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

PRESENT: Fiona McDannold (Chair) (EP), Vivi Curutchet (EP), Blair Hughes (EP),
Melody Kimmel (EP)

Staff: Iain Lawrence, Manager, Community Planning (EP);
Emma Taylor, Planner (EP); Wendy Miller, Recorder (EP)

ABSENT: Brenda Mark

PUBLIC: 6 (EP)

EP – Electronic Participation

The meeting was called to order at 7:03 pm.

1. Elections

Iain Lawrence called for nominations for the position of Chair of the Shirley/Jordan River APC 2021 and Fiona McDannold's name was put forward. Iain Lawrence called two times for further nominations and, as there were none, Fiona McDannold was acclaimed Chair.

Iain Lawrence called for nominations for the position of Vice Chair of the Shirley/Jordan River APC 2021 and Melody Kimmel's name was put forward. Iain Lawrence called two times for further nominations and, as there were none, Melody Kimmel was acclaimed Vice Chair.

2. Approval of the Agenda

MOVED by Vivi Curutchet, **SECONDED** by Melody Kimmel that the agenda be approved. **CARRIED**

3. Approval of the Supplementary Agenda

MOVED by Melody Kimmel, **SECONDED** by Blair Hughes that the supplementary agenda be approved. **CARRIED**

4. Adoption of the Minutes of December 9, 2020

MOVED by Melody Kimmel, **SECONDED** by Blair Hughes that the minutes of December 9, 2020, be adopted. **CARRIED**

5. Planner's Report

Iain Lawrence suggested that consideration of the application start with staff overview of the proposal followed by comments/questions from the APC for the Planner and the applicant, followed by comments/questions from the public. Iain Lawrence advised that at the close of discussion, a recommendation from the APC is requested for consideration by the Juan de Fuca Land Use Committee (LUC).

The Chair extended support for the proposed meeting format.

Further to the December APC meeting, Iain Lawrence reported that the zoning amendment application for the brewery proposal (RZ000270) in Jordan River has yet to return to the LUC.

6. Zoning Amendment Application

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

Emma Taylor spoke to the staff report and the application to amend the Forestry (AF) zone to add a site specific provision to permit an industrial 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.

Emma Taylor reported that:

- Bylaw No. 2040 was recently amended (Bylaw No. 4316) to define Industrial Sawmill in response to a zoning amendment in Otter Point (RZ000267)
- the subject property is designated Coastal Uplands by the Shirley – Jordan River Official Community Plan (OCP), Bylaw No. 4001
- the Coastal Uplands designation supports continued use of lands for forestry
- the OCP provides policies for consideration of rezoning/development proposals

Emma Taylor highlighted the subject property, site plan and photos showing the sawmill operation. It was confirmed that the applicants have done some work to address noise levels.

Emma Taylor reported that:

- amendment Bylaw No. 4407 was drafted to address the application proposal
- the Ministry of Transportation and Infrastructure (MoTI) has advised that the property owner will need to apply for and receive a highway access permit
- highway access permits are not required for residential driveways
- the supplementary agenda includes 26 letters in support of the application and 4 letters opposed to the proposal
- the APC may recommend changes to Bylaw No. 4407 to address the concerns received

The Chair requested comment from the APC.

APC comments included:

- acknowledge and appreciate the letters received supporting the business
- although the letters in support of the application indicate that the business provides good service to local residents, the APC needs to consider if the zoning amendment will change the character of Shirley
- appreciate requirements included in proposed Bylaw No. 4407 to limit expansion of the sawmill operation
- concern regarding the highway access
- concern regarding the scale of the operation, should the current owners sell
- the Total Floor Area proposed by Bylaw No. 4407, 1000 m², seems very large
- the Light Industrial Zone specifies a floor area of 900 m²
- through the OCP review process, the community supported light industrial uses in Jordan River
- concern that the proposal will set precedence
- support for Bylaw No. 4407 stipulating that the operator must reside on site
- Bylaw No. 4407, as currently drafted, does not specify hours of operation
- support for increasing the minimum height of solid fencing required by Bylaw No. 4407 to mitigate screening and noise concerns
- support for changing the permitted use to a portable sawmill as that is what is being operated by the current property owners
- support for Bylaw No. 4407 addressing lighting restrictions

Iain Lawrence responded to questions from the APC advising that:

- zoning applies to the land and does not change when there is a change in ownership
- temporary use permits allow a use not permitted by a zoning bylaw to a maximum of six years
- temporary use permit holders have indicated that financial institutions are hesitate to support uses not permitted by a zoning bylaw

The Chair requested comment from the applicants.

The applicants stated that:

- they were unaware that the sawmill operation had expanded beyond the scale permitted by the Home Industry regulations
- the sawmill operation has been operating at its current scale for a few years
- pursuing rezoning to be in compliance
- there are no plans to expand the current operation
- improvements have been made to decrease noise and increase screening

Iain Lawrence advised that:

- the zoning amendment application was received due in part to a noise complaint
- he has visited the site twice to view the improvements made to date
- improvements have made an overall reduction in sound
- CRD Bylaw Enforcement has been asked to comment on an appropriate decibel level for the sawmill operation

The Chair requested comment from the public.

Jeff Roby, Shirley, stated:

- letters of support received from satisfied customers should not be discounted
- letters from adjacent property owners should be given greatest consideration
- happy that traffic concern has not been raised at this meeting considering that highway improvements are underway to improve traffic flow
- that he supports small business

Jay Evans, Shirley, stated:

- that he lives directly adjacent to the subject property
- he has not had issues with noise
- the applicants want to come into compliance
- the applicants do not wish to expand the sawmill operation
- the applicants are receptive to amending the proposed bylaw to address concerns raised by the community regarding expansion of the sawmill operation

Emily Anderson, stated:

- that she lives the closest to the subject property
- she has lived on her property since 2012
- she was aware that she was buying property adjacent to a sawmill operation
- she does not believe property values are affected by the operation
- sawmill operator has been respectful of adjacent property owners
- she has not had issue with traffic related to the sawmill operation
- applicants are not proposing a "big box" operation
- some degree of processing/refining should be supported to promote community sustainability
- if local businesses are not supported, residents will go elsewhere

Emma Taylor responded to a question from a member of the public advising that the proposal was referred to external agencies to confirm requirements, if any. Staff will contact the MoTI to confirm design requirements/options for the highway access permit.

APC discussion ensued regarding the Total Floor Area proposed by Bylaw No. 4407.

The applicants stated that:

- a Total Floor Area of 1000 m² would allow the portable sawmill operation including all equipment to be moved indoors
- there are no plans to construct new structures at this time

Staff advised that:

- a survey has not been submitted confirming floor area of existing structures
- the Building Division has yet to comment on the proposal
- if the Total Floor Area of 1000 m² was reduced, the applicants would have opportunity to apply for a variance in future, if required
- a development variance permit (DVP-22-07) was approved in 2007 to increase the total floor area of accessory buildings
- existing accessory buildings are considered accessory to the residential use
- there may be opportunity to convert some existing accessory buildings to sawmill use
- full buildout as currently proposed would include the house, the 808.7 m² accessory total floor area permitted by DVP-22-07 and the 1000 m² total floor area proposed for the sawmill operation

MOVED by Melody Kimmel, **SECONDED** by Blair Hughes that the APC report to the Land Use Committee that the APC has reviewed proposed Bylaw No. 4407 and:

- a) That it recommends that the principal industrial sawmill use be amended to portable sawmill use accessory to a permitted principal use;
- b) That it supports the maximum area devoted to an industrial sawmill and accessory log and lumber storage being 0.5 ha;
- c) That it recommends that proposed Bylaw No. 4407 specify the hours of operation for the portable sawmill operation be Monday – Friday from 9:00 am to 5:00 pm, excluding statutory holidays;
- d) That it recommends that staff work with the applicants to reduce the Total Floor Area of 1000 m² proposed for the sawmill operation;
- e) That it supports 30 m being that setbacks for the sawmill operation;
- f) That it recommends that the minimum height of a solid fence be increased from 1.8 m to 2.5 m;
- g) That it supports proposed Bylaw No. 4407 including language to address noise/nuisance enforcement measures.

CARRIED

7. Adjournment

The meeting adjourned at 8:39 pm.

Chair