

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **September 18, 2018 at 7 p.m.**

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

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**AGENDA**

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of July 17, 2018
4. Chair's Report
5. Planner's Report
6. Development Permit with Variance Application
  - a) DV000055 - Lot 12, Section 43, Highland District, Plan 14620 (6778 Mark Lane)
7. Development Variance Application
  - a) VA000146 - Lot 10, Section 76, Renfrew District, Plan VIS4766 (2900 Fishboat Bay Road)
8. Rezoning Applications
  - a) RZ000256 - Lot 1, Section 128, Sooke District, Plan VIP58851 (5480, 5488 & 5494 Mt. Matheson Road)
  - b) RZ000258 - Lot 2, Section 95, Sooke District, Plan 45068 (1021 Parkheights Drive)
9. Comprehensive Community Plan Amendment Application
  - a) RZ000242 - That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342);  
Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125) (17110 Parkinson Road);  
That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) (6598 Baird Road); and  
Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less
10. Adjournment



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee**  
**Held Tuesday, July 17, 2018, at the Juan de Fuca Local Area Services Building**  
**3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Mike Hicks (Chair), Stan Jensen, Roy McIntyre, Ron Ramsay, Sandy Sinclair, Art Wynans  
**Staff:** Emma Taylor, Planner, Local Area Planning; Wendy Miller, Recorder  
**ABSENT:** Dale Risvold  
**PUBLIC:** 6

The meeting was called to order at 7:00 p.m.

**1. Approval of the Agenda**

The Chair requested that the agenda be amended to consider application RZ000252 first followed by application RZ000253.

**MOVED** by Sandy Sinclair, **SECONDED** by Art Wynans that the agenda be approved, as amended. **CARRIED**

**2. Approval of the Supplementary Agenda**

None.

**3. Adoption of Minutes from the Meeting of June 19, 2018**

**MOVED** by Sandy Sinclair, **SECONDED** by Ron Ramsay that the minutes from the meeting of June 19, 2018, be adopted. **CARRIED**

**4. Chair's Report**

The Chair reported that he attended the first meeting of the Wild Salmon Advisory Council in Vancouver.

The Chair further reported that the CRD Board adopted Bylaw No. 4000, "East Sooke Official Community Plan Bylaw No. 5, 2018" and Bylaw No. 4001, "Shirley – Jordan River Official Community Plan Bylaw No. 5, 2018" at its July 11, 2018 meeting.

**5. Planner's Report**

Emma Taylor confirmed that the Land Use Committee will adjourn for the month of August and advised of the following meetings:

Juan de Fuca Board of Variance

Date: Monday, July 23, 2018

Time: 6 pm

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

Public Hearing on Bylaw No. 4216

Date: Thursday, August 9, 2018

Time: 6 pm

Place: Port Renfrew Community Centre, 6638 Deering Road, Port Renfrew, BC

**6. Official Community Plan Amendment and Rezoning Application**

**a) RZ000252 - Lot 1, District Lot 17, Renfrew District, Plan VIP57304 (Osprey Place)**

Emma Taylor spoke to the staff report and the request to re-designate the subject property from Residential (R) to Tourism Commercial (TC), and to rezone the land from Community Residential – One (CR-1) to Tourism Commercial - One (TC-1), in order to provide guest accommodation in conjunction with an existing fishing guide business.

Emma Taylor confirmed that:

- a land designation change is required to support the commercial operation
- use of the land as a tourism commercial operation would be in keeping with the majority of properties located on the west side of the Port Renfrew town site
- properties to the east of the subject property are zoned Residential (R) and have development potential to support future housing needs
- the bylaw will be referred to the CRD Board for a determination of consistency with the Regional Growth Strategy (RGS) prior to first reading as the application proposes to amend the Official Community Plan portion (Schedule 'A') of Bylaw No. 3109

The Chair confirmed that the applicants were present.

The LUC stated that there is demand for the commercial accommodation that is proposed.

**MOVED** by Roy McIntyre, **SECONDED** by Sandy Sinclair that staff be directed to refer proposed Bylaw No. 4254, "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 2018" to a Public Information Meeting, to appropriate CRD departments and the following external agencies for comment.

BC Hydro	Island Health	RCMP
Cowichan Valley Regional District	Ministry of Transportation and Infrastructure	Sooke School District #62
District of Sooke	Pacheedaht First Nation	

**CARRIED**

Staff confirmed that the Public Information Meeting will be held on August 9 in Port Renfrew after the close of the Public Hearing on Bylaw No. 4216.

Director Hicks turned the meeting over to the Vice Chair and left the meeting at 7:08 p.m., declaring conflict of interest with application RZ000253.

**7. Rezoning Application**

**a) 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 a new Rural Residential 6A (RR-6A) zone, in order to facilitate a 9-lot subdivision. Emma Taylor outlined the professional reports submitted by the applicant supporting the application.

Emma Taylor confirmed that:

- the bylaw will not be referred to the CRD Board for a determination of consistency with the RGS as the application does not propose to amend the Official Community Plan
- the proposed new zone would be added to Bylaw No. 2040
- the policies of the Settlement land use designation of the new East Sooke Official are supportive of a transition from the Rural A zone to a zone that accommodates fee simple subdivision
- a subdivision layout has not been finalized but access is proposed through a pending subdivision off Cole Road and from East Sooke Road
- the environmental overview assessment of the property identified areas as holding environmental significance due to larger old growth trees
- the area holding larger old growth trees is identified as an environmental protection area on the rezoning concept plan and would act as a natural wildlife corridor through the area

LUC comments included:

- support for reconsidering the location of the environmental protection area as it currently zigzags through the property
- support for moving the environmental protection area to the south to run above Lot 6, 7, 8 and 9 (VIP76234) to act as a privacy buffer

The applicant stated that the environmental protection area follows a steep ravine on the property.

Emma Taylor responded to questions from the LUC stating that:

- the environmental overview assessment examined the ecosystem values of the property
- there will be opportunity to review the proposed protection area through the development permit process
- due to the number and size of lots proposed by the subdivision, park dedication is required
- the LUC does not review subdivision applications or development permit applications
- the proposed zone has been drafted specifically for this application

The LUC questioned having Silviculture, Veterinary Clinic and Animal Hospital as permitted uses in a residential subdivision as proposed by Bylaw No. 4246.

**MOVED** by Art Wynans, **SECONDED** by Stan Jensen that the Land Use Committee strike Veterinary Clinic and Animal Hospital as permitted uses from proposed Bylaw No. 4246.

The applicant stated no objection to the amendment.

The Vice Chair called the question.

**CARRIED**



**MOVED** by Sandy Sinclair, **SECONDED** by Roy McIntyre that staff be directed to refer proposed Bylaw No. 4246, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 134, 2018", as amended, to the East Sooke Advisory Planning Commission, to appropriate CRD departments and the following external agencies for comment:

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

**CARRIED**

Staff confirmed that a meeting of the East Sooke Advisory Planning Commission will be held on August 8.

**8. Adjournment**

The meeting adjourned at 7:27 p.m.

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Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 18, 2018**

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**SUBJECT**      **Development Permit with Variance for Lot 12, Section 43, Highland District,  
Plan 14620 – 6778 Mark Lane**

**ISSUE**

A request has been made for a development permit with variance to decrease the exterior side yard setback requirements of the Community Residential One (CR-1) zone, and to address the Steep Slopes and the Foreshore, Wetlands and Riparian Areas Development Permit (DP) guidelines for the construction of a single-family dwelling.

**BACKGROUND**

The 0.1 ha subject property is located at 6778 Mark Lane in Willis Point and is zoned CR-1 in the Comprehensive Community Plan for Willis Point, 2002, Bylaw No. 3027. The property is bounded by CR-1 zoned properties to the south, Mark Lane to the east, an undeveloped road right-of-way to the north, and Saanich Inlet to the west (Attachment 1). The property is designated within the Steep Slope and the Foreshore DP Areas in Bylaw No. 3027.

Construction of a two-storey boathouse began in 2003 and the building permit remains incomplete. Covenant EV93931 is registered on title restricting habitable use of the structure. A development permit with variance (DP-05-08) was issued in 2008 for construction of a dwelling, but the permit expired as construction had not commenced within two years of issuance. Improvements to the property have since been made, including site grading, installation of a septic system and driveway.

The applicant has now requested a new development permit with variance in order to proceed with construction of a single-family dwelling and installation of associated services. A geotechnical report has been submitted to address the DP guidelines (Attachment 2) and a site survey has been submitted for the request to reduce the exterior side yard setback from 4.6 m to 1.5 m (Attachment 3). The owner has also obtained a permit from the Ministry of Transportation & Infrastructure (MoTI) for siting the proposed dwelling within proximity of the road right-of-way (Attachment 4).

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

1. That Development Permit with Variance DV000055, for Lot 12, Section 43, Highland District, Plan 14620 for the purpose of constructing a single-family dwelling and making improvements to the driveway and septic system, be approved.
2. That DV000055 be denied and require the development to comply with zoning requirements and that a Development Permit be obtained.
3. That the application be referred back to staff for more information.

### **LEGISLATIVE IMPLICATIONS**

The Willis Point Comprehensive Community Plan, Bylaw No. 3027, Schedule A, Section 4.10, designates DP areas and outlines development guidelines. The property is within the Steep Slopes and the Foreshore, Wetlands and Watercourses DP areas; therefore, a development permit is required.

The Willis Point Comprehensive Community Plan, Bylaw No. 3027, Schedule B, Part IV, Section 22, specifies setback requirements for the CR-1 zone. A development variance permit is required in order to vary these requirements.

### **PUBLIC CONSULTATION IMPLICATIONS**

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a given distance as specified by bylaw. Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the September 18, 2018, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

### **LAND USE IMPLICATIONS**

**Development Permit:** The applicant has submitted a geotechnical report prepared by Lane Campbell, M.Eng., P.Eng., of Ryzuk Geotechnical, dated November 21, 2017, to address the Steep Slope and the Foreshore DP guidelines (Attachment 2). The report describes the site as sloping down to the west at an angle of approximately 30 degrees. There is an existing driveway with retaining walls down to a level plateau area and a concrete sea wall near the natural boundary of the sea. Vegetation on site is sparse with only a few mature trees rooted into shallow overburden soils. No evidence of significant surface water drainage was observed.

The engineer states that there is minimal existing vegetation on site and additional tree removal is not expected to adversely affect slope stability or induce significant erosion. The DP guidelines specify that disturbed sites be revegetated using plant material indigenous to the site or other suitable non-invasive plants and this has been included as a condition of the permit. Development is to be designed to avoid storm water runoff that could destabilize slopes or cause damage to neighbouring properties. The engineer recommends that storm water be discharged on to the rocky shoreline to maintain the existing runoff regime. Erosion control measures are to be specified in the permit and the engineer recommends that silt mitigation measures be installed during construction in the rainy season. The recommendations outlined in the engineer's report are included as conditions of the permit.

The engineer's report states that the site is not subject to geo-hazards such as rock fall, instability or erosion, and the site may be used safely for the use intended. There is no flood plain bylaw pertaining to Willis Point; however, the engineer recommends that the lowest habitable floor area be above a 5 m Geodetic flood construction level.

**Variance:** The configuration of the subject property widens towards the foreshore and the owner is proposing a building design that is 18.2 m by 9.1 m. The building site for the proposed single-family dwelling is within the 4.6 m exterior side yard setback established by the CR-1 zone. A previous development variance permit (DP-05-08) was approved for a reduction of the exterior side yard to 1.5 m and the rear yard setback to 4.5 m in 2008; however, that permit has now expired. The owner has changed the siting of the building so that it meets the 6 m rear yard

setback requirement of the CR-1 zone; however, it is still proposed to be located 1.5 m from the exterior side lot line.

The Ministry of Transportation and Infrastructure (MoTI) has jurisdiction over road rights-of-way in the Electoral Area and regulates structures within 4.5 m of a property line fronting a provincial highway. The owner has obtained a permit from MoTI for siting the proposed dwelling within 1.5 m of the adjacent road right-of-way. This right-of-way is currently undeveloped and not used for public water access.

Development Permit with Variance DV000055 (Attachment 5) has been prepared for consideration to authorize the proposed development, which includes construction of a dwelling within 1.5 m of the exterior side lot line, septic system and driveway.

Staff recommend approval of the development permit with variance, subject to public notification.

### **CONCLUSION**

The applicant is requesting a development permit with variance for the purpose of constructing a dwelling within the CR-1 zone and the steep slopes and foreshore DP areas in the Willis Point Comprehensive Community Plan, Bylaw No. 3027. The applicant has provided a geotechnical engineer's report to address the DP guidelines that includes recommendations for construction. A survey plan has also been submitted to indicate the requested variance to reduce the exterior side yard setback from 4.6 m to 1.5 m.

### **RECOMMENDATION**

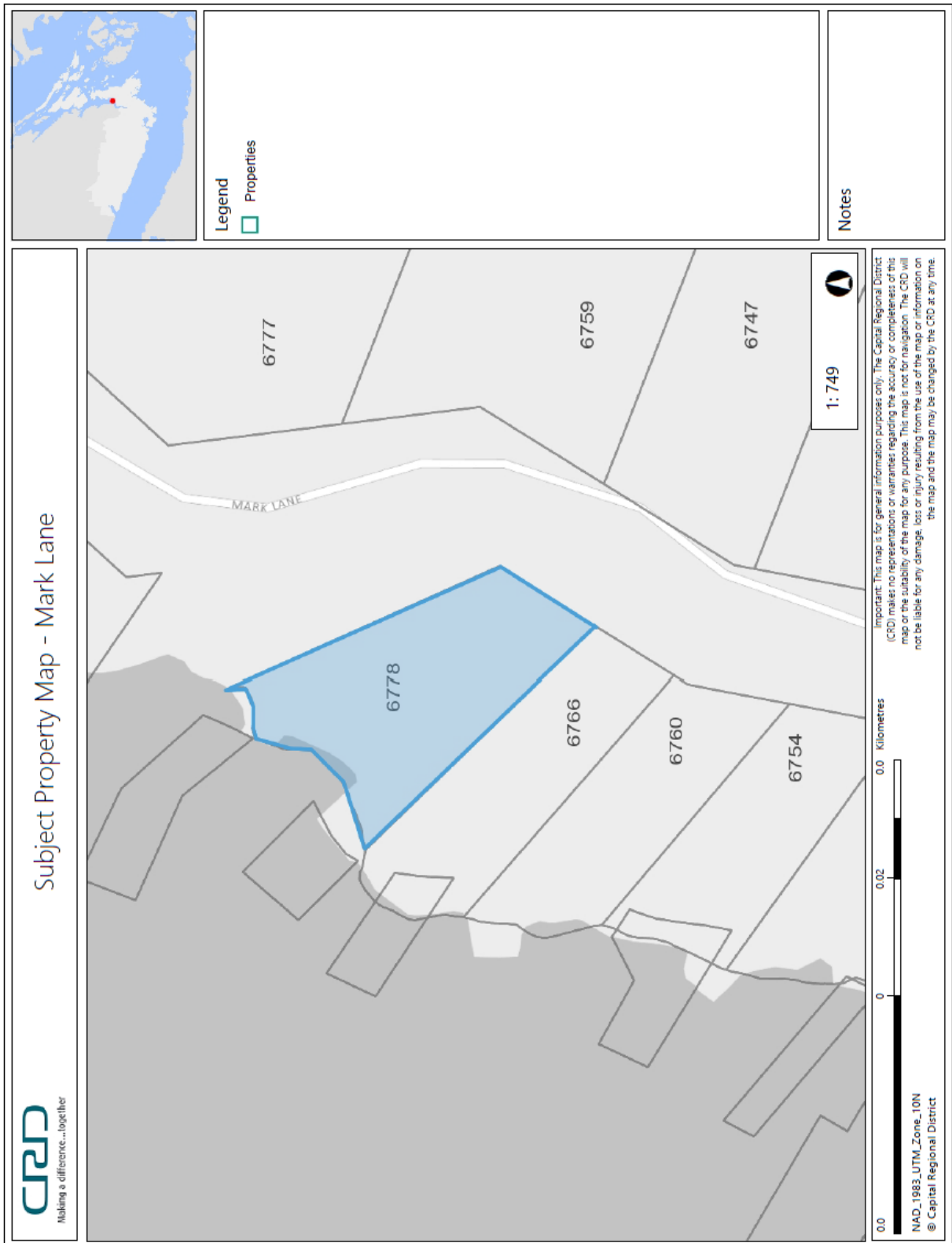
That the Land Use Committee recommends to the Capital Regional District Board:

That Development Permit with Variance DV000055, for Lot 12, Section 43, Highland District, Plan 14620 for the purpose of constructing a single-family dwelling and making improvements to the driveway and septic system, be approved.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

- Attachment 1: Subject Property Map
- Attachment 2: Geotechnical Report
- Attachment 3: Survey Plan
- Attachment 4: MoTI Permit
- Attachment 5: Development Permit with Variance DV000055

Attachment 1: Subject Property Map



Attachment 2: Geotechnical Report

CRD



**RYZUK GEOTECHNICAL**

Engineering & Materials Testing

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

November 21, 2017

File No: 8-5027-1



Re: Proposed Single Family Residence  
6778 Mark Lane - Willis Point, B.C.

As requested, we attended the referenced site on November 15, 2017, to assess the existing geotechnical conditions as such relate to the proposed construction of a single-family residence. The site is located within the Willis Point Official Community Plan (OCP) Development Permit Area No 1: Steep Slopes. In this regard, 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 an irregular shaped parcel of land, bounded to the west by Finlayson Arm, and to the east by Mark Lane. Similar residential developments bound the north and south perimeters. The overall topography of the site is generally sloping down to the west at a moderate to steep angle of roughly 30 degrees. The overall elevation difference across the site was estimated at 20 to 25 m.

The site has been partly developed, with the construction of the driveway leading down to a level, gravel surfaced, plateau. To create the driveway, a few tiered, dried stack retaining walls were placed along the low side of the driveway (east side of the level plateau), with a near vertical, blasted rock slope along a portion of the south perimeter. Relatively minor cuts and fills were required to create the level plateau, with the natural slopes below consisting of exposed bedrock, and/or surficial rooty overburden soils over such. Steel reinforced concrete sea-walls, bearing on and anchored into, bedrock exist near the Natural Boundary. To the east of the site, across the road, steep rock cuts exist, as a result of the long-ago construction of Mark Lane. Vegetation on site is sparse, with only a few mature trees rooted into the shallow overburden soils. There was no evidence of significant surface water flow or drainage features.

The surface conditions observed on site consist of localized fills, and either outcropping bedrock or a thin veneer of colluvium soil (sandy gravelly silt) upon shallow bedrock. We observed bedrock outcrops throughout the foreshore slope. The colluvium soil is expected to be up to a depth of 1.0 m, with potential for some thicker deposits in localized bedrock depressions. Based on our site reconnaissance, we do not expect that the site is subject to geohazards such as rock fall, slope instability and erosion. However, it would not be unusual to observed runoff water during storm events displacing soil and rock in areas of exposed mineral soils.

We understand that the proposed three level residence will be located near the center/east side of the site, with the garage and main floor begin roughly at the elevation of the plateau. The lowest habitable floor

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Ryzuk Geotechnical

6778 Mark Lane – Willis Point, BC

November 21, 2017

level will be above 5 m Geodetic, which would be considered the minimum Floor Construction Level (FCL) for this area. Typical spread footing foundations are anticipated to bear on bedrock, appropriately pinned into the rock where the subgrade is sloping more than 6H:1V, and where such is not naturally or artificially keyed.

The foreshore slope is bedrock controlled, and we do not anticipate that soft landscaping work or additional tree removal would cause any adverse affects to the stability of the slope. However, such will need to be reviewed once design details are available. We anticipate that site preparation will entail rock cuts. Localized stabilization and/or retaining walls may be required along the permanent cutslopes, depending on materials observed upon assessment of the slope after excavation. Any rock blasting should be undertaken with care to ensure that the associated detonation doesn't excessively break the rock resulting in loose subgrade for the proposed residence and/or induced instability along the crest of the slope. All permanent cutslopes in the overburden soil should be sloped at 2 H:1V and bedrock should be excavated at roughly 0.25 to 0.5 H:1 V subject to confirmation by inspection at time of construction. Standard measures to avoid fly rock and to limit vibrations to less than 50 mm/s at the adjacent residences are to be implemented. Fill placement upon the slope should be avoided and/or reviewed by a geotechnical professional, once further design details are available.

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

It is expected that the proposed residence will not significantly increase the impervious surface area. The collected storm water from the residence should be directed by way of a solid pipe to the beach, and directly discharged on rock to maintain the existing runoff regime as much as possible. We do not expect that any 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 be completed without slope instability and long-term erosion. We do not expect that the construction of the proposed single-family residence 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. If you have any questions with respect to the above, please contact us.

Yours very truly,  
Ryzuk Geotechnical

  
Lane Campbell, M. Eng., B. Eng.  
Senior Geotechnical Engineer

Attachment – Terms of Engagement

Ryzuk Geotechnical

Page 2

## 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.I.I



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.

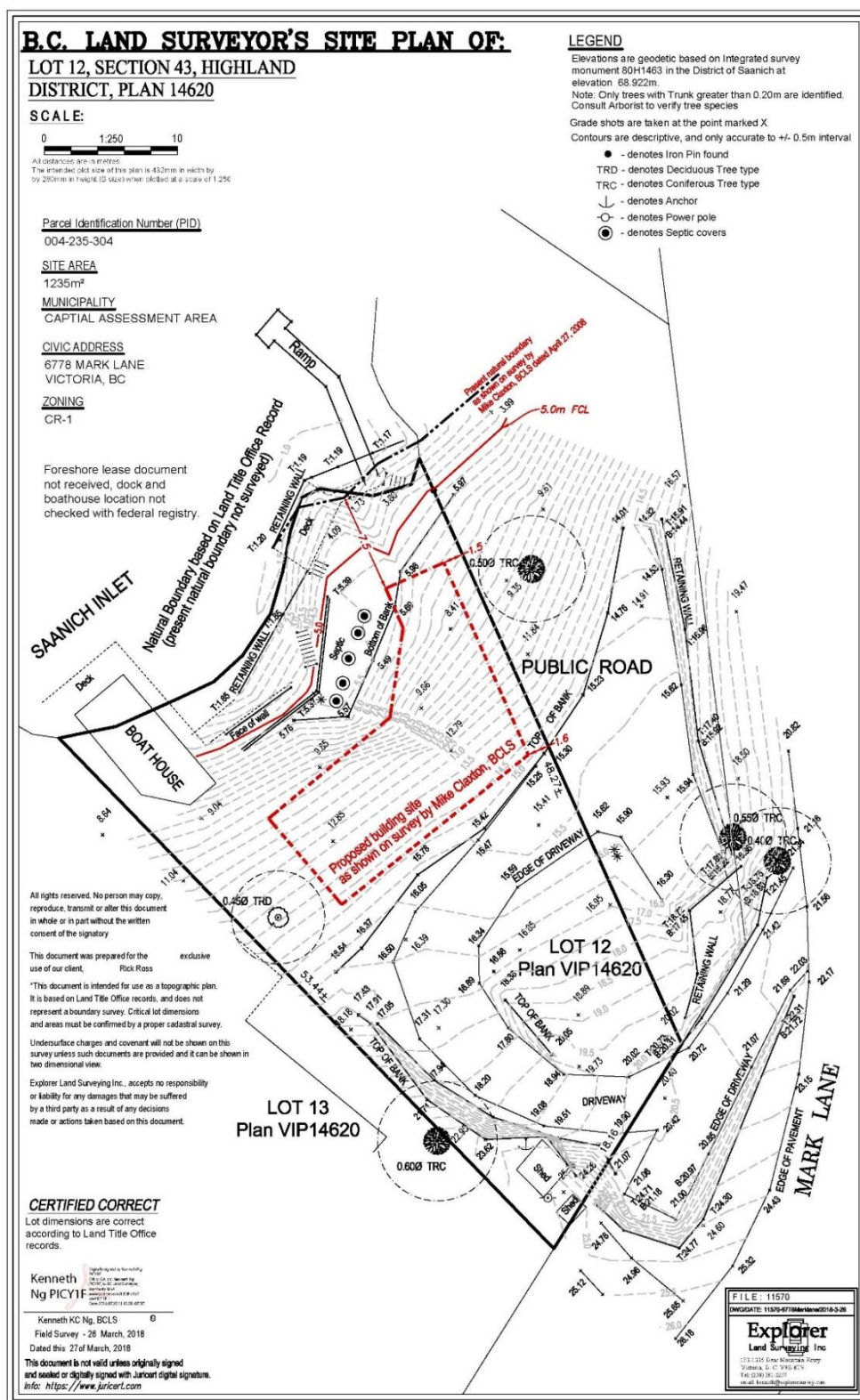
#### FIELD SERVICES

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.

V.I.I



Attachment 4: MoTI Permit



BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2017-07000

Office: Saanich Area Office

**PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE  
PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY**

**PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE  
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE  
NISGA'A FINAL AGREEMENT ACT.**

**BETWEEN:**

The Minister of Transportation and Infrastructure

Saanich Area Office  
240-4460 Chatterton Way  
Victoria, British Columbia V8X 5J2  
Canada

("The Minister")

**AND:**



("The Permittee")

**WHEREAS:**

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:  
  
The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a dwelling labeled 'Proposed building footprint as marked on site' on the attached survey plan within 4.5m setback from an unconstructed road dedication perpendicular to Mark lane .
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

- 1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
- 2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
- 3. Permitted structure must be constructed in accordance with attached location plan.
- 4. By accepting this permit the permittee acknowledges that all maintenance, repair and replacement of the permitted structure is the full responsibility of the permittee. Additionally the permittee must carry all applicable building permits and insurance for the permitted structure.



BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2017-07000

Office: Saanich Area Office

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Victoria, British Columbia, this 22 day of November, 2017

A handwritten signature in black ink, appearing to be 'GK' or similar, written over a horizontal line.

On Behalf of the Minister



BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2017-07000

Office: Saanich Area Office

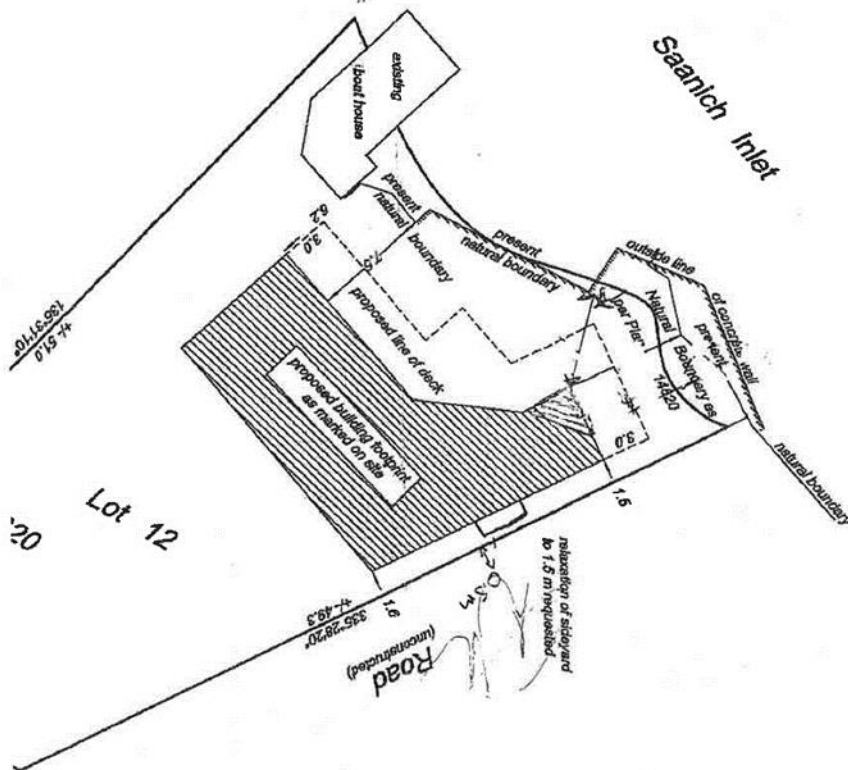
to 1:250

distances are in metres,  
dimensions derived from registered plans  
and verified by this survey.

MC ADDRESS: 6778 Mark Lane, Victoria B.C.

D. 004-235-304

B.C. Land Surveyor's Site Plan of  
Lot 12, Plan 14620,  
Section 43, Highland District.



Attachment 5: Development Permit with Variance DV000055



CAPITAL REGIONAL DISTRICT

**DEVELOPMENT PERMIT WITH VARIANCE NO. DV000055**

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and to buildings, structures, and other development thereon:  
**PID: 004-235-304;**  
**Legal Description: Lot 12, Section 43, Highland District, Plan 14620 (the "Land")**
3. This development permit authorizes construction and installation of a single-family dwelling and improvements to associated services including a driveway and septic system (the "development") on the Land, located within the development permit areas established by the Comprehensive Community Plan for Willis Point, Bylaw No. 1, 2002, Schedule A, Section 4.10.3 (Steep Slopes) and Section 4.10.4 (Foreshore, Wetlands and Riparian Areas), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
  - a. That the components of the development occur within the areas identified as the "Proposed Building Site", "Septic" and "Driveway" on the Survey Plan, prepared by Kenneth Ng, BCLS, dated March 27, 2018, to protect the development from hazardous conditions and to protect the natural environment, its ecosystems and biological diversity, and that the remainder of the Land outside the Proposed Building Site remain free of development;
  - b. That the development comply with the recommendations outlined in the report prepared by Lane Campbell, M.Eng., P.Eng., of Ryzuk Geotechnical, dated November 21, 2017 (the "Geotechnical Report"); and
  - c. That, upon substantial completion of the development, a final report be submitted from a qualified professional confirming that the recommendations outlined in the Geotechnical Report have been completed in accordance with the report.
5. The Capital Regional District's Bylaw No. 3027, Schedule B, is varied under section 498 of the *Local Government Act* as follows:
  - a. That Schedule B, Part IV, Section 22 2(d)(i) be varied by reducing the exterior side yard setback of the Community Residential One (CR-1) zone from 4.6 m to 1.5 m for the purpose of constructing a single-family dwelling, as shown on the Survey Plan, dated March 27, 2018, prepared by Kenneth Ng, BCLS, of Explorer Land Surveying.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000055) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.



DV000055

9. The following plans and specifications are attached to and form part of this Permit:
- 1) Survey Plan prepared by Kenneth Ng, BCLS, of Explorer Land Surveying, dated March 27, 2018;
  - 2) Geotechnical Report prepared by Lane Campbell, M.Eng., P.Eng., of Ryzuk Geotechnical, dated November 21 2017.
10. This Permit is NOT a Building Permit.
11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

**RESOLUTION PASSED BY THE BOARD, THE \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

**ISSUED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018

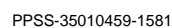
\_\_\_\_\_  
Corporate Officer





Attachment 1: Survey Plan

DV000055





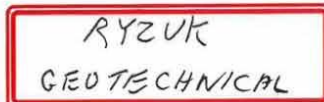


Making a difference...together

Attachment 2: Geotechnical Report

DV000055

CRD



**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

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

November 21, 2017  
File No: 8-5027-1



Re: Proposed Single Family Residence  
6778 Mark Lane - Willis Point, B.C.

As requested, we attended the referenced site on November 15, 2017, to assess the existing geotechnical conditions as such relate to the proposed construction of a single-family residence. The site is located within the Willis Point Official Community Plan (OCP) Development Permit Area No 1: Steep Slopes. In this regard, 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 an irregular shaped parcel of land, bounded to the west by Finlayson Arm, and to the east by Mark Lane. Similar residential developments bound the north and south perimeters. The overall topography of the site is generally sloping down to the west at a moderate to steep angle of roughly 30 degrees. The overall elevation difference across the site was estimated at 20 to 25 m.

The site has been partly developed, with the construction of the driveway leading down to a level, gravel surfaced, plateau. To create the driveway, a few tiered, dried stack retaining walls were placed along the low side of the driveway (east side of the level plateau), with a near vertical, blasted rock slope along a portion of the south perimeter. Relatively minor cuts and fills were required to create the level plateau, with the natural slopes below consisting of exposed bedrock, and/or surficial rooty overburden soils over such. Steel reinforced concrete sea-walls, bearing on and anchored into, bedrock exist near the Natural Boundary. To the east of the site, across the road, steep rock cuts exist, as a result of the long-ago construction of Mark Lane. Vegetation on site is spare, with only a few mature trees rooted into the shallow overburden soils. There was no evidence of significant surface water flow or drainage features.

The surface conditions observed on site consist of localized fills, and either outcropping bedrock or a thin veneer of colluvium soil (sandy gravelly silt) upon shallow bedrock. We observed bedrock outcrops throughout the foreshore slope. The colluvium soil is expected to be up to a depth of 1.0 m, with potential for some thicker deposits in localized bedrock depressions. Based on our site reconnaissance, we do not expect that the site is subject to geohazards such as rock fall, slope instability and erosion. However, it would not be unusual to observed runoff water during storm events displacing soil and rock in areas of exposed mineral soils.

We understand that the proposed three level residence will be located near the center/east side of the site, with the garage and main floor begin roughly at the elevation of the plateau. The lowest habitable floor

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Ryzuk Geotechnical



DV000055

6778 Mark Lane – Willis Point, BC

November 21, 2017

level will be above 5 m Geodetic, which would be considered the minimum Floor Construction Level (FCL) for this area. Typical spread footing foundations are anticipated to bear on bedrock, appropriately pinned into the rock where the subgrade is sloping more than 6H:1V, and where such is not naturally or artificially keyed.

The foreshore slope is bedrock controlled, and we do not anticipate that soft landscaping work or additional tree removal would cause any adverse affects to the stability of the slope. However, such will need to be reviewed once design details are available. We anticipate that site preparation will entail rock cuts. Localized stabilization and/or retaining walls may be required along the permanent cutslopes, depending on materials observed upon assessment of the slope after excavation. Any rock blasting should be undertaken with care to ensure that the associated detonation doesn't excessively break the rock resulting in loose subgrade for the proposed residence and/or induced instability along the crest of the slope. All permanent cutslopes in the overburden soil should be sloped at 2 H:1V and bedrock should be excavated at roughly 0.25 to 0.5 H:1 V subject to confirmation by inspection at time of construction. Standard measures to avoid fly rock and to limit vibrations to less than 50 mm/s at the adjacent residences are to be implemented. Fill placement upon the slope should be avoided and/or reviewed by a geotechnical professional, once further design details are available.

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

It is expected that the proposed residence will not significantly increase the impervious surface area. The collected storm water from the residence should be directed by way of a solid pipe to the beach, and directly discharged on rock to maintain the existing runoff regime as much as possible. We do not expect that any 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 be completed without slope instability and long-term erosion. We do not expect that the construction of the proposed single-family residence 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. If you have any questions with respect to the above, please contact us.

Yours very truly  
Ryzuk Geotechnical

Lane Campbell, M. Eng.  
Senior Geotechnical Engineer

Attachment – Terms of Engagement

Ryzuk Geotechnical

Page 2



DV000055

#### 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



DV000055

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 misstatement 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.

V.I.I



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 18, 2018**

---

**SUBJECT** Development Variance Permit For Strata Lot 10, Section 76, Renfrew District, Plan VIS4766

**ISSUE**

A request has been made for a development variance permit (VA000146) to reduce the side yard setback requirement for a principal building in the Forestry (AF) zone from 15 m to 9.5 m for the purpose of constructing an addition to the existing dwelling.

**BACKGROUND**

The 1.01 ha property is located at 2900 Fishboat Bay Road in Shirley and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Attachment 1). The property fronts onto Fishboat Bay Road to the north, the Strait of Juan de Fuca to the south, and AF zoned properties to the east and west. There is an existing home on each of the adjacent properties, and side yard setback variances were issued in conjunction with the construction of both residences.

A new dwelling was constructed on the subject property in 2010 in compliance with the AF zone regulations. The current dwelling replaced an older residence that had received approval from the Board of Variance to be located within the western side yard setback (BVJ-07-00). A subsequent variance was granted for construction of an over-height accessory building within the eastern side yard setback (BVJ-09-01). A development variance permit (VA000133) was issued on August 14, 2015, to allow the siting of an attached garage within 10 m of the side lot line; however, that permit expired as construction did not start within two years.

The applicant intends on commencing construction of the garage as noted on the site and building plans (Attachments 2 and 3) and has requested a development variance permit (Attachment 4) to reduce the western side yard setback from 15 m to 9.5 m.

The property is subject to a Foreshore and Marine Shoreline Development Permit Area and Floodplain specifications; however, all development proposed is outside the 15 m setback.

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

1. That Development Variance Permit VA000146 for Strata Lot 10, Section 76, Renfrew District, Plan VIS4766, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.07, by reducing the side yard setback of the Forestry (AF) zone from 15 m to 9.5 m for the purpose of constructing an addition to a single-family dwelling, be approved.
2. That the development variance permit be denied and require the proposed addition to comply with zoning requirements.
3. That the application be referred back to staff for more information.

### **LEGISLATIVE IMPLICATIONS**

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.07, specifies that the front, side, rear and flanking yards shall be a minimum of 15 m. A development variance permit is required in order to allow the proposed addition to be constructed 9.5 m from the western side parcel boundary.

### **PUBLIC CONSULTATION IMPLICATIONS**

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a distance specified by bylaw. Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 metres. Any responses received from the public will be presented at the September 18, 2018, Land Use Committee meeting.

### **LAND USE IMPLICATIONS**

The existing 142.5 m<sup>2</sup> dwelling was constructed in 2010 in accordance with the Forestry (AF) zone regulations. A development variance permit to allow the proposed addition to be sited 10 m from the western parcel line was approved by the CRD Board on August 14, 2018; however, the permit expired since construction had not started within two years. The owners are now requesting a variance to reduce the required side yard setback to 9.5 m.

The proposed addition includes a 64.8 m<sup>2</sup> double garage with second-storey living space, plus an 11.2 m<sup>2</sup> exterior deck. The proposed addition conforms to the height requirements and to the front, rear and east side yard requirements for the AF zone; however, the applicants are requesting a development variance permit for the structure to encroach into the 15 m western side yard setback.

The property was created through bareland strata with lot averaging. Therefore, although the AF zone has a minimum parcel size of 4 ha for subdivision, the subject property is 1.01 ha in size and is long and narrow. The parcel frontage is 52.3 m along Fishboat Bay Road and 52.64 m along the waterfront south of the proposed dwelling. There is a limited building envelope available to situate a house towards the waterfront. Adjacent properties have also received variances due to the limitations of the narrow property and setback requirements.

The adjacent parcel to the west, received approval of development variance permit VAR-04-14 in 2014 to reduce the eastern side yard setback from 15 m to 13 m, and the western side yard setback to 10 m, for the construction of a new dwelling. The adjacent parcel to the east, Lot 11, also received Board of Variance approval (BVJ-10-00) in 2000 to reduce the eastern side yard setback from 15 m to 7.69 m and the western side yard setback to 11.47 m, for the construction of a dwelling. While the AF zone establishes a 15 m side yard setback, it should be noted that many rural residential zones in Bylaw No. 2040 require 6 m for properties of a similar size.

Due to existing vegetation and slope, the proposed addition will not be visible from the road and the impact of the proposed addition on the rural residential character of the neighbourhood is expected to be minimal. The owner of the parcel to the west, who would be most immediately affected by the reduced setback, has provided a letter of support for the variance request. Therefore, staff recommends approval of the variance subject to public notification.

## **CONCLUSION**

The applicant has requested a variance to reduce the side yard setback requirement for principal buildings from 15 m to 9.5 m to allow construction of an addition. The property is narrow with limited opportunity for expansion of the existing house. However, since the proposed addition is anticipated to have minimal impact on the neighbourhood and the neighbouring property owner to the west has provided a letter of support, staff recommend approval of the variance request subject to public notification.

## **RECOMMENDATION**

That the Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000146 for Strata Lot 10, Section 76, Renfrew District, Plan VIS4766, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.07, by reducing the side yard setback of the Forestry (AF) zone from 15 m to 9.5 m for the purpose of constructing an addition to a single-family dwelling, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Shawn Carby, CD, BHSc, MAL, Acting General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

IL:wm

### Attachments:

1. Subject Property Map
2. Site Plan
3. Building Plans
4. Development Variance Permit VA00146

VA000146 - Subject Property

Legend

- Properties
- Plan and Lot Labels < 1:10,000

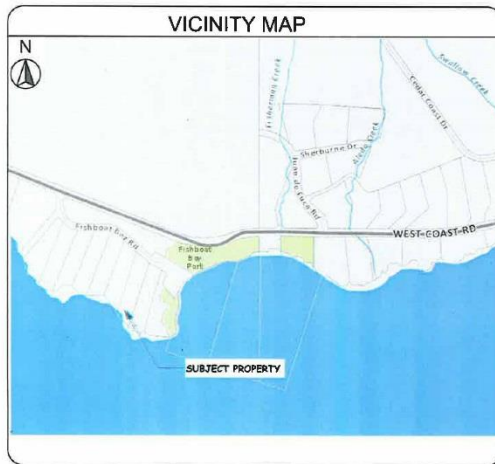
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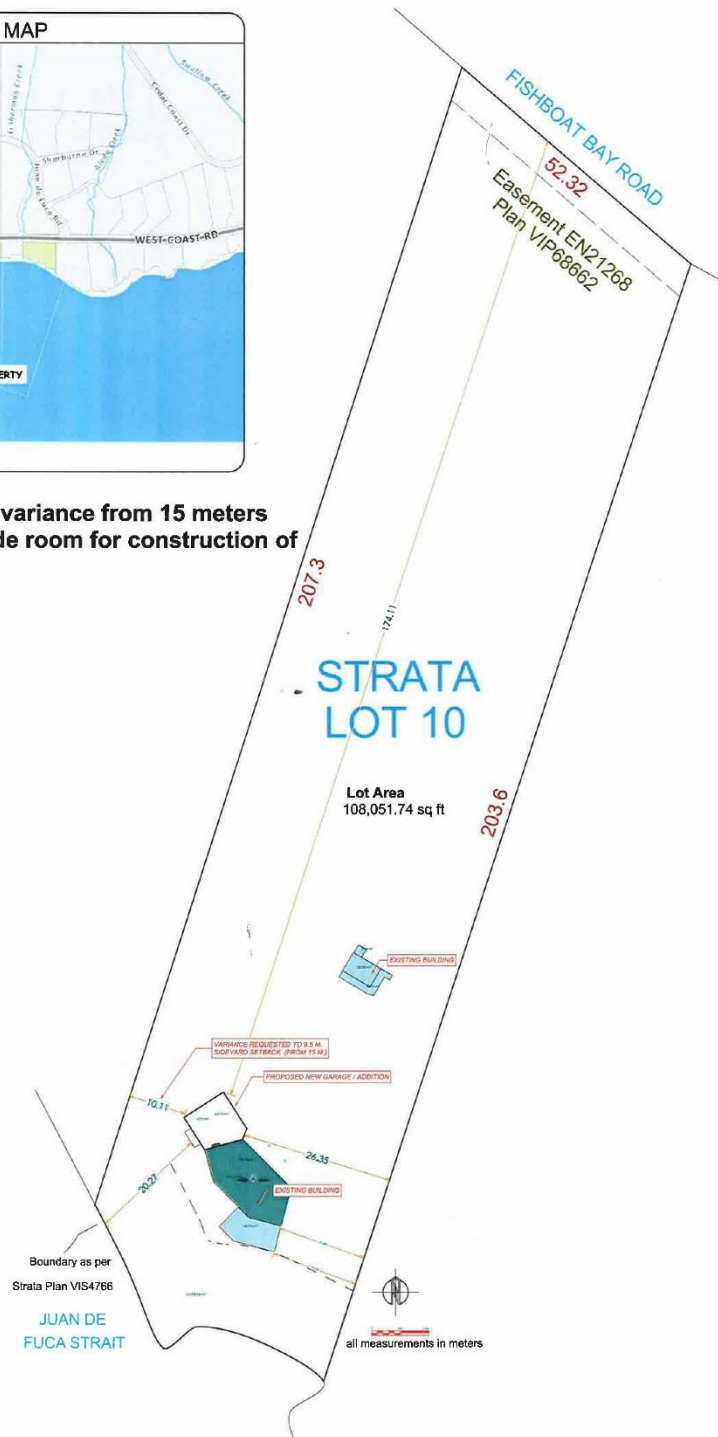
Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. The CRD is not responsible for any errors or omissions on this map. The map may be changed by the CRD at any time.



Attachment 2: Site Plan



**Request for side yard variance from 15 meters to 9.5 meters to provide room for construction of Garage Addition**



**A-1 Variance Request 1:700**

<p>A-1</p> <p>PAGE 1</p>	<p>REQUEST FOR SIDE YARD VARIANCE</p> <p>Client: [REDACTED]</p> <p>Site Address: 2800 Fishboat Way Road</p> <p>City: Capital Regional District</p> <p>Lot: Strata Lot 10 Plan: VIS 4766</p> <p>Section: 76</p> <p>District: Renfrew</p>	<p>Variance Request - KEY PLAN</p>			<p>WEST COAST DESIGN &amp; DEVELOPMENT SERVICES</p> <p>Randy Chapman Laura Waples Seattle, B.C. 206-445-5863</p>
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### GENERAL NOTES

**GENERAL INFORMATION**  
 The drawings are prepared in accordance with the requirements of the Building Act, 2004 and the Building Regulations, 2006.  
 The drawings are prepared for the purpose of obtaining a building permit from the Council.  
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**NOTES**  
 1. The drawings are prepared in accordance with the requirements of the Building Act, 2004 and the Building Regulations, 2006.  
 2. The drawings are prepared for the purpose of obtaining a building permit from the Council.  
 3. The drawings are prepared for the purpose of obtaining a building permit from the Council.

### APPLICABLE CODES

**RELEVANT ACTS AND REGULATIONS**  
 Building Act, 2004  
 Building Regulations, 2006  
 Resource Management Act, 1991  
 Resource Management Act, 1991  
 Resource Management Act, 1991

**RELEVANT STANDARDS**  
 AS/NZS 1170.0:2002  
 AS/NZS 1170.1:2002  
 AS/NZS 1170.2:2002  
 AS/NZS 1170.3:2002  
 AS/NZS 1170.4:2002  
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### PROJECT DATA

**CLIENT**  
 Mr. & Mrs. J. & K. Smith  
 123 Main Street  
 Auckland, New Zealand

**PROJECT NAME**  
 Single Family Dwelling

**CONSTRUCTION TYPE**  
 Single Family Dwelling

**COMPLETION DATE**  
 2024

### VICINITY MAP

**PROJECT LOCATION**  
 123 Main Street  
 Auckland, New Zealand

### KEY PLAN, Plot Plan, Area

**KEY PLAN**  
 The key plan shows the location of the project within the surrounding area, including the coastline and nearby roads.

**Plot Plan**  
 The plot plan shows the layout of the project, including the building footprint, parking area, and landscaping.

**Area**  
 The area shows the total area of the project, including the building footprint, parking area, and landscaping.

### FOUNDATION

**FOUNDATION**  
 The foundation shows the layout of the foundation, including the foundation walls, foundation beams, and foundation slabs.

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 The foundation shows the layout of the foundation, including the foundation walls, foundation beams, and foundation slabs.

### EXISTING HOUSE

**EXISTING HOUSE**  
 The existing house shows the layout of the existing house, including the existing walls, existing beams, and existing slabs.

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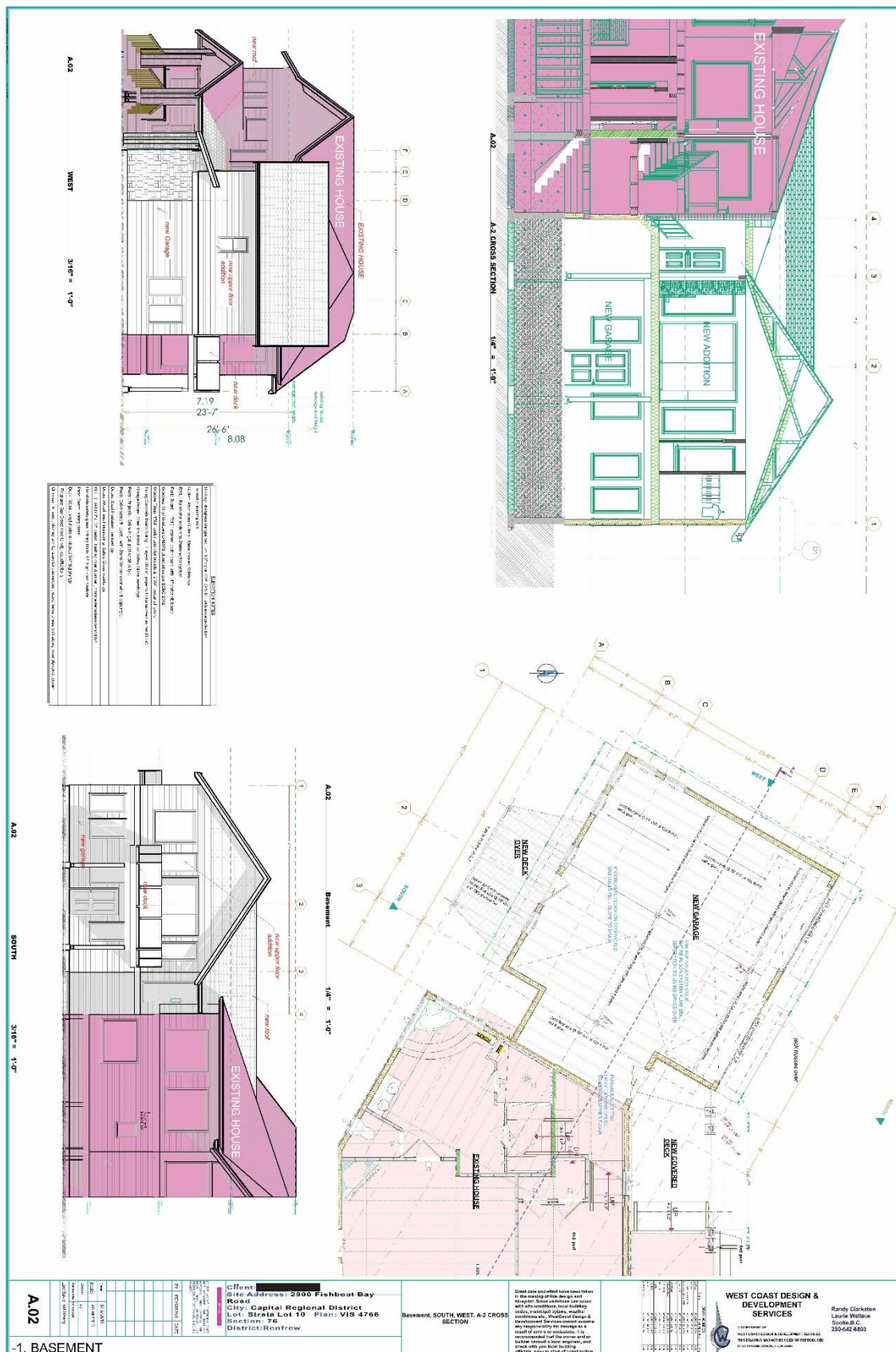
**EXISTING HOUSE**  
 The existing house shows the layout of the existing house, including the existing walls, existing beams, and existing slabs.

### Client Address: 2000 Fishboat Bay Road

**Client Address: 2000 Fishboat Bay Road**  
 City: Capital Regional District  
 Lot: Strata Lot 10 Plan: V18 4768  
 Section: 7.2  
 District: Kentrew

### WEST COAST DESIGN & DEVELOPMENT SERVICES

**WEST COAST DESIGN & DEVELOPMENT SERVICES**  
 123 Main Street  
 Auckland, New Zealand  
 09-555-5555  
 www.westcoastdesign.co.nz





Attachment 4: Development Variance Permit VA000146



CAPITAL REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. VA000146

1. This Development Variance Permit is issued under the authority of Section 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:  
**PID: 024-486-884**  
**Legal Description: LOT 10, SECTION 76, RENFREW DISTRICT, PLAN VIS4766**
3. The Capital Regional District's **Bylaw No. 2040, Schedule A, Part 2, Section 3.07** is varied under Section 498 of the *Local Government Act* as follows:
  - a. By reducing the side yard setback of the Forestry (AF) zone from 15 m to 9.5 m for the purpose of constructing an addition to a single-family dwelling, as shown on the Site Plan, prepared by West Coast Design and Development Services, dated June 19, 2018, attached.
4. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (VA000146) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
5. In accordance with Section 504(1) of the *Local Government Act*, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within 2 years of the date it is issued, the permit lapses.
6. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
7. The following plans and specifications are attached:
  - 1) Site Plan prepared by West Coast Design and Development Services, dated June 19, 2018.
8. This Permit is NOT a Building Permit.

**RESOLUTION PASSED BY THE BOARD, THE 10<sup>th</sup> day of October, 2018.**

**ISSUED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018

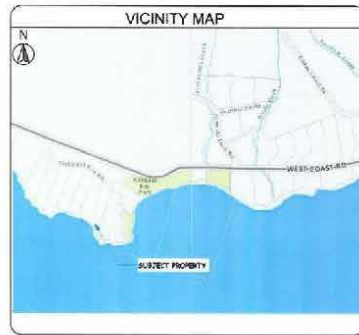
\_\_\_\_\_  
Corporate Officer



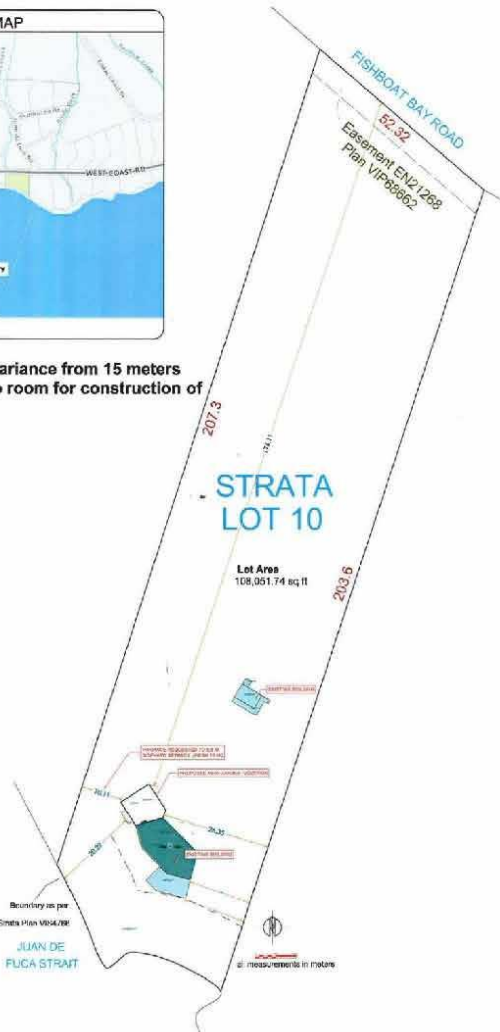
Making a difference...together

VA000146

Attachment 1: Site Plan



Request for side yard variance from 15 meters to 9.5 meters to provide room for construction of Garage Addition



A-1 Variance Request 1:700

A-1	<p>REQUEST FOR SIDE YARD VARIANCE</p> <p>STRATA LOT 10</p> <p>108,951.74 sq ft</p> <p>Side Yard Variance from 15 meters to 9.5 meters</p> <p>Garage Addition</p>	<p>WEST COAST DESIGN &amp; DEVELOPMENT SERVICES</p> <p>1000 West Coast Road</p> <p>West Coast, BC V8N 3K1</p> <p>Phone: (604) 681-1111</p> <p>Email: info@westcoastdesign.ca</p>
	<p>PAGE 1</p>	<p>WEST COAST DESIGN &amp; DEVELOPMENT SERVICES</p>



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 18, 2018**

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**SUBJECT**      **Zoning Amendment Application for Lot 1, Section 128, Sooke District,  
Plan VIP58851 – 5480, 5488 & 5494 Mt. Matheson Road**

**ISSUE**

The owners are proposing 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.

**BACKGROUND**

The 4.05 ha property is located at 5480, 5488 & 5494 Mt. Matheson Road in East Sooke and is zoned Rural (A) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Attachment 1). A common driveway crosses Doerr Creek and rises up towards the north from Mt. Matheson Road. There are three dwellings on the property that were constructed between 1999 and 2004, as well as two accessory buildings. The dwellings are serviced by individual wells and septic systems.

The property is designated as Settlement (S) in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is partially designated as Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. The parcel is within the East Sooke Fire Protection Local Service Area, but outside the community water service area. There is a building scheme and a statutory right-of-way in favour of BC Hydro registered on title.

The owners have submitted rezoning and subdivision applications to create three bare land strata lots accessed from a common strata road (Attachment 2). The proposed rezoning to RR-6A would create potential for subdivision into four parcels with an average parcel area of 1.0 ha and a maximum density of one single-family dwelling with either a secondary or a detached accessory suite (Attachment 3). Staff have prepared Bylaw No. 4257, which would rezone the parcel from Rural A to RR-6A (Appendix 4).

**ALTERNATIVES**

*Alternative 1*

That staff be directed to refer proposed Bylaw No. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018" to a Public Information Meeting, 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. 4257 not be referred.

*Alternative 3*

That more information be provided by staff.

### **LEGISLATIVE IMPLICATIONS**

Pursuant to Section 477 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 to hold a public hearing as part of the amendment process. In this case, the comments will be received prior to proceeding to First Reading of the Bylaw.

### **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 *LGA*. Staff recommend referring the proposed amendment bylaw to the East Sooke APC.

### **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 (S). 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. Settlement designation policies support the rezoning of lands currently zoned Rural A based on a ratio of one parcel per hectare of land in the parent parcel prior to the subtraction of any area for road or park dedication. Settlement policies are also supportive of an average density of one parcel per hectare within a plan of subdivision, provided that no new parcels are created with an area of less than 0.4 ha.

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 RR-6A zone allows a 1 ha average parcel size and 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 proposed plan of subdivision includes one dwelling on each proposed lot. Should the RR-6A zone be approved, the density of the property would become legal non-conforming until such time as the subdivision is registered. The owners have submitted a subdivision application in order to expedite the process. An accessory building on proposed strata Lot 3 may not meet the applicable front yard setback requirement and the owners could request a variance or adjust the subdivision boundaries accordingly.

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 Juan de Fuca Community Parks and Recreation to allow for early consideration of any park interests.

The East Sooke OCP designates the property within the Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. 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 (Attachment 5). The report confirms that the proposed subdivision is feasible from a geotechnical perspective and the existing infrastructure is not located within any hazard areas. Corvidae Environmental Consulting Inc. prepared an environmental assessment report addressing Doerr Creek, which flows through the property and is designated as a Riparian and Sensitive Ecosystem DP area (Attachment 6). As no alteration of land is proposed as part of the development application, the report concludes that no environmental impacts are anticipated due to the proposed subdivision.

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. 4257 to the East Sooke APC, and 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 three approximately 1 ha parcels. Staff recommend referring the proposed bylaw to the East Sooke APC, and to appropriate CRD departments and external agencies for comment.

### **RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4257, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 135, 2018" to the East Sooke Advisory Planning Commission, and 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

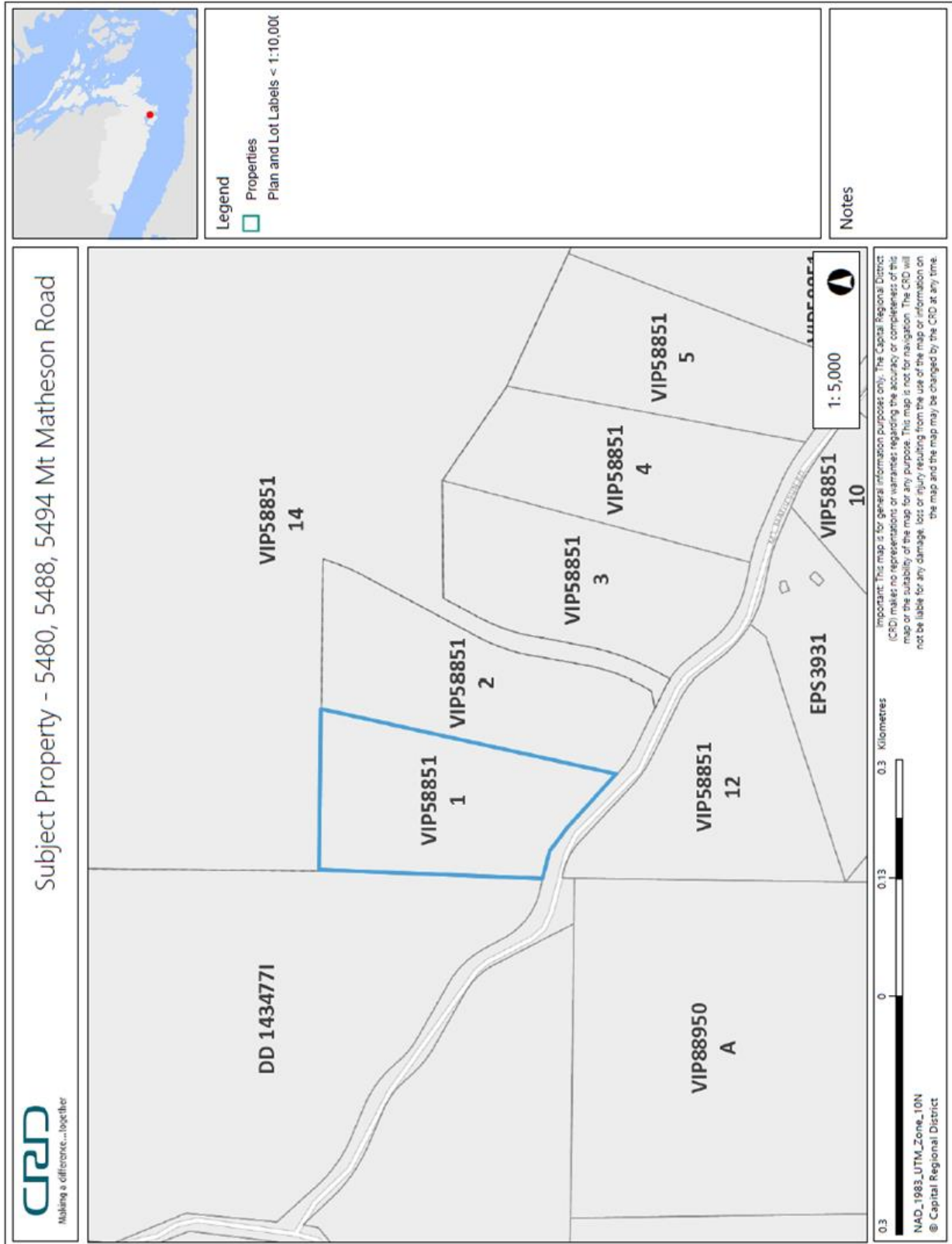
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

#### Attachments:

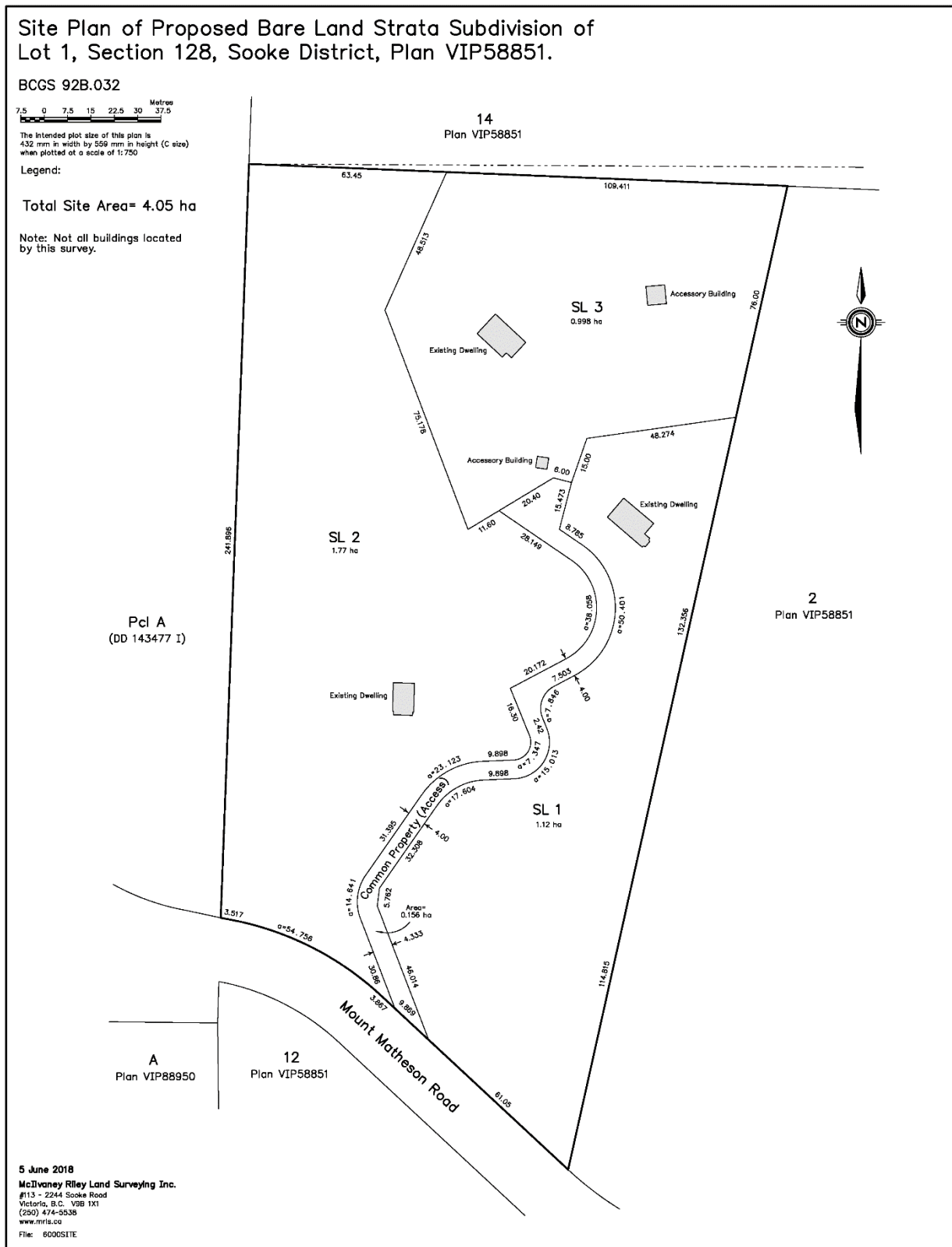
1. Subject Property Map
2. Proposed Plan of Subdivision
3. Rural Residential 6A Zone
4. Proposed Bylaw No. 4257
5. Geotechnical Report
6. Environmental Assessment Report



Attachment 1: Subject Property Map



Attachment 2: Proposed Plan of Subdivision



Attachment 3: 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<sup>2</sup>;
- (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<sup>2</sup>, 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.

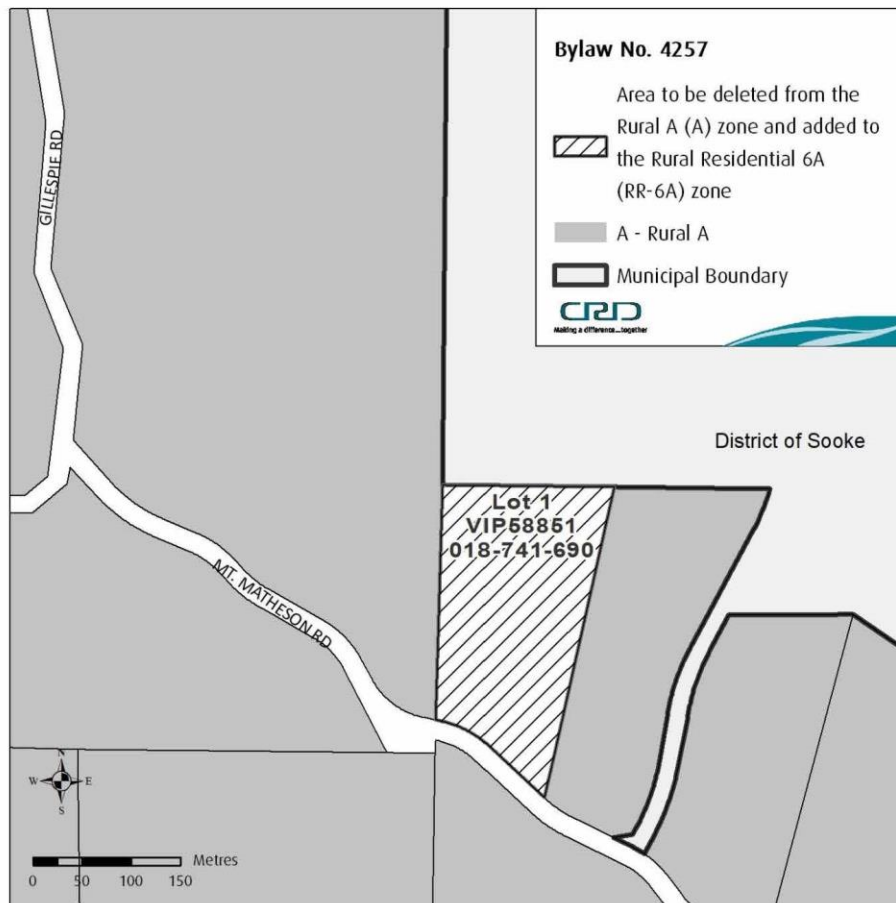


CRD Bylaw No. 4257

2

**Plan No. 1 of Bylaw 4257, an amendment to Bylaw No. 2040**

Lot 1, Section 128, Sooke District, Plan VIP58851 shown on this plan attached to and forming part of this bylaw.



**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

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

August 16, 2018  
File No: 8-9042-1

Dear [REDACTED]

Re: Proposed Three Lot Subdivision  
5488 Mt. Matheson Road – East Sooke, BC

As requested, we visited the above referenced site on August 14, 2018, to visually assess the proposed subdivision for the potential for slope instability. Portions of the site extend through areas designated as a Steep Slope Development Permit Area (DPA) within the East Sooke Official Community Plan (OCP) Bylaw No. 4000, 2018. Pursuant to the OCP Guidelines as well as Section 56 of the Community Charter, we herein provide our observations, comments, and recommendations for the proposed subdivision. Our work has been carried out in accordance with, and is subject to, the attached Terms of Engagement.

The site is located within the north-east corner of East Sooke and is generally bounded by similar rural residential properties with Mt. Matheson Road to the south. The proposed subdivision consists of three lots, each containing an existing residence. Lot 1 is approximately 1.1 ha, Lot 2 is approximately 1.8 ha, and Lot 3 is approximately 1.0 ha with two additional accessory buildings. Access to the lots is provided by an existing gravel driveway located within a shared easement. Stormwater is attenuated with on-site disposal discretely for each residence, where systems are located in areas of deeper soil deposits located over flat to gentle slopes. No further development is proposed at this time.

Site topography is generally bedrock controlled with gently sloped irregular terrain across the central portion of the property, where all three residences are located. Within the northern portion of the property, an exposed bedrock band runs east-west across the property with slopes ranging from 30° to 50° inclined from horizontal with 2 m to 5 m of vertical relief with gentle irregular terrain located above and below. Within the southern portion of the property, a similar bedrock band runs north-west to south-east with slopes range from 20° to 40° with 4 to 12 m of vertical relief with gentle irregular terrain located above. Below the southern rock band, gentle to moderate irregular slopes lead to the Mt. Matheson Road ditchline. Numerous near vertical bluffs were noted across each rock band with heights ranging from 1 m to 4 m.

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Ryzuk Geotechnical



5488 Mt. Matheson Road – East Sooke, BC

August 16, 2018

The observed bedrock consisted of massive, moderately weathered, variably fractured gabbro. A discontinuous veneer of native soil was observed atop the bedrock throughout the majority of the site. An isolated area of deeper native soils was observed over gentle terrain within the north-east corner of the property. The native soils were observed to consist of compact to dense sand with some silt and gravel. The site is generally well vegetated with mature trees with light shrub and heavy moss cover.

We consider that the soil and rock slopes are not subject to large scale deeply seated instability, however, it is possible that small scale movements could be experienced over the long term, but such would not affect the residence areas. Observed colluvium below rock outcrops consisted of boulders up to 400 mm diameter. The rock fall hazard is considered low due to the low frequency of event occurrence. None of the existing infrastructure is located within influence of the observed rock fall areas.

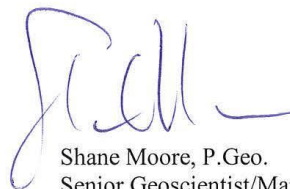
In summary, we consider the proposed subdivision to be feasible from a geotechnical perspective. In this regard, we consider that the land may be used safely for the use intended for residential structures which are completed in accordance with the BC building Code and pursuant to Section 56 of the Community Charter. Our assessment considers a design seismic occurrence with a 2% probability of exceedance in 50 years.

We trust that the preceding is suitable for your purposes at present. Please don't hesitate to contact our office if we can be of further assistance.

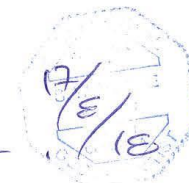
Yours very truly,  
Ryzuk Geotechnical



Chris Wickman, EIT  
Junior Engineer



Shane Moore, P.Geo.  
Senior Geoscientist/Managing Principal



Attachment – Terms of Engagement



## 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.

V.1.1

***Environmental Assessment  
for 5488 Mount Matheson Road***



Prepared for:



Prepared by:

Corvidae Environmental Consulting Inc.  
6526 Water Street  
Sooke, BC

Corvidae Project No. CE 20180814

August 2018

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	PROJECT BACKGROUND.....	1
1.2	REGULATORY FRAMEWORK.....	3
<b>2</b>	<b>ENVIRONMENTAL SITE ASSESSMENT.....</b>	<b>4</b>
2.1	LANDSCAPE AND SOILS.....	4
2.2	RIPARIAN AREA AND FISHERIES.....	4
2.3	VEGETATION.....	8
2.4	WILDLIFE.....	9
2.5	SPECIES AT RISK.....	10
<b>3</b>	<b>POTENTIAL ENVIRONMENTAL EFFECTS.....</b>	<b>12</b>
<b>4</b>	<b>REFERENCES.....</b>	<b>13</b>
	<b>APPENDIX A – SITE PHOTOGRAPHS.....</b>	<b>14</b>

## LIST OF TABLES

Table 1. Plant Species observed on site during field visit on August 4, 2018.....	8
Table 2. Wildlife Species observed on site during field visit on August 4, 2018.....	10

## LIST OF FIGURES

Figure 1. Project Area and Environmental Features.....	2
Figure 2. Watersheds associated with the property.....	6
Figure 3. Fish Occurrences in the vicinity of the property.....	7
Figure 4. Species at Risk Records within 2 km of the property.....	11



**LIST OF PHOTOS**

Photo 1. Ditch on the east side of the driveway, view west (10U 453528 5356085). August 4, 2018.	14
Photo 2. Forested area north of ditch on west side of driveway (10U 453528 5356085). August 4, 2018.	14
Photo 3. Ditch to the west of the driveway and culvert (10U 453509 5356103). August 4, 2018.	15
Photo 4. Cobbled substrate in ditch west of driveway (10U 453485 5356124). August 4, 2018.	15
Photo 5. Mature trees surrounding the ditch near the western property line (10U 453495 5356110). August 4, 2018.	15
Photo 6. Mature forest north of ditch on west side of driveway (10U 453495 5356110). August 4, 2018.	16



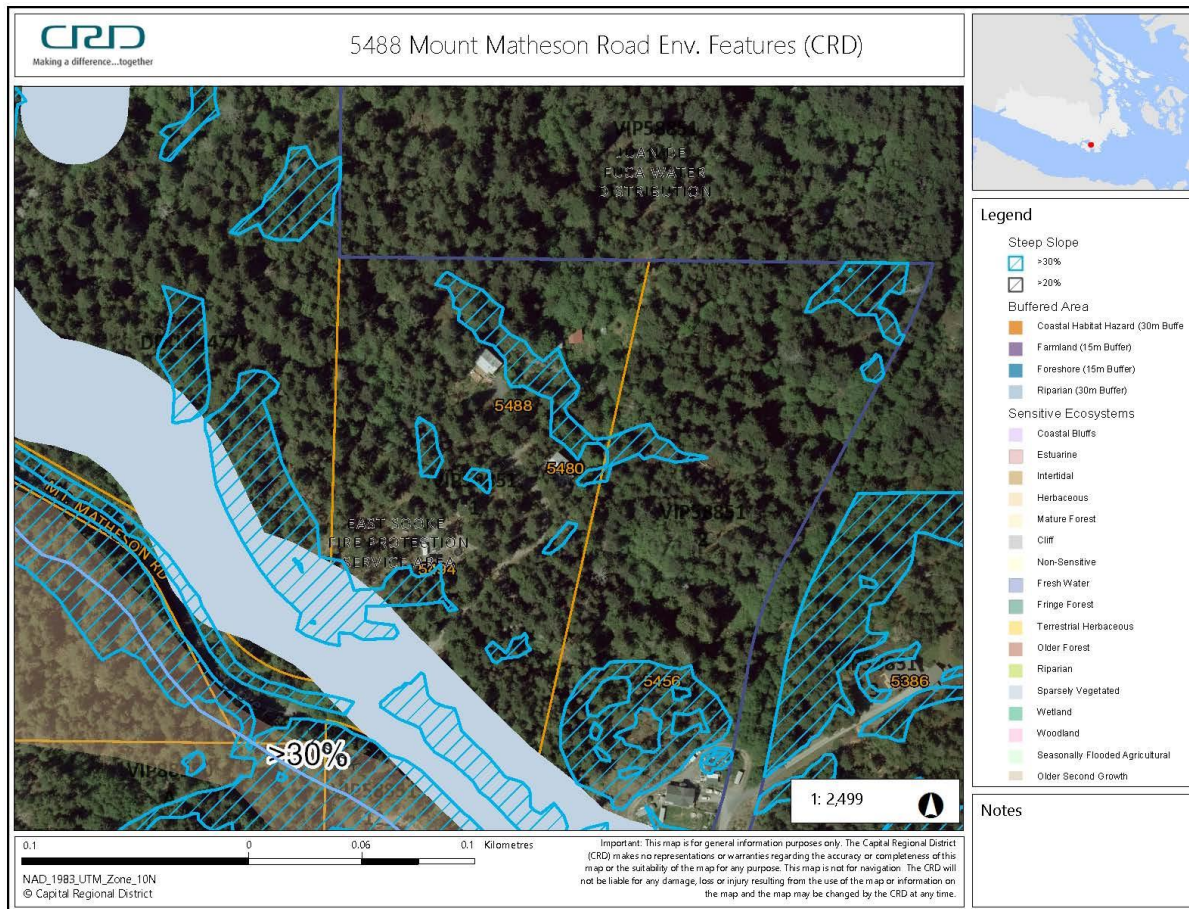
## 1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed rezoning of 5488 Mt. Matheson Road, Sooke, British Columbia (the property). This document addresses the requirements in Section 530 of Bylaw No. 4000 and provides an assessment of the environmental conditions in the riparian area at the south end of the property and potential impacts of the proposed project.

### 1.1 PROJECT BACKGROUND

The landowner, [REDACTED] is proposing to rezone and subdivide the property into 3 residential lots. There are currently 3 residential buildings located on the property, each to be on its own lot following the re-zoning. There is a riparian area associated with Doerr Creek on the south edge of the property, running parallel to Mount Matheson Rd. [REDACTED] does not intend to undergo further construction on the property as part of this Development Permit Application (DPA) ([REDACTED], personal communication, August 2018).







## 1.2 REGULATORY FRAMEWORK

This environmental assessment is designed to comply with the provisions set out in the East Sooke Official Community Plan (OCP) for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

### Municipal

- Capital Regional District OCP, Bylaw No. 4000

530 Riparian Development Permit Area: *That part of the East Sooke Plan area indicated as a Riparian DPA on Schedule D is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(i) of the Local Government Act (LGA). The Riparian DPA established under this section also includes all lands entirely or partially within a riparian assessment area as defined by the Riparian Areas Regulations (RAR), which includes: (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high watermark. The objectives for the Riparian Development Permit Area are to plan and regulate development in a manner that:*

- Preserves and protects fish habitat and riparian areas;*
- Protects, restores and enhances fish habitat and riparian areas in a relatively natural state while supporting adjacent land uses;*
- Meets the requirements of the RAR; and*
- Protects water quality and quantity.*

The guiding principle for the use of Development Permits is found within the Local Government Act. Development Permit Areas can be designated for purposes such as, but not limited to the following:

### Municipal (CRD 2016)

- Protects, enhances and restores the biodiversity and ecological values and functions of environmentally sensitive areas.
- Fosters compatibility between development, existing land uses and environmentally sensitive areas.
- Maintains connectivity between sensitive ecosystems; and
- Protects water quality and quantity.

### Federal

- Migratory Birds Act (1994)

### Provincial

- British Columbia Wildlife Act (1996)
- Invasive Species Council of British Columbia
- BC Weed Control Act (1996, current as of October 2016)





## 2 ENVIRONMENTAL SITE ASSESSMENT

Corvidae completed a site visit on August 4<sup>th</sup>, 2018 as part of DPA. During the site assessment, the length of the ditch at the south end of the property was surveyed, as well as up to 30 m of the riparian/adjacent forest on the property.

See Figure 1 for details on the site location and existing disturbances. Appendix A shows photos of the riparian area, roadside ditch and adjacent area.

### 2.1 LANDSCAPE AND SOILS

Soils in the CWH biogeoclimatic zone are typically Humo-Ferric Podzols with acidic Mor humus forms (Pojar et al. 1991). The soils on the site were a silty-sandy loam. The southern part of the property slopes towards the road and Doerr Creek. A steep bank is present adjacent to the road on the property's south boundary.

### 2.2 RIPARIAN AREA AND FISHERIES

The property is partially located in the Doerr Creek Watershed and partially within an unnamed watershed (Figure 2).

The southern property boundary runs parallel to Mount Matheson Road (Figure 1). A gravel driveway approximately halfway along the southern property line accesses the property. A culvert is present under the driveway. To the east of the culvert on the upstream side of the driveway, a roadside ditch is present, extending east beyond the property (Photo 1). The ditch is approximately 1.5 m wide, between the road surface and a steep bank and rocky outcrops. The shallow (<1.0 m) ditch is heavily vegetated within a 0.5m channel with gravelly or muddy substrate. At the time of the site visit there was no flowing water in the ditch. Towards the eastern property line, two small (<1.0 m x 0.5 m) puddles of standing water were present beneath the vegetation. At the top of the steep bank and rocky outcrops, the habitat is forested (Photo 2).

West (downstream) of the culvert, a well-defined channel is present and has a rocky substrate. Close to the driveway, the ditch is shallow (<1.0 m) and narrow (0.5 m channel), with dense, low vegetation (Photo 3). Moving away from the driveway, towards the western property line, the channel widens to 1.0 m and becomes more defined (Photo 4), as well as becomes deeper (~2.0 m). This section of the ditch is large cobble, with no gravel (potential spawning) areas. The ditch/stream were dry at the time of the site visit. Towards the western property line, the ditch is sheltered by mature trees (Photo 5). Forested terrain slopes upwards from the ditch towards the rest of the property (Photo 6).

The ditch was mostly dry with no flowing water at the time of the site visit. The ditch is connected to Doerr Creek, which is dammed approximately 1.5km upstream from the property.



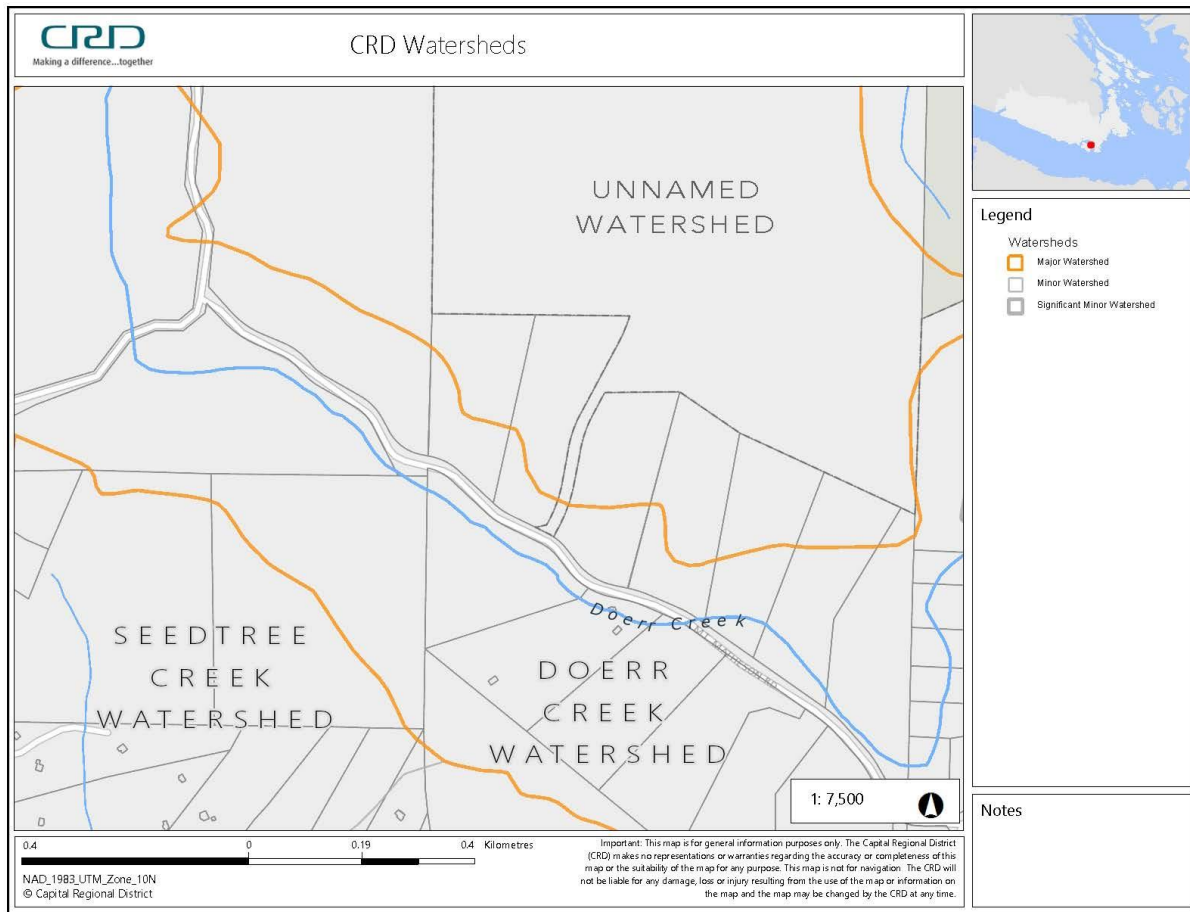
Therefore, flowing water is only present in Doerr Creek and the associated ditches when the reservoir is full (approximately November to March [anecdotal]).

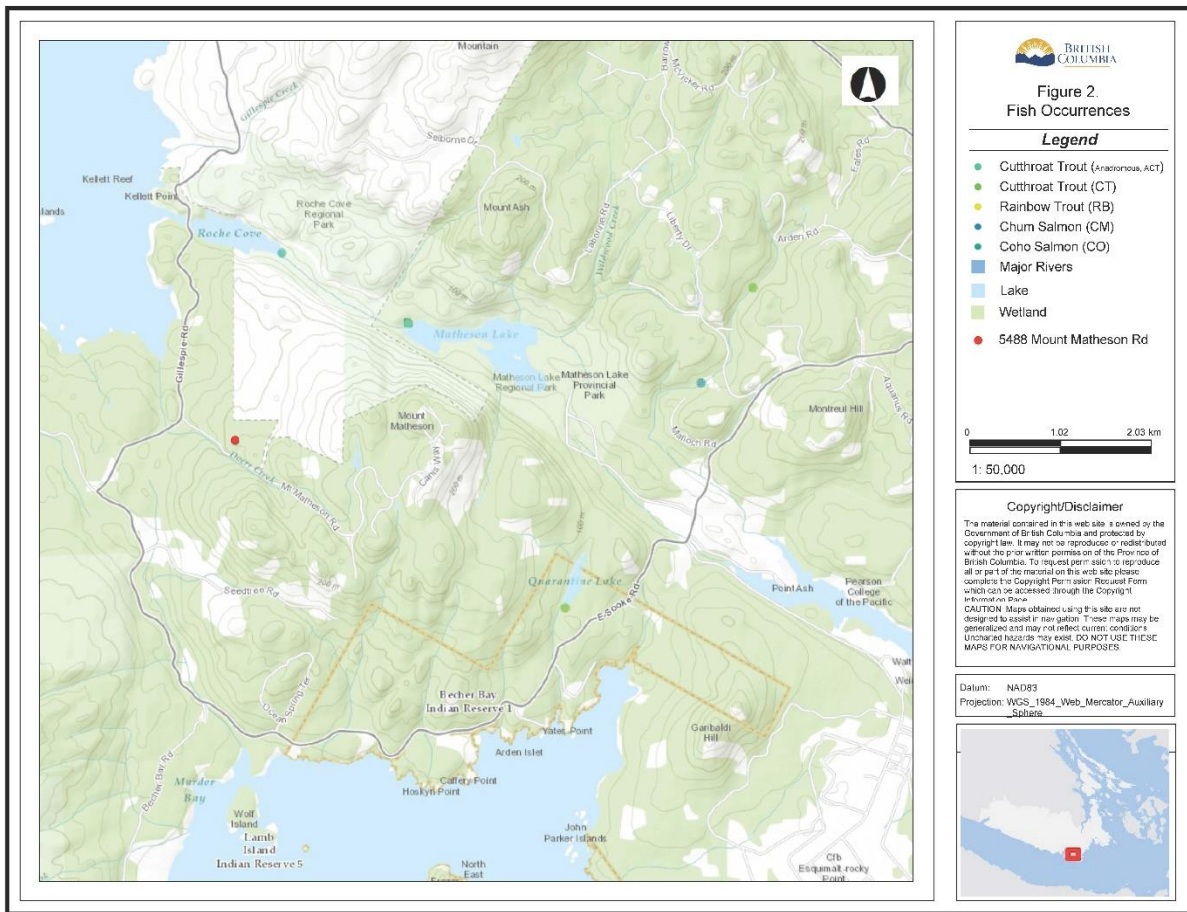
A search of the provincial database showed no occurrences of fish in Doerr creek or the associated ditches, such as the ditch on the property in question (Figure 3).

Occurrences of four fish species; cutthroat trout (*Onchorynchus clarki clarkii*), rainbow trout (*Oncorhynchus mykiss*), Coho salmon (*Oncorhynchus kisutch*), and Chum salmon (*Oncorhynchus keta*) have been recorded in rivers and streams in the area (Province of British Columbia 2018).

Due to the highly seasonal nature of the water flow in the ditch, fish are unlikely to occur on the property.







## 2.3 VEGETATION

The project is located within the Coastal Western Hemlock (CWH) biogeoclimatic zone, and specifically in the eastern variant of the Very Dry Maritime subzone (classified as CWHxm1). Forests in this subzone typically have a substantial component of Douglas-fir (*Pseudotsuga menziesii*) along with western hemlock (*Tsuga heterophylla*), and western red cedar (*Thuja plicata*) (Pojar et al. 1991). The shrub layer is typically dominated by species like dull Oregon-grape (*Mahonia nervosa*), sword fern (*Polystichum munitum*) and red huckleberry (*Vaccinium parvifolium*). A well-developed moss layer is likely to include Oregon beaked moss (*Kindbergia oregana*), Mountain fern moss (*Hylocomium splendens*), lanky moss (*Rhytidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) (Pojar et al. 1991).

During the site assessment the species in Table 1 were found on the site.

**Table 1. Plant Species observed on site during field visit on August 4, 2018**

Common Name	Scientific Name	BC Provincial Status	Sara Schedule 1 Status	Invasive Species
Arbutus	<i>Arbutus menziesii</i>	Yellow	--	--
Blue wildrye	<i>Elymus glaucus</i>	Yellow	--	--
Bracken fern	<i>Pteridium aquilinum</i>	Yellow	--	--
Bull thistle	<i>Cirsium vulgare</i>	Exotic	--	Invasive
Cooley's hedge nettle	<i>Stachys chamissonis</i> var. <i>cooleyae</i>	Yellow	--	--
Dagger-leaf rush	<i>Juncus ensifolius</i>	Yellow	--	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--	--
Dull Oregon grape	<i>Berberis nervosa</i>	Yellow	--	--
Herb robert	<i>Geranium robertianum</i>	Exotic	--	--
Lady fern	<i>Athyrium filix-femina</i>	Yellow	--	--
Oceanspray	<i>Holodiscus discolor</i>	Yellow	--	--
Red alder	<i>Alnus rubra</i>	Yellow	--	--
Reed canarygrass	<i>Phalaris arundinacea</i>	Exotic	--	--
Salal	<i>Gaultheria shallon</i>	Yellow	--	--
Salmonberry	<i>Rubus spectabilis</i>	Yellow	--	--
Scotch broom	<i>Cytisus scoparius</i>	Exotic	--	Invasive
Shore Pine	<i>Pinus contorta</i> var. <i>contorta</i>	Yellow	--	--
Small flowered wood rush	<i>Luzula parviflora</i>	Yellow	--	--
Snowberry	<i>Symphoricarpos albus</i>	Yellow	--	--
Sweet vernalgrass	<i>Anthoxanthum odoratum</i>	Exotic	--	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--	--
Tansy ragwort	<i>Jacobaea vulgaris</i>	Exotic	--	Invasive
Trailing blackberry	<i>Rubus ursinus</i>	Yellow	--	--
Western redcedar	<i>Thuja plicata</i>	Yellow	--	--





The ditch to the east of the driveway, and to the west of the driveway for approximately 15m, is heavily vegetated with native and exotic species common to roadside ecosystems. Species found in the ditch included grasses, ferns, and berries (Photo 1, Photo 3, Table 1). Where the ditch is shaded by mature trees, specifically red alder (Photo 5), the vegetation adjacent to the ditch is dominated by ferns, and the bottom of the ditch is largely unvegetated (Photo 4). Vegetation in the area uphill (north) of the ditch is mature forest, dominated by Douglas-fir and western redcedar and interspersed with arbutus (Photo 2, Photo 6). The understory is moderately dense and consists of mostly oceanspray and salal.

#### INVASIVE PLANTS

Three invasive plant species were observed within the vegetated ditch and along the roadside: bull thistle, tansy ragwort and scotch broom (Invasive Species Council of BC 2014).

## 2.4 WILDLIFE

The forested habitat found onsite is home to many wildlife species. Black-tailed deer (*Odocoileus hemionus columbianus*), black bear (*Ursus americanus*), marten (*Martes americana*) and gray wolf (*Canis lupus*) are the most common large mammals in this zone on Vancouver Island. Typical bird species in this biogeoclimatic zone include great horned owl (*Bubo virginianus*), barred owl (*Strix varia*), ruffed grouse (*Bonasa umbellus*), northern flicker (*Colaptes auratus*), hairy woodpecker (*Leuconotopicus villosus*), common raven (*Corvus corax*), Steller's jay (*Cyanocitta stelleri*), chestnut-backed chickadee (*Poecile rufescens*), red-breasted nuthatch (*Poecile rufescens*), varied thrush (*Ixoreus naevius*), and Townsend's warbler (*Setophaga townsendi*). Wetlands and creeks provides habitat for several amphibians including the western toad (*Anaxyrus boreas*), Pacific treefrog (*Pseudacris regilla*), western redbacked salamander (*Plethodon vehiculum*; Pojar et al. 1991) and the wandering salamander (*Aneides vagrans*). Breeding for some of these species can begin in early spring (BC CDC 2018).

No wildlife species of concern were observed in the project area during the site visit. The mature forest on the property provides habitat for birds, small mammals, and ungulates. No dens, nests or burrows were found. Several bird species were observed during the site visit (Table 2). No bird nests were found during the assessment. Where standing water is present in the ditch (in the southeastern corner of the property), there may be suitable habitat for amphibians. No amphibians were observed during the site visit.



**Table 2. Wildlife Species observed on site during field visit on August 4, 2018**

Common Name	Scientific Name	BC Provincial Status	SARA Schedule 1 Status
American robin	<i>Turdus migratorius</i>	Yellow	--
Common raven	<i>Corvus corax</i>	Yellow	--
Dark-eyed junco	<i>Junco hyemalis</i>	Yellow	--
Pacific wren	<i>Troglodytes pacificus</i>	Yellow	--
Swainson's thrush	<i>Catharus ustulatus</i>	Yellow	--
Douglas's squirrel	<i>Tamiasciurus douglasii</i>	Yellow	--

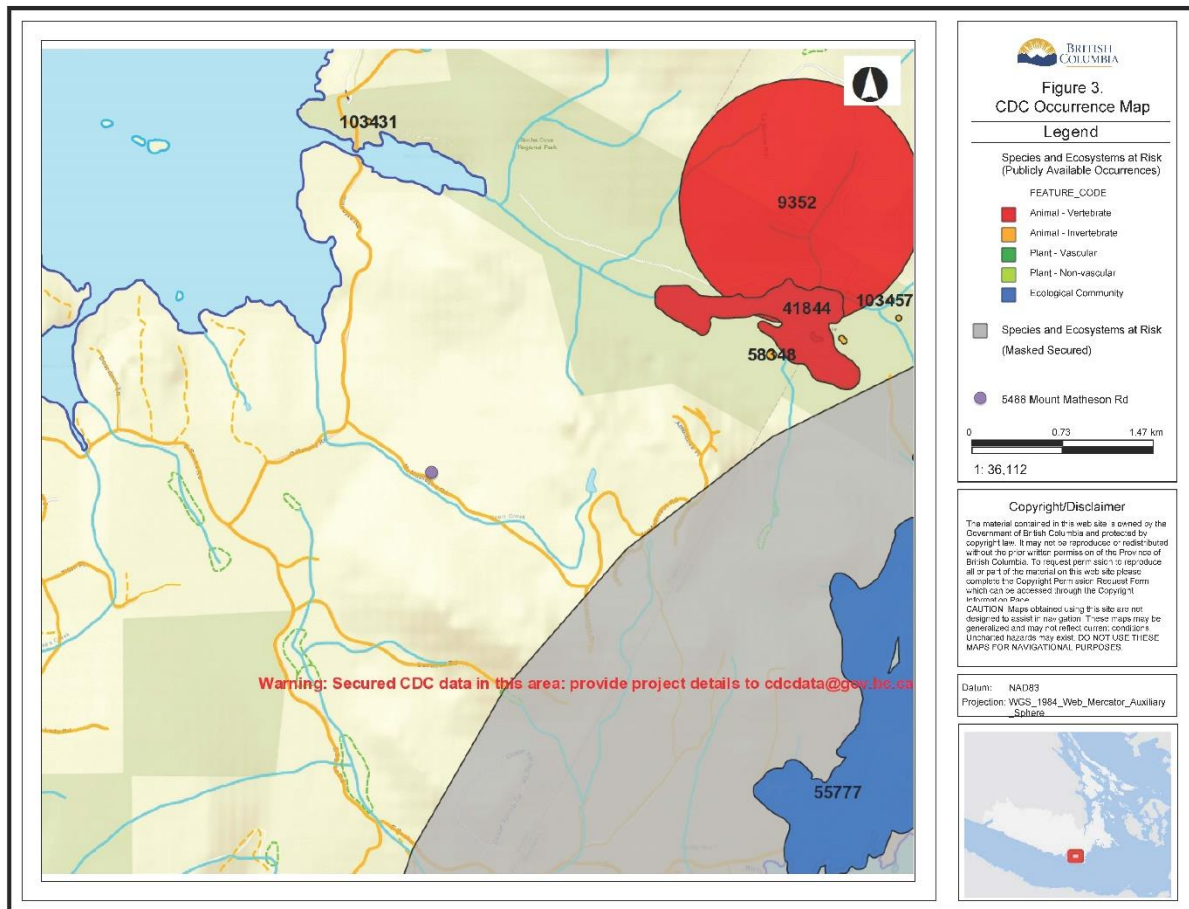
## 2.5 SPECIES AT RISK

A query of the BC Conservation Data Centre (CDC) iMap tool yielded occurrences of the following four species at risk within a two-kilometer radius of the property (BC CDC 2018):

- Threaded Vertigo (*Nearctula* sp. 1, #103431 in Figure 4)
- Sharp-tailed Snake (*Contia tenuis*, #9352 in Figure 4)
- Painted Turtle - Pacific Coast Population (*Chrysemys picta* pop. 1, #41844 in Figure 4)
- Blue-grey Tailedropper (*Prophyaon coeruleum*, #58348 in Figure 4)

None of these species at risk are expected to occur in the ditch or riparian area on the property.







### 3 POTENTIAL ENVIRONMENTAL EFFECTS

Based on our understanding that there is no construction or site modification planned for the property in question, no environmental effects are anticipated due to the proposed subdivision of the property. Therefore, no mitigation measures are recommended in this report.

Report Prepared By:

Jessica Harvey, R.P.Biol., M.Sc.,  
Senior Biologist/Environmental Planner  
Corvidae Environmental Consulting Inc.

Senior review by:



Julie Budgen, R.P.Biol., B.Sc., PDC  
QEP, Corvidae Environmental Consulting Inc.



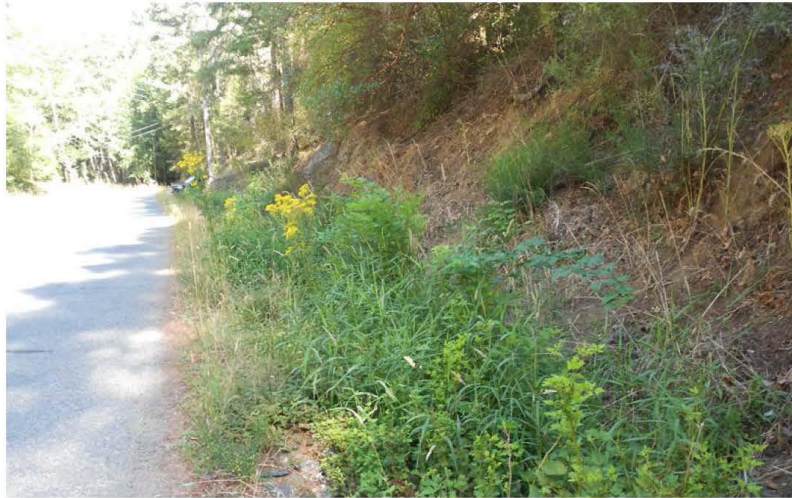
## 4 REFERENCES

- British Columbia Conservation Data Centre: CDC iMap [web application]. 2018. Victoria, British Columbia, Canada. Available: <http://maps.gov.bc.ca/ess/sv/cdc/> (Accessed August 2018).
- Capital Regional District (CRD). 2018. *East Sooke Official Community Plan, Bylaw No. 4000*
- Invasive Species Council of BC. 2014. Invasive Plants. Available at: <https://bcinvasives.ca/invasive-species/identify/invasive-plants/> (accessed August 2018).
- Pojar, J., K. Klinka, and D.A. Demarchi. 1991. Coastal Western Hemlock Zone. In *Ecosystems of British Columbia*. D. Meidinger and J. Pojar (editors). B.C. Ministry of Forestry, Victoria, B.C. Spec. Rep. Ser 6. Pp 95-111.
- Province of British Columbia. 2018. HabitatWizard. Available at: <http://maps.gov.bc.ca/ess/hm/habwiz/>. (accessed August 2018).



## APPENDIX A – SITE PHOTOGRAPHS

**Photo 1. Ditch on the east side of the driveway, view west (10U 453528 5356085).  
August 4, 2018.**



**Photo 2. Forested area north of ditch on west side of driveway (10U 453528 5356085).  
August 4, 2018.**





**Photo 3. Ditch to the west of the driveway and culvert (10U 453509 5356103). August 4, 2018.**



**Photo 4. Cobbled substrate in ditch west of driveway (10U 453485 5356124). August 4, 2018.**



**Photo 5. Mature trees surrounding the ditch near the western property line (10U 453495 5356110). August 4, 2018.**





**Photo 6. Mature forest north of ditch on west side of driveway (10U 453495 5356110).  
August 4, 2018.**





**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 18, 2018**

---

**SUBJECT**      **Zoning Amendment Application for Lot 2, Section 95, Sooke District, Plan 45068  
– 1021 Parkheights Drive**

**ISSUE**

The owners are proposing to rezone the subject property from Rural Residential 3 (RR-3) to a new Rural Residential 6A (RR-6A) zone to permit a 2-lot subdivision.

**BACKGROUND**

The 2 ha property is located at 1021 Parkheights Drive in East Sooke and is zoned Rural Residential 3 (RR-3) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Attachment 1). The property is adjacent to RR-3 zoned properties to the north and south, Parkheights Drive and Callisto Road to the east, and East Sooke Regional Park to the west. There is one house on the property and associated accessory buildings. The property is serviced by a groundwater well and septic system.

The property is designated as Settlement (S) in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is within the Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. Professional reports have been submitted in support of the application (Attachments 2 and 3). The parcel is within the East Sooke Fire Protection Local Service Area, but outside the community water service area.

The owners have submitted a rezoning application to create two fee-simple lots (Attachment 4). The proposed rezoning to RR-6A would create potential for subdivision into two parcels with an average parcel area of 1.0 ha and a maximum density of one single-family dwelling, with either a secondary or a detached accessory suite (Attachment 5). Staff have prepared Bylaw No. 4260, which would rezone the parcel from RR-3 to RR-6A (Appendix 6).

**ALTERNATIVES**

*Alternative 1*

That staff be directed to refer proposed Bylaw No. 4260, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 2018" to the East Sooke Advisory Planning 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. 4260 not be referred.

*Alternative 3*

That more information be provided by staff.



### **LEGISLATIVE IMPLICATIONS**

Pursuant to Section 477 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 to hold a public hearing as part of the amendment process. In this case, the comments will be received prior to proceeding to first reading of the bylaw.

### **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 *LGA*. Staff recommend referring the proposed amendment bylaw to the East Sooke APC.

### **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 is not requesting water connections.

### **PLANNING ANALYSIS**

The East Sooke Official Community Plan, 2018, Bylaw No. 4000, designates the subject property as Settlement (S). 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. Settlement policies are supportive of an average density of one parcel per hectare within a plan of subdivision, provided that no new parcels are created with an area of less than 0.4 ha.

The proposed RR-6A zone allows a 1 ha average parcel size and 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 proposed plan of subdivision includes proposed Lot A which is 0.5 ha and includes an existing single-family dwelling and accessory buildings. Proposed Lot B is 1.5 ha and includes existing accessory buildings. A variance will be required as a condition of subdivision as proposed Lot B does not achieve the required frontage of 10% of the lot perimeter, as specified in Part 1, Section 3.10(4)(a), Bylaw No. 2040.

The East Sooke OCP partially designates the property as Steep Slopes, Riparian and Sensitive Ecosystem development permit areas (DPAs). A development permit will be required as a condition of subdivision should the request for rezoning be supported.

Jennifer McEwen, R.P.Bio., QEP, of Madrone Environmental Services, prepared a report that confirms the location of a watercourse and a wetland on the subject property (Attachment 2). The report described the existing driveway for proposed Lot B located adjacent to the stream and passing through the riparian area as legal non-conforming and advised that it cannot be expanded beyond its current footprint. The existing buildings and proposed building site on Lot B are outside of the riparian DPA. No slope instability, danger trees or windthrow concerns were noted by the professional and, as no

construction activities in the DPA are proposed as part of the subdivision development, no further environmental monitoring is recommended at this time.

Richard Brimmell, P.Eng., of Brimmell Engineering Ltd., prepared a report to address geotechnical considerations for the proposed two-lot subdivision (Attachment 3). No geotechnical issues were identified on proposed Lot A and a suitable building site on proposed Lot B is considered safe for the intended residential use.

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. 4260 to the East Sooke APC, appropriate CRD departments and external agencies for comment.

### **CONCLUSION**

The purpose of this zoning bylaw amendment application is to rezone the subject property from RR-3 to RR-6A in order to allow a two-lot subdivision of the property with an average parcel size of 1 ha. Staff recommend referring the proposed bylaw to the East Sooke APC, and to appropriate CRD departments and external agencies for comment.

### **RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4260, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 137, 2018” to the East Sooke Advisory Planning Commission, and 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

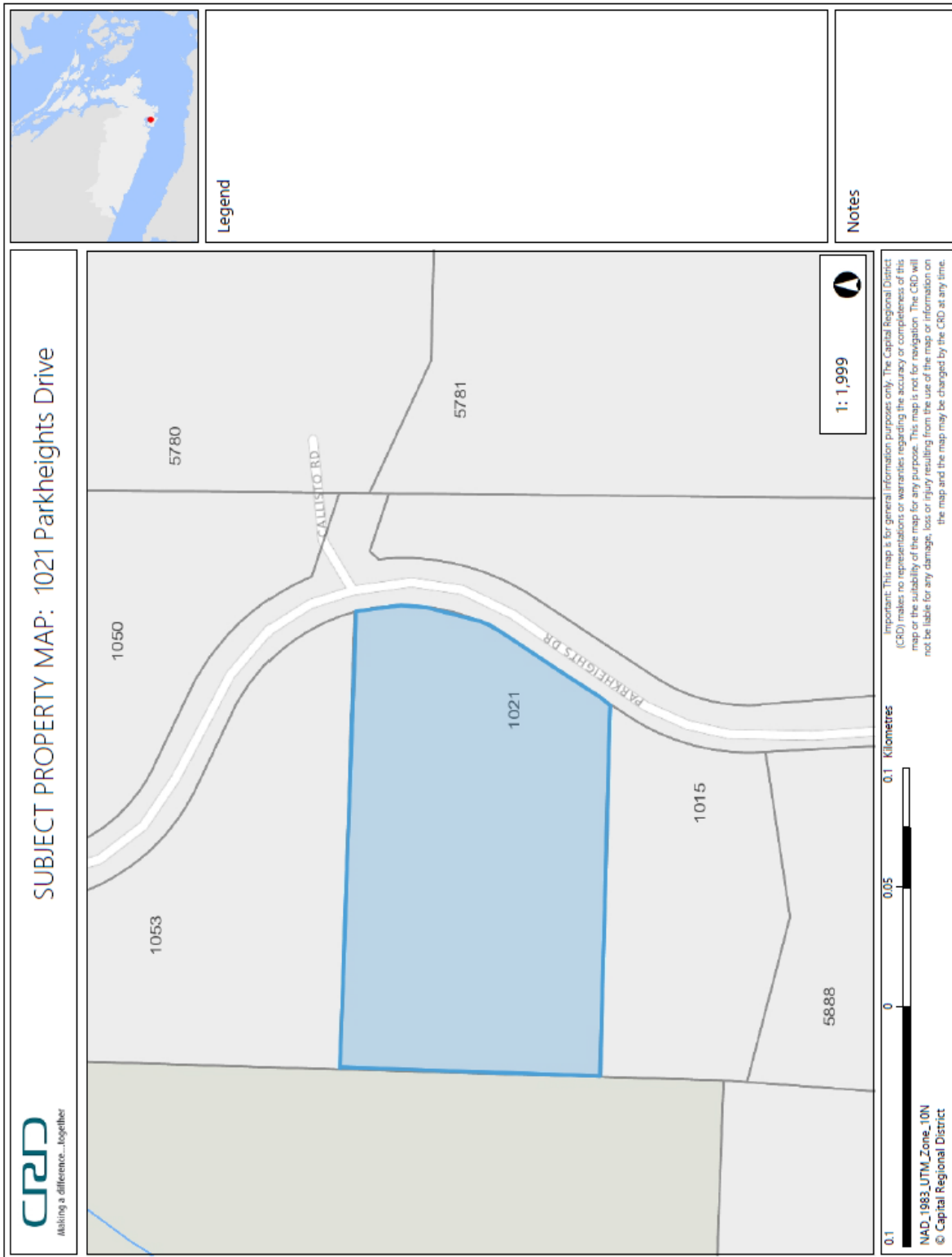
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

#### **Attachments:**

1. Subject Property Map
2. Riparian Assessment Report
3. Geotechnical Report
4. Proposed Plan of Subdivision
5. Rural Residential 6A Zone
6. Proposed Bylaw No. 4260



Attachment 1: Subject Property Map



Attachment 2: Riparian Assessment Report

FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Regulation: Assessment Report**

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2018-07-23

**I. Primary QEP Information**

First Name	Jennifer	Middle Name	Marianne
Last Name	McEwen		
Designation	RPBio	Company	Madrone Environmental Services
Registration #	2926	Email	jennifer.mcewen@madrone.ca
Address	1081 Canada Ave		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	BC	Country	Canada
Phone #	250-746-5545		

**II. Secondary QEP Information (use Form 2 for other QEPs)**

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
Phone #			

**III. Developer Information**

First Name		Middle Name	
Last Name			
Company			
Phone #		Email	
Address	1021 Parkheights Drive		
City	East Sooke	Postal/Zip	V9Z 1B3
Prov/state	BC	Country	Canada

**IV. Development Information**

Development Type	Subdivision	
Area of Development (ha)	2.03	Riparian Length (m)
Lot Area (ha)	2.03	Nature of Development
Proposed Start Date	2018-07-31	Proposed End Date
		2020-07-31

**V. Location of Proposed Development**

Street Address (or nearest town)	1021 Parkheights Drive		
Local Government	Capital Regional District	City	East Sooke
Stream Name	Unnamed Stream – flows into Anderson Cove		
Legal Description (PID)	007-370-661	Region	Vancouver Island
Stream/River Type	Stream	DFO Area	South Island
Watershed Code	ungazetted		
Latitude	48	21	18.48
Longitude	123	39	26.96

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.  
Insert that form immediately after this page.

FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

***Table of Contents for Assessment Report***

	<b>Page Number</b>
1. Description of Fisheries Resources Values .....	3
2. Results of Riparian Assessment (SPEA width) .....	5
3. Site Plan .....	9
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	10
2. Windthrow.....	10
3. Slope Stability.....	10
4. Protection of Trees.....	11
5. Encroachment .....	11
6. Sediment and Erosion Control.....	12
7. Stormwater Management.....	12
8. Floodplain .....	12
5. Environmental Monitoring .....	13
6. Photos .....	14
7. Assessment Report Professional Opinion .....	24

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 1. Description of Fisheries Resources Values and a Description of the Development proposal**

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Nature of Development Proposal

This Riparian Areas Regulation (RAR) assessment was triggered as an application for subdivision of 1021 Parkheights Drive, East Sooke BC is being submitted to the Capital Regional District (CRD). The property is located approximately 6 km southeast of the town of Sooke. Under the RAR process, subdivision is considered to be a form of "development", and in this case the assessment is necessary as a portion of the property is encompassed within the 30 m Riparian Assessment Area (RAA) of an unnamed stream that flows into Anderson Cove. The RAA represents the area that extends as a horizontal distance from the high water mark (HWM) of the creek, to a point 30 m away. At the request of the CRD, a Qualified Environmental Professional (QEP) was retained to assess the watercourse prior to the subdivision application being submitted. Discussions with the property owner raised the question of whether the watercourse meets the RAR definition of a stream. After completing a preliminary assessment on July 2, 2018, it was determined that the watercourse does meet the definition of a stream under the RAR. The formal RAR assessment was completed on July 6, 2018.

The subdivision proposal involves dividing the subject property into two single family lots (Lot A and B). Lot A will be ~0.5 ha and Lot B will be ~1.5 ha (refer to site plan). No definitive plans have been formulated for any building footprints, though the proposed general location is southeast of the stream and outside of the RAA. Subdivision is the only proposed development at this time.

Existing building footprints on the property include a single family dwelling located in the east-central portion of proposed Lot A. Northwest of the house, a wooden shelter structure was observed as well as an existing driveway. This driveway extends northeast onto the neighbouring property, but also provides alternative access from Parkheights Drive. An easement is being requested (with permission from the landowner) to allow the property owner of Lot B to access their property by way of this existing driveway. In addition, an old trail extends from the property to the north and extends south through the subject property. The trail terminates at a field in the western portion of the property. The trail is located immediately adjacent to the stream and passes through the RAA and SPEA.

Prior to completing the field portion of the RAR assessment, the Habitat Wizard Website (<http://maps.gov.bc.ca/ess/sv/habwiz/>) was reviewed to determine known distribution of fish. Under the Habitat Wizard Database, the subject stream is mapped as occurring to the west of the subject property, and not within the boundaries of the lot. This was found to be incorrect. The stream is not gazetted but empties into Anderson Cove. While no fish occurrences have been listed for this stream, there was no barrier observed at tidewater and, therefore, the stream has potential to support anadromous populations of salmonids. Due to lack of perennial flow, resident fish populations could not be supported by the stream. However, the stream flows into a large manmade pond located at 1053 Parkheights Drive, and this was full of water at the time of the assessment. A roughskin newt (*Taricha granulosa*) was observed swimming in the pond, suggesting the watercourse provides suitable habitat for amphibians and reptiles.

Stream, Wetland and Riparian Vegetation Descriptions

The subject stream originates west of the property, from within East Sooke Regional Park. From

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

its starting point, the stream flows in a northeasterly direction through the subject lot for approximately 84 m. At the northern boundary of the subject property, the flow shifts slightly in a northern direction and continues north through a residential property and into Park Heights Park before flowing through a culvert beneath East Sooke Road and downstream into the ocean. At the time of assessment, the stream was dry, and is known to be runoff fed with a seasonal flow regime.

The stream has an average gradient of 7.5% which classifies it as having a cascade-pool channel morphology, though the slopes varied from 2-12%. Within East Sooke Park, the channel is incised with vertical banks and a slope of around 12%. As it enters from the west onto the subject property, the gradient begins to subdue and follows a steady 5-10% gradient through to the northern property boundary, where it is around 2%. The channel flows between trees and tree roots, and there is an abundance of vegetation cover. The substrate is comprised of cobbles and small gravels for the majority of its course.

Vegetation within the riparian zone of the stream includes a mix of young and mature trees. The canopy was dominated by mature western redcedar (*Thuja plicata*) and bigleaf maple (*Acer macrophyllum*), with some Douglas-fir (*Pseudotsuga menziesii*) specimens noted. Young red alder (*Alnus rubra*) trees were observed near and along the old bridleway. Understorey vegetation is primarily comprised of sword fern (*Polystichum munitum*) with some salmonberry (*Rubus spectabilis*) and oceanspray (*Holodiscus discolor*). Other plants observed include vanilla leaf (*Achlys triphylla*) and trailing blackberry (*Rubus ursinus*). Within the SPEA, the only invasive plant that was observed was Daphne (*Daphne laureola*) and its occurrence was limited to a few plants. The majority of the riparian area is forested, though southeast of the stream beyond the SPEA but within the RAA, a field had been historically cleared for horses. Much of this area has since been left natural and is comprised of tall grasses and weeds. Some orchard plants (kiwi, apple) were observed in this area as well.

In addition, a skunk cabbage (*Lysichiton americanus*) dominated wetland was observed adjacent to the old driveway near Parkheights Drive. Other vegetation within the wetland complex included rushes, sedges (*Carex spp.*), horsetails (*Equisetum spp.*), salmonberry, and sword fern. The forest canopy was consistent with what had been observed elsewhere on the property (red alder, bigleaf maple and western redcedar). The swamp drains northwest into a channel and then outlets into the subject stream. Because this wetland drains into fish habitat, it is subject to the RAR and included in this assessment. Although it is not on the subject property, the RAA and SPEA for this wetland will extend south to include a portion of the subject property, and the existing driveway. In this case, the driveway is considered legally non-conforming and can be used as it was prior to the RAR process being implemented (it is grandparented into the SPEA). However, the landowners are aware that the driveway cannot be expanded beyond its current footprint. In addition, the landowners have identified a well site for Lot B that falls within the RAA of the wetland, but is located outside of the SPEA.

Non-RAR Applicable Waterbody

A spring-fed pond was noted on the subject property, within proposed Lot B. The pond is approximately 3m x 6m in size and is isolated with no inlet or outlet. As it is not connected to fish habitat, it is not classified as a stream under the RAR and does not require any setbacks. However, it is recommended that the landowner impose their own no-build setback to preserve the features of the waterbody as it likely provides habitat for amphibians and other wildlife.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 2. Results of Riparian Assessment (SPEA width)**

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2018-07-23

Description of Water bodies involved (number, type)

Unnamed Stream

Stream	x
Wetland	
Lake	
Ditch	

Number of reaches 1

Reach # 1

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

	Channel Width(m)	Gradient (%)	
starting point	2.0	5	I, Jennifer McEwen, R.P.Bio., hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	1.3	12	
	1.4		
	1.2		
	1.5	10	
downstream	5.9		
	1.4		
	1.7		
	2.0	2	
	1.8		
	1.6		
Total: minus high /low	14.7		
mean	1.63	7.25	
	R/P	C/P	S/P
Channel Type		x	

**Site Potential Vegetation Type (SPVT)**

	Yes	No	
SPVT Polygons		x	<p>Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes</p> <p>I, Jennifer McEwen, R.P.Bio., hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	TR
			x
Polygon No:			Method employed if other than TR

FORM 1									
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report									
SPVT Type	LC	SH	TR						
Polygon No:				Method employed if other than TR					
SPVT Type									
<b>Zone of Sensitivity (ZOS) and resultant SPEA</b>									
Segment	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons							
No:									
LWD, Bank and Channel Stability ZOS (m)		10							
Litter fall and insect drop ZOS (m)		10							
Shade ZOS (m) max		4.89	South bank	Yes		No	x		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)								
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report				
<b>SPEA</b>	<b>maximum</b>	<b>10 m</b>	(For ditch use table3-7)						
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <span style="background-color: black; color: black;">[REDACTED]</span></p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.</p>									



FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Results of Detailed Riparian Assessment**

Refer to Chapter 3 of Assessment Methodology

Date: 2018-07-12

Description of Water bodies involved (number, type)

Unnamed Wetland

Stream  
Wetland  
Lake  
Ditch

x

Number of reaches

n/a

Reach #

n/a

**Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)**

Channel Width(m)		Gradient (%)
starting point		
upstream		
downstream		
Total: minus high /low mean		
	R/P	C/P S/P
Channel Type		

I, Jennifer McEwen, R.P.Bio., hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

**Site Potential Vegetation Type (SPVT)**

	Yes	No
SPVT Polygons		x

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Jennifer McEwen, R.P.Bio., hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

f) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Polygon No:			
	LC	SH	TR
SPVT Type			x

Method employed if other than TR

Polygon No:			
	LC	SH	TR
SPVT Type			

Method employed if other than TR

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

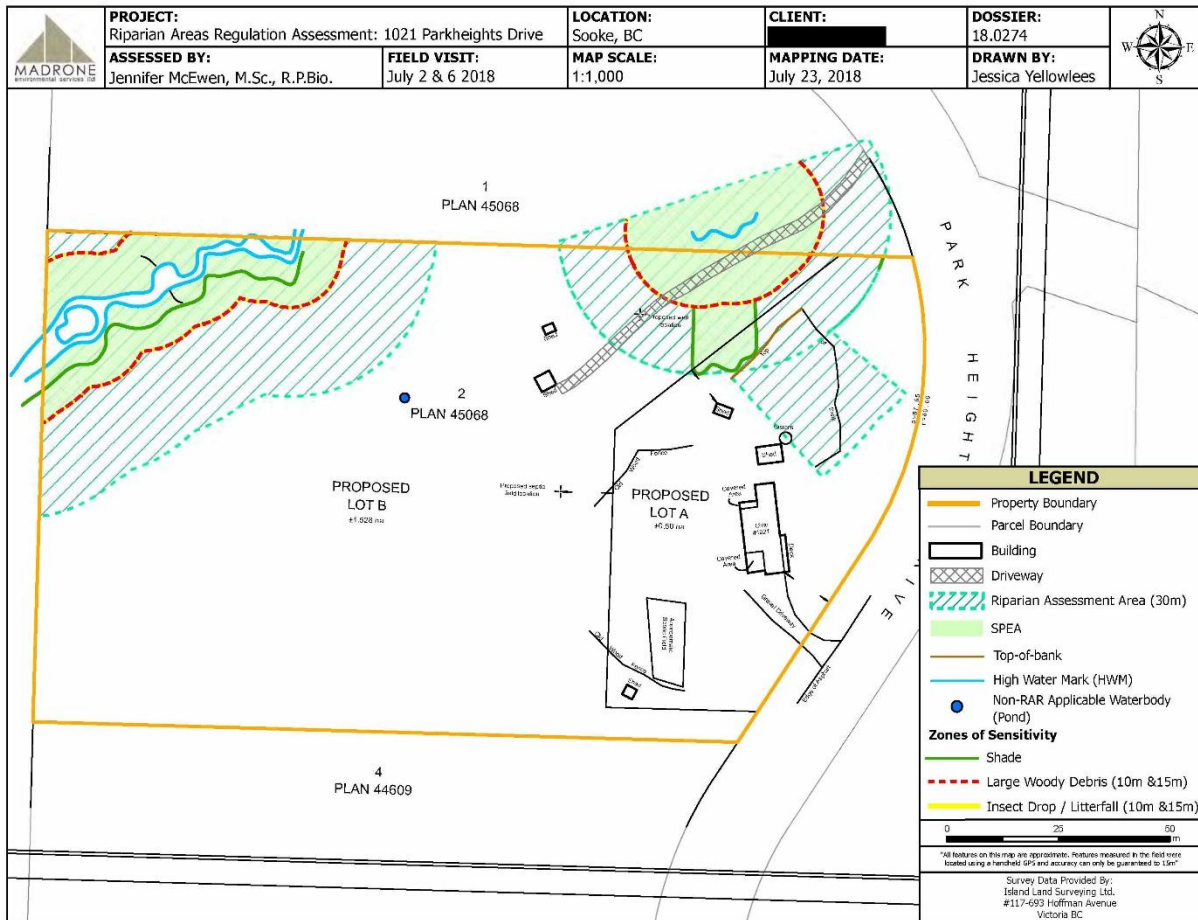
Polygon No:		Method employed if other than TR
SPVT Type		

**Zone of Sensitivity (ZOS) and resultant SPEA**

Segment	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
No:					
LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	30	South bank	Yes	x	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report
<b>SPEA maximum</b>	<b>30 m</b>	(For ditch use table3-7)			

**Comments**

At the time of the site visit the HWM was identified and marked with blue flagging tape. The client has retained a professional British Columbia Land Surveyor (BCLS) to conduct topographical surveys of the property and has committed to having the BCLS delineate the 10 m SPEA for the stream and 30 m SPEA for the wetland.



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 4. Measures to Protect and Maintain the SPEA**

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

<p>1. Danger Trees</p>	<p>While conducting the assessment it was noted that both coniferous and deciduous tree species are abundant. There were no obvious indications of hazard trees observed at the time of the assessment. Overall the trees on the subject property appeared to be in good health. Due to the fact this assessment is being conducted for a subdivision proposal it is not necessary to conduct a formal danger tree assessment at this time.</p> <p>As trees (particularly deciduous species) within the SPEA continue to mature, there may be a requirement implement management measures for hazard trees. If the property owner considers any trees on their property to be a hazard they must retain a professional that is qualified in assessing danger trees. A Registered Professional Forester (RPF) or Certified Arborist will possess the appropriate knowledge to develop measures suited to a given situation.</p> <p>Any woody debris generated from tree management measures should remain inside the SPEA. Course Woody Debris (CWD) provides potential cover/security habitat for wildlife (e.g., amphibians). CWD is also important as it aids in maintaining soil moisture and contributes nutrients into the soil as it decomposes.</p>
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>2. Windthrow</p>	<p>There are presently no concerns related to windthrow on this particular site as this assessment was triggered by a subdivision proposal. No tree clearing is proposed at this time and therefore the development proposal will not result in an increase in windthrow risk.</p>
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>3. Slope Stability</p>	<p>Based on observations made during the RAR assessment, there are no concerns related to slope instability. The topography immediately adjacent to the stream and wetland is relatively flat. However, on the south side of the driveway</p>

FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

	the slopes increase. Due to this, the RAA boundary was adjusted from the top of bank in this area. The property has been assessed by a geotechnical consultant and any concerns have been addressed in an additional report.
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>4. Protection of Trees</p>	<p>Currently, subdivision is the only form of development proposed at 1021 Parkheights Drive. At this time, there is no requirement to implement tree protection measures.</p> <p>No trees are permitted to be felled within the SPEA of the wetland along the existing driveway except for designated danger trees (refer to the danger tree measures above). However, once the subdivision is complete and plans are finalized for development, tree protection measures may be required to protect trees within the SPEA. Where development occurs beyond the 30 m RAA, there will be no requirement to develop tree protection measures.</p>
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>5. Encroachment</p>	<p>The following activities are prohibited in the SPEA:</p> <ul style="list-style-type: none"> <li>- Removal, alteration, disruption or destruction of vegetation;</li> <li>- Disturbance of soils;</li> <li>- Construction of temporary or permanent structures;</li> <li>- Creation of non-structural impervious or semi impervious surfaces;</li> <li>- Flood protection works;</li> <li>- Construction of roads and trails;</li> <li>- Provision and maintenance of sewer/water services;</li> <li>- Development of drainage systems; and</li> <li>- Development of utility corridors.</li> </ul> <p>Encroachment of the SPEA is currently not a concern as the proposal is for subdivision only. Due to the fact the driveway represents a legally non-conforming feature it can continue to be used as it was prior to implementation of the RAR. The landowner is aware of the restrictions within the SPEA and that the existing driveway footprint may be maintained, but must not be expanded. As noted above, only danger trees designated by a qualified professional may be treated or felled along the existing driveway within the SPEA of the wetland.</p>



FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>6. Sediment and Erosion Control</p>	<p>Under the Federal Fisheries Act, sediment is regarded as being a deleterious substance and introducing sediment into waterbodies can damage fish habitat. Of particular concern is suffocation of spawning beds.</p> <p>Although the subject stream is connected by surface flow to the ocean, at this time, the only form of development being proposed is subdivision. Therefore, the development does not pose any erosion or sedimentation risk to the stream or wetland.</p>
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>7. Stormwater Management</p>	<p>Measures related to stormwater management are implemented in cases where an increase in run-off from impermeable surfaces is generated. At this time there is no requirement to address issues related to stormwater run-off as this assessment is for a subdivision proposal.</p>
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>This stream experiences natural seasonal variations in water level as it is a runoff sourced system. Given this, there are no concerns related to flooding or highly mobile channel as subdivision is currently the only proposed development.</p>
<p>I, <u>Jennifer McEwen, R.P.Bio.</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 5. Environmental Monitoring**

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Environmental monitoring is required when construction activities take place within the 30 m RAA. The purpose of monitoring during the construction phase is to ensure that the recommended measures put in place to protect the functionality of the SPEAs are followed.

Currently, subdivision is the only proposed form of development. If the subdivision application is approved, the property owner may propose further development plans including the construction of new buildings. As long as any future proposed construction is located outside of the RAA, there will be no requirement for environmental monitoring. However, future proposed development within the RAA will be subject to an updated RAR assessment, which may include environmental monitoring measures. The RAAs and SPEAs have now been identified, allowing the local government to assess whether any future development applications proposed for this property will require an updated RAR assessment.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 6. Photos - Stream**



Looking upstream at the incised portion of the stream channel that is located in East Sooke Park. Note the understory is dominated by sword ferns. The gradient here was around 12%, typical of a cascade/pool channel type.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Downstream of the cascade/pool channel type, the stream gradient subdues and the channel widens and braids. It follows two courses for a few metres until rejoining and forming a single channel. Note this photo is taken very close to the Park boundary.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo of the gravel substrate that comprises the bed of the stream throughout the assessed area.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



A photo depicting the typical channel morphology observed (cascade-pool) near the northern property boundary. The stream flows between trees and tree roots. Note the blue flagging depicts the HWM, which coincides with the edge of the active floodplain.



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking downstream toward the northern property boundary (note the old wooden fence). The gradient at this point was around 2%, which is more representative of a riffle/pool channel type. Water appeared to spread throughout the entire area and was not confined within a defined channel (see next photos).



FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo taken steps back from the previous photo that shows how the stream channel is lacking definition. The water appears to infiltrate through the debris before following a more defined channel (blue arrow). The red arrow points at some gravel that has been deposited by water that spread throughout the entire area at one time. The brideway is located just above this where the grass is noted in the photo.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Photo looking upstream at the stream channel close to the northern property boundary (note the fallen fence). This photo also shows how the channel is less defined at this point.

FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



Looking north from the trail toward the location of the stream. As noted in the previous photo, despite the channel following a more defined course onto the neighbouring property (blue arrow), water does migrate from the main channel where the banks are less defined, and into the depressions within this area.



FORM 1

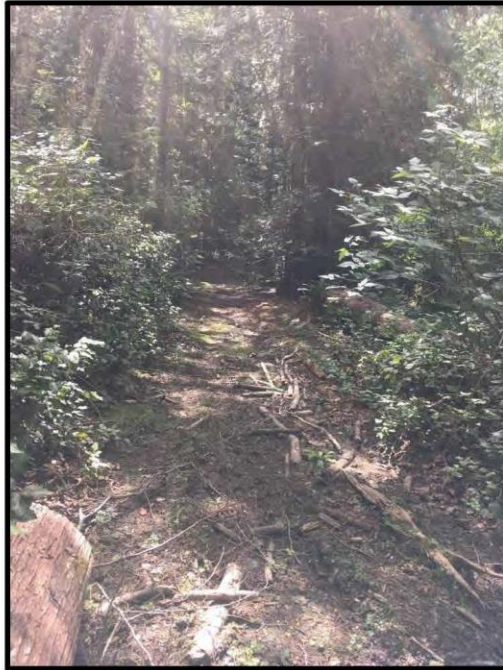
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

***Photos – Wetland***



Photo taken from the edge of the driveway looking at the skunk cabbage-dominated swamp. The water from this wetland outlets into a stream channel, which joins the subject stream. Note this wetland is located on the adjacent property at 1053 Parkheights Drive. However, as an easement has been requested by permission from this property owner, use of the driveway will fall within the SPEA setback for this wetland.

FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



(a)



(b)

Photos taken looking southwest (a) and northeast (b) from the driveway located within the SPEA of the wetland.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Section 7. Professional Opinion**

**Assessment Report Professional Opinion on the Development Proposal's riparian area.**

Date 2018-07-12

1. I Jennifer McEwen, M.Sc., R.P.Bio.

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out the assessment of the proposal made by the developer [REDACTED], which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**  
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
- b) ☒ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

**[NOTE:** "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if  
(a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,  
(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and  
(c) the individual is acting within that individual's area of expertise.]



FORM 1  
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

**Submission Instructions**  
**Riparian Areas Regulation – Qualified Environmental Professional – Assessment Report**  
**RAR-QEP-AR**

**Forms you will need to complete are**

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: See the Guidelines and the Assessment Methods for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be complete, by submitting the information specified, and posted to provide notification to the local government, Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans Canada.

**Tips for working with MS Word Template Forms**

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (\*.doc file)
- Do not overwrite the Template (\*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site

Attachment 3: Geotechnical Report

Brimmell Engineering Ltd  
971 Bank Street  
Victoria, BC  
V8S 4B1  
rbirmell@shaw.ca

July 3/18  
File No. 18-101

Re: Proposed Two-lot Subdivision, 1021 Parkheights Dr., E. Sooke  
Geotechnical Considerations

This letter is further to our site meeting of June 28. Photos with notes are on Pages 2 to 5. The tentative subdivision plan is appended.

Site Description:

The property is on the west side of Parkheights Drive opposite Callisto Rd. Proposed Lot A comprises 0.5+/- ha. fronting on Parkheights Dr. It will include the existing house (to remain). Proposed Lot B will be about 1.5 ha. in area, located behind (west of) Lot A. The attached plan shows Lot B as a panhandle with driveway access on the south side. However, you propose to access Lot B via an easement across the SE corner of the adjacent Lot 1, Plan 45068 (to the north) taking advantage of an existing track which will be improved as appropriate.

Lot A is already developed and there are no geotechnical issues. It is proposed to build on Lot B in the area indicated on the plan and shown in the first photo. Lot B is rolling, and includes a pond and a seasonal stream. There are localized steep areas within the SW quadrant of Lot B. Evidence of rockfall or slope instability was not found during the June 28 site reconnaissance.

Discussion & Recommendations:

Grades are moderate in the area of the proposed dwelling on Lot B. The proposed house site is safe for the intended usage of single-family residential with respect to potential geotechnical concerns including rock fall, land slip and flooding. It is recommended that subgrade preparation for the proposed Lot B dwelling (and any other new buildings) be inspected and approved by a geotechnical engineer.

1021 Parkheights Geotech Rpt

It is confirmed that the requirements for legislated Landslide Assessments (seismic design event of 2% probability in 50 years of exceedance) has been considered when assessing the site.



I trust that this information meets your present requirements. Please do not hesitate to contact the writer if there are questions.

Yours truly





Richard Brimmell, P.Eng.  
for Brimmell Engineering Ltd.

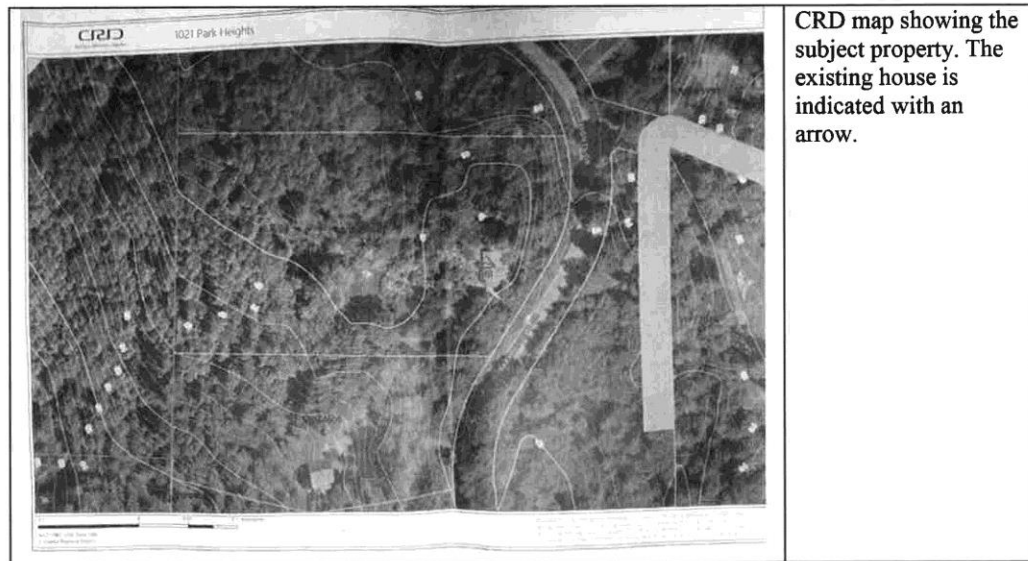
1021 Parkheights Geotech Rpt

	<p>Looking SW The site of the proposed Lot B corresponds with the shed. The lane in the foreground continues northeastward to Parkheights Dr. and will be developed as the driveway.</p>
	<p>Seasonal stream be within the west half of Lot B</p>

1021 Parkheights Geotech Rpt

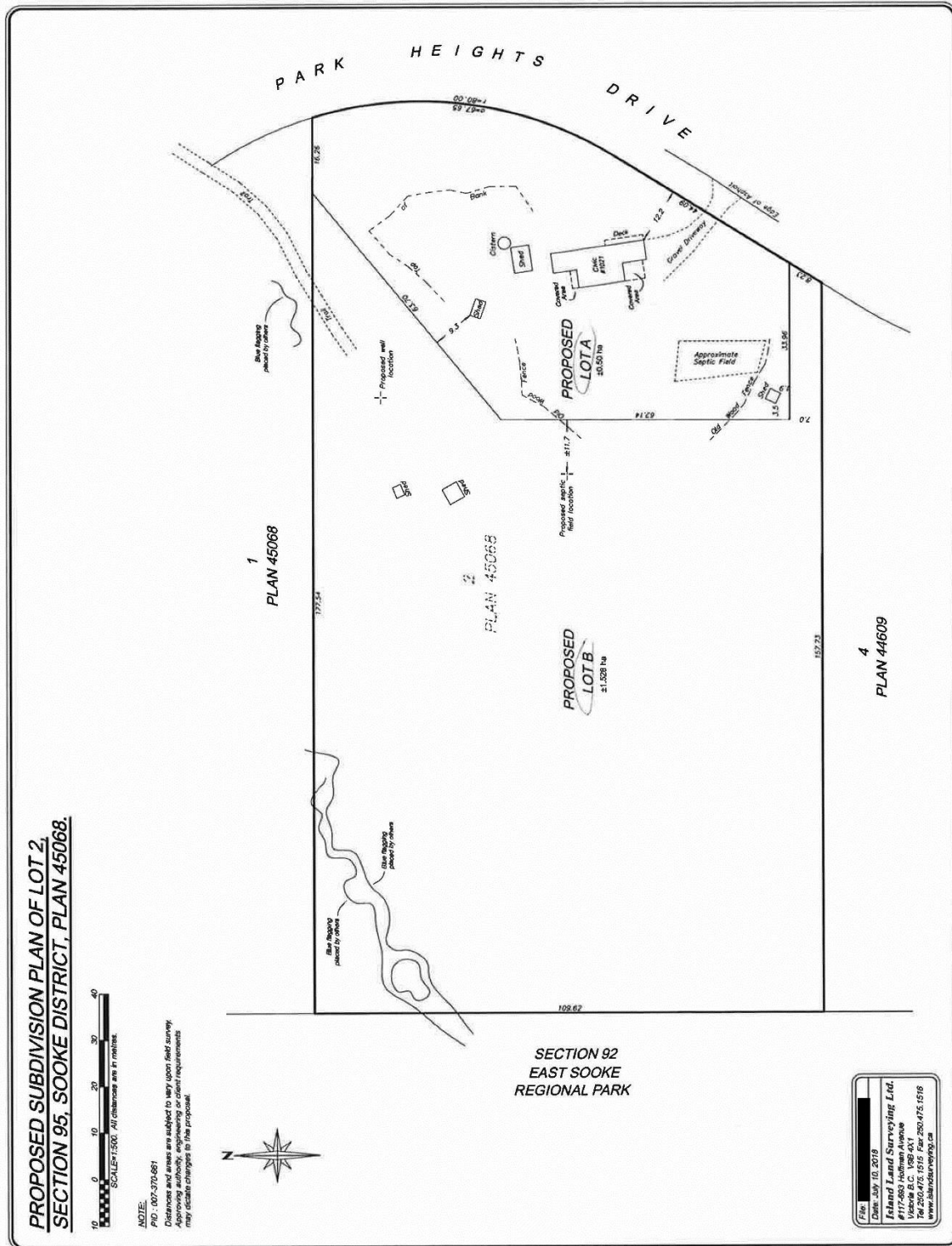
	<p>Localized steep zone within the SW quadrant of Lot B</p>
	<p>Looking north across a meadow within the east half of Lot B</p>

1021 Parkheights Geotech Rpt





Attachment 4: Proposed Plan of Subdivision



Attachment 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<sup>2</sup>;
- (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<sup>2</sup>, 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.

Attachment 6: Proposed Bylaw No. 4260

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4260**

\*\*\*\*\*  
**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 2, Section 95, Sooke District, Plan VIP45068 from the Rural Residential 3 (RR-3) 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. 137, 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

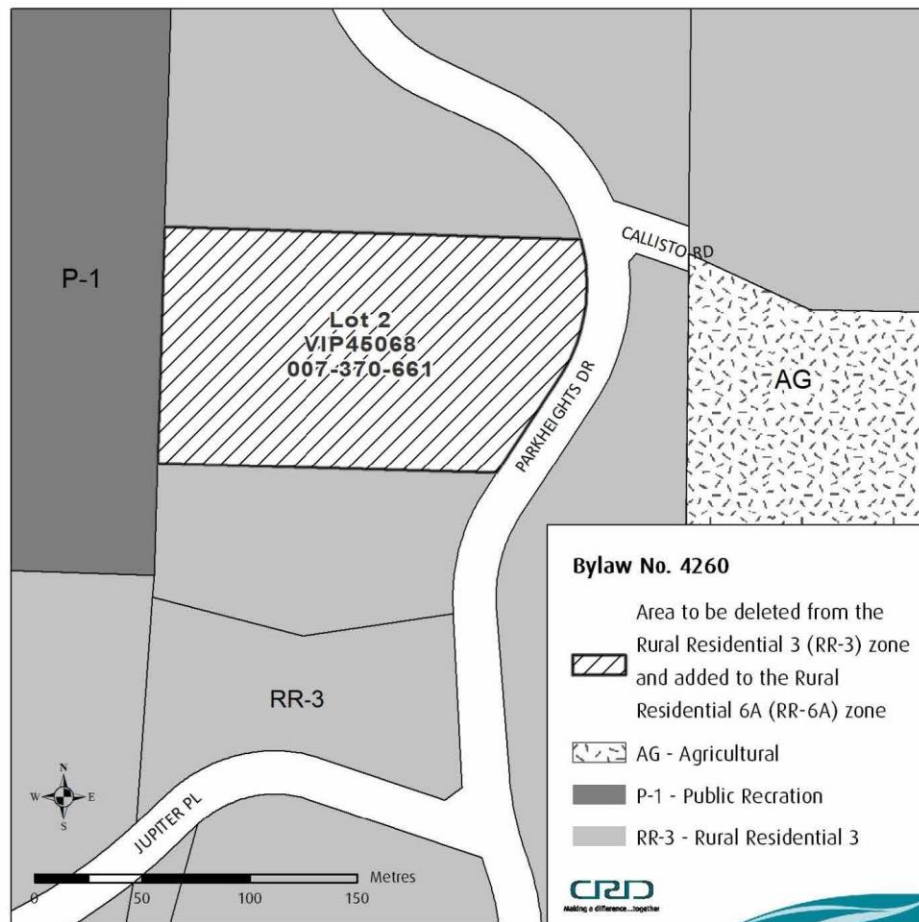
\_\_\_\_\_  
CORPORATE OFFICER

CRD Bylaw No. 4260

2

**Plan No. 1 of Bylaw 4260, an amendment to Bylaw No. 2040**

Lot 2, Section 95, Sooke District, Plan VIP45068 shown on this plan attached to and forming part of this bylaw.





**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 18, 2018**

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**SUBJECT**      **Comprehensive Community Plan Amendment Application for:  
That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R  
(PID: 009-592-342);  
Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125);  
That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R  
(PID: 009-575-006); and  
Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown  
Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All  
Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing  
3.86 Hectares, More or Less**

**ISSUE**

The applicant proposes to redesignate the subject properties from Marine Protection (M) and Residential (R) to a new Pacific Gateway Marina (PGM) designation, and to rezone the subject properties from Marine (M) and Community Residential – One (CR-1) to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, in order to permit a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public.

**BACKGROUND**

The subject properties are located in Port Renfrew at 17110 Parkinson Road and 6598 Baird Road (Appendices 1 and 2). The upland properties are designated as Residential (R) and the Licence of Occupation area is designated as Marine Protection (M) under the Comprehensive Community Plan for Port Renfrew, 2003, Bylaw No. 3109. The upland properties are zoned Community Residential – One (CR-1) and the Licence area is zoned Marine (M) under Bylaw No. 3109. The subject areas are adjacent to Tourist Commercial – One (TC-1) and CR-1 zoned land to the south and west, Community Use (CU) zoned land to the east, and Port San Juan to the north.

The parcels located at 17110 Parkinson Road and the Licence area are currently located outside the Port Renfrew Water Service Area, while the property located at 6598 Baird Road is located inside the service area. The land based parcels are all located within the Port Renfrew Fire Protection Local Service Area, while the Licence area on which the marina is situated is located outside the service area.

The CR-1 zone allows development in the form of one residential unit per parcel, home based businesses, bed and breakfasts, religious centres, and retail establishments. The Marine zone allows private boat docks.

The Licence of Occupation area, on which the current marina infrastructure is located, was issued by the Province on February 25, 2016. Temporary Use Permit TP000008 was issued by the Regional Board on June 28, 2016, and will expire on Jun 28, 2019. The Permit authorizes the operation of a 60-slip commercial marina, offices, food services, fuel sales, recreation, boat trailer parking and boat storage within the Licence area and part of the adjoining upland property.

The proposed rezoning to a new Pacific Gateway Marina Comprehensive Development (PGM-CD) zone would establish six development areas, each with a variety of uses including residential, tourist commercial, recreation, community and marina services to the general public (Appendices 3 and 4).



In order to rezone the property, a new Pacific Gateway Marina (PGM) land use designation has been developed. The PGM designation includes policies that support the uses of the proposed zone, that outline the required level of servicing for the proposed development, and that establish the community's interest in the development of a publicly accessible walking trail through the marina development.

Staff have prepared Bylaw No. 4096 (Appendix 5), which would redesignate the subject properties and Licence of Occupation area from Residential and Marine Protection to a new Pacific Gateway Marina designation, and rezone the subject areas from CR-1 and M to a new PGM-CD zone.

## **ALTERNATIVES**

### *Alternative 1*

That staff be directed to refer proposed Bylaw No. 4096, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 2018" to appropriate CRD departments and the following external agencies for comment:

BC Hydro	Ministry of Environment	Pacheedaht First Nation
Cowichan Valley Regional District	Archaeology Branch – MFLNRORD	RCMP
District of Sooke	Crown Lands & Resources – MFLNRORD	Sooke School District #62
Island Health	Ministry of Transportation and Infrastructure	

### *Alternative 2*

That proposed Bylaw No. 4096 not be referred.

### *Alternative 3*

That more information be provided by staff.

## **LEGISLATIVE IMPLICATIONS**

Pursuant to Section 477 of the *Local Government Act (LGA)*, an amendment to a zoning bylaw requires that the local government provide one or more opportunities for consultation it considers appropriate to the persons, organizations and authorities the local government considers may be affected by the adoption, repeal or amendment of a zoning bylaw.

Consultation under the above noted sections of the *LGA* must occur prior to the requirement under Section 477 to hold a public hearing as part of the amendment process. In this case, the comments will be received prior to proceeding to first reading of the bylaw.

## **PUBLIC CONSULTATION IMPLICATIONS**

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 *LGA*. At the present time, there is no active APC for Port Renfrew; therefore, staff recommend referring the proposed amendment bylaw to a Public Information Meeting to be held in the community.

## **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. For that reason, CRD Development Applications Procedures Bylaw No. 3110, requires that all official community plan amendments be considered by the CRD Board to determine consistency with the RGS. Since the proposal includes an amendment to Schedule 'A' of the Port Renfrew Comprehensive Community Plan, the bylaw will be referred to the CRD Board for a determination of consistency prior to first reading.

## **PLANNING ANALYSIS**

The Port Renfrew Comprehensive Community Development Plan, designates the subject properties as Residential (R) and the Licence of Occupation area as Marine Protection (M). The objectives of the Residential designation is to ensure the housing stock in the plan area meets the needs and requirements of the market place for at least five years. This designation identifies mixed residential/commercial uses as viable activities for economic development within the residential designation. The Marine Protection designation prohibits the operation of log booms. Neither the Residential nor the Marine Protection designations are entirely appropriate for use of the property as a comprehensive marina development; therefore a change from the Residential and Marine Protection designations to a new Pacific Gateway Marina (PGM) designation is required.

The proposed PGM designation includes policies regarding improvements to the Port Renfrew Water Supply System, as well as the provision of community water and sewer service to the subject properties. The PGM policies also outline the community interest in a publicly accessible trail through the property as part of larger network connecting various areas of Port Renfrew.

The proposed Pacific Gateway Marina Comprehensive Development (PGM-CD) zone establishes six development areas. Each development area includes a specific set of permitted uses and regulations.

Development Area A is proposed to include a series of courtyard cabins and stacked duplexes that range in size from 70 m<sup>2</sup> to 90 m<sup>2</sup>, in one- and two-bedroom configurations.

Development Area B is proposed to include six courtyard cabins of approximately 90 m<sup>2</sup>.

Development Area C comprises the marina operation itself, and includes boat docks, food services and retail establishments, community uses, office uses, and tourist facilities. This area could include a future fishing lodge and/or small conference centre. A portion of this area could also be dedicated to Canadian Coast Guard operations.

Development Area D is proposed to include tourist accommodation facilities in the form of cabins, and RV and camper rental spaces.

Development Area E includes an existing dwelling unit and may be subdivided from the parent property in the future. The use of this development area would remain as residential.

Development Area F is proposed to include larger, single-family dwellings with the option of year-round residency. Units are proposed to be in the 110 m<sup>2</sup> to 150 m<sup>2</sup> range. This development area could potentially be used as the site of a small conference centre or spa associated with the fishing lodge proposed for Development Area C.

In addition to the above uses, the developer has worked with Federal and Provincial agencies such as the Canadian Coast Guard and BC Ambulance to establish and increase service levels to the community and surrounding area.

The proposed PGM-CD zone includes minimum servicing requirements for community water and community sewer. The improvements to the community water system specified by the zone would also be the subject of a development agreement between the owner and the CRD.

Staff recommend referral of proposed Bylaw No. 4096 to a Public Information Meeting in the community, to appropriate CRD departments and to external agencies for comment.

## **CONCLUSION**

The purpose of this Comprehensive Community Plan (OCP and zoning) amendment application is to allow a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public. Staff recommend referring the proposed bylaw to a Public Information Meeting to be held in the community, and to appropriate CRD departments and external agencies for comment.

**RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4096, “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 2018” to appropriate CRD departments and the following external agencies for comment:

BC Hydro	Ministry of Environment	Pacheedaht First Nation
Cowichan Valley Regional District	Archaeology Branch – MFLNRORD	RCMP
District of Sooke	Crown Lands & Resources – MFLNRORD	Sooke School District #62
Island Health	Ministry of Transportation and Infrastructure	

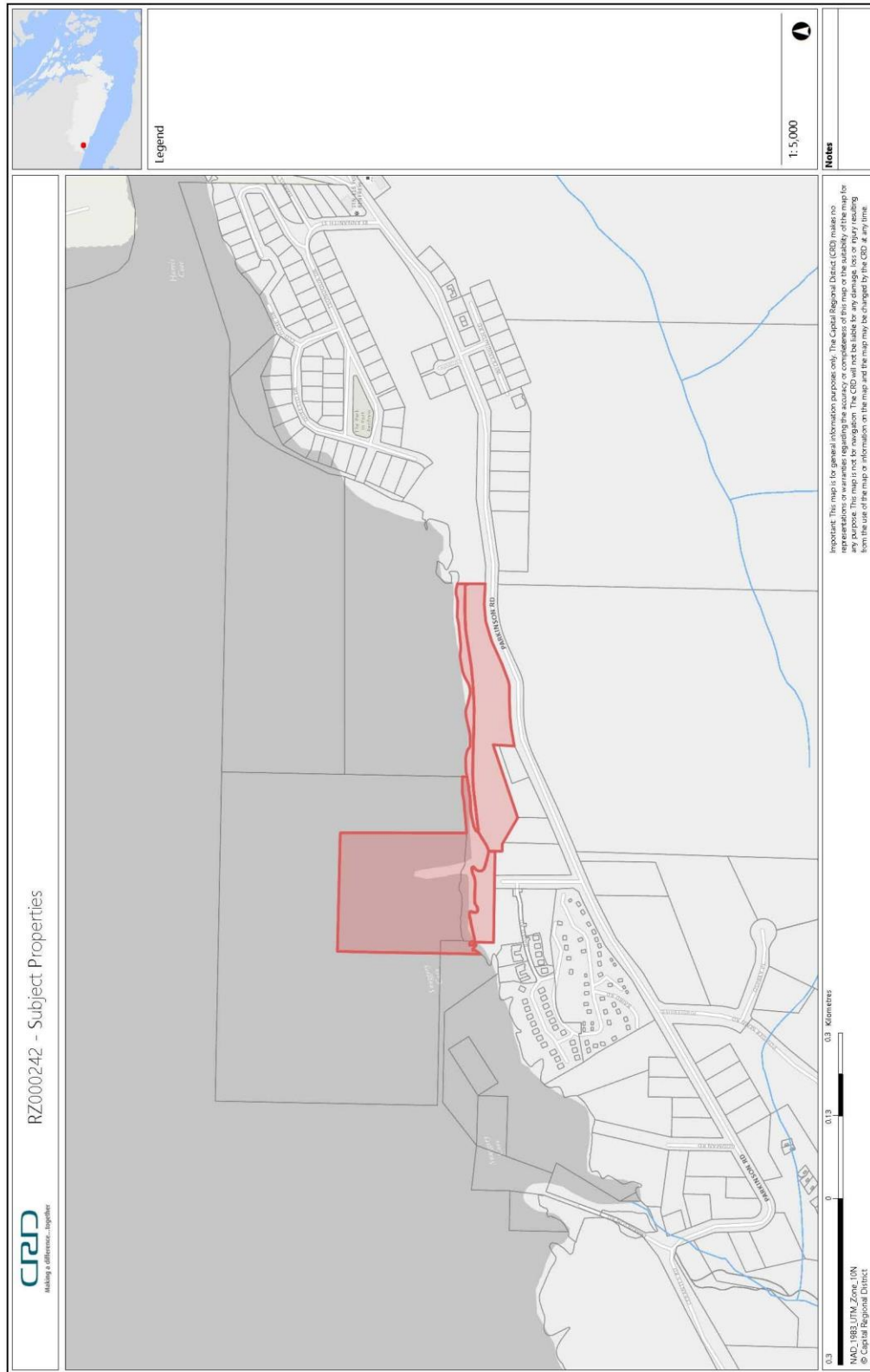
Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Christine Culham, Acting General Manager, Planning & Protective Services

IL:wm

Appendices:

1. Subject Property Map
2. Orthophoto Plan
3. Site Plans
4. Concept Sketch
5. Proposed Bylaw No. 4096

Appendix 1: Subject Property Map



## Appendix 2: Orthophoto Plan





Appendix 3: Site Plans









**D'AMBROSIO**  
architecture + urbanism

For illustration only. Delineation subject to legal survey confirmation



Attachment 4: Concept Sketch



**Concept Sketch**  
Pacific Gateway Marina \_17.07.26

**D'AMBROSIO**  
architecture + urbanism

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4096**

\*\*\*\*\*  
**A BYLAW TO AMEND BYLAW NO. 3109,  
THE "COMPREHENSIVE COMMUNITY PLAN FOR PORT RENFREW, BYLAW NO. 1, 2003"**  
\*\*\*\*\*

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

1. Bylaw No. 3109 being the "Comprehensive Community Plan for Port Renfrew, Bylaw No. 1, 2003" is hereby amended:

**A. SCHEDULE A, SECTION 4.0 DEVELOPMENT POLICIES**

- (a) By inserting a new Section 4.5 "Pacific Gateway Marina (PGM) Policies" after Section 4.4, to be read as follows:

**4.5. Pacific Gateway Marina (PGM) Policies**

**Objective**

The objective of the PGM designation is to provide a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public. Development within the PGM designation should support the economic, social and cultural well-being of the Port Renfrew community.

**4.5.1. Development (PGM) Policies**

- a. Prior to any further development within the PGM designation the following services are to be constructed and bylaws adopted:
  - i. Installation of a second water reservoir to expand the capacity of the Port Renfrew Water Supply System to the satisfaction of the Capital Regional District.
  - ii. Adoption of an amendment to the Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Bylaw No. 1747, to include all those lands and the surface of the water within the PGM land use designation.
  - iii. Adoption of an amendment to the Port Renfrew Fire Protection Local Service Establishment Bylaw, 1989, Bylaw No. 1743, to include all those lands and the surface of the water within the PGM land use designation.
- b. In addition to increasing the capacity of the existing Port Renfrew Water Supply system, the following amenities are of interest to the community and should be completed in accordance with the requirements specified by the Pacific Gateway Marina Comprehensive Development (PGM-CD) zone:
  - i. Construction of a public trail and staircase providing connectivity between the Juan de Fuca Electoral Area Community Parks and Recreation trail on Lot 64, Plan VIP24755, and Baird Road. The route provided by this trail and staircase should be protected by a statutory right-of-way in favour of the CRD.

and renumbering Section 4 accordingly.

## B. SCHEDULE B, PART IV ZONES

- (a) By inserting a new “Pacific Gateway Marina Comprehensive Development (PGM-CD)” zone after Section 27, to be read as follows:

### 28.0 Pacific Gateway Marina Comprehensive Development (PGM-CD) Zone

#### Purpose

The purpose of this zone is to implement the Pacific Gateway Marina (PGM) land use designation in order to provide a mix of community uses, year-round residential accommodation, vacation properties, and commercial tourism, recreation and marina services to the general public.

The PGM-CD zone is divided into Development Areas A – F, which are shown in Section 28.06. Development within each Development Area is to occur in accordance with the regulations and specifications indicated below.

Except where otherwise provided for in this Bylaw, only the specified list of permitted uses may be carried out on the parcels within the PGM-CD zone.

#### 28.01 PGM-CD Zone – General Regulations

- (a) Prior to the issuance of any building permit for any upland Development Area of the PGM-CD zone, the following services are to be constructed and bylaws adopted.
- i. Construction of a second water reservoir to expand the capacity of the Port Renfrew Water Supply System in accordance with the Pacific Gateway Marina Master Development Agreement.
  - ii. Adoption of an amendment to the Port Renfrew Water Supply Local Service Establishment Bylaw No. 1, 1989, Bylaw No. 1747, to include all those lands and the surface of the water within the PGM-CD zone.
  - iii. Adoption of an amendment to the Port Renfrew Fire Protection Local Service Establishment Bylaw, 1989, Bylaw No. 1743, to include all those lands and the surface of the water within the PGM-CD zone.
- (b) As a requirement of subdivision, each proposed parcel within the PGM-CD zone must be connected to a community sewer system to the satisfaction of Island Health or the Ministry of Environment, and to a community water system to the satisfaction of the Capital Regional District.

#### 28.02 Development Area A – Specific Regulations

(1) Permitted uses	(a) Single-family residential (b) Duplex residential (c) Accessory buildings or structures to the above permitted uses
(2) Minimum lot size for subdivision purposes	0.75 ha
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m
(7) Minimum flood plain setback of the foundation of residential and staff accommodation buildings from the natural boundary of the sea	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood

	Hazard Area Land Use Management Guidelines.
(8) Minimum flood construction level of the underside of the floor system of residential and staff accommodation buildings above geodetic mean sea level	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood Hazard Area Land Use Management Guidelines.
(9) Maximum floor area ratio of residential units	0.075
(10) Maximum lot coverage	40% of the parcel area
(11) Maximum principal building height	11.75 m
(12) Maximum accessory building height	6.0 m
(13) Works and services to be constructed as a condition of issuance of a building permit	In addition to works and services required under Section 28.01: (a) Provision of a public walking trail constructed in a location and to a standard approved by Juan de Fuca Electoral Area Community Parks and Recreation, connecting Development Area A with Development Areas B and C.

### 28.03 Development Areas B, D and E – Specific Regulations

(1) Permitted uses	(a) Single-family residential (b) Duplex residential (c) Home based business (d) Staff accommodation (e) Accessory buildings or structures to the above permitted uses
(2) Minimum lot size for subdivision purposes: (a) Development Area B (b) Development Area D (c) Development Area E	0.26 ha 0.34 ha 300 m <sup>2</sup>
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m
(7) Minimum flood plain setback of the foundation of residential and staff accommodation buildings from the natural boundary of the sea	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood Hazard Area Land Use Management Guidelines.
(8) Minimum flood construction level of the underside of the floor system of residential and staff	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood



accommodation buildings above geodetic mean sea level	Hazard Area Land Use Management Guidelines.
(9) Maximum principal building height	11.75 m
(10) Maximum accessory building height	6.0 m
(11) Works and services to be constructed as a condition of issuance of a building permit	In addition to works and services required under Section 28.01: (a) Provision of a public walking trail and staircase constructed in a location and to a standard approved by Juan de Fuca Electoral Area Community Parks and Recreation, connecting Development Area C with Development Areas A and E.

#### 28.04 Development Area C – Specific Regulations

(1) Permitted uses	(a) Commercial marina (b) Community uses (c) Conference centre (d) Food service establishments (e) Hotels and motels (f) Office uses (g) Retail establishments (h) Staff accommodation (i) Tourist facilities and related amenities (j) Accessory buildings or structures to the above permitted uses
(2) Minimum lot size for subdivision purposes	1.0 ha
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m
(7) Minimum flood plain setback of the foundation of guest and staff accommodation buildings from the natural boundary of the sea	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood Hazard Area Land Use Management Guidelines.
(8) Minimum flood construction level of the underside of the floor system of residential and staff accommodation buildings above geodetic mean sea level	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood Hazard Area Land Use Management Guidelines.
(9) Maximum principal building height	12.0 m
(10) Maximum accessory building height	6.0 m

(11) Works and services to be constructed as a condition of issuance of a building permit	In addition to works and services required under Section 28.01: (a) Provision of a public walking trail constructed in a location and to a standard approved by Juan de Fuca Electoral Area Community Parks and Recreation, connecting Development Area A with Development Areas B and C.
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28.05 Development Area F – Specific Regulations

(1) Permitted uses	(a) Single-family residential (b) Duplex residential (c) Townhouse residential (d) Community uses (e) Conference centre (f) Food service establishments (g) Home based business (h) Hotels and motels (i) Office uses (j) Retail establishments (k) Staff accommodation (l) Tourist facilities and related amenities (m) Accessory buildings or structures to the above permitted uses
(2) Minimum lot size for subdivision purposes	0.4 ha
(3) Minimum front yard setback	6.0 m
(4) Minimum interior side yard setback	3.0 m
(5) Minimum exterior side yard setback	4.5 m
(6) Minimum rear yard setback	4.5 m
(7) Minimum flood plain setback of the foundation of residential, guest and staff accommodation buildings from the natural boundary of the sea	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood Hazard Area Land Use Management Guidelines.
(8) Minimum flood construction level of the underside of the floor system of residential, guest and staff accommodation buildings above geodetic mean sea level	As determined by a Qualified Professional experienced in coastal engineering following the BC Flood Hazard Area Land Use Management Guidelines.
(9) Maximum principal building height	12.0 m
(10) Maximum accessory building height	6.0 m

28.06 PGM-CD Zone Development Areas Map



### C. SCHEDULE B, MAP NO. 2 – LAND USE DESIGNATIONS

- (a) By deleting That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125); and That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) from the Residential (R) designation and adding said lots to the Pacific Gateway Marina (PGM) designation, as shown on Plan No. 1, attached to and forming part of this bylaw; and
- (b) By deleting Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less from the Marine Protection (M) designation and adding said licence area to the Pacific Gateway Marina (PGM) designation, as shown on Plan No. 1, attached to and forming part of this bylaw.

### D. SCHEDULE B, MAP NO. 3 – ZONING

- (a) By deleting That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125); That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) from the Community Residential – One (CR-1) zone and adding said lots to the Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, as shown on Plan No. 2, attached to and forming part of this bylaw; and

- (b) By deleting Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less from the Marine (M) zone and adding said licence area to the Pacific Gateway Marina Comprehensive Development (PGM-CD) zone, as shown on Plan No. 2, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 10, 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	, 2019.

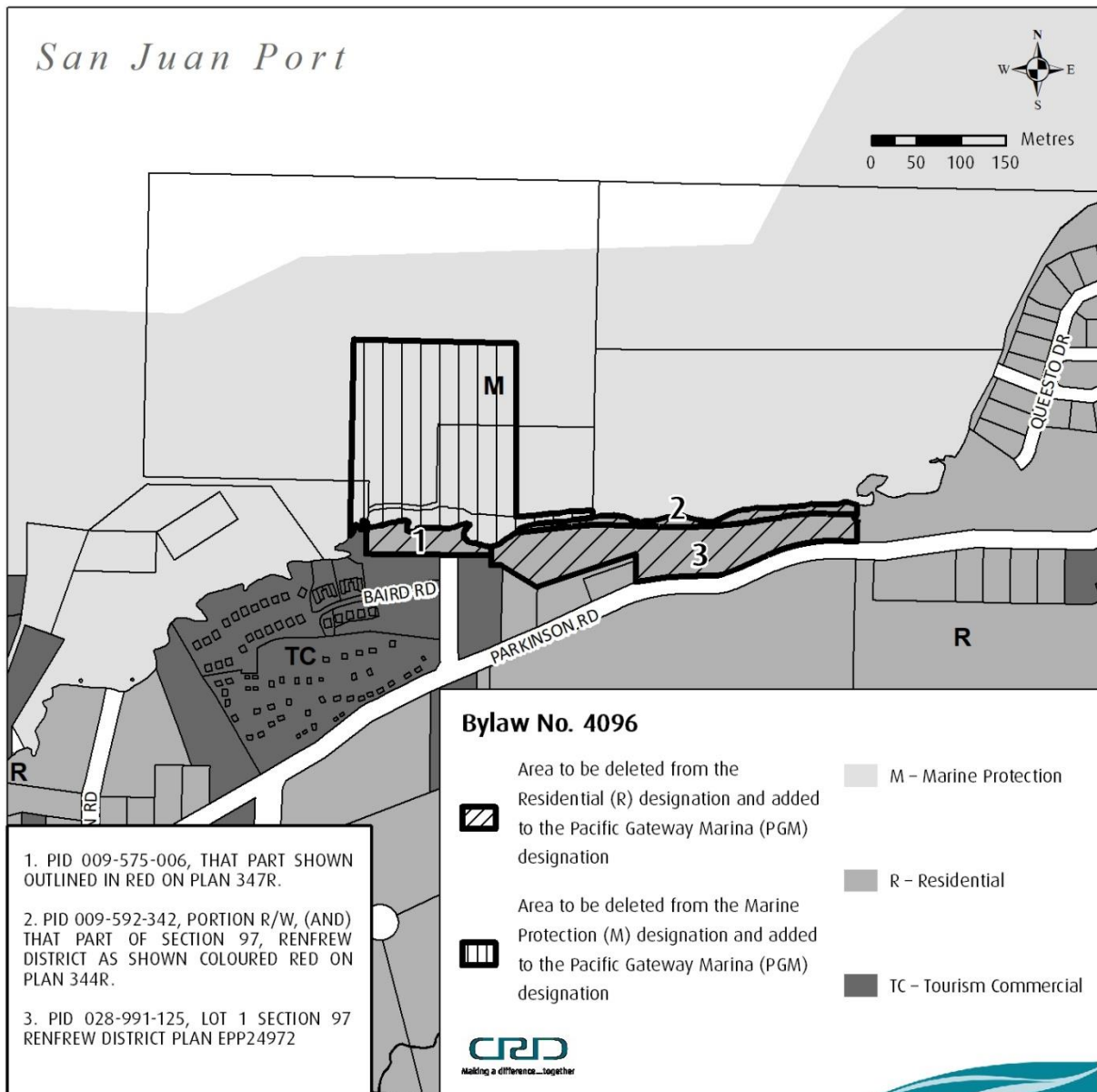
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CHAIR

CORPORATE OFFICER

**Plan No. 1 of Bylaw 4096, an amendment to Bylaw No. 3109**

That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125); That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006); and Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less shown on this plan attached to and forming part of this bylaw.



**Plan No. 2 of Bylaw 4096, an amendment to Bylaw No. 3109**

That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125); That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006); and Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less shown on this plan attached to and forming part of this bylaw.

