

## **JUAN DE FUCA ELECTORAL AREA PARKS AND RECREATION ADVISORY COMMISSION**

Notice of Meeting on Tuesday, **January 24, 2023, at 3 pm**

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

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### **AGENDA**

1. Territorial Acknowledgement
2. Elections
3. Approval of Agenda
4. Adoption of Meeting Minutes of November 29, 2022
5. Chair's Report
6. Director's Report
7. Delegations
  - a) South Island Mountain Bike Society
  - b) Sooke Bike Club
  - c) Sooke to Port Renfrew Tourism Association
  - d) Juan de Fuca Community Planning - Zoning Amendment Application RZ000280 – Lot A Section 74 Renfrew District Plan VIP71883 (11237 West Coast Road) and That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW
8. Commissioner Reports
9. Staff Report
10. Unfinished Business
  - a) Community Parks and Recreation Strategic Plan Update
11. Next Meeting: February 28, 2023
12. Adjournment

**Minutes of a Meeting of the  
Juan de Fuca Electoral Area Parks and Recreation Advisory Commission  
Held Tuesday, November 29, 2022, at the Juan de Fuca Local Area Services Building,  
3 – 7450 Butler Road, Otter Point, BC**

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**PRESENT:** V. Braunschweig (Vice Chair), B. Croteau (EP), J. Gaston, S. McAndrews,  
S. McKay, P. Sloan, Director A. Wickheim  
**Staff:** D. Closson, Manager, Juan de Fuca Community Parks and Recreation;  
W. Miller, Recorder  
**ABSENT:** S. Jorna  
**PUBLIC:** 1 in-person; 2 EP

EP – Electronic Participation

The meeting was called to order at 3:01 pm.

The Vice Chair provided a Territorial Acknowledgement.

**1. Approval of the Agenda**

**MOVED** by Commissioner McKay, **SECONDED** by Commissioner McAndrews that the agenda be approved. **CARRIED**

**2. Adoption of Minutes from the Meeting of October 25, 2022**

**MOVED** by Commissioner McKay, **SECONDED** by Commissioner Croteau that the minutes from the meeting of October 25, 2022 be adopted. **CARRIED**

**3. Chair's Report**

The Vice Chair passed along regrets for the Chair.

**4. Director's Report**

Director Wickheim thanked everyone for travelling in the snow to attend the meeting and advised that he has been in contact with the RCMP regarding an abandoned trailer near Fishboat Bay Park. The RCMP and the Ministry of Transportation and Infrastructure will address the trailer.

Director Wickheim introduced Cyndy Lacroix, the member at large, sitting in the Malahat position starting 2023.

**5. Commissioner Reports**

East Sooke – Coppermine Park

A Commissioner reported that a number of trees fell during the last round of storms, causing damage to the fence and playground equipment. A report of dog feces in the court area was received.

Don Closson reported that the downed trees at Coppermine were addressed today. It was further reported that he also received the report of dog feces and advised that signage has been posted to state that dogs are not allowed in the court.

East Sooke – Seagirt Ponds

A Commissioner reported that the Seagirt Ponds Preservation Society will be holding its annual general meeting on December 2. The requirement to complete and submit CRD Volunteer Insurance Application Forms will be presented at that meeting. It was further reported that two Society members spent approximately four hours removing holly. A larger work party is not scheduled at this time.

Shirley – Sheringham Point Trails

A Commissioner reported that a number of trees fell during the last round of storms.

Don Closson confirmed that the trail system has been inspected and that there are no trees fully obstructing the trails.

## 6. Staff Reports

### a) Staff News

Don Closson provided an overview of the report. Discussion ensued regarding the following items:

#### **Carpenter Road Dam Remediation/Safety Report**

- the report required to close the project with the Dam Safety Officer, which states that all orders and planned activities have been satisfied, has been received and forwarded to the Province

#### **Priest Cabin Access**

- the Community Works Fund (CWF) grant for \$50,000 to complete the trail construction has been approved
- the funds will be available in March 2023
- more formal signage will be installed once funds are available

#### **Kemp Lake Fishing Dock – Chubb Road Location**

- notification has been received that the documents for the License of Occupation will be received shortly
- a Water License can be pursued once the License of Occupation is in place
- a request for a quote for three additional dock pieces and a gang plank has been submitted
- a contractor will address the full removal of the dock identified for disposal at the Chubb Road location
- the wood from the existing dock is not deemed salvageable for construction or firewood
- the strategic plan survey responses indicating strong support for access to water will be used for the public consultation component of the project
- the closest adjacent property has indicated support for the project

#### **Coppermine Park**

- CWF funding to replace the playground equipment was approved on October 28, 2022
- the funds will be available in March 2023
- the toys that had been left at the playground have now been removed
- playground concepts yet to be received for presentation to the Commission
- water usage bill received following testing of the irrigation valves
- staff to report back on the viability of restarting the irrigation system

**Butler Road Park**

- the local residents group working on this project has been advised that wood chips are no longer being received at this time
- sign designs have been discussed with the local residents group
- the local residents group will contact BC Transit directly regarding moving the bus stop
- a registered biologist has been contacted regarding completing an environmental assessment
- a large soil deposit is not anticipated for this project

**The Park – Port Renfrew**

- some of the existing playground equipment will be retained
- equipment disposal needs to adhere to the requirements outlined in the CRD Procurement Policy

**Admiral's Forest**

- CWF project approved November 1, 2022
- an adjacent Crown parcel currently provides informal access to the park
- formal access to be established over time

**Wieland Road Trail Project**

- survey of the existing Wieland Road allowance started November 3, 2022
- a registered biologist has been contacted regarding riparian assessment requirements
- trail survey to be provided to the Commission at a future meeting

**Subdivision Referral SU000687 (17110 Parkinson Road)**

- the application for a 6-lot bareland strata subdivision for Lot A, Section 97, Renfrew District, Plan EPP71912, for which cash-in-lieu would have been received, was cancelled by the applicant on November 21, 2022

**7. New Business**

**a) Stakeholder Feedback – Draft Community Parks and Recreation Strategic Plan**

Don Closson spoke to the feedback summary as provided by Schwartz Consulting Ltd. reporting that:

- one change has been made to the draft to remove reference to establishing a trail throughout the length of First Creek Park due to slope deterioration
- public feedback will be incorporated or appended to the plan
- public feedback indicates strong support for the plan overall
- staff is scheduled to meet with Pacheedaht First Nation and Regional Parks in the next two weeks to discuss the two strategic plan updates
- the Community Parks and Recreation Strategic Plan may be presented for approval as early as the January meeting

Don Closson responded to questions from the Commission regarding the feedback received from the public advocating for mountain bike trails advising that:

- Juan de Fuca Community Parks and Recreation does not have a mountain park policy or program
- community parks generally consist of smaller tracks of land developed for local, multipurpose use
- Regional Parks has a mountain bike program



- there would be opportunity to comment on recreational considerations in the Rural Resource Lands, should a development application be referred to the Commission
- recreational user groups are able to address the Commission by submitting a delegation request

**8. Unfinished Business**

**a) Community Parks Strategic Plan Update**

Discussed under New Business.

**9. Next Meeting**

January 24, 2023

**10. Adjournment**

At this time, Director Wickheim advised that he has had preliminary discussions with senior staff regarding opportunity to locate a community hall at Elrose Park.

The Vice Chair requested that this discussion be added as an agenda item at a future meeting, should the initiative proceed.

The meeting adjourned at 4:19 pm.

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Valerie Braunschweig, Vice Chair

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Wendy Miller, Recorder

# Memorandum

**TO:** Juan de Fuca Electoral Area Parks and Recreation Advisory Commission

**FROM:** Darren Lucas, Planner – JdF Community Planning  
Don Closson, Manager – JdF Community Parks and Recreation

**DATE:** January 24, 2023 **FILE:** RZ000280

**SUBJECT:** **To provide comment for consideration by the Juan de Fuca Land Use Committee for with respect to Zoning Amendment Application RZ000280 for**

- LOT A SECTION 74 RENFREW DISTRICT PLAN VIP71883; PID: 024-937-207
- THAT PART OF SECTION 74, RENFREW DISTRICT LYING TO THE NORTH OF THE NORTHERLY BOUNDARY OF PLAN 109RW; PID: 009-590-412.

The Juan de Fuca Land Use Committee (LUC) has directed staff to refer proposed Bylaw No. 4518, which is the subject of zoning amendment application RZ000280 to rezone the subject property from the Forestry (AF) zone to an amended Rural Commercial Recreation (Campground) (CR-2) zone.

The subject property is comprised of a 7.7 ha and a 70.4 ha parcel located on the north and south sides of West Coast Road (Appendix A). The subject property abuts the eastern boundary of Jordan River Regional Park (Sandcut Beach) to the west, AF zoned lands to the east and west, and Resource Land (RL) zoned land to the north. The subject lands are designated Coastal Upland (CU) in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001.

The subject property also has Steep Slopes, Sensitive Ecosystem, Riparian, and Shoreline Protection development permit areas identified in the OCP. In anticipation of these development permit areas, the applicant has provided an Environmental Assessment that informed the development of the concept plan (Appendix B).

Parkland provisions or community amenity contributions are not a requirement of rezoning (bylaw amendment) applications. However, consistency with the OCP is required in the evaluation of rezoning applications (Appendix C). The Shirley-Jordan River OCP provides opportunities and guidance on the potential for parks and trails through goals, objectives, and policies. Section 431 includes park and trail policies that lead towards building a healthy and environmentally responsible park/trail system by supporting safe and accessible trail networks that connects parks, neighborhoods, and services while considering spaces related to public roads.

The following information is provided to assist in the review of the proposed development and to advise JdF Community Planning of the Commission's comments for consideration by the Shirley-Jordan River Advisory Planning Commission, the LUC and CRD Board.

<b>Lot Sizes:</b>	<ul style="list-style-type: none"><li>• PID: 024-937-207 is 7.7 ha</li><li>• PID: 009-590-412 is 70.4 ha</li></ul>
<b>Total Combined Land Area:</b>	78.11 ha
<b>Official Community Plan:</b>	Shirley-Jordan River
<b>Land Use Bylaw:</b>	Juan de Fuca Land Use Bylaw No. 2040
<b>Current Zone:</b>	Forestry (AF) zone

**Currently Proposed Zone:** Rural Commercial Recreation (Campground) (CR-2) zone, that includes proposed amendments.

**Development Permit Areas:** Steep Slopes, Sensitive Ecosystem, Riparian, and Shoreline Protection.

**Services:**

- Shirley Fire Protection Service Area.

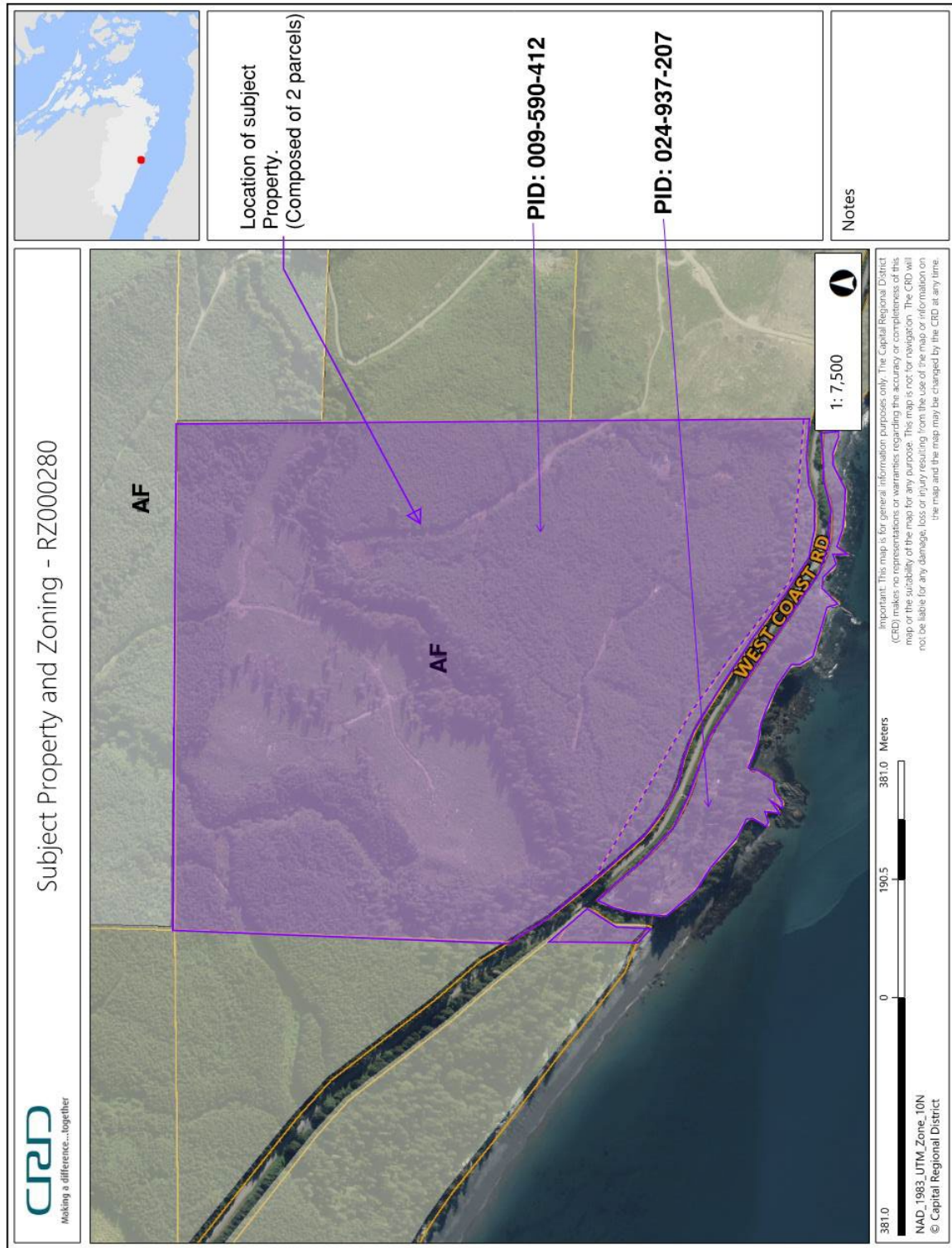
**Attachments:**

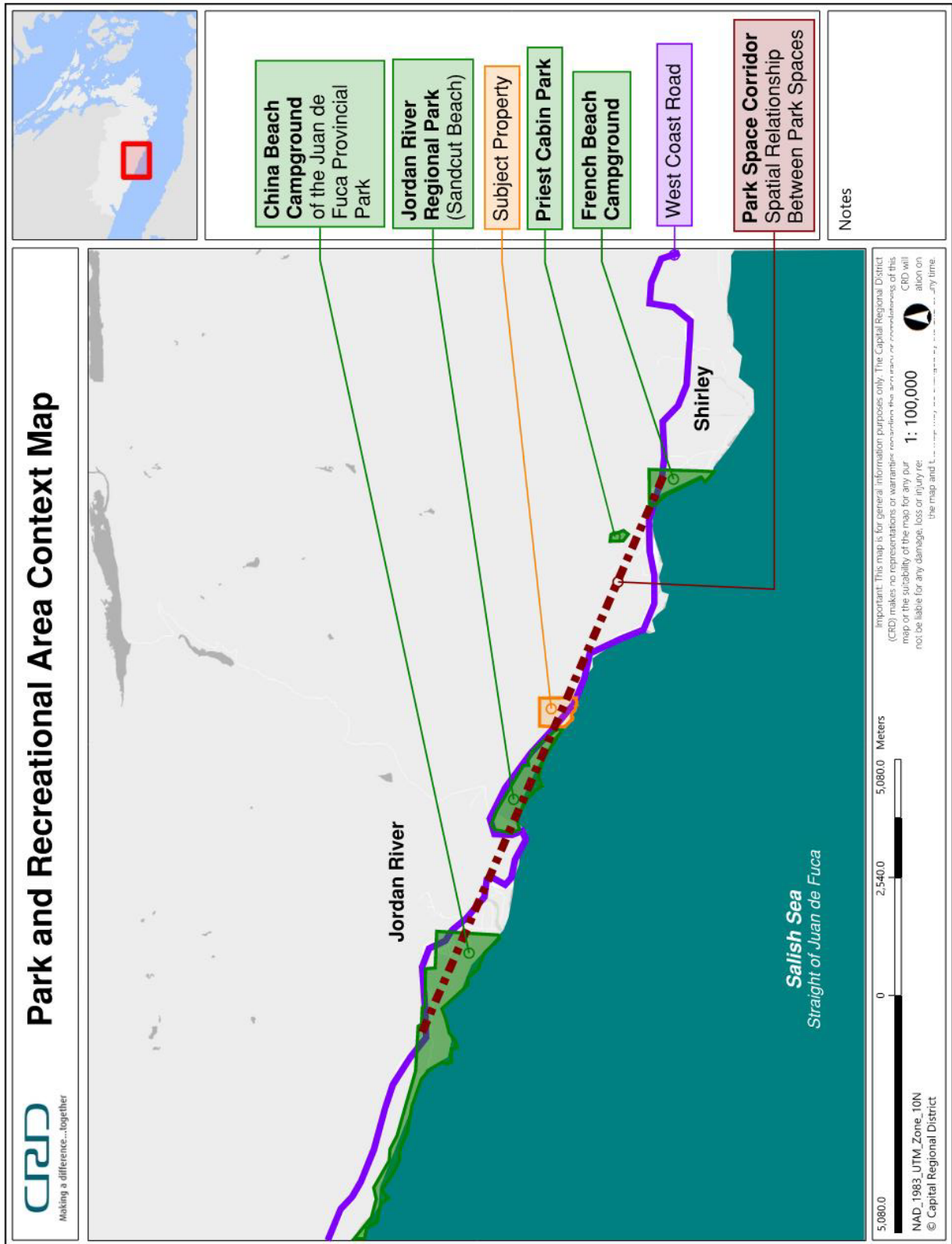
Appendix A: Location & Zoning with Parks Map.

Appendix B: Environmental Impact Assessment prepared by Corvidae, May 2022

Appendix C: Shirley-Jordan River OCP - Parks and Trails

## Appendix A: Location &amp; Zoning with Parks Map





## Appendix B: Environmental Impact Assessment prepared by Corvidae, May 2022



# ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED SANDCUT ECO-RESORT AT 11237 WEST COAST ROAD

PREPARED FOR:

Redacted: Pursuant to Section 22 of British Columbia's *Freedom of Information and Privacy Protection Act*.

11237 WEST COAST RD  
SHIRLEY, BC V9Z 1G8

AND

IAIN LAWRENCE  
CAPITAL REGIONAL DISTRICT  
3 – 7450 BUTLER RD  
Sooke, BC V9Z 1N1

CORVIDAE PROJECT #2021-030  
MAY 2022



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



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### CAVEAT

This Environmental Assessment (EA) has been prepared with the best information available at the time of writing, including the CRD Official Community Plan, communications with the client and regulators, site visits, review of site plans and design drawings and other documentation relevant to the project. This EA has been developed to assist the project in remaining in compliance with relevant environmental regulations, acts and laws pertaining to the project and to identify and mitigate the expected impacts of the project and reclamation activities directly related to the project.





## 1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed changes to 11237/11269/11275 West Coast Rd (the property; PID 024-937-207 and 009-590-412).

This document addresses the requirements in Section 5 of Bylaw No. 4001 and provides an assessment on the environmental conditions on the property, potential impacts of the proposed development, and recommendations on the protection of environmentally sensitive features and methods to minimize impacts of the proposed development. The property is intersected at the western end by Sandcut Creek (Figure 1). Three mapped Development Permit Areas (DPAs; Bylaw 4001, see Section 1.3 for details) are present on the property: Shoreline DPA, Riparian DPA, Sensitive Ecosystem DPA (fringe forest). A Riparian Areas Protection Regulation report (Appendix A) will be completed in parallel to this assessment.

### 1.1 CURRENT CONDITIONS

The current property owner acquired the property in 2017. An existing house and a small cabin near Sandcut Creek were present on the property when it was purchased. A Riparian Area Regulation assessment was completed on the creek in 2011 and a 15 m SPEA was recommended.

The property is accessed by three driveways: access to the main house (marked as 11237 West Coast Road); access to 11275, the westernmost portion of the property (narrow and gated); access to the cabin and cleared areas on the east bank of Sandcut Creek (marked as 11269 West Coast Road). The latter driveway has been surfaced with crushed rock. A small permanent utility shed has been constructed next to the driveway, and a plastic water cistern placed behind it where a water line is accessed.

In 2018 and 2019, the current property owner undertook brushing and clearing of parts of the property for future development of an ecofriendly camping accommodation. A previously cleared area in the centre of the western part of the property was re-cleared (Photo 5). In addition, an area along the eastern bank of Sandcut Creek has been recently cleared and grubbed, with some ground leveling. The existing cabin, the driveway, the utilities shed and the recently cleared area on the eastern bank of Sandcut Creek were located within the Riparian DPA as mapped by CRD (CRD 2019). A Conditions and Impacts report was completed for the development by Corvidae (Corvidae 2019).

A new road network was constructed in 2019 to access the eastern part of the property. Several small clearings and structures have been built on the property to the east of the highway, all outside the riparian DPAs for the streams on the property.

### 1.2 PROPOSED DEVELOPMENT

The property owner is seeking to rezone the Site from AF-Forestry to Intensive Commercial Recreation Zone CR-3 and construct a campground and resort on the property. The proposed development will include 26 RV sites, 69 tent campsites, 27 A-frame cottages, and 11 yurt/dome tents adjacent to existing roads as well as new roads that will also be constructed. A reception/general store and workshop will also be included as part of the development.



### 1.3 REGULATORY FRAMEWORK

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

#### Municipal

- Shirley-Jordan River OCP, Bylaw No. 4001

##### 520 Shoreline Development Permit Area (DPA)

*That part of the Shirley – Jordan River Plan area indicated as Shoreline Protection DPA on Schedule D is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(b) of the Local Government Act (LGA). The Shoreline Protection DPA established under this section includes all land lying 15 metres upland of the natural boundary of the ocean.*

##### 530 Riparian DPA

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

##### 540 Sensitive Ecosystem DPA

*That part of the Shirley – Jordan River area indicated as Sensitive Ecosystem DPA on Schedule E is designated as a development permit area pursuant to Sections 488(1)(a) and 488(1)(i) of the Local Government Act (LGA). The Sensitive Ecosystem DPA established under this section includes those sensitive ecosystems and other important ecosystems identified as Intertidal, Estuarine, Freshwater, Older Forest, Mature Forest, Fringe Forest, Woodland, Herbaceous, Sparsely Vegetated, Wetlands, and Riparian in the Sensitive Ecosystem Inventory (SEI) prepared by Madrone Environmental in 2014. The Sensitive Ecosystem DPA includes the strip of land 30 metres from the natural boundary on either side of all watercourses.*

The guiding principle for the use of Development Permits is found within the Local Government Act. Development Permit Areas can be designated for purposes such as, but not limited to the following:

- Protects, enhances and restores the biodiversity and ecological values and functions of environmentally sensitive areas.
- Fosters compatibility between development, existing land uses and environmentally sensitive areas.
- Maintains connectivity between sensitive ecosystems; and



- Protects water quality and quantity.

**Provincial**

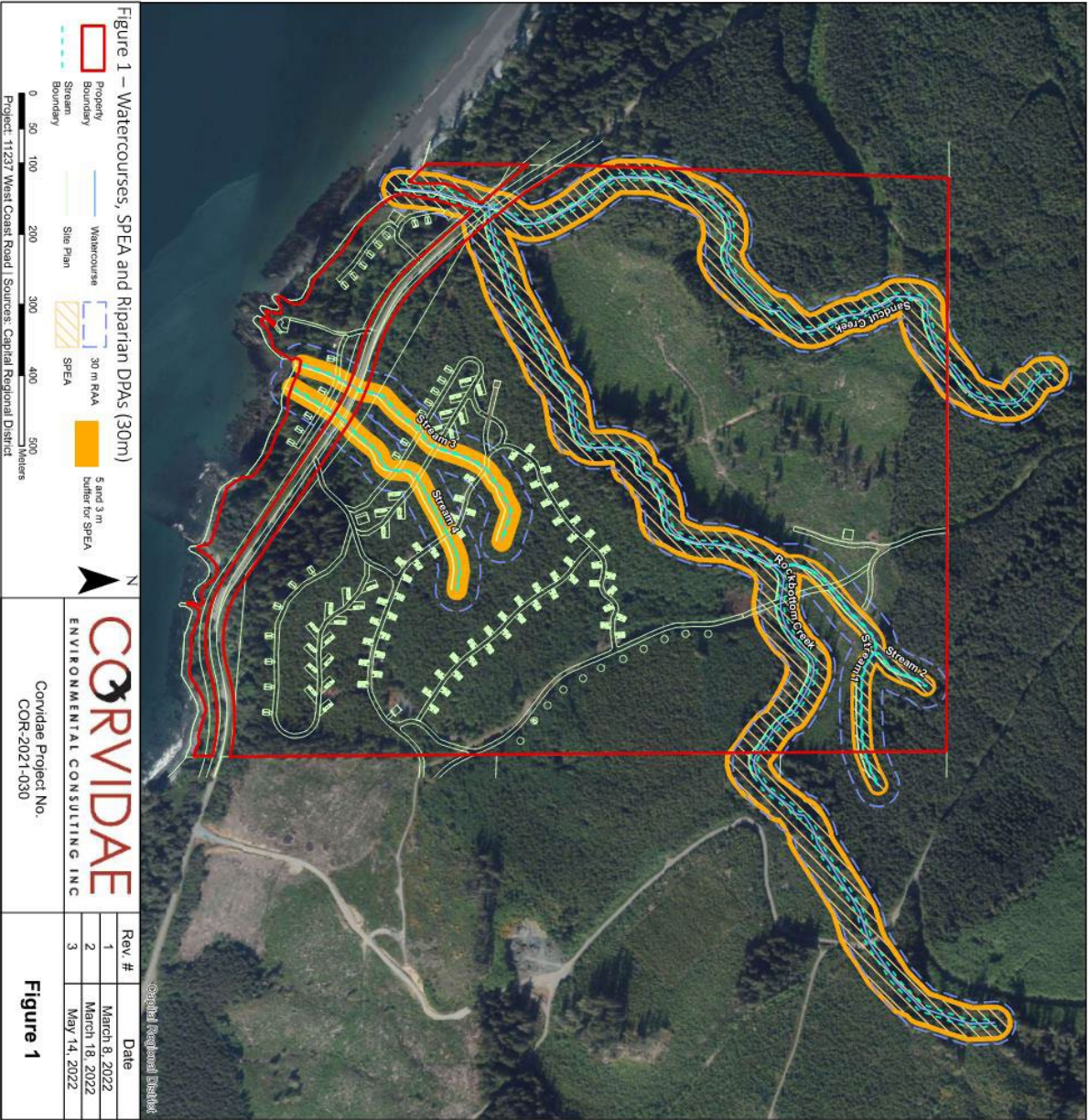
- *Wildlife Act* (1996)
- Invasive Species Council of BC
- *Weed Control Act* (1996, current as of October 2016)
- *Water Sustainability Act* (Updated December 2021)
  - Activities in and about a stream, including culverted road crossings and bridge installation, require a Section 11 notification under the WSA
- Riparian Areas Protection Regulation (2019)
  - The objective of the Riparian Area Protection Regulation (RAPR) is to preserve and enhance sensitive riparian ecosystems, including vegetation and coarse woody debris, shade and hydrogeological conditions that are vital for maintaining stream health and productivity.
  - In the RAPR, a Streamside Protection and Enhancement Area (SPEA) is defined as “an area (a) adjacent to a stream that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential adjacent upland vegetation that exerts an influence on the stream, and (b) the size of which is determined according to this regulation on the basis of an assessment report provided by a qualified environmental professional in respect of a development proposal.”

**Federal**

- *Migratory Birds Convention Act* (1994)
- *Species at Risk Act* (SARA) (2002)
- *Fisheries Act* (2018)







## 2 SCOPE OF WORK

Corvidae completed an environmental assessment for the property. The environmental assessment documented the ecological features on the property including riparian areas and any sensitive species or ecosystems. Background information was reviewed, including applicable databases. During the assessment, the following features were documented in this report:

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

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

## 3 METHODS

### 3.1 DESKTOP REVIEW

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

- BC Conservation Data Centre (BC CDC 2021a and 2021b);
- BC HabitatWizard (Province of BC 2021);
- Aerial photographs of the property (Google Earth 2021);
- CRD regional mapping system and database (CRD 2021), and
- Shirley-Jordan River Official Community Plan Bylaw No. 4001 (CRD 2018).

### 3.2 FIELD ASSESSMENT

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

The SPEAs for the streams on the property were calculated using the detailed assessment methodology in the RAPR Technical Manual (BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development 2019).





## 4 ENVIRONMENTAL SITE ASSESSMENT

Corvidae completed site visits on June 2, 16, August 4 and Sept 5, 2021. The property was assessed for any environmental concerns that may be present, including the riparian area of Sandcut Creek, Rockbottom Creek and the small seasonal streams on the property. Appendix B shows photos of the property and riparian areas.

### 4.1 CLIMATE AND BIOGEOCLIMATIC ZONE

The project is located within the Coastal Western Hemlock (CWH) biogeoclimatic zone, and specifically in the western variant of the Very Dry Maritime subzone (classified as CWHxm2; BC CDC 2019b). The CWHxm2 occurs from sea-level to 450m of elevation on southern Vancouver Island. The CWHxm2 has warm, dry summers and moist, mild winters with relatively little snowfall. Growing seasons are long and can experience water deficits.

It is a unique habitat that occurs on the central and southeastern section of Vancouver Island. The average rainfall is 1497.1 mm/annually (Sooke Lake North Station, Environmental Canada 2018).

### 4.2 TERRAIN AND SOILS

Soils in this biogeoclimatic zone are typically moderately deep Orthic Humo-Ferric Podzols with Hemimor humus forms (Pojar et al. 1991).

The soils on the site were a clay-loam and sandy-silty loam.

The topography of the property is varied. The property generally slopes from the highway (north side) towards the beach (south boundary of the property). Localized low areas occur where Sandcut Creek intersects the property, and where a drainage runs parallel to the highway and driveway, towards the beach. The existing house and cabin are both located on high areas, where rocky bluffs overhang the beach below. Areas north of West Coast Road generally slope in a south/southwest direction toward the roadway.

### 4.3 VEGETATION

The CWHxm2 is typically dominated by components of western hemlock (*Tsuga heterophylla*), Douglas-fir (*Pseudotsuga menziesii*) and western red cedar (*Thuja plicata*) (Pojar et al. 1991). Salal (*Gaultheria shallon*), dull Oregon-grape (*Mahonia nervosa*), and red huckleberry (*Vaccinium parvifolium*) typify the poorly to moderately developed shrub layer. Oregon beaked moss (*Kindbergia oregana*), step moss (*Hylocomium splendens*), lanky moss (*Rhytidiadelphus loreus*), and flat moss (*Plagiothecium undulatum*) dominate the well-developed moss layer (Pojar et al. 1991).

There are two types of ecosystems on the property: dry mature forest and riparian forest.

- The dry mature forests are dominated by Douglas-fir, with a shrubby understory that includes salal and oceanspray.
- Adjacent to the streams, and in localized areas with concentrated moisture in the soil, forests contain more bigleaf maple, red alder western hemlock, and western redcedar. The understory in riparian areas is dominated by salmonberry and sword fern.



During the site assessment the species in Table 1 were found on the site. Six invasive species were observed on the site: bull thistle, Canada thistle, English holly, Himalayan blackberry, scotch broom and spurge laurel. Measures to remove and prevent invasive species are discussed in Section 6 of this report.

During the site assessment the species in Table 1 were found on the site.

**Table 1. Plant species observed on site during field visit in 2021**

Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
Black twinberry	<i>Lonicera involucrata</i> var. <i>involucrata</i>	Yellow	--
Bracken fern	<i>Pteridium aquilinum</i>	Yellow	--
Bull thistle	<i>Cirsium vulgare</i>	Invasive; Exotic	--
Canada goldenrod	<i>Solidago canadensis</i>	Exotic	--
Canada thistle	<i>Cirsium arvense</i>	Invasive; Exotic	--
Coastal leafy moss	<i>Plagiomnium insigne</i>	Yellow	--
Coastal strawberry	<i>Fragaria chiloensis</i>	Yellow	--
Common horsetail	<i>Equisetum arvense</i>	Yellow	--
Common rush	<i>Juncus effusus</i>	Yellow	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--
English holly	<i>Ilex aquifolium</i>	Invasive; Exotic	--
Foxglove	<i>Digitalis purpurea</i>	Exotic	--
Goatsbeard	<i>Aruncus dioicus</i> var. <i>acuminatus</i>	Yellow	--
Hairy cat's-ear	<i>Hypochaeris radicata</i>	Exotic	--
Himalayan blackberry	<i>Rubus armeniacus</i>	Invasive; Exotic	--
Maidenhair fern	<i>Adiantum aleuticum</i>	Yellow	--
Oregon-beaked moss	<i>Kinbergia oregana</i>	Yellow	--
Pacific sanicle	<i>Sanicula crassicaulis</i>	Yellow	--
Palm tree moss	<i>Leucolepis acanthoneuron</i>	Yellow	--
Pearly everlasting	<i>Anaphalis margaritacea</i>	Yellow	--
Red alder	<i>Alnus rubra</i>	Yellow	--
Red elderberry	<i>Sambucus racemosa</i>	Yellow	--
Red huckleberry	<i>Vaccinium parvifolium</i>	Yellow	--
Salal	<i>Gaultheria shallon</i>	Yellow	--
Salmonberry	<i>Rubus spectabilis</i>	Yellow	--
Scotch broom	<i>Cytisus scoparius</i>	Invasive; Exotic	--
Slough sedge	<i>Carex obnupta</i>	Yellow	--
Snowberry	<i>Symphoricarpos albus</i>	Yellow	--
Spurge laurel	<i>Daphne laureola</i>	Invasive; Exotic	--
Step moss	<i>Hylocomium splendens</i>	Yellow	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Thimbleberry	<i>Rubus parviflorus</i>	Yellow	--
Trailing blackberry	<i>Rubus ursinus</i>	Yellow	--
Trembling aspen	<i>Populus tremuloides</i>	Yellow	--
Wall lettuce	<i>Mycelis muralis</i>	Exotic	--



Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
Western hemlock	<i>Tsuga heterophylla</i>	Yellow	--
Western redcedar	<i>Thuja plicata</i>	Yellow	--
Willowherb	<i>Epilobium</i> sp.	--	--

<sup>1</sup> BC CDC 2021a<sup>2</sup> Government of Canada 2021

#### 4.4 WILDLIFE

The habitat is found in the Coastal Western Hemlock biogeoclimatic zone is home to many wildlife species. Black-tailed deer, black bear, marten, and gray wolf are the most common large mammals in this zone on Vancouver Island. For bird species in this zone, the following typically occur: great horned owl, barred owl, ruffed grouse, band-tailed pigeon, northern flicker, hairy woodpecker, common raven, Steller's jay, chestnut-backed chickadee, red-breasted nuthatch, varied thrush, red-tailed hawk, Townsend's warbler. The following amphibians may occur in this biogeoclimatic zone: western toad, Pacific treefrog, western redbacked salamander (Pojar et al. 1991).

The forest on the property is home to a variety of birds, mammals, reptiles and amphibians. Mature trees provide nesting and roosting habitat for songbirds, owls and woodpeckers. Large and small coarse woody debris provide cover habitat for small mammals, snakes and amphibians. No suitable amphibian breeding habitat was observed on the site; however, amphibians were observed using terrestrial habitat adjacent to the streams. During the site assessment the species in Table 2 were found on the site.

**Table 2. Wildlife Species observed on site during field visits in 2021**

Common Name	Scientific Name	BC Provincial Status <sup>1</sup>	SARA Schedule 1 Status <sup>2</sup>
American black bear (scat)	<i>Ursus americanus</i>	Yellow	--
American robin	<i>Turdus migratorius</i>	Yellow	--
Bald eagle	<i>Haliaeetus leucocephalus</i>	Yellow	--
Black-tailed deer (scat)	<i>Odocoileus hemionus</i>	Yellow	--
Chestnut-backed chickadee	<i>Poecile rufescens</i>	Yellow	--
Common raven	<i>Corvus corax</i>	Yellow	--
Dark-eyed junco	<i>Junco hyemalis</i>	Yellow	--
Pacific wren	<i>Troglodytes pacificus</i>	Yellow	--
Red squirrel	<i>Tamiasciurus hudsonicus</i>	Yellow	--
Red-breasted nuthatch	<i>Sitta canadensis</i>	Yellow	--
Varied thrush	<i>Ixoreus naevius</i>	Yellow	--

<sup>1</sup> BC CDC 2021a<sup>2</sup> Government of Canada 2021

#### 4.5 SPECIES AT RISK

A query of the BC CDC iMap tool yielded no occurrences of species at risk within a two-kilometer radius of the property (Figure 2; BC CDC 2019). One record exists in the Jordan River area: red-legged frog





(*Rana aurora*; approximately 2.4 km from the property). This species was observed on the property during the site visits for this assessment.

## CRITICAL HABITAT

### Marbled Murrelet

Critical habitat for marbled murrelet has been mapped adjacent to nearby Desolation Creek in Jordan River Regional Park (approximately 1.3 km northwest the property). The mapping for the critical habitat for this species is based on a 2002 model using the biophysical attributes of nesting habitat. Suitable nesting habitat may be found in complex old growth stands (140+ years old) at 0-600m of elevation and within 50km of saltwater. Nest trees within suitable habitat are generally >30m tall with large mossy nest platforms on large upper limbs that are still protected by the canopy.

As the property has been historically logged, suitable stands are unlikely to occur. Veteran trees on the property may have the attributes of a suitable nest tree, but their exposure and isolation would likely reduce the probability of use by nesting murrelets.

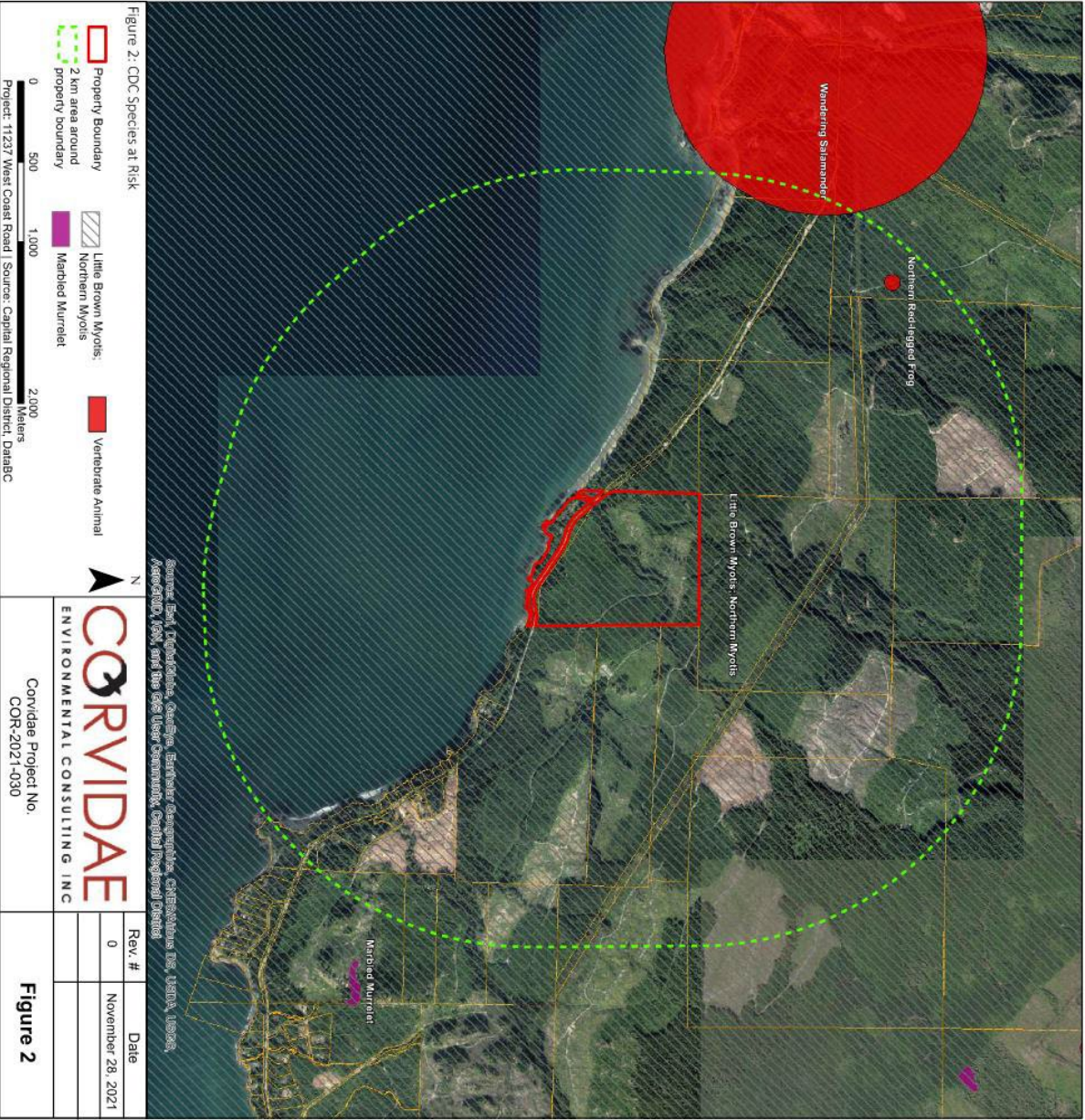
### Bats

A 50 km grid square of critical habitat for *Myotis lucifugus* and *Myotis septentrionalis* (Little Brown Myotis and Northern Myotis) overlaps the property.

Note, critical habitat mapping is done at a high level to indicate areas in which the biophysical attributes of critical habitat are known to or may occur. For example, the 50 km<sup>2</sup> polygon for bats contains a known occurrence of the species and therefore, it is assumed that additional populations may occur in suitable habitat. Painted turtles are known to travel within aquatic ecosystems connected to known locations and may occur up to 150m from the water.

During the field visit, no suitable roosting habitat was observed for bats (old growth snags or rock crevasses).







#### 4.6 RIPARIAN AREAS AND FISHERIES

The property is intersected at the west end by Sandcut Creek (Figure 1). Sandcut Creek, joined by Rockbottom Creek, passes under a highway bridge and flows south into the Juan de Fuca Strait. North of the bridge, and at the bridge location, the creek is within a steep-sided gully. South of the bridge, the creek widens. The western streambank remains very steep to the shoreline. The eastern streambank is relatively flat, varying from approximately 1 to 5 degrees of slope.

South of the bridge, Sandcut Creek has a rock bed, with pools and channels cut into the bedrock (Photo 9 and 11). Several small steps and waterfalls occur in this stretch of the creek (Photo 10). The creek ends with a waterfall over the rocks to the cobble beach. The waterfall, approximately 2-3 m tall, serves as a complete barrier to fish passage.

A search of the BC HabitatWizard (Province of British Columbia 2018) confirmed a lack of fish records in Sandcut Creek and Rockbottom Creek (Figure 4). The search revealed a number of records in neighbouring streams, including Desolation Creek and Jordan River to the west: cutthroat trout (anadromous; *Onchorynchus clarki clarkii*), Coho salmon (*Oncorhynchus kisutch*), steelhead salmon (*Oncorhynchus mykiss*) and rainbow trout (*Oncorhynchus mykiss*).

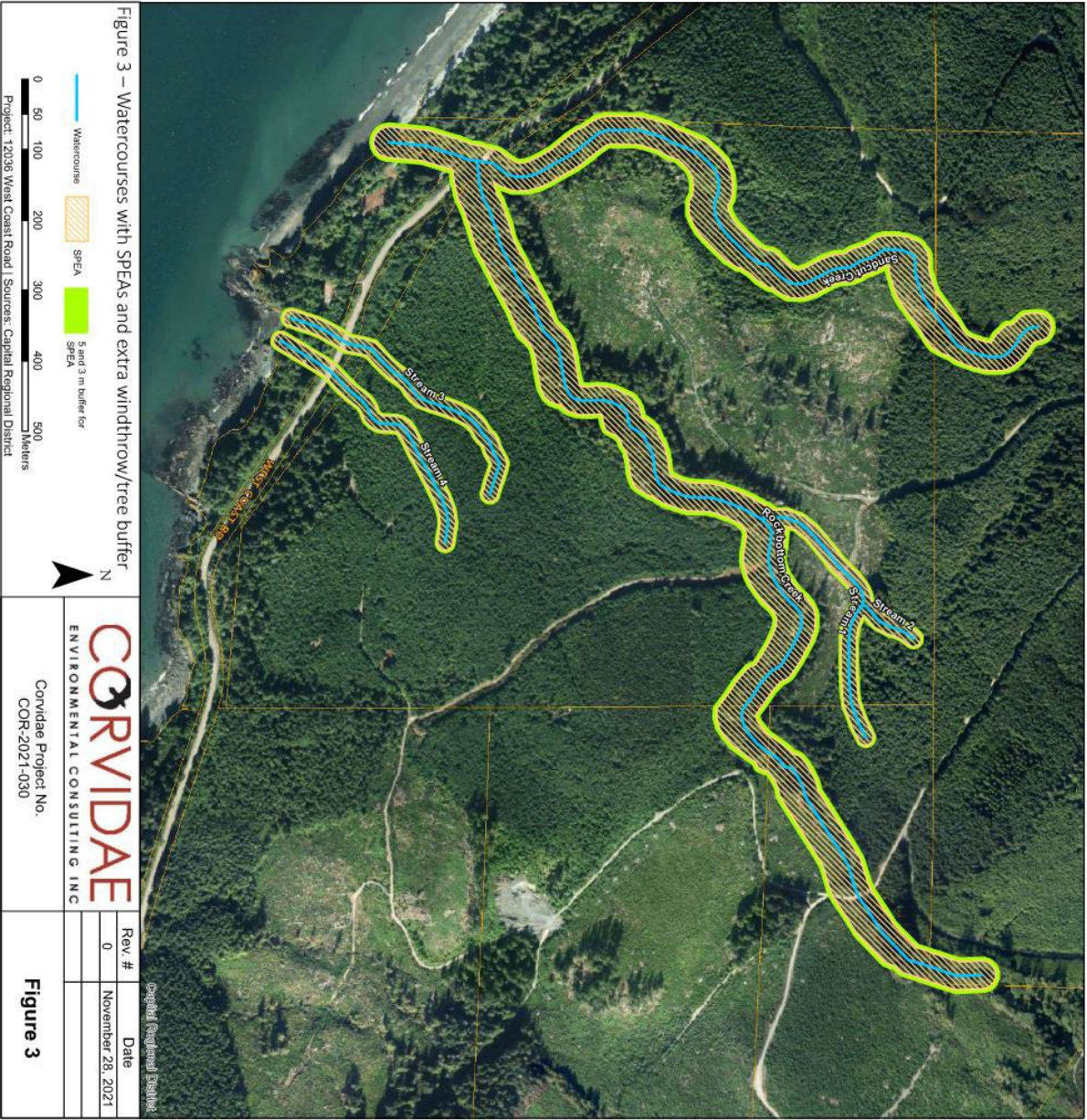
Several tributaries to Rockbottom Creek occur on the property. These are relatively narrow streams (0.5m to 2m width) with rock and cobble bottoms and a cascade-pool structure. Two additional small streams originate on the property and are culverted under the highway, emptying into the ocean.

An additional drainage is present in the middle section of the property to the west of the highway. The drainage appears to begin from the side of the driveway and continues through a low area between the highway and the central (cleared) part of the property, ending in a marshy depression near the shoreline, but not connected due to the beach structure. The watercourse is channelized intermittently, with saturated wet areas in between (Photo 12). This watercourse is isolated from any other watercourses and the ocean, and therefore is not eligible under the RAPR.

The calculated SPEAs for Sandcut and Rockbottom Creeks vary from 15-30m, depending on the shade zone of sensitivity and the stream direction. The SPEAs on the tributaries are all 10m either side of the stream.

In addition to the SPEA, a 3-5m windthrow/tree protection zone buffer is added outside the SPEA in order to protect the integrity of the SPEA (Figure 3). This additional protection is required by the RAPR.







## 5 POTENTIAL ENVIRONMENTAL EFFECTS

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

- Impacts on sensitive ecosystem areas such as riparian habitat,
- Loss of existing vegetation and spread of invasive plant species,
- Change in wildlife habitat availability and wildlife mortality risk, and
- Erosion and sediment transport within and around the project area.

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

### VEGETATION

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

### INVASIVE SPECIES

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

### WILDLIFE AND WILDLIFE HABITAT

Habitat loss and alteration from vegetation clearing can cause displacement of wildlife, use of less suitable habitat, reduced foraging ability, increased energy expenditure and lower reproductive success. Reduced habitat effectiveness can occur as a result from the creation of habitat edges and the introduction of buildings with many windows into previously unused spaces can increase mortality risk for birds.

### AQUATIC ENVIRONMENT

Vegetation in the foreshore area controls surface water run-off from the upland areas, preventing excessive silt and surface run-off pollution from entering the aquatic environment. Increased levels of sediment and turbidity can impact the productivity of aquatic ecosystems. Sediment in the water may change the amount of light reaching aquatic plants, thereby negatively impacting growth. Sediment has both lethal and sublethal impacts on fish. Aside from direct mortality from suffocation, sediment in the water may limit visual feeding, change fish behaviour, and reduce egg and embryo survival.



**RIPARIAN ENVIRONMENT**

The removal of vegetation in the riparian area may result in the loss of features, functions and conditions that are vital for maintaining bank stability and fish habitat conditions. Vegetation in the riparian area controls surface water run-off from the upland areas, preventing excessive silt and surface run-off pollution from entering the aquatic environment. Vegetation removal for the project will only occur outside of the SPEA and tree protection zones.

**EROSION AND SEDIMENT**

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

## **6 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES**

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

- Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a),
- Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Government of BC 2014),
- Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004), and
- RAPR Technical Manual (BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development 2019).

**RIPARIAN ENVIRONMENT**

No clearing of vegetation or trees, or disturbance of any kind shall occur within the SPEAs; and recommended no tree clearing in the windthrow and TPZ buffer. Danger trees within the buffers must be assessed by a certified arborist and removed under supervision of a QEP to ensure no damage is done to the SPEA.

**VEGETATION**

Areas disturbed by development that are not part of the permanent road or facilities footprint should be replanted with native trees and shrubs and/or seeded with native seed mix (Table 3). Overall plant density should be approximately one plant per 1 to 2 m<sup>2</sup>.



**Table 3. Recommended native vegetation to plant in disturbed area**

Common Name	Species
Salal	<i>Gaultheria shallon</i>
Salmonberry	<i>Rubus spectabilis</i>
Nootka rose	<i>Rosa nutkana</i>
Oceanspray	<i>Holodiscus discolor</i>
Sword fern	<i>Polystichum munitum</i>
Western redcedar	<i>Thuja plicata</i>
Bigleaf maple	<i>Acer macrophyllum</i>
Coastal Revegetation Mix by Pacific Premier or equivalent	

\*shrubs and ferns should be at least 1 gallon size; trees should be 3 gallon size at minimum pending availability

### INVASIVE SPECIES

Invasive weed control is difficult for established populations. Immediate eradication of new and existing infestations should be a high priority during any maintenance and re-development of the lake shoreline area. Species should be removed using the most appropriate methods, at the correct time of year, and plant material must be disposed of correctly (burned or bagged and disposed of properly in a landfill) to avoid re-establishment or spread. Following removal, re-seed bare soil with desirable, competing vegetation. Chemical control is not recommended due to the sensitive aquatic ecosystems on the property.

**Table 4. Removal and disposal methods for invasive species**

Species	Removal Method	Removal Timing	Plant Disposal
Bull thistle	Regular cutting or pulling can help wear down plant reserves, reduce plant growth, and reduce populations, but is not likely to eradicate the species.	Cutting and pulling are best done before flowering to eliminate seed production.	If plants are cut prior to flowering, the plant material can be left on the site to decompose. If plants are cut post flowering, all plant parts, including flower heads, should be bagged and disposed of properly in a landfill.
Canada thistle	Regular cutting or pulling can help wear down plant reserves, reduce plant growth, and reduce populations, but is not likely to eradicate the species.	Cutting and pulling are best done before flowering to eliminate seed production.	If plants are cut prior to flowering, the plant material can be left on the site to decompose. If plants are cut post flowering, all plant parts, including flower heads, should be bagged and disposed of properly in a landfill.
English holly	English holly can be removed by hand pulling small seedlings or cutting mature trees at ground level removing all plant material.	Removal is best done before flowering to eliminate seed production.	Holly does not root again once removed, so it can also be piled to desiccate on site. Can be bagged and disposed of properly in a landfill. Do not compost.
English ivy	Can be removed by hand pulling and cutting of vines. Roots should be pulled so no rooted portions re-grow.	Removal should occur fall, when plants are easier to remove due to moist soil conditions.	Bagged and disposed of properly in a landfill. Do not compost.





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Species	Removal Method	Removal Timing	Plant Disposal
Himalayan blackberry	Can be removed by pulling or cutting the canes from the ground. If possible, dig out the roots, paying careful attention not to damage nearby vegetation.	Removal should occur in the spring and early summer before they produce berries as canes that are cut as the plant is producing flowers are least likely to re-sprout.	Burned or bagged and disposed of properly in a landfill. Do not compost.
Scotch broom	Avoid disturbing the soil which can stimulate dormant broom seeds to sprout. Small broom plants can be pulled easily from the ground by hand without disturbing the soil. Larger plants should be cut below the root crown using loppers or a pruning saw.	Scotch broom removal should occur mid-April through early June before its seed pods begin to open.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.
Spurge laurel	Spurge laurel can be removed by pulling small plants or cutting larger plants just below the soil. Spurge laurel stems may re-sprout after cutting and numerous seedlings may germinate so repeated site visits are necessary. Always wear gloves when handling spurge laurel because it produces a noxious substance which can cause severe eye and skin irritation. Avoid spreading berries during removal.	Can be removed year-round.	Removed plants should be bagged and disposed of properly in a landfill. Do not transport inside an enclosed vehicle as the plants can cause respiratory irritation.

## WILDLIFE AND WILDLIFE HABITAT

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

- Clearing of existing vegetation, including tree cutting, brushing, or clearing and grubbing, should occur outside of the sensitive time period for breeding and nesting birds (mid-March to end of August; Government of Canada 2021b). If disturbance of vegetation is to occur within this time period, then a QEP must perform a nesting bird survey to identify any nesting birds that may be potentially impacted by the project. The survey must be completed within 5 days of the planned clearing/disturbance, and the results are valid for 5 days. If nesting bird activity is detected, then the QEP will recommend the appropriate mitigation, such as protective buffers or delay of clearing until nesting activity is complete.
- Where suitable and safe, retain habitat that provides shelter for wildlife, such as standing dead trees and rocky outcrops.
- In the event that an amphibian or reptile is encountered during clearing or construction, the QEP will recommend the appropriate mitigation, such as avoidance or relocation. All salvage must be done by the QEP and with the appropriate wildlife permit.



- A raptor nest survey should be completed prior to development activities. A QEP must perform a multi-visit nest survey to identify any nests that may be potentially impacted by the project. If nesting raptor activity is detected, then the QEP will recommend the appropriate mitigation, such as protective buffers.

#### **EROSION AND SEDIMENT CONTROL**

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

Erosion controls, including the recommendations listed below, are recommended to be maintained for the duration of the project.

- Install a silt fence barrier outside of the SPEA edge and tree protection zones between the building site and the construction area to prevent sediment laden runoff from entering the wetland.
- Store materials and soils in dry, flat areas at least 15m outside the edge of the SPEA.
- Revegetation of disturbed areas adjacent to the SPEA should be undertaken upon the completion of construction or disturbance. Prevent erosion and invasive plant colonization by planting native species of shrubs and trees (see Table 3), which naturally have deep roots to aid in soil stabilization, compete against weeds and do not require irrigation.
- Heed weather advisories and scheduling work to avoid wet and rainy periods that may result in high surface water flow volumes and/ or increase erosion and sedimentation.
- Regularly monitor the aquatic environment for signs of sedimentation during all phases of the work, undertaking or activity and taking corrective action if required.



## 7 CONCLUSION

The observations from the site visits to the property have been detailed in this report. No permanent habitat features (e.g., bat roosts in rocky outcrops, raptor stick nests) were observed.

Subsequent field visits should be completed to update the biophysical observations and RAPR report as needed for each phase of the development planning (i.e., following the rezoning, future development permits).

During the development at 11237 West Coast Road, implementation of the mitigation measures recommended in this report, including the protection of the riparian area and revegetation of cleared areas to prevent invasive species, will minimize the impacts of the proposed development on the environment.

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## APPENDIX A – SITE PHOTOGRAPHS

Photo 1. Sandcut Creek south of West Coast Road (Hwy 14). June 2021.



Photo 2. Rockbottom Creek near the northern edge of the property. September 2021.



**Photo 3. Typical mature riparian forest adjacent to Sandcut and Rockbottom Creeks. September 2021.**



**Photo 4. Cleared area adjacent to riparian DPA for Rockbottom Creek. September 2021.**





**Photo 5. Cleared area and new/improved roads on the property. September 2021.**



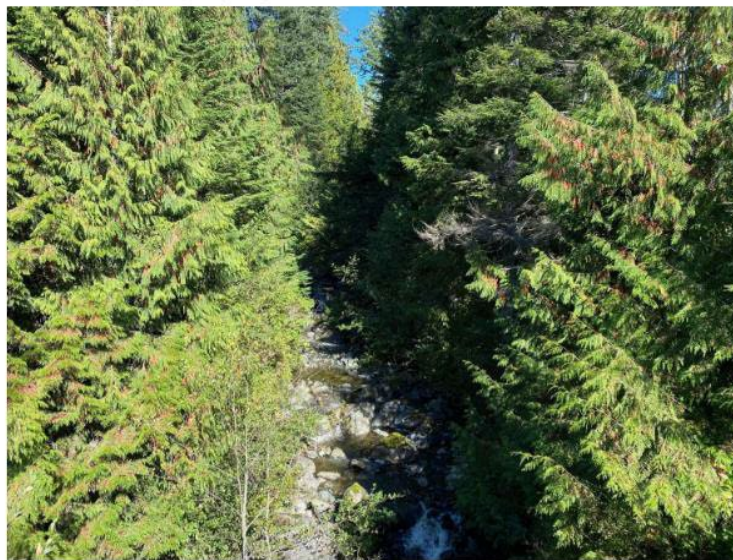
**Photo 6. Stream 1 (tributary to Rockbottom Creek) in old clearcut near the northern edge of the property. September 2021.**



**Photo 7. Stream 3 in the centre of the property to the northeast of Hwy 14. September 2021.**



**Photo 8. Stream 2 near top of property. June 2021.**





**Photo 9. Stream 3 adjacent to old road. June 2021.**



**Photo 10. Representative photo of the middle section of stream 1. June 2021.**



**Photo 11. Stream 6 adjacent to old road. August 2021.**



**Photo 12. View looking south at the existing road from the north end of the property. August 2021.**





## Appendix C: Shirley-Jordan River OCP - Parks and Trails

### 430 Parks and Trails

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#### 431 Goals for Parks and Trails

- A. Build a healthy park system that offers broad educational and recreational opportunities and that protects sensitive ecosystems, wildlife habitat and natural features.
- B. Provide a safe and well-used network of trails connecting parks, neighbourhoods and services.
- C. Provide safe access to the water front for the general public to enjoy low-impact recreational activities such as beach combing.
- D. Retain undeveloped water front accesses on public roads as undeveloped green space.

#### 432 Broad Objectives for Parks and Trails

- A. Support government programs and funding that allow the CRD and community organizations to develop and improve parks and trails in Shirley and Jordan River.
- B. Collaborate with community organizations and other levels of government, where possible, in the development of parks and trails in the Plan area.
- C. Encourage consultation by the MOTI with JdFEA Parks and Recreation Advisory Commission and CRD Planning staff in the administration of Section 75 of the *Land Titles Act* through implementation of the 2006 Public Accesses to Water Memorandum of Agreement between MoTI and CRD.

#### 433 Objectives for Parks and Trails

- A. Support initiatives in parks for public awareness and education.
- B. Encourage the participation by residents, interested organizations and societies in the restoration and enhancement of habitat in parks and the development of trails.
- C. Carefully consider trail development in environmentally sensitive and hazardous areas, and to minimize wildlife encounters.
- D. Plan for the connectivity of parks, open space and trails to enhance biodiversity.
- E. Develop a trail system that encourages the use of alternative transportation and promotes community health and well-being.
- F. Develop linkages between Shirley and Jordan River and the regional trail network.
- G. Recognize the primary purpose of a SPEA is to support the ecological function of fish habitat.
- H. Accept cash-in-lieu at the time of *subdivision* instead of park land dedication only when dedication would result in the acquisition of inappropriately small parks or lands not suitable for park.
- I. Support the acquisition of park land in accordance with the goals and objectives of the both the Regional Parks Strategic Plan and the Juan de Fuca CPSP.
- J. Collaborate with adjacent jurisdictions and appropriate authorities on matters related to parks and trails.
- K. Provide a number of access points to the water front to allow low impact recreational activities and access to beaches.
- L. Retain all existing water accesses.

#### 434 Policies for Parks and Trails

##### GENERAL

- A. Interpretative and educational programs and activities for the public in the parks are supported.
- B. Habitat restoration of community parks is supported through short-term projects or stewardship agreements.
- C. Partnerships to construct trails that include local volunteers are supported.

##### LOCATION AND TYPE OF FUTURE PARKS INCLUDING TRAILS

- D. SPEAs that are part of a development proposal will be protected by methods other than park dedication.
- E. The provision of trails accesses in SPEAs as a condition of development is not supported.
- F. While trails in a SPEA are not supported, public trail accesses may be sited in a DPA designated for environmental sensitivities or hazardous conditions subject to a determination by a *QEP* that the trail will not have a detrimental impact on an environmentally sensitive area and a report by a *QP* regarding the nature and risk of the hazard.

- G. The preferred methods for acquiring park land and trails are: as a condition of a rezoning, as an amenity contribution, as dedication at time of *subdivision*, as a bequest or donation, or the purchase of land.
- H. Environmentally sensitive areas and sensitive habitats, as part of the broader ecosystem, may be acquired as natural park land.
- I. Acquisition of park land to protect or create wildlife corridors is supported.
- J. Acquisition of park land to buffer and provide continuity to environmentally sensitive ecosystems and areas will be considered.
- K. Wherever possible, acquisition of park land will take into consideration opportunities to protect historical features, archaeological features as Special Preservation Areas.
- L. Other than park land for Special Preservation Areas, emphasis will be given to acquiring lands that can afford a range of appropriate and unstructured physical activities and recreational experiences, in particular, activities for youth such as biking and outdoor sports.
- M. Acquire lands adjacent to Muir Creek to protect its sensitive ecosystems, fossil beds and gain public access to the water front.
- N. Expand the trail network throughout the Shirley – Jordan River Plan area for non-motorized use and improve connections between regional parks and trails with the emphasis on securing:
  - i. Legal access to Priest Cabin Park;
  - ii. A connection between Tieulie Place and the Matterhorn Trail;
  - iii. Trails with a focus on allowing youth to walk or cycle to school bus stops;
  - iv. A connection between the Invermuir neighbourhood to the Shirley Community Hall with access to the beach at the mouth of Kirby Creek;
  - v. A connection between the eastern terminus of the Juan de Fuca Marine Trail, the Jordan River hamlet and Sandcut Creek;
  - vi. A connection between the Galloping Goose and the Juan de Fuca Marine Trail; and
  - vii. Connections with any new east-west corridors along the San Juan Ridge to the communities of Jordan River and Shirley.
  - viii. A connection through the land owned by BC Hydro in Jordan River.
- O. In addition to using the road right-of-way for the development of multi-use trails, the acquisition of new park land for this purpose is supported when there are constraints such as steep terrain within the road right-of-way.

#### **WATER FRONT ACCESS**

- P. All existing water front accesses will be retained regardless of whether or not they are developed or will not be developed.
- Q. Only appropriately selected accesses will be considered for development for public use.
- R. Respect the privacy of adjacent land owners and potential parking issues for the neighbourhood when considering the development of water front accesses.



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## REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JANUARY 17, 2023

---

- SUBJECT**      **Zoning Bylaw Amendment Application for Two Properties Located at 11237 West Coast Road – described as:**
- **Lot A Section 74 Renfrew District Plan VIP71883 – 11237 West Coast Road; PID: 024-937-207; and**
  - **That Part of Section 74, Renfrew District Lying to the North of the Northerly Boundary of Plan 109RW; PID: 009-590-412**

### **ISSUE SUMMARY**

The landowner has submitted an application to rezone the subject properties from the Forestry (AF) zone to the Rural Commercial Recreation (Campground) (CR-2) zone with amendments.

### **BACKGROUND**

The properties are subject to the Forestry (AF) zone and located on the north and south sides of West Coast Road, abutting the eastern boundary of Jordan River Regional Park (Sandcut Beach) to the west, AF zoned lands to the east and west, and Resource Land (RL) zoned land to the north (Appendix A). The subject lands are designated Coastal Upland (CU) in the Shirley-Jordan River Official Community Plan (OCP) Bylaw No. 4001. Portions of the property are located in Steep Slopes, Sensitive Ecosystem, and Riparian development permit areas. The 78.11 ha subject area is comprised of two parcels including a 7.7 ha waterfront parcel and a 70.4 ha Private Managed Forest Land (PMFL) parcel. The land is within the Shirley Fire Protection Service Area.

The landowner has submitted an application to amend Bylaw No. 2040 by removing the land from the AF zone (Appendix B) and adding it to the CR-2 zone. The proposal includes amendments to the CR-2 zone for the purpose of developing a cabin and campground resort with accessory uses (Appendix C). The applicant has provided a concept plan that illustrates the future establishment of an “environmentally responsible” resort/“eco-resort” (Appendix D). The concept plan is supplemented by an Environmental Assessment and a *Riparian Areas Protection Regulation* assessment report (RAPR report) to inform and guide site planning and future development (Appendix E). Staff have prepared Bylaw No. 4518, for consideration (Appendix F).

### **ALTERNATIVES**

#### *Alternative 1*

That staff be directed to refer proposed Bylaw No. 4518, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022", to the Shirley-Jordan River 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 Transportation & Infrastructure  
Pacheedaht First Nation  
RCMP  
Sooke School District #62  
T'Sou-ke First Nation



*Alternative 2*

That proposed Bylaw No. 4518 not proceed.

**IMPLICATIONS**

*Legislative Implications*

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee on land use planning matters referred to them related to Part 14 of the *Local Government Act (LGA)*. Staff recommend referring the proposed Bylaw No. 4518 to the Shirley-Jordan River APC.

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

*Regional Growth Strategy Implications*

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a regional growth strategy (RGS) be consistent with the RGS. In accordance with CRD policy, where a zoning bylaw amendment that applies to land within the Shirley-Jordan River OCP area is consistent with the OCP, it does not proceed to the full CRD Board for a determination of consistency with the RGS.

*Land Use Implications*

The Shirley-Jordan River OCP designates the subject area as Coastal Upland. The intent of the Coastal Upland land use designation is to support the continued use of those lands for forestry. Lands in this designation consist primarily of parcels enrolled in the PMFL program or zoned for forestry uses. If lands are removed from the PMFL program, then uses such as low-impact recreation and low-impact tourism are supported. Community parks, single-family residential, and agriculture are also supported in this designation. The concept plan proposes low-impact tourism consistent the Shirley-Jordan River contextual rural character and in keeping with the community goals identified by the OCP.

The CR-2 zone currently exists within Bylaw No. 2040; however, no lands in the bylaw area are currently subject to this zone (Appendix G). The provided concept plan illustrates 39 cabins; 84 campsites; staff accommodation; office and reception space combined with a convenience store and a caretaker dwelling unit; assembly uses; and accessory and utility buildings. The proposal also retains a dwelling and cabin located on the waterfront portion of the property. In order to regulate these uses, a number of amendments are proposed to CR-2 zone. Since no land within the bylaw area is currently subject to this zone, no non-conforming land uses and developments will be created as a result of amendments. Staff are of the opinion that the proposed development may be considered in alignment with the Coastal Uplands Land Use designation and Shirley-Jordan River OCP policies; however, the OCP does not define low-impact tourism.

The development proposal incorporates recommendations provided by the environmental reports to preserve watercourses and limit the number of new stream crossings. The proposed semi-clustering of accommodation types and limits on the potential expansion of the proposed development would be regulated by the proposed amendments to the CR-2 zone.

Should proposed Bylaw No. 4518 proceed, the amended CR-2 zone would allow for a mixture of uses and low densities including one campsite per 0.5 ha to a maximum of 100 campsites per parcel; one tourist cabin per 0.5 ha to a maximum of 30 tourist cabins per parcel; one convenience store per parcel; one caretaker dwelling; one one-family dwelling; and assembly uses. The proposed zone also introduces a definition for staff accommodation, which provides an opportunity to address housing goals identified in the OCP. The proposed zone stipulates 9 m to

15 m setbacks, and separation distances between cabin units to provide space for vegetation consistent with the landowner's intention to develop an "eco-resort" that integrates with the broader community's rural character.

Based on the information provided by the applicants and the policies of the Shirley-Jordan River OCP, staff recommend that the application be referred to the Shirley-Jordan River APC, and to relevant CRD departments, First Nations and external agencies.

### **CONCLUSION**

The purpose of Bylaw No. 4518 is to amend Bylaw No. 2040 by removing the subject properties from the Forestry (AF) zone and adding those parcels to the Rural Commercial Recreation (Campground) (CR-2) zone with amendments. Staff have prepared proposed Bylaw No. 4518 and recommend referral to the Shirley-Jordan River APC, First Nations, CRD departments and external agencies for comment. All comments received will be brought back to the Land Use Committee. At that time, the Committee may consider a recommendation for first and second reading.

### **RECOMMENDATION**

That staff be directed to refer proposed Bylaw No. 4518, "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022", to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, the following external agencies and First Nations for comment:

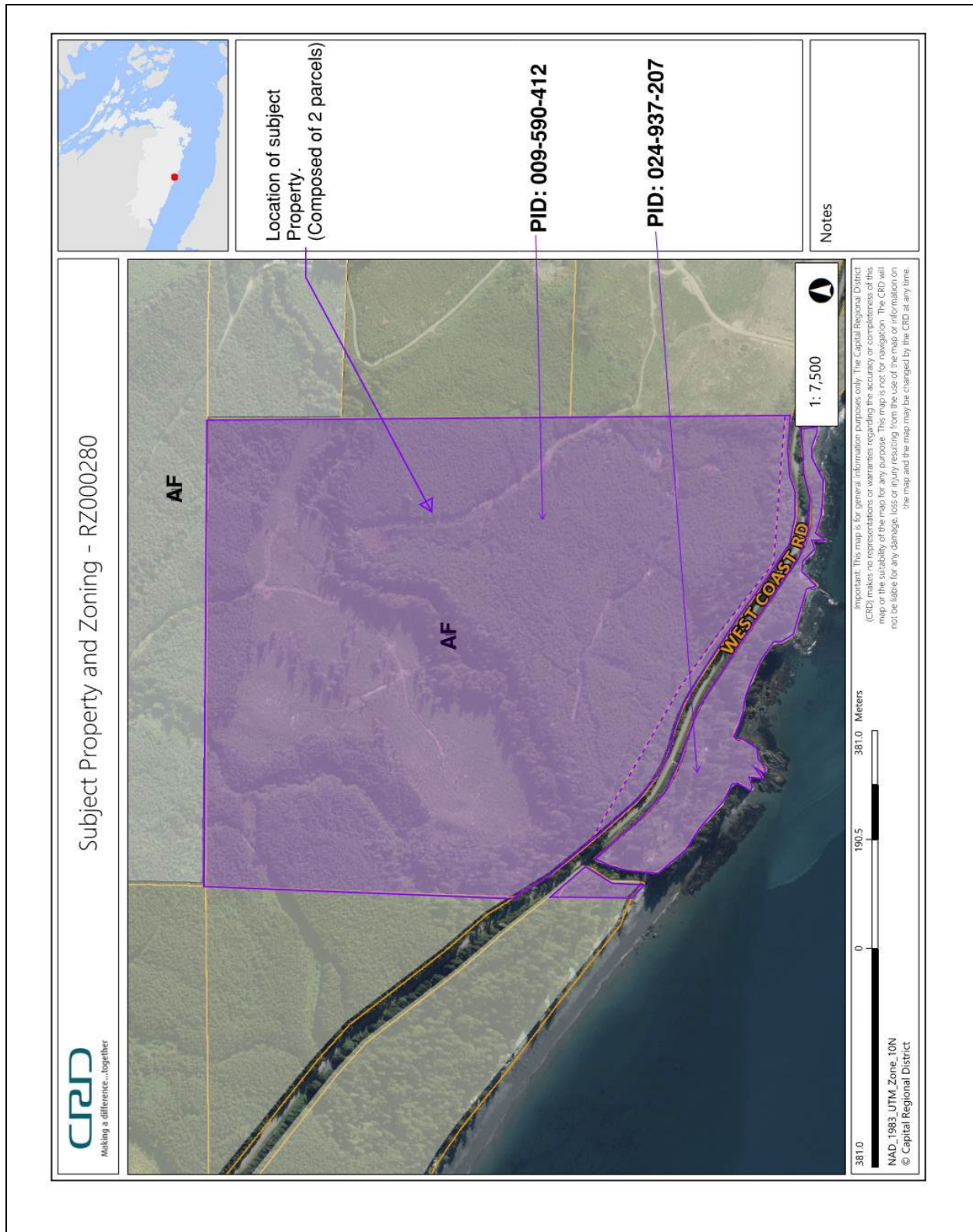
BC Hydro  
District of Sooke  
FLNR - Archaeology Branch  
FLNR - Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
FLNR - Water Protection Section  
Island Health  
Ministry of Transportation & Infrastructure  
Pacheedaht First Nation  
RCMP  
Sooke School District #62  
T'Sou-ke First Nation

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

### **ATTACHMENTS**

Appendix A: Subject Property and Zoning Map  
Appendix B: Current Forestry Zone – AF  
Appendix C: Proposed Rural Commercial Recreation (Campground) Zone – CR-2 with amendments  
Appendix D: Concept Plan  
Appendix E: Environmental Assessment Maps by Corvidae, dated May 2022  
Appendix F: Proposed Bylaw No. 4518  
Appendix G: Unimplemented Rural Commercial Recreation (Campground) Zone – CR-2

Appendix A: Subject Property and Zoning Map





Appendix B: Current Forestry Zone – AF

Schedule "A" of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**3.0 FORESTRY ZONE - AF**

**3.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Forestry AF Zone:

- (a) Silviculture except within 300m of a highway;
- (b) Offices, mechanical shops, fuel storage, and storage buildings accessory to mining or silviculture;
- (c) One-family dwelling;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) Two Boarders or lodgers;
- (f) Secondary Suite pursuant to Part 1, Subsection 4.19; *Bylaw 3849*
- (g) Detached Accessory Suite pursuant to Part 1, Subsection 4.20. *Bylaw 3849*

**3.02 Minimum Parcel Size for Subdivision Purposes**

The minimum lot size is 4ha;

**3.03 Density**

One one-family dwelling per lot is permitted.

One secondary suite or one detached accessory suite per lot is permitted. *Bylaw 3849*

**3.04 Height**

Maximum height shall be 11m.

**3.05 Lot Coverage**

Maximum lot coverage shall be 10 percent.

**3.06 Maximum Size of for Residential Buildings**

Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral. *Bylaw 3705*

- (i) On lots of less than 1ha in area, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45 or a Total Floor Area of 418m<sup>2</sup>, whichever is less;
- (ii) On lots of 1ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.45.

**3.07 Yard Requirements**

For all structures, the front, side, rear and flanking yards shall be a minimum of 15m. *Bylaw 3849*

Appendix C: Proposed Rural Commercial Recreation (Campground) Zone – CR-2  
with amendments

Schedule "A" of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**23.0 RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2**

**23.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Commercial Recreation (Campground) CR-2 Zone:

- (a) Camp ground;
- (b) Tourist cabins;
- (c) Assembly use;
- (d) One-family dwelling.

**Accessory Uses**

- (a) Convenience store accessory to a camp ground use;
- (b) Staff accommodation pursuant to Part 2, Subsection 23.10;
- (c) Caretaker dwelling unit

**23.02 Minimum Lot Size for Subdivision Purposes**

- (a) The minimum lot size for subdivision purposes is no less than 4 ha.

**23.03 Number of Residential Units**

One dwelling unit per lot is permitted.

**23.04 Height**

Maximum height shall be 11m for the dwelling unit and 6m for all other principal buildings, structures and uses.

**23.05 Lot Coverage**

Maximum lot coverage shall be 10 percent.

**23.06 Density of Provisions**

- (a) 30 tourist cabins per parcel or one tourist cabin per 0.5 hectares; whichever is less;
- (b) 100 camping spaces per parcel or one campsite per 0.5 hectares; whichever is less;
- (c) One convenience store per parcel;
- (d) One Caretaker dwelling unit per parcel

**23.07 Floor Area Regulation**

- (a) Individual camping spaces shall be a minimum of 110m<sup>2</sup>.

**23.08 Setback Requirements**

- (a) All campsites, buildings, and structures, must be setback a minimum of 9m from every parcel line; and 15m from the boundary of land designated as park.

**23.09 Separation Space**

- (a) All campsites and tourist cabins must be individual or freestanding; separated by a minimum of 9m measured from the outside surface of the nearest exterior wall of a building or structure; and the outermost edge of an area cleared of trees and other vegetation for a campsite, assembly use, or other outdoor uses.

Schedule "A" of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**23.10 Definitions**

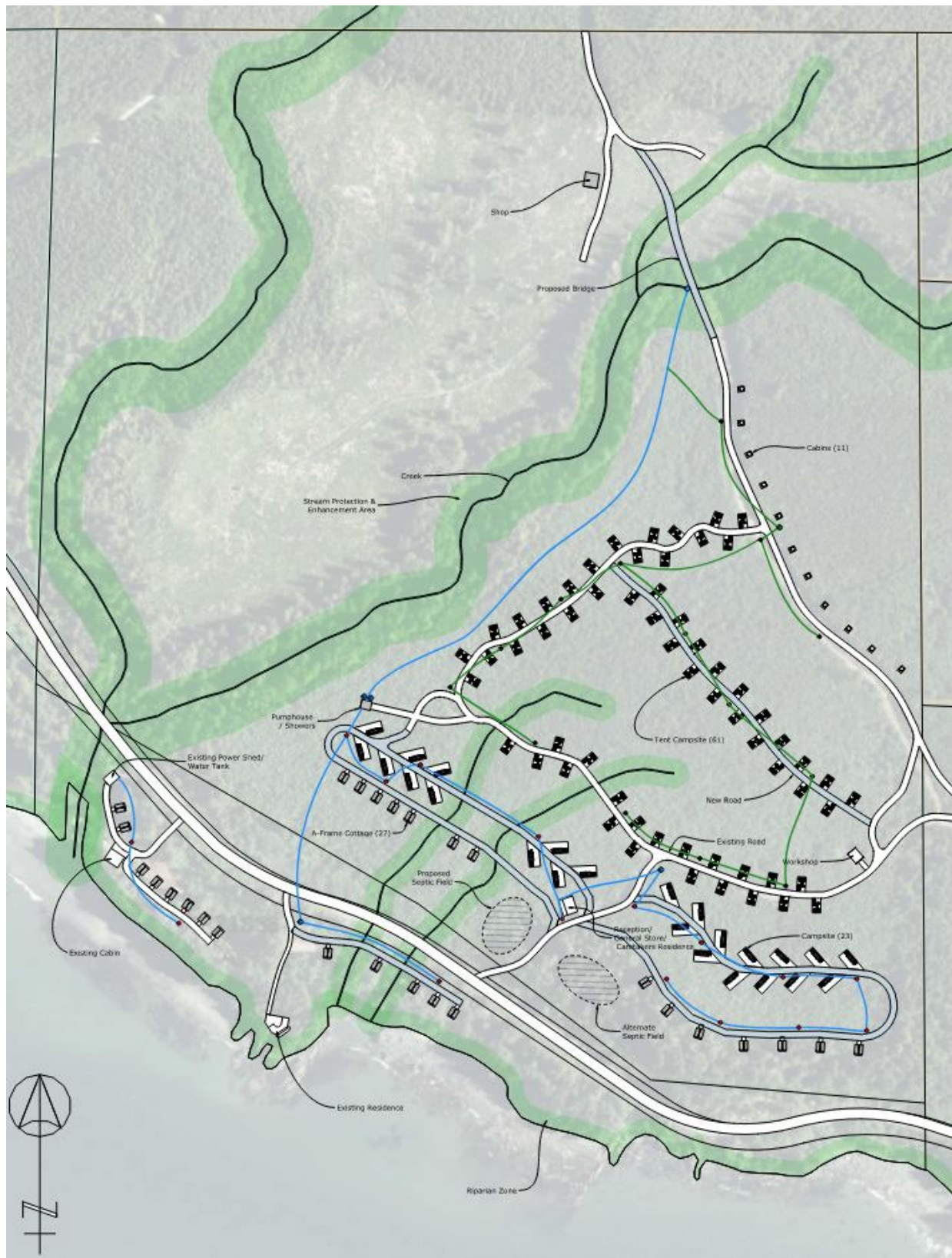
(a) For the purpose of the *RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2*, the following definitions apply:

**Staff Accommodation** means the accessory use of tourist cabins, for the accommodation of employees.

DRAFT

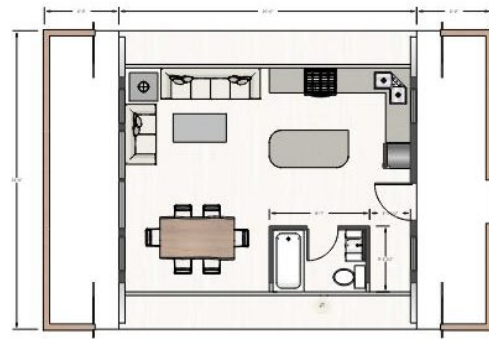


Appendix D: Concept Plan



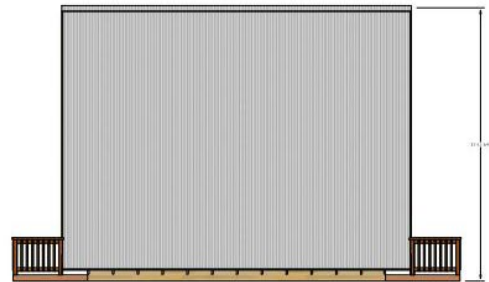
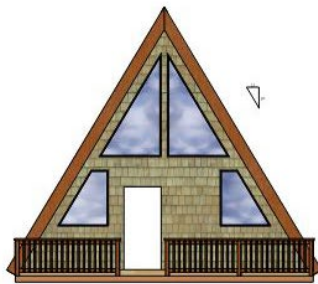


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Floor Plan  
Area: 41.43 m<sup>2</sup>

Notes:  
-Cabins shall be separated from each other  
and from other buildings and structures  
by a minimum of 3m.



North Elevation

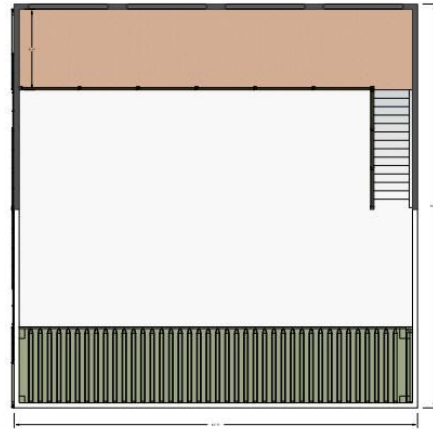


East Elevation

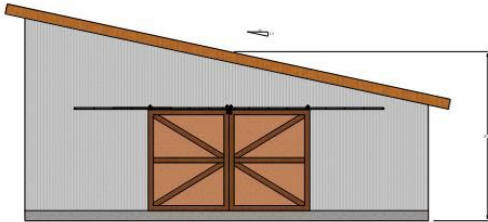




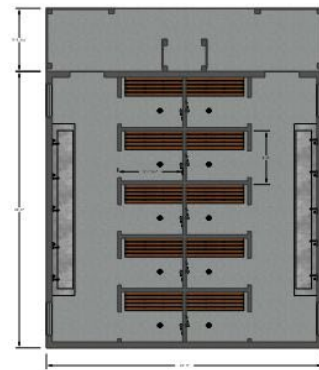
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Floor Plan



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Floor Plan

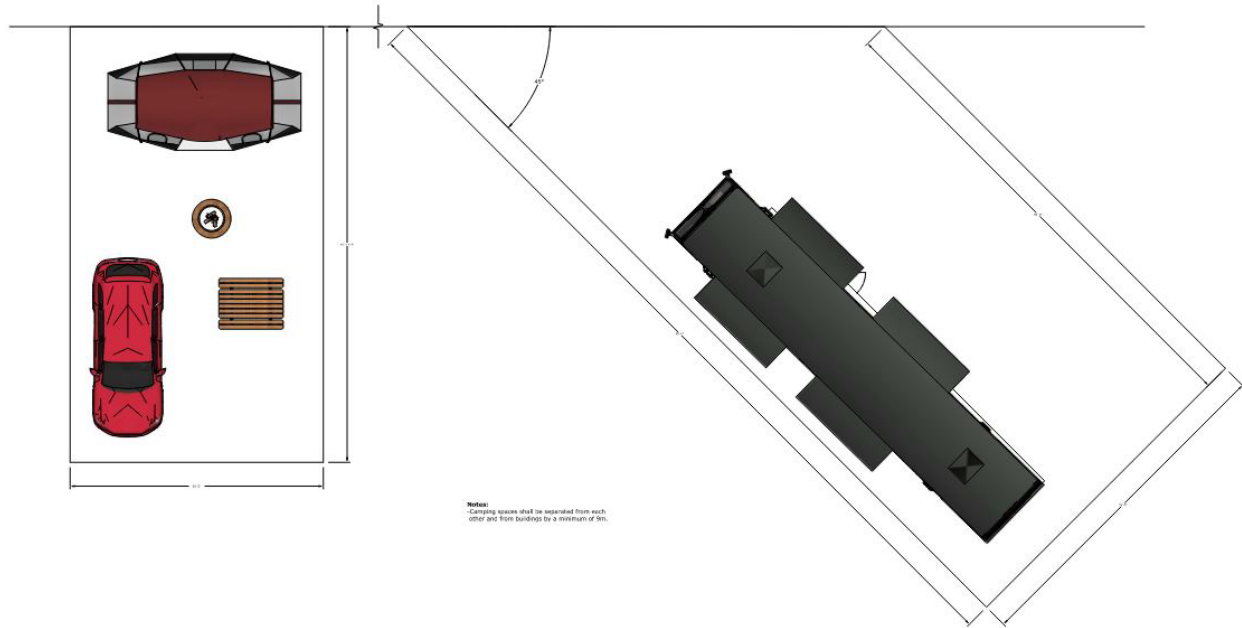


Side Elevation

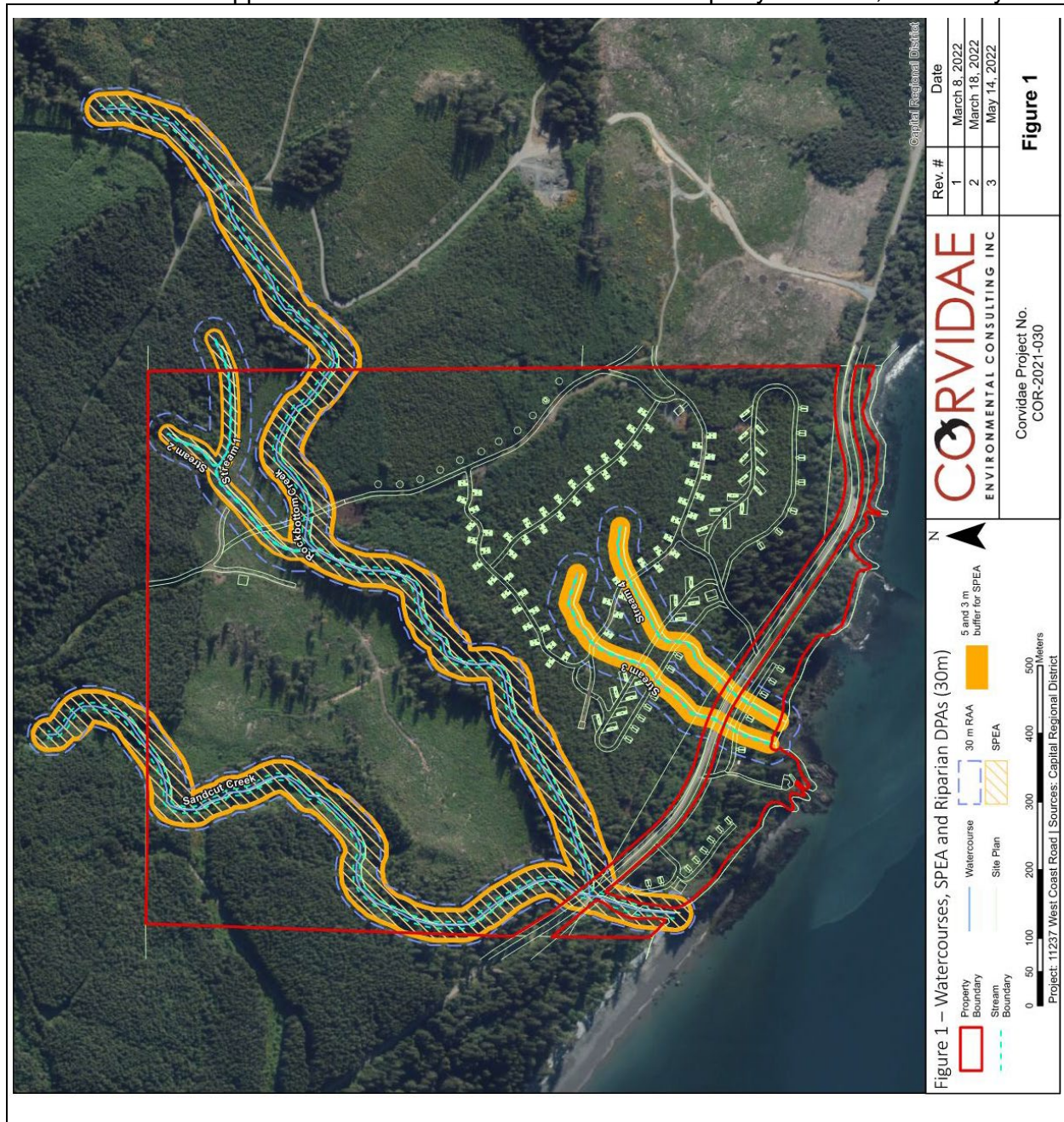


Rear Elevation

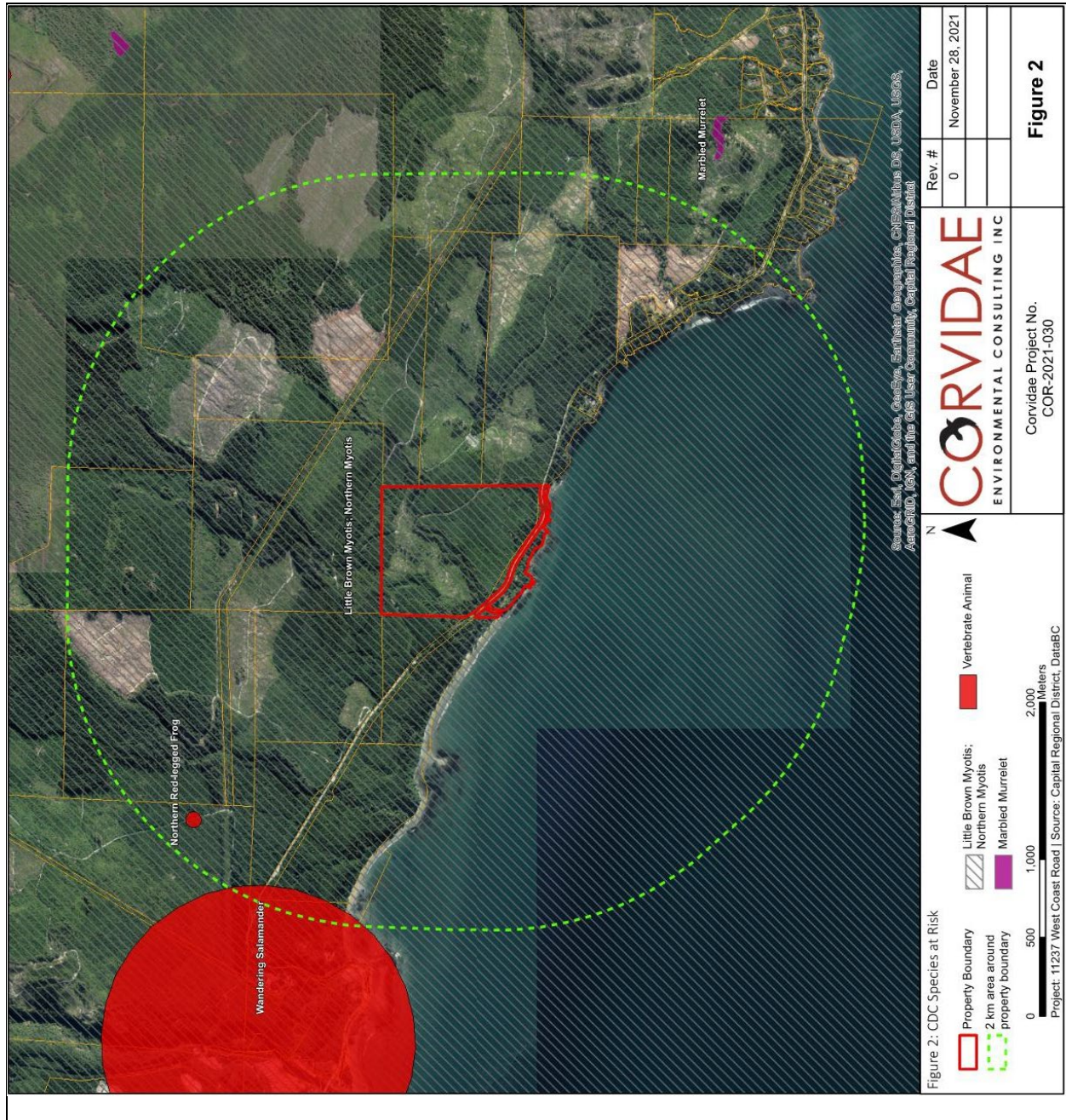




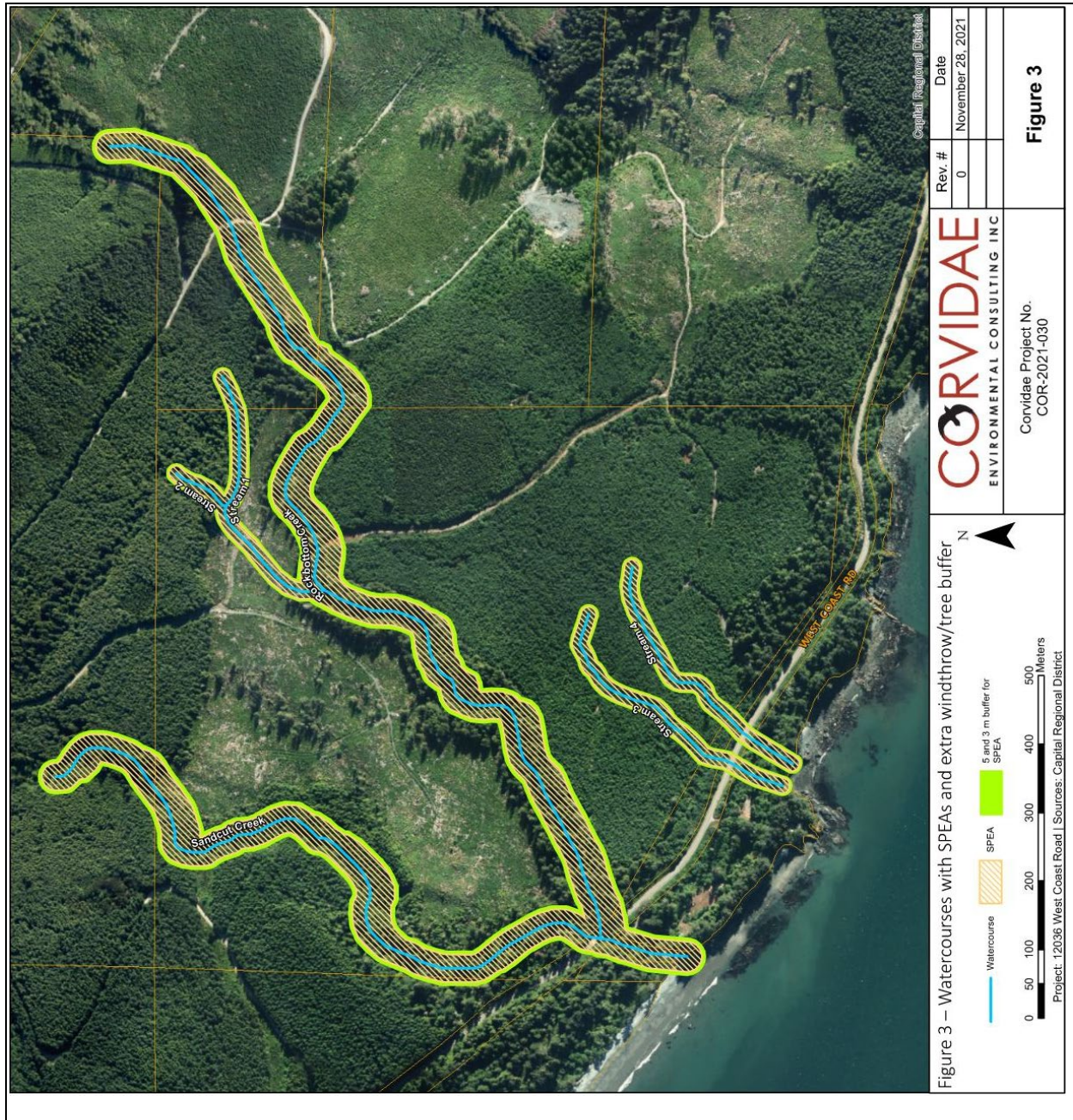
Appendix E: Environmental Assessment Maps by Corvidae, dated May 2022













Appendix F: Proposed Bylaw No. 4518

**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 4518**

\*\*\*\*\*  
**A BYLAW TO AMEND BYLAW NO. 2040, THE "JUAN DE FUCA LAND USE BYLAW, 1992"**  
\*\*\*\*\*

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

1. Bylaw No. 2040 being the "Juan de Fuca Land Use Bylaw, 1992" is hereby amended as follows:

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

- (a) By deleting the section 23.0 Rural Commercial Recreation (Campground) Zone – CR-2 and replacing it with the new 23.0 Rural Commercial Recreation (Campground) Zone – CR-2 as follows:

**23.0 RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE – CR-2**

**23.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Commercial Recreation (Campground) CR-2 Zone:

- (a) Camp ground;
- (b) Tourist Cabin;
- (c) Assembly use;
- (d) One-family dwelling;

Accessory Uses

- (e) Convenience store accessory to a camp ground use;
- (f) Staff accommodation pursuant to Par 2, Subsection 23.10.
- (g) Caretaker dwelling unit

**23.02 Minimum Lot Size for Subdivision Purposes**

- (a) The minimum lot size for subdivision purposes is no less than 4 ha.

**23.03 Number of Residential Units**

One dwelling unit per lot is permitted.

**23.04 Height**

Maximum height shall be 11m for the dwelling unit and 6m for all other principal buildings, structures and uses.

**23.05 Lot Coverage**

Maximum lot coverage shall be 10 percent.

**23.06 Density of Provisions**

- (a) 30 tourist cabins per parcel or one tourist cabin per 0.5 hectares; whichever is less;
- (b) 100 camping spaces per parcel or one campsite per

CRD Bylaw No. 4518

2

- 0.5 hectares; whichever is less;
- (c) One convenience store per parcel;
- (d) One Caretaker dwelling unit per parcel

**23.07 Floor Area Regulation**

- (a) Individual camping spaces shall be a minimum of 110m<sup>2</sup>.

**23.08 Setback Requirements**

- (a) All campsites, buildings, and structures, must be setback a minimum of 9m from every parcel line; and 15m from the boundary of land designated as park.

**23.09 Separation Space**

- (a) All campsites and tourist cabins must be individual or freestanding; separated by a minimum of 9m measured from the outside surface of the nearest exterior wall of a building or structure; and the outermost edge of an area cleared of trees and other vegetation for a campsite, assembly use, or other outdoor uses.

**23.10 Definitions**

(a) For the purpose of the *RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2*, the following definitions apply:

**Staff Accommodation** means the accessory use of tourist cabins, for the accommodation of employees.

**D. SCHEDULE B, ZONING MAPS**

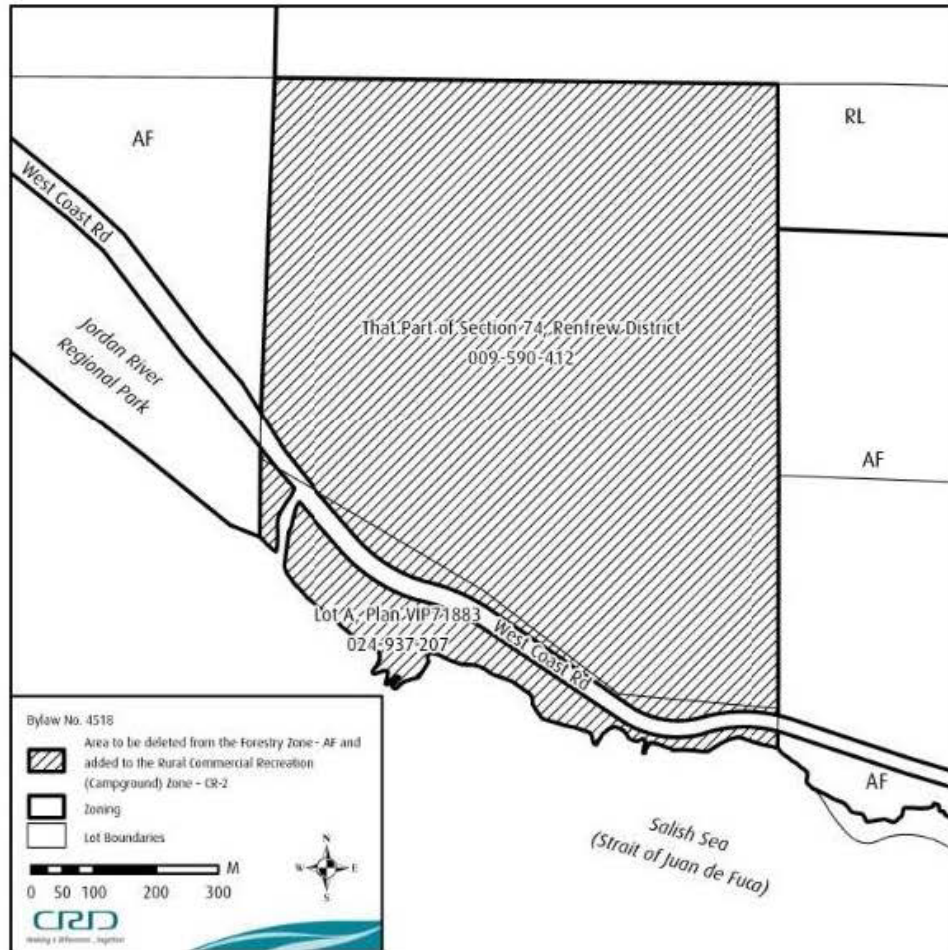
- a. By deleting LOT A SECTION 74 RENFREW DISTRICT PLAN VIP71883 from the Forestry zone - AF, and adding to the Rural Commercial Recreation (Campground Zone – CR-2, as shown in Plan No. 1.
- b. By deleting THAT PART OF SECTION 74, RENFREW DISTRICT LYING TO THE NORTH OF THE NORTHERLY BOUNDARY OF PLAN 109RW from the Forestry zone - AF, and adding to the Rural Commercial Recreation (Campground Zone – CR-2, as shown in Plan No. 1..

CRD Bylaw No. 4518

3

**Plan No. 1 of Bylaw No. 4518, an amendment to Bylaw No. 2040**

2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 158, 2022"



READ A FIRST TIME THIS	day of	2023
READ A SECOND TIME THIS	day of	2023
READ A THIRD TIME THIS	day of	2023
ADOPTED THIS	day of	2023

\_\_\_\_\_  
CHAIR

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

Appendix G: Unimplemented Rural Commercial Recreation (Campground) Zone – CR-2

Schedule "A" of Capital Regional District Bylaw No. 2040  
Juan de Fuca Land Use Bylaw

**23.0 RURAL COMMERCIAL RECREATION (CAMPGROUND) ZONE - CR-2**

**23.01 Permitted Uses**

In addition to the uses permitted by Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Rural Commercial Recreation (Campground) CR-2 Zone:

- (a) Camp Grounds;
- (b) Tourist Cabins;
- (c) Dormitories;
- (d) Restaurant;
- (e) Private Clubs;
- (f) Amusement Facilities, Indoor;
- (g) Amusement Facilities, Outdoor;
- (h) One dwelling unit.

**23.02 Minimum Lot Size for Subdivision Purposes**

Minimum lot size shall be 2ha.

**23.03 Number of Residential Units**

One Dwelling unit per lot is permitted.

**23.04 Height**

Maximum height shall be 7.5m for the dwelling unit and 4m for all other principal buildings, structures and uses.

**23.05 Lot Coverage**

Maximum lot coverage shall be 20 percent.

**23.06 Density of Development**

- (a) A maximum of 20 camping spaces per hectare are permitted; or
- (b) A maximum of 12 tourist cabins per hectare are permitted; or
- (c) A maximum of 48 guests per hectare in dormitory accommodation are permitted; or
- (d) When the above accommodation types are mixed, densities equivalent to (a) to (c) above will be permitted based on the proportion of lot area devoted to each type.

**23.07 Size of Camping Spaces**

Individual camping spaces shall be a minimum of 110m<sup>2</sup>.

**23.08 Yard Requirements**

- (a) Front yards shall be a minimum of 7.5m;
- (b) Side yards shall be a minimum of 3m, except where the lot abuts a lot in a Residential, Rural Residential, or Multiple Family Residential Zone, the side yard shall be a minimum of 6m;
- (c) Flanking yards shall be a minimum of 6m CTS;
- (d) Rear yards shall be a minimum of 6m.

**23.09 Separation Space**

- (a) Tourist cabins and dormitories shall be separated from other structures and from camping spaces by a minimum of 3m;
- (b) Camping spaces shall be separated from each other and from structures by a minimum of 9m.





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**STAFF REPORT TO THE  
JUAN DE FUCA ELECTORAL AREA PARKS AND RECREATION ADVISORY COMMISSION  
MEETING OF TUESDAY, JANUARY 24, 2023**

---

**SUBJECT:** Staff News

**ISSUE:** Information

**Carpenter Road Park**

The Manager is continuing to conduct site monitoring at the dam location to determine if the remediation work is stable, associated with significant rainfall.

**Priest Cabin Access**

The access trail is open for public use under a 3-year agreement with the landowner.

The Community Works Fund (CWF) grant for \$50,000 to complete the trail construction and connection has been approved. The funds will be available after March 2023. The surveyed right-of-way connector was deemed too hazardous for staff to work in and will be completed by tree service contractors.

**Kemp Lake Fishing Dock – Chubb Road Location**

The Commission passed a motion on February 22, 2022, indicating support for an application to obtain a licence of occupation from the Crown for the purposes of constructing a fishing dock on Kemp Lake at the end of Chubb Road.

The CWF application has been approved by the UBCM. A full suite of documentation regarding the project has been created and submitted for approval.

Work underway and to be done to relocate dock facility at the potential Chubb Road location:

- License of Occupation with the Crown – received by CRD on December 02, 2022
- Water License with the Crown – underway
- Remove and dispose of the existing dock at Chubb Road – to be done
- A quote for the required additional dock sections and shore ramp was received, \$35,000
- Determine if parking needs to be enhanced – underway
- CWF funding to complete purchase of additional dock structure and other required works – \$50,000 approved June 13, 2022

**Community Parks Strategic Plan Update**

The final draft was posted on “Bang the Table” on October 17, to allow those interested parties to comment on the draft. The comment period has now closed.

The Manager continues to work with the consultant on the First Nations engagement requirement for this plan. A meeting was held with Pacheedaht First Nation on December 07, 2022, where several agreed changes are to be made to the document.

### **Coppermine Park**

The Manager applied for CWF funding to replace the playground equipment at Coppermine Park. This funding was approved October 28, 2022, and the funds will be available in March 2023.

The Manager has requested a quote to fully repair the irrigation system.

### **Butler Road Park**

A local residents group approached the Manager with a desire to enhance the corner lot at Butler Road and Otter Point Road. Preliminary discussions have occurred. A project proposal/plan was received February 15, 2022.

Some of the improvements/requirements that have been discussed and underway are:

- Reforestation and or revegetation – started May 2022
- Riparian Report Requirements scheduled for spring 2023 for this project
- Installation of a sign – under discussion (draft sign designs have been shared with the residents group)
- The Manager has received approval November 22, 2022, for the CWF grant to assist with park improvement (picnic table, bench, split rail fencing, additional vegetation) \$45,000
- Create a site plan showing area for remediation, location of picnic table, etc.
- Possibly moving the bus stop to this area
- Use cedar split rail fencing to show access options and beautify the area

### **The Park – Port Renfrew**

At the request of the Director the Manager engaged with local residents of Port Renfrew to revitalize the playground at “The Park” in Port Renfrew. This project was approved October 27, 2022, and the funds will be available in March of 2023.

As this location is known archeological site, the local First Nation will have to be engaged to assist with decommissioning of old equipment and installation of new equipment.

A local volunteer group has offered to remove and dispose the existing old equipment. Security fencing will be required to safeguard the location once the project begins.

This project is slated to begin in 2023.

The Director has agreed to fund a connector trail at Lot 64 near the tennis court. This will include:

- A trail that connects the tennis court to the marina trail
- Define the Lot 64 boundary and possible fencing
- Removal of debris
- Define the parking lot area at the tennis court

This project has a budget of \$50,000. A CWF grant was approved September 23, 2022, and the funds will be available in March 2023.

### **Admiral's Forest**

Acquisition has concluded and the property is under the administration of the JdFEA Parks and Recreation Advisory Commission effective September 9, 2022.

Signage was purchased to post the boundaries of the park where there is possible trespass onto private land. The signs were installed on October 15, 2022.

The Manager has initiated a CWF application for 2023 to conduct upgrade efforts and post signage to make this property available to the public. This project was approved November 01, 2022, and the funds will be available in March 2023.

### **Wieland Road Trail Project**

The Manager has started preparation of the Wieland Road Trail project. This project consists of trail construction from the end of the existing Wieland Road Trail at the Sooke Business Park to Kemp Lake Road. Approximately 2.0 km.

Elements of the Project:

- The survey of existing Wieland Road allowance (unconstructed road dedication) - was completed November 28, 2022
- Local contractor contacted to discuss the Riparian report requirements for this project, with a site visit with the Manager on November 22, 2022, permission to proceed has been granted
- CWF grant funding deemed as eligible and funding was approved August 30, 2022
- The project is on the 2022 and 2023 Capital Plan for \$50,000
- This will likely be a multi-year project
- Obtain authority to occupy the missing portion of the Wieland Road allowance (now surveyed) - meeting with Ministry of Transportation and Infrastructure to add the missing portion to the License of Occupation
- Quotes for mini-excavator costs have been obtained but will need to be done again for 2023
- Develop a construction plan for the trail consisting of trail location, culverts, bridges, signage, access points, surfacing material
- A License of Occupation exists with the Ministry of Transportation and Infrastructure

Submitted by:	Don Closson, Manager, Juan de Fuca Electoral Area Parks and Recreation
Concurrence:	Iain Lawrence, MCIP, RPP, Senior Manager, Juan de Fuca Local Area Services