



**CAPITAL REGIONAL DISTRICT**

**DEVELOPMENT PERMIT WITH VARIANCE NO. DV000091**

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:  

**PID:** 000-181-781;  
**Legal Description:** Lot 30, Section 98, Sooke District, Plan 33263 (the "Land")
3. This development permit authorizes construction of a detached garage (the "development") on the Land, located within the development permit areas established under the East Sooke Official Community Plan, Bylaw No. 4000, 2018, Section 530 (Riparian) in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
  - a) That the components of the development occur as identified on the Site Plan, prepared by Polaris Land Surveying Inc., dated December 3, 2021;
  - b) That the development occur as identified on the Building Drawings, prepared by Proper Measure North Island, dated October 10, 2021, revised November 27, 2021; and
  - c) That the development comply with the report prepared by Erin Vukic, R.P.Bio., of Corvidae Environmental Consulting Inc., dated May 3, 2023 (the "Riparian Assessment Report").
5. The Capital Regional District's Juan de Fuca Land Use **Bylaw No. 2040** is varied under section 498 of the *Local Government Act* as follows:
  - a) That Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
  - b) That Part 1, Section 4.01 (2)(a) to increase the permitted height from 6 m to 7.32 m; and
  - c) That Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m<sup>2</sup> to 167 m<sup>2</sup> on a lot with an area of more than 2,000 m<sup>2</sup> and less than 5,000 m<sup>2</sup>.
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000091) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:  

Appendix A: Site Plan  
Appendix B: Building Drawings  
Appendix C: Riparian Assessment Report



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10. This Permit is NOT a Building Permit.

11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

**RESOLUTION PASSED BY THE BOARD, THE \_\_\_\_ day of \_\_\_\_\_, 2023.**

**ISSUED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

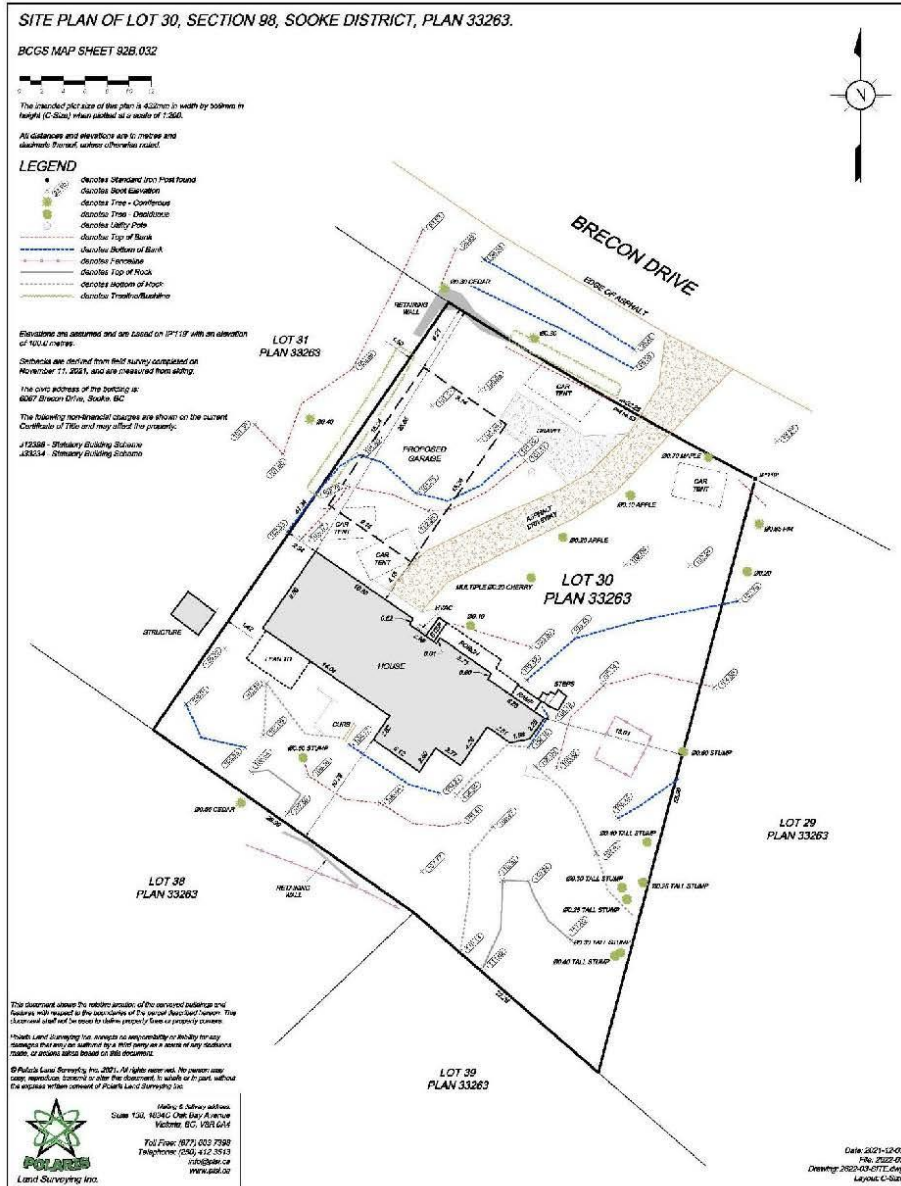
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Corporate Officer  
Kristen Morley



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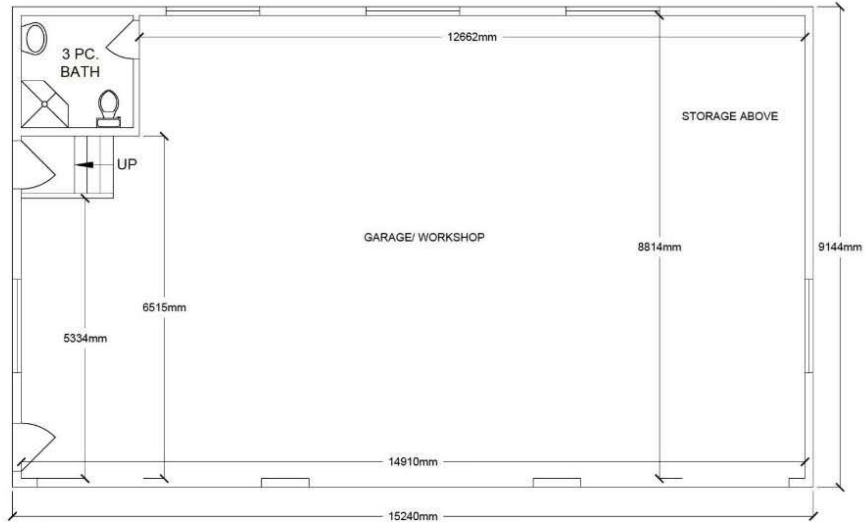
Appendix A: Site Plan



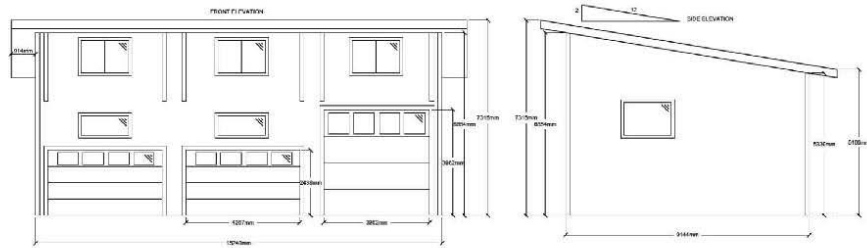


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Appendix B: Building Drawings



6067 BRECON DR. OCT. 10TH, 2021		REVISION NOV. 27, 2021	1500 SQ. FT.
Prepared by PROPER MEASURE SCIENTIFIC LLC for the exclusive use of [REDACTED]		DRAWING BY	M.J.
These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.		SCALE: 3/4" = 1'	



6067 BRECON DR. OCT. 10TH, 2021		REVISION NOV. 27, 2021	1500 SQ. FT.
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Appendix C: Riparian Assessment Report



**RIPARIAN AREAS PROTECTION REGULATION: ASSESSMENT REPORT**

Date: May 3, 2023

**I. Primary QEP Information**

First Name: Erin  
Last Name: Vekic  
Designation: R.P. Biol.  
Company: Corvidae Environmental Consulting  
Registration: #4183  
Email: erinv@corvid.pro

Address: 6526 Water Street  
City: Sooke  
Postal/Zip: V9Z 0X1  
Phone #: (403) 200-8236  
Prov/state: BC  
Country: Canada

**III. Developer Information**

First Name: [REDACTED]  
Last Name: [REDACTED]  
Company: n/a  
Email: [REDACTED]

Address: 6067 Brecon Drive  
City: Sooke  
Postal/Zip: V9Z 1B1  
Phone #: [REDACTED]  
Prov/state: BC  
Country: Canada

**IV. Development Information**

Development Type: Accessory building  
Area of Development (ha): 0.0139 ha  
Riparian Length (m): 65 m  
Lot Area (ha): 0.205 ha  
Nature of Development: Redevelopment  
Proposed Start Date: June 2023  
Proposed End Date: September 2023

**V. Location of Proposed Development**

Street Address: 6067 Brecon Drive  
Local Government: Capital Regional District  
City: Sooke  
Legal Description (PID): 000-181-781  
Region: 1-Vancouver Island

Stream Name: Unnamed  
Stream/River Type: Stream  
DFO Area: 29  
Watershed Code: 930-018300  
Latitude: 48°21'42.51"N  
Longitude: 123°40'28.55"W

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## SECTION 1. DESCRIPTION OF FISHERIES RESOURCES VALUES AND A DESCRIPTION OF THE DEVELOPMENT PROPOSAL

### Description of Fisheries Resources Values

The property engages the 30 metre (m) Riparian Assessment Area of an unnamed watercourse that occurs on the adjacent property (6085 Brecon Drive) to the west of 6067 Brecon Drive in East Sooke, BC (the property). The watercourse is unnamed and occurs within the Juan de Fuca Electoral Area that extends from Mount Maguire northeast to the waters of Sooke Basin.

Watercourses and hydrology patterns in the area have been altered due to the establishment of residential development. The watercourse originates southwest of the property. It is anticipated that flows within the watercourse are limited to stormwater runoff, as no parent stream is mapped. Flows within the watercourse were described by the property owner as intermittent and flashy, with increased flows during periods of increased rainfall.

The watercourse is not shown provincial mapping resources (e.g., iMapBC, HabitatWizard) and thus no fish records are available; however, stormwater flows are conveyed northeast to Sooke Basin, which is a fish-bearing waterbody. Although fish absence was not confirmed during the assessment, fish presence is considered unlikely within the reach adjacent to the property due to the presence of a dilapidated culvert that conveys the watercourse north beneath Brecon Drive (Photograph 9).

Intermittent flows were observed at the time of the assessment. Substrates were comprised of boulders, cobbles, and gravels. Large woody debris (LWD) inputs were absent apart from one piece of LWD oriented parallel to the bank downstream (north) of Brecon Drive. This is largely due to previous clearing and disturbance and relatively young second-growth forest in the riparian area. The channel has been disturbed and degraded due to urbanization; however, some evidence of cascade-pool morphology was present, including boulders and cobbles within the banks and channel bed, as well as partial moss cover on the rocks/boulders present. Minor pooling and steps were observed in the lower reaches adjacent to the property.

The watercourse is shown on the Capital Regional District Regional Map (Figure 1). The alignment in proximity to the property was field verified by the QEP and is shown in Figure 2.

### Description of Riparian Habitat

The watercourse is shaded by a canopy of bigleaf maple, western redcedar, red alder, Douglas-fir, and western hemlock. Understorey areas are dominated by mosses and sword fern.

### Description of Development Proposal

The property owner is seeking to construct a garage/shop structure in an open, lawn area to the west of the existing driveway. The garage will occupy approximately 1,500 sq. feet of space on the property.

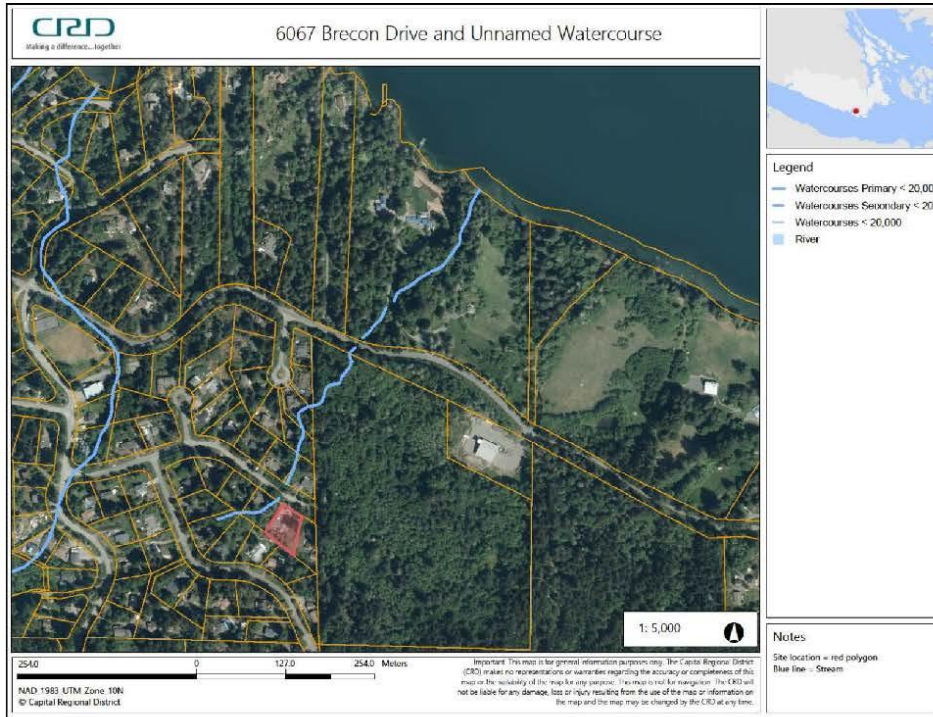
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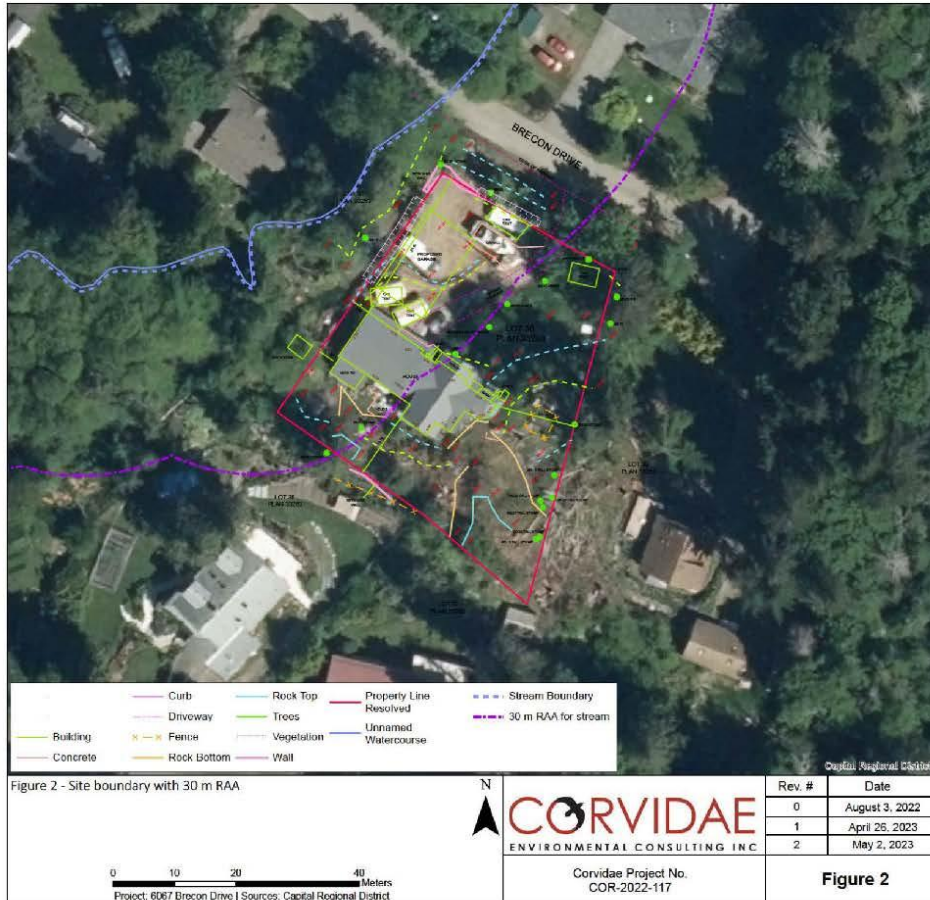
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**SECTION 2. RESULTS OF RIPARIAN ASSESSMENT (SPEA WIDTH)**

Form 4 Equivalent: Detailed Assessment

**RESULTS OF DETAILED RIPARIAN ASSESSMENT**

Description of Water bodies involved (number, type):

Stream	<input checked="" type="checkbox"/>	1 – Ditch	<input type="checkbox"/>
Wetland	<input type="checkbox"/>	Number of reaches	1
Lake	<input type="checkbox"/>	Reach #	1

**Channel width and slope and Channel Type**

Measurement #	Channel width (m)	Gradient (%)
(upstream) 1	1.4	
2	1.6	
3	1.7	5
4	1.2	
5	1.3	
(starting point) 6	1.2	
7	4.9	
8	1.7	
9	0.8	8
10	1.7	
(downstream) 11	1.4	
Total minus high/low	10.7	--
Mean	1.5	6.5

Channel Type  Riffle/Pool  Cascade/Pool  Step/Pool

**Site Potential Vegetation Type (SPVT)**

Polygons?  Yes  No

I, Erin Vekic, hereby certify that:

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

SPVT Type  LC  SH  TR

**Zone of Sensitivity (ZOS) and resultant SPEA**

LWD, Bank and Channel Stability ZOS (m) 2x 1.5m = 3m → 10m minimum  
 Litter fall and insect drop ZOS (m) 3x 1.5m = 4.5m → 10m minimum  
 Shade ZOS (m) max 3x 1.5m = 4.5m South bank  Yes  No

**SPEA:** 10 m (based on largest ZOS above)

I, Erin Vekic, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]

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- c) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report.*  
*and*
- d) *In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.*

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**Comments**

For the stream assessed, the SPEA will be 10 m in width. The SPEA must be clearly marked in the field by the QEP prior to construction of the accessory structure.

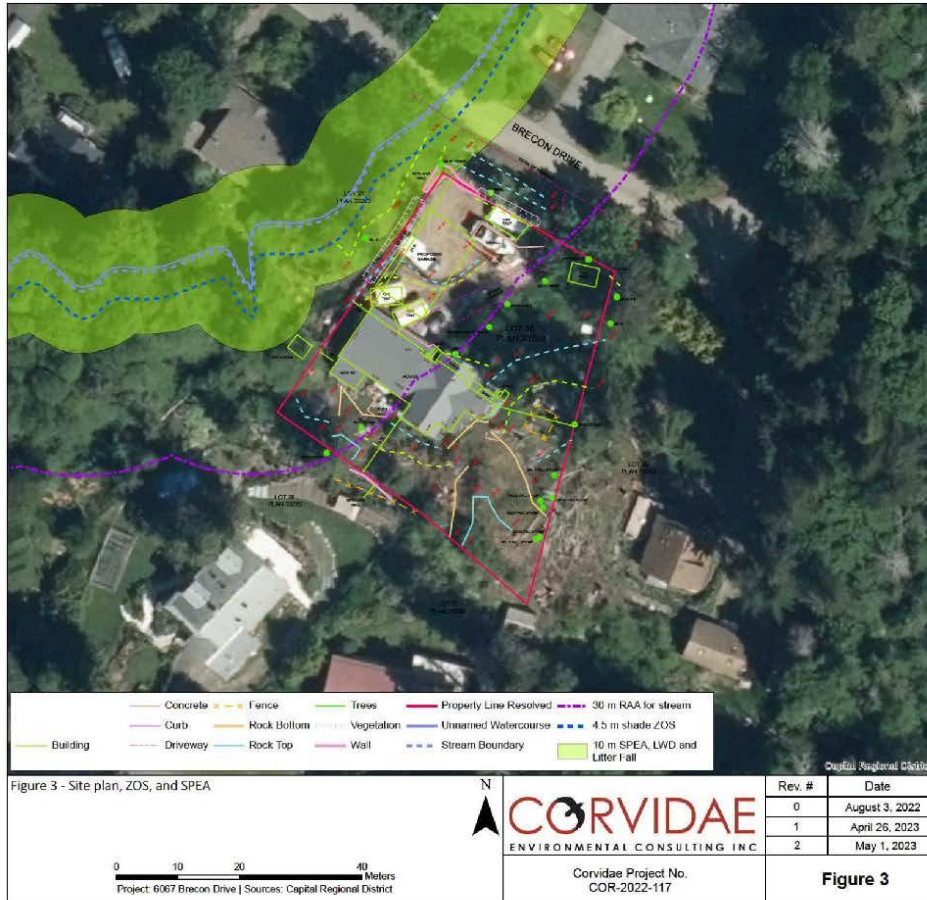
The RAA, ZOS and SPEA are shown in Figures 3 and 4, respectively, in Section 3.

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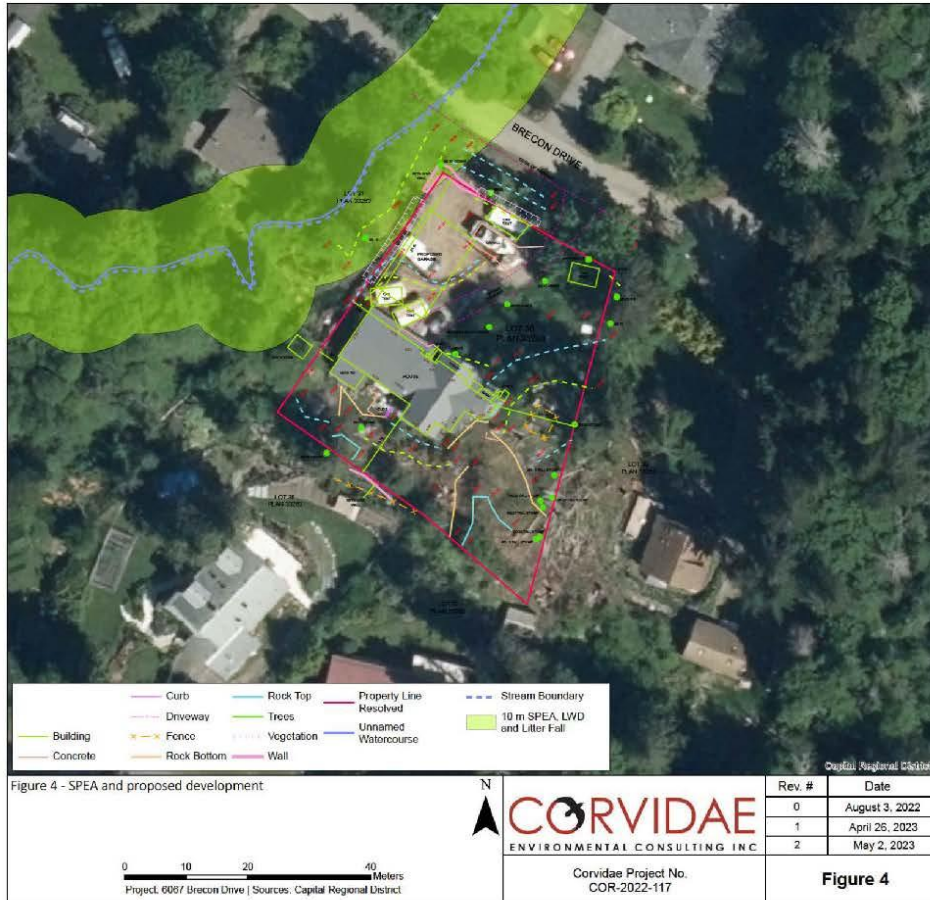
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#### SECTION 4. MEASURES TO PROTECT AND MAINTAIN THE SPEA

##### 1. Danger Trees

Construction of the garage will not occur within the SPEA and tree removal is not anticipated as part of the proposed works. Danger trees were not identified on site at the time of the assessment, however, the QEP is not an arborist or forester. If there are any trees of concern in the SPEA in the future, a certified arborist or professional forester needs to be obtained to confirm the tree(s) as a danger prior to any removal by a certified arborist.

*I, Erin Vekic, hereby certify that:*

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

##### 2. Windthrow

Trees within the riparian area are likely windfirm due to ongoing exposure due to previous vegetation removal for residential development. Tree removal is not required in order to accommodate the garage construction, and therefore existing trees will not experience any greater or lesser change to the degree of windfall they currently experience on an ongoing basis.

*I, Erin Vekic, hereby certify that:*

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

##### 3. Slope Stability

There are no steep slopes on the property and thus slope stability is not a concern.

*I, Erin Vekic, hereby certify that:*

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

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#### 4. Protection of Trees

The SPEA boundary will be clearly marked in the field to ensure the trees and vegetation within the SPEA will be protected. No vegetation or tree removal is required for the construction of the garage. Where the root system of a protected tree extends beyond the SPEA, then additional fencing will be installed to protect the tree and its roots. A general rule of thumb is the crown canopy matches the root protection area. The garage will be located approximately 2 metres from the SPEA at the closest point. The additional 2 metres on top of the existing 10 m SPEA setback will provide an added buffer between the construction and existing riparian vegetation.

*i. Erin Vekic, hereby certify that:*

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

#### 5. Encroachment

Encroachment into the SPEA will not be required to facilitate the installation of the garage. The garage will be located approximately 2 meters from the SPEA at the closest point. The additional 2 metres on top of the existing 10 m SPEA setback will further reduce encroachment and reduce the risk of impacts to the SPEA during construction. The footprint of the garage/shop structure shown in Figures 2, 3, and 4 represents the total footprint of the structure.

Construction/snow fencing, or other highly visible marking system will be installed prior to construction in order to protect the trees and vegetation within the SPEA and to keep workers and equipment from encroaching within the SPEA.

*i. Erin Vekic, hereby certify that:*

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

#### 6. Sediment and Erosion Control

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 and experience from past projects. The following erosion control measures are recommended to be maintained for the duration of the garage construction and will be adaptively managed throughout the project:

- In order to minimize exposure of underlying soils to erosion, minimize amount of time soils are exposed by seeding disturbed areas and or placing straw on exposed soils until groundcover is established.
- Install silt fencing or straw wattles on the SPEA edge downslope from the construction area to prevent sediment laden runoff from entering the stream.
- Store materials and soils in dry, flat areas at least 15 m from the edge of the SPEA.

*i. Erin Vekic hereby certify that:*

- p) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- q) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]*

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- r) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

#### 7. Stormwater Management

There are no immediate stormwater management concerns at this time. Erosion and sediment controls discussed above will be used to prevent contaminated run-off from entering the stream system. Any surface water runoff will be directed away from the SPEA to vegetated areas on the east extent of the property to ensure sediment-laden runoff does not enter the SPEA and watercourse.

*I, Erin Vekic, hereby certify that:*

- s) *I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- t) *I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED]*
- u) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

#### 8. Floodplain Concerns (highly mobile channel)

Channel migration outside of the existing stream boundaries and SPEA is unlikely given the gentle slopes that occur on the property and within the riparian area. There are no floodplain concerns at this time.

*I, Erin Vekic, hereby certify that:*

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

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#### SECTION 5. ENVIRONMENTAL MONITORING

The developer has been informed of their obligation to protect the streamside protection and enhancement area (SPEA) and has agreed to implement the protection measures detailed above.

The SPEA will be clearly marked in the field prior to any construction activities to ensure that no disturbance occurs within this sensitive riparian ecosystem.

The developer will engage a QEP as an Environmental Monitor (EM) to inspect the installation of erosion and sediment controls prior to the commencement of works within the Riparian Assessment Area. In the event of a spill or major storm event (>10 mm in a 24-hour period), work will be stopped and a QEP will be obtained to assess the effectiveness of the erosion and sediment control measures and the potential impacts to the SPEA and watercourse.

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**SECTION 6. PHOTOS**

*Form 5 Equivalent*

**Photo 1. Southwest view of the location of proposed garage/shop on the property (stake in bottom right corner marks the northwest corner of the garage). June 30, 2022.**



**Photo 2. West view of proposed garage location and riparian area adjacent to the west property boundary. June 30, 2022.**



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Photo 3. Southwest view of property boundary (existing fence line) and riparian canopy of adjacent watercourse. June 30, 2022.



Photo 4. North (downstream) view of watercourse and culvert under Brecon Drive June 30, 2022.



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Photo 5. Southeast view of riparian area, south of the property June 30, 2022.



Photo 6. Downstream (north) view of watercourse, upstream of property, June 30, 2022.



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Photo 7. Upstream (south) view of watercourse looking toward Brecon Drive. June 30, 2022.



Photo 8. Typical view of instream substrates March 13, 2020.







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Photo 9. South (upstream) view of dilapidated culvert on north side of Brecon Road. June 30, 2022.





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**SECTION 7. PROFESSIONAL OPINION**

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

Date: May 3, 2023

1. I, Erin Vekic, hereby certify that:
  - a) I am a qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
  - b) I am qualified to carry out the assessment of the proposal made by the developer, [REDACTED] which proposal is described in section 3 of this Assessment Report (the "development proposal");
  - c) I have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
  - d) In carrying out my/our assessment of the development proposal, I have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND
  
2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:
  - a)  the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and
  - b)  the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

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

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