NOTICE OF PUBLIC HEARING

Highlands Official Community Plan Bylaw No. 462 (W̱MÍYEŦEN)
Highlands Zoning Bylaw No. 463 (W̱MÍYEŦEN)

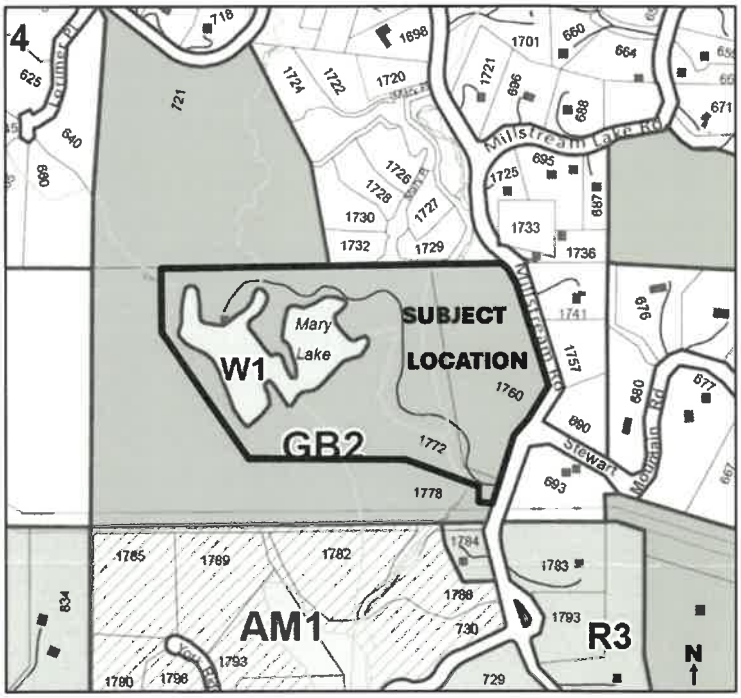
Notice is hereby given under the *Local Government Act* that individuals who believe their property interests may be affected by the proposed amendments to the **"Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025"** and the **"Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45 (W̱MÍYEŦEN), Bylaw No. 463, 2025"** will have the opportunity to be heard or submit written comments.

MEETING DATE AND TIME

Tuesday, May 20, 2025, commencing at 7:00 PM

LOCATION

- **In Person**: Highlands Community Hall, 729 Finlayson Arm Road, Highlands, BC
- **Electronically or by teleconference via Zoom**: Teleconference: 1 778 907 2071 Meeting ID: 857 4625 0030/Passcode: 613148



GENERAL PURPOSE: Bylaw 462: To establish a new Official Community Plan designation for the subject properties, similar to the "Rural" designation, and allowing assembly-type uses.

Bylaw 463: To allow assembly-type uses on the subject properties, including retreat facilities with overnight accommodations including buildings, camping spaces, and recreational vehicles.

SUBJECT LOCATION: These Bylaws apply to 1772 and 1760 Millstream Road, which are surrounded in bold on the map.

INSPECTION OF MATERIALS: Copies of the proposed bylaw and related materials can be viewed at www.highlands.ca or at the Highlands District Office (1980 Millstream Road) from April 28 to May 20, 2025, Monday to Friday, 8:30 a.m. to 4:00 p.m. (excluding holidays).

WAYS TO PROVIDE COMMENT:

- **In Person at the Public Hearing**
- **Written Submissions:**
  Deadline: written submissions must be received prior to noon on May 20, 2025:
  - Email info@highlands.ca
  - Mail or drop off at District of Highlands, 1980 Millstream Road, Victoria BC V9B 6H1

NOTE: All correspondence submitted in response to this Notice will be part of the public record, published on the District's website and meeting agendas, including names and addresses.

Amanda Irving
Corporate Officer

W̱MÍYEŦEN Nature Sanctuary
1772 Millstream Rd. Victoria, BC V9B 6E4

April 21, 2025

Dear Mayor and Council

We are so grateful for all the support the Highlands Council have shown for the W̱MÍYEŦEN Nature Sanctuary over the years.

With the process of rezoning now being in its 20th month (Aug 18, 2023, to present in addition to 3 years of consultation with W̱SÁNEĆ community members) I find myself in the awkward position of denying First Nations groups access to the sanctuary lands in the unceded territories of the W̱SÁNEĆ Territories because of current zoning.

In recent weeks I have had to turn away 3 inquiries for April/May - one from the W̱SÁNEĆ community wanting access for healing ceremonies, one from Aboriginal Council for Ending Homelessness again for a healing day, and one from UVic Indigenous Law for their yearly retreat.

UBC Law recently contacted me about hosting a W̱SÁNEĆ based 3-day retreat in June called **Respect for All Relations.** It explores whether and how Indigenous and settler laws can work in tandem to promote healthier relationships between humans and all our more-than-human relations, and between settler and Indigenous societies. It is a partnership between academic researchers at three universities (UBC, UVic and University of Toronto), four BC First Nations organizations (Council of the Haida Nation, Lower Fraser Fisheries Alliance, Tŝilhqot'in National Government and W̱SÁNEĆ Leadership Council) and a few BC-based environmental organizations.

These are all significant opportunities for us to fulfill one of our mandates to support reconcili-action between settlers and First Nations communities as also required by our funding agreement with the Province of BC's Ministry of the Environment.
We purchased an event tent in spring of 2024 anticipating hosting gatherings without use of the Nature Kinship House once rezoning for assembly use is in place.

For the above reasons it is my hope that the Mayor and members of Council will accept Option 3 as presented by the District of Highlands staff so we can move towards a possible completion of rezoning of the property for assembly on May 20,2025.

With Appreciation and Respect

Koi Neah - Manager

W̱MÍYEŦEN
Nature Sanctuary

Phone: [redacted]
Email: admin@wmiyetennaturesanctuary.com

DISTRICT OF HIGHLANDS

REPORT

TO: Loranne Hilton
Chief Administrative Officer

DATE: April 15, 2025
FILE: RZ-02-23/3900-462/3900-463

FROM: Laura Beckett
Municipal Planner

To Council
April 22, 2025

RE: **APPLICATION RZ-02-23 – DRAFT BYLAWS**
1772 and 1760 Millstream Road (W̱MÍYEŦEN (Mary Lake) Nature Sanctuary)

PURPOSE

The purpose of this report is to provide information to Council regarding the potential implications of the requested changes to the proposal.

Draft Bylaws and Request for Change

At its April 7, 2025 meeting, Council directed staff to report back on the implications of requested changes to the application. The changes are outlined in a letter from W̱MÍYEŦEN Nature Sanctuary dated April 3, 2025 that is attached for ease of reference.

OPTIONS

The following sets of motions are available for Council's consideration:

1	A	That Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 be read a first and second time.
	B	That Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be read a first and second time.
	C	That a public hearing for Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 and Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be scheduled for May 20, 2025.

2	That the application be referred back to the applicant to update the Traffic and Parking Study.

3	A	That Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 be read a first and second time.
	B	That section 7.9.2 (1) in Schedule A to Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be replaced with, "The total combined floor area of all buildings or structures within all 4 Rural Assembly zoned areas shall not exceed 842 square metres."
	C	That Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be read as amended a first and second time.
	D	That a public hearing for Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 and Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be scheduled for May 20, 2025.

4	That other alternative direction be provided.

5	That the application be denied.

DISCUSSION

Staff Recommended Changes

Unrelated to the applicant's request, there are two additional changes incorporated into the version of Bylaw 463 attached to this report. The purpose of both is to avoid unintentional restrictions in existing zones and within the general definition of *"assembly"*:

1. Simplify the permitted use in the proposed Rural Assembly and Conservation 2 Zones of *"Assembly*, including nature-focused public tours, workshops, programming, and events" to "*Assembly*".
2. Remove from the proposed Rural Assembly and Conservation 2 Zones the permitted use "Environmental research *accessory"* to "*assembly"*.

Implications of Request

- For flexibility, the measure of density for the proposed Rural Assembly Zone is the total combined floor area of all existing and proposed buildings and structures within the zone.
- Bylaw 463 would provide for 745m^2 (8,019 square feet) of total combined floor area, which includes 562m^2 (6,049 square feet) of *existing* buildings and 183m^2 (1,970 square feet) of *proposed* buildings.
- The Traffic and Parking Study ("Study") was based on 562m^2 (6,049 square feet) of buildings (density measure) all of which were/are existing. No consideration was given to the proposed buildings in the application. While not ideal because it was not factored into the Study, staff considered some of that proposed floor area (183m^2) (1,970 square feet) acceptable because it is accessory to principal uses and is less likely to have impacted the Study. ("Gallery" (186m^2) (2,002 square feet) was removed from the application because it would have been a principal use and is more likely to have impacted the Study.)
- The April 3, 2025 request represents an additional 97m^2 (1,044 square feet) to the total combined floor area as follows:
    - Increase caretaker dwelling unit size from 60m^2 to 90m^2 (646 square feet to 969 square feet)
    - Second storage container of 15m^2 (161 square feet)
    - Additional assembly area of 52m^2 (560 square feet) for a covered deck over an existing concrete pad near the lake.
- Adding the April 3, 2025 request would amount to 842m^2 (9,063 square feet) of building space (density measure) representing approximately a 50% increase *from what the Study considered*. As such, a traffic and parking study representative of all existing and proposed uses and densities (842m^2 (9,063 square feet) total combined floor area) is appropriate. This is a standard requirement for any rezoning application.

Alternatives to Recommendations

If Council wishes to request further information to consider the April 3, 2025 request from W̱MÍYEŦEN Nature Sanctuary, it would be appropriate to consider the motion in Option 2.

If Council wishes to grant the April 3, 2025 request from W̱MÍYEŦEN Nature Sanctuary without the benefit of an additional Traffic and Parking Study, it would be appropriate to consider the set of motions in Option 3.

CONCLUSION

The Traffic and Parking Study for the proposal did not consider any proposed additional density. Staff was able to recommend a Zoning Bylaw amendment with some increases in existing density. Should Council be supportive of additional further increases in density, all proposed floor area should be assessed through an updated traffic and parking study.

RECOMMENDATIONS

1	A	That Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 be read a first and second time.
	B	That Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be read a first and second time.
	C	That a public hearing for Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 and Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be scheduled for May 20, 2025.

Respectfully submitted

Laura Beckett, MCIP, RPP

CAO Concurrence

Loranne Hilton, CAO

Attachments:

1. Correspondence dated April 3, 2025 from W̱MÍYEŦEN Nature Sanctuary Society
2. Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025
3. Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025
4. Excerpts of proposed Zoning Bylaw No. 100 consolidated with Bylaw No. 463

WMÍYEŦEN
Nature Sanctuary Society

To: District of Highlands Council

From: WMÍYEŦEN Nature Sanctuary Society
Re: RZ-02-23
Date: April 3, 2025

Dear Members of Council

As you are aware, our rezoning application included an Art Gallery space as a permitted use with an associated floor area of 186 m2. At the October 7, 2024 Council Meeting, Council directed staff to draft the Bylaws necessary to implement the rezoning, including the gallery space. We have recently been informed that staff requires additional information on the traffic impact of the gallery space in order to support the inclusion of this use and its associated floor area. We understand that this would involve initiating a new traffic study and are not able to undertake this additional work at this time. We have therefore requested that *Art Gallery* be deleted as a permitted use. We further request that the floor area allocated to the gallery be reassigned to other structures, the uses of which are already covered in the permitted uses and that would not generate additional traffic. These are as follows:

1. Increase the size of the Caretaker dwelling unit to 90 sq m so that it is consistent with the secondary dwelling size permitted in the District. (Addtl 30 m2.)
2. Add a second storage container. (Addtl 15 m2.)
3. Add a covered deck space on the existing concrete pad for lakeside viewing. (Addtl 52 m2)

The total floor area of these additions is 97 m2, slightly over half the floor area of the gallery space originally proposed, reducing the total floor area from 931 m2 to 842 m2.

Should you have any questions, We would be happy to speak to the issue at the time Council is considering our application.

Sincerely

Koi Neah - Manager

Libby McMinn - WNSS Secretary

WMÍYEŦEN
Nature Sanctuary

WMÍYEŦEN Nature Sanctuary Society (WNSS)
1772 Millstream Rd., Victoria, BC
admin@wmiyetennaturesanctuary.com

DISTRICT OF HIGHLANDS
BYLAW NO 462

A BYLAW TO AMEND "HIGHLANDS OFFICIAL COMMUNITY PLAN BYLAW NO. 277, 2007"

The Council of the District of Highlands, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited as "Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (WMIYETEN), Bylaw No. 462, 2025".

2. AMENDMENT

THAT Appendix A to "Highlands Official Community Plan Bylaw No. 277" be amended as follows:

1. ADD "2.12 Rural Assembly" to CONTENTS.

2. In Chapter 2:

   a) REPLACE paragraph 3 under Chapter 2 – Land Use with the following:

      This chapter sets out the following land use designations, along with the objectives and policies for each designation:
      - Rural Land Use
      - Rural Residential Land Use
      - Intensive Residential Land Use
      - Commercial Industrial Land Use
      - Institutional Land Use
      - Public Parks
      - Managed Forest
      - Bear Mountain Comprehensive Development Area
      - Amenity Areas
      - Rural Assembly

   b) In Map 2.1 Land Use Designations:

      i. CHANGE the land use designations of LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263 (1760 Millstream Road) and THAT PART OF THE NORTH ½ OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263 (1772

Millstream Road) as shown shaded blue in Appendix A to this Bylaw to "Rural Assembly".

ii. ADD "Rural Assembly" the legend in the Map 2.1 Land Designations after "Amenity 3 – 1150 Bear Mountain Parkway".

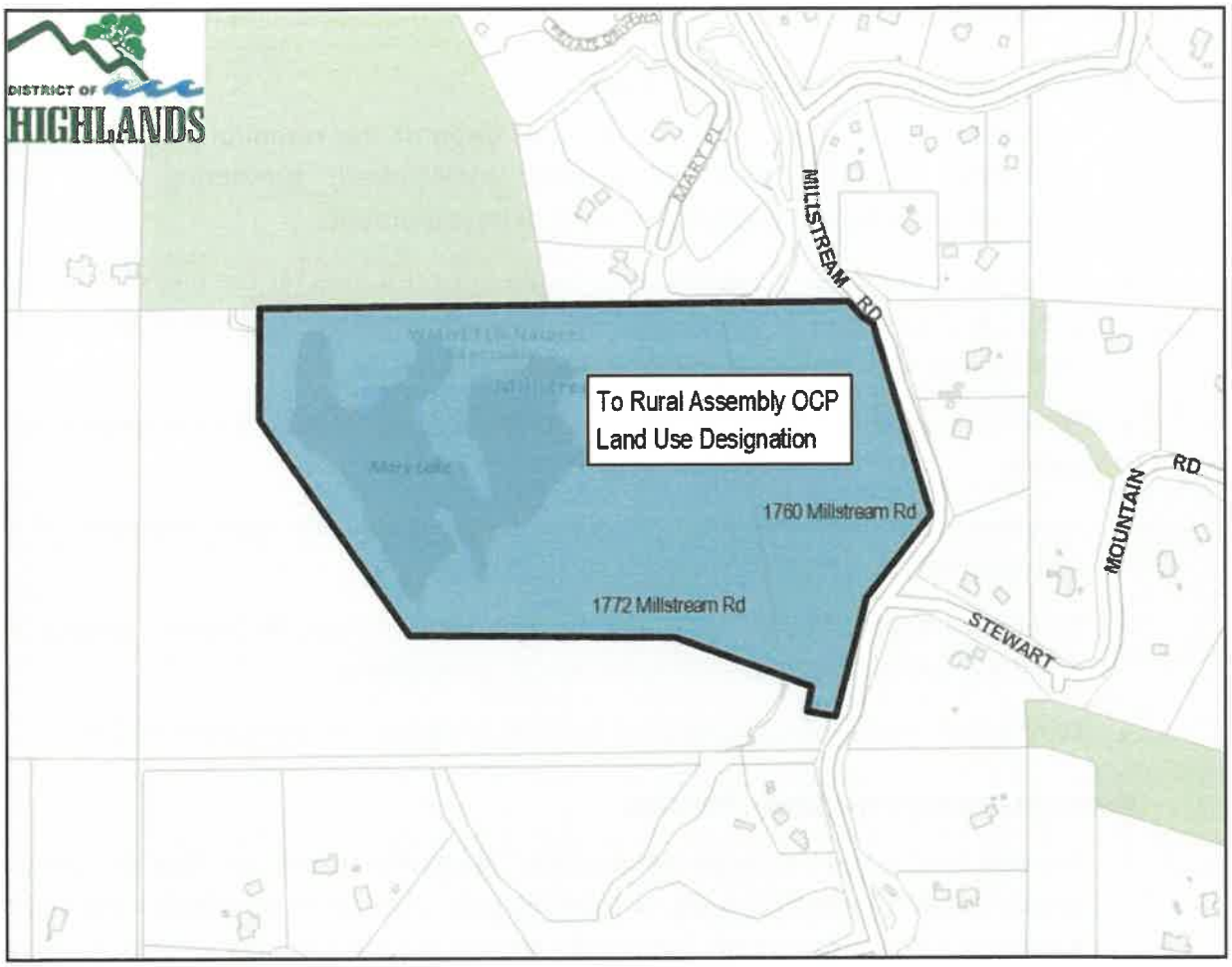
c) ADD section "2.12 Rural Assembly" as shown in Appendix B to this bylaw.

READ A FIRST TIME on the	day of	2025
READ A SECOND TIME on the	day of	2025
PUBLIC HEARING held this	day of	2025
READ A THIRD TIME on the	day of	2025
ADOPTED on the	day of	2025

Mayor

Corporate Officer

APPENDIX A
To Bylaw No. 462



APPENDIX B
To Bylaw No. 462

2.12 Rural Assembly Land Use

Rural Assembly Land Use – Objectives

- To provide for a range of land uses that support the retention of the large lot character of areas that are largely undisturbed, protecting them from encroachment by more intensive forms of development.
- To allow rural property owners reasonable opportunities for the use of their land, ensuring that uses are consistent with the rural character of the Highlands and compatible with the protection of natural areas.
- To ensure ongoing opportunities for sustainable agriculture and forestry in rural areas.
- To ensure that land use controls are in keeping with the rural character of the community.
- To ensure that sufficient land use controls are in place to protect unique and sensitive environmental features for future generations.
- To maintain and protect ecological services and aquifer/watershed health.

Rural Assembly Land Use – Policies

1. Primary land uses on lands designated "Rural Assembly" on Map 2.1 may be nature-related assembly-type or tourism-type uses, with or without associated accommodation for guests. Land uses should not significantly change or impact neighbourhood character. Land uses including but not limited to residential, agriculture, and forestry are also appropriate.
2. New uses proposed in this designation must have access through suitable country roads, and have limited impact on environmentally sensitive areas, agricultural operations, forestry activities, historic landscapes and scenic values.
3. Prior to subdivision, information will be required through a Development Approval Information Area or a Development Permit to ensure that the road and lot layout is designed to protect environmental values, accommodate the potential for establishing municipal trails, and foster the sustainability of natural resources.

DISTRICT OF HIGHLANDS
BYLAW NO 463

A BYLAW TO AMEND THE "HIGHLANDS ZONING BYLAW NO. 100, 1998"

The Council of the District of Highlands, in open meeting assembled, enacts as follows:

1. CITATION

2. This Bylaw may be cited for all purposes as "Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025".

3. AMENDMENT

THAT "Highlands Zoning Bylaw No. 100, 1998" be amended as follows:

1. ADD "7.9 Rural Assembly (RA)", "14.2 Conservation 2 (C2)", and Schedule "H W̱MÍYEŦEN" to CONTENTS.

2. In Section 1, Definitions:

   a) REPLACE the definition of *CARETAKER'S DWELLING UNIT* with:

      means a *dwelling unit* that is *accessory* to:
      a) an *assembly* use or
      b) an *industrial use* or commercial use and is attached to and located above behind the commercial use or *industrial use* or
      c) a *golf course* use.

   b) ADD alphabetically the following definition:

      RETREAT ACCOMMODATION means accommodation in *buildings* and/or camping spaces and/or *recreational vehicles* for the temporary staying of guests of an associated retreat facility within the same zone, not used as a *dwelling unit* for any residential use, and for this purpose "temporary" means the accommodation of any particular person for not more than 180 days in any calendar year, not more than 29 of which may be consecutive, such that the occupier would not become a resident elector of the Municipality by virtue of their occupancy. Units in *buildings* shall not include or provide cooking facilities. There shall be no cooking in camping spaces and in *recreational vehicles*.

3. ADD at the end of the table in section 3.8 (6) a) three (3) new Land Use categories and associated Required Parking Spaces as follows:

xvi)	*Assembly*	1 space per 20m² gross floor area plus one per staff
xvii)	*Retreat Accommodation*	The greater of 1 space per *retreat accommodation* unit or the sum of spaces required by uses other than *retreat accommodation* in the *Zone*
xvii)	*Caretaker's Dwelling Unit*	1

4. REPLACE section 3.8 (6) b) with:

   If more than one use occurs on a *lot,* the required number of parking spaces shall be cumulative and in addition to those prescribed in any particular *Zone*, except in the Rural Assembly Zone.

5. DELETE section 3.8 (6) c) and renumber the remaining section accordingly.

6. ADD the following new sections and renumber the section accordingly:

   a) 3.8 (7) Bicycle Parking
   Where not already prescribed, motor vehicle parking areas in *Zones* other than residential shall include facilities to park and store bicycles in a location that is accessible to guests, employees and the public. These shall contain at least 1 bicycle storage space for every 10 required parking spaces.

   b) 3.8 (8) Accessible Parking Spaces
   If not already prescribed in a non-residential *Zone*:
      a) Accessible parking spaces shall be provided in the ratios of 1 additional space for the first 20 required parking spaces and 1 additional space for every 40 required parking spaces thereafter.
      b) Each accessible parking space shall have a width of 3.7m, occupy the nearest parking space to a *building* entrance that accommodates wheelchair access, and be clearly designated as accessible parking only.
      c) Drop curbs shall be provided on any curb between an accessible parking space and the *building* entrance to accommodate wheelchair access.
      d) Each accessible parking space shall have a firm, slip-resistant and level surface.

7. ADD the following to Section 5 (1) after R8 Rural 8:

RA	**Rural Assembly**

8. ADD the following to Section 5 (1) after C1 Conservation 1:

C2	**Conservation 2**

9. ADD Section 7.9 RURAL ASSEMBLY (RA) ZONE as shown in Schedule A to Bylaw 463.

10. ADD Section 14.2 CONSERVATION 2 (C2) ZONE as shown in Schedule B to Bylaw 463.

11. CHANGE Schedule A to "Highlands Zoning Bylaw. 100, 1998" to designate portions of:
    a) LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263 (1760 Millstream Road) and

    b) THAT PART OF THE NORTH ½ OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263 (1772 Millstream Road)

    as shown in black shapes with numbers 1, 2, 3, and 4 on the map in Schedule C to Bylaw 463 from Greenbelt 2 (GB2) to Rural Assembly (RA). The approximate locations, sizes, and perimeters of those areas are shown in the table in Schedule C.

12. CHANGE Schedule A to "Highlands Zoning Bylaw. 100, 1998" to designate portions of:

    a) LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263 (1760 Millstream Road) and

    b) THAT PART OF THE NORTH ½ OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263 (1772 Millstream Road)

    as shown shaded grey and surrounded by black line on Schedule C to Bylaw 463 from Greenbelt 2 (GB2) to Conservation 2 (C2).

13. ADD Schedule C to Bylaw 463 as Schedule H to Bylaw 100.

READ A FIRST TIME on the	day of	2025
READ A SECOND TIME on the	day of	2025
PUBLIC HEARING held this	day of	2025
READ A THIRD TIME on the	day of	2025
ADOPTED on the	day of	2025

Mayor

Corporate Officer

Schedule A to Bylaw 463

SECTION 7.9 RURAL ASSEMBLY (RA) ZONE

7.9.1 Permitted Uses

(1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in Rural Assembly (RA) Zone:

a) *Assembly*
b) Retreat facility that may prepare and/or provide food to registered guests
c) *Retreat Accommodation*
d) *Caretaker's Dwelling Unit*
e) *Agriculture accessory* to any *principal use*
f) *Accessory* uses, *buildings* and *structures*

7.9.2 Densities

(1) The total combined floor area of all *buildings* or *structures* within all 4 Rural Assembly zoned areas shall not exceed 745 square metres.
(2) For *Retreat Accommodation*, there shall be no more than:
   a. 13 units in *buildings*
   b. 20 camping spaces and
   c. 6 *recreational vehicle* spaces

   within all 4 Rural Assembly zoned areas.
(3) There shall be no more than one (1) *caretaker's dwelling unit* within all 4 Rural Assembly zoned areas.

7.9.3 Siting and Dimensions of Buildings and Structures

(1) The *height* of any *building or structure* shall not exceed 10.5 metres.
(2) The total floor area for the *caretaker's dwelling unit* shall not exceed 60 square metres.
(3) No *building or structure* shall be sited within 20 metres of a *front lot line*.
(4) No *building or structure* shall be sited within 10 metres of a *side lot line*.
(5) No *building or structure* shall be sited within 10 metres of a *side lot line* that abuts a *highway*.
(6) No *building or structure* shall be sited within 10 metres of a *rear lot line*.

7.9.4 Subdivision Density and Lot Area Requirements

(1) No subdivision plan may be approved unless *lots* created by the subdivision have a minimum area of at least 16.3 hectares (40.3 acres).

Schedule B to Bylaw 463

SECTION 14.2 CONSERVATION 2 (C2) ZONE

14.2.1 Permitted Uses

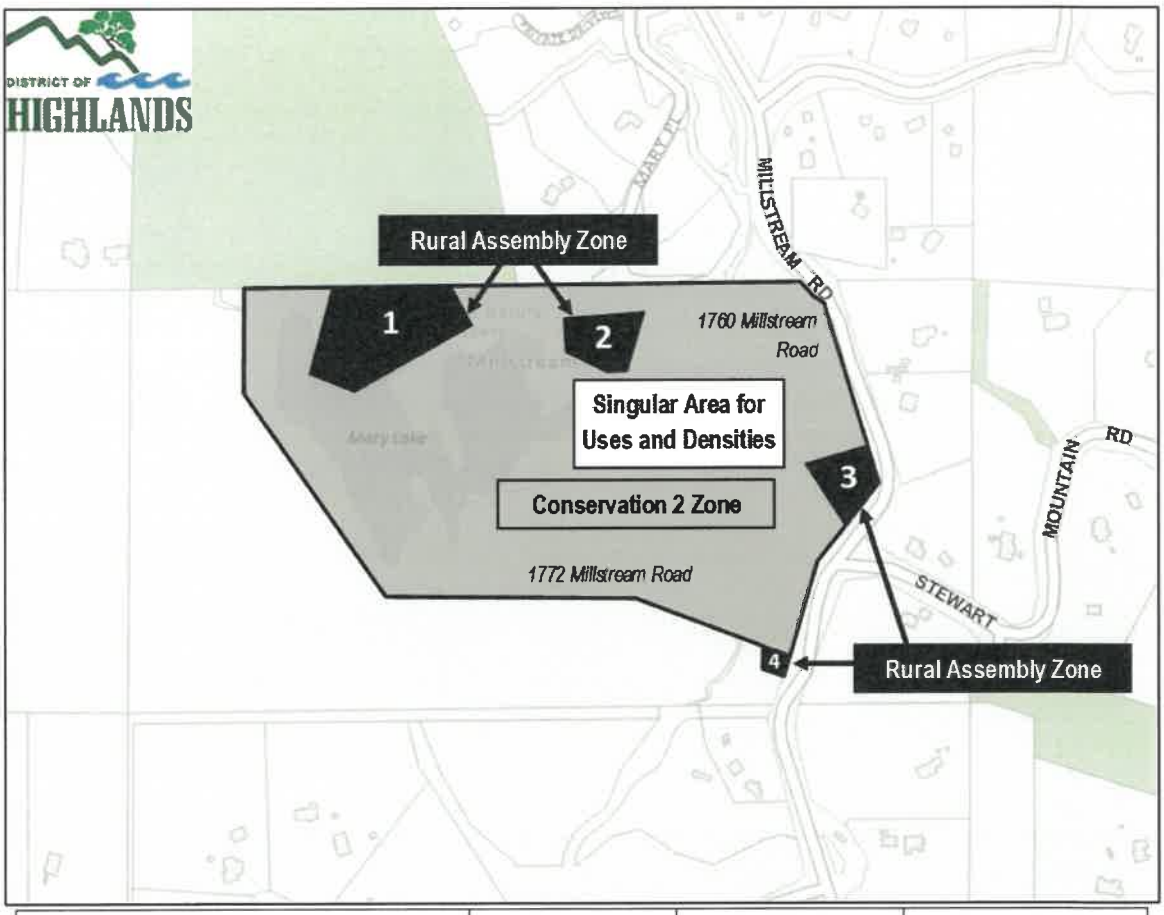
(1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in the Conservation 2 (C2) Zone:

(a) *Assembly*

14.2.2 Subdivision Density and Lot Area Requirements

(1) No subdivision plan may be approved unless *lots* created by the subdivision have a minimum area of at least 16.3 hectares (40.3 acres).

Schedule C to Bylaw No. 463
and
Schedule H to Bylaw No. 100



Rural Assembly Zone Area	Corner	Latitude	Longitude
1	Northwest	48.50063° N	123.51924° W
	Northeast	48.50065° N	123.51783° W
Size: 9,662m²	East	48.50036° N	123.51752° W
Perimeter: 407m	South	48.49976° N	123.51894° W
	Southwest	48.49984° N	123.51958° W
2	Northwest	48.50032° N	123.51616° W
	Northeast	48.50038° N	123.51508° W
Size: 3,378m²	Southeast	48.49986° N	123.51529° W
Perimeter: 236m	South	48.49983° N	123.51553° W
	Southwest	48.50003° N	123.51609° W
3	West	48.49909° N	123.51294° W
	North	48.49929° N	123.51219° W
Size: 2,982m²	East	48.49898° N	123.51207° W
Perimeter: 232m	South	48.49848° N	123.51257° W
4	Northwest	48.49758° N	123.51357° W
	Northeast	48.49749° N	123.51320° W
Size: 516m²	Southeast	48.49731° N	123.51329° W
Perimeter: 93m	Southwest	48.49738° N	123.51356° W

	7.3	**Rural 3 (R3)** *(**7.3(2) amended by Bylaw No. 438, adopted Dec 4, 2023)*	47
	7.3A	**Rural 3A (R3A)** *(**7.3A(2) amended by Bylaw No. 438, adopted Dec 4, 2023)*	48-49
	7.3B	**Rural 3B (R3B)** *(**7.3B(2) amended by Bylaw No. 438, adopted Dec 4, 2023)* *(**added by Bylaw No. 155, adopted March 5, 2001)*	50-51
	7.3C	**Rural 3C (R3C)** *(**7.3C(2) amended by Bylaw No. 438, adopted Dec 4, 2023)*	52
	7.3D	**Rural 3D (R3D)** *(**7.3D(2) amended by Bylaw No. 438, adopted Dec 4, 2023)* *(**added by Bylaw No. 308, adopted August 18, 2008)*	53-54
	7.4	**Rural 4 (R4)** *(**7.4(2) amended by Bylaw No. 438, adopted Dec 4, 2023)*	55
	7.5	**Rural 5 (R5)** *(**7.5(2) amended by Bylaw No. 438, adopted Dec 4, 2023)*	56-57
	7.6	**Rural 6 (R6)** *(*7.6(2) amended by Bylaw No. 438, adopted Dec 4, 2023)* *(**added by Bylaw No. 313, adopted May 7, 2012)*	58-59
	7.7	**Rural 7 (R7)** *(**7.7(2) amended by Bylaw No. 438, adopted Dec 4, 2023)* *(**added by Bylaw No. 349, adopted June 25, 2012)*	60
	7.8	**Rural 8 (R8)** *(**7.8(2) amended by Bylaw No. 438, adopted Dec 4, 2023)* *(**added by Bylaw No. 402, adopted April 3, 2018*	61
	7.9	**Rural Assembly (RA)**	XX

SECTION 8		**GREENBELT ZONES**	62
	8.1	**Greenbelt 1 (GB1)** *(**8.1(2) amended by Bylaw No. 438, adopted Dec 4, 2023)*	62
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	H	**WMIYETEN**	

BOARDER means an individual who for consideration receives accommodation together with meals from a *home-based business*.

BUILDING means any *structure* used or intended to be used for supporting or sheltering any use, persons, or animals or property.

*(**added by Bylaw No. 217, adopted December 20, 2004)*

BUILDING DEMOLITION WASTE means Municipal Solid Waste resulting from or produced by the complete or partial destruction or tearing down of buildings, parking lots, bridges, roads, sidewalks, pipes or other man-made structures. *Building demolition waste* includes fixtures, but does not include other waste or materials that are contained within the structure that is demolished.

*(**added by Bylaw No. 262, adopted July 4, 2005)*

BUILDING ENVELOPE means the portion of a lot on which this Bylaw permits the location of a building or structure.

*(**added by Bylaw No. 231, adopted July 5, 2004)*

BUILDING PRODUCT SALES means establishments primarily engaged in retailing a general line of home construction, repair and improvement materials and supplies, such as lumber, doors and windows, plumbing goods, electrical goods, floor coverings, tools, house wares, hardware, paint and wallpaper, and lawn and garden equipment and supplies. The merchandise lines are normally arranged in separate sections. These establishments may provide installation and repair services for the merchandise they retail.

*(**added under Bylaw No. 407, adopted June 4, 2018)*

CANNABIS means any part of the cannabis plant, and includes its preparations and derivatives and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, but does not include: a non-viable seed of a cannabis plant; a mature stalk of a cannabis plant, without any leaf, flower, seed, or branch, and fiber derived from such stalks; and the roots of any part of the root of a cannabis plant.

*(**added under Bylaw No. 407, adopted June 4, 2018)*

CANNABIS PRODUCTION means the use of any land, building or structure for the growing, production, processing, destruction, storage or distribution of *Cannabis,* but does not include:

a) *Cannabis Sales;* or
b) Non-commercial activities by a registrant or designated person under Part 2 of the ACMPR. *(**added under Bylaw No. 407, adopted June 4, 2018)*

CANNABIS SALES means the retail or wholesale sale of *Cannabis,* and includes an operation which provides referrals or facilitates access to *Cannabis* not physically sold on the premises, but does not include sales by a British Columbia Registered Pharmacist in a British Columbia regulated Pharmacy or distribution by a Licenced Producer under the *Access to Cannabis for Medical Purposes Regulations.*

*(**replaced definition by Bylaw No. 457, adopted June 17, 2024)*
*(**added by Bylaw No. 262, adopted July 4, 2005)*

CARETAKER'S DWELLING UNIT means ~~a *dwelling unit* that is *accessory* to an *industrial use* or commercial use and is attached to and located above or behind the commercial use or *industrial use*, or provided in connection with and *accessory* to a *golf course* use.~~ a *dwelling unit* that is *accessory* to:
a) an *assembly* use or
b) an *industrial use* or commercial use and is attached to and located above or behind the commercial use or *industrial use* or
c) a *golf course* use.

a) Each tourist accommodation unit has its own water closet and washbasin and may have a kitchenette; and

b) All units are available at all times for temporary occupancy by the traveling public.

*(**added by Bylaw No. 231, adopted July 5, 2004)*

RESTAURANTS mean an eating establishment where food is sold to the public for consumption within the premises, or designated outdoor seating areas, or for off-site consumption and may be licensed to serve beer, wine or spirits.

*(**added by Bylaw No. 231, adopted July 5, 2004)*

RETAIL STORES means the use of a floor or floor area, or part thereof, of a building for the purpose of selling or offering for sale to consumers goods, wares or merchandise.

RETREAT ACCOMMODATION means accommodation in *buildings* and/or camping spaces and/or *recreational vehicles* for the temporary staying of guests of an associated retreat facility within the same zone, not used as a *dwelling unit* for any residential use, and for this purpose "temporary" means the accommodation of any particular person for not more than 180 days in any calendar year, not more than 29 of which may be consecutive, such that the occupier would not become a resident elector of the Municipality by virtue of their occupancy. Units in *buildings* shall not include or provide cooking facilities. There shall be no cooking in camping spaces and in *recreational vehicles.*

RIPARIAN means an *area of land* adjacent to a *watercourse or wetland.*

ROADWAY means the portion of the *highway* that is improved, designed or ordinarily used for vehicular traffic.

*(**added by Bylaw No. 231, adopted July 5, 2004)*

SAWMILLS & PLANER MILLS means an enclosed building where the processing and manufacturing of wood and paper products, including sawmills, planer mills and the sale of products from these operations are undertaken.

*(**added by Bylaw No. 231, adopted July 5, 2004)*

SCIENTIFIC RESEARCH means a building where the design, research, manufacture, testing and servicing of commercial products, including computer software and hardware, in the field of electronics, telecommunications, engineering, robotics, bio-technology, health care, or related industries, are undertaken.

*(**added by Bylaw No. 262, adopted July 4, 2005)*

SITE COVERAGE means the portion of a lot that is covered by buildings and structures, expressed as a percentage of the lot area, and for this purpose buildings and structures are deemed to cover the portion of a lot that is within the drip line of the roof of the *building or structure.*

STRUCTURE means anything constructed, erected or placed, the use of which requires location on the ground or attachment to something having location on the ground, but excludes surfacing of a *lot* and signs.

*(**added by Bylaw No. 255, adopted May 16, 2005)*

SWIMMING POOL means any *structure* or construction, intended primarily for recreational purposes that is, or is capable of being, filled with water to a depth of 0.45 metres (18 inches) or more, which does not include, but is not limited to, fish or ornamental ponds, natural ponds or those constructed along a natural watercourse, sealed tanks or pools fitted with lockable cover capable of supporting the weight of a 68 kilogram (150 pound) person, when closed.

*(**added by Bylaw No. 374, adopted June 1, 2015)*

(6) Number of Parking Spaces

a) In addition to parking spaces prescribed in a *Zone*, no land, *building or structure* shall be used unless the number of parking spaces specified below are provided:

	LAND USE	REQUIRED PARKING SPACES
i)	for each *principal dwelling unit*	2 *(**amended by Bylaw 438, adopted December 4, 2023)*
ii)	for each *principal dwelling unit* used for a *home-based business*	1 *(**amended by Bylaw 438, adopted December 4, 2023*
iii)	for *accessory buildings* used for a *home-based business*	1
iv)	for each room that is used for a *boarder, lodger* or for a *bed breakfast* use	1
v)	for each *accessory dwelling unit*	1 *(**added by Bylaw 438, adopted Dec 4, 2023 and renumbered going forward)*
vi)	Retail	1 space per 20 m² gross floor area
vii)	Office	1 .5 space per 40 m² gross floor area
viii)	Storage area	1.5 space per 200 m² gross floor area
ix)	Restaurant	1 space per 3 seats
x)	Clubhouse	1 space per 25 m² gross floor area
xi)	Golf Course	4 spaces per golf hole
xii)	Resort	1 space per tourist accommodation unit
xiii)	Hotels	0.75 space per tourist accommodation unit *((v) to (xii) added (**amended by Bylaw 262, adopted July 4, 2005)*
xiv)	Day Care	6 spaces plus one per staff *(added (**amended by Bylaw 308, adopted August 18, 2005)*
xv)	Tennis Courts	3 spaces per court *(**added by Bylaw 374, June 1, 2015)*
xvi)	*Assembly*	1 space per 20m² gross floor area plus one per staff
xvii)	*Retreat Accommodation*	The greater of 1 space per *retreat accommodation* unit or the sum of spaces required by uses other than *retreat accommodation* in the *Zone*
xviii)	*Caretaker's Dwelling Unit*	1

b) If more than one use occurs on a *lot*, the required number of parking spaces shall be cumulative and in addition to those prescribed in any particular *Zone* except in the Rural Assembly Zone.

~~e)~~ ~~Motor vehicle parking areas within the Golf Course and Resort Areas shown on Schedule E shall include facilities to park and store bicycles in a location that is accessible to guests, employees and the general public. These shall contain at least 1 bicycle storage space for every 20 required off-street parking spaces.~~

~~In addition to the parking spaces required for each use, motor vehicle parking areas within the Golf Course, Resort, and Commercial Areas shown on Schedule E shall include additional parking spaces for persons with disabilities, having a width of 3.7 m and clearly marked as spaces for persons with disabilities, calculated as follows:~~
~~1 additional space for the first 20 required parking spaces; and~~
~~1 additional space for every 40 required parking spaces thereafter.~~

*(**added by Bylaw No. 262, adopted July 4, 2005)*

~~d~~c) Motor vehicle parking areas containing more than 20 spaces in a row shall incorporate surface drainage infiltration galleries, and landscaped planning areas not less than 1.5m in width and 6.0m in length every 20 spaces.

*(**added by Bylaw No. 262, adopted July 4, 2005)*

(7) Bicycle Parking

Where not already prescribed, motor vehicle parking areas in *Zones* other than residential shall include facilities to park and store bicycles in a location that is accessible to guests, employees and the public. These shall contain at least 1 bicycle storage space for every 10 required parking spaces.

(8) Accessible Parking Spaces

If not already prescribed in a non-residential *Zone:*

a) Accessible parking spaces shall be provided in the ratios of 1 additional space for the first 20 required parking spaces and 1 additional space for every 40 required parking spaces thereafter.

b) Each accessible parking space shall have a width of 3.7m, occupy the nearest parking space to a *building* entrance that accommodates wheelchair access, and be clearly designated as accessible parking only.

c) Drop curbs shall be provided on any curb between an accessible parking space and the *building* entrance to accommodate wheelchair access.

d) Each accessible parking space shall have a firm, slip-resistant and level surface.

(~~7~~9) Location of Parking Spaces and Driveways

a) Any required parking space shall be provided on the same *lot* as the *building* or use in respect of which it is provided.

b) With the exception of a driveway used for access from a *roadway* to a required parking space, a required parking space shall not be placed or maintained within ten (10) metres of any *front lot line* or *rear lot line*, or within five (5) metres of any *side lot line*.

c) Driveways on *lots* shall not extend onto a *roadway* except as provided in the District of Highlands Bylaw to Regulate Roads and Traffic.

SHORT FORM	ZONE
R3D	**Rural 3D** *(added by Bylaw No. 308, adopted August 18, 2008)*
R4	**Rural 4**
R5	**Rural 5**
R6	**Rural 6**
R7	**Rural 7** *(**added by Bylaw No. 349, adopted June 25, 2012)*
R8	**Rural 8** *(**added by Bylaw No. 402, adopted April 3, 2018)*
RA	**Rural Assembly**
GB1	**Greenbelt 1**
GB1A	**Greenbelt 1A** *(**added by Bylaw No. 182, adopted July 15, 2002)*
GB2	**Greenbelt 2**
BMCD1	**Bear Mountain Comprehensive Development 1** *(**added by Bylaw No. 262, adopted July 4, 2005)*
CD2	**Comprehensive Development 2** **1150 Bear Mountain Parkway** *(**added by Bylaw No. 344, adopted January 7, 2013)*
P1	**Park 1**
P2	**Public 2**
P3	**Public 3**
W1	**Water 1**
W2	**Water 2**
M1	**General Industrial**
M2	**Medium Industrial**
M3	**Highwest Industrial** *(**added by Bylaw No. 217, adopted December 20, 2004)*
C1	**Conservation 1** *(**added by Bylaw No. 116, adopted July 19, 1999)*
C2	**Conservation 2**
Am1	**Amenity 1** *(**added by Bylaw No. 331, adopted July 18, 2011)*
Am2	**Amenity 2** *(**added by Bylaw No. 346, adopted June 18, 2012)*

5.1 Zoning Map

(1) The location and boundaries of the *Zones* established by this Bylaw are shown on the Zoning Map attached to and forming Schedule A to this Bylaw.

(2) Where a *Zone* boundary does not follow a legally defined boundary, and where the distances are not specifically indicated on Schedule A, the location of the boundary shall be determined by scaling from Schedule A.

(3) When a *Zone* boundary designated on Schedule A follows a *highway* or a *watercourse*, the centerline of the *highway* or *watercourse* shall be the *Zone* boundary.

SECTION 7.9 RURAL ASSEMBLY (RA) ZONE

7.9.1 Permitted Uses

(1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in Rural Assembly (RA) Zone:

a) *Assembly*
b) Retreat facility that may prepare and/or provide food to registered guests
c) *Retreat Accommodation*
d) *Caretaker's Dwelling Unit*
e) *Agriculture accessory* to any *principal use*
f) *Accessory* uses, *buildings* and *structures*

7.9.2 Densities

(1) The total combined floor area of all *buildings* or *structures* within all 4 Rural Assembly zoned areas shall not exceed 745 square metres.
(2) For *Retreat Accommodation*, there shall be no more than:
   a. 13 units in *buildings*
   b. 20 camping spaces and
   c. 6 *recreational vehicle* spaces

   within all 4 Rural Assembly zoned areas.
(3) There shall be no more than one (1) *caretaker's dwelling unit* within all 4 Rural Assembly zoned areas.

7.9.3 Siting and Dimensions of Buildings and Structures

(1) The *height* of any *building or structure* shall not exceed 10.5 metres.
(2) The total floor area for the *caretaker's dwelling unit* shall not exceed 60 square metres.
(3) No *building or structure* shall be sited within 20 metres of a *front lot line*.
(4) No *building or structure* shall be sited within 10 metres of a *side lot line*.
(5) No *building or structure* shall be sited within 10 metres of a *side lot line* that abuts a *highway*.
(6) No *building or structure* shall be sited within 10 metres of a *rear lot line*.

7.9.4 Subdivision Density and Lot Area Requirements

(1) No subdivision plan may be approved unless *lots* created by the subdivision have a minimum area of at least 16.3 hectares (40.3 acres).

SECTION 14.2 CONSERVATION 2 (C2) ZONE

14.2.1 Permitted Uses

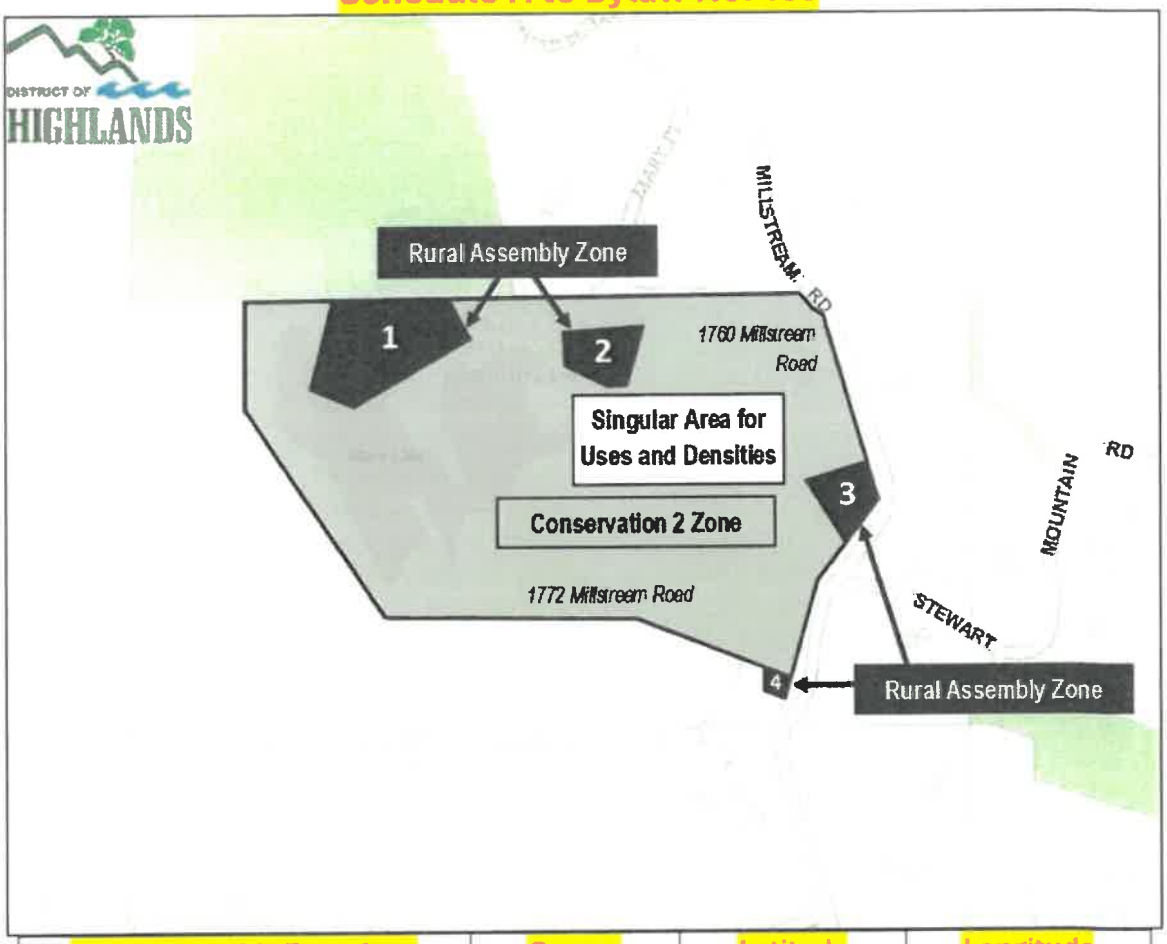
(1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in the Conservation 2 (C2) Zone:

(a) *Assembly*

14.2.2 Subdivision Density and Lot Area Requirements

(1) No subdivision plan may be approved unless *lots* created by the subdivision have a minimum area of at least 16.3 hectares (40.3 acres).

Schedule H to Bylaw No. 100



Rural Assembly Zone Area	Corner	Latitude	Longitude
1	Northwest	48.50063° N	123.51924° W
	Northeast	48.50065° N	123.51783° W
Size: 9,662m²	East	48.50036° N	123.51752° W
Perimeter: 407m	South	48.49976° N	123.51894° W
	Southwest	48.49984° N	123.51958° W
2	Northwest	48.50032° N	123.51616° W
	Northeast	48.50038° N	123.51508° W
Size: 3,378m²	Southeast	48.49986° N	123.51529° W
Perimeter: 236m	South	48.49983° N	123.51553° W
	Southwest	48.50003° N	123.51609° W
3	West	48.49909° N	123.51294° W
	North	48.49929° N	123.51219° W
Size: 2,982m²	East	48.49898° N	123.51207° W
Perimeter: 232m	South	48.49848° N	123.51257° W
4	Northwest	48.49758° N	123.51357° W
	Northeast	48.49749° N	123.51320° W
Size: 516m²	Southeast	48.49731° N	123.51329° W
Perimeter: 93m	Southwest	48.49738° N	123.51356° W

to evaluate a Trustee Electoral Area election model for the Minister's consideration for approval and implementation in time for the 2026 Local Government and Board of Education elections.

CARRIED

8.2 **AVICC FEEDBACK REQUESTED: REFORMING THE LOCAL GOVERNMENT ACT - A ROADMAP**

Moved by: Councillor Gord Baird

Seconded by: Councillor Roessingh

Motion: 091-2025

THAT the Association of Vancouver Island and Coastal Communities letter of March 20, 2025 requesting Council feedback regarding Reforming the Local Government Act - A Roadmap be received.

CARRIED

9. BYLAWS

9.1 **APPLICATION RZ-02-23 – OFFICIAL COMMUNITY PLAN REFERRAL RESULTS AND DRAFT BYLAWS**

1772 and 1760 Millstream Road (W̱MÍYEŦEN (Mary Lake) Nature Sanctuary)

Libby McMinn, applicant for W̱MÍYEŦEN Nature Sanctuary Society, addressed Council regarding the application and the letter sent to Council dated April 4, 2025 regarding proposed changes to the application.

Moved by: Councillor McLean

Seconded by: Councillor Roessingh

Motion: 092-2025

THAT Item 9.1 APPLICATION RZ-02-23 – OFFICIAL COMMUNITY PLAN REFERRAL RESULTS AND DRAFT BYLAWS 1772 and 1760 Millstream Road (W̱MÍYEŦEN (Mary Lake) Nature Sanctuary) and the letter dated April 4, 2025 from W̱MÍYEŦEN Nature Sanctuary Society regarding proposed changes to the application be referred back to staff.

In Favour	Mayor Williams, Councillor McLean, and Councillor Roessingh
Opposed	Councillor Ann Baird, Councillor Gord Baird, and Councillor Stanton

DEFEATED

Moved by: Councillor Gord Baird

Seconded by: Councillor Ann Baird

Motion: 093-2025

THAT Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 be read a first time.

MOTION WITHDRAWN

Mayor Williams brought forward Motion: 092-2025 to be reconsidered.

Motion: 094-2025

THAT Item 9.1 APPLICATION RZ-02-23 – OFFICIAL COMMUNITY PLAN REFERRAL RESULTS AND DRAFT BYLAWS 1772 and 1760 Millstream Road (W̱MÍYEŦEN (Mary Lake) Nature Sanctuary) and the letter dated April 4, 2025 from W̱MÍYEŦEN Nature Sanctuary Society regarding proposed changes to the application be referred back to staff.

CARRIED

10. NEW BUSINESS

10.1 VICTORIA BREAKAWAY CYCLING CLUB AND BROAD STREET CYCLES - CYCLING RACE REQUEST

An update to the staff report was provided changing the applicants request for the Sunday, July 27, 2025 race date to Saturday, June 28, 2025.

Moved by: Councillor Roessingh

Seconded by: Councillor Gord Baird

Motion: 095-2025

THAT Council approve the two cycling races hosted by the Victoria Breakaway Cycling Club and Broad Street Cycles for the use of Millstream and Caleb Pike Roads as listed below:

- Sunday, May 4, 2025 9:30AM to 1:30PM
- Saturday, June 28, 2025 9:30AM to 1:30PM

subject to the Event Organizer entering into a Public Property Occupancy Agreement, substantially as shown attached to the report of the Corporate Officer dated April 2, 2025;

DISTRICT OF HIGHLANDS

REPORT

TO: Loranne Hilton
Chief Administrative Officer

DATE: April 4, 2025
FILE: RZ-02-23/3900-462/3900-463

To Council
April 7, 2025

FROM: Laura Beckett
Municipal Planner

RE: **APPLICATION RZ-02-23 – OCP REFERRAL RESULTS AND DRAFT BYLAWS**
1772 and 1760 Millstream Road (W̱MÍYEȚEN (Mary Lake) Nature Sanctuary)

PURPOSE

The purpose of this report is to provide to Council the results of the Official Community Plan (OCP) consultation and bylaws that would accomplish the application.

Results of OCP Consultation

At its June 3, 2024 meeting, Council considered and directed staff in regards to OCP consultation pursuant to the *Local Government Act*. Only the attached correspondence (Attachment 1) from the Ts'uubaa-astax Nation was received. The correspondence states that while they retain the right to determine otherwise in the future, at this time they defer to any Nation(s) whose title and governing authorities are directly affected, which include other Hul'q'umi'num Speaking First Nations' and Nuu-chah-nulth First Nations' lands. No referrals were made to any Nuu-chah-nulth First Nations because no other information directly or indirectly indicated that these Nations have traditional territory within the District's of Highlands municipal boundaries.

Staff recommends no further referrals.

DRAFT BYLAWS

Council directed staff to draft bylaws to accomplish the application, which was essentially to allow for assembly and temporary accommodation uses in existing structures, plus future potential buildings. The future potential buildings included the following as shown on the Site Map on page 2 of this report:

Table A

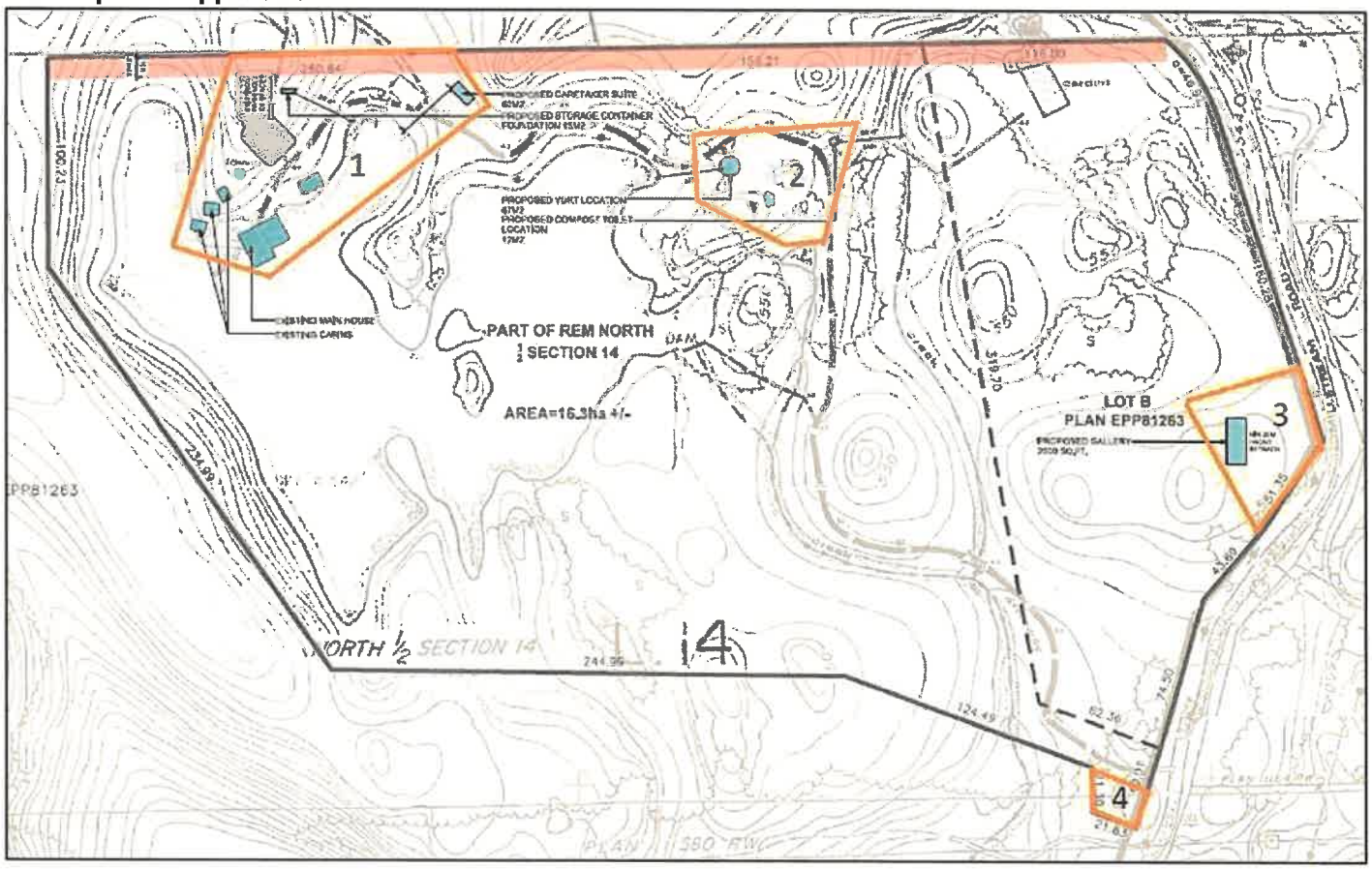
Purpose of Building	Size
Gallery	186m² (2,000 square feet)
Compost Toilet	12m² (129 square feet)
Yurt	67m² (721 square feet)
Caretaker's Residence	60m² (646 square feet)
Storage Container	15m² (161 square feet)

Zoning regulates uses and associated densities. For this proposal, floor area is the measure of density for the uses. Use and density cannot be varied and can only be changed by a subsequent rezoning application.

A Traffic and Parking Study was done for the application. A link to it can be found at the end of the

staff report for the application on Council's May 6, 2024 Agenda. The study considered the impact of a change from the current zoning of Greenbelt 2 to what estimated visitor count to the property was prior to the rezoning application. As a result, the study did not consider traffic nor parking impact of the future potential buildings and uses noted in Table A.

Site Map from Application



Four (4) of the five (5) proposed future buildings in Table A would be considered accessory to the principal uses of assembly and retreat facility, and their related floor area and the caretaker's residence (as a use) are reasonable to include in the Rural Assembly Zone. The proposed 186m² gallery, though, is of a larger size, would be considered a principal use, and thus could have an impact on traffic and parking. The applicant understands the importance of this within the context of their rezoning application and, because they prefer to not update the study, they wish to remove the proposed 186m² gallery from the application. As a result, the attached Zoning Bylaw amendment reflects this one difference from Council's direction to draft bylaws that would accommodate the application. At any time, a subsequent zoning amendment application can be made to include the gallery or anything else.

OPTIONS

The following sets of motions are available for Council's consideration:

1	A	That Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 be read a first and second time.
	B	That Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be read a first and second time.
	C	That a public hearing for Bylaws 462 and 463 be scheduled for May 5, 2025.

2	That alternative direction be provided.

3	That the application be denied.

OCP Amendment - Bylaw 462

This bylaw would create a new OCP land use designation and add the subject properties, 1760 and 1772 Millstream Road, to it.

The draft "Rural Assembly" OCP Land Use Designation is based on the existing "Rural" OCP Land Use Designation. The overall intent is that nature-related assembly-type and tourism-type uses would be the primary land uses with the existing "Rural" policies of protection of the natural environment and maintaining existing community character, including larger lots, remaining important. While Rural Assembly was drafted with the application in mind, it is intended to be broad enough for other applications or circumstances.

While staff does not recommend including the definition in the OCP, it is very reasonable to base "assembly-type uses" on the Zoning Bylaw's definition as a guide: "Assembly means a use providing for the meeting or gathering of persons for religious, charitable, philanthropic, cultural, political, recreation or educational purposes." OCPs are meant to be broad policy documents with specifics stated in other regulatory documents such as a Zoning Bylaw.

Please see Attachment 2 that shows the following differences between existing Rural and draft Rural Assembly:

1. In the second bullet under Objectives, removing the word "economic" is intended to broaden the types of "reasonable opportunities" for the use of land and remove the focus from economic opportunities. For example, the application's change of zoning may also be considered a cultural opportunity.
2. Primary land uses would be nature-related assembly-type or tourism-type uses, with or without associated accommodation for guests. Specific uses and number and type of accommodation would be regulated through the Zoning Bylaw.
3. Other appropriate land uses would include but not be limited to residential, agriculture, and forestry.

Zoning Bylaw Amendment – Bylaw 463

This bylaw would create two (2) new zones, "Rural Assembly" and "Conservation 2" that are consistent with the proposed Rural Assembly OCP Land Use Designation. Other amendments consequential to the proposed uses and densities are presented. The application properties are subject to a covenant with the Province restricting development of the lands to specific areas. Lands outside those areas are intended to remain natural and consistent with a baseline environmental report. While the District has no authority over the covenant, the application is based on it and the proposed zoning seeks to mirror it.

Please see Attachment 4 that shows the proposed changes to the Zoning Bylaw proposed. They include:

1. Adding "assembly" to the list of land uses where a "caretaker's dwelling unit" may occur.
2. Creating a new definition as follows: "***RETREAT ACCOMMODATION*** means accommodation in *buildings*, by camping, or in *recreational vehicles* for the temporary staying of guests to an associated retreat facility within the same zone, not used as a *dwelling unit* for any residential use, and for this purpose "temporary" means the accommodation of any particular person for not more than 180 days in any calendar year, not more than 29 of which may be consecutive, such that the occupier would not become a resident elector of the Municipality by virtue of their occupancy. Units in *buildings* may not include or provide cooking facilities. There shall be no cooking in camping spaces and in recreational vehicles." This definition is based off the existing "tourist accommodation" definition and has the difference that retreat accommodation must be associated with a retreat facility within the same zone. No units can be used for cooking.
3. Parking requirements for uses proposed in the Rural Assembly Zone including assembly, retreat accommodation, and caretaker's dwelling unit.
    a. Parking for the new use of "retreat accommodation": The application proposes that the overnight accommodation is only to be used by guests of the retreat facility. The Zoning Bylaw's default is that parking requirements are cumulative, meaning that this facility would have to provide parking for the assembly uses and the overnight accommodation uses, even though the 2 sets of uses would only involve one set of parking needs. The proposed parking requirement for retreat accommodation seeks to accommodate this.
    b. Otherwise, proposed parking requirements are consistent with those in other CRD municipalities.
    c. Required parking can be varied through a Development Variance Permit application.
4. Prescribing "bicycle" and "accessible" parking requirements more generally and standardizing the amount of required bicycle parking:
    a. Bicycle and accessible parking requirements currently exist in the General and Medium Industrial Zones (M1 and M2) and in certain areas within the Bear Mountain Comprehensive Development Zone 1 (BMCD1). The Highwest Industrial Zone (M3) has accessible parking requirements and no bicycle parking requirements.
    b. If Bylaw 463 is adopted:
        i. The same accessible parking requirements would apply for the M1, M2, M3, and BMCD1 Zones. Those requirements currently in the BMCD1 Zone would extend to all non-residential zones including the proposed Rural Assembly Zone and be required through the Building Permit process. No parking is expected to be required for the Conservation 2 Zone because no buildings would be permitted. (Parking requirements are established through a building's floor area.)
        ii. The same bicycle parking requirement would apply for the M1 and M2 Zones. It would increase for non-residential areas within the BMCD1 Zone, and would be triggered in all other non-residential zones including the M3 and proposed Rural Assembly Zone upon a Building Permit application.
5. Adding "Rural Assembly Zone (RA)". This zone has been tailored to the application permitting the following uses and densities collectively over 4 specific areas and 2 properties:
    a. Assembly, including nature-focused public tours, workshops, programming, and events. This intentionally matches the principal use in the proposed Conservation 2 Zone.

b. Retreat Facility that may prepare and/or provide food to registered guests. This could either be in the existing Nature House, or in an accessory building and would be subject to Island Health regulations if required.
c. Density is expressed as the total combined floor area of all buildings/structures over the zone (both properties) - 745m^2 (square feet). This is the amount of existing building space plus the items in Table A on page 1 minus the 186m^2 (2,000 square feet) gallery.
d. Retreat Accommodation: 13 units within buildings (such as the cabins or within the Nature House), 20 camping spaces, and 6 recreational vehicle spaces. The floor area used for the 13 units within buildings would be part of the 745m^2 total combined floor area.
e. Caretaker's Dwelling Unit – 1 unit. The size of this is 60m^2 as requested through the application. That building size can be varied provided the total floor area of all buildings in the RA zone does not exceed 745m^2.
f. Agriculture accessory to any principal use.
g. Environmental research accessory to the assembly use. This intentionally matches an accessory use in the Conservation 2 Zone.
h. Accessory uses, buildings and structures – Any buildings would be part of the 745m^2 total combined floor area for the zone.
i. Siting and dimensions of buildings and structures are based on the properties' current zoning (GB2). Siting and dimensions of agricultural buildings has been removed because agricultural would be an accessory use. Size for the caretaker's dwelling unit in the application is 60m^2.
j. There would be no opportunity to vary beyond the total combined floor area of 745m^2 because that number is connected to density over the RA zone (not each property). This amount relates to the application as it was when Council directed to draft bylaws minus 186m^2 for the gallery. If a change were desired, a rezoning application would be necessary.
k. The minimum lot size for subdivision in the Rural Assembly Zone would be the same size as the subject parcels combined.

6. Adding "Conservation 2 (C2) Zone." The two (2) uses intentionally match uses in the Rural Assembly Zone. To provide consistency with the application, no buildings would be permitted.
7. On the Zoning Map, changing the zoning of 1760 and 1772 Millstream Road to the new Rural Assembly (RA) and Conservation 2 (C2) Zones as shown on the map in Schedule C to Bylaw 463.
8. Adding a new Schedule H to the Zoning Bylaw to incorporate the locations of the Rural Assembly and Conservation 2 Zones.

CONCLUSION

OCP and Zoning Bylaw amending bylaws to accomplish application RZ-02-23 are presented for Council consideration.

RECOMMENDATIONS

1	A	That Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025 be read a first and second time.
	B	That Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025 be read a first and second time.
	C	That a public hearing for Bylaws 462 and 463 be scheduled for May 5, 2025.

Respectfully submitted

Laura Beckett, MCIP, RPP

CAO Concurrence

Loranne Hilton, CAO

Attachments:

1. Correspondence dated June 19, 2024 from Ts/uubaa-asatx Nation
2. Draft Rural Assembly OCP Land Use Designation Comparison with Existing Rural OCP Land Use Designation
3. Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (W̱MÍYEŦEN), Bylaw No. 462, 2025
4. Excerpts of proposed Zoning Bylaw No. 100 consolidated with Bylaw No. 463
5. Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (W̱MÍYEŦEN) Bylaw No. 463, 2025

Ts'uubaa-asatx Nation
313B Deer Lake Road
Lake Cowichan, British Columbia
V0R 2G0
Phone: 250-749-3301
Fax: 250-749-4286

19-Jun-2024 13:47 PDT

District of Highlands
Attn: Laura Beckett

Project Name: Official Community Plan / Zoning Bylaw Amendment RZ-02-23
Date Received: 10-Jun-2024
Ts'uubaa-asatx Nations Consultation Spectrum Assessment: Level 3

'Au Si'em:

The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Ts'uubaa-asatx Nation's core title area. Ts'uubaa-asatx Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Ts'uubaa-asatx Nation. Level 3 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.

However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuu-chah-nulth relatives. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:
'Au Si'em: a term denoting high respect.

‘Uy’ Skweyul: good day.

ATTACHMENT 2: Comparison of Proposed "Rural Assembly" OCP Land Use Designation with Existing "Rural" OCP Land Use Designation

KEY: Additions / ~~Deletions~~

2.12 Rural Assembly Land Use

Rural Assembly Land Use – Objectives

- To provide for a range of land uses that support the retention of the large lot character of areas that are largely undisturbed, protecting them from encroachment by more intensive forms of development.
- To allow rural property owners reasonable ~~economic~~ opportunities for the use of their land, ensuring that uses are consistent with the rural character of the Highlands and compatible with the protection of natural areas.
- To ensure ongoing opportunities for sustainable agriculture and forestry in rural areas.
- To ensure that land use controls are in keeping with the rural character of the community. ~~; and~~
- To ensure that sufficient land use controls are in place to protect unique and sensitive environmental features for future generations.
- To maintain and protect ecological services and aquifer/watershed health.

Rural Assembly Land Use – Policies

~~1. Land uses in rural areas that are related to sustainable farming, forestry, rural residential uses, tourism, outdoor recreation, and other open space activities are preferred.~~

1. ~~The primary land uses on the lands designated "Rural" on Map 2.1 may be single family dwellings, agriculture and home-based businesses that do not significantly change or impact neighbourhood character. Nature-related tourism activities are considered to be appropriate land uses. Nature-related tourism includes nature-related tourist accommodation.~~ Primary land uses on lands designated "Rural Assembly" on Map 2.1 may be nature-related assembly-type or tourism-type uses, with or without associated accommodation for guests. Land uses should not significantly change or impact neighbourhood character. Land uses including but not limited to residential, agriculture, and forestry are also appropriate.

~~2. Tourist accommodation will be limited to one tourist accommodation unit per two hectares to a maximum of 6 accommodation units, providing there is no negative impact to neighbouring wells. The building types will be in the form of bed and breakfast, cabins, or small lodge. Food will only be served to registered guests. The number of tourist accommodation units will be relative to the size of property. Tourist accommodation in the Rural Land Use designation will be guided by the home-based business section of the Zoning Bylaw.~~

2. New uses proposed in this designation must have access through suitable country roads, and have limited impact on environmentally sensitive areas, agricultural operations, forestry activities, historic landscapes and scenic values.
3. Prior to subdivision, information will be required through a Development Approval Information Area or a Development Permit to ensure that the road and lot layout is designed to protect environmental values, accommodate the potential for establishing municipal trails, and foster the sustainability of natural resources.

DISTRICT OF HIGHLANDS
BYLAW NO 462

A BYLAW TO AMEND "HIGHLANDS OFFICIAL COMMUNITY PLAN BYLAW NO. 277, 2007"

The Council of the District of Highlands, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited as "Highlands Official Community Plan Bylaw No. 277, 2007, Amendment No. 9 (WMIYETEN), Bylaw No. 462, 2025".

2. AMENDMENT

THAT Appendix A to "Highlands Official Community Plan Bylaw No. 277" be amended as follows:

1. ADD "2.12 Rural Assembly" to CONTENTS.

2. In Chapter 2:

   a) REPLACE paragraph 3 under Chapter 2 – Land Use with the following:

      This chapter sets out the following land use designations, along with the objectives and policies for each designation:
      - Rural Land Use
      - Rural Residential Land Use
      - Intensive Residential Land Use
      - Commercial Industrial Land Use
      - Institutional Land Use
      - Public Parks
      - Managed Forest
      - Bear Mountain Comprehensive Development Area
      - Amenity Areas
      - Rural Assembly

   b) In Map 2.1 Land Use Designations:

      i. CHANGE the land use designations of LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263 (1760 Millstream Road) and THAT PART OF THE NORTH ½ OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263 (1772

Millstream Road) as shown shaded blue in Appendix A to this Bylaw to "Rural Assembly".

ii. ADD "Rural Assembly" the legend in the Map 2.1 Land Designations after "Amenity 3 – 1150 Bear Mountain Parkway".

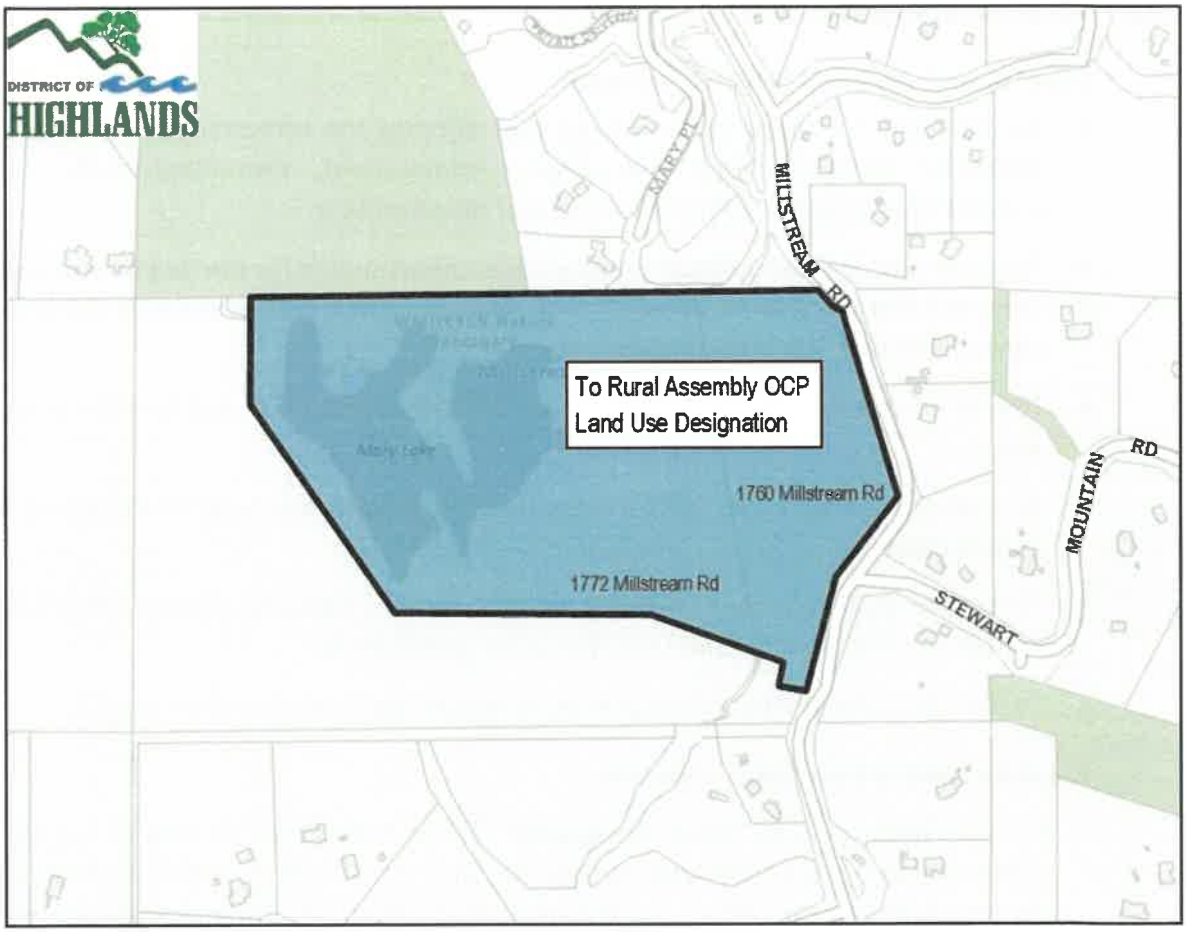
c) ADD section "2.12 Rural Assembly" as shown in Appendix B to this bylaw.

READ A FIRST TIME on the	day of	2025
READ A SECOND TIME on the	day of	2025
PUBLIC HEARING held this	day of	2025
READ A THIRD TIME on the	day of	2025
ADOPTED on the	day of	2025

Mayor

Corporate Officer

APPENDIX A
To Bylaw No. 462



APPENDIX B
To Bylaw No. 462

2.12 Rural Assembly Land Use

Rural Assembly Land Use – Objectives

- To provide for a range of land uses that support the retention of the large lot character of areas that are largely undisturbed, protecting them from encroachment by more intensive forms of development.
- To allow rural property owners reasonable opportunities for the use of their land, ensuring that uses are consistent with the rural character of the Highlands and compatible with the protection of natural areas.
- To ensure ongoing opportunities for sustainable agriculture and forestry in rural areas.
- To ensure that land use controls are in keeping with the rural character of the community.
- To ensure that sufficient land use controls are in place to protect unique and sensitive environmental features for future generations.
- To maintain and protect ecological services and aquifer/watershed health.

Rural Assembly Land Use – Policies

1. Primary land uses on lands designated "Rural Assembly" on Map 2.1 may be nature-related assembly-type or tourism-type uses, with or without associated accommodation for guests. Land uses should not significantly change or impact neighbourhood character. Land uses including but not limited to residential, agriculture, and forestry are also appropriate.
2. New uses proposed in this designation must have access through suitable country roads, and have limited impact on environmentally sensitive areas, agricultural operations, forestry activities, historic landscapes and scenic values.
3. Prior to subdivision, information will be required through a Development Approval Information Area or a Development Permit to ensure that the road and lot layout is designed to protect environmental values, accommodate the potential for establishing municipal trails, and foster the sustainability of natural resources.

DISTRICT OF HIGHLANDS
BYLAW NO 463

A BYLAW TO AMEND THE "HIGHLANDS ZONING BYLAW NO. 100, 1998"

The Council of the District of Highlands, in open meeting assembled, enacts as follows:

1. CITATION

2. This Bylaw may be cited for all purposes as "Highlands Zoning Bylaw No. 100, 1998, Amendment No. 45, (WMIYETEN) Bylaw No. 463, 2025".

3. AMENDMENT

THAT "Highlands Zoning Bylaw No. 100, 1998" be amended as follows:

1. ADD "7.9 Rural Assembly (RA)" and "14.2 Conservation 2 (C2)" to CONTENTS.

2. In Section 1, Definitions:

   a) REPLACE the definition of *CARETAKER'S DWELLING UNIT* with:

      means a *dwelling unit* that is *accessory* to:
      a) an *assembly* use or
      b) an *industrial use* or commercial use and is attached to and located above behind the commercial use or *industrial use* or
      c) a *golf course* use.

   b) ADD alphabetically the following definition:

      RETREAT ACCOMMODATION means accommodation in *buildings* and/or camping spaces and/or *recreational vehicles* for the temporary staying of guests of an associated retreat facility within the same zone, not used as a *dwelling unit* for any residential use, and for this purpose "temporary" means the accommodation of any particular person for not more than 180 days in any calendar year, not more than 29 of which may be consecutive, such that the occupier would not become a resident elector of the Municipality by virtue of their occupancy. Units in *buildings* shall not include or provide cooking facilities. There shall be no cooking in camping spaces and in *recreational vehicles*.

3. ADD at the end of the table in section 3.8 (6) a) three (3) new Land Use categories and associated Required Parking Spaces as follows:

xvi)	*Assembly*	1 space per 20m² gross floor area plus one per staff
xvii)	*Retreat Accommodation*	The greater of 1 space per *retreat accommodation* unit or the sum of spaces required by uses other than *retreat accommodation* in the *Zone*
xvii)	*Caretaker's Dwelling Unit*	1

4. REPLACE section 3.8 (6) b) with:

   If more than one use occurs on a *lot,* the required number of parking spaces shall be cumulative and in addition to those prescribed in any particular *zone*, except in the Rural Assembly Zone.

5. DELETE section 3.8 (6) c) and renumber the remaining section accordingly.

6. ADD the following new sections and renumber the section accordingly:

   a) 3.8 (7) <u>Bicycle Parking</u>
   Where not already prescribed, motor vehicle parking areas in *Zones* other than residential shall include facilities to park and store bicycles in a location that is accessible to guests, employees and the public. These shall contain at least 1 bicycle storage space for every 10 required parking spaces.

   b) 3.8 (8) <u>Accessible Parking Spaces</u>
   If not already prescribed in a non-residential *Zone*:
      a) Accessible parking spaces shall be provided in the ratios of 1 additional space for the first 20 required parking spaces and 1 additional space for every 40 required parking spaces thereafter.
      b) Each accessible parking space shall have a width of 3.7m, occupy the nearest parking space to a *building* entrance that accommodates wheelchair access, and be clearly designated as accessible parking only.
      c) Drop curbs shall be provided on any curb between an accessible parking space and the *building* entrance to accommodate wheelchair access.
      d) Each accessible parking space shall have a firm, slip-resistant and level surface.

7. ADD the following to Section 5 (1) after R8 Rural Residential:

RA	**Rural Assembly**

8. ADD the following to Section 5 (1) after C1 Conservation 1:

C2	**Conservation 2**

9. ADD Section 7.9 RURAL ASSEMBLY (RA) ZONE as shown in Schedule A to Bylaw 463.

10. ADD Section 14.2 CONSERVATION 2 (C2) ZONE as shown in Schedule B to Bylaw 463.

11. CHANGE Schedule A to "Highlands Zoning Bylaw. 100, 1998" to designate portions of:
    a) LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263 (1760 Millstream Road) and

    b) THAT PART OF THE NORTH ½ OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263 (1772 Millstream Road)

    as shown in black shapes with numbers 1, 2, 3, and 4 on the map in Schedule C to Bylaw 463 from Greenbelt 2 (GB2) to Rural Assembly (RA). The approximate locations, sizes, and perimeters of those areas are shown in the table in Schedule C.

12. CHANGE Schedule A to "Highlands Zoning Bylaw. 100, 1998" to designate portions of:

    a) LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263 (1760 Millstream Road) and

    b) THAT PART OF THE NORTH ½ OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263 (1772 Millstream Road)

    as shown shaded grey and surrounded by black line on Schedule C to Bylaw 463 from Greenbelt 2 (GB2) to Conservation 2 (C2).

13. ADD Schedule C to Bylaw 4963 as Schedule H to Bylaw 100.

READ A FIRST TIME on the	day of	2025
READ A SECOND TIME on the	day of	2025
PUBLIC HEARING held this	day of	2025
READ A THIRD TIME on the	day of	2025
ADOPTED on the	day of	2025

Mayor

Corporate Officer

Schedule A to Bylaw 463

SECTION 7.9 RURAL ASSEMBLY (RA) ZONE

7.9.1 Permitted Uses

(1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in Rural Assembly (RA) Zone:

a) *Assembly,* including nature-focused public tours, workshops, programming, and events
b) Retreat facility that may prepare and/or provide food to registered guests
c) *Retreat Accommodation*
d) *Caretaker's Dwelling Unit*
e) *Agriculture accessory* to any *principal use*
f) Environmental research *accessory* to *assembly*
g) *Accessory* uses, *buildings* and *structures*

7.9.2 Densities

(1) The total combined floor area of all *buildings* or *structures* collectively within all 4 Rural Assembly zoned areas shall not exceed 745 square metres.
(2) For *Retreat Accommodation*, there shall be no more than:
   a. 13 units in *buildings*
   b. 20 camping spaces and
   c. 6 *recreational vehicle* spaces

   collectively within all 4 Rural Assembly zoned areas.
(3) There shall be no more than one (1) *caretaker's dwelling unit* collectively within all 4 Rural Assembly zoned areas.

7.9.3 Siting and Dimensions of Buildings and Structures

(1) The *height* of any *building or structure* shall not exceed 10.5 metres.
(2) The total floor area for the *caretaker's dwelling unit* shall not exceed 60 square metres.
(3) No *building or structure* shall be sited within 20 metres of a *front lot line*.
(4) No *building or structure* shall be sited within 10 metres of a *side lot line.*
(5) No *building or structure* shall be sited within 10 metres of a *side lot line* that abuts a *highway.*
(6) No *building or structure* shall be sited within 10 metres of a *rear lot line*.

7.9.4 Subdivision Density and Lot Area Requirements

(1) No subdivision plan may be approved unless lots created by the subdivision have a minimum area of at least 16.3 hectares (40.3 acres).

Schedule B to Bylaw 463

SECTION 14.2 CONSERVATION 2 (C2) ZONE

14.2.1 Permitted Uses

(1) In addition to the uses permitted in Section 3.0 of this Bylaw, the following uses and no others shall be permitted in the Conservation 2 (C2) Zone:

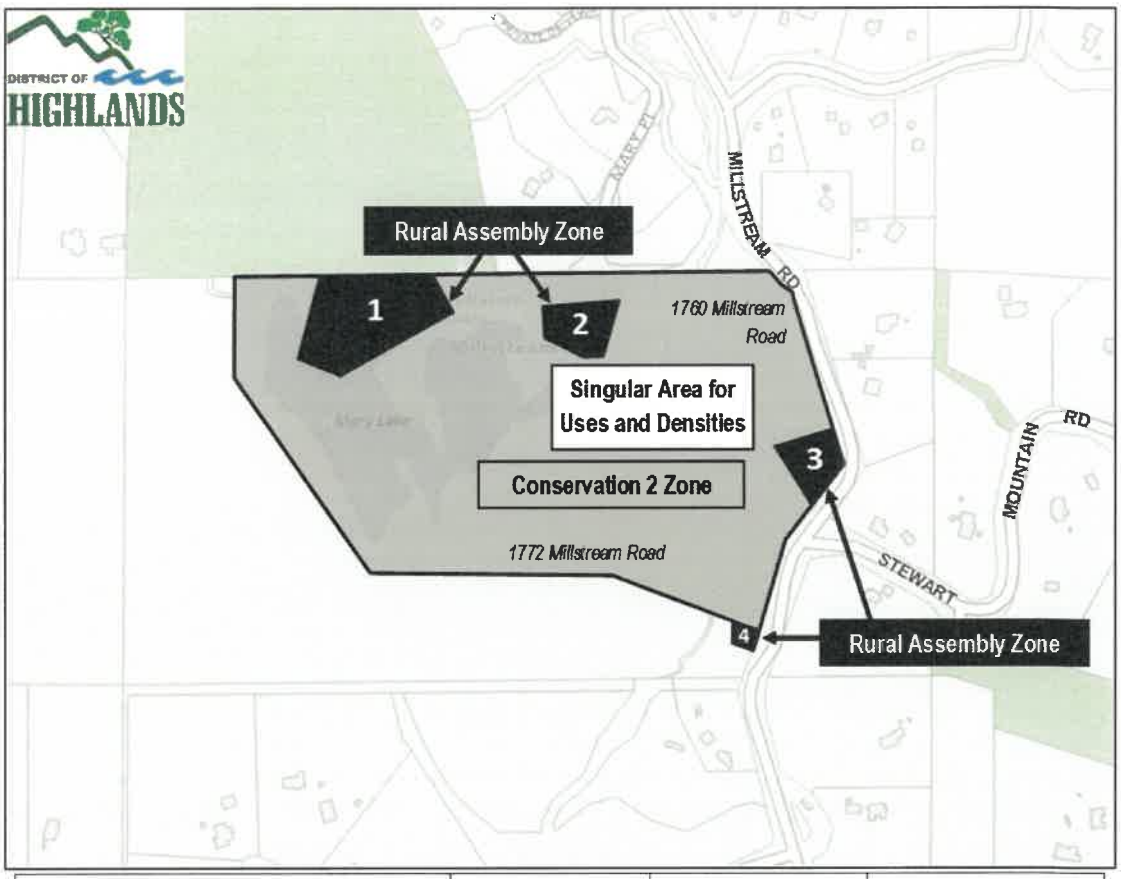
(a) *Assembly,* including nature-focused public tours, workshops, programming, and events

(b) Environmental research *accessory* to *assembly*

14.2.2 Subdivision Density and Lot Area Requirements

(1) No subdivision plan may be approved unless *lots* created by the subdivision have a minimum area of at least 16.3 hectares (40.3 acres).

Schedule C to Bylaw No. 463
and
Schedule H to Bylaw No. 100



Rural Assembly Zone Area	Corner	Latitude	Longitude
1	Northwest	48.50063° N	123.51924° W
	Northeast	48.50065° N	123.51783° W
Size: 9,662m²	East	48.50036° N	123.51752° W
Perimeter: 407m)	South	48.49976° N	123.51894° W
	Southwest	48.49984° N	123.51958° W
2	Northwest	48.50032° N	123.51616° W
	Northeast	48.50038° N	123.51508° W
Size: 3,378m²	Southeast	48.49986° N	123.51529° W
Perimeter: 236m	South	48.49983° N	123.51553° W
	Southwest	48.50003° N	123.51609° W
3	West	48.49909° N	123.51294° W
	North	48.49929° N	123.51219° W
Size: 2,982m²	East	48.49898° N	123.51207° W
Perimeter: 232m	South	48.49848° N	123.51257° W
4	Northwest	48.49758° N	123.51357° W
	Northeast	48.49749° N	123.51320° W
Size: 516m²	Southeast	48.49731° N	123.51329° W
Perimeter: 93m	Southwest	48.49738° N	123.51356° W

WMÍYEŦEN
Nature Sanctuary Society

To: District of Highlands Council

From: WMÍYEŦEN Nature Sanctuary Society
Re: RZ-02-23
Date: April 3, 2025

Dear Members of Council

As you are aware, our rezoning application included an Art Gallery space as a permitted use with an associated floor area of 186 m2. At the October 7, 2024 Council Meeting, Council directed staff to draft the Bylaws necessary to implement the rezoning, including the gallery space. We have recently been informed that staff requires additional information on the traffic impact of the gallery space in order to support the inclusion of this use and its associated floor area. We understand that this would involve initiating a new traffic study and are not able to undertake this additional work at this time. We have therefore requested that *Art Gallery* be deleted as a permitted use. We further request that the floor area allocated to the gallery be reassigned to other structures, the uses of which are already covered in the permitted uses and that would not generate additional traffic. These are as follows:

1. Increase the size of the Caretaker dwelling unit to 90 sq m so that it is consistent with the secondary dwelling size permitted in the District. (Addtl 30 m2.)
2. Add a second storage container. (Addtl 15 m2.)
3. Add a covered deck space on the existing concrete pad for lakeside viewing. (Addtl 52 m2)

The total floor area of these additions is 97 m2, slightly over half the floor area of the gallery space originally proposed, reducing the total floor area from 931 m2 to 842 m2.

Should you have any questions, We would be happy to speak to the issue at the time Council is considering our application.

Sincerely

Koi Neah - Manager

Libby McMinn - WNSS Secretary

WMÍYEŦEN
Nature Sanctuary

WMÍYEŦEN Nature Sanctuary Society (WNSS)
1772 Millstream Rd., Victoria, BC
admin@wmiyetennaturesanctuary.com

Council Meeting - October 7, 2024

Councillor McLean provided a verbal report regarding the Victoria Family Court and Youth Justice Committee workload and panel discussion that took place in September that the Committee plans to report out on.

4.5 **Councillor Karel Roessingh**
Capital Region Emergency Services Telecommunications, CRD Arts Commission and Greater Victoria Public Library Board

Councillor Roessingh provided a written report regarding CREST, Greater Victoria Public Library and the CRD Arts Commission.

4.6 **Councillor Rose Stanton**
Emergency Planning Committee, Western Communities Policing Advisory Committee and Social Sustainability Select Committee

Nothing to report at this time.

4.7 **Mayor's Report**

Mayor Williams provided a written report regarding the September CRD Board Meeting, BC Province-wide Community to Community Forum, UBCM 2024 Convention and the Regional Parks Committee Meeting.

5. RATIFICATION OF COMMITTEE RECOMMENDATIONS

6. INTRODUCTION OF LATE ITEMS

7. UNFINISHED BUSINESS

7.1 **APPLICATION RZ-02-23**
1772 and 1760 Millstream Road (WMYETEN (Mary Lake) Nature Sanctuary)

Moved by: Councillor Gord Baird

Seconded by: Councillor Stanton

Motion: 204-2024

THAT staff be directed to draft amendments to the Official Community Plan and the Zoning Bylaw to accomplish the amended application.

CARRIED

OPPOSED: COUNCILLOR MCLEAN

DISTRICT OF HIGHLANDS

REPORT

TO: Loranne Hilton
Chief Administrative Officer

DATE: September 27, 2024
FILE: RZ-02-23

FROM: Laura Beckett
Municipal Planner

To Council
October 7, 2024

RE: **APPLICATION RZ-02-23**
1772 and 1760 Millstream Road (WMYETEN (Mary Lake) Nature Sanctuary)

PURPOSE
The purpose of this report is to provide a request from the applicants for Council consideration.

BACKGROUND
- Full details of the application can be found at this link: https://www.highlands.ca/AgendaCenter/ViewFile/Item/8678?fileID=7403.
- At its May 6, 2024 meeting, Council resolved to direct staff to draft amendments to the Official Community Plan (OCP) and Zoning Bylaw to accomplish the proposal.
- At its June 3, 2024 meeting, as a precursor to an official community plan (OCP) amending bylaw, Council considered OCP consultation pursuant to the *Local Government Act*.

APPLICATION AMENDMENT FOR INCREASED DENSITY
Since then, the applicant amended the application to increase the total number of indoor temporary overnight accommodation units from 9 to 13. Because this changes the density of the application, staff provides the request to Council for consideration and direction regarding bylaw drafting.

OPTIONS
The following options are available for Council's consideration:
1. That staff be directed to draft amendments to the Official Community Plan and the Zoning Bylaw to accomplish the amended application.
2. That Council receive this report for information.

DISCUSSION
The amended proposal summary is:

Proposed Zone:	New zone to accomplish application.
Proposed OCP Designation:	Change to OCP required.
Proposed Uses:	Conservation, Assembly, Temporary (Overnight) Accommodation, Art Studio, Residential (caretaker)

Proposed Density:	• Assembly: Up to 105 indoors.
	• Temporary (overnight) accommodations:
	  ○ **13** *(increase from 9)* **indoor units (7 bedrooms** *(increase from 3)* **in main house,** 3 cabins with 2 bedrooms each)
	  ○ 6 recreational vehicle spaces
	  ○ 20 camping spaces
	• Residence for caretaker

The applicant has explained that the organization may wish to use the existing second floor in the main building for temporary overnight accommodation. For whatever reason, this was not part of the original application. Zoning establishes permitted uses and density, and this is the appropriate time to consider those items. Staff can support the request because:

- Making use of the existing structure, providing all bylaw requirements are met, will not result in any additional disturbance to the land. This is consistent with sustainability objectives and Highlands' general policy direction.
- Compliance with water and sewerage regulations would follow during the building permitting process.

Alternatively, Council may be satisfied with the original application and may prefer to deny the request. If this is the case, it would be appropriate for Council to receive this report for information, and staff would prepare bylaws according to the original application. The existing structure is still expected to be used, subject to meeting all applicable requirements, whether or not the additional density is included.

RECOMMENDATION

That staff be directed to draft amendments to the Official Community Plan and the Zoning Bylaw to accomplish the amended application.

Respectfully submitted

Laura Beckett

Laura Beckett, MCIP, RPP

CAO Concurrence

Loranne Hilton

Loranne Hilton, CAO

MOTION: 127-2024

Moved Councillor Roessingh, Seconded Councillor Anderson
That the proponents be requested to bring forward a draft covenant effecting, generally, their proposal as contained in the updated table attached to the Municipal Planner's report on the June 3, 2024 Council agenda and the proponents' sketch plan on the June 3, 2024 Council agenda for Council's consideration.

CARRIED
With Councillors Ann Baird and McLean voting opposed

7.2

Report, Municipal Planner, May 30, 2024 (RZ-02-23)
RE: OCP CONSULTATION CONSIDERATIONS: APPLICATION RZ-02-23
1772 and 1760 Millstream Road (WMYETEN (Mary Lake) Nature Sanctuary)

MOTION: 128-2024

Moved Councillor Roessingh, Seconded Councillor Ann Baird
That the application be referred to the Esquimalt, Songhees, Malahat, Pauquachin, Sooke, Tsartlip, Tsawout, Tseycum, Cowichan Tribes, Halat, Lyackson, Penelakut, and Ts'uubaa-asatx First Nations, Island Health, and the Planning and Land Administration Section (within BC Parks, Ministry of Environment and Climate Change Strategy) for comment including whether each objects or does not object to the application based on their mandates.

CARRIED

8. CORRESPONDENCE

8.1

Correspondence, G. Mitchell, September 15, 2023 (0110.20)
RE: CEMETERY, INTERMENT AND FUNERAL SERVICES ACT OF BC

MOTION: 129-2024

Moved Councillor Roessingh, Seconded Councillor Stanton

THAT WHEREAS, every Municipality in the Province of British Columbia has an obligation to encourage industry to reduce harmful climate emissions by adopting greener technology; and

WHEREAS, flame cremation contributes to environmental air pollution by consuming fossil fuels and emitting harmful CO2 in the atmosphere; and

WHEREAS, local industry has available technology that will significantly reduce environmentally harmful air pollution and the consumption of fossil fuels; and

WHEREAS, current regulations regarding the types of disposition of deceased persons do not allow for Alkaline Hydrolysis as an approved method of disposition; and

WHEREAS, four Canadian Provinces namely, Quebec, Ontario, Saskatchewan and Newfoundland as well as the Northwest Territories recognize Alkaline Hydrolysis as an acceptable process of disposition of a deceased person.

Adopted June 17, 2024

DISTRICT OF HIGHLANDS

REPORT

TO: Loranne Hilton
Chief Administrative Officer

DATE: May 30, 2024
FILE: RZ-02-23

FROM: Laura Beckett
Municipal Planner

To Council
June 3, 2024

RE: **OCP CONSULTATION CONSIDERATIONS: APPLICATION RZ-02-23**
1772 and 1760 Millstream Road (WMYETEN (Mary Lake) Nature Sanctuary)

PURPOSE

The purpose of this report is to provide official community plan consultation considerations with respect to application RZ-02-23 and *Local Government Act* requirements.

BACKGROUND

Full details of the application can be found at this link:
https://www.highlands.ca/AgendaCenter/ViewFile/Item/8678?fileID=7403.

At its May 6, 2024 meeting, Council resolved to direct staff to draft amendments to the Official Community Plan (OCP) and Zoning Bylaw to accomplish the proposal. As part of any OCP amendment, there are legislative requirements.

OPTIONS

The following options are available for Council consideration:

1. That the application be referred to the Esquimalt, Songhees, Malahat, Pauquachin, Sooke, Tsartlip, Tsawout, Tseycum, Cowichan Tribes, Halat, Lyackson, Penelakut, and Ts'uubaa-asatx First Nations, Island Health, and the Planning and Land Administration Section (within BC Parks, Ministry of Environment and Climate Change Strategy) for comment including whether each objects or does not object to the application based on their mandates.
2. That alternate direction be given for referrals to persons, organizations, and/or authorities.

DISCUSSION

OCP Consultation Considerations

- *Local Government Act* section 473 (2.1) requires local governments to consider its most recent Housing Needs Report when amending an OCP. Staff attaches an excerpt from Highlands 2020 Housing Needs Report. The application does not seek any change from the current residential density of the property.
- *Local Government Act* section 475 requires local governments to consider consultation opportunities with persons, organizations, and authorities it considers will be affected by the proposed change to the OCP. A council must put its mind to whether consultation with any person or group needs to be early and ongoing. Specifically, Council must consider whether consultation is required with:
    - CRD Board
    - Adjacent regional districts' boards (Cowichan Valley Regional District)
    - Adjacent municipalities' councils (CRD Electoral Area of Juan de Fuca (Willis Point), Langford, Saanich, and View Royal)
    - First Nations (Lək̓ʷəŋən, SENĆOŦEN and Hul'q'umi'num speaking First Nations)
    - Boards of School Districts 61, 62, and 63
    - The provincial and federal governments and their agencies

The previous report noted that a new OCP land use designation for the subject properties would be required should Council wish to advance the application. The essential difference between the current OCP land use designation of Rural and the proposal is the scale of nature-related overnight accommodation, with the proposal seeking a higher density than that currently guided by the Rural OCP land use designation.

The table below offers recommendations for consultation.

Person, Organization, Authority	Yes or No	Rationale
CRD Board	No	Application consistent with Regional Growth Strategy.
Cowichan Valley Regional District	No	No effects identified.
Willis Point	No	No effects identified.
City of Langford	No	No effects identified.
District of Saanich	No	No effects identified.
Town of View Royal	No	No effects identified.
First Nations		
• Lək̓ʷəŋən Speaking First Nations o Esquimalt o Songhees	Yes	• Traditional territories fall within Highlands' municipal boundaries. • Unknown effects.
• SENĆOŦEN Speaking First Nations o Malahat o Pauquachin o Sooke o Tsartlip o Tsawout o Tseycum	Yes	• Traditional territories fall within Highlands' municipal boundaries. • Tsartlip, Tsawout, and Tseycum First Nations partnered with the proponent to facilitate the exercise of traditional Indigenous land uses, culture, and education on the subject properties. • While a referral may not accomplish the intent of the legislation because of expected inherent support for proposal due to partnership of these three nations, actual effect is unknown. • Effects are unknown for First Nations not involved with the site.
• Hul'q'umi'num Speaking First Nations o Cowichan Tribes o Halalt o Lyackson o Penelakut o Ts'uubaa-asatx (Lake Cowichan)	Yes	• Traditional territories fall within Highlands' municipal boundaries. • Unknown effects.
School District 61 (Victoria)	No	Not within school district's catchment area
School District 62 (Sooke)	No	• Within school district's catchment area. • No change in residential density is proposed.
School District 63 (Saanich)	No	Not within school district's catchment area
Provincial Government/Agencies		
• Planning and Land Administration Section, BC Parks, Ministry of Environment and Climate Change Strategy	Yes	• Holds the conservation covenant over the land.
Federal Government/Agencies	No	Proposal effects are within provincial and municipal jurisdictions.

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CONCLUSION

This report provides an opportunity for Council to consider its most recent Housing Needs Report against the application as well as an overview of persons, organizations, and authorities that may be affected by the application's proposed changes to the OCP.

RECOMMENDATION

That the application be referred to the Esquimalt, Songhees, Malahat, Pauquachin, Sooke, Tsartlip, Tsawout, Tseycum, Cowichan Tribes, Halat, Lyackson, Penelakut, and Ts'uubaa-asatx First Nations, Island Health, and the Planning and Land Administration Section (within BC Parks, Ministry of Environment and Climate Change Strategy) for comment including whether each objects or does not object to the application based on their mandates.

Respectfully submitted

Laura Beckett

Laura Beckett, MCIP, RPP

CAO Concurrence

Loranne Hilton

Loranne Hilton, CAO

Attachments:

- Excerpt from Highlands 2020 Housing Needs Report

Highlands Housing Profile

This profile summarizes the findings of the District of Highlands Housing Needs Report which was completed as part of a joint Housing Needs Report project for 11 CRD communities. It fulfills the Housing Needs Reports requirements outlined in the Local Government Act, Part 14, Division 22. All data in this profile is from Statistics Canada unless otherwise indicate.

Overview

The District of Highlands is a primarily residential community situated in a rural environment. The District is 38.05 square kilometers with a population of 2,225 as of the last census in 2016. Within Highlands there are numerous parks that make up over 30% of the land. Neighbouring municipalities are District of Saanich, City of Langford, City of View Royal and neighbouring First Nations are T'Sou-ke, Esquimalt First Nations, and Songhees Nation.

Population and Age

Between 2006 and 2016, Highlands's population grew by 17%. Overall, the District grew at a faster rate than the CRD as a whole. In 2016, the median age was 45.6, which was similar to the CRD at 45.5. There was a slightly lower proportion of young adults (25 to 34) and a higher proportion of older adults (55 to 64) in Highlands compared to the CRD average in 2016.

Projections estimate that Highlands could experience moderate population growth in the future, across most age groups. This change will be impacted by factors like availability of housing and availability of land.

Households

There were 830 households in 2016 with an average household size of 2.7 persons, which is higher than the regional average of 2.2 persons per household. Forty-two percent (42%) of households in Highlands were three or more person households compared to 28% of the CRD. As a result, it is unsurprising that couples with children households are more common than one or two-person family households in Highlands.

Income

The 2015 median income in Highlands was $103,360, which was approximately 48% higher than the CRD median income. There are much lower household incomes in Highlands for households who rent and households with single incomes. Renter median household income was $67,952 versus $108,415 for owner households. Lone parent and non-census family households, who largely rely on single incomes, reported much lower incomes compared to other household types.

Current Housing Stock

Housing stock in Highlands is relatively newer and is mainly made up of single-detached dwellings. Recent building permits suggest that the single-family home is the dominant dwelling type for new housing in Highlands. In 2016, 75% of dwellings had three bedrooms or more.

Homeownership

(Statistics Canada, BC Assessment, and Victoria Real Estate Board)

In 2016, 88% of households in Highlands owned their home. Over the past 15 years, average sales prices have increased by 74% for a single-detached dwelling, with the most rapid increases occurring between 2014 and 2019. Average 2019 sales prices reported by the Victoria Real Estate Board were (see right):

Based on the average sales price in 2019, owning a single-detached dwelling is considered unaffordable for all household types earning the median household income. Couples without children, couples with children, and other census families may also struggle to own single-detached homes without paying more than 30% of their median income. It is unlikely that lone parent and non-census families earning the median household income will be able to afford single-detached homes. A single-detached house would require an annual income of approximately $173,000 in order for it to be considered affordable (e.g. spending less than 30% of before-tax household income).

Rental Affordability

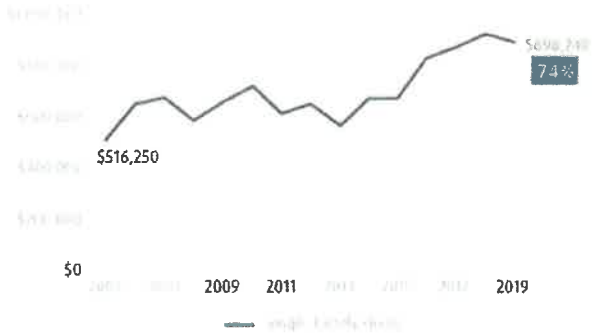
(Statistics Canada and Canada Mortgage Housing Corporation)

Twelve percent (12%) of households in Highlands rent their home. There are currently no purpose-built rental units in Highlands, indicating that all 100 renter households in 2016 were likely served by the secondary rental market for which there is little data available on housing costs.

Renter households led by lone parents were most likely to be in Core Housing Need in the District (i.e., living in housing that is inadequate, unsuitable, and/or currently unaffordable, and unable to afford the median rent for alternative local housing).

NEW RENTER AND OWNER HOUSEHOLDS BETWEEN 2006 – 2016

AVERAGE SALES PRICES 2005 -- 2019



Anticipated Housing Demand

If the District of Highlands continues changing in a similar manner as in the past, the community will see an additional 41 households form between 2016 and 2025. This change will be impacted by factors like availability of housing and the availability of land for development in Highlands.

ESTIMATED HOUSING UNITS NEEDED

	2016-2020	2020-2025
Total	**20**	**21**
Studio or 1 Bedroom	7	8
2 Bedroom	9	9
3+ Bedroom	4	4

Key Areas of Local Need

Affordable Housing

Housing costs in Highlands, like the CRD in general, have risen significantly in recent years. Based on the affordability threshold of housing costs being no more than 30% of gross household income, a single-detached home is unaffordable for all household types making the median income in Highlands. Lone-parent families and non-census families (e.g., individuals living alone) are facing the greatest affordability gaps.

Rental Housing

There is a need for more rental housing options across the CRD. The proportion of renter households in Highlands grew from 40 households in 2006 (6%) to 100 in 2016 (12%). There are currently no purpose-built rental units in Highlands, indicating that all 100 renter households in 2016 were likely served by the secondary rental market for which there is little data available on housing costs.

Housing for People with Disabilities

Incidence of Core Housing Need is higher among households that include someone with a disability. This may be due to reduced incomes, difficulty accessing appropriate housing, or other factors. For individuals with disabilities who are unable to work, the provincial housing supplement of $375 (for an individual) is extremely low and limits access to housing options.

Housing for Seniors

Highlands is experiencing a slight aging trend, with the median age growing from 42.6 in 2006 to 45.6 in 2016. Aging in place is a priority for many households and this can look different depending on the individual and their needs. The need for supportive housing was identified as a key area of need by local stakeholders.

Housing for Families

Family-sized housing in Victoria, Saanich, and Esquimalt is increasingly out of reach for families with children. The affordability gap analysis showed that the average cost of a single detached home ($899,000 in 2019) in Highlands would cause couples with children making the median income for that household type to spend more than 30% of their income on shelter costs. Homeownership is far out of reach for lone-parent families (5% of all Highlands households). For those in the rental market, there is no supply of family-sized purpose-built rental available (e.g. two or more bedrooms).

Homelessness

There has been an increase in individuals experiencing homelessness across CRD communities in recent years. The March 11, 2020 point-in-Time count identified a minimum of 1,523 individuals experiencing homelessness in the region. There were at least 350 individuals who were emergency sheltered and 743 who were provisionally accommodated in transitional housing.

MOTION: 104-2024

Moved Councillor Anderson, Seconded Councillor Stanton
That "Animal Regulation and Impounding Bylaw Amendment No. 456, 2024" be read a third time.

CARRIED

10. NEW BUSINESS

10.1

Report, Municipal Planner, April 30, 2024 (RZ-02-23)
RE: INTRODUCTORY REPORT: APPLICATION RZ-02-23 1772 AND 1760 MILLSTREAM ROAD

Municipal Planner introduced the item and Mayor Williams invited the applicant to present.

Koi Neah, applicant, spoke to the item highlighting a mandated restrictive covenant and First Nations reconciliation efforts.

MOTION: 105-2024

Moved Councillor Gord Baird, Seconded Councillor Ann Baird
That staff be directed to draft amendments to the Official Community Plan and the Zoning Bylaw to accomplish the proposal.

CARRIED
With Councillor McLean voting opposed

Mayor Williams declared a perceived conflict of interest as his family attends the West Shore Alliance Church, and left the meeting at 7:41 pm.

Acting Mayor Councillor Gord Baird assumed the role of Chair.

10.2

Report, Corporate Officer, May 1, 2024 (0810.22)
RE: COMMUNITY HALL ONGOING RENTAL REQUEST – WESTSHORE ALLIANCE CHURCH SUNDAYS 2024

MOTION: 106-2024

Moved Councillor Stanton, Seconded Councillor Roessingh
That Council approve the ongoing rental request from the Westshore Alliance Church for half day rentals on Sundays from July 1, 2024 to December 31, 2024, with the District having discretion to decide which Sundays may be unavailable.

CARRIED

Mayor Williams returned to the meeting at 7:43 pm.

10.3

Report, Municipal Planner, May 2, 2024 (0125.61)
RE: ZONING BYLAW CHANGES FOR SMALL-SCALE MULTI-UNIT HOUSING

MOTION: 107-2024

Moved Councillor Roessingh, Seconded Councillor Gord Baird
That staff be directed to draft a Zoning Bylaw Amendment consistent with the draft version of the Consolidated Zoning Bylaw attached to the Municipal Planner's Report entitled, "Zoning Bylaw Changes for Small-

Adopted May 21, 2024

DISTRICT OF HIGHLANDS

REPORT

TO: Loranne Hilton
Chief Administrative Officer

DATE: April 30, 2024
FILE: RZ-02-23

FROM: Laura Beckett
Municipal Planner

To Council
May 6, 2024

RE: **INTRODUCTORY REPORT: APPLICATION RZ-02-23**
1772 and 1760 Millstream Road

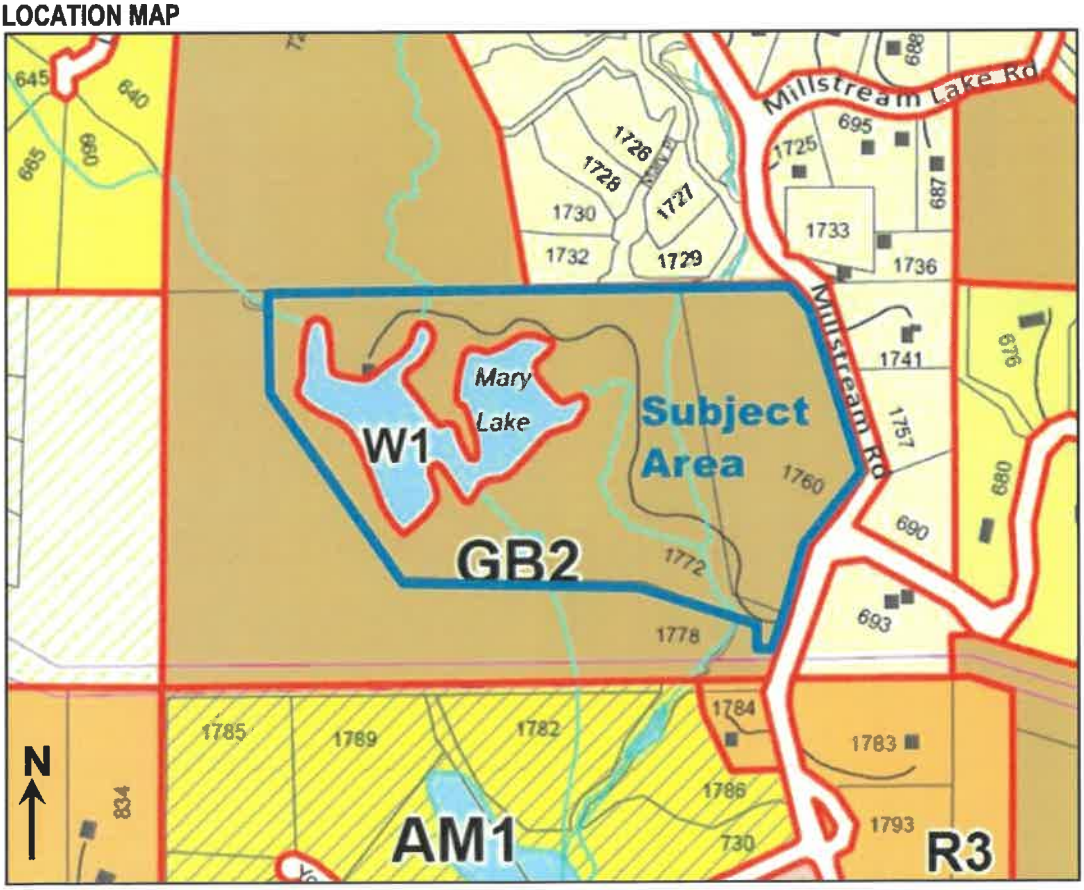
PURPOSE

The purpose of this report is to introduce rezoning application RZ-02-23 for 2 adjacent properties on Millstream Road.

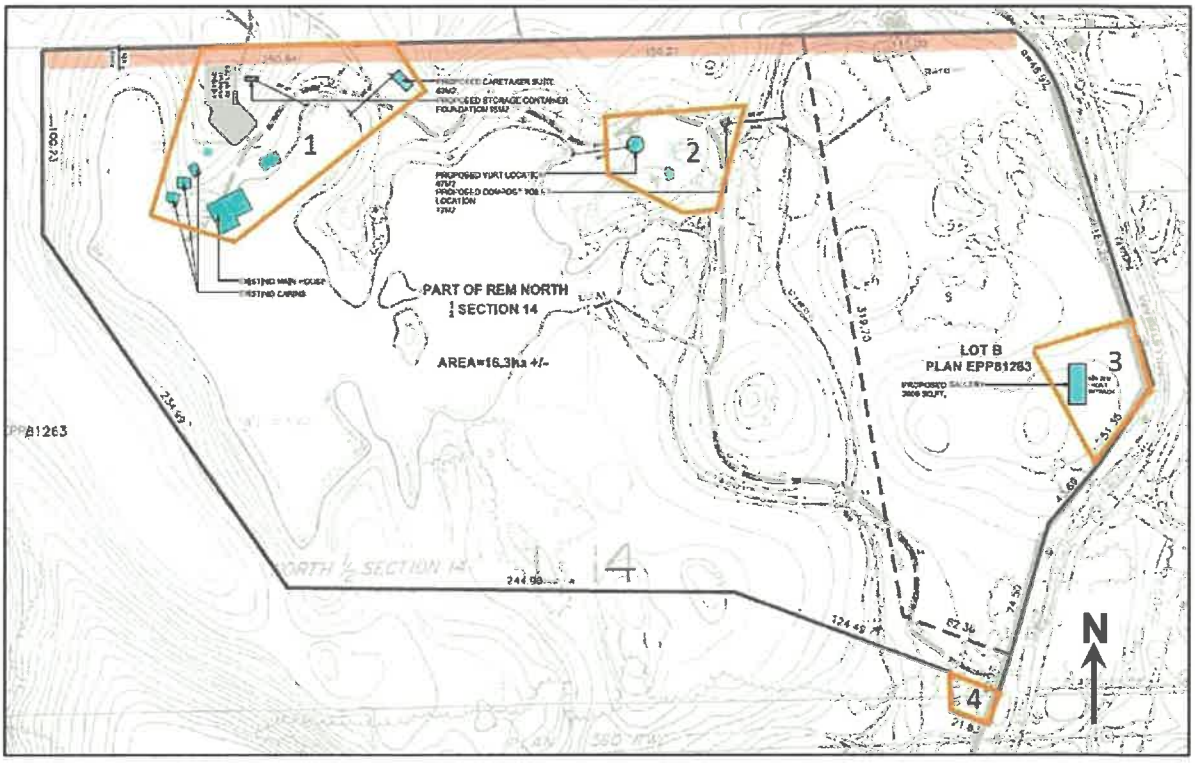
PROPOSAL

The applicant seeks to rezone the subject properties to allow for conservation, assembly, temporary overnight accommodation, and caretaker residential uses. Staff attaches the application and a site plan. There is a conservation covenant, also attached, on the title of both properties held between the landowner and the Province. The covenant affects land use.

LOCATION MAP



SITE PLAN



SUMMARY

Applicant:	Koi Neah, Vice Chair Greater Victoria Greenbelt Society	
Locations:	1772 Millstream Road	1760 Millstream Road
Approximate Size:	12.2 hectares (30.1 acres)	4.1 hectares (10.2 acres)
Legals:	THAT PART OF THE NORTH ½ OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263	LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263
Current		
Current Zone:	Greenbelt 2 (GB2)	
Current OCP Designation:	Rural	
Development Permit Areas:	• Steep Slopes • Water and Riparian • Sensitive Vegetation • Promotion of Energy and Water Conservation and the Reduction of Greenhouse Gases	
Permitted Uses:	• Residential • Agriculture • Home-based business • Accessory uses, buildings, and structures	
Permitted Density:	• 1 principal dwelling unit per lot. As of June 1, 2024, additionally one accessory dwelling unit. • Minimum lot size is 12 hectares (30 acres) • No subdivision potential.	

Current...continued		
Locations:	1772 Millstream Road	1760 Millstream Road
Actual Uses & Density	Assembly; office; caretaker residence; parks; trails; natural habitat conservation, enhancement, and restoration	Parks; trails; natural habitat conservation, enhancement, and restoration
Proposed		
Proposed Zone:	New zone to accomplish application.	
Proposed OCP Designation:	Change to OCP required.	
Proposed Uses:	Conservation, Assembly, Temporary (Overnight) Accommodation, Art Studio, Residential (caretaker)	
Proposed Density:	• Assembly: Up to 105 indoors. • Temporary (overnight) accommodations: 9 indoor units (3 bedrooms in main house, 3 cabins with 2 bedrooms each); 6 recreational vehicle spaces, and 20 camping spaces • Residence for caretaker	
Adjacent Zoning / Land Use		
...to North:	• Residential – RR1 Zoning and conservation land at 721 Lorimer Road	
...to East:	• Millstream Road and residential (RR1)	
...to South:	• CRD parkland	
...to West:	• CRD parkland	
Title Restrictions/Permits/Other		
	• Properties share one driveway (reciprocal easement). • Conservation covenant between landowner and Province – Highlights: o Designates "human activity areas." Outside these areas, land must be kept in its "natural state" as described by baseline report attached to covenant. o No new roads, no subdivision, no commercial forest harvesting. o Statutory right of way to allow Province to inspect and monitor. • Wildfire covenants	
	• Well protection covenant • Septic covenant	• "No build" covenant until services as required through Highlands Subdivision Bylaw are completed. There is currently no well or septic field on the property.

OPTIONS

The following options are available for Council's consideration:

1. That the application be referred to the Social Sustainability Select Committee and the Sustainable Land Use Select Committee for each to provide comments as to how the proposed change in uses and density could bring the Highlands towards its vision of success and sustainability in relation to each Select Committees' mandated strategy areas from the Integrated Community Sustainability Plan (ICSP).
2. That staff be directed to draft amendments to the Official Community Plan and the Zoning Bylaw to accomplish the proposal.
3. That additional information be requested.
4. That the application be denied.

POLICY CONSIDERATIONS

RGS The proposal is consistent with the RGS. Because the subject properties are not near any municipal borders, staff does not foresee any implications to neighbouring municipalities.

OCP

Both parcels are in the "Rural" OCP Land Use Designation, the Objectives and Policies of which are copied below for ease of reference:

(OCP) Rural Land Use – Objectives

- To provide for a range of land uses that support the retention of the large lot character of areas that are largely undisturbed, protecting them from encroachment by more intensive forms of development.
- To allow rural property owners reasonable economic opportunities for the use of their land, ensuring that uses are consistent with the rural character of the Highlands and compatible with the protection of natural areas.
- To ensure ongoing opportunities for sustainable agriculture and forestry in rural areas.
- To ensure that land use controls are in keeping with the rural character of the community; and
- To ensure that sufficient land use controls are in place to protect unique and sensitive environmental features for future generations.
- To maintain and protect ecological services and aquifer/watershed health.

(OCP) Rural Land Use – Policies

1. Land uses in rural areas that are related to sustainable farming, forestry, rural residential uses, tourism, outdoor recreation, and other open space activities are preferred.
2. The primary land uses on the lands designated "Rural" on Map 2.1 may be single family dwellings, agriculture and home-based businesses that do not significantly change or impact neighbourhood character. Nature-related tourism activities are considered to be appropriate land uses. Nature-related tourism includes nature-related tourist accommodation.
3. Tourist accommodation will be limited to one tourist accommodation unit per two hectares to a maximum of 6 accommodation units, providing there is no negative impact to neighbouring wells. The building types will be in the form of bed and breakfast, cabins, or small lodge. Food will only be served to registered guests. The number of tourist accommodation units will be relative to the size of property. Tourist accommodation in the Rural Land Use designation will be guided by the home-based business section of the Zoning Bylaw.
4. New uses proposed in this designation must have access through suitable country roads, and have limited impact on environmentally sensitive areas, agricultural operations, forestry activities, historic landscapes and scenic values.
5. Prior to subdivision, information will be required through a Development Approval Information Area or a Development Permit so the District will ensure at the time of subdivision that the road and lot layout is designed to protect environmental values, accommodate the potential for establishing municipal trails, and foster the sustainability of natural resources.

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Consistency with Current OCP Land Use Designation

- Objectives:
  - The large lot character could be retained.
  - The application allows for economic opportunity with uses that are consistent with Highlands' rural character including protection of natural areas.
- Policies:
  - The land use impacts of the requested uses of conservation, environmental education, research, and workshop/retreat space could be considered very similar to the nature-related tourism use that is considered appropriate for this designation.

Inconsistency with Current OCP Land Use Designation

- The number of temporary accommodation units requested are greater than the number directed through this OCP policy. Policy 3, highlighted in yellow, is specific in its use of the word "will" and thus requires tourist accommodation density be limited to one unit per 2 hectares to a maximum of 6 units per property. Total land area of the subject properties is 16.2 hectares, meaning that the OCP supports rezoning the properties to allow up to 8 tourist accommodation units. The applicant seeks:
  - 9 indoor units (3 bedrooms in main house, 3 cabins with 2 bedrooms each)
  - 6 recreation vehicle pads, and
  - Camping spaces for up to 20 people.

Other OCP Considerations:

- Land Use General policies:
  - 2.2 (11) encourages future development to locate away from areas that are environmentally sensitive and are archeological or heritage sites.
  - 2.2 (25) indicates that Council will work with owners of large property to help identify key values and objectives and seek prospect for mutual benefit, using the rezoning process as the primary tool.
- General Environment and Resources policies:
  - 3.1 (1) indicates that the District will use its authority to protect Highlands' natural landscapes and ecosystems.
  - 3.1 (8) states that the District will support conservation efforts.
- Heritage policy 8.5 (5) states, "The District supports initiatives of Highlanders to collect, preserve and present the history of the community."
- Arts and Culture policy 8.6 (2) states, "A variety of environments should be considered to support artisans and provide the public with greater access to their work. These might include community markets, artists' studios, and galleries on private property…"
- Social Significance of the Environment policy 8.8 (1) states, "Activities that facilitate the communion of people with nature are encouraged. This would include such activities as seminars, workshops, and retreats in rural areas of the Highlands."
- Economy – General policy 9.1 (1) encourages economic opportunities that have low impact on the environment.

ZONING

- Highlands Zoning Bylaw regulates the following items that offer the District control over the application: land uses and densities of those uses; siting and dimensions of buildings and structures; subdivision density and lot area requirements; vehicles, driveways, and parking.
- The conservation use proposed in the application is currently permitted in any zone. Trails and parks are also permitted in any zone.
- Because certain areas of the land are proposed to be used only for conservation, the zone Conservation 1 (C1) could be appropriate except for its minimum lot size requirement. It is possible to remove that section (14.1.3), the consequence of which would be that the C1 zone could apply to lots of any size (upon successful rezoning application). The only other parcel that is currently zoned C1 is 1150 Bear Mountain Parkway, and this potential change would not create an inconsistency.
- The Zoning Bylaw's existing definitions of "assembly" and "tourist accommodation" could be appropriate for the application. They are:

- ***ASSEMBLY*** means a use providing for the meeting or gathering of persons for religious, charitable, philanthropic, cultural, political, recreational or educational purposes.
- ***TOURIST ACCOMMODATION*** means accommodation for the temporary lodging of the traveling public, not used as a dwelling unit for any residential use, and for this purpose "temporary" means the accommodation of any particular person for not more than 180 days in any calendar year, not more than 29 of which may be consecutive, such that the occupier would not become a resident elector of the Municipality by virtue of their occupancy.

- Density:
  - *Temporary Accommodations:* The applicant requests a specific amount of built and camping type accommodations that could translate to density for this use.
  - *Assembly:* The application indicates that existing structures plus a future art studio are the maximum indoor spaces contemplated. To control the density of the "assembly" use, it would be appropriate to include a maximum floor area for that use. If Council advances the application, staff would report back recommending an appropriate standard.
- The Zoning Bylaw does not have parking requirements for assembly use. Including such requirements is an important aspect of land use regulation. If Council advances the application, staff would report back recommending an appropriate standard.

HIGHLANDS SUSTAINABILITY APPRAISAL FORM

OCP Policy 2.2 (1) indicates that Council will employ the Five Capitals model when making land use decisions. This form uses that system. The Highlands Sustainability Appraisal Form Policy states that the form, "...is meant to be a high-level informative tool, not intended to be the primary method of analysis." The form would be filled out differently by every person who reviews the application. The intent of having one filled-out form is to create a basis for discussion and maintain focus on an application as opposed to the form itself. Please find the fully completed form attached, with the summary immediately below. Staff filled out the form with the applicant, comparing existing zoning to the proposal. The overall score was 75.

Capital Stocks Divisions	Change in Capital	Notable Comments	
		Positive Ratings	Negative Ratings
Natural Capital "All the stocks provided by nature"	46	• Zoning matched to conservation covenant supports natural capital. District not party to covenant. District controls zoning.	• Possible that GHG emissions from visitor transportation may be greater than that of one single family dwelling.
Human Capital "Refers to skills of people"	12	• New zoning could provide venue for workshops and programming about First Nations knowledge and experience in environment restoration and conservation.	• Staff input required as applicant brings existing structures into compliance with BC Building Code.
Social Capital "Refers to relationships between people, organizations and institutions"	20	• Focus on reconciliation.	• None noted.
Manufactured Capital "All stocks constructed by humans, both public and private, such as buildings and infrastructure"	-3	• Upgrades will be as efficient as financially possible.	• 3 existing structures built without permits. One other structure without occupancy permit.
Financial Capital "Monetary assets and liabilities"	0	• Property classification changed due to actual use.	• No increase in municipal taxes due to permissive tax exemption (unaffected by rezoning).

DISCUSSION

Financial

- This property is currently subject to a permissive tax exemption bylaw therefore does not generate property taxation revenue. Permissive tax exemptions are at the discretion of Council based on policy.

Legal/Bylaw/Regulatory

- While many aspects of the application are consistent with the OCP including parts of the properties' OCP land use designation, the application requests more tourist accommodation units than that supported by the OCP. If Council is supportive of the application, a new OCP land use designation for the parcels to accommodate the application would be required.
- If Council is supportive of the application, zoning can be accommodated through an amendment to the Zoning Bylaw. Many aspects of the application can be regulated by the District. While density can be controlled for the indoor assembly use and the temporary (overnight) accommodation use, outdoor assembly density – like park density – is harder to regulate and enforce.
- There is a conservation covenant, included as Attachment 3, on the title of both properties that is held between the landowner and the Province. Details:
  - As shown on the Site Plan on page 2 of this report, the covenant established "designated human activity areas." Lands outside of those are required to be kept in their natural state. Similar to other conservation covenants, the natural state of the land was established through a baseline environmental report attached to the covenant.
  - There is a statutory right of way over the land that gives the Province permission to enter the land for the purposes of covenant monitoring.
  - Because the District is not party to the covenant, it has no responsibility to enforce it, nor does it control any aspect of the covenant.
  - Zoning powers supersede the covenant. The covenant describes "owner's reserved rights" in section 7. These include public tours and workshops, both of which are not permitted in the GB2 Zone.

Traffic Assessment

- Please see the attached Traffic and Parking Study dated April 26, 2024. Summary:
  - It concludes hat the proposed use is not anticipated to have a material impact to the study area traffic operations in regards to level of service and additional trip generation, and that no roadway or traffic control improvements are needed.
  - A high-level sight distance review was conducted. The stopping sight distance (SSD) looking left was found to be 185m, and looking right it was found to be 100m. The location is in a 50km/hr speed zone, and these distances meet Highlands' Roads and Traffic Bylaw's minimum stopping sight distance for a commercial use. The required intersection sight distance (ISD) is not met for the left-turn scenario. This is a consideration for efficiency and not safety. Highlands' requirements (Appendix B in the Roads and Traffic Bylaw 300) rely on stopping sight distance and not intersection sight distance.
  - Parking:
    - The report indicates that the 15 existing on-site spaces are anticipated to meet the peak parking demand for private events, and 23 "on-street" spaces are available to accommodate approximate peak parking demand for public nature walk events. A total of 32 spaces (15 existing plus 17 proposed) can be accommodated on the property, some of which propose to convert pull-outs along the one-way driveway.
    - Highlands Zoning Bylaw has a parking standard for "tourist accommodation use" and no standard for "assembly use". To estimate possible parking requirements at Building Permit stage, staff used the "assembly use" for Langford and Metchosin. 54 parking spaces might be required to accommodate all requested uses on the property. Parking is determined at the Building Permit stage of a development, and a Building Permit is not issued unless sufficient parking is provided in accordance with the Zoning Bylaw standard.
    - Highlands Roads and Traffic Bylaw 300 sections 5.01-5.03 allow for the designation of "No Parking" zones and limiting on-street parking to certain hours or days. Currently, there are no restrictions in the vicinity of the subject property.

- While the applicant wishes to minimize land disturbance for the purpose of providing parking, standard planning practice is that parking be accommodated with property boundaries.
- As previously noted, if Council advances the application, parking standard options would be provided in a subsequent report.

Internal Referrals – Building and Fire Departments

- Structures must meet the BC Building Code and all required regulations for their intended uses.

Environmental

- OCP mapping indicates that the properties fall within Development Permit Areas 1 (Steep Slopes) and 2 (Water and Riparian Areas). An ecological (mostly terrestrial) baseline report was prepared by Keefer Ecological Services Ltd. for the conservation covenant and shows that the properties also fall within Development Permit Area 3 (Sensitive Vegetation).
- While the conservation covenant achieves environmental benefits, if the covenant were cancelled, the environmental benefits could cease. Even though conservation is a permitted use within any zone, the District could apply its "Conservation Zone – C1" to the conservation areas to provide control for the District about the use for those lands.
- Areas within the "designated human activities areas" are still subject to Highlands' development permit areas and the Province's Riparian Areas Protection Regulation.

Social

- The proposal is expected to provide for social interactions.

Intergovernmental

- The proposal has been developed with the input of local First Nations.

Consultation

- The OCP encourages applicants to contact residents to discuss proposed changes in land use prior to rezoning applications.
- Should the application advance to a public hearing, any bylaws accomplishing the application would be subject to public notification requirements through the *Local Government Act*.
- As a first step, it may be helpful for Council to receive input from the Social Sustainability and Sustainable Land Use Select Committees.
- Reporting protocol in the Select Committees' Terms of Reference directs that Select Committee minutes and recommendations are forwarded to Council via the CAO to Committee of the Whole. Past practice ***with development-related applications*** has been that Select Committee recommendations are provided to Council ***through a staff report*** incorporating the Select Committees' recommendations, which often include comments, with other relevant information so that Council may consider as much input as possible within one staff report.
- If Council wishes to advance the application and wishes to hear from the two suggested Select Committees, staff suggests that the application be referred to them with each committee providing comments as to how the proposed change in uses and density would bring the Highlands towards its vision of success and sustainability in relation to each Select Committees' mandated strategy areas from the Integrated Community Sustainability Plan (ICSP). These comments would go to the Municipal Planner for incorporation into a Council report.
- Should Council advance the application, an amendment to the OCP would be required. This necessitates Council turning its mind to consultation opportunities as described in section 475 of the *Local Government Act*. Staff could time a report for OCP consultation considerations with the return of the Select Committees' recommendations.

CONCLUSION AND NEXT STEPS

According to Land Use Procedures Bylaw No. 96, Council has three options for proceeding:

- Refer the application to the Select Committees,
- Proceed with an amendment bylaw, or
- Reject the application.

Because the proposal is aligned with some OCP policies, staff recommends referring the application to the Social Sustainability and Sustainable Land Use Select Committees.

Alternatively, Council may wish to direct staff to draft amendments to the OCP and Zoning Bylaw that could accomplish the proposal or request specific additional information about the application.

If Council is not supportive of the application, it would be appropriate to deny it.

RECOMMENDATION

That the application be referred to the Social Sustainability Select Committee and the Sustainable Land Use Select Committee for each to provide comments as to how the proposed change in uses and density could bring the Highlands towards its vision of success and sustainability in relation to each Select Committees' mandated strategy areas from the Integrated Community Sustainability Plan (ICSP).

Respectfully submitted

Laura Beckett

Laura Beckett, MCIP, RPP

CAO Concurrence

Loranne Hilton

Loranne Hilton, CAO

Attachments:

Application excerpts including:

1. *Application form and submission*
2. *Site plan*
3. *Conservation covenant with Province*
4. *Sustainability Appraisal Form*
5. *Traffic Assessment*

ZONING AMENDMENT – OCP AMENDMENT

Application Form

SCHEDULE A

Application Fee: $4,000.00 File No: RZ - _____

The processing of your application will be delayed if it is incomplete.

Description of Property

PART N1/2 and B	14	EPP8I263	362-District of Highlands	
Lot/Parcel	Section	Plan	District Lot	Range

1772 & 1760 Millstream Rd. Victoria, BC
Street Address or General Location

NORTH ½ OF SECTION 14 , LYING TO THE WEST OF MILLSTREAM ROAD and LOT B, SECTION 14
Other Description

Parcel Identifier (PID) 003 - 346 - 668 (from Certificate of Title; eg. 001-234-567)
030 - 506 - 000

Applicant

Name Greater Victoria Greenbelt Society Phone (day) 250 474 4324
(cell) _____
Mailing Address 1772 Millstream Rd. Victoria BC V9B 6E4 (fax) _____

All the information in this application and in any attached material is accurate and true to the best of my knowledge except where I have noted

Robert McMinn

Signature _____ 2023-08-17
Date

Owner's Consent (if the applicant above is not the owner, complete the next section)

1. Name Koi Neah (Vice Chair GVGS) Mailing Address 499 Millstream Lake Rd

I authorize the applicant to represent this application. Signature Koi Neah

2. Name _____ Mailing Address _____

I authorize the applicant to represent this application. Signature _____

Personal information on this application form is collected under provisions of the Municipal Act for the purposes of responding to this application for purposes directly related to this application. Certain information on this application form will be available to the public, including by request under provisions of the *Freedom of Information and Protection of Privacy Act*.

Applicant Greater Victoria Greenbelt Society File No: RZ - _____

1. Specify the current map designations on the property as shown on OCP Land Use Map 4.

Rural

2. Specify the current zoning on the property as shown on the Zoning Map.

GB2

3. Describe the current uses of the land and buildings on the property. Attach a detailed site plan that shows all the natural and developed features of the property, and the distances between these features and the lot lines. Features include sloped land, drainage patterns, cleared areas, etc.

Residential property with lakeside home and three accessory cabin dwellings, 3/4 km paved driveway with a parking lot
42 acres of forested and wet lands with 7 acre manmade lake

Streamside trails with bridges

4. Describe the proposed uses of the land and buildings, and submit 3 (three) sets of plans showing the location of any proposed buildings or structures, roads and access routes showing accurate dimensions of their size and distances between the proposed development and existing features, including lot lines. If required, show a site plan of adjacent properties and roads. If required, submit an elevation plan showing the side views of the proposed buildings.

A conservation area for ecosystem protection that preserves it's natural state while providing huma designated use areas for occassional environmental education and research. To be inclusive of local First Nations cultural and spiritual use as well as cross-cultural dialogues and education for the regions community members. Nature House with meeting spaces and accommodation for caretaker. A cultural hub with art studio focused on prompting the nature and human connection.
Occasional workshop/ retreat space for local non profit and community organizations. Location for university student environmental research studies.
Educational pavillion with outdoor seating. Native plant ecological restoration workshop site. Streamside trails offering Indigenous plant and western naturalist learning for all ages.
All onsite activities will be regulated to ensure a light eco footprint and prevent overuse.

5. Specify the proposed OCP map designations Conservation/ Education/ Culture

6. Specify the proposed Zones Conservation/ Education/ Culture

7. Describe any proposed amendments to the text of the OCP or the Zoning Bylaw.

Conservation/ Education/ Culture

Applicant Greater Victoria Greenbelt Society File No: RZ - _____

8. Does this rezoning application offer amenities as described in Appendix A of the OCP?

YES ☐ NO ☑

9. If yes, describe the amenities, their value and when and how they would be provided. Where possible, show the proposed amenities on a site plan with accurate dimensions.

_____

_____

_____

_____

_____

_____

MAIL OR DELIVER THE COMPLETED APPLICATION FORM, FEE, PLANS A RECENT CERTIFICATE OF TITLE TO THE MUNICIPAL OFFICE. THE FEE IS PAYABLE TO "DISTRICT OF HIGHLANDS".

PLANS MUST BE AT A SUITABLE SCALE FOR THE PROPERTY. AT LEAST ONE COPY OF ANY PLAN MUST BE NO LARGER THAN 11" X 17" AND MUST BE CAPABLE OF BEING PHOTOCOPIED IN BLACK AND WHITE.

W̱MÍYEƦEṈ NATURE SANCTUARY

(wh-my-eh-then: Place of the Deer)

supports the Highlands Official Community Plan

The WNS fits with and supports most of the objectives and policies of the OCP of the District of Highlands (see highlighted sections)

Highlands Vision

As stewards of our unique natural environment, we will protect its integrity. We will retain sufficient lands in their natural state to permit a diversity of plant and animal life to flourish and to ensure that the rural lifestyle we enjoy today can be experienced by future generations.

1. Water – Objectives

- ***To ensure an adequate long-term supply of potable water.***
- ***To consider water in all its forms in all land use decisions.***
- *To protect watersheds, natural drainages and wetlands.*
- *To promote stewardship and conservation activities with respect to water and energy*

Water – Policies

3. The District will partner with and support organizations such as the Highlands Stewardship Foundation in their water and energy stewardship and conservation activities.

- **The W̱míyeteŋ Nature Sanctuary includes a 3-hectare lake, riparian areas, wetlands and stream corridors within the 13,000-year-old Millstream Watershed. 75% of the land is designated as riparian giving it a high value in a region where 80% of the wetland areas have been lost.**
- **The Highlands Stewardship Foundation has become a partner for the Bullfrog Management activities.**
- **As an organization focused on conservation and stewardship the WNSS welcomes the support of the Highlands District.**

2. Land Use General - Policies

11. The District encourages future development to locate away from areas that: are environmentally sensitive; have the potential for surface erosion or slope instability; and are archaeological and historic sites.

12. To avoid wildlife/human conflicts, the District recommends that consideration be given to areas of high use by predators/wildlife when development occurs.

17. Viewscapes of value will include natural areas on or near hilltops and ridges, as well as landscapes of natural areas of value. These will be maintained through careful site planning, building design, and controls on vegetation removal. Lands adjacent to parks and road right of-ways should remain naturally vegetated buffer zones.

23. Where appropriate, resolved by Council and agreed to by the land owner, covenants with an appropriate conservation agency may be used to protect environmentally significant features and areas for future generations.
Implementation and maintenance costs should be shared by all signatories to the covenant.

- **The designation of the property as a conserved area supports local wildlife populations.**
- **All land formations and rocky outcrops will be maintained in their natural state.**
- **A protective conservation covenant with the BC Ministry of the Environment is in place.**

3. Rural Land Use – Objectives

- *To provide for a range of land uses that support the retention of the large lot character of areas that are largely undisturbed, protecting them from encroachment by more intensive forms of development*
- *To allow rural property owners reasonable economic opportunities for the use of their land, ensuring that uses are consistent with the rural character of the Highlands and compatible with the protection of natural areas.*
- *To ensure that sufficient land use controls are in place to protect unique and sensitive environmental features for future generations.*
- *To maintain and protect ecological services and aquifer/watershed health.*

Rural Residential Land Use – Policies

- **The creation of the Nature Sanctuary and Nature House for conservation, research and education with the inclusion of First Nations traditions provides a unique use of the property that maintains ecological values and services.**
- **The land management agreement is focused on protecting the ecosystems, habitats and waterways of the property.**
- **Occasional rentals to non-profit, conservation, arts and wellness groups will provide an income which will allow the project to be sustainable.**
- **It is estimated the project will provide $218,853 per yr. in ecological services to the area.**

4. Public Parks – Objectives

- *To protect and conserve sensitive and local ecosystems.*
- *To fulfill Highlands' role in the CRD as the "lungs of the region".*

Public Parks – Policies

> ***3. The primary use of these lands and waters is for conservation and outdoor recreation. Buildings that are ancillary and related to these uses are acceptable, provided they are sited to ensure that uses or other land alteration do not harm ecosystem function or eliminate the potential for public access and environmental protection***

The emphasis of this chapter is to define the appropriate sustainable activities that are compatible with the rural character of the Highlands. Protection, conservation and restoration of natural areas are a priority, and opportunities need to be found for physical and ecological connections to help ensure ecological health.

- **The Sanctuary protects and conserves sensitive, local ecosystems.**
- **The opportunities provided by ecological education, forest therapy and cultural expressions are significant contributors to well-being.**

5. General Environment and Resources

There are many natural areas within the Highlands that merit protection from development and human activity in order to sustain native plants and animals and their habitats, and to maintain the overall green and treed quality of the community.

General Environment and Resources – Objectives

- *To protect the environment and our resources, especially potable water sources (ground and surface).*
- *To be environmentally responsible in our decisions and actions.*
- *To consider the effects of climate change and to work toward a strategy to contribute, to the fullest extent possible, to the reduction of greenhouse gas emissions.*
- *To use provisions of federal and provincial legislation and regulations, including best management practices, to protect environmentally sensitive areas and biologically diverse ecosystems.*
- *To enhance environmental awareness and promote activities that protect and restore the natural environment.*
- *To protect healthy ecosystems and restore damaged ecosystems.*

General Environment and Resources – Policies

1. *The District will use its authority through the Local Government Act to protect Highlands' natural landscapes and ecosystems.* ***This may be accomplished in a number of ways including:***
   1. Land acquisition
   2. Conservation covenants with willing landowners
2. *The District will provide environmental information to residents and businesses and will encourage the involvement of non-government environmental organizations in this activity.*
3. *Residents and landowners are encouraged to participate in land stewardship by taking responsibility for the well-being of the natural environment and making an effort to restore and protect that well-being.*

7. *The District will support the removal of invasive species throughout the Highland.*

8. *The District will support conservation efforts.*

- **The sustainability of ground water is enhanced by the presence of lake and the infiltration capability of natural landscapes.**
- **Our maintenance of undisturbed land enhances resiliency to climate change in contrast to residential or other development which reduces infiltration and the ameliorating influence of undisturbed vegetation.**
- **The education that includes teaching of indigenous traditions will promote awareness of the benefits of natural landscapes.**
- **The objectives of the Sanctuary are consistent with District policies related to conservation.**

Environmentally Sensitive Areas

Environmentally sensitive areas provide productive fish or wildlife habitat; contain rare or depleted ecosystems and landforms; and represent sites of natural diversity that are in danger of disappearing. They include:

- *Lakes, watercourses, or wetlands, (seasonal or year-round) and their associated aquatic habitats.*
- *Riparian areas (land and vegetation within 30 m of a lake, watercourse or wetland).*
- *Essential habitat areas containing rare, threatened, endangered or otherwise significant plant or animal species.*
- *An area of exceptional aesthetic value to the community.*

Environmentally Sensitive Areas – Objectives

- *To identify and protect sensitive plant, wildlife and fish habitats, as well as lands that include distinctive geologic features as environmentally sensitive areas (ESAs).*
- *To ensure that land uses, and activities are compatible with the ecosystem functions and other important environmental characteristics of the land and water.*
- *To avoid the disturbance of ESAs; where disturbance is necessary, mitigations should be identified and carried out.*
- *To encourage public awareness of the ecological importance of ESAs.*

- **The property's lake, wetlands and riparian area are protected habitats where rare, threatened or endangered species are conserved.**
- **The Sanctuary is recognized as an area of exceptional aesthetic value by visitors and arts organizations such as the Westshore Arts Alliance, Victoria Sketch Club, etc...**
- **Public awareness of ESAs will be enhanced. Our monthly guided walks provide information about the ecosystems, rare plant communities and species.**
- **Opportunities for local residents to participate in and learn about the creation of ecological buffer zones is one of the educational opportunities we will be offering.**

Sensitive Vegetation

Sensitive vegetation areas have been identified by the Sensitive Ecosystem Inventory (prepared by the Provincial and Federal Governments) and are generally shown on Map 9.2. These are remaining native vegetation communities meeting specific size and conservation criteria. Sensitive vegetation areas will be protected from the impacts of development or other human activity by the following policies.

1. *The preservation of native plant communities and intact stands of trees is encouraged.*
2. ***Sensitive vegetation areas will be designated as Development Permit Areas (Refer to Chapter 11).***
3. *The District will identify significant trees, wildlife trees, and treed areas. **Protection of these trees and treed areas will be considered through the adoption and enforcement of a Tree Protection Bylaw and, where applicable, through a Development Permit designation.***

- **The WNS has 6 endangered or threatened Ecological Communities listed by the BC Conservation Data Centre. (1) Six Species at Risk have been identified and the properties are likely habitat for an additional nine. (2)**

  (1) Garry Oak/Arbutus Ecological Community (EC); Red Alder/Skunk Cabbage EC; Trembling Aspen/Pacific Crab-apple/Slough Sedge EC; Douglas-fir/Dull Oregon Grape EC; Garry Oak/ Ocean Spray EC; Western Red Cedar/Douglas-fir/ Oregon Beaked Moss EC; Arbutus/Manzanita EC.

  (2) Great Blue Heron (*fannnini* subspecies); Olive-sided Flycatcher, Little Brown Bat, Yuma Myotis, Townsend's Big Eared Bat and Northern Red-legged frog have been located and the property is likely habitat for Western ScreechOwl (*kennicotti* subspecies); Sharp-tailed snake; Blue-grey taildropper; Western Painted Turtle; Slender gentian; *Bryum subapiculatum*; Common Bluecup; Phantom Orchid.

- **This property enhances opportunities for conservation of endangered or threatened Ecological Communities and Species at Risk in the CDFmm subzone. Several trees on the property are 300+ years old acting as mother trees to adjacent trees.**

Water Features and Riparian Areas

1. Water features include lakes, watercourses, and wetlands, whether seasonal or year-round. The location of most water features and their riparian areas are generally shown on Map 3; however, all such features and areas in the Highlands will be protected from the impacts of development or other human activity by:

   a. Preventing the removal of gravel, sand, soil or peat from the water features and ensuring that there is no modification of channels, banks, or shores that could cause environmental harm.
   b. Protecting native vegetation cover near stream banks or lake shores.
   c. Prohibiting draining, dredging, infilling, piping or dumping of materials in water features.
   d. Discouraging alteration or removal of natural wetland vegetation.
   j. Prohibiting motorized craft on lakes
   m. Ensuring that watercourses will be left open and natural to protect habitat.
   n. Retaining, enhancing or restoring native vegetation coverage to protect habitat, reduce water use and reduce use of pesticides and fertilizers within Highlands.

- **Water features and riparian areas are protected and left in their natural state.**
- **The lake will be conserved by protecting it from deleterious uses such as dredging, motorized craft, oil inherent with swimming use.**
- **Maintenance of significant mature vegetation is a priority.**

3.4 Biodiversity

Discussion during the planning process reaffirmed recognition of the importance and need to sustain biodiversity. Wetlands received particular attention as they are productive ecosystems that support a large number of species.

Biodiversity – Objectives

- *To maintain sufficient lands and waters in their natural state in order to sustain the rich biodiversity of the Highlands*
- *To preserve aquatic habitat and the basic ecological functions of watersheds so they can continue to support biodiversity.*
- *To maintain and restore connectivity between natural areas where possible.*

Biodiversity – Policies

1. The District may establish a plan to conduct a detailed bio-inventory and water course inventory of the Highlands. These efforts may be used to help direct priorities for park acquisition, preferably at the regional, provincial or federal levels, and to guide development applications when applying the Riparian Areas Regulation.

- **Helps to maintain the biodiversity of the District of Highlands by protecting a portion of the Millstream Watershed.**
- **Provides connectivity by providing an essential wildlife corridor link between Gowlland Tod and Thetis Lake Parks.**

Watershed and Groundwater Management – Objectives

- *To protect, sustain, and enhance aquatic habitat, acknowledging that all water sources are inherently linked.*
- *To manage water flows in order to optimize groundwater recharge and summer flows, and to minimize flood damage while maintaining the natural integrity of watercourses.*
- *To protect surface and groundwater from human impacts.*
- *To protect and restore native flora and fauna throughout the watershed, wherever feasible.*

Watershed and Groundwater Management – Policies

In addition to those policies for Environmentally Sensitive Areas – Water and Riparian Areas and those found in Section 7.2:

2. The District will seek, in cooperation with stewardship organizations and other partners, to educate landowners, residents, community groups and businesses about watershed stewardship.

- **An essential component in the management of the Millstream Watershed and groundwater maintenance.**
- **Human interference will be minimized.**
- **Native flora and fauna will be maintained.**
- **District of Highlands participation will enhance watershed maintenance.**
- **On going lake stewardship research with Royal Roads University will be shared with the community and District.**

Invasive Species – Objectives

- *To prevent the introduction and spread of new invasive species.*
- *To encourage and enable the removal of invasive species on public and private lands.*
- *To promote the use of native plant species.*

Encourage the revegetation of disturbed areas with the use of locally sourced, non-invasive, and native plants.

- **Control of invasive species to minimize disturbed areas and promote maintenance of native plants will be fundamental to management of the Sanctuary.**

3.7 Air Quality

The air quality in the Highlands is generally very high. This is due to an abundance of publicly and privately-owned natural areas, and the lack of major industry and heavily traveled roads.

Air Quality – Objective

To maintain a high standard of air quality.

- **Maintenance of the 14.92 ha forested area will protect air quality by providing air purification.**

3.10 Treed Character

Highlands' steep and forested hillsides are an essential component of the community's rural and natural character. Throughout the planning process, residents reinforced their concerns that the plan addresses the significance of retaining the treed character of the Highlands

Treed Character – Objectives

- *To maintain the treed character of the Highlands.*
- *To promote planting of native trees on public and private lands.*
- *To protect the natural treed character of hillsides, thereby preserving and enhancing their visual and natural quality.*

Treed Character – Policies

1. *The District, without infringing on the safety of Highlands' residents, will discourage tree cutting or removal of natural vegetation. Selective limbing is encouraged over tree removal.*
2. *Removal of trees purely for view enhancement is discouraged.*
3. *Large scale clearing of land is discouraged, except for agricultural and forestry purposes.*
4. *Logging of trees or clearing of land that is not for agricultural purposes should be conducted only when no reasonable alternative exists. Where logging and clearing of land takes place, the following should be taken into account:*
    a. *Avoiding erosion and sedimentation.*
    b. *Protecting habitat and rare, threatened, or endangered plant and animal species.*
    c. *Retaining natural vegetation near lakes, streams, and riparian areas.*
    d. *Encouraging the re-establishment of trees and a healthy forest ecosystem.*
    e. *Avoiding clear-cutting large areas.*
    f. *Maintaining the ecological productivity of the land and its ability to support native vegetation.*
5. *The District will use and enforce its Tree Management Bylaw to protect significant trees, heritage trees, wildlife trees, and treed areas.*
6. *The use of native tree species will be encouraged in landscaping on public and private lands.*

- **Retention of a treed landscape, including rocky slopes, is a management goal of the Sanctuary.**

Parks and Trails Objectives

- *To continue to place a high priority on the conservation of the natural ecosystems of the Highlands through parks and other conservation mechanisms.*
- ***To integrate park and trail initiatives in the District with regional and provincial park and trail initiatives.***
- *To continue and enhance Highlands' role of providing opportunities for nature study and appreciation as well as outdoor recreation for residents and visitors in the Capital Region.*
- *To minimize the impact of a trail network on wildlife, riparian and other sensitive ecosystem areas, and reduce trespassing on private property.*

- *To acquire land desirable for District parks in order to meet present and future needs of Highland residents.*
- *To cooperate with the Capital Region, the BC Government and other parties to protect ecological features and ecosystem functions.*
- *To encourage best practices stewardship of publicly and privately-owned lands and trails.*
- *To protect natural ecosystems from the impacts of development or other human activity through stewardship, conservation and restoration activities.*

- **There will be a focus on nature education designed to enhance appreciation and protection of the natural world.**
- **The continuation of 70 years of conservancy maintains a healthy natural area for future generations to experience.**
- **The Sanctuary Care/Management Plan is designed to minimize damage to ecosystems from inappropriate usage.**
- **The paved driveway and historical trail system rated as easy allow people with mobility issues easy access to natural areas.**

4.5 Lake Access Policy

1. In general, the District should not seek public access to private lakes.

7.1General Objectives

- *To ensure that District and other public services demonstrate and encourage the conservation of resources and the control of pollution through public education, development controls, and cooperation with other government agencies and non-governmental organizations.*
- *To protect the quality and quantity of surface and ground water.*

- **The lake will remain "private" in the sense that it will be protected from the destructive effects of inappropriate and excessive use. It will remain secluded so that waterfowl and other species will continue to find it a viable habitat.**
- **Our no swimming policy ensures there will be no pollution from human self-care products.**
- **Water quality will be maintained by limiting incompatible uses.**

7.2 Water Supply and Well Protection (also refer to section 3.5)

Water Supply and Well Protection – Objectives

- *To protect the aquifers underlying the District of Highlands.*
- ***To maintain an adequate long-term supply of potable water.***
- ***To protect wells.***

- **Continued protection and conservation of the lake, wetland and riparian areas will enhance aquifer stability and maintain natural water flow of the fresh water watershed.**

7.5 Surface Water Drainage

Surface Water Drainage – Objectives

To maintain the quality of aquatic systems in the Highlands and downstream areas.
To maintain natural drainage and the natural functioning of watercourses.

Surface Water Drainage – Policies

1. Through the Model Stormwater Bylaw process, also taking climate change adaptation into consideration, the District will collaborate with the CRD, adjacent municipalities, and the BC government to develop consistent approaches to stormwater management in a watershed context and to maintain the quality of aquatic systems in the Highlands and adjacent areas.

2. Wherever possible, natural drainage systems shall be maintained and enhanced to protect water quality, reduce public costs, and prevent environmental degradation. Storm drainage will be handled in open swales, ditches, and streams, to maximize infiltration and to retain the natural functioning of watercourses, except where environmental or public safety concerns would be better served by other designs.

4. The stormwater holding capacity of wetlands and other natural storage areas will be retained.

6. The District will seek to ensure that the value of watercourses as habitat for aquatic life and terrestrial wildlife is not compromised by their use for storm drainage, recreation, or agriculture.

8. The District will adopt the Riparian Areas Regulation, and future development will be subject to the Regulation's requirements. All applications falling under the RAR will still be subject to Council review.

- **Use of the area as a Sanctuary will maintain water quality and the natural functioning of the water system.**
- **Stormwater management will be accommodated.**
- **All of the historical dams on the property are monitored monthly and recently we have been working with Engineers on a Hydrotechnical Assessment and to determine if upgrades to waterways are necessary under the impacts of climate change (atmospheric rivers)**
- **Environmental degradation will be avoided.**
- **Degradation or malfunction because of inappropriate management practices will not occur.**
- **RAR will be enforced.**

8.5 Heritage

The Highlands community's vision of heritage is rooted in people's shared experience of a sense of place.
It is dynamic and includes tangible and intangible elements of the past and the present. It is how the community identifies itself. The heritage vision recognizes examples of community history and the desire of residents to feel connected to nature. It celebrates the aesthetic and innovative and honours the uniqueness of the Highlands community social fabric.

Heritage – Objective

To promote the Highlands heritage vision and values

Heritage – Policies

3. Develop incentives for the owners of heritage resources on private property that should be given heritage conservation status.

4. Providing landowner consent is given, all attempts should be made to identify, map, and conserve sites, structures, and landscapes of historical significance.

5. The District supports initiatives of Highlanders to collect, preserve and present the history of the community.

- **Historically this territory was used by the W̱sáneć peoples for hunting, gathering and ceremony and was known as W̱míyeteṉ (land of the deer). The project by providing a partnership with Tsartlip First Nation and other WSÁNEC (wh-say-nich) Coast Salish Peoples will also be restoring traditional teachings, language and cultural practices to the land.**
- **From 1947 – 1963 the property was owned by Gertrude Snider a Victoria artist who was member of the "The Island Arts and Crafts Society" which later became the Victoria Sketch Club. Miss Snider was a contemporary of Emily Carr and served on the Island Arts and Crafts Society's executive committee becoming a regular exhibitor at the annual exhibitions. She created one of the first art galleries in Victoria for local artists that was a nonprofit. She has been recognized as instrumental in encouraging the creation of the Art Gallery of Greater Victoria.**

8.6 Arts and Culture

Arts and culture are an important expression of the diverse values, heritage and creative interests of Highlands residents. Artistic and cultural activities bring the community together and energize it socially and economically.

Arts and Culture – Objective

- To encourage residents to become involved in arts and cultural activities suited to the rural character of the community.
- To provide venues for Highlands artists and artisans to demonstrate their talents.
- To support arts and culture as part of the local economy.

- **The Sanctuary and Nature House will provide residents the ability to participate in arts and cultural activities. There is interest in providing "Artist in Resident" retreats.**
- **Occasionally the property will be used by various arts organizations providing opportunities for painting, photography, poetry etc..**

8.8 Social Significance of the Environment

During the planning process the importance of the natural environment to the health and well being of Highlanders and the region were discussed. Natural areas allow for a variety of individual and group recreations provide emotional and spiritual sanctuary and help to form the character of the Highlands.

Social Significance of the Environment – Objective

To encourage people to experience the natural environment.

Social Significance of the Environment – Policy

1. Activities that facilitate the communion of people with nature are encouraged. This would include such activities as seminars, workshops and retreats in rural areas of the Highlands.
2. Nature-based activities for children that support environmental awareness, understanding, appreciation and stewardship are encouraged.

- **The Nature Sanctuary will have a major focus on promoting the connection between humans and nature with many opportunities for residents of the Highlands and visitors to experience a deep beneficial immersion into this experience.**
- **Nature based activities for children on the property will be available from many local environmental, arts and learning organizations.**

The Mary Lake W̱míyeṯeṉ Nature Sanctuary management plan and policies align with the following mandates of the **BC Local Government Act**

4. Protecting environmentally sensitive areas.

6. Economic development that supports the unique character of communities.

7. Reducing and preventing air, land and water pollution.

8. Protecting the quality and quantity of ground water and surface water.

W̱MÍYEŦEN Nature Sanctuary

42-acre conserved area with monitored/restricted public access.
Nature Conservation, Education and Culture

Principal Uses:

1. Ecosystem Restoration for Conservation
2. Environmental Research/ Climate Change Monitoring
3. Ecology and Naturalist focused education – Nature walks
4. First Nations
    - Ceremonies
    - Traditional Knowledge teachings
    - Plant walk | Native forest herbs: Uses as Food and Medicine
    - Elder Use
    - Spiritual /Ceremonial use
    - Traditional Land Management
5. Health and Well-being in Nature
    - i. Forest Therapy Walks, and training
    - ii. Meditation and Yoga retreats
6. Art and Cultural exhibits, workshops, and training

Nature House

1. **Main Floor** – Assembly – capacity: 50 to 75 persons
    - Workshops
    - Classes
    - Retreats
    - Presentations
    - Meeting Room - capacity: 10 people
    - Art Studio space- capacity: 30 people
    - Kitchen
    - Bathrooms 2 x 1 toilet and shower
      1x 1 toilet
      1x 3 toilets

2. **Second Floor**
    - Studio – capacity – 20 people for yoga – 30 people seated.
    - Temporary Accommodation –
        - 3 bedrooms - 2 people each = capacity 6
        - 1 bathroom – 2 stalls and showers
        - 1 bathroom – 1 toilet

Accessory Buildings

1. **Temporary Accommodation** for Educational Art and Nature/ Eco Retreats
    - Existing Cabins – 3 two room cabins – sleeps 4 each = 12
    - Retreat Camping spaces (20) – outdoor kitchen
    - 6 RV Pads – sleeps 2- 4 people.

2. **Additional Teaching Spaces**
    a. Amphitheatre with seating
    b. Covered viewing area beside lake.
    c. Ger (Yurt) for classes

3. **Caretaker Cabin Accommodation**
4. **Potential Gallery**

Assembly Capacities:

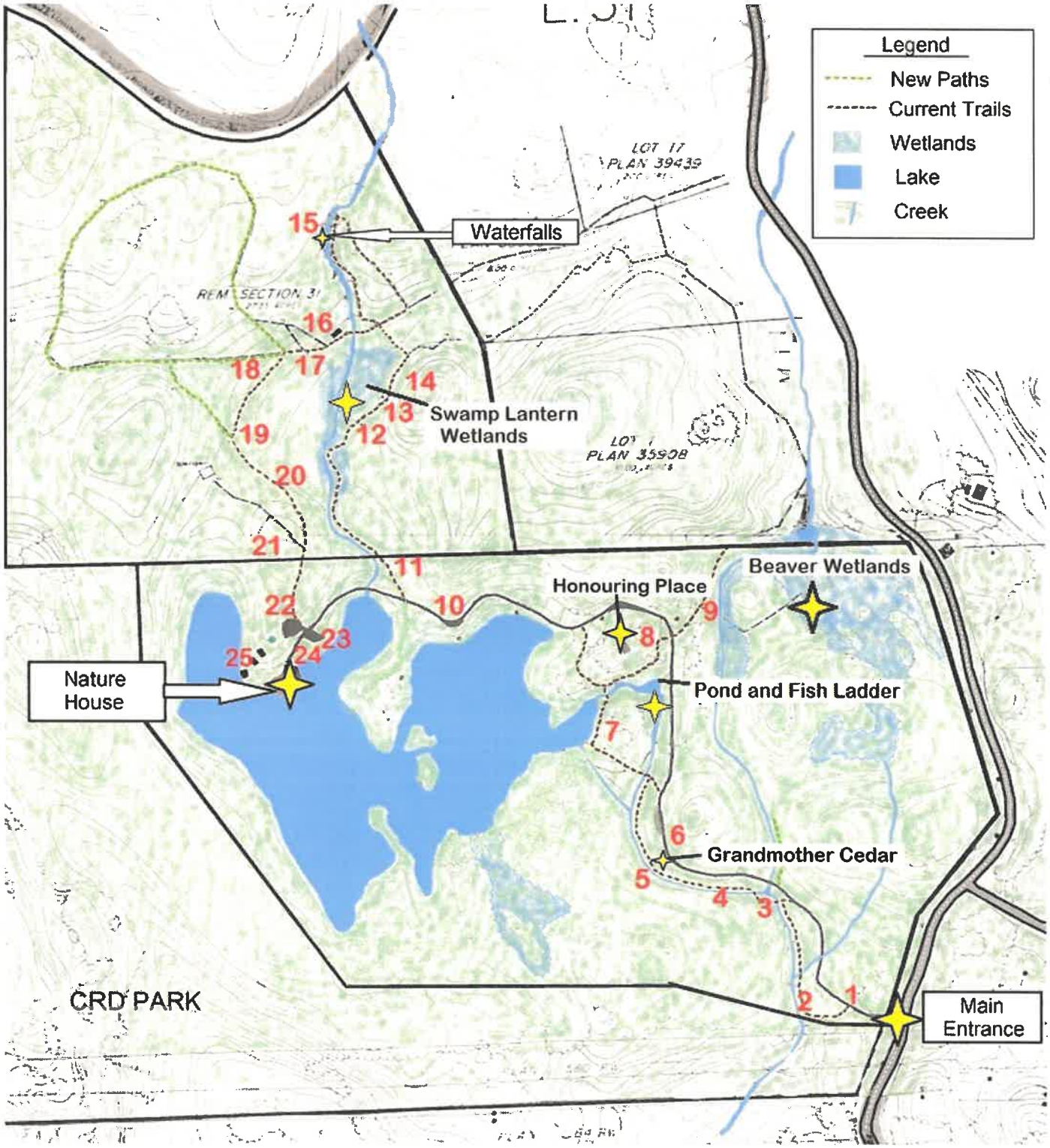
Nature House

Assembly Room: Seated: Max. 50 participants
Standing: Max. 75 participants

Outdoor areas

Patio: Max. 85 – theatre style participants

Overnight Retreats: Max. 30 participants



Trail Map W̱MÍYEŦEN Nature Sanctuary

(wh-my-eh-then: Place of the Deer)

Learning About W̱MÍYEŦEN Nature Sanctuary

History (1)

The Greater Victoria Greenbelt Society (GVGS) would like to acknowledge that this beautiful property lies within the traditional territory of the WSÁNEC (Saanich) Coast Salish Peoples whose teachings speak of the land, the water and the people as equal members of a complex system, an integrated entity connected through cultural traditions. The Coast Salish Peoples maintained it for thousands of years for hunting, gathering foods and medicine, relaxation, and spiritual development.

Private ownership of this land began in 1887 after Hudson Bay Company as a representative of the British Crown began colonization with the Douglas Treaty. It remained in private ownership until 2016 when the GVGS purchased it for conservation and as a place for learning that focuses on nature.

The conservation of the property first began when it was purchased from a logger in 1947 by Gertrude Snider an artist who was part of the Victoria Arts and Crafts Club and a contemporary of Emily Carr. This means the property has been left for nature to do its thing for over 73 years.

In 1963 Violet & Peter Brotherston both avid protectors of nature acquired the property and in 2016 GVGS was successful in the purchase of the property when Bob McMinn made a $100,000 donation for the down payment. At the time GVGS was able to negotiate a mortgage with the Vancity Community Real Estate dept. as a grassroots organization working for the greater community.

Originally it was considered for a public park but with ecological research and observation the society realized the important value of maintaining it as a conservation area and in 2019 paid off the remaining mortgage thanks to a grant from the BC Ministry of the Environment for $1,403,000. This was largely due to the recent partnership with the Tsartlip First Nation for the protection of the property and the future inclusion of local indigenous knowledge to the project.

Millstream Watershed (2)

This is property sits in the heart of the 13,000-year-old Millstream watershed which starts at Jocelyn Hill in the Gowlland Range and runs through this property as it flows 13 Km to Esquimalt harbour. It replenishes the freshwater aquifers of 4 adjacent communities.

Streams and Salmon (3)

The Earsman creek flows into the North side of the Lake out again on the southeast corner to join at this point with Millstream creek which runs down the east side of the property. Both are active for 7 months of the year. There has been a successful initiative by the Peninsula Streams Society (PPS) and the CRD to build a fishway on the Millstream watershed at the Atkins Rd culvert to allow CoHo Salmon access up Millstream after their return from Haida Gwaii. In the spring of 2021, the Goldstream Hatchery in Partnership with PPS released Salmon Fry into Mary Lake with hopes for a successful journey down to Strait of Jaun de Fuca.

Nature Connection & Benefits (4)

At the Sanctuary we encourage is a deeper connection to nature through listening and observation. Tsartlip elder Tom Sampson speaks about the songs and stories in the rocks, trees and streams that we can only hear when we slow down and patiently listen. In 2019, we hosted the international Association of Forest Therapy training with people attending from Spain, Denmark, Costa Rica, Brazil, the US and Canada. In Forest Therapy nature is the therapist and research has show that spending just 15 minutes in nature benefits your health by lowering your blood pressure and cortisol levels while reducing stress.

Tree Communication (5)

We call this the Grandmother Cedar (XPA̓) and she is about 150 years old. It is larger in diameter because it sits so close to the stream bed getting added nutrients and water. When you look up to see all that is above you it is good to remember it is growing as wide below you. In fact, as you stand here you are surrounded by the tree and affected by the field it creates.
UBC Professor, Suzanne Simard researcher in the Dept of Forest and Conservation Science has done significant research on the way in which trees are in constant communication with each other. She said trees can link up below ground and communicate using carbon compounds through a fungal network. They form friendships, and communities that share knowledge and nutrients that can boast their immune systems and help keep their ecosystem healthy.

Glacial Erratic & Ecosystems (6)

This large boulder is a glacial erratic that was left here 13,000 years ago during the ice age. The licorice fern on top of it is called TESIP by the First Nations people and

is one of their medicinal plants. The root would be cleaned and when it is chewed the saliva activates it and it acts like an antibiotic for sore throats or tooth aches. It can also be boiled for a medicinal tea.
Hans Roemer a plant biologist has identified seven connected ecosystems on the property. On the other side of the driveway is the rocky outcrop which has Arbutus, Garry oak and Ocean Spray which is an endangered plant community within the Coastal Douglas-fir moist maritime subzone. This subzone is only .03 % of BC and is considered one of the most endangered coastal ecosystems.
We encourage student researchers and the public to help with ecosystem mapping by using the iNaturalist app to take photos of different species that when uploaded will be identified for scientific research. We now have over 224 species identified.
https://www.inaturalist.org/projects/mary-lake_qvqs

The Lake (7)

We are now on the east edge of the 3-hectare lake. This like most of the lakes in the Highlands district was created by a dam built by the early settlers. It was originally a hardhack (DIƦEŁIŁĆ) swamp which was flooded with the installation of the earthen dam back in the early 1930's by Manzer a logger. The lake was named after his daughter Mary.
When Peter and Violet purchased the property in 1963, they installed the concrete dam to increase the lake size and installed another dam under the driveway to create the fishpond and ladder.
The lake is home to 5 otters and in the evenings, you might see 3 beavers swimming around the perimeter. We recently sighted a new baby beaver as well.
In 2019 lake stewardship research done by a major project team from the School of Environment & Sustainability at Royal Roads University is helping us keep track of the Ph, and oxygen levels to monitor the effects of temp changes with global warming. We also discovered that the lake is only 12 feet at its deepest point. RRU is keen on contributing to the research of the sanctuary into the future.

Fish Ladder (8)

Below us you can see the fishpond and fish ladder area. Visiting biologists where excited to see large masses of pacific chorus frog eggs in there. They felt seasonal ponds such as this were perfect to protect the local native species from invasive like the American Bullfrog.

Honouring Place/ Stage:

In 2011 we hosted the Yellow Wolf drummers and singers of the Tsartlip Nation with Elder Tom Sampson who did a ceremony of dedication for the past stewards of the earth. They placed these stones to honor the ancestors of the Coast Salish peoples, Nancy McMinn who with a handful of local Highlanders was instrumental in the creation of the 1200-acre Gowlland Tod Provincial Park and the Brotherston family who cared for the property for almost 50 years.

Ancient Douglas-firs: JSÁ̓ IŁĆ

These are some of the 300 to 400-year-old trees which are still present on the property. Recent research also indicates that old growth trees are essential for healthy ecosystems, and they send out their genetic info, nutrients and even water via the underground fungal network to surrounding trees.

Beavers(9)

This is the area of the property that the beavers have been reclaiming as their own and they have been busy restoring a wetland. Up around the corner is a larger flooded area that holds a large dam and some lodges. The capital regional district has lost 80% of its original wetlands due to development so we are happy to be a home for these awesome engineers.

Dams (10)

From this viewpoint we can see the first earthen dam across the lake. It is maintained without large vegetation to ensure the integrity of the dam. The three dams on the property are monitored monthly and reports sent to the BC Ministry of Forests, Lands and Natural Resource Operations.

Earsman Creek Trail & Culture(11)

This is the Earsman creek trail and on the mossy rocky outcrop Elder Tom Sampson pointed out the otter slide which goes into the creek. On the left we can also see the burnt bark of this large Douglas fir. This is a culturally modified tree as it resulted from the First Nations fires that were set to control the underbrush and increase the fodder for the deer.
We are now entering the adjacent Lorimer Lot which was recently purchased by the Land Conservancy of BC for additional protection to the Nature Sanctuary ecosystems.

Swamp Lantern (ƦOQI̓) Wetlands (12)

This low-lying wetland area is another red listed endangered plant community which contains swamp lantern or skunk cabbage and red alder with sword fern which is also sacred the First Nations people. In the early spring the bright yellow blossoms are an inspiring sight with leaves that can be ¾ of a meter. This large

fallen cedar will remain in place to return nourishment to the earth.

Large Snag - SDELÁDĆI̱ (13)

The large snag is the resident hotel that provides shelter and food for many species.

Owl Boxes (14)

To the right of the rocky outcrop, you can see the owl boxes which were installed by Habitat Acquisition Trust as homes for the Western Screech Owl (SPEPELḰIƛE̱). They have also been occupied by an Northern Saw-whet Owl family.

Waterfalls (15)

The upper Earsman Creek has a series of waterfalls during the rainy season.

Living Fossils (16)

Near the shelter you can see a patch of Horsetail - KÁƛEŁĆ the only living genus in Equisetaceae, a family of vascular plants that reproduce by spores rather than seeds. It is considered a "living fossil", which for over 100 million years was much more diverse and dominated the understory of late Paleozoic forests. It is assumed that they were an important component of herbivorous dinosaur diets. Some were large trees reaching to 30 m (98 ft) tall .

Red Alder Grove- SḰOṈEŁĆ (17)

The stunning visuals of the Grove of Red Alders inspired the Bateman Foundation when they visited with their sketch club . Wetland riparian areas such as these contain the highest density of species.

Woodland Trails and Douglas Fir (18)

These woodland trails were maintained by the Brotherstons and meander through a healthy second growth Douglas fir forest which we hope will keep growing until the next ice age.

Big Leaf Maple - ƛŦÁ̱EŁĆ & Lichen (19)

These trees can live an average of 200 years with 300+ not unheard of and can reach heights of 34m with a crown of equal width. On a hot sunny day, it is several degrees cooler in the shade of these glorious moss-covered giants and First Nations consider them to be natural air conditioners.

Lichen, as well as licorice ferns that grow on these trees are plants that live on other plants, but derive their nutrients from rain and the air, not the host. When this growth falls to the ground it fertilizes the tree in exchange for providing a place to grow. You can often find lots of lungwort lichen on the ground around this tree. It is sensitive to air pollution and is also harmed by habitat loss and changes in forestry practices. Due to declining population, L. pulmonaria is considered to be rare or threatened in many parts of the world.

Ocean Spray(20)

The ocean spray is an important plant used by local First Nations. The different stages of flowering indicated the timing for specific activities. The dried flower heads were used in a tea as treatment for diarrhea.

Earsman Meadow - Retreat Camping(21)

This moss-covered open clearing has been used as a camping area for visiting classes doing art and nature programs on site.

Water Tower (22)

The tower on the right is a water tower which the Brotherstons installed as a source of water in case of fire but in 2019 we installed a dry hydrant by the lake for that purpose. It may be possible in the future to adapt it to a unique observatory.

Lakeside Viewing, Birds & Culture(23)

Over the last number of years, we have successfully cleared away 2 old trailers from the side of the lake to restore it as a wildlife viewing area especially for waterfowl. We also have visits from the Great Blue Heron (SṈEȾE̱) and Bald Eagle (QELEṈSEN) both of which are vulnerable species. To date over 59 bird species have been identified on the property. Check out our **eBird** hotspot https://ebird.org/hotspot/L7218948

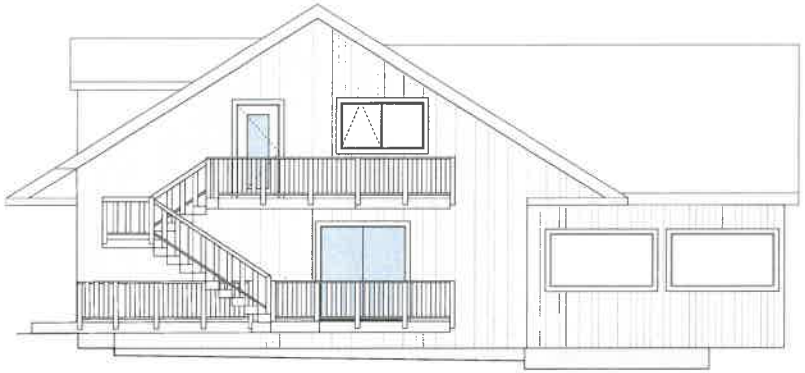
a) The past few years the numerous photography clubs, the Victoria Festival of Authors, Victoria Sketch Club and other artists have been inspired by the beauty and peace at the W̱MÍYEŦEN Nature Sanctuary

Nature House: (24)

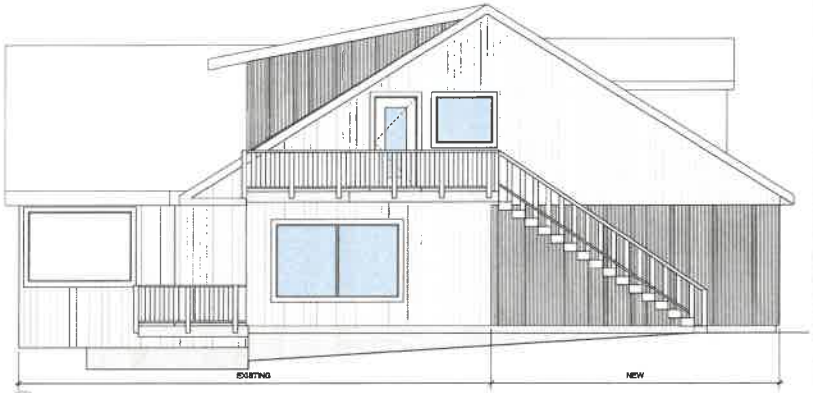
The 4,000 sq ft. nature House was built in 1964 by Peter and Violet Brotherston and has had some updates in the past few years. It will also need to have some structural changes done to meet codes for public use.

Lakeside Cabins:

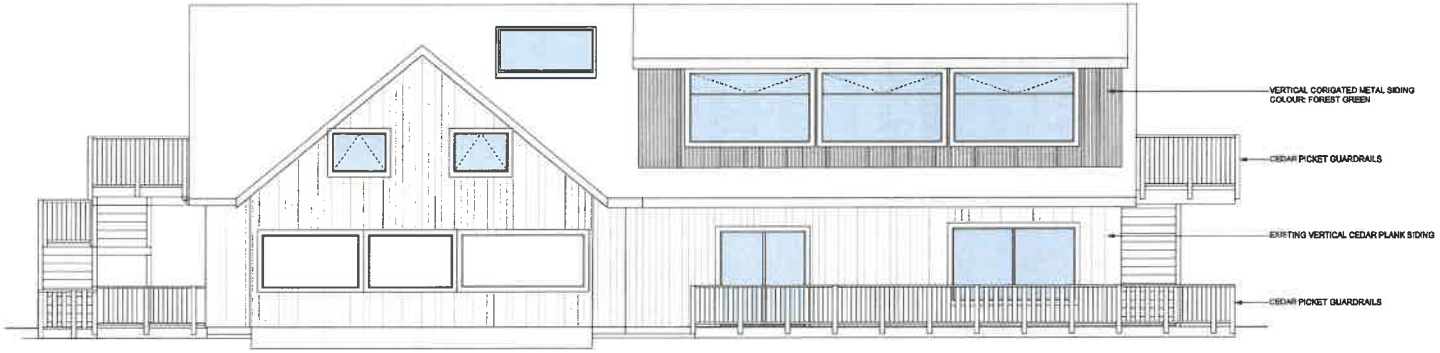
The 3 cabins were also built by the Brotherstons for their 3 daughters and their family visits. Unfortunately, the roofs were not maintained, and moisture has caused mold to grow so they will need to be renovated down to the studs. They have the potential to be used for occasional workshop/ retreat accommodation in the future which will greatly contribute to the financial sustainability of the sanctuary.



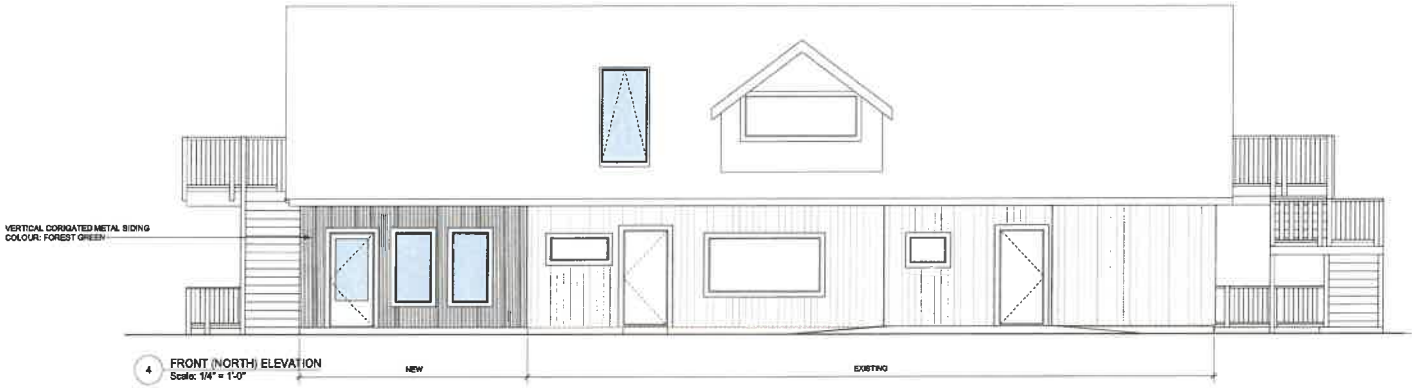
1 WEST ELEVATION
Scale: 1/4" = 1'-0"



2 EAST ELEVATION
Scale: 1/4" = 1'-0"



3 REAR (SOUTH) ELEVATION
Scale: 1/4" = 1'-0"



4 FRONT (NORTH) ELEVATION
Scale: 1/4" = 1'-0"

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COMMENTS

No.	DESCRIPTION	DATE	BY
1.	ISSUED FOR CLIENT REVIEW	2019.12.13	JA

GENERAL NOTES

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PROJECT

MARY LAKE NATURE SANCTUARY
1772 MILLSTREAM ROAD
REZONING

SHEET TITLE

MAIN BUILDING PROPOSED ELEVATIONS

SCALE: AS SHOWN	JOB No.: 1936
DATE PLOTTED: DECEMBER 13, 2019	A3.0
DRAWN BY: NP/JA	

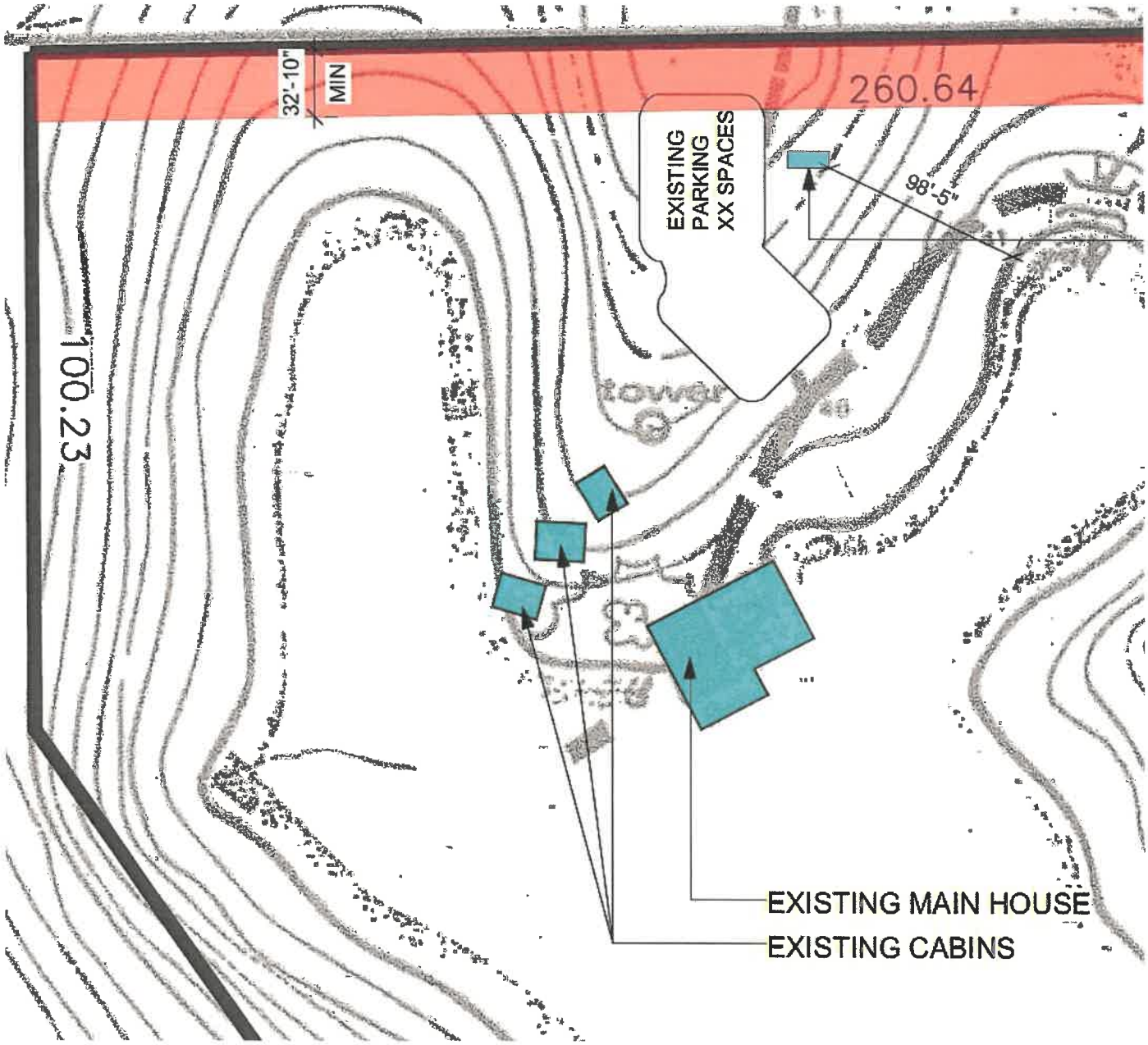
W̱MÍYEŦEN Nature Sanctuary Cabins

Restore three existing 12' x 20' lakeside water damaged cabins.

Maintaining existing footprint and exterior envelop.

info@marylakegvgs.com

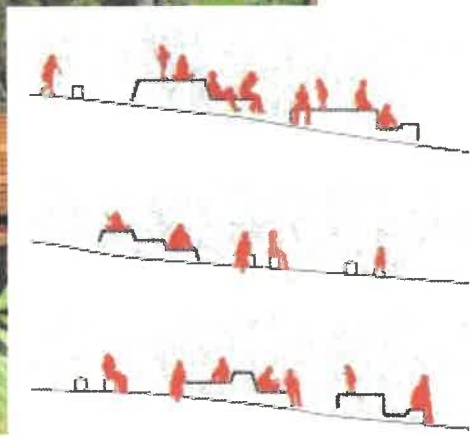
Site Plan showing location of existing cabins



info@marylakegvgs.com

WMÍYEŦEN
Nature Sanctuary Society

Outdoor seating design (UBC) for Amphitheatre/ Stage Area



https://sala.ubc.ca/work/design-build-amphitheatre

WMÍYEŦEN
Nature Sanctuary Society

Stage Covering Options

A

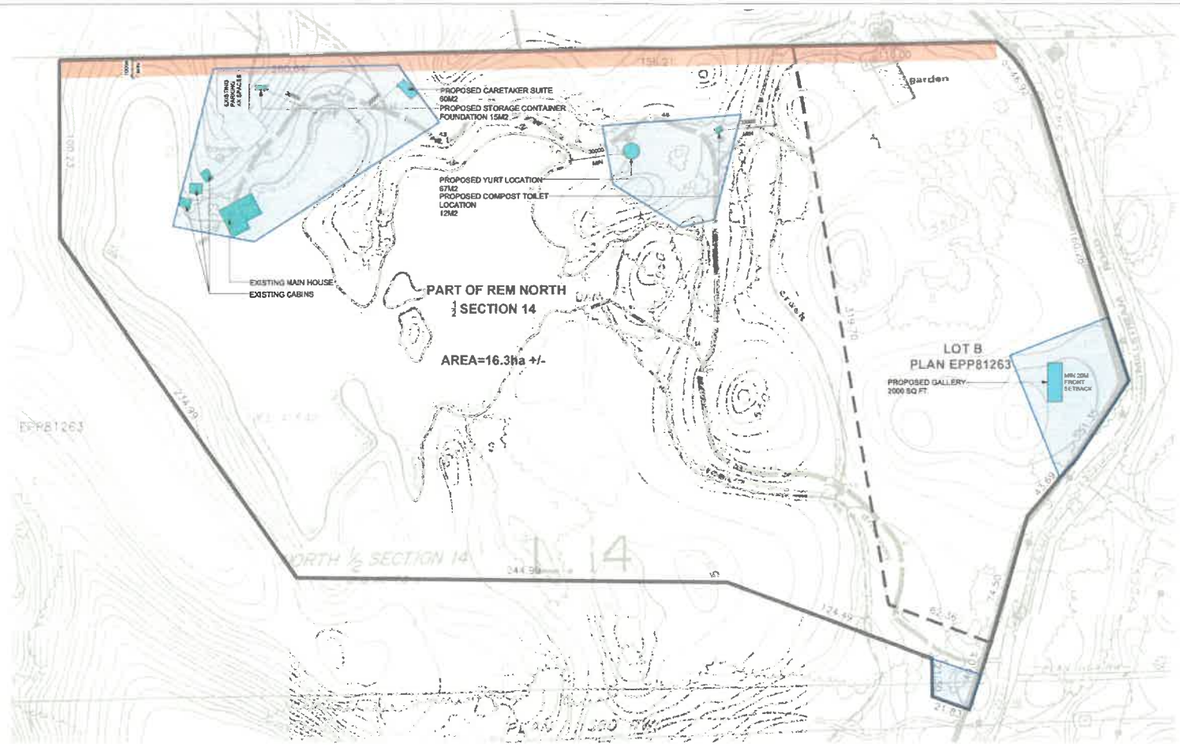
Stage size approx. 22' x 14 '

B

WMÍYEŦEN
Nature Sanctuary

Shipping Container for Storage Inspirations

20′ Container
Length: 20′
Width: 8”
Height Options: 8′6” or 9′6”



1 SURVEY
Scale: 1:1000

OCCUPANCY LOAD:
(BCBC 2018 TABLE 3.1.17.1)

CONFERENCE ROOMS: NONFIXED SEATS AND TABLES, 98 SQ. M.= .95 SQ. M./PERSON = 103 PEOPLE

OCCUPANT LOAD = 103 PERSONS

STUDIO: OFFICE, 52 SQ. M.= 9.3 SQ. M./PERSON = 5 PEOPLE

OCCUPANT LOAD = 5 PERSONS

W/C OCCUPANCY: TOTAL OCCUPANCY = 108 PERSONS

OCCUPANT CAPACITY BASED ON BCBC 3.7.2.2.- B = 26-50 OF EACH SEX
REQUIRED W/C = 1 MALE + 3 FEMALE
EXISTING W/C = 1 HC + 4 UNISEX

TOTAL LOAD = 108 PERSONS

CABINS 1,2,3 : 6 BEDROOMS X 2 PERSONS PER ROOM = 12 PERSONS
UPPER SLEEPING ROOMS: 3 BEDROOMS X 2 PERSONS PER ROOM = 6 PERSONS
(ROOMS WILL BE USED BY INDIVIDUALS USING MAIN BUILDING)

OCCUPANCY LOAD:
(BCBC 2018 TABLE 3.1.17.1)

UPPER OFFICE: OFFICE, 99 SQ. M.= 9.3 SQ. M./PERSON = 10 PEOPLE

OCCUPANT LOAD = 10 PERSONS

W/C OCCUPANCY: TOTAL OCCUPANCY = 10PERSONS

OCCUPANT CAPACITY BASED ON BCBC 3.7.2.2.- B = 1-25 OF EACH SEX
REQUIRED W/C = 1 MALE + 1 FEMALE
EXISTING W/C = 1 HC + 7 UNISEX

TOTAL LOAD = 10 PERSONS

HUMAN ACTIVITIES AREAS

LEGEND

A1.0 - SITE PLAN & DATA
A2.0 - MAIN FLOOR
A2.1 - UPPER FLOOR
A3.0 - MAIN BUILDING ELEVATIONS
A4.0 - OPTION 1 CABIN PLANS
A4.1 - OPTION 2 CABIN PLANS
A4.2 - O1/O2 ELEVATIONS
A4.3 - OPTION 3 CABIN PLANS
A4.4 - OPTION 3 ELEVATIONS

N

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MARY LAKE NATURE SANCTUARRY
Rezoning
1772 MILLSTREAM ROAD

Seal

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ISSUE DATA

No.	DESCRIPTION	DATE	BY
1	Issued for Client Review	19-12-[illegible]	JA

SITE PLAN
DATA TABLE

A1.0

PLOT DATE September 21, 2021	DRAWN NP/JA
SCALE AS NOTED	JOB No. 1936

Section 219 Conservation Covenant, and Section 218 Statutory Right of Way

This Agreement dated for reference November 11, 2022, is

BETWEEN:

GREATER VICTORIA GREENBELT SOCIETY, INC.NO. S0014941
499 MILLSTREAM LAKE RD
VICTORIA BC
V9B 6H5

(the "Owner")

AND:

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA as represented by the Ministry of Environment and Climate Change Strategy
Victoria, British Columbia, V8V 1X4

(the "Province")

Land Title Act
Charge
General Instrument – Part 1

VICTORIA LAND TITLE OFFICE
NOV 16 2022 11:28:29.001
CB338844-CB338846

1. Application

Document Fees: $0.00

LISA MCBAIN LEGAL SERVICES BRANCH ON BEHALF OF MINISTRY OF ENVIRONMENT
PO BOX 9289 STN PROV GOVT
VICTORIA BC
250-387-0412

Aiza Gomez, Paralegal, phone # 236-4781805

2. Description of Land

PID/Plan Number	Legal Description
003-346-668	**THAT PART OF THE NORTH 1/2 OF SECTION 14, HIGHLAND DISTRICT, LYING TO THE WEST OF MILLSTREAM ROAD, EXCEPT PLANS 44528 AND EPP81263**
030-506-000	**LOT B SECTION 14 HIGHLAND DISTRICT PLAN EPP81263**

3. Nature of Interest

Type	Number	Additional Information
COVENANT		**Part 2 - Terms except articles 9 and 11**
STATUTORY RIGHT OF WAY		**Part 2 - Terms, Article 9**
RENT CHARGE		**Part 2 - Terms, Article 11**

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

GREATER VICTORIA GREENBELT SOCIETY, NO.S0014941

6. Transferee(s)

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
PARLIAMENT BUILDINGS
VICTORIA BC V8V 1X4

AS REPRESENTED BY THE MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY

7. Additional or Modified Terms

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Land Title Act
Charge
General Instrument – Part 1

8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature	Execution Date	Transferor / Transferee / Party Signature(s)
ROBERT J. MILLAR **LAWYER** 4th Floor - 1007 Fort Street VICTORIA BC V8V 3K5 TEL: (250) 385-57-87	YYYY-MM-DD **2022-11-07**	**GREATER VICTORIA GREENBELT SOCIETY** By their Authorized Signatory **ROBERT GORDON MCMINN**

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature	Execution Date	Transferor / Transferee / Party Signature(s)
	YYYY-MM-DD **2022-11-15**	**HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA** as represented by the Ministry of Environment and Climate Change and Strategy, TRANSFEREE By their Authorized Signatory **JIM STANDEN - ADM BC PARKS, RECREATION SITES AND TRAILS**

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Lisa Dorothy McBain FU3QEA

Digitally signed by Lisa Dorothy McBain FU3QEA
Date: 2022-11-16 10:56:23 -08:00

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TERMS OF INSTRUMENT – PART 2

Section 219 Conservation Covenant, and
Section 218 Statutory Right of Way

IS BETWEEN:

GREATER VICTORIA GREENBELT SOCIETY, INC.NO. S0014941
1772 MILLSTREAM RD
VICTORIA BC
V9B 6E4

(the "Owner")

AND:

HiS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA as represented by the Ministry of Environment and Climate Change Strategy
Victoria, British Columbia, V8V 1X4

(the "Province")

WHEREAS:

A. The Owner is the registered owner in fee simple of the Lands.

B. The Lands contain significant natural area values and amenities including flora, fauna and natural features of great importance to the Owner, the Province and the public.

C. The Owner and the Province entered into a grant agreement by way of letter signed by both parties on March 29, 2019, in which the Owner agreed with the Province to register a restrictive covenant over the Lands such that the Land is held for conservation purposes.

D. The Owner wishes and has agreed to grant to the Province a covenant pursuant to section 219 of the *Land Title Act*, to restrict the use of the Lands as described in this Agreement, and a statutory right of way pursuant to section 218 of the *Land Title Act*.

E. A statutory right of way pursuant to section 218 of the *Land Title Act* is necessary for the operation and maintenance of the undertakings of the Province.

In consideration of the payment of $1.00 now paid by the Province to the Owner, the receipt and sufficiency of which is acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with sections 218 and 219 of the *Land Title Act*:

1. DEFINITIONS

1.1 In this Agreement, in addition to the words defined above:

(a) "Amenities" means those natural, scientific, environmental and cultural values relating to the Lands as described in the Report;

(b) "Business Day" means a day on which the Land Title Office in Victoria BC is open;

(c) "Designated Human Activity Areas" means the areas shown on the map and plans in Schedule A and described in the Report;

(d) "Improvements" means any buildings, pathways, landscaping, facilities, structures, signage, drainage, utilities, access roads and parking areas;

(e) "Lands" means the parcels of land legally described as follows:

PID: 003-346-668 - That Part of the North ½ of Section 14, Highlands District, Lying to the West of Millstream Road, Except Plans 44528 And EPP81263, and

PID: 030-506-000 - Lot B, Section 14, Highland District, Plan EPP81263;

(f) "Natural State" means the state of the Land and Amenities as described in the Report;

(g) "Notice of Breach" means a notice of breach given under section 10.1;

(h) "Notice of Enforcement" means a notice of enforcement given under section 11.6;

(i) "Rent Charge Amount" means the amount set out in section 11.3, the payment of which is secured by the Rent Charge;

(j) "Rent Charge" means a rent charge granted by the Owner under section 11.1; and

(k) "Report" means the baseline report that describes the Lands and Amenities in the form of text, maps, tables, and other records and is attached as Schedule B.

2. REPRESENTATIONS AND WARRANTIES

2.1 The Owner represents and warrants to the Province that the facts set out in recitals A and D are true as of the date of this Agreement.

2.2 Each party represents and warrants to each other party that the facts set out in recitals B, C and E are true as of the date of this Agreement.

3. INTENT OF AGREEMENT

3.1 The parties agree that the intent of this Agreement is:

(a) to protect, conserve, maintain, enhance and, if applicable from time to time, restore the Natural State of the Lands and the Amenities,

(b) to facilitate the exercise of traditional Indigenous land uses, culture and education, and

(c) to prevent any occupation or use of the Lands that will impair or interfere with the Natural State of the Lands or the Amenities.

3.2 The parties each acknowledge that Natural State includes evolution through natural succession over time of the flora and fauna on the Lands and, unless otherwise expressly stated, this Agreement is intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.

4. RESTRICTIONS ON THE USE OF THE LANDS

4.1 The Owner must keep and maintain the Lands outside of the Designated Human Activity Area in their Natural State.

4.2 The Owner must not, except with the prior written approval of the Province, in its sole discretion:

(a) use or permit the use of the Lands for an activity or use which:

i. causes or allows silts, leachates, fills or other deleterious substances to be released into any watercourse on the Lands;

ii. causes the erosion of the Lands to occur;

iii. causes or facilitates the loss of soil on the Lands;

iv. alters or interferes with the hydrology of the Lands, including by the diversion of natural drainage or flow of water in, on or through the Lands other than maintenance, operation, repair or replacement of the existing dams and alteration to improve passage of fish through the Lands;

v. causes or allows fill, rubbish, ashes, garbage, waste or other material foreign to the Lands to be deposited in, on or under the Lands;

vi. causes or allows pesticides, including but not limited to herbicides, insecticides or fungicides, to be applied to or introduced onto the Lands; or

vii. causes or allows any component of the Lands, including soil, gravel or rock, to be explored for, removed from or deposited in or on the Lands;

(b) lay out or construct any new roads on the Lands;

(c) lease or license the Lands or any part thereof unless the lease or license is expressly made subject to the provisions of this Agreement and expressly entitles the Owner to terminate the lease or license if the tenant or licensee breaches any of the provisions of this Agreement;

(d) subdivide the Lands or any part of them in any manner; or

(e) carry out any commercial forest harvesting.

4.3 The parties acknowledge that the restrictions on the use of the Land under this Agreement are subject to the obligations arising under any covenant registered on the Land in priority to this Agreement.

5. BASELINE DOCUMENTATION REPORT

5.1 The parties agree that the Lands, the location of current land uses and the current Amenities are described in the Report.

5.2 The parties agree that the Report is intended to serve as an objective information baseline and the parties each agree that the Report provides an accurate description of the Lands and the Amenities as of the date of this Agreement.

5.3 References to the Report in this Agreement are intended to take into account the natural succession of flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.

6. DISPUTE RESOLUTION

6.1 If an alleged breach of this Agreement occurs, or if there is disagreement as to the meaning of this Agreement, the Province or the Owner may give notice to the other party requiring a meeting of the parties within 15 Business Days of receipt of the notice.

6.2 Upon receipt of a notice under section 6.1, all parties must immediately cease any activity giving rise to an alleged breach of this Agreement, and any activity giving rise to a disagreement as to the meaning of this Agreement.

6.3 The parties must attempt to resolve the matter, acting reasonably and in good faith, within 20 Business Days of receipt of the notice under section 6.1.

6.4 Where a matter in dispute is related to an Indigenous cultural use, the parties agree to consult the Indigenous community whose cultural use is at the source of the dispute, and consider adjusting the dispute resolution process to incorporate traditional knowledge and protocols, including providing additional time to do so.

6.5 If the parties are not able to resolve the matter within the time set out in section 6.3 (or 6.4 where applicable, the parties may, by agreement, appoint a mutually acceptable person to mediate the matter, and the parties must act reasonably and in good faith

and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 days after the mediator is appointed.

6.6 This Article does not affect the right of the Province to pursue any other legal or equitable remedy in relation to a breach or a threatened breach of this Agreement, including without limitation under Article 10, and the Province may pursue other remedies concurrently with any dispute resolution under this Article.

7. OWNER'S RESERVED RIGHTS

7.1 Subject to Article 4 the Owner reserves its rights as owner of the Lands, including the right to use, occupy and maintain the Lands in a way that is not expressly restricted or prohibited by this Agreement, so long as the use is consistent with the intent of this Agreement.

7.2 Without limiting the generality of section 7.1 the following rights to use the Lands are, subject to Article 4, expressly reserved to the Owner:

(a) to allow access to invitees, and restricted and monitored access to the public;

(b) to allow general public access on specific days as designated from time to time by the Owner;

(c) to remove and control non-native species of flora and fauna;

(d) to use native flora as required for Indigenous-led cultural and educational programs;

(e) to use the property for cultural and nature focused events, including workshops and Indigenous spiritual and ceremonial activities;

(f) to conduct ecological and nature-focused educational tours;

(g) to carry out environmental research;

(h) to maintain, restore or replace Improvements that are identified in the Report so long as the location remains the same and the size is the same or smaller;

(i) to install, construct, maintain or replace the Improvements within the Designated Human Activity Area; and

(j) to install a reasonable number of signs for safety as well as interpretive and educational purposes.

7.3 Nothing in this Agreement restricts or affects the right of the Owner to do anything reasonably necessary to:

(a) prevent potential injury or death to any individual; or

(b) prevent, abate or mitigate any damage or loss to any real or personal property.

8. OWNER'S OBLIGATIONS

8.1 The Owner retains all responsibilities and bears all costs and liabilities related to the ownership, use, occupation and maintenance of the Lands.

8.2 The Owner must indemnify the Province, its directors, officers, employees, agents and contractors, from and against any and all liabilities, damages, losses, personal injury or death, causes of action, actions, claims, and demands made, suffered or incurred by or on behalf of any person, arising out of any act or omission, negligent or otherwise, in the use, occupation and maintenance of the Lands or its Amenities by the Owner or its officers, employees, contractors, invitees, licensees or agents.

8.3 The Owner is liable for any and all breaches of this Agreement, but the Owner is not liable for:

(a) breaches of this Agreement which occurred prior to the Owner becoming the registered owner of any interest in the Lands, provided the previous owner has received a certificate issued by the Province under section 13.2 immediately before or at the time of the transfer of the Lands to the Owner, or the Owner received a certificate issued by the Province under section 13.2 immediately after or at the time of the transfer of the Lands to the Owner, certifying that there were no violations of this Agreement as of the date of issuance of the certificate;

(b) injury or alteration to the Lands or the Amenities resulting from natural causes, or causes beyond the Owner's reasonable control, other than as referenced in subsection (c), including accidental fire, flood, storm and earth movement, but excluding injury or alteration resulting from actions of the Owner or any other person with the actual or constructive knowledge of the Owner;

(c) injury or alteration to the Lands or the Amenities resulting from the actions of any person without the actual or constructive consent or knowledge of the Owner, including from trespass, vandalism, nuisance or negligence;

(d) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Lands (including improvements) or the Amenities, resulting from natural causes, including accidental fire, flood, storm and earth movement; or

(e) injury or alteration to the Lands caused by the Province exercising its rights under this Agreement.

8.4 Without limiting the generality of sections 8.1, 8.2 and 8.3, the Owner:

(a) is solely responsible and liable for any loss or damage, or liability of any kind (whether civil, criminal or regulatory), in any way connected with

the existence in, on, from, to or under the Lands (whether through spill, emission, migration, deposit, storage or otherwise) of any pollutant, contaminant, waste, hazardous waste, or any matter that harms the environment; and

(b) must indemnify the Province from and against any loss, fine, penalty, damage, liability, cause of action, action, proceeding, regulatory action, order, directive, notice or requirement, including those of any government agency, incurred, suffered or brought against the Province, or either of them, in any way associated with anything described in subsection (a).

8.5 The Owner must pay when due all taxes, assessments, levies, fees and charges of whatever description which may be levied on or assessed against the Lands and must pay any arrears, penalties and interest in respect of any such unpaid amounts.

8.6 The Owner must indemnify the Province from and against any fee, tax or other charge which may be assessed or levied against the Owner or the Province pursuant to any enactment, including the *Income Tax Act* (Canada), with respect to the Lands or this Agreement, including any fee, tax or other charge which may be assessed or levied against the Owner or Province as a result of the amendment or termination of this Agreement.

8.7 The indemnities granted by the Owner to the Province under this Article are indemnities granted as an integral part of the section 219 *Land Title Act* covenant created by this Agreement.

8.8 Any debts or other amounts due from the Owner to the Province under this Agreement, if not paid within 30 days after notice, will bear interest at the annual interest rate that is one per cent greater than the prime rate of interest. For the purposes of this section, the "prime rate of interest" is the annual rate of interest charged from time to time by the Bank of Montreal, at its main branch in Vancouver, BC, for demand Canadian dollar commercial loans and designated from time to time by the Bank of Montreal as its prime rate.

9. STATUTORY RIGHT OF WAY

9.1 The Owner grants to the Province a licence, and a statutory right of way pursuant to section 218 of the *Land Title Act*, permitting the Province to do the following:

(a) enter upon the Lands to access and inspect for the purposes of monitoring compliance with this Agreement at all reasonable times upon prior written notice by the Province to the Owner of at least 24 hours, unless, in the opinion of the Province, there is an emergency or other circumstance which makes giving such notice impractical;

(b) as part of inspection of the Lands under subsection (a), take soil, water or other samples, photographs, and video and sound recordings as

may be necessary to monitor compliance with and enforce the terms of this Agreement;

(c) in accordance with Article 10, if an action of the Owner or any other person acting with the actual or constructive knowledge of the Owner contravenes any term of this Agreement, enter upon and protect, conserve, maintain, enhance, rehabilitate or restore, in the Province's sole discretion and at the Owner's expense, the Lands or the Amenities as in the Province's sole discretion is practicable or desirable;

(d) carry out or evaluate any program agreed upon by the parties for the protection, conservation, maintenance, restoration or enhancement of all or any portion of the Lands or the Amenities; and

(e) place survey pegs or other markings on the Lands to clearly identify the Lands or access to the Lands, or to increase the visibility of existing survey pegs or other markings.

9.2 The Province may bring workers, contractors and employees, and vehicles, equipment and other personal property, onto the Lands when exercising their rights under this Article.

10. ENFORCEMENT REMEDIES OF THE PROVINCE

10.1 If the Province, in its sole discretion, believes that the Owner has failed to perform any of its obligations under this Agreement, or is otherwise in breach of any term of this Agreement, the Province may give a Notice of Breach to the Owner setting out the particulars of the breach, including the Province's estimated maximum costs of remedying the breach.

10.2 On receipt of a Notice of Breach, the Owner must

(a) immediately cease all activities giving rise to the breach; and

(b) within 60 days remedy the breach or make arrangements satisfactory to the Province to remedy the breach, including with respect to the time within which the breach must be remedied.

10.3 For clarity, the requirement in subsection 10.2(b) to remedy a breach requires the Owner to undertake such rehabilitation or restoration necessary to remedy any damage done to the Lands contrary to this Agreement, at the Owner's sole expense.

10.4 If the Owner does not comply with the requirements of section 10.2 within the time required or agreed upon, the Province may:

(a) enter upon the Lands and take any required actions to cease any activities giving rise to the breach, and to remedy the breach or carry out the arrangements referred to in section 10.2. The Owner must reimburse the Province for any reasonable expenses incurred in taking any action under this section, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach; and

(b) enforce the Rent Charge under Article 11.

10.5 Expenses incurred by the Province under this Article, until paid, are a debt owed by the Owner to the Province and the Owner agrees to indemnify the Province for such expenses, which indemnity forms an integral part of the covenant under section 219 of the *Land Title Act* created by this Agreement.

10.6 The Owner and the Province agree that the enforcement of this Agreement is entirely within the sole discretion of the Province and that the execution and registration of this Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the Province to the Owner or to any other person to enforce any provision or the breach of any provision of this Agreement.

11. RENT CHARGE

11.1 As security for the performance of the Owner's obligations under this Agreement, the Owner grants to the Province a perpetual rent charge against the Lands, ranking prior to all other financial charges and encumbrances registered against the Lands, including options to purchase and rights of first refusal. The Rent Charge is granted both under section 219 of the *Land Title Act* as an integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law.

11.2 The Rent Charge is suspended unless and until the Owner is in breach of any provision of this Agreement and has not cured the breach, cannot cure the breach or is not diligently proceeding to cure the breach.

11.3 The Rent Charge secures payment to the Province by the Owners of a Rent Charge Amount in the sum of $20,000 per year, for each violation occurring within that year.

11.4 If, in the sole discretion of the Province, the damage resulting from a breach of this Agreement cannot be repaired or remediated, the Rent Charge Amount shall be doubled.

11.5 The Province may enforce the Rent Charge by any of the following:

(a) an action against the Owner for the Rent Charge Amount;

(b) distraint against the Lands to the extent of the Rent Charge Amount;

(c) an action for appointment of a receiver in respect of the Lands; or

(d) an order for sale of the Lands.

11.6 If the Province wishes to enforce the Rent Charge, it shall provide Notice to that effect to the Owner.

11.7 Within ten Business Days of receipt of a Notice given under section 11.6, the Owner must pay the full Rent Charge Amount to the Province.

11.8 The Province shall be entitled to recover from the Owner all reasonable expenses incurred as a result of enforcement of the Rent Charge.

12. ASSIGNMENT OF AGREEMENT

12.1 This Agreement is assignable by the Province, but the Province may only assign its rights and obligations under this Agreement to a person or entity authorized to hold statutory rights of way under section 218 of the *Land Title Act* and covenants under section 219 of the *Land Title Act*.

13. NOTICE OF CHANGE IN OWNERSHIP BY OWNER

13.1 The Owner must notify the Province of any change of ownership prior to the registration of any such change in the applicable provincial land title office.

13.2 The Owner may request that the Province visit the Lands and issue a certificate indicating whether or not there are any violations of this Agreement as of the date of the certificate.

13.3 Failure by the Owner to comply with section 13.1 does not affect the enforceability of this Agreement against the Owner or its successors in title to the Lands.

14. NOTICE

14.1 A Notice required or permitted under this Agreement must be in writing and must be:

(a) delivered in person;

(b) sent by e-mail; or

(c) sent by pre-paid registered mail,

to the parties at their respective addresses set out in section 14.3.

14.2 Unless otherwise provided, a notice

(a) delivered in person is deemed received on delivery;

(b) sent by e-mail is deemed received upon acknowledgement of receipt by the recipient; and

(c) sent by pre-paid registered mail is deemed received on the fourth Business Day following the day on which the notice was sent.

14.3 The addresses of the parties for notices under this Article are as follows:

(a) The Owner:
GREATER VICTORIA GREENBELT SOCIETY, INC.NO. S0014941
1772 Millstream Rd
Victoria BC V9B 6E4
Email: info@marylakegvgs.com

(b) Province:
HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA as represented by the Ministry of Environment and Climate Change Strategy, 525 Superior Street, 4th Floor, Victoria, British Columbia, V8V 1X4
Email: BCParksPSBAdmin@gov.bc.ca

14.4 Each party agrees to give written notice immediately to the other parties of any change in its address from that set out in section 14.3, and to keep the other parties apprised of any changes to the party's e-mail address.

15. WAIVER

15.1 The failure for any reason of the Province to require performance by the Owner at any time of any obligation under this Agreement does not affect the Province's right to subsequently enforce that obligation.

16. JOINT AND SEVERAL OBLIGATIONS

16.1 Where at any time there is more than one Owner in this Agreement, the obligations of those Owners are joint and several.

17. REMEDIES NOT EXHAUSTIVE

17.1 Exercise or enforcement by a party of any remedy or right under or in respect of this Agreement does not limit or affect any other remedy or right that party may have against the other parties in respect of or under this Agreement or its performance or breach.

18. COVENANT RUNS WITH THE LANDS

18.1 Unless specified otherwise, every obligation and covenant of the Owner in this Agreement constitutes both a personal covenant and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands, and the provisions of Article 9 constitute a statutory right of way granted under section 218 of the *Land Title Act*, all of which run with the Lands and bind the successors in title to the Lands and each and every part into which the Lands may be subdivided by any means and any parcel with which the Lands or any part of it is consolidated.

19. REGISTRATION

19.1 The Province and Owner agree to ensure that this Agreement, and the interests it creates, are registered against title to the Lands, with priority over all financial charges, liens and encumbrances, including options to purchase, rights to purchase and rights of first refusal, registered or pending registration in the applicable provincial land title office at the time of application for registration of this Agreement.

19.2 This Agreement may only be changed by a written instrument signed by each of the parties and registered at the provincial land title office.

20. SEVERANCE

20.1 If any part of this Agreement is held by a court to be invalid, illegal or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and

the rest of this Agreement is to remain in force unaffected by that holding or by the severance of that part as if the part was never part of this Agreement.

21. NO OTHER AGREEMENTS

21.1 This Agreement is the entire agreement between the parties, and it terminates and supersedes all other agreements and arrangements regarding its subject.

22. INTERPRETATION

22.1 Where this Agreement provides that something is in the "sole discretion" of a party, that thing is within the sole, absolute and unfettered discretion of that party.

22.2 This Agreement must be interpreted in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia, including Indigenous laws, and the parties agree that the courts of British Columbia have exclusive jurisdiction over any proceeding concerning this Agreement.

22.3 This Agreement does not supersede or limit any Indigenous rights or title in relation to the Lands.

22.4 In this Agreement:

(a) reference to the singular includes a reference to the plural, and vice versa, unless the context otherwise requires;

(b) where a word or expression is defined in this Agreement, other grammatical forms of the same word or expression have corresponding meanings;

(c) reference to a particular numbered Article or section, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered Article, section or Schedule of this Agreement, except where otherwise provided;

(d) Article headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;

(e) the word "enactment" has the meaning given to it in the *Interpretation Act* on the reference date of this Agreement;

(f) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;

(g) reference to an enactment is to an enactment of the province of British Columbia except where otherwise provided;

(h) reference to a "party" or the "parties" is a reference to a party or the parties to this Agreement and their respective successors, assigns, trustees, administrators and receivers; and

(i) reference to a "day", "month" or "year" is a reference to a calendar day, calendar month or calendar year, as the case may be, unless otherwise expressly used.

As evidence of their agreement to be bound by the above terms, the parties each have executed this Agreement under seal by signing Part 1 of the *Land Title Act* Form C to which this Agreement is attached.

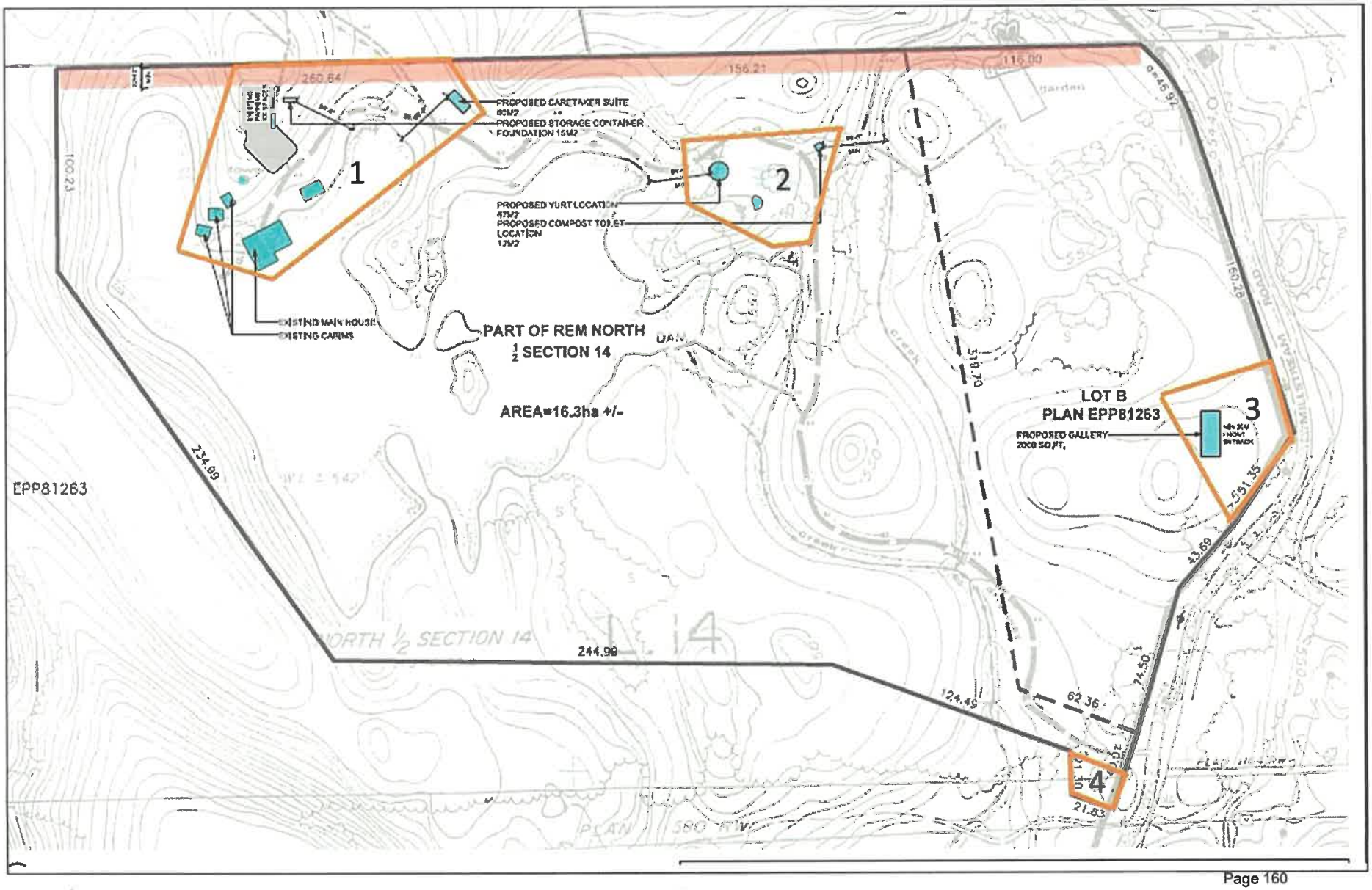
The schedules referred to throughout this document are attached after this page.

SCHEDULE A

W̱MÍYEŦEN Nature Sanctuary with Designated Human Activities Sections

Details of polygons with Coordinates given as Lat/Long (following page)

The areas are in meters squared (10,000m.sq = 1 Ha)



GVGS_2021 -05- MLNS_ DHAS

Area 1 NW corner

Size: 9662 m2 **Perimeter**:407m

NW corner **Lat:** 48.50063° N **Lon:** 123.51924° W

NE corner **Lat:** 48.50065° N **Lon:** 123.51783° W

E corner **Lat:** 48.50036° N **Lon:** 123.51752° W

South corner **Lat:** 48.49976° N **Lon:** 123.51894° W

SW corner **Lat:** 48.49984° **Lon:** 123.51958° W

Area 2 middle north

Size: 3378 m2 **Perimeter** 236m

NW corner **Lat:** 48.50032° N **Lon:** 123.51616° W

NE corner **Lat:** 48.50038° N **Lon:** 123.51508° W

SE corner **Lat:** 48.49986° N **Lon:** 123.51529° W

South corner **Lat:** 48.49983° N **Lon:** 123.51553° W

SW corner **Lat:** 48.50003° N **Lon:** 123.51609° W

Area 3 east edge

Size: 2982 m2 **Perimeter** 232m

W corner **Lat:** 48.49909° N **Lon:** 123.51294° W

N corner **Lat:** 48.49929° N **Lon:** 123.51219° W

East corner **Lat:** 48.49898° N **Lon:** 123.51207° W

South corner **Lat:** 48.49848° N **Lon:** 123.51257° W

Area 4 southeast corner

Size: 516m2 **Perimeter** 93m

NW corner **Lat:** 48.49758° N **Lon:** 123.51357° W

NE corner **Lat:** 48.49749° N **Lon:** 123.51320° W

SE corner **Lat:** 48.49731° N **Lon:** 123.51329° W

SW corner **Lat:** 48.49738° N **Lon:** 123.51356° W

Mary Lake Nature (W̱MÍYEŦEN) Sanctuary Baseline Report

Prepared by Keefer Ecological Services Ltd.

2021-03-15

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1. Summary

1.1. Objectives

Keefer Ecological Services Ltd. (KES) was contracted to undertake an ecological inventory of the Mary Lake Nature (W̱MÍYEŦEN) Sanctuary, to describe the current condition of the property's ecosystems and natural values, which may be relied upon as necessary for future enforcement of a conservation covenant.

1.2. Contributors

Table 1. Project contributors. The contributors wish to thank Koi Neah, Ben van Drimmelen, Robert McMinn and Tim Boesenkool for providing background information, access, and orientation to the property.

Name	Title	Organization
Tom Braumandl, BScF, RPF	Senior Ecologist	Keefer Ecological Services Ltd.
Mike Keefer, MSc, PAg	Lead Visionary	Keefer Ecological Services Ltd.
Andrew Simon, MSc	Biodiversity Specialist & GIS Analyst	Keefer Ecological Services Ltd.
Jason Straka, MSc, RPBio	Program Ecologist	BC Ministry of Environment Conservation Data Centre
Elliott Mann, MA, BATech	GIS Specialist	Keefer Ecological Services Ltd.

2. Parcel Location and Identification

Located in the Highlands District of the Saanich Peninsula, Vancouver Island, BC, the Mary Lake Nature (W̱MÍYEŦEN) Sanctuary (hereafter MLNS) includes two parcels of land at approximately 48.4994, -123.5170, west of Millstream Road. These parcels include one 12.94 ha lot (003-346-668) and another 4.04 ha lot (030-506-000) (Figure 1).

3. Indigenous Land Acknowledgment

The MLNS lies within the traditional territories of the WSÀNEC (Saanich)—SENĆOŦEN-speaking peoples who continue to value the land as grounds for hunting and medicine collection, and as a place of physical and spiritual cleansing. The cultural significance of the land has been attested by Tom Sampson, a respected Elder of Tsartlip First Nation (Jones et al., 2019), as well as by community members and Elders among other nations of SENĆOŦEN-speaking peoples, including the Pauquachin, Tsawout, Tseycum, Esquimalt, and Whyomilth (Songhees) (Greater Victoria Greenbelt Society, 2021). Engagement with First Nations was beyond the scope of this report. Its contents therefore should not be interpreted

as representing or limiting Indigenous rights or knowledge related to the MLNS. The Mary Lake Nature (W̱MÍYEŦEN) Sanctuary is called W̱MÍYEŦEN Sanctuary in the SENĆOŦEN language. Where possible, the SENĆOŦEN names are provided for plants and animals with translations from Camosun College (2021) and the SENĆOŦEN Classified Word List (2015).

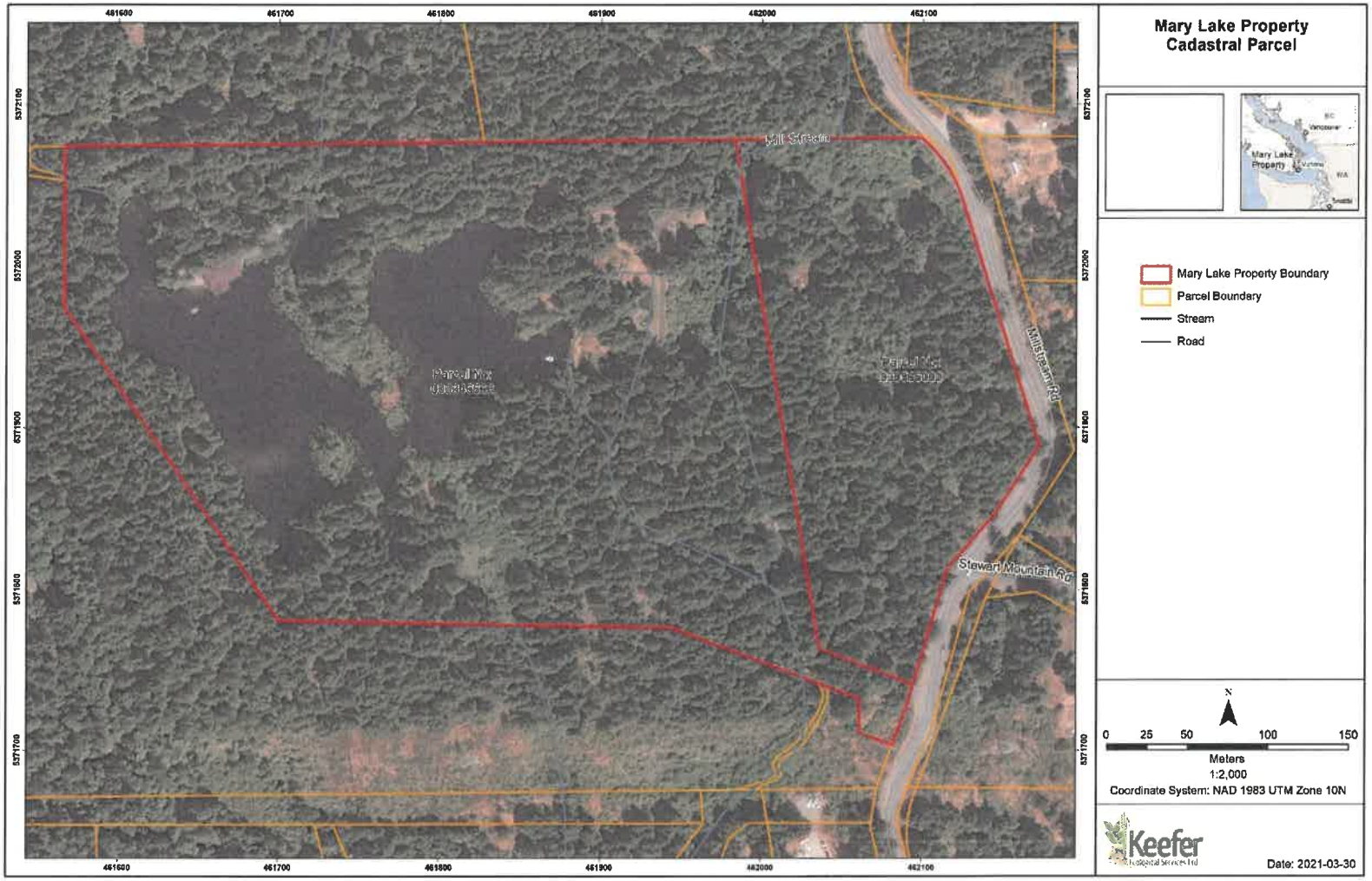

Figure 1. Parcels under covenant at Mary Lake Nature (W̱MÍYEŦEN) Sanctuary, and adjacent property boundaries

4. General Description

The 17 ha MLNS is situated at approximately 160 m above sea level within the 13,000-year-old Millstream Watershed, which begins near Jocelyn Hill in the Gowlland Range and flows 18 km to the ocean at the Esquimalt Harbour, draining an area of 26 km^2 (Greater Victoria Greenbelt Society, 2021). The underlying geology is composed of metamorphic Wark Gneiss (Muller, 1983). The radiometric ages on this unit mark metamorphism as occurring somewhere between 160–200 million years ago (Canil et al., 2013).

The central feature of the property is Mary Lake, a naturalized lake that is the namesake of the property, which is surrounded by a diversity of wetland and riparian communities associated with several creeks, including the potentially salmon-bearing Millstream Creek. The vast remainder of the land is forested, with coniferous and mixed stands at various stages of ecological succession. This complex landscape includes a broad diversity of ecosystem types, spanning a hydrological gradient from non-forested rock outcrops and dry woodlands to moist riparian forests and freshwater communities, providing habitat for a great diversity of species.

The MLNS lies within the Coastal Douglas-fir moist maritime (CDFmm) Biogeoclimatic Zone, an ecoregion with a semi-Mediterranean climate that supports the highest density of species at risk in the province of British Columbia (BC CDC, 2021a). In this densely populated region, habitat loss and fragmentation continue to pose the greatest threats to ecological communities. Cumulative anthropogenic impacts associated with these threats include: human-induced changes to predator-prey dynamics, which have resulted in increasing browsing pressures by deer and, in turn, diminished native plant abundances, as well as other higher level trophic impacts (*e.g.*, Martin et al., 2011); long-term declines in wildlife populations resulting from fragmentation of surrounding matrix habitat (Shackelford et al., 2018); the dispersal of exotic plant and animal species (Marx et al., 2016; Shackelford et al., 2018); and numerous stressors associated with climate change (Austin et al., 2008; Klassen et al., 2015; Salathé et al., 2008; Spies et al., 2010).

The most significant anthropogenic impacts on the MLNS landscape include small-scale agricultural practices dating to 1887 and logging dating to the period of ca 1935–1947 (Greater Victoria Greenbelt Society, 2021). The earthen dam which initially gave rise to Mary Lake also dates to this period. Mary Lake and its associated watercourses have since been further modified and expanded with the construction of a concrete dam and fish ladder in 1964 (Greater Victoria Greenbelt Society, 2021). Continuing anthropogenic impacts at MLNS include the "Highlands Nature House," several adjacent cabins and out-structures, roads, skidder trails and foot paths, as well as the modified lake, dams, ditches, and associated watercourses. Nevertheless, despite a history of occupancy by First Nations and European settlers, the land remains relatively intact ecologically, retaining many natural values.

5. Property Access

The MLNS can officially be accessed from a gated laneway off Millstream Road, near its intersection with Stewart Mountain Road, approximately 6 km north from exit 14 off HW-1.

6. Methods

6.1. Terrestrial Ecosystem Mapping

Terrestrial ecosystem mapping (TEM) stratifies a landscape into map polygons based on ecological variables such as climate, vegetation, physiography, surficial material, bedrock geology, and soil (Resource Inventory Committee, 1998). Based on the Biogeoclimatic Ecosystem Classification (BEC) system, which was first developed to classify and manage forested ecosystems of British Columbia, the TEM methodology is currently applied to map a range of forested and non-forested communities, supporting ecosystem-based land management of a diverse range of landscapes throughout BC.

Ecological inventory and mapping of the MLNS first entailed the interpretation of satellite imagery and existing geospatial data to divide the landscape into recognizably distinct areas, circumscribed as polygons in a geographic information system (GIS). Field work was then conducted by trained ecologists with expertise in terrestrial ecosystem mapping, and the ecology and biodiversity of the CDF Zone, to ground-truth and classify the communities identified through aerial interpretation. Preliminary terrestrial ecosystem mapping was then refined using spatial analysis tools in QGIS and ArcGIS, to improve the delineation of polygons and ascribe attributes to the ecological communities present at the MLNS.

The terrestrial ecosystem mapping of the MLNS was developed according to RISC standards (Resource Inventory Committee, 1998), meeting the requirements of survey intensity level 1—a level appropriate for an area of the scale of the property. Ecosystem attribution includes sites series, structural stage, and site modifiers. Polygons were classified with up to three ecosystem components or deciles, representing each community present as a fraction of total percent land cover. Components with less than 5% cover were not noted. Site series and map code descriptions used for the attribution of ecosystems are described in Section 8 of this report.

Field work was conducted from November 18th to 19th 2020, focusing on the classification of ecological communities represented at the MLNS, supplemented by information from a brief site visit and orientation on October 6th and 8th 2020. Due to the seasonality and limited budget of this survey effort, comprehensive species inventory was beyond the scope of this contract. The resulting TEM mapping for the MLNS provides a summary of the condition and extent of ecological communities present on the land, which may serve as the basis for covenant monitoring, and to inform sampling designs to guide future inventories.

6.2. Past Studies and Species Inventories

Prior to conducting inventory work at the MLNS, we conducted a literature review and prepared a summary of species reported for the property (Appendix A). We also queried element occurrences in CDC iMap (BC CDC, 2021b) and the Global Biodiversity Information Facility (GBIF, 2020) to aggregate species reports based on several sources of species occurrence data (Table 2), including biological specimens deposited in herbaria, and observations made on the citizen science platforms eBird and iNaturalist. This geospatial query was based on the property boundary of the MLNS, hence all species reports derived from GBIF are based on georeferenced records.

On review of the total list of historical records, some species reports, including a report of *Hypoymnia heterophylla* (Prato et al., 2020), were deemed spurious. In effort to validate the occurrence of this taxon, which is considered threatened in Canada (1-T SARA 2010; COSEWIC, 2008), we made targeted collections of *Hypoymnia* specimens at the MLNS, which were identified with reference to Goward et al. (1994) using microscopy and chemical spot tests. Based on the evidence summarized in Section 8.4 of this report, the MLNS record of *Hypogymnia heterophylla* should be ruled out.

Historical data based on museum voucher specimens, including the report of the blue-listed bryophyte *Fissidens ventricosus* (S2S3 2015; BC CDC, 2021a), should also be regarded with caution, as the georeferencing of historical voucher specimens is often inaccurate. When considering the species list compiled in Appendix A, land managers should scrutinize sources and make efforts to confirm any questionable reports.

Table 2. Data Sources

Note: records sourced from the Consortium of Pacific Northwest Herbaria (CPNWH) were redundant, referring to collections at the Royal British Columbia Museum, and are therefore not presented here.

Title	Author(s) / Observer(s)
BC Conservation Data Centre element occurrences	BC CDC (2021b)
Birds at the Mary Lake Nature (W̱MÍYEŦEN) Sanctuary	Greater Victoria Greenbelt Society (2020)
Cornell Lab of Ornithology (CLO) / eBird	Various (metadata anonymous) (GBIF 2020)
Identified Wildlife In Mary Lake Nature (W̱MÍYEŦEN) Sanctuary	Ben van Drimmelen (2020)
iNaturalist	Various (iNaturalist 2020)
Mary Lake Nature (W̱MÍYEŦEN) Sanctuary Lake Stewardship Project (2020)	B. Prato, H. Morrell, & L. Stewart (2020)
Mary Lake Stewardship Report	T. Jones, B. Le, A. May, & E. Ross (2019)
Mary Lake Vegetation Report	H. Roemer (2010)
National Collection of Vascular Plants (DAO)	J. H. Ginns (GBIF 2020)
Royal British Columbia Museum (BCPM, RBCM)	A. & O. Ceska; G. Copley (GBIF 2020)
Species at Risk in Mary Lake Nature (W̱MÍYEŦEN) Sanctuary	Greater Victoria Greenbelt Society (2019)
University of Alberta	S. Ewan & L. Pugsley (GBIF 2020)
University of Tennessee Herbarium (TENN)	F. M. Boas (GBIF 2020)

University of British Columbia Herbarium (UBC)	Various (GBIF 2020)
Utah State University Intermountain Herbarium (USU)	S. Flowers (GBIF 2020)

7. Significance of the Land and the Amenities

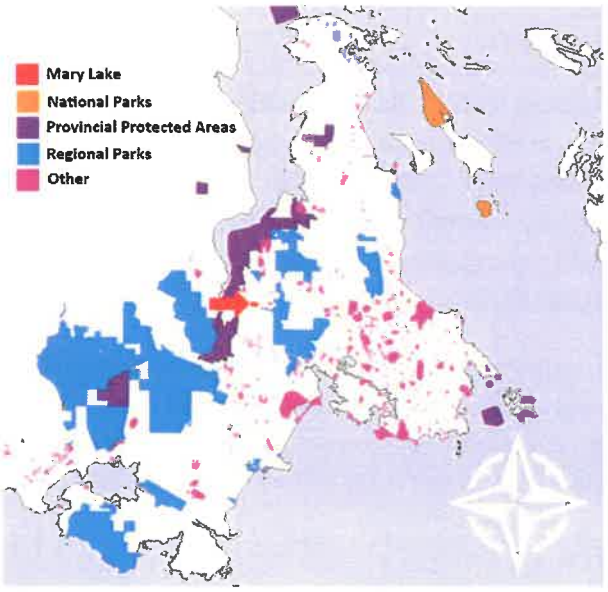

Figure 2. Protected areas surrounding Mary Lake

The MLNS protects a small (17 ha) yet ecologically significant parcel of land in the imperiled CDF Zone. While the property has historically been subjected to considerable disturbance, large tracts of its forested ecosystems have advanced to mature states of ecological succession. These mature forests are significant in the context of the CDF: a landscape that has been dramatically diminished and fragmented by logging, agriculture, and urbanization. Approximately 90% of the CDF Zone has been logged as of the 1990s, leaving only <1% of its forest ecosystems in a mature or old growth state (Austin et al., 2008). In contrast, approximately 8.6 ha (roughly half) of the MLNS comprise of mature forests. The biodiversity values of these forested ecosystems will continue to increase with age, as stand structure becomes more complex, giving rise to an increasing number of microhabitats for species.

Beyond these forested ecosystems, the MLNS protects a broad range of habitat and species diversity. This ecologically diverse landscape is important not only by virtue of its current ecological state, and species currently present on site, but also for its potential to serve as habitat for the future migration and dispersal of species from the surrounding matrix habitat. Despite its small size, the protection of MLNS represents a significant contribution to efforts to conserve the ecological integrity of the region, which is imperiled by ongoing development pressures. For example, less than 5% of the Saanich Peninsula remains in its natural state (MacDougall et al., 2004). Set into the context of this heavily fragmented area, the biologically rich landscape of Mary Lake serves as an important conservation area that helps to extends the reach of a broader protected area network (Figure 2).

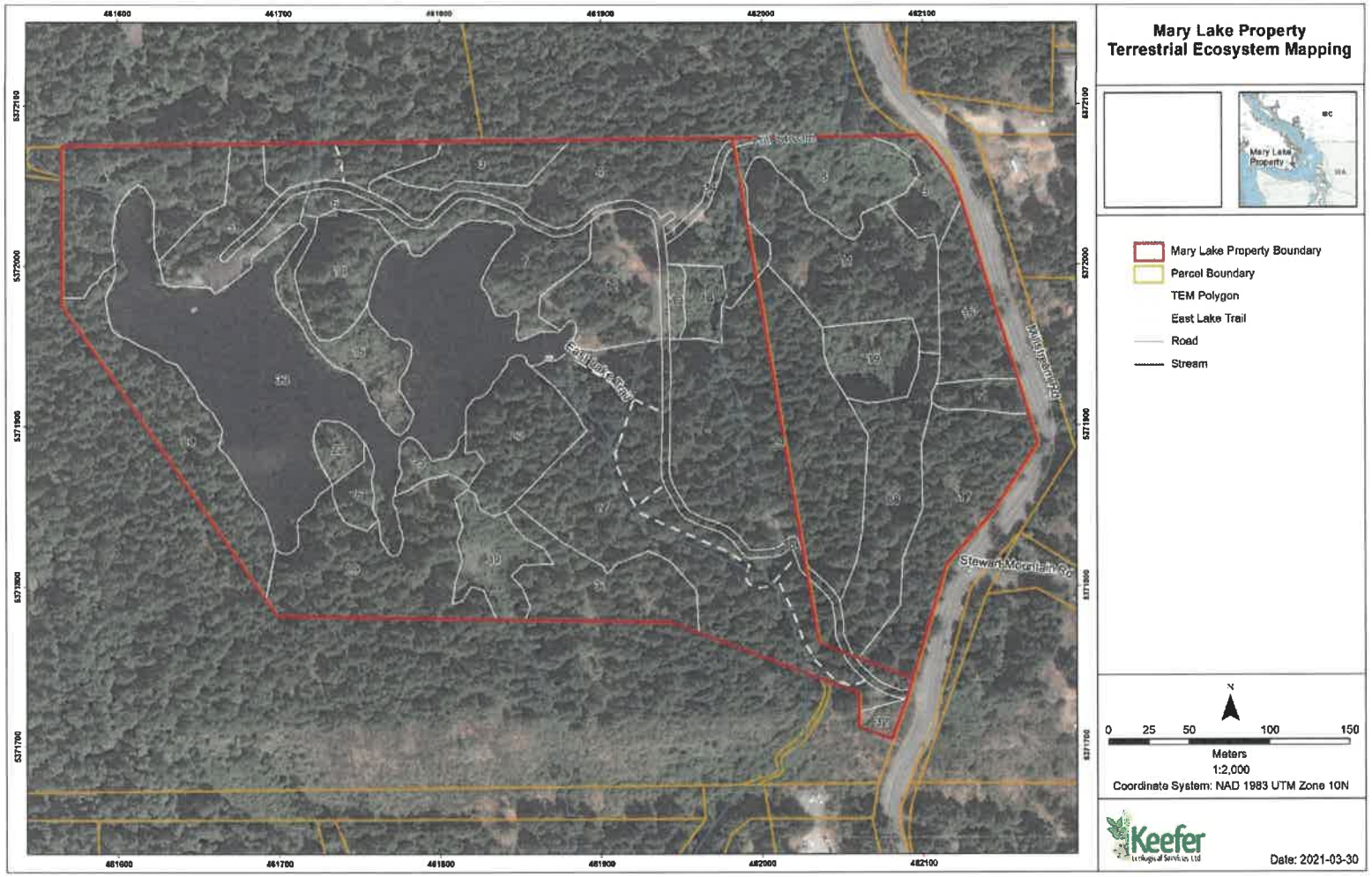

Figure 3. Terrestrial Ecosystem Map. See Table 3 for classifications of ecological communities represented in each polygon.

8. Description and Mapping of Natural State

8.1. Ecological Classifications

The terrestrial ecosystem mapping developed for the MLNS circumscribes ten major groups of recognizable ecosystems and land cover types, including forested and non-forested communities. Forested ecosystems fall within several biogeoclimatic units (CDFmm/01, CDFmm/02, CDFmm/05, and CDFmm/11), which are described in the following section. Unforested ecosystems (CDFmm/00) have mostly been classified using a set of more generic map codes (*e.g.*, LA, PD, Ro), though some wetland communities are more precisely classified (*e.g.*, Wm05, Ws50). Other land cover types include anthropogenic rural areas, roads, and "disclimax" communities (*e.g.*, CX, RP, RA, Xa). These forested and non-forested communities are tabulated (Table 3) and described below, in descending rank order of area covered.

Table 3. Ecological communities and land cover types mapped at Mary Lake Nature (W̱MÍYEŦEN) Sanctuary (November 2020)

Names and rankings were derived from the BC Conservation Data Centre Ecosystem Explorer (BC CDC, 2021a)

Ecological community	Biogeoclimatic Unit	Map Codes	Polygons	Area (ha)	% Total Area
Douglas-fir / dull Oregon grape	CDFmm/01		1, 2, 3, 4, 6, 7, 10, 11, 12, 16, 17, 20, 22, 23, 24, 27, 28, 29, 31, 32	9.0	53
Freshwater	CDFmm/00	LA, PD	8, 33	2.6	15
Douglas-fir - arbutus	CDFmm/02		2, 3, 4, 6, 10, 11, 12, 13, 16, 17, 24, 25, 29, 31	1.9	11
Anthropogenic	CDFmm/00	CX, RW, RZ, Xa	5, 12, 13, 18, 25, 34	1.2	7
Wet meadows, swamps, shallow water	CDFmm/00	Wm, Ws, Ww	8, 14, 15, 19, 22, 25, 30, 33	1.0	6
Hardhack / Sitka sedge	CDFmm/00	Ws50	15, 22	0.5	3
Rock outcrop	CDFmm/00	Ro	11, 15, 31	0.3	2
Western Redcedar - Douglas-fir / Oregon Beaked-moss	CDFmm/05		9, 26, 28	0.3	2
Common cattail marsh	CDFmm/00	Wm05	19, 21, 30	0.1	<1
Western redcedar / sword-fern - skunk cabbage	CDFmm/11	Ws53	28	0.1	<1

Figure 4. Mature conifer forests are the predominant community represented in Polygon 24

Conifer forests – Douglas-fir / dull Oregon grape

CDFmm / 01 – *Pseudotsuga menziesii / Berberis nervosa (Pseudotsuga menziesii / Mahonia nervosa)*

Conifer forests represent about 53% (9.0 ha) of the MLNS. This ecosystem forms the dominant forest matrix of the Coastal Douglas-fir (CDF) Biogeoclimatic Zone, occurring at middle- to upper-slope positions, on all aspects, and is characterized by a moderately dry (submesic to mesic) soil moisture regime and a poor to medium soil nutrient regime (BC CDC, 2021a). At the MLNS these forests occur at various successional stages but are most prominent as mature forests (Figure 4). These mature second-growth forests feature structurally complex understories and canopies, dominated by Douglas-fir (*Pseudotsuga menziesii*; JSA̓,ıŁĆ) in the age class of roughly 80–140 years of age, based on knowledge of logging history at the site (stand age was not measured during this survey).

At the drier end of the spectrum, these forested ecosystems transition to more open woodland environments classified in the CDFmm/02 site series, with more arbutus (*Arbutus menziesii*; ḰEḰEIŁĆ) and oceanspray (*Holidiscus discolor*; KÁȚEŁĆ). Where these forests lie in proximity to wetlands and riparian communities, they transition to moist riparian forests classified in the CDFmm/05 site series, with increasing occurrence of western redcedar (*Thuja plicata*; XPA̓) and bigleaf maple (*Acer macrophyllum*; ȚŦÁ,EŁĆ). Often this riparian influence was found to be quite marginal, however, due to the site's very rocky terrain. For example, the forested community surrounding Millstream Creek in

Polygon 24 was not found to exhibit a significant ecotone in proximity to the creek, hence retaining the classification of CDFmm/01.

The understory of this forested ecosystem is dominated by salal (*Gaultheria shallon*; DAK̲E IŁĆ), with shrubs such as oceanspray (*Holodiscus discolor*), red huckleberry (*Vaccinium parvifolium*; SKEḰĆES), and beaked hazelnut (*Corylus cornuta* ssp. *californica*; ḰBOX̲) occurring in gaps in the canopy. On all sites, the moderately well-developed moss layer is dominated by Oregon beaked-moss (*Eurhynchium oreganum*), electrified cats-tail moss (*Rhytidiadelphus triquetrus*), and step moss (*Hylocomium splendens*).

Significant natural features within this ecological community include numerous veteran conifers retained since the last major disturbance, some of which have cavities that offer nesting habitat for birds, as well as a large shore pine (*Pinus contorta* ssp. *contorta*) that stands on an outcrop nearby the margin of a wetland in Polygon 23.

Figure 5. Millstream Creek flows through a culvert beneath the paved road south of Polygon 24

Freshwater

CDFmm / 00 – LA, PD)

Approximately 2.6 ha (15%) of the Mary Lake landscape have been classified as freshwater communities, including Mary Lake itself, and several other open water bodies, such as the seasonal pond in Polygon 8. The main tributaries to Mary Lake include two creeks which enter the property at its northwestern

margins. The major watercourse, Millstream Creek (Figure 5), runs through the eastern extent of the property. Millstream Creek does not feed into Mary Lake, and is not known to bear anadromous fish at this time.

Mary Lake likely has little extant fish species diversity present, because of its hydrological isolation, and because of the documented presence of pumpkinseed fish (*Lepomis gibbosus*) which is known to reduce invertebrate populations and compete with native fish (Copp et al., 2017). The lake is up to 3.5 m deep, providing habitat for diving ducks, and the water temperature is reportedly sufficient to support salmonids (Jones et al., 2019). The shallow-water margins (technically classified as wetlands) of the lake feature emergent aquatic vegetation that provides important wildlife habitat for a diversity of birds and waterfowl such as dabbling ducks. Other wildlife species observed in association with freshwater ecosystems at Mary Lake include the American beaver (*Castor canadensis*; SḴEL̓ÁU̓) and the North American river otter (*Lontra canadensis*; SKÁ̓EṮ). Bats (SŁEL̓BEL̓AXEN), several species of which are reported for Mary Lake, are also attracted to freshwater environments due to high levels of aquatic invertebrate productivity.

The streams at Mary Lake, including Millstream Creek, are mapped as linear features. These water features were not incorporated into spatial analysis, as the scope of this baseline report primarily concerns the property's terrestrial ecosystems, and the extent of freshwater ecosystems can be seasonally variable. As such, the extent of freshwater ecosystems may be slightly underestimated in this report.

Figure 6. A small woodland patch crests a bluff at the margin of Polygon 29

Woodlands - Douglas-fir / arbutus

CDFmm / 02 – *Pseudotsuga menziesii / Arbutus menziesii*

About 1.9 ha (11%) of the MLNS are woodlands classified in the CDFmm/02 site series. These mixed woodlands tend to occur on slopes and rocky knolls in dry southern exposures, supported by shallow soils found in fissures in the bedrock, though they are also present on different aspects at Mary Lake. Owing to its slope position and gradient, the soil moisture regime of this community is very dry (xeric) to dry (subxeric), and the soil nutrient regime medium to very poor. Prominent tree species include Douglas-fir and arbutus, and, to a lesser extent, Garry oak (*Quercus garryana*; ĆEN̓ IŁĆ). Shrubs such as oceanspray and Scouler's willow (*Salix scouleriana*) also occur frequently throughout this community. At Mary Lake, the occurrence of this ecological community is limited to small patches, generally about 500 m^2 (0.05 ha) or less in area (Figure 6).

Because this survey was conducted in November it was not possible to undertake a comprehensive inventory of the herbaceous layer, which is generally highly diverse in this community. Characteristic herbaceous and graminoid species previously mapped at Mary Lake include small camas (*Camassia quamash*; SPÁÁNW̱), sea blush (*Plectritis congesta*), pink twink (*Microsteris gracilis*), western fescue (*Festuca occidentalis*), Pacific fescue (*Vulpia microstachys* var. *pauciflora*), and white fawn lily (*Erythronium oregonum*). In contemporary times, these woodland communities have been dramatically diminished by intensified deer browsing pressure, owing in part to declines in hunting and low-intensity burning practiced by Indigenous peoples, but primarily due to the decline or exclusion of dominant apex predators such as a cougars (*Puma concolor*; W̱TEK̓TNEĆ) (Martin et al., 2011). The invasion of Scotch broom (*Cytisus scoparius*) and other exotic species also represents a major threat to this community. (Note, however, that the only occurrence of Scotch broom documented during this inventory occurred at the disturbed margins of the woodland community in Polygon 25, though this invasive species is likely present elsewhere on the property.)

A remarkably dense epiphytic community was noted during surveys of the woodlands present at Mary Lake, including liverworts such as *Porella navicularis* and *Frullania nisqualleńsis.* This latter liverwort species is much less common in woodland environments throughout other parts of the CDF, such as the southern Gulf Islands, where its occurrence is generally limited to humid riparian forests. Its abundance at Mary Lake likely owes to the more humid mesoclimatic regime associated with the surrounding riparian and freshwater ecosystems of the extensive Millstream Watershed. Indeed, watersheds of this extent are uncommon in many other many parts of the CDF Zone, such as the southern Gulf Islands. Other significant natural features mapped in woodland environments include a number of Garry oaks occurring in Polygon 29, though these were of small size (< 15cm dbh) and generally of poor vigour), and the herbaceous communities that occur among rock outcrop complexes mapped in Polygon 31.

Figure 7. An anthropogenic disclimax community borders the bend in the road in Polygon 12.

Anthropogenic

CDFmm / 00 – RW, RZ, Xa

Anthropogenic communities extend across approximately 1.2 ha (7%) of the MLNS landscape. These non-forested areas are classified as skidder trails or industry-related disturbances (CX), rural (RW), permanent road surface (RP), and disclimax (Xa) communities. While some of these areas are heavily impacted and ecologically compromised (*e.g.*, the road), other areas remain reasonably ecologically intact, albeit transformed from their natural condition. Such "disclimax" communities are relatively stable ecological communities that have been altered due to human modification, interrupting the natural process of ecological succession (Figure 7). At Mary Lake, such modifications to the landscape include features such as the earthen dam in Polygon 25, and disturbed clearings alongside the road (Polygons 12 and 13). These areas are largely dominated by exotic species, and without ongoing management may present a threat to surrounding natural ecosystems as a source of exotic seed dispersal.

Figure 8. A stand of trembling aspen towers above a seasonally flooded wetland in Polygon 19

Wetlands

CDFmm / 00 – Wm05, Wm, Ws50, Ws, Ww

About 1.6 ha (10%) of MLNS are classified as open wetlands. The greater extent (1 ha) of wetland habitats at the MLNS have been significantly modified through a long history of anthropogenic and natural (beaver) disturbances. This disturbance regime is especially well exhibited in the inundated gardens adjacent to Millstream creek (Polygon 8), around which stand numerous dead trees.

Locally mapped ecological communities recognized by the CDC include shrubby hardhack swamps (Ws50) characterized by hardhack (*Spiraea douglasii*; DIƛEŁIŁĆ), willow (*Salix* spp.; SX̱ELE̓IŁĆ), and red alder (*Alnus rubra*), and the blue-listed (S3 2004, CDC 2021) common cattail marshes (Wm05) that skirt Mary Lake's rocky shoreline, which are characterized by the presence of the common cattail (*Typha latifolia*; SƛÁ̓K̓EN). Other wetland communities present at Mary Lake include marshes (Wm), swamps (Ws), and shallow waters (Ww), featuring emergent aquatic plants such as pond lily (*Nuphar* sp.; LEQI̓) and spring water-starwort (*Callitriche palustris*).

Wetland vegetation is predominantly shrubby, composed of a mosaic of native and exotic species. Prominent native plant species include common cattail, hardhack, Pacific ninebark (*Physocarpus capitatus*), red-osier dogwood (*Cornus sericea*), and salmonberry (*Rubus spectabilis*). Common exotic plants include reed canary grass (*Phalaris arundunacea*), sweetbrier rose (*Rosa rubiginosa*), and

creeping buttercup (*Ranunculus repens*). The introduced eastern soft rush (*Juncus effusus* ssp. *elatus*) was also identified at the margins of Mary Lake (Polygon 5), and Himalayan blackberry (*Rubus bifrons*) in a roadside clearing (Polygon 13). Yellow-flag iris (*Iris pseudacorus*) and reed canary grass present the greatest management concerns in wetlands. These taxa are mapped in Polygon 8 and Polygons 12, 14, & 29 respectively, though they likely have more extensive distribution on the property.

A stand of aspen (*Populus tremuloides*; ḰEYÁ,LEŚIŁĆ), which occurs infrequently in the CDF, represents a significant wetland feature (Polygon 19, Figure 8). Although this community shares an affinity with the rare ecological community classified as CDFmm/14, it lacks key species characteristic of that community (*e.g., Carex obnupta*) and was therefore mapped as CDFmm/00 - Ws in this inventory. Further study is required to adequately classify and map the distribution of this community type in the region.

Figure 9. Rock outcrops define the shoreline at the margin of Polygon 20.

Rock outcrop

CDFmm / 00 – Ro

About 0.3 ha (2%) of the MLNS comprise rock outcrops (Ro). Such outcrops occur wherever the underlying metamorphic bedrock becomes exposed, often forming complexes in association with adjacent shallow-soiled woodland environments. These formations generally hold little to no soil, supporting a sparse veneer of herbaceous species such as broadleaf stonecrop (*Sedum spathulifolium*), licorice fern (*Polypodium glycyrrhiza*; T̓ESIP), with drought-tolerant bryophytes such as *Polytrichum*

piliferum found in more exposed aspects, and those preferring moister conditions (e.g., *Bartramia pomiformis*) occurring in seeps and shaded aspects. Variation in the underlying geology may also give rise to microhabitats hosting taxa associated with more basic (*e.g.,* calcite) or acidic (*e.g.,* gneiss) conditions. Rock outcrops are mapped throughout Polygons 11, 13, and 31. They also represent a marginal (unmapped) community type defining the rocky shoreline in Polygon 20 (Figure 9).

Figure 10. A small patch of riparian forest emerges at the base of a gully in Polygon 28.

Riparian forest – western redcedar / Douglas-fir – Oregon beaked-moss

CDFmm / 05 – Thuja plicata - Pseudotsuga menziesii / Eurhynchium oreganum (*Thuja plicata / Pseudotsuga menziesii - Kindbergia oregana)*

Riparian forests classified as CDFmm/05 encompass about 0.3 ha (2%) of the MLNS. This community is mapped in Polygons 28 and 9, where it is represented in both old forest (28) and early seral/young forest structural stages (9). Polygon 9 includes an open, disturbed area at the margins of a flooded area near Millstream Creek, featuring bigleaf maple (*Acer macrophyllum*). A drainage runs south from this area through a narrow gully (Polygon 28) that includes a lush riparian community with salmonberry, red-osier dogwood, red alder (*Alnus rubra*; SḰOṈEŁĆ), and occasionally, western yew (*Taxus brevifolia*; ṮEṈ ̓KIŁĆ). At the southern reaches of this gully the CDFmm/05 site series comes into its fullest expression in a small patch of old forest dominated by large-diameter western redcedar, with an understory dominated by salal and dull Oregon grape (*Berberis nervosa*; SENI ̓IŁĆ) (Figure 10).

Forested swamp – western redcedar / sword fern – skunk cabbage

CDFmm / 11 / Ws53 – *Thuja plicata / Polystichum munitum - Lysichiton americanus*

A small pocket of forested swamp classified as CDFmm/11/Ws53 was mapped at Mary Lake, representing about 0.1 ha (<1%) of the landscape. This community lies to the southernmost reaches of the narrow drainage in Polygon 28, surrounded by old riparian forests mapped as CDFmm/05, and is characterized by the presence of skunk cabbage (*Lysichiton americanus*; ȾOQI̱) and sword fern (*Polystichum munitum*; SŦXÁLEM), which together form an understory beneath a canopy of western redcedar. An ephemeral pool dominated by slough sedge (*Carex obnupta*) is also found within this community.

8.2. Historical Land Uses

The documentation of Indigenous land-use at the MLNS lies beyond the scope of this report, though testimonials by Indigenous community members in the WSÀNEC community have been documented by the Greater Victoria Greenbelt Society. After colonization, in 1887, the lands were modified with the construction of a house and gardens to the eastern extent of the property, along Millstream Road (Greater Victoria Greenbelt Society, 2021). Subsequently, from 1935 through 1947, the lands were extensively logged, and an earthen dam constructed, giving rise to Mary Lake. Then began an era of conservation, with efforts made by subsequent owners to conserve and enhance the natural and modified cultural amenities of the property. In 1964, Mary Lake and its associated watercourses were further modified and expanded with the construction of a concrete dam and fish ladder (Greater Victoria Greenbelt Society, 2021). The original homestead constructed in 1887 was removed, and a new house built at the northwestern margins of the lake.

8.3. Anthropogenic Features

Among the anthropogenic features currently mapped at the MLNS are several adjacent cabins and out-structures, a paved road, skidder trails and foot paths. Mary Lake itself may also be considered an anthropogenic feature, along with the dams, ditches, and associated watercourses which have dramatically altered this landscape historically. Other anthropogenic features include several bridges constructed along the East Lake Trail, a wooden platform in Polygon 12, and a pile of debris in Polygon 24. An inventory of anthropogenic features and land cover types are presented in Figure 11.

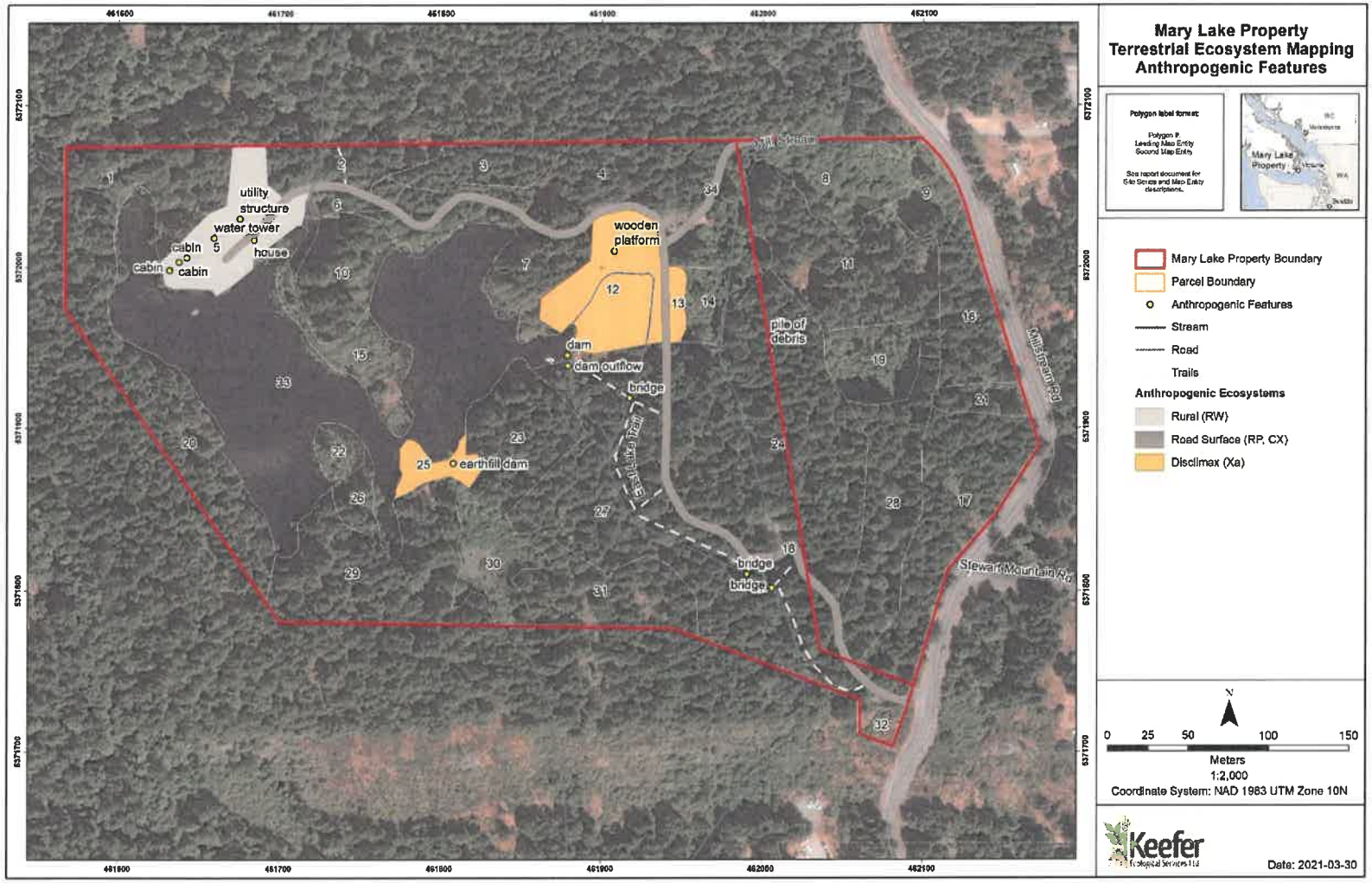

Figure 11. Anthropogenic features mapped at Mary Lake Nature (W̱MÍYEŦEN) Sanctuary (November, 2020)

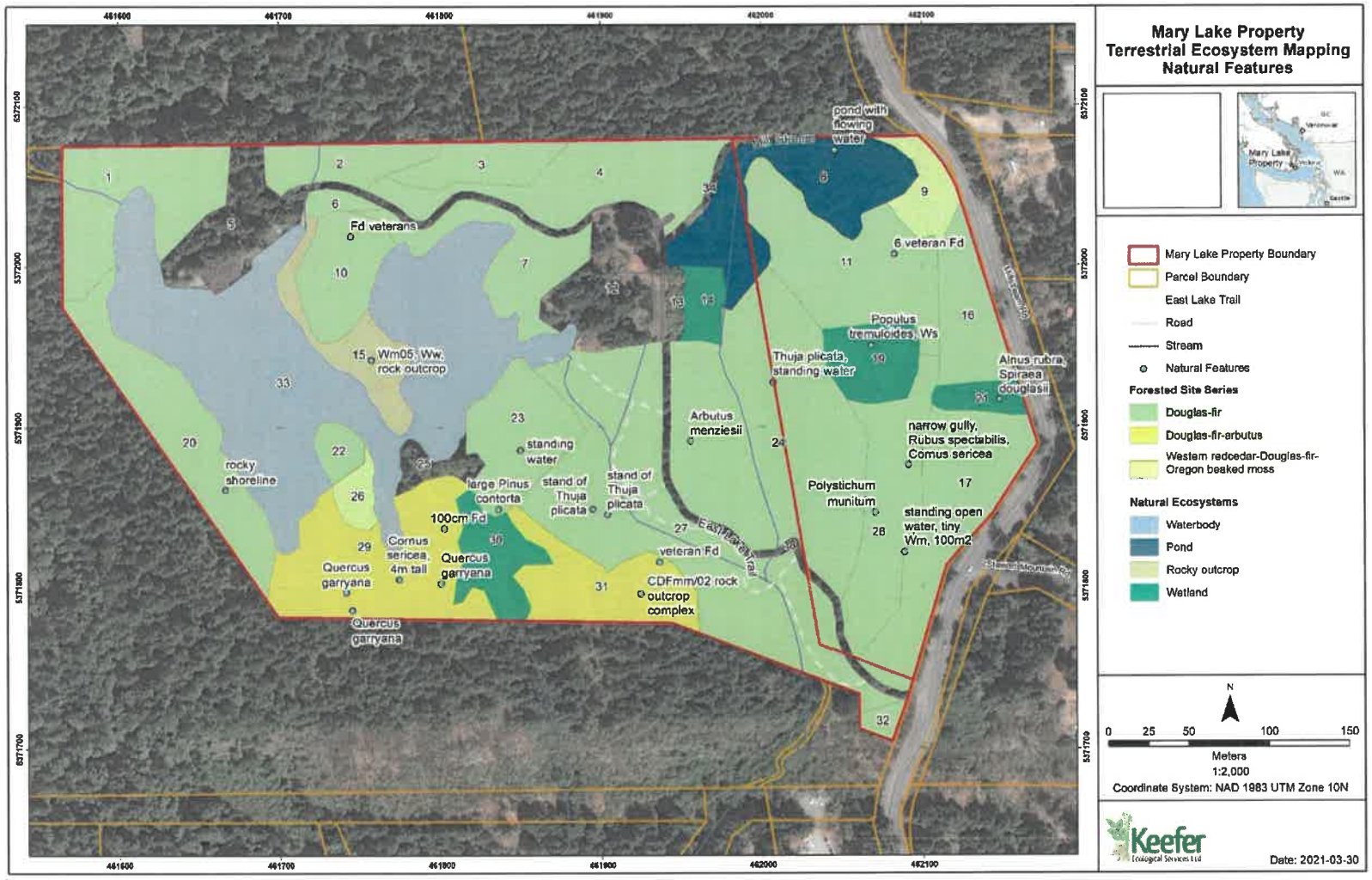

Figure 12. Distribution of natural features mapped at Mary Lake Nature (W̱MÍYEŦEN) Sanctuary in (November, 2020

8.4.Significant Natural Features

Most prominent among the natural features at the MLNS are Mary Lake, Millstream Creek, and their associated wetlands and riparian communities. These freshwater and wetland communities would be mapped as sensitive ecosystems under Sensitive Ecosystem Inventory (SEI) protocols, though they may arguably be considered anthropogenic. Other sensitive ecosystems represented at the MLNS include woodlands, rock outcrops (Ro) and associated terrestrial herbaceous communities, most of which have been mapped in association with the red-listed Douglas-fir - Arbutus ecological community (S2 2004: BC CDC 2021a) correlated with the CDFmm/02 site series.

Other natural features of note at Mary Lake include: veteran conifers, which were mapped as point features wherever they were encountered; a large shore pine in Polygon 23; and a stand of trembling aspen which lies at the centre of the shrub wetland community in Polygon 19. Figure 5 identifies the locations of the natural features mapped during this baseline inventory.

Ranked Ecological Communities

Five of the ecological communities mapped at Mary Lake are listed by the BC Conservation Data Centre as at-risk ecosystems (BC CDC, 2021a), including three red-listed communities and two blue-listed communities (Table 4). A description of these ecological communities, and a summary of their proportional representation across the landscape of the MLNS, is presented in Section 8.1. Figure 13 and Table 4 identify the polygons within which each of these communities are represented. Note, however, that these communities are mapped as deciles or components of each polygon, following the TEM methodology described in Section 6.1. Thus, there are numerous instances where one ranked community may coincide with other ranked and/or unranked communities within a given polygon. These dimensions of the TEM methodology should be borne in mind when interpreting the map symbology in Figure 13.

Table 4. CDC Ranked Ecological Communities

Ranking	Biogeoclimatic Unit	Ecological community
S1 (2018)	CDFmm / 01	Douglas-fir / dull Oregon grape
S2 (2004)	CDFmm / 02	Douglas-fir / shore pine - arbutus
S1 (2009)	CDFmm / 05	western redcedar / Douglas-fir - Oregon beaked-moss
S3? (2012)	CDFmm / 11	western redcedar / sword-fern - skunk cabbage
S3 (2004)	CDFmm / Wm05	common cattail marsh

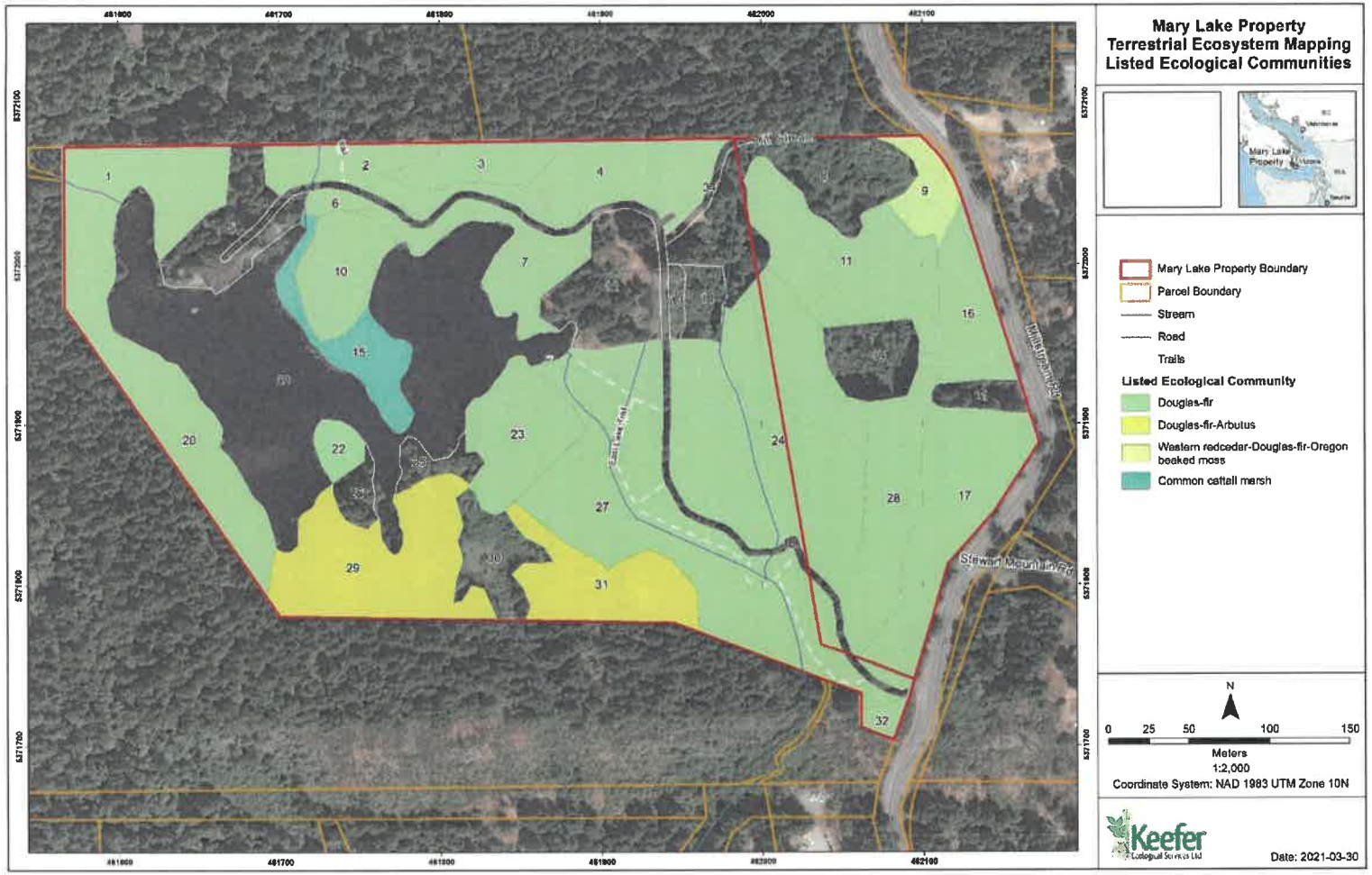

Figure 13. Distribution of ecological communities of conservation concern at Mary Lake Nature (W̱MÍYEŦEN) Sanctuary (November, 2020). Note: polygons are encoded based on dominant ecosystem components. Some ranked communities that occur as minor components or deciles of polygons (Western redcedar / sword-fern - skunk cabbage and Hardhack / Sitka sedge are not reflected on this map. All communities and their distribution are summarized in Table 3.

Species of Conservation Concern

The MLNS provides habitat for nine reported species or subspecies at risk, including six birds, one invertebrate (butterfly), one moss species, and one plant species (Table 5). Two of these are red-listed in British Columbia, while the remainder are blue-listed (BC CDC, 2021a). Species or subspecies assessed by the Committee On the Status of Endangered Wildlife In Canada (COSEWIC) or listed under the Species at Risk Act (2002) include the western screech-owl, kennicottii subspecies (SPEPELḰIƛE), great blue heron, fannini subspecies (SN̓EKE), peregrine falcon, anatum subspecies, band-tailed pigeon (HEMʼEU), olive-sided flycatcher, barn swallow, and western branded skipper, oregonia subspecies (See Table 5). Other species of conservation concern may be documented with further inventory work.

This report omits record of the seaside bone lichen (*Hypogymnia heterophylla*)—an implausible report (Prato et al., 2020) that could not be verified during inventory work at Mary Lake. Within British Columbia, this lichen species is found only in windswept shoreline environments, with a distribution restricted to the southwest tip of Vancouver Island, Bentinck Island, Sheringham Point, where it primarily occurs as an epiphyte on shore pine, Sitka spruce (*Picea sitchensis*), and Douglas-fir (COSEWIC, 2018). Given the ecological requirements of this species, it is highly unlikely to occur at Mary Lake. Specimens of this genus collected from the MLNS during this inventory included *Hypogymnia apinnata, H. enteromorpha, H. imshaugii, H. inactiva,* and *H. physodes,* all of which are common species of *Hypogymnia* expected to occur in the region.

The Mary Lake record of *Fissidens ventricosus* should be considered plausible but unconfirmed. This record dates to a voucher specimen collected by S. Flowers in 1962, accessioned at Utah State University Intermountain herbarium (GBIF, 2020). Historical voucher specimens deposited in herbaria often have inaccurate georeferencing, hence it is uncertain whether this specimen was indeed collected at the MLNS. The locality information for this specimen reads "Vancouver Island, Millstream, ca. 6 miles W of Victoria," which suggests a considerable amount of uncertainty regarding the precise location of this report. Effort should be made to confirm this report and other uncertain records in the Mary Lake baseline species inventory.

Table 5. Species and subspecies at risk reported for Mary Lake as of November, 2020. Scientific names follow conventions used by the BC CDC (2021a). Species marked by an asterisk (*) are likely, based on nearby element occurrences (BC CDC 2021b).

Scientific Name	Common (English) Name	Group	Provincial Status	COSEWIC	SARA
Ardea herodias	great blue heron,	**Bird**			
fannini	fannini subspecies		S2S3B, S4N (2018)	SC (2008)	1-SC (2010)
Patagioenas fasciata	band-tailed pigeon	**Bird**	S3S4 (2015)	SC (2008)	1-SC (2011)
	olive-sided	**Bird**			
Contopus cooperi	flycatcher		S3S4B (2014)	SC (2018)	1-T (2010)
Hirundo rustica	barn swallow	**Bird**	S3S4B (2015)	T (2011)	1-T (2017)

Falco peregrinus anatum*	peregrine falcon, anatum subspecies	**Bird**	S2? (2011)	NAR (2017)	1-SC (2012)
Megascops kennicotti kennicotti*	western screech-owl, kennicottii subspecies	**Bird**	S2S3 (2017)	T (2012)	1-T (2005)
Hesperia colorado oregonia*	western branded skipper, oregonia subspecies	**Invertebrate**	S1 (2013)	E (2013)	NA
Fissidens ventricosus	NA	**Moss**	S2S3 (2015)	NA	NA
Pyrola aphylla	leafless wintergreen	**Plant**	S3 (2019)	NA	NA

9. Threats to condition and natural state

The MLNS is surrounded by a matrix of private land designated for agricultural, commercial, urban, and rural residential use. The activities associated with agriculture, recreation, roads, utility corridors, and nearby subdivision development contribute to numerous stressors having cumulative impacts on the surrounding ecology. These cumulative environmental impacts may result in diminishing wildlife habitat, intensified grazing by ungulates such as black-tailed deer; and increasing invasion by alien species (Martin et al., 2011; Shackelford et al., 2019; Shackelford et al., 2018).

Climate change is also altering the ecology of the Coastal Douglas-fir BEC Zone, causing increasing forest fire risk and drought stress (Klassen et al., 2015), the signs of which are particularly evident in the decline of western redcedar in the region (Seebacher, 2007). These signs of stress were not noted among western redcedar observed at Mary Lake. Nevertheless, the property may still be considered subject to potential risks associated with increasing seasonal drought and more extreme winter precipitation forecasted under future climate scenarios (Klassen et al., 2015; Salathé et al., 2008; Spies et al., 2010).

The Invasive Species Council of BC defines an invasive plant as "any invasive plant species that have the potential to pose undesirable or detrimental impacts on people, animals or ecosystems" (ISC, 2020). Invasive plants can reduce soil productivity, impact water quality and quantity, degrade wildlife habitat, threaten biodiversity, poison livestock and wildlife, and introduce disease (ISC, 2020). Economic losses may also be incurred through the loss of productive forage and the cost of controlling and managing invasive populations (ISC, 2020).

Table 6 provides a list of invasive plant species detected at Mary Lake, based on all field work conducted to date. An asterisk* denotes species of particular concern which may be managed effectively given sufficient resources. Where possible, detections are located with reference to the unique identifiers

(PNUM) assigned to the ecological communities mapped in Figure 3. See Appendix A (accompanying spreadsheet) for a species checklist of all taxa reported for Mary Lake as of January 2021.

Exotic animal species reported include the red-eared slider (*Trachemys scripta*), the pumpkinseed fish, and the American bullfrog (*Lithobates catesbeianus*), the latter of which has been identified as a priority management concern (Jones et al., 2019). See Appendix A for a comprehensive summary of species reported for Mary Lake, which have been tabulated according to provenance and conservation status.

Table 6. Exotic Plants reported for Mary Lake as of November 2020

An asterisk* marks invasive species of particular concern.
Note: *Mentha aquatica*** may be misreported / misapplied to *M. canadensis*. See Appendix A.

Scientific Name	Common Name	Poygon Number	Source
Agrostis stolonifera	creeping bentgrass		H. Roemer (2010)
Anthoxanthum odoratum	sweet vernal grass		H. Roemer (2010)
*Cirsium arvense**	Canada thistle	14, 18	H. Roemer (2010)
Clematis vitalba	Traveler's joy		H. Roemer (2010)
*Cytisus scoparius**	Scotch broom	25	H. Roemer (2010)
Dactylis glomerata	orchard grass	24	H. Roemer (2010)
Digitalis purpurea	common foxglove	13	H. Roemer (2010)
Draba verna	common draba		J.H. Ginns (1968) (DAO 10945)
Geranium molle	dovefoot geranium	13	H. Roemer (2010)
Geranium robertianum	Robert's geranium	27	H. Roemer (2010)
Hypochaeris radicata	hary cat's-ear		H. Roemer (2010)
*Ilex aquifolium**	English holly	23, 24	T. Braumandl, A. Simon, & J. Straka (2020)
*Iris pseudacorus**	yellow flag iris	8	T. Braumandl, A. Simon, & J. Straka (2020)
Juncus effusus ssp. solutus	soft rush	5	T. Braumandl, A. Simon, & J. Straka (2020)
Lepidium heterophyllum	Smith's pepper-grass		G.A. Hardy (1925) (RBCM V007558)
Mentha spicata	spearmint		H. Roemer (2010)
Mycelis muralis	wall lettuce		H. Roemer (2010)
*Phalaris arundinacea**	reed canarygrass	12, 14, 29	H. Roemer (2010)
Ranunculus repens	creeping buttercup	14	H. Roemer (2010)
Rosa rubiginosa	sweetbrier		H. Roemer (2010)
Rubus armeniacus	Himalayan blackberry		H. Roemer (2010)
Rubus laciniatus	cutleaf evergreen blackberry	14	T. Braumandl, A. Simon, & J. Straka (2020)
Rumex acetosella	sheep sorrel	12, 29	H. Roemer (2010)
Stellaria media	common chickweed		H. Roemer (2010)
Urtica dioica ssp. dioica	stinging nettle	14	T. Braumandl, A. Simon, & J. Straka (2020)

*Mentha aquatica***	water mint	B. Prato, H. Morrell, & Laura Stewart (2020)

At the MLNS, invasive species such as Scotch broom, Himalayan blackberry (*Rubus armeniacus*), and American bullfrogs have been actively managed with some success by volunteers and caretakers (K. Neah, pers. comm. 2021). However, a systematic approach to controlling invasive species is necessary to ensure that measures are effective in the long term. Each species requires a particular management regime that should be carefully considered in any subsequent management plans developed for the property. Any further modification of the lands, including construction, maintenance, and the everyday use of trails and other infrastructure, may increase the abundance of invasive species on the land. Management plans should account for potential increases in these activities in the future, to ensure the integrity of the ecosystems at Mary Lake. Although Mary Lake has one official, gated, entrance, several alternative (unofficial) access points were noted during field work. The property can theoretically be accessed through trails or historical roads connecting it to adjacent properties at approximately 48.5009, -123.5146; 48.5010, -123.5179; and 48.4980, -123.5246.

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END OF DOCUMENT

THE PARTIES ACKNOWLEDGE THAT, with respect to Part I of this instrument

(a) the Transferor(s) and Transferee(s) are correctly identified in Items 5 and 6;

(b) this agreement has been duly executed by the parties in signing Item 8; and

(c) the heading titled "Transferor Signature(s)" above any Transferee signature in Item 8

- (i) was autogenerated;
- (ii) could not be altered or removed by the Transferee(s); and
- (iii) does not reflect a representation or understanding that the Transferee(s) executed this agreement as Transferor(s).

Rating Guide	
-3	Very negative
-2	Negative
-1	Somewhat negative
0	Neutral
1	Somewhat positive
2	Positive
3	Very positive

Highlands Sustainability Appraisal Form

Application/Project: RZ-02-23 / 1772 Millstream Road, Mary Lake
DATE: October 19, 2023

Capital Stocks	*Desired Relavent Flows*	*OCP Policy or Section*	*Description: How proposal, application or decision affects capital stock or flow*	*Weight*	*Rating*	*Total Rating*	*Guidance*	*Comments*
Natural Capital								
Atmosphere	(-) greenhouse gas emissions transportation	5.3.1 (table)	Estimate of additonal CO_2 equivalents (tonnes) created by additonal personal vehicles (For average per household see Highlands Energy and Emissions Inventory)	1.2	-1	-1.2	May be mitigated by location or community transit innovation	Possible to exceed that of residential use.
	(-) greenhouse gas emissions for operations of buildings	5.3.1 (table)	Estimate of additonal CO_2 equivalents (tonnes) created by additonal housing stock (For average per household see Highlands Energy and Emissions Inventory)		0	0	May be mitigated by building design and innovation (see Manafactured Capital Section)	No houses proposed.
	(-) greenhouse gas emissions (third party i.e. roads contractor)	5.3.1 (table)	Pro-rated share CO_2 equivalents (tonnes) based additional maintenance inputs (may be applicable to large scale development)		2	2		Conservation covenant limits developable areas. Matching zoning to conseravtion covenant allows District control over conservation land use.
	(-) greenhouse gas emissions from embodied energy of construction materials	5.3.2 (4)	Estimate of additional CO_2 equivalents (tonnes) for structural materials used in roads and structures		-1	-1		Some additional construction possibly in future.
	(-) greenhouse gas emissions from loss of sequestered CO_2 due to loss of vegetation and soils		Estimate of additional CO_2 equivalents (tonnes). Calculate using 400 tonnes CO_2 per hectare for second growth forest		3	3		Conservation covenant protecting forest, which covers approximately 80% of property. Could be supported by matching zoning to conservation covenant.
	(+) air quality	3.7 (1, 2 & 3)	Identifiable long term effects of development on overall air quality (commercial/industrial proposals)		3	3		Applicant estimates that keeping forest contributes quantified benefits estimated at $238,000.
Water (ground)	(+) quality	3.3, 3.5, 3.9, 7.2	Identifiable effects of development on water quality	1.2	2	2.4	May be mitigated by design measures	Groundwater protection is a co-benefit of forest protection.
	(+) quantity	3.5, 7.2	Estimate of additional ground water consumption (see Highlands Goundwater Protection Study reports)	1.2	0	0	May be mitigated by design measures, i.e, water harvesting, exeriscaping, drip irrigation	Groundwater quantity consumed expected to be same.
Water (surface)	(+) quality	3.3, 3.9, 7.5	Identifiable effects of development on water quality	1.2	2	2.4	May be mitigated by design measures	Wetlands and surface water protection are co-benefits of forest protection.
	(+/-) quantity	7.2	Maintenance of surface water/groundwater relationships	1.2	2	2.4	May be mitigated by design measures	Mandate to protect water. Swimming not allowed.
Forests	(+) protection	2.8	Area in hectares proposed for park or other conservation dedication		3	3		Both properties have conservation covenant already in place with Province.
			Area in hectares proposed for fuel reduction/fire management strategy		2	2		Fire interface report done in 2017. Most non-building recommendations accomplished.
	(+) covenants	2.2(23), 3.1(1)	Area in hectares proposed for conservation covenant		0	0		Please see above.
	(-) deforestation	2.2(7), 3.1(1), 3.3(Sensitive Vegetation Policies 1, 3) 3.10	Area in hectares deforested for development/proposal/project/change in land use		3	3	May be mitigated by design measures, i.e, clustering, small footprint, building on previously cleared areas, use of existing roads, common driveways etc.	No tree cutting proposed other what is required through fire interface report. Tree planting occuring.
	(-) pests or invasive species	2.2 (29), 3.1(4 & 7), 3.8	Measures in place for mitigating invasive species after disturbance		2	2		Invasive plant species managed on site as well as bullfrogs.
	(-) wildfire risk	3.1(13), 7.6 (Fire Protection, 2)	detailed fire interface assessment in place		0	0		Please see above.
Riparian Areas	(+) protection	DPA #2	Protection informed by Riparian Area Protection informed by RAR and RPBio reports		2	2		RAPR completed for earlier subdivision. Baseline ecological report completed in 2021.
	(+) covenants	2.2(23), 3.1(1)	Use of covenants for greater protection of riparian areas.		3	3		Covenant in place.
Sensitive ecosystems & wildlife habitat	(+) protection	DPA #2	Protection informed by Riparian Area Protection informed by Sensitive area assessments and RPBio reports		2	2		Baseline ecological report completed in 2021.Used for monitoring to assure covenant compliance.
	(-) damage	2.2(7, 11)	Area potentially impacted by proposal		3	3		Part of proposal is for conversation.
	(+) connectivity	3.4	Provision for maintenance of habitat corridors in proposal		2	2		One objective of the conservation covenant is to protect habitat corridors between Thetis Lake and Gowland Range. Zoning can support this.
Natural hazards	(+) risk avoidance	2.2(11)	Appropriate consideration of natural features, future impacts		2	2		Dams are maintained as per provincial standards.

Capital Stocks	Desired Relavent Flows	OCP Policy	Description: How proposal, application or decision affects capital stock or flow	Weight	Rating	Total Rating	Guidance	Comments
Natural Capital								
Natural disasters	(+) resiliency		Where practical, consideration of risk avoidance and mitigation strategies to build resiliency in the event of natural disasters		0	0		Provincial standards require regular hydrological studies on dams. Most recent reporting concluded that dams would withstand impacts of atmospheric river.
Arable land & soils	(+) soil protection	3.9 & 3.11	Soil disturbance, blasting		2	2	Maybe mitigated by minimizing disturbance and blasting	No development translates to no soil disturbance.
	(-) imported soil and fill		Encouraged to use soils and rock from site; Not always known at rezoning stage if will use onsite materials		2	2		No development translates to no imported soils/fill.
Wildlife	(-) potential effects of lights, noise, and glass/windows				2	2		No development. Upgrades to include bird protection measures.
	(-) potential effects to loss of breeding, nesting, or foraging land				3	3		Installing nesting boxes, covenant inherently protects these sites. Also, public not allowed allowed on shorelines - using "ecological buffer zones".
Total Change in Natural Capital						46		
Human Capital								
Residents	(+) health and safety	2.2(15), 8.2			2	2		Forest therapy
	(+) education				2	2		Combining indigenous knowledge with western scientific/naturalist knowledge of nature.
	(+) emergency preparedness	7.6, 8.2(2)			0	0		
	(+) diversity	2.2(13), 8.7(3)	Mixed housing options for different income strata		0	0		
	(+) energy efficiency of lifestyle	2.2(3 & 4)			0	0		
Volunteers	(+) recognition				0	0		
	(+) ability to contribute	8.7(6)			2	2		Volunteers contribute to ecological research and health of property.
Local business and jobs	(+) diversity	Chpt 9			2	2		Honoraria given to First Nations knowledge keepers.
	(+) number	Chpt 9	Construction jobs		2	2		Trades and professional reports for upgrades.
Staff	(-) workload		Requirements for long term staff input		-1	-1		Staff involvement required for upgrades.
	(+) training				0	0		
Council	(-) workload				0	0		
	(+) training				0	0		
Knowledge	(+) local information & knowledge	3.1(2 & 6)			3	3		Workshops and programming for restoration and conservation. First Nations knowledge/experience sharing to build relationships between communities.
Natural ambience	(-) noise level		Potential effects of noise (commerical or industrial developments)		0	0		
	(-) light level	3.8	Potential effects of outside lighting from development on night sky		0	0	May be mitigated by downcast lighting	
	(+) visual	2.2(17)	Use of blended architecture and siting; retention of screening, vegetation along travel corridors		0	0	May be mitigated by design measures	
Total Change in Human Capital						12		
Social Capital								
Equality: Quality and quantity of relationships / Activities that create feelings of inequality may lead to degraded social capital (degraded trust in organizations or institutions	(+) residents & district	8.7			3	3		Focus on reparation/reconciliation with regional nations (Wsanec First Nations).
	(+) volunteers & district	8.7	Adequate volunteers for Fire Department, Community Groups		0	0	Provision for lower income housing	
	(+) staff & council				2	2		Relationship building with First Nations - Government to Government.
	(+) Highlands & elsewhere	2.2(2)			3	3		Working regional with First Nations and other non-profit organizations.
Families	(+) cohesion	2.2(12 & 27)			2	2		Doing some work First Nations seniors and settler seniors, as well as Tribal School.
Neighbourhood groups	(+) active groups	8.7			3	3		Inherent outcome of organization and site is to build community. Example - organizations look for places in nature to gather.
Community groups (e.g. HDCA)	(+) membership and action	8.7			1	1		Active with Highlands District Community Association. Applicant is based in Highlands.
Heritage, Arts and Culture	(+) historic sites and structures	2.2(11), 8.5	Park contribution		3	3		Rich First Nations and colonial history on property. Have funding for art studio.
	(+) cultural events	8.6			3	3		Hold First Nations events on property. Also working with West Shore Arts Council.
Total Change in Social Capital						20		

Capital Stocks	Desired Relavent Flows	OCP Policy	Description: How proposal, application or decision affects capital stock or flow	Weight	Rating	Total Rating	Guidance	Comments
Manfactured Capital								
Buildings and structures	(+) sustainable material		Building efficiency may be accomplished through third party verified programs, or appropriate technologies and will be scored accordingly. Failure to address efficiency and in building practise results in low value manafactured capital.		2	2	BC Building Code = 1, Built Green or Energuide 80 = 2, Leeds - silver, gold, platinum = 3, 4, or 5; Living building Challenge 6+ (net zero)	**Upgrades will be as efficient as financially possible.**
	(-) buildings/structures without permits				-3	-3	-1 per building or structure	**3 existing structures built without permits. One other structure without occupancy permit.**
	(-) maintenance costs				-1	-1		**There are normal maintenance costs for buildings and bridges.**
	(-) energy requirements for operations	2.2(3 & 4)			-1	-1		**Older building.**
	(+) community hall				0	0		
	(+) affordable housing	2.2(13, 24, 27) 8.1			0	0		
Municipal assets	office and fire halls:				0	0		
	buildings				0	0		
	(+) green equipment & supplies				0	0		
	(-) usage of supplies				0	0		
	(+) efficient vehicles				0	0		
	(+) parks	4.3(1)			0	0		
	(+) protective services	7.6			0	0		
Roads and driveways	(+) quality				0	0		
	(-) quantity	6.2			0	0		
Public transit	(+) quality				0	0		
	(+) quantity	6.5			0	0		
Trails	(+) quality	4.2, 4.4, 4.6, 6.3			0	0		**Private trails for users of property.**
	(+) quantity	4.2, 4.4, 4.6, 6.3			0	0		
Gardens, farms and markets	(+) quality			1.2	0	0		
	(+) quantity	2.2(26), 6.3, 9.2			0	0		
Commercial and industrial (incl. utility corridors)	(-) negative impacts	2.6, 7.7, 7.8			0	0		
Total Change in Manufactured Capital						-3		

Financial Capital								
Financial	(+) municipal revenue				0	0		
Operating and capital reserves	(+) total value property taxes				-2	-2		**No increase in municipal taxes due to permissive tax exemption (unaffected by rezoning).**
	(+) amenities	2.2(20)			0	0		
	(+) property class diversity	2.6			2	2		**Property classification changed due to actual use.**
	(-) expenses				0	0		
Land assets	(+) municipal lots				0	0		
Debt	(-) borrowing				0	0		
	(+) repayment				0	0		
	(-) transferred to future generations				0	0		
Total Change in Financial Capital						0		
TOTAL CHANGE IN ALL CAPITALS						75		

April 30, 2024
08-24-0004

Koi Neah
Director
W̱MÍYET̓EN Nature Sanctuary
1772 Millstream Road
Victoria, BC
V9B 6E4

Dear Koi Neah:

Re: W̱MÍYET̓EN Nature Sanctuary (1772 Millstream Road)
Traffic & Parking Study

Bunt & Associates Engineering Ltd. has conducted a Traffic and Parking Study for the proposed land use change of 1772 Millstream Road in Highlands, BC.

The study reviews existing site conditions, existing traffic volumes and operations, site trip generation, existing parking supply, parking management considerations, and high-level sight lines from the site access.

We trust this study will be useful to W̱MÍYET̓EN Nature Sanctuary and to the District of Highlands in their review of the proposed land use change. Please do not hesitate to contact us should you have any questions.

Yours truly,
Bunt & Associates

Tyler Thomson, MCIP RPP PTP
Associate | Senior Transportation Planner

Kieran Quan, EIT
Transportation Analyst

CORPORATE AUTHORIZATION

Prepared By:	Kieran Quan, EIT Sijia Jin, EIT	Bunt & Associates Engineering Ltd. 530-645 Fort Street Victoria, BC V8W 1G2 Canada
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		Date: 2024-04-30 Project No. 08-24-0004 Version 5
Approved By:	James Lee, P.Eng., MBA, PMP Senior Transportation Engineer	

Written with respect and gratitude for the Traditional Territories upon which we work and live.

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1. INTRODUCTION

W̱MÍYEṮEN Nature Sanctuary (nature sanctuary) is seeking a traffic and parking study in support of their proposed change in land use at 1772 Millstream Road in the District of Highlands (the District), BC. The proposed change is from a single-family dwelling use to an assembly use for education, community, and cultural use in alliance with local First Nations.

The nature sanctuary is accessed via a one-way-at-a-time road from Millstream Road. The existing on-site parking supply is 15 spaces; this is proposed to be increased to 32 spaces to accommodate parking demand for larger events. On-street parking is also available along the shoulder of both sides of Millstream Road.

The District of Highlands has requested that a traffic and parking study be conducted to further understand any potential impacts associated with the change of land use on the surrounding area. A Terms of Reference (ToR) was developed in agreement with the District and is included in **Appendix A**.

Bunt & Associates Engineering Ltd. (Bunt) has prepared this technical memo with the following objectives:

- Document existing transportation conditions near the site, including the local road, transit, cycling, and walking networks;
- Analyze existing traffic operations at the Millstream Road & Finlayson Arm Road intersection using Synchro software;
- Estimate the peak period trip generation of the new land use and summarize its impact on study area traffic operations;
- Outline a parking plan for the nature sanctuary and confirm if there is sufficient parking to meet expected demands;
- Conduct a high-level sight line review at the site access; and,
- Summarize the study conclusions and recommendations.

The study area includes one intersection: Millstream Road & Finlayson Arm Road.

2. EXISTING CONTEXT

Bunt completed a site visit on Friday, February 9th, 2024, to document existing conditions in the study area. The findings of the site visit are summarized below. **Exhibit 1.1** illustrates the site location and local transportation context.

2.1 Land Use & Zoning

W̱MÍYEȾEN Nature Sanctuary is in the central area of Highlands, in the *GB2 'Greenbelt 2'* zone. There is one structure on the site, the 'nature house', which acts as the main centre for hosting events. The site surrounds the W̱MÍYEȾEN lake (formerly known as 'Mary Lake').

2.2 Site Access & Road Network

The site is accessed from Millstream Road via a narrow winding asphalt driveway which connects to a parking area with approximately 15 parking spaces. The access driveway can only accommodate vehicle traffic in one direction at a time, apart from some pullout locations; however, some of these pullouts are proposed to be converted into parking spaces (discussed in Section 5.1). Therefore, all visitors to the site by vehicle typically enter and exit as a group.

The site access is located approximately 240m walking distance north of the Millstream Road & Finlayson Arm study intersection. The study intersection features stop sign control on the eastbound approach from Finlayson Arm Road, and free flow traffic on Millstream Road. Each approach to the intersection features two lanes (i.e., one lane per direction).

Millstream Road is a rural collector road and one of the main routes through the District. Finlayson Arm Road is a rural local road; its western terminus connects to Highway 1 at Goldstream Provincial Park. In the summer months, many drivers bound for weekend trips in northern parts of Vancouver Island use both Millstream Road and Finlayson Arm Road to bypass heavy traffic on the section of Highway 1 through Langford. As a result, the study intersection is anticipated to see a significant difference in traffic volume between the summer months and the rest of the year. The estimated traffic impact of this seasonal difference is addressed in Section 3.1.

2.3 Transit, Cycling, and Pedestrian Networks

As the site is in a rural area, there are no bus routes that operate within the study area. Furthermore, there is no dedicated cycling infrastructure or sidewalks in the study area. Both study area roads feature a gravel shoulder on both sides.

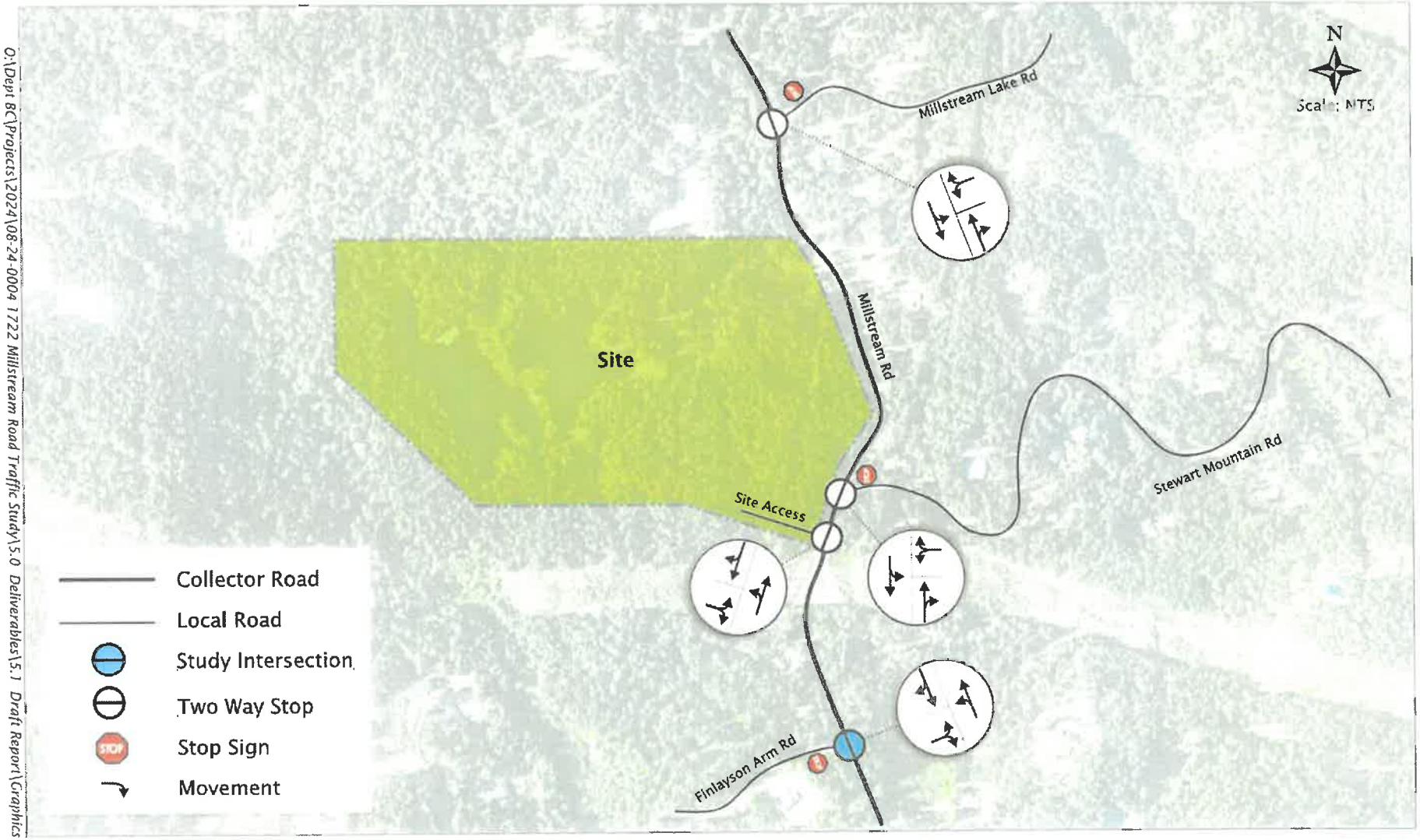

Exhibit 1.1
Site Location & Transportation Context

1772 Millstream Road Traffic Study
08-24-0004 April 2024

bunt & associates

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2.4 Event Programming & Capacity

Under the proposed new land use, the nature sanctuary will operate as an education, community, and cultural centre. The nature sanctuary will host the following events with these estimated attendance and parking demands:

- A variety of private events on weekends in the summer, which will have a maximum capacity of 25 people and a maximum parking demand of 15 vehicles in the on-site parking area.
- A school group visit four times a year on weekdays, where one school bus may park on the southwest corner of the site access intersection with Millstream Road.
- Currently, there are public nature walks on the second Sunday of each month. For this public event, visitors are not permitted to park on-site and therefore park off-site on Millstream Road, with a maximum demand of 20 vehicles. Note, these public nature walks will not occur at the same time as private events.

The nature sanctuary confirmed that all these events will begin between 8 AM and 10 AM and complete around 5 PM of the same day.

A consideration in addition to the anticipated event programming is the future maximum capacity of the nature house, which will be 105 people. The nature sanctuary does not anticipate this capacity being reached with regular programming but acknowledges there could be rare events with higher demand than those listed above. The parking demand considerations of these uncommon events is discussed in Section 5.1.

3. EXISTING TRAFFIC CONDITIONS

Bunt collected traffic data at the Millstream Road & Finlayson Arm Road study intersection on Saturday, February 10th and Sunday, February 11th, 2024, during the 8-10 AM peak period of the site. The traffic data is summarized in **Appendix A**. The peak hour of traffic was found to be 9:00-10:00 AM for Saturday and Sunday, respectively. Traffic data for the PM peak hour of the study intersection was not collected as it is assumed to occur outside of event times (i.e., outside the peak period of the site). Given the time of the year, there were no site events occurring the day of the traffic counts, and therefore the data collected excluded any site traffic.

3.1 Existing Traffic Volumes

As noted, the traffic volumes at the study intersection are anticipated to be higher in the summer due to vehicles using the roads to bypass traffic when travelling north. To account for this, Bunt used the publicly available traffic data from the BC Ministry of Transportation and Infrastructure (MoTI) to estimate a seasonal adjustment factor. Bunt compared the monthly traffic volume in February 2023 and August 2023 at the *ROUTE 1, APPROX 150M SOUTH OF SHAWNIGAN LAKE ROAD SOUTH, MALAHAT* data point and found that August volumes were 1.49 times greater than in February. This data point was chosen as it is

the first MoTI public data point on Highway 1 north of the Highway 1 & Finlayson Arm Road intersection, where summer vacationers would be expected to pass through on their way north.

Exhibit 3.1 summarizes the existing Saturday and Sunday AM peak hour traffic volumes, after the seasonal adjustment factor of 1.49 was applied.

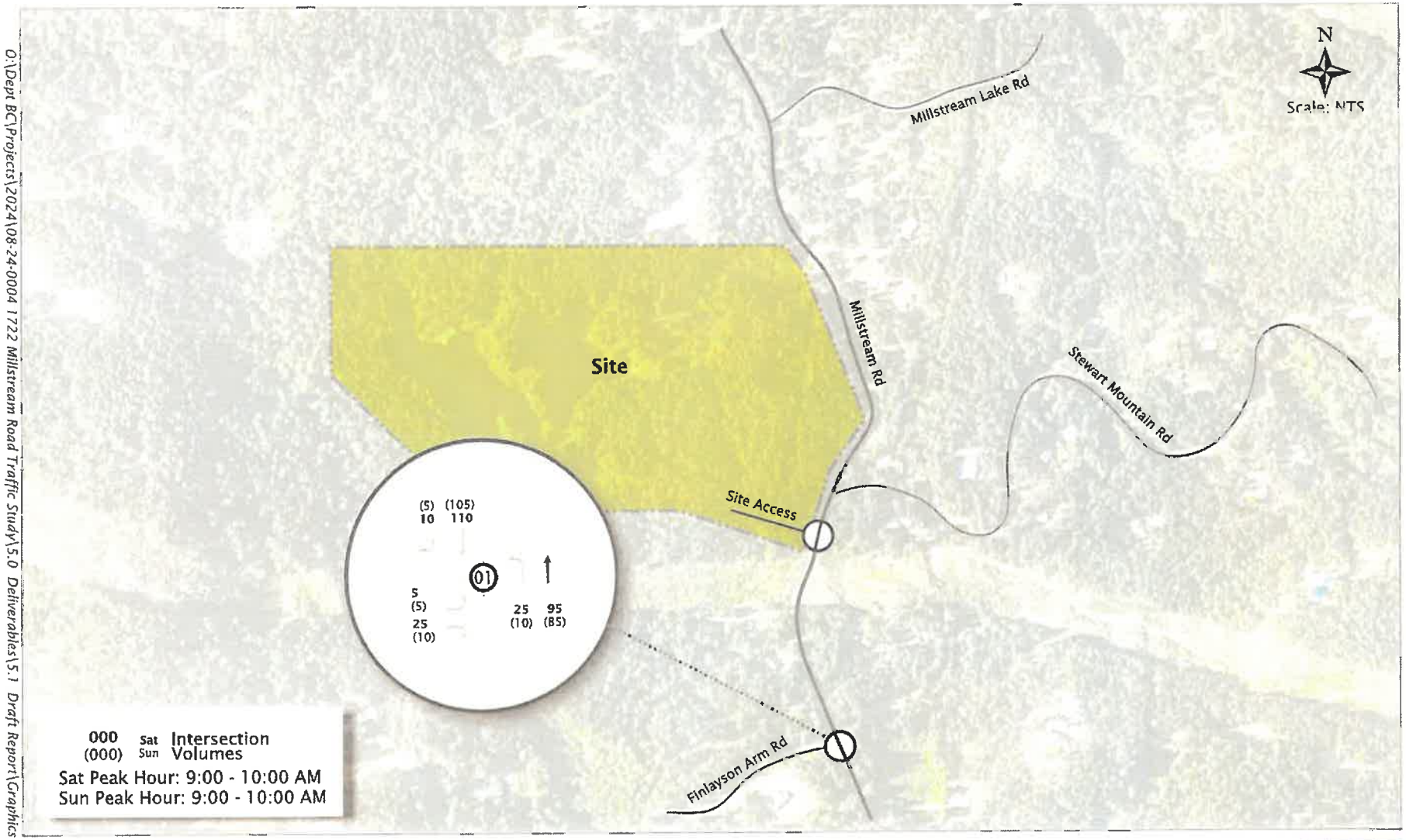

Exhibit 3.1

Existing Adjusted Weekend AM Peak Hour Volumes

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08-24-0004 April 2024

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3.2 Existing Traffic Operations

Bunt assessed the existing peak hour traffic operations at the study intersection using Synchro 11 software.

3.2.1 Performance Thresholds

The existing operations of study area intersections were assessed using the methods outlined in the 2000 Highway Capacity Manual (HCM), using the Synchro 11 analysis software. The traffic operations were assessed using the performance measures of Level of Service (LOS), volume-to-capacity (V/C) ratio, and 95th percentile queue length.

The LOS rating is based on average vehicle delay and ranges from "A" to "F" based on the quality of operation at the intersection. LOS "A" represents optimal, minimal delay conditions while a LOS "F" represents an over-capacity condition with considerable congestion and/or delay. Delay is calculated in seconds and is based on the average intersection delay per vehicle.

The volume to capacity (V/C) ratio of an intersection represents the ratio between the demand volume and the available capacity. A V/C ratio less than 0.85 indicates that there is sufficient capacity to accommodate demands and generally represents reasonable traffic conditions. A V/C value between 0.85 and 0.95 indicates an intersection is approaching practical capacity; a V/C ratio over 0.95 indicates that traffic demands are close to exceeding the available capacity, resulting in saturated conditions. A V/C ratio over 1.0 indicates a very congested intersection.

The 95th percentile queue is defined as the length that has only a 5-percent probability of being exceeded during the analysis time period. It is a useful parameter for determining the appropriate length of turning storage bays, but it is not typical of what an average driver would experience.

3.2.2 Synchro Parameters

In general, Synchro default parameters were used for the analysis. However, existing peak hour factors, heavy vehicle percentages, bicycle volumes, and pedestrian volumes were collected as part of the intersection traffic counts and were therefore used to better represent existing conditions.

Overall intersection peak hour factor was applied to each individual movement.

3.2.3 Existing Operations Analysis Results

Table 3.1 summarizes the existing peak hour traffic operations at the Millstream Road & Finlayson Arm Road intersection.

Table 3.1: Existing Peak Hour Traffic Operations

INTERSECTION/ TRAFFIC CONTROL	MOVEMENT	SATURDAY AM PEAK HOUR			SUNDAY AM PEAK HOUR		
		LOS	V/C	95TH Q (M)	LOS	V/C	95TH Q (M)
Millstream Road & Finlayson Arm Road (unsignalized)	EB	A	0.05	14	A	0.03	13
	NB	A	0.03	11	A	0.02	8
	SB	A	0.14	0	A	0.13	0

All movements operate at LOS A, with V/C ratios well below 0.85, and have 95th percentile queues no longer than 14m (approximately two vehicles) in the peak hours. This indicates reasonable performance and that no roadway or traffic control improvements are needed, even with seasonally adjusted volumes to account for peak summer traffic conditions.

4. SITE TRAFFIC & ESTIMATED TRAFFIC IMPACT

Bunt estimated the vehicle trip generation of the nature sanctuary using the event programming information described in Section 2.4. On summer weekends, the nature sanctuary sees a maximum of 15 vehicles at the site for private events; these vehicles would enter and exit as a group due to the one-way-at-a-time traffic condition on the access road. As a conservative approach, it was assumed that all 15 vehicles would arrive and depart the site within the same peak hour which assumes a worst-case scenario where each visitor is dropped off at the site rather than park. In reality, the majority of vehicles would park at the site, and therefore peak hour trip generation would be significantly lower since inbound and outbound trips would occur in separate hours. **Table 4.1** summarizes the site peak hour vehicle trip generation using the conservative approach.

Table 4.1: Estimated Peak Hour Vehicle Trip Generation

LAND USE	SATURDAY AM PEAK HOUR			SUNDAY AM PEAK HOUR		
	IN	OUT	TOTAL	IN	OUT	TOTAL
Nature Sanctuary	15	15	30	15	15	30
TOTAL	15	15	30	15	15	30

When applying the conservative approach, the site is anticipated to generate 30 vehicle trips (15 in, 15 out) in the Saturday and Sunday peak hours.

The estimated site trips were distributed through the local road network based on the existing traffic patterns at the Millstream Road & Finlayson Arm Road intersection and engineering judgement. **Exhibit 4.1** illustrates the estimated site-generated traffic volumes through the study intersection.

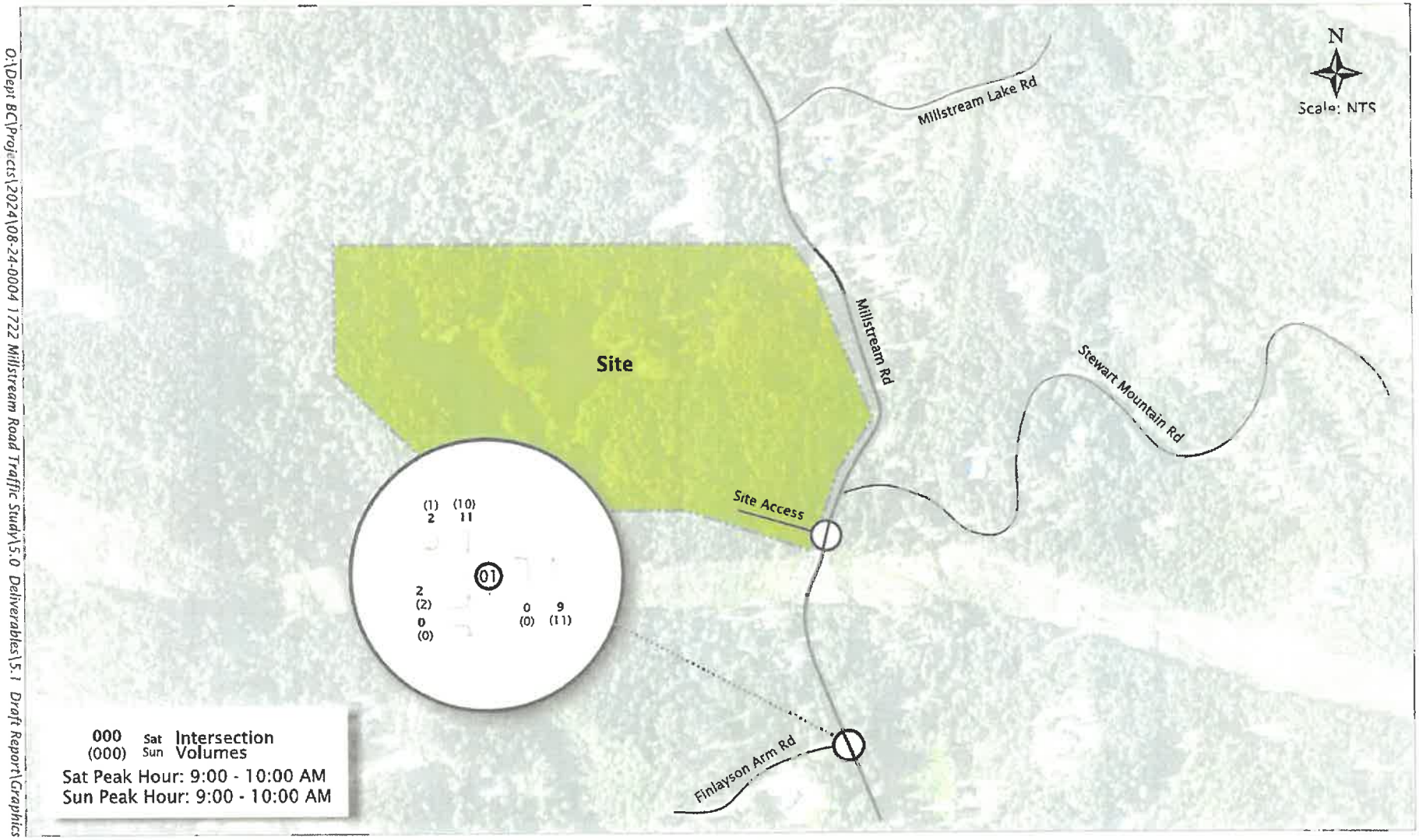

Exhibit 4.1

Estimated Site Traffic Volumes

1772 Millstream Road Traffic Study
08-24-0004 April 2024

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4.1 Anticipated Traffic Impact

Figures 4.1& 4.2 illustrate, at the Millstream Road & Finlayson Arm Road study intersection, the estimated increase in traffic volume induced by the inbound and outbound site traffic. This is expressed as a percentage growth from the existing volume for each traffic movement.

Figure 4.1: Percent Change in Traffic Volume due to Estimated Inbound Site Traffic

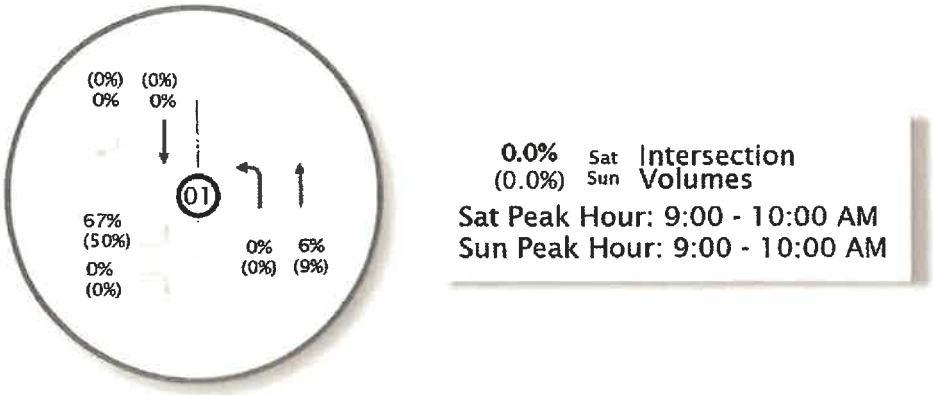
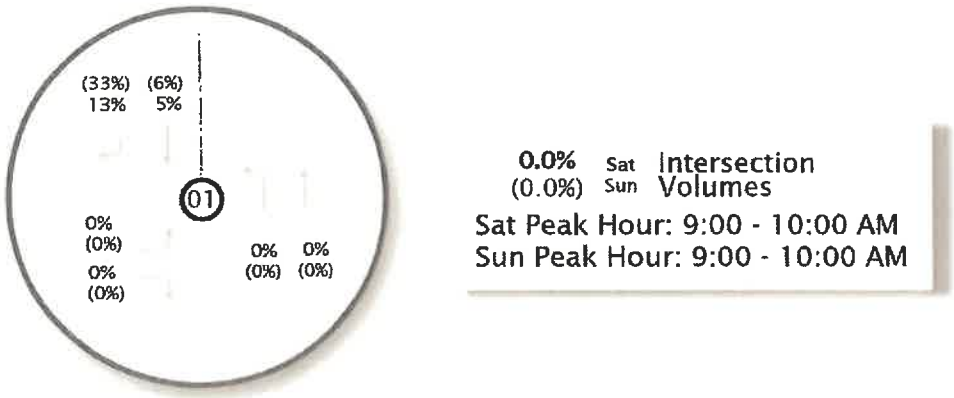


Figure 4.2: Percent Change in Traffic Volume due to Estimated Outbound Site Traffic



As shown, the estimated site traffic is anticipated to induce a 9% or less change in volume for through movements at the study intersection. An increase of up to 67% is generated for turning movements at the study intersection; however, this is not expected to be significant given that the current volume is low at 3 to 15 vehicles during peak hours. Given this modest site trip generation, in conjunction with the well-performing operations under existing conditions, the nature sanctuary is not expected to have a material impact to the study area traffic operations.

5. PARKING SUPPLY

5.1 On-Site Parking Supply

As noted in Section 2.2, the site has approximately 15 on-site parking spaces, which is sufficient to accommodate the parking demand of the private events which occur on weekends in the summer.

However, the current on-site parking supply is likely not sufficient to serve the future 105-person maximum capacity of the nature house. The nature sanctuary does not anticipate this capacity to be reached except during rare events. However, there may be some events with attendance numbers between the regularly scheduled demand and the maximum demand. To account for these scenarios, the nature sanctuary proposes to provide a total of 32 on-site parking spaces. To achieve this, the nature sanctuary proposes to:

- Expand the existing on-site parking area from 15 to 21 spaces. In addition, a new pick-up/drop-off area is proposed to be provided in front of the nature house. **Figure 5.1** illustrates a high-level concept of the on-site parking area expansion.
- Provide 11 new parking spaces intermittently along the access road. These spaces are proposed to take advantage of the expanded pullout areas. These areas are proposed to be expanded and marked as parking. **Figure 5.2** illustrates a high-level concept of the proposed spaces along the access road.

Figure 5.1: High-Level Concept of On-Site Parking Area Expansion

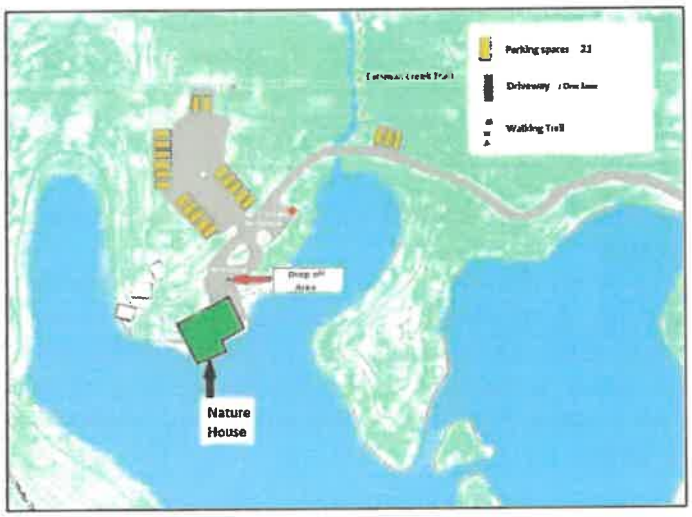
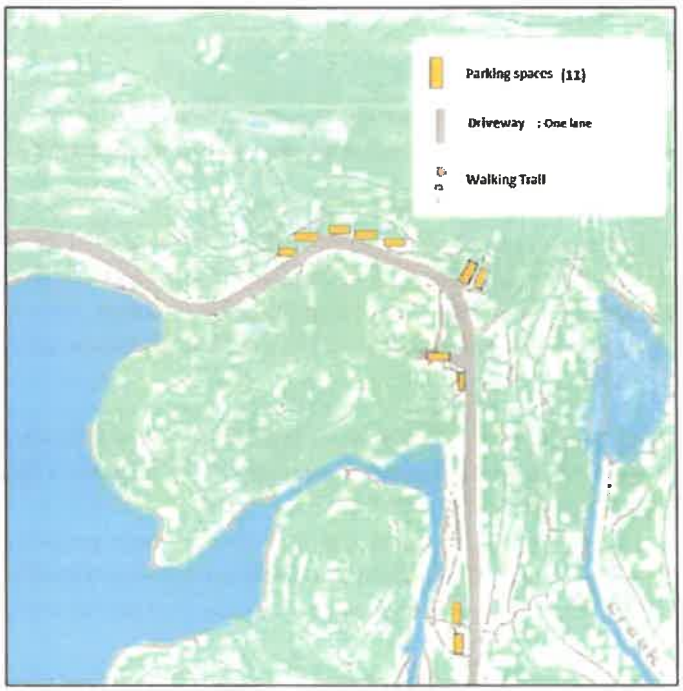


Figure 5.2: High-Level Concept of Proposed Access Road Parking Spaces



5.2 On-Site Parking Management Considerations

As noted in Section 5.1 above, the proposed 32 on-site parking spaces are anticipated to be able to serve an event with a higher-than-average parking demand. However, should the 105-person maximum capacity of the nature house be reached, additional parking management measures may be required. The following measures are recommended to be considered for large events:

- Hire a shuttle service to transport guests from an off-site parking lot (e.g., public parking in the City of Langford) to the site; and/or,
- Require guests to provide transportation information upon event registration, such as their anticipated mode of travel and party size. This would provide the nature sanctuary with an anticipated parking demand which, should it exceed the on-site supply, would allow the nature sanctuary to request that guests carpool to the site. A carpool sign-up sheet could be circulated to the registrants to allow them to coordinate carpooling, working with the nature sanctuary until the anticipated demand meets the supply.

5.3 Estimated On-Street Parking Supply

The nature sanctuary did not have an estimate of on-street parking supply on Millstream Road, which would be used during public nature walk events (which occur on the second Sunday of each month). The

on-street parking supply must be at least 20 spaces to meet or exceed the maximum parking demand for the nature walk events.

To estimate the on-street parking supply, Bunt measured the length of road shoulder along Millstream Road with sufficient width (estimated 2.5 – 3.5m wide, based on site observations) for on-street parallel parking. A total of 165 metres of road shoulder was estimated to have sufficient width for on-street parking. As is consistent with best practices, one (1) on-street parking space was assumed per seven (7) metres of available road shoulder. This equates to a total of 23 on-street parking spaces near the site access. This exceeds the anticipated maximum parking demand of the nature walk event by 3 spaces and is therefore anticipated to meet the parking supply needs of the site. More importantly, this indicates that there is no need for additional vegetation/land to be cleared for widened shoulders for parking, nor for paved areas for parking on the site. As such, the site can continue to maintain its current footprint for vehicles which is consistent with the nature sanctuary's goal of limiting impacts to the surrounding natural environment.

Exhibit 5.1 illustrates the on-street parking supply near the site, estimated based on the length of road shoulder with sufficient width for parking.

5.4 On-Street Parking Management Considerations

The most efficient use of the available on-street parking requires that vehicles park end-to-end without leaving any gaps between them. If a space does exist between two vehicles, a third vehicle would need to parallel park. This is not desirable as there is only one travel lane in each direction, and a vehicle completing a parallel parking maneuver may impede and/or force a stop for other vehicles travelling on Millstream Road.

The following measures should be considered to improve efficiency of the on-street parking supply and limit the need for parallel parking:

- Before an event takes place, place sandwich boards on both sides of the road before the on-street parking areas. The boards would read: "Please pull forward as far as possible" to encourage drivers to optimize their use of space and avoid creating gaps in parking.
- Station a parking marshal near the on-street parking areas during events. The marshal would direct visitors to pull as far forward as possible when parking to avoid creating gaps.

Exhibit 5.1

Estimated Available On-Street Parking Supply

1772 Millstream Road
April 2024

08-24-0004

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6. HIGH-LEVEL SIGHT LINE REVIEW

A high-level sightline review was undertaken for the intersection of the site access with Millstream Road. Both the Stopping Sight Distance (SSD) and Intersection Sight Distance (ISD) requirements were determined using the procedures outlined within the Transportation Association of Canadas (TAC) Geometric Design Guide (2017) - Chapter 9.

6.1 Sight Distance Calculation Parameters

SSD is the minimum sight distance required for a vehicle travelling at a certain speed to perceive, react, and brake to potential objects of conflict (i.e., vehicle turning out of a driveway). The required SSD is based on the grade of the road, driver eye height, object height, deceleration rate, speed of the vehicle, and perception-reaction time. In general, SSD is required to be met to achieve safe operations.

ISD is the sight distance available from a point where vehicles are required to stop on the intersecting road, while drivers are looking left and right along the major roadway, before entering the intersection. The ISD is adequate when it allows the vehicles on the minor roadway to perform all the available maneuvers (i.e., left-turns and right-turns in this context), without significantly affecting vehicles travelling on the main roadway (i.e., main road drivers should not need to reduce speed to less than 70% of their initial speed). Minimum required ISD criteria are considerably longer than SSD requirements to allow the intersection to operate smoothly and avoid interruption to vehicles travelling on the major roadway as mentioned above. However, while meeting minimum ISD requirements is desirable, it is not necessary to achieve safe operations, which is dictated by SSD. Given its considerable length, the minimum ISD requirement can often not be met due to sight line restrictions created by parked cars, fencing, power poles, signage, vegetation, road geometry, etc.

Table 6.1 shows the calculation parameters used to determine both the ISD and SSD requirements.

Table 6.1: Sight Distance Calculation Parameters

PARAMETER	VALUE	COMMENTS
Design Speed	50 km/h	Based on the posted speed limit of 50km/h.
Perception-Reaction Time	2.5s	An industry standard value with a substantial safety margin for fatigued, impaired, and/or older drivers.
Deceleration Time	3.40m/s²	An industry standard value based on a comfortable deceleration rate for most drivers.
Grade - Residential Lane	<3%	The roadway is considered level as the longitudinal grade is less than 3%.
Time Gap	7.5s	Assuming a passenger car in accordance with Table 9.9.3.

6.2 High-Level Sight Distance Review

Bunt measured the available sight distance looking both left (north) and right (south) from a vehicle stopped at the site access approach to Millstream Road. The sight distance looking left was found to be 185m and the sight distance looking right was found to be 100m.

Using the parameters outlined above and Table 2.5.2 of TAC's Geometric Design Guide, the required SSD for vehicles travelling along the Millstream Road is 65m in both directions. Further, using the parameters outlined in Section 6.1, and Tables 9.9.4 and 9.9.6 of TAC's Geometric Design Guide, the required ISD is 105m and 95m for vehicles turning left and right from the access, respectively.

The sight distance requirements are illustrated in **Table 6.1** and **Exhibit 6.1** and **6.2**. It should be noted that while the available sight distances were measured during the site visit, the SSD and ISD "sight triangles" shown in the exhibits are approximated using aerial imagery and the Google Earth measure tool. These "sight triangles" represent the areas that would need to be kept clear of any visual obstructions in order to achieve these sight distances.

Table 6.1: Sight Distance Requirement

SIGHT DISTANCE TYPE	REQUIREMENT
SSD - both directions	65m
ISD - turning left	105m
ISD - turning right	95m

As shown in **Exhibit 6.1**, SSD is met for both approaches to the Site Access & Millstream Road intersection, which indicates that sufficient sight distance is available to achieve safe operation, assuming the required sight triangles are kept clear of visual obstructions.

As shown in **Exhibit 6.2**, ISD is met for the right turn from the site access onto Millstream Road. However, ISD is not met for the left turn from the site access onto Millstream Road (the available sight distance is 5 metres less than the ISD when looking to the south). Despite this minor shortfall, however, this is not considered a significant issue as from a best practice perspective ISD is desirable for the most efficient operations, but not required for achieve safe conditions, as mentioned previously. In fact, ISD is not often met, especially in rural contexts. In this case, the available sight distance is 5m less than the ISD. This implies that a vehicle turning left from the sight may require a vehicle approaching from the right, at the 50 km/h speed limit, to slow slightly to yield to the outbound driver. If ISD was met, the oncoming vehicle could continue at the speed limit without slowing.

6.3 Other Considerations

Four times per year, a school bus may park on the southwest corner of the Site Access & Millstream Road intersection. This will obscure the right sight triangle and neither ISD nor SSD will be achieved looking

right from the access. However, this is not anticipated to be an issue as the school group visits will never be scheduled to occur at the same time as the private events. Therefore, no vehicles will be exiting the site access while the school bus is parked on-street, obstructing the sight distance.

In the same way, the public nature walks will never be scheduled to occur at the same time as the private events. Therefore, no vehicles will be exiting the site access while the vehicles are parked on-street and obstructing the sight distance.

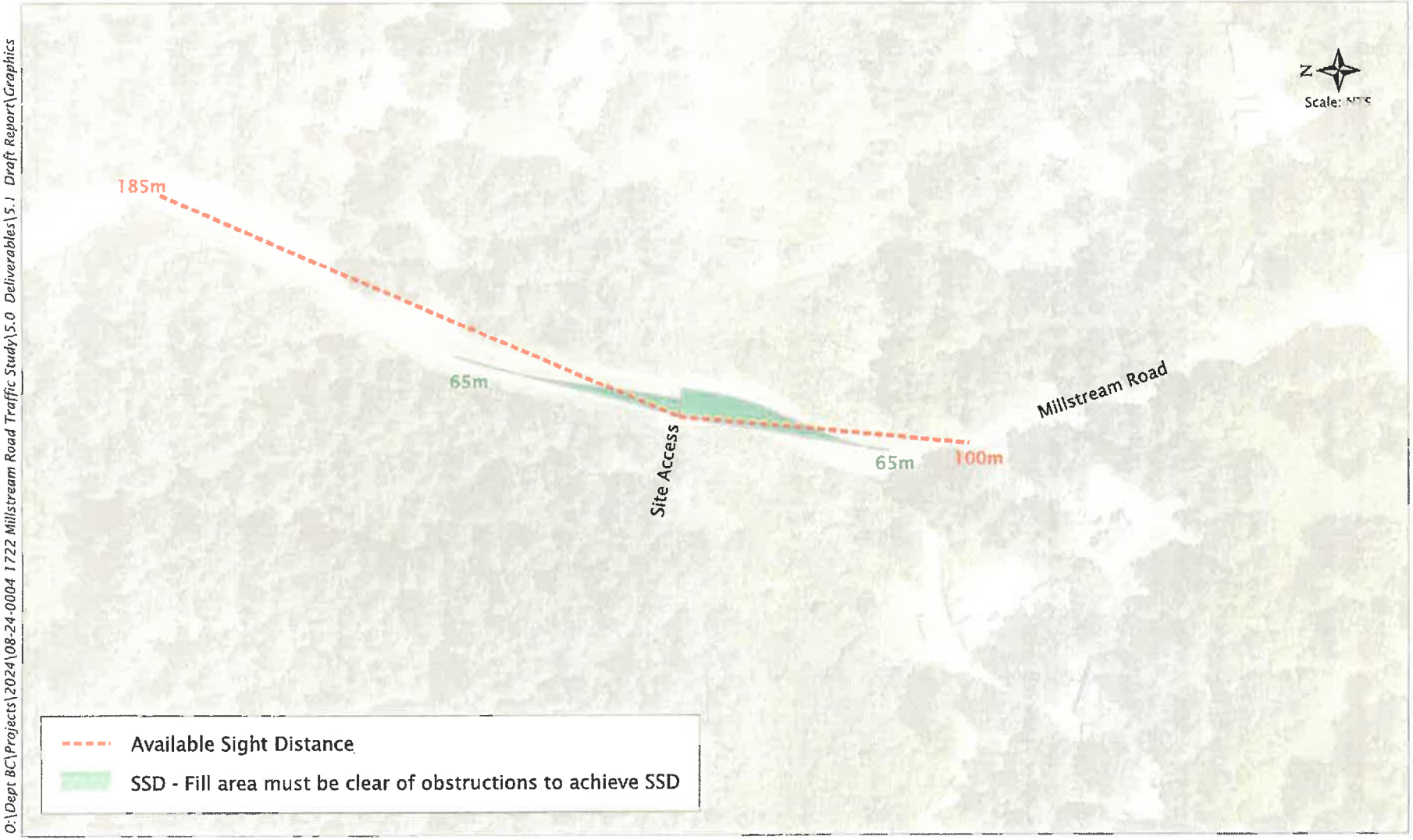

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Exhibit 6.1

High-Level Stopping Sight Distance (SSD) Review

1772 Millstream Road
08-24-0004 April 2024

bunt & associates

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Exhibit 6.2

High-Level Intersection Sight Distance (ISD) Review

1772 Millstream Road
April 2024

08-24-0004

bunt associates

7. CONCLUSIONS & RECOMMENDATIONS

7.1 Conclusions

- Based on the future event program of the nature sanctuary, the peak parking demand of the site is 15 on-site vehicles, 20 on-street vehicles, or 1 school bus (which all occur independently).
- The existing peak hour traffic volumes at the Millstream Road & Finlayson Arm Road intersection, after seasonal adjustments, were analyzed in Synchro 11 software. All movements were found to operate at LOS A or better, with V/C ratios less than 0.85, and have 95th percentile queues no longer than 14m (approximately two vehicles) in the peak. This indicates reasonable performance and that no roadway or traffic control improvements are needed.
- The site is conservatively estimated to generate 30 vehicle trips (15 in, 15 out) during peak hours. This equates to an 8.6% or less in growth to each through traffic movement at the Millstream Road & Finlayson Arm Road intersection. This is a marginal increase and is not anticipated to induce traffic performance issues.
- The on-site parking supply of 15 spaces is anticipated to meet the peak parking demand of the private events. However, the nature sanctuary proposes to expand the on-site parking area and provide additional parking along the access road for a total of 32 spaces. This parking supply is intended to serve scenarios with a parking demand between that of the regularly scheduled events and that of the maximum capacity of the nature house.
- The estimated on-street parking supply of 23 spaces is anticipated to meet the approximate peak parking demand of 20 vehicles for public nature walk events. Importantly, this indicates that there is no need for additional vegetation/land to be cleared for widened shoulders for parking, nor for paved areas for parking on the site. As such, the site can continue to maintain its current footprint for vehicles which is consistent with the nature sanctuary's goal of limiting impacts to the surrounding natural environment.
- Based on a high-level sight distance review, the required stopping sight distance (SSD) is met to achieve safe operations, assuming the requires sight triangles are kept clear of visual obstructions. The required intersection sight distance (ISD) falls just short (~5m) of being met for the left-turn exiting scenario. However, this is not considered a significant issue as while ISD is desirable for the most efficient operations, it is not required for achieve safe conditions, which is dictated by SSD. In general, given its considerable length, the minimum ISD requirement can often not be met due to sight line restrictions created by parked cars, fencing, power poles, signage, vegetation, road geometry, etc.

7.2 Recommendations

- The nature sanctuary should consider the following measures during events to ensure the available on-street parking is used efficiently (i.e., vehicles are pulling in as far forward as possible to make use of the full parking area and to avoid creating gaps where parallel parking would be required for access):

- Sandwich boards with text: "Please pull forward as far as possible."
- On-site parking marshals to direct drivers to pull forward as far as possible.

APPENDIX A

Terms of Reference

From: Laura Beckett
To: Tyler Thomson
Cc: Koi Neah; Sijia Jin
Subject: RE: 1772 Millstream Road - W̱MÍYEŦEN Nature Sanctuary Traffic Study
Date: January 31, 2024 8:51:08 AM
Attachments: image001.png

Hi Tyler,

Thanks for the email. The scope of work makes sense to me. Considerations for parking will be helpful.

Koi Neah: What time frame were you thinking of using for the sanctuary's peak use period?

Sincerely
Laura Beckett

Laura Beckett, MURP, MCIP, RPP
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Fax: (250) 474-3677

From: Tyler Thomson <tthomson@bunteng.com>
Sent: Tuesday, January 30, 2024 2:16 PM
To: Laura Beckett <lbeckett@highlands.ca>
Cc: Koi Neah <info@wmiyetennaturesanctuary.com>; Sijia Jin <sjin@bunteng.com>
Subject: 1772 Millstream Road- W̱MÍYEŦEN Nature Sanctuary Traffic Study

Hi Laura,

We've been approached by Koi Neah at the W̱MÍYEŦEN Nature Sanctuary to provide a traffic study in support of their proposed change of use from a single-family dwelling to assembly use for education, community and cultural use in alliance with the local First Nations at 1772 Millstream Road in the District of Highlands.

We understand that Koi has been in contact with you and that we would be connecting to help determine the traffic study requirements for the District. Outlined below is our recommended scope of work to conduct a traffic study in support of the change of use application. We would appreciate your review and feedback on this scope before we proceed with the traffic study.

Scope of Work:

1. Document existing transportation conditions near the site (i.e., including roadways and traffic control, multi-modal connectivity, and undertaking traffic volume counts at the intersection of Millstream Road/Finlayson Arm Road during the study peak period. Note, study period to be determined based on intended peak use of the nature sanctuary or as determined by the District.
2. Analyze existing traffic operational conditions at study intersection for the peak period using Synchro/SimTraffic.
3. Estimate peak period traffic generation for nature sanctuary and outline net increase in traffic on the adjacent road network and implications onto existing operations (note – it is not proposed to conduct a future operational assessment given the site generated trips are expected to be low, while existing conditions are expected to be well within acceptable thresholds).
4. Outline parking plan for nature sanctuary and demonstrate access arrangement to the site. Ensure there is sufficient parking on-site to meet expected demands.
5. Conduct sightline review of site access on Millstream Road from the proposed access location.
6. Provide any recommendations for operations of the site from a traffic and parking perspective.

If there is anything I am missing then please feel free to identify it so that we can be sure to consider it in our scope.

Please let us know if you have any questions.

Regards,
Tyler

Tyler Thomson, MURB MCIP RPP PTP | Associate | Team Lead | Senior Transportation Planner

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Written with respect and gratitude for the Traditional Territories upon which we work and live.