

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **July 21, 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 June 16, 2020
4. Chair's Report
5. Planner's Report
6. Development Permit with Variance Applications
 - a) DV000071 - Lot 2, District Lot 39, Malahat District, Plan 23012 (2727 Anderson Road)
 - b) DV000072 - Lot A, Section 89, Sooke District, Plan VIP54145 (7004 East Sooke Road)
7. Provision of Park Land for Subdivisions
 - a) SU000720 – Lot A, District Lot 17, Renfrew District, Plan EPP10506 (6505 Powder Main Road)
 - b) SU000721 – Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 (17151 Parkinson Road)
8. Zoning and Official Community Plan Amendment Application
 - a) RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721(3542 & 1-3542 Otter Point Road)
9. Adjournment

Please note that during the COVID-19 situation, the public may attend the meeting in-person or electronically through video or teleconference. Since in-person capacity is limited, should you wish to attend the meeting in-person, please contact the Juan de Fuca Community Planning Office at 250.642.8100 or by email at jdfinfo@crd.bc.ca. Should you wish to attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details. Written submissions continue to be accepted.



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, June 16, 2020, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Mike Hicks (Chair), Vern McConnell (EP), Roy McIntyre, Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)
Staff: Kevin Lorette, General Manager, Planning & Protective Services (EP); Iain Lawrence, Manager, Community Planning (EP); Wendy Miller; Recorder (EP)
ABSENT: Stan Jensen
PUBLIC: 0

The meeting was called to order at 7:05 pm.

1. Approval of the Agenda

MOVED by Dale Risvold, **SECONDED** by Vern McConnell that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

MOVED by Vern McConnell, **SECONDED** by Sandy Sinclair that the supplementary agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of March 17, 2020

MOVED by Vern McConnell, **SECONDED** by Ron Ramsay that the minutes from the meeting of March 17, 2020, be adopted.

CARRIED

4. Chair's Report

The Chair welcomed everyone to the meeting, extending a thank you to staff for their efforts to keep business proceeding as usual.

5. Planner's Report

No report.

6. Development Variance Permit Application

a) VA000152 – Lot 12, Section 130, Sooke District, Plan 36250 (615 Seascape Place)

Iain Lawrence spoke to the staff report and the request for a variance permit to reduce the side yard setback requirement from 6 m to 1.5 m for the purpose of adding a deck to an existing dwelling.

Iain Lawrence highlighted the site plan with variance request, as well as a photo of the proposed deck location. It was advised that the deck and accompanying path and walkway are being constructed for a family member who requires more accessible entry into the house.

Iain Lawrence directed attention to the three letters of support included in the supplementary agenda.

The Chair confirmed that the applicant was not present.

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

That Development Variance Permit VA000152, for Lot 12, Section 130, Sooke District, Plan 36250 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 7.07, by reducing the setback requirement from 6 m to 1.5 m for the addition of a deck to an existing dwelling, be approved.

CARRIED

7. Comprehensive Community Development Plan Amendment Application

a) **RZ000242 - That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-592-342);**

Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125) (17110 Parkinson Road);

That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-575-006) (6598 Baird Road); and

Those Parts of Block A and B, District Lot 751, Together with Unsurveyed Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86 Hectares, More or Less

The Chair directed attention to the letter from the Pacheedaht First Nation included in the supplementary agenda, which outlines new concerns regarding the proposal.

MOVED by Director Hicks, **SECONDED** by Roy McIntyre that consideration of the proposal be tabled to the September Land Use Committee meeting.

CARRIED

8. Adjournment

The meeting adjourned at 7:26 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 21, 2020**

SUBJECT **Development Permit with Variance for Lot 2, District Lot 39, Malahat District, Plan 23012**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Sensitive Ecosystem Development Permit (DP) guidelines and to reduce the requirement that 10% of the parcel perimeter fronts onto a highway, for the purpose of creating a 2-lot subdivision in the Forestry (AF) zone.

BACKGROUND

The 4.25 ha property is located at 2727 Anderson Road in Otter Point and is zoned Forestry (AF) under Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix A). The parcel is split by Anderson Road, the dedicated portion of which ends at the mid-point of the western parcel. An undedicated, graded road continues north to Rural Resource Lands areas beyond. The portion on the west side of the road has an area of 1.3 ha and is bounded by AF zoned properties to the east and west. The portion on the east side of the road has an area of 2.62 ha and is bounded by a Rural A parcel to the south and AF zoned properties to the north and east.

A building on the western portion of the parcel, used as a mechanic shop for the logging industry, was removed in 2008 via demolition permit (JD08-013), although the concrete foundation remains. There are currently no structures on this section of the parcel. The eastern portion of the parcel has a recently constructed single-family dwelling and detached garage accessed via driveway from Anderson Road.

The applicant has submitted an application for a 2-lot subdivision to create two parcels smaller than the 4 ha minimum required by the zone in accordance with Bylaw No. 2040, Section 3.10 (6b), which authorizes the Approving Officer to approve a subdivision split into parts by a road (Appendix B). The property is designated as a Sensitive Ecosystem development permit area; therefore, a development permit is required. The plans propose a reduction of the minimum road frontage requirement for proposed Lot A from 10% to 9.5% of the perimeter, therefore, the owner is requesting a variance.

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 information regarding historical uses on the parcel 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 May 6, 2020, and confirmed that the CRD may consider the Development Permit with Variance to authorize subdivision for the purpose of constructing 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 DV000071 for Lot 2, District Lot 39, Malahat District, Plan 23012 to authorize a 2-lot subdivision in a Sensitive Ecosystems Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum road frontage requirement from 10% (79.9 m) to 9.5% (76.4 m) for the purpose of authorizing a 2-lot subdivision, be approved.

Alternative 2

That Development Permit with Variance DV000071 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 May 6, 2020.

The Otter Point Official Community Plan, Bylaw No. 3819, designates development permit areas (DPAs) and outlines development permit guidelines (Appendix C). The property is located within the Sensitive Ecosystem DPA; therefore, a development permit is required for subdivision. 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 3.10(4), specifies that road frontage shall be a minimum of 10% of the perimeter of a parcel. Since proposed Lot A does not meet this requirement, a variance is required in order to permit the subdivision.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. 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 the owners of property located within a distance of 500 metres of the subject property. Any responses received from the public will be presented at the July 21, 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 an environmental assessment report prepared by Julie Budgen, RP.Bio., of Corvidae Environmental Consulting Inc., dated May, 2018, to address the Sensitive Ecosystem DP guidelines for the proposed development (Appendix D). 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 report confirms that the western portion of the property contains a stand of mature forest, but the location of the previously demolished structure has now overgrown with invasive species. The Biologist recommended removal of invasive species and siting any proposed buildings in these locations; protecting the mature forest and flagging the area prior to construction, sediment and control measures to be in place during development, and replanting the cleared areas with native species. The Biologist anticipates short term environmental impacts as a result of the development.

Variance:

The Juan de Fuca Land Use Bylaw requires that where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be one-tenth of the perimeter of the lot. Proposed Lot B meets this requirement; however, proposed Lot A requires 79.9 m of frontage, but is proposed to only have 76.4 m (9.5%).

In evaluating whether a frontage exemption is justified, the following technical criteria are normally considered:

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

The proposed subdivision layout is not expected to affect the environment, road network, or neighboring properties and will improve access options; the Ministry of Transportation and Infrastructure requires that a portion of proposed Lot B be dedicated to expand Anderson Road to the north.

Development Permit with Variance DV000071 has been prepared for consideration to grant a variance to reduce the minimum frontage requirement from 10% to 9.5%, and to authorize a 2-lot subdivision (Appendix E). 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 authorizing a 2-lot subdivision for a parcel split by a road. The proposed variance is to reduce the minimum frontage requirement for proposed Lot A from 10% to 9.5%. Since there will be minimal impact to the sensitive ecosystem 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:

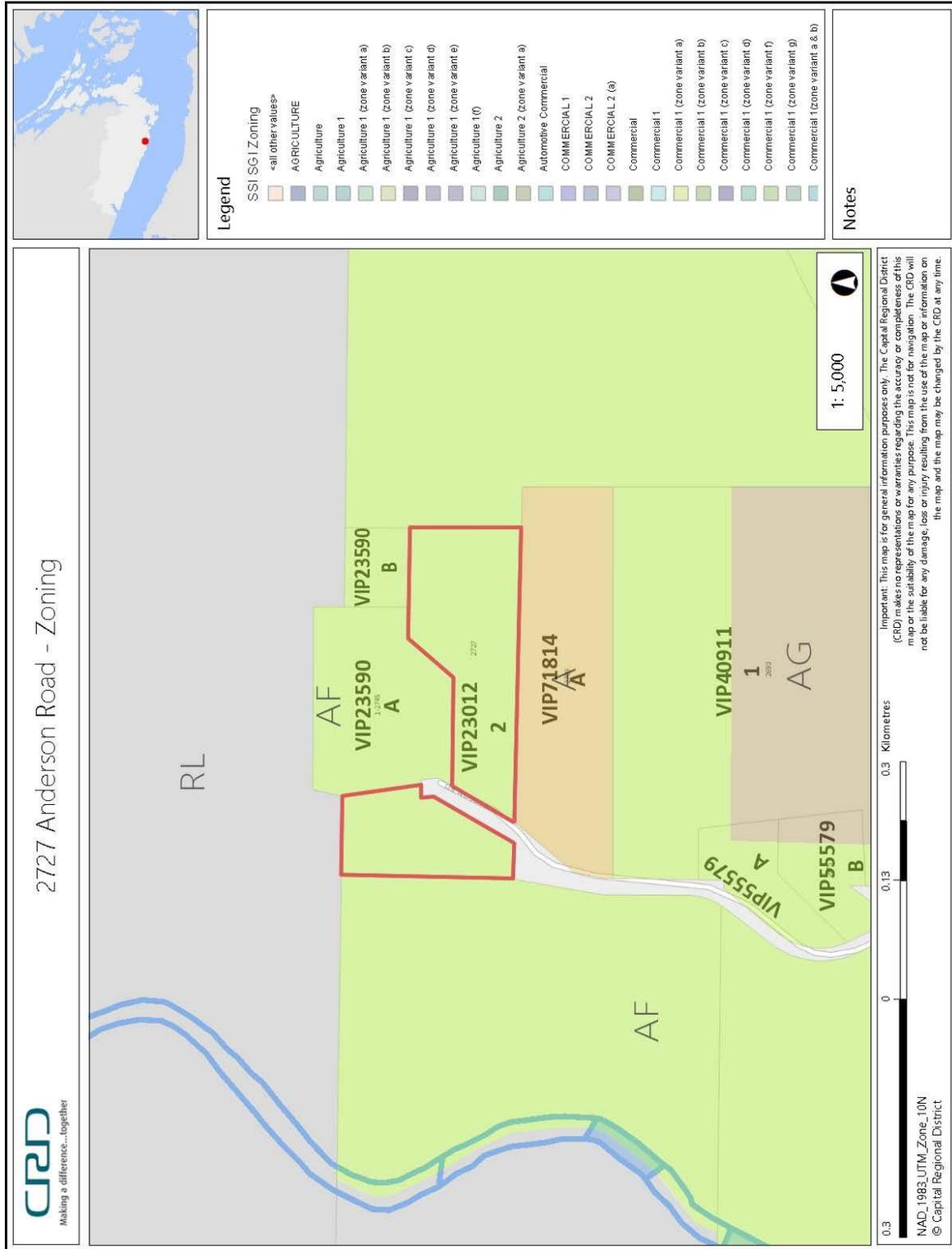
That Development Permit with Variance DV000071 for Lot 2, District Lot 39, Malahat District, Plan 23012 to authorize a 2-lot subdivision in a Sensitive Ecosystems Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum road frontage requirement from 10% (79.9 m) to 9.5% (76.4 m) for the purpose of authorizing a 2-lot subdivision, 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

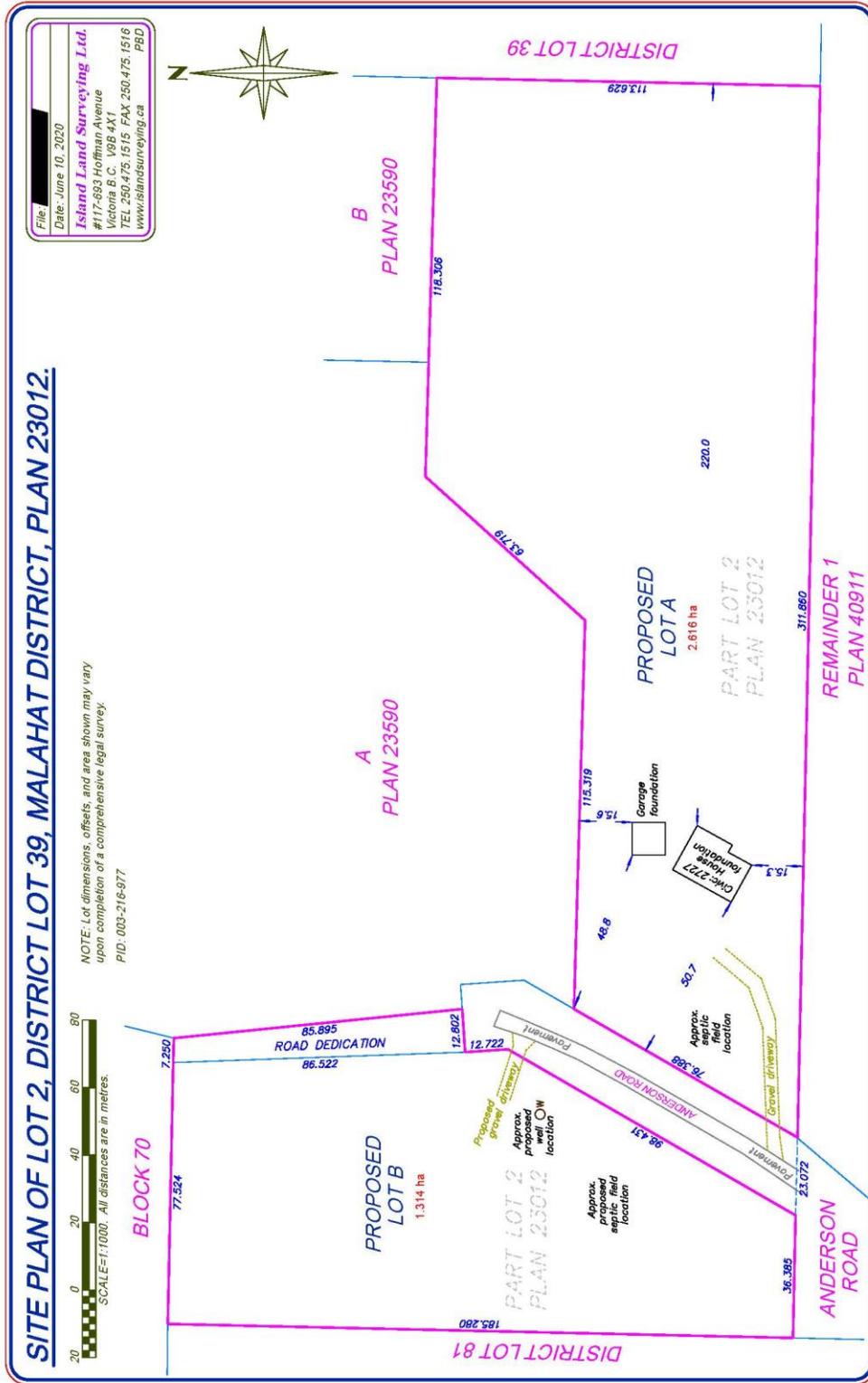
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plan
- Appendix C: Development Permit Guidelines
- Appendix D: Environmental Assessment
- Appendix E: Permit DV000071

Appendix A: Subject Property Map



Appendix B: Subdivision Plan



Appendix C: Development Permit Guidelines

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

*Environmental Assessment and Protection Plan for the Lot
Subdivision of Lot 2 Anderson Road*

Prepared for:

**Emma Taylor, Planner
Planning and Protective Services Department,
JDF Electoral Area, Capital Regional District
3-7450 Butler Road, Sooke BC V9Z 1N1**

Prepared by:

**Corvidae Environmental Consulting Inc.
6526 Water Street
Sooke, BC**



May 2018

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1 INTRODUCTION

Landowners, [REDACTED] have applied for the subdivision of Lot 2 Anderson Road (the property) into two separate lots. The property, Plan VIP23012, currently consists of one lot. The division would be to have one on either side of Anderson Road, with zoning for a single family dwelling on each. There are currently no buildings on the property.

On the left (west) side of the property, a portion is designated as a Sensitive Ecosystem Development Permit Area (DPA) in the Otter Point Official Community Plan, Bylaw No. 3819. More specifically, the mapped DPA on the property is Mature Forest (coniferous dominated). A condition of subdivision will be issuance of a development permit. As part of the application, a site plan and a report by a Qualified Environmental Professional (QEP) that addresses the guidelines outlined in Section 6.6.4 of Bylaw No. 3819 is required. To that end, the [REDACTED] have contracted the services of Corvidae Environmental Consulting Inc. (Corvidae) to complete an environmental assessment of the property. This document addresses the requirements in Section 6.6.4 of Bylaw No. 3819, provides an assessment on the environmental conditions on the property, potential impacts of subdividing and developing, 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 Otter Point Official Community Plan (OCP) for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

Municipal

- Capital Regional District OCP, Bylaw No. 3819

Development Permit Area No. 4: *Sensitive Ecosystems Areas as outlined on Schedule A of the OCP are properties within the boundaries of areas marked "Cliffs", "Seasonally Flooded Agricultural Fields", "Herbaceous", "Mature Forest", "Sparsely Vegetated" and "Woodland" on Map 5d... is designates as a Development Permit Area, the "Sensitive Ecosystems DPA" under that "contain areas designated under Local Government Act Section 919.1(1) (a) for protection of the natural environment, its ecosystems and biological diversity.*

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 March 7th and 16th, 2018 as part of the environmental assessment. During the site assessment it was determined that there are some areas that were previously disturbed and have overgrown with invasive species (see Table 1 and Figure 1). There is a Mature Forest area to the west side of the lot (see Figure 1), which is bordered by a berm that appears to be man-made and a recently upgraded road to the west of that, on Lot 81. Appendix A shows photos of the recently upgraded road.

In the location of the blackberry bramble there was previously a structure used during the logging operations, which has since collapsed or been removed. (This information was anecdotal, provided by a long-time neighbour, during the site visit on March 7th, 2018.) There is a section along the border of the property on the west side that is infested with English ivy. The ivy is strangling some of the trees, and the health of the trees has been compromised. There is an area with standing water, which appears to have been man-made (due to the irregular shape, depth and dimensions). From the standing water (pond), there is a ditch running north-south. The ditch and the pond are well vegetated, but not with emergent hydrophilic vegetation. They are vegetated with the ferns and grasses typical of the understory in that forested area.

The section of the lot on the right side (east) of Anderson Road has been recently logged (Appendix A – Photos).

2.1 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 red huckleberry (*Vaccinium parvifolium*) typify the poorly to moderately developed shrub layer. Oregon beaked moss (*Kindbergia oregana*), step moss (*Hylocomium splendens*), lanky moss (*Rhytidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) dominate the well-developed moss layer (Pojar et al. 1991).

A query of the B.C. Conservation Data Centre (CDC) IMap tool yielded no occurrences of vegetation species or ecosystems at risk within a one-kilometer radius of the project site (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.

During the site assessment the species in Table 1 and 2 were found on the site. Figure 1 identifies the areas where the majority of the invasive species are located.



Table 1. Invasive Species on Lot 2, Anderson Road

Common Name	Scientific Name
Spurge-laurel	<i>Daphne laureola</i>
English Ivy	<i>Hedera helix</i>
Himalayan blackberry	<i>Rubus armeniacus</i>
Holly	<i>Ilex aquifolium</i>
Scotch broom	<i>Cytisus scoparius</i>

Table 2. Native Species on Lot 2, Anderson Road

Common Name	Scientific Name
red cedar	<i>Thuja plicata</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
western hemlock	<i>Tsuga heterophylla</i>
salal	<i>Gaultheria shallon</i>
dull Oregon-grape	<i>Mahonia nervosa</i>
red huckleberry	<i>Vaccinium parvifolium</i>
Sword fern	<i>Polystichum munitum</i>
Salmon berry	<i>Rubus spectabilis</i>
Red alder	<i>Alnus rubra</i>
Willow	<i>Salix</i>

2.2 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. For amphibians, the following can occur: western toad, Pacific treefrog, western redbacked salamander. (Pojar et al. 1991) A query of the B.C. Conservation Data Centre (CDC) IMap tool yielded no occurrences of sensitive species (red or blue listed or species at risk).

The habitat found in the project comprised of the native Mature Forest stand, a salmon berry stand, a red alder stand and invasive species infestations. No wildlife species of concern were observed in the project area during the site visit and in the CDC search. No dens, nests or burrows were found. There were deer pellets observed. There were several birds heard, including the varied thrush, chestnut-backed chickadee, Townsend’s warbler and the northern flicker. No bird nests were found during the assessment, however it would be hard to see the nests in the tall trees of the Mature Forest area. The wildlife habitat value of the property was deemed moderate due to the Mature Forest with native plants (good habitat); newly upgraded



road (poor habitat); recently cleared lot (poor habitat) and invasive species infestation (poor to moderate habitat).

2.3 Landscape and Soils

Soils in the Biogeoclimatic zone 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. They were light-brown in colour. The clay properties are evident in the standing water in the ponded area. From the vegetation types it was evident that the standing water is seasonal and the site is typically dry in the summer/fall (depending on rainfall). There were other low areas with some water pooling on site. Due to the east side of the lot being completely logged and cleared of understory vegetation, it was difficult to tell what the surface landscape used to be there. On the west side there were signs of an altered landscape including the long berm (see photos in Appendix A) and signs of ditch and pond excavations; as well as the personal communication regarding the previous building on site where the blackberries are currently. The area of the building location was not accessible due to the blackberries.

The natural landscape is a gently sloping terrain, with small undulations but mostly flat in this area. It is the upper slope adjacent to Muir Creek, with fluvial soil processes from the dendritic drainage patterns in the area. The location of the lot is on an upper slope, approximately 74 m above Muir Creek (in elevation).

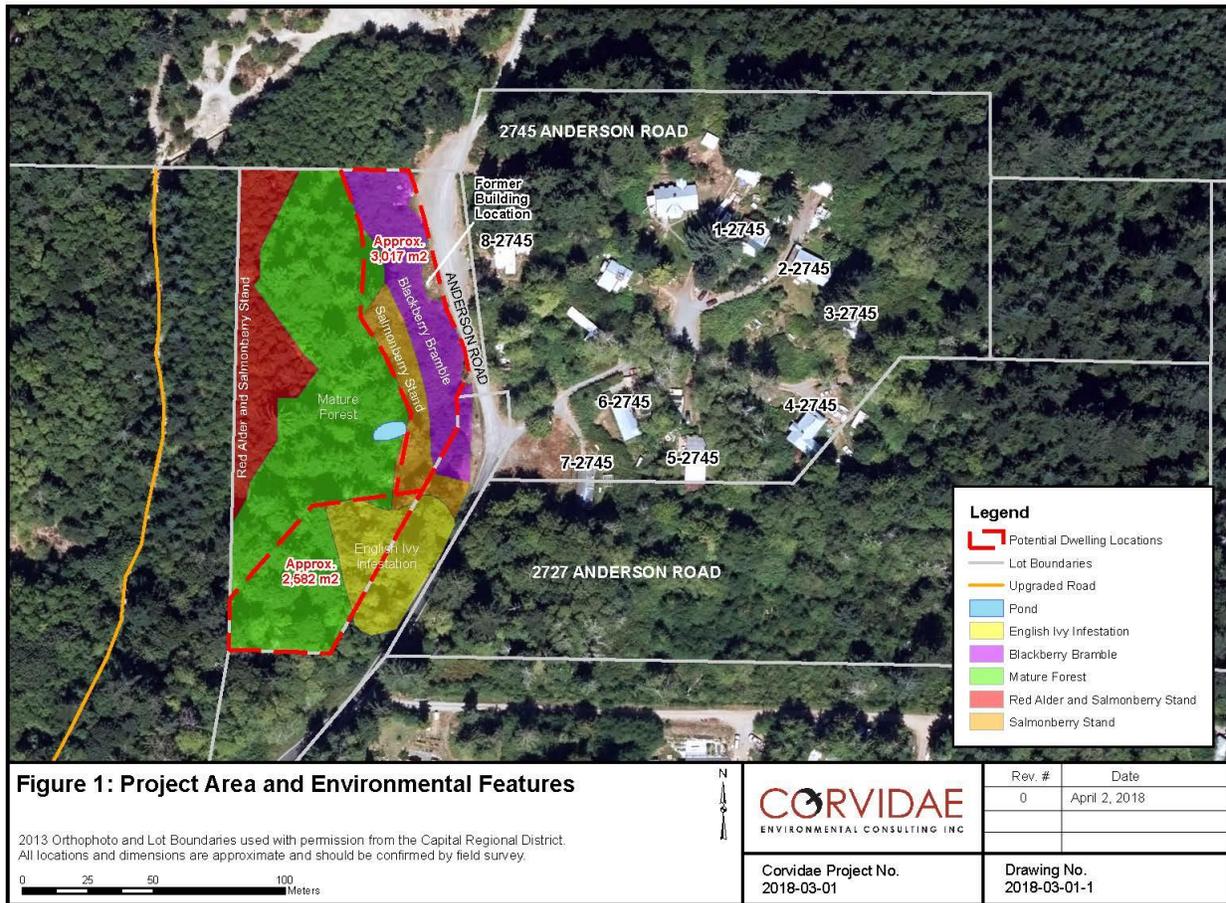
3 POTENTIAL ENVIRONMENTAL IMPACTS

The potential impacts from the project on the environment will be loss of existing vegetation and disturbance of soils, with sediment movement in the project area. There will be heavy equipment and loud noise for the duration of project construction. This has already been occurring on the east area of the property. If there is a dwelling constructed on the west area there will be the same disturbances.

On the west side, Corvidae recommends removing the invasive species, specifically the blackberry bramble and English ivy; and removing the trees that are a hazard from the ivy damage.

The environmental disturbance in this urban community will be short-term and is considered a moderate impact because of the removal of the vegetation (invasive and otherwise).





4 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

Corvidae recommends protecting the Mature Forest area that has been ground truthed and identified in Figure 1, with the exception of the 2,582 m² area. This area (southern end of the forest) and also has ivy on the trees.

It is recommended that the blackberry bramble be removed and planted with native species. If there are to be any dwellings built, in the location of the blackberry bramble would be the best suited due to it being the former building site and the building of the structure would facilitate blackberry removal. And/or located in the ivy infested area, and other area identified on Figure 1. Corvidae recommends ringing the ivy on the trees that are infested and completely removing the trees that are dead/dying from the ivy. Ringing the ivy from the trees consists of cutting the ivy away 6 feet (2 m) up on the tree and all the way to the ground. With the gap in the ivy, the ivy up in the tree will die. The ivy on the ground should also be removed to minimize spreading and further infestation.

Activities that have the potential to impact the environment are removal of vegetation, disturbance activities that release deleterious substances into the soil and ditches, and construction debris being improperly disposed of or left in vegetated areas. The following sections provide environmental protection measures for any building in the area.

4.1 Site Access

Access to the construction sites will be via Anderson Road. The road bisects the property and makes both sides of the property easily accessible. There has been an access area added on the east side, at the south end of the lot, for equipment access and to remove the felled trees.

4.2 Protection of the Mature Forest

It is recommended that as much of the Mature Forest remain protected as feasible. This area should be clearly marked prior to any construction, to ensure no extra clearing within this sensitive ecosystem. The large trees on site that are in good health and not a safety hazard, should be left in place. The trees in the Mature Forest range from 60 cm to 130 cm diameter at breast height (DBH). See Figure 1 for the recommended area to be protected.

4.3 Pollution Control, Fueling and Spill Response

All equipment accessing the property should be in good working order. Any leaks should be repaired prior to commencing work. Any fueling of equipment will be done with drip-trays underneath on site, on the road or set staging area.

All fuel containers and other potentially deleterious substance containers will be secured so that they may not be emptied or upset by vandals when left overnight in the area.

A large, labeled mobile spill kit capable of mitigating spills of 100 litres of fuel is recommended to be kept on site adjacent. The kit should contain the following materials or equivalent:

- absorbent pads (hydrocarbons and antifreeze)



- absorbent socks (oil, gas & diesel)
- a jar of plug n dike (leak stop compound)
- 1 spill instruction sheet

4.4 Revegetation

Damage or degradation of soil surfaces during construction can include loss of soil structure, increased erosion, and soil compaction, which can negatively affect post-construction reclamation efforts. Measures taken to minimize such effects will include:

- Maintaining soil structure by excavating the soil layers separately and storing covered with tarps.
- Re-applying the separated topsoil as the surface layer prior to commencing with reclamation and landscaping efforts.
- Revegetating exposed soil as soon as possible following construction.
- Implementing weed management measures as required under the *Weed Control Act*. This includes:
 - Removing all noxious invasive species. In addition, Corvidae recommends removing all species listed in Table 1.
 - Disposing of invasive species at the landfill or burning on site.
 - Cleaning all equipment prior to leaving the site to avoid spreading of invasive species.

Corvidae recommends landscaping all areas with native vegetation to compete with invasive species, reduce irrigation requirements and provide wildlife habitat.

4.5 Erosion and Sediment Control Measures

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

Site specific controls have been developed based on a site visit and experience from past projects. Erosion controls, listed in Table 3, are recommended to be maintained for the duration of building any dwellings and removed completely following landscaping.



Table 3. Erosion and Sediment Control Measures

Construction Activity	Potential Impacts	Mitigations
Cleaning of existing vegetation	Exposure of underlying soils to erosion during heavy rainfall events.	Minimize amount of time soils are exposed, plant native vegetation and landscaping materials within the growing season following removal of non-native vegetation and landscaping.
General construction	Sediment laden runoff.	Store soils away from ditches and in dry areas.
Native Vegetation	Plant deep rooting natives	Planting of native species of grasses, shrubs and trees in the green space areas, which naturally have deep roots to aid in soil stabilization, compete against weeds and do not require irrigation.

Report Prepared By:



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



5 REFERENCES

- British Columbia Ministry of Environment. 2004. *Environmental Best Management Practices for Urban and Rural Land Development*
- British Columbia Conservation Data Centre: CDC iMap [web application]. 2018. Victoria, British Columbia, Canada. Available: <http://maps.gov.bc.ca/ess/sv/cdc/> (Accessed February 23, 2018).
- British Columbia Ministry of Environment. 2006. *British Columbia Approved Water Quality Guidelines 2006*
- British Columbia Ministry of Environment. 2009. *A User's Guide to Working In and Around Water*.
- Capital Regional District. Adopted 2014. *Official Community Plan, Bylaw No. 3819*
- 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 – PHOTOS



Photo 1. East side of property, vegetated ditch and logged area



Photo 2. East side of property.



Photo 1. North edge of property, with blackberry infestation



Photo 4. West side of property, salmon berry and alder stand



Photo 6. Poned area from previous excavation.



Photo 5. Red alder and salmon berry stand.



Photo 7. Steep berm at western edge of west side of property, directly beside the new road (Lot 81).



Photo 8. Newly upgraded road (Lot 81).



Photo 9. Trees being strangled by English ivy.



Photo 10. English ivy infestation.





CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000071

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: 003-216-977;
Legal Description: Lot 2, District Lot 39, Malahat District, Plan 23012 (the "Land")
3. This development permit authorizes a 2 lot subdivision and installation of services (the "development") on the Land, located within the development permit areas established under the Otter Point Official Community Plan, Bylaw No. 3819, 2014, Part 6.6 (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 as identified on the Site Plan, prepared by Island Land Surveying;
 - b. That the development comply with the recommendations outlined in the report prepared by Jessica Harvey, RP.Bio., of Corvidae Environmental Consulting Inc., dated May 2018 (the "Environmental Assessment Report");
5. The Capital Regional District's Bylaw No. 2040, Part 2, Section 3.10(4), is varied under section 498 of the *Local Government Act* as follows:
 - a. That the the minimum frontage requirement of proposed Lot A be reduced from 10% to 9.5%.
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 (DV000071) 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. 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.

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

ISSUED this ____ day of _____, 2020

Kristen Morley
Corporate Officer



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Attachment 2: Environmental Assessment Report

DV000071

*Environmental Assessment and Protection Plan for the Lot
Subdivision of Lot 2 Anderson Road*

Prepared for:

Emma Taylor, Planner
Planning and Protective Services Department,
JDF Electoral Area, Capital Regional District
3-7450 Butler Road, Sooke BC V9Z 1N1

Prepared by:

Corvidae Environmental Consulting Inc.
6526 Water Street
Sooke, BC



May 2018



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Environmental Assessment and Protection Plan for the Lot Subdivision of Lot 2 Anderson Road May 2018

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1 INTRODUCTION

Landowners, [REDACTED] have applied for the subdivision of Lot 2 Anderson Road (the property) into two separate lots. The property, Plan VIP23012, currently consists of one lot. The division would be to have one on either side of Anderson Road, with zoning for a single family dwelling on each. There are currently no buildings on the property.

On the left (west) side of the property, a portion is designated as a Sensitive Ecosystem Development Permit Area (DPA) in the Otter Point Official Community Plan, Bylaw No. 3819. More specifically, the mapped DPA on the property is Mature Forest (coniferous dominated). A condition of subdivision will be issuance of a development permit. As part of the application, a site plan and a report by a Qualified Environmental Professional (QEP) that addresses the guidelines outlined in Section 6.6.4 of Bylaw No. 3819 is required. To that end, the [REDACTED] have contracted the services of Corvidae Environmental Consulting Inc. (Corvidae) to complete an environmental assessment of the property. This document addresses the requirements in Section 6.6.4 of Bylaw No. 3819, provides an assessment on the environmental conditions on the property, potential impacts of subdividing and developing, 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 Otter Point Official Community Plan (OCP) for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

Municipal

- Capital Regional District OCP, Bylaw No. 3819

Development Permit Area No. 4: *Sensitive Ecosystems Areas as outlined on Schedule A of the OCP are properties within the boundaries of areas marked "Cliffs", "Seasonally Flooded Agricultural Fields", "Herbaceous", "Mature Forest", "Sparsely Vegetated" and "Woodland" on Map 5d... is designates as a Development Permit Area, the "Sensitive Ecosystems DPA" under that "contain areas designated under Local Government Act Section 919.1(1) (a) for protection of the natural environment, its ecosystems and biological diversity.*

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)





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- 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 March 7th and 16th, 2018 as part of the environmental assessment. During the site assessment it was determined that there are some areas that were previously disturbed and have overgrown with invasive species (see Table 1 and Figure 1). There is a Mature Forest area to the west side of the lot (see Figure 1), which is bordered by a berm that appears to be man-made and a recently upgraded road to the west of that, on Lot 81. Appendix A shows photos of the recently upgraded road.

In the location of the blackberry bramble there was previously a structure used during the logging operations, which has since collapsed or been removed. (This information was anecdotal, provided by a long-time neighbour, during the site visit on March 7th, 2018.) There is a section along the border of the property on the west side that is infested with English ivy. The ivy is strangling some of the trees, and the health of the trees has been compromised. There is an area with standing water, which appears to have been man-made (due to the irregular shape, depth and dimensions). From the standing water (pond), there is a ditch running north-south. The ditch and the pond are well vegetated, but not with emergent hydrophilic vegetation. They are vegetated with the ferns and grasses typical of the understory in that forested area.

The section of the lot on the right side (east) of Anderson Road has been recently logged (Appendix A – Photos).

2.1 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 red huckleberry (*Vaccinium parvifolium*) typify the poorly to moderately developed shrub layer. Oregon beaked moss (*Kindbergia oregana*), sloop moss (*Hylocomium splendens*), lanky moss (*Rhynidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) dominate the well-developed moss layer (Pojar et al. 1991).

A query of the B.C. Conservation Data Centre (CDC) IMap tool yielded no occurrences of vegetation species or ecosystems at risk within a one-kilometer radius of the project site (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.

During the site assessment the species in Table 1 and 2 were found on the site. Figure 1 identifies the areas where the majority of the invasive species are located.





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Table 1. Invasive Species on Lot 2, Anderson Road

Common Name	Scientific Name
Spurge-laurel	<i>Daphne laureola</i>
English Ivy	<i>Hedera helix</i>
Himalayan blackberry	<i>Rubus armeniacus</i>
Holly	<i>Ilex aquifolium</i>
Scotch broom	<i>Cytisus scoparius</i>

Table 2. Native Species on Lot 2, Anderson Road

Common Name	Scientific Name
red cedar	<i>Thuja plicata</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
western hemlock	<i>Tsuga heterophylla</i>
salal	<i>Gaultheria shallon</i>
dull Oregon-grape	<i>Mahonia nervosa</i>
red huckleberry	<i>Vaccinium parvifolium</i>
Sword fern	<i>Polystichum munitum</i>
Salmon berry	<i>Rubus spectabilis</i>
Red alder	<i>Alnus rubra</i>
Willow	<i>Salix</i>

2.2 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. For amphibians, the following can occur: western toad, Pacific treefrog, western redbacked salamander. (Pojar et al. 1991) A query of the B.C. Conservation Data Centre (CDC) IMap tool yielded no occurrences of sensitive species (red or blue listed or species at risk).

The habitat found in the project comprised of the native Mature Forest stand, a salmon berry stand, a red alder stand and invasive species infestations. No wildlife species of concern were observed in the project area during the site visit and in the CDC search. No dens, nests or burrows were found. There were deer pellets observed. There were several birds heard, including the varied thrush, chestnut-backed chickadee, Townsend’s warbler and the northern flicker. No bird nests were found during the assessment, however it would be hard to see the nests in the tall trees of the Mature Forest area. The wildlife habitat value of the property was deemed moderate due to the Mature Forest with native plants (good habitat); newly upgraded





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road (poor habitat); recently cleared lot (poor habitat) and invasive species infestation (poor to moderate habitat).

2.3 Landscape and Soils

Soils in the Biogeoclimatic zone 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. They were light-brown in colour. The clay properties are evident in the standing water in the ponded area. From the vegetation types it was evident that the standing water is seasonal and the site is typically dry in the summer/fall (depending on rainfall). There were other low areas with some water pooling on site. Due to the east side of the lot being completely logged and cleared of understory vegetation, it was difficult to tell what the surface landscape used to be there. On the west side there were signs of an altered landscape including the long berm (see photos in Appendix A) and signs of ditch and pond excavations; as well as the personal communication regarding the previous building on site where the blackberries are currently. The area of the building location was not accessible due to the blackberries.

The natural landscape is a gently sloping terrain, with small undulations but mostly flat in this area. It is the upper slope adjacent to Muir Creek, with fluvial soil processes from the dendritic drainage patterns in the area. The location of the lot is on an upper slope, approximately 74 m above Muir Creek (in elevation).

3 POTENTIAL ENVIRONMENTAL IMPACTS

The potential impacts from the project on the environment will be loss of existing vegetation and disturbance of soils, with sediment movement in the project area. There will be heavy equipment and loud noise for the duration of project construction. This has already been occurring on the east area of the property. If there is a dwelling constructed on the west area there will be the same disturbances.

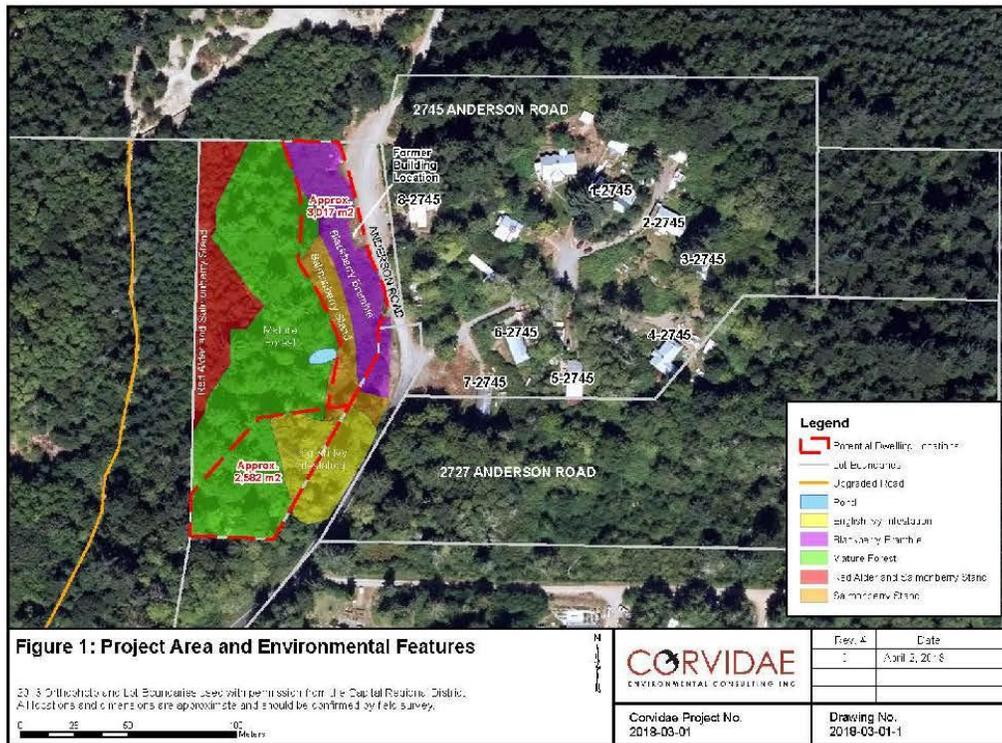
On the west side, Corvidae recommends removing the invasive species, specifically the blackberry bramble and English ivy; and removing the trees that are a hazard from the ivy damage.

The environmental disturbance in this urban community will be short-term and is considered a moderate impact because of the removal of the vegetation (invasive and otherwise).





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4 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

Corvidae recommends protecting the Mature Forest area that has been ground truthed and identified in Figure 1, with the exception of the 2,582 m² area. This area (southern end of the forest) and also has ivy on the trees.

It is recommended that the blackberry bramble be removed and planted with native species. If there are to be any dwellings built, in the location of the blackberry bramble would be the best suited due to it being the former building site and the building of the structure would facilitate blackberry removal. And/or located in the ivy infested area, and other area identified on Figure 1. Corvidae recommends ringing the ivy on the trees that are infested and completely removing the trees that are dead/dying from the ivy. Ringing the ivy from the trees consists of cutting the ivy away 6 feet (2 m) up on the tree and all the way to the ground. With the gap in the ivy, the ivy up in the tree will die. The ivy on the ground should also be removed to minimize spreading and further infestation.

Activities that have the potential to impact the environment are removal of vegetation, disturbance activities that release deleterious substances into the soil and ditches, and construction debris being improperly disposed of or left in vegetated areas. The following sections provide environmental protection measures for any building in the area.

4.1 Site Access

Access to the construction sites will be via Anderson Road. The road bisects the property and makes both sides of the property easily accessible. There has been an access area added on the east side, at the south end of the lot, for equipment access and to remove the felled trees.

4.2 Protection of the Mature Forest

It is recommended that as much of the Mature Forest remain protected as feasible. This area should be clearly marked prior to any construction, to ensure no extra clearing within this sensitive ecosystem. The large trees on site that are in good health and not a safety hazard, should be left in place. The trees in the Mature Forest range from 60 cm to 130 cm diameter at breast height (DBH). See Figure 1 for the recommended area to be protected.

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All equipment accessing the property should be in good working order. Any leaks should be repaired prior to commencing work. Any fueling of equipment will be done with drip-trays underneath on site, on the road or set staging area.

All fuel containers and other potentially deleterious substance containers will be secured so that they may not be emptied or upset by vandals when left overnight in the area.

A large, labeled mobile spill kit capable of mitigating spills of 100 litres of fuel is recommended to be kept on site adjacent. The kit should contain the following materials or equivalent:

- absorbent pads (hydrocarbons and antifreeze)





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- absorbent socks (oil, gas & diesel)
- a jar of plug n dike (leak stop compound)
- 1 spill instruction sheet

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Damage or degradation of soil surfaces during construction can include loss of soil structure, increased erosion, and soil compaction, which can negatively affect post-construction reclamation efforts. Measures taken to minimize such effects will include:

- Maintaining soil structure by excavating the soil layers separately and storing covered with tarps.
- Re-applying the separated topsoil as the surface layer prior to commencing with reclamation and landscaping efforts.
- Revegetating exposed soil as soon as possible following construction.
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 - Removing all noxious invasive species. In addition, Corvidae recommends removing all species listed in Table 1.
 - Disposing of invasive species at the landfill or burning on site.
 - Cleaning all equipment prior to leaving the site to avoid spreading of invasive species.

Corvidae recommends landscaping all areas with native vegetation to compete with invasive species, reduce irrigation requirements and provide wildlife habitat.

4.5 Erosion and Sediment Control Measures

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

Site specific controls have been developed based on a site visit and experience from past projects. Erosion controls, listed in Table 3, are recommended to be maintained for the duration of building any dwellings and removed completely following landscaping.





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Table 3. Erosion and Sediment Control Measures

Construction Activity	Potential Impacts	Mitigations
Clearing of existing vegetation	Exposure of underlying soils to erosion during heavy rainfall events.	Minimize amount of time soils are exposed, plant native vegetation and landscaping materials within the growing season following removal of non-native vegetation and landscaping.
General construction	Sediment laden runoff.	Store soils away from ditches and in dry areas.
Native Vegetation	Plant deep rooting natives	Planting of native species of grasses, shrubs and trees in the green space areas, which naturally have deep roots to aid in soil stabilization, compete against weeds and do not require irrigation.

Report Prepared By:



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





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5 REFERENCES

- British Columbia Ministry of Environment. 2004. *Environmental Best Management Practices for Urban and Rural Land Development*
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APPENDIX A – PHOTOS





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Photo 1. East side of property, vegetated ditch and logged area



Photo 2. East side of property.





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Photo 1. North edge of property, with blackberry infestation



Photo 4. West side of property, salmon berry and alder stand





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Photo 6. Pondered area from previous excavation.



Photo 5. Red alder and salmon berry stand.





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Photo 7. Steep berm at western edge of west side of property, directly beside the new road (Lot 81).



Photo 8. Newly upgraded road (Lot 81).





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Photo 9. Trees being strangled by English ivy.



Photo 10. English ivy infestation.





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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 21, 2020**

SUBJECT **Development Permit with Variance for Lot A, Section 89, Sooke District,
Plan VIP54145**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Steep Slopes and Shoreline Protection Development Permit (DP) guidelines and to vary the rear yard setback and the allowable projection of a deck into the rear yard setback for an addition to an existing single family dwelling in the Rural Residential 6 (RR-6) zone.

BACKGROUND

The 0.8 ha property is located at 7004 East Sooke Road and is within the Steep Slopes and Shoreline Protection development permit areas as designated by the East Sooke Official Community Plan, 2018, Bylaw No. 4000. The property is bounded by RR-6 zoned properties to the east and west, East Sooke Road to the south, and Sooke Harbour to the north (Appendix A).

There is an existing residence on the property along with an accessory building. Building Permit approval was granted in 1976 for construction of the single family dwelling; however, the building permit was never completed and lapsed in 1994 according to CRD dormant files policy.

An extensive renovation to the dwelling, including an expansion of the deck, was recently initiated prior to permit approvals; this resulted in a complaint to Bylaw Enforcement, a stop work order and violation file (VF000495). The applicant has applied for a building permit and development permit to complete alterations to the structure (Appendix B).

The applicant is requesting a variance to decrease the minimum rear yard setback required for the deck post and to increase the allowable projection of the deck beyond the post into the setback (Appendix C). A report has been provided by Richard T. Moser, P.Eng., of Ryzuk Geotechnical to address the Steep Slope and Shoreline Protection development permit areas and to satisfy requirements for registration of a Section 219 covenant associated with the building permit (Appendix E). Development Permit with variance DV000072 is included for consideration (Appendix F).

ALTERNATIVES

Alternative 1

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

That Development Permit with Variance DV000072 for Lot A, Section 89, Sooke District, Plan VIP54145 to permit alterations to a single-family dwelling in a Steep Slopes, and a Shoreline Protection Development Permit Area; and to vary Part 2, Section 10.09(d) by decreasing the minimum rear yard setback from 10 m to 7.5 m, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 4.10 (1)(a) by increasing the maximum deck projection allowance into the rear yard setback from 1 m to 1.6 m, be approved.

Alternative 2

That Development Permit with Variance DV000072 be denied.

Alternative 3

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

IMPLICATIONS

Legislative Implications

The East Sooke Official Community Plan, Bylaw No. 4000, designates development permit areas (DPAs) and outlines development permit guidelines (Appendix D). The property is located within the Steep Slope and Shoreline Protection DPAs; therefore, a development permit is required. 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 10.09(d) specifies that the minimum rear yard setback in the RR-6 zone is 10 m. Since the northwest corner deck post is sited 7.5 m from the rear property boundary, a variance is required.

The Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 4.10 (1)(a) specifies that features on storeys above ground level may project up to 1 m into the required yard of the zone. Since the projection of the deck into the rear yard setback is greater than 1 m, a variance is required.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act (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 the owners of property within a distance of 500 metres of the subject property. Any responses received from the public will be presented at the July 21, 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 T. Moser, P.Eng., of Ryzuk Geotechnical, dated April 15, 2020, and amended May 20, 2020, to address the Steep Slope and Shoreline Protection DP guidelines for the proposed development (Appendix E). The report provided an assessment of the conditions found at the site, described potential impacts of the alterations, and provided recommendations for the proposed development. The report identifies that the proposed alterations will not significantly increase the footprint of the house; as such, effects will be minimal within the development permit areas.

The Report included a minimum flood construction level (FCL) calculation in keeping with the Provincial guidelines for coastal development and sea level rise. The dwelling and deck are setback from the top of a rocky bluff, which the Engineer confirmed is not susceptible to erosion. The Report will be secured via a Section 219 covenant as part of the building permit process in accordance with Section 56 of the *Community Charter*.

Variance:

The Rural Residential 6 (RR-6) zone regulations specify that the rear yard setback shall be a minimum of 10 m, and the general regulations in the land use bylaw specify that any projections into required setbacks be a maximum of 1 m. The northwest corner deck post is located 7.5 m from the rear property boundary and the deck projects a further 1.6 m beyond the post. The proposal otherwise meets requirements for the zone.

Development Permit with Variance DV000072 has been prepared for consideration to authorize the construction of an addition to a single-family dwelling partially located within a Steep Slopes and Shoreline Protection Development Permit Area, and to vary the siting of the deck by reducing the rear yard setback and increasing the maximum allowable projection (Appendix F). 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 to authorize construction of an addition to a single family dwelling and increase the maximum allowable projection of a deck into the required rear yard setback. Since there will be minimal impact to the Steep Slope and Shoreline Protection development permit areas, 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

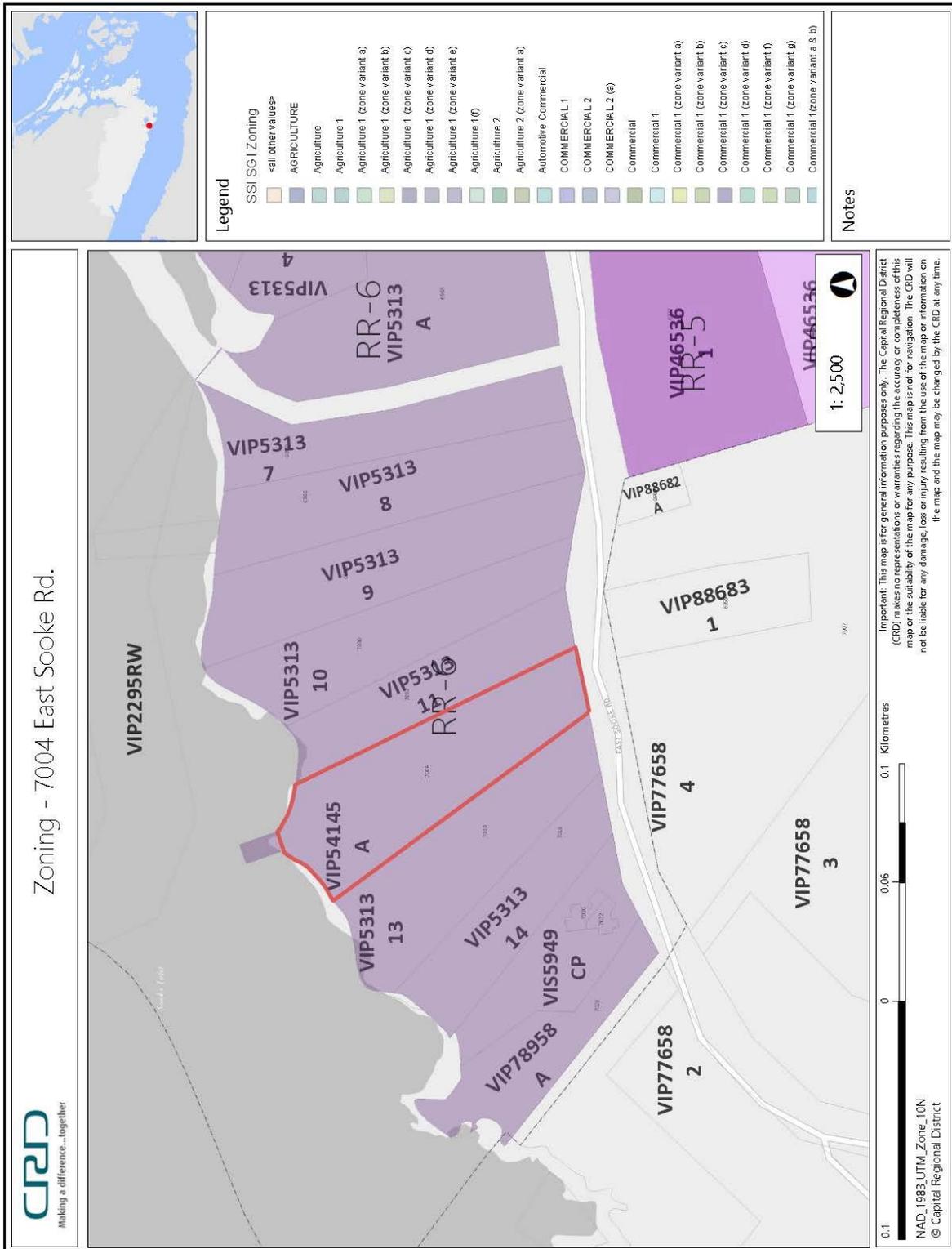
That the Land Use Committee recommends to the Capital Regional District Board:
That Development Permit with Variance DV000072 for Lot A, Section 89, Sooke District, Plan VIP54145 to permit alterations to a single-family dwelling and deck located within in a Steep Slopes and a Shoreline Protection Development Permit Area; and to vary Part 2, Section 10.09(d) by decreasing the minimum rear yard setback from 10 m to 7.5 m, and to vary Juan de Fuca Land Use Bylaw No. 2040, Part 1, Section 4.10 (1)(a) by increasing the maximum deck projection allowance into the rear yard setback from 1 m to 1.6 m, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

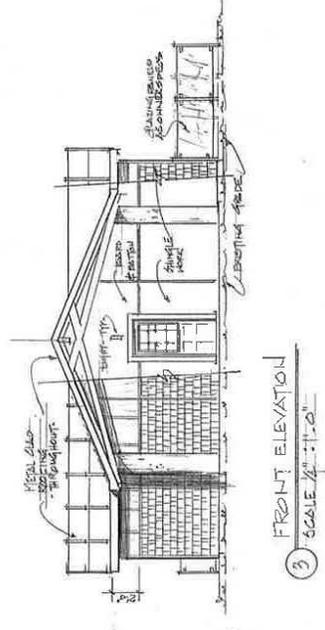
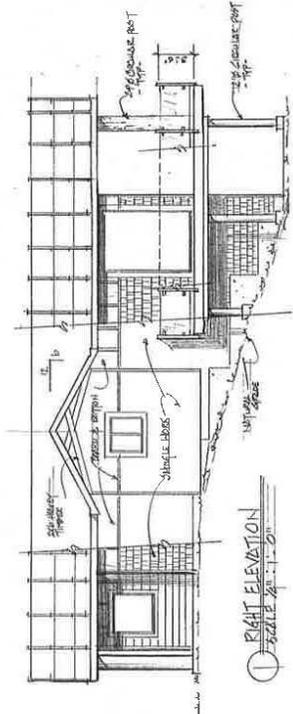
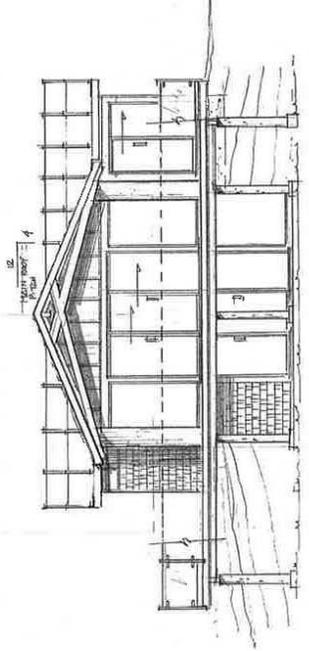
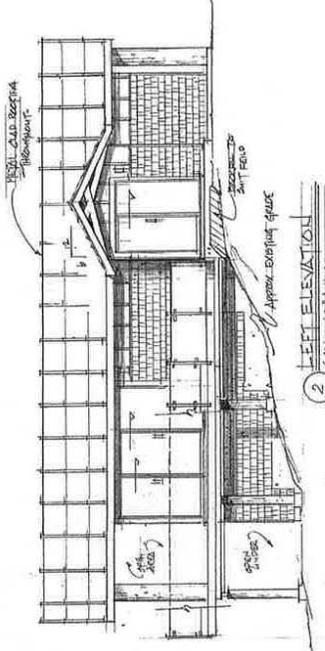
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Building Plans
- Appendix C: Site Plan with Variance
- Appendix D: Development Permit Guidelines
- Appendix E: Geotechnical Report
- Appendix F: Permit DV000072

Appendix A: Subject Property Map



PROPOSED NEW RENOVATION For [REDACTED]
7004 EAST SCOKE RD. SCOKE, BRITISH COLUMBIA
DATE: MAR 2020
SHEET 2 OF 3



Appendix D: Development Permit Guidelines

Section 515 – Guidelines for the Steep Slope Development Permit Area

- 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 property or neighbouring properties.
- 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 525 – Guidelines for the Steep Slope Development Permit Area

- 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 armouring 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.
- H. A Qualified Professional (QP) must design any shore protection devices or works.
- 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, should be incorporated into shore protection works.

RYZUK GEOTECHNICAL
Engineering & Materials Testing

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

April 15, 2020
Revised May 20, 2020
File No: 6935-3

[REDACTED]

Sooke, BC
V8Z 0J5

Attn: [REDACTED]

Dear [REDACTED]

Rc: Geotechnical Site Assessment – 1st Revision
7004 East Sooke Road – Sooke, BC

As requested, we attended the above referenced site on August 20, 2019, to complete an assessment of the existing inland steep slopes and foreshore conditions to establish the rockfall and flooding hazards, respectively. We understand the proposed development consists of renovation of the existing residence including reconstruction of the wooden deck and a new wood-framed vestibule at the south entrance door. The existing single-family residence is partially located in Development Permit Areas (DPA). As such, the Capital Regional District (CRD) requires an assessment to support a development permit application for projects within DPAs associated with steep slopes and the Present Natural Boundary (PNB) of the ocean (further defined below). Our observations, comments, and recommendations are included herein. Our work has been undertaken in accordance with, and is subject to, the previously provided Terms of Engagement.

The site is generally rectangular in shape with an approximate area of 8500 m². It is bounded by the shore of Sooke Inlet to the north, East Sooke Road to the south, and similar residential properties to the east and west. Topography throughout the site generally slopes down from south to north with a level area within the central portion of the site and a localized topographic high point within the central-west portion of the site. A small creek within the southwest corner of the site discharges water into two ponds, present within the above noted level area which then drains into the subsurface. Additionally, a steep foreshore slope is present along the north property boundary. The site layout and topography are shown on the attached Location Plan, drawing 6935-3-1.

Ryzuk Geotechnical

Geotechnical Site Assessment
7004 East Sooke Road - Sooke, BC

May 20, 2020

The existing single-family residence, built at-grade, is located within the northwest portion of the site. The residence is situated between the northern extent of the noted topographic high point, which consists of a 5 m high steep rock face at that location, and the local shorefront. The grades surrounding the residence follow the general topography and continue to slope down towards the ocean, varying in pitch from 5 to 15% but steepen to near vertical along the shorefront. While on site, we observed that the minimum offset from the existing residence to the steep inland rock slope was approximately 12 m. Additionally, we observed that the offset from existing residence to the PNB of the ocean ranged from approximately 10 m to 25 m. We have taken the PNB of the ocean to be the crest of the steep rock slope lining the shorefront, given the exposed rock was free of vegetation and mineral soils. We noted the exposed shoreline rock face to consist of strong massive bedrock, typical in the Sooke area and known to have low-credibility.

Section 510 of the East Sooke Official Community Plan (Bylaw No. 4000) stipulates a development permit is required for any proposed development sited on a steep slope. The bylaw defines a steep slope as any slope with a pitch greater than 30% (16.7 degrees) over a horizontal distance (run) greater than 10 m. As such, the siting of future developments would be permissible without a development permit for much of the site surrounding the existing residence. However, we recommend an offset of approximately 5 m from steep inland rock slopes to account for the expected rare occurrence of rockfall associated with the natural weathering of the rock mass.

Section 513 of Bylaw No. 4000 requires that any proposed development within a steep slope DPA must be designed to avoid alterations to the existing steep slope geometry, soil cover thickness, hydrology, and/or site vegetation. Given that the proposed addition will be not significantly increase the existing building footprint, we consider any alterations to the existing slope geometry, hydrology, soil cover thickness, and/or vegetation at the site will be negligible. However, we recommend that temporary sedimentation and erosion control measures, such as hay bails or silt fencing/booms, be implemented during construction if any required earthworks create a preferential drainage pathway(s) and that following construction the original conditions are reinstated. Furthermore, as the proposed addition is to extend from the south side of the existing residence, within the existing level parking area, we expect that the additional foundation loads placed in this area would not impact the global slope stability in the area.

Similarly, Section 520 of Bylaw No. 4000 stipulates a development permit is required for any proposed development sited within 15 m of the PNB of the ocean. Section 523 of Bylaw No. 4000 requires that erosion and sedimentation must be avoided during and after construction to maintain foreshore stability. Given that the proposed addition will extend from the south side of the existing residence, the offset from the PNB will be approximately 18 to 20 m which places the proposed addition outside of the DPA and in accordance with Section 524.

Section 525 of Bylaw No. 4000 further indicates that a Flood Construction Level (FCL) assessment, completed by a qualified professional, can be used to support an offset variance. As such, we have assessed the flooding hazard at the site due to severe storm events and ocean level rise associated with climate change.

Based on contour information provided by the online CRD Regional Map, the main floor elevation of the existing residence is between 7 and 10 m geodetic and a local shoreline elevation of roughly 1.5 m geodetic.

Geotechnical Site Assessment
 7004 East Sooke Road - Sooke, BC

May 20, 2020

The CRD Coastal Sea Level Rise Risk Assessment indicates that the predicted extreme high water level for a large tide (HHWLT + storm surge) for the year 2100 would be 3.69 m geodetic. However, this value was calculated using the previous methodology for estimating the projected FCL, defined as the minimum required elevation of the underside of a wooden floor system or the top of a concrete slab floor for habitable buildings.

As such, we have calculated an updated FCL using the currently accepted/legislated methodology, prescribed by the Provincial “Guidelines for Management of Coastal Flood Hazard Land Use,” published in January 2011 and the Provincial Guidelines for “Coastal Floodplain Mapping” published in June 2011. Furthermore, the “Flood Hazard Area Land Use Management Guidelines” with amendments of January 1, 2018, specifically related to coastal flood construction levels was also reviewed.

The FCL was calculated following the “Combined Method” provided in the FHALUM Guidelines. Additional information required to establish the FCL was obtained from the Canadian Hydrographic Service (CHS). The FCL methodology utilizes the highest predicted tide (HHWLT) which was provided by the CHS as a base, upon which the predicted Sea Level Rise (SLR), storm surge, wave effect, local uplift, as well as an additional free board factor were considered.

The Provincial Guidelines outline a 1.0 m sea level rise, and accordingly, a factor of 1.0 m was applied to account for the predicted 100-year sea level rise (Ausenco Sandwell). In addition, a correction factor has been added to account for regional uplift and isostatic rebound. A regional uplift rate of 3.1 mm/year was selected for the Sooke area based on “Coastal Sea Level Risk Assessment” by AECOM (2015); therefore, the FCL has been decreased by 0.31 m over the 100-year sea level rise period. An estimated wave effect of 0.65 m, and a nominal freeboard amount of 0.3 m have also been included in the analysis. Table 1 summarizes the values used to establish the site-specific FCL.

Table 1: Summary of FCL Calculations

Item:	(m geodetic)	Notes:
Higher High Water Large Tide (HHWLT)	1.9	As per CHS ¹ – based on Sooke Tidal Gauges
Total Storm Surge during “designated storm”	1.3	As per Guidelines for Victoria – 1:500 annual probability of exceedance storm event
Estimated wave effect	0.65	Limited, due to protection of surrounding topography and adjacent buildings ²
Regional Uplift	(0.31)	3.1 mm/year decrease for Sooke, BC
Sea Level Rise (SLR)	1.0	As per Guidelines
Free Board Factor	0.3	As per Guidelines ²
FLOOD CONSTRUCTION LEVEL (m geodetic)	+4.84	

¹ Canadian Hydrographic Service

² Following Amendment Section 3.5 and 3.6 of “Flood Hazard Area Land Use Management Guidelines” (2018)

The storm surge and estimated wave effect components of the FCL were estimated based on recommendations for the area in the Guidelines. However, the storm surge and wave effect will vary based on the local conditions of a given site. No site-specific analyses were completed to quantify the effect of local conditions at the site on the storm surge and wave effect.

Geotechnical Site Assessment
7004 East Sooke Road - Sooke, BC

May 20, 2020

We have not undertaken detailed wave run-up analyses or associated magnitude return period frequency analyses of tsunami events to quantify the hazard at the referenced site. A review of the tsunami modelling completed for the Capital Regional District by AECOM (2013) indicates a maximum water level of 2.5 m for entrance of Sooke Harbour (inclusive of the mean tidal elevation) for a design 1:500 annual probability of exceedance earthquake. As per Amendment Section 3.5 of “Flood Hazard Area Land Use Management Guidelines” (2018) the greater of the tsunami maximum water level and FCL shall apply. The FCL is the greater of the two for the subject site, and as such the FCL of 4.84 m is recommended. However, we do recommend that residents review and understand the Provincial Tsunami Advanced Warning System.

Based on the above, and in accordance with the Guidelines, an FCL (or minimum elevation for habitable spaces) of **4.84 m** has been determined for this site.

Given that the main floor elevation is well above the calculated FCL elevation and that the grading around the inhabited portion of the site descends towards the ocean we do not consider the site to be subject to a flooding hazard caused by the ingress of ocean water into the site. Similarly, we do not consider the wave action during strong storm events to cause a flooding hazard either given the noted residence elevation, site grading, and the relatively short wave run-up/fetch length of less than 1.4 km.

Based on the above, we consider a reduction in the PNB offset from 15 m to 10 m to be appropriate for the site as it would not negatively impact any future development at the site. The CRD Approving Officer and Building Inspectors may rely on the above information when reviewing the permit applications for the proposed project. Note that we have based our recommendations on a probably of exceedance of 10% in 50 year for marine events and 2% in 50 year for seismic events.

Furthermore, we consider the proposed development, as noted, feasible from a geotechnical perspective and consider the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter.

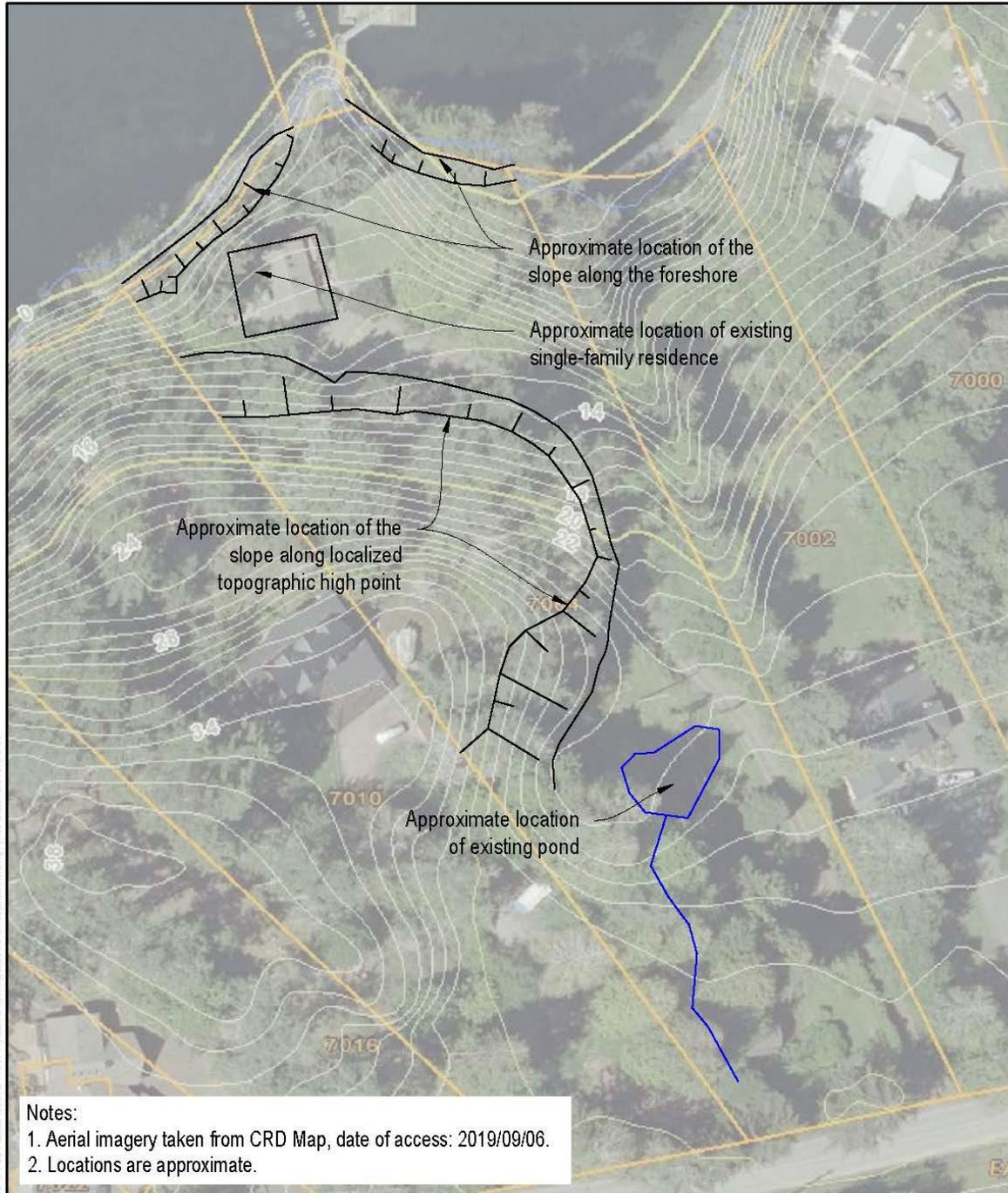
We trust that the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

Best regards,
Ryzuk Geotechnical



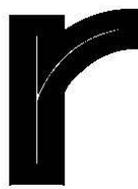
Richard T. Moser, P.Eng.
Project Engineer





Notes:
 1. Aerial imagery taken from CRD Map, date of access: 2019/09/06.
 2. Locations are approximate.

File: R:\RyZuk\Drawings\2019\7004 East Sooke Road\7004 East Sooke Road\7004-3 Location in Area.psd - 2019/09/06

	LOCATION PLAN Proposed Single-Family Residence 7004 East Sooke Road Sooke, B.C.	DRAWN RN
		DATE September, 2019
		APPROVED
		SCALE 1:800
RYZUK GEOTECHNICAL Engineering & Materials Testing		DRAWING No. 6935-3-1



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE DV000072

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: 017-767-679;
Legal Description: Lot A, Section 89, Sooke District, Plan VIP54145
3. This development permit authorizes construction of an addition to a single family dwelling (the "development") on the Land, located within the development permit areas established under the East Sooke Official Community Plan, Bylaw No. 4000, 2018, Section 510 (Steep Slopes), and Section 520 (Shoreline Protection), 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 proposed development of the property comply with the Site Plan prepared by Island Land Surveying Ltd., dated June 4, 2020;
 - b. That the proposed development comply with the proposed Building Plans;
 - c. That the proposed development comply with the recommendations outlined in the report prepared by Ryzuk Geotechnical, dated April 15, 2020 (revised May 20, 2020), attached.
5. The Capital Regional District's **Bylaw No. 2040** is varied under Section 498 of the *Local Government Act* as follows:
 - a. That Part 2, Section 10.09(d) be varied by decreasing the minimum rear yard setback from 10 m to 7.5 m.
 - b. That Part 1, Section 4.10 (1)(a) be varied by increasing the maximum deck projection allowance into the rear yard setback from 1 m to 1.6 m.
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 (DV000072) 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. Building Plans;
 - iii. Geotechnical Assessment Report.
10. This Permit is NOT a Building Permit.



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DV000072

11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

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

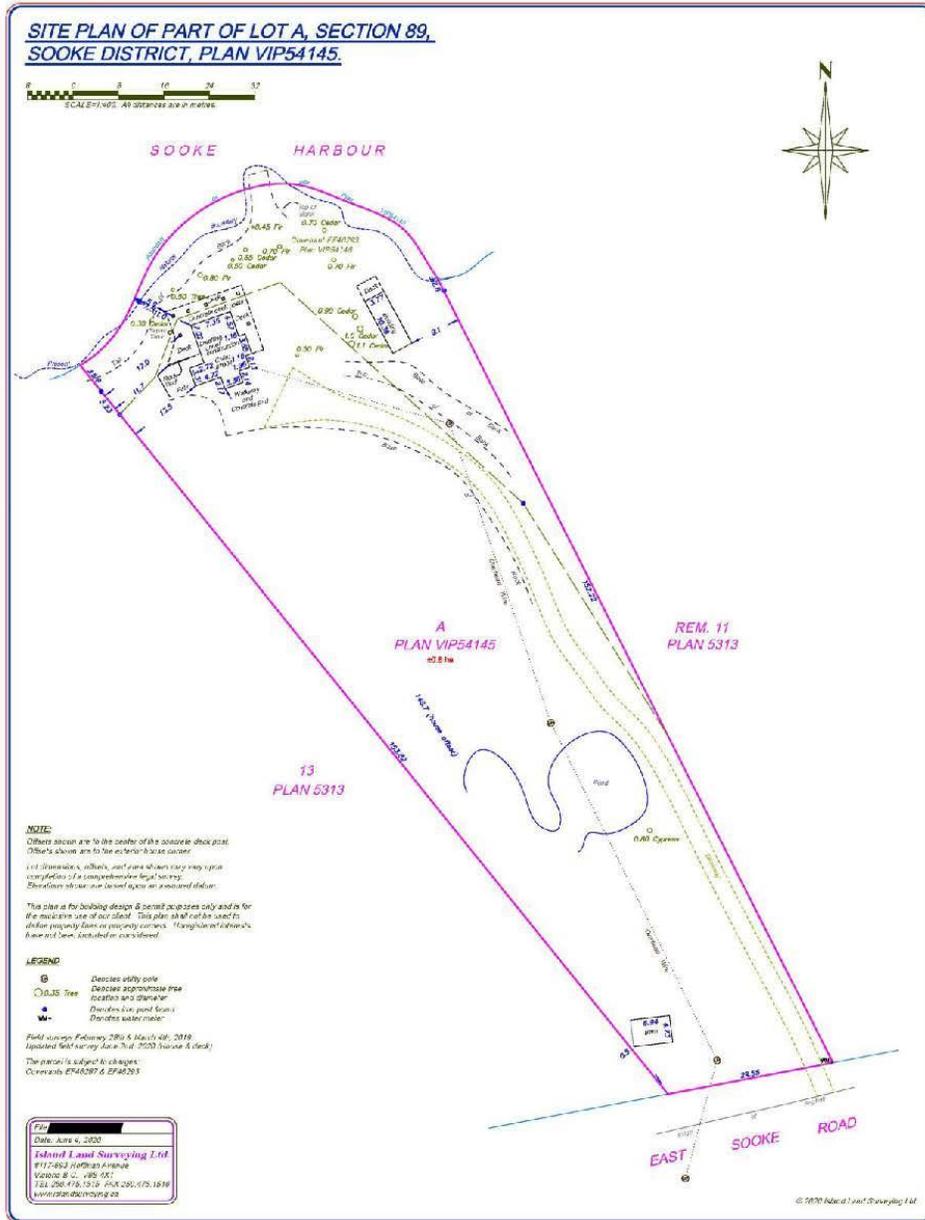
ISSUED this ____ day of _____, 2020

Kristen Morley
Corporate Officer



DV000072

Attachment 1: Site Plan

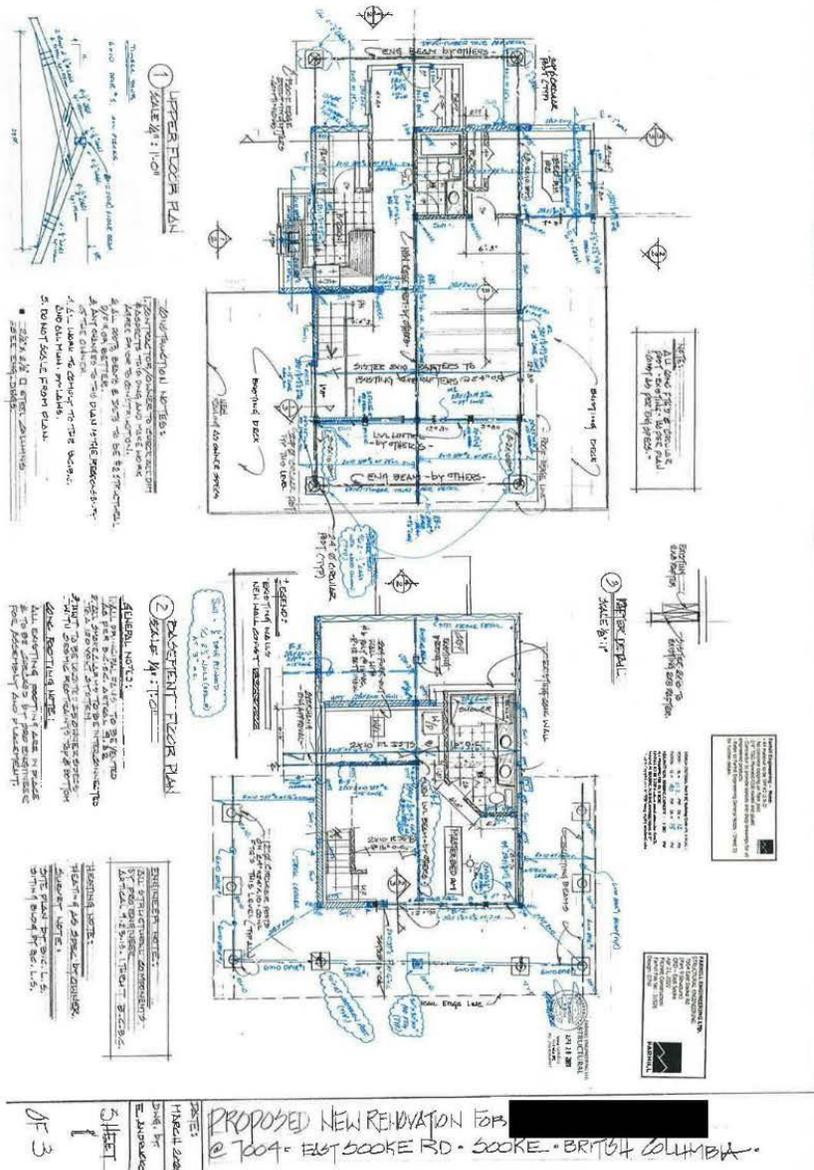




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DV000072

Attachment 2: Proposed Building Plans





DV000072

Attachment 3: Geotechnical Report

RYZUK GEOTECHNICAL
Engineering & Materials Testing

28 Croase Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3811 www.ryzuk.com

April 15, 2020
Revised May 20, 2020
File No: 6935-3

[Redacted]

Sooke, BC
V8Z 0J5

Attn: [Redacted]

Dear [Redacted]

Re: Geotechnical Site Assessment – 1st Revision
7004 East Sooke Road Sooke, BC

As requested, we attended the above referenced site on August 20, 2019, to complete an assessment of the existing inland steep slopes and foreshore conditions to establish the rockfall and flooding hazards, respectively. We understand the proposed development consists of renovation of the existing residence including reconstruction of the wooden deck and a new wood-framed vestibule at the south entrance door. The existing single-family residence is partially located in Development Permit Areas (DPA). As such, the Capital Regional District (CRD) requires an assessment to support a development permit application for projects within DPAs associated with steep slopes and the Present Natural Boundary (PNB) of the ocean (further defined below). Our observations, comments, and recommendations are included herein. Our work has been undertaken in accordance with, and is subject to, the previously provided Terms of Engagement.

The site is generally rectangular in shape with an approximate area of 8500 m². It is bounded by the shore of Sooke Inlet to the north, East Sooke Road to the south, and similar residential properties to the east and west. Topography throughout the site generally slopes down from south to north with a level area within the central portion of the site and a localized topographic high point within the central-west portion of the site. A small creek within the southwest corner of the site discharges water into two ponds, present within the above noted level area which then drains into the subsurface. Additionally, a steep foreshore slope is present along the north property boundary. The site layout and topography are shown on the attached Location Plan, drawing 6935-3-1.

Ryzuk Geotechnical



DV000072

Geotechnical Site Assessment
7004 East Sooke Road - Sooke, BC

May 20, 2020

The existing single-family residence, built at-grade, is located within the northwest portion of the site. The residence is situated between the northern extent of the noted topographic high point, which consists of a 5 m high steep rock face at that location, and the local shorefront. The grades surrounding the residence follow the general topography and continue to slope down towards the ocean, varying in pitch from 5 to 15% but steepen to near vertical along the shorefront. While on site, we observed that the minimum offset from the existing residence to the steep inland rock slope was approximately 12 m. Additionally, we observed that the offset from existing residence to the PNB of the ocean ranged from approximately 10 m to 25 m. We have taken the PNB of the ocean to be the crest of the steep rock slope lining the shorefront, given the exposed rock was free of vegetation and mineral soils. We noted the exposed shoreline rock face to consist of strong massive bedrock, typical in the Sooke area and known to have low-erodibility.

Section 510 of the East Sooke Official Community Plan (Bylaw No. 4000) stipulates a development permit is required for any proposed development sited on a steep slope. The bylaw defines a steep slope as any slope with a pitch greater than 30% (16.7 degrees) over a horizontal distance (run) greater than 10 m. As such, the siting of future developments would be permissible without a development permit for much of the site surrounding the existing residence. However, we recommend an offset of approximately 5 m from steep inland rock slopes to account for the expected rare occurrence of rockfall associated with the natural weathering of the rock mass.

Section 513 of Bylaw No. 4000 requires that any proposed development within a steep slope DPA must be designed to avoid alterations to the existing steep slope geometry, soil cover thickness, hydrology, and/or site vegetation. Given that the proposed addition will be not significantly increase the existing building footprint, we consider any alterations to the existing slope geometry, hydrology, soil cover thickness, and/or vegetation at the site will be negligible. However, we recommend that temporary sedimentation and erosion control measures, such as hay bails or silt fencing/booms, be implemented during construction if any required earthworks create a preferential drainage pathway(s) and that following construction the original conditions are reinstated. Furthermore, as the proposed addition is to extend from the south side of the existing residence, within the existing level parking area, we expect that the additional foundation loads placed in this area would not impact the global slope stability in the area.

Similarly, Section 520 of Bylaw No. 4000 stipulates a development permit is required for any proposed development sited within 15 m of the PNB of the ocean. Section 523 of Bylaw No. 4000 requires that erosion and sedimentation must be avoided during and after construction to maintain foreshore stability. Given that the proposed addition will extend from the south side of the existing residence, the offset from the PNB will be approximately 18 to 20 m which places the proposed addition outside of the DPA and in accordance with Section 524.

Section 525 of Bylaw No. 4000 further indicates that a Flood Construction Level (FCL) assessment, completed by a qualified professional, can be used to support an offset variance. As such, we have assessed the flooding hazard at the site due to severe storm events and ocean level rise associated with climate change.

Based on contour information provided by the online CRD Regional Map, the main floor elevation of the existing residence is between 7 and 10 m geodetic and a local shoreline elevation of roughly 1.5 m geodetic.



DV000072

Geotechnical Site Assessment
 7004 East Sooke Road - Sooke, BC

May 20, 2020

The CRD Coastal Sea Level Rise Risk Assessment indicates that the predicted extreme high water level for a large tide (HHWLT + storm surge) for the year 2100 would be 3.69 m geodetic. However, this value was calculated using the previous methodology for estimating the projected FCL, defined as the minimum required elevation of the underside of a wooden floor system or the top of a concrete slab floor for habitable buildings.

As such, we have calculated an updated FCL using the currently accepted/legislated methodology, prescribed by the Provincial “Guidelines for Management of Coastal Flood Hazard Land Use,” published in January 2011 and the Provincial Guidelines for “Coastal Floodplain Mapping” published in June 2011. Furthermore, the “Flood Hazard Area Land Use Management Guidelines” with amendments of January 1, 2018, specifically related to coastal flood construction levels was also reviewed.

The FCL was calculated following the “Combined Method” provided in the FHAIUM Guidelines. Additional information required to establish the FCL was obtained from the Canadian Hydrographic Service (CHS). The FCL methodology utilizes the highest predicted tide (HHWLT) which was provided by the CHS as a base, upon which the predicted Sea Level Rise (SLR), storm surge, wave effect, local uplift, as well as an additional free board factor were considered.

The Provincial Guidelines outline a 1.0 m sea level rise, and accordingly, a factor of 1.0 m was applied to account for the predicted 100-year sea level rise (Ausenco Sandwell). In addition, a correction factor has been added to account for regional uplift and isostatic rebound. A regional uplift rate of 3.1 mm/year was selected for the Sooke area based on “Coastal Sea Level Risk Assessment” by AECOM (2015); therefore, the FCL has been decreased by 0.31 m over the 100-year sea level rise period. An estimated wave effect of 0.65 m, and a nominal freeboard amount of 0.3 m have also been included in the analysis. Table 1 summarizes the values used to establish the site-specific FCL.

Table 1: Summary of FCL Calculations

Item:	(m geodetic)	Notes:
Higher High Water Large Tide (HHWLT)	1.9	As per CHS ¹ – based on Sooke Tidal Gauges
Total Storm Surge during “designated storm”	1.3	As per Guidelines for Victoria – 1:500 annual probability of exceedance storm event
Estimated wave effect	0.65	Limited, due to protection of surrounding topography and adjacent buildings ²
Regional Uplift	(0.31)	3.1 mm/year decrease for Sooke, BC
Sea Level Rise (SLR)	1.0	As per Guidelines
Free Board Factor	0.3	As per Guidelines ²
FLOOD CONSTRUCTION LEVEL (m geodetic)	+4.84	

¹ Canadian Hydrographic Service

² Following Amendment Section 3.5 and 3.6 of “Flood Hazard Area Land Use Management Guidelines” (2016)

The storm surge and estimated wave effect components of the FCL were estimated based on recommendations for the area in the Guidelines. However, the storm surge and wave effect will vary based on the local conditions of a given site. No site-specific analyses were completed to quantify the effect of local conditions at the site on the storm surge and wave effect.



DV000072

Geotechnical Site Assessment
7004 East Sooke Road - Sooke, BC

May 20, 2020

We have not undertaken detailed wave run-up analyses or associated magnitude return period frequency analyses of tsunami events to quantify the hazard at the referenced site. A review of the tsunami modelling completed for the Capital Regional District by AECOM (2013) indicates a maximum water level of 2.5 m for entrance of Sooke Harbour (inclusive of the mean tidal elevation) for a design 1:500 annual probability of exceedance earthquake. As per Amendment Section 3.5 of "Flood Hazard Area Land Use Management Guidelines" (2018) the greater of the tsunami maximum water level and FCL shall apply. The FCL is the greater of the two for the subject site, and as such the FCL of 4.84 m is recommended. However, we do recommend that residents review and understand the Provincial Tsunami Advanced Warning System.

Based on the above, and in accordance with the Guidelines, an FCL (or minimum elevation for habitable spaces) of **4.84 m** has been determined for this site.

Given that the main floor elevation is well above the calculated FCL elevation and that the grading around the inhabited portion of the site descends towards the ocean we do not consider the site to be subject to a flooding hazard caused by the ingress of ocean water into the site. Similarly, we do not consider the wave action during strong storm events to cause a flooding hazard either given the noted residence elevation, site grading, and the relatively short wave run-up/fetch length of less than 1.4 km.

Based on the above, we consider a reduction in the PNB offset from 15 m to 10 m to be appropriate for the site as it would not negatively impact any future development at the site. The CRD Approving Officer and Building Inspectors may rely on the above information when reviewing the permit applications for the proposed project. Note that we have based our recommendations on a probably of exceedance of 10% in 50 year for marine events and 2% in 50 year for seismic events.

Furthermore, we consider the proposed development, as noted, feasible from a geotechnical perspective and consider the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter.

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

Best regards,
Ryzuk Geotechnical

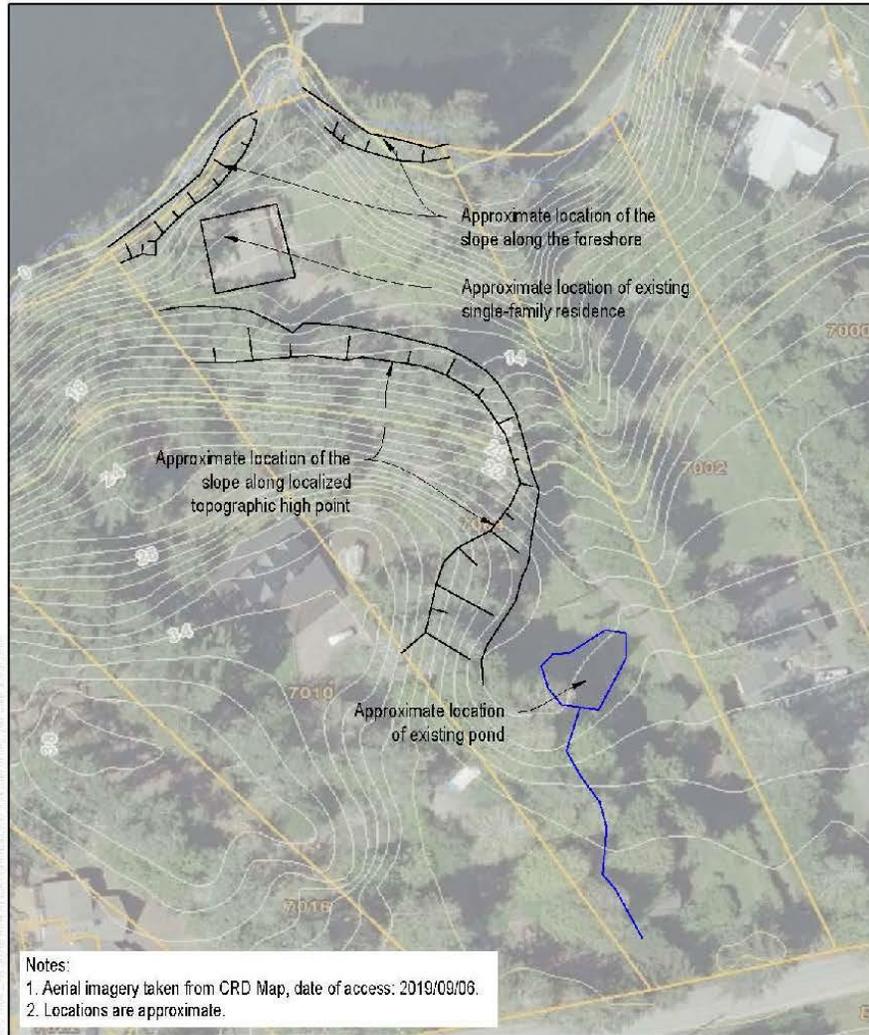


Richard T. Moser, P.Eng.
Project Engineer





DV000072



Notes:
 1. Aerial imagery taken from CRD Map, date of access: 2019/09/06.
 2. Locations are approximate.

	LOCATION PLAN	DRAWN	RN
	Proposed Single-Family Residence	DATE	September 2019
	7004 East Sooke Road	APPROVED	
	Sooke, B.C.	SCALE	1:800
	RYZUK GEOTECHNICAL	Engineering & Materials Testing	DRAWING No.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 21, 2020

SUBJECT **Provision of Park Land for Subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506 – 6505 Powder Main Road**

ISSUE SUMMARY

To consider provision of 5% park land or cash-in-lieu equivalent pursuant to Section 510 of the *Local Government Act (LGA)* for the proposed 13-lot bare land strata subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506.

BACKGROUND

The 1.85 hectare (ha) parcel is located at 6505 Powder Main Road and is zoned Tourism Commercial - One (TC-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 (Appendices A and B). The subject property has several existing single-family dwellings and accessory structures that are used as tourist accommodation facilities. The buildings are accessed by an existing driveway that winds through the parcel from Powder Main Road. The parcel is intersected by a watercourse that runs roughly south to north.

The applicant has applied to subdivide the property into 13 bare land strata lots with an internal common property access road (Appendix C). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *LGA* applies to the subdivision.

At their meeting of May 26, 2020, the Juan de Fuca Electoral Area (EA) Parks and Recreation Advisory Commission (the Commission) recommended that cash in-lieu of park land be received (Appendix D).

ALTERNATIVES

Alternative 1

That the Land Use Committee recommend to the CRD Board:

That cash in lieu of park land dedication in the amount of 5% of the value of the land being subdivided be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506.

Alternative 2:

Refer the application back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the *LGA* requires the provision of park land at the time of subdivision where three or more additional lots are created and the smallest lot being created is 2 ha or less. Where a regional district provides a community park service and an official community plan contains policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The amount of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, the value of the land is based on the average market value of all land in the proposed subdivision calculated as that value would be on the date of preliminary layout

approval of the subdivision before any works or services are installed, or a value agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park lands.

Public Consultation Implications

There are no public consultation requirements in Bylaw No. 3885 for subdivision applications. An internal review of subdivision requirements is conducted by staff and conditions are forwarded to the Provincial Approving Officer. As the proposed subdivision requires provision of park land under Section 510 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission. Meetings are open to the public, advertised in the local newspaper and on the CRD website.

Land Use Implications

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, includes policies and objectives related to parks and trails. A proposed network of trails within the community is identified; however, the area around the subject property is not specifically included.

The JdF EA Community Parks Strategic Plan, 2010, identifies broad acquisition objectives for community parks and establishes that although park dedications are preferred to cash-in-lieu, it may be more appropriate to seek cash-in-lieu in marginal locations. Park acquisition policies and selection criteria are also outlined in the Strategic Plan.

Should the application to subdivide the parcel be approved, provision of park is required under Section 510 of the *LGA*. Five percent of the parcel would be equal 0.09 ha. A monetary equivalent would need to be determined by an appraisal; however, based on the 2020 assessed land value of \$240,000, approximately \$12,000 would be received as cash in-lieu.

The Commission considered subdivision application SU000720 at its meeting of May 26, 2020, (Appendix C) and passed the following motion:

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Braunschweig that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506 (SU000720), be received in the form of cash-in-lieu.

CARRIED

Staff support acceptance of cash in-lieu of park land dedication as recommended by the Commission.

CONCLUSION

The applicant proposes to subdivide the 1.85 ha property at 6505 Powder Main Road into 13 bare land strata lots. The JdF EA Parks and Recreation Advisory Commission reconsidered the application on May 26, 2020, and recommends accepting 5% cash in-lieu of park land pursuant to Section 510 of the *LGA*. If the Land Use Committee and Regional Board agree to accept cash-in-lieu, the requirement would be fulfilled prior to final approval of the subdivision.

RECOMMENDATION

That the Land Use Committee recommend to the CRD Board:

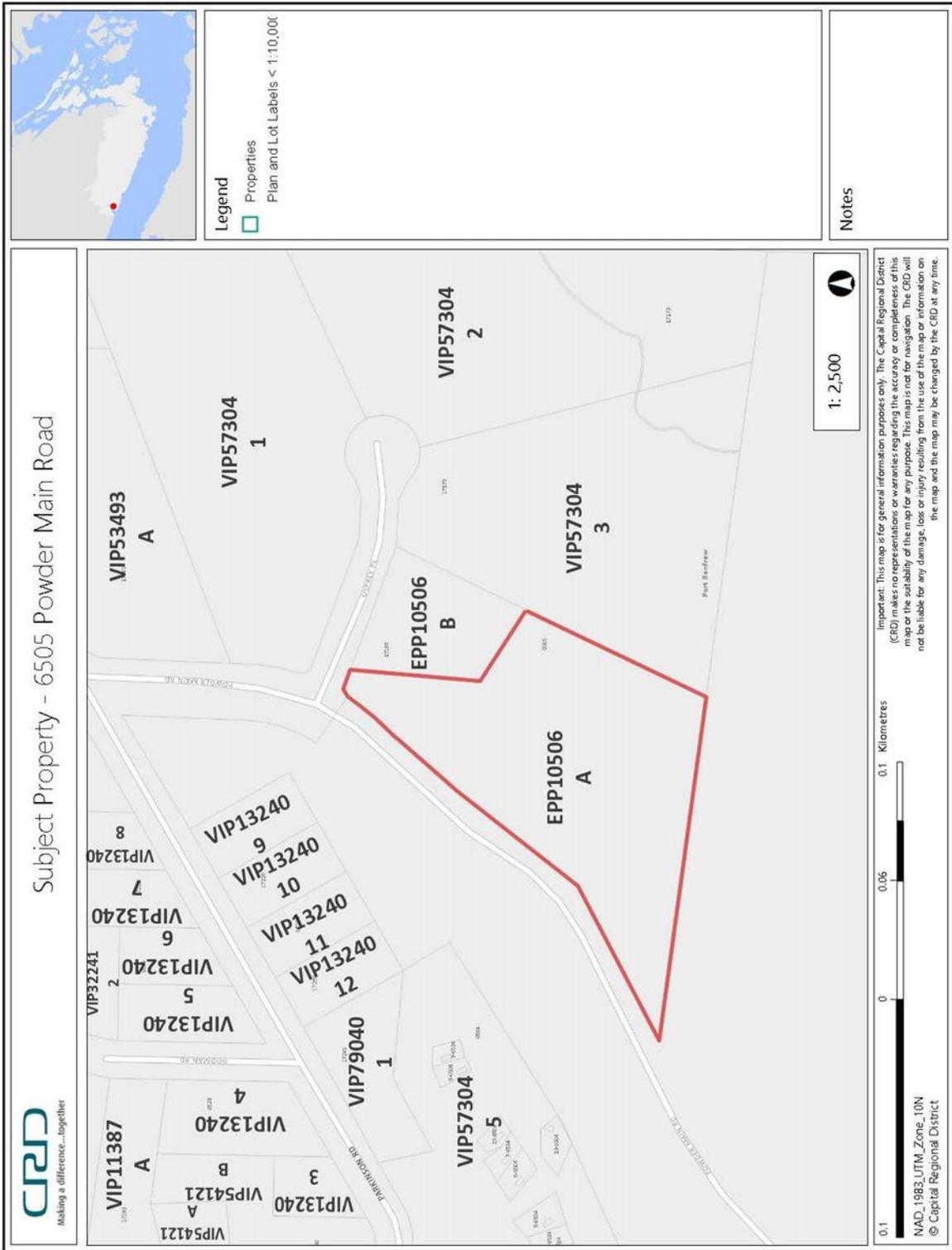
That cash in lieu of park land dedication in the amount of 5% of the value of the land being subdivided be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Submitted by:	Don Closson, Manager, Juan de Fuca Community Parks and Recreation
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Orthophoto Map
- Appendix C: Plan of Subdivision
- Appendix D: Commission Minutes May 26, 2020

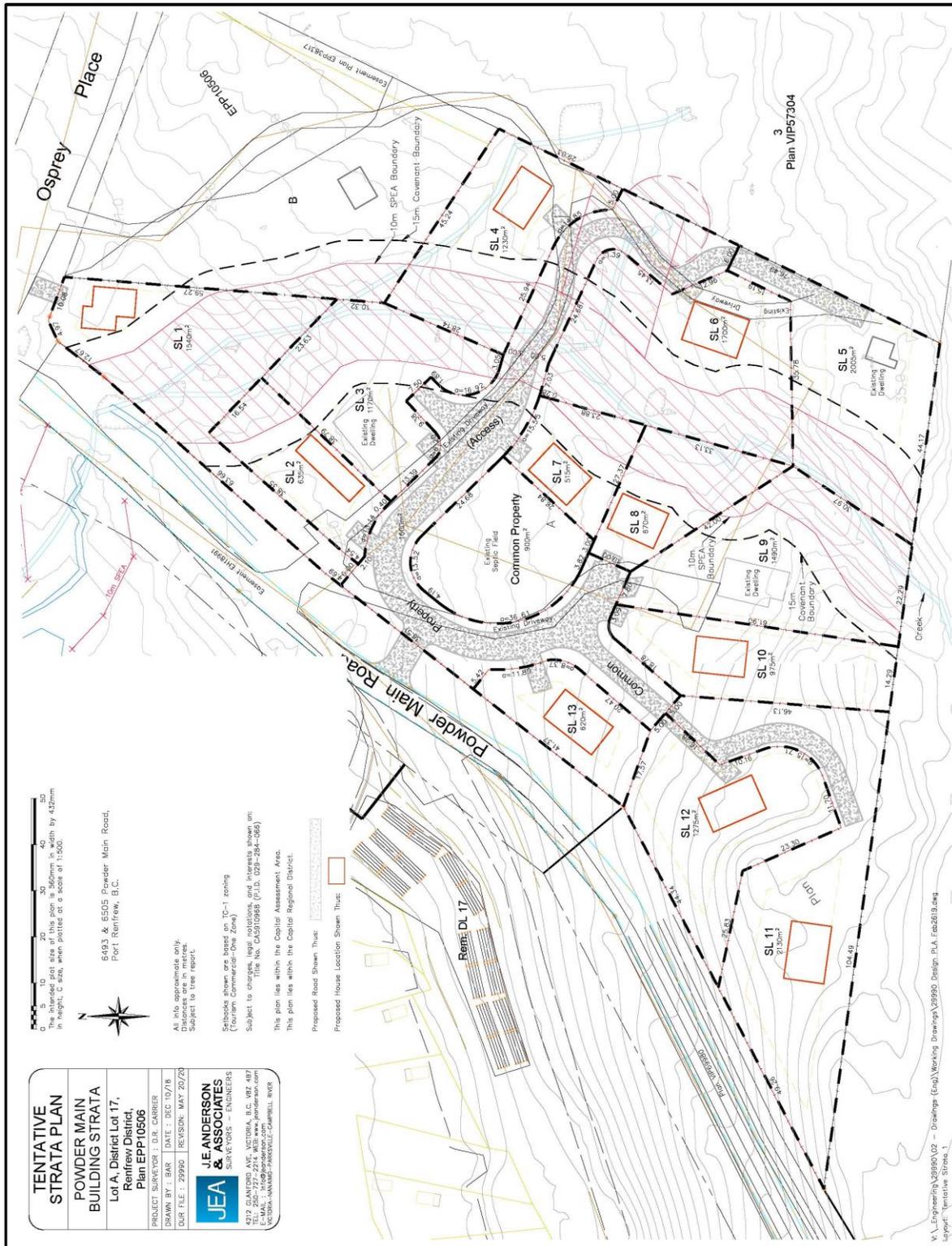
Appendix A: Subject Property Map



Appendix B: Orthophoto Map



Appendix C: Plan of Subdivision



TENTATIVE PLAN STRATA PLAN	
POWDER MAIN BUILDING STRATA	
Lot A, District Lot 17, Rentfrew District, Plan EPP10506	
PROJECT SURVEYOR : D.R. CARRIER	
DRAWN BY : BAR	DATE : DEC 10/18
OUR FILE : 29990	REVISION: MAY 20/20
JEA JEANERSON & ASSOCIATES SURVEYORS – ENGINEERS	
4012 CLANTON AVE, VICTORIA, B.C. V8Z 4B7 TEL: 250-727-2214, WEB: www.jeanerson.com VICTORIA, VANUATU: PAKESVILLE-CAMPBELL RIVER	

8493 & 6505 Powder Main Road,
 Port Renfrew, B.C.

All info approximate only.
 Subject to later report.

Subplots shown are based on TO-1 zoning
 (Tourism Commercial-One Zone)
 Subject to changes, legal notations and interests shown on
 Title No. CA5102988 (P.L.D. 028-284-066)

This plan fits within the Capital Assessment Area.
 This plan fits within the Capital Region District.

Proposed Road Shown Thus:

Proposed House Location Shown Thus:

V.A. Engineering 29990.02 – Drawings (CAD) Working Drawings 29990. Design: P.L.A. Feb 2019.dwg
 Layout: Tentative Strata 1



Making a difference...together

**Minutes of a Meeting of the
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
Held Tuesday, May 26, 2020 at the Juan de Fuca Local Area Services Building,
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: S. Jorna (Chair) (EP), V. Braunschweig (EP), B. Croteau, J. Gaston (EP),
Director M. Hicks (EP), P. Sloan (EP)
Staff: D. Closson, Manager, Juan de Fuca Community Parks and Recreation;
I. Lawrence, Manager, Juan de Fuca Community Planning (EP);
R. Robinson, Planning Assistant; W. Miller, Recorder (EP)

ABSENT: A. Marchand

PUBLIC: 0

The meeting was called to order at 3:02 pm.

1. Approval of the Agenda

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

2. Adoption of the Minutes of February 25, 2020

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Gaston that the minutes from the meeting of February 25, 2020 be adopted. **CARRIED**

3. Chair's Report

The Chair welcomed everyone to the Commission's first electronic meeting.

4. Director's Report

No report.

5. Delegation – Juan de Fuca Community Planning

a) Subdivision Application SU000720 - Lot A, District Lot 17, Renfrew District, Plan EPP10506 (6505 Powder Main Road)

Regina Robinson spoke to the staff memo to the Commission regarding the referral received from the Ministry of Transportation and Infrastructure (MoTI) for a proposed 13-lot bare land subdivision.

Regina Robinson reported that:

- the Commission initially considered the application at its February 25, 2020 meeting
- at that meeting, the Commission requested a site visit prior to providing comment on the provision of park land
- members of the Commission attended the site on May 12, 2020
- through dialogue with the MoTI, it is anticipated that the site plan will be redesigned
- early input from the Commission regarding its interest in land is requested for the redesign

Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission Meeting Minutes
May 26, 2020

2

Commission comments included:

- regardless of redesign, interest in land is limited due to the density proposed
- property does not provide connectivity to the trail network proposed for Port Renfrew
- the riparian area is a protected area

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Braunschweig that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506 (SU000720), be received in the form of cash-in-lieu. **CARRIED**



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 21, 2020**

SUBJECT **Provision of Park Land for Subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 – 17151 Parkinson Road**

ISSUE SUMMARY

To consider options regarding the provision of park land pursuant to Section 510 of the *Local Government Act (LGA)* for the proposed four-lot bare land strata subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972.

BACKGROUND

The 30.9 hectare (ha) parcel is located on 17151 Parkinson Road and is zoned Tourism Commercial - One (TC-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 (Appendices A and B). The subject parcel is currently accessed by existing logging roads and one single family dwelling is located in the northwest corner, which is accessed by a driveway from Parkinson Road. A watercourse flows through the parcel, but is located outside the area affected by the proposed subdivision.

The applicant has applied to subdivide the property into 2 lots with a concurrent application to further subdivide one of the newly created parcels into 4 bare land strata lots (Appendix C). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *LGA* applies to the subdivision.

At their meeting of May 26, 2020, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission (the Commission) considered options for park land requirements (Appendix D).

ALTERNATIVES

Alternative 1

That the Land Use Committee recommend to the CRD Board:

That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, except that a lesser amount may be acceptable where the owner agrees to dedicate that portion of the subject property required to locate a trail along Parkinson Road to JdF Community Parks and Recreation standards, and that the owner agrees to construct the trail prior to subdivision approval.

Alternative 2:

Refer the application back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the *LGA* requires the provision of park land at the time of subdivision where three or more additional lots are created and the smallest lot being created is 2 ha or less. Where a regional district provides a community park service and an official community plan contains

policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The amount of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, the value of the land is based on the average market value of all land in the proposed subdivision calculated as that value would be on the date of preliminary layout approval of the subdivision before any works or services are installed, or a value agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park lands.

Public Consultation Implications

There are no public consultation requirements in Bylaw No. 3885 for subdivision applications. An internal review of subdivision requirements is conducted by staff and conditions are forwarded to the Provincial Approving Officer. As the proposed subdivision requires provision of park land under Section 510 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission. Meetings are open to the public, advertised in the local newspaper and on the CRD website.

Land Use Implications

The JdF EA Community Parks Strategic Plan, 2010, identifies broad acquisition objectives for community parks and establishes that although park dedications are preferred to cash-in-lieu, cash-in-lieu can be appropriate in marginal locations. Park acquisition policies and selection criteria are also outlined in the Strategic Plan.

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, includes policies and objectives related to parks and trails. Should the application to subdivide the parcel be approved, provision of park is required under Section 510 of the *LGA*. Five percent of the larger parcel would equal 1.5 ha; but the area of land under consideration at this time is 6.7 ha, of which five percent would be equal to 0.335 ha. A monetary equivalent would need to be determined by an appraisal; however, based on the 2020 assessed land value of \$1,395,000, approximately \$15,100 would be received as cash in-lieu.

The Commission drafted a plan identifying a network of potential trails within the community as a result of earlier development proposals (Appendix E). The subject property is identified as an area of interest as part of this plan.

In light of the goal of developing a trail network around the community, the Commission considered subdivision application SU000721 at its meeting of May 26, 2020, and passed the following motion:

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that, in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for proposed subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 (SU000721), except where the owner agrees to dedicate that portion of land required to construct a trail along Parkinson Road to JdF Community Parks and Recreation standards and that the owner agrees to construct the trail prior to subdivision approval.

CARRIED

A similar agreement was reached with the owner as part of a proposed 13-lot subdivision of land to the east of the subject property. Such a voluntary agreement reduces the amount of land required to be dedicated by the owner and provides the community with a constructed asset. Therefore, staff support the JdF EA Parks and Recreation Advisory Commission's recommendation for this subdivision application.

CONCLUSION

The applicant proposes to subdivide 6.7 ha of the 30.9 ha property at 17151 Parkinson Road into 4 bare land strata lots. The JdF EA Parks and Recreation Advisory Commission considered the application on May 26, 2020, and recommended accepting 5% cash in-lieu of park land pursuant to Section 510 of the *LGA*, except where the owner agrees to dedicate that portion of land required to construct a trail along Parkinson Road to JdF Community Parks and Recreation standards and that the owner agrees to construct the trail prior to final subdivision approval.

If the Land Use Committee and CRD Board agree to the motion, the applicant would be responsible for satisfying Section 510 of the *LGA* by voluntarily constructing and dedicating an approved trail. Satisfactory completion of the works would be a condition of Juan de Fuca Community Planning's sign-off to the Ministry of Transportation and Infrastructure required for final approval of the subdivision.

RECOMMENDATION

That the Land Use Committee recommend to the CRD Board:

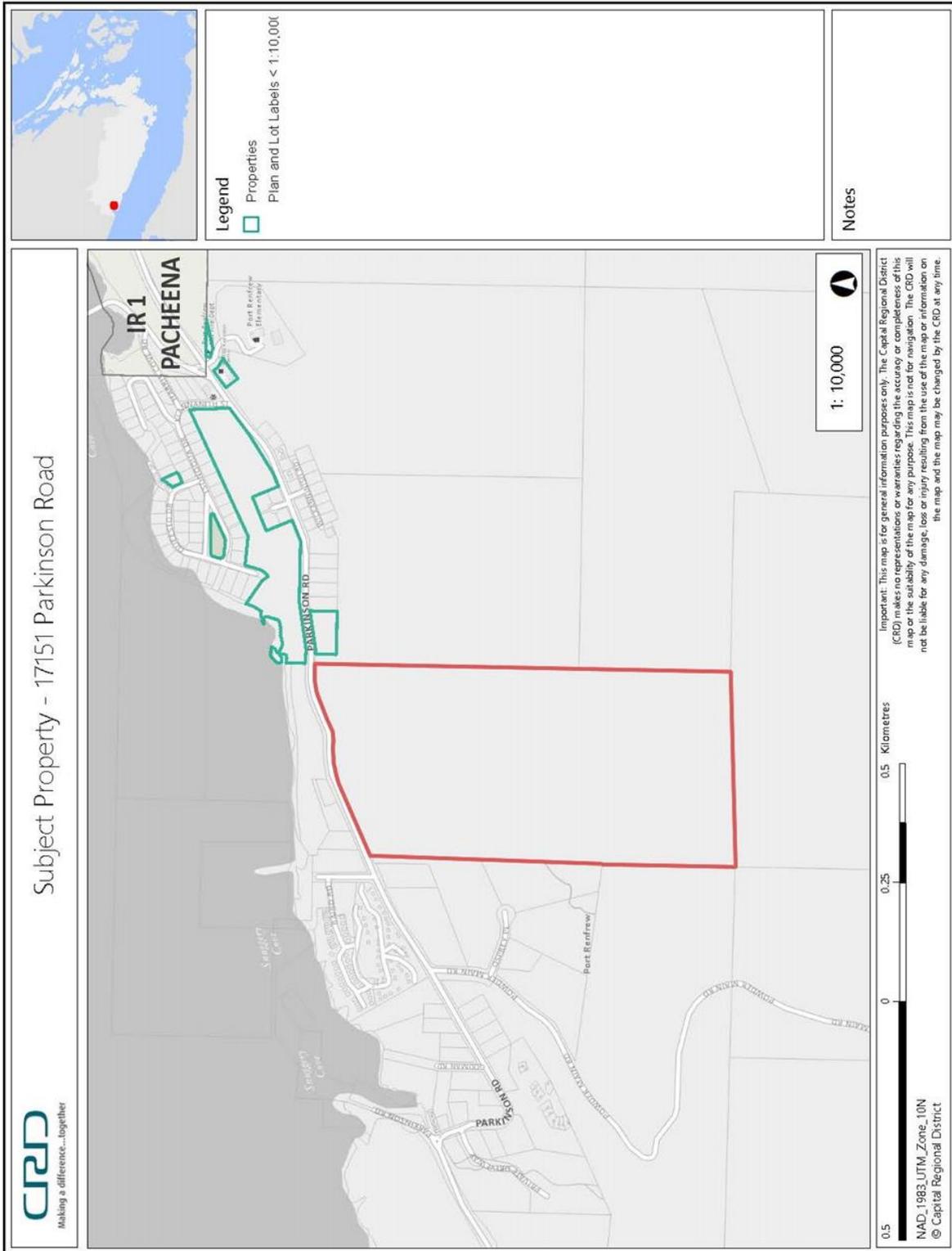
That 5% park land dedication be requested pursuant to Section 510 of the *Local Government Act* for the proposed subdivision of Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972, except that a lesser amount may be acceptable where the owner agrees to dedicate that portion of the subject property required to locate a trail along Parkinson Road to JdF Community Parks and Recreation standards, and that the owner agrees to construct the trail prior to subdivision approval.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Submitted by:	Don Closson, Manager, Juan de Fuca Community Parks and Recreation
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Orthophoto Map
- Appendix C: Plan of Subdivision
- Appendix D: Commission Minutes May 26, 2020
- Appendix E: Draft Port Renfrew Trails Plan

Appendix A: Subject Property Map



Appendix B: Orthophoto Map



Appendix D: Commission Minutes May 26, 2020

**Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission Meeting Minutes
May 26, 2020**

2

Commission comments included:

- regardless of redesign, interest in land is limited due to the density proposed
- property does not provide connectivity to the trail network proposed for Port Renfrew
- the riparian area is a protected area

MOVED by Commissioner Sloan, **SECONDED** by Commissioner Braunschweig that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for proposed subdivision of Lot A, District Lot 17, Renfrew District, Plan EPP10506 (SU000720), be received in the form of cash-in-lieu. **CARRIED**

b) Subdivision Application SU000721 - Parcel A (DD 143426I) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 (17151 Parkinson Road)

Regina Robinson spoke to the staff memo to the Commission regarding the referral received from the Ministry of Transportation and Infrastructure (MoTI) for a proposed 4-lot bare land subdivision.

Regina Robinson reported that:

- the Commission initially considered the application at its February 25, 2020 meeting
- at that meeting, the Commission requested a site visit prior to providing comment on the provision of park land
- members of the Commission attended the site on May 12, 2020
- the Commission considered earlier subdivision application proposals that included this property (S-22-07 and S-11-08)
- these application proposals did not proceed but several trail network versions were drafted and considered by the Commission
- to support development of a trail network in Port Renfrew, the Commission resolved to accept the voluntary commitment by the applicant for subdivision SU000679 to construct a 1.5 m wide trail within the public road right-of-way on a parcel located to the west of the subject property

Iain Lawrence responded to questions from the Commission advising that:

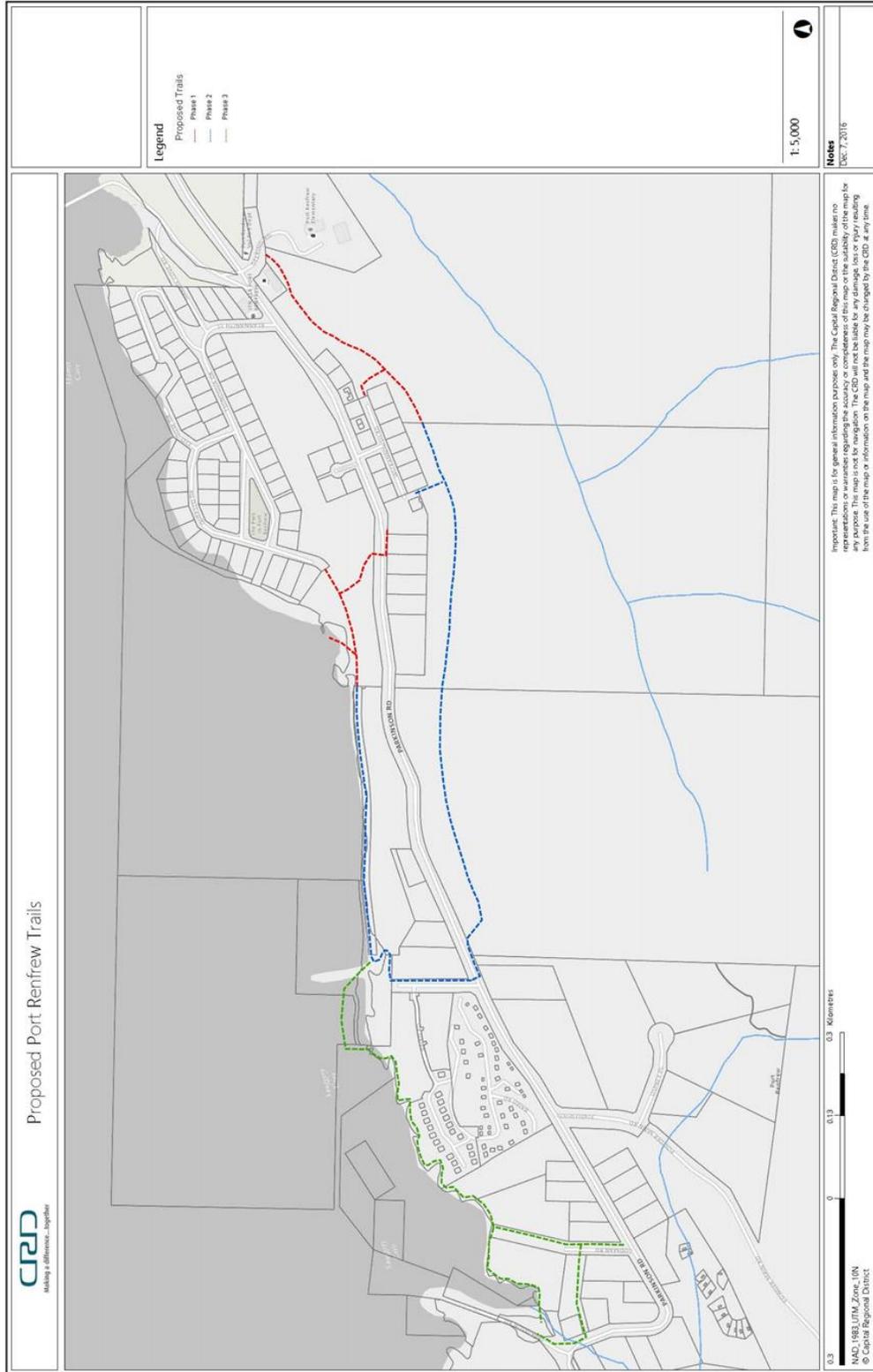
- the parent parcel is being divided into 2-lots
- one lot is being divided into 4-lots which triggers the requirement for park dedication
- 5% of the area of land being subdivided is .335 ha
- the Commission would consider the remainder lot at such time that a subdivision application is received
- the Commission resolved to support establishment of a trail on the lot located to the west of the subject property (SU000679)
- it is within the Commission's purview to state interest in environmentally sensitive areas and ecosystems which may include trees
- funds received as cash-in-lieu of park land must be deposited into the reserve established for acquiring park lands
- funds received as cash-in-lieu of park land cannot be used to develop parks

**Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission Meeting Minutes
May 26, 2020**

3

MOVED by Commissioner Braunschweig, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that, in accordance with Section 510 of the *Local Government Act*, park dedication in the amount of 5% be required for proposed subdivision of Parcel A (DD 1434261) of Section 97, Renfrew District, Except that part in Plans 15462, VIP77871 and EPP24972 (SU000721), except where the owner agrees to dedicate that portion of land required to construct a trail along Parkinson Road to JdF Community Parks and Recreation standards and that the owner agree to construct the trail prior to subdivision approval. **CARRIED**

Appendix E: Draft Port Renfrew Trails Plan





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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 21, 2020**

SUBJECT **Zoning and Official Community Plan Amendment Application for That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 – 3542 & 1-3542 Otter Point Road**

ISSUE SUMMARY

The owner has applied to rezone the subject property to permit six rural residential parcels and an industrial sawmill operation.

BACKGROUND

The 15 hectare (ha) subject property is located at 3542 Otter Point Road and is zoned Rural A in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). The property is designated as Settlement Area 2 and is partly designated as a Watercourses and Wetland Areas development permit area (DPA) by the Otter Point Official Community Plan (OCP), Bylaw No. 3819. The parcel is within the Otter Point Fire Protection Local Service Area and serviced by on-site wells and septic. There is currently a dwelling and a sawmill operation on the property.

The owner originally submitted a rezoning and subdivision (SU000711) application to create five 1 ha, Rural Residential 2 (RR-2) zoned parcels, a 6 ha parcel for a sawmill operation, and a 4 ha parcel for an aquaponics facility. Staff prepared Bylaw No. 4316 to rezone the parcel for the requested uses, and Bylaw No. 4317 to amend the Otter Point OCP by designating portions of the property as Watercourses & Wetland Areas and Commercial & Industrial DPAs.

At their meeting of July 16, 2019, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaws to agencies. Comments are summarized in Appendix B and included as received in Appendix C. Since the time that referrals were circulated, the applicant has revised the application to remove the aquaponics facility and to include an additional RR-2 zoned parcel on Otter Point Road. The updated site plan is included in Appendix D. Staff have amended Bylaw Nos. 4316 and 4317 accordingly.

ALTERNATIVES

Alternative 1

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

- a) That the referral of proposed Bylaw No. 4316, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019” and Bylaw No. 4317, “Otter Point Official Community Plan Bylaw, 2014, Amendment Bylaw No. 2, 2019” to the Otter Point Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Department of Fisheries and Oceans; District of Sooke; Ministry of Agriculture; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; RCMP; Sooke School District #62; and T’Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4316, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019” be introduced and read a first time and read a second time;
- c) That proposed Bylaw No. 4317, “Otter Point Official Community Plan Bylaw, 2014, Amendment Bylaw No. 2, 2019” be introduced and read a first time and read a second time;
- d) 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. 4316 and Bylaw 4317; and
- e) That prior to adoption of the bylaws, the applicant:
 - i. Provide confirmation from a Qualified Environmental Professional that the vegetative screening requirements in the M-3 zone and the recommendations for restoration of the riparian area outlined in the Conditions and Impacts report prepared by Corvidae Environmental Consulting Inc., dated February 2020, have been implemented;

- ii. Secure a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that the fire protection works related to the sawmill operation, described in the letter from the Otter Point Volunteer Fire Department dated January 30, 2020, be installed and conveyed to CRD prior to subdivision or further building construction.

Alternative 2

That the CRD Board not proceed with proposed Bylaw No. 4316 and Bylaw No. 4317.

Alternative 3

That more information be provided.

IMPLICATIONS

Legislative and Public Consultation Implications

A site profile has been submitted to the Ministry of Environment & Climate Change Strategy (ENV) in accordance with the *Environmental Management Act* and *Contaminated Sites Regulation*. A regional district must not approve a development application with respect to a site where a site profile is required until such time a release is granted pursuant to Section 557 of the *Local Government Act (LGA)*. A release has been granted by the Ministry of Environment for rezoning, but further site investigation is required as part of subdivision approval.

The sawmill operation requires a Waste Discharge Authorization pursuant to the *Environmental Management Act* and a groundwater licence pursuant to the *Water Sustainability Act*. These approvals are issued by the Province and are not a precondition for rezoning.

Should the proposal proceed, public hearings pursuant to Part 14, Division 3 of the *LGA* will be required subsequent to the amendments passing second reading by the CRD Board. Property owners within 500 m of the subject property will be sent notice of the proposed bylaw amendments and public hearings 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. Since the proposal includes an amendment to the Otter Point OCP, the bylaws will be considered by the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS prior to the bylaws being adopted.

The proposed amendments update development permit area maps to designate additional parts of the subject property for protection of the natural environment and to establish objectives for the form and character of industrial development.

Referral Process Implications

Referrals were sent to external agencies, the Otter Point Advisory Planning Commission (APC), the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission (JdF EA PRAC), and CRD departments in July 2019. Comments are summarized in Appendix B and included as received in Appendix C. As changes to the bylaws after the referral was first circulated do not add new uses or increase overall parcel density, staff are of the opinion that a second referral to agencies is not necessary.

Land Use Implications

Since the Land Use Committee first considered this application, referral comments have been received from agencies and the development proposal has been amended to remove the aquaponics use. In response, proposed Bylaw No. 4316 has been revised to delete the proposed aquaponics zone, and to include approximately 7 ha under the Rural Residential 2 zone and 8 ha under the new Industrial Sawmill zone. The bylaw also deletes the light, heavy and marine industrial zone categories that no longer apply to any land within the JdF EA (Appendix E). Proposed Bylaw No. 4317 amends the Otter Point OCP by adding to the Watercourses and Wetland Areas DPA for protection of an unmapped watercourse, and adding to the Commercial and Industrial Areas DPA in order to establish objectives for the form and character of the proposed industrial development (Appendix F).

In consideration of an application for rezoning, Section 4.1.1(4) of the Otter Point OCP states that proposals should demonstrate that community values and features can be protected subject to an assessment of the suitability of the land for the proposed use, no depletion or contamination of groundwater, appropriate scale and rural character, demonstrated protection of sensitive features and land significant to the region or community, use of 'green' building techniques, and measures to mitigate impact of development. Further, Section 4.1.1(11) outlines considerations for mixed use development, including: form and character compatibility; adequate parking and traffic flow; protection and separation of residential areas.

Environmental constraints: As part of this application, an Environmental Assessment report was submitted by Corvidae Environmental Consulting (Appendix G). The report identifies the location of a watercourse on the property and recommends environmental protection measures. In response to recent unauthorized clearing within the riparian area, a Conditions and Impacts report was provided that proposed replanting native species in the riparian area (Appendix H). Staff recommend that a Qualified Environmental Professional (QEP) verify that this work is completed prior to adoption of the bylaws.

Water supply and sewage disposal: Section 5.6 of the Otter Point OCP states that the OCP designates 51% of the Plan area as Rural Lands to allow for low density development, that all subdivision applications must include proof of sufficient potable water from individual drilled wells as determined by a Qualified Professional, and that all development should protect groundwater sources and not deplete or contaminate existing wells. The proposed rezoning includes rural residential parcels that are located within the Settlement Area 2 land use designation. Should the rezoning be supported, the parcels will require proof of potable water as part of the subdivision process in the amount of 1,400 litres per day per lot in accordance with Part 6, Section 6.02 of Bylaw No. 2040. Members of the public expressed concern that groundwater supplies are scarce in the area and that many wells run dry. Measures to conserve groundwater include incorporating rainwater capture systems in new buildings or installing storage tanks at the time of construction. The applicant has indicated a willingness to install such a system; however, it is beyond the scope of the subdivision bylaw. It is noted that the proposed rezoning does not increase the density of residential development permitted by the existing Rural A zone.

The *Water Sustainability Act* requires non-domestic users of groundwater to obtain a licence; therefore, the sawmill operation will require a provincial water licence.

Island Health provided comment to state that subdivisions must comply with the *Drinking Water Protection Act/Regulation* and *Sewerage System Regulation*. These regulations pertain to domestic water supply systems and domestic sewage, and not to the industrial component of the proposed development. Discharge associated with the sawmill operation may require provincial authorization under the *Environmental Management Act*. The applicant has initiated the authorization process with the Province.

Scale of development: The subject property is designated as Settlement Area 2, which supports a desired average parcel area for residential development of one ha with a minimum parcel area of 0.8 ha. Proposed Bylaw No. 4316 rezones a portion of the property to the RR-2 zone, which allows an average lot size of one ha and permits residential, agricultural and home based business uses, with a density of one dwelling unit plus either a secondary suite or a detached accessory suite. This is in keeping with the OCP policies.

An economic development objective of the Otter Point OCP supports accommodating limited industrial and commercial development with a focus on the Sooke Business Park. The subject property is in the vicinity of the Sooke Business Park (Appendix I).

Protection of natural features: Proposed Bylaw No. 4317 will add the unmapped watercourse to the Riparian development permit area and require that any future encroachment within this area be authorized by permit. The reports prepared by Corvidae Environmental Consulting Inc. outline recommendations to protect or restore natural features on the site. Due to the historical industrial use, there is a contaminated sites review underway and subdivision approval will be withheld until a determination is made.

Access to the proposed sawmill operation is across the watercourse at the eastern edge of the property on the existing Tenbury Road allowance. Industrial access and road dedication will be determined by TRAN and secured at time of subdivision. Works in and about a stream require provincial notification under Section 11 of the *Water Sustainability Act*. A development permit will be required as part of subdivision.

Adequate setbacks and vegetated buffers: Proposed Bylaw No. 4316 includes requirements to implement natural vegetative buffers to screen the proposed industrial use from adjacent roads and properties. Staff recommend that a Qualified Professional confirm these buffers are implemented prior to adoption of the proposed bylaws.

Protection of land considered regionally or locally significant: Section 5.1(15) of the Otter Point OCP identifies high potential park and trail opportunities including a desire to establish an inter-connected network of trails through the Plan area. The JdF Community Parks division currently holds a Licence of Occupation over the Weiland Road right-of-way for future construction of a multi-use trail extending from William Simmons Memorial Park to Kemp Lake Road, but the right of way terminates at the subject property. The JdF EA PRAC recommended establishment of a trail for continuation of Weiland Road. TRAN has requested dedication of Weiland Road along the southern portion of the property, which would allow the network to be completed.

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. Future consideration of statutory park dedication would occur as part of the subdivision process should the rezoning be supported.

Use of 'green' building techniques: Bylaw No. 4317 designates part of the property as a Commercial and Industrial DPA to regulate form and character in accordance with the DP guidelines. A development permit will be required for construction of any sawmill buildings or structures. The CRD Building Inspection Division advises that a Registered Professional will be required to be involved in certain aspects of the construction and that the applicant is advised to work with the CRD to resolve any outstanding building permits.

Works, services or community benefits to mitigate the impact of development: The need for fire protection measures was raised during the referral process. The Otter Point Volunteer Fire Department has proposed that the applicant install water supply in the form of tanks (60,000 ga) to aid fire protection for the industrial sawmill use and the community. Staff recommend a covenant be registered on the title of the property that requires the installation of the works by the applicant and access to the system by the fire department prior to subdivision or further building construction.

Concerns were raised at the APC meeting regarding noise and nuisances from the existing sawmill operation and increased intensity of the proposed uses. Concerns with increased traffic were also raised at the APC resulting from the number of employees and commercial trucks. CRD Bylaw Enforcement notes that nuisance-related complaints are likely to increase with an expansion of the sawmill operation in close proximity to residences. However, the applicant's planned upgrades include moving the sawmill indoors and switching from combustion engine saws to electric saws. These measures are anticipated to reduce the disturbance generated by noise.

Staff recommend receipt of the referral comments, first and second reading of Bylaw Nos. 4316 and 4317, proceeding to public hearing, and requiring that conditions be met prior to adoption of the bylaws.

CONCLUSION

The purpose of this OCP and zoning bylaw amendment application is to rezone the subject property to allow a six lot rural residential subdivision and an eight hectare industrial sawmill operation. Referral comments have been received and issues identified. Staff recommend proceeding with the bylaws subject to conditions being met prior to adoption.

RECOMMENDATION

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

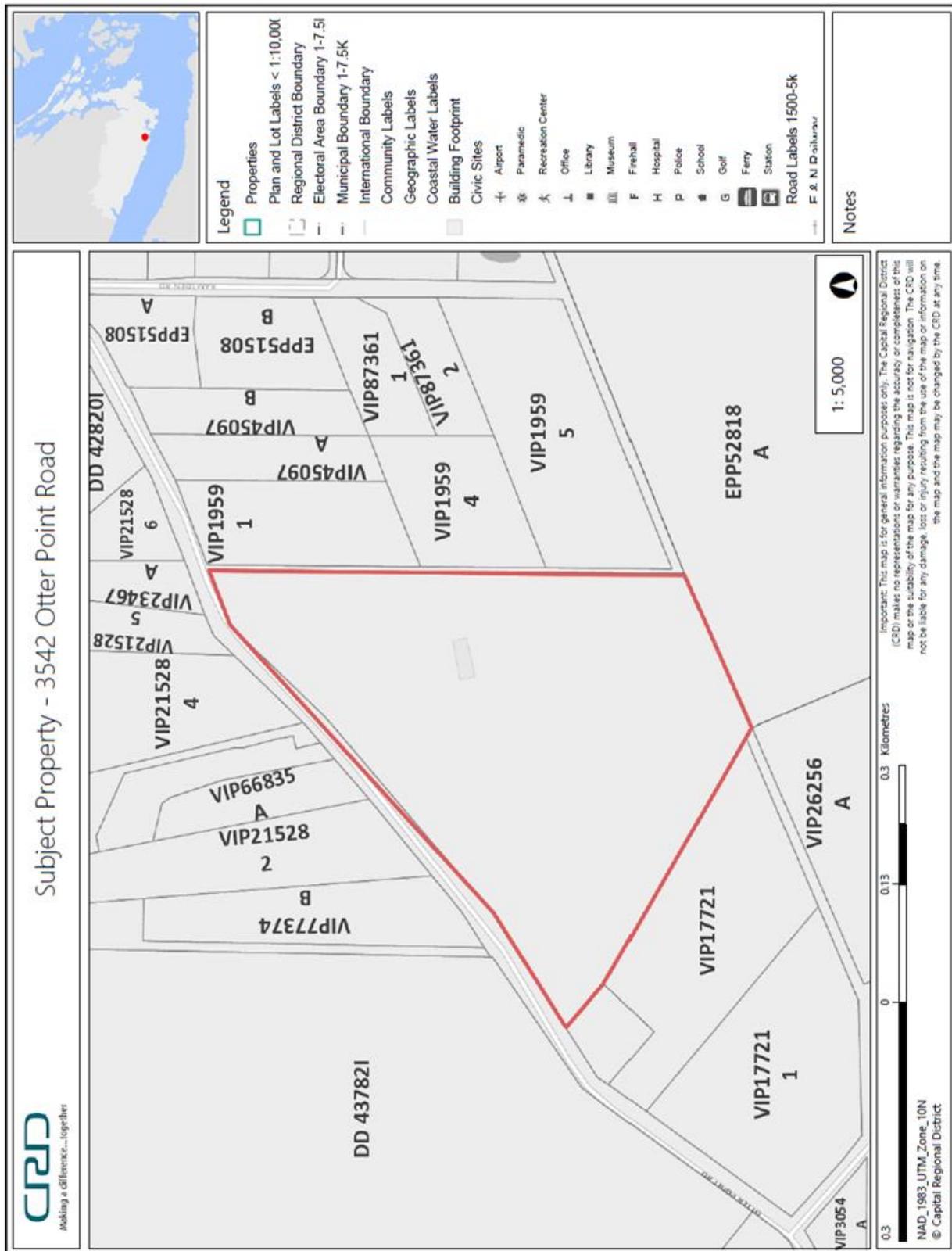
- a) That the referral of proposed Bylaw No. 4316, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019” and Bylaw No. 4317, “Otter Point Official Community Plan Bylaw, 2014, Amendment Bylaw No. 2, 2019” to the Otter Point Advisory Planning Commission; the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission; CRD departments; BC Hydro; Department of Fisheries and Oceans; District of Sooke; Ministry of Agriculture; Ministry of Environment and Climate Change Strategy; Ministry of Forests, Lands and Natural Resource Operations; Ministry of Transportation and Infrastructure; RCMP; Sooke School District #62; and T’Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4316, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019” be introduced and read a first time and read a second time;
- c) That proposed Bylaw No. 4317, “Otter Point Official Community Plan Bylaw, 2014, Amendment Bylaw No. 2, 2019” be introduced and read a first time and read a second time;
- d) 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. 4316 and Bylaw 4317; and
- e) That prior to adoption of the bylaws, the applicant:
 - i. Provide confirmation from a Qualified Environmental Professional that the vegetative screening requirements in the M-3 zone and the recommendations for restoration of the riparian area outlined in the Conditions and Impacts report prepared by Corvidae Environmental Consulting Inc., dated February 2020, have been implemented;
 - ii. Secure a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that the fire protection works related to the sawmill operation, described in the letter from the Otter Point Volunteer Fire Department dated January 30, 2020, be installed and conveyed to CRD prior to subdivision or further building construction.

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

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Summary of Referral Comments
- Appendix C: Referral Comments
- Appendix D: Development Proposal
- Appendix E: Proposed Bylaw No. 4316
- Appendix F: Proposed Bylaw No. 4317
- Appendix G: Environmental Report
- Appendix H: Conditions and Impacts Report
- Appendix I: Industrial Zoning Map

Appendix A: Subject Property Map



Appendix B: Summary of Referral Comments

AGRI confirmed there are no impacts related to the Ministry's interests with respect to the aquaponics facility; however, depending on the design and type of operation, several federal and provincial licences/permits will be required. Their comments do not apply to the current application as the proposed aquaponics development has been removed.

BC Hydro suggested that a servicing review be conducted for the proposed load requirements.

CRD Building Inspection stated that there are outstanding building permit requirements on the property and that certain aspects of the construction will involve oversight of a Registered Professional.

CRD Bylaw Services commented on the potential for increased reporting of nuisance-related complaints as a result of increased residential density in closer proximity to industrial uses.

CRD Protective Services commented that the applicant must ensure that proposed developments can be served by the local fire department and comply with the Building Regulation Bylaw regarding access to property and adequate water supply for firefighting.

CRD Solid Waste provided comment to indicate that the composting component of the proposed aquaponics operation may be subject to CRD Bylaw No. 2736, the CRD Composting Facilities Bylaw, as well as the BC Organic Matter Recycling Regulation.

DFO stated that the Regional Aquaculture Management Office oversees federal aquaculture regulations. The Aquaculture Management Division stated that the proposed facility would require a commercial aquaculture licence. Their comments do not apply to the current application as the proposed aquaponics development has been removed.

District of Sooke stated support for the screening requirements for the proposed aquaculture use. Their comments do not apply to the current application as the proposed aquaponics development has been removed.

ENV provided comment indicating that, under the *Environmental Management Act*, a waste discharge authorization is required for sawmilling and secondary wood processing operations; the discharge of finfish waste may require a permit under the Land-Based Finfish Waste Control Regulation; the composting portion of the operation will be required to register under the Organic Matter Recycling Regulation; and agricultural discharge may be governed by the Agricultural Environmental Management Code of Practice. Their comments related to the aquaponics facility are no longer relevant to this application as that component has been removed.

FLNR – Archaeology Branch stated there are no known archaeological sites recorded on the subject property; however, if archaeological material is encountered during development, all activity must stop and the Archaeology Branch be contacted for direction.

FLNR – Ecosystems Biologist provided comment with respect to ensuring the development complies with the *Water Sustainability Act*, the *Riparian Areas Protection Regulation* and the environmental protection measures recommended in the Qualified Professional's (QP) report.

Island Health requires that subdivisions comply with the *Drinking Water Protection Act* and regulations.

Otter Point Volunteer Fire Department recommended an adequate water supply for firefighting purposes be provided for the sawmill operation in order to reduce the risk of wildfire within the community.

RCMP stated no comment on the application.

Sooke School District #62 stated no concerns.

TRAN requires the applicant to apply for an industrial access permit.

JdF EA PRAC met on July 30, 2019. There was one member of the public in attendance and no written submissions were received. The Commission considered the application and passed the following motion:

MOVED by Director Hicks, **SECONDED** by Commissioner Sloan that the Commission supports the rezoning application with establishment of a trail for continuation of Wieland Road at the time of subdivision.

CARRIED

A meeting of the Otter Point APC was held on September 10, 2019. There were 26 members of the public in attendance and no written submissions received. The Commission considered the application and passed the following motion:

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the Otter Point Advisory Planning Commission recommend that the Juan de Fuca Land Use Committee allow for further review of primary community concerns including water supply, firefighting servicing, noise, hours of work, traffic, rodents, future land use considerations, pollution including lighting, fencing/buffering and protection of the riparian area.

Opposed: Bud Gibbons

CARRIED

AGRI – Ministry of Agriculture

Appendix C: Referral Comments



File: Lawrence-190911
Ref: RZ000267

Emma Taylor
Planner
Juan de Fuca Community Planning
Capital Regional District
3-7450 Butler Road, Sooke BC V9Z 1N1
Email: etaylor@crd.bc.ca

Re: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road)/Proposal for an indoor aquaponics facility.

Dear Ms. Taylor,

Based on the information received from you email dated September 4, 2019, I can confirm that there are no impacts related to the Ministry's interests with respect to the development of the proposed aquaponics facility. I would note; however, that depending on the design and type of operation of the facility, source and disposition of the fish, several federal and provincial licences/permits will be required, which are detailed as follows:

- Aquaculture Licence (Fisheries & Oceans Canada)
- Water Licence (BC Ministry of Environment and Climate Change Strategy)
- Waste Water Discharge Permit (BC Ministry of Environment and Climate Change Strategy)
- Import Permit (for aquatic animals if imported) (Canadian Fish Inspection Agency)
- Introduction and Transfer Permit (Fisheries & Oceans Canada/BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development)
- Fish Processing Licence (Ministry of Agriculture or Canadian Food Inspection Agency)
- Seafood Vendor Licence (Ministry of Agriculture)

Note that the above list is not exhaustive as other permits/authorizations/licences may be required depending on the specific activities undertaken.

I would also note that some storage, processing and greenhouse crops are regulated in BC by the BC Vegetable Marketing Commission (BCVMC) under the authority of the *Natural Products Marketing (BC) Act* and its *Regulations*. Greenhouse crops include tomatoes, cucumbers, peppers and lettuce, which require a production allocation from the BCVMC. The Commission

.../2

Ministry of Agriculture Sector Development Branch

Mailing Address:
PO Box 9120, Stn Prov Gov
Victoria, BC V8W 9B4

Web Address: <http://www.ag.gov.bc.ca>

Page 2

may exempt small operations from this requirement and only require a licence fee. More information about the BCVMC can be found here:

<http://www.bcveg.com/>

Generally, the regulations exempt the direct sale of small volumes of produce sold direct to consumers but regulate the sale of product to retail outlets. Specifically, a license is required to sell regulated vegetables in any of the following situations:

1. A farmer sells more than one tonne (2,200 lb) of a regulated vegetable per year;
2. A farmer has more than 5,000 m² greenhouse space devoted to growing regulated vegetables;
3. A farmer has an established relationship with a customer who is purchasing more than 300 lb of regulated vegetables per transaction;
4. A farmer sells more than \$1,000 of regulated produce to an agency per year.

Further, where growers market regulated vegetables through agencies, the agencies will require that the growers are licensed through the BCVMC

The above notes are taken directly from "*Growing Connections, a handbook for purchasers + farmers in the Cowichan Region*" (Page 91) which is a good reference/resource that can help connect producers with buyers: <http://cowichangreencommunity.org/wp-content/uploads/2014/05/Growing-Connection-Handbook.pdf>.

Lastly, regarding composting fish wastes/offal on site, I would refer you to the Organic Matter Recycling Regulation of B.C. (OMRR), which is currently under review. More information can be found here:

<https://www2.gov.bc.ca/gov/content/environment/waste-management/food-and-organic-waste/regulations-guidelines>

Please do not hesitate to contact me should you require further details or wish to discuss further.

Sincerely,



Myron Roth, Ph.D., P.Ag.
Team Lead, Aquaculture & Marine Fisheries
Sector Development Branch

cc. Georgina Hodson, SDB, Ministry of Agriculture
Reed Bailey, IASB, Ministry of Agriculture
Jake Turek, ISAB, Ministry of Agriculture

BC Hydro

From: McFarlane, Penny <Penny.Mcfarlane@bchydro.com>
Sent: Wednesday, August 07, 2019 4:36 PM
To: Wendy Miller
Cc: Design, SVI; Mann, Elaine
Subject: FW: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral
Attachments: STAFFRPT-LUC-REFERRAL-RZ000267.pdf; REFFERAL-FORM-AGENCIES-RZ000267.pdf

Hello Wendy,

BC Hydro has no objections to the rezoning, however; the proponent must contact the ESCC/Victoria Design to see what servicing is available at this location as it appears from the information below that the load requirements will be quite heavy. Thank you

Penny

CRD Building Inspection

Wendy Miller

From: Mike Taylor
Sent: Tuesday, June 09, 2020 3:59 PM
To: Iain Lawrence; Wendy Miller
Cc: Kevin Lorette
Subject: Rezoning and OCP Amendment Application RZ000267, 3542 and 1-3542 Otter Point Rd

Hello, Iain. With respect to the rezoning application RZ000267 I attended the property at 3542 Otter Point Rd. with you and the owner, and reviewed the two existing buildings currently in use as a saw mill. I have also reviewed a report assessing these buildings prepared by BICC Professional Inc., dated March 30, 2020.

In accordance with the BC Building Code the use or occupancy of each of the buildings would be classified as Medium Hazard Industrial, F2. According to the BICC report the larger of the buildings is approximately 6880 sq ft. Due to its size it must be considered to be a Part 3 building with respect to the Code. Part 3 buildings are required to be designed and constructed with the oversight of Registered Professionals (registered Architects and Engineers) for all aspects of the project. Although there is some limited permit information in the property file for this site the sawmill buildings do not appear to be complete, nor in compliance with all aspects of the BC Building Code.

With the goal of completing these buildings in a manner that is in reasonable compliance with the BC Building Code I recommend that the applicant submit a Building Permit application for completion of the building and Code compliance review. This permit application should be accompanied with sealed drawings and Letters of Assurance from Registered Professionals for all aspects of the building demonstrating and detailing work needed to verify Building Code compliance. The areas of approval would include, but may not be limited to, Architectural, Structural, Mechanical/Plumbing, and Electrical. Through the site inspection I attended I have become aware of many aspects of the Building that I would assume to be non-compliant with respect to the Code including access to exit, fire separations and fire protection, stair design, lack of finishing both interior and exterior, etc.

The second smaller building, also being used as a sawmill, may be considered to be a Part 9 building as opposed to a Part 3 building, however, I believe it would also require Registered Professionals to be involved with a building permit application to demonstrate compliance with the BC Building Code.

Also evident on file is a small number of outstanding and expired building permits. The applicant is advised to work with the Building Inspection Dept. to review and resolve any outstanding matters so the approvals may be submitted.

I would be happy to review this matter with you further, or to discuss with the property owner our building permit application process and Building Code requirements. Thank you.

Mike

Michael Taylor
Manager and Chief Building Inspector
Capital Regional District | 625 Fisgard Street, PO Box 1000, Victoria, BC V8W 2S6
T: 250.360.3230 | F: 250.360.3232 | Email: mtaylor@crd.bc.ca
Office Hours: Monday - Friday 8:30 am - 4:30 pm

CRD Bylaw Services

From: Wilf Marquis
Sent: Tuesday, August 13, 2019 3:33 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road)

CRD Bylaw Services has reviewed the rezoning and subdivision (SU000711) application and the purpose of this zoning bylaw amendment application is to rezone a 5 ha portion of the subject property from Rural A to Rural Residential 2 (RR-2) to allow a five lot rural residential subdivision, to rezone a 6 ha area to a new Industrial Sawmill (M-3) zone, and to rezone a 4 ha portion to a new Industrial Aquaculture (M-4) zone.

This proposal is multi-faceted with increased density (RR-2), recognition of an Industrial sawmill (M-3) zone and inclusion of an Industrial Aquaculture (M-4) zone. The sawmill already exists and this step would bring the use that is already occurring into compliance. CRD Bylaw Services has not had a complaint regarding this sawmill activity at the property in the past which may be partially as a result of the current lack of density and proximity to residential uses. CRD Bylaw Services has concerns with this proposal in so far as potential increased reporting of nuisance type complaints (noise, odour, etc.) as a result of the increased residential density and proximity to the proposed adjacent Industrial uses.

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

CRD Protective Services

From: Jonathan Reimer
Sent: Tuesday, September 17, 2019 4:21 PM
To: Wendy Miller
Cc: Iain Lawrence
Subject: RE: Rezoning and OCP Amendment Application RZ000267 and Rezoning Application RZ000268

Hi Wendy,

Apologies for the late response. I've conferred with the local Fire Chiefs and Building Inspection staff and would like to add this comment to both applications:

The applicant must ensure that proposed developments can be served by the local fire department and comply with the Building Regulation Bylaw regarding access to property and adequate water supply for fire fighting (Bylaw No. 3741 section 2.1.7).

Yours,

Jonathan Reimer MSc
Manager, Electoral Area Fire and Emergency Programs
Protective Services | Capital Regional District
625 Fisgard St, Victoria BC V8W 2S6
T: 250-360-3137 | C: 250-415-1695

For emergencies, contact the CRD Duty Officer at 250-360-3223 or ecoreports@crd.bc.ca

CRD Solid Waste

From: Tom Watkins
Sent: Wednesday, July 31, 2019 4:06 PM
To: Wendy Miller
Cc: Emma Taylor; Russ Smith
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road)

Hi Wendy,

Thanks for the email, from what I can see, the proposed aquaculture operation may be subject to the CRD composting facilities bylaw which is explained at:

<https://www.crd.bc.ca/service/waste-recycling/kitchen-scrap/composting-facilities-bylaw>

The actual bylaw may be found at:

https://www.crd.bc.ca/docs/default-source/crd-document-library/bylaws/solidwastehartlandlandfillssitransferstationscompostingfacilities/2736---capital-regional-district-composting-facilities-regulation-bylaw-no-1-2004B.pdf?sfvrsn=457e4250_0

The bylaw contains a number of requirements to which the proponent would need to comply including leachate and odour management plans.

It may also be subject to the BC Organic Matter Recycling Regulation:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/18_2002

Hope this helps.

Regards, Tom

DFO

From: Gravelle, Kristin <Kristin.Gravelle@dfo-mpo.gc.ca>
Sent: Wednesday, July 17, 2019 4:29 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

Hello,

The role of the DFO's Fish and Fish Habitat Protection Program (FFHPP) is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the Fisheries Act. The FFHPP is specifically responsible for reviewing projects for which a s.35(2) Fisheries Act Authorization is required.

DFO does not have a regulatory role related to the CRD Referral - Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) because it does not directly propose works, undertakings or activities that may result in serious harm to fish.

DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the *Fisheries Act*, request a DFO review of a project, and request a *Fisheries Act* authorization.

If you would like to report a habitat violation, please call the Observe Record Report (ORR) hotline. Anonymous reports of suspicious activity and concerns about impacts to fish or fish habitat may be made directly to the toll-free 24-hour hotline at 1-800-465-4336 or 604-607-4186 in Greater Vancouver. Further information can be found online: <http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/ORR-ONS-eng.html>.

If you have any further questions about DFO's regulatory process or need general information, contact DFO's Fish and Fish Habitat Protection Program toll free: 1-866-845-6776 or email: EnquiriesPacific@dfo-mpo.gc.ca.

Thank you,

Kristin Gravelle

Biologist, Fish and Fish Habitat Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada/Government of Canada
Pacific Biological Station
3190 Hammond Bay Road, Nanaimo, B.C. V9T 6N2
Kristin.Gravelle@dfo-mpo.gc.ca/Tel: 250-756-7292 Cell: 250-739-0673

Biologiste, Programme de protection du poisson et de son habitat
Direction des écosystèmes
Pêches et Océans Canada | Gouvernement du Canada
Station biologique du Pacifique
3190, chemin Hammond Bay Nanaimo (Colombie-Britannique) B.C. V9T 6N2
Kristin.Gravelle@dfo-mpo.gc.ca/Tel: 250-756-7292 Cell: 250-739-0673

National Website: "Projects Near Water": <http://wwwdev.ncr.dfo-mpo.ca/pnw-ppe/index-eng.html>
FFHPP Enquiries: EnquiresPacific@dfo-mpo.gc.ca; Referral submission: ReferralsPacific@dfo-mpo.gc.ca
Fisheries violations - Observe Record Report Line: 1-800-465-4336 or <http://www.pac.dfo-mpo.gc.ca/fm-gp/rec/points/ORR-ONS-eng.htm>

Wendy Miller

From: Emma Taylor
Sent: Thursday, December 12, 2019 3:07 PM
To: Wendy Miller
Subject: FW: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD referral

Please save referral comment and contact info for future.
Thanks

From: AQFW / AQFW (DFO/MPO) [mailto:FreshwaterAquaculture.XPAC@dfo-mpo.gc.ca]
Sent: Thursday, December 12, 2019 2:48 PM
To: PAC.AAR / RAA.PAC (DFO/MPO) <DFO.PACAAR-RAAPAC.MPO@dfo-mpo.gc.ca>; Emma Taylor <etaylor@crd.bc.ca>
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD referral

Thank you Krista,

I had not received the referral.

Emma, I work on land-based aquaculture applications, for facilities licensed under PAR. This proposed facility would require a commercial aquaculture licence. Please contact me for more details.

Thank you,

Vanessa Metcalf

Aquaculture Management Coordinator | Coordonnatrice de la gestion de l'aquaculture
Aquaculture Management Division | Division de la gestion de l'aquaculture
Fisheries and Oceans Canada | Pêche et Océans Canada
250-754-0405

District of Sooke

Wendy Miller

From: Tara Johnson <tjohnson@sooke.ca>
Sent: Monday, September 09, 2019 4:36 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

I apologize for the delay Wendy,

The District of Sooke has no objections to Bylaw No. 4316 to rezone the parcel for the requested uses and Bylaw 4317 to amend the Otter Point OCP to designate portions of the property as Watercourses & Wetland Areas and Commercial & Industrial development permit areas

Being a neighboring property, thank you for providing a section on specific Screening requirements within the draft Industrial Aquaculture Zone.

Kind Regards,

Tara Johnson, MCIP, RPP
Planner II- District of Sooke
2205 Otter Point Road, Sooke BC V9Z 1J2
Email: tjohnson@sooke.ca
Phone (250) 642-1634
Direct (250) 642-1627
Fax (250) 642-0541 web: <http://www.sooke.ca>

 Rethink Reduce Reuse Repair Recycle

 Please consider the environment before printing this e-mail



ENV

From: "Tam, Jordan ENV:EX" <Jordan.Tam@gov.bc.ca>
Date: August 6, 2019 at 3:22:06 PM PDT
To: Emma Taylor <etaylor@crd.bc.ca>
Cc: "Barlas, Sajid A ENV:EX" <Sajid.Barlas@gov.bc.ca>
Subject: RE: composting facility inquiry

Hi Emma,

Thanks for your inquiry, if you could forward me a copy of the referral package I can hopefully better answer your questions. From the information provided I have put down some of my initial thoughts regarding the Ministry's regulatory requirements. These may be subject to change based on the facility's operations and how it will be oriented.

1. The composting portion of the operation will be required to register under the Organic Matter Recycling Regulation. Should the facility be producing greater than 5,000 dry tonnes of compost annually a permit may also be required for the facility.
2. The discharge associated with the land based finfish portion of the facility may require registration under the Land-Based Finfish Waste Control Regulation, however depending on the type of fish, discharge location and fish being reared, a permit may be required.
3. Discharge from the agricultural operations (such as greenhouses) will likely be covered by the Agricultural Environmental Management Code of Practice.

Please let me know if you have any questions,

Cheers,

Jordan Tam, P.Ag.
Environmental Protection Officer – South Authorizations
Regional Operations Branch | Environmental Protection Division



Ministry of Environment and Climate Change
Strategy
#200-10470 152nd St.
Surrey, BC, V3R 0Y3
Direct: 604.930.7106 | Jordan.Tam@gov.bc.ca

Emma Taylor

From: Wheating, Graham ENV:EX <Graham.Wheating@gov.bc.ca>
Sent: Thursday, September 12, 2019 12:01 PM
To: Emma Taylor
Subject: RE: wood processing facility inquiry

Hello Emma,

Thank you for your inquiry regarding a logging and sawmill operation on Otter Point Road. I am with the Hazardous Waste and Forestry Section of South Authorizations and Jordan Tam forwarded your questions regarding logging and sawmill operation on to my. Please see my responses to your questions below in blue.

- What regulations apply to timber harvesting, log sales and sawmill operations?
- The Environmental Management Act (EMA) does not pertain to timber harvesting or log sales, these operations are managed by the Ministry of Forest Lands Natural Resource Operations and Rural Development (FLNRORD). However, I'm not sure if FLNRORD manages these operations on private land. I recommend they getting in touch with Front Counter BC who should be able to get you in touch with folks in FLNRORD that can help answer this.
- However, Section 6(2) of EMA would apply to the sawmilling and production of secondary value-added products and a waste discharge authorization is required for sawmilling and secondary wood processing operations. There is no regulation or Code of Practice that applies to these operations, so they would need to apply for a site specific waste discharge permit.
- As such, this application would be processed through the Routine Application Stream of our Structured Application Process. More information on the routine application process can be found at: <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/routine-application-process>
- Does the Waste Discharge Regulation and Code of Practice for industrial non-hazardous waste landfills incidental to the waste processing industry apply? Are there permit or licencing requirements associated?
- If they operate or propose to operate a landfill solely for the purpose of disposing of this type of waste then they are required to register under and comply with the requirements of the COP. Please see the Ministry's [Guidance, Forms & Fees for Waste Authorizations](#) website (under the tab for this COP) for more information. The Ministry has also produced a Wood Waste Landfill Guideline that is available here: <https://www2.gov.bc.ca/assets/gov/environment/waste-management/industrial-waste/industrial-waste/pulp-paper-wood/woodwastelandfillguideline.pdf>
- Registrations under this COP are processed through the Express Transaction Stream of our Structured Application Process. More information on the express transaction process can be found at: <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/express-transaction-process>
- A site profile has been submitted for review under the Contaminated Sites Regulation.
- Thank you for this update, however my section is not involved with the administration of the Contaminated Sites Regulation so I can't speak to the status of this review.

I hope answered most of your questions, please don't hesitate to contact me if you have any additional questions.

Cheers,

Graham Wheating

FLNR – Archaeology Branch

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: Tuesday, August 06, 2019 9:43 AM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

Hello Wendy,

Thank you for your referral regarding rezoning and an OCP amendment for proposed development at 3542 and 1-3542 Otter Point Road, Sooke, PID 009499369, THAT PART OF SECTION 17, OTTER DISTRICT, LYING EAST OF OTTER POINT ROAD, EXCEPT PARCEL C (DD 43782I) AND EXCEPT PARTS IN PLANS 3054 AND 17721. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

Archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this information request.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.

Questions?

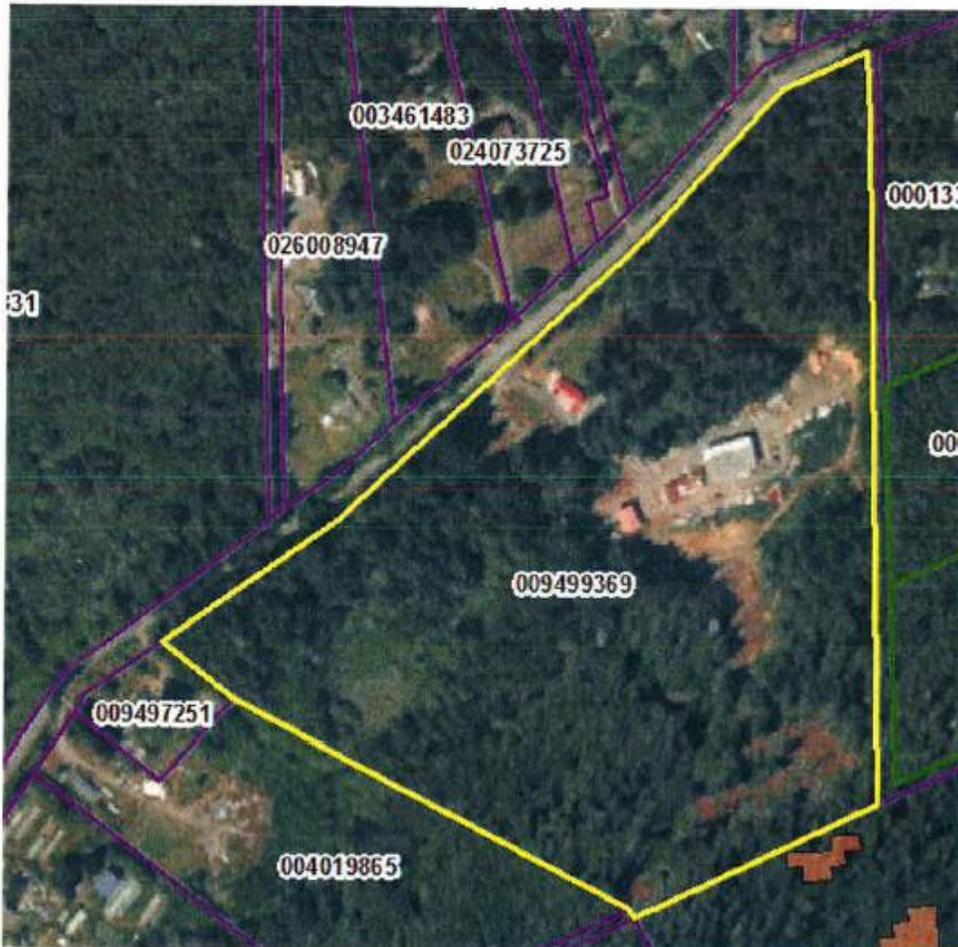
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Please let me know if you have any questions regarding this information.

Kind regards,

Diana



Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent.

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: www.gov.bc.ca/archaeology

Island Health

**RESPONSE SUMMARY – REZONING AND OFFICIAL COMMUNITY PLAN
AMENDMENT APPLICATION RZ000267**

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

1. For the creation of any new lots, we are a referred to entity from Ministry of Transportation and Infrastructure, and aim to ensure the developer meets with the minimum requirements outlined in our Subdivision Standards.

2. Ensure compliance with the Drinking Water Protection Act/Regulation and Sewerage System Regulation.

Kazuhiro Takeuchi
Signed

Environmental Health Officer
Title

July 19, 2019
Date

Island Health
Agency

Otter Point Volunteer Fire Department

OTTER POINT VOLUNTEER FIRE DEPARTMENT

Thursday, 7-9 p.m.
Office Phone 642-6211
Office Fax 642-2673

3727 Otter Point Road
Sooke, B. C. V9Z 0K1
www.otterpointfire.bc.ca

January 30, 2020

CRD: JdF Community Planning
Attn. Iain Lawrence
#3 – 7450 Butler Road.
Sooke, BC V9Z 1N1



Re: Referral for Warburton Subdivision Proposal

Property at 3542 Otter Point Road.
Known as: Warburton's Mill
PID 009499369, Section 17
Folio: 762.16114.000

I have carefully considered the requirements for a water supply for fire protection at Warburton's Mill. There is much more to consider than just the protection of the mill and stored lumber. There is very significant risk to the community, both in the risk of wildfire and interface fires should a fire break out and not be immediately controlled at the Warburton Mill. The fuel load that is on site in the form of buildings, stored lumber, sawdust, milling debris and raw logs is very significant. Should a fire at this location grow uncontrolled for any length of time the fire would quickly become beyond the capacity of the local and mutual aid fire departments to control. On a warm summer day with a breeze, or a stronger wind, embers would be carried great distances potentially igniting spot fires, structure fires and forest fires which could result in a disastrous wildfire event causing great harm to our whole community.

I understand that Mr. Warburton has a portable pump set up in the stream for his own use should a fire break out. I commend Mr. Warburton for being proactive and having some form of initial firefighting capability on hand.

The reality is that a portable pump in the creek is not enough to supply water for firefighting at this mill. The creek itself has limited potential and a portable pump is probably capable of flowing 100-200gpm. (not enough water for fire flow at a small residential structure fire.) While this may be effective for a small incipient fire, it certainly is not even close to the requirements should a fire at this location grow to any size.

The very minimum that I would recommend is a system capable of supplying 1000gpm or more for up to one hour. Big water is the only hope of putting out a fire at this location before it grows to a size which is beyond the capacity of our combined fire departments to control.

The system that I would recommend would consist of 6- 10,000 gallon water tanks (for a total of 60,000 gallons of water) linked together with 6" plumbing and connected to a fire hydrant for quick and easy connection as well as providing freeze protection in the winter. The location of the system must be determined to allow for quick and safe access and connection in all fire scenarios.

This system would allow for quick access to a water supply that would allow the fire department to flow 1000gpm for up to an hour. A similar system is being installed in the Sooke Business Park for a commercial development.

I believe that this system provides a fair solution to Mr. Warburton while at the same time providing a reasonable measure of fire protection to the community.

If you have any further questions please contact me at the above number or by email at jmccrea@otterpointfire.bc.ca

Yours truly,



John McCrea, Fire Chief
Otter Point Fire Department

CC:

RCMP

From: Clayton WIEBE <clayton.wiebe@rcmp-grc.gc.ca>
Sent: Wednesday, August 14, 2019 1:45 PM
To: Wendy Miller
Subject: RE: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral

The Sooke RCMP has no comment relating to this Application

Sooke School District #62

From: Pete Godau <pgodau@sd62.bc.ca>
Sent: Tuesday, July 23, 2019 1:54 PM
To: Wendy Miller
Cc: Scott Stinson; Harold Cull; Farzaan Nusserwanji
Subject: FW: Rezoning and OCP Amendment Application RZ000267 (3542 & 1-3542 Otter Point Road) - CRD Referral
Attachments: STAFFRPT-LUC-REFERRAL-RZ000267.pdf; REFFERAL-FORM-AGENCIES-RZ000267.pdf

Good Afternoon Wendy,

At this time the school district does not have any concerns with this referral.

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
Shaping Tomorrow Today

TRAN

From: Breysen, Tara TRAN:EX <Tara.Breysen@gov.bc.ca>
Sent: Wednesday, August 07, 2019 11:52 AM
To: jdf info
Subject: Rezoning Referral - File RZ000267 - Amendment to Bylaw 2040 - Ministry File 2019-04362
Attachments: H0020 Permit application - fillable.pdf

Good morning

Please accept this as official response from the Ministry of Transportation and Infrastructure in regards to the proposed rezoning of 3542 Otter Point Road for the purpose of a 5 lot rural residential subdivision, a new Industrial Sawmill and a new industrial aquaculture zone.

As a condition of this approval, the Ministry requires the applicant to apply for an Industrial access permit for access to the non-conforming sawmill that is existing on the property. I have attached an application form that would be required to apply for the access.

Please have the applicant contact Owen Page, Development Office (owen.page@gov.bc.ca, 236-478-1552) if they have any questions or concerns.

TARA BREYSEN
District Clerk
Saanich Area Office
Ph: 778-974-2630
Fx: 250-952-4508

JdF EA Parks and Recreation Advisory Commission



Making a difference...together

**Minutes of a Meeting of the
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission
Held Tuesday, July 30, 2019 at the Juan de Fuca Local Area Services Building,
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: S. Jorna (Chair), V. Braunschweig, B. Croteau, J. Gaston,
Director M. Hicks, A. Marchand, A. Sielopp, P. Sloan
Staff: D. Closson, Manager, Juan de Fuca Parks and Recreation;
E. Taylor, Planner; W. Miller, Recorder

PUBLIC: 1

The meeting was called to order at 3:00 pm

1. Approval of the Agenda

MOVED by Commissioner Croteau, **SECONDED** by Commissioner Sielopp that the agenda be approved, as amended, to add a presentation from the Friends of Coppermine Park Society under New Business.

CARRIED

2. Adoption of the Minutes of May 28, 2019

MOVED by Commissioner Croteau, **SECONDED** by Commissioner Sielopp that the minutes from the meeting of May 28, 2019, be adopted.

CARRIED

3. Chair's Report

None.

4. Director's Report

Director Hicks reported that Wally Vowles has stepped down as Alternate Director and that Dan Quigley now fills the position. Director Hicks relayed that he anticipates attending future meetings of the Commission.

5. Delegation – Juan de Fuca Community Planning

a) Zoning and Official Community Plan Amendment Application RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)

Emma Taylor spoke to the staff report to the Juan de Fuca Land Use Committee and the request to rezone a 5 ha portion of the subject property from Rural A to Rural Residential 2 (RR-2) to allow a five lot rural residential subdivision, to rezone a 6 ha area to a new Industrial Sawmill (M-3) zone, and to rezone a 4 ha portion to a new Industrial Aquaculture (M-4) zone. An amendment to the Otter Point Official Community Plan (OCP) is also proposed to designate portions of the property as Watercourses & Wetland Areas and Commercial & Industrial development permit areas.

Emma Taylor confirmed that the agent for the application was present and directed attention to the policies in the Otter Point OCP for parks and natural areas for the Commission's consideration.

Juan de Fuca Electoral Area Parks and Recreation
Advisory Commission Meeting Minutes
July 30, 2019

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The Chair reported that staff and members of the Commission attended the two subject properties being considered for rezoning on July 29.

Commission comments included:

- the Commission holds a licence of occupation over Wieland Road for trail use
- the subject property interrupts the trail
- extension of the gazetted road or establishment of a statutory right-of-way over the subject property would provide an alternative transportation route from William Simmons Memorial Park to Kemp Lake Road to Crown lands to the west

Emma Taylor responded to questions from the Commission advising that

- the obligation for formal park land dedication in accordance with Section 510 of the *Local Government Act (LGA)* would be at the time of subdivision, should the rezoning application proceed
- the applicant has submitted a subdivision application
- the applicant is aware of the licence of occupation
- the rezoning application has been referred to agencies for comment
- agency comments will be shared with the applicant and considered by the Land Use Committee

Director Hicks stated that, should a route be secured over the subject property, gas tax funds could be utilized to support construction of a trail.

Staff presented photos from the July 29 site visit.

Commission comments included:

- it is understood that the property owner wants to be able to access the adjacent private property to the south as part of the sawmill operation
- measures would need to be in place to ensure the safety of all users
- proposed route would be screened by trees
- the proposed route would benefit the community of Otter Point

Emma Taylor responded to a question from the Commission advising that a combination of land and cash can be considered at the time of subdivision to meet the requirements of Section 510 of the *LGA*.

MOVED by Director Hicks, **SECONDED** by Commissioner Sloan that the Commission supports the rezoning application with establishment of a trail for continuation of Wieland Road at the time of subdivision.

Staff responded to a question from the Commission advising that the application will also be considered by the Otter Point Advisory Planning Commission.

The Chair called the question.

CARRIED

Otter Point APC



Making a difference...together

**Minutes of a Meeting of the Otter Point Advisory Planning Commission
Held September 10, 2019 at Juan de Fuca Local Area Services Building, 3-7450 Butler Road,
Otter Point, BC**

PRESENT: Al Wickheim (Chair), Bud Gibbons, Sid Jorna, Anne Miller, Stephen Smith
Staff: Emma Taylor, Planner; Wendy Miller, Recorder
PUBLIC: 26

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

1. Approval of the Agenda

MOVED by Anne Miller, **SECONDED** by Sid Jorna that the agenda be approved.

CARRIED

2. Approval of the Supplementary Agenda

No supplementary items.

3. Adoption of the Minutes of April 9, 2019

MOVED by Bud Gibbons, **SECONDED** by Anne Miller that the minutes of the meeting of April 9, 2019, be adopted.

CARRIED

4. Planner's Report

- a) At its meeting of August 14, 2019, the CRD Board adopted Bylaw No. 4290, rezoning the remaining lots in the Sooke Business Park to the Sooke Business Park Industrial (M-SBP) zone and specifying that the maximum floor area for a caretaker suite in the M-SBP zone is 90 m².
- b) CRD Corporate Services is hosting a committee/commission orientation on Monday, September 16, 2019 at 3 pm at the Juan de Fuca Local Area Services Building.
- c) It was confirmed that at its meeting of April 10, 2019, the CRD Board approved the temporary use permit for 7861 Tugwell Road (TP000009) allowing the proposed expansion of a home based microbrewery.

5. Zoning and Official Community Plan Amendment Application

- a) **RZ000267 - That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD437821) And Except Parts in Plans 3054 And 17721 (3542 & 1-3542 Otter Point Road)**

The Chair directed attention to the staff report considered by the Juan de Fuca Land Use Committee at its meeting of July 16, 2019.

Emma Taylor advised the property owner is requesting to rezone the property to permit a seven-lot subdivision, as well as an industrial sawmill operation and an aquaponics facility (Bylaw No. 4316). An Official Community Plan (OCP) amendment is also proposed to update the Watercourses and Wetland Areas and Commercial Industrial development areas (Bylaw No. 4317). It was advised that the Land Use Committee has directed referral of the proposal to external agencies, CRD departments, the Juan de Fuca Electoral Area

**Otter Point Advisory Planning Commission Meeting Minutes
September 10, 2019**

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Parks and Recreation Advisory Commission and to the Otter Point Advisory Planning Commission (APC).

Emma Taylor spoke to the proposed subdivision plan identifying the areas proposed for residential, aquaponics and sawmill use. It was confirmed that the proposed OCP amendment would designate the areas identified for aquaponics and sawmill use as a development permit area to address the form and character of commercial and industrial buildings. Attention was directed to the OCP policies as included in the staff report for community consideration of rezoning applications.

Emma Taylor reported that the owner has submitted an environmental assessment report prepared by Corvidae Environmental Consulting Inc. which identifies a watercourse on the property and outlines considerations for future development. It was advised that the Biologist who prepared the report is acting as the application agent.

Emma Taylor identified the subject property on the web map, identifying industrial zoned properties in the vicinity of the subject property and the undeveloped roads adjacent to the subject property. It was advised that the Juan de Fuca Community Parks division currently holds a Licence of Occupation over Weiland Road right-of-way for future construction of a multi-use trail extending from William Simmons Memorial Park to Kemp Lake Road, but that the right of way terminates at the subject property.

Emma Taylor directed attention to Bylaw No. 4316 as included in the meeting agenda package to reflect changes related to building size and lot coverage for the proposed aquaponics use as requested by the applicant.

The Chair confirmed that the application representatives were present.

The Chair requested that the representatives speak to the proposed residential area.

Residential Area

The representatives stated that:

- the five proposed residential lots are for the owner's children and will be developed as required
- individual wells have been drilled on the five proposed residential lots
- although not required, cisterns will be installed on each lot
- percolation test holes have been dug
- surface water will be protected through the update to the Watercourse and Wetland Areas development permit area (DPA)
- the watercourse identified on the subject property flows west to east, draining into King Creek

Emma Taylor identified lands on the web map that are in the vicinity of the subject property that are designated a Watercourse and Wetland Areas DPA. It was confirmed that the Watercourse and Wetland Areas DPA includes land within 30 metres (100 feet) of the natural boundary of a watercourse.

The agent responded to a question from the APC regarding viability of a trail in the vicinity of Weiland Road advising that there is methodology available for creek crossings.

Otter Point Advisory Planning Commission Meeting Minutes
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The representatives confirmed that well reports can be made available.

The Chair requested that the representatives speak to the proposed aquaponics area.

Aquaponics Area

The representatives stated that:

- the facility requires 0.4 gallons per minute (GPM) of water
- a well has been drilled and a percolation test hole dug
- a cistern will be installed
- the aquaponics building is sited at the back of the property to limit views of the facility from Otter Point Road
- views of the facility will be buffered by the proposed residential use
- the proposed height of the building (12.6 m) would reduce the footprint of the facility
- a separate access to the facility is required
- access to be determined by the Ministry of Transportation and Infrastructure (MoTI)
- access will not be by easement over the other proposed lots
- the facility is anticipated to operate 35 hours a week and employ 20 workers
- operation will produce salad greens, micro greens, herbs and trout
- fish species may change depending on market demand
- reinforced, lined cement tanks will be above ground
- no water will be discharged to the surface
- the facility will be built to meet a life expectancy of 25 years
- building materials will be food grade to meet organic status
- the facility will produce vermicompost (worm compost)
- HVAC will scrub any odour but vermicompost is generally odourless
- a HACCP (Hazard Analysis and Critical Control Points) plan is being designed for the facility
- monitors will be installed to detect any water breaks
- in the event of a break, the system would shut down and overflow directed to a filtration system
- sawdust from the sawmill operation may be utilized as the aquaponics facility requires a grain chaff

Emma Taylor responded to a question from the APC confirming that, should the applicant's proposed changes to the M-4 zone not be supported, the applicant could submit a variance application to vary the building's building size and height,

The Chair requested that the representatives speak to the proposed sawmill area.

Sawmill Area

The representatives stated that:

- sawdust is currently stored outdoors
- a new structure for sawdust storage is proposed
- sawdust will be bagged for sale
- current sawmill operation employs 8-10 full-time workers

**Otter Point Advisory Planning Commission Meeting Minutes
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Doug Brubaker, Otter Point, stated that:

- he owns a lumber manufacturing company
- his establishment offers sawdust free of charge
- sawdust is not easy to get rid of
- water supply is a concern in the community and on his property even with rainwater capture and greywater reuse
- he has concern regarding property development, in general, as all watercourses have not been mapped

The Chair opened the floor to questions.

A member of the public stated that she lives on an adjacent property and has concern regarding hours of operation and air quality as the property owner currently burns wood debris outdoors. It was questioned if Tenbury Road, the undeveloped road to the east, will be utilized.

A representative stated that the owner will be moving to an electric sawmill and that the new mill will be enclosed.

Emma Taylor advised that the MoTI is the authority for roads and that the MoTI has relayed that an industrial access permit is required for the sawmill operation.

Ron Watson, Otter Point, stated that he:

- has concern regarding water supply as water is limited 3-5 months of the year
- has concern regarding spontaneous combustion of sawdust
- lives downhill from the subject property and can hear the sawmill operation at its present size
- has concern that noise impact will increase, should the operation expand
- had hoped to see more written material regarding the proposal

A representative stated that current noise levels are high as the site is being readied for development.

A member of the public questioned if the aquaponics facility will have backup generators.

The aquaponics representative stated that, in addition to having a diesel generator, the facility will have solar panels on the roof with storage and grid connection.

Doug Dunnett, Otter Point, stated that:

- he lives on an adjacent property
- he has concern regarding water supply
- he has concern regarding the access to the aquaponics area and provisions for buffering

Emma Taylor confirmed that the proposed Industrial Aquaculture (M-4) zone provides regulations for screening and that the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, provides regulations for fencing.

Otter Point Advisory Planning Commission Meeting Minutes
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A member of the public stated that:

- he lives across from the subject property
- the subject property sits in a valley
- noise from the sawmill operation echoes across the valley
- the property has been cleared with the exception of the lands within the riparian assessment area
- no buffer has been left
- he has concern regarding hydrocarbon storage
- King Creek is salmon bearing

A representative stated that there is a replanting plan.

Arnie Campbell, Otter Point, stated that:

- he has no issue with the background noise associated with the operation's current outside work
- he has issue with noise produced by the ventilation system for the current enclosed structure
- the ventilation system noise is a high pitched whine
- he has concern that noise impact will increase, should enclosed operations increase

A member of the public stated that:

- she lives across from the subject property
- noise levels over the past year have been too much
- she has concern regarding the compost facility increasing the rodent population
- she has concern for the existing wildlife/bear corridor the subject property provides
- she has concern regarding water supply
- she has concern regarding increased traffic on Otter Point Road
- Otter Point Road was not built for large volumes
- there is already an issue with speeding on Otter Point Road

A member of the public stated that:

- he has concern regarding noise
- he has concern regarding the aquaponics facility, should the business plan fail
- it is not known what kind of operation could happen in future
- the community should question what it is getting back by supporting the rezoning proposal

Emma Taylor responded to questions from the APC confirming that the OCP is the guiding document for community consideration of rezoning applications and directed attention to policy 4.1.1 (4) which outlines that support for rezoning is more likely where it can be demonstrated that community values and features can be protected subject to the listed criteria. Clarification was provided regarding the potential requirement for 5% park dedication at the time of subdivision pursuant to Section 510 of the *Local Government Act*.

A member of the public stated that:

- she has concern regarding water supply
- noise levels over the past year have been awful
- work has started at 6:00 am and stopped at dark
- work has been lifestyle changing
- she no longer enjoys being outdoors on her property

**Otter Point Advisory Planning Commission Meeting Minutes
September 10, 2019**

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- the community should question if the proposal is wanted by the community
- the community should question if it wants to support a rural operation developing into an industrial operation
- to date, it has not been clear as to what the property owner is proposing
- she is having a hard time believing that what is proposed will happen

Emma Taylor responded to the question from the public advising that the applicant can request that additional uses be added to the proposed M-4 zone and that, in future, a property owner could submit an application to rezone the property or submit an application for a temporary use permit.

Dane Bugoy, Otter Point, stated that:

- he has concern regarding water supply
- he has concern regarding fire protection as the volunteer fire department has limited resources
- residents regularly need to resort to trucked water
- hauling water increases traffic, impacting carbon levels
- he supports extension of CRD water and hydrant installation

A member of the public stated support for noise mitigation measures as there will also be noise associated with the property's long term buildout.

The agent for the application responded to questions from the public confirming that:

- some trees have been removed from the Streamside Protection and Enhancement Area
- replanting recommendations have been made
- no buildings are currently sited or planned to be sited in the SPEA
- the aquaponics facility will require a stream crossing
- the stream crossing would be in accordance with provincial regulations

Arnie Campbell requested that the proposed subdivision plan be updated to reflect that the property is in Otter Point.

Emma Taylor confirmed that the plan notes the property mailing address and that the property borders the District of Sooke.

The representatives responded to a question from the APC advising that there is no lot large enough in the Sooke Business Park to accommodate the aquaponics proposal which requires at least 1.5 acres of lot coverage.

John McCrae, Fire Chief, Otter Point Volunteer Fire Department, stated that:

- the proposal was referred to the Otter Point Volunteer Fire Department
- the Otter Point Volunteer Fire Department has concern regarding water supply for firefighting services
- the Otter Point Volunteer Fire Department will work with the applicant and the CRD to address concerns

**Otter Point Advisory Planning Commission Meeting Minutes
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The APC stated:

- concern regarding dust levels
- support for a noise abatement agreement
- concern regarding increased traffic and property access/egress
- support for setting limitations to the aquaponics use proposed by the M-4 zone
- that the OCP supports green initiatives
- trucking water is not a green initiative

The APC acknowledged the concerns identified by the members of the public and advised that residents can forward their concerns directly to staff and to the Land Use Committee.

MOVED by Anne Miller, **SECONDED** by Al Wickheim that the Otter Point Advisory Planning Commission recommend that the Juan de Fuca Land Use Committee allow for further review of primary community concerns including water supply, firefighting servicing, noise, hours of work, traffic, rodents, future land use considerations, pollution including lighting, fencing/buffering and protection of the riparian area.

Opposed: Bud Gibbons
CARRIED

An APC member stated that the proposal should not be given further consideration until the owner addresses current noise issues.

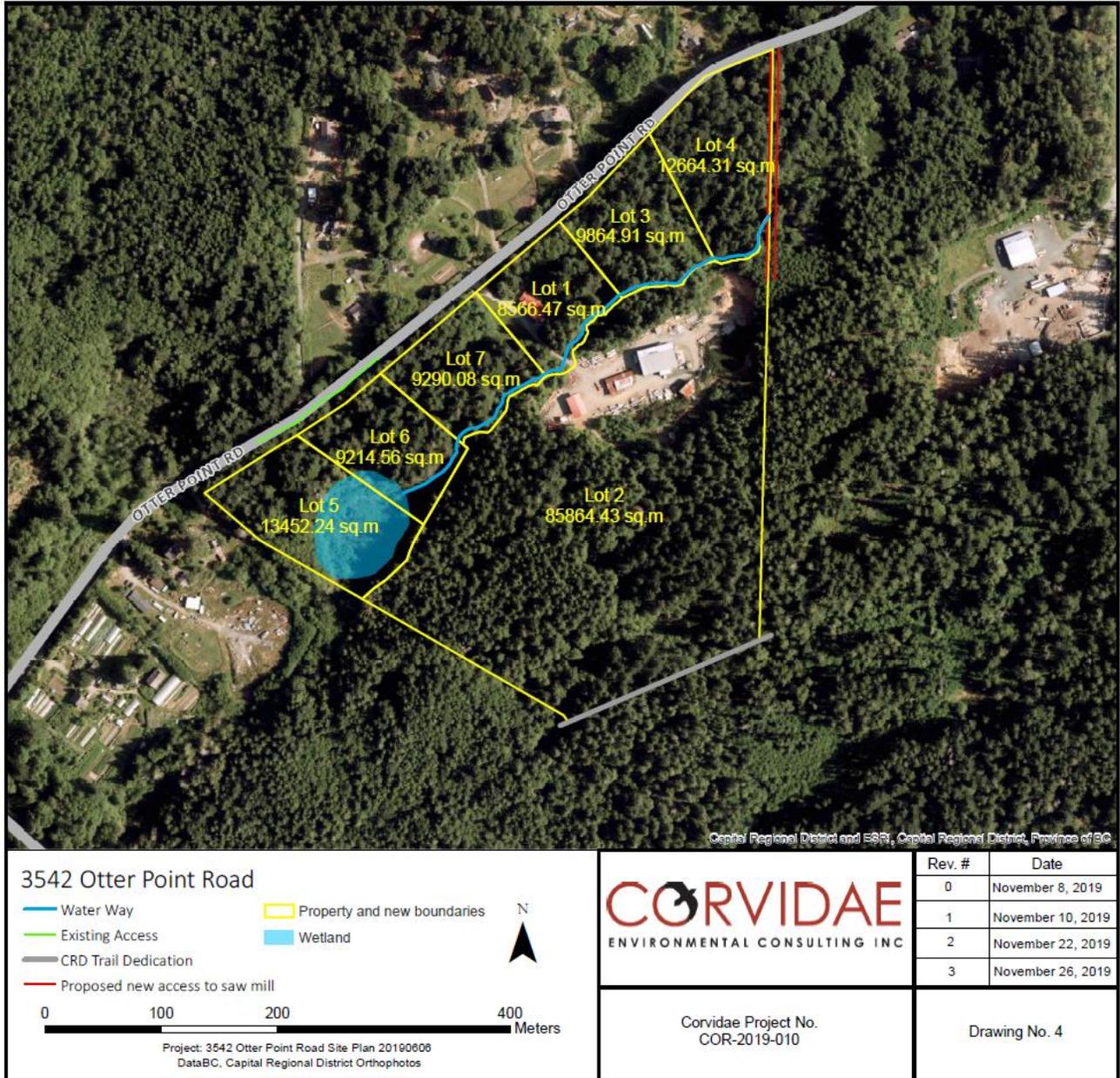
The APC asked the representatives to relay the community's concerns to the owner. The APC stated that it would have appreciated hearing directly from the property owner.

6. Adjournment

The meeting adjourned at 9:10 pm.

Chair

Appendix D: Development Proposal



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4316**

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 A, PART 1 DEFINITIONS

- (a) By adding a new definition of "INDUSTRIAL SAWMILL" after the definition of "INDUSTRIAL USE, LIGHT", to be read as follows:

"INDUSTRIAL SAWMILL means a building, structure, or area where timber is cut, sawn, or planed, either to finished lumber or as an intermediary step, and may include facilities for the kiln drying of lumber, and may include the distribution of such products on a wholesale or retail basis, subject to the *Environmental Management Act*,"

- (b) By deleting the definition of INDUSTRIAL ZONE and replacing it with a new definition, to be read as follows:

"INDUSTRIAL ZONE means the M-SBP, M-2 and M-3 zoning districts,"

B. SCHEDULE A, PART 1, GENERAL REGULATIONS

- (a) By amending section 3.07 ZONES by adding the words "M-3 Industrial Sawmill" and deleting the words "M-1 Light Industrial" "M-2-MM General Industrial – Medical Marihuana", "M-3 Heavy Industrial" and "M-4 Marine Industrial"

C. SCHEDULE A, PART 2, ZONING DISTRICTS

- (a) By deleting section 26.0 Light Industrial Zone – M-1, section 28.0 Heavy Industrial Zone – M-3, and section 29.0 Marine Industrial Zone – M-4 in their entirety;
- (b) By renumbering section 27B.0 Sooke Business Park Industrial Zone – M-SBP as section 26.0.
- (c) By creating a new zone, "Industrial Sawmill Zone – M-3", to be inserted after section 27.0, and to be read as follows:

"28.0 Industrial Sawmill Zone – M-3

28.01 Permitted Uses

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and buildings are permitted in the Industrial Sawmill M-3 zone:

- (a) Sawmills on a permanent foundation and enclosed in a building;
- (b) Lumber milling, processing and storage;
- (c) Processing and manufacturing of wood products, including the making of cabinets, furniture, plywood, lath and particle board, and the manufacturing of modular or pre-fabricated homes and structures, excluding pulp and paper mills;
- (d) Log storage and sorting;

Accessory Uses:

CRD Bylaw No. 4316

2

- (a) Accessory retail and wholesale sale of lumber processed on site;
 - (b) Accessory retail and wholesale sale of wood products manufactured on site;
 - (c) Offices accessory to a principal use;
 - (d) Accessory buildings and structures pursuant to Part 1, Section 4.01.
- 28.02 Minimum Lot Size for Subdivision Purposes
The minimum lot size for subdivision purposes shall be 8 ha.
- 28.03 Maximum Floor Area
The maximum total floor area of all buildings shall be 5000 m².
- 28.04 Height
The maximum height shall be 11 m for all principal buildings and structures.
- 28.05 Required Yards
- (a) Buildings shall be set back at least 30 m from parcel boundaries.
 - (b) Storage of any material shall not be permitted within 30 m from the parcel boundaries.
- 28.06 Storage
Storage shall not be permitted in required yards.
- 28.07 Lot Coverage
- (a) The maximum lot coverage (buildings and structures) shall be 10%.
 - (b) The maximum area to be used for an industrial sawmill operation including storage of materials) is 15% of the parcel.
- 28.08 Screening
- (a) A vegetative screen shall be located and maintained along the entire length of parcel boundaries.
 - (b) This vegetative screen shall consist of coniferous vegetation native to the region that is not less than 2 m high, not less than 15 m deep, and spaced not more than 2 m apart."

D. SCHEDULE A, PART 3, PARKING AND LOADING REQUIREMENTS

- (a) By amending section 5.0 by adding the words "Industrial Sawmill 1 per 2 employees but not less than 5 per tenant or establishment;"

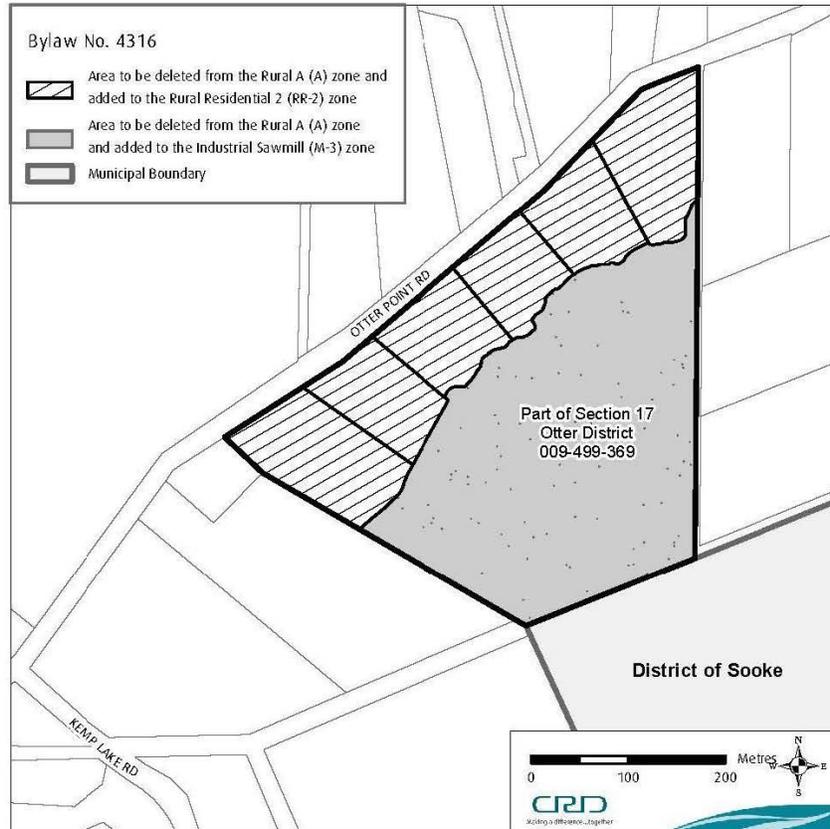
E. SCHEDULE B, MAP NO. 2 – OTTER POINT ZONING MAP

- (a) By deleting That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD437821) And Except Parts in Plans 3054 And 17721 from the Rural A (A) Zone, and adding to the Rural Residential 2 (RR-2) Zone, as shown on Plan No.1.
- (b) By deleting That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD437821) And Except Parts in Plans 3054 And 17721 from the Rural A (A) Zone, and adding to the Industrial Sawmill (M-3) Zone, as shown on Plan No.1.

CRD Bylaw No. 4316

3

Plan No. 1 of Bylaw 4316, an amendment to Bylaw No. 2040



2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 147, 2019".

READ A FIRST TIME THIS _____ day of _____, 2020.

READ A SECOND TIME THIS _____ day of _____, 2020.

READ A THIRD TIME THIS _____ day of _____, 2020.

ADOPTED THIS _____ day of _____, 2020.

 CHAIR

 CORPORATE OFFICER

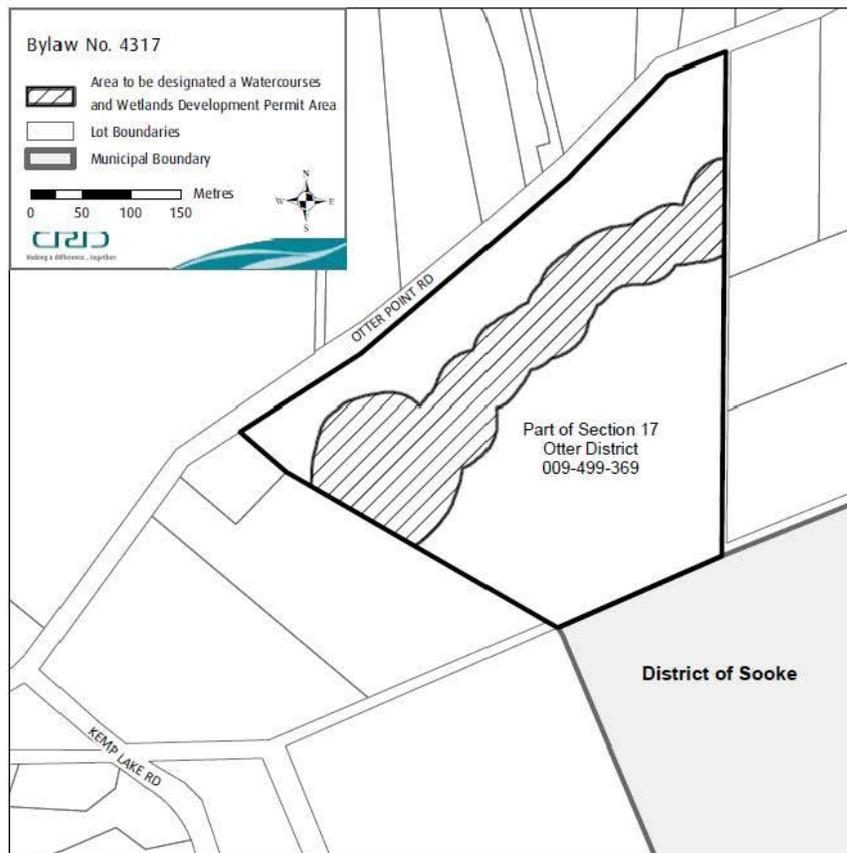
**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4317**

A BYLAW TO AMEND BYLAW NO. 3819, THE "OTTER POINT OFFICIAL COMMUNITY PLAN, 2014"

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

1. Bylaw No. 3819 being the "Otter Point Official Community Plan, 2014" is hereby amended:
 - A. **SCHEDULE A, MAP NO. 5c – WATERCOURSES & WETLANDS DEVELOPMENT PERMIT AREA**
 - (a) By adding that part of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD437821) And Except Parts in Plan 3054 And 17721 to the Watercourses and Wetlands Development Permit Area, as shown on Plan No. 1.

Plan No. 1 of Bylaw 4317, an amendment to Bylaw No. 3819



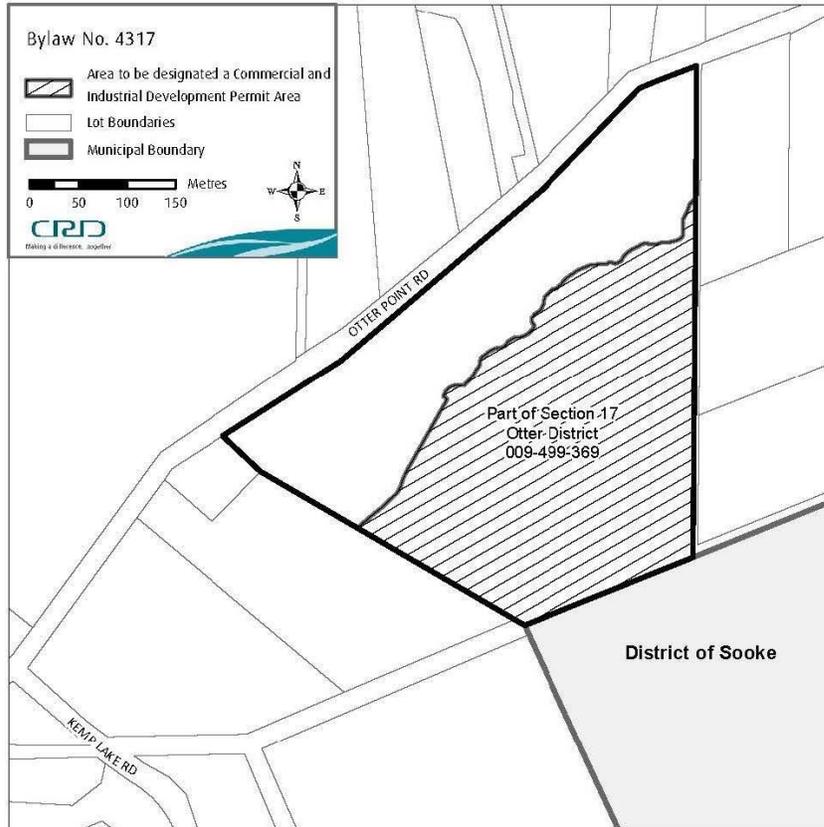
CRD Bylaw No. 4317

2

B. SCHEDULE A, MAP NO. 5e – COMMERCIAL & INDUSTRIAL DEVELOPMENT PERMIT AREA

- (a) By adding that part of That Part of Section 17, Otter District, Lying East of Otter Point Road, Except Parcel C (DD43782I) And Except Parts in Plan 3054 And 17721 to the Commercial & Industrial Development Permit Area, as shown on Plan No.2.

Plan No. 2 of Bylaw 4317, an amendment to Bylaw No. 3819



CRD Bylaw No. 4317 3

2. This bylaw may be cited as "Otter Point Official Community Plan, 2014, Amendment Bylaw No. 2, 2019".

READ A FIRST TIME THIS day of , 2020.

READ A SECOND TIME THIS day of , 2020.

READ A THIRD TIME THIS day of , 2020.

ADOPTED THIS day of , 2020.

CHAIR

CORPORATE OFFICER



ENVIRONMENTAL ASSESSMENT FOR 3542 OTTER POINT ROAD

PREPARED FOR:

EMMA TAYLOR, PLANNER
PLANNING AND PROTECTIVE SERVICES DEPARTMENT,
JDF ELECTORAL AREA, CAPITAL REGIONAL DISTRICT
3-7450 BUTLER ROAD, SOOKE BC V9Z 1N1

CORVIDAE PROJECT #2019-010
APRIL 2019

CORVIDAE
ENVIRONMENTAL CONSULTING INC
6526 WATER STREET, SOOKE, BC

SOLUTION ORIENTED. PROTECTION OF THE ENVIRONMENT. ABSOLUTE INTEGRITY. OPEN COMMUNICATION. RESPECT.

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1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) has been contracted to provide this Environmental Assessment (EA) for the proposed subdivision and development to 3542 Otter Point Road (the property), property ID 009499369, zoning Rural A.

This document addresses the requirements in Section 5.3.1 of Capital Regional District (CRD) Bylaw No. 3819 and provides an assessment on the environmental conditions on the property, potential impacts of the proposed development of access and clearing for building construction, and recommendations on protection of environmentally sensitive features and methods to minimize impacts of the proposed development.

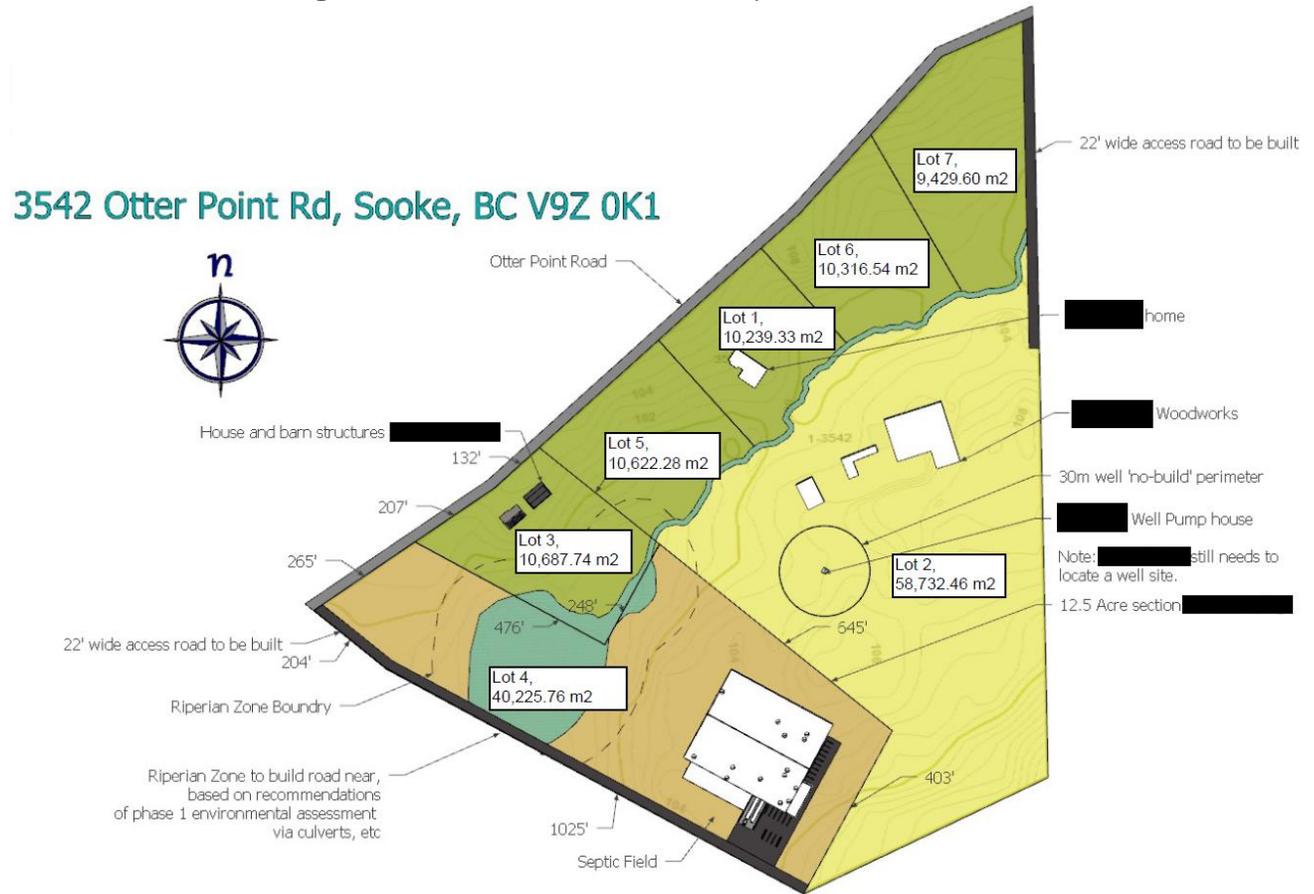
1.1 PROJECT BACKGROUND

The landowner [REDACTED] are subdividing the property at 3542 Otter Point Road, which is approximately 37 acres (15 ha). Currently, an access road and a residence are located near the mid-point of the northwestern property line (see Figure 1). Further along the access road, the property owner operates a sawmill and logging operation (Photo 1). With the exception of the trees immediately adjacent to the watercourse and wetland, the southern two thirds of the property have been logged recently (Photo 2). Due to the recent timing for logging, the removal of trees in this area is not reflected on the available aerial imagery.

The property owner intends to subdivide the property into five residential lots and two 4 hectare lots for a sawmill and aquaponics facility. The current owner will retain ownership of the eastern portion of the property where the existing residence and sawmill are located (Lots 1a-d and 2). The western portion will be divided into two lots, approximately 1 hectare (2.47 acres) for the road side (northern) Lot 3 and 3.5 hectare (8.64 acres) for the southern Lot 4 (Figure 1). The plan for the property is subdivision, and re-zoning of Lots 1a-d and 3 to residential and Lots 2 and 4 to light industrial (or zoning designated by CRD with review of planned land use).



Figure 1 – 3542 Otter Point Road – Proposed Subdivision



1.2 REGULATORY FRAMEWORK

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

Municipal

- Capital Regional District Otter Point OCP, Bylaw No. 3819

Development Permit Area No. 3: Watercourses and Wetland Areas. Defined as the area within 30 metres (100 feet) of the natural boundary of watercourses, wetlands and lakes as outlined on Map 5c. Designated as a Development Permit Area, the "Watercourses DPA", under Section 919.1(1)(a) of the Local Government Act, for protection of the natural environment, its ecosystems and biological diversity.

- The property is zoned as Rural A. Bylaw No. 3819 states:

Building strata development on Rural A zoned lands is not supported. However, for Rural A parcels created prior to adoption of this Plan, a rezoning could be considered to permit a subdivision which would permit a density of 1 parcel per ha up to 4 ha and 1 parcel per 2 ha for each additional 2 ha portion of the property; (page 21, Section 3.1.1.d.).

The plan for the property is subdivision, and re-zoning of the 1 hectare and 4 hectare lots only. Lots 1a-d are planned to remain the same: no change in land-use, averaging 1 ha each, R2 zoning.

Provincial

British Columbia Wildlife Act (1996)

Invasive Species Council of British Columbia

BC Weed Control Act (1996, current as of October 2016)

Federal

Migratory Birds Act (1994)



2 ENVIRONMENTAL SITE ASSESSMENT

Corvidae completed a site visit on February 19, 2019 as part of the subdivision application and subsequent re-zoning application for Lots 2 and 3. A qualified professional biologist (QEP) walked the the property subject to the proposed subdivision and examined any Environmentally Sensitive Areas, specifically the wetland and watercourses on the property. Appendix A shows photos of the property taken during the field visit.

2.1 LANDSCAPE AND SOILS

Soils in the Biogeoclimatic zone 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.

The topography of the property is varied. The property generally slopes from the back (southern side) north towards the watercourse and wetland area, and from Otter Point Road south to the wet areas. Throughout the upland areas on the property there are small undulations, both natural and those created by logging access and equipment.

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 red huckleberry (*Vaccinium parvifolium*) typify the poorly to moderately developed shrub layer. Oregon beaked moss (*Kindbergia oregana*), step moss (*Hylocomium splendens*), lanky moss (*Rhytidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) dominate the well-developed moss layer (Pojar et al. 1991).

The property was once entirely forested, but currently only the portion closest to the road and surrounding the wetland contain mature coniferous forest. In addition to the clear cut on the rear two-thirds of the property, a small area in the western portion of the property near the road has been cleared (Photo 3). The wetland is dominated with shrubs and sedges (Photos 4 and 5), and mature alder trees (Photo 6) along the western property line. During the site assessment the species in Table 1 were found on the site.

Table 1. Plant Species observed on site during field visit on February 19, 2019.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Western redcedar	<i>Thuja plicata</i>	Yellow	--
Western hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Big leaf maple	<i>Acer macrophyllum</i>	Yellow	--
Red alder	<i>Alnus rubra</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Deer fern	<i>Blechnum spicant</i>	Yellow	--
Evergreen huckleberry	<i>Vaccinium ovatum</i>	Yellow	--
Common rush	<i>Juncus laccatus</i>	Yellow	--



Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Grass sp.	--	--	--
Sedge sp.	--	--	--
Salmonberry	<i>Rubus spectabilis</i>	Yellow	--
Hardhack	<i>Spiraea douglasii</i>	Yellow	--
Himalayan blackberry	<i>Rubus armeniacus</i>	Invasive	--
English holly	<i>Ilex aquifolium</i>	Invasive	--

¹ BC Conservation Data Centre (CDC) 2019

² Government of Canada 2019

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 homed 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. For amphibians, the following can occur: western toad, Pacific treefrog, western redbacked salamander. (Pojar et al. 1991)

Wildlife habitat present on the property includes mature forest, riparian habitat and wetland habitat. No wildlife species of concern were observed in the project area during the site visit. No dens, nests or burrows were found. No bird nests or amphibians were observed during the assessment, however, the timing of the field visit, and the weather conditions were not suitable for breeding bird or amphibian surveys.

During the site assessment the species in Table 2 were found on the site.

Table 2. Wildlife Species observed on site during field visit on February 19, 2019.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Pacific wren	<i>Troglodytes pacificus</i>	Yellow	--
Oregon junco	<i>Junco hyemalis</i>	Yellow	--
Chestnut-backed chickadee	<i>Poecile rufescens</i>	Yellow	--
American robin	<i>Turdus migratorius</i>	Yellow	--
Douglas's squirrel (tracks)	<i>Tamiasciurus douglasii</i>	Yellow	--
Black-tailed deer (tracks and scat)	<i>Odocoileus hemionus columbianus</i>	Yellow	--

¹ BC CDC 2019

² Government of Canada 2019

2.4 SPECIES AT RISK

A query of the BC CDC iMap tool yielded occurrences of the following 2 species at risk within a two-kilometer radius of the property (BC CDC 2019). Species are listed in Table 3 and the location of occurrences in relation to the property is provided in Figure 2.



Table 3. Species at Risk that may occur in the vicinity of 3542 Otter Point Road

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Ermine, <i>anguinae</i> subspecies	<i>Mustela erminea anguinae</i>	Blue-listed	--
Painted Turtle - Pacific Coast Population	<i>Chrysemys picta pop. 1</i>	Red-listed	Endangered

¹ BC CDC 2019

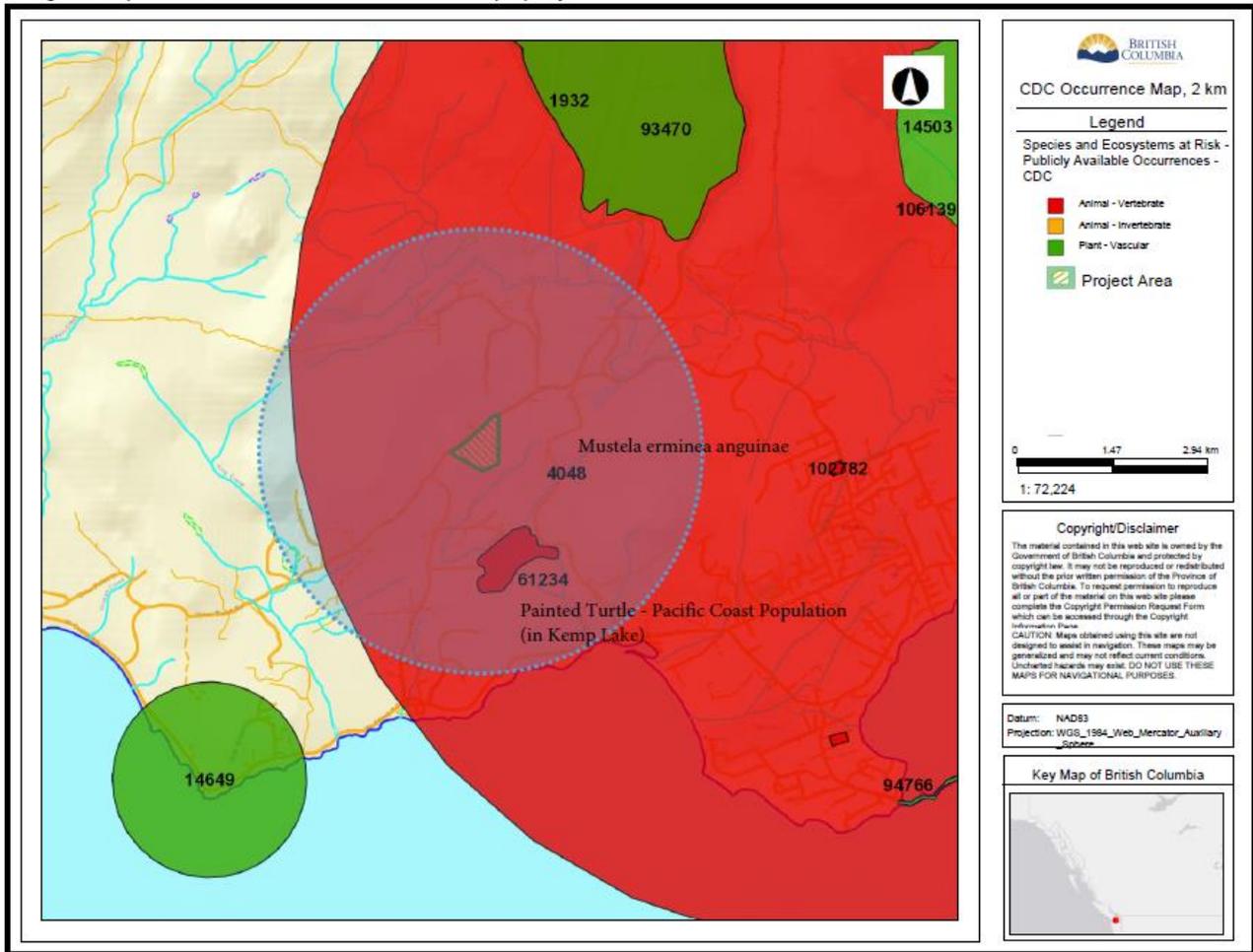
² Government of Canada 2019

The ermine (*Mustela erminea anguinae*) is widespread throughout BC in a variety of habitats (e.g. forests, meadows, wetlands, agricultural and cultivated fields) and over a wide elevation range. Foraging habitat for this species is present on the forested portions of the property.

The Keen's Myotis (*Myotis keenii*), a cave-roosting bat species, occurs at elevations of 0 to 1100 m above sea level. Foraging occurs over a wide variety of habitat including intertidal areas, estuaries, upland forests, wetlands, and riparian areas. Suitable rock crevices or caves do not occur on the property, however, suitable foraging habitat is present.



Figure 2. Species at Risk Records within 2 km of the property



2.5 RIPARIAN AREAS AND AQUATIC ECOSYSTEMS

A large wetland is present on the property in the southwest portion, included in the area mapped as a Riparian/Wetland Sensitive Ecosystem by CRD. During the site visit on February 19, 2019, the boundaries of the wetland were mapped (Figure 1).

The wetland is fed by an unmapped watercourse (drainage/creek) running from the northeastern most corner of the property, between the existing residential and sawmill areas. The watercourse passes under the sawmill access road through a culvert. On the downstream side of the culvert, the watercourse opens into a marshy wetland area. This continues through the riparian forest (Photo 7) to the large wetland in the property's southwest. A small portion of the watercourse is channelized (Photo 8), however, the majority is wide and marshy (Photo 5).

The site visit was done in late winter, during the wettest season, and therefore likely measured the wetland at its most saturated. In the summer, the wetland area will be much drier than during the field visit, as evident by the type of vegetation.

Along the property's southwestern boundary, the wetland and riparian areas are constrained by historical addition of fill to the neighbouring property (Photo 9). Approximately 500 m downstream, the drainage is dammed and used as a water supply for agriculture (ALM Farm).

There are no fish occurrence records on the property, and the watercourse and wetland do not provide suitable fish habitat due to the shallow, seasonal nature of the wetland and creek flow, and because the dam downstream would serve as a barrier to fish passage.

Adjacent to the watercourse and wetland is riparian habitat. The wet areas are in a depression on the property, and the terrain slopes upwards on both sides. Therefore, the vegetation transitions from riparian vegetation to upland forest within 5 to 20 m of the watercourse and wetland periphery. A preliminary 30 m SPEA has been applied to the mapped wetland boundary in Figure 1. This 30 m setback is in accordance with the CRD Bylaw No. 3819, as stated in Section 1.2 of this report.

3 POTENTIAL ENVIRONMENTAL EFFECTS

The potential impacts from the project on the environment will be:

- loss of existing vegetation and disturbance of soils,
- introduction and spread of invasive plant species,
- change in wildlife habitat availability and wildlife mortality risk,
- sediment movement in the project area, and
- modification of the wetland and riparian habitat.

These impacts have already occurred on the eastern and southeastern areas of the property where logging activities and lumber operations are ongoing. Historically there has been disturbance to the northwest area (Lot 2) as evident by clearing, an old access road and stumps. This appears to have happened several years, perhaps decades, ago.

If a dwelling is constructed on Lots 3 and 4 there will be similar disturbances – clearing for construction, building foundations and construction of the home, access creation, and surrounding landscaping.

The proposed aquaponic facility on Lot 4 is proposed in the previously cleared area. The facility construction will involve noise and ground disturbance during grading and facility construction. Clearing of vegetation and wetland modification will occur during the creation of the access road to the rear portion of the property.



VEGETATION

Where cleared areas are constructed for facilities, residences and access roads, there will be a permanent loss of vegetation. The potential effects of these changes include loss of biodiversity of plant species and increased susceptibility to invasive plants not only in the cleared area but also in adjacent plant communities. Cleared areas have increased wind strength and increased light and moisture penetration. This may result in changes to the canopy structure and understory plant species in the adjacent forest.

Invasive plants are particularly adept at colonizing degraded plant communities and disturbed soils in high traffic areas, such as the margins of roads and parking areas. Invasive plants establish readily in disturbed areas as they have a wide ecological tolerance and grow and propagate quickly. The effects of invasive plant establishment may be the reduction or displacement native species by capturing resources and occupying habitats.

WILDLIFE AND WILDLIFE HABITAT

Clearing and construction of the project will alter habitat structure and result in direct habitat loss or alteration. This will directly impact the forested, riparian and wetland habitats. Habitat loss and alteration can cause displacement of wildlife, use of less suitable habitat, reduced foraging ability (Bird et al. 2004), increased energy expenditure (Jalkotzy et al. 1997) and lower reproductive success (Habib et al. 2007).

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 construction and long-term activities at the aquaponics facility. Noise effects on wildlife can potentially include habitat loss through avoidance, increased energy expenditure, changes in normal behaviours (e.g., feeding) and impaired communication between individuals, such as songbirds. In addition, reduction in habitat connectivity may create barriers to wildlife movement. Many wildlife species avoid crossing openings or move more slowly in open areas (Jalkotzy et al. 1997), effectively resulting in habitat fragmentation.

During clearing and construction of the Project, there will be an increase wildlife mortality risk. Wildlife mortality may occur due to wildlife collisions with vehicles or equipment, loss or disruption of habitat (e.g., clearing and soil handling has potential to destroy nests, dens, overwintering sites), sensory disturbance (i.e., nest abandonment) and human conflict.

WETLAND MODIFICATION AND SEDIMENT CONTROL

Installation of the access road through the wetland and riparian habitat will alter the hydrological patterns of the drainage. The unmapped watercourse has been modified historically for the installation of the sawmill access road and culvert. Existing extensive modification and addition of fill has also occurred on the adjacent property to the west. Implementation of mitigation measures will serve to restore and maintain the drainage of water to the southwest.

Removal of vegetation and ground disturbance may expose soils to erosion and can result in the movement of sediment on the property. Damage or degradation of soil surfaces during construction can include loss of soil structure, increased erosion, and soil compaction, which can negatively affect post-construction reclamation efforts.

RESIDUAL ENVIRONMENTAL EFFECTS

The rezoning and subdivision of the property will not have any environmental impacts.



The residual environmental impacts of the activities on the property will be reduced by the implementation of the mitigation measures recommended in Section 4 of this report. The environmental disturbance in this rural community will be long-term due to the permanence of the road and buildings; and is considered a moderate impact because of the removal of the vegetation (invasive and otherwise). The moderate impact is due to the logging having already occurred on most of the property prior to the site assessment.

4 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

The mitigation measures provided in this report are to meet regulatory requirements and protect habitat. The regulatory requirements include the Section 11 with the provincial government and CRD Bylaw No. 3819. Section 11 is the Apply for a Change Approval or Submit Notification of Instream Work, where a change approval is requested for written authorization to cross a waterbody.

Vegetation clearing should be outside of the migratory bird window (prior to March 15th or after August 15th). Whenever possible, all grading and construction work for the access road and buildings should be done during dry conditions. Construction of the access road should occur when the water levels in the wetland are at their lowest (summer).

PROTECTION OF THE RIPARIAN AREA AND WETLAND

No clearing should occur within the SPEA, with the exception of the access road installation. The SPEA should be clearly marked prior to any clearing or construction, to ensure no disturbance occurs within this sensitive riparian and wetland ecosystem.

ACCESS ROAD INSTALLATION

All construction for the access road to the rear of the property and proposed aquaponic facility site should occur in the dry season, when the water levels in the watercourse and wetland are lowest (or completely dry). Only the area required for the access road (4 m) should be cleared: the boundaries for vegetation clearing should be clearly marked before construction commences.

As part of the Section 11 application, Corvidae will provide the culvert size, length and quantity for the drainage to reach under the access road. The culverts will be directed to the same area where the water is diverted to now, the diversion caused by the fill put in the neighbouring property. The specifications for the culverts, road base, timing and area will all be provided as part of the Section 11 and a Construction Environmental Management Plan to the CRD and the proponent.

POLLUTION CONTROL, FUELING AND SPILL RESPONSE

All equipment accessing the property should be in good working order. Any leaks should be repaired prior to commencing work. Any fueling of equipment will be done with drip-trays underneath on site, on the road or set staging area. There will be no fueling of equipment within 30 m of the watercourse and wetland.

All fuel containers and other potentially deleterious substance containers will be secured so that they may not be emptied or upset by vandals when left overnight in the area.

A large, labeled mobile spill kit capable of mitigating spills of 100 litres of fuel is recommended to be kept on site adjacent. The kit should contain the following materials or equivalent:

- absorbent pads (hydrocarbons and antifreeze)



- absorbent socks (oil, gas & diesel)
- a jar of plug n dike (leak stop compound)
- 1 spill instruction sheet

REVEGETATION

Measures taken to minimize soil degradation and compaction include:

- Maintaining soil structure by excavating the soil layers separately and storing covered with tarps.
- Re-applying the separated topsoil as the surface layer prior to commencing with reclamation and landscaping efforts.
- Revegetating exposed soil as soon as possible following construction.
- Implementing weed management measures as required under the Weed Control Act. This includes:
 - Assessing the source for the gravel and ensuring it is weed free and clean (not full of silt).
 - Cleaning all equipment prior to entering the site to avoid spreading of invasive species.

Corvidae recommends landscaping all disturbed areas with native vegetation to compete with invasive species, reduce irrigation requirements and provide wildlife habitat.

INVASIVE SPECIES

Two invasive species were observed on site: Himalayan blackberry and English holly.

Invasive weed control is difficult for established populations. Immediate eradication of new and small infestations should be a high priority. Hand-pulling and cutting are effective on young plants. All plant material must be disposed of by burning or landfill. Invasive species removal should occur in spring, before the plants flower and seed.

WILDLIFE AND WILDLIFE HABITAT

Measures taken to minimize impacts on wildlife and wildlife habitat include:

- Follow the best management guidelines outlined in:
 - “Guidelines for Amphibian and Reptile Conservation during Urban and Rural Development in British Columbia – 2014” (Ministry of Environment 2014a).
 - “Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia” (Ministry of Environment 2014b).
- Where suitable, retain habitat that provides shelter for wildlife, such as downed logs and standing dead trees.
- Avoid removal of established trees or shrubs, where possible.
- Undertake all vegetation clearing and access road construction outside the amphibian breeding season (March 15 to August 15; Environment Canada 2017). If this is not possible, a QEP must conduct pre-construction surveys to identify any breeding activity within the footprint and recommend appropriate mitigation.



- Undertake all vegetation clearing outside the bird migratory season and breeding bird window (March 15 to August 15; Environment Canada 2017). This will include the breeding window for raptors particularly for eagles and osprey which extends from January to August (Ministry of Environment 2014). If this is not possible, a QEP must conduct pre-construction surveys to identify any nesting activity within the footprint and recommend appropriate mitigation.

EROSION AND SEDIMENT CONTROL MEASURES

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

Site specific controls have been developed based on a site visit and experience from past projects. Erosion controls, listed in Table 4, are recommended to be maintained for the duration of building any dwellings and removed completely following landscaping.

Table 4. Erosion and Sediment Control Mitigation Measures

Activity	Potential Impacts	Mitigation Measures
Clearing of existing vegetation	Exposure of underlying soils to erosion	Install silt fencing to prevent sediment laden runoff from entering the watercourse or wetland. Minimize amount of time soils are exposed, plant native vegetation and landscaping materials within the growing season following removal of non-native vegetation and landscaping.
General construction	Sediment laden runoff	Store soils in dry, flat areas, outside of the SPEA.
Restoration and native vegetation	--	Planting of native species of grasses, shrubs and trees in the green space areas, which naturally have deep roots to aid in soil stabilization, compete against weeds and do not require irrigation.

Report Prepared By:



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Corvidae Environmental Consulting Inc.



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APPENDIX A – SITE PHOTOGRAPHS

Photo 1. Clearcut area and existing sawmill. February 19, 2019.



Photo 2. Recently clearcut area (proposed Lot 3 and proposed location of aquaponics facility). February 19, 2019.



Photo 3. Cleared area in western portion of the property (proposed Lot 2) near Otter Point Road. February 19, 2019.



Photo 4. Open wetland area at 3542 Otter Point Road. February 19, 2019.



Photo 5. Sedge dominated wetland area with mature forest adjacent. February 19, 2019.



Photo 6. Mature alder with shrubby understory at the westernmost margin of the wetland. February 19, 2019.



Photo 7. Mature forest habitat adjacent to the watercourse and wetland. February 19, 2019.



Photo 8. Channelized portion of the unmapped watercourse on the property. February 19, 2019.



Photo 9. Filled area on adjacent property to the west of 3542 Otter Point Road (view north).
February 19, 2019.



Appendix H: Conditions and Impacts Report



CONDITIONS AND IMPACT REPORT FOR 3542 OTTER POINT ROAD

PREPARED FOR:

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CORVIDAE PROJECT #2019-010
FEBRUARY 2020

CORVIDAE
ENVIRONMENTAL CONSULTING INC
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SOLUTION ORIENTED. PROTECTION OF THE ENVIRONMENT. ABSOLUTE INTEGRITY. OPEN COMMUNICATION. RESPECT.

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CAVEAT

This Conditions and Impacts (C&I) Report has been prepared with the best information available at the time of writing, including the Otter Point Official Community Plan, communications with the client and regulators, site visits, review of historical imagery, site plans and design drawings and other documentation relevant to the project. This C&I has been developed to assist the project in remaining in compliance with relevant environmental regulations, acts and laws pertaining to the project and to identify and mitigate the expected impacts of the project and reclamation activities directly related to the project.



1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Conditions and Impacts (C&I) Report for the proposed rezoning and subdivision of 3542 Otter Point Road (the property), property ID 009499369, zoning Rural A.

This document addresses the requirements in Section 5.3.1 of Capital Regional District (CRD) Bylaw No. 3819 and provides an assessment on the current environmental conditions on the property, recent environmental impacts, potential impacts of the rezoning and subdivision, and replanting plans for areas that have been disturbed within the 30 m riparian area.

1.1 PROJECT BACKGROUND

The landowner () are subdividing the property at 3542 Otter Point Road, which is approximately 37 acres (15 ha). Currently, an access road and a residence are located near the mid-point of the northwestern property line (see Figure 1). Further along the access road, the property owner operates a sawmill and logging operation (Photo 1). With the exception of the trees immediately adjacent to the watercourse and wetland, the property has been logged (Photo 2).

The property owner intends to subdivide the property into seven lots – 6 residential and one Light Industrial – Sawmill (see Figure 1). The size and dimensions of the property are provided in Figure 1.

1.2 CURRENT CONDITIONS AND EXISTING DISTURBANCE

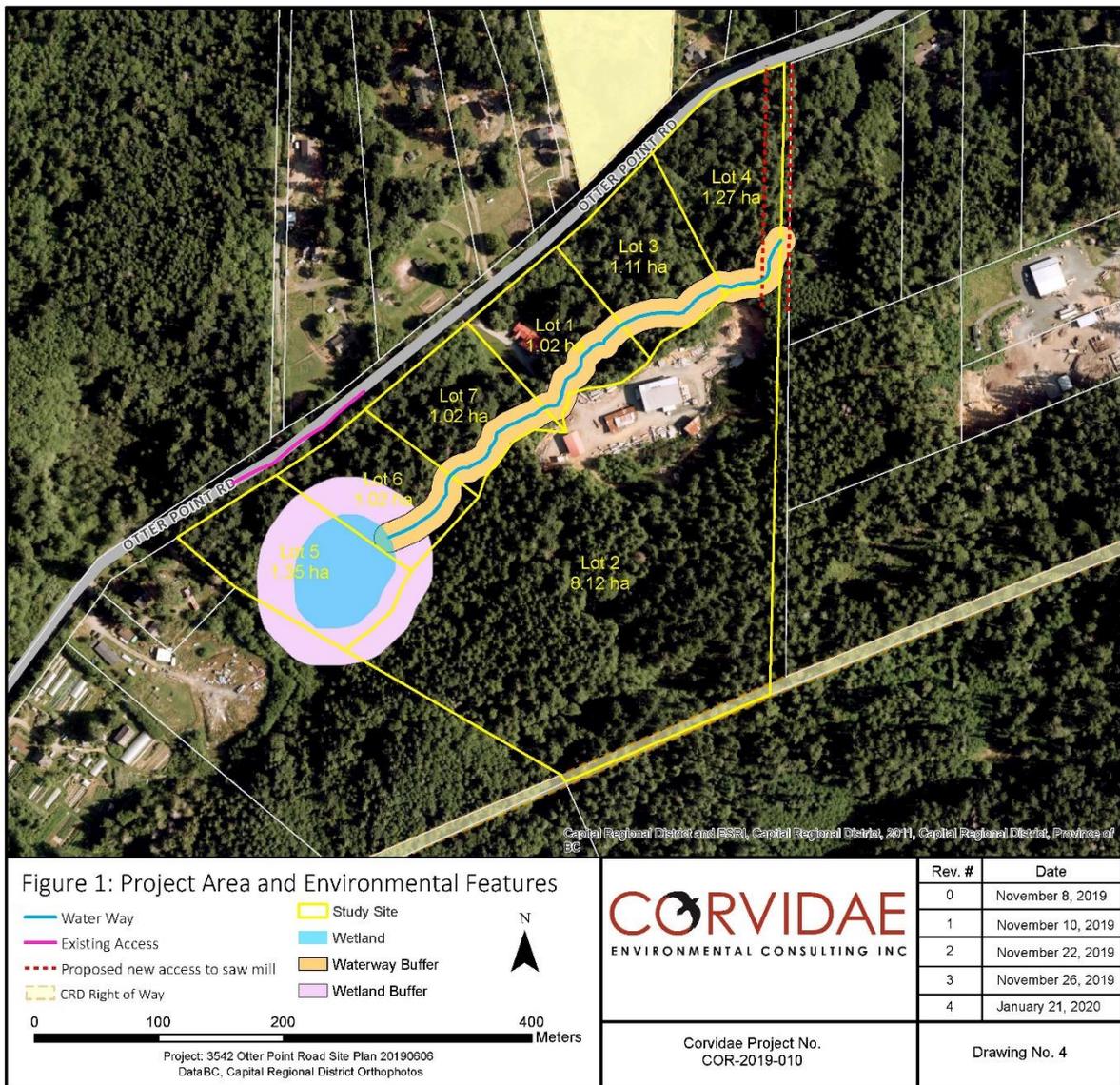
The property was purchased in 2007 by the current owners. A detailed Stage I Preliminary Site Investigation has been completed, with a historical review of the property. A sawmill is located on the eastern side of the property and has been there since the 1970's. Operations continue under the current owners as a custom woodworking sawmill.

In 2019 the entire property was logged, with the exception of the area around the wetland and along the water drainage.

1.3 CURRENT AND FUTURE DISTURBANCE

The owner is currently operating the sawmill and continuing business as previously done. For all residential planning and future development, if any disturbance is proposed within the 30 m Riparian Area a Riparian Area Report and provincial application will be required.





1.4 REGULATORY FRAMEWORK

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

Municipal

- Capital Regional District Otter Point OCP, Bylaw No. 3819
Development Permit Area No. 3: Watercourses and Wetland Areas. Defined as the area within 30 metres (100 feet) of the natural boundary of watercourses, wetlands and lakes as outlined on Map 5c. Designated as a Development Permit Area, the "Watercourses DPA", under Section 919.1(1)(a) of the Local Government Act, for protection of the natural environment, its ecosystems and biological diversity.
The "Watercourses DPA" applies to all streams subject to the provincial Riparian Areas Regulation as well as mapped lakes, wetlands, ponds and other watercourses which are not subject to the Riparian Areas Regulation. For a stream subject to the Riparian Areas Regulation the assessment area is defined by the Regulation.

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:

- 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 property is zoned as Rural A. Bylaw No. 3819 states:
Building strata development on Rural A zoned lands is not supported. However, for Rural A parcels created prior to adoption of this Plan, a rezoning could be considered to permit a subdivision which would permit a density of 1 parcel per ha up to 4 ha and 1 parcel per 2 ha for each additional 2 ha portion of the property; (page 21, Section 3.1.1.d.).
The plan for the property is subdivision, and re-zoning of the 1 hectare and 3.5 hectare lots only, Lot 1 is planned to remain the same (no change in land-use, >4 ha) with no re-zoning.

Provincial

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

Federal

Migratory Birds Act (1994)



2 CONDITIONS AND IMPACT ASSESSMENT

Corvidae completed a site visit in February, March, June and July of 2019, and again in January 2020, as part of the subdivision application and subsequent re-zoning application for the property. A qualified professional biologist (QEP) assessed the property subject and examined any Environmentally Sensitive Areas, specifically the wetland and watercourses on the property, and recent logging. Appendix A shows photos of the property taken during the field visit.

2.1 LANDSCAPE AND SOILS

Soils in the Biogeoclimatic zone 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.

The topography of the property is varied. The property generally slopes from the back (southern side) north towards the watercourse and wetland area, and from Otter Point Road south to the wet areas. Throughout the upland areas on the property there are small undulations, both natural and those created by logging access and equipment.

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 red huckleberry (*Vaccinium parvifolium*) typify the poorly to moderately developed shrub layer. Oregon beaked moss (*Kindbergia oregana*), step moss (*Hylacomium splendens*), lanky moss (*Rhytidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) dominate the well-developed moss layer (Pojar et al. 1991).

The property was once entirely forested, but currently only the portion closest to the road and surrounding the wetland contain mature coniferous forest. In addition to the clear cut on the rear two-thirds of the property, a small area in the western portion of the property near the road has been cleared (Photo 3). The wetland is dominated with shrubs and sedges (Photos 4 and 5), and mature alder trees (Photo 6) along the western property line. During the site assessment the species in Table 1 were found on the site.

Table 1. Plant Species observed on site during field visit.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Western redcedar	<i>Thuja plicata</i>	Yellow	--
Western hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Big leaf maple	<i>Acer macrophyllum</i>	Yellow	--
Red alder	<i>Alnus rubra</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Deer fern	<i>Blechnum spicant</i>	Yellow	--
Evergreen huckleberry	<i>Vaccinium ovatum</i>	Yellow	--
Common rush	<i>Juncus laccatus</i>	Yellow	--



Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Grass sp.	--	--	--
Sedge sp.	--	--	--
Salmonberry	<i>Rubus spectabilis</i>	Yellow	--
Hardhack	<i>Spiraea douglasii</i>	Yellow	--
Himalayan blackberry	<i>Rubus armeniacus</i>	Invasive	--
English holly	<i>Ilex aquifolium</i>	Invasive	--

¹ BC Conservation Data Centre (CDC) 2019

² Government of Canada 2019

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. For amphibians, the following can occur: western toad, Pacific treefrog, western redbacked salamander. (Pojar et al. 1991)

Wildlife habitat present on the property includes mature forest, riparian habitat and wetland habitat. No wildlife species of concern were observed in the project area during the site visit. No dens, nests or burrows were found. No bird nests or amphibians were observed during the assessment, however, the timing of the field visit, and the weather conditions were not suitable for breeding bird or amphibian surveys.

During the site assessments the species in Table 2 were found on the site.

Table 2. Wildlife Species observed on site during field visit on February 19 and March 19, 2019.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Pacific wren	<i>Troglodytes pacificus</i>	Yellow	--
Oregon junco	<i>Junco hyemalis</i>	Yellow	--
Chestnut-backed chickadee	<i>Poecile rufescens</i>	Yellow	--
American robin	<i>Turdus migratorius</i>	Yellow	--
Douglas's squirrel (tracks)	<i>Tamiasciurus douglasii</i>	Yellow	--
Black-tailed deer (tracks and scat)	<i>Odocoileus hemionus columbianus</i>	Yellow	--

¹ BC CDC 2019

² Government of Canada 2019

2.4 SPECIES AT RISK

A query of the BC CDC iMap tool yielded occurrences of the following 2 species at risk within a two-kilometer radius of the property (BC CDC 2019). Species are listed in Table 3 and the location of occurrences in relation to the property is provided in Figure 2.



Table 3. Species at Risk that may occur in the vicinity of 3542 Otter Point Road

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Ermine, <i>anguinae</i> subspecies	<i>Mustela erminea anguinae</i>	Blue-listed	--
Painted Turtle - Pacific Coast Population	<i>Chrysemys picta pop. 1</i>	Red-listed	Endangered

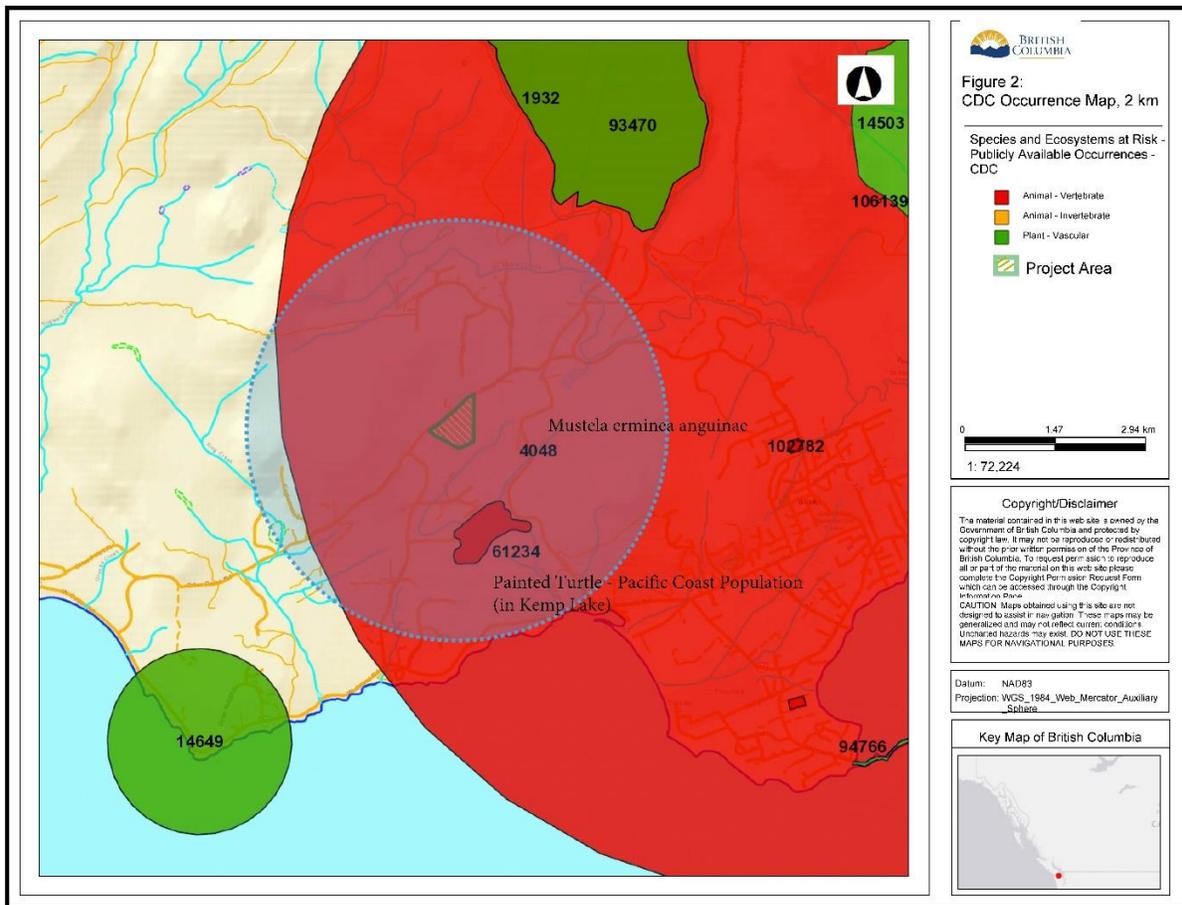
¹ BC CDC 2019

² Government of Canada 2019

The ermine (*Mustela erminea anguinae*) is widespread throughout BC in a variety of habitats (e.g. forests, meadows, wetlands, agricultural and cultivated fields) and over a wide elevation range. Foraging habitat for this species is present on the forested portions of the property.

The Keen's Myotis (*Myotis keenii*), a cave-roosting bat species, occurs at elevations of 0 to 1100 m above sea level. Foraging occurs over a wide variety of habitat including intertidal areas, estuaries, upland forests, wetlands, and riparian areas. Suitable rock crevices or caves do not occur on the property, however, suitable foraging habitat is present.





2.5 RIPARIAN AREAS AND AQUATIC ECOSYSTEMS

A watercourse running east to west and a wetland is present on the property in the southwest portion, included in the area mapped as a Riparian/Wetland Sensitive Ecosystem by CRD. During the site visit on February 19, 2019, the boundaries of the wetland were mapped (Figure 1).

The wetland is fed by an unmapped watercourse (drainage/creek) running from the northeastern most corner of the property, between the existing residential and sawmill areas. The watercourse passes under the sawmill access road through a culvert. On the downstream side of the culvert, the watercourse opens into a marshy wetland area. This continues through the riparian forest (Photo 7) to the large wetland in the property's southwest. A small portion of the watercourse is channelized (Photo 8), however, the majority is wide and marshy (Photo 5).

The site visit was done in late winter, during the wettest season, and therefore likely measured the wetland at its most saturated. In the summer, the wetland area will be much drier than during the field visit, as evident by the type of vegetation.

Along the property's southwestern boundary, the wetland and riparian areas are constrained by historical addition of fill to the neighbouring property (Photo 9). Approximately 500 m downstream, the drainage is dammed and used as a water supply for agriculture (ALM Farm).

There are no fish occurrence records on the property, and the watercourse and wetland do not provide suitable fish habitat due to the shallow, seasonal nature of the wetland and creek flow, and because the dam downstream would serve as a barrier to fish passage.

Adjacent to the watercourse and wetland is riparian habitat. The wet areas are in a depression on the property, and the terrain slopes upwards on both sides. Therefore, the vegetation transitions from riparian vegetation to upland forest within 5 to 20 m of the watercourse and wetland periphery. A preliminary 30 m SPEA has been applied to the mapped wetland boundary in Figure 1. This 30 m setback is in accordance with the CRD Bylaw No. 3819, as stated in Section 1.2 of this report.

For the watercourse that drains into the wetland, the SPEA calculation is 12 m on both sides. This is following the Riparian Area Regulations and calculating from the high-water mark, the depth and the vegetation characteristics every 5 m for the waterway. Prior to any future development, a detailed Riparian Area Report will be completed, showing methodology, and submitted to the provincial and local government. This report is for the current conditions only, and prescriptions for revegetating disturbed areas within the SPEA.



3 CURRENT ENVIRONMENTAL EFFECTS

The current impacts on the environment from recent activities on the property are:

- Infringement on sensitive ecosystem areas, such as riparian habitat,
- Loss of existing vegetation,
- Potential spread of invasive plant species,
- Change in wildlife habitat availability and wildlife mortality risk.

RIPARIAN HABITAT

The removal of trees in the riparian area results in the loss of features, functions and conditions that are vital for maintaining watercourse health and productivity, including sources of large organic debris, such as fallen trees and tree roots; vegetative cover and shade to help moderate water temperature; provision of food, nutrients and organic matter to the stream; stream bank stabilization; and buffers for streams from excessive silt and surface run-off pollution.

VEGETATION

The effects of tree removal may include loss of biodiversity of plant species and increased susceptibility to invasive plants not only in the cleared area but also in adjacent plant communities. Vegetation in the riparian area immediately adjacent to cleared areas may experience in changes to the canopy structure and understory plant species due windthrow and increased light and moisture penetration.

Invasive plants are particularly adept at colonizing degraded plant communities and disturbed soils in high traffic areas, such as the margins of roads and parking areas. Invasive plants establish readily in disturbed areas as they have a wide ecological tolerance and grow and propagate quickly. The effects of invasive plant establishment may be the reduction or displacement native species by capturing resources and occupying habitats.

WILDLIFE AND WILDLIFE HABITAT

Habitat loss and alteration from tree clearing can cause displacement of wildlife, use of less suitable habitat, reduced foraging ability, increased energy expenditure and lower reproductive success. Reduced habitat effectiveness can occur as a result from the creation of habitat edges, habitat fragmentation, or reduction in habitat connectivity that may create barriers to wildlife movement. Many wildlife species avoid crossing openings or move more slowly in open areas. Removal of riparian habitat will result in the direct loss of habitat for wildlife species that specifically require riparian vegetation and proximity to water.

EROSION AND SEDIMENT MOBILIZATION

Removal of trees has exposed slopes and soils to erosion and can result in the movement of sediment on the property. Damage or degradation of soil surfaces during tree removal can include loss of soil structure, increased erosion, and soil compaction, which can negatively affect post-construction reclamation efforts.

WETLAND MODIFICATION AND SEDIMENT CONTROL

The unmapped watercourse has been modified historically for the installation of the sawmill access road and culvert. Existing extensive modification and addition of fill has also occurred on the adjacent property to the west. Implementation of mitigation measures will serve to restore and maintain the drainage of water to the southwest.



RESIDUAL ENVIRONMENTAL EFFECTS

The rezoning and subdivision of the property will not have any environmental impacts.

The residual environmental impacts of the activities on the property will be reduced by the implementation of the mitigation measures recommended in Section 4 of this report. The environmental disturbance in this rural community will be long-term due to the permanence of the road and buildings; and is considered a moderate impact because of the removal of the vegetation (invasive and otherwise). The moderate impact is due to the logging having already occurred on most of the property prior to the site assessment.

4 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

The mitigation measures provided in this report are designed to protect sensitive ecosystems and were developed in accordance with:

- CRD Bylaw No. 3819,
- Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a),
- Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (BC MOE 2014), and
- Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004).

PROTECTION OF THE RIPARIAN AREA

No further clearing or modification should occur within the SPEA (Figure 1). The SPEA should be clearly marked to ensure no disturbance occurs within this sensitive riparian and wetland ecosystem.

REVEGETATION

Revegetation of disturbed area within the SPEA (12 m on both sides of the waterway and 30 m around the wetland) should be undertaken in the spring. As any trees planted will take a long time to mature, Corvidae suggests planting a mixture of shrubs and tree species in order to prevent invasive species, increase erosion control and slope stability, and provide wildlife habitat. Table 4 provides the species that Corvidae recommends be planted.

In addition to the planting of the SPEA, a treed buffer is required around the perimeter of the sawmill lot. Planting this with cedar and fur trees is recommended, at the same time as the planting of the riparian areas (spring 2020). Spacing should be 5 m apart in a buffer around the entire lot, following tree planting standards with local tree species.

There has also been a lot of natural revegetation in the area, which off-sets the need for planting. This includes sword ferns, alder, salmon berry, Nootka Rose, willow and cedar saplings. During tree planting, the trees will be spaced off existing native vegetation and spaced to allow sunlight through as they grow; i.e. approximately 5 m spacing between trees, and 2 m spacing off of shrubs, 1 m spacing off of small plants such as ferns. A total of 200 trees are recommended for the riparian areas and approximately 300 for the buffer of the sawmill lot.



Table 4. Recommended native vegetation to plant in disturbed riparian area that is currently not vegetated

Common Name	Species
Western redcedar	<i>Thuja plicata</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>

WILDLIFE AND WILDLIFE HABITAT

The following measures should be taken to minimize impacts on wildlife and wildlife habitat:

- Further disturbance should be completed outside of the migratory bird window (prior to March 15th or after August 15th; Government of Canada 2019).
- Where suitable, retain habitat that provides shelter for wildlife, such as downed logs and standing dead trees.
- Avoid additional removal of established trees or shrubs, where possible.

ACCESS ROAD INSTALLATION

All construction for the access road to the sawmill along the eastern boundary of the site should occur in the dry season, when the water levels in the watercourse and wetland are lowest (or completely dry). Only the area required for the access road (20 m) should be cleared: the boundaries for vegetation clearing should be clearly marked before construction commences.

POLLUTION CONTROL, FUELING AND SPILL RESPONSE

All equipment accessing the property should be in good working order. Any leaks should be repaired prior to commencing work. Any fueling of equipment will be done with drip-trays underneath on site, on the road or set staging area. There will be no fueling of equipment within 30 m of the watercourse and wetland.

All fuel containers and other potentially deleterious substance containers will be secured so that they may not be emptied or upset by vandals when left overnight in the area.

A large, labeled mobile spill kit capable of mitigating spills of 100 litres of fuel is recommended to be kept on site adjacent. The kit should contain the following materials or equivalent:

- absorbent pads (hydrocarbons and antifreeze)
- absorbent socks (oil, gas & diesel)
- a jar of plug n dike (leak stop compound)
- 1 spill instruction sheet

INVASIVE SPECIES

Two invasive species were observed on site: Himalayan blackberry and English holly.

Invasive weed control is difficult for established populations. Immediate eradication of new and small infestations should be a high priority. Hand-pulling and cutting are effective on young plants. All plant material must be disposed of by burning or landfill. Invasive species removal should occur in spring, before the plants flower and seed.



EROSION AND SEDIMENT CONTROL MEASURES

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

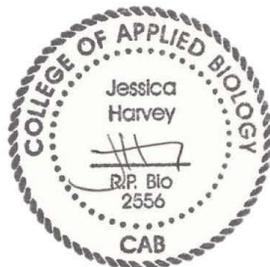
Natural regeneration and planting of native species, which naturally have deep roots, will aid in soil stabilization and erosion prevention.

Site specific controls have been developed based on a site visit and experience from past projects. Erosion controls, listed in Table 4, are recommended to be maintained for the duration of building any dwellings and removed completely following landscaping.

Table 5. Erosion and Sediment Control Mitigation Measures

Activity	Potential Impacts	Mitigation Measures
Clearing of existing vegetation	Exposure of underlying soils to erosion	Install silt fencing to prevent sediment laden runoff from entering the watercourse or wetland. Minimize amount of time soils are exposed, plant native vegetation and landscaping materials within the growing season following removal of non-native vegetation and landscaping.
General construction	Sediment laden runoff	Store soils in dry, flat areas, outside of the SPEA.
Restoration and native vegetation	--	Planting of native species of grasses, shrubs and trees in the green space areas, which naturally have deep roots to aid in soil stabilization, compete against weeds and do not require irrigation.

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APPENDIX A – SITE PHOTOGRAPHS

Photo 1. Clearcut area and existing sawmill.



Photo 2. Lot 2 area



Photo 3. Cleared area in western portion of the property near Otter Point Road.



Photo 4. Open wetland area at 3542 Otter Point Road. Uncleared, with treed buffer area.



Photo 5. Sedge dominated wetland area with mature forest adjacent. Uncleared.



Photo 6. Mature alder with shrubby understory at the westernmost margin of the wetland. Uncleared.



Photo 7. Mature forest habitat adjacent to the watercourse and wetland. Protected riparian area.



Photo 8. Channelized portion of the unmapped watercourse on the property. Uncleared, protected riparian area.



Photo 9. Filled area on adjacent property to the west of 3542 Otter Point Road (view north).



Appendix I: Industrial Zoning Map

