Otter Point Advisory Planning Commission  
Held July 17, 2017 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,  
Otter Point, BC**

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**PRESENT:** Sid Jorna (Vice Chair), Bud Gibbons, Anne Miller, Stephen Smith  
**Staff:** Iain Lawrence, Local Area Planning Manager; Wendy Miller, Recorder  
**ABSENT:** Al Wickheim (Chair)  
**PUBLIC:** 3

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

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

**1. Approval of the Agenda**

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

**CARRIED**

**2. Approval of Supplementary Agenda**

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

**CARRIED**

**3. Adoption of the Minutes of January 16, 2017**

**MOVED** by Stephen Smith, **SECONDED** by Anne Miller that the minutes of the meeting of January 16, 2017, be adopted.

**CARRIED**

**4. Planner's Report**

a) Bylaw No. 4104, considered by the APC at its January 16, 2017 meeting, was adopted July 12, 2017. Bylaw No. 4104 amends Bylaw No. 3819, Otter Point Official Community Plan Bylaw No. 1, 2014, to incorporate updated steep slopes development permit area mapping for Otter Point and to revise the Land Use Designation map to re-designate a parcel that was previously excluded from the Agricultural Land Reserve from the Rural Lands – Agricultural Land Reserve Designation and adding it to the Settlement Area 1 Land Use Designation.

b) The Regional Growth Strategy (RGS) update (Bylaw No. 4017) was referred to the municipalities for acceptance. Seven municipalities did not accept Bylaw No. 4017. The CRD has agreed to a non-binding dispute resolution process. Should all matters not be resolved, the Province will direct a binding arbitration process.

**5. Rezoning Application**

a) **RZ000247 - Strata Lots 9, 21, 23 and 28, Section 16, Otter District, Plan VIS7096; and Lot A, Section 16, Otter District, Plan VIP89031, Except Part in Strata Plan VIS7096 (Butler Road – Sooke Business Park)**

Iain Lawrence spoke to the staff report and the request to rezone five properties from the General Industrial (M-2) zone to a new Sooke Business Park Industrial (M-SBP) zone (proposed Bylaw No. 4187) in order to clarify allowable uses, respond to market demand

and permit licensed medical marihuana production facilities pursuant to Health Canada's *Marihuana for Medical Purposes Regulation (MMPR)*. Iain Lawrence outlined the uses permitted by the proposed zone, confirming that the LUC amended the proposed bylaw to delete gravel processing as a permitted use at its June 20, 2017 meeting. It was advised the prohibited uses were expanded to include the uses on the Prohibited Uses covenant registered on the title of all the lots within the Sooke Business Park. It was further advised that the *MMPR* has been repealed and replaced by the *Access to Cannabis for Medical Purposes Regulations (ACMPR)*. As proposed Bylaw No. 4187 is at referral, consideration can be given to amending the bylaw to generally reference federal regulations pertaining to medical cannabis/marihuana.

Iain Lawrence directed attention to the supplementary submission received from Eric and Shaunna Salsman, Otter Point, regarding private clubs being included as a permitted use. It was advised that the adjacent property owners are concerned that the new permitted use will attract night clubs. Iain Lawrence read aloud the definition of private club as included in Bylaw No. 2040.

APC comments included:

- definition of private club does not restrict members from extending invites to guests
- concern for traffic, noise and enforcement issues related to private clubs
- support for refining/limiting the uses permitted by the definition of private club
- support for replacing private club with athletic facilities as a permitted use

The Vice Chair confirmed that the applicant was present.

The applicant stated no objection to replacing private club with athletic facilities as a permitted use and advised that:

- a recent inquiry by a distillery highlighted market interest in other potential uses
- expanding the definition of general industrial uses to include food and beverage processing would support tasting rooms with limited operating hours
- private club was included as a permitted use to support athletic clubs
- water use limitations restrict the uses that can be supported in the Sooke Business Park
- it is hoped the expanded list of uses will assist with property sales

**MOVED** by Anne Miller, **SECONDED** by Bud Gibbons that the Otter Point APC supports Bylaw No. 4187, as amended, to replace private club with athletic facilities as a permitted use. **CARRIED**

## 6. Proposed Bylaw

### a) Bylaw No. 4179, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 130, 2017"

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4179, which would add agriculture and intensive agricultural uses to the Forestry (AF) zone. It was advised that the AF zone is one of the few zones in Bylaw No. 2040 that does not permit agriculture and intensive agricultural uses and that the bylaw amendment was generated by staff in response to prospective buyers that have expressed interest in agricultural activities on AF zoned properties.

Iain Lawrence reported that:

- the setbacks for agricultural buildings proposed by Bylaw No. 4179 are in keeping with the regulations in the Agricultural (AG) zone

- the AF zone generally applies to Crown lands, lands held under tree farm licence or lands classified private managed forest land (PMFL)
- the AF zone has become, in some instances, more of a rural residential zone as parcels removed from PMFL have been subdivided into smaller, residential parcels
- amendments to the AF zone have included adding a suite or a detached suite as a permitted use
- adoption of the amendment bylaw would add 800 hectares of agricultural land in Otter Point and 1,500 hectares in Shirley and Jordan River

APC comments included:

- the Otter Point Official Community Plan (OCP) supports the protection and enhancement of forest lands
- great agricultural potential already exists within the OCP area without adding agriculture and intensive agriculture uses to the AF zone
- adding agriculture and intensive agriculture uses to the AF zone provides a mechanism for destroying forest lands
- agriculture and intensive agriculture puts pressure on wildlife and changes topography and hydrology while reducing a natural resource
- tree felling impacts adjacent tree stands during high winds/wind storms
- tree harvesting is not the issue
- small scale farming is not the issue
- supporting reforestation is the issue
- the AF zone permits silviculture except within 300 m of a highway
- support for utilizing a setback to support forest regeneration
- property owners purchased lands knowing the uses permitted by the AF zone
- individuals purchasing new lots in the AF zone would have some expectation that they could keep animals such as horses and have a small farm
- AF property owners can apply for individual rezoning to permit agriculture and intensive agriculture uses
- is it reasonable to restrict home owners from utilizing the smaller properties for agriculture.

Iain Lawrence responded to questions from the APC advising that the:

- AF zone supports a 4 ha minimum lot size for subdivision
- Resource Lands (RL) zone in the Rural Resource Lands Land Use Bylaw permits Agriculture uses
- RL zone does not permit intensive agriculture uses
- CRD does not have the authority to enact a tree regulation bylaw

**MOVED** by Sid Jorna, **SECONDED** by Anne Miller that the Otter Point APC supports proposed Bylaw No. 4179, as amended, to delete intensive agriculture as a permitted use from the Forestry (AF) zone and to add agriculture as an accessory use to a one-family dwelling to the AF zone. **CARRIED**

## 7. Adjournment

**MOVED** by Bud Gibbons, **SECONDED** by Stephen Smith that the meeting adjourn.

**CARRIED**

The meeting adjourned at 8:09 p.m.