

AGRI – Ministry of Agriculture

Appendix C: Referral Comments



File: Lawrence-190911
Ref: RZ000267

Emma Taylor
Planner
Juan de Fuca Community Planning
Capital Regional District
3-7450 Butler Road, Sooke BC V9Z 1N1
Email: etaylor@crd.bc.ca

Re: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road)/Proposal for an indoor aquaponics facility.

Dear Ms. Taylor,

Based on the information received from you email dated September 4, 2019, I can confirm that there are no impacts related to the Ministry's interests with respect to the development of the proposed aquaponics facility. I would note; however, that depending on the design and type of operation of the facility, source and disposition of the fish, several federal and provincial licences/permits will be required, which are detailed as follows:

- Aquaculture Licence (Fisheries & Oceans Canada)
- Water Licence (BC Ministry of Environment and Climate Change Strategy)
- Waste Water Discharge Permit (BC Ministry of Environment and Climate Change Strategy)
- Import Permit (for aquatic animals if imported) (Canadian Fish Inspection Agency)
- Introduction and Transfer Permit (Fisheries & Oceans Canada/BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development)
- Fish Processing Licence (Ministry of Agriculture or Canadian Food Inspection Agency)
- Seafood Vendor Licence (Ministry of Agriculture)

Note that the above list is not exhaustive as other permits/authorizations/licences may be required depending on the specific activities undertaken.

I would also note that some storage, processing and greenhouse crops are regulated in BC by the BC Vegetable Marketing Commission (BCVMC) under the authority of the *Natural Products Marketing (BC) Act* and its *Regulations*. Greenhouse crops include tomatoes, cucumbers, peppers and lettuce, which require a production allocation from the BCVMC. The Commission

.../2

Ministry of Agriculture Sector Development Branch

Mailing Address:
PO Box 9120, Stn Prov Gov
Victoria, BC V8W 9B4

Web Address: <http://www.al.gov.bc.ca>

Page 2

may exempt small operations from this requirement and only require a licence fee. More information about the BCVMC can be found here:

<http://www.bcveg.com/>

Generally, the regulations exempt the direct sale of small volumes of produce sold direct to consumers but regulate the sale of product to retail outlets. Specifically, a license is required to sell regulated vegetables in any of the following situations:

1. A farmer sells more than one tonne (2,200 lb) of a regulated vegetable per year;
2. A farmer has more than 5,000 m² greenhouse space devoted to growing regulated vegetables;
3. A farmer has an established relationship with a customer who is purchasing more than 300 lb of regulated vegetables per transaction;
4. A farmer sells more than \$1,000 of regulated produce to an agency per year.

Further, where growers market regulated vegetables through agencies, the agencies will require that the growers are licensed through the BCVMC

The above notes are taken directly from "*Growing Connections, a handbook for purchasers + farmers in the Cowichan Region*" (Page 91) which is a good reference/resource that can help connect producers with buyers: <http://cowichangreencommunity.org/wp-content/uploads/2014/05/Growing-Connection-Handbook.pdf>.

Lastly, regarding composting fish wastes/offal on site, I would refer you to the Organic Matter Recycling Regulation of B.C. (OMRR), which is currently under review. More information can be found here:

<https://www2.gov.bc.ca/gov/content/environment/waste-management/food-and-organic-waste/regulations-guidelines>

Please do not hesitate to contact me should you require further details or wish to discuss further.

Sincerely,



Myron Roth, Ph.D., P.Ag.
Team Lead, Aquaculture & Marine Fisheries
Sector Development Branch

cc. Georgina Hodson, SDB, Ministry of Agriculture
Reed Bailey, IASB, Ministry of Agriculture
Jake Turek, ISAB, Ministry of Agriculture

BC Hydro

From: McFarlane, Penny <Penny.Mcfarlane@bchydro.com>
Sent: Wednesday, August 07, 2019 4:36 PM
To: Wendy Miller
Cc: Design, SVI; Mann, Elaine
Subject: FW: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral
Attachments: STAFFRPT-LUC-REFERRAL-RZ000267.pdf; REFFERAL-FORM-AGENCIES-RZ000267.pdf

Hello Wendy,

BC Hydro has no objections to the rezoning, however; the proponent must contact the ESCC/Victoria Design to see what servicing is available at this location as it appears from the information below that the load requirements will be quite heavy. Thank you

Penny

CRD Building Inspection

Wendy Miller

From: Mike Taylor
Sent: Tuesday, June 09, 2020 3:59 PM
To: Iain Lawrence; Wendy Miller
Cc: Kevin Lorette
Subject: Rezoning and OCP Amendment Application RZ000267, 3542 and 1-3542 Otter Point Rd

Hello, Iain. With respect to the rezoning application RZ000267 I attended the property at 3542 Otter Point Rd. with you and the owner, and reviewed the two existing buildings currently in use as a saw mill. I have also reviewed a report assessing these buildings prepared by BICC Professional Inc., dated March 30, 2020.

In accordance with the BC Building Code the use or occupancy of each of the buildings would be classified as Medium Hazard Industrial, F2. According to the BICC report the larger of the buildings is approximately 6880 sq ft. Due to its size it must be considered to be a Part 3 building with respect to the Code. Part 3 buildings are required to be designed and constructed with the oversight of Registered Professionals (registered Architects and Engineers) for all aspects of the project. Although there is some limited permit information in the property file for this site the sawmill buildings do not appear to be complete, nor in compliance with all aspects of the BC Building Code.

With the goal of completing these buildings in a manner that is in reasonable compliance with the BC Building Code I recommend that the applicant submit a Building Permit application for completion of the building and Code compliance review. This permit application should be accompanied with sealed drawings and Letters of Assurance from Registered Professionals for all aspects of the building demonstrating and detailing work needed to verify Building Code compliance. The areas of approval would include, but may not be limited to, Architectural, Structural, Mechanical/Plumbing, and Electrical. Through the site inspection I attended I have become aware of many aspects of the Building that I would assume to be non-compliant with respect to the Code including access to exit, fire separations and fire protection, stair design, lack of finishing both interior and exterior, etc.

The second smaller building, also being used as a sawmill, may be considered to be a Part 9 building as opposed to a Part 3 building, however, I believe it would also require Registered Professionals to be involved with a building permit application to demonstrate compliance with the BC Building Code.

Also evident on file is a small number of outstanding and expired building permits. The applicant is advised to work with the Building Inspection Dept. to review and resolve any outstanding matters so the approvals may be submitted.

I would be happy to review this matter with you further, or to discuss with the property owner our building permit application process and Building Code requirements. Thank you.
Mike

Michael Taylor
Manager and Chief Building Inspector
Capital Regional District | 625 Fisgard Street, PO Box 1000, Victoria, BC V8W 2S6
T: 250.360.3230 | F: 250.360.3232 | Email: mtaylor@crd.bc.ca
Office Hours: Monday - Friday 8:30 am - 4:30 pm

CRD Bylaw Services

From: Wilf Marquis
Sent: Tuesday, August 13, 2019 3:33 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road)

CRD Bylaw Services has reviewed the rezoning and subdivision (SU000711) application and the purpose of this zoning bylaw amendment application is to rezone a 5 ha portion of the subject property from Rural A to Rural Residential 2 (RR-2) to allow a five lot rural residential subdivision, to rezone a 6 ha area to a new Industrial Sawmill (M-3) zone, and to rezone a 4 ha portion to a new Industrial Aquaculture (M-4) zone.

This proposal is multi-faceted with increased density (RR-2), recognition of an Industrial sawmill (M-3) zone and inclusion of an Industrial Aquaculture (M-4) zone. The sawmill already exists and this step would bring the use that is already occurring into compliance. CRD Bylaw Services has not had a complaint regarding this sawmill activity at the property in the past which may be partially as a result of the current lack of density and proximity to residential uses. CRD Bylaw Services has concerns with this proposal in so far as potential increased reporting of nuisance type complaints (noise, odour, etc.) as a result of the increased residential density and proximity to the proposed adjacent Industrial uses.

Wilf MARQUIS
Senior Bylaw Officer

Bylaw and Animal Care Services
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6
Ph. 250.474.3351 ext. 22 \ Fax: 250.391.9727 \ TF: 800.665.7899
email: wmarquis@crd.bc.ca

CRD Protective Services

From: Jonathan Reimer
Sent: Tuesday, September 17, 2019 4:21 PM
To: Wendy Miller
Cc: Iain Lawrence
Subject: RE: Rezoning and OCP Amendment Application RZ000267 and Rezoning Application RZ000268

Hi Wendy,
Apologies for the late response. I've conferred with the local Fire Chiefs and Building Inspection staff and would like to add this comment to both applications:

The applicant must ensure that proposed developments can be served by the local fire department and comply with the Building Regulation Bylaw regarding access to property and adequate water supply for fire fighting (Bylaw No. 3741 section 2.1.7).

Yours,

Jonathan Reimer MSc
Manager, Electoral Area Fire and Emergency Programs
Protective Services | Capital Regional District
625 Fisgard St, Victoria BC V8W 2S6
T: 250-360-3137 | C: 250-415-1695

For emergencies, contact the CRD Duty Officer at 250-360-3223 or ecoreports@crd.bc.ca

CRD Solid Waste

From: Tom Watkins
Sent: Wednesday, July 31, 2019 4:06 PM
To: Wendy Miller
Cc: Emma Taylor; Russ Smith
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road)

Hi Wendy,

Thanks for the email, from what I can see, the proposed aquaculture operation may be subject to the CRD composting facilities bylaw which is explained at:

<https://www.crd.bc.ca/service/waste-recycling/kitchen-scraps/composting-facilities-bylaw>

The actual bylaw may be found at:

https://www.crd.bc.ca/docs/default-source/crd-document-library/bylaws/solidwastehartlandlandfillssitransferstationscompostingfacilities/2736---capital-regional-district-composting-facilities-regulation-bylaw-no-1-2004B.pdf?sfvrsn=457e4250_0

The bylaw contains a number of requirements to which the proponent would need to comply including leachate and odour management plans.

It may also be subject to the BC Organic Matter Recycling Regulation:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/18_2002

Hope this helps.

Regards, Tom

DFO

From: Gravelle, Kristin <Kristin.Gravelle@dfo-mpo.gc.ca>
Sent: Wednesday, July 17, 2019 4:29 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

Hello,

The role of the DFO's Fish and Fish Habitat Protection Program (FFHPP) is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the Fisheries Act. The FFHPP is specifically responsible for reviewing projects for which a s.35(2) Fisheries Act Authorization is required.

DFO does not have a regulatory role related to the CRD Referral - Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) because it does not directly propose works, undertakings or activities that may result in serious harm to fish.

DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the *Fisheries Act*, request a DFO review of a project, and request a *Fisheries Act* authorization.

If you would like to report a habitat violation, please call the Observe Record Report (ORR) hotline. Anonymous reports of suspicious activity and concerns about impacts to fish or fish habitat may be made directly to the toll-free 24-hour hotline at 1-800-465-4336 or 604-607-4186 in Greater Vancouver. Further information can be found online: <http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/ORR-ONS-eng.html>.

If you have any further questions about DFO's regulatory process or need general information, contact DFO's Fish and Fish Habitat Protection Program toll free: 1-866-845-6776 or email: EnquiriesPacific@dfo-mpo.gc.ca.

Thank you,

Kristin Gravelle

Biologist, Fish and Fish Habitat Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada/Government of Canada
Pacific Biological Station
3190 Hammond Bay Road, Nanaimo, B.C. V9T 6N2
Kristin.Gravelle@dfo-mpo.gc.ca/Tel: 250-756-7292 Cell: 250-739-0673

Biologiste, Programme de protection du poisson et de son habitat
Direction des écosystèmes
Pêches et Océans Canada | Gouvernement du Canada
Station biologique du Pacifique
3190, chemin Hammond Bay Nanaimo (Colombie-Britannique) B.C. V9T 6N2
Kristin.Gravelle@dfo-mpo.gc.ca/Tel: 250-756-7292 Cell: 250-739-0673

National Website: "Projects Near Water": <http://wwwdev.ncr.dfo-mpo.ca/pnw-ppe/index-eng.html>
FFHPP Enquiries: EnquiriesPacific@dfo-mpo.gc.ca; Referral submission: ReferralsPacific@dfo-mpo.gc.ca
Fisheries violations - Observe Record Report Line: 1-800-465-4336 or <http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/points/ORR-ONS-eng.htm>

Wendy Miller

From: Emma Taylor
Sent: Thursday, December 12, 2019 3:07 PM
To: Wendy Miller
Subject: FW: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD referral

Please save referral comment and contact info for future.
Thanks

From: AQFW / AQFW (DFO/MPO) [mailto:FreshwaterAquaculture.XPAC@dfo-mpo.gc.ca]
Sent: Thursday, December 12, 2019 2:48 PM
To: PAC.AAR / RAA.PAC (DFO/MPO) <DFO.PACAAR-RAAPAC.MPO@dfo-mpo.gc.ca>; Emma Taylor <etaylor@crd.bc.ca>
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD referral

Thank you Krista,

I had not received the referral.

Emma, I work on land-based aquaculture applications, for facilities licensed under PAR. This proposed facility would require a commercial aquaculture licence. Please contact me for more details.

Thank you,

Vanessa Metcalf

Aquaculture Management Coordinator | Coordonnatrice de la gestion de l'aquaculture
Aquaculture Management Division | Division de la gestion de l'aquaculture
Fisheries and Oceans Canada | Pêche et Océans Canada
250-754-0405

District of Sooke

Wendy Miller

From: Tara Johnson <tjohnson@sooke.ca>
Sent: Monday, September 09, 2019 4:36 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

I apologize for the delay Wendy,

The District of Sooke has no objections to Bylaw No. 4316 to rezone the parcel for the requested uses and Bylaw 4317 to amend the Otter Point OCP to designate portions of the property as Watercourses & Wetland Areas and Commercial & Industrial development permit areas

Being a neighboring property, thank you for providing a section on specific Screening requirements within the draft Industrial Aquaculture Zone.

Kind Regards,

Tara Johnson, MCIP, RPP
Planner II- District of Sooke
2205 Otter Point Road, Sooke BC V9Z 1J2
Email: tjohnson@sooke.ca
Phone (250) 642-1634
Direct (250) 642-1627
Fax (250) 642-0541 web: <http://www.sooke.ca>

 Rethink Reduce Reuse Repair Recycle

 Please consider the environment before printing this e-mail



ENV

From: "Tam, Jordan ENV:EX" <Jordan.Tam@gov.bc.ca>
Date: August 6, 2019 at 3:22:06 PM PDT
To: Emma Taylor <etaylor@crd.bc.ca>
Cc: "Barlas, Sajid A ENV:EX" <Sajid.Barlas@gov.bc.ca>
Subject: RE: composting facility inquiry

Hi Emma,

Thanks for your inquiry, if you could forward me a copy of the referral package I can hopefully better answer your questions. From the information provided I have put down some of my initial thoughts regarding the Ministry's regulatory requirements. These may be subject to change based on the facility's operations and how it will be oriented.

1. The composting portion of the operation will be required to register under the Organic Matter Recycling Regulation. Should the facility be producing greater than 5,000 dry tonnes of compost annually a permit may also be required for the facility.
2. The discharge associated with the land based finfish portion of the facility may require registration under the Land-Based Finfish Waste Control Regulation, however depending on the type of fish, discharge location and fish being reared, a permit may be required.
3. Discharge from the agricultural operations (such as greenhouses) will likely be covered by the Agricultural Environmental Management Code of Practice.

Please let me know if you have any questions,

Cheers,

Jordan Tam, P.Ag.

Environmental Protection Officer – South Authorizations
Regional Operations Branch | Environmental Protection Division



Ministry of Environment and Climate Change
Strategy
#200-10470 152nd St.
Surrey, BC, V3R 0Y3
Direct: 604.930.7106 | Jordan.Tam@gov.bc.ca

Emma Taylor

From: Wheating, Graham ENV:EX <Graham.Wheating@gov.bc.ca>
Sent: Thursday, September 12, 2019 12:01 PM
To: Emma Taylor
Subject: RE: wood processing facility inquiry

Hello Emma,

Thank you for your inquiry regarding a logging and sawmill operation on Otter Point Road. I am with the Hazardous Waste and Forestry Section of South Authorizations and Jordan Tam forwarded your questions regarding logging and sawmill operation on to my. Please see my responses to your questions below in blue.

- What regulations apply to timber harvesting, log sales and sawmill operations?
- The Environmental Management Act (EMA) does not pertain to timber harvesting or log sales, these operations are managed by the Ministry of Forest Lands Natural Resource Operations and Rural Development (FLNRORD). However, I'm not sure if FLNRORD manages these operations on private land. I recommend they getting in touch with Front Counter BC who should be able to get you in touch with folks in FLNRORD that can help answer this.
- However, Section 6(2) of EMA would apply to the sawmilling and production of secondary value-added products and a waste discharge authorization is required for sawmilling and secondary wood processing operations. There is no regulation or Code of Practice that applies to these operations, so they would need to apply for a site specific waste discharge permit.
- As such, this application would be processed through the Routine Application Stream of the our Structured Application Process. More information on the routine application process can be found at: <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/routine-application-process>
- Does the Waste Discharge Regulation and Code of Practice for industrial non-hazardous waste landfills incidental to the waste processing industry apply? Are there permit or licencing requirements associated?
- If they operate or propose to operate a landfill solely for the purpose of disposing of this type of waste then they are required to register under and comply with the requirements of the COP. Please see the Ministry's [Guidance, Forms & Fees for Waste Authorizations](#) website (under the tab for this COP) for more information. The Ministry has also produced a Wood Waste Landfill Guideline that is available here: <https://www2.gov.bc.ca/assets/gov/environment/waste-management/industrial-waste/industrial-waste/pulp-paper-wood/woodwastelandfillguideline.pdf>
- Registrations under this COP are processed through the Express Transaction Stream of our Structured Application Process. More information on the express transaction process can be found at: <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/express-transaction-process>
- A site profile has been submitted for review under the Contaminated Sites Regulation.
- Thank you for this update, however my section is not involved with the administration of the Contaminated Sites Regulation so I can't speak to the status of this review.

I hope answered most of your questions, please don't hesitate to contact me if you have any additional questions.

Cheers,

Graham Wheating

FLNR – Archaeology Branch

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: Tuesday, August 06, 2019 9:43 AM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

Hello Wendy,

Thank you for your referral regarding rezoning and an OCP amendment for proposed development at 3542 and 1-3542 Otter Point Road, Sooke, PID 009499369, THAT PART OF SECTION 17, OTTER DISTRICT, LYING EAST OF OTTER POINT ROAD, EXCEPT PARCEL C (DD 43782I) AND EXCEPT PARTS IN PLANS 3054 AND 17721. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

Archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this information request.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.

Questions?

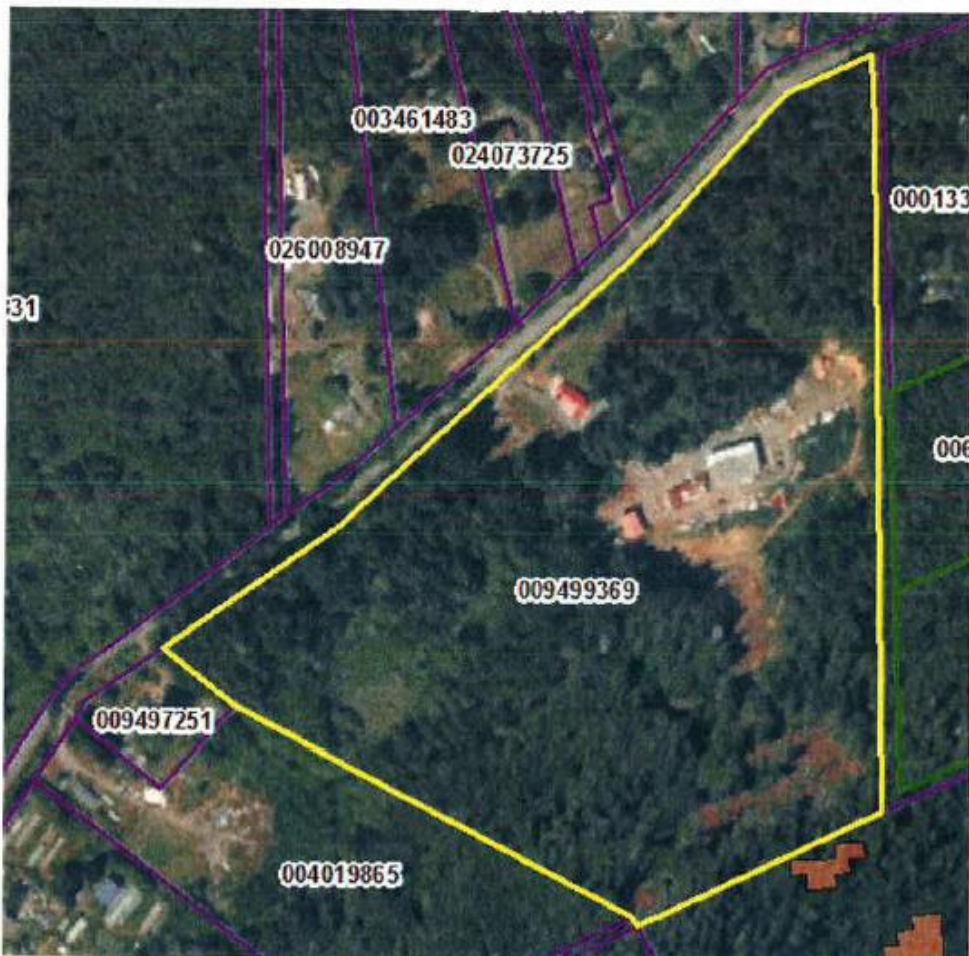
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Please let me know if you have any questions regarding this information.

Kind regards,

Diana



Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent.

Diana Cooper | Archaeologist/Archaeological Site Inventory Information and Data Administrator

Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3
Phone: 250-953-3343 | Fax: 250-953-3340 |
Website: www.gov.bc.ca/archaeology

FLNR – Ecosystem Biologist

**RESPONSE SUMMARY – REZONING AND OFFICIAL COMMUNITY PLAN
AMENDMENT APPLICATION RZ000267**

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal PROVIDING THE CONDITIONS
BELOW ARE FOLLOWED DURING SUBSEQUENT
DEVELOPMENT.

Comments:

- ALL CONDITIONS OF THE WATER SUSTAINABILITY
ACT ARE MET.
- ALL CONDITIONS OF THE RIPARIAN AREAS
REGULATION ARE MET
- THE ENVIRONMENTAL PROTECTION MEASURES
RECOMMENDED ON PAGES 10 TO 18 OF
"ENVIRONMENTAL ASSESSMENT FOR 3542
OTTER POINT ROAD" (CORVIDAR ENV. CONSULTING
APRIL 2019) ARE FOLLOWED.

Dr. [Signature] P. Ag. ECOSYSTEMS BIOLOGIST
Signed Title

JULY 19, 2019 BC MIN. OF FLNRORD
Date Agency

Island Health

**RESPONSE SUMMARY – REZONING AND OFFICIAL COMMUNITY PLAN
AMENDMENT APPLICATION RZ000267**

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

1. For the creation of any new lots, we are referred to entity from Ministry of Transportation and Infrastructure, and aim to ensure the developer meets with the minimum requirements outlined in our Subdivision Standards.

2. Ensure compliance with the Drinking Water Protection Act/Regulation and Sewerage System Regulation.

Kazuhiro Takeuchi
Signed

Environmental Health Officer
Title

July 19, 2019
Date

Island Health
Agency

Otter Point Volunteer Fire Department

**OTTER POINT VOLUNTEER
FIRE DEPARTMENT**

Thursday, 7-9 p.m.
Office Phone 642-6211
Office Fax 642-2673

3727 Otter Point Road
Sooke, B. C. V9Z 0K1
www.otterpointfire.bc.ca

January 30, 2020

CRD: JdF Community Planning
Attn. Iain Lawrence
#3 – 7450 Butler Road.
Sooke, BC V9Z 1N1



Re: Referral for Warburton Subdivision Proposal

Property at 3542 Otter Point Road.
Known as: Warburton's Mill
PID 009499369, Section 17
Folio: 762.16114.000

I have carefully considered the requirements for a water supply for fire protection at Warburton's Mill. There is much more to consider than just the protection of the mill and stored lumber. There is very significant risk to the community, both in the risk of wildfire and interface fires should a fire break out and not be immediately controlled at the Warburton Mill. The fuel load that is on site in the form of buildings, stored lumber, sawdust, milling debris and raw logs is very significant. Should a fire at this location grow uncontrolled for any length of time the fire would quickly become beyond the capacity of the local and mutual aid fire departments to control. On a warm summer day with a breeze, or a stronger wind, embers would be carried great distances potentially igniting spot fires, structure fires and forest fires which could result in a disastrous wildfire event causing great harm to our whole community.

I understand that Mr. Warburton has a portable pump set up in the stream for his own use should a fire break out. I commend Mr. Warburton for being proactive and having some form of initial firefighting capability on hand.

The reality is that a portable pump in the creek is not enough to supply water for firefighting at this mill. The creek itself has limited potential and a portable pump is probably capable of flowing 100-200gpm. (not enough water for fire flow at a small residential structure fire.) While this may be effective for a small incipient fire, it certainly is not even close to the requirements should a fire at this location grow to any size.

The very minimum that I would recommend is a system capable of supplying 1000gpm or more for up to one hour. Big water is the only hope of putting out a fire at this location before it grows to a size which is beyond the capacity of our combined fire departments to control.

The system that I would recommend would consist of 6- 10,000 gallon water tanks (for a total of 60,000 gallons of water) linked together with 6" plumbing and connected to a fire hydrant for quick and easy connection as well as providing freeze protection in the winter. The location of the system must be determined to allow for quick and safe access and connection in all fire scenarios.

This system would allow for quick access to a water supply that would allow the fire department to flow 1000gpm for up to an hour. A similar system is being installed in the Sooke Business Park for a commercial development.

I believe that this system provides a fair solution to Mr. Warburton while at the same time providing a reasonable measure of fire protection to the community.

If you have any further questions please contact me at the above number or by email at jmccrea@otterpointfire.bc.ca

Yours truly,

A handwritten signature in blue ink, appearing to read 'John McCrea', is written over a horizontal line.

John McCrea, Fire Chief
Otter Point Fire Department

CC:

RCMP

From: Clayton WIEBE <clayton.wiebe@rcmp-grc.gc.ca>
Sent: Wednesday, August 14, 2019 1:45 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

The Sooke RCMP has no comment relating to this Application

Sooke School District #62

From: Pete Godau <pgodau@sd62.bc.ca>
Sent: Tuesday, July 23, 2019 1:54 PM
To: Wendy Miller
Cc: Scott Stinson; Harold Cull; Farzaan Nusserwanji
Subject: FW: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral
Attachments: STAFFRPT-LUC-REFERRAL-RZ000267.pdf; REFFERAL-FORM-AGENCIES-RZ000267.pdf

Good Afternoon Wendy,

At this time the school district does not have any concerns with this referral.

Thank you,

Pete

Peter Godau
Director of Facilities | School District # 62
P (250)474-9840 Ext 203 | C (250)361-7330 | pgodau@sd62.bc.ca
Shaping Tomorrow Today

TRAN

From: Breysen, Tara TRAN:EX <Tara.Breysen@gov.bc.ca>
Sent: Wednesday, August 07, 2019 11:52 AM
To: jdf info
Subject: Rezoning Referral - File RZ000267 - Amendment to Bylaw 2040 - Ministry File 2019-04362
Attachments: H0020 Permit application - fillable.pdf

Good morning

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the proposed rezoning of 3542 Otter Point Road for the purpose of a 5 lot rural residential subdivision, a new Industrial Sawmill and a new industrial aquaculture zone.

As a condition of this approval, the Ministry requires the applicant to apply for an Industrial access permit for access to the non-conforming sawmill that is existing on the property. I have attached an application form that would be required to apply for the access.

Please have the applicant contact Owen Page, Development Office (owen.page@gov.bc.ca, 236-478-1552) if they have any questions or concerns.

Tara Breysen
District Clerk
Saanich Area Office
Ph: 778-974-2630
Fx: 250-952-4508

JdF EA Parks and Recreation Advisory Commission



Making a difference...together

**Minutes of a Meeting of the
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
Held Tuesday, July 30, 2019 at the Juan de Fuca Local Area Services Building,
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: S. Jorna (Chair), V. Braunschweig, B. Croteau, J. Gaston,
Director M. Hicks, A. Marchand, A. Sielopp, P. Sloan
Staff: D. Closson, Manager, Juan de Fuca Parks and Recreation;
E. Taylor, Planner; W. Miller, Recorder

PUBLIC: 1

The meeting was called to order at 3:00 pm

1. Approval of the Agenda

MOVED by Commissioner Croteau, **SECONDED** by Commissioner Sielopp that the agenda be approved, as amended, to add a presentation from the Friends of Coppermine Park Society under New Business.

CARRIED

2. Adoption of the Minutes of May 28, 2019

MOVED by Commissioner Croteau, **SECONDED** by Commissioner Sielopp that the minutes from the meeting of May 28, 2019, be adopted.

CARRIED

3. Chair's Report

None.

4. Director's Report

Director Hicks reported that Wally Vowles has stepped down as Alternate Director and that Dan Quigley now fills the position. Director Hicks relayed that he anticipates attending future meetings of the Commission.

5. Delegation – Juan de Fuca Community Planning

- a) **Zoning and Official Community Plan Amendment Application RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)**

Emma Taylor spoke to the staff report to the Juan de Fuca Land Use Committee and the request to rezone a 5 ha portion of the subject property from Rural A to Rural Residential 2 (RR-2) to allow a five lot rural residential subdivision, to rezone a 6 ha area to a new Industrial Sawmill (M-3) zone, and to rezone a 4 ha portion to a new Industrial Aquaculture (M-4) zone. An amendment to the Otter Point Official Community Plan (OCP) is also proposed to designate portions of the property as Watercourses & Wetland Areas and Commercial & Industrial development permit areas.

Emma Taylor confirmed that the agent for the application was present and directed attention to the policies in the Otter Point OCP for parks and natural areas for the Commission's consideration.

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The Chair reported that staff and members of the Commission attended the two subject properties being considered for rezoning on July 29.

Commission comments included:

- the Commission holds a licence of occupation over Wieland Road for trail use
- the subject property interrupts the trail
- extension of the gazetted road or establishment of a statutory right-of-way over the subject property would provide an alternative transportation route from William Simmons Memorial Park to Kemp Lake Road to Crown lands to the west

Emma Taylor responded to questions from the Commission advising that

- the obligation for formal park land dedication in accordance with Section 510 of the *Local Government Act (LGA)* would be at the time of subdivision, should the rezoning application proceed
- the applicant has submitted a subdivision application
- the applicant is aware of the licence of occupation
- the rezoning application has been referred to agencies for comment
- agency comments will be shared with the applicant and considered by the Land Use Committee

Director Hicks stated that, should a route be secured over the subject property, gas tax funds could be utilized to support construction of a trail.

Staff presented photos from the July 29 site visit.

Commission comments included:

- it is understood that the property owner wants to be able to access the adjacent private property to the south as part of the sawmill operation
- measures would need to be in place to ensure the safety of all users
- proposed route would be screened by trees
- the proposed route would benefit the community of Otter Point

Emma Taylor responded to a question from the Commission advising that a combination of land and cash can be considered at the time of subdivision to meet the requirements of Section 510 of the *LGA*.

MOVED by Director Hicks, **SECONDED** by Commissioner Sloan that the Commission supports the rezoning application with establishment of a trail for continuation of Wieland Road at the time of subdivision.

Staff responded to a question from the Commission advising that the application will also be considered by the Otter Point Advisory Planning Commission.

The Chair called the question.

CARRIED

Otter Point APC



Making a difference...together

**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held September 10, 2019 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Al Wickheim (Chair), Bud Gibbons, Sid Jorna, Anne Miller, Stephen Smith
Staff: Emma Taylor, Planner; Wendy Miller, Recorder
PUBLIC: 26

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

1. Approval of the Agenda

MOVED by Anne Miller, **SECONDED** by Sid Jorna that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of the Minutes of April 9, 2019

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the minutes of the meeting of April 9, 2019, be adopted.

CARRIED

4. Planner's Report

- a) At its meeting of August 14, 2019, the CRD Board adopted Bylaw No. 4290, rezoning the remaining lots in the Sooke Business Park to the Sooke Business Park Industrial (M-SBP) zone and specifying that the maximum floor area for a caretaker suite in the M-SBP zone is 90 m².
- b) CRD Corporate Services is hosting a committee/commission orientation on Monday, September 16, 2019 at 3 pm at the Juan de Fuca Local Area Services Building.
- c) It was confirmed that at its meeting of April 10, 2019, the CRD Board approved the temporary use permit for 7861 Tugwell Road (TP000009) allowing the proposed expansion of a home based microbrewery.

5. Zoning and Official Community Plan Amendment Application

- a) **RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD437821) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)**

The Chair directed attention to the staff report considered by the Juan de Fuca Land Use Committee at its meeting of July 16, 2019.

Emma Taylor advised the property owner is requesting to rezone the property to permit a seven-lot subdivision, as well as an industrial sawmill operation and an aquaponics facility (Bylaw No. 4316). An Official Community Plan (OCP) amendment is also proposed to update the Watercourses and Wetland Areas and Commercial Industrial development areas (Bylaw No. 4317). It was advised that the Land Use Committee has directed referral of the proposal to external agencies, CRD departments, the Juan de Fuca Electoral Area

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Parks and Recreation Advisory Commission and to the Otter Point Advisory Planning Commission (APC).

Emma Taylor spoke to the proposed subdivision plan identifying the areas proposed for residential, aquaponics and sawmill use. It was confirmed that the proposed OCP amendment would designate the areas identified for aquaponics and sawmill use as a development permit area to address the form and character of commercial and industrial buildings. Attention was directed to the OCP policies as included in the staff report for community consideration of rezoning applications.

Emma Taylor reported that the owner has submitted an environmental assessment report prepared by Corvidae Environmental Consulting Inc. which identifies a watercourse on the property and outlines considerations for future development. It was advised that the Biologist who prepared the report is acting as the application agent.

Emma Taylor identified the subject property on the web map, identifying industrial zoned properties in the vicinity of the subject property and the undeveloped roads adjacent to the subject property. It was advised that the Juan de Fuca Community Parks division currently holds a Licence of Occupation over Weiland Road right-of-way for future construction of a multi-use trail extending from William Simmons Memorial Park to Kemp Lake Road, but that the right of way terminates at the subject property.

Emma Taylor directed attention to Bylaw No. 4316 as included in the meeting agenda package to reflect changes related to building size and lot coverage for the proposed aquaponics use as requested by the applicant.

The Chair confirmed that the application representatives were present.

The Chair requested that the representatives speak to the proposed residential area.

Residential Area

The representatives stated that:

- the five proposed residential lots are for the owner's children and will be developed as required
- individual wells have been drilled on the five proposed residential lots
- although not required, cisterns will be installed on each lot
- percolation test holes have been dug
- surface water will be protected through the update to the Watercourse and Wetland Areas development permit area (DPA)
- the watercourse identified on the subject property flows west to east, draining into King Creek

Emma Taylor identified lands on the web map that are in the vicinity of the subject property that are designated a Watercourse and Wetland Areas DPA. It was confirmed that the Watercourse and Wetland Areas DPA includes land within 30 metres (100 feet) of the natural boundary of a watercourse.

The agent responded to a question from the APC regarding viability of a trail in the vicinity of Weiland Road advising that there is methodology available for creek crossings.

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The representatives confirmed that well reports can be made available.

The Chair requested that the representatives speak to the proposed aquaponics area.

Aquaponics Area

The representatives stated that:

- the facility requires 0.4 gallons per minute (GPM) of water
- a well has been drilled and a percolation test hole dug
- a cistern will be installed
- the aquaponics building is sited at the back of the property to limit views of the facility from Otter Point Road
- views of the facility will be buffered by the proposed residential use
- the proposed height of the building (12.6 m) would reduce the footprint of the facility
- a separate access to the facility is required
- access to be determined by the Ministry of Transportation and Infrastructure (MoTI)
- access will not be by easement over the other proposed lots
- the facility is anticipated to operate 35 hours a week and employ 20 workers
- operation will produce salad greens, micro greens, herbs and trout
- fish species may change depending on market demand
- reinforced, lined cement tanks will be above ground
- no water will be discharged to the surface
- the facility will be built to meet a life expectancy of 25 years
- building materials will be food grade to meet organic status
- the facility will produce vermicompost (worm compost)
- HVAC will scrub any odour but vermicompost is generally odourless
- a HACCP (Hazard Analysis and Critical Control Points) plan is being designed for the facility
- monitors will be installed to detect any water breaks
- in the event of a break, the system would shut down and overflow directed to a filtration system
- sawdust from the sawmill operation may be utilized as the aquaponics facility requires a grain chaff

Emma Taylor responded to a question from the APC confirming that, should the applicant's proposed changes to the M-4 zone not be supported, the applicant could submit a variance application to vary the building's building size and height,

The Chair requested that the representatives speak to the proposed sawmill area.

Sawmill Area

The representatives stated that:

- sawdust is currently stored outdoors
- a new structure for sawdust storage is proposed
- sawdust will be bagged for sale
- current sawmill operation employs 8-10 full-time workers

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Doug Brubaker, Otter Point, stated that:

- he owns a lumber manufacturing company
- his establishment offers sawdust free of charge
- sawdust is not easy to get rid of
- water supply is a concern in the community and on his property even with rainwater capture and greywater reuse
- he has concern regarding property development, in general, as all watercourses have not been mapped

The Chair opened the floor to questions.

A member of the public stated that she lives on an adjacent property and has concern regarding hours of operation and air quality as the property owner currently burns wood debris outdoors. It was questioned if Tenbury Road, the undeveloped road to the east, will be utilized.

A representative stated that the owner will be moving to an electric sawmill and that the new mill will be enclosed.

Emma Taylor advised that the MoTI is the authority for roads and that the MoTI has relayed that an industrial access permit is required for the sawmill operation.

Ron Watson, Otter Point, stated that he:

- has concern regarding water supply as water is limited 3-5 months of the year
- has concern regarding spontaneous combustion of sawdust
- lives downhill from the subject property and can hear the sawmill operation at its present size
- has concern that noise impact will increase, should the operation expand
- had hoped to see more written material regarding the proposal

A representative stated that current noise levels are high as the site is being readied for development.

A member of the public questioned if the aquaponics facility will have backup generators.

The aquaponics representative stated that, in addition to having a diesel generator, the facility will have solar panels on the roof with storage and grid connection.

Doug Dunnett, Otter Point, stated that:

- he lives on an adjacent property
- he has concern regarding water supply
- he has concern regarding the access to the aquaponics area and provisions for buffering

Emma Taylor confirmed that the proposed Industrial Aquaculture (M-4) zone provides regulations for screening and that the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, provides regulations for fencing.

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A member of the public stated that:

- he lives across from the subject property
- the subject property sits in a valley
- noise from the sawmill operation echoes across the valley
- the property has been cleared with the exception of the lands within the riparian assessment area
- no buffer has been left
- he has concern regarding hydrocarbon storage
- King Creek is salmon bearing

A representative stated that there is a replanting plan.

Arnie Campbell, Otter Point, stated that:

- he has no issue with the background noise associated with the operation's current outside work
- he has issue with noise produced by the ventilation system for the current enclosed structure
- the ventilation system noise is a high pitched whine
- he has concern that noise impact will increase, should enclosed operations increase

A member of the public stated that:

- she lives across from the subject property
- noise levels over the past year have been too much
- she has concern regarding the compost facility increasing the rodent population
- she has concern for the existing wildlife/bear corridor the subject property provides
- she has concern regarding water supply
- she has concern regarding increased traffic on Otter Point Road
- Otter Point Road was not built for large volumes
- there is already an issue with speeding on Otter Point Road

A member of the public stated that:

- he has concern regarding noise
- he has concern regarding the aquaponics facility, should the business plan fail
- it is not known what kind of operation could happen in future
- the community should question what it is getting back by supporting the rezoning proposal

Emma Taylor responded to questions from the APC confirming that the OCP is the guiding document for community consideration of rezoning applications and directed attention to policy 4.1.1 (4) which outlines that support for rezoning is more likely where it can be demonstrated that community values and features can be protected subject to the listed criteria. Clarification was provided regarding the potential requirement for 5% park dedication at the time of subdivision pursuant to Section 510 of the *Local Government Act*.

A member of the public stated that:

- she has concern regarding water supply
- noise levels over the past year have been awful
- work has started at 6:00 am and stopped at dark
- work has been lifestyle changing
- she no longer enjoys being outdoors on her property

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- the community should question if the proposal is wanted by the community
- the community should question if it wants to support a rural operation developing into an industrial operation
- to date, it has not been clear as to what the property owner is proposing
- she is having a hard time believing that what is proposed will happen

Emma Taylor responded to the question from the public advising that the applicant can request that additional uses be added to the proposed M-4 zone and that, in future, a property owner could submit an application to rezone the property or submit an application for a temporary use permit.

Dane Bugoy, Otter Point, stated that:

- he has concern regarding water supply
- he has concern regarding fire protection as the volunteer fire department has limited resources
- residents regularly need to resort to trucked water
- hauling water increases traffic, impacting carbon levels
- he supports extension of CRD water and hydrant installation

A member of the public stated support for noise mitigation measures as there will also be noise associated with the property's long term buildout.

The agent for the application responded to questions from the public confirming that:

- some trees have been removed from the Streamside Protection and Enhancement Area
- replanting recommendations have been made
- no buildings are currently sited or planned to be sited in the SPEA
- the aquaponics facility will require a stream crossing
- the stream crossing would be in accordance with provincial regulations

Arnie Campbell requested that the proposed subdivision plan be updated to reflect that the property is in Otter Point.

Emma Taylor confirmed that the plan notes the property mailing address and that the property borders the District of Sooke.

The representatives responded to a question from the APC advising that there is no lot large enough in the Sooke Business Park to accommodate the aquaponics proposal which requires at least 1.5 acres of lot coverage.

John McCrae, Fire Chief, Otter Point Volunteer Fire Department, stated that:

- the proposal was referred to the Otter Point Volunteer Fire Department
- the Otter Point Volunteer Fire Department has concern regarding water supply for firefighting services
- the Otter Point Volunteer Fire Department will work with the applicant and the CRD to address concerns

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The APC stated:

- concern regarding dust levels
- support for a noise abatement agreement
- concern regarding increased traffic and property access/egress
- support for setting limitations to the aquaponics use proposed by the M-4 zone
- that the OCP supports green initiatives
- trucking water is not a green initiative

The APC acknowledged the concerns identified by the members of the public and advised that residents can forward their concerns directly to staff and to the Land Use Committee.

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the Otter Point Advisory Planning Commission recommend that the Juan de Fuca Land Use Committee allow for further review of primary community concerns including water supply, firefighting servicing, noise, hours of work, traffic, rodents, future land use considerations, pollution including lighting, fencing/buffering and protection of the riparian area.

Opposed: Bud Gibbons
CARRIED

An APC member stated that the proposal should not be given further consideration until the owner addresses current noise issues.

The APC asked the representatives to relay the community's concerns to the owner. The APC stated that it would have appreciated hearing directly from the property owner.

6. Adjournment

The meeting adjourned at 9:10 pm.

Chair