



DECISIONS AND ACTIONS

Steering Committee
Tuesday, December 12, 2017
Colwood Municipal Hall

Present: Jason Nault, Judy Nault, Vicki Metcalfe, Kitty Lloyd, Judith Cullington, Iain Bourhill, Owain McKibbin (by phone), Beth Mitchell, Gayle Johnson, Nancy Wilkins

DECISIONS			
1	ELSI will ask RRU and UVic to see if students can take on project to create a restoration plan for Pit House Park [in consultation with Colwood Parks]		
2	2018 ELSI work plan will be reviewed via email, when ready		
Next Meeting: 13 February 2018			
ACTIONS		ACTION BY	DUE
1	Make suggestion to Colwood about where the food trucks and picnic tables should be located for 2018 season	Kitty	Spring
2	Contact DFO re setting up tour of fish monitoring creeks	Kitty	Jan 2018
3	Engage RRU to see if they would put up the First Nation mural and sign on their property	Kitty	Carry forward
4	Send out link to Millstream Creek fishway brochure	Judith	ASAP (done)
5	See whether we can include inventory of lagoon on 2018 CRD Harbours Work Plan	Kitty/Jody	ASAP
6	In our comments about Draft OCP, note that there are many smaller creeks entering the Lagoon that are not mentioned in the Draft	Kitty	ASAP
7	Next meeting – discussion of water licensing on Colwood Cr	Kitty	Feb 2018
8	Provide comments in writing about the forest bylaw in regards to protection of trees used by birds	Owain	January
9	Create 2018 Work Plan, send to committee for review via email	Kitty	January
10	Contact UVic RNS program about creating a restoration plan for Pit House Park: send info to Nancy at RRU	Kitty	January

INFORMATION

Decisions and Action items from last meeting:

Engage RRU to see if they would put up the First Nation mural and sign on their property:

- Kitty spoke to Nancy Wilkins, we'll see where it goes from there. Conversation to include Colwood.

Colwood Draft Official Community Plan (OCP)

- Committee generally very happy with comments Kitty put together
- Iain:
 - Big thanks for providing a comprehensive review. Some really good suggestions.
 - Next steps for Colwood: incorporating public input from the draft that was released on November 9.
 - Hope to have a summary of what we heard for council to consider on December 18th. Following that we will continue to receive input, will have a revised draft for council in mid-January (3rd week). Council will have the opportunity to review the public's input since November and to also look at the bylaws for OCP.
 - Intention: first reading, public input, second reading, second amendment if necessary then proceed to a public hearing between second and third reading then adoption. Timeline – February or March for final adoption, at the soonest
 - Any questions, please ask Iain.

Kitty – Concerned about continuous uninterrupted public waterfront access as expressed in OCP; this is a lot more access than there is now, especially along the lagoon. A multi-use walk way, what is this going to look like at the lagoon?

Iain:

- Green Shores approach being adopted in the OCP implies that the waterfront areas will be respected, implicit to this approach is not damaging the environment along Coburg Peninsula, and to use existing road, not any additional paving for a walkway. I can't see us putting a thoroughfare road, it would destroy the environment.

Jason:

- Honestly can't see Colwood building any kind of walkway along the lagoon, given the sea level rise, amount of storm surge and how high the inside of the lagoon gets every year. Anything put there will be inundated and destroyed. Can't put a boardwalk as it would float away. You could put concrete there but that goes against all green objectives.
- I suspect what we'll see along the lagoon is a continuation of the assets we have now with the limited access through the dune. From the sewage pump station to Royal Bay you might see better sidewalk access, but again that will create a problem with dune erosion.
- Action item for Colwood is to develop a design for future walkways.
- OCP doesn't say where exactly, what type of walkway would it be, how are we going to deal with erosion, sea level rise, gradual loss of cliffs along Royal Bay.
- This idea came up from the OCP Steering Committee, everyone likes the idea but no one has come up with a real concrete way to do it. Now we need to develop the plan to see how and if we can do that. Multiple areas of the plan that warrant future assessment, trying to not make assumptions.
- **Section 10 Climate Change:**
 - sea level rise is addressed but the piece that always gets missed out is the storm surge impact. So just not higher but also an impact further in land. Like to see this reference in the OCP.
 - Iain: Storm surge impacts were considered in establishing the horizontal set back from the water (30 meters), the vertical set back is 2 meters. We are calling for mitigation strategies relative to sea level rise being incorporated into our revised community energy & emissions plan. The general direction is that it is much more restrictive for the development of the waterfront. The vertical separation is based on the consultants looking

at other regional municipalities and data with respect to what the province has to say about sea rise. It is up for debate on what the vertical separation should be.

- ELSI wish for Coburg Peninsula is to eventually close one lane of traffic, make it one-way for vehicles. Is this in your vision?
 - This is a good comment but it is beyond the scope of OCP
- In Royal Bay Park they have done extensive work trying to keep the pond that is above the beach. Making a ramp down to access a nice beach. Still working on the erosion problem. Planted dune grasses along the edge along where an arbutus tree fell on the beach. Ongoing project, sloped the hard landscaping so the water hits it a different way and is not undercutting the beach. Ongoing environmental process with permits.
- Colwood contractors have been mapping elevations along the dune last week using a drone; part of the site erosion study that was mandated. Data will be compared to older maps to determine the rate of erosion; hoping this will give us a better idea about where to relocate the sewer pump station.

Q: Are there plans for CRD to do another underwater survey in the lagoon?

A: Yes, it is on our agenda to repeat at least a portion of the work done to create the Harbours Atlas. That survey work was in 1999/2000 and needs to be updated. This project has been sidelined as Jody and Kitty are working on the regional abandoned boats issue. We also need more funding for the inventory. We spoke to a consultant recently who uses a drone to do very detailed shoreline analysis. He has all the necessary licensing to work within CRD Harbours. This would be a great way to get information and not have to repeat the expensive underwater study.

ACTION – Discuss including a lagoon inventory on our 2018 program work plan

Riparian Areas & Marine Shorelines Environmental DPA (page 140, Draft OCP)

- **Q:** Are there fish-bearing creeks missing from the list on page 141?
- **A:** There are cutthroat trout in every creek that we have trapped, including Colwood Creek and fish ladder creek [flows from Hatley Castle ponds], there are three other small creeks that come out of the escarpment and flow through the wetlands between Pacific Landing and RRU. Nine creeks in total, have found fish in all of them over the years but right now not finding anything in Selleck Creek. We think the holding pond is too hot in the summer and may explain why there are no trout. Right now it is clear and cold and not full of algae [as it was in summer], we are trying to get someone to drop some traps in there now. There is also a smaller creek that is not included called Laguna Brook, between the house that borders the Ridley Park, and empty property on Anchorage Ave, have seen cutthroat trout in there.

ACTION – Comment that there are more creeks entering the lagoon that are not mentioned in the OCP

- Colwood Creek flow was cut down to a trickle all summer along, just a small seepage from hillside above; the Royal Colwood Golf Course cuts off the water supply as they have been doing for a long time now.
- When water is flowing through the watershed, we have seen coho salmon in the lower reaches of Colwood Cr
- Beth never heard back from the province regarding questions about the water licensing. We have a file number and they should be getting back to us but they don't.
- We need to contact Pacific Salmon Foundation or other organizations to put some pressure on the province. DFO should be involved, but they have passed us off to the province. It is Provincial Ministry of Environment who issues the license.

Action - Water licensing on creeks – discussion item for next meeting.

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- Question for Iain: Should the Wildlife Refuge Areas in the lagoon be mentioned in the OCP, ie added as a map?
 - A: Mapping serves 2 purposes: to designate land use to guide future rezoning, and to delineate environmentally sensitive development permit areas. The lagoon would already be included in the environmentally sensitive DPA section already so it is redundant. If you can think of policy directions that may be inform that could be useful.
 - We will take this into consideration.

Colwood Interim Urban Forest Bylaw – [Note – this bylaw has been adopted, but is considered an Interim Bylaw]

Jason:

- Map that shows forest loss in Colwood was passed around. Significant loss from 2000-2016, almost all forest loss is due to new development especially on Royal Bay. Maps for 1984-2000 are missing, which shows a bigger loss, this was done through the Urban Forest Stewardship Initiative.
- Council is very supportive of the forest bylaw, passed final reading and has been enacted, will review the bylaw in 3 months.
- Appointing a committee to receive input from residents, developers and environmentalists. We will rewrite the bylaw to fit Colwood.
- Judith has put her name forward to be part the committee, Jason has asked to be the council rep on it
- There will be 6 residents, 2 experts and 1 council rep on the committee.
- As written now, bylaw is extremely restrictive and we did that because last time Colwood tried this, land owners went on a rampage and cut down many trees. We had to enact it quickly to get this out as an interim bylaw.
- This bylaw includes all trees, including those within a prospective building envelope. Trees have to be replaced on the site, or pay a fee (dependent on tree size) into a fund for the City to plant trees elsewhere.
- Public engagement during OCP review was impetus behind the forest bylaw, tree protection was very important to people.
- List of replacement trees does not include native BC species (list was created to replace trees in a road right of way); bylaw states that the Planning Director is responsible for approving the type of species. Looking at 'like for like' until there is a bylaw revision. i.e. Douglas fir would be replaced with the same or similar. Meant to be process-informed, a professional arborist would provide a replacement plan.
- One exception in this bylaw is trees interfering with hydro lines, no permit is needed for BC Hydro to remove the tree.

Ken Morgan gave feedback to Kitty from CWS point of view. "When do I need a Permit?" - Protecting trees with evidence of nesting birds – it is a vague statement; nest could be inactive at the time of a survey, or be used intermittently over the years, but is still an important bird resource.

Action – Kitty forward this feedback to Iain.

Discussion – roosting versus nesting. This aspect of tree protection with respect to nesting birds needs to be clarified.

[Note – from Ken Morgan, Canadian Wildlife Service, after reviewing these meeting notes:

The BC *Wildlife Act*, section 34, states:

A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys

- (a) a bird or its egg,
- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
- (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

The Federal *Migratory Birds Regulations* (MBR), section 6 contains general prohibitions against the disturbance and destruction of nests; section 5.1(1)(2) of the Federal *Migratory Birds Convention Act* (MBCA) prohibits the deposit of harmful substances into areas frequented by migratory birds. This includes the incidental take of migratory bird nests through destruction and disturbance through otherwise legal human activities.

The MBR apparently only protects trees when occupied by adult birds, their young and/or their eggs.]

Owain: Every circumstance needs to be investigated before taking down trees. Wildlife trees are not just used for roosting

Action – Owain provide comments in writing about the forest bylaw.

Action – Kitty draft a letter to Colwood with ELSI comments

Colwood Updates – See attached excerpts from Planning & Land Development Status Report, Sept – Dec 2017, in Appendix 1

Pacific Landing

- Most significant development affecting the lagoon is Phase 2. The architecture is different now, trying to draw inspiration from the architecture of Pendray House. The massing is roughly the same but the architecture is different than what was shown in the image in the report. The builders sent the review to staff, we think they have improved the architecture.

3381 Anchorage

- 6 lot subdivision- vacant Ridley Lot near Aloha Ave Subject to subdivision application, need an environmental development permit, requested a setback variance to the new lot lines created with the new subdivision application. Archaeology review is being done, the developer is working on that aspect of the project.

There is another lot on **Anchorage Ave** that is being subdivided and surprised it was approved as it is in the bird sanctuary and flood zone, with sea level rising and the house closest to the water wouldn't two meters above sea level. The builder is using existing zoning to achieve the subdivision. Issues surrounding just the public good of the subdivision, were dealt with by the approving officer, his decision. The development permit is operating under the 2008 design guidelines along with the 2008 OCP guidelines. Once the OCP is revised, then the design guidelines are updated.

Ocean Grove

- Signs have been put up very recently: "Intruders will be prosecuted; Beware of Live Creek" – what do these signs mean? Residents don't know what the signs mean, public access is all along the site. Perhaps new owners are covering their liability. Property recently changed ownership, City has been in touch with representatives of the company to meet with them in the week or so. Dennis Carlson is planner in charge of this development

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Brookes School

- Comment from Jason: He has been checking the site regularly, and they seem to be doing a good job of keeping their debris out of the creek.

Former Aquattro Show Centre in Pit House Park:

- Building is empty, gravel being spread. Talk to Public Works for an update. It is officially a City of Colwood building. No discussion at council yet about what council wants to do with this site.

2006 Sooke Rd (across from Brookes School)

- Affordable housing, 82 rental units

Seafield & Heatherbell Rd:

- 35 lot division, receiving rezoning application, has had fourth reading, held off, development agreement finalized. Road closure involved, redesign of the road so it is adequate for emergency vehicle access.

Other - What about discussions with First Nations and DND on the Royal Roads land?

- Iain: We did go to Songhees and sent offers to Esquimalt with respect to going through our OCP Project. Iain presented the OCP to Songhees council to let them know where we are at. And they will be referred a copy at the appropriate time.
- We've had feedback asking us to differentiate between the open space designation on the land designation map, to show what is Colwood park, what is private open space or other jurisdiction open space that separates Royal Roads, perhaps use a different shade of green on map. Through a future treaty settlement, if it becomes treaty line it would not be part of OCP.

Who owns Colwood Lake – is it part of the golf course or a Colwood Park?

- The fish in this lake are stocked by the province. The golf course built the dam that created that lake, that is part of their water license and they use this water to irrigate the golf course. This is an assumption, needs to be confirmed.
- Jason has spoken with DFO, and they say if enough people are concerned about the impediment to fish because of the weir and water being cut off to lower reaches of the creek, they would act
- We need to go to all the fisheries conservation groups and put together the pictures and make a big display. Patrick Lucey has a ton of photos from the environmental report for Brookes School development.

Question about RRU:– DND contracts First Nations to work on areas outside of the core lease area as part of a five-year invasive species plan, \$40K annual budget. RRU does not have the budget to deal with invasive plants in the core area (RRU area of responsibility)

Coordinator Updates

2018 meeting schedule – dates handed out, same bi-monthly schedule as previous years.

2018 Work Plan: Not prepared yet,

ACTION: Kitty to email to the group for review.

Discussion Re Pit House Park Restoration

- Referring to the park area below Ocean Grove, owned by Colwood, currently an open field that is now becoming overgrown with broom and blackberry.

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- We got a start on invasive plant removal last year with the Greater Victoria Green Team. We should develop a restoration plan to guide any future work
- Kitty will get in touch with the Restoration of Natural Systems program at UVic. Would Royal Roads students be interested?
- Nancy: When we get our student' sustainability committee in January, we could add community gardens to their project list. It would be nice to have a proper plan.
- Craig Barlow should be part of this with his experience/knowledge
- Not sure if the current owners of Ocean Grove finished off the work they were obliged to do in the Pit House Park. It is challenging with several ownership changes. There were riparian improvements involved in the original development plan, but scheduling is up in the air and so is what is happening to that property. Jason expects see an application to come in front of the Planning Advisory Committee soon.

ACTION - Kitty to send Nancy details.

- Need to include Gord Beauvillier at Colwood Parks.

Partner updates:

Fish monitoring (Beth) -

- Joe intended to be here to make an announcement, he is not well and can't continue in this role. He wants to work on a plan to get other people to carry on with the job that he's been doing for the past 14 years. Colwood Creek is the primary focus. Bob and Don sometimes help out, but need to have some new volunteers to continue this project.
- There's a new DFO Community Advisor for Southern Vancouver Island, Dale Desrochers. He has promised to come prior to the next ELSI meeting so we can show him the creeks and have a discussion on where to go from here. He will be a guest at our next meeting.

Bee Creek (Judy Nault): Residents moved in to new building at Pacific Landing in November, talking about getting the restoration group going again in January, seems to be good response from residents. Bob mentioned that possibly one of the residents might want to take over fish trapping for Bee Creek. Very excited if this happens. Phase One is full, Phase Two is being built.

VNHS: (Vicki) – Christmas bird count on Saturday, December 16 at the Esquimalt Lagoon. All Buffleheads Day (Oct 15), Judy went to the big ceremony in Sidney, very exciting. Turning into quite a thing for Sidney. Friends of Shoal Harbour group has been pushing for declaration of a NatureHood, the whole region was designated a NatureHood by Nature Canada in July, plaque dedication at Government House next week. Jacques Sirois is involved and promoting establishment of a biosphere. The Urban Sanctuaries project has helped promote this concept too. NatureHood does not bring extra protection to the area, but is more about awareness-raising. Limited funds may be available for developing educational resources.

Judith - Involved with Peninsula Streams Society, looking at Millstream Creek where there's a perched culvert that fish can't get past. DFO, grant for \$250K, fundraising for another 250K, built 15 pools, gives them 10 km of habitat. Fundraising scheme: great Christmas gift idea, you get to name the fish, fish are tracked. \$40 to name the fish, trying to see which fish makes it up the creek!

ACTION: Judith will send out the brochure to forward.

Royal Roads (Nancy) – we put in a request for 2 student projects, both approved, Bachelor of Science students, there's a team of five students, they work Jan - Aug.

- Province is asking that we have a 10year adaption program for the public sector, have the students do this for RRU.

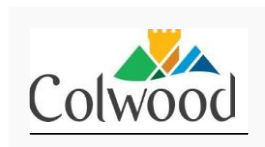
- Second project approved was suggested by new VP & CFO (Cheryl Eason) - looking into bee keeping on Royal Roads lands, could market “Hatley Honey”. Fairmont Victoria and Harbour Air both have bee keeping on their commercial buildings. One of first things Eason asked for was the sustainable purchasing policy, Nancy has been trying to implement this for 9 years, very encouraging that sustainability is going to be incorporated into operations at RRU
- We have nine outdoor recycling bins coming to the campus, have been lobbying for this for a long time. This could save the campus \$14,000/year in landfill fees
- Boat house under renovation, converting outdoor space, reno will include upgraded heating system that will save some emissions, and will include two new classrooms. Hoping this will look like the Blue Heron building. Was hoping for photovoltaic 10 year pay back, Royal Roads rule.
- Nancy attended a Climate Action Workshop at UBC, the provincial government wants to be a leader in tackling climate change. Legislating 40% reduction of emissions by 2030. Carbon tax always was revenue neutral, but no more: three uses of this ‘new’ money – supports for low income people, give to industries that are facing trade barriers, and do more for energy projects. Happy to say that the current legislated target is 33% by 2020 and RRU is at 31% already. Unfortunately we’re part of only 10% that will actually reach this target.

CWS - Owain – Hopeful that in the New Year we’ll have time to get correct signage for the lagoon and surrounding area in place.

Meeting adjourned: 4:30 pm

Appendix A – Excerpt from Colwood Planning & Land Development Status Report, Sept – Dec 2017; Only properties adjacent to the lagoon were discussed. Full report can be viewed here:

<https://colwood.civicweb.net/FileStorage/0133150ECE3840EF96C0A5ED3C3F0F5D-REVISED%20-%20Quarterly%20Report-August-December%202018.pdf>



PLANNING & LAND DEVELOPMENT STATUS REPORT

September – December 2017

Planning & Land Development Highlights

- *2 new major development permit applications (DP-17-039 & DP-17-035) and development activities in major comprehensive development zones*
- *Public release of Colwood's Draft Official Community Plan*
- *Adoption of Colwood's Interim Urban Forest Management Bylaw*

Development Applications

(Not yet presented to Advisory Planning Commission or Council)

2330, 2342, & 2344 Sooke Road – Rezoning and OCP Amendment (RZ-17-003 & OCP-17-002)

Application for rezoning to accommodate a multi-family development consisting of 18 townhomes, one 6-storey, 27 unit condominium, and one 4-storey, 32 unit rental apartment. Application pending a staff report to the Advisory Planning Commission.



In-stream Development Applications

(In-process DPs and Rezoning / OCP applications)

2006 Sooke Road – Development Permit and Rezoning Application (DP-17-009 & RZ-16-009)

Application to rezone the subject property from RM1 to RM6 to allow for 82 affordable rental apartment units in a four-storey complex. Rezoning application pending the registration of a development agreement. Development permit application pending staff review prior to the issuance of a permit.



3381 Anchorage – Development Permit (DP-17-021)

Application for a development permit to accommodate a 6-lot subdivision in an area designated for environmental protection. This application includes a variance request to reduce setback requirements. Application pending staff review prior to the issuance of a development permit.

3221 Heatherbell – Development Permit (DP-17-020)

Application for a development permit to permit a 20 unit five-storey apartment with underground parking for the second phase of development. Application pending staff review prior to the issuance of a development permit.



Brookes School – Development Permit (DP-16-022)

A 300 student private school designed around Colwood Creek was rezoned in 2016. A development permit and a building permit have been issued.



On-site activity

Construction on the dormitory structure has commenced. Additional site improvements such as the covered pedestrian bridge are forthcoming.

Seafield & Heatherbell Road – Rezoning (RZ-06-13)

Rezoning application to accommodate a 35-lot subdivision. Project pending a development permit application.



On-site activity

The rezoning application has been approved.

Development permit application forthcoming.

Approved Development Applications

(Application approved)

3340 Anchorage Avenue – RZ-16-10

An application to rezone an existing lot and to create two new lots was approved. Project pending the finalization of the subdivision as well as a development permit application.

