

Appendix B: Report of the Public Hearing

REPORT OF PUBLIC HEARING

held at the Juan de Fuca Local Area Services Building
3-7450 Butler Road, Otter Point, BC
August 10, 2021 at 7:00 pm

SUBJECT: **BYLAW NO. 4407**, cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021”

PRESENT: **Director M. Hicks** (EP), Chair by Resolution of the Capital Regional District Board on Wednesday, July 14, 2021

CRD Staff: I. Lawrence, Manager; JdF Community Planning (EP);
W. Miller, Recorder (EP)

PURPOSE OF THE HEARING:

Bylaw No. 4407 will amend Bylaw No. 2021, "Juan de Fuca Land Use Bylaw, 1992" by amending the Forestry (AF) zone to add a site specific provision to permit an accessory portable sawmill and associated log and lumber storage uses on That Part of Lot 87, Renfrew District, Lying to the East of a Boundary Parallel to the Easterly Boundary of Said Lot and Extending From a Point on the Northerly Boundary of Said Lot Distant 10 Chains from the North East Corner of Said Lot and to the South of the Northerly Boundary of Plan 109 RW, Except Part in Plan 16260.

NOTICE: Notices were inserted in two (2) consecutive issues of the Sooke News Mirror appearing on July 29, 2021, and August 5, 2021.

ATTENDANCE: Approximately 9 EP

EP – Electronic Participation

The Chair declared the public hearing open at 7:05 pm.

The guidelines and procedures of the public hearing and the Notice of Public Hearing were read to those present.

I. Lawrence advised that four submissions were received in response to the notice of public hearing. One submission stated support for the proposal. Two submissions outlined concerns about the proposal and stated objection to the proposal. The final submission, which included a petition with ten signatures, outlined concerns about the proposal and stated objection to the proposal. The submissions from Christian Knoglinger, Tony White, Gerard LeBlanc and Brenda Mark will be recorded into the record of public hearing.

Chuck Minten, Shirley, stated:

- has been a resident of Shirley for 45 years
- family has been in Shirley for 100 years
- supports the proposal as the portable sawmill operation will support economic development by being a local supplier and local employer

Tony White, Shirley, stated:

- has lived across the street from the subject property for 28 years
- the proposal will increase the sawmill operation from 30 days in a 12-month period to five days a week
- the sawmill operation will impact his property value
- the sawmill operation creates a high pitch sounds that causes his ears to ring
- concerns have not been addressed through CRD Bylaw Enforcement
- he is tired of the noise
- another location should be considered for the sawmill operation

The Chair called three times for further discussion on the bylaw and hearing none closed the public hearing on Bylaw No. 4407 at 7:12 pm.

CHAIR, Director M. Hicks

jdf info

From: Christian Knoglinger
Sent: Sunday, August 08, 2021 6:11 PM
To: jdf info
Subject: 2040-4407-1992-150-2021

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To whom it may concern:

Re: Bylaw No. 4407, Juan de Fuca Land Use Bylaw Amendment
Date: Tuesday, August 10, 2021
Time: At or near 7 pm
Place: Juan de Fuca Local Area Services Building, 3-7450 Butler Road, Otter Point, BC

To consider adoption of an amendment to Bylaw #2040: Bylaw No. 4407 - cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021".

This is a Letter of Support.

Even though I am not directly affected by the operation of an accessory portable sawmill and associated log and lumber storage due to the great distance to my house from said location I do want to express my support for the amendment.

I am a carpenter and when I source my wood I look for local sources: To support the local economy first, not some franchise or big-box store.

The Enterprise is a value-added business, a business that is desirable, considering how many raw logs are exported daily.

I have inspected the noise mitigation solutions that have been implemented at the expense of the operator, and I consider them of high quality and effect. Other equipment has been moved to the rear of the property to reduce the incident noise.

With all these improvements I can confidently say that the noise from the milling operation is much lower than the noise caused by traffic on Hwy 14.

I have stood at the entrance to Shirley Community Hall during the operation of the mill and I was annoyed by the Diesel pick-up trucks speeding by but not the mill in operation.

Full disclosure: My family are good friends of the

Please note: No-one asked me to write this letter.

I firmly believe that when one lives rurally on an acreage and provides a service to the community one should be allowed to do so within reason; such as a firm schedule of hours of operation, to allow quiet enjoyment after hours to anyone peripheral to said operation.

Sincerely (without wax :)

Chris Knoglinger
Jordan River,

AUG 4, 2021

I Tony White From (10f3)
we Have lived Hear For 2.9 Years. we live
a cross the street From the noisy saw mill.
Why would any Body want a saw mill close
To there Home. we Hear the noise ~~every~~ daily
it is making us sick. ask your self
would you want a saw mill next to your
Home. my Realtor Told me a saw mill
across the Road From your Home will affect your
Property value. For ever. it Has Been 10 months
and the noise Has not stopped. I reached out
To oak Bay Hearing clinic about 55 dB it could
Be a problem when it is on a Daily occurrence.
For 6 Hours aday at a High Frequency sound.
Like a sawmill, my ear Ring for Hours after
The mill shuts Down. oak Bay Hearing told
me that High Frequency sound at a Long Period
of time will cause Ringing of the ears
and mild Head aches.

2 of 3

The sawmill does not belong
next to my house.

CONCERNS

Loss of property value
noise/nuisance

Ringing of the ears
from High Frequency sound - at
55dB From electric Diesel



Sawmill That we Hear Daily

(Sof3)

The property is approximately
3.5 Ha lots Between 1 and 4 Ha
a portable saw mill can operate
For not more than 30 Days a year
But it runs 5 Day a week
and By Law Just Lets it Happen.
I Have phone CRD By Law and
nothing is Being Done and no call Backs -
and noise just keeps playing 5 Day a week

Would You want a sawmill 350 Feet
From Your House?

signature Yes/no signature Yes/no signature Yes/no signature Yes/no

signature	Yes/no	signature	Yes/no	signature	Yes/no	signature	Yes/no
Jan S.	No						
	No						
Nicholas Davis	NO!						
	NO!						
Melinda	NO!						
Ken. D	NO						
Nichas. D	NO						
Chanika. D	NO!						
Supakorn	No.						
Sam McGowan	No						

Wendy Miller

From: Gerard LeBlanc
Sent: Tuesday, August 10, 2021 9:56 AM
To: Wendy Miller
Subject: RE: Zoning Amendment Application RZ000271 (Portable Sawmill - 9662 West Coast Road)

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

Good morning and thank you for the notification of tonight's public hearing regarding Bylaw No. 4407. Unfortunately I will not be able to attend but want to voice my opinion on the proposal.

A saw mill is currently permitted on the property subject to conditions. A mill has operated on the property for a number of years and can continue to operate without a need to rezone if current zoning conditions are met. Because the use is a permitted use in the existing zone any noise coming from that use during its hours of operation must be expected and tolerated. The neighbourhood has lived with that for some time.

An expansion of the sawmill and its hours of operation through this rezoning will likely result in an increase in noise as well as the length of time noise is generated and will increasingly impact the adjacent neighbourhood uses. I feel this is not appropriate in terms of impacts on these surrounding uses – the Shirley community hall, Shirley heritage park, adjacent residential uses and possibly Shirley Delicious patrons, where outside seating is available to restaurant users.

I do not find the provision for a maximum decibel reading at the property line an adequate means of measuring, monitoring and controlling noise from the proposed expanded mill. From which property lines will measurements be taken? Will it be from the immediately adjacent residential uses or the property line at the rear of the property some distance from the operating mill?

I also believe that traffic movements on Highway 14 could be impacted as a result of the mill expansion. Any additional pick-ups and deliveries will add traffic to an already busy highway at a location where visibility can be limited to the east in the direction of Kirby Creek.

It is my position that it would be best if the use remained at its existing scale and hours of operation but with improved noise controls and mitigation implemented to improve and ensure compatibility with other uses in the neighbourhood. It's my opinion that the proposed sawmill expansion is inappropriate for the neighbourhood and I object to the adoption of the proposed zoning bylaw amendment that would permit it.

Yours truly,

Gerard

Gerard LeBlanc

Shirley, BC,

Public Hearing August 10 2021 Re: proposed Bylaw 4407, Amendment Bylaw #150, 2021 to amend Zoning Bylaw 2040, for a sawmill at 9662 West Coast Road.

I am not in favor of proposed Bylaw 4407 because I do not believe the noise issues have been adequately considered and addressed.

A sawmill is considered high on the list of adverse noise generation and negative influences on property values. Regarding the current operation of this sawmill, of 4 immediately adjacent property owners, 2 have stated they are not bothered by the noise or other aspects, 1 did not comment, and 1 is extremely affected by the noise. He is in a direct line from the mill, and his quiet and peaceful enjoyment of his property has been spoiled, and he is justifiably worried about his property value if he were to sell. He is perhaps home more during the day, and one wonders if the others are not there to experience the full effects of the sawmill when it is operating.

There is no board fence, whatever height, which would be adequate to effectively reduce the sound of this type of mill from 30 metres away. The only kind of fence which might work is a proper noise reduction solid concrete fence such as is used along highways. Or preferably, enclosing the mill in a building. **The owners of the mill stand to gain considerable economic benefit from a rezoning that allows them to operate with greatly increased hours, and should be required to take the most effective measures to mitigate noise.**

On reading the proposed Bylaw 4407, **Schedule A, (e) 3.09 Portable Sawmill (e)** states that the mill cannot create noise that exceeds a level of 55dB at the property line. This is a very good measure, but the question is how will it be monitored and enforced?

CRD Bylaw Officer made good recommendations regarding follow up on complaints about unacceptable noise. He also suggested the **CRD could consider retaining the right to rescind agreements if violations are not corrected.** That may offer more protection for current and future residents, and since Bylaw has already attended the property regarding non-compliance, it may be warranted.

Thank you

Brenda Mark, Shirley BC