

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **April 15, 2025, at 7 pm**

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

AGENDA

1. Territorial Acknowledgment
2. Approval of Agenda
3. Adoption of Minutes of March 18, 2025
4. Chair's Report
5. Planner's Report
6. Zoning Amendment Application
 - a) RZ000287 – Lot 3, Sections 84 and 88, Sooke District, Plan VIP72026 (5700 Block East Sooke Road)
7. 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, March 18, 2025, at the Juan de Fuca Local Area Services Building
3 – 7450 Butler Road, Otter Point, BC

PRESENT: Director Al Wickheim (Chair), Les Herring, Vern McConnell, Roy McIntyre, Ron Ramsay, Dale Risvold, Anna Russell
Staff: Iain Lawrence, Senior Manager, Juan de Fuca Local Area Services; Wendy Miller, Recorder
PUBLIC: 4 in-person

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

1. Territorial Acknowledgement

The Chair provided a Territorial Acknowledgement.

2. Approval of the Agenda

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

CARRIED

3. Adoption of Minutes of February 18, 2025

MOVED by Vern McConnell, **SECONDED** by Anna Russell that the minutes from the meeting of February 18, 2025, be adopted.

CARRIED

4. Chair's Report

The Chair stated that he visited the site of the application under consideration this evening to review the lay of the land.

5. Planner's Report

Iain Lawrence advised that Bylaw No. 4435, "Juan de Fuca Soil Removal or Deposit Bylaw No. 2, 2025" remains with the Ministry of Environment and Parks for approval. Once approved, Bylaw No. 4435 will return to the CRD Board for adoption.

6. Development Variance Permit Application

a) VA000164 – Lot 7, District Lot 29, Otter District, Plan VIP59848 (7827 Dalrae Place)

Iain Lawrence spoke to the application for a development variance permit to reduce a flanking yard setback from 6 m to 4 m and a rear yard setback from 10 m to 5.5 m, to address undue hardship under the *Riparian Areas Protection Regulation (RAPR)*, which specifies that where less than 30% of a proposed parcel is available for development after the standard of protection and the required zoning setbacks are applied, development is considered to put additional pressure on the riparian areas. Variances to zoning setbacks may be considered in order to meet the 30% buildable area requirement.

The subject property, requested variance, and subdivision approval process and agency roles were highlighted.

Iain Lawrence responded to questions from Land Use Committee and the public advising that:

- this is the first occurrence of an application to the Juan de Fuca Land Use Committee requesting a variance specified by the *RAPR*
- existing structures comply with the zoning and general regulations
- proposed Lot A would be subject to the *RAPR* requirements
- proposed Remainder Lot would be subject the *RAPR* requirements for changes in the future
- the subject property, under its current configuration, would have opportunity for a detached suite
- the Ministry of Transportation and Transit, as the Approving Officer, would require the applicant to sign an affidavit affirming that the intent of the subdivision is to provide a residence for a relative

The Chair confirmed that the applicant was present.

Applicant comments included:

- building permits for proposed Lot A are not being pursued at this time
- has two children who are starting families
- creation of a new lot would have greater long-term value than construction of a detached suite

MOVED by Vern McConnell, **SECONDED** by Dale Risvold that the Juan de Fuca Land Use Committee recommends to the Capital Regional District Board:

That Development Variance Permit VA000164 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, be approved as follows:

- a. Section 6.07(c) is varied by reducing the flanking yard setback requirement for proposed Lot A from 6 m to 4 m; and
- b. Section 6.07(d) is varied by reducing the rear yard setback requirement for proposed Remainder Lot 7 from 10 m to 5.5 m;

for the purpose of alleviating undue hardship for a two-lot subdivision of Lot 7, District Lot 29, Otter District, Plan VIP59848, pursuant to the *Riparian Areas Protection Regulation*.

Opposed: Ron Ramsay, Anna Russell

CARRIED

7. Adjournment

The meeting adjourned at 7:35 pm.

Chair



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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 15, 2025**

SUBJECT **Zoning Bylaw Amendment Application for Lot 3, Sections 84 and 88, Sooke District, Plan VIP72026; PID: 024-994-944; East Sooke Road**

ISSUE SUMMARY

The landowner has applied to rezone part of the subject property from the Rural (A) zone to the Rural Residential 6A (RR-6A) zone to facilitate subdivision.

BACKGROUND

The 6.74 ha subject property is a panhandle lot located on East Sooke Road (Appendix A). The parcel is split-zoned Rural (A) and Agricultural (AG) under the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, and is split-designated Settlement and Agriculture by the East Sooke Official Community Plan (OCP), Bylaw No. 4000.

An adjoining bare land strata located along the southern parcel boundary is zoned RR-6A. Neighbouring parcels to the east, west, and north are zoned Rural (A), AG and Neighbourhood Commercial (C-1). The AG zoned portion of the property comprises a narrow access strip to East Sooke Road, is approximately 0.48 ha, and is within the Agricultural Land Reserve (ALR). That portion is designated as Steep Slopes, Riparian and Sensitive Ecosystem development permit areas (DPA). The remaining Rural (A) zoned portion is approximately 6.26 ha and is partially designated as a Farmland Protection DPA. The parcel is identified as a vacant property containing a gravel driveway, one unregistered well, and a small shed. The property is entirely within the East Sooke Fire Protection local service area.

The landowner and authorized agent (the "proponent") have applied to amend Bylaw No. 2040 by rezoning that part of the property zoned Rural (A) (Appendix B) to RR-6A (Appendix C) to facilitate a 4-lot, bare land strata subdivision (Appendix D; CRD File: SU000762). Based on the information provided by the proponent, staff have prepared Bylaw No. 4657 for consideration (Appendix E). The proposal is supplemented by an ALR Buffer Report (Appendix F), a Riparian Areas Regulation Report (Appendix G), and a letter from a well drilling company (Appendix H).

ALTERNATIVES

Alternative 1

That staff be directed to refer proposed Bylaw No. 4657, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 167, 2025" to the East Sooke Advisory Planning Commission, appropriate CRD departments, and the following external agencies and First Nations for comment:

Sc'ianew (Beecher Bay) First Nation
T'Sou-ke First Nation
Agricultural Land Commission
BC Hydro
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 & Transit
RCMP
Sooke School District #62

Alternative 2

That proposed Bylaw No. 4657 not proceed.

IMPLICATIONS

Legislative Implications

The Advisory Planning Commissions (APCs) were established to make recommendations to the Land Use Committee (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. 4657 to the East Sooke APC.

Pursuant to Section 464(3) of the *LGA*, since 1) an official community plan is in effect for the area that is the subject of the zoning bylaw, 2) the bylaw is consistent with the OCP, and 3) the sole purpose of the bylaw is to permit a development that is entirely a residential development, the CRD must not hold a public hearing with respect to the bylaw. Upon receipt of referral comments the LUC may consider a recommendation for all bylaw readings and adoption at the same meeting.

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 East Sooke 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 East Sooke OCP.

First Nations Implications

The CRD highly values building strong relationships with First Nations and aims to improve engagement procedures that support reconciliation. The subject property is located within the traditional territory of the Sc'ianew (Beecher Bay) and T'Sou-ke First Nations. Each Nation will be invited to participate in the land use review and referral process to inform them of the proposed development activity within their territory and seek meaningful dialogue and comment with respect to the proposal.

Land Use Implications

The East Sooke OCP designates the subject property as Settlement and Agriculture. The intent of the Settlement Land Use Designation is to support residential and agricultural uses; suites to increase housing affordability; home-based businesses; small-scale commercial and tourism activities; cottage industry; civic and institutional uses; and community parks, subject to consideration of the anticipated impact of the use in any individual circumstances. The Settlement designation supports zones with an average density of one parcel per 1.0 ha, provided that no parcels are less than 0.4 ha. Additionally, OCP policies support the rezoning of Rural (A) zoned lands for the purpose of subdivision as an alternative to a building strata to allow for one parcel per 1.0 ha. Staff are of the opinion that proposed Bylaw No. 4657, which would rezone the property from Rural (A) to RR-6A, is consistent with the OCP and its intention to maintain the East Sooke's rural character. That part of the property that is designated Agriculture is proposed to be part of common property access driveway. Since the ALR portion is not being subdivided, the subdivision regulations of the *Agricultural Land Commission Act* for land in the ALR do not apply to the access strip.

The RR-6A zone does not permit intensive agriculture; silviculture; animal hospitals; veterinary clinics; accessory on-site logging; pole, post, or shake cutting from on-site trees; and finfish culture, which are all permitted uses within the current Rural (A) zone. The RR-6A zone requires a minimum average parcel size of 1.0 ha and permits one dwelling per parcel with either a secondary suite or a detached accessory suite. In comparison, the current Rural (A) zone specifies a minimum parcel size of 4.0 ha and permits up to four dwelling units on parcels greater than 4.0 ha but less than 16 ha. The

proponent's subdivision plan proposes a density of dwellings equivalent to that of the Rural (A) zone, although each potential parcel could support either a secondary suite or detached accessory suite.

The proponent's subdivision plan shows the creation of a 4-lot bare land strata over that part of the property that is proposed to be rezoned from Rural (A) to RR-6A; however, the maximum potential would be for six 1.0 ha parcels. The remaining portion will continue to be used exclusively as a common access driveway for the strata and will remain in the AG zone and the ALR.

The application is supplemented by an ALR Buffer Report, Riparian Areas Regulation Report, and a letter from Drillwell Enterprises to consider future subdivision conditions and requirements. The ALR Buffer Report provides plans for an agricultural buffer, screening, and development setbacks to meet the subdivision specific Farmland Protection development permit (DP) guidelines. Since a portion of the property is within a provincially designated Riparian Area, the Riparian Areas Regulation Report aims to meet those provincial requirements for development authorization and also address the Riparian and Sensitive Ecosystem DP guidelines required by the CRD. The letter from Drillwell Enterprises, provides an early account of potential groundwater availability indicating that domestic water supplies for indoor use are likely based on overall productivity of wells within the immediate area. If proposed Bylaw No. 4657 is considered for adoption, the proponent would be required to provide additional reporting to meet potable water requirements for the subdivision. These supplementary documents also demonstrate the proposal's potential for integration with neighbouring land uses and development patterns.

Should Bylaw No. 4657 be approved, the property could be subdivided in keeping with the proposed 4-lot bare land strata. At the time of subdivision, the landowner will be required to obtain a DP to address the Steep Slopes, Riparian, Sensitive Ecosystem, and Farmland Protection DP guidelines. Based on the information provided by the proponent and the policies of the OCP, staff recommend that the rezoning application be referred for comment.

CONCLUSION

The purpose of Bylaw No. 4657 is to amend the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 by rezoning that portion of the Land zoned Rural A to Rural Residential 6A in order facilitate a 4-Lot bare land strata subdivision application. Staff have prepared proposed Bylaw No. 4657 and recommend referral to the East Sooke APC, appropriate CRD departments, as well as First Nations 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 readings of the proposed Bylaw to the CRD Board.

RECOMMENDATION

That staff be directed to refer proposed Bylaw No. 4657, "Juan de Fuca Land Use Bylaw, 1992, Amendment No. 167, 2025" to the East Sooke Advisory Planning Commission, appropriate CRD departments, and the following external agencies and First Nations for comment:

Sc'ianew (Beecher Bay) First Nation
T'Sou-ke First Nation
Agricultural Land Commission
BC Hydro
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 & Transit
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, Housing, Planning & Protective Services

ATTACHMENTS

Appendix A: Location, Zoning, & DPA Map
Appendix B: Rural A Zone
Appendix C: Rural Residential 6A (RR-6A) Zone
Appendix D: Proposed Subdivision Plan
Appendix E: Proposed Bylaw No. 4657
Appendix F: ALR Buffer Report
Appendix G: Riparian Areas Protection Regulation Report
Appendix H: Letter from Drillwell Enterprises, received February 21, 2025

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LOCATION, ZONING, & DPA MAP - RZ000287

Legend:

- SUBJECT PROPERTY**
PID: 024-994-944
Size: 6.74 ha
Zoned: Rural A and AG
- General Information:**
Bylaw No. 4657 proposes to rezone the Rural A zoned portion only.
The ~0.48 ha narrow access strip to the north of the Farmland Protection DPA is zoned AG.
The larger portion zoned Rural A is ~6.26 ha.
- Riparian and Sensitive Ecosystem DPAs**
- Steep Slopes DPA**
- Farmland Protection DPA**

Map Labels:

- EAST SOOKE RD
- TITAN PL
- AG ZONE
- RURAL A ZONE
- RR-3 ZONE
- RR-6A ZONE
- CH ZONE
- Subject Property

Scale: 1:5,000

Scale Bar: 0, 127.0, 254.0 Meters

North Arrow: (Symbol pointing up)

Notes:

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

Footer:

NAD 1983 UTM Zone 10N
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Appendix B: Rural (A) Zone

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

2.0 RURAL ZONE - A

2.01 Permitted Uses

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

- (a) Agriculture;
- (b) Intensive Agriculture, except that sites for piggeries, fur farming and other similar agricultural, horticultural and animal raising activities in which the intensity and nature of the use would be materially more offensive by reason of noise, odour or appearance shall be located at least 150m from the nearest Residential or Multiple Family Residential Zone;
- (c) Silviculture;
- (d) Home Based Business Categories One, Two and Three; *Bylaw 3705*
- (e) One-family dwelling;
- (f) Two-family dwelling;
- (g) Animal Hospitals;
- (h) Veterinary Clinics;
- (i) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, which may be used but not rented for the temporary accommodation of guests or visitors;
- (j) Two Boarders or Lodgers;
- (k) Accessory uses such as on-site logging, and pole- or post- or shake-cutting from trees grown on-site;
- (l) Finfish culture, land-based;
- (m) One secondary suite per lot pursuant to Part 1, Subsection 4.19; *Bylaw 2674*
- (n) Detached Accessory Suites pursuant to Part 1, Subsection 4.20. *Bylaw 3605*

2.02 Minimum Parcel Size for Subdivision Purposes

The minimum lot size shall be 4.0ha.

2.03 Number of Dwelling Units

The maximum density for residential buildings (comprised of one- and/or two-family dwellings) shall not exceed the following:

- (a) On lots of 0.4ha or less, one one-family dwelling;
- (b) On lots of more than 0.4ha and less than 0.8ha, not more than two one-family or one two-family dwelling;
- (c) On lots of more than 0.8ha and less than 4ha, not more than three one-family dwellings or three dwelling units;
- (d) On lots of more than 4ha and less than 16ha, not more than four one-family dwellings or four dwelling units;
- (e) On lots of more than 16ha and less than 32ha, not more than five one-family dwellings or five dwelling units;
- (f) On lots of more than 32ha, not more than eight one-family dwellings or eight dwelling units.

2.04 Height

The maximum height permitted shall be 11m.

2.05 Lot Coverage

The maximum lot coverage permitted shall be 15 percent.

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

- | | | |
|------|---|---|
| 2.06 | <u>Maximum Size of Residential Buildings</u> | <p>Provided applicants having either met the <i>Sewerage System Regulation</i> (e.g., a filing) or acceptance by VIHA via referral:</p> <p style="text-align: right;"><i>Bylaw 3705</i></p> <p>(a) 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;</p> <p>(b) On lots of 1ha or more in size, residential buildings and structure shall not exceed a Floor Area Ratio of 0.45.</p> <p style="text-align: right;"><i>Bylaw 3705</i></p> |
| 2.07 | <u>Yard Requirements for Residential Buildings</u> | <p>(a) Front yards shall be a minimum of 7.5m;</p> <p>(b) Side yards shall be a minimum of 6m except for lots of greater than 1ha in size and where residential uses exceed a Total Floor Area of 418m², minimum side yards shall be 15 m each side;</p> <p>(c) Flanking yards shall be a minimum of 6m CTS;</p> <p>(d) Rear yards shall be a minimum of 11m.</p> |
| 2.08 | <u>Yard Requirements for Farm Buildings</u> | <p>(a) Front yards shall be a minimum of 30m;</p> <p>(b) Side, flanking and rear yards shall be a minimum of 15m.</p> |
| 2.09 | <u>Yard Requirements for Finfish Culture, Land-Based Uses and Structures</u> | <p>Front, side, flanking and rear yards shall be a minimum of 30m.</p> |
| 2.10 | <u>Yard Requirements for Intensive Agriculture Uses and Buildings</u> | <p>(a) Front yards shall be a minimum of 30 m;</p> <p>(b) Side, rear and flanking yards shall be a minimum of 30m.</p> <p style="text-align: right;"><i>Bylaw 2103</i></p> |

Appendix C: Rural Residential 6A (RR-6A) Zone

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

10A.0 RURAL RESIDENTIAL 6A ZONE – RR-6A

Bylaw 4246

10A.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 are permitted in the Rural Residential 6A (RR-6A) zone:

- (a) One-family dwelling;
- (b) Agriculture;
- (c) Silviculture;
- (d) Two Boarders or Lodgers;
- (e) Farm/Agriculture Buildings;
- (f) Home Based Business Categories One, Two and Three;
- (g) One travel trailer or one camper may be permitted in conjunction with a permitted residential use on a lot, to be used, but not rented, for the temporary accommodation of guests or visitors.
- (h) Secondary suite pursuant to Part 1, Section 4.19;
- (i) Detached accessory suite pursuant to Part 1, Section 4.20.

10A.02 Minimum Lot Size for Subdivision Purposes

- (a) The minimum average lot size for subdivision purposes is 1 ha and no lot shall be created with a lot size smaller than 0.5 ha.
- (b) For the purposes of this zone, the total area of land in a plan of subdivision, prior to the removal of land for road and park dedication or for common property, divided by the number of lots intended to be created shall not be less than the minimum average lot size specified in Section 10A.02(a).

10A.03 Number of Dwellings

One one-family dwelling and one of either a secondary suite or a detached accessory suite, but not both.

10A.04 Height

Maximum height shall be 9 m.

10A.05 Lot Coverage

Lot coverage shall not exceed 25 percent.

10A.06 Maximum Size of Residential Buildings

- Provided applicants having either met the *Sewerage System Regulation* (e.g., a filing) or acceptance by VIHA via referral:
- (a) On lots of less than 1 ha in area, residential buildings and structures shall not exceed a Total Floor Area of 418 m²;
 - (b) On lots of 1 ha or more in size, residential buildings and structures shall not exceed a Floor Area Ratio of 0.045.

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

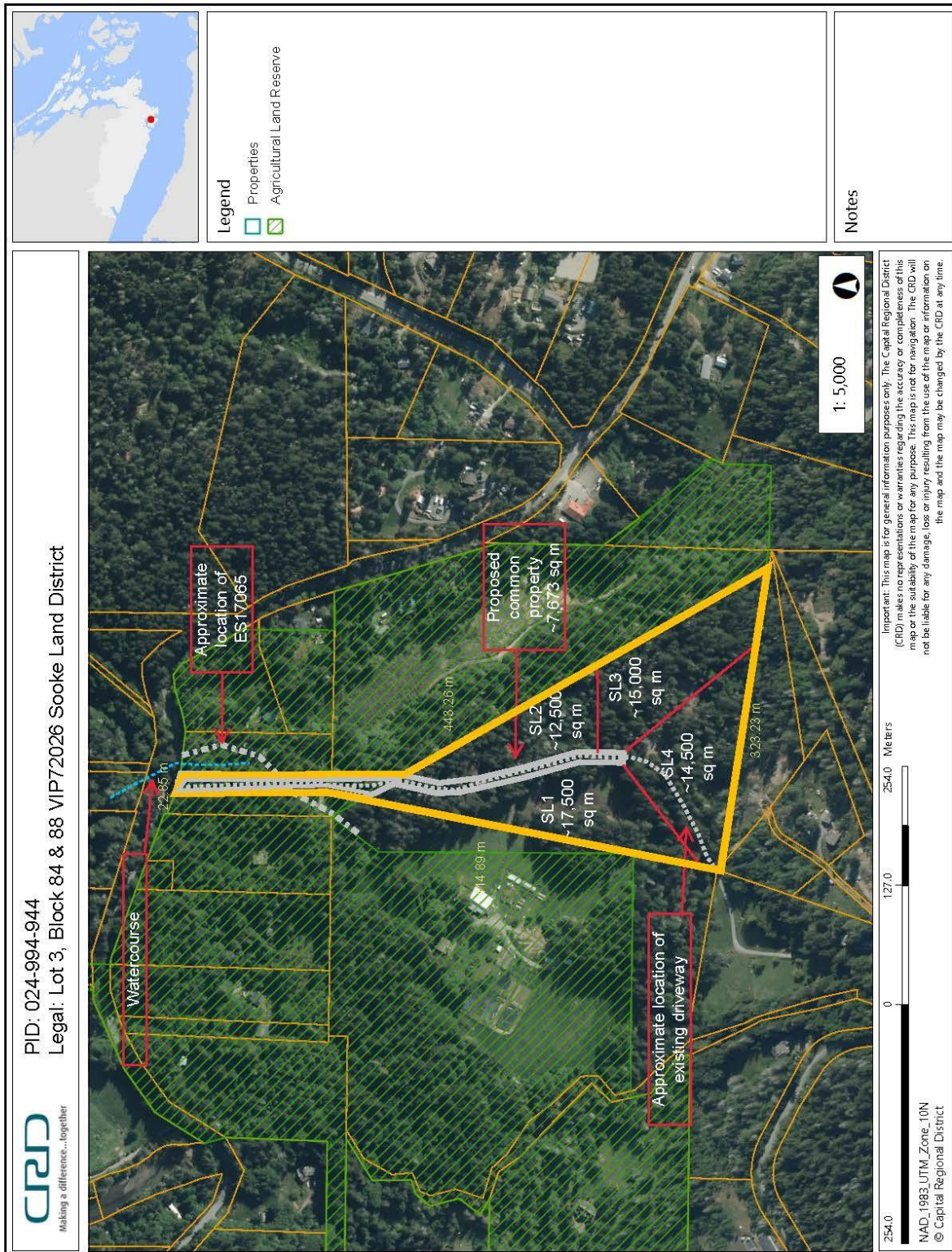
10A.07 Yard Requirements

- (a) Front yards shall be a minimum of 7.5 m;
- (b) Side yards shall be a minimum of 6 m; except that for lots of greater than 1 ha in size and where residential uses exceed a Total Floor Area of 418 m², minimum side yards shall be 15 m each side;
- (c) Flanking yards shall be a minimum of 6 m CTS;
- (d) Rear yards shall be a minimum of 10 m.

**10A.08 Yard Requirements for
Agricultural Buildings
and Structures**

Farm buildings and structures for agricultural uses shall be not less than 30 m from the front lot line and not less than 15 m from any other boundary of the lot.

Appendix D: Proposed Subdivision Plan



**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4657**

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) By deleting that portion of Lot 3 Sections 84 and 88 Sooke District Plan VIP72026 from the Rural Zone – A (Rural A) and adding that portion to the Rural Residential 6A (RR-6A) zone, as shown on Plan No. 1.

Bylaw No. 4657

Area to be deleted from the Rural A zone and added to the Rural Residential 6A (RR-6A) zone

Subject Property

Zoning

Lot Boundaries

0 50 100 200 300 M

CRD
City of Richmond District

RR-3

A

East Sooker Rd

A

AG

Gillespie Rd

A

RR-3

C-1

AG

A

RR-3

Titan Pl

RR-6A

RR-3

Lot 3, Plan
VIP72026
024-994-944

CRD Bylaw No. 4505 2

2. This bylaw may be cited as "Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 167, 2025".

READ A FIRST TIME THIS day of , 2025.
READ A SECOND TIME THIS day of , 2025.
READ A THIRD TIME THIS day of , 2025.
ADOPTED THIS day of , 2025.

CHAIR

CORPORATE OFFICER



ALR BUFFER REPORT

East Sooke Road
PID: 024-994-944



Report Date:
September 26, 2024

Client Name:
[REDACTED]

ALR Buffer Report
East Sooke Road
PID: 024-994-944

September 26, 2024

Disclaimer

This plan has been prepared with the best information available at the time of writing, including a review of available information from the local government and Province of British Columbia. This plan has been developed to provide the owner with information to understand the requirements and constraints for developing an agricultural buffer between the Subject Property and the Agricultural Land Reserve. It is the owner's responsibility to complete the due diligence for this project.

This plan is for the use of the property owner and for the Capital Regional District. Any use of this plan by other parties is done exclusively at their risk. The author assumes no responsibility for: [i] iterations of this plan that are unsigned by the author, [ii] any changes made to this document other than those made or endorsed by the author.

Danaca Consulting
2554 Sooke River Road, Sooke, BC V9Z 0X8 danacaconsulting@gmail.com 250.588.8208

ALR Buffer Report
East Sooke Road
PID: 024-994-944

September 26, 2024

Introduction

The Client has retained Danaca Consulting ('DANACA') for the purpose of recommending an agricultural buffer, screenings and development setback for the Landowner's property located at 5700-block of East Sooke Road, Sooke, BC with the legally described as LOT 3 SECTIONS 84 AND 88 SOOKE DISTRICT PLAN VIP72026, PID 024-994-944 (hereafter referred to as 'the Subject Property'). DANACA understands that the Client intends to complete a four-lot bare land strata subdivision on the Subject Property. The eastern lot line of the Subject Property abuts the provincial Agricultural Land Reserve (ALR) and thus the Capital Regional District ('the CRD') requires the Client to submit an Agricultural Land Reserve Buffer Recommendation. This is in anticipation of the Ministry of Agriculture and Food and the Agricultural Land Commission request for a vegetated buffer between the Subject Property and the ALR which will accompany a referral response during the application for rezoning and subdivision ('the Application').

The scope of work includes:

- Review of background and development proposal information, including proposed development plans, pertinent local government policies and bylaws, and communication with key personnel within the local government.
- Conduct an on-site inspection to identify areas of potential agricultural and environmental concern.
- Provide plans pertaining to an agricultural buffer, screenings, and development setback, to provide professional recommendations to facilitate development plans.

To inform our recommendations, DANACA has completed a background review of the Subject Property and surrounding lands, and field investigation to determine current site conditions. DANACA has also reviewed all available development and site plans provided by the Client. For our recommendations, best management practices have been adopted from Ministry of Agriculture's Guide to Edge Planning' and the Agricultural Land Commission's (ALC) Landscaped Buffer Specifications.

Background Review

The Subject Property is located within the Juan de Fuca Electoral Area and within the Capital Regional District of southern Vancouver Island, British Columbia (Figure 1 and 2). The Subject Property is 67,440.06 m² (16.66 acres) in area with a front lot line of 22.85 m and a depth ranging between approximately 414.89 m and 443.26 m. The Subject Property is undulating, sloping gently from the southern rear property line (52 m) to East Sooke Road (24 m) and within the Caffrey Creek watershed (Figure 3). The Subject Property is split zoned: the majority of the property is Rural Zone A and a minor portion (0.48 ha) is Agricultural AG Zone. It is bordered to the north by Rural Zone A and Rural Residential Zone RR-3, and east and west by Agricultural Zone AG and to the south by Rural Residential Zone RR-6 (Figure 4). There is an access easement registered on the title in favor of 5717 East Sooke Road at the northern property line, adjacent to East Sooke Road (Figure 5). The property is undeveloped except for a driveway that bisects the property, farm fencing, and soil stockpiles.

Danaca Consulting
2554 Sooke River Road, Sooke, BC V9Z 0X8 danacaconsulting@gmail.com 250.588.8208

ALR Buffer Report
East Sooke Road
PID: 024-994-944

September 26, 2024

Site Context

The following section describes the Subject Property in the context of the Agricultural Land Reserve, the watershed, and soils.

Agricultural Land Reserve

Civic information about the Subject Property, as provided by mapping from the CRD, is presented in Table 1, followed by a series of maps (Figure 1, 2, 5) showing the Subject Property in proximity to the ALR. Table 2 summarizes adjacent zoning and parcel area information provided by the CRD, and present land use.

TABLE 1. CIVIC INFORMATION, ZONING AND LAND USES OF THE SUBJECT PROPERTY.

CIVIC ADDRESS	Not Assigned – 5700-block East Sooke Road
PID	024-994-944
LEGAL	LOT 3 PLAN VIP72026 SECTION 84&88 SOOKE
AREA	67,440.1 m ²
ZONING	Rural A Zone
WITHIN ALR?	Partially 4,800 m ² is mapped as agricultural land

TABLE 2. ZONING AND LAND USES ABUTTING THE SUBJECT PROPERTY.

AREA (m ²)	DIRECTION	ZONING	WITHIN ALR
19,517.7	North	Rural A	No
66,461.1	East	Agricultural	Yes
12,570.0	South	RR-6A Residential	No
126,454.5	West	Agricultural and Rural A	Partially

The Subject Property is adjacent to three properties that are within the ALR (Figure 5):

- 5709 East Sooke Road is 0.69 hectares and has residential use.
- 5685 East Sooke Road is 6.65 hectares and has residential use but is primarily wetland (approximately 1.6 hectares) that serves as headwaters to Caffrey Creek, and a steep slope of approximately 30% from the wetland up to the Subject Property.
- 5717 East Sooke Road is 12.65 hectares that is gently sloping away from the Subject Property and has residential and farm use.

Watershed

The Subject Property is within 30 m of a watercourse, but not within 15 m of the highwater mark of the ocean. The *Water Sustainability Act* and the *Riparian Areas Protection Regulation (RAPR)* apply to this property. Assessment #8981 dated September 4, 2024, been completed under the RAPR. The Streamside Protection and Enhancement Area (SPEA) is on the land located within the ALR (Figure 3, 6).

Soils¹²

The agricultural land on the Subject Property and the ALR lands to the east and west, contain primarily 'Ragbark' soils with 'Somenos' and 'Metchosin' soils (Figure 7). 'Ragbark' is an Orthic

¹ Jungen, J. R. July 1985. Soils of Southern Vancouver Island: Ministry of Environment Technical Report 17. Report No. 44, British Columbia Soil Survey. 209 p.

² SIFT. 2018. [British Columbia Soil Information Finder Tool \(arccgis.com\)](https://www.bccol.ca/soilinformationfinder/). Accessed on September 12, 2024.

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Dystric Brunisol (O.DYB). Ragbark soils occur in the Coastal Grand Fir - Western Red Cedar Forest Zone within the Nanaimo Lowland physiographic subdivision. They have developed rubbly sandy and/or gravelly sandy colluvial and/or morainal deposits, less than 1 m thick, overlying extrusive bedrock. Slopes vary between 15 and 100%; elevations range from sea level to 300 m.

Characteristics of the 'Ragbark' soil type:

- Profile: Native soil profile that is in native condition (undisturbed by agriculture).
- Kind of Material: The soil material is primarily composed of mineral particles.
- Water Table: The water table is not present in the soil at any time.
- Root Restrictions: The growth of plant roots is restricted by a lithic (consolidated bedrock) sixth layer.
- Drainage: Water is removed from the soil rapidly in relation to supply. Excess water flows downward if underlying material is pervious. Subsurface flow may occur on steep gradients during heavy rainfall. Soils have low available water storage capacity (2.5-4 cm) within the control section, and are usually coarse textured, or shallow, or both. Water source is precipitation.
- pH: The soils are strongly acid.

Dominant Soil Limitations:

- Low water-holding capacity.
- Coarse fragment content is usually between 30 and 60%.
- Bedrock is normally encountered between 50 and 100 cm from the surface.

Agricultural Capability

The Agricultural Capability Classification³ for the ALR on the Subject Property and the adjacent ALR properties to the east and west (hereafter referred to as the 'Adjacent ALR Properties') have been mapped as Class 2D (Figure 8).

Class 2 lands have minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields or slightly smaller range of crops compared to Class 1 land, but which do not pose a threat crop loss under good management. Soils are deep hold moisture well and can be managed and cropped with little difficulty.

The "D" subclass is used for soils that are difficult to till, requiring special management for seedbed preparation and soils with trafficability problems for common farm implements. Also included are soils which have insufficient aeration, absorb and distribute water slowly, or have the depth of rooting zone restricted by conditions other than wetness (high water table) or consolidated bedrock or permafrost.

Site Layout and Intended Development

Based on recent satellite imagery and confirmed during DANACA's site investigation, the Subject Property has not been previously developed other than a historic (ca. 2000) construction of a

³ BC Ministry of Agriculture and Food and Ministry of Environment. 1983. Land Capability Classification for Agriculture in British Columbia: MOE Manual 1.

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driveway, a walking trail along the eastern edge, and clearings for farm use (Photos 1-4). Access to the Subject Property is to the north of the parcel on East Sooke Road via a gravel driveway. This driveway bisects the Subject Property and continues to the southwestern property line.

It is the intention of the Landowner is to rezone the Subject Property and strata subdivide the 6.74 ha to create four lots: lot 1 (1.75 ha), lot 2 (1.25 ha), lot 3 (1.5 ha) and lot 4 (1.45 ha) with the 0.45 ha of ALR land remaining as common property and non-subdivided (Figure 9). The Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the ALR. The subdivision will be aligned to have the existing driveway (within the ALR) remain unaltered as a common access (common property) for the four strata lots. Under the proposed Rural Residential 6A Zone, the Juan de Fuca Land Use Bylaw No. 2040, 1992 there will be a minimum of a 10 m building setback from the boundary of the lot.

Field Observations

Laura Hooper, P.Ag., of DANACA, visited the Subject Property for a detailed investigation on June 16, 2024. The purpose of the investigation was to document present conditions on the Subject Property (e.g., development, vegetation, soil, drainage, topography, on-site and off-site land use) to provide recommendations regarding an agricultural buffer while considering the intended development proposal by the Landowner.

Weather conditions on the morning of investigation were overcast with a high of 16°C. Precipitation, via showers and light rain was recorded in the East Sooke area in the 48 hours prior to the investigation. There were no visual or physical barriers encountered during the investigation that may have limited any recommendations re: an agricultural buffer and/or screenings on the Subject Property. During the investigation, there was standing water in Ditch A on the western property line, flowing water in Tributary A on the northern property line, and a wetland off-property to the east (Figure 10).

Photographs taken during the investigation of the Subject Property are presented at the end of this report. Below is a summary of observations relevant to DANACA's recommendations for agricultural buffers and screenings presented in the next section.

The Subject Property crowns at the southeast corner of the property (51 m) and slopes to the northwest. The Subject Property slopes downward to the ALR land to the west and east. There is steep slope of approximately 30% from the Subject Property down to the eastern ALR and approximately 1% from the Subject Property down to the western ALR (Figure 11).

The Subject Property is dominated by western red cedar (*Thuja plicata*), Grand fir (*Abies grandis*), and Douglas fir (*Pseudotsuga menziesii* ssp. *menziesii*) with red alder (*Alnus rubra*) and bigleaf maple (*Acer macrophyllum*). There is an understory of salmonberry (*Rubus parviflorus*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), skunk cabbage (*Lysichiton americanum*), dull Oregon-grape (*Mahonia nervosa*), vanilla leaf (*Achlys triphylla*), salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*), foam flower (*Tiarella cordifolia*), hedge nettle (*Stachys chamissonis*), trailing blackberry (*Rubus ursinus*), rose (*Rosa* sp.) and sedges (*Carex* sp.) (Photos 5-6). Approximately 1/6 of the property has been cleared for farm use (Photo 4). There is also a wire fence that serves as a delineation between the Subject Property

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and the adjacent to the ALR Property to the west (Photo 7).

The ALR property is known as 5709 East Sooke Road (PID: 006-624-766), is 0.69 hectares and has residential use. The portion of the ALR adjacent to the Subject Property is treed with western red cedar (*Thuja plicata*), Grand fir (*Abies grandis*), and Douglas fir (*Pseudotsuga menziesii* ssp. *menziesii*) with red alder (*Alnus rubra*) and bigleaf maple (*Acer macrophyllum*). There is an understory of salmonberry (*Rubus parviflorus*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), skunk cabbage (*Lysichiton americanum*), dull Oregon-grape (*Mahonia nervosa*), vanilla leaf (*Achlys triphylla*), salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*), foam flower (*Tiarella cordifolia*), hedge nettle (*Stachys chamissonis*), trailing blackberry (*Rubus ursinus*), rose (*Rosa* sp.) and sedges (*Carex* sp.). There was no evidence of agricultural operations on the Adjacent ALR property (e.g., the property has a mature forest, new house and driveways). The property has 2020's built 1-story house with several outbuildings valued at \$1.063 million.

The ALR property is known as 5685 East Sooke Road (PID: 024-994-952), is 6.65 hectares and has residential use but is primarily wetland (approximately 1.6 hectares) that serves as headwaters to Caffrey Creek, and a steep slope from the wetland up to the Subject Property. The portion of the ALR adjacent to the Subject Property is treed with western red cedar (*Thuja plicata*), Grand fir (*Abies grandis*), and Douglas fir (*Pseudotsuga menziesii* ssp. *menziesii*). There is an understory of salmonberry (*Rubus parviflorus*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), red huckleberry (*Vaccinium parvifolium*), trailing blackberry (*Rubus ursinus*), and salal (*Gaultheria shallon*). There was no evidence of agricultural operations on the Adjacent ALR property (e.g., the property has a mature forest, house, outbuildings and driveways). The property has 2004 built 1-story house with several outbuildings valued at \$1.092 million. The ALR land slopes steeply down from the Subject Property to a wetland (Photo 8 and 9).

The ALR property is known as 5717 East Sooke Road (PID: 024-994-936), is 12.65 hectares and has residential and mixed-farm use including greenhouses (Photo 10 and 11). The portion of the ALR adjacent to the Subject Property is a small tip of a triangle that is a field with agricultural grasses. The property has 1912 built 2-story house with several outbuildings valued at \$925,260 (Farmland – value set by BC Regulation 411/95).

Analysis

Local governments are the most appropriate bodies to design and manage the edge planning process. The Guide to Edge Planning ⁴ suggests that local governments can use regional growth strategies, official community plans, neighborhood plans, agricultural plans and zoning bylaws to provide clear guidance for the development of buffers on the non-farm side of the edge. The Juan de Fuca Electoral Area's Official Community Plan for East Sooke, Bylaw 4000 has strong policy statements to support agricultural use of lands with the Agriculture Land Use Designation, and, to reduce land use conflicts.

The *Land Title Act* and *Local Government Act* provide local governments with mechanisms to

⁴ Ministry of Agriculture and Food. 2015. Guide to Edge Planning: Promoting Compatibility Along Agricultural – Urban Edges.

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promote compatibility between urban development and farm operations. These mechanisms include the use of development permit areas to protect farming, and farm bylaws to manage certain farm practices and operations. The Official Community Plan for East Sooke establishes a Farmland Protection Development Permit Area (DPA) requires developing properties adjacent to ALR lands to establish a buffer strip between the lands.

The Guide to Edge Planning (the Guide) indicates that the success of edge planning relies on a shared responsibility and suggests that buffers should be considered on both the farm and non-farm sides. In this case, an urban-edge buffer strip will complement the existing ALR-side forested buffer and sloping lands.

The Guide provides recommendations for a continuous buffer along the urban side of the agriculture-urban edge. This guidance applies when there is active large-scale farming on farming on ALR lands. Additionally, the Guide (Section 3.4.b) recommends that:

"A continuous buffer along the urban side of the agriculture-urban edge will serve several functions. It will provide a visual screen should farm buildings be built on the property and farming activities commence. The fence will provide a deterrent to trespass onto farms, capture some dust and spray drift, and filter farm odors somewhat."

The British Columbia Agriculture in Brief (2021) ⁵ reports the provincial average farm size is 144.3 hectares, and the Vancouver Island average is 18.6 hectares⁶. The Guide provides several farm-side edge planning tools. While the Guide does not provide specific guidance to ALR lands that are small and not being actively farmed, it does suggest that the farm-side edge guidelines are matched to farm scale (Section 4.4). There is no guidance provided of this type for urban-side edge planning when the ALR land is not being actively farmed.

Whether, and how, to apply edge planning guidelines within the Edge Planning Area (EPA) will depend on the "scale" of the farm operations along the edge. For small farms, it does not make sense to encourage or require them to follow any of these edge farm management and siting guidelines.

The Guide provides some advice to local governments when planning a subdivision. The proposed subdivision (Figure 9) is in line with the Guide as it avoids larger suburban lots along the edge and avoids roads stubs and half roads.

The buffer and screening recommendations listed below apply to the existing long-term residential use of the ALR and/or the ongoing low-intensity agricultural operations on the Adjacent ALR Property proximal to the Subject Property, as opposed to high intensity operations such as commercial feedlots, dairy operations, and chicken farms.

DANACA recognizes that due to the subdivision application, the onus of establishing an agricultural buffer and screenings is on the Landowner of the Subject Property. However, we

⁵ Ministry of Agriculture and Food, Sector Insights and Corporate Initiatives Unit, Summer 2022.

⁶ Census of Agriculture and Tax Linkage, Statistics Canada, 2016 via Grow BC – Vancouver Island-Coast Region Agricultural Profile.

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recommend that the owner of the Adjacent ALR Properties consider maintaining the treed buffer. This forested area provides a natural buffer and screening due to the forest establishment. Note that our recommendation of maintaining the existing vegetation does not preclude the requirement for agricultural buffer and screening on the Subject Property.

Recommendations

Development Permit Guidelines

The following guidelines (in Part 560 of Bylaw 4000) for the Farmland Protection Development Permit Area are applicable to the development, and will be addressed in the development proposal as follows:

- A. A buffer zone consisting of setbacks, vegetative screening, fencing or berms between lands in the ALR and non-farm uses may be required.
 - a. 5709 East Sooke Road is adjacent to the section of the Subject Property that is also within the ALR. There is no planned change of use in this section as it is proposed to remain common property for the subdivision. The RAPR also applies to this northern section of the Subject Property. The RAPR prohibits vegetation alteration and the construction of structures (i.e. fences) within the environmental setbacks. Additionally, given there will be no structures in the common property, it is recommended that no additional buffer zones be placed on this section.
 - b. 5685 East Sooke Road is primarily wetland therefore environmental setbacks, combined with the slope of approximately 30% up to the Subject Property from the wetland, provide a significant setback from any future agricultural activities (i.e. spray drift). The existing mature forest, topography, and 10-meter rear yard construction setbacks on the Subject Property combine to provide adequate protection therefore additional buffers are not recommended.
 - c. The Subject Property has a post-tension fence along the western property line between 5717 East Sooke Road. The ALR land is triangular in this area and only abuts the Subject Property at the vertex of the triangle therefore creating a very small area that intersects with the subject property. This fence, combined with the 10-meter rear yard construction setbacks on the Subject Property, provide a sufficient buffer therefore additional buffers are not recommended.
- B. Drainage will be designed and constructed so that there is no increase or decrease in the amount of surface water or groundwater available to the agricultural lands.
 - a. A stormwater management plan will be developed at subdivision to comply with local bylaws. We recommend that the existing driveway within the proposed common property/Subject Property ALR land remain as-is and not hard surfaced.
- C. Subdivision design will minimize potential conflicts between farm and non-farm uses.
 - a. The proposed subdivision is in line with the Guide as it avoids roads stubs and half roads along the ALR edge.
- D. Subdivision design should avoid road endings or road frontage adjacent to land in the ALR unless required for farm vehicle access.
 - a. Not applicable.
- E. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a Qualified Professional (QP) will be considered by the CRD and may be included in the development permit.

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DANACA offers the following recommendations and opinions to minimize potential land use conflict between the Subject Property and the Adjacent ALR Property, and promote compatibility along agricultural urban edges in consideration of the site conditions and the discussion outlined above:

1. We recommend that the existing driveway within the proposed common property/Subject Property ALR land remain as-is and not hard surfaced.
2. We recommend that the Landowner retain the wire fence along the entire property line between the Subject Property and 5717 East Sooke Road, not just the small section that is between the agricultural land reserve and the Subject Property.
3. Proposed strata lots 1, 2 and 3 should retain the existing vegetation to create 10 m forested buffers along the property lines that abut ALR.
4. The buffer must be protected by a covenant registered on title and/or a no-build covenant.

Summary

Should DANACA's recommendations in this report be followed, it is our opinion that the potential for conflict between land use on the Subject Property and on the adjacent ALR Land will be minimal if the use of the adjacent ALR parcel continue as residential use or initiate low-intensity farming operations.

Prepared by:

DANACA Consulting
Laura Hooper M. Sc. P. Ag.
Professional Agrologist



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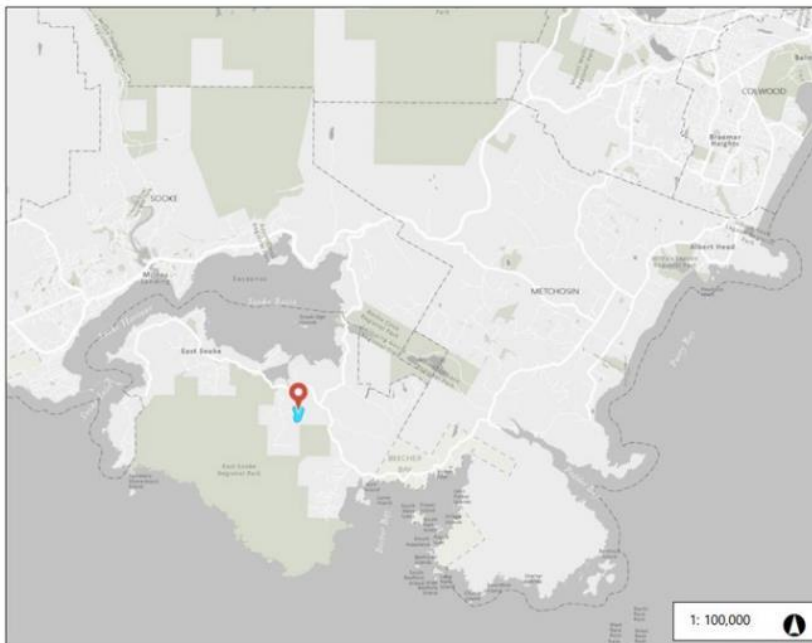


Figure 1. Regional context of PID 024-994-944, East Sooke, BC. Image courtesy of the Capital Regional District.

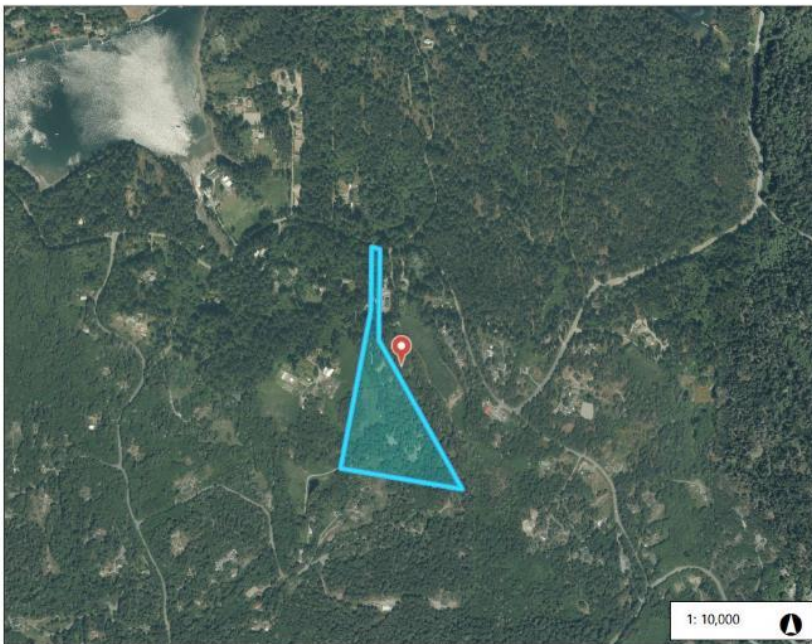


Figure 2. Location of PID 024-994-944, East Sooke, BC. Image courtesy of the Capital Regional District.

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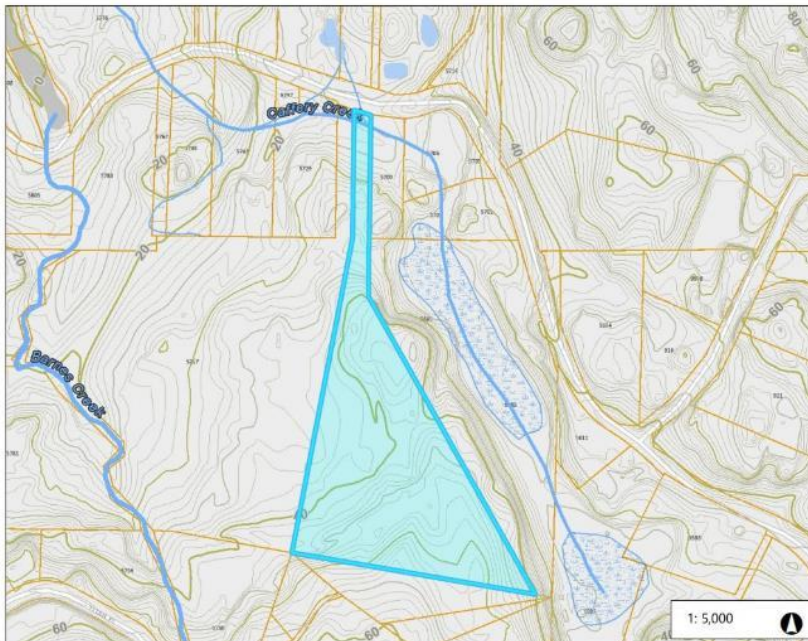


Figure 3. Location of PID 024-994-944 within the Caffrey Creek watershed with 1 m contours. Image courtesy of the Capital Regional District.

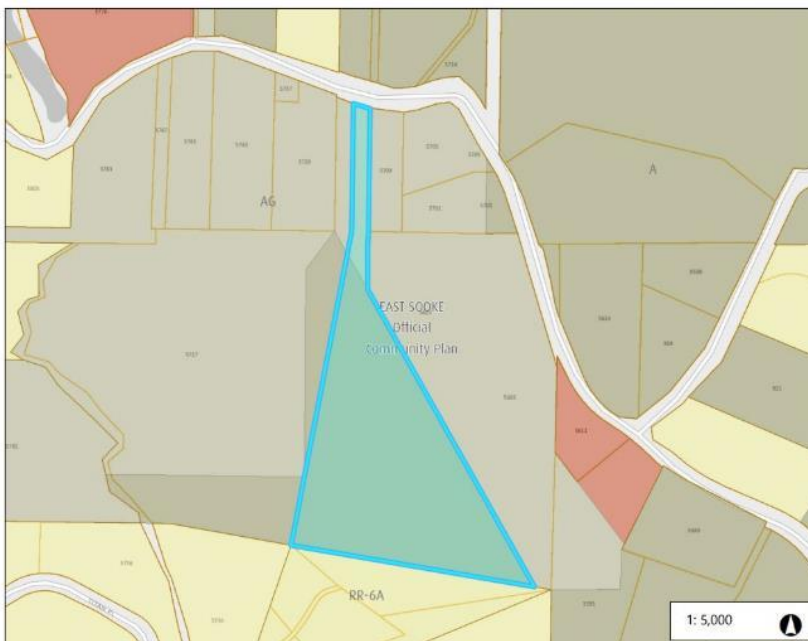


Figure 4. Official Community Plan land use designation Of PID 024-994-944 in relation to surrounding properties. Image courtesy of the Capital Regional District.

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Figure 5. Location of PID 024-994-944 within the Agricultural Land Reserve in relation to neighbouring properties. Image courtesy of the Capital Regional District.



Figure 6. Riparian Assessment Areas on Subject Property in relation to Agricultural Land Reserve. Image courtesy of the Capital Regional District.

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Figure 7. 'Ragbark' soil polygon on the Subject Property and the surrounding agricultural land to the east and west. Image courtesy of iMapBC.

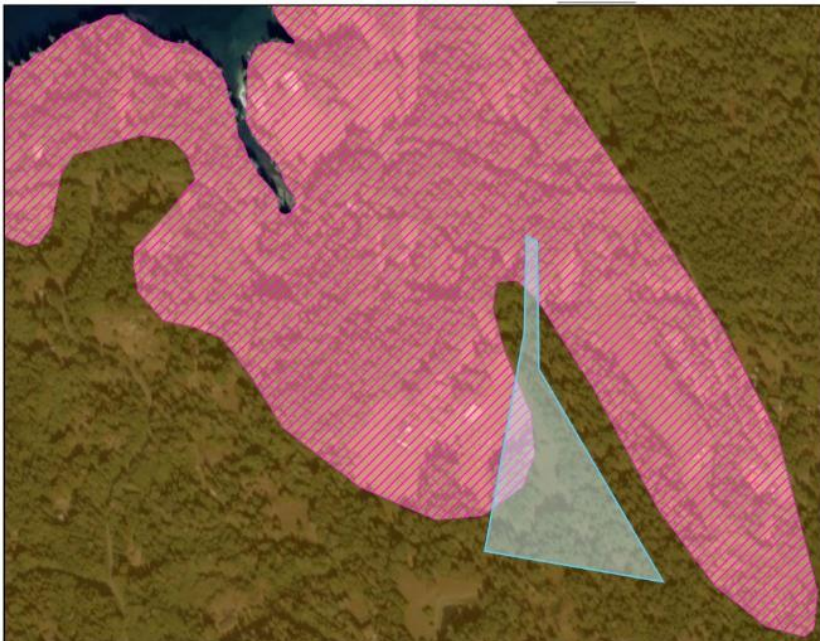


Figure 8. Agricultural capability of the Subject Property and the surrounding agricultural land to the east and west.

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Image courtesy of iMapBC.

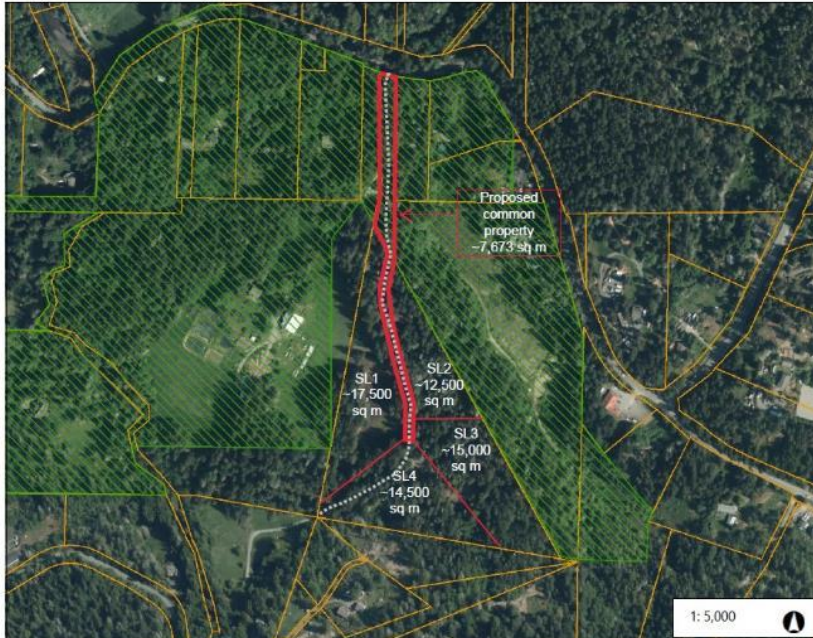


Figure 9. Proposed four-lot subdivision at PID 024-994-944.



Figure 10. Watercourse and isolated ditch on the Subject Property in relation to the Agricultural Land Reserve.

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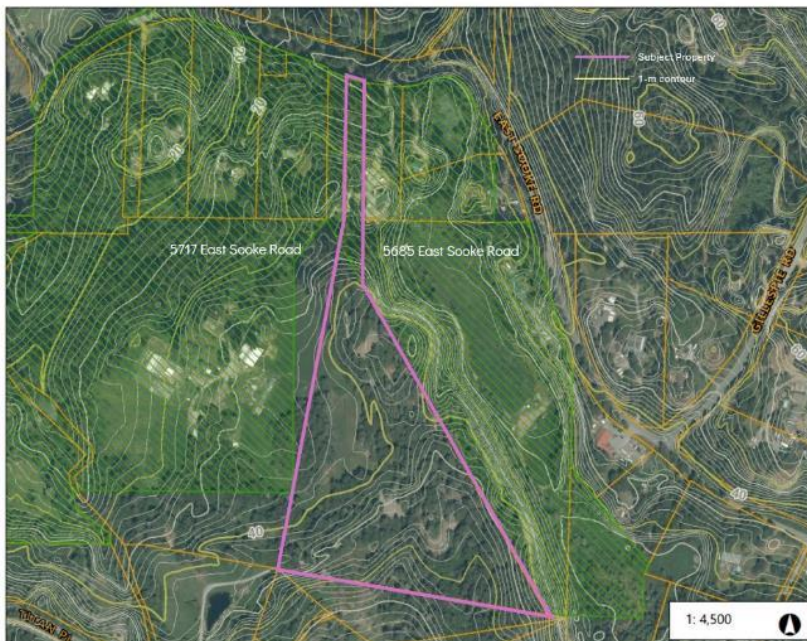


Figure 11. One-meter contours in relation to the Subject Property and the Agricultural Land Reserve.



Photo 1: Existing driveway access to the property, facing south within the ALR. 5709 East Sooke Road (ALR) and the watercourse is on the left in the photo.

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Photo 2: Existing driveway access to the property within the ALR, facing north and East Sooke Road. 5709 East Sooke Road (ALR) and the watercourse is on the right in the photo.



Photo 3: Typical trails on perimeter of the Subject Property. 5685 East Sooke Road (ALR) is in the left of the photo.

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Photo 4: Pasture on the western side of the Subject Property. 5717 East Sooke Road is in the background beyond the trees in the photo.



Photo 5: Typical vegetation in the ALR on the Subject Property, 5685 East Sooke Road and 5709 East Sooke Road.

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Photo 6: Typical forest layer in the ALR on the Subject Property, 5685 East Sooke Road and 5709 East Sooke Road.



Photo 7: Wire fence serving as a buffer between the Subject Property and 5717 East Sooke Road. Subject Property is on the right of the photo.

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Photo 8. Trail on the Subject Property and the slope to the ALR land on 5685 East Sooke Road.



Photo 9. Wetland within the ALR land on 5685 East Sooke Road.

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Photo 10. 5717 East Sooke Road, is 12.65 hectares and has residential and mixed-farm use including greenhouses. Subject Property is to the right.



Photo 11. 5717 East Sooke Road is 12.65 hectares and has residential and mixed-farm use including greenhouses. Subject Property is to the left.

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Appendix G: Riparian Areas Regulation Report



Riparian Areas Regulation Report

East Sooke Road

PID: 024-994-944



2024

Report Date:
September 4, 2024

Client Name:



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

Riparian Areas Protection Regulation: Assessment Report

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

Date **Sept 4, 2024**

I. Primary QEP Information

First Name	Laura	Middle Name	Rose
Last Name	Hooper		
Designation	PAg	Company	Danaca Consulting
Registration #	2546	Email	danacaconsulting@gmail.com
Address	2554 Sooke River Road		
City	Sooke	Postal/Zip	V9Z 0X8
Prov/state	BC	Country	Canada
		Phone #	250-588-8208

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

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

III. Developer Information

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

IV. Development Information

Development Type	Strata Development		
Area of Development (ha)	6.74	Riparian Length (m)	100
Lot Area (ha)	6.74	Nature of Development	Subdivision <6 lots
Proposed Start Date	October 1, 2024	Proposed End Date	December 31, 2025

V. Location of Proposed Development

Street Address (or nearest town)	East Sooke Road		
Local Government	Juan de Fuca Electoral Area	City	East Sooke
Stream Name	Caffrey Creek		
Legal Description (PID)	024-994-944	Region	1- Vancouver Island
Stream/River Type	Watercourse	DFO Area	South Coast
Watershed Code	No standard code listed		
Latitude	48	21	15.55
Longitude	123	38	47.97

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

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

Table of Contents for Assessment Report

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1. Description of Fisheries Resources Values	3
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3. Site Plan	8
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
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FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

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

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

The subject property is in the 5700-block of East Sooke Road, Sooke, BC and is 6.64 ha (Figures 1 and 2). The project is a proposed subdivision to create 4 lots (Figure 3).

On June 16, 2024, Laura Hooper, PAg visited the site to conduct a Riparian Areas Protection Regulation (RAPR) assessment for the proposed project.

Watershed Context and Fisheries Resource Values

There are 2 waterbodies on and adjacent to the subject property (Figure 4):

- Tributary A: in the north quadrant of the property, flows northwest Caffrey Creek, flows into potentially fish bearing stream (RAPR applies, SPEA 10 m).
- Agricultural Ditch: within the field on the west property line, flows west to a culvert on 5717 East Sooke Road. Flows exit the culvert into a grassed field with no defined channel. RAPR does not apply.

Caffrey Creek is a short creek less than 1200 m in length that discharges directly into the marine environment at Anderson Cove on Sooke Basin on the southwest coast of Vancouver Island. It has no standard watershed code. A search of the iMap BC fisheries layers, FIDQ - Fish Inventories Data Queries, and Habitat Wizard for Caffrey Creek produced no fish observations or other creek information (all accessed July 2, 2024) therefore it is assumed that its tributaries are also fish bearing.

Site Assessment

The RAPR assessment reviewed the subject property with a focus on the Riparian Assessment Area (RAA) for the mapped watercourse (Caffrey Creek), along the eastern property line for connectivity to the wetland to the east, and to determine if there were any tributaries to Barnes Creek to the west (Figure 4). No connections were found to either the wetland or Barnes Creek. The RAA, unnamed tributary to Caffrey Creek, and Streamside Protection & Enhancement Areas (SPEA) encompass the northern narrow portion of the lot that provides access to East Sooke Road.

There is watercourse and one ditch on the property on East Sooke Road (Figure 4, Photos 1-4). The watercourse is a tributary to Caffrey Creek, potentially fish bearing stream, therefore the RAPR applies. The agricultural ditch is not connected with a defined channel to Barnes Creek, therefore the RAPR does not apply (Photos 5 and 6).

Tributary A enters the property from the southeast, flows northwest along the eastern edge of the narrow access to the property and discharges into a culvert under East Sooke Road into 5740 East Sooke Road. It has a low gradient, in a riffle-pool series, that created a slow-moving flow of water during the stream assessment. The banks of the stream are up to 1 meter high suggesting that the stream is not deeply incised into the landscape. The width is consistent, and the depth varies (Photo 1-4). Tributary A is not known to dry out in the summers and there is a wetland upstream of the watercourse. However, this upland (off-property) wetland was not assessed. The RAPR default is fish-bearing. The watercourse flows northwest into a ca. 700 mm culvert

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

under East Sooke Road as it exits the property. The riparian forest is dominated by western red cedar (*Thuja plicata*), Grand fir (*Abies grandis*), and Douglas fir (*Pseudotsuga menziesii* ssp. *menziesii*) with red alder (*Alnus rubra*) and bigleaf maple (*Acer macrophyllum*). There is an understory of salmonberry (*Rubus parviflorus*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), skunk cabbage (*Lysichiton americanum*), dull Oregon-grape (*Mahonia nervosa*), vanilla leaf (*Achlys triphylla*), salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*), foam flower (*Tiarella cordifolia*), hedge nettle (*Stachys chamissonis*), trailing blackberry (*Rubus ursinus*), rose (*Rosa* sp.) and sedges (*Carex* sp.) (Photos 1-4).

The SPEA is 10 m (Figure 5).

The property has not been previously developed other than a historic (ca. 2000) construction of a driveway, a walking trail along the eastern edge, and clearings for farm use (Photos 7-10).

Proposed Development

The proposed development is a rezoning and subdivision to divide (6.74 ha) into four lots: lot 1 (1.75 ha), lot 2 (1.25 ha), lot 3 (1.5 ha) and lot 4 (1.45 ha) (Figure 4). Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA. The proposed subdivision boundaries are through the centre of the parent lot and the only proposed development is installation of wells, outside the RAA. The subdivision will be aligned to have the existing driveway (within the RAA) remain unaltered as a common access (common property) for the four strata lots.

The site of the proposed development is not subject to undue hardship given the developable area for the lots range from 63% to 73% (Figure 6).

Form 3 Detailed Assessment Form
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2. Results of Detailed Riparian Assessment

Refer to Section 3 of Technical Manual

Date: June 16, 2024

Description of Water bodies involved (number, type)

Stream – tributary to Caffrey Creek

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

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

	Channel Width(m)	Gradient (%)		
starting point	1.5	1	I, <u>Laura Hooper</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.	
upstream	1.5	0		
	1.7	1		
	1.3	1		
	1.7	1		
downstream	1.7	0		
	2.1	0		
	1.0	2		
	1.4	1		
	1.2	1		
	1.6	1		
Total: minus high /low	13.6	7		
mean	1.5	0.8		
	R/P	C/P		S/P
Channel Type	X			

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Laura Hooper</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
Polygon No:	1		Method employed if other than TR
SPVT Type	LC	SH	TR
			X
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	TR
Polygon No:			Method employed if other than TR
SPVT Type			

Form 3 Detailed Assessment Form
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Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	10				
Litter fall and insect drop ZOS (m)	10				
Shade ZOS (m) max	4.5	South bank	Yes	X	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report		
SPEA maximum	10	(For ditch use table3-7)			

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	4.5	South bank	Yes		No	X
SPEA maximum	10	(For ditch use table3-7)				

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

I, Laura Hooper, hereby certify that:

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

Comments

Tributary A flows northwest along the eastern edge of the narrow access to the property. It has a low gradient, in a riffle-pool series, that created a slow-moving flow of water during the stream assessment. The banks of the stream are up to 1 meter high suggesting that the stream is not deeply incised into the landscape. The width is consistent, and the depth varies (Photo 1). Tributary A is not known to dry out in the summers and there is a wetland upstream of the watercourse. However, this upland (off-property) wetland was not assessed. The RAPR default is fish-bearing. The watercourse flows northwest into a ca. 700 mm culvert under East Sooke Road as it exits the property. The riparian forest is dominated by western redcedar (*Thuja plicata*), Grand fir (*Abies grandis*), and Douglas fir (*Pseudotsuga menziesii* ssp. *menziesii*) with red alder (*Alnus rubra*) and bigleaf maple (*Acer macrophyllum*). There is an understory of salmonberry (*Rubus parviflorus*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), skunk cabbage (*Lysichiton americanum*), dull Oregon-grape (*Mahonia nervosa*), vanilla leaf (*Achlys triphylla*), salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*),

Form 3 Detailed Assessment Form
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

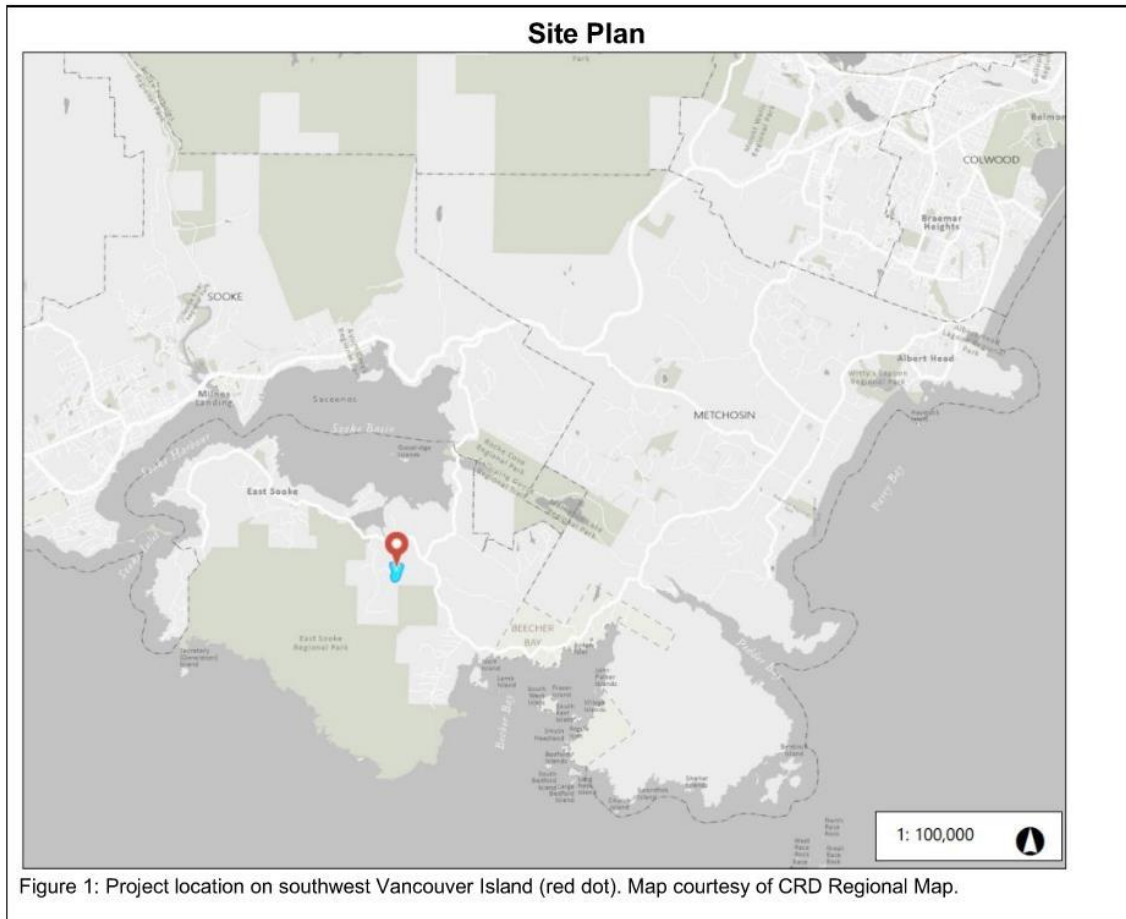
foam flower (*Tiarella cordifolia*), hedge nettle (*Stachys chamissonis*), trailing blackberry (*Rubus ursinus*), rose (*Rosa* sp.) and sedges (*Carex* sp.).

A search of the iMap BC fisheries layers, FIDQ - Fish Inventories Data Queries, and Habitat Wizard for Caffrey Creek produced no fish observations or other creek information (all accessed July 2, 2024) therefore it is assumed that its tributaries are also fish bearing.

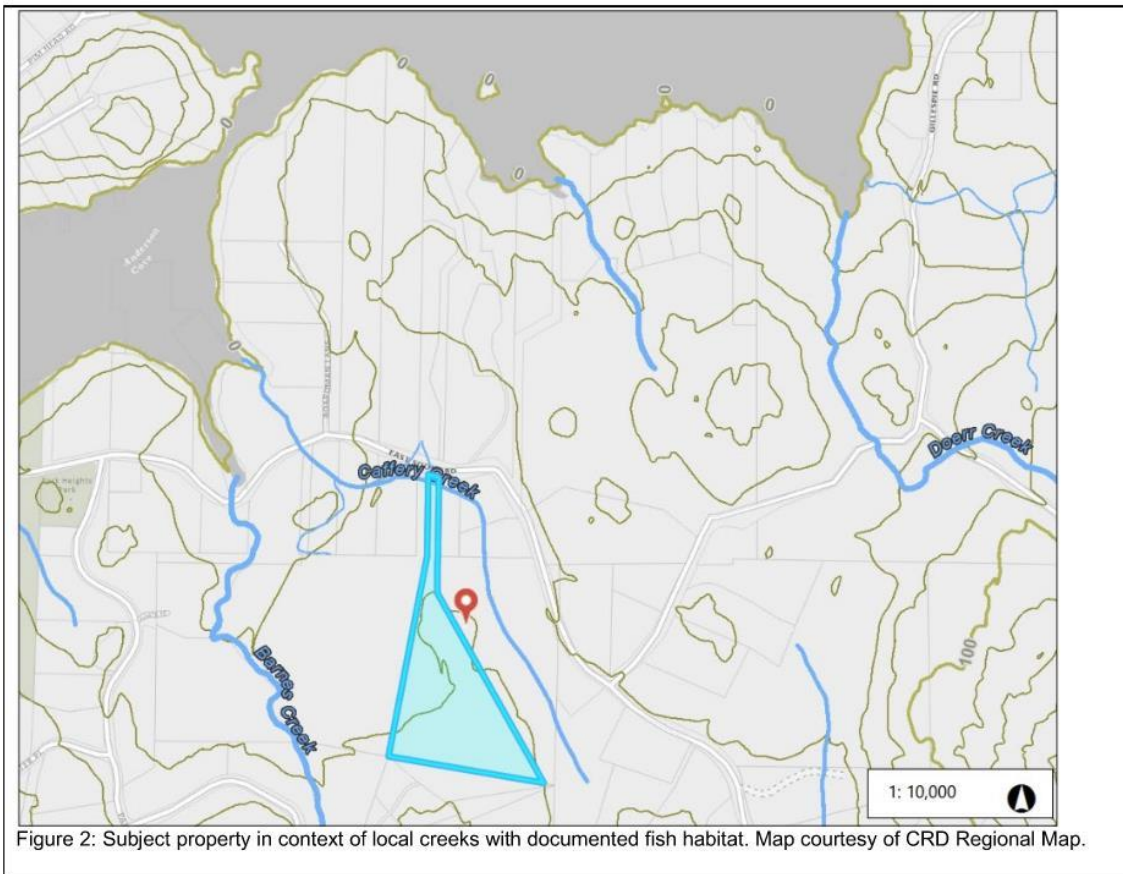
The SPEA is 10 m.

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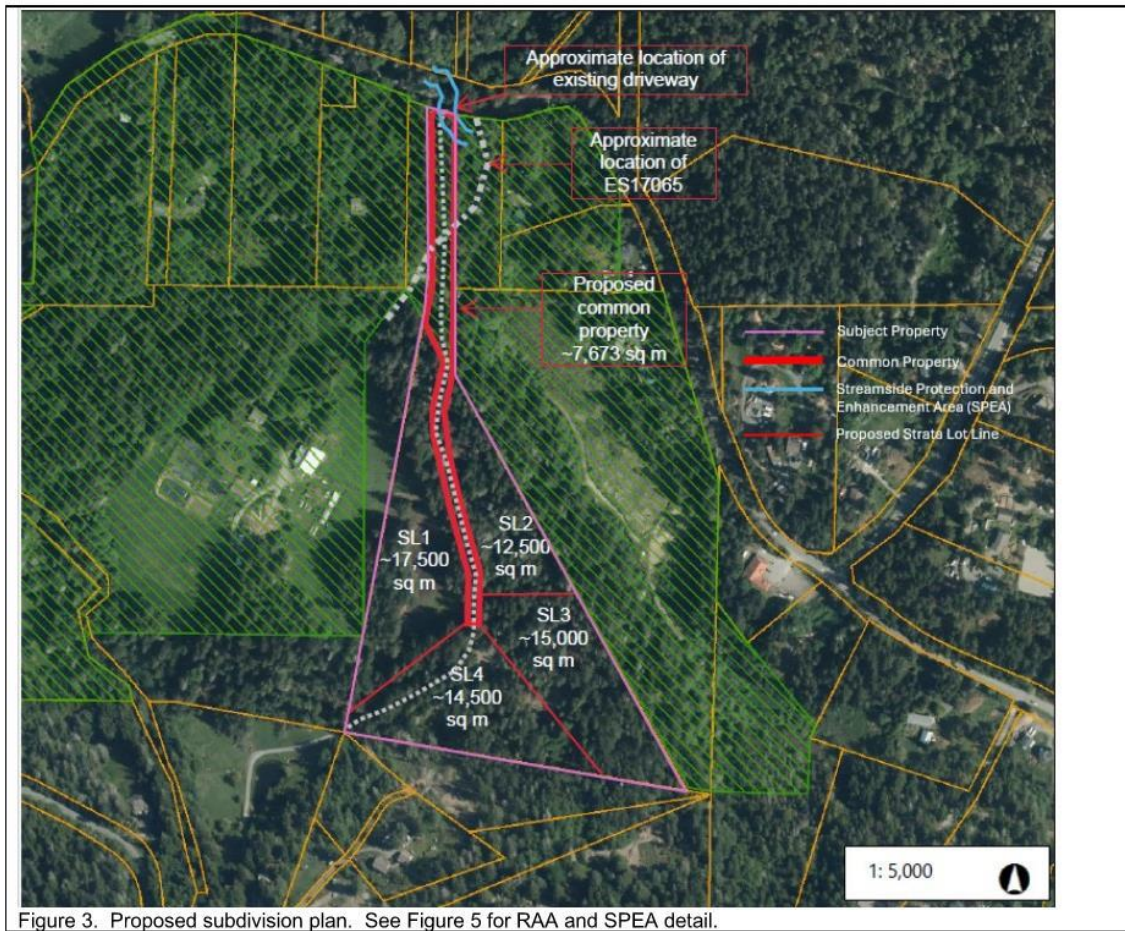
Section 3. Site Plan



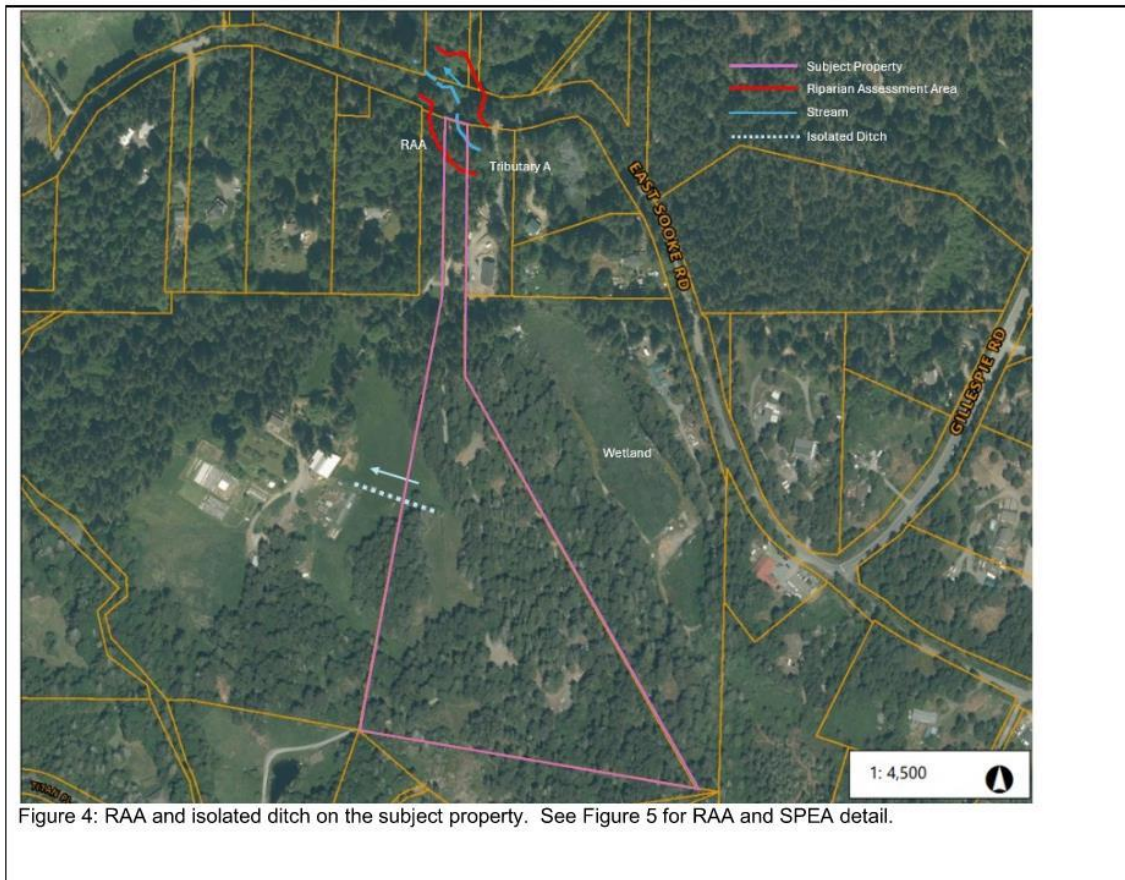
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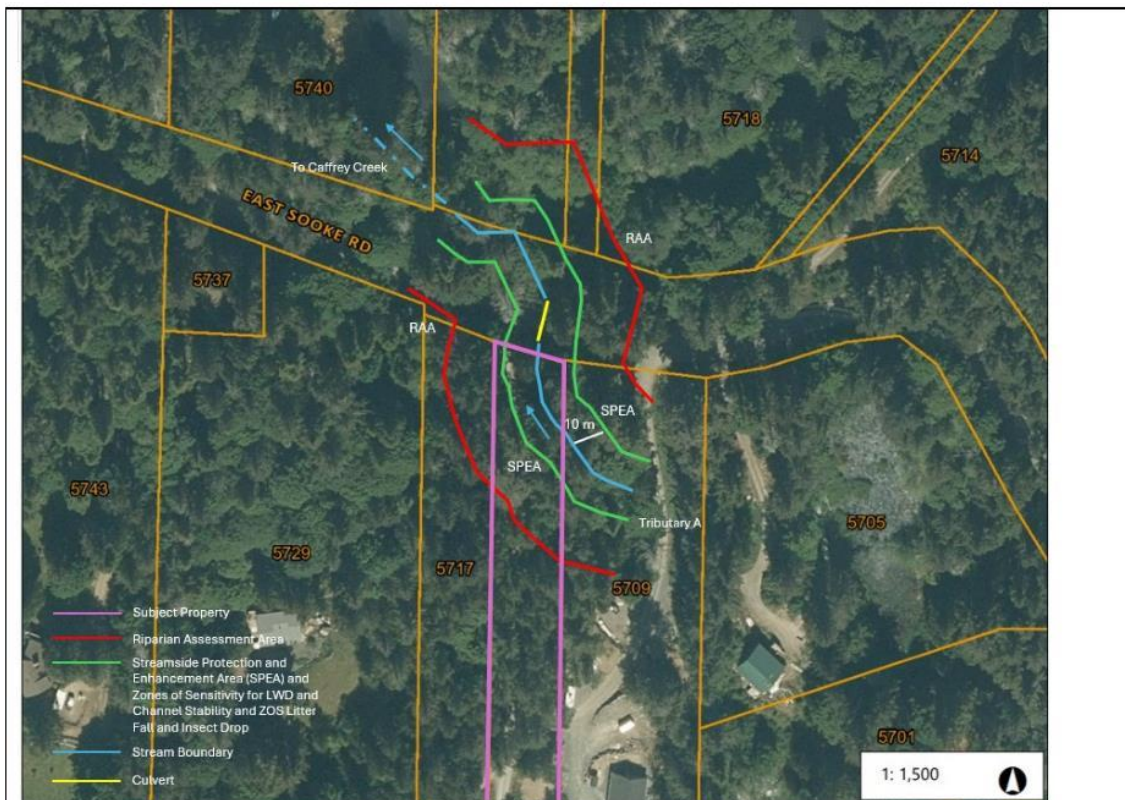
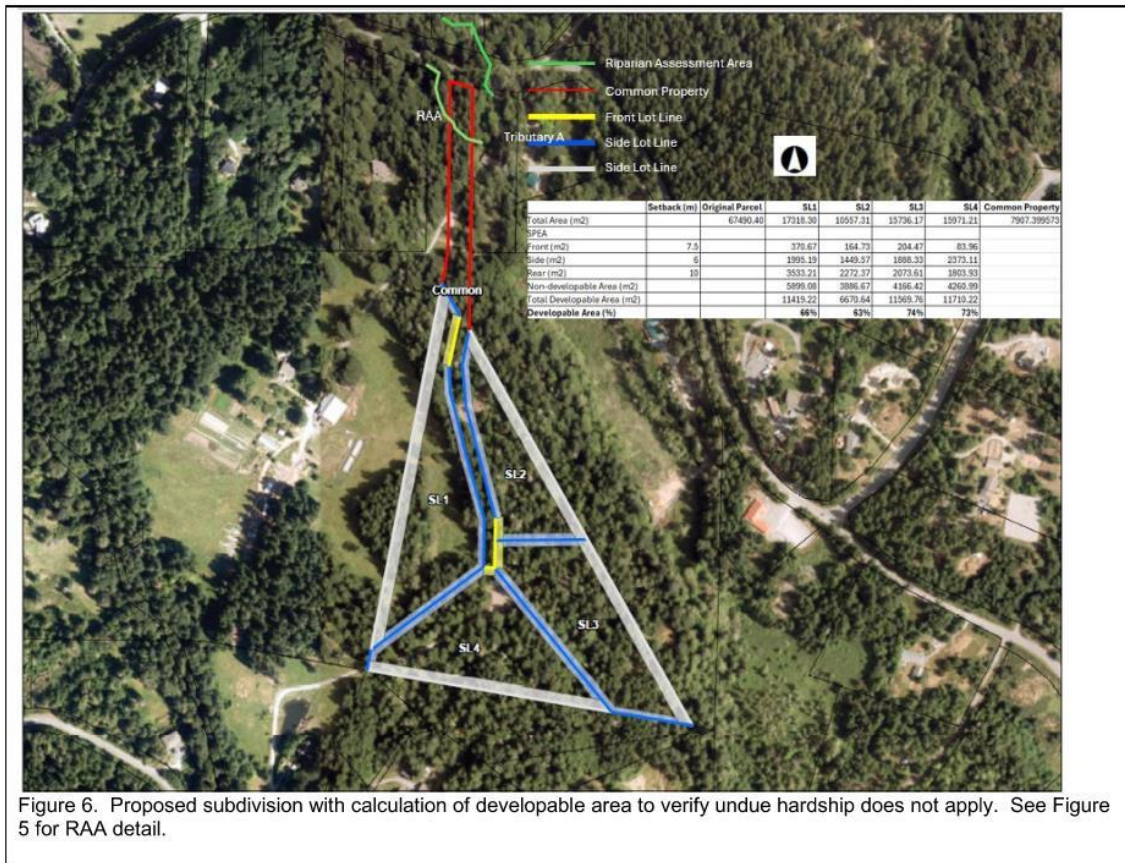


Figure 5: RAA & SPEA on the Subject Property. Aerial photo courtesy of CRD Regional Map.

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FORM 1
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Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in Part 4 of the RAPR. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

4.1 Danger Trees

Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA; therefore, a tree assessment was not conducted.

4.2 Windthrow

Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA; therefore, there is no expected increased risk of windthrow in the SPEA. A tree assessment was not conducted.

4.3 Slope Stability

Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA; therefore, a geotechnical assessment was not conducted.

4.4 Protection of Trees

Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA; therefore, no tree protection is required.

4.5 Encroachment

Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA.

The existing uses within the SPEA of the unnamed tributary will remain as is (driveway to subject property).

The owners are aware via this report that the current uses are permitted, and that the following restrictions exist for new activities within the SPEA:

- The driveway assess should not be paved or surfaced with impermeable materials
- Planting native plants only
- Removal of non-native species
- Tree removal is only permitted for hazard trees, which must be identified by an ISA certified arborist, and replacement trees planted
- Trees and limbs that fall naturally in the SPEA should be left to provide organic debris for stream function, habitat and contributions to natural nutrient regimes, rather than being cleared or used for firewood
- No other development activities (e.g. clearing, buildings, road building, etc.) are permitted within the SPEA
- Any other development in the RAA than what is described in this report will require a new RAPR Assessment

4.6 Erosion & Sediment Control

Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA.

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4.7 Stormwater Management

Proposal is for rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA. Stormwater management for dwelling units must occur outside the RAA.

4.8 Floodplain Concerns

Proposal is for a four lot subdivision only and no development is proposed within the floodplains.

1. Danger Trees	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
2. Windthrow	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
3. Slope Stability	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
4. Protection of Trees	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
5. Encroachment	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
6. Sediment and Erosion Control	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	

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7. Stormwater Management	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
8. Floodplain Concerns (highly mobile channel)	
I, <u>Laura Hooper, PAg</u> , hereby certify that:	
a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b. I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];	
c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	

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Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all documents be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Proposal is for a rezoning and subdivision only, no clearing, construction, or development is proposed in the RAA, and environmental monitoring is not required.

The owner has been informed of the obligation to protect the Streamside Protection and Enhancement Area (SPEA) and waterbodies, and that any future development in the RAA than what is described in this report will require a new RAPR Assessment.

The owners have been informed of the obligation of a QEP to submit a conformance statement and post-development report to the RAPR Notification System and have agreed to obtain the services of a QEP to complete this task. A post development report will include a field inspection of the development site and SPEA to ensure that the measures in the RAPR report have been implemented and that no damage has occurred or is expected to occur to the integrity of the SPEA.

If a QEP is not retained to monitor the project, it may not be possible to provide assurance that the work-site procedures were followed appropriately, or the work completed to an acceptable standard, or to sign a conformance statement and submit a post-development report.

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Section 6. Photos



Photo 1: Typical section of the tributary to Caffrey Creek.

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Photo 2: Typical section of the tributary to Caffrey Creek and riparian vegetation.



Photo 3: Typical riparian vegetation of the tributary to Caffrey Creek.

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Photo 4: Typical forest layer of the tributary to Caffrey Creek.



Figure 6: Isolated ditch on subject property. 5717 East Sooke Road is in the forest in the background.

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Figure 6: Outlet of culvert into agricultural field on 5717 East Sooke Road. Barnes Creek is in the forest in the background.



Photo 7: Existing driveway access to the property, facing south. The tributary is on the left of the photo.

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report



Photo 8: Existing driveway access to the property, facing north and East Sooke Road. The tributary is on the right of the photo.



Photo 9: Typical trails on perimeter of the subject property.

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Photo 10: Pasture on the western side of the subject property.

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Section 7. Professional Opinion

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

Date Sept 4, 2024

1. I/We Laura Hooper, PAQ hereby certify that:

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

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

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

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

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Submission Instructions

**Riparian Areas Protection Regulation – Qualified Environmental Professional –
Assessment Report RAR-QEP-AR**

Forms you will need to complete are

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

NB: Refer to Part 4 of the RAPR and the Technical Manual for detailed instructions on the information required for completing the Assessment Report.

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

The Assessment Report must be submitted complete with all information specified and posted to the notification system to be reviewed by the province. Upon approval notification will be provided to the local government.

Tips for working with MS Word Template Forms

Using the forms

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

Saving the completed form

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

Appendix H: Letter from Drillwell Enterprises, received February 21, 2025.

Drillwell Enterprises

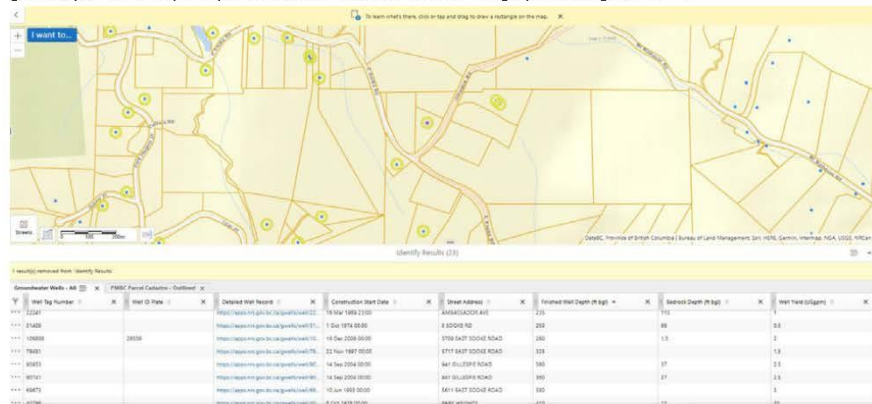
4994 Polkey Road
Duncan, V9L 6W3, B.C.



Phone: (800) 746-7444
Fax: (250) 746-8404
Email: drill@drillwell.com

Re: LOT 3, PLAN VIP72026, SECTION 84&88, SOOKE LAND DISTRICT PID: 024-994-944

The drilled wells in this area are primarily in bedrock and although they tend to be lower yield, most are adequate domestic supplies. Drilled wells in this area range from 100' to 600' deep and produce up to 7 gallons per minute (GPM) with most in the 200' to 450' range producing 0.5-3GPM.



500 Gallons per day is often considered a luxurious domestic supply for indoor water use and those mindful of their water usage often find a well producing 0.25GPM (360 Gallons per day) will meet their needs when they have storage to meet peak demands.

There are some unsuccessful wells to the southwest of the parcel and at some point (off map) the odds of a successful well appear to drop significantly. Based on the information available it seems likely adequate domestic supplies will be possible on the subject property similar in depth and yield to those surrounding. In the unfortunate event a drilled well was unsuccessful it is likely that hydrofracturing it or exploring again some distance away could provide an adequate water supply.

Best regards,

Colin Slade