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**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held Tuesday, July 6, 2021 at Juan de Fuca Local Area Services Building,
3-7450 Butler Road, Otter Point, BC**

PRESENT: Anne Miller (Chair), Bud Gibbons, Sid Jorna, Stephen Smith (EP)
Staff: Iain Lawrence, Manager, Juan de Fuca Community Planning (EP);
Emma Taylor, Planner; Wendy Miller, Recorder (EP)
ABSENT: Al Wickheim
PUBLIC: 10 (EP)

EP – Electronic Participation

The meeting was called to order at 7:00 pm.

1. Elections

Iain Lawrence called for nominations for the position of Chair of the Otter Point Advisory Planning Commission (APC) for 2021 and Sid Jorna's name was put forward. Sid Jorna declined the nomination. Iain Lawrence called a second time for nominations and Anne Miller's name was put forwarded. Anne Miller accepted the nomination. Iain Lawrence called a third time for nominations and, as there were none, Anne Miller was acclaimed Chair.

The Chair called for nominations for the position of Vice Chair of the Otter Point Advisory Planning Commission (APC) for 2021 and Sid Jorna's name was put forward. The Chair called two times for further nominations and, as there were none, Sid Jorna was acclaimed Vice Chair.

2. Approval of the Agenda

MOVED by Sid Jorna, **SECONDED** by Anne Miller that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Bud Gibbons, **SECONDED** by Sid Jorna that the supplementary agenda be approved.

CARRIED

4. Adoption of the Minutes of December 8, 2020

MOVED by Sid Jorna, **SECONDED** by Bud Gibbons that the minutes of the meeting of December 8, 2000, be adopted.

CARRIED

5. Planner's Report

No report.

6. Zoning Amendment Application

a) RZ000272 – Section 42, Otter District (Clark Road & Aythree Way)

Emma Taylor spoke to the request to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

Emma Taylor reported that the subject property is also subject to an active subdivision application (SU000704), soil deposit permit (SP000092), development permit (DP000291), and radio communication tower application (LP000021).

Emma Taylor highlighted the subject property and subdivision layout. It was advised that the applicants propose to rezone proposed Lot 2.

A member of the public stated:

- the proposed subdivision plan incorrectly notes that the subdivision will be accessed by Amanda Place
- the road incorrectly identified as Amanda Place is an unconstructed public road referred to as Blue Grouse Way

The applicants responded to questions from the APC stating:

- the subject property is accessed from Clark Road and Aythree Way
- the access referred to as Blue Grouse Way is a riparian area
- the provincial Approval Officer did not support access from Blue Grouse Way when it was proposed by the previous owner of Section 42
- seven lots are currently proposed
- a hydrological study has been completed for the full property
- the hydrological study reports that there is water available for residential subdivision
- the proposed equestrian use will use less water than a single-family residential use
- the fire department has been on site
- there is a portable water truck on site, as well as 5,000 gallons of stored water for fire protection
- additional water storage for fire protection is proposed as part of the subdivision
- the equestrian use is considered to be in keeping with a hobby farm as horses will be limited to six
- campground use will be limited by bylaw
- equestrian events will be limited to day trips, birthday parties and equestrian-assisted therapy
- campsites will be limited to tent camping
- campsite amenities will be limited to a communal fire pit
- showers and a sani-station will not be provided
- they have not received any complaints from adjacent property owners regarding the proposal
- it is understood that the Ministry of Transportation and Infrastructure has directed that Clark Road cannot be widened

Iain Lawrence confirmed that:

- the subject property is within the Otter Point Fire District
- the hydrological study was not provided as part of the application intake
- Regional Director Mike Hicks supports use of Community Works Funds to support a groundwater study for areas in Otter Point that are outside the community water system

- there is a covenant registered on the title of the subject property that requires fire protection works in the form of a 14,000 gallon tank, installed to the satisfaction of the CRD, as a condition of subdivision

The Chair directed attention to the concerns received in the supplementary submissions including:

- environmental impact
- fire
- single road access and increased traffic
- flammability of animal feed
- animal runoff
- the size of the proposed equestrian facility and the potential for the zoning to set precedence for future facilities

The applicants stated:

- there are horses already in the area
- the Province regulates manure management
- four vehicles are anticipated a day
- the density proposed on Lot 2 is less than if the property was developed for residential use
- the owner will be residing on proposed Lot 2
- the indoor equestrian facility will be 30 x 50 feet
- the overall facility will be used for training and therapy use in the winter or when it rains
- the water table is 340 feet deep
- blasting for road development is not anticipated to impact the water table

Emma Taylor responded to a question from the public advising that proposed Bylaw No. 4422 limits campsites to one site per 2 ha. A total of five sites would be permitted on the subject area based on this density.

Bev Brow, Otter Point, stated:

- has attended horse shows and understands horse owners wishing to camp on site to care for their horses
- understands that agricultural zoning permits tourism
- tourism includes camping
- submitted a rezoning application (Z-07-10) for campground use that was denied due to concerns regarding water and traffic
- has been a resident for 30 years
- application Z-07-10 should be re-opened if this proposal proceeds

Iain Lawrence responded to questions from the public advising that:

- the subject property is designated Rural by the Otter Point Official Community Plan
- the Rural designation supports forestry and agriculture
- the Juan de Fuca Land Use Committee supported the campground use being an accessory use as the Rural designation does not support tourism as a principal use
- rezoning proposals are considered on individual merit
- the previous speaker is not restricted from submitting a new rezoning application

Howard Taylor, Otter Point, stated:

- supports the concept proposed by the current property owner
- concerned about the scale of the operation should the current owner sell
- a larger operation will require more water

- the proposed AG-2 zone is too broad

Emma Taylor responded to a question from the public advising that, at present, the Juan de Fuca Land Use Bylaw does not limit the number of livestock except for rabbits.

Heather Phillips, Otter Point, stated:

- water is a big issue
- the CRD commissioned an aquifer study in 2004 for the Juan de Fuca Electoral Area
- the report provides very little information for the subject property as at that time the subject property was Forest Land
- the hydrological study commissioned by the owner should be shared before a decision on the rezoning is made
- the study proposed by the Director should be received before a decision on the rezoning is made
- development is moving from the low lands into the high lands
- the impacts of high land development are not known
- it is understood that the Sooke-Metchosin Aquifer is surface water charged
- the subject property is in the catchment area for King Creek and Orveas Creek
- King Creek and Orveas Creek are fish-bearing creeks
- the Regional Growth Strategy limits community water systems in the Juan de Fuca Electoral Area
- more information is required before rezoning is approved
- support for release of the proponent's hydrological study
- rezoning should not be considered until the Official Community Plan is reviewed

The applicants stated that houses will be serviced by individual wells not by a community water system.

Rich Mably, Otter Point, stated:

- has been a resident for 35 years
- the area adjacent to the subject property is residential
- the proposal is commercial in nature
- the development will be a new load on the aquifer
- concern regarding water runoff from the equestrian and campground use
- wishes continued quiet enjoyment of his property
- the development will result in increased visitor and service traffic
- the development will result in increased fire risk
- concern that facility visitors wishing to explore more trails will result in increased trespass onto adjacent properties
- concerned about the scale of the operation, should the current owner sell
- opposition to the proposal as currently presented
- support for release of the hydrological study

Sheila Hubbard, Otter Point, stated:

- owns property that backs onto the proposed campground area
- concerned about fire, noise, trespass and water
- water is a concern for everyone
- opposition to the proposal

Sharon Sterling, Otter Point, stated:

- owns property that backs onto the proposed equestrian facility area
- had horses in past and likes the idea of an equestrian facility
- support for the trails being developed on the subject property being open to local residents through park dedication
- park dedication would provide a benefit to the community
- the current proposal is limited to being a private enterprise

The applicants stated:

- insurance and liability would be an issue, if the property was opened to public use
- support for dialogue with the CRD regarding dedication of trails on the property
- there are properties in the immediate vicinity that are being used for agriculture
- the area subject to the rezoning proposal has the potential to be subdivided into three lots
- the proposal is small scale and will be an asset to the community

APC comments included:

- new zones set precedence
- the proposed new Agriculture 2 Zone (AG-2) does not provide a limit to the number of horses
- the subject property is not agricultural land
- the subject property will not have enough water to support agricultural use
- the AG-2 zone was developed to support agricultural use, but the zoning amendment proposes a commercial operation
- Otter Point is an equestrian community but the AG-2 zone is too broad
- although there has been increased interest from the general public in more camping opportunities, local residents have concerns regarding the proposed campground use on the subject property
- residents have expressed interest in having a greater understanding of the aquifer
- community concerns include concerns for water, fire risk, issues related to campground use and scale of the operation, should the current owner sell

MOVED by Sid Jorna, **SECONDED** by Anne Miller that the Otter Point Advisory Planning Commission report to the Juan de Fuca Land Use Committee that it recommends:

- closer review of the Agriculture 2 Zone (AG-2) to limit impact of equestrian and campsite use
- closer review of the Agriculture 2 Zone (AG-2) to review the scope of agricultural use
- more information on the community's hydrology

CARRIED

7. Adjournment

The meeting adjourned at 8:21 pm.

Chair