

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **March 17, 2020 at 7 pm**

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 February 18, 2020
4. Chair's Report
5. Planner's Report
6. Development Permit with Variance Application
 - a) DV000069 – Lot A, Section 53, Renfrew District, Plan EPP20739 (9908 West Coast Road)
7. Adjournment



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, February 18, 2020, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair), Stan Jensen, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Sandy Sinclair
Staff: Iain Lawrence, Manager, Community Planning; Wendy Miller, Recorder
PUBLIC: 2

The meeting was called to order at 7:00 pm.

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 2020 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 Vern McConnell that the agenda be approved.

CARRIED

3. Approval of the Supplementary Agenda

No supplementary items.

4. Adoption of Minutes from the Meeting of November 19, 2019

MOVED by Sandy Sinclair, **SECONDED** by Roy McIntyre that the minutes from the meeting of November 19, 2019, be adopted.

CARRIED

5. Chair's Report

The Chair thanked the members for travelling to the meeting.

6. Planner's Report

a) At its meeting of February 12, 2020, the CRD Board gave Bylaw No. 4314 second reading and direction to proceed to public hearing. Bylaw No. 4314 would rezone 5495 Mt. Matheson Road from Rural A to Rural Residential 6A. The public hearing is scheduled for March 9, 2020, at the East Sooke Community Hall.

7. Development Permit with Variance Application

a) **DV000070 – Strata Lot 21, Section 16, Otter District, Strata Plan VIS7096 (7450 Butler Road)**

Iain Lawrence spoke to the staff report and the request for a development permit with variance in order to construct an industrial building and to reduce the front and flanking yard setbacks.

Iain Lawrence directed attention to the site plan included in the staff report which shows the requested variance. A photo of the strata road was presented. It was advised that the

curved shape of the road and the lot line results in a variance reduction of 1.1 m for the front yard setback and 1.5 m for the flanking yard setback.

The Chair confirmed that the applicant was present.

The LUC acknowledged that the road was designed to accommodate trucks and equipment associated with the strata development's industrial zoning.

Iain Lawrence responded to a question from the LUC confirming that no comments have been received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

MOVED by Dale Risvold, **SECONDED** by Roy McIntyre that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

That Development Permit with Variance DV000070, for Strata Lot 21, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(a) by reducing the front yard setback requirement from 7.5 m to 6.4 m, and Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m to 4.5 m, for the purpose of constructing a 490.53 m² steel building be approved.

CARRIED

8. Non-Adhering Residential Use within the Agricultural Land Reserve Application

a) AG000080 - Lot 1, Section 55, Renfrew District, Plan VIP73142 (2640 Sheringham Point Road)

Iain Lawrence spoke to the staff report and the request for an application for a non-adhering residential use for the purpose of constructing a detached secondary suite within the Agricultural Land Reserve (ALR). It was confirmed that ALR regulations were updated in 2019 to restrict ALR parcels to one residence up to 500 m² and one secondary suite within the principal residence. It is understood that the Agricultural Land Commission (ALC) will be re-examining the 2019 legislation restricting secondary dwellings due to public feedback.

The Chair confirmed that the applicant was present.

Iain Lawrence responded to questions from the LUC confirming that:

- the property is 1 ha
- the property is not currently under agricultural production
- the property's zoning permits one detached accessory suite subject to ALC approval
- previous ALR applications considered by the LUC have included requests for subdivision, non-farm use and exclusion from the ALR
- previous ALR applications have been referred to the Agricultural Advisory Planning Commission (AAPC)
- the AAPC does not have active membership
- the Shirley community was not directly solicited for comments regarding application AG000080

LUC discussion ensued regarding the staff recommendation that the application be referred to the Shirley/Jordan River Advisory Planning Commission.

MOVED by Ron Ramsay, **SECONDED** by Vern McConnell that the Land Use Committee recommends to the Capital Regional District (CRD) Board:

That Non-Adhering Residential Use within the Agricultural Land Reserve Application AG000080, for Lot 1, Section 55, Renfrew District, Plan VIP73142, be forwarded to the Agricultural Land Commission with no comment.

CARRIED

9. Adjournment

The meeting adjourned at 7:20 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 17, 2020**

SUBJECT **Development Permit with Variance for Lot A, Section 53, Renfrew District, Plan EPP20739**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Steep Slopes and Sensitive Ecosystem Development Permit (DP) guidelines, and to decrease the side yard setback requirement for the purpose of constructing a single family dwelling and septic field.

BACKGROUND

The 0.32 ha property is located at 9908 West Coast Road in Shirley and is zoned Forestry (AF) (Appendix A). The property is bounded by a Rural A zoned property to the west and a large AF zoned property to the north, east, and south; West Coast Road is undedicated at this location and lies to the south of the subject property.

There are currently no structures on the parcel. An existing graded driveway pull out skirts the southern edge of the property and continues through the adjacent property to the east as a separate access to West Coast Road. The property boundaries were unclear to the applicant at the time of sale, and resolution of the issue is ongoing.

Records from the Ministry of Transportation and Infrastructure (MoTI) indicate the parcel was created in 1939, but that a vague legal description on title necessitated the creation of a new survey plan and title when converted to electronic records in 2015 (Appendix B). No legal plan for the parcel existed with the Land Title Office prior to this date. The legal description indicated that the parcel begins where the southwest parcel line meets the government highway. The 2015 survey and legal plan was created from this description, but the possibility exists that the location of Highway 14 is different from in 1939. There is currently no road dedication where West Coast Road passes through the parcels that form part of Section 53.

The owner now wishes to construct a single family dwelling and services on the parcel (Appendix C). The property is designated as a Steep Slopes and a Sensitive Ecosystem development permit area; therefore, a development permit is required. The plans propose a reduction of the side yard setback from 15 m to 3 m, therefore, a variance is required.

In response to the posting of a Notice of Development Application sign on the property, JdF Community Planning was advised by a member of the public that a gas or service station had historically operated at this location. The BC Ministry of Environment and Climate Change Strategy (BC ENV) has reporting and investigation requirements for sites that may have had previous industrial activities and are the subject of current applications for development. Upon receipt of this information from JdF Community Planning, the applicant engaged in the site profile process as required by the *Environmental Management Act*. Based on the location of the proposed development in relation to the potentially contaminated site, the Province approved a release request on January 28, 2020, and confirmed that the CRD may consider the Development Permit with Variance to authorize construction of a single family dwelling and related services.

ALTERNATIVES

Alternative 1

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

That Development Permit with Variance DV000069 for Lot A, Section 53, Renfrew District, Plan EPP20739 to authorize construction in a Steep Slopes and a Sensitive Ecosystems Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.07 by reducing the side yard setback 15 m to 3 m for the purpose of constructing a single family dwelling and septic field, be approved.

Alternative 2

That Development Permit with Variance DV000069 be denied.

Alternative 3

That the application be referred back to staff for additional information.

IMPLICATIONS

Legislative Implications

Section 40 of the *Environmental Management Act* requires that a person must provide a site profile in accordance with the *Contaminated Sites Regulation* to local government when that person applies for a development permit or a development variance permit for land that the person knows was used for industrial activity. Further review of the site may be required by the Province based on the information provided in the site profile. Where further review by the Province is required, local government may not approve an application until the conditions under Section 557 of the *Act* have been satisfied or a release has been granted from the Province. A release was issued by the Province in relation to this development permit with variance request on January 28, 2020.

The Shirley – Jordan River Official Community Plan, Bylaw No. 4001, designates development permit areas (DPAs) and outlines development permit guidelines (Appendix D). The property is located within the Steep Slopes and Sensitive Ecosystem DPAs; therefore, a development permit is required to construct a single family dwelling and septic field. CRD Delegation of Development Permit Approval Authority Bylaw, 2009, Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the power to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.07, specifies front, side, rear and flanking yards shall be a minimum of 15 m. A variance is required in order to permit the development to be located within this setback.

Public Consultation Implications

Pursuant to Section 499 of the *LGA*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of 500 metres of the subject property. Any responses received from the public will be presented at the March 17, 2020, Land Use Committee meeting. There is no legislative requirement for public consultation if a local government is considering the issuance of a development permit.

Land Use Implications

Development Permit:

The owner has submitted a geotechnical report prepared by Richard Brimmell, P.Eng., of Brimmell Engineering Ltd., dated September 7, 2018, that describes the terrain and confirms that the slopes are

approximately 20 degrees on the front half of the parcel and up to 35 degrees towards the rear (Appendix E). The proposed dwelling is to be located in the less steepened areas of the property. The report states that the land may be used safely for the use intended with respect to slope stability and rock fall hazard and recommends that an arborist be consulted regarding windthrow hazard. Staff note that the report prepared to address the Sensitive Ecosystem DP guidelines discussed tree removal to create a building site.

A report was prepared by Jessica Harvey, RP.Bio., of Corvidae Environmental Consulting Inc. in October 2018 to address the Sensitive Ecosystem DP guidelines for the proposed development (Appendix F). The report provided an assessment of the environmental conditions found at the site, described potential impacts of the proposed development and provided recommendations on the suitability of the site for the proposed development.

The Biologist confirmed that the south-east corner of the property, which has been selected as the location for the proposed development, is the only feasible building site due to the steep terrain and rocky outcrops outside that area. The proposed site uses the existing access road and minimizes intrusion into the sensitive ecosystem DP area.

The report noted that the small footprint and location of the development near the road corridor minimizes the intrusion into the sensitive ecosystem and potential environmental effects. Up to 19 mature trees will need to be removed in order to create a building site. Of the trees to be removed, nine are located within the sensitive ecosystem DP area. The Biologist recommended mitigation measures for erosion and sediment control, invasive plant species control, and minimizing the impact on wildlife and wildlife habitat.

Variance:

The owner has requested a variance to reduce the side yard setback from 15 m to 3 m for the proposed single family dwelling and septic field.

The Forestry (AF) zone regulations specify that front, side, rear and flanking yards shall be a minimum of 15 m. The minimum lot size is 4 ha in the Forestry zone; however the subject property is only 0.3 ha. The small parcel area combined with the 15 m setbacks of the zone, the steep bedrock outcrops and the sensitive ecosystem areas severely restricts the buildable area.

Development Permit with Variance DV000069 has been prepared for consideration to authorize construction of a single family dwelling and septic field and to grant a variance to reduce the side yard setback requirement from 15 m to 3 m (Appendix G). Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose of constructing a single-family dwelling. The proposed variance is to reduce the eastern side yard setback from 15 m to 3 m. Since feasible building locations are restricted by the topography of the site and the predominance of the sensitive development permit area, staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

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

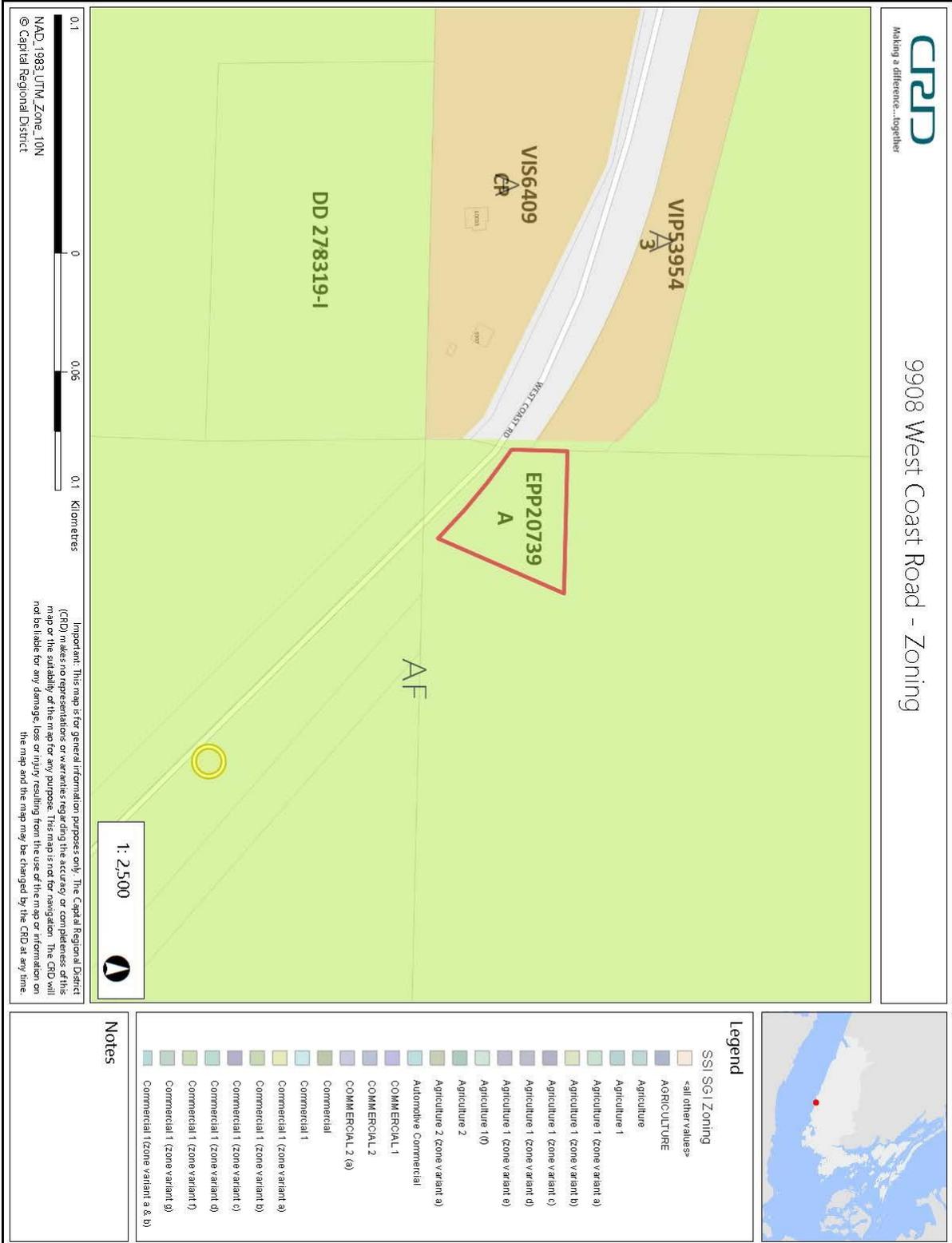
That Development Permit with Variance DV000069 for Lot A, Section 53, Renfrew District, Plan EPP20739 to authorize construction in a Steep Slopes and a Sensitive Ecosystems Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.07 by reducing the side yard setback 15 m to 3 m for the purpose of constructing a single family dwelling and septic field, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

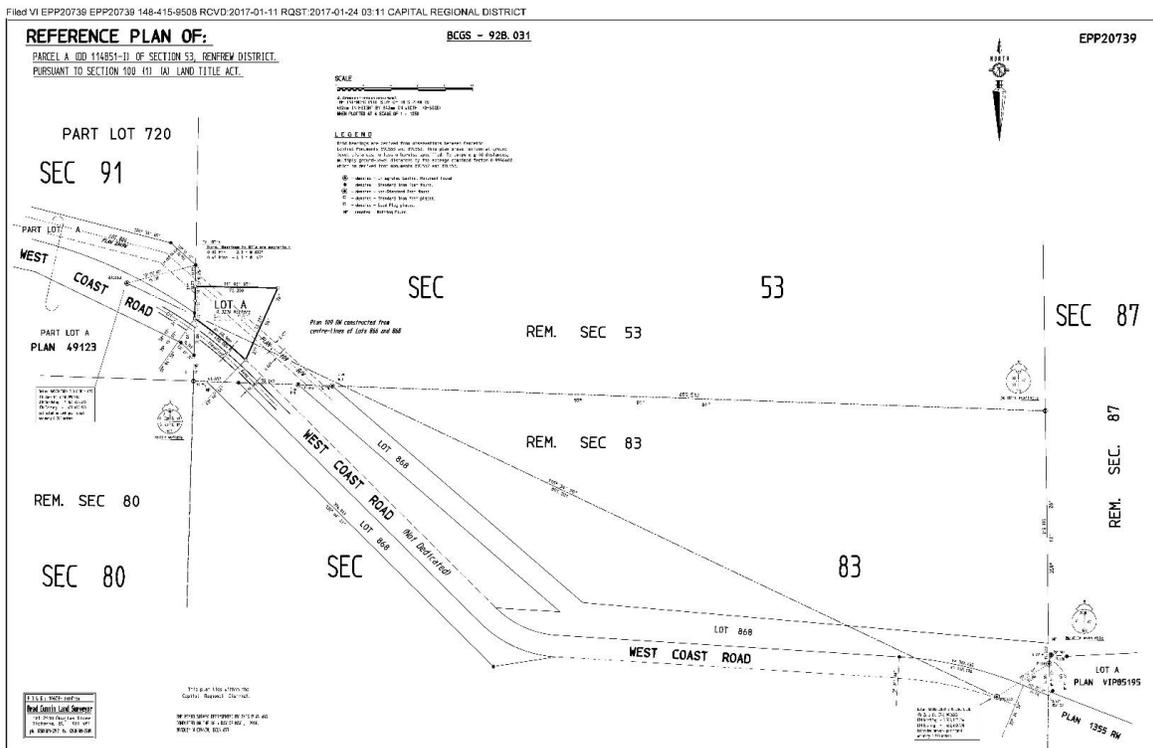
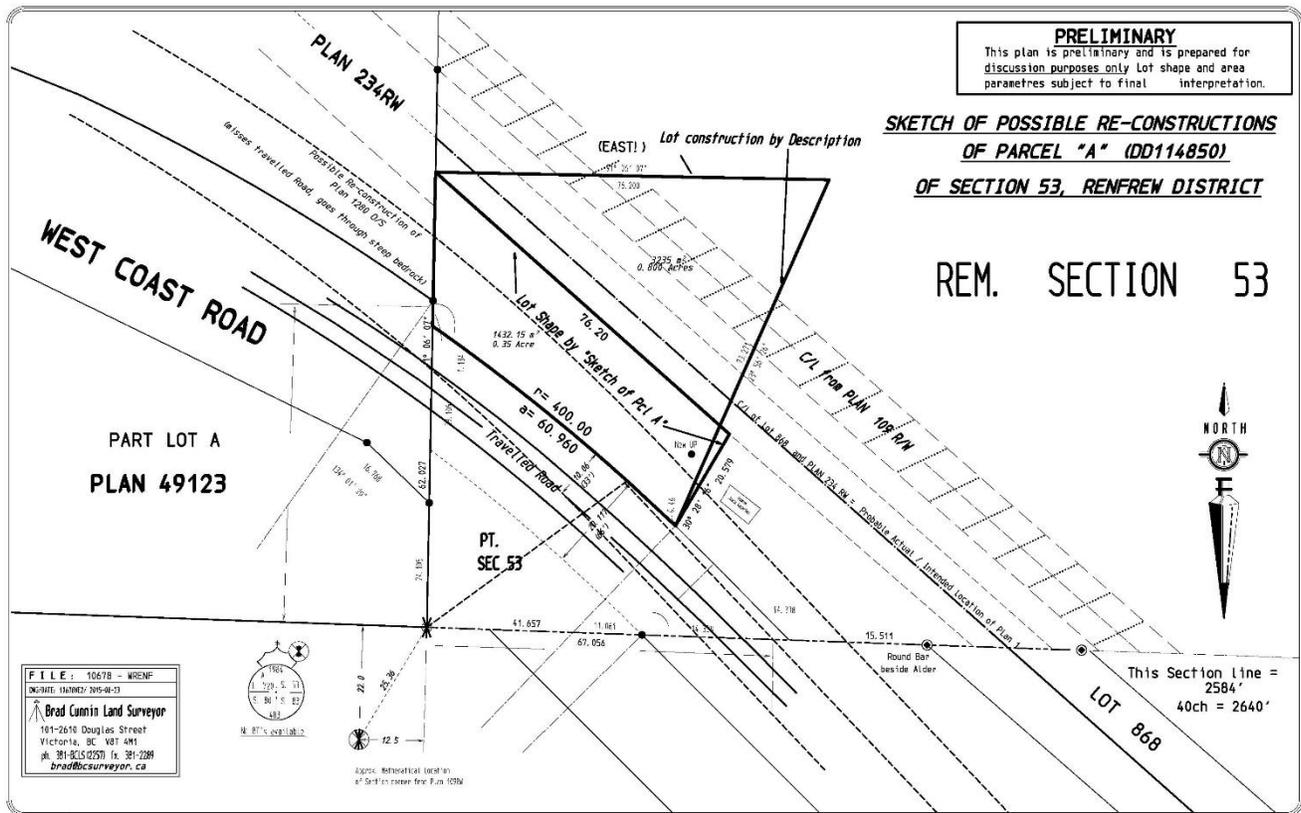
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Survey Plans
- Appendix C: Site Plan Concept and Requested Variance
- Appendix D: Development Permit Guidelines
- Appendix E: Geotechnical Report
- Appendix F: Environmental Assessment
- Appendix G: Permit DV000069

Appendix A: Subject Property Map



Appendix B: Survey Plans



Appendix D: Development Permit Guidelines

Section 510 – Steep Slopes

- A. Development and alteration of land will be planned to avoid intrusion into and minimize the impact on the Steep Slope DPA.
- B. The removal of vegetation and impact to tree root zones will be minimized.
- C. The placement of fill, disturbance to the soil, undercutting and blasting will be minimized.
- D. Development should minimize alterations to steep slopes and the development should be designed to reflect the site rather than altering the site to reflect the development.
- E. Changes in hydrology will be minimized.
- F. Runoff from the development will not destabilize or cause damage to the subject parcel or neighbouring parcels.
- G. Development will be designed to avoid erosion and sedimentation.
- H. Erosion control measures and temporary fencing may be required during and after construction.
- I. The planting of native vegetation in both disturbed and undisturbed areas may be required to reduce the risk of erosion and improve slope stability.
- J. Heavy machinery cannot be used in circumstances where or when it might cause erosion or destabilize the slope.
- K. The clustering of buildings and structures on less steep areas is encouraged and setbacks may be varied to accommodate this.
- L. Variances to allow the siting of buildings and structures outside the Steep Slope DPA will be considered.
- M. Over-steep driveways and sharp switchbacks are discouraged and will be minimized.
- N. Shared driveways may be required where they will minimize the disturbance to steep slopes.
- O. Large, single-plane retaining walls are discouraged and landscaping should follow the natural contours of the land.
- P. 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 development permit.

Section 540 – Sensitive Ecosystem

- 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, 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.
- 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

Appendix E: Geotechnical Report

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



Sept 7/18
File 18-136

Re: Proposed Home, 9908 W. Coast Rd., Shirley Dist.
Geotechnical Considerations

This letter is further to an Aug 26 meeting at the above-referenced site, which is on the north side of West Coast Rd. Photos with notes are on Pages 3 & 4. The location of the proposed house is shown on the attached site plan, prepared by Vivi Curutchet.

The site slopes southward, toward West Coast Rd. The property is undeveloped and forested except the SW quadrant where there is exposed bedrock. There is an existing driveway which will be modified to access the house site.

The front (south) half of the property, including the house site, slopes southward at about 20°. The gradient steepens to about 35° within the back (upslope) half of the property. The bedrock within the front, left quadrant has been reviewed and found to be stable. No evidence of slope instability or rockfall was found during the site reconnaissance.

The selected house site is safe for the intended residential usage with respect to potential geotechnical hazards including slope instability and rock fall. Windthrow is a possible concern; review by an arborist is recommended.

9908 W. Coast Rd. Geotech Rpt

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

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



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

cc: Emma Taylor – CRD
cc: Vivi Curutchet

9908 W. Coast Rd. Geotech Rpt



9908 W. Coast Rd. Geotech Rpt



Outcropping bedrock within the SW corner of the property



Looking west across the proposed septic field site. The existing d/w is on the left.

***Environmental Assessment and Protection Plan
for 9908 West Coast Road, Shirley, BC***

In support of Development Permit Application

Prepared for:

██████████
9908 West Coast Road
Shirley, British Columbia

Prepared by:

Corvidae Environmental Consulting Inc.
6526 Water Street
Sooke, BC



Corvidae Project No. CE 2018-103

October 2018

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1 INTRODUCTION

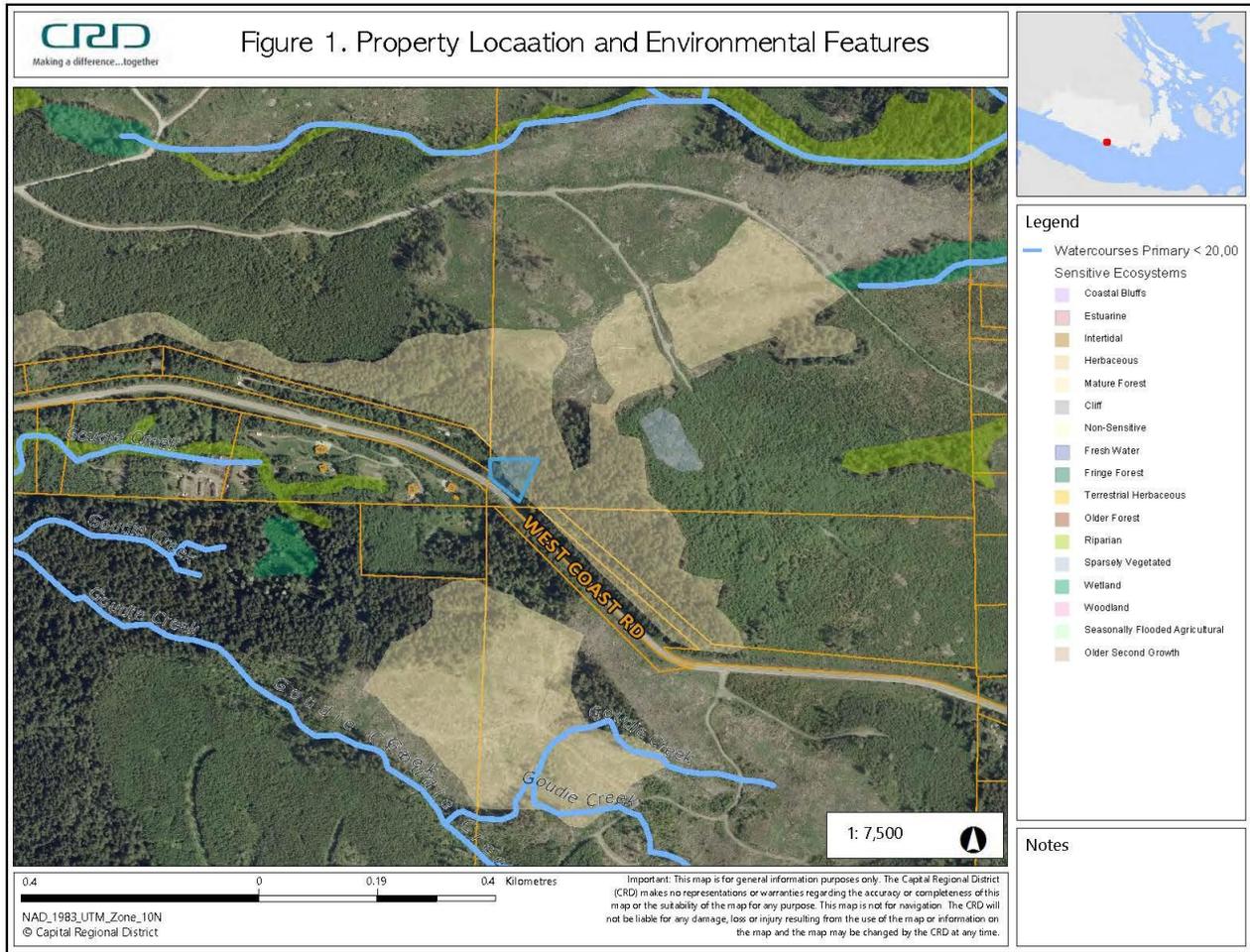
Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed changes to 9908 West Coast Road (PID 030-044-341; Lot A EPP 20739).

The landowner, [REDACTED] has applied for a Development Permit Application to remove trees on the property in order to construction a small dwelling and associated septic field. There are currently no buildings on the property.

The north-eastern two thirds (~64%) of the property is within a Sensitive Ecosystem Development Permit Area (DPA) in the Shirley – Jordan River Official Community Plan, Bylaw No. 4001. More specifically, the mapped Sensitive Ecosystem DPA is Mature Forest.

As part of the DPA application, a site plan and a report by a Qualified Environmental Professional (QEP) that addresses the guidelines outlined in Section 540 of Bylaw No. 4001 is required. To that end, the [REDACTED] has contracted the services of Corvidae to complete an environmental assessment of the property. This document addresses the requirements in Section 540 of Bylaw No. 4001, provides an assessment on the environmental conditions on the property, potential impacts of the proposed development, and recommendations on the suitability of the site for the proposed development.





1.1 REGULATORY FRAMEWORK

This environmental assessment is designed to comply with the provisions set out in the Shirley – Jordan River Official Community Plan, Bylaw No. 4001, for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

Municipal

- Shirley – Jordan River Official Community Plan, Bylaw No. 4001
“The Sensitive Ecosystem DPA established under this section includes those sensitive ecosystems and other important ecosystems identified as Intertidal, Estuarine, Freshwater, Older Forest, Mature Forest, Fringe Forest, Woodland, Herbaceous, Sparsely Vegetated, Wetlands, and Riparian in the Sensitive Ecosystem Inventory (SEI) prepared by Madrone Environmental in 2014. The Sensitive Ecosystem DPA includes the strip of land 30 metres from the natural boundary on either side of all watercourses.”

The objectives of the Sensitive Ecosystem DPA are detailed in Section 543 and are designed “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.”*

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

- Protection of the natural environment, its ecosystems and biological diversity.

Federal

- Migratory Birds Act (1994)

Provincial

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



2 ENVIRONMENTAL SITE ASSESSMENT

Corvidae completed a site visit on September 19th, 2018 as part of DPA. The property is located on a steep hillside adjacent to West Coast Road (Hwy 14). A less-sloped area is present in the southeastern corner of the property. There is a graded gravel driveway that skirts the bottom edge of the property and leads on to the adjacent property. Photos of the property are included in Appendix A.

Due to the steep terrain and rocky outcrops, and the OCP-designated Sensitive Ecosystem DPA (Mature Forest), the landowners have selected the south-east corner of the property for the location of the planned development. This is the only feasible building site on the property, uses the existing access road to the property, and minimizes the intrusion into the Sensitive Ecosystem DPA (Mature Forest).

2.1 LANDSCAPE AND SOILS

The property is steeply sloped (from 15-45 degrees) towards the highway. Rocky outcrops are located throughout the upper half of the property and the western side. The area of planned activities is located in a relatively flat area in the south-eastern corner of the property.

Soils in the area are typically moderately deep Orthic Humo-Ferric Podzols with Hemimor humus forms (Pojar et al. 1991). The soils on the site were a sandy clay loam. Where rocky outcrops are present, the soil depth is shallow. In flatter areas and depressions on the property, a thick layer of organic material is present.

2.2 VEGETATION

The project is located within the Coastal Western Hemlock (CWH) biogeoclimatic zone, and specifically in the western variant of the Very Dry Maritime subzone (classified as CWHxm2). Drier subzones of the CWH are typically dominated by components of western hemlock (*Tsuga heterophylla*), Douglas-fir (*Pseudotsuga menziesii*) and western red cedar (*Thuja plicata*) (Pojar et al. 1991). Salal (*Gaultheria shallon*), dull Oregon grape (*Mahonia nervosa*), and huckleberry (*Vaccinium* sp.) typify the shrub layer. Less common species include vanilla-leaf, sword fern, twinflower, and bracken. Oregon beaked moss (*Kindbergia oregana*), step moss (*Hylocomium splendens*), lanky moss (*Rhytidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) dominate a well-developed moss layer (Pojar et al. 1991).

With the exception of the rocky outcrops, the property is heavily forested with thick understory (dominated by salal). The area to be developed is a relatively flat area with thick organic debris, and therefore, a sparse understory of salal and sword fern.

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



Table 1. Vegetation and tree species observed on the property during field visit on September 19, 2018

Common Name	Scientific Name	BC Provincial Status	Sara Schedule 1 Status
Arbutus	<i>Arbutus menziesii</i>	Yellow	--
Douglas fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Dull Oregon grape	<i>Mahonia nervosa</i>	Yellow	--
Evergreen huckleberry	<i>Vaccinium ovatum</i>	Yellow	--
Himalayan blackberry	<i>Rubus armeniacus</i>	Exotic	--
Oceanspray	<i>Holodiscus discolor</i>	Yellow	--
Rattlesnake-plantain	<i>Goodyera oblongifolia</i>	Yellow	--
Red alder	<i>Alnus rubra</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Scotch broom	<i>Cytisus scoparius</i>	Exotic	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Trailing blackberry	<i>Rubus ursinus</i>	Yellow	--
Western hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Western redcedar	<i>Thuja plicata</i>	Yellow	--

TREE INVENTORY IN AREA OF DEVELOPMENT

The planned development on the property will require the removal of approximately 19 mature trees. The trees to be removed include Douglas-fir, western hemlock, and western redcedar, ranging in size from 30cm to 100cm diameter-at-breast-height. Of the trees to be removed, 9 are located within the Sensitive Ecosystem DPA (Mature Forest; see Figure 2). The area selected for the planned development is the most feasible building site on the property.



2.3 WILDLIFE

The forested habitat is found in the Coastal Western Hemlock biogeoclimatic zone is home to many wildlife species. Black-tailed deer, black bear, marten and gray wolf are the most common large mammals in this zone on Vancouver Island. For bird species in this zone, the following typically occur: great horned owl, barred owl, ruffed grouse, band-tailed pigeon, northern flicker, hairy woodpecker, common raven, Steller's jay, chestnut-backed chickadee, red-breasted nuthatch, varied thrush, red-tailed hawk, Townsend's warbler. The following amphibians may occur: western toad, Pacific treefrog, western redbacked salamander. (Pojar et al. 1991).

The property is predominately mature forest with thick understory and complex terrain. This provides abundant habitat for breeding birds and small mammals. No wildlife species of concern were observed in the project area during the site visit. No dens, burrows or nests were found; however, detection of birds' nests in the tall trees or the mature forest is very low. Only terrestrial habitat is present for amphibians.

The proposed development area contains mature trees that provides nesting habitat for birds. Sparse understory in the area to be cleared provides little structural habitat and cover for nesting birds or small mammals, and does not provide browse for ungulates.

During the site assessment the species listed in Table 2 were observed on the site.

Table 2. Wildlife species observed on the property during field visit on September 19, 2018

Common Name	Scientific Name	BC Provincial Status	Sara Schedule 1 Status
Mammals			
Douglas' squirrel	<i>Tamiasciurus douglasii</i>	Yellow	--
Black-tailed Deer (scat)	<i>Odocoileus hemionus columbianus</i>	Yellow	--
Birds			
Cedar waxwing	<i>Bombycilla cedrorum</i>	Yellow	--
Common raven	<i>Corvus corax</i>	Yellow	--
Golden-crowned kinglet	<i>Regulus satrapa</i>	Yellow	--
Hermit thrush	<i>Catharus guttatus</i>	Yellow	--
Northern flicker	<i>Colaptes auratus</i>	Yellow	--
Pacific wren	<i>Troglodytes pacificus</i>	Yellow	--
Red-tailed hawk	<i>Buteo jamaicensis</i>	Yellow	--

Northern Pacific treefrogs (*Pseudacris regilla*) were heard calling in the distance during the site assessment, presumably from the wetland located approximately 180m east of the property boundary. No suitable habitat for breeding amphibians is present on the property.

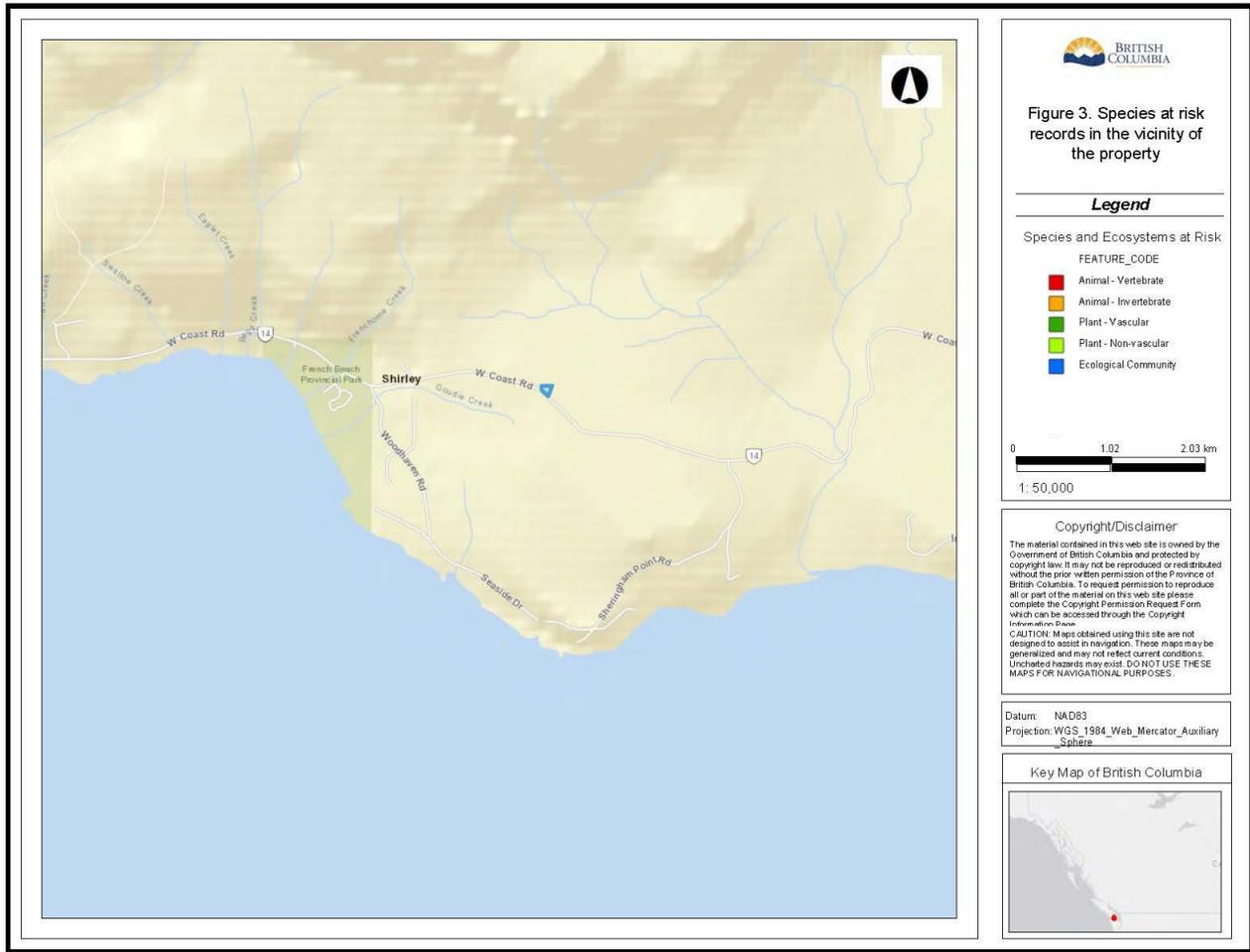


2.4 SPECIES AT RISK

A query of the B.C. Conservation Data Centre (CDC) iMap tool (Figure 3) yielded no occurrences of vegetation or wildlife species or ecosystems at risk within a two-kilometer radius of the property (B.C. CDC 2018).

Notably, an absence of occurrences does not illicit a confirmation that vegetation species or ecosystems at risk do not occur in the project area, and rather, the result may be due to the lack of previous biological survey of the area.





2.5 RIPARIAN AREA AND FISHERIES

No watercourses or wet areas were observed on site during the field assessment. No records of watercourses or waterbodies on the property exist.

The closest watercourse is an arm of Goudie Creek, 370m west of the property, on the opposite side of the highway.

3 POTENTIAL ENVIRONMENTAL EFFECTS

The potential impacts from the project on the environment will be loss of existing vegetation, specifically mature trees, and disturbance of soils. During tree clearing and project construction, there will be heavy equipment and noise on the site. The property is located in an area with other rural properties (across the highway and to the west), so there is an existing level of anthropogenic noise at the site already.

Tree removal will result in permanent loss of mature trees in the development area, wildlife habitat disturbance and increased susceptibility to invasive plants in the cleared area and adjacent plant communities. Clearing and maintaining an opening in an early seral stage changes the conditions (e.g., temperature, humidity) in adjacent plant communities; however, the development area is very close to the road corridor and therefore the impact is expected to be minimal.

Reduced habitat effectiveness can occur as a result from the creation of habitat edges, habitat fragmentation, or sensory disturbance (e.g., noise, artificial light, proximity to facilities and infrastructure, human activity and traffic). The effectiveness of wildlife habitat may be affected by sensory disturbance such as noise associated with tree clearing and construction. Due to the proximity to the road, these impacts are expected to be minimal.

Wildlife mortality has the potential to occur due to loss or disruption of habitat (e.g., clearing and soil handling has potential to destroy nests, dens, overwintering sites) and sensory disturbance (i.e., nest abandonment). Given the implementation of the mitigation measures recommended in Section 4, these impacts will be avoided or reduced.

The environmental disturbance on the property will be short-term, spatially-localized, located in an area of moderate habitat value, and is close to existing disturbance and is therefore determined to be non-significant. The project impacts are not expected to affect vegetation or wildlife populations such that the objectives of the Sensitive Ecosystem DPA (Mature forest) may not be attainable.



4 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

Corvidae recommends the implementation of mitigation measures to avoid, minimize, restore and offset the impacts of the proposed development.

Activities that have the potential to impact the environment are removal of vegetation and trees, ground disturbance activities during clearing and construction, and construction debris being improperly disposed of or left in vegetated areas. The following table provides the environmental protection measures for clearing and building in the proposed development area:

Table 3. Recommended mitigation measures for proposed development

Component	Mitigation Measures
Erosion and Sediment Control	To minimize erosion from wind and water an Erosion and Sediment Control Plan, to be provided prior to construction, will be implemented. <ul style="list-style-type: none"> Silt fencing placed in all areas with the potential to drain sediments into streams, ditches or drainages, including the downslope edge of proposed development area.
Vegetation and Invasive Plants	<ul style="list-style-type: none"> Cleared areas, especially those where clearing is required for extra work space, will be revegetated or landscaped with native and horticultural species to stabilize soil from wind and water erosion and to prevent establishment of weed species. To control and minimize the spread of invasive weeds on the site, all machinery should be clean before arrival onto the site to ensure that weed seeds and other propagules (e.g. pieces of root) are not brought into the project area. To offset the removal of trees in the Mature Forest Sensitive Ecosystem Area, the landowner will undertake to remove invasive plants in other locations where they occur on the property (e.g., scotch broom on the rocky outcrop adjacent to the development area).
Wildlife and Wildlife Habitat	<ul style="list-style-type: none"> Clearing and grading activities are recommended outside of the general nesting period for breeding birds from March 25 to August 10 (Government of Canada 2018). For some species, specific timing restrictions for sensitive nesting periods apply and should be considered. The breeding window for raptors, such as eagles and osprey, extends from January to September (Ministry of Environment 2014). If this is not possible, a Qualified Environmental Professional (QEP) must conduct pre-construction surveys (a minimum of three) to identify any nesting activity within the footprint and recommend appropriate mitigation. If vegetation clearing or construction is scheduled within the sensitive time period for breeding birds, a QEP should conduct nest search surveys a maximum of 7 days prior to the start of activities. The search will include the project footprint and adjacent areas to coincide with recommended wildlife setback distances, where land access allows. If an active nest is discovered during nest searched or clearing activities, the nest will be subject to site-specific mitigation measures (e.g. protective buffer around the nest or unobtrusive monitoring) until the young have naturally fledged/left the area. The results of a nest search are valid for 7 days. If construction activities are



Component	Mitigation Measures
	<p>initiated 7 days or more since clearing or completion of a nest search, an additional nest search is required before activities commence.</p> <ul style="list-style-type: none">• Boundaries of clearing should be clearly marked and tree clearing should be limited to the trees identified for clearing.• In the event any additional wildlife habitat features (e.g., active dens, snake hibernacula) are identified prior to or during construction they will be subject to site-specific mitigation measures that will be developed in consultation with the appropriate regulators.

Report Prepared By:



Jessica Harvey, RP.Biol., M.Sc.,
Environmental Planner/Wildlife Biologist
Corvidae Environmental Consulting Inc.



5 REFERENCES

- British Columbia Conservation Data Centre: CDC iMap [web application]. 2018. Victoria, British Columbia, Canada. Available: <http://maps.gov.bc.ca/ess/sv/cdc/> (Accessed September 2018).
- British Columbia Ministry of Environment. 2014. Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia. Available at: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-standards-and-guidance/best-management-practices/develop-with-care>.
- Capital Regional District (CRD). 2017. *Shirely - Jordan River Official Community Plan, Bylaw No. 4001*
- Capital Regional District (CRD). 2018. CRD Regional Mapping. Victoria, British Columbia, Canada. Available at: <https://maps.crd.bc.ca/Html5Viewer/?viewer=public> (Accessed September 2018).
- Environmental Canada. 2018. General nesting periods of migratory birds. Available at: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods.html#_01_2 (accessed March 24, 2018).
- Pojar, J., K. Klinka, and D.A. Demarchi. 1991. Coastal Western Hemlock Zone. In *Ecosystems of British Columbia*. D. Meidinger and J. Pojar (editors). B.C. Ministry of Forestry, Victoria, B.C. Spec. Rep. Ser 6. Pp 95-111.



APPENDIX A – SITE PHOTOGRAPHS

Photo 1. Photo of the steep terrain on the property from northeast corner looking toward the highway. September 19, 2018.



Photo 2. 9908 West Coast Road from the highway. Note the rocky outcrop to the left of the driveway. September 19, 2018.



Photo 3. Area for proposed cabin. September 19, 2018.



Photo 4. Area for proposed septic. September 19, 2018.





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CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000069

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:
PID: 030-044-341;
Legal Description: Lot A, Section 53, Renfrew District, Plan EPP20739 (the "Land")
3. This development permit authorizes construction and installation of a single-family dwelling and septic system (the "development") on the Land, located within the development permit areas established under the Shirley - Jordan River Official Community Plan, Bylaw No. 4001, 2018, Section 510 (Steep Slopes) and Section 540 (Sensitive Ecosystems), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a. That the components of the development occur within the areas identified as the "Proposed Location" on the Site Plan, prepared by Vivi Curutchet;
 - b. That the development comply with the recommendations outlined in the report prepared by Richard Brimmel, P.Eng., of Brimmel Engineering Ltd., dated September 7, 2018 (the "Geotechnical Report");
 - c. That the development comply with the recommendations outlined in the report prepared by Jessica Harvey, RP.Bio., of Corvidae Environmental Consulting Inc., dated October 2018 (the "Environmental Assessment Report");
 - d. That upon substantial completion of the development, a report from an arborist be submitted to confirm that the windthrow hazard concerns noted in the Geotechnical Report have been addressed.
5. The Capital Regional District's Bylaw No. 2040, Part 2, Section 3.07, is varied under section 498 of the *Local Government Act* as follows:
 - a. That the side yard setback of the Forestry (AF) zone be reduced from 15 m to 3 m for the purpose of constructing a single-family dwelling and septic field.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000069) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:
 - i. Site Plan;
 - ii. Geotechnical Report
 - iii. Environmental Assessment Report.
10. This Permit is NOT a Building Permit.
11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.



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RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2020.

ISSUED this ____ day of _____, 2020

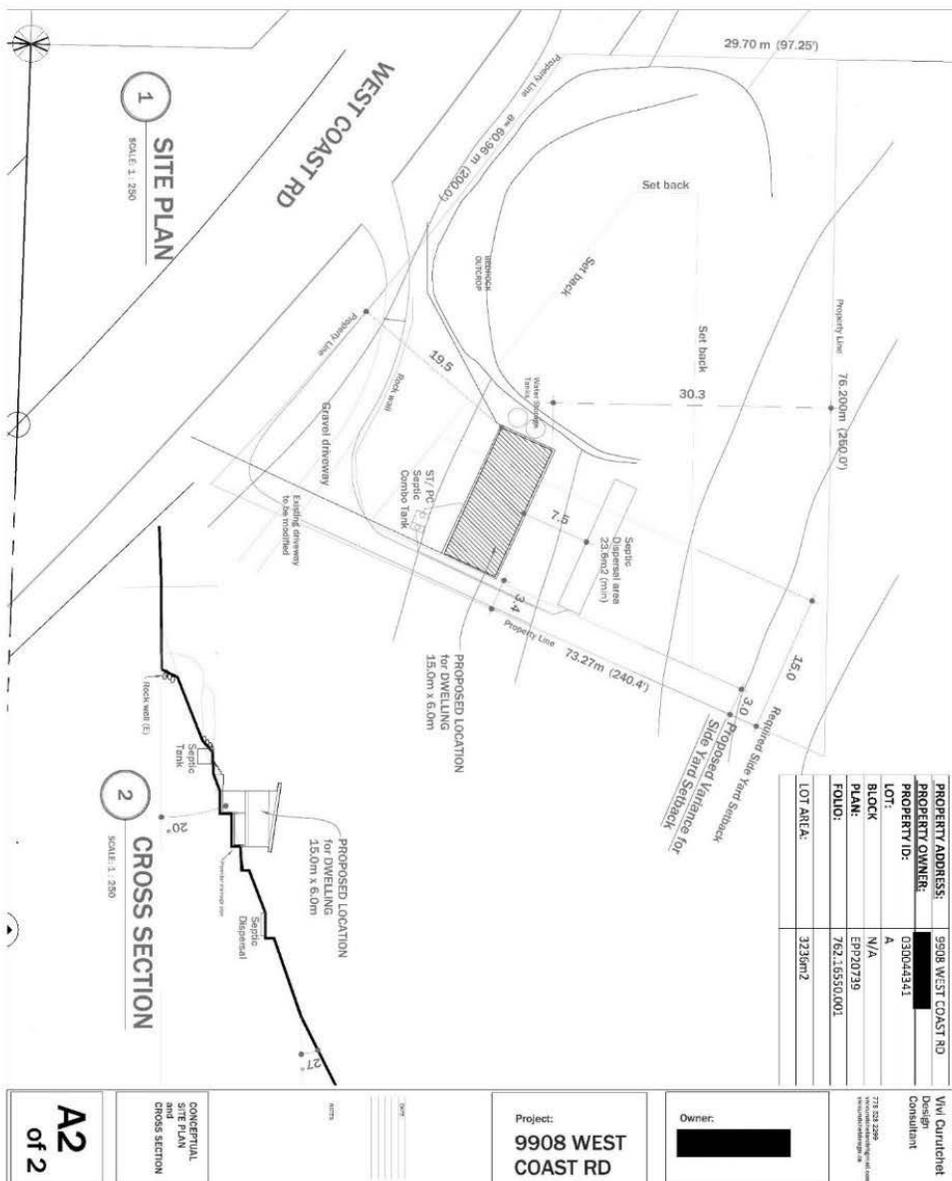
Kristen Morley
Corporate Officer



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Attachment 1: Site Plan

DV000069





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Attachment 2: Geotechnical Report

DV000069

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



Sept 7/18
File 18-136

Re: Proposed Home, 9908 W. Coast Rd., Shirley Dist.
Geotechnical Considerations

This letter is further to an Aug 26 meeting at the above-referenced site, which is on the north side of West Coast Rd. Photos with notes are on Pages 3 & 4. The location of the proposed house is shown on the attached site plan, prepared by Vivi Curutchet.

The site slopes southward, toward West Coast Rd. The property is undeveloped and forested except the SW quadrant where there is exposed bedrock. There is an existing driveway which will be modified to access the house site.

The front (south) half of the property, including the house site, slopes southward at about 20°. The gradient steepens to about 35° within the back (upslope) half of the property. The bedrock within the front, left quadrant has been reviewed and found to be stable. No evidence of slope instability or rockfall was found during the site reconnaissance.

The selected house site is safe for the intended residential usage with respect to potential geotechnical hazards including slope instability and rock fall. Windthrow is a possible concern; review by an arborist is recommended.



DV000069

9908 W. Coast Rd. Geotech Rpt

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

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



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

cc: Emma Taylor - CRD
cc: Vivi Curutehal



DV000069

9908 W. Coast Rd. Geotech Rpt



Looking west across the proposed house site



Looking upslope (north) at the proposed house site and beyond



DV000069

9908 W. Coast Rd. Geotech Rpt

	<p>Outcropping bedrock within the SW corner of the property</p>
	<p>Looking west across the proposed septic field site. The existing d/w is on the left.</p>



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Attachment 3: Environmental Assessment Report

DV000069

*Environmental Assessment and Protection Plan
for 9908 West Coast Road, Shirley, BC*

In support of Development Permit Application

Prepared for:

██████████
9908 West Coast Road
Shirley, British Columbia

Prepared by:

Corvidae Environmental Consulting Inc.
6526 Water Street
Sooke, BC



Corvidae Project No. CE 2018-103

October 2018



DV000069

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DV000069

Environmental Assessment and Protection Plan for 9908 West Coast Road

June 2019

1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed changes to 9908 West Coast Road (PID 030-044-341; Lot A EPP 20739).

The landowner, [REDACTED] has applied for a Development Permit Application to remove trees on the property in order to construction a small dwelling and associated septic field. There are currently no buildings on the property.

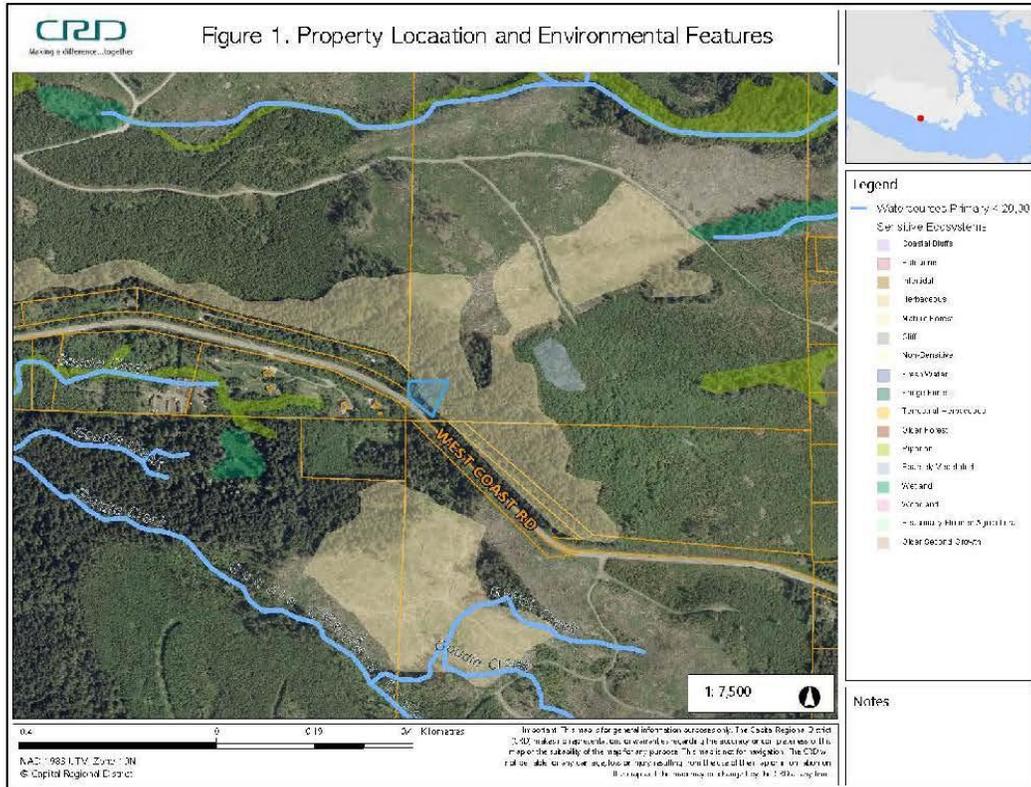
The north-eastern two thirds (~64%) of the property is within a Sensitive Ecosystem Development Permit Area (DPA) in the Shirley – Jordan River Official Community Plan, Bylaw No. 4001. More specifically, the mapped Sensitive Ecosystem DPA is Mature Forest.

As part of the DPA application, a site plan and a report by a Qualified Environmental Professional (QEP) that addresses the guidelines outlined in Section 540 of Bylaw No. 4001 is required. To that end, the [REDACTED] has contracted the services of Corvidae to complete an environmental assessment of the property. This document addresses the requirements in Section 540 of Bylaw No. 4001, provides an assessment on the environmental conditions on the property, potential impacts of the proposed development, and recommendations on the suitability of the site for the proposed development.





DV000069





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1.1 REGULATORY FRAMEWORK

This environmental assessment is designed to comply with the provisions set out in the Shirley – Jordan River Official Community Plan, Bylaw No. 4001, for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

Municipal

- Shirley – Jordan River Official Community Plan, Bylaw No. 4001
"The Sensitive Ecosystem DPA established under this section includes those sensitive ecosystems and other important ecosystems identified as Intertidal, Estuarine, Freshwater, Older Forest, Mature Forest, Fringe Forest, Woodland, Herbaceous, Sparsely Vegetated, Wetlands, and Riparian in the Sensitive Ecosystem Inventory (SEI) prepared by Madrone Environmental in 2014. The Sensitive Ecosystem DPA includes the strip of land 30 metres from the natural boundary on either side of all watercourses."

The objectives of the Sensitive Ecosystem DPA are detailed in Section 543 and are designed "to regulate development in a manner that:

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

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

- Protection of the natural environment, its ecosystems and biological diversity.

Federal

- Migratory Birds Act (1994)

Provincial

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





DV000069

Environmental Assessment and Protection Plan for 9908 West Coast Road

June 2019

2 ENVIRONMENTAL SITE ASSESSMENT

Corvidae completed a site visit on September 19th, 2018 as part of DPA. The property is located on a steep hillside adjacent to West Coast Road (Hwy 14). A less-sloped area is present in the southeastern corner of the property. There is a graded gravel driveway that skirts the bottom edge of the property and leads on to the adjacent property. Photos of the property are included in Appendix A.

Due to the steep terrain and rocky outcrops, and the OCP-designated Sensitive Ecosystem DPA (Mature Forest), the landowners have selected the south-east corner of the property for the location of the planned development. This is the only feasible building site on the property, uses the existing access road to the property, and minimizes the intrusion into the Sensitive Ecosystem DPA (Mature Forest).

2.1 LANDSCAPE AND SOILS

The property is steeply sloped (from 15-45 degrees) towards the highway. Rocky outcrops are located throughout the upper half of the property and the western side. The area of planned activities is located in a relatively flat area in the south-eastern corner of the property.

Soils in the area are typically moderately deep Orthic Humo-Ferric Podzols with Hemimor humus forms (Pojar et al. 1991). The soils on the site were a sandy clay loam. Where rocky outcrops are present, the soil depth is shallow. In flatter areas and depressions on the property, a thick layer of organic material is present.

2.2 VEGETATION

The project is located within the Coastal Western Hemlock (CWH) biogeoclimatic zone, and specifically in the western variant of the Very Dry Maritime subzone (classified as CWHxm2). Drier subzones of the CWH are typically dominated by components of western hemlock (*Tsuga heterophylla*), Douglas-fir (*Pseudotsuga menziesii*) and western red cedar (*Thuja plicata*) (Pojar et al. 1991). Salal (*Gaultheria shallon*), dull Oregon grape (*Mahonia nervosa*), and huckleberry (*Vaccinium* sp.) typify the shrub layer. Less common species include vanilla-leaf, sword fern, twinflower, and bracken. Oregon beaked moss (*Kindbergia oregana*), step moss (*Hylocomium splendens*), lanky moss (*Rhytidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) dominate a well-developed moss layer (Pojar et al. 1991).

With the exception of the rocky outcrops, the property is heavily forested with thick understory (dominated by salal). The area to be developed is a relatively flat area with thick organic debris, and therefore, a sparse understory of salal and sword fern.

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





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Environmental Assessment and Protection Plan for 9908 West Coast Road June 2019

Table 1. Vegetation and tree species observed on the property during field visit on September 19, 2018

Common Name	Scientific Name	BC Provincial Status	Sara Schedule 1 Status
Arbutus	<i>Arbutus menziesii</i>	Yellow	--
Douglas fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Dull Oregon grape	<i>Mahonia nervosa</i>	Yellow	--
Evergreen huckleberry	<i>Vaccinium ovatum</i>	Yellow	--
Himalayan blackberry	<i>Rubus armeniacus</i>	Exotic	--
Oceanspray	<i>Holodiscus discolor</i>	Yellow	--
Rattlesnake-plantain	<i>Goodyera oblongifolia</i>	Yellow	--
Red alder	<i>Alnus rubra</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Scotch broom	<i>Cytisus scoparius</i>	Exotic	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Trailing blackberry	<i>Rubus ursinus</i>	Yellow	--
Western hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Western redcedar	<i>Thuja plicata</i>	Yellow	--

TREE INVENTORY IN AREA OF DEVELOPMENT

The planned development on the property will require the removal of approximately 19 mature trees. The trees to be removed include Douglas-fir, western hemlock, and western redcedar, ranging in size from 30cm to 100cm diameter-at-breast-height. Of the trees to be removed, 9 are located within the Sensitive Ecosystem DPA (Mature Forest; see Figure 2). The area selected for the planned development is the most feasible building site on the property.





DV000069

2.3 WILDLIFE

The forested habitat is found in the Coastal Western Hemlock biogeoclimatic zone is home to many wildlife species. Black-tailed deer, black bear, marten and gray wolf are the most common large mammals in this zone on Vancouver Island. For bird species in this zone, the following typically occur: great horned owl, barred owl, ruffed grouse, band-tailed pigeon, northern flicker, hairy woodpecker, common raven, Steller’s jay, chestnut-backed chickadee, red-breasted nuthatch, varied thrush, red-tailed hawk, Townsend’s warbler. The following amphibians may occur: western toad, Pacific treefrog, western redbacked salamander. (Pojar et al. 1991).

The property is predominately mature forest with thick understory and complex terrain. This provides abundant habitat for breeding birds and small mammals. No wildlife species of concern were observed in the project area during the site visit. No dens, burrows or nests were found; however, detection of birds’ nests in the tall trees or the mature forest is very low. Only terrestrial habitat is present for amphibians.

The proposed development area contains mature trees that provides nesting habitat for birds. Sparse understory in the area to be cleared provides little structural habitat and cover for nesting birds or small mammals, and does not provide browse for ungulates.

During the site assessment the species listed in Table 2 were observed on the site.

Table 2. Wildlife species observed on the property during field visit on September 19, 2018

Common Name	Scientific Name	BC Provincial Status	Sara Schedule 1 Status
Mammals			
Douglas’ squirrel	<i>Tamiasciurus douglasii</i>	Yellow	--
Black-tailed Deer (scat)	<i>Odocoileus hemionus columbianus</i>	Yellow	--
Birds			
Cedar waxwing	<i>Bombycilla cedrorum</i>	Yellow	--
Common raven	<i>Corvus corax</i>	Yellow	--
Golden-crowned kinglet	<i>Regulus satrapa</i>	Yellow	--
Hermit thrush	<i>Catharus guttatus</i>	Yellow	--
Northern flicker	<i>Colaptes auratus</i>	Yellow	--
Pacific wren	<i>Troglodytes pacificus</i>	Yellow	--
Red-tailed hawk	<i>Buteo jamaicensis</i>	Yellow	--

Northern Pacific treefrogs (*Pseudacris regilla*) were heard calling in the distance during the site assessment, presumably from the wetland located approximately 180m east of the property boundary. No suitable habitat for breeding amphibians is present on the property.





DV000069

Environmental Assessment and Protection Plan for 9908 West Coast Road

June 2019

2.4 SPECIES AT RISK

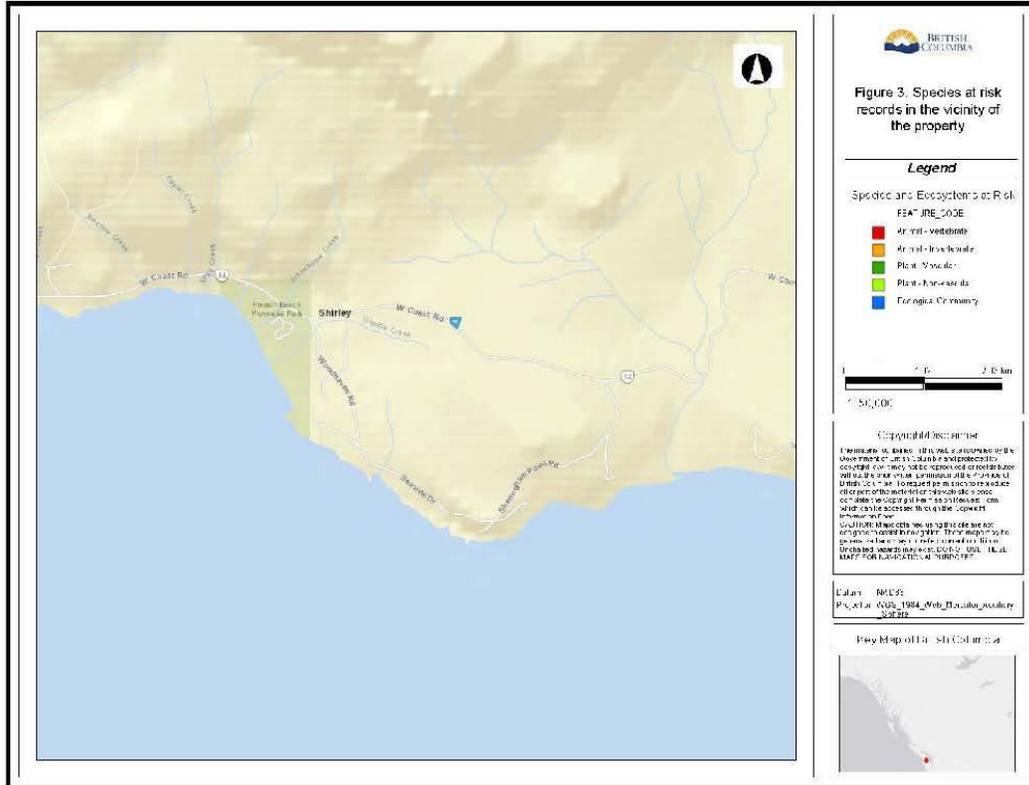
A query of the B.C. Conservation Data Centre (CDC) IMap tool (Figure 3) yielded no occurrences of vegetation or wildlife species or ecosystems at risk within a two-kilometer radius of the property (B.C. CDC 2018).

Notably, an absence of occurrences does not illicit a confirmation that vegetation species or ecosystems at risk do not occur in the project area, and rather, the result may be due to the lack of previous biological survey of the area.





DV000069





DV000069

Environmental Assessment and Protection Plan for 9908 West Coast Road

June 2019

2.5 RIPARIAN AREA AND FISHERIES

No watercourses or wet areas were observed on site during the field assessment. No records of watercourses or waterbodies on the property exist.

The closest watercourse is an arm of Goudie Creek, 370m west of the property, on the opposite side of the highway.

3 POTENTIAL ENVIRONMENTAL EFFECTS

The potential impacts from the project on the environment will be loss of existing vegetation, specifically mature trees, and disturbance of soils. During tree clearing and project construction, there will be heavy equipment and noise on the site. The property is located in an area with other rural properties (across the highway and to the west), so there is an existing level of anthropogenic noise at the site already.

Tree removal will result in permanent loss of mature trees in the development area, wildlife habitat disturbance and increased susceptibility to invasive plants in the cleared area and adjacent plant communities. Clearing and maintaining an opening in an early seral stage changes the conditions (e.g., temperature, humidity) in adjacent plant communities; however, the development area is very close to the road corridor and therefore the impact is expected to be minimal.

Reduced habitat effectiveness can occur as a result from the creation of habitat edges, habitat fragmentation, or sensory disturbance (e.g., noise, artificial light, proximity to facilities and infrastructure, human activity and traffic). The effectiveness of wildlife habitat may be affected by sensory disturbance such as noise associated with tree clearing and construction. Due to the proximity to the road, these impacts are expected to be minimal.

Wildlife mortality has the potential to occur due to loss or disruption of habitat (e.g., clearing and soil handling has potential to destroy nests, dens, overwintering sites) and sensory disturbance (i.e., nest abandonment). Given the implementation of the mitigation measures recommended in Section 4, these impacts will be avoided or reduced.

The environmental disturbance on the property will be short-term, spatially-localized, located in an area of moderate habitat value, and is close to existing disturbance and is therefore determined to be non-significant. The project impacts are not expected to affect vegetation or wildlife populations such that the objectives of the Sensitive Ecosystem DPA (Mature forest) may not be attainable.





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4 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

Corvidae recommends the implementation of mitigation measures to avoid, minimize, restore and offset the impacts of the proposed development.

Activities that have the potential to impact the environment are removal of vegetation and trees, ground disturbance activities during clearing and construction, and construction debris being improperly disposed of or left in vegetated areas. The following table provides the environmental protection measures for clearing and building in the proposed development area:

Table 3. Recommended mitigation measures for proposed development

Component	Mitigation Measures
Erosion and Sediment Control	<p>To minimize erosion from wind and water an Erosion and Sediment Control Plan, to be provided prior to construction, will be implemented.</p> <ul style="list-style-type: none"> Silt fencing placed in all areas with the potential to drain sediments into streams, ditches or drainages, including the downslope edge of proposed development area.
Vegetation and Invasive Plants	<ul style="list-style-type: none"> Cleared areas, especially those where clearing is required for extra work space, will be revegetated or landscaped with native and horticultural species to stabilize soil from wind and water erosion and to prevent establishment of weed species. To control and minimize the spread of invasive weeds on the site, all machinery should be clean before arrival onto the site to ensure that weed seeds and other propagules (e.g. pieces of root) are not brought into the project area. To offset the removal of trees in the Mature Forest Sensitive Ecosystem Area, the landowner will undertake to remove invasive plants in other locations where they occur on the property (e.g., scotch broom on the rocky outcrop adjacent to the development area).
Wildlife and Wildlife Habitat	<ul style="list-style-type: none"> Clearing and grading activities are recommended outside of the general nesting period for breeding birds from March 25 to August 10 (Government of Canada 2018). For some species, specific timing restrictions for sensitive nesting periods apply and should be considered. The breeding window for raptors, such as eagles and osprey, extends from January to September (Ministry of Environment 2014). If this is not possible, a Qualified Environmental Professional (QEP) must conduct pre-construction surveys (a minimum of three) to identify any nesting activity within the footprint and recommend appropriate mitigation. If vegetation clearing or construction is scheduled within the sensitive time period for breeding birds, a QEP should conduct nest search surveys a maximum of 7 days prior to the start of activities. The search will include the project footprint and adjacent areas to coincide with recommended wildlife setback distances, where land access allows. If an active nest is discovered during nest searched or clearing activities, the nest will be subject to site-specific mitigation measures (e.g. protective buffer around the nest or unobtrusive monitoring) until the young have naturally fledged/left the area. The results of a nest search are valid for 7 days. If construction activities are





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Component	Mitigation Measures
	<p>initiated 7 days or more since clearing or completion of a nest search, an additional nest search is required before activities commence.</p> <ul style="list-style-type: none">• Boundaries of clearing should be clearly marked and tree clearing should be limited to the trees identified for clearing.• In the event any additional wildlife habitat features (e.g., active dens, snake hibernacula) are identified prior to or during construction they will be subject to site-specific mitigation measures that will be developed in consultation with the appropriate regulators.

Report Prepared By:



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





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APPENDIX A – SITE PHOTOGRAPHS

Photo 1. Photo of the steep terrain on the property from northeast corner looking toward the highway. September 19, 2018.



Photo 2. 9908 West Coast Road from the highway. Note the rocky outcrop to the left of the driveway. September 19, 2018.





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Photo 3. Area for proposed cabin. September 19, 2018.



Photo 4. Area for proposed septic. September 19, 2018.

