

Staff Report

Date: June 15, 2020

To: Chief Administrative Officer

From: James van Hemert, Consulting Planner

Re: **Application for a Development Permit for Lot B: PID-001-221-604, Section 5, Renfrew District, Plan 30829 with a street address of 130 Elk Road, and for Lot A, PID-001-221-591, Section 5, Renfrew District, Plan 30829, with a street address of 124 Elk Road.**



APPLICATION

An application for a Development Permit has been received from Mr. Mike Wiersma for land clearing in anticipation of a subdivision development. The Development Permit Areas relevant to the properties under consideration include Watercourse and Streamside Protection (DPA 1) and Natural Hazard Lands (DPA-2) of the Official Community Plan.

PROPOSAL

At this time only land clearing on two existing vacant lots (street addresses of 124 and 130 Elk Road) is proposed. The clearing is in anticipation of a future subdivision development with three lots accessing Elk Road and the remainder yet to be determined. The extent of the permit area is illustrated in figure 1 in this report and excludes the steeper sloped area.

The property includes Tern Creek on the northeast corner of the property on which a restrictive covenant is in place.

RIPARIAN AREAS REGULATIONS QUALIFIED PROFESSIONAL ASSESSMENT REPORT

A report entitled 'Riparian reconnaissance on Property adjacent to 124 Elk Road, Lake Cowichan', prepared by Madrone Environmental Services on January 10, 2020, was prepared using Riparian

Area Protection Regulation (RAPR) methodology to determine if a stream is reasonably connected to surface flow to fish habitat and whether a stream provides benefits to the connected habitat. The report recommends that a detailed Riparian Assessment report will be required when development activities occur ***within 30 m of the stream (Tern Creek)***. This detailed report will formally establish the required 10 m Streamside Protection and Enhancement Area (SPEA).

The riparian reconnaissance report makes a non-binding recommendation for a connected drainage that does not defined as a stream under the Riparian Areas Protection Regulation, however it provides habitat benefits. These include:

- Maintain vegetation cover adjacent to the drainage
- No paving, soil deposition, or storage of building materials in the drainage

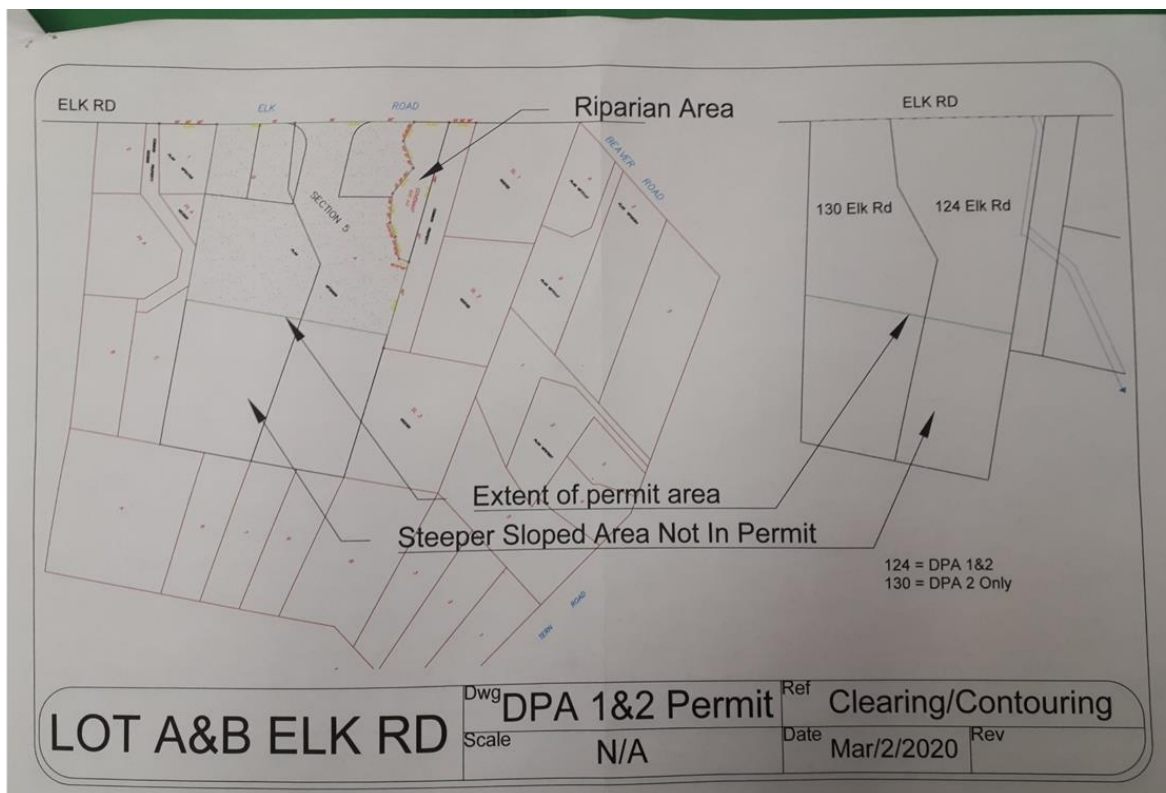


Figure 1 Extent of permit area

RECOMMENDATION

Staff recommend approval of the development permit subject to the following conditions:

- 1) Site clearing, vegetation management, and storage of building materials or soil deposition shall be in accordance with the report, 'Riparian Reconnaissance on Property Adjacent to 124 Elk Road, Lake Cowichan,' prepared by Madrone Environmental Services Ltd., dated January 10, 2020, and on file in the Town Office.
- 2) The extent of the permit area is illustrated in Schedule A to this Permit (figure 1 in this report) and excludes the steeper sloped area.
- 3) Subject to the height limitations in the Zoning Bylaw, prior to the issuance of a building permit, any retaining walls and structures higher than 1.0 metres in the rear, front, and side yards must be designed by a professional geoscientist or structural engineer to the satisfaction of the Town's building inspector and these must be located entirely on the parcel; and
- 4) A rainwater management plan prepared by a qualified consultant must be submitted as part of a subdivision or building permit application. The plan must demonstrate that all rainwater and run-off will be managed on-site and will not impact downstream or adjacent properties.



James van Hemert, MCIP, RPP
Consulting Planner

Input from CAO

Approval be granted subject to the conditions recommended.

