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DP-11-13 – COTTER AND FAMA HOLDINGS LTD

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 17, 2013**

SUBJECT **DEVELOPMENT PERMIT AND REQUEST FOR EXEMPTION FROM SECTION 944 OF THE *LOCAL GOVERNMENT ACT* FOR LOTS 8 & 9, SECTIONS 46A & 47A, HIGHLAND DISTRICT, PLAN VIP77211 – WILLIS POINT ROAD**

ISSUE

A request has been made for a development permit and an exemption from Section 944 of the *Local Government Act (LGA)* to reduce the road frontage and to establish a driveway and building site in a sensitive ecosystem, riparian and steep slope development permit area on Lot 9 as part of a lot-line adjustment subdivision application.

BACKGROUND

The 12 ha properties are zoned Rural Conservation (RC) in the Willis Point Comprehensive Community Plan, Bylaw No. 3027. The vacant parcels are bounded by Gowlland Tod Provincial Park to the east and south, Willis Point Road to the west and RC zoned properties to the north (Appendix 1).

The applicants have submitted a subdivision application (S-09-13) to re-align the parcel boundaries of Lots 8 and 9 to accommodate a desired building site on Lot 9 (Appendix 2). As a requirement of subdivision, the owners are now requesting a development permit to establish a driveway and building site within a sensitive ecosystem, riparian and steep slope development permit areas on Lot 9 and are requesting an exemption from Section 944 of the *LGA* to reduce the road frontage of Lot 9 from 232.77m to 132.2m (5.7% frontage).

ALTERNATIVES

- 1) That the steep slopes, foreshore, wetlands & riparian areas, and sensitive ecosystem development permit DP-11-13 for Lots 8 & 9, Sections 46A & 47A, Highlands District, Plan VIP77211 be approved subject to conditions and that the exemption from Section 944(1)(a) of the *Local Government Act* for Lot 9, be approved.
- 2) Deny the development permit and require that the parcels comply with Section 944 of the *Local Government Act*.
- 3) Refer the application back to staff for additional information.

LEGISLATIVE IMPLICATIONS

Section 944(1) of the *LGA* establishes minimum frontage requirements for parcels created by subdivision. Where local government has not established a minimum frontage requirement, the statutory minimum frontage requirement is 10% of the lot perimeter. A local government may exempt a parcel from the statutory minimum frontage under Section 944(2).

The Willis Point Comprehensive Community Plan, Bylaw No. 3027, establishes development permit guidelines. The property is within the Steep Slopes, Sensitive Ecosystems and Foreshore, Wetlands and Riparian Areas Development Permit areas; therefore, a development permit is required before the land may be subdivided or altered.

PUBLIC CONSULTATION IMPLICATIONS

There is no requirement for public consultation if a local government is considering a statutory exemption pursuant to Section 944 of the *LGA*. There is also no requirement to notify residents/tenants under the Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw for a statutory exemption or a development permit application. The Juan de Fuca Land Use Committee has directed staff that all development permit applications received for the ten FAMA HOLDINGS LTD lots in Willis Point be forwarded to the Willis Point Advisory Planning Commission for comment.

The application was forwarded to the Willis Point Advisory Planning Commission for consideration at their meeting scheduled for September 12, 2013. In addition, to ensure community interests are considered, each resident/tenant within 500 m of the subject property received notice of the requested development permit with frontage exemption. Responses received from the public are included in the September 17, 2013 Land Use Committee supplementary agenda.

LAND USE IMPLICATIONS

In cases where a frontage relaxation is acceptable to the local government, the Provincial Approving Officer must be advised of the approval before a subdivision can be finalized. In evaluating whether an exemption from Section 944 is justified, the following technical criteria are considered:

- Will reducing the frontage eliminate future subdivision potential of the lot and of lots beyond?
- Does the proposed reduction disturb existing residences?
- Will reducing the frontage produce an awkward lot configuration?
- How does it relate to the topography of the area?
- Does it create any environmental impacts?
- Will the exemption reduce road network and access options?

Consideration is also given to land use designation policies and land use regulations with respect to the request for an exemption.

The proposed re-alignment of Lots 8 and 9 retains the 12 hectare minimum lot size required by the Rural Conservation (RC) zone. The Willis Point Comprehensive Community Plan, Bylaw No. 3027, recognizes the use of the subject properties for low-density residential use, but promotes maintaining the land in its current natural state by considering environmental factors in all land use planning decisions. The development proposal is not inconsistent with the general policies outlined in Section 4.3 of Schedule 'A' of Bylaw No. 3027 except that the proposed development will not retain the visual landscape of hilltops as outlined in policy 4.3 2]. The applicants retained qualified professionals to design the development to address environmental impacts such as removal of natural vegetation and disturbance of riparian areas.

The proposal to reduce the road frontage of Lot 9 to 132.2 m (5.7%) will not impact development potential of the RC parcels and there is no anticipated impact to residences resulting from the proposed boundary adjustment. The proposed lot configuration will result in an irregular area in the center of Lot 8 being incorporated into Lot 9 for the proposed building site on a natural hilltop; however, the proposed property lines follow the natural topography which includes a bluff area inaccessible from Lot 8. The property is subject to steep slope, sensitive ecosystem and riparian development permit guidelines which address environmental impacts and mitigate hazard areas. The boundary adjustment does not reduce options for driveway accesses.

Development Permit Requirements

Ryzuk Geotechnical prepared a report on July 24, 2013 addressing the steep slope development permit areas on Lot 9 (Appendix 3). The proposed 590 m driveway would partly following old logging roads and natural valleys, requiring some cut and fill to achieve grades less than 20 degrees. Should the development be approved, a soil deposit permit may be required in accordance with Bylaw No. 3297. The engineer outlines recommendations for constructing the driveway and building site and that further geotechnical review be conducted prior to building.

Cascadia Biological Services prepared a report on August 22, 2013 addressing the sensitive ecosystem development permit guidelines on Lot 9 (Appendix 4). The report describes the proposed development as within an older second generation forest with fragmented woodland ecosystems. Cascadia Biological Services recommends ongoing monitoring of the site; sediment control measures; re-vegetation with native species; and, installing 2 nesting boxes.

As a portion of the proposed driveway would require crossing the creek, the applicant submitted a notification to the Ministry of Environment in accordance with Section 9 of the *Water Act* (Appendix 5). As part of the subdivision process, the Ministry of Transportation & Infrastructure will review the driveway location to ensure safe sight lines onto Willis Point Road. The applicant will work with the qualified environmental professional to design and construct the driveway access with minimal environmental impact.

Therefore, staff recommend approval of the development permit with frontage exemption subject to securing the engineer's report being as a restrictive covenant; having a civil engineer design the driveway; ensuring minimal clearing for the driveway; including the recommendations in professional reports as conditions of the development permit; and subject to public consultation.

CONCLUSION

The applicants are requesting a development permit and an exemption from Section 944 of the *Local Government Act (LGA)*. Reports have been submitted to address the steep slopes, sensitive ecosystem and riparian development permit guidelines. Provided the driveway intersection is designed safely, staff recommend approval of the development permit with frontage exemption subject to conditions and public consultation.

RECOMMENDATION

That the Land Use Committee recommends to the Capital Regional District Board:

1. That Steep Slopes; Foreshore, Wetlands & Riparian Areas; and Sensitive Ecosystems development permit DP-11-13 for Lots 8 & 9, Sections 46A & 47A, Highland District, Plan VIP77211 be approved subject to the following conditions:
 1. That the proposed development comply with the Steep Slopes; Foreshore, Wetlands & Riparian Areas; and Sensitive Ecosystems Development Permit Guidelines outlined in the Willis Point Comprehensive Community Plan, Bylaw No. 3027;
 2. That the proposed development comply with the recommendations outlined in the professional engineer's report prepared by Ryzuk Geotechnical (Appendix 3), the qualified environmental professional's report prepared by Cascadia Biological Services (Appendix 4) and with the Section 9 *Water Act* notification (Appendix 5);
 3. That the professional engineer's report prepared by Ryzuk Geotechnical (Appendix 3) be secured via a restrictive covenant registered on title of Lot 9 as part of the Building Permit process; and
 4. That the driveway be designed and constructed in coordination with a qualified environmental professional and civil engineer prior to issuance of a building permit to the satisfaction of the CRD and Willis Point Fire Department;
 5. That the conditions of this permit be verified as part of the building permit process.
2. That the exemption from Section 944(1)(a) of the Local Government Act for Lot 9, Sections 46A & 47A, Highland District, Plan VIP77211, as shown on the Proposed Boundary Adjustment, prepared by Richard J. Wey & Associates (Appendix 2), be approved.

****ORIGINAL SIGNED****

Emma Taylor, MA
Planner

June Klassen, MCIP, RPP
Manager, Local Area Planning

Marg Misk-Evans, MCIP, RPP
General Manager, Planning & Protective Services

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

Appendix 1: Subject Properties Map

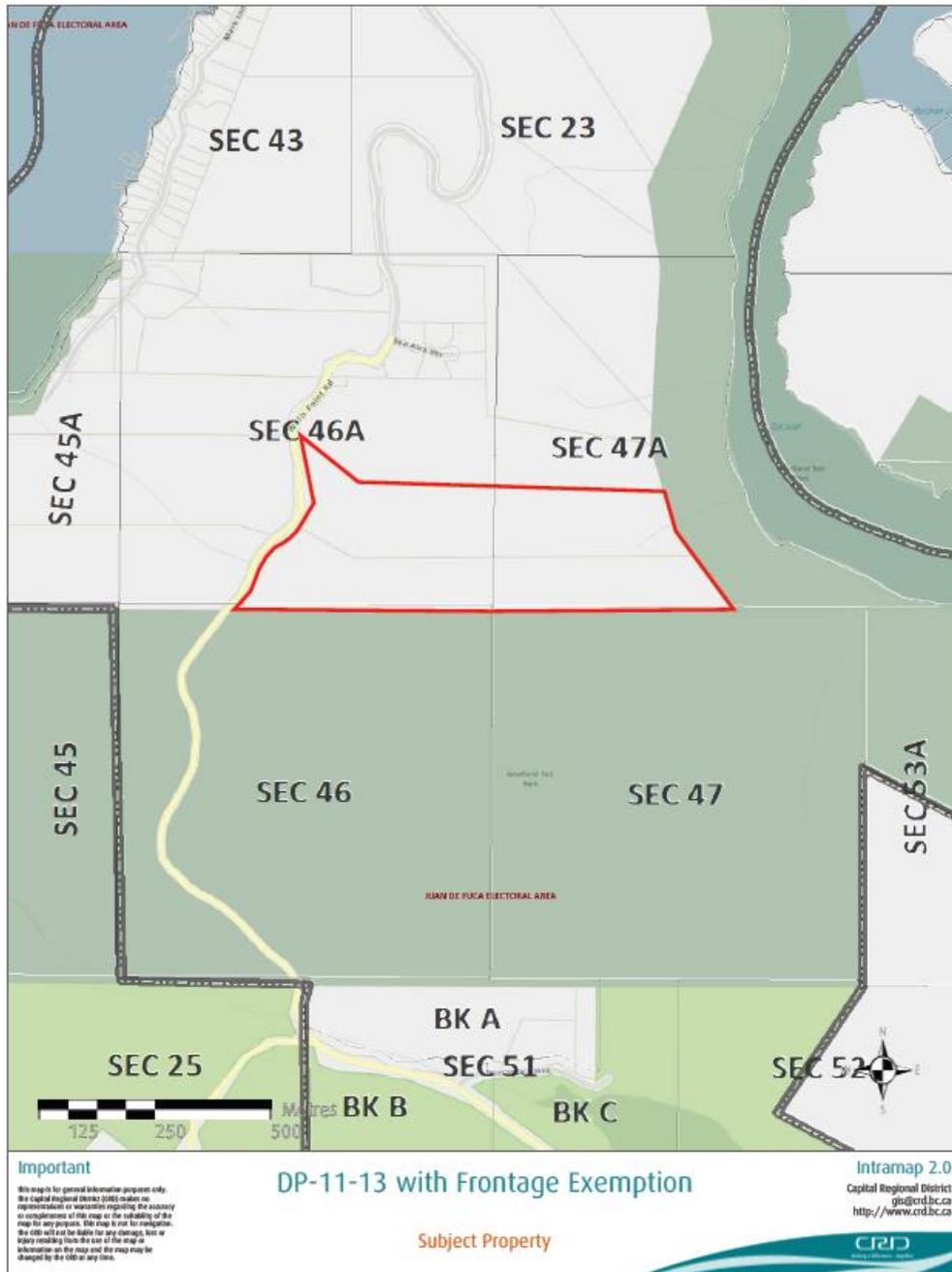
Appendix 2: Proposed Boundary Adjustment, Richard J. Wey & Associates

Appendix 3: Engineer's Report, Ryzuk Geotechnical, July 24, 2013

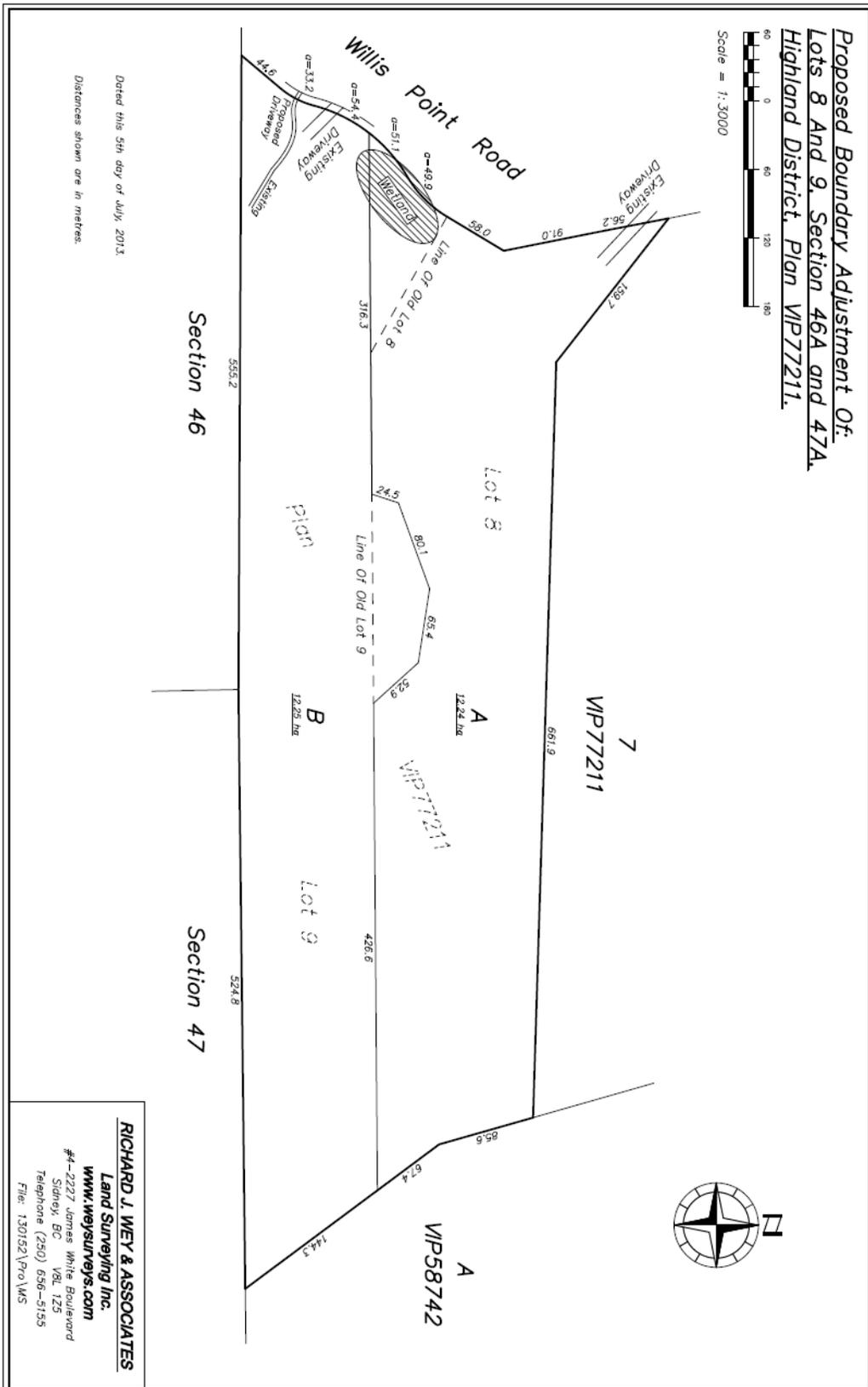
Appendix 4: Sensitive Ecosystem Report, Cascadia Biological Services, August 22, 2013

Appendix 5: Section 9 *Water Act* Notification, July 23, 2013

Appendix 1: Subject Properties Map



Appendix 2: Proposed Boundary Adjustment



RYZUK GEOTECHNICAL

Engineering & Materials Testing

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

July 24, 2013
File No: 8-6775-1

Mr. Joel Cotter
799 Melody Place
Victoria, BC
V9E 2A2

Dear Sir,

Re: Proposed Single Family Residence & Driveway
Lot 9 Willis Point Road – Willis Point, BC

As requested, we attended the referenced site on July 15 to assess the existing geotechnical conditions as such relate to the proposed development. The site is located within the Willis Point Official Community Plan (OCP) Development Permit Area No. 1: Steep Slopes. In addition, we understand that the layout of the northern property line is proposed to be modified. In this respect, our investigation involved a review of the steep slope mapping, aerial imagery, as well as a site reconnaissance. Our observations and comments pertaining to geohazards at the site are contained herein. Our work has been undertaken in accordance with, and is subject to, the attached Terms of Engagement.

The site is located along the northern and eastern property line of Gowlland Tod Provincial Park, and is bounded to the west by Willis Point Road and to the north by a similar undeveloped property. The property is approximately 1000 m in length and 115 m in width, see attached Location Plan. The overall topography of the site is generally sloping up to the east at a low to moderate angle varying between 10 and 20 degrees, towards a relatively flat outcropping bedrock plateau. The plateau is located approximately 420 m east of Willis Point Road at an elevation of roughly 70 m above Willis Point Road. The plateau is the highest point on the property and from this point the site topography drops to the east and north at a steep to subvertical slope angle, becoming moderately sloping towards Gowlland Tod Park and adjacent inlet. The site is presently undeveloped, with vegetation consisting of matures trees. A seasonally wet area is located near Willis Point Road at the northwest portion of the site. We understand that an existing well is located in the lower southwest portion of the site.

The surface/subsurface conditions observed on site consists of either outcropping intact bedrock or an anticipated thin veneer of colluvium soil (sandy gravelly silt) upon shallow bedrock. Bedrock outcrops were observed throughout the western half of the site and also over the

RYZUK GEOTECHNICAL

Mr. Joel Cotter
Lot 9 Willis Point Road – Willis Point, BC

July 24, 2013

building site. The bedrock is believed to be a basaltic and rhyolitic tuff being part of the Bonanza Group.

The proposed driveway will generally extend from Willis Point Road to the relatively flat plateau described above, over a length of approximately 590 m, as indicated in the attached Location Plan. The driveway will follow in part old logging roads and natural valleys generally cutting the contours perpendicularly. Some cut and fill will be required in order to achieve the driveway design elevation, but such should not be too significant considering that the alignment of the road does not appear to be sloped at more than 20 degrees at any point along the proposed driveway alignment. An exception was noted approximately 140 m east into the proposed driveway. At this location, highly fractured rock knoll extending 4 to 5 m in height above the proposed road grade is present to the south side of the road alignment. Sign of past instabilities were noted and given the presences of adverse fractures, we consider that there is a risk of rockfall hazard at this location. The hazard is limited to this area, and could either be mitigated via excavation of the fractured rock and/or the driveway could be located at a safe offset of at least 10 m. Towards the end of the driveway, the proposed alignment would be along a valley surrounded by higher adjacent rock slopes. The rock does not appear particularly fractured in this area, however, care during the construction of the driveway would be required to not disturb the rock slope. Localized stabilization may be required in this area.

We understand that it is the intent to redraw the current property line in order to enlarge the building site towards the north, beyond existing boundary. In exchange, we understand that the equivalent area of land located at the lower northwest portion of the site (wet area) will be traded with the neighbor, as indicated on the attached survey plan provided by Richard J. Wey & Associates Land Surveying Inc. Upon assessment of these areas, we do not anticipate any geotechnical issues that would preclude the modification/realignment of the northern property line.

The proposed site building is to be located at the east end of the driveway and within the previously discussed relatively flat bedrock plateau. Ground surface in this area is bedrock controlled. Based on our site observations and review of the contours from the CRD Community Atlas, we initially recommend maintaining a safe set back of at least 7.5 m from the crest of the steep northern and east slopes. These set backs could be reduced but only further to a more detailed site review of rock stability. We must review the proposed siting plan for the dwelling, once the final design is available.

We do not anticipate that silt mitigation measures will be required for the proposed residence construction, however, it may be necessary during the construction of the driveway if carried on during the rainy season. Temporary construction silt mitigation should consist of the installation of silt fencing downslope of the construction area.

We do not anticipate that the proposed residence and driveway will significantly increase the impervious surface area. The collected storm water from the residence should be directed to a

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Mr. Joel Cotter
Lot 9 Willis Point Road – Willis Point, BC

July 24, 2013

dispersal area to the south and directly discharged on rock to maintain the existing runoff regime as much as possible. The proposed driveway should be designed with proper ditches and culverts to manage drainage running down and along the driveway alignment. We do not expect that the required tree removal will adversely affect the slope stability or induce significant erosion.

Given the above and provided our recommendations are followed, we consider that the development can readily be completed without slope instability and long term erosion. In addition, we do not expect that the construction of the proposed single family residence and driveway, as well as modification in the northern property line alignment would adversely affect neighboring properties, and as such development of the site is feasible from a geotechnical engineering perspective. Accordingly, the site may be safely used for the use intended, that being a single family residence, considering a design seismic event with a 2% probability of exceedance in 50 years. This is pursuant to and in accordance with Section 56 of the Community Charter and the current B.C. Building Code.

We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

Yours very truly,
Ryzuk Geotechnical



Isabelle Maltais, P. Eng.
Project Engineer



July 24, 2013

Scott Currie, P. Eng.
Review Engineer

- Attachment – Terms of Engagement
– Location Plan, drawing 8-6775-1-1
– Richard Wey Survey Plan

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:

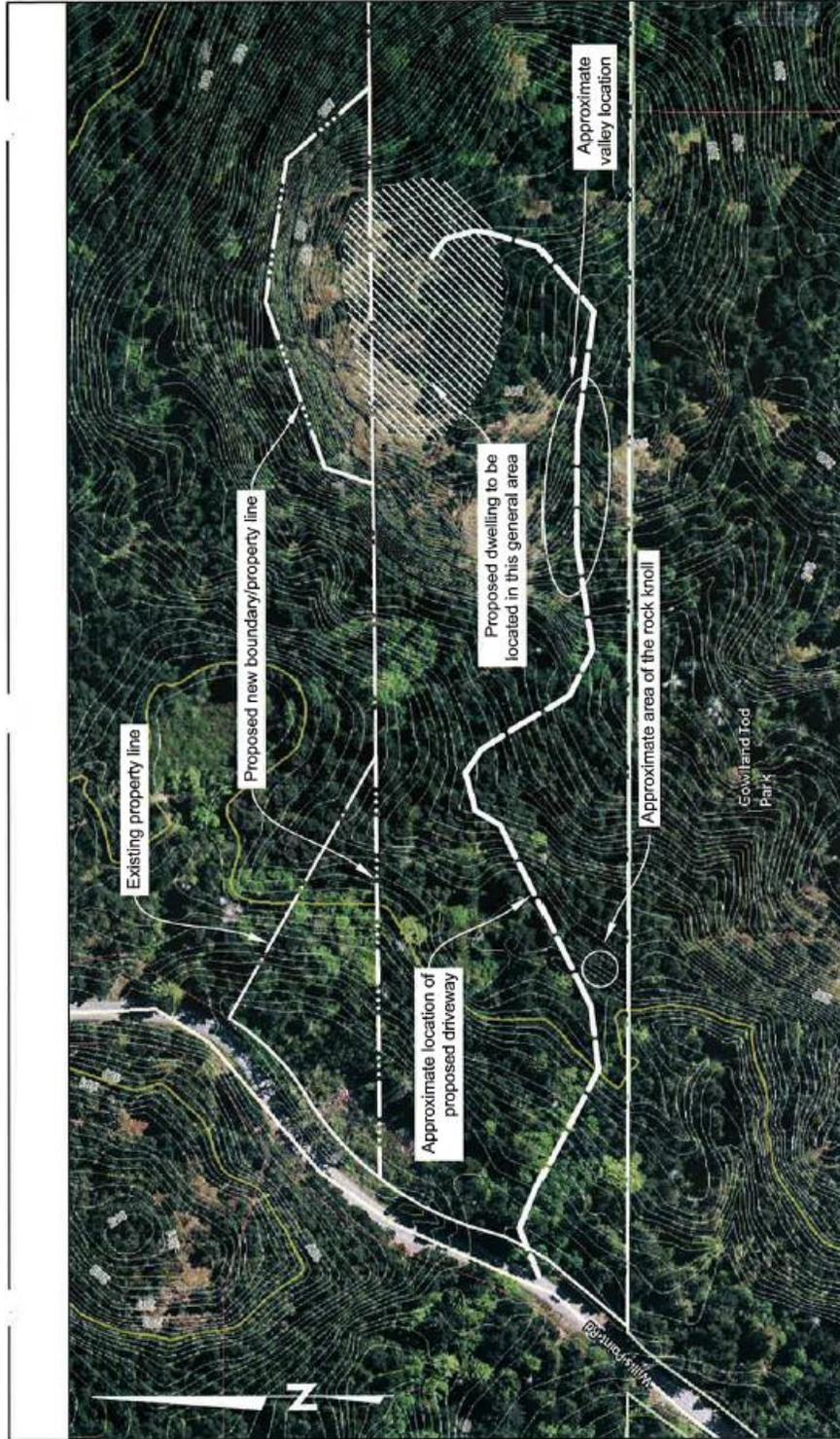
1. \$ 2,000,000 each and every claim
2. \$ 4,000,000 aggregate
3. \$ 5,000,000 commercial/general liability coverage

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



Notes:
 1. Aerial photography captured from CRD's Regional Community Atlas on July 19th, 2013.



Mr. Joel Cotter		DRAWN	CF
LOCATION PLAN		DATE	July, 2013
Proposed Single Family Residence & Driveway		APPROVED	JH
Lot 9 Willis Point Road		SCALE	1:2500
Highlands, B.C.		DRAWING No.	8-8775-1-1
RYZUK GEOTECHNICAL		Engineering & Materials Testing	



Cascadia Biological Services
772 Goldstream Ave
PO Box 27034
Victoria, BC
V9B 5S4

August 22nd, 2013

Capitol Regional District
2225 Otter Point Road
Sooke BC

Attn: June Klassen

Dear June,

Please find attached the Development Permit Area (DPA) application for Joel Cotter regarding proposed activities scheduled within Legal Lot 9, Willis Point Road. Activities within the defined lot above include new driveway construction, tree removal, and soil deposit, associated with the overall development of a driveway and house site. As per Map #3C (Sensitive Ecosystems) of the Official Community Plan for Willis Point (CRD), the proposed driveway and house site lie within a designated development permit area (older second generation forest with fragmented woodland ecosystem). As well, one small section of driveway (initial entry from road) over a linear distance of approximately 50m is located within an area designated as riparian. As a result of the riparian area and proposed stream crossing, a Riparian Areas Regulations (RAR) report was prepared for planning purposes (not required to be submitted to the province) and the Section 9 Notification application has been submitted to the Ministry of Environment (MoE). Please refer to Attachment I for driveway and house site location. Sensitive ecosystems (development permit areas) designated by the CRD within the Willis Point Area are presented in Attachment II and overlaid with the proposed house site location and driveway access in Attachment IIa.

All work within Development Permit Areas will be monitored by a Professional Biologist and will adhere to all recommendations where possible outlined in the biophysical assessment of driveway and house site (Attachment III) submitted to your office with this application, a tree cutting plan (Attachment IV) and a cover statement of specific recommendations for works within Development Permit Areas (Attachment V) as well as current government regulations including but not limited to *Environmental Objectives, Best Management Practices and Requirements for Land Developments*.

Please find below a list of attachments included with this application addressing the appropriate assessments required.

- Reduced Plans 8^{1/2} X 11(Attachment I)



- DPA Map for the Willis Point Area – Map 3C Willis Point OCP (Attachment II)
- DPA Map for the Willis Point Area with Proposed Driveway Access and House Site Overlaid – Map 3C Willis Point OCP (Attachment IIa)
- Bio-inventory Assessment of Driveway and House Site (Attachment III)
- Tree Cutting Plan (Attachment IV)
- Specific Recommendations for Works Within Development Permit Areas (Attachment V)

Please feel free to contact me by means below if you have any questions.

Cell: (250) 888-4864

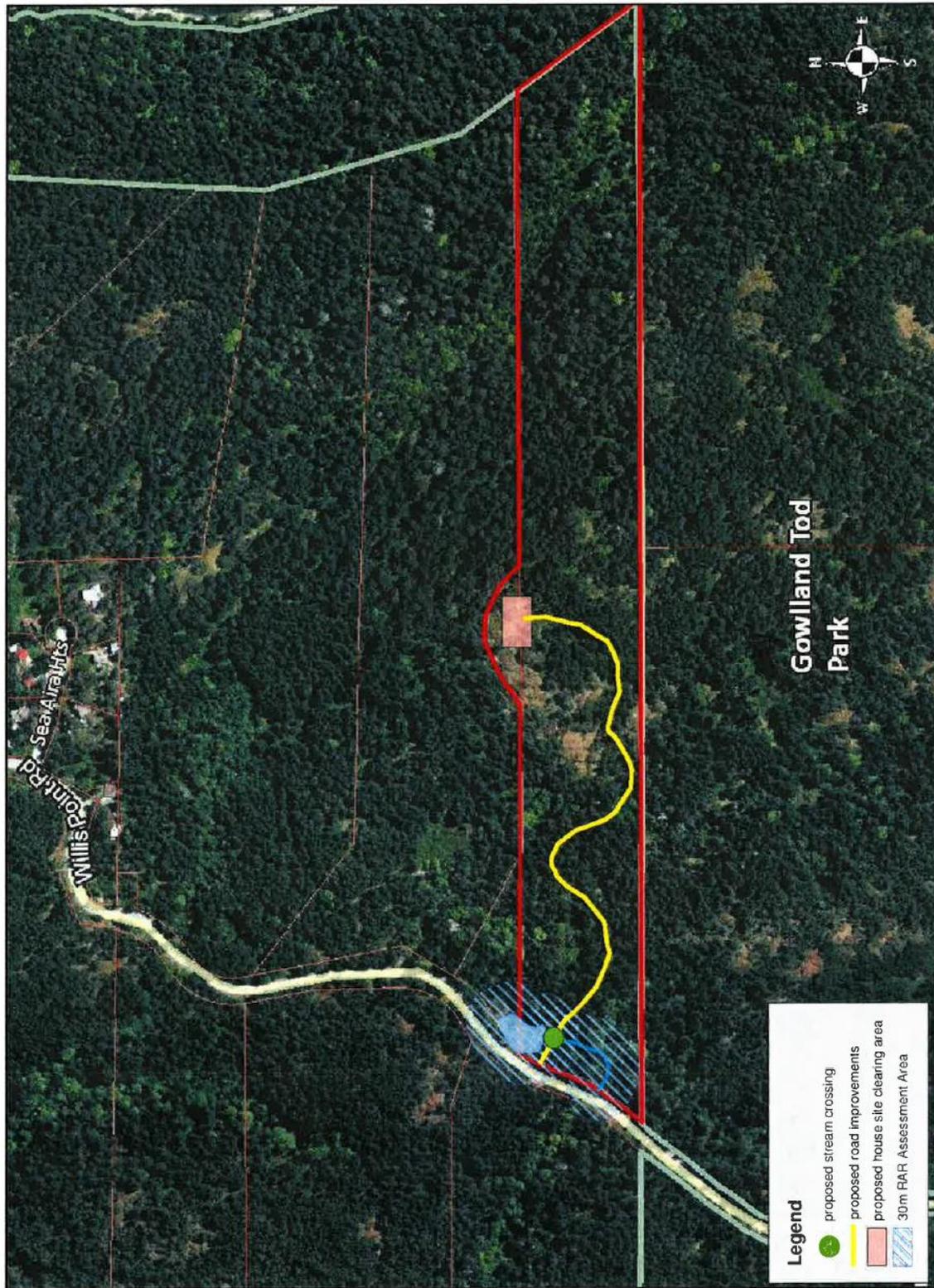
Email: cascadiabiological@shaw.ca

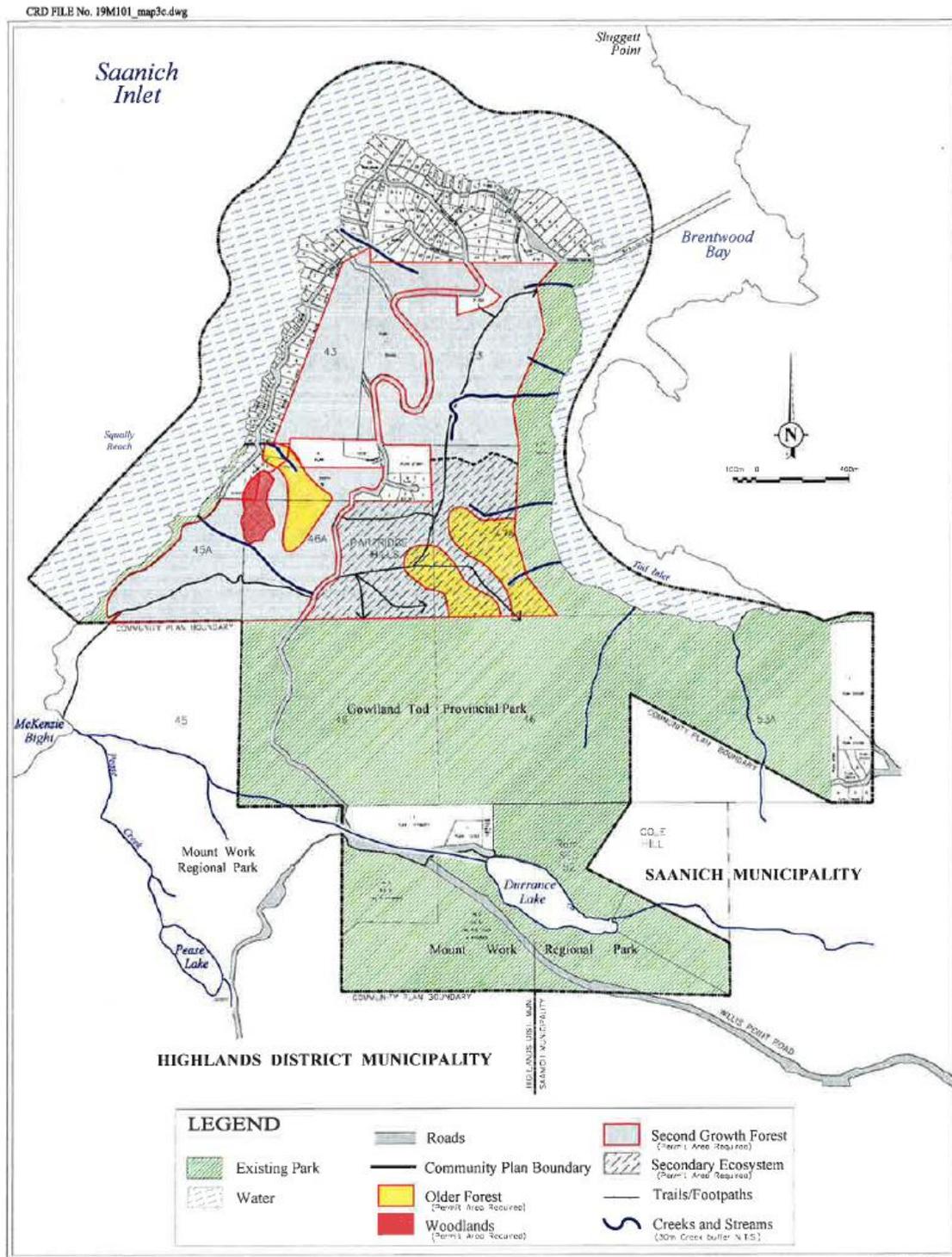
Sincerely,



Thomas Roy, R.P. Bio., B. Sc.

Proposed Tree Cut Area - 1215 Willis Point Road



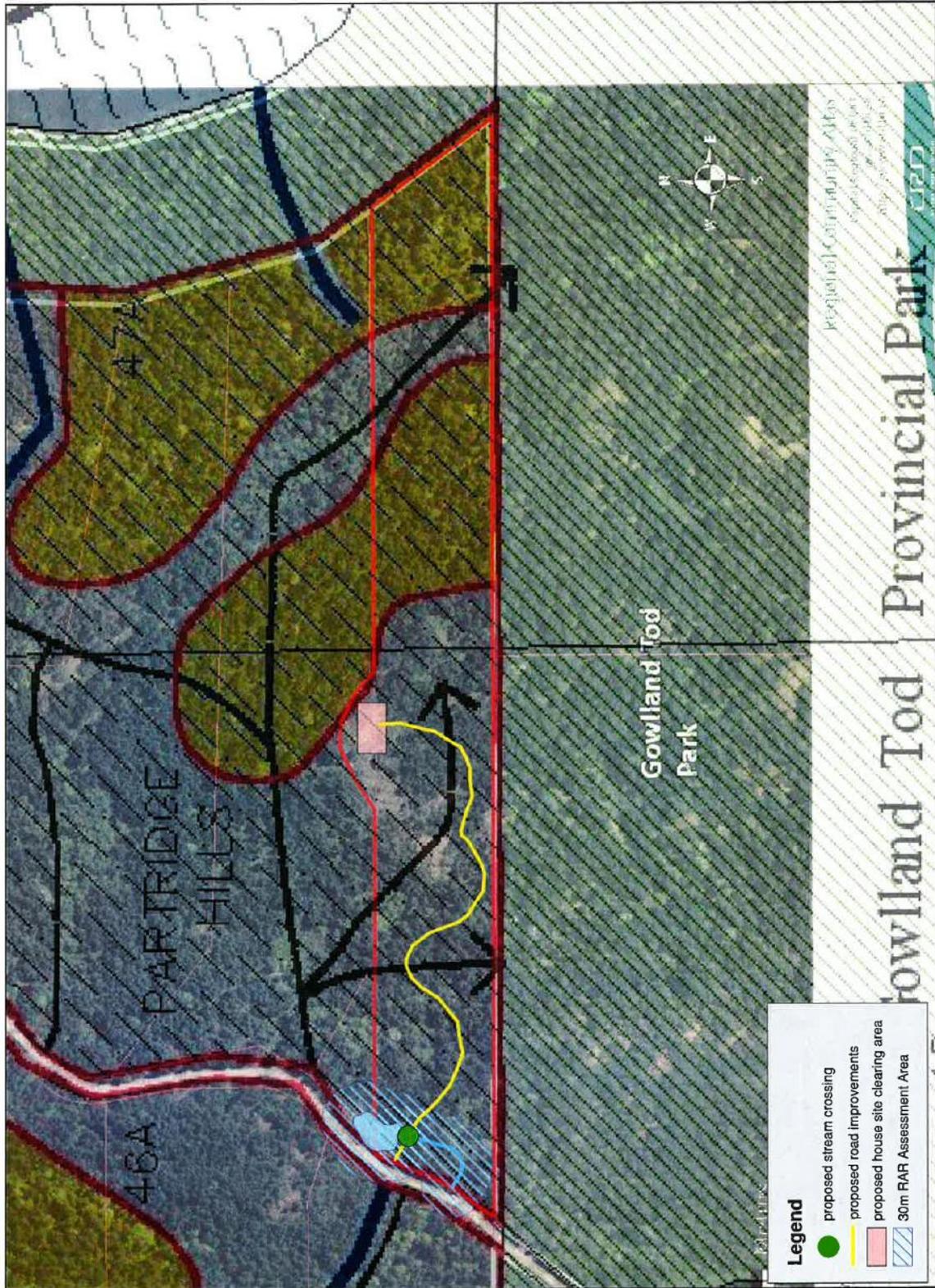


MAP #3c - Sensitive Ecosystems

April 1, 2003
 FINAL

WILLIS POINT - Environmental Protection Development Permit Area

Proposed Tree Cut Area with SEI Overlay - 1215 Willis Point Road





Cascadia Biological Services
772 Goldstream Ave
PO Box 27034
Victoria, BC
V9B 5S4

August 11th 2013

Capital Regional District

Attn: June Klassen

The following biophysical assessment reports on a proposed driveway and house site within Legal Lot 9, Willis Point Rd. and is based on two days of fieldwork in August 2013. Field visits were conducted by Cascadia Biological Services (Thomas Roy, R.P. Bio.) in order to determine the most suitable locations for a proposed driveway and house site based on environmental constraints. That being said, the proposed driveway location and house site (refer to Attachment I) has been located so as to use an existing logging grade and avoid all waterbodies present on site (except for one stream crossing), as well as in a location that will minimize the overall trees required to be cut. Gradients along the proposed road are less than 10% over 90% of the total linear length. All trees required to be cut have been assessed for bird's nest including owl, eagles etc. of which none were observed. An overview wildlife assessment was also conducted over the proposed construction areas to determine if any of the following blue/red listed species had the potential to occur. Species assessed for included, Northern Goshawk, American Peregrine Falcon, Barn Owl, Western Screech Owl, Northern Pygmy Owl, Short Eared Owl, Red-legged Frog, and both the Vancouver Island Ermine and Water Shrew. From our assessments of the proposed driveway location and house site, none of the above listed species were observed including potential nesting/denning sites.

In summary, the proposed route have been evaluated by a Professional Biologist and subsequently, deemed appropriate in regards to placement and overall environmental impacts. All works proposed within this document will be strictly monitored by a Professional Biologist during all phases of construction and will include a weekly report summarizing all activities to date.

Sincerely,

Thomas Roy, R.P. Bio.
Cascadia Biological Services

* Please refer to the detailed biophysical assessment on the following page.



Biophysical Assessment of Driveway and House Site

Legal Lot 9, Willis Point Road

August 22nd, 2013

Location: Refer to Attachment I

Length of Driveway: Approximately 580m.

House Site Area: Approximately 30m X 50m

Length Through Development Permit Area: Driveway travels approximately 55m through a riparian area as well as 525m through second generation forest (Douglas fir dominant). The proposed house site will occupy an area of approximately 1500 m² in

Biophysical Constraints Along Route: Older second generation forests and riparian area

Mitigation: 2 nesting boxes are proposed along driveway route

Older Second Generation - Environmental monitor on-site to determine best management practices along proposed driveway route. Where possible, minimize tree cuts within older second-generation forest.

Riparian Area – Submit Riparian Areas Regulations (RAR) report for proposed works within the 30m riparian assessment area (previously submitted under report to MoE)

Note: Refer to select photographs below of proposed driveway and house site.

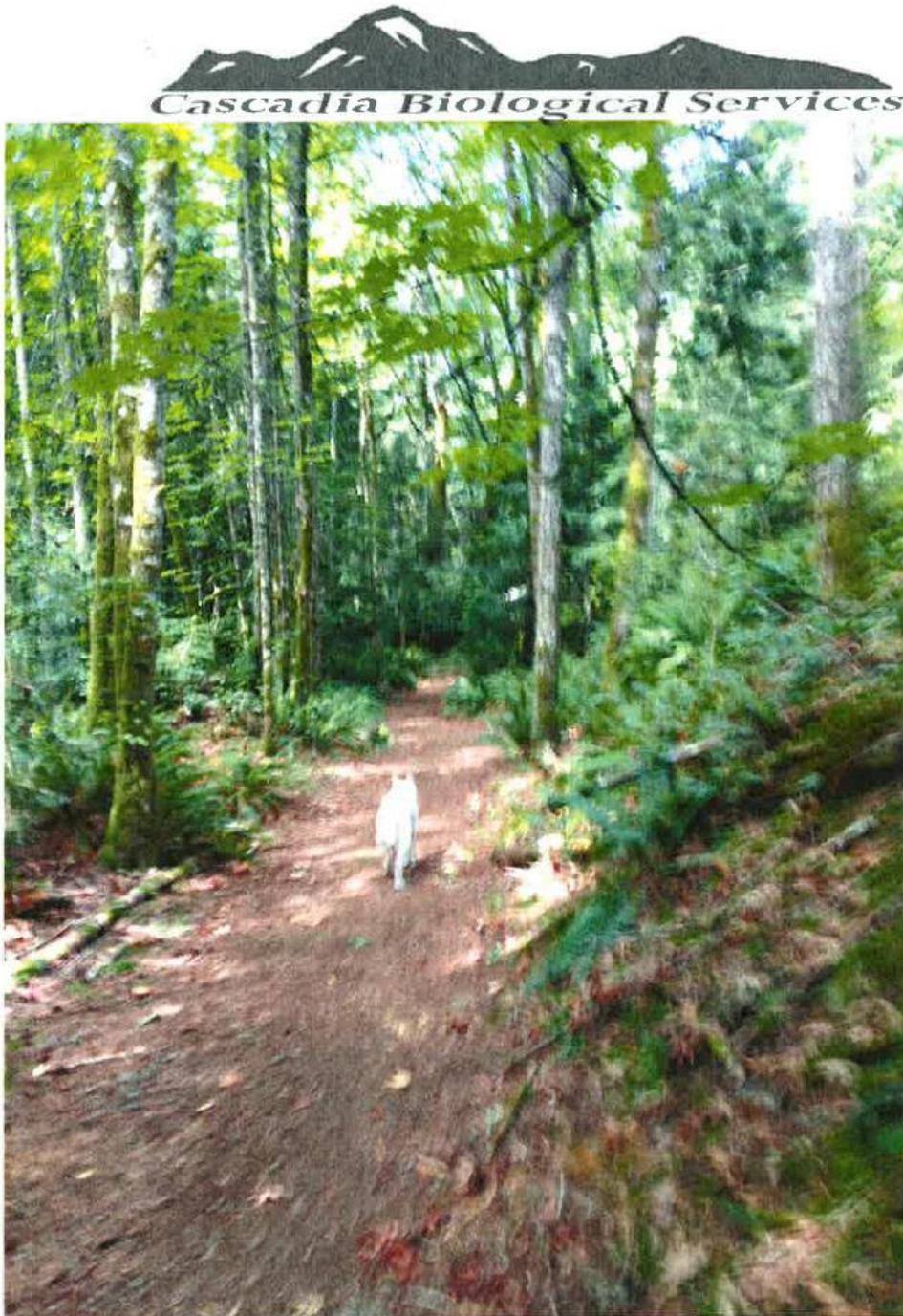


Plate #1 – Typical view (older second generation forests – fir dominant) along proposed driveway route. Note previous clearing width for trail through property



Plate #2 – Typical view of Douglas fir/Arbutus habitat (within the proposed clearing area for the house site)



Plate #3 – View of driveway crossing location. Note dry channel



Attachment IV – Tree Count Data

Lot 9 – Willis Point Road

Tree Count Assessment – August 12th 2013

The purpose of this tree cut application and assessment is to determine the number of trees required to be cut that are associated with a proposed driveway and house site (refer to Attachment I for site location). Tree counts within these areas encompassed all species with DBH greater than 20cm.

Tree Count Area #1 (Proposed Driveway – Refer to Attachment I for driveway location)

Dominant Vegetation –Maple (MP)/Alder (AL)/Douglas Fir (DF)/Arbutus (AB)/Willow (WI)

Total trees to be felled based on a stems per hectare count of 500 ($r=7.98$)(50X10) is 145 based on a total proposed disturbed area of 0.29ha. This number is high as the actual number of trees is somewhat less given that an old skidder road is already in place through much of the proposed length. The composition of trees in the stems per hectare calculation is presented below.

MP	AL	DF	AB	WI
1	1	5	2	1

Tree Count Area #2 (Proposed House Site – Refer to Attachment I for house site location)

Dominant Vegetation – Douglas Fir (DF)/Arbutus (AB)

Total trees to be felled based on a stems per hectare count of 350 ($r=7.98$)(50X7) is 53 based on a total proposed disturbed area of 0.15ha (30m X50m proposed clearing area). The composition of trees in the stems per hectare calculation is presented below.

DF	AB
4	3



Attachment V

Specific Recommendations for Works Within Proposed Construction Area

Lot 9 – Willis Point Road

August 15th, 2013

Works within sensitive habitat polygons (second generation forest and riparian area) associated with driveway and house site clearing/construction.

- A Professional Biologist on site will strictly monitor all work associated with the driveway and house site clearing area and adhere to all recommendations as outlined in the *Environmental Objectives, Best Management Practices and Requirements for Land Developments*. As well:
 - Ensure construction will proceed smoothly without harmful alteration of habitat;
 - Provide long-term monitoring for disturbed sites until green-up is established and the soils at the site are stable.
- Heavy equipment (excavators etc.) working on the driveway and house site area will be monitored for leaks (oil, hydraulic fluid etc.) daily.
- Disturbances to riparian vegetation and older second generation forests will be minimized where possible.
- Sediment control measures will be installed along disturbed areas.
- Sensitive habitats within construction areas will be flagged/delineated with both high visibility flagging and fencing in order to minimize impacts and overall disturbances.
- Disturbed areas will be revegetated with native plants of a size that will quickly re-establish riparian cover when construction activities are deemed complete.
- Detailed direction to contractors will be given to ensure that no erosion or sediment movement will occur and that no silt will be released to surrounding habitats.



- Construction of nesting boxes with old growth attributes to accommodate the loss of older second-generation forest if any arise from proposed construction (minimum of two required).
- Special attention to noise including blasting activities and overall disturbances will also have to be strictly monitored in and around this site, specifically, during the time period of January 30th and June 30th when nesting activities (various raptors) in and around the area are expected to occur.

Tree Cut Within DPA

- Minimize disturbances to vegetation outside of those areas needed to build driveway and house site.
- Where possible, fall trees away from sensitive habitats as determined by on-site biologist.

Appendix 5: Section 9 Water Act Notification



MINISTRY OF ENVIRONMENT

Approval Application or Notification for Changes In and About a Stream

Under Section 9 of the Water Act and Part 7 of the Water Act Regulations
*Incomplete or inaccurate forms do not constitute Notification & will not be accepted.
 Proceeding with works after submission of an incomplete or inaccurate form would be a violation of the Water Regulation*

APPROVAL APPLICATION NOTIFICATION¹ (see USERS' GUIDE)

1. Applicant Information			
Name: <u>Joel Cotter</u>			
Address: <u>799 Melody Place</u>			
City: <u>Victoria</u>	Province: <u>BC</u>	Postal code: <u>V9E 2A2</u>	
Phone: <u>250 450-8146</u>	e-mail: <u>JMCsouth@Telus.net</u>		

2. Location of Works			
Street Address of Works (or nearest town): <u>1215 Willis Point RD</u>			
Stream Name: <u>Unnamed creek Tributary</u>		Flows into: <u>ocean</u>	
Location on Stream: <u>Headwaters</u>			
Reference Landmarks: <u>CLVIC Numbers</u>		Amount of disturbance in m ² : <u>50</u>	
Multiple Sites: YES/NO: <u>NO</u>		Number of sites: <u>1</u>	
Latitude: <u>48 33 31</u>	Longitude: <u>123 29 15</u>	Elevation: <u>250 m</u>	
Legal description of property where work is proposed: <u>PID 003 087509</u>			

3. Drawing, Plan and Site Map

1. Attach drawing showing lot boundaries, location of buildings and of proposed works, stream direction and flow.
2. Attach a key map at an appropriate scale showing the location of the site.
3. Attach engineering drawings (may be required for works identified with 'c' under **Requires Approval** section below).

4. Proposed Timing for Work	
Start (day/month/year): <u>01/09/2013</u>	Finish (day/month/year): <u>30/09/2013</u>

FOR OFFICE USE ONLY	
Date Received:	Water File Number:
	Client Number:
	Application Number:
	Amount Received:
	Receipt Number:

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5. Type of Works	
<p>Requires Approval:</p> <p><input type="checkbox"/> Bank Erosion Protection ^E</p> <p><input type="checkbox"/> Bridge Installation/maintenance/removal (other than clear span) ^E</p> <p><input type="checkbox"/> Stream Diversion ^{QP} Diversion berm structure plan required</p> <p><input type="checkbox"/> Large Debris Removal – by machine ^{QP} plan required</p> <p><input type="checkbox"/> Gravel Removal ^{QP}</p> <p><input type="checkbox"/> Other: Provide details in space below</p> <p>*Provide culvert dimensions: Length: Width: Diameter:</p> <p>^E Professional Engineer may be required ^{QP} Qualified Professional may be required</p>	<p>Requires Notification:</p> <p><input checked="" type="checkbox"/> Installation*/maintenance/removal of road crossing culvert (*follow Forest Practices Code Stream Crossing Guidebook)</p> <p><input type="checkbox"/> Construction/maintenance/removal of a clear span bridge</p> <p><input type="checkbox"/> Construction/maintenance of a pipeline crossing</p> <p><input type="checkbox"/> Construction/maintenance/removal of a pier or wharf</p> <p><input type="checkbox"/> Cutting of annual vegetation in a stream channel</p> <p><input type="checkbox"/> Repair/maintenance of existing dike or erosion protection works</p> <p><input type="checkbox"/> Construction/maintenance of storm water outfalls</p> <p><input type="checkbox"/> Control of Eurasian Watermilfoil or other aquatic vegetation</p> <p><input type="checkbox"/> Construction/maintenance of ice bridge, winter ford or snowfall</p> <p><input type="checkbox"/> Maintenance of minor and routine nature by a public utility</p> <p><input type="checkbox"/> Removal of a beaver dam (As authorized under the Wildlife Act)</p> <p><input type="checkbox"/> Small debris removal – by hand</p> <p><input type="checkbox"/> Construction of a temporary ford</p> <p><input type="checkbox"/> Construction of a temporary diversion around a worksite</p>
<p>The following require Notification <u>and</u> may only be undertaken by the Crown in right of either Canada or British Columbia, or their Agents:</p> <p>Federal/Provincial</p> <p><input type="checkbox"/> Construction/maintenance/removal of a flow or water level measuring device</p> <p><input type="checkbox"/> Construction/removal of a fish fence or screen, fish or game guard</p> <p><input type="checkbox"/> Restoration/maintenance of fish habitat</p> <p>The following require Notification <u>and</u> may only be undertaken by the Crown in right of either British Columbia, or a Municipality, or their Agents:</p> <p>Provincial/Municipal</p> <p><input type="checkbox"/> Restoration/maintenance of a stream channel</p> <p><input type="checkbox"/> Clearing of an obstruction from a bridge or culvert during a flood emergency¹</p> <p><input type="checkbox"/> Construction or placement of erosion protection works or flood protection works during a flood emergency²</p> <p>¹ Some activities fitting the description for Notification may be reviewed by Ministry/Agency staff, who may decide that an Approval is required</p> <p>² Must be completed under direction of the Crown. No notification is required prior to undertaking works, but a description of changes must be submitted to a habitat officer within 72 hours of the change</p> <p>^{QP} QP means a professional who through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within their area of expertise.</p>	
<p>Detailed Description of Work to be Performed (continue on next page):</p> <p>Total area disturbed by proposed works (all sites): <u>50</u> m²</p> <p>The purpose of this application is to apply for a road crossing to access a building site. The stream crossing will be for a 1st order non fish bearing stream on an old forestry grade. It is proposed that a</p>	

Detailed Description of Work to be Performed, continued (attach a separate document if more space is required):
 600mm CMP/CPP to be used and subgraded 10cm into the existing substrate. An R.P. Bio will supervise all works associated with the crossing including revegetation of disturbed areas. The culvert installation be completed in the dry as stream only flows in late fall

6. Land Ownership

Please check one of the following:
 The applicant is the owner of the property.
 The property is Crown land. Tenure/licence number:
 The property is owned by the following Landowner (i.e. Landowner is different from applicant):

Landowner's Name:
 Address:
 City: Province: Postal code:
 Phone: e-mail:

Do you have the Landowner's written approval to enter the land(s) to complete the works? Yes No
 Note: a) Ownership of all parcels of land on which the proposed works will occur must be identified, b) do not attach the written approval with the application, but keep it for your files as you may be asked to produce it during an inspection or audit.

7. Who is doing the Work?

Contact information for company designing and supervising construction of the work (if different from applicant):

Company Name: CASCADIA BIOLOGICAL SERVICES
 Contact Name: Thomas Roy Professional Affiliation: R.P. Bio
 Address: 772 Goldstream Ave. PO Box 27034
 City: Victoria Province: BC Postal Code: V9B5S4
 Phone: 250 588-4864 e-mail: CASCADIA.BIOLOGICAL@SHAW.CA

Contact information for company undertaking the construction (if different from applicant):

Company Name: Applicant
 Contact Name:
 Address:
 City: Province: Postal Code:
 Phone: e-mail:

8. Statement of Intent

By submitting this application form, I declare that the information contained on this form is complete and accurate information. I have read, understood and will meet the requirements to construct works and changes in and about a stream in accordance with Section 9 of the *Water Act* and Part 7 *Water Act* Regulations including, for Notifications, Terms and Conditions as specified by a Habitat Officer of the Ministry of Environment.

Signed:  _____

Application Date: 23/07/2013
day/month/year

9. Submission Instructions

Send the completed form along with the following attachments to the local office in which the proposed works are located. Addresses for local offices are listed on the instruction sheet. **Please note that the Approval application fee of \$130 is non-refundable.** If the proposed works require an Approval, prior to proceeding further with this application please ensure that this project will be able to proceed under the *Federal Fisheries Act*.

- Refer to Attachments I and II*
- Sketch plan (mandatory)
 - Engineering drawing (mandatory for works requiring approval noted with ^E)
 - Key location map (mandatory)
 - For works requiring an Approval, a cheque or money order for \$130 payable to: Minister of Finance. The fee is non-refundable.

10. Responsibilities

You are required to comply with all applicable federal, provincial and municipal laws and regulations. If you anticipate that the planned work may result in harmful alteration, disruption or destruction of fish habitat you should send a copy of your completed Notification/Approval Application directly to the nearest office of Fisheries and Oceans Canada. Review and comment by DFO may necessitate changes to the proposed works.

Has a copy of this notification/approval application been sent to Fisheries and Oceans Canada (check one)?
YES NO

If YES, indicate the DFO office that the notification/approval application has been sent (for DFO offices, see Users' Guide):



