

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **February 19, 2019, 2019 at 7 p.m.**

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

---

**AGENDA**

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of January 15, 2019
4. Chair's Report
5. Planner's Report
6. Rezoning Applications
  - a) RZ000260 - Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree Road)
  - b) RZ000262 - Lot 3, Section 88, Sooke District, Plan 38149 (5728 Titan Place)
7. Proposed Bylaw
  - a) Bylaw No. 4266, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019" (Port Renfrew Development Permit Areas and Development Approval Information)
8. Adjournment



Making a difference...together

**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, January 15, 2019, at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

---

**PRESENT:** Mike Hicks (Chair), Stan Jensen, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Sandy Sinclair  
**Staff:** Iain Lawrence, Manager, Local Area Planning; Emma Taylor, Planner; Wendy Miller, Recorder  
**PUBLIC:** Approximately 18

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

**1. Election of Vice Chair**

The Chair called for nominations for the position of Vice Chair of the Juan de Fuca Land Use Committee for 2019 and Roy McIntyre's name was put forward. The Chair called two additional times for further nominations and, as there were none, Roy McIntyre was acclaimed Vice Chair.

**2. Approval of the Agenda**

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

**CARRIED**

**3. Approval of the Supplementary Agenda**

**MOVED** by Roy McIntyre, **SECONDED** by Vern McConnell that the supplementary agenda be approved.

**CARRIED**

**4. Adoption of Minutes from the Meeting of December 17, 2018**

**MOVED** by Sandy Sinclair, **SECONDED** by Ron Ramsay that the minutes from the meeting of December 17, 2018, be adopted.

**CARRIED**

**5. Chair's Report**

The Chair thanked attendees for coming to the meeting.

At this time, the Chair asked that the application for a temporary use permit for 7822 Tugwell Road (TP000010) be considered by the LUC after the application for a development permit with variance for 6890 Mark Lane (DV000063).

**6. Planner's Report**

a) Public Hearing – Bylaw No. 4259 (9330 Invermuir Road)  
Date: February 6, 2019  
Time: 7 pm  
Location: Shirley Community Hall

b) At its meeting of January 9, 2019, the CRD Board adopted Bylaw No. 3885, "Juan de Fuca Development Fees and Procedures Bylaw No. 30, 2018" and approved the Juan de Fuca

Cannabis Retail Licence Application Policy and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy.

- c) At its meeting of January 9, 2019, the CRD Board adopted Bylaw No. 4271, "Juan de Fuca Land Use Committee Bylaw No. 1, 2004.

## 7. Development Permit with Variance Application

### a) DV000063 - Lot 2, Section 43, Highland District, Plan 14620 (6890 Mark Lane)

Iain Lawrence spoke to the staff report and the request for a development permit with variance to decrease the rear 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 deck extension. Iain Lawrence confirmed that the previous owner constructed an addition to a previously approved deck without a permit. The new owner has requested the development permit with variance in order for the expanded deck to be brought into compliance with the Willis Point Comprehensive Community Plan. Iain Lawrence advised that the applicant has submitted a geotechnical report and site survey.

Iain Lawrence directed attention to the supplementary submission from Robert M. Scott and Celia Ann Alexander-Scott stating support for the application.

The Chair confirmed that the applicant was not present.

**MOVED** by Vern McConnell, **SECONDED** by Dale Risvold that the Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000063 for Lot 2, Section 43, Highland District, Plan 14620, to authorize the siting of an existing deck, and to vary the Willis Point Comprehensive Community Plan, 2003, Bylaw No. 3027, Schedule B, Part IV, Section 22.2(d)(iv), by reducing the rear yard setback from 6 m to 2.3 m, be approved.

**CARRIED**

## 8. Temporary Use Permit Application

### a) TP000010 - Lot 4, Section 47, Otter District, Plan 23769 (7822 Tugwell Road)

Iain Lawrence spoke to the staff report and the request for a temporary use permit to allow a federally licensed micro-cannabis cultivation facility in the Rural Residential 2 (RR-2) zone. Iain Lawrence outlined the proposed conditions of the permit as included in the staff report.

Iain Lawrence responded to questions from the LUC confirming that the *Local Government Act (LGA)* allows a temporary use permit to be issued for up to three years and that the holder of the permit can apply to have a permit renewed once. Iain Lawrence further confirmed that the proposed micro-cultivation building would be sited outside of the Steep Slopes and Riparian Development Permit Areas designated on the property.

The applicant responded to questions from the LUC advising that:

- carbon filters will eliminate all odours
- he currently holds two licences for medical cannabis production
- the cultivated product will not be sold on site
- the cultivated product will be sold to a Health Canada licensed processor or the Provincial control board

- Health Canada mandates product testing
- he currently has a concurrent application with Health Canada for processing
- Health Canada will not issue a processing licence until the building is constructed
- the subject property is 2.5 acres

**MOVED** by Ron Ramsay, **SECONDED** by Stan Jensen that staff be directed to refer proposed Temporary Use Permit TP000010 to the Otter Point Advisory Planning Commission, to appropriate CRD departments and to the following external agencies for comment:

BC Hydro	MFLNRORD – Archaeology Branch	RCMP
District of Sooke	MFLNRORD – Groundwater Protection Branch	T’Sou-ke First Nation
Island Health	Ministry of Transportation and Infrastructure (MoTI)	

**CARRIED**

## 9. Soil Deposit Permit Application

### a) SP000092 - Section 42, Otter District except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580 (Clark Road)

Iain Lawrence spoke to the staff report initially presented to the LUC at its December 17, 2018, meeting. At that time, the applicant requested a soil permit to deposit up to 20,000 cubic metres (m<sup>3</sup>) of soil on the subject property to complete creek restoration and for road construction associated with a proposed subdivision. In response to concerns raised at the December meeting, he and the Chair visited the source site on December 18. The Chair and members of the LUC visited the deposit site on January 3.

As a result of the site visits, the applicant has revised their request. Iain Lawrence directed attention to the supplementary agenda, which includes the applicant’s revised request, revised cut and fill volumes plan and geotechnical letter. It was confirmed that the applicant has now requested to deposit up to 14,000 cubic metres (m<sup>3</sup>) of soil on the subject property for the purposes of road construction and landscaping for a proposed residential subdivision. Iain Lawrence read aloud the terms and conditions included in the revised request:

- soil deposit trucking to Section 42 Otter Point will be restricted to week days between the hours of 8:30 a.m. and 3:00 p.m.
- signs restricting speeds to 20km/hr will be posted on Otter Ridge and Clark Roads, visible both directions
- no soil deposit trucking will occur on:
  - statutory holidays (Family Day, February 18; Easter Friday, April 19; Easter Monday, April 22; Victoria Day, May 20)
  - School District 62 Non-Instructional days (February 15, April 12 May 10)
  - 2019 Spring Break (March 18-29)
- soil deposit trucking will cease on the last day of the 2018/19 school year, June 28
- if required, soil deposit trucking may resume in September of 2019 after the first day of school, under the same conditions, upon written permission of the Juan de Fuca Planner

- the owners will obtain from Hemmera Envirochem, a letter of engagement to perform random testing of the imported materials to ensure compliance. Reports shall be copied to the Juan de Fuca Planner
- the owners will engage a Registered Professional Biologist to monitor the site and perform erosion and sediment control supervision, in accordance with development permits issued for the site

The Chair confirmed that the proposal no longer includes creek restoration.

A LUC member stated concern regarding the quality of the source site soil.

The applicant stated that:

- he can appreciate concerns raised regarding soil quality
- he has no intention of depositing contaminated soil as it would be catastrophic to the development
- professional reports substantiate the quality of the soil
- soil testing will be done to the highest protocol
- soil testing will be done at the source site and at the deposit site

The Chair directed attention to the supplementary agenda, which included an independent review he requested from Wittich Environmental Services (WES) Ltd. of the Hemmera soil characterization. The Chair noted that the WES report stated that comment cannot be provided regarding certain potential contaminants of concern (PCOC) as the Preliminary Site Investigation report was not provided. Accordingly, the WES report states that other PCOCs, such as PCBs, may be appropriate to consider.

The applicant stated that:

- logistically, the entire source site cannot be tested
- areas within the source site are identified
- the different areas are tested in the field and in laboratories
- source materials are tested for numerous contaminants
- no objection to independent material testing being done at the deposit site
- Hemmera would be retained for testing at the source site and the deposit site

Iain Lawrence responded to a question from the LUC confirming that the Preliminary Site Investigation report referenced in the WES report was reviewed by Hemmera.

A member of the public stated that this evening's discussion has focused on soil when all he has seen is the delivery of rock and gravel.

The applicant stated that different grades of soil, including rock and gravel, are required to create a base for soil to support regrowth.

An adjacent property owner stated that the development is affecting the enjoyment of her property and noted that her livestock have been impacted by blasting and that she has had to deal with an increase in noise, camping, parties, firearm use and dumping. The adjacent property owner stated that she cannot afford additional fencing to protect her livestock and property from trespassers.

The applicant stated that the subject property has been damaged and that he intends on being here for the long term. The applicant asked concerned residents to bear with the initial development of the property as the property needs to be repaired.

Jo Phillips, Otter Point:

- questioned the quantity of soil requested when the adjacent development did not require trucked soil
- questioned if there is a way to reduce the amount of fill
- stated concern regarding the number of dump trucks anticipated as Clark Road is a one lane road which is also regularly used by logging trucks
- stated support for limiting gravel delivery to 4 dump trucks a day

The applicant stated that a rock crusher will process materials on site, eliminating trucking of additional soil and reducing the amount of time associated with road construction.

Al Wickheim, Otter Point, questioned how the development will benefit Otter Point and what water services are proposed.

The applicant stated that:

- the subject property has spectacular views
- the property is currently a “moonscape”
- it is anticipated that portions of the subject property will be remediated to Agricultural Land Reserve standards
- rezoning was not being pursued for higher density
- lots will be 10 acres in accordance with the zone
- lots will be serviced by onsite wells

Al Wickheim stated that, regardless of lot size, the lots will be drawing from the same aquifer, depleting the water supply for current residents.

The applicant responded to questions from members of the public confirming that:

- the gate to the property had been cut and refuse dumped illegally on the property
- the refuse will be removed
- a professional report has been provided quantifying the amount of road shoulder material required
- there is currently 3,000 m<sup>3</sup> of soil on site
- 11,000 m<sup>3</sup> of soil still needs to be trucked in
- subdivision road plan still to be finalized

A member of the public stated support for continuous, independent soil monitoring.

A member of the public stated concern for the site access proposed off of Amanda Place.

The Chair confirmed that site access will be determined by the Ministry of Transportation and Infrastructure (MoTI).

Iain Lawrence confirmed that new roads associated with the development will have to meet Ministry standards.

The LUC stated support for the additional conditions proposed by the applicant in their letter of January 3, 2019, and independent monitoring by Wittich Environmental Services at the deposit site.

A member of the public noted that the letter of January 3, 2019, notes speed signs being posted on Otter Ridge Road. It was noted that access to the subject property is off of Otter Point Place.

The applicant responded to a question from the Chair confirming that soil will be stock piled to support limited replenishment.

**MOVED** by Director Hicks, **SECONDED** by Vern McConnell that Soil Deposit Permit SP000092 for Section 42, Otter District except that part lying 50 feet on each side of the centre line of the right of way shown on Plan 121 RW and except that part in Plan EPP63580, for the purpose of road construction and landscaping associated with subdivision, and comments received be forwarded to the General Manager of Planning and Protective Services for a decision.

Opposed: Stan Jensen  
**CARRIED**

**MOVED** by Sandy Sinclair, **SECONDED** by Dale Risvold that staff be directed to contact the Ministry of Transportation and Infrastructure regarding the state of Clarke Road.  
**CARRIED**

## **10. Adjournment**

**MOVED** by Vern McConnell, **SECONDED** by Dale Risvold that the meeting adjourn.

The meeting adjourned at 8:15 p.m.

---

Chair



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, FEBRUARY 19, 2019**

---

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

**ISSUE**

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

**BACKGROUND**

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

The property is designated as Settlement in the East Sooke Official Community Plan (OCP), Bylaw No. 4000, and is designated as Steep Slopes, Riparian and Sensitive Ecosystem development permit areas. Development Permit DP-12-11 was issued in 2011 for driveway construction and site preparation. A development permit addressing the guidelines of each development permit area will be required at the time of subdivision; however, professional reports have been received to support the rezoning.

James Russell, M.Sc., P.Eng. (Ryzuk Geotechnical), prepared a report addressing steep slopes and hazardous conditions on the property (Appendix 2). Adam Compton, R.P.Bio (EDI Environmental Dynamics Inc.), prepared an environmental overview assessment to address the older second growth forest ecosystem and the riparian assessment area (Appendix 3).

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

At their meeting of November 20, 2018, the Land Use Committee recommended referral of the Bylaw to the East Sooke Advisory Planning Commission (APC), the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, CRD departments and to the following agencies: BC Hydro; District of Sooke; Island Health; Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch (FLNRORD); Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; T'Sou-ke First Nation.

Comments were received from five agencies (Appendix 7). The East Sooke APC considered the application on January 9, 2019 (Appendix 8). The Juan de Fuca Electoral Area Parks and Recreation Advisory Commission considered the application on November 27, 2018 (Appendix 9).

## **ALTERNATIVES**

### Alternative 1

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

- a) That the referral of proposed Bylaw No. 4265 directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch; Ministry of Transportation and Infrastructure; RCMP; Scia'new First Nation; Sooke School District #62; and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4265, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018" be introduced and read a first time and read a second time; and
- c) That in accordance with the provisions of Section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4265.

### Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4265.

### Alternative 3

That more information be provided.

## **LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS**

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *Local Government Act (LGA)* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendment and it will be advertised in the local paper and on the website.

## **REGIONAL GROWTH STRATEGY IMPLICATIONS**

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, 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. This application is consistent with the policies of the East Sooke OCP.

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.

## **REFERRAL COMMENTS**

Referrals were sent to 11 agencies, including the East Sooke APC and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, and to appropriate CRD departments. Comments received are noted below and included in Appendices 7-9.

CRD Bylaw Enforcement does not anticipate significant bylaw enforcement implications.

FLNRORD – Archaeology Branch stated there are no known archaeological sites recorded on the subject property; however, there are some small areas of potential in the northwest and southwest corners of the property.

Island Health stated that subdivision requirements will be reviewed in a subsequent referral and outlines

water and on-site septic servicing requirements.

Ministry of Transportation and Infrastructure stated no objection to the proposed rezoning and that conditions will be addressed through the subdivision process.

Sooke School District #62 stated no concern with the referral.

East Sooke APC stated support for the application (Appendix 8). Concerns were raised regarding availability of potable water to support the subdivision and the APC stated support for consideration being given to requiring that the subdivision servicing standards be amended to require proof of potable water be provided during the dry season.

Juan de Fuca Electoral Area Parks and Recreation Advisory Commission stated that, due to the steep terrain, park dedication through the subject property would provide limited community use and that the Commission consider park dedication pursuant to Section 510 of the *LGA* at the time of subdivision (Appendix 9).

### **PLANNING ANALYSIS**

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

As an alternative to building strata development on Rural A zoned lands, Settlement policy 484 E supports the consideration of rezoning applications to permit subdivision based on a ratio of one parcel per hectare of land within a plan of subdivision, prior to the subtraction of area for road and park dedication.

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

Policy 424 G of the East Sooke OCP outlines the preferred methods for acquiring park land and trails including: as a condition of a rezoning, as an amenity contribution, or as dedication at time of subdivision. Subdivisions that create three or more lots, where the smallest lot is less than 2 ha in size, are required to provide park dedication pursuant to Section 510 of the *LGA*. Subject to approval of the rezoning, JdF EA Community Parks and Recreation will consider park dedication as part of the subdivision application; however, during their consideration of the zoning amendment application, the Commission noted that due to the steep terrain, park dedication through the subject property would provide limited community use.

As previously noted, this zoning amendment application was referred to 11 agencies including the East Sooke APC and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, and to appropriate CRD departments. Of those agencies and departments that responded, none expressed objections or raised concerns regarding the proposal.

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

The report prepared by EDI Environmental Dynamics Inc. identifies plant and wildlife species at risk with potential for occurrence within the project area, plus potential at risk forested ecological communities (Appendix 3). With the exception of a blue-listed Band-tailed Pigeon siting, no rare species were observed on site. The report also confirms the location of a watercourse that drains from a nearby wetland and flows as a roadside ditch within 30 metres of the southwest corner of the subject property. The report concludes that the proposed subdivision development is not anticipated to result in significant environmental impacts and recommendations are provided to ensure negative impacts to sensitive ecosystems, habitat features and wildlife do not occur.

Based on the information provided by the applicant and the policies of the East Sooke OCP, JdF Community Planning staff recommend receipt of the referral comments and proceeding with proposed Bylaw No. 4265 for first and second reading and proceeding to a public hearing.

**CONCLUSION**

The purpose of this zoning bylaw amendment application is to rezone the subject property from Rural A to RR-6A in order to allow subdivision of the property into four parcels with an average area of 1 ha. Referral comments have been received and staff recommend proceeding with proposed Bylaw No. 4265 for first and second reading and proceeding to a public hearing.

**RECOMMENDATIONS**

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

- a) That the referral of proposed Bylaw No. 4265 directed by the Juan de Fuca Land Use Committee to the East Sooke Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; appropriate CRD departments; BC Hydro; District of Sooke; Island Health; Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch; Ministry of Transportation and Infrastructure; RCMP; Scia’new First Nation; Sooke School District #62; and T’Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4265, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 138, 2018” be introduced and read a first time and read a second time; and
- c) That in accordance with the provisions of Section 469 of the Local Government Act, the Director for the Juan de Fuca Electoral Area, or Alternate Director, be delegated authority to hold a Public Hearing with respect to Bylaw No. 4265.

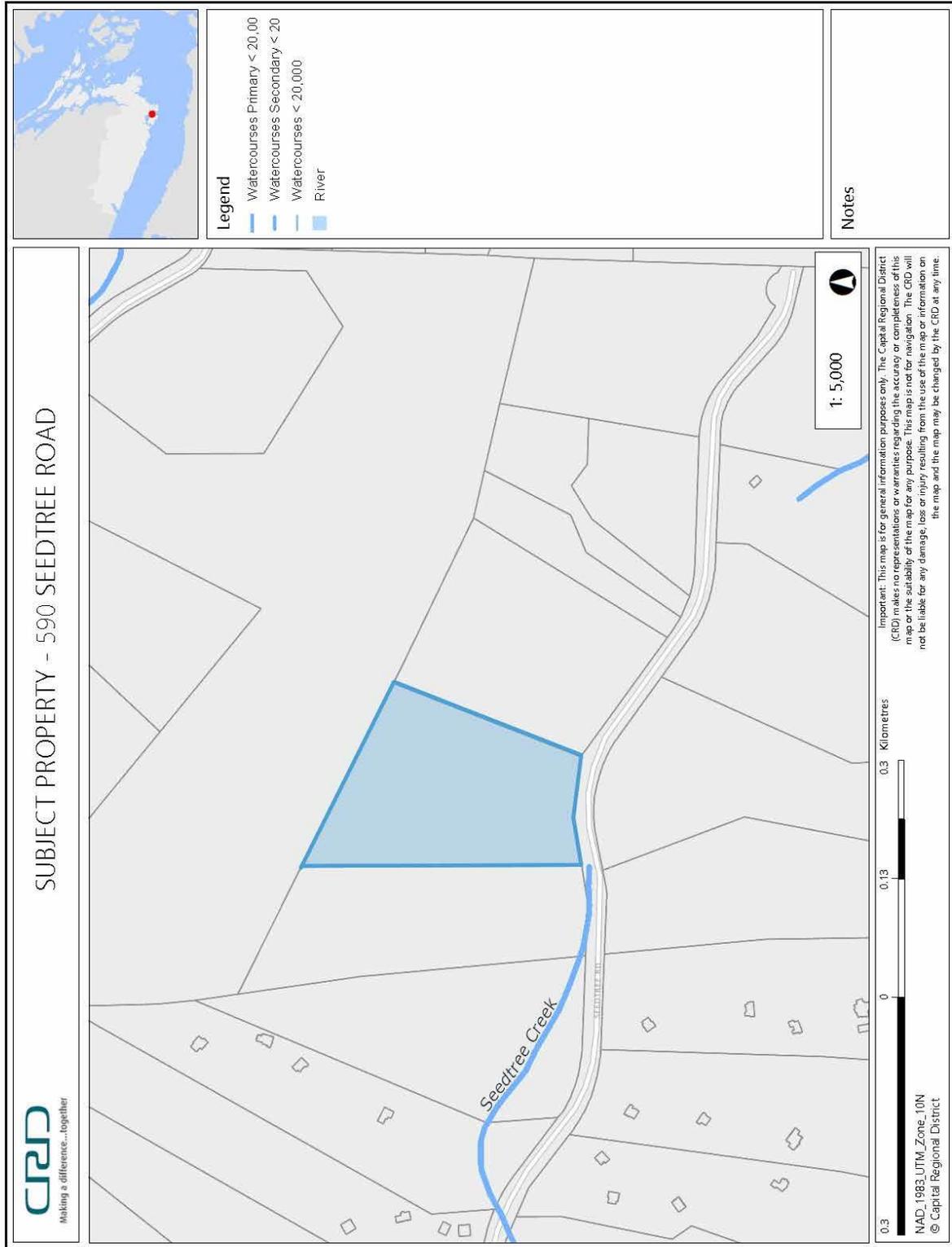
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ET:wm

Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Geotechnical Report
- Appendix 3. Environmental Assessment Report
- Appendix 4. Proposed Bylaw No. 4265
- Appendix 5. Rural Residential 6A Zone
- Appendix 6. Proposed Plan of Subdivision
- Appendix 7. Referral Comments
- Appendix 8. East Sooke APC Minutes
- Appendix 9. JdF EA Parks and Recreation Advisory Commission Minutes

Appendix 1: Subject Property Map



Appendix 2: Geotechnical Report

**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

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

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



Attn:

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

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

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

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

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

---

C.N. Ryzuk & Associates Ltd.

590 Seedtree Road – East Sooke, B.C.

October 12, 2018

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

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

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

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

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

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

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

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

██████████  
590 Seedtree Road – East Sooke, B.C.

October 12, 2018

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

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

Yours truly,  
Ryzuk Geotechnical



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



Oct 12, 2018

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

## TERMS OF ENGAGEMENT

### GENERAL

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

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

### COMPENSATION

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

### REPRESENTATIVES

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

### TERMINATION

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

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

### ENVIRONMENTAL

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

### PROFESSIONAL RESPONSIBILITY

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

### INSURANCE

Ryzuk Geotechnical is covered by Professional Indemnity Insurance as follows:

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

### LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

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

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.

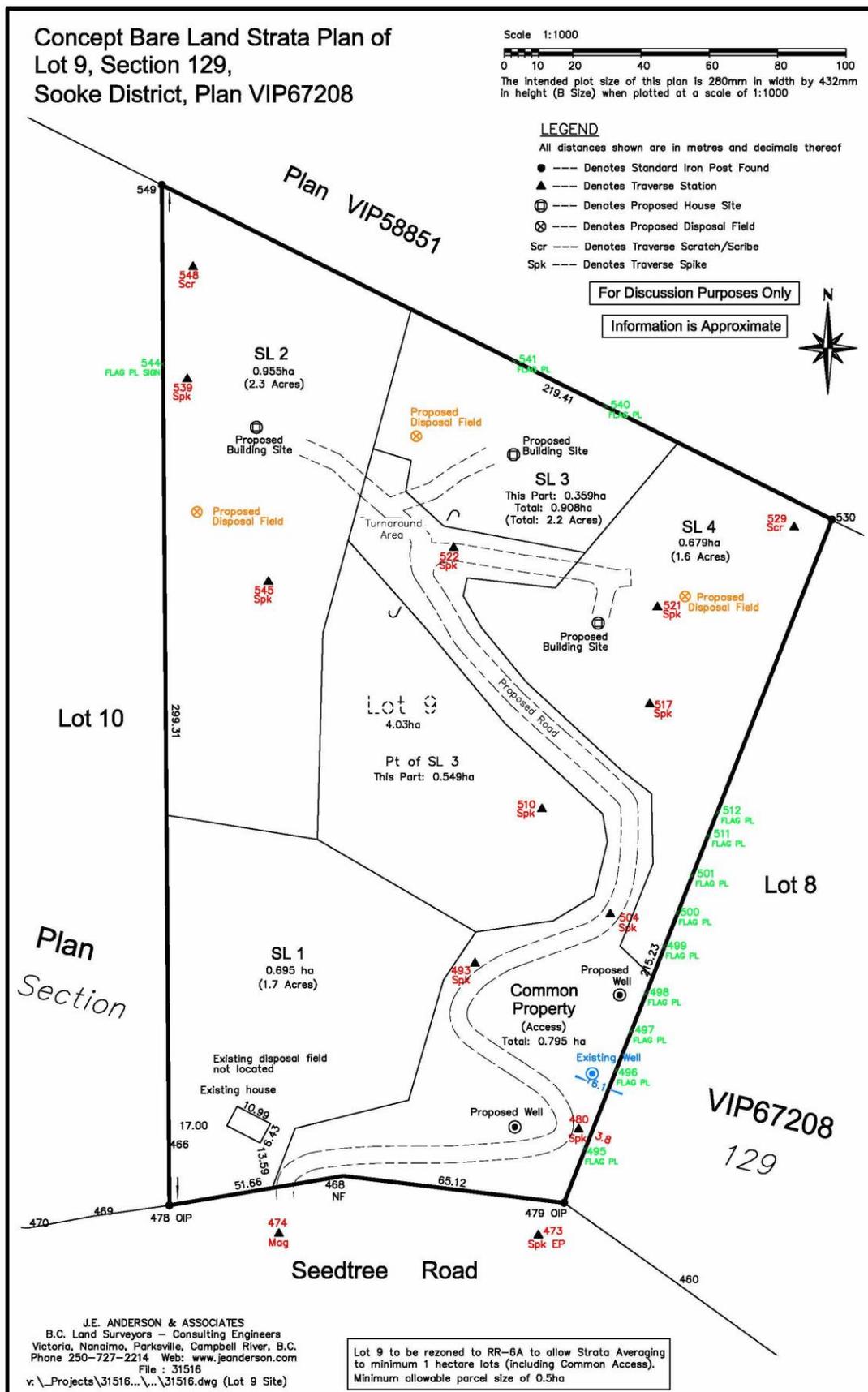
The client must acknowledge that during the course of a geotechnical investigation, it is possible that a previously unknown hazard may be discovered. In this event, the Client recognizes that such a hazard may result in the necessity to undertake procedures which ensure the safety and protection of 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

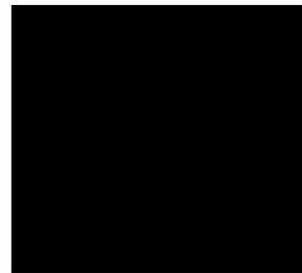
Where applicable, field services recommended for the Project are the minimum necessary, in the sole discretion of the Consultant, to observe whether the work or a contractor retained by the Client is being carried out in general conformity with the intent of the Services. Any reduction from the level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



## 590 Seedtree Road Environmental Overview Assessment



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

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

**EDI Project**  
18N0527  
October 2018

**Down  
to Earth  
Biology**





**AUTHORSHIP**

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

Pablo Jost, R.P.Bio. .... Primary Author  
Adam Compton, R.P.Bio.....Senior Review

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	<b>6</b>
<b>2</b>	<b>METHODS</b> .....	<b>6</b>
2.1	BACKGROUND INFORMATION REVIEW.....	6
2.2	FIELD ASSESSMENT.....	6
<b>3</b>	<b>RESULTS</b> .....	<b>7</b>
3.1	GENERAL DESCRIPTION .....	7
3.2	BACKGROUND INFORMATION REVIEW.....	7
3.2.1	<i>Sensitive Ecosystem Inventory Polygons</i> .....	7
3.2.2	<i>Watercourses</i> .....	8
3.2.3	<i>Known and Historic Occurrences</i> .....	8
3.2.4	<i>Potential for Occurrence</i> .....	8
3.3	FIELD RESULTS.....	10
3.3.1	<i>Watercourses and Fish Habitat</i> .....	10
3.3.2	<i>Vegetation and Ecological Communities</i> .....	10
3.3.3	<i>Wildlife</i> .....	11
<b>4</b>	<b>DISCUSSION</b> .....	<b>11</b>
<b>5</b>	<b>RECOMMENDATIONS</b> .....	<b>12</b>
<b>6</b>	<b>REFERENCES</b> .....	<b>13</b>

## LIST OF APPENDICES

<b>APPENDIX A.</b>	<b>SITE PLAN</b> .....	<b>A-1</b>
<b>APPENDIX B.</b>	<b>PHOTOGRAPHS</b> .....	<b>B-1</b>
<b>APPENDIX C.</b>	<b>CRD NATURAL AREAS ATLAS MAP</b> .....	<b>C-4</b>



## LIST OF TABLES

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

## 1 INTRODUCTION

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

## 2 METHODS

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

### 2.1 BACKGROUND INFORMATION REVIEW

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

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

### 2.2 FIELD ASSESSMENT

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



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

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

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

### 3 RESULTS

#### 3.1 GENERAL DESCRIPTION

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

#### 3.2 BACKGROUND INFORMATION REVIEW

##### 3.2.1 SENSITIVE ECOSYSTEM INVENTORY POLYGONS

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

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



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

### 3.2.2 WATERCOURSES

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

### 3.2.3 KNOWN AND HISTORIC OCCURRENCES

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

### 3.2.4 POTENTIAL FOR OCCURRENCE

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

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

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

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



590 Seedtree Road Environmental Overview Assessment

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

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

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

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

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



590 Seedtree Road Environmental Overview Assessment

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

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

### 3.3 FIELD RESULTS

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

#### 3.3.1 WATERCOURSES AND FISH HABITAT

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

#### 3.3.2 VEGETATION AND ECOLOGICAL COMMUNITIES

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

590 Seedtree Road Environmental Overview Assessment



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

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

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

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

### 3.3.3 WILDLIFE

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

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

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

## 4 DISCUSSION

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



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

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

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

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

## 5 RECOMMENDATIONS

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

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

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



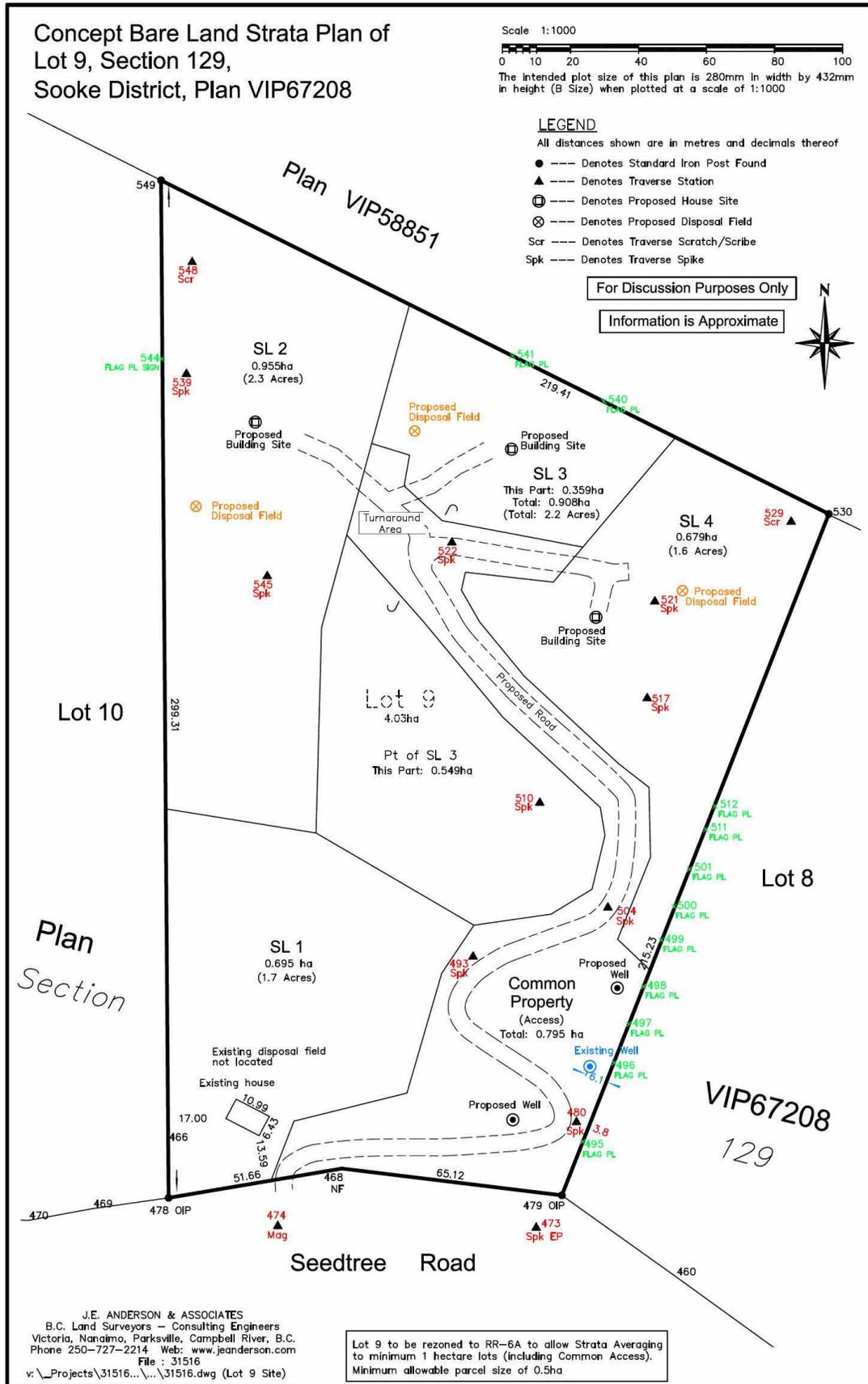
- If any clearing of potential nesting vegetation is undertaken during the typical bird breeding period (March 1<sup>st</sup> to August 31<sup>st</sup>) it should be immediately preceded by a bird nest site survey of the area to be cleared. Active nest sites should be identified and flagged so that nest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

## 6 REFERENCES

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



APPENDIX A. SITE PLAN





## APPENDIX B. PHOTOGRAPHS



Photo 1. Representative view of forest near SL 2.



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



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



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



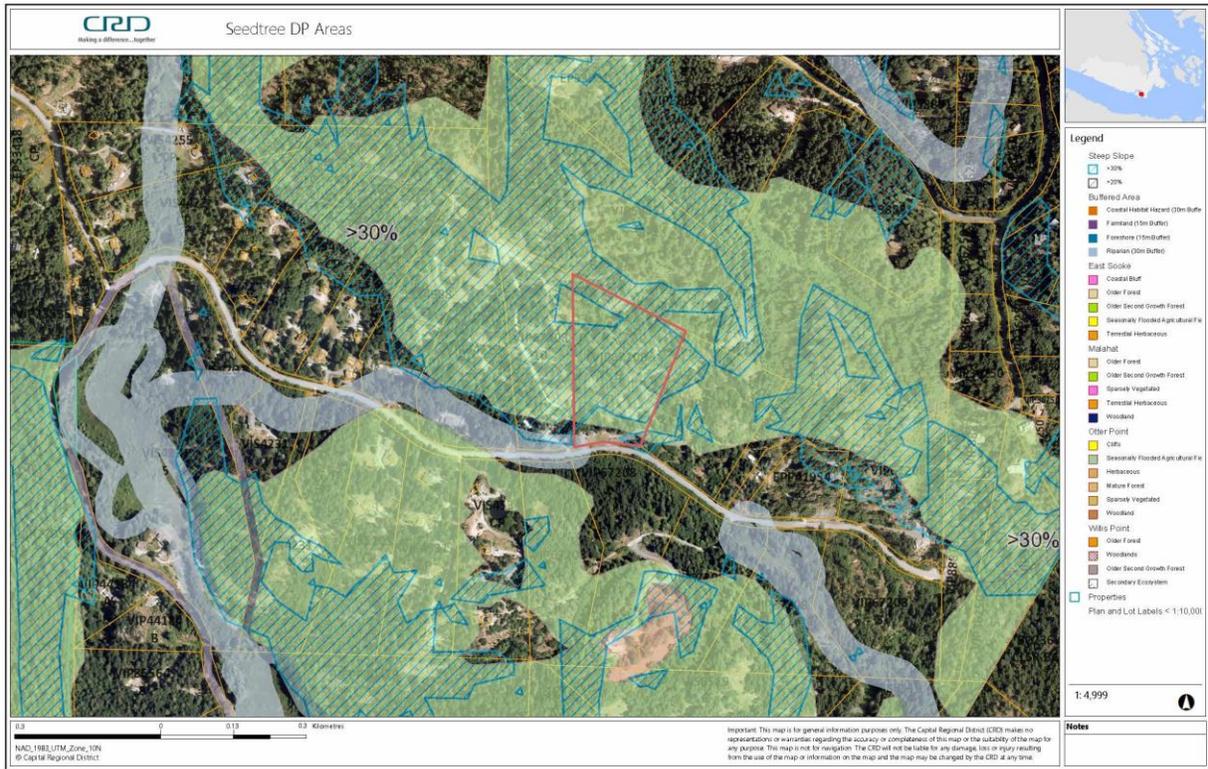
Photo 5. Example of invasive species (Scotch broom) observed along/near existing access road.



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



APPENDIX C. CRD DEVELOPMENT PERMIT  
AREA



CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4265

\*\*\*\*\*  
A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"  
\*\*\*\*\*

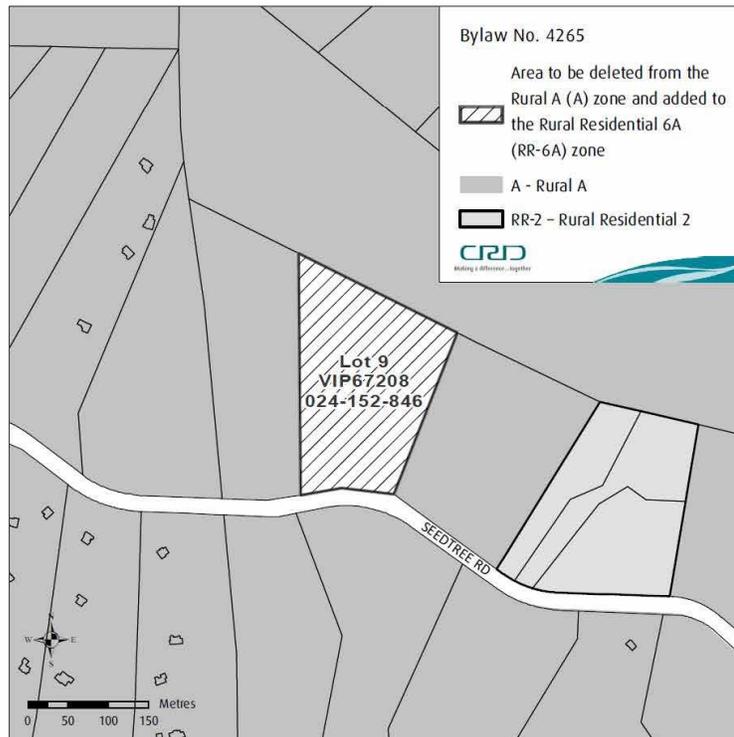
The Capital Regional District Board, in open meeting assembled, enacts as follows:

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended:

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

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

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



CRD Bylaw No. 4265 2

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

READ A FIRST TIME THIS day of , 2019.

READ A SECOND TIME THIS day of , 2019.

READ A THIRD TIME THIS day of , 2019.

ADOPTED THIS day of , 2019.

\_\_\_\_\_  
CHAIR

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

Appendix 5: Rural Residential 6A

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

**10A.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others are permitted in the Rural Residential 6A (RR-6A) zone:

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

**10A.02 Minimum Lot Size for Subdivision Purposes**

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

**10A.03 Number of Dwellings**

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

**10A.04 Height**

Maximum height shall be 9 m.

**10A.05 Lot Coverage**

Lot coverage shall not exceed 25 percent.

**10A.06 Maximum Size of Residential Buildings**

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

- (a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Total Floor Area of 418 m<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.

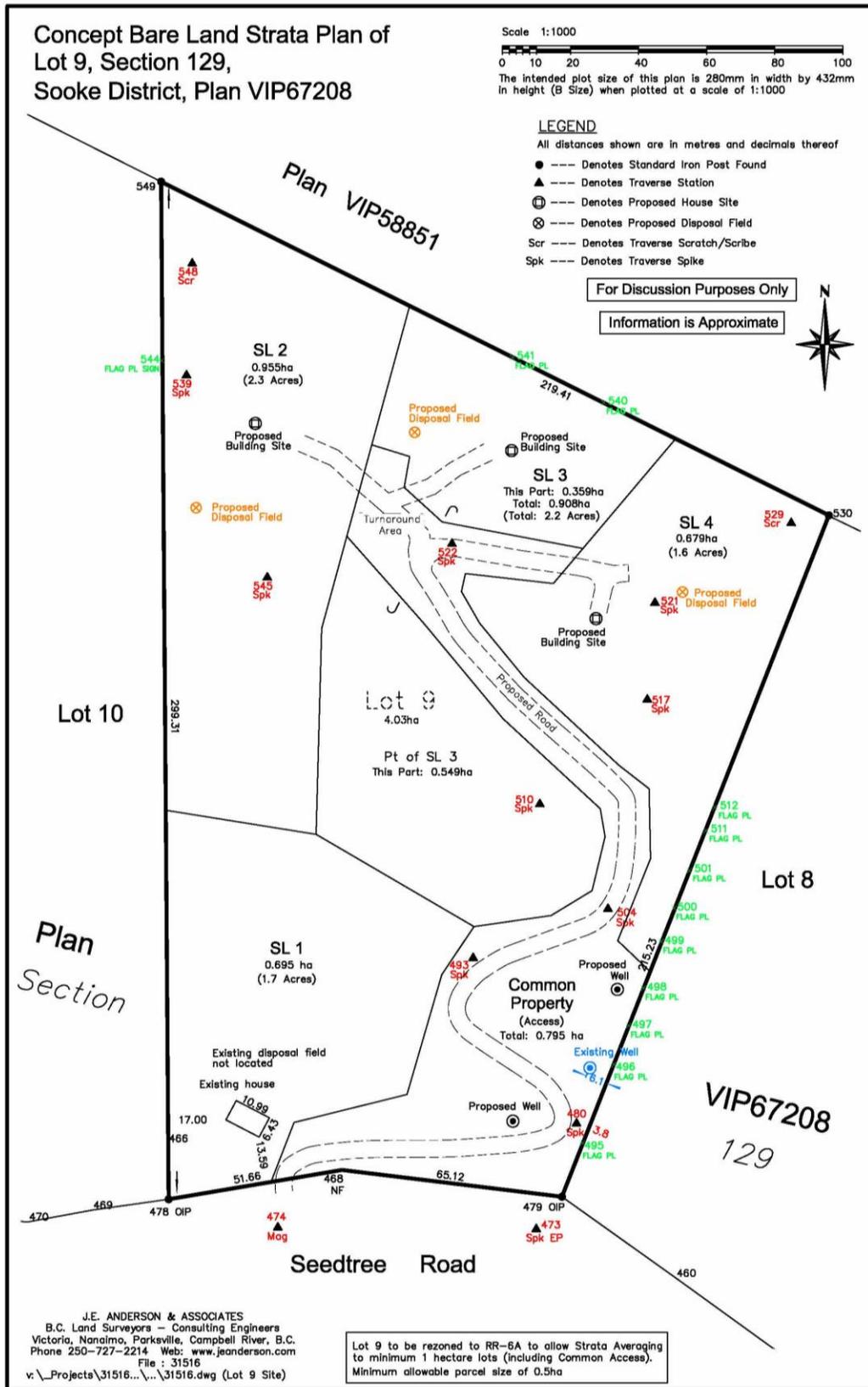
**10A.07 Yard Requirements**

- (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.

Appendix 6: Proposed Plan of Subdivision



**Wendy Miller**

---

**From:** Wilf Marquis  
**Sent:** Thursday, December 13, 2018 1:42 PM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000260 (590 Seedtree Road)

CRD Bylaw Enforcement Services has reviewed the staff report for Rezoning Application RZ000260, Bylaw No. 4265 (590 Seedtree Road) to amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land subdivision as an alternative to a building strata development and does not anticipate any significant bylaw enforcement implications as a result of this proposal.

Wilf MARQUIS  
Senior Bylaw Officer

Bylaw and Animal Care Services  
212-2780 Veterans Memorial Parkway, Victoria, BC, Canada V9B 3S6  
Ph. 250.474.3351 ext. 22 \ Fax: 250.391.9727 \ TF: 800.665.7899  
email: wmarquis@crd.bc.ca

---

This e-mail and any attachments are for the use of the intended recipient only and must not be distributed, disclosed, used or copied by or to anyone else. This e-mail and any attachments may be confidential, privileged and/or subject to the Freedom of Information and Protection of Privacy Act.  
If you receive this message in error, please delete all copies and contact the sender.

---

**From:** Wendy Miller  
**Sent:** Monday, November 26, 2018 10:34 AM  
**To:** Wilf Marquis <wmarquis@crd.bc.ca>  
**Subject:** Rezoning Application RZ000260 (590 Seedtree Road)

Good Morning,

Please find attached a staff report for rezoning application RZ000260 (Bylaw No. 4265).

Proposed Bylaw No. 4265 would amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land subdivision as an alternative to a building strata development.

Comment is requested by December 24, 2018.

Thank you,

Wendy Miller  
Administrative Clerk | JDF Electoral Area Planning | 250.642.8100  
JDF Local Area Services Building | Capital Regional District  
3 – 7450 Butler Road, Sooke, BC V9Z 1N1

**Wendy Miller**

---

**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** Tuesday, November 27, 2018 9:15 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000260 (590 Seedtree Road) - CRD Referral

Hello Wendy,

Thank you for your referral RZ000260 regarding 590 Seedtree Road, East Sooke, PID 024152846, LOT 9 SECTION 129 SOOKE DISTRICT PLAN VIP67208. According to Provincial records there are no known archaeological sites recorded on the subject property.

Archaeological potential data for the area indicates that there are some small areas of potential in the north west and south west corners of the property (shown as the brown area on the screenshot below). The areas of potential are not dense enough to warrant an archaeological investigation or permitting, but we mention potential so property owners know that there is a possibility, albeit a small one, of there being an archaeological site present.

Archaeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. If any land-altering development is planned for the property, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

Please review the screenshot of the property below (outlined in yellow). If this does not represent the property listed in the referral, please contact me.

Kind regards,

Diana



**Diana Cooper** | Archaeologist/Archaeological Site Inventory Information and Data Administrator

**Archaeology Branch** | Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3  
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>

**From:** Wendy Miller <wmiller@crd.bc.ca>  
**Sent:** November 26, 2018 10:31 AM  
**To:** Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>  
**Subject:** Rezoning Application RZ000260 (590 Seedtree Road) - CRD Referral

Good Morning,

RESPONSE SUMMARY – REZONING APPLICATION RZ000260

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

- For the creation of new lots, we are a referred entity from the Ministry of Transportation and Infrastructure and aim to ensure the developer meets the requirements in the VIHA Subdivision Standards.
- Any 2 or more water connections to one source must comply with the Drinking Water Protection Act and Regulation
- On-site septic servicing under 5000 gal/day must comply with the Sewerage System Regulations

  
Signed

EHO  
Title

Dec 10, 2018  
Date

VIHA  
Agency

**Wendy Miller**

---

**From:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Sent:** Wednesday, November 28, 2018 11:08 AM  
**To:** Wendy Miller  
**Subject:** RE: Rezoning Application RZ000260 (590 Seedtree Road) - CRD Referral

Good Morning Wendy,

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the proposed rezoning of 590 Seedtree Road in East Sooke; Ministry File 2018-06557.

The Ministry has no objections to the proposed rezoning application.  
The Ministry is in receipt of a subdivision application for the above mentioned property, file number 2018-05589.  
Conditions will be addressed through the subdivision process.

If you have any questions or concerns, please do not hesitate to ask.

Have a great day,  
Nikki Schneider

---

**From:** Wendy Miller <wmiller@crd.bc.ca>  
**Sent:** November 26, 2018 10:31 AM  
**To:** Schneider, Nikki TRAN:EX <Nikki.Schneider@gov.bc.ca>  
**Subject:** Rezoning Application RZ000260 (590 Seedtree Road) - CRD Referral

Good Morning,

Please find attached a referral form and staff report for rezoning application RZ000260 (Bylaw No. 4265).

Proposed Bylaw No. 4265 would amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land subdivision as an alternative to a building strata development.

Comment is requested by December 24, 2018.

Thank you,

**Wendy Miller**

Administrative Clerk | JDF Electoral Area Planning | 250.642.8100  
JDF Local Area Services Building | Capital Regional District  
3 – 7450 Butler Road, Sooke, BC V9Z 1N1

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

**Wendy Miller**

---

**From:** Pete Godau <pgodau@sd62.bc.ca>  
**Sent:** Monday, November 26, 2018 4:19 PM  
**To:** Wendy Miller  
**Cc:** Scott Stinson; Harold Cull; Farzaan Nusserwanji; Joanne Kimm  
**Subject:** FW: Rezoning Application RZ000260 (590 Seedtree Road) - CRD Referral  
**Attachments:** REFFERAL-FORM-AGENCIES-RZ000260.pdf; PPS-JDF-2018-11-20-LUC-REFERRAL-RZ000260.pdf

Good Afternoon Wendy,

At this time the school district does not have any concerns with this referral. The catchment schools are, Saseenos Elementary, Journey Middle and Edward Milne Secondary.

Thank you,

Pete

**Peter Godau**

Director of Facilities | School District # 62

P (250)474-9840 Ext 203 | C (250)361-7330 | [pgodau@sd62.bc.ca](mailto:pgodau@sd62.bc.ca)

Shaping Tomorrow Today

---

**From:** Wendy Miller [mailto:wmiller@crd.bc.ca]  
**Sent:** Monday, November 26, 2018 10:32 AM  
**To:** Pete Godau <pgodau@sd62.bc.ca>  
**Subject:** Rezoning Application RZ000260 (590 Seedtree Road) - CRD Referral

Good Morning,

Please find attached a referral form and staff report for rezoning application RZ000260 (Bylaw No. 4265).

Proposed Bylaw No. 4265 would amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land subdivision as an alternative to a building strata development.

Comment is requested by December 24, 2018.

Thank you,

**Wendy Miller**

Administrative Clerk | JDF Electoral Area Planning | 250.642.8100

JDF Local Area Services Building | Capital Regional District

3 – 7450 Butler Road, Sooke, BC V9Z 1N1

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended

**East Sooke Advisory Planning Commission Meeting Minutes  
January 9, 2019**

2

**6. Rezoning Application**

**a) RZ000260 - Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree Road)**

Iain Lawrence spoke to the staff report and the request to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land strata subdivision as an alternative to a building strata.

Iain Lawrence confirmed that the:

- Settlement Policy in the East Sooke Official Community Plan (OCP) supports consideration of rezoning applications to permit subdivision as an alternative to building strata development on Rural A zoned lands
- LUC supported referral of the proposal to the APC and the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
- the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission resolved to consider park dedication at the time of subdivision
- applicant has submitted professional reports received to support the rezoning and requirement for future development permit applications during the subdivision application process

Iain Lawrence confirmed that the applicant was present.

The applicant stated that:

- there is currently one house on the property that is serviced by a groundwater well and on-site septic system
- remaining lots will be serviced by individual groundwater wells on proposed common property
- each well will have a separate power supply
- remaining lots will have individual septic fields
- should the new wells not provide sufficient water, the applicant would pursue a community water system (supply well)

Iain Lawrence confirmed that proof of potable water is determined as part of the subdivision process.

Julio Godoy, East Sooke, stated:

- support for an alternative to a building strata development
- concern that East Sooke residents have to truck in water
- concern that properties are being sold when water remains an issue
- support for extending CRD water within East Sooke

The APC stated support for consideration being given to requiring that proof of potable water be provided during the dry season.

Iain Lawrence reported that during the update of Juan de Fuca Land Use Bylaw, Bylaw No. 2040, subdivision serving standards will be reviewed, including requirements for potable water. Community review and input would form part of the update process, at which time options could be considered.

A member of the public stated:

- support for catchment reservoirs
- concern related to trucking water up steep driveways

East Sooke Advisory Planning Commission Meeting Minutes  
January 9, 2019

3

- lack of water for fire suppression

The applicant noted that the driveway for the proposed development requires approval from the East Sooke Fire Department and the finished slope of the driveway would be lower than what is currently constructed.

The APC noted that the CRD may consider user pay water servicing extensions and that individual property concerns related to fire suppression can be brought to the attention of the East Sooke Fire Department.

At the request of the APC, Iain Lawrence outlined the differences between a building strata development ("4 on 10") in accordance with the *Strata Property Act* (formerly the *Condominium Act*) and a bare land strata development created in accordance with the *Bare Land Strata Regulations*.

The APC noted that a strata development created in accordance with the old *Condominium Act* is considered one parcel. Accordingly, a "4 on 10" property can only have one suite and shares the allowable lot coverage and accessory building floor area.

Julio Godoy, East Sooke, questioned the insurance requirements for stratas.

The applicant stated that the strata owners would be responsible for managing and holding insurance for the lands held as common property including the driveway.

Iain Lawrence clarified that the subdivision layout has not been finalized.

A member of the public stated support for the subdivision layout as it complements the topography of the land, rather than trying to meet the frontage requirement for four fee simple lots.

**MOVED** by Zac Doeding, **SECONDED** by Rhonda Underwood that the APC supports the proposal and that the comments received from the applicant and public attendees be reported to the Juan de Fuca Land Use Committee.

**CARRIED**

7. Adjournment

**MOVED** by Rhonda Underwood, **SECONDED** by Zac Doeding that the meeting be adjourned.

The meeting adjourned at 7:45 p.m.

---

Chair

Appendix 9: JdF Parks and Recreation Advisory Commission Minutes



Making a difference...together

**Minutes of a Meeting of the  
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission  
Held Tuesday, November 27, 2018 at the Juan de Fuca Local Area Services Building,  
3 – 7450 Butler Road, Otter Point, BC**

---

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

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

**1. Approval of the Agenda**

**MOVED** by Commissioner Sloan, **SECONDED** by Commissioner Gaston that the agenda be approved.

**CARRIED**

**2. Adoption of the Minutes of September 25, 2018**

Emma Taylor responded to questions from the Commission confirming that:

- the subdivision associated with rezoning application RZ000253 (6400 Block East Sooke Road) will return to the Commission for recommendation related to provision of park land, should the rezoning and subdivision applications proceed
- local Official Community Plans (OCPs) provide park policies to support the acquisition of park land in accordance with the goals and objectives of the Juan de Fuca Community Parks Strategic Plan
- the Juan de Fuca Land Use Committee initiates the process to review OCPs

**MOVED** by Commissioner Gaston, **SECONDED** by Commissioner Kimmel that the minutes from the meeting of September 25, 2018, be adopted, as amended, to reflect that Commissioner Bennett was in attendance.

**CARRIED**

**3. Chair's Report**

Don Closson read aloud well wishes received from the Chair.

**4. Director's Report**

None.

**5. Delegation – Local Area Planning**

**a) Rezoning Application - RZ000260 - Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree Road)**

Emma Taylor spoke to the staff report and the request to rezone the subject property from Rural A to Rural Residential 6A (RR-6A) for the purpose of permitting a 4-lot bare land strata subdivision as an alternative to a building strata. Emma Taylor outlined the professional reports received to support the rezoning and requirement for future development permit applications during the subdivision application process. Emma Taylor confirmed that building sites have yet to be identified and that the East Sooke OCP does

Juan de Fuca Electoral Area Parks and Recreation  
Advisory Commission Meeting Minutes  
November 27, 2018

2

not provide specific park and trail policies for the subject property. It was further confirmed that, should the rezoning and subdivision application proceed, provision of park land pursuant to Section 510 of the *Local Government Act* will be required.

Don Closson presented photos taken at the November 26 site visit attended by Commissioners. Don Closson confirmed that there are no community parks in the vicinity of the subject property and that the adjacent property to the north of the subject property is accessed from Mt. Matheson Road.

Commission comments included:

- subject property is steep
- pedestrians would have to walk the same distance up Seedtree Road and Mt. Matheson Road to access a potential trail network through the subject property leading to Mt. Matheson Road
- park dedication through the subject property would provide limited community use

**MOVED** by Commissioner Jorna, **SECONDED** by Commissioner Kimmel that the Commission receive the report for rezoning application RZ000260 and that the Commission consider park dedication at the time of subdivision.

**CARRIED**

6. Staff Reports  
a) Staff News

Community Works Fund Grant Application and BC Rural Dividend Grant – Port Renfrew Tourism Trail  
Final Rural Dividend Fund report and follow-up grant survey completed.

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

At its meeting of November 20, 2018, the Juan de Fuca Land Use Committee considered and supported the Commission's recommendation and resolved that:

- a) That the Board motion of November 12, 2014, requesting cash in-lieu of land for subdivision application S-03-14, for Lot 2, District Lot 17, Renfrew District, Plan 32241, be rescinded.
- b) That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot 2, District Lot 17, Renfrew District, Plan 32241 pursuant to securing dedication of land for a trail connection.

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

Working with residents at Jordan River on "The Shores Community Park"

Removal of the trailer at "The Shores Community Park" is tied to the contract to demolish the residences at Jordan River. Due to the delay in this contract work, staff is looking at other options to have the trailer removed due to concerns relayed by an adjacent property owner.



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, FEBRUARY 19, 2019**

**SUBJECT**     **Zoning Amendment Application for Lot 3, Section 88, Sooke District, Plan 38149  
– 5728 Titan Place**

**ISSUE**

The owners are proposing to rezone the subject property from the Rural Residential 3 (RR-3) zone to the Rural Residential 6A (RR-6A) zone to permit a 4-lot subdivision.

**BACKGROUND**

The 4.23 ha property is located at 5728 Titan Place 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 east, west and south, and Rural A zoned properties to the east, and East Sooke Regional Park to the west. There is a house and garage on the property, which are 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 partly within the Steep Slopes and the Farmland Protection development permit areas. 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 four bare land strata lots (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. 4285, which would rezone the parcel from RR-3 to RR-6A (Appendix 4).

**ALTERNATIVES**

*Alternative 1*

That staff be directed to refer proposed Bylaw No. 4285, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019” to the East Sooke Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and the following external agencies for comment:

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

*Alternative 2*

That proposed Bylaw No. 4285 not be referred.

*Alternative 3*

That more information be provided by staff.

## **LEGISLATIVE IMPLICATIONS AND PUBLIC CONSULTATION IMPLICATIONS**

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *Local Government Act (LGA)*. Therefore, staff recommend referring the proposed amendment bylaw to the East Sooke APC.

Should the proposal proceed, a public hearing pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendment passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent a notice of the proposed bylaw amendment and it will be advertised in the local paper and on the website.

## **REGIONAL GROWTH STRATEGY IMPLICATIONS**

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, 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. This application is consistent with the policies of the East Sooke OCP.

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, 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.

Policy 424 G of the East Sooke OCP outlines the preferred methods for acquiring park land and trails including: as a condition of a rezoning, as an amenity contribution, or as dedication at time of subdivision. Subdivisions that create three or more lots, where the smallest lot is less than 2 ha in size, are required to provide park dedication pursuant to Section 510 of the *LGA*. Staff recommend referral to JdF EA Community Parks and Recreation to allow for early consideration of park interests.

The proposed plan of subdivision includes four proposed bare land strata lots. Proposed Lot B includes an existing single-family dwelling and accessory building.

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

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. 4285 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 4-lot subdivision of the property with an average parcel size of 1 ha. Staff recommend referring the proposed bylaw to the East Sooke APC, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission and to appropriate CRD departments and external agencies for comment.

**RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4285, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 142, 2019” to the East Sooke Advisory Planning Commission, the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, to appropriate CRD departments and the following external agencies for comment:

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

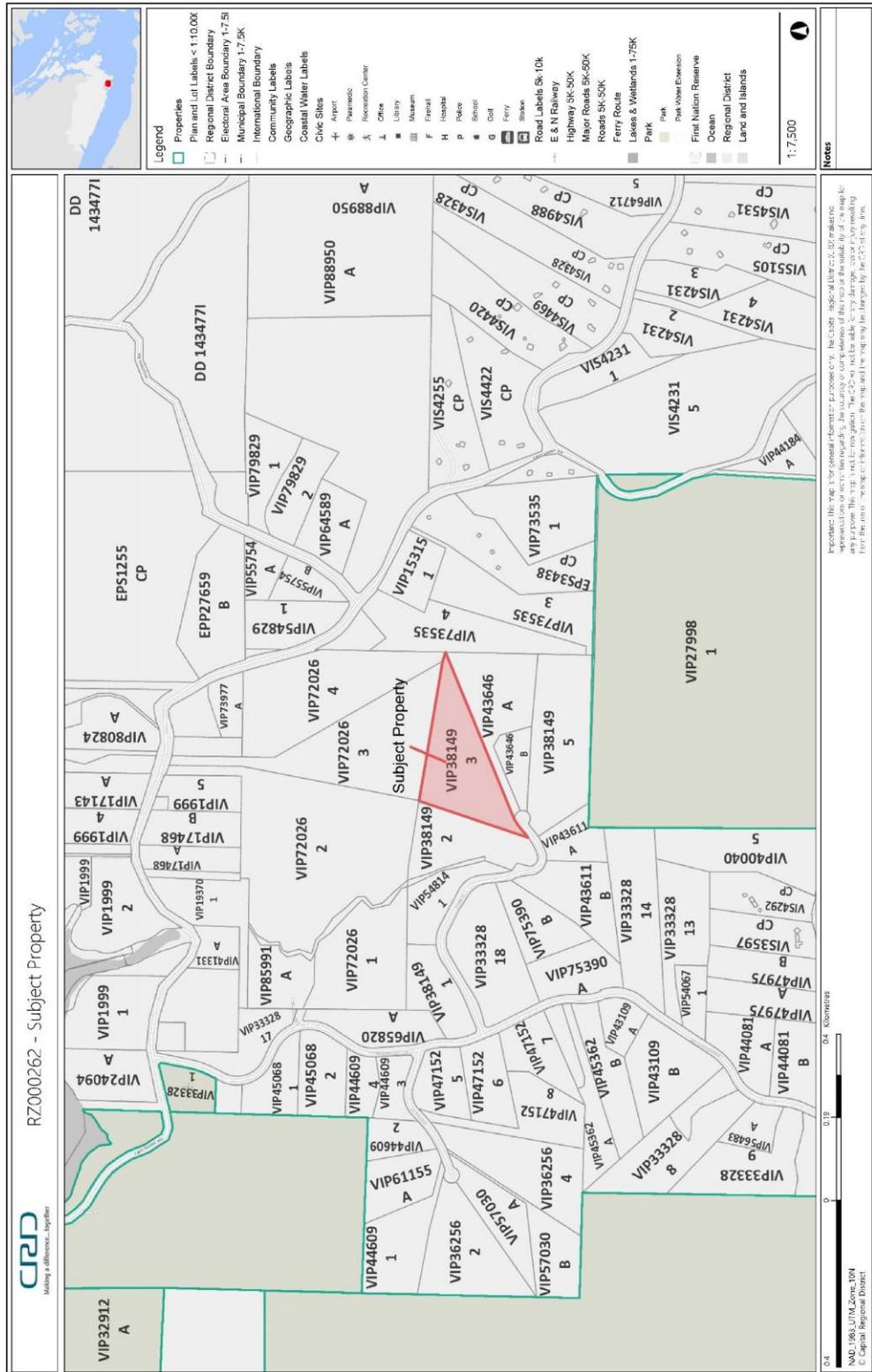
Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ET:wm

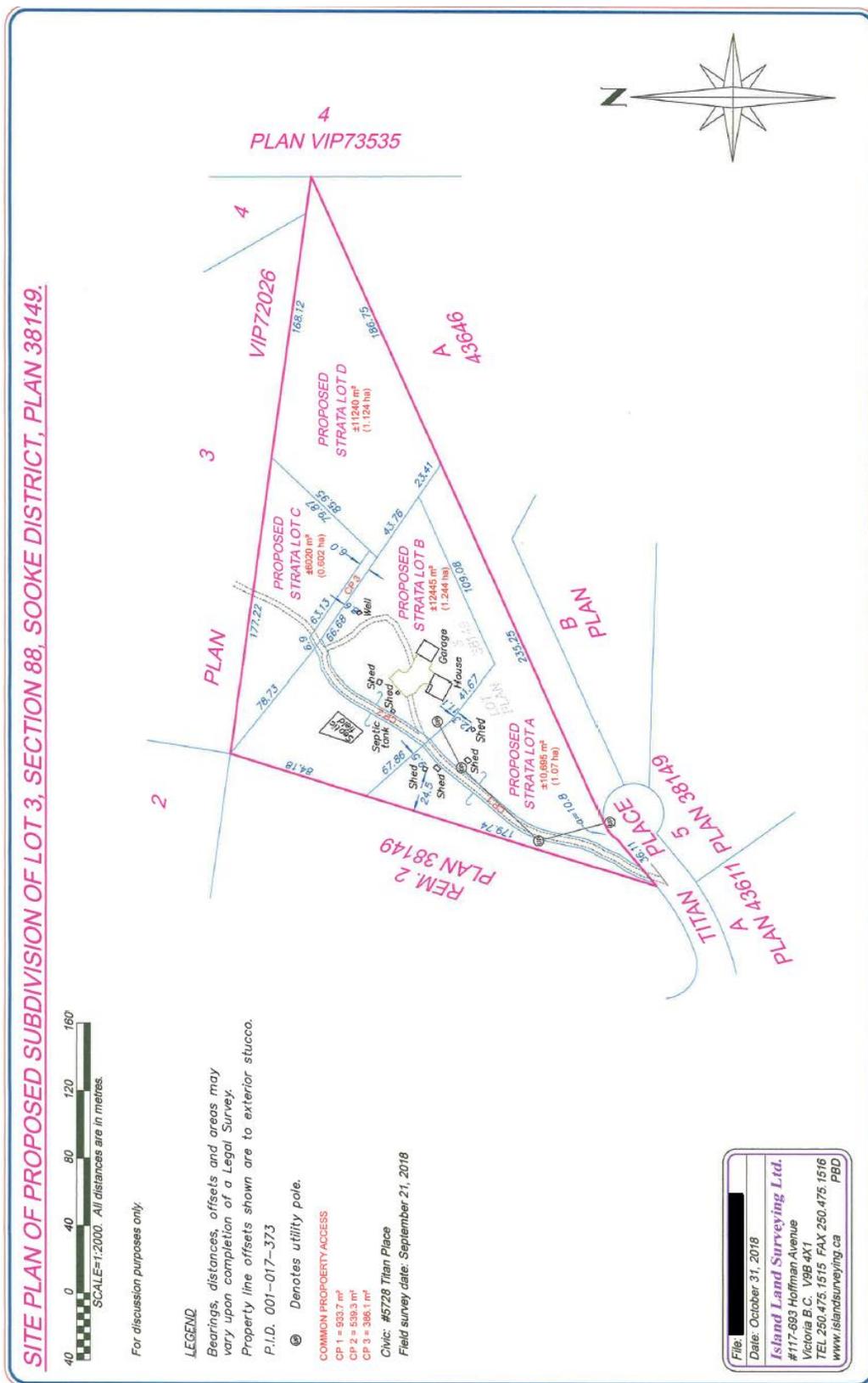
Attachments:

1. Subject Property Map
2. Proposed Plan of Subdivision
3. Rural Residential 6A Zone
4. Proposed Bylaw No. 4285

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.

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4285**

\*\*\*\*\*  
**A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"**  
\*\*\*\*\*

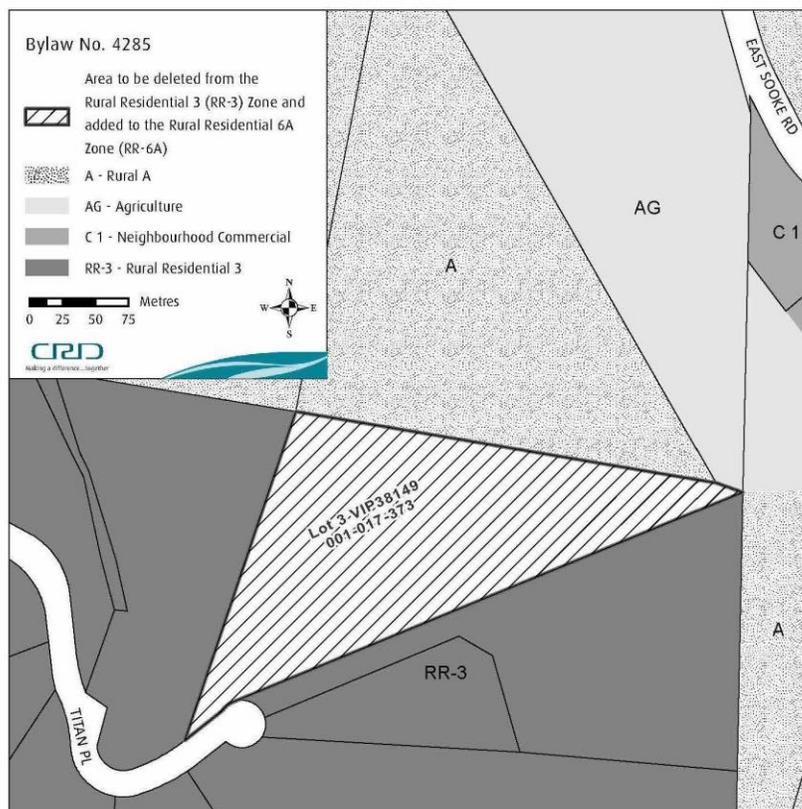
The Capital Regional District Board, in open meeting assembled, enacts as follows:

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 3, Section 88, Sooke District, Plan 38149 from the Rural Residential 3 (RR-3) Zone, and adding to the Rural Residential 6A (RR-6A) Zone, as shown on Plan No.1.

**Plan No. 1 of Bylaw 4285, an amendment to Bylaw No. 2040**







REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, FEBRUARY 19, 2019

**SUBJECT** Port Renfrew Development Permit Areas and Development Approval Information

**ISSUE**

To establish development permit areas and to update the development approval information area in Port Renfrew.

**BACKGROUND**

The Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109, was adopted in 2004 and includes an Official Community Plan (OCP) in Schedule A and land use zoning regulations in Schedule B. There have been six amendments to the bylaw over time for property specific rezoning. The OCP portion of the bylaw has not been amended.

Changes to provincial legislation affecting local government practices have occurred since the adoption of Bylaw No. 3109. Bylaw updates are required to address legislative and procedural changes that have occurred since 2003, specifically with respect to implementing the Provincial *Riparian Areas Regulation (RAR)*. A marine shoreline development permit area is also proposed, in keeping with the OCPs for the other six Juan de Fuca communities.

Staff have prepared proposed Bylaw No. 4266 (Appendix 1) to amend the Port Renfrew Comprehensive Community Development Plan to reflect the current legislative framework for riparian areas based on an approach utilized in other OCPs in the Juan de Fuca Electoral Area (JdF EA).

**ALTERNATIVES**

*Alternative 1*

That staff be directed to refer proposed Bylaw No. 4266, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019" to a Public Information Meeting in Port Renfrew, to relevant CRD departments, and the following external agencies for comment:

Agricultural Land Commission	District of Sooke	Ministry of Transportation and Infrastructure (MoTI)
Cowichan Valley Regional District	Island Health	Pacheedaht First Nation
Department of Fisheries and Oceans	MFLNRORD – Resource Management Objectives Branch	School District #62 - Sooke

*Alternative 2*

That the CRD Board not proceed with proposed Bylaw No. 4266.

*Alternative 3*

That more information be provided by staff.

**PUBLIC CONSULTATION IMPLICATIONS**

Section 475 of the *Local Government Act (LGA)* specifies requirements for consultation during the development or amendment of an OCP. Consideration must be given to whether consultation is required with any regional district board, adjacent regional district or municipality, first nations, boards

of education, provincial and federal governments. As the Port Renfrew OCP area includes agricultural land, consultation with the Agricultural Land Commission (ALC) is required.

The 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*. Since there is not an active Port Renfrew APC, staff recommend referring the proposed amendment to a public information meeting.

Should the proposal proceed, a public hearing pursuant to Section 464 of the *LGA* will be required subsequent to the amendments passing second reading by the CRD Board which will be advertised in the local paper and on the website.

### **REGIONAL GROWTH STRATEGY IMPLICATIONS**

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the Board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. CRD policy 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 IMPLICATIONS**

Under a directive issued by the *Riparian Areas Protection Act*, local governments must include riparian area protection provisions in zoning and land use bylaws or ensure that bylaws and permits under Part 14 of the *LGA* provide a level of protection that is comparable to or exceeds that established by the directive.

The *Riparian Areas Regulation (RAR)* came into effect in 2005 requiring local governments to protect its riparian areas in accordance with the regulation. Development may not be approved or proceed in riparian assessment areas unless the affected local government is notified by the provincial Ministry that Fisheries and Oceans Canada and the Ministry have been notified of the development proposal and have provided a copy of a report prepared by a qualified environmental professional who has carried out an assessment conducted in accordance with the prescribed methods.

Local governments can implement the *RAR* through various means including the establishment of development permit areas and development approval information areas as authorized by Part 14 of the *LGA*. Development permit areas for the protection of riparian areas have been established in all other OCPs in the JdF EA. Most recently, new OCPs were adopted for East Sooke and the Shirley-Jordan River that incorporate input from public consultation and best practices. Due to the recent extensive review of the DP and DAIA policies in those OCPs, staff recommend applying a similar approach to Port Renfrew.

A shoreline protection development permit area (DPA) is proposed for the protection of the environment and for the protection of development from hazardous conditions. This permit area is proposed to extend 15 m inland from the natural boundary of the sea. As there are currently no floodplain regulations in place for Port Renfrew, the establishment of a shoreline protection DPA would allow CRD to request geotechnical review of any development proposed within 15 metres of the shoreline. As the upland area along a shoreline is also considered to have ecological values, a professional report would also be required to address this where appropriate.

A riparian DPA is proposed for the protection of riparian assessment areas as defined by the *RAR*, which is typically 30 metres on both sides of a stream that provides fish habitat, or the area adjacent to a ravine. The guidelines for development within the riparian DPA are consistent with the *RAR* including submission of a riparian assessment report by a qualified environmental professional.

For non-fish bearing streams where the *RAR* is not applicable, a sensitive ecosystem DPA is proposed that protects the freshwater ecosystem values of these areas such as providing habitat for numerous species and maintaining the natural hydraulic regime for water conservation purposes.

Recommendations from a qualified professional would be considered when establishing permit conditions.

The *LGA* allows a regional district to request a professional engineer's report to support development permit applications in areas designated for the protection of development from hazardous conditions, such as to address potential flooding concerns within the proposed Shoreline DPA. The provision of other reports relies on the establishment of a development approval information area bylaw.

Development approval information areas (DAIA) must be designated in an OCP and specify circumstances for which information may be required. An update to the Port Renfrew DAIA is proposed to include all parcels of land in order for information to be requested with respect to applicable development permit areas.

Staff recommend referring Bylaw No. 4266 to a public information meeting, appropriate CRD departments and to external agencies for comment.

**CONCLUSION**

The CRD is obligated to protect its riparian areas in accordance with the *RAR*. A standard means of implementing protection measures is the designation of development permit areas for the protection of the environment. Staff have prepared proposed Bylaw No. 4266 to designate DP areas for shoreline protection, riparian areas and sensitive ecosystem areas that are consistent with other community plans in the JdF EA. Proposed Bylaw No 4266 also includes updated development approval information area requirements to support the requirement for professional reports as part of development applications. Staff recommend referral of proposed Bylaw No. 4266 for comment.

**RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4266, "Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 1, 2003, Amendment Bylaw No. 11, 2019" to a Public Information Meeting in Port Renfrew, to relevant CRD departments, and the following external agencies for comment:

Agricultural Land Commission	District of Sooke	Ministry of Transportation and Infrastructure (MoTI)
Cowichan Valley Regional District	Island Health	Pacheedaht First Nation
Department of Fisheries and Oceans	MFLNRORD – Resource Management Objectives Branch	School District #62 - Sooke

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

ET:wm

Attachments:

Appendix 1. Proposed Bylaw No. 4266

Appendix 1: Proposed Bylaw No. 4266

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4266**

\*\*\*\*\*  
**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. SECTION 3 INCORPORATION OF SCHEDULES AND MAPS**

- (a) By deleting the words "and Maps numbered 1 to 4".

**B. SCHEDULE A**

- (a) By amending Section 1 Introduction And Background Information, Subsection 1.2.2 Location, by inserting Map 1 before "subsection 1.2.3 Climate".
- (b) By amending Section 4 Development Policies, by inserting Map 2 before Subsection 4.13 Development Approval Information.
- (c) By deleting Section 4 Development Policies, Subsection 4.13 Development Approval Information, in its entirety and replacing with the following:

**"4.13 Development Approval Information**

In order to assess the impact of a particular development proposal, more detailed information and studies may be necessary. Provincial legislation requires local government to specify the certain areas or special conditions when detailed information and studies may be requested and, by bylaw, describe the procedures for providing the information and the scope of information that can be requested.

Designation

That part of the Port Renfrew Plan area indicated as a Development Approval Information Area (DAIA) on Map 3 is designated as a development approval information area pursuant to Section 485(1) of the *Local Government Act (LGA)*. The DAIA shown on Map 3 includes all parcels of land. In addition to the parcels designated on Map 3, the following areas are also designated as a development approval information area pursuant to Section 485(1) of the *LGA*:

- A. All lands designated as being in the Shoreline Protection Development Permit Area (DPA) on Map 4;
- B. All lands designated as being in the Riparian DPA on Map 4;
- C. All land designated as being in the Sensitive Ecosystem DPA on Map 5;
- D. All lands defined by the *Riparian Areas Regulation (RAR)* as a Riparian Assessment Area, which includes: (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark, (b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and (c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

Purpose

The purpose of this designation is to enable the CRD to obtain information in connection with an application for an amendment to a zoning bylaw, a development permit or a temporary use permit that could affect one or more of the following:

CRD Bylaw No. 4266

2

- A. The natural environment of the area affected;
- B. Traffic patterns and flows, in the case of a zoning amendment that may create twenty or more parcels or units;
- C. The provision of community services, including but not limited to schools, fire protection, policing and similar services; and
- D. Local infrastructure, including water service, sewage treatment and disposal, and other services and utilities.

The CRD has, by separate bylaw, established the procedures and policies on the process for requiring development approval information and the substance of the information that may be required.

Special Conditions and Objectives

Section 485(1) of the *LGA* authorizes local government to: (a) specify circumstances in which development approval information may be required; (b) designate areas for which development approval information may be required; and (c) designate areas for which, in specified circumstances, development approval may be required provided that the special conditions or objectives that justify the designation are described.

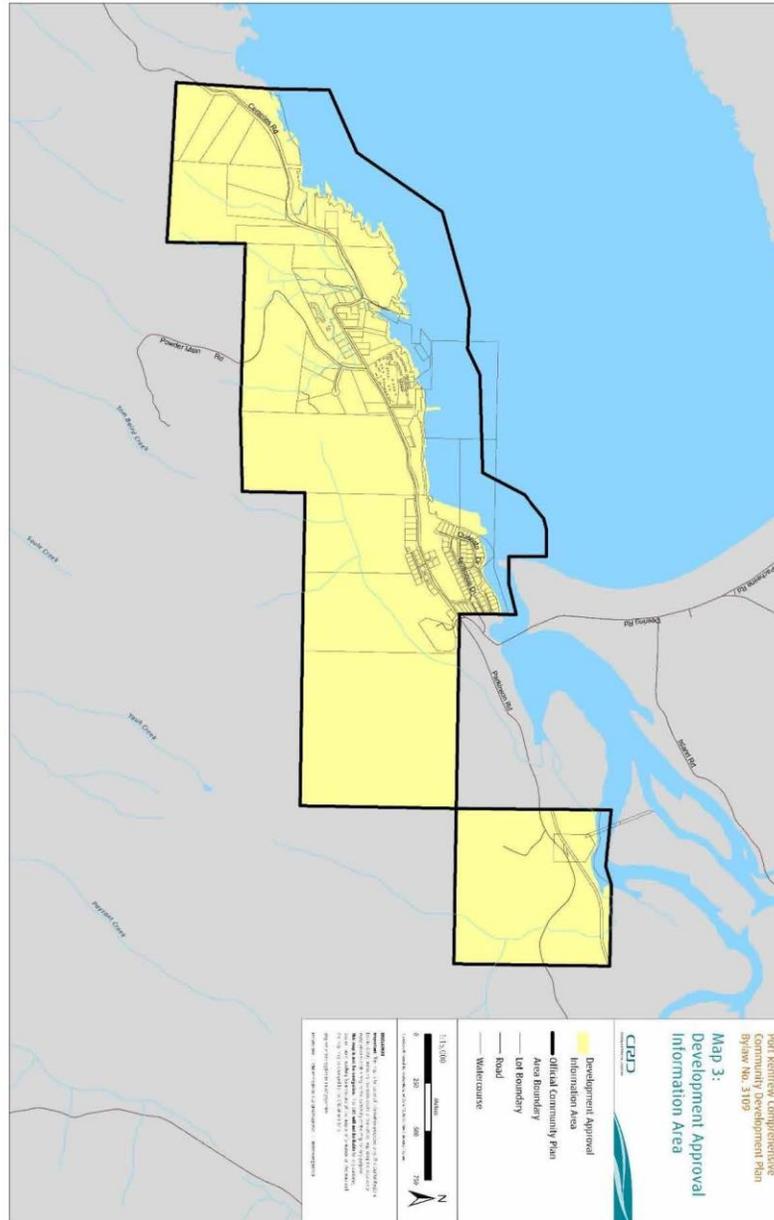
The natural environment of the Port Renfrew area supports an ecosystem that includes rare species of flora and fauna, and human habitation. Given the topography and biodiversity of Port Renfrew, the Plan area has numerous environmentally sensitive features that require a thorough analysis to be completed prior to development taking place. This also includes an analysis of any liquid waste disposal to ensure that it has no adverse effect on human health or the natural environment.

Any development with the potential to deplete the groundwater or otherwise interfere with the wetlands in one region also has the potential to diminish the quantity and quality of available groundwater in other groundwater regions. There is the need for more complete information on how development might affect the local hydrology.

Highway #14 is the only major road in the Plan area. A large-scale development could generate sufficient traffic to exceed the carrying capacity of these roads and compromise the safety of drivers, pedestrians and cyclists using these roads. Information is required to assess the potential impact that increased traffic flow from new development may have upon these key access routes.

New development may affect the provision of police protection in Port Renfrew. The ability of CRD Integrated Water Services to provide adequate levels of servicing can be affected by increased population in those areas of Port Renfrew within the CRD Water Supply Local Service Area, Wastewater Service Area and Street Lighting Service Area. It may also affect the ability to provide firefighting service. School District #62 Sooke may have concerns regarding the impact that additional students might have on the capacity of school facilities and bussing services. For these reasons, information is required on the possible impact that development may have upon the provision of fire and police protection, local servicing capacity, and the services provided by School District #62 Sooke. Community services can also be affected by increased population.

There may be unmapped streams or watercourses in the Plan area. Regardless of whether a stream or watercourse has been mapped, the adjacent riparian areas are still subject to the *RAR* if the stream contains or contributes to fish habitat. Provincial legislation requires that a Qualified Environmental Professional (QEP) submit a report on how development might affect the natural environment within the riparian assessment area. Riparian development permits may be approved subject to the conditions outlined by a QEP in a report submitted to the provincial government in accordance with the *RAR*. For these reasons, riparian assessment areas are designated as part of the development approval information area."



CRD Bylaw No. 4266

4

- (d) By deleting Section 4 Development Policies, Subsection 4.14 Development Permit Areas in its entirety.
- (e) By adding a new Section 6 Development Permit Areas as follows:

**"6.0 DEVELOPMENT PERMIT AREAS**

**6.1 Development Permits**

A development permit is a planning tool for sites, buildings and structures that warrant special protection or development control. These permits must be approved by the CRD Board or its delegates and may require some sort of security to ensure that the conditions in the permit have been achieved. A development permit cannot vary use, density or flood plain specifications.

The guiding principle for the use of development permits is found within Section 488 of the *Local Government Act (LGA)*. Development permit areas (DPAs) can be designated for purposes such as, but not limited to the following:

- Protection of the natural environment, its ecosystems and biological diversity;
- Protection of development from hazardous conditions;
- Protection of farming;
- Establishment of objectives for the form and character of commercial, industrial or multi-family residential development;
- Establishment of objectives to promote energy conservation;
- Establishment of objectives to promote water conservation; and
- Establishment of objectives to promote the reduction of Green House Gas (GHG) emissions.

With respect to areas designated as DPAs, the Official Community Plan (OCP) must:

- Describe the conditions or objectives that justify the designation; and
- Specify guidelines respecting the manner by which the special conditions or objectives will be addressed.

**6.2 General Policies for Development Permit Areas and Development Permits**

Without limiting the authority of the CRD under the *LGA* or this Official Community Plan (OCP), the following principles apply to development permits:

- A. In accordance with the *LGA*, a development permit must be obtained prior to subdivision, construction, alteration of land, soil deposit or removal or any other development or activity that would impact any of the elements protected by a development permit area.
- B. A development permit is not required where it can be demonstrated that the proposed development is located on that part of a parcel outside the designated DPA. This determination is based on a report or other certification acceptable to the CRD by a Qualified Environmental Professional (QEP), a Qualified Professional (QP) or other appropriately registered professional that the proposed development is not within the designated DPA.
- C. Any development, construction or alteration of land within an area designated as a DPA is subject to the requirements of the relevant development permit guidelines and policies contained in this Plan.
- D. Where land lies within more than one DPA, only a single development permit is required; however, the application is subject to the requirements of all applicable DPAs.
- E. Development permits may specify areas of land that may be subject to natural hazards as areas that will remain free of development except in accordance with any conditions contained in the permit.

CRD Bylaw No. 4266

5

- F. Development permits designated for the protection of development from hazardous conditions may prohibit the installation of septic tanks, drainage and deposit fields and irrigation and water systems in areas that contain unstable soil or water that is subject to degradation.
- G. If the nature of the proposed project in a DPA changes after a report by a QEP or a QP has been prepared, the CRD may require the applicant to have the QEP or QP update the assessment at the applicant's expense and the development permit conditions may be revised.
- H. Any information requested by the CRD will be provided at the applicant's expense.
- I. Security in a form acceptable to the CRD may be required as the condition of issuance of a development permit.

### **6.3 General Exemptions from a Development Permit**

No development permit will be required in any DPA for the following:

- A. Internal alterations to a building.
- B. Structures which are not greater in area than 10 m<sup>2</sup> (107 ft<sup>2</sup>) and are accessory to an existing residence, provided that no part of the structure is to be within a Riparian DPA. This may include, but is not limited to gazebos, garden sheds, tool sheds, and decks.
- C. Trails, ramps, at-grade patios, or stairways not greater in area than 80 m<sup>2</sup>, provided that they are not located in a Riparian DPA.
- D. Placement of impermanent items such as tables, benches and garden ornaments provided there is no site clearing.
- E. Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property from forest fire, flood, erosion or other natural or human caused disaster.
- F. Emergency works to repair or replace public utilities or infrastructure.
- G. Clearing of an obstruction from a bridge, culvert or watercourse.
- H. In-stream habitat development or restoration that complies with provincial and federal legislation and requirements.
- I. Boundary adjustments when no new parcels are created, each parcel has a building envelope outside the DPA and the adjusted boundary is not located in a Riparian DPA.
- J. Normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.
- K. Forest management activities as defined in the *Private Managed Forest Land Regulation* on land classified as managed forest land under the *Private Managed Forest Land Act*.
- L. Public works, services and maintenance activities carried out by, or on behalf of, the CRD, generally in accordance with the development permit guidelines. This exemption does not apply to public trails to be developed within a Riparian DPA.

### **6.4 Shoreline Protection Development Permit Area**

#### *6.4.1 Designation of the Shoreline Protection Development Permit Area*

That part of the Port Renfrew Plan area indicated as Shoreline Protection DPA on Map 4 is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(b) of the *Local Government Act (LGA)*. The Shoreline Protection DPA established under this section includes all land lying 15 metres upland of the natural boundary of the ocean.

#### *6.4.2 Justification for the Shoreline Protection Development Permit Area*

Section 488(1)(a) of the *LGA* authorizes local government to designate DPAs where the protection of the natural environment, its ecosystems and biological diversity is desired and can be justified. Section 488(1)(b) authorizes local government to designate DPAs where the protection of development from hazardous conditions is desired and can be justified.

CRD Bylaw No. 4266

6

The marine shoreline and adjacent uplands are ecologically fragile areas and subject to the complex biophysical forces shaping coastlines. Activities on the uplands such as land clearing and adding impermeable surfaces can have harmful impacts on site drainage, bank stability, bird nesting and roosting habitat, shading of intertidal areas and reduction of important organic inputs to foreshore areas. Hard-surfaced retaining walls along the shoreline can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. An uninterrupted shoreline allows for the natural transport of sand and cobble materials along beaches.

Anticipated sea level rise and more frequent severe storm events could increase coastal flooding and erosion. Keeping permanent structures out of high-risk areas for coastal flooding and erosion is a cost-effective and practical approach to reducing this potential threat to life and property. Innovative shore protection measures can maintain and restore habitat values while protecting upland property from wave action and erosion. Development in the Shoreline Protection DPA will be carefully designed and executed to reduce the risk to property and life and maintain the integrity of the ecology unique to coastal areas.

#### *6.4.3 Objectives for the Shoreline Protection Development Permit Area*

To regulate development in a manner that:

- i. Protects coastal properties from damage and hazardous conditions that can arise from erosion and flooding;
- ii. Protects and enhances the ecological health of marine waters, the shoreline and adjacent uplands; and
- iii. Preserves the integrity and connectivity of coastal processes.

#### *6.4.4 Specific Exemptions for the Shoreline Protection Development Permit Area*

In the Shoreline Protection DPA, no development permit will be required for the following:

- A. External alterations, including adding an additional storey, that are entirely within the building footprint.
- B. Tree pruning that does not adversely affect the health of the tree.
- C. Gardening and yard maintenance activities within an existing landscaped area such as lawn mowing, weeding and minor soil disturbances that do not alter the general contours of the land.
- D. Removal of non-native, invasive species by hand.
- E. Removal of hazardous trees that threaten the immediate safety of life and buildings.

#### *6.4.5 Guidelines for the Shoreline Protection Development Permit Area*

Development permits for development in the Shoreline Protection DPA will be considered in accordance with the following guidelines:

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Shoreline Protection DPA.
- B. Alteration of natural shorelines will be avoided.
- C. Erosion and sedimentation will be avoided.
- D. The removal of vegetation and impact to tree root zones will be minimized.
- E. Changes in natural shoreline processes will be minimized.
- F. The use of fill, disturbance to the soil and blasting will be minimized.
- G. Non-structural and soft armoring are the preferred type of works for shore protection and where this approach is not possible, riprap and stone revetment is preferred over single-plane seawalls, subject to approval from federal and provincial agencies.
- H. A Qualified Professional (QP) must design any shore protection devices or works.

CRD Bylaw No. 4266

7

- I. Proposed development that may have the potential to adversely affect fish habitat will require the review and approval by appropriate federal and provincial agencies prior to the issuance of a development permit.
- J. Setbacks for buildings and structures will consider the current risk from storms and flooding as well as minimum elevation guidelines established by the CRD or other public authority with respect to the potential risk from erosion and coastal flooding associated with climate change and sea level rise.
- K. Variances to allow the siting of buildings and structures outside the Shoreline Protection DPA will be considered.
- L. Compliance with the conditions or recommendations in a report by a QP will be considered by the CRD and may be included in a development permit.
- M. The planting of native vegetation may be required to reduce the risk of erosion, restore the natural ecology, revegetate disturbed areas, improve water quality and ensure the stability of slopes and banks.
- N. Erosion control measures and fencing may be required during and after construction.
- O. Machinery working in this environmentally sensitive area may be required to use biofuels instead of fossil fuels.
- P. To avoid disturbance of the upland and foreshore areas for a purpose referred to in Section 491(1)(e) of the *LGA*, heavy machinery may be required to be barged to the site.
- Q. Construction may be restricted to certain times of the year to avoid storm seasons, unusually high or low tides and sensitive life-cycle times for wildlife such as nesting or migrating.
- R. Where possible, vegetation and natural resources such as anchored logs and riparian plantings on protected shorelines, will be incorporated into shore protection works.

#### **6.5 Riparian Development Permit Area**

##### *6.5.1 Designation of the Riparian Development Permit Area*

That part of the Port Renfrew Plan area indicated as a Riparian DPA on Map 4 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 water mark, (b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and (c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

##### *6.5.2 Justification for the Riparian Development Permit Area*

Section 488(1)(a) of the *LGA* authorizes local government to designate DPAs where the protection of the natural environment, its ecosystems and biological diversity is desired and can be justified. Section 488(1)(i) of the *LGA* authorizes local government to designate DPAs where the promotion of water conservation is desired and can be justified.

The Province has enacted the *RAR*, under the *Riparian Areas Protection Act*, which applies to the exercise of local government powers by the CRD under Part 14 of the *LGA*. The *RAR* is intended to protect the features, functions and conditions that support fish life processes. With respect to development proposals related wholly or partially to riparian assessment areas within the Plan area, the CRD must not approve or allow development to proceed in those riparian assessment areas unless it receives notification that the Province has received a copy of an assessment report, prepared in accordance with the *RAR* by a Qualified Environmental Professional (QEP). In addition, when exercising its powers with respect to development, the CRD must protect its riparian areas in accordance with the *RAR*.

CRD Bylaw No. 4266

8

Wells are relied upon in parts of Port Renfrew for potable water. It is important to maintain the quality and quantity of surface water and aquifers, both below ground and in surface recharge areas. Through the protection of riparian ecosystems, the Riparian DPA is also intended to address maintenance of the natural hydraulic regime for environmental and water conservation purposes.

*6.5.3 Objectives for the Riparian Development Permit Area*

To plan and regulate development in a manner that:

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

*6.5.4 Specific Exemptions for the Riparian Development Permit Area*

In the Riparian DPA, no development permit will be required for the following:

- A. Development where a QEP submits a report or provides certification acceptable to the CRD that the proposed development is located outside a riparian assessment area and the Riparian DPA. In the case of a subdivision, the entire plan of subdivision must be outside a riparian assessment area and the Riparian DPA.
- B. External alterations, including adding an additional storey, that are entirely within the existing building footprint, provided that established driveways are used and there is no clearing of land.
- C. Gardening and yard maintenance activities such as lawn mowing, pruning and minor soil disturbances that do not alter the general contours of the land within an existing landscaped area.
- D. Removal of trees that threaten the immediate safety of life and buildings, provided that such trees are deemed hazardous by a QEP.
- E. Removal of non-native, invasive species subject to the prior provision and acceptance by the CRD of a report by a QEP.
- F. Watercourses that have been determined to be non-fish bearing by a QEP.
- G. Public trails may be developed in the Riparian DPA, but not within a Streamside Protection and Enhancement Area (SPEA).
- H. Public trails may only be developed in the Riparian DPA if a QEP has determined that the trail will not have a detrimental impact on the riparian assessment area, including the SPEA.

*6.5.5 Guidelines for the Riparian Development Permit Area*

Development permits for development in the Riparian DPA will be considered in accordance with the following guidelines:

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Riparian DPA.
- B. Modification of channels, banks or shores must not result in harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes within the Riparian DPA.
- C. The removal of gravel and soil from streams is prohibited unless otherwise approved by the provincial or federal government.
- D. Proposed plans of subdivision will avoid stream crossings where possible and demonstrate the presence of building areas outside of the SPEA.

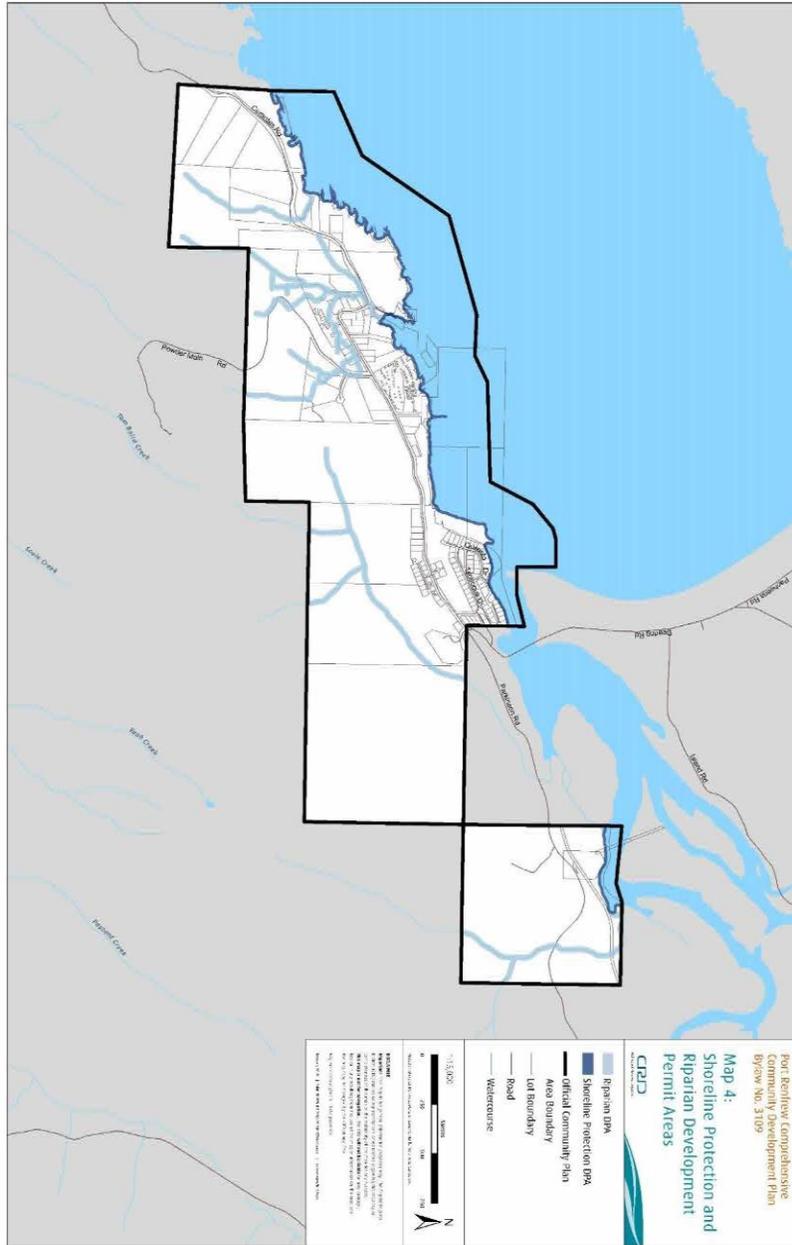
CRD Bylaw No. 4266

9

- E. Stream crossings will be avoided, but where this is not possible, bridges are preferred rather than culverts, and any works will be sited to minimize disturbance to banks, channels, shores and vegetative cover, and must be approved by the Province.
- F. Culverts may be designed to encourage in-stream storage of water to allow the unrestricted movement of fish in both directions.
- G. Construction at a certain time of year and using methods that minimize the impacts on rare and sensitive species may be required.
- H. To minimize encroachments into the Riparian DPA, variances for the height and location of buildings and structures may be considered.
- I. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a QEP, prepared in accordance with the *RAR*, will be considered by the CRD and may be included in a development permit.
- J. Development permits may include requirements for environmental monitoring and when required, these monitoring reports must be prepared by a QEP.
- K. All of the measures specified by a QEP necessary to maintain the integrity of a SPEA will be considered by the CRD for inclusion as a condition in a development permit.
- L. Development permits will not be issued until the CRD has been notified by the Riparian Areas Regulation Notification System (RARNS) that the Province has received a riparian areas assessment report.
- M. Where a QEP has required the planting of native vegetation to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks, a landscaping plan of the re-vegetation may be required.
- N. In situations where a SPEA would reduce the density of development permitted by the zoning bylaw, a QEP is required to provide recommendations on how the permitted density of development could be accommodated with the least possible impact on fish habit.
- O. An applicant may be required to provide an explanatory plan of a SPEA.
- P. For all or part of land within a SPEA that has been identified by a QEP, property owners may wish to consider dedicating the land back to the Crown, gifting the land to a nature conservation organization or registering a conservation covenant.
- Q. All new developments or modifications to existing developments including site works, gardening, landscaping and other related residential activities should be designed and implemented to maintain the quantity and quality of water and to avoid the entry of pollutants or nutrient rich water flowing into streams and wetlands.
- R. Development will be designed to avoid any increase in the volume and peak flow of runoff and a drainage plan may be required in support of this guideline.
- S. Plantings of native vegetation may be required to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks.
- T. Where necessary or desirable, a buffer zone to remain free of development may be specified and protection measures for retention and management of vegetation in these areas may be established.
- U. To avoid encroachment, fencing may be required prior to, during or after construction.

CRD Bylaw No. 4266

10



## **6.6 Sensitive Ecosystem Development Permit Area**

### *6.6.1 Designation of the Sensitive Ecosystem Development Permit Area*

That part of the Port Renfrew Plan area indicated as a Sensitive Ecosystem DPA on Map 5 is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(i) of the *Local Government Act (LGA)*. The Sensitive Ecosystem DPA established under this section includes the strip of land 30 metres from the natural boundary on either side of all watercourses.

### *6.6.2 Justification for the Sensitive Ecosystem Development Permit Area*

Section 488(1)(a) of the *LGA* authorizes local government to designate DPAs where the protection of the natural environment, its ecosystems and biological diversity is desired and can be justified. Section 488(1)(i) of the *LGA* authorizes local government to designate DPAs where the promotion of water conservation is desired and can be justified.

The strip of land 30 metres from the natural boundary on either side of all watercourses, have been designated in this Plan as a Sensitive Ecosystem DPA. Riparian ecosystems support a disproportionately high number of species for the area they occupy and are very diverse in terms of plant composition and structure. They support a high number of habitat niches, which provide critical habitats for numerous mammal, bird, reptile, amphibian, fish and vertebrate species. A number of wildlife species are dependent upon these freshwater ecosystems for all of their life cycle, while other utilize this type of habitat at critical life stages.

Wetlands result from the close proximity of water and soil. Along with supporting animal and plant species, wetlands also function as drainage, storage and recharge areas for down-slope groundwater regions important to the community's water supply. They serve as temporary storm water retention and transmission areas and are crucial to the natural environment.

Wells are relied upon in parts of Port Renfrew for potable water. It is important to maintain the quality and quantity of surface water and aquifer's, both below ground and in surface recharge areas. Through the protection of riparian ecosystems, the Sensitive Ecosystem DPA is also intended to address maintenance of the natural hydraulic regime for environmental and water conservation purposes.

### *6.6.3 Objectives for the Sensitive Ecosystem Development Permit Area*

To regulate development in a manner that:

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

### *6.6.4 Specific Exemptions for the Sensitive Ecosystem Development Permit Area*

In the Sensitive Ecosystem DPA, no development permit will be required for the following:

- A. Gardening and yard maintenance activities, such as lawn mowing, pruning and minor soil disturbances that do not alter the general contours of the land, within an existing landscaped area.
- B. Removal of hazardous trees that threaten the immediate safety of life and buildings.
- C. Removal of non-native, invasive species.
- D. External alterations that are entirely within the existing building footprint, including adding an additional storey, provided that established driveways are used and there is no clearing of land.
- E. Development where a Qualified Professional (QP) submits a report or provides certification acceptable to the CRD that the proposed development is located outside of any sensitive ecosystem.

CRD Bylaw No. 4266

12

- F. Where the sensitive ecosystem has been identified by a QP and is protected by a registered restrictive covenant that includes a reference plan showing the location of the sensitive ecosystem on that parcel.
- G. Development in a riparian assessment area that is subject to the *RAR* and the Riparian DPA.

*6.6.5 Guidelines for the Sensitive Ecosystem Development Permit Area*

Development permits for development in Sensitive Ecosystem DPA will be considered in accordance with the following guidelines:

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Sensitive Ecosystem DPA.
- B. The removal of gravel and soil from watercourses is prohibited unless otherwise approved by the provincial or federal government.
- C. Proposed plans of subdivision will avoid watercourse crossings where possible.
- D. Watercourse crossings will be avoided, but where this is not possible, bridges are preferred rather than culverts, and any works will be sited to minimize disturbance to banks, channels, shores and vegetative cover, and must be approved by the provincial government.
- E. Changes in the land surface, which could affect the health of vegetation or the biodiversity of any plant communities and disturbance of mature vegetation and understorey plants, will be minimized.
- F. Disturbance to existing vegetation not directly affected by the footprint of buildings, ancillary uses and driveways will be minimized.
- G. Planting of non-native vegetation or invasive species in designated sensitive ecosystem development permit areas is not supported.
- H. The CRD may consider variances to siting or size regulations where the variance could result in the enhanced protection of an environmentally sensitive area.
- I. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a QP will be considered by the CRD and may be included in the development permit.
- J. Those areas where existing vegetation is disturbed will be rehabilitated with appropriate landscaping and habitat compensation measures in a manner recommended in a report by a QP.
- K. Development and associated drainage will be designed and constructed so that there is no increase or decrease in the amount of surface water or groundwater available to the sensitive ecosystem.
- L. Culverts may be designed to encourage storage of water within the watercourse.
- M. Where necessary, provision will be made and works undertaken to maintain the quality of water reaching the sensitive ecosystem.
- N. All new developments or modifications to existing developments including site works, gardening, landscaping and other related residential activities should be designed and implemented to maintain the quantity and quality of water and to avoid the entry of pollutants or nutrient rich water flowing into watercourses, lakes, ponds and wetlands.
- O. Development will be designed to avoid any increase in the volume and peak flow of runoff and a drainage plan may be required in support of this guideline.
- P. Plantings of native vegetation may be required to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks.
- Q. The planting of non-native vegetation or alien invasive species, as defined in the provincial *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation 144/2004*, is not supported.

CRD Bylaw No. 4266

13

- R. Construction at a certain time of year and using methods that minimize the impacts on rare and sensitive species may be required.
- S. Where possible, large tracts of wildlife habitat or continuous habitat corridors will be preserved, in order to facilitate movement of wildlife.
- T. A buffer zone may be specified where land alteration or structures will be limited to those compatible with the characteristics of the sensitive ecosystem or those that can be mitigated in a manner recommended by a QP.
- U. In order to ensure unnecessary encroachment does not occur into the sensitive ecosystem at the time of construction, permanent or temporary fencing measures may be required.
- V. Development may be restricted during sensitive life-cycle times.

CRD Bylaw No. 4266

14

