



**PROPOSED SUBDIVISION
PRELIMINARY LAYOUT
REVIEW**

JI Properties Inc;
[REDACTED]
3000-1055 West Georgia
Street Vancouver, BC V6E 3R3

Your File #:
Our eDAS #: 2014-01343
Date: Feb/11/2020

Attention [REDACTED]

Please use this updated Preliminary Layout Review Letter per the attached site plan revision dated 2020/05/25.

Re: Proposed Subdivision of Lots 1, 2, 3, 4, & 5, Section 1, James Island, Cowichan District, Plan VIP85132, James Island

PID(s): 027-534-588, 027-534-596, 027-534-618, 027-534-553, & 027-534-570

Location: James Island

Proposal: 79 Lot Bareland Strata Subdivision

Your application for preliminary review of the proposed subdivision as detailed above has been considered and this letter summarizes the additional information and requirements that are required for consideration of approval of the subdivision.

Although we have sought to list all the conditions, this letter does not constitute an approval. Upon further consideration, or review of additional information, changes or additions may occur.

1. As per previous communications, the Province has a constitutional duty to consult with and, where appropriate, accommodate Indigenous groups whose asserted or proven Aboriginal or treaty rights ("Aboriginal Interests") may be adversely impacted by the subdivision application. The Province has initiated consultation with the potentially affected First Nations.

To date, the only First Nation who has expressed an interest in proceeding with consultation on the subdivision application is the Tsawout First Nation (Tsaywout).

The Province may seek to involve you in the procedural aspects of consultation. Proponent engagement with First Nations can facilitate effective and timely information exchange and may include the modification of plans to mitigate and avoid impacts to Aboriginal Interests. Provincial staff will work with you to ensure that Provincial and proponent activities are coordinated.

Local District Address
Saanich Area Office Suite 240 – 4460 Chatterton Way Victoria, BC V8X 5J2 Canada Phone: (250) 952-4508

Tsawout raises preliminary questions about: archaeological sensitivity; the effect of subdivision on its ability to continue practicing its asserted Aboriginal rights and its treaty rights; and the environment. If you submit information about the environmental or the archaeology matters, it will be shared with Tsawout for their further review and comment. Consultation with Tsawout is at a preliminary stage and there may be other concerns raised by Tsawout as the consultation process continues.

Many proponents ensure that the concerns of potentially affected Indigenous groups are appropriately captured and considered by involving Indigenous groups in the design of any environmental or archeological studies, inviting Indigenous groups to participate in or monitor the execution of the study, and/or to provide opportunity for Indigenous groups to review and comment on a draft study prior to finalization. You have advised that you have adopted an approach to your archeological work thus far as outlined in your letter dated November 22, 2019.

If additional comments are received from Tsawout or any other First Nations regarding any Aboriginal rights or treaty rights that may be impacted by this proposed subdivision, additional requirements regarding consultation, accommodations and/or mitigation may be required.

2. Provincial records indicate that development associated with this application may be in conflict with archaeological sites protected under the Heritage Conservation Act. It should be noted that there is a site identified as Borden Number: DdRu 10, 40, 45, 128, 129, 130 & 131 on or near the proposed development.

Therefore, the Provincial Approving Officer requires that as a condition of PLA, the applicant hire a qualified archaeologist to determine the need for an archaeological impact assessment of the subject property. The purpose of the archaeological impact assessment would be to accurately identify the location(s) of the known archaeological site(s), to record any additional sites that may be present, and to recommend any action that may be needed to manage archaeological values in conflict with future development. This might include the placement of covenants to ensure that such sites are not disturbed without proper authorization from the Archaeology Branch.

If the archaeologist determines that an archaeological impact assessment is not required, the archaeologist must forward a written statement to this office and copy to the Archaeology Branch containing the reasons for eliminating this requirement.

If an archaeological impact assessment is required, you should be aware that applications for Heritage Conservation Act permits take in the order of 6 weeks to process. This includes allowance for a 30 day comment period from local First Nation(s). Processing time can be shortened accordingly if, at the time of application, supporting letter(s) are received from local First Nations.

Information on archaeological consultants may be obtained by calling the B.C. Association of Professional Archaeologists at 604 924-3155 or by checking their web site (<http://www.bcapa.ca/>). Archaeological consultants are also listed in the Yellow Pages.

Applicant to note that portions of these registered archaeological sites may already reside within the areas of established conservancy Covenants. Should all portions of the registered sites fall within these covenant areas, to be confirmed by surveyor, no further action will be required.

3. Compliance with all applicable bylaws regulating the subdivision of land and zoning with the Islands Trust. The applicant is encouraged to discuss applicable bylaw requirements with the Islands Trust. The Islands Trust will advise us when compliance is complete.
4. Written confirmation from the Islands trust that all applicable development permit and development variance permits have been issued. Please provide a copy of these documents with any final survey plan submission.
5. Compliance with all requirements of Agricultural Land Commission resolution #0008/2007.
6. Proof that each lot is capable of supporting a suitable in ground septic disposal system. Proof will need to be provided by either the Vancouver Island Health Authority or by the provision of a suitable report prepared by a qualified Professional Engineer that addresses onsite sewage disposal to the satisfaction of the Provincial Approving Officer. Proof will need to be provided to show that each lot is capable of supporting an in-ground septic disposal system and reserve areas. The report will also need to take into account the appropriate setbacks from water, wells, lot lines, building areas etc.

Existing systems are to be shown to be in working order and have the appropriate operating permits in place.

Testing results can be done within the last three years. Please be advised that additional conditions may arise from the review of this report.

7. Proof of water quantity in the amount of 2500 liters per day per dwelling must be provided for all lots and any remainders. For groundwater, please provide a Well Construction report (well log) from a registered Well Driller or Pump test report from a Registered Pump Installer. If surface water is being proposed, written confirmation may be in the form of an existing water license or approval in principle from the Water Stewardship Branch of the Ministry of Environment. Written confirmation from an accredited laboratory to be provided showing that all lots created, including any remainders, has availability of water that meets the parameters of the Guidelines for Canadian Drinking Water Quality published by Health Canada, including at the minimum the microbiological, chemical and aesthetic parameters (See attached Schedule A).

Any existing wells shall provide documentation, done within the last three years; that the quantity and quality is still being met. Representational documentation can be considered for proof of water if less than 500 metres away from proposed subdivision lots. Reasonable assurances to be provided that the representational documentation is from the same water source.

Please submit the water quantity and quality testing results to the Ministry of Transportation and Infrastructure for review at least two weeks prior to submission for final approval. Based on the testing results and need for subsequent treatment for future lot owners may necessitate a restrictive covenant registered against the title as a condition of final approval.

8. Applicant to provide a geotechnical study, conducted by a qualified Professional Geotechnical Engineer registered in the Province of British Columbia, which identifies safe building sites on all proposed waterfront lots. Report to be submitted to the Ministry for review and acceptance prior to creation of covenant in condition #5.
 9. Provision of an acceptable covenant, registrable pursuant to Section 219 of the Land Title Act, that prohibits building on proposed waterfront Lots outside of building sites supported by geotechnical study (condition #4). Covenant to state that proposed building sites are to be reviewed and approved by a qualified Professional Geotechnical Engineer prior to construction. Covenant to be in favour of the Capital Regional District and Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure. Capital Regional District to provide confirmation that covenant is acceptable prior to final approval.
 10. Strata roads are to be built to good gravel road construction engineering practices. Proposed design is to be submitted for review and approval to the Ministry prior to construction.
 11. The Provincial Approving Officer is prepared to grant relief, in this instance, pursuant to Section 75(1)(c) of the Land Title Act, subject to submission of a suitable statutory declaration and notification on the final plan.
 12. Applicant to comply with all requirements of the Strata Property Act.
 13. Recent State of Title is to be submitted along with final paperwork.
 14. Surveyor to ensure that all constructed roads are within a publicly dedicated road allowance (with the exception of any internal strata roads).
- Note:** Applicant to note the established nature conservancy areas established by registered covenant FB180722 & FB180723, as these restricted areas may impact proposed lot creation.

Note: Applicant to submit a completed contaminated site waiver form (attached) for all parent parcels involved with this subdivision prior to final approval.

Note: As covenants are required to address concerns raised by the Ministry and/or other agencies, the necessary notation listing the covenant holders and the number of covenants for each shall be included on the Schedule of Owners and Witnesses of the Application to Deposit Plan at Land Titles Office. A notation on the plan image listing the covenants is not required.
The necessary Approving Officer statement in the covenants required as a condition of approval of the proposed subdivision must be included on the Form D of the covenant document.

Within the covenant document, the Minister shall be identified as Her Majesty the Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, Parliament Buildings, Victoria, BC, V8V 1X4.

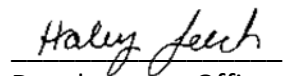
Completion of the matters outlined above will not automatically bring approval. Changes to acts, regulations, bylaws, fees, or other matters happen from time to time and may impact your proposal. This preliminary review of the subdivision proposal is valid for one year however it may be reconsidered at any time. After one year the applicant is advised to make written request for an extension.

Submission of final plans and documents to be accompanied by a current tax certificate to show proof all property taxes are paid, together with a plan examination fee of \$50 plus \$100 per lot for a total of \$7,950.00. If paying by cheque, make payable to the Minister of Finance.

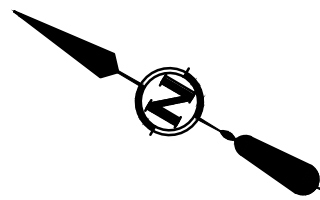
If you have any questions or wish to set up an appointment, please do not hesitate to call Haley Leech at 778-974-3752.

Please quote file number 2014-01343 when contacting this office. We encourage you to make use of our online file system eDAS to track the progress of your application.

Signed on behalf of Provincial Approving Officer by


Development Officer

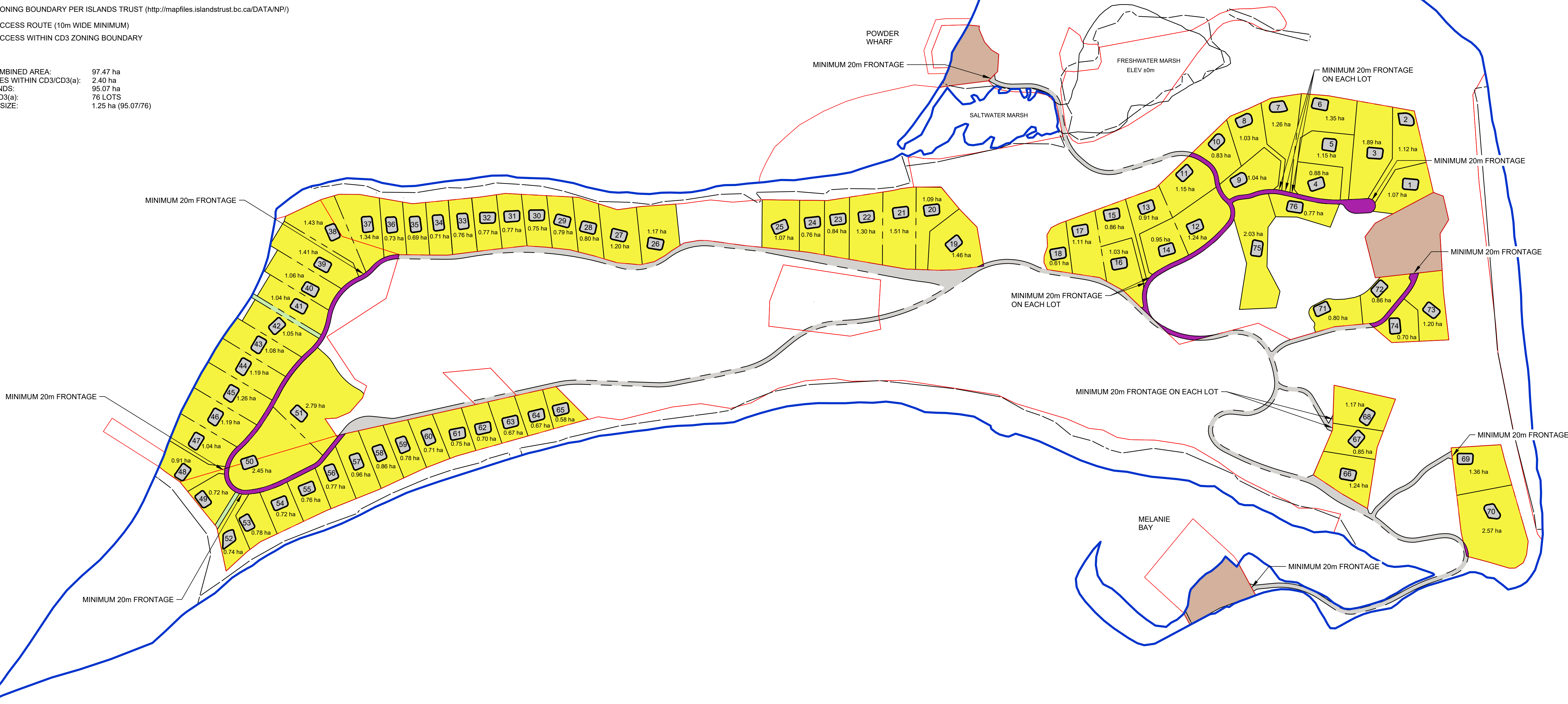
cc: Islands Trust



- 76 RESIDENTIAL LOTS
3 COMMERCIAL LOTS

- ZONING BOUNDARY PER ISLANDS TRUST (<http://mapfiles.islandstrust.bc.ca/DATA/NP/>)
--- ACCESS ROUTE (10m WIDE MINIMUM)
--- ACCESS WITHIN CD3 ZONING BOUNDARY

CD3/CD3(a) COMBINED AREA: 97.47 ha
ACCESS ROUTES WITHIN CD3/CD3(a): 2.40 ha
CD3/CD3(a) LANDS: 95.07 ha
LOTS IN CD3/CD3(a): 76 LOTS
AVERAGE LOT SIZE: 1.25 ha (95.07/76)



PLOT DATE: 2020-05-25 10:13:47 AM
SAVE DATE: 2020-05-25 10:13:35 AM
DWG PATH: P:\2018\2339\001\Discovery\26working\dwgs\100_svil\2339-00-c-7006.dwg



PRELIMINARY/
FOR DISCUSSION
NOT FOR CONSTRUCTION

I	2020-05-25	MD	AKS	REVISED PER ISLAND TRUST COMMENTS
H	2020-05-01	MD	AKS	REVISED PER CLIENT COMMENTS/REQUESTS
G	2020-04-30	MD	AKS	REVISE ROADS
F	2020-04-03	MD	AKS	AREAS SHOWN TO 2 DECIMALS
E	2020-03-11	MD	AKS	ADDED SETBACK LINE
D	2020-03-05	MD	AKS	REVISED LOT LAYOUT
REV	DATE	DESIGN	DRAWN	DESCRIPTION

J.I. PROPERTIES INC.

JAMES ISLAND
DISCOVERY DEVELOPMENT

2018-2339-00

SCALE: 1:5000

CIVIL
PLAN
PRELIMINARY LOT LAYOUT

DRAWING	REVISION	SHEET
2339-C-7006	I	/