

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **March 19, 2024, at 7 pm**

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

AGENDA

1. Territorial Acknowledgment
2. Election of Vice Chair
3. Approval of Agenda
4. Adoption of Minutes of November 21, 2023
5. Chair's Report
6. Planner's Report
7. Development Variance Permit Application
 - a) VA000161 - Lot 44, Section 4, Renfrew District, Plan VIP83894 (3620 Piper Lane)
8. 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)
9. Zoning and Official Community Plan Amendment Application
 - a) RZ000284 - Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, EPP69011 and EPP117093 (12036 West Coast Road)
10. 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, November 21, 2023, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC**

PRESENT: Director Al Wickheim (Chair), Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Rivold, Anna Russell
Staff: Iain Lawrence, Senior Manager, JdF Local Area Services, Darren Lucas, Planner, JdF Community Planning; Wendy Miller, Recorder

ABSENT: Les Herring

PUBLIC: Approximately 27 in-person; approximately 16 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 Dale Risvold, **SECONDED** by Anna Russell that the agenda be approved.

CARRIED

3. Adoption of Minutes from the Meeting of September 26, 2023

MOVED by Vern McConnell, **SECONDED** by Ron Ramsay that the minutes from the meeting of September 26, 2023, be adopted.

CARRIED

4. Chair's Report

- The Land Use Committee (LUC) will consider supplemental information regarding an application (LP000034) initially considered at the January 2023 meeting.
- Residents have reached out directly to state concern regarding the application since the application was initially considered.
- The LUC has received 44 submissions and a petition stating non-support for the application in response to the notice of this evening's meeting.
- The newly appointed representative for East Sooke, Les Herring, has recused himself from participating in the proceedings related to the application due to a non-pecuniary conflict of interest as he had stated non-support for the application prior to his appointment.
- Questions for staff or the application representatives are to be directed through the Chair.

5. Planner's Report

After consulting with the Chair, the LUC will adjourn for the month of December, unless there is a pressing matter.

6. Radiocommunication and Broadcasting Antenna Systems Application

a) Supplemental Report for LP000034 - Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290 (6246 Gordon Road)

Iain Lawrence spoke to the staff report outlining the supplemental information received from the applicant to provide clarity on the intention of application as requested by the CRD Board at its meeting of February 8, 2023.

The subject property map, proposed location, original tower design and revised tower design were highlighted.

It was confirmed that the application representatives were present.

Sherilyn Batchelder, Land Use Coordinator for Greenwave Radio, outlined the supplemental information submitted, as included in the staff report, and introduced the application representatives.

The subject property owner stated that the proposal complies with Safety Code 6 and that the tower will have minimal visual impact.

The LUC asked questions regarding the proposed tower of the application representatives.

Mike Ramsey, P.Eng, engineering lead, spoke to potential benefits to the community including intended contributions to the East Sooke Volunteer Fire Department, to alternative locations considered, to the rationale for the subject location, and to the purpose of the tower, as included in the staff report.

The Chair stated that the East Sooke Volunteer Fire Department does not represent the entire community of East Sooke and that an amenity cannot be received as a condition of application support.

Wayne Logan, Director, confirmed that Greenwave Radio is a Canadian company.

MOVED by Director Wickheim, **SECONDED** by Roy McIntyre that the Juan de Fuca Land Use Committee sustain its recommendation to the Capital Regional District Board:

That a statement of non-concurrence be provided to 1291956 BC UCL. for the proposed 49 m radio communication and broadcasting antenna system on Lot 2, District Lots 143 and 200, and Section 154, Sooke District, Plan 42290.

CARRIED

7. Adjournment

The meeting adjourned at 7:43 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 19, 2024**

SUBJECT **Development Variance Permit for Lot 44, Section 4, Renfrew District,
Plan VIP83894 – 3620 Piper Lane**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the required yard setbacks for an accessory building from 1 m to 0.83 m for a side yard and from 15 m to 0.68 m for the front yard where the distance between the principal building and the front lot line is greater than 15 m.

BACKGROUND

The 1.08 ha property is located at 3620 Piper Lane in Jordan River (Appendix A) and is zoned Rural Residential 2A (RR-2A) under the Juan de Fuca Land Use Bylaw 1992, Bylaw No. 2040. The parcel is surrounded by other RR-2A zoned parcels with access originating from the cul-de-sac to the south. The property has a gradual downward slope from Piper Lane towards the north. There are no development permit areas designated on the subject property.

A site plan and survey provided as part of the building permit application for a new single-family dwelling indicated that a 16.8 m² cottage/shed and a 9.8 m² shed were located on the parcel (Appendices B and C). The owner advised that the 9.8 m² shed was constructed within the front and side yard setback area to house utilities. Bylaw No. 2040 provides an exemption that allows pumphouses to project into the required yard setbacks specified in a zone. Staff consider this provision to also include small sheds to house electrical utilities such as a meter and panel where powerlines transition from overhead to underground; however, it would not extend to buildings that include additional storage space. The shed is located such that a permit to locate a building within 4.5 m of a public highway from the Ministry of Transportation and Infrastructure was also required.

Following notification that the current location of the shed does not meet siting requirements, the landowner has requested a variance to the regulations of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, which specify a minimum side yard setback of 1 m and the minimum front yard setback of accessory buildings relative to the location of the principal building.

ALTERNATIVES

Alternative 1

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

That Development Variance Permit VA000161 for Lot 44, Section 4, Renfrew District, Plan VIP83894, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to authorize the siting of a utility building as follows:

1. Part 1, Section 4.01(1)(d) to reduce the front yard requirement for an accessory building 15 m to 0.68 m; and
2. Part 1, Section 4.01(1)(h)(i) to reduce the side yard requirement for an accessory building from 1 m to 0.83 m

be approved.

Alternative 2

That the development variance permit be denied and the accessory building be required to comply with zoning requirements.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw 1992, Bylaw No. 2040, Part 1, Section 4.01(1)(d) specifies that no accessory building shall be located closer to the front lot line than the principal building except that where the principal building is more than 15 m away from the front lot line, the setback for an accessory building is 15 m. The accessory building does not meet this requirement; therefore, a variance is 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. Capital Regional District Bylaw No. 3885, Fees and Procedures Bylaw, 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 March 19, 2024, Land Use Committee meeting.

Land Use Implications

The general regulations for accessory buildings and structures specifies the location of an accessory building relative to the position of the principal building. Where the distance between the principal building and the front lot line is greater than 15 m, the regulation states that the accessory building shall be not less than 15 m from the front lot line. In addition, accessory buildings are to be located no less than 1 m clear to the sky from side and rear lot lines on Rural Residential parcels. Since the shed is located 0.68 m from the front lot line and 0.83 m from the side lot line, variances are required.

The existing shed houses electrical services and provides additional storage (Appendix D). The landowner obtained a permit from the Ministry of Transportation and Infrastructure on June 21, 2023, authorizing siting of the accessory structure within 4.5 m of highway right-of-way (Appendix E). Upon referral of the variance request to CRD Building Inspection, the Building Inspector confirmed that the floor area of the shed and its occupancy type allow it to be exempt from the requirement for a building permit.

Staff are of the opinion that the proposal, as shown in the building plans, is considered appropriate for the site and complies with the use of the RR-2A zone. The development is not expected to adversely affect the natural environment and no development permit is required for the siting of the utility shed. The variance is not anticipated to substantially alter the use and enjoyment of adjacent land. Staff recommend approval of VA000161 subject to public notification.

CONCLUSION

The applicant has requested a development variance to reduce the required front yard setback for an accessory building from 15 m to 0.68 m where the distance between the principal building and the front lot line is greater than 15 m and reduce the side yard setback requirement from 1 m to 0.83 m as outlined in the accessory building regulations within Bylaw No. 2040. The accessory building has received approval from the Ministry of Transportation regarding the Ministry's required setback from a highway and is sited in a location that is not expected to create hardship on the neighbouring properties. Development variance permit VA000161 is included in Appendix F for consideration. 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

That Development Variance Permit VA000161 for Lot 44, Section 4, Renfrew District, Plan VIP83894, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to authorize the siting of a utility building as follows:

1. Part 1, Section 4.01(1)(d) to reduce the front yard requirement for an accessory building 15 m to 0.68 m; and
2. Part 1, Section 4.01(1)(h)(i) to reduce the side yard requirement for an accessory building from 1 m to 0.83 m

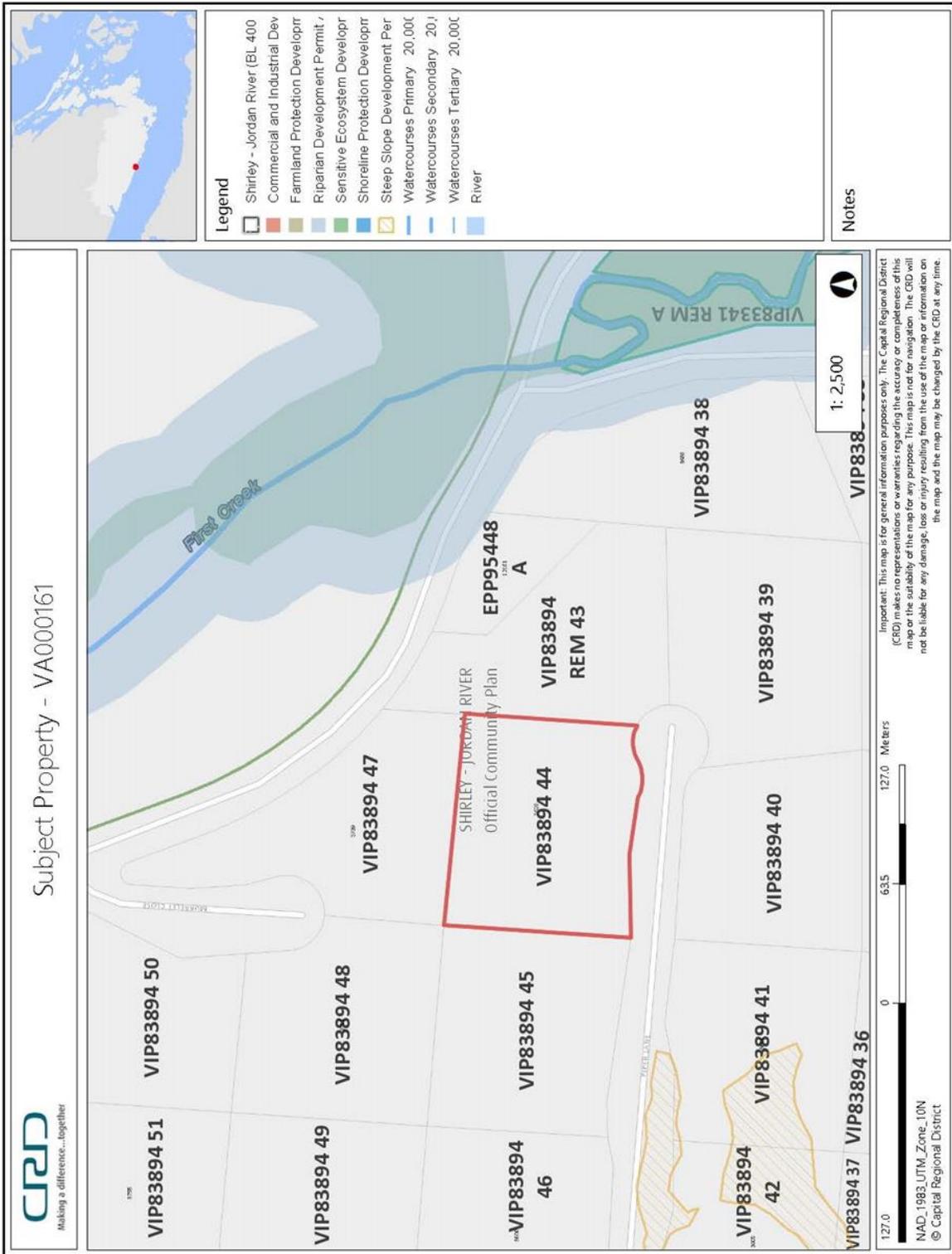
be approved.

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
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

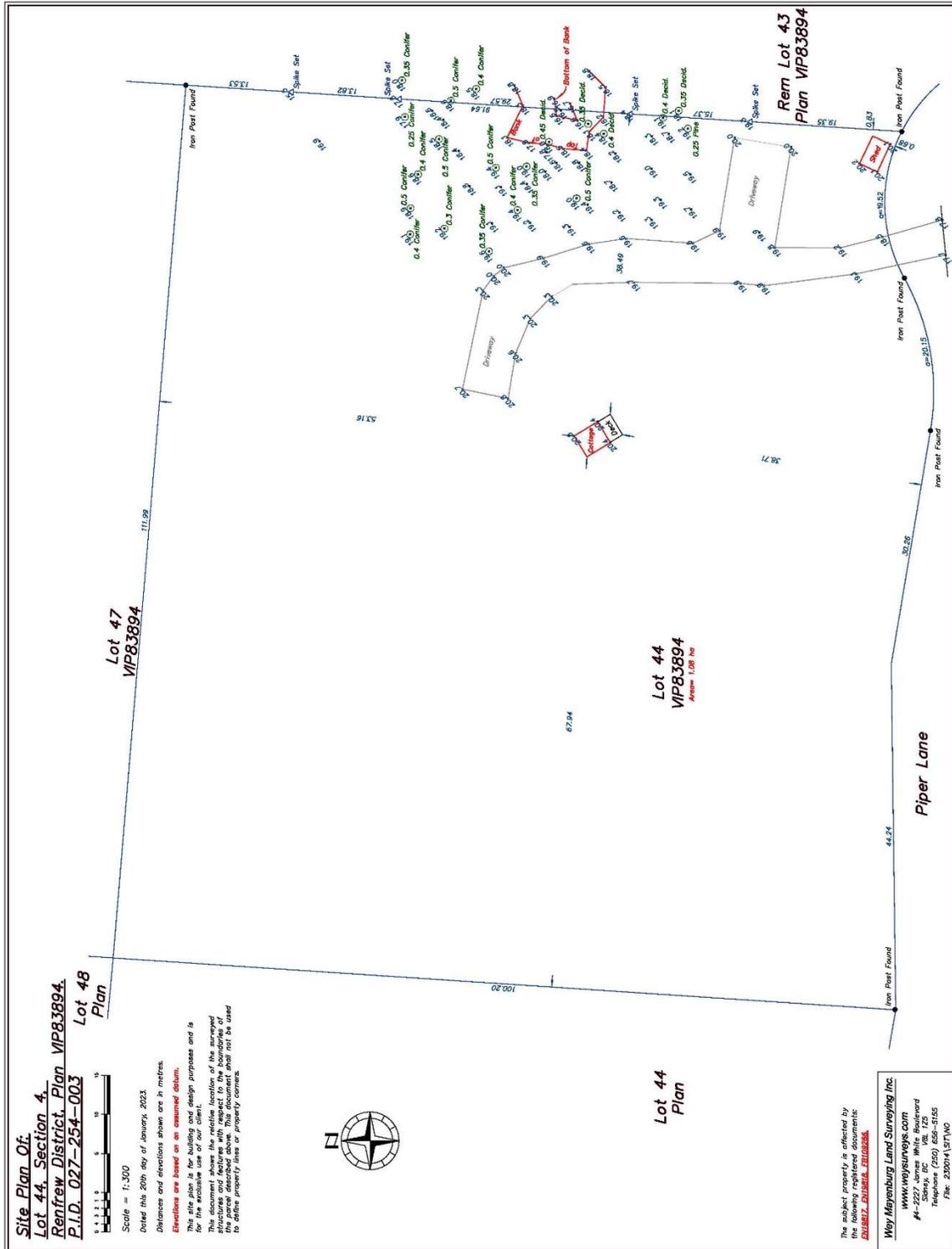
ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Site Plan
- Appendix C: Survey Plan and Requested Variances
- Appendix D: Photos
- Appendix E: Ministry of Transportation permit to reduce building setback less than 4.5 metres.
- Appendix F: Permit VA000161

Appendix A: Subject Property Map



Appendix C: Survey Plan and Requested Variances



Appendix D: Photos





Appendix E: Ministry of Transportation Setback Permit



BRITISH COLUMBIA

Ministry of Transportation

Permit/File Number: 2023-02925
Office: Saanich Area Office

PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure

Saanich Area Office
240-4460 Chatterton Way
Victoria, British Columbia V8X 5J2
Canada

("The Minister")

AND:

[Redacted Name]

("The Permittee")

[Redacted Name]

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow a 105 square foot 12 foot by 8 foot wood framed utility shed located on a concrete slab within the 4.5 meter setback from Piper Lane PID 027-254-003. As see on attached survey drawing.
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

- 1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
- 2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
- 3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration



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Ministry of
Transportation

Permit/File Number: 2023-02925

Office: Saanich Area Office

- or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted for a new similar structure.
 5. This permit is valid only for the specific works stated herein. Any alterations or additions must be covered by a separate permit.
 6. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
 7. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
 8. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
 9. Any damage to the Ministry of Transportation and Infrastructure's right-of-way as a direct result of the permitted works, shall be repaired and maintained by the Permittee in perpetuity.
 10. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
 11. The Ministry of Transportation and Infrastructure and/or the Maintenance Contractor shall not be held accountable for any damage(s) to the said structure, however caused.
 12. The Permittee may not assign any part of this Agreement without the consent, in writing, of the Minister.
 13. The Permittee must ensure that the most current editions of the following standards and specifications, manuals and guides are utilized and complied with during the installation, operation and maintenance of the Works:
 - (a) Ministry Utility Policy Manual
 - (b) Ministry Traffic Control Manual for Work on Roadways
 - (c) Ministry Traffic Management Guidelines for Work on Roadways
 - (d) Ministry Standard Specification for Highway Construction
 14. It is the responsibility of the Permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approval and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
 15. A copy of this permit must be on site at all times during the said works.
 16. The Permittee shall determine the location of highway right-of-way to ensure their permitted work is within Ministry jurisdiction. The Permittee is responsible for all trespass issues.
 17. This permit in no way grants exclusive use to the Permittee for any portion of the access on right-of-way.
 18. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
 19. No further additions or improvements shall be made to the said structure without prior consent of the Ministry of Transportation and Infrastructure.
 20. The Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.
 21. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with; I. public passage on the Highways; II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or III. the operation of the Highways.
 22. Permittee to be responsible for all future drainage problems as they pertain to said works.
 23. The Ministry, or its contractors, will not be responsible for installation or maintenance of the landscaping.



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Ministry of
Transportation

Permit/File Number: 2023-02925

Office: Saanich Area Office

24. The Permittee to be responsible for any settlement, erosion or other damage caused as a result of this construction for a period of two years from completion of construction.
25. All costs entailed in the construction and maintenance of the works are to be borne by the Permittee.
26. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
27. The rights granted under this permit and certificate are for an indefinite period.
28. If the Permittee proceeds on this permit, it is deemed they have accepted all terms and conditions.
29. The Permittee must contact the Archaeology Branch immediately at (250) 953-3334 if archaeological site deposits are encountered on the subject property. In the event that any item of archaeological, heritage, historical, cultural, or scientific interest is found on the project site, the Permittee shall have a Chance Find Procedure in place and utilize it when required.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Victoria, British Columbia, this 21 day of June, 2023

Ryan Pinches

On Behalf of the Minister



CAPITAL REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. VA000161

1. This Development Variance Permit is issued under the authority of Section 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Development Variance Permit 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: 027-254-003;
Legal Description: Lot 1, Section 32, Otter District, Plan 25866
3. The Capital Regional District's **Bylaw No. 2040**, Part 1 is varied under Section 498 of the *Local Government Act* as follows:
 - a) Part 1, Section 4.01(1)(d) to reduce the front yard requirement for an accessory building 15 m to 0.68 m; and
 - b) Part 1, Section 4.01(1)(h)(i) to reduce the side yard requirement for an accessory building from 1 m to 0.83 mas shown on the Survey Site Plan prepared by Wey Mayenburg Land Surveying Inc., dated January 20, 2023.
4. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (VA000161) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
5. 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.
5. 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.
6. The following plan and specification is attached:

Appendix A: Survey Site Plan prepared by Wey Mayenburg Land Surveying Inc., dated January 20, 2023.
7. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE _____ day of _____, 2024.

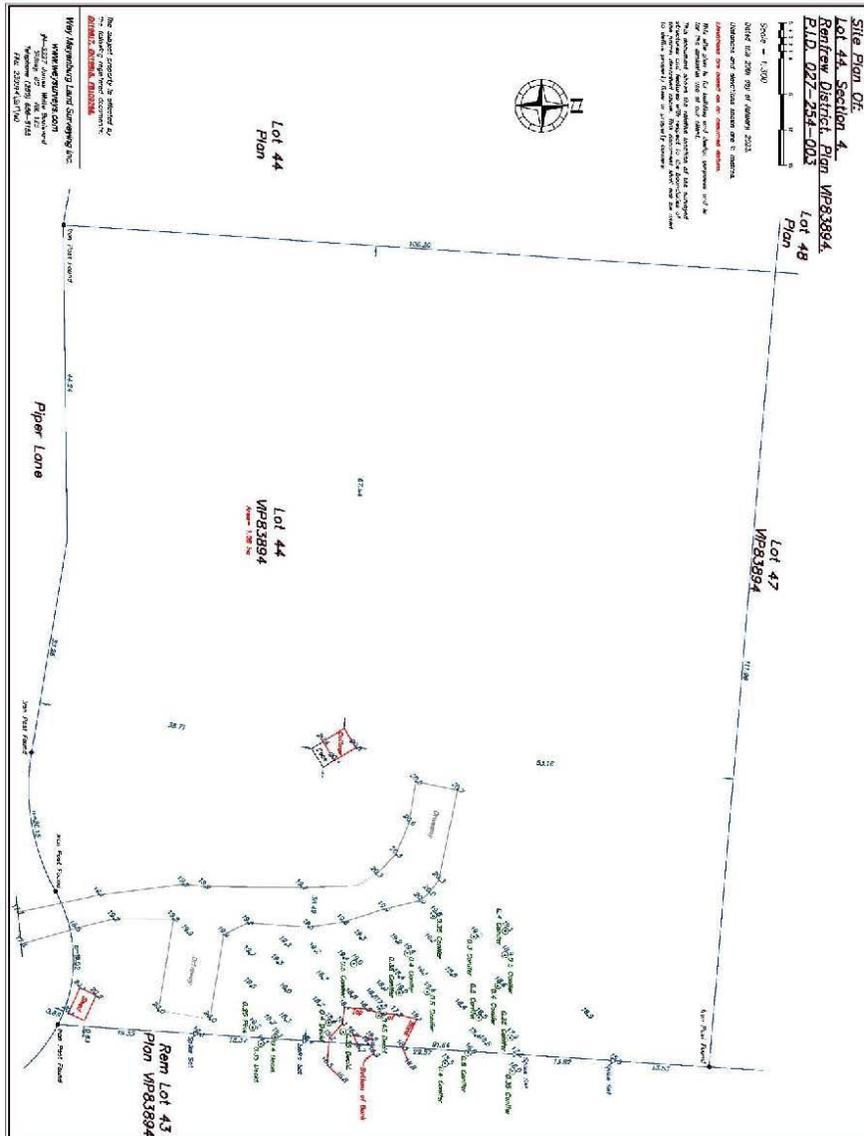
ISSUED this _____ day of _____, 2024

Corporate Officer
Kristen Morley



VA000161

Appendix A: Survey Site Plan by Wey Mayenburg Land Surveying Inc., dated January 20, 2023.





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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, MARCH 19, 2024

- SUBJECT** **Zoning Bylaw Amendment Application for the subject properties between Shirley and Jordan River described as:**
- **Parcel A (DD 104752I) of District Lot 745, Renfrew District; PID: 009-594-159**
 - **Parcel B (DD52657I) of District Lot 745, Renfrew District; PID: 009-594-183**
 - **District Lot 175, Renfrew District; PID: 023-414-308**
 - **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; PID: 024-486-914**

ISSUE SUMMARY

The landowner has applied to rezone the subject property from the Forestry (AF) and Resource Land (RL) zones to a new Wilderness Campground (WC) zone.

BACKGROUND

The subject properties are located north of West Coast Road between Shirley and Jordan River (Appendix A) and zoned Forestry (AF) and Resource Land (RL) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The lands are designated Coastal Upland (CU) in the Shirley-Jordan River Official Community Plan (OCP), Bylaw No. 4001. Lands adjacent to the subject property are zoned AF to the east; AF, Intensive Commercial Recreation (CR-3), and Rural A to the west; RL to the north; and AF on the south side of West Coast Road.

The subject property is comprised of four parcels accessed from both Cedar Coast Drive and West Coast Road. The total estimated land area is 170.8 ha and extends roughly 1.7 km from West Coast Road to the most northern property line. The subject property is partially within the Shirley Fire Protection local service area and portions of the land are designated as Steep Slope, Sensitive Ecosystem, and Riparian development permit areas.

The landowner has submitted an application to amend Bylaw No. 2040 by removing the lands from the AF and RL zones (Appendix B) and adding them to a new Wilderness Campground (WC) zone (Appendix C) for the purpose of establishing a commercial wilderness campground with a total of 20 campsites over the 170.8 ha area (Appendix D).

The application was previously considered by the Juan de Fuca Land Use Committee (LUC) at the May 16, 2023, meeting (Appendix E). At that time, the LUC passed a motion that the application not proceed for referral until the applicant had provided additional information including an environmental report, a report on surface and ground water impacts if the proposed campground use should be serviced by a well or nearby creek, and clarification regarding access and site servicing.

The applicant has now submitted an environmental report (Appendix F), as well as access and servicing route plans (Appendix G), which identify that existing roads will be improved for accessibility. The landowner has also clarified that the proposed campground use will be serviced by commercial water delivery and waste-sewerage removal companies, rather than utilizing local land and resources. Furthermore, the landowner has applied for an extension of the fire protection local service area (Bylaw No. 4574) to include one of the subject properties.

Based on the information provided by the applicant, staff have prepared Bylaw No. 4550 for consideration (Appendix H).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023" to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, First Nations and the following external agencies for comment:

Pacheedaht First Nation
T'Sou-ke First Nation
BC Hydro
BC Parks
District of Sooke
Island Health
Ministry of Forests - Archaeology Branch
Ministry of Forests - Water Protection Section
Ministry of Land, Water and Resource Stewardship
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62

Alternative 2

That proposed Bylaw No. 4550 not proceed.

IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the LUC on land use planning matters referred to them related to Part 14 of the *Local Government Act (LGA)*. Staff recommend referring proposed Bylaw No. 4550 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 property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

Regional Growth Strategy Implications

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

First Nations Implications

First Nations communities continue to live in lands that encompass the subject property for more than 10,000 years prior to contact with European nations. The CRD pursues enhancement of reciprocal engagement and procedures with First Nation communities towards advancing reconciliation, including but not limited, to the application referral process. The subject property is located within the traditional territory of the Pacheedaht and T'Sou-ke First Nations and each nation will be invited to participate in the land use review process to better inform consideration of the proposal.

Land Use Implications

The landowner has submitted an application to establish a commercial wilderness campground with a total of 20 campsites over four parcels with a total area of 170.8 ha (1 campsite per 8.5 ha).

The Shirley-Jordan River OCP designates the subject property as Coastal Upland (CU), which

consists primarily of parcels enrolled in the Private Managed Forest Lands (PMFL) program and supports the continued use of those land for forestry activities. If lands have been 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 land use designation.

Three of the four subject parcels are zoned AF, which specifies a minimum parcel size of 4 ha. The fourth parcel is zoned RL, which has a minimum parcel size of 120 ha. The AF and RL zones allow for similar uses, with the exception of *resource extraction* and *agriculture*, which are specifically consigned to the RL zone. Staff are of the opinion that the proposed development and the permitted uses listed in the proposed WC zone of Bylaw No. 4550 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 impact from the proposed development can be determined through the referral process and consideration of broader OCP policies and objectives.

The southernmost subject property is Lot 13 of strata VIS4766 (Fishboat Bay), which is zoned AF and was created under the parcel area averaging provisions of the *Bare Land Strata Regulation* of the *Strata Property Act*. The parcel is the subject of covenant EN21276, which is registered in favour of Capital Regional District. The covenant prohibits subdivision and the construction or placement of structures including fencing. Staff are of the opinion that should the zoning amendment be supported, the covenant would require an amendment to allow the camping use in the areas indicated on the applicant's site plan. Restrictions on subdivision specified within the covenant should remain in order to maintain the lot averaging of the strata.

The environmental report provides an inventory of natural hazards, sensitive ecosystems, riparian areas, steep slopes, local wildlife, ecology, and the land areas that were impacted by prior forestry activities. The report emphasized that the proposed level of development is very low and that potential environmental impacts are not anticipated. For future development, the implementation of Fire Smart practices is recommended, such as a 1.5 m non-combustible buffer for buildings and structures and a ~30 m non-combustible or managed vegetation area around each campsite. While the WC zone proposed in Bylaw No. 4550 stipulates a separation distance for campsites, buildings, and structures, additional zoning regulations can be considered during the referral process. Furthermore, should proposed Bylaw No. 4550 proceed, future works involving land clearing and building construction would be regulated through the development and building permit processes.

Should proposed Bylaw No. 4550 proceed, the new WC zone would permit one camping space per 8.5 ha with a minimum 20 m separation distance between each site, as well as continued silviculture, residential, and home-based business uses. The minimum proposed parcel size of 8 ha has been calculated to reflect the average parcel size of the total area of the lands and the minimum lot size specified by the existing AF and RL zones. Staff recommend referral to the Shirley-Jordan River APC, CRD departments, First Nations and external agencies.

CONCLUSION

The purpose of Bylaw No. 4550 is to amend Bylaw No. 2040 by removing the subject property from the Forestry (AF) and Resource Land (RL) zones and adding them to a new Wilderness Campground (WC) zone. In order to permit the proposed campsite use on Strata Lot 13, Plan VIS4766, an amendment to covenant EN21276 should be completed prior to bylaw adoption. Staff have prepared proposed Bylaw No. 4550 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 readings.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4550, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 160, 2023" to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, First Nations and the following external agencies and for comment:

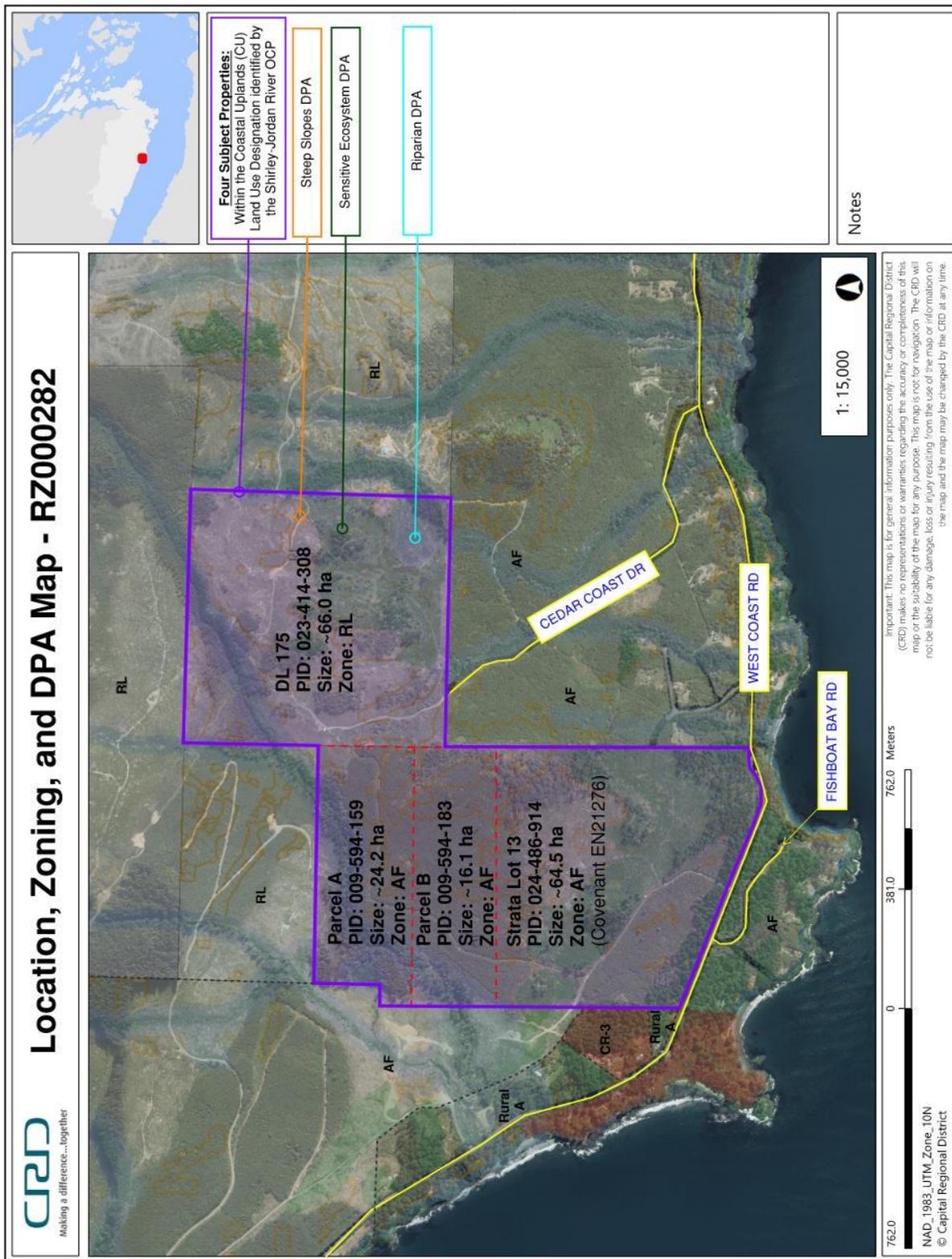
Pacheedaht First Nation
T'Sou-ke First Nation
BC Hydro
BC Parks
District of Sooke
Island Health
Ministry of Forests - Archaeology Branch
Ministry of Forests - Water Protection Section
Ministry of Land, Water and Resource Stewardship
Ministry of Transportation & Infrastructure
RCMP
Sooke School District #62

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: Location, Zoning, and DPA Map
Appendix B: Current Forestry (AF) and Resource Land (RL) Zones
Appendix C: Proposed Wilderness Campground Zone - WC
Appendix D: Concept Plan and Emergency Evacuation Plan
Appendix E: LUC Meeting Minutes, May 16, 2023
Appendix F: Environmental Review, prepared by Steve Toth, ASct, R.P. Bio., December 20, 2023
Appendix G: Visitor Access and Servicing Route Plans
Appendix H: Proposed Bylaw No. 4550

Appendix A: Location, Zoning, and DPA Map



Appendix B: Current Forestry (AF) and Resource Land (RL) Zones

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 418m², 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*

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

1A.0 RESOURCE LAND ZONE - RL

Bylaw 3759

1A.01 Permitted Uses

In addition to the uses permitted by Part 2, Schedule A of this bylaw, the following uses and no others shall be permitted in the Resource Land RL Zone:

Principal Uses:

- (a) Residential;
- (b) Resource Extraction;
- (c) Agriculture.

Bylaw 4413

Accessory Uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Secondary suite or detached accessory suite; and
- (f) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01.

Local government land use regulations may not be applicable to private managed forest lands pursuant to Part 3, Section 21 of the *Private Managed Forest Land Act*.

1A.02 Minimum Parcel Size for Subdivision Purposes

- (a) The minimum parcel size for subdivision purposes is 120 ha;
- (b) For Section 946(4) of the *Local Government Act* purposes, the minimum parcel size of the remainder parcel is 120 ha where lands have been removed from Private Managed Forest Land status.

1A.03 Density Provisions

- (a) One single-family dwelling;
- (b) One secondary suite or one detached accessory suite.

1A.04 Height

Maximum height of principal buildings shall be 9 m.

1A.05 Maximum Size of Buildings

- (a) Provided that percolation and septic field requirements are met pursuant to the Sewerage System Regulation, principal buildings and structures shall not exceed a Total Floor Area of 418 m².

1A.06 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Interior and exterior side yards shall be a minimum of 15 m;
- (c) Rear yards shall be a minimum of 15 m.

1A.07 Yard Requirements for Agriculture and Agricultural Buildings Adjacent to Non-Farm Parcels

Notwithstanding the above, setbacks for agricultural uses and agricultural buildings are as follows:

- (a) 30 m of a front parcel line;
- (b) 15 m of a side parcel line; and
- (c) 15 m of a rear parcel line.

Appendix C: Proposed Wilderness Campground Zone – WC

22A.0 WILDERNESS CAMPGROUND ZONE – WC

22A.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 Wilderness Campground (WC) zone:

Principle uses:

- (a) One-family dwelling;
- (b) Camp ground;
- (c) Silviculture.

Accessory uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (f) Detached Accessory Suite pursuant to Part 1, Subsection 4.20.

22A.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum lot size for subdivision purposes is no less than 8 ha.

22A.03 Number of Residential Units

- (a) One dwelling unit per lot is permitted.

22A.04 Height

- (a) Maximum height shall be 11 m.

22A.05 Lot Coverage

- (a) Maximum lot coverage shall be 10 percent.

22A.06 Density

- (a) One camping space per 8.5 ha;
- (b) Individual camping spaces shall be a maximum of 400 m².

22A.07 Setback Requirements

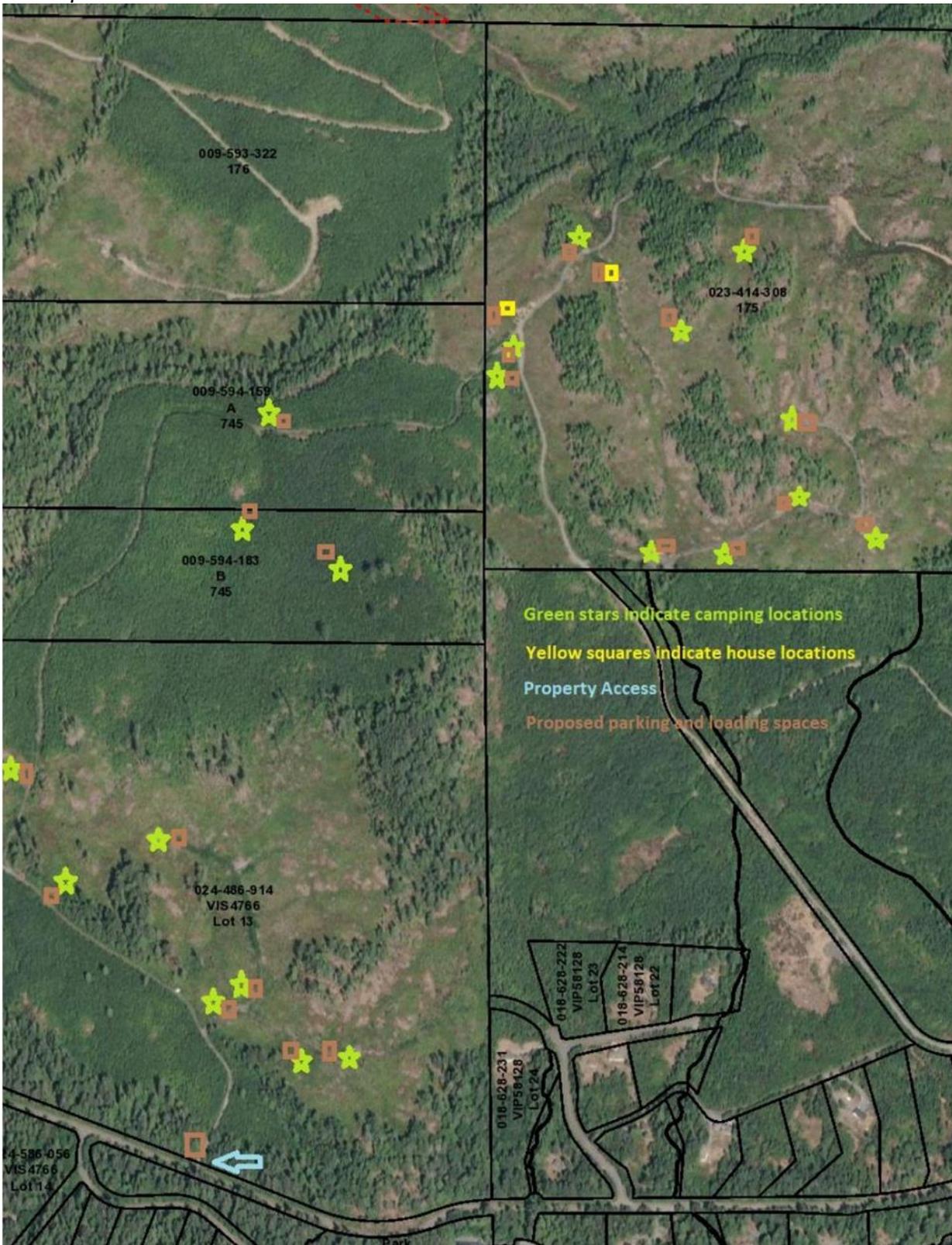
- (a) All campsites, buildings, and structures, must be setback a minimum of 15m from every parcel line and watercourses.

22A.08 Separation Space

- (a) All campsites, buildings, and structures must be separated by a minimum of 20m 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, or other outdoor uses.

Appendix D: Concept Plan and Emergency Evacuation Plan

Concept Plan



Emergency Evacuation Plan

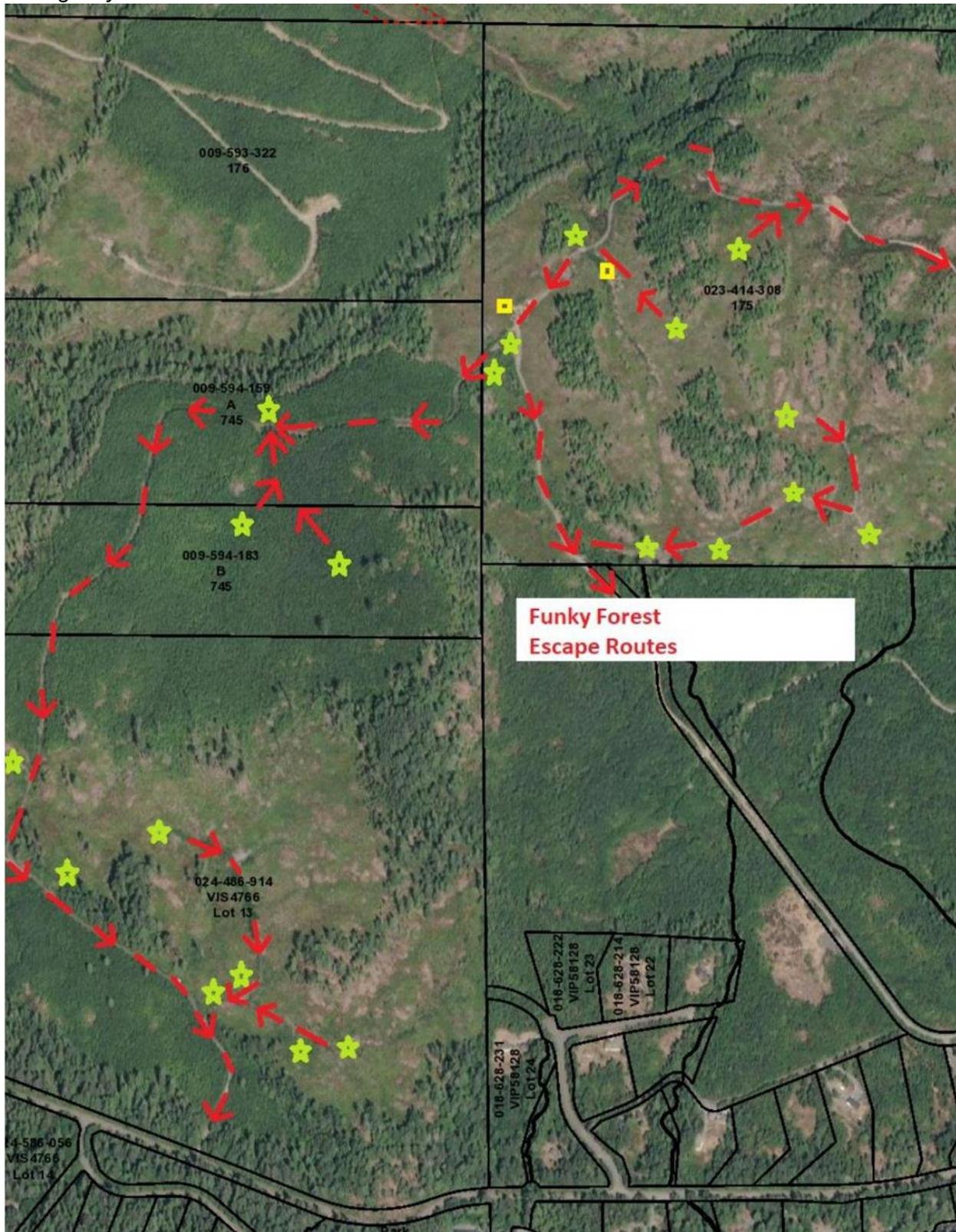


Image of proposed campsite platforms



Appendix E: May 16, 2023, LUC Meeting Minutes

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

Juan de Fuca Land Use Committee Meeting Minutes
May 16, 2023

3

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

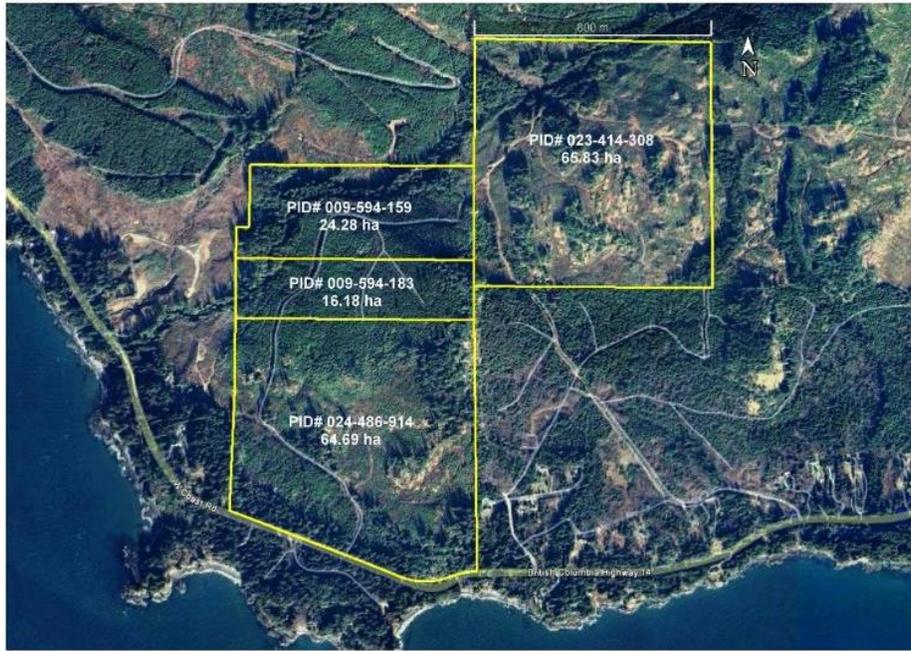
8. Adjournment

The meeting adjourned at 8:36 pm.

Chair

Appendix F: Environmental Review, prepared by Steve Toth, ASct, R. P. Bio., December 20, 2023

Environmental Review of PID # 024-486-914, 009-594-183, 009-594-159 & 023-414-308, Shirley, B.C.



Prepared for:
Funky Forest Inc.
10700 W Coast Rd,
Shirley, BC V9Z 1G8

Prepared by:
S.P. Toth, ASct, R.P.Bio.
Toth and Associates Environmental Services
6821 Harwood Drive
Lantzville, B.C. V0R 2H0

December 20, 2023



Toth and Associates Environmental Services

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1.0 INTRODUCTION

Toth and Associates Environmental Services were retained by Funky Forest Inc. to conduct an environmental review for a proposed rezoning / Official Community Plan (OCP) amendment of 4 parcels (the subject properties) consisting of approximately 171 ha / 422 acres of forest lands in Shirley, BC.

The subject properties are within the Juan de Fuca Electoral Area of the Capital Regional District (CRD) and lie within the Shirley – Jordan River OCP area. The subject properties have development permit areas (DPAs) designated on them for Riparian, Sensitive Ecosystems and Steep Slope DPAs and are within a Development Approval Information Area. The western 3 properties are zoned AF (Forestry), while the northeast property is zoned RL (Rural Resource).

A field survey of the subject properties was conducted on October 26, 2023 by Steve Toth, AScT, R.P.Bio.

1.1 Proposed Development

The proposed development includes a rezoning / OCP Bylaw amendment application to a new Wilderness Campground (WC) zone to allow for low density campsites and two house sites. It is our understanding that the new WC zone would permit one camping space per 8.5 ha with a 20 m separation distance between each site, as well as continued silviculture, residential, and home-based business uses.

2.0 METHODS

Review methods included consideration of the requirements of the Juan de Fuca Development Approval Information Bylaw (No. 3, 2019), the Shirley – Jordan River OCP (Bylaw No. 4001, 2018), methods and guidelines outlined the Environmental Objectives, Best Management Practices and Requirements for Land Developments (MELP 2001), and Develop With Care, 2014 - Environmental Best Management Practices for Urban and Rural Land Development in British Columbia. Forest values were described and defined within the context of the biogeoclimatic ecosystem classification system (BEC) using methodologies for classification to the site series level described in Land Management Handbook No. 28 (MOF 1994). Ecosystem descriptions were based on those outlined in the Field Manual for Describing Terrestrial Ecosystems (MELP, MOF, 1998).

Habitat values were assessed throughout the property. Physiographic feature descriptions included estimates of slope gradient, aspect, slope position, slope shape, micro-topography and exposure.

Species of vascular plants and byrophytes occurring on the property were recorded and cover classes based on visual estimates were assigned to each species. Total cover for each stratum, as described in Land Management Handbook No. 25 (MOF 1998), were recorded (A - Trees; B - Shrubs; C - Herbs; D - Mosses/Seedlings).

Additional features assessed included: wind damage, evidence of fire and historic logging, susceptibility to fire/wind damage, geologic features, surface water features and drainage patterns.

Forest community composition and structure was qualitatively assessed to determine the suitability in providing habitat features of value to known or potential wildlife species.

2.1 Background Information Review

Maps and air photos of the subject properties were obtained from the Capital Regional District's (CRD's) Regional Map (<https://maps.crd.bc.ca/Html5Viewer/?viewer=public>), the Shirley – Jordan River OCP (Bylaw No. 4001, 2018) Google Earth®, the BC IMAP website (<https://maps.gov.bc.ca/ess/hm/imap4m/>) and the LIDAR BC website¹.

The B.C. Conservation Data Centre's (CDC) map site² was reviewed for documented occurrences of rare species in the area of the subject property. The B.C. Species and Ecosystems Explorer database (<https://a100.gov.bc.ca/pub/eswp/search.do>) was searched for red (endangered) and blue listed (special concern) species with potential to occur on the property. The search was restricted to a specified area of interest centered on the subject properties measuring approximately 40 km².

The CRD's website (<https://www.crd.bc.ca/>) was visited to review the Shirley – Jordan River OCP and Juan de Fuca Development Approval Information Bylaw, as well as to determine zoning, DPAs, air photos and topographic mapping. The Community Mapping Network's website (<https://cmnbc.ca/>) was visited to determine if any Sensitive Ecosystems or documented wildlife trees occur within or nearby the subject properties. The BC Habitat Wizard (<https://maps.gov.bc.ca/ess/hm/habwiz/>) site was reviewed for watercourse information.

4.0 RESULTS

DPAs are designated on the property and include Sensitive Ecosystems, Steep Slopes and Riparian Areas (Figure 1). It is our understanding that the Sensitive Ecosystems were identified by the Sensitive Ecosystem Inventory (SEI) for the Shirley/Jordan River Electoral Area in 2014 (Madrone Environmental Services Ltd., September 2014) and included Mature Forests and Riparian Areas.

Existing mapped watercourse locations were refined based on DEM Hillshade mapping and additional watercourses were added where the Hillshade mapping indicated the presence of drainages.

4.1 Background Information Review

4.1.1 Sensitive Ecosystems

Sensitive Ecosystem DPA polygons were digitized from Schedule E of the Shirley-Jordan River OCP and from the CRD's Regional Map onto Google Earth. The Sensitive Ecosystem DPA polygons identified by Madrone are associated with Mature Forests and cover approximately 55.55 ha (32.5%) of the subject properties.

¹ <https://governmentofbc.maps.arcgis.com/apps/MapSeries/index.html?appid=d06b37979b0c4709b7fc2a1ed458e03>

² <https://maps.gov.bc.ca/ess/hm/cdc/>

Mature Forest is defined in Madrone’s SEI report as 80 – 250 years of age. Our comparison of the Mature Forest polygons mapped by Madrone in 2014 and Mature Forest areas shown on more recent air photo imagery indicates that the vast majority of the Mature Forest polygons mapped by Madrone were logged in 2015 (Figure 2).

The Vegetated Land Cover layer on BC IMAP did not provide forest cover age information for the subject properties; therefore we have mapped the approximate forest cover age / logging history for the subject properties based largely on air photo interpretation (Figure 3).

4.1.2 Riparian Areas

Riparian DPA polygons were digitized from Schedule D of the Shirley-Jordan River OCP and from the CRD’s Regional Map onto Google Earth. Riparian DPA polygons are primarily associated with Jacob Creek and the headwaters of Swallow Creek and cover approximately 21.89 ha (12.8%) of the subject properties (Figure 4).

The Riparian DPA includes all lands entirely or partially within a riparian assessment area as defined by the provincial *Riparian Areas Protection Regulation* (RAPR). Therefore it is our interpretation that if a watercourse does not have a riparian assessment area as defined by the RAPR, the Riparian DPA would not apply to it.

The RAPR applies to any freshwater watercourse that either provides, or flows to freshwater fish habitat. If a watercourse does not sustain fish populations or flow to downstream freshwater fish habitat the RAPR does not apply to the watercourse, and therefore there would not be a “riparian assessment area” associated with the watercourse.

Under the RAPR the riparian assessment area consists of a 30 m strip on each side of a stream, as measured from the stream boundary (high water mark). If a stream is in a ravine, the riparian assessment area for the stream consists of the following areas, as applicable:

- a) if the ravine is less than 60 m wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 30 m beyond the top of the ravine bank;
- b) if the ravine is 60 or more metres wide, a strip on each side of the stream that is measured from the stream boundary to a point that is 10 m beyond the top of the ravine bank.

In the Riparian DPA, no development permit will be required for the following:

- a) Development where a QEP submits a report or provides certification acceptable to the CRD that the proposed development is located outside a riparian assessment area and the Riparian DPA. In the case of a subdivision, the entire plan of subdivision must be outside a riparian assessment area and the Riparian DPA.
- b) External alterations, including adding an additional storey, that are entirely within the existing building footprint, provided that established driveways are used and there is no clearing of land.
- c) Gardening and yard maintenance activities, such as lawn mowing, pruning and minor soil disturbances that do not alter the general contours of the land, within an existing landscaped area.
- d) Removal of trees that threaten the immediate safety of life and buildings, provided that such trees are deemed hazardous by a QEP.
- e) Removal of non-native, invasive species subject to the prior provision and acceptance by the CRD of report by a QEP.

- f) Watercourses that have been determined to be non-fish bearing by a QEP.
- g) Public trails may be developed in the Riparian DPA, but not within a SPEA.
- h) Public trails may only be developed in the Riparian DPA if a QEP has determined that the trail will not have a detrimental impact on the riparian assessment area, including the SPEA.

In addition to these exemptions, we have been instructed by the provincial RAPR Coordinator that submission of a RAPR report for proposed rezoning applications is not required, as rezoning is not considered “development” under the RAPR. Submission of a RAPR report to the province would be required for future campsite development if any of the development activities are located within a “riparian assessment area”.

4.1.3 Steep Slopes

The Steep Slope DPA includes all those areas having slopes exceeding 30% or 16.7 degrees over a minimum 10 metre run. Steep Slope DPA polygons were digitized from Schedule C of the Shirley-Jordan River OCP and from the CRD’s Regional Map onto Google Earth. Steep Slope DPA polygons cover approximately 58.65 ha (34.3%) of the subject properties (Figure 5).

A comparison of steep slope areas indicated by the DEM Hillshade mapping and mapped Steep Slope DPA polygons suggested that this DPA may be over-mapped in some areas of the subject properties and under-mapped in some areas as well.

In the Steep Slope DPA, no development permit will be required for the following:

- a) External alterations, including adding a second storey, that are entirely within the building footprint.
- b) The proposed development is located outside the Steep Slope DPA, as verified by a QP report or other certification demonstrating to the CRD that the proposed development is not located on land with slopes exceeding 30% or having a slope greater than 16.7 degrees over a minimum 10 metre run.
- c) Recognizing that the Building Inspector has the necessary authority to require a geotechnical report to ensure land is safe for the intended use, a development permit is not required for a building constructed under a valid building permit in the Steep Slope DPA provided that no other part of the land in the Steep Slope DPA will be altered for other purposes, such as the construction of driveways or septic systems.
- d) Pruning of trees that does not adversely affect the health of the tree.
- e) Removal of hazardous trees that threaten the immediate safety of life and buildings.
- f) Removal of trees by hand-held tools providing the tree root ball remains intact and in situ with no soil disturbance.

4.1.4 Rare Species and Ecological Communities

The subject properties are within the western variant of the Coastal Western Hemlock very dry maritime (CWHxm2) biogeoclimatic zone.

The BC Conservation Data Centre’s (CDC) mapping site indicated that there are no known rare species or ecological community occurrences on, or adjacent to the subject property. Rare species previously documented in the general area include Wandering salamander (*Aneides vagrans*),

Environmental Review of the Funky Forest Lands, Shirley, B.C.

Vancouver Island ermine (*Mustela richardsonii anguinae*) and Northern red-legged frog (*Rana aurora*) near the mouth of Jordan River, Dwarf maiden-hair fern (*Adiantum aleuticum* var. *subpumilum*) at Fossil Bay, Seaside bone (*Hypogymnia heterophylla*) at Sheringham Point, Keeled jumping slug (*Hemphillia burringtoni*) and Vancouver Island ermine near the mouth of Muir Creek.

There were no raptor or heron nest sites documented on or adjacent to the property by the BC Wildlife Tree Stewardship Atlas³ or Great Blue Heron Management Team Atlas⁴.

The search of the B.C. Ecosystem Explorer site for potential red and blue-listed species within the area identified 167 animal species, 79 plant species, and 48 ecological communities. Although the search area was restricted to a 40 km² centered on the subject properties, the search returned numerous species that are not known from the area or even Vancouver Island.

The list of rare animal species was refined by excluding those species known not to occur on the property based on known limits of distribution or specific habitat requirements that do not exist on the property. Those species not wholly dependent upon some of the characteristics provided by the subject property for critical life functions (e.g. foraging, breeding or shelter) were also excluded. The refined list included 13 species with realistic potential to occur in the general area of the subject properties.

Table 1. List of potential rare animal species

Scientific Name	English Name	BC List	Potential
<i>Accipiter gentilis laingi</i>	Northern Goshawk, <i>laingi</i> subspecies	Red	Low. It prefers to breed in larger, intact patches of mature forest rather than small isolated stands.
<i>Anaxyrus boreas</i>	Western Toad	Yellow	Very Low. There are no suitable wetland breeding habitats on the subject properties.
<i>Aneides vagrans</i>	Wandering Salamander	Blue	High. Wandering salamanders are widespread in low numbers throughout low – mid elevation forests on southern Vancouver Island.
<i>Cervus elaphus roosevelti</i>	Roosevelt Elk	Blue	Documented on the properties.
<i>Chordeiles minor</i>	Common Nighthawk	Blue	Moderate. Utilizes open rock outcrop habitats for nesting.
<i>Glaucidium gnoma swarthi</i>	Northern Pygmy-Owl, <i>swarthi</i> subspecies	Blue	Moderate. We encounter this species fairly frequently in middle elevation forests on southern Vancouver Island.
<i>Hemphillia burringtoni</i>	Keeled Jumping-slug	Red	Moderate. Where suitable moist conditions are present, this slug can occupy young seral stages but is more often found in stands at least 60 years old. Often associated with riparian areas.
<i>Hemphillia dromedarius</i>	Dromedary Jumping-slug	Red	Moderate. Similar conditions as Keeled Jumping-slug.
<i>Lasiurus cinereus</i>	Hoary Bat	Blue	Moderate. Widespread in low numbers. Roosts singly in trees.
<i>Megascops kennicottii kennicottii</i>	Western Screech-Owl, <i>kennicottii</i> subspecies	Blue	Low. Significant decline in population since 2000, primarily due to recent westward spread of Barred-owls.
<i>Mustela richardsonii anguinae</i>	Ermine, <i>anguinae</i> subspecies	Blue	Low. Widespread in low numbers. Often associated with grass / sedge open areas and edges such as fens and meadows.
<i>Myotis lucifugus</i>	Little Brown Myotis	Blue	Moderate. Widespread and still fairly common.
<i>Myotis yumanensis</i>	Yuma Myotis	Blue	Moderate. Widespread and still fairly common.
<i>Oncorhynchus clarkii clarkii</i>	Cutthroat Trout, <i>clarkii</i> subspecies	Blue	May be present in lower Jacob Creek.

³ <https://cmnbc.ca/atlasgallerv/wildlife-tree-stewardship/>

⁴ <https://cmnbc.ca/atlasgallerv/great-blue-heron-gbhe-management-team/>

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Scientific Name	English Name	BC List	Potential
<i>Patagioenas fasciata</i>	Band-tailed Pigeon	Blue	Moderate. This species has drastically declined throughout southwestern BC. It is still present in low numbers during the breeding season and has a high dependence on the annual use of mineral sites. Pigeons are terrible nest builders and we have found only two band-tailed pigeon nests in 30 years. We would postulate that this species is likely an old growth dependent species that was reliant upon large diameter moss covered limbs and / or mistletoe for nesting platforms.
<i>Rana aurora</i>	Northern Red-legged Frog	Blue	High. Despite its listed status, we still frequently encounter red-legged frogs in moist forest habitats and riparian corridors throughout Vancouver Island. Currently the greatest threats to this species include the invasive American bullfrog, land development, emerging diseases such as Chytridiomycosis, logging and climate change (summer droughts; premature drying of ephemeral breeding sites).
<i>Sorex navigator brooksi</i>	Western Water Shrew, <i>brooksi</i> subspecies	Blue	Very Low. Our targeted surveys for this species over the past 30 years have indicated that it requires streams with relatively stable banks and year-round flows.

The list of plant species was refined to exclude those species with known limits of distribution or habitat requirements not found within the study area. The refined list included 3 potential rare plant species.

Table 2. List of potential rare plant species

Scientific Name	English Name	BC List	Potential
<i>Allium amplexans</i>	slimleaf onion	Blue	Very Low. Not generally known from the west coast but has been documented at Otter Point and Sooke River. Occurs on vernal moist rocky bluffs and meadows in the lowland zone.
<i>Githopsis specularioides</i>	common bluecup	Blue	Very Low. Not generally known from the west coast but has been documented at Sooke River and Bluff Mountain.
<i>Prosartes smithii</i>	Smith's fairybells	Blue	Very Low. Not generally known from the area. Nearest occurrence is Loss Creek. Usually associated with stream floodplains.

All of the terrestrial ecological communities within the CWHxm2 are listed by the province as red or blue listed when in Mature (>80 years) or Old-growth states (>250 years). The list of potential ecological communities was refined to include only those communities that would have realistic potential to develop on the property if the property were to remain undisturbed (i.e. climax communities). There are currently no known rare ecological communities on the subject properties.

Table 3. List of potential rare ecological communities

Scientific Name	English Name	Biogeoclimatic Units	BC List	Potential
<i>Pseudotsuga menziesii</i> - <i>Pinus contorta</i> / <i>Cladina</i> spp.	Douglas-fir - lodgepole pine / reindeer lichens	CWHxm2/02	Red	Very Low. Potential restricted to dry rock outcrops. Shore (lodgepole) pine not prevalent on the properties.
<i>Pseudotsuga menziesii</i> / <i>Polystichum munitum</i>	Douglas-fir / sword fern	CWHxm2/04	Red	Very Low. This ecological community occurs on dry nutrient-rich sites with significant slopes (35-70%) that have deep, medium-textured soils.
<i>Pseudotsuga menziesii</i> - <i>Tsuga heterophylla</i> / <i>Gaultheria shallon</i> Dry Maritime	Douglas-fir - western hemlock / salal Dry Maritime	CWHxm2/03	Red	Very Low. This ecological community occurs on dry sites that are often on steep upper slopes with warm aspects. Soils are shallow or coarse over bedrock.

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<i>Thuja plicata / Polystichum munitum</i> Very Dry Maritime	western redcedar / sword fern Very Dry Maritime	CWHxm2/05	Red	Very Low. Generally not known from west coast VI.
<i>Thuja plicata / Rubus spectabilis</i>	western redcedar / salmonberry	CWHxm2/13	Red	Very Low. Generally not known from west coast VI.
<i>Tsuga heterophylla - Thuja plicata / Struthiopteris spicant</i>	western hemlock - western redcedar / deer fern	CWHxm2/06	Red	Low. Potential would be restricted to cool aspects.

4.2 Field Assessment

Habitat values and forest cover were documented throughout the subject properties during the field survey. Features were geo-referenced using a Garmin Map60CSx handheld Global Positioning System (GPS).

4.2.1 Environmentally Sensitive Areas

Environmentally Sensitive Areas (ESAs) include the relatively small areas of remaining Mature Forests (80 – 250 years) on the subject properties as well as riparian areas. While not included in the ESA mapping, moss dominated rock outcrops in our opinion also represent ESAs. The vast majority of rare plant species found on southern Vancouver Island are associated with terrestrial herbaceous rock outcrops and rock outcrops provide important habitat for several bird and bat species. Rock outcrops are largely included within the mapped Mature Forest and Steep Slope DPA polygons.

The Mature Forest ESAs mapped by Madrone on the subject properties in 2014 measured approximately 55.55 ha. Our measurements indicate that the remaining Mature Forest areas on the subject properties measure approximately 26.2 ha, including some areas we have mapped that were not previously mapped as Mature Forest by Madrone.

4.2.2 Rare Species

The late fall timing of the field survey precluded the assessment of use by migratory birds, herptiles and the identification of most annual / perennial flowering herbaceous plants. Evidence of use of a small area on the properties by blue-listed Roosevelt elk indicated the past presence of either a solitary bull or a very small herd of elk.

4.2.3 Forest Cover

Forest cover on the subject properties consists largely of 8 – 19 year old stands with approximately 64.8% of the property logged since 2004. Approximately 19% of the property was harvested in 2005 and 39% of the property was harvested in 2015.

Areas logged in 2015 consist of open, shrub stage regenerating forest with fairly dense shrub and herb layer development (Photographs 1 – 3). Areas logged in 2004 / 2005 consist of dense early Pole-Sapling stage stands with closed canopies and relatively little understorey development (Photograph 4).

Older stands of forest cover on the property are largely limited to steep / inaccessible areas associated with the Jacob Creek ravine / canyon and rock outcrops. Most of these stands have fairly high incidents of tree failure along their borders from windthrow and exposure.

4.3 Wildlife Habitat Values and Wildlife Species

4.3.1 Bird use

Bird numbers and species noted on the subject property were low and largely limited to resident species typical of the area including dark-eyed junco, spotted towhee, chestnut-backed chickadee, American robin, Anna's hummingbird, common raven, Bewick's wren and winter wren. Evidence of use included ruffed grouse scratchings, sooty grouse droppings, red-breasted sapsucker, downy woodpecker and northern flicker foraging holes.

No raptor or heron nest sites were observed on the property. One merlin was observed.

4.3.2 Mammals

Evidence of use of the property by black-tail deer indicated a surprisingly low level of use considering the location, habitat and that this private property is gated. While many people may think that deer numbers are high on Vancouver Island due to the presence of high numbers within urban / sub-urban areas, the deer population is actually at an all time historic low. Deer numbers are down from over 250,000 animals in the 1980's to approximately 55,000 in 2019. The current numbers are likely much lower due to the rapid spread of Adenovirus Hemorrhagic Disease (AHD) over most of southern Vancouver Island and the gulf islands since 2019.

Evidence of use by black bear indicated typical levels of use with no particularly high use areas noted. Red squirrels were observed and eastern cottontail pellets were noted. One probable pine marten scat was found. No evidence of cougar or wolf was found.

The documentation of the use of a small area of the subject properties by Roosevelt elk indicated a single bull or possibly a very small herd of elk had been present in the area during the rutting season over the past two years based on rubs and sign.

4.3.3 Herptiles

No reptiles or amphibians were observed during the field surveys. Pacific tree-frogs were heard.

4.3.4 Habitat Values

The subject properties contain all of the habitat requisites to support most wildlife species expected to occur in the area. Possible limitations to use by some species include a lack of wetlands, the extensive areas of forest cover < 20 years of age and relative lack of large areas of Mature Forest.

Overall, we would rate the habitat suitability values on the subject properties as moderately high for species such as black bear, Roosevelt elk and black tail deer.

Figure 1. DEM Hillshade overlaid on the subject properties with DPA polygons.

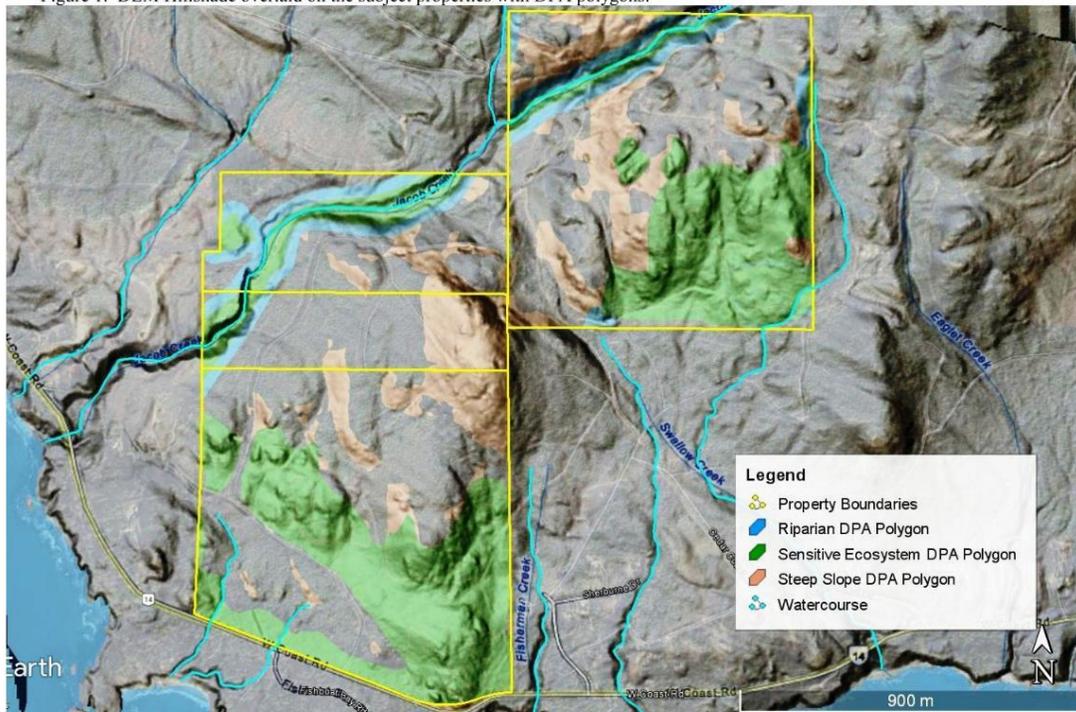


Figure 2. May 2021 air photo with 2014 Mature Forest DPA polygons and remaining Mature Forest polygons

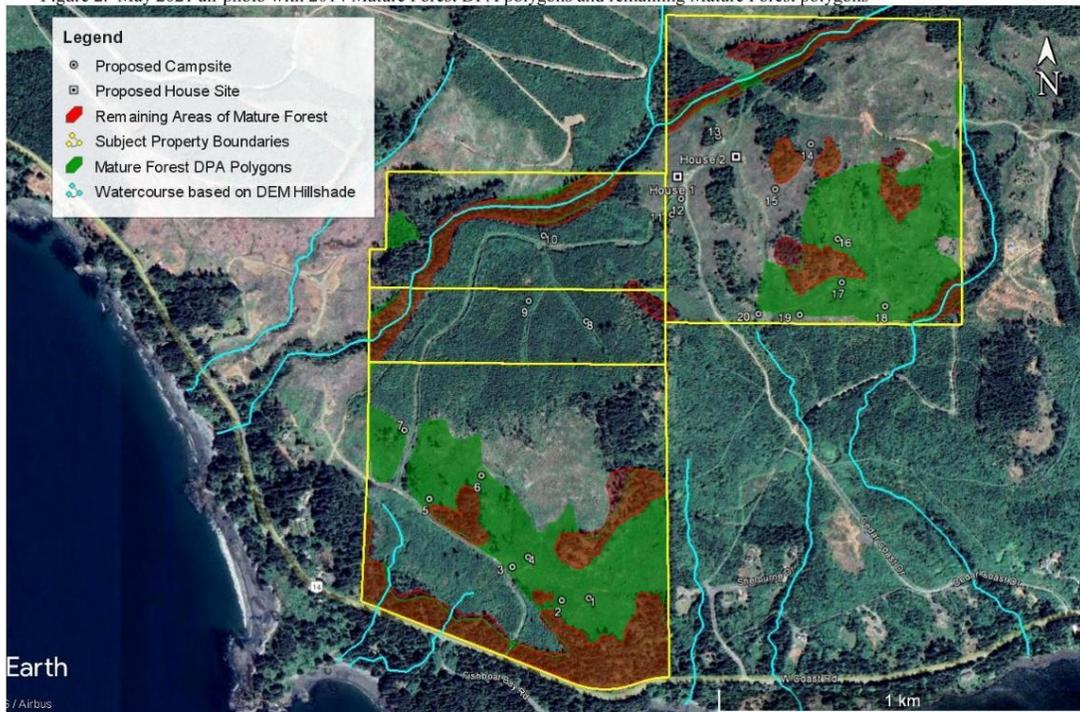


Figure 3. January 2023 air photo with forest cover polygons

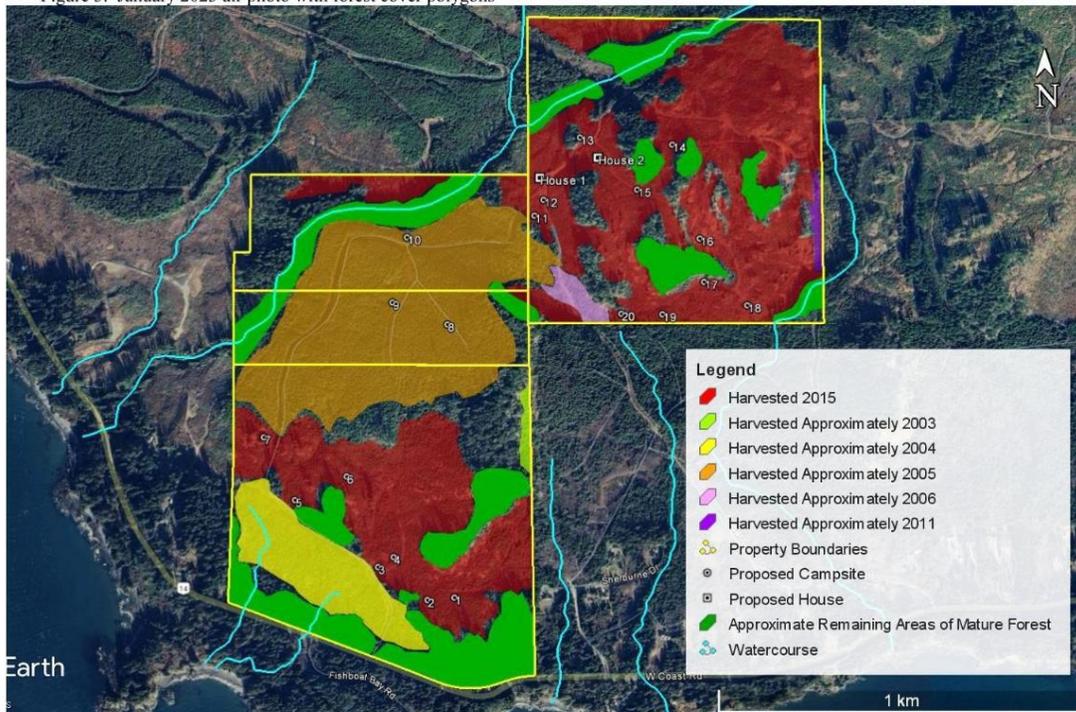


Figure 4. July 2016 air photo showing post-2015 logged areas and Riparian DPA polygons

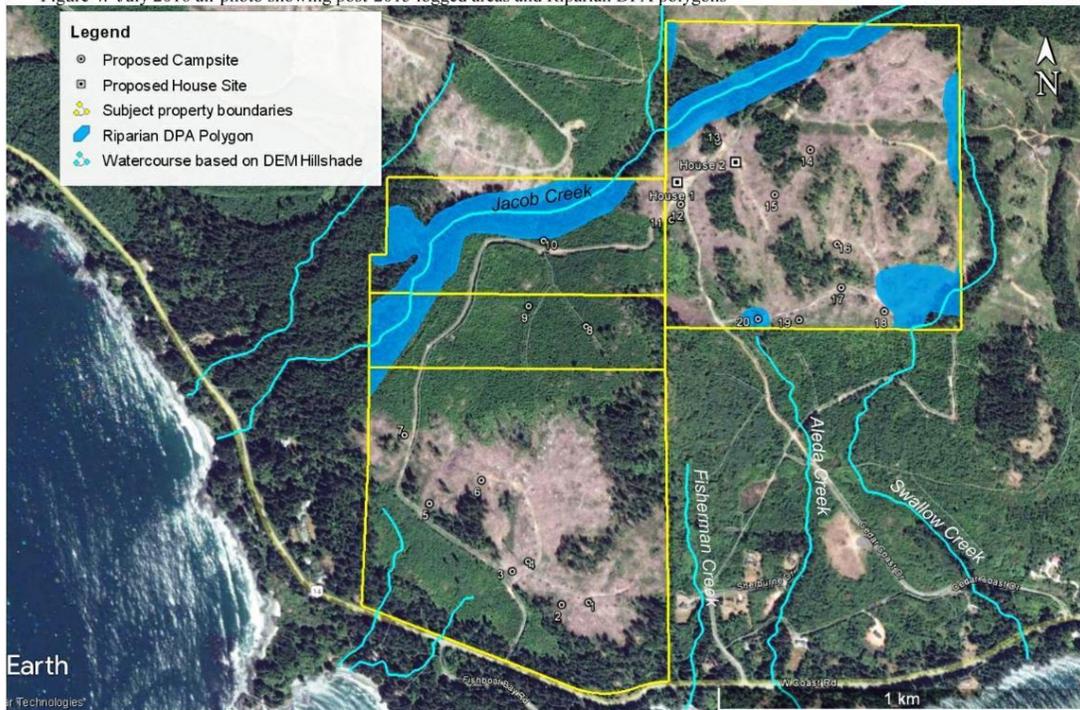
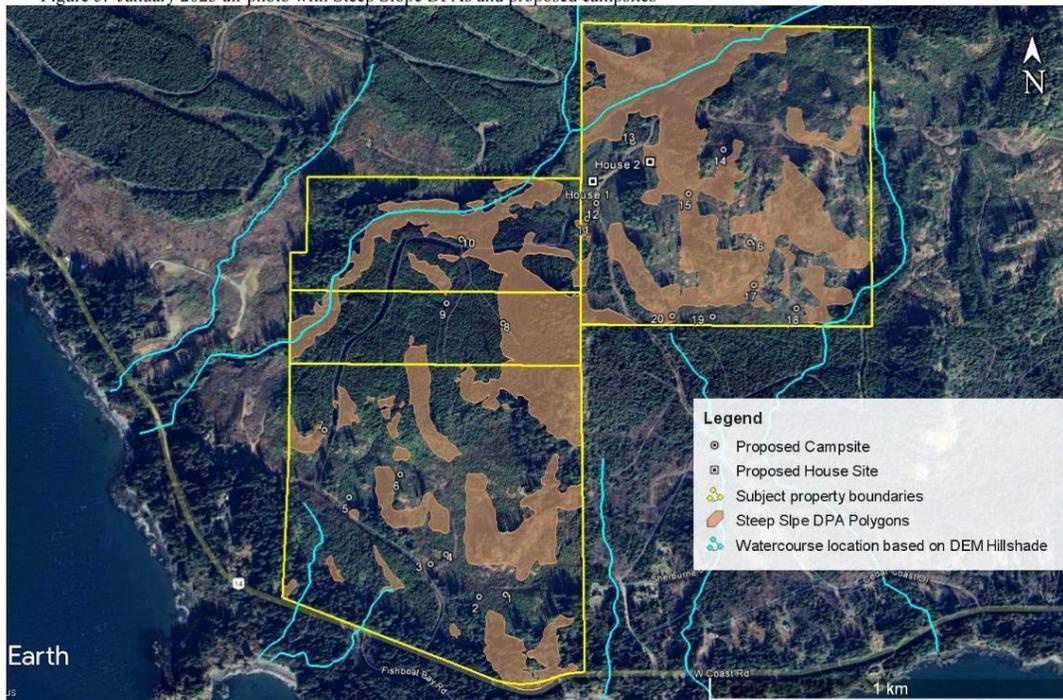


Figure 5. January 2023 air photo with Steep Slope DPAs and proposed campsites



4.4 Watercourses

The main watercourse on the subject property is Jacob Creek (Photographs 5 - 7) which is located in a deep ravine / canyon along the north side of the subject properties. Practically no information was found from our search of provincial websites, other than that it is fish bearing. Jacob Creek through the properties consists an 8 – 15% grade, cascade pool morphology with a channel width of 10 – 13 m.

There are a number of other small seasonal drainages / watercourses on the properties, none of which are of significant size. These watercourses include the headwaters of Aleda and Swallow Creeks. No information regarding fish populations was available for these watercourses from the BC Habitat Wizard site.

4.5 Watercourse Setbacks

Under the provincial *Riparian Areas Protection Regulation's* Simple Assessment Method Jacob Creek would require Streamside Protection and Enhancement Area (SPEA) setbacks of 10 m from top of ravine bank. The approximate top of ravine bank was mapped based on the DEM Hillshade imagery (Figure 6). All of the other drainages on the subject properties would require 10 m SPEA setbacks from high water mark under the RAPR's Detailed Assessment Method, *if the RAPR applies to these drainages* – which is yet to be determined. For planning purposes we have applied 10 m setbacks to all of the other drainages.

5.0 DISCUSSION & RECOMMENDATIONS

The proponent's intent is to utilize existing disturbed areas such as old rock quarries, spur roads / skidder trails and logging landings wherever possible in order to reduce the new footprint impacts associated with the proposed campsites. In many ways this a very laudable objective; however we feel that this approach must be tempered with providing a reasonable, safe campsite footprint and in most cases this should include some level of tree removal / vegetation modification.

The tree density in most of the areas logged prior to 2015 on the property is excessively high and thinning / spacing of trees in the vicinity of the campsites would actually be beneficial to long term forest development and biodiversity.

The BC FireSmart Manual⁵ recommends that a minimum 1.5 metre non-combustible surface should extend around dwellings and any attachments, such as decks. Examples of non-combustible landscaping include primarily decomposed granite, gravel and rocks, pavers and brick.

The Manual indicates that between 1.5 m and 10 m from a dwelling (i.e. Zone 1) should be a fire-resistant zone, free of all materials that could easily ignite from a wildfire and recommends planting / retaining only low-density, fire-resistant plants and shrubs, as well as avoiding having any woody debris present, including mulch. Coniferous trees with cones and needles are highly flammable and should not be within 10 m of a dwelling.

⁵ <https://firesmartbc.ca/wp-content/uploads/2019/01/FireSmart-Homeowners-Manual.pdf>

For Zone 2 (10 – 30 m from a dwelling) the Manual recommends thinning and pruning evergreen trees to reduce fire hazard in this zone. Regular clean up of accumulations of fallen branches, dry grass and needles from the ground should be conducted to eliminate potential surface fuels. There should be a minimum of 3 m *between the outermost branches of trees* (not 3 m tree spacing). Remove smaller coniferous trees and resinous shrubs that could act as a “ladder” and allow fire to move into the treetops.

Assuming a footprint of 30 m radius for each campsite based on the BC FireSmart Manual’s recommendations for vegetation management provides a total area for 20 campsites and 2 house sites of approximately 6.22 ha, or roughly 3.6% of the entire land base of the subject properties. This is the footprint associated with maintaining a fire safe area at each campsite / house location and the actual development footprint associated with structures would be much lower.

The primary predicted / expected impact of the proposed development of campsites on the subject properties is associated with increased human use. It has been our experience that most wildlife species can become accustomed to persistent, low levels of human disturbance particularly when wildlife is not being harassed or hunted. However, species such as black bear, blacktail deer and Roosevelt elk do not seem to be very tolerant of dogs and therefore we recommend that the campsite rules include a requirement for any dogs to be leashed.

Ancillary use associated with campsites often includes walking / biking trails. While we encourage these activities, trail locations need to be sited carefully to avoid disturbance of sensitive sites such as moss / herb dominated rock outcrop areas and wet seepage sites, steep slopes or watercourses.

5.1 Assessment of Proposed Campsites

We have reviewed the proposed campsite locations in relation to the Steep Slope, Riparian and remaining Mature Forest DPAs and provide the following comments and alternate campsite locations (Figure 6) for discussion purposes.

- Campsites 1 & 2 – no change, not within DPAs;
- Campsites 3 & 4 – minor relocation to existing disturbed areas, not within DPAs;
- Campsites 5 & 6 - no change, not within DPAs;
- Campsite 7 – within Steep Slope DPA, we have provided an alternate location outside DPAs in a relatively flat area harvested in 2015;
- Campsite 8 – no change, although it is shown as within a Steep Slope DPA, the field survey indicated that this area is not steep;
- Campsite 9 – although the proposed location is not within a DPA, the 2006 air photo indicates the proposed location is on a minor non-defined drainage and therefore we have provided an alternate site approximately 36 m south;
- Campsite 10 – although it is not shown within a DPA, our mapping indicates this campsite location is most likely within a Riparian Assessment Area and possibly within a SPEA setback, therefore we have suggested an alternate location approximately 180 m west;
- Campsite 11 – the proposed location is within a mapped Steep Slope DPA located approximately 25 m below a cut and fill section of road, therefore we have suggested an alternate location approximately 65 m west;

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- Campsite 12 – although it is not within a DPA the proposed location appears to be on a cut-through road which may be of use for long loads in the future, therefore we have suggested an alternate location approximately 25 m south;
- Campsites 13 & 14 - no change, not within DPAs;
- Campsites 15 & 16 – no change, although campsite 15 is shown as within a Steep Slope DPA, the field survey indicated that this area is not steep;
- Campsites 17 & 18 – Campsite 17 is within a Steep Slope DPA and therefore we have suggested an alternate location on an old spur road approximately 150 m northeast. We have suggested a slight relocation of Campsite 18 to 20 m north to be on an old spur road.
- Campsite 19 - no change, not within DPAs; and,
- Campsite 20 – the proposed location is within mapped Steep Slope & Riparian DPAs, therefore we have suggested an alternate location approximately 180 m west on an old skidder trail.

6.0 CONCLUSION

The proposed rezoning of the subject properties to a new Wilderness Campground zone is in order to allow for development of two house sites and approximately 20 campsites. This a very low level of proposed development given the large size of the subject properties, and while we have conducted studies in support of several proposed campsites over our 30 years of environmental consulting experience we have not had a development proposal with such low development density. In many ways the low level of intended development made the assessment of potential environmental impacts somewhat difficult to measure, as there does not appear to be any significant potential for environmental impacts as a result of the proposed development, particularly when compared with the historic / currently permitted land uses.

Please contact us if you have any questions or concerns regarding the contents of this report or require any additional information

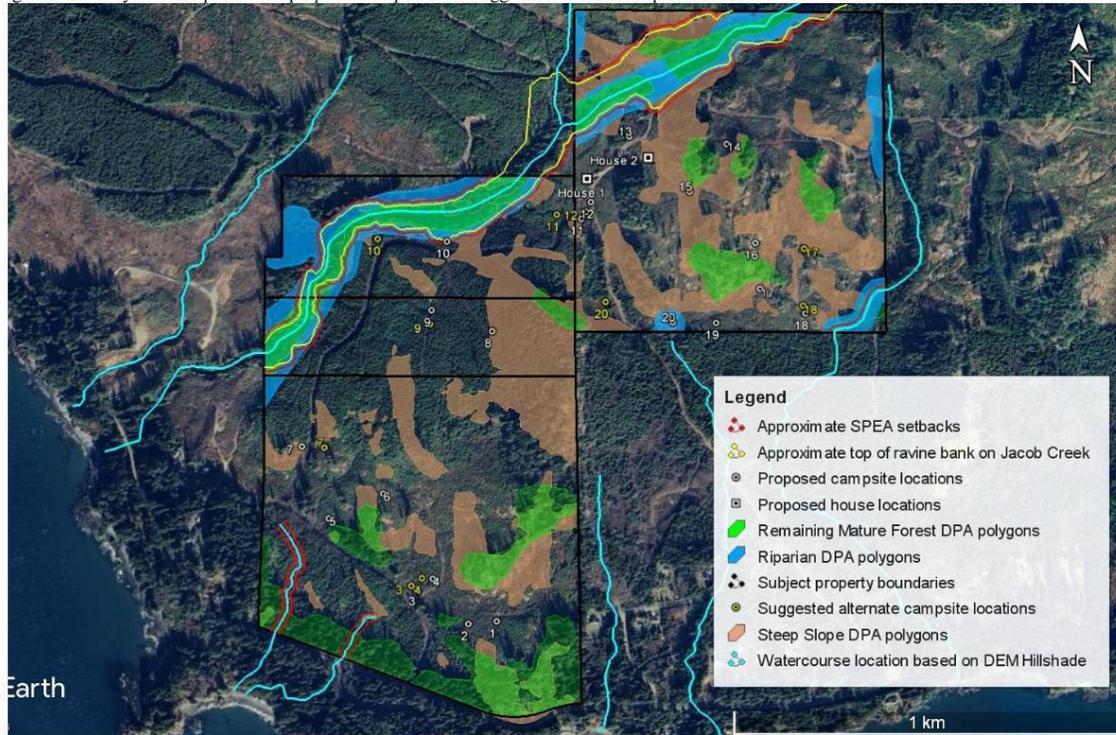
Sincerely,

Steve Toth, ASCT, R.P.Bio.



Toth and Associates Environmental Services

Figure 6. January 2023 air photo with proposed campsites and suggested alternate campsite locations



7.0 REFERENCES

- Bartels, R., J.D. Dell, R.L. Knight and G. Schaefer. 1985. Dead and down woody material. In: Management of wildlife and fish habitats in forests in western Oregon and Washington. E.R. Brown (ed.). USDA For. Serv. Pub. No. R6-FoWL-192. Portland, OR. pp. 171-186.
- B.C. Ministry of Environment, Lands and Parks, B.C. Ministry of Forests. 1998. Field Manual for Describing Terrestrial Ecosystems, Land Management Handbook No. 25. 214 pp.
- B.C. Conservation Data Centre. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, BC. URL: <http://a100.gov.bc.ca/pub/eswp/> (accessed November 2023).
- B.C. iMapBC 2.0 Mapping Service [web application]. Victoria, British Columbia, Canada. URL: <http://maps.gov.bc.ca/ess/sv/imapbc/> (accessed November 2023).
- B.C. Ministry of Environment. December 2014. Develop With Care - Environmental Best Management Practices for Urban and Rural Land Development in British Columbia. 242 pp.
- Bentley, D.M., M. Demarchi, and L. Sopuck. March 2005. Draft Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia. Prepared for BC Ministry of Water, Land and Air Protection Ecosystem Standards and Planning Biodiversity Branch. 137 pp.
- Biolinx Environmental Research Ltd. and E. Wind Consulting. November 2004. Best Management Practices for Amphibians and Reptiles in Urban and Rural Environments in British Columbia. Prepared for B.C. Ministry of Water, Lands, and Air Protection. 149 pp + appendices.
- Campbell, R. W., N. K. Dawe, I. McTaggart-cowan, J. M. Cooper, G. W. Kaiser, M. C. E. Mcnall. 1990. The Birds of British Columbia. Volume III: Passerines, Flycatchers through Vireos. 636 pp.
- Demarchi, D. 1996. An introduction to the ecoregions of British Columbia. MELP, Wildlife Branch. Victoria, B.C. 46 pp + appendices.
- Green, D.M. and R.W. Campbell. 1984. The Amphibians of British Columbia. Royal British Columbia Museum Handbook No. 45. Victoria, B.C. 100 pp.
- Green, R.N. and K. Klinka. 1994. A field guide for site identification and interpretation for the Vancouver Forest Region. Land Management Handbook Number 28. BC Ministry of Forests. Victoria, B.C. 285 pp.
- Luttmerding, H.A., D.A. Demarchi, E.C. Lea, D.V. Meidinger and T. Vold. 1990. Describing Ecosystems in the Field, Second Edition. BC Ministry of Environment, Lands and Parks, BC Ministry of Forests. Victoria, B.C. 213 pp.
- Meidinger, D. and J. Pojar. 1991. Ecosystems of British Columbia. BC Ministry of Forests. Victoria, B.C. 330 pp.
- Canadian Wildlife Service and BC Ministry of Environment. 1997. Sensitive Ecosystem Inventory of the East Coast Vancouver Island and Gulf Islands.
- Stevens, V. 1995. Wildlife Diversity in British Columbia: Distribution and habitat use of amphibians, reptiles, birds and mammals in Biogeoclimatic Zones. Res. Br., BC Min. For., Wildl. Br., B.C. Min. Environ., Lands and Parks. Victoria, B.C. Work Pap. 04/1995.

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Photograph 1. October 26, 2023. View through shrub stage regenerating forest to Mature Forest on south facing rock outcrop.



Photograph 2. View through shrub stage (logged 2015) regenerating forest to Mature Forest.

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Photograph 3. Another view of typical forest cover in areas logged in 2015.



Photograph 4. View of 18 year old closed canopied forest cover typical of areas logged in 2004 / 2005.

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Photograph 5. View of Jacob Creek.



Photograph 6. View of steep ravine side slope above Jacob Creek.



Photograph 7. View from top of ravine to Jacob Creek.

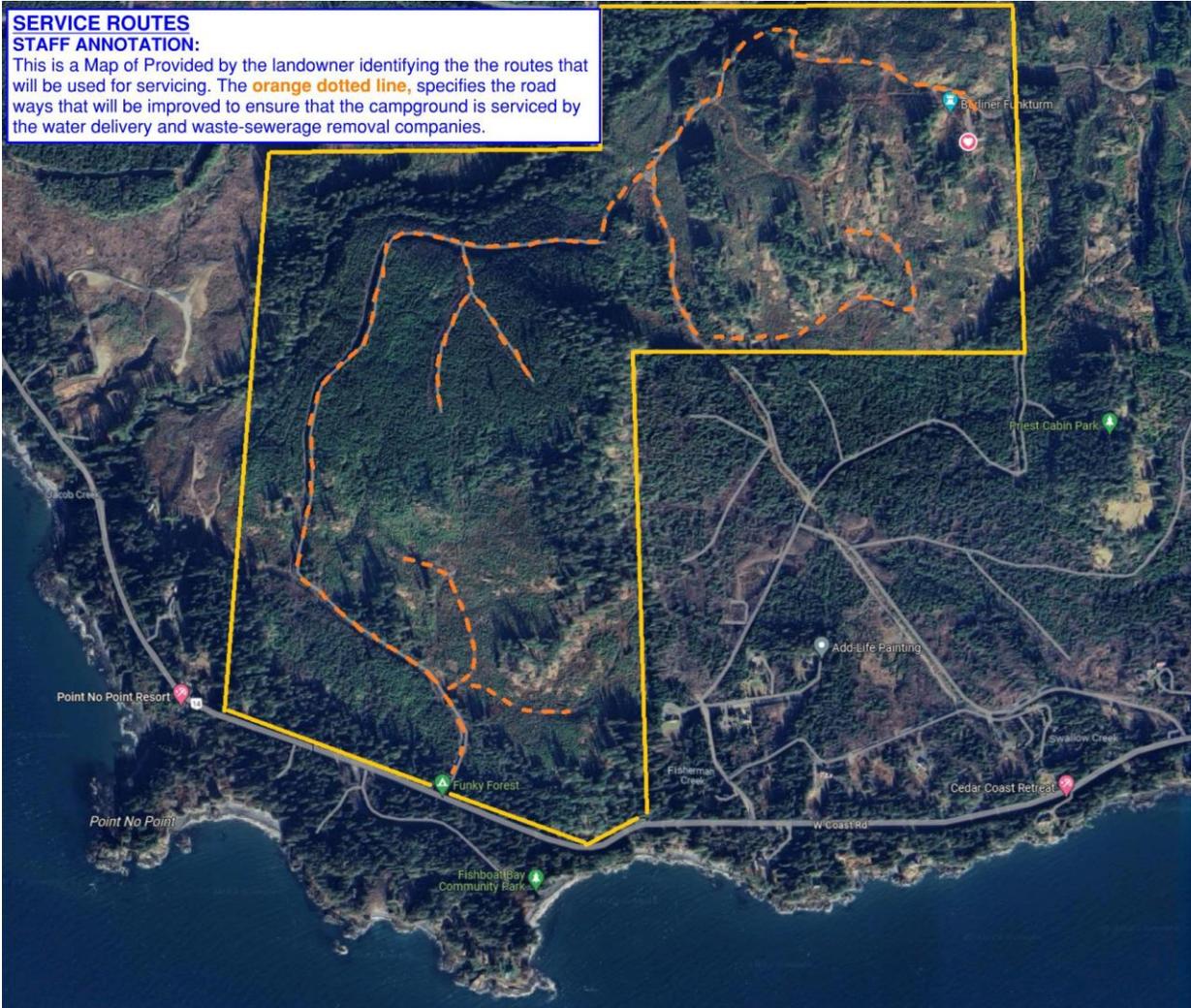
Appendix G: Visitor Access and Servicing Route Plans

VISITOR ACCESS PLAN

STAFF ANNOTATION:

This is a Map of Provided by the landowner identifying the visitor access route. The **orange dotted line** specifies the road way that will be improved to ensure that the campground is accessible by allowing for patron motor vehicle access.





CAPITAL REGIONAL DISTRICT
BYLAW NO. 4550

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 adding the new 22.0A Wilderness Campground Zone – WC as follows:

22A.0 WILDERNESS CAMPGROUND ZONE – WC

22A.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 Wilderness Campground (WC) zone:

Principle uses:

- (a) One-family dwelling;
- (b) Camp ground;
- (c) Silviculture.

Accessory uses:

- (d) Home Based Business Categories One, Two and Three;
- (e) Secondary Suite pursuant to Part 1, Subsection 4.19;
- (f) Detached Accessory Suite pursuant to Part 1, Subsection 4.20.

22A.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum lot size for subdivision purposes is no less than 8 ha.

22A.03 Number of Residential Units

- (a) One dwelling unit per lot is permitted.

22A.04 Height

- (a) Maximum height shall be 11 m.

22A.05 Lot Coverage

- (a) Maximum lot coverage shall be 10 percent.

22A.06 Density

- (a) One camping space per 8.5 ha;
- (b) Individual camping spaces shall be a maximum of 400 m².

22A.07 Setback Requirements

(a) All campsites, buildings, and structures, must be setback a minimum of 15m from every parcel line and watercourses.

22A.08 Separation Space

(a) All campsites, buildings, and structures must be separated by a minimum of 20m 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, or other outdoor uses.

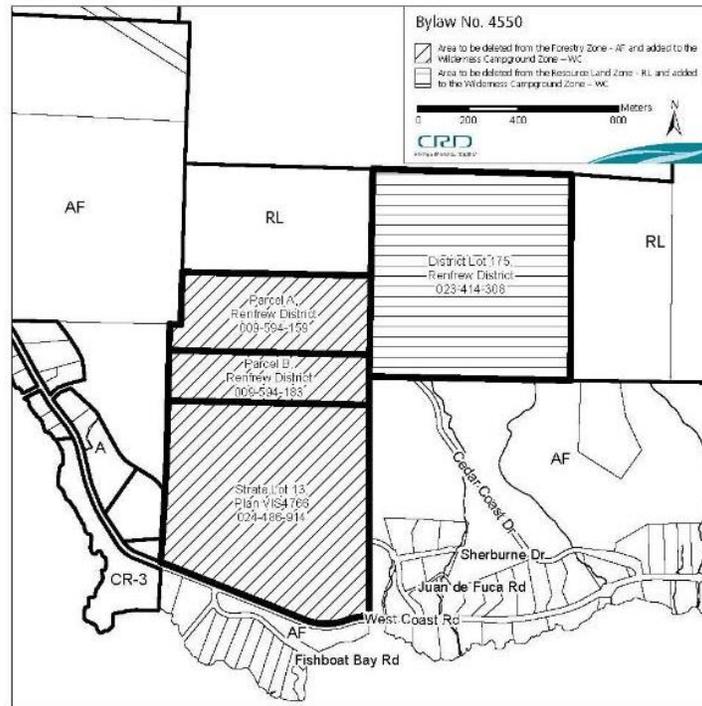
B. SCHEDULE B, ZONING MAPS

- a. By deleting Parcel A (DD 10475211) of District Lot 745, Renfrew District, from the Forestry Zone - AF, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.
- b. By deleting Parcel B (DD 526571) of District Lot 745, Renfrew District, from the Forestry Zone - AF, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.
- c. By deleting District Lot 175, Renfrew District, from the Resource Land Zone - RL, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.
- d. By deleting 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, from the Forestry Zone - AF, and adding to the Wilderness Campground Zone – WC, as shown in Plan No. 1.

CRD Bylaw No. 4550

3

Plan No. 1 of Bylaw No. 4550, an amendment to Bylaw No. 2040



2. This Bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 160, 2023".

READ A FIRST TIME THIS	day of	2024
READ A SECOND TIME THIS	day of	2024
READ A THIRD TIME THIS	day of	2024
ADOPTED THIS	day of	2024

 CHAIR

 CORPORATE OFFICER



Making a difference...together

**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 19, 2024**

SUBJECT **Zoning Bylaw & Official Community Plan Amendment Application for Section 4, Renfrew District, Except Those Parts in Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411, EPP69011 and EPP117093; PID: 009-573-356**

ISSUE SUMMARY

The landowner has made an application to redesignate a 3.3 ha portion of the subject property from the Pacific Acreage (PA) to the Commercial (CO) land use designation and amend the Commercial designation policies, and to amend the Wildwood Terrace Neighbourhood Commercial (C-1A) zone to permit additional commercial uses and facilitate subdivision.

BACKGROUND

The 130 ha subject property (the "Land") is located in the community of Jordan River on the northern side of West Coast Road. The Land is split-zoned Wildwood Terrace 4 (WT-4) and Wildwood Terrace Neighbourhood Commercial (C-1A) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (the "LUB") (Appendix A). The Land is designated Pacific Acreage in the Shirley-Jordan River Official Community Plan, Bylaw No. 4001 (the "OCP"), and is subject to the Commercial and Industrial development permit (DP) area. The Land is not located within community water, sewer or fire protection local service areas. Covenant CA5916759 is registered on the title of the property and requires that all buildings and structures require an automatic sprinkler system that fully meets the requirements of the National Fire Protection Association.

The Land is the subject of a 2-lot subdivision application (SU000749) to provide a separate title to the 3.3 ha C-1A portion from the 126.9 ha WT-4 remainder. The subdivision has received sign-off from the CRD and is in the final stages of approval with the Provincial Approving Officer. Although the OCP designates the northwestern portion of the Land as a Riparian DP area, a Qualified Environmental Professional has certified that the future commercial parcel is outside the Riparian Assessment Area. The Land was the subject of a zoning bylaw amendment in 2021 to adjust the WT-4/C-1A zone boundary and to permit a country market and micro-brewery with ancillary onsite store, picnic area, lounge and special event area. Development permit DP000378 was approved in October 2022 to address the form and character and landscaping of a proposed microbrewery.

The landowner has submitted an application to amend the C-1A zone for the purpose of permitting subdivision to create a commercial bare land strata and to include additional neighbourhood commercial uses with changes to the siting and development requirements. The proposal envisions a village gathering place that serves the community, supports local tourism, provides opportunities for local ownership of commercial lands (Appendix B). The application is supplemented by a comprehensive land use analysis (Appendix C), an environmental assessment (Appendix D), and a groundwater report (Appendix E). The application includes an OCP amendment to remove the 3.3 ha lands from the PA designation, which primarily supports rural residential, agricultural and small-scale neighbourhood commercial uses and add it to the CO designation with an amendment to support the smaller proposed lot size. Staff have prepared Bylaw No. 4598 to outline proposed amendments to the OCP (Appendix F) and Bylaw No. 4599 to outline proposed amendments to the Wildwood Terrace Neighbourhood Commercial zone (Appendix G) for consideration through the referral process.

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4598, “Shirley - Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 2, 2024”; and proposed Bylaw No. 4599, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 162, 2024”; to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, First Nations and the following external agencies for comment:

Pacheedaht First Nation

T’Sou-ke First Nation

BC Hydro

BC Parks

District of Sooke

Island Health

Ministry of Forests - Archaeology Branch

Ministry of Forests - Water Protection Section

Ministry of Land, Water and Resource Stewardship

Ministry of Transportation & Infrastructure

RCMP

Sooke School District #62

Alternative 2

That proposed Bylaw Nos. 4598 and 4599 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 proposed Bylaw Nos. 4598 and 4599 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 property will be sent notice of the proposed bylaw amendment and a public hearing will be advertised in the local paper and on the CRD website.

Regional Growth Strategy Implications

The RGS designates the subject property as Rural / Rural Residential, which includes lands used for rural and rural residential purpose. While not intended to become future urban areas requiring extensive services, commercial uses serving the local community by providing employment opportunities in a rural context can be supported if impacts to the local community and environment are minimal.

Section 445 of the *LGA* requires that all bylaws adopted by a regional district board after the board has adopted a regional growth strategy (RGS) be consistent with the RGS. Since the proposal includes an amendment to the OCP, the bylaw will be considered by the Planning and Protective Services Committee and the CRD Board for determination of consistency with the RGS prior to first reading.

First Nations Implications

First Nations communities continue to live in lands that encompass the subject property for more than 10,000 years prior to contact with European nations. The CRD pursues enhancement of reciprocal engagement and procedures with First Nation communities towards advancing reconciliation, including but not limited, to the application referral process. The subject property is located within the traditional territory of the Pacheedaht and T’Sou-ke First Nations and each nation will be invited to participate in the land use review process to better inform consideration of the proposal.

Context and Policy Development Implications

The OCP provides a broader context of Jordan River community to inform policy development, such as community health with historical information. For example, Section 372, explains that Jordan River in the early 1900’s used to be a larger community with a robust local economy structured primarily by mining, fishing, and logging industries. Subsequently, the population steadily declined following the gradual

departure of its industries, including the closure of the mine. Comparatively, the OCP policies account for current land use patterns and a smaller population. In particular, the current Pacific Acreage (PA) land use designation, which supports 2.0 ha residential parcels, agriculture uses, and small-scale neighborhood commercial activities. The proponent's land use analysis suggests that the proposed C-1A zone amendments are better suited to Commercial designation, which supports small-scale commercial; civic, institutional, tourism, recreation, silviculture; community parks; and light industrial uses. However, the Commercial designation currently applies only to lands in an extreme flood inundation area posing an inherent risk to human life and property; designated as Restricted Development. Together, these designations stipulate a minimum lot size of 120 ha, preventing subdivision and limiting the availability of land for commercial development in Jordan River. This proposal includes a text amendment to policy 484 N. of the OCP; to reduce the minimum parcel size from 120 ha to allow for an average parcel size of 0.4 ha and a minimum of 0.2 ha. Additional OCP amendments (Appendix F) are required in conjunction with the proposed change to the minimum lot size for the Commercial designation.

Land Use Implications

The applicant's primary objective for this application is to improve the viability and access to rural commercial land within Jordan River. In order to support the change to an average lot size of 0.4 ha and a minimum of 0.2 ha, this application proposes an OCP amendment to redesignate the Land from Pacific Acreage to Commercial, and to update the corresponding policies. The community values expressed by the OCP identify goals and objectives for servicing rural areas and promote opportunities for pedestrian connectivity to reduce motor vehicle trips to address potential impacts to the environmental and enhance local character.

Section 208 – Regional Growth Strategy

In keeping with the RGS, OCP policies support compact rural settlements that are not intended to become future urban areas requiring extensive servicing. The application proposes onsite well and septic systems, which support a rural scale of development rather than an urban scale seen in neighbouring incorporated communities where community level services are available. The proposed rural servicing will be referred to Provincial agencies as permitting and licensing will be required at the time of development.

Section 310 of the OCP - Water

The proposed amendments are aligned with the existing permitted commercial uses. Activities associated with potential hazardous spills and contamination, such as a gas stations and bulk fuel sales, are not included in the proposal. The Groundwater Report commented that potential contamination of the aquifer is not anticipated and recommended regular monitoring following construction of the wells, which would occur under Provincial jurisdiction.

Section 333 – Connectivity and Section 335 – Park Land Acquisition of the OCP

The OCP states that residents have expressed interest in a network of local trails developed in both the communities of Shirley and Jordan River. This network should connect residential areas with commercial nodes, local and regional parks and trails, and other community-based amenities. There is also a community concern for providing safe routes for school-aged children when travelling independently in their community and to the school bus stops. The application proposes to establish a rural commercial node in Jordan River to service the local community. It is the opinion of staff that the application may present opportunities for connectivity in relation to adjacent residential areas.

Section 392 of the OCP – Reducing the Number of Vehicle Trips

One of the key ways the residents of Shirley and Jordan River can contribute to reducing greenhouse gas emissions is through reducing the number of vehicle trips. Delivery of medical and community outreach programs at a venue in Shirley or Jordan River could see the service providers making one or two round trips within the Plan area instead of multiple trips outside the community by residents travelling elsewhere to access services. Increased recreational and social opportunities for youth within the Plan area would reduce the need for parents to take their children to and from activities in Sooke. Support for neighbourhood commercial uses and farm gate sales can also reduce the travel necessary to purchase food and other goods. Installation of Electric Vehicle infrastructure is also supported.

Planning Analysis

The Shirley-Jordan River OCP, Bylaw No. 4001, designates the subject property as Pacific Acreage. The intent of the Pacific Acreage designation is to support rural residential uses; suites; duplexes; agriculture; home based businesses; as well as small-scale commercial and tourism activities. Supported parcel sizes are generally in the 2 ha range, which is larger than the proposed minimum parcel size. The OCP identifies a Riparian development permit area on the northwestern corner of the subject property; however, the qualified environmental professional has provided an environmental assessment certifying that the subject area is located outside any riparian assessment areas.

The land is zoned C-1A by the Juan de Fuca Land Use Bylaw, which permits principal uses such as convenience stores; civic uses; food and beverage processing; country market; and retail stores. The zone specifically excludes gas bars, gas stations, bulk fuel sales, auto repair, carwashes, or any use for which a permit is required under the *Environmental Management Act* or *Regulation*. Accessory uses include residential; screened outdoor storage; onsite store; picnic area; lounge; special event area in conjunction with *Liquor Control and Licensing Act*; as well as buildings or structures that support a permitted principal use. The C-1A zone stipulates a maximum height of 9 m; a parcel coverage of 25%; a maximum floor area of 2,000 m²; and a minimum parcel size of 3.3 ha with setbacks of 7.5 m (front); 6.0 m (side); and 10.0 m (rear). The C-1A zone, has only been implemented on the subject property and was initially established through the adoption of Bylaw No. 3759 on October 9, 2013, and later amended through Bylaw No. 4381 on December 8, 2021, to permit food and beverage processing, a country market, and accessory uses related to a manufacturer liquor license.

The C-1A zone amendments (Appendix G) introduced by the application propose reducing the minimum parcel size from 3.3 ha to an average parcel size of 0.4 ha and a minimum of 0.2 ha to accommodate a commercial bare land strata; replace the maximum total floor area specification of 2,000 m² with a floor space ratio (FSR) of 0.4; permit restaurant, personal service, office, and health services uses; reduce the parking space setback in the front yard from 7.5 m to 3.0 m; and reduce the side yard setback from 6.0 m to 3.0 m and the rear yard setback from 10.0 m to 5.0 m. The amendment also proposes to increase to maximum height of buildings and structures from 9 m to 12 m.

As noted, in order to support the change to the minimum lot size, this application proposes to remove the C-1A zoned portion of the Land from the Pacific Acreage designation and add it to an amended Commercial designation. The Pacific Acreage designation is supportive of rural residential uses with an average parcel size of 2 ha. The Commercial designation is supportive of the proposed amendments to the permitted uses in the C-1A zone, and intends to allow small scale commercial and light industrial uses within the Jordan River area. However, during development of the OCP, all lands currently designated as Commercial were located within the flood inundation area identified by BC Hydro. In order to prevent further subdivision of land within the inundation area, and at the request of BC Hydro, the OCP established a minimum parcel size of 120 ha for all lands with the Commercial designation. These areas were also designated as Restricted Development areas. Staff are of the opinion that adding the 120 ha restriction to the Restricted Development designation would more appropriately address the inundation concerns and make the Commercial designation available for its intended purposes of providing policy guidance for rural commercial uses outside the inundation area. The subject property is outside the inundation area.

The proposed commercial bare land strata arrangement with smaller lots is intended to allow for financing and development at an individual business level, as well as to promote an opportunity for clustering and building character diversity, rather than the single-owner model with larger, more uniform building design and leased commercial spaces.

In addition to the environmental assessment, the proposal is supported by a groundwater report, prepared by a professional hydrogeological engineer, that assessed the feasibility of implementing ten individual wells to provide future commercial development with potable water. The report found that based on the potential scale of the rural commercial development, the comparatively low water quantity demand can be readily obtained from the aquifer. Furthermore, potential impacts to neighbouring wells and surface water sources were investigated, identifying that in addition to the low demand, water licenses, issued by the Province, would be required.

Staff recommend that the application be referred for community and agency comment and input.

CONCLUSION

The purpose of Bylaw No. 4598 and 4599 is to amend the Shirley-Jordan River Official Community Plan, Bylaw No. 4001, by redesignating a 3.3 ha portion of the subject property from Pacific Acreage (PA) to Commercial (CO) with amendments, and amend the Wildwood Terrace Neighbourhood Commercial (C-1A) zone of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, by permitting additional commercial uses and a smaller average and minimum parcel size to facilitate subdivision. Staff have prepared the proposed Bylaws and recommend referral to the Shirley-Jordan River Advisory Planning Commission, First Nations, CRD departments, and external agencies for comment and expression of community interests. 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. 4598, "Shirley-Jordan River Official Community Plan Bylaw No. 5, 2018, Amendment Bylaw No. 2, 2024", and Bylaw No. 4599, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 162, 2024" to the Shirley-Jordan River Advisory Planning Commission, appropriate CRD departments, First Nations and the following external agencies and for comment:

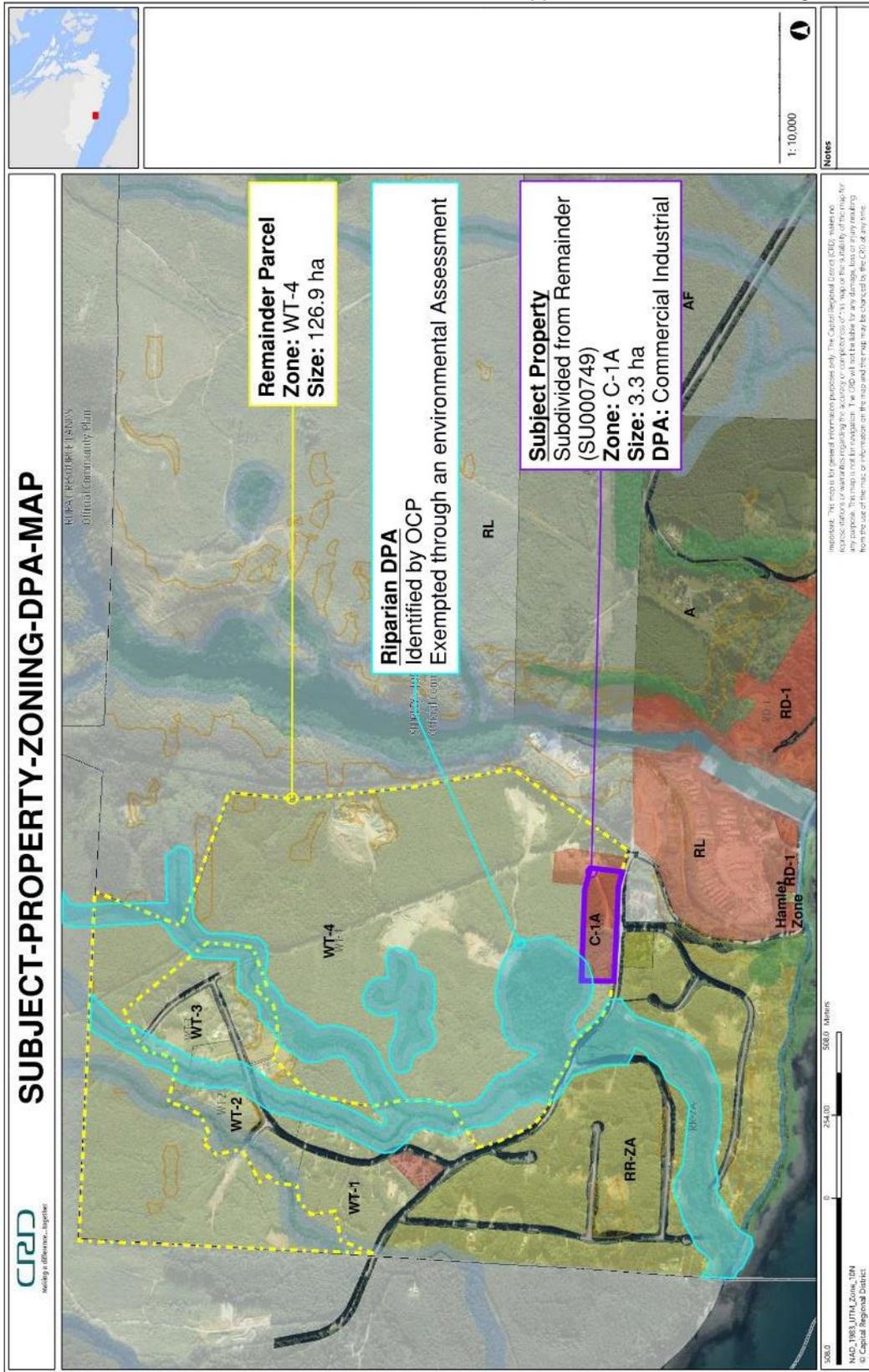
- Pacheedaht First Nation
- T'Sou-ke First Nation
- BC Hydro
- BC Parks
- District of Sooke
- Island Health
- Ministry of Forests - Archaeology Branch
- Ministry of Forests - Water Protection Section
- Ministry of Land, Water and Resource Stewardship
- Ministry of Transportation & Infrastructure
- RCMP
- Sooke School District #62

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

ATTACHMENTS

- Appendix A: Location, Zoning, and DPA Map
- Appendix B: Concept Plan
- Appendix C: Project Details
- Appendix D: Environmental Assessment
- Appendix E: Preliminary Groundwater Assessment, March 15, 2023, prepared by Alan P. Kohut P. Eng
- Appendix F: Bylaw No. 4598 – Outlining Proposed Amendments to the OCP
- Appendix G: Bylaw No. 4599 – Outlining Proposed Amendments to the Wildwood Terrace Neighbourhood Commercial Zone

Appendix A: Location, Zoning, and DPA Map



Appendix B: Concept Plan





A portion of
12036 West Coast Road
REZONING AND OCP AMENDMENT
APPLICATION

December 2023

PROJECT SUMMARY

This is a comprehensive application package for a Rezoning and Official Community Plan Amendment for a portion of 12036 West Coast Road. This portion of the property consists of approximately 8.15-acres or 3.3ha. The intention is to create smaller parcel sizes via a commercial bareland strata, add some additional neighbourhood commercial land uses, and incorporate some additional planning tools to enable appropriately scaled development within each new parcel. The proposed change in parcel size will necessitate an amendment to the OCP.

SITE SUMMARY

The portion of property at 12036 West Coast Road under application is approximately 8.15acres (3.3ha) in size. The subject property is designated 'Pacific Acreage' in the Shirley-Jordan River Official Community Plan (OCP), and is zoned Wildwood Terrace Neighbourhood Commercial (C1-A) under the Juan de Fuca Land Use Bylaw No. 2040. This property has been zoned for neighbourhood-scale commercial purposes for some time, with the landowner preparing to create some additional commercial activity on the property.

Recently, the owner amended the zoning on the property to add Country Market and Food and Beverage Processing to support the microbrewery use at the commercial site (Bylaw 4381), received a development permit to construct the new brewery, and the commercial area is actively being subdivided from the main parcel.

PROPOSAL

The vision for this site is to create a village gathering place for the rural community of Jordan River that will serve locals and support tourism in the region. The position of this property provides an opportunity to build a community gathering place in a location with greater resilience to several known hazards in the area. The intention is to create a number of commercial bareland strata parcels that would enable more diverse ownership and investment of a relatively large commercial site.

The application is to amend the Wildwood Terrace Neighbourhood Commercial Zone (C1-A) to permit additional land uses, reduce the minimum parcel size, introduce the concept of Floor Space Ratio, to consider a reduction to the setback for parking areas, consider reduced setbacks, and increase in building height to support architectural options by way of a site-specific zoning amendment.

The reduced parcel size will necessitate an amendment to the Shirley-Jordan River OCP. Due to the proximity of the Wildwood Neighbourhood commercial area to the Jordan River Village, it is suggested that the property be redesignated 'Commercial' in the OCP. Some

adjustment to policies related to the Commercial designation may need to be contemplated as part of this consideration.

A conceptual subdivision layout and site plan has been attached to this report as a representation of how the site could be developed (Attachment 1). This is not a large departure from what can currently be built, but it does allow much more flexibility surrounding ownership and opportunity.

REZONING RATIONALE

Proposed Zoning Amendments

To help achieve the vision, the following modifications are requested to the C1-A Zone by way of this application.

a. Minimum parcel size; the current zone permits a minimum parcel size of 3.3ha making the parcel un-subdividable. This proposal includes incorporating a minimum parcel size of 0.2ha (2000m²) within the site to accommodate a commercial bareland strata.

Rationale: Commercial properties have unique financing and often need more flexibility to realize the potential of the property. Creating the ability for a property owner to divide the site into individual units provides more certainty for lenders and reduces risk for future commercial owners/operators. From a practical point of view, an 8.15 acre (3.3ha) parcel is a large land area and this amendment would enable potential for new business opportunities for the community.

In addition, other existing commercial properties within the plan area have a minimum parcel size of 900m² and have a zoning of Village Commercial Zone (C-2). In this context, a 2000m² minimum parcel size can be viewed as reasonable and less intensive than other existing commercial areas.

b. Incorporate FSR; In order to better scale commercial buildings, its proposed that the maximum size of principal building area be replaced with the use of a Floor Space Ratio (FSR) of 0.4.

Rationale: Introducing FSR to the land use bylaw, used in combination with setbacks, height and lot coverage, ensures buildings are proportionate to the size of each parcel. FSR also encourages more open space on a development site, allowing the owner an opportunity to incorporate more landscaping and natural drainage solutions.

Currently, a total floor area of 2000m² is permitted for the entire parcel. Floor space ratio is proposed as a solution/tool for total floor area cap, so that future buildings would be constructed in relation to the size of the parcel created.

c. Add new permitted uses; including restaurant, personal services, offices, and health services.

Rationale: The proposed new uses are complimentary and in alignment with typical neighbourhood commercial activities. The proposed land uses continue to exclude automobile oriented uses such as gas station, bulk fuel sales, auto repair and carwash.

The proposed uses give those living in the area an opportunity to access some services to meet their daily needs, and include some tourist serving uses. This is in alignment with aspirations of the Shirley-Jordan River Official Community Plan, and is in alignment with uses in the Commercial designation within the Jordan River Village area.

d. Setback exemption for parking stalls; currently a 7.5m setback is required for parking stalls from the road, and a 3m setback is proposed.

Rationale: A 3m setback for proposed parking spaces continues to support a landscaped buffer between the road right of way and the commercial site but is a more typical setback for parking areas. This request is site-specific for this property but could be applied more generally if desired.

e. Building Setbacks; 7.5m front, 3m side yard setback, 5m rear yard setback

Rationale: The setbacks proposed are reasonable for the overall concept and allow for a minimum of 6m building separation within the site. These setbacks are similar to setbacks identified in other commercial zones within the plan area.

f. Building Height increase of 3 metres; currently building is limited to 9 meters. An increase of 3 meters to 12 metres is proposed.

Rationale: A increase in building height to 12 metres will allow for greater architectural flexibility for roof lines and is consistent with other maximum heights for commercial zoning in the plan area such as C-2 Village Commercial.

OCP AMENDMENT RATIONALE

Proposed OCP Amendment

The current land use designation on the property is 'Pacific Acreage'. This land use designation supports primarily rural residential uses, and enables small scale neighbourhood commercial, commercial tourism, parks and civic land uses. The proposal

does not entirely fit within the Pacific Acreage designation due to the residential nature of the designation and the typical residential lot size that is supported.

It is proposed that this property be redesignated 'Commercial' due to its proximity to Jordan River as it will help to achieve the overall OCP vision for the community. However, potential amendments to the Commercial designation may need to be considered, particularly as it relates to lot size.

The applicable OCP policies include:

404 Commercial Land Use Designation

The intent of the Commercial Land Use Designation is to support small-scale neighbourhood commercial and light industrial uses in the Jordan River inundation area. Civic, institutional, tourism, recreation, silviculture and community park uses are also supported.

Analysis: The proposed land use designation of Commercial is appropriate for the land uses proposed. A further text amendment to the policies of the OCP needs consideration regarding the prescribed minimum lot size of 120 ha, which prevents further subdivision of these lands, even for economic development purposes.

483 Objectives for Development and Local Economy

B. Support a range of economic activities at a scale appropriate to the size of the community and its rural nature.

E. Recognize that Shirley and Jordan River are predominantly rural areas where resource-based activities such as forest management and timber harvesting occur.

484 Policies for Development and Local Economy

N. For lands designated as Commercial on Schedule B, a density of one parcel per 120 hectares and no dwelling units is supported.

O. On lands designated as Commercial on Schedule B, commercial, retail, restaurant, civic and light industrial and silviculture uses are supported.

Analysis: An amendment to the above-noted parcel size will be required to the 'Commercial' designation in order to establish a smaller and more appropriate parcel size for this property. Smaller commercial property sizes could be beneficial more broadly to other commercially designated properties and could help to develop a local-serving and tourist-based economy as envisioned in the OCP.

There are several local-serving commercial sites within the JdF Planning Area that have set precedent for the reduced parcel sizes for commercial sites. Many of these neighbourhood

commercial properties serve as a hub for community and serve both local and tourist needs within the area. Existing neighbourhood commercial zones have minimum lot size of 900m² (0.09ha) within the C-2 Zone of the JdF Land Use bylaw. Further emphasizing that smaller parcel sizes are appropriate in commercial sites elsewhere in the JdF Planning area and its reasonable to be considered in the 'Commercial' designation as well.

It seems that the identified hazard lands in the OCP may be impacting the potential for creating some smaller commercial parcels. In this instance, the commercial designation would apply to a parcel with no identified hazard and located outside of the Restricted Development Land Use area.

Other Relevant OCP Policies

Climate Change Adaptation and GHG reduction

392 Reducing the Number of Vehicle Trips

One of the key ways the residents of Shirley and Jordan River can contribute towards reducing GHGs is through reducing the number of vehicle trips. Home based businesses reduce the need to commute. The use of transit, carpooling and alternative means of transportation, such as cycling and walking, all reduce dependency on cars. Delivery of medical and community outreach programs at a venue in Shirley or Jordan River would see the service providers making one or two round trips to the Plan area instead of multiple trips outside the community by residents travelling elsewhere to access the services. Increased recreational and social opportunities for youth within the Plan area would reduce the need for parents to take their children to and from activities in Sooke. Support for neighbourhood commercial uses and farm gate sales can reduce the amount of travel necessary to purchase food and other goods. Installation of Electric Vehicle infrastructure is supported.

Analysis: provision of some businesses and services in keeping with rural character and scale can lead to reduction in the number of vehicle trips of residents. Enabling some economic development will help support goals related to creating complete communities.

REGIONAL GROWTH STRATEGY AND THE RCS

Consistency with the Regional Context Statement

There are several applicable policies that identify consistency between this proposal and the Regional Context Statement. The following applicable policies have been identified and consistency with the RCS has been outlined.

208 Regional Growth Strategy Consistency (pg. 21-23 of the OCP)

D. To manage regional infrastructure services sustainably, the community water servicing policy provisions for Shirley – Jordan River are not to exceed the existing 126 parcels within the Sheringham Water District. No CRD water systems are proposed in the Plan area. No community sewer systems are proposed in the Plan area and the CRD supports the Ministry of Environment and Island Health in their regulation of sewage.

Analysis: Services to the property will be rural. Water will be provided with wells and there is no need for extending services to the area in order to facilitate the proposal. Sewer will be managed using septic systems. All health approvals will be obtained through the appropriate application processes.

E. To build Shirley and Jordan River as complete communities, a number of policies in this OCP support community safety, such as the Restricted Development Land Use Designation on lands within the flood inundation zone identified by BC Hydro and the designation of DPAs for hazardous conditions. Ways to build a healthy community include community volunteerism and local delivery of health care services, social programs and recreational programs. There is a desire for a community meeting place in Jordan River and improvements to the Shirley Community Hall.

Analysis: This property is located outside of the identified hazard area, and will contribute to making Jordan River a more complete community. This property has the potential to provide a location for residents to gather and/or access services or programs. Amending the designation of this property to Commercial will enable this property, and more broadly other properties, to create a community meeting place/hub within the Village.

H. To strengthen the regional economy, the reliance on other regional centres is recognized in this Plan. Agriculture, home based businesses, renewable resource activities and low-impact tourism uses are viewed as Shirley – Jordan River’s contribution to the regional economy.

Analysis: The additional uses proposed, including an appropriate lot size for commercial purposes will strengthen the regional and local economy by complementing resource-based activities with low-impact tourism uses, and the opportunity to provide local services and programs to meet the needs of residents.

Consistency with the Regional Growth Strategy

Outside Urban Containment Policy (pg 13)

Rural/Rural Residential Policy Area – this application supports and is in alignment with the Regional Growth Strategy. The area is rural, with rural servicing requirements. The commercial uses proposed are local serving that complement the rural character, including office, health services, personal services and restaurants in addition to those that are already permitted. These are typical ‘neighbourhood commercial’ uses. Any building proposal on this parcel will require the rigor of a development permit evaluation for Commercial

development. The proposed parcel size is larger than other commercial zones within the Plan Area, typically zoned C-2, which permits more intensive commercial uses than those being requested.

Protect the Integrity of Rural Communities (Pg 22-24)

Rural and rural-residential communities offer a choice of rural lifestyles and outdoor recreation opportunities that complement the surrounding working landscapes and preserve ecological diversity. This proposal does not include further residential expansion but strengthens the rural qualities of the community by creating an opportunity for a neighbourhood commercial/gathering place for the residents of Jordan River.

The character of this property will reflect the local outdoor enthusiast and the current and historical resource-based economy of the region. A hydrogeologist report has determined that there is adequate well water available to service the site and overall site drainage will enhance natural systems as the site is developed. Detailed rainwater management will be submitted as part of any future subdivision/building application.

5.1 Realize the Region's Economic Potential

Finding ways to expand and diversify the economy of formerly resource-dependent communities in Sooke and the Juan de Fuca Electoral Area, such as through low impact recreation and tourism.

Analysis: The proposed amendment is relatively minor as commercial activities are already permitted on the parcel. What this amendment does is more appropriately designates the property as 'commercial' and enables more flexibility in commercial lot size. It gives the opportunity for diversity in ownership of a large commercial site, adding resiliency for business owners while also increasing the potential of realizing commercial services in the area.

NATURAL ENVIRONMENT

The site has been evaluated by a Qualified Environmental Professional (Attachment 2). No wetlands or watercourses are located on or within 50m of its boundaries.

INFRASTRUCTURE

It is proposed that septic will accommodate any future development. The details of this will be considered as part of the bareland strata subdivision application.

Water will be provided with onsite wells. There are no anticipated concerns with provision of water as part of this proposal. The hydrogeologist report ascertains that, based on the well records situated closest to the subject property, the conditions appear very favourable for constructing relatively shallow wells within the aquifer with individual wells potentially yielding 5 to 10 USgpm (18.93 to 37.85 L/min) each (Attachment 3).

FIRE AND EMERGENCY SERVICING

No impact on fire and emergency servicing is anticipated as a result of the proposed amendments. Commercial activities are already permitted on the property, with the commercial site resulting in additional owners. The property permits civic use and could be used by the community, if so desired, to meet community or emergency planning requirements.

TRAFFIC IMPACTS

No impact is anticipated as a result of the proposed amendments. Commercial activities are already permitted on the property, and access to the site is being sorted out through the subdivision of the land. All Ministry of Transportation and Infrastructure requirements will be addressed through future strata subdivision.

PARKLAND DEDICATION

The applicant has already completed parkland dedication as part of a previous subdivision approval process.

ATTACHMENTS:

1. Conceptual Site Plan/Vision
2. Environmental Assessment letter – Corvidae Environmental Consulting
3. Hydrogeologist Report
4. Current Certificate of Title

Appendix D: Environmental Assessment



March 17, 2023

To: Darren Lucas
Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

From: Julie Budgen, R.P.Bio.
Corvidae Environmental Consulting Inc.
6526 Water Street
Sooke, BC V9Z 0X1

12036 West Coast Road Assessment Letter for Lot Subdivision (CRD file number SU000749)

To Darren Lucas,

On February 8th, a Qualified Environmental Professional (QEP) with Corvidae performed a site visit at 12036 West Coast Road (PID 009-573-356), to determine if the proposed 2-lot subdivision (CRD file number SU000749) at this location occurs within a Riparian Assessment Area (RAA) or within a Riparian Development Permit Area (DPA) as shown in Schedule D of the Shirley – Jordan River Official Community Plan (OCP)¹.

The QEP confirmed during the assessment there are no wetlands or watercourses on the proposed lot subdivision or within 50 m of the its boundaries (Figure 1). The area mapped on Schedule D of the OCP that appears in the shape of a wetland was observed in the field to be comprised of a predominantly western redcedar (*Thuja plicata*) canopy and a salal (*Gaultheria shallon*) understory. Soils in this area possess a high clay content and thus have limited drainage capacity, however, no surface water or hydrophytic, wetland-associated vegetation was detected during the site assessment.

Given that the proposed subdivision does not occur within or in proximity to a RAA or Riparian DPA, the proposed development is exempt from requiring a development permit as per Section 534 A of the Shirley – Jordan River OCP. Photos of the property and adjacent forested habitat (including mapped DPAs) have been included in Appendix A.

If you have any questions or concerns, please contact me for further details.

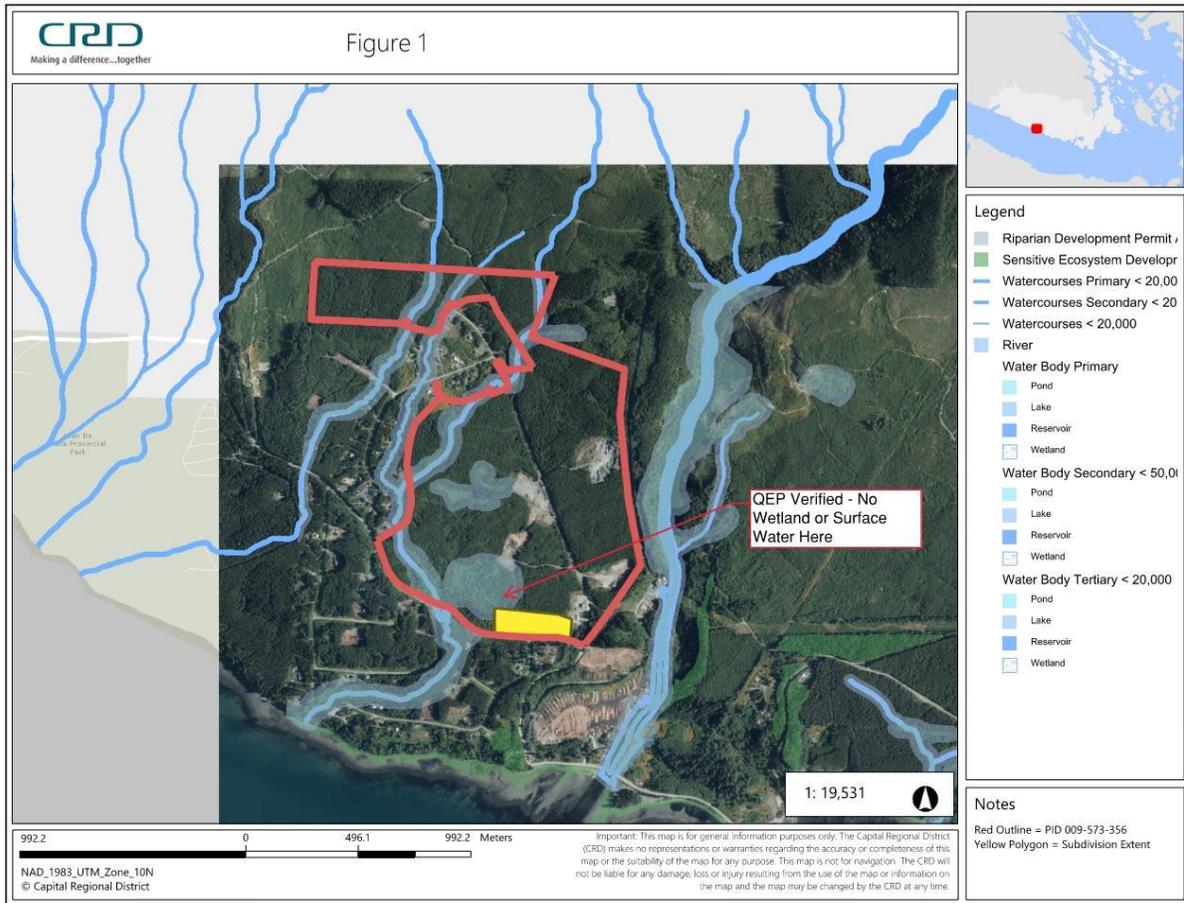
Prepared by,



Julie Budgen, R.P.Biol., B.Sc.,
Senior Environmental Planner
250-415-8553

¹ Shirley -Jordan River OCP. 2018 https://www.crd.bc.ca/docs/default-source/crd-document-library/bylaws/juandefucaelectoralea/3717---official-community-plan-for-shirley-jordan-river-bylaw-no-1-2010b.pdf?sfvrsn=573a9ac_6







APPENDIX A – SITE PHOTOS

Photo 1. Northwest view of mapped Riparian DPA. February 8, 2023.



Photo 2. Typical view of forested habitat on the property in the west extent. February 8, 2022.



Appendix E: Preliminary Groundwater Assessment, March 15, 2023, prepared by Alan P. Kohut P. Eng



File: 2205191

March 15, 2023

Totangi Properties Ltd
Jordan River BC

Attention: [REDACTED]

Re: Preliminary Groundwater Assessment for Wildwood Terrace Neighbourhood Commercial Zone, C-1A at Jordan River

As requested, Hy-Geo Consulting has completed a desktop assessment of the feasibility of obtaining a sufficient supply of potable groundwater involving up to 10 individual water supply wells for the proposed subject property development at Jordan River (Figure 1). Potential impacts of the proposed groundwater use on neighbouring properties and existing water sources including wells and nearby streams has also been assessed. My understanding is that drilling and testing of an initial production well for a proposed brewery on one of the proposed parcels is currently being planned.

Site Location

The subject property is situated along the north side of the West Coast Road at Jordan River (Figure 1) and currently zoned as Wildwood Terrace Neighbourhood Commercial Zone, C-1A under Bylaw No. 2040, "Juan de Fuca Land Use Bylaw, 1992" (CRD, 2023a). In 2021 an amendment to Bylaw No. 2040 under Bylaw No. 4381 included added potential water uses for food and beverage processing and country market (CRD, 2021). The current proposal for the property includes 10 commercial use parcels ranging in size from 0.20 to 0.46 hectares in size (Figure 2). There are numerous existing wells in the general region directly south and west of the property (Figure 3). First Creek lies approximately 175 m (574 feet) west of the western boundary of the property. The site is situated at an elevation of about 55 m (180.4 feet) on a glacial-fluvial terrace that slopes gently southwesterly towards the ocean. Towards the southeast, elevations drop abruptly from the site towards the mouth of the Jordan River.

Climate

The region is situated in the *Coastal Western Hemlock Biogeoclimatic Zone* with long, mild, and wet winters, and relatively sunny and dry summers. While a long-term climate station for Jordan River is not available, monthly normal precipitation for the Sooke Lake North climate weather station for the 1981-2010 period has been reported by the Government of Canada (2023) for climate station 1017563 as shown in Figure 4. The region receives about 1497 mm of precipitation on an annual basis (Government of Canada, 2023). Precipitation normally follows a seasonal cycle, with highest rainfall during the fall, winter and early spring months while the summer months are subject to drought conditions.

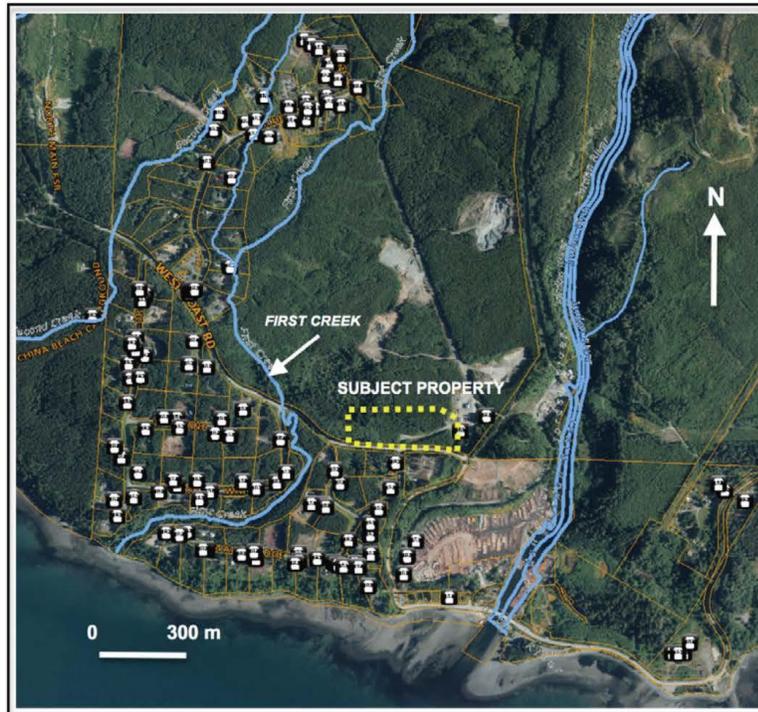


Figure 3. Location of neighbouring water wells and streams. Basemap from CRD (2022b).

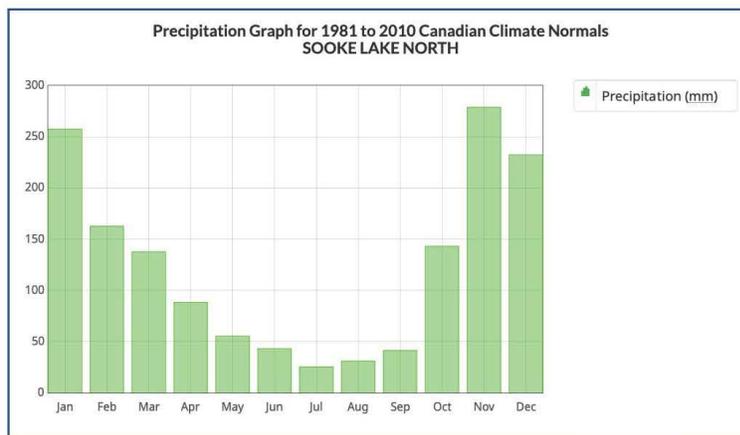


Figure 4. Graph of monthly normal precipitation for Sooke Lake North station (Climate ID. 1017563). Graph from Government of Canada (2023).

Geology and Hydrogeological Setting

The subject property is underlain by a confined glacio-fluvial sand and gravel aquifer system, designated Aquifer 944 under the *BC Aquifer Classification System* (Bernardinucci and Ronneseth, 2002). The aquifer is also classified as a moderately productive and moderately vulnerable IIB aquifer. More detailed descriptions of the aquifer can be found at the *British Columbia Water Resources Atlas* (Province of British Columbia, 2022a).

The *British Columbia Water Resources Atlas* also shows a fractured crystalline aquifer, (Aquifer 943) comprised of igneous intrusive or metamorphic, meta-sedimentary, and meta-volcanic rocks underlying the unconsolidated deposits of Aquifer 944.

Examination of drilling records in the region carried out under this assessment also indicated descriptions of sedimentary sandstone, conglomerate and siltstone underlying the unconsolidated deposits locally. These latter bedrock units may belong to the Sooke Formation that has been reported to be comprised of cross-bedded sandstone, interbedded with lesser amounts of siltstone, and conglomerate containing cemented pebble to boulder sized clasts (Massey, 1994; Yorath and Nasmith, 1995).

Groundwater occurs within the pore spaces of the unconsolidated deposits and in open fractures in the underlying bedrock as they are encountered during drilling of water wells. Groundwater is likely recharged by infiltration of precipitation and runoff from the upland area north of the aquifer with groundwater moving southerly towards lower elevations and ultimately discharging to the ocean.

Reported Wells

Figure 5 shows the location of reported wells in the vicinity of the subject property. The majority of these are situated south and west of the property. A summary of the wells shown in Figure 5 is provided in Table 1. Wells are identified with a unique, computer generated WTN (well tag number) in the provincial WELLS database (Province of British Columbia, 2022a and 2022b). The wells shown do not necessarily comprise all existing wells in the area and all well locations have not been necessarily verified in the field.

Well records for the region shown in Figure 5 indicate that the unconsolidated deposits comprise a heterogeneous array of materials ranging from glacial till, cobbles and boulders, fine sand and silt to coarse-grained gravels. The unconsolidated deposits range from 33 to 418 feet (10.06 to 127.41 m) in thickness. Most wells are completed in sand and gravel units with or without well screens. Reported well yields range from 2 to 80 USgpm (7.57 to 302.83 L/min) with a median of 10 USgpm (37.85 L/min). About 20 percent of the wells shown in Figure 5 are completed in bedrock at depths ranging from 280 to 598 feet (85.34 to 182.27 m) with well yields in the range 1 to 7 USgpm (3.78 to 26.50 l/min) with a median of 5 USgpm (18.93 L/min).

Groundwater Prospects on the Subject Property

Based on the records of wells situated closest to the subject property (Figure 6), the geologic conditions appear very favourable for constructing relatively shallow wells within the unconsolidated aquifer unit. Figure 7 shows that there may be up to 10 m (32.81 feet) of saturated sand and gravel underlying the site with individual wells potentially yielding 5 to 10 USgpm (18.93 to 37.85 L/min) each.

Potential Water Demands for Future Commercial Uses

CRD Bylaws No. 2040 and Bylaw No. 4381 permit the following principle land uses in the commercial zoned property namely:

- (a) Convenience Store;
- (b) Retail Store, excluding gas bars, gas stations or bulk fuel sales, auto repair or car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*;
- (c) Civic Uses;
- (d) Food and beverage processing;
- (e) Country Market.

It is estimated that the proposed brewery for the subject property would initially need 350,000 L/year (959 L/day) of potable water potentially growing to 2,000,00 L/year (5480 L/day) after 5 years (Totangi Properties, 2023). This would be equivalent to an initial well production rate of 0.18 USgpm growing to 1.01 USgpm, from a well on the property. Other parcels at the site would unlikely require as much water for their needs compared to the brewery requirements. While the specific individual business water needs are not currently known, the maximum total potential water use from 10 wells on the site would not likely be more than 3 to 5 USgpm (11.36 to 18.93 L/min). Geological and groundwater conditions based on neighbouring wells indicates this quantity of water could be readily obtained from properly designed and constructed wells on the subject property.

Potential Impacts on Neighbouring Wells and Surface Water Sources

Based on a relatively low, continuous water demand of 3 to 5 USgpm (11.36 to 18.93 L/min) from the commercial site, it is unlikely that groundwater use at this rate would have any significant effect on neighbouring wells or the flows of First Creek. Potential wells used for commercial purposes would also need to be adequately tested to support an application for a water licence under the *Water Sustainability Act* and meet provincial guidelines for testing and monitoring (Todd *et al.*, 2016 and 2020) to assess any potential impacts on neighbouring wells or nearby surface water sources.

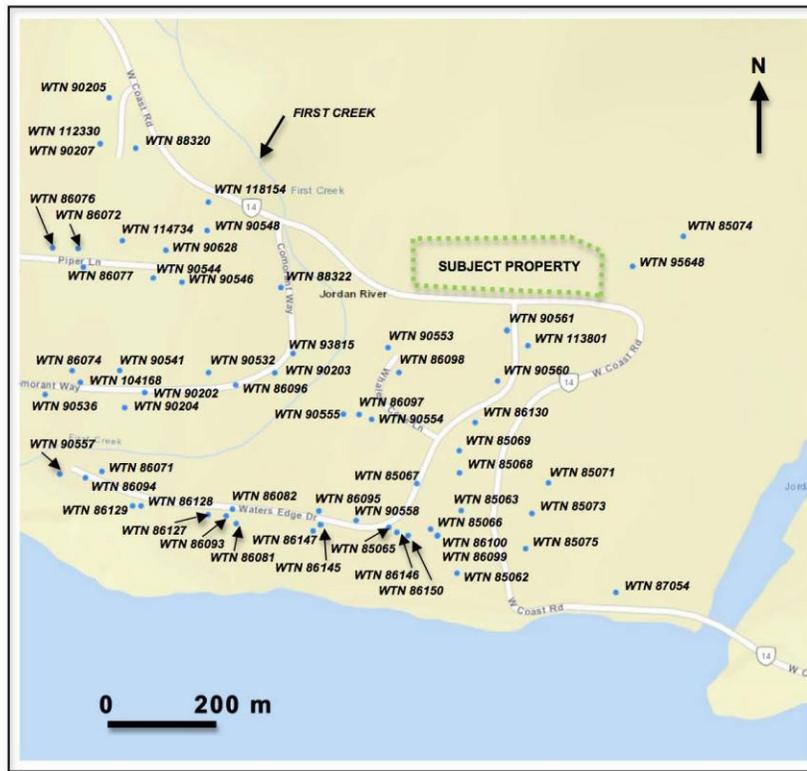


Figure 5. Reported wells in the vicinity of the subject property. Well locations and basemap from Province of British Columbia (2022a).

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Table 1. Summary of water wells at and in vicinity of subject property.

Well No. (WTN)	Well Identification Plate No. (WIC)	Depth Drilled or Dig (feet)	Depth Well Drilled (m)	Diameter (inches)	Diameter (cm)	Driller's Estimated Yield (gpm)	Water Depth (feet)	Water Depth (m)	Depth to Bedrock (feet)	Depth to Bedrock (m)	Construction Completion Date	General Remarks	Legal District Lot	Legal Plan	Lot No.	Section	Owner When Constructed	Well Purpose
85062		39	11.89	6	15.24	3	14	4.27	39	11.89	03/29/2005	5.5 inch screen set 34.3 to 39 ft, 18 slot, sand and gravel			1	4		Private Domestic
85063		280	85.34	6	15.24	5	165	50.29	40	12.19	04/13/2005	sandstone 40-70 ft, conglomerate 70 to 280 ft, 1 gpm at 240, 3 gpm at 260 and 5 gpm at 280 ft			2			Private Domestic
85065		280	85.34	6	15.24	6	174	53.04	40	12.19	04/04/2005	sandstone 40-73 ft, conglomerate 73 to 280 ft, 0.5 gpm at 220, 2 gpm at 240 and 4 gpm at 280 ft, 6 gpm at 280 ft			3	4		Private Domestic
85066		50.5	15.39	6	15.24	5	28	8.53			04/01/2005	5.5 inch screen set 43 1/2" to 50.5 ft, 10 slot, sand and gravel			4	4		Private Domestic
85067		280	85.34	6	15.24	5	150	45.72	35	10.67	03/30/2005	sandstone 35-45 ft, conglomerate 65 to 280 ft, 0.5 gpm at 220, 2 gpm at 240 and 4 gpm at 280 ft, 5 gpm at 280 ft			5			Private Domestic
85068		280	85.34	6	15.24	5	187	57.00	33	10.06	04/12/2005	sandstone 33-45 ft, conglomerate 65 to 280 ft, 0.5 gpm at 220, 2 gpm at 240 and 4 gpm at 280 ft, 5 gpm at 280 ft			1	4		Private Domestic
85069		285	86.87	6	15.24	3	213	64.92	54	16.46	04/08/2005	sandstone 54-75 ft, conglomerate 75 to 280 ft, 0.5 gpm at 240, 3 gpm at 260 and 7 gpm at 280 ft			7	4		Private Domestic
85071		280	85.34	6	15.24	7	200	60.96	42	12.80	04/07/2005	sandstone 54-75 ft, conglomerate 75 to 280 ft, 0.5 gpm at 240, 3 gpm at 260 and 7 gpm at 280 ft			9	4		Private Domestic
85073		300	91.44	6	15.24	6	160	48.77	33	10.06	03/23/2005	sandstone 33-70 ft, shale 70-96, mudstone? 96-130, conglomerate 130 to 240 ft, sandstone 240-275, conglomerate 275-300, 1.5 gpm at 240, 2 gpm at 290, 5 at 280, and 6 at 300 feet			11	4		Private Domestic
85074		280	85.34	6	15.24	6	150	45.72	34	10.36	03/28/2005	sandstone 34-60 ft, conglomerate 60 to 90 ft, sandstone 95-120, conglomerate 120-280, 1.5 gpm at 240, 4 gpm at 280, 6 at 280			12	4		Private Domestic
85075		44	13.41	6	15.24	10	19	5.79			03/22/2005	drilled to 52 feet, sand and gravel with boulders, open bottom			14	4		Private Domestic
86071	18003	130	39.62	6	15.24	2	70	21.34			10/17/2006	drilled to 137 ft, sand with little gravel, screen set 123.5 to 130 ft, 16 slot	68644		21	4		Private Domestic
86072	18064	120	36.58	6	15.24	15	88	26.82			12/07/2006	1 gravel and sand, screen set 113.5 to 120 ft, 25 slot	68644		45	4		Private Domestic
86074	18069	120	36.58	6	15.24	10	88	26.82			12/20/2006	gravel with boulders, open hole	68644		36	4		Unknown Well Use
86076	18161	100	30.48	6	15.24	10	69	21.03			12/11/2006	gravel with boulders, open hole	68644		46	4		Private Domestic
86077	18070	134.5	41.00	6	15.24	15	91	27.74			12/06/2006	gravel and sand, screen set 128 to 134.5 ft, 10 slot	68644		41	4		Unknown Well Use
86081	18002	154.9	47.21	6	15.24	3	125	38.10			10/21/2006	sand and gravel, screen set 149 to 154.9 ft, 25 slot	68644		62	4		Private Domestic
86082	18007	151	46.02	6	15.24	2	115	35.05			10/19/2006	sand and gravel, screen set 144.25 to 151, 15 slot	68644		20	4		Private Domestic
86093	18157	518	157.89	6	15.24	2			418	127.41	08/23/2006	completed in sandstone, overlain by silty sand, fill and clay	68644		6	4		Private Domestic
86094	18006	132	40.23	6	15.24	5	70	21.34			10/11/2006	gravel with sand, screen set 125.25 to 13 ft, 12 slot	68644		10	4		Private Domestic
86095	18196	153	46.63	6	15.24	2	134	40.84			10/24/2006	sand with gravel, open hole	68644		18	4		Private Domestic
86096	18067	129	39.32	6	15.24	10	77	23.47			11/16/2006	sand with gravel, open hole	68644		33	4		Private Domestic
86097	18158	147	44.81	6	15.24	2	108	32.92			11/09/2006	gravel with sand, screen set 140.3 to 147 ft, 12 slot	68644		26	4		Private Domestic
86098	18160	149	45.42	6	15.24	7	108	32.92			11/14/2006	gravel with sand, open hole	68644		23	4		Private Domestic
86099	18159	298.5	90.98	6	15.24	2.5	160	48.77	314	95.71	11/07/2006	sand, screen set 291 to 298.5 ft, 16 slot	68644		16	4		Private Domestic

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Well Tag No. (WTN)	Well Identification Plate No. (WID)	Depth Drilled or Dug (feet)	Depth Well (m)	Diameter (inches)	Diameter (cm)	Driller's Estimated Yield (Usqam)	Water Depth (m)	Water Depth (feet)	Depth to Bedrock (m)	Depth to Bedrock (feet)	Construction Completion Date	General Remarks	Legal District Lot	Legal Plan	Lot No.	Section	Owner When Constructed	Well Purpose
86100	18001	305	92.96	6	15.24	6	160	48.77			11/01/2006	sand, screen set 298.5 to 305 ft, 18 slot	68644		1	4		Private Domestic
86127	18162	149	45.42	6	15.24	8	111	33.83			10/06/2006	sand and gravel, screen set 142.25 to 149 ft, 20 slot	68644		7	4		Private Domestic
86128	18199	598	182.27	6	15.24	1	150	45.72	406	124.36	10/04/2006	handstone bedrock, 0.75 gpm at 520 ft, 1 gpm at 598 ft	68644		8	4		Private Domestic
86129	18198	427	130.15	6	15.24	10	150	45.72			09/27/2006	sand and gravel, open hole	68644		9	4		Private Domestic
86130	18004	219	66.75	6	15.24	20	154	46.94			09/04/2006	gravel and sand, open hole	68644		15	4		Private Domestic
86145	18195	150	45.72	6	15.24	10	121	36.88			09/14/2006	gravel, open hole	68644		4	4		Private Domestic
86146	18109	157	47.55	6	15.24	8	100	30.48			09/12/2006	gravel and sand, sally, screen set 150.3 to 157 ft, 25 slot	68644		3	4		Private Domestic
86147	18197	167	57.00	6	15.24	10	144	43.89			09/19/2006	sandy gravel, open hole	68644		5	4		Private Domestic
86150	18200	310	94.49	6	15.24	25-	150	45.72			09/11/2006	sand and gravel, screen set 303.3 to 310 ft, 20 slot	68644		2	4		Private Domestic
87054		60	18.29	6	15.24	80 to 100					02/09/2005	sand with gravel, screen set 60 to 80 ft, 12 slot	4194		6	2		Unknown Well Use
88330	18055	96	29.27	6	15.24	10	20	6.10			01/16/2003	boulders and gravel, open hole	68644		47	4		Private Domestic
88332	18049	121	36.88	6	15.24	12	55	16.76			01/05/2000	gravel and sand, open hole	68644		38	4		Private Domestic
90202	18081	96	29.26	6	15.24	10	45	13.72			01/03/2007	sand and gravel, open hole	68644		29	4		Unknown Well Use
90203	18082	127	38.71	6	15.24	10	68	20.73			01/04/2007	gravel, open hole	68644		28	4		Unknown Well Use
90204	18084	119	35.97	6	15.24	8	77	23.47			01/11/2007	sand, little gravel, screen set 111.5 to 119, 12 slot	68644		30	4		Unknown Well Use
90205	18086	59	17.98	6	15.24	10	16	4.88			01/15/2007	gravel, open hole	68644		50	4		Unknown Well Use
90207	18087	59	17.98	6	15.24	10	18	5.49			01/16/2007	coarse gravel, open hole	68644		49	4		Unknown Well Use
90532	18572	138	42.96	6.625	16.83	12					12/21/2006	coarse gravel, open hole	VID83339		34	2		Private Domestic
90536	18570	110	33.53	6.625	16.83	12	55	16.76			12/20/2006	coarse gravel, open hole	VID83339		32	2		Private Domestic
90541	18592	238	72.54	6.625	16.83	30	35	10.67			12/16/2006	gravel, open hole	VID83339		35	2		Private Domestic
90544	18561	146	44.50	6.625	16.83	6	112	34.14			12/09/2006	gravel and sand, open hole	VID83339		40	2		Private Domestic
90546	18580	155	47.24	6.625	16.83	20	110	33.53			12/09/2006	coarse gravel, open hole	VID83339		39	2		Private Domestic
90548	18562	154	46.94	6.625	16.83	19	109	33.22			12/09/2006	gravel and sand, open hole	VID83339		43	2		Private Domestic
90553	18581	150	45.72	6.625	16.83	6	87	26.52			11/14/2006	coarse sand and gravel, screen set 148 to 150, 10 slot	VID83339		22	2		Private Domestic
90554	18598	149	45.42	6.625	16.83	18	78	23.77			11/10/2006	coarse sand and gravel, open hole	VID83339		24	2		Private Domestic
90555	18598	134	40.84	6.625	16.83	8	86	26.21			11/09/2006	coarse sand and gravel, open hole	VID83339		25	2		Private Domestic
90557	18597	142	43.28	6.625	16.83	18	87	26.52			11/02/2006	gravel, coarse sand, open hole	VID83339		11	2		Private Domestic
90558	18596	157	47.85	6.625	16.83	6	117	35.66			10/31/2006	gravel and sand, open hole	VID83339		17	2		Private Domestic
90560	18599	119	36.27	6.625	16.83	4	92	28.04			10/26/2006	gravel and sand, screen set 115 to 119, 20 slot	VID83339		14	2		Private Domestic
90561	18580	70	21.34	6.625	16.83	20					10/25/2006	gravel and sand, screen set 66 to 70, 18 slot	VID83339		13	2		Private Domestic
90628	18579	154	46.94	6.625	16.83	5	112	34.14			12/09/2006	gravel and sand, open hole	VID83339		44	2		Private Domestic
93815	18595	113	34.44	6.625	16.83	6					11/15/2006	gravel and sand	VID83339		27	2		Private Domestic
95648	18153	114	34.75	6	15.24	10	71	21.64			07/19/2006	gravel, open hole	427R, 23875		7	4		Private Domestic
104168	19618	120	36.58	6.125	15.56	15	98	29.87			04/16/2010	gravel and sand, open hole			36			Private Domestic
112330	34474	306	91.44	6.125	15.56	3			170	51.82	10/29/2014	silstone, open hole 178.5 to 300 ft	VIP68644		48			Private Domestic
113801	52111	96	29.26	6	15.24	4	77	23.47			10/20/2017	coarse sand with boulders, water-bearing 78 to 88 feet	427 R				Private Domestic	
114734	52189	280	85.34	4	10.16	2.5	166	50.60	35	10.67	03/01/2018	gray rock, fracture at 262 feet, perforated liner from 180 to 280 feet	VIP79213		7	4		Private Domestic
118154	53598	114	34.75	6	15.24	10	85	25.91			08/22/2019	gravel, screen set 108 to 114 ft, 40 slot	VIP83894		43	4		Private Domestic

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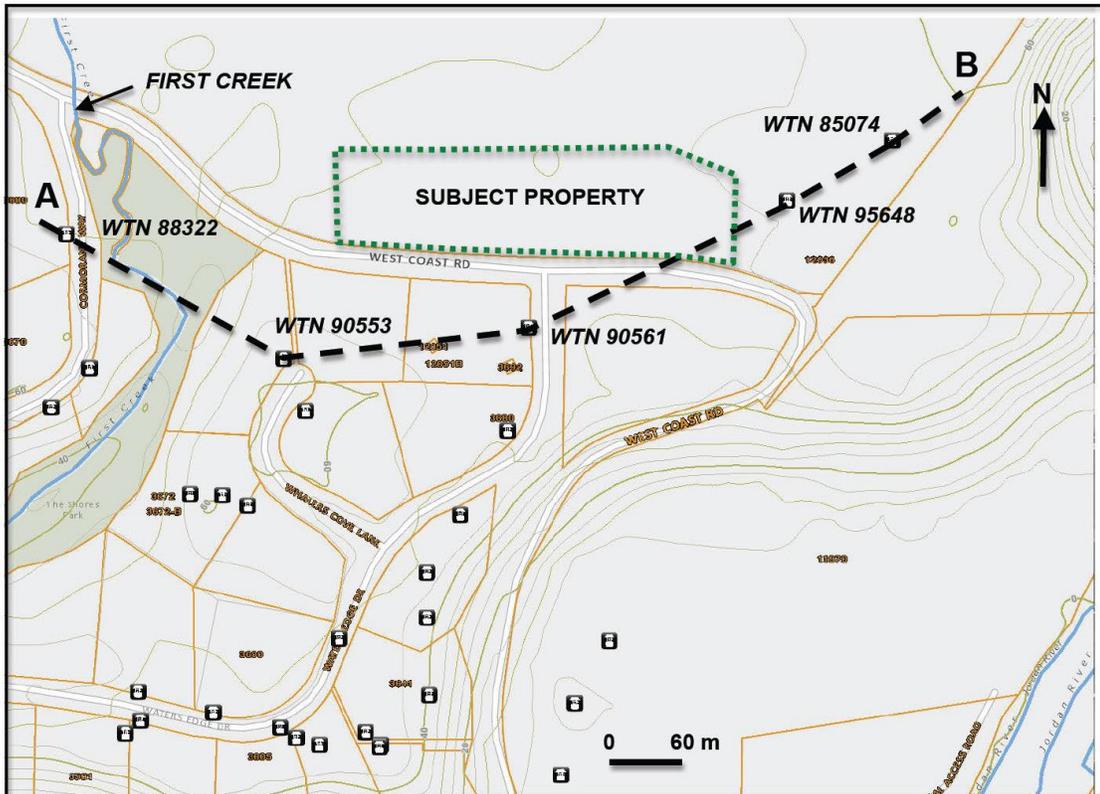


Figure 6. Location of geologic cross section A-B in relation to subject property. Basemap from CRD, 2022a.

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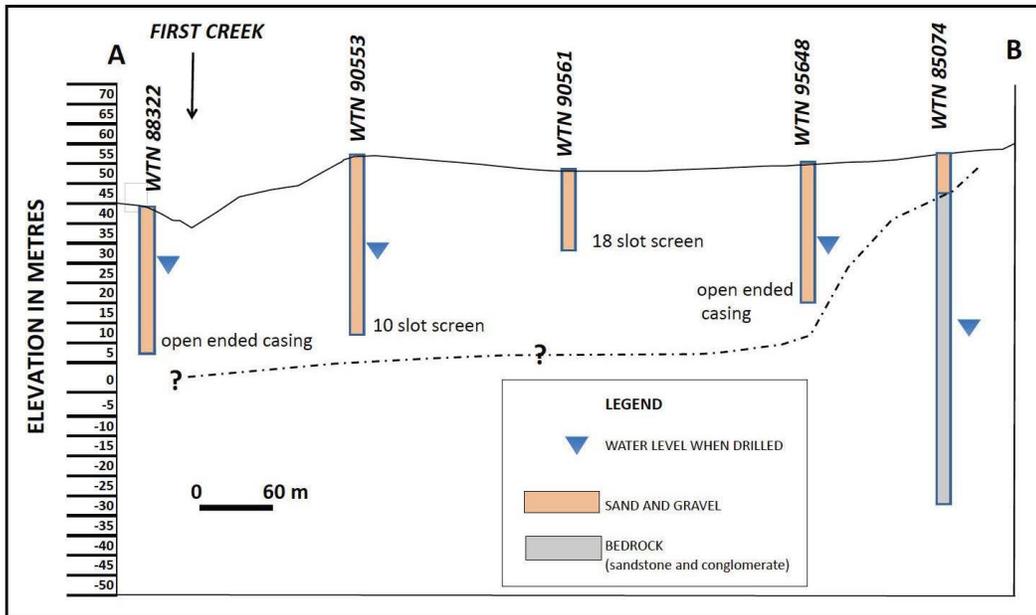


Figure 7. Geologic cross section A-B looking northerly towards subject property.

On-site waste water disposal may pose some minor risk to the aquifer and would require properly designed and constructed waste water treatment systems to minimize any potential impacts on the groundwater resource and neighbouring wells. Wells would need to be constructed in compliance with the *Groundwater Protection Regulation* under the *Water Sustainability Act*. The presence of glacial till near the surface in some wells and relatively deep water levels ranging from 55 to 87 feet (16.76 to 26.52 m) as shown in Figure 7 would minimize any potential risks of aquifer contamination.

Conclusions

Based on examination of available geological and groundwater information in the vicinity of the Wildwood Terrace Neighbourhood Commercial Zone, the prospects for constructing individual wells on each of the ten proposed land parcels are very encouraging. There may be up to 10 m (32.81 feet) of saturated sand and gravel underlying the site with individual wells potentially yielding 5 to 10 USgpm (18.93 to 37.85 L/min) each.

The maximum total water demand for ten parcels is estimated to not likely exceed 3 to 5 USgpm (11.36 to 18.94 L/min) on a continuous basis. The proposed brewery on the property would likely be the largest user of water initially at 350,000 L/year (959 L/day) increasing to 2,000,00 L/year (5480 L/day) after 5 years. It is unlikely that groundwater use at a continuous rate up to 3 to 5 USgpm (11.36 to 18.94 L/min) would have any significant effect on neighbouring wells or the flows of First Creek.

On-site waste water disposal may pose some minor risk to the aquifer and would require properly designed and constructed waste water treatment systems to minimize any potential impacts on the groundwater resource and neighbouring wells. The presence of glacial till near the surface and relatively deep water levels ranging from 55 to 87 feet (16.76 to 26.52 m) would also minimize potential risks of aquifer contamination.

Recommendations

The following recommendations are provided for consideration:

1. Proceed with the design and construction of a water supply well for the proposed brewery and pump test the well to evaluate the aquifer parameters and to support a water licence application.
2. Monitor water levels in a neighbouring well during the pump testing of the proposed brewery well and sample the brewery well for laboratory water quality analysis.
3. Develop a *Well Protection Plan* for the brewery well to minimize any potential risks to water quantity depletion or water quality degradation.

Closure

This report was prepared in accordance with generally accepted engineering, hydrogeological and consulting practices. It is intended for the prime use by Totangi Properties in connection with its purpose as outlined under the scope of work for this project. This report is based on data and information available to the author from various sources at the time of its preparation and the findings of this report may therefore be subject to revision. Data and information supplied by others has not been independently confirmed or verified to be correct or accurate in all cases. The author retains full copyright of the material contained in this report. The author and Hy-Geo Consulting accepts no responsibility for damages suffered by any third party as a result of any unauthorized use of this report. Any errors, omissions or issues requiring clarification should be brought to the attention of the author.

Respectfully submitted,


A.P. Kohut
March 19, 2024

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Principal and Senior Hydrogeologist

HY-GEO CONSULTING
Permit to Practice Number: 1001034

References

- Bernardinucci J. and K. Ronneseth. 2002. *Guide to Using the BC Aquifer Classification Maps for the Protection and Management of Groundwater*. BC Ministry of Water, Land and Air Protection, Water Air and Climate Change Branch, Water Protection Section.
- CRD. 2021. *Capital Regional District, Bylaw No. 4381*. Capital Regional District, Victoria, British Columbia.
- CRD. 2022a. *Capital Regional District, Bylaw No. 2040, Juan de Fuca Land Use Bylaw, 1992*. Capital Regional District, Victoria, British Columbia. Internet website <https://www.crd.bc.ca/about/document-library/Documents/bylaws/juandefucaelectoralea>

- CRD. 2022b. *CRD Regional Map*. Internet website
<https://maps.crd.bc.ca/Html5Viewer/?viewer=public>
- Government of Canada. 2023. *Canadian Climate Normals*. 1981-2010 Climate Normals & Averages. Internet website
https://climate.weather.gc.ca/climate_normals/index_e.html
- Massey, N.W.D. 1994. *Geological Compilation, Vancouver Island, British Columbia (NTS 92 B, C, E, F, G, K, L, 102 I) (1:250,000)*. Map. Victoria, BC: B.C. Ministry of Energy, Mines and Petroleum Resources, Open File 1994-6, digital files and legend.
- Province of British Columbia. 2022a. *British Columbia Water Resources Atlas*. Internet website: <https://maps.gov.bc.ca/ess/hm/wrbc/>
- Province of British Columbia. 2022b. *Groundwater Wells and Aquifers*. Internet website: <https://apps.nrs.gov.bc.ca/gwells/>
- Todd, J., M. Wei, M. Lepitre, 2016. *Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia, Version 1*. Water Science Series, WSS2016-08. Prov. B.C., Victoria B.C.
- Todd, J., M. Lepitre, D. Thomson, J.A. Ishikawa, M. Wade, C. Beebe, 2020. *Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, Version 2*. Water Science Series 2020-01, Province of British Columbia, Victoria.
<https://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=50847>
- Totangi Properties. 2022. *Jordan River wells*. E-mail dated July 14, 2022 from [REDACTED].
- Totangi Properties. 2023. *Draft Jordan River Groundwater Assessment*. E-mail dated January 28, 2023 from [REDACTED].
- Yorath, C.J. and Nasmith, H.W. 1995. *The geology of Southern Vancouver Island – A field guide*. Victoria, BC: Orca Book Publishers.

Appendix F: Bylaw No. 4598 – Outlining Proposed Amendments to the OCP

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4598**

**A BYLAW TO AMEND BYLAW NO. 4001, THE “SHIRLEY-JORDAN RIVER OFFICIAL COMMUNITY
PLAN, BYLAW NO. 5, 2018”**

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

1. Bylaw No. 4598 being the "Shirley- Jordan River Official Community Plan, Bylaw No. 5, 2018" is hereby amended:

A. SCHEDULE A – SECTION 208 REGIONAL GROWTH STRATEGY CONSISTENCY

- (a) By deleting the text of the following paragraph in Schedule A Section 208 B on page 21:
“A Commercial Land Use Designation has been applied to lands in Jordan River that are deemed not safe for residential habitation.”
- (b) By deleting the text of the following paragraph in Schedule A Section 385 on page 74:
“The hamlet of Jordan River currently has one small restaurant business serving local and tourist needs. The Commercial Land Use Designation applies to lands adjacent to the Jordan River.”
- (c) By replacing the text of the 5th paragraph in Schedule A Section 386 on page 76 as follows:
“The Commercial Land Use Designation applies to lands in Jordan River that provide a potential for local services towards development in the local economy; where some of those lands restrict/prohibit residential and overnight habitation uses due to the risk of flooding. An average density of one parcel per 0.4 ha within a plan of subdivision is supported. ~~The prescribed minimum lot size (120 ha) would prevent further subdivision of these lands.~~”
- (d) By replacing the text of Schedule A Section 404 as follows:
“The intent of the Commercial Land Use Designation is to support small-scale neighbourhood commercial and light industrial uses ~~in the Jordan River inundation area.~~ Civic, institutional, tourism, recreation, silviculture and community park uses are also supported
- (e) By replacing the text of Schedule A Section 484 N as follows:
“For lands designated as Commercial on Schedule B, an average density of one parcel per ~~120~~ 0.4 hectares ~~and no~~ with one caretaker dwelling is supported”
- (f) By replacing the text of Schedule A Section 484 R as follows:
“For lands designated Renewable Resource ~~and Restricted Development~~ on Schedule B, a density of one parcel per 120 hectares is supported. ~~and e~~One dwelling per parcel is supported ~~for those lands designated Renewable Resource.~~”

B. SCHEDULE B – LAND USE DESIGNATIONS

- (a) By deleting that part of Section 4, Renfrew District Except Those Parts In Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 And EPP69011, from the Pacific Acreage Land Use Designation, as shown on Plan No. 1;
- (b) By adding that part of Section 4, Renfrew District Except Those Parts In Plans 427R, 23879, VIP68644, VIP79213, VIP80549, VIP82411 And EPP69011, to the Commercial Land Use Designation, as shown on Plan No. 1.

Plan No. 1 of Bylaw 4406, an amendment to Bylaw No. 4001

Appendix G: Bylaw No. 4599 – Outlining Proposed Amendments to the Wildwood Terrace Neighbourhood Commercial Zone

CAPITAL REGIONAL DISTRICT
BYLAW NO. 4599

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 section 6G.0 Wildwood Terrace Neighbourhood Commercial Zone – C-1A and replacing it with the amended 6G.0 Wildwood Terrace Neighbourhood Commercial Zone – C-1A as follows:

6G.0 WILDWOOD TERRACE NEIGHBOURHOOD COMMERCIAL ZONE - C-1A

Bylaw 3759

6G.01 Permitted Uses

In addition to the uses permitted in Section 4.15 of Part 1 of this Bylaw, the following uses and no others shall be permitted in the Wildwood Terrace Neighbourhood Commercial C-1A Zone:

Principal Uses:

- (a) Convenience Store;
- (b) Retail Store, excluding gas bars, gas stations or bulk fuel sales, auto repair or car wash, or any use for which a permit is required under the *Environmental Management Act or Regulation*;
- (c) Civic Uses;
- (d) Food and Beverage Processing; *Bylaw 4381*
- (e) Country Market; *Bylaw 4381*
- (f) Restaurant; *Bylaw 4599*
- (g) Personal Services; *Bylaw 4599*
- (h) Offices; *Bylaw 4599*
- (i) Health Services; *Bylaw 4599*

Accessory Uses:

- (j) Residential;
- (k) Screened storage yard;
- (l) Buildings or structures accessory to the above uses pursuant to Part 1, Subsection 4.01.
- (m) Onsite store, picnic area, lounge and special event area accessory to a manufacturer liquor licence subject to the *Liquor Control and Licensing Act*. *Bylaw 4381*

6G.02 Minimum Parcel Size for Subdivision Purposes

- (a) The minimum parcel size for subdivision purposes is 0.4 ha;
- (b) Notwithstanding Section 6G.02(a) of Part 2 of this Bylaw, lot averaging is permitted with an average lot size of 0.4 ha and a minimum lot size of 0.2 ha.

~~For Section 4, Renfrew District, except those parts in Plans 427R, 23870, VIP68644, VIP70213 and VIP82411, as shown on Map Nos. 1 and 2, one 3.3 ha parcel is permitted.~~

6G.03 Density Provisions

One dwelling unit in conjunction with a principal use.

6G.04 Height

No building or structure, shall exceed ~~9 m~~ 12.0 m in height;

