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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, June 15, 2021, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell (EP), Roy McIntyre (EP), Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)
Staff: Iain Lawrence, Manager, Community Planning (EP); Wendy Miller, Recorder (EP)

PUBLIC: 10 EP

EP – Electronic Participation

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

The Chair provided a Territorial Acknowledgment.

1. Approval of the Agenda

MOVED by Director Hicks, **SECONDED** by Dale Risvold that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Stan Jensen, **SECONDED** by Vern McConnell that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of May 18, 2021

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the minutes from the meeting of May 18, 2021, be adopted.

CARRIED

4. Chair's Report

Director Hicks reported that the Shirley Volunteer Fire Department has improved cell service as a result of a partnership with the Ministry of Transportation and Infrastructure.

5. Planner's Report

No report.

6. Zoning Amendment Applications

a) RZ000270 – Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)

Iain Lawrence spoke to the staff report and request to rezone a portion of the subject property to permit a brewery with lounge, picnic area, retail sales and a country market, and to realign the existing split zoning boundary to separate current and proposed uses.

Iain Lawrence highlighted the subject property map and aerial image and advised that the LUC directed referral of the proposal to agencies and to the Shirley/Jordan Advisory Planning Commission (APC) at its November 17, 2020, meeting.

Iain Lawrence reported that:

- proposed Bylaw No. 4381 has been amended in response to feedback from the APC to decrease the proposed floor area from 4,000 m² in the Wildwood Terrace Neighbourhood Commercial (C-1A) to 2,000 m²
- the proposed shift in the zone boundary would remove an area used for forestry and gravel processing from the C-1A zone area
- through discussions with the applicant, a floor area of 2,000 m² is considered sufficient for the adjusted C-1A zone area
- the applicant hosted a public open house for residents in response to feedback from the APC
- proposed Bylaw No. 4381 has been further amended in response to public input at the open house to add *country market* use to the C-1A zone
- the APC was not supportive of the proposed endorsements for an onsite store, picnic area, lounge and special event area; however, the proposed endorsements add the required neighbourhood commercial character to align with the Pacific Acreage policy, whereas food and beverage processing alone are more industrial
- endorsements under the Provincially approved manufacturer's licence for a brewery require additional local government and public consultation that will be considered separate from the rezoning

Iain Lawrence outlined the referral comments as included in the staff report. Further to the referral comment received from CRD Building Inspection, staff recommended that the outline motion relating to building permit requirements be amended. The amendment is requested to recognize that the subject property is Private Managed Forest Land and, as such, not all existing structures on the subject property may require building permits.

Iain Lawrence directed attention to the submission of support included in the supplementary agenda and confirmed that the applicants were present.

An applicant stated that:

- a forestry company leases a portion of the subject property
- some of the buildings are held by the leaseholder
- he is working with the leaseholder to address building items

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

- a) That the referral of proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, Island Health, Liquor and Cannabis Regulation Branch, Managed Forest Land Council, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Public Safety & Emergency Services – Wildfire Service, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" be introduced and read a first time and read a second time; and
- c) That in accordance with the provision of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated

authority to hold a Public Hearing with respect to Bylaw No. 4381.

- d) That prior to adoption of the bylaw, the applicant:
- i) Provide confirmation that a Contaminated Site Release has been issued by the Province;
 - ii) Provide confirmation that a commercial access permit has been issued by the Province;
 - iii) Secure a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that a fire suppression sprinkler system be installed in all buildings and structures;
 - iv) Provide confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector.

CARRIED

b) RZ000271 – PID: 006-452-230 (9662 West Coast Road)

Iain Lawrence spoke to the staff report and the application to amend the Forestry (AF) zone to add a site specific provision to permit an accessory portable sawmill and associated log and lumber storage uses on the subject property as the current operation has expanded beyond the scope of the Home Industry regulations.

Iain Lawrence highlighted the subject property map and advised that the LUC directed referral of the proposal to agencies and to the Shirley/Jordan Advisory Planning Commission (APC) at its March 16, 2021, meeting.

Iain Lawrence outlined the referral comments as included in the staff report. Further to the referral comment received from the Ministry of Transportation and Infrastructure, Iain Lawrence confirmed that the applicant has received a highway access permit.

Further to comments received by the APC, Iain Lawrence reported that proposed Bylaw No. 4407 has been amended to regulate the scale of the proposed portable sawmill operation, noise and nuisance, and visual screening. Iain Lawrence outlined the specific changes made to Bylaw No. 4407.

Iain Lawrence responded to questions from the LUC advising that:

- noise levels would be measured from the property line, if a noise complaint was received
- a decibel level between 40-60 dB is considered to cover average home noise – normal conversation
- Bylaw No. 4407 would permit a maximum decibel level of 55 dB, when measured at the property line, for the portable sawmill operation
- Juan de Fuca has a noise bylaw (Bylaw No. 3441), but the bylaw does not specifically address the sawmill use

Iain Lawrence directed attention to the supplementary agenda.

Tony White, Shirley, spoke to his submission and stated that:

- he lives across the road from the subject property
- the sawmill operation currently runs four hours a day
- four hours a day is too much
- he is retired and would like to enjoy spending more time at home
- he has worked hard for his property

The Chair confirmed that the applicants were present.

The applicants stated that:

- they have endeavoured to make the operation acceptable to all neighbours
- they are investigating electric chainsaw options and fencing options and will continue to make efforts to improve the sound level for their neighbours
- they are in agreement with keeping noise below 55 dB

LUC discussion ensued regarding sawmill operating hours as proposed by Bylaw No. 4407. Two LUC members reported that they stood across the street from the subject property and found that they could not hear the sawmill operation. Noting the comments received from a neighbour across the street, the LUC questioned if the applicant would consider decreasing the sawmill hours of operation from 9 am to 5 pm, Monday to Friday to 9 am to 3 pm, Monday to Friday.

The applicants stated that they are currently operating the sawmill four hours a day and request consideration of at least six hours a day.

Having heard from an adjacent property owner and the applicants, the LUC stated support for amending Bylaw No. 4407 to change the operating hours for the sawmill to 9 am to 3 pm, Monday to Friday.

MOVED by Ron Ramsay, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Island Health, Ministry of Environment & Climate Change Strategy – Hazardous Waste and Forestry, Authorizations South, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Shirley Volunteer Fire Department, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021", as amended, be introduced and read a first time and read a second time; and
3. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4407.
4. That prior to adoption of proposed Bylaw No. 4407, the following conditions be met:
 - i) Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector;
 - ii) Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

CARRIED

c) **RZ000272 – Section 42, Otter District (Clark Road & Aythre Way)**

Iain Lawrence spoke to the staff report and the application to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

Iain Lawrence highlighted the proposed subdivision plan and advised that the property is also subject to an active soil deposit permit (SP000092), development permit (DP000291), and radio communication tower application (LP000021).

Iain Lawrence reported that the property is designated Rural Lands by the Otter Point Official Community Plan (OCP), Bylaw No. 3819, and that the primary use for the Rural Lands policy area is to protect renewable resources such as agriculture and forestry.

Iain Lawrence directed attention to proposed Bylaw No. 4422 as included in the staff report. The proposed bylaw provides a density and setback for campground use. Staff advised that the proposed bylaw should be amended to add camping as an accessory use in accordance with the applicant's proposal.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- the campground use is proposed to accommodate clients of the equestrian facility
- the proposed density would include accommodation for staff

MOVED by Sandy Sinclair, **SECONDED** by Ron Ramsay that staff be directed to refer proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021", as amended, to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

District of Sooke

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR - Water Protection Section

Island Health

Ministry of Agriculture

Ministry of Transportation & Infrastructure

Otter Point Fire Department

RCMP

Sooke School District #62

Sc'ianew

T'Sou-ke First Nation

CARRIED

The meeting adjourned at 7:52 pm.

Chair