

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