

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **March 16, 2021 at 7 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of February 16, 2021
4. Chair's Report
5. Planner's Report
6. Zoning Amendment Application
 - a) RZ000271 – PID: 006-452-230 (9662 West Coast Road)
7. Adjournment

Please note that during the COVID-19 situation, the public may attend the meeting electronically through video or teleconference. Should you wish to attend, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details. Written submissions continue to be accepted.



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Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, February 16, 2021, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell (EP),
Roy McIntyre (EP), Dale Risvold (EP), Sandy Sinclair (EP)
Staff: Iain Lawrence, Manager, Community Planning (EP);
Wendy Miller, Recorder (EP)
ABSENT: Ron Ramsay
PUBLIC: 2 EP

EP – Electronic Participation

The meeting was called to order at 7:07 pm.

1. Approval of the Agenda

At this time, it was advised that the applicant for Radio Communication and Broadcasting Antenna Systems Application LP000020 for 7908 West Coast Road has requested that consideration of the application be withdrawn from the February 21, 2021 Juan de Fuca Land Use Committee meeting agenda.

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the agenda be approved, as amended to strike consideration of application LP000020.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of Minutes from the Meeting of January 19, 2021

MOVED by Vern McConnell, **SECONDED** by Roy McIntyre that the minutes from the meeting of January 19, 2021, be adopted.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

No report.

6. Building Conversion to Strata Application

a) BC000024 – Lot A, Section 11, Otter District, Plan 33095 (4090 Otter Point Road)

Iain Lawrence spoke to the staff report and the application to convert a single-family dwelling to strata at 4090 Otter Point Road for the purpose of registering a phased building strata.

Iain Lawrence highlighted the subject property map, zoning boundaries and proposed phased strata plan and outlined Section 242(6) of the *Strata Property Act*, which provides considerations for approving conversion of previously occupied buildings.

Iain Lawrence responded to questions from the LUC advising that:

- while the CRD is the authority for approving the previously occupied building conversion to a strata, the Ministry of Transportation and Infrastructure is the approving authority for a phased strata
- a building permit was issued in 1980 for a single-family dwelling on the Agricultural zoned portion of the property and the permit lapsed in 1987
- a condition of approval is a submission of a Qualified Professional's report to confirm that the existing dwelling substantially complies with the *BC Building Code*

Iain Lawrence confirmed that the applicants were in attendance.

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. That Building Conversion Strata BC000024, for Lot A, Section 11, Otter District, Plan 33095, to obtain individual title for two single-family dwellings as part of phase 1 of the Proposed Phased Building Strata shown on the Plan prepared by Summit Land Surveying, dated December 2, 2020, be approved subject to the following conditions:
 - i. Submission of a Qualified Professional's report to confirm that the existing dwelling substantially complies with the *BC Building Code* and describe the life expectancy and projected major increases in maintenance costs due to the condition of the building;
 - ii. Completion of a building permit for the existing dwelling;
 - iii. Completion of any building permits and development permits required for the existing accessory buildings;
 - iv. Submission of a Qualified Professional's report confirming completion of the improvements to the existing domestic groundwater as outlined in the report prepared by Wellmaster Pumps and Water Systems Ltd., dated July 19, 2020, and certifying that well complies with the *Groundwater Protection Regulation*;
 - v. Submission of proof of a potable water supply for the proposed dwelling;
 - vi. Confirmation that the subject property can accommodate a sewerage system or systems that meet the requirements of the *Sewerage System Regulation*, for proposed phased strata;
 - vii. Substantial completion of a second dwelling on the subject property, as confirmed by CRD Chief Building Inspector, to form part of phase 1 of the proposed phased building strata as identified on the survey prepared by Summit Land Surveying dated December 2, 2020;
 - viii. The submission of a final survey plan for endorsement by the General Manager, Planning & Protective Services Department.

CARRIED

7. Adjournment

The meeting adjourned at 7:15 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 16, 2021**

SUBJECT **Zoning Amendment Application for 9662 West Coast Road –
(PID: 006-452-230)**

ISSUE SUMMARY

The owners have applied to rezone the subject property to permit a sawmill operation.

BACKGROUND

The approximately 3.5 ha subject property is located at 9662 West Coast Road in Shirley (Appendix A). The property is designated as Coastal Uplands in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001, and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix B). The parcel is within the Shirley Fire Protection Service Area and is serviced by on-site wells and septic. There are no development permit 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 (Appendix C). A development variance permit (DVP-22-07) was approved in 2007 to increase the total floor area of accessory buildings from 250 m² to 808.7 m² and to reduce the side yard setback from 1 m to 0.89 m for an existing woodshed.

The owners have submitted a rezoning application to permit a sawmill operation in conjunction with the existing AF uses on the property (Appendix D). Staff have prepared Bylaw No. 4407 which would amend the AF zone to add sawmill with accessory log and lumber storage as site specific uses (Appendix E).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021" to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

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
T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4407 not be referred.

Alternative 3

That more information be provided.

LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *Local Government Act (LGA)*. Therefore, staff recommend referring the proposed amendment bylaw to the Shirley/Jordan River APC.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

Sawmills are listed as a Schedule 2 activity in the *Contaminated Sites Regulation*. Since there is currently a portable sawmill use on the property, a site disclosure has been submitted pursuant to the *Environmental Management Act* as part of this application.

Section 6(2) of the *Environmental Management Act* applies to sawmills and prohibits the discharge of waste without a site specific discharge permit or registration under a regulation. Staff recommend referral to the provincial Hazardous Waste and Forestry Authorizations Division for comment.

Where groundwater is used for non-domestic purposes, a licence is required pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning. Staff recommend referral to the provincial Water Stewardship Division for comment.

REGIONAL GROWTH STRATEGY IMPLICATIONS

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The proposed rezoning is consistent with the policies of the Shirley-Jordan River OCP.

LAND USE IMPLICATIONS

The Shirley-Jordan River OCP, Bylaw No. 4001, designates the subject property as Coastal Upland. The intent of this designation is to support the continued use of these lands for forestry. Section 484(S) supports industrial uses associated with forestry on lands designated Coastal Upland. In addition, Section 444(R) outlines that rezoning applications for resource processing related to forestry are to consider the potential impacts on neighbouring properties and that adequate setbacks and screening requirements are implemented.

The property is zoned AF in Bylaw No. 2040, which permits silviculture, residential and ancillary uses. Portable sawmills are permitted as a Home Industry subject to Part 1, Section 4.06 of Bylaw No 2040. Since the property is less than 4 ha in area, the following conditions apply:

- On lots of between 1 and 4ha, portable sawmills may be operated for a period of not more than 30 days in a 12-month period.
- Portable sawmills may only be operated from dawn to dusk, or from 8 a.m. to 8 p.m.,

whichever is less.

- Portable sawmills shall be located not less than 30 m from any lot line.
- The storage of raw materials, cut timber, and waste material shall be located not less than 30 m from any lot line, and shall be screened from view from the public road and adjacent properties.
- No equipment or process shall be used which creates noise, vibration, glare, fumes, odours, particulate matter, electrical interference or nuisance by any other means detectable to the normal senses of a person located off the lot. Materials or projects that are inflammable or explosive under ordinary or operating temperatures shall not be permitted.

The owner of the sawmill operation has requested to expand beyond the scope of the Home Industry regulations, as shown in Appendices C and D, by amending the AF zone to add the operation of a sawmill and associated log and lumber storage uses as a site specific permitted use on the subject property. Staff have prepared proposed Bylaw No. 4407 in for consideration (Appendix E).

The proposed amendment would permit the operation of an *industrial sawmill* with accessory log and lumber storage on a 0.5 ha portion of the subject property, provided that the activity occurs at least 30 m from the parcel boundaries, is screened by vegetation or a solid fence, and that the total floor area for buildings and structures related to the use is no greater than 1,000 m². The definition for *industrial sawmill* was recently added to Bylaw No. 2040 and reads as follows:

INDUSTRIAL SAWMILL means a building, structure or area where timber is cut, sawn, or planed, either to finished lumber or as an intermediary step, and may include facilities for the kiln drying of lumber, and may include the distribution of such products on a wholesale or retail basis, subject to the *Environmental Management Act*.

Section 414 of the Shirley-Jordan River OCP outlines policies for water use and protection. Policy 414(B) states that in consideration of a development proposal, the protection of aquifers and water resources from contamination and depletion will be ensured. Since the non-domestic use of groundwater will require a provincial licence, staff recommend referral to the Ministry of Environment - Water Stewardship Division for comment. Section 414, also includes policies to ensure there is adequate water capacity to handle fire-fighting efforts; therefore staff recommend referral to CRD Protective Services division and the Shirley Volunteer Fire Department. The referral will also include CRD Building Inspection.

Based on the information provided by the applicant and the policies of the Shirley-Jordan River OCP, staff recommend referral of the rezoning application to the Shirley/Jordan River APC, appropriate CRD departments, external agencies and First Nations for comment.

CONCLUSION

The purpose of this zoning bylaw amendment application is 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. Staff have prepared proposed Bylaw No. 4407 and recommend referral to the Shirley/Jordan River Advisory Planning Commission, First Nations, CRD departments and agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021” to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

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
T’Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: Subject Property
Appendix B: Forestry AF Zone
Appendix C: Site Plan
Appendix D: Development Proposal
Appendix E: Proposed Bylaw No. 4407

[illegible]

Appendix B: Forestry AF Zone

Schedule "A" of Capital Regional District Bylaw No. 2040
Juan de Fuca Land Use Bylaw

3.0 **FORESTRY ZONE - AF**

3.01 **Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20. *Bylaw 3849*

3.02 **Minimum Parcel Size for Subdivision Purposes**

The minimum lot size is 4ha;

3.03 **Density**

One one-family dwelling per lot is permitted.

One secondary suite or one detached accessory suite per lot is permitted. *Bylaw 3849*

3.04 **Height**

Maximum height shall be 11m.

3.05 **Lot Coverage**

Maximum lot coverage shall be 10 percent.

3.06 **Maximum Size of for Residential Buildings**

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m², whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

3.07 **Yard Requirements**

For all structures, the front, side, rear and flanking yards shall be a minimum of 15m. *Bylaw 3849*

[illegible]

Appendix D: Development Proposal

9662 West Coast Road Rezoning Application

Average day

We (the partners ----- and ----- and the labourer) start the day with a safety meeting and game plan for the day. Then we head to the worksite and measure and cut logs to an appropriate length based on the wood order using a chainsaw. The logs are then sprayed down with the Pressure Washer or the hose in order to remove rocks and loosen bark. The bark is removed by hand with axes. The tractor then picks up the log and loads it onto the Head Rig mill. The log then gets milled into lumber. This process takes approximately 30 minutes to two hours depending on the number of cuts the log requires for the lumber order. The lumber may be loaded by hand on to the edger in order to smooth out the sides of the lumber. The lumber then is organized into piles to be ready for pick up by customers. This process is repeated throughout the workday. We average 3 to 5 lengths on the sawmill per day. While ----- runs the sawmill and the labourer cleans up the worksite, ----- works on sharpening the saw blades using the sharpener, makes phone calls, writes up quotes and bills and other office administration as necessary.

Around two or three times a week, when an order is complete, a customer will come over and we will load their lumber into their vehicle.

Mechanical Equipment List

Large mill "Head Rig", 36' long: used for breaking down raw logs into more manageable sizes. Runs off a generator.

Small mill "Re-sawmill", 20' long: used for reducing large cants from the head rig into lumber. Runs on petrol.

Twin blade edger, 15' long: used for squaring up boards and removing the live edge

Band saw blade sharpener: used to sharpen mill blades

Generator: used for creating power for the head rig

Backhoe Tractor: used for loading logs on to the head rig and moving wood waste

Fork lift: used for unloading lumber

Chainsaw: used for making raw cuts and removing bark from raw logs.

Pressure washer: used to remove rocks and loosen bark off of raw logs.

*All items mentioned are "portable" however the Head Rig is somewhat hard wired to the generator (see drawing) and it rests on a 40'x8' cement slab.

Storage (see drawing for locations)

We have an outside zone large enough to store logs.

We store finished lumber on racks outside along the driveway to the worksite.

We have some fine grains stored in the barn where the mill operates.

Vehicles on the property

Backhoe Tractor

Forklift

Two pick up trucks (used for personal and work)

Trailer (used for lumber deliveries)

Average Business Traffic

Approximately once a day a client will drive onto property to order or pick up lumber.

Once a month a midsize delivery truck will come to pick larger orders to deliver to customers.

Every two months, a logging truck will deliver a load of logs.

Business Parking/Loading area

We have lots of parking on the worksite. Usually people are there to pick up lumber and then leave. They drive down to the worksite and the lumber gets loaded into their truck.

Wood Waste

Most of our waste (off cuts/ends) get turned into fire wood for the neighbourhood.

The saw dust is piled and gets used for chickens, gardens, around the yard. Occasionally it gets trucked away.







Appendix E: Proposed Bylaw No. 4407

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4407**

A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"

The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

A. SCHEDULE A, PART 2, SECTION 3.0 FORESTRY ZONE – AF

- (a) By amending section "3.0 Forestry Zone" by adding a new subsection "3.01A" after "3.01 Principal Uses" as follows:

"3.01A Site Specific Permitted Uses

The following uses are permitted on a site specific basis only:

- a) An industrial sawmill with accessory log and lumber storage 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, PID: 006-452-230.";
- (b) By amending section "3.03 Density" by adding "a)" before the words "One one-family dwelling..." and by adding "b)" before the words "One secondary suite...";
- (c) By amending section "3.03 Density" by adding the following:
"c) The maximum area devoted to an industrial sawmill and accessory log and lumber storage shall be 0.5 ha."
- (d) By amending section "3.06 Maximum Size of for Residential Buildings" by adding "a)" before the words "Provided applicants..." and by adding the following:
"b) Industrial sawmill buildings and structures shall not exceed a Total Floor Area of 1000m²."
- (e) By deleting section "3.07 Yard Requirements" and replacing it with the following:

"3.07 Yard Requirements

- a) The front, side, rear and flanking yards for an industrial sawmill with accessory log and lumber storage shall be a minimum of 30 m;
- b) For all other buildings and structures, the front, side, rear and flanking yards shall be a minimum of 15m."
- (f) By adding a new section "3.08 Screening" as follows:

"3.08 Screening

- a) A vegetative screen or solid fence shall be located and maintained around the perimeter of the portable sawmill operation;
- b) The minimum height of a solid fence shall be 1.8 m;
- c) A vegetative screen shall consist of coniferous vegetation native to the region that is not less than 2 m high, not less than 5 m deep and spaced not more than 2 m apart."

CRD Bylaw No. 4407

2

This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021".

READ A FIRST TIME THIS day of , 2021.

READ A SECOND TIME THIS day of , 2021.

READ A THIRD TIME THIS day of , 2021.

ADOPTED THIS day of , 2021.

CHAIR

CORPORATE OFFICER