

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **September 21, 2021 at 7 pm**

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

AGENDA

1. Approval of Agenda
2. Approval of the Supplementary Agenda
3. Adoption of Minutes of July 20, 2021
4. Chair's Report
5. Planner's Report
6. Radio Communication and Broadcasting Antenna Systems Application
 - a) LP000025 - District Lot 175, Renfrew District (Cedar Coast Road)
7. Development Permit with Variance Applications
 - a) DV000078 - Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132 (6301 Quail Peak Place)
 - b) DV000081 - Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011 (12036 West Coast Road)
 - c) DV000082 - Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 (4-7450 Butler Road)
8. Zoning Amendment Application
 - a) RZ000274 - Lot 28, Section 15, Otter District, Plan VIP87643 (3312 Otter Point Road)
9. 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 so that staff may forward meeting details. Written submissions continue to be accepted until 4:00 pm the day before the meeting.



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 21, 2021

SUBJECT **Radio Communication and Broadcasting Antenna Systems Application for District Lot 175, Renfrew District – Cedar Coast Road**

ISSUE SUMMARY

An application has been received from Rogers Communications for a 57 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 the Capital Regional District (CRD) to construct a 57 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 66 hectare (ha) subject property is located on Cedar Coast Road in Shirley (Appendix A). The proposed tower is a 50 m tri-pole with an antenna extending an additional 7 m higher (Appendix B). A 112.5 m² 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 Coastal Upland in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001, and is zoned Resource Land (RL) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The parcel is outside the Shirley Fire Protection Service Area and outside of a community water service area. Portions of the property are designated as steep slope, sensitive ecosystems and riparian development permit areas in Bylaw No. 4001.

The RL zone permits residential, resource extraction, agriculture and outdoor recreation uses. At this time, proposed Bylaw No. 4413 is being considered by the CRD Board to delete *outdoor recreation* as a permitted use from the RL zone. The Bylaw will be considered by the Board for 1st and 2nd Reading at their meeting on September 8, 2021. Charges registered on title include a BC Hydro right-of-way, undersurface rights, access easements and rights-of-way.

Staff undertook public consultation for the proposed tower application between July 22 and August 23, 2021. No comments were received from members of the public or CRD departments. 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 57 m radio communication and broadcasting antenna system on District Lot 175, Renfrew District.

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 57 m radio communication and broadcasting antenna system on District Lot 175, Renfrew District.

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 July 22, 2021, and submissions were to be received by 4:00 pm on August 23, 2021. A request for comment was also circulated to relevant CRD departments. No questions or comments were received on the application.

In advance of the September 21, 2021, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the opportunity to be heard and provide comment at the meeting.

The public consultation process is to be complete within 120 days from initial contact with the applicant. The application was received on July 8, 2021, and the public consultation process is to be complete by November 5, 2021. A recommendation from the Land Use Committee along with any public comments is anticipated to be considered by the CRD Board on October 13, 2021. The Board resolution will be forwarded to the applicant and Industry Canada.

Land Use

The RL 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, existing access and electrical infrastructure, and the feasibility of construction.

Development of the site will involve improving the existing access road 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 development permit guidelines in the Shirley-Jordan River 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 C.

Rationale for proposed location: Rogers Communications states that the service coverage objectives to provide strong and reliable service along the 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 good site conditions such as electrical service, access, and minimal environmental impacts. The subject property offers many of these requirements compared to other sites in the area. 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: The proposed tower site is adjacent to Crown land to the north, a RL zoned property with one residence to the east, vacant Forestry AF zoned land to the south and vacant RL zoned land to the west. The closest residence to the proposed tower is approximately 325 m which is greater than the CRD Policy guideline of 171 m (three times the height of the antenna system) from adjacent dwellings.

Visibility and measures to integrate the tower into local surroundings: The applicant mentions the proposed tower location is surrounded with mature trees that will partially screen views of the tower. Further, the applicant has selected a tower design with a small footprint, and a structure that is self-supporting rather than being supported with guy wires and anchors.

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: Other locations in the vicinity were considered, but 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 Shirley-Jordan River Official Community Plan Bylaw No. 4001. A development permit may be required for the alteration of land in these areas.

Environmentally sensitive areas: Portions of the property are designated as riparian and sensitive ecosystem development permit areas in the Shirley-Jordan River Official Community Plan Bylaw No. 4001. A development permit may be required for the alteration of land in these areas.

Aeronautical safety requirements: Transport Canada confirmed that no 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.

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 CRD policy recommends that the proximity of the proposed tower to adjacent residences be greater than 171 m, which is three times the 57 m tower height. In this case, the closest residential building is located 325 m away.

Based on a review of the application and comments received, the proposed tower satisfies the evaluation criteria outlined in the CRD policy. The proponents have presented their rationale for the proposed location and demonstrated consideration of alternatives and mitigation measures. No comments have been received for this application. Therefore, staff recommend that a statement of concurrence for the proposed 57 m telecommunications tower be provided.

CONCLUSION

An application has been received from Rogers Communications to construct a 57 m telecommunications tower for the purpose of expanding telecommunications coverage in the Shirley-Jordan River 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. No concerns were raised through the public consultation process. Staff recommend that a statement of concurrence be provided for the application.

RECOMMENDATION

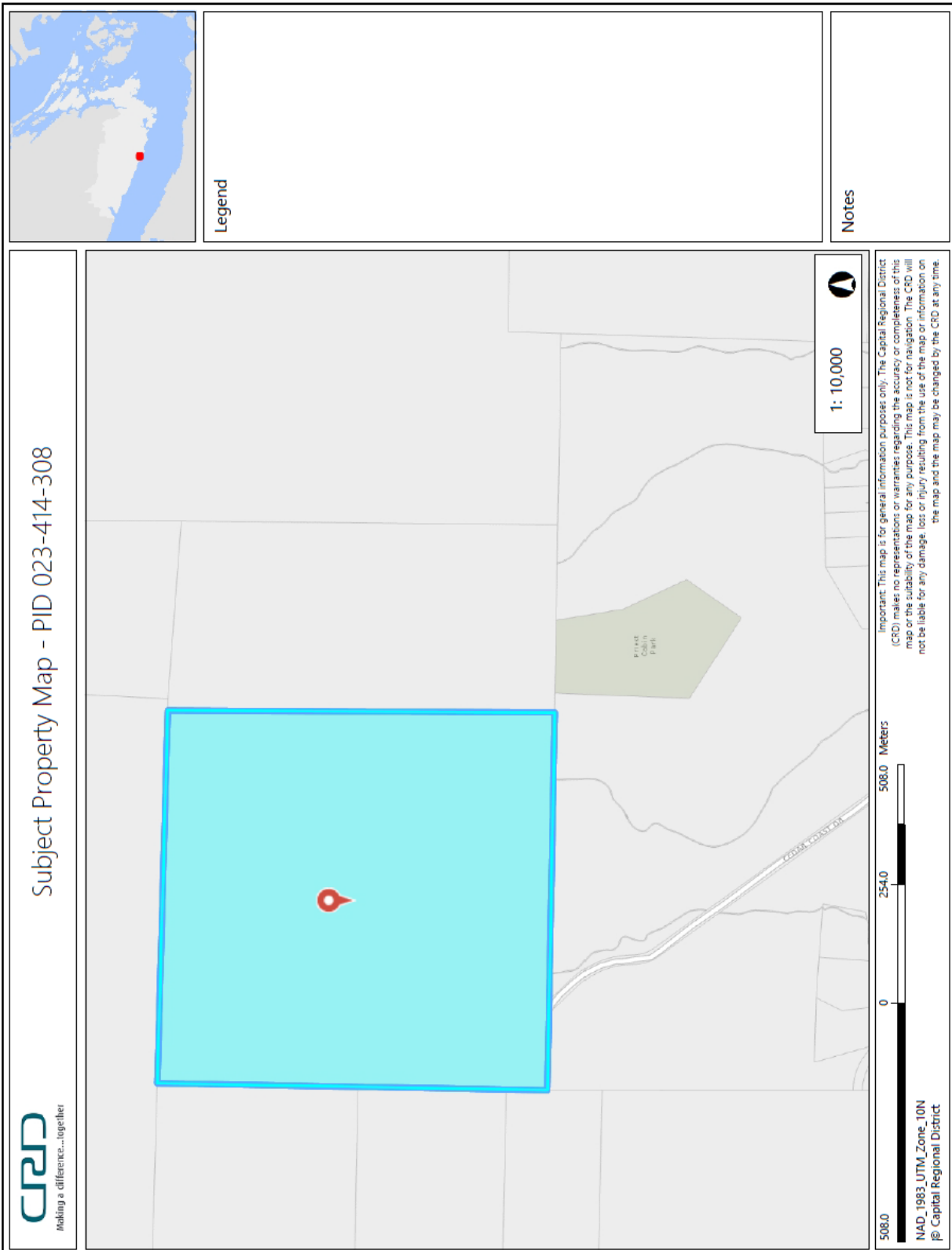
The Juan de Fuca Land Use Committee recommends to the Capital Regional District Board: That a statement of concurrence be provided to Rogers Communications for the proposed 57 m radio communication and broadcasting antenna system on District Lot 175, Renfrew District.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective
Concurrence:	Ted Robbins, B.Sc., C.Tech., Acting Chief Administrative Officer



ATTACHMENTS

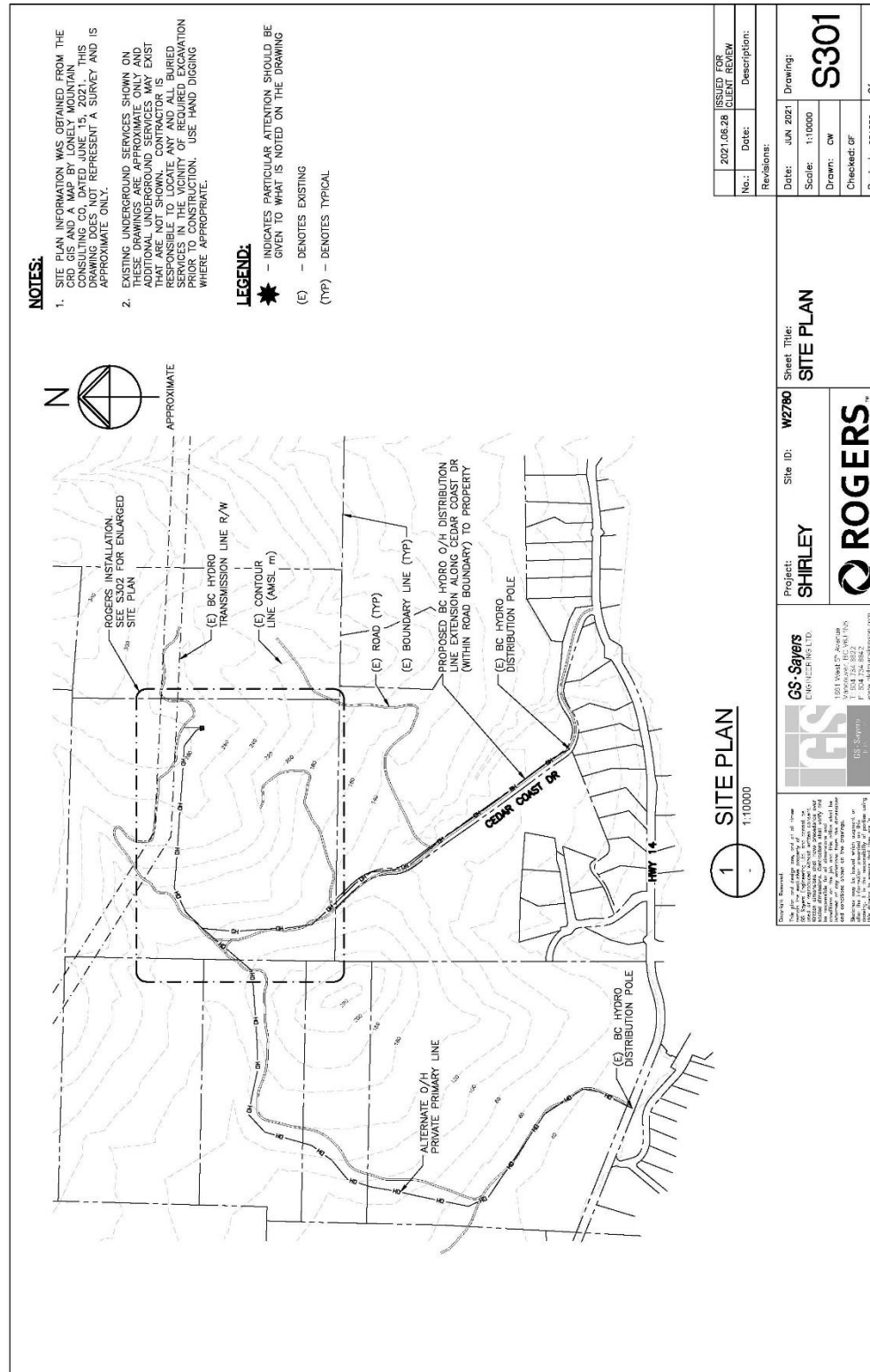
Appendix A: Subject Property Map
Appendix B: Development Proposal
Appendix C: Evaluation Criteria

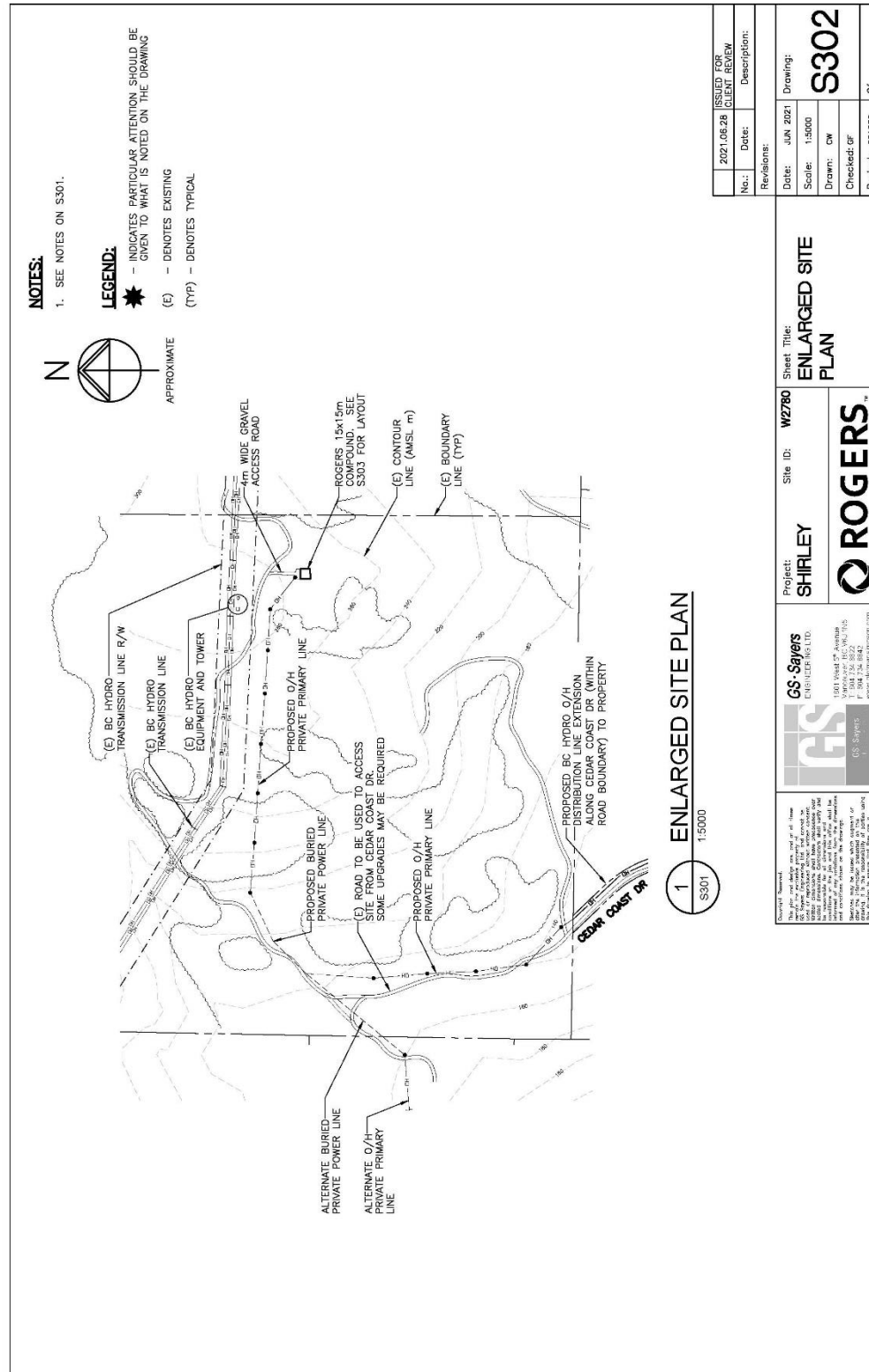
Appendix A: Subject Property Map

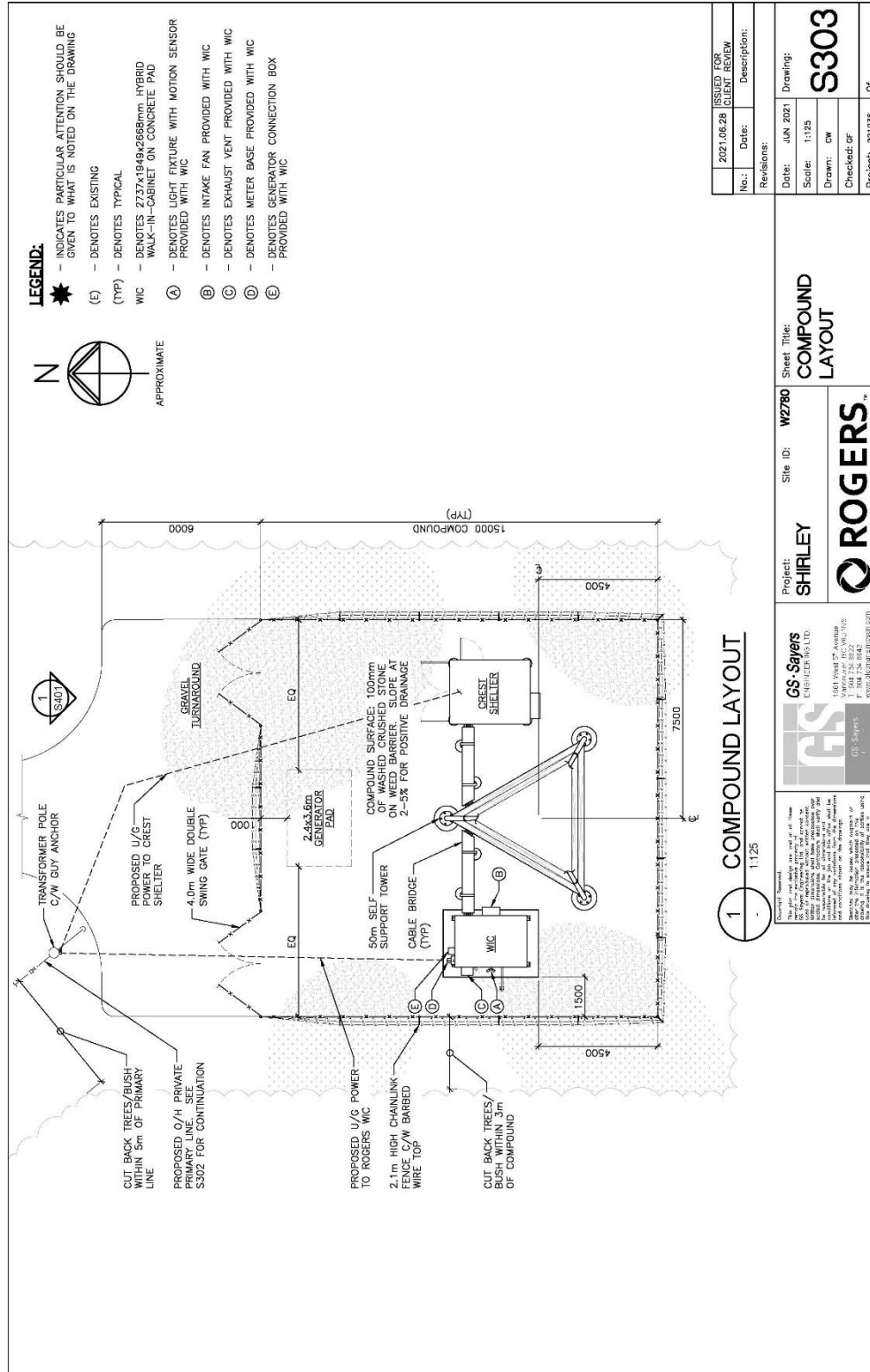


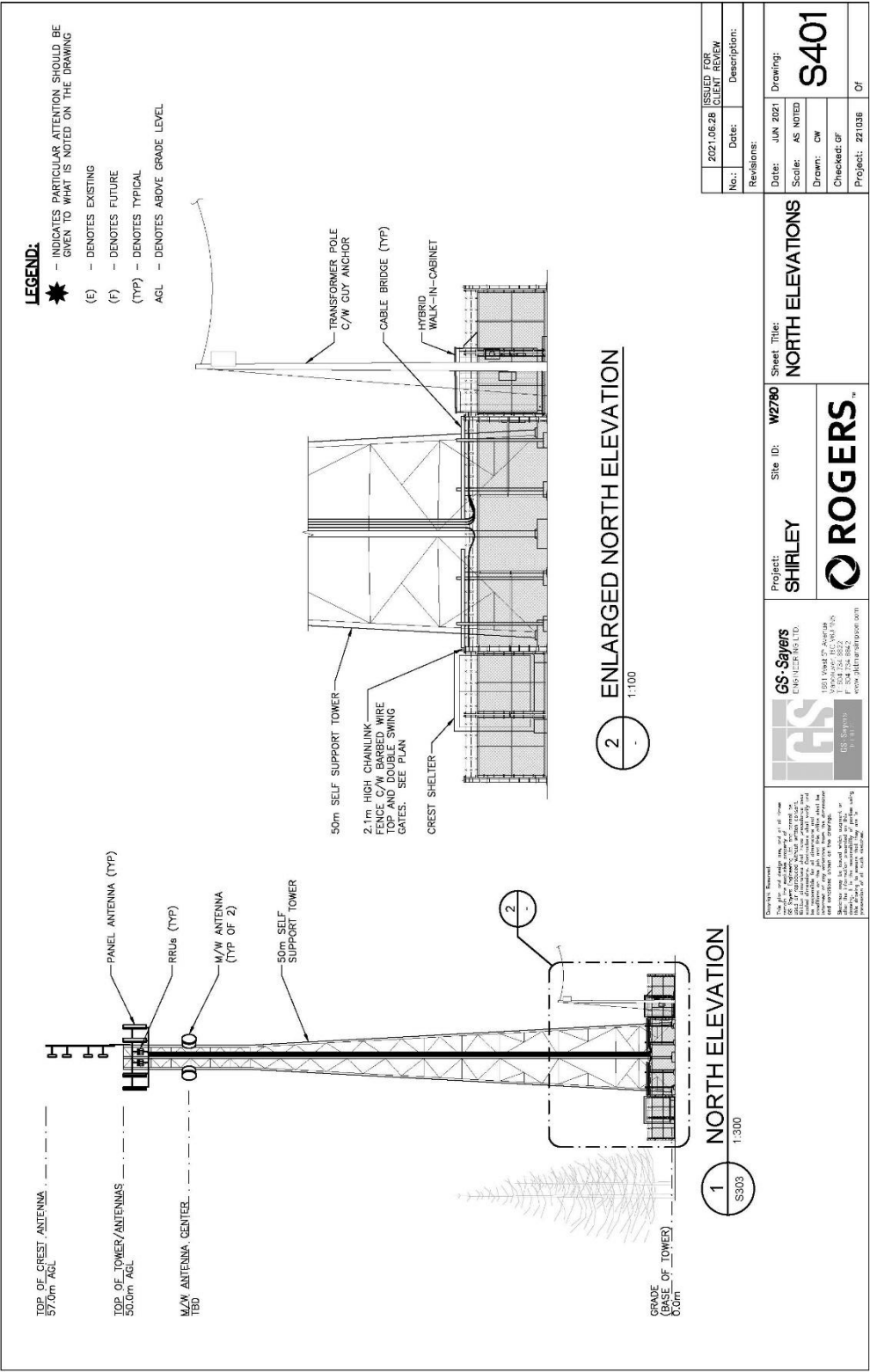
Appendix B: Development Proposal

 <p>KEY MAP APPROXIMATE GPS COORDINATES LATITUDE: 48.407844° N LONGITUDE: 123.991884° W</p>		<p>SITE NAME: SHIRLEY</p>	<p>SITE ID: W2780</p>	<p>LOCATION: 1.25km NORTH (341.8°) OF HWY 14 AND CEDAR COAST DR JUNCTION</p>	<p>SITE TYPE: 50m SELF-SUPPORT TOWER - WIC</p>	<p>DRAWING LIST: S101 TITLE PAGE S301 SITE PLAN S302 ENLARGED SITE PLAN S303 COMPOUND LAYOUT S401 NORTH ELEVATIONS</p>	<p><small>Copyright Notice: This plan and other parts of it all have been prepared by GS-Sayers Engineering Ltd. The information contained herein is the property of GS-Sayers Engineering Ltd. and is not to be used for any other purpose without the written consent of GS-Sayers Engineering Ltd. The information contained herein is not to be used for any other purpose without the written consent of GS-Sayers Engineering Ltd. The information contained herein is not to be used for any other purpose without the written consent of GS-Sayers Engineering Ltd.</small></p>	<p>GS-Sayers ENGINEERING LTD. 1651 West 6th Avenue Vancouver, BC V6P 4G2 P: 604.734.8822 www.gssayers.com</p>	<p>Project: SHIRLEY Site ID: W2780 Sheet Title: TITLE PAGE</p>	<p>Revisions: No.: Date: Description: Date: JUN 2021 Drawing: S101 Scale: NA Drawn: CW Checked: CF Project: 221038 Of</p>
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Appendix C: 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.



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 21, 2021

SUBJECT Development Permit with Variance for Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132 – 6301 Quail Peak Place

ISSUE SUMMARY

A request has been made for a Development Permit with Variance to authorize construction of a single family dwelling, reduce the front yard and side yard setback requirements, and permit that parking be located within the front yard setback of a residential parcel.

BACKGROUND

The 0.26 ha property is located at 6301 Quail Peak Place and is zoned Rural Residential 5 (RR-5) in the Juan de Fuca Land Use Bylaw No. 2040. The property is bounded by RR-5 zoned properties to the north and east, Quail Peak Place to the west, and Cole Road to the south (Appendix A).

An unnamed stream runs southwest to northeast, roughly bisecting the parcel. Portions of the property are designated as Steep Slopes, Riparian, and Sensitive Ecosystem development permit areas within in the East Sooke Official Community Plan, Bylaw No. 4000 (Appendix B). A development permit is required to authorize works in designated development permit areas. Site servicing requirements and building site preparations were completed on the northwest corner of the parcel as part of the subdivision that created the strata lot, and the new owner now wishes to construct a dwelling in that location (Appendices C and D).

In order to avoid the Streamside Protection and Enhancement Area (SPEA) associated with the stream, the owner is requesting variances to reduce the front yard setback requirement from 7.5 m to 5.5 m, the side yard setback requirement from 6 m to 2.5 m, and waive the requirement that no parking be located within the front yard setback of a parcel.

Development Permit with Variance DV000078 is included as Appendix F for consideration.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000078 for Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132, to authorize construction of a single-family dwelling within a Riparian and Sensitive Ecosystem Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

1. Part 2, Section 9.09(a) to reduce the front yard requirement from 7.5 m to 5.5 m;
2. Part 2, Section 9.09(b) to reduce the side yard requirement from 6 m to 2.5 m; and
3. Part 3, Section 6.0(3) to permit parking to be located within the required front yard be approved.

Alternative 2

That the Development Permit with Variance DV000078 be denied.

Alternative 3

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

IMPLICATIONS

Legislative Implications

The East Sooke Official Community Plan, Bylaw No. 4000, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Steep Slopes, Riparian, and Sensitive Ecosystem DPAs and, unless an exemption applies, a development permit is required prior to subdivision or alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the authority 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.

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 9.09(a) and (b) specify that the minimum front and side yard setbacks be 7.5 m and 6 m respectively, and Part 3, Section 6.0(3) specifies that no parking area shall be located within the required front yard for the zone within which the lot is located. The proposed development does not meet these requirements; therefore, variances are 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 metres. Any responses received from the public will be presented at the September 21, 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:

A *Riparian Areas Protection Regulations (RAPR)* Assessment Report was submitted by Thomas Roy, R.P.Bio., of Cascadia Biological Services, dated May 30, 2021. The report reviews a stream that originates from several parcels located south of Cole Road and flows through the subject property towards Sooke Basin. The report addresses the CRD Riparian DP guidelines for the proposed development (Appendix E).

The Riparian Assessment Area is comprised predominantly of native vegetation. The biologist confirmed that a 10 m SPEA applies, and that an additional 5 m buffer for a total protected area of 15 m beyond the high water mark is required. The report confirmed that all services and the previously cleared building site are located beyond the 15 m boundary. No further clearing is proposed as a part of the development and development that is subject to the *RAPR* is exempt from the Sensitive Ecosystem development permit area.

Recommendations to protect the SPEA during construction are provided and include regular monitoring and a post construction report completed by a qualified environmental professional (QEP). The report was approved by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in the *RAPR* Notification System on July 7, 2021. The professional report is attached to the proposed development permit (Appendix F).

Development Permit DP000287 authorizing site servicing for the parcels within Plan EPS6132 was issued as a part of subdivision. Construction of a dwelling under a valid Building Permit is exempt from Steep Slopes development permit area requirements as established by the East Sooke Official Community Plan Bylaw no. 4000, Section 514(C), provided that no other part of

the land in the Steep Slope DPA will be altered for other purposes. As proposed, the development meets the Steep Slope DP exemption criteria.

Variances:

The Rural Residential 5 (RR-5) zone regulations specify that front yard setbacks shall be a minimum of 7.5 m and that side yard setbacks shall be a minimum of 6 m. The owner has requested variances to reduce the front yard setback by 2 m to 5.5 m and to reduce the side yard setback by 3.5 m to 2.5 m for the proposed single family dwelling. The site plan indicates that the anticipated setbacks are 5.58 m (front) and 2.88 m (side); however, the owner has requested further reduced setbacks to provide a construction buffer.

The Location, Development and Maintenance Requirements for Public and Private Parking Areas regulations within Juan de Fuca Land Use Bylaw No. 2040 outlines parking requirements for residential development and specifies that no parking area shall be located in the required front yard of a zone. Two parking spaces are proposed in the front yard setback adjacent to the strata access road.

The minimum lot size specified by the RR-5 zone is 0.4 ha; however the subject property is only 0.26 ha, which was achieved through bareland strata lot averaging. The smaller lot size, combined with the required SPEA setback for the creek transecting the parcel places restriction on the buildable area and parking locations. Staff note that the requested side yard setback variance is adjacent to a vacant lot within the strata and that the reduced front yard setback and parking are adjacent to the internal strata access road.

Development Permit with Variance DV000078 has been prepared for consideration to authorize construction of a single-family dwelling within designated development permit areas and to grant variances to reduce the front yard setback requirement from 7.5 m to 5.5 m, the side yard setback requirement from 6 m to 2.5 m, and to permit parking within the front yard setback. Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose of constructing a single-family dwelling. The proposed variances are to reduce the front yard setback requirement from 7.5 m to 5.5 m, reduce the side yard setback requirement from 6 m to 2.5 m, and to allow that parking be located within the front yard setback of the parcel. Since feasible building locations are restricted by the topography of the site and the predominance of the Riparian 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 CRD Board:

That Development Permit with Variance DV000078 for Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132, to authorize construction of a single-family dwelling within a Riparian and Sensitive Ecosystem Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

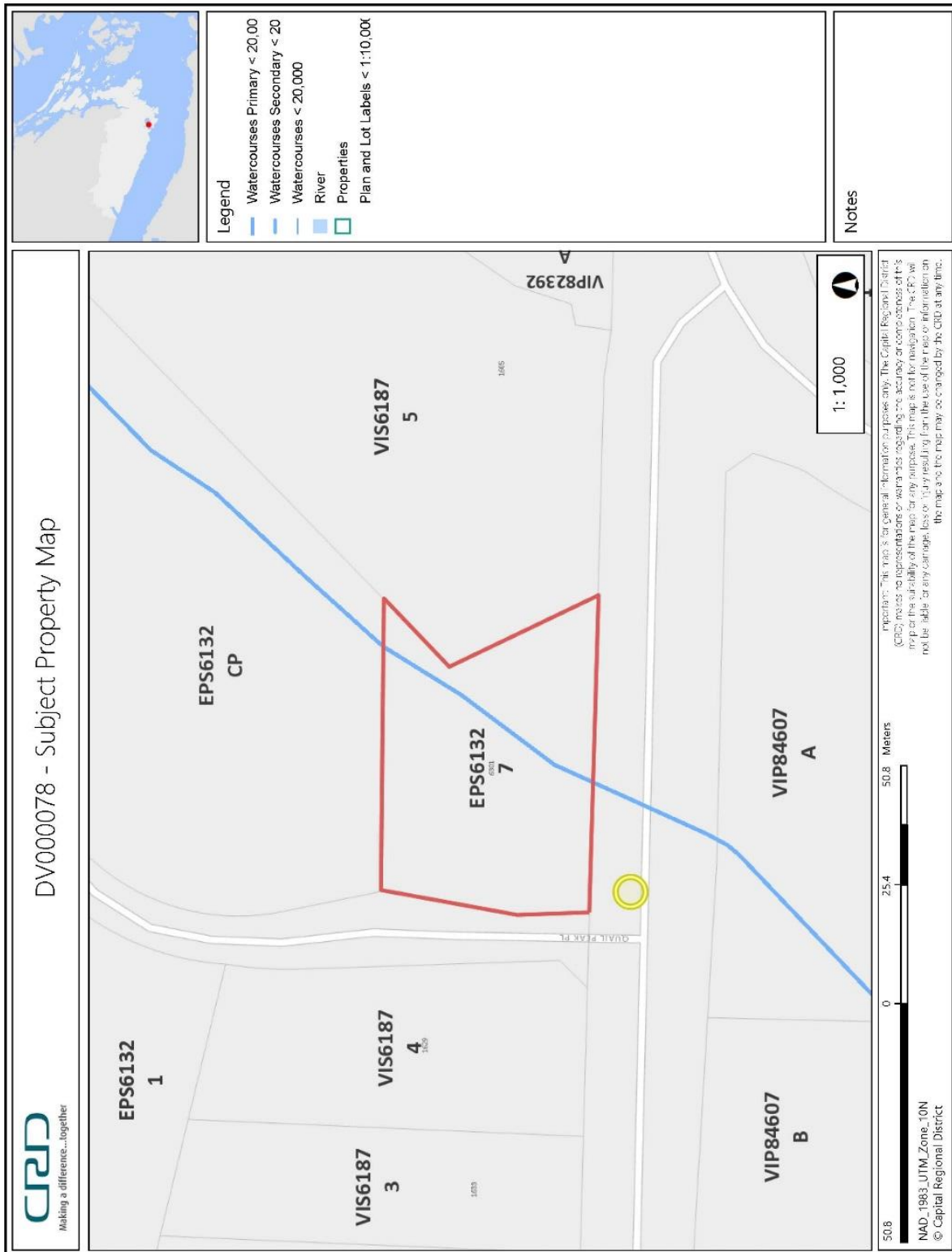
1. Part 2, Section 9.09(a) to reduce the front yard requirement from 7.5 m to 5.5 m;
2. Part 2, Section 9.09(b) to reduce the side yard requirement from 6 m to 2.5 m; and
3. Part 3, Section 6.0(3) to permit parking to be located within the required front yard be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer

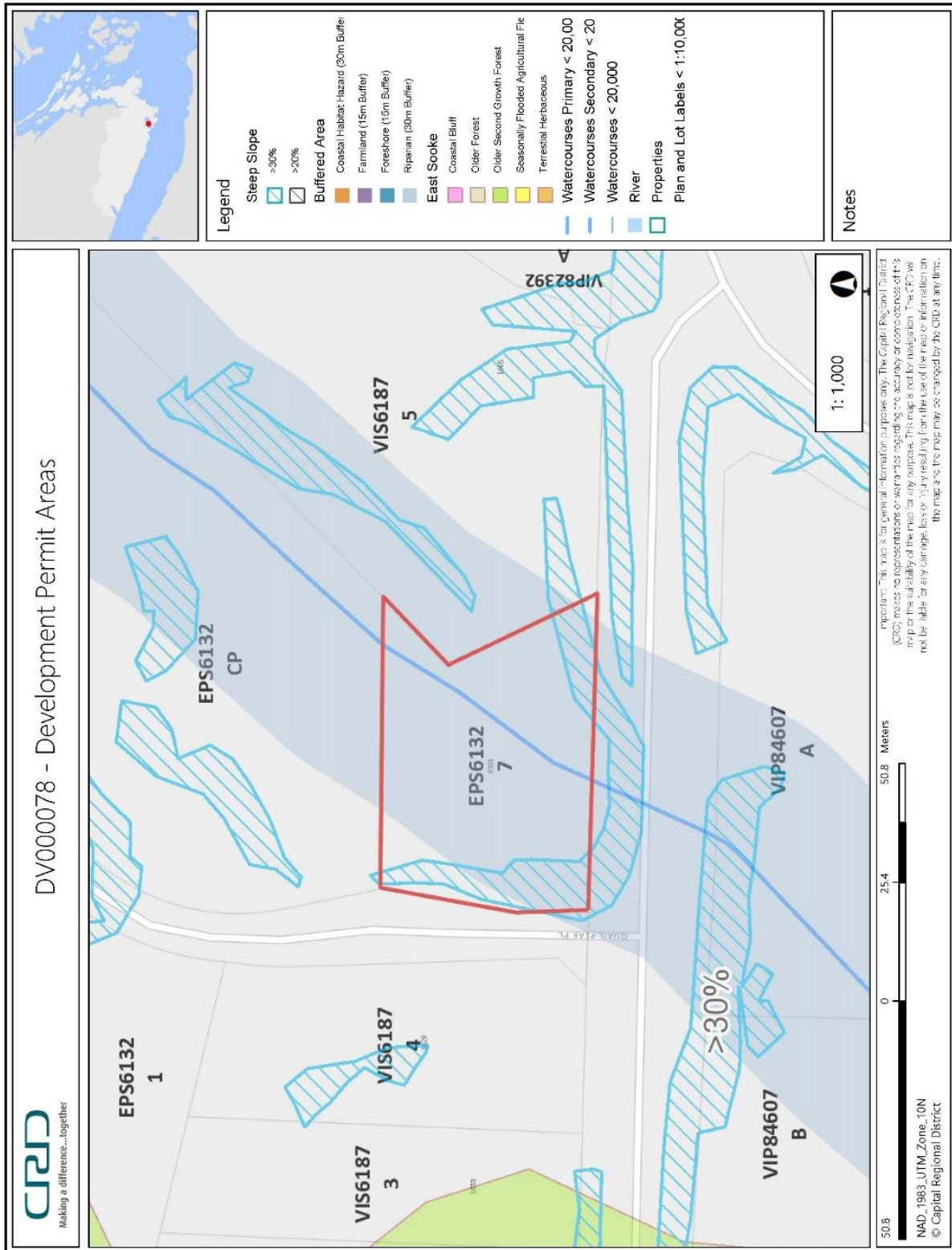
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Development Permit Areas Map
- Appendix C: Site Plan with Requested Variances
- Appendix D: Building Elevation Drawings
- Appendix E: Development Permit Guidelines
- Appendix F: Permit DV000078

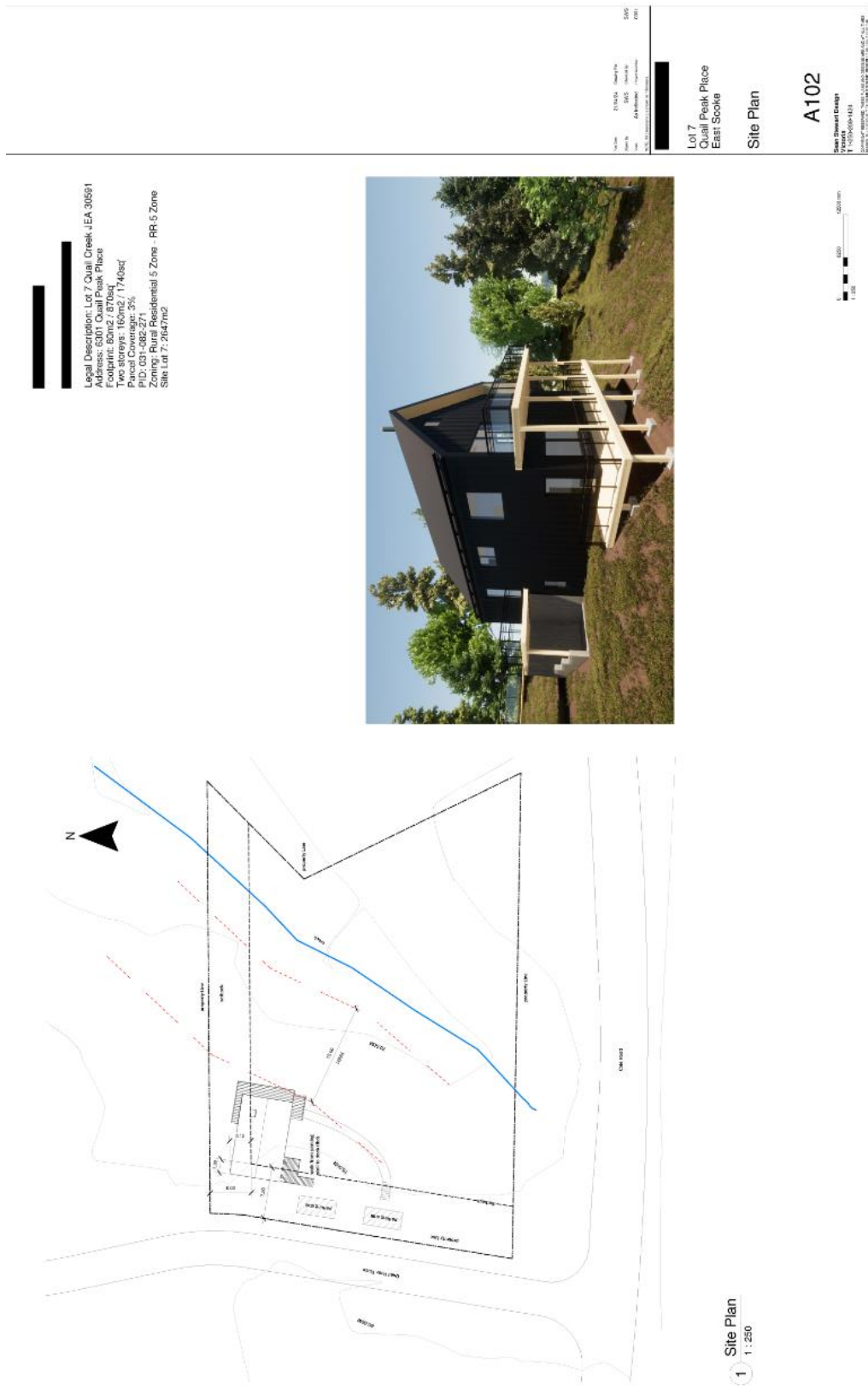
Appendix A: Subject Property Map

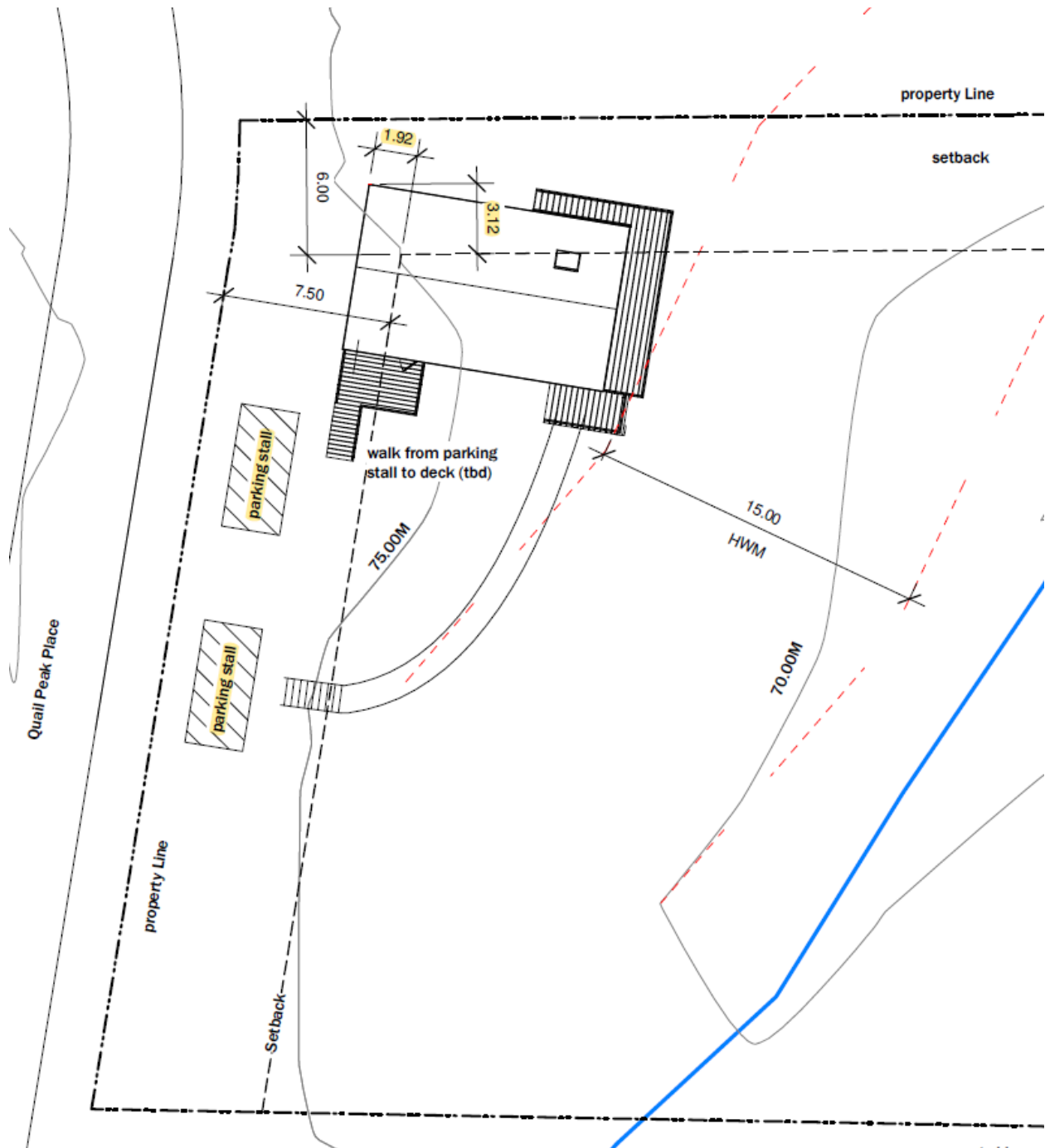


Appendix B: Development Permit Areas Map

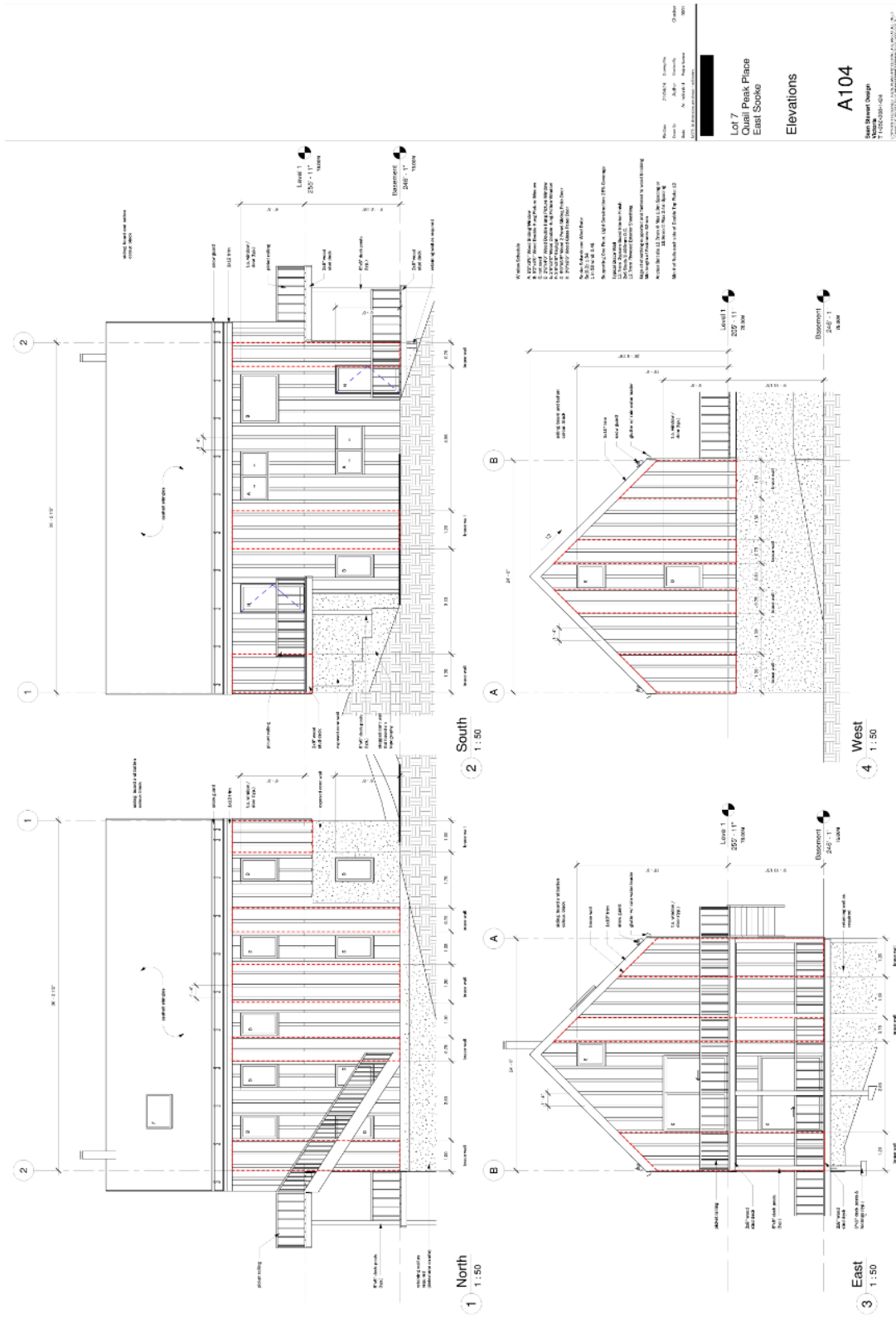


Appendix C: Site Plan with Requested Variances





Appendix D: Building Elevation Drawings



Appendix E: Development Permit Guidelines

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

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

Appendix F: Permit DV000078



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000078

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: 031-082-271;

Legal Description: Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132 (the "Land")

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 East Sooke Official Community Plan, Bylaw No. 4000, 2018, Section 510 (Steep Slopes), Section 530 (Riparian), and Section 540 (Sensitive Ecosystem), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a) That the components of the development occur as identified on the Site Plan, prepared by Sean Stewart Design., dated April 24, 2021; and
 - b) That the development comply with the report prepared by Thomas Roy, R.P.Bio., of Cascadia Biological Services, dated May 30, 2021 (the "Riparian Assessment Report").
5. The Capital Regional District's Juan de Fuca Land Use **Bylaw No. 2040** is varied under section 498 of the *Local Government Act* as follows:
 - a) That Part 2, Section 9.09(a) be varied by reducing the front yard setback requirement from 7.5 m to 5.5 m;
 - b) That Part 2, Section 9.09(b) be varied by reducing the side yard setback requirement from 6 m to 2.5 m; and
 - c) That Part 3, Section 6.0(3) be varied to permit that parking be located within the required front yard.
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 (DV000078) 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 1: Site Plan
 - Appendix 2: Riparian Assessment Report
10. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ___ day of _____, 2021.

ISSUED this _____ day of _____, 2021

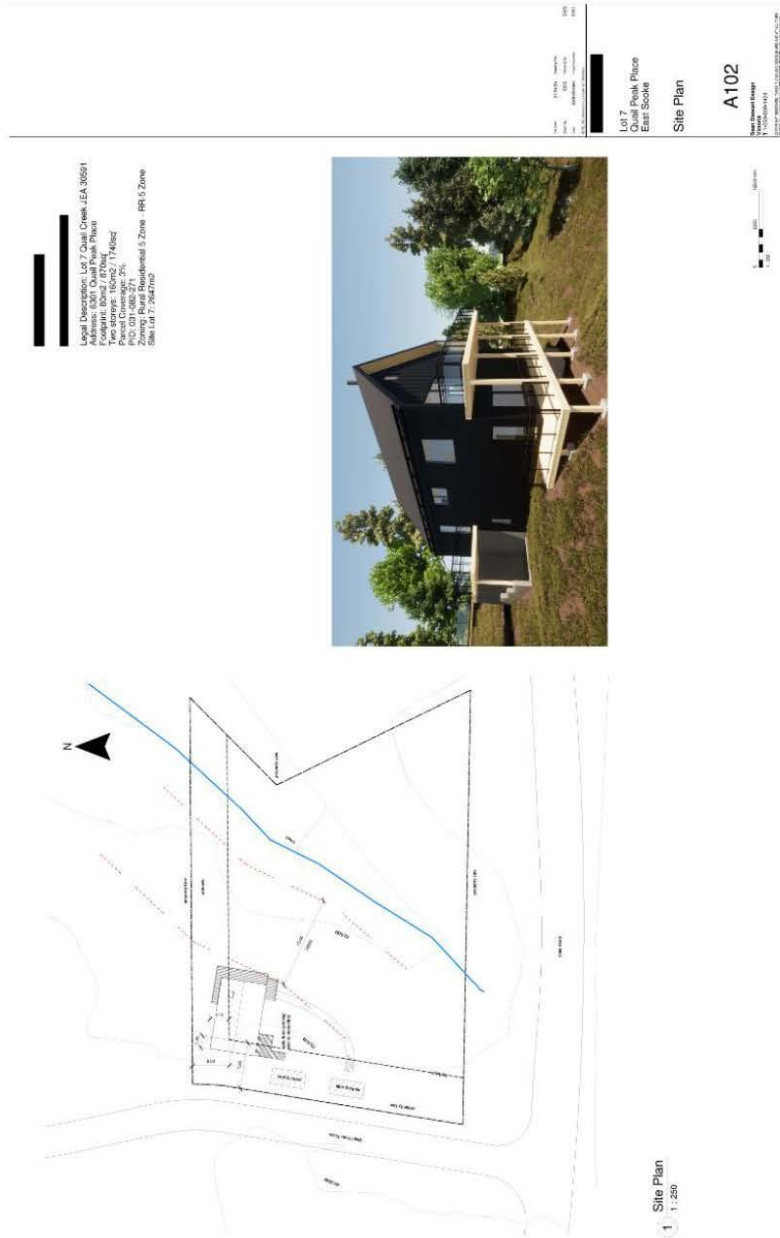
Corporate Officer
Kristen Morley



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Appendix 1: Site Plan

DV000078





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Appendix 2: Riparian Assessment Report

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Protection Regulations: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2021-05-30

I. Primary QEP Information

First Name	Thomas	Middle Name	
Last Name	Roy		
Designation	R.P. Bio	Company	Cascadia Biological Services
Registration #	1089	Email	cascadiabiological@shaw.ca
Address	772 Goldstream Ave PO Box 27034		
City	Victoria	Postal/Zip	V9B 5S4
Prov/state	BC	Country	Canada
		Phone #	250 888-4864

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name		Middle Name	
Last Name			
Company			
Phone #		Email	
Address	6301 Quail Peak Place		
City	East Sooke	Postal/Zip	V9Z 1A9
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Construction: Single Family Residential		
Area of Development (ha)	0.0300	Riparian Length (m)	54
Lot Area (ha)	0.26	Nature of Development	New
Proposed Start Date	2021-06-15	Proposed End Date	2022-12-31

V. Location of Proposed Development

Street Address (or nearest town)	6301 Quail Creek Place		
Local Government	Juan de Fuca Electoral Area - CRD	City	East Sooke
Stream Name	Unnamed Ocean Tributary		
Legal Description (PID)	031082271	Region	CRD
Stream/River Type	Stream	DFO Area	South Coast
Watershed Code	N/A		
Latitude	48	22	02
Longitude	123	41	27

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.
Insert that form immediately after this page.



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Table of Contents for Assessment Report

Page Number

1. Description of Fisheries Resources Values	
2. Results of Riparian Assessment (SPEA width)	
3. Site Plan	
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	
2. Windthrow.....	
3. Slope Stability.....	
4. Protection of Trees.....	
5. Encroachment	
6. Sediment and Erosion Control.....	
7. Floodplain.....	
8. Stormwater Management.....	
5. Environmental Monitoring	
6. Photos	
7. Assessment Report Professional Opinion	



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

6301 Quail Peak Place – East Sooke

The purpose of this Riparian Assessment Protection Regulations (RAPR) assessment is to determine RAPR assessment area boundaries as well as designated Streamside Protection and Enhancement Area (SPEA) zones for a single lot residential construction. The activities proposed within the RAA and outside of the designated SPEA include the residence, driveway and parking area as well as all other related ancillary development. The proposed ancillary development including water, hydro and other utilities will all be within the footprint of the residence. The subject lot is located off of Cole Road which is off of East Sooke Road. The goal of this assessment therefore is to identify the SPEA setbacks, the Riparian Assessment Area (RAA) and to determine what measures are required in order to protect the fish habitat which lies adjacent to the building site. As the house site footprint has already been cleared during previous subdivision phases, there are no trees proposed to be removed as part of this report. The housing footprint as shown is already in place including suitable bearing rock and compaction.

At the time of our assessment in May of 2021, there was one waterbody within the subject property. Located along the southeastern boundary of the lot, the waterbody travels west to east and is an unnamed second order ocean tributary. This watercourse meets the definition of a watercourse as identified by the Fish Stream Identification Guidebook (1998).

Stream #1

The unnamed second order creek flows from west to east originating from lots on the western side of Cole Road from this location. The canopy within the riparian area consists of Douglas fir, western red cedar, and alder with smaller concentrations of willow and maple. The canopy closure was 45% at the time of our survey. The understory is dense and consists of salal, sword fern with equal concentrations of introduced species including ivy and blackberry. The stream's average gradient is 7% and the morphological type is cascade-pool. The channel is only marginally incised with a substrate dominated by gravel with a subdominant substrate consisting of fines/cobble. The average channel width was 1.40m at the time of our survey.

There are no FISS reports for this unnamed ocean tributary. It is assumed to be fish bearing by default.

With a 10m SPEA calculated for the stream, the landowner has agreed to add another 5m in a sensitive fisheries management zone (SPMZ) so that the total protected area is 15m.



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 2. Results of Riparian Assessment (SPEA width)

2. Results of Detailed Riparian Assessment

Refer to Chapter 8 of Assessment Methodology

Date: 2021-05-30

Description of Water bodies involved (number, type)

1 stream

Stream	1
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)	
starting point	1.78		
upstream	2.24	high	6
	0.46	low	
	2.12		
	1.65		
downstream	0.78		
	0.71		
	1.31		8
	1.23		
	1.88		
	1.08		
Total: minus high /low	12.59		
mean	1.40		7
Channel Type		R/P	C/P S/P
			X

I, Thomas Roy, hereby certify that:
a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;
b) I am qualified to carry out this portion of the assessment of the development proposal made by the developer [redacted];
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes	No	
		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
Polygon No:	1		
SPVT Type	LC	SH	TR X

Method employed if other than TR



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Polygon No:	<input type="text"/>	<input type="text"/>	<input type="text"/>	Method employed if other than TR
SPVT Type	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Polygon No:	<input type="text"/>	<input type="text"/>	<input type="text"/>	Method employed if other than TR
SPVT Type	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	<input type="text"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	<input type="text"/>					
Litter fall and insect drop ZOS (m)	<input type="text"/>					
Shade ZOS (m) max	<input type="text"/>	South bank	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	<input type="text"/>	No	<input type="text"/>	If non-fish bearing insert no fish bearing status report	
SPEA Maximum	<input type="text"/>	(For ditch use table3-7)				

Segment No:	<input type="text"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	<input type="text"/>					
Litter fall and insect drop ZOS (m)	<input type="text"/>					
Shade ZOS (m) max	<input type="text"/>	South bank	Yes	<input type="text"/>	No	<input type="text"/>
SPEA Maximum	<input type="text"/>	(For ditch use table3-7)				

Segment No:	<input type="text"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	<input type="text"/>					
Litter fall and insect drop ZOS (m)	<input type="text"/>					
Shade ZOS (m) max	<input type="text"/>	South bank	Yes	<input type="text"/>	No	<input type="text"/>
SPEA maximum	<input type="text"/>	(For ditch use table3-7)				

I, Thomas Roy, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

Segment 1 represents the left bank facing downstream. Only one segment used for this report as development is along the left bank



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 3. Site Plan

Insert jpg file below

Form 1

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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Site Plan



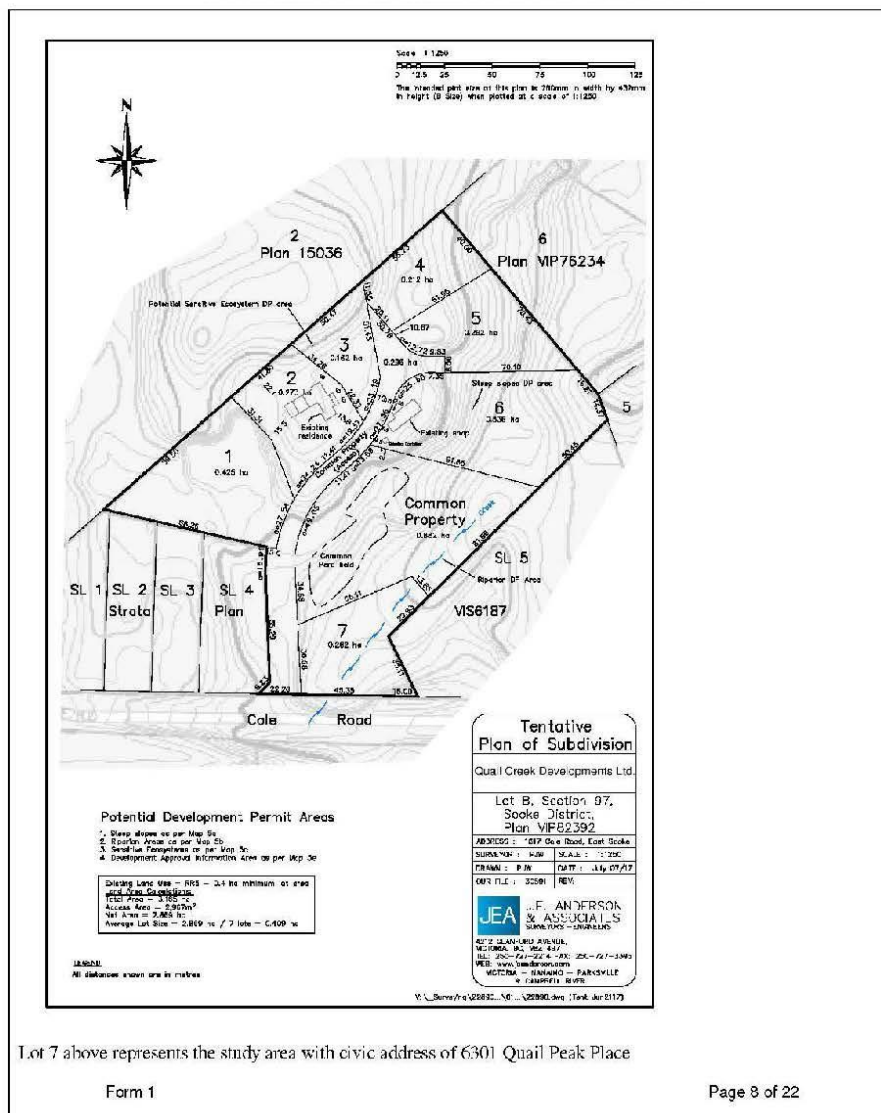
Stream blue polyline represents the unnamed ocean tributary

Form 1

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report





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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

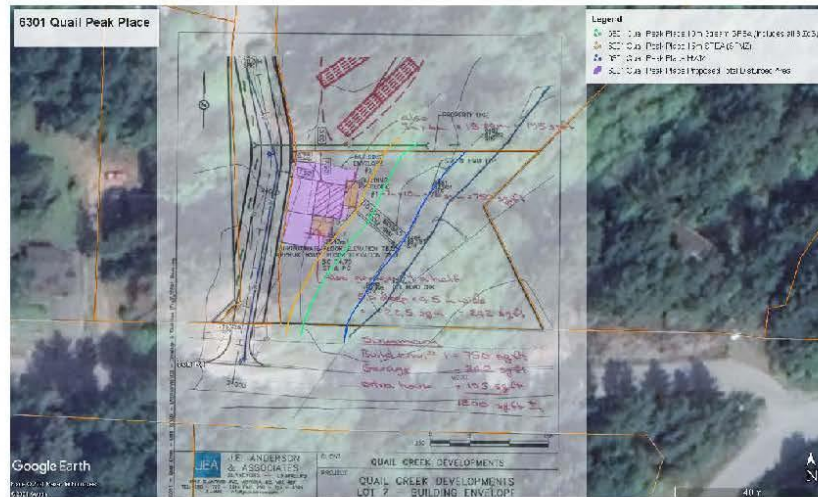


Note: Blue polyline represents the High Water Mark (left bank). Green polyline represent the 10m stream SPEA (includes all three ZoS – 4.20m shade SPEA defaulted to 10m as it confuses landowners). Orange polylines represent the 15m STMZ. Purple polygon represents the building site and proposed disturbed area



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

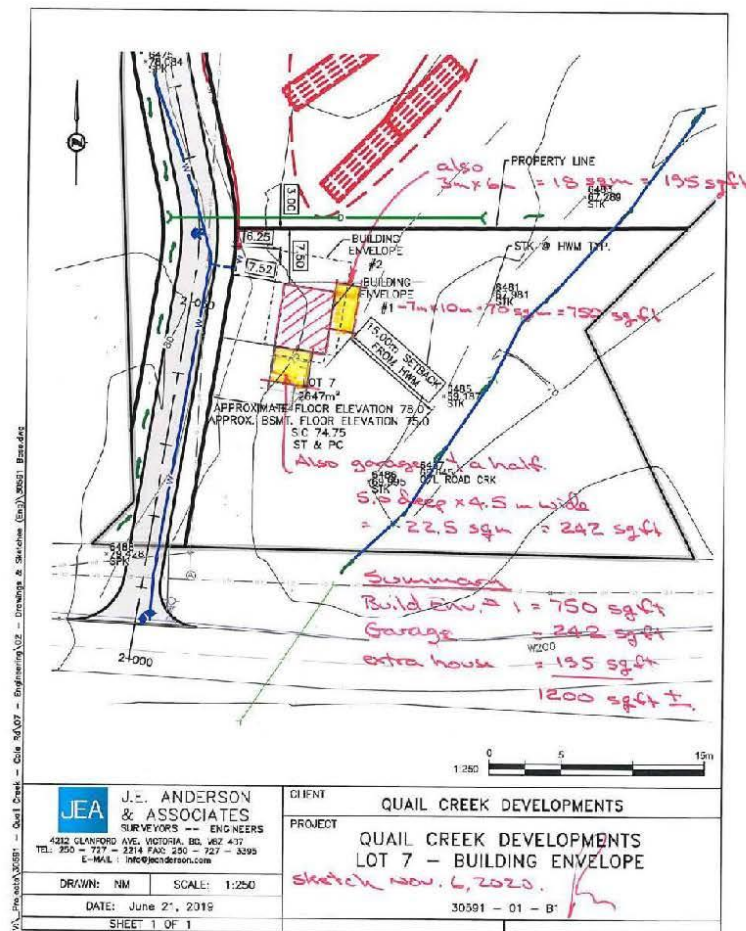


Note: Blue polyline represents the High Water Mark (left bank). Green polyline represent the 10m stream SPEA (includes all three ZoS - 4.20m shade SPEA defaulted to 10m as it confuses landowners). Orange polylines represent the 15m SFMZ. Purple polygon represents the building site and proposed disturbed area.



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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



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Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	No danger trees identified within the SPEA
I, <u>Thomas Roy</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>[REDACTED]</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
2. Windthrow	No trees are proposed to be removed for the proposed single family residence and therefore, windthrow is not an issue at this site
I, <u>Thomas Roy</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>[REDACTED]</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
3. Slope Stability	No slope stability issues identified on-site. The new single-family residence will be built on a previously existing building pad
I, <u>Thomas Roy</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>[REDACTED]</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
4. Protection of Trees	No trees are proposed to be removed as a result of the proposed construction. Storm fencing and sediment control fencing will be installed at the 15m special fisheries management zone (SFMZ) located at 15m. Split cedar rail fence or alternate is mandated for the SPEA demarcation after construction activities are deemed complete (permanent fence)
I, <u>Thomas Roy</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>[REDACTED]</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
5. Encroachment	Same as #4
I, <u>Thomas Roy</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>[REDACTED]</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
6. Sediment and Erosion Control	Erosion and sediment control measures will include the installation of sediment control fencing at the 15m SFMZ demarcation
I, <u>Thomas Roy</u> , hereby certify that:	

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FORM 1
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a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
7. Stormwater Management	Stormwater will be collected from the residence into a rock pit (or equivalent) and disposed of to the stormwater catchment area along Quail Peak Place.
I, Thomas E. [REDACTED], hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
8. Floodplain Concerns (highly mobile channel)	N/A – no concerns on this site
I, Thomas E. [REDACTED], hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; I have carried out an assessment of the development proposal, and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	

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FORM 1
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Section 5. Environmental Monitoring

A text box or document files explaining the monitoring regimen. Use your insertion point or your keyboard after each line. It is suggested that all documents be converted to PDF before inserting into the PDF version of the assessment report. The sections required, monitoring schedule, communications plan, and requirement for a post development report.

East Sooke, BC

6301 Quail Peak Place

May 30 2021

Works Outside of SPEA 15m buffer (SFMZ) and within 30m of designated waterbody

- Areas designated as the SPEA will be flagged with high visibility flagging tape and temporary fencing.
- Prior to construction, a sediment and erosion control plan will be developed to prevent the discharge of sediment laden water into the SPEA or the watercourse identified on-site. This will include the installation of sediment fencing/hay bales as determined by on-site biologist prior to the initiation of construction activities.
- No works shall be undertaken within areas designated as SPEA (refer to maps) or SFMZ.
- All works Scheduled Within 30m of a Watercourse and Outside of the SPEA will adhere to all recommendations as outlined in the BMP - Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia. As well:
 - Ensure construction will proceed smoothly without harmful alteration of habitat;
 - Provide long-term monitoring for disturbed sites until green-up is established and the soils at the site are stable.
- Heavy equipment (excavators etc.) working outside the SPEA and within 30m of the watercourse will be monitored for leaks (oil, hydraulic fluid etc.).
- Disturbed areas outside the SPEA and within 30m of a waterbody will be revegetated with native plants of a size that will quickly re-establish

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FORM 1
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- riparian cover when construction activities are deemed complete.
- Detailed direction to contractors will be given to ensure that no erosion or sediment movement will occur and that no silt will be released to the SPEA during the construction and post construction phase.
 - The site will be monitored by the designated QEMP (once every two weeks or as required due to high rainfall events - >30mm/24 hour period) during the construction period. Any contraventions of the RAR will be communicated to the developer as well as local municipal staff and RAR staff.
 - A post construction report generated by the designated QEMP will be submitted to RAR and local municipal staff within 4 months after substantial completion.



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 6. Photos

Label

Plate 1 – Typical view of the existing building site



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report



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FORM 1
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Label

Plate 3 – Typical view of the stream substrate and width



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FORM 1
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Label

Plate 3 – Typical view of the stream substrate and width



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FORM 1
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Label

Plate 5 – Typical view of the existing canopy/vegetation within the SPEA



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FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date

I, WWeThomas

Box

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and
- b) ☒ the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation

(b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of the development proposal, and
(c) the individual is acting within that individual's area of expertise.]



DV000078

FORM 1
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Submission Instructions
Riparian Areas Regulation – Qualified Environmental Professional – Assessment Report
RAR-QEP-AR

Forms you will need to complete are

- **Form 1** which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- **Form 2**, if more QEPs are part of the project team.
- Either **Form 3** the detailed assessment form(s) or **Form 4** simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- **Form 5** is the photo form(s). Duplicate for additional photos.

NB: See the Guidelines and the Assessment Methods for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be complete, by submitting the information specified, and posted to provide notification to the local government, Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans Canada.

Tips for working with MS Word Template Forms

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, SEPTEMBER 21, 2021

SUBJECT **Development Permit with Variance for Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011**

ISSUE SUMMARY

A request has been made for a development permit with variance to authorize subdivision on a parcel designated as Steep Slope, Riparian, and Sensitive Ecosystem Development Permit (DP) areas and to reduce the requirement that 10% of a parcel fronts onto a highway.

BACKGROUND

The subject property is a 145 ha parcel located at 12036 West Coast Road and is zoned Wildwood Terrace 4 (WT-4) and Commercial (C-1A) in Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). That part of the subject property that is the subject of this application is bounded by French Beach Provincial Park and Resource Land (RL) zoned parcels to the west, Wildwood Terrace 1 (WT-1), Wildwood Terrace 2 (WT-2), and Wildwood Terrace 3 (WT-3) zoned parcels to the east, the remainder of Section 4 to the north, and West Coast Road to the south. The parcel is designated as Private Managed Forestry Land (PMFL) under the *Private Managed Forest Land Act*. The C-1A portion of Section 4 is located in the south east corner and is the subject of rezoning application RZ000267 to permit food and beverage processing and liquor lounge (brewery).

The rural residential areas of Section 4, including the WT-1, WT-2, WT-3 zoned areas, as well as the present subdivision proposal, are accessed via Trailhead Drive from West Coast Road. Access to the proposed subdivision, known as "Creekside Glen", crosses Second Creek, which roughly forms the eastern boundary of the subject area (Appendix B).

The owner has submitted a subdivision application for the creation of 12 fee simple parcels (Appendix C). Portions of the area are designated as Steep Slope, Riparian, and Sensitive Ecosystem development permit areas; therefore, a development permit is required. The plans show a reduction to the required 10% minimum road frontage for several of the proposed lots; therefore, a variance is also requested.

ALTERNATIVES

Alternative 1

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

That Development Permit with Variance DV000081 for Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011 to authorize the subdivision of land designated as Steep Slope, Riparian, and Sensitive Ecosystems Development Permit Areas; and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum frontage requirement from 10% to 1.5% for proposed Lot 1, 5% for proposed Lot 2, 1.1% for proposed Lot 5, 6.2% for proposed Lot 6, 0.9% for proposed Lot 7, 2.5% for proposed Lot 8, 0.5% for proposed Lot 11, and 0.7% for proposed Lot 12, as shown on the Tentative Plan of Subdivision, prepared by J.E. Anderson, dated August 23, 2021, be approved.

Alternative 2

That the Development Permit with Variance DV000081 be denied.

Alternative 3

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

IMPLICATIONS

Legislative Implications

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

The Juan de Fuca Land Use Bylaw No. 2040, Part 2, Section 3.10(4), specifies that road frontage shall be a minimum of 10% of the perimeter of a parcel. Variances to reduce the minimum frontage required is requested for proposed lots 1, 2, 5, 6, 7, 8, 11, and 12 in order to permit the subdivision.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 metres. JdF Community Planning will provide notice accordingly. Any responses received from the public will be presented at the September 21, 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:

A Geotechnical report prepared by Jordan Gybels, EIT, and Andrew Jackson, P.Geo., P.L.Eng. of Ryzuk Geotechnical described the site and addresses the steep slope development permit guidelines relative to the proposal. The engineers confirmed that a safe building site exists for each parcel and provided Landslide Assessment and Flood Assurance Statements for the subdivision design. Any future development activities proposed within the designated development permit areas on the newly created parcels require a subsequent Development Permit application and accompanying professional report.

An Environmental Assessment report was prepared by Brent Rutley, BIT, B.Sc., and Julie Budgen, R.P.Bio., B.Sc., of Corvidae Environmental Consulting Inc., addressing the Riparian DP and Sensitive Ecosystem DP guidelines for the proposed subdivision. The Report described the site conditions and provided recommendations to protect riparian and sensitive ecosystem areas. The biologists' report included the CRD's Subdivision Referral Report to the Ministry of Transportation and Infrastructure as an appendix and specified that no further action was specified for the frontage condition; however, the referral report dated October 26, 2020 was prepared to address an earlier 14-lot strata subdivision proposal for the parcel and has since been updated to identify the frontage requirements for the new layout.

The Report noted that the property is designated as PMFL and has been modified by past logging activity. Three streams that drain into Second Creek were identified and the Streamside Protection and Enhancement Area (SPEA) for these streams was calculated to be 10 m. Two

ditches adjacent to historical logging roads were also identified. The SPEA for these watercourses was calculated to be 5 m.

Works associated with the subdivision include the installation of several culverts and instream restoration works, including the reconnection of a roadside ditch to Second Creek. These works were authorized under Section 11 of the *Water Sustainability Act (WSA)* by the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development. The Report noted that the SPEAs have been calculated to adequately protect the streams in perpetuity; therefore, the SPEAs should be flagged on site and no clearing of vegetation or disturbance should occur within those areas. *Riparian Areas Protection Regulation (RAPR)* assessment reports and development permits will be required prior to the construction of driveways and buildings on Lots 2-6, 8-10 and 12.

The professional reports are attached to the proposed development permit with variance (Appendix E).

Variance:

The Juan de Fuca Land Use Bylaw requires that where a lot being created by a subdivision fronts on a public highway, the minimum frontage on the highway shall be one-tenth of the perimeter of the lot. Proposed Lots 3, 4, 9, and 10 meet this requirement; however, the applicant has proposed to reduce the minimum frontage requirement from 10% to 1.5% for proposed Lot 1, 5% for proposed Lot 2, 1.1% for proposed Lot 5, 6.2% for proposed Lot 6, 0.9% for proposed Lot 7, 2.5% for proposed Lot 8, 0.5% for proposed Lot 11, and 0.7% for proposed Lot 12.

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

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

The proposed lot boundaries are not conventional, but they follow the natural topography and are designed to minimize stream crossings through the use of panhandle driveways and shared access driveways. The proposed parcels meet the required minimum of 1 ha specified by the WT-4 zone. The subdivision layout is not expected to affect the road network, or neighboring properties since the development otherwise complies with the regulations of the zone in terms of overall density. Parcels are limited to a maximum lot coverage of 25% and permitted uses support a single-family dwelling and related accessory uses, including a secondary or detached accessory suite.

Development Permit with Variance DV000081 has been prepared for consideration to authorize a 12-lot subdivision in Steep Slopes, Riparian, and Sensitive Ecosystems Development Permit Areas and to grant a variance to reduce the 10% minimum frontage requirement for proposed lots 1, 2, 5, 6, 7, 8, 11, and 12 (Appendix E). Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose of authorizing a 12-lot subdivision and wishes to reduce the 10% minimum frontage requirement for several of the proposed parcels. Section 11 approvals were issued by the Province for works associated with the watercourses present on the property as they relate to land alteration and subdivision in accordance with the Riparian DP guidelines, and a geotechnical report has been received that addresses the Steep Slope DP guidelines. Therefore, 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

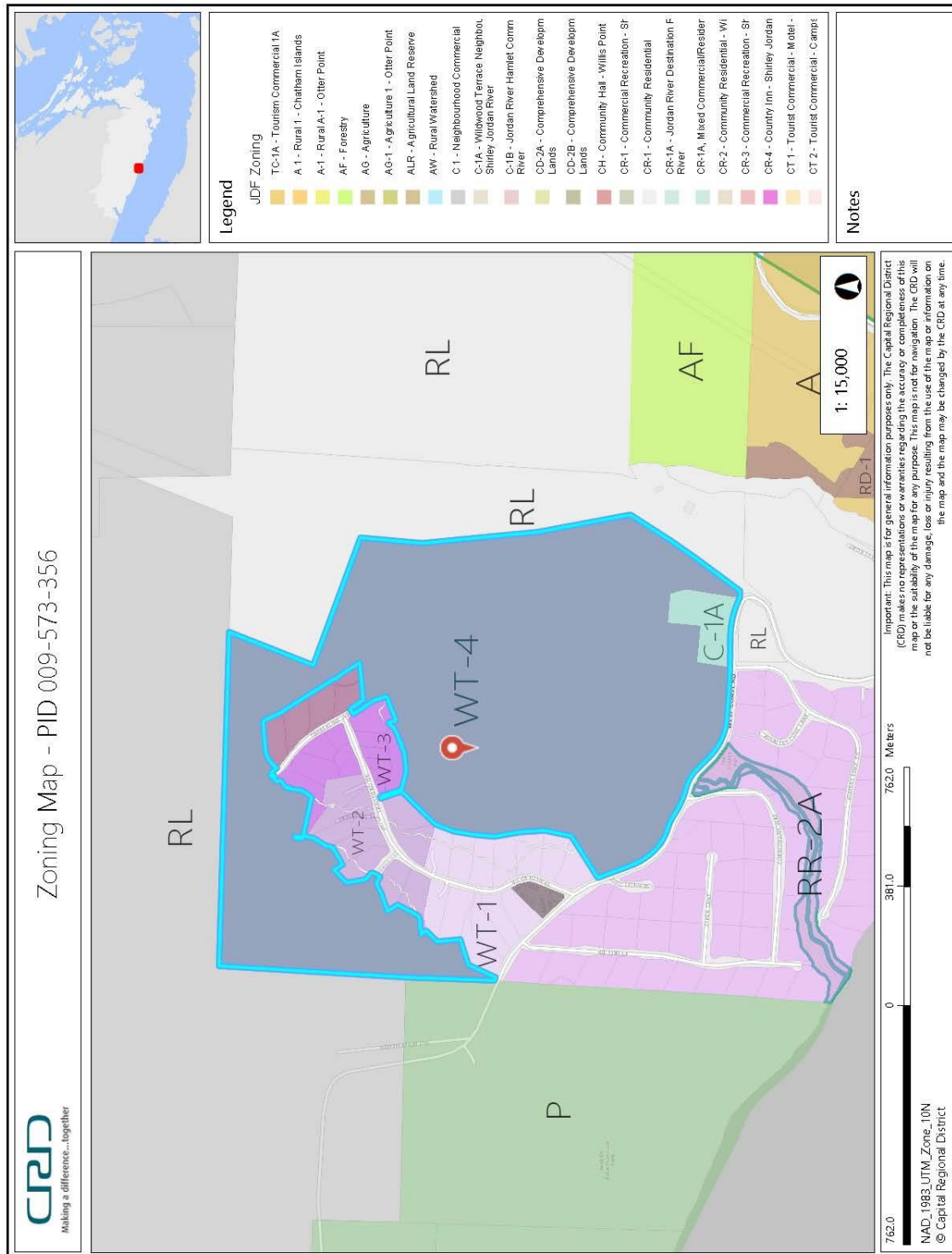
The Land Use Committee recommends to the Capital Regional District Board:
That Development Permit with Variance DV000081 for Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011 to authorize the subdivision of land designated as Steep Slope, Riparian, and Sensitive Ecosystems Development Permit Areas; and to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.10(4) by reducing the minimum frontage requirement from 10% to 1.5% for proposed Lot 1, 5% for proposed Lot 2, 1.1% for proposed Lot 5, 6.2% for proposed Lot 6, 0.9% for proposed Lot 7, 2.5% for proposed Lot 8, 0.5% for proposed Lot 11, and 0.7% for proposed Lot 12, as shown on the Tentative Plan of Subdivision, prepared by J.E. Anderson, dated August 23, 2021, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech, Acting Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Subdivision Site Limit Map
Appendix C: Tentative Plan of Subdivision with Requested Frontage Variances
Appendix D: Development Permit Guidelines
Appendix E: Permit DV000081

Appendix A: Subject Property Map



Legend

- Watercourses Primary < 20.00
- Watercourses Secondary < 20
- Watercourses < 20,000
- River
- Properties
- Agricultural Land Reserve
- Plan and Lot Labels < 1:10,000

Scale: 0 to 254.0 Meters

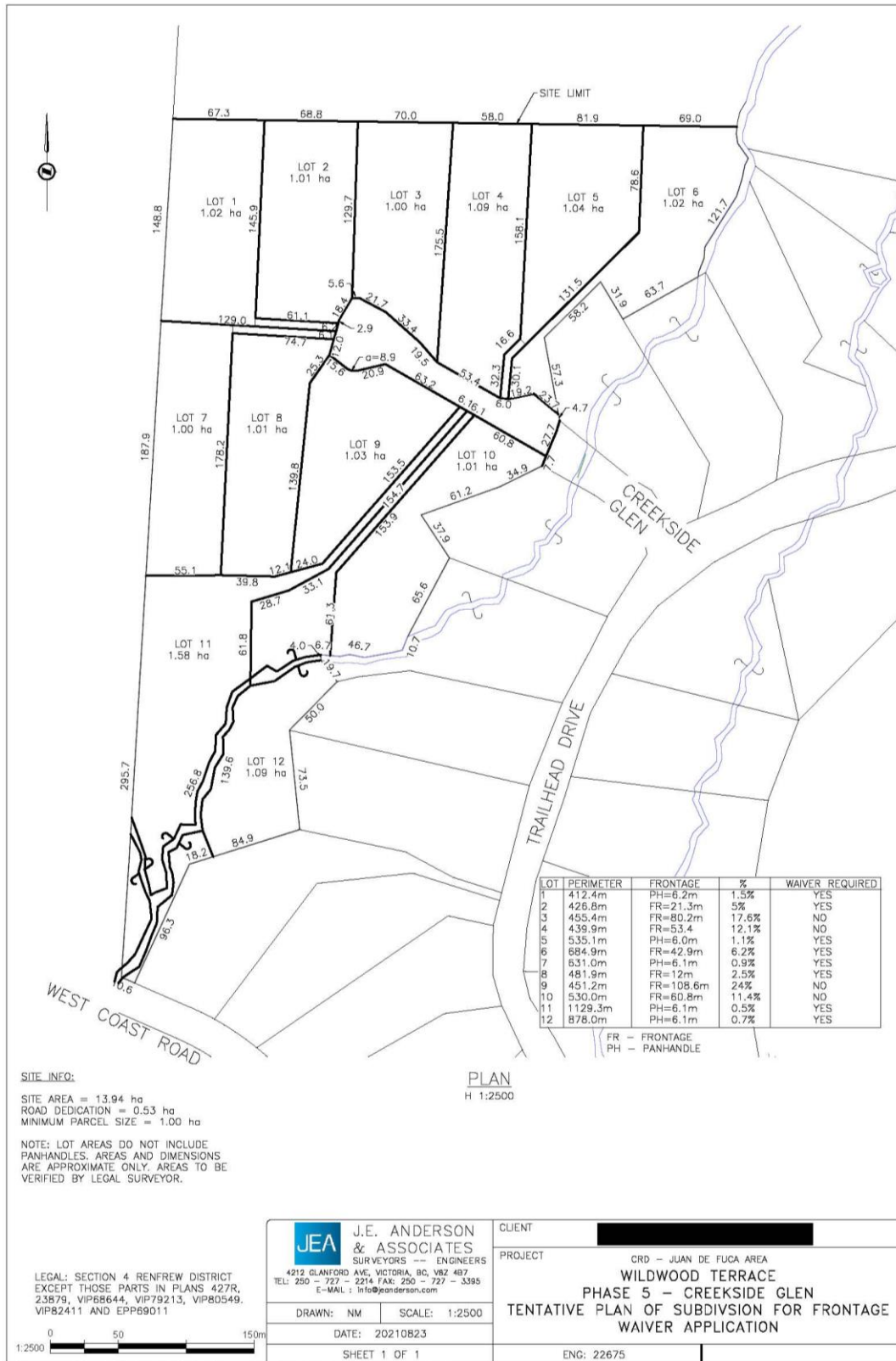
North Arrow

Map Title: Subject Property - Portion of 009-573-356

CRD Logo: Making a difference...together

Map Content: The map displays a portion of a larger property, with a red-outlined area labeled 'REM SEC 4' and 'VIP80549'. To the right, a blue-outlined area is labeled 'First Creek' and 'Second Creek'. Various lot numbers and VIP numbers are shown, including VIP82411, VIP80549, VIP79213, and VIP83894. The map also shows a 'PRIVATE DRIVEWAY' and 'WEST COAST RD'.

Appendix C: Tentative Plan of Subdivision with Requested Frontage Variances



Appendix D: Development Permit Guidelines

515 Guidelines for the Steep Slope Development Permit Area

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

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

535 Guidelines for the Riparian Development Permit Area

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

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Riparian DPA.
- B. Modification of channels, banks or shores must not result in harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes within the Riparian DPA.
- C. The removal of gravel and soil from streambeds is prohibited unless approved by the provincial or federal government.
- D. Proposed plans of *subdivision* will avoid *stream* crossings where possible and demonstrate the presence of building areas outside of the SPEA.
- E. *Stream* crossings will be avoided, but where this is not possible, bridges are preferred rather than culverts, and any works will be sited to minimize disturbance to banks, channels, shores and vegetative cover, and must be approved by the provincial government.
- F. Culverts may be designed to encourage in-*stream* storage of water to allow the unrestricted movement of fish in both directions.
- G. Construction at a certain time of year and using methods that minimize the impacts on rare and sensitive species may be required.
- H. To minimize encroachments into the Riparian DPA, variances for the height and location of buildings and structures may be considered.
- I. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a *QEP*, prepared in accordance with the *RAR*, will be considered by the CRD and may be included in a development permit.
- J. Development permits may include requirements for environmental monitoring and when required, these monitoring reports must be prepared by a *QEP*.
- K. All of the measures specified by a *QEP* necessary to maintain the integrity of a SPEA will be considered by the CRD for inclusion as a condition in a development permit.
- L. Development permits will not be issued until the CRD has been notified by the Riparian Areas Regulation Notification System (RARNS) that the Province has received a riparian areas assessment report.
- M. Where a *QEP* has required the planting of native vegetation to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks, a landscaping plan of the re-vegetation may be required.

- N. In situations where a SPEA would reduce the density of development permitted by the zoning bylaw, a *QEP* is required to provide recommendations on how the permitted density of development could be accommodated with the least possible impact on fish habit.
- O. An applicant may be required to provide an explanatory plan of a SPEA.
- P. For all or part of land within a SPEA that has been identified by a *QEP*, property owners may wish to consider dedicating the land back to the Crown, gifting the land to a nature conservation organization or registering a conservation covenant.
- Q. All new developments or modifications to existing developments including site works, gardening, landscaping and other related residential activities should be designed and implemented to maintain the quantity and quality of water and to avoid the entry of pollutants or nutrient rich water flowing into *streams* and wetlands.
- R. Development will be designed to avoid any increase in the volume and peak flow of runoff and a drainage plan may be required in support of this guideline.
- S. Plantings of native vegetation may be required to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks.
- T. Where necessary or desirable, a buffer zone to remain free of development may be specified and protection measures for retention and management of vegetation in these areas may be established.
- U. To avoid encroachment, fencing may be required prior to, during or after construction.

545 Guidelines for the Sensitive Ecosystem Development Permit Area

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

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Sensitive Ecosystem DPA.
- B. The removal of gravel and soil from *watercourses* is prohibited unless otherwise approved by the provincial or federal government.
- C. Proposed plans of *subdivision* will avoid *watercourse* crossings where possible.
- D. *Watercourse* crossings will be avoided, but where this is not possible, bridges are preferred rather than culverts, and any works will be sited to minimize disturbance to banks, channels, shores and vegetative cover, and must be approved by the provincial government.
- E. Changes in the land surface, which could affect the health of vegetation or the biodiversity of any plant communities and disturbance of mature vegetation and understorey, will be minimized.
- F. Disturbance to existing vegetation not directly affected by the footprint of buildings, ancillary uses and driveways will be minimized.
- G. Planting of non-native vegetation or invasive species in designated sensitive ecosystem development permit areas is not supported.
- H. The CRD may consider variances to siting or size regulations where the variance could result in the enhanced protection of an environmentally sensitive area.
- I. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a *QP* will be considered by the CRD and may be included in the development permit.
- J. Those areas where existing vegetation is disturbed will be rehabilitated with appropriate landscaping and habitat compensation measures in a manner recommended in a report by a *QP*.
- K. Development and associated drainage will be designed and constructed so that there is no increase or decrease in the amount of surface water or groundwater available to the sensitive ecosystem.
- L. Culverts may be designed to encourage storage of water within the *watercourse*.
- M. Where necessary, provision will be made and works undertaken to maintain the quality of water reaching the sensitive ecosystem.

- N. All new developments or modifications to existing developments including site works, gardening, landscaping and other related residential activities should be designed and implemented to maintain the quantity and quality of water and to avoid the entry of pollutants or nutrient rich water flowing into *watercourses*, lakes, ponds and wetlands.
- O. Development will be designed to avoid any increase in the volume and peak flow of runoff and a drainage plan may be required in support of this guideline.
- P. Plantings of native vegetation may be required to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks.
- Q. The planting of non-native vegetation or alien invasive species, as defined in the provincial *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation 144/2004*, is not supported.
- R. Construction at a certain time of year and using methods that minimize the impacts on rare and sensitive species may be required.
- S. Where possible, large tracts of wildlife habitat or continuous habitat corridors will be preserved, in order to facilitate movement of wildlife.
- T. A buffer zone may be specified where land alteration or structures will be limited to those compatible with the characteristics of the sensitive ecosystem or those that can be mitigated in a manner recommended by a *QP*.
- U. In order to ensure unnecessary encroachment does not occur into the sensitive ecosystem at the time of construction, permanent or temporary fencing measures may be required.
- V. Development may be restricted during sensitive life-cycle times.

Appendix E: Permit DV000081



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000081

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: 009-573-356;
Legal Description: Development Permit with Variance for Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011 ("the Land")
3. This development permit authorizes a 12 lot fee-simple subdivision ("the Development") on the Land, located within the development permit areas established under the Shirley – Jordan River Official Community Plan, Bylaw No. 4001, 2018, Section 510 (Steep Slopes), Section 530 (Riparian), and Section 540 (Sensitive Ecosystems), in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a. That the components of the Development occur as identified on the Tentative Plan of Subdivision, prepared by J.E. Anderson & Associates dated August 23, 2021;
 - b. That the development comply with the recommendations outlined in the report prepared by Jordan Gybels, EIT, and Andrew Jackson, P.Geo., P.L.Eng. of Ryzuk Geotechnical (the "Geotechnical Report") dated April 27, 2021;
 - c. That the development comply with the recommendations outlined in the report prepared by Brent Rutley, BIT, B.Sc., and Julie Budgen, RP.Bio., B.Sc., of Corvidae Environmental Consulting Inc. (the "Environmental Assessment Report") dated September 2021;
 - d. That the Streamside Enhancement and Protection Areas (SPEAs) be flagged and that any disturbed areas be properly revegetated using plant material indigenous to the site or other suitable non-invasive species designated as acceptable by the CRD; and
 - e. That a final report be submitted from a qualified environmental professional confirming that the recommendations have been completed in accordance with the Environmental Assessment Report.
5. The Capital Regional District's **Bylaw No. 2040**, Part 2, Section 3.10(4), is varied under section 498 of the *Local Government Act* as follows:
 - a. That the 10% minimum frontage requirement be reduced from 10% to: 1.5% for proposed Lot 1, 5% for proposed Lot 2, 1.1% for proposed Lot 5, 6.2% for proposed Lot 6, 0.9% for proposed Lot 7, 2.5% for proposed Lot 8, 0.5% for proposed Lot 11, and 0.7% for proposed Lot 12, as shown on the Tentative Plan of Subdivision, prepared by J.E. Anderson, dated August 23, 2021.
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 (DV000081) 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



DV000081

hereof.

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

- i. Tentative Plan of Subdivision, prepared by J.E.Anderson & Associates, dated August 23, 2021;
- ii. Geotechnical Report prepared by Jordan Gybels, EIT, and Andrew Jackson, P.Geo., P.L.Eng., dated April 27, 2021;
- iii. Environmental Assessment Report prepared by Brent Rutley, BIT, B.Sc., and Julie Budgen, RP.Bio., B.Sc., of Corvidae Environmental Consulting Inc., dated September 2021.

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.

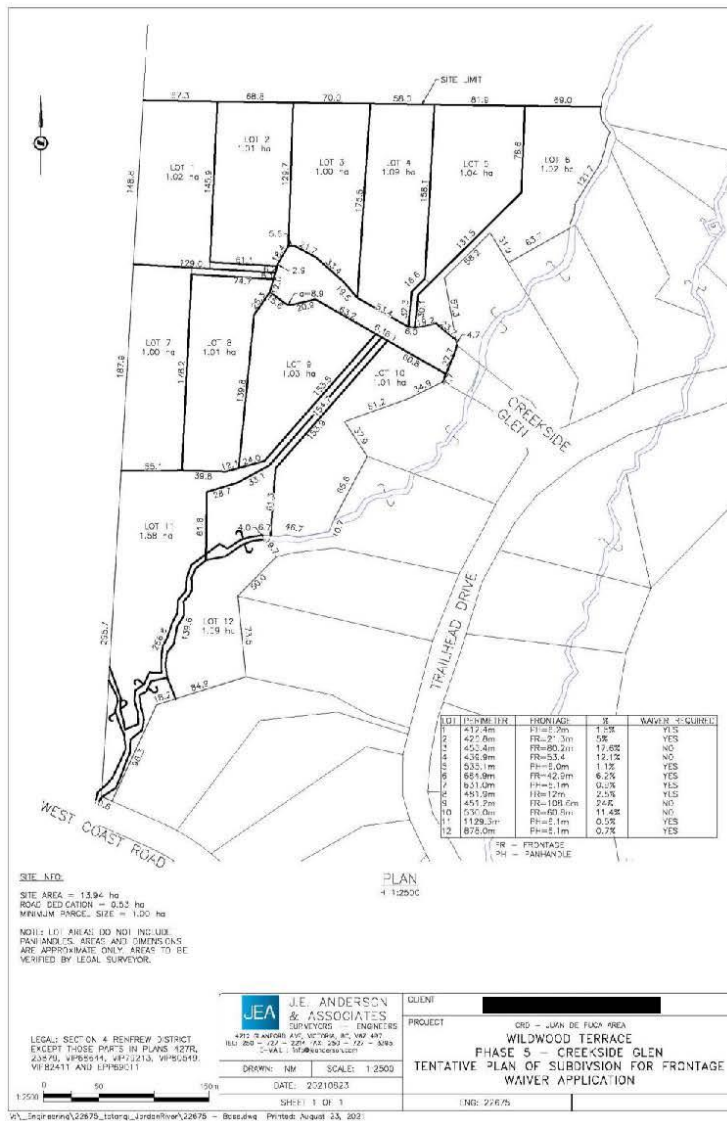
ISSUED this ____ day of _____, 2021

Kristen Morley
Corporate Officer



DV000081

Attachment 1: Tentative Plan of Subdivision





DV000081

Attachment 2: Geotechnical Report



April 27, 2021
File No: 5869-3

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Attn: [Redacted]
[Redacted]

Re: Proposed Twelve Lot Subdivision
Creekside Glen – Jordan River, BC

As requested, we have undertaken an assessment of the existing geotechnical conditions at the referenced site as such relates to the proposed subdivision. We understand that portions of the property within the northern limits of the development are designated as being part of Shirley and Jordan River's Steep Slope Development Permit Area (DPA), as per Shirley and Jordan River's Official Community Plan (OCP), Bylaw No. 4001. We further understand that the Ministry of Transportation and Infrastructure (MOTI) has specified that an assessment of potential geohazard(s) be carried out by a qualified professional as a condition of the subdivision Preliminary Layout Approval (PLA). In this regard, our assessment involved a review of available aerial imagery, geological mapping, groundwater well logs, subdivision/road plans, past projects in the surrounding area, as well as a site reconnaissance. Our assessment has been completed in accordance with current Engineers and Geoscientists British Columbia's (EGBC) guidelines for landslide and flood hazards. Accordingly, we have completed and attached both Appendix D: Landslide Assessment Assurance Statement, and Appendix E: Flood Assurance Statement. Our associated observations, comments, and recommendation in this regard are included herein, pursuant to Section 56 of the Community Charter. Our work has been carried out and is accordance with, and is subject to, the attached Terms of Engagement. MOTI is an approved users of this report and may rely on this information when considering the approval.

PROPOSED DEVELOPMENT

The subject site is located off Creekside Glen in Jordan River and is bounded by similar residential lots to the south and northeast, Trailhead Drive to the east, and resource land to the west. The site topography generally slopes down gently to moderately at an undulating gradient towards the south/southwest, with an overall relief of roughly 70 m, over a horizontal distance of approximately 650 m. A creek (Second Creek) extends approximately northeast to southwest

Ryzuk Geotechnical



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Creekside Glen – Jordan River, BC

April 27, 2021

roughly along the eastern property line of the site and intersects with the existing portion of Creekside Glen and extends through the southern limits of the of the proposed subdivision towards the southwest. Additionally, there are two main tributaries which feed into Second Creek, extending through the proposed development roughly north to south and northwest to southeast, respectively. The location of the development area, in addition to the surrounding creeks and tributaries are shown in Figure 1.

We understand that the proposed development consists of a twelve-lot fee simple subdivision, the extension of Creekside Glen towards the northwest, driveways/access roads, and drainage infrastructure. The proposed road and associated drainage infrastructure are shown in J.E. Anderson and Associates' (JEA) Proposed Road drawing, issued for MOTI review, dated February 9, 2021. Additionally, the twelve-lot subdivision plan/layout is shown in JEA's Tentative Plan of Subdivision drawing, dated April 22, 2021. Both drawings have been attached to this report.

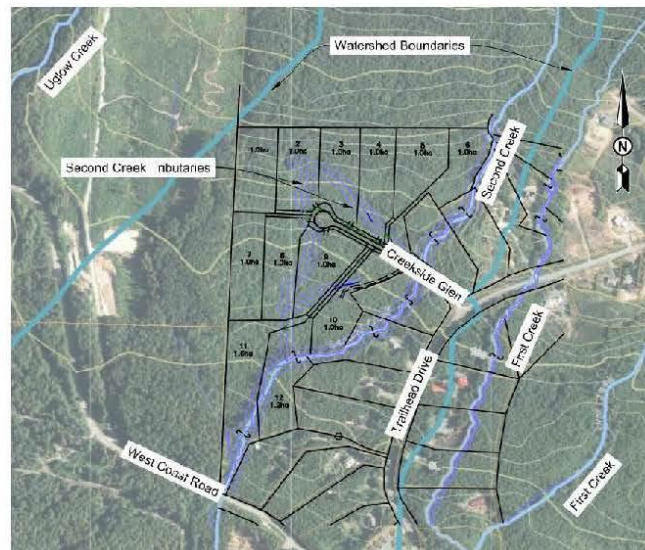


Figure 1: Location Plan



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Creekside Glen – Jordan River, BC

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SURFACE & SUBSURFACE CONDITIONS

Aerial imagery of the area indicates that the site is currently undeveloped, and that the surrounding area has been exposed to logging activities in the past. Our review of available geological mapping and past projects in the surrounding area indicate that soil conditions in this area generally consist of a veneer of surficial organics atop of dense gravelly sand (glaciofluvial soil). Furthermore, our review of several groundwater well logs, adjacent and to the east of the referenced site, suggest that soil conditions consist of sand and gravel, overlying sedimentary rock (likely of the Sooke Formation), consisting of sandstone and conglomerate, at depths ranging from approximately 7.5 m to 18 m below ground surface.

From our review of aerial photography, two additional nearby creeks were identified, First Creek and Uglow Creek, to the east and west of the subject site, respectively. Aerial photography of the area shows that both First Creek and Uglow Creek and their associated tributaries do not intersect with Second Creek and its associated tributaries, in addition to the land/watershed upslope of the proposed development. Furthermore, mapping shows that the topography of the area to the east and west of the proposed development, in addition to the land upslope, generally slope down towards the southeast and southwest, respectively, away from the watershed surrounding the subject property. Accordingly, we do not consider First Creek or Uglow Creek to be within the watershed encompassing the proposed development and, as such, have not included both creeks in our hydrology assessment.

During our site reconnaissance, in addition to our recent site attendances to review subgrade conditions for extension of Creekside Glen, we have observed that soil conditions within the assessed areas consist of a veneer of organics, atop of dense well graded gravelly sand with some cobbles and trace boulders and silt (inferred glaciofluvial soil). We have traversed a portion of the development area, including the extension of Creekside Glen, and the access road within the southern limits of the site leading towards the proposed Lots 11 and 12. We have also assessed the surrounding area, up slope, and to the north of the development area via Trailhead Drive and adjacent logging roads. Accordingly, we have observed the terrain of the site to be gently to moderately sloping, and overlain with dense vegetation, including young to medium sized coniferous trees (third growth forest) and scattered brush undercover.

During our site attendance to review subgrade for the western limits of the proposed extension of Creekside Glen, we noted that Second Creek intersected with the existing portion of Creekside Glen via an existing culvert roughly 3 m below the existing road grade. Based on the provided drawings, we understand that strategically placed culverts (900 mm in diameter) are proposed for the intersections of the noted tributaries with proposed on-site infrastructure (driveways/access roads) to re-establish existing drainage routes. Additionally, we understand that 10 m streamline protection enhancement areas (SPEA) will be maintained on each side of the tributaries and Second Creek, and that all proposed residential construction will occur outside of such areas.



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GEOTECHNICAL/GEOHAZARD ASSESSMENT

We understand that civil works will include overburden removal (excavation in the order of up to 3 m below existing grade) to expose suitable subgrade. Furthermore, based on the noted and expected soil conditions, we do not anticipate that rock excavation (blasting) will take place and therefore expect that no permanent rock faces will exist within the proposed subdivision. We expect that tree removal will take place within the subdivided lots as civil works progress and the lots are developed. However, we anticipate that tree removal will be limited within the steeper areas of the development, roughly within the northern limits of Lots 3, 4, 5, and 6 (as shown in Figure 1). Accordingly, we expect such would not result in a significant change to the existing slope stability conditions, provided ground disturbance is limited during removal, and the stumps and roots of trees outside of building areas within the steeper sloped areas are left in place. We further understand that at this time, no retaining wall construction is proposed/required.

During our site reconnaissance and subsequent site visits, no indication of deep seated or shallow translational instability was apparent in the assessed areas. However, locally steeper portions of terrain (sloping at roughly 30 to 45 degrees from the horizontal) were noted. Such areas were observed to be up to approximately 3 m in vertical height and surficial surface soils were observed to consist of up to roughly 0.3 m of surficial organics. We expect that such areas may be subject to periodic surficial instability as a natural condition due to steeper inclinations and soil conditions (loose surficial organics). However, it is important to note that we consider such areas to be a low hazard risk (minor thickness of loose surficial organics and limited potential energy). Furthermore, we expect that such areas will likely be stripped of all surficial organics as civil works progress and the proposed lots are developed. Accordingly, we consider the proposed development, including the subdivided lots and associated infrastructure, to not be subject to landslide hazard that would preclude safe development.

From the provided plans/drawings, we understand that grading plans for the proposed extension of Creekside Glen, in addition to driveways/access roads, include a minimum 2 % gradient to allow for surficial storm water drainage into proposed open drainage channels; the base of drainage channels will be a minimum of 575 mm below the top of the proposed road. Additionally, Creekside Glen will be sloped down towards the east, such that storm water drainage will occur both perpendicular and parallel to the road into drainage channels and Second Creek, respectively. We further understand ditchlines will be constructed along driveways, with culverts ranging from 400 mm to 600 mm in diameter. All collected storm water will be directed via the above drainage infrastructure towards the noted tributaries or Second Creek.

To assess flooding hazard, storm water modeling was carried out to review post development flow conditions for the Second Creek drainage channel. A 200-year storm was modeled using Intensity-Duration Frequency (IDF) values from nearby Jordan River Generating Station. Furthermore, the catchment area encompassing the proposed development was estimated to be



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roughly 107 ha based on available mapping and aerial photography of the area. We modeled the projected flows using a software program, HydroCad, which applies conventional modeling to calculate discharge.

A 260-minute value for the time of concentration was estimated for the area of catchment based on the velocity method assuming upland conditions as 'Forest with Heavy Ground Litter and Meadow'. Accordingly, a rainfall intensity of 20 mm/hr was considered, estimated off Jordan River Generating Station's IDF values. A composite Rational Coefficient of 0.35 was calculated based on post development gently sloping light residential area, and gently sloping woodland/forest throughout the remaining watershed area upslope of the proposed development. Conservative channel geometry was applied with a minimum depth and base width of 0.5 m and 1 m, respectively, and 2H:1V (Horizontal to Vertical) side slopes, based on our field observations and JEA's Proposed Road drawing and Tentative Plan of Subdivision drawing. A channel slope of 7 % (average slope of Second Creek upslope and throughout the development area) was considered in the analysis.

The results of our analysis show combined peak flows on site associated with the theoretical storm event to be approximately 2.1 m³/s; the capacity of the channel was calculated to be approximately 3.0 m³/s. Furthermore, during a design event, the maximum level of the drainage channel was shown to be 0.41 m, roughly 82 % depth of flow during maximum conveyance. We note that the parameters used in our analysis are relatively conservative.

Based on the above, we consider the existing drainage channel (Second Creek) to be suitable for conveying flow generated during a design storm event. As such, given the results of our analysis and given that construction on the proposed lots will be a minimum of 10 m away from the noted riparian areas, we do not consider the proposed development to be subject to flooding hazard with a probability of occurrence of 1 in 200 years, assuming no land usage changes in the catchment.

CONCLUSION

In summary, we consider the proposed development to be free of significant risk of geohazard with respect to both slope instability and flooding. Our assessment considers a probability of occurrence of 1 in 475 years (10% probability in 50 years) for landslide hazards, as well as a probability of occurrence of 1 in 2475 years (2 % probability in 50 years) for seismically induced slope instability. Furthermore, we do not consider the site to be subject to risk of natural occurring catastrophic life-threatening hazardous events with a probability of occurrence with a 1 in 10,000-year return. As such, provided development is carried out as outlined in this report, it is our professional opinion that the land may be used safely for the use intended, pursuant to and in accordance with Section 56 of the Community Charter, and with Shirley and Jordan River's OCP, Bylaw No. 4001. Our assessment is provided in consideration with Section 86(d) of the Land Title Act, pursuant to the Guidelines for the Legislated Landslide Assessments for Proposed Residential Developments in BC and the Legislated Flood Assessments in a Changing Climate in BC.



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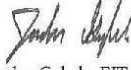
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Creekside Glen – Jordan River, BC

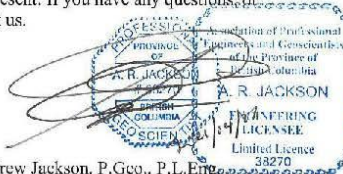
April 27, 2021

(Appendix D: Landslide Assessment Assurance Statement and Appendix I: Flood Assurance Statement are attached).

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.

Best regards,
Ryzuk Geotechnical


Jordan Gybels, EIT
Advanced Junior Engineer


Andrew Jackson, P. Geo., P. L. Eng.
Project Manager

- Attachments: Terms of Engagement
- Appendix D: Landslide Assessment Assurance Statement
 - Appendix I: Flood Assurance Statement
 - JEA's Proposed Road Drawing
 - JEA's Tentative Plan of Subdivision Drawing



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APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislative Landslide Assessments for Proposed Residential Development in British Columbia", March 2009 (revised September 2008) ("APEGBC Guidelines") and the "2009 BC Building Code (BCEC 2009)" and is to be provided for landslide assessments (not floods or flood control) 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
The Ministry of Transportation and Infrastructure
240-4400 Chatterton Way, Victoria, BC, V8X 6J2
Jurisdiction and address

Date: 2021/04/23

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)

Section 4 Rertraw District Except Those Parts In Plans 427H, 23379, VIP666/4, VIP80549, VIP82111 and EP266011

For the Property: Creekside Glen - Jordan River, 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*.

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 in 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:



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- ☒ 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⁽¹⁾ 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"

- Check one
- ☐ with one or more recommended registered covenants
- ☒ without any registered covenant

- ☒ for a *development permit*, as required by the Local Government Act (Sections 819.1 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"

- 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" 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".

Name (print) Andrew Jackson

Signature 

Date April 23 2021

⁽¹⁾ 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 DSM (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".



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40 Cadillac Ave #6, Victoria, BC

Address

V8Z 1T2

Telephone

250-475-3131



(Affix Professional Seal Here)

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

I am a member of the firm Ryan G. Gorman
and I sign this letter on behalf of the firm. (Print name of firm)



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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: 2021/04/23

The Ministry of Transportation and Infrastructure

240-4460 Chatterton Way, Victoria, BC, V8X 5J2

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

Section 6 Replaces District Except Those Falls In Plans 027R, 03875, V1269664, V1800399, V1822411 and RFP69001

For the following property ("the Property"):

Creekside Glen - Jordan River, 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 fulfills 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

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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 63), "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 58), "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";

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FLOOD ASSURANCE STATEMENT

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

April 23, 2021
Date

Andrew Jackson
Prepared by

Andrew Jackson
Name (print)

[Signature]
Signature

28 CRAIG AVE VICTORIA
Address

BC V8Z1S3

250-475-3131
Telephone

andrew@ryzak.com
Email

Laura Lessingham, P. Geo.
Reviewed by

Laura Lessingham, P. Geo.
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 Ryzak Geoscience
and I sign this letter on behalf of the firm. (Name of firm)

PROFESSIONAL PRACTICE GUIDELINES
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Attachment 3: Environmental Assessment Report



ENVIRONMENTAL ASSESSMENT
FOR CREEKSIDE GLEN SUBDIVISION DEVELOPMENT
PERMIT APPLICATION, JORDAN RIVER, B.C.

PREPARED FOR:



AND

CAPITAL REGION DISTRICT
3-7450 BUTLER ROAD
SOOKE, BC
V9Z 1N1

CORVIDAE PROJECT #2020-052
UPDATED SEPTEMBER 2021

CORVIDAE
ENVIRONMENTAL CONSULTING INC.
6526 WATER STREET, SOOKE, BC

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



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Environmental Assessment for Creekside Glen Subdivision DPA

Updated September 2021

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CAVEAT

This Environmental Assessment (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 Creekside Glen Subdivision DPA

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1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed development of the new Creekside Glen residential subdivision in Jordan River (the property, PID 009573356). The subdivision is being constructed within the large preliminary approval property boundary from MOTI of 12036 West Coast Road which has historically been used for forestry. [REDACTED] has obtained pre-approval to develop residential lots in the area. The property is currently zoned as WT-4 – Wildwood Terrace 4.

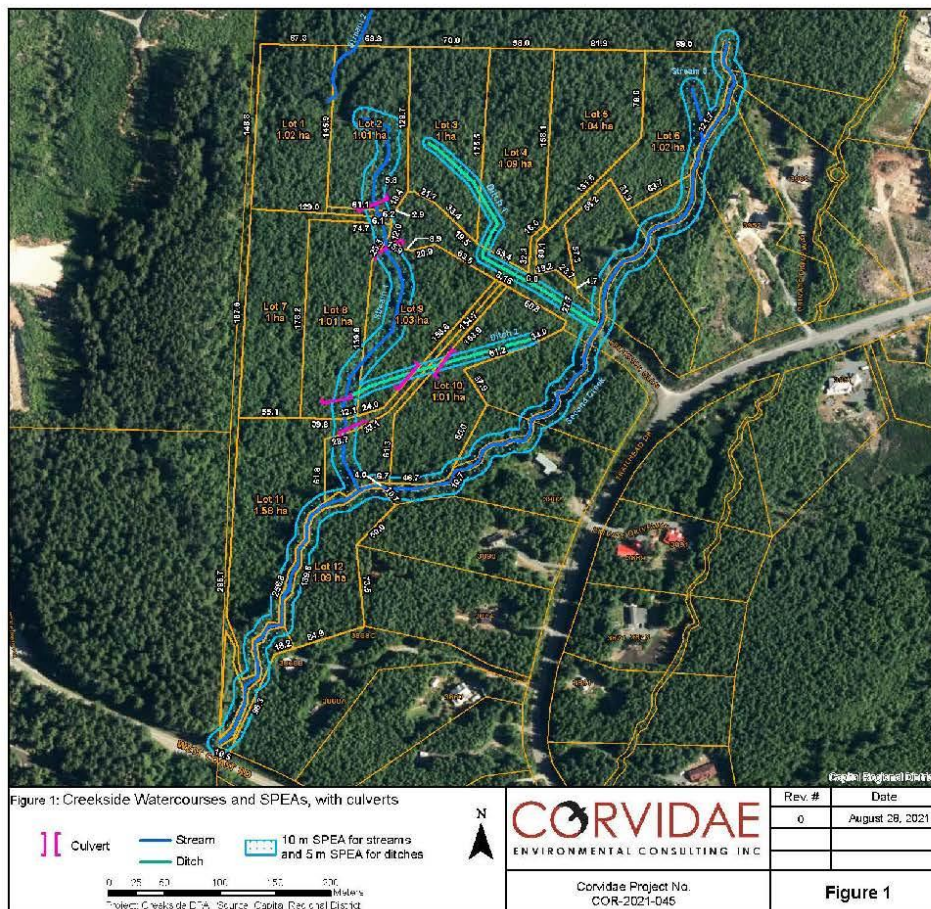
[REDACTED] is proposing to subdivide the property into 12 lots which include one public roadway (Figure 1). The subdivision layout plan has not been finalized and may change. See Section 6 for details.

The property is currently primarily forested with remnants of historical forestry activities (e.g., roads). Existing forestry roads will be upgraded to the south and clearing of the Creekside Glen Road has been started (Figure 1). There are three watercourses onsite two of which are tributaries of Second Creek which runs north to south along the eastern edge of the property. Two of the watercourses are old roadside ditches from when it was previously logged, and they currently intersect the development area (see Figure 1). The watercourses have been included in a riparian assessment (See Section 5.4 for details). Three Section 11 Change Approval and Notifications have been completed for the re-routing the tributaries and all culvert installments (see Table 4 and Figure 1). As part of the Section 11 Approval, an Erosion and Sediment control plan was developed for the development of the property and is attached as Appendix B.

The property also falls under the Steep Slopes Development Permit Area. Ryzuk Geotechnical has completed an assessment of geotechnical conditions and concluded that the proposed development is free of significant risk of geohazards with respect to both slope instability and flooding. This report has been included in Appendix C.

This document addresses the requirements in Section 5 of the Official Community Plan for Shirley – Jordan River No. 4001 (2018) 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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1.1 REGULATORY FRAMEWORK

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

Municipal

- Capital Regional District Bylaw 4001, 2018. Shirley – Jordan River Official Community Plan, Schedule A, 530 Riparian Area Development Permit Area

That part of the Shirley – Jordan River Plan area indicated as Riparian DPA on Schedule D is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(f) of the Local Government Act (LGA). The Riparian DPA established under this section also includes all lands entirely or partially within a riparian assessment area as defined by the Riparian Areas Regulations (RAR), which includes: (a) for a stream, the 30 metre strip on both sides of the stream, measured from the high water mark, (b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank, and (c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank.

535 Guidelines for the Riparian Development Permit Area

b. Modification of channels, banks or shores must not result in harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes within the Riparian DPA

f. Culverts may be designed to encourage in-stream storage of water to allow the unrestricted movement of fish in both directions.

i. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a QEP, prepared in accordance with the RAR, will be considered by the CRD and may be included in a development permit.

AND

510 Steep Slopes Development Permit Area:

- That part of the Shirley – Jordan River Plan area indicated as Steep Slope DPA on Schedule C is designated as a development permit area pursuant to Section 488(1)(b) of the Local Government Act (LGA). The Steep Slope DPA includes all those areas having slopes exceeding 30% or 16.7 degrees over a minimum 10 metre run.

Capital Region District Bylaw 2040, 1992. Juan De Fuca Land Use Bylaw, 1992. Section 3.10 (4)

(4) Where a lot being created by a subdivision front on a highway, the minimum frontage on the highway shall be the greater of:

(a) one tenth of the perimeter of the lot that fronts on the highway;





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Environmental Assessment for Creekside Glen Subdivision DPA

Updated September 2021

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)
- Invasive Species Council of BC
- Weed Control Act (1996, current as of October 2016)
- Riparian Areas Protection Regulation (2019)

The Riparian Area Protection Regulation (RAPR) applies to areas within 30m of an eligible watercourse. The objective of the RAPR is to preserve and enhance sensitive riparian ecosystems, including vegetation and coarse woody debris, shade and hydrogeological conditions that are vital for maintaining stream health and productivity.

In the RAPR, a Streamside Protection and Enhancement Area (SPEA) is defined as "an area (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal."

Federal

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





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Environmental Assessment for Creekside Glen Subdivision DPA

Updated September 2021

2 SCOPE OF WORK

Corvidae completed an environmental assessment for the property. The environmental assessment documented the ecological features on the property including the riparian area for the 3 identified streams. 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 and riparian areas

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.

In addition to the biophysical assessment, the steep slope were assessed by Ryzuk Geotechnical Engineers. The steep slope area will be avoided, details provided in Appendix D.

There is also the CRD Bylaw 2040, with frontage onto the highway. This has been assessed and addressed in Section 6.6.

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 2020a and 2020b);
- BC HabitatWizard (Province of BC 2020);
- Aerial photographs of the property (Google Earth 2020);
- CRD mapping system and database (CRD 2020); and
- Shirley – Jordan River Official Community Plan Bylaw No. 4001 (CRD 2018)

3.2 FIELD ASSESSMENT

Several field assessments of the property were completed in November 2020 and January to April 2021 by a Qualified Environmental Professional (QEP) from Corvidae. The assessment included characterization of vegetation and habitat types, wildlife sign and species observations, wildlife habitat, and assessed the current conditions of the property. Appendix A shows photos of the property. Areas mapped during the site assessment, including riparian areas and SPEA, are detailed on Figure 1.

Forest Lands and Natural Resources Officer (FLNRO), Grant Bracher, completed a site visit with Corvidae and [REDACTED] on May 4th to review the project plans, layout and stream locations. Mr. Bracher was satisfied with the plans and the site conditions (personal communication May 4th, Grant Bracher, Habitat Officer, FLNRO).





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4 BIOPHYSICAL INFORMATION

4.1 CLIMATE AND BIOGEOCLIMATIC ZONE

The property is located in the Coastal Western Hemlock, Very Wet Maritime (CWHvm1) biogeoclimatic zone (BC Conservation Data Centre 2020). It is a unique habitat that occurs on the southeastern section of Vancouver Island. The average rainfall is 3504 mm/annually. Growing seasons are long, and feature water deficits on zonal sites (Pojar and Klinka 1991).

4.2 TERRAIN AND SOILS

The topography on the property is undulating with the site overall sloping to the south. The soils on site are 60 percent well drained Duric Humer-Ferric Pozzols, having a sandy loam texture with the HOLFORD soils association, 20 percent Duric Humer-Ferric Pozzols with the QUATSINO soils association and 20 percent Orthic Humo-Ferric Pozzols with the RUTLEY soil association.

4.3 VEGETATION

Coniferous forests in the CWHvm1 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 (Pojar and Klinka 1991).

The entire property is young, third growth forest, dominated by western redcedar and red alder and Douglas-fir. The property has been logged twice, once in 1920's and again in the 1990's. The understory consists of sword fern, salmonberry and salal. The trees onsite are very dense and slender, indicating that the area was planted in the 1990's. The topography has been altered by previous land use and roadbuilding. The development area has been logged in the past and there was an abundance of decaying stumps and woody debris. During the site assessment the species in Table 1 were found on the site.

The riparian habitat consists of red alder dominating the canopy with salmonberry, sword fern and skunk cabbage dominated the understory.

Table 1. Plant species observed on site during field assessments.

Common Name	Scientific Name	BC Provincial Status ¹
Big Red Stem	<i>Pleurozium schreberi</i>	Yellow
Bracken fern	<i>Pteridium equitum</i>	Yellow
Common selfheal	<i>Prunella vulgaris</i>	Yellow
Deer fern	<i>Struthiopteris spicant</i>	Yellow
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow
Flat moss	<i>Buckiella undulata</i>	Yellow
Fringecup	<i>Tellima grandiflora</i>	Yellow
Himalayan blackberry	<i>Rubus armeniacus</i>	Invasive; Exotic
Indian plum	<i>Oemleria cerasiformis</i>	Yellow
Lady fern	<i>Athyrium filix-femina</i>	Yellow
Leafy moss	<i>Mnium sp.</i>	Yellow
Ocean Spray	<i>Holodiscus discolor</i>	Yellow
Oregon beaked moss	<i>Kindbergia oregana</i>	Yellow
Red Alder	<i>Alnus rubra</i>	Yellow
Red Huckleberry	<i>Vaccinium parvifolium</i>	Yellow
Salal	<i>Gaultheria shallon</i>	Yellow
Salmonberry	<i>Rubus spectabilis</i>	Yellow
Scotch broom	<i>Cytisus scoparius</i>	Invasive; Exotic





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Common Name	Scientific Name	BC Provincial Status ¹
Sedge sp.	<i>Carex</i> sp.	-
Sitka spruce	<i>Picea sitchensis</i>	Yellow
Skunk cabbage	<i>Lysichiton americanus</i>	Yellow
Sword fern	<i>Polystichum munitum</i>	Yellow
Thimbleberry	<i>Rubus parviflorus</i>	Yellow
Trailing blackberry	<i>Rubus ursinus</i>	Yellow
Western Hemlock	<i>Tsuga heterophylla</i>	Yellow
Western redcedar	<i>Thuja plicata</i>	Yellow

¹ BC CDC 2020a

² Government of Canada 2020

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-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).

The property provides habitat for wildlife, including nesting habitat for birds, roosting habitat in cedar snags, and cover for small mammals, amphibians and reptiles in the coarse woody debris. During the site assessments there were no active nests or dens found on site. As the assessment was completed in November and February few wildlife species were observed on the site.

Table 2. Wildlife species and sign observed within subject property during field visits.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Chestnut-backed Chickadee	<i>Parus rufescens</i>	Yellow	--
Dark-eyed Junco	<i>Junco hyemalis</i>	Yellow	--
Downy woodpecker	<i>Dryobates pubescens</i>	Yellow	--
Red breasted nuthatch	<i>Sitta canadensis</i>	Yellow	--
American black bear (scat)	<i>Ursus americanus</i>	Yellow	--
Rabbit scat	--	--	--

4.5 SPECIES AT RISK

A query of the BC CDC iMap tool yielded occurrences of the following 1 species at risk within a two-kilometer radius of the property (BC CDC 2020). Species are listed in Table 3 and shown in Figure 2.

Table 3. Species at risk that may occur in the vicinity of the property.

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Wandering Salamander	<i>Ambystoma tigrinum</i>	Blue	Special Concern

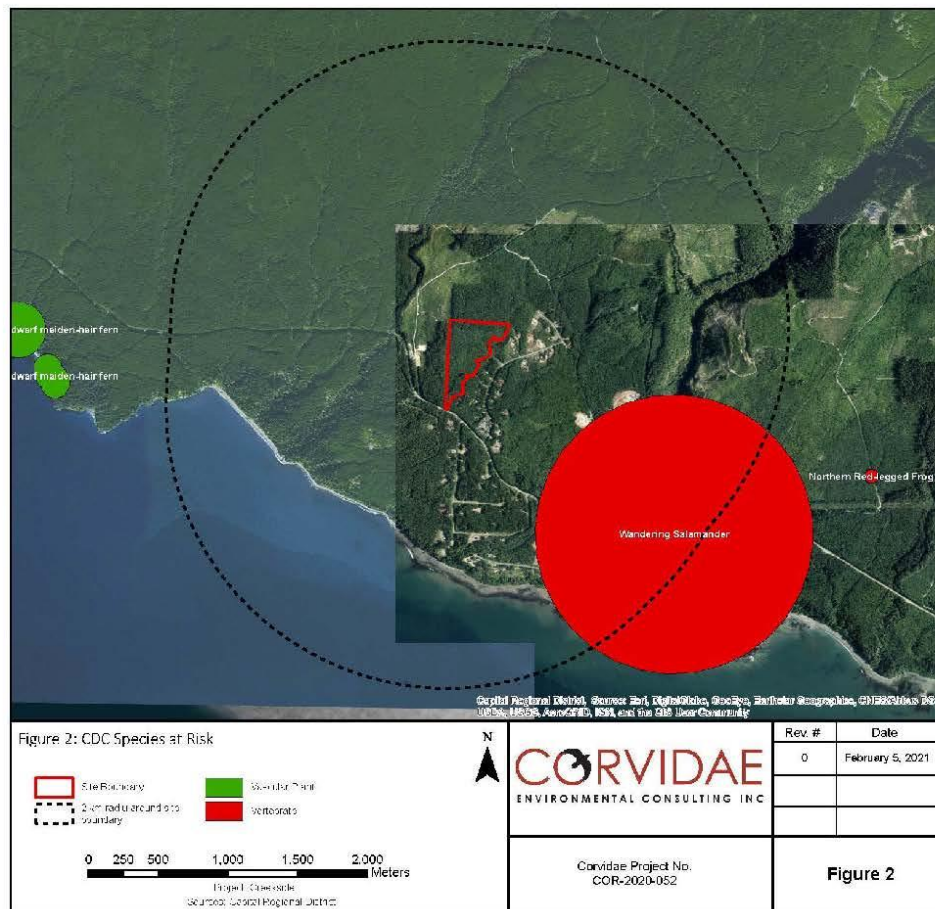
¹ BC CDC 2020a

² Government of Canada 2020





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4.6 RIPARIAN AREAS AND FISHERIES

A search of the BC Habitat Wizard database (Province of BC 2021) indicated that there were no fish occurrences in Second Creek. The unnamed tributaries on the property are not on the mapping system. It is unlikely that there would be fish occurrences in these streams as they are dry during the summer months of the year, have areas of undefined channel, and there are several potential barriers to fish passage due to historical logging activities on the property.

During the initial survey of the property, five watercourses were identified (Figure 1 and Table 4). The property has been modified historically due to logging activities and streams were modified and drainage ditches were formed through the construction of logging skid roads. There are four unnamed tributaries to Second Creek (Figure 1). An additional stream (Stream 2) was identified on future Lot 1 and 2, but it terminates in a fallen tree root hole. As this stream has no connectivity to fish habitat and is seasonally dry with no pools, it is not eligible for the RAPR. The Riparian Areas Protection Regulation (RAPR) methodology was followed to determine that a SPEA of 10 m will be applied to Streams 1 & 3 and a SPEA of 5m will apply to the roadside Ditches 1 & 2.

Section 11 notifications and applications were submitted for the establishment of the new roadside ditch and reconnection of the ditch to Second Creek, re-establishment of ditch flow, and for the installation and modification of culverts on the property (Table 4). The changes were presented to Grant Bracher, Habitat Officer, during the FLNRO site visit and the plans were deemed acceptable. All activities were completed following the receipt of official approval from FLNRO.

Table 4. Watercourses on or adjacent to the property

Watercourse	2021 SPEA	Completed Activity	Permit	Future Requirements*
Second Creek	10 m	Headwall addition to existing culvert	Section 11 Notification (#100356723)	Future access and buildings on Lots 6, 10, and 12 will require Riparian DPs, including RAPR assessments.
Stream 1	10 m	Culvert installation	Section 11 Notification (#100344421)	Future access and buildings on Lots 2, 8, and 9 will require Riparian DPs, including RAPR assessments.
Stream 2	None	n/a	n/a	Currently no connectivity, however, this should be double-checked at the time of development building on Lot 1 and 2.
Stream 3	10 m	n/a	Section 11 Notification (#100344421)	Future access and buildings on Lot 6 will require Riparian DPs, including RAPR assessments.
Ditch 1	5 m	Re-route along new road	Section 11 Application (#100339286)	Future access and buildings on Lots 3, 4, 5 and 6 will require Riparian DPs, including RAPR assessments.
Ditch 2	5 m	Culvert installation	Section 11 Notification (#100339286)	Future access and buildings on Lots 9 and 10 will require Riparian DPs, including RAPR assessments.

*Note: due to seasonal and annual changes in water flow on the property, and potential changes in local hydrology due to this and other nearby developments, it is recommended that all purchasers re-assess their properties for potential riparian permitting needs.





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5 ENVIRONMENTAL IMPACTS

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

- Infringement on sensitive ecosystem areas, such as riparian habitat,
- Loss of existing vegetation,
- Spread of invasive plant species,
- Change in wildlife habitat availability and wildlife mortality risk,
- Alteration of soil stability, and
- Sediment movement in the project area, particularly into associated streams.

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.

5.1 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.

5.2 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.

5.3 WILDLIFE AND WILDLIFE HABITAT

Habitat loss due to forest clearing can cause mortality or displacement of wildlife, use of less suitable habitat, reduced foraging ability, increased energy expenditure and lower reproductive success. Reduced habitat effectiveness can occur as a result from the creation of habitat edges, habitat fragmentation, or reduction in habitat connectivity that may create barriers to wildlife movement. Many wildlife species avoid crossing openings or move more slowly in open areas.

5.4 RIPARIAN HABITAT

The removal of trees and vegetation adjacent to the riparian area may result in the loss of features, functions and conditions that are vital for maintaining slope stability and fish habitat conditions. Vegetation in the riparian area controls surface water run-off from the upland areas, preventing excessive silt and surface run-off pollution from entering the aquatic environment.

The SPEAs have been calculated to adequately protect the streams in perpetuity. The SPEA width calculations are to absorb and slow water flow during flooding conditions and to protect the sensitive habitat during dry, summer conditions.

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5.5 STEEP SLOPES

Steep slope areas, as defined in CRD Bylaw 4001, will be avoided. Refer to Appendix D for details.

5.6 EROSION AND SEDIMENT

The removal of vegetation and paved surfaces will result in changes to surface water flow through the site. See Section 6 for recommendations to ensure hydrologic inputs to the associated stormwater system are not impacted by the project.

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:

- Capital Regional District Bylaw 3109, 2019, Shirley – Jordan River Official Community Plan,
- 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).

6.1 PROTECTION OF SENSITIVE RIPARIAN ECOSYSTEMS

The access routes will follow existing access for the most part, with re-establishment of existing drainages. Creekside Glen road has culverts installed for crossings that meet BC Provincial standards and 1 in 200-year flood events. These details have all been submitted as part of the Section 11 Application and Notifications, and approved by the provincial government.

For the subdivision, the lots have been re-configured to address the existing watercourses that Corvidae mapped on site. The lot boundaries run along the watercourses to permanent protect the SPEAs (see Figure 1). Therefore, no clearing of vegetation or disturbance should occur within the SPEA (10 m on either side for Stream 3 and 5 m on either side for Ditches 1 and 2) with the exception of culverts for roads (included in the mapping, ESCP and Section 11 Application).

The Section 11 Application includes plans for improvement of riparian areas, with clearing out large, downed woody debris that is blocking the stream and ditch areas. When reviewed by the Habitat Officer on site, it was agreed that the drainages (1 and 2) are ditches and this is the best action moving forward to help establish defined channels. (Personal Communication, Grant Bracher, Habitat Officer, site visit May 4, 2021.)





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6.2 VEGETATION

During future construction it is recommended that only the building and access construction envelope be cleared. As much native vegetation should remain in place to compete with invasive species and protect the area from erosion. The SPEAs should be flagged on site, and absolutely must remain vegetated and protected in perpetuity.

For disturbed areas on the property, native plants are recommended. Table 5 provides recommend 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. In addition to the native plants, a cover crop of native clover or Quick Grow Revegetation Mix by Premier Pacific Seeds (or similar) is recommended to compete with weed species, fix nitrogen and provide slope stabilization.

Table 5. Recommended native vegetation to plant in disturbed areas

Common Name	Species
Salal	<i>Gaultheria shallon</i>
Salmonberry	<i>Rubus spectabilis</i>
Sword fern	<i>Polystichum munitum</i>
Nootka rose	<i>Rosa nutkana</i>
Red currant	<i>Ribes sanguineum</i>
Red Huckleberry	<i>Vaccinium parvifolium</i>
Western red cedar	<i>Thuja plicata</i>

6.3 INVASIVE SPECIES

Invasive weed control is difficult for established populations. Immediate eradication of new and small infestations should be a high priority. A fair amount of scotch broom and himalayan blackberry were observed on the property that should be controlled.

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. Following removal, re-seed bare soil with desirable, competing vegetation. For some species, chemical control is possible but not recommended due to the sensitive riparian ecosystems on the property. Details of removal methods for the invasive species on the property are below in Table 6.

Table 6. 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.
Scotch broom	Small broom plants can be pulled easily from the ground by hand. Larger plants should be cut below the root crown using loppers or a pruning saw. Avoid disturbing the soil which can stimulate dormant broom seeds to sprout.	Scotch broom removal should occur in late summer, after native wildflowers have gone dormant but before its seed pods begin to open.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.





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6.4 WILDLIFE AND WILDLIFE HABITAT

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

- Vegetation and tree clearing should be completed outside of the migratory bird window (prior to March 15th or after August 15th; Environment and Climate Change Canada 2020). In the event that clearing is to occur during the sensitive timing window, a QEP should perform a pre-clearing survey for nesting birds and should implement the appropriate mitigation for any active nests.
- Where suitable, retain habitat that provides shelter for wildlife, such as standing dead trees.
- Avoid additional removal of established trees or shrubs, where possible.

6.5 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. A detailed Erosion and Sediment Control Plan (ESCP) has been provided. Corvidae is working closely with [REDACTED] to implement the ESCP and have ongoing protection measures in place to minimize sediment into any of the watercourses.

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

- In order to minimize exposure of underlying soils to erosion, minimize amount of time soils are exposed, plant native vegetation and landscaping materials within the growing season following removal of non-native vegetation and landscaping.
- Install silt fencing on the windthrow buffer edge, downslope from the construction area to prevent sediment laden runoff from entering the SPEA.
- Install mulch berms near the edges of the disturbed areas to filter runoff.
- Store materials and soils in dry, flat areas at least 10m from the edge of the SPEA.

A comprehensive Erosion and Sediment Control Plan is attached as Appendix B. The engineered drawings are included here as well.

6.6 FRONTAGE

The 12 proposed residential lots will have frontage on the new MOTI road dedication (Creekside Glen). Lots 1, 2, 5, 7, 8, 11 and 12 do not meet the 10% frontage requirement per Bylaw No. 2040 Section: 3.10(4) and the applicant requires a Development Variance Permit to waive the 10% frontage. Lots 1, 5, 7, 11, and 12 will be accessed by 6 m wide panhandles fronting on Creekside Glen. Lot 11 has additional frontage on West Coast Road but access will be provided by the panhandle off of Creekside Glen (Figure 1). CRD referral SU000728 Section 2: Frontage, located in Appendix C indicates that although the proposed lots do not meet the 10% minimum frontage requirement, the lots are not fronting onto the highway (West Coast Road) and therefore no further action is required.





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7 CONCLUSION

During the construction and site preparation at the proposed Creekside Glen subdivision, implementation of the mitigation and restoration measures recommended in this report, including the protection of sensitive riparian areas, minimization of tree removal, the eradication of invasive species and erosion control, will minimize the impacts of the proposed development on the environment.

Report Prepared By:

Brent Rutley, B.T., B. Sc.
Intermediate Environmental Biologist
Corvidae Environmental Consulting Inc.



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





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APPENDIX A – PHOTOS

Photo 1. Culvert at Second Creek crossing on existing road (Creekside Glen). September 29, 2020.



Photo 2. View of southern access road to be upgraded south of Creekside Glen. February 3, 2021



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Photo 3. View of the trees looking south from the Creekside Glen Road. February 3, 2021.



Photo 4. View of Stream 2, dry but shows pebbles to indicated seasonal flow. Sept. 29, 2020





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Photo 5. View looking north from planned Creekside Glen Road at the vegetation found onsite. February 3, 2021.



Photo 6. View of the top section of Stream 3. Sept. 29, 2020





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Photo 7. View of Stream 1 crossing the old access road through underground flow due to obstructions. Sept. 29, 2020.



Photo 8. Pebbles indicative of seasonal flow at cross section where Stream 1 turns south. Sept. 29, 2020.





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APPENDIX B – EROSION AND SEDIMENT CONTROL
PLAN

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EROSION AND SEDIMENT CONTROL PLAN FOR CREEKSIDE GLEN SUBDIVISION, JORDAN RIVER, B.C.

PREPARED FOR:



AND

CAPITAL REGION DISTRICT
3 – 7450 BUTLER ROAD
SOOKE, BC
V9Z 1N1

CORVIDAE PROJECT #2020-052
FEBRUARY 2021

CORVIDAE
ENVIRONMENTAL CONSULTING INC.
6526 WATER STREET, SOOKE, BC

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



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Erosion and Sediment Control Plan for Creekside Glen Subdivision

February 2021

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CAVEAT

This Erosion and Sediment Control Plan (ESCP) has been prepared with the best information available at the time of writing, communications with the prime contractor, site visits, review of design drawings and other documentation relevant to the project. This ESCP has been developed to assist the prime contractor in remaining in compliance with relevant environmental regulations, acts and laws pertaining to the project and to identify and mitigate the expected impacts of construction, operation and reclamation activities directly related to the project. The ESCP has been prepared as a resource tool for use specifically by the project construction team; subcontractors to the prime contractor are responsible for complying with the measures detailed in the ESCP. Any use of this ESCP by other parties is done so exclusively at their risk. The author assumes no responsibility for: [i] this ESCP or iterations of this ESCP that are unsigned by the author, [ii] any changes made to this document other than those made or endorsed by the author, [iii] day-to-day construction compliance, or (iv) the success of this ESCP as presented.

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Erosion and Sediment Control Plan for Creekside Glen Subdivision

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1 INTRODUCTION

██████████ has retained Corvidae Environmental Consulting Inc. (Corvidae) to provide this Erosion and Sediment Control Plan (ESCP) as part of a Section 11 Change Approval and Notification for the works and to provide environmental monitoring during the project (as detailed in Section 3).

██████████ is developing a residential subdivision in Jordan River which is composed of 13 lots, two roadways, a cul-de-sac and a common property area. A sewage disposal area will also be incorporated into the development to the southwest within the project area (Figure 1).

In general, the site slopes from north to south with undulating ground moving down slope. There are three unnamed drainages that all eventually drain into Second Creek. Much of drainage areas are old ditches from when it was previously logged, and they currently intersect the development area (see Figure 2). Corvidae conducted a riparian assessment on the streams and concluded that a 10 meter Stream Protection Enhancement Area (SPEA) has been implemented (Figure 1); the SPEA will be a protected, no disturbance zone.

Unnamed Stream 1 will be re-established by unblocking areas that have being altered. There is still some water draining into this historical stream area, but there is also diversion from the old access road and associated gravel and soil. The blockage has created a drainage that flows south into Stream 2. Once the existing drainage is re-established it runs east and eventually connects to Second Creek. Unnamed Stream 1 will be contoured to allow for flow southeast, with on 600mm culvert installation under a proposed driveway between lot 6 and 7 (Figure 1).

Unnamed stream 2, which is an existing ditch, is located along the second roadway that will allow access to the sewage disposal area and lot 13. Removal of debris within the ditch will allow flow to occur west into unnamed stream 3 (Figure 1).

Unnamed Stream 3, running north-south at the west end of Creekside Glen Road and draining into Second Creek at the bottom of lot 12 will have two culverts installed. A 600mm culvert installation under a proposed driveway for lot 1 and a 900mm culvert installation for the access road leading to lot 12 (see Figure 1).

There will also be 4 culvert installations in the ditch along Creekside Glen Road, sized appropriately for 200-year flood events. JE Anderson has completed detailed engineered drawings (Appendix C) for the plan and surface water management. Figure 1 indicates all culvert lengths and sizes to be used.

During construction, surface water flow will follow the natural gradient of the site flowing south. Any surface water run-off that touches exposed soils will be directed away from the existing waterbodies and sediment will be managed using sediment fencing, vegetated buffers left in place and erosion control seeding to ensure that sediments are not entering the 3 unnamed streams and Second Creek. The ditches will be constructed to hold flood events (see Appendix C – ditch profile drawings). Check dams will be added to the ditches and set intervals to slow flow and catch sediment.

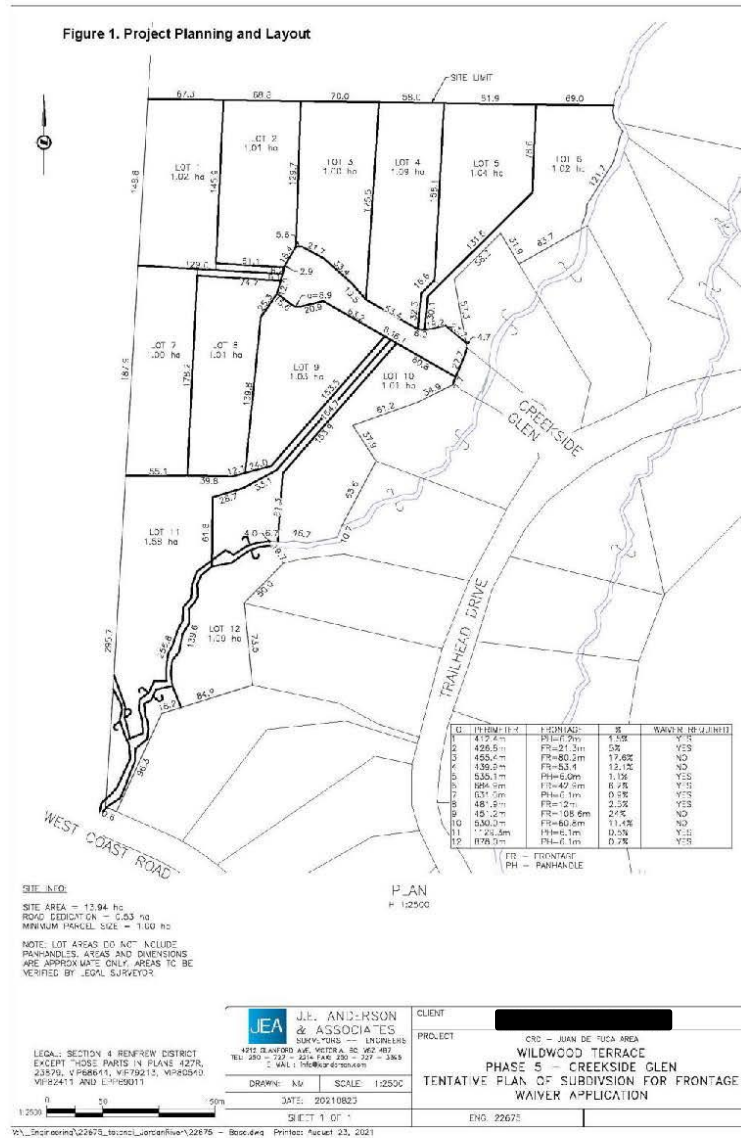
In order to prevent erosion and the introduction of sediment into the watercourses that cross the property, this ESCP will be implemented by ██████████. This ESCP has been designed for the current and future development activities and will be updated, as necessary. This plan includes drawings of the project area showing locations of erosion and sediment control (ESC) measures.

This plan has been prepared by Qualified Environmental Professionals, following current environmental standards and best management practices. With the current plans, the measures provided in this report should be followed to minimize impact to the environment throughout construction.





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Erosion and Sediment Control Plan for Creekside Glen Subdivision

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1.1 SCOPE

The activities that will be included in the re-routing and re-establishment of the streams are as follows:

- Installation construction fencing and wattles or sediment fencing along the SPEA.
- Equipment mobilization;
- Felling of trees in the access to lots;
- Timber removal;
- Re-connection of unnamed stream 1 during dry conditions and in the allowable fisheries work window;
- Re-establishment of the ditch along the Creekside Glen roadway;
- Culvert installations under all driveway access;
- Construction of the engineered stormwater management;
- Landscaping.

The site location is shown in Figure 1, the project area and environmental features and ESC measures are also shown in Figure 2.

1.2 WATERCOURSE DETAILS

The three unnamed streams are seasonal tributaries to Second Creek. The streams cross the development area (Figure 1). The streams are dry during the summer season. The plans for stream reconnection include clearing of debris and construction of deeper ditches at all areas where there are blockages (see photos). The new streambed sections will be designed to mimic the existing conditions (e.g. grade, substrate, structure). For re-establishment of the southern stream, a ditch line will be constructed along the Creekside Glen roadway following the historic channel location of the stream. The ditch will be approximately 150 m long and will be designed for 1 in 200-year flood events. For details see the engineered design in Appendix C.





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2 PROJECT PERSONNEL AND RESPONSIBILITIES

Table 1. Details the roles and responsibilities of the personnel involved in the Project.

Name	Organization	Role	Contact Information
Julie Budgen	Corvidae Environmental Consulting Ltd	Environmental Planner	
Matt Johnson	Corvidae Environmental Consulting Ltd	Environmental Technician	
Brent Rutley	Corvidae Environmental Consulting Ltd	Environmental Monitor (EM)	
EMERGENCY NUMBERS			
Emergency Dispatch (Fire, Ambulance, Police, Hazmat)			911
Emergency Management BC			800-663-3456
Hospital – Victoria General Hospital (1 Hospital Way, Victoria, B.C.)			250-727-4212

3 EROSION AND SEDIMENT CONTROL MEASURES

The implementation of the ESC measures provided in this Section will minimize the introduction of sediment from the project area into the nearby watercourse (the unnamed streams, Second Creek). The recommended locations for ESC measures are shown in Figure 2. Installation best practices for ESC measures are included in Appendix B. All ESC measures will be field fit during installation to be the most effective in that area, slope, aspect and situation.

3.1 STREAM RECONNECTION

- All works are to be conducted in dry conditions.
- Sediment fencing will be installed along specific areas, upslope along the access routes adjacent to the existing watercourse. Corvidae is working closely with the project team to address erosion and prevent sedimentation into the watercourses.
- To keep sediment from entering the newly connected downstream channels all work will be done during dry conditions where there is no water flow.
- Secondary barriers (check dams) will be placed in the newly cleared areas to allow for settlement of fine textured sediments and minimize the introduction of sediments into the existing watercourse.
- Following ditch contouring, the ditches should be seeded and lined with straw or wood mulch to reduce rainfall erosion.





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3.2 DITCH CONSTRUCTION AND RE-ESTABLISHMENT ALONG SOUTHERN ROADWAY

- All works should be conducted in dry conditions.
- Sediment fencing will be installed along the entire length of the edge of the SPEA for the existing drainage following tree clearing, prior to construction of site access.
- Secondary barriers (check dams) will be placed in the newly cleared areas to allow for settlement of fine textured sediments and minimize the introduction of sediments into the existing watercourse.
- Following ditch contouring, the ditches should be seeded and lined with straw or wood mulch to reduce rainfall erosion.
- Until final revegetation, any exposed areas should be covered with coarse wood mulch (chips) to a minimum depth of 5 cm. This mulch should extend a minimum of 1 metre past the crest of the slope.

3.3 RUNOFF AND STORMWATER MANAGEMENT

- Activities on site should cease if greater than 10 mm of rain is forecasted within a 24-hour period.
- Store soils and stockpiled material in dry, flat areas, at least 30 m from the watercourses.
- Install sediment fencing, mulch berms, and check dams in designated locations (detailed above) in order to mitigate sedimentation (see subsections below for details).
- The Contractor shall have sufficient materials, such as clean rock, granular material, straw wattles, wooden stakes, and filter fabric available on-site for emergency protection measures when required.
- The Contractor shall regularly maintain sediment and drainage control measures, such that they function as designed. Immediate action shall be taken by the Contractor to correct any deficiency observed in the operation of erosion and sediment control measures. In the event that a deficiency in any sediment or drainage control measures is directly or indirectly creating an adverse environmental impact, the Contractor shall initiate the necessary action to correct the problem within one hour of observing or being informed of the situation. In the event that a deficiency in any sediment or drainage control measures poses the potential to create an adverse environmental impact, the Contractor shall take action within two days of observing or being informed of the situation.
- To protect erodible surfaces adjacent to SPEAs, cover small areas of exposed soil with tarps, hog fuel or seed to prevent erosion and sediment transport if soil is exposed to prolonged periods of rainfall adjacent to downslope drainage areas.
- To minimize surface saturation and mobilization of fine textured sediments tree mulch, straw or rolled erosion control blankets may be spread across larger surfaces. Mulch from clearing should be stockpiled onsite for use as an erosion protection ground cover. Ensure that straw is sourced from clean sources to reduce the spread of invasive species.

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SEDIMENT FENCING

- Install sediment fencing in the upslope location, at the edge of clearing and the SPEA to prevent sediment laden runoff from entering the aquatic environments. If suitable, wattles can be used in-lieu of sediment fences.
- Proper methods for sediment fencing installation are provided in Appendix A.
- To prevent water breaking through at a concentrated low point, no length of sediment fence should exceed 30 m before being turned uphill.
- Sediment fences should be maintained, checked twice a week and re-installed if sagging. They are to be cleaned out if more than 30% full of sediment.

CHECK DAMS

- Check dams may be sandbags (Figure 4, Appendix A), clean rock or 9" wattle rolls (Figure 3, Appendix A). The wattle will be cut to size and ends re-closed with tie wire. Roll will be held in place with stakes (adapt from Figure 3, Appendix A).
- Retain existing ditch vegetation where possible to slow flow and filter fine textured sediments.
- Intact straw bales are not to be used as check dams or other structures in flowing water as they quickly degrade and break down, become saturated and embedded with fine textured sediment and break apart when removed releasing sediment into the environment.

3.4 POLLUTION CONTROL, FUELING, AND SPILL RESPONSE

Report spills immediately to the site superintendent and the Environmental Monitor (EM). See Appendix B for further details.

Sediment laden runoff is considered a deleterious material and is not to be discharged directly to surface water.

If a spill exceeds any of the specified amounts in the Environmental Management Act – Spill Reporting Guideline it must also be reported to Emergency Management BC at 1-800-663-3456 and, if it may affect fish bearing waters, to DFO's Observe, Record and Report Hotline 1-800-465-4336.

Fuel and other hazardous materials will be secured so that they may not be emptied or upset by vandals when left overnight in the project area and will be permanently stored no closer than 30 m from any watercourse, watercourses include ditches/drainages.

All equipment on site is to be well maintained and leak free to minimize the potential for spills (see Appendix B for Spill Response Plan). Leaking equipment will be flagged and placed 'out of service' until it is repaired. Spills to ground will be identified by GPS waypoints, photographed and tabulated with yes/no of cleanup. Manifesting of compiled loads of contaminated material will be completed by contractor and reviewed by EM. Reporting of equipment leaks and spills to ground will be included in the Environmental Monitoring Reports (EMRs).

All heavy equipment and personal vehicles will be checked daily for leaks and repair requirements.

Repairs or other mechanical services required when a piece of machinery cannot be moved due to break down may be done on site. The ground surface will be protected from fluids generated during repairs by an impervious membrane or drip pan.

For any hazardous materials brought to the project site, the Safety Data Sheets (SDS) will be compiled in a binder and kept at the project trailer in a clearly labeled and easily visible location.

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In the event of a major spill, work shall be stopped, and all required personnel devoted to spill containment and clean-up. Timely and effective action shall be taken to stop, contain and clean-up all spills as long as the site is safe to enter. For further details, see Appendix B – Spill Response Plan.

All hazardous materials will be stored in their original containers and properly labeled as per Workplace Hazardous Materials Information System 2015 (WHMIS 2015) requirements.

The containment, storage, security, handling, use and disposal of empty containers, surplus product or waste generated in the use of any hazardous or toxic products shall be in accordance with all applicable federal and provincial legislation.

FUEL HANDLING AND STORAGE

Fueling of equipment will be completed by certified bulk fuel carriers or from slip tanks that remain in the transport vehicle at all times. Fueling personnel shall maintain presence at and immediate attention to fueling operations.

Fuel and service trucks will have a spill kit with a minimum of 50 absorbent pads, 5 kg of dry, loose absorbent material, 2 pairs of impermeable gloves, a 3 m x 3 m impervious ground sheet and two 2-Inch x 6-foot-long sections of absorbent boom. Spill kits will be available at all re-fueling, lubrication and repair locations and will be capable of dealing with 110% of the largest potential spill and shall be maintained in good working order on the construction site. Site staff shall be informed of the location of the spill response kits and be trained in their use.

All heavy equipment will contain spill kits and fire extinguishers. Spill kits will have a minimum of 20 absorbent pads, a 3 m x 3 m impermeable tarp, impermeable gloves and 1 large heavy-duty garbage bag. Equipment operators will be trained in spill response protocols.

All standalone fuel tanks, portable fuel containers and other potential spill sources located within the project will have secondary containment with a capacity of 110% of the volume of the substance of concern. This includes generators, welders, light plants, etc. Portable hand-held gas cans will not require secondary containment as long as they are stored with caps on, upright and out of the way of traffic at all times they are not in use.





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4 ENVIRONMENTAL MONITORING

Convidae recommends the application of the mitigation measures discussed above for the duration of the project, to completion. An experienced Environmental Monitor (EM) will oversee the application of ESC measures identified above, providing technical advice on environmental issues, and evaluating the effectiveness of mitigation measures throughout construction.

4.1 MONITORING FREQUENCY

The project activities will be monitored during the initial site visit to ensure all erosion control measures are in place. Additional monitoring will be at project commencement and during the first incident of inclement weather. Inclement weather refers to rain events forecast to exceed 10 mm of rain within 24 hours, in which monitoring would occur to review erosion and sediment control measures, and/or conduct water quality testing, if necessary.

4.2 REPORTING FREQUENCY

The EM will prepare Environmental Monitoring Reports (EMRs) for each visit. The report will include records of construction activities undertaken since the last site visit, current site activities and conditions, site photographs, communications with onsite crew, environmental incidents, impacts and corrective actions taken, as well as what work plan modifications or mitigations are required. Water quality monitoring results will be included if applicable. Any non-compliances to the ESCP will be included in the EMR and discussed with the Contractor responsible to address.

4.3 ENVIRONMENTAL INCIDENTS

██████ will suspend any activities or operations which are in contravention of any environmental legislation, regulation or act that are causing or have the potential to cause significant environmental damage. In the event that such activities occur, and no corrective action is initiated by the Contractor, the environmental monitor, Project manager or their designate may issue a Stop Work Order directing the immediate suspension of all or a portion of the activity causing the environmental impact.





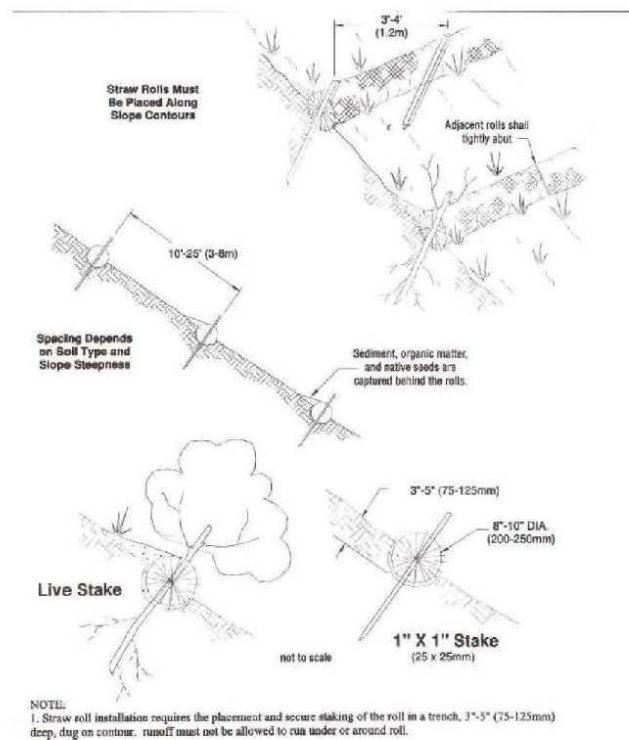
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APPENDIX A – ESC TYPICAL DRAWINGS

Figure 2. Wattles – Typical Installation Drawing



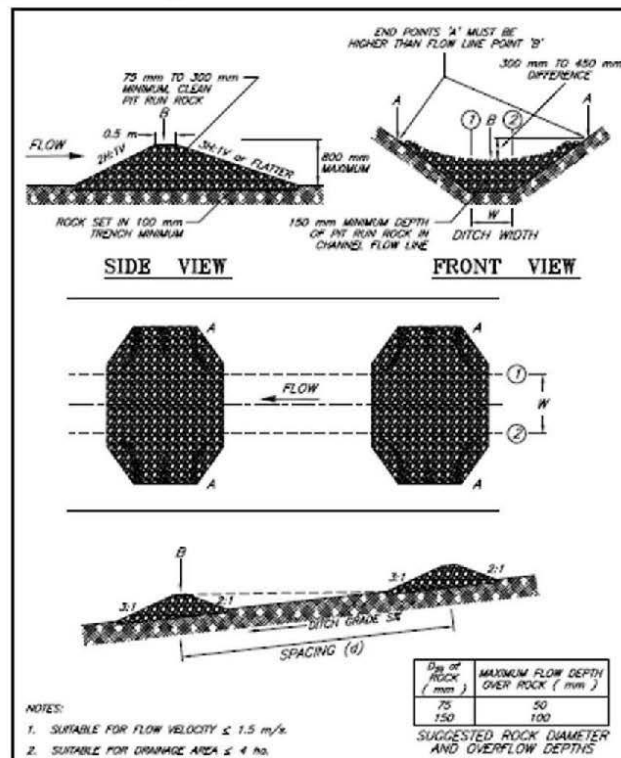


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Figure 3. Check Dam Typical



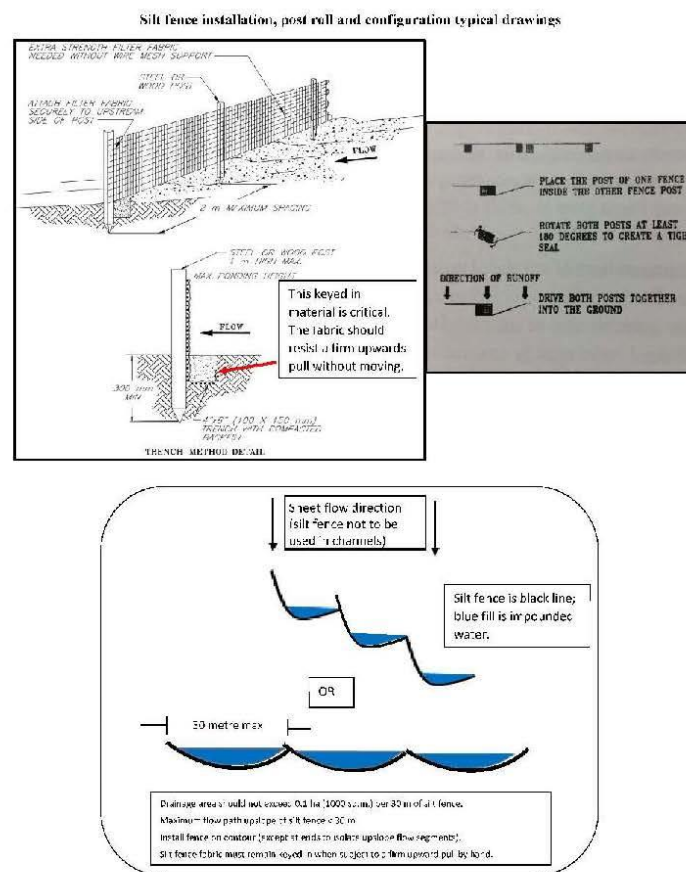


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Figure 4. Sediment Fencing – Typical Installation Drawing





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APPENDIX B – SPILL RESPONSE PLAN/ ENVIRONMENTAL INCIDENT REPORTING

Spills are reportable if:

- It has caused, is causing or may cause an adverse effect to the environment or people;
- The amount exceeds the quantities or emission levels set out in the relevant legislation, guideline, approval or code of practice. For this project any release of petroleum hydrocarbons or allied products is to be reported to the EM;
- The release is into a groundwater or surface water body.

All spills of deleterious materials to be reported to the site superintendent and the EM (sediment laden runoff is considered a deleterious material). If spill exceeds 100 litres of fuel report to Emergency Management BC (EMBC) at 1-800-663-3456. Spills less than 100 litres will be reported internally, this includes reporting to the EM. When reporting a spill by phone expect to provide the following information:

- the contact information;
- for the individual making the report;
- the responsible person in relation to the spill, and
- the owner of the substance spilled;
- the date and time of the spill;
- the location of the spill site;
- a description of the spill site and the surrounding area;
- a description of the source of the spill;
- the type and quantity of the substance spilled;
- a description of the circumstances, cause and adverse effects of the spill;
- details of action taken or proposed to comply with section 91.2 (2) [responsible persons – spill response 1 of the Environmental Management Act];
- the names of the government, federal government, local government and first nation government agencies at the spill site;
- the names of other persons or government, federal government, local government or first nation government agencies advised about the spill.

A spill report form will be completed, and copies of the documentation generated as soon as possible or within 24 hours of the event. Copies of the documentation will be kept on file in hard copy format at the [redacted] site trailer.

The Contractor will provide a report on impact as per statutory requirements ("Duty to Notify provisions in the Fisheries Act) where those impacts include water quality discharges.

The spill report form will contain the following information (see form below bulleted list):

- reporting person's name and phone number;
- name and phone number of person(s) who caused the spill;
- date, time, location, duration and rate of release;
- type and quantity of release;
- detailed description of circumstances leading up to the spill and the effect of the spill;
- description of equipment involved, e.g. leak in machine, compromised equipment;
- procedures used to control, minimize and stop the release;

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- disposal methods for contaminated materials, and
- measures taken to prevent further releases.

After a spill is contained and cleaned up, [REDACTED] will be responsible for ensuring that disposal follows all applicable legislation. Manifests documenting proper disposal will be kept on file in hard copy format at the [REDACTED] site trailer.

The containment, storage, security, handling, use and disposal of empty containers, surplus product or waste generated in the use of any hazardous or toxic products shall be in accordance with all applicable federal and provincial legislation.

A copy of the complete Emergency Contact List (Table 1) will be posted in site trailers and other common construction areas.

A copy of the Spill Response Plan will be distributed to all superintendents and foremen on site. On-site superintendents and foremen must understand the Spill Response Plan procedures and know the appropriate authorities to contact in the event of a spill.

For any hazardous materials brought to the project site, the Safety Data Sheets (SDS) will be compiled in a binder and kept at the project trailer in a clearly labeled and easily visible location.

All hazardous materials will be properly labeled, as per Workplace Hazardous Materials Information System 2015 (WHMIS 2015) requirements.





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Environmental Incident Report

Reported by (name and phone #)	Title	Date YY MM DD Reported
Location (office, field, geographic location)	Date of Incident yyyy/mm/dd	Time (24-hr clock)
Project	Responsible party name	Responsible party phone #
Incident		
<u>What happened – include duration of release</u>		<u>Location – surrounding features (waterbodies, drainage patterns etc)</u>
<u>Magnitude of potential impact</u>		<u>Remedial action taken – include disposal details</u>
<u>What steps can be taken to avoid future incidents</u>		<u>Remedial action still required</u>
If a release which substance: _____ Amount: _____ kg / L / m³ Circle one.		Environment substance was released into: land / water / air Describe: _____
Reporting		
Has the Incident been reported to any regulatory authority? Circle one. Yes No		
Detailed Description of Incident		
Include all related events leading up to incident and a description of equipment, property damage or loss. Attach any diagrams, photographs or other pertinent information. Attach extra sheets as required.		
Name of person making report	Signature	Date: YY MM DD
Name of responsible party	Signature	Date: YY MM DD

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Spill response protocol

██████ will immediately respond to the spill and ensure the safety of site personnel. Once it is determined that personnel are safe, and the area is safe to access the following general procedures will be followed:

If the spill is fuel based, remove ignition sources

- Shut off equipment and don't allow other sources of ignition (cutting torches, vehicles, smoking, etc.) near the area. Keep a fire extinguisher on hand but keep it a safe distance away so it is accessible in case of a fire.

Stop the flow

- Immediately take action to stop the spill: close valves, crimp and / or plug hoses, apply stop leak compound, etc.

Contain the spill

Once the spill has been stopped take action to protect waterbodies, watercourses or wetlands by creating berms, diverting water, capping storm drain inlets, installing ditch blocks, etc.

Enlist the help of personnel on site

- Notify site superintendent or foreman as soon as possible.
- Mechanic to be dispatched to scene if appropriate.
- Appropriate parties are to be notified of the spill – ██████ site superintendent and EM. If the release will affect a fish bearing water body the Department of Fisheries and Oceans must be notified.
- See Table 4 Emergency Contact List in this Spill Response Plan for contact numbers.

Remediate spill

- ██████ will be responsible for ensuring that proper clean up and disposal is undertaken in a timely manner and in compliance with all applicable legislation. Copies of manifests documenting proper disposal will be kept on file in hard copy format at the ██████ site trailer and available for review by the EM.

Reporting

- A spill report form will be completed, and copies of the documentation generated within 48 hours of the event. Copies of the documentation will be kept on file in hard copy format at the ██████ site trailer.
- The spill report form will contain information as outlined in the fourth paragraph of this Spill Response Plan.

Procedure review

- ██████ will review the spill report form and determine if enhancements to the procedure are required and implement any required changes.





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APPENDIX C – CRD SUBDIVISION REFERRAL REPORT

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Juan de Fuca Community Planning
3 – 7450 Butler Road
Sooke, BC V9Z 1N1
T: 250.642.1500 | F: 250.642.5274 | Web: www.crd.bc.ca

SUBDIVISION REFERRAL REPORT

MoTI File: 2020-04468

CRD File: SU000728

Date: October 26, 2020

PROPERTY INFORMATION

Purpose:	14-lot, strata subdivision.	
Owners:	[REDACTED]	
Legal Description:	SECTION 4 RENFREW DISTRICT EXCEPT THOSE PARTS IN PLANS 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, AND EPP69011	
Civic Address:	12036 West Coast Road	
Land Use and Subdivision Bylaw:	Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040	
Current Zone:	Wildwood Terrace 4 (WT-4)	
Official Community Plan (OCP):	Shirley-Jordan River Official Community Plan, Bylaw No. 4001	
Current Land Use Designation (LUD):	Pacific Acreage (PA)	
Agricultural Land Reserve (ALR) Status	<input type="checkbox"/> In ALR – An application to subdivide land within the ALR in accordance with the <i>Agricultural Land Commission Act</i> is required.	<input checked="" type="checkbox"/> Outside ALR <input type="checkbox"/> Along boundary of ALR
Fire Protection Service Area	<input type="checkbox"/> Within Fire Protection Service Area	<input checked="" type="checkbox"/> Outside Fire Protection Service Area
PMFL Status	<input checked="" type="checkbox"/> In Private Managed Forest Lands (PMFL)	<input type="checkbox"/> Outside PMFL <input type="checkbox"/> Along boundary of PMFL
Development Permit Areas:	<input checked="" type="checkbox"/> Steep Slopes <input type="checkbox"/> Shoreline Protection <input checked="" type="checkbox"/> Riparian <input checked="" type="checkbox"/> Sensitive Ecosystems <input type="checkbox"/> Commercial/Industrial	

CRD SUBDIVISION REQUIREMENTS

JDF PLANNING

Contact: Regina Robinson, 250-642-8101, rrobinson@crd.bc.ca

Requirement	Description and Action
1. Lot Size Bylaw No. 2040 Section: 6E.02	<p>Description: The WT-4 zone establishes an average parcel size of 2 ha with no parcel being less than 1 ha, to a maximum number of 54 parcels. All proposed lots appear to meet the minimum lot size through parcel averaging within a strata.</p> <p>Action: No further action required.</p>

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2.	Frontage Bylaw No. 2040 Section: 3.10(4)	<p>Description: Bylaw No. 2040 requires that for each proposed lot, the minimum frontage on the highway shall be 10% of the perimeter of the lot that fronts on the highway. All proposed lots do not meet the minimum frontage requirement; however, the proposed plan of subdivision indicates that the lots do not front on a highway.</p> <p>Action: No further action required.</p>
3.	Development Permits Shirley - Jordan River Official Community Plan, Bylaw No. 4001, Part Five	<p>Description: Land that is the subject of this application is designated as a Steep Slopes Development Permit Area; a Riparian DP Area; and a Sensitive Ecosystem DP Area by the Shirley – Jordan River OCP. A development permit must be issued prior to the disturbance of land or subdivision.</p> <p>Action: The applicant is required to obtain a development permit prior to the disturbance of land or subdivision. The applicant is advised to contact JdF Planning staff prior to the preparation of any professional reports. This may be addressed as part of the associated 2-lot subdivision.</p>
4.	Potable Water Bylaw No. 2040 Part 6, Section 6.02	<p>Description: Bylaw No. 2040 requires that where a subdivision is not served by a community water system, each lot shall be required to have a proven source of potable water of at least 1,400 L/day.</p> <p>Action: The applicant is required to provide well logs or flow test results, as well as water quality test results confirming that each proposed lot has a proven source of potable water of at least 1,400 L/day. Wells are to be constructed in accordance with the <i>Groundwater Protection Regulation of the Water Sustainability Act</i>.</p>
5.	Fire Protection Shirley – Jordan River Official Community Plan, Bylaw No. 4001, 2018 Part 3, Section 367	<p>Description: The subject property is located outside a fire protection local service area. With large tracts of forested lands, interspersed with residential development, the potential for wildland-rural intermix fires is a concern.</p> <p>Action: A covenant requiring the installation of fire sprinklers in accordance with NFPA 1042 and NFPA 13, at the time of residential building construction to protect structures and prevent spread to the forest and neighbouring dwellings is recommended.</p>
6.	Adjoining Body of Water Bareland Strata Regulation, Section 9	<p>Description: 9 (1) Where the land intended to be included in a bare land strata plan adjoins a lake, river, stream or other body of water, the approving officer may refuse to approve it unless the owner-developer has provided by dedication without compensation a strip of land not exceeding 7 m in width along the bank or shore</p>

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		<p>for the purpose of providing public access, if, in his opinion, it is in the public interest to do so.</p> <p>(2) Land dedicated under this section shall be measured from</p> <p>(a) the high water mark,</p> <p>(b) the controlled high water mark, or</p> <p>(c) the natural boundary of the lake, river, stream or other body of water as defined by the <u>Land Act</u>, whichever is applicable.</p> <p>(3) The amount of land provided for public access under this section shall not exceed 5% of the land in the bare land strata plan.</p> <p>(4) This section does not apply where the smallest strata lot intended to be created by the bare land strata plan exceeds 2 ha.</p> <p>Action: Dedication of Second Creek along the boundary of Lot 13 and through the common property area is supported.</p>
--	--	---

JDF COMMUNITY PARKS AND RECREATION

Contact: Don Closson, Manager, JdFEA Community Parks and Recreation; Tel: 250.642.8103

Requirement	Description and Action
<p>1. Park Land Dedication <i>Local Government Act</i> Section 510 Shirley – Jordan River Official Community Plan, Bylaw No. 4001, Part 430</p>	<p>Description: The CRD provides a community park service for the Juan de Fuca Electoral Area and the Shirley – Jordan River OCP contains policies and designations regarding the location and type of future parks. Since the proposed subdivision involves the creation of 3 or more additional lots and the smallest parcel being created is less than 2 hectares, the provision of park land in accordance with Section 510 of the <i>LGA</i> is required.</p> <p>Action: No further action required. The requirement for provision of park land was satisfied by Cash-in-Lieu for all future subdivisions of Section 4 in 2006.</p>

CRD BUILDING INSPECTION

Contact: Mike Taylor, Manager, CRD Building Inspection; Tel: 250-360-3230

Requirement	Description and Action
<p>1. Geotechnical Review <i>Community Charter</i> Section 56</p>	<p>Description: Section 56 of the <i>Community Charter</i> specifies that where a building inspector considers that the construction of buildings would be on land that is subject to or likely to be subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rockfalls, subsistence or avalanche, the building inspector may require the owner of land to provide the building inspector with a report certified by a qualified professional that the land may be used safely for the use intended.</p> <p>Action: No further action required at this time. A geotechnical report may be required at the time of building construction.</p>

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CRD INTEGRATED WATER SERVICES

Contact: Joseph Marr, Manager, Water Distribution Engineering and Planning; Tel: 250.474.9600

	Requirement	Description and Action
1.	Community Water Service	Description: The property is not located within a water distribution local service area. Action: See comments above regarding provision of potable water.

[REDACTED]
[REDACTED]

SU000728

4



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 21, 2021**

SUBJECT **Development Permit with Variance for Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 – 4-7450 Butler Road**

ISSUE SUMMARY

An application has been made for a development permit with variance in order to reconfigure the lot boundaries and construct an addition to an existing industrial building.

BACKGROUND

The subject properties are located at the entrance to the Sooke Business Park strata development on Butler Road in Otter Point. Boulevard landscaping was installed as part of Development Permit DP-07-08, issued for the original subdivision. The properties are entirely enclosed with black chain-link fencing.

The properties are zoned Sooke Business Parks Industrial (M-SBP) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. There is an existing 450 m² building on strata lot 15 (SL 15) licensed for cannabis cultivation and production by Health Canada; SL 16 is vacant (Appendix A). Development Permit DP-15-13 was issued for the existing industrial building on SL 15.

The owners will apply to cancel the internal lot line between SL 15 and SL 16 in order to expand the cannabis production facility by constructing a 1,873 m² addition to the existing building (Appendix B). As a result of the lot line cancellation, the existing building will become non-conforming for siting since the southern side lot line of SL 15 would become the rear property line for the newly consolidated lot. The applicant has requested a variance to reduce the rear yard setback of the newly created lot from 4.5 m to 2.8 m. Development Permit with Variance DV000060 was issued on June 22, 2018, for a similar proposal; however, since no construction commenced within 2 years of the date of issuance, the permit lapsed. The owner now wishes to proceed with the development.

The properties are designated within the Commercial and Industrial Development Permit Area in the Otter Point Official Community Plan, 2014, Bylaw No. 3819, for the form and character of industrial development (Appendix C). The applicant is requesting a development permit for the proposed addition.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000082, for Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 2.8 m, for the purpose of reconfiguring the lot boundaries and constructing an addition to the existing building, be approved.

Alternative 2

That the Development Permit with Variance DV000082 be denied.

Alternative 3

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

IMPLICATIONS

Legislative Implications

The Otter Point Official Community Plan, 2014, Bylaw No. 3819, designates development permit areas for the form and character of industrial development. The subject properties are located within a Commercial and Industrial development permit area; therefore, a development permit is required for the proposed construction. CRD Delegation of Development Permit Approval Authority Bylaw, 2009, Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the authority to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Part 2, Section 27B.09(d)(ii) specifies that the rear yard setback requirement is 4.5 m. The existing building becomes non-conforming when SL 15 and 16 are combined; therefore, a variance is being required to permit the existing building to be located within this setback.

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 metres. Any responses received from the public will be presented at the September 21, 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 owners have proposed to design a three-storey, 1,873 m² addition to the existing 450 m² industrial building. The construction must address the form and character development permit guidelines as outlined in Section 6.7.4, Guideline #1, of Bylaw No. 3819 (Appendix D).

Guideline #2 requires that the proposed building design fit into the natural surroundings. The development is located in a cleared area that was once a log sort facility. In terms of fitting broader surroundings, the design attempts this by incorporating a light colour siding on the upper portion of the building visually reduce the height of the structure. The lower portion of the building will be black and grey; colours that will serve as a neutral backdrop for the boulevard plantings and reinforce the existing aesthetic and natural advantages of the area, thereby also satisfying guideline #3.

To address guidelines #4, #5 and #6, existing boulevard landscaping will be retained in order to screen parking areas, loading facilities and outdoor storage.

Downward facing lights will be installed above all entrances in order to reduce glare into the surrounding environment, pursuant to guideline #7.

Guideline #8 recommends the range of building material be complementary to existing buildings and that front entrances use a combination of exterior surface textures. The proposed design incorporates wood posts and siding to define the main entrances and textured corrugated metal siding, similar to other buildings in the Sooke Business Park, is proposed on the exterior walls.

The building is not adjacent to a community trail; therefore guideline #9 is not applicable.

No roof-top equipment is proposed and parking requirements have been addressed, as outlined in guidelines #10 and #11.

A security deposit is not requested as no additional landscaping is recommended, as indicated in guideline #12.

Variance:

The siting of the original building on SL 15 was approved in accordance with the setbacks specified by the General Industrial (M-2) zone in Bylaw No. 2040. At the time of construction, the southern property line was deemed an internal side yard with a specified setback requirement of 0 m. The property was rezoned in 2018 to M-SBP; however, the new zone retained the same yard requirements. The applicant proposes to cancel the lot line between SL 15 and SL 16, which will result in the southern property line of SL 15 becoming the rear lot line with a setback requirement of 4.5 m. Since the existing building is located 2.8 m from the southern property line, the existing building will become non-conforming with respect to siting when the lots are amalgamated.

The proposed addition will otherwise meet the front, internal and external side yard requirements of the newly configured lot. Access and egress will remain on the strata road to the east of the property.

Development Permit with Variance DV000082 is included as Appendix E for consideration. Since the proposed design satisfies the development permit guidelines as outlined in Section 6.7.4 of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the rear yard setback from 4.5 m to 2.8 m in this circumstance, staff recommend issuance of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose reconfiguring the lot boundaries and constructing an addition to an existing building used as a cannabis cultivation and production facility licensed by Health Canada. The proposed variance is to reduce the rear yard setback of the newly created lot from 4.5 m to 2.8 m. Since the proposed design satisfies the development Commercial and Industrial Development Permit Area guidelines of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the rear yard setback from 4.5 m to 2.8 m, 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 DV000082, for Strata Lots 15 and 16, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(d)(ii) by reducing the rear yard setback requirement from 4.5 m to 2.8 m, for the purpose of reconfiguring the lot boundaries and constructing an addition to the existing building, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Acting Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Site Plan and Requested Variance
Appendix C: Building Drawings and Elevations
Appendix D: Development Permit Guidelines
Appendix E: Permit DV000082

Legend

- Watercourses Primary < 20,00
- Watercourses Secondary < 20
- Watercourses < 20,000
- River
- Properties
- Plan and Lot Labels < 1:10,000

Scale: 0 to 500 Meters

Map Title: Subject Property - SL 15&16 Sooke Business Park

Map ID: EPP50742

Map Date: 2018

Map Author: Capital Regional District

Map Scale: 1:1,000

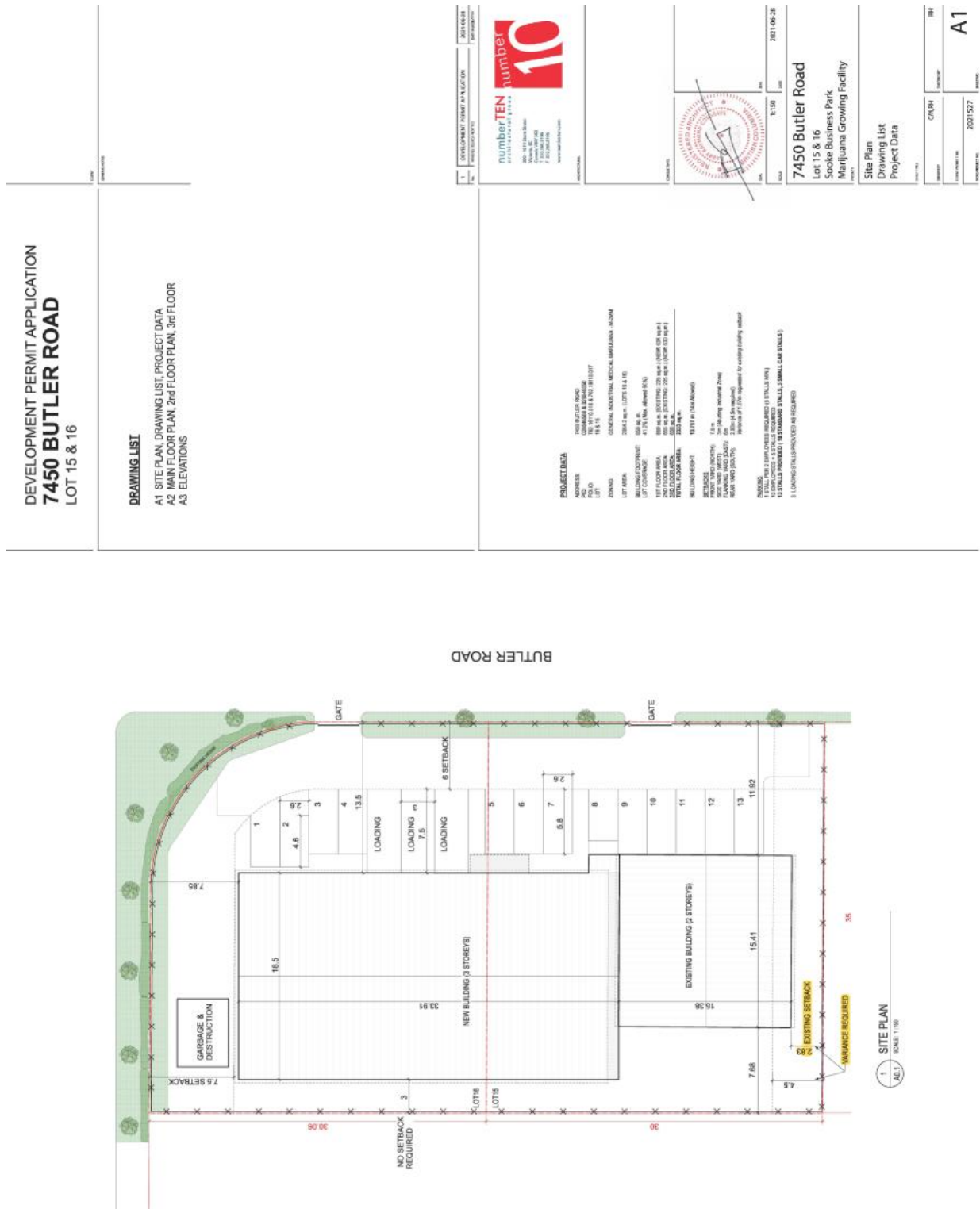
Map Legend:

- Watercourses Primary < 20,00
- Watercourses Secondary < 20
- Watercourses < 20,000
- River
- Properties
- Plan and Lot Labels < 1:10,000

Map Notes:

The map is for general information purposes only. The Capital Regional District (CRD) makes no representation or warranty regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

Appendix B: Site Plan and Requested Variance



Appendix D: Development Permit Guidelines

6.7.4 Guidelines

Development Permits issued in “Commercial and Industrial DPA” will be in accordance with the following:

1. No development, building, subdivision or sewage disposal system will be permitted in the Commercial and Industrial Development Permit Area, as specified in the Justification above, except as allowed by a Development Permit or subject to the general exemptions as outlined in Section 6.2 of this Plan.
2. Design buildings to take advantage of natural contours and features of the landscape so that buildings and structures fit into the natural surroundings.
3. Design buildings in a form which can make best use of the natural setting, which allows for retention of natural vegetative cover and which reinforces existing aesthetic and natural advantages of the area.
4. Retain existing second-growth forest and native understorey plants in areas where there are no buildings, structures, parking areas or other constructed features.
5. Minimize outdoor storage and screen outdoor storage and loading/unloading facilities from neighbouring properties through the retention of trees and native understorey plants, or through the planting of native or complementary species, or by using fencing.
6. Screen parking areas to the greatest extent possible with existing and new landscaping, as described in subparagraph (5).
7. Install outdoor lighting which is of low intensity and pedestrian-oriented or which is directed down and away from surrounding residential areas so as to reduce and minimize glare into the environment.
8. The range of building materials used for new buildings should be complementary to existing buildings. The front entrances should be designed to use a combination of exterior surface textures.
9. Where parcels are located adjacent to a trail established by the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission, buildings should be set back from the property line to prevent the trail being in constant shadow, and landscaping provided to screen the commercial or industrial use from the trail.
10. Roof-top equipment should be kept to a minimum and integrated into the overall building design.
11. Parking, loading, and access and egress areas should be designed to accommodate commercial vehicles and ensure safe vehicular movement.
12. To ensure that all landscaping requirements and/or site remediation works of the Development Permit Area are undertaken, applicants may be required to provide a detailed landscape estimate. Prior to issuance of any permit, the applicant may be required to provide a security deposit.

Appendix E: Permit DV000082



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000082

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's: 028-646-568 and 028-646-550;
Legal Description: Strata Lot 15, Section 16, Otter District, Strata Plan VIS7096, and Strata Lot 16, Section 16, Otter District, Strata Plan VIS7096 (the "Land")
3. This development permit authorizes construction an addition to an existing industrial building (the "development") on the Land, located within the development permit areas established under the Otter Point Official Community Plan, Bylaw No. 3819, 2014, Section 6.7 (Commercial and Industrial) in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a. That the components of the development occur as identified on the on the Site Plan, prepared by numberTEN Architecture, dated June 28, 2021;
5. The Capital Regional District's **Bylaw No. 2040**, Part 2, Section 27B.09(d)(ii), is varied under section 498 of the *Local Government Act* as follows:
 - a. That the rear yard setback of the Sooke Business Park Industrial (M-SBP) zone be reduced from 4.5 m to 2.8 m for the purpose of constructing an addition to an existing industrial building.
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 (DV000082) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:
 - i. Site Plan prepared by numberTEN Architecture, dated June 28, 2021; and
 - ii. Building Plans and Elevations prepared by numberTEN Architecture, dated June 28, 2021.
10. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2021.

ISSUED this ____ day of _____, 2021

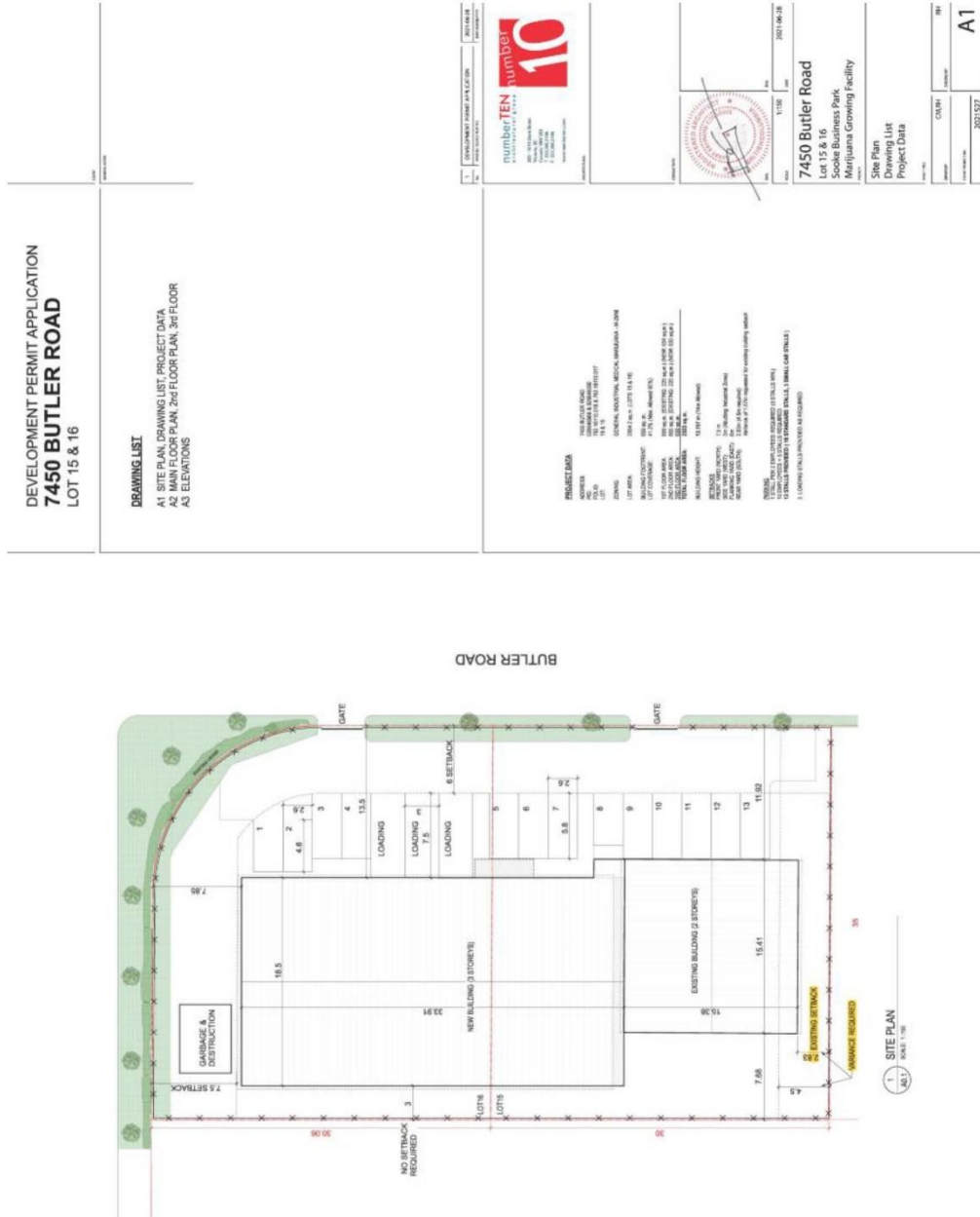
Kristen Morley
Corporate Officer



Making a difference...together

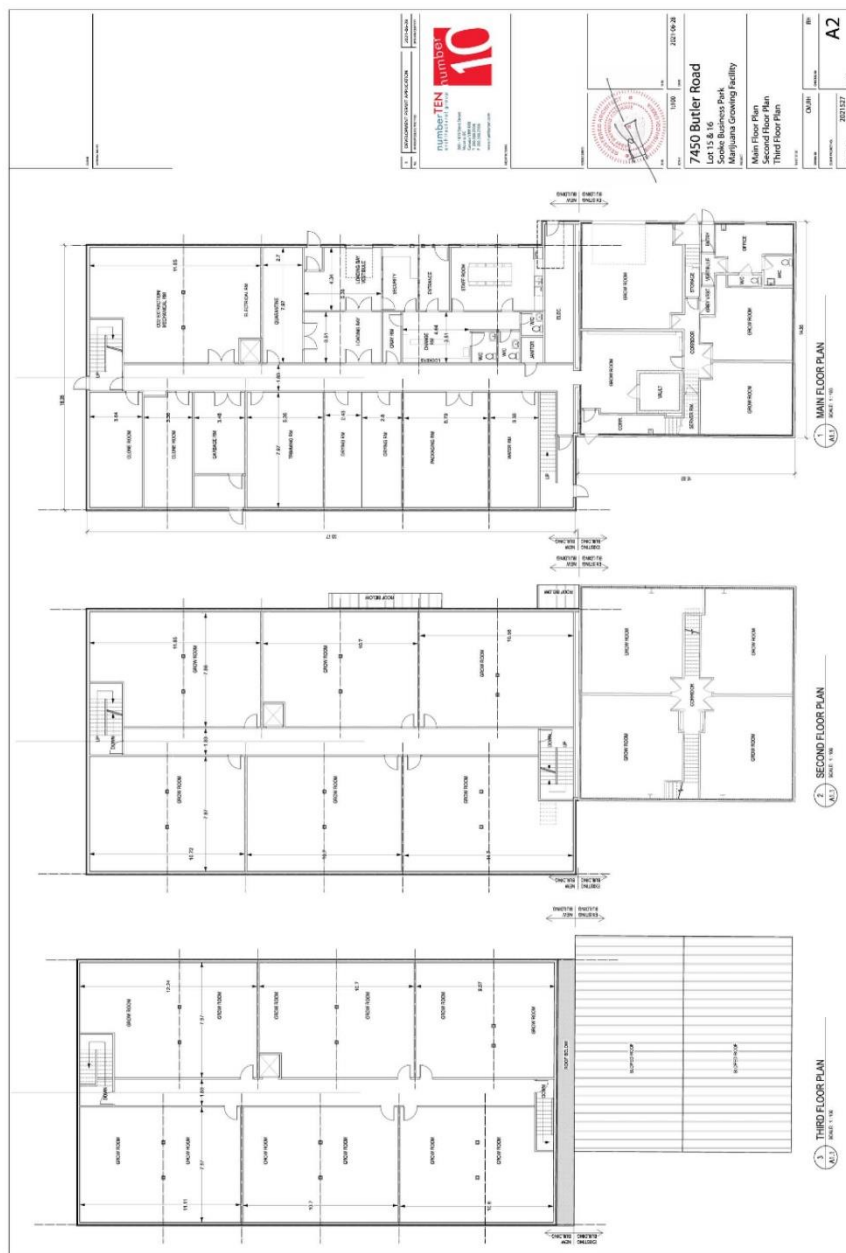
Attachment 1: Site Plan

DV000082





Attachment 2: Building Plans and Elevations





DV000082





Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, SEPTEMBER 21, 2021**

SUBJECT **Zoning Amendment for Lot 28, Section 15, Otter District, Plan VIP87643 –
3312 Otter Point Road**

ISSUE SUMMARY

The owner has applied to amend the Rural Residential A Kennel (RR-AK) zone to permit an existing accessory athletic facility.

BACKGROUND

The 0.983 ha subject property is located at 3312 Otter Point Road and is zoned Rural Residential A Kennel (RR-AK) in the Juan de Fuca (JdF) Land Use Bylaw No. 2040 (Appendix A). The parcel is adjacent to Rural A zoned Crown Land to the west, a CRD owned right-of-way to the east, the Denfield Road right-of way and Sooke Business Park to the south, and Otter Point Road and Rural Residential A (RR-A) properties to the north. There is an existing dwelling, including secondary suite, and an accessory building on the property.

The property is designated as Settlement Area 1 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 well water and onsite septic.

The property was the subject of a zoning amendment application (RZ000227/Ref: RZ-06-12) in 2012/13 to rezone the parcel from RR-A to RR-AK to permit a kennel and dog obedience training operation. The kennel is not currently active; however, Otter Point Athletics is operating out of the accessory building. The original building permit for the accessory building expired in 2018. A new permit application was submitted in 2021 to complete the outstanding items and receive a final inspection. In order to complete the permit, the athletic facility use must be either be legalized through rezoning, or discontinued. In response to the owners rezoning application, staff have prepared Bylaw No. 4454 to amend the RR-AK zone by adding “athletic facility accessory to a principal residential use” to the list of permitted uses. (Appendix C).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4454, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 154, 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

Sc’ianew

T’Sou-ke First Nation

Alternative 2

That proposed Bylaw No. 4454 not be referred.

Alternative 3

That more information be provided.

IMPLICATIONS

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.

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 add “athletic facility accessory to a principal residential use” in order to legalize an existing fitness centre and allow the building permit process for the accessory building to be completed.

The subject property was rezoned in 2013 from RR-A to RR-AK in order to allow a dog obedience training operation under the *kenne*l definition. The Settlement Area designation of the Otter Point Official Community Plan, Bylaw No. 3819, supports accommodating limited industrial and commercial development with a focus on the Sooke Business Park. The property is located in close proximity to local industrial, commercial and institutional uses, including light industrial and warehousing activities in Sooke Business Park, Otter Point Collision and the CRD Local Area Services Building.

The Home Based Business Category 1 regulations limit the size of home occupations, whether in the dwelling unit or an accessory building, to 25% of the floor area of the dwelling, and limits the number of additional vehicles on the lot as a result of the business to one. As a permitted accessory use, the fitness facility would be limited in size to the maximum floor area of accessory buildings (250 m²), and parking requirements would be regulated under Part 3 of Bylaw No. 2040.

The fitness facility is operating out of an existing accessory building for which there are outstanding building permit requirements. In order to complete the permit, the athletic facility use must be either be legalized through rezoning, or discontinued.

JdF Planning has received eleven letters of support from individuals that are members of the fitness operation and one letter of support from School District #61 (Appendix D).

Staff recommend referral of the rezoning application and proposed Bylaw No. 4454 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 add “athletic facility accessory to a principal residential use” to the list of permitted uses in the RR-AK zone. Staff have prepared proposed Bylaw No. 4454 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. 4454, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 154, 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
Sc’ianew
T’Sou-ke First Nation

Submitted by:	Iain Lawrence, RPP, MCIP, Manager, Juan de Fuca Community Planning
Concurrence:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services

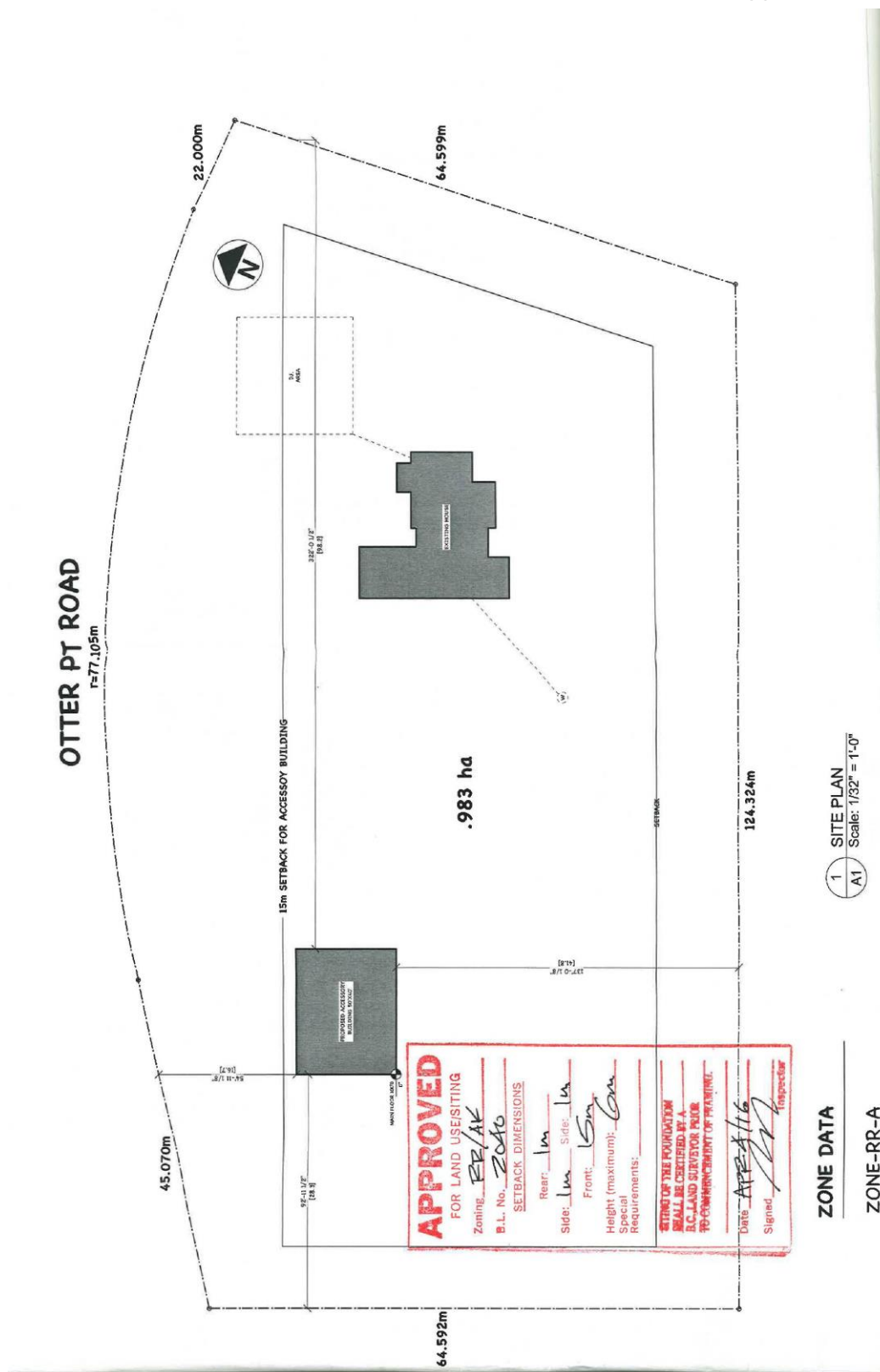
ATTACHMENTS

Appendix A: Subject Property
Appendix B: Site Plan
Appendix C: Bylaw No. 4454
Appendix D: Letters of Support

Appendix A: Subject Property



Appendix B: Site Plan



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 2, SECTION 4A.01 RURAL RESIDENTIAL A KENNEL ZONE – RR-AK

- (a) By renumbering Section 4A.01 as Section 4AK.0 and renumbering the subsections accordingly; and
- (b) By adding a new paragraph 4AK.01(h) as follows:
“(h) athletic facility accessory to a principal residential use”;

2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 154, 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 D: Letters of Support

From: [Iain Lawrence](#)
To: [Wendy Miller](#)
Subject: FW: Letter of Support for Otter Point Athletics rezoning
Date: Wednesday, August 11, 2021 9:51:24 AM

From: steve dalman [REDACTED]
Sent: Wednesday, August 11, 2021 9:34 AM
To: iain Lawrence <ilawrence@crd.bc.ca>
Subject: Letter of Support for Otter Point Athletics rezoning

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good day Ian,

I am writing a letter in support of the Otter Point Athletics (OPA) rezoning application. I have been a member of OPA for over three years.

OPA is an outstanding business in Sooke run by a fantastic owner. From a personal fitness perspective, OPA has been a huge benefit in my life - vastly improving my fitness in general and specifically improving a chronic back issue. Previous to finding OPA, I have never enjoyed nor stayed with another gym, but [REDACTED] and the other coaches have made going to the gym a fun experience I look forward to.

OPA has also had a big impact socially - within 3 months of joining OPA, I had met far more residents of Sooke than in the five years I had already lived here.

Another thing is how important OPA was during covid. [REDACTED] did an amazing job of adapting the gym to any new restrictions or recommendations or cleaning during covid for everyone's safety. I had a very small bubble, so having the gym open during those times was a huge benefit for me - something to look forward to.

Thank you,
Steve Dalman
[REDACTED], Sooke BC

From: [Marina Braggio](#)
To: [Iain Lawrence](#); [Otter Point Athletics](#)
Subject: Otter Point Athletics
Date: Sunday, June 27, 2021 8:48:25 AM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mr. Lawrence,

My name is Marina Braggio, both my husband and I attend this gym and it's been an incredible experience for both of us.

I have been coming to Otter Point Athletics (OPA), well over 5 years and to the Otter Point location for the last 4 years. I can't express how great it is to have OPA in my life. The location is only 5 minutes away and it's such a unique place to work out in. The building and outdoor workout areas are what make it special, the community feels elevates the experience too. It's been such an important place for me to come and grow as an athlete, for both my physical and mental health. I have met many incredible and inspiring individuals, we are so supportive of one another. I consider some of these individuals close friends.

During this last year's COVID pandemic, [REDACTED] has provided a safe and healthy environment and has made the location adaptable to the restrictions given to such an important place. Gyms are not regarded as important in some respect, however, during the pandemic they have proven to be SO IMPORTANT, for our mental health. I can't express how much I value OPA, this past year and a half. It's really cemented the importance of having fitness in your life.

Yours truly,

Marina Braggio

From: [Malcolm Constantine](#)
To: [Iain Lawrence](#)
Subject: Letter of support for Otter Point Athletics
Date: Monday, June 21, 2021 9:32:23 AM

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear sir,

I am writing this letter in support of Otter Point Athletics as I believe it is a business that has benefited not just myself but our community at large. I joined the gym back in 2017 and was very unmotivated exercise wise and didn't know very many people in my community. This gym has been a great source of motivation and helped keep my physical and mental health thriving even during the Pandemic. The owner and staff are amazing people and great role models not only in our gym but in this community. In the fall of 2019, I applied to become a recruit for the Sooke Fire Rescue Department. I was accepted and completed my recruit training and am now a member of the SFRD as a paid on call firefighter. This wouldn't have been possible without the support and belief of the fine folks of Otter Point Athletics. I believe that this gym is greatly needed and has united many people from all different walks of life to come together and not only work out but also create new and lasting friendships. The positive effect it has on all of its members is incredible and I have never seen this close knit of a community that has been formed here anywhere else.

Thank you for your time

Malcolm Constantine

From: [Gillian Amanda Dixon](#)
To: [Iain Lawrence](#)
Subject: RE: Support of OPA's zoning application
Date: Tuesday, June 15, 2021 3:47:42 PM

Dear Ian,

I am writing to you in support of Otter Point Athletics (OPA) as an integral business for the community of Sooke. OPA not only benefits the physical and mental health of its members, [REDACTED] and his employees (past and present) have cultivated a welcoming community of adults of all ages.

Unlike many other cross-training gyms I have been a member of in various cities, OPA focuses less on the competitive nature associated with this type of training. Instead, the focus is on doing the best we can with what we have. Skill, shape, size and age do not matter. What matters is that people show up, and we try. Those wanting to compete can. Those who want to be better versions of themselves are allowed to do so with support and encouragement from the staff as well as other members.

I grew up in Sooke and left for 17 years. Upon my return, I found the offerings of the other gyms in Sooke were not engaging or motivating. As a result, I did not go to the gym, and my overall fitness levels deteriorated. I found OPA and loved it, but then had to leave the country for work. Due to the pandemic, I returned to Canada pre-March 2020, shut down, and ran into [REDACTED]. He welcomed me back for whatever time I was home, and the schedule worked for me. He was not interested in making me sign up for a long-term membership; he was just happy to see me show up. The offering at OPA is exceptionally reasonable in terms of pricing, and [REDACTED] flexibility is appreciated. An unusual feature of a cross-training gym that speaks to [REDACTED] integrity as a business person and his motivations for getting people to the gym.

We appreciate the extensive effort [REDACTED] put in to diversify his business model to work within the guidelines to keep the box going when many gyms could not. The facilities and equipment are well-maintained, impeccably clean and safe. There is no better "box" in my experience in terms of the quality of the facilities.

In all my years in Sooke, I have not witnessed a single business that fosters the health and well-being of its members like [REDACTED] does. OPA creates an inclusive kinship amongst its members that is welcoming regardless of age, gender, sexual orientation, race, "new Sooke" or "old Sooke." As Sooke grows, we need more places in our town that accept the new, the weird, the quiet and the fun without judgement. Therefore, I ask that you support zoning OPA accordingly to ensure that we continue to stay healthy, positive and welcoming to anyone who wants to join us on this journey.

Kind Regards,

Gill Dixon

From: [Trisha Bartlett](#)
To: [Iain Lawrence](#)
Subject: Rezoning Application for Otter Point Athletics
Date: Saturday, June 12, 2021 6:38:27 AM

Hello Ian,

I am writing to express my support for the rezoning application for Otter Point Athletics (3312 Otter Point Road, Sooke, BC).

When I became a member at Otter Point Athletics over three years ago, I had no idea a gym could become such a significant part of my life. The group fitness classes are fun, challenging and incredibly rewarding. The coaching team is very knowledgeable and dedicated to making each fitness class a positive experience for every member. [REDACTED] runs the business in a professional manner and works hard to create a supportive atmosphere with clean, well-organized equipment. He has cultivated a strong sense of community where members of all backgrounds come together with a common goal of having fun and staying healthy.

Without question, Otter Point Athletics positively contributes to the wonderful community of Sooke and I sincerely hope its location remains unchanged.

Kind Regards,
Trisha Bartlett

From: [Leanne](#)
To: [jdf info](#); [Iain Lawrence](#)
Subject: Otter Point Athletics
Date: Friday, June 11, 2021 4:03:21 PM

To whom it may concern ,

Hello , my name is Leanne Hannam and I write to you regarding [REDACTED] (Otter Point Athletics)zoning issue.

My husband and I decided to join the gym two years ago in our late 40s. We were fat , not sleeping , multiple medical conditions and in general , in poor shape . We sat on the couch and ate chips while watching “ The Biggest Loser” . Quite pitiful and utterly unmotivated .

We knew the [REDACTED] from their community involvement and businesses . It was an incredibly Intimidating experience on day one to walk into a place where people show up as their best possible selves day in and out . Yet , the people there could not have been more welcoming and supportive , celebrating every small victory with us . And believe me in the beginning just showing up was a victory . Slowly but surely we stopped feeling bad , both physically and mentally . Both of us lost weight , had less physical pain , and now take 1/4 of the medications we previously were on. I have a debilitating chronic condition that keeps me in regular pain daily . With the addition of meaningful exercise and routine I require very little medical intervention currently . It is a mystery to my doctors but the only change in my life is CrossFit . More importantly we became part of the OPA community and consider many of them our friends . Soon we didn’t just go to the gym , we also met up to go hiking , practise running etc. To put it in perspective the gym has a running path that is 200 meters . When we started two years ago my husband mike and I would run out around the corner , where we thought no one could see us , and walk the rest of the distance . April of 2021 Mike and I ran the TC 10k. And we didn’t run around the corner and walk !

The members of of OPA are a diverse bunch . Come one , come all , fat , skinny , young and old . It is an inclusive place where the coaches encourage you to be the best you. [REDACTED] himself is a dedicated and caring man . He reads the needs of the whole , while caring for and adjusting for the few . Clearly OPA is his passion and it shows in everything he does .

For example when the whole world was on lockdown in 2020 [REDACTED] was unable to have members at the gym . So he lent out all of his equipment to people and we worked out together on Zoom five days a week . For months . He rose to the occasion and most of us look back on that time and know he saved us mentally when there was so much suffering and fear .

In short [REDACTED] and his gym are a meaningful part of the community in the most positive of ways . Having belonged to all of the gyms here in the Sooke area at one time or another I can tell you confidently that [REDACTED] is providing something special , and something people need .

I do hope our story is something that is helpful in making your decision down the road .

Please feel free to contact me with any questions you may have .

Respectfully,

Leanne Hannam
[REDACTED]

Sent from my iPhone

From: [Melissa](#)
To: [Iain Lawrence](#)
Subject: Zoning for OPA
Date: Friday, June 11, 2021 8:26:25 PM

Hello

I am writing to advocate for the wonderful gym .I have been a member since January 2018. It is so nice to have something close to my home . (I live on tugwell) Otterpoint athletics is beyond a gym . It's a community of like minded people . It's therapy and sanity for me , especially through this last year . I have never been in better mental and physical health . I believe sooke is better for having this gym and would be a huge loss to see us loose it . [REDACTED] has put his soul into this gym and it shows .

Thank you Mel

Ian Lawrence
CRD
625 Fisgard St,
Victoria, BC
V8W 1R7

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

Re: Letter of Support for Otterpoint Athletics

June 11, 2021

Dear Mr. Lawrence,

I am writing to you today in support of Otterpoint Athletics and the owner [REDACTED]. I, Pia, joined OPA in the fall of 2018 after having previously been at a CrossFit gym in Ontario and upon my move to Sooke joining a different gym. I switched mainly due to the excellent reviews I heard from others about OPA and all its coaches. I was not disappointed.

At OPA I found a community and culture of openness, encouragement and support that was built by [REDACTED], his staff, as well as all members that I met. My father, Hermann joined OPA in 2019. Both of us have found a home at OPA, and it has improved our standard of living immensely.

With the onset of Covid-19, [REDACTED] and all coaches have tirelessly managed to always adapt and adhere at the new restrictions that have allowed for continuous training for much of the pandemic. This has not only been a big support in our physical well-being but also our mental health. Otterpoint Athletics has continued to be a valuable addition to our life, for ourselves, and in engaging with the Sooke community.

Having studied abroad for the last two years, and only coming home for a 8 week visit last Christmas, I was immediately welcomed back at the gym and the community is truly one of mutual respect and support.

For these reasons, both my father and I would like to utter our support for Otterpoint Athletics in seeking a new building designation.

Please feel free to reach out to us, should you have any questions.

Sincerely,

Pia and Hermann Brinkschulte

From: [Ellen Anderson](#)
To: [Iain Lawrence](#)
Cc: [CFOPA](#)
Subject: Support for rezoning request
Date: Friday, June 11, 2021 8:27:10 PM

I'm writing in support of the rezoning request by Otter Point Athletics on Otter Point Road.

I am a senior citizen and community physician who has lived in the area for over 25 years. I appreciate all the opportunities for outdoor recreation in this region, and definitely find that I need regular fitness training in order to stay active as I age.

I regularly attend this fitness gym run by [REDACTED] and can attest to it being very well run with excellent facilities and coaching staff, ample parking, and great programming. More recently the gym has been very effective in keeping members safely active outdoors during pandemic restrictions.

The gym and its community of CrossFit participants is an important asset to health of people in the Sooke and Juan de Fuca region.

Dr Ellen Anderson

Sent from my iPhone

From: [john h](#)
To: [Iain Lawrence](#)
Subject: Otter point athletics
Date: Thursday, June 10, 2021 1:58:00 PM

> To whom it may concern,
>
> I wanted to take a moment and share my appreciation for the gym. OPA is a community that I'm grateful to be
able to take part in. It's increasing my health and fitness, my mental health and introducing me to members of my
new community since moving here from Nova Scotia.
>
> Respectfully,
> John Helpard
> [REDACTED]
> Sooke, BC
>
>

From: [Anna Tsougrianis- Brereton](#)
To: [Iain Lawrence](#); [jdf info](#)
Subject: Otter Point Athletics
Date: Thursday, June 10, 2021 4:09:34 PM

Dear Ian and the CRD,

I am a current member of Otter Point Athletics and have been since it was first established- starting in the old mechanic garage on Sooke Rd.

██████ has brought the community together as we had over 100 members at one point prior to COVID. Our community is now stronger and fitter and more importantly healthier. Anywhere you look around Sooke, you will always find one of our athletes sporting the Otter Point athletics or "OPA" hoodie.

We are such a tight nit community but also so welcoming to new members.

Personally, Otter Point Athletics was the way I met a great group of friends that I now consider my family. I am not originally from Sooke, but was offered such a warm welcome .

We have supported of friends through Crossfit competitions, marathons, Weightlifting Competitions, trail races and hikes.

What this gym has done for me, I will forever be grateful for.

Whenever I am a having a stressful day at work, I look forward to a great workout with great people.

Otter Point Athletics is the only gym of its kind in Sooke, please re-consider any re zoning plans.

Sincerely,
Anna Brereton



SCHOOL DISTRICT NO. 62 (Sooke)
3143 JACKLIN ROAD,
VICTORIA, BRITISH COLUMBIA • V9B 5R1
TELEPHONE: 250-474-9800 FAX: 474-9893
WEBSITE: WWW.SD62.BC.CA

June 10, 2021

Dear Land Use Committee:

Otter Point Athletics has provided critical healthy programs to many community members of a variety of ages and professions. [REDACTED] has created a fitness community that not only benefits community members in Otter Point, but also Sooke and as far as East Sooke. [REDACTED] has improved the health of many people from doctors to teachers to retirees. This health and wellness is vitally important for the health of a community. It is my belief that [REDACTED] provides a service that is of a significant positive value and I strongly support his business.

[REDACTED] very generously provides a scholarship every year to EMCS youth to promote health and wellness. He has also donated much loved toques for students in the School District that promote health. He is generous and extremely professional with his business.

I wholeheartedly support this business with the Land Use Committee.

Sincerely,

Stephanie Hedley-Smith
Associate Superintendent of Schools