

THE CORPORATION OF THE CITY OF COURTENAY

Permit No. 3090-20-2304/DVP00046

DEVELOPMENT VARIANCE PERMIT

July 31, 2024

To issue a Development Permit

To: Name: Ryan Reichelt
Address: 1640 12th Street East, Courtenay, BC, V9N 6X1

Property to which permit refers:

Legal: LOT 2, SECTION 46, COMOX DISTRICT, PLAN 30794

Civic: 1640 12th Street East

Conditions of Permit:

Permit issued to the property legally described as LOT 2, SECTION 46, COMOX DISTRICT, PLAN 30794 to allow the construction of a deck within the rear yard of the property with the following variance to the City of Courtenay Zoning Bylaw No. 2500, 2007:

- Section 6.5.3 (ii) – as follows: from “15 metres” to “10.5 metres” from the natural boundary of Morrison Creek , Piercy Creek , Millard Creek, and any other watercourse to permit the construction of a deck.

Development Variance Permit No. 2304 is also subject to the following conditions:

1. Development must be in conformance with the siting identified in the BC Land Survey prepared by Bruce Lewis, BCLS, dated August 9, 2023 (**Attachment No. 1**).
2. No construction, long term storage or disposal of materials, or removal of native vegetation or soil may occur within the 10 metre Streamside and Protection and Enhancement Area (SPEA) of Glen Urquhart Creek, as detailed in the Riparian Areas Protection Assessment Report dated February 16, 2024 (**Attachment No. 2**).

Time Schedule of Development and Lapse of Permit

That if the permit holder has not substantially commenced the construction authorized by this permit within (24) months after the date it was issued, the permit lapses.

Date

Director of Development Services

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF STRUCTURES ON: LOT 2, SECTION 46, COMOX DISTRICT, PLAN 30794



PID: 001-218-051
Address: 1640 12th Street East
Owner: Ryan & Savanna Reichelt
Lawyer:
Mortgagee: Computershare Trust Company of Canada

NOTES:

LOT 2 IS SUBJECT TO THE FOLLOWING NON-FINANCIAL CHARGES AND INTERESTS WHICH MAY AFFECT THE POSITIONS OF STRUCTURES ON THE PROPERTY

SRW EN67831 (COURTENAY)

UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR CONSIDERED

THIS DOCUMENT IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

UNLESS OTHERWISE STATED OFFSET DIMENSIONS ARE TO EXTERIOR FACE OF SIDING AND DECKING AND ARE PERPENDICULAR TO PROPERTY LINES

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE FOUNDATION UNDER CONSTRUCTION WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE DOCUMENT BEYOND ITS INTENDED USE.

PARCEL BOUNDARIES SHOWN HAVE BEEN DERIVED FROM PLAN 30794

Field Survey the 27th day of July, 2023.
CERTIFIED CORRECT this 9th day of August, 2023.

Digitally signed by Bruce Lewis
KSDUJB
Date: 2023.08.09 11:36:15
-07'00'

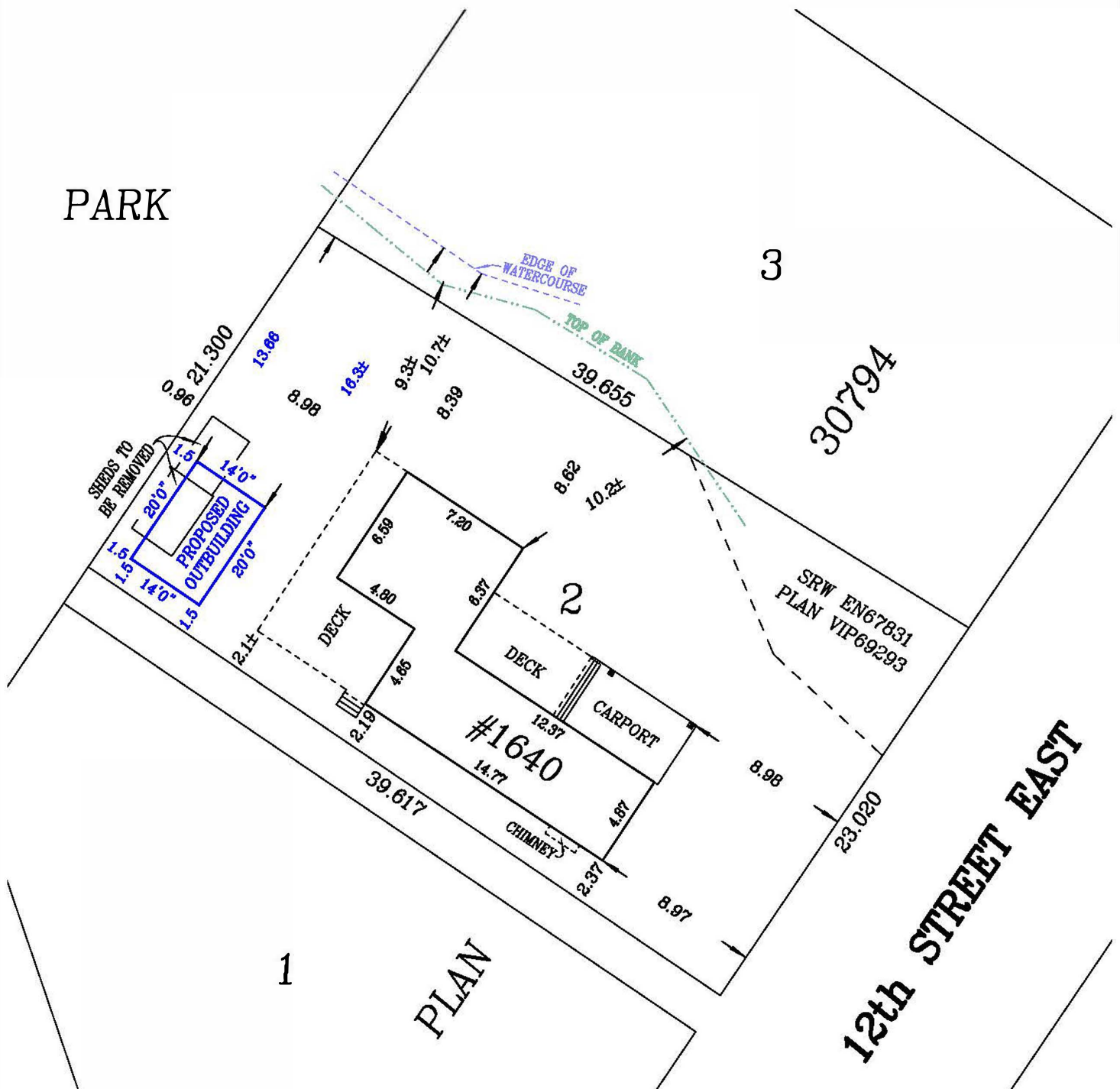
Bruce V Lewis, BCLS ©

This document is not valid unless digitally signed or originally signed and sealed. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or part without the consent of the signatory.

SCALE = 1 : 300



All distances are in metres and decimals thereof unless otherwise stated
PROPERTY LIES WITHIN THE CITY OF COURTENAY



Riparian Areas Protection Regulation: Assessment Report

Date Feb. 16 2024 (v5)**I. Primary QEP Information**

First Name	Dusty	Middle Name	
Last Name	Silvester		
Designation	RPBio	Company Current Environmental Ltd.	
Registration #	3165	Email dusty@currentenv.ca	
Address	558 England Ave.		
City	Courtenay	Postal/Zip	V9N2N3
Prov/state	BC	Country	Canada
		Phone #	250-871-1944

II. Secondary QEP Information

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Ryan	Middle Name	
Last Name	Reichelt		
Company	n/a		
Phone #	250-207-1523	Email reichelt84@hotmail.ca	
Address	1640 12 th St. East		
City	Courtenay	Postal/Zip	V9N6X1
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Accessory Building		
Area of Development (ha)	0.01	Riparian Length (m)	25
Lot Area (ha)	0.09	Nature of Development	New
Proposed Start Date	May 1, 2023	Proposed End Date	April 30, 2024

V. Location of Proposed Development

Street Address (or nearest town)	1640 12 th St. East		
Local Government	City of Courtenay	City	Courtenay
Stream Name	Glen Urquhart Creek		
Legal Description (PID)	001-218-051	Region	South Coast
Stream/River Type	Stream	DFO Area	Vancouver Island
Watershed Code	920-553400		
Latitude	49	41	57
Longitude	124	58	19

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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

Revision Feb. 16, 2024

In response to RARNS review comments (email thread in Appendix) this update provides additional context on a historical, unpermitted deck addition to the existing residence that occurred within the Riparian Assessment Area prior to the QEP site investigation that formed the basis of this assessment. In the interim, a site survey by a BCLS was obtained that provided an accurate fix on the stream boundary as well as showing the distance between the nearest stream boundary point and the deck addition (Figure 2). This survey was succeeded by an additional site visit by the primary QEP from Current Environmental Ltd. to ground truth the BCLS' measurements. It was determined using a measuring tape of the horizontal distance between the nearest point of the deck to the stream boundary that the deck was constructed at 10.5 m (within a reasonable margin of error from the BCLS 10.7 m measurement) and confirmed that the deck is located outside the 10 m SPEA of the creek (Photo 6). As a result of the construction being within the RAA and the City's Development Permit Area, but outside the SPEA, the proponent will require a permit from the City to legitimize the deck construction but it is not considered a contravention of the RAPR and will not require remedial actions. The remaining, original conclusions of this report remain relevant and do not require further amendment.

Fisheries Resource Values

Glen Urquhart Creek is an urbanized stream in the northeast of the City of Courtenay with a mainstem length of 4.2 km originating in the City's Malahat Storm Park via the approximate 1.3 km Valley View Greenway. The upper 2.6 kms of mainstem channel flow through urbanized areas of East Courtenay while the lower 1.6 km flows through the agricultural areas of the Courtenay River Estuary, managed in part by Ducks Unlimited among other private owners.

According to background research using the Provincial Fisheries Inventory Data Query tool the lower reaches of Glen Urquhart Creek have historical fish presence observations for anadromous populations of sockeye, pink, coho, chum, and chinook salmon; and anadromous/residential populations of rainbow and coastal cutthroat trout in addition to three-spined stickleback and sculpin spp.

A barrier to upstream fish migration, downstream of the subject property, was observed at the 10th St. East culvert crossing where the culvert invert is perched approximately 1 m above bed elevation without a significant outlet pool area (Photo 5). The result being that no anadromous fish species will be present at the reach of the creek adjacent to the subject property. It is unknown whether residential trout species may be present in the

upper reaches of the creek while it is suspected upper reaches dry seasonally and year-round survival would be limited. No fish trapping was done as part of this assessment.

Creek bed substrates in the subject reach adjacent to 1640 12th St. East included a mixture of gravels and fines with some emergent facultative hydrophytic plant species growing in areas of lower velocity (Photos 3-4). Sediment loading of the streambed from stormwater derived flows over paved surfaces is highly likely.

The riparian area of Glen Urquhart Creek on the subject property, as well as the surrounding urban neighbourhood, has been subject to historical urban modifications including channelization, riparian vegetation removal, and encroachment of invasive plant species (Photos 1-2). The area of existing riparian vegetation on the subject property is approximately 3 m wide on the southern (left) bank and contains numerous invasives including English holly, English ivy, spurge laurel (daphne), cherry laurel, and Himalayan blackberry with limited, although important presence of maturing Grand fir and big leaf maple with a swordfern, ladyfern, and salmonberry understory.

Description of the Development Proposal

The Proponent is proposing to develop a 280 sq ft. (20 x 14 ft.) detached accessory building in the backyard with temporary access to the site to be provided along the east side of the subject lot through the SPEA (Figure 1) -the preferred access route described by the City of Courtenay in email correspondence from Jacob Cramer, Planner I on Oct. 5, 2023, relaying comment from Patricia Woodruff, Aquatic Habitat Biologist at the Ministry of Water, Land and Resource Stewardship on September 13th, 2023.

An excerpt of the email from Patricia Woodruff, relayed by Jacob Cramer on Oct. 5, 2023, stated the following quote with respect to site access:

Because the driveway and grassed area is already considered an area of human disturbance, we could allow temporary access. There would have to be no removal of natural vegetation (looking at the site photos, that would primarily mean the trees could not be impacted). We would need an updated RAPR report that clearly showed the access route and identify any storage areas, as well as the critical root zones of the trees. Tree protection would have to include horizontal protections for the root zones (such as using 4 inches of mulch and rubber construction mats) and vertical protection to ensure that nothing can reach the tree trunks (likely something more robust than just snow fencing). Getting an arborist to fully delineate where the protection needs to go would be useful. Photos should document all the measures in place for the post-development report, the concern being that the roots are damaged but the impact isn't noticed right away, until the tree dies. Restoration of any impacted areas within the SPEA

will be required, and enhancing previous areas of disturbance would be encouraged (restoring lawn area with native species, for example).

In response to the above comments, the following revision have been made in this report:

1. No removal of natural vegetation will be required as the width of the machinery required for construction can traverse around the existing residence without vegetation removal (Section 3 – Site Plan).
2. Access routes, storage areas, and critical root zones are shown in the updated Section 3 – Site Plan.
3. Horizontal and vertical protection for root zones is detailed in Section 1.4. Protection of Trees.
4. Specific tree protection measures and root protection radiuses are shown in Section 3 – Site Plan.
5. Post-development reporting will include photos documenting measures in place. The owner must contact the QEP a minimum of 7 days prior to commencing construction for a site visit to confirm the measures have been installed effectively.
6. Restoration and enhancement measures are included in this section below.

Construction will be completed using traditional construction methods including a concrete foundation and conventional wood frame building materials. Site preparation will be done using a small, rubber tracked hoe. A selection of native plants will be installed in the SPEA and invasives removed in a 50 m² area in the north corner of the property to help augment riparian function according to the following table:

Restoration Plan

Invasive species removal and re-vegetation using native species are recommended to provide an overall net-benefit to the riparian area of Glen Urquhart Creek within the boundaries of the subject property. It is recommended that all invasive plant species present within the 5 m strip of existing riparian vegetation be removed by hand and replaced with native vegetation in the northern corner of the subject lot (Figure 1).

Invasive plant parts are to be suitably contained within heavy duty plastic garbage bags in order to limit accidental dispersal during offsite transport by truck to the CV Waste Management Center (CVWMC). The CVWMC operator that receives the plants for disposal must be informed that the plants are invasive and should not enter the stream of typical yard waste.

The approximate 50 m² invasive plant removal and native vegetation restoration zone will be planted with an assemblage of species appropriate to the site (Table 1):

Table 1. Native vegetation species recommended for restoration planting within a 5 m strip of existing riparian vegetation located along the northern property boundary of the 1640 12th St. East, Courtenay, BC.

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Common Name	Scientific Name	Distance from HWM (m)	Plant Spacing	Plant Size	Approximate Number	Estimated Cost
Salmonberry	<i>Rubus spectabilis</i>	0-5	1 x 1 m	1 gal.	2	22
Oceanspray	<i>Holodiscus discolor</i>	0-5	1 x 1 m	1 gal.	2	22
Nootka rose	<i>Rosa nutkana</i>	0-5	1 x 1 m	1 gal.	2	22
Swordfern	<i>Polystichum munitum</i>	0-5	1 x 1 m	1 gal.	5	55
Thimbleberry	<i>Rubus parvifolus</i>	0-5	1 x 1 m	1 gal.	2	22
Sitka spruce	<i>Picea sitchensis</i>	0-5	6 x 6 m	2 gal.	2	22
Total					15	\$ 165

It is recommended that planting be done in either early spring or autumn to avoid installing new plants during the dry summer season. If planted in the spring regular watering/irrigation through the summer will be required. A mulch top dressing installed around each plant will also help reduce competition from other species and stress from desiccation.

A post-construction compliance and performance inspection and report is recommended to determine whether invasive removal and restoration planting has been effective. If deficiencies are noted during the inspection remedial actions (such as replacing plant mortalities) will be recommended to ensure that restoration goals have been achieved.

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Section 2. Results of Detailed Riparian Assessment

Refer to Section 3 of Technical Manual

Date:

Description of Water bodies involved (number, type)	<input type="text" value="1, Stream"/>
Stream	<input checked="checked" type="checkbox"/>
Wetland	<input type="checkbox"/>
Lake	<input type="checkbox"/>
Ditch	<input type="checkbox"/>
Number of reaches	<input type="text" value="1"/>
Reach #	<input type="text" value="1"/>

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)
starting point	<input type="text" value="2.5"/>	I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>) ; 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.
upstream	<input type="text" value="2.7"/>	
	<input type="text" value="2.5"/>	
	<input type="text" value="2.5"/>	
	<input type="text" value="2.3"/>	
	<input type="text" value="2.3"/>	
	<input type="text" value="2.4"/>	
	<input type="text" value="2.3"/>	
	<input type="text" value="2.3"/>	
	<input type="text" value="2.3"/>	
downstream	<input type="text" value="2.2"/>	
Total: minus high /low	<input type="text" value="21.4"/>	
mean	<input type="text" value="2.37"/>	
Channel Type	<input type="text" value="R/P"/> <input type="text" value="C/P"/> <input type="text" value="S/P"/>	

Site Potential Vegetation Type (SPVT)

SPVT Polygons	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="checked" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>) ; 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.		
Yes	No							
<input type="checkbox"/>	<input checked="checked" type="checkbox"/>							
Polygon No:	<input type="text" value="1"/>	Method employed if other than TR						
SPVT Type	<table border="1"> <tr> <td>LC</td> <td>SH</td> <td>TR</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="checked" type="checkbox"/></td> </tr> </table>	LC	SH	TR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>	N/A
LC	SH	TR						
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="checked" type="checkbox"/>						

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	<input type="text" value="1"/>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons
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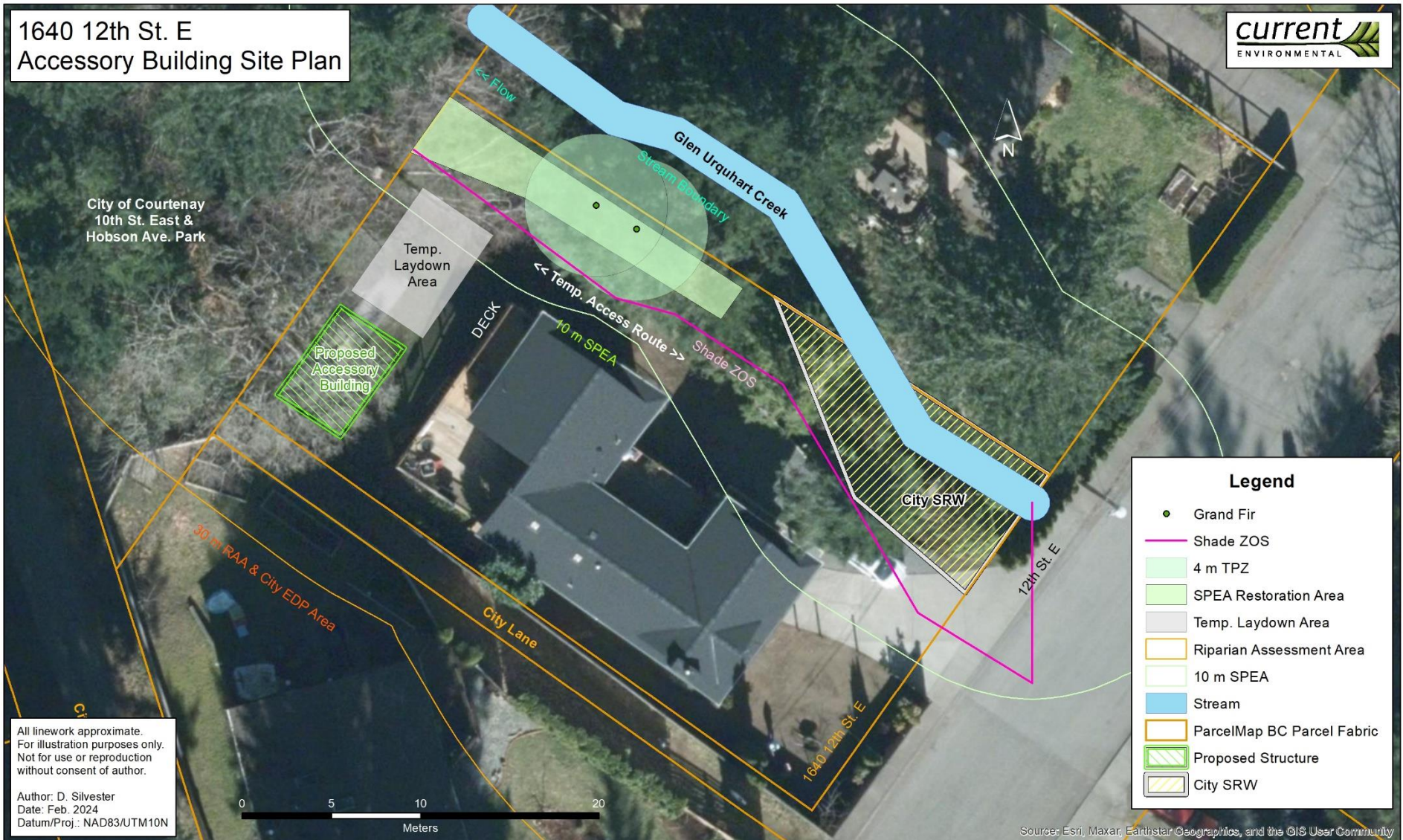
LWD, Bank and Channel Stability ZOS (m)	10						
Litter fall and insect drop ZOS (m)	10						
Shade ZOS (m) max	10	South bank	Yes	X	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					n/a	
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	n/a	
SPEA maximum	10	(For ditch use table3-7)					

I, Dusty Silvester (*name of qualified environmental professional*), 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 Ryan Reichelt (*name of developer*);
- 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.

Comments

Section 3. Site Plan



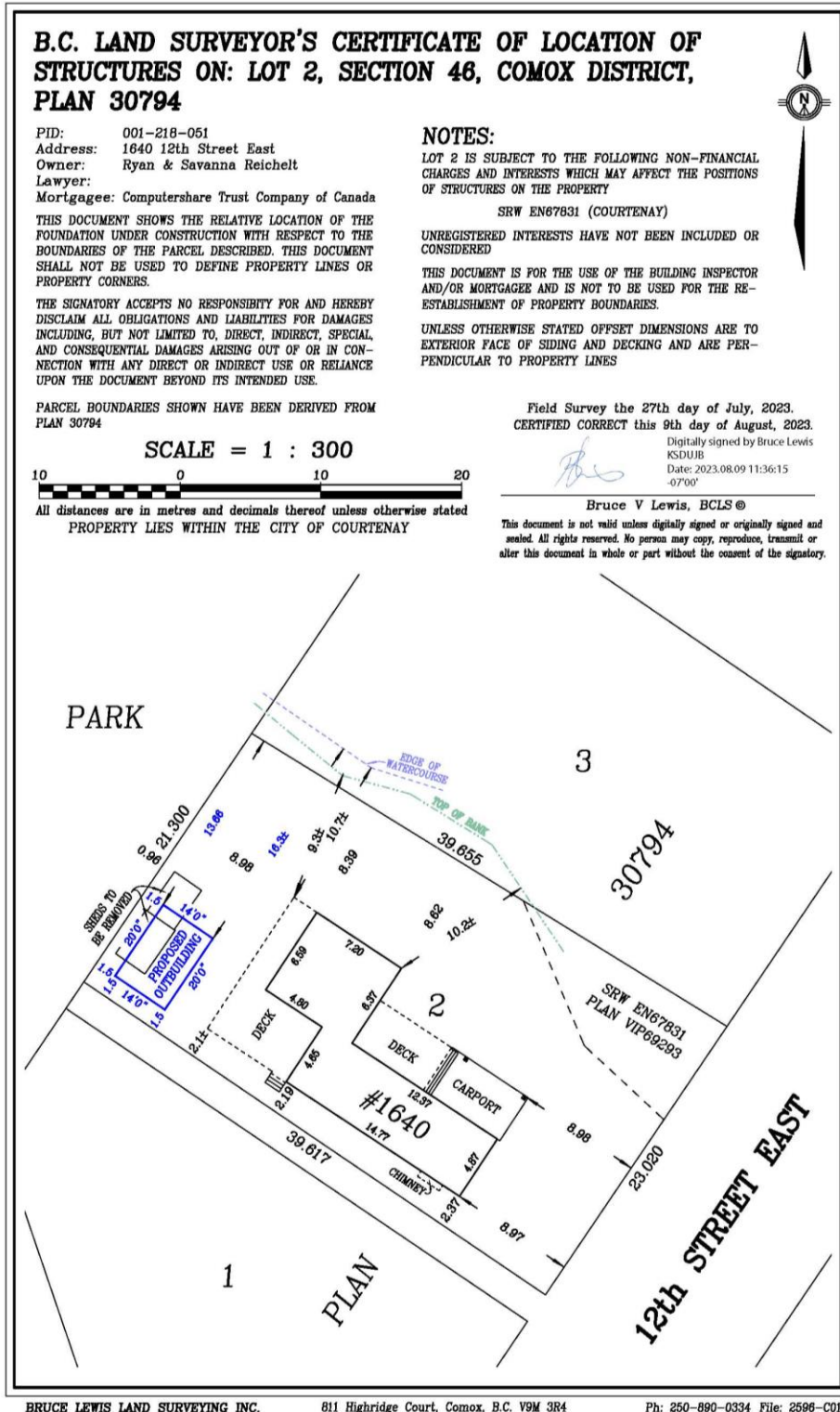


Figure 2. BCLS Site Survey showing deck location on the east side of the residence measured at 10.7 m from the stream boundary of Glen Urquhart Creek.

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	
<p>A danger tree assessment of the SPEA was completed by Precision Tree Services Ltd. In 2019 that resulted in the removal of a single Douglas fir (dbh: 2.5') danger tree. No works are planned within the SPEA that would create new danger trees since the 2019 assessment. As a result, no danger tree management is recommended at this time. However, tree conditions change over time, and it is recommended that additional danger tree assessments occur following completion of the proposed works to determine whether any previously unidentified trees may require danger tree management.</p> <p><i>Disclaimer:</i></p> <p>Unless expressed otherwise: (1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants/trees or property in question may not arise in the future.</p>	
<p>I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>);</p> <p>g) 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.</p>	
2. Windthrow	
<p>No changes to canopy structure on the property is expected as the proposed development will be within a previously cleared area. As a result, no changes affecting windthrow potential are expected from the development.</p> <p><i>Disclaimer:</i></p> <p>Unless expressed otherwise: (1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants/trees or property in question may not arise in the future.</p>	
<p>I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>);</p> <p>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.</p>	
3. Slope Stability	
<p>Although the development area is sloped roughly north-south towards the creek, there are no slope stability concerns.</p>	
<p>I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p>	

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<p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (name of developer) ;</p> <p>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.</p>
<p>4. Protection of Trees</p>
<p>All trees within the 10 m SPEA are within 2-3 m of the stream boundary of the creek. The remainder of the SPEA has been used as lawn for many years. There will be no encroachment from construction work within the SPEA with the exception of temporary machine access described in Section 1, while two SPEA trees will require specific tree root protection zones (TPZ): two 50 cm dbh Grand fir (4 m TPZ) (Figure 1). The remaining trees along the stream boundary are sufficiently distant or are protected by an existing driveway such that there will be no interaction with them or their roots. Invasive species removal by hand and replacement with native vegetation is, however, recommended.</p> <p>Specific measures should be implemented during construction to avoid impact to two 50 cm dbh Grand fir in the SPEAs:</p> <ul style="list-style-type: none"> a) Create/use access routes that avoid tree roots, storage of excavation/building materials away from trees within SPEAs, and cover tree roots in access areas with at least 15 cm of wood chip mulch (or similar material) to avoid root compaction. b) Trenching through the rooting zone of mature trees will be prevented by establishing root protection zone fencing prior to the start of work. c) Establish root protection zones around significant larger trees in the 30 m Riparian Assessment Area. There can be no paving, trenching, change of ground level, parking, storage of materials, or release of concrete washout or other pollutants into these root protection zones. Fencing can be constructed with temporary snow fencing, or other materials available that provide a visual barrier to machine operators. d) Ensure that pollutants and other contaminants cannot enter soils within the tree protection zone. e) Monitor the impacts of construction activities. Broken roots should be cleanly cut with a saw as opposed to shattered with machinery (note: this is for trees outside of the SPEAs but within the RAAs, as there shall be no damage to tree roots within SPEAs). f) Mulch about the base of trees to retain moisture. g) Vertical mulching may be necessary where roots have been severely impacted by machinery or fill. h) Care should be taken not to break any tree limbs during construction. If any limbs are accidentally broken, they should be cleanly cut with a saw. i) Should any issues arise with regards to potential changes to the impact on trees during development, it is recommended that the project arborist provide guidance on the least impact approach to development around trees. <p>The root protection zones around significant trees in the creek SPEA will be marked by setting up boulders (already present on site) that will be oriented using machinery to clearly mark the edge of the temporary access route. These boulders can be removed after temporary site access is complete during the SPEA restoration phase of the project. Details of recommended post-construction SPEA restoration planting is provided in Section 1 "Description of the Development Proposal" above.</p>
<p>I, <u>Dusty Silvester</u> (name of qualified environmental professional), hereby certify that:</p> <ul style="list-style-type: none"> a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>, b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (name of developer) ;

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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 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	
<p>During construction no machines/vehicles will park or otherwise access the setback. There will be no spoilage from excavated soils or clearing/grubbing materials deposited in the SPEA. No building materials stockpiles will be allowed in the SPEA. All work crew members should be aware of the sensitivity of the setback.</p>	
<p>The following activities will not be permitted in order to avoid impacting the SPEA.</p>	
<ol style="list-style-type: none"> 1) Disposal of material (e.g. yard waste) within the SPEA; 2) Long-term storage of materials within the SPEA; 3) Removal of native vegetation or soil within the SPEA; 4) Constructing permanent features within the SPEA. 	
<p>I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <ol style="list-style-type: none"> a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>); 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. 	
6. Sediment and Erosion Control	
<p>Specific measures to control sediment during any future construction will include:</p> <ol style="list-style-type: none"> a) The setback areas are to be clearly delineated using flagged stakes or other similar high visibility delineator prior to construction; b) Maintain/do not disturb all vegetation within the setback areas; c) No machinery is to enter riparian setback areas at any time; d) Where there is a potential for silt runoff in the proximity of existing watercourses, control devices will be installed prior to construction activities commencing; e) Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks and elevated using stakes. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas and for use as baffles to slow water velocities. f) Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting the watercourse. g) Watercourses are not to be traversed by machinery at any time. h) Soil stockpiles will be placed a minimum of 15 m from any watercourse and in a location where erosion back into the watercourse cannot occur and will not impede any drainage. i) Soil stockpiles with the potential to erode into watercourses are to be covered with poly sheeting or mulch. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes. j) Permanent exposed soil areas and erosion-prone slopes that may potentially erode into the watercourse are to be seeded immediately or covered with geotextile. k) Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed. l) Site re-vegetation measures are required to stabilize soils and stream banks and reduce erosion. The measures, including hydroseeding, are to be implemented as directed by the biologist as construction is completed. 	

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Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

<p>I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>);</p> <p>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.</p>	
<p>7. Stormwater Management</p>	
<p>It is recommended that the pre-development or natural hydrologic regime is maintained or restored by the development. Roof drainage from the new structure will be directed into existing residential perimeter drains. The new accessory building will be replacing one with very similar dimensions and no cumulative increase of impermeable surfaces beyond existing are expected. Overall, the drainage system should adhere to guidelines for runoff water infiltration to ground and promoting infiltration where possible as opposed to piping the runoff directly towards the stream.</p>	
<p>I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>);</p> <p>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.</p>	
<p>8. Floodplain Concerns (highly mobile channel)</p>	
<p>There are no floodplain concerns. The stream channel is incised, with partially armoured and vegetated banks, and is highly unlikely to migrate from its existing orientation.</p>	
<p>I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ryan Reichelt</u> (<i>name of developer</i>);</p> <p>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.</p>	

Section 5. Environmental Monitoring

The developer is to contact a Qualified Environmental Professional (QEP) three days prior to the commencement of construction to discuss Measures to Protect and Maintain the SPEA as described in Section 4. At a minimum, the following tasks will be discussed at the meeting:

1. Ensure the setback area is clearly delineated.
2. Review work plan.
3. Ensure appropriate mitigation measures will be in place.
4. Review all Measures to Protect the SPEA stated in this report and ensure appropriate equipment to satisfy the measures are on-site or available.
5. Review emergency spill response plan.
6. Set up a contact system should a QEP be required on site in the event of sediment/erosion issues or some other type of risk to aquatic habitats that may arise during construction.

Immediately upon completion of the construction work, the proponent is to contact a QEP for a post-construction site inspection. Any deficiencies noted by the QEP are to be addressed by the proponent. A final post-construction report is to be submitted by the QEP to the BC RAR Notification System.

Section 6. Photos

Photo 1. View south taken from near the northern property corner showing the proposed development area currently inhabited by a shed (right of image), with the existing residence in the background, and the stream SPEA (left of image). The tape measure (background right) is extended to the 10 m SPEA with the field notebook marking 5 m (foreground). Note: the bitter cherry in left foreground fell during an autumn storm and is no longer present.



Photo 2. View north taken from the 10 m SPEA edge (tape in foreground left) showing the status of the SPEA with edge of vegetation along Glen Urquhart Creek visible in background this is the location of proposed SPEA enhancement planting.



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Photo 3. View upstream of Glen Urquhart Creek (foreground left) taken from near the northern subject property corner showing vegetation dominated by invasive English ivy and landscaping laurels.



Photo 4. View downstream taken from the culvert headwall apron at the outlet of the culvert under 12th St. E within the City SRW showing low flow conditions and bank armouring. The subject property is at left of image.



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Photo 5. View north of the approx. 1 m drop from the culvert outlet under 10th St. East, downstream of the subject property, acting as a complete barrier to anadromous fish migration.



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Photo 6. View south taken from near the left bank stream boundary showing the deck constructed prior to the original RAPR site assessment measured at 10.5 m horizontal distance from the stream boundary.



Section 7. Professional Opinion

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

Date

1. I/We Dusty Silvester

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*,
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Ryan Reichelt (name of developer), which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We 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/We 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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Appendix

From: [Riparian Areas WLRS:EX](#)
To: [Dusty Silvester](#); ["Gothard, Nancy"](#); ["Cramer, Jacob"](#)
Cc: ["Ryan Reichelt"](#)
Subject: RE: Assessment 8267 is invalid
Date: February 5, 2024 2:41:45 PM

For this specific site, as we're all aware of the potential issue, you may combine the CIA and RAPR reports and only need to upload an updated RAPR report. A separate CIA report will not add value to the review given what we've already discussed.

Please clearly add in Section 1 of the RAPR report the context of the unpermitted structures and what the outcome is (removal of part of it or retention of the deck).

I recommend adding this correspondence as an appendix to the RAPR report for continuity purposes.

Nick

From: Dusty Silvester <dusty@currentenv.ca>
Sent: Monday, February 5, 2024 2:34 PM
To: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>; 'Gothard, Nancy' <ngoehard@courtenay.ca>; 'Cramer, Jacob' <jcramer@courtenay.ca>
Cc: 'Ryan Reichelt' <reichelt84@hotmail.ca>
Subject: RE: Assessment 8267 is invalid

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Nick,

To be crystal clear, does the province want to see the "updated 8267 report" in a revised Detailed RAPR report format or a separate Condition and Impact Assessment?

Dusty Silvester, R.P.Bio.
Current Environmental Ltd.
(250) 871-1944

From: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>
Sent: Monday, February 05, 2024 2:31 PM
To: Dusty Silvester <dusty@currentenv.ca>; 'Gothard, Nancy' <ngoehard@courtenay.ca>; 'Cramer, Jacob' <jcramer@courtenay.ca>
Cc: 'Ryan Reichelt' <reichelt84@hotmail.ca>
Subject: RE: Assessment 8267 is invalid

Hi Dusty,

Per RAPR methods, please ensure the SPEA is measured horizontally from the *Stream Boundary*.

The deck is unpermitted and needs to be included in an updated 8267 report to ensure all works (proposed and currently built) are legalized. If the aerial photos used in the RAPR report is not georeferenced, remove it from the site plan as it shows the deck partially within the SPEA. Should any portion of the deck be within the SPEA, it will require removal.

Nick

From: Dusty Silvester <dusty@currentenv.ca>
Sent: Tuesday, January 30, 2024 4:02 PM
To: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>
Cc: Ryan Reichelt <reichelt84@hotmail.ca>
Subject: RE: Assessment 8267 is invalid

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Nicholas,

I went out to site this morning and measured the edge of deck at 10.5 m from the nearest point on the left bank stream boundary of the creek (photo attached), outside the 10 m SPEA. Will the previously approved RAPR assessment still be considered invalid, and will the province require any additional reporting on the matter?

Thank you,

Dusty Silvester, R.P.Bio.
Current Environmental Ltd.
(250) 871-1944

From: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>
Sent: Monday, January 22, 2024 3:54 PM
To: Dusty Silvester <dusty@currentenv.ca>
Subject: RE: Assessment 8267 is invalid

Hi Dusty.

Please confirm the “water’s edge” or as depicted on the plan below “edge of watercourse” in relation to your determined Stream Boundary (attached).

Nick

From: Dusty Silvester <dusty@currentenv.ca>

Sent: Monday, January 22, 2024 1:58 PM

To: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>

Subject: RE: Assessment 8267 is invalid

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Nicholas,

I have spoken with the applicant, Ryan Reichelt in reference to the site survey that was recently shared with me showing the deck in question being 10.7 m from the water's edge -according to the BCLS. This is outside the 10 m SPEA and calls into question the invalidation of the RAPR report on the basis that past work (pre-dating the RAPR report submission) may not have occurred within the SPEA -but, yes, within the RAA and City DP.

I'm trying to determine next steps in consideration of the Province's earlier statement that part of the deck structure would be required for removal and restoration to pre-disturbance state. If the deck is > 10 m distant this should not be the case -although a Condition and Impact Assessment may still be warranted because works did occur within the 30 m RAA and City DPA.

In light of the survey information showing that the deck is outside of the 10 m SPEA (see snip below), what is the Province's position on this?

Thank you,



Dusty Silvester, R.P.Bio.
 Current Environmental Ltd.
 (250) 871-1944

From: Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>
Sent: Tuesday, January 2, 2024 1:46 PM
To: Dusty Silvester <dusty@currentenv.ca>; 'PLANNING@COURTENAY.CA' <PLANNING@COURTENAY.CA>
Cc: 'Gothard, Nancy' <ngothard@courtenay.ca>; 'jcramer@courtenay.ca' <jcramer@courtenay.ca>
Subject: Assessment 8267 is invalid

It is come to the province's attention that unpermitted development (i.e., deck constructed between 2020 and 2021 to the rear of the house) has occurred on the subject property. As such, RAPR 8267 is invalid. The following actions are required to resolve unpermitted development on the subject property and re-issue an approval for proposed development.

1. A Condition and Impact (CIA) assessment report is required to inform and resolve the scope of unpermitted development on the subject property.
 - a. As *development* within Streamside Protection and Enhancement Areas (SPEAs) does not meet the riparian protection standard (Section 10(1)), unpermitted non-conforming *development* must be removed from SPEAs and the area of

disturbance returned to the previous pre-development condition or ecologically enhanced. The QEP is to determine the corrective actions necessary to meet RAPR standards.

2. The RAPR report requires an updated submission; portions of the unpermitted *development* (i.e., deck) that does meet RAPR standards is to be included as proposed development.
 - a. Site plans will require updating.
3. The CIA report is to be appended to the updated RAPR report. The province will review all information concurrently to expediate the development permit process.
 - a. The updated RAPR report and CIA report will be conditions of the development permit. As such, post-development report(s) are to include the objectives and standards of both.

If there are any questions, please contact me.

Nicholas Schwetz
Riparian Areas Biologist

From: Riparian Areas WLRS:EX
Sent: Friday, December 15, 2023 2:14 PM
To: dusty@currentenv.ca; PLANNING@COURTENAY.CA
Subject: Assessment 8267 meets the standards of RAPR

RAPR Submission 8267 has been reviewed by the Ministry of Water, Land and Resource Stewardship. This report **meets the assessment and reporting criteria** for the Riparian Areas Protection Regulation. The developer now has the information required of the province under regulation to move forward with the development permit process. The local government will be notified shortly.

Note to the local government: The description of proposed development has been accepted on the basis that this is the final plan for development. If development plans should change, another RAPR assessment must be submitted to the Province for review prior to DP issuance.

From: RiparianAreas@Victoria1.gov.bc.ca <RiparianAreas@Victoria1.gov.bc.ca>
Sent: Monday, December 11, 2023 5:22 PM
To: dusty@currentenv.ca; Riparian Areas, Region 1 WLRS:EX <RARReg1@gov.bc.ca>; Riparian Areas WLRS:EX <RiparianAreas@Victoria1.gov.bc.ca>
Subject: Assesment 8267 has been updated

This assessment has been updated. This notification is sent to you, Fisheries and Oceans Canada (DFO) and the BC Ministry of Environment.
Details of this assessment are included in this notification.

Check content to ensure correctness.
If it is incorrect, modify your assessment.

Assessment Details

Assessment ID:: 8267 **Creation Date:** 2023-05-03
Status: updated **Last Modified:** 2023-12-11

Development Details

Development Type: Accessory Buildings **Proposed Start Date:** 2023-06-01
Area of Development (hectares): .010 **Proposed End Date:** 2024-05-30
Lot Area (hectares): .090 **Nature of Development:** Redevelopment
Riparian Length: 25.00 **Section 9 Part 7 Activities:** N

Location Details

Local Government: Courtenay, City of **DFO Area:** South Coast Area
Region: Vancouver Island **Stream/River Type:** Watercourse
**Parcel Identification (PID)/
Parcel Identification Number (PIN):** 001-218-051 **Stream/River Name:** Glen Urquhart Creek
Address Line 1: **Watershed Code:** 920-553400
Address Line 2: **Postal Code:**
Latitude: 49°41'57" **Longitude:** 124°58'19"

Developer Details

Contact First Name: Ryan **Address Line 1:** 1640 12th St. East
Contact Middle Name: **Address Line 2:**
Contact Last Name: Reichelt **City:** Courtenay
Province/State: BC **Postal/Zip Code:** V9N6X1
Email Address: reichelt84@hotmail.ca **Country:** Canada
Company Name: **Phone #:**

Primary QEP Details

Contact First Name: Dustin **Address Line 1:** 558 England Ave.
Contact Middle Name: **Address Line 2:**
Contact Last Name: Silvester **City:** Courtenay
Designation: Biologist **Province/State:** British Columbia
Registration #: 3165 **Postal/Zip Code:** V9N2N3
Email Address: dusty@currentenv.ca **Country:** Canada

Company Name: Current Environmental Ltd. **Phone #:** 2508711944

Secondary QEP Details

Name:	Company	Address	Email	Phone
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