

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **July 20, 2021 at 7 pm**

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

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**AGENDA**

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of June 15, 2021
4. Chair's Report
5. Planner's Report
6. Radio Communication and Broadcasting Antenna Systems Application
  - a) LP000021 - Section 42, Otter District (2540 Aythree Way)
7. Development Permit with Variance Applications
  - a) DV000077 – Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641 (6606 Mark Lane)
  - b) DV000079 – Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413 (6402, 6410, and 6340 Cerantes Road)
  - c) DV000080 - Lot A, Section 7, Otter District, Plan VIP75055 (8709 West Coast Road)
8. Zoning Amendment Application
  - a) RZ000273 - 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. Administrative Bylaws
  - a) Bylaw No. 4412, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" (Outdoor Recreation)
10. Adjournment

*Please note that during the COVID-19 situation, the public may attend the meeting electronically through video or teleconference. Should you wish to attend, please contact us by email at [jdfinfo@crd.bc.ca](mailto:jdfinfo@crd.bc.ca) so that staff may forward meeting details. Written submissions continue to be accepted until 4:00 pm the day before the meeting.*



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee  
Held Tuesday, June 15, 2021, at the Juan de Fuca Local Area Services Building  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** Director Mike Hicks (Chair), Stan Jensen (EP), Vern McConnell (EP),  
Roy McIntyre (EP), Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)  
**Staff:** Iain Lawrence, Manager, Community Planning (EP);  
Wendy Miller, Recorder (EP)  
**PUBLIC:** 10 EP

EP – Electronic Participation

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

The Chair provided a Territorial Acknowledgment.

**1. Approval of the Agenda**

**MOVED** by Director Hicks, **SECONDED** by Dale Risvold that the agenda be approved.

**CARRIED**

**2. Approval of the Supplementary Agenda**

**MOVED** by Stan Jensen, **SECONDED** by Vern McConnell that the supplementary agenda be approved.

**CARRIED**

**3. Adoption of Minutes from the Meeting of May 18, 2021**

**MOVED** by Sandy Sinclair, **SECONDED** by Vern McConnell that the minutes from the meeting of May 18, 2021, be adopted.

**CARRIED**

**4. Chair's Report**

Director Hicks reported that the Shirley Volunteer Fire Department has improved cell service as a result of a partnership with the Ministry of Transportation and Infrastructure.

**5. Planner's Report**

No report.

**6. Zoning Amendment Applications**

**a) RZ000270 – Section 4, Renfrew District Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 and EPP69011 (12036 West Coast Road)**

Iain Lawrence spoke to the staff report and request to rezone a portion of the subject property to permit a brewery with lounge, picnic area, retail sales and a country market, and to realign the existing split zoning boundary to separate current and proposed uses.

Iain Lawrence highlighted the subject property map and aerial image and advised that the LUC directed referral of the proposal to agencies and to the Shirley/Jordan Advisory Planning Commission (APC) at its November 17, 2020, meeting.

Iain Lawrence reported that:

- proposed Bylaw No. 4381 has been amended in response to feedback from the APC to decrease the proposed floor area from 4,000 m<sup>2</sup> in the Wildwood Terrace Neighbourhood Commercial (C-1A) to 2,000 m<sup>2</sup>
- the proposed shift in the zone boundary would remove an area used for forestry and gravel processing from the C-1A zone area
- through discussions with the applicant, a floor area of 2,000 m<sup>2</sup> is considered sufficient for the adjusted C-1A zone area
- the applicant hosted a public open house for residents in response to feedback from the APC
- proposed Bylaw No. 4381 has been further amended in response to public input at the open house to add *country market* use to the C-1A zone
- the APC was not supportive of the proposed endorsements for an onsite store, picnic area, lounge and special event area; however, the proposed endorsements add the required neighbourhood commercial character to align with the Pacific Acreage policy, whereas food and beverage processing alone are more industrial
- endorsements under the Provincially approved manufacturer's licence for a brewery require additional local government and public consultation that will be considered separate from the rezoning

Iain Lawrence outlined the referral comments as included in the staff report. Further to the referral comment received from CRD Building Inspection, staff recommended that the outline motion relating to building permit requirements be amended. The amendment is requested to recognize that the subject property is Private Managed Forest Land and, as such, not all existing structures on the subject property may require building permits.

Iain Lawrence directed attention to the submission of support included in the supplementary agenda and confirmed that the applicants were present.

An applicant stated that:

- a forestry company leases a portion of the subject property
- some of the buildings are held by the leaseholder
- he is working with the leaseholder to address building items

**MOVED** by Vern McConnell, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

- a) That the referral of proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, Island Health, Liquor and Cannabis Regulation Branch, Managed Forest Land Council, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Ministry of Public Safety & Emergency Services – Wildfire Service, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;
- b) That proposed Bylaw No. 4381, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 149, 2020" be introduced and read a first time and read a second time; and
- c) That in accordance with the provision 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. 4381.

- d) That prior to adoption of the bylaw, the applicant:
- i) Provide confirmation that a Contaminated Site Release has been issued by the Province;
  - ii) Provide confirmation that a commercial access permit has been issued by the Province;
  - iii) Secure a covenant on title pursuant to Section 219 of the *Land Title Act* in favour of the CRD requiring that a fire suppression sprinkler system be installed in all buildings and structures;
  - iv) Provide confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector.

**CARRIED**

**b) RZ000271 – PID: 006-452-230 (9662 West Coast Road)**

Iain Lawrence spoke to the staff report and the application to amend the Forestry (AF) zone to add a site specific provision to permit an accessory portable sawmill and associated log and lumber storage uses on the subject property as the current operation has expanded beyond the scope of the Home Industry regulations.

Iain Lawrence highlighted the subject property map and advised that the LUC directed referral of the proposal to agencies and to the Shirley/Jordan Advisory Planning Commission (APC) at its March 16, 2021, meeting.

Iain Lawrence outlined the referral comments as included in the staff report. Further to the referral comment received from the Ministry of Transportation and Infrastructure, Iain Lawrence confirmed that the applicant has received a highway access permit.

Further to comments received by the APC, Iain Lawrence reported that proposed Bylaw No. 4407 has been amended to regulate the scale of the proposed portable sawmill operation, noise and nuisance, and visual screening. Iain Lawrence outlined the specific changes made to Bylaw No. 4407.

Iain Lawrence responded to questions from the LUC advising that:

- noise levels would be measured from the property line, if a noise complaint was received
- a decibel level between 40-60 dB is considered to cover average home noise – normal conversation
- Bylaw No. 4407 would permit a maximum decibel level of 55 dB, when measured at the property line, for the portable sawmill operation
- Juan de Fuca has a noise bylaw (Bylaw No. 3441), but the bylaw does not specifically address the sawmill use

Iain Lawrence directed attention to the supplementary agenda.

Tony White, Shirley, spoke to his submission and stated that:

- he lives across the road from the subject property
- the sawmill operation currently runs four hours a day
- four hours a day is too much
- he is retired and would like to enjoy spending more time at home
- he has worked hard for his property



The Chair confirmed that the applicants were present.

The applicants stated that:

- they have endeavoured to make the operation acceptable to all neighbours
- they are investigating electric chainsaw options and fencing options and will continue to make efforts to improve the sound level for their neighbours
- they are in agreement with keeping noise below 55 dB

LUC discussion ensued regarding sawmill operating hours as proposed by Bylaw No. 4407. Two LUC members reported that they stood across the street from the subject property and found that they could not hear the sawmill operation. Noting the comments received from a neighbour across the street, the LUC questioned if the applicant would consider decreasing the sawmill hours of operation from 9 am to 5 pm, Monday to Friday to 9 am to 3 pm, Monday to Friday.

The applicants stated that they are currently operating the sawmill four hours a day and request consideration of at least six hours a day.

Having heard from an adjacent property owner and the applicants, the LUC stated support for amending Bylaw No. 4407 to change the operating hours for the sawmill to 9 am to 3 pm, Monday to Friday.

**MOVED** by Ron Ramsay, **SECONDED** by Sandy Sinclair that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

1. That the referral of proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, appropriate CRD departments, BC Hydro, District of Sooke, FLNR - Archaeology Branch, FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Island Health, Ministry of Environment & Climate Change Strategy – Hazardous Waste and Forestry, Authorizations South, Ministry of Environment & Climate Change Strategy – Water Stewardship Division, Ministry of Transportation & Infrastructure, Pacheedaht First Nation, RCMP, Shirley Volunteer Fire Department, Sooke School District #62, and T'Sou-ke First Nation be approved and the comments received;
2. That proposed Bylaw No. 4407, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 150, 2021", as amended, be introduced and read a first time and read a second time; and
3. 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. 4407.
4. That prior to adoption of proposed Bylaw No. 4407, the following conditions be met:
  - i) Removal of the Notice on Title and confirmation that any outstanding building permits for existing buildings are addressed to the satisfaction of the CRD Chief Building Inspector;
  - ii) Approval of an access permit to the subject property by the Ministry of Transportation & Infrastructure.

**CARRIED**

**c) RZ000272 – Section 42, Otter District (Clark Road & Aythre Way)**

Iain Lawrence spoke to the staff report and the application to rezone a portion of the subject property to permit two dwelling units, agriculture, and an equestrian riding facility with an ancillary campground.

Iain Lawrence highlighted the proposed subdivision plan and advised that the property is also subject to an active soil deposit permit (SP000092), development permit (DP000291), and radio communication tower application (LP000021).

Iain Lawrence reported that the property is designated Rural Lands by the Otter Point Official Community Plan (OCP), Bylaw No. 3819, and that the primary use for the Rural Lands policy area is to protect renewable resources such as agriculture and forestry.

Iain Lawrence directed attention to proposed Bylaw No. 4422 as included in the staff report. The proposed bylaw provides a density and setback for campground use. Staff advised that the proposed bylaw should be amended to add camping as an accessory use in accordance with the applicant's proposal.

The Chair confirmed that the applicant was present.

The applicant responded to questions from the LUC advising that:

- the campground use is proposed to accommodate clients of the equestrian facility
- the proposed density would include accommodation for staff

**MOVED** by Sandy Sinclair, **SECONDED** by Ron Ramsay that staff be directed to refer proposed Bylaw No. 4422, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 152, 2021", as amended, to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro

District of Sooke

FLNR - Archaeology Branch

FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development

FLNR - Water Protection Section

Island Health

Ministry of Agriculture

Ministry of Transportation & Infrastructure

Otter Point Fire Department

RCMP

Sooke School District #62

Sc'ianew

T'Sou-ke First Nation

**CARRIED**

The meeting adjourned at 7:52 pm.

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Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JULY 20, 2021**

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**SUBJECT**      **Radio Communication and Broadcasting Antenna Systems Application for  
Section 42, Otter District – 2540 Aythre Way**

**ISSUE SUMMARY**

An application has been received by Rogers Communications for a 45 metre (m) radio communication tower with attached antennas and satellite dishes for the purpose of expanding telecommunications services.

**BACKGROUND**

Rogers Communications has requested a statement of concurrence from CRD to construct a 45 m radio communication tower on the subject property to increase their telecommunications service west of Sooke as part of an initiative to expand service between Sooke and Port Renfrew. The approximately 55 hectare (ha) subject property is located on Clark Road and Aythre Way in Otter Point (Appendix A). The proposed tower is a 45 m tri-pole with a 3.2 m antenna extending above (Appendix B). A 132 m<sup>2</sup> fenced equipment compound would be located at the base of the tower. The property owners have granted permission to the applicant to pursue this development.

The subject property is designated as Rural Land in the Otter Point Official Community Plan (OCP), Bylaw No. 3891, and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The parcel is within the Otter Point Fire Protection Service Area and outside of a community water service area. Portions of the property are designated as steep slope, sensitive ecosystems and watercourses and wetlands development permit areas in Bylaw No. 3819.

There is a single-family dwelling being constructed on the property, as well as an active soil deposit permit (SP000092), development permit (DP000291), and 10-lot subdivision application (SU000704). An application is also underway to rezone an 11 ha portion of the property to permit a residential density of one one-family dwelling and suite per 4 ha, agriculture, and an equestrian riding facility with ancillary campground (RZ000272).

Staff initiated public consultation for the proposed tower application between April 29 and May 31, 2021. Comments were received from members of the public and CRD departments and the applicant has submitted responses to the questions and concerns (Appendices C and D). As the land use authority for the application, the CRD Board is required to provide a statement of concurrence or non-concurrence on the application.

**ALTERNATIVES**

*Alternative 1*

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

*Alternative 2*

The Juan de Fuca Land Use Committee recommends to the CRD Board:

That a statement of non-concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

*Alternative 3*

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

## **IMPLICATIONS**

### *Legislative*

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radio communication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in Industry Canada's *Spectrum Management and Telecommunications Client Procedures Circular* when installing or modifying an antenna system.

Part of the process includes contacting the land use authority and following the required consultation process. The CRD is the land use authority for the Juan de Fuca Electoral Area where the subject property is located.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, and the Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the "Policy") in 2019, which establishes a public consultation process and procedures.

### *Public Consultation*

In accordance with the Policy, a notice was published in the newspaper and a notice delivered to property owners and occupants within 500 m of the subject property advising the public of the application and the opportunity to provide written comments and questions. The notice was published on April 29, 2021, and submissions were to be received by 4:00 pm on May 31, 2021. A request for comment was also circulated to relevant CRD departments. CRD Protective Services and the Otter Point Volunteer Fire Department indicated their support the application. One letter of support and ten submissions stating objection were received from members of the public. The applicant was provided the submissions and has responded to the concerns and questions raised (Appendices C and D).

All objections stated health concerns; however, concerns that pertain to debating the validity of Health Canada's Safety Code 6, which regulates radiofrequency emitting infrastructure, are beyond the scope of local government consultation. The proponent has no influence over the safety code and is required to comply. Similarly, the three comments stating concern over potential negative impacts to property values as a result of a nearby tower are also outside the scope of local government consultation, as outlined by Industry Canada in the *Spectrum Management and Telecommunications Client Procedures Circular*. Other concerns noted included: proximity to residences, visual impacts, alternative locations, power supply and funding.

In advance of the July 20, 2021, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the applicant's responses received and the opportunity to be heard and provide additional comment at the meeting.

The public consultation process is to be complete within 120 days from initial contact with the application. A recommendation from the Land Use Committee along with any additional public comments received will be considered by the CRD Board and forwarded to the applicant and Industry Canada.

### *Land Use*

The AF zone does not expressly permit radio communication towers; however, it is considered a use permitted in all zones in accordance with Part 1, Section 4.15 of Bylaw No. 2040, which states: "Except where specifically excluded, the following uses shall be permitted in any zone: public utility poles, pipelines, radio, television, and transmission towers and wires; traffic control devices; and underground or submarine utility systems, the installation of which may be sited on any portion of a lot."

The subject property was selected by the proponent based on consideration for meeting service coverage objectives along Highway 14, the ability to connect to the existing telecommunications network, proximity to end users while being distanced from residences, having an agreeable property owner, and the feasibility of construction.

Development of the site will involve improving the existing driveway and clearing land for erecting the tower and installing a cement pad and fenced compound. Prior to site alteration, issuance of a development permit

may be required to address the steep slope and watercourse development permit guidelines in the Otter Point OCP. CRD Building Inspection has indicated that a building permit is not required for the tower.

Evaluation criteria to be considered by the CRD when reviewing an application for a radio communication and broadcasting antenna system is outlined in the Policy and included in Appendix E.

Rational for proposed location: Rogers Communications states that the service coverage objectives to provide strong and reliable service to Highway 14 corridor and the surrounding community require a site with appropriate elevation, a clear line of site to other towers in the networks, plus proximity to customers while being distanced from residences. The location also requires a site with good conditions such as electricity, access, minimal environmental impacts. The subject property offers many of these requirements compared to other sites considered. The applicant has also received permission from the subject property owner to submit the application to pursue approval for the tower.

Proximity to residential uses, institutions, and public lands: Six submissions from members of the public indicated concern over proximity of the proposed tower to existing residences. The proposed tower site is adjacent to Crown land to the south, vacant land to the north, and Rural A and AF zoned properties to the east and west with existing residences. The closest residence to the proposed tower is approximately 300 m which is greater than the CRD Policy guideline of 135 m (three times the height of the antenna system) from adjacent dwellings. The applicant's response indicates the setback is considered relatively large and that the facility needs to be sited in reasonable proximity to the end users connecting to the network.

Visibility and measures to integrate the tower in to local surroundings: The applicant mentions the proposed location is in a cleared area surrounded by mature trees.

Security measures: The applicant proposes to install perimeter fencing at the base of the tower to restrict public access to the tower.

Alternatives/mitigation measures: The proposed location for the tower offers the applicant the required conditions including proximity to Highway 14, access, electricity, cleared land and a willing property owner. Other locations in the vicinity did not meet the applicant's technical requirements for providing coverage or did not have an agreeable property owner.

Hazardous areas: Portions of the property are designated as steep slope development permit areas in the Otter Point Official Community Plan Bylaw No. 3819. A development permit may be required for alteration of land in these areas.

Environmentally sensitive areas: Portions of the property are designated as Watercourses and Wetlands and Sensitive Ecosystem development permit areas in the Otter Point Official Community Plan Bylaw No. 3819. A development permit may be required for alteration of land in these areas.

Aeronautical safety requirements: The applicant will confirm with Transport Canada regarding whether lights are required for the proposed tower.

Impact on community: The proposed project is part of a larger initiative supported by the Province to provide reliable telecommunications service along the Highway 14 corridor and to surrounding communities between Sooke and Port Renfrew. A member of the public inquired about the applicant's funding sources, partnerships and service coverage to the community. Rogers Communications responded to clarify that \$4.9 million will be contributed by the provincial government to support the expansion of telecommunication service along Highway 14. Other service providers may co-locate on the tower in future. The applicant provided an anticipated coverage map for the proposed tower site.

Designs that address the guidelines: The proposed tower is to be located amongst an already cleared area surrounded by mature forest in order to minimize visibility from surrounding properties. The proximity of the proposed tower to adjacent residences is greater than 135 m (three times the 45 m tower height) recommended in the CRD policy.

Based on a review of the application and comments received, the proposed tower satisfies the evaluation criteria outlined in the CRD policy. While there were several letters of opposition submitted raising valid considerations, comments related to health and safety and property values are outside the scope of the

consultation mandated by Industry Canada. The applicant has presented rationale for the proposed location and demonstrated consideration of alternatives and mitigation measures. Therefore, staff recommend that a statement of concurrence for the proposed 45 m telecommunications tower be provided.

### **CONCLUSION**

An application has been received by Rogers Communications to construct a 45 m telecommunications tower for the purpose of expanding telecommunications coverage in the Otter Point area, and as part of a larger initiative to improve service along Highway 14 to Port Renfrew. The proposal addresses the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. Through the public consultation process, two responses supporting the application from emergency services personnel and one response from a member of the public were received in support, while ten responses were received objecting the application. The majority of the concerns, however, related to issues beyond the scope of local government consultation. The applicant has responded to the questions and concerns related to the proposal. Staff recommend that a statement of concurrence be provided for the application.

### **RECOMMENDATION**

The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:  
That a statement of concurrence be provided to Rogers Communications for the proposed 45 m radio communication and broadcasting antenna system on Section 42, Otter District Except That Part Lying 50 feet on Each Side of the Centre Line of the Right of Way Shown on Plan 121 RW and Except That Part in Plan EPP63580.

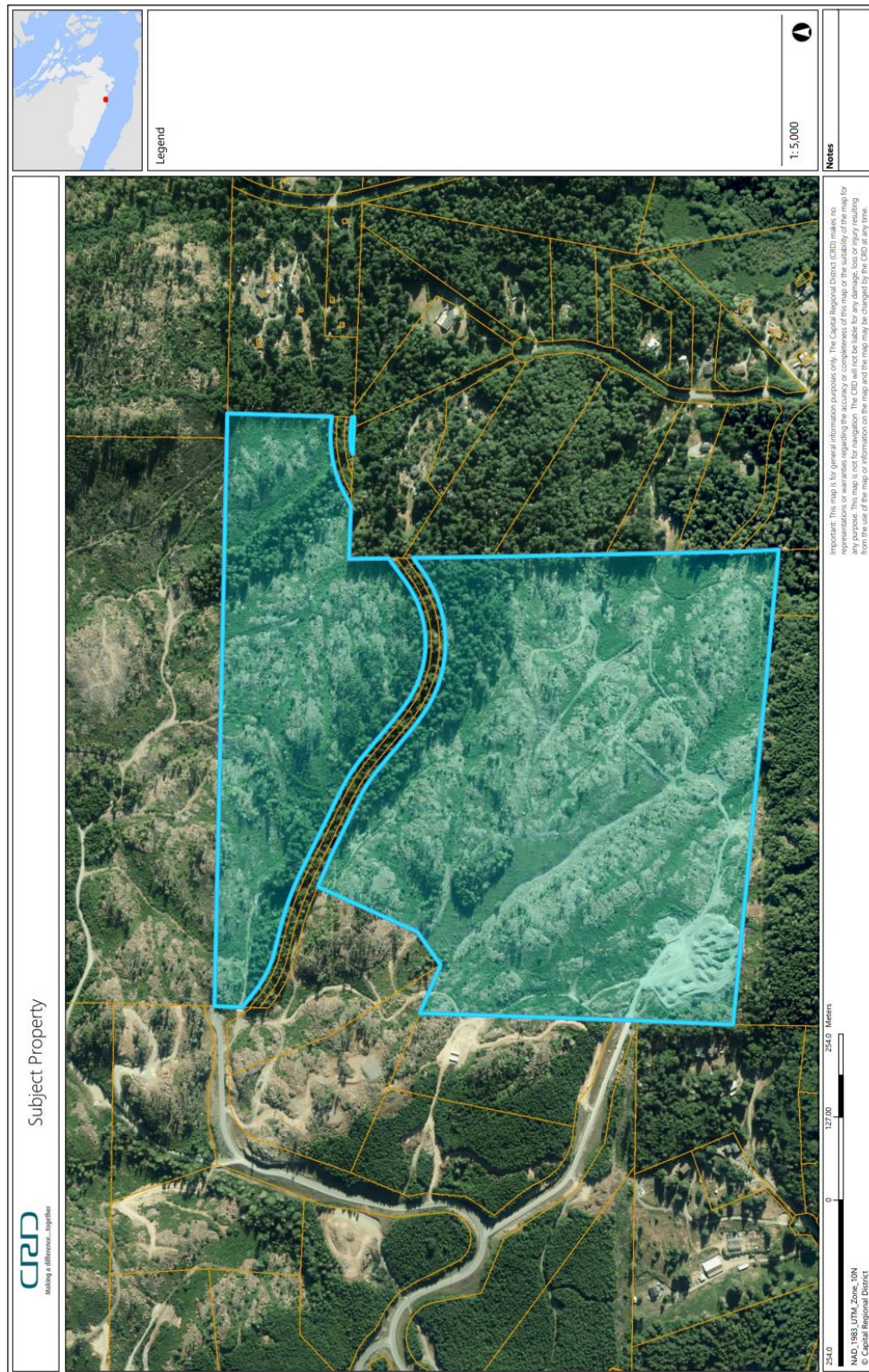
Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

### **ATTACHMENTS**






Appendix A: Subject Property Map  
Appendix B: Development Proposal  
Appendix C: Letters of Support  
Appendix D: Letters of Opposition and Applicant Responses  
Appendix E: Evaluation Criteria



Appendix A: Subject Property Map



Appendix B: Development Proposal

<b>DRAWINGS PRODUCED BY:</b>  <b>FC TELECOM CONSULTANTS</b> 1001-780 ELMWOOD DRIVE SW VANCOUVER, BC V6X 1A1 TEL: (778) 421-8336 FAX: (778) 724-0812 WWW.FC-TELECOM.COM		<b>CLIENT:</b> 		<b>DRAWING LIST:</b> DRAWING NUMBER: 001 A COVER PAGE DRAWING REVISION:																					
<b>PROJECT INFORMATION:</b> <b>SITE ID:</b> W5001 <b>SITE NAME:</b> OTTER POINT <b>ADDRESS:</b> SOOKE, BRITISH COLUMBIA <b>MUNICIPALITY:</b> <b>LEGAL DESCRIPTION:</b> <b>SITE COORDINATES:</b> LATITUDE 48° 22' 44.4" N LONGITUDE -123° 49' 23.2" W <b>INSTALLATION:</b> WALK-IN CABINET <b>CONFIGURATION:</b> 45.0m LATTICE TRI-POLE <b>RE-ISSUED FOR: PRELIMINARY REVIEW</b> <b>DATE:</b> APRIL 26 2021		<b>PROJECT CONTACTS:</b> <b>ROGERS PROJECT MANAGER:</b> GARY JONES (604) 331-4203 <b>DESIGN ENGINEER:</b> FC TELECOM CONSULTANTS LTD. (778) 421-8336		<b>GENERAL DRAWINGS:</b> 001 D COVER PAGE 001 C ANTENNA CHART <b>ARCHITECTURAL DRAWINGS:</b> A01 A KEY PLAN A02 B LOCATION PLAN A03 D SITE PLAN A04 C COMPOUND PLAN A05 C SOUTHEAST & SOUTHWEST COMPOUND TOWER ELEVATIONS A06 C COMPOUND ISOMETRIC																					
<b>MAP:</b> 		<b>BRITISH COLUMBIA KEY MAP:</b> 		<b>REVISIONS:</b> <table border="1"> <thead> <tr> <th>REV.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>D</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>26 APR 21</td> <td>S.A.</td> </tr> <tr> <td>C</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>01 APR 21</td> <td>N.M.</td> </tr> <tr> <td>B</td> <td>RE-ISSUED FOR PRELIMINARY REVIEW</td> <td>03 MAR 21</td> <td>S.A.</td> </tr> <tr> <td>A</td> <td>ISSUED FOR PRELIMINARY REVIEW</td> <td>05 FEB 21</td> <td>S.A.</td> </tr> </tbody> </table>		REV.	DESCRIPTION	DATE	BY	D	RE-ISSUED FOR PRELIMINARY REVIEW	26 APR 21	S.A.	C	RE-ISSUED FOR PRELIMINARY REVIEW	01 APR 21	N.M.	B	RE-ISSUED FOR PRELIMINARY REVIEW	03 MAR 21	S.A.	A	ISSUED FOR PRELIMINARY REVIEW	05 FEB 21	S.A.
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REVISION / ISSUE HISTORY:

REV.	DESCRIPTION	DATE	BY
C	RE-USED FOR PRIMARY REVIEW	22 APR 21	S.A.
B	RE-USED FOR PRIMARY REVIEW	03 MAR 21	S.A.
A	ISSUED FOR PRIMARY REVIEW	05 FEB 21	S.A.

PERMIT:

PRODUCED BY:

  
FC TELECOM

CLIENT:

ALL DIMENSIONS ARE IN MILLIMETERS  
UNLESS NOTED OTHERWISE

SITE NAME:

OTTER POINT

SITE LOCATION:

SOOKE  
BRITISH COLUMBIA

SITE NUMBER:

W5001

DRAWING TITLE:

ANTENNA CHART

DWG. SCALE:

NO SCALE

DATE:

FEBRUARY 02 2021

PC TELIC PROJECT NUMBER:

20276

DRAWING NUMBER:

COI

RADIO ANTENNA LIST

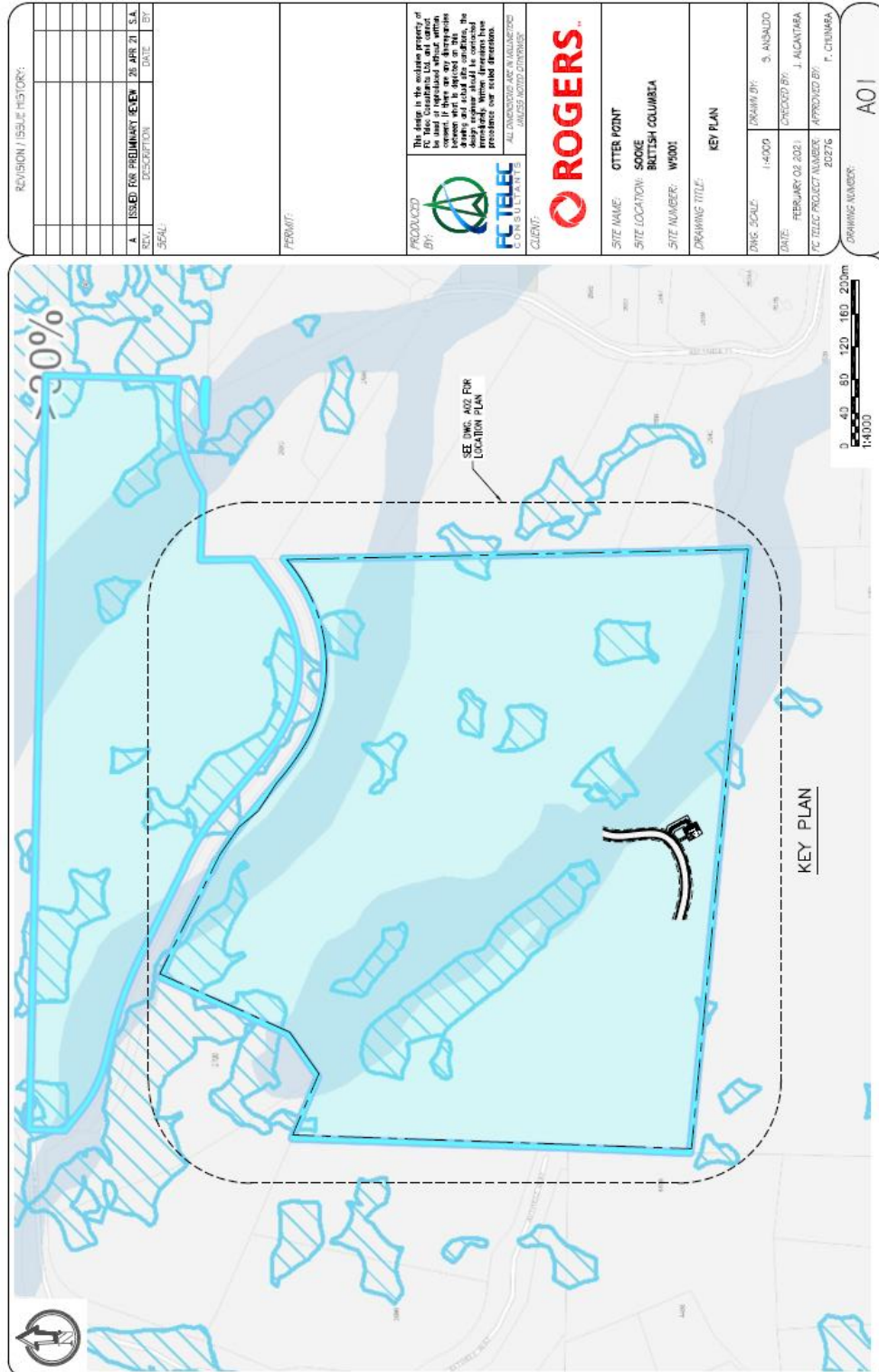
ANT. POS. NO.	CARRIER	ANTENNA ID	STATUS	ANTENNA HEIGHT (CENTER OF ANTENNA)	ANTENNA MOUNT	ANTENNA TYPE	(1) # RRU's (E) (N) (R)	(2) MDI (°)	(3) MAIN LEAD TYPE	(4) JUMPER TYPE (m)	ANT. AZ. (°)	SECTOR NO.	NOTES
1	CREST	N/A	NEW	44.0m A.G.L.	NEW	SI2720-HF2P23NM	-	-	POWER + RIBER	64	-	N/A	N/A
2	ROGERS	LIE	NEW	44.0m A.G.L.	NEW	TI36027N1D8HFT2A03	-	3	POWER + RIBER	60	-	40°	1
3	ROGERS	LIE	FUTURE	44.0m A.G.L.	NEW	ARR446/ARR332	-	-	POWER + RIBER	60	-	40°	1
4	ROGERS	LIE OFF-SET	NEW	44.0m A.G.L.	NEW	TI36027N1D8HFT2A03	-	2	POWER + RIBER	60	-	100°	0
5	ROGERS	LIE	NEW	44.0m A.G.L.	NEW	TI36027N1D8HFT2A03	-	3	POWER + RIBER	60	-	160°	2
6	ROGERS	LIE	FUTURE	44.0m A.G.L.	NEW	ARR446/ARR332	-	-	POWER + RIBER	60	-	160°	2
7	ROGERS	LIE OFF-SET	NEW	44.0m A.G.L.	NEW	TI36027N1D8HFT2A03	-	2	POWER + RIBER	60	-	220°	£
8	ROGERS	LIE	NEW	44.0m A.G.L.	NEW	TI36027N1D8HFT2A03	-	3	POWER + RIBER	60	-	280°	3
9	ROGERS	LIE	FUTURE	44.0m A.G.L.	NEW	ARR446/ARR332	-	-	POWER + RIBER	60	-	280°	3
10	ROGERS	LIE OFF-SET	NEW	44.0m A.G.L.	NEW	TI36027N1D8HFT2A03	-	2	POWER + RIBER	60	-	340°	F
11	ROGERS	GPS	NEW	10.0m A.G.L.	NEW	KRE01335/2	-	-	POWER + RIBER	23	-	N/A	N/A
12-14	ROGERS	AWG	FUTURE	41.0m A.G.L.	FUTURE	TBD	-	TBD	TBD	54	-	TBD	TBD
15-17	ROGERS	3.5GHz	FUTURE	38.0m A.G.L.	FUTURE	TBD	-	TBD	TBD	51	-	TBD	TBD
18-21	ROGERS	2.5GHz	FUTURE	38.0m A.G.L.	FUTURE	TBD	-	TBD	TBD	48	-	TBD	TBD

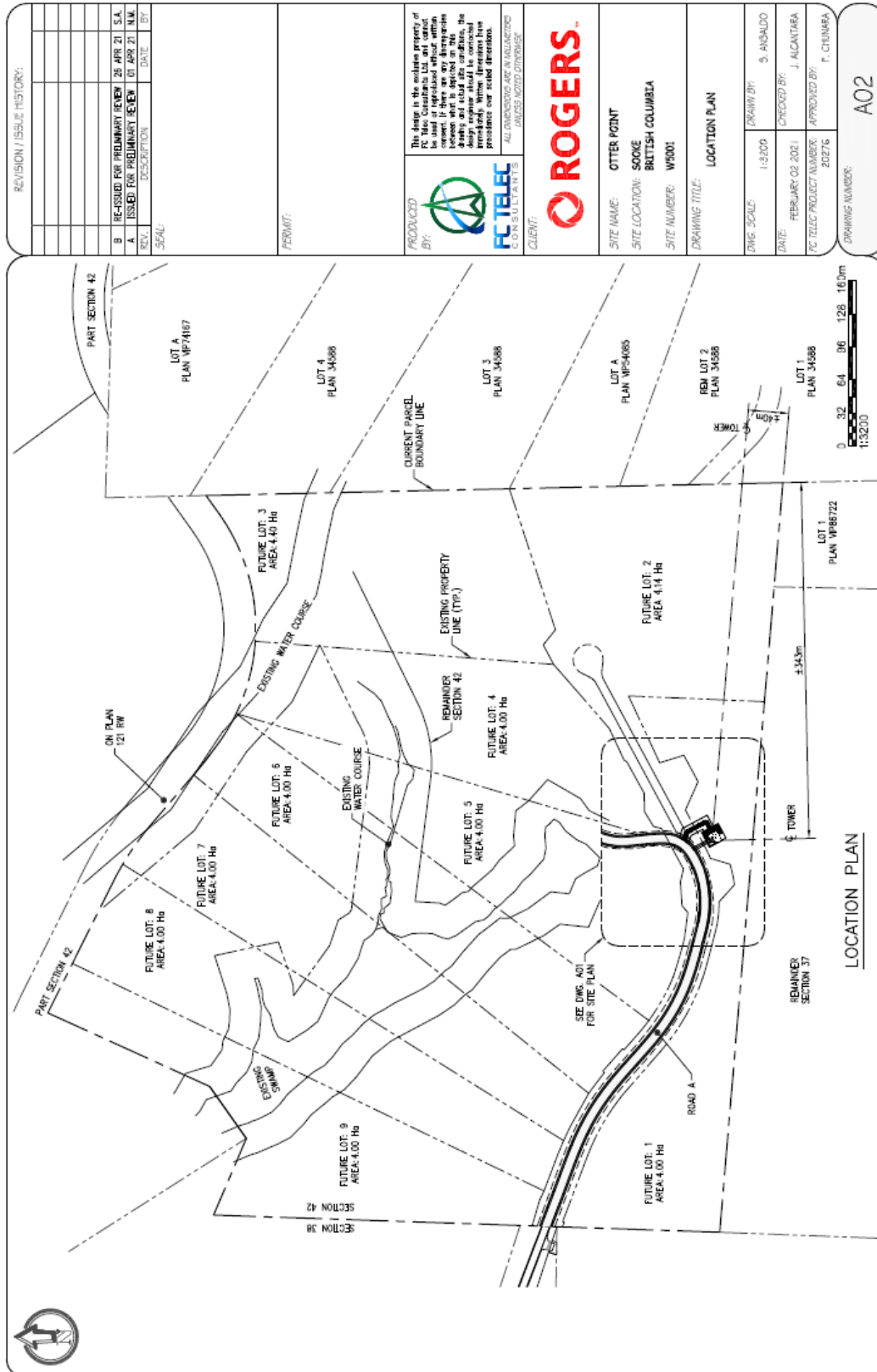
ALCROWAVE TRANSMISSION LIST

ANT. POS. NO.	CARRIER	ANTENNA ID	STATUS	ANTENNA HEIGHT (CENTER OF ANTENNA)	ANTENNA MOUNT	ANTENNA TYPE	(1) # RRU's (E) (N) (R)	(2) MDI (°)	(3) MAIN LEAD TYPE	(4) JUMPER TYPE (m)	ANT. AZ. (°)	SECTOR NO.	NOTES
22	ROGERS	M/W	NEW	TBD	NEW	TBD	-	TBD	TBD	TBD	-	TBD	
23	CREST	M/W	NEW	TBD	NEW	WLF4-15	-	TBD	TBD	TBD	-	TBD	
24	CREST	M/W	NEW	TBD	NEW	WLF4-15	-	TBD	TBD	TBD	-	TBD	

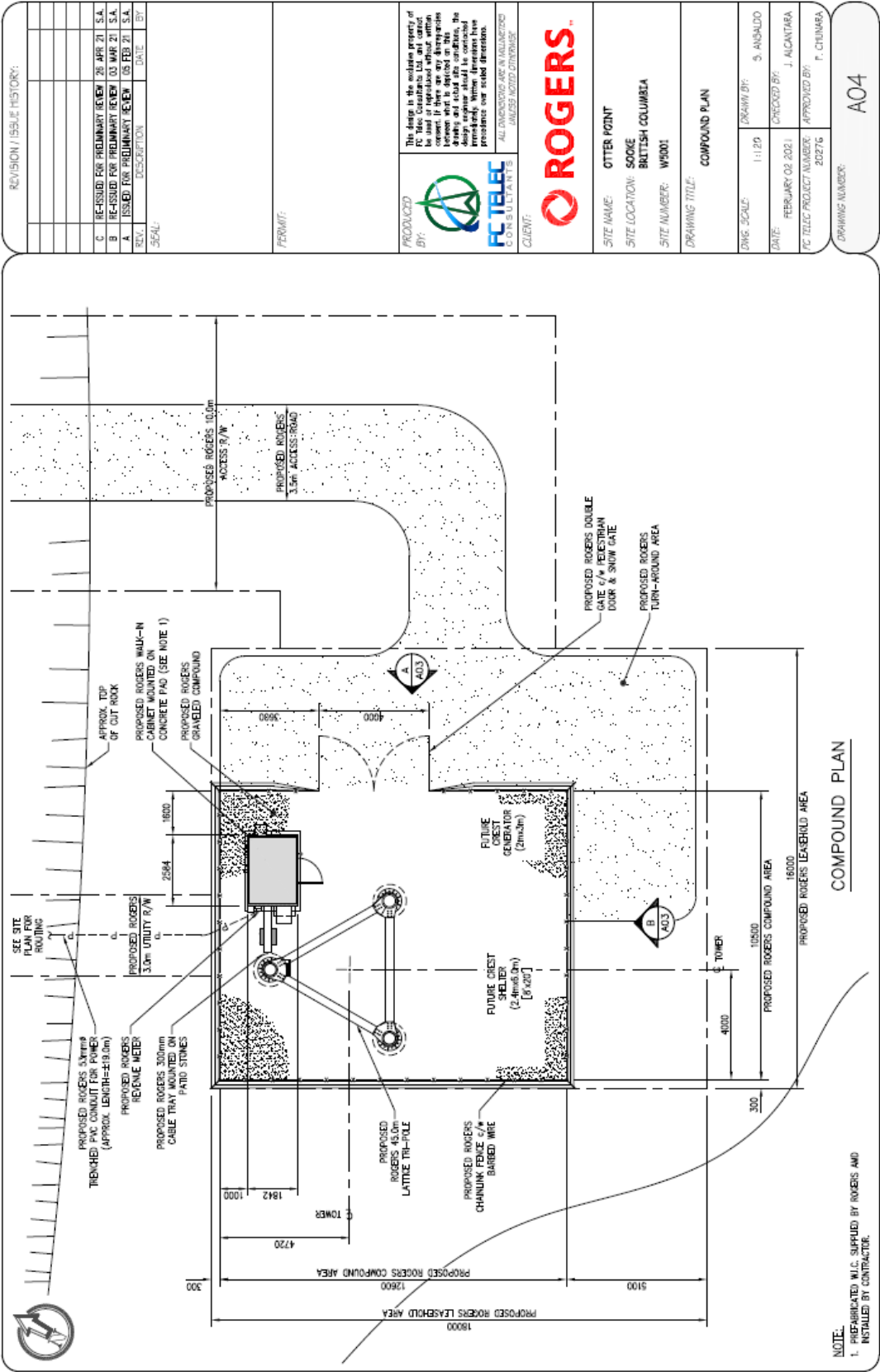
NOTES:

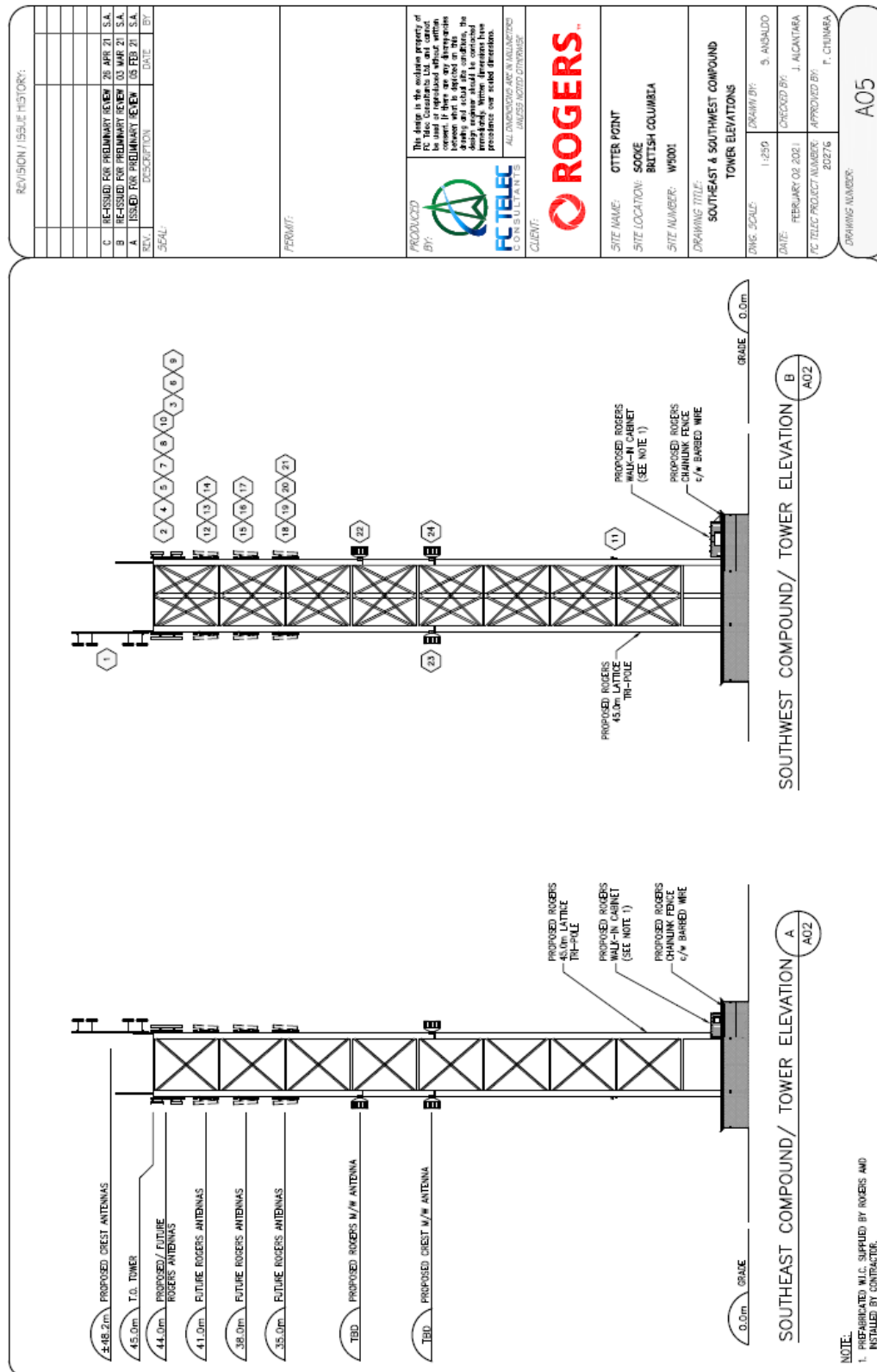
1. ALL ANTENNA SPECIFICATIONS TO BE CONFIRMED IN RADIO SITE QUALIFICATION AS PRODUCED BY ROGERS.  
2. ANTENNA CABLES AS SPECIFIED BY ROGERS ONLY. SUBMISSION.  
3. ALL ANTENNA ADJUSTMENTS ARE DETERMINED FROM TRUE NORTH.  
4. ANTENNA CABLE LENGTHS HAVE BEEN MEASURED FROM THE PORT TO EACH ANTENNA.  
5. ALL DIMENSIONS MUST BE WITHIN 3.0m OF ANTENNA DIMENSIONS BEHIND OR BELOW ON THE SAME MOUNT IF POSSIBLE UNLESS OTHERWISE NOTED. (E)-EXISTING, (N)-NEW, (R)-REMOVE.  
6. ALL CABLES SHALL BE TIGHTENED.



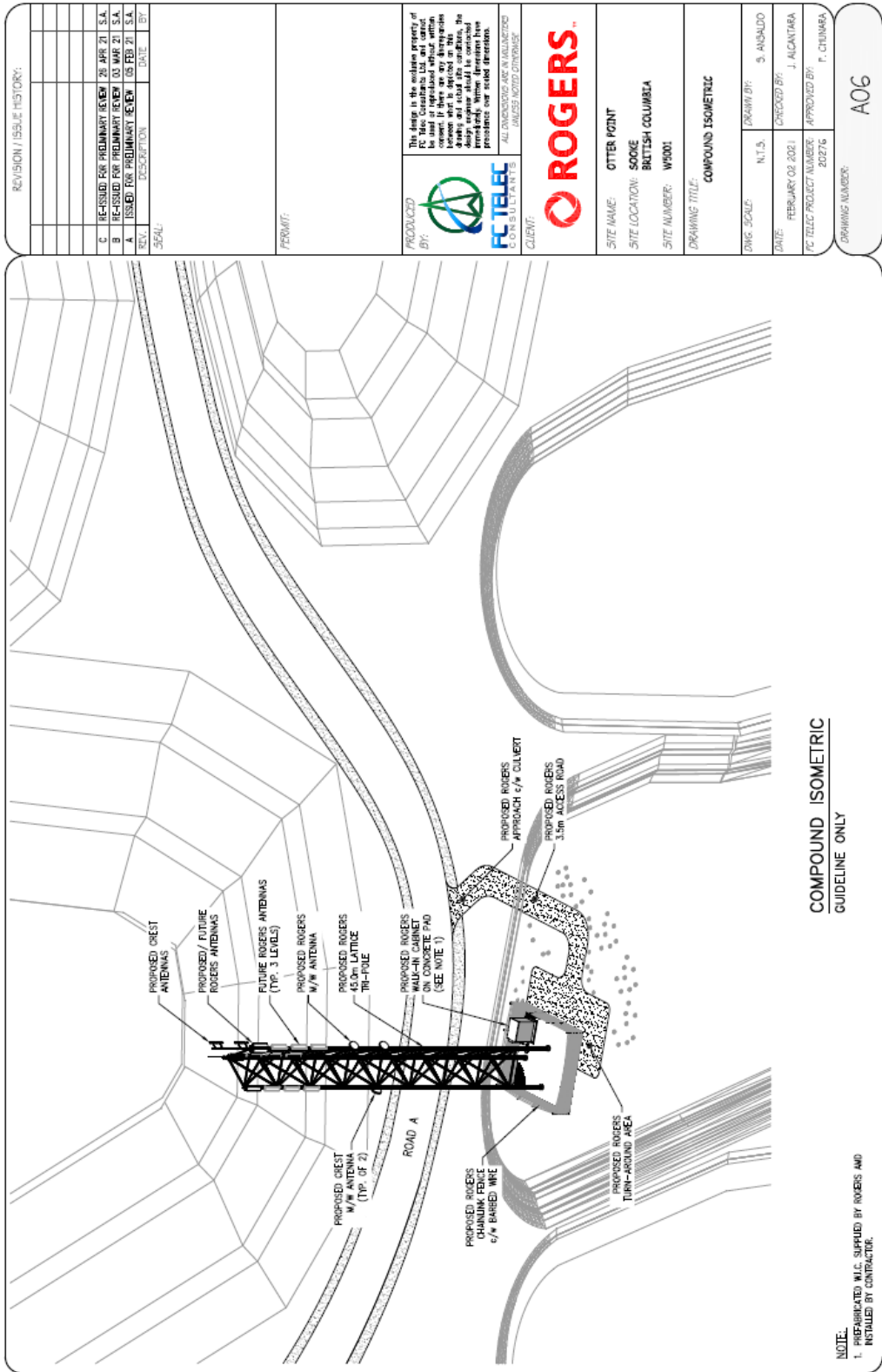












Appendix C: Letters of Support

Submission #1: Otter Point Fire Department



**OTTER POINT VOLUNTEER  
FIRE DEPARTMENT**

Office Phone: (250) 642-6211  
Office Fax: (250) 642-2673  
E-mail: [jmccrea@otterpointfire.bc.ca](mailto:jmccrea@otterpointfire.bc.ca)

3727 Otter Point Road  
Sooke, BC V9Z 0K1

May 31, 2021

*Dear Emma Taylor*

*Re: Rogers and Crest Tower at 2540 Aythree Road in Otter Point*

*Communications is a key part in providing both emergency response and in providing safety for First Responders at an emergency scene. For over 20 years the Otter Point Fire Department has been voicing our concerns about the lack of reliable communications in much of the western end of our district.*

*The Otter Point Fire Department fully endorses the erection of a communication tower at 2540 Aythree Road. A communication tower at this location should resolve most, if not all, of our communication challenges in the western area of Otter Point as well as out into Shirley Fire District. This will improve the response and safety for police, fire and ambulance crews. It will also provide better cell coverage which is critical to the public making those calls for assistance.*

*Thank you,  
John*

A handwritten signature in blue ink, appearing to read "John McCrea", is written over a faint circular background.

John McCrea, Fire Chief  
Otter Point Fire Department



Submission #2: CRD Protective Services




Fri 16/04/2021 12:52 PM

Jonathan Reimer

RE: Referral: Rogers Radiocommunications Tower Application at Clark Rd, Section 42, Otter District (LP000021)

To Emma Taylor

Cc Alexandria Organ; JDFEPC - Jeri Grant; Vidie Weber

 You replied to this message on 16/04/2021 1:17 PM.

Thank you Emma. CRD Protective Services is strongly in favor of increasing reliable communications in Juan de Fuca and supports Rogers Radiocommunications Tower applications in the region.

Jonathan Reimer

Submission #3: Howard Taylor and Sharon Sterling

To: Iain Lawrence  
Manager, Community Planning  
Juan de Fuca Community Planning  
Sooke, BC

As owners of a property within 500 meters of the subject site, we would like to express our support for this project. We feel it will provide much-needed enhanced telecommunications coverage for Otter Point and will also assist with emergency response.

Thanks,

Howard Taylor and Sharon Sterling

Appendix D: Letters of Opposition and Applicant Responses

Submission #1a: Jo Phillips

**From:** j phillips  
**Sent:** Tuesday, May 11, 2021 4:49 PM  
**To:** Emma Taylor <etaylor@crd.bc.ca>  
**Subject:** query re: FC Telec

Hello Emma.....

As a resident that lives within 500m of the proposed CREST/Rogers 45m. antenna I have a few questions. I was hoping to contact FC Telec consultants who have put this proposal together, but they do not seem to have an internet presence nor any email contact info. Perhaps you can provide me with an email contact for this company.

1. My first question is if they can please provide a map for the neighborhood showing the anticipated exposure levels (peak levels) with this antenna.
2. We need a location for this antenna where there is the least exposure expected for area residents. This does not seem to be it. Are there other non-inhabited by people areas where this antenna can be sited?
3. Are all of these services really necessary?

Thanks,  
Jo phillips

Applicant's Response #1a

My initial comments are below in [bold] text. I will also ask our engineering team at Rogers if we can garner more data.

1. My first question is if they can please provide a map for the neighborhood showing the anticipated exposure levels (peak levels) with this antenna.

**We do not currently have such a map readily available, however we will ask the engineering team at Rogers if we can put together such a map or visual representation for the purposes of this public consultation. If we are able to produce such a map for public consumption we will follow up and provide it. For now, please find below some relevant general information.**

**Health and Safety**

Regarding health and safety, I can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

**We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.**

2. We need a location for this antenna where there is the least exposure expected for area residents. This does not seem to be it. Are there other non-inhabited by people areas where this antenna can be sited?

**While this may seem counterintuitive, having a higher density siting of lower powered installations enables us to deliver service in greater compliance with the safety code. When one's phone is connecting to a far away tower, their device has to work harder and at a higher power output to obtain and transmit a dependable signal. Further, while we used to be able site our towers further away from the populations we were serving as we were only delivering voice (cell phone) service, the technology is evolving and as you know many people are downloading data (e.g. video content, emails, large files, etc.). In order to enable reliable wireless high speed internet access or data service, the towers need to be sited closer to the end users, many of whom are increasingly located in residential areas.**

**Ultimately, via this proposal we are responding to demands that have been rising on our network and the COVID pandemic has caused demand to skyrocket in residential areas due to enhanced levels of remote working. Ultimately, we propose infrastructure where there is demand and generally speaking we do not propose towers in completely unpopulated areas. However, the subject location is indeed rather sparsely populated and affords reasonably large setbacks to adjacent residences.**

3. Are all of these services really necessary?

**Certainly, that is a matter of opinion. As noted above, we are seeing skyrocketing demand on our wireless networks. Increasingly, people rely on their wireless devices to connect with friends,**

family and business associates. This is important to support remote working (especially critical during the COVID-19 pandemic with rising rates of remote working) as well as public safety given that more than 70% of calls to 9-11 are now placed via cell phones. Further, the proposed tower, if approved, will house equipment from CREST in support of emergency responders. This tower will therefore not only provide voice and data services but also communication services for emergency service providers.

<https://crest.ca>

**Brian Gregg | SitePath Consulting Ltd.**

I spoke with our Radio Engineer on Friday about question #1 below. He clarified a number of points and has provided the following analysis:

Maps are not a particularly useful tool for demonstrating safety limits for towers in rural areas. EMF levels are measured at a scale of 1m. The safety concern is ensuring that people will not be operating within tens of meters of the antennas. For antennas mounted on a tall tower, the signal is propagated in an outward pattern which means there is minimal exposure at ground level. This tower has deliberately been located away from any structures or buildings which may bring the public near the antennas.

Our engineer has conducted an analysis and determined that the highest exposure will be ~55m from the tower. At a theoretical peak, the levels would be at 3.87% of Health Canada's Safety Code 6 allowable limits. This level is unlikely to be reached as the demand and tower loading will unlikely ever be at its peak. The tower will more likely be operating at a fraction of this level. As one moves, further away for this point, the energy of the signal dissipates exponentially and so the levels continued to fall.

For context, here is a map with a circle showing 55m from the tower location.



If you have any further questions, please let me know.

**Garth Jones**  
**Municipal Project Manager**  
**British Columbia**  
Rogers Communications

Submission #1b: Jo Phillips

**jdf info**

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**From:** j phillips [REDACTED]  
**Sent:** Thursday, May 27, 2021 10:35 AM  
**To:** jdf info  
**Subject:** submission re: Tower Application LP000021 letter

To the CRD Juan de Fuca Community Planning.....

As a resident living within the 500m unsafe limit for cell antenna radiation I am declaring my objections to the siting of a 45m antenna on property #42 Clark Rd. and Aythree in Otter Point.

Communication antennas do not need to be sited near residences. They lower property values and are a danger to people, animals, plants, including trees, and insects, especially pollinators. In the neighborhood are several organic farms and an apiary, not to mention children and elderly people.

I am including at the end of this page a list of peer reviewed studies detailing the serious health effects of living near a cell tower. I realize that the Canadian Safety Code 6 declares that the radiation from cell antennas is safe and that's what you currently go on, so you are likely not accepting safety studies as a valid objection to this antenna siting. I am including them anyway so you cannot say you were not informed about the health effects of living near a tall and loaded antenna.

I encourage you to keep in mind that the safety of cell antennas on humans, animals, insects and plants is starting to be legally challenged in several places in the world and, understanding the current precariousness of safety claims such as Canadian Safety Code 6, no majors insurers will cover health claims due to RF exposure. As has happened in many instances of a government body declaring something to be safe when studies questioning these claims were not being reviewed and/or made public (glyphosate, tobacco, viox, teflon, silicon breast implants, asbestos, to name a few), there is a good chance that there could be cell antenna safety liability lawsuits in the future if someone living near such a tower develops one of the cancers very clearly associated with them or other long term health problems occur in residents or farm animals. In fact, a Dutch court just ruled that cell phone towers' low EMF radiation cannot be excluded as a cause of health effects. *"In the opinion of the court, considering all arguments, with reference to scientific literature, it cannot be ruled out that even at a field strength lower than 1V/m, and therefore also in the plaintiff's case, there are increased health risks"*. It seems advisable under all these circumstances to consider abiding by the precautionary principle and not site such a large and loaded antenna near residences.

As an example of possible health effects, here is a summary of a very recent study on the long term effects of exposure to **low level EMF radiation** (levels far lower than those considered safe by Canada Safety Code 6) done by a Swiss expert group that advises the Swiss government.

*"...a tendency becomes apparent that EMF exposure, even in the low dose range, can lead to changes in oxidative balance. Organisms and cells are generally able to react to oxidative stress and many studies showed adaptation to EMF exposure after a recovery phase. Pre-existing conditions such as immune deficiencies or diseases (diabetes, neurodegenerative diseases) compromise the body's defense mechanisms including oxidative protection and it is therefore possible that individuals with these conditions experience more severe health effects. In addition the studies show that the very young and elderly individuals can react less efficiently to oxidative stress induced by EMF, which, of course, also applies to other stressors that cause oxidative stress."*

In case you are wondering what the possible health effects of oxidative imbalance are, they note that *"oxidative imbalance has an effect on many important physiological processes and functions such as inflammation, cell proliferation and differentiation, wound healing, neuronal activity, reproduction and behaviour by altering biochemical processes or even leading to DNA damage....In particular changes in cell proliferation and differentiation are closely related to carcinogenesis and the growth and development of organisms"*.

To read the entire study: <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.bafu.admin.ch%2fbafu%2fen%2fhome%2ftopic%2felectrosmog%2fnewsletter%2dof%2dthe%2dswiss%2dexpert%2dgroup%2don%2delectromagnetic%2dfields%2da.h>

tml&umid=e676c164-ebc3-406b-8a7f-e161d8b67b6a&auth=ce5fc8b4da8c1ec5cbb5d35c2138352900956bf8-11667902c58c2999134ef488419c66dd18748e69

Other recent studies on the health effects of living near cell towers can be found at:  
Environmental Health Trust

<https://ehtrust.org/cell-towers-and-cell-antennae/compilation-of-research-studies-on-cell-tower-radiation-and-health/>

Physicians for Safe Technology

<https://mdsafetech.org/cell-tower-health-effects/>

Sincerely,  
Jo Phillips

[Redacted Signature]

Applicant's Response #1b

This commenter appears to live a large distance away from the proposed facility and they should rest assured that their property will be located in an area that will fall far below the Health Canada safety code limits for radiofrequency energy. Further, as noted, debating the validity of Health Canada's Safety Code 6 is beyond the scope of this consultation. Below are the responses that I have shared on this topic nonetheless.

**Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.canada.ca%2fen%2fnews%2farchive%2f2014%2f11%2ffact%2dsheet%2dwhat%2dsafety%2dcod%2d6.html&umid=a750876d-4507-4140-84a5-5e601db533a6&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-a4f7fdec27efbbcced56caf3aaae61535d9af0d5>
- <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.canada.ca%2fen%2fhealth%2dcanada%2fservices%2fhealth%2drisks%2dsafety%2fradiation%2foccupational%2dexposure%2dregulations%2fsafety%2dcode%2d6%2dradiofrequency%2dexposure%2dguidelines%2ftechnical%2dguide.html&umid=a750876d-4507-4140-84a5-5e601db533a6&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-b74546e0a64a2642255a678242c5418fb4867406>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thank you,

**Brian Gregg | SitePath Consulting Ltd.**



Submission #1c: Jo Phillips

Hello Mr. Gregg and CRD staff.....

I find it insulting to both my intelligence and my common sense that you are quoting me studies that are 7 and 10 years old and a "safety code" that has not had any major updates in 30 plus years to try and reassure me that there would be no effects from a 45 m. antenna 500 meters from my home when I, in my letter, referred you to a very recent study (along with a large cohort of other research papers) that showed that EMFs **even at very low doses** can lead to oxidative damage, especially among vulnerable populations (young, elderly, people with preexisting medical conditions). This is not something to be brushed off. Proper science does not chose a study or two and stick with them for 10 years in the face of newer research and information.

I am not reassured at all. In fact I am alarmed that people who are making these decisions and siting large, busy antennas "in many communities across B.C." are refusing to consider the research and studies that have been done in the past decade and/or which include children, older people and people with underlying health conditions.

Please include this reply with my original letter.  
Thank you,  
Jo Phillips

Submission #2a: Lynn Moss

From:  
Sent: Monday, May 24, 2021 8:29 PM  
To: Webdesk <[Webdesk@crd.bc.ca](mailto:Webdesk@crd.bc.ca)>  
Subject: Contact Us - Submission

The following message was received through the form at '<https://www.crd.bc.ca/contact-us>'. Neither the name nor the e-mail address can be confirmed as accurate.

\*\*\*\*\*

**Your Name:**  
Lynn Moss

**Your Email Address:**

**Message:**  
Regarding the proposed Rogers Tower at Clarke Road and Aythree Way in Otter Point.

Hello : How many ways can I make it clear this proposed tower does not belong in this location?

First: I used to work at UVic where we used Crest for our own work and to communicate with the police and fire departments and I can tell you that it caused concerns with numerous dead spots where there was no communication. In spite of its shortcomings, I do understand people's desire for a Crest antenna. There is no need for twenty soon to be enabled and future Rogers antennae.

Second: World scientists agree that it is still very much an unknown technology and the short and long term effects on life are not known. Olle Johansson of Sweden and many other scientists not in the pay of the telecommunications companies clearly state that the effect of the radiation / transmission from any electromagnetic device can be harmful to plants, insects ( like our dwindling bee population), birds, and bacteria, not to mention humans. I am EMF sensitive and it is a real effect of low grade nausea, brain fog and slight dizziness or instability which is not dramatic but nevertheless interferes with my quality of life.  
<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.youtube.com%2fwatch%3f%3dhh%5fdOKKyU0M&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-f4b0577b85e1b72f230a39564267870147aae82a>

Third: Canada's "acceptable" level of EMF is one of the highest in the world other than mainland China- not something to be proud about, I'd think. C4ST, Canadians for Safer Technology has Frank Clegg, former President of Microsoft as its CEO, and he has been questioning Safety Code 6 for years as it is inadequate. Below I have attached some information for you on how one of the Presidents of Rogers has yet to show how 5 G and radio towers are safe. No response...

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.facebook.com%2fc4ST.ORG%2f&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-3365f3dbc609eeae47a0ea8f3ab46b86cf19b44d>

The letter Frank emailed to Mr. Prevost on April 13th can be found at

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocs.c4st.org%2fMedia%2fLetters%2fclegg%2dChallenge%5fLetter%2dto%2dPrevost%2dRogers%2dCommunications.pdf&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-68197053a14bd7b1243d457fdded0e9e2e4cf932>

As of April 28th, no response had been received.

The media release announcing the video is at

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fdocs.c4st.org%2fMedia%2fPress%2dReleases%2fMedia%2drelease%2dre%2dRogers%2dEORN%2dvideo.pdf&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-73b445aee49183ab1fcaa340962c253b4ab1ca85>

Thanks for helping to spread the word on this important issue,

The Suspend 5G Appeal Team

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.appel5gappeal.ca&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-9572805361a624bc2ef2efed241c339a9e56ce45>

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.facebook.com%2fgroups%2fAppel5GAppeal&umid=f561e370-4dd7-431d-b0a4-2c0c67af6b26&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-222f6a4e93b2dbf4f8e7c9261c802804a25b081f>

Fourth: Canada's government is made up of politicians, most of whom are not trained scientists. How is it they correctly say "Trust the science" for Covid 19 but that does not apply for EMF where they ignore the science? Has the Canadian government ever been wrong before about approving such things as tobacco, asbestos, urea formaldehyde, thalidomide, Celebrex, DDT? Would this rush to approve have anything to do with the money being made off wireless telecommunications? Has anyone thought about the class action lawsuits when there are clearly proven adverse effects such as cancers, sperm deviation causing autism, ADHD, defibrillation, and disability including long term disability dependence due to EMF sensitivity just as there are similar lawsuits over the other things listed above and initially presumed to be safe? The conditions I mention are not simply health issues but affect lifestyle, self image and mental well being, ability and relationships.

Fifth and lastly: As Dr. Olle Johansson says, we just do not know yet of the full effects of radiation on all forms of life, bacteria, plants, insects, birds and people. Are we not creating enough havoc and destruction with the other acts causing climate change?

So I respectfully ask that you do not build this tower at all, which I am quite sure is a request which is not going to be heeded, so please do not build it so close to houses and an organic farm and where we have animal trails and wildlife habitat between the current residences. I'm settling for not in my back yard but prefer not in my universe.

Thank you

Lynn Moss

Otter Point.

Applicant's Response #2a

Although this commenter has broken their comments down into five (5) sections below, it appears that there are three (3) general concerns stated including: 1) tower siting; 2) concerns about the quality of service from CREST, and 3) health and safety.

Regarding tower siting, Rogers notes in its application to the CRD that the closest residential use is approximately 325 meters (1066 ft.) away. This is a large setback. Indeed, we have made all best efforts to site the infrastructure in a manner that will achieve both technical and/or service objectives as well as community planning and land use objectives. Rogers desires to be a good neighbour while delivering quality service. In many instances, cell sites are located in much closer proximity to neighbouring land uses and in fact we often have antennas situated on rooftops of buildings within a few meters of habitable space, including at UVic -- a location referenced by the commenter. The tower installation, as proposed, therefore represents a large setback from habitable space and it will thus easily comply with all safety standards.

Regarding the other two concerns -- health and quality of service from CREST -- I kindly note that our guiding policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to service quality as well as debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below is some useful information regarding Health Canada's safety code that we have been sharing with other commenters who have questions on this topic.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health

Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

I trust that I have responded to each concern.

Thank you and please feel free to let the commenter know that they may call me directly if they desire further dialogue. My cell number is .

**Brian Gregg** | **SitePath Consulting Ltd.**

Submission #2b: Lynn Moss

Rogers Antenna round three

June 4, 2021

Dear Brian Gregg- Thank you for your prompt reply. I'm thinking in any job, some days are easier than others and this may not be one of the easiest for you. I realize you are expected to use the client's script or talking points no matter what you personally believe.

Let's pretend for a moment that the tower bristling with antennae is not a radiation emitting tower but a forest fire. If I am not standing in the fire itself (ie under the tower) then there are no worries- from a fire, there would be concerns of smoke, ash and sparks. Correct? From the tower there are concerns of EMF radiation. Are you really trying to convince me that there is no radiation at all outside of the perimeter of 325 meters? If this is the case, how do transmissions come and go? Why put up the tower if the effective radius is 325 meters and there are no emissions outside that zone? I realize this is a scripted talking point but how naive does Rogers think the public is? And if there is no radiation why are there repeater boxes on power poles every couple of hundred feet?

Yes, you are quite correct that the limits fit in with the Canadian Safety Code 6 and since the "guiding policy" made by Rogers means we cannot question the validity, ethics nor safety of Code 6, it is pretty much like offering to play dice with loaded die, isn't it? We are to ignore that the Canadian Safety Code 6 is far less stringent than many other countries where they actually take the grounded and accepted science to inform their guidelines. I realize that this public consultation is simply for show and the antenna is a likely done deal. I also remember having to say and do things I was not always proud about at a job, so I am feeling a bit sorry for you. When you get older and reflect back on your life at a time when the irrefutable evidence is exposed about the damage caused by these towers' emissions, don't be too hard on yourself. I think people who worked in positions which approved DDT, Thalidomide, PCBs and tobacco and the other detrimental materials and concoctions felt responsible for their actions after it was far too late to rectify them. These things were all legal and acceptable to the governments of their times- like the horrors of residential schools recently in the news and involuntary sterilization of people deemed to be mentally incompetent and putting innocent Canadian citizens into work camps during WW2 and the BC government kidnapping Doukhobor children in the 1960s and 70s. It was all legal and government approved so how could it be unhealthy or ethically wrong?

The hard and irrefutable fact is that we do not know enough about EMF and its effects on the environment, plants, animals, water and people. I am hard pressed to imagine why I would ever agree to being a guinea pig for the communications industry so I still argue against this tower being put in this location. There is simply too much at risk.

Thank you for your attention to my letter(s) and in closing I'd like to add that I know nothing about you or your life but if you are using a baby monitor or plan to do so, please do your research first – proper research not the manufacturer's specs.

Lynn Moss

Applicant's Response #2b

From: [Brian Gregg](#)  
To: [Emma Taylor](#)  
Cc: [Wendy Miller](#); [Garth Jones](#)  
Subject: Re: another submission LP000021  
Date: Wednesday, June 16, 2021 3:38:59 PM  
Attachments: [CORRESP-RCVD-LMOSS-3RD-LP000021.pdf](#)

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Hi Emma:

This comment (attached) appears to only focus on debating the validity of Health Canada's Safety Code 6. Since compliance with the safety code is a legal requirement and debating the validity of the safety code is beyond the scope of this consultation per ISED protocols, I will not respond further unless you feel it is critical.

I would respectfully suggest that if this commenter desires dialogue regarding Health Canada's protocols then they would find a direct discussion with the policy makers at Health Canada to be more fruitful. Rogers has no influence over the health policies and our only option is to comply with all laws and safety standards. We take this seriously.

Regards,

**Brian Gregg** | SitePath Consulting Ltd.

Submission #3a: Chris Moss

**Your Name:**

Chris Moss

**Your Email Address:**

[REDACTED]

**Message:**

Re: proposed communications tower at Clark Road and Aythree Way.

To Whom It May Concern,

We do not want a Cell Tower.

A new communication tower is being planned for the Otter Point area located off Clarke Road and Aythree. Despite the years of controversy about the use of microwaves for the use of communications it has become clear that these frequencies are very harmful to all organic life forms. The current Canadian threshold for radiation from the devices on such towers is the largest in the world, save for China. The European limits are all being reduced as new studies are proving the detrimental effects of this pulsed radiation.

The Crest system communication is the ONLY valid device we should be considering. There is a reason why fire departments will not allow such towers on their buildings and grounds.

Humans, animals, birds, insects, and plants are all affected by the radiation beamed out by the other twenty-one Rogers antennas which will be attached to the tower. New housing planned for the next section of land above the Fire Station will be on level with the emissions from this tower. Traditional animal corridors will be disrupted as animals will seek to avoid the area thus forcing them through the burgeoning residential areas off Otter Point Road.

Cell towers are essentially a way for companies to make money. Of course they will say anything to expand their systems. Thousands of scientific reports say that all of the G6 and lower frequencies are unhealthy and should not be used as long term consequences are unknown.

Here is a short video from Dr Olle Johansson.

<https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.youtube.com%2fwatch%3fv%3dhh%5fdOKKyU0M&umid=2b53104e-8efa-4c3d-b717-5fe71e18d7de&auth=39f8f8a7824af441c02c28ee8586c4818f56addb-992dc77ef7954eefb9b471c40ff2681b3365f2fb>

Yours sincerely,

Chris Moss [REDACTED], Otter Point, [REDACTED]



Applicants Response #3a

This commenter appears to be stating concerns exclusively about perceived health impacts associated with wireless infrastructure. I kindly note that our guiding policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below is some useful information regarding Health Canada's safety code that we have been sharing with other commenters who have questions on this topic.

Health and Safety

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thank you and please feel free to let the commenter know that they may call me directly if they desire further dialogue. My cell number is .

**Brian Gregg** | SitePath Consulting Ltd.

Submission #3b: Chris Moss

From: [Chris Moss](#)  
To: [Emma Taylor](#)  
Cc: [Wendy Miller](#)  
Subject: Re: Antenna System Application - LP000021  
Date: Friday, May 28, 2021 11:14:10 AM

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Hello Emma and Wendy- please pass this on.  
Thanks \*\*Chris Moss

It is difficult to imagine that cigarettes can cause Cancer, it must be a hoax. They are legally regulated and sold to the public. We follow the guidelines, so anyone who gets Cancer must have done so from another source.

It is difficult to imagine that RF transmissions can cause Cancer, it must be a hoax. They are legally regulated and sold to the public. We follow the guidelines, so anyone who gets Cancer must have done so from another source.

You should take a look at the Statistic Canada website on the declining fertility rate of Canadian women in the 20 to 30 year age range, particularly in Ontario. According to Stats Canada, the areas least affected by lowered fertility rates are NWT and Nunavut - the latter being the only area producing enough babies to maintain its population. Is it because these areas are the least affected by the cellular expansion of the southern provinces? Stats on male fertility are harder to find, but given that this cohort has grown up in the last twenty five years with the "advantages" of wireless communications, one has to wonder if the increasing levels of radiation waves in the areas around us are, in fact, at the cellular level, altering the fertility rates of the first generation exposed constantly to this wavelength of radiation. It is difficult to imagine that near sterility can be caused by something we can not see. It must be a hoax.

\*\*Chris Moss

Applicant's Response #3b

From: [Brian Gregg](#)  
To: [Wendy Miller](#)  
Cc: [Emma Taylor](#); [Garth Jones](#)  
Subject: Re: Antenna System Application - LP000021  
Date: Monday, May 31, 2021 2:28:06 PM  
Attachments: [Statement from CMHO re Cell Phones.pdf](#)

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Hi Wendy and Emma:

As you are aware from my prior responses, concerns that pertain to debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Rogers has no influence over the safety code and is required to comply. If this commenter wishes to debate whether the safety code is valid, they may find the discussion to be more fruitful directly with the policy makers at Health Canada. Nonetheless, below is some feedback.

### **Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thanks,

**Brian Gregg** | SitePath Consulting Ltd.

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Submission #4: Annette Moyer and James Isram

Juan de Fuca Community Planning  
CRD  
7450 Butler Road  
Sooke BC  
V9Z 1N1

May 19, 2021

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

To the Planning Committee,

We are long-time Otter Point residents and homeowners writing to voice our opposition to the proposed Radio Communication & Broadcasting Antenna System Application (LP0000021 – Section 42) at Clark Road and Aythre Way. Our property is located approximately 340 meters out from the proposed antenna.

We understand the increasing necessity of reliable phone service in this current dead zone. The tower proposed is not the only solution to this issue. A CREST tower for 911 service would provide emergency contact, however the proposed tower has 11 additional commercial antennae. It is not necessary for such a high volume of electromagnetic radiation to be situated so close to residences and farms. Current research suggests that both short and long term health risks increase at distances between 300-400 meters. Given our residence is located 340 meters from the proposed tower, we are not comfortable with either its location or the volume of antennae proposed.

Improvements to the infrastructure in the JDF region should chiefly benefit its residents, not private companies. We are not interested in improved cell service at the detriment to our health and land value. We urge JDF Community Planning to reconsider this proposition.

Thanks for your time and consideration,  
Annette Moyer and James Isram

This commenter has stated three (3) general concerns:

1. siting of the tower in proximity to their home;
2. health concerns;
3. property value concerns.

Below is some feedback according to each subject.

### **1. Siting**

Regarding tower siting, Rogers notes in its application to the CRD that the closest residential use is approximately 325 meters (1066 ft.) away. This particular commenter states that their home is approximately 340 meters away.

This is a large setback for this type of low powered infrastructure. Indeed, we have made all best efforts to site the infrastructure in a manner that will achieve both technical and/or service objectives as well as community planning and land use objectives. Rogers desires to be a good neighbour while delivering quality service. In many instances, cell sites are located in much closer proximity to neighbouring land uses and in fact we often have antennas situated on rooftops of buildings within a few meters of habitable space or in towers that are directly beside buildings, including in nearby Sooke. The tower installation, as proposed, therefore represents a large setback from habitable space and it will thus easily comply with all safety standards.

### **2. Health and 3. Property Values**

I will respond to these two subjects in the same section. The reason is because these subjects are beyond the scope of this consultation. I will elaborate below.

In sum, our guiding consultation policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to property values and debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on **property values** or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below is some useful information regarding Health Canada's safety code that we have been sharing with other commenters who have questions on this topic. We have also provided some feedback below regarding property values.

## **Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

## **Property Values**

- Our understanding is that there is no consistent evidence to suggest a clear positive or negative impact on property values in relation to wireless infrastructure.
- Anecdotally, some people may prefer to live off the grid away from infrastructure and we also hear from some people who state that they cannot live in areas without dependable service and our infrastructure. I think this is therefore a subjective matter. We often hear from developers who want our infrastructure to service their subdivisions and likewise I sometimes hear from people like yourself who would prefer that the tower go elsewhere or further away.
- Perhaps a contrary perspective to consider is that BC Assessment will levy Rogers additional commercial property tax on the subject property if the tower is built as it is deemed an "infrastructure improvement" and is treated as an improvement that will add value to the property value rather than retract from it. This is a nearly \$1 million infrastructure investment and rather than reduce the value of property -- at least from a property tax perspective -- it is the opposite in BC Assessment's eyes.

Thank you and please feel free to let the commenter know that they may call me directly if they desire further dialogue. My cell number is

**Brian Gregg** | **SitePath Consulting Ltd.**

Submission #5: Sheila Hubbard

Site W5001 Non Concurrence

I STRONGLY OPPOSE to the application for the antenna installation at the proposed site in OTTER POINT at CLARK road and AYTHREE.

**Subject:** Non Concurrence - Otter Point Site W5001

The tower is less then 500 meters from my home and 300 meters from my property at [REDACTED] Sooke

*It is not necessary to site this very busy antenna within the range of residences, including an organic farm, an apiary and children. There is plenty of space around here where no one lives. A CREST tower (for 911 services) stand alone. It does not need 11 (or 21) commercial antennas on its tower, needlessly escalating the amount of electromagnetic radiation our local flora, fauna and residents are exposed to.*

I am very concerned about

affects of emissions of radiation, and electro magnetic transmissions.

-affects to local flora and fauna

- affects to my household residence and animals

-affects to local insects such as Bees, wild animals and all in the close vicinity

Also the negative impact it has on real estate values for the surrounding properties.

Please re consider this application for this proposed tower.

A Local Otter Point resident

Sheila Hubbard  
[REDACTED]  
[REDACTED]  
[REDACTED]



Applicant's Response #5

This commenter states four (4) general concerns including:

1. Siting of the tower in proximity to residences;
2. Potential impacts on wildlife, including bees and insects specifically;
3. Health and safety; and
4. Property Values.

Prior to responding, I kindly note that the first two subjects listed above -- siting and potential wildlife impacts -- are considered within the scope of this consultation, whereas concerns about health and safety (debating Health Canada's safety protocols) and property values are beyond the scope of this consultation. Specifically, our guiding consultation policy document is Innovation, Science and Economic Development (ISED) Canada's *CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems*. Section 4.2 in the CPC policy document notes that concerns pertaining to property values and debating the validity of Health Canada's Safety Code 6 are beyond the scope of this consultation. Please see the relevant excerpts and link below (relevant sections are highlighted).

<https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html#sec4.2>

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on **property values** or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, **Safety Code 6**, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

Nonetheless, below are our responses according to each subject.

### **Siting**

As this commenter notes, the proposed facility is over 300 meters away from the nearest residences. This is a relatively large setback. In fact, we have many installations with similar frequencies and power outputs operating in much closer proximity to habitable spaces, including on the rooftops of buildings such as condos, apartments, hospitals, etc. There are also numerous examples within the community of Sooke and, of course, Victoria. The 300 meter setback will thus ensure that the tower will easily comply with all applicable safety standards.

The siting was selected for numerous reasons including the need to tie the site into Rogers' network via line of sight technology, proximity to existing access and power (supporting infrastructure), favorable topography and because Rogers has been able to secure its land rights for this location.

### **Wildlife**

Rogers and other similar service providers have wireless infrastructure operating in many natural areas with no known impacts on wildlife. There are many examples including in National Parks. For example, there are numerous cell towers in Glacier National Park, on many of the Gulf Islands (Salt Spring, Mayne Island, Saturna Island, etc.) the Discovery Islands (Quadra, Cortes etc), in the Tofino/Ucluelet area, etc. Effectively, anywhere that one has a cell phone signal there is supporting infrastructure nearby. There are countless examples of places where there is natural beauty and wildlife living and thriving in proximity to wireless infrastructure.

I can also confirm that we have thousands of cell sites located in agricultural areas including directly on farm land where there are bees and insects. Indeed, the Agricultural Land Commission (ALC) recently advised me that our telecommunications infrastructure is exempt from a need for their approvals as long as we do not exceed 1000 sq. m of fill coverage. While we are not experts on insects or bees specifically, we are not aware of any policies or protocols that reflect a concern about radiocommunication facilities causing harmful effects to bees. You may wish to consult the Minister of Agriculture or a subject matter expert, however Rogers will comply with all applicable laws.

### **Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

### **Property Values**

- Our understanding is that there is no consistent evidence to suggest a clear positive or negative impact on property values in relation to wireless infrastructure.
- Anecdotally, some people may prefer to live off the grid away from infrastructure and we also hear from some people who state that they cannot live in areas without dependable service and our infrastructure. I think this is therefore a subjective matter. We often hear from developers who want our infrastructure to service their subdivisions and likewise I sometimes hear from people like yourself who would prefer that the tower go elsewhere or further away.
- Perhaps a contrary perspective to consider is that BC Assessment will levy Rogers additional commercial property tax on the subject property if the tower is built as it is

deemed an "infrastructure improvement" and is treated as an improvement that will add value to the property value rather than retract from it. This is a nearly \$1 million infrastructure investment and rather than reduce the value of property -- at least from a property tax perspective -- it is the opposite in BC Assessment's eyes.

I hope this detailed response is helpful. I would welcome a phone conversation if this person would like to discuss this further.

Thank you,

**Brian Gregg** | **SitePath Consulting Ltd.**

Submission #6: Deb and Mike Wiebe

**jdf info**

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**From:** Deborah Wiebe <[REDACTED]>  
**Sent:** Thursday, May 27, 2021 7:55 AM  
**To:** jdf info  
**Subject:** Re: Section 42 - Radiocommunications Tower

Thank you for the information that you have provided regarding the application to build a tower on Section 42 in the Otter District at Clark Road and Aythree Way.

We are in the process of completing a build on Lot 7, bordering Section 42. We have had some conversations with [REDACTED], who owns section 42, regarding this matter, as well as some of the other affected neighbours.

We recognize the need for increased cell service in our area and west to Port Renfrew, both with regards to communication, convenience, and safety. However, we do have some concerns about the location of the tower. I have done some research on Health Canada's current guidelines, and on the recent science that is continuing to emerge about the effects of the radiation that is being emitted on human beings (particularly children and those with compromised health), the land, and animals.

We do understand that our house does lie more than 400 metres from the tower, but due to the concerns mentioned above, we are wondering if it could be located in an alternate location. Our home is located on a hill that is pretty much in direct line with the tower and we are also curious about whether that impacts us differently than if we were at "ground level" with the tower, in that most research assumes surrounding homes to be at ground level.

We have been told that the owner is currently planning for just the first phase of the tower (emergency transponding). But the plan that you provided is also quite clear that the plan will eventually include a taller tower with numerous antennas. The latter is what concerns us. We are also wondering if Rogers or the CRD will have any legal responsibility if, in years to come, there do prove to be negative effects on health and wellness.

Finally, because information on the health effects of these towers is still emerging, I feel that it is prudent to err on the side of caution. We purchased our property with the goal of enjoying a healthy lifestyle in a beautiful part of the world, and we want to ensure our family, as well as all of our neighbours, are not put at risk.

We look forward to hearing how this process unfolds over the next weeks and months.

Thank you for your consideration,

Deb and Mike Wiebe

Applicant's Response #6

In the interests of being consistent, below is the response we have been providing to all people who have questions about health and safety.

**Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

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- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Rogers will at all times comply with all applicable laws and safety protocols.

**Brian Gregg** | **SitePath Consulting Ltd.**

Submission #7a: Andrew MacKay

**jdf info**

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**From:** Andrew MacKay [REDACTED]  
**Sent:** Thursday, May 27, 2021 1:58 PM  
**To:** jdf info  
**Subject:** Proposed 45m Radio Communications Facility, Section 42, Otter District

PLEASE REPLY TO CONFIRM RECEIPT OF THIS EMAIL

Attention: CRD Juan de Fuca Community Planning

RE: Proposed 45m Radio Communications Facility, Section 42, Otter District

I am submitting this email to express my strong opposition towards the proposed Radio Communications Facility (the "Tower").

Questions for the Proponent

1) I visited the proposed Tower site, and met with the property owners in person. The property owners advised that Rogers would be "donating" the Tower, and the Tower would be used for local CREST services only. Further, the property owners emphatically assured me that the Tower would absolutely not be used for provision of Rogers cellular or retail services of any kind at any point in time, now or in future. The information provided by the property owners is in direct conflict with the information provided on drawing A03, which indicates a large number of "proposed" and "future" Rogers antennas ("Rogers Antennas").

Are the property owners not aware of the Rogers Antennas? Have the property owners been misinformed regarding the potential provision of Rogers cellular/retail service from this Tower?

2) Will the property owners receive financial compensation of any kind for permitting the Tower to be built on, and/or operate on, their property?

3) If the property owners will receive financial compensation, what is the dollar value of the compensation, is the payment one-time or recurring, and how is the payment arrangement structured and calculated?

4) What is the purpose/function of the "Proposed Rogers Revenue Meter" indicated on drawing A02?

5) Please explain very clearly: what are the main differences between the operation and function of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

6) What is the difference in radiofrequency radiation ("RFR") generated by a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

7) What is the difference in the range/coverage of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

8) Why was this specific location chosen for the proposed Tower?

9) What are the key specific attributes that make this proposed Tower location more desirable than other potential Tower locations?

10) Are there any other potential Tower locations which could be used where there would be no existing homeowners exposed to RFR? If not, why not?

11) It is not possible for both Rogers and the property owners to have "mutually initiated" the discussion which led to the proposed Tower on Section 42. Which of these two parties initially approached the other party? Did the property owner approach Rogers first to suggest Section 42 as a potential location for the Tower, or did Rogers approach the property owners first to suggest Section 42 as a potential location for the Tower? It is only possible that one of these two parties was the instigator - which one was it?

12) Please provide detailed maps for both the CREST service and the Rogers Antennas service. At minimum, these maps should clearly outline what coverage is provided in which areas, and the anticipated average and peak levels of RFR exposure in each specific area.

13) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How will this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

#### Questions for CRD Juan de Fuca Community Planning

1) Please clearly outline the formal process via which impacted property owners are able to prevent the Tower from being built.

2) Is there a certain number of objections received from impacted property owners that will ensure this project is cancelled? If so, how is this specific number of objections calculated - a certain percentage of impacted property owners or some other calculation? Is a petition opposing the project with a certain number of signatures sufficient to cancel the project?

3) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How does this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

4) Which government agencies/entities (local, municipal, provincial, federal) are responsible for regulating radio communications towers and/or ensuring radio communications towers do not present any potential danger/harm to the public and/or monitoring RFR exposure and ensuring RFR exposure does not potentially have an adverse impact on public health?

5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

6) Why are only the property owners within 500 metres of the subject site notified and consulted regarding this project? Is the 500 metre "boundary" based on a scientific calculation, based on the cell tower coverage, based on RFR exposure levels, or is this simply an arbitrary figure based on nothing at all? How and by whom was the 500 metre figure arrived at and agreed upon?

7) Do property owners outside the 500 metre "boundary" have an opportunity to object to this project?



8) What is the immediate next step in this process, and how are impacted property owners able to engage in this next immediate step in the formal process?

**Andrew MacKay**



Applicant's Response #7a

1) I visited the proposed Tower site, and met with the property owners in person. The property owners advised that Rogers would be "donating" the Tower, and the Tower would be used for local CREST services only. Further, the property owners emphatically assured me that the Tower would absolutely not be used for provision of Rogers cellular or retail services of any kind at any point in time, now or in future. The information provided by the property owners is in direct conflict with the information provided on drawing A03, which indicates a large number of "proposed" and "future" Rogers antennas ("Rogers Antennas").

**The proposed tower is meant to provide wireless services to the area with CREST, supplementing their emergency communication services to the area. That said, the tower built would provide service to Rogers' customers, as well as emergency 911 services for all carriers, and CREST who will be hosting their antenna on the tower will provide their emergency communication services. The future antennas identified on the drawings show what might be required to meet future service demand in the area.**

Are the property owners not aware of the Rogers Antennas? Have the property owners been misinformed regarding the potential provision of Rogers cellular/retail service from this Tower?

**Rogers has entered into an agreement with the property owner which includes the proposed design of the tower. Rogers would respectfully request that all questions be directed via the appropriate channels for this consultation, specifically via the CRD and from there through to Rogers. We cannot comment on or verify any discussions that may have been had beyond our sphere of direct influence. We desire an open and transparent discussion.**

2) Will the property owners receive financial compensation of any kind for permitting the Tower to be built on, and/or operate on, their property?

**As with any right of way agreement or lease agreement for use of land, there is typically always some form of compensation to the property owner for use of the space..**

3) If the property owners will receive financial compensation, what is the dollar value of the compensation, is the payment one-time or recurring, and how is the payment arrangement structured and calculated?

**The terms of the agreement are confidential.**

4) What is the purpose/function of the "Proposed Rogers Revenue Meter" indicated on drawing A02?

**This is in reference to the BC Hydro meter to record electricity consumption at the tower so that Rogers can cover its electricity consumption costs.**

5) Please explain very clearly: what are the main differences between the operation and function of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

This could be explained in numerous ways and would depend on site specific considerations. Whether an installation is for CREST, Rogers or any provider, the antennas will need to be above the tree line and topography so as to ensure there is line of sight and dependable wireless services to the community. Of course, a tower with equipment from multiple carriers will have more antennas on it and equipment at the base of the tower. A tower with only one provider will have fewer antennas and less equipment at the base. At the end of the day all entities will need a tower tall enough to clear the topography. The federal government requires carriers to share infrastructure and use existing towers whenever possible, given that both Rogers and CREST need to service the area, it makes sense to jointly cooperate on a single structure. This proposal mitigates the need for Rogers and CREST to have their own separate tower installations.

6) What is the difference in radiofrequency radiation ("RFR") generated by a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

RFR is determined by the power output of each antenna. For the Rogers antennas, they are pointed in different directions while the CREST antenna is a single antenna transmitting 360 degrees. Our engineer has conducted an analysis and determined that the highest exposure will be ~55m from the tower. At a theoretical peak, the levels would be at 3.87% of Health Canada's Safety Code 6 allowable limits. This level is unlikely to be reached as the demand and tower loading will unlikely ever be at its peak. The tower will more likely be operating at a fraction of this level. As one moves further away from this point the energy of the signal dissipates exponentially and so the levels continue to fall.

We can firmly commit to strict compliance with Health Canada's Safety Code 6 at all times. This is a strict obligation.

7) What is the difference in the range/coverage of a standalone CREST tower and/or antenna and a standalone Rogers cellular tower and/or antenna?

CREST and Rogers operate within their licensed frequencies, and as such, provide different services to the community. Rogers can provide wireless services and emergency 911 coverage to non-Rogers users, and CREST will through their own equipment and frequencies provide its emergency services. The tower has been designed to try and meet both parties wireless coverage requirements to ensure Rogers' customers stay connected, and CREST has the ability to transmit/remit information for emergency service providers. A stand alone tower for either party would have the same coverage footprint if it was in the same location/height. The two parties will not be building stand alone towers as this would be against the colocation requirements from ISED.

8) Why was this specific location chosen for the proposed Tower?

**This location was selected as it provides excellent sight lines, coverage and meets the technical requirements in relation to the adjacent network sites. It is also respectfully sited over 300 meters from the closest residences. Supporting infrastructure such as power and access roads are reasonably nearby. We also require a willing property owner.**

9) What are the key specific attributes that make this proposed Tower location more desirable than other potential Tower locations?

**The reasons listed in section 8 above apply here.**

10) Are there any other potential Tower locations which could be used where there would be no existing homeowners exposed to RFR? If not, why not?

**We are not aware of other viable locations that meet Rogers' technical needs within 1km radius of where the coverage is warranted. Please feel free to share some ideas if you feel that you would like us to consider them. Please share specific coordinates and mapping and we can review them if desired. However, we intend to complete the subject consultation.**

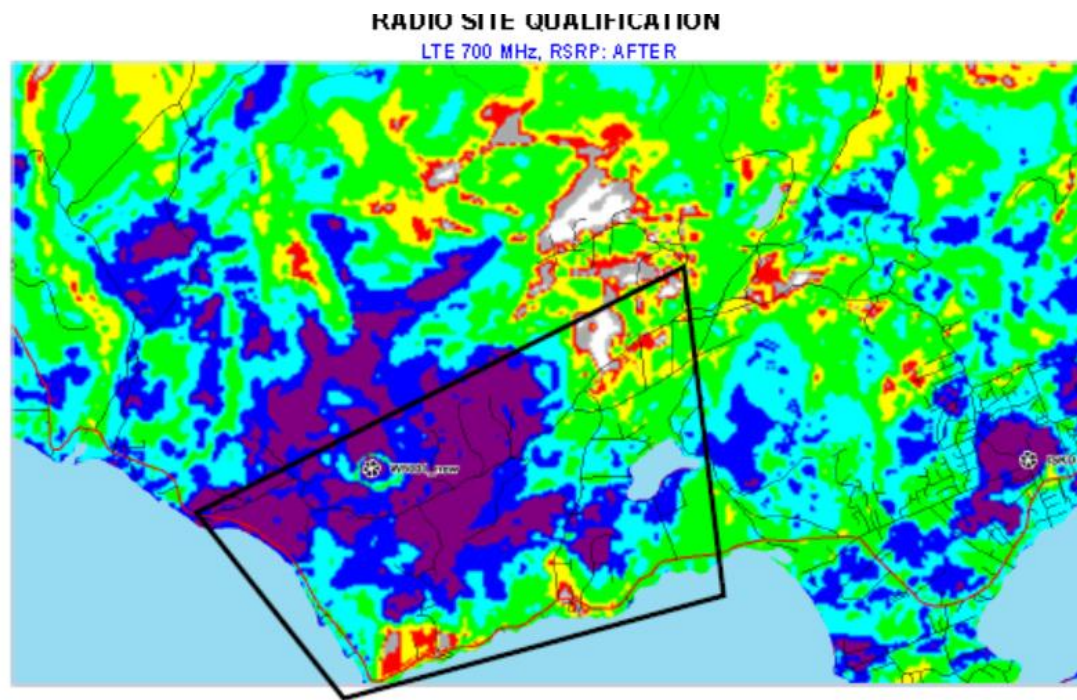
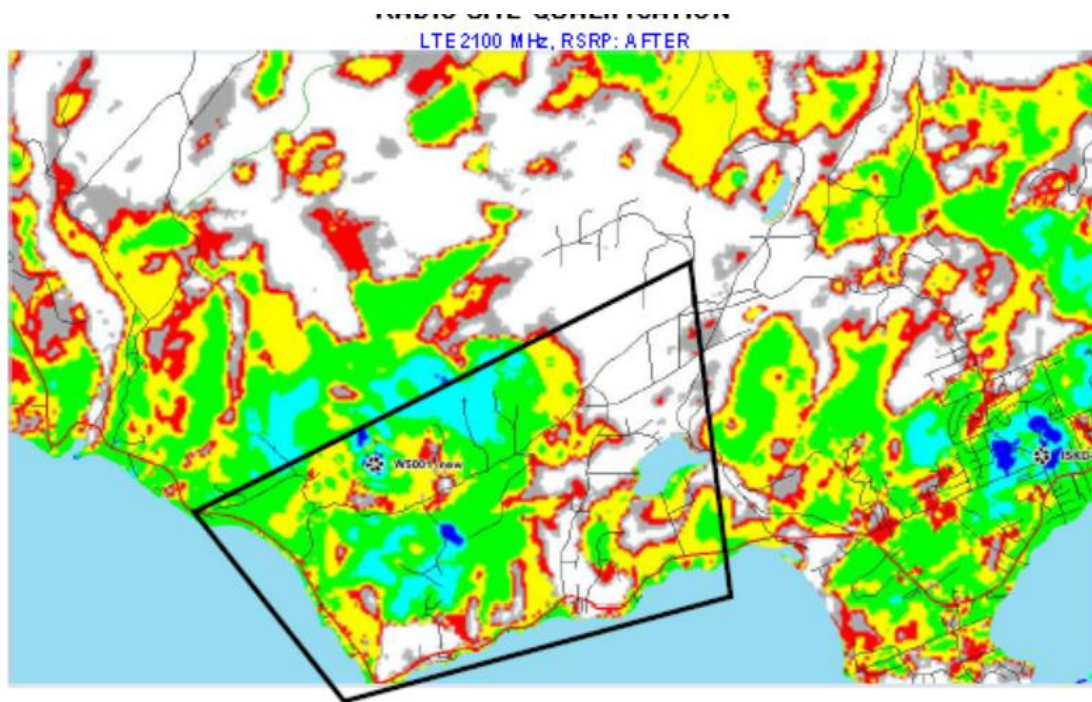
11) It is not possible for both Rogers and the property owners to have "mutually initiated" the discussion which led to the proposed Tower on Section 42. Which of these two parties initially approached the other party? Did the property owner approach Rogers first to suggest Section 42 as a potential location for the Tower, or did Rogers approach the property owners first to suggest Section 42 as a potential location for the Tower? It is only possible that one of these two parties was the instigator - which one was it?

**Both Rogers and CREST have been aware of overlapping service needs for a number of years. The agreement is between Rogers and the property owner.**

12) Please provide detailed maps for both the CREST service and the Rogers Antennas service. At minimum, these maps should clearly outline what coverage is provided in which areas, and the anticipated average and peak levels of RFR exposure in each specific area.

**Maps are not a particularly useful tool for demonstrating safety limits for towers in rural areas. EMF levels are measured at a scale of 1m. The concern is ensuring that people will not be operating within tens of meters of the antennas. For antennas mounted on a tall tower, the signal is propagated in an outward pattern which means there is minimal exposure at ground level. The tower has been located away from any structures or buildings which may bring the public near the antennas. As mentioned in #6, the highest RFR is at 3.87% of SC6 allowable levels at ~55m from the tower.**

**The map below shows the Rogers proposed coverage for the 2100 band (left) / 700 band (right) – purple/blue is strong; green/yellow is good; red is poor; grey/white is no service. We have requested additional detail from CREST.**





13) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How will this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

**Rogers is required to consider applications for tower sharing and CREST feels that another facility is needed for their services. Rogers does not dictate where other service providers desire their infrastructure.**

**According to CREST, their users have requested coverage improvements in this area. Currently, Broom Hill blocks signals from the nearest CREST site.**

5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

**Northern Development Initiative Trust's Connecting BC program, which is funded by the provincial government, will contribute \$4.9M to provide cellular coverage along Highway 14."**

**Brian Gregg | SitePath Consulting Ltd.**

Questions for CRD Juan de Fuca Community Planning

- 1) Please clearly outline the formal process via which impacted property owners are able to prevent the Tower from being built.

The CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy (the "policy") establishes the procedure for consideration of antenna systems in the Juan de Fuca Electoral Area. This policy is based on Industry Canada's Spectrum Management and Telecommunications Client Procedures Circular CPC-2-0-03 (attached).

Please be aware that the role of local government consultation is largely related to local preferences regarding antenna system siting and/or design and reasonable alternatives and/or mitigation measures. For example, concerns that are not relevant include: • disputes with members of the public relating to the proponent's service, but unrelated to antenna installations; • potential effects that a proposed antenna system will have on property values or municipal taxes; • questions whether the Radiocommunication Act, Client Procedures Circular, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

- 2) Is there a certain number of objections received from impacted property owners that will ensure this project is cancelled? If so, how is this specific number of objections calculated - a certain percentage of impacted property owners or some other calculation? Is a petition opposing the project with a certain number of signatures sufficient to cancel the project?

The Juan de Fuca Land Use Committee and CRD Board will consider the public submissions received as well as the applicant's response to address any issues or concerns noted. The attached policy includes application evaluation criteria that is considered in any resolution of concurrence or non-concurrence (note, the CRD does not make a decision, but must provide a resolution of concurrence for the application).

- 3) Why does the CREST service require a new, additional tower? Please provide a detailed explanation. What are the deficiencies, failings, shortfalls in the existing CREST system infrastructure which would be remedied via this new proposed Tower? How does this new proposed Tower significantly improve the existing CREST system? Or, is the proposed new Tower simply providing redundancy without any significant improvements or problem corrections?

These questions are best to be addressed by the applicant.

- 4) Which government agencies/entities (local, municipal, provincial, federal) are responsible for regulating radio communications towers and/or ensuring radio communications towers do not present any potential danger/harm to the public and/or monitoring RFR exposure and ensuring RFR exposure does not potentially have an adverse impact on public health?

The federal government regulates radio communications towers [Home - Spectrum management and telecommunications](#) and radiofrequency emissions [Radiofrequency Energy and Safety - Spectrum management and telecommunications](#)

See Industry Canada's Client Procedures Circular attached for the role of local government.



5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

This question is best posted to the applicant. Some of the funding details are included in this article: [Rogers Expands its Wireless Network to Improve Safety and Provide Reliable Connectivity along Highways 16 and 14 in B.C. - About Rogers](#)

6) Why are only the property owners within 500 metres of the subject site notified and consulted regarding this project? Is the 500 metre "boundary" based on a scientific calculation, based on the cell tower coverage, based on RFR exposure levels, or is this simply an arbitrary figure based on nothing at all? How and by whom was the 500 metre figure arrived at and agreed upon?

The CRD Development Fees and Procedures Bylaw 3885 establishes the 500m public notification radius. [JdF Development Procedures bylaw \(crd.bc.ca\)](#) Notice is also posted in the Sooke News Mirror and on the website [JdF Community Planning | CRD](#). Land Use Committee and CRD Board meetings are open to the public (currently online only).

7) Do property owners outside the 500 metre "boundary" have an opportunity to object to this project? Yes, anyone may submit comment and attend the meetings when the application is considered.

8) What is the immediate next step in this process, and how are impacted property owners able to engage in this next immediate step in the formal process? As per the procedure outlined in the attached policy, the applicant has 45 days to respond to comments and questions received. Staff then prepare a report to Land Use Committee that outlines the application, the public comments and responses received, analyzes the policy criteria and land use implications. A second/final notice is then mailed to owner's occupants within 500m (and on web and newspaper) advising of the Land Use Committee meeting when the application will be considered for a recommendation to the CRD Board.

Submission #7b: Andrew MacKay

From: [Andrew MacKay](#)  
To: [Emma Taylor](#)  
Cc: [Wendy Miller](#)  
Subject: Re: FW: LP000021 - submission received  
Date: Wednesday, June 16, 2021 11:25:28 AM  
Attachments: [image001.png](#)  
[image002.png](#)

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OK Emma - so they refuse to answer.

Can you ask them to clarify this response:

5) Are there any government agencies/entities at any level (local, municipal, provincial, federal) contributing funds to assist with this project? If so, please provide the dollar value of the contribution.

**Northern Development Initiative Trust's Connecting BC program, which is funded by the provincial government, will contribute \$4.9M to provide cellular coverage along Highway 14."**

I am asking about funding specifically for this proposed tower. The response is not clear. Is the Connecting BC program providing \$4.9M funding for this specific proposed tower, or is a portion of the \$4.9M funding directed towards this specific proposed tower? If this specific proposed tower is receiving a portion of an overall 4.9M program funding, how much funding is the Connecting BC program providing for this specific proposed tower? If you cannot provide the exact amount at this stage because funding is not yet approved then please provide the amount of funding requested and/or a high/low estimate of funding you expect to receive.

**Andrew MacKay**

Applicant's Response #7b

The Northern Development Initiative Trust's Connecting BC Program is contributing funds for the entire corridor. You are correct that we do not know how those funds are allocated at this time because we don't have final designs approved for this or the other sites along this corridor. The costs that end up being allocated to this tower will depend on the costs of the entire corridor. We anticipate knowing the final design for the corridor by September.

Cheers,

Garth

Submission #8: Hilary and Jason Childs

Hilary and Jason Childs  


May 28, 2021

Land Use Committee  
CRD Juan de Fuca Community Planning  
3-7450 Butler Road  
Sooke, BC V9Z 1N1

**Re: Radio Communication & Broadcasting Antenna System Application LP000021 -  
Section 42, Otter District (Clark Road and Aythre Way)**

To the members of the Land Use Committee;

This letter is to express our opposition to Radio Communication and Broadcasting Antenna Systems Application (LP000021 - Section 42). While our residence is not within the 500m radius of the proposed tower location, we are just beyond that radius and we feel that voices beyond the 500m radius need to be heard in this matter.

In today's society cellular coverage is an expectation of many. Due to that expectation, I understand the current initiative to ensure there is cellular coverage from Sooke to Port Renfrew.

While we can all find scientific studies to prove or disprove the negative health effects that are felt by people living near cell towers, it is evident that living near a cell tower exposes people to more radiation than they would otherwise be exposed to. While some people may never feel negative health effects, it may have a detrimental effect on another and for that reason alone the location of this tower needs to be rethought.

We feel that there are more suitable locations that are farther from residences (current and planned). Yes, there are other towers located on Otter Point Road in Sooke that are very close to residences. However there is a different expectation when living outside of an urban centre. Part of that expectation is to not have cell towers built so close to our homes.

We understand that such towers require power to function. Do such tower systems require 'wired' power, or can they be powered through solar panels? Given today's solar technology, it is conceivable to think that solar panels would be effective at powering such a system and as such would greatly increase the suitable properties in this neighbourhood to areas where there are no residences within 500m or more.

Should alternative power sources not be effective at powering the tower, there are other suitable and less controversial locations within the neighbourhood that are just as far from the current infrastructure (paved roads and power) as is the proposed site and would cost just as much to the applicant to service. Were any other sites considered for this tower?

An article recently published in the journal Environmental Research suggests that where possible cell towers should be located as to minimize the public's exposure to radio frequency radiation and should not be located less than 500m from the population at a height of 50m (article citation and link below).

We would like to ask that you please give thoughtful and thorough consideration to our comments and well as the comments, questions and evidence presented by other residents of this neighbourhood.

Sincerely,

Hillary and Jason Childs

Pearce, Joshua M., Environmental Research, Volume 181, February 2020, Limiting liability with positioning to minimize negative health effects of cellular phone towers.

<https://www.academia.edu/41138898/>

Limiting Liability with Positioning to Minimize Negative Health Effects of Cellular Phone Towers

Applicant's Response #8

This commenter appears to state a few questions/concerns relating to the following topics:

- health and safety;
- alternative siting options;
- where solar panels can be used to power Rogers' facility.

I will respond to each topic below.

**Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

**Alternative Siting Options**

The subject property was selected as we trust that it is respectfully sited approximately 350 meters away from the nearest residences while also achieving Rogers' technical objectives. The subject property also has reasonable proximity to supporting infrastructure including power and access. While there may be other locations that could be explored, we caution that there is also a need for a willing landlord and we may not always have every option available to us for tower siting.

**Solar**

At this time, with rare exceptions, solar power and other forms of renewable energy are generally not used as the sole source to power wireless facilities. Indeed, people expect their cell phones to work during times of emergencies. Therefore, it is typical for cell sites to not only be tied into the power grid but also for each site to have back-up battery power as well as an emergency generator connection. Simply put, solar power is not currently deemed reliable enough to replace the other power systems however it is on our radar and may be considered in the future as the technology improves.

Thank you,

**Brian Gregg | SitePath Consulting Ltd.**

Submission #9: Paul and Glyse Clarkson

jdf info

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**From:** Paul Clarkston [REDACTED]  
**Sent:** Sunday, May 30, 2021 7:00 PM  
**To:** jdf info  
**Subject:** Radio tower Otter point

Attn. Crd PLanning.

Please accept this letter stating our disapproval of the Rogers tower going on sec 42 ( PID 009-497-790). We think there are better locations on hills in the rural resource lands. or lands west of here with less or no surrounding settlement. The tower is visual pollution and will sit center of a radius to about 20 -50 homes., not to mention the 10 or so immediate homes within a stone's( or three) throw in addition to the proposed subdivision of sect. 42. There are likely other areas where it can sit close to no houses. We are not able to unequivocally say the increased frequency of cellular radio waves will be bad for our health, but we can certainly say it will not improve our nor our neighbor's health. I imagine one day this tower could allow upgrades to the very contentious 5g, again we do not want this over us.

We appreciate your audience on this matter.

Regards,  
Paul and Glyse Clarkson  
[REDACTED]



Applicant's Response #9

We understand that the closest residence is approximately 350 meters away -- a relatively large setback especially given that there are many mature trees in the area. Also, similar to other infrastructure, we need to be sited in reasonable proximity to the end users who may be connecting to our network.

Below is some general feedback regarding health and safety.

**Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thank you,

**Brian Gregg | SitePath Consulting Ltd.**

Submission #10: Anja Zschau

**From:** [Anja Zschau](#)  
**To:** [jdf.info](#)  
**Subject:** Rogers Tower Otter Point  
**Date:** Monday, May 31, 2021 12:38:31 PM

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Dear Sir or Madam,

we were notified about the planned construction of a Rogers Cell Tower less than 500 m from our home. We STRONGLY OBJECT to the planned cell tower in such close proximity to children, organic farming and an Apiary. The monetary gain of one person should never have an impact on so many other people.

The adverse reactions and health effects of Electro-Magnetic Frequencies are widely known and have been connected to the development of cancer in human beings. Wildlife and bees are known to be affected or, in the case of the pollinators even to disappear.

We are certain that a more suitable location for the cell tower can be found and we appeal to you to stop the building of the planned tower.

We would like you to forward our concerns to whom it may concern.

Thank you,

Anja Zschau

Applicant's Response #10

This commenter appears to be concerned about the proximity of the tower to residences and other land uses as well as health. I will respond to these topics below.

**Tower Siting Adjacent to Residences, Agricultural Land and Pollinators**

The subject property was selected as we trust that it is respectfully sited over 300 meters away from the nearest residences while also achieving Rogers' technical objectives. The subject property also has reasonable proximity to supporting infrastructure including power and access, mitigating the need for Rogers to clear additional land. We believe this is an environmentally sensitive approach to infrastructure siting.

I can also confirm that we have thousands of cell sites located in agricultural areas including directly on farm land where there presumably are pollinators such as bees. Indeed, the Agricultural Land Commission (ALC) recently advised me that our telecommunications infrastructure is exempt from a need for their approvals as long as we do not exceed 1000 sq. m of fill coverage. While we are not experts on insects or bees specifically, we are not aware of any policies or protocols that reflect a concern about radiocommunication facilities causing harmful effects to bees. You may wish to consult the Minister of Agriculture or a subject matter expert, however Rogers will comply with all applicable laws.

**Health and Safety**

Regarding health and safety, we can confirm that the wireless carriers are obligated to comply with Health Canada's safety code known as Safety Code 6 and this code regulates all radiofrequency emitting infrastructure (e.g. baby monitors, wi-fi routers, cell phones, radio towers, cellular base stations, etc). Below are a couple helpful links that we often share and attached is a useful literature review from the Chief Medical Health Officer at the Vancouver Coastal Health Authority. In sum, the infrastructure will operate safely as long as we adhere to the safety code as is legally required.

- <https://www.canada.ca/en/news/archive/2014/11/fact-sheet-what-safety-code-6.html>
- <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/occupational-exposure-regulations/safety-code-6-radiofrequency-exposure-guidelines/technical-guide.html>

We can assure you that we have the same infrastructure already operating safely in many communities across BC, including throughout the CRD and even nearby in Sooke. It is a strict requirement that we ensure safety code compliance in every case.

Thanks,

**Brian Gregg** | SitePath Consulting Ltd.

Appendix E: Evaluation Criteria

Evaluation Criteria:

The CRD Board may consider the following when reviewing an application for an antenna system:

1. Rationale for proposed location;
2. Proximity to residential uses, institutions and public lands;
3. Visibility and measures to integrate the antenna system into the local surroundings;
4. Security measures;
5. Alternatives and/or mitigation measures;
6. Hazardous areas;
7. Environmentally sensitive areas;
8. Transport Canada's aeronautical safety requirements;
9. Referral responses including compliance with BC Building Code, if applicable;
10. Comments received through public notification;
11. Potential impact on the community if the application is approved.
12. Designs that address the following guidelines:
  - i) antenna systems are as unobtrusive and inconspicuous as possible;
  - ii) the visual aesthetic impacts on the community is minimized;
  - iii) landscaping or screening is incorporated;
  - iv) displays of any type of lighting are avoided except where required by Transport Canada. Where lighting is proposed for security reasons, it shall be shielded from adjacent properties and kept to a minimum intensity by being of capped, downward facing and motion-sensory designs;
  - v) antenna systems are set back at least three times the height of the antenna system from adjacent dwellings. The CRD may request a different setback due to factors such as buffering topography and vegetation, transportation and utility corridors, watercourses, or public comments.



Making a difference...together

## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY JULY 20, 2021

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**SUBJECT**      **Development Permit with Variance for Lot 3, Sections 45-A and 46-A,  
Highland District, Plan 22641 – 6606 Mark Lane**

### **ISSUE SUMMARY**

A request has been made for a development permit with variance to address the Steep Slope development permit (DP) guidelines and to vary the front yard setback requirement for the purpose of constructing an accessory building in the Community Residential - One (CR-1) zone.

### **BACKGROUND**

The subject property is located at 6606 Mark Lane in Willis Point (Appendix A) and is within the Steep Slope development permit areas designated by the Comprehensive Community Plan for Willis Point, Bylaw No. 3027. The parcel is split into two separate parts by Mark Lane, with that part of the subject property on which the dwelling is situated being on the west side of the right-of-way. The parcel is located adjacent to CR-1 zoned land to the north and south, Mark Lane to the east, and Gowlland Tod Provincial Park to the west.

Variance VA000143 was approved to reduce the minimum front yard setback requirement from 6.0 m to 5.0 m, and the rear yard setback from 6.0 m to 0.91 m, for the purpose of allowing the existing non-confirming siting of the single-family dwelling and construction of a deck.

The applicant now wishes to construct a carport adjacent to Mark Lane (Appendix B). A report has been provided from Ryzuk Geotechnical to address the Steep Slope DP guidelines. The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, requires that all buildings and structures located in the CR-1 zone be a minimum of 6.0 m from the front parcel line. Since the southern-most corner of the structure is located 1.5 m from the front parcel line, a variance is also required (Appendix C). Development Permit with Variance DV000077 is included as Appendix D for consideration.

### **ALTERNATIVES**

#### *Alternative 1:*

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

That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.5 m for construction of a carport be approved.

#### *Alternative 2:*

That Development Permit with Variance DV000077 be denied.

#### *Alternative 3:*

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

## **IMPLICATIONS**

### *Legislative Implications*

The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule A, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Steep Slopes DPA and a development permit is required prior to alteration of land. CRD Delegation of Development Permit Approval Authority 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 Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22, specifies setback requirements for the CR-1 zone. The proposed construction does not meet these requirements; therefore, a variance is being requested.

### *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 adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

### *Land Use Implications:*

#### Development Permit:

The entire property is designated within the Steep Slope DPA in Bylaw No. 3027. The applicant has submitted a geotechnical report prepared by Ryzuk Geotechnical to address the Steep Slope DP guidelines.

The geotechnical report describes the parcel as transected by Mark Lane, with the western portion of site sloping steeply westwards towards the foreshore. A benched area is occupied by the existing driveway and residence. The proposed site of the carport is located over bedrock controlled slope and considered stable. Evidence of previous rockfall is noted on the undeveloped upland portion of the parcel; however, no potential risk for slope instability or erosion is noted at the proposed development site.

The construction will generally be limited to the eastern portion of the property. The work will require local excavation such that new foundations for the roof of the carport extend to bedrock. The proposal is feasible from a geotechnical perspective and considered safe for the use intended. No alteration of drainage or sloped areas are to occur. All foundations and retaining wall preparations will require further geotechnical review through the building permit process.

#### Variance:

The Community Residential - One (CR-1) zone regulations specify that the front yard setback shall be a minimum of 6 m. The applicant is requesting consideration of a variance in order to construct a carport located 1.5 m from the eastern parcel boundary adjacent to Mark Lane. The proposal otherwise meets requirements for the zone. Structure permit #2020-03511 from the Ministry of Transportation and Infrastructure has been issued for works in proximity to the highway.

Development Permit with Variance DV000077 has been prepared for consideration to authorize the construction of a carport located within a Steep Slope Development Permit Area, and to vary the siting by reducing the front yard setback from 6 m to 1.5 m (Appendix D). 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 Steep Slopes development permit with a variance to reduce the front yard setback requirement for the proposed construction of a carport at 6606 Mark Lane in Willis Point. Since there will be minimal impact to the Steep Slope 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**

The Land Use Committee recommends to the Capital Regional District (CRD) Board:  
That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.5 m for construction of a carport be approved.

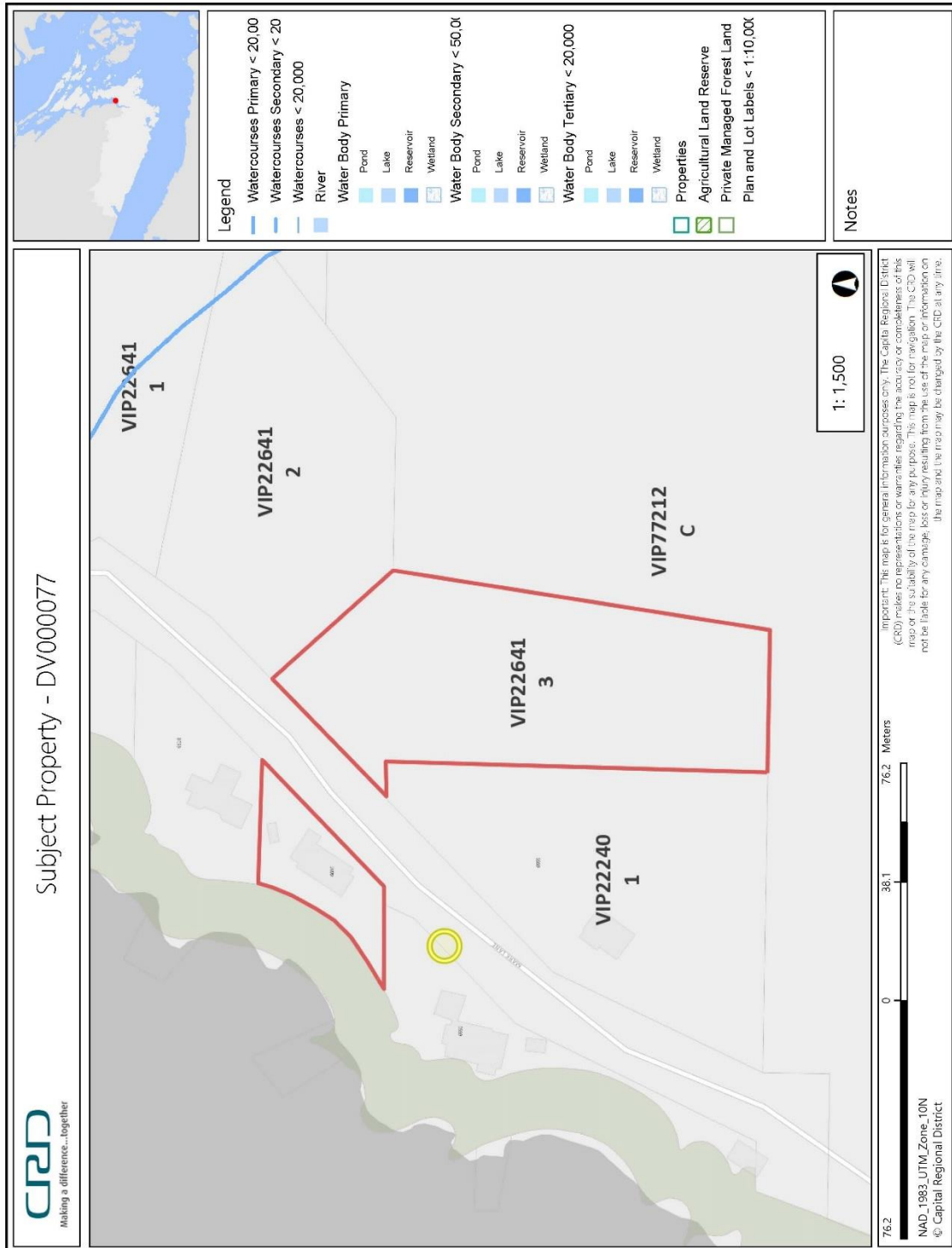
Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

#### Attachments:

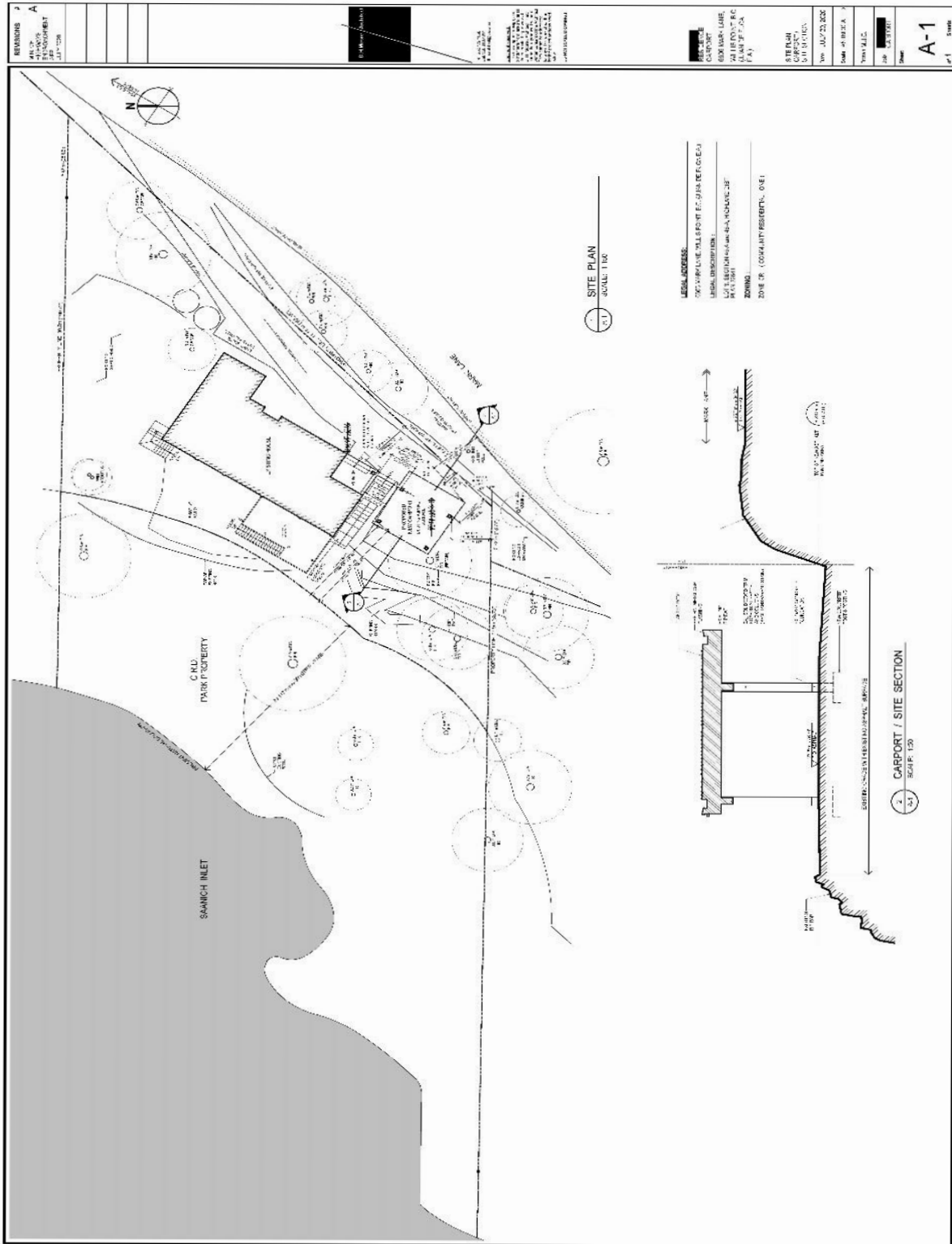
Appendix A: Subject Property Map  
Appendix B: Site Plan  
Appendix C: Variance Request  
Appendix D: Permit DV000077



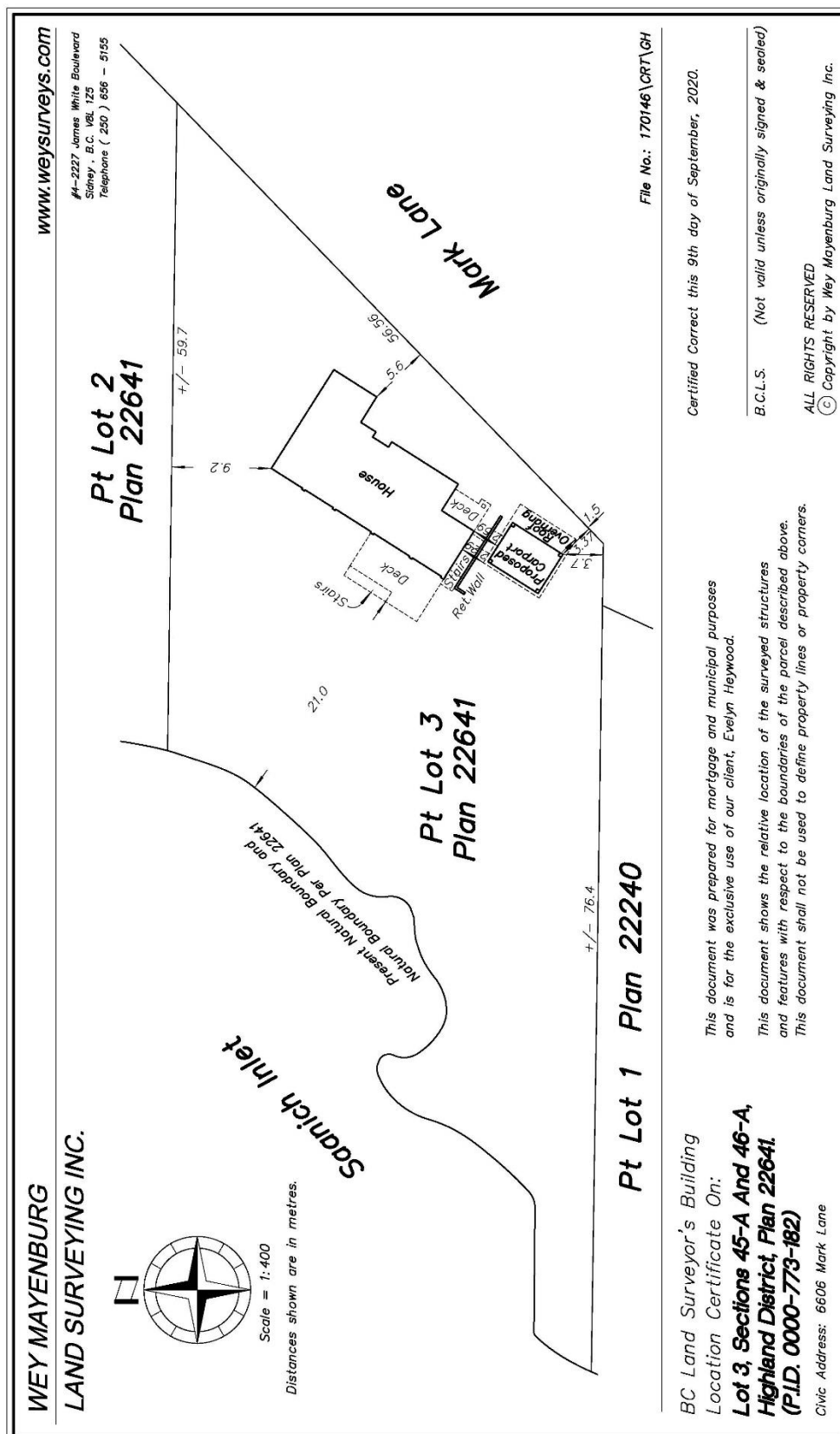
Appendix A: Subject Property Map



Appendix B: Site Plan



## Appendix C: Variance Request



Appendix D: Permit DV000077



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE DV000077

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: 000-773-182;**  
**Legal Description: Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641**
3. This development permit authorizes construction of an accessory building (the "development") on the Land, located within the development permit areas established under the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, 2003, Section 4.10.3 (Steep Slopes), 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 comply with the Building Plans;
  - b. That the proposed development of the property comply with the Building Location Certificate prepared by Wes Mayenburg Land Surveying Ltd., dated September 9, 2020;
  - c. That the proposed development comply with the recommendations outlined in the report prepared by Ryzuk Geotechnical, dated March 29, 2021.
5. The Capital Regional District's **Bylaw No. 3027** is varied under Section 498 of the *Local Government Act* as follows:
  - a. That Schedule B, Part III, Section 22(2)(d)(i) be varied by decreasing the minimum front yard setback from 6 m to 1.5 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 (DV000077) 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:  
Appendix A: Building Plans  
Appendix B: Building Location Certificate  
Appendix C: Geotechnical Assessment Report
10. This Permit is NOT a Building Permit.



DV000077

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.

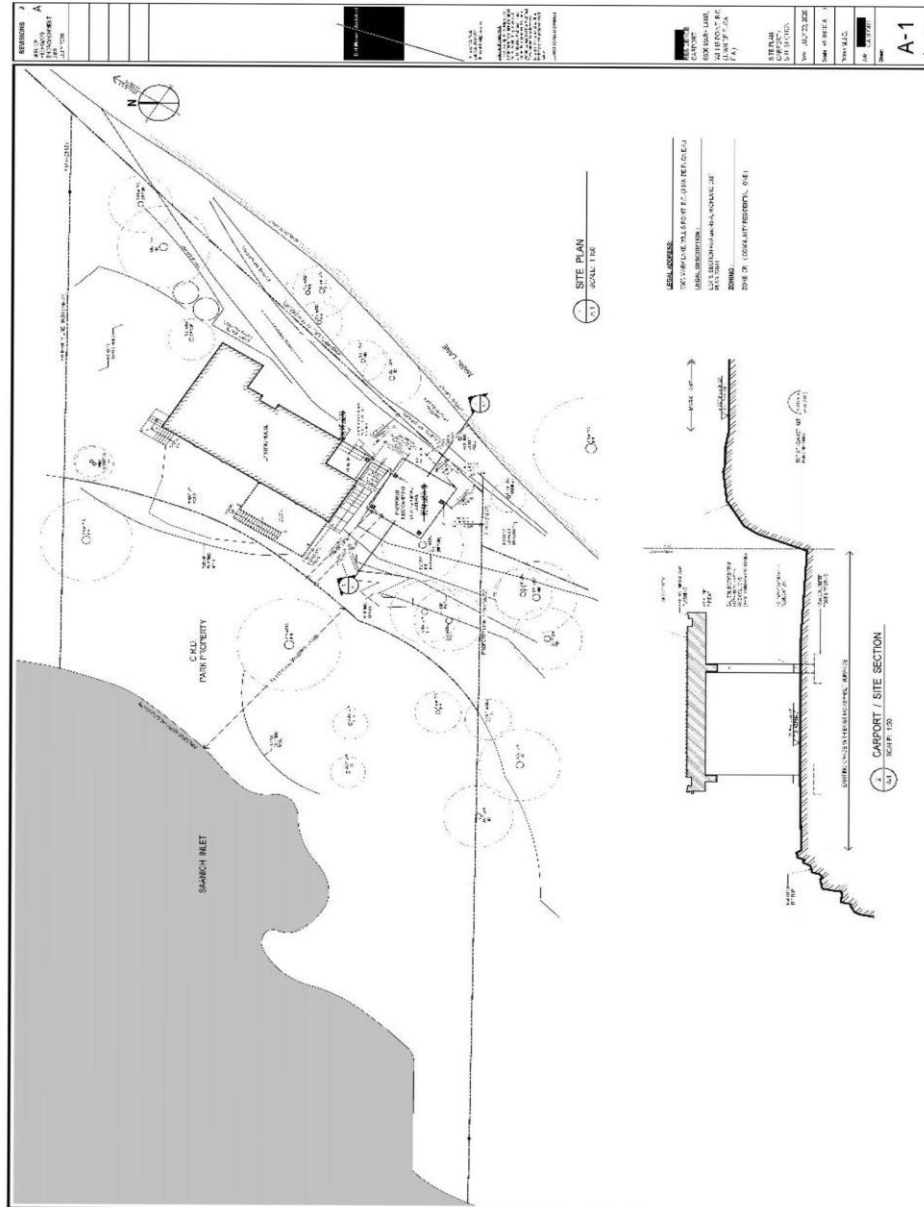
**RESOLUTION PASSED BY THE BOARD, THE \_\_\_\_ day of \_\_\_\_\_, 2021.**

**ISSUED** this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Kristen Morley  
Corporate Officer

DV000077

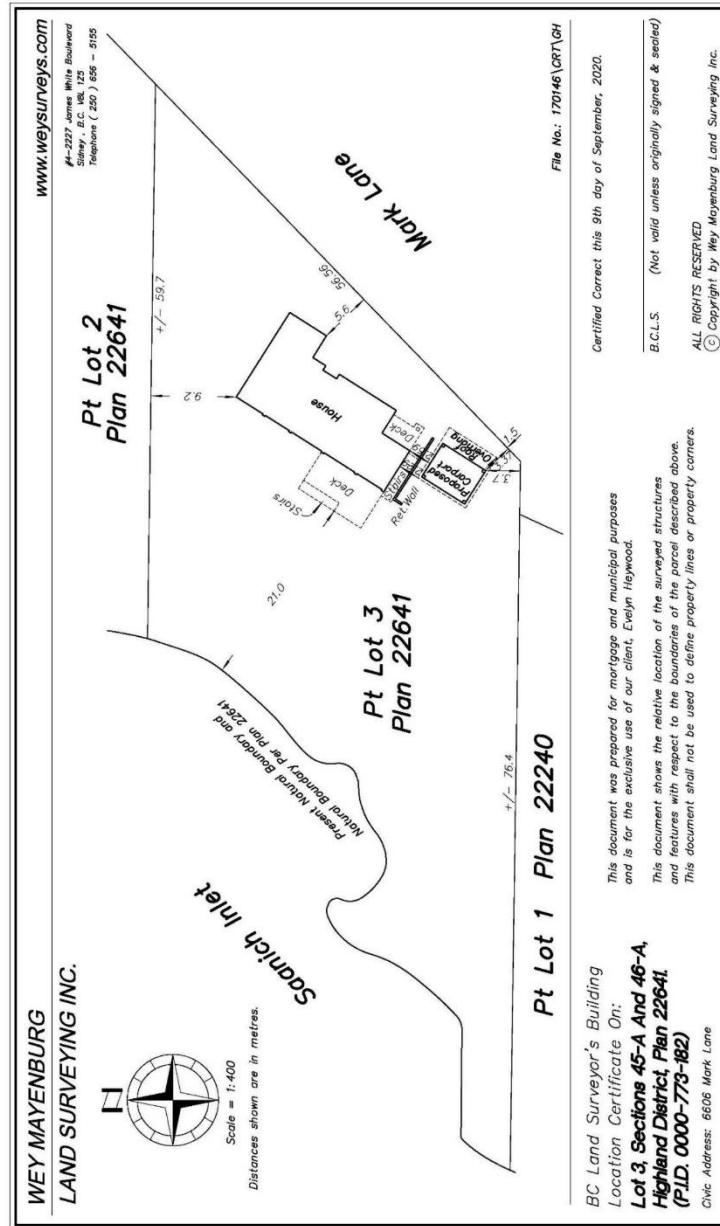
## Appendix A: Building Plans





DV000077

Appendix B: Building Location Certificate







DV000077

Appendix C: Geotechnical Report



**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

March 29, 2021  
File No: 10313-1

██████████  
6606 Mark Lane  
Victoria, BC  
V9E 2A1

(by email: ██████████)

Dear Sir,

Re: Proposed Carport  
6606 Mark Lane – Victoria, BC

As requested, we attended the referenced property December 31, 2020, to assess the existing geotechnical conditions as such relate to the proposed carport. The property is located within Development Permit Area No. 1: Steep Slopes as set out in Schedule "A" of the Capital Regional District (CRD) Bylaw No. 3027. Our associated comments and recommendations are contained herein to satisfy the requirement of the Bylaw. Our work has been undertaken in accordance with, and is subject to, the previously submitted Terms of Engagement.

Our review has consisted of both office based study and our site attendance to complete a visual assessment of the proposed carport location as well as the surrounding area. The office based work included review of development drawings as well as perusal of geological/terrain mapping. During our site reconnaissance we traversed the areas downslope and upslope of the carport location, to identify any notable features typically associated with steep slopes, including past/current indication of erosion, land slip, overland flow, and rock fall.

The subject property is irregularly shaped and approximately 2 Acres in size. See attached CRD Atlas Site Plan extract. The site is bounded by the foreshore of Saanich Inlet to the west, and neighboring residential properties to the north and south, and undeveloped upland areas to the east. Mark Lane transects the property. The proposed development consists of construction of a carport to the south of the dwelling, in an area currently occupied by a paved parking area. We understand the carport will consist of four corner posts and a roof. No walls will be constructed.

Terrain mapping indicates that the grade rises steeply from the foreshore area up to a flatter benched area that incorporates the dwelling and Mark Lane, before rising steeply again, up to and beyond the eastern property line. Overall relief across the subject property is around 80 m or so. Geological mapping indicates that the area is bedrock controlled, with outcropping bedrock present in much of

Ryzuk Geotechnical



DV000077

Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021

the area. Where not present at the surface, bedrock will be at shallow depth, covered by a veneer of organic and colluvial mineral soils. This is consistent with our experience in the area.

During our site attendance, we traversed areas below and above the proposed development site, including upslope areas beyond the eastern property line. Our observations were generally consistent with our office based work and experience in the area. The dwelling, driveway access, parking area, and Mark Lane alignment are located in a flatter benched area in the northwest corner of the property, with grade falling steeply down to the west towards the foreshore of the Saanich Inlet, and rising steeply to the east above Mark Lane and beyond. The flatter bench appears to have been created by past excavation cut and fill. The area of the proposed carport is currently occupied by an approx. 12 m wide paved bench (see attached Photograph 1) which is retained on the low (west) side by an approx. 2 to 3 m high arrangement of stacked boulders, with a similar arrangement of boulders to the east side. We understand backfill behind the western boulder arrangement consists of well compacted blast rock fill.

As noted, grade falls steeply down to the west from the benched area towards the bedrock controlled foreshore of Saanich Inlet. Grades in the range of 35 to 40° were measured with hand-held inclinometer, although were locally flatter and steeper in areas. The slope is bedrock controlled and considered to be largely stable. Some weathering of the exposed rock, as well as root action from trees, has created some smaller surface rock (talus) that could exhibit mobility. Upslope of the benched area, the grade rises gently to the approx. 8 m wide Mark Lane right-of-way, before rising again to another 4 m wide flatter area associated with a roughed-in driveway (see attached Photograph 2). Beyond the roughed-in driveway, grade generally rises up at around 30°, aside where such is interrupted by exposed near vertical bedrock bluffs. See attached Photographs 3 and 4. The first bluff is some 50 m upslope of Mark Lane and was around 5 m in height. The second bluff was a further 50 m or so east of the first and was estimated at 15 m or so in height. We did not traverse upslope of the second bluff. The slope is vegetated with occasional smaller diameter Fir and Cedar. We observed smaller blocks of talus (0.3 to 0.6 m) on the flatter slopes. This material likely has originated from the bluffs, detaching due to weathering, tree root action, and/or past seismic event. Some larger orthogonal rock blocks to 1.5 m in dimension were observed near the crest of the lower bluff and may have detached from the upslope bluff. See Photograph 5. Although the noted observations are indication of past rockfall, we saw no larger rock blocks at the base of the slope, adjacent to Mark Lane. In addition, there was no indication of past/current large scale instability, landslip, erosion, or overland flow.

Further to our site attendance, we assessed the potential for future rockfall to reach the proposed carport development site. We utilized our rockfall modeling software and completed numerous simulations to initially prove the model by replicating site observations, and then to determine the maximum run out envelope for various sizes of rock blocks being detached from the bluffs. The rock blocks were imparted with rotational velocities to simulate the energy equivalent to that associated with the design seismic event. Our review indicates that although the rock blocks will travel down slope, the run out will only reach the base of the slope and the Mark Lane right-of-way.



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Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021

We consider that the proposed carport can be constructed without adverse impact to existing slope stability. However, we note the presence of existing retained fills at the location. We were not involved in the selection, placement, and compaction of this material, nor the adjacent boulder retaining wall. Unless there is prior engineering approval of such, we would recommend taking the supports for the carport roof down to intact level bedrock by locally excavating through the fills. We recommend the posts be pinned/dowelled to clean/intact bedrock so that such will be stable should there be any settlement or lateral movement of the wall/fill in the long term. Footings cast upon intact, level bedrock can be dimensioned using a factored bearing resistance of 1000 kPa (SLS). Alternatively, and to minimize excavation and reinstatement, installation of a drilled micro piles through the asphalt/fill and embedment into the bedrock may prove attractive.

As materials exposed during excavation will predominantly consist of blast rock fill and bedrock, we do not expect erosion to be an issue during the works, and no specific measures to mitigate erosion or silt laden run off are considered necessary. As the proposed building area is already comprised of impermeable surface, we do not anticipate any change in existing stormwater runoff. Any collected/concentrated stormwater can be readily dispersed on a non-erodible bedrock surface downslope of the carport.

In summary, and based on our visual assessment and subsequent analysis, we considered the proposed building area to be safe for the use intended, that being construction of a carport structure in accordance with the current BC Building Code. Our assessment considers a design seismic occurrence with a probability of exceedance of 2% in 50 years. This is pursuant to Section 56 of the Community Charter and in accordance with the noted CRD Bylaw.

We trust the preceding is suitable for your purposes at present. If you have any questions, or require anything further, please do not hesitate to contact us.

Kind regards,  
Ryzuk Geotechnical

Scott Currie, P.Eng.  
Geotechnical Engineer

Lane Campbell, M.Eng.  
Review Engineer

Attachments – Site Photographs  
CRD Atlas Site Plan  
Landslide Assurance Statement



DV000077

██████████  
Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021



Photograph 1 – Looking North over the existing driveway and parking area



Photograph 2 – Looking South over Mark Lane and roughed-in driveway





DV000077

Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021



Photograph 3 – Slope rising up to the east from Mark Lane



Photograph 4 – Slope rising up from from Mark Lane



DV000077

██████████  
Proposed Carport – 6606 Mark Lane, Victoria, BC

March 29, 2021



Photograph 5 – Example of a larger rock block on the slope



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DV000077

## APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for landslide assessments (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority  
CAPITAL REGIONAL DISTRICT

Date: 29 MARCH 2021

Jurisdiction and address

With reference to (check one):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- ☐ British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: 6606 MARK LANE - VICTORIA, B.C.

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer or Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☐ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
  - ☒ 6.2 estimated the *landslide hazard*
  - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
  - ☒ 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
  - ☒ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
  - ☐ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:



DV000077

- ☐ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- ☐ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- ☐ 8.3 compared this guideline with the findings of my investigation
- ☐ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- ☐ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- ☒ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

- Check one
- ☒ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
  - ☐ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions<sup>[1]</sup> contained in the attached *landslide assessment* report,

- Check one
- ☐ for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"
  - ☐ for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
  - ☒ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"
  - ☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
  - ☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

SCOTT CURRIE  
Name (print)  
  
Signature

29 MARCH 2021  
Date

<sup>[1]</sup> When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005). Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion, in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".



DV000077

#6 - 40 CADILLAC AVE  
Address  
VICTORIA, BC V8Z 1T2  
250 475 3131  
Telephone



If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm REUR GEOTECHNICAL LTD  
and I sign this letter on behalf of the firm. (Print name of firm)



Making a difference...together

## **REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 20, 2021**

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**SUBJECT**      **Development Permit with Variance for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413 – 6402, 6410, and 6340 Cerantes Road**

### **ISSUE SUMMARY**

A request has been made for a development permit with variance to address the Shoreline Protection development permit (DP) guidelines, to vary the maximum height of an accessory building, and to address the minimum required exterior side yard setback for the purpose of authorizing a two lot subdivision and construction of a garage.

### **BACKGROUND**

The subject property is located on Cerantes Road in Port Renfrew (Appendix A) and is within the Shoreline Protection development permit area as designated under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The western portion of the subject property contains a recreational vehicle (RV) park (6340 Cerantes Road), while the eastern portion of the parcel contains two dwellings (6402 and 6410 Cerantes Road). The parcel is located adjacent to an undeveloped road right of way to the east, Cerantes Road to the south, Juan de Fuca Provincial Park to the west, and Port San Juan to the north.

The applicant has submitted an application for a two lot subdivision (SU000702) to separate the RV and residential uses on the parcel (Appendix B). Issuance of a Development Permit is required to authorize subdivision when there are designated DPAs on proposed parcels. The Environmental Assessment report provided with the application addresses the creation of proposed Lot A relative to the Shoreline Protection DP guidelines.

In addition to subdivision, the applicant wishes to construct a garage for boat storage that would be located to the west of the two dwellings on proposed Lot A (Appendix C). The applicant has also requested a variance to increase the maximum height of an accessory building as the TC-1 zone outlines a maximum height of 4.8 m for accessory buildings and the proposed height of the structure is 5.6 m (Appendix D).

The deck stairs for the dwelling located at 6402 Cerantes Road encroaches into the exterior side yard setback. Any non-conforming setback should be addressed prior to subdivision approval. The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, requires that all buildings and structures located in the TC-1 zone be a minimum of 4.6 m from the exterior side parcel line. Since the stairs on the south-eastern corner of the deck are located 0.9 m from the exterior side parcel line (Appendix E), an additional variance is required.

## **ALTERNATIVES**

### *Alternative 1:*

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

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 5.6 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

be approved.

### *Alternative 2:*

The Land Use Committee recommends to the Capital Regional District Board.

That Development Permit with Variance DV000079 be denied.

### *Alternative 3:*

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

## **IMPLICATIONS**

### *Legislative Implications*

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule A, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Shoreline Protection DPA and a development permit is required prior to construction or the alteration of land. CRD Delegation of Development Permit Approval Authority 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 Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Part IV, Section 22(2)(f), specifies the maximum height for an accessory building, and Part IV, Section 22(2)(g)(iii), specifies the exterior side yard setback required for the TC-1 zone. The proposed garage construction and existing deck stairs do not meet these requirements; therefore, variances are requested.

### *Public Consultation Implications*

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

### *Land Use Implications*

#### Development Permit:

Any land located within 15 m from the natural boundary of the sea is designated within the Shoreline Protection Development Permit (DP) area in Bylaw No. 3109. The applicant has submitted an Environmental Assessment report to address the DP guidelines.

The Report described the shoreline noting it consists of rocky outcrops leading up to a steeply sloped forested foreshore area along the eastern portion of the property. Sections of the foreshore in this area are steep cliffs of approximately 20-50 m. The parcel is roughly transected by two streams. The western portion of site has been developed as an RV park and the eastern portion of the parcel contains two single family dwellings. A subdivision is proposed to separate the uses, and an accessory building is to be constructed near the dwellings and within 15 m of the shoreline.

The biologist recommended erosion and sediment control measures, the eradication of invasive species, and replanting of native vegetation to minimize any impacts of the proposed development. Since no further works are required for subdivision, and due to the current setback distance of the proposed garage, the biologist noted the marine environment will be protected.

#### Variances:

The Tourism Commercial - One (TC-1) zone regulations specify that the maximum height for accessory buildings shall be 4.8 m, and that the exterior side yard setback for any structure shall be a minimum of 4.6 m. The applicant has requested consideration of a variance in order to construct a garage 5.6 m in height, and to address the siting of a set of existing deck stairs built 0.9 m from the southern parcel boundary, adjacent to Cerantes Road, in contravention of the requirements of the TC-1 zone. Setback permit #2020-02320 has been issued by the Ministry of Transportation and Infrastructure to allow the stairs to be located within 4.5 m of a public highway right-of-way. The proposal otherwise meets specifications of the zone.

Development Permit with Variance DV000079 (Appendix F) has been prepared for consideration to authorize the construction of a garage located within a Shoreline Protection DPA, to vary the maximum height of an accessory building from 4.8 m to 5.6 m, and to reduce the exterior side yard setback from 4.6 m to 0.9 m for the existing deck stairs. 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 Shoreline Protection development permit with a variance to increase the maximum height of an accessory building for the proposed construction of a garage, and to reduce the exterior side yard setback requirement for a set of deck stairs. Since there will be minimal impact to the Shoreline Protection 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**

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

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 5.6 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

be approved.

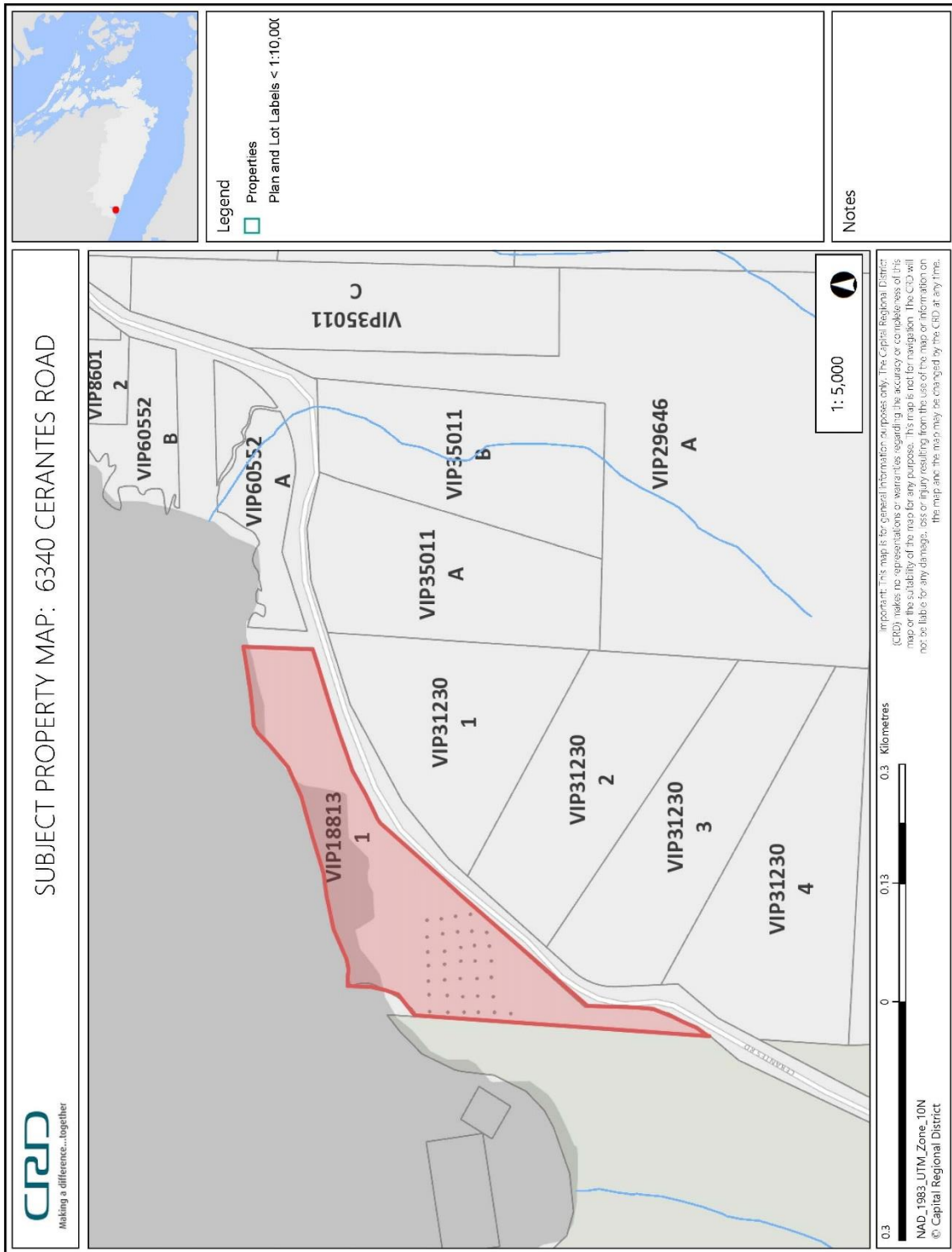
Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachments:

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plan
- Appendix C: Garage Site Plan
- Appendix D: Garage Design Drawings
- Appendix E: Dwelling and Deck Site Plan
- Appendix F: Permit DV000079

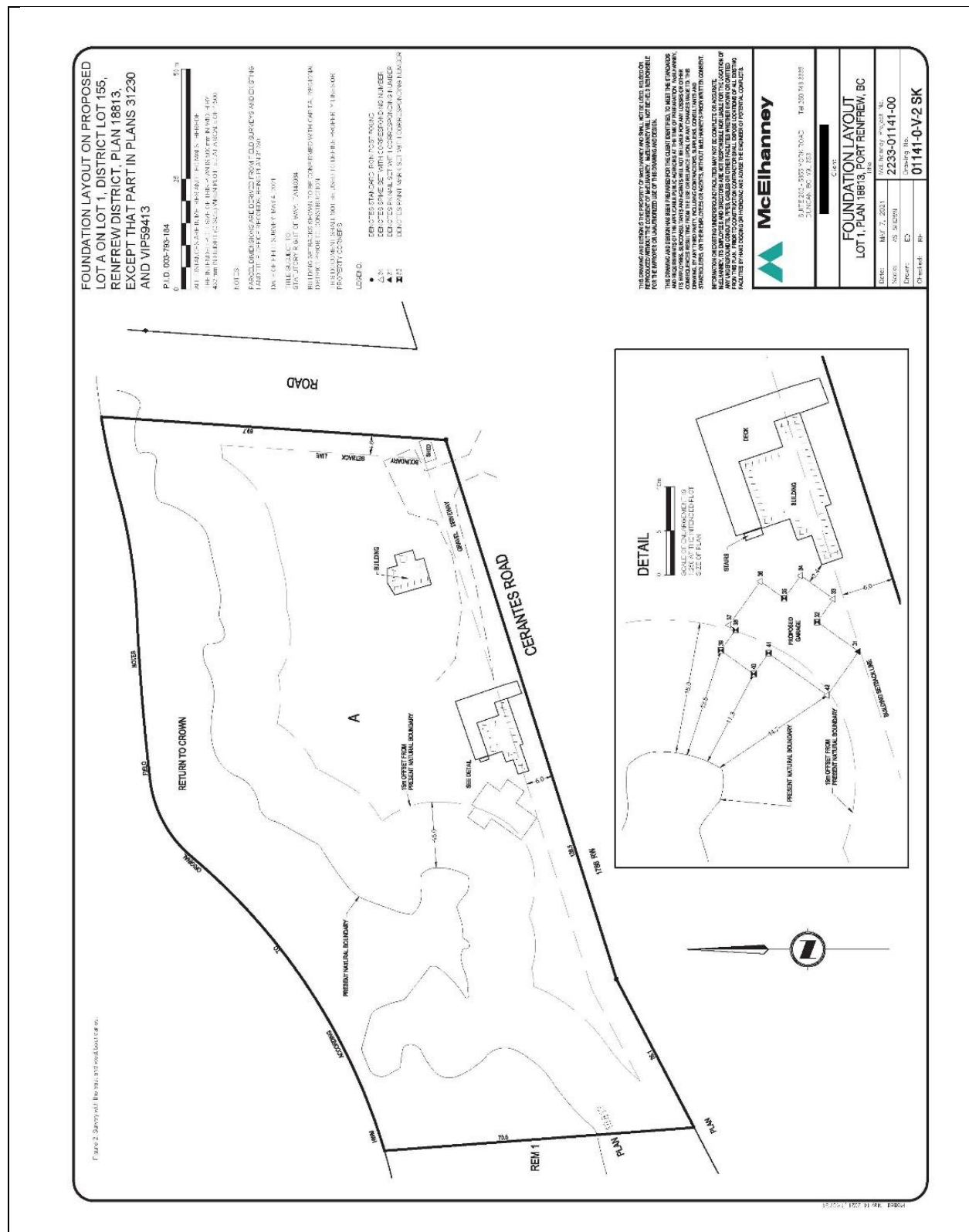


Appendix A: Subject Property Map



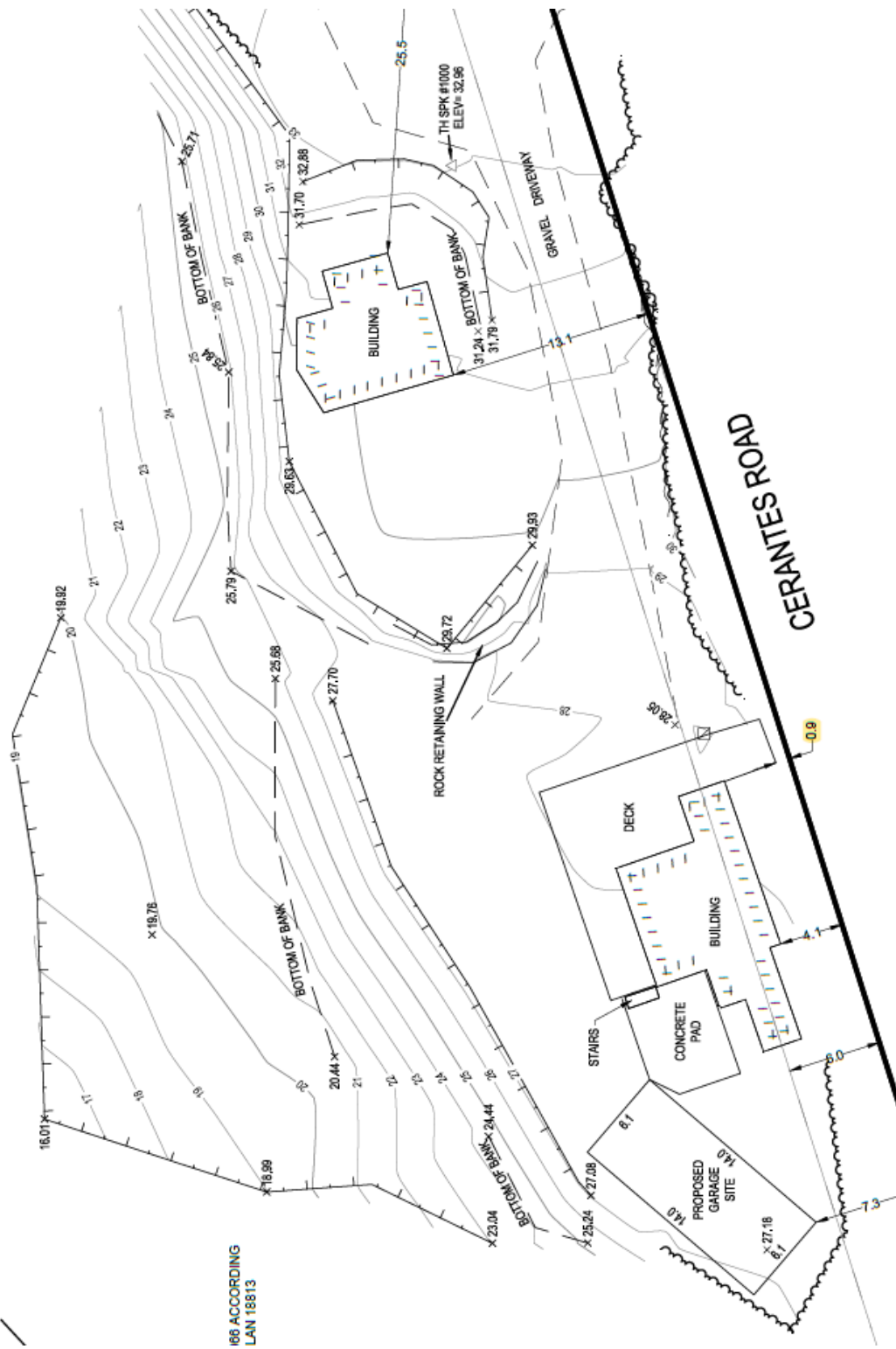


## Appendix C: Garage Site Plan





Appendix E: Dwelling and Deck Site Plan



Appendix F: Permit DV000079



**CAPITAL REGIONAL DISTRICT**  
**DEVELOPMENT PERMIT WITH VARIANCE DV000079**

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: 003-793-184;**  
**Legal Description: Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413**
3. This development permit authorizes a two-lot subdivision and construction of an accessory building (the "development") on the Land, located within the development permit areas established under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, 2003, Section 6.4 (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 development comply with the Garage Site Plan, Garage Design Drawings and the Plan of Proposed Subdivision dated October 14, 2020, prepared by McElhanney;
  - b. That the proposed development comply with the recommendations outlined in the Environmental Assessment Report prepared by Corvidae Environmental Consulting Inc., dated May, 2021.
  - c. That upon substantial completion of the development, a final report be submitted from a qualified professional confirming that the recommendations outlined in the Environmental Assessment Report have been completed in accordance with the report.
5. The Capital Regional District's **Bylaw No. 3109** is varied under Section 498 of the *Local Government Act* as follows:
  - a. Part IV, Section 22(2)(f) be varied by increasing the maximum height for an accessory building from 4.8 m to 5.6 m in accordance with the Garage Design Drawings; and
  - b. Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of an existing deck in accordance with the Dwelling and Deck Site Plan.
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 (DV000079) 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.



DV000079

9. The following plans and specifications are attached to and form part of this Permit:

- Appendix A: Garage Site Plan
- Appendix B: Garage Design Drawings
- Appendix C: Plan of Proposed Subdivision
- Appendix D: Environmental Assessment Report
- Appendix E: Dwelling and Deck Site Plan

10. This Permit is NOT a Building Permit.

**RESOLUTION PASSED BY THE BOARD, THE \_\_\_\_ day of \_\_\_\_\_, 2021.**

**ISSUED** this \_\_\_\_ day of \_\_\_\_\_, 2021

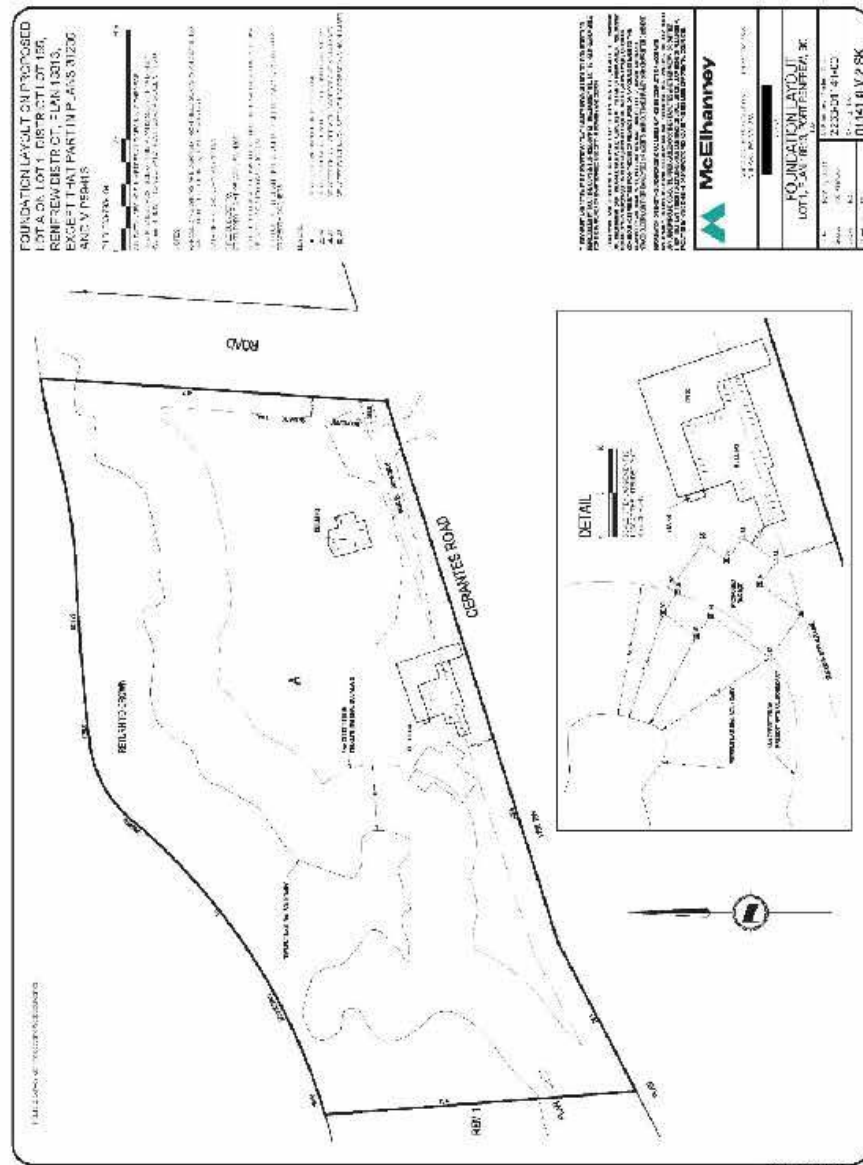
\_\_\_\_\_  
Kristen Morley  
Corporate Officer



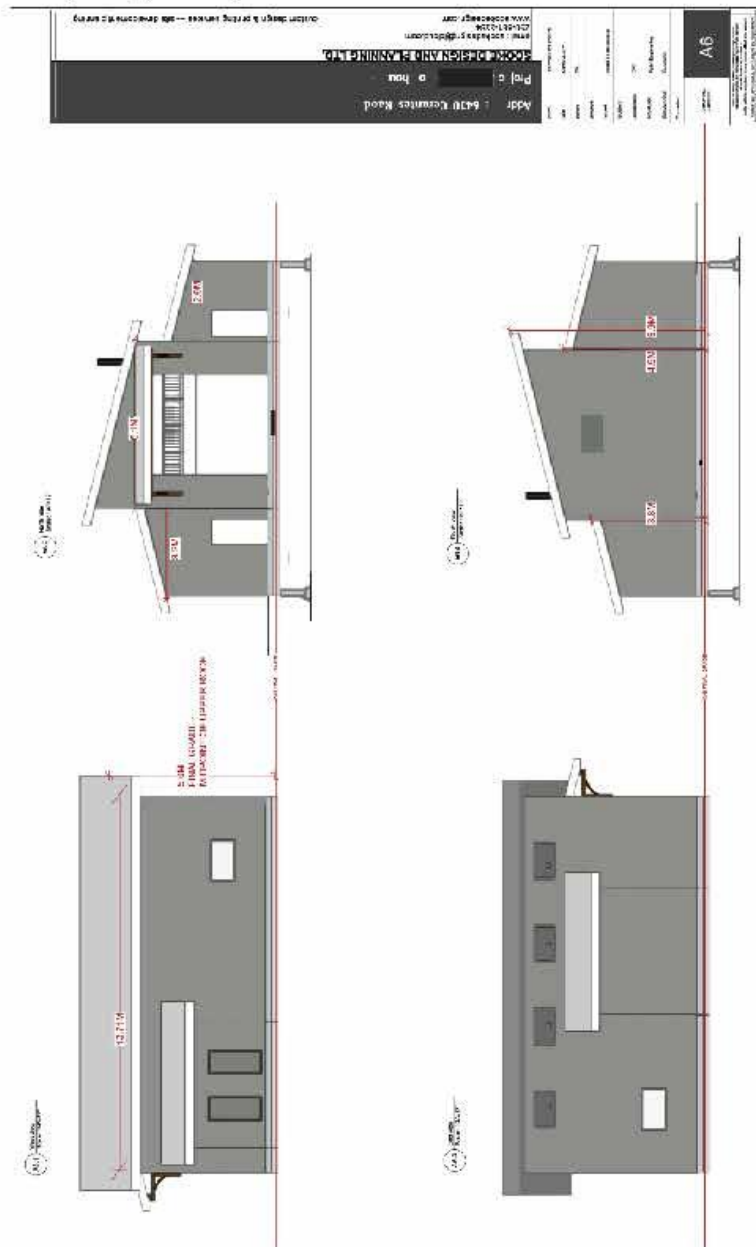


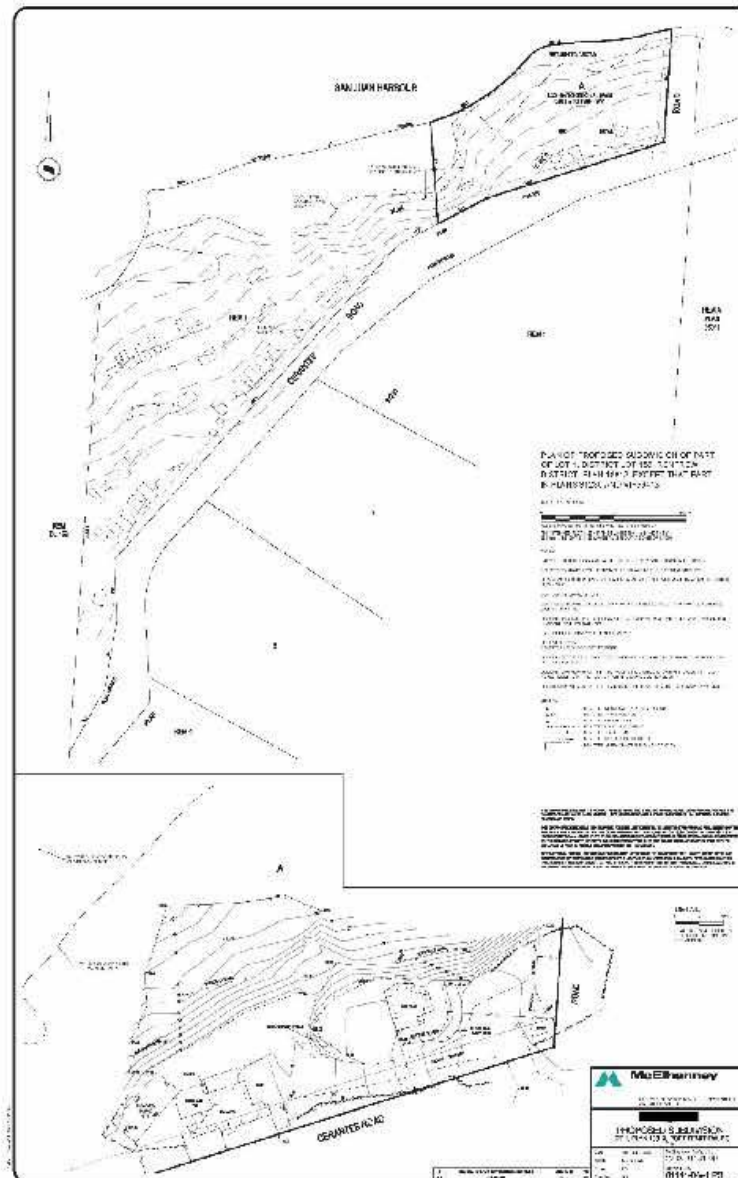
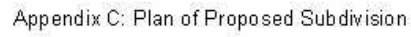
DV000079

## Appendix A: Garage Site Plan











DV000079

Appendix D: Environmental Assessment Report



## ENVIRONMENTAL ASSESSMENT FOR 6402 CERANTES ROAD DEVELOPMENT

PREPARED FOR:

6402 CERANTES ROAD  
PORT RENFREW, BC V0S 1K0

AND

CAPITAL REGION DISTRICT  
3-7450 BULTER ROAD  
Sooke, BC V9Z 1N1

CORVIDAE PROJECT #2021-006  
MAY 2021



6520 WATER STREET SOOKE, BC

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



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Environmental Assessment for 6340 Cerantes Road

May 2021

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#### CAVEAT

This (EA) has been prepared with the best information available at the time of writing, including the Official Community Plan, communications with the client and regulators, site visits, review of site plans and design drawings and other documentation relevant to the project. This EA 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.





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Environmental Assessment for 6402 Cerantes Road

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## 1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed changes to 6402 Cerantes Road (the property PID 0C3793184; Plan VI-15813). The property is currently zoned as IC-1 Tourism Commercial 1.

The property currently has a developed trailer park on the western portion of the lot and two residential buildings with gravel parking areas to the east. The landowner is planning on subdividing the property into two separate lots, dividing the western trailer park from the eastern residential property (Figure 1). The entire property slopes steeply to the north and borders the San Juan Fort. No work is being completed on the western portion of the property. This environmental assessment is for the proposed development of a garage adjacent to the more westerly residential building (Figure 1). The proposed development is adjacent to steep rocky cliffs (approximately 5m) of an inlet that enters the eastern portion of the lot. The garage is within 15m of the present natural boundary of the inlet (San Juan Port). The northern corner of the proposed garage is 11.3 m south of the present natural boundary at its closest point (Figure 2). The landowner has discussed the development with the Capital Region District and may approve the encroachment based on a geotechnical report and the recommendations detailed in this report.

Two streams were identified on the property flowing north into the San Juan inlet, but are outside of the 30 m Riparian Assessment Area (Figure 1) and are not subject to the Riparian Area Protection Regulation for this development.

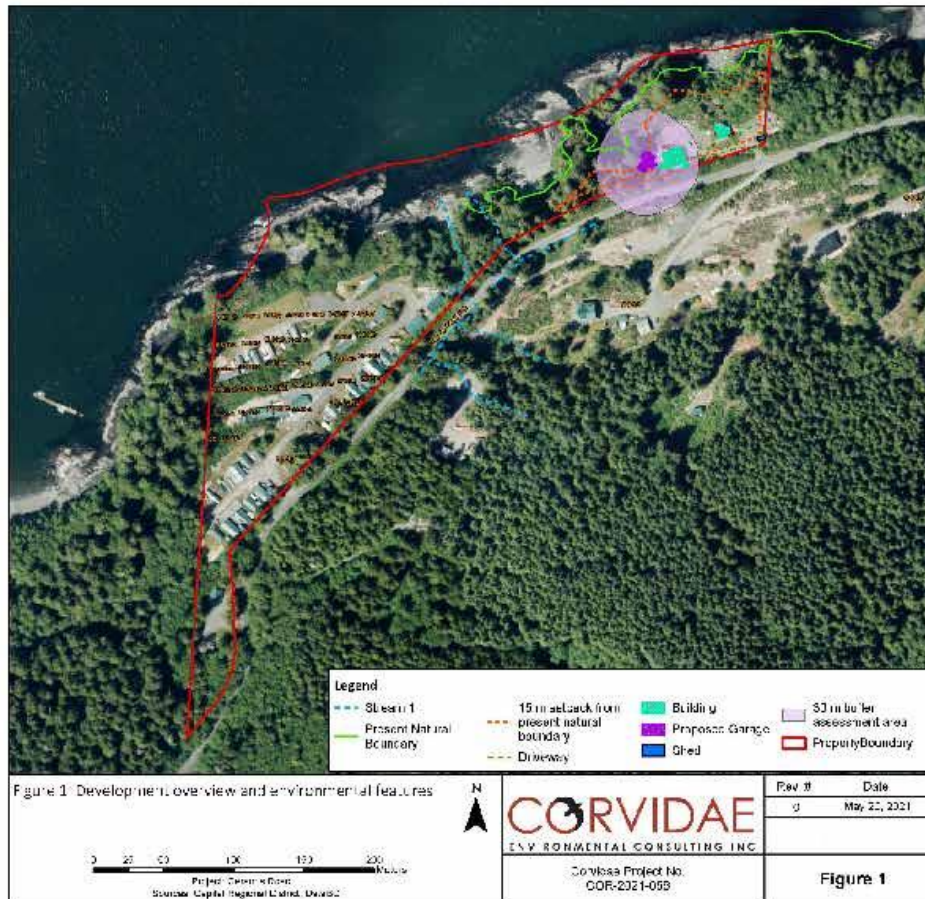
This document addresses the requirements in Section 4 of the Comprehensive Community Development Plan for Port Renfrew Bylaw No. 1 (2004) and provides an assessment on the environmental conditions on the property, potential impacts of the proposed development and recommendations on the protection of environmentally sensitive features and methods to minimize impacts of the proposed development.



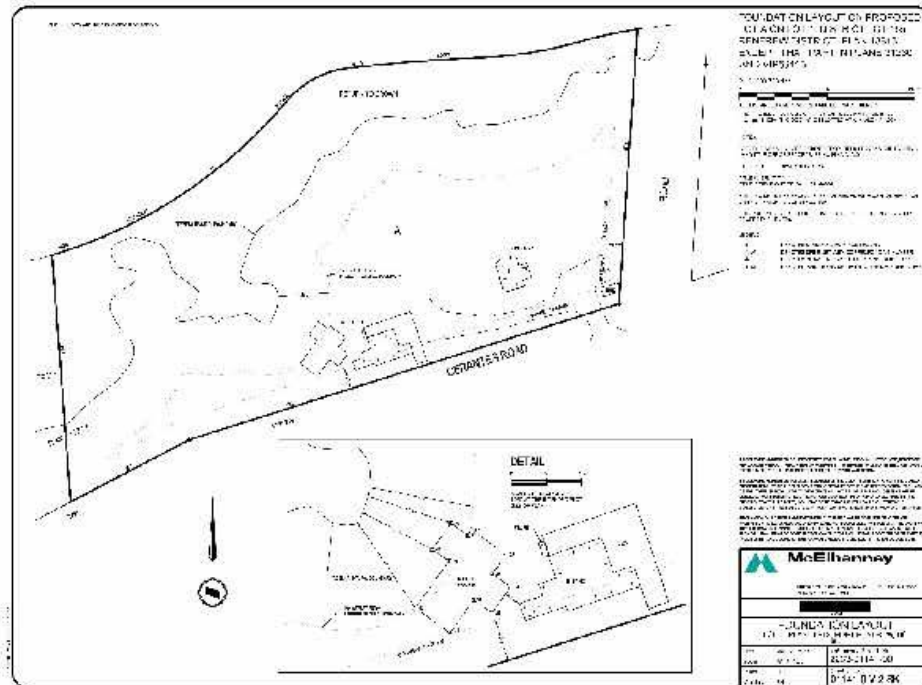




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Environmental Assessment for 5402 Celanese Road

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## 1.1 REGULATORY FRAMEWORK

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

### Municipal

- Port Renfrew OCP, Bylaw No. 1

4.1 - The Residential designation signifies that the predominant land use is for residential purposes. The primary focus of this policy is to ensure that the housing stock available in the plan area meets the needs and requirements of the marketplace for at least five (5) years. This includes but is not limited to private ownership, special needs housing, rental and affordable housing. The housing stock may or may not be occupied on a full-time basis. Home-based business and mixed commercial/residential/tourism commercial uses may be considered as a venue for additional economic development activities for the individuals situated in an area with the residential designation. 1 a. The site will have minimal impacts on the existing man-made and natural physical features of the area.

### 4.6 - General Development Policies – applicable to all land use designations

3) The Capital Regional District will assist the Provincial Ministry of Water Land and Air Protection, the Federal Department of Fisheries and Oceans in protecting the ecosystem along the foreshore area and estuaries in the planning area with regards to:

- a. Prohibit the construction of and the placement of habitable buildings or structures along the marine foreshore area or any riparian setback area;
- b. Prohibit the removal or the fill of gravel, sand and soil, or any other material in the marine foreshores area; and
- c. Encourage the retention of natural vegetation foreshore area.

A 15-meter marine shoreline Development Permit Area starting from the highwater mark and a 30-meter Riparian Assessment Area (RAA) from the development apply.

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.

### Provincial

- Wildlife Act (1996)

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- Invasive Species Council of BC
- *Weed Control Act* (1996, current as of October 2016)
- Riparian Areas Protection Regulation (2013)

#### Federal

- Migratory Birds Convention Act (1994)
- Species at Risk Act (SARA) (2002)
- Fisheries Act (2019)

## 2 SCOPE OF WORK

Corvidae completed an environmental assessment for the property. The environmental assessment documented the ecological features on the property along the shoreline, foreshore and steep slope and riparian areas. Background information was reviewed, including applicable databases. During the assessment, the following features were documented in this report:

- Areas of sensitivity, habitat and biodiversity values;
- Plant communities and plant species on site;
- Potential wildlife presence and wildlife habitat;
- Soil types and properties;
- Terrain; and
- Surface water flow patterns.

Following the field assessment, the biophysical features and cleared areas were mapped and buffer areas have been identified. Mitigations to minimize the impacts of the proposed residential development on the environment have been provided in Section 6.

## 3 METHODS

### 3.1 DESKTOP REVIEW

Baseline biophysical conditions were compiled by reviewing the best available data and information including existing reports for the area and conducting searches of online provincial and federal databases:

- BC Conservation Data Centre (BC CDC 2021a and 2021b);
- BC Habitat Wizard (Province of BC 2021);
- Aerial photographs of the property (Google Earth 2021);
- CRD mapping system and database (CRD 2021); and
- Port Renfrew Official Community Plan Bylaw No. 1 (CRD 2004)

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### 3.2 FIELD ASSESSMENT

A field assessment of the property was completed by a Qualified Environmental Professional (QEP) from Corvidee. The assessment included characterization of vegetation and habitat types, wildlife sign and species observations, wildlife habitat, and assessed the current conditions of the property.

## 4 ENVIRONMENTAL SITE ASSESSMENT

Corvidee completed a site visit on May 14, 2021. Appendix A shows photos of the property including the marine shoreline, identified streams and surrounding area. Areas mapped during the site assessment, including the unnamed streams, are detailed on Figure 1.

### 4.1 CLIMATE AND BIOGEOCLIMATIC ZONE

The project is located in the Coastal Western Hemlock Very Dry Maritime Subzone (CWHxm1). The CWHxm1 occurs at lower elevations along the coast of Vancouver Island (above the CDF where present) at typical elevations of 150 m to 450 m above sea level. The CWHxm1 has warm, dry summers and moist, mild winters with relatively little snowfall. Growing seasons are long, and feature water deficits on zonal sites (Green and Klinka 1994).

### 4.2 TERRAIN AND SOILS

Soils in the CWHxm1 are typically classified as Hummo-Ferric Podzols (Jungen 1995). A search of British Columbia Soil Information Finder Tool (2018) indicated that the 100 percent of the property has HATZITE soils that are well drained and loam in texture with no coarse fragments.

The property slopes sharply to the north with rocky cliffs occupying portions of the shoreline. Approximately 5m North of the proposed development, there are cliffs of ~15m which lead to an inlet off of the northern shore. Soil from the development area has recently been excavated and placed along the northern boundary of the previously developed area onsite outside of the 15m Shoreline Protection DPA.

### 4.3 VEGETATION

Coniferous forests in the CWHxm1 zone are dominated by Douglas-fir, western hemlock and western redcedar. Understory species include salal, dull Oregon-grape, red huckleberry, vanilla-leaf, sword fern, twinflower, and bracken, step moss, and Oregon beaked moss (Green and Klinka 1994).

The western and eastern portions of the property have been developed and most of the vegetation has been removed. However, the foreshore and central portion of the property remain vegetated. The canopy in these areas is dominated by western redcedar and western hemlock, while the understory is dominated with sword fern, salal and salmon berry.

Mature cedar trees and understory vegetation have recently been cut on the northern edge of the proposed development area.

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Two streams were identified onsite the portions of these streams were forested and were dominated by western redcedar and salmonberry, while other portions occurred along the ditch of Cerantes Road. The riparian vegetation in these areas consisted of grass species, common rush and sedge species.

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 May 14, 2021.

Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
Brechen fern	<i>Pteridium aquilinum</i>	Yellow	--
Common foxglove	<i>Digitalis purpurea</i>	Exotic	--
Common rush	<i>Juncus rosparius</i>	Yellow	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Elderberry	<i>Sambucus racemosa</i>	Yellow	--
False lily-of-the-valley	<i>Maianthemum dilatatum</i>	Yellow	--
Fringecup	<i>Tellima grandiflora</i>	Yellow	--
Goatsbeard	<i>Achillea millefolium</i>	Yellow	--
Grass sp.	<i>Poa sp.</i>	--	--
Himalayan blackberry	<i>Rubus americanus</i>	Invasive/ Exotic	--
Licorice fern	<i>Polypodium glycyrrhiza</i>	Yellow	--
Maidenhair fern	<i>Adiantum pedatum</i>	Yellow	--
Osoberry	<i>Cornus serotina</i>	Yellow	--
Paper birch	<i>Betula papyrifera</i>	Yellow	--
Red huckleberry	<i>Vaccinium parvifolium</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Salmonberry	<i>Rubus spectabilis</i>	Yellow	--
Sedge sp.	<i>Carex sp.</i>	--	--
Storckian minor's lettuce	<i>Corydon sinica</i>	Yellow	--
Strunk cabbage	<i>Lysichiton americanus</i>	Yellow	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Thimbleberry	<i>Rubus parviflorus</i>	Yellow	--
Western buttercup	<i>Ranunculus occidentalis</i>	Yellow	--
Western Hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Western redcedar	<i>Thuja plicata</i>	Yellow	--
Wall lettuce	<i>Myosotis muralis</i>	Exotic	--

<sup>1</sup> BC CDC 2021a

<sup>2</sup> Government of Canada 2021

#### 4.4 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-





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tailed hawk, Townsend's warbler. The following amphibians may occur in this biogeoclimatic zone: western toad, Pacific treefrog, western redbacked salamander (Pojar et al. 1991).

There was much bird activity on the property. This could be due to the development on the property and proximity to the roadway. No nests or dens were identified during the site visit.

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 May 14, 2021.

Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
American Robin	<i>Turdus migratorius</i>	Yellow	--
Common Raven	<i>Corvus corax</i>	Yellow	--
Rufous Hummingbird	<i>Selasphorus rufus</i>	Yellow	--
Spotted Towhee	<i>Pipilo maculatus</i>	Yellow	--

<sup>1</sup> BC CDC 2021a

<sup>2</sup> Government of Canada 2021

#### 4.5 SPECIES AT RISK

A query of the BC CDC Map tool yielded occurrences of the following 2 species at risk within a two-kilometer radius of the property (BC CDC 2021b). Species are listed in Table 3 and the location of occurrences in relation to the property is provided in Figure 3.

Table 3. Species at risk that may occur in the vicinity of 5340 Cerantes Road

Occurrence ID	Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
6782	Northern red-legged frog	<i>Rana aurora</i>	Blue	Special Concern
7602	Warty Jumping slug	<i>Hemphillia glandulosa</i>	Red	Special Concern

<sup>1</sup> BC CDC 2021a

<sup>2</sup> Government of Canada 2021

#### CRITICAL HABITAT

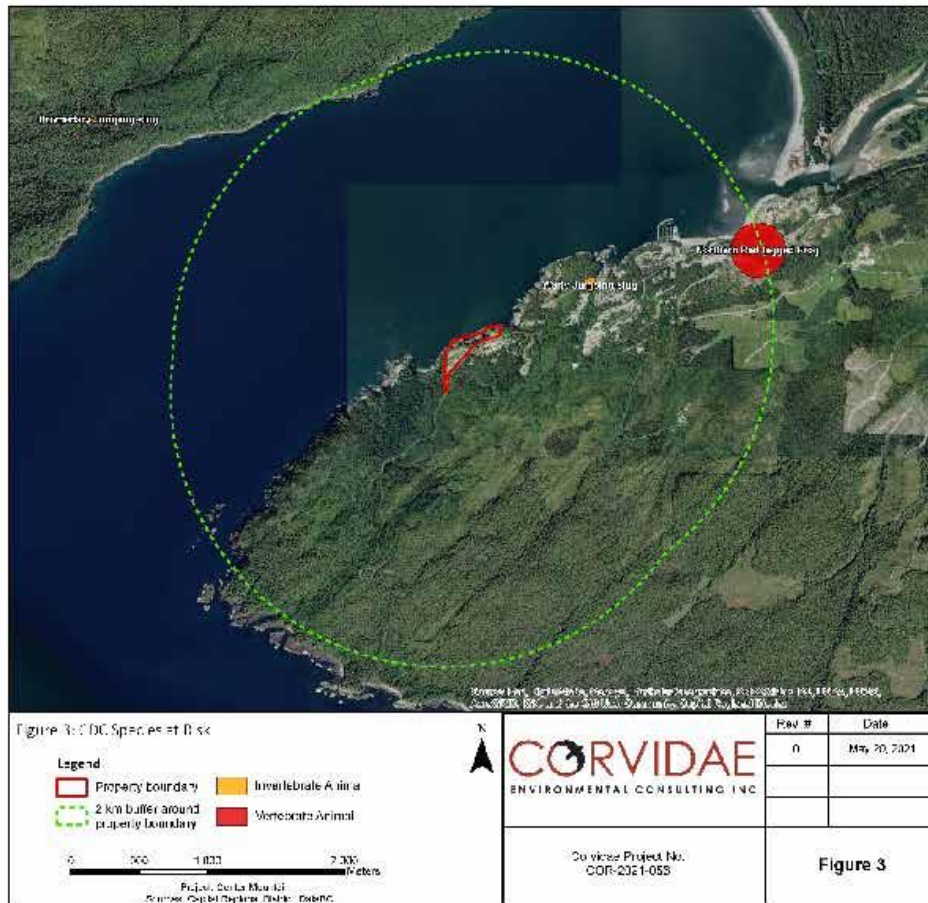
The project overlaps mapped Marbled Murrelet critical habitat over the entirety of the property (Province of BC 2021b). The Marbled Murrelet is a small seabird that spends most of its time at sea within 0.5 kilometre (km) of shore. Marbled Murrelets are secretive and nest as solitary pairs at low densities, typically in old-growth forests within 30 km of the sea (Government of BC 2015). There is no old growth forest on the property and there was no indication of Marbled Murrelet nesting in the project area.







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#### 4.6 RIPARIAN AREAS AND FISHERIES

Two unnamed streams were identified on the central portion of the property (Figure 1). These streams are fed from a ditch along the south of Cerantes Road and two tributaries flowing north from a southern forested area. The wetted area of the ditch did not extend east into the 30m RAA due to the topography of the area. Water in that portion of the ditch flows west from the highpoint at the eastern edge of the ditch (Figure 1). Both of the streams flow into the San Juan Port via rocky cliffs along the northern boundary acting as a barrier to fish passage. Additionally, both of these streams do not require a RAPR due to them being outside of the 30m RAA for the garage development and are not identified on the Riparian Development Permit Areas in the Port Renfrew OCP.

The streams do not show up on the BC Habitat Wizard (2021) so no fish points were identified in both streams.

#### 4.7 SHORELINE AND FORESHORE AREA

The shoreline consists of rocky steep rocky outcrops leading up to a steeply sloped forested foreshore area along the eastern portion of the property. Sections of the foreshore in this area are steep rocky cliffs of approximately 20-50m. The proposed garage development is adjacent to one of the cliffs and is 11.3m south of the present natural boundary at its closest extent (Figure 2). The landowner has discussed the encroachment of the development into the Shoreline Protection Development Permit Area of 15m from the natural present boundary with the CRD and they may approve it with the findings of this report.

The shoreline along the western portion of the property also consists rocky outcrops with a steeply sloped forested foreshore; however, no rocky cliffs were observed in this portion of the property.

#### 4.8 STEEP SLOPES

The northern edge of the property steeply slopes to the north with a gradient > 30% for more than 10m. The foreshore of the entire property remains forested and bedrock which aids in stability. However, the development of the garage is in close proximity (11.3m) to rocky cliffs and a geotechnical review has been completed to ensure that the proposed development does not compromise the stability of the rocky slopes.





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## 5 POTENTIAL ENVIRONMENTAL EFFECTS

The potential impacts of the proposed development of the property on the environment are:

- loss of existing vegetation and disturbance of soils,
- introduction of invasive plant species
- change in wildlife habitat availability and wildlife mortality risk,
- sediment movement in the project area to the marine shoreline.

The residual environmental impacts of the activities on the property will be reduced by the implementation of the mitigation and restoration measures recommended in Section 6 of this report.

### VEGETATION

The effects of tree and vegetation 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 immediately adjacent to cleared areas may experience changes to the canopy structure and understory plant species due to windthrow and increased light and moisture penetration.

### INVASIVE SPECIES

Invasive plants are particularly adept at colonizing degraded plant communities and disturbed soils in high traffic areas, such as the margins of roads, trails 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 of native species by capturing resources and occupying habitats.

### WILDLIFE AND WILDLIFE HABITAT

Habitat loss and alteration from vegetation 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 and the introduction of buildings with many windows into previously unused spaces can increase mortality risk for birds.

### MARINE FORESHORE AND UPLAND HABITAT

The removal of trees and vegetation in the foreshore area results in the loss of features, functions and conditions that are vital for maintaining shoreline stability. Vegetation in the foreshore area controls surface water run-off from the upland areas, preventing excessive silt and surface run-off pollution from entering the marine environment.

### STEEP SLOPES

Removal of vegetation on steep slopes can result in destabilization of the soil. Removal of trees can alter the incidence of rain on the forest floor surface, resulting in erosion of the slope and sediment movement downslope.







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May 2021

#### EROSION AND SEDIMENT

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.

## 6 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

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

- the Port Renfrew OCP (CRD 2003);
- 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 (Government of BC 2014); and
- Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004)
- Green Shores Certification ([http://stewardshipcentrebc.ca/Green\\_shores/](http://stewardshipcentrebc.ca/Green_shores/))

#### PROTECTION OF THE MARINE FORESHORE

We recommend the removal of the blackberries from the foreshore to reduce further spreading. Replanting of vegetation at the top of the bank, and any other resulting bare areas from the removal (that are not bedrock), will have to occur within that growing season (prior to wet weather) to decrease the risk of erosion and recolonization of invasive species. The area should be replanted with native species, including the recommended revegetation species provided in Table 3. If any additional work to the shoreline is needed the Green Shore methods and shoreline stewardship are recommended (<https://stewardshipcentrebc.ca/green-shores-home/>).

The current garage design encroaches into the Shoreline Protection and Riparian Development DPA (Figure 1). This encroachment into the DPA will not have a significant impact on the marine foreshore environment because the majority of the foreshore vegetation has been cleared from this area and no significant erosion has occurred to the adjacent cliff. Additionally, all the of the vegetation that lives on the surface of the cliff will remain (ferns, lichen, moss and forbs), meaning there will be no significant alteration to the species composition of the foreshore habitat.

#### VEGETATION

As much native vegetation should remain in place to compete with invasive species and protect the area from erosion. The SPCAs flagged on site absolutely must remain vegetated and protected in perpetuity.

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For disturbed areas on the property, native plants are recommended. Table 4 provides recommended species that regularly occur in the area. Two years of irrigation is recommended following planting. After a two-year period the native species have generally become established and do not need irrigation.

Table 4. Recommended native vegetation to plant in disturbed areas

Common Name	Species
Sala	<i>Ranunculus alpinus</i>
Salmonberry	<i>Rubus spectabilis</i>
Nootka rose	<i>Rosa nutkana</i>
Red currant	<i>Ribes sanguineum</i>
Evergreen huckleberry	<i>Vaccinium cereum</i>

#### INVASIVE SPECIES

Small, localized and Himalayan blackberry were observed on the property in the foreshore area and did not pose an immediate threat. However, Invasive weed control is difficult for established populations. Immediate eradication of new and small infestations should be a high priority.

Species should be removed using the most appropriate methods, at the correct time of year, and plant material must be disposed of correctly to avoid re-establishment or spread. Chemical control not recommended. Details of removal methods for the invasive species on the property are below in Table 4.

Table 5. Removal and disposal methods for invasive species

Species	Removal Method	Removal Timing	Plant Disposal
Himalayan blackberry	Himalayan blackberry can be removed by the root system. Using equipment is the easiest to get to the main roots.	Early spring or fall/winter when not flowering or bearing fruit.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.

To control and minimize the spread of invasive weeds on the site the following measures will be followed:

- Clean all machinery before arrival onto the site to ensure that more weed seeds and other propagules (e.g. pieces of root) are not brought into the project area.
- Use available soil on site where possible. If topsoil is imported from external areas, ensure that it is from a weed-free source.
- Following topsoil application – seed/plant immediately with landscape plants and grasses to reduce weeds occupying bare soil. If construction is in the winter, complete planting/seeding in the early spring, immediately prior to the first growing season.

#### WILDLIFE AND WILDLIFE HABITAT

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

- Vegetation clearing should be completed outside of the migratory bird window (prior to March 15<sup>th</sup> or after August 31<sup>st</sup>; Environment and Climate Change Canada 2020). If clearing is to occur





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during within this time period, a QEP should conduct a survey for nests prior to commencement of activities.

- Avoid additional removal of trees or shrubs outside of the project clearing footprint, with the exception of identified danger trees.
- Where suitable, retain habitat that provides shelter for wildlife, such as downed logs and standing dead trees.

#### STEEP SLOPES

The edge of the northern edge of the garage development boundary should be replanted with native vegetation where there is soil, to increase species composition and soil stability in the area. Additional mitigating measures relating to the steep slopes will be addressed in the geotechnical report provided in a different document.

#### EROSION AND SEDIMENT CONTROL

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.

The following mitigation measures should be implemented to minimize the potential effects of the project on the natural environment:

- Install sediment fences downslope from the construction areas and at the top of bank of the foreshore slope.
- Regularly inspect and maintain the erosion and sediment control measures during all phases of the project.
- Keep the erosion and sediment control measures in place until all disturbed ground has been permanently stabilized.
- Heed weather advisories and scheduling work to avoid wet, windy and rainy periods that may result in high flow volumes and/or increase erosion and sedimentation.
- Any loose soil storage should be in flat areas, covered and protected with a sediment fence below.
- Minimize amount of time soils are exposed by seeding and planting as soon as disturbance or construction is complete. Cover exposed soil areas with tarps if for a prolonged period or during rainfall events (specifically adjacent to waterbodies and foreshore areas).

An Erosion and Sediment Control Plan should be developed prior to construction, including drawings of the final plans showing locations of erosion and sediment control measures.





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## 7 CONCLUSION

The environmental impacts of the proposed development at 6402 Cerantes Road have been presented in this report. During site preparation, implementation of the mitigation and restoration measures recommended in this report, application of erosion and sediment control measures, the eradication of invasive species and replanting of native vegetation, will minimize the impacts of the proposed development on the environment. Due to the current setback distance of the proposed garage, and the implementation of these protection measures, the marine environment will be protected.

Report Prepared By



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

Brent Rutley BIT, B.Sc.  
Environmental Biologist  
Corvidae Environmental Consulting Inc.

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## APPENDIX A – SITE PHOTOGRAPHS

Photo 1. View looking west at the residential buildings on the eastern portion of the property. May 14, 2021.



Photo 2. View looking west at the foreshore just north of the residential buildings on the east portion of the property. May 14, 2021.



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Photo 3. View looking south at the purposed garage location. May 14, 2021.



Photo 4. View looking south at the excavated soil being placed along the northern development boundary outside of the 15m Shoreline Protection DPA. May 14, 2021.



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Photo 5. View looking south at the inlet and rocky cliffs adjacent to the proposed garage development area. May 14, 2021.



Photo 6. View looking east at the proposed garage development area. May 14, 2021.



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Photo 7. View looking north from the northern edge of the proposed garage development to the adjacent inlet. May 14, 2021.



Photo 8. View of the wet ditch along the south side of Cerantes Road.



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**Photo 9. View looking east of the most eastern unnamed stream identified in the central portion of the property. May 14, 2021.**



**Photo 10. View looking north at the most western unnamed stream identified in the central portion of the property. May 14, 2021.**



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**Photo 11. View looking east at the trailer park on the western portion of the property. May 14, 2021.**



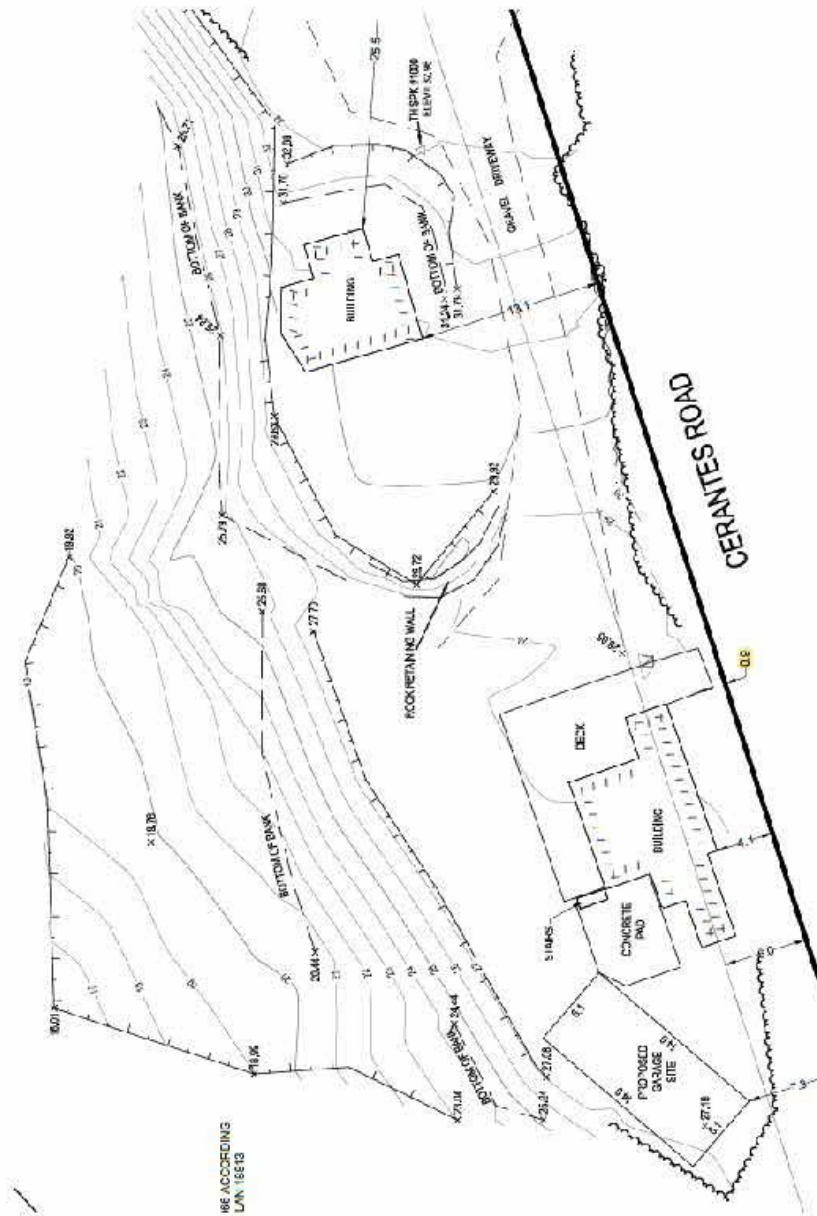
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Appendix E: Dwelling and Deck Site Plan





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## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 20, 2021

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**SUBJECT**      **Development Permit with Variance for Lot A, Section 7, Otter District, Plan VIP75055 – 8709 West Coast Road**

### **ISSUE SUMMARY**

A request has been made for a development permit with variance to address the Marine Shoreline Development Permit (DP) Area guidelines for a seawall and single-family dwelling, and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by allowing height to be measured from finished grade, by allowing the elevation of the lot to be increased and by decreasing the front yard setback.

### **BACKGROUND**

The 1.9 ha subject property is located at 8645 – 8749 West Coast Road in Otter Point and is zoned Gordon's Beach Recreation Residential 4 (R-4) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The property is bounded by Rural Residential 3 (RR-3) zoned properties to the south, Rural Residential Orveas Bay (RR-OB) zoned properties to the north, West Coast Road and Agriculture (AG) zoned properties to the east, and the Strait of Juan de Fuca to the west (Appendix A). The R-4 zone allows existing dwellings shown on the proposed strata plan accompanying the zone (Appendix B) to be rebuilt in their present locations; however, the zone prohibits changes to the elevation of the lot and allows a maximum building height of 7.5 m as measured from average natural grade. The property is designated as a Marine Shoreline DP Area by the Otter Point Official Community Plan (OCP), Bylaw No. 3819.

The applicant has requested a development permit with variance to construct a seawall and to replace the existing dwelling located at 8709 West Coast Road (Appendices C and D). In order to establish a minimum flood construction level, address the Marine Shoreline DP guidelines and to allow the dwelling to be located within 7.5 m of the natural boundary of the sea, as per Juan de Fuca Land Use Bylaw No. 2040, Schedule D, Section 3.0, the applicant has submitted geotechnical reports (Appendix E), prepared by Scott Currie, P.Eng. (Ryzuk Geotechnical). Schedule D, Section 3.0, allows coastal development to be permitted a setback of 7.5 m from the natural boundary of the sea where the sea frontage is protected from erosion by a natural bedrock formation or by works designed by a Professional Engineer and maintained by the owner of the land. The report also specifies a minimum flood construction elevation.

In order to meet the flood construction elevation and maximum building height requirements, variances to permit an increase in the elevation of the lot and to allow height to be measured from average finished grade are required.

Development Permit with Variance DV000080 has been included as Appendix F for consideration.

### **ALTERNATIVES**

#### *Alternative 1*

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

- 1) That Development Permit with Variance DV000080, for Lot A, Section 7, Otter District, Plan VIP75055, to authorize construction of a seawall and a single-family dwelling in a Marine



Shoreline Development Permit Area, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, as follows:

- a) Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed building to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plan between the eaves and the ridge of a sloping roof;
- b) Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and the Geotechnical Reports; and
- c) Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan;

be approved.

- 2) That a restrictive covenant be registered on the title of the lands securing the geotechnical reports for 8709 West Coast Road, certified by Scott Currie, P. Eng., dated March 23, 2021, and June 14, 2021, and saving the CRD harmless in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

#### *Alternative 2*

The Land Use Committee recommends to the Capital Regional District Board:  
That Development Permit with Variance DV000080 be denied.

#### *Alternative 3*

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

### **IMPLICATIONS**

#### *Legislative Implications*

The Otter Point OCP, Bylaw No. 3819, Schedule A, Section 6.4.4, designates development permit areas and outlines development permit guidelines. The property and proposed development is within the Marine Shoreline DP area; therefore, a development permit is required.

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 2, Section 13A.0 specifies that there be no increase in lot elevation, and that the maximum height of buildings and structures is 7.5 m. Part 1, Section 2 of the Bylaw defines height as being measured from average natural grade. To vary these requirements, a development variance permit is required.

#### *Public Consultation Implications*

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

#### *Land Use Implications*

Development Permit:

The applicant has submitted geotechnical reports prepared by Scott Currie, P.Eng. (Ryzuk Geotechnical), dated March 23, 2021, and June 14, 2021, to establish a flood construction level (FCL), address the Marine Shoreline DP Area guidelines and to provide recommendations for

the development to be located within 7.5 m of the natural boundary of the sea in accordance with Bylaw No. 2040, Schedule D, Section 3.0.

The March 23, 2021, report commented that the elevation of the lot was approximately 4 m geodetic and established an FCL for the underside of the floor system of 5.3 m when considering storm surge, estimated wave effect, regional tectonic uplift, sea level rise and free board factor. The Engineer noted that the most recent amendment to the Provincial Flood Hazard Area Land Use Management Guidelines indicates that for new building lots, a setback of 15 m for the Year 2100 FCL should be implemented. However, for existing lots, where meeting such a setback would render the lot sterile, the approving authority may agree to modify the setback requirement. Bylaw No. 2040 allows that for development adjacent to the sea, the setback may be reduced to 7.5 m from the natural boundary where the development is protected from erosion by bedrock formations or by works designed by an Engineer and maintained by the owner.

The June 14, 2021, report provided recommendations for the re-construction of the seawall in order to provide protection from active erosion of the shoreline frontage over the long-term and included a Seawall Construction Detail drawing. Installation of the seawall is not considered to increase the erosion of adjacent properties and the report included recommendations to prevent sediment ingress to the foreshore and for working close to the shoreline. Since the Engineer has recommended that the sea wall be replaced and provided specifications for its design, in accordance with Bylaw No. 2040, the flood plain setback may be reduced. Staff recommend that a covenant stipulating the hazard and building requirements, and saving the CRD harmless, in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

#### Variances:

The Engineer's report commented that the existing elevation of the lot is approximately 4 m geodetic. In order to meet the 5.3 m flood construction elevation specified by the geotechnical engineer, the elevation of the lot must be increased by approximately 1.3 m. However, the R-4 zone regulations do not permit the elevation of the lot to be increased or decreased. Therefore, a variance is required.

Bylaw No. 2040 defines the height of a building as being measured from average *natural grade* and the R-4 zone specifies a maximum height of 7.5 m. Based on the building drawings dated May 13, 2021, the maximum height of the building should be between 8.23 m and 8.53 m above average *natural grade*. However, given the nature of the grade across the site, the final height above *natural grade* cannot be specified with certainty. It is known, however, that the final building height will be less than 7.5 m above average *finished grade*. Therefore, staff recommend that a variance to the definition of height be considered rather than a variance to the maximum height specification of the R-4 zone.

The R-4 zone specifies a minimum front yard setback for residential buildings and structures of 4.5 m. In order to move the building away from the natural boundary of the sea and meet the 7.5 m flood plain setback, a variance to reduce the front yard setback to 2.3 m is required. It is noted that the building drawings refer to the structure that is closest to the front lot line as an "accessory building"; however, the structure is attached to the dwelling by a common roofline; therefore, the "accessory building" is considered part of the residential building.

### **CONCLUSION**

The applicant has requested a Marine Shoreline development permit with variance to allow the elevation of the lot to be increased in order to meet the required flood construction level, to allow height to be measured from finished grade, and to decrease the front yard setback from 4.5 m to 2.3 m in order to move the dwelling away from the natural boundary of the sea and meet the 7.5 m flood plain setback where development is protected from erosion by works designed by a qualified

professional. Based on the regulations of the R-4 zone that permit the reconstruction of existing dwellings, and the reports from the qualified professionals that provide recommendations for development of the dwelling and seawall that consider the Otter Point OCP DP guidelines, Provincial sea level rise guidelines and flood construction requirements, 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**

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

- 1) That Development Permit with Variance DV000080, for Lot A, Section 7, Otter District, Plan VIP75055, to authorize construction of a seawall and a single-family dwelling in a Marine Shoreline Development Permit Area, and to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, as follows:
  - a) Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed building to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plan between the eaves and the ridge of a sloping roof;
  - b) Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and Geotechnical Reports; and
  - c) Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan;

be approved.

- 2) That a restrictive covenant be registered on the title of the lands securing the geotechnical reports for 8709 West Coast Road, certified by Scott Currie, P. Eng., dated March 23, 2021, and June 14, 2021, and saving the CRD harmless in accordance with Section 219 of the *Land Title Act* and Section 56 of the *Community Charter*.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Acting Chief Administrative Officer

### **ATTACHMENT(S)**

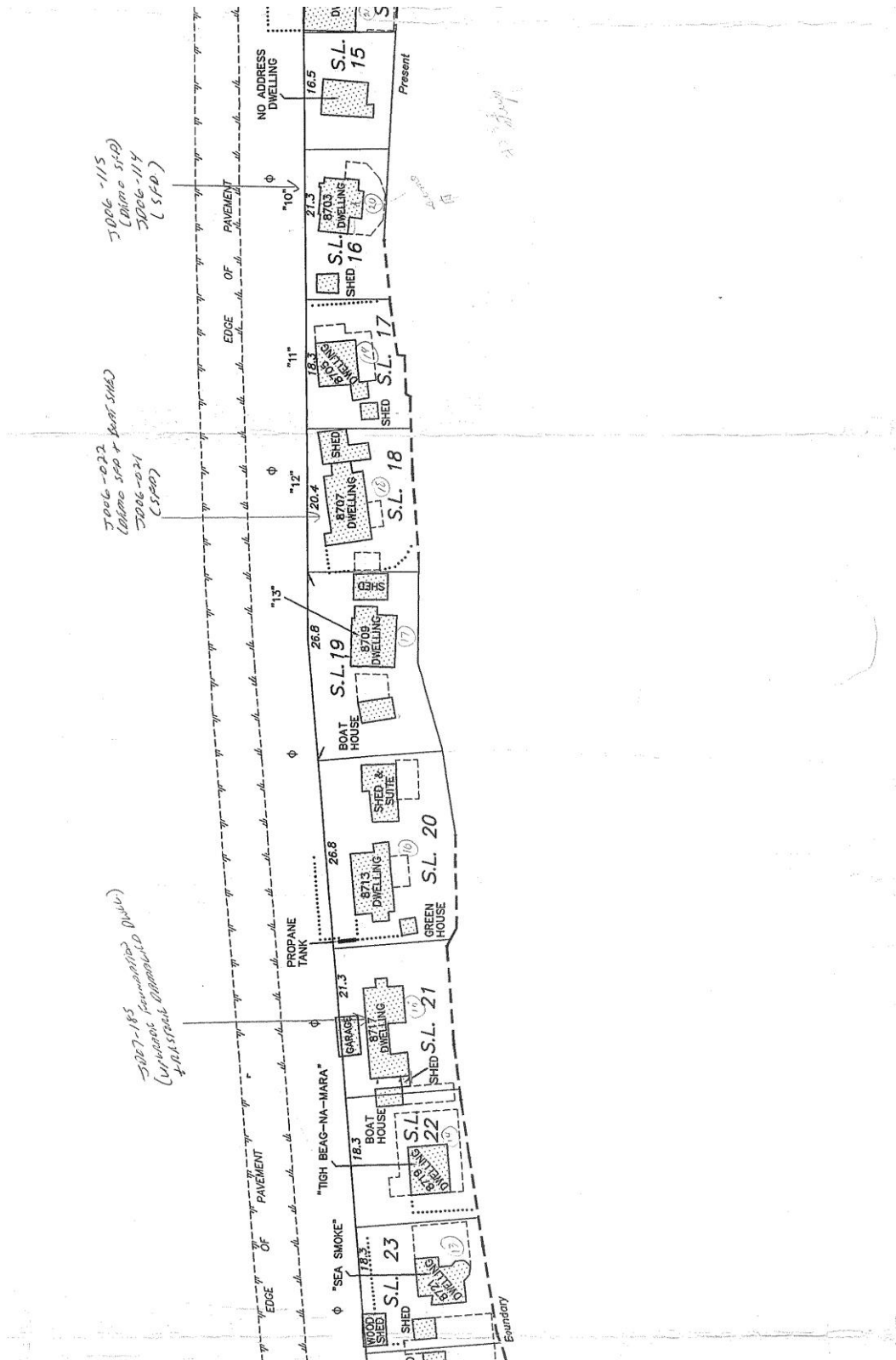
- Appendix A: Subject Property Maps
- Appendix B: Proposed Strata Plan for Gordon's Beach Recreation Residential 4 (R-4) Zone
- Appendix C: Site Plan
- Appendix D: Building Design Drawings
- Appendix E: Geotechnical Reports
- Appendix F: Development Permit with Variance DV000080

Appendix A: Subject Property Maps

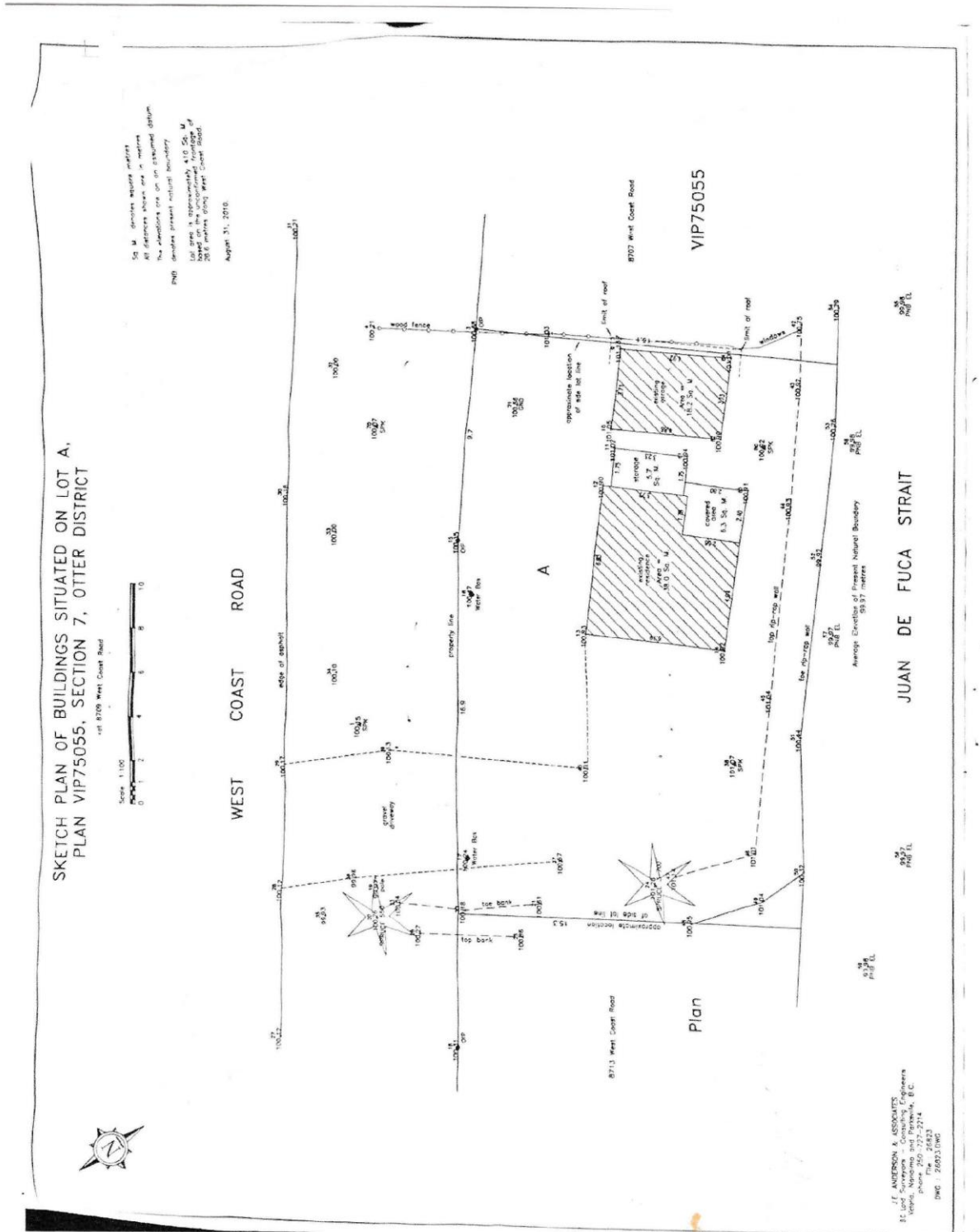




Appendix B: Proposed Strata Plan for Gordon's Beach Recreation Residential 4 (R-4) Zone

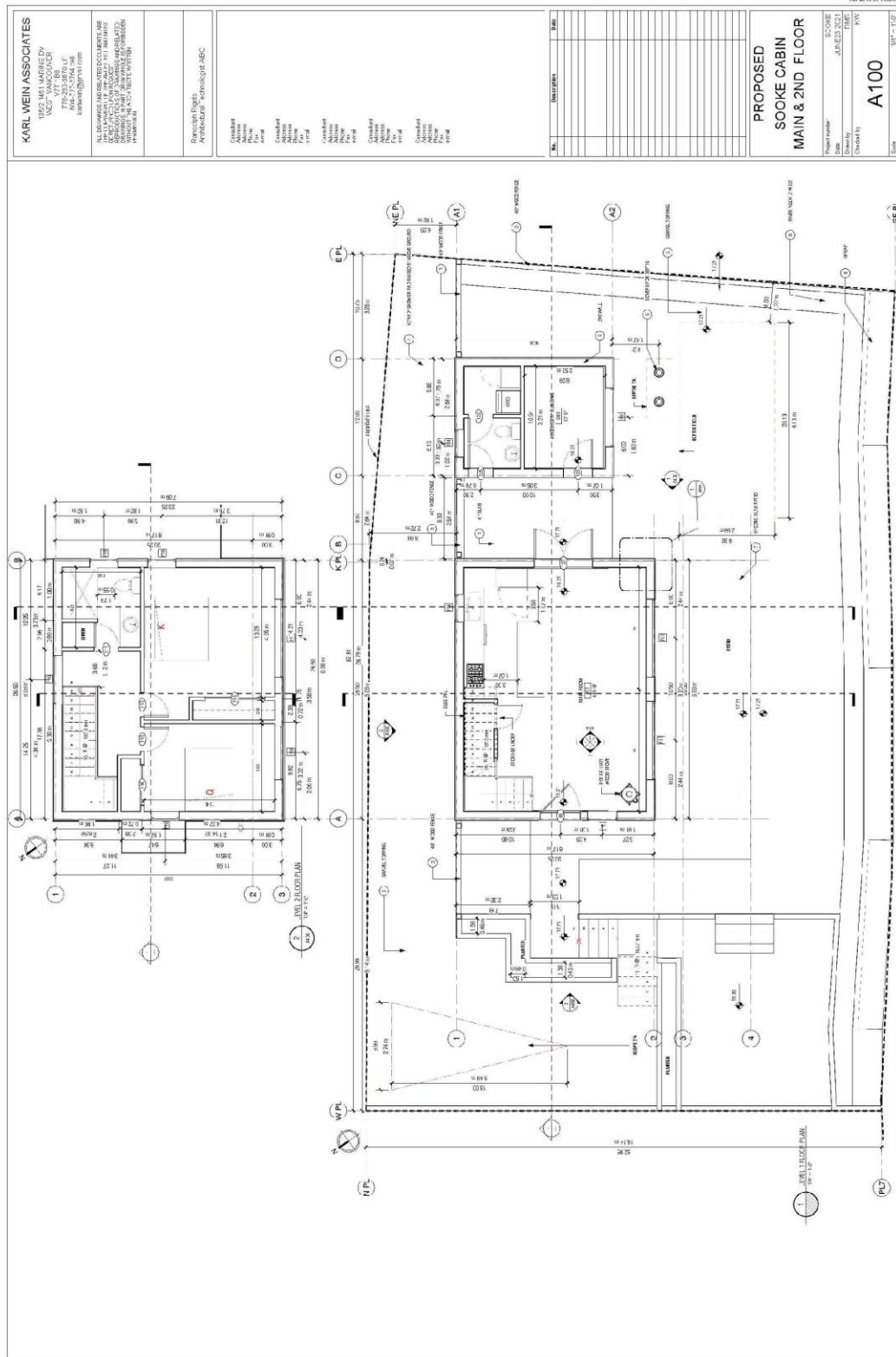


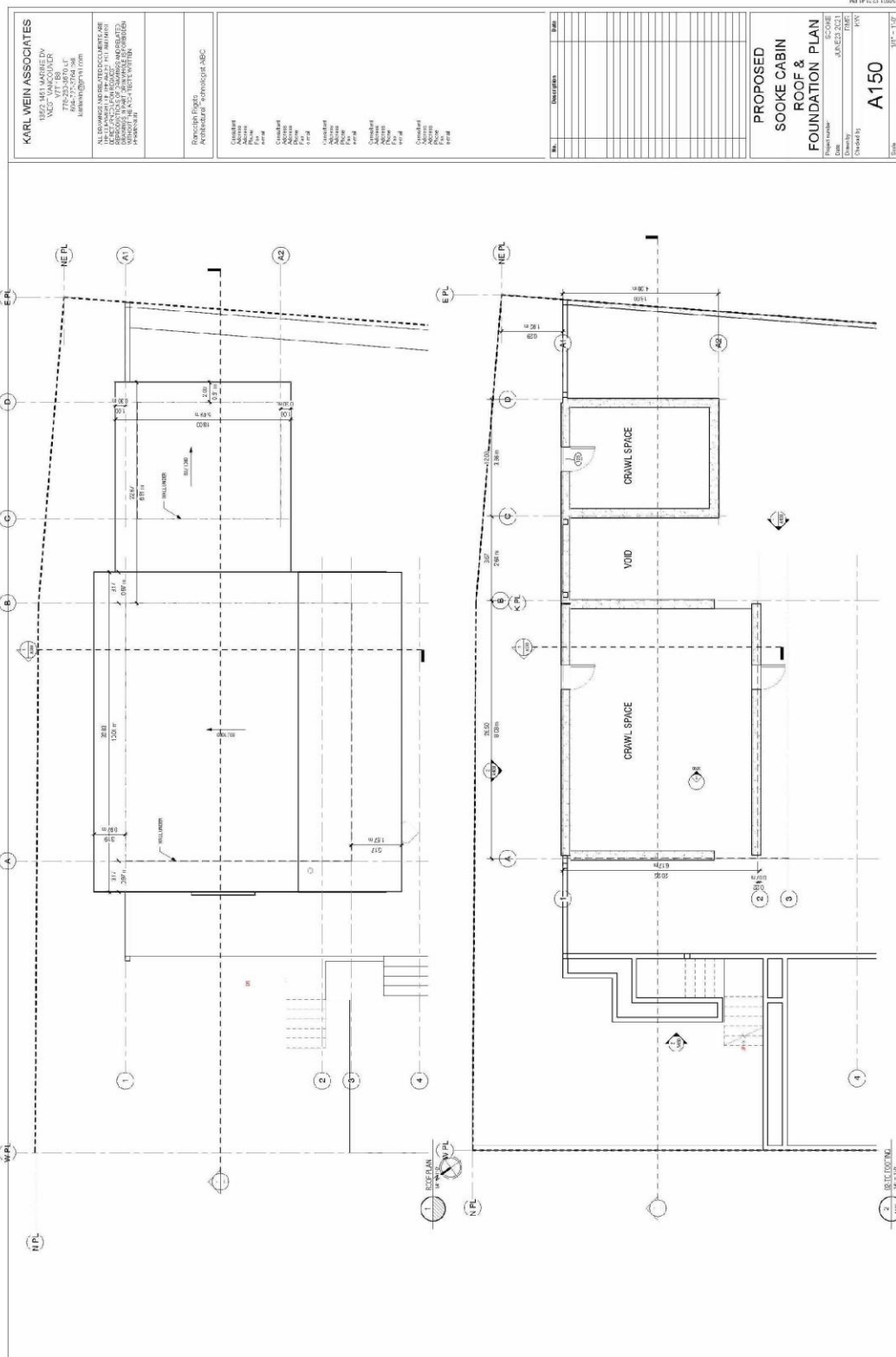




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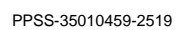
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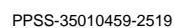




PPSS-35010459-2519







Appendix E: Geotechnical Reports



June 14, 2021  
File No: 4013-2

MCM Excavating Inc.  
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Proposed Residential Development  
8709 West Coast Road Otter Point, BC

As requested, we have attended site to carry out a geotechnical assessment as such relates to the construction of a new dwelling (cottage). The site is located within Development Permit Area No.2: Marine Shorelines Areas, as defined by the Otter Point Official Community Plan, Bylaw No. 3819. The proposed dwelling footprint is located within the 15 m setback from the Present Natural Boundary (PNB) noted in DPA No.2, with the current proposal indicating that a 7.5 m setback is being sought. We understand that imposition of the 15 m setback may render the existing lot sterile to development due to the accompanying front yard setback from West Coast Road. We understand that geotechnical commentary is required in order to support the requested setback relaxation. Our work has been completed in accordance with the previously accepted Terms of Engagement.

Previous Ryzuk Geotechnical Ltd. (Ryzuk) involvement at the site has included preparation and submission of our letter report of March 3, 2021, where commentary and recommendations were provided in relation to a suitable Flood Construction Level (FCL) for this development site. The elevation determined for underside of floor system was 5.3 m Geodetic.

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. An original cottage present in this area of the site had been demolished prior to our attendance. An existing arrangement of stacked boulders forms a seawall that defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach, although some

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Ryzuk Geotechnical

Proposed Residential Development  
8709 West Coast Road – Otter Point, BC

June 14, 2021

disturbance to native deposits should be expected as a result of past use. See attached Site Photograph and the JE Anderson Site Plan, dated Feb 16/21.

It is proposed that a new cottage be constructed at the site. We understand that such will be a two storey wood framed structure utilizing conventional shallow concrete foundations and crawl space. Foundation loads are expected to be light. Associated landscaping and civil infrastructure is anticipated. See attached Cross Section A450 by Karl Wein Associates. We understand that the height of the main floor has been position in accordance with the recommendations of our previous FCL report.

We understand from discussions with the CRD that as part of consideration being given to this development and the requested relaxation, that confirmation of the suitability of the existing seawall is required. As we were noted involved with the construction of the original wall, we would recommend that such be re constructed to provide protection from active erosion of the shoreline frontage over the long term. We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shoreline slope. When coupled with high tides, the wave impact area extends up to the current arrangement of stacked boulders, as indicated by the presence of driftwood along the backshore.

We recommend that new (or reconstructed) seawall of sound, durable, 1.2 m to 1.5 m diameter boulders be placed just back from the PNB to create a wave barrier. The base row of boulders should be embedded by ½ boulder dimension and fit tightly together with the rough facing profile acting to reduce longshore wave amplification effects. The boulders must be backfilled with a nominal 1 m wide thickness of compacted 10 kg class rip rap and then a layer of heavy weight filter fabric to prevent migration of fines from the site due to wave action. See attached Seawall Construction Detail drawing. The boulders should also be returned along the side yard property boundaries by several meters to retain the fill as required. This seawall/barrier may require maintenance from time to time and should be adequate to provide protection over the next 50 to 75 years. Existing boulders from the current seawall may be suitable for re use, subject to inspection. Further, we do not consider this installation will result in an increase of erosion to adjacent properties over the noted design life. The top of the boulder sea wall must be sufficient in order to provide cover and protection for the foundations of the new dwelling but does not necessarily need to extend up to the FCL level. We note on the architectural plans/sections that concrete landscaping walls are utilized to raise the site grade to the main floor level.

We consider that the undisturbed native mineral soils at the site, or engineered fill placed upon such, will be suitable for support of the proposed foundations. A bearing resistance of 145 kPa (SLS) / 215 kPa (ULS) is considered suitable for design purposes. All subgrade bearing must be inspected and approved by a geotechnical professional prior to foundation pour. We consider that the collected drainage from the residence and hard surfaces could be directed to a shallow infiltration pit filled with drain rock and dug into the coarse native gravels. We do not expect that the site work would create a significant risk of sediment ingress to the foreshore. However, disturbed soils should be revegetated as soon as possible following disturbance, and all fills should be placed and compacted in thin lifts and not loosely stockpiled within 5 m of the PNB. Furthermore, the equipment operation and site work should be compliant with the DFO procedures due to working close to the shoreline.

Proposed Residential Development  
8709 West Coast Road – Otter Point, BC

June 14, 2021

Given the above, we consider the proposed construction of a single family residence to be feasible at the proposed site location. We consider that the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter and Section 219 of the Land Title Act. Our assessment considers a design seismic occurrence with a 2% probability of exceedance in 50 years.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider flood proofing improvements to the building to mitigate the increasing level of risk. This is not the case where instantaneous and devastating conditions could occur, as might be anticipated with a high energy seismic event resulting in tsunami. Commentary on the hazard and risk associated with tsunami was provided in our FCL report.

We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,  
Ryzuk Geotechnical

  
RS Currie, P.Eng.  
Geotechnical Engineer



Attachments Site Photograph  
JE Anderson Site Plan  
Architectural Cross Section  
Seawall Construction Detail



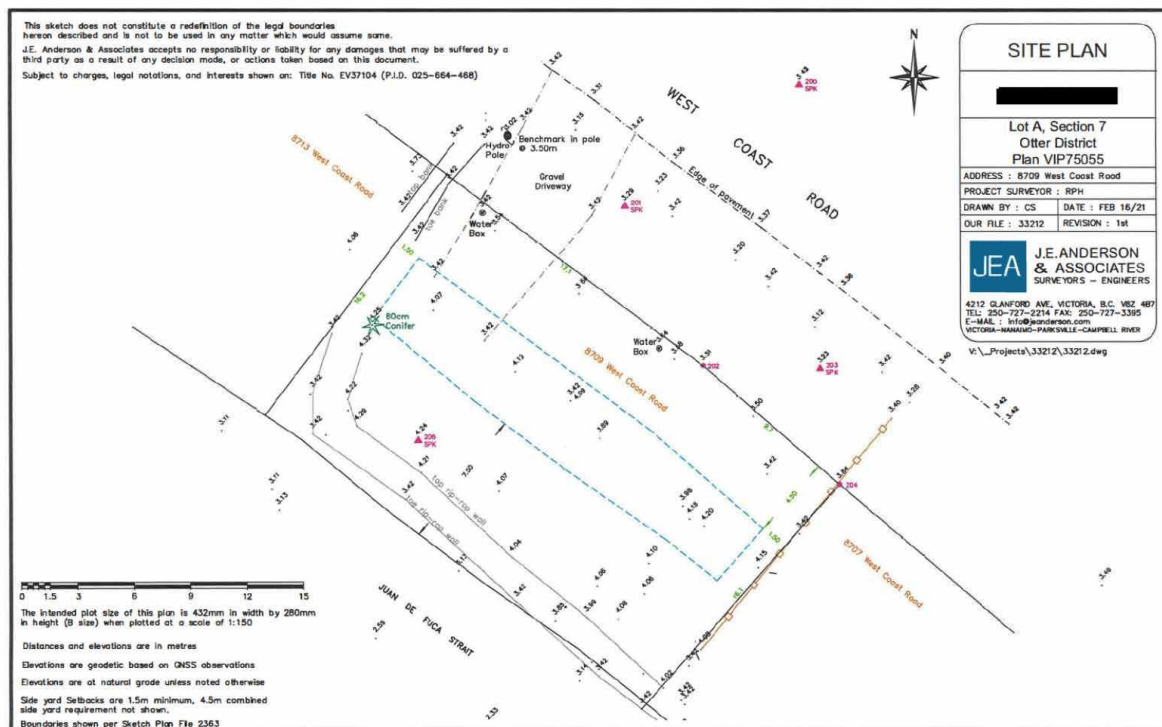
Proposed Residential Development  
8709 West Coast Road – Otter Point, BC

June 14, 2021

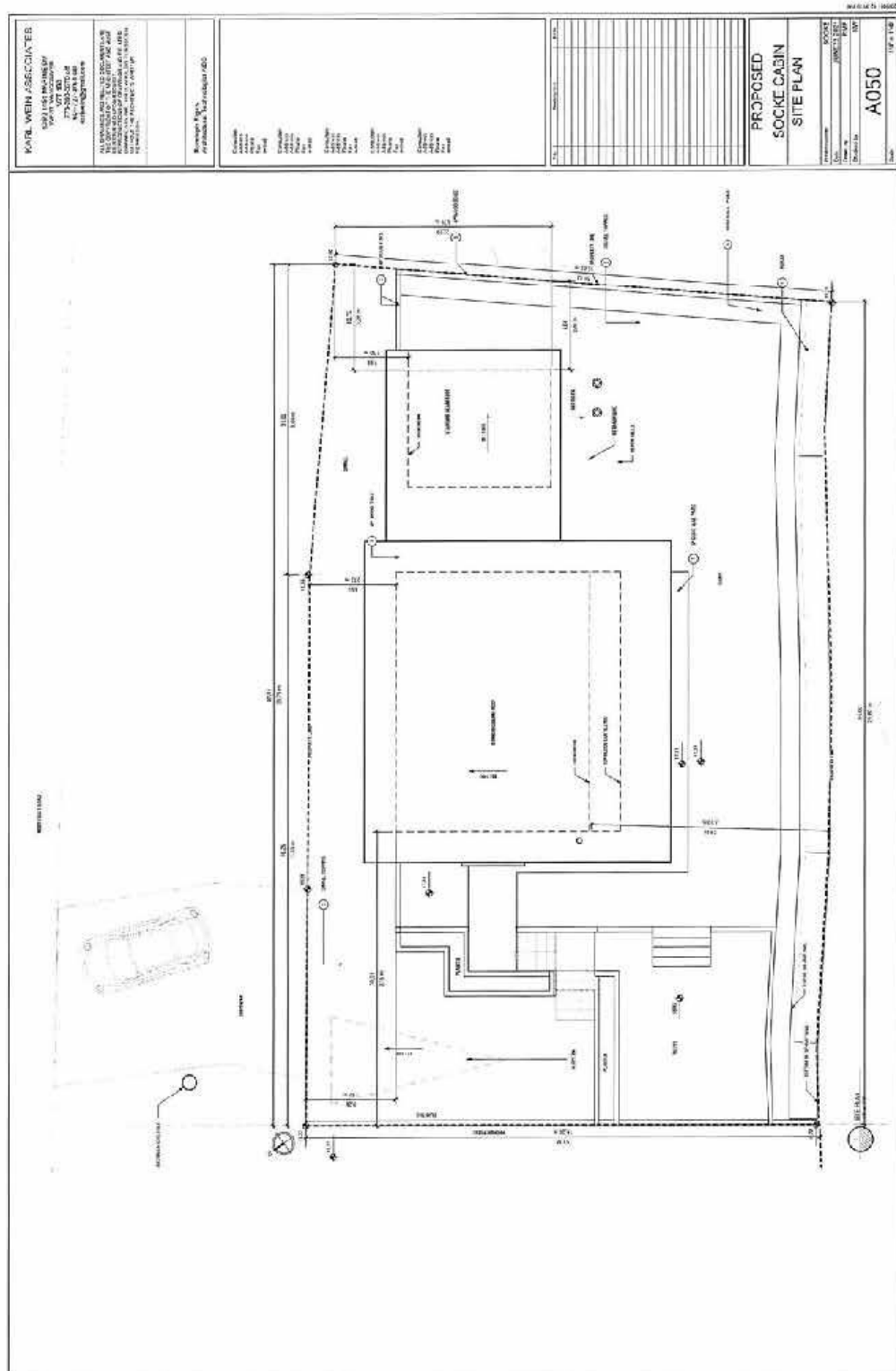


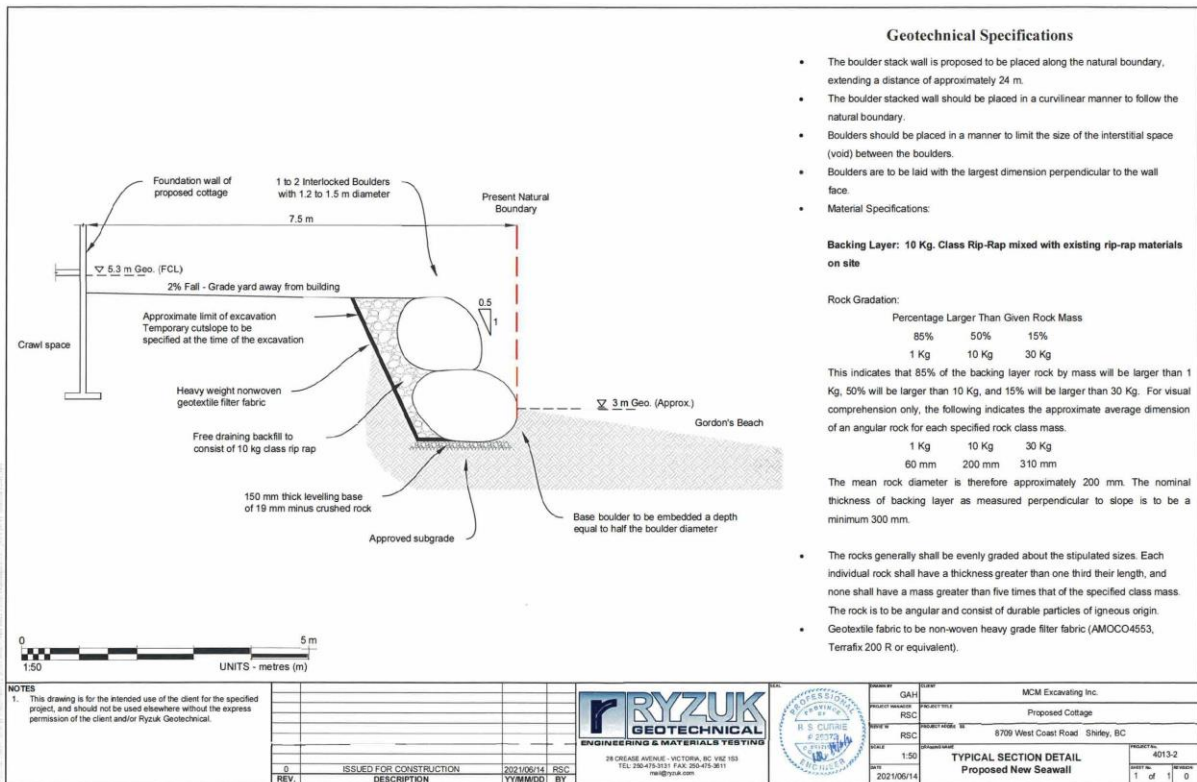
Site Photograph Looking to Southeast across development site













**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

March 23, 2021  
File No: 4013-2

MCM Excavating Inc.  
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

As requested, we have undertaken a geotechnical background review and analysis of the flooding hazard at the referenced site in order to determine the Flood Construction Level (FCL) as such relates to the proposed construction of new cottage. Our work and recommendations herein have been provided in accordance with, and are subject to, the attached Terms of Engagement.

**PROPOSED DEVELOPMENT**

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. The original cottage present in this area of the site had been demolished prior to our attendance. An arrangement of stacked boulders likely defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach. See attached JE Anderson Site Plan, dated Feb 16/21, and site photograph.

We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shoreline slope. When coupled with high tides, the wave impact area extends up to the stacked boulders, as indicated by the presence of driftwood and littoral drift along the backshore.

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Ryzuk Geotechnical

Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

## DETERMINATION OF FLOOD CONSTRUCTION LEVEL (FCL)

The FCL may be defined as the minimum required elevation of the underside of a wooden floor system or the top of a grade supported concrete slab floor, for habitable buildings. The FCL for the site was determined considering the methodology outlined in the following Guideline documents:

- Aecom – Capital Regional District, Modelling of Potential Tsunami Inundation Limits and Run-Up, June 2013.
- Aecom – Capital Regional District, Sea Level Rise Risk Assessment, January 2015.
- Ausenco Sandwell – Climate Change Adaption Guidelines for Sea Dikes and Coastal Flood Hazard Land Use; Guidelines for Management of Coastal Flood Hazard Land Use, 27 January 2011.
- Engineers and Geoscientists BC – Professional Practice Guidelines, Legislated Flood Assessments in a Changing Climate in BC, v2.1, 28 August 2018.
- James, T.S., Henton, J.A., Leonard, L.J., Darlington, A., Forbes, D.L., and Craymer, M. Relative Sea-level Projections in Canada and the Adjacent Mainland United States, Geological Survey of Canada, Open File 7737, 2014.
- Kerr Wood Leidel – Provincial Guidelines for Coastal Floodplain Mapping, June 2011.
- Province of British Columbia – Flood Hazard Area Land Use Management (FHALUM) Guidelines, May 2004, Amended January 2018 (Sections 3.5 and 3.6).
- Capital Region Coastal Flood Inundation Mapping Project Summary (2020)

The Flood Construction Level for coastal areas was determined following the methodology outlined in 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. Further, 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 mm/year was selected for the area based on “Relative Sea-level Projections in



Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

Canada and the Adjacent Mainland United States” by James et al. (2014), therefore the FCL has been reduced by 0.3 m over the 100-year sea level rise period. An estimated wave effect of 1 m, and a freeboard amount of 0.6 m have also been included in the analysis. The following table summarizes how the FCL was determined.

**Table 1:** Summary of FCL calculations (geodetic)

Item:	(m geo)	Notes:
<b>Higher High Water Large Tide (HHWLT)</b>	1.7	As per CHS <sup>1</sup> – based on the Sooke Tidal Station
<b>Total Storm Surge during “designated storm”</b>	1.3	As per Guidelines for Victoria – 1:500 annual probability of exceedance storm event
<b>Estimated wave effect</b>	1.0	0.35 m above Guidelines
<b>Regional Uplift</b>	-0.3	3 mm/year for Juan De Fuca Area
<b>Sea Level Rise (SLR)</b>	1.0	As per Guidelines
<b>Free Board Factor</b>	0.6	0.3 m above Guidelines
<b>FLOOD CONSTRUCTION LEVEL (m geodetic)</b>	<b>+5.3</b>	

<sup>1</sup> Canadian Hydrographic Service

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.

We have not undertaken detailed wave run-up analyses or associated magnitude return period frequency analyses of tsunami events to quantify the risk at the referenced site. A review of the Capital Region Coastal Flood Inundation Mapping Project Summary (2020) indicates a maximum water level of 4.9 m for the Juan De Fuca Electoral Area (inclusive of the mean tidal elevation) for a design 1:500 annual probability of exceedance earthquake (CSZ-NS). 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 5.3 m is recommended. However, we do recommend that residents review and understand the Provincial Tsunami Advanced Warning System as modelling indicates that water levels may reach 7.4 m geodetic for a tsunami with a 1:2500 annual probability of exceedance (CSZ-L1).

Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

Based on the above, and in general accordance with the Guidelines, a FCL (or minimum elevation for habitable spaces) of **5.3 m Geodetic** is recommended for the site.

#### ROLE OF QUALIFIED PROFESSIONALS

Section 3.7.2.1 of the EGBC Guidelines notes that the Province of BC has not adopted Flood Risk tolerance criteria, yet professional practice standards generally imply some level of risk tolerance. Commentary within this Section advises that when a Qualified Professional (QP) provides the statement that “the land may be safely used for the use intended” that the QP is declaring that the risks and consequences of a given Hazard Scenario are tolerable or acceptable. As defined by the Guidelines, “tolerable” risks are “those that society can live with given the perceived or real benefit that emerges by developing in a hazardous area”, while “acceptable” risks are those broadly accepted by society. In the case of tolerable risks, such require monitoring and typically there are conditions associated with the safe land use. It is not for the QP to stipulate the tolerable or acceptable risk criterion and accordingly the definition of safe use must be clearly outlined in the report such that the Regulatory Agency is aware of the implications in their decision making.

It is important to note that the objectives of the FHALUM Guidelines and as elaborated upon in the EGBC Professional Practice Guidelines is “to reduce or prevent injury, human trauma, and loss of life and to minimize property damage from flooding events in B.C.” It is also important to recognize that both documents have been prepared to address *all* types of flooding, not simply coastal flooding due to sea level rise. The potential for injury, trauma, loss of life and property damage is orders of magnitude greater when one considers flooding of major systems such as the Fraser River, or high energy events such as debris flows, torrents or major channel avulsion. Sea level rise is foreseeable and in conjunction with extreme tides the design event will be highly predictable such that the public has sufficient time to protect themselves and their assets before inundation would occur.

It also must be recognized that it is not an absolute requirement for a QP to adhere to each and every stipulation within either the EGBC Guidelines or the FHALUM Guidelines. This is clearly stated in Section 1.4 of the EGBC Guidelines:

*“Notwithstanding the purpose and scope of these guidelines, an Engineering/Geoscience Professional’s decision not to follow one or more aspects of the guidelines does not necessarily represent a failure to meet required professional obligations. Such judgements and decisions depend upon weighing facts and circumstances to determine whether another reasonable and prudent QP, in a similar situation, would have conducted himself/herself similarly.”*

We maintain that the calculated FCL is conservative and such is expressly stated in the EBGC Guidelines. Section G5 reads, with emphasis added:

Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

*“Recent studies (Mazzotti et al. 2008) project relative sea level rise on the BC coast to 2100. For the Fraser River delta, the rise is expected to be between 32 and 68 cm, with a contribution of 1 to 2 mm/a (10 to 20 cm for a century) from sediment consolidation (Mazzotti et al. 2009). (On loaded sites, short-term subsidence may be an order of magnitude higher.) At Victoria, the range of expected sea level rise is 17 to 34 cm, and at Prince Rupert it is 18 to 75 cm (from projection of GPS trends). These results are different than global averages. On the outer coast of Vancouver Island, however, sea level is expected to fall because of tectonic effects, but that effect might be offset by the occurrence of a major earthquake. There is evidence for past sudden coastal subsidence of up to 2 m (Hyndman and Rogers 2010). In view of changing rates of sea level rise, however, a recent conservative estimate for planning purposes is that sea level rise on the BC coast may be as much as 1 m by the end of the century (Ausenco Sandwell 2011). Ausenco Sandwell (2011) further discusses issues and guidelines to be incorporated into a program of upgrading sea defenses to meet the circumstances of rising sea level.”*

We draw a parallel between flood hazard and seismic hazard. Except in the case of Post Disaster structures, it is generally accepted that many new buildings will sustain significant damage and may not be habitable subsequent to the design event. The critical test is that the building must remain safe for egress to protect against loss of life and human trauma. It is unlikely that lives will be lost or human trauma at site will result, as the result of flooding associated with sea level rise. It is highly likely that economic losses will occur in the area, but this will occur regardless of whether development proceeds at the subject site.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider floodproofing improvements to the building to mitigate the increasing level of risk. This is not a case where instantaneous, devastating, or unforeseeable conditions could occur, as might be anticipated with a high energy channel avulsion or debris flow path, high flow velocities, or deep flood water.

#### SUMMARY

For the structure proposed, we understand that it will be possible to achieve underside of a wooden floor system or the top of a concrete slab floor, for both the habitable and non-habitable buildings at 5.3 m geodetic. Accordingly, we consider that the land may be used for the use intended in accordance with Section 56 of the Community Charter. A Flood Assessment Statement is attached.

Amendment to Section 3.5 and 3.6 of “Flood Hazard Area Land Use Management Guidelines” (2018) also indicates that for new building lots, a setback of 15 m from the calculated Year 2100 FCL should be implemented. However, on established lots, where meeting such would render the lot sterile, the approving official may agree to modify setback requirements, provided that this is augmented through a restrictive covenant stipulating the hazard, building requirements, and

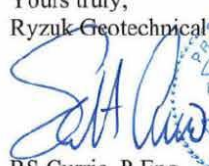
Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC


March 23, 2021

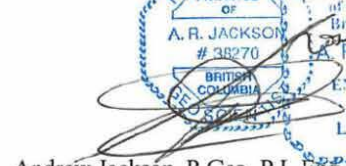
liability disclaimer. Accordingly, and in lieu of meeting the FCL setback guideline, a restrictive covenant will likely be required on title such that current and future owners are aware of the risk for any part of the structure that is constructed within the Year 2100 setback, while insurers and the Capital Regional District are held harmless.


We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,  
Ryzuk Geotechnical

  
R.S. Currie, P.Eng.  
Geotechnical Engineer



  
Andrew Jackson, P.Geo. P.L.Eng.  
Review Geoscientist



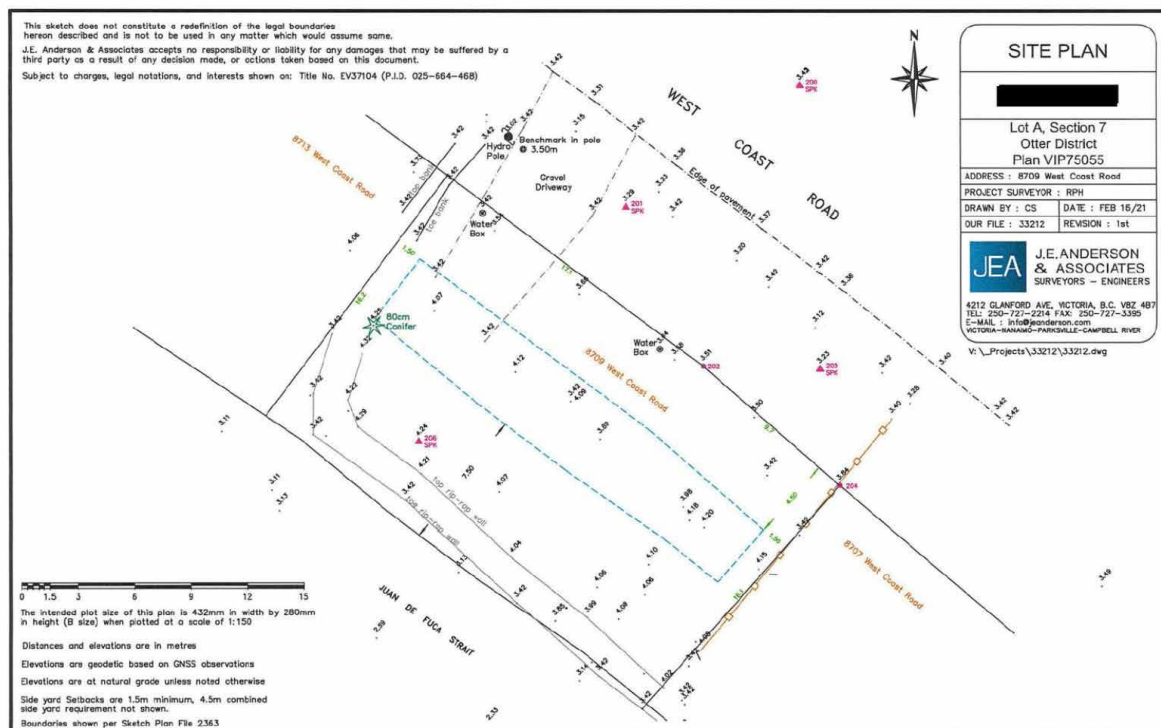
Attachments Site Photograph  
JE Anderson Site Plan  
Flood Assessment Statement

Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021



Site Photograph – Looking to Southeast across development site





### FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC (the guidelines) and is to be provided for flood assessments for the purposes of the Land Title Act, Community Charter, or the Local Government Act. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: 23 March 2021

CAPITAL REGIONAL DISTRICT  
P.O. Box 1000 Victoria BC V8W 2S6  
Jurisdiction and address

With reference to (CHECK ONE):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Part 14, Division 7) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

8709 WEST COAST ROAD - SHIRLEY, BC  
Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- ☐ 1. Consulted with representatives of the following government organizations:  
\_\_\_\_\_
- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- ☐ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 7. Considered any changed conditions on and, if required, beyond the Property
- 8. For a Flood Hazard analysis I have:
  - ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
  - ☒ 8.2 Estimated the Flood Hazard on the Property
  - ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
  - ☒ 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
  - ☐ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report
- 9. For a Flood Risk analysis I have:
  - ☐ 9.1 Estimated the Flood Risk on the Property
  - ☐ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
  - ☐ 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES  
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

### FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☒ 10.1 A standard-based approach
  - ☐ 10.2 A Risk-based approach
  - ☐ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
  - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
  - ☒ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
  - ☒ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
  - ☐ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
  - ☐ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
  - ☐ 12.4 Compared the guidelines with the findings of my flood assessment
  - ☐ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☐ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☐ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☒ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☐ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

[CHECK ONE]

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

[CHECK ONE]

- ☐ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☐ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".

- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":

[CHECK ONE]

- ☒ With one or more recommended registered Covenants.
- ☐ Without any registered Covenant.
- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

PROFESSIONAL PRACTICE GUIDELINES  
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

23 MARCH 2021  
Date

RIZUK GEOTECHNICAL LTD  
Prepared by

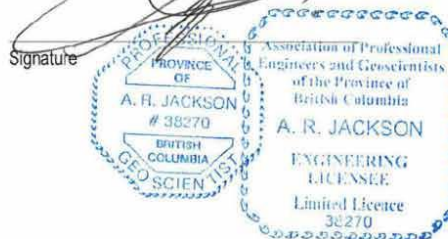
Scott Currie  
Name (print)  
[Signature]  
Signature

Unit #6-40 CADILLAC AVE  
Address  
VICTORIA BC V8Z 1T2

250 475 3131  
Telephone

Scott@ryzuk.com  
Email

Reviewed by  
[Signature]  
Name (print)  
[Signature]  
Signature



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm RIZUK GEOTECHNICAL LTD  
and I sign this letter on behalf of the firm. (Name of firm)

PROFESSIONAL PRACTICE GUIDELINES  
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

Appendix F: Development Permit with Variance DV000080



**CAPITAL REGIONAL DISTRICT**  
**DEVELOPMENT PERMIT WITH VARIANCE DV000080**

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:  
  

<b>PID:</b>	<b>025-664-468;</b>
<b>Folio:</b>	<b>762.16032.039</b>
<b>Legal Description:</b>	<b>Lot A, Section 7, Otter District, Plan VIP75055</b>
3. This development permit authorizes construction of a single-family dwelling (the "development") on the Land, located within the development permit areas established under the Otter Point Official Community Plan, 2014, Bylaw No. 3819, Section 6.4 (Marine Shoreline Areas), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
  - a. That the proposed development comply with the Site Plan dated May 19, 2021;
  - b. That the proposed development comply with the Building Design Drawings May 13, 2021;
  - c. That the proposed development comply with the recommendations outlined in the Geotechnical Reports certified by Scott Currie, P.Eng., dated June 14, 2021, and certified by Scott Currie, P.Eng. and Andrew Jackson, P.Geo., L.Eng., dated March 23, 2021; and
  - d. That upon substantial completion of the development, a final report be submitted from a qualified professional confirming that the recommendations outlined in the Geotechnical Reports have been completed in accordance with the reports.
5. The Capital Regional District's **Bylaw No. 2040** is varied under Section 498 of the *Local Government Act* as follows:
  - a. Part 1, Section 2.0 by varying the definition of *height* as it applies to the proposed single-family dwelling to mean the average vertical distance from finished grade at the outermost corners of the building to the mean level of the highest roof plane between the eaves and the ridge of a sloping roof;
  - b. Part 2, Section 13A.11(b) to allow that the elevation of the lot may be increased in accordance with the Building Design Drawings and Geotechnical Reports; and
  - c. Part 2, Section 13A.13(a) to reduce the front yard setback from 4.5 m to 2.3 m in accordance with the Site Plan.
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 (DV000080) 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.



DV000080

9. The following plans and specifications are attached to and form part of this Permit:
- Appendix A: Site Plan
  - Appendix B: Building Design Drawings
  - Appendix C: Geotechnical Reports
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 \_\_\_\_\_, 2021.**

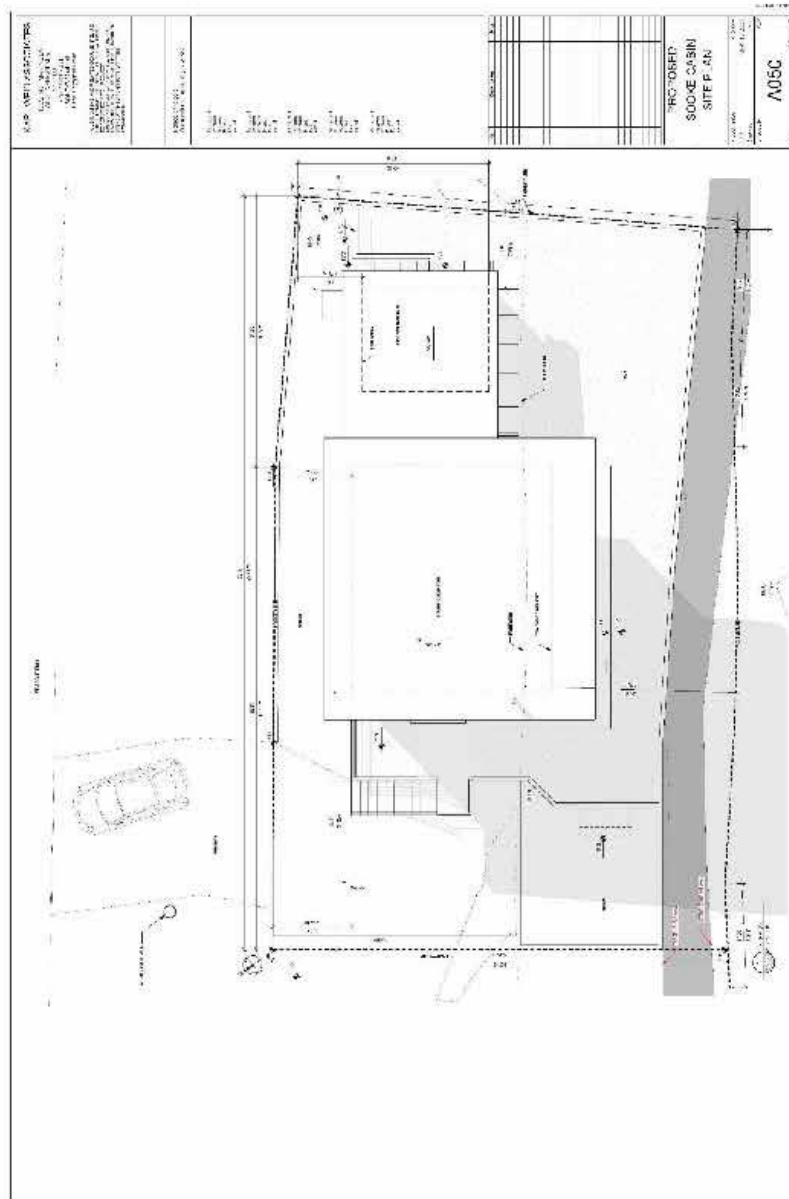
**ISSUED** this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Kristen Morley  
Corporate Officer



DV000080

Appendix A: Site Plan

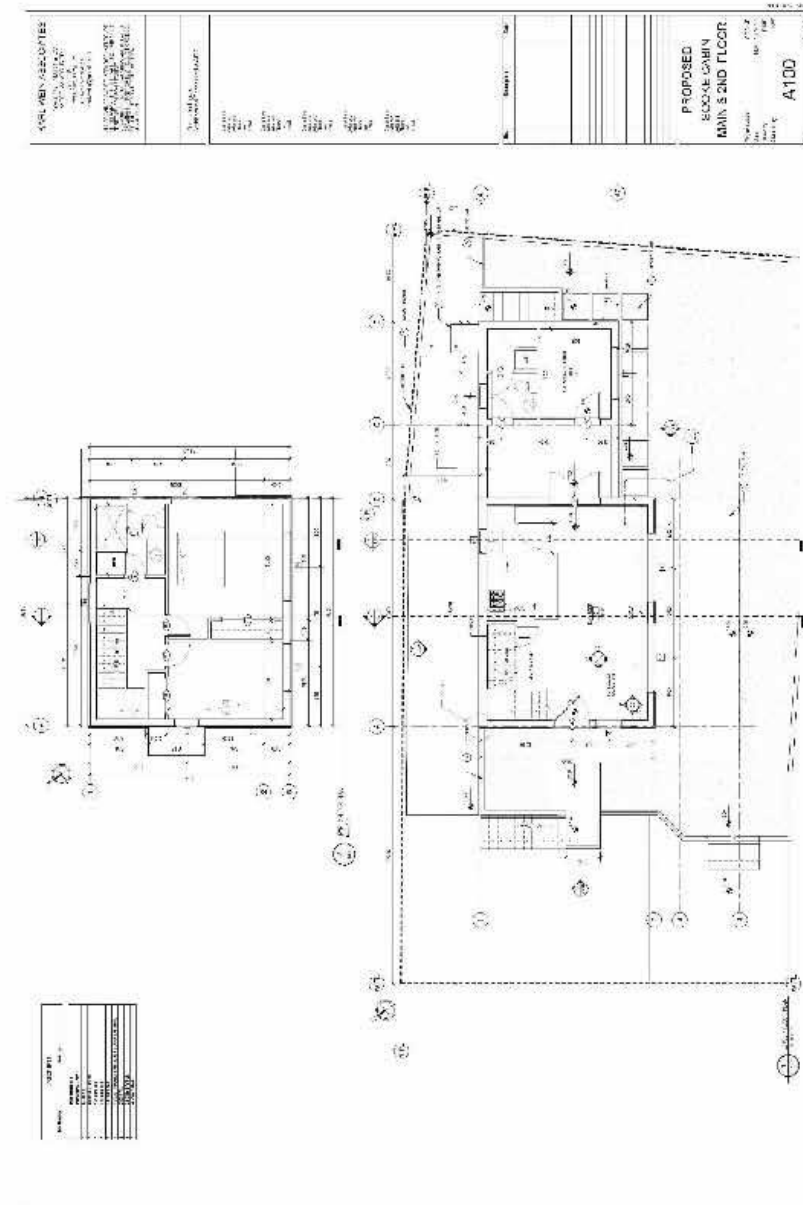






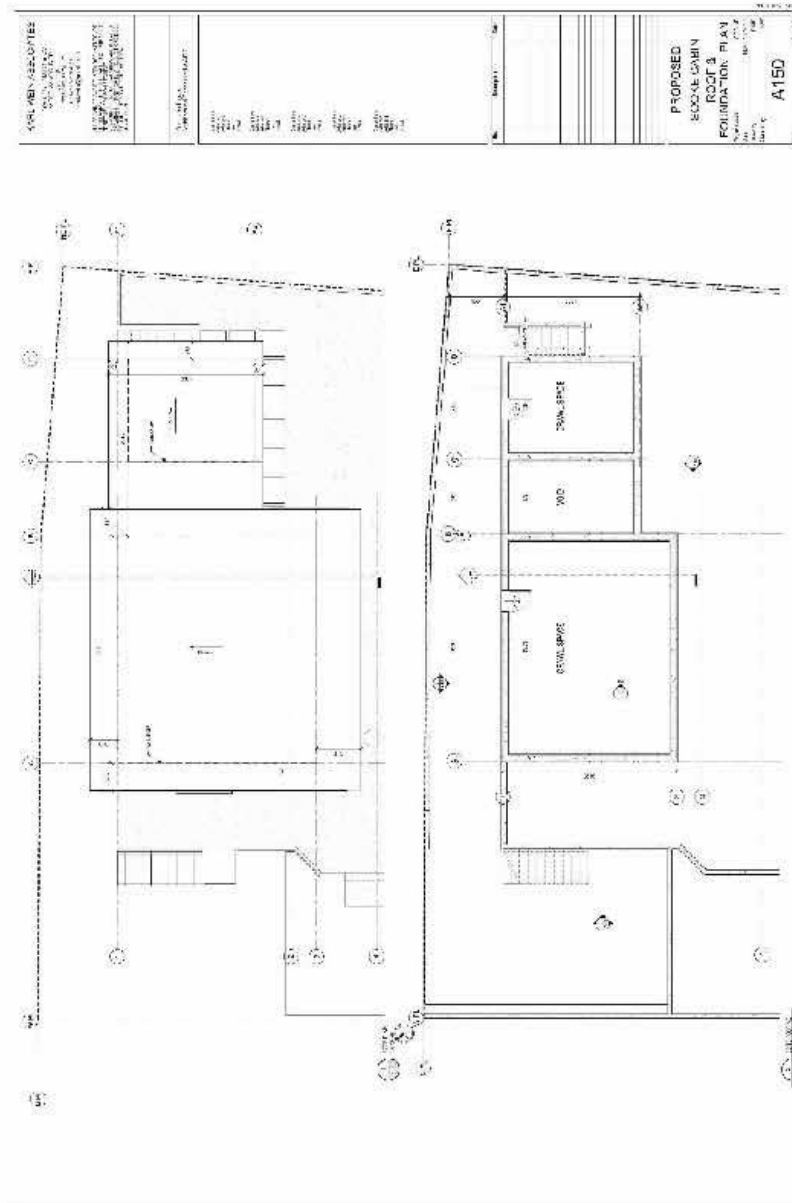


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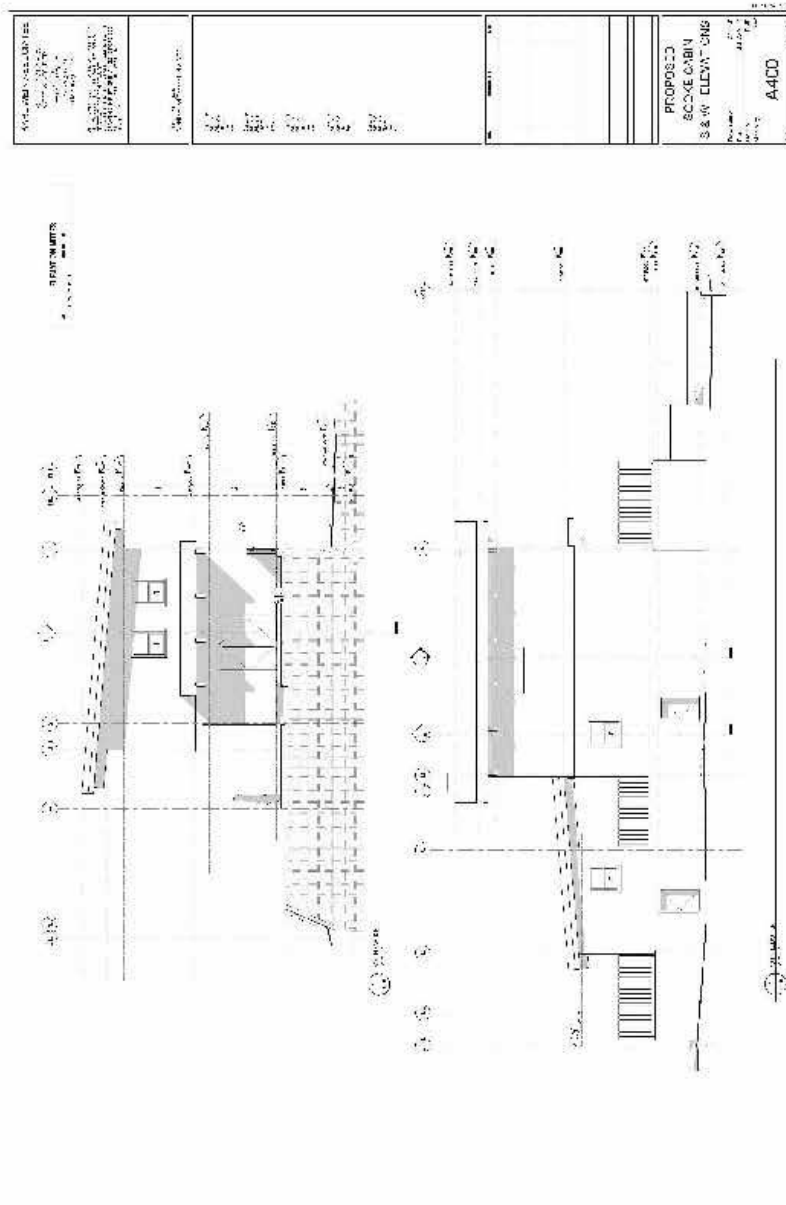


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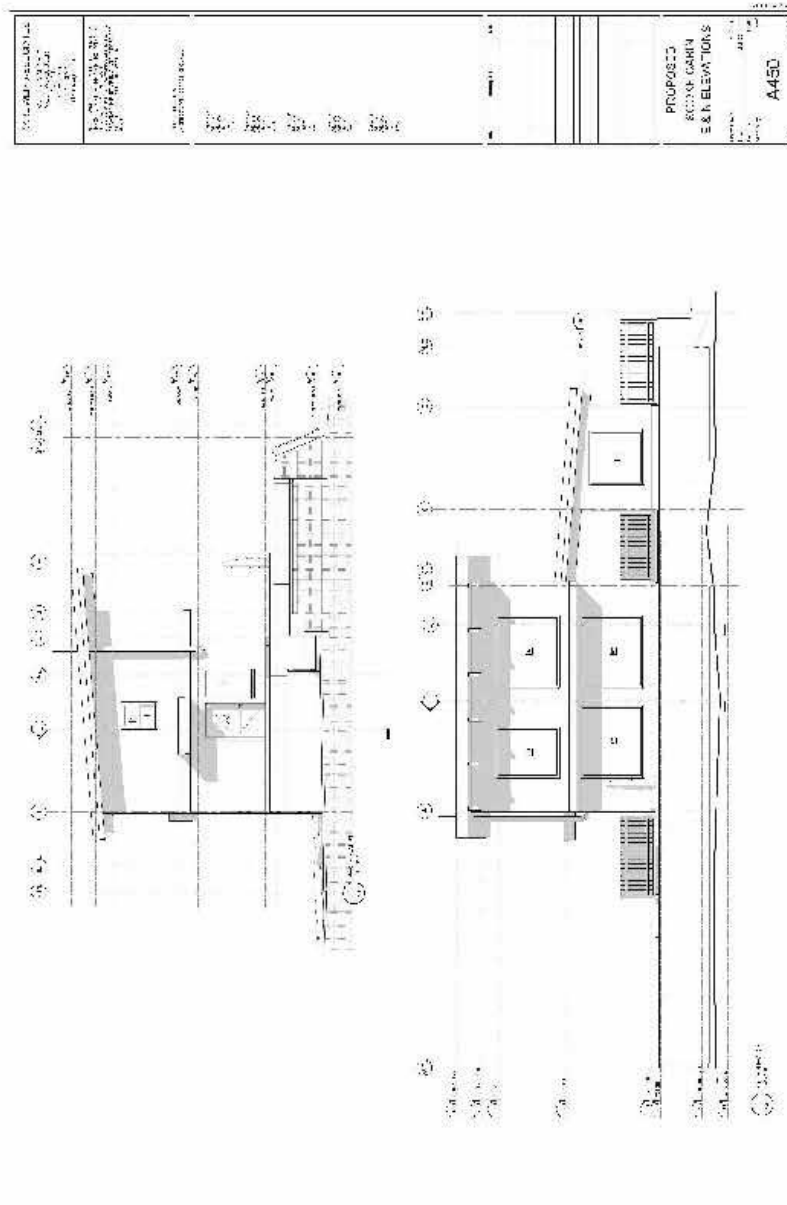


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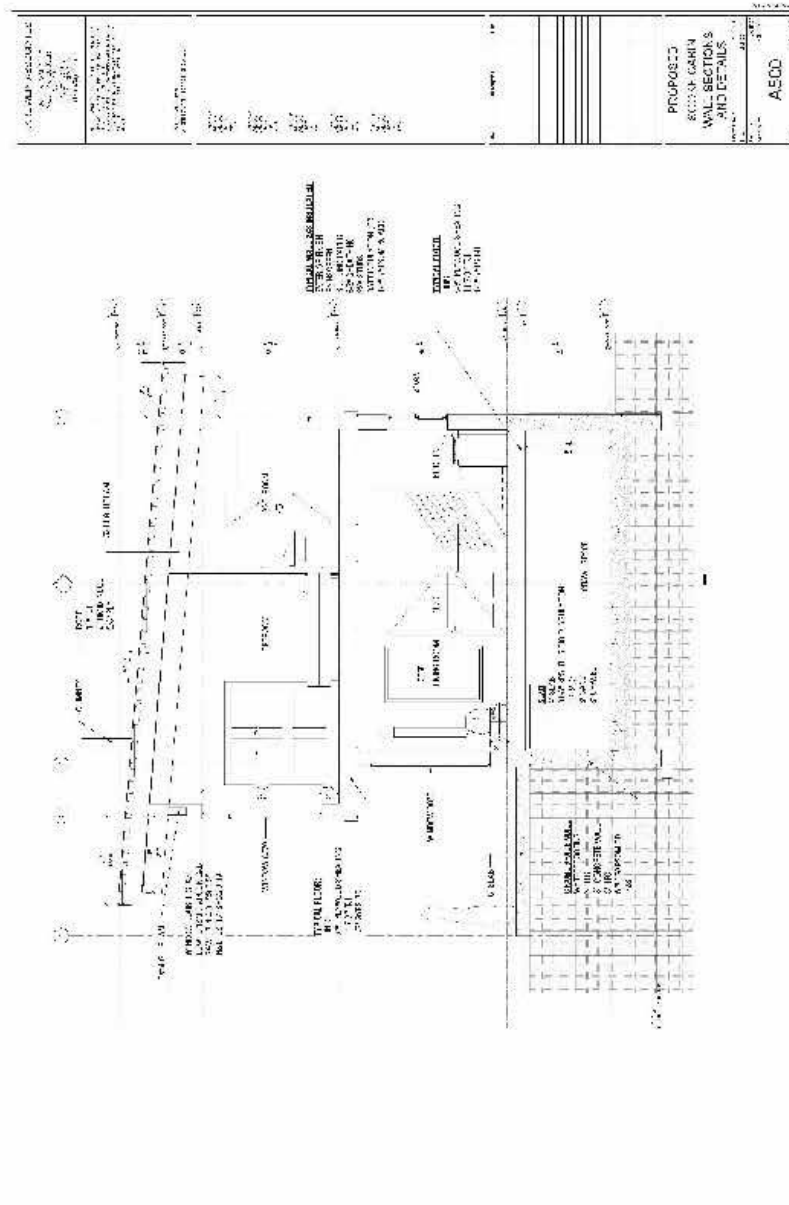


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Appendix C: Geotechnical Reports



June 14, 2021  
File No: 4013-2

MCM Excavating Inc.  
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Proposed Residential Development  
8709 West Coast Road Otter Point, BC

As requested, we have attended site to carry out a geotechnical assessment as such relates to the construction of a new dwelling (cottage). The site is located within Development Permit Area No.2: Marine Shorelines Areas, as defined by the Otter Point Official Community Plan, Bylaw No. 3819. The proposed dwelling footprint is located within the 15 m setback from the Present Natural Boundary (PNB) noted in DPA No.2, with the current proposal indicating that a 7.5 m setback is being sought. We understand that imposition of the 15 m setback may render the existing lot sterile to development due to the accompanying front yard setback from West Coast Road. We understand that geotechnical commentary is required in order to support the requested setback relaxation. Our work has been completed in accordance with the previously accepted Terms of Engagement.

Previous Ryzuk Geotechnical Ltd. (Ryzuk) involvement at the site has included preparation and submission of our letter report of March 3, 2021, where commentary and recommendations were provided in relation to a suitable Flood Construction Level (FCL) for this development site. The elevation determined for underside of floor system was 5.3 m Geodetic.

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. An original cottage present in this area of the site had been demolished prior to our attendance. An existing arrangement of stacked boulders forms a seawall that defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach, although some

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Proposed Residential Development:  
8709 West Coast Road – Otter Point, BC

June 14, 2021

disturbance to native deposits should be expected as a result of past use. See attached Site Photograph and the JB Anderson Site Plan, dated Feb 16/21.

It is proposed that a new cottage be constructed at the site. We understand that such will be a two storey wood framed structure utilizing conventional shallow concrete foundations and crawl space. Foundation loads are expected to be light. Associated landscaping and civil infrastructure is anticipated. See attached Cross Section A430 by Karl Wein Associates. We understand that the height of the main floor has been positioned in accordance with the recommendations of our previous FCL report.

We understand from discussions with the CRD that as part of consideration being given to this development and the requested relaxation, that confirmation of the suitability of the existing seawall is required. As we were not involved with the construction of the original wall, we would recommend that such be re-constructed to provide protection from active erosion of the shoreline frontage over the long term. We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shoreline slope. When coupled with high tides, the wave impact area extends up to the current arrangement of stacked boulders, as indicated by the presence of driftwood along the backshore.

We recommend that new (or reconstructed) seawall of sound, durable, 1.2 m to 1.5 m diameter boulders be placed just back from the PNB to create a wave barrier. The base row of boulders should be embedded by 1/3 boulder dimension and fit tightly together with the rough facing profile acting to reduce longshore wave amplification effects. The boulders must be backfilled with a nominal 1 m wide thickness of compacted 10 kg class rip rap and then a layer of heavy weight filter fabric to prevent migration of fines from the site due to wave action. See attached Seawall Construction Detail drawing. The boulders should also be rammed along the side yard property boundaries by several meters to retain the fill as required. This seawall/barrier may require maintenance from time to time and should be adequate to provide protection over the next 50 to 75 years. Existing boulders from the current seawall may be suitable for re-use, subject to inspection. Further, we do not consider this installation will result in an increase of erosion to adjacent properties over the noted design life. The top of the boulder sea wall must be sufficient in order to provide cover and protection for the foundations of the new dwelling but does not necessarily need to extend up to the FCL level. We note on the architectural plans/sections that concrete landscaping walls are utilized to raise the site grade to the main floor level.

We consider that the undisturbed native mineral soils of the site, or engineered fill placed upon said, will be suitable for support of the proposed foundations. A bearing resistance of 145 kPa (SLS) / 215 kPa (ULS) is considered suitable for design purposes. All subgrade bearing must be inspected and approved by a geotechnical professional prior to foundation pour. We consider that the collected drainage from the residence and hard surfaces could be directed to a shallow infiltration pit filled with drain rock and dug into the coarse native gravels. We do not expect that the site work would create a significant risk of sediment ingress to the foreshore. However, disturbed soils should be revegetated as soon as possible following disturbance, and all fills should be placed and compacted in thin lifts and not loosely stockpiled within 5 m of the PNB. Furthermore, the equipment operation and site work should be compliant with the DFO procedures due to working close to the shoreline.

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Proposed Residential Development  
8709 West Coast Road – Otter Point, BC

June 14, 2021

Given the above, we consider the proposed construction of a single family residence to be feasible at the proposed site location. We consider that the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter and Section 219 of the Land Title Act. Our assessment considers a design seismic occurrence with a 2% probability of exceedance in 50 years.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider flood proofing improvements to the building to mitigate the increasing level of risk. This is not the case where instantaneous and devastating conditions could occur, as might be anticipated with a high energy seismic event resulting in tsunami. Commentary on the hazard and risk associated with tsunami was provided in our FCL report.

We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,  
Ryzuk Geotechnical

RS Currie, P.Eng.  
Geotechnical Engineer

Attachments: Site Photograph  
JE Anderson Site Plan  
Architectural Cross Section  
Seawall Construction Detail



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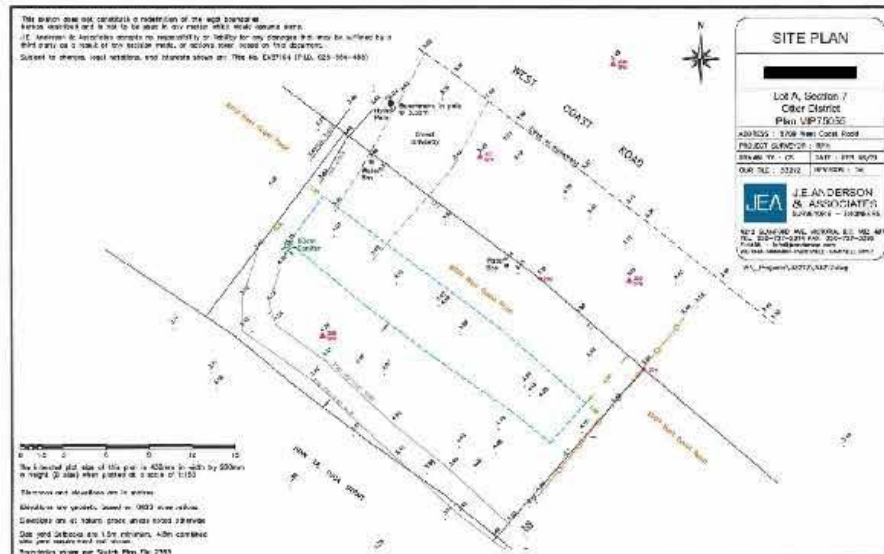
Proposed Residential Development  
8709 West Coast Road – Otter Point, BC

June 14, 2021



Site Photograph Looking to Southeast across development site

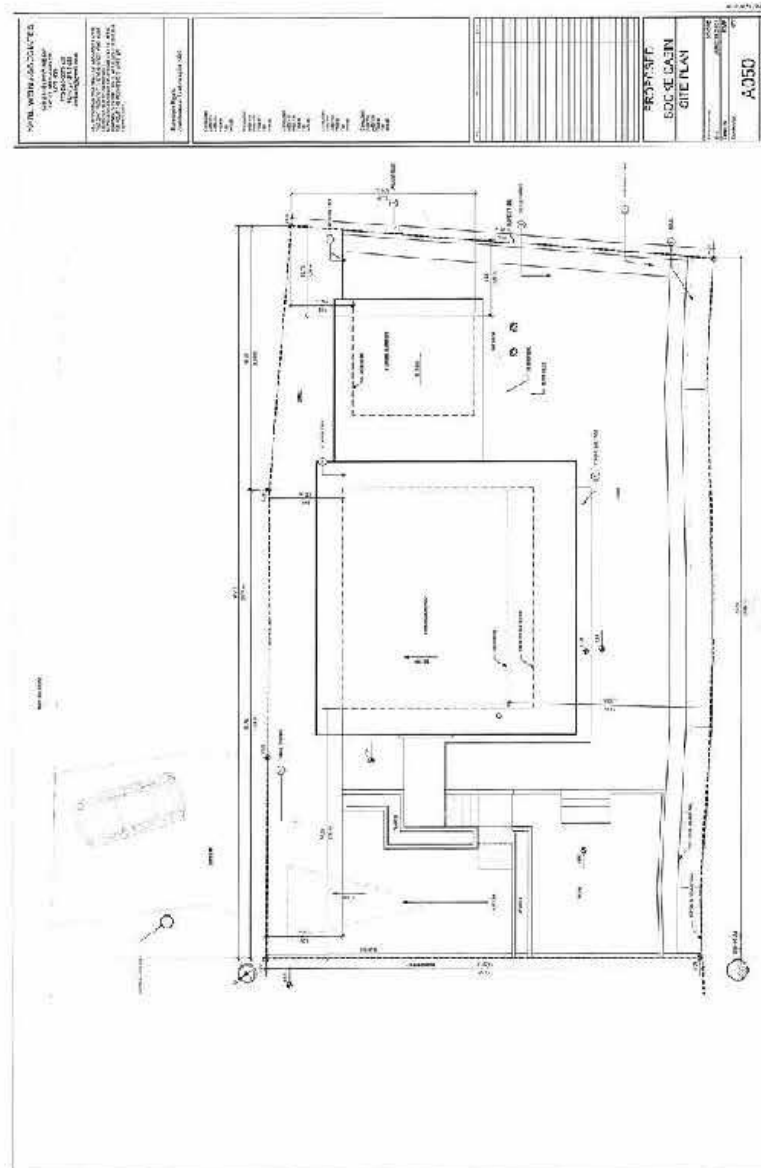
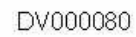
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March 23, 2021  
File No. 4013-2

MCM Excavating Inc.  
(by email: [REDACTED])

Attn: [REDACTED]

Dear Sir,

Re: Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

As requested, we have undertaken a geotechnical background review and analysis of the flooding hazard at the referenced site in order to determine the Flood Construction Level (FCL) as such relates to the proposed construction of new cottage. Our work and recommendations herein have been provided in accordance with, and are subject to, the attached Terms of Engagement.

#### PROPOSED DEVELOPMENT

The site is located within the central portion of Gordon's Beach, generally bounded by similar residential properties to the northwest and southeast, Highway 14 to the northeast, and the foreshore of the Strait of Juan de Fuca to the southwest. The terrain slopes gently up from the edge of the road to a level area which is noted on the attached survey drawing to have an elevation of approximately 4 m geodetic. The original cottage present in this area of the site had been demolished prior to our attendance. An arrangement of stacked boulders likely defines the southwestern property line (Present Natural Boundary) with the beach beyond. Soils at the site, where visible at the surface, were generally noted to consist of compact gravel, similar to the shoreline deposits present with the adjacent beach. See attached JE Anderson Site Plan, dated Feb 16/21, and site photograph.

We consider the shoreline within the location to be subject to moderately high wave energy, particularly during winter storms. This is evident by the presence of a relatively steep shoreline slope. When coupled with high tides, the wave impact area extends up to the stacked boulders, as indicated by the presence of driftwood and littoral drift along the backshore.

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Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

#### DETERMINATION OF FLOOD CONSTRUCTION LEVEL (FCL)

The FCL may be defined as the minimum required elevation of the underside of a wooden floor system or the top of a grade supported concrete slab floor, for habitable buildings. The FCL for the site was determined considering the methodology outlined in the following Guideline documents:

- Accorn – Capital Regional District, Modelling of Potential Tsunami Inundation Limits and Run-Up, June 2013.
- Accorn – Capital Regional District, Sea Level Rise Risk Assessment, January 2015.
- Ausenco Sandwell – Climate Change Adaption Guidelines for Sea Dikes and Coastal Flood Hazard Land Use; Guidelines for Management of Coastal Flood Hazard Land Use, 27 January 2011.
- Engineers and Geoscientists BC – Professional Practice Guidelines, Legislated Flood Assessments in a Changing Climate in BC, v2.1, 28 August 2018.
- James, T.S., Henton, J.A., Leonard, L.J., Darlington, A., Forbes, D.L., and Craymer, M. Relative Sea-level Projections in Canada and the Adjacent Mainland United States, Geological Survey of Canada, Open File 7737, 2014.
- Kerr Wood Leidel – Provincial Guidelines for Coastal Floodplain Mapping, June 2011.
- Province of British Columbia – Flood Hazard Area Land Use Management (FHALUM) Guidelines, May 2004, Amended January 2018 (Sections 3.5 and 3.6).
- Capital Region Coastal Flood Inundation Mapping Project Summary (2020)

The Flood Construction Level for coastal areas was determined following the methodology outlined in 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. Further, 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 mm/year was selected for the area based on "Relative Sea-level Projections in



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Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

Canada and the Adjacent Mainland United States" by James et al. (2014), therefore the FCL has been reduced by 0.3 m over the 100-year sea level rise period. An estimated wave effect of 1 m, and a freeboard amount of 0.6 m have also been included in the analysis. The following table summarizes how the FCL was determined.

**Table 1: Summary of FCL calculations (geodetic)**

Item:	(m geo)	Notes:
Higher High Water Large Tide (HHWLT)	1.7	As per CHS <sup>1</sup> – based on the Sooke Tidal Station
Total Storm Surge during "designated storm"	1.3	As per Guidelines for Victoria – 1:500 annual probability of exceedance storm event
Estimated wave effect	1.0	0.35 m above Guidelines
Regional Uplift	-0.3	3 mm/year for Juan De Fuca Area
Sea Level Rise (SLR)	1.0	As per Guidelines
Free Board Factor	0.6	0.3 m above Guidelines
<b>FLOOD CONSTRUCTION LEVEL (m geodetic)</b>	<b>+5.3</b>	

<sup>1</sup> Canadian Hydrographic Service

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.

We have not undertaken detailed wave run-up analyses or associated magnitude return period frequency analyses of tsunami events to quantify the risk at the referenced site. A review of the Capital Region Coastal Flood Inundation Mapping Project Summary (2020) indicates a maximum water level of 4.9 m for the Juan De Fuca Electoral Area (inclusive of the mean tidal elevation) for a design 1:500 annual probability of exceedance earthquake (CSZ-NS). 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 5.3 m is recommended. However, we do recommend that residents review and understand the Provincial Tsunami Advanced Warning System as modelling indicates that water levels may reach 7.4 m geodetic for a tsunami with a 1:2500 annual probability of exceedance (CSZ-L1).



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Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

Based on the above, and in general accordance with the Guidelines, a FCL (or minimum elevation for habitable spaces) of **5.3 m Geodetic** is recommended for the site.

#### ROLE OF QUALIFIED PROFESSIONALS

Section 3.7.2.1 of the EGBC Guidelines notes that the Province of BC has not adopted Flood Risk tolerance criteria, yet professional practice standards generally imply some level of risk tolerance. Commentary within this Section advises that when a Qualified Professional (QP) provides the statement that "the land may be safely used for the use intended" that the QP is declaring that the risks and consequences of a given Hazard Scenario are tolerable or acceptable. As defined by the Guidelines, "tolerable" risks are "those that society can live with given the perceived or real benefit that emerges by developing in a hazardous area", while "acceptable" risks are those broadly accepted by society. In the case of tolerable risks, such require monitoring and typically there are conditions associated with the safe land use. It is not for the QP to stipulate the tolerable or acceptable risk criterion and accordingly the definition of safe use must be clearly outlined in the report such that the Regulatory Agency is aware of the implications in their decision making.

It is important to note that the objectives of the FHALUM Guidelines and as elaborated upon in the EGBC Professional Practice Guidelines is "to reduce or prevent injury, human trauma, and loss of life and to minimize property damage from flooding events in B.C." It is also important to recognize that both documents have been prepared to address *all* types of flooding, not simply coastal flooding due to sea level rise. The potential for injury, trauma, loss of life and property damage is orders of magnitude greater when one considers flooding of major systems such as the Fraser River, or high energy events such as debris flows, torrents or major channel avulsion. Sea level rise is foreseeable and in conjunction with extreme tides the design event will be highly predictable such that the public has sufficient time to protect themselves and their assets before inundation would occur.

It also must be recognized that it is not an absolute requirement for a QP to adhere to each and every stipulation within either the EGBC Guidelines or the FHALUM Guidelines. This is clearly stated in Section 1.4 of the EGBC Guidelines:

*"Notwithstanding the purpose and scope of these guidelines, an Engineering/Geoscience Professional's decision not to follow one or more aspects of the guidelines does not necessarily represent a failure to meet required professional obligations. Such judgements and decisions depend upon weighing facts and circumstances to determine whether another reasonable and prudent QP, in a similar situation, would have conducted himself/herself similarly."*

We maintain that the calculated FCL is conservative and such is expressly stated in the EGBC Guidelines. Section G5 reads, with emphasis added:

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Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

*"Recent studies (Mazzotti et al. 2008) project relative sea level rise on the BC coast to 2100. For the Fraser River delta, the rise is expected to be between 32 and 68 cm, with a contribution of 1 to 2 mm/a (10 to 20 cm for a century) from sediment consolidation (Mazzotti et al. 2009). (On loaded sites, short-term subsidence may be an order of magnitude higher.) At Victoria, the range of expected sea level rise is 17 to 34 cm, and at Prince Rupert it is 18 to 75 cm (from projection of GPS trends). These results are different than global averages. On the outer coast of Vancouver Island, however, sea level is expected to fall because of tectonic effects, but that effect might be offset by the occurrence of a major earthquake. There is evidence for past sudden coastal subsidence of up to 2 m (Hyneman and Rogers 2010). In view of changing rates of sea level rise, however, a recent conservative estimate for planning purposes is that sea level rise on the BC coast may be as much as 1 m by the end of the century (Ausenco Sandwell 2011). Ausenco Sandwell (2011) further discusses issues and guidelines to be incorporated into a program of upgrading sea defenses to meet the circumstances of rising sea level."*

We draw a parallel between flood hazard and seismic hazard. Except in the case of Post Disaster structures, it is generally accepted that many new buildings will sustain significant damage and may not be habitable subsequent to the design event. The critical test is that the building must remain safe for egress to protect against loss of life and human trauma. It is unlikely that lives will be lost or human trauma at site will result, as the result of flooding associated with sea level rise. It is highly likely that economic losses will occur in the area, but this will occur regardless of whether development proceeds at the subject site.

As climate change and sea level rise occur, the impact of flooding events beyond the current boundary of the sea can be expected to advance incrementally with time. Accordingly, advance notice of months or even years would be available to owners/users to allow safe access and egress, removal of personal effects, as well as to consider floodproofing improvements to the building to mitigate the increasing level of risk. This is not a case where instantaneous, devastating, or unforeseeable conditions could occur, as might be anticipated with a high energy channel avulsion or debris flow path, high flow velocities, or deep flood water.

#### SUMMARY

For the structure proposed, we understand that it will be possible to achieve underside of a wooden floor system or the top of a concrete slab floor, for both the habitable and non-habitable buildings at 5.3 m geodetic. Accordingly, we consider that the land may be used for the use intended in accordance with Section 56 of the Community Charter. A Flood Assessment Statement is attached.

Amendment to Section 3.5 and 3.6 of "Flood Hazard Area Land Use Management Guidelines" (2018) also indicates that for new building lots, a setback of 15 m from the calculated Year 2100 FCL should be implemented. However, on established lots, where meeting such would render the lot sterile, the approving official may agree to modify setback requirements, provided that this is augmented through a restrictive covenant stipulating the hazard, building requirements, and



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Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021

liability disclaimer. Accordingly, and in lieu of meeting the FCL setback guideline, a restrictive covenant will likely be required on title such that current and future owners are aware of the risk for any part of the structure that is constructed within the Year 2100 setback, while insurers and the Capital Regional District are held harmless.

We trust the preceding is suitable for your purposes at present, if you have any questions or require further clarification, please contact us.

Yours truly,  
Ryzuk Geotechnical



RS Currie, P.Eng.  
Geotechnical Engineer



Andrew Jackson, P. Geo. P.L. Eng.  
Review Geoscientist

Attachments Site Photograph  
JE Anderson Site Plan  
Flood Assessment Statement



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Flood Construction Level Assessment  
8709 West Coast Road - Shirley, BC

March 23, 2021



Site Photograph – Looking to Southeast across development site







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### FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC (the guidelines) and is to be provided for flood assessments for the purposes of the Land Title Act, Community Charter, or the Local Government Act. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date:

CHARTER REVIEW COMMITTEE  
P.O. Box 1000, Victoria BC V8W 2R6  
Jurisdiction and address

23 March 2021

With reference to (CHECK ONE):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Part 14, Division 7) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 524) – Flood Plain Bylaw Exemption

For the following property, "the Property":

8709 WEST COAST ROAD - SHIRLEY, BC  
Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

\_\_\_ 1. Consulted with representatives of the following government organizations:

- ☒ 2. Collected and reviewed appropriate background information
- ☒ 3. Reviewed the Proposed Development on the Property
- \_\_\_ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- ☒ 5. Conducted field work on and, if required, beyond the Property
- ☒ 6. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 7. Considered any changed conditions on and, if required, beyond the Property

8. For a Flood Hazard analysis I have:

- ☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
- ☒ 8.2 Estimated the Flood Hazard on the Property
- ☒ 8.3 Considered (if appropriate) the effects of climate change and land use change
- ☒ 8.4 Relied on a previous Flood Hazard Assessment (PHA) by others
- \_\_\_ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report

9. For a Flood Risk analysis I have:

- \_\_\_ 9.1 Estimated the Flood Risk on the Property
- \_\_\_ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
- \_\_\_ 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES

LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

VERSION 2.1

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#### FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☒ 10.1 A standard-based approach
  - ☐ 10.2 A Risk-based approach
  - ☐ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
  - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
  - ☒ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
  - ☒ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
  - ☐ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
  - ☐ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
  - ☐ 12.4 Compared the guidelines with the findings of my flood assessment
  - ☐ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☐ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☐ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

(CHECK ONE)

- ☒ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☐ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

(CHECK ONE)

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":  
(CHECK ONE)
  - ☐ With one or more recommended registered Covenants.
  - ☐ Without any registered Covenant.
- ☐ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".
- ☒ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":  
(CHECK ONE)
  - ☒ With one or more recommended registered Covenants.
  - ☐ Without any registered Covenant.
- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section E24), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

PROFESSIONAL PRACTICE GUIDELINES  
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

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FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

23 March 2021  
Date

Rizuk Geotechnical Ltd  
Prepared by

Scott W. Rizuk  
Name (print)

[Signature]  
Signature

Unit #6 - 40 Cadogan Ave  
Address  
Victoria, BC V8Z 1T2

250 475 3131  
Telephone

Scott@rizuk.com  
Email

Reviewed by

Andrew Jackson  
Name (print)

[Signature]  
Signature



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Rizuk Geotechnical Ltd  
and I sign this letter on behalf of the firm. (Name of firm)

PROFESSIONAL PRACTICE GUIDELINES  
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

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Making a difference...together

## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 20, 2021

---

**SUBJECT**      **Zoning Amendment 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 a portion of the subject property to permit a range of general industrial and commercial uses.

### **BACKGROUND**

The 15 ha subject property is located at 3542 Otter Point Road and is zoned Rural Residential 2 (RR-2) and Industrial Sawmill (M-3) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). The parcel is adjacent to the Tenbury Road right-of-way and Rural A zoned land to the east, the District of Sooke boundary to the south, Rural Residential 3 (RR-3) properties to the west and Rural Residential 2 (RR-2) properties and Otter Point Road to the north. There is an existing dwelling and sawmill operation on the property.

The property is designated as Settlement Area 2 and is partially designated as a Watercourses and Wetland Areas and a Commercial & Industrial development permit area in the Otter Point Official Community Plan (OCP), Bylaw No. 3819. The parcel is within the Otter Point Fire Protection Local Service Area, but outside a community water service area. The property is serviced by onsite wells and septic.

The property was the subject of a recent zoning and OCP amendment application (RZ000267) to rezone the southern part of the 15 ha parcel from Rural A to M-3 to permit the sawmill operation, and to rezone the northern remainder from Rural A to RR-2 to allow subdivision to create six rural residential parcels. The owner has an active subdivision application (SU000711) to create six rural residential parcels with a minimum lot size of 1 ha, and one 8.5 ha industrial sawmill parcel (Appendix B). The proposed 8.5 ha parcel is the subject of this proposed zoning amendment to permit a range of general industrial and business uses, along with associated retail opportunities. Staff have prepared Bylaw No. 4423, which would rezone part of the parcel for the requested uses (Appendix C).

### **ALTERNATIVES**

#### *Alternative 1*

That staff be directed to refer proposed Bylaw No. 4423, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021" to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro  
District of Sooke  
FLNR - Archaeology Branch  
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
FLNR - Water Protection Section  
Island Health  
Ministry of Environment & Climate Change Strategy – Environmental Protection and Sustainability  
Ministry of Transportation & Infrastructure  
Otter Point Fire Department  
RCMP

Sooke School District #62  
Sc'ianew  
T'Sou-ke First Nation

*Alternative 2*

That proposed Bylaw No. 4423 not be referred.

*Alternative 3*

That more information be provided.

## **LEGISLATIVE AND PUBLIC CONSULTATION IMPLICATIONS**

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

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

Where groundwater is used for non-domestic purposes, a licence is required pursuant to the *Water Sustainability Act*. This approval is issued by the Province and is not a precondition for rezoning. Staff recommend referral to the provincial Groundwater Protection Section for comment.

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 *LGA*. A site profile was recently submitted as part of zoning amendment application RZ000267 on the same property. Staff recommend a referral to the Ministry of Environment & Climate Change Strategy confirm whether a release is required in conjunction with the current application.

## **REGIONAL GROWTH STRATEGY IMPLICATIONS**

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a Regional Growth Strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Otter Point OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS. Staff are of the opinion that the proposed amendment is consistent with the policies of the Otter Point OCP.

## **LAND USE IMPLICATIONS**

The proposed bylaw includes an amendment to rezone that part of the property currently zoned for an industrial sawmill to a new rural industrial zone that would allow for a mix of general industrial and business uses, as well as associated retail uses.

The subject property was recently rezoned from Rural A to RR-2 and M-3 to permit the subdivision of up to six 1 ha rural residential lots under the RR-2 zone and one 8.5 ha industrial sawmill parcel under the M-3 zone.

The Settlement Area designation contemplates industrial uses on lands zoned industrial and supports accommodating limited industrial and commercial development with a focus on the Sooke Business Park. As a result of the adoption of Bylaw No. 4307, the subject property is now zoned industrial and is adjacent to land that is contiguous with the Sooke Business Park and other industrial zoned parcels.

Proposed Bylaw No. 4423 has been prepared to rezone the 8.5 ha industrial sawmill area to a new Rural Industrial (M-RU) zone. The proposed M-RU zone includes a number of uses included in the Sooke Business Park (M-SBP) zone, but stipulates a larger minimum lot size of 2 ha, rather than the minimum lot size of 900 m<sup>2</sup> permitted by the M-SBP zone. The maximum parcel coverage is also reduced from 60% in the M-SBP zone to 25% in the proposed M-RU zone, with a floor area ratio of 0.4. These combined regulations would allow a total floor area of 8,000 m<sup>2</sup> on a 2 ha parcel with a total building footprint of 5,000 m<sup>2</sup>.

The proposed permitted uses include continued operation of the existing sawmill, as well as a range of industrial and associated retail uses contemplated by the applicant. *General industrial* use provides for the research, design, manufacture, testing, servicing, storage, transportation and distribution, wholesale, wrecking or salvaging of goods, materials or things. It includes vehicle paint and body shops, soil improvement operations, food and beverage processing and high tech. While the *general industrial* use allows for wrecking and salvaging, the proposed M-RU zone would specifically prohibit such uses. The proposed M-RU zone also includes provision for business and office support services, personal services, athletic facilities, commercial cannabis production in accordance with Health Canada requirements, and up to three RVs for temporary accommodation of allowing for stays up to seven nights.

In consideration of an application for rezoning, proposals should demonstrate that community values and features can be protected subject to the criteria outlined in Section 4.1.1(4) of Bylaw No. 3819, including: reports from Qualified Professional that review the geotechnical and environmental constraints of the site; adequate potable water and sewage disposal; protection of existing groundwater supplies; appropriate scale of development; protection of natural features; adequate setbacks and vegetated buffers; protection of land considered regionally or locally significant; use of 'green' building techniques; and other works, services or community benefits required to mitigate the impact of development.

As part of rezoning application RZ000267, an environmental assessment report was prepared by Corvidae Environmental Consulting Inc., which identified a watercourse on the property and outlined replanting and restoration measures that were to be completed. The Biologist confirmed that this work was done prior to adoption of Bylaw No. 4307. The Bylaw also designated the watercourse and a 30 m buffer area as a Riparian Development Permit Area. A development permit will be required as a condition of subdivision or at the time any disturbance with the development area is proposed. Proposed Bylaw No. 4423 also includes measures to implement vegetative buffers to screen the proposed industrial uses from adjacent roads and properties.

The Otter Point OCP, Section 5.1(15), 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 Wieland 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. Consideration of park dedication requirements is to occur as part of the ongoing subdivision application.

Staff recommend referral of the rezoning application and proposed Bylaw No. 4423 to the Otter Point APC, appropriate CRD departments, First Nations and external agencies for comment.

## **CONCLUSION**

The purpose of this zoning bylaw amendment application is to rezone an approximately 8.5 ha portion of the subject property from the Industrial Sawmill (M-3) zone to a new Rural Industrial (M-RU) zone to permit a range of business, general industrial and associated retail uses. Staff have prepared proposed Bylaw No. 4423 and recommend referral to the Otter Point Advisory Planning Commission, First Nations, CRD departments and agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.



## **RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4423, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021” to the Otter Point Advisory Planning Commission, appropriate CRD departments and the following external agencies and First Nations for comment:

BC Hydro  
District of Sooke  
FLNR - Archaeology Branch  
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
FLNR - Water Protection Section  
Island Health  
Ministry of Environment & Climate Change Strategy – Environmental Protection and Sustainability  
Ministry of Transportation & Infrastructure  
Otter Point Fire Department  
RCMP  
Sooke School District #62  
Sc’ianew  
T’Sou-ke First Nation

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

## **ATTACHMENTS**

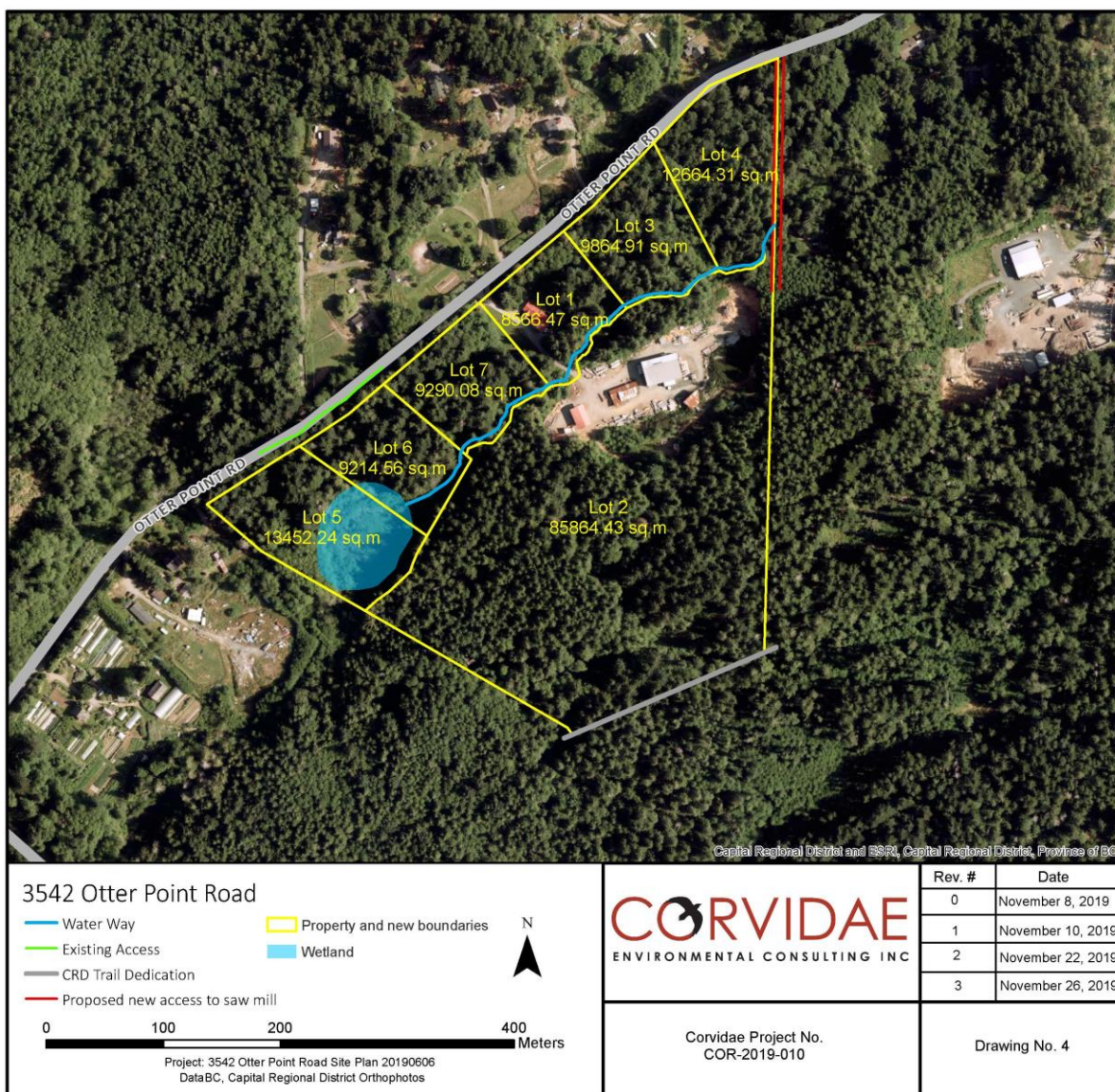
Appendix A: Subject Property  
Appendix B: Subdivision Plan  
Appendix C: Bylaw No. 4423

Appendix A: Subject Property





Appendix B: Proposed Subdivision Plan



Appendix C: Bylaw No. 4423

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4423**

\*\*\*\*\*  
**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 as follows:

**A. SCHEDULE A, PART 1, SECTION 2 – DEFINITIONS**

- (a) By deleting the definition of INDUSTRIAL ZONE and replacing it with a new definition as follows:

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

**B. SCHEDULE A, PART 1, SECTION 3.07**

- (a) By adding the words "M-RU Rural Industrial" after the words "M-3 Industrial Sawmill".

**C. SCHEDULE A, PART 2 - ZONING DISTRICTS**

- (a) By adding a new section 29.0 Rural Industrial – M-RU Zone as follows:

**29.0 Rural Industrial – M-RU Zone**

**29.01 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 Rural Industrial (M-RU) zone:

- (a) General industrial uses;
- (b) Industrial sawmill and associated log storage and sorting, lumber milling, processing, and storage;
- (c) Business office and support services;
- (d) Athletic facilities;
- (e) Personal services;
- (f) Unenclosed storage;
- (g) Retail sales of building and landscape supplies;
- (h) Retail sales accessory to a principal industrial use;
- (i) Retail sales of vehicle accessory parts;
- (j) Cannabis Production – Commercial;
- (k) Recreational vehicle overnight accommodation;
- (l) One dwelling unit for the use of a caretaker accessory to a principal use.

**29.02 Prohibited Uses**

Despite Section 29.01, the following uses are prohibited in the Rural Industrial (M-RU) zone

- (a) Refuse and garbage dumps, including transfer stations;
- (b) Salvage and wrecking yards, including auto salvage and wrecking;
- (c) The burning of vehicles and other salvage.

**29.03 Minimum Lot Size for  
Subdivision Purposes**

- (a) The minimum lot size for subdivision purposes shall be 2.0 ha.

**29.04 Lot Coverage**

- (a) The maximum lot coverage shall be 25%.

CRD Bylaw No. 4423

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- 29.05 Number of Dwelling Units** (a) The maximum number of dwelling units for the use of a caretaker accessory to a principal use shall be 1.
- 29.06 Number of Recreational Vehicles** (a) The maximum number of recreational vehicles for overnight accommodation shall be 3 for a length of stay not to exceed 7 nights.
- 29.07 Maximum Floor Area** (b) The maximum floor area ratio of buildings and structures shall be 0.4.  
(c) The maximum floor area of a caretaker's suite shall be 110 m<sup>2</sup>.
- 29.08 Height** (a) The maximum height shall be 14.0 m for all principal buildings and structures.  
(b) The maximum height of any unenclosed storage use shall be 3.5 m within 30 m of a Residential Zone, Multiple Family Residential Zone, Commercial Zone, Rural Zone, Agricultural Zone or Institutional Zone.
- 29.09 Required Yards** (a) Front yards shall be a minimum of 7.5 m;  
(b) Side yards shall be a minimum of 6 m, except:  
i) where the lot abuts a Residential, Rural Residential, Rural, or Multiple Family Residential zone, the side yard shall be a minimum of 15 m;  
ii) where the lot abuts an Industrial Zone, the side yard may be 0 m;  
(c) Flanking yards shall be a minimum of 7.5 m CTS.  
(d) Rear yards shall be a minimum of 15 m, except:  
i) Where a rear lot line abuts an Industrial Zone, the rear yard may be reduced to not less than 4.5 m.
- 29.10 Storage** (a) Storage shall not be permitted in required yards adjacent to any Residential, Rural Residential, Rural, or Multiple Family Residential Zone.
- 29.11 Screening** (a) Where the lot abuts a public highway, or a Residential, Rural Residential, Rural or Multiple Family Residential Zone, a vegetative screen shall be located and maintained along the entire length of parcel boundaries.  
(b) The vegetative screen shall consist of coniferous vegetation native to the region that is not less than 2 m high, space not more than 2 m apart, and not less than 15 m deep on any portion of the lot that abuts a Residential, Rural Residential, Rural or Multiple Family Residential, and not less than 7.5 m deep on any portion of the lot that abuts a public highway.

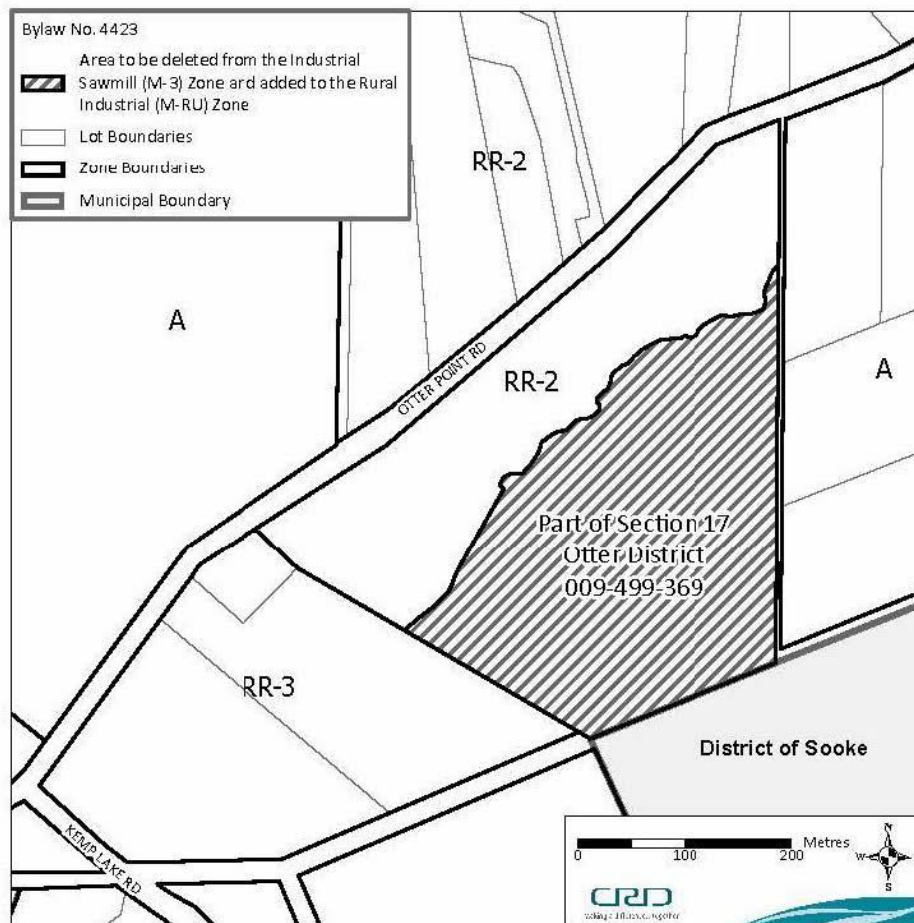
CRD Bylaw No. 4423

3

**E. SCHEDULE B, ZONING MAPS**

- a. By deleting that portion of 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 Industrial Sawmill (M-3) zone, and adding to the Rural Industrial (M-RU) zone, as shown in Plan No. 1.

**Plan No. 1 of Bylaw No. 4423, an amendment to Bylaw No. 2040**



CRD Bylaw No. 4423

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2. This Bylaw may be cited as “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 153, 2021”.

READ A FIRST TIME THIS                      day of                      2021

READ A SECOND TIME THIS                      day of                      2021

READ A THIRD TIME THIS                      day of                      2021

ADOPTED THIS                      day of                      2021

\_\_\_\_\_  
CHAIR

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



**REPORT TO THE LAND USE COMMITTEE  
MEETING OF TUESDAY, JULY 20, 2021**

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**SUBJECT Outdoor Recreation Bylaw Amendments**

**ISSUE SUMMARY**

To consider an amendment to the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602 and to the Juan de Fuca Land Use Bylaw No. 2040 to delete the *outdoor recreation* definition and permitted use from Bylaw Nos. 2040 and 3602, and to expand the scope of uses permitted in all zones in Bylaw No. 3602 to include a number of outdoor recreation uses.

**BACKGROUND**

The Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, was adopted in 2010 and established the Resource Land (RL) zone, Rural Resource Lands (RRL) zone and Resource Land – Meteorological Tower (RL-MT) zone. These zones all permit *outdoor recreation* as a permitted use. In response to inquiries regarding the scope of permitted *outdoor recreation* uses in Bylaw No. 3602, the definition for the use was amended in 2015 by Bylaw No. 3958 in order to clarify those activities that are permitted under the definition. The definition in Bylaw No. 3602 currently reads as follows:

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape and the density of recreational users are not significant elements in the activity; excludes tourist lodges and cabins, marinas, recreational vehicle sites, resorts, and drive-in campgrounds.

The Juan de Fuca Land Use Bylaw No. 2040 was amended in 2013 by Bylaw No. 3759 to zone lands in Shirley and Jordan River that were previously regulated by the Juan de Fuca Subdivision Bylaw No. 189 and had no associated land use regulations. As part of the amendment, the Resource Land (RL) zone was added and included the following definition of *outdoor recreation*:

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape is a significant element in the activity, and the density of recreational users is not a significant element and includes: parks, trails, open space, playing fields, playgrounds, and low-impact wilderness camping.

Bylaw No. 2040 was further amended in 2018 to add the Restricted Development – Flood Hazard Area (RD-1) zone, which also permits *outdoor recreation*, but specifically excludes overnight camping.

Staff have continued to receive inquiries regarding the scope of permitted *outdoor recreation* uses on land zoned RL in both the Bylaw No. 2040 and Bylaw No. 3602 areas. In particular, proponents have requested clarification as to what constitutes “low-impact wilderness camping” in order to determine the feasibility of developing campgrounds. As written, the bylaws have no controls for regulating the density, servicing, accessory buildings or siting for such operations.

The *outdoor recreation* definitions continue to pose challenges for interpretation and may result in unintended forms of development. Therefore, staff have prepared Bylaw Nos. 4412 and 4413 to delete the *outdoor recreation* definition and all related references to the term (Appendix A and B).

At its meeting of May 18, 2021, the Juan de Fuca Land Use Committee recommended referral of the proposed bylaws to the Shirley/Jordan River Advisory Planning Commission (APC), CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation for comment. Comments received are included in Appendix C.

## **ALTERNATIVES**

### *Alternative 1:*

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

1. That the referral of proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation be approved and the comments received;
2. That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be introduced and read a first time and read a second time;
3. That proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" be introduced and read a first time and read a second time;
4. 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. 4412 and Bylaw No. 4413.

### *Alternative 2:*

That proposed Bylaw Nos. 4412 and 4413 not proceed.

### *Alternative 3:*

That more information be provided by staff.

## **IMPLICATIONS**

### *Legislative*

Should the *outdoor recreation* use be removed from Bylaws 2040 and 3602 as a permitted use, lawful outdoor recreation facilities operating prior to adoption of the amending bylaws would be considered legal non-conforming (i.e. grandfathered), and would be allowed to continue in accordance with Section 528 of the *Local Government Act (LGA)*.

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them relating to Part 14 of the *LGA*. The Shirley/Jordan River APC considered the proposed bylaws at its meeting June 7, 2021. There is no APC established for the Rural Resource Lands.

Should the proposed bylaw amendments proceed and be granted second reading by the CRD Board, public hearings pursuant to Part 14, Division 3 of the *LGA* will be required. In accordance with Section 466(7) of the *LGA*, since more than 10 parcels owned by 10 or more persons are the subject of the bylaw, individual property owners will not be directly notified; however, the public hearings on the proposed bylaw amendments will be advertised in the local paper and on the CRD website.

### *Regional Growth Strategy*

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 Land Use Bylaw for the Rural Resource Lands, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for a determination of consistency with the RGS prior to first reading. This procedure is consistent with the Board's Juan de Fuca Development Application RGS Consistency Policy, 2012. Juan de Fuca Planning staff are of the opinion that the proposed amendments are consistent with the RGS.

### *Referral Comments*

Referrals were sent to the Shirley/Jordan River APC, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation. Comments received are summarized below and included in Appendix C.

The Shirley/Jordan River APC met on June 7, 2021, to consider the application. Five members of the public were in attendance. The Shirley/Jordan River APC moved the following motions:

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports the uses permitted in all zones as prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. **CARRIED**

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports amending the uses permitted in all zones as prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to include parks, hiking trails, horse trails and bicycle paths. **CARRIED**

**MOVED** by Fiona McDannold, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports deleting the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to support review of site specific proposals. **CARRIED**

CRD Regional & Strategic Planning provided comment to indicate that consideration of consistency with the Regional Growth Strategy is required.

CRD Bylaw Enforcement provided comment indicating support for the proposed bylaws.

CRD Protective Services provided comment advising that CRD Open Fire Bylaw 3452 applies within Fire Protection Areas only, and that CRD would not have the ability to restrict fire use in these areas. Areas outside a fire protection area default to Provincial jurisdiction for fire regulation. CRD Protective Services stated no objection to the proposed bylaws.

Juan de Fuca Planning staff and Pacheedaht First Nation staff discussed the proposed amendments on April 16, 2021, prior to initial consideration by the Land Use Committee, and on June 16, 2021, during the referral period. Pacheedaht staff supported the amendments and expressed concern regarding widespread, unregulated camping.

### *Land Use*

The policies in the Official Community Plan (OCP) for the Rural Resource Lands, Bylaw No. 3591, support uses including outdoor recreation; tourism, including agri-tourism; and parks and wilderness activities.

The Shirley-Jordan River OCP, Bylaw No. 4001, designates lands zoned RL and RD-1 in Bylaw No. 2040 as either Coastal Upland or Renewable Resource. The Coastal Uplands policies support consideration of low-impact recreation and low-impact tourism uses if lands are removed from the Private Managed Forest Land program. Lands designated Renewable Resource in Bylaw No. 4001 are intended to support forestry and resource use.

Outdoor recreation opportunities in the Rural Resource Lands and in Shirley-Jordan River OCP areas are valued by local residents and by the region. Formal recreation sites and trails in the area, such as Tanksy, Avatar Grove, Lizard and Fairy Lakes, and the Kludahk Trail, are managed by the Province and are not subject to local government zoning. There are also many informal outdoor recreation opportunities occurring on Crown, forestry and private lands, such as hunting, fishing, off-road motorcycling, and hiking. The commercial tourism sector relies considerably on access to parks, trails and wilderness areas. As such, the scope of outdoor recreation in the Resource Lands and Shirley-Jordan River areas is broad and not easily captured in one definition.

The broad scope of what may be permitted as *outdoor recreation* in the bylaws is problematic as there are no regulatory measures to control density, servicing, access or other associated infrastructure. Such implications were not fully contemplated when the definitions were added to the bylaws and staff suggest that such uses are best addressed through submission of a zoning amendment application and public consultation. Therefore, staff propose deleting the definitions of *outdoor recreation* and all references to the term from Bylaw No. 2040 and Bylaw No. 3602.

Deleting the term from the bylaws is not intended to minimize the significance of these lands for outdoor recreation by the regional population; rather, it is an approach that aims to protect the lands from undesired development and allow for site-specific approvals and public consultation. Proposals for outdoor recreation activities that include low-impact or wilderness camping could be considered on a site-by-site basis through a zoning amendment application initiated by individual land owners, in accordance with the policies of the applicable OCP.

Parks, hiking trails, horse trails and bicycle paths are uses permitted in all zones within Bylaw No. 2040, as stated in Part 2, Section 4.15(d). In Bylaw No. 3602, Part 2, section 2.4, the following uses are permitted in all zones: ecological reserves, fish and wildlife habitat, fish hatchery on lots greater than 4 ha, parks, watershed protection and erosion control. While the uses permitted in all zones in Bylaw No. 2040 include limited outdoor recreation uses, the uses in Bylaw No. 3602 are strictly environmental protection uses. The Shirley/Jordan River APC supports expanding the uses permitted in all zones in Bylaw No. 3602 to include “parks, hiking trails, horse trails and bicycle paths” as a means of supporting limited outdoor recreation uses. Proposed Bylaw No. 4412 has been revised to include this amendment.

Based on the referral comments received and the policies of the Rural Resource Lands and Shirley-Jordan River OCPs, staff recommend that Bylaw Nos. 4412 and 4413 be introduced, read a first and a second time, and that a public hearing be held.

## **CONCLUSION**

*Outdoor recreation* is a permitted use in the Resource Land (RL) and Restricted Development – Flood Hazard (RD-1) zones in the Juan de Fuca Land Use Bylaw No. 2040 and in the Resource Land (RL), Rural Resource Land (RRL) and Resource Land – Meteorological Tower (RL-MT) zones in the Land Use Bylaw for the Rural Resource Lands Bylaw No. 3602. There are no regulatory measures to limit the density of *outdoor recreation* uses or structures in the bylaws. Staff recommend that specific proposals for outdoor recreation uses be addressed through submission of individual zoning amendment applications and public consultation on a site-specific basis, that the definitions and related references to the term be deleted from the bylaws and that

uses permitted in all zoned in Bylaw No. 3602 be expanded to include parks, hiking trails, horse trails and bicycle paths. Staff have prepared proposed Bylaw No. 4412 and 4413 and recommend receipt of referral comments, first and second reading and advancement to public hearing.

### **RECOMMENDATION**

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

1. That the referral of proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" directed by the Juan de Fuca Land Use Committee to the Shirley/Jordan River Advisory Planning Commission, CRD departments, T'Sou-ke First Nation and Pacheedaht First Nation be approved and the comments received;
2. That proposed Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" be introduced and read a first time and read a second time;
3. That proposed Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" be introduced and read a first time and read a second time;
4. 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. 4412 and Bylaw No. 4413.

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: Proposed Bylaw No. 4412  
Appendix B: Proposed Bylaw No. 4413  
Appendix C: Referral Comments

Appendix A: Proposed Bylaw No. 4412

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4412**

\*\*\*\*\*

**A BYLAW TO AMEND BYLAW NO. 3602, THE "LAND USE BYLAW FOR THE RURAL  
RESOURCE LANDS, BYLAW NO. 1, 2009"**

\*\*\*\*\*

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

1. Bylaw No. 3602 being the "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009" is hereby amended as follows:
  - A. SCHEDULE A, II DEFINITIONS**
    - (a) By deleting the "OUTDOOR RECREATION" definition in its entirety.
  - B. SCHEDULE A, PART 2, SECTION 2.4 PERMITTED USE EXCEPTIONS**
    - (a) By inserting the words ", hiking trails, horse trails and bicycle paths" after the word "parks".
  - C. SCHEDULE A, PART 4, SECTION 4.1 RESOURCE LAND (RL) ZONE**
    - (a) By deleting Subsection 4.1.1, Paragraph "d) Outdoor Recreation".
  - D. SCHEDULE A, PART 4, SECTION 4.1A RESOURCE LAND – METEOROLOGICAL TOWER (RL-MT) ZONE**
    - (a) By deleting Subsection 4.1A.1, Paragraph "d) Outdoor Recreation".
  - E. SCHEDULE A, PART 4, SECTION 4.2 RURAL RESOURCE LAND (RRL) ZONE**
    - (a) By deleting Subsection 4.2.1, Paragraph "d) Outdoor Recreation".
2. This Bylaw may be cited as Bylaw No. 4412, "Land Use Bylaw for the Rural Resources Lands, Bylaw No. 1, Amendment Bylaw No. 8, 2021".

READ A FIRST TIME THIS	day of	2021.
READ A SECOND TIME THIS	day of	2021.
READ A THIRD TIME THIS	day of	2021.
ADOPTED THIS	day of	2021.

\_\_\_\_\_  
CHAIR

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

Appendix B: Proposed Bylaw No. 4413

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4413**

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

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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 as follows:
  - A. SCHEDULE A, PART 1, SECTION 2.0 DEFINITIONS**
    - (b) By deleting the “OUTDOOR RECREATION” definition in its entirety.
  - B. SCHEDULE A, PART 2, SECTION 1A.0 RESOURCE LAND ZONE – RL**
    - (a) By deleting Subsection 1A.01, Paragraph “d) Outdoor Recreation” and re-numbering the section accordingly.
  - C. SCHEDULE A, PART 2, SECTION 34.0 RESTRICTED DEVELOPMENT – FLOOD HAZARD AREA – RD-1**
    - (a) By deleting Subsection 34.01, Paragraph “l) outdoor recreation, but excludes overnight camping”.
2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021".

READ A FIRST TIME THIS	day of	2021
READ A SECOND TIME THIS	day of	2021
READ A THIRD TIME THIS	day of	2021
ADOPTED THIS	day of	2021

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Chair

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Corporate Officer



Appendix C: Referral Comments

CRD Regional & Strategic Planning:

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**From:** Jeff Weightman  
**Sent:** Friday, June 04, 2021 9:47 AM  
**To:** Iain Lawrence <ilawrence@crd.bc.ca>  
**Cc:** Emily Sinclair <esinclair@crd.bc.ca>  
**Subject:** Land Use Bylaw for Bylaw No. 3602 and 2040 to delete the outdoor recreation definition

Hi Iain,

Thank you for the opportunity to provide referral comments on the proposed amendments to remove the outdoor recreation use in the Juan de Fuca Land Use Bylaw. Comments from Regional and Strategic Planning are provided below. Comments relate to a review of the proposed amendment against the 2018 Regional Growth Strategy (RGS) Bylaw No. 4017.

Please note that the CRD Board will need to consider the proposed amendments and make a determination of consistency with the RGS once the Land Use Committee directs first and second bylaw reading. The 2018 Regional Growth Strategy (RGS) designates the planning area affected mostly as part of the Rural/Rural Residential Policy Area and Renewable Resource Lands Policy Area. 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 Land Use Bylaw for the Rural Resource Lands, evaluation for consistency is needed for all OCP amendments in the Juan de Fuca Electoral Area and the land use bylaw for the rural resource lands as it does not have an OCP.

**RGS Action 1.2(1)** is to maintain working landscapes including agriculture, forestry and outdoor recreation activities that contribute to the region's economy.

The proposed bylaw proposes to remove the outdoor recreation use within the Rural/Rural Residential Policy Area. The intent of this change is due to the ambiguity and lack of policy details around what can be permitted under an outdoor recreation use. Existing outdoor recreation sites such as Avatar Grove, Fairy and Lizard Lakes would be maintained as legal non-conforming. However, future consideration for future outdoor recreation uses would be considered on a case by case basis.

There is an underlying land use consideration in the policy change whereby, Juan de Fuca planning staff receive inquiries regarding types of uses that could be considered under outdoor recreation, namely, higher density development inquiries such as cabins and resort style developments not previously considered as outdoor recreation.

RGS Policy 1.1 protects rural communities by requiring that local municipalities and the Juan de Fuca Electoral Area provide for land uses consistent with the Growth Management Concept Plan and adopt policies that would prevent lands designated as Rural/Rural Residential from becoming future urban areas. Strengthening the character and quality of rural communities can be achieved by planning for development in accordance with the principles set out. Removing the outdoor recreation use from the Bylaws provides support to RGS principles 1.2.3 to protect the natural environment and working landscapes and 1.2.2 that avoids future urban areas through development patterns that support rural density, scale and character.

1

Thanks,

Jeff

Jeff Weightman, RPP, MCIP, PMP | Planner  
Regional and Strategic Planning | Capital Regional District  
625 Fisgard Street, Victoria, BC V8W 1R7  
T: 250.360.3162 | C: 250.413.7674  
[www.crd.bc.ca](http://www.crd.bc.ca) | [Facebook](#) | [Twitter](#) | [YouTube](#)



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CRD Bylaw Enforcement:

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**From:** Shayne Gorman  
**Sent:** Tuesday, June 08, 2021 12:45 PM  
**To:** Wendy Miller <wmiller@crd.bc.ca>  
**Subject:** RE: Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Good Afternoon Wendy

I have asked for input and our response is below.

CRD Bylaw Enforcement Services has reviewed the staff report for the amendment Bylaws to Land Use Bylaw for the Rural Resource Lands , Bylaw No. 3602 (Bylaw No. 4412) and Juan de Fuca Land Use bylaw No. 2040 (Bylaw No. 4413) to delete the "Outdoor Recreation" definition and permitted use.

CRD Bylaw Services understands that the current definition of "Outdoor Recreation" being broad in scope and not adequately defined in regulatory measures to address density, servicing, access or other associated infrastructure poses implications. The potential impacts for CRD Bylaw Services Department as a result of this broad scope interpretation would be in addressing public concerns regarding allowable uses in relation to this broad definition. Such undefined regulatory definitions makes mitigating public concerns from an enforcement perspective difficult. The proposed method of considering individual zoning amendment applications and public consultation for such uses on a site specific basis is the proposed alternative and would allow for control of density, servicing, access or other associated infrastructure on a case by case basis.

CRD Bylaw Enforcement supports the approval of Bylaw's No. 4412 & 4413 to remove the ambiguity of the definition of "Outdoor Recreation".

Thank you

**Shayne Gorman** | Senior Bylaw Officer  
Bylaw and Animal Care Services | Capital Regional District  
#212-2780 Veterans Memorial Parkway, Victoria, B.C. V9B 3S6  
T: 250.474.3351 (22) | F : 250.391.9727  
[www.crd.bc.ca](http://www.crd.bc.ca) |

CRD Protective Services:

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**Wendy Miller**

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**From:** Jonathan Reimer  
**Sent:** Thursday, June 10, 2021 11:01 AM  
**To:** Wendy Miller  
**Cc:** 'shirleychief@shaw.ca'; Iain Lawrence  
**Subject:** RE: Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Thank you. CRD Open Fire Bylaw 3452 applies within Fire Protection Areas only, meaning that most CRD Resource Lands default to Provincial jurisdiction for fire regulation. I suspect that CRD would not have the ability to restrict fire use in these areas through the proposed bylaw change. If the intention is to limit overnight use for social or ecological reasons, Protective Services has no objection.

**Jonathan Reimer**  
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 [eocreports@crd.bc.ca](mailto:eocreports@crd.bc.ca)

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**From:** Wendy Miller  
**Sent:** Tuesday, June 08, 2021 9:17 AM  
**To:** Jonathan Reimer <[jreimer@crd.bc.ca](mailto:jreimer@crd.bc.ca)>  
**Cc:** 'shirleychief@shaw.ca' <[shirleychief@shaw.ca](mailto:shirleychief@shaw.ca)>  
**Subject:** Referral - Proposed Bylaws Nos. 4412 and 4413 (Outdoor Recreation)

Good Morning,

At its meeting of May 18, 2021, the Juan de Fuca Land Use Committee (LUC) directed referral of proposed Bylaw Nos. 4412 and 4413.

Proposed Bylaw No. 4412 would amend Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, by deleting the outdoor recreation definition and permitted use.

Proposed Bylaw No. 4413 would amend the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, by deleting the outdoor recreation definition and permitted use.

The amendments are proposed to support review of specific proposals for outdoor recreation uses through submission of individual zoning amendment applications and public consultation on a site-specific basis.

I attach the staff report considered by the LUC at its May meeting.

Referral comments are summarized in the staff report to the LUC; the actual comments received are inserted verbatim into the staff report as an appendix.

Comment is requested by June 17, 2021.

Thank you,

**Wendy Miller**  
Administrative Clerk | JDF Community Planning | 250.642.8100

Shirley/Jordan River APC:

Shirley/Jordan River Advisory Planning Commission Meeting Minutes  
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5. Administrative Bylaws

- a) Bylaw No. 4412, "Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021" and Bylaw No. 4413, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021" (Outdoor Recreation)

Emma Taylor spoke to the staff report and proposed Bylaw Nos. 4412 and 4413 which would delete the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040.

Emma Taylor highlighted the present definitions for outdoor recreation and reported that:

- the definition of outdoor recreation was added to the Land Use Bylaw for the Rural Resource Lands in 2010 and to the Juan de Fuca Land Use Bylaw in 2013
- the definition in the Land Use Bylaw for the Rural Resource Lands was amended in 2015 to clarify those activities that are permitted under the definition
- the Juan de Fuca Land Use Bylaw was amended in 2018 to add the Restricted Development – Flood Hazard Area (RD-1) zone which permits outdoor recreation, but specifically excludes overnight camping
- since these amendments, staff have continued to receive inquiries regarding the scope of permitted outdoor recreation uses
- in particular, proponents have requested clarification as to what constitutes "low impact wilderness camping" in order to determine the feasibility of developing campgrounds
- provincially managed sites such as Tanksy, Avatar Grove, Lizard and Fairy Lakes, and the Kludahk Trail are not subject to the local government zoning
- outdoor recreation facilities operating prior to adoption of the amending bylaws would be considered legal non-conforming

Emma Taylor highlighted the uses permitted in all zones prescribed by the Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw and the zoning maps for Bylaw Nos. 3602 and 2040.

Emma Taylor responded to questions from the APC advising that, should the amendment bylaws be adopted:

- outdoor recreation proposals, such as low impact campgrounds, wilderness camping or zip line facilities, would be reviewed against the Official Community Plans (OCPs) for the Rural Resource Lands (Bylaw No. 3591) and Shirley-Jordan River (Bylaw No. 4001)
- each OCP has policies in place for consideration of outdoor recreation proposals, but the OCPs do not provide regulations for such items as scale, density, site servicing, ingress/egress, number of sites, size of buildings or setbacks
- when inquiries are received, staff cannot direct to specific regulations for scale and scope
- proposals for outdoor recreation activities would be considered on a site-by-site basis through a zoning amendment application initiated by individual land owners

Iain Lawrence reported that, upon its initial consideration of Bylaw Nos. 4412 and 4413, the LUC stated support for considering deleting camping from the definitions of outdoor recreation as a means of addressing development scale concerns, as well as reviewing uses permitted in all zones in Land Use Bylaw for the Rural Resource Lands and the Juan de Fuca Land Use Bylaw.

Shirley/Jordan River Advisory Planning Commission Meeting Minutes  
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Heather Phillips, Otter Point, stated that:

- she was initially concerned regarding deleting outdoor recreation
- there are agreements in place with private property owners that allow for access to the Matterhorn, Camp Barnard and Private Managed Forest Lands
- if outdoor recreation is struck as a permitted use, private property owners may retract their access agreements
- her concerns might be addressed by amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to include parks, hiking trails, horse trails and bicycle paths
- if a use is not permitted by a zoning bylaw, the use is not allowed
- questioned how a structure built without a building permit can be considered grandfathered
- understands that there regulations to direct that buildings built without a building permit must be taken down

Brenda Mark, Shirley, stated that:

- it appears the proposed amendment bylaws have been drafted to address commercial, economically driven ventures
- current definitions of outdoor use are open to interpretation
- she supports deletion of outdoor recreation use to facilitate site specific rezoning

Iain Lawrence stated that inquires have focused on large sections of lands with an interest in some degree of financial return through commercial components.

Gerard LeBlanc, Shirley, stated:

- there have been issues with unregulated camping on the lands located to the north of his home
- issues include wildfire concerns, roaming dogs, lack of onsite caretakers and ingress/egress
- camping has not been limited to tenting
- structures have been built to support camping use
- he supports regulation of outdoor recreation
- he is concerned how sites will be deemed grandfathered and how the scale of such sites will be regulated

Karl Ablack, Port Renfrew, stated that:

- he supports regulation as opposed to deletion of outdoor recreation
- since COVID-19, Port Renfrew has seen an increase in interest in outdoor camping/recreation opportunities

Staff replied to questions from the public and the APC reporting that:

- grandfathered properties are reviewed to determine what uses/structures were in place at the time of grandfathering
- grandfathered properties cannot expand
- conferring legal non-conforming status to a use requires that the use was lawful at the time they started
- market demands change so quickly it is hard to anticipate what outdoor recreation uses will be proposed

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APC comments included:

- it appears camping and related services/activities are the main issues
- camping concerns include wildfire concerns, lack of caretaker oversight, potable water, washroom facilities, noise and litter
- support for commercial ventures triggering the requirement for rezoning
- support for the uses permitted in all zones in the Juan de Fuca Land Use Bylaw
- support for amending the uses permitted in all zones in the Land Use Bylaw for the Rural Resource Lands to include parks, hiking trails, horse trails and bicycle paths
- Shirley/Jordan River OCP supports economic development through consideration of camps and guiding lodges
- concerned that, if outdoor recreation use is deleted, the use becomes invisible and cannot be supported
- update of zoning bylaws to complement the current OCPs is overdue

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports the uses permitted in all zones as prescribed by the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. **CARRIED**

**MOVED** by Vivi Curutchet, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports amending the uses permitted in all zones as prescribed by the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, to include parks, hiking trails, horse trails and bicycle paths. **CARRIED**

**MOVED** by Fiona McDannold, **SECONDED** by Melody Kimmel that the APC recommends to the LUC that it supports deleting the outdoor recreation definition and permitted use from the Land Use Bylaw for the Rural Resource Lands, Bylaw No. 3602, and from the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, to support review of site specific proposals. **CARRIED**

**6. Adjournment**

The meeting adjourned at 8:47 pm.

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Chair