

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **June 15, 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 May 18, 2021
4. Chair's Report
5. Planner's Report
6. Zoning Amendment Applications
 - a) RZ000270 – Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)
 - b) RZ000271 – PID: 006-452-230 (9662 West Coast Road)
 - c) RZ000272 – Section 42, Otter District (Clark Road & Aythree Way)
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 until 4:00 pm the day before the meeting.



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Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, May 18, 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: 5 EP

EP – Electronic Participation

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

The Chair provided a Territorial Acknowledgment.

1. Approval of the Agenda

MOVED by Dale Risvold, **SECONDED** by Vern McConnell that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Dale Risvold, **SECONDED** by Sandy Sinclair that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of March 16, 2021

MOVED by Vern McConnell, **SECONDED** by Stan Jensen that the minutes from the meeting of March 16, 2021, be adopted.

CARRIED

4. Chair's Report

No report.

5. Planner's Report

No report.

Roy McIntyre entered the meeting at 7:05 pm.

6. Administrative Bylaws

a) Bylaw No. 4385, "Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, Amendment Bylaw No. 1, 2021" (Agricultural Land Reserve Exclusions)

Iain Lawrence spoke to the staff report and proposed Bylaw No. 4385 which would establish fees for Official Community Plan (OCP) and zoning amendment applications where Agricultural Land Reserve (ALR) exclusion is also requested.

Iain Lawrence advised that:

- the application fee levied upon local governments by the Agricultural Land Commission for review of an ALR exclusion application is \$750
- an ALR exclusion application would require an OCP and zoning bylaw amendment
- as directed by the CRD Board, Bylaw No. 4385 has been drafted to increase fees for OCP and zoning amendment applications by \$2,000 in order to recover costs associated with ALR exclusion applications
- costs include staff time associated with application review, public notification and hearing expenses

Iain Lawrence responded to questions from the LUC advising that:

- in past, private property owners could submit ALR exclusion applications
- the *Agricultural Land Commission Act* now specifies that only government, First Nations or a prescribed body may apply to have land excluded from the ALR
- private property owners are still able to submit ALR inclusion applications and ALR subdivision applications
- the Building Division is permitted to charge \$30 for realtor property information reports (Bylaw No. 3741)
- there is degree of expectation that land use information is a basic level of service and that such information should be provided at no cost
- application fees for the Juan de Fuca Community Planning Division were last amended in 2019

The Chair stated support for proposed Bylaw No. 4385 as it would reduce tax payer subsidy. The Chair further stated that fees for soil removal and deposit applications are under review and that he continues to support review of financial separation of Building Inspection Services for each of the Electoral Areas.

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4385, "Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, Amendment Bylaw No. 1, 2021" be introduced, read a first, a second and a third time; and
2. That Bylaw No. 4385 be adopted.

CARRIED

b) Bylaw No. 4412, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" (Outdoor Recreation)

Iain Lawrence spoke to the staff report and proposed Bylaw Nos. 4412 and 4413 which would delete the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040.

Iain Lawrence highlighted the present definitions for outdoor recreation and reported that:

- the definition of outdoor recreation was added to the Land Use Bylaw for the Rural Resource Lands in 2010 and to the Juan de Fuca Land Use Bylaw in 2013
- the definition in the Land Use Bylaw for the Rural Resource Lands was amended in 2015 to clarify those activities that are permitted under the definition
- the Juan de Fuca Land Use Bylaw was amended in 2018 to add the Restricted Development – Flood Hazard Area (RD-1) zone which permits outdoor recreation, but specifically excludes overnight camping
- since these amendments, staff have continued to receive inquiries regarding the scope of permitted outdoor recreation uses
- in particular, proponents have requested clarification as to what constitutes “low-impact wilderness camping” in order to determine the feasibility of developing campgrounds
- regulation of outdoor recreation with no associated specifications for density is problematic
- the amendments are proposed to require review of specific proposals for outdoor recreation uses through submission of individual zoning amendment applications and public consultation on a site-specific basis

Iain Lawrence further highlighted the uses permitted in all zones prescribed by the Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw.

The Chair requested comment from the public.

Brenda Mark, Shirley, stated that:

- she supports proposed Bylaw Nos. 4412 and 4413 as the CRD needs to be able to control and regulate campground use and activities
- the lands above her house are zoned Resource Lands, which permits the outdoor recreation use
- some of these lands have been removed from Private Managed Forest Land (PMFL) and sold
- there has been issues with the development of these recently sold lands and issues are anticipated to increase
- she supports outdoor recreation use, but through site specific rezoning to allow for regulations/controls to address such items as building and fire hazard concerns

Heather Phillips, Otter Point, stated that:

- outdoor recreation has been anticipated as a use in the Sooke Electoral Area since 1978
- supports amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to include parks, hiking trails, horse trails and bicycle paths
- in Nicola Valley there are public lakes stocked by the Province
- the public lakes are surrounded by private land
- through court action, the land owner does not need to provide access to the public lakes
- she is concerned that public access to Crown land sites such as the Kludahk Trail could also be restricted by land owners if the use is not permitted
- if outdoor recreation is struck as a permitted use, forestry companies may retract their access agreements

Iain Lawrence responded to questions from the LUC stating that:

- amending uses permitted in all zones would not ensure access to lands held by the forestry companies as the lands are privately held
- local government bylaws cannot regulate forestry use on PMFL

LUC comments included:

- access to private lands held by the forestry companies is by private agreement
- the private agreements address liability and insurance concerns
- support for amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to also include ATV trails
- support consideration of deleting camping from the definitions of outdoor use as a means of addressing development scale concerns

The Chair stated that:

- Jordan River has seen an increase in visitors
- the increase in visitations has seen an increase in development inquiries
- development inquiries have focused on campground development
- Juan de Fuca Community Planning has a well-established process for considering rezoning applications
- supports the proposed bylaws being referred to the APC and the T'Sou-ke First Nation and Pacheedaht First Nation

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that staff be directed to refer proposed Bylaw Nos. 4412 and 4413 to appropriate CRD departments, the Shirley/Jordan River Advisory Planning Commission, T'Sou-ke First Nation and Pacheedaht First Nation for comment.

CARRIED

7. Adjournment

The meeting adjourned at 7:45 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY JUNE 15, 2021

SUBJECT **Zoning Amendment Application for Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 – 12036 West Coast Road**

ISSUE SUMMARY

The owner has applied to rezone a portion of the subject property to permit a brewery with lounge, picnic area and retail sales, and a country market.

BACKGROUND

The approximately 145 hectare (ha) subject property is located at 12036 West Coast Road in Jordan River (Appendix A). A 3.3 ha portion of the property is currently zoned Wildwood Terrace Neighbourhood Commercial (C-1A) (Appendix B) and the remainder of the property is zoned Wildwood Terrace 4 (WT-4) (Appendix C) under the Juan de Fuca Land Use Bylaw No. 2040. There is a gravel processing facility and related shop/office and weigh scale facilities in accordance with the WT-4 zone provisions. The property is also classified as Managed Forest under PMFL and BC Assessment.

The property is designated as Pacific Acreage in the Shirley-Jordan River Official Community, Bylaw No. 4001. Portions of the property are designated as development permit areas for Steep Slopes, Riparian, Sensitive Ecosystem, Commercial and Industrial areas, and is within the Development Approval Information Area specified in Bylaw No. 4001. The parcel is outside a fire protection area and would be serviced by on-site wells and septic.

The subject parcel has been altered through a series of subdivision applications in the vicinity of Trailhead Drive since 2005. A 14-lot subdivision application is currently under review for the western portion of the subject property in accordance with the development potential permitted in the WT-4 zone (SU000728 and SU000729). Statutory park dedication requirements have already been met for the lands.

The owner has submitted a rezoning application for a brewery with accessory retail sales, on-site tasting and lounge, as well as a country market use (Appendix D). The applicant is also requesting to realign the zoning boundary in order to separate the C-1A uses from the existing WT-4 uses. Staff have prepared Bylaw No. 4381 which would amend the C-1A zone by adding *country market* and *food and beverage processing* as permitted uses with accessory service and sale of liquor subject to approval of a licence and endorsement under the *Liquor Control and Licensing Act* (Appendix E). An amendment to the boundary of the Commercial & Industrial development permit area to align with the zoning boundary will follow as part of an upcoming OCP amendment.

At its meeting of November 17, 2020, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaw to the Shirley/Jordan River Advisory Planning Commission (APC), CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, Island Health, Liquor and Cannabis Regulation Branch, Managed Forest Land Council, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Public Safety & Emergency Services – Wildfire Service, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation. Comments have been received from agencies and are included in Appendix F.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, Island Health, Liquor and Cannabis Regulation Branch, Managed Forest Land

Council, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Public Safety & Emergency Services – Wildfire Service, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;

- b) That proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" be introduced and read a first time and read a second time; and
- c) That in accordance with the provision of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4381.
- d) That prior to adoption of the bylaw, the applicant:
 - i) Provide confirmation that a Contaminated Site Release has been issued by the Province;
 - ii) Provide confirmation that a commercial access permit has been issued by the Province;
 - iii) Secure a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that a fire suppression sprinkler system be installed in all buildings and structures;
 - iv) Provide confirmation that building permits have been issued for all buildings and structures located on the subject property.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4381.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative Implications

Section 21 of the *Private Managed Forest Land Act* restricts local government authority regarding uses of private managed forest land so as not to have the effect of restricting a forest management activity. Staff referred the proposal to the Managed Forest Land Council and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for comment.

As the property has been used for industrial gravel pit and processing uses, as well as forestry, a site profile has been submitted pursuant to the *Environmental Management Act*.

A license is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*.

The brewery use will require a manufacturer licence (brewery) in accordance with the *Liquor Control and Licensing Act*. Endorsement applications for an on-site store, picnic area, lounge and special events are subject to local government and public consultation.

Public Consultation

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them under to Part 14 of the *Local Government Act* (LGA). The proposed amendment bylaw was referred 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.

Regional Growth Strategy

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 Official Community Plan area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. The intent of the proposed brewery and lounge, and country market is to meet the interests of both the travelling public and local residents, which is in keeping with the commercial and

tourism objectives of the Shirley-Jordan River OCP. An OCP amendment to update the Commercial and Industrial Development permit area for the subject property will follow as a separate bylaw, and will require review by the CRD Board to determine consistency with the RGS.

Referral Comments

CRD Building Inspection stated that existing buildings and structures are to be reviewed for compliance with building bylaw requirements and, as the property is outside of a fire protection area, provisions for rural fire fighting and/or a fire sprinkler system are required.

CRD Bylaw Enforcement provided no objections to the application.

CRD Protective Services recommended that no new buildings be occupied until a sprinkler system is installed in accordance with NFPA 13 and to the satisfaction of the Building Inspection Division, or the proponent has commissioned a report from a fire suppression engineer and completed all recommendations.

District of Sooke stated that their interests are unaffected.

FLNR – Archaeology Branch stated there are no known archaeological sites on the property and archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property. Should any suspected archaeological deposits be encountered during land alterations on the property, all work must be halted and the Archaeology Branch contacted.

FLNR – Environmental Stewardship recommended that a search of bird nests protected under the *Wildlife Act* be conducted prior to vegetation clearing, that clearing be conducted outside of nesting period from March 1 to August 31 to reduce impacts on all bird species, and that should the nest of a bird requiring protecting be located, the recommended buffer distances be applied.

FLNR – Water Protection outlined that the primary water source in the area are two aquifers that have been identified as moderately vulnerable to contaminants introduced at the land surface, and that measures should be in place to ensure on site contaminants do not contaminate the aquifers while minimizing impervious surfaces which limits natural recharge. A water licence is required for the proposed brewery use.

Island Health stated no objection to the application provided that the proposed brewery complies with the *Drinking Water Protection Act/Regulation* and *Sewerage System Regulation*.

Liquor and Cannabis Regulation Branch responded to state that an application for a liquor licence has not yet been submitted; however, at the time this report was drafted, JdF Community Planning has been notified that an application has since been submitted to the LCRB application portal.

Ministry of Transportation & Infrastructure stated no objection provided structures are located greater than 4.5 m from the highway right-of-way, that a commercial access permit be obtained, and that no storm drainage be directed into the highway system.

Pacheedaht First Nation identified their interest in lands in the Jordan River area, and expressed a willingness to discuss the proposed brewery and lounge development plans to ensure respect for archaeological and cultural heritage values, and to convey environmental and social concerns. Pacheedaht also recommended that the CRD provide opportunity to update the OCP with respect to the Nation's interests and cultural history. The applicant, Pacheedaht staff and JdF Planning staff met via video- and tele-conference to discuss the proposal in further detail.

RCMP stated no comment on the application.

The Shirley/Jordan River APC met on December 9, 2020, with approximately 18 members of the public in attendance. The APC passed the following motion:

MOVED by Brenda Mark, **SECONDED** by Fiona McDannold that the APC report to the Land Use Committee that the APC has reviewed proposed Bylaw No. 4381 and:

- a) That it recommends support for amending the C-1A zone to support food and beverage processing to permit a brewery;

- b) That it does not recommend support for amending the C-1A zone to support an onsite store, picnic area, lounge and special event area;
- c) That it does not recommend support for amending the C-1A zone to increase the Maximum Size of Principal Building from 1,000 m² to 4,000 m²;
- d) That it recommends support for amending Bylaw No. 2040 to address parking requirements for the food and beverage processing;
- e) That more information be provided by the applicant regarding the overall scale and design of the proposal in the form of a public information meeting for residents.

Prior to calling the vote, the Chair requested comment from staff regarding how the proposal will proceed after the APC meeting.

Iain Lawrence confirmed that:

- the proposal and the minutes from tonight's meeting, as well as the written submissions considered at this meeting, will be returned to a meeting of LUC for its consideration
- notice of that meeting will be mailed to owners and occupants within 500 m of the subject property
- notice of that meeting will also be sent to tonight's public attendees

The Chair called the vote on the motion.

Opposed: Blair Hughes
CARRIED

Land Use

The Shirley-Jordan River Official Community Plan, Bylaw No. 4001, designates the subject property as Pacific Acreage. The objectives of this designation are to support rural residential uses, as well as agriculture, home based business, small-scale neighbourhood commercial activities, small-scale tourism, community parks and civic uses, with an average density of one parcel per two hectares within a plan of subdivision. Pacific Acreage policies are supportive of small-scale commercial uses serving local needs.

The C-1A zone was established in 2013 for this 3.3 ha portion of the subject property to permit a convenience store and limited retail uses. This portion of the property remains vacant and the applicant is proposing to add *country market* and *food and beverage processing* as permitted uses in the C-1A zone for the purpose of establishing a brewery facility with on-site tasting, lounge and retail sales, as outlined in Appendix D. The applicant is also proposing to shift the zone boundary slightly west to avoid an area used for forestry and gravel processing not permitted in the C-1A zone.

The brewery use will require a manufacturer licence (brewery) in accordance with the *Liquor Control and Licensing Act*. A manufacturer licence allows sale of products to licensees through an agreement with the Liquor Distribution Branch, marketing and promotion of products offsite to licensees and the public, serving of samples to patrons, and guided tours of the manufacturing facility, which may include service and sale of samples. Separate endorsement applications are available to manufacturing licence holders for an onsite store, picnic area, lounge and/or special event area. The serving of food is required in conjunction with a lounge endorsement. The picnic area, lounge and special event endorsements are subject to additional local government, First Nation and public consultation. Endorsements are in-line with the neighbourhood commercial/retail uses in the C-1A zone subject to future public consultation and local government approval as part of the endorsement license applications.

Staff have prepared proposed Bylaw No. 4381 to add *food and beverage processing*, accessory onsite sales, picnic area, lounge and special event areas subject to the *Liquor Control and Licensing Act*, and associated parking requirements to the C-1A zone (Appendix E). The definition of *food and beverage processing* is defined in Bylaw No. 2040 as follows:

FOOD AND BEVERAGE PROCESSING means the use of a building or structure where food and beverages are processed or otherwise prepared for human consumption. Includes the production of beer, wine and spirits in accordance with all applicable Provincial regulations. Includes tasting and retail sales accessory to the principal food and beverage processing use. Includes catering operations, but does not include a restaurant use.

In addition to the *food and beverage processing* use, the applicant is also requesting the addition of a *country market* use in the C-1A zone in response to public input at an open house hosted by the applicant

in response to the Advisory Planning Commission meeting. Staff propose including the requested use along with an updated definition as follows:

COUNTRY MARKET means a food and craft market with multiple vendors in a fixed location occurring on a temporary basis offering goods for sale that are grown, processed or produced by the vendors that may include fruits, vegetables, herbs, flowers; baked products, and original crafts, as well as the sale of prepared food for human consumption on the premises, on-site preparation of foods and operation of a movable food stand; excludes the sale of used or second hand material or antiques or commercial products for resale

The construction of a commercial building will require issuance of a development permit for the form and character of commercial buildings, as outlined in Section 550 of Bylaw No. 4001. The Shirley/Jordan River APC did not support the increase in floor area from 1000 m² to 4000 m² in the C-1A zone and that more information be provided by the applicant regarding the overall scale and design of the proposal in the form of a public information meeting for residents. The applicants held a public open house and have stated that 1,000 m² is not sufficient for their needs. Through discussions with the applicant, staff have revised Bylaw No. 4381 to permit a total floor area for principal buildings of 2,000 m². This is equivalent to a lot coverage of 6% if built-out on a single storey. Should the rezoning be approved, an OCP amendment will be required to realign the commercial development permit area. The proposed location for the brewery is outside of any DPAs established for protection of the environment or for protection from hazardous conditions.

Pacheedaht First Nation has expressed interest in updates to the OCP that reflect the Nation's cultural history and landholdings in Jordan River. Staff will meet with members of Pacheedaht about the proposed updates and bring forward an OCP amendment at a later date. Items pertaining to water use and the social and environmental impacts of the brewery and lounge uses will be addressed through the processes administered by the respective provincial licensing and approving agencies.

The Shirley/Jordan River APC provided support for the brewery use, but was not supportive of the proposed endorsements for an onsite store, picnic area, lounge and special event area. Staff are of the opinion that the proposed endorsements add the required neighbourhood commercial character to align with the Pacific Acreage policy, whereas food and beverage processing alone may not provide this quality. Endorsements under the manufacturer's licence for a brewery require additional provincial, local government and public consultation that will be considered separate from the rezoning.

Section 414 of Bylaw No. 4001 outlines policies for water use and protection. Policy 414B states that in consideration of a development proposal, the protection of aquifers and water resources from contamination and depletion will be ensured. Policy H indicates that industrial or commercial uses proposed for areas with aquifers at high risk of contamination will provide a hydrological assessment. Provincial groundwater data included in Map 3 in Bylaw No. 4001, identifies the subject property as having high intrinsic aquifer vulnerability. Section 414, also includes policies regarding rainwater collection and the use of water-efficient fixtures, as well as improvements to ensure there is adequate water capacity to handle fire-fighting efforts (Policies K, L and N). These policies are addressed through provincial licensing and oversight as the applicant will require a water licence for the commercial use in accordance with the *Water Sustainability Act*, and the contaminated sites review though the Ministry of Environment includes measures to ensure site contaminants do not enter the ground. Confirmation of an approved water supply will be a requirement of the building permit process. Due to the lack of a fire protection service area, staff recommend a covenant be registered on title requiring installation of a fire suppression sprinkler system with adequate water storage.

Section 434 of the OCP outlines the location and type of desired parks and trails in the community. Statutory park dedication has been provided for the subject property as part of previous subdivision developments. Section 454 of the OCP indicates that as part of a rezoning proposal, routes and facilities for alternative transit options such as walking and cycling will be taken into consideration and that increased connectivity between neighbourhoods for walking and cycling be considered. Establishment of neighbourhood commercial uses is noted in section 493 as a means of reducing greenhouse gas emissions from vehicles by providing goods within the community. Also, Policy 464 K identifies the need for a local site for meetings and activities, which could occur on the subject property as the C-1A zone permits Civic uses. Proposed Bylaw No. 4381 has been prepared to include on-site parking requirements for the brewery use. The Ministry of Transportation & Infrastructure regulates commercial access requirements in the Electoral Area and requires the applicant obtain an access permit.

There is one building permit record for a steel building on the property; however, CRD Building Inspection has confirmed that additional permits are required for existing buildings. Staff recommend that approval of the rezoning be subject to issuance of the required building permits. Any new buildings proposed will also require building permits and on-site sewerage systems.

Based on the information provided by the applicant, responses from referral agencies, and the policies of the Shirley-Jordan River OCP, staff recommend that proposed Bylaw No. 4381 be read and first and a second time, that a public hearing be held, and that conditions be met prior to consideration of approval.

CONCLUSION

The purpose of this zoning bylaw amendment application is to amend the Wildwood Terrace Neighbourhood Commercial C-1A zone to add *country market* and *food and beverage processing* in order to permit a brewery with ancillary onsite service and sales. Staff have prepared proposed Bylaw No. 4381 and recommend receipt of referral comments, first and second reading, a public hearing, and that conditions be met prior to consideration of approval.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a) That the referral of proposed Bylaw No. 4381, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020” directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, Island Health, Liquor and Cannabis Regulation Branch, Managed Forest Land Council, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Public Safety & Emergency Services – Wildfire Service, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T’Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4381, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020” be introduced and read a first time and read a second time; and
- c) That in accordance with the provision of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4381.
- d) That prior to adoption of the bylaw, the applicant:
 - i) Provide confirmation that a Contaminated Site Release has been issued by the Province;
 - ii) Provide confirmation that a commercial access permit has been issued by the Province;
 - iii) Secure a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that a fire suppression sprinkler system be installed in all buildings and structures;
 - iv) Provide confirmation that building permits have been issued for all buildings and structures located on the subject property.

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

ATTACHMENTS

- Appendix A: Subject Property, Current Zoning and Application Area Map
Appendix B: Wildwood Terrace Neighbourhood Commercial C-1A Zone
Appendix C: Wildwood Terrace 4 Zone
Appendix D: Development Proposal
Appendix E: Proposed Bylaw No. 4381
Appendix F: Referral Comments

Legend

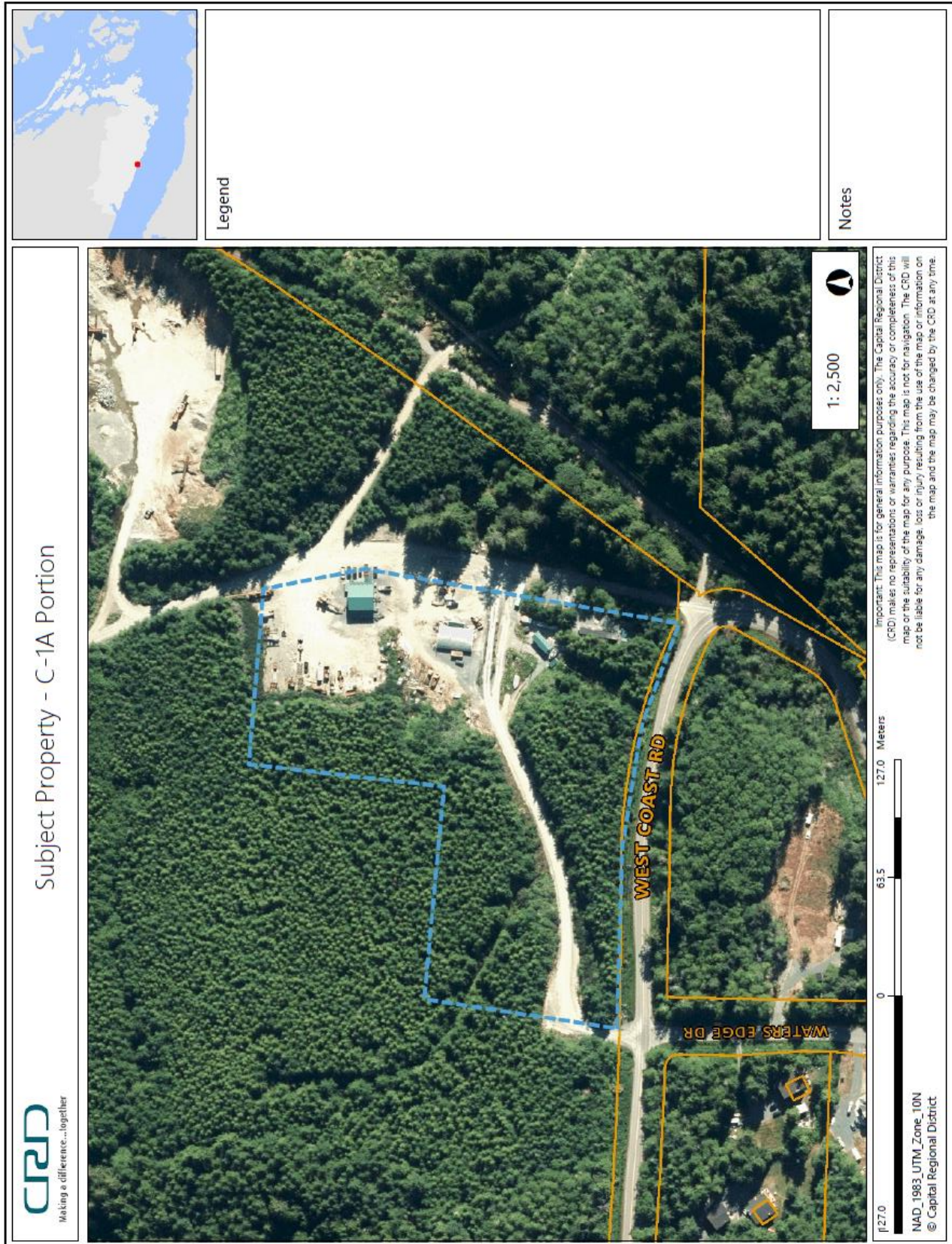
- SSI (Soil) Zoning
 - all other values-
- AGRICULTURE
 - Agriculture 1
 - Agriculture 1 (Zone variant a)
 - Agriculture 1 (Zone variant b)
 - Agriculture 1 (Zone variant c)
 - Agriculture 1 (Zone variant d)
 - Agriculture 1 (Zone variant e)
 - Agriculture 1 (Zone variant f)
 - Agriculture 2
 - Agriculture 2 (Zone variant a)
 - Automotive Commercial
- COMMERCIAL
 - COMMERCIAL 1
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 - Commercial 1 (Zone variant b)
 - Commercial 1 (Zone variant c)
 - Commercial 1 (Zone variant d)
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 - Commercial 1 (Zone variant h)
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 - Commercial 3
 - Commercial 3 (Zone variant a)
 - Commercial 4
 - Commercial 4 (Zone variant a)
 - Commercial 5
 - Commercial 6
- Commercial Accommodation
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 - Commercial Accommodation 100

Scale: 0 to 381.0 Meters

North Arrow

Map Title: RZ000270 - Subject Property, Application Area and Current Zoning

Map Content: The map displays various zoning districts. The 'Subject Property' is outlined in red and includes areas labeled WT-1, WT-2, WT-3, and WT-4. The 'Application Area' is highlighted in yellow and labeled C-1A. Other zoning districts shown include RL (Residential Low Density), P (Public), RR-2A, and AF (Agriculture Forest). The map also shows major roads like West County Rd and West County Rd.



Appendix B: Wildwood Terrace Neighbourhood Commercial C-1A Zone

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

6G.0 WILDWOOD TERRACE NEIGHBOURHOOD COMMERCIAL ZONE - C-1A

Bylaw 3759

6G.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Wildwood Terrace Neighbourhood Commercial C-1A Zone:

Principal Uses:

- (a) Convenience Store;
- (b) Retail Store, excluding gas bars, gas stations or bulk fuel sales, auto repair or car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*;
- (c) Civic Uses;

Accessory Uses:

- (d) Residential;
- (e) Screened storage yard;
- (f) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01.

6G.02 Minimum Parcel Size for Subdivision Purposes

For Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213 and VIP82411, as shown on Map Nos. 1 and 2, one 3.3 ha parcel is permitted.

6G.03 Density Provisions

One dwelling unit in conjunction with a principal use.

6G.04 Height

No principal building or structure shall exceed 9 m in height.

6G.05 Parcel Coverage

Maximum parcel coverage shall be 25%.

6G.06 Minimum Frontage for Subdivision Purposes

Minimum frontage on a highway shall be 16 m.

6G.07 Maximum Size of Principal Buildings

The maximum size of all buildings and structures shall not exceed a Total Floor Area of 1000 m².

6G.08 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be 6 m;
- (c) Rear yards shall be 10 m;
- (d) Where a permitted use in this zone is proposed adjacent to a Rural Residential Zone, no building or structure or use except a fence and/or a retaining wall shall be located in the required yard which separates the two.

Appendix C: Wildwood Terrace 4 Zone

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

6E.0 WILDWOOD TERRACE 4 ZONE - WT-4

Bylaw 3759

6E.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Wildwood Terrace 4 WT-4 Zone:

Principal Uses:

- (a) Residential;
- (b) Resource Extraction;
- (c) Processing Facility for gravel and rock material including related shop/office and weigh scale facilities;

Accessory Uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01;
- (f) Secondary suite pursuant to Part 1, Subsection 4.19.

6E.02 Minimum Parcel Size for Subdivision Purposes

- (a) For Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213 and VIP82411, PID:009-573-356, as shown on Map No. 3, an average parcel size is 2 ha with no parcel being less than 1 ha, to a maximum number of 54 parcels;
- (b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size of the remainder parcel is 2 ha.

6E.03 Density Provisions

- (a) One single-family dwelling;
- (b) One secondary suite;
- (c) On Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549 and VIP82411, PID: 009-573-356, one processing facility is permitted in conjunction with a valid permit issued in compliance with the Ministry of Forests, Mines and Lands and CRD Bylaw No. 3297, A Bylaw to Regulate the Removal or Deposit of Soil on Lands within the Juan de Fuca Electoral Area.

6E.04 Height

Maximum height of principal buildings shall be 9 m.

6E.05 Parcel Coverage

Parcel coverage shall not exceed 25%.

6E.06 Maximum Size of Principal Buildings

Principal buildings and structures shall not exceed a Total Floor Area of 418 m².

6E.07 Yard Requirements

No principal building shall be located within:

- (a) 7.5 m of a front parcel line;
- (b) 6 m of a side parcel line; and
- (c) 10 m of a rear parcel line.

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

6E.08 Setbacks for Processing Facilities

Notwithstanding the above, setbacks for processing facilities are as follows:

- (a) 50 m from parcel boundaries;
- (b) 100 m from residential parcel boundaries.

Appendix D: Development Proposal



Mission Statement

To provide an authentic, West Coast brewery experience in a unique rural setting, serving, promoting, and enhancing the local community.

Background

The proposal is to open a Micro Brewery to service the Jordan River trade area as well as visitors to the region. This business would brew beer for wholesale and retail trade as well as onsite sales. There would be food service as part of a lounge and patio area, and non-alcoholic drinks in order to provide a service to the entire community.

The proponents of the business are Brian Kozak, a local part-time resident (full time with-in the next two years in order to manage the business), a local Brewmaster (yet to be named) and Totangi Properties, the property owner and long-time local business operator, is the zoning amendment applicant and also supporting our entrepreneurial efforts.

We are in the preliminary stages of determining the viability of the business and working through land use for a location across from the Waters Edge Drive - Highway #14 intersection on a site owned by Totangi Properties.

Let's answer some questions we've heard

Why is a rezoning required?

While the site is already zoned for commercial use, to allow for the 'manufacturing' of beer, the property requires a zoning amendment as an additional permitted use. Several other permits and applications will be required but this is the first step.

What will it look like?

Our design will take cues from Westcoast themes and local resources. The building and landscaping will require a Development Permit from the CRD for form and character as well as a building permit. The design will seek to be complementary to and respectful of the natural setting and rural character of the area. Guidelines for site design, building design, lighting, parking, screening, and landscaping are outlined in the Development Permit bylaw.

Will you serve food?

Yes - at present, we are considering a pizza oven, along with other snack type items, as part of a lounge endorsement. Depending on the local and visitor traffic, there is an opportunity for one or more food trucks to service the business customers in the parking area adjacent to the main building.

How will this benefit the community?

We believe that the Jordan River area will benefit from increased services for both the local residents and visitors to the area. Our hope is that the Jordan River Brewing Company will become a new gathering place for the community, creating jobs, promoting tourism, and bolstering additional economic interest and community pride.

Community Benefits:

Giving back to the community - here are some of the ideas we are considering subject to community support:

- 10% of all profits generated from the Brewery business will be donated to Jordan River Community Association for community betterment and investment, and/or to be directed to a fund for the future fire hall and community center;
- Support community initiatives to petition the CRD for a fire protection area;
- During the summer months we will make the parking area available free of charge each Sunday for a farmer's / craft market for local residents;
- Sponsorship of community events including hosting an annual community BBQ;
- Promotion of local artist works at no cost via display and sale in the lounge area.
- Donation of spent grain for bakery use, animal feed, and compost use.

How will this use impact the environment?

- **Water use:** The commercial development permit and the provincial government have an application process and objectives for a commercial enterprise use of water (a ground water licence will be required). As local residents, we are also concerned about well water use and quality. While the intent is to have a ground well, rainwater collection and use will also be a significant contributor to the brewery water supply.
- **Waste-water / Septic:** An approved waste-water system will be engineered and built for the brewery. Different treatment systems and technology are available to deal with brewery waste-water and septic system, and we will employ the appropriate system for this application.
- **Solid Waste and Recycle:** The Brewery will develop and employ a 'bear safe' full recycle system on site, with separate enclosed bin for this use and any refuse. Regular pick up of recycle and refuse shall be contracted.
- **Green Initiatives:** We will be installing a solar array as part of our energy supply, use locally sourced supply for construction of the facility, as well as locally sourced ingredients in our production process. Along with rain-water collection and the recycle of waste materials, we will be making every effort to protect the local environment.

What about fire protection?

Both Jordan River Brewing Company and the landowner Totangi Properties support the community goal of creating fire protection services for the area. Currently, any new construction in the new Wildwood Terrace subdivision phases require sprinkler systems. The brewery will also require a commercial sprinkler system.

How this will support local employment and investment?

This is a home grown local entrepreneurial investment that will focus on benefitting Jordan River residents and trades. In addition to the construction jobs to build the facility, the total jobs created for the area should be six (6) -

brew-master, assistant brew-master, wait staff (2)) as well as two (2) part time positions, general manager and marketing manager.

By enhancing community services and promoting tourism, the Craft Brewery will contribute to an increased opportunity for other businesses to take advantage of both local service needs and visitor traffic. The Commercial zone area allows for additional opportunities for business and community use.

How this will enhance tourism opportunities and experience?

Craft brewery visits are up significantly across the country, with a 35% sales increase in sales since 2015 for existing brewers. Many tourists are interested in experiencing and sampling new products at different brewery locations. Given the recreational opportunities in the immediate area (camping, hiking, surfing, fishing), the JR Brewing Company would be an excellent addition to visitor experience in the area.

How is it consistent with the Official Community Plan?

Section 484 (O) - On lands designated as Commercial on Schedule B, commercial, retail, restaurant, civic and light industrial and silviculture uses are supported.

"404 Commercial Land Use Designation – Shirley Jordan River Official Community Plan

The intent of the Commercial Land Use Designation is to support small-scale neighborhood commercial and light industrial uses in the Jordan River inundation area. Civic, institutional, tourism, recreation, silviculture and community park uses are also supported."

Section 392 is focused on vehicle trip reduction in the area. By having the services provided by the brewery (including food service), it should reduce the trip generation to Sooke for both residents and visitors purchasing beer or wishing to visit the Sooke craft breweries and/or restaurants

How it will not have negative externalities that some connect with alcohol?

As members of the Community, we would like to strongly reinforce that the business is not interested in having intoxicated patrons and visitors. Like all craft breweries, cideries, and vineyards in the CRD that have a tasting lounge, the expectation is that customers will know their limits and drink within them. The vast majority of customers are self-regulating in this regard and pay attention to designated driver stipulations.

Our staff will be trained via Serving it Right course which is a responsible liquor service program required by the province of B.C., in addition to promoting safe transportation. Other non-alcoholic beverages (non-alcoholic beer, pop, coffee, tea, kombucha, etc.) and food will also be available for customers.

By promoting more inclusiveness and a community gathering place, this would result in a positive environment for all customers, visitors and local alike which will serve to deter negative behaviour.

How is a Micro Brewery different than a pub?

Unlike a bar or pub, hours of operation would be more in line with a retail business. While the brewery production would likely operate during regular business hours (9am-5pm Monday - Friday), the tasting room and lounge hours would be 12pm – 10pm daily.

The lounge, deck areas and tasting room are dedicated to patrons who wish to enjoy their beverage on premises. It will be different in the sense that it is a brewery...that it produces a wide variety of beers that are made locally, and the focus is the sale of those products over a variety of mediums, including off-sales, and retail sales out of

other restaurants / pubs and liquor stores. Visitors are typically looking to sample a variety of beers and purchase products for off-premises consumption. Generally speaking, most customers would be interested in a 'tasting flight' to sample a variety of beers. This usually amounts to less than one pint of beer, at which point customers may decide to purchase retail product.

Unlike a pub, the brewery would not serve hard alcohol, wine or any other spirits. The lounge area and deck will cater to customers who wish to enjoy a glass of beer, a non-alcoholic beverage and/or some food. Unlike a pub, seating will be communal and encourage customer interaction. We would also like to accommodate families and children in the premise, to ensure that the business serves the entire community. In this sense, it will be like the best part of a neighborhood pub.....intended to become the local gathering place for the community and visitors.

JORDAN RIVER BREWING COMPANY

Water Use Estimate:

	Beer (L)	Multiplier	Water (L)	Add Ancillary	Total Water (L)
Year 1	50,000		5 250,000	50,000	300,000
Year 3	60,000		5 300,000	60,000	360,000
Year 5	70,000		5 350,000	70,000	420,000

Rainwater Estimate

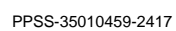
Roof Area (sf)	Multiplier	Litres (per inch)	JR Rainfall (ipy)	Total (Litres)
4,000	2.25	9,000	60	540,000

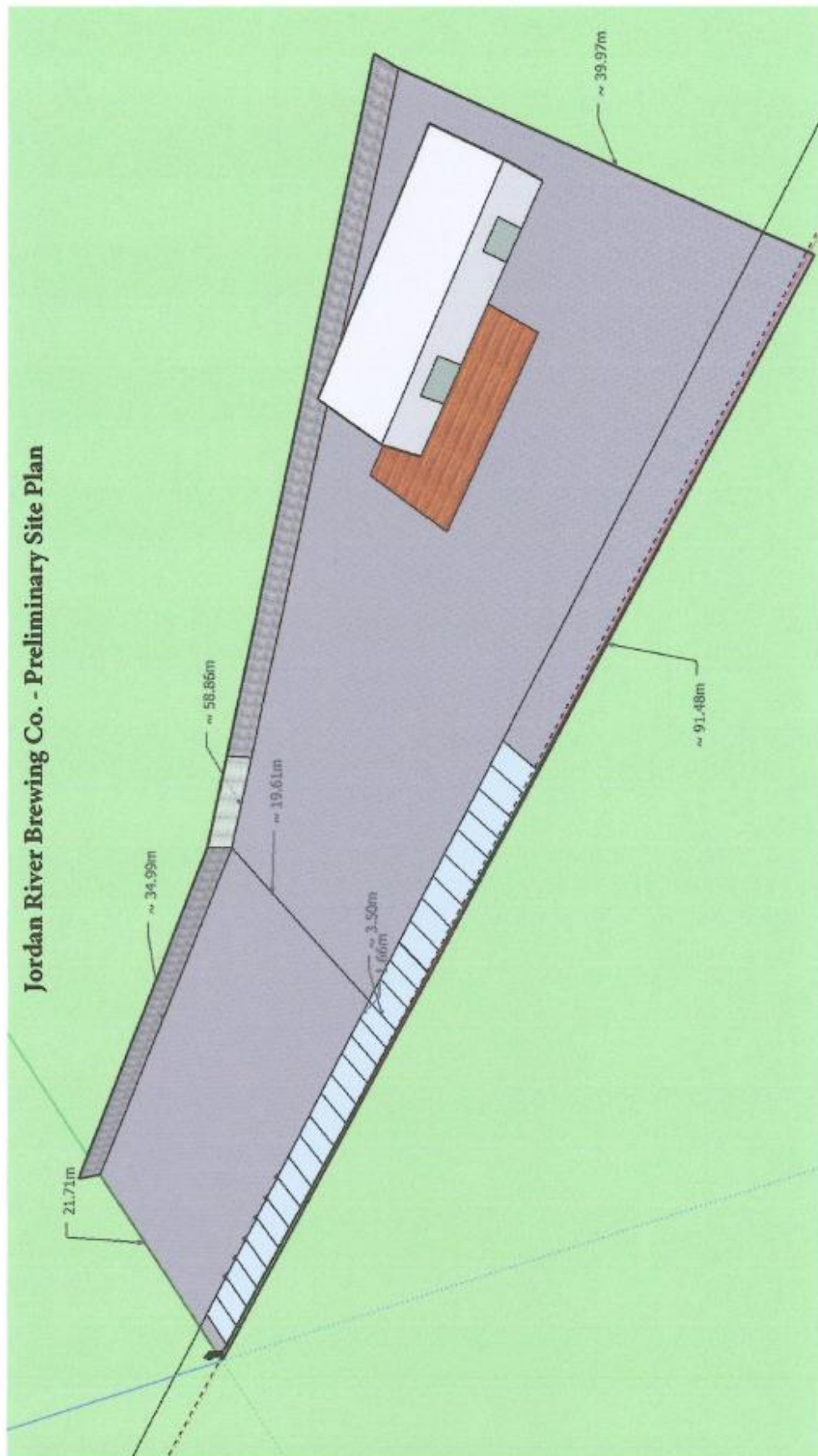
Two 25k cisterns, approximatley 4 turns a year (Litres): 200,000

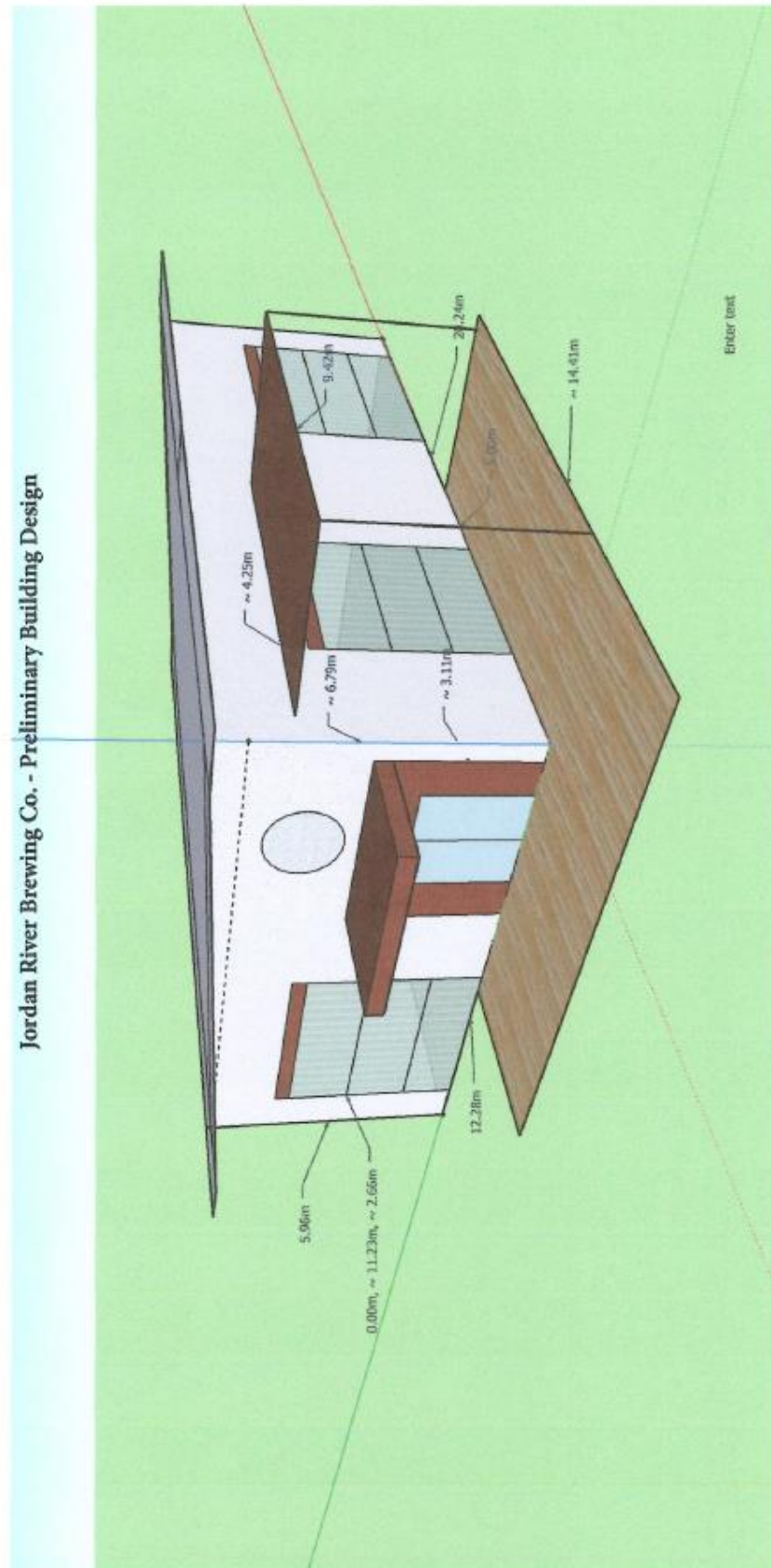
Total Estimated Well Water Use (Litres):	Year 1	100,000
	Year 3	160,000
	Year 5	220,000

Assume 500,000 litres per year, 200,000 rainfall, net 300,000 Litres per annum.

Family (4 BC) estimated water use per annum: 150,000 Litres







Appendix E: Proposed Bylaw No. 4381

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4381

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 1 – DEFINITIONS
 - (a) By deleting the definition of "COUNTRY MARKET" and replacing it with a new definition as follows:

"COUNTRY MARKET means a food and craft market with multiple vendors in a fixed location occurring on a temporary basis offering goods for sale that are grown, processed or produced by the vendors that may include fruits, vegetables, herbs, flowers; baked products, and original crafts, as well as the sale of prepared food for human consumption on the premises, on-site preparation of foods and operation of a movable food stand; excludes the sale of used or second hand material or antiques or commercial products for resale;"
 - B. SCHEDULE A, PART 2, SECTION 6G.0 WILDWOOD TERRACE NEIGHBOURHOOD COMMERCIAL ZONE – C-1A
 - (a) By amending section 6G.01 Permitted Uses by adding new subsections under Principal Uses as follows:

"(d) food and beverage processing;

"(e) country market;"
 - (b) By amending section 6G.01 Permitted Uses by adding a new subsection under Accessory Uses as follows:

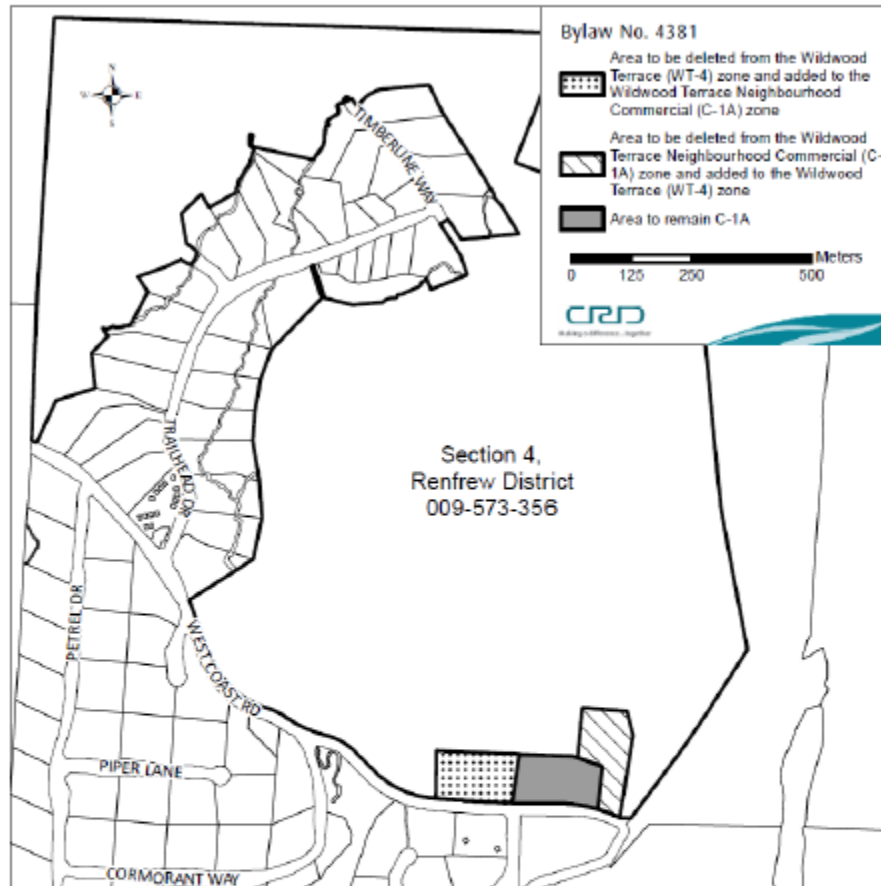
"(g) Onsite store, picnic area, lounge and special event area accessory to a manufacturer liquor licence subject to the *Liquor Control and Licensing Act*;"
 - (c) By amending section 6G.07 Maximum Size of Principal Buildings by deleting "1,000 m²" and replacing with "2,000 m²."
 - C. SCHEDULE A, PART 3 – PARKING AND LOADING REQUIREMENTS
 - (a) By amending section 5.0 by inserting after "Equipment sales/Rentals" the following:

"Food and Beverage processing 1 per 2 employees".
 - D. SCHEDULE B, MAP NO. 2 – SHIRLEY JORDAN RIVER ZONING MAP
 - (a) By deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace 4 (WT-4) Zone, and adding to the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, as shown on Plan No. 1.
 - (b) By deleting That Part of Section 4, Renfrew District except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 from the Wildwood Terrace Neighbourhood Commercial (C-1A) Zone, and adding to the Wildwood Terrace 4 (WT-4) Zone, as shown on Plan No. 1.

CRD Bylaw No. 4381

2

Plan No. 1 of Bylaw No. 4381, an amendment to Bylaw No. 2040



2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020".

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

Appendix F: Referral Comments

CRD Building Inspection:

From: Mike Taylor
Sent: Friday, January 08, 2021 3:29 PM
To: Iain Lawrence; Emma Taylor
Cc: Wendy Miller
Subject: RE: Referral - Zoning Amendment Application for Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (RZ000270)

Further information from the Building Inspection Dept is as follows.

-As I understand the site is outside of a fire protection area provisions are required for rural fire fighting and/or a fire sprinkler system (see building bylaw section 2.1.7).

-Existing buildings or structures on the property are to be reviewed for compliance with Building Bylaw requirements. At present we have been able to find permit documents for only an arched steel building built under permit JD07-133 (2007).

We will provide further comments if additional information becomes available. Thank you.
Mike

CRD Bylaw Enforcement:

From: Wilf Marquis
Sent: Monday, November 30, 2020 12:06 PM
To: Wendy Miller
Subject: RE: Referral - Zoning Amendment Application for Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (RZ000270)

CRD Bylaw Enforcement Services has reviewed the staff report for rezoning application RZ000270 for 12036 West Coast Road (proposed Bylaw No. 4381), the proposed Bylaw No. 4381 is to amend the Wildwood Terrace Neighbourhood Commercial C-1A zone to add food and beverage processing in order to permit a micro-brewery and accessory service and sales at 12036 West Coast Road. Additionally, the LUC considered the applicant's request to amend the C-1A zone to increase the Total Floor Area of 1000 m² to 4000 m².

The owner has submitted a rezoning application to permit a micro-brewery and accessory retail sales, on-site tasting and a lounge which would be subject to approval of a licence and endorsement under the Liquor Control and Licensing Act. This submission has many agencies involved in its approval process including Private Managed Forest Land Act, Environmental Management Act., Water Sustainability Act (Provincial Water Stewardship Division), Liquor and Cannabis Regulation Branch, Ministry of Transportation & Infrastructure, etc. as outlined in the report.

CRD Bylaw Enforcement does not have any specific objections to this application in that other similar facilities have not appeared to generate increased service levels for CRD Bylaw Services to date. Other regulatory agencies may have greater insights regarding economic, environmental or social implications given the proposal.

Wilf MARQUIS | Senior Bylaw Officer
Bylaw and Animal Care Services | Capital Regional District
#212-2780 Veterans Memorial Parkway, Victoria, B.C. V9B 3S6
T: 250.474.3351 (21) | C: 250.883.1299 | F: 250.391.9727
www.crd.bc.ca |

CRD Protective Services:

From: Jonathan Reimer
Sent: Friday, November 27, 2020 11:11 AM
To: Wendy Miller <wmiller@crd.bc.ca>
Subject: RE: Referral - Zoning Amendment Application for Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (RZ000270)

Protective Services recommends that no new buildings be occupied until a sprinkler system is installed in accordance with NFPA 13 and to the satisfaction of the building inspector, or the proponent has commissioned a report from a fire suppression engineer and completed all recommendations therein.

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

District of Sooke:



2205 Otter Point Road, Sooke, British Columbia, Canada V9Z 1J2
Phone: 250-642-1634 Fax: 250-642-0541 Email: info@sooke.ca Website: www.sooke.ca

CRD Rezoning Application Referral to District of Sooke Planning Department

Monday, November 30, 2020

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 Iain Lawrence, Manager, Community Planning

Re: Referral Comments on rezoning application to amend Bylaw No. 2040 to amend the Wildwood Terrace Neighbourhood Commercial C-1A zone to add food and beverage processing in order to permit a micro-brewery and accessory service and sales on a property located at 12036 West Coast Road for the Jordan River Brewing Company

Upon review of the proposed bylaw amendments to Bylaw No. 2040, Planning staff have determined that the District of Sooke's interests are unaffected by the proposed bylaw amendment RZ000270.

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.

Yours Truly,

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

Email: kjanotabzowska@sooke.ca
Web: <http://www.sooke.ca>

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

FLNR- Archaeology Branch:

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: Tuesday, December 15, 2020 11:49 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000270 - CRD Referral

Hello Wendy,

Thank you for your referral regarding the proposed rezoning of 12036 West Coast Road, Jordan River, PID 009573356, SECTION 4 RENFREW DISTRICT EXCEPT THOSE PARTS IN PLANS 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 AND EPP69011. 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

From: Wendy Miller <wmiller@crd.bc.ca>
Sent: November 19, 2020 3:24 PM
To: Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>
Subject: Rezoning Application RZ000270 - CRD Referral

FLNR – Environmental Stewardship:

RESPONSE SUMMARY – REZONING APPLICATION RZ000270

☐ Interest Affected by Proposal for Reasons Outlined Below

☒ Interest Unaffected by Proposal

Comments:

Interests Unaffected Subject to the Following Conditions:

We recommend that any required vegetation clearing during subsequent property development be minimized and occur outside the nesting period from March 1 to August 31 to reduce impacts on all bird species. A search for the nests of birds (eagles, peregrine falcons, gyrfalcon, ospreys and herons) protected under Section 34(b) of the *Wildlife Act* should be conducted before the start of vegetation clearing. Should the nest of a bird requiring protection under Section 34(b) of the *Wildlife Act* be located, please refer to the recommended buffer distances in Table 4.1 (Section 4) of *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (MOE 2014)* available at <https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/dwc-section-4.pdf>.

Follow other relevant best management practices in *Develop with Care*.

The review of potential groundwater impacts will be reviewed by the Water Section of FLNRORD. They will send comments separately.

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

Ecosystem Biologist

Signed

Title

December 2, 2020

FLNRORD – Environmental Stewardship

Date

Agency

FLNR – Water Protection:

RESPONSE SUMMARY – REZONING APPLICATION RZ000270

☒ Interest Affected by Proposal for Reasons Outlined Below

☐ Interest Unaffected by Proposal

Comments:

The Ministry of Lands and Natural Resources Water Protection Section has received a referral with respect to proposed land use change of the subject parcel.

The primary source of water in this area are two aquifers, Aquifer 944 (AQ944), composed of glaciofluvial gravel and medium sand, present on a low elevation floodplain adjacent to Jordan River and Uglow Creek (Aquifer 944 Fact Sheet: https://s3.ca-central-1.amazonaws.com/aquifer-docs/00900/AQ_00943_Aquifer_Factsheet.pdf) and AQ943, a larger fractured crystalline bedrock aquifer that has been delineated from Jordan River to the Rosamond Creek (Aquifer 943 Fact Sheet: https://s3.ca-central-1.amazonaws.com/aquifer-docs/00900/AQ_00944_Aquifer_Factsheet.pdf). Both aquifers have been identified as moderately vulnerable to contaminants introduced at the land surface. Intrinsic vulnerability mapping also completed in this area indicates that areas where fine grained confining sediments such as clay and silt overlying the aquifer are thin or absent, such as in the lands adjoining the subject parcel, the surficial aquifer has a higher level of vulnerability. Therefore, measures should be in place to ensure on site contaminants (if any) do not contaminate the aquifers while minimizing impervious surfaces which would limit natural recharge.

As this area does not have a local water service provider, the applicants should be advised that a water licence (for surface water or for non-domestic groundwater) would be required for the proposed land use. For more information on water licensing and rights refer to: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights>. Because the site is at low elevation and close to the marine shore, the aquifers may be vulnerable to saltwater intrusion. If a water licence for groundwater is required, potential to saltwater intrusion will need to be considered.

No additional concerns are noted with respect to the proposed bylaw.

Signed: Jessica Doyle



Title Section Head, Water Protection

Ministry of Lands and Natural Resource Operations

Date: December 2, 2020

Island Health:

RESPONSE SUMMARY – REZONING APPLICATION RZ000270

- ☒ Interest Affected by Proposal for Reasons Outlined Below
☐ Interest Unaffected by Proposal

Comments:

No objections provided the applicant of the micro-brewery complies with the Drinking Water Protection Act/Regulation and Sewerage System Regulation.

For more information on obtaining a Drinking Water Permit, please contact Island Health.

Signed

Date

Title

Agency


Environmental Health Officer

Island Health

Liquor and Cannabis Regulation Branch:

From: LCRB Senior Licensing Analysts LCRB:EX <LCRB.SLA@gov.bc.ca>
Sent: Tuesday, December 01, 2020 9:37 AM
To: Wendy Miller
Subject: RE: Rezoning Application RZ000270 - CRD Referral

Hi Wendy,

Thank you for the applicant information. At this time it doesn't look like an application for a liquor licence has been submitted for [REDACTED]. When he is ready to do so, he will need to submit an application via the online licensing portal and will need to indicate the relevant information regarding zoning at that time.

I will contact him via the email provided below to inform him of his next steps.

Kind regards,

Teresa Cinco | Senior Licensing Analyst
Liquor and Cannabis Regulation Branch

Ministry of Transportation & Infrastructure:

From: [Page, Owen TRAN:EX](#)
To: [Wendy Miller](#)
Subject: RE: Rezoning Application RZ000270 - CRD Referral
Date: Wednesday, December 02, 2020 1:09:21 PM
Attachments: [image001.png](#)

Ministry File #2020-05856

Hi Wendy,

Please consider this the official response from the Ministry of Transportation and Infrastructure regarding the proposed zoning bylaw amendment of the subject area on the property, located at 12036 West Coast Road, to allow an increase in total floor area and permit brewery services and sale.

The Ministry has no objection to the proposal subject to:

- Applicant is advised that all structures are to be located at least 4.5 metres back from the highway right-of-way, or 3 metres, where the structure has access from another street. The applicant should check with the CRD as to what their requirements are, and the greater of the two will apply. Please refer to Section 12 of the Provincial Public Undertakings Regulation BC Reg. 513/2004.
- Applicant to acquire a commercial access permit from the MoTI to serve the future brewery sales and service business. The access location should preferably be located at the western edge of the proposed area of rezoning to allow for adequate sightlines on Highway 14 in both directions.
- No storm drainage shall be directed into Ministry of Transportation and Infrastructure systems. This would include, but is not limited to, collection/run-off of the internal road system. All storm water is to be directed to a municipally maintained storm system.

Thank you for the opportunity to comment on the proposed rezoning. If you require further input from the Ministry, please feel free to contact me.

Best Regards,

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



WEBSITE FOR DEVELOPMENT APPROVALS:

www.th.gov.bc.ca/Development_Approvals/home.htm | MINISTRY WEBSITE: <http://tranbc.ca/>

Pacheedaht First Nation:



Pacheedaht First Nation

350 Kalaid Street
Port Renfrew, BC
V0S 1K0

Phone: (250) 647-5521
Fax: (250) 647-5561

VIA EMAIL: Iain Lawrence

RE: Jordan River Rezoning RZ000270

Dear Iain,

Thank you and your colleagues for taking the time to go through the rezoning application related to the brewery development in Jordan River.

We have been in communications with the applicant on the various proposals to integrate Pacheedaht's concerns into the project design. As expressed at the meeting, the rezoning process only reviews the zoning, and therefore we are limited in our scope and depth of comments. The summary you have provided gives context to Pacheedaht's review, and we add additional points below:

- The OCP began and completed with little to no engagement with Pacheedaht First Nation. There would be many recommendations from the Nation if afforded active participation in the process, and we would like to follow up on being able to incorporate meaningful amendments.
- Pacheedaht has been negotiating the transfer of the foreshore lands in Jordan River with BC Hydro since 2014 and continues to pursue additional land transfers. These lands also include areas currently owned by the CRD. The interests of the Nation to work with the CRD to find mutually beneficial outcomes is of high priority, and we are hopeful that in 2021 we can find a path forward in these important areas. It is critical to the overall community planning of the Jordan River area in particular and is relevant to the discussions on the RZ000270 application.
- PFN has been undertaking development planning in the Jordan River lands since 2017, and it is imperative to find continuity and common ground with other interested parties. It is imperative that the Nation's origin site have a distinct place in these discussions, especially with the high archeological and cultural values.
- The brewery proposal in particular has raised environmental concerns, and social concerns including those mentioned in your summary. Specifically the water quality and quantity need further study.

Given the significance of the area and comments above, PFN recommends that the CRD provide a path forward to rectify the OCP consultation deficiencies in light of this application. It is critical to have the Nation's interests and cultural history imbedded into the development plans for the region.

We look forward to your response on this matter prior to presenting it to the Land Use Committee in March. Also, if you can clarify if there is an appropriate mechanism for participating the in the March meeting.

Thank you

A handwritten signature in black ink, appearing to read 'KG' or similar initials, followed by a surname.

Kristine Gatzke
Pacheedaht Referrals Coordinator

RCMP:

From: Brett SINDEN <brett.sinden@rcmp-grc.gc.ca>
Sent: Thursday, December 10, 2020 2:42 PM
To: Wendy Miller
Subject: Re: Rezoning Application RZ000270- CRD Referral (Brewery - Jordan River)

no comment,,, thx

Shirley/Jordan River APC Minutes:



Minutes of a Meeting of the Shirley/Jordan River Advisory Planning Commission
Held December 9, 2020, 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), Brenda Mark (EP)

Staff: Iain Lawrence, Manager, Community Planning (EP);
Emma Taylor, Planner (EP); Wendy Miller, Recorder (EP)

PUBLIC: Approximately 18 (EP)

EP – Electronic Participation

The meeting was called to order at 7:08 pm.

1. Elections

At this time, Iain Lawrence introduced the members of the Shirley/Jordan River Advisory Planning Commission (APC). It was advised that this is the first meeting of the APC since 2018. It was further advised that the role of the APC is to provide input to the Juan de Fuca Land Use Committee (LUC) on land use decisions.

Iain Lawrence called for nominations for the position of Chair of the Shirley/Jordan River APC 2020 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. Noting that this will be the first and last meeting of the APC in 2020, the election for the position of Vice Chair was not held.

2. Approval of the Agenda

MOVED by Fiona McDannold, **SECONDED** by Brenda Mark that the agenda be approved.
CARRIED

3. Approval of the Supplementary Agenda

MOVED by Melody Kimmel, **SECONDED** by Vivi Curutchet that the supplementary agenda be approved.
CARRIED

4. Adoption of the Minutes of November 7, 2018

MOVED by Brenda Mark, **SECONDED** by Vivi Curutchet that the minutes of November 7, 2018, be adopted.
CARRIED

5. Planner's Report

Noting that all attendees are participating electronically, 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 LUC.

The Chair extended support for the proposed meeting format.

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
December 9, 2020

2

6. Rezoning Application

- a) RZ000270 - Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)
Emma Taylor spoke to the staff report and the request to amend the Wildwood Terrace Neighbourhood Commercial C-1A zone to add *food and beverage processing* in order to permit a brewery and accessory service and sales on the subject property.

Emma Taylor confirmed that the LUC considered the application at its meeting of November 17, 2020, and recommended that the proposal be referred to agencies and to a meeting of Shirley/Jordan River APC. At that same meeting, the LUC supported the applicant's request to increase the Total Floor Area permitted by the C-1A zone from 1,000 m² to 4,000 m².

Emma Taylor directed attention to proposed Bylaw No. 4381, which would amend the C-1A zone to add food and beverage processing as a permitted principal use and permit accessory service and sale of liquor subject to approval of a licence and endorsements under the *Liquor Control and Licensing Act*.

Emma Taylor directed attention to the development proposal and preliminary site plans, as provided by the applicant. It was confirmed that a development permit for the form and character of commercial buildings will be required for the brewery. It was further confirmed that the applicants were in attendance.

The Chair requested comment from the applicants.

One of the applicants responded to comments received from the public, as included in the supplementary agenda, noting that:

- non-alcoholic beverages/food will be provided to support a more inclusive environment
- the operation will not be a bar/pub
- the operation will be a manufacturing facility with a focus on off-sale/wholesale
- a local brewery will promote local consumption, potentially reducing travel into Sooke/traffic risk
- there are options to address concerns regarding the location of the school bus stop and hours of operation
- access to the brewery site will be from an interior road

The Chair requested comment from the APC.

Emma Taylor responded to the comments received from the APC, advising that:

- there is no record of building permits for the existing structures on the subject property
- the C-1A permits Convenience Store, Retail Store and Civic Uses as principal uses
- review of current uses/structures will be reviewed as part of the referral process
- prior to the subject area being zoned to C-1A, the property was not zoned
- there may be an aspect of historical use which may account for the gravel operation
- parking proposed by Bylaw No. 4381 is to address the food and beverage processing use
- the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, already stipulates parking requirements for licensed premises
- the proposed food and beverage processing scale is in keeping with a commercial zone as opposed to an industrial zone

**Shirley/Jordan River Advisory Planning Commission Meeting Minutes
December 9, 2020**

3

The Chair requested comment from the applicants regarding the increase in Total Floor Area from 1,000 m² to 4,000 m².

An applicant stated that:

- there are existing structures on the C-1A zoned portion of the property
- the proposed brewery use would exceed the current total floor area allowance due to the existing structures
- it is hoped that the brewery site could act as a community hub, replacing what was lost at the town site
- although the full buildout is not known at this time, the increase in Total Floor Area would accommodate additional structures without having to pursue rezoning in future

APC comments included:

- the idea that offering alcohol in the community will reduce drinking and driving is misguided
- aspects of the proposal, including the amount of product to be produced, are unclear
- it is unclear as to whether the subject area is Private Managed Forest Land (PMFL)
- it is unclear as to whether the applicants will be pursuing subdivision in future
- it is unclear as to whether the increase in Total Floor Area is required
- "lounge" is not defined by Bylaw No. 2040

An applicant stated that the C-1A zoned portion of the property cannot be subdivided further.

Staff advised that:

- the proposal was referred to CRD Building Inspection to make comment on existing structures/future structures
- local government bylaws cannot restrict/regulate forestry activities on lands classified as PMFL
- the provincial manufacturer licence (brewery licence) permits sales for distribution, marketing/promotion, product sampling and guided tours
- a lounge endorsement application requires additional public consultation and local government/First Nation approval
- potential endorsements include an onsite store, picnic area, lounge and special events
- a lounge would include indoor seating and food services

The Chair requested comment from the public.

Wayne Jackaman, Jordan River, questioned the brewery's water source, anticipated water use and waste management plans.

Emma Taylor confirmed that:

- a license is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*
- the proposal was referred to the provincial Water Stewardship Division for comment
- the Shirley – Jordan River Official Community Plan (OCP), Bylaw No. 4001, provides policies for water use and protection

**Shirley/Jordan River Advisory Planning Commission Meeting Minutes
December 9, 2020**

4

The applicants stated that:

- rainwater collection may also be considered in addition to well water
- there is opportunity to repurpose/recycle barley waste offsite
- water use requirements remain under review as production demand will increase water usage
- hours of operation also remain under review

Emma Taylor confirmed that hours of operation for endorsement applications are regulated by the Province.

Tannis Dukart, Jordan River, stated that:

- the Jordan River community is growing
- the community lacks infrastructure to support this growth
- the community lacks road shoulders/road crossings for safe walking
- the community does not have garbage service
- police, fire and ambulance services are not located in Jordan River
- she has concerns regarding the brewery's ingress/egress, impact on the environment and impact on water supply
- plans for the gravel operation are not known
- Pacheedaht First Nation's plans for their Jordan River lands are not known
- does not support the development proposal as it appears it will encourage parties
- small community success does not start with a brewery

An applicant acknowledged:

- the community association's efforts to bring the community together
- the community's interest in establishing a meeting place and fire hall

The same applicant stated that:

- a meeting place and fire hall cost money
- the brewery will provide a tax base
- the brewery can act as community gathering place
- the applicants do not support Jordan River becoming a destination for parties

Jay Evans, Shirley, stated concern regarding water and fire protection.

Burlin Phillips, Jordan River, stated that he does not believe that a local brewery will reduce drinking and driving in the community as the brewery will attract visitors from outside of the area.

Brian Kenny, Jordan River, stated that:

- residents support establishment of a community gathering spot
- the applicants are not residents of Jordan River
- he did not move to Jordan River for a brewery or brewery traffic
- he has concerns regarding water and traffic

Sallie Pocock, Jordan River, stated that:

- she shares the concerns raised by other residents
- there is no need for a brewery
- Jordan River is already a destination for visitors from outside of the area

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
December 9, 2020

5

- there are limited washroom facilities for the current level of visitors that come to the community for recreation
- other community needs need to be addressed before a brewery is considered

Iain Lawrence responded to questions from the public and advised that:

- ambulance and RCMP services are located in Sooke
- the community of Jordan River is not within a fire protection service area
- the proposal was referred to the RCMP

APC comments included:

- the community has concerns regarding water supply
- the community has concerns regarding the increase in the Total Floor Area 1,000 m² to 4,000 m²
- letters of support still indicate concerns regarding fire protection
- the community has concerns regarding the potential for the brewery establishment to apply for further endorsements in accordance with the *Liquor Control and Licensing Act* and the overall scale of the proposal
- subject property is designated Pacific Acreage
- the Pacific Acreage land use designation supports home based businesses and small-scale commercial uses
- existing community businesses provide a good example of the commercial scale supported by the community
- existing businesses are owned by residents
- existing businesses fit the form and character of the community
- preliminary building designs provided by the applicant do not reflect the spirit of the community
- the applicants have not been able to confirm the scale of the brewery establishment or the amount of beer anticipated to be produced
- subject area is already zoned commercial so there will not be a decrease in residential use
- brewery traffic will not be routed through residential areas
- establishment of a brewery has the potential to provide economic benefit to the community
- the applicants are required to get a non-domestic groundwater license
- breweries are permitted as home based businesses on residential lots when a property's zone permits Home Based Business Category 3 and the property meets the home based business regulations
- home based businesses are established without community consultation, but the scale of home base business operations is much smaller
- proposal is not consistent with the community's OCP as the proposal is not small-scale and is not intended to meet community needs
- building and parking designs are not consistent with OCP's Commercial Development Permit Area guidelines
- proposal is not consistent with the OCP's objectives to reduce greenhouse gas
- it is too early to consider zoning to support additional endorsements
- the applicants did not pursue early consultation with the Jordan River community
- community lacks basic infrastructure such as water servicing, cell and internet services
- the community is divided on supporting the proposal based on the letters and comments received

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
December 9, 2020

6

Emma Taylor responded to a question from the APC confirming that existing water use/water availability is considered when a non-domestic groundwater license application is received.

MOVED by Brenda Mark, **SECONDED** by Fiona McDannold that the APC report to the Land Use Committee that the APC has reviewed proposed Bylaw No. 4381 and:

- a) That it recommends support for amending the C-1A zone to support food and beverage processing to permit a brewery;
- b) That it does not recommend support for amending the C-1A zone to support an onsite store, picnic area, lounge and special event area;
- c) That it does not recommend support for amending the C-1A zone to increase the Maximum Size of Principal Building from 1,000 m² to 4,000 m²;
- d) That it recommends support for amending Bylaw No. 2040 to address parking requirements for the food and beverage processing;
- e) That more information be provided by the applicant regarding the overall scale and design of the proposal in the form of a public information meeting for residents.

Prior to calling the vote, the Chair requested comment from staff regarding how the proposal will proceed after the APC meeting.

Iain Lawrence confirmed that:

- the proposal and the minutes from tonight's meeting, as well as the written submissions considered at this meeting, will be returned to a meeting of LUC for its consideration
- notice of that meeting will be mailed to owners and occupants within 500 m of the subject property
- notice of that meeting will also be sent to tonight's public attendees

The Chair called the vote on the motion.

Opposed: Blair Hughes
CARRIED

7. Adjournment

The meeting adjourned at 9:05 pm.

Chair

jdf info

From: becs Oldroyd
Sent: Wednesday, December 02, 2020 5:36 PM
To: jdf info
Subject: Comments for Jordan River Brewery application

I am writing as a land owner in Jordan River in regards to the rezoning application for the Jordan River Micro-Brewery.

I am in FULL support of this and feel as Jordan River is becoming a busier community, it would be great to have a place where people from the community and visitors can enjoy together. I grew up in a very small community where every summer the town would double because of tourists. With the people coming no matter what because of the beautiful place where we live it only makes sense to have a place the everyone can enjoy and be safe and give back to locals who would inevitably work there.

I hope this application comes with full support and encouragement.

Thanks

Rebecca

Wendy Miller

From: Wendy Miller
Sent: Wednesday, December 09, 2020 9:17 AM
To: Wendy Miller
Subject: Email in Support of Jordan River Brewery

From: Curtis Kitchen
Date: Dec 4, 2020, 5:23 PM -0800
To:
Subject: Brewery

Just thought I'd let you know that I am fully supportive of the brewery. Its gonna be awesome!

Curtis

Wendy Miller

From: Wendy Miller
Sent: Tuesday, December 08, 2020 11:09 AM
To: Wendy Miller
Subject: REZONING APPLICATION RZ000270 - 12036 WEST COAST RD

From: ELIZABETH KULCZYCKI |
Sent: Saturday, December 05, 2020 3:08 PM
To: jdf info <jdfinfo@crd.bc.ca>
Subject: REZONING APPLICATION RZ000270 - 12036 WEST COAST RD

TO THE ATTENTION OF: IAIN LAWRENCE, MANAGER, COMMUNITY PLANNING

We are full time residents in Jordan River. Upon reading the rezoning application provided, we would like to officially submit our concerns in the form of this electronic letter.

Firstly, we encourage and support the development of businesses and resources that would *enhance* the community of Jordan River. For example, those that would provide *basic essential needs for food, health, and safety*.

The application presented for a "micro-brewery and accessory service and sales" does not seem to offer an enhancement for the community of Jordan River. There are no basic essential needs provided for food, health or safety in this current application.

In fact, the application presented highlights concerns relating to the lack of health and safety services and infrastructure in the community of Jordan River.

Certain types of business require special consideration due to the health and safety risks involved. The increase in traffic, poor highway condition, lack of sanitation services, lack of police / fire / ambulance services in the community are real concerns.

While the proposed business application may have viable aspects, we do not feel that the application is offering enhancements to the community, and may indeed provide elements of risk to our community. This business type would not serve the community as a whole, or even in part, and would encourage visitors from areas outside of Jordan River that the current infrastructure cannot support.

Also, this rezoning may lead to other business taking root in Jordan River that do not enhance the community but provide risk.

In conclusion, as full time residents of Jordan River, we cannot support this current rezoning application for reasons outlined above. This rezoning and proposed business type is not in itself problematic, but it is certainly problematic in the context of a lack of health and safety services and infrastructure that currently exists in the community of Jordan River.

Yours truly,

Elizabeth Kulczycki and Reid Hepworth

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

December 7, 2020

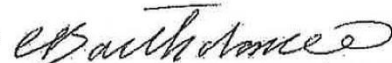
Re: Zoning Amendment Application RZ000270 - Section 4, Renfrew District
except those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549,
VIP82411 and EPP69011 (12036 West Coast Road)

I am writing this letter in support of the proposed zoning amendment, noted above, for a micro brewery with food and beverages processing and sales, to be situated in the Wildwood Terrace neighbourhood. From my perspective, as a long-term resident, the creation of a local micro-brewery would enhance our community, serving not only as a gathering place for locals, but a destination for vacationers.

In anticipation of this proposal receiving approval, I am suggesting that land be set aside now, in the beginning stages of the development, for a dedicated fire house/station. This would be an investment by the developers in our greater Jordan River community and would further support residents, industry and urban/wildland fire control efforts in a multi-faceted manner (community amenities contribution).

Our community offers so much --world class hiking, marvellous eco-tourism and of course, incredible surfing. We know the importance of careful planning to maintain the integrity of Jordan River. By setting aside property now for a future fire house in the neighbourhood, we would be establishing a critical building block for the future.

Sincerely,



Claude Bartholomew

December 7, 2020

Re: Zoning Amendment Application RZ000270 - Section 4, Renfrew District
except those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549,
VIP82411 and EPP69011 (12036 West Coast Road)

I am writing this letter in support of the proposed zoning amendment, noted above, for a micro brewery with food and beverages processing and sales, to be situated in the Wildwood Terrace neighbourhood. From my perspective, as a long-term resident, the creation of a local micro-brewery would enhance our community, serving not only as a gathering place for locals, but a destination for vacationers.

In anticipation of this proposal receiving approval, I am suggesting that land be set aside now, in the beginning stages of the development, for a dedicated fire house/station. This would be an investment by the developers in our greater Jordan River community and would further support residents, industry and urban/wildland fire control efforts in a multi-faceted manner (community amenities contribution).

Our community offers so much --world class hiking, marvellous eco-tourism and of course, incredible surfing. We know the importance of careful planning to maintain the integrity of Jordan River. By setting aside property now for a future fire house in the neighbourhood, we would be establishing a critical building block for the future.

Sincerely,

Geri Norris, ;

Wendy Miller

From: Wendy Miller
Sent: Wednesday, December 09, 2020 9:19 AM
To: Wendy Miller
Subject: JR Brewery

On Mon, Dec 7, 2020 at 1:28 PM Jer

wrote:

As a resident of Jordan River I am in support of having a brewery in our community. The town would benefit from having more services run by community members.

Jeremiah Klass

Wendy Miller

From: Wendy Miller
Sent: Wednesday, December 09, 2020 9:18 AM
To: Wendy Miller
Subject: Rezoning application

On Mon, Dec 7, 2020 at 3:09 PM James Murray

· wrote:

, I, James Murray of
the gravel pit for Brewery purposes.

support the rezoning of the commercial space at

jdf info

From:
Sent: Monday, December 07, 2020 9:51 PM
To: jdf info
Subject: Appeal for rezoning application RZ000270

Re: Zoning Amendment Application RZ000270 - Section 4, Renfrew District except those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)

I am writing this letter in support of the proposed zoning amendment, noted above, for a micro brewery with food and beverages processing and sales, to be situated in the Wildwood Terrace neighbourhood. As a new resident of Jordan River, the creation of a local micro-brewery would enhance a sense of community, providing an opportunity to meet and gather with other locals and vacationers too. I am very much in agreement with other locals who are advocating for setting land aside at the beginning stages of the development, for a dedicated fire house/station. This would be an investment by the developers in our greater Jordan River community and would further support residents, industry and urban/wildland fire control efforts in a multi-faceted manner (community amenities contribution). By setting aside property now for a future fire house in the neighbourhood, we would be establishing a critical building block for the future.

Sincerely,

Caroline Smalley

--

Email:
Cell:
Skype:

jdf info

From: Jordan Fisher
Sent: Monday, December 07, 2020 10:10 PM
To: jdf info
Subject: Re: Zoning Amendment Application RZ000270 - Section 4, Renfrew District except those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)

hello. I am writing regarding Re: Zoning Amendment Application RZ000270 - Section 4, Renfrew District except those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)

Our property is located nearby at

While do have some concerns about that large a brewery commercial use, my primary concern for the community right now is fire risk, which becomes particularly significant if there was a large commercial operation in the area.

If this project is going to be approved, I see that says pick it opportunity to have some land provided along with costs provided towards the cost of building a community fire hall. Fire is our biggest risk and a fire from any property will likely spread and cause significant distraction both of natural areas and homes. The creation of the fire hall at this location would P important amenity contribution from a project of this nature.

Best regards,
Jordan Fisher

jdf info

From: olivia schultz
Sent: Monday, December 07, 2020 10:26 PM
To: jdf info
Subject: Vote for rezoning in JR

Hello
I, Olivia Schultz One of the property owners at , Jordan River B.C.
Vote, Not in favour of rezoning for commercial use, including said Brewery. At the highway location near
Jordan river gravel pit Area.

I had originally sent a message to the community directors saying I was for the brewery, but the more I think
about it in proximity to my children's bus stop. Ive changed my mind.
Please note this change
Signed
Olivia Schultz

jdf info

From: Barbara Wallace
Sent: Tuesday, December 08, 2020 12:06 AM
To: jdf info
Subject: Zoning for brewery in Jordan River

Hello,
I think a brewery in Jordan River at this point is not a good idea. The most important new development this community needs right now is fire protection. Also, the highway through Jordan River needs to be reassessed for safety and speed limits need to be lowered through the section from where the brewery is proposed, to west of the China Creek campground. Once fire protection is in place, and the highway is safe, then consider a brewery.
Barb Wallace

Jordan River, BC

Wendy Miller

From: Wendy Miller
Sent: Wednesday, December 09, 2020 9:26 AM
To: Wendy Miller
Subject: Micro Brewery at Jordan River

On Tue, Dec 8, 2020 at 6:34 AM Ollie Rode <ollie@jordriver.com> wrote:

I'm writing in regards the proposed Micro Brewery in Jordan River. Without knowing the details of the proposal (exact location, size of the facility, amenities etc.) it would be difficult to totally support the idea. However in principal I think its a great idea! The Jordan River community needs more social venues and additional eateries. A micro brewery would also act as an attraction for the many tourists that normally drive past Jordan River. Obviously the proposal would benefit the owners and to a limited extent create some local employment. What's also badly needed in Jordan River is some well located property for community use. I would suggest that as part of the subdivision/rezoning approval by the CRD the proponents donate a well located piece of property for use by the local community. This property could have future use such as a local market space, community centre, fire hall etc.
Cheers Ollie Rode

Jordan River

jdf info

From: Burly Phillips
Sent: Tuesday, December 08, 2020 7:28 AM
To: jdf info
Subject: No brewery in Jordan River

I live at [redacted] which is directly across the highway from where the proposed brewery site would be. I also own a second empty waterfront lot down the road on waters edge Drive. I moved to Jordan River 26 years ago from Sooke to get closer to nature, surfing and a rural existence! I do not see any benefit in having a brewery to this community!! Zero! and in fact see many negative consequences: one being more people driving on these roads with alcohol in them because there's marginal cab service ability and it's not a five dollar cab ride to get home from here! We have many families with kids on this street and we do not need to be bringing an alcohol watering hole to the area!! Also We all have shallow surface Wells here so if the brewery uses a lot of water it could cause our wells to dry up plus the waste from a brewery could contaminate our drinking supply! Also noise levels from a brewery right next-door to your property that you bought because it was in a rural setting ruins the setting! There's nothing worse than hooting and hollering that goes along with drinking alcohol or the squealing of tires when people pull out of drinking establishments!! Not an appropriate business for a rural type settings in my opinion. And has no benefit to the community except for those couple of people that think they're going to make money from it. Thanks- Burlin and Cherry Phillips

Wendy Miller

From: Wendy Miller
Sent: Tuesday, December 08, 2020 10:37 AM
To: Wendy Miller
Subject: Crd letter for rezoning for brewery

From: Brian Kenny
Sent: Tuesday, December 08, 2020 7:37 AM
To: jdf info <jdfinfo@crd.bc.ca>
Subject: Crd letter for rezoning for brewery

Crd letter for rezoning for brewery

I am a full time resident within 500 meters of the proposed rezoning application in Jordan river bc. I moved to Jordan river 23 years ago for its rural tranquility and have owned property here for 10 years. The location is at totangi properties land where Jordan river gravel is located. The proposed location is across the highway from our road where we pick our kids up from the school bus everyday.

I am against the rezoning application to accept a brewery in our residential neighbourhood. The land is zoned for commercial use which does not and has not included a brewery/pub style restaurant which is something I do not approve of.

My reasoning behind this mostly has to do with promoting alcohol service in our community. No matter what they do there will always be drinking and driving around when serving alcohol and providing off sales. There is cab service in sooke but to get them to come to Jordan river it's in excess of 50\$ per trip which most people will not do after having over the legal limit of alcohol. We deal with enough people out this way annually who think they are in the Wild West and laws don't apply because there is no police in town. This in my opinion will not help our home and our neighbourhood to remain safe for our children. I work in forestry in the Jordan river area as well where we see a lot of People driving out the gravel roads to drink and once again feel the rules of the roads don't apply. We travel these roads day in day out and continue to have close calls on the road with people who are clearly over the legal limit to drive. We leave lots of (forestry) equipment in the bush all year while working and see a lot of vandalism which most likely isn't a group of sober people driving into the bush to wreck equipment. Bottom line is alcohol leads to bad decisions which is better left in towns where residents can get taxis home instead of endanger our families and friends while either driving out and around here or driving the 30km stretches to sooke or port renfrew.

Since the start of the covid 19 virus we have seen a dramatic increase in popularity of our area and have already had 5 cases of covid in our small town. Our roads are now more like parking lots than highways and the amount of human waste and toilet paper in the small stands of wood near beaches where our kids and dogs play has made it impossible to take them anywhere near that area. It is also near impossible to socially distance from people at the beaches in our neighbourhood due to the increase of tourists.

Promoting more people sitting around here drinking off sale beer and in house will only cause accidents on the highway, more litter on the beaches (of which there is plenty already). Illegal camping attempts on residential streets which we see lots already! Add alcohol and it only gets worse!

I'm all for change and bettering a community, and making room for more local work etc, but For all these reasons I do not accept this specific idea.

Brian Kenny

Wendy Miller

From: Tannis Dukart
Sent: Tuesday, December 08, 2020 1:31 PM
To: Wendy Miller
Cc: ..
Subject: rezoning Application RZ000270 - 12036 West Coast Road

We, Tannis Marie Dukart and Martin James Small, full time residents of Jordan River and owners of
I, do not support the rezoning application RZ000270 for the purposes of a
micro-brewery and accessory service and sales".

The current application does not support the best interests of residents and recreational users of the area for their health, safety and environmental requirements. The community of Jordan River lacks basic services that would support this type of operation to keep residents and members of the public safe. Currently there is no immediate fire, police or ambulatory response in the community. There is also no garbage pick up in the area. It is also questionable as to this type and size of business and the pressures it would put on water supply, the water table and sewage requirements for the area.

The increase in the amount of traffic to the area, it's close proximity to the highway, and to neighbouring residences is also a risk. Jordan River is an area where residents and recreational users use foot and bike transportation to get around and enjoy the community. There are currently no side lanes to use and increased traffic presents an even greater risk when walking and biking. There is also a bus route for children that operates along the highway and there is a pick up and drop off for children in the community at the start of Water's Edge Drive (directly across from the proposed micro-brewery). There are already pre-existing safety concerns with vehicles disobeying the speed limit and disregarding school bus flashing lights and stop sign. Increased traffic in the area and the possibility of inebriated driving does not foster the protection of our most vulnerable in the community.

Although the growth in Jordan River may be unavoidable, it also needs to be sustainable as the small community grows. A business of this operation is not value added at this time and will present further risks to current businesses and/or future businesses. There is likely other options for business growth in the community that would support immediate and basic needs for the betterment of residents and recreational users of Jordan River.

With regard,
Tannis Marie Dukart
Martin James Small



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JUNE 15, 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 portable 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 several accessory buildings located on the property, as well as 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 an accessory portable sawmill operation beyond the scale permitted as a home industry 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 portable sawmill as an accessory use on the subject property (Appendix E).

At its meeting of March 16, 2021, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaw to the Shirley/Jordan River Advisory Planning Commission (APC), CRD departments, BC Hydro, District of Sooke, Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch, Island Health, Ministry of Environment & Climate Change strategy – Hazardous Waste and Forestry (Authorizations South) and Water Stewardship Division, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Shirley Volunteer Fire Department, Sooke School District #62, and T'Sou-ke First Nation. Comments have been received from agencies and are included in Appendix F.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

1. That the referral of proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Island Health, Ministry of Environment & Climate Change Strategy – Hazardous Waste and Forestry, Authorizations South, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Shirley Volunteer Fire Department, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;

2. That proposed Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021” be introduced and read a first time and read a second time;
3. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4407; and
4. That prior to adoption of proposed Bylaw No. 4407, the following conditions be met:
 - i) Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector;
 - ii) Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4407.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative

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)*. The Shirley/Jordan River APC considered the application at its meeting April 6, 2021.

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.

A license is required for non-domestic groundwater use pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning.

Regional Growth Strategy

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 Official Community Plan 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 zoning amendment is consistent with the policies of the Shirley-Jordan River OCP.

Referral Comments

Referrals were sent to 13 agencies, to CRD departments and to the Shirley/Jordan River APC. Comments received are summarized below and included in Appendix F.

RCMP stated no comment

Ministry of Transportation & Infrastructure requires the property owner to obtain an access permit.

District of Sooke stated their interests are unaffected.

CRD Building Inspection outlined there is a Notice on Title related to an outstanding building permit requirement on the property, as well as more recent permit files that are incomplete.

CRD Bylaw Enforcement provided recommendations for detecting, monitoring and regulating nuisance noise from the proposed portable sawmill use.

CRD Protective Services stated the local fire department is satisfied that the property has appropriate fire mitigation resources to support the proposed use.

FLNR – Ecosystems Section stated that the site has been heavily modified and natural vegetation removed, and that the agency's interests are unaffected.

FLNR – Archaeology Branch stated there are no known archaeological sites on the property and archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property. Should any suspected archaeological deposits be encountered during land alterations on the property, all work must be halted and the Archaeology Branch contacted.

FLNR – Water Protection stated the subject property is located above a bedrock aquifer noted to have low to moderate vulnerability to contamination. Measures should be in place to ensure contaminants do not contaminate the aquifer. A water license for the required groundwater use is required.

Island Health stated no objection.

Pacheedaht First Nation provided verbal confirmation that the Nation's interests are unaffected.

The Shirley/Jordan River APC met on April 6, 2021, to consider the application. Six members of the public were in attendance. 26 letters of support and 4 letters in opposition to the proposal were received. The Shirley/Jordan River APC moved the following motion:

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

Land Use

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.

The owner of the sawmill operation has requested this zoning amendment in order to expand beyond the scope of the Home Industry regulations, as described in Appendix D, by amending the AF zone to add the operation of an accessory portable sawmill as a site specific permitted use on the subject property. Staff have prepared proposed Bylaw No. 4407 in for consideration (Appendix E).

Proposed Bylaw No. 4407 would permit a portable sawmill as accessory to the principal residential use of the property. Regulations for operation of an accessory portable sawmill are included that:

- limits the area on which the activity may occur to no greater than 0.5 ha;
- limits the total floor area for accessory buildings and structures related to the portable sawmill use to 60 m².
- requires that the operation be set back at least 30 m from the parcel boundaries;
- requires that the operation be screened by vegetation or a solid fence no less than 2.5 m in height; and
- restricts noise associated with the sawmill to 55 dB when measured at the property line.

Proposed Bylaw No. 4407 has been modified since the original referral based on comments from the APC and members of the public regarding the scale of the proposed portable sawmill operation, noise and nuisance concerns, and visual screening.

CRD Building Inspection has highlighted outstanding building permit items on the property; therefore, staff recommend that these items be addressed to the satisfaction of the Chief Building Inspector and that the Notice on Title be removed prior to consideration of approval of this rezoning application.

The Ministry of Transportation & Infrastructure requires a Type 1A access be developed and a permit obtained. Staff recommend that this requirement be satisfied prior to consideration of approval of Bylaw No. 4407.

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. The Water Protection Section of FLNR confirmed that non-domestic use of groundwater requires a provincial licence and that measures to ensure contaminants to not enter the aquifer be in place.

Section 414, also includes policies to ensure there is adequate water capacity to handle fire-fighting efforts. Comments received from CRD Protective Services division and the Shirley Volunteer Fire Department indicate that there are appropriate fire mitigation resources in place for the proposed use.

Based on the information provided by the applicant and the policies of the Shirley-Jordan River OCP, staff recommend that proposed Bylaw No. 4407 be introduced, read a first and a second time, and that a public hearing be held. Staff further recommend that conditions raised by referral agencies be satisfied prior to consideration of approval of proposed Bylaw No. 4407.

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 accessory portable sawmill use. Staff have prepared proposed Bylaw No. 4407 and recommend receipt of referral comments, first and second reading and advancement to public hearing. Staff further recommend that conditions be met prior to consideration of final approval.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District (CRD) Board:

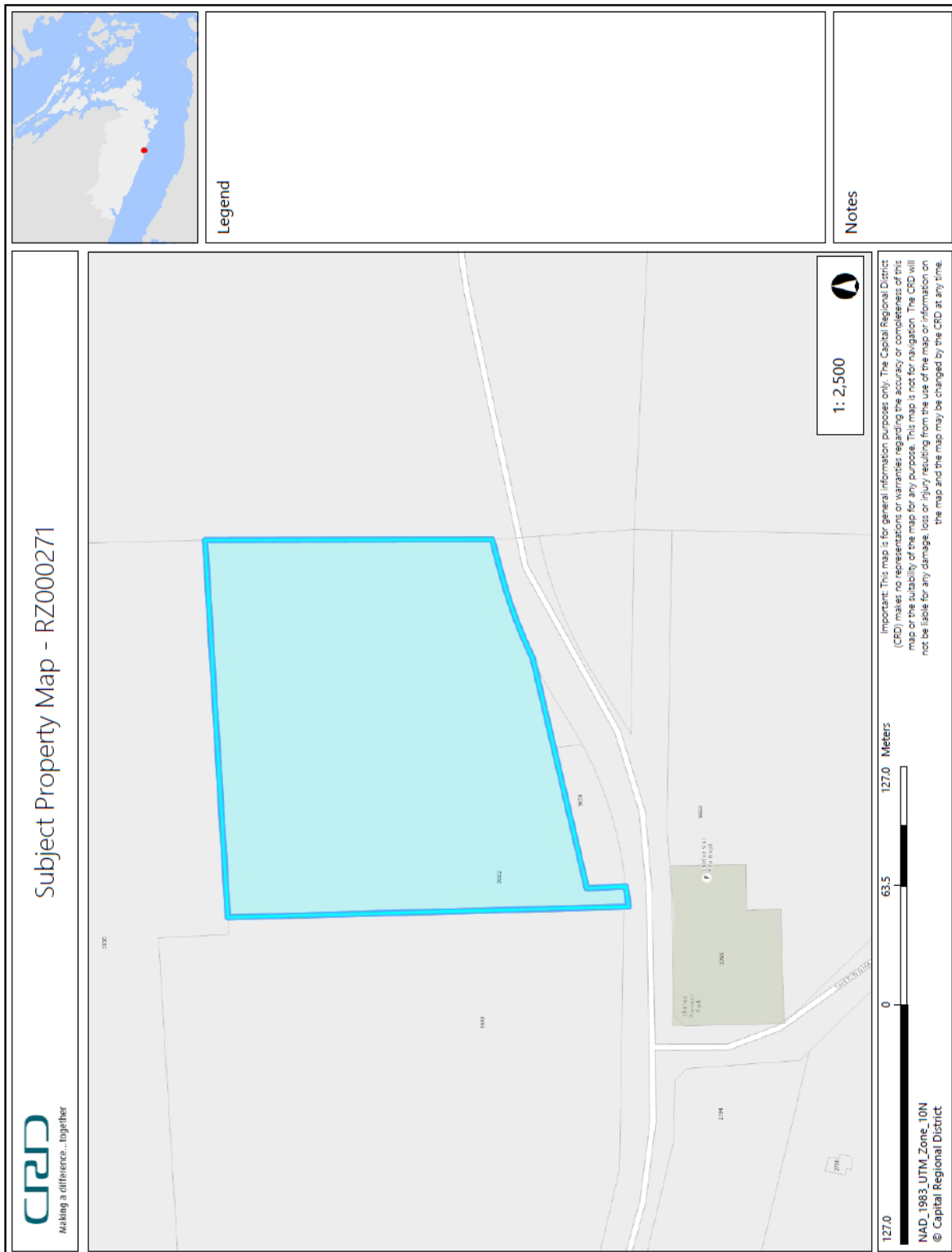
1. That the referral of proposed Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021” directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Island Health, Ministry of Environment & Climate Change Strategy – Hazardous Waste and Forestry, Authorizations South, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Shirley Volunteer Fire Department, Sooke School District #62, and T’Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4407, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021” be introduced and read a first time and read a second time; and
3. That in accordance with the provisions of section 469 of the *Local Government Act*, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4407.
4. That prior to adoption of proposed Bylaw No. 4407, the following conditions be met:
 - i) Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector;
 - ii) Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

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

ATTACHMENTS

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

Appendix A: Subject Property



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

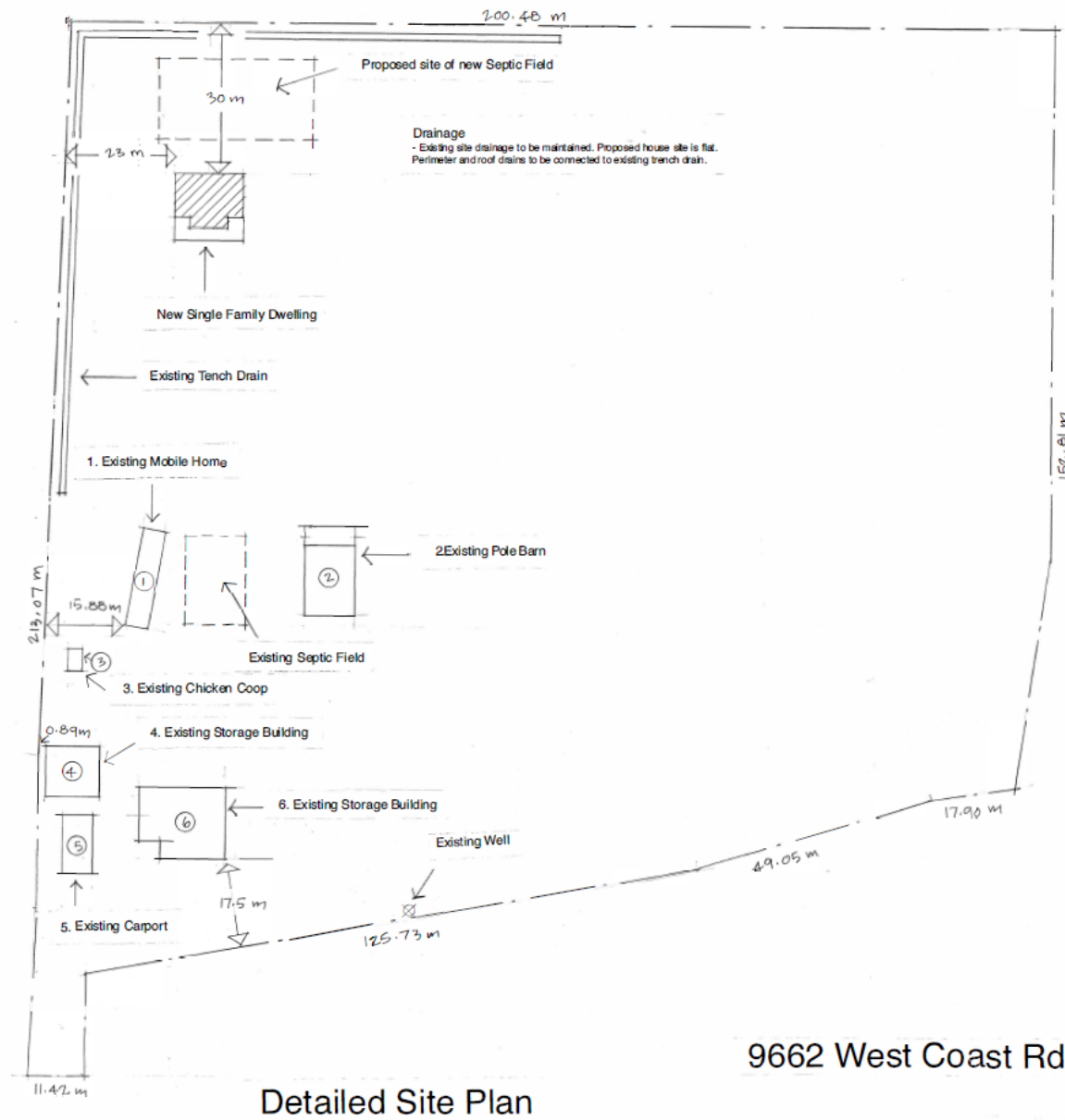
Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (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*

Appendix C: Site Plan



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 adding a new paragraph 3.01(h) as follows:

"(h) portable sawmill accessory to a principal residential use 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 deleting subsection "3.03 Density" in its entirety and replacing with the following:

3.03 Density

- a) One one-family dwelling per lot;
- b) One secondary suite or one detached accessory suite per lot;"
- c) The maximum area devoted to an accessory portable sawmill use shall be 0.5 ha.

- (c) By deleting subsection "3.07 Yard Requirements" in its entirety and replacing with the following:

3.07 Yard Requirements

- a) The front, side, rear and flanking yards for an accessory portable sawmill use 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.

- (d) By adding a new subsection "3.08 Screening" as follows:

3.08 Screening

- a) A vegetative screen, consisting of coniferous vegetation native to the region that is not less than 2 m high and 5 m deep and spaced no less than 2 m apart, or a solid fence, at least 2.5 m in height, shall be located and maintained around the perimeter of the portable sawmill operation.

- (e) By adding a new subsection "3.09 Portable Sawmill" as follows:

3.09 Portable Sawmill

- a) Persons employed at a portable sawmill operation are limited to persons normally resident in the dwelling unit to which it is incidental plus up to three non-resident employees;
- b) A portable sawmill shall operate between the hours of 9 am and 5 pm, Monday to Friday, excluding statutory holidays;

2

- CORPORATE OFFICER

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

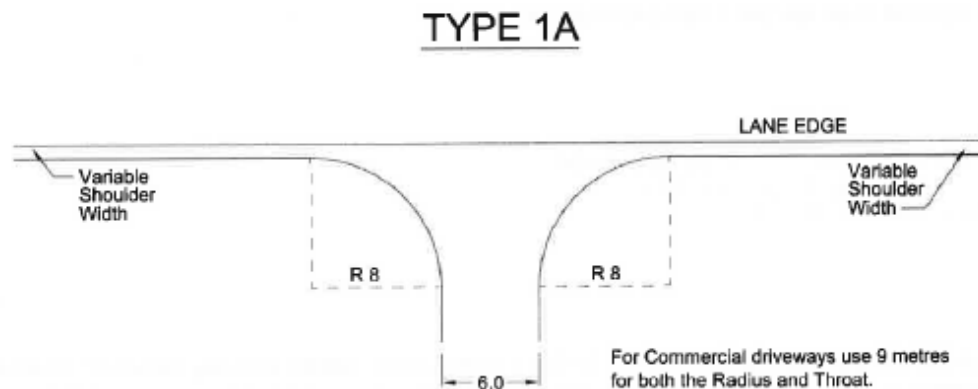
Hi Wendy,

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
April 6, 2021

2

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

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
April 6, 2021

3

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

Shirley/Jordan River Advisory Planning Commission Meeting Minutes
April 6, 2021

4

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



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JUNE 15, 2021

SUBJECT Zoning Amendment Application for Section 42, Otter District, Clark Road
 & Aythree Way (PID: 009-497-790)

ISSUE SUMMARY

The owner has applied to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

BACKGROUND

The approximately 55 hectare (ha) subject property is located on Clark Road and Aythree Way in Otter Point (Appendix A). The property is designated as Rural Land in the Otter Point Official Community Plan (OCP), Bylaw No. 3891, and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix B). The parcel is within the Otter Point Fire Protection Service Area and outside of a community water service area. Portions of the property are designated as steep slope, sensitive ecosystems and watercourses and wetlands development permit areas in Bylaw No. 3819.

There is a single-family dwelling being constructed on the property, as well as an active soil deposit permit (SP000092), development permit (DP000291), and 10-lot subdivision application (SU000704) (Appendix C). A public consultation application is also underway for the location of a radio communication tower on a portion of the property subject (LP000021).

The owner has submitted an application to rezone an 11 ha portion of the property proposed as Lot 2 to permit a residential density of one one-family dwelling and suite per 4 ha, agriculture, and an equestrian riding facility with ancillary campground (Appendix D). Staff have prepared Bylaw No. 4422 for consideration (Appendix E).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021" to the Otter Point 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
FLNR - Water Protection Section
Island Health
Ministry of Agriculture
Ministry of Transportation & Infrastructure
Otter Point Fire Department
RCMP
Sooke School District #62
Sc'ianew
T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4422 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 related to Part 14 of the *Local Government Act* (LGA). Therefore, staff recommend referring the proposed amendment bylaw to the Otter Point 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.

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 Groundwater Protection Section 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 Otter Point 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 zoning amendment is consistent with the policies of the Otter Point OCP.

LAND USE IMPLICATIONS

The Otter Point OCP, Bylaw No. 3819, designates the subject property as Rural Lands. The primary use for the Rural Lands policy area is to protect renewable resources such as agriculture and forestry. OCP policies are supportive of development proposals where the development has minimal impact on existing features, surface runoff is controlled, depletion and contamination of wells is prevented, and vegetation is retained. In consideration of an application for rezoning, community support is more likely where it can be demonstrated that community values and features can be protected as outlined in section 4.2.1(6) of the Otter Point OCP.

The property is zoned AF in Bylaw No. 2040, which permits silviculture, residential and ancillary uses (Appendix B). The applicant is requesting rezoning of an 11 ha portion of the property proposed as Lot 2 to permit a residential density of one dwelling and suite per 4 ha of land, silviculture, agriculture, equestrian riding facility and an ancillary campground (Appendix D). Staff have drafted a new Agriculture 2 (AG-2) zone to reflect the applicant's proposal. Proposed Bylaw No. 4422 is included as Appendix E for consideration.

A new definition for *equestrian facility* is proposed as follows:

EQUESTRIAN FACILITY means the use of land, buildings and structures to keep, breed, raise, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital; excludes racetracks and events that must be licenced by the BC Racing Commission, competitions, fairs and festivals.

The proposed AG-2 zone maintains the 4 ha minimum parcel size requirement for subdivision and a residential density of one dwelling plus a secondary suite or detached accessory suite per 4 ha of land, consistent with the Rural Lands designation and the density permitted in the AF zone. A floor area ratio of 0.025 is proposed for all buildings used for agriculture, farming and equestrian riding facilities, which equates to approximately 2750 m² on 11 ha of land.

The applicant is proposing that campsites be permitted for temporary accommodation of the travelling public in conjunction with the other permitted uses outlined in the AG-2 zone. The Rural Lands designation does not explicitly support commercial tourist accommodation, so consideration of such use would need to be of a minor scale and ancillary to the primary renewable resource function of the land in order to be consistent with the OCP policy direction. Bylaw No. 4422 includes a proposed density of one campsite per 2 ha as an accessory use. A total of five campsites would be permitted in the 11 ha area.

Past proposals to amend the Forestry (AF) zone to permit agriculture have been considered by the CRD Board. Bylaw No. 4179 proposed to add agriculture as a permitted use on all lands zoned AF, but was withdrawn in 2018 in favour of considering zoning amendments to allow agriculture on a case-by-case basis. A site specific rezoning of a split zoned Rural A and AF parcel in Shirley to a new Rural 2 (RU2) zone was completed in 2019 (Bylaw No. 4259). The Rural 2 (RU2) zone expressly excludes indoor equestrian riding arenas from the definition of Farm Building, therefore this zone is not appropriate to be applied to the current proposal.

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

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone an 11 ha portion of the subject property from the Forestry (AF) zone to a new Agricultural 2 (AG-2) zone to permit two dwelling units and up to either two secondary suites or two detached accessory suites, agriculture, and an equestrian riding facility with an ancillary campground. Staff have prepared proposed Bylaw No. 4422 and recommend referral to the Otter Point 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. 4422, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021” to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

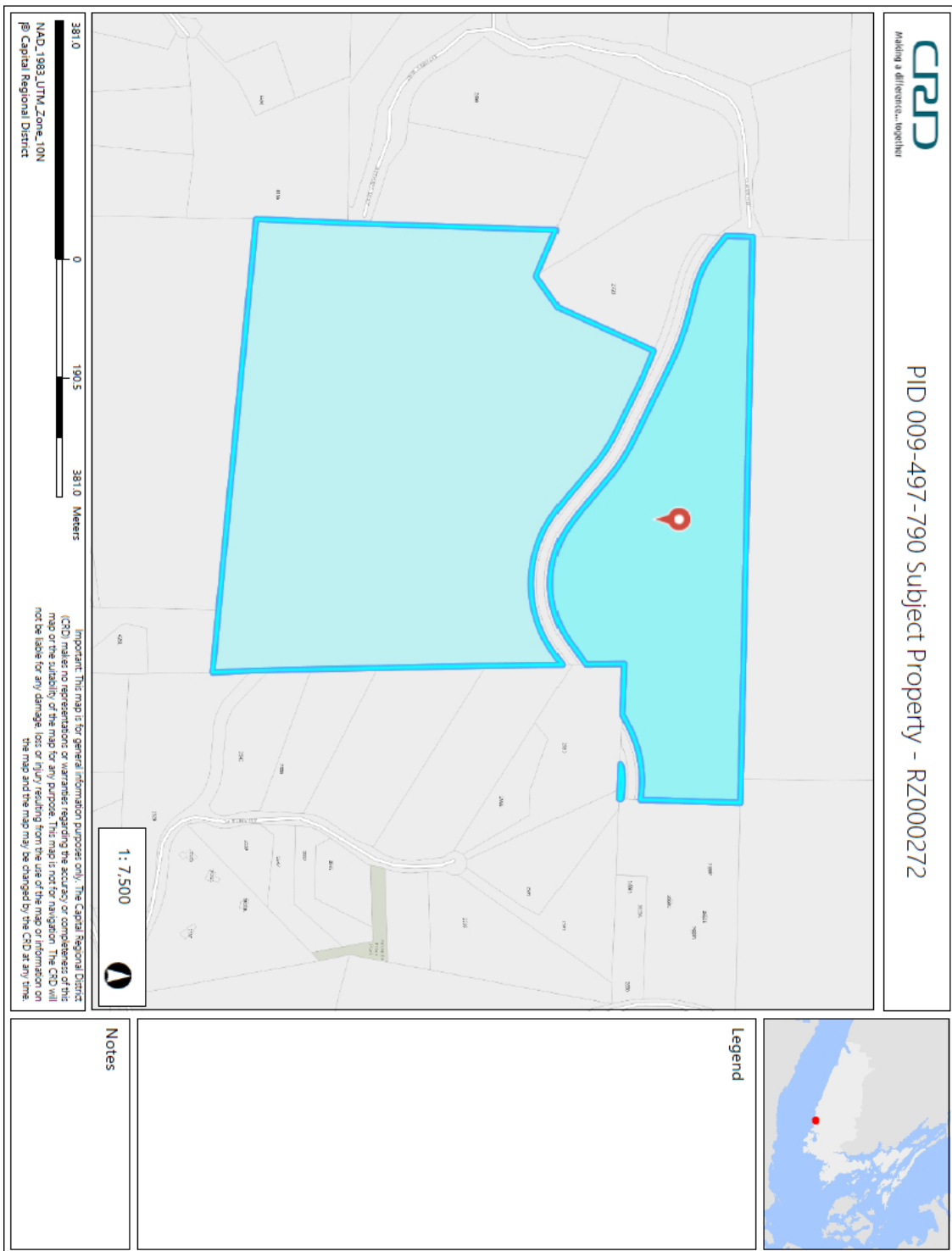
BC Hydro
District of Sooke
FLNR - Archaeology Branch
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development
FLNR - Water Protection Section
Island Health
Ministry of Agriculture
Ministry of Transportation & Infrastructure
Otter Point Fire Department
RCMP
Sooke School District #62
Sc'ianew
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: Subdivision Plan
Appendix D: Proposed Development
Appendix E: Bylaw No. 4422

Appendix A: Subject Property



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**

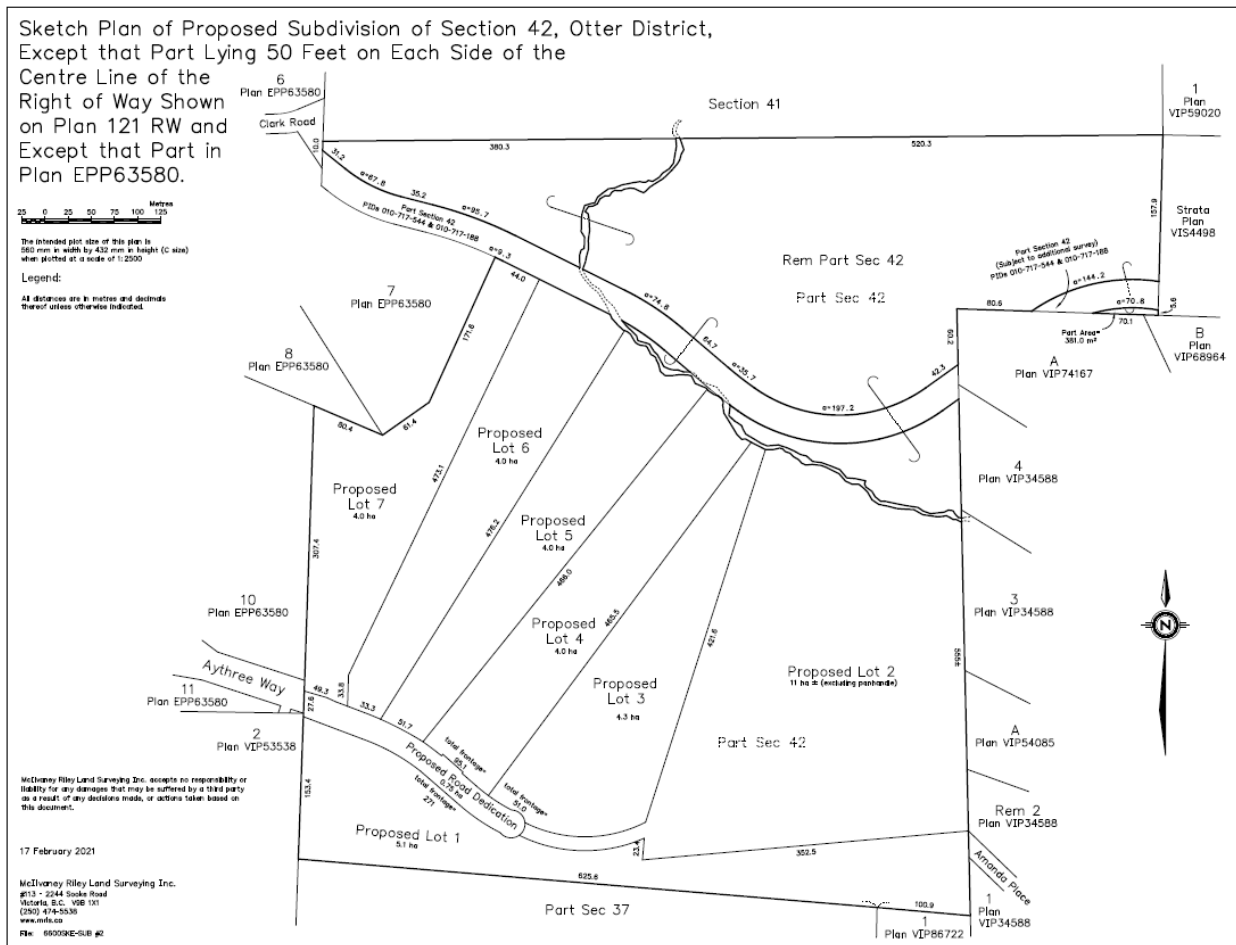
Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (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*

Appendix C: Subdivision Plan



Appendix D: Proposed Development

GRAYLAND CONSULTING LTD.

May 11th, 2021

Juan de Fuca Community Planning
3-7450 Butler Road,
Sooke B.C.
V9Z 1N1

To Whom it may Concern:

RE: PROPOSED REZONING PROPOSED LOT 2 OF SECTION 42 OTTER DISTRICT

On behalf of the owners of Section 42, Otter Point, Homeward Bound Sales Ltd, Rachael Sansom of Grayland Consulting Ltd. is making application to rezone proposed lot 2 from the existing AF Forestry Zone to the RU2 Rural 2 Zone.

Salient Facts

Legal Description	Proposed Lot 2, Section 42, Otter District Except that part lying 50 feet on each side of the centreline of the right of way shown on Plan 121 RW and except that part in Plan EPP63580
PID	009-497-790
Lot Size	11 hectares
Existing Zone	AF Forestry
Existing Use	Vacant – previously logged
DP Areas	Riparian, Steep Slopes



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Previous Site Activity

The property was logged in 2017. A subdivision application by the previous owner was submitted in 2019 and has been slightly revised by the current owner for fewer lots than originally contemplated.

A soil deposit permit was issued in 2019 to the previous owners and will be completed and signed off by the CRD when the site has been left in a suitable condition (Spring 2021).

Proposed Rezoning

A comparison of the existing and proposed uses is as follows:

	AF Forestry (Existing)	RU2 Rural 2 Zone (Proposed)
Permitted Uses	Silviculture except within 300m of a highway. Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture. One-family dwelling. Home Based Business Categories One, Two and Three; Bylaw 3705 Two Boarders or lodgers. Secondary Suite pursuant to Part 1, ss 4.19; Bylaw 3849 Detached Accessory Suite pursuant to Part 1, ss 4.20.	Agriculture Farm Building on Farms Residential One Family Dwelling
Accessory Uses		Accessory Buildings (Part 1, s 4.01) Secondary Suite Part 1, s 4.19 Detached Accessory Suite (part 1, s 4.20) Home based business (1,2 and 3) Two boarders or Lodgers One RV Composting of Waste in Site
Minimum Parcel Size	4 ha (10 ac approx)	4 ha (10 ac approx)
Density	One -One family dwelling One Secondary Suite (may be detached)	Two single family dwellings with suites per lot, on lots greater than 10 ha.
Height	11m	11m
Lot Coverage	10%	10%
Maximum Size of Residential Buildings	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 418m ² , whichever is less; On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.	Farm Buildings and Structure not to exceed a total floor area 1000m ² . Residential floor area not to exceed 418m ²

[illegible]

Agriculture means the growing, rearing, producing or harvesting agricultural crops or livestock, apiculture, horticulture, silviculture, the use and storage of associated farm machinery, implements and agricultural supplies, includes the ancillary sale storage and processing on a parcel of the primary products harvested, reared or produced on that parcel, excludes intensive agriculture – medical marihuana, licenced cannabis production pursuant to the Cannabis Act, kennels, aquaculture, growing of mushrooms within a building and the permanent confinement of livestock or animals of any kind within a building.

Farm Building means a structure which does not contain a residential occupancy and is :i) associated with and located on land devoted to the practice of farming and 11) used essentially for the housing of agricultural crops or equipment of livestock including storage and processing of agricultural products on site, but excludes, abattoirs, indoor equestrian riding arenas and buildings for the confinement of livestock or animals of any kind.

PPSS-35010459-2470

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The owner would also like the ability to host small equestrian events and overnight camping with or without horses, for a limited number of spaces as deemed appropriate by the Regional District.

Density

The owner wishes to have the ability to build two single families on the parcel. Currently one single family dwelling with a suite is permitted on a 4 acre parcel. Two single family dwellings with suites on the 11 hectare parcel would actually be a decrease in density.

Site Servicing

The property will be serviced by in-ground septic disposal and drilled domestic water wells. Fire fighting ponds or reservoirs will be provided in accordance with the requirements of the Fire Department.

The additional uses would have to be supported by adequate water supply to be verified by a professional hydro geotechnical engineer, and these uses must be proving to have no negative impact to ground water.

Storm Water Management and Erosion and Sediment Control plans will be prepared by Professional Engineers as required.

The property is accessed via Aythree Road.

Environmental Considerations

This property was logged under the existing Forestry Zone by previous owners. Trees and undergrowth are gradually starting to repopulate, as are small and large mammals, birds and insects.

Any roads, driveways and structures will be located more than 30m from riparian areas in accordance with the Riparian Area Protection Regulation; an analysis of the riparian area has been performed by WSP Canada, and widely respected environmental consulting firm. Damage to the riparian areas was caused by logging practices two owners previous.

Steep slopes will be avoided, and all works and building areas will be analysed and certified by a professional Geotechnical Engineer.

Public Engagement

On behalf of the owners, and considering the ongoing COVID restrictions, we will send by mail letters to the surrounding neighbourhoods with project and contact information so that we may collect the opinions and concerns and respond to these prior to Board consideration. If conditions permit, public open houses may be hosted on site.

We look forward to working with Juan de Fuca Planning Staff, Committee and Board members and the public on this application. Please do not hesitate if you require additional information.

Best Regards,



Rachael Sansom A.Sc.T, agent for
Homeward Bound Sales Ltd.

Appendix E: Bylaw No. 4422

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4422**

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 1, SECTION 2 – DEFINITIONS

- (a) By adding a new definition after the definition of ELECTRONIC MESSAGE CENTER SIGN, as follows:

"EQUESTRIAN RIDING FACILITY means the use of land, buildings and structures to keep, breed, raise, train and ride horses, and may include ancillary boarding stables, riding lessons, tours, veterinary clinic and animal hospital; excludes racetracks and events that must be licenced by the BC Racing Commission, competitions, fairs and festivals."

B. SCHEDULE A, PART 1, SECTION 3.07

- (a) By adding the words "AG-2 Agricultural 2" after the words "AG Agricultural".

C. SCHEDULE A, PART 2 - ZONING DISTRICTS

- (a) By adding a new section 3B.0 Agricultural 2 Zone – AG-2 as follows:

3B.0 Agriculture 2 Zone – AG-2

3B.01 Permitted Uses & Buildings

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 by the Agricultural 2 AG-2 Zone:

Principal Uses:

- (a) Agriculture;
- (b) Farm Buildings;
- (c) Residential;
- (d) One-family Dwelling;
- (e) Equestrian Riding Facility;

Accessory Uses:

- (f) Accessory buildings and structures ancillary to a permitted use pursuant to Part 1, section 4.01;
- (g) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (h) Detached Accessory Suite pursuant to Part 1, Subsection 4.20;
- (i) Home Based Business Categories One, Two and Three;
- (j) Two Boarders or Lodgers;
- (k) One recreation vehicle may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (l) Composting of organic waste generated on site.

**3B.02 Minimum Lot Size for
Subdivision Purposes**

- (a) The minimum lot size for subdivision purposes shall be 4.0 ha.

CRD Bylaw No. 4422

2

3B.03 Lot Coverage

- (a) The maximum lot coverage shall be 10%.

3B.04 Density

- (a) One one-family dwelling per 4 hectares is permitted;
(b) One secondary suite or one detached accessory suite per 4 hectares is permitted;
(c) The Floor Area Ratio of all Farm Buildings, buildings and structures devoted to Agriculture, and Equestrian Riding Stables shall not exceed 0.025;
(d) Residential buildings and structures shall not exceed a Floor Area Ratio of 0.01.
(e) One campsite per 2 ha and a maximum of 60 m² total floor area of all accessory buildings and structures devoted to the campground use.

3B.05 Height

- (a) The maximum height of principal buildings and structures shall be 11 m.

3B.06 Required Yards

- (a) Residential buildings and structures shall be set back a minimum of:
i) 7.5 m from the front lot line;
ii) 6 m from side lot lines;
iii) 10 m from the rear lot line;
iv) 6 m CTS from flanking lot lines.
(b) Except for grazing of livestock and growing of agricultural crops, Farm Buildings, buildings and structures devoted to Agriculture, and Equestrian Riding Stables shall be set back a minimum of:
i) 30 m from the front lot line;
ii) 15 m from side, rear and flanking lot lines.
(c) Campgrounds shall be set back a minimum of 30 m from the front, side, rear and flanking lot lines.

3B.07 Watercourse Setbacks

- (a) Farm buildings, buildings and structures devoted to Agriculture and Equestrian Riding Stables shall be a minimum of 15 m from the natural boundary of a watercourse.

E. SCHEDULE A, PART 3, SECTION 5.0 LAND USE AND PARKING SPACES REQUIRED

- (a) By adding the words "Equestrian Riding Stable 5 plus 1 per 2 employees" below the words "Equipment Sales/Rentals (See Retail Uses of the same size)"; and

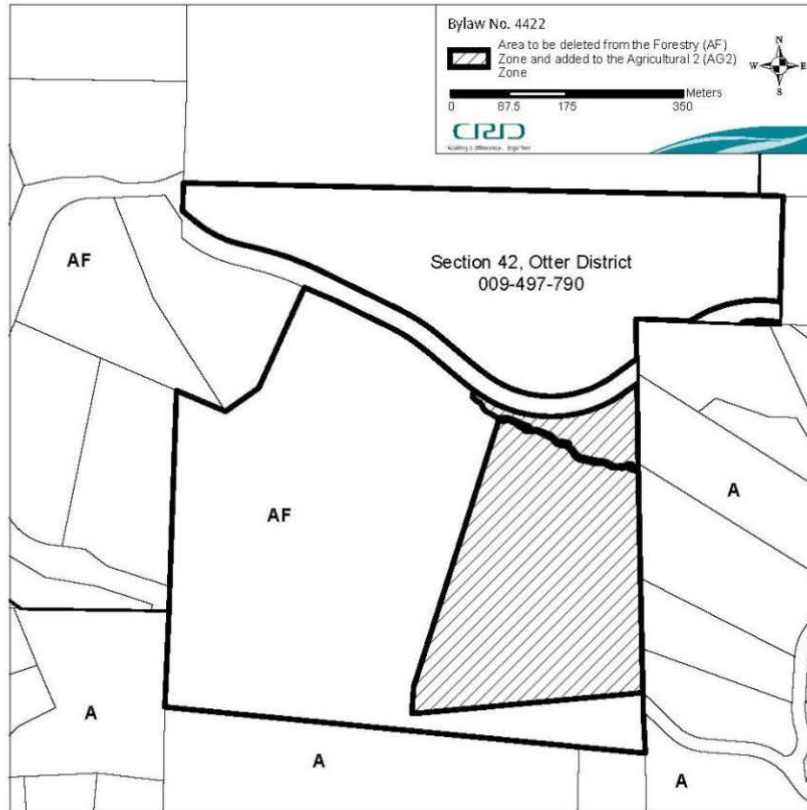
F. SCHEDULE B, ZONING MAPS

- (a) By deleting that portion of Section 42, Otter District, except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580 from the Forestry AF zone and add it to the Agricultural 2 (AG-2) zone, as shown in Plan No. 1.

CRD Bylaw No. 4422

3

Plan No. 1 of Bylaw No. 4422, an amendment to Bylaw No. 2040



2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 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