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JUAN DE FUCA ELECTORAL AREA PARKS AND RECREATION ADVISORY COMMISSION

Notice of Meeting on Tuesday, **November 27, 2018 at 3 p.m.**

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

AGENDA

1. Approval of Agenda

2. Adoption of Minutes of September 25, 2018

3. Chair's Report

4. Director's Report

5. Delegation – Local Area Planning
   a) Rezoning Application - RZ000260 - Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree Road)

6. Staff Reports
   a) Staff News

7. New Business
   a) Review of the Recreation Program Guidelines for Potential Adoption for 2019
   b) Site Visits
   c) January Meeting Date

8. Unfinished Business
   a) Community Parks Regulations Bylaw, Bylaw No. 3795
   b) Friends of Coppermine Park Society - Picnic Shelter Proposal
   c) Port Renfrew Tourism Trail - Final Report Outstanding
   d) Electric Vehicle Charging Station - Port Renfrew
   e) Priest Cabin Trail Improvements
   f) Recreation Program Guidelines Review
   g) Kemp Lake Fishing Pier and Boat Launch Project

9. Next Meeting: To be Determined

10. Adjournment

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Minutes of a Meeting of the
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
Held Tuesday, September 25, 2018 at the Juan de Fuca Local Area Services Building, 3 – 7450 Butler Road, Otter Point, BC

PRESENT: S. Jorna (Vice Chair), V. Braunschweig, J. Gaston, M. Kimmel, P. Sloan
Staff: D. Closson, Manager, Juan de Fuca Parks and Recreation; I. Lawrence, Manager, Local Area Planning; E. Taylor, Planner, Local Area Planning; W. Miller, Recorder
ABSENT: B. Croteau, L. Paterson, W. Vowles (Alternate Director)
PUBLIC: 1

The meeting was called to order at 3:00 p.m.

1. Approval of the Agenda

It was advised that Planning staff can provide an overview of the Pacific Gateway Marina proposal (RZ000242) but that it is asked that the application be considered for recommendation after a public information meeting is held in Port Renfrew. It is anticipated that a public information meeting will be held in mid-November.

MOVED by Commissioner Kimmel, **SECONDED** by Commissioner Braunschweig that the agenda be approved, as amended, to strike item 5 d) Comprehensive Community Plan Amendment Application – RZ000242 and to add New Business, item 7 a) Signage - Dog Regulations.

CARRIED

2. Adoption of the Minutes of June 26, 2018

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Gaston that the minutes from the meeting of June 26, 2018 be adopted, as amended, to strike and replace "the requirement for 5% park dedication has decreased" with "the opportunity for 5% park dedication has decreased" and to strike and replace "BC Hydro is covering the hydro costs associated with the charging stations" with "the Ministry of Transportation and Infrastructure will fund the electric stations at the Community Centre".

CARRIED

3. Chair's Report

The Vice Chair passed on regrets from the Chair.

4. Director's Report

None.

5. Delegation – Local Area Planning

a) Subdivision Application S-03-14 - Lot 2, District Lot 17, Renfrew District, Plan 32241 (6649 Godman Road)

Emma Taylor spoke to the subdivision application confirming that the Commission recommended that cash-in-lieu be requested in accordance with the provision of park land under Section 510 of the *Local Government Act*. It was advised that the applicant has fulfilled a condition to provide acceptable sewage disposal and is requesting review of the application to receive Preliminary Layout Approval. The Commission is asked to confirm

if its original resolution, as forwarded to the Ministry of Transportation and Infrastructure, remains valid.

Staff confirmed that:
- a trail through the subject property has been discussed as part of the conceptual trail plan for Port Renfrew
- in accordance with the Bare Land Strata Regulations under the *Strata Property Act*, the Approving Officer may request that the applicant provide a strip of land not exceeding 7 m in width along the bank or shore for the purpose of providing public access
- no development applications have been received for the property between the subject property and the Wild Coast Cottages strata property
- a trail through the Wild Coast Cottages strata property would require negotiations with the developer

Commission comments included:
- it is challenging to plan a route for a community trail network as the properties reflected in the conceptual trail plan are held by different owners
- support for formal development of a comprehensive trail network plan
- support for having a waterfront trail connect Beach Camp to the proposed Pacific Gateway Marina development to Snuggery Cove

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner Kimmel that the Commission rescind its September 23, 2014 motion requesting cash-in-lieu of park land pursuant to securing dedication of land for a trail connection.

CARRIED

b) Rezoning Application RZ000253 - Lot 2, Section 97, Sooke District, Plan 15036 (6400 Block East Sooke Road)

Emma Taylor spoke to the staff report and the request to rezone the subject property from Rural A to Rural Residential 6A (RR-6A), in order to facilitate a 9-lot subdivision. Emma Taylor outlined the professional reports submitted by the applicant supporting the application and advised that the environmental overview assessment recommends an environmental protection area/wildlife corridor be covenanted. Emma Taylor directed attention to the corridor as identified on the rezoning concept plan.

Staff advised that:
- one access off East Sooke Road is proposed to access two fee simple lots
- a second access off Cole Road is proposed to access seven bare land strata lots
- the subdivision proposal does not include public road dedication
- the Official Community Plan (OCP) for East Sooke, Bylaw No. 4000, supports expansion of trail networks to connect neighbourhoods
- the OCP does not provide specific park and trail policies for the subject property
- the East Sooke Advisory Planning Commission supported the application moving forward without the proposed protected area being dedicated as park at its August 8, 2018 meeting
- the CRD would be at least one of the holders of the covenant, should the environmental protection area/wildlife corridor be covenanted

Commission comments included:
- members walked the site with staff on September 10
- the subject property does not provide opportunity for a trail connection to Seagirt Ponds Park
- noting the proximity of Seagirt Ponds Park and East Sooke Regional Park, the proposed subdivision is not bereft of recreational opportunities

MOVED by Commissioner Kimmel, **SECONDED** by Commissioner Bennett that that the Commission supports rezoning application RZ000253 and protection of the wildlife corridor through a multi-party covenant.

CARRIED

c) Rezoning Application RZ000256 - Lot 1, Section 128, Sooke District, Plan VIP58851 – 5480, 5488 & 5494 Mt. Matheson Road

Emma Taylor spoke to the staff report and the request to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) to permit a 3-lot subdivision for the purpose of granting individual title to each dwelling unit currently located on the property.

Staff confirmed that the applicant was present.

The applicant spoke to the professional reports submitted as part of the rezoning process including a geotechnical report and environmental assessment report which addresses Doerr Creek.

Staff confirmed that the:
- professional reports will be attached to the development permit required as part of the subdivision process
- development permit will be registered on the title of each lot
- 3-lot subdivision does not require the provision of park land

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Gaston that that the Commission supports rezoning application RZ000256 and protection of the creek.

CARRIED

6. Staff Reports

a) Staff News

Appreciation Certificates

Attention was directed to the certificates of appreciation issued to the membership by the CRD Board Chair.

Community Works Fund Grant Application and BC Rural Dividend Grant – Port Renfrew Tourism Trail

Pictures were presented of the completed trail, stairway and associated signage. It was advised that map signage will be considered as trail phases complete. A final report to the Rural Dividend program is being prepared.

Working with Residents at Jordan River on "The Shores Community Park"
Staff will continue to work with the parties involved to deal with hazardous materials determination and eventual removal of the trailer. Progress has been held up due to the need to have archeological work done on the old residences to be demolished at Jordan River as the work is tied to that contract.

Friends of Coppermine Park Society- Picnic Shelter Proposal
It was advised that:
- the request for gas tax funding under the Community Works Fund (CWF) has been received
- a building permit was issued and referred to Planning
- it was confirmed that the proposed siting of the shelter is within a Riparian Development Permit Area (DPA)
- a report from a Qualified Environmental Professional is required to address the DPA
- a site visit will be scheduled to determine exact location and footprint

Staffing 2018
A thank you was extended to the seasonal staff whose terms conclude on September 28.

Mount Matheson Connector Trail
Pictures were presented of the trail completed on June 30, 2018.

Port Renfrew Electric Vehicle Charging Station
Staff are waiting on finalization of the installation plan for the EV Charging Station.

Seagirt Ponds Info Shelter and Bench Base
Pictures were presented of the completed concrete bench base and information shelter.

Priest Cabin Park
A tree falling/bucking contractor has been contacted to clear any hazard trees and downed trees to complete clearing of the hiking trail from Cedar Coast Drive and Priest Cabin Park. The gate at Highway 14 on Cedar Coast Drive is in the process of being moved and cement blocks have been erected. This will allow for public parking adjacent to the starting point on the Priest Cabin hiking trail. Trail improvements will begin next year.

Kemp Lake Fishing Pier and Boat Launch Project
Staff met with the Ministry of Transportation and Infrastructure (MoTI) to discuss local resident inquiries about the project. The project will continue to be delayed until such time as the water line installation has been completed. A parking plan for public vehicles using the access is to be developed by staff and submitted to MoTI for review. Don Closson confirmed that land improvements can start prior to water line completion. Quotes anticipated in the spring.

Recreation Program Funding Support – Moving Into Wellness
Assistance of $200 will be allocated to support a Moving Into Wellness program. The eight week movement program designed for attendees 55+ and for individuals with movement challenges/concerns will begin on October 9. The program will be held at the Juan de Fuca Local Area Services Building.

Commission comment was forwared supporting a similar program being held in East Sooke. Don Closson advised that program offerings will be reviewed in the fall.

7. New Business

a) Signage – Dog Regulations

A Commissioner relayed comment received from a Shirley resident reporting that there is one dog on leash sign at Sheringham Point Trail but that there are no signs related to dogs at Fishboat Bay Park and Priest Cabin Park. The resident is concerned for wildlife and park ecosystems and requests that signage be posted to clarify regulations for dogs in community parks.

Don Closson asked that review of the Community Parks Regulations bylaw, Bylaw No. 3795, be added to next month's agenda to review regulations related to dogs as well as camping.

8. Unfinished Business

a) Friends of Coppermine Park Society-Picnic Shelter Proposal
Discussed under Staff News.

b) Electric Vehicle Charging Station – Port Renfrew
Discussed under Staff News.

c) Priest Cabin Trail Improvements
Discussed under Staff News.

d) Seagirt Ponds Park – Information Shelter and Bench Base
Discussed under Staff News.

e) Recreation Program Guidelines Review

f) Kemp Lake Fishing Pier and Boat Launch Project
Discussed under Staff News.

g) Port Renfrew Tourism Trail
Discussed under Staff News.

9. Next Meeting: October 23, 2018

10. Adjournment

At this time a Commissioner extended a thank you for the site visit to Port Renfrew on September 12.

The meeting adjourned at 4:52 p.m.

Sid Jorna, Vice Chair

Wendy Miller, Recorder

Memo

TO: Juan de Fuca Parks and Recreation Advisory Commission

FROM: Emma Taylor, Planner

DATE: November 27, 2018 **FILES:** RZ000260, SU000703

SUBJECT: **Rezoning for proposed Subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208 – 590 Seedtree Road**

Please find attached a referral for the proposed rezoning of the subject property for the purpose of creating a 4-lot bare land subdivision in East Sooke. The proposed subdivision will require provision of park land pursuant to Section 510 of the *Local Government Act*.

Please review the application and advise the Local Area Planning Department of your Commission's recommendation, so it can be forwarded to the Land Use Committee and CRD Board for consideration.

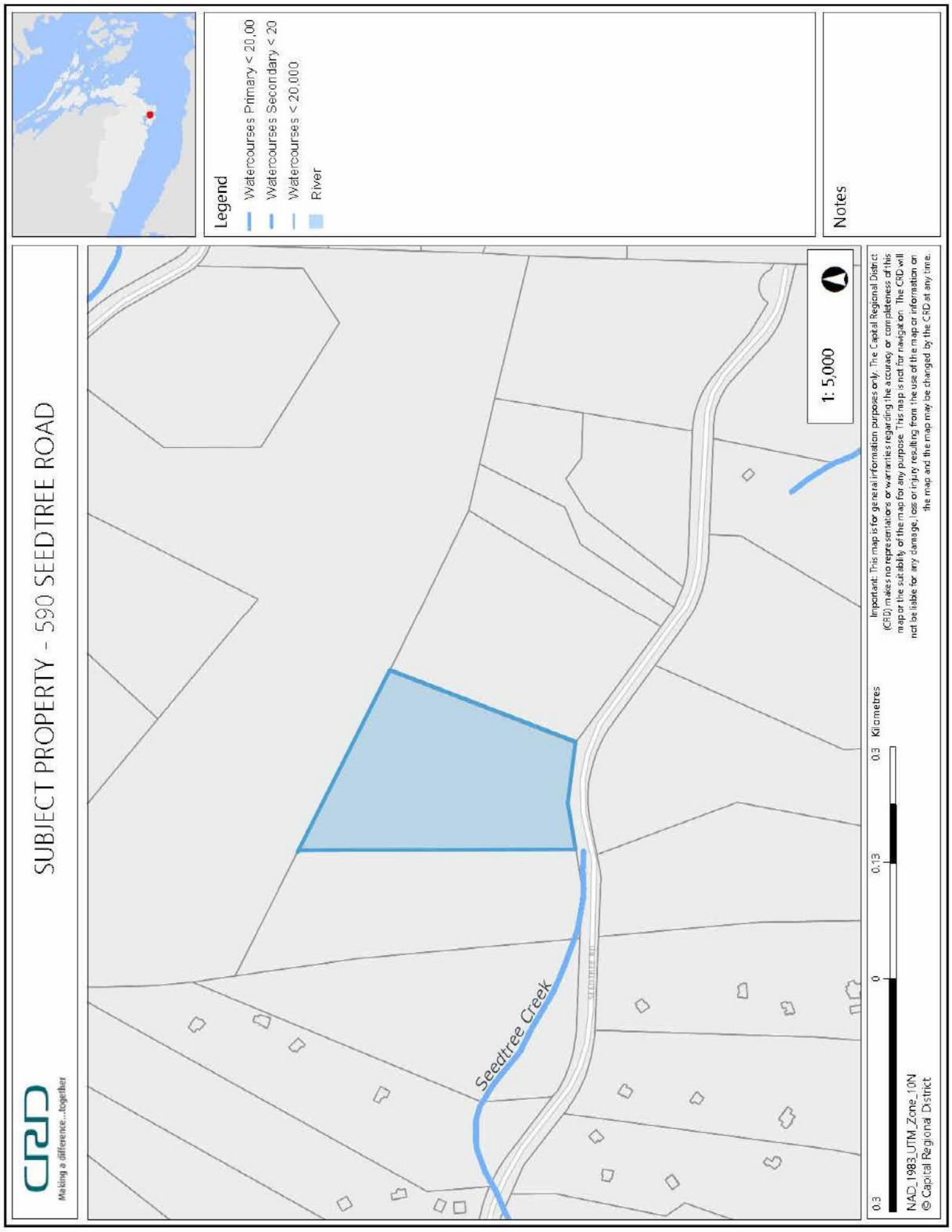
The following information is provided to aid you in reviewing the proposal:

Zoning:	from Rural A to Rural Residential 6A
Rural A Min. Lot Size:	4 ha (9.88 acres)
RR-6A Min. Lot Size:	1 ha average (2.47 acres average)
Bylaw:	Juan de Fuca Land Use Bylaw (Bylaw 2040)
Land Use Designation:	Settlement (policies support consideration of rezoning to 1 ha lot sizes)
Development Permit Areas:	Steep Slopes, Riparian, and Sensitive Ecosystem DP areas
Protected Areas:	Existing covenant for a 15 m setback for creek protection
Bylaw:	East Sooke Official Community Plan (Bylaw 4000)
Lot Size:	4.03 hectares (9.96 acres)
Proposed # of Lots:	4 bareland strata lots and a common property driveway area
Services:	East Sooke Fire Protection Service Area Individual on-site septic systems Individual groundwater wells
5% Land Area:	0.20 ha
2018 Assessed Value:	$531,000
Estimated 5% Equivalent:	$26,550

Attachment(s): Property Location Map
Proposed Plan of Subdivision
Development Permit Areas Map
Staff Report

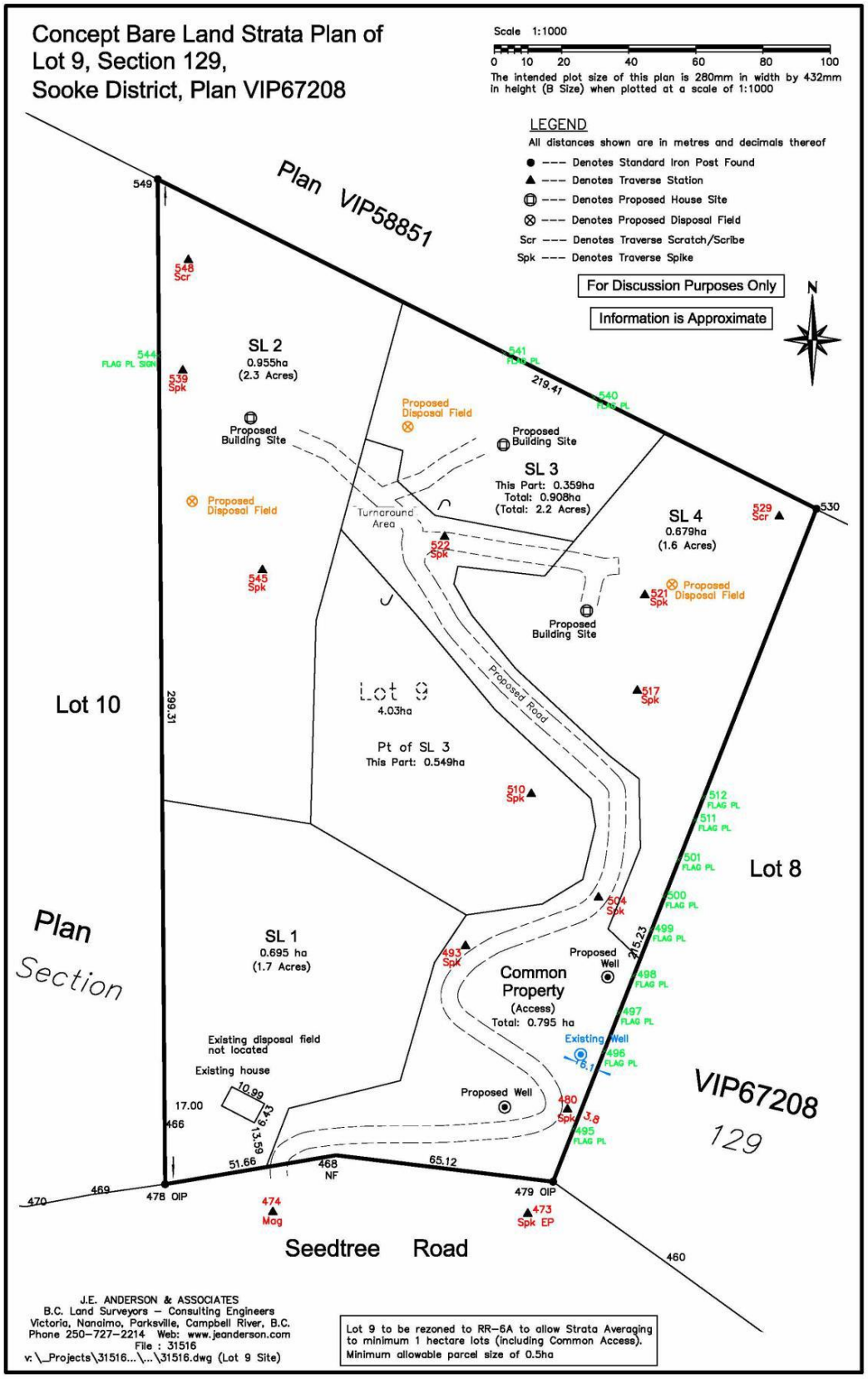
RZ000260, SU000703

Attachment 1: Subject Property

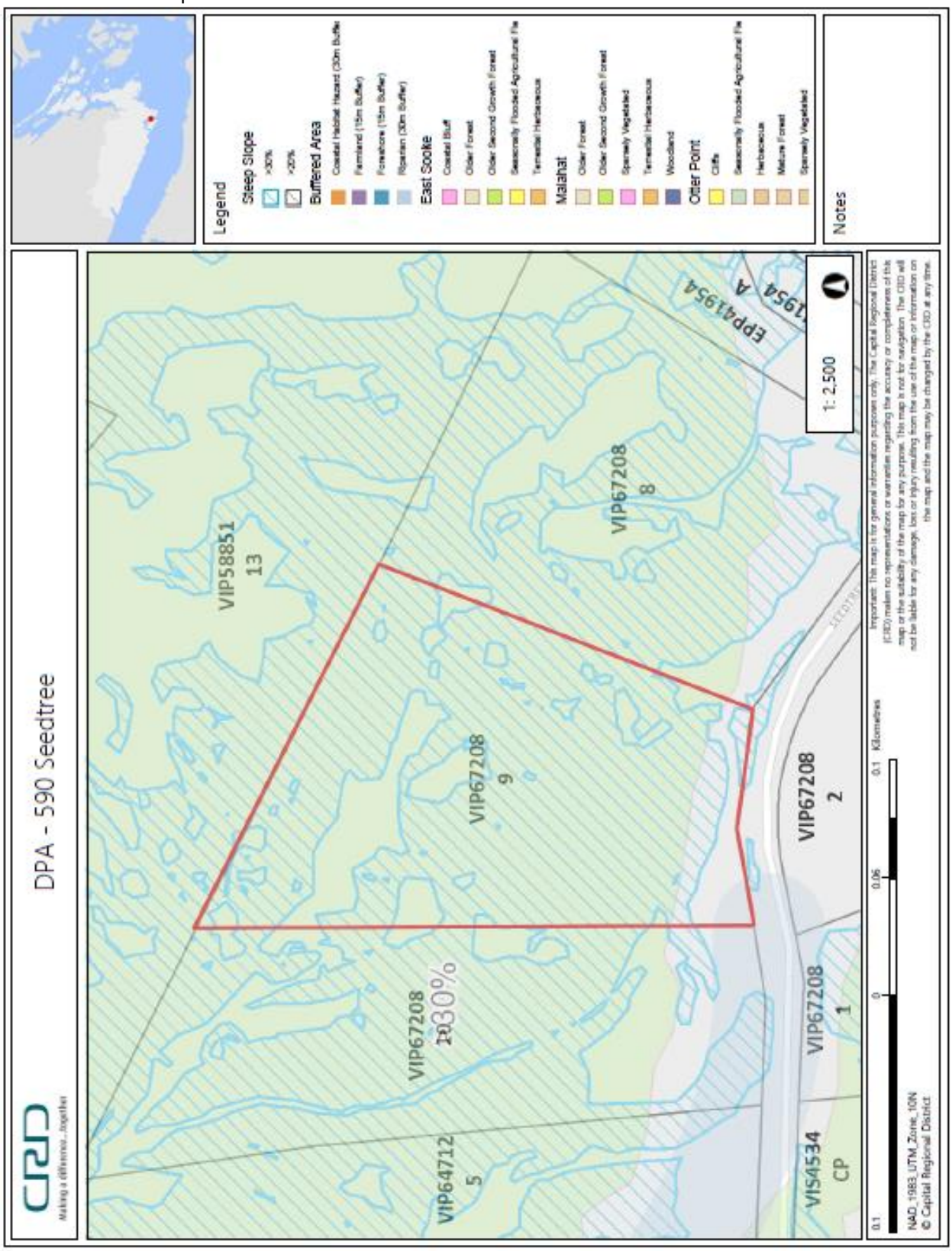


RZ000260, SU000703

Attachment 2: Proposed Plan of Subdivision



Attachment 3: Development Permit Areas



RZ000260, SU000703

Attachment 4: Staff Report

See separate pages.

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RZ000260

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 20, 2018

SUBJECT **Zoning Amendment Application for Lot 9, Section 129, Sooke District, Plan VIP67208 – 590 Seedtree Road**

ISSUE

The owner is proposing to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land subdivision as an alternative to a building strata development.

BACKGROUND

The 4.03 ha property is located at 590 Seedtree Road in East Sooke and is zoned Rural A in the Juan de Fuca (JdF) Land Use Bylaw, Bylaw No. 2040 (Appendix 1). The property is adjacent to other Rural A properties to the north, east and west and Seedtree Road to the south. There is one house on the property that is serviced by a groundwater well and on-site septic system. There are building schemes, geotechnical and environmental covenants registered on title. The property is within the East Sooke Fire Protection Service Area but outside any Capital Regional District (CRD) community water distribution areas.

The property is designated as Settlement in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is designated within the Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. Development Permit DP-12-11 was issued in 2011 for driveway construction and site preparation.

Professional reports have been received to support the rezoning and future development permit applications. Ryzuk Geotechnical prepared a report addressing steep slopes and hazardous conditions on the property (Appendix 2). EDI Environmental Dynamics Inc. prepared an environmental overview assessment to address the older second growth forest ecosystem and the riparian assessment area (Appendix 3).

The applicant has submitted rezoning and subdivision applications to create four bare land strata lots accessed from a common strata road (Appendix 4). The proposed rezoning to RR-6A would create potential for subdivision into four parcels with an average parcel area of 1.0 ha prior to the removal of land for common property, and a maximum density of one single-family dwelling with either a secondary or a detached accessory suite (Appendix 5). Staff have prepared Bylaw No. 4265 for consideration, which would rezone the parcel from Rural A to RR-6A (Appendix 6).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4265, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018" to the East Sooke Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and the following external agencies for comment:

BC Hydro	Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch	Scia'new First Nation
District of Sooke	Ministry of Transportation and Infrastructure	Sooke School District #62
Island Health	RCMP	T'Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4265 not be referred.

Alternative 3

That more information be provided by staff.

LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *Local Government Act* (*LGA)*. Therefore, staff recommend referring the proposed amendment bylaw to the East Sooke 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 a notice of the proposed bylaw amendment and it will be advertised in the local paper and on the website.

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 Development Applications Procedures Bylaw No. 3110, where a zoning bylaw amendment that applies to land within the East Sooke 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 RGS recognizes that water service may be extended to those lands designated as Settlement by the East Sooke OCP. The subject property is outside of a community water service area and no water connections are requested.

PLANNING ANALYSIS

The East Sooke Official Community Plan, 2018, Bylaw No. 4000, designates the subject property as Settlement. The objectives of this designation are to maintain the rural character of East Sooke through low-density development occurring at a gradual pace; to support a range of economic activities at a scale appropriate to the size of the community and its rural nature; and to provide affordable housing and rental accommodation options appropriate for a rural community.

As an alternative to building strata development on Rural A zoned lands, Settlement policy 484 E supports the consideration of rezoning applications to permit subdivision based on a ratio of one parcel per hectare of land within a plan of subdivision, prior to the subtraction of area for road and park dedication. As there is an existing dwelling on the property, the ease of building strata development is less than on vacant Rural A zoned land due to the additional CRD Board approval requirements under Section 242 of the *Strata Property Act* to convert previously occupied buildings to strata.

The Rural A zone allows a minimum parcel size of 4 ha, with a maximum of 4 dwellings on a 4 ha parcel plus either a secondary suite or a detached accessory suite. The proposed RR-6A zone allows a 1 ha average parcel size prior to dedication of road, park or common property, with a minimum parcel size of 0.5 ha. The zone allows for residential, agricultural and home-based business uses, with a density of one dwelling unit plus either a secondary suite or a detached accessory suite.

The Settlement policies do not specifically address considerations for evaluation of rezoning applications or community amenity contributions. Policy 424 G outlines the preferred methods for acquiring park land and trails including: as a condition of a rezoning, as an amenity contribution, or as dedication at time of subdivision. Subdivisions that create three or more lots, where the smallest lot is less than 2 ha in size, are required to provide park dedication pursuant to Section 510 of the *LGA*. Staff recommend referral to JdF EA Community Parks and Recreation to allow for early consideration of park interests.

Initial professional review of the development permit (DP) areas has been conducted and a development permit will be required as a condition of subdivision should the request for rezoning be

supported. Ryzuk Geotechnical submitted a report outlining the steep slope areas on the property (Appendix 2). The report describes the topography as bedrock controlled, rising moderately to the north at approximately 40%. Rockfall hazards were identified in three locations on the property and mitigation measures are recommended in the report. Improvements to the existing driveway are proposed as part of the bare land strata subdivision development that would include drilling and blasting, and safe building sites have been identified for proposed lots 2-4.

The report prepared by EDI Environmental Dynamics Inc. identifies plant and wildlife species at risk with potential for occurrence within the project area, plus potential at risk forested ecological communities. With the exception of a blue-listed Band-tailed Pigeon siting, no rare species were observed on site. The report also confirms the location of a watercourse that drains from a nearby wetland and flows as a roadside ditch within 30 metres of the southwest corner of the subject property. The report concludes that the proposed subdivision development is not anticipated to result in significant environmental impacts and recommendations are provided to ensure negative impacts to sensitive ecosystems, habitat features and wildlife do not occur.

Based on the information provided by the applicant and the policies of the East Sooke OCP, staff recommend referral of the rezoning application and proposed Bylaw No. 4265 to the East Sooke APC, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and external agencies for comment.

CONCLUSION

The purpose of this zoning bylaw amendment application is to rezone the subject property from Rural A to RR-6A in order to allow subdivision of the property into four approximately 1 ha parcels. Staff recommend referring the proposed bylaw to the East Sooke APC, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and external agencies for comment.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4265, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018" to the East Sooke Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and the following external agencies for comment:

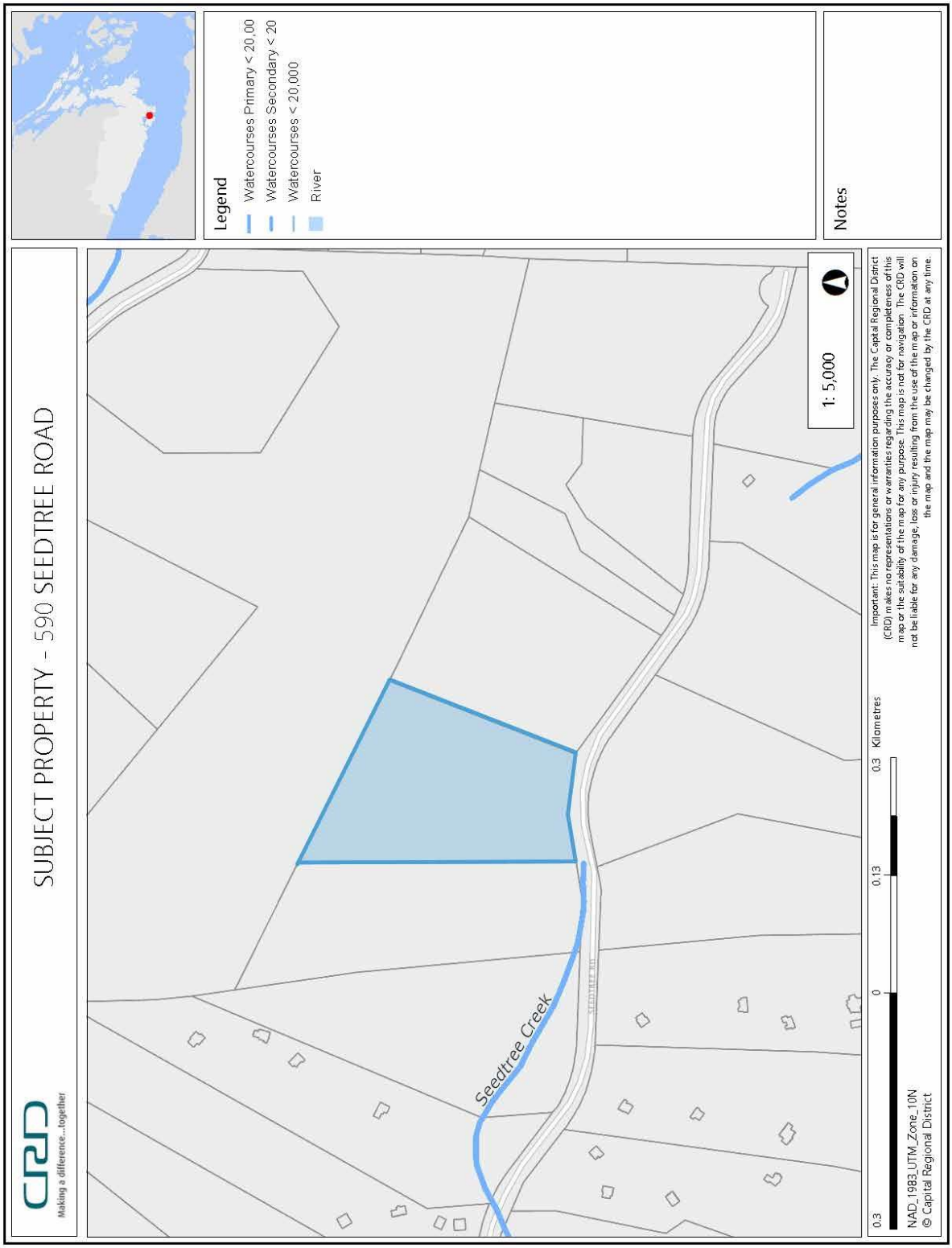
BC Hydro	Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch	Scia'new First Nation
District of Sooke	Ministry of Transportation and Infrastructure	Sooke School District #62
Island Health	RCMP	T'Sou-ke First Nation

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

Attachments:

Appendix 1. Subject Property Map
Appendix 2. Geotechnical Report
Appendix 3. Environmental Assessment Report
Appendix 4. Proposed Plan of Subdivision
Appendix 5. Rural Residential 6A Zone
Appendix 6. Proposed Bylaw No. 4265

Appendix 1: Subject Property Map



Appendix 2: Geotechnical Report

RYZUK GEOTECHNICAL
Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

October 12, 2018
File No: 8-9108-1

[redacted]

Attn: [redacted]

Re: Proposed Bare Land Strata Subdivision – Geotechnical Assessment
590 Seedtree Road – East Sooke, B.C.

As requested, we have completed a geotechnical assessment of the referenced site with regard to the proposed bare land strata subdivision and associated building locations for future single-family residences. The approximate subdivision layout for the site is as outlined on the attached J.E. Anderson & Associates concept bare land strata plan, issued for discussion, which you had provided to us. Our assessment included a review of past projects in the area, aerial/topographical photos/maps, and a site reconnaissance. According to Bylaw 3353 of the Official Community Plan for East Sooke Section 4.10.4, the site is located within the Development Permit Area – Steep Slope Hazard, as outlined on Map3a. Therefore, a review of the site by a geotechnical engineer is required. Our observations relating to the geohazard potential at the bare land strata, with focus on the driveway and proposed building sites, and our associated recommendations are summarized below. Our work has been carried out in accordance with, and is subject to, the attached Terms of Engagement.

The site is bounded to the east and west by similarly sized residential properties with varying levels of development, to the north by a largely undeveloped area, and to the south by Seedtree Road. Currently, the site is developed in the southwest corner with a single-family residence and a relatively steeply inclined switchback gravel driveway along the east property line. Site topography is bedrock controlled and rises moderately to steeply to the north with an overall slope of some approximately 40%. The slope can be as steep as 2 Horizontal to 1 Vertical (2H:1V), or 50%, in the initial 60 m rise before flattening briefly between 180 m and 194 m elevation. Locally, the exposed bedrock surface can be as steep as vertical. Overall site relief was is on the order of 110 m.

We understand that the proposed development will be a bare land strata with four lots, as indicated in the attached J.E. Anderson Plan. As part of site preparation, the driveway will be regraded and partially relocated to create a more favorable incline. This work is anticipated to involve blasting and filling to achieve the final design grade, as well as installation of any recommended mitigative rockfall catchment measures. The current site development in the southeast corner that includes a single-family residence will become Lot 1, while the remainder of the property will be subdivided into three additional lots and a common property area for the driveway. The proposed building sites on Lots 2-4 are located in the naturally flatter bench area, as noted above, and are anticipated to require minimal additional preparation.

We attended the referenced site on September 20, 2018, to visually assess the existing geotechnical conditions. As part of the process, we walked the existing driveway, the path of the proposed new driveway realignment, and the indicated building sites (as well as other potential sites on Lots 2-4). The

[redacted] October 12, 2018
590 Seedtree Road – East Sooke, B.C.

existing driveway was created by rock blasting and filling (using the blast rock). The resulting conditions are local rock cuts that are about 3 m to 4 m in height, as well as fill slopes about 2 m to 3 m in height. Observed soil overtop bedrock, visible in the noted cuts, was generally a veneer of topsoil overtop dense silty clayey sand and gravel (glacial till). The site was generally well vegetated with a mix of deciduous and coniferous trees with interspersed brush and bramble.

Rockfall hazards were identified during our site visit in three notable locations:

1. Above the driveway switchback on the southern end of the proposed Lot 3 above a blasted rock cut. The slope above has indications of ongoing small rockfall events (i.e. fragmented boulders and cobbles along the slope and leaning against trees).
2. To the north west of the proposed building site on Lot 4, there was a large boulder with evident fracture planes and a minimally supported overhang as part of a rock outcrop. Such appeared to be directed to fall south or southeast, possibly impacting the driveway if it does not become arrested on the existing vegetation.
3. Indications of rockfall activity upslope and to the rear of the site (i.e. fragmented boulders and cobbles along the slope and leaning against trees) were observed on Lot 2. Such generally appeared to be directed to the southwest.

In all the above cases, larger detached boulders or fractured rock masses may mobilize during an earthquake event (or after years of weathering and mechanical destabilization, such as from erosion or the freeze/thaw cycle). The blasted rock faces themselves were generally intact/fractured-in-place, but future rock cuts should be reassessed following blasting to determine if any additional mitigative measures are required.

In all three proposed lots, we confirmed that the indicated building sites were located safely outside of the above identified rockfall hazard areas. Such were also found to be safely located on a reasonable bench or on massive bedrock so as to avoid other possible steep slope geohazards, such as landslide or landslip. The greatest area of impact appeared to be along the driveway from the rockfall zones indicated in 1 and 2 above. Mitigation of the rockfall hazard to the driveway on site can likely be achieved by removing the detached boulders or fractured rock and construction of a flat/reverse inclined rockfall catchment area (such as behind a retaining wall along the driveway).

Subgrade bearing at all three proposed building sites will either consist of dense glacial till, intact/fractured-in-place bedrock, or blast rock fill placed and compacted atop such. We would consider the noted possible subgrades capable of providing stable, long-term support at these locations for the expected one or two-storey single-family residences. However, the sites should be reassessed at time of foundation preparation to confirm the bearing conditions and/or suitability of fill compaction.

We do not anticipate the proposed development will appreciably alter surface or groundwater flow patterns, including from the blasting or placement of new rock fill for the driveway. However, storm water runoff from hard surfaces following development (such as the roofs of the proposed single-family residences) should be conveyed away from any buildings and/or septic areas via tight pipe and disposed of downslope of foundations to limit the washing of fines out of the rock fill.

Given the above, we consider the likelihood of a landslide occurring and affecting the proposed building site or the existing residence to be low, using a seismic hazard probability of 2% exceedance in 50 years. This level of landslide safety was adopted by the Building and Safety Policy Branch of British Columbia as of February 1, 2010. Therefore, as required by Section 56 of the Community Charter, and subject to the

[redacted] October 12, 2018
590 Seedtree Road – East Sooke, B.C.

recommendations outlined above, it is our professional opinion that the land may be used safely for the use intended, that being the development as a bare land strata subdivision for future development with single-family residences.

We trust that the above is sufficient for your needs at present. If you have any questions or concerns, or require further assistance, please do not hesitate to contact us. Thank you for this opportunity to have been of service to you.

Yours truly,
Ryzuk Geotechnical

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
J. A. RUSSELL
44111
Oct 12, 2018

James Russell, M.Sc., P.Eng.
Project Geotechnical Engineer

Attachments: Terms of Engagement
J.E. Anderson & Associates Concept Bare Land Strata Plan, IFD

TERMS OF ENGAGEMENT

GENERAL

Ryzuk Geotechnical (the Consultant) shall render the Services, as specified in the agreed Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage sub-consultants to perform all or any part of the Services.

Ryzuk Geotechnical is a wholly owned subsidiary of C. N. Ryzuk & Associates Ltd.

COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

REPRESENTATIVES

Each party shall designate a representative who is authorized to act on behalf of that party and receive notices under this Agreement.

TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

INSURANCE

Ryzuk Geotechnical is covered by Professional Indemnity Insurance as follows:

1. $ 2,000,000 each and every claim
2. $ 4,000,000 aggregate
3. $ 5,000,000 commercial/general liability coverage

LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

1. the failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
2. the design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
3. any cross-contamination resulting from subsurface investigations;
4. any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
5. any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
6. the unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client
7. Subsurface structures and utilities

V.1.1

The Consultant will make all reasonable efforts prior to and during subsurface site investigations to minimize the risk of damaging any subsurface utilities/mains. If, in the unlikely event that damage is incurred where utilities were unmarked and/or undetected, the Consultant will not be held responsible for damages to the site or surrounding areas, utilities/mains or drilling equipment or the cost of any repairs.

The total amount of all claims the Client may have against the Consultant or any present or former partner, executive officer, director, stockholder or employee thereof under this engagement, including but not limited to claims for negligence, negligent misrepresentation and breach of contract, shall be strictly limited to the amount of any professional liability insurance the Consultant may have available for such claims.

No claim may be brought against the Consultant in contract or tort more than two (2) years after the date of discovery of such defect.

DOCUMENTS AND REPORTING

All of the documents prepared by the Consultant or on behalf of the Consultant in connection with the Project are instruments of service for the execution of the Project. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.

The documents have been prepared specifically for the Project, and are applicable only in the case where there has been no physical alteration to, or deviation from any of the information provided to the Consultant by the Client or agents of the Client. The Client may, in light of such alterations or deviations, request that the Consultant review and revise these documents.

The identification and classification as to the extent, properties or type of soils or other materials at the Project site has been based upon investigation and interpretation consistent with the accepted standard of care in the engineering consulting practice in the location where the Services were performed. Due to the nature of geotechnical engineering, there is an inherent risk that some conditions will not be detected at the Project site, and that actual subsurface conditions may vary considerably from investigation points. The Client must be aware of, and accept this risk, as must any other party making use of any documents prepared by the Consultant regarding the Project.

Any conclusions and recommendations provided within any document prepared by the Consultant for the Client has been based on the investigative information undertaken by the Consultant, and any additional information provided to the Consultant by the Client or agents of the Client. The Consultant accepts no responsibility for any associated deficiency or inaccuracy as the result of a miss-statement or receipt of fraudulent information.

JOBSITE SAFETY AND CONTROL

The Client acknowledges that control of the jobsite lies solely with the Client, his agents or contractors. The presence of the Consultant's personnel on the site does not relieve the Client, his agents or contractors from their responsibilities for site safety. Accordingly, the Client must endeavor to inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client is aware.

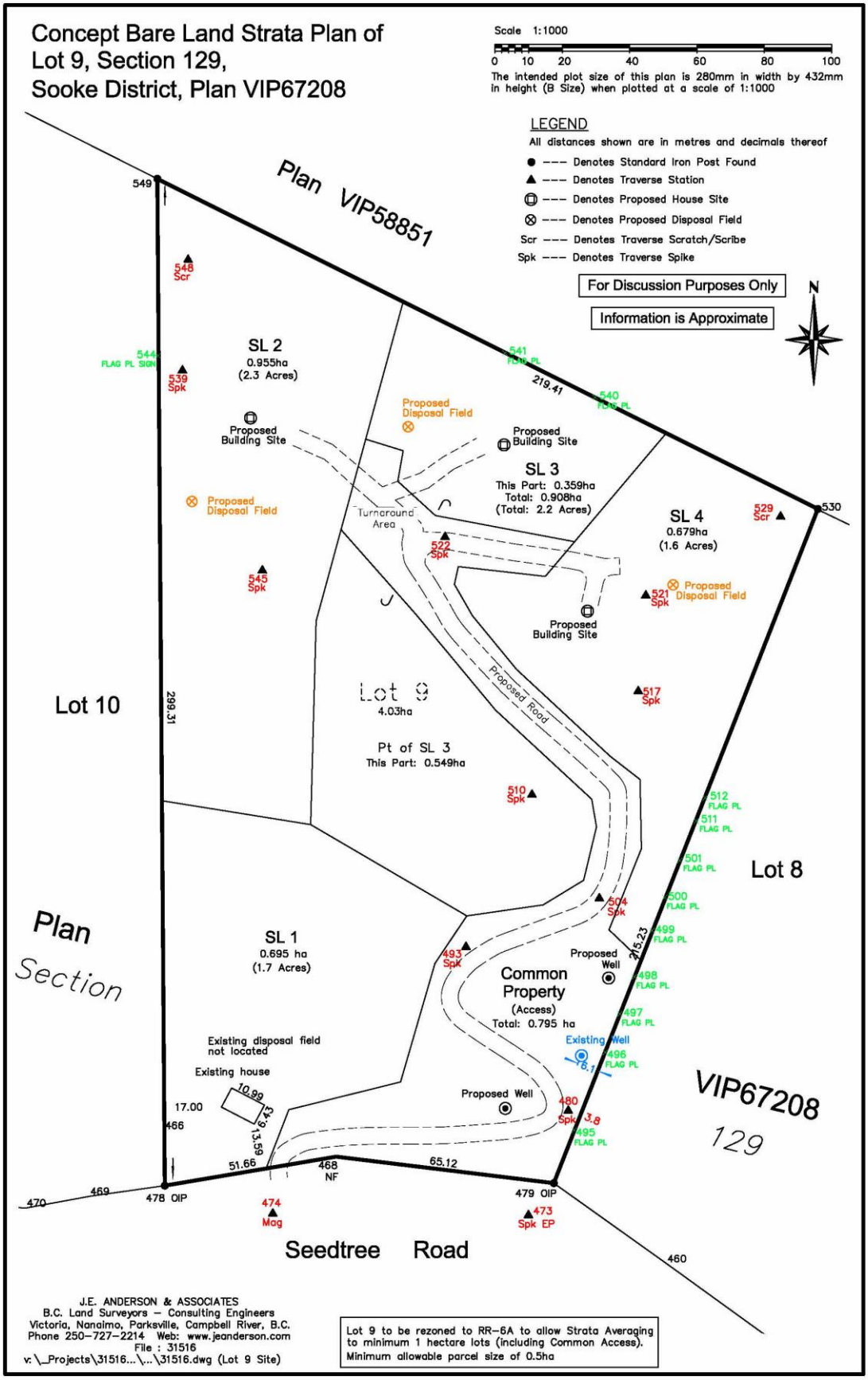
The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of personnel and/or the environment. The Client shall be responsible for payment of any additional expenses incurred as a result of such discoveries, and recognizes that under certain circumstances, discovery of hazardous conditions or elements requires that regulatory agencies must be informed. The Client shall not bring about any action or dispute against the Consultant as a result of such notification.

FIELD SERVICES

Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of the Consultant, to observe whether the work or a contractor retained by the Client is being carried out in general conformity with the intent of the Services. Any reduction from the level of services recommended will result in the Consultant providing qualified certifications for the work.

DISPUTE RESOLUTION

If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Agreement by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, the dispute shall be referred to and finally resolved by arbitration under the rules of the arbitrator appointed by agreement of the parties or by reference to a Judge of the British Columbia Court.


Concept Bare Land Strata Plan of
Lot 9, Section 129,
Sooke District, Plan VIP67208
Scale 1:1000
0 10 20 40 60 80 100
The intended plot size of this plan is 280mm in width by 432mm in height (B Size) when plotted at a scale of 1:1000
LEGEND
All distances shown are in metres and decimals thereof
Denotes Standard Iron Post Found
Denotes Traverse Station
Denotes Proposed House Site
Denotes Proposed Disposal Field
Scr Denotes Traverse Scratch/Scribe
Spk Denotes Traverse Spike
For Discussion Purposes Only
Information is Approximate
N
Plan VIP58851
SL 2
0.955ha
(2.3 Acres)
SL 3
This Part: 0.359ha
Total: 0.908ha
(Total: 2.2 Acres)
SL 4
0.679ha
(1.6 Acres)
Proposed Building Site
Proposed Disposal Field
Turnaround Area
Proposed Road
Lot 9
4.03ha
Pt of SL 3
This Part: 0.549ha
Lot 10
Lot 8
Plan
Section
SL 1
0.695 ha
(1.7 Acres)
Common Property
(Access)
Total: 0.795 ha
Proposed Well
Existing Well
Existing disposal field not located
Existing house
VIP67208
129
Seedtree Road
J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors – Consulting Engineers
Victoria, Nanaimo, Parksville, Campbell River, B.C.
Phone 250-727-2214 Web: www.jeanderson.com
File : 31516
v:_Projects\31516...\...\31516.dwg (Lot 9 Site)
Lot 9 to be rezoned to RR-6A to allow Strata Averaging to minimum 1 hectare lots (including Common Access).
Minimum allowable parcel size of 0.5ha

Appendix 3: Environmental Report

590 Seedtree Road Environmental Overview Assessment

Prepared By
EDI Environmental Dynamics Inc.
208A – 2520 Bowen Road
Nanaimo, BC V9T 3L3

EDI Contact
Adam Compton, R.P.Bio.
Senior Biologist/Project Manager

EDI Project
18N0527
October 2018

Down to Earth Biology

EDI ENVIRONMENTAL DYNAMICS INC.

AUTHORSHIP

This report was prepared by EDI Environmental Dynamics Inc. Staff who contributed to this project include:

Pablo Jost, R.P.Bio. ..... Primary Author

Adam Compton, R.P.Bio. ..... Senior Review

TABLE OF CONTENTS

1 INTRODUCTION 6

2 METHODS 6

2.1 BACKGROUND INFORMATION REVIEW 6

2.2 FIELD ASSESSMENT 6

3 RESULTS 7

3.1 GENERAL DESCRIPTION 7

3.2 BACKGROUND INFORMATION REVIEW 7

3.2.1 Sensitive Ecosystem Inventory Polygons 7

3.2.2 Watercourses 8

3.2.3 Known and Historic Occurrences 8

3.2.4 Potential for Occurrence 8

3.3 FIELD RESULTS 10

3.3.1 Watercourses and Fish Habitat 10

3.3.2 Vegetation and Ecological Communities 10

3.3.3 Wildlife 11

4 DISCUSSION 11

5 RECOMMENDATIONS 12

6 REFERENCES 13

LIST OF APPENDICES

APPENDIX A. SITE PLAN A-1

APPENDIX B. PHOTOGRAPHS B-1

APPENDIX C. CRD NATURAL AREAS ATLAS MAP C-4

LIST OF TABLES

Table 1. Plant species at risk with potential for occurrence within the project area 8
Table 2. Wildlife species at risk with potential for occurrence within the project area..... 9
Table 3. Ecological communities at risk with potential for occurrence within the project area 10

1 INTRODUCTION

EDI Environmental Dynamics Inc. (EDI) was retained by 0906978 BC Ltd. (the Owner) to conduct an environmental assessment (EA) for a proposed development at 590 Seedtree Road in East Sooke. Portions of this lot are within Sensitive Ecosystem Development Permit Areas due to the presence of mapped Older Second Growth Forest ecosystems. The Owner is seeking to rezone the property and to receive a Development Permit (DP) for a strata development to construct three homes along with ancillary developments. A site assessment was made to review specific development plans and identify environmental issues and/or potential environmental constraints at each of the three house sites. The goal of this EA report is to satisfy local government (Capital Regional District) information requirements to support the rezoning and DP applications.

2 METHODS

A background information review was completed prior to conducting the on-site field survey. The field survey was completed by EDI (Pablo Jost R.P.Bio) on September 26, 2018.

2.1 BACKGROUND INFORMATION REVIEW

Background information was gathered for fish, wildlife and vegetation, including invasive species, using data available through several online databases and literature review. Through the use of these databases, preliminary lists were developed for ecosystem types, known species occurrence records, and potential for species at risk. The databases that were queried included:

- CDC iMap: Mapped Known Locations of Species and Ecological Communities at Risk (http://maps.gov.bc.ca/ess/sv/cdc/)
- Ministry of Environment BC Species and Ecosystem Explorer (http://a100.gov.bc.ca/pub/eswp/)
- EcoCat (Provincial Ecological Reports Catalogue) (http://www.env.gov.bc.ca/ecocat/)
- Wildlife Tree Stewardship Atlas (http://wildlifetree.ca/atlas.html)
- Ministry of Environment HabitatWizard (http://www.env.gov.bc.ca/habwiz/)

2.2 FIELD ASSESSMENT

The field assessment focused on identifying aquatic and terrestrial environmentally sensitive features at the anticipated sites of new development as well as adjacent sensitive features that could be affected by the project. Each proposed development site was visited with the Owner to determine the nature and extent of all planned developments.

Vegetation inventories, including invasive species, were completed and ecosystems were documented and characterized according to the Biogeoclimatic Ecosystem Classification (BEC) system (Green and Klinka 1994).

Evidence of wildlife utilization observed was recorded including direct observations, vocalizations, tracks, game trails, scat, browsed vegetation, bones, feathers and nests. Utilization was deduced from an analysis of habitat features, observations and evidence of utilization. Habitat types were assessed with a focus on determining suitability for species at risk potentially occurring on site.

An overview level assessment of the forested areas adjacent to the study area was also conducted to determine the potential for significant features that could be disrupted, disturbed or otherwise adversely impacted by development (i.e. raptor nests, watercourses and riparian areas).

3 RESULTS

3.1 GENERAL DESCRIPTION

The property is located within the Coastal Western Hemlock Eastern Very Dry Maritime (CWHxm1) biogeoclimatic (BGC) unit less than 1.5 km north of the ocean (Beecher Bay). The property has a generally steep topography. The south end, adjacent to Seedtree Road is flat but quickly rises to a greater than 30% slope to the top of the lot. The lot has a south to south easterly exposure. The three planned buildings are shown in the Appendix A site plan. For this report the three strata lots are called SL 2, SL 3 and SL 4 which is consistent with the site plan. An existing house is located on the south west corner of the lot which will not be developed further and is designated as SL 1.

3.2 BACKGROUND INFORMATION REVIEW

3.2.1 SENSITIVE ECOSYSTEM INVENTORY POLYGONS

As referenced by the East Sooke Official Community Plan (OCP), Schedule E map indicates that there is a Sensitive Ecosystem polygon that overlaps with the subject property (Appendix C). The polygon shown is Older Second Growth Forest, which was originally mapped by the provincial Sensitive Ecosystem Inventory (East Vancouver Island & Gulf Islands project). Sensitive Ecosystem Inventory (SEI) polygons were typically mapped at scales of 1:10,000 or 1:15,000.

The Older Second Growth Forest polygon (C0988-R1 SG:co/HT:ro) is identified as having second growth coniferous forest as the primary ecosystem type (SG:co) and terrestrial herbaceous with rock outcrops as the secondary ecosystem type (HT:ro). The SEI program describes second growth forest as "large stands of conifer dominated forest between 60 and 100 years old". These areas were included in the SEI due to their "general biodiversity and wildlife habitat values." The SEI summarizes: "older Second Growth Forests are the most common forested ecosystem in the SEI study area. They function as both essential habitat areas for many wildlife species, and as primary connections between ecosystems in the highly fragmented landscape of the Georgia Basin. All Second Growth Forests have been disturbed by logging or other human

disturbance since the settlement of Vancouver Island and the Gulf Islands began in the middle of the 19th century."

3.2.2 WATERCOURSES

The thirty meter riparian buffer of a mapped watercourse intersects with the small portion of the property in the southwest corner.

3.2.3 KNOWN AND HISTORIC OCCURRENCES

Known locations of all plant, fish and wildlife species and ecological communities at risk were examined using the *CDC iMap* application to determine if there are any records of listed species in the project area. This online mapping tool reports the known occurrence of provincial Red- and Blue- listed species and ecological communities. The search included all listed wildlife, vascular and non-vascular plants, fish, invertebrates and ecological communities. The *CDC iMap* showed no rare element occurrences overlapping the project area.

3.2.4 POTENTIAL FOR OCCURRENCE

A search of the *BC Species and Ecosystem Explorer* for rare plant and wildlife species indicated the potential for a number of species to occur in this general area, although the search parameters were broad in scope, to ensure that no potential species were omitted. Rare plant species were defined to include vascular and non-vascular plant species while rare wildlife species were defined to include vertebrate and invertebrate species. Rare species included those listed on Schedule 1 of the federal *Species at Risk Act* (SARA) as amended, and species on the BC Ministry of Environment's provincial Red or Blue lists. The search parameters used to obtain these results were for species occurring in the Capital Regional District for the CWH BGC zone. This list was further refined based on site-specific factors, including habitat types known to occur within the project area and species current known ranges. A search of the *BC Species and Ecosystem Explorer* was also conducted for rare ecological communities that could potentially occur in the project area within the CWHxm1. This list was also refined based on site-specific factors.

The background review identified three vascular and three non-vascular moss species at risk that have the potential to occur within the project area (Table 1).

Table 1. Plant species at risk with potential for occurrence within the project area

Common Name	Scientific Name	COSEWIC	SARA	BC List
dicranodontium moss	*Dicranodontium asperulum*	-	-	Blue
five-ranked peat moss	*Sphagnum quinquefarium*	-	-	Blue
Howell's violet	*Viola howellii*	-	-	Red
leafy mitrewort	*Mitellastra caulescens*	-	-	Blue
platyhypnidium moss	*Platyhypnidium riparioides*	-	-	Blue
Smith's fairybells	*Prosartes smithii*	-	-	Blue

The background review identified a total of 28 at risk wildlife species including three amphibian species, six avian species, six mammal species and 13 invertebrate species at risk that have the potential to occur within the project area (Table 2).

Table 2. Wildlife species at risk with potential for occurrence within the project area

Common Name	Scientific Name	COSEWIC*	SARA*	BC List
American Water Shrew, *brooksi* subspecies	*Sorex palustris brooksi*	-	-	Red
Autumn Meadowhawk	*Sympetrum vicinum*	-	-	Blue
Band-tailed Pigeon	*Patagioenas fasciata*	SC (Nov 2008)	1-SC (Feb 2011)	Blue
Barn Swallow	*Hirundo rustica*	T (May 2011)	-	Blue
Blue Dasher	*Pachydiplax longipennis*	-	-	Blue
Broadwhorl Tightcoil	*Pristiloma johnsoni*	-	-	Blue
Common Nighthawk	*Chordeiles minor*	T (Apr 2007)	1-T (Feb 2010)	Yellow
Dromedary Jumping-slug	*Hemphillia dromedarius*	T (May 2014)	1-T (Jan 2005)	Red
Edwards' Beach Moth	*Anarta edwardsii*	E (Apr 2009)	1-E (Feb 2011)	Red
Ermine, *anguinae* subspecies	*Mustela erminea anguinae*			Blue
Great Blue Heron, *fannini* subspecies	*Ardea herodias fannini*	SC (Mar 2008)	1-SC (Feb 2010)	Blue
Johnson's Hairstreak	*Callophrys johnsoni*			Red
Keen's Myotis	*Myotis keenii*	DD (Nov 2003)	3 (Mar 2005)	Blue
Little Brown Myotis	*Myotis lucifugus*	E (Nov 2013)	1-E (Dec 2014)	Yellow
Meadow Rams-horn	*Planorbula campestris*			Blue
Monarch	*Danaus plexippus*	SC (Apr 2010)	1-SC (Jun 2003)	Blue
Northern Pygmy-Owl, *swarthi* subspecies	*Glaucidium gnoma swarthi*			Blue
Northern Red-legged Frog	*Rana aurora*	SC (May 2015)	1-SC (Jan 2005)	Blue
Olive-sided Flycatcher	*Contopus cooperi*	T (Nov 2007)	1-T (Feb 2010)	Blue
Prairie Fossaria	*Galba bulimoides*			Blue
Roosevelt Elk	*Cervus elaphus roosevelti*			Blue
Sunset Physa	*Physella virginea*			Blue
Townsend's Big-eared Bat	*Corynorhinus townsendii*			Blue
Wandering Salamander	*Aneides vagrans*	SC (May 2014)		Blue
Warty Jumping-slug	*Hemphillia glandulosa*	SC (Apr 2013)	1-SC (Jan 2005)	Red
Western Thorn	*Carychium occidentale*			Blue
Western Toad	*Anaxyrus boreas*	SC (Nov 2012)	1-SC (Jan 2005)	Blue
Zerene Fritillary, bremnerii subspecies	*Speyeria zerene bremnerii*	T (May 2014)	1-T (Jan 2005)	Red

* COSEWIC/SARA Codes: SC: Special Concern; T: Threatened; NAR: Not at Risk; E: Endangered.

The background review identified a total of 5 at risk forested ecological communities that have the potential to occur within the project area (Table 3). Dry/Mesic forests were included in the search parameters due to the known site-specific characteristics of the project area. It should be noted that an occurrence of the listed site series does not indicate an occurrence of the associated ecological community; rather, it identifies the potential for that ecological community to occur there, which typically occurs at the climax state. In forested ecosystems, this is represented by old forest stands.

Table 3. Ecological communities at risk with potential for occurrence within the project area

Common Name	Scientific Name	BC List	BGC Unit	Ecosystem Group
western hemlock - Douglas-fir / Oregon beaked-moss	*Tsuga heterophylla - Pseudotsuga menziesii / Eurhynchium oreganum*	Red	CWHxm1/01	Terrestrial - Forest: Coniferous - mesic
arbutus / hairy manzanita	*Arbutus menziesii / Arctostaphylos columbiana*	Red	CWHxm1/00	Terrestrial - Forest: Broadleaf - dry
Douglas-fir - lodgepole pine / grey rock-moss	*Pseudotsuga menziesii - Pinus contorta / Racomitrium canescens*	Red	CWHxm1/02	Terrestrial - Forest: Coniferous - dry
Douglas-fir - western hemlock / salal Dry Maritime	*Pseudotsuga menziesii - Tsuga heterophylla / Gaultheria shallon Dry Maritime*	Blue	CWHxm1/03	Terrestrial - Forest: Coniferous - dry
Douglas-fir / sword fern	*Pseudotsuga menziesii / Polystichum munitum*	Blue	CWHxm1/04	Terrestrial - Forest: Coniferous - dry

3.3 FIELD RESULTS

The field survey included verification of ecological communities, current wildlife values, wildlife uses, plant species and aquatic habitat values.

3.3.1 WATERCOURSES AND FISH HABITAT

No unmapped watercourses were observed on the property. The only watercourse near the property is the small, ditched stream that is within 30 m of the southwest corner of the property. The stream drains from a wetland that is located further east along Seedtree Road. The wetland is on the south side of the road and the small stream crosses the road through a culvert and flows into the uppermost extent of the mapped portion of the stream (therefore, the mapped stream does not terminate at near the subject property). There are no planned developments within 30 m of the small, ditched stream so it was not assessed in greater detail.

3.3.2 VEGETATION AND ECOLOGICAL COMMUNITIES

The overall project area is located in the Coastal Western Hemlock Very Dry Maritime (CWHxm1) BGC unit. Dry mature mixed forest was the dominant ecosystem throughout the property. The terrestrial herbaceous with rock outcrops as the secondary ecosystem type (HT:ro) within the SEI polygon was not encountered on the property. Access to the three planned strata lots is along an existing access road, which will be altered in some areas to minimize the steepness of the grade. The SL 2 site is in the northwest portion of the lot and is on a flat knoll and consist of younger second growth with a single large Douglas fir veteran. This site is classified as Douglas-fir - western hemlock / salal Dry Maritime (CWHxm1-03) consisting of Douglas fir and Western Hemlock overstory and lacks arbutus. The understory is primarily salal and dull-Oregon grape. SL 3 is on the northern edge of the lot east of SL 2 and is currently disturbed site with some regenerating conifers and two larger Douglas firs. In this area the dry Douglas-fir - lodgepole pine / grey rock-moss Very Dry Maritime (CWHxm1-02) ecosystem occurs. The vegetation in the

CWHxm1-02 consisted of Douglas-fir, lodgepole pine and arbutus with salal, dull Oregon-grape, baldhip rose, ocean-spray, sword fern and step moss in the understory. SL 4 is a predominantly open, disturbed dry site in the northeast portion of the lot. In this area the dry Douglas-fir - lodgepole pine / grey rock-moss Very Dry Maritime (CWHxm1-02) ecosystem occurs in a Pole/Sapling stage of structural development. In a climax state (typically old forest), these ecosystems are provincially Red-listed; however, as these are not old, mature forested ecosystems, they do not meet the criteria for listed ecological communities.

There were no federally listed (Species at Risk Act) or provincially listed plant species observed during the survey; however, a rare plant survey was not attempted as it is late in the year (a rare plant survey is not warranted or required for this site).

The invasive species observed included Scotch broom, Common Foxglove and thistle spp along the existing driveway access to Strata lots 2, 3 and 4, on the disturbed portions of the lot. No noxious weeds, listed and managed under the *BC Weed Control Act* (1996) were observed.

Several large, older veteran Douglas fir trees were observed throughout the site; however, the majority of larger trees were likely in the 70-100 year range which confirms the SEI's mapping of Older Second Growth Forest in the area. The majority of the snags encountered consisted of medium to large Douglas fir snags with varying wildlife values for foraging, roosting and cavity nest building.

3.3.3 WILDLIFE

Limited sign or observations of wildlife, other than bird species including Red-breasted Nuthatch, Pileated Woodpecker, Red Crossbill, American Robin, Pacific Wren, Band-tailed Pigeon, Turvey Vulture, Hairy Woodpecker, Dark-eyed Junco, Golden-crowned Kinglet, Purple Finch, Chestnut-baked Chickadee and Northern Flicker, occurred during the field assessment. No game trails were observed.

No raptors nests or songbird nests were noted in or adjacent to the project area. A few snags and trees with evidence of sapsucker and woodpecker foraging as well as cavities occurred throughout the forested areas in the larger snags.

A large flock of approximately thirty of the provincially Blue-listed Band-tailed Pigeon were observed flying above the property.

4 DISCUSSION

The planned strata development includes construction of three houses and ancillary developments, all of which are shown in their approximate locations on the site plan (Appendix A) including septic areas, driveways, access corridors, and wells. Each house site will contain a small yard area immediately surrounding the house. The nature and extent of planned development within the property is very limited to relatively small, isolated areas. The vast majority of the property will remain intact and undisturbed. The proponent is seeking to retain the natural values, aesthetics and privacy that the forested areas provide. The driveway to the sites is located along an existing shared driveway.

The planned developments overlap with the mapped Older Second Growth SEI polygon and it was confirmed in the field that some older trees are present throughout the subject property, but this in itself is not considered to be a substantial ecological concern. The SEI program considers Older Second Growth forest as "large stands of conifer dominated forest between 60 and 100 years old". These areas were not mapped due to their fragility or rarity; rather, they were included in the SEI due to their "general biodiversity and wildlife habitat values." The SEI summarizes: "older Second Growth Forests are the most common forested ecosystem in the SEI study area. They function as both essential habitat areas for many wildlife species, and as primary connections between ecosystems in the highly fragmented landscape of the Georgia Basin. All Second Growth Forests have been disturbed by logging or other human disturbance since the settlement of Vancouver Island and the Gulf Islands began in the middle of the 19th century." The terrestrial herbaceous with rock outcrops as the secondary ecosystem type (HT:ro) was not encountered on the property.

In a climax state (typically old forest), the identified ecosystems within the Project area are provincially Red-listed; however, as these are not mature forested ecosystems, they do not meet the criteria for listed ecological communities.

Few larger trees and no substantial, large veteran trees are going to be removed. Much of the property is to be left intact. The Owner has constructed similar strata developments within East Sooke at the end of Cole Road and Seedtree Road, which required DPs due to the presence of Older Second Growth SEI polygons. These developments were all planned around retaining the natural forest environment as much as possible for aesthetics and privacy and resulted in a minimized impact to the natural environments.

As no rare species except for the Band-tailed Pigeon (a blue-listed bird) were observed on the site and as the planned developments minimizes disturbance to forested ecosystems, the planned developments are not expected to result in significant environmental impacts. It is our opinion that the current planned developments are appropriate in terms of minimizing impacts and retaining ecological values of the site.

5 RECOMMENDATIONS

The primary objectives for construction of the proposed development with respect to terrestrial, aquatic and wildlife habitat are to minimize the potential for negative impacts to sensitive ecosystem and habitat features, minimize the clearing of natural vegetation and avoiding encroachment into riparian areas.

The following list of recommendations has been provided to ensure the negative impacts to sensitive ecosystems, important habitat features and wildlife does not occur:

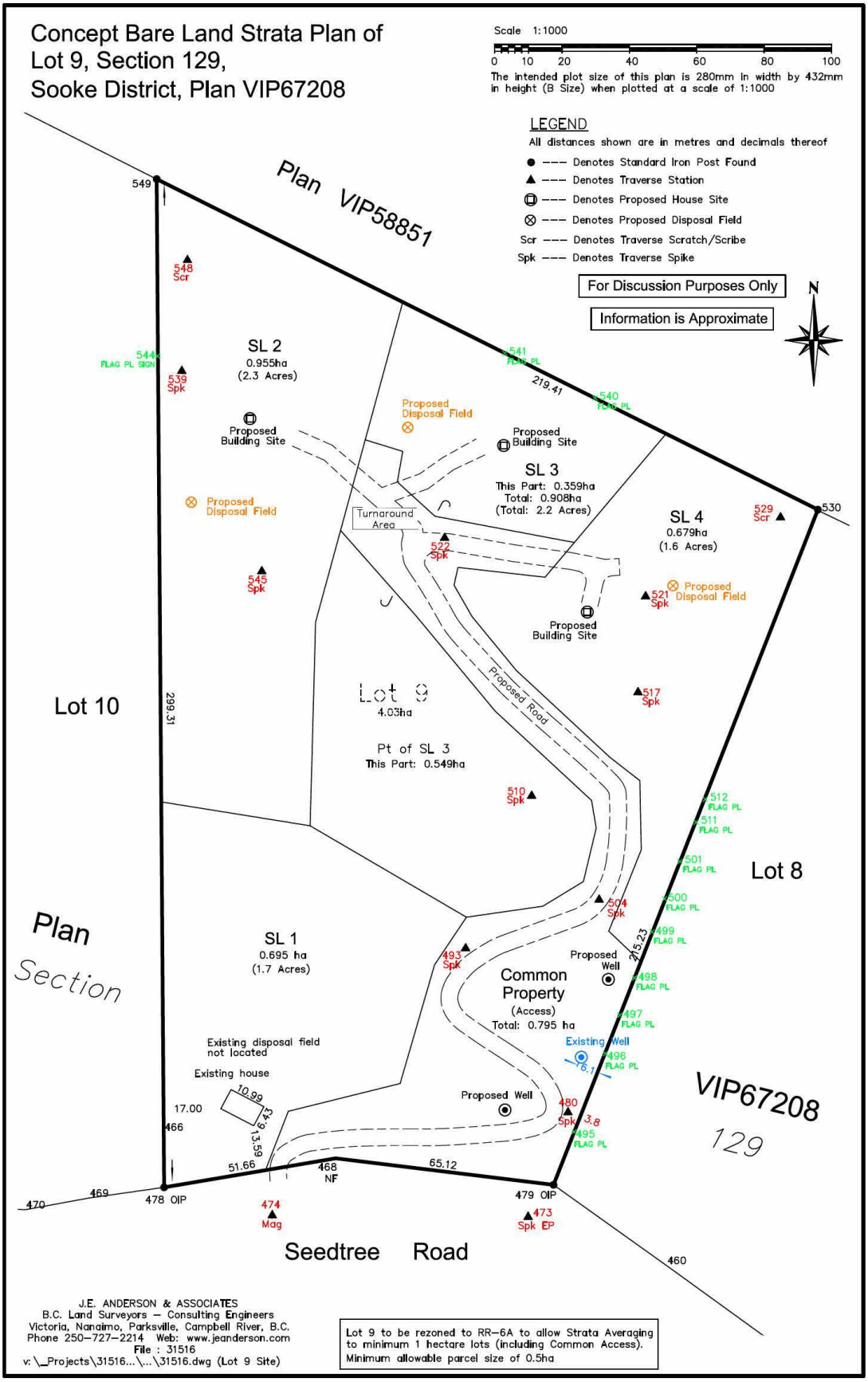
- Section 34(c) of the *Wildlife Act* prohibits the disturbance of a bird, egg, or nest while the nest is occupied. In addition, the Migratory Birds Convention Act prohibits disturbance or destruction of the nest of a migratory bird. If possible, any clearing should be conducted outside of the typical bird breeding period of March 1st to August 31st to prevent the need for a bird nest survey and the incidental loss of any unidentified nests.

- If any clearing of potential nesting vegetation is undertaken during the typical bird breeding period (March 1st to August 31st) it should be immediately preceded by a bird nest site survey of the area to be cleared. Active nest sites should be identified and flagged so that nest sites can be left undisturbed until the young birds have fledged and left the nest. If clearing cannot be completed within 5 days of the initial nest survey, an additional survey will be required to identify any new nests that may have been created.
- Standard measures should also be implemented throughout the site on an as-needed basis to prevent erosion and the introduction of sediment into riparian areas:
    - Driveway improvements and/or earthworks in the vicinity (50 m) of the ditched stream should not be conducted during heavy rainfall events.
    - During construction, exposed slopes or stockpiled soils shall be protected from erosion during significant rainfall events by covering with poly, tarps or straw mulch or by containing with silt fencing.
    - Upon completion of construction, exposed soils, including driveway embankments shall be immediately protected from erosion (gravel, grass seed and straw mulch, landscaping, erosion control blankets etc.).
    - The driveway surfaces and parking areas shall consist of clean, coarse gravel material.
    - During construction, runoff should be managed to prevent sediment laden runoff from entering the ditched stream.
- Any trees and shrubs used for landscaping should consist of species native to Vancouver Island. Recommended species include fruit, seed or berry producing shrub and tree species which provide food sources for many wildlife species.
- Care should be taken during construction to avoid unnecessary damage to adjacent vegetation and tree roots. No vegetation removal or other development shall occur within 30 m of the ditched stream.
- Planned construction provides and opportunity to remove invasive species (Scotch broom, Common Foxglove and thistle) is this is encouraged wherever such species are encountered. Refer to the fact sheets found here for appropriate mechanical removal methods and disposal: https://bcinvasives.ca/resources/tips/.

6 REFERENCES

Green, R.N. and K. Klinka. 1994. A Field Guide to Site Identification and Interpretation for the Vancouver Forest Region. Province of British Columbia, Research Branch, Ministry of Forests, Victoria, BC.

APPENDIX A. SITE PLAN


Concept Bare Land Strata Plan of
Lot 9, Section 129,
Sooke District, Plan VIP67208
Scale 1:1000
0 10 20 40 60 80 100
The intended plot size of this plan is 280mm in width by 432mm in height (B Size) when plotted at a scale of 1:1000
LEGEND
All distances shown are in metres and decimals thereof
● --- Denotes Standard Iron Post Found
▲ --- Denotes Traverse Station
--- Denotes Proposed House Site
--- Denotes Proposed Disposal Field
Scr --- Denotes Traverse Scratch/Scribe
Spk --- Denotes Traverse Spike
For Discussion Purposes Only
Information is Approximate
N
Plan VIP58851
549
548 Scr
544 FLAG PL SIGN
539 Spk
SL 2
0.955ha
(2.3 Acres)
541 FLAG PL
219.41
540 FLAG PL
Proposed Disposal Field
Proposed Building Site
Proposed Building Site
SL 3
This Part: 0.359ha
Total: 0.908ha
(Total: 2.2 Acres)
Proposed Disposal Field
Turnaround Area
522 Spk
SL 4
0.679ha
(1.6 Acres)
529 Scr
530
545 Spk
521 Spk
Proposed Disposal Field
Proposed Building Site
Lot 10
299.31
Lot 9
4.03ha
Proposed Road
517 Spk
Pt of SL 3
This Part: 0.549ha
510 Spk
512 FLAG PL
511 FLAG PL
501 FLAG PL
Lot 8
500 FLAG PL
499 FLAG PL
504 Spk
215.23
Plan
Section
SL 1
0.695 ha
(1.7 Acres)
493 Spk
Proposed Well
Common Property
(Access)
Total: 0.795 ha
498 FLAG PL
497 FLAG PL
Existing disposal field not located
Existing Well
496 FLAG PL
6.1
Existing house
10.99
17.00
466
6.42
13.59
51.66
468 NF
65.12
Proposed Well
480 Spk
3.8
495 FLAG PL
VIP67208
129
470
469
478 OIP
474 Mag
479 OIP
473 Spk EP
460
Seedtree Road
J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors – Consulting Engineers
Victoria, Nanaimo, Parksville, Campbell River, B.C.
Phone 250–727–2214 Web: www.jeanderson.com
File : 31516
v: _Projects\31516...\...\31516.dwg (Lot 9 Site)
Lot 9 to be rezoned to RR–6A to allow Strata Averaging to minimum 1 hectare lots (including Common Access).
Minimum allowable parcel size of 0.5ha

APPENDIX B. PHOTOGRAPHS

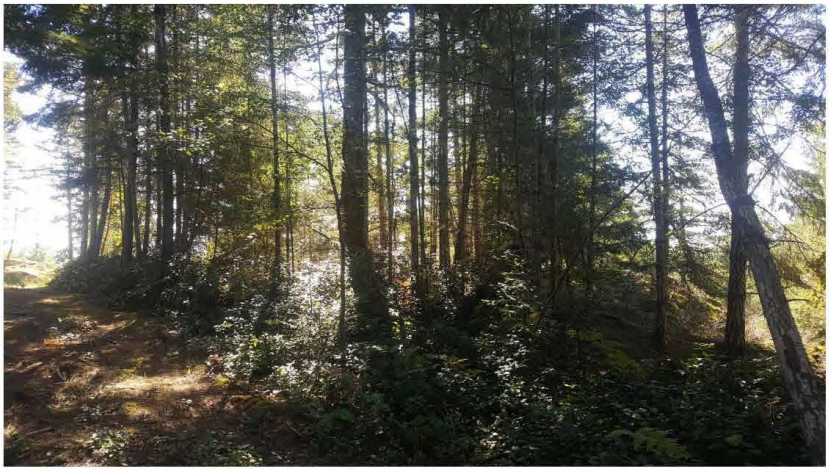


Photo 1. **Representative view of forest near SL 2.**

Photo 2. **Representative view of forest near SL 3. Pole sapling with a large Douglas fir with clearing in foreground.**

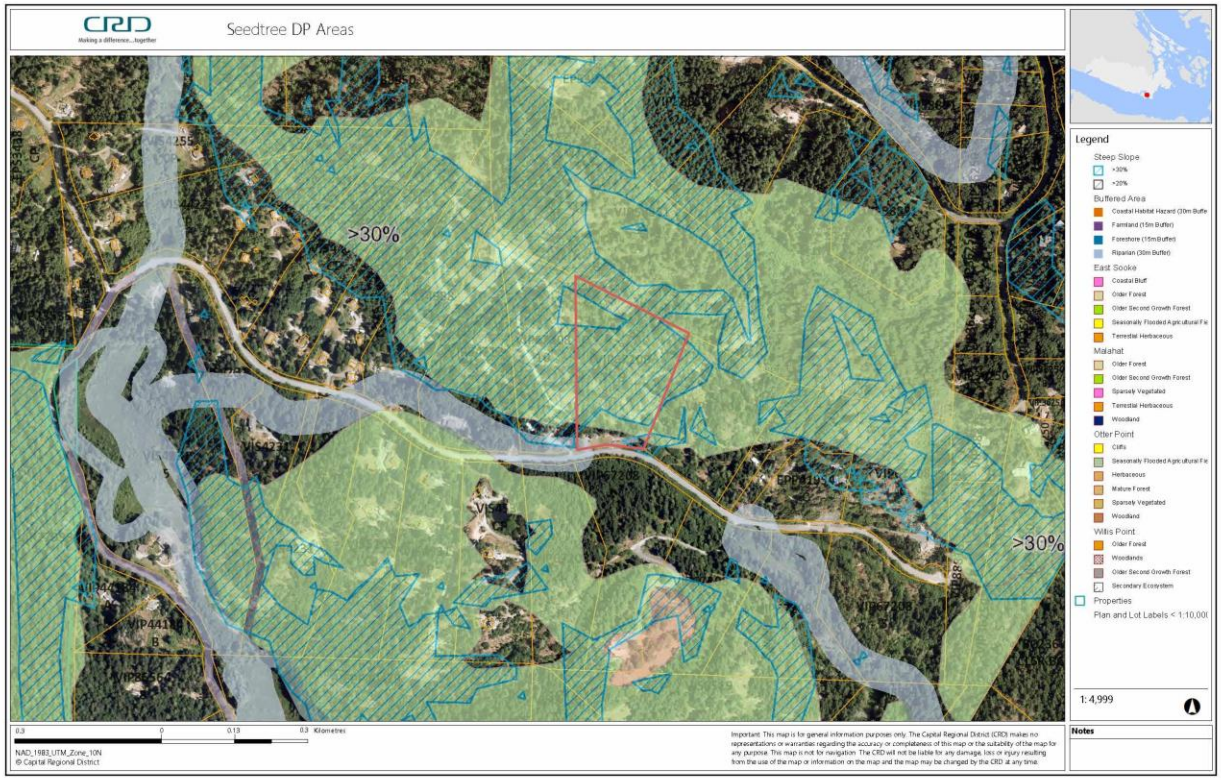
Photo 3. **Representative view of forest adjacent to SL 4 note disturbed site and invasive Scotch broom.**

Photo 4. **Representative view of access road looking downslope from SL 4 some invasive Scotch Broom in foreground.**

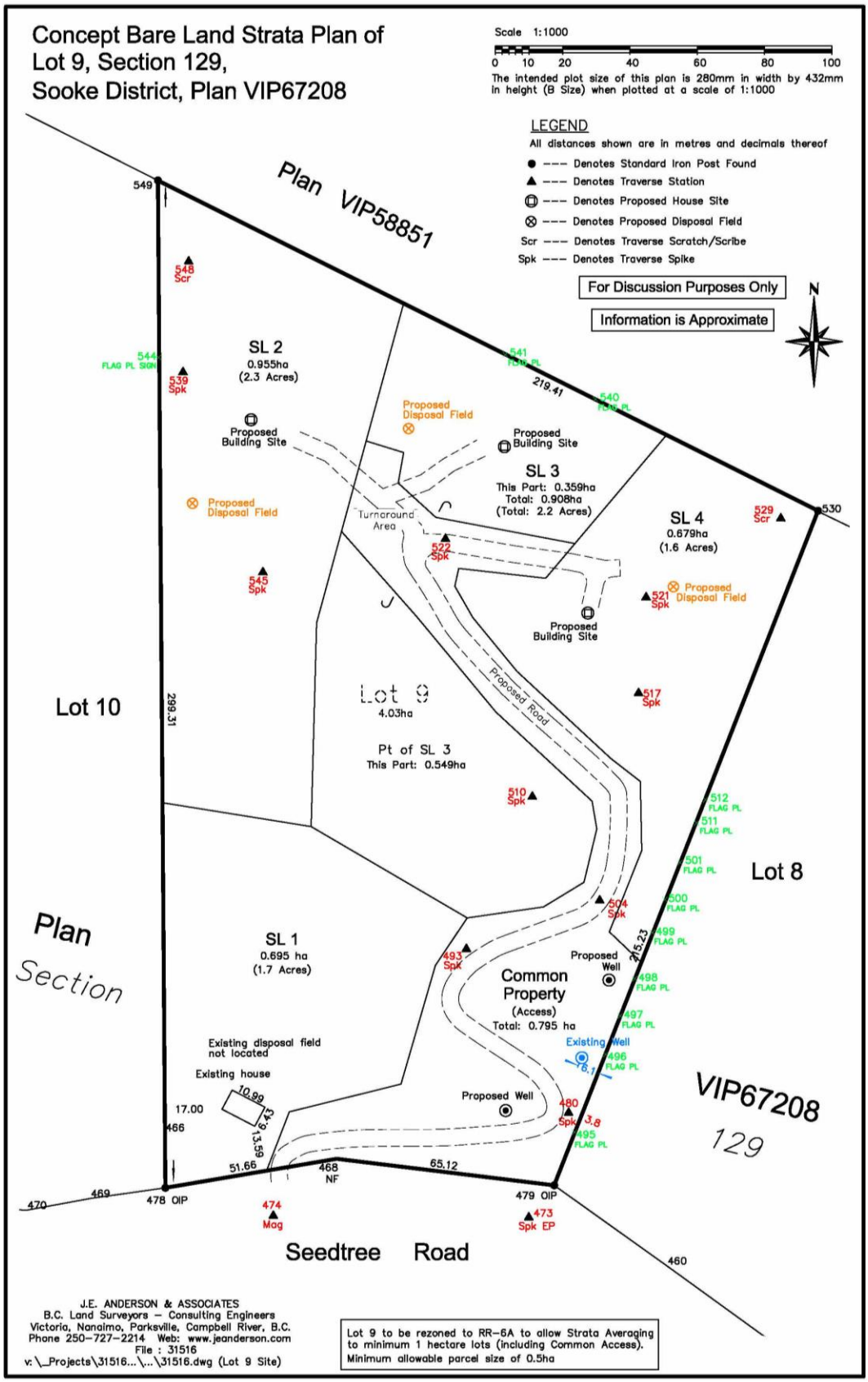
Photo 5. Example of invasive species (Scotch broom) observed along/near existing access road.

Photo 6. Existing access road to Strata Lots 2, 3 and 4.

APPENDIX C. CRD DEVLOPMENT PERMIT AREA


Seedtree DP Areas
>30%
>30%
Legend
Steep Slope
Buffered Area
East Sooke
Malahat
Otter Point
Willis Point
Properties
1:4,999
Notes
NAD_1983_UTM_Zone_10N
© Capital Regional District

Appendix 4: Proposed Plan of Subdivision



Appendix 5: Rural Residential 6A

10A.0 Rural Residential 6A Zone – RR-6A

10A.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 are permitted in the Rural Residential 6A (RR-6A) zone:

(a) One-family dwelling;
(b) Agriculture;
(c) Silviculture;
(d) Two Boarders or Lodgers;
(e) Farm/Agriculture Buildings;
(f) Home Based Business Categories One, Two and Three;
(g) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, to be used, but not rented, for the temporary accommodation of guests or visitors.
(h) Secondary suite pursuant to Part 1, Section 4.19;
(i) Detached accessory suite pursuant to Part 1, Section 4.20;

10A.02 Minimum Lot Size for Subdivision Purposes

(a) The average lot size for subdivision purposes is 1 ha and no lot shall be created with a lot size smaller than 0.5 ha.
(b) For the purposes of this zone, the total area of land in a plan of subdivision, prior to the removal of land for road and park dedication or for common property, divided by the number of lots intended to be created shall not be less than the minimum average lot size specified in Section 10A.02(a).

10A.03 Number of Dwellings

One one-family dwelling and one of either a secondary suite or a detached accessory suite, but not both.

10A.04 Height

Maximum height shall be 9 m.

10A.05 Lot Coverage

Lot coverage shall not exceed 25 percent.

10A.06 Maximum Size of Residential Buildings

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

(a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Total Floor Area of 418 m^2;
(b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.045.

10A.07 Yard Requirements	(a) Front yards shall be a minimum of 7.5 m; (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m^2, minimum side yards shall be 15 m each side; (c) Flanking yards shall be a minimum of 6 m CTS; (d) Rear yards shall be a minimum of 10 m.
10A.08 Yard Requirements for Agricultural Buildings and Structures	Farm buildings and structures for agricultural uses shall be not less than 30 m from the front lot line and not less than 15 m from any other boundary of the lot.

Appendix 6: Proposed Bylaw No. 4265

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4265

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:

   A. SCHEDULE B, MAP NO. 1 – EAST SOOKE ZONING MAP

   (a) By deleting Lot 9, Section 129, Sooke District, Plan VIP67208 from the Rural A (A) Zone, and adding to the Rural Residential 6A (RR-6A) Zone, as shown on Plan No.1, attached to and forming part of this bylaw.

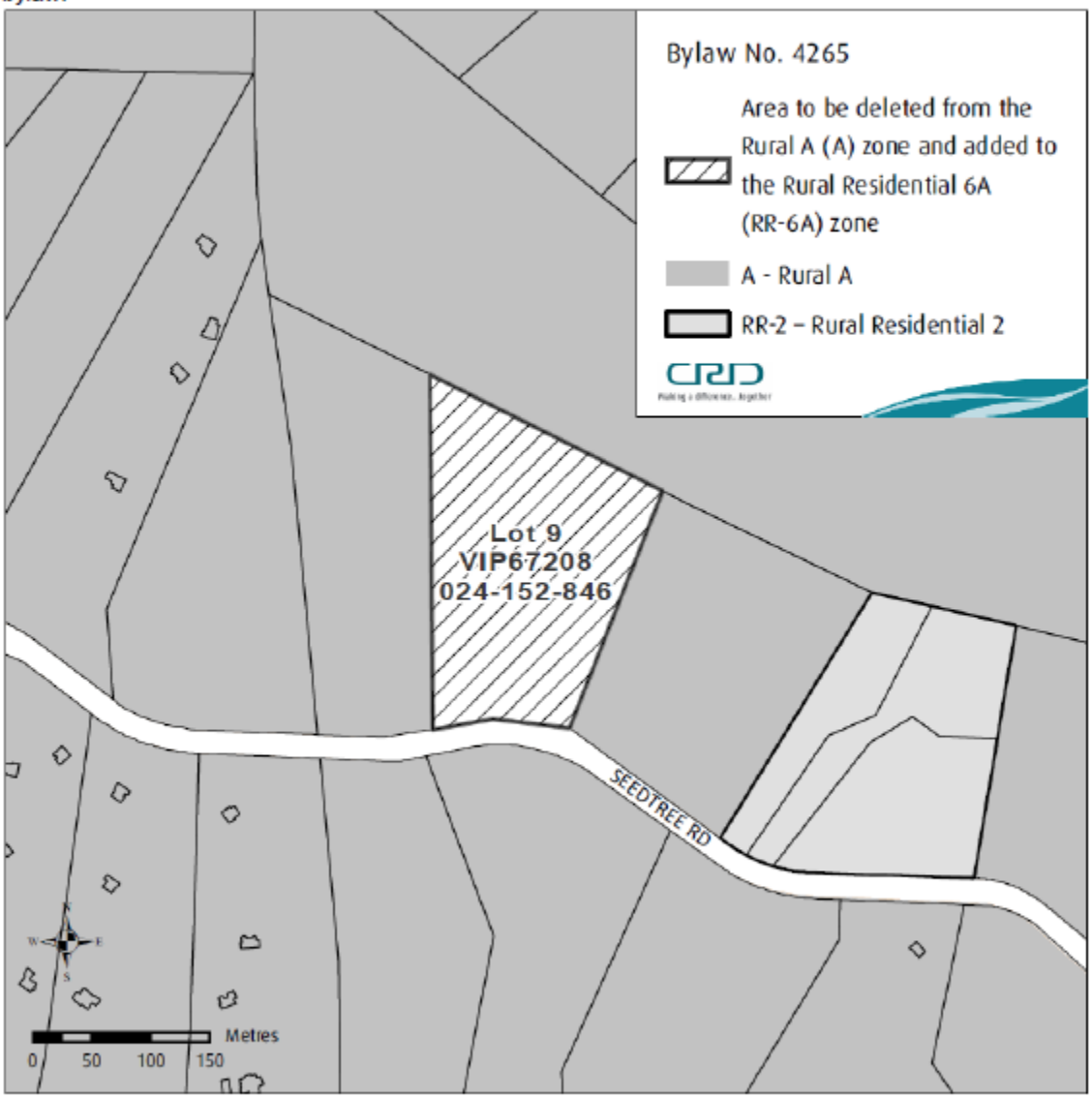
2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018".

READ A FIRST TIME THIS	day of	, 2018.
READ A SECOND TIME THIS	day of	, 2018.
READ A THIRD TIME THIS	day of	, 2018.
ADOPTED THIS	day of	, 2018.

CHAIR CORPORATE OFFICER

Plan No. 1 of Bylaw 4265, an amendment to Bylaw No. 2040

Lot 9, Section 129, Sooke District, Plan VIP67208 shown on this plan attached to and forming part of this bylaw.



Making a difference...together

STAFF REPORT TO THE
JUAN DE FUCA ELECTORAL AREA PARKS AND RECREATION ADVISORY COMMISSION
MEETING OF TUESDAY, NOVEMBER 27, 2018

SUBJECT: Staff News

ISSUE: Information

Community Works Fund Grant Application and BC Rural Dividend Grant – Port Renfrew Tourism Trail
The Port Renfrew Community Trail has been completed. The Manager is working on the final report to the Rural Dividend Fund.

Subdivision Application S-03-14 - Lot 2, District Lot 17, Renfrew District, Plan 32241 (6649 Godman Road)
At its meeting of November 20, 2018, the Juan de Fuca Land Use Committee considered and supported the Commission's recommendation:

a) That the Board motion of November 12, 2014, requesting cash in-lieu of land for subdivision application S-03-14, for Lot 2, District Lot 17, Renfrew District, Plan 32241, be rescinded.

b) That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 pursuant to securing dedication of land for a trail connection.

It is anticipated that the CRD Board will consider this recommendation at its December meeting.

Working with residents at Jordan River on "The Shores Community Park"
Little progress has been made on getting the trailer moved from the location at "The Shores Community Park". Staff will continue to work with the parties involved to deal with hazardous materials determination and eventual removal. Progress has been held up due to the need to have archeological work done on the old residences to be demolished at Jordan River as the work is tied to that contract.

Friends of Coppermine Park Society- Picnic Shelter Proposal
This project required a building permit application. This application triggered a "riparian report" as it fell into a riparian Development Permit Area. The Manager contacted several Qualified Environmental Professionals able to complete the report and as of today it is unclear if a report is required or because the area has been previously disturbed and considered an institutional application the requirement may be waived.

Port Renfrew Electric Vehicle Charging Station
Waiting on finalization of the installation plan for the EV Charging Station at the Port Renfrew Community Centre. The contactor doing the work is close to completion and a permit (lease) to occupy the site has been negotiated.

Priest Cabin Park
A tree falling/bucking contractor has cleared hazard trees and downed trees to allow hiking along the trail from Cedar Coast Drive to Priest Cabin Park. The gate at Highway 14 on Cedar Coast Drive is in the process of being moved, cement blocks have been erected but the gate has not yet been relocated. This will allow for public parking adjacent to the starting point on the Priest Cabin hiking trail.

Kemp Lake Fishing Pier and Boat Launch Project
The Manager and Planning staff have recently met with the Ministry of Transportation and Infrastructure (MoTI) to discuss local resident inquiries about the project. The project will continue to be delayed until such time as the water line installation has been completed. A parking plan for public vehicles using the access was developed by the Manager and submitted to MoTI for review.

JdFEA Recreation Program Guidelines - Review
Commission members submitted discussion notes to the Manager for review at this meeting for comment. It is planned to have the program modification approved and operational by January 2019.

Powerline Removal William Simmons Park
In late October BC Hydro contacted the Manager to request permission to remove a redundant powerline that used to service a residence at William Simmons Park. Communication lines still require removal.

Post Office Lease Renegotiation Port Renfrew
The Manager, with the assistance of the Real Estate division, has renegotiated the lease for the Post Office at the Community Centre in Port Renfrew. This is for a two year term.

Renegotiation of the Caretaker Lease Agreement – Wigglesworth Lake
The Manager has completed the renegotiation of a Caretaker Lease Agreement for Wigglesworth Lake. This is a two year agreement.

Submitted by:	Don Closson, Manager, Parks and Recreation, Juan de Fuca Electoral Area