Public Hearing Information Package

August 13, 2018 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

Lot 1 VIP20069

Across from and associated with 6526 Water St.

Proposed Bylaw:	**Bylaw No. 710, *Zoning Amendment Bylaw (600-59), 2018***
Zoning Amendment:	The purpose of Bylaw No. 710, *Zoning Amendment Bylaw (600-59), 2018,* is to amend the Rural Residential (RU4) zone to allow an accessory building to be used as a boathouse without a principal building on the site.

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Please note that written and verbal submissions will become part of the public record.

District of Sooke

2205 Otter Point Road, Sooke
Phone: 250-642-1634
Fax: 250-642-0541
email: info@sooke.ca
website: www.sooke.ca

NOTICE OF PUBLIC HEARING

The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the *Local Government Act* in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, August 13th, 2018** commencing at **7:00 pm**.

Application Information:

Bylaw:	*Zoning Amendment Bylaw 710 (600-59), 2018*
File No:	PLN01351
Civic Addresses:	Lot 1 VIP20069 across from and associated with 6526 Water Street (shown outlined in black and hatched on the subject map)
Legal Description:	Lot 1, Section 14, Sooke District Plan VIP20069
Applicant:	**Julie Budgen & Matthew Johnson**

Proposal:

The purpose of *Zoning Amendment Bylaw No. 710 (600-59), 2018* is to amend the Rural Residential (RU4) zone to allow an accessory building to be used as a boathouse without a principal building on the site. The subject property does not have a civic address and does not require servicing. There is a principal building on the adjacent lot on the north side of water street.

Further Information:

Copies of the bylaw, supporting written reports and any relevant background documentation may be viewed in the "Public Notices" section of the District of Sooke website www.sooke.ca or inspected at the District Municipal Offices at 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), **commencing August 1, 2018 to and including August 13, 2018.**

Public Input:

All persons who believe their interests in property are affected by the proposed bylaw will be afforded an opportunity to be heard at the Public Hearing on the matters contained in the proposed bylaw. Should you have any concerns or comments you wish to convey to Council, please submit in writing by fax to 250-642-0541, email publichearing@sooke.ca or in person to the Corporate Officer at the District Municipal Offices no later than **Monday, August 13, 2018 at 12:00 pm**. Please be advised that submissions to Council will become part of the public record and are subject to disclosure under the *Freedom of Information and Protection of Privacy Act (FOIPPA).*

NOTE: Council cannot receive further information concerning this application after the Public Hearing has concluded.

Carolyn Mushata
Corporate Officer

DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW NO. 710

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* to allow an accessory building without a principal building on the property identified as Lot 1, Section 14, Sooke District, Plan VIP20069 – Water Street.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw No. 710 (600-59), 2018*.

2. The parcel of land legally described as:

   Lot 1, Section 14, Sooke District, Plan VIP20069
   (PID 003-653-706)

3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013*, is herby amended by adding a new section 104.2 (h) as follows:

   "(h) Notwithstanding the Permitted Uses set out in Section 104.2, on the property identified as Lot 1, Section 14, Sooke District, Plan VIP20069 (PID 003-653-706), a boathouse may be situated as an accessory building without a principal building."

READ a FIRST and SECOND time the 9th day of July, 2018.

PUBLIC HEARING held the ___ day of _____, 2018.

READ a THIRD time the ___ day of _____, 2018.

APPROVED by Ministry of Transportation and Infrastructure the ___day of _____, 2018.

ADOPTED the ___ day of _____, 2018.

_____	_____
Maja Tait	Carolyn Mushata
Mayor	Corporate Officer


SUBJECT PROPERTY MAP
File: PLN01351
DOVER STREET
WATER STREET
2018
2017
2015
2014
2008
6526
6511
Subject Area
0 5 10 15 20 25
Metres
N

Zoning Bylaw Amendment - Lot 1, Plan VIP20069 - Water Street

RECOMMENDATION:

THAT Council give First and Second reading to *Zoning Amendment Bylaw No. 710 (600-59) 2018,* to amend the Rural Residential (RU4) zone on Lot 1, Section 14, Sooke District, Plan VIP20069 to allow a boathouse as an accessory building without a principal building; and

THAT a Public Hearing be scheduled for *Zoning Amendment Bylaw No. 710 (600-59), 2018,* in accordance with Section 466 of the Local Government Act.

Report Summary:

The applicant would like to amend the Rural Residential (RU4) zone to allow a boathouse on the subject property as an accessory building without a principal building, to be used as a boathouse without a principal use. The applicant resides at 6526 Water Street and the subject property is associated with this property.

Report:

Background

The applicant is applying to amend the Rural Residential (RU4) zone to allow a boathouse on the subject property (Attachment 2) as an accessory building without a principal building. The proposed boathouse (accessory) use would occur without a principal use. The subject property is a foreshore water lot and the boathouse would be located above the shoreline. This boathouse will be one room approximately 31 meters squared (338 ft^2) in size, have a living roof and a cantilevered deck with davits extending over the foreshore in order to facilitate the launching of small pleasure craft on the shoreline.

Parks and Environmental Services

On January 31, 2018 the District received a report titled Variance Application and Environmental Protection Plan for the Construction of a Boathouse at 6526 Water St, Sooke BC from the applicant who works as an environmental consultant at Cordivae Environmental Consulting Inc. This report is summarized below. Please note that this report was for a combined Zoning Bylaw Amendment and Development Variance Permit (DVP) application, the latter of which has been postponed. The applicant will apply for a new DVP for the setback encroachments if this application is successful.

During the referral process Planning and Parks and Environmental Services staff and the Ministry of Forests, Land and Natural Resource Operations and Rural Development had concerns with the applicant authoring an environmental report for their own property as this could be perceived as a conflict of interest. Due to this conflict staff

requested that the applicant obtain an independent confirmation of the information contained in the January 2018 report. The confirming report by Fish Kissing Weasel Environmental was received June 12, 2018 and is summarized below the original environmental report.

Cordivae Environmental Consulting Inc. - January 2018 (Attachment 3)
The purpose of the proposed boathouse is to promote better utility and enjoyment of the applicant's water lot through the storage of water craft close to the foreshore and to protect the water craft from theft. The report identifies there is a lack of safe storage areas on the property and noted the amount of physical effort required to manually carry the aforementioned vessels to and from above the shoreline to the water. The proposed boathouse will be designed to be low profile and will not block the ocean view from the applicant's or neighbor's homes upslope from the proposed boathouse.

The proposed boathouse will be located 3 meters above the current high water mark at the ground level. This can be done with concrete piers at a specific height that are constructed atop spread footings bearing on the native soil. The subject property is not located in a flood risk area as the proposed boathouse has one corner setback 1 meter and one corner setback 4 meters from the bank.

Fish Kissing Weasel Environmental - June 2018 (Attachment 4)
The report indicates that the proposed boathouse will have a low to moderate impact on the surrounding environment. The proposed boathouse will:

- Not require shoreline protection works;
- Avoid the use of foreshore pilings (the deck is cantilevered and the boathouse foundation is on the backshore footings);
- Not involve tree removal;
- Retain most of the shoreline vegetation, with the exception of pruning back tall shrubs. The root systems will remain and some mountain ash may be removed depending on species;
- Have a construction footprint located in an area of invasive species;
- Provide replanting of native species in any exposed areas post-construction;
- Have a short construction timeline, during the dry season with appropriate Best Management Practices for construction, and;
- Be monitored by Qualified Environmental Professionals.

The consultant summarizes the report stating that if the proposed boathouse is implemented in the manner described, both short- and long-term impacts to the environment are expected to be minor. The Head of Parks and Environmental Services is satisfied with the confirming report and supports the applicant's building design and construction plan.

Official Community Plan
The proposed boathouse addresses several aspects of Bylaw No. 400, *Official Community Plan*, 2010 with the use of native tree and landscape plantings, by proposing a style of development that will be low-impact on the environment and

applying best practices for minimal impacts to the aquatic environment. In addition, the proposed boathouse enhances an existing recreational and leisure access and the use of Sooke Harbour and Basin which is a goal in Part 4.11 Leisure/Recreation Services and Facilities.

Zoning Bylaw

The purpose of the Rural Residential (RU4) zone is for lots that are rural in nature, intended for residential purposes. The Water Street lots were originally part of the Thompson's Landing subdivision which occurred prior to 1900. The subject property has a context and topography that make it difficult to achieve the purpose of the zone. The proposed accessory use of the boathouse without a principle use is an appropriate use and level of development for this property. The subject property is approximately 802m² in size. Minimum setbacks for accessory buildings in the RU4 zone for lots 1000m² or less in area are: Front Lot Line - 7.5m; Side Lot Line - 3m; Rear Lot Line - 4.5m the proposed boathouse will require a Development Variance Permit as it will encroach on these required setbacks and the Present Natural Boundary (see Attachment 5).

Site Servicing

The subject property is outside the Sewer Specified Area and does not have any servicing connections. The proposed boathouse will not require any sanitary sewer, CRD Water or utility servicing as it is located on a lot owned by the same owners as, and associated with 6526 Water Street.

Legal Impacts:

If the applicant is successful with the Zoning Bylaw Amendment a variance application will be submitted to Council to consider varying Bylaw No. 561 *Flood Regulation Bylaw,* 2013 to reduce the required setback from 15 meters from the Present Natural Boundary of the sea to 1 meter at the west end of the proposed boathouse and 4 meters at the east end.

A variance to Bylaw No. 600 *Sooke Zoning Bylaw,* 2013 will also be required to reduce the front lot setback from 4.5 meters to 0.3 meters.

Frequently Asked Questions:

How does the zoning bylaw define accessory building?

" Accessory building means a building, located on the same lot as a principal building, the use or intended use of which is customarily ancillary, subordinate and associated with the use of the principal building or the use of the principal building or the use of the lot".

What is the definition of boathouse?

Boathouse is not defined in Bylaw No. 600, *Sooke Zoning Bylaw,* 2013. Merriam-Webster dictionary defines boathouse as a building to house and protect boats. This is the definition used by the author throughout the report.

Attached Documents:

Attachment 2 - Subject Property Map
Attachment 3 - Corvidae Envirionmental Consulting Report Jan 2018
Attachment 4 - Fish KW Environmental Report June 2018
Attachment 5 - Proposed Site Plan
Bylaw 710 (600-59) 2018 - Water Street

SUBJECT PROPERTY MAP

File: PLN01351

Subject Area

0 5 10 15 20 25 Metres

Variance Application and Environmental Protection Plan for the Construction of a Boathouse at 6526 Water St, Sooke, BC

Prepared for:

Tara Johnson, MCIP, RPP
Planner II- District of Sooke
2205 Otter Point Road,
Sooke BC V9Z 1J2

Prepared by:

CORVIDAE
ENVIRONMENTAL CONSULTING INC.

January 2018

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Figures

1 PROPOSED PROJECT

The landowners, Matt Johnson and Julie Budgen, are applying to Council for the building of a boathouse on their shoreline lot at 6526 Water St. The dimensions of the proposed boathouse are 13 ft x 26 ft, totaling 338 ft^2.

The purpose of the boathouse is to promote better utility and enjoyment of their lot through the storage of water craft close to their owned foreshore and private land underwater and to protect currently unenclosed water craft from theft. Currently the landowners are storing two kayaks, two paddle boards, one small sailboat, one tin rowboat (with motor) and one canoe in various areas on their property (the upper lot, and shoreline areas, at 6526 Water St.). There is a lack of space and safe storage areas on the property, as well as the increased effort and risk associated with manually carrying the vessels to the shoreline lot and into the water. The proposed boathouse will have a cantilevered deck area 3 m above the rocky shoreline, extended above the vegetation towards the water, to create an overhang for the pulley system to lift water vessels out of the water.

The landowners have experienced theft on their property and want to have a secure storage place for these items that is close to where they are utilized. The boathouse will be designed to be low profile and not block the ocean view from the landowner's or neighbour's homes upslope of the boathouse. The proposed design is for a living roof, one roomed building. See Figure 1 for the survey of the proposed boathouse location and Figures 2 to 7 for location of the boathouse.

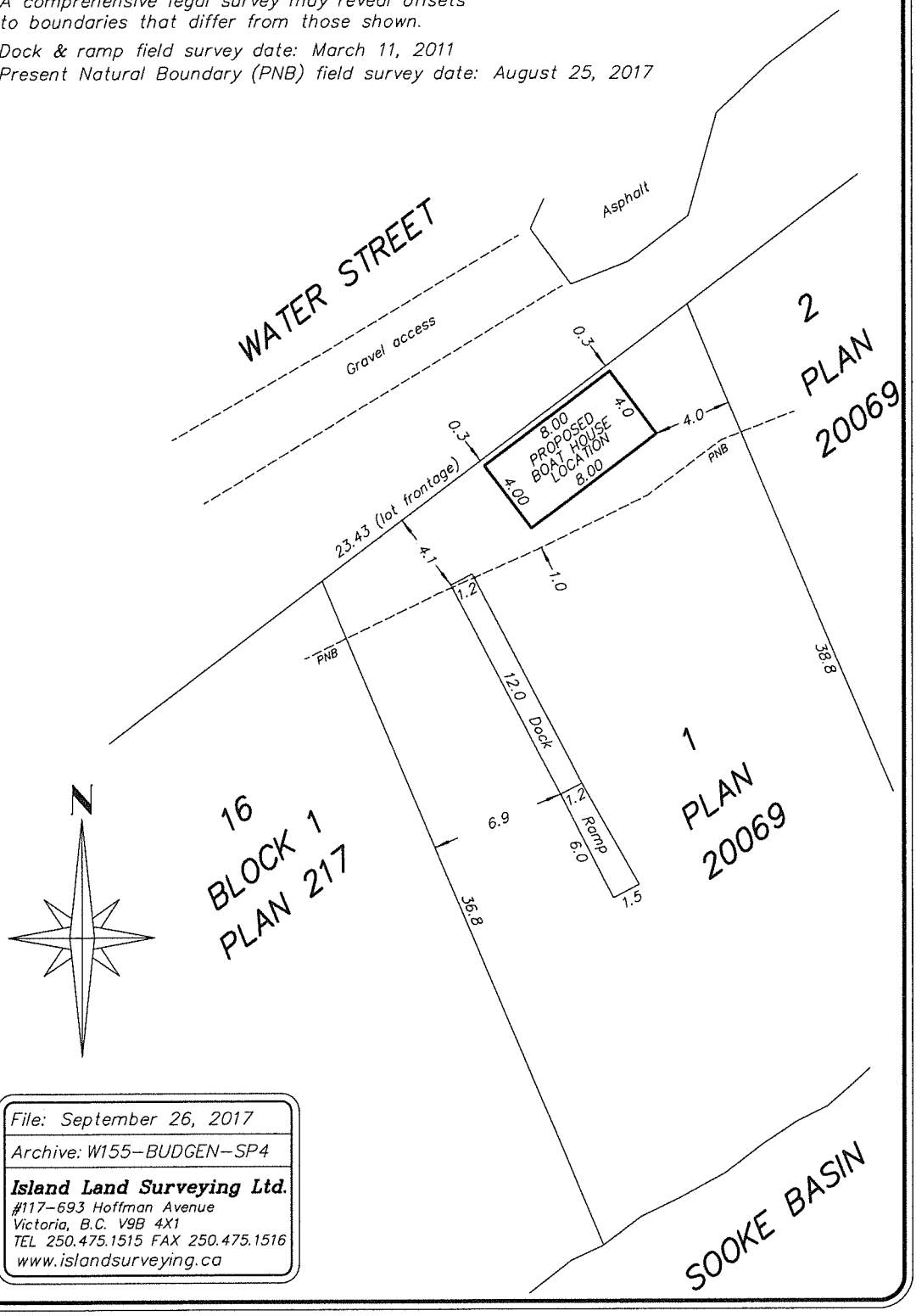
SITE PLAN OF PROPOSED BUILDING UPON PART OF LOT 1, SECTION 14, SOOKE DISTRICT, PLAN 20069.

PID: 003-653-706

SCALE=1:250. All distances are in metres.

NOTE:
Dimensions shown are based upon field survey measurements and may vary from those registered. A comprehensive legal survey may reveal offsets to boundaries that differ from those shown.

Dock & ramp field survey date: March 11, 2011
Present Natural Boundary (PNB) field survey date: August 25, 2017



File: September 26, 2017

Archive: W155-BUDGEN-SP4

Island Land Surveying Ltd.
#117-693 Hoffman Avenue
Victoria, B.C. V9B 4X1
TEL 250.475.1515 FAX 250.475.1516
www.islandsurveying.ca

2 VARIANCE REQUESTS

The landowners are asking council to consider varying section 3.22 of the *Sooke Zoning Bylaw, 2013* to reduce the required setback of 15 m (metres) from the natural boundary of the sea to 1 m at the west end and 4 m at the east end (Figure 1). The surveyed site plan (Figure 1) shows where the current location of the natural boundary is and the proposed boathouse location. This environmental report provides details on the environmental protection measures for the proposed boathouse. A geotechnical report has also been provided with the development variance permit application (Ryzuk 2017). A self-assessment by a Qualified Environmental Professional has been completed that meets the Fisheries and Oceans Canada requirements. Fisheries and Oceans Canada does not require notification or an approval if it does not cause serious harm to fish (see link http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html).

The proposed building will be self-supporting. The landowner is applying for a covenant on the building specifying that the structure may be subject to damage by water, as per the District of Sooke Flood Regulation Bylaw, 2013. Also following the by-law, a geotechnical report has been prepared. In addition, if this proposed project is approved, further geotechnical information can be provided for the pilings that will be subject to water fluctuation and wave action. The covenant and the geotechnical assessment address the by-law specifics identified below:

"When a building permit is applied for on parcels with land abutting the Sooke Harbour, Sooke Basin or the Strait of Juan de Fuca, the Building Official may require a structurally engineered foundation or geotechnical report if any part of a footing up to and including the level of a slab, or portion of the foundation is intended by its design to be submersible or subject to water fluctuation or wave action. A covenant must be placed on Title noting such structure may be subject to damage by water."

For details on Sea Level Rise Effect and guidelines, refer to Section 3.1. The proposed boathouse is not within 7.5 m of any standard dike, training works or structure used for flood protection or seepage control or any easement or right of way for a standard dike, training works or structure used for flood protection or seepage control.

2.1 Federal and Provincial Regulations

The following regulations have been reviewed and considered in this project. All of the regulations are being followed for the proposed construction of the boathouse.

Federal

- *Canada Fisheries Act* (1985)

Provincial

- *British Columbia Wildlife Act* (1996)
- *BC Weed Control Act* (1996, current as of October 2016)

3 ENVIRONMENTAL ASSESSMENT

Corvidae Environmental Consulting Inc. (Corvidae) completed a detailed site assessment – including assessment of the aquatic habitat, floodplain risks and biophysical features. Corvidae used Qualified Aquatic Environmental Specialist (QAES) Rob Hollingshead and Professional Biologist Julie Budgen, to complete the biophysical assessment. Corvidae completed a site visit on September 4, 2017, to conduct an environmental assessment. No wildlife species of concern or critical habitat were observed in the project area during the site visit.

3.1 Floodplain Assessment

From review of the BC Flood Hazard Area Land Use Management Guidelines (Draft) (FLNRO 2013 Amendment) the site location follows the recommended guidelines to allow for 0.5 m by 2050, 1.0 m by 2100 and 2.0 m Global Sea Level Rise by 2200 relative to the year 2000. (https://sooke.ca/wp-content/uploads/Amendment-Flood-Hazard-Area-Land-Use-Management.pdf)

The proposed boathouse location will be 3 m above the current high water mark at the ground level. This can be done with concrete piers at a specific height that are constructed atop spread footings bearing on the native soil.

From review of the Coastal Floodplain Map of that area (Map W15, FLNRO 2012, provided in Appendix B) the property location is not in a flood risk area, i.e. the blue grading to show flood risk area is not at this location within the Sooke Harbour due to high banks. The shoreline bank is two vertical metres high. The proposed boathouse location would be setback 1 to 4 m vertical metres from that high bank.

3.2 Biophysical Assessment

Prior to on site investigations of vegetation, wildlife and aquatic communities within the delineated site, a detailed office based investigation on all three environmental components (aquatic resources, wildlife and vegetation) to be studied were initiated. For the most part, this involved researching government databases, including the Department of Fisheries and Oceans (DFO) and B.C.'s Ministry of Environment, as well as other related reports. Please find below a detailed lists of material used and interpreted for our assessments on vegetation, wildlife, and aquatic habitat.

- Aerial photos, reports and site boundaries (Natural Areas Atlas - CRD).
- BC Conservation Data Centre – Rare Wildlife and Vascular Plants of the South Vancouver Island Forest District - http://srmapps.gov.bc.ca/apps/eswp/
- BC Conservation Data Centre – Rare Plant Communities Tracking List of the South Vancouver Island Forest District – BC Conservation Data Centre - http://srmapps.gov.bc.ca/apps/eswp/
- FISS (fish information summary system) databases
- BC Conservation Data Center (CDC)http://srmwww.gov.bc.ca/cdc

- Sensitive Habitat Inventory Mapping (SHIM) web site
  http://www.shim.bc.ca/shim/main.htm
- Sensitive Ecosystem Inventory
  http://srmwww.gov.bc.ca/cdc/sei/vancouverisland/information.htm
- BC Ecosystem and Species Explorer http://a100.gov.bc.ca/pub/eswp/

3.3 Marine Ecosystem

The Sooke Basin is a marine estuary environment and fresh water from numerous streams supplies the Basin with a rich supply of nutrients. The most significant of these is the Sooke River with a Mean Annual Discharge (MAD) of 10.06 m^3/sec, which is 1200 m to the north of the subject property. The mouth of the basin is a narrow opening between Whiffin Spit and the bedrock formations of East Sooke that acts as a barrier providing protection from open ocean wave action.

There are several licences for commercial shell fish operations in the Basin which include Dungeness crab, Manila clams and oysters. The Basin provides a holding area for salmonids that have returned to spawn in local streams. There are beaches that suit spawning requirements for surf smelts and sand lance. Salmonid juveniles use the Basin as rearing habitat and numerous other bait fish can forage in the foreshore area. The small fin fish are a food source for harbour seals, river otters, mink, eagles, osprey and great blue herons. The shoreline provides food for shorebirds and numerous other opportunistic avian feeders. See Table 1 for findings.

Table 1. Wildlife and fish species and their association with the subject property.

Species (common name)	Distance from property	Ecological relationship
Fish		
Sockeye	1200 m to Sooke River	The water in front of the shoreline is a potential feeding and holding area.
Chum	1200 m to Sooke River	The water in front of the shoreline is a potential feeding and holding area.
Chinook	1200 m to Sooke River	The water in front of the shoreline is a potential feeding and holding area.
Steelhead	1200 m to Sooke River	The water in front of the shoreline is a potential feeding and holding area.
Rainbow Trout	1200 m to Sooke River	The water in front of the shoreline is a potential feeding and holding area during peak flows
Coho	1200 m to Sooke River	The water in front of the shoreline is a potential feeding and holding area.
Sand lance	In area	The water in front of the shoreline is potential spawning and foraging habitat.

Species (common name)	Distance from property	Ecological relationship
Surf smelt	In area	The water in front of the shoreline is potential spawning and foraging habitat.
Prickly sculpin	Littoral and Neritic Zones	The water in front of the shoreline has suitable habitat requirements.
Three-spine Stickle back	Littoral and Neritic Zones	The water in front of the shoreline has suitable habitat requirements.
Prickly sculpin	Littoral and Neritic Zones	The water in front of the shoreline has suitable habitat requirements.
Wildlife		
Bald eagle	In area	The proposed boathouse location is grassy habitat with no wildlife trees, the water in front is used for hunting.
Great blue heron	Roosting area 250 m to South	The water in front is used for hunting.
Various Shorebirds	In area and migration route	The water in front is used for hunting.
Harbour seal	Use of dock and sub-littoral zone	The water in front is used for hunting, feeding and resting.
Mink	In area	The shoreline is suitable mink habitat for feeding and resting.

3.4 Terrestrial Ecosystem

The subject property lies within the Moist Maritime subzone of the Coastal Douglas Fir zone (CDFmm), which occurs along a small portion of southeastern Vancouver Island, several islands in the Georgia Strait and a narrow strip of the adjacent mainland. Elevation limits of the CDFmm range from sea level to approximately 150 m. The CDFmm experiences warm, dry summers and mild, wet winters. Forests on zonal sites are dominated Douglas-fir, accompanied frequently by western red cedar, grand fir, arbutus, Garry oak and red alder. Major understory species include salal, dull Oregon-grape, ocean-spray, bracken fern, sword fern, trailing blackberry, western trumpet honeysuckle, snowberry and Oregon beaked moss. The area around the subject property has a long history of anthropogenic impacts. Prior to the home being built, the area was a log sort (personal communication, September 2013, Mrs. Jones (former neighbour)).

3.5 Field Assessment

Fieldwork related to this biophysical assessment was conducted during low tide on September 4, 2017. Past anthropogenic impacts with the colonization of dominate non-native plant and weed species, are the environments that are least likely to have any threatened or listed species.

Vegetation between Water Street and the high water mark on the subject property is dominated by a mix of grass species, taking up almost 80% of the overall area. The understory consisted of Himalayan blackberry-

10%, common snowberry-5%, Salmonberry-4%, and common horsetail-3%. No red or blue listed plant species were identified during this assessment.

Please see Figures 2 to 7 for a representation of current conditions, proposed location of boathouse and vegetation on the property.

Figure 2. Shoreline view from Water St. of proposed boathouse location

Figure 3. Location of boathouse on shoreline, view from road, conceptual – the roof will be living/green

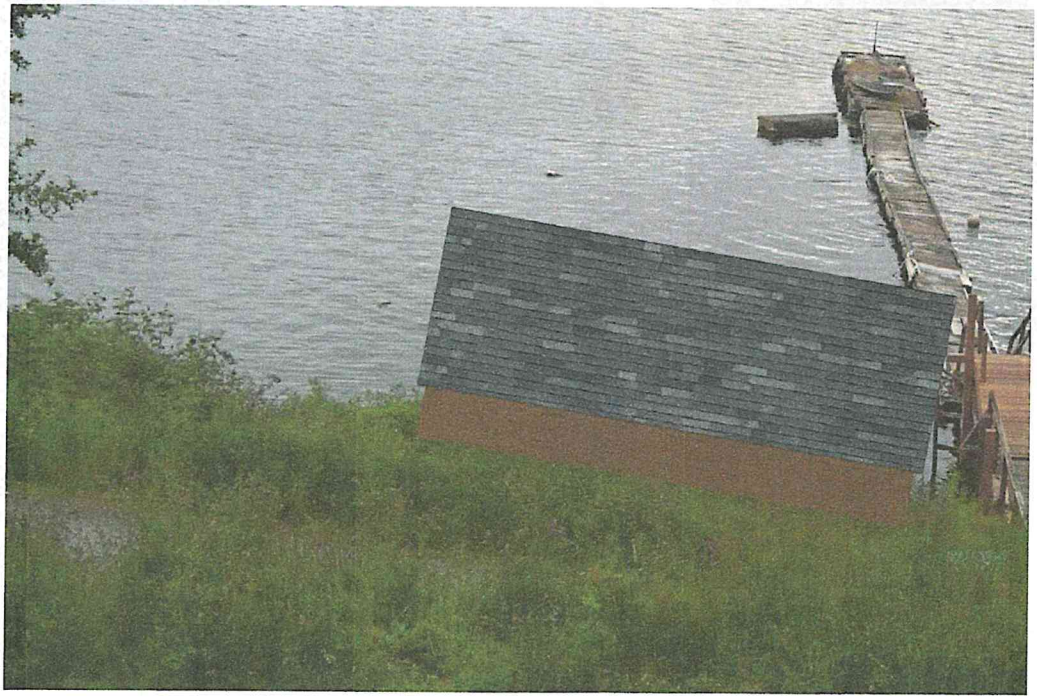


Figure 4. Shoreline view from water side of the proposed boathouse location

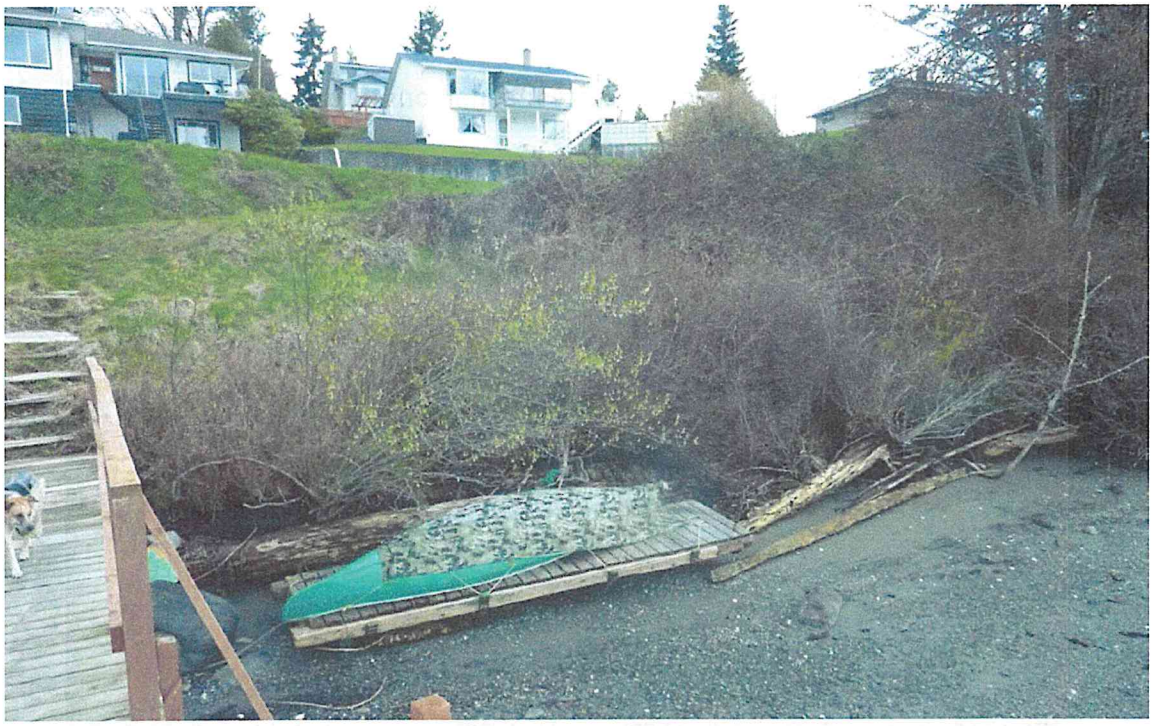
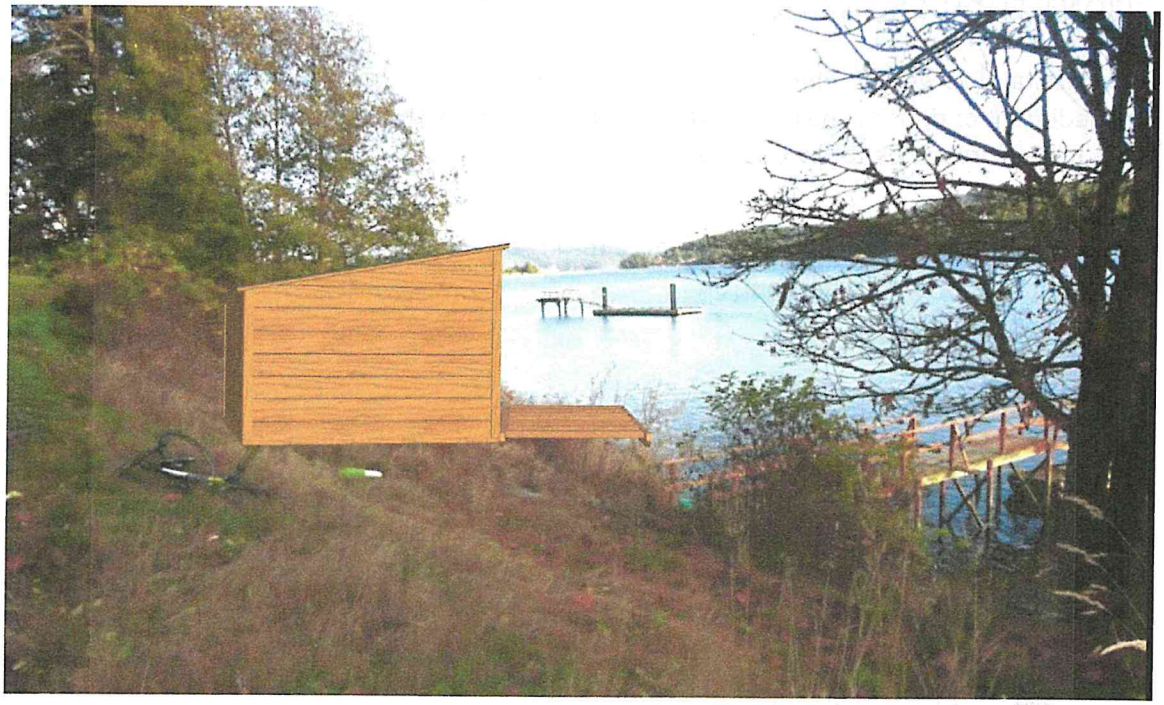


Figure 5. Location of boathouse on shoreline, view from water, conceptual

Figure 6. Side view of proposed boathouse location

Figure 7. Side view of proposed boathouse, conceptual



4 POTENTIAL ENVIRONMENTAL IMPACTS

The potential impacts on the environment from the project will be disturbance of existing vegetation and soils as well as erosion and sediment movement in the project area. Machinery (small excavator) will be used for the initial stage of the project and standard construction noise due to project activities (excavating, framing, etc.) will occur intermittently. The geotechnical engineer (Ryzuk) recommended concrete piers on top of spread footings for the foundation. This can be done by disturbing only the footprint of the footings location, with the surrounding area remaining vegetated.

The project has been designed to have a small footprint of 338 ft^2. The project footprint will be in a previously disturbed area that consists of grasses and blackberry. The shoreline vegetation – willows, snowberry and salmon berry – will remain in place and undisturbed to maintain a stable shoreline.

All applicable bylaws and requirements for surface area coverage for the zoning of these properties will be followed. The focus of this report is to provide erosion and sediment control planning to protect the environment during construction, and protection of the shoreline. It is in the landowner's best interest to maintain a protected shoreline on the property.

The environmental disturbance in this area will be short-term and is considered moderate impact because of the excavation and removal of invasive (Himalayan blackberry).

5 ENVIRONMENTAL PROTECTION

This Environmental Protection Plan (EPP) provides measures to prevent/minimize any erosion and subsequent sediment or debris run-off from leaving the site during the project construction. In addition, this EPP provides procedures to be followed regarding:

- Site access
- Protection of the 15 m shoreline area during all construction activities
- Pollution and fuel spill control
- Disposal of wastes
- Drainage
- Revegetation
- Erosion and sediment control measures

Activities that have the potential to impact the environment are removal of vegetation, excavation and foundation placement that have potential to release deleterious substances into the ocean and construction debris being improperly disposed of or put outside of the project footprint.

5.1 Site access and protection of work limits

Access to the construction sites will be via Water Street, located on the north side of the property.

The edges of the construction areas will be clearly marked with flagging tape to ensure no disturbance outside of the project footprint. The current driveway and existing trails will be used to access the lots and remove non-native vegetation.

No ground disturbance will occur outside of the building footprint on the foreshore side.

5.2 Protection of the Shoreline Area

The shoreline area will be protected with sediment fencing along the downslope area of the project footprint. All soil and excavated material will be pulled back, away from the shoreline and removed from site or profiled and seeded to protect the marine environment. The vegetation (shown in Figures 3 and 4) will remain in place in front of the proposed boathouse to protect the shoreline area from eroding.

5.3 Pollution control, fueling and spill response

There will be no fueling on site. Any fueling of equipment will be done with drip-trays underneath and will occur on the gravel portion of Water St.

5.4 Waste material storage and removal

Construction, trade and domestic waste materials will not be burned, buried or discarded at the project site.

Recycling of materials will be completed where feasible. Recyclable materials will not be mixed with domestic refuse.

Trade waste (construction waste) materials will be removed daily to the upper lot at 6526 Water St. Trade waste will be disposed of at appropriate facilities.

All material will be stored up-slope, in an area where there will be no possibility of materials blowing or running (rainfall) into the shoreline area.

5.5 Drainage

The roof will be a green roof with vegetation on top. It will be specifically designed to take the weight and materials (soil and roots) for a green roof. Any excess rainwater drainage from the roof will be to the back (north) side of the building to drain off into a vegetated area.

A sediment fence will be installed on the downhill side (south) just outside the building footprint. It will be keyed in to 15 cm below the surface and overlapped at each stake to minimize off-site erosion. Only the area for the sediment and the building footprint will be cleared. The vegetation between the building footprint and the shoreline will remain in place as a natural filter to prevent sedimentation into the marine environment.

5.6 Revegetation

Damage or degradation of soil surfaces during construction can include loss of soil structure, increased erosion, and soil compaction, which can negatively affect post-construction reclamation efforts. Measures taken to minimize such effects will include:

- Only clear the building footprint.
- Maintaining soil structure by excavating the soil layers in separate layers then keeping them separated and covered with tarps or poly until they are placed back on the site. Stripping the topsoil first, with vegetation, and storing separately from the sub-soil.
- The sub-soil from the site will be removed from the site and deposited off the lot, to prevent any migration into the marine environment.
- Re-applying the topsoil as the surface layer prior to commencing with reclamation and landscaping efforts immediately around the boathouse footprint.
- Revegetating exposed soil within the first growing season following construction.
- Implementing weed management measures as required under the *Weed Control Act*. In addition:
    - Removing invasive species – Himalayan blackberry.
    - Cleaning all equipment prior to leaving the site to avoid spreading of invasive species.

Following construction completion the exposed areas will be planted with native vegetation. Also, there will be no clearing of the vegetation on the shoreline area of the property immediately in front of the boathouse (see Figures 2 to 4).

5.7 Erosion and Sediment Control Measures

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

Site specific controls have been developed based on a site visit, planning construction methodologies, Corvidae's 13 years of experience in erosion and sediment control planning and review of the project survey and documentation. Erosion controls, listed in Table 2, are to be maintained for the duration of the project as required and removed completely following completion of the renovation and landscaping.

Table 2. Erosion and Sediment Control Measures

Construction Activity	Potential Impacts	Mitigations
Soil and debris running off-site	Soil and debris entering into the foreshore environment at Sooke Harbour.	There is very little upslope area contributing storm water to the site; water drains to a ditch on the north side of Water St. Works to be completed in the dry (isolated from flowing water) and suspended if rain in excess of 5 mm / 24 hrs is forecast. Install sediment fence around the project footprint at the foreshore side prior to any clearing. The fence will stop debris and sediment laden water from moving downslope to the shoreline. The fence will be keyed in to the ground. Mulch areas of exposed soil with straw. This will attenuate the rainwater impact and reduce sediment from leaving the site during construction and prior to landscaping. Cover topsoil storage piles with tarps for the duration of the project to minimize topsoil loss.
General construction	Sediment laden runoff.	Have an environmental monitor complete a site visit to verify and document all erosion control methods during construction to ensure the erosion control methods are effective.
Revegetation	Positive impact plant deep rooting natives	Planting of native species of grasses, ferns and shrubs that naturally have deep roots in the green space areas to aid in soil stabilization.

6 REFERENCES

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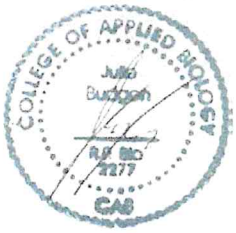
Ministry of Forests, Lands and Natural Resource. Operations. 2011. Ministry of Forests, Lands and Natural Resource. Operations with federal funding support through Natural Resources Canada's Regional *Adaptation Collaborative Program Coastal Floodplain Mapping – Guidelines and Specifications.*

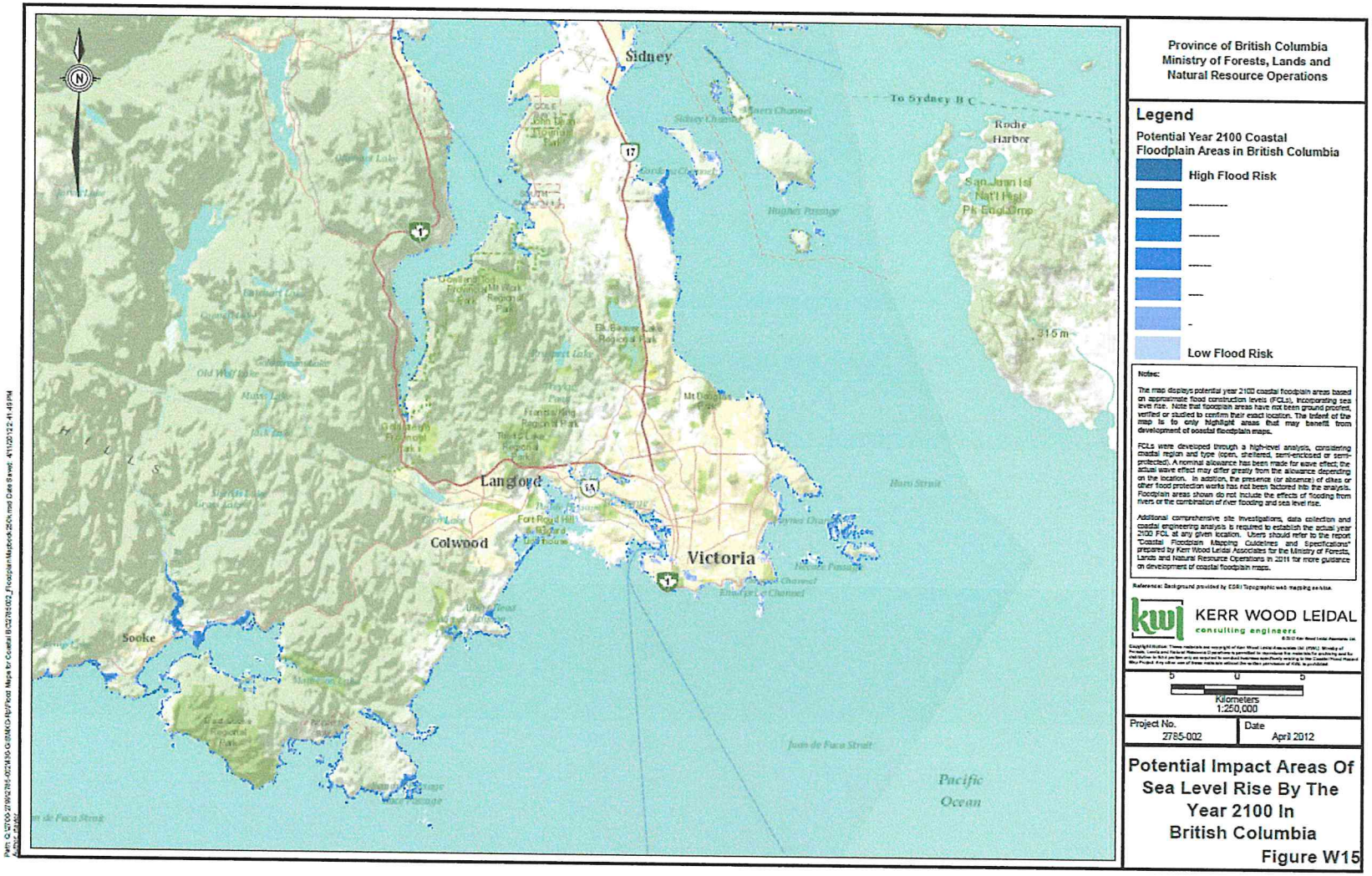
Ministry of Forests, Lands and Natural Resource. Operations. 2013. Amendment. Section 3.5 and 3.6 – Flood Hazard Area Land Use Management Guidelines

EPP Prepared By:



Julie Budgen, R.P.Biol., B.Sc.
Environmental Planner
Corvidae Environmental Consulting Inc.

Appendix B - Potential Impact Areas of Sea Level Rise by the Year 2100 in British Columbia



11 June 2018

Teunesha Evertse, Planner
District of Sooke
2205 Otter Point Road
Sooke, BC
V9Z 1K6
via email tevertse@sooke.ca

RE: Variance Application and Environmental Protection Plan for proposed boathouse at 6526 Water St, Sooke, BC

Introduction

The owners of the property at 6526 Water Street, including the foreshore water lot, in Sooke, BC are proposing to build a boathouse above the shoreline on this property within the District of Sooke (Figures 1 & 2). This boathouse (338 ft^2) would have a cantilevered deck with davits extending over the foreshore in order to facilitate the launching of small pleasure craft on this shoreline with a 2-3 m vertical drop to the beach. The owners, Julie Budgen and Matt Johnson, are environmental consultants and owners of Corvidae Environmental Consulting Inc. The District of Sooke has requested independent confirmation of the information contained in a Corvidae report[1] dated January 2018 assessing the impacts of the proposed boathouse, to avoid the perception of possible conflict of interest. In addition to the Corvidae Report, Fish KW Environmental has reviewed associated emails and documents, including:

- email from Grant Bracher (MFLNRO) to Teunesha Evertse (District of Sooke) 18 May 2018,
- legal site plan of 6526 Water Street,
- Ryzuk Geotechnical report letter dated 3 August 2017,
- Land title search for PID 003-653-706

Background Information

The background information provided by the Corvidae Report was found to be thorough and accurate. Additional information:

- The BC Conservation Data Centre (CDC) search includes the occurrence for the Provincially blue-listed (special concern) Ermine Anguinae subspecies (*Mustela erminea anguinae*). While the property is technically covered by this occurrence, it is dated from 50 years ago in 1968 and the species has not been observed in recent decades. This occurrence covers almost the entirety of the District of Sooke (Figure 3).
- The nearest stream to the subject site is Throup Stream, approximately 625 m northeast. While Throup Stream does not have a listing in the BC Fish Inventories Date Queries (FIDQ) site, the stream is listed as providing habitat for coho and chum salmon in Sooke's *Rainwater Management Plan: Ella Stream, Nott Brook, Throup Stream, and Wright Road Creek Watersheds* report by KWL in 2012.
- Searun Coastal Cutthroat Trout (*Oncorhynchus clarki clarki*) may also be present in this marine environment, as they are present in a number of small Sooke streams, such as Veitch Creek.
- The site is located between Sooke stormdrain discharges CRD#2047 and CRD#2048.
- The Corvidae Report correctly references the BC *Wildlife Act* as an applicable regulation. In particular, Fish KW draws attention to Section 34:
    - Section 34 of the BC *Wildlife Act* protects birds and their eggs from possession, molestation or destruction. The nests of eagles, peregrine falcons, gyrfalcons, ospreys, herons, and burrowing

[1] *Variance Application and Environmental Protection Plan for the Construction of a Boathouse at 6526 Water St, Sooke, BC*

owls are protected at all times of the year. The nests of all other species are protected when the birds or their eggs are in the nest. While the period between August 15 and March 15 has been identified by Environment Canada and the BC Ministry of Environment as the general period least likely to involve active bird nesting, this time period does not coincide with the breeding and nesting habits of eagles, many owls species, or herons (Grant Bracher, FLNR and Ann Nightingale, VNHS pers. comm. 2013). On southern Vancouver Island, breeding and nesting can begin as early as mid-January.

Site Reconnaissance

The site was visited on 5 June 2018 to assess the shoreline (backshore and foreshore) at the subject site during a low tide. The area of the proposed boathouse is composed of a mixture of native and invasive shrubs and groundcover, with mature trees and high shrubs on either side of this historically impacted site (Photos 1-2).

The boathouse area is dominated by Himalayan blackberry (*Rubus armeniacus*) and common snowberry (*Symphoricarpos albus*), with agricultural grasses, horsetail (*Equisetum* sp.), creeping buttercup (*Ranunculus repens*), non-native vetch (*Vicia* sp.), and trumpet honeysuckle (*Lonicera ciliosa*). Non-native and/or invasive species are underlined. The shoreline at the location of the cantilevered deck also contains Indian plum (*Oemleria cerasiformis*) and a mountain ash, likely European mountain ash/rowan (*Sorbus aucuparia*), based on leaflet identification.[2]

The neighbouring shoreline is dominated by red alder (*Alnus rubra*), with bigleaf maple (*Acer macrophyllum*), Douglas-fir *(Pseudotsuga menziesii*), and grand fir (*Abies grandis*). The understory contains Indian plum, common snowberry, salmonberry (*R. spectabilis*), baldhip rose (*Rosa gymnocarpa*), sword fern (*Polystichum munitum*), English ivy (*Hedera helix*), English holly *(Ilex aquifolium*) and an unidentified horticultural *Prunus* species.

Extensive overhanging vegetation characterises this 2-3 m high, undercut shoreline edge, with historical shoreline protection that includes large-diameter logs (at the boathouse site) and small diameter riprap (west)(Photos 3-7). A raised pier with a long floating wharf extends out into the intertidal area and the beach contains evidence of historical usage (rusted metal and wooden debris). The foreshore is a sand beach with pockets of clay and cobble and occasional boulders. Dense spacing of shellfish breathing holes and shell evidence indicate the presence of numerous shellfish species including cockles, mussels, limpets, oysters and multiple clam species. The foreshore appears to be suitable for spawning of Pacific Sand Lance and Surf Smelt.

There was strong evidence of River Otters in various latrine sites and especially at stormdrain CRD#2047 northeast of the site. Numerous bird species were seen and heard. A tall, topped fir immediately adjacent to the site (northeast) is likely used for perching by raptors. The site did not contain any nesting habitat suitable for species with year-round protected nests under Section 34 of the BC *Wildlife Act*. No bird or wildlife surveys (trapping or track plates) were conducted as part of this reconnaissance.

Project Impacts and Mitigation

The Corvidae report assesses the proposed project as having a 'moderate impact' on the environment. This could be further categorized as having a low to moderate impact on the surrounding environment, provided that the works are conducted as described in the Corvidae report. In particular, the proposed project will:

[2] European mountain ash has been identified as an emerging invasive by the Greater Vancouver Invasive Plant Council. A similar species is the native western mountain ash (*S. Scopulina*). The owners have been given information to further identify this species. If it is *S. aucuparia* it is recommended that it be removed.

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- Not require shoreline protection works,
- Avoid any foreshore pilings (deck is cantilevered and boathouse foundation is on backshore spread footings),
- Not require tree removal,
- Retain most shoreline vegetation, with the exception of pruning back tall shrubs (Indian plum, common snowberry) with root-systems to remain and possible removal of the mountain ash, depending on species,
- Have a construction footprint located on an area of thick invasive species,
- Provide replanting of native species in any exposed areas after construction,
- Have a construction timeline of short duration and in the dry season with appropriate Best Management Practices for construction, and,
- Be monitored by experienced QEPs (Qualified Environmental Professionals).

Additional recommendations include:

1. If clearing activities occur within the general nesting period of southern Vancouver Island (approximately mid-January to mid-August), a pre-clearing nesting bird survey should be conducted prior to any clearing activities by machine. In the case of the subject site, this recommendation could also be met by clearing the shrub vegetation by hand and careful observation for nests as work proceeds. Pre-clearing surveys between January and August should conducted at a maximum of 1 week before clearing activities since new nesting can occur within this time period.
2. Depending on the duration (1-2 weeks) and timing (projected clear weather) of the construction activities, sediment fencing may not be required. A thick berm of composted mulch downslope of the exposed soils may be sufficient and could be used for re-vegetation activities upon completion. This would also avoid inadvertent damage to rooted shoreline vegetation.

Summary

The January 2018 Corvidae Report, *Variance Application and Environmental Protection Plan for the Construction of a Boathouse at 6526 Water St, Sooke, BC*, accurately reflects the current site conditions and utilizes the Best Management Practices for construction to avoid environmental impacts. If the proposed project is implemented in the manner described, both the short- and long-term impacts to the environment are expected to be minor.

Please do not hesitate to contact us with any questions.

Sincerely,

Sara Stallard, BSc., AScT (#22338), Envr.Tech.
Fish KW Environmental

Fish KW Environmental ⬩ 1149 Mason St, Victoria BC V8T 1A5 ⬩ (250) 480-7272 ⬩ sstallard@shaw.ca

Figure 1. 6526 Water Street, Sooke, BC (yellow) in context with Sooke Harbour, Throup Stream (thin blue watercourse) and Sooke River (wide blue watercourse, far right)**.** *(Aerial photo courtesy of CRD Aerial Atlas)*

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Figure 2. Proposed location of boathouse (yellow) *(Aerial photo courtesy of CRD Aerial Atlas).*

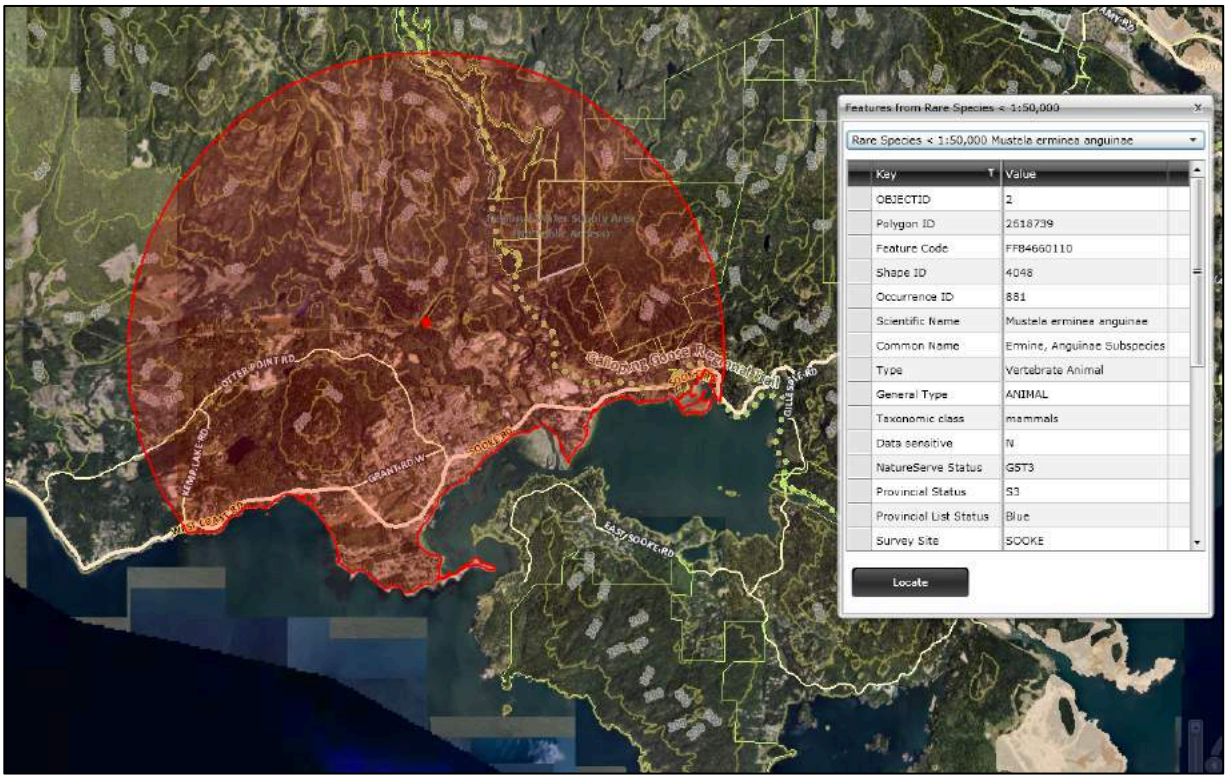

Figure 3. Historic CDC rare occurrence of *Mustela erminea anguinae* covers most of Sooke *(Aerial photo courtesy of CRD Aerial Atlas).*

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Photo 1. Proposed project location is composed of low growing native shrubs and a number of invasive species, including Himalayan blackberry. No trees to be removed.

Photo 2. Proposed project area (beyond canoe). View east.

Photo 3. Shoreline lacking trees is the proposed project location. View west.

Photo 4. Shoreline on either side of proposed project has thick overhanging vegetation. View northeast.

Photo 5. Shoreline at proposed project location with overhanging bank. View north.

Photo 6. Historical shoreline protection works have been overgrown and anchored by native vegetation.

Photo 7. Historical shoreline protection works west of project area (immediately west of pier).

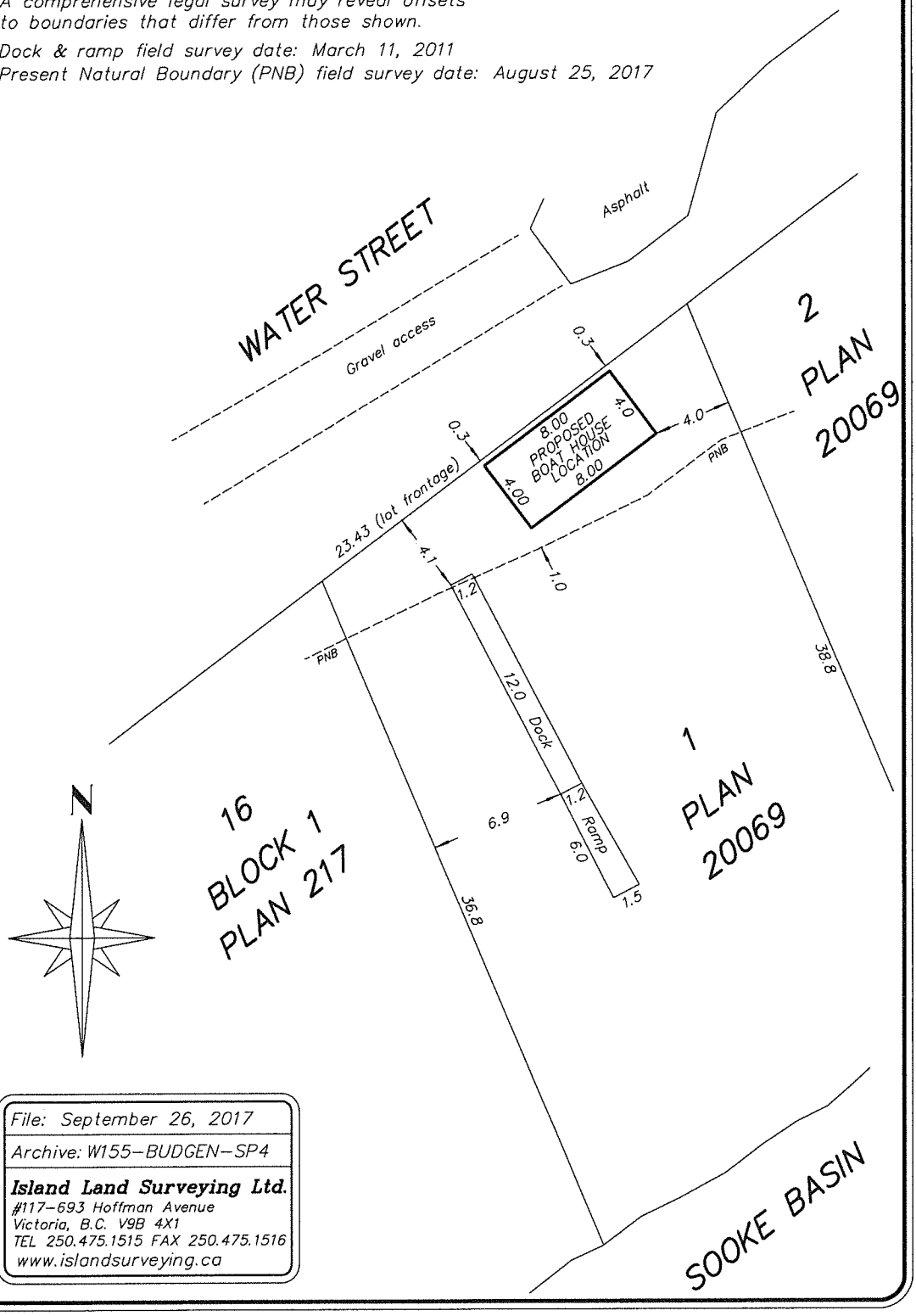
SITE PLAN OF PROPOSED BUILDING UPON PART OF LOT 1, SECTION 14, SOOKE DISTRICT, PLAN 20069.

PID: 003-653-706

SCALE=1:250. All distances are in metres.

NOTE:
Dimensions shown are based upon field survey measurements and may vary from those registered. A comprehensive legal survey may reveal offsets to boundaries that differ from those shown.

Dock & ramp field survey date: March 11, 2011
Present Natural Boundary (PNB) field survey date: August 25, 2017



File: September 26, 2017

Archive: W155-BUDGEN-SP4

Island Land Surveying Ltd.
#117-693 Hoffman Avenue
Victoria, B.C. V9B 4X1
TEL 250.475.1515 FAX 250.475.1516
www.islandsurveying.ca

DISTRICT OF SOOKE
ZONING AMENDMENT
BYLAW NO. 710

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* to allow an accessory building without a principal building on the property identified as Lot 1, Section 14, Sooke District, Plan VIP20069 – Water Street.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw No. 710 (600-59), 2018*.

2. The parcel of land legally described as:

   Lot 1, Section 14, Sooke District, Plan VIP20069
   (PID 003-653-706)

3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013*, is herby amended by adding a new section 104.2 (h) as follows:

   "(h) Notwithstanding the Permitted Uses set out in Section 104.2, on the property identified as Lot 1, Section 14, Sooke District, Plan VIP20069 (PID 003-653-706), a boathouse may be situated as an accessory building without a principal building."

READ a FIRST and SECOND time the ___ of _____, 2018.

PUBLIC HEARING held the ___ day of _____, 2018.

READ a THIRD time the ___ day of _____, 2018.

APPROVED by Ministry of Transportation and Infrastructure the ___day of _____, 2018.

ADOPTED the ___ day of _____, 2018.

_____	_____
Maja Tait	Carolyn Mushata
Mayor	Corporate Officer


SUBJECT PROPERTY MAP
File: PLN01351
DOVER STREET
WATER STREET
2018
2017
2015
2014
6526
6511
2008
Subject Area
0 5 10 15 20 25
Metres
N

MINUTES
District of Sooke
Regular Council Meeting
July 9, 2018 7:00 PM
Council Chamber
2225 Otter Point Road
Sooke, BC

COUNCIL PRESENT:
Mayor Tait
Councillor Kasper
Councillor Logins
Councillor Parkinson
Councillor Pearson
Councillor Reay

STAFF PRESENT:
Brent Blackhall, Interim CAO & Director of Finance
Rob Howat, Director of Development Services
Kenn Mount, Fire Chief & Director of Community Safety (left at 9:45 p.m.)
Carolyn Mushata, Director of Corporate Services
Laura Hooper, Head of Parks and Environmental Services (left at 9:35 p.m.)
Teunesha Evertse, Planner II (left at 9:20 p.m.)
Sarah Temple, Corporate Services Assistant

ABSENT:
Councillor Berger

10. BYLAWS

10.1. ***Zoning Amendment Bylaw No. 710 (600-59), 2018*** **- Water Street**

The Planner II provided a PowerPoint presentation and overview of the written staff report, recommending amendment of the RU4 zone to allow a boathouse as an accessory building without a principal building at Lot 1, Section 14, Sooke District, Plan VIP20069.

Council discussion:

- Clarification of lot sizes. Subject property is one of two RU4 lots in area.
- Subject property has a separate legal address from owner occupied residence on Water Street.

2018-336
MOVED by Councillor Parkinson, seconded by Councillor Reay:
THAT Council give First and Second reading to *Zoning Amendment Bylaw No. 710 (600-59) 2018,* to amend the Rural Residential (RU4) zone on Lot 1, Section 14, Sooke District, Plan VIP20069 to allow a boathouse as an accessory building without a principal building.

CARRIED.

In Favour: Mayor Tait, Councillor Kasper, Councillor Logins, Councillor Parkinson, Councillor Pearson, and Councillor Reay
Absent: Councillor Berger

2018-337
MOVED by Councillor Parkinson, seconded by Councillor Reay:
THAT a Public Hearing be scheduled for *Zoning Amendment Bylaw No. 710 (600-59), 2018,* in accordance with Section 466 of the Local Government Act.

CARRIED.

In Favour: Mayor Tait, Councillor Kasper, Councillor Logins, Councillor Parkinson, Councillor Pearson, and Councillor Reay
Absent: Councillor Berger