

**OTTER POINT ADVISORY PLANNING COMMISSION**

Notice of Meeting on Tuesday, **July 6, 2021, at 7:00 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

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**SUPPLEMENTARY AGENDA**

1. Additional information received for the following agenda item:
  - a) Agenda Item 6 a) RZ000272 – Section 42, Otter District (Clark Road & Aythree Way)
    - Paul and Glyse Clarkston, Otter Point
    - Jo Phillips, Otter Point
    - Sharon Sterling and Howard Taylor, Otter Point
    - Chris Moss, Otter Point
    - Margot Swinburnson, Otter Point
    - Kathryn Chapman and Colleen Hamilton, Otter Point
    - Sean Y. Thompson and Erika M. Utiz, Otter Point

**jdf info**

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**From:** Paul Clarkston  
**Sent:** Tuesday, June 29, 2021 11:46 AM  
**To:** jdf info  
**Subject:** re. rezone application sect 42 - RZ000272 APC Notification Comments

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Hello Members of the planning commission

It is our concern that the second access to Amanda rd is cut by the following sect. 42 subdivision layout and zoning, This influences the lands beyond Clark rd. and puts all future traffic on to Clark rd. Clark rd. is of substandard construction at best, very poorly maintained, too narrow at many locations, subject to logging traffic construction traffic, and has a dangerous pinch point that does not likely meet Highways specs for future traffic volume. Future subdivisions shouldn't continue to be added to the forestry lands in this area with the only access being Clark rd.

regards,  
Paul and Glyse Clarkston

**jdf info**

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**From:** j phillips  
**Sent:** Friday, July 02, 2021 12:02 PM  
**To:** jdf info  
**Subject:** Zoning application RZ000272

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Concerns re: rezoning application RZ000272 Aythree Way and Clark Rd. Otter Point

I think we need to view rezoning requests with a new lens in these times of severe climate emergency and ongoing ecological collapse. More than ever we need to preserve the delicate ecosystems and precious water supply that sustain and protect us rather than prioritizing new economic gains.

In view of the extreme fire danger we experience every summer, the campground idea seems particularly alarming. I know there are campfire bans in the summer, but, really, who are we counting on to enforce that? All it takes is one person making "just a small campfire" or having their propane campfire or hibachi get knocked over by the dog to set the neighborhood alight. It is timber dry up there.

Water is a serious concern. I am not sure how the CRD considers what constitutes proof of water if people in the nearby (Brotherstone) development are already having to have water tanks installed. The drought conditions that we are seeing here will likely get worse over the next years so subdividing into yet more lots that require water wells and creating an enterprise that is a heavy water-user such as a horse academy seems counter-intuitive.....and somewhat grabby (of whatever small amount of water there is up there). Is the CRD considering the area as a whole (including all of us) when they are evaluating the water supply there? Is there not an official limit as to how many people can drill wells in an area of low water availability without compromising the wells of other residents?

We need to ask, also how well the existing delicate ecosystems around King Creek will be preserved with all of the proposed subdivision creation that will entail noisy machinery moving the land around, setting cleared brush on fire plus folks riding horses and camping in the area. Even if there are signs saying "do not go beyond this point" not everyone respects such signs. And many heavy equipment operators seem to ignore the requirement to stay 30 or 50 meters from a salmon-bearing creek; especially one that is not always visible when water is low.

Traffic on Clark Rd. is an issue in itself. It is a one-lane road, worn at the margins with deep potholes at the intersection that require slowing down to first gear speed. These have not been repaired despite several phone calls to Emcon over many months.

Jo Phillips

**To:** Otter Point Advisory Planning Commission

**From:** Sharon Sterling & Howard Taylor

**Date:** 2021-07-02

**RE:** Zoning Amendment Application  
Section 42, Otter District – Clark Road & Aythree Way (PID 009-497-790)

Thank you for the opportunity to provide feedback on this application. We share a property line with the 11-ha parcel for which this application for rezoning has been made.

We think the new owners of this property are to be commended for working toward making something good of this badly damaged land. But we would like to see more careful thought given to the new AG-2 zoning, and we think there are questions the committee should ask about the details of the proposal.

### **Key Concerns About the New AG-2 Zoning**

1. The permitted and accessory uses in the proposed AG-2 zoning include Agriculture, Home-Based Businesses 1, 2, and 3, and Equestrian Riding Facility.

These are broad categories with few specific guidelines or restrictions. This raises the potential for commercial enterprises on a scale that does not support the rural character of the community as outlined in the *Otter Point Official Community Plan—September 2014* (see 4.2 “Rural Lands Designation”, specifically 4.2.1, Section 6, b). We think that the likelihood of inappropriate development could be reduced if more-detailed and case-specific development plans were required of owners requesting this zoning. In the case of this application, we would like to see more information on the horse facilities, agricultural activities and campground.

2. The density section of the proposed AG-2 zoning permits campsites and campgrounds.

The *Otter Point Official Community Plan* does not include designations for campgrounds, and we think it best to reflect this any rezoning in the area.

## Issues Specific to this 11-ha Application

### 1. Commercial Equestrian Facility and Agriculture

As former horse owners, we are happy to see a horse property being developed near us. We are on good terms with our new neighbours, and have enjoyed meeting them and their three horses. However, we did not know that they have plans for a commercial operation. (There has been no public engagement regarding the proposal that we are aware of.) We are not against a commercial riding facility as such, but the fact that they are proposing an indoor arena suggests a business of considerable size to justify building and maintaining it.

We suggest that the committee ask to see a more-detailed plan of the capacity and layout of the proposed equestrian facility for the following reasons:

- The definition of *equestrian riding facility* in the proposed bylaw amendment does not indicate the number of horses that may be kept on the land—and this a better measure of the scale of the operation than the floor area of buildings.
- If the facility is to be more than a two- or three- horse hobby farm, pasture stewardship, water (ensuring sufficient supply and managing runoff), and manure disposal require thoughtful design and careful management to be healthy and environmentally sound.
- How well the property is designed and managed will have a direct impact on us and on our neighbours to both sides on Amanda Place. The property line at the back of our parcel directly adjoins the area that is being developed for the equestrian facilities (there is a structure being built there now). The AG-2 zoning allows their pasture to go right up to our property line, and the farm buildings may be as close as 15 meters. We are also downstream from them, and the runoff from the subject property to ours during fall to spring rains can be significant.
- The number of boarders and frequency of riding clinics or other events will impact the amount of traffic on the access road, neighbours' enjoyment of their properties, and water use. The phrase used in the proposal is "small equestrian events"—which is reassuring. But a clearer definition of how small and how often would be helpful.

All of the above points concerning numbers of livestock and land management also apply to any of the other permitted agricultural activities the owner might undertake.

### 2. Campground

From the *Report to the Land Use Committee, June 15 2021* regarding this rezoning application: *The Rural Lands designation does not explicitly support commercial tourist accommodation, so consideration of such use would need to be of a minor scale....*

We think that a campground on even a minor scale is a concern.

- The amount of dry debris on this land is a great fire risk.
- Inviting strangers into an area of unfenced rural properties raises security concerns. (Fencing is a poor solution—it interrupts the wildlife corridors).
- Allowing this rezoning sets a precedent for approving further campground rezoning requests in what is otherwise primarily a residential area.

If a campground is to be allowed, we suggest requiring a specific plan that answers these questions as a minimum:

- The May 11, 2021 proposal submitted on behalf of the owners by Grayland Consulting Ltd describes “camping with and without horses” Does this mean that the campground will be both for the general travelling public and participants at equestrian events?
- How long will guests be allowed to stay? (According to the definition of *campground* in Bylaw 2040 it could be up to 30 days).
- AG-2 zoning would allow one campsite per 2 ha, but there is nothing to say what that might look like. For example, is it one campground with five sites? Or five sites dotted throughout the parcel? (The term *camp site* isn’t defined in Bylaw 2040—the term it uses is *camping place*.)
- How many guests can stay at a site?
- What facilities will there be for the guests? Guests’ own tents? Yurts? RVs? RV dump sites? Showers? What kind of toilets?
- Will campfires be allowed?
- Will there be a designated campground security person?

### **Developing the Community**

We understand the owners’ concerns over local individuals continuing to see their property as “unoccupied”, and we know that they face liability issues if people are injured by any of the hazards left on the property by previous owners or current activities such as blasting.

We hope that as things move forward the owners might consider designating a trail or park that would be of benefit to the public as well as their clients and would absolve them of responsibility. This strikes us as being a suitable way to mitigate the impact of this rezoning application on neighbours, and it would fit in with the *Otter Point Official Community Plan’s* preference for rezoning requests to be accompanied by offers of “works, services, or community benefits” (4.2.1, Section 6, b). This might best be done in the context of the owners’ 10-lot subdivision application (SU000704) that this parcel is part of.

## jdf info

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**From:** Chris Moss  
**Sent:** Saturday, July 03, 2021 10:37 AM  
**To:** jdf info  
**Cc:**

**Subject:** otter point advisory planning commission

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

re: Zoning amendment application ; a) RZ000272 - section 42, Otter district (Clark road and Aythree Way)

(there are 22 residents on this email string)

I have another meeting booked for the time of this meeting this Tuesday, however I would like to add my comments,

This is not the same situation as it was a decade ago. We are in Climate Change and the CRD cannot make "finding water" the only requirement for building. It must view development through a climate lens as many other towns and districts are starting to do (even Sooke in the draft OCP). To begin with (and this will effect all of us) All wells should be registered with CRD. All wells must have ongoing well logs. Highlands has their wells logged twice a year and reported to their council, and if we want this we will have to pay the price of having CRD log our wells for us. Without this informational data how can CRD possible approve SEVEN wells on this property! If they do so, knowingly aware that such actions WILL result in over- extraction of an aquafer that already dries up further down on Otter Point Road, (and I am told in the Otter Point Estates as well) then they may be open to private litigation over loss of water from residents. If any developer drills a well deep enough they will find water, however SEVEN wells all pulling at the same time is going to be a problem that CRD should anticipate.

All new development should be assessed by the Fire Chief to ensure sufficient fire suppression measures exist. If that means every house built must have at least a 1000 gal tank and pump, or rain water capture and a tank, then the developers or owners will have to install that system before occupancy is granted. Metal roofs would provide a better option to asphalt shingles. It keeps the houses inside cooler, provides a safe rain catch area and easily adapts to solar panels.

Building materials should be chosen to reduce embodied carbon. "Normal" construction materials like cement, steel, asphalt roofing, should be phased out in favour of low carbon options such as straw/adobe, hemp or hempcrete. Even the building sites can be chosen to reduce the GHG's produced from building and from the life of the building.

Logged off trees must be replanted, no choice. For all the reasons that Trees provide for mitigating climate change this must be required of all new development. (We had 26 trees taken down at our place, but have since planted 47 to replace them, even though we know that it will be forty years before they sequester the same amount of CO2) Trees on this property provide cooling, CO2 sequestration, canopy cover for wildlife, and lower fire hazard.

Development of a secondary access road, likely, it seems, from Amanda Place would provide access for fire, police and ambulance, as well as for the residents in Otter Point Estates (Brotherstone). This will result in a large increase in traffic on Amanda Place which will need an upgrade, and perhaps a decrease in traffic on Clark Road and Otter Point Place Roads which are in urgent need of upgrades as well due to the amount of cars and heavy trucks that have been traveling this route.

It looks like all houses will be in direct line with the Cell tower and EMF radiation. The developer says they follow the Canadian rules and all other scientific reports on the effects of EMF radiation are not relevant. About all that CRD can say in ten - twenty years time is "placement met all legal requirements at the time of building".

Thank you, Chris Moss

July 4 2021

To: CRD Advisory Planning Commission

Re: Zoning amendment application ; a) RZ000272 - section 42, Otter district (Clark road and Aythree Way)

I am a resident of this area, unfortunately living just beyond the boundary where I get informed of changes. In general, I am appalled at what has happened to that entire subdivision since released from the Tree Farm Licenses. It saddened me to see the entire obliteration of a secondary growth forest and the ecosystem that had built up around it. Especially for the area in question. What were trees and trails are now badly logged and barren terrain.

To hear that someone is actually proposing to put substantial improvements to the land and create trails and an equestrian center that folk in the area may be able to book and use sounds amazing! I think the benefits outweigh the adverse effects.

Benefits for this could be

-community amenity and improvement

-economic, creating both jobs and opportunities for people in the area

-community building, in that this could be a model that might branch out through this area and create some community will for enhanced multipurpose trail use.

The concerns I have are water- but I do understand that as the zoning sits water needs to be proven , no matter if it impacts the neighbour's water- but we do need to be mindful of the water limitations in this area.

As well, I really am concerned about Clark Road. For Emergency safety there needs to be two ways in and out of the entire subdivision. Both Clark and Otter Point Place are not equipped to deal with loaded logging trucks, loaded dump trucks with pups, and absolutely massive excavators going up them. Both roads show extensive degradation, and are increasingly unsafe to vehicular, bicycle, pedestrian and equestrian traffic. I am assuming in the process of approving the subdivision as a whole the CRD has made some plans for this, since you did approve an extensive subdivision originally.

Thank you

Margot Swinburnson



## jdf info

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**From:** Kathryn Chapman  
**Sent:** Monday, July 05, 2021 9:12 AM  
**To:** jdf info  
**Subject:** Zoning Amendment Application - Section 42, Otter Point - Clark Road & Aythree Way (PID 009-497-790)

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Thank you for providing an opportunity for input into the application for rezoning in our area. We are residents of Amanda Place – within 500 m of the proposed commercial development. Our concerns are as follows:

- **Commercial facility:** The plan is for a commercial facility in the middle of a quiet rural residential area. This will change the nature of our community irrevocably and we do not support that change.
- **Surface water:** The plan suggests that the facility will access King Creek. The creek is seasonal – generally dwindling to a trickle in August. This year, it became a trickle in June.
- There are existing uses of the creek – for example, across the road from us a large area of trees have been cleared from the riparian marsh area and water is being pumped from King Creek to create a pond – that are already straining the creek beyond it's capacity.
- We are concerned that with the commercial facility, King Creek will disappear.
- **Ground water:** we are concerned that there is not enough water in the aquifer that supports the residential community to support a commercial facility without drying up the existing wells. We understand that water rights are a matter of provincial authority, but request that the rezoning application at a minimum be made subject to it having no impact on existing lawful water uses.
- **Smell:** the plan includes farm uses – composting and horses – that will create odours.
- The CRD has been attempting for 4 years to address smell from an unlawful farm use, pigs, on our street with no success. The pigs remain on the property despite CRD enforcement efforts.
- We are concerned that the residential area will become unlivable with the composting and horse dung odours.
- **Noise:** the building is ongoing on the subject lot and it is very loud in our residential neighbourhood as a result – relentlessly – every work day, all day. A commercial facility that includes a high density of residences and camping is not appropriate for a quiet residential area.

We request that the application for rezoning be denied.

Thank you.

Kathryn Chapman  
Colleen Hamilton

Sean Y. Thompson  
Erika M. Utitz

July 4, 2021

*Via email: [jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca)*

Juan de Fuca Community Planning  
3-7450 Butler Road  
Sooke, BC V9Z 1N1

Re: **ZONING AMENDMENT APPLICATION**  
**Section 42, Otter District-Clark Road & Aythree Way (PID: 009-497-790)**

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We are writing with respect to your file RZ000272 and the ZONING AMENDMENT APPLICATION for Section 42, Otter District-Clark Road & Aythree Way and further to your letter of June 24, 2021.

As 20 year residents of Otter Point we strongly oppose this application to:

**“Amend Bylaw No. 2040 to rezone an 11 ha portion of the subject property from the Forestry (AF) Zone to a new Agricultural 2 (AG-2) zone to permit two dwelling units and up to either two secondary suites or two detached accessory suites, agriculture, and an equestrian riding facility with an ancillary campground on the subject property.”**

We tried to find the subject area of Clark Road and Aythree Way on Google maps but apparently Aythree Way hasn't yet reached Google Maps. My spouse and I took a drive up Clark Road to see what this was all about. When we got to the top of Aythree Way it became more than apparent that this is not simply an application by a property owner to change the zoning rules to build a couple of houses and a barn on what has heretofore been considered Forest land. Rather, this application is a stepping stone to subdividing the subject property and selling off 10 acre ocean view lots. The “10 acre ocean view lots coming soon sign” sits right beside the CRD “This Property is Subject To A Development Application”. On July 4, 2021, on the Otter Point Facebook page, the applicant's realtor stated, that he understands his client's desire is to create an equestrian focused community with a community riding ring and trail system with a campground to host riding clinics and competitions. How is this considered an Agricultural use?

July 4, 2010  
Juan de Fuca Community Planning



It is now more than clear to us that the intent of this application is to avoid the existing Agricultural zoning restrictions in AG1 and create a new AG2 zone to allow the development of a new permitted use of a newly added category of permitted uses, an “Equestrian Riding Facility”, which under the newly created category “means the use of land, buildings and structures to keep, breed, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital...”

The allowance of an Equestrian riding facility permits yet even more uses in this formerly forested zone, which under AF zoning would have been limited to one family-dwelling subject to the remaining OCP and Bylaw usage limitations. With the addition of an equestrian riding facility also come uses to the facility which include accessory buildings, secondary suite, detached accessory suite, two boarders or lodgers but the kicker is CAMPGROUND.

We have serious concerns about the impact this sort of development will have in increasing fire risk in Otter Point, the diminishing of our groundwater tables and the quantity and quality of our well water supply, noise both during construction and afterward when a campground and equestrian facility are operating a stones throw from our home.

### **Fire Risk**

There can be no question that campers increase the risk of fire. Right now in BC camp fires are banned because of this very risk. This is especially true in a community where water resources are scarce. We all just witnessed the tragedy in Lytton over the last week. Even in OP we saw

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Juan de Fuca Community Planning

### **Fire Risk (Continued)**

temps, at least at our place, of 38c. Global warming and summers like this are here to stay. Our forest is tinder dry and our water situation is not improving. We now see on the news we are being advised to have an evacuation plan because the fire risk is so high. Further development will not help this situation and will only contribute to a future tragedy in the making.

A review of the density provisions in the proposed amendment shows that one campsite is permitted per 2 ha. The subject property is said to be 11 ha. Will there then be 5 campsites allowed on this property, which was considered to be in a high risk fire area 7 years ago when the OCP was drafted for Otter Point, or bordered high risk fire areas? See Map 2-Significant Features to the Otter Point Official Community Plan Map Bylaw No. 3819. (The portion of Clark Road and Aythree Way that is the subject of the application did not exist 7 yrs ago in 2014, so the roads are not on the map.) I think we can all agree that the fire risk in Otter Point has multiplied exponentially in the last few years, let alone the last 7 yrs.

It is my understanding that there are no fire hydrants in this newly cleared area behind Clark Road. A few years ago the Otter Point fire department informed me that this area is outside its jurisdiction. Is this still the case and if so, what agency is in charge of fire suppression etc. in this proposed newly created AG2 zone?

### **Groundwater/Well Water**

I have lived in the same home in OP for over 20 yrs. We have 2 wells: a deep well for our household use and a shallow well for our garden. Each year our wells have stopped producing earlier in the year and we have had to truck in water starting sooner and running later. In my opinion land use and zoning should be preserving our resources. An equestrian riding facility, campgrounds, multiple dwelling units and accessory buildings etc. is not beneficial to our water resources in OP, not to mention what affect a future subdivision entails. These water resources should be protected for the homes that have existed in Otter Point for decades.

Section 3.2.4 of the Otter Point OCP specifically states: "The Otter Point community's safe and clean supply of water is always top of mind. The community wants to protect the watersheds and practice water conservation to reduce water use". Moreover, the section provides that "future development should not deplete or contaminate existing wells".

We have neighbours with horses, sheep, chickens, etc. We enjoy that. Their property is zoned for that, as is ours, and they bought the property knowing what was permitted.

July 4, 2010  
Juan de Fuca Community Planning

By its own terms, the purpose of Land use bylaw 2040 is as follows:

“PART 1 - INTERPRETATION AND ADMINISTRATION 1.0 PURPOSE 1.1 This Bylaw regulates the development and use of land and the location and use of buildings and structures erected thereon, having due regard to: (1) The promotion of health, safety, convenience, and welfare of the public; (2) The prevention of the overcrowding of land, and the preservation of the amenities peculiar to any zone; (3) The securing of adequate light, air, and access; (4) The value of the land and the nature of its present and prospective use and occupancy; (5) The character of each zone, the character of the buildings already erected, the peculiar suitability of the zone for particular uses and the particular densities for particular zones; (6) The conservation of property values.”

If zoned AF or AG1 this property would be allowed one family dwelling. Removing 22 HA from Forestry and creating a new artificial definition of an agricultural zone "AG2" from thin air to now include an "equestrian riding facility etc" and "campgrounds" to sidestep the existing bylaw is a step in the wrong direction for Otter Point right now. I cannot see how an equestrian facility and campgrounds is an *agricultural use* by any honest definition.

For so many reasons, including but not limited to the increased fire risks, the affect on water wells in the area-depletion and contamination, the increased vehicular traffic on roads that are not suited etc, this application should be denied. In my opinion, and I cannot be alone here given the *pictures* I took *in the neighbourhood* this morning- (one on Clark Road and one on Otter Point Place, see following page, there are more) the residents of this area of Otter Point want less noise, less traffic, less construction and more respect, which is really what the OCP expressed 7 yrs ago.

Sincerely,



