

STAFF REPORT

Date: February 6, 2023
To: Chief Administrative Officer
From: James van Hemert, consulting Town Planner
Re: Application for a Development Permit for #9-537 Point Ideal Drive, legally described as Strata Lot 9, District Lot 13, Cowichan Lake Land District, Plan VIS5120, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V (PID:025-100-556)



APPLICATION

The applicant requests a Development Permit to support the construction of a single-detached residence.

BACKGROUND

The subject property is zoned **R-2 Urban** and is partially developed with recreational facilities. The character of the adjacent property to the east is single detached residential and to the west is a Town park with a beach.

The proposal is subject to the Official Community Plan's Development Permit Area guidelines for Watercourse and Streamside Protection (DPA 1).

OFFICIAL COMMUNITY PLAN, DEVELOPMENT PERMIT AREA GUIDELINES FOR WATERCOURSE AND STREAMSIDE PROTECTION--SELECTED

6.2.4 Guidelines

1) Development permits issued in any part of this Development Permit Area as depicted on Map 3 - Watercourse and Streamside Protection Development Permit Area will be in accordance with the following:

a) **No development shall occur within a Streamside Protection and Enhancement Area (SPEA)** except for the following:

b) works authorized by the Department of Fisheries and Oceans or a regulation under the Fisheries Act (Canada); and

c) works and activities that comply with the laws, regulations and best management practices of the Water Act, for example bank repairs, stormwater outfalls, road crossings, footbridges and pipeline crossings.

4) Additional measures may also be required depending on the degree of potential impacts of the development on the SPEA and the condition of the SPEA including, but not limited to:

a) planting of native vegetation and removal of invasive non-native vegetation within the SPEA in accordance with an approved restoration plan.

DISCUSSION

The applicant has retained Bob Crandall, a Qualified Environmental Professional, to determine the location and extent of the SPEA. In accordance with guideline 4 of Subsection 6.2.4, Mr. Crandall will specify additional plantings to mitigate the current intrusion of human-made structures within the SPEA.

RECOMMENDATION

Approval by Council of a Watercourse and Streamside Development Permit to the owner of #9-537 Point Ideal Drive, legally described as Strata Lot 9, District Lot 13, Cowichan Lake Land District, Plan VIS5120, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V (PID:025-100-556)

with the following conditions:

- 1) No additional construction of any buildings, structures, or hard surfaces within the SPEA delineated by a Qualified Environmental Professional; and
- 2) Prior to the issuance of a building permit, the satisfactory completion of mitigation plantings within the SPEA in accordance with a plan prepared by a Qualified Environmental Professional.



James van Hemert