

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **June 20, 2023, at 7 pm**

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

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Approval of Supplementary Agenda
4. Adoption of Minutes of May 16, 2023
5. Chair's Report
6. Planner's Report
7. Development Permit with Variance Application
 - a) DV000091 – Lot 30, Section 98, Sooke District, Plan 33263 (6067 Brecon Drive)
8. Adjournment

PLEASE NOTE: The public may attend the meeting in-person or electronically through video or teleconference. To attend electronically, please contact us by email at jdfinfo@crd.bc.ca so that staff may forward meeting details.



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**Minutes of a Meeting of the Juan de Fuca Land Use Committee
Held Tuesday, May 16, 2023, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Natalia Day, Vern McConnell, Roy McIntyre,
Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services;
Darren Lucas, Planner; Wendy Miller, Recorder
PUBLIC: 7 in-person; 3 EP

EP – Electronic Participation

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgment.

2. Approval of the Agenda

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the agenda be approved, as amended to add comment on low-impact tourism as defined by the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001, under Planner's Report.

CARRIED

3. Approval of the Supplementary Agenda

MOVED by Anna Russell, **SECONDED** by Natalia Day that the supplementary agenda be approved.

CARRIED

4. Adoption of Minutes from the Meeting of January 17, 2023, and February 21, 2023

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the minutes from the meeting of January 17, 2023, be adopted.

CARRIED

MOVED by Anna Russell, **SECONDED** by Vern McConnell that the minutes from the meeting of February 21, 2023, be adopted.

CARRIED

5. Chair's Report

The Chair thanked everyone for coming to the meeting and thanked staff for their ongoing service to the communities.

6. Planner's Report

Comment on Low Impact Tourism: Iain Lawrence stated that, at the time the Shirley-Jordan River OCP was under review, low-impact tourism was intentionally not defined to allow low-impact tourism proposals to be considered at the political level through submission of individual zoning amendment applications and public consultation through the Juan de Fuca Land Use Committee (LUC) and Advisory Planning Commissions (APCs) on a site-specific basis.

Iain Lawrence responded to questions from the LUC advising that the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and the Rural Resource Lands Bylaw, Bylaw No. 3602, were amended in 2021 to delete the definition and use of outdoor recreation in order to provide more thorough regulation of that use through the submission of zoning amendment applications.

7. Zoning Amendment Application

- a) **RZ000282 – Parcel A (DD 104752I) of District Lot 745, Renfrew District; Parcel B (DD52657I) of District Lot 745, Renfrew District; District Lot 175, Renfrew District; and Strata Lot 13 of Section 76 and District Lot 745, Renfrew District, Strata Plan VIS4766 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1 (10700 Block of West Coast Road)**
- Darren Lucas spoke to the staff report for the application to rezone the subject property from the Forestry (AF) and Resource Land (RL) zones to a new Wilderness Campground (WC) zone.

The subject property map, concept plans and proposed Bylaw No. 4550 were highlighted.

Attention was directed to the four submissions received and circulated in the supplementary agenda.

Staff confirmed that the applicant was present.

Applicant comments included:

- campsites are fully intended to be walk-in with road access provided for clients with mobility restrictions and for campsite servicing related to water delivery and portable toilet servicing
- proposed campsites would be gravel with steel fire rings sited away from vegetation
- a water license application is in progress and pre-application comment was sought from the past and present fire chiefs of the Shirley Volunteer Fire Department

The Chair opened the floor to comments from the public regarding the proposal.

Public attendee comments included:

- specific concern regarding rezoning of Strata Lot 13, Strata Plan VIS4766 and modification of Covenant EN21276 to permit campground use on that lot
- concern regarding the proposal's impact on designated Steep Slope, Sensitive Ecosystem, and Riparian Development Permit Areas, as well as unmapped creeks
- support for the applicant hosting a public information meeting in the in the community before the proposal moves any further forward
- support for requesting more information and submission of professional assessments for consideration of by the LUC and prior to the proposal being referred to external agencies and to the Shirley – Jordan River APC

LUC discussion ensued regarding requiring Qualified Professional reports for consideration by the LUC prior to referring the proposal to agencies and to the Shirley – Jordan River APC.

MOVED by Dale Risvold, **SECONDED** by Anna Russell that zoning amendment application RZ000282 not proceed until the applicant provides more information including an environmental report, a water report and clarity regarding on-site service routes intended for water delivery, portable toilet servicing and for guests with mobility issues.

CARRIED

8. Adjournment

The meeting adjourned at 8:36 pm.

Chair



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JUNE 20, 2023

SUBJECT Development Permit with Variance for Lot 30, Section 98, Sooke District, Plan 33263 – 6067 Brecon Drive

ISSUE SUMMARY

A request has been made for a Development Permit with Variance to authorize construction of an accessory building within a designated Riparian Development Permit area, as well as to reduce the front yard setback requirement, increase the maximum height, and increase the maximum combined total floor area allowance for accessory buildings and structures on the lot, and to legalize the siting of the existing single-family dwelling.

BACKGROUND

The 0.2 ha property is located at 6067 Brecon Drive and is zoned Rural Residential 5 (RR-5) in the Juan de Fuca Land Use Bylaw No. 2040. The property is bounded by Brecon Drive to the north and RR-5 zoned properties to the east, south, and west (Appendix A). An unnamed stream runs south-to-north on the adjoining parcel to the west. Portions of the property are designated as Steep Slopes, and Riparian development permit areas by the East Sooke Official Community Plan, Bylaw No. 4000.

Four building permits were completed on the subject property: a single-family dwelling, which was given occupancy in 1988 (23428) along with a woodstove (37915) and detached garage (31361). An addition to the east side of the house was completed in 2010 (JD10-110). During the Planning review for the addition, it was identified that the double garage was constructed to be permanently attached to the dwelling via the carport and roofline; as such, it is considered part of the structure.

There are several temporary storage structures located on the parcel and the owner wishes to construct a detached garage with a loft area in the northwest corner of the subject property to provide permanent storage and workspace (Appendices B and C). Variances have been requested to reduce the front yard setback requirement, increase the maximum allowable height, and increase the maximum combined total floor area allowance for accessory buildings and structures. Development Permit with Variance DV000091 is included as Appendix D for consideration.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000091 for Lot 30, Section 98, Sooke District, Plan 33263, to authorize construction of an accessory building within a Riparian Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

1. Part 1, Section 4.01 (1)(d) to reduce the front yard requirement for an accessory building from 15 m to 6 m;
2. Part 1, Section 4.01 (2)(a) to increase the maximum height of an accessory building from 6 m to 7.32 m; and
3. Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m²

be approved.

Alternative 2

That the Development Permit with Variance DV000091 be denied.

IMPLICATIONS

Legislative Implications

The East Sooke Official Community Plan, Bylaw No. 4000, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Riparian DPA and, unless an exemption applies, a development permit is required prior to subdivision or alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the authority to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

Given the location of the principal dwelling, Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(d) specifies that accessory buildings shall be not less than 15 m from the front lot line. Section 4.01 (2)(a) specifies that an accessory building in a Rural Residential zone shall not exceed 6 m in height, and Section 4.01 (2)(c) specifies that the combined total floor area of all accessory buildings and structures on a lot with an area of more than 2,000 m² and less than 5,000 m² shall not exceed 100 m². The proposed development does not meet these requirements; therefore, variances are requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the June 20, 2023, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications

Development Permit:

A *Riparian Areas Protection Regulations (RAPR)* Assessment Report, dated May 3, 2023, was submitted by Erin Vekic, R.P.Bio., of Corvidae Environmental Consulting. The Report reviewed a stream that originates to the south and flows north towards Sooke Basin through the neighboring property to the west in accordance with Provincial regulations and the East Sooke OCP Riparian Development Permit guidelines (Appendix E).

The biologist confirmed that a 10 m SPEA applies to the stream, and that the proposed siting of the garage provides an additional 2 m buffer for a total protected area of 12 m beyond the high-water mark. The report confirmed that the building site and all related services are located outside this area and that no further clearing is proposed as a part of the development.

Recommendations to protect the SPEA during construction are provided and include installation of silt fencing; storing materials and soils on dry, flat areas at least 15 m from the edge of the SPEA; and reducing the amount of time soils are exposed by placing straw or seeding disturbed areas until groundcover is established. The report was approved by the Province and notification was provided through the RAPR Notification System on May 18, 2023. Therefore, the report also addresses the Riparian DP guidelines. The professional report is attached to the proposed development permit (Appendix D).

Variances:

The accessory buildings and structures regulations of Bylaw No. 2040 specify that: where an accessory building is located closer to the front lot line than the principal building, the front yard setback shall be 15 m. The regulations also specify that the maximum height of an accessory building is 6 m and that the maximum combined total floor area allowance for accessory buildings and structures on a lot with an area of more than 2,000 m² and less than 5,000 m² is 100 m².

The owner has requested variances to reduce the front yard setback from 15 m to 6 m, to increase the maximum height from 6 m to 7.32 m, and to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m². The total floor area of the garage includes 131.4 m² for the main floor and 32.3 m² for the loft storage area.

The minimum lot size specified by the RR-5 zone is 0.4 ha; however, the subject property is only 0.2 ha as it was created through subdivision prior to adoption of the land use bylaw. The smaller lot size combined with the steep slope and riparian development permit areas restricts the available buildable area. The proposed variances are not anticipated to defeat the intent of the bylaw as the maximum lot coverage of 25% will not be exceeded and vegetated buffers adjacent to the watercourse, which provide a spatial separation with the adjoining property, will be maintained.

Development Permit with Variance DV000091 has been prepared for consideration to authorize construction of an accessory building within a designated development permit area and to grant variances to reduce the front yard setback requirement, increase the maximum height, and increase the maximum combined total floor area of accessory buildings. Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose of constructing a detached garage. The proposed variances are to reduce the front yard setback requirement for accessory buildings and structures from 15 m to 6 m, to increase the maximum height of accessory buildings and structures from 6 m to 7.32 m, and to increase the maximum combined total floor area of accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m².

Feasible building locations are restricted by the topography of the site and parcel size. Staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000091 for Lot 30, Section 98, Sooke District, Plan 33263, to authorize construction of an accessory building within a Riparian Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

1. Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
2. Part 1, Section 4.01 (2)(a) to increase the height permitted from 6 m to 7.32 m; and
3. Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m²

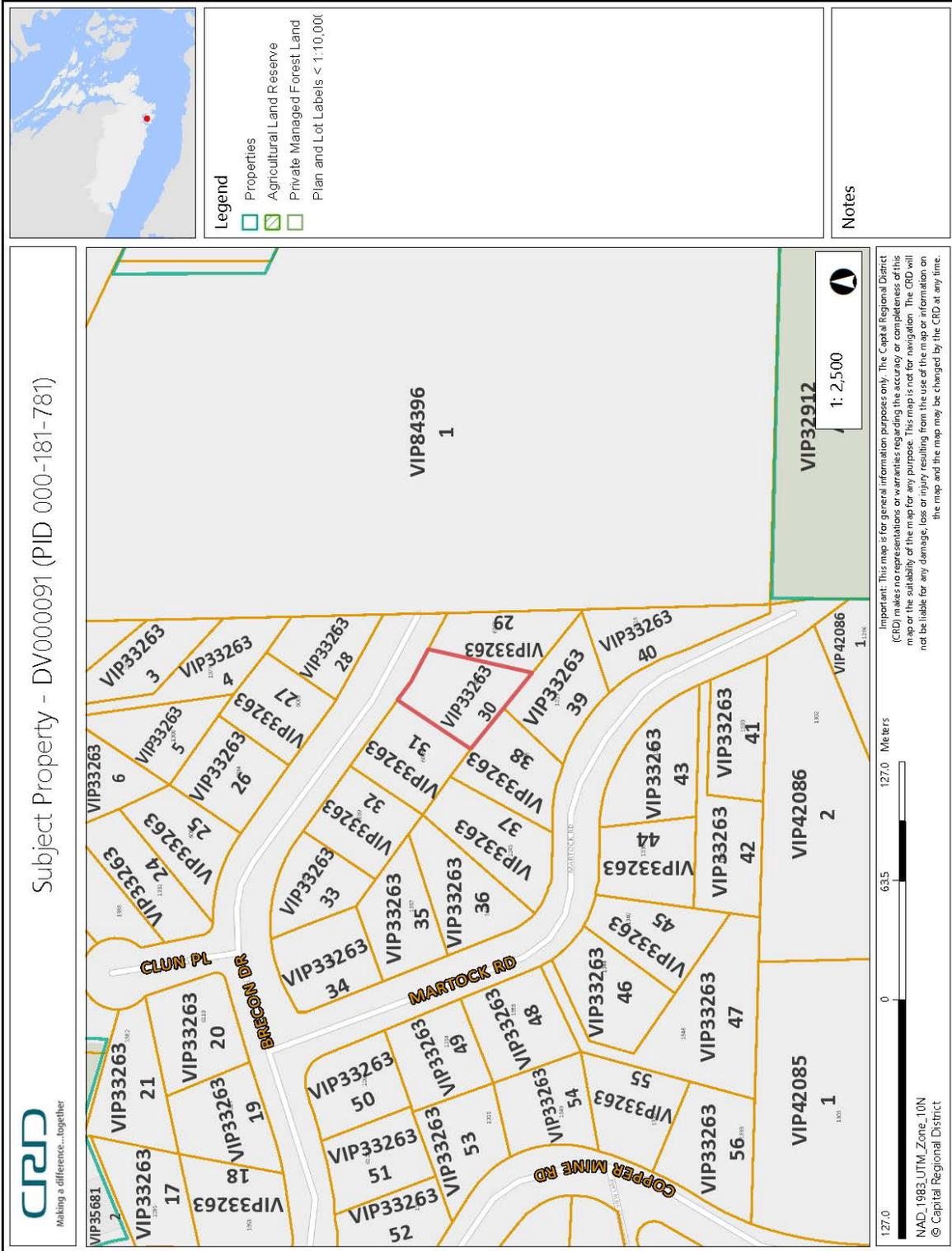
be approved.

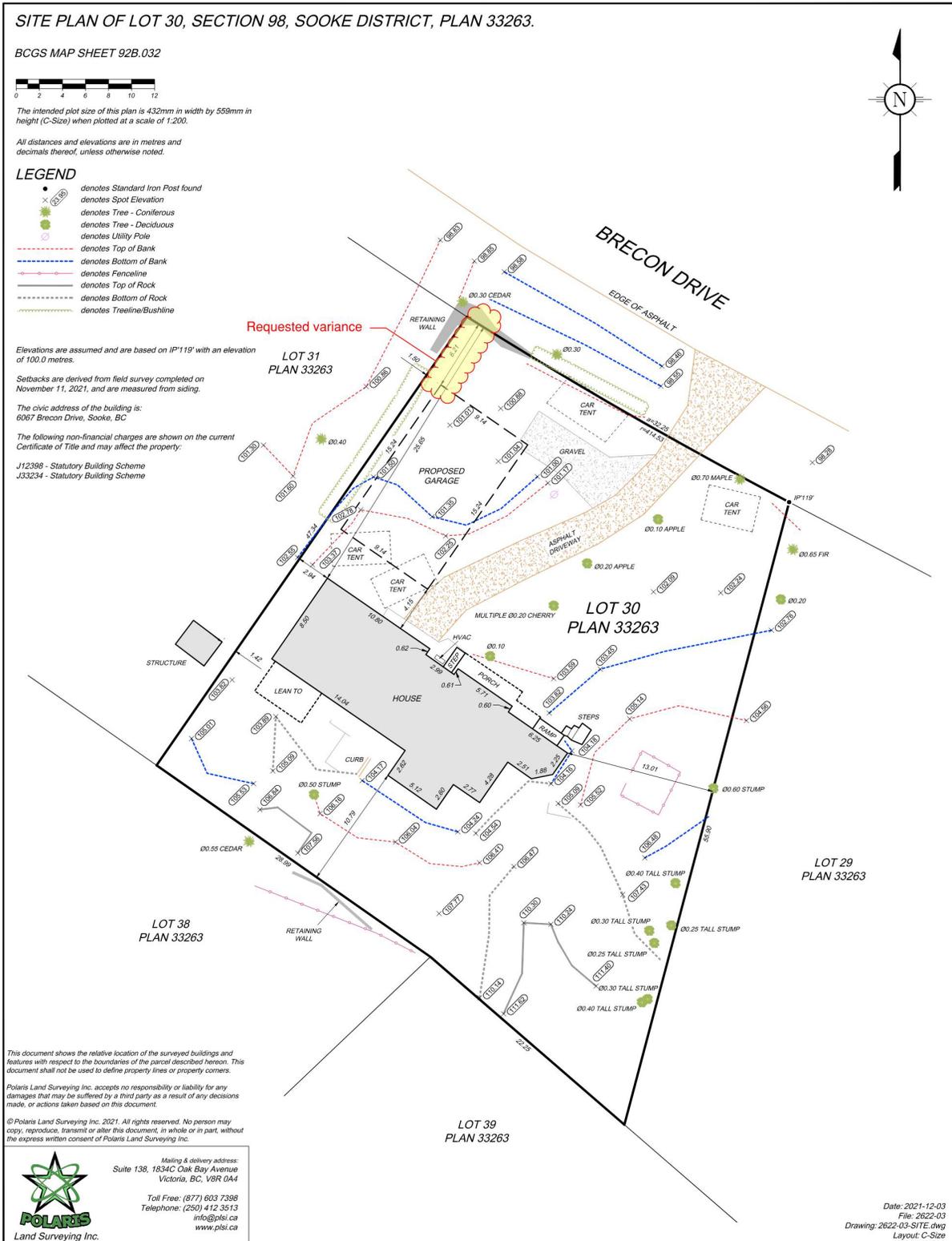
Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

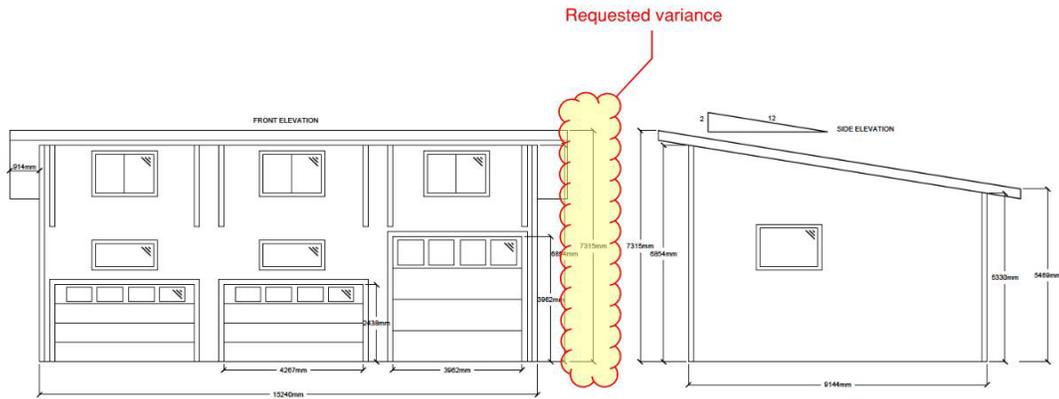
- Appendix A: Subject Property Map
- Appendix B: Site Plan
- Appendix C: Concept Building and Elevation Drawings
- Appendix D: Permit DV000091
- Appendix E: Development Permit Guidelines

Appendix A: Subject Property Map

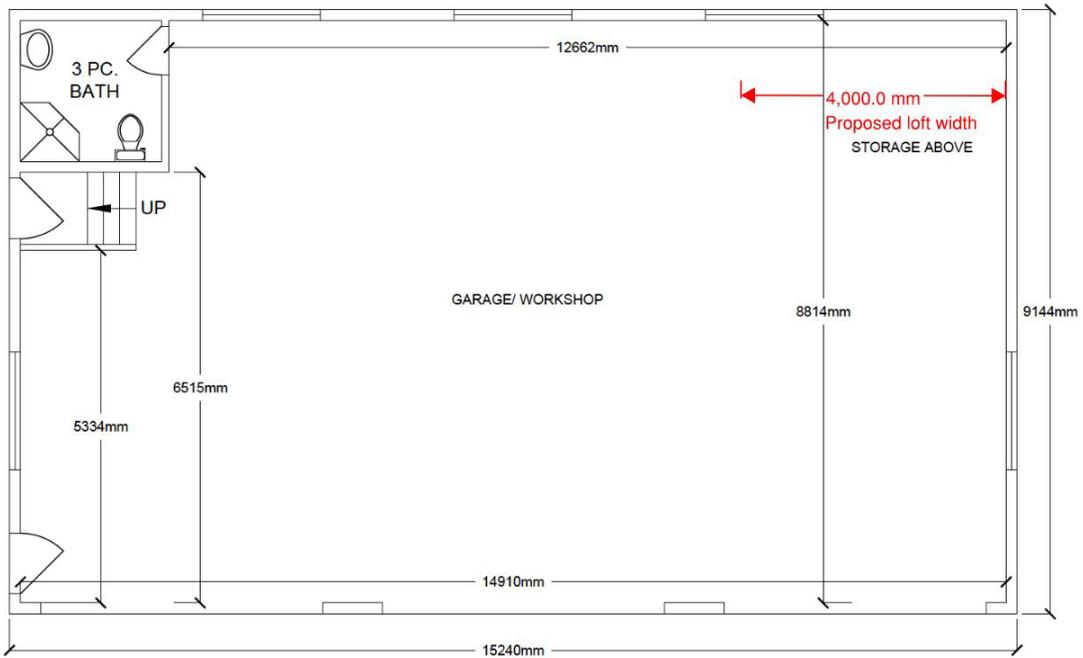




Appendix C: Concept Building and Elevation Drawings



6067 BRECON DR. OCT. 10TH, 2021 Prepared by PROPER MEASURE NORTH ISLAND for the exclusive use of [REDACTED] These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.	REVISION: NOV. 27, 2021	1500 SQ. FT.
	DRAWING BY:	M.J.
	SCALE: $\frac{1}{8}'' = 1'$	



Floor area - garage = 32.3 m2
 Floor area - storage loft = 131.4 m2
 Total floor area = 166.7 m2

6067 BRECON DR. OCT. 10TH, 2021 Prepared by PROPER MEASURE NORTH ISLAND for the exclusive use of [REDACTED] These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.	REVISION: NOV. 27, 2021	1500 SQ. FT.
	DRAWING BY:	M.J.
	SCALE: $\frac{1}{8}'' = 1'$	



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000091

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID: 000-181-781;
Legal Description: Lot 30, Section 98, Sooke District, Plan 33263 (the "Land")
3. This development permit authorizes construction of a detached garage (the "development") on the Land, located within the development permit areas established under the East Sooke Official Community Plan, Bylaw No. 4000, 2018, Section 530 (Riparian) in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a) That the components of the development occur as identified on the Site Plan, prepared by Polaris Land Surveying Inc., dated December 3, 2021;
 - b) That the development occur as identified on the Building Drawings, prepared by Proper Measure North Island, dated October 10, 2021, revised November 27, 2021; and
 - c) That the development comply with the report prepared by Erin Vukic, R.P.Bio., of Corvidae Environmental Consulting Inc., dated May 3, 2023 (the "Riparian Assessment Report").
5. The Capital Regional District's Juan de Fuca Land Use **Bylaw No. 2040** is varied under section 498 of the *Local Government Act* as follows:
 - a) That Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
 - b) That Part 1, Section 4.01 (2)(a) to increase the permitted height from 6 m to 7.32 m; and
 - c) That Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m².
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000091) 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: Site Plan
Appendix B: Building Drawings
Appendix C: Riparian Assessment Report



DV000091

10. This Permit is NOT a Building Permit.

11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2023.

ISSUED this ____ day of _____, 2023.

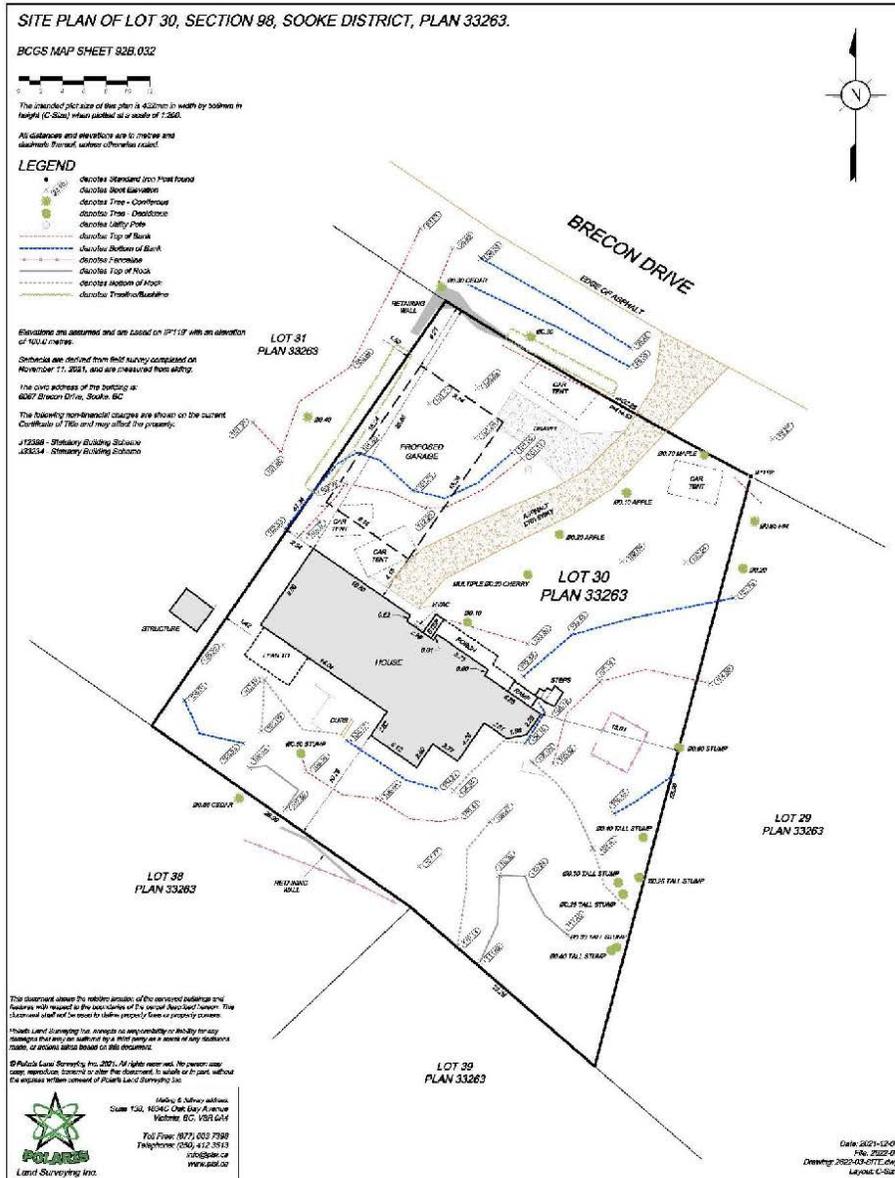
Corporate Officer
Kristen Morley



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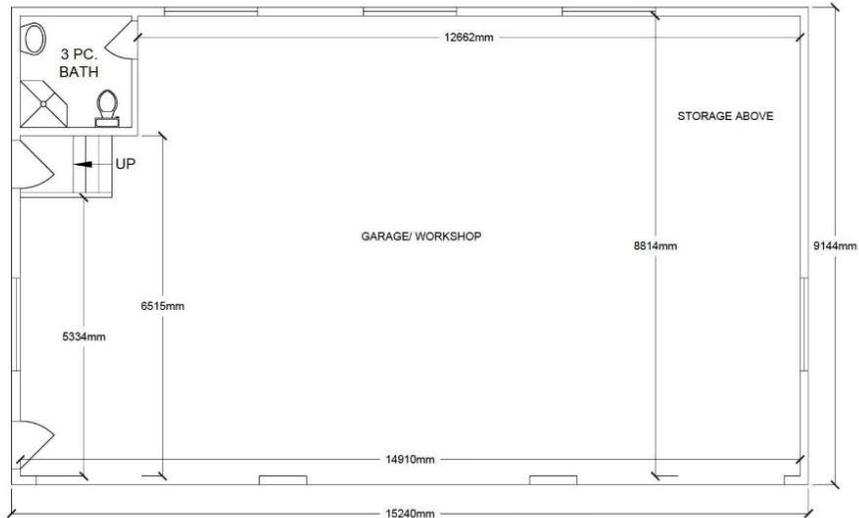
Appendix A: Site Plan



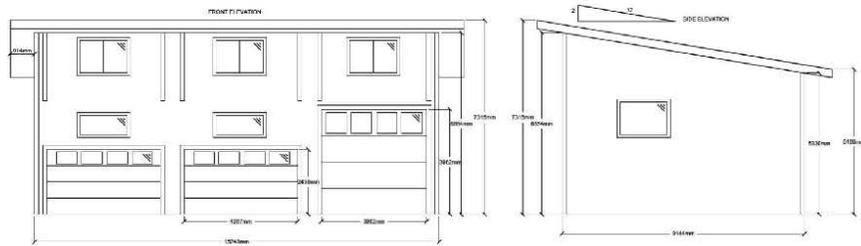


DV000091

Appendix B: Building Drawings



6067 BRECON DR. OCT. 10TH, 2021		REVISION NOV. 27, 2021	1500 SQ. FT.
Prepared by PROPER MEASURE INCORPORATED for the exclusive use of [REDACTED]		DRAWING BY	M.J.
These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.		SCALE: 3/8" = 1'	



6067 BRECON DR. OCT. 10TH, 2021		REVISION NOV. 27, 2021	1500 SQ. FT.
Prepared by PROPER MEASURE INCORPORATED for the exclusive use of [REDACTED]		DRAWING BY	M.J.
These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.		SCALE: 3/8" = 1'	



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Appendix C: Riparian Assessment Report



RIPARIAN AREAS PROTECTION REGULATION: ASSESSMENT REPORT

Date: May 3, 2023

I. Primary QEP Information

First Name:	Erin	Address:	6526 Water Street
Last Name:	Vekic	City:	Sooke
Designation:	R.P. Biol.	Postal/Zip:	V9Z 0X1
Company:	Corvidae Environmental Consulting	Phone #:	(403) 200-8236
Registration:	#4183	Prov/state:	BC
Email:	erinv@corvid.pro	Country:	Canada

III. Developer Information

First Name:	██████	Address:	6067 Brecon Drive
Last Name:	██████	City:	Sooke
Company:	n/a	Postal/Zip:	V9Z 1B1
Email:	████████████████████	Phone #:	██████████
		Prov/state:	BC
		Country:	Canada

IV. Development Information

Development Type:	Accessory building
Area of Development (ha):	0.0139 ha
Riparian Length (m):	65 m
Lot Area (ha):	0.205 ha
Nature of Development:	Redevelopment
Proposed Start Date:	June 2023
Proposed End Date:	September 2023

V. Location of Proposed Development

Street Address:	6067 Brecon Drive	Stream Name:	Unnamed
Local Government:	Capital Regional District	Stream/River Type:	Stream
City:	Sooke	DFO Area:	29
Legal Description (PID):	000-181-781	Watershed Code:	930-018300
Region:	1-Vancouver Island	Latitude:	48°21'42.51"N
		Longitude:	123°40'28.55"W

1

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DV000091



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DV000091



SECTION 1. DESCRIPTION OF FISHERIES RESOURCES VALUES AND A DESCRIPTION OF THE DEVELOPMENT PROPOSAL

Description of Fisheries Resources Values

The property engages the 30 metre (m) Riparian Assessment Area of an unnamed watercourse that occurs on the adjacent property (6085 Brecon Drive) to the west of 6067 Brecon Drive in East Sooke, BC (the property). The watercourse is unnamed and occurs within the Juan de Fuca Electoral Area that extends from Mount Maguire northeast to the waters of Sooke Basin.

Watercourses and hydrology patterns in the area have been altered due to the establishment of residential development. The watercourse originates southwest of the property. It is anticipated that flows within the watercourse are limited to stormwater runoff, as no parent stream is mapped. Flows within the watercourse were described by the property owner as intermittent and flashy, with increased flows during periods of increased rainfall.

The watercourse is not shown provincial mapping resources (e.g., iMapBC, HabitatWizard) and thus no fish records are available; however, stormwater flows are conveyed northeast to Sooke Basin, which is a fish-bearing waterbody. Although fish absence was not confirmed during the assessment, fish presence is considered unlikely within the reach adjacent to the property due to the presence of a dilapidated culvert that conveys the watercourse north beneath Brecon Drive (Photograph 9).

Intermittent flows were observed at the time of the assessment. Substrates were comprised of boulders, cobbles, and gravels. Large woody debris (LWD) inputs were absent apart from one piece of LWD oriented parallel to the bank downstream (north) of Brecon Drive. This is largely due to previous clearing and disturbance and relatively young second-growth forest in the riparian area. The channel has been disturbed and degraded due to urbanization; however, some evidence of cascade-pool morphology was present, including boulders and cobbles within the banks and channel bed, as well as partial moss cover on the rocks/boulders present. Minor pooling and steps were observed in the lower reaches adjacent to the property.

The watercourse is shown on the Capital Regional District Regional Map (Figure 1). The alignment in proximity to the property was field verified by the QEP and is shown in Figure 2.

Description of Riparian Habitat

The watercourse is shaded by a canopy of bigleaf maple, western redcedar, red alder, Douglas-fir, and western hemlock. Understorey areas are dominated by mosses and sword fern.

Description of Development Proposal

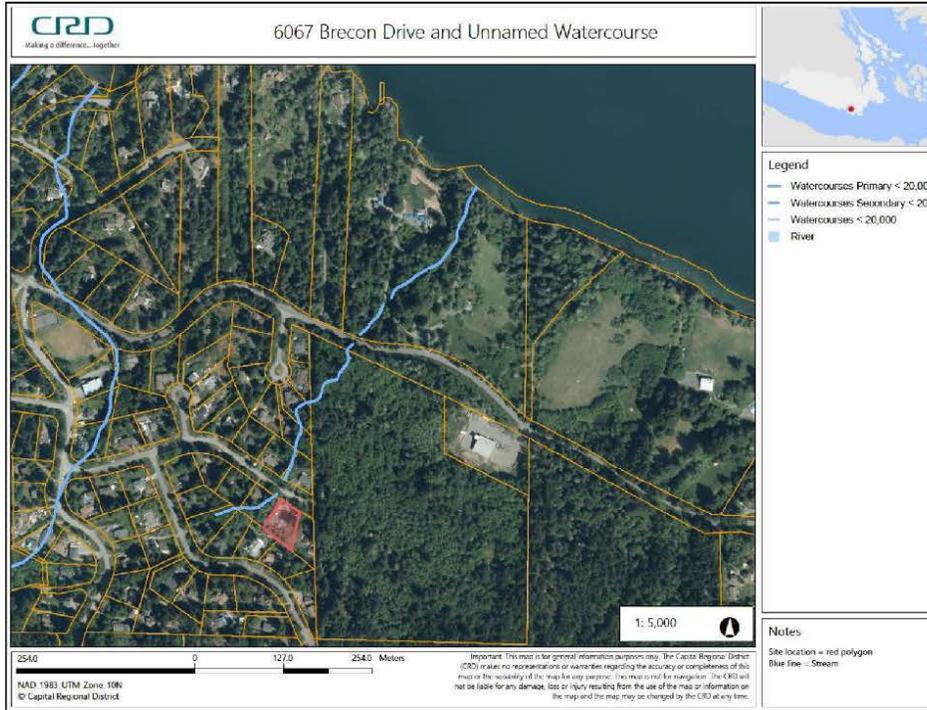
The property owner is seeking to construct a garage/shop structure in an open, lawn area to the west of the existing driveway. The garage will occupy approximately 1,500 sq. feet of space on the property.

3

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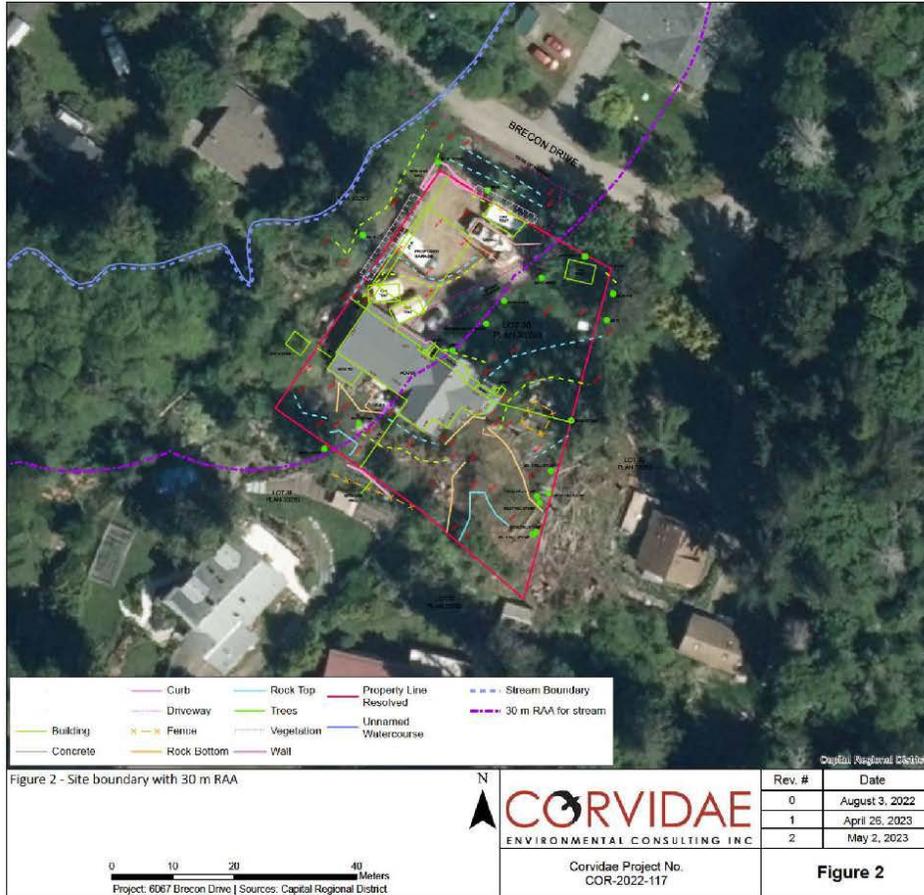


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SECTION 2. RESULTS OF RIPARIAN ASSESSMENT (SPEA WIDTH)

Form 4 Equivalent: Detailed Assessment

RESULTS OF DETAILED RIPARIAN ASSESSMENT

Description of Water bodies involved (number, type):
 Stream 1 – Ditch
 Wetland Number of reaches 1
 Lake Reach # 1

Channel width and slope and Channel Type

Measurement #	Channel width (m)	Gradient (%)
(upstream) 1	1.4	
2	1.6	
3	1.7	5
4	1.2	
5	1.3	
(starting point) 6	1.2	
7	4.9	
8	1.7	
9	0.8	8
10	1.7	
(downstream) 11	1.4	
Total minus high/low	10.7	--
Mean	1.5	6.5

Channel Type Riffle/Pool Cascade/Pool Step/Pool

Site Potential Vegetation Type (SPVT)

Polygons? Yes No

I, Erin Vekic, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

SPVT Type LC SH TR

Zone of Sensitivity (ZOS) and resultant SPEA

LWD, Bank and Channel Stability ZOS (m) 2x 1.5m = 3m → 10m minimum
 Litter fall and insect drop ZOS (m) 3x 1.5m = 4.5m → 10m minimum
 Shade ZOS (m) max 3x 1.5m = 4.5m South bank Yes No

SPEA: 10 m (based on largest ZOS above)

I, Erin Vekic, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];

6

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DV000091



- c) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report;
and*
- d) *In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas
Protection Regulation.*

7

11



DV000091



Comments

For the stream assessed, the SPEA will be 10 m in width. The SPEA must be clearly marked in the field by the QEP prior to construction of the accessory structure.

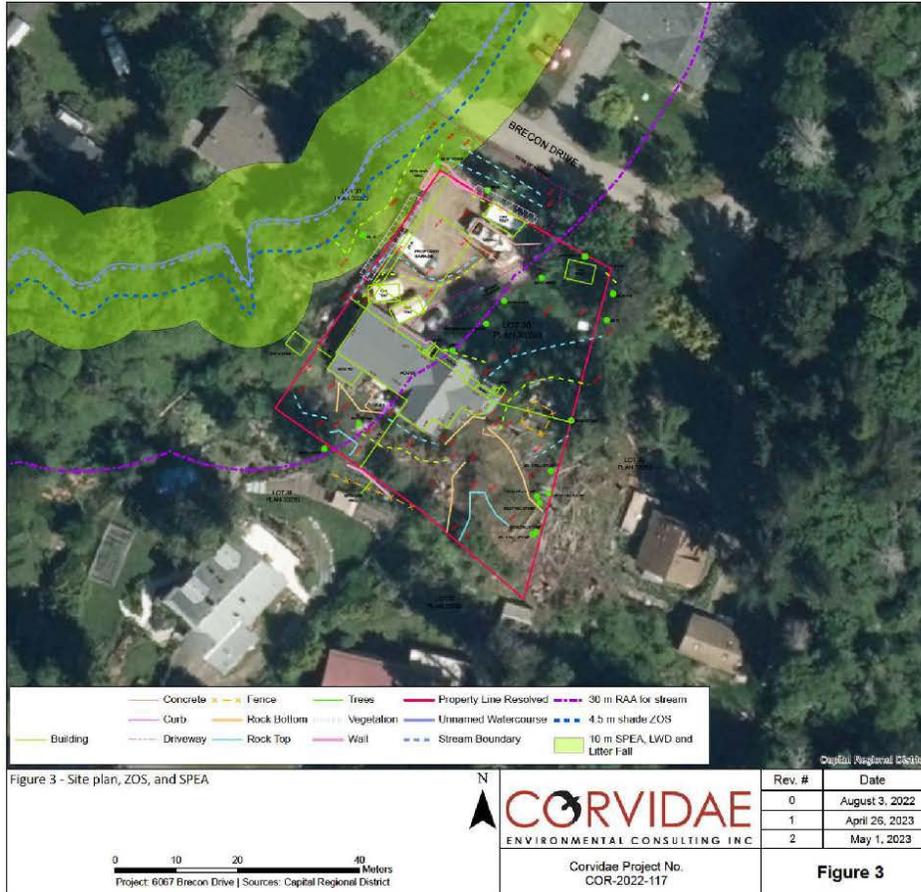
The RAA, ZOS and SPEA are shown in Figures 3 and 4, respectively, in Section 3.

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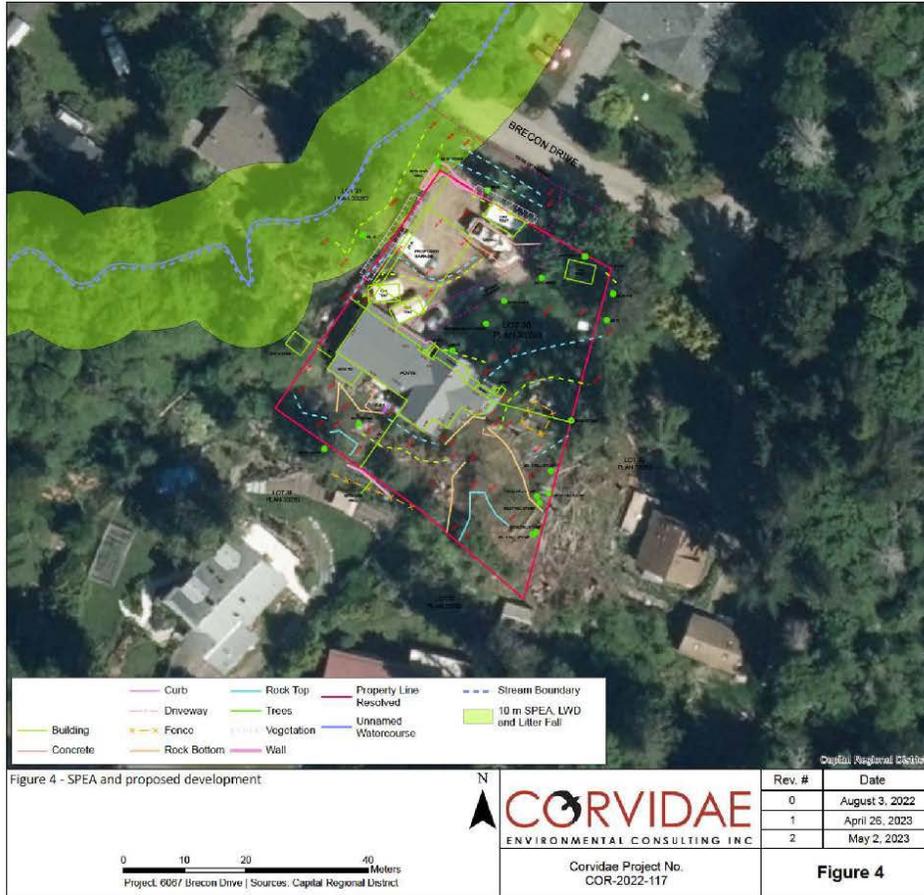


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SECTION 4. MEASURES TO PROTECT AND MAINTAIN THE SPEA

1. Danger Trees

Construction of the garage will not occur within the SPEA, and tree removal is not anticipated as part of the proposed works. Danger trees were not identified on site at the time of the assessment, however, the QEP is not an arborist or forester. If there are any trees of concern in the SPEA in the future, a certified arborist or professional forester needs to be obtained to confirm the tree(s) as a danger prior to any removal by a certified arborist.

I, Erin Vekic, hereby certify that:

- a) *I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- b) *I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*
- c) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

2. Windthrow

Trees within the riparian area are likely windfirm due to ongoing exposure due to previous vegetation removal for residential development. Tree removal is not required in order to accommodate the garage construction, and therefore existing trees will not experience any greater or lesser change to the degree of windfall they currently experience on an ongoing basis.

I, Erin Vekic, hereby certify that:

- d) *I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- e) *I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*
- f) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

3. Slope Stability

There are no steep slopes on the property and thus slope stability is not a concern.

I, Erin Vekic, hereby certify that:

- g) *I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- h) *I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*
- i) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

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4. Protection of Trees

The SPEA boundary will be clearly marked in the field to ensure the trees and vegetation within the SPEA will be protected. No vegetation or tree removal is required for the construction of the garage. Where the root system of a protected tree extends beyond the SPEA, then additional fencing will be installed to protect the tree and its roots. A general rule of thumb is the crown canopy matches the root protection area. The garage will be located approximately 2 metres from the SPEA at the closest point. The additional 2 metres on top of the existing 10 m SPEA setback will provide an added buffer between the construction and existing riparian vegetation.

i. Erin Vekic, hereby certify that:

- j) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- k) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*
- l) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

5. Encroachment

Encroachment into the SPEA will not be required to facilitate the installation of the garage. The garage will be located approximately 2 meters from the SPEA at the closest point. The additional 2 metres on top of the existing 10 m SPEA setback will further reduce encroachment and reduce the risk of impacts to the SPEA during construction. The footprint of the garage/shop structure shown in Figures 2, 3, and 4 represents the total footprint of the structure.

Construction/snow fencing, or other highly visible marking system will be installed prior to construction in order to protect the trees and vegetation within the SPEA and to keep workers and equipment from encroaching within the SPEA.

i. Erin Vekic, hereby certify that:

- m) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- n) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*
- o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

6. Sediment and Erosion 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. Site specific controls have been developed based on a site visit and experience from past projects. The following erosion control measures are recommended to be maintained for the duration of the garage construction and will be adaptively managed throughout the project.

- In order to minimize exposure of underlying soils to erosion, minimize amount of time soils are exposed by seeding disturbed areas and or placing straw on exposed soils until groundcover is established.
- Install silt fencing or straw wattles on the SPEA edge downslope from the construction area to prevent sediment laden runoff from entering the stream.
- Store materials and soils in dry, flat areas at least 15 m from the edge of the SPEA.

i. Erin Vekic hereby certify that:

- p) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- q) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]*

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- r) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

7. Stormwater Management

There are no immediate stormwater management concerns at this time. Erosion and sediment controls discussed above will be used to prevent contaminated run-off from entering the stream system. Any surface water runoff will be directed away from the SPEA to vegetated areas on the east extent of the property to ensure sediment-laden runoff does not enter the SPEA and watercourse.

- i) *Erin Vekic, hereby certify that:*
- s) *I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- t) *I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]*
- u) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

8. Floodplain Concerns (highly mobile channel)

Channel migration outside of the existing stream boundaries and SPEA is unlikely given the gentle slopes that occur on the property and within the riparian area. There are no floodplain concerns at this time.

- i) *Erin Vekic, hereby certify that:*
- v) *I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- w) *I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]*
- x) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

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SECTION 5. ENVIRONMENTAL MONITORING

The developer has been informed of their obligation to protect the streamside protection and enhancement area (SPEA) and has agreed to implement the protection measures detailed above.

The SPEA will be clearly marked in the field prior to any construction activities to ensure that no disturbance occurs within this sensitive riparian ecosystem.

The developer will engage a QEP as an Environmental Monitor (EM) to inspect the installation of erosion and sediment controls prior to the commencement of works within the Riparian Assessment Area. In the event of a spill or major storm event (> 10 mm in a 24-hour period), work will be stopped and a QEP will be obtained to assess the effectiveness of the erosion and sediment control measures and the potential impacts to the SPEA and watercourse.

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SECTION 6. PHOTOS

Form 5 Equivalent

Photo 1. Southwest view of the location of proposed garage/shop on the property (stake in bottom right corner marks the northwest corner of the garage). June 30, 2022.



Photo 2. West view of proposed garage location and riparian area adjacent to the west property boundary. June 30, 2022.



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Photo 3. Southwest view of property boundary (existing fence line) and riparian canopy of adjacent watercourse. June 30, 2022.



Photo 4. North (downstream) view of watercourse and culvert under Brecon Drive June 30, 2022.





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Photo 5. Southeast view of riparian area, south of the property June 30, 2022.



Photo 6. Downstream (north) view of watercourse, upstream of property. June 30, 2022.





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Photo 7. Upstream (south) view of watercourse looking toward Brecon Drive. June 30, 2022.



Photo 8. Typical view of instream substrates March 13, 2020.





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Photo 9. South (upstream) view of dilapidated culvert on north side of Brecon Road. June 30, 2022.





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SECTION 7. PROFESSIONAL OPINION

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

Date: May 3, 2023

1. I, Erin Vekic, hereby certify that:

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

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

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

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

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Appendix E: Development Permit Guidelines

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

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