

Appendix F: Referral Comments

From: [Mark Groulx](#)
To: [Wendy Miller](#)
Subject: Re: Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)
Date: Saturday, June 22, 2024 10:01:13 AM
Attachments: [PPS-JDF-2024-06-18-RZ000286-Referral-LUC-Report.pdf](#)

Good day Wendy, no concerns from Bylaw

Regards

Sent from my iPhone

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 RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)
Date: Thursday, June 27, 2024 10:13:26 AM

Hi Wendy, hope all is good with you.

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. 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: Wendy Miller <wmiller@crd.bc.ca>
Sent: Wednesday, June 19, 2024 3:54 PM
To: Caitlyn Vernon <CVernon@crd.bc.ca>
Cc: Shauna Huculak <SHuculak@crd.bc.ca>; Sandra Allen <SAllen@crd.bc.ca>

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](#)

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

Thanks Darren

No issue with these.

Thank yiu



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

9 August 2024

RE: Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)

File: RZ000286

Dear Wendy Miller,

Thank you for providing the opportunity to review the application. T'Sou-ke First Nation has reviewed the documents sent. T'Sou-ke Nation agrees with the recommendations provided in the environmental assessment. Also, the proponent should be required to complete an archaeological study (AIA) prior to construction to determine the presence of known archaeological sites, devise mitigation and avoidance strategies, and determine previously unknown archaeological interests. T'Sou-ke Nation will need to be apprised of any archaeological finds when construction starts on this property. There should also be the opportunity for the T'Sou-ke Nation Guardians to be onsite when excavation is undertaken. Please notify T'Sou-ke Nation when construction begins.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Hill".

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
administrator@tsoukenation.com
250-642-3957

From: [Mann, Elaine](#)
To: [Wendy Miller](#)
Cc: [Cameron, Michael \(Properties\); Design, SVI](#)
Subject: 9285 Invermuir Rd, Shirley, BC Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)
Date: Thursday, June 20, 2024 1:30:30 PM
Attachments: [image002.png](#)
[REFERRAL-FORM-AGENCIES-RZ000286.pdf](#)
[PPS-JDF-2024-06-18-RZ000286-Referral-LUC-Report.pdf](#)
[TITLE-CA309122-PID-026-512-513.pdf](#)

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

Hi Wendy

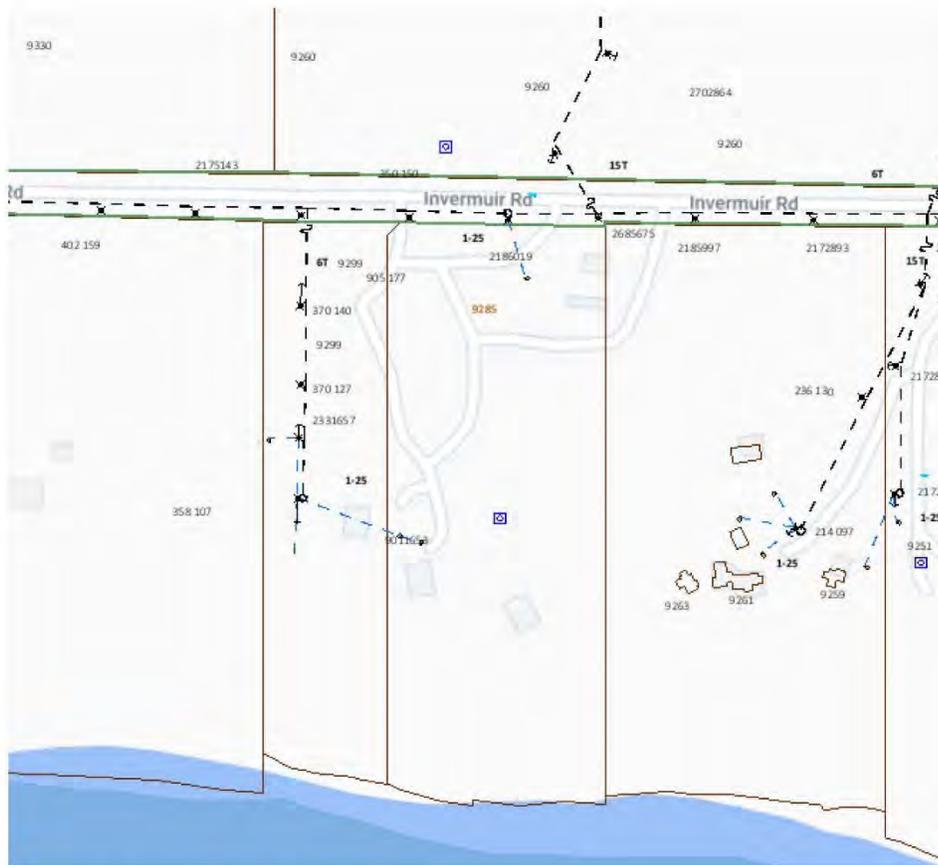
Thank you for your email. BC Hydro Property Rights Services has no objection in principle to the proposed rezoning application and the 3-lot subdivision.

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.



Elaine Mann | Property Coordinator, Property Rights Services

BC Hydro
Vancouver Island

P 250-755-7169
E elaine.mann@bchydro.com

bchydro.com

Smart about power in all we do.

From: Wendy Miller <wmiller@crd.bc.ca>
Sent: 2024, June 19 3:26 PM
To: Mann, Elaine <Elaine.Mann@bchydro.com>
Subject: [External] Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)

Don't click on links or open attachments unless you trust the sender and are expecting the link or attachment. If you suspect this message to be phishing, please report it by clicking the Report Message button in the Outlook toolbar and select "Phishing."

From: [Lauren Mattiussi](#)
To: [Wendy Miller](#)
Cc: [Chris Marshall](#)
Subject: RE: Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)
Date: Thursday, June 27, 2024 1:20:13 PM
Attachments: [image002.png](#)
[REFERRAL-FORM-AGENCIES-RZ000286.pdf](#)

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

The District has no concerns.

Lauren Mattiussi, RPP, MCIP

Senior Planner



From: Planning <planning@sooke.ca>
Sent: Wednesday, June 19, 2024 3:35 PM
To: Lauren Mattiussi <LMattiussi@sooke.ca>; Tara Johnson <tjohnson@sooke.ca>
Cc: Chris Marshall <CMarshall@sooke.ca>
Subject: FW: Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)

For your review and response

Nichole

From: [Arch Data Request FOR:EX](#)
To: [Wendy Miller](#)
Subject: RE: Rezoning Application RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)
Date: Wednesday, July 03, 2024 12:59:58 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 9285 Invermuir Road, PID 009592130, THAT PART OF SECTION 90, RENFREW DISTRICT, SHOWN OUTLINED IN RED ON PLAN 913R LYING TO THE SOUTH OF THE SOUTHERLY BOUNDARY OF PLAN 503RW AND TO THE WEST OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 575 FEET FROM THE EASTERLY BOUNDARY OF THAT PART OF SAID SECTION SHOWN OUTLINED IN RED ON SAID PLAN 913R, EXCEPT PART IN PLAN VIP80043. 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.

From: [Toews, Mary WLRS:EX](#)
To: [Wendy Miller](#)
Cc: [Roden, Jacqueline WLRS:EX](#)
Subject: RE: Referral Request CRD RZ000286 9285 RZ Bylaw 4616
Date: Monday, July 08, 2024 3:40:14 PM
Attachments: [image001.jpg](#)

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

Hello,

We have no objection to the approval of the rezoning subject to adhering to the recommendations in the report completed by Corvidae Environmental Consulting Ltd; particularly the avoidance of vegetation clearing during breeding bird season, buffers of 10-15m (preferably 15) on waterbodies, and siting development outside of the most sensitive areas (away from waterbodies, leaving mature forest intact as much as possible, etc). The report notes that the streams and wetlands are not covered by RAPR as they are likely non-fish bearing, however we note that the *Water Sustainability Act* (WSA) would apply and any work impacting these waterbodies would require an Approval or notification from the Provincial Water Authorizations Branch. Note that if any further wet areas that have potential to be wetlands, or species at risk or habitat, are found during development work must stop and a QEP employed to further assess.

Mary

Mary Toews | MSc, RPBio (she/her)

Sr. Ecosystems Biologist, West Coast Region
BC Ministry of Water, Land and Resource Stewardship
2080 Labieux Rd, Nanaimo, B.C. V9T 6J9

Phone: 778-421-8744 | Email: Mary.Toews@gov.bc.ca

I gratefully acknowledge that I live and work on the territory of the Qualicum, K'omoks, Snaw-naw-as and Snuneymuxw First Nations

RESPONSE SUMMARY – REZONING APPLICATION
RZ000286

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 9285 Invermuir Road (That Part of Section 90, Renfrew District, Shown Outlined in Red on Plan 913R Lying to the South of the Southerly Boundary of Plan 503RW and to the West of a Boundary of that Part of Said Section Outlined in Red on Said Plan 913R, Except Part in Plan VIP80043). Currently, three residential dwellings occupy the subject lot. Based on the subdivision plan provided, there will be one dwelling per subdivided lot therefore, the proposed rezoning and subdivision is not expected to result in additional housing density. The Water Supply and Sewage Management Assessment Report submitted with the application also recommended the drilling of two new private domestic water supply wells which, in conjunction with the existing water supply well (Well Tag Number: 99540), would supply each newly subdivided lot with water access.

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.

Two new, private, domestic water supply wells are proposed for the subdivided lots. The existing water supply well on the subject property was installed in 2005 to a finished depth of 79 metres below ground (mbg) with a reported yield of 30.2 Litres per minute (L/min). The existing well is completed in 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 18 bedrock wells registered in the Groundwater Wells database (GWELLS <https://apps.nrs.gov.bc.ca/gwells>) within 1 km of this site is 79 m and ranges from 15 m to 91 m. The well yields for these wells range from 7.5 to 190 L/min. The subject property elevation ranges from 0 to 60 (masl). The existing well on the property is completed to 79 mbg, if the additional proposed wells were to be finished to a similar depth, it would place the well screens beneath sea level. Based on the anticipated depths of the proposed wells and the proximity of the wells to the ocean shoreline (~135 m to 200 m) the saltwater intrusion risk is increased.

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, is located ~320 m from the western boundary 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 RZ000286 - CRD Referral (Rural A to RR-6A - Shirley)
Date: Tuesday, July 02, 2024 9:54:15 AM

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

Good morning Wendy,

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

Shirley-Jordan River Advisory Planning Commission Meeting Minutes
July 9, 2024

2

- b) **RZ000286 (BL4616) - That Part of Section 90, Renfrew District, Shown Outlined in Red on Plan 913R Lying to the South of the Southerly Boundary of Plan 503RW and to the West of a Boundary Parallel to and Perpendicularly Distant 575 Feet from the Easterly Boundary of that Part of Said Section Shown Outlined in Red on Said Plan 913R, Except Part in Plan VIP80043 (9285 Invermuir Road)**

Darren Lucas spoke to the request to rezone the subject property from the Rural A zone to the Rural Residential 6A (RR-6A) zone to facilitate a three-lot subdivision. It was advised that a Water and Sewerage Servicing Assessment and an Environmental Assessment were submitted in support of the application and are included in the staff report.

The Chair confirmed that the application agent was present.

Vivi Curutchet entered the meeting at 7:16 pm.

Darren Lucas responded to a question from the APC advising that the Shirley – Jordan River Official Community Plan (OCP) provides a policy which supports consideration of rezonings to permit subdivision to create parcels equivalent to the number of existing dwelling units on a parcel with multiple existing dwellings.

APC discussion ensued regarding the lot coverage proposed by preceding application RZ000285 and the lot coverage being proposed by application RZ000286.

The agent stated that:

- the subject property is constrained by multiple development permit areas
- current zoning permits three dwellings
- the proposal is in keeping with the OCP policy, which supports consideration of rezoning applications to permit subdivision of parcels zoned Rural A as an alternative to a building strata development

At the request of the APC, Darren Lucas confirmed the regulations for the RR-6A zone and accessory buildings.

At the request of member of the public, the Chair read aloud the permitted uses prescribed by the RR-6A zone.

MOVED by Fiona McDannold, **SECONDED** by Melody Kimmel that the Shirley-Jordan River Advisory Planning Commission recommends to the Juan de Fuca Land Use Committee support for zoning amendment application RZ000286 with a Lot Coverage of 20%.

CARRIED

5. Adjournment

The meeting adjourned at 7:43 pm.

Chair