

Association for the Protection of Rural Metchosin

#2-4401 William Head Road

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www.metchosinaprm.org

April 19, 2021

Mayor and Council
District of Metchosin
4450 Happy Valley Road
Victoria, BC V9C 3Z3

Dear Mayor Ranns and Council:

Re: Rezoning Application for 900 Arden Road

The Association for the Protection of Rural Metchosin (APRM) wishes to raise several matters pertaining to the rezoning application for 900 Arden Road, as outlined in the Planning Committee agenda package released on April 16, 2021.

Two options – Two paths of risk

The agenda package contains a report from the District's Planner, which presents two options to address the landowner's application:

- Option One: Consider a "site-specific amendment" to allow the portable sawmill home business at this specific residence.
- Option Two: Consider amending the definition of "home business" in the *Land Use Bylaw* to allow for portable sawmills as home businesses.

We wish to address certain implications of both approaches.

Option One opens the District to "spot-zoning"

Spot zoning occurs when a specific parcel of land is rezoned to allow for activities that are different than those allowed in the larger zoned area. Spot-zoning may allow one property to conduct activities that are not available to other landowners in that zoned area or which would otherwise be contrary or unauthorized within a *Land Use Bylaw* or the Official Community Plan. We see a "site-specific amendment" allowing for the portable sawmill as a clear case of spot zoning.

Approving one spot-zoning request opens the obvious risk that other landowners will attempt this course of action in the future. While Council would have discretion on such applications,

approving one spot-zoning request creates a political and ethical obligation to residents for consistency in its considerations.

Metchosin is continuing to see pressures and efforts to challenge our overall land use planning framework, particularly in the context of growth pressures on the West Shore. Opening the door to spot zoning will allow a further avenue for challenges to the community's established land use planning practices and ethic.

Option Two creates the potential for more portable sawmills in Metchosin

Amending an important definition in Metchosin's *Land Use Bylaw* should be driven by larger planning objectives, rather than one landowner's interests. In fact, the act of adding "portable sawmill" as an allowed home business for properties four (4) hectares or greater suddenly exposes many other Metchosin residents to the potential of having such an operation beside them. With such a change, individuals wishing to operate a portable sawmill will not need to consult with neighbours or seek additional permits; amending the definition will suddenly allow for such operations.

Conditions can be applied to these operations in an amended definition in the bylaw; however, under Metchosin's complaint-based bylaw enforcement system, it is essentially left to adjacent property owners to raise issues of noise, vibration, dust and traffic. All of these impacts are inherent to sawmills, portable or otherwise. As you have heard in recent weeks, residents have concerns with the complaint-based system and there is a high degree of skepticism around its effectiveness.

Amending the definition to allow for portable sawmills as a home business will add a new layer of complexity to the District's ability to enforce its bylaws. In short, we ask why one property owner's business aspirations should introduce the potential of other sawmill operations into broader areas of the community.

Bylaw enforcement related to this property

The APRM has recently received information from concerned neighbours that the sawmill has actually been in operation for an extended period, perhaps over a year, and that it has been the source of multiple noise complaints. If such claims are valid, these throw into question the statements in the Planner's report regarding the Clean Hands Policy and whether Council should proceed further with this application.

For example, if there have already been noise complaints, the operation was not complying with the existing home-based business definition. Page 9 of the agenda package references the *Land Use Bylaw* (section 21.9.b), stating that: "In general, home businesses shall not: ...Produce noise, vibration, smoke, dust, odour, litter or glare which is detectable from any lot line of the lot on which (the) Home Business is operated..."

On page 10 of the agenda package it states that “The property has been the subject of noise complaints in the past associated with sawmill use. Staff have confirmed land use compliance in accordance with the District’s Clean Hands Policy in order to process the application.” **How can staff “have confirmed land use compliance” when the mere presence of this operation in an Upland zoned area is not authorized by our bylaws?**

Request that Council not advance the application

We ask that Council not advance this application for the reasons stated above:

- The larger community implications of either spot zoning or an amendment to the home business definition in the *Land Use Bylaw*.
- Concerns that have been raised by neighbours since the agenda package was released on April 16.
- Questions about the applicability of the Clean Hands Policy to this situation.

The APRM recognizes that the property owners have significant support from community members. We also recognize that the property owners themselves are long-standing community members. However, it is vital to the overall health of Metchosin as a rural community that we disassociate individuals from land use application and decisions, especially applications that have the potential to impact the broader fabric of the community.

We look forward to further discussion on this matter.

Sincerely,

Jay Shukin
President, Association for the Protection of Rural Metchosin

CC: APRM Executive (Chris Moehr, Kathleen Zimmerman, Rachel French de Mejia, Ken Farquharson, Mark Atherton)