

Appendix F: Referral Comments

From: [Chris J Vrabel](#)
To: [Wendy Miller](#)
Cc: [Corey Anderson](#)
Subject: FW: Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)
Date: Monday, July 15, 2024 2:09:30 PM
Attachments: [PPS-JDF-2024-06-18-RZ000286-Referral-LUC-Report.pdf](#)
[PPS-JDF-2024-06-18-RZ000285-Referral-LUC-Report.pdf](#)

Hi Wendy,

I don't see the usual form for staff comments attached to both attached referrals RZ000285, and 286. My comments are specific to road access in that,
The applicant must produce a report by a Qualified Professional that recommends how the proposed development provides (1) satisfactory access to emergency vehicles

Thanks,
Chris

From: [Shauna Huculak](#)
To: [Wendy Miller](#); [Caitlyn Vernon](#)
Cc: [Sandra Allen](#)
Subject: Re: Rezoning Application RZ000285 - CRD Referral (Rural A to RR-3- Shirley)
Date: Thursday, June 27, 2024 10:13:18 AM

Hi Wendy,

Pls see below:

A search of the *Remote Access to Archaeological Data* (RAAD) managed by the BC Archaeology Branch (Ministry of Forests) was conducted on 27-June-2024. The search indicates that the property is not located within or immediately adjacent to a registered *Heritage Conservation Act* (HCA) protected archaeological site. However, there is no record of an archaeological assessment having occurred on the property. A search of RAAD also indicates that there is no provincial archaeological overview assessment model available for the property. This is not an indicator of low archaeological potential.

Given that there is no registered archaeological site on the property, a Provincial *Heritage Conservation Act* permit is not required to undertake the work. However, a Provincial *Heritage Conservation Act* permit will be required if archaeological deposits, features or materials are exposed and/or encountered during land-altering activities that includes tree felling. Given the presence of mature tree stands, care should be taken to examine mature / veteran cedar and Douglas Fir trees for cultural modifications if felling is contemplated. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays and potential costs.

All archaeological sites, whether on Provincial Crown or private land (including land under water) that are known or suspected to predate AD 1846, are automatically protected under the HCA (S.13) this includes culturally modified trees. Certain sites, including human burials and rock art sites with heritage value, are automatically protected regardless of their age. Shipwrecks and plane wrecks greater than two years of age are also protected under the HCA. The *Heritage Conservation Act* does not distinguish between those archaeological sites which are "intact," (i.e., those sites which are in a pristine, or undisturbed state) and those which are "disturbed" (i.e., those sites which have been subject to alteration, permitted or otherwise). All archaeological sites, regardless of condition, are protected by the HCA, as described above. *Heritage Conservation Act*-protected archaeological sites or objects cannot be disturbed or altered without a permit issued by the Archaeology Branch (Ministry of Forests).

shauna

From: [Kristine Pearson](#)
To: [Darren Lucas](#); [Kelsey McDermott](#)
Subject: Re: Request for Comment on RZ000285 & RZ000286
Date: Friday, July 12, 2024 7:51:29 AM
Attachments: [image001.jpg](#)

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Thanks Darren

No issue with these.

Thank yiu



PO Box 307, Sooke B.C., V9Z 1G1
Ph.: 250 642-3957 Fax: 250 642-7808

15 July 2024

RE: Zoning Amendment Application for That Part of Lot 2, Section 60, Renfrew District, Plan 6764 Lying to the South of the 66 Foot Road Dedicated by Said Plan (PID: 003-175-201) – 9333 Invermuir Road

File: RZ000285

Dear Wendy Miller,

Thank you for providing the opportunity to review the application. T'Sou-ke Nation will need to be apprised of any archaeological finds when construction starts on this property. There should also be opportunity for the guardians to be onsite when excavation or construction, including the installation of a well and pump house, is undertaken. Please notify T'Sou-ke Nation when construction begins. When the detailed stormwater management plan is developed, a copy should be provided to T'Sou-ke Nation.

Should you have any comments or questions following this review please correspond with the Lands Manager at landsmanager@tsoukenation.com or at 250-642-3957 ext. 227.

Sincerely,

A handwritten signature in blue ink that reads "Bonnie Hill". The signature is written in a cursive style.

Bonnie Hill
Lands Governance Director, T'Sou-ke First Nation
250-642-3957; landsmanager@tsoukenation.com

Cc:

Michelle Thut, Administrator, T'Sou-ke First Nation

From: Mann, Elaine
To: Wendy Hiller (Design_SVT)
Cc: Cameron, Michael (Properties)
Subject: 9333 Invermuir Rd, Shirley, BC - Rezoning Application R2000285 - CRD Referral (Rural A to RR-3- Shirley)
Date: Thursday, June 20, 2024 1:22:06 PM
Attachments: image002.png
REFERRAL_COORDS_AGENCIES-R2000285.pdf
PPS-JDF-2024-06-18-R2000285-Referral-LUC-Report.pdf
TITLE-FAS4139-FID-003-175-201.pdf

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Hi Wendy

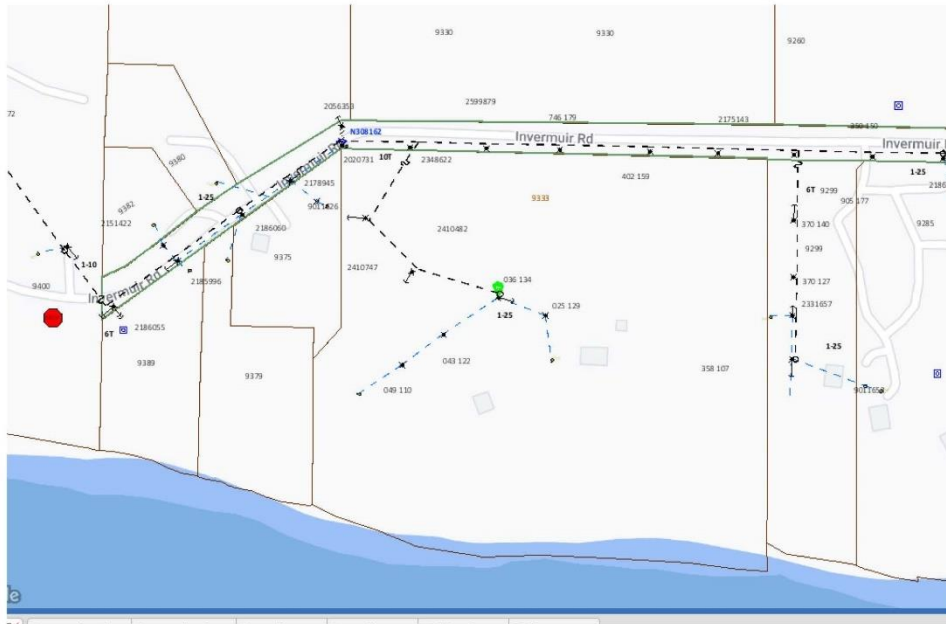
Thank you for your email. BC Hydro has no objection in principle to the proposed rezoning application, however, a Statutory Right of Way will be required before the 2-lot subdivision of the property.

Any comments from BC Hydro Field Operations' Distribution Engineering & Design Department will be provided to you under separate cover.

The following comments are for the property owner's information:

1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).
3. For any new electrical connections please call BC Hydro's Electric Service Coordination Centre at 1-877-520-1355.

Please let me know if you have any questions or concerns.



Regards,

Elaine Mann | Property Coordinator, Property Rights Services

BC Hydro
Vancouver Island
400 Madsen Road | Nanaimo, BC V9R 9M3

P 250-755-7189
E elaine.mann@bchydro.com

bchydro.com

Smart about power in all we do.

From: [Arch Data Request FOR:EX](#)
To: [Wendy Miller](#)
Subject: RE: Rezoning Application RZ000285 - CRD Referral (Rural A to RR-3- Shirley)
Date: Wednesday, July 03, 2024 12:55:10 PM
Attachments: [image002.png](#)
[image003.png](#)

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Wendy,

Thank you for your referral regarding 9333 Invermuir Road, PID 003175201, THAT PART OF LOT 2, SECTION 60, RENFREW DISTRICT, PLAN 6764 LYING TO THE SOUTH OF THE 66 FOOT ROAD DEDICATED BY SAID PLAN. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, given the property's waterfront location, there is high potential for previously unidentified archaeological sites to exist on the property.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

If there are no plans for land-altering activities on the property, no action needs to be taken at this time.

Rationale and Supplemental Information

- There is high potential for previously unidentified archaeological deposits to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 20 to 40 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.

Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

From: [Stefanyk, Michael WLRS:EX](#)
To: [Wendy Miller](#)
Cc: [Roden, Jacqueline WLRS:EX](#)
Subject: RE: Referral Request CRD RZ000285 9333 RZ Appl - Rural A to RR-3- Shirley
Date: Tuesday, July 02, 2024 2:02:52 PM
Attachments: [image002.png](#)

CRD IT SECURITY WARNING: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good Afternoon,

We have no objection to approval of rezoning for the two lot subdivision subject to adhering to the recommendations provided in the environmental report by Swell Environmental Consulting (2024) and the Provincially approved Riparian Areas Protection Regulation (RAPR) report. We also note that isolated wetlands that have been deemed non RAPR applicable are still protected under the *Water Sustainability Act* (WSA) . The isolated forest wetland shown at the northeast boundary of the property on Figure 5 of the environmental report is a potential example of a WSA applicable wetland. Future activities that may impact WSA wetlands will require an Approval from the Provincial Water Authorizations Branch.

Regards,

Mike Stefanyk (he/him)
Ecosystems Biologist
Ministry of Water, Land and Resource Stewardship
Strategic Land Use – West Coast Region
Phone: 250-739-8642
Email: Michael.Stefanyk@gov.bc.ca

I acknowledge with gratitude and respect, the Lekw̓ən̓en peoples known today as the the Songhees and Esquimalt Nations on whose territory I live and work.

RESPONSE SUMMARY – REZONING APPLICATION
RZ000285

Interest Affected by Proposal for Reasons Outlined Below

Interest Unaffected by Proposal

Comments:

The Ministry of Water, Land, and Resource Stewardship, Water Protection, has received a referral with respect to proposed rezoning and subdivision of the subject property 9333 Invermuir Road (That Part of Lot 2, Section 60, Renfrew District, Plan 6764 Lying to the South of the 66 Foot Road Dedicated by Said Plan) and the drilling of a new groundwater well for domestic use on the western proposed lot. The proposed rezoning and subdivision is not expected to result in additional housing density.

The two existing wells drilled on the subject property have not been registered in the Groundwater Wells database, so depth, lithology, and well yield for these wells were not available for review. The dwellings are currently serviced by two water cisterns (~11,365 L and ~13,720 L) that are filled via truck delivery. If the existing wells on the property are not being used and have no plans for future use, it is considered Best Management Practices under the Water Protection Act to decommission unused wells. For more information regarding the best management practices for decommissioning water supply wells please visit: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/bc_gov_best_mgmt_practices_well_decomission.pdf

As this area does not appear to have a local water service provider, the applicants should be advised that a water licence for surface water or for non-domestic groundwater use is required under the *Water Sustainability Act* (<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14015>). Information about water application requirements and process can be found here: <https://portal.nrs.gov.bc.ca/web/client/-/water-licence-application>.

If a water service is planned, a licence for diversion of groundwater is required which also requires approval from Vancouver Island Health Authority under the [Drinking Water Protection Act](#) and the [Drinking Water Protection Regulation](#) which regulate protection of drinking water. A groundwater license for domestic use on a single lot is not required for domestic parcels serviced by individual wells.

A new domestic water supply well has been proposed for the subject property. The subject property overlays Aquifer 449 (AQ 449; Fact Sheet: <https://apps.nrs.gov.bc.ca/gwells/aquifers/449>), which consists of fractured sedimentary rock, mostly overlain by a layer of Vashon till. The median finished depth of 13 bedrock wells registered in the Groundwater Wells database (GWELLS <https://apps.nrs.gov.bc.ca/gwells>) within 1 km of this site is 80 m and ranges from 67 m to 91 m. The well yields for these wells range from 7.5 to 190 Litres per minute. The proposed well location is 56 metres above sea level (masl). The median well depth in the area is 80 m, if the proposed well were to be finished to a similar depth, it would place the well screen under sea level. The saltwater intrusion risk, based on [iMapBC](#), is currently considered “Moderately Low” for the area however, based on the

proximity of the proposed well to the ocean shoreline (~215m) and the median finished well depth in the area, the risk of saltwater is increased for the proposed well.

We recommend, because of the increased saltwater intrusion risk, that during drilling and testing of new water supply wells, the water quality (e.g., electrical conductivity) be monitored to provide warning of potential saltwater intrusion impact to the well water. If possible, take electrical conductivity measurements of the existing well to ensure there are no existing saltwater impacts.

Aquifer 449 was flagged in 2019 with Aquifer Notation NO198202 due to “Possible Water Shortage – potential hydraulic connection to fully recorded streams”. Increased groundwater extraction in the area may exacerbate current groundwater availability issues, increase potential for saltwater intrusion, and impact the water supply to other wells in the area. The nearest surface water body, Killicrankie Creek, runs through the western portion of the site and is associated with one existing Point of Diversion (License Number F110306). No allocation notices are listed for Killicrankie Creek. For more information on water licensing and rights refer to: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights>.

Aquifer 449 is classified as having an overall low vulnerability to contaminants introduced at the land surface because of the consistent till layer overlying the aquifer. Intrinsic vulnerability mapping (<https://catalogue.data.gov.bc.ca/dataset/drastic-aquifer-intrinsic-vulnerability>) indicates that aquifer vulnerability to contamination in the area of the subject parcel may be low. Animal grazing areas, septic fields, and locations of manure storage can sources of nutrient and bacterial contamination of surface and groundwater sources, therefore adequate (minimum 30 m) setbacks of these contaminant source from wells and surface water sources is required (in accordance with *Public Health Act*, Health Hazard Regulation https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/216_2011), and agricultural best practices (Code of Practice for Agricultural Environmental Management) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/8_2019) to reduce runoff of contaminants are recommended to be employed.

No additional concerns are noted with respect to the proposed bylaw.

Jennifer Veitch	Groundwater Technician
Signed	Title
David van Everdingen	Regional Hydrogeologist
Reviewed By	Title
July, 15, 2024	Ministry of Water, Lands, and Resource Stewardship
Date	Agency

From: [Pinches, Ryan MOTI:EX](#)
To: [Wendy Miller](#)
Subject: RE: Rezoning Application RZ000285 - CRD Referral (Rural A to RR-3- Shirley)
Date: Tuesday, July 02, 2024 9:53:17 AM

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Good morning Wendy,

Apologies for the delay in response.

The property does not fall within Section 52 of the Transportation Act and will not require Ministry of Transportation and Infrastructure formal approval.

The Ministry has no objections to the zoning text amendment.

Thank you,

Ryan Pinches
Senior Development Services Officer
Highways & Regional Services Division
Ministry of Transportation & Infrastructure
240 - 4460 Chatterton Way
Victoria, BC V8X 5J2
Ryan.Pinches@gov.bc.ca | 250-419-8992



**Minutes of a Meeting of the Shirley-Jordan River Advisory Planning Commission
Held July 9, 2024, at the Shirley Community Hall, 2795 Sheringham Point Road,
Shirley, BC**

PRESENT: Fiona McDannold (Chair), Emily Anderson, Vivi Curutchet, Melody Kimmel
Staff: Darren Lucas, Planner; Juan de Fuca Local Area Services;
Wendy Miller, Recorder
PUBLIC: 11

The meeting was called to order at 7:06 pm.

1. Approval of the Agenda

MOVED by Emily Anderson, **SECONDED** by Melody Kimmel that the agenda be approved.
CARRIED

2. Adoption of the Minutes of April 23, 2024, and April 30, 2024

MOVED by Emily Anderson, **SECONDED** by Melody Kimmel that the minutes from the meeting of April 23, 2024, be adopted.

CARRIED

MOVED by Emily Anderson, **SECONDED** by Melody Kimmel that the minutes from the meeting of April 30, 2024, be adopted.

CARRIED

3. Planner's Report

No report.

4. Zoning Amendment Applications

a) RZ000285 (BL4615) - That Part of Lot 2, Section 60, Renfrew District, Plan 6764 Lying to the South of the 66 Foot Road Dedicated by Said Plan (9333 Invermuir Road)

Darren Lucas spoke to the request to rezone the subject property from the Rural A zone to the Rural Residential 3 (RR-3) zone to facilitate a two-lot subdivision to support a lot for each existing dwelling. It was advised that an Environmental Report and a Riparian Areas Regulation Report were submitted in support of the application and are included in staff report.

The Chair confirmed that the application agent was present.

The agent stated that driveways are in place for each existing dwelling and that tree removal is not anticipated as part of the subdivision process.

MOVED by Fiona McDannold, **SECONDED** by Emily Anderson that the Shirley-Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee support for zoning amendment application RZ000285.

CARRIED