

Appendix F: Referral Comments

CRD Bylaw Enforcement

From: Lance Hurrell
Sent: Friday, April 16, 2021 10:25 AM
To: Iain Lawrence <ilawrence@crd.bc.ca>; Wendy Miller <wmiller@crd.bc.ca>
Cc: Shayne Gorman <sgorman@crd.bc.ca> <sgorman@crd.bc.ca>; Lance Hurrell <lhurrell@crd.bc.ca>; Shawn Carby <scarby@crd.bc.ca>
Subject: Recommendations

Hi Iain;

CRD Bylaw services has reviewed notice of a zoning amendment to allow the subject property to permit a sawmill operation. The application is a rezoning application to permit a sawmill operation in conjunction with the existing AF uses on the property. There are no development permits areas designated on the property. There is an existing mobile home and accessory buildings and an area currently being used for a portable sawmill operation under the Home based Business regulations of Bylaw No 2040. Bylaw No 4077 would amend the AF zone to add sawmill with accessory log and lumber storage as site specific uses.

The property has been the subject of a noise complaint in the past by one party. No other parties we interviewed had similar issues. As a result our recommendations for consideration would be as follows.

Recommendations from CRD Bylaw Enforcement as the best way to monitor, the ongoing operations located at 9662 West Coast Rd., JDF EA with respect to noise levels. If deemed necessary, CRD Bylaw Enforcement would become involved where complaints from area residents were being submitted to CRD Bylaw regarding noise levels exceeding acceptable limits over a period of time, and hours of operations were to surpass an agreed upon limit (currently 09:00 hrs-13:00hrs).

Upon receiving a Noise complaint/s about operations, CRD Bylaw Enforcement would then investigate to determine if a violation exists. Upon being satisfied of a violation, the owner/operator would be contacted informing of the details of the complaint/s and take necessary action to have to issues dealt with. If necessary, Warning Notices, MTI's, long form prosecutions and/or injunctions could be issued or sought.

It may be worthwhile that the CRD JDF EA retain the right to rescind any agreements where a home based business has been granted operation should any owner/operator fail to take necessary measures to correct any violations that have been determined to exist.

The terms below should be considered to form part of any covenant or conditions to be placed upon the property.

'Unacceptable Limit' – to be put in place where sound levels were to reach an unacceptable limit at any time during operations underway, regardless of duration based on the interpretation of the Complainants.

'Continuous Sound/Noise'- to be used in monitoring the continuous noise levels emanating from a property to avoid a complaint from a singular occurrence. Establishing an unacceptable Noise Level and meet the recommended or accepted levels during time of operation.

'Point of Reception' – location of where Noise Level is detected and is outside the perimeter of the property line of the source of the Noise and in proximity to Complainants.

'Neighbourhood' –meaning more than one person in the vicinity of the source of the Noise.

I hope these recommendations are helpful and are what you were looking for. Please feel free to contact me with any questions.

Lance Hurrell
Asst. Bylaw Enforcement Officer
Planning and Protective Services
Capital Regional District
#212-2780 Veteran's Memorial Pkwy
Langford, B.C.
V9B 3S6
Tel: 250-474-3351 #23
lhurrell@crd.bc.ca

CRD Protective Services

From: Wendy Miller
Sent: Wednesday, April 07, 2021 2:12 PM
To: Wendy Miller
Subject: Referral - Rezoning Application RZ000271

From: Jonathan Reimer
Sent: Wednesday, April 07, 2021 1:01 PM
To: Wendy Miller <wmliller@crd.bc.ca>
Subject: Referral - Rezoning Application RZ000271

Thank you Wendy. The local Fire Department is satisfied that the property has appropriate fire mitigation resources for rezoning.

Jonathan Reimer
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

District of Sooke



2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2
Phone: 250-842-1634 Fax: 250-842-0541 Email: info@sooke.ca Website: www.sooke.ca

CRD Rezoning Application Referral to District of Sooke Planning Department

Wednesday, March 17, 2021

DOS File No.: CRD Referral

Juan de Fuca Community Planning
3-7450 Butler Road
Sooke, BC V9Z 1N1

Via Email: wmiller@crd.bc.ca

Dear Ian Lawrence, Manager, Community Planning

Re: Referral Comments on rezoning application to amend Bylaw No. 2040 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.

Upon review of the proposed bylaw amendment to Bylaw No. 2040, Planning staff have determined that the District of Sooke's interests are unaffected by the proposed bylaw amendment RZ000271.

Thank you for providing the opportunity to comment on the proposed rezoning application.

If you have any further questions, please do not hesitate to contact me at the email provided below.

Regards,

Kasha Janota-Bzowska | Planner I
Planning and Development Department
2205 Otter Point Road
Sooke, BC, V9Z 1J2

Email: kjanotabzowska@sooke.ca
Web: www.sooke.ca

CC: Matthew Pawlow, RPP MCIP, Director of Planning and Development Services

Island Health

From: Takeuchi, Kazuhiro <Kazuhiro.Takeuchi@VIHA.CA>
Sent: Thursday, April 15, 2021 11:21 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000271 - CRD Referral

Hi Wendy,

Island Health has no objections to the aforementioned rezoning application.

Sincerely,

Kazuhiro Takeuchi, B.Sc., B.Tech., CPHI(C)
Environmental Health Officer
Gateway Village Health Unit
Suite 201 – 771 Vernon Avenue, Victoria, BC. V8X 5A7
Phone: (250) 519-3401 Ext 33655
Email: Kazuhiro.Takeuchi@viha.ca



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FLNR – Archaeology Branch

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: Wednesday, April 07, 2021 2:37 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000271 - CRD Referral

Hello Wendy,

Thank you for your referral regarding proposed rezoning for 9662 West Coast Road, PID 006452230, 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. 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 referral response.

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) 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.



Diana Cooper
Archaeologist/Archaeological Information Administrator
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: (250) 953-3343 | Email: diana.cooper@gov.bc.ca | Website: www.gov.bc.ca/archaeology

Wendy Miller <wmiller@crd.bc.ca>

Sent: March 17, 2021 10:51 AM

To: Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>

Subject: Rezoning Application RZ000271 - CRD Referral

From:

FLNR – Ecosystems Section

RESPONSE SUMMARY – REZONING APPLICATION RZ000271

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

Because the site has already been heavily modified and much of the natural vegetation removed, our interests are unaffected by the proposed rezoning.

The Water Protection Section of FLNRORD will provide separate comments on any ground water concerns.

Dr. Grant Bracher P.Ag., R.P.Bio.
Signed

Ecosystem Biologist
Title

March 25, 2021
Date

Ecosystems Section - FLNRORD
Agency

FLNR – Water Protection

RESPONSE SUMMARY – REZONING APPLICATION RZ000271

 X Interest Affected by Proposal for Reasons Outlined Below

 Interest Unaffected by Proposal

Comments:

The Ministry of Forests, Land, Natural Resource Operations and Rural Development's Water Protection Section has received a referral with respect to a proposed rezoning application to facilitate an industrial sawmill and associated log and lumber storage uses on the subject property.

The subject property is located above a bedrock aquifer 449, described as a fractured sedimentary rock aquifer within the Sooke Formation. The aquifer factsheet can be found here: https://s3.ca-central-1.amazonaws.com/aquifer-docs/00400/AQ_00449_Aquifer_Factsheet.pdf. The aquifer is noted to have low vulnerability to contamination, however the intrinsic vulnerability mapping completed in this area indicate moderate vulnerability. As such, measures should be in place to ensure on site contaminants, such as fuel for equipment, do not contaminate the aquifer, while at the same time minimizing impervious surfaces which would reduce natural recharge.

The applicants should be advised that a water license for the required groundwater use would be required. For information on water licensing and rights refer to <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights>.



Water Protection Section Head

Signed

Title

May 13, 2021

Ministry of FLNRORD

Date

Agency

MOTI

From: Page, Owen TRAN:EX <Owen.Page@gov.bc.ca>
Sent: Tuesday, March 30, 2021 2:12 PM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000271 - CRD Referral

File #2021-01727

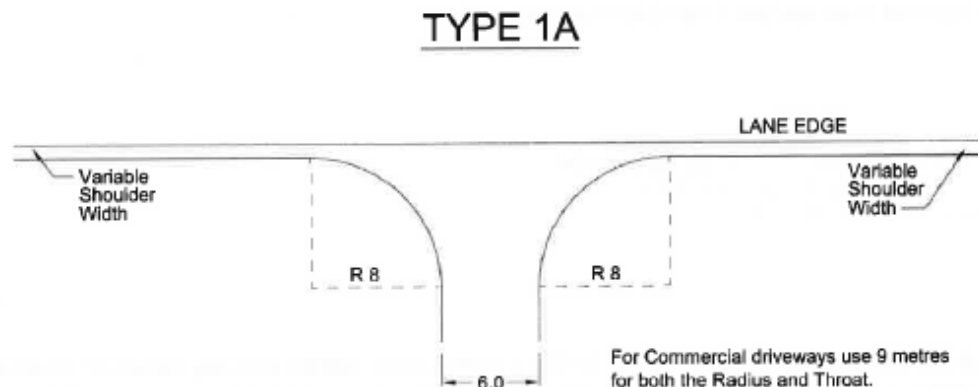
Hi Wendy,

Please consider this the official response from the Ministry of Transportation and Infrastructure regarding the proposed rezoning of 9662 West Coast Road to a site specific zone to allow for an industrial sawmill.

The Ministry has no objection to the rezoning provided that:

- The property owner apply for and received a permit for an Access to a Controlled Access Highway. The applicant should be aware that they will be required to construct an Type 1A access, from the BC supplement to TAC, with a 9m turn radius and throat. See image below:

Figure 730.A Type 1 Driveways
N.T.S.



Thank you for the opportunity to comment on this proposal. Should any further discussion be needed, please feel free to contact me.

Best Regards,

Owen Page
Development Officer
Ministry of Transportation and Infrastructure
Vancouver Island District
Ph: 236-478-1552



Ministry of
Transportation
and Infrastructure

RCMP

From: Sinden, Brett <brett.sinden@rcmp-grc.gc.ca>
Sent: Thursday, March 18, 2021 10:26 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000271 - CRD Referral

Good morning. No comments on this rezoning application.

Thanks.

Brett

S/Sgt Brett SINDEN
Detachment Commander
Sooke RCMP
250-642-5241 extension 2227

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Shirley/Jordan River APC Comments



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.

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
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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

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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 hesitant 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

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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