

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, October 19, 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 September 21, 2021
- 4. Chair's Report
- 5. Planner's Report
- Liquor Lounge Endorsement Application
 a) LP000023 Jordan River Brewery (10236 West Coast Road)
- 7. Radio Communication and Broadcasting Antenna Systems Applications
 - a) LP000026 Lot 205, Renfrew District (6215 Powder Main Road); and LP000027 - Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (West Coast Road at Minute Creek)
- 8. Development Permit with Variance Application
 - a) DV000083 Lot 9, Section 129, Sooke District, Plan VIP67208 (590 Seedtree 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.



Minutes of a Meeting of the Juan de Fuca Land Use Committee Held Tuesday, September 21, 2021 at the Juan de Fuca Local Area Services Building 3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Mike Hicks (Chair) (EP), Stan Jensen (EP), Vern McConnell (EP),

Roy McIntyre, Ron Ramsay (EP), Dale Risvold (EP), Sandy Sinclair (EP)

Staff: Iain Lawrence, Manager, Community Planning (EP);

Wendy Miller, Recorder (EP)

PUBLIC: Approximately 13 EP

EP – Electronic Participation

The meeting was called to order at 7:02 pm.

The Chair provided a Territorial Acknowledgment.

1. Approval of the Agenda

At this time, it was advised that the applicant for Development Permit with Variance Application DV000082 for 4-7450 Butler Road has requested that consideration of the application be withdrawn from the September 21, 2021, Juan de Fuca Land Use Committee meeting agenda.

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

CARRIED

2. Approval of the Supplementary Agenda

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

CARRIED

3. Adoption of Minutes from the Meeting of July 20, 2021

MOVED by Sandy Sinclair, **SECONDED** by Stan Jensen that the minutes from the meeting of July 20, 2021, be adopted. **CARRIED**

4. Chair's Report

The Chair thanked everyone for coming to the meeting and asked that the members continue attending meetings electronically until such time that the public is able to attend meetings inperson.

5. Planner's Report

No report.

6. Radio Communication and Broadcasting Antenna Systems Application

a) LP000025 - District Lot 175, Renfrew District (Cedar Coast Road)

lain Lawrence spoke to the staff report for the application 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.

lain Lawrence highlighted the site plan and orthophoto showing the subject property and proposed tower location. It was advised that this radio communication tower application, which includes a CREST antenna, and a previously CRD Board supported radio communication tower application (LP000021) are part of the initiative to expand service between Sooke and Port Renfrew.

lain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair confirmed that the application representative was present.

Brian Gregg, representative for Rogers, responded to a question from the LUC advising that site preparation works will commence as each tower location is approved. Tower installation will proceed once fabrication/construction project contracts are finalized.

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell that 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.

CARRIED

7. Development Permit with Variance Applications

a) DV000078 - Strata Lot 7, Section 97, Sooke District, Strata Plan EPS6132 (6301 Quail Peak Place)

lain Lawrence spoke to the staff report for the application 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.

lain Lawrence highlighted the subject property map, site plan and building elevations. It was advised the *Riparian Areas Protection Regulations (RAPR) Assessment Report* submitted as part of the application addresses the CRD Riparian DP guidelines for the proposed development and has been approved by the Province.

lain Lawrence reported that the subject parcel was created through lot averaging and is .26 ha. The smaller lot size, combined with the required Streamside Protection and Enhancement Area (SPEA) setback for the creek transecting the parcel places restrictions on the buildable area and parking locations.

lain Lawrence confirmed that no comments were received in response to the notice of intent mailed to adjacent property owners within 500 m of the subject property.

The Chair responded to a question from the public confirming that the subject property is not serviced by the Seagirt Waterworks District; the subject property is serviced by the Juan de Fuca Water Distribution Service.

MOVED by Stan Jensen, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee recommends to the Capital Regional District 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.

CARRIED

b) DV000081 - Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, and EPP69011 (12036 West Coast Road) lain Lawrence spoke to the staff report for the application 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.

lain Lawrence highlighted the subject property map, proposed subdivision plan and watercourse mapping as included in the Environmental Assessment report submitted to address the Riparian DP and Sensitive Ecosystem DP guidelines. It was advised that the subdivision area is currently classified as Private Managed Forest Land (PMFL) and that future works on the lots will require a development permit and riparian assessment report if works are to take place in the riparian assessment area. Staff support the proposed lot layout as it minimizes stream crossings through the use of panhandle driveways and shared access driveways.

lain Lawrence directed attention to the submissions included in the supplementary agenda.

The Chair confirmed that the application representatives were present.

The representatives responded to questions from the LUC advising that:

- the trees are third growth and are approximately 15-20 m high and 20-30 cm in diameter
- a 10 m SPEA has been established for Second Creek and for seasonal streams
- the minimum driveway access width is 6 m

lain Lawrence responded to a question from the LUC advising that the average parcel size is 2 ha with a minimum lot size of 1 ha.

Heather Phillips, Otter Point:

- concerned about the availability of groundwater
- the community, through its Official Community Plan review, supports more information regarding groundwater resources
- new uses should not interfere with existing uses

- salmon bearing streams are an existing use

lain Lawrence responded to questions from the public advising that:

- shared driveways will be established by easement and maintenance of the driveways would fall under the easement agreement
- setbacks are specified by the Wildwood Terrace 4 (WT-4) zone
- the lot layout is finalized once the subdivision plan is registered by the Ministry of Transportation and Infrastructure
- local government approval is not required for road building on PMFL
- the requested variances do not include reduced setbacks from property lines, only frontage reductions

MOVED by Stan Jensen, **SECONDED** by Roy McIntyre that the Juan de Fuca 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.

CARRIED

8. Zoning Amendment Application

a) RZ000274 - Lot 28, Section 15, Otter District, Plan VIP87643 (3312 Otter Point Road) lain Lawrence spoke to the staff report for the application to amend the Rural Residential A Kennel (RR-AK) zone to permit an existing accessory athletic facility.

lain Lawrence highlighted the subject property map, site plan and proposed Bylaw No. 4454.

lain Lawrence responded to questions from the LUC advising that:

- the kennel operation is currently not active
- athletic facility visitations exceed the home based business regulations
- the kennel was not operated from the accessory building that is used as an athletic facility
- the building permit for the subject accessory building has expired
- in order to complete the permit, the athletic facility use must be either be legalized through rezoning, or discontinued

Heather Phillips, Otter Point, spoke to new provincial legislative that is anticipated in 2022 and questioned if a separate well will be required for the commercial use.

The Chair confirmed that the applicant was presented.

The applicant stated that the:

- property has one well
- well has never run dry
- athletic operation does not provide shower, laundry or kitchen facilities

MOVED by Sandy Sinclair, **SECONDED** by Vern McConnell 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

CARRIED

9. Adjournment

Chair			
Chaif			

The meeting adjourned at 8:32 pm.



REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, OCTOBER 19, 2021

SUBJECT Liquor Lounge Endorsement Application (10236 West Coast Road)

ISSUE SUMMARY

An application has been made for a liquor manufacturing licence with lounge endorsement, which is subject to local government and public consultation. A resolution is required from the Regional Board either commenting on the application or opting out of the review process.

BACKGROUND

The applicant has requested a liquor manufacturing licence with lounge endorsement from the provincial Liquor and Cannabis Regulation Branch (LCRB). In order to participate in the decision-making process, local governments must conduct public consultation and provide comments to LCRB.

The approximately 145 ha subject property is located at 12036 West Coast Road in Jordan River (Appendix A). A 3.3 ha portion of the property to which this application applies, is zoned Wildwood Terrace Neighbourhood Commercial (C-1A) under the Juan de Fuca (JdF) Land Use Bylaw No. 2040 (Appendix B). The C-1A zoned area of the property is also being considered for rezoning to permit a brewery with accessory sales, lounge and special event area (RZ000270). Proposed Bylaw No. 4381 received third reading from the Capital Regional District (CRD) Board on September 8, 2021, and adoption is pending completion of conditions.

An application has now been received for consideration of a lounge endorsement as part of the brewery manufacturing liquor licence (Appendices C and D). The proposed 362 m² brewery with lounge includes capacity for 96 seats indoors and 60 seats on an outdoor patio. Hours of operation are proposed to be between 12 p.m. and 10 p.m. daily (Appendices E). A lounge endorsement permits the serving of liquor, food, and entertainment. The CRD Board may conduct public consultation and provide comment on the application to the LCRB, or opt out of the review process.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

- That comments be provided to the LCRB confirming that the CRD Board has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community, and public comments received for the proposed lounge endorsement application for Jordan River Brewery (LP000023);
- 2. That public comments received on application LP000023 be provided to the LCRB;
- 3. That a recommendation of approval-in-principle for lounge endorsement application for Jordan River Brewery (LP000023) be provided to the LCRB subject to the following conditions: a. final adoption of rezoning Bylaw No. 4381.

Alternative 2

The Land Use Committee recommends to the CRD Board:

That the lounge endorsement application for Jordan River Brewery (LP000023) not be supported.

Alternative 3

The Land Use Committee recommends to the CRD Board:

That the CRD opt out of the review process and the lounge endorsement application for Jordan River Brewery (LP000023) be forwarded to the LCRB with no comment.

Alternative 4

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

IMPLICATIONS

Legislative

The liquor licensing system is established by the *Liquor Control and Licensing Act* and administered by the Liquor and Cannabis Regulation Branch (LCRB). Local governments are notified of applications for a lounge endorsement on a manufacturer's licence and provided opportunity to comment and make recommendations, or to opt out of the review process. Local governments may delegate the authority to provide comment on some or all types of applications that would otherwise require a Board resolution.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, which applies to applications under the *Liquor Control and Licensing Act*.

Public Consultation

Local governments are to provide comments and recommendations to LCRB within 90 days of receipt of an application. Consideration must be given to the location of the proposed service area, the *person capacity* and the hours of liquor service. Comments must be provided to the LCRB on the following:

- the impact of noise on the community in the immediate vicinity of the service area;
- the general impact on the community if the application is approved:
- the views of local residents;
- a description of the method used to gather public comments; and
- recommendations on whether the application should be approved or rejected with supporting rationale.

Local government is to conduct public consultation in a manner that is considered fair and equitable to both the residents and the applicant, provides all nearby residents reasonable notice and opportunity to comment, avoids bias, is appropriate to local circumstances, and provides sufficient information regarding the application, type of licence, and the proposed person capacity and hours of service. In advance of the October 19, 2021, Land Use Committee (LUC) meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the opportunity to provide comment on the application. Any responses received from the public will be presented at the October 19, 2021, LUC meeting.

Land Use

The LCRB requires that liquor manufacturing and lounge endorsement applications only be approved if proper land use zoning is in place. In cases where rezoning is required or in process, local government may withhold the application and delay the 90 day review period or recommend an approval in principle subject to conditions. As rezoning application RZ000270 is currently in process to permit the brewery and lounge use on the C-1A portion of the property, staff recommend that the CRD Board consider supporting an approval-in-principle subject to final approval of the rezoning and adoption of Bylaw No. 4318.

Location

The proposed location of the Jordan River Brewery is on a vacant portion of the subject property adjacent to West Coast Road. The proposed brewery with lounge will be in a newly constructed, 362 m² building at 12036 West Coast Road (Appendices C and D). Upon adoption of Bylaw No. 4381, the C-1A zone will permit a maximum floor area of principal buildings of 2,000 m². Buildings are required to set back 7.5 m from the front, 6 m from side and 10 m from rear property lines. At such time the applicant pursues construction of the proposed building, a building permit and a Commercial Development Permit as outlined in the Shirley – Jordan River Official Community Plan Bylaw No. 4001, will be required. Approval of development permits is delegated to the General Manager, Planning & Protective Services, as per Bylaw No. 3462.

Access to the brewery will be from West Coast Road. A commercial access permit is required from Ministry of Transportation & Infrastructure as part of the rezoning requirements.

Parking requirements, as outlined in Part 3 of the Juan de Fuca Land Use Bylaw No. 2040, will be assessed at time of development permit. Licensed premises require one parking space per 3 seats in the establishment. Additional spaces are required for brewery and restaurant staff.

The location of the proposed brewery with lounge endorsement must be considered as part of application LP000023. The location was considered as part of RZ000270 and supported subject to final adoption of Bylaw No. 4318.

Person Capacity

The proposed *person capacity* for the lounge is 156 seats, comprised of 96 seats in an indoor lounge area and an additional 60 seats on a 153 m² outdoor patio. As part of the LCRB application review, *occupancy load* is required to be calculated by building and/or fire officials, and *person capacity* cannot exceed *occupancy load*. CRD Building Inspection will require submission of a building permit application to confirm *occupancy load* if the licence application is supported.

Hours of Service

The hours during which a licensed establishment is open for the sale and service of liquor can have a significant impact on the surrounding residents in a community. LCRB will consider hours for a lounge between 9 a.m. and 4 a.m. The proposed hours of liquor service is between 12 p.m. and 10 p.m. daily.

<u>Noise</u>

Disturbing noise in the JdF Electoral Area is enforced by CRD Bylaw Enforcement through the regulations of the Noise Suppression Bylaw (Juan de Fuca), Bylaw No. 3341. Indoor and outdoor amplified music is restricted between the hours of 11 p.m. and 7 a.m., and the loading and unloading of vehicles is restricted between 7 p.m. and 7 a.m. The proposed brewery and lounge hours of service are not expected to conflict with the terms permitted in Bylaw No. 3341.

Community Impacts

Additional factors that may be considered in the public interest include: hours of operation requested by nearby licensed establishments, the ability of police to supervise the establishment, and the availability of public transit and taxi service. Local governments may consider restricting types of entertainment at the licenced establishment by bylaw.

Based on consideration of the above information and subject to public input received regarding the application, staff recommend that the CRD opt in to review the application and provide comments and a recommendation to the LCRB. Should the application be supported, staff recommend that issuance of a licence be conditional on final approval of rezoning and adoption of Bylaw No. 4381.

CONCLUSION

An application for a manufacturing licence with lounge endorsement has been submitted for the Jordan River Brewery. A resolution is required from the CRD Board either commenting on the application or opting out of the review process. Owners and occupants within 500 m of the subject property were notified of the application and provided opportunity to comment in advance of the LUC meeting. Should the CRD opt in to a review of the application, comments and recommendations including rationale must be provided to the LCRB within 90 days.

RECOMMENDATION

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

- 1. That comments be provided to the LCRB confirming the CRD Board has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community, and public comments received for the proposed lounge endorsement application for Jordan River Brewery (LP000023);
- 2. That public comments received on application LP000023 be provided to the LCRB;
- 3. That a recommendation of approval-in-principle for lounge endorsement application for Jordan River Brewery (LP000023) be provided to the LCRB subject to the following conditions: a. final adoption of rezoning Bylaw No. 4381.

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

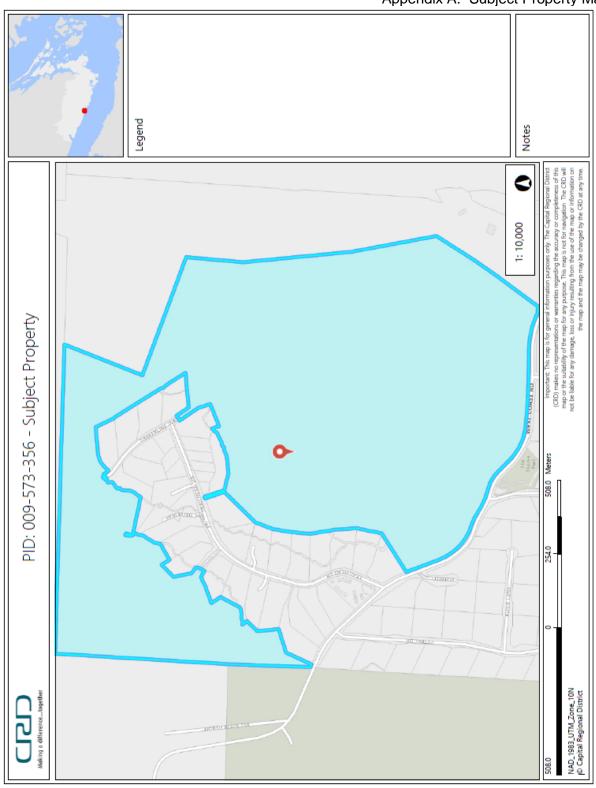
ATTACHMENTS

Appendix A: Subject Property Map

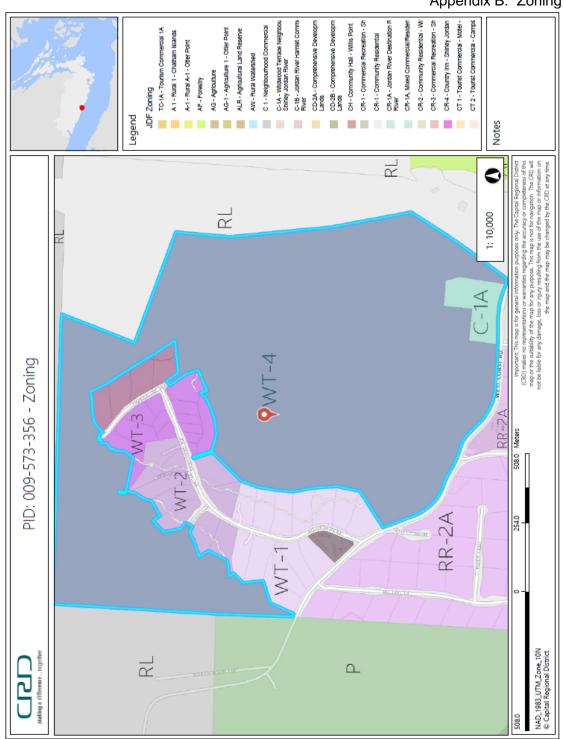
Appendix B: Zoning Map Appendix C: Site Plan Appendix D: Floor Plan

Appendix E: Letter of Intent for Lounge Endorsement

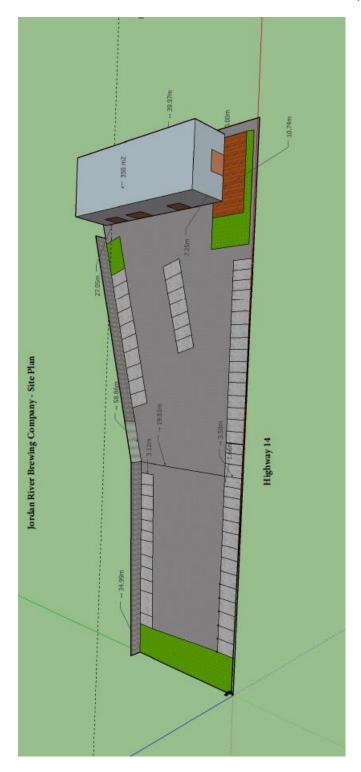
Appendix A: Subject Property Map



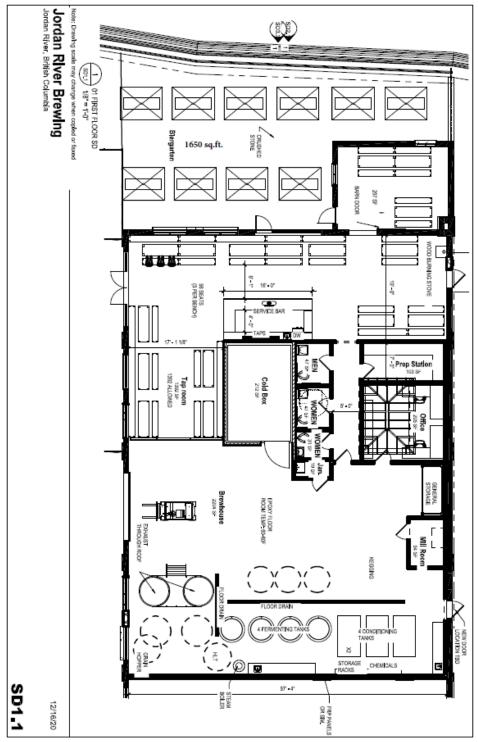
Appendix B: Zoning Map



Appendix C: Site Plan



Appendix D: Floor Plan



Appendix E: Letter of Intent for Lounge Endorsement



LETTER OF INTENT - LOUNGE ENDORSEMENT

JORDAN RIVER BREWING COMPANY

Proposed Location: 12036 West Coast Road, Jordan River, BC, V9Z 1L1

Food Service: In addition to a wide variety of non-alcoholic beverages, we plan to install a pizza oven (likely 3-4 topping options and varieties) and serve loaded nachos for hot food service. In terms of snack items, the menu would include pepperoni, beef jerky, chips, nuts and other as well other pre-packaged items.

Entertainment: Potentially a juke box for indoor music, occasional live indoor music provided by local artists. General seating plan is for communal long benches and tables, the idea being to create a family friendly atmosphere.

Neighborhood: The proposed location is on a commercially zoned site in an industrial, rural area. It is well away from any residential housing (estimated minimum 500m).

Noise / Disruption: The initial planned opening hours are 12-10pm daily. To the extent these hours are an issue for the Community, we are prepared to reduce the evening hours if required. While we are planning a patio area, there would be no outdoor music, and any indoor live music would not be loud, in keeping with the family atmosphere.

Given the rural nature of the Community, we do not anticipate any noise or neighborhood disturbance from the operation. Our intention is to become a local gathering place for the Community where all are welcome. To this end, Community support is critical, and the business will not conduct itself in a manner which would jeopardize this relationship.

Proposed Building Signage (2) - 4' X 7'

(Backlit)





REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, OCTOBER 19, 2021

SUBJECT

Radio Communication and Broadcasting Antenna Systems Applications for:

- 1. Lot 205, Renfrew District 6215 Powder Main Road; and
- 2. Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 West Coast Road.

ISSUE SUMMARY

Applications have been received by Rogers Communications for two radio communication towers with attached antennas and lightning rods, for the purpose of expanding telecommunication services.

BACKGROUND

Rogers Communications has requested a statement of concurrence from CRD to construct two radio communications towers on the subject properties as part of an initiative to expand service between Sooke and Port Renfrew.

A 68 m radio communication tower with antennas and lightening rod is proposed on Lot 205, Renfrew District, located at 6215 Powder Main Road in Port Renfrew (LP000026) (Appendix A and B). The approximately 64 hectare (ha) property is designated as Rural Resource Land under the Official Community Plan for the Rural Resource Lands, 2009, Bylaw No. 3591. Portions of the property are within a Watercourses, Wetlands and Riparian Areas Development Permit (DP) area. The property is zoned Rural Resource Lands (RRL) under the Land Use Bylaw for the Rural Resource Lands, 2009, Bylaw. No. 3602. Access to the parcel is via an easement over an adjacent parcel. The property owners have granted permission to the applicant to pursue this development.

A 63 m radio communication tower with antennas and lighting rod is also proposed on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555, located on the south side of West Coast Road, near Minute Creek (LP000027) (Appendix C and D). The approximately 151 ha subject property is designated Resource Land under Bylaw No. 3591. Portions of the property are within a Watercourses, Wetlands and Riparian Areas DP area. The parcel is zoned Resource Land (RL) under Bylaw No. 3602. The property owners have granted permission to the applicant to pursue this development.

Staff initiated a 30-day public consultation for the proposed tower applications on August 19, 2021. One comment was received regarding LP000026 from a member of the public during that period and the applicant has provided a response (Appendix E). As the land use authority for the application, the CRD Board is required to provide a statement of concurrence or non-concurrence on the applications.

ALTERNATIVES

Alternative 1

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

- 1. That a statement of concurrence be provided to Rogers Communications for the proposed 68 m radio communication and broadcasting antenna system on Lot 205, Renfrew District (LP000026); and
- 2. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (LP000027).

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 68 m radio communication and broadcasting antenna system on Lot 205, Renfrew District (LP000026); and for the proposed 63 m radio communication and broadcasting antenna system on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (LP000027).

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 that 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 Innovation, Science and Economic Development Canada's (ISED) *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 local newspaper and a notice was delivered to property owners and occupants within 500 m of the subject property to advise of the application and the opportunity to provide written comments and questions. The notice was published on August 19, 2021, and submissions were to be received by 9:00 pm by September 20, 2021. A request for comment was also circulated to relevant CRD departments. One submission regarding LP000026 was received during the notification period. The submission was forwarded to the applicant who then provided a response to the concerns and questions raised (Appendix E).

The submission raised concern for safety code enforcement policy, public disclosure and frequency of inspections. Concerns that pertain to debating the validity of Health Canada's Safety Code 6, which regulates radiofrequency emitting infrastructure, are beyond the scope of local government consultation. The proponent has no influence over the safety code and is required to comply.

In advance of the October 19, 2021, Land Use Committee meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the second opportunity to be heard and provide additional comment at the meeting.

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

Land Use

As part of the federal review process, proposals for radiocommunication and broadcasting antenna systems require local government concurrence for siting. Public communication towers and antennas for the reception of communication signals are exempted from height limitations set out in the zoning bylaw for the Rural Resource Lands, as stated in Bylaw No. 3602, Section 2.8. Further, Section 2.12 exempts public communication towers and antennas from any setback requirements established by zoning.

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

Development of the sites will involve improving or creating driveway/road accesses, clearing land for erecting the towers, and installing cement pads and fenced compounds. Prior to site alteration, issuance of a development permit may be required to address the watercourses, wetlands and riparian development permit guidelines in the OCP if the proposed work is within 30 m of a watercourse. 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 F.

Rationale for the proposed location: Rogers Communications states that the service coverage objectives to provide strong and reliable service to Highway 14 corridor and the surrounding community require sites with appropriate elevation, a clear line of site to other towers in the network, as well as proximity to customers while still being distanced from residential buildings. The location also requires a site with good conditions such as electricity, access, minimal environmental impacts. The subject properties offer many of these requirements compared to other sites considered. The applicant has also received permission from the subject property owners to submit the applications to pursue approval for the towers. A member of the public questioned whether rezoning of the property is required. As is noted in the applicant's response, the federal government is the approving authority for telecommunication towers and has outlined a local government public consultation process to evaluate the suitability of particular sites. The CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy was approved by the CRD Board and meets the requirements for public consultation established by ISED. Therefore, rezoning of the site is not required.

Proximity to residential uses, institutions, and public lands: The proposed tower site for LP000026 is adjacent to Crown land to the east and south, an undeveloped RRL zoned parcel to the west, and RL, Community Residential 1 (CR-1) and Tourist Commercial 1 (TC-1) zoned land to the north. The closest structure to the proposed tower is located approximately 350 m away, on the same property. This is greater than the CRD Policy guideline of 204 m, which is three times the height of the antenna system. The proposed tower site for LP000027 is adjacent to the Juan de Fuca Provincial Park and vacant Crown land. There are no buildings or structures located in proximity to the proposed tower. A member of the public questioned the financial responsibility for potential damage to Powder Main Road from heavy equipment associated with the proposed tower. The applicant's response states that road agreements with property owners and road authorities would be pursued subsequent to the public consultation process for siting and Rogers will be responsible for any damage directly caused by their activities.

<u>Visibility and measures to integrate the tower in to local surroundings:</u> The proposed location of the tower site for LP000026 is on a height of land overlooking Port Renfrew. The area consists of forest in various stages of growth. The proposed location of the tower for LP000027 is adjacent to West Coast Road in an area previously cleared for construction staging and gravel extraction. The tower and fenced compound would be visible to those travelling Highway 14.

<u>Security measures:</u> The applicant proposes to install perimeter fencing at the base of the towers to restrict public access to the tower infrastructure.

<u>Alternatives/mitigation measures:</u> The proposed locations for the towers meet the applicant's required siting conditions, including proximity to Highway 14, ease of access, electricity, cleared land and willing property owners. Other locations in the vicinity did not meet the applicant's technical requirements for providing coverage or did not have an agreeable property owner.

<u>Hazardous areas</u>: There are no known hazardous conditions in proximity to the proposed tower locations. A member of the public asked about fire protection plans and emergency access considerations. The applicant's response indicates that towers and equipment are constructed out of non-combustible materials and fires from radiocommunications infrastructure are extremely rare. Rogers will adhere to best practices for fire prevention. Access needs to the site are infrequent after the initial construction period, but Rogers has access to vehicles appropriate to access the site in all conditions.

<u>Environmentally sensitive areas:</u> A member of the public requested information about riparian and sensitive ecosystems and about proposed land clearance and fill coverage. Portions of the properties are designated as watercourses, wetlands and riparian development permit areas in the Rural Resource Lands Official Community Plan Bylaw No. 3591. However, the proposed tower is located outside of the riparian development permit areas and there is no requirement for a professional report or permit.

<u>Aeronautical safety requirements:</u> The applicant will be required to confirm with Transport Canada regarding any requirement for installing lights on 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 the communities between Sooke and Port Renfrew. Other service providers may co-locate on the towers in future. A member of the public questioned the impacts of noise and pollution from the use of generators during power outages. The applicant responded with information about Rogers' use of generators during power outages and the associated noise levels.

<u>Designs that address the guidelines:</u> The proximity of the proposed towers to adjacent residences is greater than three times the tower height, as recommended by the CRD policy.

Based on a review of the application, the proposed tower locations and designs satisfy the evaluation criteria outlined in the CRD's policy. The applicant has presented rationale for the proposed locations, demonstrated consideration of alternatives and mitigation measures, and provided information that address comments and questions received about LP000026 from a member of the public. Therefore, staff recommend that statements of concurrence be provided for the proposed 68 m telecommunications tower (LP000026) and 63 m tower (LP000027).

CONCLUSION

Applications have been received from Rogers Communications to construct a 68 m telecommunications tower at 6215 Powder Main Road, and a 63 m tower on the south side of West Coast Road near Minute Creek for the purpose of expanding telecommunications coverage in the Port Renfrew area, and as part of a larger initiative to improve service along Highway 14. The proposals address the evaluation criteria in the CRD's Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy. Through the public consultation process, owners and occupants of land in proximity to the subject properties were provided opportunity to comment or ask questions. One submission was received and the applicant has provided additional information in response. Staff recommend that statements of concurrence be provided.

RECOMMENDATION

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

- 1. That a statement of concurrence be provided to Rogers Communications for the proposed 68 m radio communication and broadcasting antenna system on Lot 205, Renfrew District (LP000026); and
- 2. That a statement of concurrence be provided to Rogers Communications for the proposed 63 m radio communication and broadcasting antenna system on Block C, District Lot 251, Renfrew District as shown on Plan EPP100555 (LP000027).

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

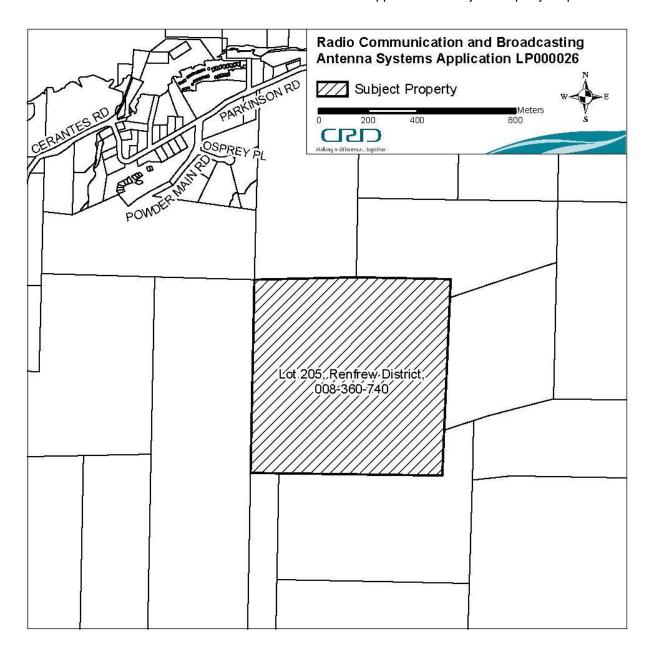
ATTACHMENTS

Appendix A: Subject Property Map LP000026
Appendix B: Development Proposal LP000026
Appendix C: Subject Property Map LP000027
Appendix D: Development Proposal LP000027

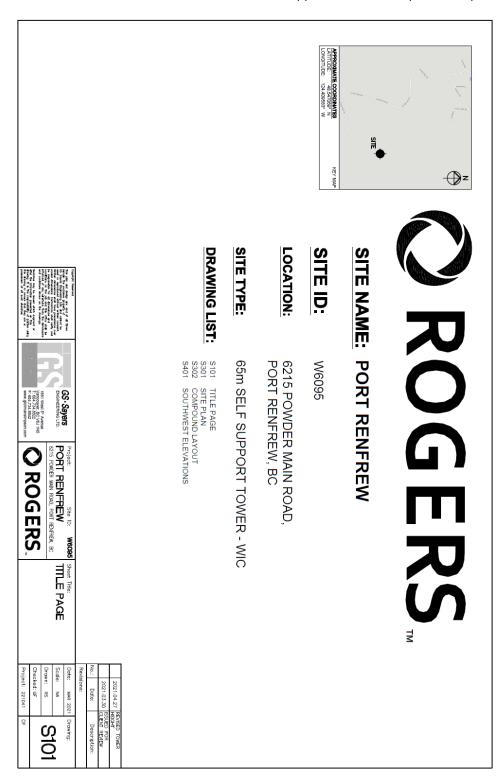
Appendix E: Public Submission and Applicant Response

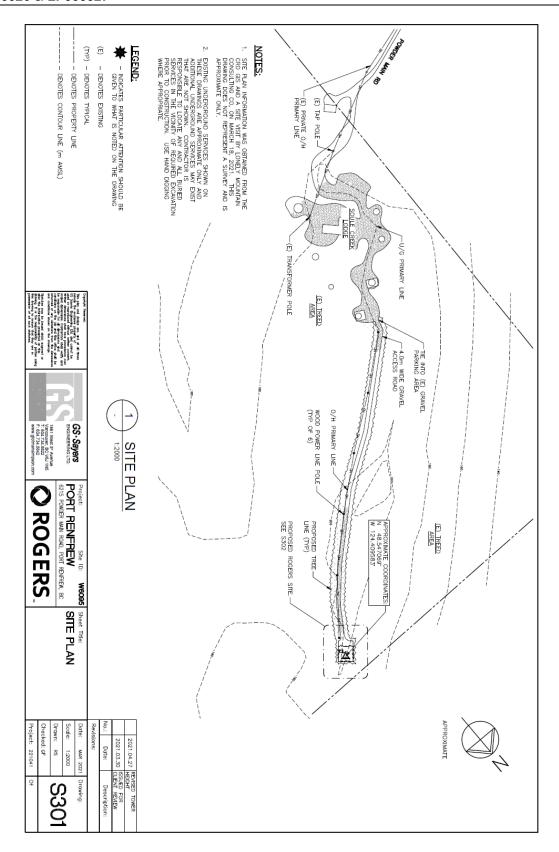
Appendix F: Evaluation Criteria

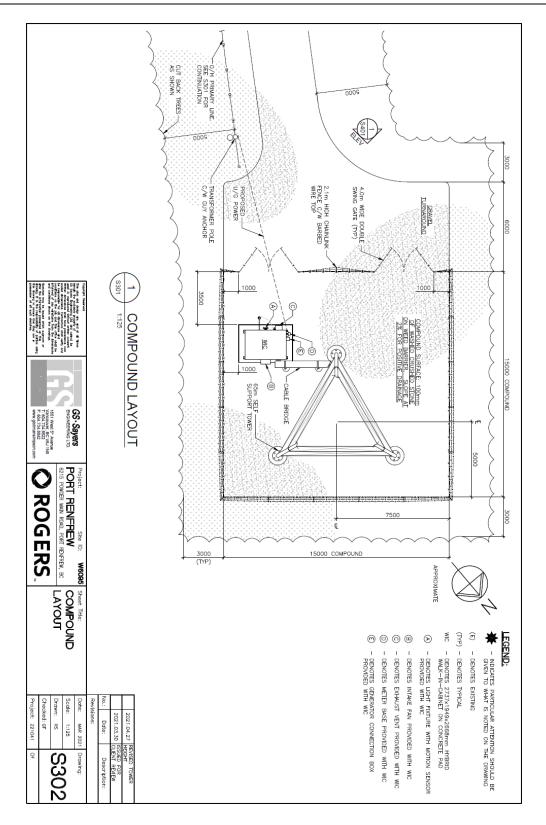
Appendix A: Subject Property Map LP000026

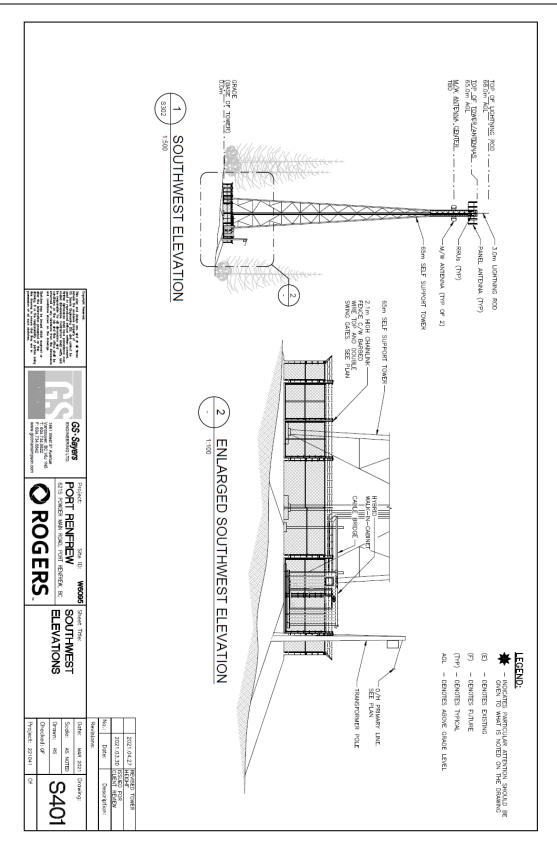


Appendix B: Development Proposal LP000026

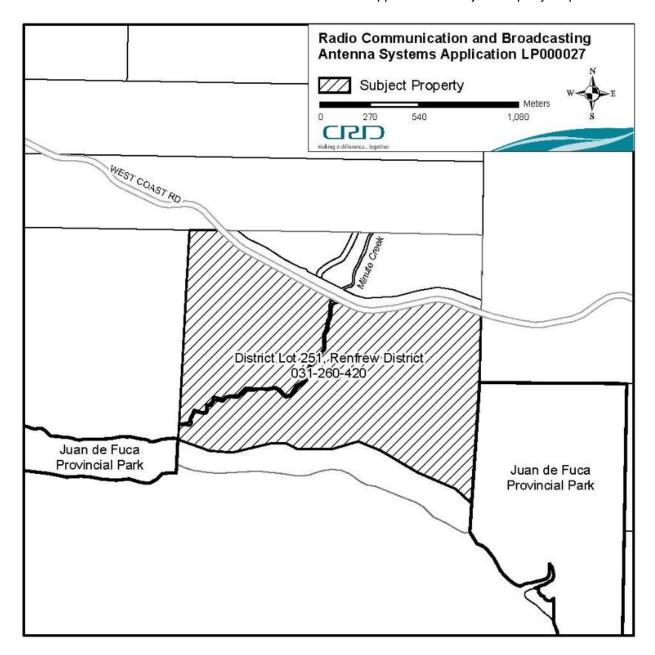




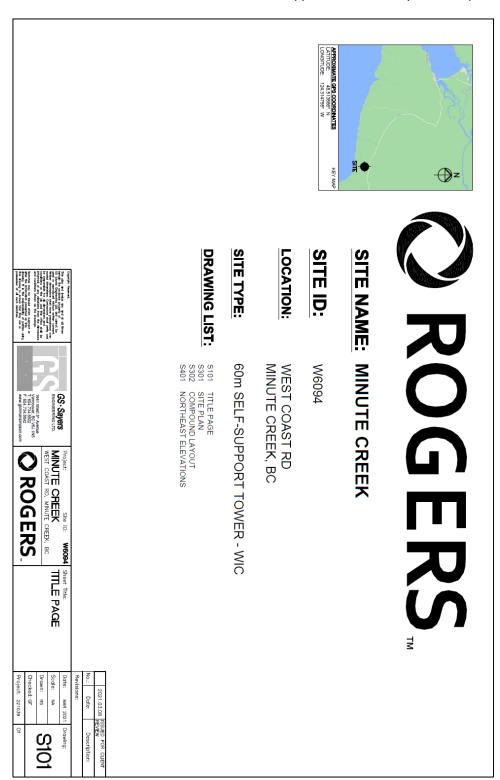


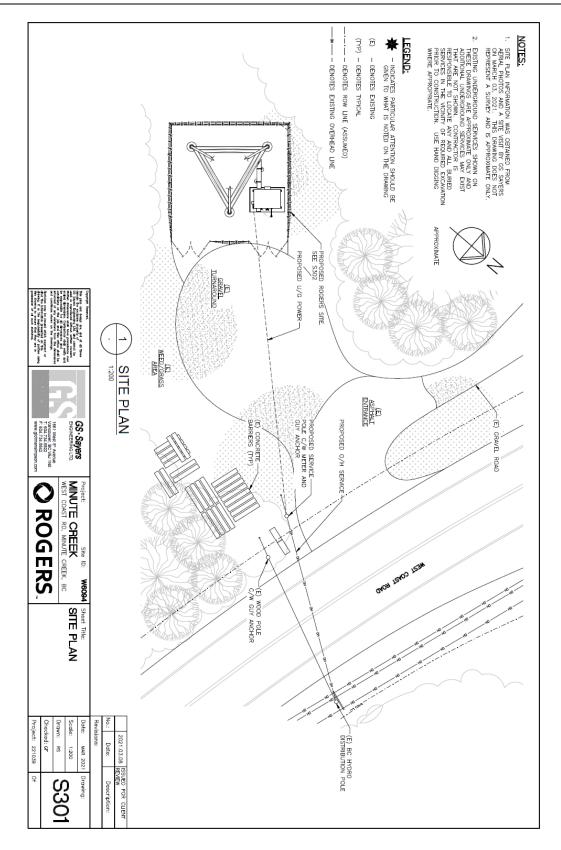


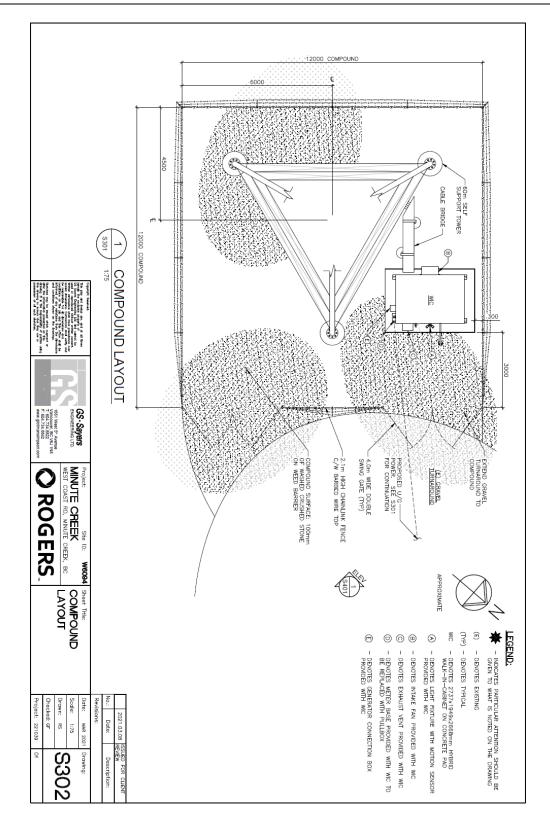
Appendix C: Subject Property Map LP000027

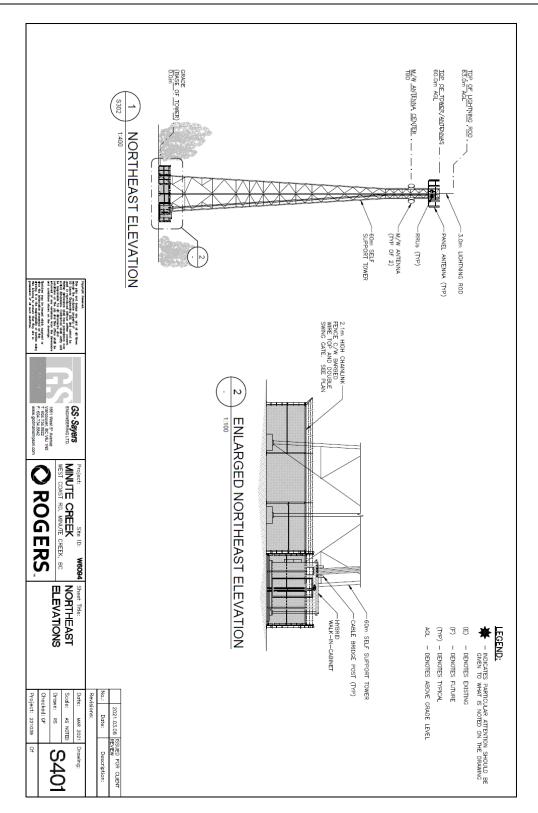


Appendix D: Development Proposal LP000027









Appendix E: Public Submission and Applicant Response

Submission #1a: Lynne Conlin

From: Lynne

Sent: Sunday, September 19, 2021 2:46 PM

To: jdf info <jdfinfo@crd.bc.ca>

Subject: Proposed Tower on 6215 Powder Main Rd. Port Renfrew

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

Please provide details on the following.

- 1. Riparian & Sensitive Ecosystems report.
- 2. Fire Protection Plan without water service to the area.
- 3. Emergency Access plan in the winter as road has frequently been impassable.
- Safety Code Enforcement policy, public disclosure and frequency of inspections.
- Land Clearance & fill coverage that will be required.
- 6. Financial responsibility to potential damage to Powder Main Rd from heavy equipment.
- 7. Plan for power outages which are frequent in Port Renfrew including potential noise & pollution from generators.
- 8. Does the proposed site require rezoning?

Lynne Conlin

Applicant's Response #1a

1. Riparian & Sensitive Ecosystems report.

Rogers is currently undertaking the required public consultation process as outlined in the CRD's *Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy*. We believe that we fall outside the required 30 m riparian setback. If it is deemed by the CRD that Rogers is within any riparian area, we will subsequently work through this via the Development Permit process.

2. Fire Protection Plan without water service to the area.

Rogers' tower and equipment is largely constructed out of non combustible materials such as steel. Fires from radiocommunications infrastructure are extremely rare. If you were to inquire with your local fire department you may be able to secure a list of the most common sources of fires. To the best of our knowledge, utility structures are not a common source of fire. With that said, Rogers will adhere to best practices regarding fire prevention.

3. Emergency Access plan in the winter as road has frequently been impassable.

After the initial construction period, Rogers' access needs are very infrequent. At most, the site will be visited approximately once/quarter or even less. Rogers will endeavour to avoid visiting the facility during periods of snow or poor weather. If emergency access is needed during a period of snow, Rogers has access to snow mobiles and other methods.

4. Safety Code Enforcement policy, public disclosure and frequency of inspections.

Rogers will comply with Health Canada's Safety Code 6. This is a strict legal requirement. ISED monitors compliance from time to time across wireless networks in Canada. Rogers attests that its installation will comply with the applicable safety code as may be amended from time to time.

Land Clearance & fill coverage that will be required.

Rogers' compound will be approximately 15 m x 15 m and this will include a fenced compound around the tower foundation and electronics equipment. Rogers will also extend access from Powder Main Road, through the Soule Creek Lodge property, toward its compound. The access road will only be approximately 4.0 meters wide and it will be a gravel road, similar to forestry roads in the area.

6. Financial responsibility to potential damage to Powder Main Rd from heavy equipment.

Rogers' agreements with property owners and road owners typically include wording to ensure that any direct damage caused by Rogers will be repaired by Rogers. Rogers will not be responsible for any damage caused by other users. Rogers is currently consulting on the tower location and any road use agreements will be pursued subsequently.

7. Plan for power outages which are frequent in Port Renfrew including potential noise & pollution from generators.

All of Rogers' facilities have both back up battery power and back-up generators. The battery supply can keep the facilities running for a number of hours. It is only in the event of an extended power outage that the generator would be used. Ensuring that cell service is active during an emergency event is critical as many people rely on cell phones to place calls to emergency service responders.

The generators are relatively quiet and we anticipate that there will be little or no noticeable noise from the generator. The proposed tower site is located quite a distance away from any residences and adjacent land uses in a densely forested area.

I investigated generator noise in detail for another project recently and garnered the following data that may be of interest.

It was reconfirmed that the generator will **only run when there is a power outage (i.e. in rare emergency scenarios).** The generator operates at an estimated 68dBa at a 7m distance.

For reference, we understand that a common dishwasher operates at around 60dBa at a 10 ft distance. Depending on what is around to absorb sound and what the air pressure is at the location, we think that the sound will be significantly reduced at a 100ft distance. Also, we feel it is important to keep in mind that the generator and HVAC are typically always running as stated above.

For reference:

20dBa – leaves rustling (considered faint)

30dBa – whisper (considered soft)

40dBa – quiet library (considered soft)

50dBa – moderate rainfall (considered moderate)

60dBa – normal conversation or a dishwasher at 10 ft. (considered moderate)

70dBa – vacuum (considered moderate – loud)

80dBa – alarm clock (considered loud)

90dBa – lawn mowers, blenders, hair dryers, power tools (considered very loud)

100dBa – snowmobiles (considered very loud)

110dBa – concerts, horns, sporting events (considered uncomfortable and potentially dangerous)

120dBa – jet plane taking off (considered uncomfortable and dangerous)

8. Does the proposed site require rezoning?

Communication sites including cell towers are under federal jurisdiction. As a result, zoning does not apply to telecommunications facilities as zoning is a creature of the Local Government Act. Notwithstanding the foregoing, per federal guidelines, land use authorities like the CRD can create their own tower siting policies and protocols to specify consultation requirements and siting preferences. The CRD does have its own policy and it requires a newspaper notice, notification to all property owners/occupants within a 500 m radius of the proposed tower and a land use decision by the land use committee and CRD Board. The CRD policy is called the *Juan de Fuca Radiocommunication and Broadcasting Antenna Systems Application Policy*.

Brian Gregg | SitePath Consulting Ltd.

Appendix F: 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.



REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, OCTOBER 19, 2021

<u>SUBJECT</u> Development Permit with Variance for Lot 9, Section 129, Sooke District, Plan VIP67208 – 590 Seedtree Road

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 the lot perimeter of a parcel front onto a public highway.

BACKGROUND

The 4.03 hectare (ha) property is located at 590 Seedtree Road and is zoned Rural Residential 6A (RR-6A) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix A). The subject property is bounded by Rural (A) zoned parcels to the east, north, and west, and by Seedtree Road and the approximate end of Seedtree Creek to the south. There is a single-family dwelling accessed by an existing driveway located in the southwest corner of the parcel, adjacent to the road and creek. An additional gravel driveway accesses the northern portion of the parcel from the front lot line, and is the approximate location of the proposed common property access for the strata parcels.

The subject property was recently rezoned from Rural (A) to RR-6A (RZ000260) in accordance with the Settlement policies of the East Sooke Official Community Plan, 2018, Bylaw No. 4000. The applicant has now submitted an application for a two-lot fee-simple subdivision (SU000725) and a separate application for a three-lot bare land strata subdivision (SU000726) (Appendix B). The RR-6A zone establishes an average minimum lot size of one hectare (ha). As part of the two-lot subdivision, proposed Lot A is 1.02 ha and will remain as fee simple, while proposed Lot B, which will be further subdivided into three bare land strata lots, is 3.01 ha.

Portions of the parcel are designated as Steep Slope, Riparian, and Sensitive Ecosystem development permit areas; therefore, a development permit is required. Both proposed parcels in the first phase of subdivision do not meet the 10% minimum frontage requirement in Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.10(4); therefore, frontage variances are also requested.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000083 for Lot 9, Section 129, Sooke District, Plan VIP67208 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 8.49% for proposed Lot A and 10 % to 6.4% for proposed Lot B, as shown on the plans prepared by J.E. Anderson, dated August 30, 2021, be approved.

Alternative 2

That the Development Permit with Variance DV000083 be denied.

Alternative 3

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

IMPLICATIONS

Legislative Implications

The East Sooke Official Community Plan, 2018, Bylaw No. 4000, designates development permit areas (DPAs) and outlines development permit guidelines (Appendix C). The property is located within the Steep Slope, 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 required frontage are requested for proposed Lots A and B in order to permit the first phase of subdivision.

Public Consultation Implications

Pursuant to Section 499 of the *LGA*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board may, at any time, 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 October 19, 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 Shane Smith, P.Geo., EIT, and James Russell, M.Sc., P.Eng., of Ryzuk Geotechnical described the site and addressed the steep slope development permit guidelines relative to the proposal. The engineers confirmed that safe building sites exist for each parcel and provided Landslide Assessment and Flood Assurance Statements for the subdivision design.

The professionals provided recommendations for construction of the common property access road and identified existing and potential rockfall hazards to be addressed. Additional rockfall hazard review following subdivision related construction activity will be required, and any future development activities proposed within the designated development permit areas on the newly created parcels will require subsequent Development Permit applications and accompanying professional reports. The engineers consider the proposed subdivision to be feasible from a geotechnical perspective.

An Environmental Assessment report was prepared by Craig Barlow, R.P.Bio., QEP, of Applied Ecological Solutions Corp. to review the proposed subdivision in relation to the *Riparian Areas Protection Regulations* (*RAPR*) requirements and the Sensitive Ecosystem DP guidelines. The report described the origin and location of the Seedtree Creek as beginning at a roadside ditch at the southwest corner of the parcel, and calculated a Streamside Protection and Enhancement Area (SPEA) of 2 m from the ditch. The report noted that the SPEA is beyond the extents of the parcel, that proposed Lot A is fully developed with a dwelling and associated services, and that no further land alteration is proposed for the subdivision in this area.

The applicant has requested that the requirement to submit a *RAPR* Assessment Report be waived on the basis of the environmental assessment. JdF Planning staff agree that a full *RAPR* assessment would be excessive at this time given the location and nature of the watercourse in relation to property and proposed subdivision works. Any future development activities within the Riparian development permit area would require a subsequent Development Permit application and accompanying *RAPR* report prepared by a Qualified Environmental Professional (QEP).

The professional reports are attached to the proposed development permit with variance as appendices.

Variances:

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. The applicant has proposed to reduce the minimum frontage requirement from 10% to 8.49% (48.85 m) for proposed Lot A, and 6.4% (65.12 m) for proposed Lot B.

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 as development of the parcel is severely limited by the steep slopes. The proposed parcels meet the required minimum lot size of 1 ha specified by the RR-6A zone. The subdivision layout is not expected to affect the public road network or neighboring properties since the development otherwise complies with the regulations of the zone in terms of overall density. While proposed Lot B will be further subdivided as a 3-lot bare land strata, access to each lot is via a Common Property driveway with a single point of access onto Seedtree Road. Multiple driveways would be impractical for the proposed subdivisions given the steep topography of the area. The proposed parcels would be limited to a maximum lot coverage of 25%, and permitted uses support a single-family dwelling and related accessory uses, including one of either a secondary suite or detached accessory suite subject to regulations.

Development Permit with Variance DV000083 has been prepared for consideration to authorize subdivision within Steep Slope, Riparian, and Sensitive Ecosystems Development Permit Areas, and to grant variances to reduce the 10% minimum frontage requirement for proposed Lots A and B (Appendix D). Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose of authorizing a 2-lot subdivision and wishes to reduce the 10% minimum frontage requirement for proposed Lot A and proposed Lot B. No further land alterations are proposed within designated Riparian DP areas as a part of the subdivision, and professional reports were received that address the Steep Slope and Sensitive Ecosystem DP guidelines. 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 DV000083 for Lot 9, Section 129, Sooke District, Plan VIP67208 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 8.49% for proposed Lot A and 10 % to 6.4% for proposed Lot B, as shown on the plans prepared by J.E. Anderson, dated August 30, 2021, be approved.

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

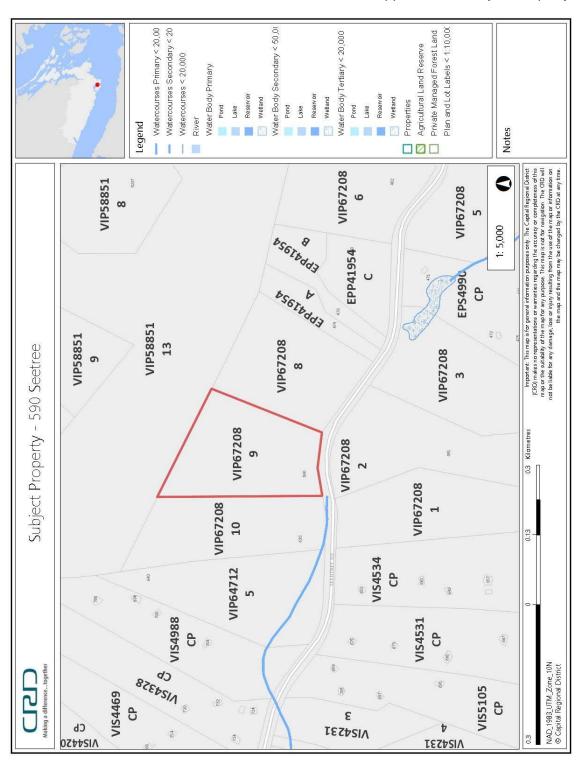
ATTACHMENTS

Appendix A: Subject Property Map

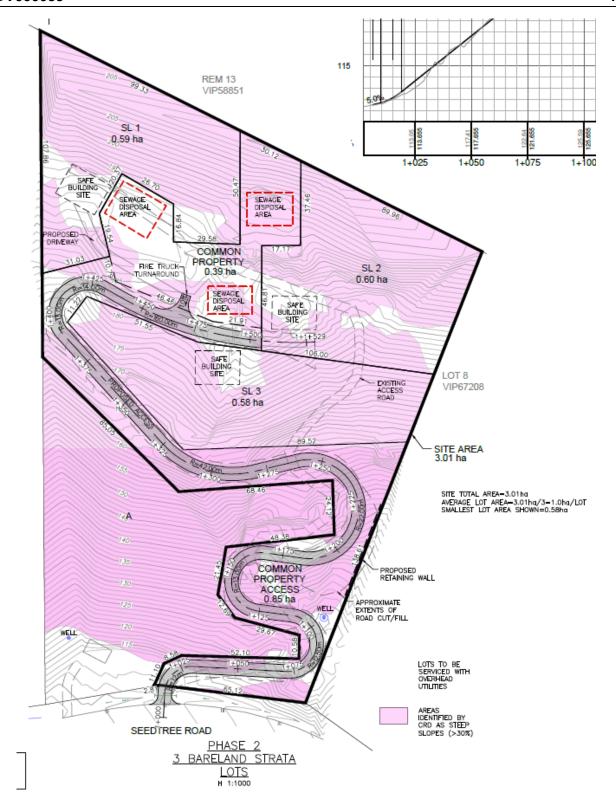
Appendix B: Proposed Subdivision Plans Appendix C: Development Permit Guidelines

Appendix D: Permit DV000083

Appendix A: Subject Property Map



Appendix B: Proposed Subdivision Phases REM 13 VIP58851 SEWAGE DISPOSAL AREA В 3.01ha EXISTING ACCESS ROAD SITE AREA 4.03 ha A 1.02 ha LOT 8 VIP67208 POTENTIAL BUILDING SITE WELL EXISTING HOUSE TO REMAIN RESERVE SEWAGE DISPOSAL AREA WELL LOTS TO BE SERVICED WITH OVERHEAD UTILITIES PROPOSED DRIVEWAY AREAS IDENTIFIED BY CRD AS STEEP SLOPES (>30%) EXISTING DRIVEWAY SEEDTREE ROAD VARIANCE REQUIRED FOR FRONTAGE (FRONTAGE=6.7%) PHASE 1 2 FEE SIMPLE LOTS H 1:1000



Appendix C: 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 property or neighbouring properties.
- G. Development will be designed to avoid erosion and sedimentation.
- H. Erosion control measures and temporary fencing may be required during and after construction.
- I. The planting of native vegetation in both disturbed and undisturbed areas may be required to reduce the risk of erosion and improve slope stability.
- J. Heavy machinery cannot be used in circumstances where or when it might cause erosion or destabilize the slope.
- K. The clustering of buildings and structures on less steep areas is encouraged and setbacks may be varied to accommodate this.
- L. Variances to allow the siting of buildings and structures outside the Steep Slope DPA will be considered.
- M. Over-steep driveways and sharp switchbacks are discouraged and will be minimized.
- N. Shared driveways may be required where they will minimize the disturbance to steep slopes.
- O. Large, single-plane retaining walls are discouraged and landscaping should follow the natural contours of the land.
- P. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a QP will be considered by the CRD and may be included in development permit.

545 Guidelines for the Sensitive Ecosystem Development Permit Area

Development permits for development in 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 plants, 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 D: Permit DV000083



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000083

- 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: 024-152-846;

Legal Description: Lot 9, Section 129, Sooke District, Plan VIP67208 (the "Land")

- 3. This development permit authorizes a 2-lot fee-simple subdivision and 3-lot bareland strata subdivision and related services (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 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 in conformity with the Phase 1 and Phase 2 Subdivision Plans prepared by JE Anderson & Associates, dated August 30, 2021;
 - b. That the proposed development comply with the recommendations outlined in the report prepared by Shane Smith, P.Geo., EIT, and James Russell, M.Sc., P.Eng., dated August 5, 2021 (the "Geotechnical Report");
 - c. That the proposed development comply with the recommendations outlined in the report prepared by Craig Barlow, RP.Bio., dated May 3, 2021 (the "Environmental Assessment Report"); and
 - That any cut-slopes be reassessed to determine if further mitigative measures to decrease the risk of rockfall hazard are required;
 - e. That a report be submitted prior to registration of each of the 2-lot fee-simple subdivision and the 3-lot bareland strata subdivision from a qualified professional confirming that the recommendations outlined in the Geotechnical Report have been addressed and.
- The Capital Regional District's Bylaw No. 2040, Part 2, Section 3.10(4), is varied under section 498 of the Local Government Act as follows:
 - a. That the the minimum frontage requirement of proposed Lot A be reduced from 10% to 8.49%:
 - b. That the the minimum frontage requirement of proposed Lot B be reduced from 10% to 6.4%.
- 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 (DV000083) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
- 7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
- 8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.



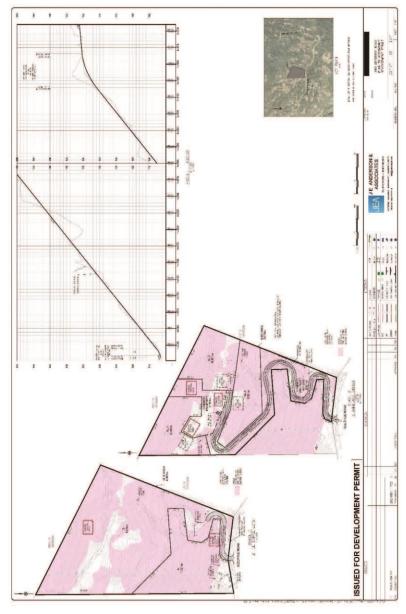
- 9. The following plans and specifications are attached to and form part of this Permit:
 - Appendix A: Phase 1 and Phase 2 Subdivision Plans

 - Appendix B: Geotechnical Report
 Appendix C: Environmental Assessment Report
- 10. This Permit is NOT a Building Permit.
- 11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

RESOLUTION PA	SSED BY THE BOARD	, THE day of	, 2021.
ISSUED this	day of	, 2021	
Kristen Morley Corporate Officer			



Appendix A: Phase 1 and Phase 2 Subdivision Plans





Appendix B: Geotechnical Report



August 5, 2021 File No: 10672-1

c/o J.E. Anderson & Associates Ltd. 4212 Glanford Avenue Victoria, BC V8Z 4B7

Attn:

Re: Proposed Lot Subdivision 590 Seedtree Road – East Sooke, BC

As requested, we have completed an assessment of the geotechnical conditions at the reference site as such relates to the proposed 2-lot and subsequent 3-lot subdivision. The following is an update to our original report dated June 30, 2021, providing clarification for further potential sites/subdivision within the lot, subject to assessment, as described within our Geotechnical/Geohazard Assessment section. No other analysis has been completed and our original Appendix D: Landslide Assessment Assurance Statement and Appendix I: Flood Hazard and Risk Assurance Statement have not been changed from the June 30, 2021, report.

We understand that the property has been designated as being a part of East Sooke's Steep Slope Development Permit Area (DPA) in the East Sooke Official Community Plan (OCP) Bylaw No. 4000. 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 2 lot conventional subdivision and the subsequent 3 lot bare land strata subdivision for a total of 4 lots. As per conditions of the MOTI requirements, landslide hazard and flood hazard assessments are to be completed, including Appendix D: Landslide Assessment Assurance Statement and Appendix I: Flood Hazard and Risk Assurance Statement. Accordingly, the results of our assessment and our associated observations, comments, and recommendation in this regard are summarized herein, in accordance with Engineers and Geoscientists BC (EGBC) Guidelines for Legislated Landslide Assessments for Proposed Residential Developments and Section 56 of the Community Charter. Our work in this regard has been carried out in accordance with our proposal, dated January 11, 2021.

Ryzuk Geotechnical



Proposed Lot Subdivision 590 Seedtree Road – East Sooke, BC August 5, 2021

PROPOSED DEVELOPMENT

The site is 4 hectares in size, bounded by Seedtree Road to the south, an undeveloped lot to the north, and similar single family residential lots to the east and west. Currently there is an existing single family residence located within the southwestern corner of the property (near the base of the slope), as well as an access gravel road to the northern portion of the site that enters from Seedtree Road.

The two attached site plans provided by J.E. Anderson & Associates, titled "Tentative Subdivision Plan of Lot 9, Section 129, Plan VIP67208, 590 Seedtree Road, 32171-01-T1" and "-T2", dated June 17, 2020, display the proposed subdivisions of the property. The referenced property is proposed to be subdivided in 2 stages, initially a 2 lot split will divide the existing single family residence (lot A) from the remainder of the undeveloped site (lot B). Then the undeveloped lot B will be further subdivided into 3 lots (SL 1, SL 2, and SL 3) for a total of 4 lots. The subsequent 3 lot subdivision displays SL 1 in northwest, SL 2 in the northeast, and SL 3 centrally located. A proposed common property driveway will provide access from Seedtree Road to the 3 undeveloped lots.

The proposed shared driveway enters the site from Seedtree Road and follows existing road before several switch backs and then a cut across the site to the northwest. Substantial excavations and grade alterations from the existing topography are anticipated based on the road sections provided to us. We understand that the proposed driveway may be changed to decrease the extent of excavation/fill placement required.

SURFACE AND SUBSURFACE CONDITIONS

We attended the site on May 10, 2021, to visually assess the geotechnical conditions throughout the proposed development. As a part of the assessment, we completed a visual reconnaissance of the property, the path of the proposed driveway realignment, and the surrounding properties, to assess for geohazards and to determine safe building locations within lot B (and the 3 lots SL 1, SL 2, and SL 3).

The site is largely bedrock controlled with grass/shrubs/moss cover and intermittent mature coniferous and deciduous trees throughout. A single family residence is currently located in lot A, as displayed on the location plan (in the southeastern corner). The remainder of the site is unoccupied/undeveloped land with an existing road that switch backs along the eastern property boundary before turning west across a topographic plateau. Localized rock blasting was observed within several areas of the existing road as well as blast rock placement to create a level surface.



Proposed Lot Subdivision 590 Seedtree Road – East Sooke, BC August 5, 2021

We observed test pits excavated throughout the site, which we understand were excavated to determine adequate soil coverage for sewage disposal areas. The test pits exposed up to 0.9 m of dense gravelly/silty sand (glacial till) beneath the surficial topsoil. We anticipate that the glacial till observed will be present locally beneath a surficial topsoil cover throughout much of the site. The bedrock observed was generally massive igneous rock consistent with the geological mapping of the Metchosin Volcanics Complex.

The majority of the site is moderately sloped at an approximate angle of 25 degrees from horizontal with steeper areas up to approximately 45 degrees from horizonal. Localized nearly vertical rock bluffs are also present, generally towards the north. The site flattens out to a gently sloped plateau within the area between 180 m to 200 m elevation before steeply rising to the north. The topographic relief across the entire site is on the order of 110 m. All elevation data is approximate and taken from the CRD Web Map.

No evidence of water bodies or centralized surficial water flows/creeks were observed throughout our site reconnaissance. The nearest centralized water course to the property is Seedtree Creek. The creek runs west to east with the beginning of the mapped creek southwest of the property, as displayed on the CRD Web Map.

GEOTECHNICAL/GEOHAZARD ASSESSMENT

Based on our visual assessment and review of the site, we did not observe any evidence of large scale slope instability that would preclude safe residential construction within Lot B (or the 3 lots SL 1, SL 2, and SL 3), provided such is undertaken in accordance with the recommendations below. The locations of safe construction are indicated on the attached Site Plan. This does not preclude further geotechnical investigation from determining additional safe construction sites within the property. Rather, the indicated locations are deemed suitable due to the natural leveling of topography and the currently proposed subdivision layout. Further geotechnical investigation and/or future modifications to the terrain may determine additional safe construction sites not addressed at the time of our investigation.

The Approving Authority (MOTI) has indicated that for the purposes of the Appendix D statement, the Province of British Columbia does not have an adopted level of landslide safety. However, as indicated in the MOTI Subdivision Preliminary Layout Review – Natural Hazard Risk document, hazard risk should be considered. For damaging events, a probability of occurrence of 1 in 475 years (10% probability in 50 years) should be considered. For landslide hazards and for life threatening catastrophic events, a probability of occurrence of 1 in 10,000 years (0.5% probability in 50 years) should be considered. In addition, the current BC Building Code (BCBC) requires new construction to be designed to accommodate a seismic event with a probability of occurrence of 1 in 2475 years (2% probability of exceedance in 50 years).



Proposed Lot Subdivision 590 Seedtree Road – East Sooke, BC August 5, 2021

The proposed indicated building sites are all located safely outside of the identified rockfall hazard areas which are identified below. Surficial layers of shallow soils (topsoil/glacial till) were present within moderately sloped areas (10 to 30 degree slopes), and largely minimal throughout the steeper sloped areas (over 30 degree slopes). The terrain throughout the site, did not visually display any indications of deep-seated instability through our site reconnaissance. The areas upslope of the indicated proposed building sites generally consisted of steeply sloped (20 to 45 degree) massive intact bedrock outcrops, with little to no topsoil/vegetation. We assessed the area north of the property as well and similar steeply sloped massive intact bedrock outcrops were observed before levelling out to a forested gently sloped plateau around geodetic elevation of approximately 230 m (CRD Web Map). Based on the probability of occurrences outlined above, and the fact that the safe building locations are generally located on a gently sloped areas or massive bedrock outcrops, geohazards such as steep slope, landslip or landslide have been determined to be negligible.

Localized small scale instabilities (rockfall hazards) within the immediate vicinity of future building areas may need to be addressed at the time of construction if the topography is altered for construction or for the driveway. Foundation preparations must be inspected and approved by a qualified professional to ensure adequate bearing support.

Several rockfall hazards were identified during our site visit and additional rockfall hazards are anticipated to be generated due to the shared driveway construction. The potential rockfall hazards are summarized below and locations indicated on the attached Site Plan.

- The switchback that borders lot A had boulders present on the upslope side of the historical rock cut. The area was steeply inclined with an approximate slope of 45 degrees from horizontal with numerous boulders present along the slope as well as loose rock leaning against trees.
- 2. The proposed roadway alignment requires substantial rock excavation and road filling. Rock blasting of up to 8 m as well as fill slopes of up to 6 m are anticipated based on review of the provided road sections. Considerations will be required to ensure adequate rockfall catchment areas for any permanent rock slopes.
- 3. To the northeast of the proposed building site in SL 2, a large rock bluff is present that overhangs an area north of the existing roadway. The potential rockfall from this area is directed to the south or southeast and will not impact the proposed safe construction areas.
- 4. In the northwestern corner of the property (SL 1) the slope steepens to 50-60 degrees from horizontal with some indication of rockfall activity present (such as boulders and cobbles along the slope). The area slopes to the southwest (generally towards the neighbouring property) and will not impact the safe building area within SL 1.



Proposed Lot Subdivision 590 Seedtree Road – East Sooke, BC August 5, 2021

The above mentioned rockfall hazards can likely be mitigated through removing detached boulders or fragmented rocks when present. Additionally, at the base of rock slopes rockfall catchment areas are recommended and/or construction of retaining barriers. Boulders of fractured rock may mobilize during an earthquake event, or after years of weathering and mechanical destabilization from erosion/freeze/thaw cycles. The observed blasted rock faces were generally intact with some minor fractured-in-place fragments. We anticipate the future rock cuts should react similarly; however, such should be reassessed following blasting to determine if additional mitigative measures are required.

The boundary between lots SL 2 and SL 3 is proposed to be re-aligned as indicated on the Site Plan for the indicated safe building locations. If development plans are altered re-assessment of the site can be conducted by a qualified professional to assess further areas for safe construction, as required.

All construction must mitigate rockfall hazards which could potentially affect the downslope residence in Lot A. Any blasting conducted along the boundary between Lot A and the roadway or near property lines should mitigate over-break, provide a sufficient offset from the slope crest to the roadway, and provide adequate rockfall catchment areas. We understand that roadway alignment may change based on future development designs and we should be consulted to reassess any potential modifications.

For flooding hazard, MOTI has indicated that a probability of occurrence of 1 in 200 years is the minimum standard. The site is located within a relatively small catchment area near the peak of a localized mountain slope. The majority of the site is moderately to steeply sloped with shallow bedrock present, and localized dense glacial till soils in shallower sloped areas. No evidence of water bodies or centralized surficial water flows/creeks were observed. Given the location, we do not consider the site to be at significant risk of flooding. The surface grading around the building should be finished to shed sheet flows (surficial runoff) away from the foundations. Sheet flows may occur during extreme precipitation events due to the shallow bedrock impedance layer and steep slopes.

CONCLUSION

Based on the above, we consider the proposed subdivision to be feasible from a geotechnical perspective. Our assessment has considered safe building sites to be free from hazard or have a low hazard of landslide and are considered safe from a damaging event with a 10% probability of exceedance in 50 years, as well as from seismically induced slope instability associated with a design event having a 2% probability of exceedance in 50 years. For flooding hazard, a probability of occurrence of 1 in 200 years has been considered as a minimum standard. In addition, we do not consider the site to be subject to risk of naturally occurring catastrophic life



Proposed Lot Subdivision 590 Seedtree Road – East Sooke, BC August 5, 2021

threatening hazardous events having a probability of occurrence with a 1 in 10,000 year return period.

This report does not exclude further subdivision/building sites from being confirmed/added at a later date, subject to additional assessment. Accordingly, provided the development is carried out as outlined within this report, it is our professional opinion that the land may be used safely for the use intended, that being residential construction undertaken in accordance with the current BC Building Code. This is pursuant to Section 56 of the Community Charter and East Sooke's OCP, Bylaw No. 4000. Our assessment is further provided in consideration of Section 86(d) of the Land Title Act and pursuant to the Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC and Legislated Flood Assessments in a Changing Climate in BC (Appendix D: Landslide Assessment Assurance Statement and Appendix I: Flood Assurance Statement are attached).

We hope the preceding is suitable for your purposes at present. Please do not hesitate to contact our office if we can be of further assistance.

Yours truly,

Ryzuk Geotechnical

Shane Smith, P.Gco., EIT STISH Intermediate Geoscientist Columnia

James Russell, M.Sc., P.Eng. Project Manager

Attachments -

Tentative 2-lot Subdivision Location Plan

Tentative 3-lot Subdivision Location Plan

Site Plan

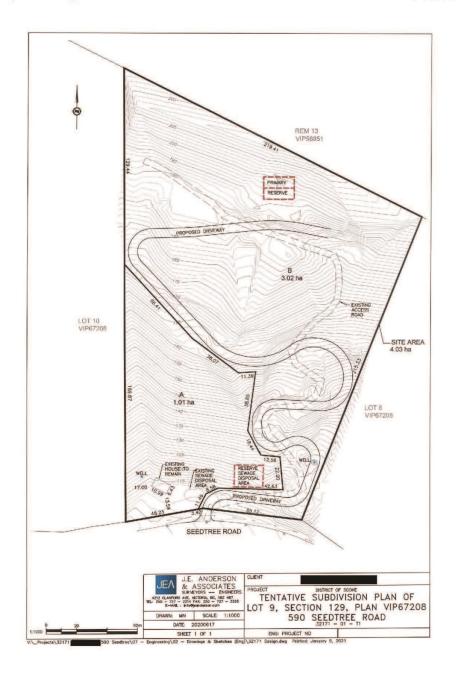
Appendix D: Landslide Assessment Assurance Statement

Appendix I: Flood Assurance Statement

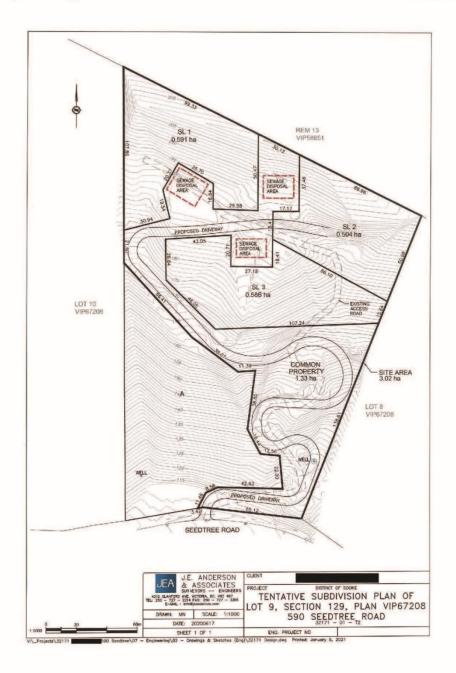
Ryzuk Geotechnical

Page 6

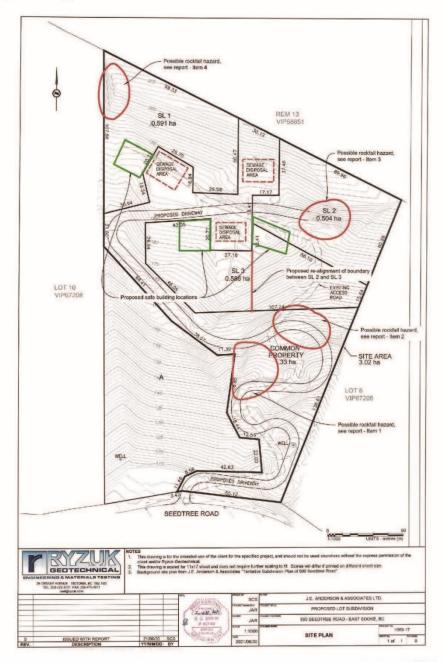














APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

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

To: Th	ne Approving Authority	Date: June 30, 2021
Mir	nistry of Transportation and Infrastructure, Searich Area Office	
24	10-4460 Chatterton Way, Victoria, BC, V8X 5J2	
Jur	risdiction and address	
	Local Government Act (Sections 919.1 and 9 Community Charter (Section 56) – Building F Local Government Act (Section 910) – Flood Local Government Act (Section 910) – Flood	920) – Development Permit Permit I Plain Bylaw Variance I Plain Bylaw Exemption
	and Safety Policy Branch Information Bulletin	ces 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building n B10-01 issued January 18, 2010)
For the	Experience Property: Lot 9, Section 129, Plan VIP Legal description and civic address of the Property	67208, 590 Seedtree Road, PID 024152846
	ndersigned hereby gives assurance that he/she eer or <i>Professional Geoscientist</i> .	e is a Qualified Professional and is a Professional
Proper	signed, sealed and dated, and thereby certifie try in accordance with the APEGBC Guidelines nent. In preparing that report I have:	d, the attached <i>landslide assessment</i> report on the s. That report must be read in conjunction with this
Check to	o the left of applicable items	
V 1.	Collected and reviewed appropriate backgro	und information
2.	Reviewed the proposed residential development	nent on the Property
√ 3.	Conducted field work on and, if required, bey	yond the Property
V 4.	Reported on the results of the field work on a	and, if required, beyond the Property
√ 5.	Considered any changed conditions on and,	if required, beyond the Property
	For a landslide hazard analysis or landslide	
V	6.1 reviewed and characterized, if appropria	te, any landslide that may affect the Property
1	6.2 estimated the landslide hazard	, , , , , , ,
	6.3 identified existing and anticipated future Property	elements at risk on and, if required, beyond the
	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:
_		dopted by the Approving Authority with the findings of
	7.2 made a finding on the level of landslide :	safety on the Property based on the comparison
-	7.3 made recommendations to reduce lands	slide hazards and/or landslide risks
8.	Where the Approving Authority has not adop	oted a level of landslide safety I have:

Guidelines for Legislated Landslide Assessments 55 for Proposed Residential Development in British Columbia

APEGBC ● Revised May 2010



40000		
√ 8.1	described the method of landslide hazard anal	ysis or landslide risk analysis used
8.2	referred to an appropriate and identified provin of landslide safety	cial, national or international guideline for level
₹ 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 ha	azards and/or landslide risks
9. Rep	ported on the requirements for future inspections duct those inspections.	of the Property and recommended who should
Based on	my comparison between	
Check o	one	
		pted level of landslide safety (item 7.2 above) nal or international guideline for level of
I hereby assessme.	give my assurance that, based on the cond nt report,	ditions ^[1] contained in the attached landslide
Check o		nd Title Act (Section 86), "that the land may be
	Check one with one or more recommended registered without any registered covenant.	d covenants.
	for a <u>development permit</u> , as required by the L 920), my report will "assist the local government requirements under [Section 920] subsection (nt in determining what conditions or
	for a <u>building permit</u> , as required by the Commused safely for the use intended"	unity Charter (Section 56), "the land may be
	Chack one with one or more recommended registere without any registered covenant.	d covenants.
П	for flood plain bylaw variance, as required by t Guidelines" associated with the Local Governr occur safely".	he "Flood Hazard Area Land Use Management nent Act (Section 910), "the development may
ü	for flood plain bylaw exemption, as required by land may be used safely for the use intended".	the Local Government Act (Section 910), "the
James	Russell, M.Sc., P.Eng.	June 30, 2021
Name (print)	0 10	Date
-5	N. M	
Classica	1	

Guidelines for Legislated Landslide Assessments 56 for Proposed Residential Development in British Columbia

APEGBC • Revised May 2010

When seismic slope stability assessments are involved, levei of landslide safety is considered to be a "life safety" criteria as described in the National Building Gode 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 esternic 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 demangs, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse on rail its attachments break off and fail on people near the building. This performance level is termed 'stensive damage' because, although the structure may be heavily demaged and may have lost a substantial amount of its initial strength and stiffness, it retains some mergin of resistance against collapse."



6-40 Cadillac Ave, Victoria, BC

V8Z 1T2

250-475-3131

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

I am a member of the firm Ryzuk Geotechnical and I sign this letter on behalf of the firm.

APEGBC • Revised May 2010



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 food assessments for the purposes of the Land Title Acr, Community Charter, or the Local Government Act. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

	Approving Authority	Date: June 30, 2021
Minis	stry of Transportation and Infrastructure, Saanich Area Office	
240	0-4460 Chatterton Way, Victoria, BC, V8X 5J2	
Juris	diction and address	
With refer	rence to (CHECK ONE):	
	Land Title Act (Section 86) - Subdivision Approval	
	Local Government Act (Part 14, Division 7) - Develo	opment Permit
	Community Charter (Section 56) - Building Permit	
	Local Government Act (Section 524) - Flood Plain B	
	Local Government Act (Section 524) - Flood Plain B	Bylaw Exemption
For the fo	ollowing property ("the Property"):	
Lot 9, S	Section 129, Plan VIP 67208, 590 Seedtree Roa	d, PID 024152846
	Legal description and civic address of the Property	
	ersigned hereby gives assurance that he/she is a Quatist who fulfils the education, training, and experience	alified Professional and is a Professional Engineer or Professional e requirements as outlined in the guidelines.
with the g		tached Flood Assessment Report on the Property in accordance and in conjunction with each other. In preparing that Flood
CHECKT	TO THE LEFT OF APPLICABLE (TEMS)	
□ t.	Consulted with representatives of the following government	emment organizations:
7 2	Collected and reviewed appropriate background info	nrmation
□ 3.	Reviewed the Proposed Development on the Prope	rindon
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FLOOD ASSURANCE STATEMENT

10. Ir	order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
	0.1 A standard-based approach
	0.2 A Risk-based approach
	0.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
✓ 1	
	here the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance. I have:
	1.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
_	1.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
1	1.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. V	there the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have: 2.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
	2.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
	2.3 Made a finding on the level of Flood Hazard of Flood Risk tolerance on the Property
V 1	2.4 Compared the guidelines with the findings of my flood assessment
1	2.5 Made recommendations to reduce the Flood Hazard or Flood Risk.
✓ 13. C	considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
	eported on the requirements for implementation of the mitigation recommendations, including the need for ubsequent professional certifications and future inspections.
Based on n	ny comparison between:
CHECK ON	EJ
☑ The fir	ndings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above) addings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood d or Flood Risk tolerance (item 12.4 above)
I hereby giv	re my assurance that, based on the conditions contained in the attached Flood Assessment Report:
CHECK ON	E
	bdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use
CHEC	KONE]
	/ith one or more recommended registered Covenants.
	Vithout any registered Covenant.
"assis	development permit, as required by the Local Government Act (Part 14, Division 7), my Flood Assessment Report will the local government in determining what conditions or requirements it will impose under subsection (2) of this [Section 491 (4)]".
	building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use
CHEC	KONE]
	Vith one or more recommended registered Covenants.
1	/ithout any registered Covenant.
	od plain bylaw variance, as required by the Flood Hazard Area Land Use Management Guidelines and the diment Section 3.5 and 3.6 associated with the Local Government Act (Section 524), "the development may occur
For flo	od plain bylaw exemption, as required by the Local Government Act (Section 524), "the land may be used safely for
the us	e intended".
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FLOOD ASSURANCE STATEMENT

June 30, 2021	
Date	
Shane Smith, P.Geo., EIT	James Russell, M.Sc., P.Eng.
Prepared by	Reviewed by
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Appendix C: Environmental Assessment Report

Applied Ecological Solutions Corp.

Fisheries • Land Use • Management



ENVIRONMENTAL OVERVIEW ASSESSMENT REPORT

PROJECT NAME	Property Subdivision: 590 Seedtree Road, East Sooke, BC
SUBJECT	Environmental Overview Assessment Report (Final REV 0)
PROPERTY OWNER / DEVELOPER	
ENGINEERING	J.E. Anderson & Associates (JEA)
MAILING ADDRESS	4212 Glanford Avenue Victoria, B.C. V8Z 4B7
REPORT RECIPIENTS	Lori Baxter, PEng (JEA) Phil Buchanan, PEng (JEA)
PREPARED BY	Craig Barlow, RPBio, QEP Applied Ecological Solutions Corp. (AESC)
DATE	May 3, 2021

1. CONTEXT

Project Initiation and Project Scope

AESC has been retained by JEA (on behalf of property owner / developer) to complete an Environmental Overview Assessment of a proposed subdivision property at 590 Seedtree Road (subject property) in East Sooke, BC. The intent of the assessment is to review the following:

- Implications of the road frontage drainage with respect to triggering the Riparian Areas Protection Regulation (RAPR),
- > Upslope areas to identify any sensitive ecosystems that may exist,
- Implications of the applicable CRD Development Permit Areas (DPAs) that may occur on the property as presented in the East Sooke Official Community Plan (ES-OCP)¹,
- Identify any other potential environmental factors that may impact or constrain property subdivision.

Field Review

The field reviews were completed on April 8 and 15, 2021. The April 8 site review focused on tracing the frontage ditch pathway to determine connectivity to Seedtree Creek. The April

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telephone: (250) 478-9918 email: aescharlow@shaw.ca

Schedule A – East Sooke Official Community Plan – Bylaw No. 4000. Prepared by the CRD. 2018. Available at: https://www.ord-bc.ca/docs/default-source/crd-document-library/bylaws/fuandefucaelectoralares/3718—officialcommunity-plan-for-east-sooke-bylawn-o-1-2012B.pdf?sfvrs=0



ENVIRONMENTAL OVERVIEW ASSESSMENT REPORT (FINAL REV 0) 590 SEEDTREE ROAD, EAST SOOKE, BC

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15 site review focused on upslope areas. This review included traversing the entire property on foot from Seedtree Road to the north property boundary.

Report Intent

The intent of this report is to [1] document the findings of the field reviews, [2] confirm the applicability of the DPAs as they relate to proposed subdivision of the subject property, and [3] provide context and supporting environmental information for any potential CRD permitting.

Subject Property Location and Legal Description

The subject property is located at 590 Seedtree Road, in East Sooke (Appendix 1: Figure 1).

The subject property legal description is as follows:

Property ID	024 152 846
Lot No.	9
Plan No.	VIP 67208
Total Property Area	~4.1 hectares
Road frontage	~115m

2. SITE OVERVIEW - FIELD REVIEW ENVIRONMENTAL FINDINGS

Topography

The trapezoid-shaped subject property is generally steeply graded and undulating (Photo 1). Immediately on entering the property, the property rises in elevation. For example, based on review of contours available on the CRD Regional Map, the elevation at the driveway entrance at Seedtree Road is approximately 100 m. The elevation at the north property boundary (approximately 250 m from Seedtree Road) is approximately 215 m. This represents an average grade of approximately 25%.

A steep grade tote road has been constructed on the property (Photo 2).



Photo 1 Subject property typical steep condition



Photo 2 Steep tote road constructed to the north end of the property (C. Barlow).

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Environmental Overview Assessment Report (Final REV 0) 590 Seedtree Road, East Sooke, BC

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The property is predominated by exposed bedrock faces, escarpments and outcroppings (Photos 3 & 4). Based on the prevalence of bedrock, it is anticipated that the topsoil horizon throughout most of the property is extremely shallow.



Photo 3 Typical rock outcropping (C. Barlow).



Photo 4 Typical rock outcropping (C. Barlow).

Drainage

There were no surface water runoff drainages observed on the property.

The road frontage ditch drains to Seedtree Creek, originating from runoff areas along the north side of Seedtree Road for a distance of approximately 140 m (Photo 5). This point demarcates the topographic transition such that drainage flows to the east.

Based on the predominance of exposed bedrock and the lack of areas for water storage, it is anticipated that stormwater



Photo 5 Road frontage ditch at subject property (C. Barlow).

runoff from this and adjacent properties is accelerated and rapidly diminishes as precipitation events subside.

Vegetation

With the exception of the house location and the tote road constructed to the north end of the property, the subject property is generally intact forest. The forest ecosystem is classified as Coastal Western Hemlock Very Dry Maritime (CWHxm1)². This zone occurs in elevations from sea level to 900m on windward slopes in the south and mid-coast.

Table 1 provides a summary of overstorey (canopy trees) and understorey (shrubs and ground cover) plant species observed on the subject property. This summary plant list is not exhaustive, nor is it intended to be an inventory.

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Biogeodimatic Ecosystem Classification Subzone / Variant Map for the South Island Resource District, South Coast Region. Published by Ministry of Forests, Lands, Natural Resource Operations and Rural Development. August 2016.



ENVIRONMENTAL OVERVIEW ASSESSMENT REPORT (FINAL REV 0) 590 SEEDTREE ROAD, EAST SOOKE, BC

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Table 1 Summary of Plant Species Observed on the Subject Property

Overstorey		UNDERSTOREY AND GROUND COVER	
Common Name	Species Name	Common Name	Species Name
Douglas-fir	Pseudotsuga menziesii	Salal	Gaultheria shallon
Grand fir	Abies grandis	Oceanspray	Holodiscus discolor
Sitka Spruce (uncommon)	Picea sitchensis	Dull Oregon-grape	Mahonia nervosa
Western White Pine (uncommon)	Pinus monticola	Baldhip Rose	Rosa gymnocarpa
Share Pine	Pinus contorta var.	Trailing Blackberry	Rubus ursinus
Arbutus (Madrone)	Arbutus menziesii	Common Foxglove	Dititalis purpurea
Bigleaf Maple	Acer macrophyllum	Shooting Star	Dodecatheon spp.
NOTE: Garry Oak was not observed anywhere on the subject property.		Unidentified wildflowers	
		Moss spp.	
(introd		Introduced ar	nd Invasive
		European Holly (introduced; sporadic)	llex aquifolium
		Scotch Broom (introduced)	Cystisus scoparius

Seedtree Creek

Seedtree Creek is a first order stream³ approximately 2,500 m long. Existing mapping reveals the upstream terminus of the stream is at 630 Seedtree Road, immediately west of the subject property. Field review verifies that flows to Seedtree Creek originate from a spring at 630 Seedtree Road adjacent to the road (Photo 6). There are no contributing groundwater springs contributing flows to the ditch at any other location to the east of this spring.

The stream alignment generally follows the Seedtree Road alignment, crossing by way of road culverts (Photo 7). Near the intersection with East Sooke Road, Seedtree Creek ultimately flows to two large (upper and lower) wetland complexes (~3 ha and ~4 ha, respectively), oriented parallel to East Sooke Road (Appendix 1: Figure 1).



Photo 6 Spring-fed flows to headwaters of Seedtree Creek at 630 Seedtree Road (C. Barlow).



Photo 7 Seedtree Road concrete culvert conveying Seedtree Creek (C. Barlow).

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A system of stream classification used to rank streams from the headwaters to river terminus, designating the relative position of a stream within a drainage basin. The smallest, unbranched tributaries terminating at an outer point are first-order streams.



Environmental Overview Assessment Report (Final REV 0) 590 Seedtree Road, East Sooke, BC

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At East Sooke Road, the stream passes under East Sooke Road by way of a low gradient, elliptical pipe arch culvert approximately 2 m in diameter (Photo 8). Downstream of the road culvert, the low-gradient channel is generally unaltered. It exhibits natural stream development characteristics such as pool-riffle sequencing, sinuosity, bank development, large woody debris complexes, gravel aggradation, well-established riparian community, etc. (Photo 9). Seedtree Creek discharges to the marine environment at Murder Bay. However, private properties prevented access to the stream outlet to confirm if there are any hydraulic (vertical) barriers that could constrain access by anadromous fish species.



Photo 8 Seedtree Creek looking upstream to East Sooke Road elliptical culvert (C. Barlow).



Photo 9 Seedtree Creek typical low gradient channel conditions downstream of East Sooke Road (C. Barlow).

3. ECOSYSTEM MAPPING

British Columbia Conservation Data Centre (CDC)

The British Columbia Conservation Data Centre (CDC) online mapping provides a registry of areas of ecological significance and / or are known to support listed fish, wildlife and plant species. An expansive area encompassing much of the Sooke Basin, Victoria and Saanich Penlinsula, is identified as 'masked'. CDC information is secure and requires a specific query to the CDC.

There are no other ecologically significant species- or ecosystem-specific polygons identified within the subject property, such as Garry Oak.

CRD Regional Map and East Sooke Development Permit Areas Mapping

CRD Regional Map

The Regional Map 5 includes ecosystem layers throughout the CRD. These layers duplicate similar layers provided on the BC Sensitive Ecosystems Inventory (SEI) map 5 .

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⁴ http://maps.gov.bc.ca/ess/hm/cdc/

⁵ https://maps.crd.bc.ca/Html5Viewer/?viewer=public

Map Sheet 092B.032. Sensitive Ecosystems Inventory of East Vancouver Island and Gulf Islands – Disturbance Mapping and Re-evaluation of Major Riparian Corridors. Jointly prepared by: Environment Canada; Canadian Wildlife Service; BC Ministry of Sustainable Resource Management; BC Ministry of Water, Land and Air Protection; and, Habitat Conservation Trust Fund. March 2004.



ENVIRONMENTAL OVERVIEW ASSESSMENT REPORT (FINAL REV 0) 590 SEEDTREE ROAD, EAST SOOKE, BC

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At this site, the one sensitive ecosystem is identified as 'older second growth' (Figure A). This classification is consistent with the classification shown in the SEI map. The SEI describes this ecosystem as an 'important ecosystem' and not a 'sensitive ecosystem', described as follows:

"These forested ecosystems have a dominant age class of 60 - 100 years. While not as biologically rich as Older Forests, they can serve as important buffers around sensitive ecosystems and vital links between habitat patches. They often provide critical habitat for species that require both open and forested areas during their life-cycle. The biological diversity of forests generally increases with age. Where older forests are rare or absent, older second growth forests become more important as they gradually develop old forest characteristics.

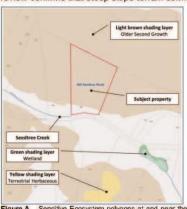
East Sooke Development Permit Areas

The East Sooke Development Permit Areas (DPAs) maps identify several DPAs within the East Sooke area that are near, or extend into, the subject property. These are the:

- Sensitive Ecosystem DPA,
- Steep Slopes DPA, and
- Shoreline Protection and Riparian DPA.

The Sensitive Ecosystem DPA occurs throughout the subject property, covering approximately 3.7 ha (90%) of the total area (Figure A; light brown shading).

The Steep Slopes DPA occurs throughout the property (Figure B; orange shading). Field review confirms that steep slope terrain commonly occurs.



Sensitive Ecosystem polygons at and near subject property⁵.



ES-OCP. Schedule C: Steep Slope Development Permit Area.



ENVIRONMENTAL OVERVIEW ASSESSMENT REPORT (FINAL REV 0) 590 SEEDTREE ROAD, EAST SOOKE, BC

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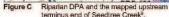
The Shoreline Protection and Riparian DPA is associated with the occurrence of Seedtree Creek immediately adjacent to the subject property (Figure C; See also Section 2: Seedtree Creek, above, and Section 4: Riparian Areas Protection Regulation Trigger, below). There are no shoreline areas at or near the subject property.

Wildlife Tree Stewardship Atlas

The Wildlife Tree Stewardship Atlas8 provides a database of known Bald Eagle and Osprey nests throughout BC. The nearest identified occurrence of a Bald Eagle nest (BAEA-102-017) is approximately 900 m northwest of the subject property (Figure D). A second Bald Eagle nest (BAEA-102-004) exists on an island near Beecher Bay Marina, approximately 2.5 km southeast of the subject property.

It is not known if either of these nests is active. There are no other registered nests within the vicinity of the subject property.







Location of the nearest Bald Eagle nes

SITE DEVELOPMENT TIMING CONSTRAINT CONSIDERATIONS

For information during subsequent site development, the Province assigns a Reduced Risk Timing Window for breeding birds (Nesting Window). This Nesting Window applies to all bird species. The Nesting Window is the period when birds are actively breeding, including nesting, brooding eggs, and fledging of chicks. This period extends from March 15 to July

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https://cmnmaps.ca/WITS_gomap/

Map 3b - East Socke OCP Foreshore, Wetland and Riparian Areas Development Permit Areas. Prepared by the CRD. 2008. Note: An updated version of Map 3b is provided in the 2018 ES-OCP as Schedule D: Shareline Protection and Riparian Development Permit Areas. The riparian component of the DPA for Seedtree Creek presented in both figures is the same. For image clarity, the 2008 map was used.



ENVIRONMENTAL OVERVIEW ASSESSMENT REPORT (FINAL REV 0) 590 SEEDTREE ROAD, EAST SOOKE, BC

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31 of any calendar year. Any contemplation to clear vegetation (trees and shrubs) within this Window period is likely to require the completion of at least two successive nesting surveys by a Qualified Environmental Professional to identify active nests. If nests are identified, removal of the vegetation within the immediate vicinity of the nest cannot proceed until the chicks have fledged and left the nest. If the outcome of the nesting survey does not identify active nests, then clearing should proceed immediately (i.e., within approximately 3-5 days of being notified of the all clear).

Vegetation clearing completed between August 1 and March 14 is not constrained by this Window.

Aquatic Timing Windows

There are no aquatic timing Windows (i.e., Reduced Risk Timing Window for fish) that apply to the subject property as the road frontage ditch extension of Seedtree Creek is not considered to be fish habitat.

5. RIPARIAN AREAS PROTECTION REGULATION TRIGGER

The Riparian Areas Protection Regulation (RAPR) was enacted in 2004¹⁰ as the Riparian Areas Regulation. The RAPR process was developed to ensure riparian zones around streams, lakes, wetlands, etc. are protected from encroachment associated with development and other activities (e.g., vegetation clearing), that can result in the degradation or loss of these zones. This includes defining and designating the protected area (Streamside Protection and Enhancement Area; SPEA) where no work can occur. The SPEA is measured perpendicular to the direction of flow, ranging from a minimum of 10 m from the high water mark to a maximum of 30 m. In this regard, local governments throughout much of southern BC have adopted the terms of the RAPR through their bylaw processes.

Under the RAPR, a stream is defined as a watercourse or waterbody that fits within the following criteria:

- 1. Supports fish during any life stage, regardless of duration, or
- 2. Is connected and drains into a watercourse that supports fish.

This can include ditches that fit into either of these categories. Using these criteria, a stream that may be non-fish bearing at the development site but flows to a stream that supports fish is captured under the RAPR. Also, streams that flow seasonally (i.e., ephemeral) that may be dry for much of the year can still provide habitat for seasonal fish use and / or food and nutrients to downstream fish habitat. As such, streams in this category are captured under the RAPR.

Ditch SPEAs are assigned based on fish bearing status. They are not 'natural' streams where several stream width measurements are required to determine the average channel width, and, therefore the SPEA. Ditches do not require stream measurements or other assessments to determine the SPEA. Fish bearing ditches have a 5 m SPEA (measured from the high water mark). Non-fish bearing ditches have a 2 m SPEA. At the subject property, the road frontage ditch is directly connected to the terminal end of Seedtree Creek, based on the occurrence of a spring water source at the adjacent property.

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¹⁰ Originally the Riparian Areas Regulation.



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At this site, the mapped upstream limit of Seedtree Creek ends at the road frontage corner pin property boundary between 630 Seedtree Road (Lot 10) and 590 Seedtree Road (Lot 9)¹¹ (Figure C; yellow arrow). As described above, field review has verified that the mapping is correct. The extension of the ditching system along the north side of Seedtree Road provides stormwater drainage during precipitation events. The connecting ditch was dry at the time of the field review.

6. CONCLUSIONS AND PROFESSIONAL OPINION

Conclusions

Based on the findings of this overview assessment, the author provides the following conclusions:

- Overall, the property is characterized as steep sloped with areas of undulating ground, exposed bedrock escarpments and rock outcroppings.
- The vegetation community is within the Coastal Western Hemlock Very Dry Maritime biogeoclimatic ecosystem zone. The predominant tree species is Douglas-fir. Other tree species occur infrequently or in lesser abundance.
- 3. The subject property is within Shoreline Protection and Riparian, Steep Slopes and Sensitive Ecosystem DPAs. Of these, the Shoreline Protection and Riparian DPA encompasses a negligible area at the upstream terminus of Seedtree Creek. The Steep Slopes DPA covers approximately 50% of the subject property in disconnected areas. The Sensitive Ecosystem DPA covers approximately 90% of the subject property.
- Overall, the property is identified on the ES-OCP mapping as being within a Sensitive Ecosystem DPA. However, the same polygon shown on the SEI mapping describes this ecosystem as 'important'.
- Specific sensitive ecosystems (e.g., Garry Oak) were not observed during the field review, nor are there ecosystem- or species-specific habitats identified in available online databases.
- Review of the CDC database revealed that a vast area extending from Sooke Basin and encompassing much of Saanich Peninsula is identified as 'masked'. Access to information related to an area identified as masked' requires a specific query with the CDC. There were no other ecologically significant polygons identified within the subject property.
- The subject property includes a road frontage ditch that flows to the upstream terminal end of Seedtree Creek.
- Seedtree Creek originates from a groundwater spring at 630 Seedtree Road. This
 spring is located adjacent to the ditch and discharges low water volume to the roadside
 ditch. The creek discharges to the marine environment at Murder Bay by way of two
 large wetland areas.
- No fish were observed in flowing habitat downstream of the subject property during the field reviews. There are no available records of fish bearing status for Seedtree Creek. However, there are no known barriers to access by anadromous fish species migrating

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Shown on Figure C as the lot boundary between Lot 9 (subject property) and Lot 10.



ENVIRONMENTAL OVERVIEW ASSESSMENT REPORT (FINAL REV 0) 590 SEEDTREE ROAD, EAST SOOKE, BC

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from the marine environment. While the lower reaches of Seedtree Creek may potentially support seasonal fish use, this can only be verified through fish sampling and / or field observations.

Upstream fish access to the upper reaches in the vicinity of Seedtree Road is likely to be poor. Also, there is no functional fish habitat within the roadside ditch segment of the stream channel near the subject property.

- 10. While the RAPR process could be formally triggered, there is no biological reporting benefit to doing so since the SPEA setback on the road frontage ditch is 2 m.
- 11. Regardless of fish bearing capabilities throughout the Seedtree Creek watershed, the aquatic habitat at the subject property is low quality and provides negligible aquatic benefit to non-fish species such as amphibians. However, flows in Seedtree Creek provide important water contributions to downstream aquatic habitats, including the stream channel and the upper and lower wetland complexes.
- 12. The nearest registered Bald Eagle nest is approximately 900m northwest of the subject property. A second nest occurs approximately 2.5 km southeast of the subject property. It is not known if either of these nests is active.
- 13. Any site development vegetation clearing that may be undertaken during layout of the subdivision infrastructure, lots, etc. should be completed outside of the Nesting Window. If clearing within the Nesting Window is contemplated, it is recommended that the developer consult with a bird specialist. The author can provide contact information for a recognized expert in this area, if requested.

Professional Opinion

Based on the findings of this overview assessment and the conclusions derived from it, the author provides the following professional opinions:

- There were no field observations that warranted specific environmental constraints on development.
- There were no observed sensitive ecosystems, (e.g., Garry Oak), observed on the subject property that warrant special consideration.
- 3. As the property is within a Steep Slopes DPA, it is assumed that any engineering, geotechnical, or other related issues related to development can be mitigated and resolved through engineering practices. These issues are not within the domain of the author's expertise to resolve through adopting Environmental Best Practices.
- 4. While the upstream terminus of Seedtree Creek originates on the adjoining property, triggering the RAPR is not warranted since any site works and development are constrained by a 2 m SPEA setback (measured from the top of the ditch bank) along the road frontage ditch.
- Given the southern aspect of the subject property relative to the location of nest BAEA-102-017, it is extremely unlikely that rock work (e.g., blasting) which may be required on the property will adversely impact Bald Eagle breeding activities.
- By nature of the predominance of shallow soils and bedrock, it is possible that the subject property could experience accelerated and / or intense runoff during intense rainfall events. However, no evidence of this (such as wash areas, evidence of surface flows, etc.) were observed.

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Environmental Overview Assessment Report (Final REV 0) 590 Seedtree Road, East Sooke, BC

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Regarding management of runoff and the generation of mobile sediments, any site
works that have the potential of discharging sediment laden water to Seedtree Creek
should be undertaken in compliance with a project-specific Erosion and Sediment
Control Plan.

Please contact me if you have any questions about this report or any other aspect of the proposed development.

Sincerely,

Craig T. Barlow, RPBio, QEP Biologist

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Environmental Overview Assessment Report (Final REV 0) 590 Seedtree Road, East Sooke, BC

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APPENDIX 1

Figure



